

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; authorizing the secretary to  
9           establish positions necessary to administer the  
10          requirements of said section; creating juvenile  
11          justice operating circuits; revising the  
12          boundaries of the department's service  
13          districts to conform to the boundaries of the  
14          judicial circuits; amending s. 984.03, F.S.;  
15          revising definitions for purposes of ch. 984,  
16          F.S., relating to children and families in need  
17          of services; amending s. 984.09, F.S., deleting  
18          reference to county juvenile justice councils;  
19          amending s. 985.03, F.S.; defining the term  
20          "conditional release" to mean the supervision  
21          of treatment services formerly known as  
22          aftercare; defining the term "probation" to  
23          mean the legal status formerly known as  
24          community control; revising and deleting  
25          definitions to conform to other changes made by  
26          the act; amending s. 985.207, F.S.; authorizing  
27          law enforcement to take a child into custody  
28          under certain circumstances; amending s.  
29          985.21, F.S.; revising intake screening  
30          procedures; amending s. 985.215, F.S.;  
31          providing for a special detention order to

1 facilitate a comprehensive evaluation upon a  
2 finding of delinquency in certain cases;  
3 revising requirements related to court-ordered  
4 fees; providing conforming provisions; amending  
5 s. 985.216, F.S., relating to alternative  
6 sanctions coordinators; providing conforming  
7 provisions; amending s. 985.229, F.S.;  
8 authorizing a predispositional report upon a  
9 finding of delinquency; requiring a  
10 predispositional report for a child for whom  
11 residential commitment disposition is  
12 anticipated or recommended; requiring the  
13 predispositional report to include a  
14 comprehensive evaluation in certain  
15 circumstances; providing a time certain for the  
16 submission of the predispositional report;  
17 specifying parties who may receive copies of  
18 the predispositional report; amending s.  
19 985.23, F.S.; requiring the court to consider  
20 recommendations of the Department of Juvenile  
21 Justice at disposition; revising evaluation  
22 requirements associated with the  
23 predispositional report; providing for  
24 sanctions to include day treatment probation  
25 programs; amending s. 985.231, F.S.; providing  
26 that the child's length of stay in a  
27 residential commitment program shall be based  
28 on objective performance-based treatment  
29 planning; requiring monthly progress reports to  
30 the court; authorizing extension of the child's  
31 length of stay if the child fails to comply

1 with or participate in treatment activities;  
2 prohibiting extension of the child's length of  
3 stay for purposes of sanction or punishment;  
4 requiring any temporary release to be approved  
5 by the court; requiring communication to the  
6 court of the child's treatment plan progress  
7 and adjustment-related issues upon request to  
8 release the child; revising requirements  
9 related to court-ordered fees; providing  
10 conforming provisions; s. 985.233, F.S.;  
11 revising conditions under which adult sanctions  
12 may be imposed; revising requirements related  
13 to court-ordered fees; creating s. 985.3045,  
14 F.S.; requiring the department's prevention  
15 service program to monitor all state-funded  
16 programs designed to prevent juvenile crime in  
17 a manner consistent with s. 984.02, F.S., and  
18 s. 985.02, F.S.; requiring a report concerning  
19 the implementation of a statewide multiagency  
20 juvenile delinquency prevention plan;  
21 specifying certain issues to be addressed in  
22 the report; requiring all entities that use  
23 state monies to fund juvenile delinquency  
24 prevention services through contracts or grants  
25 with the department to comply with certain  
26 requirements; requiring each state agency or  
27 entity that receives or uses state  
28 appropriations to fund certain prevention  
29 services to submit a report; amending ss.  
30 985.309, 985.31, and 985.311, F.S.; revising  
31 the minimum period for certain juveniles to

1 participate in a boot camp, a serious or  
2 habitual offender program, or a habitual  
3 offender program or an intensive residential  
4 treatment program; amending s. 985.404, F.S.;  
5 requiring notice of intent to transfer a child  
6 from a commitment facility or program; creating  
7 a workgroup to make recommendations for a  
8 system of classification and placement;  
9 providing minimum considerations; providing  
10 minimum membership; providing for testing and  
11 validation of the system; providing for a  
12 report to the Governor and Legislature;  
13 creating s. 985.4135, F.S.; creating juvenile  
14 justice circuit boards and juvenile justice  
15 county councils; providing for membership,  
16 duties, and procedures; providing that certain  
17 members of district juvenile justice boards and  
18 county juvenile justice councils their terms;  
19 repealing s. 985.413, F.S., relating to  
20 district juvenile justice boards; repealing s.  
21 985.414, F.S., relating to county juvenile  
22 justice councils; requiring the department to  
23 provide technical assistance to facilitate  
24 transition to circuit boards and county  
25 councils; providing for repeal; authorizing the  
26 Department of Juvenile Justice to transfer  
27 salary rates between budget entities to  
28 implement reorganization; creating the position  
29 of youth custody officer within the Department  
30 of Juvenile Justice; specifying duties and  
31 qualifications of youth custody officers;

1 amending ss. 20.19, 39.0015, 216.136, 232.19,  
2 288.9957, 419.001, 744.309, 784.075, 790.22,  
3 938.17, 948.51, 984.05, 984.086, 984.10,  
4 985.04, 985.06, 985.2066, 985.226, 985.227,  
5 985.228, 985.305, 985.308, 985.312, 985.3141,  
6 985.315, 985.316, 985.317, 985.401, 985.4045,  
7 985.406, 985.411, 985.4145, 985.415, 985.416,  
8 and 985.417, F.S.; conforming provisions to  
9 changes made by the act; deleting obsolete  
10 provisions; providing for repeal; providing  
11 effective dates.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Section 20.316, Florida Statutes, is  
16 amended to read:

17 20.316 Department of Juvenile Justice.--There is  
18 created a Department of Juvenile Justice.

19 (1) SECRETARY OF JUVENILE JUSTICE.--

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

24 (b) The Secretary of Juvenile Justice is responsible  
25 for planning, coordinating, and managing the delivery of all  
26 programs and services within the juvenile justice continuum.  
27 For purposes of this section, the term "juvenile justice  
28 continuum" means all children-in-need-of-services programs;  
29 families-in-need-of-services programs; other prevention, early  
30 intervention, and diversion programs; detention centers and  
31 related programs and facilities; community-based residential

1 and nonresidential commitment programs; and delinquency  
2 institutions provided or funded by the department.

3 (c) The Secretary of Juvenile Justice shall:

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

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

18 3. Provide for program research, development, and  
19 planning.

20 4. Develop staffing and workload standards and  
21 coordinate staff development and training.

22 5. Develop budget and resource allocation  
23 methodologies and strategies.

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

29 7. Develop funding sources external to state  
30 government.

31

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

3           9. Enter into contracts.

4           10. Monitor all state-funded programs, grants,  
5 appropriations, or activities that are designed to prevent  
6 juvenile crime, delinquency, gang membership, or status  
7 offense behaviors and all state-funded programs, grants,  
8 appropriations, or activities that are designed to prevent a  
9 child from becoming a "child in need of services," as defined  
10 in chapter 984, in order to effect the goals and policies of  
11 the State Comprehensive Plan regarding children and regarding  
12 governmental efficiency and in order to determine:

13           a. The number of youth served by such state-funded  
14 programs, grants, appropriations, or activities;

15           b. The number of youth who complete such state-funded  
16 programs, grants, appropriations, or activities;

17           c. The number and percentage of youth who are referred  
18 for delinquency while participating in such state-funded  
19 programs, grants, appropriations, or activities;

20           d. The number and percentage of youth who are referred  
21 for delinquency within 6 months after completing such  
22 state-funded programs, grants, appropriations, or activities.

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

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

27           (a) Prevention and Victim Services.

28           (b) Intake and Detention.

29           (c) Residential and Correctional Facilities.

30           (d) Probation and Community Corrections.

31           (e) Administration.

1  
2 The secretary may establish assistant secretary positions and  
3 a chief of staff position as necessary to administer the  
4 requirements of this section.

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

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

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

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

15 ~~(3)(4) JUVENILE JUSTICE OPERATING CIRCUITS SERVICE~~  
16 ~~DISTRICTS.--The department shall plan and administer its~~  
17 ~~programs through a substate structure that conforms to the~~  
18 ~~boundaries of the judicial circuits prescribed in s. 26.021. A~~  
19 ~~county may seek placement in a juvenile justice operating~~  
20 ~~circuit other than as prescribed in s. 26.021 for~~  
21 ~~participation in the Prevention and Victim Services Program~~  
22 ~~and the Probation and Community Corrections Program by making~~  
23 ~~a request of the chief circuit judge in each judicial circuit~~  
24 ~~affected by such request. Upon a showing that geographic~~  
25 ~~proximity, community identity, or other legitimate concern for~~  
26 ~~efficiency of operations merits alternative placement, each~~  
27 ~~affected chief circuit judge may authorize the execution of an~~  
28 ~~interagency agreement specifying the alternative juvenile~~  
29 ~~justice operating circuit in which the county is to be placed~~  
30 ~~and the basis for the alternative placement. Upon the~~  
31 ~~execution of said interagency agreement by each affected chief~~



1 circuit judge, the secretary may administratively place a  
2 county in an alternative juvenile justice operating circuit  
3 pursuant to the agreement.~~service districts and subdistricts~~  
4 ~~composed of the following counties:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 ~~(5) COMMITMENT REGIONS.--The department shall plan and~~  
31 ~~administer its community and institutional delinquency~~

1 ~~programs, children-in-need-of-services programs, and~~  
2 ~~families-in-need-of-services programs through commitment~~  
3 ~~regions composed of the following service districts:~~

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

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

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

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

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

9 (4)(6) INFORMATION SYSTEMS.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 20.19 Department of Children and Family  
18 Services.--There is created a Department of Children and  
19 Family Services.

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

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

25 1. Establish district outcome measures consistent with  
26 statewide outcomes.

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

30 3. Negotiate with the secretary a district performance  
31 agreement that:

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

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

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

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

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

29           13. Complete an annual evaluation of the district and  
30 review the evaluation at a meeting of the board at which the  
31 public has an opportunity to comment.

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

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

12           (10) DISTRICT ADMINISTRATOR.--

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

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

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

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

31

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

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

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

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

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

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

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

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



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

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

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

8 (9) JUVENILE JUSTICE ESTIMATING CONFERENCE.--

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

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

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

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

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

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

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

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

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

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

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

27 288.9957 Florida Youth Workforce Council.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (4)

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

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

24 938.17 County delinquency prevention.--

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

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

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

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

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

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

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

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

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

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

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

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

31

1 Section 13. Present subsections (24) and (25) of  
2 section 984.03, Florida Statutes, are repealed, subsections  
3 (26) through (58) are renumbered as subsections (24) through  
4 (56), respectively, and present subsections (27), (32), (33),  
5 (45), and (48) of said section are amended to read:

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

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

30 ~~(a) Running away from parents or legal custodians;~~  
31



1           ~~(b) Persistently disobeying reasonable and lawful~~  
2 ~~demands of parents or legal custodians and being beyond their~~  
3 ~~control; or~~

4           ~~(c) Habitual truancy from school.~~

5           (30)~~(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           (31)~~(33)~~ "Juvenile probation officer" means the  
24 authorized agent of the department who performs and directs  
25 intake, assessment, probation, or conditional release  
26 ~~aftercare~~, and other related services.

27           (43)~~(45)~~ "Preventive services" means social services  
28 and other supportive and rehabilitative services provided to  
29 the parent of the child, the legal guardian of the child, or  
30 the custodian of the child and to the child for the purpose of  
31 averting the removal of the child from the home or disruption

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

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

29 Section 14. Section 984.05, Florida Statutes, is  
30 amended to read:

31

1           984.05 Rules relating to habitual truants; adoption by  
2 Department of Education and Department of Juvenile  
3 Justice.--The Department of Juvenile Justice and the  
4 Department of Education shall work together on the development  
5 of, and shall adopt, rules as necessary for the implementation  
6 of ss. 232.19, 984.03(27)(29), and 985.03(25)(28).

7           Section 15. Section 984.086, Florida Statutes, is  
8 amended to read:

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

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

19           984.09 Punishment for contempt of court; alternative  
20 sanctions.--

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

1 community-based alternative sanctions, including nonsecure  
2 detention programs, community service projects, and other  
3 juvenile sanctions, in conjunction with the circuit plan  
4 implemented in accordance with s. 790.22(4)(c).

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

7 984.10 Intake.--

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

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

24 985.03 Definitions.--When used in this chapter, the  
25 term:

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

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

1           (3) "Adult" means any natural person other than a  
2 child.

3           (4)~~(5)~~ "Arbitration" means a process whereby a neutral  
4 third person or panel, called an arbitrator or an arbitration  
5 panel, considers the facts and arguments presented by the  
6 parties and renders a decision which may be binding or  
7 nonbinding.

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

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

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

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

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

1 of dependency or delinquency. The child must also, pursuant to  
2 this chapter, be found by the court:

3 (a) To have persistently run away from the child's  
4 parents or legal custodians despite reasonable efforts of the  
5 child, the parents or legal custodians, and appropriate  
6 agencies to remedy the conditions contributing to the  
7 behavior. Reasonable efforts shall include voluntary  
8 participation by the child's parents or legal custodians and  
9 the child in family mediation, services, and treatment offered  
10 by the Department of Juvenile Justice or the Department of  
11 Children and Family Services;

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

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

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

1 proceeding or a proceeding pursuant to part III of this  
2 chapter.

3 (10)~~(11)~~ "Child support" means a court-ordered  
4 obligation, enforced under chapter 61 and ss.  
5 409.2551-409.2597, for monetary support for the care,  
6 maintenance, training, and education of a child.

7 (11)~~(12)~~ "Circuit" means any of the 20 judicial  
8 circuits as set forth in s. 26.021.

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

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

30  
31



1           ~~(14)(15)~~ "Court," unless otherwise expressly stated,  
2 means the circuit court assigned to exercise jurisdiction  
3 under this chapter.

4           ~~(15)(16)~~(a) "Delinquency program" means any intake,  
5 probation ~~community control~~, or similar program; regional  
6 detention center or facility; or community-based program,  
7 whether owned and operated by or contracted by the Department  
8 of Juvenile Justice, or institution owned and operated by or  
9 contracted by the Department of Juvenile Justice, which  
10 provides intake, supervision, or custody and care of children  
11 who are alleged to be or who have been found to be delinquent  
12 pursuant to part II.

13           (b) "Delinquency program staff" means supervisory and  
14 direct care staff of a delinquency program as well as support  
15 staff who have direct contact with children in a delinquency  
16 program.

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

24           ~~(16)(17)~~ "Department" means the Department of Juvenile  
25 Justice.

26           ~~(17)(18)~~ "Designated facility" or "designated  
27 treatment facility" means any facility designated by the  
28 Department of Juvenile Justice to provide treatment to  
29 juvenile offenders.

30           ~~(18)(19)~~ "Detention care" means the temporary care of  
31 a child in secure, nonsecure, or home detention, pending a

1 court adjudication or disposition or execution of a court  
2 order. There are three types of detention care, as follows:

3 (a) "Secure detention" means temporary custody of the  
4 child while the child is under the physical restriction of a  
5 detention center or facility pending adjudication,  
6 disposition, or placement.

7 (b) "Nonsecure detention" means temporary custody of  
8 the child while the child is in a residential home in the  
9 community in a physically nonrestrictive environment under the  
10 supervision of the Department of Juvenile Justice pending  
11 adjudication, disposition, or placement.

12 (c) "Home detention" means temporary custody of the  
13 child while the child is released to the custody of the  
14 parent, guardian, or custodian in a physically nonrestrictive  
15 environment under the supervision of the Department of  
16 Juvenile Justice staff pending adjudication, disposition, or  
17 placement.

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

26 (20)~~(21)~~ "Detention hearing" means a hearing for the  
27 court to determine if a child should be placed in temporary  
28 custody, as provided for under ss. 985.213 and 985.215 in  
29 delinquency cases.

30 (21)~~(22)~~ "Disposition hearing" means a hearing in  
31 which the court determines the most appropriate dispositional

1 services in the least restrictive available setting provided  
2 for under s. 985.231, in delinquency cases.

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

5 ~~(24) "District juvenile justice manager" means the~~  
6 ~~person appointed by the Secretary of Juvenile Justice,~~  
7 ~~responsible for planning, managing, and evaluating all~~  
8 ~~juvenile justice continuum programs and services delivered or~~  
9 ~~funded by the Department of Juvenile Justice within the~~  
10 ~~district.~~

11 (22)~~(25)~~ "Family" means a collective of persons,  
12 consisting of a child and a parent, guardian, adult custodian,  
13 or adult relative, in which:

14 (a) The persons reside in the same house or living  
15 unit; or

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

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

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

28 (b) Persistently disobeying reasonable and lawful  
29 demands of parents or legal custodians, and being beyond their  
30 control; or

31 (c) Habitual truancy from school.

1        (24)~~(27)~~ "Foster care" means care provided a child in  
2 a foster family or boarding home, group home, agency boarding  
3 home, child care institution, or any combination thereof.

4        (25)~~(28)~~ "Habitually truant" means that:

5            (a) The child has 15 unexcused absences within 90  
6 calendar days with or without the knowledge or justifiable  
7 consent of the child's parent or legal guardian, is subject to  
8 compulsory school attendance under s. 232.01, and is not  
9 exempt under s. 232.06, s. 232.09, or any other exemptions  
10 specified by law or the rules of the State Board of Education.

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

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

28            (c) A school representative, designated according to  
29 school board policy, and a juvenile probation officer of the  
30 Department of Juvenile Justice have jointly investigated the  
31 truancy problem or, if that was not feasible, have performed

1 separate investigations to identify conditions that could be  
2 contributing to the truant behavior; and if, after a joint  
3 staffing of the case to determine the necessity for services,  
4 such services were determined to be needed, the persons who  
5 performed the investigations met jointly with the family and  
6 child to discuss any referral to appropriate community  
7 agencies for economic services, family or individual  
8 counseling, or other services required to remedy the  
9 conditions that are contributing to the truant behavior.

10 (d) The failure or refusal of the parent or legal  
11 guardian or the child to participate, or make a good faith  
12 effort to participate, in the activities prescribed to remedy  
13 the truant behavior, or the failure or refusal of the child to  
14 return to school after participation in activities required by  
15 this subsection, or the failure of the child to stop the  
16 truant behavior after the school administration and the  
17 Department of Juvenile Justice have worked with the child as  
18 described in s. 232.19(3) shall be handled as prescribed in s.  
19 232.19.

20 (26)~~(29)~~ "Halfway house" means a community-based  
21 residential program for 10 or more committed delinquents at  
22 the moderate-risk restrictiveness level that is operated or  
23 contracted by the Department of Juvenile Justice.

24 (27)~~(30)~~ "Intake" means the initial acceptance and  
25 screening by the Department of Juvenile Justice of a complaint  
26 or a law enforcement report or probable cause affidavit of  
27 delinquency, family in need of services, or child in need of  
28 services to determine the recommendation to be taken in the  
29 best interests of the child, the family, and the community.  
30 The emphasis of intake is on diversion and the least  
31

1 restrictive available services. Consequently, intake includes  
2 such alternatives as:

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

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

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

10 (28)~~(31)~~ "Judge" means the circuit judge exercising  
11 jurisdiction pursuant to this chapter.

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

30 (30)~~(33)~~ "Juvenile probation officer" means the  
31 authorized agent of the Department of Juvenile Justice who

1 performs the intake or case management function for a child  
2 alleged to be delinquent.

3 (31)~~(34)~~ "Juvenile sexual offender" means:

4 (a) A juvenile who has been found by the court  
5 pursuant to s. 985.228 to have committed a violation of  
6 chapter 794, chapter 796, chapter 800, s. 827.071, or s.  
7 847.0133;

8 (b) A juvenile found to have committed any violation  
9 of law or delinquent act involving juvenile sexual abuse.  
10 "Juvenile sexual abuse" means any sexual behavior which occurs  
11 without consent, without equality, or as a result of coercion.  
12 For purposes of this subsection, the following definitions  
13 apply:

14 1. "Coercion" means the exploitation of authority, use  
15 of bribes, threats of force, or intimidation to gain  
16 cooperation or compliance.

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

20 3. "Consent" means an agreement including all of the  
21 following:

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

24 b. Knowledge of societal standards for what is being  
25 proposed.

26 c. Awareness of potential consequences and  
27 alternatives.

28 d. Assumption that agreement or disagreement will be  
29 accepted equally.

30 e. Voluntary decision.

31 f. Mental competence.

1  
2 Juvenile sexual offender behavior ranges from noncontact  
3 sexual behavior such as making obscene phone calls,  
4 exhibitionism, voyeurism, and the showing or taking of lewd  
5 photographs to varying degrees of direct sexual contact, such  
6 as frottage, fondling, digital penetration, rape, fellatio,  
7 sodomy, and various other sexually aggressive acts.

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

16 (33)~~(36)~~ "Licensed child-caring agency" means a  
17 person, society, association, or agency licensed by the  
18 Department of Children and Family Services to care for,  
19 receive, and board children.

20 (34)~~(37)~~ "Licensed health care professional" means a  
21 physician licensed under chapter 458, an osteopathic physician  
22 licensed under chapter 459, a nurse licensed under chapter  
23 464, a physician assistant licensed under chapter 458 or  
24 chapter 459, or a dentist licensed under chapter 466.

25 (35)~~(38)~~ "Likely to injure oneself" means that, as  
26 evidenced by violent or other actively self-destructive  
27 behavior, it is more likely than not that within a 24-hour  
28 period the child will attempt to commit suicide or inflict  
29 serious bodily harm on himself or herself.

30 (36)~~(39)~~ "Likely to injure others" means that it is  
31 more likely than not that within a 24-hour period the child



1 will inflict serious and unjustified bodily harm on another  
2 person.

3 (37)~~(40)~~ "Mediation" means a process whereby a neutral  
4 third person called a mediator acts to encourage and  
5 facilitate the resolution of a dispute between two or more  
6 parties. It is an informal and nonadversarial process with  
7 the objective of helping the disputing parties reach a  
8 mutually acceptable and voluntary agreement. In mediation,  
9 decisionmaking authority rests with the parties. The role of  
10 the mediator includes, but is not limited to, assisting the  
11 parties in identifying issues, fostering joint problem  
12 solving, and exploring settlement alternatives.

13 (38)~~(41)~~ "Necessary medical treatment" means care  
14 which is necessary within a reasonable degree of medical  
15 certainty to prevent the deterioration of a child's condition  
16 or to alleviate immediate pain of a child.

17 (39)~~(42)~~ "Next of kin" means an adult relative of a  
18 child who is the child's brother, sister, grandparent, aunt,  
19 uncle, or first cousin.

20 (40)~~(43)~~ "Parent" means a woman who gives birth to a  
21 child and a man whose consent to the adoption of the child  
22 would be required under s. 63.062(1)(b). If a child has been  
23 legally adopted, the term "parent" means the adoptive mother  
24 or father of the child. The term does not include an  
25 individual whose parental relationship to the child has been  
26 legally terminated, or an alleged or prospective parent,  
27 unless the parental status falls within the terms of either s.  
28 39.503 or s. 63.062(1)(b).

29 (41)~~(44)~~ "Preliminary screening" means the gathering  
30 of preliminary information to be used in determining a child's  
31 need for further evaluation or assessment or for referral for

1 other substance abuse services through means such as  
2 psychosocial interviews; urine and breathalyzer screenings;  
3 and reviews of available educational, delinquency, and  
4 dependency records of the child.

5 (42)~~(45)~~ "Preventive services" means social services  
6 and other supportive and rehabilitative services provided to  
7 the parent of the child, the legal guardian of the child, or  
8 the custodian of the child and to the child for the purpose of  
9 averting the removal of the child from the home or disruption  
10 of a family which will or could result in the placement of a  
11 child in foster care. Social services and other supportive  
12 and rehabilitative services shall promote the child's need for  
13 a safe, continuous, stable living environment and shall  
14 promote family autonomy and shall strengthen family life as  
15 the first priority whenever possible.

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

31

1 schools, training and rehabilitation programs, and  
2 gender-specific programs.

3 (44)(46) "Relative" means a grandparent,  
4 great-grandparent, sibling, first cousin, aunt, uncle,  
5 great-aunt, great-uncle, niece, or nephew, whether related by  
6 the whole or half blood, by affinity, or by adoption. The term  
7 does not include a stepparent.

8 (45)(47) " Residential commitment Restrictiveness  
9 level" means the level of security custody provided by  
10 programs that service the supervision, custody, and care, and  
11 treatment needs of committed children. Sections 985.3141 and  
12 985.404(13) apply to children placed in programs at any  
13 residential commitment level. The levels of residential  
14 commitment are as follows ~~There shall be five restrictiveness~~  
15 ~~levels:~~

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

27 (a)(b) Low-risk residential.--Programs or program  
28 models at this commitment level are residential but may allow  
29 youth to have unsupervised access to the community. Youth  
30 assessed and classified for placement in programs at this  
31 commitment level represent a low risk to themselves and public

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

1 necessary. ~~Programs or program models in this restrictiveness~~  
2 ~~level include: halfway houses, START Centers, the Dade~~  
3 ~~Intensive Control Program, licensed substance abuse~~  
4 ~~residential programs, and moderate-term wilderness programs~~  
5 ~~designed for committed delinquent youth that are operated or~~  
6 ~~contracted by the Department of Juvenile Justice. Section~~  
7 ~~985.3141 applies to children placed in programs in this~~  
8 ~~restrictiveness level.~~

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

31

1 ~~applies to children placed in programs in this restrictiveness~~  
2 ~~level.~~

3 (d)(e) Maximum-risk residential juvenile correctional  
4 facilities or juvenile prison.--Programs or program models at  
5 this commitment level include juvenile correctional facilities  
6 and juvenile prisons. The programs are long-term residential  
7 and shall not allow youth to have access to the community.  
8 Facilities are maximum-custody hardware-secure with perimeter  
9 security fencing and locking doors. Facilities shall provide  
10 24-hour awake supervision, custody, care, and treatment of  
11 residents. The staff at a facility at this commitment level  
12 may seclude a child who is a physical threat to himself or  
13 herself or others. Mechanical restraint may also be used when  
14 necessary. The facility shall provide for single cell  
15 occupancy, except that youth may be housed together during  
16 prerelease transition. Youth assessed and classified for this  
17 level of placement require close supervision in a maximum  
18 security residential setting ~~that provides 24-hour-per-day~~  
19 ~~secure custody, care, and supervision.~~ Placement in a program  
20 at in this level is prompted by a demonstrated need to protect  
21 the public. ~~Programs or program models in this level are~~  
22 ~~maximum-secure-custody, long-term residential commitment~~  
23 ~~facilities that are intended to provide a moderate overlay of~~  
24 ~~educational, vocational, and behavioral-modification services~~  
25 ~~and other maximum-security program models authorized by the~~  
26 ~~legislature and established by rule. Section 985.3141 applies~~  
27 ~~to children placed in programs in this restrictiveness level.~~

28 (46)(48) "Secure detention center or facility" means a  
29 physically restricting facility for the temporary care of  
30 children, pending adjudication, disposition, or placement.

31

1           ~~(47)~~(49) "Serious or habitual juvenile offender," for  
2 purposes of commitment to a residential facility and for  
3 purposes of records retention, means a child who has been  
4 found to have committed a delinquent act or a violation of  
5 law, in the case currently before the court, and who meets at  
6 least one of the following criteria:

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

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

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

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

4 (48)~~(50)~~ "Serious or habitual juvenile offender  
5 program" means the program established in s. 985.31.

6 (49)~~(51)~~ "Shelter" means a place for the temporary  
7 care of a child who is alleged to be or who has been found to  
8 be delinquent.

9 (50)~~(52)~~ "Shelter hearing" means a hearing provided  
10 for under s. 984.14 in family-in-need-of-services cases or  
11 child-in-need-of-services cases.

12 (51)~~(53)~~ "Staff-secure shelter" means a facility in  
13 which a child is supervised 24 hours a day by staff members  
14 who are awake while on duty. The facility is for the temporary  
15 care and assessment of a child who has been found to be  
16 dependent, who has violated a court order and been found in  
17 contempt of court, or whom the Department of Children and  
18 Family Services is unable to properly assess or place for  
19 assistance within the continuum of services provided for  
20 dependent children.

21 (52)~~(54)~~ "Substance abuse" means using, without  
22 medical reason, any psychoactive or mood-altering drug,  
23 including alcohol, in such a manner as to induce impairment  
24 resulting in dysfunctional social behavior.

25 (53)~~(55)~~ "Taken into custody" means the status of a  
26 child immediately when temporary physical control over the  
27 child is attained by a person authorized by law, pending the  
28 child's release, detention, placement, or other disposition as  
29 authorized by law.

30 (54)~~(56)~~ "Temporary legal custody" means the  
31 relationship that a juvenile court creates between a child and



1 an adult relative of the child, adult nonrelative approved by  
2 the court, or other person until a more permanent arrangement  
3 is ordered. Temporary legal custody confers upon the custodian  
4 the right to have temporary physical custody of the child and  
5 the right and duty to protect, train, and discipline the child  
6 and to provide the child with food, shelter, and education,  
7 and ordinary medical, dental, psychiatric, and psychological  
8 care, unless these rights and duties are otherwise enlarged or  
9 limited by the court order establishing the temporary legal  
10 custody relationship.

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

27 (56)~~(58)~~ "Training school" means one of the following  
28 facilities: the Arthur G. Dozier School or the Eckerd Youth  
29 Development Center.

30 (57)~~(59)~~ "Violation of law" or "delinquent act" means  
31 a violation of any law of this state, the United States, or

1 any other state which is a misdemeanor or a felony or a  
2 violation of a county or municipal ordinance which would be  
3 punishable by incarceration if the violation were committed by  
4 an adult.

5 (58)~~(60)~~ "Waiver hearing" means a hearing provided for  
6 under s. 985.226(3).

7 Section 19. Paragraph (a) of subsection (3) and  
8 paragraph (a) of subsection (4) of section 985.04, Florida  
9 Statutes, are amended to read:

10 985.04 Oaths; records; confidential information.--

11 (3)(a) Except as provided in subsections (2), (4),  
12 (5), and (6), and s. 943.053, all information obtained under  
13 this part in the discharge of official duty by any judge, any  
14 employee of the court, any authorized agent of the Department  
15 of Juvenile Justice, the Parole Commission, the Juvenile  
16 Justice Advisory ~~Accountability~~ Board, the Department of  
17 Corrections, the ~~district~~ juvenile justice circuit boards, any  
18 law enforcement agent, or any licensed professional or  
19 licensed community agency representative participating in the  
20 assessment or treatment of a juvenile is confidential and may  
21 be disclosed only to the authorized personnel of the court,  
22 the Department of Juvenile Justice and its designees, the  
23 Department of Corrections, the Parole Commission, the Juvenile  
24 Justice Advisory ~~Accountability~~ Board, law enforcement agents,  
25 school superintendents and their designees, any licensed  
26 professional or licensed community agency representative  
27 participating in the assessment or treatment of a juvenile,  
28 and others entitled under this chapter to receive that  
29 information, or upon order of the court. Within each county,  
30 the sheriff, the chiefs of police, the district school  
31 superintendent, and the department shall enter into an

1 interagency agreement for the purpose of sharing information  
2 about juvenile offenders among all parties. The agreement must  
3 specify the conditions under which summary criminal history  
4 information is to be made available to appropriate school  
5 personnel, and the conditions under which school records are  
6 to be made available to appropriate department personnel. Such  
7 agreement shall require notification to any classroom teacher  
8 of assignment to the teacher's classroom of a juvenile who has  
9 been placed in a probation ~~community control~~ or commitment  
10 program for a felony offense. The agencies entering into such  
11 agreement must comply with s. 943.0525, and must maintain the  
12 confidentiality of information that is otherwise exempt from  
13 s. 119.07(1), as provided by law.

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

1 names and other identifying information will not be disclosed  
2 by the applicant.

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

5 985.06 Statewide information-sharing system;  
6 interagency workgroup.--

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

17 Section 21. Section 985.2066, Florida Statutes, is  
18 amended to read:

19 985.2066 Children locked out of the home; interagency  
20 cooperation.--The Department of Juvenile Justice and the  
21 Department of Children and Family Services shall encourage  
22 interagency cooperation within each circuit ~~district~~ and shall  
23 develop comprehensive agreements between the staff and  
24 providers for each department in order to coordinate the  
25 services provided to children who are locked out of the home  
26 and the families of those children.

27 Section 22. Paragraph (d) of subsection (1) of section  
28 985.207, Florida Statutes, is amended to read:

29 985.207 Taking a child into custody.--

30 (1) A child may be taken into custody under the  
31 following circumstances:

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

6  
7 Nothing in this subsection shall be construed to allow the  
8 detention of a child who does not meet the detention criteria  
9 in s. 985.215.

10 Section 23. Paragraph (a) of subsection (1) of section  
11 985.21, Florida Statutes, is amended to read:

12 985.21 Intake and case management.--

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

16 1. Appropriateness for release, referral to a  
17 diversionary program including, but not limited to, a  
18 teen-court program, referral for community arbitration, or  
19 referral to some other program or agency for the purpose of  
20 nonofficial or nonjudicial handling.

21 2. The presence of medical, psychiatric,  
22 psychological, substance abuse, educational, or vocational  
23 problems, or other conditions that may have caused the child  
24 to come to the attention of law enforcement or the Department  
25 of Juvenile Justice. The child shall also be screened to  
26 determine whether the child poses a danger to himself or  
27 herself or others in the community. The results of this  
28 screening shall be made available to the court and to court  
29 officers. In cases where such conditions are identified, and a  
30 nonjudicial handling of the case is chosen, the juvenile  
31 probation officer shall attempt to refer the child to a

1 program or agency, together with all available and relevant  
2 assessment information concerning the child's precipitating  
3 condition.

4           3. The Department of Juvenile Justice shall develop an  
5 intake and a case management system whereby a child brought  
6 into intake is assigned a juvenile probation officer if the  
7 child was not released, referred to a diversionary program,  
8 referred for community arbitration, or referred to some other  
9 program or agency for the purpose of nonofficial or  
10 nonjudicial handling, and shall make every reasonable effort  
11 to provide case management services for the child; provided,  
12 however, that case management for children committed to  
13 residential programs may be transferred as provided in s.  
14 985.316.

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

18           a. Ensuring that a risk assessment instrument  
19 establishing the child's eligibility for detention has been  
20 accurately completed and that the appropriate recommendation  
21 was made to the court.

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

24           c. Performing the preliminary screening and making  
25 referrals for comprehensive assessment regarding the child's  
26 need for substance abuse treatment services, mental health  
27 services, retardation services, literacy services, or other  
28 educational or treatment services.

29           d. Coordinating the multidisciplinary assessment when  
30 required, which includes the classification and placement  
31 process that determines the child's priority needs, risk

1 classification, and treatment plan. When sufficient evidence  
2 exists to warrant a comprehensive assessment and the child  
3 fails to voluntarily participate in the assessment efforts, it  
4 is the responsibility of the juvenile probation officer to  
5 inform the court of the need for the assessment and the  
6 refusal of the child to participate in such assessment. This  
7 assessment, classification, and placement process shall  
8 develop into the predisposition report.

9 e. Making recommendations for services and  
10 facilitating the delivery of those services to the child,  
11 including any mental health services, educational services,  
12 family counseling services, family assistance services, and  
13 substance abuse services. The juvenile probation officer shall  
14 serve as the primary case manager for the purpose of managing,  
15 coordinating, and monitoring the services provided to the  
16 child. Each program administrator within the Department of  
17 Children and Family Services shall cooperate with the primary  
18 case manager in carrying out the duties and responsibilities  
19 described in this section.

20  
21 The Department of Juvenile Justice shall annually advise the  
22 Legislature and the Executive Office of the Governor of the  
23 resources needed in order for the intake and case management  
24 system to maintain a staff-to-client ratio that is consistent  
25 with accepted standards and allows the necessary supervision  
26 and services for each child. The intake process and case  
27 management system shall provide a comprehensive approach to  
28 assessing the child's needs, relative risks, and most  
29 appropriate handling, and shall be based on an individualized  
30 treatment plan.

31

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

6           985.215 Detention.--

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

11           (a) The child is alleged to be an escapee or an  
12 absconder from a commitment program, a probation ~~community~~  
13 ~~control~~ program, furlough, or conditional release ~~aftercare~~  
14 supervision, or is alleged to have escaped while being  
15 lawfully transported to or from such program or supervision.

16           (h) The child is alleged to have violated the  
17 conditions of the child's probation ~~community control~~ or  
18 conditional release ~~aftercare~~ supervision. However, a child  
19 detained under this paragraph may be held only in a  
20 consequence unit as provided in s. 985.231(1)(a)1.c. If a  
21 consequence unit is not available, the child shall be placed  
22 on home detention with electronic monitoring.

23  
24 A child who meets any of these criteria and who is ordered to  
25 be detained pursuant to this subsection shall be given a  
26 hearing within 24 hours after being taken into custody. The  
27 purpose of the detention hearing is to determine the existence  
28 of probable cause that the child has committed the delinquent  
29 act or violation of law with which he or she is charged and  
30 the need for continued detention. Unless a child is detained  
31 under paragraph (d) or paragraph (e), the court shall utilize



1 the results of the risk assessment performed by the juvenile  
2 probation officer and, based on the criteria in this  
3 subsection, shall determine the need for continued detention.  
4 A child placed into secure, nonsecure, or home detention care  
5 may continue to be so detained by the court pursuant to this  
6 subsection. If the court orders a placement more restrictive  
7 than indicated by the results of the risk assessment  
8 instrument, the court shall state, in writing, clear and  
9 convincing reasons for such placement. Except as provided in  
10 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),  
11 paragraph (10)(c), or paragraph (10)(d), when a child is  
12 placed into secure or nonsecure detention care, or into a  
13 respite home or other placement pursuant to a court order  
14 following a hearing, the court order must include specific  
15 instructions that direct the release of the child from such  
16 placement no later than 5 p.m. on the last day of the  
17 detention period specified in paragraph (5)(b) or paragraph  
18 (5)(c), or subparagraph (10)(a)1., whichever is applicable,  
19 unless the requirements of such applicable provision have been  
20 met or an order of continuance has been granted pursuant to  
21 paragraph (5)(d).

22 (5)

23 (d) A child who was not in secure detention at the  
24 time of the adjudicatory hearing, but for whom residential  
25 commitment is anticipated or recommended, may be placed under  
26 a special detention order for a period not to exceed 72 hours,  
27 excluding weekends and legal holidays, for the purpose of  
28 conducting a comprehensive evaluation as provided in s.  
29 985.229(1). Motions for the issuance of such special  
30 detention order may be made subsequent to a finding of  
31 delinquency. Upon said motion, the court shall conduct a

1 hearing to determine the appropriateness of such special  
2 detention order and shall order the least restrictive level of  
3 detention necessary to complete the comprehensive evaluation  
4 process that is consistent with public safety. Such special  
5 detention order may be extended for an additional 72 hours  
6 upon further order of the court.

7 (6) When any child is placed into secure, nonsecure,  
8 or home detention care or into other placement pursuant to a  
9 court order following a detention hearing, the court shall  
10 order the natural or adoptive parents of such child, including  
11 the natural father of such child born out of wedlock who has  
12 acknowledged his paternity in writing before the court, or the  
13 guardian of such child's estate, if possessed of assets which  
14 under law may be disbursed for the care, support, and  
15 maintenance of the child, to pay to the Department of Juvenile  
16 Justice, or institution having custody of the child, fees in  
17 an amount of twenty dollars per day related to the ~~equal to~~  
18 ~~the actual~~ cost of the care, support, and maintenance of the  
19 child, as established by the Department of Juvenile Justice,  
20 unless the court ~~determines~~ makes a finding on the record that  
21 the parent or guardian of the child is indigent. At the time  
22 of the detention hearing, the Department shall report to the  
23 court, verbally or in writing, any available information  
24 concerning the ability of the parent or guardian of the child  
25 to pay such fee. As to each parent or guardian for whom the  
26 court makes a finding of indigency, the ~~The~~ court may reduce  
27 the fees or waive the fees upon a showing by the parent or  
28 guardian of an inability to pay the fees specified herein full  
29 cost of the care, support, and maintenance of the child. If  
30 the court makes a finding of indigency or inability to pay the  
31 full cost of care, support, and maintenance of the child, the

1 court shall order the parent or guardian to pay to the  
2 department a nominal subsistence fee on behalf of the child in  
3 the amount of at least \$2 per day that the child is detained  
4 outside the home or at least \$1 per day if the child is  
5 otherwise detained, unless the court makes a finding on the  
6 record that the parent or guardian would suffer a significant  
7 hardship if obligated for such amount. In addition, the court  
8 may reduce the fees or waive the fees as to each parent or  
9 guardian if the court makes a finding on the record ~~it finds~~  
10 that the ~~child's~~ parent or guardian was the victim of the  
11 ~~child's~~ delinquent act or violation of law for which the child  
12 is detained and that the parent or guardian is cooperating in  
13 the investigation of the offense. As to each parent or  
14 guardian, the court may reduce the fees or waive the fees ~~or~~  
15 if the court makes a finding on the record ~~finds~~ that the  
16 parent or guardian has made a diligent and good faith effort  
17 to prevent the child from engaging in the delinquent act or  
18 violation of law. The court must include specific findings in  
19 the detention order as to what fees are ordered, reduced, or  
20 waived. If the court fails to enter an order as required by  
21 this subsection, it shall be presumed that the court intended  
22 the parent or guardian to pay to the department the fee of  
23 twenty dollars per day that the child remains in detention  
24 care. With respect to a child who has been found to have  
25 committed a delinquent act or violation of law, whether or not  
26 adjudication is withheld, and whose parent or guardian  
27 receives public assistance for any portion of that child's  
28 care, the department must seek a federal waiver to garnish or  
29 otherwise order the payments of the portion of the public  
30 assistance relating to that child to offset the costs of  
31 providing care, custody, maintenance, rehabilitation,

1 intervention, or corrective services to the child. When the  
2 order affects the guardianship estate, a certified copy of the  
3 order shall be delivered to the judge having jurisdiction of  
4 the guardianship estate. The department may employ a  
5 collection agency for the purpose of receiving, collecting,  
6 and managing the payment of unpaid and delinquent fees. The  
7 collection agency must be registered and in good standing  
8 under chapter 559. The department may pay to the collection  
9 agency a fee from the amount collected under the claim or may  
10 authorize the agency to deduct the fee from the amount  
11 collected. The department may also pay for collection  
12 services from available authorized funds. The Department of  
13 Juvenile Justice shall provide to the payor documentation of  
14 any amounts paid by the payor to the Department of Juvenile  
15 Justice on behalf of the child. All payments received by the  
16 department pursuant to this subsection shall be deposited in  
17 the state Grants and Donations Trust Fund. Neither the court  
18 nor the department may extend the child's length of stay in  
19 detention care solely for the purpose of collecting fees.

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

22 985.216 Punishment for contempt of court; alternative  
23 sanctions.--

24 (5) ALTERNATIVE SANCTIONS COORDINATOR.--There is  
25 created the position of alternative sanctions coordinator  
26 within each judicial circuit, pursuant to subsection (3). Each  
27 alternative sanctions coordinator shall serve under the  
28 direction of the chief administrative judge of the juvenile  
29 division as directed by the chief judge of the circuit. The  
30 alternative sanctions coordinator shall act as the liaison  
31 between the judiciary, ~~and county juvenile justice councils,~~

1 ~~the~~ local department officials, district school board  
2 employees, and local law enforcement agencies. The alternative  
3 sanctions coordinator shall coordinate within the circuit  
4 community-based alternative sanctions, including nonsecure  
5 detention programs, community service projects, and other  
6 juvenile sanctions, in conjunction with the circuit plan  
7 implemented in accordance with s. 790.22(4)(c).

8 Section 26. Paragraph (c) of subsection (3) of section  
9 985.226, Florida Statutes, is amended to read:

10 985.226 Criteria for waiver of juvenile court  
11 jurisdiction; hearing on motion to transfer for prosecution as  
12 an adult.--

13 (3) WAIVER HEARING.--

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

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

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

23 3. Whether the alleged offense was against persons or  
24 against property, greater weight being given to offenses  
25 against persons, especially if personal injury resulted.

26 4. The probable cause as found in the report,  
27 affidavit, or complaint.

28 5. The desirability of trial and disposition of the  
29 entire offense in one court when the child's associates in the  
30 alleged crime are adults or children who are to be tried as  
31 adults.

- 1           6. The sophistication and maturity of the child.
- 2           7. The record and previous history of the child,
- 3 including:
- 4           a. Previous contacts with the department, the
- 5 Department of Corrections, the former Department of Health and
- 6 Rehabilitative Services, the Department of Children and Family
- 7 Services, other law enforcement agencies, and courts;
- 8           b. Prior periods of probation ~~or community control~~;
- 9           c. Prior adjudications that the child committed a
- 10 delinquent act or violation of law, greater weight being given
- 11 if the child has previously been found by a court to have
- 12 committed a delinquent act or violation of law involving an
- 13 offense classified as a felony or has twice previously been
- 14 found to have committed a delinquent act or violation of law
- 15 involving an offense classified as a misdemeanor; and
- 16           d. Prior commitments to institutions.
- 17           8. The prospects for adequate protection of the public
- 18 and the likelihood of reasonable rehabilitation of the child,
- 19 if the child is found to have committed the alleged offense,
- 20 by the use of procedures, services, and facilities currently
- 21 available to the court.
- 22           Section 27. Paragraph (b) of subsection (2) and
- 23 subsection (4) of section 985.227, Florida Statutes, are
- 24 amended to read:
- 25           985.227 Prosecution of juveniles as adults by the
- 26 direct filing of an information in the criminal division of
- 27 the circuit court; discretionary criteria; mandatory
- 28 criteria.--
- 29           (2) MANDATORY DIRECT FILE.--
- 30           (b) Notwithstanding subsection (1), regardless of the
- 31 child's age at the time the alleged offense was committed, the

1 state attorney must file an information with respect to any  
2 child who previously has been adjudicated for offenses which,  
3 if committed by an adult, would be felonies and such  
4 adjudications occurred at three or more separate delinquency  
5 adjudicatory hearings, and three of which resulted in  
6 residential commitments as defined in s. 985.03(45)~~(47)~~.

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

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

16 985.228 Adjudicatory hearings; withheld adjudications;  
17 orders of adjudication.--

18 (4) If the court finds that the child named in the  
19 petition has committed a delinquent act or violation of law,  
20 it may, in its discretion, enter an order stating the facts  
21 upon which its finding is based but withholding adjudication  
22 of delinquency and placing the child in a probation ~~community~~  
23 ~~control~~ program under the supervision of the department or  
24 under the supervision of any other person or agency  
25 specifically authorized and appointed by the court. The court  
26 may, as a condition of the program, impose as a penalty  
27 component restitution in money or in kind, community service,  
28 a curfew, urine monitoring, revocation or suspension of the  
29 driver's license of the child, or other nonresidential  
30 punishment appropriate to the offense, and may impose as a  
31 rehabilitative component a requirement of participation in

1 substance abuse treatment, or school or other educational  
2 program attendance. If the court later finds that the child  
3 has not complied with the rules, restrictions, or conditions  
4 of the community-based program, the court may, after a hearing  
5 to establish the lack of compliance, but without further  
6 evidence of the state of delinquency, enter an adjudication of  
7 delinquency and shall thereafter have full authority under  
8 this chapter to deal with the child as adjudicated.

9 Section 29. Subsections (1) and (3) of section  
10 985.229, Florida Statutes, are amended to read:

11 985.229 Predisposition report; other evaluations.--

12 (1) Upon a finding that the child has committed a  
13 delinquent act ~~At the disposition hearing~~, the court may ~~shall~~  
14 order a predisposition report regarding the eligibility of the  
15 child for disposition other than by adjudication and  
16 commitment to the department or for disposition of  
17 adjudication, commitment to the department, and, if  
18 appropriate, assignment of a residential commitment level.

19 The predisposition report shall be the result of the  
20 multidisciplinary assessment when such assessment is needed,  
21 and of the classification and placement process, and it shall  
22 indicate and report the child's priority needs,  
23 recommendations as to a classification of risk for the child  
24 in the context of his or her program and supervision needs,  
25 and a plan for treatment that recommends the most appropriate  
26 placement setting to meet the child's needs with the minimum  
27 program security that reasonably ensures public safety. A  
28 predisposition report shall be ordered for any child for whom  
29 a residential commitment disposition is anticipated or  
30 recommended by an officer of the court or by the department. A  
31 comprehensive evaluation for physical health, mental health,



1 substance abuse, academic, educational, or vocational problems  
2 shall be ordered for any child for whom a residential  
3 commitment disposition is anticipated or recommended by an  
4 officer of the court or by the department. If a comprehensive  
5 evaluation is ordered, the predisposition report shall include  
6 a summary of the comprehensive evaluation.The predisposition  
7 report shall be submitted to the court upon completion of the  
8 report but no later than 48 hours prior to the disposition  
9 hearing. The predisposition report, ~~but~~ shall not be reviewed  
10 by the court without the consent of the child and his or her  
11 legal counsel until the child has been found to have committed  
12 a delinquent act.

13 (3) The predisposition report, together with all other  
14 reports and evaluations used by the department in preparing  
15 the predisposition report, shall be made available to the  
16 child, the child's parents or legal guardian, the child's  
17 legal counsel, and the state attorney upon completion of the  
18 report and at a reasonable time prior to the disposition  
19 hearing.

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

23 985.23 Disposition hearings in delinquency  
24 cases.--When a child has been found to have committed a  
25 delinquent act, the following procedures shall be applicable  
26 to the disposition of the case:

27 (2) The first determination to be made by the court is  
28 a determination of the suitability or nonsuitability for  
29 adjudication and commitment of the child to the department.  
30 This determination shall include consideration of the  
31 recommendations of the department, which may include a

1 predisposition report.~~be based upon~~ The predisposition report  
2 ~~which~~ shall include, whether as part of the child's  
3 multidisciplinary assessment, classification, and placement  
4 process components or separately, evaluation of the following  
5 criteria:

6 (a) The seriousness of the offense to the community.  
7 If the court determines that the child was a member of a  
8 criminal street gang at the time of the commission of the  
9 offense, which determination shall be made pursuant to chapter  
10 874, the seriousness of the offense to the community shall be  
11 given great weight.

12 (b) Whether the protection of the community requires  
13 adjudication and commitment to the department.

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

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

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

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

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

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

27 3. Prior adjudications of delinquency; and

28 4. Prior commitments to institutions.

29 (g) The prospects for adequate protection of the  
30 public and the likelihood of reasonable rehabilitation of the  
31

1 child if committed to a community services program or  
2 facility.

3 (h) The child's educational status, including, but not  
4 limited to, the child's strengths, abilities, and unmet and  
5 special educational needs. The report shall identify  
6 appropriate educational and vocational goals for the child.  
7 Examples of appropriate goals include:

8 1. Attainment of a high school diploma or its  
9 equivalent.

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

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

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

14 5. Enrollment in an apprenticeship or a similar  
15 program.

16  
17 At the time of disposition, the court may make recommendations  
18 to the department as to specific treatment approaches to be  
19 employed.

20 (3)

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

27 (4) If the court determines not to adjudicate and  
28 commit to the department, then the court shall determine what  
29 community-based sanctions it will impose in a probation  
30 ~~community control~~ program for the child. Community-based  
31 sanctions may include, but are not limited to, participation

1 in substance abuse treatment, a day-treatment probation  
2 program, restitution in money or in kind, a curfew, revocation  
3 or suspension of the driver's license of the child, community  
4 service, and appropriate educational programs as determined by  
5 the district school board.

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

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

17 985.231 Powers of disposition in delinquency cases.--

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

22 1. Place the child in a probation ~~community control~~  
23 program or a postcommitment probation ~~community control~~  
24 program under the supervision of an authorized agent of the  
25 Department of Juvenile Justice or of any other person or  
26 agency specifically authorized and appointed by the court,  
27 whether in the child's own home, in the home of a relative of  
28 the child, or in some other suitable place under such  
29 reasonable conditions as the court may direct. A probation  
30 ~~community control~~ program for an adjudicated delinquent child  
31 must include a penalty component such as restitution in money

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

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

1 misdemeanor of the second degree, or is equivalent to a  
2 misdemeanor of the second degree, may be for a period not to  
3 exceed 6 months. When restitution is ordered by the court, the  
4 amount of restitution may not exceed an amount the child and  
5 the parent or guardian could reasonably be expected to pay or  
6 make. A child who participates in any work program under this  
7 part is considered an employee of the state for purposes of  
8 liability, unless otherwise provided by law.

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

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

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

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

4 (III) Modify or continue the child's probation  
5 ~~community control~~ program or postcommitment probation  
6 ~~community control~~ program.

7 (IV) Revoke probation ~~community control~~ or  
8 postcommitment probation ~~community control~~ and commit the  
9 child to the department.

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

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

20 3. Commit the child to the Department of Juvenile  
21 Justice at a restrictiveness level defined in s. 985.03. Such  
22 commitment must be for the purpose of exercising active  
23 control over the child, including, but not limited to,  
24 custody, care, training, urine monitoring, and treatment of  
25 the child and release of the child into the community in a  
26 postcommitment nonresidential conditional release ~~aftercare~~  
27 program. If the child is not successful in the conditional  
28 release ~~aftercare~~ program, the department may use the transfer  
29 procedure under s. 985.404. Notwithstanding s. 743.07 and  
30 paragraph (d), and except as provided in s. 985.31, the term  
31



1 of the commitment must be until the child is discharged by the  
2 department or until he or she reaches the age of 21.

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

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

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

31

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

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

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

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

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

6 (b) When any child is adjudicated by the court to have  
7 committed a delinquent act and temporary legal custody of the  
8 child has been placed with a licensed child-caring agency or  
9 the Department of Juvenile Justice, the court shall order the  
10 natural or adoptive parents of such child, including the  
11 natural father of such child born out of wedlock who has  
12 acknowledged his paternity in writing before the court, or the  
13 guardian of such child's estate, if possessed of assets that  
14 under law may be disbursed for the care, support, and  
15 maintenance of the child, to pay fees to the Department in the  
16 amount not to exceed ~~to the licensed child-caring agency or~~  
17 ~~the Department of Juvenile Justice equal to~~ the actual cost of  
18 the care, support, and maintenance of the child in the  
19 recommended residential commitment level, unless the court  
20 ~~determines~~ makes a finding on the record that the parent or  
21 guardian of the child is indigent. No later than the  
22 disposition hearing, the Department shall provide the court  
23 with information concerning the actual cost of care, support,  
24 and maintenance of the child in the recommended residential  
25 commitment level and concerning the ability of the parent or  
26 guardian of the child to pay any fees. As to each parent or  
27 guardian for whom the court makes a finding of indigency, the  
28 ~~The~~ court may reduce the fees or waive the fees upon a showing  
29 by the parent or guardian of an inability to pay the full cost  
30 of the care, support, and maintenance of the child. If the  
31 court makes a finding of indigency or inability to pay the

1 full cost of care, support, and maintenance of the child, the  
2 court shall order the parent or guardian to pay to the  
3 department a nominal subsistence fee on behalf of the child in  
4 the amount of at least \$2 per day that the child is placed  
5 outside the home or at least \$1 per day if the child is  
6 otherwise placed, unless the court makes a finding on the  
7 record that the parent or guardian would suffer a significant  
8 hardship if obligated for such amount. In addition, the court  
9 may reduce the fees or waive the fees as to each parent or  
10 guardian if the court makes a finding on the record ~~it finds~~  
11 that the ~~child's~~ parent or guardian was the victim of the  
12 ~~child's~~ delinquent act or violation of law for which the child  
13 is subject to placement under this section and that the parent  
14 or guardian has cooperated in the investigation and  
15 prosecution of the offense. As to each parent or guardian,  
16 the court may reduce the fees or waive the fees ~~or~~ if the  
17 court makes a finding on the record ~~finds~~ that the parent or  
18 guardian has made a diligent and good faith effort to prevent  
19 the child from engaging in the delinquent act or violation of  
20 law. All orders committing a child to a residential commitment  
21 program shall include specific findings as to what fees are  
22 ordered, reduced, or waived. If the court fails to enter an  
23 order as required by this paragraph, it shall be presumed that  
24 the court intended the parent or guardian to pay fees to the  
25 department in an amount not to exceed the actual cost of the  
26 care, support, and maintenance of the child. With regard to a  
27 child who reaches the age of 18 prior to the disposition  
28 hearing, the court may elect to direct an order required by  
29 this paragraph to such child, rather than the parent or  
30 guardian. With regard to a child who reaches the age of 18  
31 while in the custody of the department, the court may, upon

1 proper motion of any party, hold a hearing as to whether any  
2 party should be further obligated respecting the payment of  
3 fees. The department may employ a collection agency for the  
4 purpose of receiving, collecting, and managing the payment of  
5 unpaid and delinquent fees. The collection agency must be  
6 registered and in good standing under chapter 559. The  
7 department may pay to the collection agency a fee from the  
8 amount collected under the claim or may authorize the agency  
9 to deduct the fee from the amount collected. The department  
10 may also pay for collection services from available authorized  
11 funds. The Department of Juvenile Justice shall provide to  
12 the payor documentation of any amounts paid by the payor to  
13 the Department of Juvenile Justice on behalf of the child.  
14 All payments received by the department pursuant to this  
15 subsection shall be deposited in the state Grants and  
16 Donations Trust Fund. Neither the court nor the department  
17 may extend the child's length of stay in placement care solely  
18 for the purpose of collecting fees.

19 (d) Any commitment of a delinquent child to the  
20 Department of Juvenile Justice must be for an indeterminate  
21 period of time, which may include periods of temporary  
22 release, but the time may not exceed the maximum term of  
23 imprisonment that an adult may serve for the same offense. The  
24 duration of the child's placement in a residential commitment  
25 program of any level shall be based on objective  
26 performance-based treatment planning. The child's treatment  
27 plan progress and adjustment-related issues shall be reported  
28 to the court each month. The child's length of stay in a  
29 residential commitment program may be extended if the child  
30 fails to comply with or participate in treatment activities.  
31 The child's length of stay in such program shall not be

1 extended for purposes of sanction or punishment. Any temporary  
2 release from such program ~~for a period greater than 3 days~~  
3 must be approved by the court. Any child so committed may be  
4 discharged from institutional confinement or a program upon  
5 the direction of the department with the concurrence of the  
6 court. The child's treatment plan progress and  
7 adjustment-related issues must be communicated to the court at  
8 the time the department requests the court to consider  
9 releasing the child from the residential commitment program.  
10 Notwithstanding s. 743.07 and this subsection, and except as  
11 provided in s. 985.31, a child may not be held under a  
12 commitment from a court pursuant to this section after  
13 becoming 21 years of age. The department shall give the court  
14 that committed the child to the department reasonable notice,  
15 in writing, of its desire to discharge the child from a  
16 commitment facility. The court that committed the child may  
17 thereafter accept or reject the request. If the court does not  
18 respond within 10 days after receipt of the notice, the  
19 request of the department shall be deemed granted. This  
20 section does not limit the department's authority to revoke a  
21 child's temporary release status and return the child to a  
22 commitment facility for any violation of the terms and  
23 conditions of the temporary release.

24 (g) Whenever a child is required by the court to  
25 participate in any work program under this part or whenever a  
26 child volunteers to work in a specified state, county,  
27 municipal, or community service organization supervised work  
28 program or to work for the victim, either as an alternative to  
29 monetary restitution or as a part of the rehabilitative or  
30 probation ~~community control~~ program, the child is an employee  
31 of the state for the purposes of liability. In determining the

1 child's average weekly wage unless otherwise determined by a  
2 specific funding program, all remuneration received from the  
3 employer is a gratuity, and the child is not entitled to any  
4 benefits otherwise payable under s. 440.15, regardless of  
5 whether the child may be receiving wages and remuneration from  
6 other employment with another employer and regardless of the  
7 child's future wage-earning capacity.

8 (h) The court may, upon motion of the child or upon  
9 its own motion, within 60 days after imposition of a  
10 disposition of commitment, suspend the further execution of  
11 the disposition and place the child ~~on probation~~ in a  
12 probation ~~community control~~ program upon such terms and  
13 conditions as the court may require. The department shall  
14 forward to the court all relevant material on the child's  
15 progress while in custody not later than 3 working days prior  
16 to the hearing on the motion to suspend the disposition.

17 (2) Following a delinquency adjudicatory hearing  
18 pursuant to s. 985.228 and a delinquency disposition hearing  
19 pursuant to s. 985.23 which results in a commitment  
20 determination, the court shall, on its own or upon request by  
21 the state or the department, determine whether the protection  
22 of the public requires that the child be placed in a program  
23 for serious or habitual juvenile offenders and whether the  
24 particular needs of the child would be best served by a  
25 program for serious or habitual juvenile offenders as provided  
26 in s. 985.31. The determination shall be made pursuant to ss.  
27 985.03(47)~~(49)~~ and 985.23(3).

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

31

1           985.233 Sentencing powers; procedures; alternatives  
2 for juveniles prosecuted as adults.--

3           (1) POWERS OF DISPOSITION.--

4           (a) A child who is found to have committed a violation  
5 of law may, as an alternative to adult dispositions, be  
6 committed to the department for treatment in an appropriate  
7 program for children outside the adult correctional system or  
8 be placed on juvenile probation ~~in a community control program~~  
9 ~~for juveniles~~.

10           (b) In determining whether to impose juvenile  
11 sanctions instead of adult sanctions, the court shall consider  
12 the following criteria:

13           1. The seriousness of the offense to the community and  
14 whether the community would best be protected by juvenile or  
15 adult sanctions.

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

18           3. Whether the offense was against persons or against  
19 property, with greater weight being given to offenses against  
20 persons, especially if personal injury resulted.

21           4. The sophistication and maturity of the offender.

22           5. The record and previous history of the offender,  
23 including:

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

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

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



1           d. Prior commitments to the Department of Juvenile  
2 Justice, the former Department of Health and Rehabilitative  
3 Services, the Department of Children and Family Services, or  
4 other facilities or institutions.

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

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

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

15           (4) SENTENCING ALTERNATIVES.--

16           (b) Sentencing to juvenile sanctions.--In order to use  
17 this paragraph, the court shall stay adjudication of guilt and  
18 instead shall adjudge the child to have committed a delinquent  
19 act. Adjudication of delinquency shall not be deemed a  
20 conviction, nor shall it operate to impose any of the civil  
21 disabilities ordinarily resulting from a conviction. The court  
22 shall impose an adult sanction or a juvenile sanction and may  
23 not sentence the child to a combination of adult and juvenile  
24 punishments. An adult sanction or a juvenile sanction may  
25 include enforcement of an order of restitution or probation  
26 ~~community control~~ previously ordered in any juvenile  
27 proceeding. However, if the court imposes a juvenile sanction  
28 and the department determines that the sanction is unsuitable  
29 for the child, the department shall return custody of the  
30 child to the sentencing court for further proceedings,  
31

1 including the imposition of adult sanctions. Upon adjudicating  
2 a child delinquent under subsection (1), the court may:

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

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

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

19 (c) Imposition of adult sanctions upon failure of  
20 juvenile sanctions.--If a child proves not to be suitable in a  
21 juvenile probation ~~to a community control~~ program or for a  
22 treatment program under the provisions of subparagraph (b)2.,  
23 the court may revoke the previous adjudication, impose an  
24 adjudication of guilt, classify the child as a youthful  
25 offender when appropriate, and impose any sentence which it  
26 may lawfully impose, giving credit for all time spent by the  
27 child in the department.

28 (d) Recoupment of cost of care in juvenile justice  
29 facilities.--When the court orders commitment of a child to  
30 the Department of Juvenile Justice for treatment in any of the  
31 department's programs for children, the court shall order the

1 natural or adoptive parents of such child, including the  
2 natural father of such child born out of wedlock who has  
3 acknowledged his paternity in writing before the court, or  
4 guardian of such child's estate, if possessed of assets which  
5 under law may be disbursed for the care, support, and  
6 maintenance of the child, to pay fees in the amount not to  
7 exceed to the department equal to the actual cost of the care,  
8 support, and maintenance of the child, unless the court  
9 ~~determines~~ makes a finding on the record that the parent or  
10 legal guardian of the child is indigent. Prior to commitment,  
11 the department shall provide the court with information  
12 concerning the actual cost of care in the recommended  
13 residential commitment level and concerning the ability of the  
14 parent or guardian of the child to pay specified fees. As to  
15 each parent or guardian for whom the court makes a finding of  
16 indigency, the ~~The~~ court may reduce the fees or waive the fees  
17 upon a showing by the parent or guardian of an inability to  
18 pay the full cost of the care, support, and maintenance of the  
19 child. If the court makes a finding of indigency or inability  
20 to pay the full cost of care, support, and maintenance of the  
21 child, the court shall order the parent or guardian to pay the  
22 department a nominal subsistence fee on behalf of the child in  
23 the amount of at least \$2 per day that the child is placed  
24 outside the home or at least \$1 per day if the child is  
25 otherwise placed, unless the court makes a finding on the  
26 record that the parent or guardian would suffer a significant  
27 hardship if obligated for such amount. In addition, the court  
28 may reduce the fees or waive the fees as to each parent or  
29 guardian if the court makes a finding on the record ~~it finds~~  
30 that the ~~child's~~ parent or guardian was the victim of the  
31 ~~child's~~ delinquent act or violation of law for which the child

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

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

10  
11 It is the intent of the Legislature that the criteria and  
12 guidelines in this subsection are mandatory and that a  
13 determination of disposition under this subsection is subject  
14 to the right of the child to appellate review under s.  
15 985.234.

16 Section 33. Section 985.3045, Florida Statutes, is  
17 created to read:

18 985.3045.--(1) The Department's prevention service  
19 program shall monitor all state-funded programs, grants,  
20 appropriations, or activities that are designed to prevent  
21 juvenile crime, delinquency, gang membership, or status  
22 offense behaviors and all state-funded programs, grants,  
23 appropriations, or activities that are designed to prevent a  
24 child from becoming a "child in need of services," as defined  
25 in chapter 984, in order to inform the Governor and the  
26 Legislature concerning efforts designed to further the policy  
27 of the state concerning Juvenile Justice and Delinquency  
28 Prevention, consistent with s. 984.02 and s. 985.02.

29 (2) No later than January 31, 2001, the Prevention  
30 Services program shall submit a report to the Governor, the  
31 Speaker of the House, and the President of the Senate

1 concerning the implementation of a statewide multiagency plan  
2 to coordinate the efforts of all state-funded programs,  
3 grants, appropriations, or activities that are designed to  
4 prevent juvenile crime, delinquency, gang membership, or  
5 status offense behaviors and all state-funded programs,  
6 grants, appropriations, or activities that are designed to  
7 prevent a child from becoming a "child in need of services,"  
8 as defined in chapter 984. The report shall include a  
9 proposal for a statewide coordinated multiagency juvenile  
10 delinquency prevention policy. In preparing the report, the  
11 department shall coordinate with and receive input from each  
12 state agency or entity that receives or uses state  
13 appropriations to fund programs, grants, appropriations, or  
14 activities that are designed to prevent juvenile crime,  
15 delinquency, gang membership, status offense, or that are  
16 designed to prevent a child from becoming a "child in need of  
17 services," as defined in chapter 984. The report shall  
18 identify whether legislation will be needed to effect a  
19 statewide plan to coordinate the efforts of all state-funded  
20 programs, grants, appropriations, or activities that are  
21 designed to prevent juvenile crime, delinquency, gang  
22 membership, or status offense behaviors and all state-funded  
23 programs, grants, appropriations, or activities that are  
24 designed to prevent a child from becoming a "child in need of  
25 services," as defined in chapter 984. The report shall  
26 consider the potential impact of requiring such state-funded  
27 efforts to target at least one of the following strategies  
28 designed to prevent youth from entering or reentering the  
29 juvenile justice system and track the associated outcome data:  
30 (a) Encouraging youth to attend school, which may  
31 include special assistance and tutoring to address

1 deficiencies in academic performance; outcome data to reveal  
2 the number of days youth attended school while participating  
3 in the program.

4 (b) Engaging youth in productive and wholesome  
5 activities during nonschool hours that build positive  
6 character or instill positive values, or that enhance  
7 educational experiences; outcome data to reveal the number of  
8 youth who are arrested during nonschool hours while  
9 participating in the program.

10 (c) Encouraging youth to avoid the use of violence;  
11 outcome data to reveal the number of youth who are arrested  
12 for crimes involving violence while participating in the  
13 program.

14 (d) Assisting youth to acquire skills needed to find  
15 meaningful employment, which may include assistance in finding  
16 a suitable employer for the youth, outcome data to reveal the  
17 number of youth who obtain and maintain employment for at  
18 least 180 days.

19  
20 The department is encouraged to identify additional strategies  
21 which may be relevant to preventing youth from becoming  
22 children-in-need-of-services and to preventing juvenile crime,  
23 delinquency, gang membership and status offense behaviors.  
24 The report shall consider the feasibility of developing  
25 uniform performance measures and methodology for collecting  
26 such outcome data to be utilized by all state-funded programs,  
27 grants, appropriations, or activities that are designed to  
28 prevent juvenile crime, delinquency, gang membership, or  
29 status offense behaviors and all state-funded programs,  
30 grants, appropriations, or activities that are designed to  
31 prevent a child from becoming a "child in need of services,"

1 as defined in chapter 984. The Prevention Service program is  
2 encouraged to identify other issues that may be of critical  
3 importance to preventing a child from becoming a child in need  
4 of services, as defined in chapter 984, or to preventing  
5 juvenile crime, delinquency, gang membership, or status  
6 offense behaviors.

7 (3) The department shall expend funds related to the  
8 prevention of juvenile delinquency in a manner consistent with  
9 the policies expressed in s. 984.02 and s. 985.02. The  
10 department shall expend said funds in a manner that maximizes  
11 public accountability and ensures the documentation of  
12 outcomes.

13 (a) All entities that receive or use state monies to  
14 fund juvenile delinquency prevention services through  
15 contracts or grants with the department shall design the  
16 programs providing such services to further one or more of the  
17 strategies specified in subsection (2)(a) through subsection  
18 (2)(d).

19 (b) The department shall develop an outcome measure  
20 for each program strategy specified in subsection (2)(a)  
21 through subsection (2)(d) that logically relates to the risk  
22 factor addressed by the strategy.

23 (c) All entities that receive or use state monies to  
24 fund the juvenile delinquency prevention services through  
25 contracts or grants with the department shall, as a condition  
26 of receipt of state funds, provide the department with  
27 personal demographic information concerning all participants  
28 in the service sufficient to allow the department to verify  
29 criminal or delinquent history information, school attendance  
30 or academic information, employment information, or other  
31 requested performance information.



1           Section 34. Each state agency or entity that receives  
2 or uses state appropriations to fund programs, grants,  
3 appropriations, or activities that are designed to prevent  
4 juvenile crime, delinquency, gang membership, status offense,  
5 or that are designed to prevent a child from becoming a "child  
6 in need of services," as defined in chapter 984, Florida  
7 Statutes, shall collect data relative to the performance of  
8 such activities and shall provide said data to the Governor,  
9 the President of the Senate, and the Speaker of the House no  
10 later than January 31st of each year for the preceding fiscal  
11 year, beginning in 2002. Further, each state agency or entity  
12 that receives or uses state appropriations to fund programs,  
13 grants, appropriations, or activities that are designed to  
14 prevent juvenile crime, delinquency, gang membership, status  
15 offense, or that are designed to prevent a child from becoming  
16 a "child in need of services," as defined in chapter 984,  
17 Florida Statutes, shall cooperate with the Department of  
18 Juvenile Justice with regard to the report described in  
19 section 985.3045(2), Florida Statutes.

20           Section 35. Subsections (2) and (3) of section  
21 985.305, Florida Statutes, are amended to read:

22           985.305 Early delinquency intervention program;  
23 criteria.--

24           (2) The early delinquency intervention program shall  
25 consist of intensive residential treatment in a secure  
26 facility for 7 days to 6 weeks, followed by 6 to 9 months of  
27 conditional release ~~aftercare~~. An early delinquency  
28 intervention program facility shall be designed to accommodate  
29 the placement of a maximum of 10 children, except that the  
30 facility may accommodate up to 2 children in excess of that  
31 maximum if the additional children have previously been

1 released from the residential portion of the program and are  
2 later found to need additional residential treatment.

3 (3) A copy of the arrest report of any child 15 years  
4 of age or younger who is taken into custody for committing a  
5 delinquent act or any violation of law shall be forwarded to  
6 the local operating circuit ~~service district~~ office of the  
7 Department of Juvenile Justice. Upon receiving the second  
8 arrest report of any such child from the judicial circuit in  
9 which the program is located, the Department of Juvenile  
10 Justice shall initiate an intensive review of the child's  
11 social and educational history to determine the likelihood of  
12 further significant delinquent behavior. In making this  
13 determination, the Department of Juvenile Justice shall  
14 consider, without limitation, the following factors:

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

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

19 (c) The child's academic history, including school  
20 attendance, school achievements, grade level, and involvement  
21 in school-sponsored activities.

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

24 (e) The child's history of substance abuse or  
25 behavioral problems.

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

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

31

1 (h) The supervision that is available in the child's  
2 home.

3 (i) The nature of the relationship between the parents  
4 and the child and any siblings and the child.

5 Section 36. Subsections (5), (7), and (14) of section  
6 985.308, Florida Statutes, are amended to read:

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

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

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

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

31

1 Section 37. Subsections (6) and (12) of section  
2 985.309, Florida Statutes, are amended to read:

3 985.309 Boot camp for children.--

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

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

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

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

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

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

29 Section 38. Subsection (2), paragraphs (e) and (j) of  
30 subsection (3), and paragraph (a) of subsection (4) of section  
31 985.31, Florida Statutes, are amended to read:

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

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

4           15. Consistent and clear consequences for misconduct.

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

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

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

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

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

24           (j) The following provisions shall apply to children  
25 in serious or habitual juvenile offender programs and  
26 facilities:

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

31

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 serious or habitual  
21 juvenile offenders and for the assessment, which assessment  
22 shall include the criteria under s. 985.03(47)~~(49)~~ and shall  
23 also include, but not be limited to, evaluation of the  
24 child's:

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

31

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

3           7. Potential for rehabilitation.

4           Section 39. Subsection (2), paragraphs (e) and (j) of  
5 subsection (3), and paragraph (a) of subsection (4) of section  
6 985.311, Florida Statutes, are amended to read:

7           985.311 Intensive residential treatment program for  
8 offenders less than 13 years of age.--

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

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

19           1. Diagnostic evaluation services.

20           2. Appropriate treatment modalities, including  
21 substance abuse intervention, mental health services, and  
22 sexual behavior dysfunction interventions and gang-related  
23 behavior interventions.

24           3. Life skills.

25           4. Values clarification.

26           5. Case management services.

27           6. Educational services, including special and  
28 remedial education.

29           7. Recreational and leisure time activities.

30  
31



1           8. Community involvement opportunities commencing,  
2 where appropriate, with the direct and timely payment of  
3 restitution to the victim.

4           9. Intensive conditional release supervision  
5 ~~aftercare~~.

6           10. Graduated reentry into the community.

7           11. A diversity of forms of individual and family  
8 treatment appropriate to and consistent with the child's  
9 needs.

10          12. Consistent and clear consequences for misconduct.

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

14           (c) The department shall involve local law enforcement  
15 agencies, the judiciary, school board personnel, the office of  
16 the state attorney, the office of the public defender, and  
17 community service agencies interested in or currently working  
18 with juveniles, in planning and developing this program.

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

22           (e) The department shall establish quality assurance  
23 standards to ensure the quality and substance of mental health  
24 services provided to children with mental, nervous, or  
25 emotional disorders who may be committed to intensive  
26 residential treatment programs. The quality assurance  
27 standards shall address the possession of credentials by the  
28 mental health service providers.

29           (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
30 TREATMENT.--

31

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

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

11 1. A child shall begin participation in the  
12 conditional release ~~reentry~~ component of the program based  
13 upon a determination made by the treatment provider and  
14 approved by the department.

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

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

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

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

1 (a) Pursuant to the provisions of this section, the  
2 department shall implement the comprehensive assessment  
3 instrument for the treatment needs of children who are  
4 eligible for an intensive residential treatment program for  
5 offenders less than 13 years of age and for the assessment,  
6 which assessment shall include the criteria under s.

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

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

18 Section 40. Section 985.312, Florida Statutes, is  
19 amended to read:

20 985.312 Intensive residential treatment programs for  
21 offenders less than 13 years of age; prerequisite for  
22 commitment.--No child who is eligible for commitment to an  
23 intensive residential treatment program for offenders less  
24 than 13 years of age as established in s. 985.03(7)(8), may be  
25 committed to any intensive residential treatment program for  
26 offenders less than 13 years of age as established in s.  
27 985.311, unless such program has been established by the  
28 department through existing resources or specific  
29 appropriation, for such program.

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

1           985.3141 Escapes from secure detention or residential  
2 commitment facility.--An escape from:

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

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

9           985.315 Educational/technical and vocational  
10 work-related programs.--

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

22           Section 43. Section 985.316, Florida Statutes, is  
23 amended to read:

24           985.316 Conditional release ~~Aftercare~~.--

25           (1) The Legislature finds that:

26           (a) Conditional release ~~Aftercare~~ is the care,  
27 treatment, help, and supervision provided juveniles released  
28 from residential commitment programs to promote rehabilitation  
29 and prevent recidivism.

30           (b) Conditional release ~~Aftercare~~ services can  
31 contribute significantly to a successful transition of a

1 juvenile from a residential commitment to the juvenile's home,  
2 school, and community. Therefore, the best efforts should be  
3 made to provide for a successful transition.

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

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

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

11 (a) Commitment programs include rehabilitative efforts  
12 on preparing committed juveniles for a successful release to  
13 the community.

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

16 (c) Each juvenile committed to a residential  
17 commitment program be assessed to determine the need for  
18 conditional release ~~aftercare~~ services upon release from the  
19 commitment program.

20 (3) For juveniles referred or committed to the  
21 department, the function of the department may include, but  
22 shall not be limited to, assessing each committed juvenile to  
23 determine the need for conditional release ~~aftercare~~ services  
24 upon release from a commitment program, supervising the  
25 juvenile when released into the community from a residential  
26 commitment facility of the department, providing such  
27 counseling and other services as may be necessary for the  
28 families and assisting their preparations for the return of  
29 the child. Subject to specific appropriation, the department  
30 shall provide for outpatient sexual offender counseling for  
31

1 any juvenile sexual offender released from a commitment  
2 program as a component of conditional release ~~aftercare~~.

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

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

15 985.317 Literacy programs for juvenile offenders.--

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

26 Section 45. Section 985.401, Florida Statutes, is  
27 amended to read:

28 985.401 Juvenile Justice Advisory ~~Accountability~~  
29 Board.--

30 (1) The Juvenile Justice Advisory ~~Accountability~~ Board  
31 shall be composed of seven members appointed by the Governor.

1 Members of the board shall have direct experience and a strong  
2 interest in juvenile justice issues.

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

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

25 (c) The board shall annually select a chairperson from  
26 among its members.

27 (d) The board shall meet at least once each quarter. A  
28 member may not authorize a designee to attend a meeting of the  
29 board in place of the member. A member who fails to attend two  
30 consecutive regularly scheduled meetings of the board, unless  
31 the member is excused by the chairperson, shall be deemed to

1 have abandoned the position, and the position shall be  
2 declared vacant by the board.

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

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

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

24 1. Common terminology and operational definitions for  
25 measuring the performance of system administration, program  
26 administration, program outputs, and client outcomes.

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

30 3. Specification of desired client outcomes and  
31 methods by which to measure client outcomes for each program



1 operated by the department or by a provider under contract  
2 with the department.

3 4. Recommended annual minimum thresholds of  
4 satisfactory performance for client outcomes and program  
5 outputs.

6  
7 For the purposes of this section, the term "program" or  
8 "program type" means an individual state-operated or  
9 contracted facility, site, or service delivered to at-risk or  
10 delinquent youth as prescribed in a contract, program  
11 description, or program services manual; and the term "program  
12 group" means a collection of programs or program types with  
13 sufficient similarity of function, services, and clientele to  
14 permit appropriate comparisons among programs within the  
15 program group.

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

29 (c) The board shall annually submit its outcome  
30 evaluation report to the Secretary of the Department of  
31

1 Juvenile Justice, the Governor, and the Legislature by  
2 February 15, which must describe:

3 1. The methodology for interpreting outcome  
4 evaluations, including common terminology and operational  
5 definitions.

6 2. The recommended minimum thresholds of satisfactory  
7 performance for client outcomes and program outputs applicable  
8 to the year for which the data are reported.

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

17 (d) The board shall use its evaluation research to  
18 make advisory recommendations to the Legislature, the  
19 Governor, and the department concerning the effectiveness and  
20 future funding priorities of juvenile justice programs.

21 (e) The board shall annually review and revise the  
22 methodology as necessary to ensure the continuing improvement  
23 and validity of the evaluation process.

24 (5) The board shall:

25 (a) Review and recommend programmatic and fiscal  
26 policies governing the operation of programs, services, and  
27 facilities for which the Department of Juvenile Justice is  
28 responsible.

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

1 (c) Monitor all activities of the executive and  
2 judicial branch and their effectiveness in implementing  
3 policies pursuant to this chapter.

4 (d) Advise the President of the Senate, the Speaker of  
5 the House of Representatives, the Governor, and the department  
6 on matters relating to this chapter.

7 (e) In coordination with the Department of Juvenile  
8 Justice, serve as a clearinghouse to provide information and  
9 assistance to the ~~district~~ juvenile justice circuit boards and  
10 ~~county~~ juvenile justice county councils.

11 (f) Hold public hearings and inform the public of  
12 activities of the board and of the Department of Juvenile  
13 Justice, as appropriate.

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

22 (h) Conduct such other activities as the board may  
23 determine are necessary and appropriate to monitor the  
24 effectiveness of the delivery of juvenile justice programs and  
25 services under this chapter.

26 (i) Submit an annual report to the President of the  
27 Senate, the Speaker of the House of Representatives, the  
28 Governor, and the secretary of the department not later than  
29 February 15 of each calendar year, summarizing the activities  
30 and reports of the board for the preceding year, and any  
31 recommendations of the board for the following year.

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

9           (a) The impact of education services on students in  
10 commitment programs;

11           (b) The barriers impeding the timely transfer of  
12 education records;

13           (c) The development and implementation of vocational  
14 programming in commitment programs;

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

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

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

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

26           Section 46. Subsections (3), (4), and (11) and  
27 paragraph (a) of subsection (12) of section 985.404, Florida  
28 Statutes, are amended, and a new subsection (14) is added to  
29 said section, to read:

30           985.404 Administering the juvenile justice  
31 continuum.--

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

16           (4) The department may transfer a child, when  
17 necessary to appropriately administer the child's commitment,  
18 from one facility or program to another facility or program  
19 operated, contracted, subcontracted, or designated by the  
20 department, including a postcommitment minimum-risk  
21 nonresidential conditional release ~~aftercare~~ program. The  
22 department shall notify the court that committed the child to  
23 the department and any attorney of record, in writing, of its  
24 intent to transfer of the child from a commitment facility or  
25 program to another facility or program of a higher or lower  
26 restrictiveness level. The court that committed the child may  
27 agree to the transfer or may set a hearing to review the  
28 transfer. If the court does not respond within 10 days after  
29 receipt of the notice, the transfer of the child shall be  
30 deemed granted.

31

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

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

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

28           (d) In collaboration with the Juvenile Justice  
29 Advisory ~~Accountability~~ Board, the Office of Economic and  
30 Demographic Research, and contract service providers, the  
31 department shall develop a work plan to refine the

1 cost-effectiveness model so that the model is consistent with  
2 the performance-based program budgeting measures approved by  
3 the Legislature to the extent the department deems  
4 appropriate. The department shall notify the Office of Program  
5 Policy Analysis and Government Accountability of any meetings  
6 to refine the model.

7 (e) Contingent upon specific appropriation, the  
8 department, in consultation with the Juvenile Justice Advisory  
9 ~~Accountability~~ Board, the Office of Economic and Demographic  
10 Research, and contract service providers, shall:

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

17 2. Target, for a more comprehensive evaluation, any  
18 commitment program that has achieved consistently high, low,  
19 or disparate ratings in the reports required under  
20 subparagraph 1.

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

23 4. Use the results of these evaluations in developing  
24 or refining juvenile justice programs or program models,  
25 client outcomes and program outputs, provider contracts,  
26 quality assurance standards, and the cost-effectiveness model.

27 (12)(a) The department shall operate a statewide,  
28 regionally administered system of detention services for  
29 children, in accordance with a comprehensive plan for the  
30 regional administration of all detention services in the  
31 state. The plan must provide for the maintenance of adequate

1 availability of detention services for all counties. The plan  
2 must cover all the department's operating circuits ~~15~~ ~~service~~  
3 ~~districts~~, with each operating circuit ~~service district~~ having  
4 a secure facility and nonsecure and home detention programs,  
5 and the plan may be altered or modified by the Department of  
6 Juvenile Justice as necessary.

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



1 Representatives, and the President of the Senate no later than  
2 September 30, 2001.

3           Section 47. Subsection (2) of section 985.4045,  
4 Florida Statutes, is amended to read:  
5           985.4045 Sexual misconduct prohibited; reporting  
6 required; penalties.--

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

25           Section 48. Paragraph (a) of subsection (2) of section  
26 985.406, Florida Statutes, is amended, and subsection (9) is  
27 added to said section, to read:

28           985.406 Juvenile justice training academies  
29 established; Juvenile Justice Standards and Training  
30 Commission created; Juvenile Justice Training Trust Fund  
31 created.--

1           (2) JUVENILE JUSTICE STANDARDS AND TRAINING  
2 COMMISSION.--

3           (a) There is created under the Department of Juvenile  
4 Justice the Juvenile Justice Standards and Training  
5 Commission, hereinafter referred to as the commission. The  
6 17-member commission shall consist of the Attorney General or  
7 designee, the Commissioner of Education or designee, a member  
8 of the juvenile court judiciary to be appointed by the Chief  
9 Justice of the Supreme Court, and 14 members to be appointed  
10 by the Secretary of Juvenile Justice as follows:

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

20           2. Two members shall be representatives of local law  
21 enforcement agencies.

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

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

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

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

1           7. One member shall be a representative of the  
2 business community.

3  
4 All appointed members shall be appointed to serve terms of 2  
5 years.

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

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

12           985.411 Administering county and municipal delinquency  
13 programs and facilities.--

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

23           Section 50. Effective October 1, 2000, section  
24 985.4135, Florida Statutes, is created to read:

25           985.4135 Juvenile justice circuit boards and juvenile  
26 justice county councils.--

27           (1) There is authorized a juvenile justice circuit  
28 board to be established in each of the 20 judicial circuits  
29 and a juvenile justice county council to be established in  
30 each of the 67 counties. The purpose of each juvenile justice  
31 circuit board and each juvenile justice county council is to

1 provide advice and direction to the department in the  
2 development and implementation of juvenile justice programs  
3 and to work collaboratively with the department in seeking  
4 program improvements and policy changes to address the  
5 emerging and changing needs of Florida's youth who are at risk  
6 of delinquency.

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

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

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

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

26 (6) Each juvenile justice circuit board shall provide  
27 an annual report to the department describing the activities  
28 of the circuit board and each of the county councils contained  
29 within its circuit. The department may prescribe a format and  
30 content requirements for submission of annual reports.

31

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

10           (a) The circuit's geography and population  
11 distribution.

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

15           (c) Diversity in the judicial circuit.

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

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

28           (10) Membership of the juvenile justice county  
29 councils, or juvenile justice circuit boards established under  
30 subsection (9), must include representatives from the  
31 following entities:

1           (a) Representatives from the school district, which  
2 may include elected school board officials, the school  
3 superintendent, school or district administrators, teachers,  
4 and counselors.

5           (b) Representatives of the board of county  
6 commissioners.

7           (c) Representatives of the governing bodies of local  
8 municipalities within the county.

9           (d) A representative of the corresponding circuit or  
10 regional entity of the Department of Children and Family  
11 Services.

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

14           (f) Representatives of the judicial system.

15           (g) Representatives of the business community.

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

22           (i) Representatives of the faith community.

23           (j) Representatives of victim-service programs and  
24 victims of crimes.

25           (k) Representatives of the Department of Corrections.

26           (11) Each juvenile justice county council, or juvenile  
27 justice circuit board established under subsection (9), must  
28 provide for the establishment of an executive committee of not  
29 more than 10 members. The duties and authority of the  
30 executive committee must be addressed in the bylaws.

31

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

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

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

18           985.4145 Direct-support organization; definition; use  
19 of property; board of directors; audit.--

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

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

1 system operated by a county commission or a circuit ~~district~~  
2 board;

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

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

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

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

21 985.415 Community Juvenile Justice Partnership  
22 Grants.--

23 (1) GRANTS; CRITERIA.--

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

31



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

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

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

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

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

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

18 (2) GRANT APPLICATION PROCEDURES.--

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

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

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

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

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

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

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

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

21           8. The necessary program staff.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 of state land management, environmental enhancement, and land  
2 restoration.

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

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

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

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

29 (f) A regional crime prevention and intervention  
30 program that serves as an umbrella agency to coordinate and  
31

1 replicate existing services to at-risk children, first-time  
2 juvenile offenders, youth crime victims, and school dropouts.

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

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

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

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

17 985.417 Transfer of children from the Department of  
18 Corrections to the Department of Juvenile Justice.--

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

23 Section 55. Sections 985.413 and 985.414, Florida  
24 Statutes, are repealed.

25 Section 56. (1) The Department of Juvenile Justice  
26 shall provide technical assistance to existing district  
27 juvenile justice boards and county juvenile justice councils  
28 to facilitate the transition to juvenile justice circuit  
29 boards and juvenile justice county councils as required in  
30 this act. Members of district juvenile justice boards and  
31

1 county juvenile justice councils as of July 1, 2000, shall be  
2 permitted to complete their terms.

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

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

12 Section 58. Youth custody officer.--

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

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

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

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

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