

By the Committee on Fiscal Policy and Senator Brown-Waite

309-1842-00

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; creating juvenile justice
9 operating circuits; revising the boundaries of
10 the department's service districts to conform
11 to the boundaries of the judicial circuits;
12 amending ss. 984.09 and 985.216, F.S., relating
13 to alternative sanctions coordinators; deleting
14 references to county juvenile justice councils;
15 amending s. 985.03, F.S.; defining the term
16 "conditional release" to mean the supervision
17 and treatment services formerly known as
18 aftercare; defining the term "probation" to
19 mean the legal status formerly known as
20 community control; revising and deleting
21 definitions to conform to other changes made by
22 the act; amending ss. 985.309, 985.31, and
23 985.311, F.S.; revising the minimum period for
24 certain juveniles to participate in a boot
25 camp, a serious or habitual juvenile offender
26 program, or an intensive residential treatment
27 program; amending ss. 20.19, 39.0015, 216.136,
28 232.19, 288.9957, 419.001, 744.309, 784.075,
29 790.22, 938.17, 948.51, 984.03, 984.05,
30 984.086, 984.10, 985.04, 985.06, 985.2066,
31 985.207, 985.215, 985.226, 985.227, 985.228,

1 985.23, 985.231, 985.233, 985.305, 985.308,
2 985.312, 985.3141, 985.315, 985.316, 985.317,
3 985.401, 985.404, 985.4045, 985.406, 985.411,
4 985.4145, 985.415, 985.416, 985.417, F.S.;
5 conforming provisions to changes made by the
6 act; creating s. 985.4135, F.S.; creating
7 juvenile justice circuit boards and juvenile
8 justice county councils; providing for
9 membership, duties, and procedures; providing
10 that certain members of district juvenile
11 justice boards and county juvenile justice
12 councils may complete their terms; repealing s.
13 985.413, F.S., relating to district juvenile
14 justice boards; repealing s. 985.414, F.S.,
15 relating to county juvenile justice councils;
16 requiring the department to provide technical
17 assistance to facilitate transition to circuit
18 boards and county councils; providing for
19 repeal; authorizing the Executive Office of the
20 Governor to establish salaries for positions
21 within the Department of Juvenile Justice at
22 specified rates; providing effective dates.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 20.316, Florida Statutes, is
27 amended to read:

28 20.316 Department of Juvenile Justice.--There is
29 created a Department of Juvenile Justice.

30 (1) SECRETARY OF JUVENILE JUSTICE.--

31

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

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

15 (c) The Secretary of Juvenile Justice shall:

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

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

30 3. Provide for program research, development, and
31 planning.

1 4. Develop staffing and workload standards and
2 coordinate staff development and training.

3 5. Develop budget and resource allocation
4 methodologies and strategies.

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

10 7. Develop funding sources external to state
11 government.

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

14 9. Enter into contracts.

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

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

19 (a) Prevention and Victim Services.

20 (b) Detention.

21 (c) Residential and Correctional Facilities.

22 (d) Probation and Community Corrections.

23 (e) Administration.

24

25 The secretary may appoint an assistant secretary for each of
26 the department's programs and may appoint a chief of staff for
27 the department.

28 ~~(2) DEPUTY SECRETARY FOR OPERATIONS.--The secretary~~
29 ~~shall appoint a Deputy Secretary for Operations who shall~~
30 ~~supervise the managers of the 15 services districts within the~~
31 ~~department.~~

1 ~~(3) ASSISTANT SECRETARY OF PROGRAMMING AND~~
2 ~~PLANNING.--The secretary shall appoint an Assistant Secretary~~
3 ~~of Programming and Planning who shall head the following~~
4 ~~divisions:~~
5 ~~(a) Division of Prevention and Intervention.~~
6 ~~(b) Division of Detention and Commitment.~~
7 (3)(4) JUVENILE JUSTICE OPERATING CIRCUITS SERVICE
8 ~~DISTRICTS.--The department shall plan and administer its~~
9 ~~programs through a substate structure that conforms to the~~
10 ~~boundaries of the judicial circuits prescribed in s. 26.021. A~~
11 ~~county may seek placement in a juvenile justice operating~~
12 ~~circuit other than as prescribed in s. 26.021 for~~
13 ~~participation in the Prevention and Victim Services Program~~
14 ~~and the Probation and Community Corrections Program by making~~
15 ~~a request of the chief circuit judge in each judicial circuit~~
16 ~~affected by such request. Upon a showing that geographic~~
17 ~~proximity, community identity, or other legitimate concern for~~
18 ~~efficiency of operations merits alternative placement, each~~
19 ~~affected chief circuit judge may authorize the execution of an~~
20 ~~interagency agreement specifying the alternative juvenile~~
21 ~~justice operating circuit in which the county is to be placed~~
22 ~~and the basis for the alternative placement. Upon the~~
23 ~~execution of said interagency agreement by each affected chief~~
24 ~~circuit judge, the secretary may administratively place a~~
25 ~~county in an alternative juvenile justice operating circuit~~
26 ~~pursuant to the agreement.~~~~service districts and subdistricts~~
27 ~~composed of the following counties:~~
28 ~~District 1.--Escambia, Santa Rosa, Okaloosa, and Walton~~
29 ~~Counties:~~
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31

1 ~~District 2.--Holmes, Washington, Bay, Jackson, Calhoun,~~
2 ~~Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson,~~
3 ~~Madison, and Taylor Counties;~~
4 ~~District 3.--Hamilton, Suwannee, Lafayette, Dixie,~~
5 ~~Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and~~
6 ~~Alachua Counties;~~
7 ~~District 4.--Baker, Nassau, Duval, Clay, and St. Johns~~
8 ~~Counties;~~
9 ~~District 5.--Pasco and Pinellas Counties;~~
10 ~~District 6.--Hillsborough and Manatee Counties;~~
11 ~~District 7.--Seminole, Orange, Osceola, and Brevard~~
12 ~~Counties;~~
13 ~~District 8.--Sarasota, DeSoto, Charlotte, Lee, Glades,~~
14 ~~Hendry, and Collier Counties;~~
15 ~~District 9.--Palm Beach County;~~
16 ~~District 10.--Broward County;~~
17 ~~District 11.--Dade and Monroe Counties;~~
18 ~~District 12.--Flagler and Volusia Counties;~~
19 ~~District 13.--Marion, Citrus, Hernando, Sumter, and~~
20 ~~Lake Counties;~~
21 ~~District 14.--Polk, Hardee, and Highlands Counties; and~~
22 ~~District 15.--Indian River, Okeechobee, St. Lucie, and~~
23 ~~Martin Counties.~~
24 ~~(5) COMMITMENT REGIONS.--The department shall plan and~~
25 ~~administer its community and institutional delinquency~~
26 ~~programs, children-in-need-of-services programs, and~~
27 ~~families-in-need-of-services programs through commitment~~
28 ~~regions composed of the following service districts:~~
29 ~~Northwest Region.--Districts 1 and 2.~~
30 ~~Northeast Region.--Districts 3, 4, 12, and 13.~~
31 ~~Eastern Region.--Districts 7, 9, and 15.~~

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

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

3 (4)~~(6)~~ INFORMATION SYSTEMS.--

4 (a) The Department of Juvenile Justice shall develop,
5 in consultation with the Criminal and Juvenile Justice
6 Information Systems Council under s. 943.08, a juvenile
7 justice information system which shall provide information
8 concerning the department's activities and programs.

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

16 (c) The department shall implement a distributed
17 system architecture which shall be defined in its agency
18 strategic plan.

19 (d) The management information system shall, at a
20 minimum:

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

23 2. Provide timely access to current data and computing
24 capacity to support the outcome evaluation activities of the
25 Juvenile Justice Advisory ~~Accountability~~ Board as provided in
26 s. 985.401, legislative oversight, the Juvenile Justice
27 Estimating Conference, and other research.

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

30 4. Provide automated support to the contract
31 management process.

1 5. Provide automated support to the facility
2 operations management process.

3 6. Provide automated administrative support to
4 increase efficiency, provide the capability of tracking
5 expenditures of funds by the department or contracted service
6 providers that are eligible for federal reimbursement, and
7 reduce forms and paperwork.

8 7. Facilitate connectivity, access, and utilization of
9 information among various state agencies, and other state,
10 federal, local, and private agencies, organizations, and
11 institutions.

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

15 9. Provide a system for the training of information
16 system users and user groups.

17 (e) The department shall aggregate, on a quarterly and
18 an annual basis, the program information, demographic, program
19 utilization rate, and statistical data of the youth served
20 into a descriptive report and shall disseminate the quarterly
21 and annual reports to substantive committees of the House of
22 Representatives and the Senate.

23 (f) The department shall provide an annual report on
24 the juvenile justice information system to the Criminal and
25 Juvenile Justice Information Systems Council ~~Joint Information~~
26 ~~Technology Resources Committee~~. The council ~~committee~~ shall
27 review and forward the report, along with its comments, to the
28 appropriate substantive and appropriations committees of the
29 House of Representatives and the Senate delineating the
30 development status of the system and other information
31 necessary for funding policy formulation.

1 (g) The department shall include in its annual budget
2 request a comprehensive summary of costs involved in the
3 establishment of the information system and cost savings
4 associated with its implementation. The budget request must
5 also include a complete inventory of staff, equipment, and
6 facility resources for development and maintenance of the
7 system.

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

11 20.19 Department of Children and Family
12 Services.--There is created a Department of Children and
13 Family Services.

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

15 (o) Health and human services boards have the
16 following responsibilities, with respect to those programs and
17 services assigned to the districts, as developed jointly with
18 the district administrator:

19 1. Establish district outcome measures consistent with
20 statewide outcomes.

21 2. Conduct district needs assessments using
22 methodologies consistent with those established by the
23 secretary.

24 3. Negotiate with the secretary a district performance
25 agreement that:

26 a. Identifies current resources and services
27 available;

28 b. Identifies unmet needs and gaps in services;

29 c. Establishes service and funding priorities;

30 d. Establishes outcome measures for the district; and

31

- 1 e. Identifies expenditures and the number of clients
2 to be served, by service.
- 3 4. Provide budget oversight, including development and
4 approval of the district's legislative budget request.
- 5 5. Provide policy oversight, including development and
6 approval of district policies and procedures.
- 7 6. Act as a focal point for community participation in
8 department activities such as:
- 9 a. Assisting in the integration of all health and
10 social services within the community;
- 11 b. Assisting in the development of community
12 resources;
- 13 c. Advocating for community programs and services;
- 14 d. Receiving and addressing concerns of consumers and
15 others; and
- 16 e. Advising the district administrator on the
17 administration of service programs throughout the district.
- 18 7. Advise the district administrator on ways to
19 integrate the delivery of family and health care services at
20 the local level.
- 21 8. Make recommendations which would enhance district
22 productivity and efficiency, ensure achievement of performance
23 standards, and assist the district in improving the
24 effectiveness of the services provided.
- 25 9. Review contract provider performance reports.
- 26 10. Immediately upon appointment of the membership,
27 develop bylaws that clearly identify and describe operating
28 procedures for the board. At a minimum, the bylaws must
29 specify notice requirements for all regular and special
30 meetings of the board, the number of members required to
31 constitute a quorum, and the number of affirmative votes of

1 members present and voting that are required to take official
2 and final action on a matter before the board.

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

15 b. The ~~district~~ juvenile justice circuit boards
16 established in s. 985.4135 ~~985.413~~ constitute the standing
17 committee on issues relating to planning, funding, or
18 evaluation of programs and services relating to the juvenile
19 justice continuum.

20 12. Participate with the secretary in the selection of
21 a district administrator according to the provisions of
22 paragraph (10)(b).

23 13. Complete an annual evaluation of the district and
24 review the evaluation at a meeting of the board at which the
25 public has an opportunity to comment.

26 14. Provide input to the secretary on the annual
27 evaluation of the ~~district~~ administrator. The board may
28 request that the secretary submit a written report on the
29 actions to be taken to address negative aspects of the
30 evaluation. At any time, the board may recommend to the
31 secretary that the district administrator be discharged. Upon

1 receipt of such a recommendation, the secretary shall make a
2 formal reply to the board stating the action to be taken with
3 respect to the board's recommendation.

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

6 (10) DISTRICT ADMINISTRATOR.--

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

9 1. Ensuring jointly with the health and human services
10 board that the administration of all service programs is
11 carried out in conformity with state and federal laws, rules,
12 and regulations, statewide service plans, and any other
13 policies, procedures, and guidelines established by the
14 secretary.

15 2. Administering the offices of the department within
16 the district and directing and coordinating all personnel,
17 facilities, and programs of the department located in that
18 district, except as otherwise provided herein.

19 3. Applying standard information, referral, intake,
20 diagnostic and evaluation, and case management procedures
21 established by the secretary. Such procedures shall include,
22 but are not limited to, a protective investigation system for
23 dependency programs serving abandoned, abused, and neglected
24 children.

25 4. Centralizing to the greatest extent possible the
26 administrative functions associated with the provision of
27 services of the department within the district.

28 5. Coordinating the services provided by the
29 department in the district with those of other districts, with
30 the Secretary of Juvenile Justice, the circuit district
31 juvenile justice manager, and public and private agencies that

1 provide health, social, educational, or rehabilitative
2 services within the district. Such coordination of services
3 includes cooperation with the superintendent of each school
4 district in the department's service district to achieve the
5 first state education goal, readiness to start school.

6 6. Except as otherwise provided in this section,
7 appointing all personnel within the district. The district
8 administrator and the secretary shall jointly appoint the
9 superintendent of each institution under the jurisdiction of
10 the department within the district.

11 7. Establishing, with the approval of the health and
12 human services board, such policies and procedures as may be
13 required to discharge his or her duties and implement and
14 conform the policies, procedures, and guidelines established
15 by the secretary to the needs of the district.

16 8. Transferring up to 10 percent of the total district
17 budget, with the approval of the secretary, to maximize
18 effective program delivery, the provisions of ss. 216.292 and
19 216.351 notwithstanding.

20 Section 3. Paragraph (b) of subsection (3) of section
21 39.0015, Florida Statutes, is amended to read:

22 39.0015 Child abuse prevention training in the
23 district school system.--

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

25 (b) "Child abuse" means those acts as defined in ss.
26 39.01(1), (2), (30), (44), (46), (53), and (64), 827.04, and
27 984.03(1), (2), and (37)~~(39)~~.

28 Section 4. Paragraph (b) of subsection (9) of section
29 216.136, Florida Statutes, is amended to read:

30 216.136 Consensus estimating conferences; duties and
31 principals.--

1 (9) JUVENILE JUSTICE ESTIMATING CONFERENCE.--

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

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

18 232.19 Court procedure and penalties.--The court
19 procedure and penalties for the enforcement of the provisions
20 of this chapter, relating to compulsory school attendance,
21 shall be as follows:

22 (4) COOPERATIVE AGREEMENTS.--The circuit district
23 manager of the Department of Juvenile Justice or the circuit
24 ~~district~~ manager's designee, the district administrator of the
25 Department of Children and Family Services or the district
26 administrator's designee, and the superintendent of the local
27 school district or the superintendent's designee must develop
28 a cooperative interagency agreement that:

29 (a) Clearly defines each department's role,
30 responsibility, and function in working with habitual truants
31 and their families.

1 (b) Identifies and implements measures to resolve and
2 reduce truant behavior.

3 (c) Addresses issues of streamlining service delivery,
4 the appropriateness of legal intervention, case management,
5 the role and responsibility of the case staffing committee,
6 student and parental intervention and involvement, and
7 community action plans.

8 (d) Delineates timeframes for implementation and
9 identifies a mechanism for reporting results by the circuit
10 ~~district~~ juvenile justice manager or the circuit district
11 manager's designee and the superintendent of schools or the
12 superintendent's designee to the Department of Juvenile
13 Justice and the Department of Education and other governmental
14 entities as needed.

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

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

20 288.9957 Florida Youth Workforce Council.--

21 (1) The chairman of the Workforce Development Board
22 shall designate the Florida Youth Workforce Council from
23 representatives of distressed inner-city and rural communities
24 who have demonstrated experience working with at-risk youth,
25 and representatives of public and private groups, including,
26 but not limited to, School-to-Work Advisory Councils, the
27 National Guard, Childrens' Services Councils, Juvenile Welfare
28 Boards, the Apprenticeship Council, juvenile justice circuit
29 ~~District~~ boards, and other federal and state programs that
30 target youth, to advise the board on youth programs and to
31

1 implement Workforce Development Board strategies for young
2 people.

3 Section 7. Paragraph (d) of subsection (1) of section
4 419.001, Florida Statutes, is amended to read:

5 419.001 Site selection of community residential
6 homes.--

7 (1) For the purposes of this section, the following
8 definitions shall apply:

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

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

18 744.309 Who may be appointed guardian of a resident
19 ward.--

20 (3) DISQUALIFIED PERSONS.--No person who has been
21 convicted of a felony or who, from any incapacity or illness,
22 is incapable of discharging the duties of a guardian, or who
23 is otherwise unsuitable to perform the duties of a guardian,
24 shall be appointed to act as guardian. Further, no person who
25 has been judicially determined to have committed abuse,
26 abandonment, or neglect against a child as defined in s. 39.01
27 or s. 984.03(2) and (37)~~(39)~~, or who has a confirmed report
28 of abuse, neglect, or exploitation which has been uncontested
29 or upheld pursuant to the provisions of ss. 415.104 and
30 415.1075 shall be appointed to act as a guardian. Except as
31 provided in subsection (5) or subsection (6), a person who

1 provides substantial services to the proposed ward in a
2 professional or business capacity, or a creditor of the
3 proposed ward, may not be appointed guardian and retain that
4 previous professional or business relationship. A person may
5 not be appointed a guardian if he or she is in the employ of
6 any person, agency, government, or corporation that provides
7 service to the proposed ward in a professional or business
8 capacity, except that a person so employed may be appointed if
9 he or she is the spouse, adult child, parent, or sibling of
10 the proposed ward or the court determines that the potential
11 conflict of interest is insubstantial and that the appointment
12 would clearly be in the proposed ward's best interest. The
13 court may not appoint a guardian in any other circumstance in
14 which a conflict of interest may occur.

15 Section 9. Section 784.075, Florida Statutes, is
16 amended to read:

17 784.075 Battery on detention or commitment facility
18 staff.--A person who commits a battery on a juvenile probation
19 officer, as defined in s. 984.03 or s. 985.03, on other staff
20 of a detention center or facility as defined in s. 984.03 or
21 s. 985.03, or on a staff member of a commitment facility as
22 defined in s. 985.03~~(45)~~~~(47)~~, commits a felony of the third
23 degree, punishable as provided in s. 775.082, s. 775.083, or
24 s. 775.084. For purposes of this section, a staff member of
25 the facilities listed includes persons employed by the
26 Department of Juvenile Justice, persons employed at facilities
27 licensed by the Department of Juvenile Justice, and persons
28 employed at facilities operated under a contract with the
29 Department of Juvenile Justice.

30 Section 10. Paragraph (c) of subsection (4) of section
31 790.22, Florida Statutes, is amended to read:

1 790.22 Use of BB guns, air or gas-operated guns, or
2 electric weapons or devices by minor under 16; limitation;
3 possession of firearms by minor under 18 prohibited;
4 penalties.--

5 (4)

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

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

18 938.17 County delinquency prevention.--

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

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

28 948.51 Community corrections assistance to counties or
29 county consortiums.--

30 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.--A
31 county, or a consortium of two or more counties, may contract

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

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

31

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

4 (c) Specific goals and objectives for reducing the
5 projected percentage of commitments to the state prison system
6 of persons with low total sentencing scores pursuant to the
7 Criminal Punishment Code.

8 (d) Specific evidence of the population status of all
9 programs which are part of the plan, which evidence
10 establishes that such programs do not include offenders who
11 otherwise would have been on a less intensive form of
12 community supervision.

13 (e) The assessment of population status by the public
14 safety coordinating council of all correctional facilities
15 owned or contracted for by the county or by each county within
16 the consortium.

17 (f) The assessment of bed space that is available for
18 substance abuse intervention and treatment programs and the
19 assessment of offenders in need of treatment who are committed
20 to each correctional facility owned or contracted for by the
21 county or by each county within the consortium.

22 (g) A description of program costs and sources of
23 funds for each community corrections program, including
24 community corrections funds, loans, state assistance, and
25 other financial assistance.

26 Section 13. Subsections (24) and (25) of section
27 984.03, Florida Statutes, are repealed, subsections (26)
28 through (58) are renumbered as subsections (24) through (56),
29 respectively, and present subsections (32) and (33) of that
30 section are amended to read:

31

1 984.03 Definitions.--When used in this chapter, the
2 term:

3 ~~(30)(32)~~ "Juvenile justice continuum" includes, but is
4 not limited to, delinquency prevention programs and services
5 designed for the purpose of preventing or reducing delinquent
6 acts, including criminal activity by youth gangs and juvenile
7 arrests, as well as programs and services targeted at children
8 who have committed delinquent acts, and children who have
9 previously been committed to residential treatment programs
10 for delinquents. The term includes
11 children-in-need-of-services and families-in-need-of-services
12 programs; conditional release ~~aftercare and reentry services~~;
13 substance abuse and mental health programs; educational and
14 vocational programs; recreational programs; community services
15 programs; community service work programs; and alternative
16 dispute resolution programs serving children at risk of
17 delinquency and their families, whether offered or delivered
18 by state or local governmental entities, public or private
19 for-profit or not-for-profit organizations, or religious or
20 charitable organizations.

21 ~~(31)(33)~~ "Juvenile probation officer" means the
22 authorized agent of the department who performs and directs
23 intake, assessment, probation, or conditional release
24 ~~aftercare~~, and other related services.

25 Section 14. Section 984.05, Florida Statutes, is
26 amended to read:

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

1 of, and shall adopt, rules as necessary for the implementation
2 of ss. 232.19, 984.03(27)(~~29~~), and 985.03(25)(~~28~~).

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

5 984.086 Children locked out of the home; interagency
6 cooperation.--The Department of Juvenile Justice and the
7 Department of Children and Family Services shall encourage
8 interagency cooperation within each circuit ~~district~~ and shall
9 develop comprehensive agreements between the staff and
10 providers for each department in order to coordinate the
11 services provided to children who are locked out of the home
12 and the families of those children.

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

15 984.09 Punishment for contempt of court; alternative
16 sanctions.--

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

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

3 984.10 Intake.--

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

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

20 985.03 Definitions.--When used in this chapter, the
21 term:

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

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

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

30 (4)~~(5)~~ "Arbitration" means a process whereby a neutral
31 third person or panel, called an arbitrator or an arbitration

1 panel, considers the facts and arguments presented by the
2 parties and renders a decision which may be binding or
3 nonbinding.

4 (5)~~(6)~~ "Authorized agent" or "designee" of the
5 department means a person or agency assigned or designated by
6 the Department of Juvenile Justice or the Department of
7 Children and Family Services, as appropriate, to perform
8 duties or exercise powers pursuant to this chapter and
9 includes contract providers and their employees for purposes
10 of providing services to and managing cases of children in
11 need of services and families in need of services.

12 (6)~~(7)~~ "Child" or "juvenile" or "youth" means any
13 unmarried person under the age of 18 who has not been
14 emancipated by order of the court and who has been found or
15 alleged to be dependent, in need of services, or from a family
16 in need of services; or any married or unmarried person who is
17 charged with a violation of law occurring prior to the time
18 that person reached the age of 18 years.

19 (7)~~(8)~~ "Child eligible for an intensive residential
20 treatment program for offenders less than 13 years of age"
21 means a child who has been found to have committed a
22 delinquent act or a violation of law in the case currently
23 before the court and who meets at least one of the following
24 criteria:

25 (a) The child is less than 13 years of age at the time
26 of the disposition for the current offense and has been
27 adjudicated on the current offense for:

- 28 1. Arson;
- 29 2. Sexual battery;
- 30 3. Robbery;
- 31 4. Kidnapping;

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

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

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

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

22 (9)~~(10)~~ "Child who has been found to have committed a
23 delinquent act" means a child who, pursuant to the provisions
24 of this chapter, is found by a court to have committed a
25 violation of law or to be in direct or indirect contempt of
26 court, except that this definition shall not include an act
27 constituting contempt of court arising out of a dependency
28 proceeding or a proceeding pursuant to part III of this
29 chapter.

30 (10)~~(11)~~ "Child support" means a court-ordered
31 obligation, enforced under chapter 61 and ss.

1 409.2551-409.2597, for monetary support for the care,
2 maintenance, training, and education of a child.

3 (11)~~(12)~~ "Circuit" means any of the 20 judicial
4 circuits as set forth in s. 26.021.

5 (12)~~(14)~~ "Comprehensive assessment" or "assessment"
6 means the gathering of information for the evaluation of a
7 juvenile offender's or a child's physical, psychological,
8 educational, vocational, and social condition and family
9 environment as they relate to the child's need for
10 rehabilitative and treatment services, including substance
11 abuse treatment services, mental health services,
12 developmental services, literacy services, medical services,
13 family services, and other specialized services, as
14 appropriate.

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

26 (14)~~(15)~~ "Court," unless otherwise expressly stated,
27 means the circuit court assigned to exercise jurisdiction
28 under this chapter.

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

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

18 (16)~~(17)~~ "Department" means the Department of Juvenile
19 Justice.

20 (17)~~(18)~~ "Designated facility" or "designated
21 treatment facility" means any facility designated by the
22 Department of Juvenile Justice to provide treatment to
23 juvenile offenders.

24 (18)~~(19)~~ "Detention care" means the temporary care of
25 a child in secure, nonsecure, or home detention, pending a
26 court adjudication or disposition or execution of a court
27 order. There are three types of detention care, as follows:

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

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

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

12 (19)~~(20)~~ "Detention center or facility" means a
13 facility used pending court adjudication or disposition or
14 execution of court order for the temporary care of a child
15 alleged or found to have committed a violation of law. A
16 detention center or facility may provide secure or nonsecure
17 custody. A facility used for the commitment of adjudicated
18 delinquents shall not be considered a detention center or
19 facility.

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

24 (21)~~(22)~~ "Disposition hearing" means a hearing in
25 which the court determines the most appropriate dispositional
26 services in the least restrictive available setting provided
27 for under s. 985.231, in delinquency cases.

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

30 ~~(24) "District juvenile justice manager" means the~~
31 ~~person appointed by the Secretary of Juvenile Justice,~~

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

5 (22)~~(25)~~ "Family" means a collective body of persons,
6 consisting of a child and a parent, guardian, adult custodian,
7 or adult relative, in which:

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

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

13 (23)~~(26)~~ "Family in need of services" means a family
14 that has a child for whom there is no pending investigation
15 into an allegation of abuse, neglect, or abandonment or no
16 current supervision by the Department of Juvenile Justice or
17 the Department of Children and Family Services for an
18 adjudication of dependency or delinquency. The child must also
19 have been referred to a law enforcement agency or the
20 Department of Juvenile Justice for:

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

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

25 (c) Habitual truancy from school.

26 (24)~~(27)~~ "Foster care" means care provided a child in
27 a foster family or boarding home, group home, agency boarding
28 home, child care institution, or any combination thereof.

29 (25)~~(28)~~ "Habitually truant" means that:

30 (a) The child has 15 unexcused absences within 90
31 calendar days with or without the knowledge or justifiable

1 consent of the child's parent or legal guardian, is subject to
2 compulsory school attendance under s. 232.01, and is not
3 exempt under s. 232.06, s. 232.09, or any other exemptions
4 specified by law or the rules of the State Board of Education.

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

8
9 If a child who is subject to compulsory school attendance is
10 responsive to the interventions described in ss. 232.17 and
11 232.19 and has completed the necessary requirements to pass
12 the current grade as indicated in the district pupil
13 progression plan, the child shall not be determined to be
14 habitually truant and shall be passed. If a child within the
15 compulsory school attendance age has 15 unexcused absences
16 within 90 calendar days or fails to enroll in school, the
17 state attorney may file a child-in-need-of-services petition.
18 Prior to filing a petition, the child must be referred to the
19 appropriate agency for evaluation. After consulting with the
20 evaluating agency, the state attorney may elect to file a
21 child-in-need-of-services petition.

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

1 agencies for economic services, family or individual
2 counseling, or other services required to remedy the
3 conditions that are contributing to the truant behavior.

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

14 (26)~~(29)~~ "Halfway house" means a community-based
15 residential program for 10 or more committed delinquents at
16 the moderate-risk restrictiveness level that is operated or
17 contracted by the Department of Juvenile Justice.

18 (27)~~(30)~~ "Intake" means the initial acceptance and
19 screening by the Department of Juvenile Justice of a complaint
20 or a law enforcement report or probable cause affidavit of
21 delinquency, family in need of services, or child in need of
22 services to determine the recommendation to be taken in the
23 best interests of the child, the family, and the community.
24 The emphasis of intake is on diversion and the least
25 restrictive available services. Consequently, intake includes
26 such alternatives as:

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

30 (b) The referral of the child to another public or
31 private agency when appropriate.

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

3 (28)~~(31)~~ "Judge" means the circuit judge exercising
4 jurisdiction pursuant to this chapter.

5 (29)~~(32)~~ "Juvenile justice continuum" includes, but is
6 not limited to, delinquency prevention programs and services
7 designed for the purpose of preventing or reducing delinquent
8 acts, including criminal activity by youth gangs, and juvenile
9 arrests, as well as programs and services targeted at children
10 who have committed delinquent acts, and children who have
11 previously been committed to residential treatment programs
12 for delinquents. The term includes
13 children-in-need-of-services and families-in-need-of-services
14 programs; conditional release ~~aftercare and reentry services~~;
15 substance abuse and mental health programs; educational and
16 vocational programs; recreational programs; community services
17 programs; community service work programs; and alternative
18 dispute resolution programs serving children at risk of
19 delinquency and their families, whether offered or delivered
20 by state or local governmental entities, public or private
21 for-profit or not-for-profit organizations, or religious or
22 charitable organizations.

23 (30)~~(33)~~ "Juvenile probation officer" means the
24 authorized agent of the Department of Juvenile Justice who
25 performs the intake or case management function for a child
26 alleged to be delinquent.

27 (31)~~(34)~~ "Juvenile sexual offender" means:

28 (a) A juvenile who has been found by the court
29 pursuant to s. 985.228 to have committed a violation of
30 chapter 794, chapter 796, chapter 800, s. 827.071, or s.
31 847.0133;

1 (b) A juvenile found to have committed any violation
2 of law or delinquent act involving juvenile sexual abuse.

3 "Juvenile sexual abuse" means any sexual behavior which occurs
4 without consent, without equality, or as a result of coercion.

5 For purposes of this subsection, the following definitions
6 apply:

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

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

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

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

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

19 c. Awareness of potential consequences and
20 alternatives.

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

23 e. Voluntary decision.

24 f. Mental competence.

25
26 Juvenile sexual offender behavior ranges from noncontact
27 sexual behavior such as making obscene phone calls,
28 exhibitionism, voyeurism, and the showing or taking of lewd
29 photographs to varying degrees of direct sexual contact, such
30 as frottage, fondling, digital penetration, rape, fellatio,
31 sodomy, and various other sexually aggressive acts.

1 ~~(32)~~(35) "Legal custody" means a legal status created
2 by court order or letter of guardianship which vests in a
3 custodian of the person or guardian, whether an agency or an
4 individual, the right to have physical custody of the child
5 and the right and duty to protect, train, and discipline the
6 child and to provide him or her with food, shelter, education,
7 and ordinary medical, dental, psychiatric, and psychological
8 care.

9 ~~(33)~~(36) "Licensed child-caring agency" means a
10 person, society, association, or agency licensed by the
11 Department of Children and Family Services to care for,
12 receive, and board children.

13 ~~(34)~~(37) "Licensed health care professional" means a
14 physician licensed under chapter 458, an osteopathic physician
15 licensed under chapter 459, a nurse licensed under chapter
16 464, a physician assistant licensed under chapter 458 or
17 chapter 459, or a dentist licensed under chapter 466.

18 ~~(35)~~(38) "Likely to injure oneself" means that, as
19 evidenced by violent or other actively self-destructive
20 behavior, it is more likely than not that within a 24-hour
21 period the child will attempt to commit suicide or inflict
22 serious bodily harm on himself or herself.

23 ~~(36)~~(39) "Likely to injure others" means that it is
24 more likely than not that within a 24-hour period the child
25 will inflict serious and unjustified bodily harm on another
26 person.

27 ~~(37)~~(40) "Mediation" means a process whereby a neutral
28 third person called a mediator acts to encourage and
29 facilitate the resolution of a dispute between two or more
30 parties. It is an informal and nonadversarial process with
31 the objective of helping the disputing parties reach a

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

6 (38)~~(41)~~ "Necessary medical treatment" means care
7 which is necessary within a reasonable degree of medical
8 certainty to prevent the deterioration of a child's condition
9 or to alleviate immediate pain of a child.

10 (39)~~(42)~~ "Next of kin" means an adult relative of a
11 child who is the child's brother, sister, grandparent, aunt,
12 uncle, or first cousin.

13 (40)~~(43)~~ "Parent" means a woman who gives birth to a
14 child and a man whose consent to the adoption of the child
15 would be required under s. 63.062(1)(b). If a child has been
16 legally adopted, the term "parent" means the adoptive mother
17 or father of the child. The term does not include an
18 individual whose parental relationship to the child has been
19 legally terminated, or an alleged or prospective parent,
20 unless the parental status falls within the terms of either s.
21 39.503 or s. 63.062(1)(b).

22 (41)~~(44)~~ "Preliminary screening" means the gathering
23 of preliminary information to be used in determining a child's
24 need for further evaluation or assessment or for referral for
25 other substance abuse services through means such as
26 psychosocial interviews; urine and breathalyzer screenings;
27 and reviews of available educational, delinquency, and
28 dependency records of the child.

29 (42)~~(45)~~ "Preventive services" means social services
30 and other supportive and rehabilitative services provided to
31 the parent of the child, the legal guardian of the child, or

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

9 (43)~~(13)~~ "Probation ~~Community control~~" means the legal
10 status of probation created by law and court order in cases
11 involving a child who has been found to have committed a
12 delinquent act. Probation ~~Community control~~ is an
13 individualized program in which the freedom of the child is
14 limited and the child is restricted to noninstitutional
15 quarters or restricted to the child's home in lieu of
16 commitment to the custody of the Department of Juvenile
17 Justice.

18 (44)~~(46)~~ "Relative" means a grandparent,
19 great-grandparent, sibling, first cousin, aunt, uncle,
20 great-aunt, great-uncle, niece, or nephew, whether related by
21 the whole or half blood, by affinity, or by adoption. The term
22 does not include a stepparent.

23 (45)~~(47)~~ "Restrictiveness level" means the level of
24 custody provided by programs that service the custody and care
25 needs of committed children. There shall be five
26 restrictiveness levels:

27 (a) Minimum-risk nonresidential.--Youth assessed and
28 classified for placement in programs at this restrictiveness
29 level represent a minimum risk to themselves and public safety
30 and do not require placement and services in residential
31 settings. Programs or program models in this restrictiveness

1 level include: community counselor supervision programs,
2 special intensive group programs, nonresidential marine
3 programs, nonresidential training and rehabilitation centers,
4 and other local community nonresidential programs, including
5 any nonresidential program or supervision program that is used
6 for conditional release ~~aftercare~~ placement.

7 (b) Low-risk residential.--Youth assessed and
8 classified for placement in programs at this level represent a
9 low risk to themselves and public safety and do require
10 placement and services in residential settings. Programs or
11 program models in this restrictiveness level include: Short
12 Term Offender Programs (STOP), group treatment homes, family
13 group homes, proctor homes, and Short Term Environmental
14 Programs (STEP). Section 985.3141 applies to children placed
15 in programs in this restrictiveness level.

16 (c) Moderate-risk residential.--Youth assessed and
17 classified for placement in programs in this restrictiveness
18 level represent a moderate risk to public safety. Programs
19 are designed for children who require close supervision but do
20 not need placement in facilities that are physically secure.
21 Programs in the moderate-risk residential restrictiveness
22 level provide 24-hour awake supervision, custody, care, and
23 treatment. Upon specific appropriation, a facility at this
24 restrictiveness level may have a security fence around the
25 perimeter of the grounds of the facility and may be
26 hardware-secure or staff-secure. The staff at a facility at
27 this restrictiveness level may seclude a child who is a
28 physical threat to himself or herself or others. Mechanical
29 restraint may also be used when necessary. Programs or program
30 models in this restrictiveness level include: halfway houses,
31 START Centers, the Dade Intensive Control Program, licensed

1 substance abuse residential programs, and moderate-term
2 wilderness programs designed for committed delinquent youth
3 that are operated or contracted by the Department of Juvenile
4 Justice. Section 985.3141 applies to children placed in
5 programs in this restrictiveness level.

6 (d) High-risk residential.--Youth assessed and
7 classified for this level of placement require close
8 supervision in a structured residential setting that provides
9 24-hour-per-day secure custody, care, and supervision.
10 Placement in programs in this level is prompted by a concern
11 for public safety that outweighs placement in programs at
12 lower restrictiveness levels. Programs or program models in
13 this level are staff-secure or physically secure residential
14 commitment facilities and include: training schools, intensive
15 halfway houses, residential sex offender programs, long-term
16 wilderness programs designed exclusively for committed
17 delinquent youth, boot camps, secure halfway house programs,
18 and the Broward Control Treatment Center. Section 985.3141
19 applies to children placed in programs in this restrictiveness
20 level.

21 (e) Juvenile correctional facilities or juvenile
22 prison.--Youth assessed and classified for this level of
23 placement require close supervision in a maximum security
24 residential setting that provides 24-hour-per-day secure
25 custody, care, and supervision. Placement in a program in this
26 level is prompted by a demonstrated need to protect the
27 public. Programs or program models in this level are
28 maximum-secure-custody, long-term residential commitment
29 facilities that are intended to provide a moderate overlay of
30 educational, vocational, and behavioral-modification services
31 and other maximum-security program models authorized by the

1 Legislature and established by rule. Section 985.3141 applies
2 to children placed in programs in this restrictiveness level.

3 (46)~~(48)~~ "Secure detention center or facility" means a
4 physically restricting facility for the temporary care of
5 children, pending adjudication, disposition, or placement.

6 (47)~~(49)~~ "Serious or habitual juvenile offender," for
7 purposes of commitment to a residential facility and for
8 purposes of records retention, means a child who has been
9 found to have committed a delinquent act or a violation of
10 law, in the case currently before the court, and who meets at
11 least one of the following criteria:

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

- 15 1. Arson;
- 16 2. Sexual battery;
- 17 3. Robbery;
- 18 4. Kidnapping;
- 19 5. Aggravated child abuse;
- 20 6. Aggravated assault;
- 21 7. Aggravated stalking;
- 22 8. Murder;
- 23 9. Manslaughter;
- 24 10. Unlawful throwing, placing, or discharging of a
25 destructive device or bomb;
- 26 11. Armed burglary;
- 27 12. Aggravated battery;
- 28 13. Any lewd or lascivious offense committed upon or
29 in the presence of a person less than 16 years of age; or
30

31

1 14. Carrying, displaying, using, threatening, or
2 attempting to use a weapon or firearm during the commission of
3 a felony.

4 (b) The youth is at least 13 years of age at the time
5 of the disposition, the current offense is a felony, and the
6 child has previously been committed at least two times to a
7 delinquency commitment program.

8 (c) The youth is at least 13 years of age and is
9 currently committed for a felony offense and transferred from
10 a moderate-risk or high-risk residential commitment placement.

11 (48)~~(50)~~ "Serious or habitual juvenile offender
12 program" means the program established in s. 985.31.

13 (49)~~(51)~~ "Shelter" means a place for the temporary
14 care of a child who is alleged to be or who has been found to
15 be delinquent.

16 (50)~~(52)~~ "Shelter hearing" means a hearing provided
17 for under s. 984.14 in family-in-need-of-services cases or
18 child-in-need-of-services cases.

19 (51)~~(53)~~ "Staff-secure shelter" means a facility in
20 which a child is supervised 24 hours a day by staff members
21 who are awake while on duty. The facility is for the temporary
22 care and assessment of a child who has been found to be
23 dependent, who has violated a court order and been found in
24 contempt of court, or whom the Department of Children and
25 Family Services is unable to properly assess or place for
26 assistance within the continuum of services provided for
27 dependent children.

28 (52)~~(54)~~ "Substance abuse" means using, without
29 medical reason, any psychoactive or mood-altering drug,
30 including alcohol, in such a manner as to induce impairment
31 resulting in dysfunctional social behavior.

1 (53)~~(55)~~ "Taken into custody" means the status of a
2 child immediately when temporary physical control over the
3 child is attained by a person authorized by law, pending the
4 child's release, detention, placement, or other disposition as
5 authorized by law.

6 (54)~~(56)~~ "Temporary legal custody" means the
7 relationship that a juvenile court creates between a child and
8 an adult relative of the child, adult nonrelative approved by
9 the court, or other person until a more permanent arrangement
10 is ordered. Temporary legal custody confers upon the custodian
11 the right to have temporary physical custody of the child and
12 the right and duty to protect, train, and discipline the child
13 and to provide the child with food, shelter, and education,
14 and ordinary medical, dental, psychiatric, and psychological
15 care, unless these rights and duties are otherwise enlarged or
16 limited by the court order establishing the temporary legal
17 custody relationship.

18 (55)~~(57)~~ "Temporary release" means the terms and
19 conditions under which a child is temporarily released from a
20 commitment facility or allowed home visits. If the temporary
21 release is from a moderate-risk residential facility, a
22 high-risk residential facility, or a maximum-risk residential
23 facility, the terms and conditions of the temporary release
24 must be approved by the child, the court, and the facility.
25 The term includes periods during which the child is supervised
26 pursuant to a conditional release ~~reentry program or an~~
27 ~~aftercare~~ program or a period during which the child is
28 supervised by a juvenile probation officer or other
29 nonresidential staff of the department or staff employed by an
30 entity under contract with the department. A child placed in a
31 postcommitment supervision program by order of the court is

1 not considered to be on temporary release and is not subject
2 to the terms and conditions of temporary release.

3 (56)~~(58)~~ "Training school" means one of the following
4 facilities: the Arthur G. Dozier School or the Eckerd Youth
5 Development Center.

6 (57)~~(59)~~ "Violation of law" or "delinquent act" means
7 a violation of any law of this state, the United States, or
8 any other state which is a misdemeanor or a felony or a
9 violation of a county or municipal ordinance which would be
10 punishable by incarceration if the violation were committed by
11 an adult.

12 (58)~~(60)~~ "Waiver hearing" means a hearing provided for
13 under s. 985.226(3).

14 Section 19. Paragraph (a) of subsection (3) and
15 paragraph (a) of subsection (4) of section 985.04, Florida
16 Statutes, are amended to read:

17 985.04 Oaths; records; confidential information.--

18 (3)(a) Except as provided in subsections (2), (4),
19 (5), and (6), and s. 943.053, all information obtained under
20 this part in the discharge of official duty by any judge, any
21 employee of the court, any authorized agent of the Department
22 of Juvenile Justice, the Parole Commission, the Juvenile
23 Justice Advisory ~~Accountability~~ Board, the Department of
24 Corrections, the ~~district~~ juvenile justice circuit boards, any
25 law enforcement agent, or any licensed professional or
26 licensed community agency representative participating in the
27 assessment or treatment of a juvenile is confidential and may
28 be disclosed only to the authorized personnel of the court,
29 the Department of Juvenile Justice and its designees, the
30 Department of Corrections, the Parole Commission, the Juvenile
31 Justice Advisory ~~Accountability~~ Board, law enforcement agents,

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

21 (4)(a) Records in the custody of the Department of
22 Juvenile Justice regarding children are not open to inspection
23 by the public. Such records may be inspected only upon order
24 of the Secretary of Juvenile Justice or his or her authorized
25 agent by persons who have sufficient reason and upon such
26 conditions for their use and disposition as the secretary or
27 his or her authorized agent deems proper. The information in
28 such records may be disclosed only to other employees of the
29 Department of Juvenile Justice who have a need therefor in
30 order to perform their official duty; to other persons as
31 authorized by rule of the Department of Juvenile Justice; and,

1 upon request, to the Juvenile Justice Advisory ~~Accountability~~
2 Board and the Department of Corrections. The secretary or his
3 or her authorized agent may permit properly qualified persons
4 to inspect and make abstracts from records for statistical
5 purposes under whatever conditions upon their use and
6 disposition the secretary or his or her authorized agent deems
7 proper, provided adequate assurances are given that children's
8 names and other identifying information will not be disclosed
9 by the applicant.

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

12 985.06 Statewide information-sharing system;
13 interagency workgroup.--

14 (2) The interagency workgroup shall be coordinated
15 through the Department of Education and shall include
16 representatives from the state agencies specified in
17 subsection (1), school superintendents, school district
18 information system directors, principals, teachers, juvenile
19 court judges, police chiefs, county sheriffs, clerks of the
20 circuit court, the Department of Children and Family Services,
21 providers of juvenile services including a provider from a
22 juvenile substance abuse program, and circuit ~~district~~
23 juvenile justice managers.

24 Section 21. Section 985.2066, Florida Statutes, is
25 amended to read:

26 985.2066 Children locked out of the home; interagency
27 cooperation.--The Department of Juvenile Justice and the
28 Department of Children and Family Services shall encourage
29 interagency cooperation within each circuit ~~district~~ and shall
30 develop comprehensive agreements between the staff and
31 providers for each department in order to coordinate the

1 services provided to children who are locked out of the home
2 and the families of those children.

3 Section 22. Paragraph (d) of subsection (1) of section
4 985.207, Florida Statutes, is amended to read:

5 985.207 Taking a child into custody.--

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

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

13

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

17 Section 23. Paragraphs (a) and (h) of subsection (2)
18 of section 985.215, are amended to read:

19 985.215 Detention.--

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

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

29 (h) The child is alleged to have violated the
30 conditions of the child's probation ~~community control~~ or
31 conditional release ~~aftercare~~ supervision. However, a child

1 detained under this paragraph may be held only in a
2 consequence unit as provided in s. 985.231(1)(a)1.c. If a
3 consequence unit is not available, the child shall be placed
4 on home detention with electronic monitoring.

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

1 unless the requirements of such applicable provision have been
2 met or an order of continuance has been granted pursuant to
3 paragraph (5)(d).

4 Section 24. Subsection (5) of section 985.216, Florida
5 Statutes, is amended to read:

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

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

23 Section 25. Paragraph (c) of subsection (3) of section
24 985.226, Florida Statutes, is amended to read:

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

28 (3) WAIVER HEARING.--

29 (c) The court shall conduct a hearing on all transfer
30 request motions for the purpose of determining whether a child
31

1 should be transferred. In making its determination, the court
2 shall consider:

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

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

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

11 4. The probable cause as found in the report,
12 affidavit, or complaint.

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

17 6. The sophistication and maturity of the child.

18 7. The record and previous history of the child,
19 including:

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

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

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

1 d. Prior commitments to institutions.

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

7 Section 26. Paragraph (b) of subsection (2) and
8 subsection (4) of section 985.227, Florida Statutes, are
9 amended to read:

10 985.227 Prosecution of juveniles as adults by the
11 direct filing of an information in the criminal division of
12 the circuit court; discretionary criteria; mandatory
13 criteria.--

14 (2) MANDATORY DIRECT FILE.--

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

23 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state
24 attorney shall develop written policies and guidelines to
25 govern determinations for filing an information on a juvenile,
26 to be submitted to the Executive Office of the Governor, the
27 President of the Senate, the Speaker of the House of
28 Representatives, and the Juvenile Justice Advisory
29 ~~Accountability~~ Board not later than January 1 of each year.

30 Section 27. Subsection (4) of section 985.228, Florida
31 Statutes, is amended to read:

1 985.228 Adjudicatory hearings; withheld adjudications;
2 orders of adjudication.--

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

25 Section 28. Paragraph (f) of subsection (2), paragraph
26 (d) of subsection (3), and subsections (4) and (5) of section
27 985.23, Florida Statutes, are amended to read:

28 985.23 Disposition hearings in delinquency
29 cases.--When a child has been found to have committed a
30 delinquent act, the following procedures shall be applicable
31 to the disposition of the case:

1 (2) The first determination to be made by the court is
2 a determination of the suitability or nonsuitability for
3 adjudication and commitment of the child to the department.
4 This determination shall be based upon the predisposition
5 report which shall include, whether as part of the child's
6 multidisciplinary assessment, classification, and placement
7 process components or separately, evaluation of the following
8 criteria:

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

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

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

16 3. Prior adjudications of delinquency; and

17 4. Prior commitments to institutions.

18 (3)

19 (d) The court may also require that the child be
20 placed in a probation ~~community control~~ program following the
21 child's discharge from commitment. Community-based sanctions
22 pursuant to subsection (4) may be imposed by the court at the
23 disposition hearing or at any time prior to the child's
24 release from commitment.

25 (4) If the court determines not to adjudicate and
26 commit to the department, then the court shall determine what
27 community-based sanctions it will impose in a probation
28 ~~community control~~ program for the child. Community-based
29 sanctions may include, but are not limited to, participation
30 in substance abuse treatment, restitution in money or in kind,
31 a curfew, revocation or suspension of the driver's license of

1 the child, community service, and appropriate educational
2 programs as determined by the district school board.

3 (5) After appropriate sanctions for the offense are
4 determined, the court shall develop, approve, and order a plan
5 of probation ~~community control~~ which will contain rules,
6 requirements, conditions, and rehabilitative programs that are
7 designed to encourage responsible and acceptable behavior and
8 to promote both the rehabilitation of the child and the
9 protection of the community.

10 Section 29. Paragraphs (a), (g), and (h) of subsection
11 (1) and subsection (2) of section 985.231, Florida Statutes,
12 are amended to read:

13 985.231 Powers of disposition in delinquency cases.--

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

18 1. Place the child in a probation ~~community control~~
19 program or a postcommitment probation ~~community control~~
20 program under the supervision of an authorized agent of the
21 Department of Juvenile Justice or of any other person or
22 agency specifically authorized and appointed by the court,
23 whether in the child's own home, in the home of a relative of
24 the child, or in some other suitable place under such
25 reasonable conditions as the court may direct. A probation
26 ~~community control~~ program for an adjudicated delinquent child
27 must include a penalty component such as restitution in money
28 or in kind, community service, a curfew, revocation or
29 suspension of the driver's license of the child, or other
30 nonresidential punishment appropriate to the offense and must
31 also include a rehabilitative program component such as a

1 requirement of participation in substance abuse treatment or
2 in school or other educational program. Upon the
3 recommendation of the department at the time of disposition,
4 or subsequent to disposition pursuant to the filing of a
5 petition alleging a violation of the child's conditions of
6 postcommitment probation ~~community control~~ or conditional
7 release ~~aftercare~~ supervision, the court may order the child
8 to submit to random testing for the purpose of detecting and
9 monitoring the use of alcohol or controlled substances.

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

1 the parent or guardian could reasonably be expected to pay or
2 make. A child who participates in any work program under this
3 part is considered an employee of the state for purposes of
4 liability, unless otherwise provided by law.

5 b. The court may conduct judicial review hearings for
6 a child placed on probation ~~community control~~ for the purpose
7 of fostering accountability to the judge and compliance with
8 other requirements, such as restitution and community service.
9 The court may allow early termination of probation ~~community~~
10 ~~control~~ for a child who has substantially complied with the
11 terms and conditions of probation ~~community control~~.

12 c. If the conditions of the probation ~~community~~
13 ~~control~~ program or the postcommitment probation ~~community~~
14 ~~control~~ program are violated, the department or the state
15 attorney may bring the child before the court on a petition
16 alleging a violation of the program. Any child who violates
17 the conditions of probation ~~community control~~ or
18 postcommitment probation ~~community control~~ must be brought
19 before the court if sanctions are sought. A child taken into
20 custody under s. 985.207 for violating the conditions of
21 probation ~~community control~~ or postcommitment probation
22 ~~community control~~ shall be held in a consequence unit if such
23 a unit is available. The child shall be afforded a hearing
24 within 24 hours after being taken into custody to determine
25 the existence of probable cause that the child violated the
26 conditions of probation ~~community control~~ or postcommitment
27 probation ~~community control~~. A consequence unit is a secure
28 facility specifically designated by the department for
29 children who are taken into custody under s. 985.207 for
30 violating probation ~~community control~~ or postcommitment
31 probation ~~community control~~, or who have been found by the

1 court to have violated the conditions of probation ~~community~~
2 ~~control~~ or postcommitment probation ~~community~~
3 ~~control~~. If the
4 violation involves a new charge of delinquency, the child may
5 be detained under s. 985.215 in a facility other than a
6 consequence unit. If the child is not eligible for detention
7 for the new charge of delinquency, the child may be held in
8 the consequence unit pending a hearing and is subject to the
9 time limitations specified in s. 985.215. If the child denies
10 violating the conditions of probation ~~community~~
11 ~~control~~ or
12 postcommitment probation ~~community~~
13 ~~control~~, the court shall
14 appoint counsel to represent the child at the child's request.
15 Upon the child's admission, or if the court finds after a
16 hearing that the child has violated the conditions of
17 probation ~~community~~
18 ~~control~~ or postcommitment probation
19 ~~community~~
20 ~~control~~, the court shall enter an order revoking,
21 modifying, or continuing probation ~~community~~
22 ~~control~~ or
23 postcommitment probation ~~community~~
24 ~~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~~
30 ~~control~~ or
31 postcommitment probation ~~community~~
~~control~~, the court may:
(I) Place the child in a consequence unit in that
judicial circuit, if available, for up to 5 days for a first
violation, and up to 15 days for a second or subsequent
violation.
(II) Place the child on home detention with electronic
monitoring. However, this sanction may be used only if a
residential consequence unit is not available.

1 (III) Modify or continue the child's probation
2 ~~community control~~ program or postcommitment probation
3 ~~community control~~ program.

4 (IV) Revoke probation ~~community control~~ or
5 postcommitment probation ~~community control~~ and commit the
6 child to the department.

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

13 2. Commit the child to a licensed child-caring agency
14 willing to receive the child, but the court may not commit the
15 child to a jail or to a facility used primarily as a detention
16 center or facility or shelter.

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

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

1 5. Require the child and, if the court finds it
2 appropriate, the child's parent or guardian together with the
3 child, to render community service in a public service
4 program.

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

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

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

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

21 10. Subject to specific appropriation, commit the
22 juvenile sexual offender to the Department of Juvenile Justice
23 for placement in a program or facility for juvenile sexual
24 offenders in accordance with s. 985.308. Any commitment of a
25 juvenile sexual offender to a program or facility for juvenile
26 sexual offenders must be for an indeterminate period of time,
27 but the time may not exceed the maximum term of imprisonment
28 that an adult may serve for the same offense. The court may
29 retain jurisdiction over a juvenile sexual offender until the
30 juvenile sexual offender reaches the age of 21, specifically
31 for the purpose of completing the program.

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

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

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

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

5 Section 30. Subsection (1) and paragraphs (b) and (c)
6 of subsection (4) of section 985.233, Florida Statutes, are
7 amended to read:

8 985.233 Sentencing powers; procedures; alternatives
9 for juveniles prosecuted as adults.--

10 (1) POWERS OF DISPOSITION.--

11 (a) A child who is found to have committed a violation
12 of law may, as an alternative to adult dispositions, be
13 committed to the department for treatment in an appropriate
14 program for children outside the adult correctional system or
15 be placed on juvenile probation ~~in a community control program~~
16 ~~for juveniles.~~

17 (b) In determining whether to impose juvenile
18 sanctions instead of adult sanctions, the court shall consider
19 the following criteria:

20 1. The seriousness of the offense to the community and
21 whether the community would best be protected by juvenile or
22 adult sanctions.

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

25 3. Whether the offense was against persons or against
26 property, with greater weight being given to offenses against
27 persons, especially if personal injury resulted.

28 4. The sophistication and maturity of the offender.

29 5. The record and previous history of the offender,
30 including:

31

1 a. Previous contacts with the Department of
2 Corrections, the Department of Juvenile Justice, the former
3 Department of Health and Rehabilitative Services, the
4 Department of Children and Family Services, law enforcement
5 agencies, and the courts.

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

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

9 d. Prior commitments to the Department of Juvenile
10 Justice, the former Department of Health and Rehabilitative
11 Services, the Department of Children and Family Services, or
12 other facilities or institutions.

13 6. The prospects for adequate protection of the public
14 and the likelihood of deterrence and reasonable rehabilitation
15 of the offender if assigned to services and facilities of the
16 Department of Juvenile Justice.

17 7. Whether the Department of Juvenile Justice has
18 appropriate programs, facilities, and services immediately
19 available.

20 8. Whether adult sanctions would provide more
21 appropriate punishment and deterrence to further violations of
22 law than the imposition of juvenile sanctions.

23 (4) SENTENCING ALTERNATIVES.--

24 (b) Sentencing to juvenile sanctions.--In order to use
25 this paragraph, the court shall stay adjudication of guilt and
26 instead shall adjudge the child to have committed a delinquent
27 act. Adjudication of delinquency shall not be deemed a
28 conviction, nor shall it operate to impose any of the civil
29 disabilities ordinarily resulting from a conviction. The court
30 shall impose an adult sanction or a juvenile sanction and may
31 not sentence the child to a combination of adult and juvenile

1 | punishments. An adult sanction or a juvenile sanction may
2 | include enforcement of an order of restitution or probation
3 | ~~community control~~ previously ordered in any juvenile
4 | proceeding. However, if the court imposes a juvenile sanction
5 | and the department determines that the sanction is unsuitable
6 | for the child, the department shall return custody of the
7 | child to the sentencing court for further proceedings,
8 | including the imposition of adult sanctions. Upon adjudicating
9 | a child delinquent under subsection (1), the court may:
10 | 1. Place the child in a probation ~~community control~~
11 | program under the supervision of the department for an
12 | indeterminate period of time until the child reaches the age
13 | of 19 years or sooner if discharged by order of the court.
14 | 2. Commit the child to the department for treatment in
15 | an appropriate program for children for an indeterminate
16 | period of time until the child is 21 or sooner if discharged
17 | by the department. The department shall notify the court of
18 | its intent to discharge no later than 14 days prior to
19 | discharge. Failure of the court to timely respond to the
20 | department's notice shall be considered approval for
21 | discharge.
22 | 3. Order disposition pursuant to s. 985.231 as an
23 | alternative to youthful offender or adult sentencing if the
24 | court determines not to impose youthful offender or adult
25 | sanctions.
26 | (c) Imposition of adult sanctions upon failure of
27 | juvenile sanctions.--If a child proves not to be suitable in a
28 | juvenile probation ~~to a community control~~ program or for a
29 | treatment program under the provisions of subparagraph (b)2.,
30 | the court may revoke the previous adjudication, impose an
31 | adjudication of guilt, classify the child as a youthful

1 offender when appropriate, and impose any sentence which it
2 may lawfully impose, giving credit for all time spent by the
3 child in the department.

4

5 It is the intent of the Legislature that the criteria and
6 guidelines in this subsection are mandatory and that a
7 determination of disposition under this subsection is subject
8 to the right of the child to appellate review under s.
9 985.234.

10 Section 31. Subsections (2) and (3) of section
11 985.305, Florida Statutes, are amended to read:

12 985.305 Early delinquency intervention program;
13 criteria.--

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

24 (3) A copy of the arrest report of any child 15 years
25 of age or younger who is taken into custody for committing a
26 delinquent act or any violation of law shall be forwarded to
27 the local operating circuit ~~service district~~ office of the
28 Department of Juvenile Justice. Upon receiving the second
29 arrest report of any such child from the judicial circuit in
30 which the program is located, the Department of Juvenile
31 Justice shall initiate an intensive review of the child's

1 social and educational history to determine the likelihood of
2 further significant delinquent behavior. In making this
3 determination, the Department of Juvenile Justice shall
4 consider, without limitation, the following factors:

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

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

9 (c) The child's academic history, including school
10 attendance, school achievements, grade level, and involvement
11 in school-sponsored activities.

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

14 (e) The child's history of substance abuse or
15 behavioral problems.

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

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

21 (h) The supervision that is available in the child's
22 home.

23 (i) The nature of the relationship between the parents
24 and the child and any siblings and the child.

25 Section 32. Subsections (5), (7), and (14) of section
26 985.308, Florida Statutes, are amended to read:

27 985.308 Juvenile sexual offender commitment programs;
28 sexual abuse intervention networks.--

29 (5) Based on assessed need for conditional release,
30 the department shall provide an intensive conditional release
31 ~~aftercare~~ component for monitoring and assisting the

1 transition of a juvenile sexual offender into the community
2 with terms and conditions that ~~which~~ may include electronic
3 monitoring of the juvenile sexual offender.

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

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

20 Section 33. Subsections (6) and (12) of section
21 985.309, Florida Statutes, are amended to read:

22 985.309 Boot camp for children.--

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

26 (a) A participant in a low-risk residential program
27 must spend at least 2 months in the boot camp component of the
28 program ~~and 2 months in aftercare~~. Conditional release
29 assessment and services shall be provided in accordance with
30 s. 985.316.

31

1 (b) A participant in a moderate-risk residential
2 program must spend at least 4 months in the boot camp
3 component of the program ~~and 4 months in aftercare.~~
4 Conditional release assessment and services shall be provided
5 in accordance with s. 985.316.
6

7 This subsection does not preclude the operation of a program
8 that requires the participants to spend more than 4 months in
9 the boot camp component of the program or that requires the
10 participants to complete two sequential programs of 4 months
11 each in the boot camp component of the program.

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

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

18 Section 34. Subsection (2), paragraphs (e) and (j) of
19 subsection (3), and paragraph (a) of subsection (4) of section
20 985.31, Florida Statutes, are amended to read:

21 985.31 Serious or habitual juvenile offender.--

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

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

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

30 1. Diagnostic evaluation services.
31

- 1 2. Appropriate treatment modalities, including
- 2 substance abuse intervention, mental health services, and
- 3 sexual behavior dysfunction interventions and gang-related
- 4 behavior interventions.
- 5 3. Prevocational and vocational services.
- 6 4. Job training, job placement, and
- 7 employability-skills training.
- 8 5. Case management services.
- 9 6. Educational services, including special education
- 10 and pre-GED literacy.
- 11 7. Self-sufficiency planning.
- 12 8. Independent living skills.
- 13 9. Parenting skills.
- 14 10. Recreational and leisure time activities.
- 15 11. Community involvement opportunities commencing,
- 16 where appropriate, with the direct and timely payment of
- 17 restitution to the victim.
- 18 12. Intensive conditional release supervision
- 19 ~~aftercare~~.
- 20 13. Graduated reentry into the community.
- 21 14. A diversity of forms of individual and family
- 22 treatment appropriate to and consistent with the child's
- 23 needs.
- 24 15. Consistent and clear consequences for misconduct.
- 25 (b) The department is authorized to contract with
- 26 private companies to provide some or all of the components
- 27 indicated in paragraph (a).
- 28 (c) The department shall involve local law enforcement
- 29 agencies, the judiciary, school board personnel, the office of
- 30 the state attorney, the office of the public defender, and
- 31

1 community service agencies interested in or currently working
2 with juveniles, in planning and developing this program.

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

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

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

14 (j) The following provisions shall apply to children
15 in serious or habitual juvenile offender programs and
16 facilities:

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

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

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

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

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

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

14 1. Amenability to treatment.

15 2. Proclivity toward violence.

16 3. Tendency toward gang involvement.

17 4. Substance abuse or addiction and the level thereof.

18 5. History of being a victim of child abuse or sexual
19 abuse, or indication of sexual behavior dysfunction.

20 6. Number and type of previous adjudications, findings
21 of guilt, and convictions.

22 7. Potential for rehabilitation.

23 Section 35. Subsection (2), paragraphs (e) and (j) of
24 subsection (3), and paragraph (a) of subsection (4) of section
25 985.311, Florida Statutes, are amended to read:

26 985.311 Intensive residential treatment program for
27 offenders less than 13 years of age.--

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

30 (a) There is created the intensive residential
31 treatment program for offenders less than 13 years of age.

1 The program shall consist of at least ~~combine 9 to 12~~ months
2 of intensive secure residential treatment ~~followed by a~~
3 ~~minimum of 9 months of aftercare.~~ Conditional release
4 assessment and services shall be provided in accordance with
5 s. 985.316.The components of the program shall include, but
6 not be limited to:

- 7 1. Diagnostic evaluation services.
- 8 2. Appropriate treatment modalities, including
9 substance abuse intervention, mental health services, and
10 sexual behavior dysfunction interventions and gang-related
11 behavior interventions.
- 12 3. Life skills.
- 13 4. Values clarification.
- 14 5. Case management services.
- 15 6. Educational services, including special and
16 remedial education.
- 17 7. Recreational and leisure time activities.
- 18 8. Community involvement opportunities commencing,
19 where appropriate, with the direct and timely payment of
20 restitution to the victim.
- 21 9. Intensive conditional release supervision
22 ~~aftercare.~~
- 23 10. Graduated reentry into the community.
- 24 11. A diversity of forms of individual and family
25 treatment appropriate to and consistent with the child's
26 needs.
- 27 12. Consistent and clear consequences for misconduct.

28 (b) The department is authorized to contract with
29 private companies to provide some or all of the components
30 indicated in paragraph (a).
31

1 (c) The department shall involve local law enforcement
2 agencies, the judiciary, school board personnel, the office of
3 the state attorney, the office of the public defender, and
4 community service agencies interested in or currently working
5 with juveniles, in planning and developing this program.

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

9 (e) The department shall establish quality assurance
10 standards to ensure the quality and substance of mental health
11 services provided to children with mental, nervous, or
12 emotional disorders who may be committed to intensive
13 residential treatment programs. The quality assurance
14 standards shall address the possession of credentials by the
15 mental health service providers.

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

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

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

28 1. A child shall begin participation in the
29 conditional release reentry component of the program based
30 upon a determination made by the treatment provider and
31 approved by the department.

1 2. A child shall begin participation in the community
2 supervision component of conditional release ~~aftercare~~ based
3 upon a determination made by the treatment provider and
4 approved by the department. The treatment provider shall give
5 written notice of the determination to the circuit court
6 having jurisdiction over the child. If the court does not
7 respond with a written objection within 10 days, the child
8 shall begin the conditional release ~~aftercare~~ component.

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

12 4. In situations where the department does not agree
13 with the decision of the treatment provider, a reassessment
14 shall be performed, and the department shall utilize the
15 reassessment determination to resolve the disagreement and
16 make a final decision.

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

18 (a) Pursuant to the provisions of this section, the
19 department shall implement the comprehensive assessment
20 instrument for the treatment needs of children who are
21 eligible for an intensive residential treatment program for
22 offenders less than 13 years of age and for the assessment,
23 which assessment shall include the criteria under s.

24 985.03(7)(8) and shall also include, but not be limited to,
25 evaluation of the child's:

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

1 6. Number and type of previous adjudications, findings
2 of guilt, and convictions.

3 7. Potential for rehabilitation.

4 Section 36. Section 985.312, Florida Statutes, is
5 amended to read:

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

16 Section 37. Subsection (2) of section 985.3141,
17 Florida Statutes, is amended to read:

18 985.3141 Escapes from secure detention or residential
19 commitment facility.--An escape from:

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

24 Section 38. Subsection (6) of section 985.315, Florida
25 Statutes, is amended to read:

26 985.315 Educational/technical and vocational
27 work-related programs.--

28 (6) The Juvenile Justice Advisory ~~Accountability~~ Board
29 shall conduct a study regarding the types of effective
30 juvenile vocational and work programs in operation across the
31 country, relevant research on what makes programs effective,

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

8 Section 39. Section 985.316, Florida Statutes, is
9 amended to read:

10 985.316 Conditional release ~~Aftercare~~.--

11 (1) The Legislature finds that:

12 (a) Conditional release ~~Aftercare~~ is the care,
13 treatment, help, and supervision provided juveniles released
14 from residential commitment programs to promote rehabilitation
15 and prevent recidivism.

16 (b) Conditional release ~~Aftercare~~ services can
17 contribute significantly to a successful transition of a
18 juvenile from a residential commitment to the juvenile's home,
19 school, and community. Therefore, the best efforts should be
20 made to provide for a successful transition.

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

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

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

28 (a) Commitment programs include rehabilitative efforts
29 on preparing committed juveniles for a successful release to
30 the community.

31

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

3 (c) Each juvenile committed to a residential
4 commitment program be assessed to determine the need for
5 conditional release ~~aftercare~~ services upon release from the
6 commitment program.

7 (3) For juveniles referred or committed to the
8 department, the function of the department may include, but
9 shall not be limited to, assessing each committed juvenile to
10 determine the need for conditional release ~~aftercare~~ services
11 upon release from a commitment program, supervising the
12 juvenile when released into the community from a residential
13 commitment facility of the department, providing such
14 counseling and other services as may be necessary for the
15 families and assisting their preparations for the return of
16 the child. Subject to specific appropriation, the department
17 shall provide for outpatient sexual offender counseling for
18 any juvenile sexual offender released from a commitment
19 program as a component of conditional release ~~aftercare~~.

20 (4) After a youth is released from a residential
21 commitment program, conditional release ~~aftercare~~ services may
22 be delivered through either minimum-risk nonresidential
23 commitment restrictiveness programs or postcommitment
24 probation ~~community control~~. A juvenile under minimum-risk
25 nonresidential commitment placement will continue to be on
26 commitment status and subject to the transfer provision under
27 s. 985.404. A juvenile on postcommitment probation ~~community~~
28 ~~control~~ will be subject to the provisions under s.
29 985.231(1)(a).

30 Section 40. Subsection (5) of section 985.317, Florida
31 Statutes, is amended to read:

1 985.317 Literacy programs for juvenile offenders.--

2 (5) EVALUATION AND REPORT.--The Juvenile Justice
3 Advisory Accountability Board shall evaluate the literacy
4 program outcomes as part of its annual evaluation of program
5 outcomes under s. 985.401. The department, in consultation
6 with the Department of Education, shall develop and implement
7 an evaluation of the program in order to determine the impact
8 of the programs on recidivism. The department shall submit an
9 annual report on the implementation and progress of the
10 programs to the President of the Senate and the Speaker of the
11 House of Representatives by January 1 of each year.

12 Section 41. Section 985.401, Florida Statutes, is
13 amended to read:

14 985.401 Juvenile Justice Advisory Accountability
15 Board.--

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

20 (2)(a) A full term shall be 3 years, and the term for
21 each seat on the board commences on October 1 and expires on
22 September 30, without regard to the date of appointment. Each
23 appointing authority shall appoint a member to fill one of the
24 three vacancies that occurs with the expiration of terms on
25 September 30 of each year. A member is not eligible for
26 appointment to more than two full, consecutive terms. A
27 vacancy on the board shall be filled within 60 days after the
28 date on which the vacancy occurs. The Governor shall make the
29 appointment to fill a vacancy that occurs for any reason other
30 than the expiration of a term, and the appointment shall be
31 for the remainder of the unexpired term. For the purpose of

1 implementing the provisions of this paragraph, vacancies that
2 occur before October 1, 1999, shall not be filled until
3 October 1, 1999, and the Governor shall make only one
4 appointment to fill the vacancies that result from expiration
5 of terms on September 30, 1999.

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

11 (c) The board shall annually select a chairperson from
12 among its members.

13 (d) The board shall meet at least once each quarter. A
14 member may not authorize a designee to attend a meeting of the
15 board in place of the member. A member who fails to attend two
16 consecutive regularly scheduled meetings of the board, unless
17 the member is excused by the chairperson, shall be deemed to
18 have abandoned the position, and the position shall be
19 declared vacant by the board.

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

23 (b) Effective July 1, 1999, the board and its staff
24 are assigned to the Department of Juvenile Justice. For the
25 purpose of implementing this paragraph, all of the duties and
26 functions, records, personnel, property, and unexpended
27 balances of appropriations, allocations, or other funds of the
28 board are transferred to the Department of Juvenile Justice.
29 The transfer of segregated funds shall be made in such a
30 manner that the relation between program and revenue source,
31 as provided in law, is maintained.

1 (4)(a) The board shall establish and operate a
2 comprehensive system to annually measure and report program
3 outcomes and effectiveness for each program operated by the
4 Department of Juvenile Justice or operated by a provider under
5 contract with the department. The system shall include a
6 standard methodology for interpreting the board's outcome
7 evaluation reports, using, where appropriate, the
8 performance-based program budgeting measures approved by the
9 Legislature. The methodology must include:

10 1. Common terminology and operational definitions for
11 measuring the performance of system administration, program
12 administration, program outputs, and client outcomes.

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

16 3. Specification of desired client outcomes and
17 methods by which to measure client outcomes for each program
18 operated by the department or by a provider under contract
19 with the department.

20 4. Recommended annual minimum thresholds of
21 satisfactory performance for client outcomes and program
22 outputs.

23
24 For the purposes of this section, the term "program" or
25 "program type" means an individual state-operated or
26 contracted facility, site, or service delivered to at-risk or
27 delinquent youth as prescribed in a contract, program
28 description, or program services manual; and the term "program
29 group" means a collection of programs or program types with
30 sufficient similarity of function, services, and clientele to
31

1 permit appropriate comparisons among programs within the
2 program group.

3 (b) In developing the standard methodology, the board
4 shall consult with the department, the Office of Economic and
5 Demographic Research, contract service providers, and other
6 interested parties. It is the intent of the Legislature that
7 this effort result in consensus recommendations, and, to the
8 greatest extent possible, integrate the goals and
9 legislatively approved measures of performance-based program
10 budgeting provided in chapter 94-249, Laws of Florida, the
11 quality assurance program provided in s. 985.412, and the
12 cost-effectiveness model provided in s. 985.404(11). The board
13 shall notify the Office of Program Policy Analysis and
14 Government Accountability of any meetings to develop the
15 methodology.

16 (c) The board shall annually submit its outcome
17 evaluation report to the Secretary of the Department of
18 Juvenile Justice, the Governor, and the Legislature by
19 February 15, which must describe:

20 1. The methodology for interpreting outcome
21 evaluations, including common terminology and operational
22 definitions.

23 2. The recommended minimum thresholds of satisfactory
24 performance for client outcomes and program outputs applicable
25 to the year for which the data are reported.

26 3. The actual client outcomes and program outputs
27 achieved by each program operated by the department or by a
28 provider under contract with the department, compared with the
29 recommended minimum thresholds of satisfactory performance for
30 client outcomes and program outputs for the year under review.
31 The report shall group programs or program types with

1 similarity of function and services and make appropriate
2 comparisons between programs within the program group.

3 (d) The board shall use its evaluation research to
4 make advisory recommendations to the Legislature, the
5 Governor, and the department concerning the effectiveness and
6 future funding priorities of juvenile justice programs.

7 (e) The board shall annually review and revise the
8 methodology as necessary to ensure the continuing improvement
9 and validity of the evaluation process.

10 (5) The board shall:

11 (a) Review and recommend programmatic and fiscal
12 policies governing the operation of programs, services, and
13 facilities for which the Department of Juvenile Justice is
14 responsible.

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

18 (c) Monitor all activities of the executive and
19 judicial branch and their effectiveness in implementing
20 policies pursuant to this chapter.

21 (d) Advise the President of the Senate, the Speaker of
22 the House of Representatives, the Governor, and the department
23 on matters relating to this chapter.

24 (e) In coordination with the Department of Juvenile
25 Justice, serve as a clearinghouse to provide information and
26 assistance to the ~~district~~ juvenile justice circuit boards and
27 ~~county~~ juvenile justice county councils.

28 (f) Hold public hearings and inform the public of
29 activities of the board and of the Department of Juvenile
30 Justice, as appropriate.

31

1 (g) Monitor the delivery and use of services,
2 programs, or facilities operated, funded, regulated, or
3 licensed by the Department of Juvenile Justice for juvenile
4 offenders or alleged juvenile offenders, and for prevention,
5 diversion, or early intervention of delinquency, and to
6 develop programs to educate the citizenry about such services,
7 programs, and facilities and about the need and procedure for
8 siting new facilities.

9 (h) Conduct such other activities as the board may
10 determine are necessary and appropriate to monitor the
11 effectiveness of the delivery of juvenile justice programs and
12 services under this chapter.

13 (i) Submit an annual report to the President of the
14 Senate, the Speaker of the House of Representatives, the
15 Governor, and the secretary of the department not later than
16 February 15 of each calendar year, summarizing the activities
17 and reports of the board for the preceding year, and any
18 recommendations of the board for the following year.

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

27 (a) The impact of education services on students in
28 commitment programs;

29 (b) The barriers impeding the timely transfer of
30 education records;

31

1 (c) The development and implementation of vocational
2 programming in commitment programs;

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

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

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

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

14 Section 42. Subsections (3), (4), and (11) and
15 paragraph (a) of subsection (12) of section 985.404, Florida
16 Statutes, are amended to read:

17 985.404 Administering the juvenile justice
18 continuum.--

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

1 emphasis on reintegration and conditional release ~~aftercare~~
2 for all children in the program.

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

17 (11)(a) The Department of Juvenile Justice, in
18 consultation with the Juvenile Justice Advisory Accountability
19 Board, the Office of Economic and Demographic Research, and
20 contract service providers, shall develop a cost-effectiveness
21 model and apply the model to each commitment program. Program
22 recommitment rates shall be a component of the model. The
23 cost-effectiveness model shall compare program costs to client
24 outcomes and program outputs. It is the intent of the
25 Legislature that continual development efforts take place to
26 improve the validity and reliability of the cost-effectiveness
27 model and to integrate the standard methodology developed
28 under s. 985.401(4) for interpreting program outcome
29 evaluations.

30 (b) The department shall rank commitment programs
31 based on the cost-effectiveness model and shall submit a

1 report to the appropriate substantive and fiscal committees of
2 each house of the Legislature by December 31 of each year.

3 (c) Based on reports of the Juvenile Justice Advisory
4 ~~Accountability~~ Board on client outcomes and program outputs
5 and on the department's most recent cost-effectiveness
6 rankings, the department may terminate a program operated by
7 the department or a provider if the program has failed to
8 achieve a minimum threshold of program effectiveness. This
9 paragraph does not preclude the department from terminating a
10 contract as provided under s. 985.412 or as otherwise provided
11 by law or contract, and does not limit the department's
12 authority to enter into or terminate a contract.

13 (d) In collaboration with the Juvenile Justice
14 Advisory ~~Accountability~~ Board, the Office of Economic and
15 Demographic Research, and contract service providers, the
16 department shall develop a work plan to refine the
17 cost-effectiveness model so that the model is consistent with
18 the performance-based program budgeting measures approved by
19 the Legislature to the extent the department deems
20 appropriate. The department shall notify the Office of Program
21 Policy Analysis and Government Accountability of any meetings
22 to refine the model.

23 (e) Contingent upon specific appropriation, the
24 department, in consultation with the Juvenile Justice Advisory
25 ~~Accountability~~ Board, the Office of Economic and Demographic
26 Research, and contract service providers, shall:

27 1. Construct a profile of each commitment program that
28 uses the results of the quality assurance report required by
29 s. 985.412, the outcome evaluation report compiled by the
30 Juvenile Justice Advisory ~~Accountability~~ Board under s.

31

1 985.401, the cost-effectiveness report required in this
2 subsection, and other reports available to the department.

3 2. Target, for a more comprehensive evaluation, any
4 commitment program that has achieved consistently high, low,
5 or disparate ratings in the reports required under
6 subparagraph 1.

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

9 4. Use the results of these evaluations in developing
10 or refining juvenile justice programs or program models,
11 client outcomes and program outputs, provider contracts,
12 quality assurance standards, and the cost-effectiveness model.

13 (12)(a) The department shall operate a statewide,
14 regionally administered system of detention services for
15 children, in accordance with a comprehensive plan for the
16 regional administration of all detention services in the
17 state. The plan must provide for the maintenance of adequate
18 availability of detention services for all counties. The plan
19 must cover all the department's operating circuits ~~15 service~~
20 ~~districts~~, with each operating circuit ~~service district~~ having
21 a secure facility and nonsecure and home detention programs,
22 and the plan may be altered or modified by the Department of
23 Juvenile Justice as necessary.

24 Section 43. Subsection (2) of section 985.4045,
25 Florida Statutes, is amended to read:

26 985.4045 Sexual misconduct prohibited; reporting
27 required; penalties.--

28 (2) An employee of the department, or an employee of a
29 provider under contract with the department, who witnesses
30 sexual misconduct committed against a juvenile offender, or
31 who has reasonable cause to suspect that sexual misconduct has

1 | been committed against a juvenile offender, shall immediately
2 | report the incident to the department's incident hotline, and
3 | prepare, date, and sign an independent report that
4 | specifically describes the nature of the sexual misconduct,
5 | the location and time of the incident, and the persons
6 | involved. The employee shall deliver the report to the
7 | supervisor or program director, who is responsible for
8 | providing copies to the department's inspector general and the
9 | circuit ~~district~~ juvenile justice manager. The inspector
10 | general shall immediately conduct an appropriate
11 | administrative investigation, and, if there is probable cause
12 | to believe that a violation of subsection (1) has occurred,
13 | the inspector general shall notify the state attorney in the
14 | circuit in which the incident occurred.

15 | Section 44. Paragraph (a) of subsection (2) of section
16 | 985.406, Florida Statutes, is amended, and subsection (9) is
17 | added to that section, to read:

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

22 | (2) JUVENILE JUSTICE STANDARDS AND TRAINING
23 | COMMISSION.--

24 | (a) There is created under the Department of Juvenile
25 | Justice the Juvenile Justice Standards and Training
26 | Commission, hereinafter referred to as the commission. The
27 | 17-member commission shall consist of the Attorney General or
28 | designee, the Commissioner of Education or designee, a member
29 | of the juvenile court judiciary to be appointed by the Chief
30 | Justice of the Supreme Court, and 14 members to be appointed
31 | by the Secretary of Juvenile Justice as follows:

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

10 2. Two members shall be representatives of local law
11 enforcement agencies.

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

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

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

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

22 7. One member shall be a representative of the
23 business community.

24
25 All appointed members shall be appointed to serve terms of 2
26 years.

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

31

1 Section 45. 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 46. Effective October 1, 2000, section
15 985.4135, Florida Statutes, is created to read:

16 985.4135 Juvenile justice circuit boards and juvenile
17 justice county councils.--

18 (1) There is authorized a juvenile justice circuit
19 board to be established in each of the 20 judicial circuits
20 and a juvenile justice county council to be established in
21 each of the 67 counties. The purpose of each juvenile justice
22 circuit board and each juvenile justice county council is to
23 provide advice and direction to the department in the
24 development and implementation of juvenile justice programs
25 and to work collaboratively with the department in seeking
26 program improvements and policy changes to address the
27 emerging and changing needs of Florida's youth who are at risk
28 of delinquency.

29 (2) Each juvenile justice county council shall develop
30 a juvenile justice prevention and early intervention plan for
31 the county and shall collaborate with the circuit board and

1 other county councils assigned to that circuit in the
2 development of a comprehensive plan for the circuit.

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

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

10 (5) Juvenile justice circuit boards and county
11 councils shall advise and assist the department in the
12 evaluation and award of prevention and early intervention
13 grant programs, including the Community Juvenile Justice
14 Partnership Grant program established in s. 985.415 and
15 proceeds from the Invest in Children license plate annual use
16 fees.

17 (6) Each juvenile justice circuit board shall provide
18 an annual report to the department describing the activities
19 of the circuit board and each of the county councils contained
20 within its circuit. The department may prescribe a format and
21 content requirements for submission of annual reports.

22 (7) Membership of the juvenile justice circuit board
23 may not exceed 18 members, except as provided in subsections
24 (8) and (9). Members must include the state attorney, the
25 public defender, and the chief judge of the circuit, or their
26 respective designees. The remaining 15 members of the board
27 must be appointed by the county councils within that circuit.
28 The board must include at least one representative from each
29 county council within the circuit. In appointing members to
30 the circuit board, the county councils must reflect:

31

1 (a) The circuit's geography and population
2 distribution.

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

6 (c) Diversity in the judicial circuit.

7 (8) At any time after the adoption of initial bylaws
8 pursuant to subsection (12) a juvenile justice circuit board
9 may revise the bylaws to increase the number of members by not
10 more than three in order to adequately reflect the diversity
11 of the population and community organizations or agencies in
12 the circuit.

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

19 (10) Membership of the juvenile justice county
20 councils, or juvenile justice circuit boards established under
21 subsection (9), must include representatives from the
22 following entities:

23 (a) Representatives from the school district, which
24 may include elected school board officials, the school
25 superintendent, school or district administrators, teachers,
26 and counselors.

27 (b) Representatives of the board of county
28 commissioners.

29 (c) Representatives of the governing bodies of local
30 municipalities within the county.

31

1 (d) A representative of the corresponding circuit or
2 regional entity of the Department of Children and Family
3 Services.

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

6 (f) Representatives of the judicial system.

7 (g) Representatives of the business community.

8 (h) Representatives of other interested officials,
9 groups, or entities, including, but not limited to, a
10 children's services council, public or private providers of
11 juvenile justice programs and services, students, parents, and
12 advocates. Private providers of juvenile justice programs may
13 not exceed one-third of the voting membership.

14 (i) Representatives of the faith community.

15 (j) Representatives of victim-service programs and
16 victims of crimes.

17 (k) Representatives of the Department of Corrections.

18 (11) Each juvenile justice county council, or juvenile
19 justice circuit board established under subsection (9), must
20 provide for the establishment of an executive committee of not
21 more than 10 members. The duties and authority of the
22 executive committee must be addressed in the by-laws.

23 (12) Each juvenile justice circuit board and county
24 council shall develop by-laws that provide for officers and
25 committees as the board or council deems necessary and shall
26 specify the qualifications, method of selection, and term for
27 each office created. The by-laws shall address at least the
28 following issues: process for appointments to the board or
29 council; election or appointment of officers; filling of
30 vacant positions; duration of member terms; provisions for
31 voting; meeting attendance requirements; and the establishment

1 and duties of an executive committee, if required under
2 subsection (11).

3 (13) Members of juvenile justice circuit boards and
4 county councils are subject to the provisions of part III of
5 chapter 112.

6 Section 47. Subsections (1) and (2) of section
7 985.4145, Florida Statutes, are amended to read:

8 985.4145 Direct-support organization; definition; use
9 of property; board of directors; audit.--

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

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

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

25 (c) Determined by the Department of Juvenile Justice
26 to be consistent with the goals of the juvenile justice
27 system, in the best interest of the state, and in accordance
28 with the adopted goals and mission of the Department of
29 Juvenile Justice.

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

5 (2) CONTRACT.--The direct-support organization shall
6 operate under written contract with the department. The
7 contract must provide for:

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

10 (b) Submission of an annual budget for the approval of
11 the department.

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

19 (d) The reversion of moneys and property held in trust
20 by the direct-support organization for the benefit of the
21 juvenile justice system to the state if the department ceases
22 to exist or to the department if the direct-support
23 organization is no longer approved to operate for the
24 department, a county commission, or a circuit ~~district~~ board
25 or if the direct-support organization ceases to exist.†

26 (e) The fiscal year of the direct-support
27 organization, which must begin July 1 of each year and end
28 June 30 of the following year.†

29 (f) The disclosure of material provisions of the
30 contract, and the distinction between the department and the
31 direct-support organization, to donors of gifts,

1 contributions, or bequests, including such disclosure on all
2 promotional and fundraising publications.

3 Section 48. Paragraphs (a) and (c) of subsection (1)
4 and paragraphs (a), (b), and (e) of subsection (2) of section
5 985.415, Florida Statutes, are amended to read:

6 985.415 Community Juvenile Justice Partnership
7 Grants.--

8 (1) GRANTS; CRITERIA.--

9 (a) In order to encourage the development of county
10 and circuit ~~district~~ juvenile justice plans and the
11 development and implementation of county and circuit ~~district~~
12 interagency agreements pursuant to s. 985.4135 ~~ss. 985.413 and~~
13 ~~985.414~~, the community juvenile justice partnership grant
14 program is established, and shall be administered by the
15 Department of Juvenile Justice.

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

18 1. The circuit ~~district~~ juvenile justice plan and any
19 county juvenile justice plans that are referred to or
20 incorporated into the circuit ~~district~~ plan, including a list
21 of individuals, groups, and public and private entities that
22 participated in the development of the plan.

23 2. The diversity of community entities participating
24 in the development of the circuit ~~district~~ juvenile justice
25 plan.

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

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

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1 5. The criteria by which the grant program will be
2 evaluated and, if deemed successful, the feasibility of
3 implementation in other communities.

4 (2) GRANT APPLICATION PROCEDURES.--

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

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

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

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

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

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

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

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

7 8. The necessary program staff.

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

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

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

16 (e) Each entity that is awarded a grant as provided
17 for in this section shall submit an annual evaluation report
18 to the department, the circuit ~~district~~ juvenile justice
19 manager, the ~~district~~ juvenile justice circuit board, and the
20 ~~county~~ juvenile justice county council, by a date subsequent
21 to the end of the contract period established by the
22 department, documenting the extent to which the program
23 objectives have been met, the effect of the program on the
24 juvenile arrest rate, and any other information required by
25 the department. The department shall coordinate and
26 incorporate all such annual evaluation reports with the
27 provisions of s. 985.412. Each entity is also subject to a
28 financial audit and a performance audit.

29 Section 49. Section 985.416, Florida Statutes, is
30 amended to read:

31

1 985.416 Innovation zones.--The department shall
2 encourage each of the ~~district~~ juvenile justice circuit boards
3 to propose at least one innovation zone within the circuit
4 ~~district~~ for the purpose of implementing any experimental,
5 pilot, or demonstration project that furthers the
6 legislatively established goals of the department. An
7 innovation zone is a defined geographic area such as a circuit
8 ~~district~~, commitment region, county, municipality, service
9 delivery area, school campus, or neighborhood providing a
10 laboratory for the research, development, and testing of the
11 applicability and efficacy of model programs, policy options,
12 and new technologies for the department.

13 (1)(a) The ~~district~~ juvenile justice circuit board
14 shall submit a proposal for an innovation zone to the
15 secretary. If the purpose of the proposed innovation zone is
16 to demonstrate that specific statutory goals can be achieved
17 more effectively by using procedures that require modification
18 of existing rules, policies, or procedures, the proposal may
19 request the secretary to waive such existing rules, policies,
20 or procedures or to otherwise authorize use of alternative
21 procedures or practices. Waivers of such existing rules,
22 policies, or procedures must comply with applicable state or
23 federal law.

24 (b) For innovation zone proposals that the secretary
25 determines require changes to state law, the secretary may
26 submit a request for a waiver from such laws, together with
27 any proposed changes to state law, to the chairs of the
28 appropriate legislative committees for consideration.

29 (c) For innovation zone proposals that the secretary
30 determines require waiver of federal law, the secretary may
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1 submit a request for such waivers to the applicable federal
2 agency.

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

6 (3) Before implementing an innovation zone under this
7 subsection, the secretary shall, in conjunction with the
8 Auditor General, develop measurable and valid objectives for
9 such zone within a negotiated reasonable period of time.
10 Moneys designated for an innovation zone in one operating
11 circuit ~~service district~~ may not be used to fund an innovation
12 zone in another operating circuit ~~district~~.

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

15 (a) A forestry alternative work program that provides
16 selected juvenile offenders an opportunity to serve in a
17 forestry work program as an alternative to incarceration, in
18 which offenders assist in wildland firefighting, enhancement
19 of state land management, environmental enhancement, and land
20 restoration.

21 (b) A collaborative public/private dropout prevention
22 partnership that trains personnel from both the public and
23 private sectors of a target community who are identified and
24 brought into the school system as an additional resource for
25 addressing problems which inhibit and retard learning,
26 including abuse, neglect, financial instability, pregnancy,
27 and substance abuse.

28 (c) A support services program that provides
29 economically disadvantaged youth with support services, jobs,
30 training, counseling, mentoring, and prepaid postsecondary
31 tuition scholarships.

1 (d) A juvenile offender job training program that
2 offers an opportunity for juvenile offenders to develop
3 educational and job skills in a 12-month to 18-month
4 nonresidential training program, teaching the offenders skills
5 such as computer-aided design, modular panel construction, and
6 heavy vehicle repair and maintenance which will readily
7 transfer to the private sector, thereby promoting
8 responsibility and productivity.

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

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

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

24 (h) A drug treatment and prevention program that
25 provides early identification of children with alcohol or drug
26 problems to facilitate treatment, comprehensive screening and
27 assessment, family involvement, and placement options.

28 (i) A community resource mother or father program that
29 emphasizes parental responsibility for the behavior of
30 children, and requires the availability of counseling services
31 for children at high risk for delinquent behavior.

1 Section 50. Subsection (5) of section 985.417, Florida
2 Statutes, is amended to read:

3 985.417 Transfer of children from the Department of
4 Corrections to the Department of Juvenile Justice.--

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

9 Section 51. Sections 985.413 and 985.414, Florida
10 Statutes, are repealed.

11 Section 52. (1) The Department of Juvenile Justice
12 shall provide technical assistance to existing district
13 juvenile justice boards and county juvenile justice councils
14 to facilitate the transition to juvenile justice circuit
15 boards and juvenile justice county councils as required in
16 this act. Members of district juvenile justice boards and
17 county juvenile justice councils as of July 1, 2000, shall be
18 permitted to complete their terms.

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

20 Section 53. Notwithstanding the provisions of sections
21 216.181 and 216.351, Florida Statutes, The Department of
22 Juvenile Justice may transfer salary rate, without position
23 changes, between budget entities for Fiscal Year 2000-2001 for
24 the purposes of implementing the reorganization. All such
25 transfers must be in accordance with the budget amendatory and
26 legislative notice provisions of chapter 216, Florida
27 Statutes. This section is repealed effective June 30, 2001.

28 Section 54. Except as otherwise expressly provided in
29 this act, this act shall take effect July 1, 2000.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1196
4 Authorizes the Secretary of the Department of Juvenile Justice
5 to appoint a chief of staff and an assistant secretary for
6 each of the newly-formed program areas within the department
7 Terminates the Juvenile Justice Standards and Training
8 Commission on June 30, 2001, after review by the Legislature.
9 Repeals the existing district board and county council
10 statutes and replaces them with a new section authorizing the
11 creation of circuit juvenile justice boards and county
12 councils.
13 Eliminates duplicative duties and integrates planning
14 functions among the boards and councils.
15 Allows a county to be administratively placed in an
16 alternative juvenile justice circuit in the areas of
17 prevention and victim services, and probation and community
18 corrections, if the chief circuit judge agrees.
19 Makes technical and conforming changes throughout the
20 statutes.
21 Clarifies that budget flexibility is granted for the purpose
22 of implementing the reorganization and expires on June 30,
23 2001.
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