

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Merchant and Villalobos offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 20.316, Florida Statutes, is amended to read:

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

(1) SECRETARY OF JUVENILE JUSTICE.--

(a) The head of the Department of Juvenile Justice is the Secretary of Juvenile Justice. The secretary of the department shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(b) The Secretary of Juvenile Justice is responsible for planning, coordinating, and managing the delivery of all programs and services within the juvenile justice continuum. For purposes of this section, the term "juvenile justice continuum" means all children-in-need-of-services programs;

1 families-in-need-of-services programs; other prevention, early
2 intervention, and diversion programs; detention centers and
3 related programs and facilities; community-based residential
4 and nonresidential commitment programs; and delinquency
5 institutions provided or funded by the department.

6 (c) The Secretary of Juvenile Justice shall:

7 1. Ensure that juvenile justice continuum programs and
8 services are implemented according to legislative intent;
9 state and federal laws, rules, and regulations; statewide
10 program standards; and performance objectives by reviewing and
11 monitoring regional and circuit district program operations
12 and providing technical assistance to those programs.

13 2. Identify the need for and recommend the funding and
14 implementation of an appropriate mix of programs and services
15 within the juvenile justice continuum, including prevention,
16 diversion, nonresidential and residential commitment programs,
17 training schools, and conditional release ~~reentry and~~
18 ~~aftercare~~ programs and services, with an overlay of
19 educational, vocational, alcohol, drug abuse, and mental
20 health services where appropriate.

21 3. Provide for program research, development, and
22 planning.

23 4. Develop staffing and workload standards and
24 coordinate staff development and training.

25 5. Develop budget and resource allocation
26 methodologies and strategies.

27 6. Establish program policies and rules and ensure
28 that those policies and rules encourage cooperation,
29 collaboration, and information sharing with community partners
30 in the juvenile justice system to the extent authorized by
31 law.

- 1 7. Develop funding sources external to state
2 government.
- 3 8. Obtain, approve, monitor, and coordinate research
4 and program development grants.
- 5 9. Enter into contracts.
- 6 10. Monitor all state-funded programs, grants,
7 appropriations, or activities that are designed to prevent
8 juvenile crime, delinquency, gang membership, or status
9 offense behaviors and all state-funded programs, grants,
10 appropriations, or activities that are designed to prevent a
11 child from becoming a "child in need of services," as defined
12 in chapter 984, in order to effect the goals and policies of
13 the State Comprehensive Plan regarding children and regarding
14 governmental efficiency and in order to determine:
- 15 a. The number of youth served by such state-funded
16 programs, grants, appropriations, or activities;
- 17 b. The number of youth who complete such state-funded
18 programs, grants, appropriations, or activities;
- 19 c. The number and percentage of youth who are referred
20 for delinquency while participating in such state-funded
21 programs, grants, appropriations, or activities;
- 22 d. The number and percentage of youth who are referred
23 for delinquency within 6 months after completing such
24 state-funded programs, grants, appropriations, or activities.
- 25 ~~(d) The secretary shall periodically review the needs~~
26 ~~in each commitment region.~~
- 27 (2) DEPARTMENT PROGRAMS.--The following programs are
28 established within the Department of Juvenile Justice:
- 29 (a) Prevention and Victim Services.
- 30 (b) Intake and Detention.
- 31 (c) Residential and Correctional Facilities.

1 (d) Probation and Community Corrections.

2 (e) Administration.

3

4 The secretary may establish assistant secretary positions and
5 a chief of staff position as necessary to administer the
6 requirements of this section.

7 ~~(2) DEPUTY SECRETARY FOR OPERATIONS.--The secretary~~
8 ~~shall appoint a Deputy Secretary for Operations who shall~~
9 ~~supervise the managers of the 15 services districts within the~~
10 ~~department.~~

11 ~~(3) ASSISTANT SECRETARY OF PROGRAMMING AND~~
12 ~~PLANNING.--The secretary shall appoint an Assistant Secretary~~
13 ~~of Programming and Planning who shall head the following~~
14 ~~divisions:~~

15 ~~(a) Division of Prevention and Intervention.~~

16 ~~(b) Division of Detention and Commitment.~~

17 (3)(4) JUVENILE JUSTICE OPERATING CIRCUITS SERVICE
18 DISTRICTS.--The department shall plan and administer its
19 programs through a substate structure that conforms to the
20 boundaries of the judicial circuits prescribed in s. 26.021. A
21 county may seek placement in a juvenile justice operating
22 circuit other than as prescribed in s. 26.021 for
23 participation in the Prevention and Victim Services Program
24 and the Probation and Community Corrections Program by making
25 a request of the chief circuit judge in each judicial circuit
26 affected by such request. Upon a showing that geographic
27 proximity, community identity, or other legitimate concern for
28 efficiency of operations merits alternative placement, each
29 affected chief circuit judge may authorize the execution of an
30 interagency agreement specifying the alternative juvenile
31 justice operating circuit in which the county is to be placed

1 and the basis for the alternative placement. Upon the
2 execution of said interagency agreement by each affected chief
3 circuit judge, the secretary may administratively place a
4 county in an alternative juvenile justice operating circuit
5 pursuant to the agreement.~~service districts and subdistricts~~
6 ~~composed of the following counties:~~

7 ~~District 1.--Escambia, Santa Rosa, Okaloosa, and Walton~~
8 ~~Counties;~~

9 ~~District 2.--Holmes, Washington, Bay, Jackson, Calhoun,~~
10 ~~Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson,~~
11 ~~Madison, and Taylor Counties;~~

12 ~~District 3.--Hamilton, Suwannee, Lafayette, Dixie,~~
13 ~~Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and~~
14 ~~Alachua Counties;~~

15 ~~District 4.--Baker, Nassau, Duval, Clay, and St. Johns~~
16 ~~Counties;~~

17 ~~District 5.--Pasco and Pinellas Counties;~~

18 ~~District 6.--Hillsborough and Manatee Counties;~~

19 ~~District 7.--Seminole, Orange, Osceola, and Brevard~~
20 ~~Counties;~~

21 ~~District 8.--Sarasota, DeSoto, Charlotte, Lee, Glades,~~
22 ~~Hendry, and Collier Counties;~~

23 ~~District 9.--Palm Beach County;~~

24 ~~District 10.--Broward County;~~

25 ~~District 11.--Dade and Monroe Counties;~~

26 ~~District 12.--Flagler and Volusia Counties;~~

27 ~~District 13.--Marion, Citrus, Hernando, Sumter, and~~
28 ~~Lake Counties;~~

29 ~~District 14.--Polk, Hardee, and Highlands Counties; and~~

30 ~~District 15.--Indian River, Okeechobee, St. Lucie, and~~
31 ~~Martin Counties.~~

1 ~~(5) COMMITMENT REGIONS.--The department shall plan and~~
2 ~~administer its community and institutional delinquency~~
3 ~~programs, children in need of services programs, and~~
4 ~~families in need of services programs through commitment~~
5 ~~regions composed of the following service districts:~~

6 ~~Northwest Region.--Districts 1 and 2.~~

7 ~~Northeast Region.--Districts 3, 4, 12, and 13.~~

8 ~~Eastern Region.--Districts 7, 9, and 15.~~

9 ~~Western Region.--Districts 5, 6, 8, and 14.~~

10 ~~Southern Region.--Districts 10 and 11.~~

11 ~~(4)(6) INFORMATION SYSTEMS.--~~

12 (a) The Department of Juvenile Justice shall develop,
13 in consultation with the Criminal and Juvenile Justice
14 Information Systems Council under s. 943.08, a juvenile
15 justice information system which shall provide information
16 concerning the department's activities and programs.

17 (b) In establishing the computing and network
18 infrastructure for the development of the information system,
19 the department shall develop a system design to set the
20 direction for the information system. That design shall
21 include not only department system requirements but also data
22 exchange requirements of other state and local juvenile
23 justice system organizations.

24 (c) The department shall implement a distributed
25 system architecture which shall be defined in its agency
26 strategic plan.

27 (d) The management information system shall, at a
28 minimum:

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

31 2. Provide timely access to current data and computing

1 capacity to support the outcome evaluation activities of the
2 Juvenile Justice ~~Advisory Accountability~~ Board as provided in
3 s. 985.401, legislative oversight, the Juvenile Justice
4 Estimating Conference, and other research.

5 3. Provide automated support to the quality assurance
6 and program review functions.

7 4. Provide automated support to the contract
8 management process.

9 5. Provide automated support to the facility
10 operations management process.

11 6. Provide automated administrative support to
12 increase efficiency, provide the capability of tracking
13 expenditures of funds by the department or contracted service
14 providers that are eligible for federal reimbursement, and
15 reduce forms and paperwork.

16 7. Facilitate connectivity, access, and utilization of
17 information among various state agencies, and other state,
18 federal, local, and private agencies, organizations, and
19 institutions.

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

23 9. Provide a system for the training of information
24 system users and user groups.

25 (e) The department shall aggregate, on a quarterly and
26 an annual basis, the program information, demographic, program
27 utilization rate, and statistical data of the youth served
28 into a descriptive report and shall disseminate the quarterly
29 and annual reports to substantive committees of the House of
30 Representatives and the Senate.

31 (f) The department shall provide an annual report on

1 the juvenile justice information system to the Criminal and
2 Juvenile Justice Information Systems Council ~~Joint Information~~
3 ~~Technology Resources Committee~~. The council ~~committee~~ shall
4 review and forward the report, along with its comments, to the
5 appropriate substantive and appropriations committees of the
6 House of Representatives and the Senate delineating the
7 development status of the system and other information
8 necessary for funding policy formulation.

9 (g) The department shall include in its annual budget
10 request a comprehensive summary of costs involved in the
11 establishment of the information system and cost savings
12 associated with its implementation. The budget request must
13 also include a complete inventory of staff, equipment, and
14 facility resources for development and maintenance of the
15 system.

16 Section 2. Paragraph (o) of subsection (8) and
17 paragraph (c) of subsection (10) of section 20.19, Florida
18 Statutes, are amended to read:

19 20.19 Department of Children and Family
20 Services.--There is created a Department of Children and
21 Family Services.

22 (8) HEALTH AND HUMAN SERVICES BOARDS.--

23 (o) Health and human services boards have the
24 following responsibilities, with respect to those programs and
25 services assigned to the districts, as developed jointly with
26 the district administrator:

27 1. Establish district outcome measures consistent with
28 statewide outcomes.

29 2. Conduct district needs assessments using
30 methodologies consistent with those established by the
31 secretary.

- 1 3. Negotiate with the secretary a district performance
2 agreement that:
- 3 a. Identifies current resources and services
4 available;
- 5 b. Identifies unmet needs and gaps in services;
- 6 c. Establishes service and funding priorities;
- 7 d. Establishes outcome measures for the district; and
- 8 e. Identifies expenditures and the number of clients
9 to be served, by service.
- 10 4. Provide budget oversight, including development and
11 approval of the district's legislative budget request.
- 12 5. Provide policy oversight, including development and
13 approval of district policies and procedures.
- 14 6. Act as a focal point for community participation in
15 department activities such as:
- 16 a. Assisting in the integration of all health and
17 social services within the community;
- 18 b. Assisting in the development of community
19 resources;
- 20 c. Advocating for community programs and services;
- 21 d. Receiving and addressing concerns of consumers and
22 others; and
- 23 e. Advising the district administrator on the
24 administration of service programs throughout the district.
- 25 7. Advise the district administrator on ways to
26 integrate the delivery of family and health care services at
27 the local level.
- 28 8. Make recommendations which would enhance district
29 productivity and efficiency, ensure achievement of performance
30 standards, and assist the district in improving the
31 effectiveness of the services provided.

1 9. Review contract provider performance reports.

2 10. Immediately upon appointment of the membership,
3 develop bylaws that clearly identify and describe operating
4 procedures for the board. At a minimum, the bylaws must
5 specify notice requirements for all regular and special
6 meetings of the board, the number of members required to
7 constitute a quorum, and the number of affirmative votes of
8 members present and voting that are required to take official
9 and final action on a matter before the board.

10 11.a. Determine the board's internal organizational
11 structure, including the designation of standing committees.
12 In order to foster the coordinated and integrated delivery of
13 family services in its community, a local board shall use a
14 committee structure that is based on issues, such as children,
15 housing, transportation, or health care. Each such committee
16 must include consumers, advocates, providers, and department
17 staff from every appropriate program area. In addition, each
18 board and district administrator shall jointly identify
19 community entities, including, but not limited to, the Area
20 Agency on Aging, and resources outside the department to be
21 represented on the committees of the board.

22 b. The ~~district~~ juvenile justice circuit boards
23 established in s. 985.4135 ~~985.413~~ constitute the standing
24 committee on issues relating to planning, funding, or
25 evaluation of programs and services relating to the juvenile
26 justice continuum.

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

30 13. Complete an annual evaluation of the district and
31 review the evaluation at a meeting of the board at which the

1 public has an opportunity to comment.

2 14. Provide input to the secretary on the annual
3 evaluation of the district administrator. The board may
4 request that the secretary submit a written report on the
5 actions to be taken to address negative aspects of the
6 evaluation. At any time, the board may recommend to the
7 secretary that the district administrator be discharged. Upon
8 receipt of such a recommendation, the secretary shall make a
9 formal reply to the board stating the action to be taken with
10 respect to the board's recommendation.

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

13 (10) DISTRICT ADMINISTRATOR.--

14 (c) The duties of the district administrator include,
15 but are not limited to:

16 1. Ensuring jointly with the health and human services
17 board that the administration of all service programs is
18 carried out in conformity with state and federal laws, rules,
19 and regulations, statewide service plans, and any other
20 policies, procedures, and guidelines established by the
21 secretary.

22 2. Administering the offices of the department within
23 the district and directing and coordinating all personnel,
24 facilities, and programs of the department located in that
25 district, except as otherwise provided herein.

26 3. Applying standard information, referral, intake,
27 diagnostic and evaluation, and case management procedures
28 established by the secretary. Such procedures shall include,
29 but are not limited to, a protective investigation system for
30 dependency programs serving abandoned, abused, and neglected
31 children.

1 4. Centralizing to the greatest extent possible the
2 administrative functions associated with the provision of
3 services of the department within the district.

4 5. Coordinating the services provided by the
5 department in the district with those of other districts, with
6 the Secretary of Juvenile Justice, the circuit ~~district~~
7 juvenile justice manager, and public and private agencies that
8 provide health, social, educational, or rehabilitative
9 services within the district. Such coordination of services
10 includes cooperation with the superintendent of each school
11 district in the department's service district to achieve the
12 first state education goal, readiness to start school.

13 6. Except as otherwise provided in this section,
14 appointing all personnel within the district. The district
15 administrator and the secretary shall jointly appoint the
16 superintendent of each institution under the jurisdiction of
17 the department within the district.

18 7. Establishing, with the approval of the health and
19 human services board, such policies and procedures as may be
20 required to discharge his or her duties and implement and
21 conform the policies, procedures, and guidelines established
22 by the secretary to the needs of the district.

23 8. Transferring up to 10 percent of the total district
24 budget, with the approval of the secretary, to maximize
25 effective program delivery, the provisions of ss. 216.292 and
26 216.351 notwithstanding.

27 Section 3. Paragraph (b) of subsection (3) of section
28 39.0015, Florida Statutes, is amended to read:

29 39.0015 Child abuse prevention training in the
30 district school system.--

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

1 (b) "Child abuse" means those acts as defined in ss.
2 39.01(1), (2), (30), (44), (46), (53), and (64), 827.04, and
3 984.03(1), (2), and (37)~~(39)~~.

4 Section 4. Paragraph (b) of subsection (9) of section
5 216.136, Florida Statutes, is amended to read:

6 216.136 Consensus estimating conferences; duties and
7 principals.--

8 (9) JUVENILE JUSTICE ESTIMATING CONFERENCE.--

9 (b) Principals.--The Executive Office of the Governor,
10 the Office of Economic and Demographic Research, and
11 professional staff who have forecasting expertise from the
12 Department of Juvenile Justice, the Department of Children and
13 Family Services Alcohol, Drug Abuse, and Mental Health Program
14 Office, the Department of Law Enforcement, the Senate
15 Appropriations Committee staff, the House of Representatives
16 Appropriations Committee staff, or their designees, are the
17 principals of the Juvenile Justice Estimating Conference. The
18 responsibility of presiding over sessions of the conference
19 shall be rotated among the principals. To facilitate policy
20 and legislative recommendations, the conference may call upon
21 professional staff of the Juvenile Justice Advisory
22 ~~Accountability~~ Board and appropriate legislative staff.

23 Section 5. Subsection (4) of section 232.19, Florida
24 Statutes, is amended to read:

25 232.19 Court procedure and penalties.--The court
26 procedure and penalties for the enforcement of the provisions
27 of this chapter, relating to compulsory school attendance,
28 shall be as follows:

29 (4) COOPERATIVE AGREEMENTS.--The circuit district
30 manager of the Department of Juvenile Justice or the circuit
31 ~~district~~ manager's designee, the district administrator of the

1 Department of Children and Family Services or the district
2 administrator's designee, and the superintendent of the local
3 school district or the superintendent's designee must develop
4 a cooperative interagency agreement that:

5 (a) Clearly defines each department's role,
6 responsibility, and function in working with habitual truants
7 and their families.

8 (b) Identifies and implements measures to resolve and
9 reduce truant behavior.

10 (c) Addresses issues of streamlining service delivery,
11 the appropriateness of legal intervention, case management,
12 the role and responsibility of the case staffing committee,
13 student and parental intervention and involvement, and
14 community action plans.

15 (d) Delineates timeframes for implementation and
16 identifies a mechanism for reporting results by the circuit
17 ~~district~~ juvenile justice manager or the circuit district
18 manager's designee and the superintendent of schools or the
19 superintendent's designee to the Department of Juvenile
20 Justice and the Department of Education and other governmental
21 entities as needed.

22 (e) Designates which agency is responsible for each of
23 the intervention steps in this section, to yield more
24 effective and efficient intervention services.

25 Section 6. Subsection (1) of section 288.9957, Florida
26 Statutes, is amended to read:

27 288.9957 Florida Youth Workforce Council.--

28 (1) The chairman of the Workforce Development Board
29 shall designate the Florida Youth Workforce Council from
30 representatives of distressed inner-city and rural communities
31 who have demonstrated experience working with at-risk youth,

1 and representatives of public and private groups, including,
2 but not limited to, School-to-Work Advisory Councils, the
3 National Guard, Children's' Services Councils, Juvenile
4 Welfare Boards, the Apprenticeship Council, juvenile justice
5 circuit ~~District~~ boards, and other federal and state programs
6 that target youth, to advise the board on youth programs and
7 to implement Workforce Development Board strategies for young
8 people.

9 Section 7. Paragraph (d) of subsection (1) of section
10 419.001, Florida Statutes, is amended to read:

11 419.001 Site selection of community residential
12 homes.--

13 (1) For the purposes of this section, the following
14 definitions shall apply:

15 (d) "Resident" means any of the following: a frail
16 elder as defined in s. 400.618; a physically disabled or
17 handicapped person as defined in s. 760.22(7)(a); a
18 developmentally disabled person as defined in s. 393.063(12);
19 a nondangerous mentally ill person as defined in s.
20 394.455(18); or a child as defined in s. 39.01(14), s.
21 984.03(9) or (12), or s. 985.03(8)~~(9)~~.

22 Section 8. Subsection (3) of section 744.309, Florida
23 Statutes, is amended to read:

24 744.309 Who may be appointed guardian of a resident
25 ward.--

26 (3) DISQUALIFIED PERSONS.--No person who has been
27 convicted of a felony or who, from any incapacity or illness,
28 is incapable of discharging the duties of a guardian, or who
29 is otherwise unsuitable to perform the duties of a guardian,
30 shall be appointed to act as guardian. Further, no person who
31 has been judicially determined to have committed abuse,

1 abandonment, or neglect against a child as defined in s. 39.01
2 or s. 984.03(2) and ~~(37)(39)~~, or who has a confirmed report
3 of abuse, neglect, or exploitation which has been uncontested
4 or upheld pursuant to the provisions of ss. 415.104 and
5 415.1075 shall be appointed to act as a guardian. Except as
6 provided in subsection (5) or subsection (6), a person who
7 provides substantial services to the proposed ward in a
8 professional or business capacity, or a creditor of the
9 proposed ward, may not be appointed guardian and retain that
10 previous professional or business relationship. A person may
11 not be appointed a guardian if he or she is in the employ of
12 any person, agency, government, or corporation that provides
13 service to the proposed ward in a professional or business
14 capacity, except that a person so employed may be appointed if
15 he or she is the spouse, adult child, parent, or sibling of
16 the proposed ward or the court determines that the potential
17 conflict of interest is insubstantial and that the appointment
18 would clearly be in the proposed ward's best interest. The
19 court may not appoint a guardian in any other circumstance in
20 which a conflict of interest may occur.

21 Section 9. Section 784.075, Florida Statutes, is
22 amended to read:

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

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

5 Section 10. Paragraph (c) of subsection (4) of section
6 790.22, Florida Statutes, is amended to read:

7 790.22 Use of BB guns, air or gas-operated guns, or
8 electric weapons or devices by minor under 16; limitation;
9 possession of firearms by minor under 18 prohibited;
10 penalties.--

11 (4)

12 (c) ~~No later than July 1, 1994,~~The district juvenile
13 justice circuit boards or ~~county~~ juvenile justice county
14 councils or the Department of Juvenile Justice shall establish
15 appropriate community service programs to be available to the
16 alternative sanctions coordinators of the circuit courts in
17 implementing this subsection. The boards or councils or
18 department shall propose the implementation of a community
19 service program in each circuit, and may submit a circuit
20 plan, to be implemented upon approval of the circuit
21 alternative sanctions coordinator.

22 Section 11. Subsection (4) of section 938.17, Florida
23 Statutes, is amended to read:

24 938.17 County delinquency prevention.--

25 (4) A sheriff's office that receives the cost
26 assessments established in subsection (1) shall account for
27 all funds that have been deposited into the designated account
28 by August 1 annually in a written report to the ~~county~~
29 juvenile justice county council if funds are used for
30 assessment centers, and to the district school board if funds
31 are used for suspension programs.

1 Section 12. Subsection (2) of section 948.51, Florida
2 Statutes, is amended to read:

3 948.51 Community corrections assistance to counties or
4 county consortiiums.--

5 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.--A
6 county, or a consortium of two or more counties, may contract
7 with the Department of Corrections for community corrections
8 funds as provided in this section. In order to enter into a
9 community corrections partnership contract, a county or county
10 consortium must have a public safety coordinating council
11 established under s. 951.26 and must designate a county
12 officer or agency to be responsible for administering
13 community corrections funds received from the state. The
14 public safety coordinating council shall prepare, develop, and
15 implement a comprehensive public safety plan for the county,
16 or the geographic area represented by the county consortium,
17 and shall submit an annual report to the Department of
18 Corrections concerning the status of the program. In preparing
19 the comprehensive public safety plan, the public safety
20 coordinating council shall cooperate with the ~~district~~
21 juvenile justice circuit board and the ~~county~~ juvenile justice
22 county council, established under s. 985.4135 ~~985.413~~, in
23 order to include programs and services for juveniles in the
24 plan. To be eligible for community corrections funds under the
25 contract, the initial public safety plan must be approved by
26 the governing board of the county, or the governing board of
27 each county within the consortium, and the Secretary of
28 Corrections based on the requirements of this section. If one
29 or more other counties develop a unified public safety plan,
30 the public safety coordinating council shall submit a single
31 application to the department for funding. Continued contract

1 funding shall be pursuant to subsection (5). The plan for a
2 county or county consortium must cover at least a 5-year
3 period and must include:

4 (a) A description of programs offered for the job
5 placement and treatment of offenders in the community.

6 (b) A specification of community-based intermediate
7 sentencing options to be offered and the types and number of
8 offenders to be included in each program.

9 (c) Specific goals and objectives for reducing the
10 projected percentage of commitments to the state prison system
11 of persons with low total sentencing scores pursuant to the
12 Criminal Punishment Code.

13 (d) Specific evidence of the population status of all
14 programs which are part of the plan, which evidence
15 establishes that such programs do not include offenders who
16 otherwise would have been on a less intensive form of
17 community supervision.

18 (e) The assessment of population status by the public
19 safety coordinating council of all correctional facilities
20 owned or contracted for by the county or by each county within
21 the consortium.

22 (f) The assessment of bed space that is available for
23 substance abuse intervention and treatment programs and the
24 assessment of offenders in need of treatment who are committed
25 to each correctional facility owned or contracted for by the
26 county or by each county within the consortium.

27 (g) A description of program costs and sources of
28 funds for each community corrections program, including
29 community corrections funds, loans, state assistance, and
30 other financial assistance.

31 Section 13. Present subsections (24) and (25) of

1 section 984.03, Florida Statutes, are repealed, subsections
2 (26) through (58) are renumbered as subsections (24) through
3 (56), respectively, and present subsections (27), (32), (33),
4 (45), and (48) of said section are amended to read:

5 984.03 Definitions.--When used in this chapter, the
6 term:

7 (25)(27) "Family in need of services" means a family
8 that has a child who is running away; who is persistently
9 disobeying reasonable and lawful demands of the parent or
10 legal custodian and is beyond the control of the parent or
11 legal custodian; or who is habitually truant from school or
12 engaging in other serious behaviors that place the child at
13 risk of future abuse, neglect, or abandonment or at risk of
14 entering the juvenile justice system for whom there is no
15 pending investigation into an allegation of abuse, neglect, or
16 abandonment or no current supervision by the Department of
17 Juvenile Justice or the Department of Children and Family
18 Services for an adjudication of dependency or delinquency. The
19 child must be also have been referred to a law enforcement
20 agency, or the Department of Juvenile Justice, or an agency
21 contracted to provide services to children in need of
22 services. A family is not eligible to receive services if, at
23 the time of the referral, there is an open investigation into
24 an allegation of abuse, neglect, or abandonment or if the
25 child is currently under supervision by the Department of
26 Juvenile Justice or the Department of Children and Family
27 Services due to an adjudication of dependency or delinquency.
28 ~~for:~~

- 29 ~~(a) Running away from parents or legal custodians;~~
30 ~~(b) Persistently disobeying reasonable and lawful~~
31 ~~demands of parents or legal custodians and being beyond their~~

1 ~~control; or~~
2 ~~(c) Habitual truancy from school.~~
3 (30)~~(32)~~ "Juvenile justice continuum" includes, but is
4 not limited to, delinquency prevention programs and services
5 designed for the purpose of preventing or reducing delinquent
6 acts, including criminal activity by youth gangs and juvenile
7 arrests, as well as programs and services targeted at children
8 who have committed delinquent acts, and children who have
9 previously been committed to residential treatment programs
10 for delinquents. The term includes
11 children-in-need-of-services and families-in-need-of-services
12 programs; conditional release ~~aftercare and reentry services;~~
13 substance abuse and mental health programs; educational and
14 vocational programs; recreational programs; community services
15 programs; community service work programs; and alternative
16 dispute resolution programs serving children at risk of
17 delinquency and their families, whether offered or delivered
18 by state or local governmental entities, public or private
19 for-profit or not-for-profit organizations, or religious or
20 charitable organizations.
21 (31)~~(33)~~ "Juvenile probation officer" means the
22 authorized agent of the department who performs and directs
23 intake, assessment, probation, or conditional release
24 ~~aftercare~~, and other related services.
25 (43)~~(45)~~ "Preventive services" means social services
26 and other supportive and rehabilitative services provided to
27 the parent of the child, the legal guardian of the child, or
28 the custodian of the child and to the child for the purpose of
29 averting the removal of the child from the home or disruption
30 of a family which will or could result in an adjudication that
31 orders the placement of a child into ~~in~~ foster care or into

1 the delinquency system or that will or could result in the
2 child living on the street. Social services and other
3 supportive and rehabilitative services may include the
4 provision of assessment and screening services; individual,
5 group, or family counseling; specialized educational and
6 vocational services; temporary shelter for the child; outreach
7 services for children living on the street; independent living
8 services to assist adolescents in achieving a successful
9 transition to adulthood; and other specialized services shall
10 ~~promote the child's need for a safe, continuous, stable,~~
11 ~~living environment and shall promote family autonomy and shall~~
12 ~~strengthen family life as the first priority whenever~~
13 ~~possible.~~

14 (46)~~(48)~~ "Reunification services" means social
15 services and other supportive and rehabilitative services
16 provided to the parent of the child, the legal guardian of the
17 child, or the custodian of the child, whichever is applicable;
18 the child; and, where appropriate, the foster parents of the
19 child for the purpose of enabling a child who has been placed
20 in temporary shelter ~~foster~~ care to return to his or her
21 family at the earliest possible time. Social services and
22 other supportive and rehabilitative services shall be
23 consistent with ~~promote~~ the child's need for a safe,
24 continuous, and stable, ~~living~~ environment and shall promote
25 the strengthening of family autonomy and strengthen family
26 ~~life as a first priority~~ whenever possible.

27 Section 14. Section 984.05, Florida Statutes, is
28 amended to read:

29 984.05 Rules relating to habitual truants; adoption by
30 Department of Education and Department of Juvenile
31 Justice.--The Department of Juvenile Justice and the

1 Department of Education shall work together on the development
2 of, and shall adopt, rules as necessary for the implementation
3 of ss. 232.19, 984.03(27)(29), and 985.03(25)(28).

4 Section 15. Section 984.086, Florida Statutes, is
5 amended to read:

6 984.086 Children locked out of the home; interagency
7 cooperation.--The Department of Juvenile Justice and the
8 Department of Children and Family Services shall encourage
9 interagency cooperation within each circuit district and shall
10 develop comprehensive agreements between the staff and
11 providers for each department in order to coordinate the
12 services provided to children who are locked out of the home
13 and the families of those children.

14 Section 16. Subsection (5) of section 984.09, Florida
15 Statutes, is amended to read:

16 984.09 Punishment for contempt of court; alternative
17 sanctions.--

18 (5) ALTERNATIVE SANCTIONS COORDINATOR.--There is
19 created the position of alternative sanctions coordinator
20 within each judicial circuit, pursuant to subsection (3). Each
21 alternative sanctions coordinator shall serve under the
22 direction of the chief administrative judge of the juvenile
23 division as directed by the chief judge of the circuit. The
24 alternative sanctions coordinator shall act as the liaison
25 between the judiciary, ~~and county juvenile justice councils,~~
26 the local department officials, district school board
27 employees, and local law enforcement agencies. The alternative
28 sanctions coordinator shall coordinate within the circuit
29 community-based alternative sanctions, including nonsecure
30 detention programs, community service projects, and other
31 juvenile sanctions, in conjunction with the circuit plan

1 implemented in accordance with s. 790.22(4)(c).

2 Section 17. Subsection (2) of section 984.10, Florida
3 Statutes, is amended to read:

4 984.10 Intake.--

5 (2) A representative of the department shall make a
6 preliminary determination as to whether the report or
7 complaint is complete. The criteria for the completeness of a
8 report or complaint with respect to a child alleged to be from
9 a family in need of services while subject to compulsory
10 school attendance shall be governed by s. 984.03~~(27)~~~~(29)~~. In
11 any case in which the representative of the department finds
12 that the report or complaint is incomplete, the representative
13 of the department shall return the report or complaint without
14 delay to the person or agency originating the report or
15 complaint or having knowledge of the facts or to the
16 appropriate law enforcement agency having investigative
17 jurisdiction and request additional information in order to
18 complete the report or complaint.

19 Section 18. Section 985.03, Florida Statutes, is
20 amended to read:

21 985.03 Definitions.--When used in this chapter, the
22 term:

23 (1) "Addictions receiving facility" means a substance
24 abuse service provider as defined in chapter 397.

25 (2) "Adjudicatory hearing" means a hearing for the
26 court to determine whether or not the facts support the
27 allegations stated in the petition, as is provided for under
28 s. 985.228 in delinquency cases.

29 (3) "Adult" means any natural person other than a
30 child.

31 ~~(4)~~~~(5)~~ "Arbitration" means a process whereby a neutral

1 third person or panel, called an arbitrator or an arbitration
2 panel, considers the facts and arguments presented by the
3 parties and renders a decision which may be binding or
4 nonbinding.

5 (5)~~(6)~~ "Authorized agent" or "designee" of the
6 department means a person or agency assigned or designated by
7 the Department of Juvenile Justice or the Department of
8 Children and Family Services, as appropriate, to perform
9 duties or exercise powers pursuant to this chapter and
10 includes contract providers and their employees for purposes
11 of providing services to and managing cases of children in
12 need of services and families in need of services.

13 (6)~~(7)~~ "Child" or "juvenile" or "youth" means any
14 unmarried person under the age of 18 who has not been
15 emancipated by order of the court and who has been found or
16 alleged to be dependent, in need of services, or from a family
17 in need of services; or any married or unmarried person who is
18 charged with a violation of law occurring prior to the time
19 that person reached the age of 18 years.

20 (7)~~(8)~~ "Child eligible for an intensive residential
21 treatment program for offenders less than 13 years of age"
22 means a child who has been found to have committed a
23 delinquent act or a violation of law in the case currently
24 before the court and who meets at least one of the following
25 criteria:

26 (a) The child is less than 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 1. Arson;
30 2. Sexual battery;
31 3. Robbery;

- 1 4. Kidnapping;
- 2 5. Aggravated child abuse;
- 3 6. Aggravated assault;
- 4 7. Aggravated stalking;
- 5 8. Murder;
- 6 9. Manslaughter;
- 7 10. Unlawful throwing, placing, or discharging of a
- 8 destructive device or bomb;
- 9 11. Armed burglary;
- 10 12. Aggravated battery;
- 11 13. Any lewd or lascivious offense committed upon or
- 12 in the presence of a person less than 16 years of age; or
- 13 14. Carrying, displaying, using, threatening, or
- 14 attempting to use a weapon or firearm during the commission of
- 15 a felony.
- 16 (b) The child is less than 13 years of age at the time
- 17 of the disposition, the current offense is a felony, and the
- 18 child has previously been committed at least once to a
- 19 delinquency commitment program.
- 20 (c) The child is less than 13 years of age and is
- 21 currently committed for a felony offense and transferred from
- 22 a moderate-risk or high-risk residential commitment placement.
- 23 ~~(8)(9)~~ "Child in need of services" means a child for
- 24 whom there is no pending investigation into an allegation or
- 25 suspicion of abuse, neglect, or abandonment; no pending
- 26 referral alleging the child is delinquent; or no current
- 27 supervision by the Department of Juvenile Justice or the
- 28 Department of Children and Family Services for an adjudication
- 29 of dependency or delinquency. The child must also, pursuant to
- 30 this chapter, be found by the court:
- 31 (a) To have persistently run away from the child's

1 parents or legal custodians despite reasonable efforts of the
2 child, the parents or legal custodians, and appropriate
3 agencies to remedy the conditions contributing to the
4 behavior. Reasonable efforts shall include voluntary
5 participation by the child's parents or legal custodians and
6 the child in family mediation, services, and treatment offered
7 by the Department of Juvenile Justice or the Department of
8 Children and Family Services;

9 (b) To be habitually truant from school, while subject
10 to compulsory school attendance, despite reasonable efforts to
11 remedy the situation pursuant to ss. 232.17 and 232.19 and
12 through voluntary participation by the child's parents or
13 legal custodians and by the child in family mediation,
14 services, and treatment offered by the Department of Juvenile
15 Justice or the Department of Children and Family Services; or

16 (c) To have persistently disobeyed the reasonable and
17 lawful demands of the child's parents or legal custodians, and
18 to be beyond their control despite efforts by the child's
19 parents or legal custodians and appropriate agencies to remedy
20 the conditions contributing to the behavior. Reasonable
21 efforts may include such things as good faith participation in
22 family or individual counseling.

23 (9)~~(10)~~ "Child who has been found to have committed a
24 delinquent act" means a child who, pursuant to the provisions
25 of this chapter, is found by a court to have committed a
26 violation of law or to be in direct or indirect contempt of
27 court, except that this definition shall not include an act
28 constituting contempt of court arising out of a dependency
29 proceeding or a proceeding pursuant to part III of this
30 chapter.

31 (10)~~(11)~~ "Child support" means a court-ordered

1 obligation, enforced under chapter 61 and ss.

2 409.2551-409.2597, for monetary support for the care,
3 maintenance, training, and education of a child.

4 (11)~~(12)~~ "Circuit" means any of the 20 judicial
5 circuits as set forth in s. 26.021.

6 (12)~~(14)~~ "Comprehensive assessment" or "assessment"
7 means the gathering of information for the evaluation of a
8 juvenile offender's or a child's physical, psychological,
9 educational, vocational, and social condition and family
10 environment as they relate to the child's need for
11 rehabilitative and treatment services, including substance
12 abuse treatment services, mental health services,
13 developmental services, literacy services, medical services,
14 family services, and other specialized services, as
15 appropriate.

16 (13)~~(4)~~ "Conditional release ~~Aftercare~~" means the
17 care, treatment, help, and supervision provided to a juvenile
18 released from a residential commitment program which is
19 intended to promote rehabilitation and prevent recidivism. The
20 purpose of conditional release ~~aftercare~~ is to protect the
21 public, reduce recidivism, increase responsible productive
22 behavior, and provide for a successful transition of the youth
23 from the department to the family. Conditional release
24 ~~Aftercare~~ includes, but is not limited to, minimum-risk
25 nonresidential programs, ~~reentry services,~~ and postcommitment
26 probation ~~community control~~.

27 (14)~~(15)~~ "Court," unless otherwise expressly stated,
28 means the circuit court assigned to exercise jurisdiction
29 under this chapter.

30 (15)~~(16)~~(a) "Delinquency program" means any intake,
31 probation ~~community control~~, or similar program; regional

1 detention center or facility; or community-based program,
2 whether owned and operated by or contracted by the Department
3 of Juvenile Justice, or institution owned and operated by or
4 contracted by the Department of Juvenile Justice, which
5 provides intake, supervision, or custody and care of children
6 who are alleged to be or who have been found to be delinquent
7 pursuant to part II.

8 (b) "Delinquency program staff" means supervisory and
9 direct care staff of a delinquency program as well as support
10 staff who have direct contact with children in a delinquency
11 program.

12 (c) "Delinquency prevention programs" means programs
13 designed for the purpose of reducing the occurrence of
14 delinquency, including youth and street gang activity, and
15 juvenile arrests. The term excludes arbitration, diversionary
16 or mediation programs, and community service work or other
17 treatment available subsequent to a child committing a
18 delinquent act.

19 ~~(16)(17)~~ "Department" means the Department of Juvenile
20 Justice.

21 ~~(17)(18)~~ "Designated facility" or "designated
22 treatment facility" means any facility designated by the
23 Department of Juvenile Justice to provide treatment to
24 juvenile offenders.

25 ~~(18)(19)~~ "Detention care" means the temporary care of
26 a child in secure, nonsecure, or home detention, pending a
27 court adjudication or disposition or execution of a court
28 order. There are three types of detention care, as follows:

29 (a) "Secure detention" means temporary custody of the
30 child while the child is under the physical restriction of a
31 detention center or facility pending adjudication,

1 disposition, or placement.

2 (b) "Nonsecure detention" means temporary custody of
3 the child while the child is in a residential home in the
4 community in a physically nonrestrictive environment under the
5 supervision of the Department of Juvenile Justice pending
6 adjudication, disposition, or placement.

7 (c) "Home detention" means temporary custody of the
8 child while the child is released to the custody of the
9 parent, guardian, or custodian in a physically nonrestrictive
10 environment under the supervision of the Department of
11 Juvenile Justice staff pending adjudication, disposition, or
12 placement.

13 ~~(19)~~(20) "Detention center or facility" means a
14 facility used pending court adjudication or disposition or
15 execution of court order for the temporary care of a child
16 alleged or found to have committed a violation of law. A
17 detention center or facility may provide secure or nonsecure
18 custody. A facility used for the commitment of adjudicated
19 delinquents shall not be considered a detention center or
20 facility.

21 ~~(20)~~(21) "Detention hearing" means a hearing for the
22 court to determine if a child should be placed in temporary
23 custody, as provided for under ss. 985.213 and 985.215 in
24 delinquency cases.

25 ~~(21)~~(22) "Disposition hearing" means a hearing in
26 which the court determines the most appropriate dispositional
27 services in the least restrictive available setting provided
28 for under s. 985.231, in delinquency cases.

29 ~~(23) "District" means a service district of the~~
30 ~~Department of Juvenile Justice.~~

31 ~~(24) "District juvenile justice manager" means the~~

1 ~~person appointed by the Secretary of Juvenile Justice,~~
2 ~~responsible for planning, managing, and evaluating all~~
3 ~~juvenile justice continuum programs and services delivered or~~
4 ~~funded by the Department of Juvenile Justice within the~~
5 ~~district.~~

6 (22)~~(25)~~ "Family" means a collective body of persons,
7 consisting of a child and a parent, guardian, adult custodian,
8 or adult relative, in which:

9 (a) The persons reside in the same house or living
10 unit; or

11 (b) The parent, guardian, adult custodian, or adult
12 relative has a legal responsibility by blood, marriage, or
13 court order to support or care for the child.

14 (23)~~(26)~~ "Family in need of services" means a family
15 that has a child for whom there is no pending investigation
16 into an allegation of abuse, neglect, or abandonment or no
17 current supervision by the Department of Juvenile Justice or
18 the Department of Children and Family Services for an
19 adjudication of dependency or delinquency. The child must also
20 have been referred to a law enforcement agency or the
21 Department of Juvenile Justice for:

22 (a) Running away from parents or legal custodians;

23 (b) Persistently disobeying reasonable and lawful
24 demands of parents or legal custodians, and being beyond their
25 control; or

26 (c) Habitual truancy from school.

27 (24)~~(27)~~ "Foster care" means care provided a child in
28 a foster family or boarding home, group home, agency boarding
29 home, child care institution, or any combination thereof.

30 (25)~~(28)~~ "Habitually truant" means that:

31 (a) The child has 15 unexcused absences within 90

1 calendar days with or without the knowledge or justifiable
2 consent of the child's parent or legal guardian, is subject to
3 compulsory school attendance under s. 232.01, and is not
4 exempt under s. 232.06, s. 232.09, or any other exemptions
5 specified by law or the rules of the State Board of Education.

6 (b) Escalating activities to determine the cause, and
7 to attempt the remediation, of the child's truant behavior
8 under ss. 232.17 and 232.19 have been completed.

9
10 If a child who is subject to compulsory school attendance is
11 responsive to the interventions described in ss. 232.17 and
12 232.19 and has completed the necessary requirements to pass
13 the current grade as indicated in the district pupil
14 progression plan, the child shall not be determined to be
15 habitually truant and shall be passed. If a child within the
16 compulsory school attendance age has 15 unexcused absences
17 within 90 calendar days or fails to enroll in school, the
18 state attorney may file a child-in-need-of-services petition.
19 Prior to filing a petition, the child must be referred to the
20 appropriate agency for evaluation. After consulting with the
21 evaluating agency, the state attorney may elect to file a
22 child-in-need-of-services petition.

23 (c) A school representative, designated according to
24 school board policy, and a juvenile probation officer of the
25 Department of Juvenile Justice have jointly investigated the
26 truancy problem or, if that was not feasible, have performed
27 separate investigations to identify conditions that could be
28 contributing to the truant behavior; and if, after a joint
29 staffing of the case to determine the necessity for services,
30 such services were determined to be needed, the persons who
31 performed the investigations met jointly with the family and

1 child to discuss any referral to appropriate community
2 agencies for economic services, family or individual
3 counseling, or other services required to remedy the
4 conditions that are contributing to the truant behavior.

5 (d) The failure or refusal of the parent or legal
6 guardian or the child to participate, or make a good faith
7 effort to participate, in the activities prescribed to remedy
8 the truant behavior, or the failure or refusal of the child to
9 return to school after participation in activities required by
10 this subsection, or the failure of the child to stop the
11 truant behavior after the school administration and the
12 Department of Juvenile Justice have worked with the child as
13 described in s. 232.19(3) shall be handled as prescribed in s.
14 232.19.

15 ~~(26)~~~~(29)~~ "Halfway house" means a community-based
16 residential program for 10 or more committed delinquents at
17 the moderate-risk restrictiveness level that is operated or
18 contracted by the Department of Juvenile Justice.

19 ~~(27)~~~~(30)~~ "Intake" means the initial acceptance and
20 screening by the Department of Juvenile Justice of a complaint
21 or a law enforcement report or probable cause affidavit of
22 delinquency, family in need of services, or child in need of
23 services to determine the recommendation to be taken in the
24 best interests of the child, the family, and the community.
25 The emphasis of intake is on diversion and the least
26 restrictive available services. Consequently, intake includes
27 such alternatives as:

28 (a) The disposition of the complaint, report, or
29 probable cause affidavit without court or public agency action
30 or judicial handling when appropriate.

31 (b) The referral of the child to another public or

1 private agency when appropriate.

2 (c) The recommendation by the juvenile probation
3 officer of judicial handling when appropriate and warranted.

4 ~~(28)(31)~~ "Judge" means the circuit judge exercising
5 jurisdiction pursuant to this chapter.

6 ~~(29)(32)~~ "Juvenile justice continuum" includes, but is
7 not limited to, delinquency prevention programs and services
8 designed for the purpose of preventing or reducing delinquent
9 acts, including criminal activity by youth gangs, and juvenile
10 arrests, as well as programs and services targeted at children
11 who have committed delinquent acts, and children who have
12 previously been committed to residential treatment programs
13 for delinquents. The term includes
14 children-in-need-of-services and families-in-need-of-services
15 programs; conditional release ~~aftercare and reentry services~~;
16 substance abuse and mental health programs; educational and
17 vocational programs; recreational programs; community services
18 programs; community service work programs; and alternative
19 dispute resolution programs serving children at risk of
20 delinquency and their families, whether offered or delivered
21 by state or local governmental entities, public or private
22 for-profit or not-for-profit organizations, or religious or
23 charitable organizations.

24 ~~(30)(33)~~ "Juvenile probation officer" means the
25 authorized agent of the Department of Juvenile Justice who
26 performs the intake or case management function for a child
27 alleged to be delinquent.

28 ~~(31)(34)~~ "Juvenile sexual offender" means:

29 (a) A juvenile who has been found by the court
30 pursuant to s. 985.228 to have committed a violation of
31 chapter 794, chapter 796, chapter 800, s. 827.071, or s.

1 847.0133;

2 (b) A juvenile found to have committed any violation
3 of law or delinquent act involving juvenile sexual abuse.
4 "Juvenile sexual abuse" means any sexual behavior which occurs
5 without consent, without equality, or as a result of coercion.
6 For purposes of this subsection, the following definitions
7 apply:

8 1. "Coercion" means the exploitation of authority, use
9 of bribes, threats of force, or intimidation to gain
10 cooperation or compliance.

11 2. "Equality" means two participants operating with
12 the same level of power in a relationship, neither being
13 controlled nor coerced by the other.

14 3. "Consent" means an agreement including all of the
15 following:

16 a. Understanding what is proposed based on age,
17 maturity, developmental level, functioning, and experience.

18 b. Knowledge of societal standards for what is being
19 proposed.

20 c. Awareness of potential consequences and
21 alternatives.

22 d. Assumption that agreement or disagreement will be
23 accepted equally.

24 e. Voluntary decision.

25 f. Mental competence.

26

27 Juvenile sexual offender behavior ranges from noncontact
28 sexual behavior such as making obscene phone calls,
29 exhibitionism, voyeurism, and the showing or taking of lewd
30 photographs to varying degrees of direct sexual contact, such
31 as frottage, fondling, digital penetration, rape, fellatio,

1 sodomy, and various other sexually aggressive acts.

2 ~~(32)(35)~~ "Legal custody" means a legal status created
3 by court order or letter of guardianship which vests in a
4 custodian of the person or guardian, whether an agency or an
5 individual, the right to have physical custody of the child
6 and the right and duty to protect, train, and discipline the
7 child and to provide him or her with food, shelter, education,
8 and ordinary medical, dental, psychiatric, and psychological
9 care.

10 ~~(33)(36)~~ "Licensed child-caring agency" means a
11 person, society, association, or agency licensed by the
12 Department of Children and Family Services to care for,
13 receive, and board children.

14 ~~(34)(37)~~ "Licensed health care professional" means a
15 physician licensed under chapter 458, an osteopathic physician
16 licensed under chapter 459, a nurse licensed under chapter
17 464, a physician assistant licensed under chapter 458 or
18 chapter 459, or a dentist licensed under chapter 466.

19 ~~(35)(38)~~ "Likely to injure oneself" means that, as
20 evidenced by violent or other actively self-destructive
21 behavior, it is more likely than not that within a 24-hour
22 period the child will attempt to commit suicide or inflict
23 serious bodily harm on himself or herself.

24 ~~(36)(39)~~ "Likely to injure others" means that it is
25 more likely than not that within a 24-hour period the child
26 will inflict serious and unjustified bodily harm on another
27 person.

28 ~~(37)(40)~~ "Mediation" means a process whereby a neutral
29 third person called a mediator acts to encourage and
30 facilitate the resolution of a dispute between two or more
31 parties. It is an informal and nonadversarial process with

1 the objective of helping the disputing parties reach a
2 mutually acceptable and voluntary agreement. In mediation,
3 decisionmaking authority rests with the parties. The role of
4 the mediator includes, but is not limited to, assisting the
5 parties in identifying issues, fostering joint problem
6 solving, and exploring settlement alternatives.

7 (38)~~(41)~~ "Necessary medical treatment" means care
8 which is necessary within a reasonable degree of medical
9 certainty to prevent the deterioration of a child's condition
10 or to alleviate immediate pain of a child.

11 (39)~~(42)~~ "Next of kin" means an adult relative of a
12 child who is the child's brother, sister, grandparent, aunt,
13 uncle, or first cousin.

14 (40)~~(43)~~ "Parent" means a woman who gives birth to a
15 child and a man whose consent to the adoption of the child
16 would be required under s. 63.062(1)(b). If a child has been
17 legally adopted, the term "parent" means the adoptive mother
18 or father of the child. The term does not include an
19 individual whose parental relationship to the child has been
20 legally terminated, or an alleged or prospective parent,
21 unless the parental status falls within the terms of either s.
22 39.503 or s. 63.062(1)(b).

23 (41)~~(44)~~ "Preliminary screening" means the gathering
24 of preliminary information to be used in determining a child's
25 need for further evaluation or assessment or for referral for
26 other substance abuse services through means such as
27 psychosocial interviews; urine and breathalyzer screenings;
28 and reviews of available educational, delinquency, and
29 dependency records of the child.

30 (42)~~(45)~~ "Preventive services" means social services
31 and other supportive and rehabilitative services provided to

1 the parent of the child, the legal guardian of the child, or
2 the custodian of the child and to the child for the purpose of
3 averting the removal of the child from the home or disruption
4 of a family which will or could result in the placement of a
5 child in foster care. Social services and other supportive
6 and rehabilitative services shall promote the child's need for
7 a safe, continuous, stable living environment and shall
8 promote family autonomy and shall strengthen family life as
9 the first priority whenever possible.

10 (43)(13) "Probation Community control" means the legal
11 status of probation created by law and court order in cases
12 involving a child who has been found to have committed a
13 delinquent act. Probation Community control is an
14 individualized program in which the freedom of the child is
15 limited and the child is restricted to noninstitutional
16 quarters or restricted to the child's home in lieu of
17 commitment to the custody of the Department of Juvenile
18 Justice. Youth on probation may be assessed and classified
19 for placement in day-treatment probation programs designed for
20 youth who represent a minimum risk to themselves and public
21 safety and do not require placement and services in a
22 residential setting. Program types in this more intensive and
23 structured day-treatment probation option include vocational
24 programs, marine programs, juvenile justice alternative
25 schools, training and rehabilitation programs, and
26 gender-specific programs.

27 (44)(46) "Relative" means a grandparent,
28 great-grandparent, sibling, first cousin, aunt, uncle,
29 great-aunt, great-uncle, niece, or nephew, whether related by
30 the whole or half blood, by affinity, or by adoption. The term
31 does not include a stepparent.

1 ~~(45)(47)~~ " Residential commitment Restrictiveness
2 level" means the level of security custody provided by
3 programs that service the supervision, custody, and care, and
4 treatment needs of committed children. Sections 985.3141 and
5 985.404(13) apply to children placed in programs at any
6 residential commitment level. The levels of residential
7 commitment are as follows ~~There shall be five restrictiveness~~
8 ~~levels:~~

9 ~~(a) Minimum-risk nonresidential.--Youth assessed and~~
10 ~~classified for placement in programs at this restrictiveness~~
11 ~~level represent a minimum risk to themselves and public safety~~
12 ~~and do not require placement and services in residential~~
13 ~~settings. Programs or program models in this restrictiveness~~
14 ~~level include: community counselor supervision programs,~~
15 ~~special intensive group programs, nonresidential marine~~
16 ~~programs, nonresidential training and rehabilitation centers,~~
17 ~~and other local community nonresidential programs, including~~
18 ~~any nonresidential program or supervision program that is used~~
19 ~~for aftercare placement.~~

20 ~~(a)(b)~~ Low-risk residential.--Programs or program
21 models at this commitment level are residential but may allow
22 youth to have unsupervised access to the community. Youth
23 assessed and classified for placement in programs at this
24 commitment level represent a low risk to themselves and public
25 safety but ~~and~~ do require placement and services in
26 residential settings. Children who have been found to have
27 committed delinquent acts that involve firearms, delinquent
28 acts that are sexual offenses, or delinquent acts that would
29 be life felonies or first degree felonies if committed by an
30 adult shall not be committed to a program at this level.
31 ~~Programs or program models in this restrictiveness level~~

1 ~~include: Short Term Offender Programs (STOP), group treatment~~
2 ~~homes, family group homes, proctor homes, and Short Term~~
3 ~~Environmental Programs (STEP). Section 985.3141 applies to~~
4 ~~children placed in programs in this restrictiveness level.~~
5 (b)(c) Moderate-risk residential.--Programs or program
6 models at this commitment level are residential but may allow
7 youth to have supervised access to the community. Facilities
8 are either environmentally secure, staff secure, or are
9 hardware-secure with walls, fencing, or locking doors.
10 Facilities shall provide 24-hour awake supervision, custody,
11 care, and treatment of residents. Youth assessed and
12 classified for placement in programs at in this commitment
13 restrictiveness level represent a moderate risk to public
14 safety and. ~~Programs are designed for children who require~~
15 ~~close supervision but do not need placement in facilities that~~
16 ~~are physically secure. Programs in the moderate-risk~~
17 ~~residential restrictiveness level provide 24-hour awake~~
18 ~~supervision, custody, care, and treatment. Upon specific~~
19 ~~appropriation, a facility at this restrictiveness level may~~
20 ~~have a security fence around the perimeter of the grounds of~~
21 ~~the facility and may be hardware-secure or staff-secure. The~~
22 ~~staff at a facility at this commitment restrictiveness level~~
23 ~~may seclude a child who is a physical threat to himself or~~
24 ~~herself or others. Mechanical restraint may also be used when~~
25 ~~necessary. Programs or program models in this restrictiveness~~
26 ~~level include: halfway houses, START Centers, the Dade~~
27 ~~Intensive Control Program, licensed substance abuse~~
28 ~~residential programs, and moderate-term wilderness programs~~
29 ~~designed for committed delinquent youth that are operated or~~
30 ~~contracted by the Department of Juvenile Justice. Section~~
31 ~~985.3141 applies to children placed in programs in this~~

1 ~~restrictiveness level.~~
2 (c)(d) High-risk residential.--Programs or program
3 models at this commitment level are residential and shall not
4 allow youth to have access to the community. Facilities are
5 hardware-secure with perimeter fencing and locking doors.
6 Facilities shall provide 24-hour awake supervision, custody,
7 care, and treatment of residents. Youth assessed and
8 classified for this level of placement require close
9 supervision in a structured residential setting ~~that provides~~
10 ~~24-hour-per-day secure custody, care, and supervision.~~
11 Placement in programs at in this level is prompted by a
12 concern for public safety that outweighs placement in programs
13 at lower restrictiveness levels. The staff at a facility at
14 this commitment level may seclude a child who is a physical
15 threat to himself or herself or others. Mechanical restraint
16 may also be used when necessary. The facility may provide for
17 single cell occupancy.~~Programs or program models in this~~
18 ~~level are staff-secure or physically secure residential~~
19 ~~commitment facilities and include: training schools, intensive~~
20 ~~halfway houses, residential sex offender programs, long-term~~
21 ~~wilderness programs designed exclusively for committed~~
22 ~~delinquent youth, boot camps, secure halfway house programs,~~
23 ~~and the Broward Control Treatment Center. Section 985.3141~~
24 ~~applies to children placed in programs in this restrictiveness~~
25 ~~level.~~
26 (d)(e) Maximum-risk residential Juvenile correctional
27 facilities or juvenile prison.--Programs or program models at
28 this commitment level include juvenile correctional facilities
29 and juvenile prisons. The programs are long-term residential
30 and shall not allow youth to have access to the community.
31 Facilities are maximum-custody hardware-secure with perimeter

1 security fencing and locking doors. Facilities shall provide
2 24-hour awake supervision, custody, care, and treatment of
3 residents. The staff at a facility at this commitment level
4 may seclude a child who is a physical threat to himself or
5 herself or others. Mechanical restraint may also be used when
6 necessary. The facility shall provide for single cell
7 occupancy, except that youth may be housed together during
8 prerelease transition. Youth assessed and classified for this
9 level of placement require close supervision in a maximum
10 security residential setting ~~that provides 24-hour-per-day~~
11 ~~secure custody, care, and supervision.~~ Placement in a program
12 ~~at in~~ this level is prompted by a demonstrated need to protect
13 the public. ~~Programs or program models in this level are~~
14 ~~maximum-secure-custody, long-term residential commitment~~
15 ~~facilities that are intended to provide a moderate overlay of~~
16 ~~educational, vocational, and behavioral modification services~~
17 ~~and other maximum-security program models authorized by the~~
18 ~~Legislature and established by rule. Section 985.3141 applies~~
19 ~~to children placed in programs in this restrictiveness level.~~

20 ~~(46)(48)~~ "Secure detention center or facility" means a
21 physically restricting facility for the temporary care of
22 children, pending adjudication, disposition, or placement.

23 ~~(47)(49)~~ "Serious or habitual juvenile offender," for
24 purposes of commitment to a residential facility and for
25 purposes of records retention, means a child who has been
26 found to have committed a delinquent act or a violation of
27 law, in the case currently before the court, and who meets at
28 least one of the following criteria:

29 (a) The youth is at least 13 years of age at the time
30 of the disposition for the current offense and has been
31 adjudicated on the current offense for:

- 1 1. Arson;
- 2 2. Sexual battery;
- 3 3. Robbery;
- 4 4. Kidnapping;
- 5 5. Aggravated child abuse;
- 6 6. Aggravated assault;
- 7 7. Aggravated stalking;
- 8 8. Murder;
- 9 9. Manslaughter;
- 10 10. Unlawful throwing, placing, or discharging of a
11 destructive device or bomb;
- 12 11. Armed burglary;
- 13 12. Aggravated battery;
- 14 13. Any lewd or lascivious offense committed upon or
15 in the presence of a person less than 16 years of age; or
- 16 14. Carrying, displaying, using, threatening, or
17 attempting to use a weapon or firearm during the commission of
18 a felony.
- 19 (b) 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 at least two times to a
22 delinquency commitment program.
- 23 (c) 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 ~~(48)(50)~~ "Serious or habitual juvenile offender
27 program" means the program established in s. 985.31.
- 28 ~~(49)(51)~~ "Shelter" means a place for the temporary
29 care of a child who is alleged to be or who has been found to
30 be delinquent.
- 31 ~~(50)(52)~~ "Shelter hearing" means a hearing provided

1 for under s. 984.14 in family-in-need-of-services cases or
2 child-in-need-of-services cases.

3 ~~(51)~~~~(53)~~ "Staff-secure shelter" means a facility in
4 which a child is supervised 24 hours a day by staff members
5 who are awake while on duty. The facility is for the temporary
6 care and assessment of a child who has been found to be
7 dependent, who has violated a court order and been found in
8 contempt of court, or whom the Department of Children and
9 Family Services is unable to properly assess or place for
10 assistance within the continuum of services provided for
11 dependent children.

12 ~~(52)~~~~(54)~~ "Substance abuse" means using, without
13 medical reason, any psychoactive or mood-altering drug,
14 including alcohol, in such a manner as to induce impairment
15 resulting in dysfunctional social behavior.

16 ~~(53)~~~~(55)~~ "Taken into custody" means the status of a
17 child immediately when temporary physical control over the
18 child is attained by a person authorized by law, pending the
19 child's release, detention, placement, or other disposition as
20 authorized by law.

21 ~~(54)~~~~(56)~~ "Temporary legal custody" means the
22 relationship that a juvenile court creates between a child and
23 an adult relative of the child, adult nonrelative approved by
24 the court, or other person until a more permanent arrangement
25 is ordered. Temporary legal custody confers upon the custodian
26 the right to have temporary physical custody of the child and
27 the right and duty to protect, train, and discipline the child
28 and to provide the child with food, shelter, and education,
29 and ordinary medical, dental, psychiatric, and psychological
30 care, unless these rights and duties are otherwise enlarged or
31 limited by the court order establishing the temporary legal

1 custody relationship.

2 (55)~~(57)~~ "Temporary release" means the terms and
3 conditions under which a child is temporarily released from a
4 commitment facility or allowed home visits. If the temporary
5 release is from a moderate-risk residential facility, a
6 high-risk residential facility, or a maximum-risk residential
7 facility, the terms and conditions of the temporary release
8 must be approved by the child, the court, and the facility.
9 The term includes periods during which the child is supervised
10 pursuant to a conditional release ~~reentry program or an~~
11 ~~aftercare~~ program or a period during which the child is
12 supervised by a juvenile probation officer or other
13 nonresidential staff of the department or staff employed by an
14 entity under contract with the department. A child placed in a
15 postcommitment supervision program by order of the court is
16 not considered to be on temporary release and is not subject
17 to the terms and conditions of temporary release.

18 (56)~~(58)~~ "Training school" means one of the following
19 facilities: the Arthur G. Dozier School or the Eckerd Youth
20 Development Center.

21 (57)~~(59)~~ "Violation of law" or "delinquent act" means
22 a violation of any law of this state, the United States, or
23 any other state which is a misdemeanor or a felony or a
24 violation of a county or municipal ordinance which would be
25 punishable by incarceration if the violation were committed by
26 an adult.

27 (58)~~(60)~~ "Waiver hearing" means a hearing provided for
28 under s. 985.226(3).

29 Section 19. Paragraph (a) of subsection (3) and
30 paragraph (a) of subsection (4) of section 985.04, Florida
31 Statutes, are amended to read:

1 985.04 Oaths; records; confidential information.--
2 (3)(a) Except as provided in subsections (2), (4),
3 (5), and (6), and s. 943.053, all information obtained under
4 this part in the discharge of official duty by any judge, any
5 employee of the court, any authorized agent of the Department
6 of Juvenile Justice, the Parole Commission, the Juvenile
7 Justice Advisory ~~Accountability~~ Board, the Department of
8 Corrections, the ~~district~~ juvenile justice circuit boards, any
9 law enforcement agent, or any licensed professional or
10 licensed community agency representative participating in the
11 assessment or treatment of a juvenile is confidential and may
12 be disclosed only to the authorized personnel of the court,
13 the Department of Juvenile Justice and its designees, the
14 Department of Corrections, the Parole Commission, the Juvenile
15 Justice Advisory ~~Accountability~~ Board, law enforcement agents,
16 school superintendents and their designees, any licensed
17 professional or licensed community agency representative
18 participating in the assessment or treatment of a juvenile,
19 and others entitled under this chapter to receive that
20 information, or upon order of the court. Within each county,
21 the sheriff, the chiefs of police, the district school
22 superintendent, and the department shall enter into an
23 interagency agreement for the purpose of sharing information
24 about juvenile offenders among all parties. The agreement must
25 specify the conditions under which summary criminal history
26 information is to be made available to appropriate school
27 personnel, and the conditions under which school records are
28 to be made available to appropriate department personnel. Such
29 agreement shall require notification to any classroom teacher
30 of assignment to the teacher's classroom of a juvenile who has
31 been placed in a probation ~~community control~~ or commitment

1 program for a felony offense. The agencies entering into such
2 agreement must comply with s. 943.0525, and must maintain the
3 confidentiality of information that is otherwise exempt from
4 s. 119.07(1), as provided by law.

5 (4)(a) Records in the custody of the Department of
6 Juvenile Justice regarding children are not open to inspection
7 by the public. Such records may be inspected only upon order
8 of the Secretary of Juvenile Justice or his or her authorized
9 agent by persons who have sufficient reason and upon such
10 conditions for their use and disposition as the secretary or
11 his or her authorized agent deems proper. The information in
12 such records may be disclosed only to other employees of the
13 Department of Juvenile Justice who have a need therefor in
14 order to perform their official duty; to other persons as
15 authorized by rule of the Department of Juvenile Justice; and,
16 upon request, to the Juvenile Justice Advisory ~~Accountability~~
17 Board and the Department of Corrections. The secretary or his
18 or her authorized agent may permit properly qualified persons
19 to inspect and make abstracts from records for statistical
20 purposes under whatever conditions upon their use and
21 disposition the secretary or his or her authorized agent deems
22 proper, provided adequate assurances are given that children's
23 names and other identifying information will not be disclosed
24 by the applicant.

25 Section 20. Subsection (2) of section 985.06, Florida
26 Statutes, is amended to read:

27 985.06 Statewide information-sharing system;
28 interagency workgroup.--

29 (2) The interagency workgroup shall be coordinated
30 through the Department of Education and shall include
31 representatives from the state agencies specified in

1 subsection (1), school superintendents, school district
2 information system directors, principals, teachers, juvenile
3 court judges, police chiefs, county sheriffs, clerks of the
4 circuit court, the Department of Children and Family Services,
5 providers of juvenile services including a provider from a
6 juvenile substance abuse program, and circuit district
7 juvenile justice managers.

8 Section 21. Section 985.2066, Florida Statutes, is
9 amended to read:

10 985.2066 Children locked out of the home; interagency
11 cooperation.--The Department of Juvenile Justice and the
12 Department of Children and Family Services shall encourage
13 interagency cooperation within each circuit district and shall
14 develop comprehensive agreements between the staff and
15 providers for each department in order to coordinate the
16 services provided to children who are locked out of the home
17 and the families of those children.

18 Section 22. Paragraph (d) of subsection (1) of section
19 985.207, Florida Statutes, is amended to read:

20 985.207 Taking a child into custody.--

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

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

28

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

1 Section 23. Paragraph (a) of subsection (1) of section
2 985.21, Florida Statutes, is amended to read:

3 985.21 Intake and case management.--

4 (1)(a) During the intake process, the juvenile
5 probation officer shall screen each child or shall cause each
6 child to be screened in order to determine:

7 1. Appropriateness for release, referral to a
8 diversionary program including, but not limited to, a
9 teen-court program, referral for community arbitration, or
10 referral to some other program or agency for the purpose of
11 nonofficial or nonjudicial handling.

12 2. The presence of medical, psychiatric,
13 psychological, substance abuse, educational, or vocational
14 problems, or other conditions that may have caused the child
15 to come to the attention of law enforcement or the Department
16 of Juvenile Justice. The child shall also be screened to
17 determine whether the child poses a danger to himself or
18 herself or others in the community. The results of this
19 screening shall be made available to the court and to court
20 officers.In cases where such conditions are identified, and a
21 nonjudicial handling of the case is chosen, the juvenile
22 probation officer shall attempt to refer the child to a
23 program or agency, together with all available and relevant
24 assessment information concerning the child's precipitating
25 condition.

26 3. The Department of Juvenile Justice shall develop an
27 intake and a case management system whereby a child brought
28 into intake is assigned a juvenile probation officer if the
29 child was not released, referred to a diversionary program,
30 referred for community arbitration, or referred to some other
31 program or agency for the purpose of nonofficial or

1 nonjudicial handling, and shall make every reasonable effort
2 to provide case management services for the child; provided,
3 however, that case management for children committed to
4 residential programs may be transferred as provided in s.
5 985.316.

6 4. In addition to duties specified in other sections
7 and through departmental rules, the assigned juvenile
8 probation officer shall be responsible for the following:

9 a. Ensuring that a risk assessment instrument
10 establishing the child's eligibility for detention has been
11 accurately completed and that the appropriate recommendation
12 was made to the court.

13 b. Inquiring as to whether the child understands his
14 or her rights to counsel and against self-incrimination.

15 c. Performing the preliminary screening and making
16 referrals for comprehensive assessment regarding the child's
17 need for substance abuse treatment services, mental health
18 services, retardation services, literacy services, or other
19 educational or treatment services.

20 d. Coordinating the multidisciplinary assessment when
21 required, which includes the classification and placement
22 process that determines the child's priority needs, risk
23 classification, and treatment plan. When sufficient evidence
24 exists to warrant a comprehensive assessment and the child
25 fails to voluntarily participate in the assessment efforts, it
26 is the responsibility of the juvenile probation officer to
27 inform the court of the need for the assessment and the
28 refusal of the child to participate in such assessment. This
29 assessment, classification, and placement process shall
30 develop into the predisposition report.

31 e. Making recommendations for services and

1 facilitating the delivery of those services to the child,
2 including any mental health services, educational services,
3 family counseling services, family assistance services, and
4 substance abuse services. The juvenile probation officer shall
5 serve as the primary case manager for the purpose of managing,
6 coordinating, and monitoring the services provided to the
7 child. Each program administrator within the Department of
8 Children and Family Services shall cooperate with the primary
9 case manager in carrying out the duties and responsibilities
10 described in this section.

11
12 The Department of Juvenile Justice shall annually advise the
13 Legislature and the Executive Office of the Governor of the
14 resources needed in order for the intake and case management
15 system to maintain a staff-to-client ratio that is consistent
16 with accepted standards and allows the necessary supervision
17 and services for each child. The intake process and case
18 management system shall provide a comprehensive approach to
19 assessing the child's needs, relative risks, and most
20 appropriate handling, and shall be based on an individualized
21 treatment plan.

22 Section 24. Paragraphs (a) and (h) of subsection (2),
23 and subsection (6) of section 985.215, Florida Statutes, are
24 amended, and present paragraph (d) of subsection (5) of said
25 section is redesignated as paragraph (e), and a new paragraph
26 (d) is added to that subsection to read:

27 985.215 Detention.--

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

1 (a) The child is alleged to be an escapee or an
2 absconder from a commitment program, a probation ~~community~~
3 ~~control~~ program, furlough, or conditional release ~~aftercare~~
4 supervision, or is alleged to have escaped while being
5 lawfully transported to or from such program or supervision.

6 (h) The child is alleged to have violated the
7 conditions of the child's probation ~~community control~~ or
8 conditional release ~~aftercare~~ supervision. However, a child
9 detained under this paragraph may be held only in a
10 consequence unit as provided in s. 985.231(1)(a)1.c. If a
11 consequence unit is not available, the child shall be placed
12 on home detention with electronic monitoring.

13
14 A child who meets any of these criteria and who is ordered to
15 be detained pursuant to this subsection shall be given a
16 hearing within 24 hours after being taken into custody. The
17 purpose of the detention hearing is to determine the existence
18 of probable cause that the child has committed the delinquent
19 act or violation of law with which he or she is charged and
20 the need for continued detention. Unless a child is detained
21 under paragraph (d) or paragraph (e), the court shall utilize
22 the results of the risk assessment performed by the juvenile
23 probation officer and, based on the criteria in this
24 subsection, shall determine the need for continued detention.
25 A child placed into secure, nonsecure, or home detention care
26 may continue to be so detained by the court pursuant to this
27 subsection. If the court orders a placement more restrictive
28 than indicated by the results of the risk assessment
29 instrument, the court shall state, in writing, clear and
30 convincing reasons for such placement. Except as provided in
31 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),

1 paragraph (10)(c), or paragraph (10)(d), when a child is
2 placed into secure or nonsecure detention care, or into a
3 respite home or other placement pursuant to a court order
4 following a hearing, the court order must include specific
5 instructions that direct the release of the child from such
6 placement no later than 5 p.m. on the last day of the
7 detention period specified in paragraph (5)(b) or paragraph
8 (5)(c), or subparagraph (10)(a)1., whichever is applicable,
9 unless the requirements of such applicable provision have been
10 met or an order of continuance has been granted pursuant to
11 paragraph (5)(d).

12 (5)

13 (d) A child who was not in secure detention at the
14 time of the adjudicatory hearing, but for whom residential
15 commitment is anticipated or recommended, may be placed under
16 a special detention order for a period not to exceed 72 hours,
17 excluding weekends and legal holidays, for the purpose of
18 conducting a comprehensive evaluation as provided in s.
19 985.229(1). Motions for the issuance of such special
20 detention order may be made subsequent to a finding of
21 delinquency. Upon said motion, the court shall conduct a
22 hearing to determine the appropriateness of such special
23 detention order and shall order the least restrictive level of
24 detention necessary to complete the comprehensive evaluation
25 process that is consistent with public safety. Such special
26 detention order may be extended for an additional 72 hours
27 upon further order of the court.

28 (6) When any child is placed into secure, nonsecure,
29 or home detention care or into other placement pursuant to a
30 court order following a detention hearing, the court shall
31 order the natural or adoptive parents of such child, including

1 the natural father of such child born out of wedlock who has
2 acknowledged his paternity in writing before the court, or the
3 guardian of such child's estate, if possessed of assets which
4 under law may be disbursed for the care, support, and
5 maintenance of the child, to pay to the Department of Juvenile
6 Justice, ~~or institution having custody of the child,~~ fees in
7 an amount of twenty dollars per day related to the ~~equal to~~
8 ~~the actual~~ cost of the care, support, and maintenance of the
9 child, as established by the Department of Juvenile Justice,
10 unless the court ~~determines~~ makes a finding on the record that
11 the parent or guardian of the child is indigent. At the time
12 of the detention hearing, the Department shall report to the
13 court, verbally or in writing, any available information
14 concerning the ability of the parent or guardian of the child
15 to pay such fee. As to each parent or guardian for whom the
16 court makes a finding of indigency, the ~~The~~ court may reduce
17 the fees or waive the fees upon a showing by the parent or
18 guardian of an inability to pay the fees specified herein ~~full~~
19 ~~cost of the care, support, and maintenance of the child.~~ If
20 the court makes a finding of indigency or inability to pay the
21 full cost of care, support, and maintenance of the child, the
22 court shall order the parent or guardian to pay to the
23 department a nominal subsistence fee on behalf of the child in
24 the amount of at least \$2.00 per day that the child is
25 detained outside the home or at least \$1.00 per day if the
26 child is otherwise detained, unless the court makes a finding
27 on the record that the parent or guardian would suffer a
28 significant hardship if obligated for such amount. In
29 addition, the court may reduce the fees or waive the fees as
30 to each parent or guardian if the court makes a finding on the
31 record ~~it finds~~ that the ~~child's~~ parent or guardian was the

1 victim of the ~~child's~~ delinquent act or violation of law for
2 which the child is detained and that the parent or guardian is
3 cooperating in the investigation of the offense. As to each
4 parent or guardian, the court may reduce the fees or waive the
5 fees ~~or~~ if the court makes a finding on the record ~~finds~~ that
6 the parent or guardian has made a diligent and good faith
7 effort to prevent the child from engaging in the delinquent
8 act or violation of law. The court must include specific
9 findings in the detention order as to what fees are ordered,
10 reduced, or waived. If the court fails to enter an order as
11 required by this subsection, it shall be presumed that the
12 court intended the parent or guardian to pay to the department
13 the fee of twenty dollars per day that the child remains in
14 detention care. With respect to a child who has been found to
15 have committed a delinquent act or violation of law, whether
16 or not adjudication is withheld, and whose parent or guardian
17 receives public assistance for any portion of that child's
18 care, the department must seek a federal waiver to garnish or
19 otherwise order the payments of the portion of the public
20 assistance relating to that child to offset the costs of
21 providing care, custody, maintenance, rehabilitation,
22 intervention, or corrective services to the child. When the
23 order affects the guardianship estate, a certified copy of the
24 order shall be delivered to the judge having jurisdiction of
25 the guardianship estate. The department may employ a
26 collection agency for the purpose of receiving, collecting,
27 and managing the payment of unpaid and delinquent fees. The
28 collection agency must be registered and in good standing
29 under chapter 559. The department may pay to the collection
30 agency a fee from the amount collected under the claim or may
31 authorize the agency to deduct the fee from the amount

1 collected. The department may also pay for collection
2 services from available authorized funds. The Department of
3 Juvenile Justice shall provide to the payor documentation of
4 any amounts paid by the payor to the Department of Juvenile
5 Justice on behalf of the child. All payments received by the
6 department pursuant to this subsection shall be deposited in
7 the state Grants and Donations Trust Fund. Neither the court
8 nor the department may extend the child's length of stay in
9 detention care solely for the purpose of collecting fees.

10 Section 25. Subsection (5) of section 985.216, Florida
11 Statutes, is amended to read:

12 985.216 Punishment for contempt of court; alternative
13 sanctions.--

14 (5) ALTERNATIVE SANCTIONS COORDINATOR.--There is
15 created the position of alternative sanctions coordinator
16 within each judicial circuit, pursuant to subsection (3). Each
17 alternative sanctions coordinator shall serve under the
18 direction of the chief administrative judge of the juvenile
19 division as directed by the chief judge of the circuit. The
20 alternative sanctions coordinator shall act as the liaison
21 between the judiciary, ~~and county juvenile justice councils,~~
22 ~~the~~ local department officials, district school board
23 employees, and local law enforcement agencies. The alternative
24 sanctions coordinator shall coordinate within the circuit
25 community-based alternative sanctions, including nonsecure
26 detention programs, community service projects, and other
27 juvenile sanctions, in conjunction with the circuit plan
28 implemented in accordance with s. 790.22(4)(c).

29 Section 26. Paragraph (c) of subsection (3) of section
30 985.226, Florida Statutes, is amended to read:

31 985.226 Criteria for waiver of juvenile court

1 jurisdiction; hearing on motion to transfer for prosecution as
2 an adult.--

3 (3) WAIVER HEARING.--

4 (c) The court shall conduct a hearing on all transfer
5 request motions for the purpose of determining whether a child
6 should be transferred. In making its determination, the court
7 shall consider:

8 1. The seriousness of the alleged offense to the
9 community and whether the protection of the community is best
10 served by transferring the child for adult sanctions.

11 2. Whether the alleged offense was committed in an
12 aggressive, violent, premeditated, or willful manner.

13 3. Whether the alleged offense was against persons or
14 against property, greater weight being given to offenses
15 against persons, especially if personal injury resulted.

16 4. The probable cause as found in the report,
17 affidavit, or complaint.

18 5. The desirability of trial and disposition of the
19 entire offense in one court when the child's associates in the
20 alleged crime are adults or children who are to be tried as
21 adults.

22 6. The sophistication and maturity of the child.

23 7. The record and previous history of the child,
24 including:

25 a. Previous contacts with the department, the
26 Department of Corrections, the former Department of Health and
27 Rehabilitative Services, the Department of Children and Family
28 Services, other law enforcement agencies, and courts;

29 b. Prior periods of probation ~~or community control~~;

30 c. Prior adjudications that the child committed a
31 delinquent act or violation of law, greater weight being given

1 if the child has previously been found by a court to have
2 committed a delinquent act or violation of law involving an
3 offense classified as a felony or has twice previously been
4 found to have committed a delinquent act or violation of law
5 involving an offense classified as a misdemeanor; and

6 d. Prior commitments to institutions.

7 8. The prospects for adequate protection of the public
8 and the likelihood of reasonable rehabilitation of the child,
9 if the child is found to have committed the alleged offense,
10 by the use of procedures, services, and facilities currently
11 available to the court.

12 Section 27. Paragraph (b) of subsection (2) and
13 subsection (4) of section 985.227, Florida Statutes, are
14 amended to read:

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

19 (2) MANDATORY DIRECT FILE.--

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

28 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state
29 attorney shall develop written policies and guidelines to
30 govern determinations for filing an information on a juvenile,
31 to be submitted to the Executive Office of the Governor, the

1 President of the Senate, the Speaker of the House of
2 Representatives, and the Juvenile Justice Advisory
3 ~~Accountability~~ Board not later than January 1 of each year.

4 Section 28. Subsection (4) of section 985.228, Florida
5 Statutes, is amended to read:

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

8 (4) If the court finds that the child named in the
9 petition has committed a delinquent act or violation of law,
10 it may, in its discretion, enter an order stating the facts
11 upon which its finding is based but withholding adjudication
12 of delinquency and placing the child in a probation ~~community~~
13 ~~control~~ program under the supervision of the department or
14 under the supervision of any other person or agency
15 specifically authorized and appointed by the court. The court
16 may, as a condition of the program, impose as a penalty
17 component restitution in money or in kind, community service,
18 a curfew, urine monitoring, revocation or suspension of the
19 driver's license of the child, or other nonresidential
20 punishment appropriate to the offense, and may impose as a
21 rehabilitative component a requirement of participation in
22 substance abuse treatment, or school or other educational
23 program attendance. If the court later finds that the child
24 has not complied with the rules, restrictions, or conditions
25 of the community-based program, the court may, after a hearing
26 to establish the lack of compliance, but without further
27 evidence of the state of delinquency, enter an adjudication of
28 delinquency and shall thereafter have full authority under
29 this chapter to deal with the child as adjudicated.

30 Section 29. Subsections (1) and (3) of section
31 985.229, Florida Statutes, are amended to read:

1 985.229 Predisposition report; other evaluations.--
2 (1) Upon a finding that the child has committed a
3 delinquent act ~~At the disposition hearing~~, the court may shall
4 order a predisposition report regarding the eligibility of the
5 child for disposition other than by adjudication and
6 commitment to the department or for disposition of
7 adjudication, commitment to the department, and, if
8 appropriate, assignment of a residential commitment level.
9 The predisposition report shall be the result of the
10 multidisciplinary assessment when such assessment is needed,
11 and of the classification and placement process, and it shall
12 indicate and report the child's priority needs,
13 recommendations as to a classification of risk for the child
14 in the context of his or her program and supervision needs,
15 and a plan for treatment that recommends the most appropriate
16 placement setting to meet the child's needs with the minimum
17 program security that reasonably ensures public safety. A
18 predisposition report shall be ordered for any child for whom
19 a residential commitment disposition is anticipated or
20 recommended by an officer of the court or by the department. A
21 comprehensive evaluation for physical health, mental health,
22 substance abuse, academic, educational, or vocational problems
23 shall be ordered for any child for whom a residential
24 commitment disposition is anticipated or recommended by an
25 officer of the court or by the department. If a comprehensive
26 evaluation is ordered, the predisposition report shall include
27 a summary of the comprehensive evaluation. The predisposition
28 report shall be submitted to the court upon completion of the
29 report but no later than 48 hours prior to the disposition
30 hearing. The predisposition report, but shall not be reviewed
31 by the court without the consent of the child and his or her

1 legal counsel until the child has been found to have committed
2 a delinquent act.

3 (3) The predisposition report, together with all other
4 reports and evaluations used by the department in preparing
5 the predisposition report, shall be made available to the
6 child, the child's parents or legal guardian, the child's
7 legal counsel, and the state attorney upon completion of the
8 report and at a reasonable time prior to the disposition
9 hearing.

10 Section 30. Subsection (2), paragraph (d) of
11 subsection (3), and subsection (4) and subsection (5) of
12 section 985.23, Florida Statutes, are amended to read:

13 985.23 Disposition hearings in delinquency
14 cases.--When a child has been found to have committed a
15 delinquent act, the following procedures shall be applicable
16 to the disposition of the case:

17 (2) The first determination to be made by the court is
18 a determination of the suitability or nonsuitability for
19 adjudication and commitment of the child to the department.
20 This determination shall include consideration of the
21 recommendations of the department, which may include a
22 predisposition report. ~~be based upon~~ The predisposition report
23 ~~which~~ shall include, whether as part of the child's
24 multidisciplinary assessment, classification, and placement
25 process components or separately, evaluation of the following
26 criteria:

27 (a) The seriousness of the offense to the community.
28 If the court determines that the child was a member of a
29 criminal street gang at the time of the commission of the
30 offense, which determination shall be made pursuant to chapter
31 874, the seriousness of the offense to the community shall be

1 given great weight.

2 (b) Whether the protection of the community requires
3 adjudication and commitment to the department.

4 (c) Whether the offense was committed in an
5 aggressive, violent, premeditated, or willful manner.

6 (d) Whether the offense was against persons or against
7 property, greater weight being given to offenses against
8 persons, especially if personal injury resulted.

9 (e) The sophistication and maturity of the child.

10 (f) The record and previous criminal history of the
11 child, including without limitations:

12 1. Previous contacts with the department, the former
13 Department of Health and Rehabilitative Services, the
14 Department of Children and Family Services, the Department of
15 Corrections, other law enforcement agencies, and courts;

16 2. Prior periods of probation ~~or community control~~;

17 3. Prior adjudications of delinquency; and

18 4. Prior commitments to institutions.

19 (g) The prospects for adequate protection of the
20 public and the likelihood of reasonable rehabilitation of the
21 child if committed to a community services program or
22 facility.

23 (h) The child's educational status, including, but not
24 limited to, the child's strengths, abilities, and unmet and
25 special educational needs. The report shall identify
26 appropriate educational and vocational goals for the child.

27 Examples of appropriate goals include:

28 1. Attainment of a high school diploma or its
29 equivalent.

30 2. Successful completion of literacy course(s).

31 3. Successful completion of vocational course(s).

1 4. Successful attendance and completion of the child's
2 current grade if enrolled in school.

3 5. Enrollment in an apprenticeship or a similar
4 program.

5
6 At the time of disposition, the court may make recommendations
7 to the department as to specific treatment approaches to be
8 employed.

9 (3)

10 (d) The court may also require that the child be
11 placed in a probation ~~community control~~ program following the
12 child's discharge from commitment. Community-based sanctions
13 pursuant to subsection (4) may be imposed by the court at the
14 disposition hearing or at any time prior to the child's
15 release from commitment.

16 (4) If the court determines not to adjudicate and
17 commit to the department, then the court shall determine what
18 community-based sanctions it will impose in a probation
19 ~~community control~~ program for the child. Community-based
20 sanctions may include, but are not limited to, participation
21 in substance abuse treatment, a day-treatment probation
22 program, restitution in money or in kind, a curfew, revocation
23 or suspension of the driver's license of the child, community
24 service, and appropriate educational programs as determined by
25 the district school board.

26 (5) After appropriate sanctions for the offense are
27 determined, the court shall develop, approve, and order a plan
28 of probation ~~community control~~ which will contain rules,
29 requirements, conditions, and rehabilitative programs,
30 including the option of a day-treatment probation program,
31 which ~~that~~ are designed to encourage responsible and

1 acceptable behavior and to promote both the rehabilitation of
2 the child and the protection of the community.

3 Section 31. Paragraphs (a), (b), (d), (g), and (h) of
4 subsection (1) and subsection (2) of section 985.231, Florida
5 Statutes, are amended to read:

6 985.231 Powers of disposition in delinquency cases.--

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

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

1 to submit to random testing for the purpose of detecting and
2 monitoring the use of alcohol or controlled substances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (b) When any child is adjudicated by the court to have
25 committed a delinquent act and temporary legal custody of the
26 child has been placed with a licensed child-caring agency or
27 the Department of Juvenile Justice, the court shall order the
28 natural or adoptive parents of such child, including the
29 natural father of such child born out of wedlock who has
30 acknowledged his paternity in writing before the court, or the
31 guardian of such child's estate, if possessed of assets that

1 under law may be disbursed for the care, support, and
2 maintenance of the child, to pay fees to the Department in the
3 amount not to exceed to the licensed child-caring agency or
4 the Department of Juvenile Justice equal to the actual cost of
5 the care, support, and maintenance of the child in the
6 recommended residential commitment level, unless the court
7 ~~determines~~ makes a finding on the record that the parent or
8 guardian of the child is indigent. No later than the
9 disposition hearing, the Department shall provide the court
10 with information concerning the actual cost of care, support,
11 and maintenance of the child in the recommended residential
12 commitment level and concerning the ability of the parent or
13 guardian of the child to pay any fees. As to each parent or
14 guardian for whom the court makes a finding of indigency, the
15 ~~The~~ court may reduce the fees or waive the fees upon a showing
16 by the parent or guardian of an inability to pay the full cost
17 of the care, support, and maintenance of the child. If the
18 court makes a finding of indigency or inability to pay the
19 full cost of care, support, and maintenance of the child, the
20 court shall order the parent or guardian to pay to the
21 department a nominal subsistence fee on behalf of the child in
22 the amount of at least \$2.00 per day that the child is placed
23 outside the home or at least \$1.00 per day if the child is
24 otherwise placed, unless the court makes a finding on the
25 record that the parent or guardian would suffer a significant
26 hardship if obligated for such amount. In addition, the court
27 may reduce the fees or waive the fees as to each parent or
28 guardian if the court makes a finding on the record it finds
29 that the ~~child's~~ parent or guardian was the victim of the
30 ~~child's~~ delinquent act or violation of law for which the child
31 is subject to placement under this section and that the parent

1 or guardian has cooperated in the investigation and
2 prosecution of the offense. As to each parent or guardian,
3 the court may reduce the fees or waive the fees or if the
4 court makes a finding on the record finds that the parent or
5 guardian has made a diligent and good faith effort to prevent
6 the child from engaging in the delinquent act or violation of
7 law. All orders committing a child to a residential commitment
8 program shall include specific findings as to what fees are
9 ordered, reduced, or waived. If the court fails to enter an
10 order as required by this paragraph, it shall be presumed that
11 the court intended the parent or guardian to pay fees to the
12 department in an amount not to exceed the actual cost of the
13 care, support, and maintenance of the child. With regard to a
14 child who reaches the age of 18 prior to the disposition
15 hearing, the court may elect to direct an order required by
16 this paragraph to such child, rather than the parent or
17 guardian. With regard to a child who reaches the age of 18
18 while in the custody of the department, the court may, upon
19 proper motion of any party, hold a hearing as to whether any
20 party should be further obligated respecting the payment of
21 fees. The department may employ a collection agency for the
22 purpose of receiving, collecting, and managing the payment of
23 unpaid and delinquent fees. The collection agency must be
24 registered and in good standing under chapter 559. The
25 department may pay to the collection agency a fee from the
26 amount collected under the claim or may authorize the agency
27 to deduct the fee from the amount collected. The department
28 may also pay for collection services from available authorized
29 funds. The Department of Juvenile Justice shall provide to
30 the payor documentation of any amounts paid by the payor to
31 the Department of Juvenile Justice on behalf of the child.

1 All payments received by the department pursuant to this
2 subsection shall be deposited in the state Grants and
3 Donations Trust Fund. Neither the court nor the department
4 may extend the child's length of stay in placement care solely
5 for the purpose of collecting fees.

6 (d) Any commitment of a delinquent child to the
7 Department of Juvenile Justice must be for an indeterminate
8 period of time, which may include periods of temporary
9 release, but the time may not exceed the maximum term of
10 imprisonment that an adult may serve for the same offense. The
11 duration of the child's placement in a residential commitment
12 program of any level shall be based on objective
13 performance-based treatment planning. The child's treatment
14 plan progress and adjustment-related issues shall be reported
15 to the court each month. The child's length of stay in a
16 residential commitment program may be extended if the child
17 fails to comply with or participate in treatment activities.
18 The child's length of stay in such program shall not be
19 extended for purposes of sanction or punishment. Any temporary
20 release from such program ~~for a period greater than 3 days~~
21 must be approved by the court. Any child so committed may be
22 discharged from institutional confinement or a program upon
23 the direction of the department with the concurrence of the
24 court. The child's treatment plan progress and
25 adjustment-related issues must be communicated to the court at
26 the time the department requests the court to consider
27 releasing the child from the residential commitment program.
28 Notwithstanding s. 743.07 and this subsection, and except as
29 provided in s. 985.31, a child may not be held under a
30 commitment from a court pursuant to this section after
31 becoming 21 years of age. The department shall give the court

1 that committed the child to the department reasonable notice,
2 in writing, of its desire to discharge the child from a
3 commitment facility. The court that committed the child may
4 thereafter accept or reject the request. If the court does not
5 respond within 10 days after receipt of the notice, the
6 request of the department shall be deemed granted. This
7 section does not limit the department's authority to revoke a
8 child's temporary release status and return the child to a
9 commitment facility for any violation of the terms and
10 conditions of the temporary release.

11 (g) Whenever a child is required by the court to
12 participate in any work program under this part or whenever a
13 child volunteers to work in a specified state, county,
14 municipal, or community service organization supervised work
15 program or to work for the victim, either as an alternative to
16 monetary restitution or as a part of the rehabilitative or
17 probation ~~community control~~ program, the child is an employee
18 of the state for the purposes of liability. In determining the
19 child's average weekly wage unless otherwise determined by a
20 specific funding program, all remuneration received from the
21 employer is 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 (h) The court may, upon motion of the child or upon
27 its own motion, within 60 days after imposition of a
28 disposition of commitment, suspend the further execution of
29 the disposition and place the child ~~on probation~~ in a
30 probation ~~community control~~ program upon such terms and
31 conditions as the court may require. The department shall

1 forward to the court all relevant material on the child's
2 progress while in custody not later than 3 working days prior
3 to the hearing on the motion to suspend the disposition.

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

15 Section 32. Subsection (1) and paragraphs (b), (c),
16 and (d) of subsection (4) of section 985.233, Florida
17 Statutes, are amended to read:

18 985.233 Sentencing powers; procedures; alternatives
19 for juveniles prosecuted as adults.--

20 (1) POWERS OF DISPOSITION.--

21 (a) A child who is found to have committed a violation
22 of law may, as an alternative to adult dispositions, be
23 committed to the department for treatment in an appropriate
24 program for children outside the adult correctional system or
25 be placed on juvenile probation ~~in a community control program~~
26 ~~for juveniles.~~

27 (b) In determining whether to impose juvenile
28 sanctions instead of adult sanctions, the court shall consider
29 the following criteria:

30 1. The seriousness of the offense to the community and
31 whether the community would best be protected by juvenile or

1 adult sanctions.

2 2. Whether the offense was committed in an aggressive,
3 violent, premeditated, or willful manner.

4 3. Whether the offense was against persons or against
5 property, with greater weight being given to offenses against
6 persons, especially if personal injury resulted.

7 4. The sophistication and maturity of the offender.

8 5. The record and previous history of the offender,
9 including:

10 a. Previous contacts with the Department of
11 Corrections, the Department of Juvenile Justice, the former
12 Department of Health and Rehabilitative Services, the
13 Department of Children and Family Services, law enforcement
14 agencies, and the courts.

15 b. Prior periods of probation ~~or community control~~.

16 c. Prior adjudications that the offender committed a
17 delinquent act or violation of law as a child.

18 d. Prior commitments to the Department of Juvenile
19 Justice, the former Department of Health and Rehabilitative
20 Services, the Department of Children and Family Services, or
21 other facilities or institutions.

22 6. The prospects for adequate protection of the public
23 and the likelihood of deterrence and reasonable rehabilitation
24 of the offender if assigned to services and facilities of the
25 Department of Juvenile Justice.

26 7. Whether the Department of Juvenile Justice has
27 appropriate programs, facilities, and services immediately
28 available.

29 8. Whether adult sanctions would provide more
30 appropriate punishment and deterrence to further violations of
31 law than the imposition of juvenile sanctions.

1 (4) SENTENCING ALTERNATIVES.--

2 (b) Sentencing to juvenile sanctions.--In order to use
3 this paragraph, the court shall stay adjudication of guilt and
4 instead shall adjudge the child to have committed a delinquent
5 act. Adjudication of delinquency shall not be deemed a
6 conviction, nor shall it operate to impose any of the civil
7 disabilities ordinarily resulting from a conviction. The court
8 shall impose an adult sanction or a juvenile sanction and may
9 not sentence the child to a combination of adult and juvenile
10 punishments. An adult sanction or a juvenile sanction may
11 include enforcement of an order of restitution or probation
12 ~~community control~~ previously ordered in any juvenile
13 proceeding. However, if the court imposes a juvenile sanction
14 and the department determines that the sanction is unsuitable
15 for the child, the department shall return custody of the
16 child to the sentencing court for further proceedings,
17 including the imposition of adult sanctions. Upon adjudicating
18 a child delinquent under subsection (1), the court may:

19 1. Place the child in a probation ~~community control~~
20 program under the supervision of the department for an
21 indeterminate period of time until the child reaches the age
22 of 19 years or sooner if discharged by order of the court.

23 2. Commit the child to the department for treatment in
24 an appropriate program for children for an indeterminate
25 period of time until the child is 21 or sooner if discharged
26 by the department. The department shall notify the court of
27 its intent to discharge no later than 14 days prior to
28 discharge. Failure of the court to timely respond to the
29 department's notice shall be considered approval for
30 discharge.

31 3. Order disposition pursuant to s. 985.231 as an

1 alternative to youthful offender or adult sentencing if the
2 court determines not to impose youthful offender or adult
3 sanctions.

4 (c) Imposition of adult sanctions upon failure of
5 juvenile sanctions.--If a child proves not to be suitable in a
6 juvenile probation to a community control program or for a
7 treatment program under the provisions of subparagraph (b)2.,
8 the court may revoke the previous adjudication, impose an
9 adjudication of guilt, classify the child as a youthful
10 offender when appropriate, and impose any sentence which it
11 may lawfully impose, giving credit for all time spent by the
12 child in the department.

13 (d) Recoupment of cost of care in juvenile justice
14 facilities.--When the court orders commitment of a child to
15 the Department of Juvenile Justice for treatment in any of the
16 department's programs for children, the court shall order the
17 natural or adoptive parents of such child, including the
18 natural father of such child born out of wedlock who has
19 acknowledged his paternity in writing before the court, or
20 guardian of such child's estate, if possessed of assets which
21 under law may be disbursed for the care, support, and
22 maintenance of the child, to pay fees in the amount not to
23 exceed to the department equal to the actual cost of the care,
24 support, and maintenance of the child, unless the court
25 determines makes a finding on the record that the parent or
26 legal guardian of the child is indigent. Prior to commitment,
27 the department shall provide the court with information
28 concerning the actual cost of care in the recommended
29 residential commitment level and concerning the ability of the
30 parent or guardian of the child to pay specified fees. As to
31 each parent or guardian for whom the court makes a finding of

1 indigency, the ~~The~~ court may reduce the fees or waive the fees
2 upon a showing by the parent or guardian of an inability to
3 pay the full cost of the care, support, and maintenance of the
4 child. If the court makes a finding of indigency or inability
5 to pay the full cost of care, support, and maintenance of the
6 child, the court shall order the parent or guardian to pay the
7 department a nominal subsistence fee on behalf of the child in
8 the amount of at least \$2.00 per day that the child is placed
9 outside the home or at least \$1.00 per day if the child is
10 otherwise placed, unless the court makes a finding on the
11 record that the parent or guardian would suffer a significant
12 hardship if obligated for such amount.In addition, the court
13 may reduce the fees or waive the fees as to each parent or
14 guardian if the court makes a finding on the record it finds
15 that the ~~child's~~ parent or guardian was the victim of the
16 ~~child's~~ delinquent act or violation of law for which the child
17 is subject to commitment under this section and that the
18 parent or guardian has cooperated in the investigation and
19 prosecution of the offense. As to each parent or guardian,
20 the court may reduce the fees or waive the fees or if the
21 court makes a finding on the record finds that the parent or
22 guardian has made a diligent and good faith effort to prevent
23 the child from engaging in the delinquent act or violation of
24 law. When the order affects the guardianship estate, a
25 certified copy of the order shall be delivered to the judge
26 having jurisdiction of the guardianship estate. All orders
27 committing a child to a residential commitment program shall
28 include specific findings as to what fees are ordered,
29 reduced, or waived. If the court fails to enter an order as
30 required by this paragraph, it shall be presumed that the
31 court intended the parent or guardian to pay fees to the

1 Department in an amount not to exceed the actual cost of the
2 care, support, and maintenance of the child. With regard to a
3 child who reaches the age of 18 prior to the disposition
4 hearing, the court may elect to direct an order required by
5 this paragraph to such child, rather than the parent or
6 guardian. With regard to a child who reaches the age of 18
7 while in the custody of the department, the court may, upon
8 proper motion of any party, hold a hearing as to whether any
9 party should be further obligated respecting the payment of
10 fees. The department may employ a collection agency for the
11 purpose of receiving, collecting, and managing the payment of
12 unpaid and delinquent fees. The collection agency must be
13 registered and in good standing under chapter 559. The
14 department may pay to the collection agency a fee from the
15 amount collected under the claim or may authorize the agency
16 to deduct the fee from the amount collected. The department
17 may also pay for collection services from available authorized
18 funds. The Department of Juvenile Justice shall provide to
19 the payor documentation of any amounts paid by the payor to
20 the Department of Juvenile Justice on behalf of the child.
21 All payments received by the department pursuant to this
22 subsection shall be deposited in the state Grants and
23 Donations Trust Fund. Neither the court nor the department
24 may extend the child's length of stay in commitment care
25 solely for the purpose of collecting fees.

26
27 It is the intent of the Legislature that the criteria and
28 guidelines in this subsection are mandatory and that a
29 determination of disposition under this subsection is subject
30 to the right of the child to appellate review under s.
31 985.234.

1 Section 33. Section 985.3045, F.S., is created to
2 read:

3 985.3045--(1) The Department's prevention service
4 program shall monitor all state-funded programs, grants,
5 appropriations, or activities that are designed to prevent
6 juvenile crime, delinquency, gang membership, or status
7 offense behaviors and all state-funded programs, grants,
8 appropriations, or activities that are designed to prevent a
9 child from becoming a "child in need of services," as defined
10 in chapter 984, in order to inform the Governor and the
11 Legislature concerning efforts designed to further the policy
12 of the state concerning Juvenile Justice and Delinquency
13 Prevention, consistent with s. 984.02 and s. 985.02.

14 (2) No later than January 31, 2001, the Prevention
15 Services program shall submit a report to the Governor, the
16 Speaker of the House, and the President of the Senate
17 concerning the implementation of a statewide multiagency plan
18 to coordinate the efforts of all state-funded programs,
19 grants, appropriations, or activities that are designed to
20 prevent juvenile crime, delinquency, gang membership, or
21 status offense behaviors and all state-funded programs,
22 grants, appropriations, or activities that are designed to
23 prevent a child from becoming a "child in need of services,"
24 as defined in chapter 984. The report shall include a
25 proposal for a statewide coordinated multiagency juvenile
26 delinquency prevention policy. In preparing the report, the
27 department shall coordinate with and receive input from each
28 state agency or entity that receives or uses state
29 appropriations to fund programs, grants, appropriations, or
30 activities that are designed to prevent juvenile crime,
31 delinquency, gang membership, status offense, or that are

1 designed to prevent a child from becoming a "child in need of
2 services," as defined in chapter 984. The report shall
3 identify whether legislation will be needed to effect a
4 statewide plan to coordinate the efforts of all state-funded
5 programs, grants, appropriations, or activities that are
6 designed to prevent juvenile crime, delinquency, gang
7 membership, or status offense behaviors and all state-funded
8 programs, grants, appropriations, or activities that are
9 designed to prevent a child from becoming a "child in need of
10 services," as defined in chapter 984. The report shall
11 consider the potential impact of requiring such state-funded
12 efforts to target at least one of the following strategies
13 designed to prevent youth from entering or reentering the
14 juvenile justice system and track the associated outcome data:

15 (a) Encouraging youth to attend school, which may
16 include special assistance and tutoring to address
17 deficiencies in academic performance; outcome data to reveal
18 the number of days youth attended school while participating
19 in the program.

20 (b) Engaging youth in productive and wholesome
21 activities during nonschool hours that build positive
22 character or instill positive values, or that enhance
23 educational experiences; outcome data to reveal the number of
24 youth who are arrested during nonschool hours while
25 participating in the program.

26 (c) Encouraging youth to avoid the use of violence;
27 outcome data to reveal the number of youth who are arrested
28 for crimes involving violence while participating in the
29 program.

30 (d) Assisting youth to acquire skills needed to find
31 meaningful employment, which may include assistance in finding

1 a suitable employer for the youth, outcome data to reveal the
2 number of youth who obtain and maintain employment for at
3 least 180 days.

4
5 The department is encouraged to identify additional strategies
6 which may be relevant to preventing youth from becoming
7 children-in-need-of-services and to preventing juvenile crime,
8 delinquency, gang membership and status offense behaviors.

9 The report shall consider the feasibility of developing
10 uniform performance measures and methodology for collecting
11 such outcome data to be utilized by all state-funded programs,
12 grants, appropriations, or activities that are designed to
13 prevent juvenile crime, delinquency, gang membership, or
14 status offense behaviors and all state-funded programs,
15 grants, appropriations, or activities that are designed to
16 prevent a child from becoming a "child in need of services,"
17 as defined in chapter 984. The Prevention Service program is
18 encouraged to identify other issues that may be of critical
19 importance to preventing a child from becoming a child in need
20 of services, as defined in chapter 984, or to preventing
21 juvenile crime, delinquency, gang membership, or status
22 offense behaviors.

23 (3) The department shall expend funds related to the
24 prevention of juvenile delinquency in a manner consistent with
25 the policies expressed in s. 984.02 and s. 985.02. The
26 department shall expend said funds in a manner that maximizes
27 public accountability and ensures the documentation of
28 outcomes.

29 (a) All entities that receive or use state monies to
30 fund juvenile delinquency prevention services through
31 contracts or grants with the department shall design the

1 programs providing such services to further one or more of the
2 strategies specified in subsection (2)(a) through subsection
3 (2)(d).

4 (b) The department shall develop an outcome measure
5 for each program strategy specified in subsection (2)(a)
6 through subsection (2)(d) that logically relates to the risk
7 factor addressed by the strategy.

8 (c) All entities that receive or use state monies to
9 fund the juvenile delinquency prevention services through
10 contracts or grants with the department shall, as a condition
11 of receipt of state funds, provide the department with
12 personal demographic information concerning all participants
13 in the service sufficient to allow the department to verify
14 criminal or delinquent history information, school attendance
15 or academic information, employment information, or other
16 requested performance information.

17 Section 34. Each state agency or entity that receives
18 or uses state appropriations to fund programs, grants,
19 appropriations, or activities that are designed to prevent
20 juvenile crime, delinquency, gang membership, status offense,
21 or that are designed to prevent a child from becoming a "child
22 in need of services," as defined in chapter 984 shall collect
23 data relative to the performance of such activities and shall
24 provide said data to the Governor, the President of the
25 Senate, and the Speaker of the House no later than January
26 31st of each year for the preceding fiscal year, beginning in
27 2002. Further, each state agency or entity that receives or
28 uses state appropriations to fund programs, grants,
29 appropriations, or activities that are designed to prevent
30 juvenile crime, delinquency, gang membership, status offense,
31 or that are designed to prevent a child from becoming a "child

1 in need of services," as defined in chapter 984, shall
2 cooperate with the Department of Juvenile Justice with regard
3 to the report described in s. 985.3045(2), Florida Statutes.

4 Section 35. Subsections (2) and (3) of section
5 985.305, Florida Statutes, are amended to read:

6 985.305 Early delinquency intervention program;
7 criteria.--

8 (2) The early delinquency intervention program shall
9 consist of intensive residential treatment in a secure
10 facility for 7 days to 6 weeks, followed by 6 to 9 months of
11 conditional release ~~aftercare~~. An early delinquency
12 intervention program facility shall be designed to accommodate
13 the placement of a maximum of 10 children, except that the
14 facility may accommodate up to 2 children in excess of that
15 maximum if the additional children have previously been
16 released from the residential portion of the program and are
17 later found to need additional residential treatment.

18 (3) A copy of the arrest report of any child 15 years
19 of age or younger who is taken into custody for committing a
20 delinquent act or any violation of law shall be forwarded to
21 the local operating circuit ~~service district~~ office of the
22 Department of Juvenile Justice. Upon receiving the second
23 arrest report of any such child from the judicial circuit in
24 which the program is located, the Department of Juvenile
25 Justice shall initiate an intensive review of the child's
26 social and educational history to determine the likelihood of
27 further significant delinquent behavior. In making this
28 determination, the Department of Juvenile Justice shall
29 consider, without limitation, the following factors:

30 (a) Any prior allegation that the child is dependent
31 or a child in need of services.

1 (b) The physical, emotional, and intellectual status
2 and developmental level of the child.

3 (c) The child's academic history, including school
4 attendance, school achievements, grade level, and involvement
5 in school-sponsored activities.

6 (d) The nature and quality of the child's peer group
7 relationships.

8 (e) The child's history of substance abuse or
9 behavioral problems.

10 (f) The child's family status, including the
11 capability of the child's family members to participate in a
12 family-centered intervention program.

13 (g) The child's family history of substance abuse or
14 criminal activity.

15 (h) The supervision that is available in the child's
16 home.

17 (i) The nature of the relationship between the parents
18 and the child and any siblings and the child.

19 Section 36. Subsections (5), (7), and (14) of section
20 985.308, Florida Statutes, are amended to read:

21 985.308 Juvenile sexual offender commitment programs;
22 sexual abuse intervention networks.--

23 (5) Based on assessed need for conditional release,
24 the department shall provide an intensive conditional release
25 aftercare component for monitoring and assisting the
26 transition of a juvenile sexual offender into the community
27 with terms and conditions that ~~which~~ may include electronic
28 monitoring of the juvenile sexual offender.

29 (7) The department may contract with private
30 organizations for the operation of a juvenile sexual offender
31 program and conditional release ~~aftercare~~.

1 (14) Subject to specific appropriation, availability
2 of funds, or receipt of appropriate grant funds, the Office of
3 the Attorney General, the Department of Children and Family
4 Services, the Department of Juvenile Justice, or local
5 juvenile justice councils shall award grants to sexual abuse
6 intervention networks that apply for such grants. The grants
7 may be used for training, treatment, conditional release
8 ~~aftercare~~, evaluation, public awareness, and other specified
9 community needs that are identified by the network. A grant
10 shall be awarded based on the applicant's level of local
11 funding, level of collaboration, number of juvenile sexual
12 offenders to be served, number of victims to be served, and
13 level of unmet needs.

14 Section 37. Subsections (6) and (12) of section
15 985.309, Florida Statutes, are amended to read:

16 985.309 Boot camp for children.--

17 (6) A boot camp operated by the department, a county,
18 or a municipality must provide for the following minimum
19 periods of participation:

20 (a) A participant in a low-risk residential program
21 must spend at least 2 months in the boot camp component of the
22 program ~~and 2 months in aftercare~~. Conditional release
23 assessment and services shall be provided in accordance with
24 s. 985.316.

25 (b) A participant in a moderate-risk residential
26 program must spend at least 4 months in the boot camp
27 component of the program ~~and 4 months in aftercare~~.
28 Conditional release assessment and services shall be provided
29 in accordance with s. 985.316.

30

31 This subsection does not preclude the operation of a program

1 that requires the participants to spend more than 4 months in
2 the boot camp component of the program or that requires the
3 participants to complete two sequential programs of 4 months
4 each in the boot camp component of the program.

5 (12)(a) The department may contract with private
6 organizations for the operation of its boot camp program and
7 conditional release ~~aftercare~~.

8 (b) A county or municipality may contract with private
9 organizations for the operation of its boot camp program and
10 conditional release ~~aftercare~~.

11 Section 38. Subsection (2), paragraphs (e) and (j) of
12 subsection (3), and paragraph (a) of subsection (4) of section
13 985.31, Florida Statutes, are amended to read:

14 985.31 Serious or habitual juvenile offender.--

15 (2) SERIOUS OR HABITUAL JUVENILE OFFENDER PROGRAM.--

16 (a) There is created the serious or habitual juvenile
17 offender program. The program shall consist of at least
18 ~~combine 9 to 12 months of intensive secure residential~~
19 ~~treatment followed by a minimum of 9 months of aftercare.~~

20 Conditional release assessment and services shall be provided
21 in accordance with s. 985.316.The components of the program
22 shall include, but not be limited to:

23 1. Diagnostic evaluation services.

24 2. Appropriate treatment modalities, including
25 substance abuse intervention, mental health services, and
26 sexual behavior dysfunction interventions and gang-related
27 behavior interventions.

28 3. Prevocational and vocational services.

29 4. Job training, job placement, and
30 employability-skills training.

31 5. Case management services.

- 1 6. Educational services, including special education
2 and pre-GED literacy.
- 3 7. Self-sufficiency planning.
- 4 8. Independent living skills.
- 5 9. Parenting skills.
- 6 10. Recreational and leisure time activities.
- 7 11. Community involvement opportunities commencing,
8 where appropriate, with the direct and timely payment of
9 restitution to the victim.
- 10 12. Intensive conditional release supervision
11 aftercare.
- 12 13. Graduated reentry into the community.
- 13 14. A diversity of forms of individual and family
14 treatment appropriate to and consistent with the child's
15 needs.
- 16 15. Consistent and clear consequences for misconduct.
- 17 (b) The department is authorized to contract with
18 private companies to provide some or all of the components
19 indicated in paragraph (a).
- 20 (c) The department shall involve local law enforcement
21 agencies, the judiciary, school board personnel, the office of
22 the state attorney, the office of the public defender, and
23 community service agencies interested in or currently working
24 with juveniles, in planning and developing this program.
- 25 (d) The department is authorized to accept funds or
26 in-kind contributions from public or private sources to be
27 used for the purposes of this section.
- 28 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
29 TREATMENT.--
- 30 (e) After a child has been adjudicated delinquent
31 pursuant to s. 985.228, the court shall determine whether the

1 child meets the criteria for a serious or habitual juvenile
2 offender pursuant to s. 985.03(47)(49). If the court
3 determines that the child does not meet such criteria, the
4 provisions of s. 985.231(1) shall apply.

5 (j) The following provisions shall apply to children
6 in serious or habitual juvenile offender programs and
7 facilities:

8 1. A child shall begin participation in the
9 conditional release reentry component of the program based
10 upon a determination made by the treatment provider and
11 approved by the department.

12 2. A child shall begin participation in the community
13 supervision component of conditional release aftercare based
14 upon a determination made by the treatment provider and
15 approved by the department. The treatment provider shall give
16 written notice of the determination to the circuit court
17 having jurisdiction over the child. If the court does not
18 respond with a written objection within 10 days, the child
19 shall begin the conditional release aftercare component.

20 3. A child shall be discharged from the program based
21 upon a determination made by the treatment provider with the
22 approval of the department.

23 4. In situations where the department does not agree
24 with the decision of the treatment provider, a reassessment
25 shall be performed, and the department shall utilize the
26 reassessment determination to resolve the disagreement and
27 make a final decision.

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(47)~~(49)~~and shall
3 also include, but not be limited to, evaluation of the
4 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 39. Subsection (2), paragraphs (e) and (j) of
15 subsection (3), and paragraph (a) of subsection (4) of section
16 985.311, Florida Statutes, are amended to read:

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

19 (2) INTENSIVE RESIDENTIAL TREATMENT PROGRAM FOR
20 OFFENDERS LESS THAN 13 YEARS OF AGE.--

21 (a) There is created the intensive residential
22 treatment program for offenders less than 13 years of age.
23 The program shall consist of at least ~~combine 9 to 12~~ months
24 of intensive secure residential treatment ~~followed by a~~
25 ~~minimum of 9 months of aftercare.~~ Conditional release
26 assessment and services shall be provided in accordance with
27 s. 985.316.The components of the program shall include, but
28 not be limited to:

- 29 1. Diagnostic evaluation services.
- 30 2. Appropriate treatment modalities, including
31 substance abuse intervention, mental health services, and

1 sexual behavior dysfunction interventions and gang-related
2 behavior interventions.

3 3. Life skills.

4 4. Values clarification.

5 5. Case management services.

6 6. Educational services, including special and
7 remedial education.

8 7. Recreational and leisure time activities.

9 8. Community involvement opportunities commencing,
10 where appropriate, with the direct and timely payment of
11 restitution to the victim.

12 9. Intensive conditional release supervision
13 aftercare.

14 10. Graduated reentry into the community.

15 11. A diversity of forms of individual and family
16 treatment appropriate to and consistent with the child's
17 needs.

18 12. Consistent and clear consequences for misconduct.

19 (b) The department is authorized to contract with
20 private companies to provide some or all of the components
21 indicated in paragraph (a).

22 (c) The department shall involve local law enforcement
23 agencies, the judiciary, school board personnel, the office of
24 the state attorney, the office of the public defender, and
25 community service agencies interested in or currently working
26 with juveniles, in planning and developing this program.

27 (d) The department is authorized to accept funds or
28 in-kind contributions from public or private sources to be
29 used for the purposes of this section.

30 (e) The department shall establish quality assurance
31 standards to ensure the quality and substance of mental health

1 services provided to children with mental, nervous, or
2 emotional disorders who may be committed to intensive
3 residential treatment programs. The quality assurance
4 standards shall address the possession of credentials by the
5 mental health service providers.

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

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

15 (j) The following provisions shall apply to children
16 in an intensive residential treatment program for offenders
17 less than 13 years of age:

18 1. A child shall begin participation in the
19 conditional release reentry component of the program based
20 upon a determination made by the treatment provider and
21 approved by the department.

22 2. A child shall begin participation in the community
23 supervision component of conditional release aftercare based
24 upon a determination made by the treatment provider and
25 approved by the department. The treatment provider shall give
26 written notice of the determination to the circuit court
27 having jurisdiction over the child. If the court does not
28 respond with a written objection within 10 days, the child
29 shall begin the conditional release aftercare component.

30 3. A child shall be discharged from the program based
31 upon a determination made by the treatment provider with the

1 approval of the department.

2 4. In situations where the department does not agree
3 with the decision of the treatment provider, a reassessment
4 shall be performed, and the department shall utilize the
5 reassessment determination to resolve the disagreement and
6 make a final decision.

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

8 (a) Pursuant to the provisions of this section, the
9 department shall implement the comprehensive assessment
10 instrument for the treatment needs of children who are
11 eligible for an intensive residential treatment program for
12 offenders less than 13 years of age and for the assessment,
13 which assessment shall include the criteria under s.

14 985.03(7)(~~8~~) and shall also include, but not be limited to,
15 evaluation of the child's:

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

25 Section 40. Section 985.312, Florida Statutes, is
26 amended to read:

27 985.312 Intensive residential treatment programs for
28 offenders less than 13 years of age; prerequisite for
29 commitment.--No child who is eligible for commitment to an
30 intensive residential treatment program for offenders less
31 than 13 years of age as established in s. 985.03(7)(~~8~~), may be

1 committed to any intensive residential treatment program for
2 offenders less than 13 years of age as established in s.
3 985.311, unless such program has been established by the
4 department through existing resources or specific
5 appropriation, for such program.

6 Section 41. Subsection (2) of section 985.3141,
7 Florida Statutes, is amended to read:

8 985.3141 Escapes from secure detention or residential
9 commitment facility.--An escape from:

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

14 Section 42. Subsection (6) of section 985.315, Florida
15 Statutes, is amended to read:

16 985.315 Educational/technical and vocational
17 work-related programs.--

18 (6) The Juvenile Justice Advisory ~~Accountability~~ Board
19 shall conduct a study regarding the types of effective
20 juvenile vocational and work programs in operation across the
21 country, relevant research on what makes programs effective,
22 the key ingredients of effective juvenile vocational and work
23 programs, and the status of such programs in juvenile
24 facilities across the state. The board shall report its
25 findings and make recommendations on how to expand and improve
26 these programs no later than January 31, 2000, to the
27 President of the Senate, the Speaker of the House of
28 Representatives, and the Secretary of Juvenile Justice.

29 Section 43. Section 985.316, Florida Statutes, is
30 amended to read:

31 985.316 Conditional release ~~Aftercare~~.--

- 1 (1) The Legislature finds that:
- 2 (a) Conditional release ~~Aftercare~~ is the care,
- 3 treatment, help, and supervision provided juveniles released
- 4 from residential commitment programs to promote rehabilitation
- 5 and prevent recidivism.
- 6 (b) Conditional release ~~Aftercare~~ services can
- 7 contribute significantly to a successful transition of a
- 8 juvenile from a residential commitment to the juvenile's home,
- 9 school, and community. Therefore, the best efforts should be
- 10 made to provide for a successful transition.
- 11 (c) The purpose of conditional release ~~aftercare~~ is to
- 12 protect safety; reduce recidivism; increase responsible
- 13 productive behaviors; and provide for a successful transition
- 14 of care and custody of the youth from the state to the family.
- 15 (d) Accordingly, conditional release ~~aftercare~~ should
- 16 be included in the continuum of care.
- 17 (2) It is the intent of the Legislature that:
- 18 (a) Commitment programs include rehabilitative efforts
- 19 on preparing committed juveniles for a successful release to
- 20 the community.
- 21 (b) Conditional release ~~Aftercare~~ transition planning
- 22 begins as early in the commitment process as possible.
- 23 (c) Each juvenile committed to a residential
- 24 commitment program be assessed to determine the need for
- 25 conditional release ~~aftercare~~ services upon release from the
- 26 commitment program.
- 27 (3) For juveniles referred or committed to the
- 28 department, the function of the department may include, but
- 29 shall not be limited to, assessing each committed juvenile to
- 30 determine the need for conditional release ~~aftercare~~ services
- 31 upon release from a commitment program, supervising the

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

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

19 Section 44. Subsection (5) of section 985.317, Florida
20 Statutes, is amended to read:

21 985.317 Literacy programs for juvenile offenders.--

22 (5) EVALUATION AND REPORT.--The Juvenile Justice
23 Advisory Accountability Board shall evaluate the literacy
24 program outcomes as part of its annual evaluation of program
25 outcomes under s. 985.401. The department, in consultation
26 with the Department of Education, shall develop and implement
27 an evaluation of the program in order to determine the impact
28 of the programs on recidivism. The department shall submit an
29 annual report on the implementation and progress of the
30 programs to the President of the Senate and the Speaker of the
31 House of Representatives by January 1 of each year.

1 Section 45. Section 985.401, Florida Statutes, is
2 amended to read:

3 985.401 Juvenile Justice Advisory Accountability
4 Board.--

5 (1) The Juvenile Justice Advisory Accountability Board
6 shall be composed of seven members appointed by the Governor.
7 Members of the board shall have direct experience and a strong
8 interest in juvenile justice issues.

9 (2)(a) A full term shall be 3 years, and the term for
10 each seat on the board commences on October 1 and expires on
11 September 30, without regard to the date of appointment. Each
12 appointing authority shall appoint a member to fill one of the
13 three vacancies that occurs with the expiration of terms on
14 September 30 of each year. A member is not eligible for
15 appointment to more than two full, consecutive terms. A
16 vacancy on the board shall be filled within 60 days after the
17 date on which the vacancy occurs. The Governor shall make the
18 appointment to fill a vacancy that occurs for any reason other
19 than the expiration of a term, and the appointment shall be
20 for the remainder of the unexpired term. ~~For the purpose of~~
21 ~~implementing the provisions of this paragraph, vacancies that~~
22 ~~occur before October 1, 1999, shall not be filled until~~
23 ~~October 1, 1999, and the Governor shall make only one~~
24 ~~appointment to fill the vacancies that result from expiration~~
25 ~~of terms on September 30, 1999.~~

26 (b) The composition of the board must be broadly
27 reflective of the public and must include minorities and
28 women. The term "minorities" as used in this paragraph means a
29 member of a socially or economically disadvantaged group and
30 includes African Americans, Hispanics, and American Indians.

31 (c) The board shall annually select a chairperson from

1 among its members.

2 (d) The board shall meet at least once each quarter. A
3 member may not authorize a designee to attend a meeting of the
4 board in place of the member. A member who fails to attend two
5 consecutive regularly scheduled meetings of the board, unless
6 the member is excused by the chairperson, shall be deemed to
7 have abandoned the position, and the position shall be
8 declared vacant by the board.

9 (3)(a) The board members shall serve without
10 compensation, but are entitled to reimbursement for per diem
11 and travel expenses pursuant to s. 112.061.

12 (b) ~~Effective July 1, 1999,~~The board and its staff
13 are assigned to the Department of Juvenile Justice. For the
14 purpose of implementing this paragraph, all of the duties and
15 functions, records, personnel, property, and unexpended
16 balances of appropriations, allocations, or other funds of the
17 board are transferred to the Department of Juvenile Justice.
18 The transfer of segregated funds shall be made in such a
19 manner that the relation between program and revenue source,
20 as provided in law, is maintained.

21 (4)(a) The board shall establish and operate a
22 comprehensive system to annually measure and report program
23 outcomes and effectiveness for each program operated by the
24 Department of Juvenile Justice or operated by a provider under
25 contract with the department. The system shall include a
26 standard methodology for interpreting the board's outcome
27 evaluation reports, using, where appropriate, the
28 performance-based program budgeting measures approved by the
29 Legislature. The methodology must include:

30 1. Common terminology and operational definitions for
31 measuring the performance of system administration, program

1 administration, program outputs, and client outcomes.

2 2. Program outputs for each group of programs within
3 each level of the juvenile justice continuum and specific
4 program outputs for each program or program type.

5 3. Specification of desired client outcomes and
6 methods by which to measure client outcomes for each program
7 operated by the department or by a provider under contract
8 with the department.

9 4. Recommended annual minimum thresholds of
10 satisfactory performance for client outcomes and program
11 outputs.

12

13 For the purposes of this section, the term "program" or
14 "program type" means an individual state-operated or
15 contracted facility, site, or service delivered to at-risk or
16 delinquent youth as prescribed in a contract, program
17 description, or program services manual; and the term "program
18 group" means a collection of programs or program types with
19 sufficient similarity of function, services, and clientele to
20 permit appropriate comparisons among programs within the
21 program group.

22 (b) In developing the standard methodology, the board
23 shall consult with the department, the Office of Economic and
24 Demographic Research, contract service providers, and other
25 interested parties. It is the intent of the Legislature that
26 this effort result in consensus recommendations, and, to the
27 greatest extent possible, integrate the goals and
28 legislatively approved measures of performance-based program
29 budgeting provided in chapter 94-249, Laws of Florida, the
30 quality assurance program provided in s. 985.412, and the
31 cost-effectiveness model provided in s. 985.404(11). The board

1 shall notify the Office of Program Policy Analysis and
2 Government Accountability of any meetings to develop the
3 methodology.

4 (c) The board shall annually submit its outcome
5 evaluation report to the Secretary of the Department of
6 Juvenile Justice, the Governor, and the Legislature by
7 February 15, which must describe:

8 1. The methodology for interpreting outcome
9 evaluations, including common terminology and operational
10 definitions.

11 2. The recommended minimum thresholds of satisfactory
12 performance for client outcomes and program outputs applicable
13 to the year for which the data are reported.

14 3. The actual client outcomes and program outputs
15 achieved by each program operated by the department or by a
16 provider under contract with the department, compared with the
17 recommended minimum thresholds of satisfactory performance for
18 client outcomes and program outputs for the year under review.
19 The report shall group programs or program types with
20 similarity of function and services and make appropriate
21 comparisons between programs within the program group.

22 (d) The board shall use its evaluation research to
23 make advisory recommendations to the Legislature, the
24 Governor, and the department concerning the effectiveness and
25 future funding priorities of juvenile justice programs.

26 (e) The board shall annually review and revise the
27 methodology as necessary to ensure the continuing improvement
28 and validity of the evaluation process.

29 (5) The board shall:

30 (a) Review and recommend programmatic and fiscal
31 policies governing the operation of programs, services, and

1 facilities for which the Department of Juvenile Justice is
2 responsible.

3 (b) Monitor the development and implementation of
4 long-range juvenile justice policies, including prevention,
5 early intervention, diversion, adjudication, and commitment.

6 (c) Monitor all activities of the executive and
7 judicial branch and their effectiveness in implementing
8 policies pursuant to this chapter.

9 (d) Advise the President of the Senate, the Speaker of
10 the House of Representatives, the Governor, and the department
11 on matters relating to this chapter.

12 (e) In coordination with the Department of Juvenile
13 Justice, serve as a clearinghouse to provide information and
14 assistance to the ~~district~~ juvenile justice circuit boards and
15 ~~county~~ juvenile justice county councils.

16 (f) Hold public hearings and inform the public of
17 activities of the board and of the Department of Juvenile
18 Justice, as appropriate.

19 (g) Monitor the delivery and use of services,
20 programs, or facilities operated, funded, regulated, or
21 licensed by the Department of Juvenile Justice for juvenile
22 offenders or alleged juvenile offenders, and for prevention,
23 diversion, or early intervention of delinquency, and to
24 develop programs to educate the citizenry about such services,
25 programs, and facilities and about the need and procedure for
26 siting new facilities.

27 (h) Conduct such other activities as the board may
28 determine are necessary and appropriate to monitor the
29 effectiveness of the delivery of juvenile justice programs and
30 services under this chapter.

31 (i) Submit an annual report to the President of the

1 Senate, the Speaker of the House of Representatives, the
2 Governor, and the secretary of the department not later than
3 February 15 of each calendar year, summarizing the activities
4 and reports of the board for the preceding year, and any
5 recommendations of the board for the following year.

6 (6) The board shall study the extent and nature of
7 education programs for juvenile offenders committed by the
8 court to the Department of Juvenile Justice and for juvenile
9 offenders under court supervision in the community. The board
10 shall utilize a subcommittee of interested board members and
11 may request other interested persons to participate and act as
12 a juvenile justice education task force for the study. The
13 task force shall address, at a minimum, the following issues:

14 (a) The impact of education services on students in
15 commitment programs;

16 (b) The barriers impeding the timely transfer of
17 education records;

18 (c) The development and implementation of vocational
19 programming in commitment programs;

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

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

24 (7) The board shall have access to all records, files,
25 and reports that are material to its duties and that are in
26 the custody of a school board, a law enforcement agency, a
27 state attorney, a public defender, the court, the Department
28 of Children and Family Services, and the department.

29 (8) Unless reenacted by the Legislature, this section
30 expires June 30, 2001.

31 Section 46. Subsections (3), (4), and (11) and

1 paragraph (a) of subsection (12) of section 985.404, Florida
2 Statutes, are amended, and a new subsection (14) is added to
3 said section, to read:

4 985.404 Administering the juvenile justice
5 continuum.--

6 (3) The department shall develop or contract for
7 diversified and innovative programs to provide rehabilitative
8 treatment, including early intervention and prevention,
9 diversion, comprehensive intake, case management, diagnostic
10 and classification assessments, individual and family
11 counseling, shelter care, diversified detention care
12 emphasizing alternatives to secure detention, diversified
13 probation ~~community control~~, halfway houses, foster homes,
14 community-based substance abuse treatment services,
15 community-based mental health treatment services,
16 community-based residential and nonresidential programs,
17 environmental programs, and programs for serious or habitual
18 juvenile offenders. Each program shall place particular
19 emphasis on reintegration and conditional release ~~aftercare~~
20 for all children in the program.

21 (4) The department may transfer a child, when
22 necessary to appropriately administer the child's commitment,
23 from one facility or program to another facility or program
24 operated, contracted, subcontracted, or designated by the
25 department, including a postcommitment minimum-risk
26 nonresidential conditional release ~~aftercare~~ program. The
27 department shall notify the court that committed the child to
28 the department and any attorney of record, in writing, of its
29 intent to transfer of the child from a commitment facility or
30 program to another facility or program of a higher or lower
31 restrictiveness level. The court that committed the child may

1 agree to the transfer or may set a hearing to review the
2 transfer. If the court does not respond within 10 days after
3 receipt of the notice, the transfer of the child shall be
4 deemed granted.

5 (11)(a) The Department of Juvenile Justice, in
6 consultation with the Juvenile Justice ~~Advisory Accountability~~
7 Board, the Office of Economic and Demographic Research, and
8 contract service providers, shall develop a cost-effectiveness
9 model and apply the model to each commitment program. Program
10 recommitment rates shall be a component of the model. The
11 cost-effectiveness model shall compare program costs to client
12 outcomes and program outputs. It is the intent of the
13 Legislature that continual development efforts take place to
14 improve the validity and reliability of the cost-effectiveness
15 model and to integrate the standard methodology developed
16 under s. 985.401(4) for interpreting program outcome
17 evaluations.

18 (b) The department shall rank commitment programs
19 based on the cost-effectiveness model and shall submit a
20 report to the appropriate substantive and fiscal committees of
21 each house of the Legislature by December 31 of each year.

22 (c) Based on reports of the Juvenile Justice ~~Advisory~~
23 ~~Accountability~~ Board on client outcomes and program outputs
24 and on the department's most recent cost-effectiveness
25 rankings, the department may terminate a program operated by
26 the department or a provider if the program has failed to
27 achieve a minimum threshold of program effectiveness. This
28 paragraph does not preclude the department from terminating a
29 contract as provided under s. 985.412 or as otherwise provided
30 by law or contract, and does not limit the department's
31 authority to enter into or terminate a contract.

1 (d) In collaboration with the Juvenile Justice
2 ~~Advisory Accountability~~ Board, the Office of Economic and
3 Demographic Research, and contract service providers, the
4 department shall develop a work plan to refine the
5 cost-effectiveness model so that the model is consistent with
6 the performance-based program budgeting measures approved by
7 the Legislature to the extent the department deems
8 appropriate. The department shall notify the Office of Program
9 Policy Analysis and Government Accountability of any meetings
10 to refine the model.

11 (e) Contingent upon specific appropriation, the
12 department, in consultation with the Juvenile Justice ~~Advisory~~
13 ~~Accountability~~ Board, the Office of Economic and Demographic
14 Research, and contract service providers, shall:

15 1. Construct a profile of each commitment program that
16 uses the results of the quality assurance report required by
17 s. 985.412, the outcome evaluation report compiled by the
18 Juvenile Justice ~~Advisory Accountability~~ Board under s.
19 985.401, the cost-effectiveness report required in this
20 subsection, and other reports available to the department.

21 2. Target, for a more comprehensive evaluation, any
22 commitment program that has achieved consistently high, low,
23 or disparate ratings in the reports required under
24 subparagraph 1.

25 3. Identify the essential factors that contribute to
26 the high, low, or disparate program ratings.

27 4. Use the results of these evaluations in developing
28 or refining juvenile justice programs or program models,
29 client outcomes and program outputs, provider contracts,
30 quality assurance standards, and the cost-effectiveness model.

31 (12)(a) The department shall operate a statewide,

1 regionally administered system of detention services for
2 children, in accordance with a comprehensive plan for the
3 regional administration of all detention services in the
4 state. The plan must provide for the maintenance of adequate
5 availability of detention services for all counties. The plan
6 must cover all the department's operating circuits ~~15-service~~
7 ~~districts~~, with each operating circuit ~~service district~~ having
8 a secure facility and nonsecure and home detention programs,
9 and the plan may be altered or modified by the Department of
10 Juvenile Justice as necessary.

11 (14) A classification and placement workgroup is
12 established, with minimum membership to be composed of two
13 juvenile court judges, two state attorneys or their designated
14 assistants, two public defenders or their designated
15 assistants, representatives of two law enforcement agencies,
16 and representatives of two providers of juvenile justice
17 services. Other interested parties may also participate. The
18 workgroup shall make recommendations concerning the
19 development of a system for classifying and placing juvenile
20 offenders who are committed to residential programs. At a
21 minimum, the recommended system of classification and
22 placement shall consider the age and gender of the child, the
23 seriousness of the delinquent act for which the child is being
24 committed, whether the child has a history of committing
25 delinquent acts, the child's physical health, the child's
26 mental health, whether the child has a history of substance
27 use or abuse, and the child's academic or vocational needs.
28 The workgroup shall also consider whether other factors are
29 appropriate for inclusion in the recommended classification
30 and placement system, including the appropriateness of
31 graduated sanctions for repeat offenders. The workgroup shall

1 recommend a process for testing and validating the
2 effectiveness of the recommended classification and placement
3 system. The workgroup shall provide a report of these
4 recommendations to the Governor, the Speaker of the House of
5 Representatives, and the President of the Senate no later than
6 September 30, 2001.

7 Section 47. Subsection (2) of section 985.4045,
8 Florida Statutes, is amended to read:

9 985.4045 Sexual misconduct prohibited; reporting
10 required; penalties.--

11 (2) An employee of the department, or an employee of a
12 provider under contract with the department, who witnesses
13 sexual misconduct committed against a juvenile offender, or
14 who has reasonable cause to suspect that sexual misconduct has
15 been committed against a juvenile offender, shall immediately
16 report the incident to the department's incident hotline, and
17 prepare, date, and sign an independent report that
18 specifically describes the nature of the sexual misconduct,
19 the location and time of the incident, and the persons
20 involved. The employee shall deliver the report to the
21 supervisor or program director, who is responsible for
22 providing copies to the department's inspector general and the
23 circuit ~~district~~ juvenile justice manager. The inspector
24 general shall immediately conduct an appropriate
25 administrative investigation, and, if there is probable cause
26 to believe that a violation of subsection (1) has occurred,
27 the inspector general shall notify the state attorney in the
28 circuit in which the incident occurred.

29 Section 48. Paragraph (a) of subsection (2) of section
30 985.406, Florida Statutes, is amended, and subsection (9) is
31 added to said section, to read:

1 985.406 Juvenile justice training academies
2 established; Juvenile Justice Standards and Training
3 Commission created; Juvenile Justice Training Trust Fund
4 created.--

5 (2) JUVENILE JUSTICE STANDARDS AND TRAINING
6 COMMISSION.--

7 (a) There is created under the Department of Juvenile
8 Justice the Juvenile Justice Standards and Training
9 Commission, hereinafter referred to as the commission. The
10 17-member commission shall consist of the Attorney General or
11 designee, the Commissioner of Education or designee, a member
12 of the juvenile court judiciary to be appointed by the Chief
13 Justice of the Supreme Court, and 14 members to be appointed
14 by the Secretary of Juvenile Justice as follows:

15 1. Seven members shall be juvenile justice
16 professionals: a superintendent or a direct care staff member
17 from an institution; a director from a contracted
18 community-based program; a superintendent and a direct care
19 staff member from a regional detention center or facility; a
20 juvenile probation officer supervisor and a juvenile probation
21 officer; and a director of a day treatment or conditional
22 release ~~aftercare~~ program. No fewer than three of these
23 members shall be contract providers.

24 2. Two members shall be representatives of local law
25 enforcement agencies.

26 3. One member shall be an educator from the state's
27 university and community college program of criminology,
28 criminal justice administration, social work, psychology,
29 sociology, or other field of study pertinent to the training
30 of juvenile justice program staff.

31 4. One member shall be a member of the public.

1 5. One member shall be a state attorney, or assistant
2 state attorney, who has juvenile court experience.

3 6. One member shall be a public defender, or assistant
4 public defender, who has juvenile court experience.

5 7. One member shall be a representative of the
6 business community.

7

8 All appointed members shall be appointed to serve terms of 2
9 years.

10 (9) The Juvenile Justice Standards and Training
11 Commission is terminated on June 30, 2001, and such
12 termination shall be reviewed by the Legislature prior to that
13 date.

14 Section 49. Subsection (2) of section 985.411, Florida
15 Statutes, is amended to read:

16 985.411 Administering county and municipal delinquency
17 programs and facilities.--

18 (2) A county or municipal government may develop or
19 contract for innovative programs that ~~which~~ provide
20 rehabilitative treatment with particular emphasis on
21 reintegration and conditional release ~~aftercare~~ for all
22 children in the program, including halfway houses and
23 community-based substance abuse treatment services, mental
24 health treatment services, residential and nonresidential
25 programs, environmental programs, and programs for serious or
26 habitual juvenile offenders.

27 Section 50. Effective October 1, 2000, section
28 985.4135, Florida Statutes, is created to read:

29 985.4135 Juvenile justice circuit boards and juvenile
30 justice county councils.--

31 (1) There is authorized a juvenile justice circuit

1 board to be established in each of the 20 judicial circuits
2 and a juvenile justice county council to be established in
3 each of the 67 counties. The purpose of each juvenile justice
4 circuit board and each juvenile justice county council is to
5 provide advice and direction to the department in the
6 development and implementation of juvenile justice programs
7 and to work collaboratively with the department in seeking
8 program improvements and policy changes to address the
9 emerging and changing needs of Florida's youth who are at risk
10 of delinquency.

11 (2) Each juvenile justice county council shall develop
12 a juvenile justice prevention and early intervention plan for
13 the county and shall collaborate with the circuit board and
14 other county councils assigned to that circuit in the
15 development of a comprehensive plan for the circuit.

16 (3) Juvenile justice circuit boards and county
17 councils shall also participate in facilitating interagency
18 cooperation and information sharing.

19 (4) Juvenile justice circuit boards and county
20 councils may apply for and receive public or private grants to
21 be administered by one of the community partners that support
22 one or more components of the county or circuit plan.

23 (5) Juvenile justice circuit boards and county
24 councils shall advise and assist the department in the
25 evaluation and award of prevention and early intervention
26 grant programs, including the Community Juvenile Justice
27 Partnership Grant program established in s. 985.415 and
28 proceeds from the Invest in Children license plate annual use
29 fees.

30 (6) Each juvenile justice circuit board shall provide
31 an annual report to the department describing the activities

1 of the circuit board and each of the county councils contained
2 within its circuit. The department may prescribe a format and
3 content requirements for submission of annual reports.

4 (7) Membership of the juvenile justice circuit board
5 may not exceed 18 members, except as provided in subsections
6 (8) and (9). Members must include the state attorney, the
7 public defender, and the chief judge of the circuit, or their
8 respective designees. The remaining 15 members of the board
9 must be appointed by the county councils within that circuit.

10 The board must include at least one representative from each
11 county council within the circuit. In appointing members to
12 the circuit board, the county councils must reflect:

13 (a) The circuit's geography and population
14 distribution.

15 (b) Juvenile justice partners, including, but not
16 limited to, representatives of law enforcement, the school
17 system, and the Department of Children and Family Services.

18 (c) Diversity in the judicial circuit.

19 (8) At any time after the adoption of initial bylaws
20 pursuant to subsection (12), a juvenile justice circuit board
21 may revise the bylaws to increase the number of members by not
22 more than three in order to adequately reflect the diversity
23 of the population and community organizations or agencies in
24 the circuit.

25 (9) If county councils are not formed within a
26 circuit, the circuit board may establish its membership in
27 accordance with subsection (10). For juvenile justice circuit
28 boards organized pursuant to this subsection, the state
29 attorney, public defender, and chief circuit judge, or their
30 respective designees, shall be members of the circuit board.

31 (10) Membership of the juvenile justice county

1 councils, or juvenile justice circuit boards established under
2 subsection (9), must include representatives from the
3 following entities:

4 (a) Representatives from the school district, which
5 may include elected school board officials, the school
6 superintendent, school or district administrators, teachers,
7 and counselors.

8 (b) Representatives of the board of county
9 commissioners.

10 (c) Representatives of the governing bodies of local
11 municipalities within the county.

12 (d) A representative of the corresponding circuit or
13 regional entity of the Department of Children and Family
14 Services.

15 (e) Representatives of local law enforcement agencies,
16 including the sheriff or the sheriff's designee.

17 (f) Representatives of the judicial system.

18 (g) Representatives of the business community.

19 (h) Representatives of other interested officials,
20 groups, or entities, including, but not limited to, a
21 children's services council, public or private providers of
22 juvenile justice programs and services, students, parents, and
23 advocates. Private providers of juvenile justice programs may
24 not exceed one-third of the voting membership.

25 (i) Representatives of the faith community.

26 (j) Representatives of victim-service programs and
27 victims of crimes.

28 (k) Representatives of the Department of Corrections.

29 (11) Each juvenile justice county council, or juvenile
30 justice circuit board established under subsection (9), must
31 provide for the establishment of an executive committee of not

1 more than 10 members. The duties and authority of the
2 executive committee must be addressed in the bylaws.

3 (12) Each juvenile justice circuit board and county
4 council shall develop bylaws that provide for officers and
5 committees as the board or council deems necessary and shall
6 specify the qualifications, method of selection, and term for
7 each office created. The bylaws shall address at least the
8 following issues: process for appointments to the board or
9 council; election or appointment of officers; filling of
10 vacant positions; duration of member terms; provisions for
11 voting; meeting attendance requirements; and the establishment
12 and duties of an executive committee, if required under
13 subsection (11).

14 (13) Members of juvenile justice circuit boards and
15 county councils are subject to the provisions of part III of
16 chapter 112.

17 Section 51. Paragraph (b) of subsection (1) and
18 paragraph (d) of subsection (2) of section 985.4145, Florida
19 Statutes, are amended to read:

20 985.4145 Direct-support organization; definition; use
21 of property; board of directors; audit.--

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

26 (b) Organized and operated to conduct programs and
27 activities; to raise funds; to request and receive grants,
28 gifts, and bequests of moneys; to acquire, receive, hold,
29 invest, and administer, in its own name, securities, funds,
30 objects of value, or other property, real or personal; and to
31 make expenditures to or for the direct or indirect benefit of

1 the Department of Juvenile Justice or the juvenile justice
2 system operated by a county commission or a circuit district
3 board;

4
5 Expenditures of the organization shall be expressly used to
6 prevent and ameliorate juvenile delinquency. The expenditures
7 of the direct-support organization may not be used for the
8 purpose of lobbying as defined in s. 11.045.

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

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

19 Section 52. Paragraphs (a) and (c) of subsection (1)
20 and paragraphs (a), (b), and (e) of subsection (2) of section
21 985.415, Florida Statutes, are amended to read:

22 985.415 Community Juvenile Justice Partnership
23 Grants.--

24 (1) GRANTS; CRITERIA.--

25 (a) In order to encourage the development of county
26 and circuit district juvenile justice plans and the
27 development and implementation of county and circuit district
28 interagency agreements pursuant to s. 985.4135 ~~ss. 985.413 and~~
29 ~~985.414~~, the community juvenile justice partnership grant
30 program is established, and shall be administered by the
31 Department of Juvenile Justice.

1 (c) In addition, the department may consider the
2 following criteria in awarding grants:

3 1. The circuit district juvenile justice plan and any
4 county juvenile justice plans that are referred to or
5 incorporated into the circuit district plan, including a list
6 of individuals, groups, and public and private entities that
7 participated in the development of the plan.

8 2. The diversity of community entities participating
9 in the development of the circuit district juvenile justice
10 plan.

11 3. The number of community partners who will be
12 actively involved in the operation of the grant program.

13 4. The number of students or youths to be served by
14 the grant and the criteria by which they will be selected.

15 5. The criteria by which the grant program will be
16 evaluated and, if deemed successful, the feasibility of
17 implementation in other communities.

18 (2) GRANT APPLICATION PROCEDURES.--

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

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

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

3 3. A method for identification of the juveniles most
4 likely to be involved in the juvenile justice system who will
5 be the focus of the program.

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

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

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

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

21 8. The necessary program staff.

22 (b) The department shall consider the following in
23 awarding such grants:

24 1. The recommendations of the juvenile justice county
25 council as to the priority that should be given to proposals
26 submitted by entities within a county.

27 2. The recommendations of the juvenile justice circuit
28 board as to the priority that should be given to proposals
29 submitted by entities within a circuit district.

30 (e) Each entity that is awarded a grant as provided
31 for in this section shall submit an annual evaluation report

1 to the department, the circuit ~~district~~ juvenile justice
2 manager, the ~~district~~ juvenile justice circuit board, and the
3 ~~county~~ juvenile justice county council, by a date subsequent
4 to the end of the contract period established by the
5 department, documenting the extent to which the program
6 objectives have been met, the effect of the program on the
7 juvenile arrest rate, and any other information required by
8 the department. The department shall coordinate and
9 incorporate all such annual evaluation reports with the
10 provisions of s. 985.412. Each entity is also subject to a
11 financial audit and a performance audit.

12 Section 53. Section 985.416, Florida Statutes, is
13 amended to read:

14 985.416 Innovation zones.--The department shall
15 encourage each of the ~~district~~ juvenile justice circuit boards
16 to propose at least one innovation zone within the circuit
17 ~~district~~ for the purpose of implementing any experimental,
18 pilot, or demonstration project that furthers the
19 legislatively established goals of the department. An
20 innovation zone is a defined geographic area such as a circuit
21 ~~district~~, commitment region, county, municipality, service
22 delivery area, school campus, or neighborhood providing a
23 laboratory for the research, development, and testing of the
24 applicability and efficacy of model programs, policy options,
25 and new technologies for the department.

26 (1)(a) The ~~district~~ juvenile justice circuit board
27 shall submit a proposal for an innovation zone to the
28 secretary. If the purpose of the proposed innovation zone is
29 to demonstrate that specific statutory goals can be achieved
30 more effectively by using procedures that require modification
31 of existing rules, policies, or procedures, the proposal may

1 request the secretary to waive such existing rules, policies,
2 or procedures or to otherwise authorize use of alternative
3 procedures or practices. Waivers of such existing rules,
4 policies, or procedures must comply with applicable state or
5 federal law.

6 (b) For innovation zone proposals that the secretary
7 determines require changes to state law, the secretary may
8 submit a request for a waiver from such laws, together with
9 any proposed changes to state law, to the chairs of the
10 appropriate legislative committees for consideration.

11 (c) For innovation zone proposals that the secretary
12 determines require waiver of federal law, the secretary may
13 submit a request for such waivers to the applicable federal
14 agency.

15 (2) An innovation zone project may not have a duration
16 of more than 2 years, but the secretary may grant an
17 extension.

18 (3) Before implementing an innovation zone under this
19 subsection, the secretary shall, in conjunction with the
20 Auditor General, develop measurable and valid objectives for
21 such zone within a negotiated reasonable period of time.
22 Moneys designated for an innovation zone in one operating
23 circuit ~~service district~~ may not be used to fund an innovation
24 zone in another operating circuit ~~district~~.

25 (4) Program models for innovation zone projects
26 include, but are not limited to:

27 (a) A forestry alternative work program that provides
28 selected juvenile offenders an opportunity to serve in a
29 forestry work program as an alternative to incarceration, in
30 which offenders assist in wildland firefighting, enhancement
31 of state land management, environmental enhancement, and land

1 restoration.

2 (b) A collaborative public/private dropout prevention
3 partnership that trains personnel from both the public and
4 private sectors of a target community who are identified and
5 brought into the school system as an additional resource for
6 addressing problems which inhibit and retard learning,
7 including abuse, neglect, financial instability, pregnancy,
8 and substance abuse.

9 (c) A support services program that provides
10 economically disadvantaged youth with support services, jobs,
11 training, counseling, mentoring, and prepaid postsecondary
12 tuition scholarships.

13 (d) A juvenile offender job training program that
14 offers an opportunity for juvenile offenders to develop
15 educational and job skills in a 12-month to 18-month
16 nonresidential training program, teaching the offenders skills
17 such as computer-aided design, modular panel construction, and
18 heavy vehicle repair and maintenance which will readily
19 transfer to the private sector, thereby promoting
20 responsibility and productivity.

21 (e) An infant mortality prevention program that is
22 designed to discourage unhealthy behaviors such as smoking and
23 alcohol or drug consumption, reduce the incidence of babies
24 born prematurely or with low birth weight, reduce health care
25 cost by enabling babies to be safely discharged earlier from
26 the hospital, reduce the incidence of child abuse and neglect,
27 and improve parenting and problem-solving skills.

28 (f) A regional crime prevention and intervention
29 program that serves as an umbrella agency to coordinate and
30 replicate existing services to at-risk children, first-time
31 juvenile offenders, youth crime victims, and school dropouts.

1 (g) An alternative education outreach school program
2 that serves delinquent repeat offenders between 14 and 18
3 years of age who have demonstrated failure in school and who
4 are referred by the juvenile court.

5 (h) A drug treatment and prevention program that
6 provides early identification of children with alcohol or drug
7 problems to facilitate treatment, comprehensive screening and
8 assessment, family involvement, and placement options.

9 (i) A community resource mother or father program that
10 emphasizes parental responsibility for the behavior of
11 children, and requires the availability of counseling services
12 for children at high risk for delinquent behavior.

13 Section 54. Subsection (5) of section 985.417, Florida
14 Statutes, is amended to read:

15 985.417 Transfer of children from the Department of
16 Corrections to the Department of Juvenile Justice.--

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

21 Section 55. Sections 985.413 and 985.414, Florida
22 Statutes, are repealed.

23 Section 56. (1) The Department of Juvenile Justice
24 shall provide technical assistance to existing district
25 juvenile justice boards and county juvenile justice councils
26 to facilitate the transition to juvenile justice circuit
27 boards and juvenile justice county councils as required in
28 this act. Members of district juvenile justice boards and
29 county juvenile justice councils as of July 1, 2000, shall be
30 permitted to complete their terms.

31 (2) This section is repealed January 1, 2002.

1 Section 57. Notwithstanding the provisions of s.
2 216.181, Florida Statutes, the Department of Juvenile Justice
3 may transfer salary rate, without position changes, between
4 budget entities for Fiscal Year 2000-2001 for the purpose of
5 implementing the reorganization of the department. All such
6 transfers must be in accordance with the budget amendatory and
7 legislative notice provisions of chapter 216, Florida
8 Statutes. This section is repealed effective June 30, 2001.

9 Section 58. Youth custody officer.--

10 (1) There is created within the Department of Juvenile
11 Justice the position of youth custody officer. The duties of
12 each youth custody officer shall be to take youth into custody
13 if the officer has probable cause to believe that the youth
14 has violated the conditions of probation, home detention,
15 conditional release, or postcommitment probation, or has
16 failed to appear in court after being properly noticed. The
17 authority of the youth custody officer to take youth into
18 custody is specifically limited to this purpose.

19 (2) A youth custody officer must meet the minimum
20 qualifications for employment or appointment, be certified
21 under chapter 943, Florida Statutes, and comply with the
22 requirements for continued employment required by section
23 943.135, Florida Statutes. The Department of Juvenile Justice
24 must comply with the responsibilities provided for an
25 employing agency under section 943.133, Florida Statutes, for
26 each youth custody officer.

27 (3) A youth custody officer shall inform appropriate
28 local law enforcement agencies of his or her activities under
29 this section.

30 Section 59. Except as otherwise provided herein, this
31 act shall take effect July 1, 2000.

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

2 And the title is amended as follows:

3 On page ,
4 remove the entire title of the bill:

5
6 and insert in lieu thereof:

7 An act relating to juvenile justice; amending
8 s. 20.316, F.S.; revising the duties of the
9 Secretary of Juvenile Justice; abolishing the
10 offices of the Deputy Secretary for Operations
11 and the Assistant Secretary of Programming and
12 Planning; establishing various programs within
13 the department; authorizing the secretary to
14 establish positions necessary to administer the
15 requirements of said section; creating juvenile
16 justice operating circuits; revising the
17 boundaries of the department's service
18 districts to conform to the boundaries of the
19 judicial circuits; amending s. 984.03, F.S.;
20 revising definitions for purposes of ch. 984,
21 F.S., relating to children and families in need
22 of services; amending s. 984.09, F.S., deleting
23 reference to county juvenile justice councils;
24 amending s. 985.03, F.S.; defining the term
25 "conditional release" to mean the supervision
26 of treatment services formerly known as
27 aftercare; defining the term "probation" to
28 mean the legal status formerly known as
29 community control; revising and deleting
30 definitions to conform to other changes made by
31 the act; amending s. 985.207, F.S.; authorizing

1 law enforcement to take a child into custody
2 under certain circumstances; amending s.
3 985.21, F.S.; revising intake screening
4 procedures; amending s. 985.215, F.S.;
5 providing for a special detention order to
6 facilitate a comprehensive evaluation upon a
7 finding of delinquency in certain cases;
8 revising requirements related to court-ordered
9 fees; providing conforming provisions; amending
10 s. 985.216, F.S., relating to alternative
11 sanctions coordinators; providing conforming
12 provisions; amending s. 985.229, F.S.;
13 authorizing a predispositional report upon a
14 finding of delinquency; requiring a
15 predispositional report for a child for whom
16 residential commitment disposition is
17 anticipated or recommended; requiring the
18 predispositional report to include a
19 comprehensive evaluation in certain
20 circumstances; providing a time certain for the
21 submission of the predispositional report;
22 specifying parties who may receive copies of
23 the predispositional report; amending s.
24 985.23, F.S.; requiring the court to consider
25 recommendations of the Department of Juvenile
26 Justice at disposition; revising evaluation
27 requirements associated with the
28 predispositional report; providing for
29 sanctions to include day treatment probation
30 programs; amending s. 985.231, F.S.; providing
31 that the child's length of stay in a

1 residential commitment program shall be based
2 on objective performance-based treatment
3 planning; requiring monthly progress reports
4 to the court; authorizing extension of the
5 child's length of stay if the child fails to
6 comply with or participate in treatment
7 activities; prohibiting extension of the
8 child's length of stay for purposes of sanction
9 or punishment; requiring any temporary release
10 to be approved by the court; requiring
11 communication to the court of the child's
12 treatment plan progress and adjustment-related
13 issues upon request to release the child;
14 revising requirements related to court-ordered
15 fees; providing conforming provisions; 985.233,
16 F.S.; revising conditions under which adult
17 sanctions may be imposed; revising requirements
18 related to court-ordered fees; creating s.
19 985.3045, F.S.; requiring the department's
20 prevention service program to monitor all
21 state-funded programs designed to prevent
22 juvenile crime in a manner consistent with s.
23 984.02, F.S., and s. 985.02, F.S.; requiring a
24 report concerning the implementation of a
25 statewide multiagency juvenile delinquency
26 prevention plan; specifying certain issues to
27 be addressed in the report; requiring all
28 entities that use state monies to fund juvenile
29 delinquency prevention services through
30 contracts or grants with the department to
31 comply with certain requirements; requiring

1 each state agency or entity that receives or
2 uses state appropriations to fund certain
3 prevention services to submit a report;
4 amending ss. 985.309, 985.31, and 985.311,
5 F.S.; revising the minimum period for certain
6 juveniles to participate in a boot camp, a
7 serious or habitual offender program, or a
8 habitual offender program or an intensive
9 residential treatment program; amending s.
10 985.404, F.S.; requiring notice of intent to
11 transfer a child from a commitment facility or
12 program; creating a workgroup to make
13 recommendations for a system of classification
14 and placement; providing minimum
15 considerations; providing minimum membership;
16 providing for testing and validation of the
17 system; providing for a report to the Governor
18 and Legislature; creating s. 985.4135, F.S.;
19 creating juvenile justice circuit boards and
20 juvenile justice county councils; providing for
21 membership, duties, and procedures; providing
22 that certain members of district juvenile
23 justice boards and county juvenile justice
24 councils their terms; repealing s. 985.413,
25 F.S., relating to district juvenile justice
26 boards; repealing 985.414, F.S., relating to
27 county juvenile justice councils; requiring the
28 department to provide technical assistance to
29 facilitate transition to circuit boards and
30 county councils; providing for repeal;
31 authorizing the Department of Juvenile Justice

1 to transfer salary rates between budget
2 entities to implement reorganization; creating
3 the position of youth custody officer within
4 the Department of Juvenile Justice; specifying
5 duties and qualifications of youth custody
6 officers; amending ss. 20.19, 39.0015, 216.136,
7 232.19, 288.9957, 419.001, 744.309, 784.075,
8 790.22, 938.17, 948.51, 984.05, 984.086,
9 984.10, 985.04, 985.06, 985.2066, 985.226,
10 985.227, 985.228, 985.305, 985.308, 985.312,
11 985.3141, 985.315, 985.316, 985.317, 985.401,
12 985.4045, 985.406, 985.411, 985.4145, 985.415,
13 985.416, and 985.417, F.S.; conforming
14 provisions to changes made by the act; deleting
15 obsolete provisions; providing for repeal;
16 providing effective dates.

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