

By Senator Brown-Waite

10-599-00

1 A bill to be entitled
2 An act relating to juvenile justice; amending
3 s. 20.316, F.S.; revising the duties of the
4 Secretary of Juvenile Justice; abolishing the
5 offices of the Deputy Secretary for Operations
6 and the Assistant Secretary of Programming and
7 Planning; establishing various programs within
8 the department; revising the boundaries of the
9 department's service districts to conform to
10 the boundaries of the judicial circuits;
11 amending ss. 984.09, 985.216, F.S., relating to
12 alternative sanctions coordinators; deleting
13 references to county juvenile justice councils;
14 amending s. 985.03, F.S.; defining the term
15 "conditional release" to mean the supervision
16 and treatment services formerly known as
17 aftercare; defining the term "probation" to
18 mean the legal status formerly known as
19 community control; amending ss. 985.04,
20 985.207, 985.215, 985.226, 985.228, 985.23,
21 985.231, 985.233, 985.305, 985.308, F.S.,
22 relating to confidential information, taking a
23 child into custody, detention, hearings,
24 disposition, and sentencing; conforming
25 provisions to changes made by the act; amending
26 ss. 985.309, 985.31, 985.311, F.S.; revising
27 the minimum period for certain juveniles to
28 participate in a boot camp, a serious or
29 habitual juvenile offender program, or an
30 intensive residential treatment program;
31 amending ss. 985.316, 985.404, 985.406,

1 985.411, F.S., relating to the juvenile justice
2 continuum, the Juvenile Justice Standards and
3 Training Commission, and county and municipal
4 delinquency programs and facilities; conforming
5 provisions to changes made by the act; amending
6 s. 985.413, F.S.; abolishing the district
7 juvenile justice boards; providing for circuit
8 juvenile justice boards; revising the duties of
9 the boards; amending ss. 985.414, 985.415,
10 985.417, F.S., relating to county juvenile
11 justice councils, Community Juvenile Justice
12 Partnership Grants, and the release of a
13 juvenile convicted of a capital felony;
14 conforming provisions to changes made by the
15 act; authorizing the Executive Office of the
16 Governor to establish salaries for positions
17 within the Department of Juvenile Justice at
18 specified rates; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 20.316, Florida Statutes, is
23 amended to read:

24 20.316 Department of Juvenile Justice.--There is
25 created a Department of Juvenile Justice.

26 (1) SECRETARY OF JUVENILE JUSTICE.--

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

31

1 (b) The Secretary of Juvenile Justice is responsible
2 for planning, coordinating, and managing the delivery of all
3 programs and services within the juvenile justice continuum.
4 For purposes of this section, the term "juvenile justice
5 continuum" means all children-in-need-of-services programs;
6 families-in-need-of-services programs; other prevention, early
7 intervention, and diversion programs; detention centers and
8 related programs and facilities; community-based residential
9 and nonresidential commitment programs; and delinquency
10 institutions provided or funded by the department.

11 (c) The Secretary of Juvenile Justice shall:

12 1. Ensure that juvenile justice continuum programs and
13 services are implemented according to legislative intent;
14 state and federal laws, rules, and regulations; statewide
15 program standards; and performance objectives by reviewing and
16 monitoring regional and district program operations and
17 providing technical assistance to those programs.

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

26 3. Provide for program research, development, and
27 planning.

28 4. Develop staffing and workload standards and
29 coordinate staff development and training.

30 5. Develop budget and resource allocation
31 methodologies and strategies.

1 6. Establish program policies and rules and ensure
2 that those policies and rules encourage cooperation,
3 collaboration, and information sharing with community partners
4 in the juvenile justice system to the extent authorized by
5 law.

6 7. Develop funding sources external to state
7 government.

8 8. Obtain, approve, monitor, and coordinate research
9 and program development grants.

10 9. Enter into contracts.

11 ~~(d) The secretary shall periodically review the needs~~
12 ~~in each commitment region.~~

13 (2) DEPARTMENT PROGRAMS.--The following programs are
14 established within the Department of Juvenile Justice:

15 (a) Prevention and Victim Services.

16 (b) Intake and Detention.

17 (c) Residential and Correctional Facilities.

18 (d) Probation and Community Corrections.

19 (e) Administration.

20 ~~(2) DEPUTY SECRETARY FOR OPERATIONS.--The secretary~~
21 ~~shall appoint a Deputy Secretary for Operations who shall~~
22 ~~supervise the managers of the 15 services districts within the~~
23 ~~department.~~

24 ~~(3) ASSISTANT SECRETARY OF PROGRAMMING AND~~
25 ~~PLANNING.--The secretary shall appoint an Assistant Secretary~~
26 ~~of Programming and Planning who shall head the following~~
27 ~~divisions:~~

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

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

30 (3)(4) SERVICE DISTRICTS.--The department shall plan
31 and administer its programs through a substate structure that

1 conforms to the boundaries of the judicial circuits prescribed
2 in s. 26.021.~~service districts and subdistricts composed of~~
3 ~~the following counties:~~

4 ~~District 1.--Escambia, Santa Rosa, Okaloosa, and Walton~~
5 ~~Counties;~~

6 ~~District 2.--Holmes, Washington, Bay, Jackson, Calhoun,~~
7 ~~Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson,~~
8 ~~Madison, and Taylor Counties;~~

9 ~~District 3.--Hamilton, Suwannee, Lafayette, Dixie,~~
10 ~~Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and~~
11 ~~Alachua Counties;~~

12 ~~District 4.--Baker, Nassau, Duval, Clay, and St. Johns~~
13 ~~Counties;~~

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

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

16 ~~District 7.--Seminole, Orange, Osceola, and Brevard~~
17 ~~Counties;~~

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

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

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

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

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

24 ~~District 13.--Marion, Citrus, Hernando, Sumter, and~~
25 ~~Lake Counties;~~

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

27 ~~District 15.--Indian River, Okeechobee, St. Lucie, and~~
28 ~~Martin Counties.~~

29 ~~(5) COMMITMENT REGIONS.--The department shall plan and~~
30 ~~administer its community and institutional delinquency~~
31 ~~programs, children-in-need-of-services programs, and~~

1 ~~families in need of services programs through commitment~~
2 ~~regions composed of the following service districts:~~
3 ~~Northwest Region.--Districts 1 and 2.~~
4 ~~Northeast Region.--Districts 3, 4, 12, and 13.~~
5 ~~Eastern Region.--Districts 7, 9, and 15.~~
6 ~~Western Region.--Districts 5, 6, 8, and 14.~~
7 ~~Southern Region.--Districts 10 and 11.~~

8 (4)~~(6)~~ INFORMATION SYSTEMS.--

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

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

21 (c) The department shall implement a distributed
22 system architecture which shall be defined in its agency
23 strategic plan.

24 (d) The management information system shall, at a
25 minimum:

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

28 2. Provide timely access to current data and computing
29 capacity to support the outcome evaluation activities of the
30 Juvenile Justice Accountability Board as provided in s.

31

1 985.401, legislative oversight, the Juvenile Justice
2 Estimating Conference, and other research.

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

5 4. Provide automated support to the contract
6 management process.

7 5. Provide automated support to the facility
8 operations management process.

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

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

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

21 9. Provide a system for the training of information
22 system users and user groups.

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

29 (f) The department shall provide an annual report on
30 the juvenile justice information system to the Criminal and
31 Juvenile Justice Information Systems Council ~~Joint Information~~

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

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

14 Section 2. 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

1 juvenile sanctions, in conjunction with the circuit plan
2 implemented in accordance with s. 790.22(4)(c).

3 Section 3. Subsections (4) and (13), paragraph (a) of
4 subsection (16), subsection (32), paragraph (a) of subsection
5 (47), and subsection (57) of section 985.03, Florida Statutes,
6 are amended to read:

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

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

20 (13) "Probation"~~"Community control"~~ means the legal
21 status of probation created by law and court order in cases
22 involving a child who has been found to have committed a
23 delinquent act. Probation ~~Community control~~ is an
24 individualized program in which the freedom of the child is
25 limited and the child is restricted to noninstitutional
26 quarters or restricted to the child's home in lieu of
27 commitment to the custody of the Department of Juvenile
28 Justice.

29 (16)(a) "Delinquency program" means any intake,
30 probation ~~community control~~, or similar program; regional
31 detention center or facility; or community-based program,

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

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

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

29 (a) Minimum-risk nonresidential.--Youth assessed and
30 classified for placement in programs at this restrictiveness
31 level represent a minimum risk to themselves and public safety

1 and do not require placement and services in residential
2 settings. Programs or program models in this restrictiveness
3 level include: community counselor supervision programs,
4 special intensive group programs, nonresidential marine
5 programs, nonresidential training and rehabilitation centers,
6 and other local community nonresidential programs, including
7 any nonresidential program or supervision program that is used
8 for conditional release ~~aftercare~~ placement.

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

25 Section 4. Paragraph (a) of subsection (3) of section
26 985.04, Florida Statutes, is amended to read:

27 985.04 Oaths; records; confidential information.--

28 (3)(a) Except as provided in subsections (2), (4),
29 (5), and (6), and s. 943.053, all information obtained under
30 this part in the discharge of official duty by any judge, any
31 employee of the court, any authorized agent of the Department

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

31

1 Section 5. Paragraph (d) of subsection (1) of section
2 985.207, Florida Statutes, is amended to read:

3 985.207 Taking a child into custody.--

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

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

11
12 Nothing in this subsection shall be construed to allow the
13 detention of a child who does not meet the detention criteria
14 in s. 985.215.

15 Section 6. Paragraphs (a) and (h) of subsection (2) of
16 section 985.215, are amended to read:

17 985.215 Detention.--

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

22 (a) The child is alleged to be an escapee or an
23 absconder from a commitment program, a probation ~~community~~
24 ~~control~~ program, furlough, or conditional-release ~~aftercare~~
25 supervision, or is alleged to have escaped while being
26 lawfully transported to or from such program or supervision.

27 (h) The child is alleged to have violated the
28 conditions of the child's probation ~~community control~~ or
29 conditional-release ~~aftercare~~ supervision. However, a child
30 detained under this paragraph may be held only in a
31 consequence unit as provided in s. 985.231(1)(a)1.c. If a

1 consequence unit is not available, the child shall be placed
2 on home detention with electronic monitoring.
3
4 A child who meets any of these criteria and who is ordered to
5 be detained pursuant to this subsection shall be given a
6 hearing within 24 hours after being taken into custody. The
7 purpose of the detention hearing is to determine the existence
8 of probable cause that the child has committed the delinquent
9 act or violation of law with which he or she is charged and
10 the need for continued detention. Unless a child is detained
11 under paragraph (d) or paragraph (e), the court shall utilize
12 the results of the risk assessment performed by the juvenile
13 probation officer and, based on the criteria in this
14 subsection, shall determine the need for continued detention.
15 A child placed into secure, nonsecure, or home detention care
16 may continue to be so detained by the court pursuant to this
17 subsection. If the court orders a placement more restrictive
18 than indicated by the results of the risk assessment
19 instrument, the court shall state, in writing, clear and
20 convincing reasons for such placement. Except as provided in
21 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),
22 paragraph (10)(c), or paragraph (10)(d), when a child is
23 placed into secure or nonsecure detention care, or into a
24 respite home or other placement pursuant to a court order
25 following a hearing, the court order must include specific
26 instructions that direct the release of the child from such
27 placement no later than 5 p.m. on the last day of the
28 detention period specified in paragraph (5)(b) or paragraph
29 (5)(c), or subparagraph (10)(a)1., whichever is applicable,
30 unless the requirements of such applicable provision have been
31

1 met or an order of continuance has been granted pursuant to
2 paragraph (5)(d).

3 Section 7. Subsection (5) of section 985.216, Florida
4 Statutes, is amended to read:

5 985.216 Punishment for contempt of court; alternative
6 sanctions.--

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

22 Section 8. Paragraph (c) of subsection (3) of section
23 985.226, Florida Statutes, is amended to read:

24 985.226 Criteria for waiver of juvenile court
25 jurisdiction; hearing on motion to transfer for prosecution as
26 an adult.--

27 (3) WAIVER HEARING.--

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

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

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

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

9 4. The probable cause as found in the report,
10 affidavit, or complaint.

11 5. The desirability of trial and disposition of the
12 entire offense in one court when the child's associates in the
13 alleged crime are adults or children who are to be tried as
14 adults.

15 6. The sophistication and maturity of the child.

16 7. The record and previous history of the child,
17 including:

18 a. Previous contacts with the department, the
19 Department of Corrections, the former Department of Health and
20 Rehabilitative Services, the Department of Children and Family
21 Services, other law enforcement agencies, and courts;

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

23 c. Prior adjudications that the child committed a
24 delinquent act or violation of law, greater weight being given
25 if the child has previously been found by a court to have
26 committed a delinquent act or violation of law involving an
27 offense classified as a felony or has twice previously been
28 found to have committed a delinquent act or violation of law
29 involving an offense classified as a misdemeanor; and

30 d. Prior commitments to institutions.
31

1 8. The prospects for adequate protection of the public
2 and the likelihood of reasonable rehabilitation of the child,
3 if the child is found to have committed the alleged offense,
4 by the use of procedures, services, and facilities currently
5 available to the court.

6 Section 9. Subsection (4) of section 985.228, Florida
7 Statutes, is amended to read:

8 985.228 Adjudicatory hearings; withheld adjudications;
9 orders of adjudication.--

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

1 Section 10. Paragraph (f) of subsection (2), paragraph
2 (d) of subsection (3), and subsections (4) and (5) of section
3 985.23, Florida Statutes, are amended to read:

4 985.23 Disposition hearings in delinquency
5 cases.--When a child has been found to have committed a
6 delinquent act, the following procedures shall be applicable
7 to the disposition of the case:

8 (2) The first determination to be made by the court is
9 a determination of the suitability or nonsuitability for
10 adjudication and commitment of the child to the department.
11 This determination shall be based upon the predisposition
12 report which shall include, whether as part of the child's
13 multidisciplinary assessment, classification, and placement
14 process components or separately, evaluation of the following
15 criteria:

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

18 1. Previous contacts with the department, the former
19 Department of Health and Rehabilitative Services, the
20 Department of Children and Family Services, the Department of
21 Corrections, other law enforcement agencies, and courts;

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

23 3. Prior adjudications of delinquency; and

24 4. Prior commitments to institutions.

25 (3)

26 (d) The court may also require that the child be
27 placed in a probation ~~community control~~ program following the
28 child's discharge from commitment. Community-based sanctions
29 pursuant to subsection (4) may be imposed by the court at the
30 disposition hearing or at any time prior to the child's
31 release from commitment.

1 (4) If the court determines not to adjudicate and
2 commit to the department, then the court shall determine what
3 community-based sanctions it will impose in a probation
4 ~~community control~~ program for the child. Community-based
5 sanctions may include, but are not limited to, participation
6 in substance abuse treatment, restitution in money or in kind,
7 a curfew, revocation or suspension of the driver's license of
8 the child, community service, and appropriate educational
9 programs as determined by the district school board.

10 (5) After appropriate sanctions for the offense are
11 determined, the court shall develop, approve, and order a plan
12 of probation ~~community control~~ which will contain rules,
13 requirements, conditions, and rehabilitative programs that are
14 designed to encourage responsible and acceptable behavior and
15 to promote both the rehabilitation of the child and the
16 protection of the community.

17 Section 11. Paragraphs (a), (g), and (h) of subsection
18 (1) of section 985.231, Florida Statutes, are amended to read:

19 985.231 Powers of disposition in delinquency cases.--

20 (1)

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

25 1. Place the child in a probation ~~community control~~
26 program or a postcommitment probation ~~community control~~
27 program under the supervision of an authorized agent of the
28 Department of Juvenile Justice or of any other person or
29 agency specifically authorized and appointed by the court,
30 whether in the child's own home, in the home of a relative of
31 the child, or in some other suitable place under such

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

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

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

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

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

1 the existence of probable cause that the child violated the
2 conditions of probation ~~community control~~ or postcommitment
3 probation ~~community control~~. A consequence unit is a secure
4 facility specifically designated by the department for
5 children who are taken into custody under s. 985.207 for
6 violating probation ~~community control~~ or postcommitment
7 probation ~~community control~~, or who have been found by the
8 court to have violated the conditions of probation ~~community~~
9 ~~control~~ or postcommitment probation ~~community control~~. If the
10 violation involves a new charge of delinquency, the child may
11 be detained under s. 985.215 in a facility other than a
12 consequence unit. If the child is not eligible for detention
13 for the new charge of delinquency, the child may be held in
14 the consequence unit pending a hearing and is subject to the
15 time limitations specified in s. 985.215. If the child denies
16 violating the conditions of probation ~~community control~~ or
17 postcommitment probation ~~community control~~, the court shall
18 appoint counsel to represent the child at the child's request.
19 Upon the child's admission, or if the court finds after a
20 hearing that the child has violated the conditions of
21 probation ~~community control~~ or postcommitment probation
22 ~~community control~~, the court shall enter an order revoking,
23 modifying, or continuing probation ~~community control~~ or
24 postcommitment probation ~~community control~~. In each such case,
25 the court shall enter a new disposition order and, in addition
26 to the sanctions set forth in this paragraph, may impose any
27 sanction the court could have imposed at the original
28 disposition hearing. If the child is found to have violated
29 the conditions of probation ~~community control~~ or
30 postcommitment probation ~~community control~~, the court may:
31

1 (I) Place the child in a consequence unit in that
2 judicial circuit, if available, for up to 5 days for a first
3 violation, and up to 15 days for a second or subsequent
4 violation.

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

8 (III) Modify or continue the child's probation
9 ~~community control~~ program or postcommitment probation
10 ~~community control~~ program.

11 (IV) Revoke probation ~~community control~~ or
12 postcommitment probation ~~community control~~ and commit the
13 child to the department.

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

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

24 3. Commit the child to the Department of Juvenile
25 Justice at a restrictiveness level defined in s. 985.03. Such
26 commitment must be for the purpose of exercising active
27 control over the child, including, but not limited to,
28 custody, care, training, urine monitoring, and treatment of
29 the child and release of the child into the community in a
30 postcommitment nonresidential conditional release aftercare
31 program. If the child is not successful in the conditional

1 release ~~aftercare~~ program, the department may use the transfer
2 procedure under s. 985.404. Notwithstanding s. 743.07 and
3 paragraph (d), and except as provided in s. 985.31, the term
4 of the commitment must be until the child is discharged by the
5 department or until he or she reaches the age of 21.

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

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

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

1 engaging in delinquent acts absolves the parent or guardian of
2 liability for restitution under this subparagraph.

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

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

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

28 10. Subject to specific appropriation, commit the
29 juvenile sexual offender to the Department of Juvenile Justice
30 for placement in a program or facility for juvenile sexual
31 offenders in accordance with s. 985.308. Any commitment of a

1 juvenile sexual offender to a program or facility for juvenile
2 sexual offenders must be for an indeterminate period of time,
3 but the time may not exceed the maximum term of imprisonment
4 that an adult may serve for the same offense. The court may
5 retain jurisdiction over a juvenile sexual offender until the
6 juvenile sexual offender reaches the age of 21, specifically
7 for the purpose of completing the program.

8 (g) Whenever a child is required by the court to
9 participate in any work program under this part or whenever a
10 child volunteers to work in a specified state, county,
11 municipal, or community service organization supervised work
12 program or to work for the victim, either as an alternative to
13 monetary restitution or as a part of the rehabilitative or
14 probation ~~community control~~ program, the child is an employee
15 of the state for the purposes of liability. In determining the
16 child's average weekly wage unless otherwise determined by a
17 specific funding program, all remuneration received from the
18 employer is a gratuity, and the child is not entitled to any
19 benefits otherwise payable under s. 440.15, regardless of
20 whether the child may be receiving wages and remuneration from
21 other employment with another employer and regardless of the
22 child's future wage-earning capacity.

23 (h) The court may, upon motion of the child or upon
24 its own motion, within 60 days after imposition of a
25 disposition of commitment, suspend the further execution of
26 the disposition and place the child ~~on probation~~ in a
27 probation ~~community control~~ program upon such terms and
28 conditions as the court may require. The department shall
29 forward to the court all relevant material on the child's
30 progress while in custody not later than 3 working days prior
31 to the hearing on the motion to suspend the disposition.

1 Section 12. Paragraph (b) of subsection (1) and
2 paragraph (b) of subsection (4) of section 985.233, Florida
3 Statutes, are amended to read:

4 985.233 Sentencing powers; procedures; alternatives
5 for juveniles prosecuted as adults.--

6 (1) POWERS OF DISPOSITION.--

7 (b) In determining whether to impose juvenile
8 sanctions instead of adult sanctions, the court shall consider
9 the following criteria:

10 1. The seriousness of the offense to the community and
11 whether the community would best be protected by juvenile or
12 adult sanctions.

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

15 3. Whether the offense was against persons or against
16 property, with greater weight being given to offenses against
17 persons, especially if personal injury resulted.

18 4. The sophistication and maturity of the offender.

19 5. The record and previous history of the offender,
20 including:

21 a. Previous contacts with the Department of
22 Corrections, the Department of Juvenile Justice, the former
23 Department of Health and Rehabilitative Services, the
24 Department of Children and Family Services, law enforcement
25 agencies, and the courts.

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

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

29 d. Prior commitments to the Department of Juvenile
30 Justice, the former Department of Health and Rehabilitative
31

1 Services, the Department of Children and Family Services, or
2 other facilities or institutions.

3 6. The prospects for adequate protection of the public
4 and the likelihood of deterrence and reasonable rehabilitation
5 of the offender if assigned to services and facilities of the
6 Department of Juvenile Justice.

7 7. Whether the Department of Juvenile Justice has
8 appropriate programs, facilities, and services immediately
9 available.

10 8. Whether adult sanctions would provide more
11 appropriate punishment and deterrence to further violations of
12 law than the imposition of juvenile sanctions.

13 (4) SENTENCING ALTERNATIVES.--

14 (b) Sentencing to juvenile sanctions.--In order to use
15 this paragraph, the court shall stay adjudication of guilt and
16 instead shall adjudge the child to have committed a delinquent
17 act. Adjudication of delinquency shall not be deemed a
18 conviction, nor shall it operate to impose any of the civil
19 disabilities ordinarily resulting from a conviction. The court
20 shall impose an adult sanction or a juvenile sanction and may
21 not sentence the child to a combination of adult and juvenile
22 punishments. An adult sanction or a juvenile sanction may
23 include enforcement of an order of restitution or probation
24 ~~community control~~ previously ordered in any juvenile
25 proceeding. However, if the court imposes a juvenile sanction
26 and the department determines that the sanction is unsuitable
27 for the child, the department shall return custody of the
28 child to the sentencing court for further proceedings,
29 including the imposition of adult sanctions. Upon adjudicating
30 a child delinquent under subsection (1), the court may:

31

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

5 2. Commit the child to the department for treatment in
6 an appropriate program for children for an indeterminate
7 period of time until the child is 21 or sooner if discharged
8 by the department. The department shall notify the court of
9 its intent to discharge no later than 14 days prior to
10 discharge. Failure of the court to timely respond to the
11 department's notice shall be considered approval for
12 discharge.

13 3. Order disposition pursuant to s. 985.231 as an
14 alternative to youthful offender or adult sentencing if the
15 court determines not to impose youthful offender or adult
16 sanctions.

17
18 It is the intent of the Legislature that the criteria and
19 guidelines in this subsection are mandatory and that a
20 determination of disposition under this subsection is subject
21 to the right of the child to appellate review under s.
22 985.234.

23 Section 13. Subsection (2) of section 985.305, Florida
24 Statutes, is amended to read:

25 985.305 Early delinquency intervention program;
26 criteria.--

27 (2) The early delinquency intervention program shall
28 consist of intensive residential treatment in a secure
29 facility for 7 days to 6 weeks, followed by 6 to 9 months of
30 conditional release ~~aftercare~~. An early delinquency
31 intervention program facility shall be designed to accommodate

1 the placement of a maximum of 10 children, except that the
2 facility may accommodate up to 2 children in excess of that
3 maximum if the additional children have previously been
4 released from the residential portion of the program and are
5 later found to need additional residential treatment.

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

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

10 (5) Based on assessed need for conditional release the
11 department shall provide an intensive conditional release
12 ~~aftercare~~ component for monitoring and assisting the
13 transition of a juvenile sexual offender into the community
14 with terms and conditions that ~~which~~ may include electronic
15 monitoring of the juvenile sexual offender.

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

19 (14) Subject to specific appropriation, availability
20 of funds, or receipt of appropriate grant funds, the Office of
21 the Attorney General, the Department of Children and Family
22 Services, the Department of Juvenile Justice, or local
23 juvenile justice councils shall award grants to sexual abuse
24 intervention networks that apply for such grants. The grants
25 may be used for training, treatment, conditional release
26 ~~aftercare~~, evaluation, public awareness, and other specified
27 community needs that are identified by the network. A grant
28 shall be awarded based on the applicant's level of local
29 funding, level of collaboration, number of juvenile sexual
30 offenders to be served, number of victims to be served, and
31 level of unmet needs.

1 Section 15. Subsections (6) and (12) of section
2 985.309, Florida Statutes, are amended to read:

3 985.309 Boot camp for children.--

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

7 (a) A participant in a low-risk residential program
8 must spend at least 2 months in the boot camp component of the
9 program ~~and 2 months in aftercare.~~ Conditional release
10 assessment and services shall be provided in accordance with
11 s. 985.316.

12 (b) A participant in a moderate-risk residential
13 program must spend at least 4 months in the boot camp
14 component of the program ~~and 4 months in aftercare.~~
15 Conditional release assessment and services shall be provided
16 in accordance with s. 985.316.

17
18 This subsection does not preclude the operation of a program
19 that requires the participants to spend more than 4 months in
20 the boot camp component of the program or that requires the
21 participants to complete two sequential programs of 4 months
22 each in the boot camp component of the program.

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

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

29 Section 16. Subsection (2) and paragraph (j) of
30 subsection (3) of section 985.31, Florida Statutes, are
31 amended to read:

1 985.31 Serious or habitual juvenile offender.--
2 (2) SERIOUS OR HABITUAL JUVENILE OFFENDER PROGRAM.--
3 (a) There is created the serious or habitual juvenile
4 offender program. The program shall consist of at least
5 ~~combine 9 to 12~~ months of intensive secure residential
6 treatment ~~followed by a minimum of 9 months of aftercare.~~
7 Conditional release assessment and services shall be provided
8 in accordance with s. 985.316.The components of the program
9 shall include, but not be limited to:
10 1. Diagnostic evaluation services.
11 2. Appropriate treatment modalities, including
12 substance abuse intervention, mental health services, and
13 sexual behavior dysfunction interventions and gang-related
14 behavior interventions.
15 3. Prevocational and vocational services.
16 4. Job training, job placement, and
17 employability-skills training.
18 5. Case management services.
19 6. Educational services, including special education
20 and pre-GED literacy.
21 7. Self-sufficiency planning.
22 8. Independent living skills.
23 9. Parenting skills.
24 10. Recreational and leisure time activities.
25 11. Community involvement opportunities commencing,
26 where appropriate, with the direct and timely payment of
27 restitution to the victim.
28 12. Intensive conditional-release supervision
29 aftercare.
30 13. Graduated reentry into the community.
31

1 14. A diversity of forms of individual and family
2 treatment appropriate to and consistent with the child's
3 needs.

4 15. Consistent and clear consequences for misconduct.

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

8 (c) The department shall involve local law enforcement
9 agencies, the judiciary, school board personnel, the office of
10 the state attorney, the office of the public defender, and
11 community service agencies interested in or currently working
12 with juveniles, in planning and developing this program.

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

16 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
17 TREATMENT.--

18 (j) The following provisions shall apply to children
19 in serious or habitual juvenile offender programs and
20 facilities:

21 1. A child shall begin participation in the
22 conditional release ~~reentry~~ component of the program based
23 upon a determination made by the treatment provider and
24 approved by the department.

25 2. A child shall begin participation in the community
26 supervision component of conditional release ~~aftercare~~ based
27 upon a determination made by the treatment provider and
28 approved by the department. The treatment provider shall give
29 written notice of the determination to the circuit court
30 having jurisdiction over the child. If the court does not
31

1 respond with a written objection within 10 days, the child
2 shall begin the conditional release ~~aftercare~~ component.

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

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

11 Section 17. Subsection (2) and paragraph (j) of
12 subsection (3) of section 985.311, Florida Statutes, are
13 amended to read:

14 985.311 Intensive residential treatment program for
15 offenders less than 13 years of age.--

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

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

26 1. Diagnostic evaluation services.

27 2. Appropriate treatment modalities, including
28 substance abuse intervention, mental health services, and
29 sexual behavior dysfunction interventions and gang-related
30 behavior interventions.

31 3. Life skills.

- 1 4. Values clarification.
- 2 5. Case management services.
- 3 6. Educational services, including special and
- 4 remedial education.
- 5 7. Recreational and leisure time activities.
- 6 8. Community involvement opportunities commencing,
- 7 where appropriate, with the direct and timely payment of
- 8 restitution to the victim.
- 9 9. Intensive conditional-release supervision
- 10 ~~aftercare~~.
- 11 10. Graduated reentry into the community.
- 12 11. A diversity of forms of individual and family
- 13 treatment appropriate to and consistent with the child's
- 14 needs.
- 15 12. Consistent and clear consequences for misconduct.
- 16 (b) The department is authorized to contract with
- 17 private companies to provide some or all of the components
- 18 indicated in paragraph (a).
- 19 (c) The department shall involve local law enforcement
- 20 agencies, the judiciary, school board personnel, the office of
- 21 the state attorney, the office of the public defender, and
- 22 community service agencies interested in or currently working
- 23 with juveniles, in planning and developing this program.
- 24 (d) The department is authorized to accept funds or
- 25 in-kind contributions from public or private sources to be
- 26 used for the purposes of this section.
- 27 (e) The department shall establish quality assurance
- 28 standards to ensure the quality and substance of mental health
- 29 services provided to children with mental, nervous, or
- 30 emotional disorders who may be committed to intensive
- 31 residential treatment programs. The quality assurance

1 standards shall address the possession of credentials by the
2 mental health service providers.

3 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
4 TREATMENT.--

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

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 Section 18. Section 985.316, Florida Statutes, is
29 amended to read:

30 985.316 Conditional release ~~Aftercare~~.--

31 (1) The Legislature finds that:

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

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

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

14 (d) Accordingly, conditional release ~~aftercare~~ should
15 be included in the continuum of care.

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

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

20 (b) Conditional release ~~Aftercare~~ transition planning
21 begins as early in the commitment process as possible.

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

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

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

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

18 Section 19. Subsections (3) and (4) of section
19 985.404, Florida Statutes, are amended to read:

20 985.404 Administering the juvenile justice
21 continuum.--

22 (3) The department shall develop or contract for
23 diversified and innovative programs to provide rehabilitative
24 treatment, including early intervention and prevention,
25 diversion, comprehensive intake, case management, diagnostic
26 and classification assessments, individual and family
27 counseling, shelter care, diversified detention care
28 emphasizing alternatives to secure detention, diversified
29 probation ~~community control~~, halfway houses, foster homes,
30 community-based substance abuse treatment services,
31 community-based mental health treatment services,

1 community-based residential and nonresidential programs,
2 environmental programs, and programs for serious or habitual
3 juvenile offenders. Each program shall place particular
4 emphasis on reintegration and conditional release ~~aftercare~~
5 for all children in the program.

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

20 Section 20. Paragraph (a) of subsection (2) of section
21 985.406, Florida Statutes, is amended to read:

22 985.406 Juvenile justice training academies
23 established; Juvenile Justice Standards and Training
24 Commission created; Juvenile Justice Training Trust Fund
25 created.--

26 (2) JUVENILE JUSTICE STANDARDS AND TRAINING
27 COMMISSION.--

28 (a) There is created under the Department of Juvenile
29 Justice the Juvenile Justice Standards and Training
30 Commission, hereinafter referred to as the commission. The
31 17-member commission shall consist of the Attorney General or

1 designee, the Commissioner of Education or designee, a member
2 of the juvenile court judiciary to be appointed by the Chief
3 Justice of the Supreme Court, and 14 members to be appointed
4 by the Secretary of Juvenile Justice as follows:

5 1. Seven members shall be juvenile justice
6 professionals: a superintendent or a direct care staff member
7 from an institution; a director from a contracted
8 community-based program; a superintendent and a direct care
9 staff member from a regional detention center or facility; a
10 juvenile probation officer supervisor and a juvenile probation
11 officer; and a director of a day treatment or conditional
12 release ~~aftercare~~ program. No fewer than three of these
13 members shall be contract providers.

14 2. Two members shall be representatives of local law
15 enforcement agencies.

16 3. One member shall be an educator from the state's
17 university and community college program of criminology,
18 criminal justice administration, social work, psychology,
19 sociology, or other field of study pertinent to the training
20 of juvenile justice program staff.

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

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

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

26 7. One member shall be a representative of the
27 business community.

28
29 All appointed members shall be appointed to serve terms of 2
30 years.

31

1 Section 21. Subsection (2) of section 985.411, Florida
2 Statutes, is amended to read:

3 985.411 Administering county and municipal delinquency
4 programs and facilities.--

5 (2) A county or municipal government may develop or
6 contract for innovative programs that ~~which~~ provide
7 rehabilitative treatment with particular emphasis on
8 reintegration and conditional release ~~aftercare~~ for all
9 children in the program, including halfway houses and
10 community-based substance abuse treatment services, mental
11 health treatment services, residential and nonresidential
12 programs, environmental programs, and programs for serious or
13 habitual juvenile offenders.

14 Section 22. Section 985.413, Florida Statutes, is
15 amended to read:

16 985.413 Circuit District juvenile justice boards.--

17 ~~(1) FINDINGS.--The Legislature finds that the number
18 of children suspended or expelled from school is growing at an
19 alarming rate; that juvenile crime is growing at an alarming
20 rate; and that there is a direct relationship between the
21 increasing number of children suspended or expelled from
22 school and the rising crime rate. The Legislature further
23 finds that the problem of school safety cannot be solved
24 solely by suspending or expelling students, nor can the public
25 be protected from juvenile crime merely by incarcerating
26 juvenile delinquents, but that school and law enforcement
27 authorities must work in cooperation with the Department of
28 Juvenile Justice, the Department of Children and Family
29 Services, and other community representatives in a partnership
30 that coordinates goals, strategies, resources, and evaluation
31 of outcomes. The Legislature finds that where such~~

1 ~~partnerships exist the participants believe that such efforts~~
2 ~~are beneficial to the community and should be encouraged~~
3 ~~elsewhere.~~

4 (1)~~(2)~~ INTENT.--~~The Legislature recognizes that,~~
5 ~~despite the large investment of resources committed to address~~
6 ~~the needs of the criminal justice system of this state, the~~
7 ~~crime rate continues to increase, overcrowding the state's~~
8 ~~juvenile detention centers, jails, and prisons and placing the~~
9 ~~state in jeopardy of being unable to effectively manage these~~
10 ~~facilities. The economic cost of crime to the state continues~~
11 ~~to drain existing resources, and the cost to victims, both~~
12 ~~economic and psychological, is traumatic and tragic. The~~
13 ~~Legislature further recognizes that many adults in the~~
14 ~~criminal justice system were once delinquents in the juvenile~~
15 ~~justice system.~~The Legislature also recognizes that many of
16 the most effective juvenile delinquency programs are programs
17 that not only prevent children from entering the juvenile
18 justice system, but also meet local community needs and have
19 substantial community involvement and support. Therefore, it
20 is the belief of the Legislature that one of the best
21 investments of the scarce resources available to combat crime
22 is in the prevention of delinquency, including prevention of
23 criminal activity by youth gangs, with special emphasis on
24 structured and well-supervised alternative education programs
25 for children suspended or expelled from school. It is the
26 intent of the Legislature to ~~authorize and~~ encourage each of
27 the judicial circuits ~~counties~~ of the state to establish a
28 comprehensive juvenile justice plan based upon the input of
29 representatives of every affected public or private entity,
30 organization, or group. It is the further intent of the
31 Legislature that representatives of school systems, the

1 judiciary, law enforcement, and the Department of Juvenile
2 Justice acquire a thorough understanding of the role and
3 responsibility that each has in addressing juvenile crime in
4 the community, that the county juvenile justice plan reflect
5 an understanding of the legal and fiscal limits within which
6 the plan must be implemented, and that willingness of the
7 parties to cooperate and collaborate in implementing the plan
8 be explicitly stated. It is the further intent of the
9 Legislature that county juvenile justice plans form the basis
10 of and be integrated into district juvenile justice plans and
11 that the prevention and treatment resources at the county,
12 circuit ~~district~~, and regional levels be utilized to the
13 maximum extent possible to implement and further the goals of
14 their respective plans.

15 ~~(2)~~(3) CIRCUIT ~~DISTRICT~~ JUVENILE JUSTICE BOARDS.--

16 (a) There is created a circuit ~~district~~ juvenile
17 justice board within each judicial circuit ~~district~~ to be
18 composed of representatives of county juvenile justice
19 councils within the circuit ~~district~~.

20 (b)1. The jurisdiction of the circuit juvenile justice
21 boards shall conform to the boundaries of the judicial
22 circuits prescribed in s. 26.021.

23 ~~a. The authority to appoint members to district~~
24 ~~juvenile justice boards, and the size of each board, is as~~
25 ~~follows:~~

26 ~~(1) District 1 is to have a board composed of 12~~
27 ~~members, to be appointed by the juvenile justice councils of~~
28 ~~the respective counties, as follows: Escambia County, 6~~
29 ~~members; Okaloosa County, 3 members; Santa Rosa County, 2~~
30 ~~members; and Walton County, 1 member.~~

31

1 ~~(II) District 2 is to have a board composed of 18~~
2 ~~members, to be appointed by the juvenile justice councils in~~
3 ~~the respective counties, as follows: Holmes County, 1 member;~~
4 ~~Washington County, 1 member; Bay County, 2 members; Jackson~~
5 ~~County, 1 member; Calhoun County, 1 member; Gulf County, 1~~
6 ~~member; Gadsden County, 1 member; Franklin County, 1 member;~~
7 ~~Liberty County, 1 member; Leon County, 4 members; Wakulla~~
8 ~~County, 1 member; Jefferson County, 1 member; Madison County,~~
9 ~~1 member; and Taylor County, 1 member.~~

10 ~~(III) District 3 is to have a board composed of 15~~
11 ~~members, to be appointed by the juvenile justice councils of~~
12 ~~the respective counties, as follows: Hamilton County, 1~~
13 ~~member; Suwannee County, 1 member; Lafayette County, 1 member;~~
14 ~~Dixie County, 1 member; Columbia County, 1 member; Gilchrist~~
15 ~~County, 1 member; Levy County, 1 member; Union County, 1~~
16 ~~member; Bradford County, 1 member; Putnam County, 1 member;~~
17 ~~and Alachua County, 5 members.~~

18 ~~(IV) District 4 is to have a board composed of 12~~
19 ~~members, to be appointed by the juvenile justice councils of~~
20 ~~the respective counties, as follows: Baker County, 1 member;~~
21 ~~Nassau County, 1 member; Duval County, 7 members; Clay County,~~
22 ~~2 members; and St. Johns County, 1 member.~~

23 ~~(V) District 5 is to have a board composed of 12~~
24 ~~members, to be appointed by the juvenile justice councils of~~
25 ~~the respective counties, as follows: Pasco County, 3 members;~~
26 ~~and Pinellas County, 9 members.~~

27 ~~(VI) District 6 is to have a board composed of 12~~
28 ~~members, to be appointed by the juvenile justice councils of~~
29 ~~the respective counties, as follows: Hillsborough County, 9~~
30 ~~members; and Manatee County, 3 members.~~

31

1 ~~(VII) District 7 is to have a board composed of 12~~
2 ~~members, to be appointed by the juvenile justice councils of~~
3 ~~the respective counties, as follows: Seminole County, 3~~
4 ~~members; Orange County, 5 members; Osceola County, 1 member;~~
5 ~~and Brevard County, 3 members.~~

6 ~~(VIII) District 8 is to have a board composed of 12~~
7 ~~members, to be appointed by the juvenile justice councils of~~
8 ~~the respective counties, as follows: Sarasota County, 3~~
9 ~~members; DeSoto County, 1 member; Charlotte County, 1 member;~~
10 ~~Lee County, 3 members; Glades County, 1 member; Hendry County,~~
11 ~~1 member; and Collier County, 2 members.~~

12 ~~(IX) District 9 is to have a board composed of 12~~
13 ~~members, to be appointed by the juvenile justice council of~~
14 ~~Palm Beach County.~~

15 ~~(X) District 10 is to have a board composed of 12~~
16 ~~members, to be appointed by the juvenile justice council of~~
17 ~~Broward County.~~

18 ~~(XI) District 11 is to have a juvenile justice board~~
19 ~~composed of 12 members to be appointed by the juvenile justice~~
20 ~~council in the respective counties, as follows: Dade County,~~
21 ~~6 members and Monroe County, 6 members.~~

22 ~~(XII) District 12 is to have a board composed of 12~~
23 ~~members, to be appointed by the juvenile justice council of~~
24 ~~the respective counties, as follows: Flagler County, 3~~
25 ~~members; and Volusia County, 9 members.~~

26 ~~(XIII) District 13 is to have a board composed of 12~~
27 ~~members, to be appointed by the juvenile justice councils of~~
28 ~~the respective counties, as follows: Marion County, 4 members;~~
29 ~~Citrus County, 2 members; Hernando County, 2 members; Sumter~~
30 ~~County, 1 member; and Lake County, 3 members.~~

31

1 ~~(XIV) District 14 is to have a board composed of 12~~
2 ~~members, to be appointed by the juvenile justice councils of~~
3 ~~the respective counties, as follows: Polk County, 9 members;~~
4 ~~Highlands County, 2 members; and Hardee County, 1 member.~~

5 ~~(XV) District 15 is to have a board composed of 12~~
6 ~~members, to be appointed by the juvenile justice councils of~~
7 ~~the respective counties, as follows: Indian River County, 3~~
8 ~~members; Okeechobee County, 1 member; St. Lucie County, 5~~
9 ~~members; and Martin County, 3 members.~~

10
11 ~~The district health and human services board in each district~~
12 ~~may appoint one of its members to serve as an ex officio~~
13 ~~member of the district juvenile justice board established~~
14 ~~under this sub-subparagraph.~~

15 ~~b. In any judicial circuit where a juvenile~~
16 ~~delinquency and gang prevention council exists on the date~~
17 ~~this act becomes law, and where the circuit and district or~~
18 ~~subdistrict boundaries are identical, such council shall~~
19 ~~become the district juvenile justice board, and shall~~
20 ~~thereafter have the purposes and exercise the authority and~~
21 ~~responsibilities provided in this section.~~

22 ~~2. At any time after the adoption of initial bylaws~~
23 ~~pursuant to paragraph (c), a district juvenile justice board~~
24 ~~may adopt a bylaw to enlarge the size, by no more than three~~
25 ~~members, and composition of the board to adequately reflect~~
26 ~~the diversity of the population and community organizations in~~
27 ~~the district.~~

28 ~~2.3.~~ All appointments shall be for 2-year terms.
29 Appointments to fill vacancies created by death, resignation,
30 or removal of a member are for the unexpired term. A member
31 may not serve more than three full consecutive terms.

1 3.4. A member who is absent for three meetings within
2 any 12-month period, without having been excused by the chair,
3 is deemed to have resigned, and the board shall immediately
4 declare the seat vacant. Members may be suspended or removed
5 for cause by a majority vote of the board members or by the
6 Governor.

7 4.5. Members are subject to the provisions of chapter
8 112, part III, Code of Ethics for Public Officers and
9 Employees.

10 (c) Upon the completion of the appointment process,
11 the circuit ~~district~~ juvenile justice manager shall schedule
12 an organizational meeting of the board. At the organizational
13 meeting, or as soon thereafter as is practical, the board
14 shall adopt bylaws and rules of procedure for the operation of
15 the board, provided such bylaws and rules are not inconsistent
16 with federal and state laws or county ordinances. The bylaws
17 shall provide for such officers and committees as the board
18 deems necessary, and shall specify the qualifications, method
19 of selection, and term for each office created.

20 (d) A circuit ~~district~~ juvenile justice board has the
21 purpose, power, and duty to:

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

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

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

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

9 ~~4.5.~~ Advise and assist the circuit ~~district~~ juvenile
10 justice manager in the provision of optional, innovative
11 delinquency services in the circuit ~~district~~ to meet the
12 unique needs of delinquent children and their families.

13 ~~5.6.~~ Develop, in consultation with the circuit
14 ~~district juvenile justice~~ manager, funding sources external to
15 the Department of Juvenile Justice for the provision and
16 maintenance of additional delinquency programs and services.
17 The board may, either independently or in partnership with one
18 or more county juvenile justice councils or other public or
19 private entities, apply for and receive funds, under contract
20 or other funding arrangement, from federal, state, county,
21 city, and other public agencies, and from public and private
22 foundations, agencies, and charities for the purpose of
23 funding optional innovative prevention, diversion, or
24 treatment services in the district for delinquent children and
25 children at risk of delinquency, and their families. To aid in
26 this process, the department shall provide fiscal agency
27 services for the councils.

28 ~~6.7.~~ Educate the community about and assist in the
29 community juvenile justice partnership grant program
30 administered by the Department of Juvenile Justice.

31

1 ~~7.8.~~ Advise the district health and human services
2 board, the circuit ~~district juvenile justice~~ manager, the
3 regional director, and the Secretary of Juvenile Justice
4 regarding the development of the legislative budget request
5 for juvenile justice programs and services in the circuit
6 ~~district~~ and the commitment region, and, in coordination with
7 the district health and human services board, make
8 recommendations, develop programs, and provide funding for
9 prevention and early intervention programs and services
10 designed to serve children in need of services, families in
11 need of services, and children who are at risk of delinquency
12 within the circuit ~~district~~ or region.

13 ~~8.9.~~ Assist the circuit ~~district juvenile justice~~
14 manager in collecting information and statistical data useful
15 in assessing the need for prevention programs and services
16 within the juvenile justice continuum program in the circuit
17 ~~district~~.

18 ~~9.10.~~ Make recommendations with respect to, and
19 monitor the effectiveness of, the judicial administrative plan
20 for each circuit pursuant to Rule 2.050, Florida Rules of
21 Judicial Administration.

22 ~~10.11.~~ Provide periodic reports to the health and
23 human services board in the appropriate district of the
24 Department of Children and Family Services. These reports must
25 contain, at a minimum, data about the clients served by the
26 juvenile justice programs and services in the district, as
27 well as data concerning the unmet needs of juveniles within
28 the district.

29 ~~11.12.~~ Provide a written annual report on the
30 activities of the board to the regional director ~~district~~
31 ~~administrator~~, the Secretary of Juvenile Justice, and the

1 Juvenile Justice Accountability Board. The report should
2 include an assessment of the effectiveness of juvenile justice
3 continuum programs and services within the circuit ~~district~~,
4 recommendations for elimination, modification, or expansion of
5 existing programs, and suggestions for new programs or
6 services in the juvenile justice continuum that would meet
7 identified needs of children and families in the circuit
8 ~~district~~.

9 (e) Contingent upon legislative appropriation, the
10 department shall provide funding for a minimum of one
11 full-time position for a staff person to work with the circuit
12 ~~district~~ juvenile justice boards.

13 (f) The secretary shall hold quarterly meetings with
14 chairpersons of the circuit ~~district~~ juvenile justice board in
15 order to:

16 1. Advise juvenile justice board chairs of statewide
17 juvenile justice issues and activities.

18 2. Provide feedback on circuit ~~district~~ budget
19 priorities.

20 3. Obtain input into the strategic planning process.

21 4. Discuss program development, program
22 implementation, and quality assurance.

23 ~~(3)(4)~~ CIRCUIT ~~DISTRICT~~ JUVENILE JUSTICE PLAN;
24 PROGRAMS.--

25 (a) A circuit ~~district~~ juvenile justice plan is
26 authorized in each circuit ~~district~~ or any subdivision of the
27 circuit ~~district~~ authorized by the circuit ~~district~~ juvenile
28 justice board for the purpose of reducing delinquent acts,
29 juvenile arrests, and gang activity. Juvenile justice programs
30 under such plan may be administered by the Department of
31 Juvenile Justice; the district school board; a local law

1 enforcement agency; or any other public or private entity, in
2 cooperation with appropriate state or local governmental
3 entities and public and private agencies. A juvenile justice
4 program under this section may be planned, implemented, and
5 conducted in any circuit ~~district~~ pursuant to a proposal
6 developed and approved as specified in s. 985.415.

7 (b) Circuit ~~District~~ juvenile justice plans shall be
8 developed by circuit ~~district~~ juvenile justice boards in close
9 cooperation with the schools, the courts, the state attorney,
10 law enforcement, state agencies, and community organizations
11 and groups. It is the intent of the Legislature that
12 representatives of all elements of the community acquire a
13 thorough understanding of the role and responsibility that
14 each has in addressing juvenile crime in the community, and
15 that the circuit ~~district~~ juvenile justice plan reflect an
16 understanding of the legal and fiscal limits within which the
17 plan must be implemented.

18 (c) The circuit ~~district~~ juvenile justice board may
19 use public hearings and other appropriate processes to solicit
20 input regarding the development and updating of the circuit
21 ~~district~~ juvenile justice plan. Input may be provided by
22 parties which include, but are not limited to:

- 23 1. Local level public and private service providers,
24 advocacy organizations, and other organizations working with
25 delinquent children.
- 26 2. County and municipal governments.
- 27 3. State agencies that provide services to children
28 and their families.
- 29 4. University youth centers.
- 30 5. Judges, state attorneys, public defenders, and The
31 Florida Bar.

- 1 6. Victims of crimes committed by children.
2 7. Law enforcement.
3 8. Delinquent children and their families and
4 caregivers.

5
6 The circuit ~~district~~ juvenile justice board must develop its
7 district juvenile justice plan in close cooperation with the
8 appropriate health and human services board of the Department
9 of Children and Family Services, local school districts, local
10 law enforcement agencies, and other community groups and must
11 update the plan annually. To aid the planning process, the
12 Department of Juvenile Justice shall provide to circuit
13 ~~district~~ juvenile justice boards routinely collected ethnicity
14 data. The Department of Law Enforcement shall include
15 ethnicity as a field in the Florida Intelligence Center
16 database, and shall collect the data routinely and make it
17 available to circuit ~~district~~ juvenile justice boards.

18 Section 23. Subsection (1) and paragraph (b) of
19 subsection (2) of section 985.414, Florida Statutes, are
20 amended to read:

21 985.414 County juvenile justice councils.--

22 (1)(a) A county juvenile justice council is authorized
23 in each county for the purpose of encouraging the initiation
24 of, or supporting ongoing, interagency cooperation and
25 collaboration in addressing juvenile crime.

26 (b) A county juvenile justice council must include:

27 1. The district school superintendent, or the
28 superintendent's designee.

29 2. The chair of the board of county commissioners, or
30 the chair's designee.

31

1 3. An elected official of the governing body of a
2 municipality within the county.

3 4. Representatives of the local school system
4 including administrators, teachers, school counselors, and
5 parents.

6 5. The ~~district~~ juvenile justice manager and the
7 ~~district~~ administrator of the Department of Children and
8 Family Services, or their respective designees.

9 6. Representatives of local law enforcement agencies,
10 including the sheriff or the sheriff's designee.

11 7. Representatives of the judicial system including,
12 but not limited to, the chief judge of the circuit, the state
13 attorney, the public defender, the clerk of the circuit court,
14 or their respective designees.

15 8. Representatives of the business community.

16 9. Representatives of any other interested officials,
17 groups, or entities including, but not limited to, a
18 children's services council, public or private providers of
19 juvenile justice programs and services, students, and
20 advocates.

21
22 A juvenile delinquency and gang prevention council or any
23 other group or organization that currently exists in any
24 county, and that is composed of and open to representatives of
25 the classes of members described in this section, may notify
26 the ~~district~~ juvenile justice manager of its desire to be
27 designated as the county juvenile justice council.

28 (2)

29 (b) The duties and responsibilities of a county
30 juvenile justice council include, but are not limited to:

31

1 1. Developing a county juvenile justice plan based
2 upon utilization of the resources of law enforcement, the
3 school system, the Department of Juvenile Justice, the
4 Department of Children and Family Services, and others in a
5 cooperative and collaborative manner to prevent or discourage
6 juvenile crime and develop meaningful alternatives to school
7 suspensions and expulsions.

8 2. Entering into a written county interagency
9 agreement specifying the nature and extent of contributions
10 each signatory agency will make in achieving the goals of the
11 county juvenile justice plan and their commitment to the
12 sharing of information useful in carrying out the goals of the
13 interagency agreement to the extent authorized by law. The
14 interagency agreement must include as parties, at a minimum,
15 local school authorities or representatives, local law
16 enforcement agencies, state attorneys, public defenders, and
17 local representatives of the Department of Juvenile Justice
18 and the Department of Children and Family Services. The
19 agreement must specify how community entities will cooperate,
20 collaborate, and share information to achieve the goals of the
21 county juvenile justice plan.

22 3. Applying for and receiving public or private
23 grants, to be administered by one of the community partners,
24 that support one or more components of the county juvenile
25 justice plan.

26 4. Designating the county representatives to the
27 ~~district~~ juvenile justice board pursuant to s. 985.413.

28 5. Providing a forum for the presentation of
29 interagency recommendations and the resolution of
30 disagreements relating to the contents of the county
31

1 interagency agreement or the performance by the parties of
2 their respective obligations under the agreement.

3 6. Assisting and directing the efforts of local
4 community support organizations and volunteer groups in
5 providing enrichment programs and other support services for
6 clients of local juvenile detention centers.

7 7. Providing an annual report and recommendations to
8 the ~~district~~ juvenile justice board, the Juvenile Justice
9 Accountability Board, and the ~~district~~ juvenile justice
10 manager.

11 Section 24. Paragraph (a) of subsection (2) of section
12 985.415, Florida Statutes, is amended to read:

13 985.415 Community Juvenile Justice Partnership
14 Grants.--

15 (2) GRANT APPLICATION PROCEDURES.--

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

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

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

31

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

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

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

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

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

19 8. The necessary program staff.

20 Section 25. Subsection (5) of section 985.417, Florida
21 Statutes, is amended to read:

22 985.417 Transfer of children from the Department of
23 Corrections to the Department of Juvenile Justice.--

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

28 Section 26. Pursuant to section 216.181(9)(a), Florida
29 Statutes, the Executive Office of the Governor may provide for
30 flexibility in salaries as necessary to support the Department
31 of Juvenile Justice. To the extent moneys are available, the

1 Executive Office of the Governor may establish salaries for
2 positions within the department at rates in excess of 10
3 percent above the minimum salary rate.

4 Section 27. This act shall take effect upon becoming a
5 law.

6
7 *****

8 SENATE SUMMARY

9 Revises various functions and duties within the
10 Department of Juvenile Justice. Abolishes the offices of
11 the Deputy Secretary for Operations and the Assistant
12 Secretary of Programming and Planning. Provides for the
13 boundaries of the department's service districts to
14 conform to the boundaries of the judicial circuits.
15 Redesignates as "conditional release" the supervision of
16 a juvenile formerly termed "aftercare." Redesignates as
17 "probation" the legal status of a juvenile formerly
18 termed "community control." Revises the minimum period
19 for certain juveniles to participate in a boot camp, a
20 serious or habitual juvenile offender program, or an
21 intensive residential treatment program. Abolishes the
22 district juvenile justice boards. Establishes circuit
23 juvenile justice boards. Authorizes the Executive Office
24 of the Governor to establish salaries for positions
25 within the Department of Juvenile Justice at rates in
26 excess of 10 percent above the minimum salary rate. (See
27 bill for details.)
28
29
30
31