

By the Committee on Juvenile Justice and Representative
Merchant

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 ss. 984.09 and
15 985.216, F.S., relating to alternative
16 sanctions coordinators; deleting references to
17 county juvenile justice councils; amending s.
18 985.03, F.S.; defining the term "conditional
19 release" to mean the supervision and treatment
20 services formerly known as aftercare; defining
21 the term "probation" to mean the legal status
22 formerly known as community control; revising
23 and deleting definitions to conform to other
24 changes made by the act; amending ss. 985.309,
25 985.31, and 985.311, F.S.; revising the minimum
26 period for certain juveniles to participate in
27 a boot camp, a serious or habitual juvenile
28 offender program, or an intensive residential
29 treatment program; amending ss. 20.19, 39.0015,
30 216.136, 232.19, 288.9957, 419.001, 744.309,
31 784.075, 790.22, 938.17, 948.51, 984.03,

1 984.05, 984.086, 984.10, 985.04, 985.06,
2 985.2066, 985.207, 985.215, 985.226, 985.227,
3 985.228, 985.23, 985.231, 985.233, 985.305,
4 985.308, 985.312, 985.3141, 985.315, 985.316,
5 985.317, 985.401, 985.404, 985.4045, 985.406,
6 985.411, 985.4145, 985.415, 985.416, and
7 985.417, F.S.; conforming provisions to changes
8 made by the act; deleting obsolete provisions;
9 creating s. 985.4135, F.S.; creating juvenile
10 justice circuit boards and juvenile justice
11 county councils; providing for membership,
12 duties, and procedures; providing that certain
13 members of district juvenile justice boards and
14 county juvenile justice councils may complete
15 their terms; repealing s. 985.413, F.S.,
16 relating to district juvenile justice boards;
17 repealing s. 985.414, F.S., relating to county
18 juvenile justice councils; requiring the
19 department to provide technical assistance to
20 facilitate transition to circuit boards and
21 county councils; providing for repeal;
22 authorizing the Department of Juvenile Justice
23 to transfer salary rates between budget
24 entities to implement reorganization; providing
25 for repeal; providing effective dates.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 20.316, Florida Statutes, is
30 amended to read:
31

1 20.316 Department of Juvenile Justice.--There is
2 created a Department of Juvenile Justice.

3 (1) SECRETARY OF JUVENILE JUSTICE.--

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

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

18 (c) The Secretary of Juvenile Justice shall:

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

25 2. Identify the need for and recommend the funding and
26 implementation of an appropriate mix of programs and services
27 within the juvenile justice continuum, including prevention,
28 diversion, nonresidential and residential commitment programs,
29 training schools, and conditional release ~~reentry and~~
30 ~~aftercare~~ programs and services, with an overlay of
31

1 educational, vocational, alcohol, drug abuse, and mental
2 health services where appropriate.

3 3. Provide for program research, development, and
4 planning.

5 4. Develop staffing and workload standards and
6 coordinate staff development and training.

7 5. Develop budget and resource allocation
8 methodologies and strategies.

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

14 7. Develop funding sources external to state
15 government.

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

18 9. Enter into contracts.

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

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

23 (a) Prevention and Victim Services.
24 (b) Intake and Detention.
25 (c) Residential and Correctional Facilities.
26 (d) Probation and Community Corrections.
27 (e) Administration.
28

29 The secretary may establish assistant secretary positions and
30 a chief of staff position as necessary to administer the
31 requirements of this section.

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

5 ~~(3) ASSISTANT SECRETARY OF PROGRAMMING AND~~
6 ~~PLANNING.--The secretary shall appoint an Assistant Secretary~~
7 ~~of Programming and Planning who shall head the following~~
8 ~~divisions:~~

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

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

11 ~~(3)(4) JUVENILE JUSTICE OPERATING CIRCUITS SERVICE~~
12 ~~DISTRICTS.--The department shall plan and administer its~~
13 ~~programs through a substate structure that conforms to the~~
14 ~~boundaries of the judicial circuits prescribed in s. 26.021. A~~
15 ~~county may seek placement in a juvenile justice operating~~
16 ~~circuit other than as prescribed in s. 26.021 for~~
17 ~~participation in the Prevention and Victim Services Program~~
18 ~~and the Probation and Community Corrections Program by making~~
19 ~~a request of the chief circuit judge in each judicial circuit~~
20 ~~affected by such request. Upon a showing that geographic~~
21 ~~proximity, community identity, or other legitimate concern for~~
22 ~~efficiency of operations merits alternative placement, each~~
23 ~~affected chief circuit judge may authorize the execution of an~~
24 ~~interagency agreement specifying the alternative juvenile~~
25 ~~justice operating circuit in which the county is to be placed~~
26 ~~and the basis for the alternative placement. Upon the~~
27 ~~execution of said interagency agreement by each affected chief~~
28 ~~circuit judge, the secretary may administratively place a~~
29 ~~county in an alternative juvenile justice operating circuit~~
30 ~~pursuant to the agreement.~~~~service districts and subdistricts~~
31 ~~composed of the following counties:~~

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

1 ~~Northeast Region. -- Districts 3, 4, 12, and 13.~~
2 ~~Eastern Region. -- Districts 7, 9, and 15.~~
3 ~~Western Region. -- Districts 5, 6, 8, and 14.~~
4 ~~Southern Region. -- Districts 10 and 11.~~

5 (4)~~(6)~~ INFORMATION SYSTEMS.--

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

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

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

21 (d) The management information system shall, at a
22 minimum:

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

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

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

1 4. Provide automated support to the contract
2 management process.

3 5. Provide automated support to the facility
4 operations management process.

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

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

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

17 9. Provide a system for the training of information
18 system users and user groups.

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

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

1 development status of the system and other information
2 necessary for funding policy formulation.

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

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

13 20.19 Department of Children and Family
14 Services.--There is created a Department of Children and
15 Family Services.

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

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

21 1. Establish district outcome measures consistent with
22 statewide outcomes.

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

26 3. Negotiate with the secretary a district performance
27 agreement that:

28 a. Identifies current resources and services
29 available;

30 b. Identifies unmet needs and gaps in services;

31 c. Establishes service and funding priorities;

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

1 constitute a quorum, and the number of affirmative votes of
2 members present and voting that are required to take official
3 and final action on a matter before the board.

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

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

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

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

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

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

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

7 (10) DISTRICT ADMINISTRATOR.--

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

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

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

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

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

29 5. Coordinating the services provided by the
30 department in the district with those of other districts, with
31 the Secretary of Juvenile Justice, the circuit district

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

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

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

17 8. Transferring up to 10 percent of the total district
18 budget, with the approval of the secretary, to maximize
19 effective program delivery, the provisions of ss. 216.292 and
20 216.351 notwithstanding.

21 Section 3. Paragraph (b) of subsection (3) of section
22 39.0015, Florida Statutes, is amended to read:

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

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

26 (b) "Child abuse" means those acts as defined in ss.
27 39.01(1), (2), (30), (44), (46), (53), and (64), 827.04, and
28 984.03(1), (2), and (37)~~(39)~~.

29 Section 4. Paragraph (b) of subsection (9) of section
30 216.136, Florida Statutes, is amended to read:

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1 216.136 Consensus estimating conferences; duties and
2 principals.--
3 (9) JUVENILE JUSTICE ESTIMATING CONFERENCE.--
4 (b) Principals.--The Executive Office of the Governor,
5 the Office of Economic and Demographic Research, and
6 professional staff who have forecasting expertise from the
7 Department of Juvenile Justice, the Department of Children and
8 Family Services Alcohol, Drug Abuse, and Mental Health Program
9 Office, the Department of Law Enforcement, the Senate
10 Appropriations Committee staff, the House of Representatives
11 Appropriations Committee staff, or their designees, are the
12 principals of the Juvenile Justice Estimating Conference. The
13 responsibility of presiding over sessions of the conference
14 shall be rotated among the principals. To facilitate policy
15 and legislative recommendations, the conference may call upon
16 professional staff of the Juvenile Justice Advisory
17 ~~Accountability~~ Board and appropriate legislative staff.

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

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

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

31

1 (a) Clearly defines each department's role,
2 responsibility, and function in working with habitual truants
3 and their families.

4 (b) Identifies and implements measures to resolve and
5 reduce truant behavior.

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

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

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

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

23 288.9957 Florida Youth Workforce Council.--

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

1 ~~District~~ boards, and other federal and state programs that
2 target youth, to advise the board on youth programs and to
3 implement Workforce Development Board strategies for young
4 people.

5 Section 7. Paragraph (d) of subsection (1) of section
6 419.001, Florida Statutes, is amended to read:

7 419.001 Site selection of community residential
8 homes.--

9 (1) For the purposes of this section, the following
10 definitions shall apply:

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

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

20 744.309 Who may be appointed guardian of a resident
21 ward.--

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

1 415.1075 shall be appointed to act as a guardian. Except as
2 provided in subsection (5) or subsection (6), a person who
3 provides substantial services to the proposed ward in a
4 professional or business capacity, or a creditor of the
5 proposed ward, may not be appointed guardian and retain that
6 previous professional or business relationship. A person may
7 not be appointed a guardian if he or she is in the employ of
8 any person, agency, government, or corporation that provides
9 service to the proposed ward in a professional or business
10 capacity, except that a person so employed may be appointed if
11 he or she is the spouse, adult child, parent, or sibling of
12 the proposed ward or the court determines that the potential
13 conflict of interest is insubstantial and that the appointment
14 would clearly be in the proposed ward's best interest. The
15 court may not appoint a guardian in any other circumstance in
16 which a conflict of interest may occur.

17 Section 9. Section 784.075, Florida Statutes, is
18 amended to read:

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

1 Section 10. Paragraph (c) of subsection (4) of section
2 790.22, Florida Statutes, is amended to read:

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

7 (4)

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

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

20 938.17 County delinquency prevention.--

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

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

30 948.51 Community corrections assistance to counties or
31 county consortiums.--

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

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

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

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

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

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

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

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

28 Section 13. Subsections (24) and (25) of section
29 984.03, Florida Statutes, are repealed, subsections (26)
30 through (58) are renumbered as subsections (24) through (56),
31

1 respectively, and present subsections (32) and (33) of said
2 section are amended to read:

3 984.03 Definitions.--When used in this chapter, the
4 term:

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

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

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

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

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

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

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

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

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

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

5 984.10 Intake.--

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

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

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

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

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

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

1 (4)~~(5)~~ "Arbitration" means a process whereby a neutral
2 third person or panel, called an arbitrator or an arbitration
3 panel, considers the facts and arguments presented by the
4 parties and renders a decision which may be binding or
5 nonbinding.

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

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

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

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

- 30 1. Arson;
31 2. Sexual battery;

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

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

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

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

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

1 (10)~~(11)~~ "Child support" means a court-ordered
2 obligation, enforced under chapter 61 and ss.
3 409.2551-409.2597, for monetary support for the care,
4 maintenance, training, and education of a child.
5 (11)~~(12)~~ "Circuit" means any of the 20 judicial
6 circuits as set forth in s. 26.021.
7 (12)~~(14)~~ "Comprehensive assessment" or "assessment"
8 means the gathering of information for the evaluation of a
9 juvenile offender's or a child's physical, psychological,
10 educational, vocational, and social condition and family
11 environment as they relate to the child's need for
12 rehabilitative and treatment services, including substance
13 abuse treatment services, mental health services,
14 developmental services, literacy services, medical services,
15 family services, and other specialized services, as
16 appropriate.
17 (13)~~(4)~~ "Conditional release Aftercare" means the
18 care, treatment, help, and supervision provided to a juvenile
19 released from a residential commitment program which is
20 intended to promote rehabilitation and prevent recidivism. The
21 purpose of conditional release ~~aftercare~~ is to protect the
22 public, reduce recidivism, increase responsible productive
23 behavior, and provide for a successful transition of the youth
24 from the department to the family. Conditional release
25 ~~Aftercare~~ includes, but is not limited to, minimum-risk
26 nonresidential programs, ~~reentry services,~~ and postcommitment
27 probation ~~community control~~.
28 (14)~~(15)~~ "Court," unless otherwise expressly stated,
29 means the circuit court assigned to exercise jurisdiction
30 under this chapter.
31

1 (15)~~(16)~~(a) "Delinquency program" means any intake,
2 probation ~~community control~~, or similar program; regional
3 detention center or facility; or community-based program,
4 whether owned and operated by or contracted by the Department
5 of Juvenile Justice, or institution owned and operated by or
6 contracted by the Department of Juvenile Justice, which
7 provides intake, supervision, or custody and care of children
8 who are alleged to be or who have been found to be delinquent
9 pursuant to part II.

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

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

21 (16)~~(17)~~ "Department" means the Department of Juvenile
22 Justice.

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

27 (18)~~(19)~~ "Detention care" means the temporary care of
28 a child in secure, nonsecure, or home detention, pending a
29 court adjudication or disposition or execution of a court
30 order. There are three types of detention care, as follows:
31

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

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

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

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

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

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

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

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

9 (22)~~(25)~~ "Family" means a collective body of persons,
10 consisting of a child and a parent, guardian, adult custodian,
11 or adult relative, in which:

12 (a) The persons reside in the same house or living
13 unit; or

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

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

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

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

29 (c) Habitual truancy from school.

30
31

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)~~(43)~~ "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.

25 (44)~~(46)~~ "Relative" means a grandparent,
26 great-grandparent, sibling, first cousin, aunt, uncle,
27 great-aunt, great-uncle, niece, or nephew, whether related by
28 the whole or half blood, by affinity, or by adoption. The term
29 does not include a stepparent.

30 (45)~~(47)~~ "Restrictiveness level" means the level of
31 custody provided by programs that service the custody and care

1 needs of committed children. There shall be five
2 restrictiveness levels:

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

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

23 (c) Moderate-risk residential.--Youth assessed and
24 classified for placement in programs in this restrictiveness
25 level represent a moderate risk to public safety. Programs
26 are designed for children who require close supervision but do
27 not need placement in facilities that are physically secure.
28 Programs in the moderate-risk residential restrictiveness
29 level provide 24-hour awake supervision, custody, care, and
30 treatment. Upon specific appropriation, a facility at this
31 restrictiveness level may have a security fence around the

1 perimeter of the grounds of the facility and may be
2 hardware-secure or staff-secure. The staff at a facility at
3 this restrictiveness level may seclude a child who is a
4 physical threat to himself or herself or others. Mechanical
5 restraint may also be used when necessary. Programs or program
6 models in this restrictiveness level include: halfway houses,
7 START Centers, the Dade Intensive Control Program, licensed
8 substance abuse residential programs, and moderate-term
9 wilderness programs designed for committed delinquent youth
10 that are operated or contracted by the Department of Juvenile
11 Justice. Section 985.3141 applies to children placed in
12 programs in this restrictiveness level.

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

28 (e) Juvenile correctional facilities or juvenile
29 prison.--Youth assessed and classified for this level of
30 placement require close supervision in a maximum security
31 residential setting that provides 24-hour-per-day secure

1 custody, care, and supervision. Placement in a program in this
2 level is prompted by a demonstrated need to protect the
3 public. Programs or program models in this level are
4 maximum-secure-custody, long-term residential commitment
5 facilities that are intended to provide a moderate overlay of
6 educational, vocational, and behavioral-modification services
7 and other maximum-security program models authorized by the
8 Legislature and established by rule. Section 985.3141 applies
9 to children placed in programs in this restrictiveness level.

10 (46)~~(48)~~ "Secure detention center or facility" means a
11 physically restricting facility for the temporary care of
12 children, pending adjudication, disposition, or placement.

13 (47)~~(49)~~ "Serious or habitual juvenile offender," for
14 purposes of commitment to a residential facility and for
15 purposes of records retention, means a child who has been
16 found to have committed a delinquent act or a violation of
17 law, in the case currently before the court, and who meets at
18 least one of the following criteria:

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

- 22 1. Arson;
- 23 2. Sexual battery;
- 24 3. Robbery;
- 25 4. Kidnapping;
- 26 5. Aggravated child abuse;
- 27 6. Aggravated assault;
- 28 7. Aggravated stalking;
- 29 8. Murder;
- 30 9. Manslaughter;

31

1 10. Unlawful throwing, placing, or discharging of a
2 destructive device or bomb;

3 11. Armed burglary;

4 12. Aggravated battery;

5 13. Any lewd or lascivious offense committed upon or
6 in the presence of a person less than 16 years of age; or

7 14. Carrying, displaying, using, threatening, or
8 attempting to use a weapon or firearm during the commission of
9 a felony.

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

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

17 (48)~~(50)~~ "Serious or habitual juvenile offender
18 program" means the program established in s. 985.31.

19 (49)~~(51)~~ "Shelter" means a place for the temporary
20 care of a child who is alleged to be or who has been found to
21 be delinquent.

22 (50)~~(52)~~ "Shelter hearing" means a hearing provided
23 for under s. 984.14 in family-in-need-of-services cases or
24 child-in-need-of-services cases.

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

1 assistance within the continuum of services provided for
2 dependent children.

3 (52)~~(54)~~ "Substance abuse" means using, without
4 medical reason, any psychoactive or mood-altering drug,
5 including alcohol, in such a manner as to induce impairment
6 resulting in dysfunctional social behavior.

7 (53)~~(55)~~ "Taken into custody" means the status of a
8 child immediately when temporary physical control over the
9 child is attained by a person authorized by law, pending the
10 child's release, detention, placement, or other disposition as
11 authorized by law.

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

24 (55)~~(57)~~ "Temporary release" means the terms and
25 conditions under which a child is temporarily released from a
26 commitment facility or allowed home visits. If the temporary
27 release is from a moderate-risk residential facility, a
28 high-risk residential facility, or a maximum-risk residential
29 facility, the terms and conditions of the temporary release
30 must be approved by the child, the court, and the facility.
31 The term includes periods during which the child is supervised

1 pursuant to a conditional release ~~reentry program or an~~
2 ~~aftercare~~ program or a period during which the child is
3 supervised by a juvenile probation officer or other
4 nonresidential staff of the department or staff employed by an
5 entity under contract with the department. A child placed in a
6 postcommitment supervision program by order of the court is
7 not considered to be on temporary release and is not subject
8 to the terms and conditions of temporary release.

9 (56)~~(58)~~ "Training school" means one of the following
10 facilities: the Arthur G. Dozier School or the Eckerd Youth
11 Development Center.

12 (57)~~(59)~~ "Violation of law" or "delinquent act" means
13 a violation of any law of this state, the United States, or
14 any other state which is a misdemeanor or a felony or a
15 violation of a county or municipal ordinance which would be
16 punishable by incarceration if the violation were committed by
17 an adult.

18 (58)~~(60)~~ "Waiver hearing" means a hearing provided for
19 under s. 985.226(3).

20 Section 19. Paragraph (a) of subsection (3) and
21 paragraph (a) of subsection (4) of section 985.04, Florida
22 Statutes, are amended to read:

23 985.04 Oaths; records; confidential information.--

24 (3)(a) Except as provided in subsections (2), (4),
25 (5), and (6), and s. 943.053, all information obtained under
26 this part in the discharge of official duty by any judge, any
27 employee of the court, any authorized agent of the Department
28 of Juvenile Justice, the Parole Commission, the Juvenile
29 Justice Advisory Accountability Board, the Department of
30 Corrections, the ~~district~~ juvenile justice circuit boards, any
31 law enforcement agent, or any licensed professional or

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

27 (4)(a) Records in the custody of the Department of
28 Juvenile Justice regarding children are not open to inspection
29 by the public. Such records may be inspected only upon order
30 of the Secretary of Juvenile Justice or his or her authorized
31 agent by persons who have sufficient reason and upon such

1 conditions for their use and disposition as the secretary or
2 his or her authorized agent deems proper. The information in
3 such records may be disclosed only to other employees of the
4 Department of Juvenile Justice who have a need therefor in
5 order to perform their official duty; to other persons as
6 authorized by rule of the Department of Juvenile Justice; and,
7 upon request, to the Juvenile Justice Advisory ~~Accountability~~
8 Board and the Department of Corrections. The secretary or his
9 or her authorized agent may permit properly qualified persons
10 to inspect and make abstracts from records for statistical
11 purposes under whatever conditions upon their use and
12 disposition the secretary or his or her authorized agent deems
13 proper, provided adequate assurances are given that children's
14 names and other identifying information will not be disclosed
15 by the applicant.

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

18 985.06 Statewide information-sharing system;
19 interagency workgroup.--

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

30 Section 21. Section 985.2066, Florida Statutes, is
31 amended to read:

1 985.2066 Children locked out of the home; interagency
2 cooperation.--The Department of Juvenile Justice and the
3 Department of Children and Family Services shall encourage
4 interagency cooperation within each circuit ~~district~~ and shall
5 develop comprehensive agreements between the staff and
6 providers for each department in order to coordinate the
7 services provided to children who are locked out of the home
8 and the families of those children.

9 Section 22. Paragraph (d) of subsection (1) of section
10 985.207, Florida Statutes, is amended to read:

11 985.207 Taking a child into custody.--

12 (1) A child may be taken into custody under the
13 following circumstances:

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

19
20 Nothing in this subsection shall be construed to allow the
21 detention of a child who does not meet the detention criteria
22 in s. 985.215.

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

25 985.215 Detention.--

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

30 (a) The child is alleged to be an escapee or an
31 absconder from a commitment program, a probation ~~community~~

1 ~~control~~ program, furlough, or conditional release ~~aftercare~~
2 supervision, or is alleged to have escaped while being
3 lawfully transported to or from such program or supervision.

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

11

12 A child who meets any of these criteria and who is ordered to
13 be detained pursuant to this subsection shall be given a
14 hearing within 24 hours after being taken into custody. The
15 purpose of the detention hearing is to determine the existence
16 of probable cause that the child has committed the delinquent
17 act or violation of law with which he or she is charged and
18 the need for continued detention. Unless a child is detained
19 under paragraph (d) or paragraph (e), the court shall utilize
20 the results of the risk assessment performed by the juvenile
21 probation officer and, based on the criteria in this
22 subsection, shall determine the need for continued detention.

23 A child placed into secure, nonsecure, or home detention care
24 may continue to be so detained by the court pursuant to this
25 subsection. If the court orders a placement more restrictive
26 than indicated by the results of the risk assessment
27 instrument, the court shall state, in writing, clear and
28 convincing reasons for such placement. Except as provided in
29 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),
30 paragraph (10)(c), or paragraph (10)(d), when a child is
31 placed into secure or nonsecure detention care, or into a

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

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

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

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

29 Section 25. Paragraph (c) of subsection (3) of section
30 985.226, Florida Statutes, is amended to read:

31

1 985.226 Criteria for waiver of juvenile court
2 jurisdiction; hearing on motion to transfer for prosecution as
3 an adult.--

4 (3) WAIVER HEARING.--

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

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

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

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

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

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

23 6. The sophistication and maturity of the child.

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

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

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

31

1 c. Prior adjudications that the child committed a
2 delinquent act or violation of law, greater weight being given
3 if the child has previously been found by a court to have
4 committed a delinquent act or violation of law involving an
5 offense classified as a felony or has twice previously been
6 found to have committed a delinquent act or violation of law
7 involving an offense classified as a misdemeanor; and

8 d. Prior commitments to institutions.

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

14 Section 26. Paragraph (b) of subsection (2) and
15 subsection (4) of section 985.227, Florida Statutes, are
16 amended to read:

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

21 (2) MANDATORY DIRECT FILE.--

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

30 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state
31 attorney shall develop written policies and guidelines to

1 govern determinations for filing an information on a juvenile,
2 to be submitted to the Executive Office of the Governor, the
3 President of the Senate, the Speaker of the House of
4 Representatives, and the Juvenile Justice Advisory
5 ~~Accountability~~ Board not later than January 1 of each year.

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

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

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

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

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

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

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

- 18 1. Previous contacts with the department, the former
19 Department of Health and Rehabilitative Services, the
20 Department of Children and Family Services, the Department of
21 Corrections, other law enforcement agencies, and courts;
22 2. Prior periods of probation ~~or community control~~;
23 3. Prior adjudications of delinquency; and
24 4. Prior commitments to institutions.

25 (3)

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

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

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

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

20 985.231 Powers of disposition in delinquency cases.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 985.233 Sentencing powers; procedures; alternatives
16 for juveniles prosecuted as adults.--

17 (1) POWERS OF DISPOSITION.--

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

24 (b) In determining whether to impose juvenile
25 sanctions instead of adult sanctions, the court shall consider
26 the following criteria:

27 1. The seriousness of the offense to the community and
28 whether the community would best be protected by juvenile or
29 adult sanctions.

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

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

4 4. The sophistication and maturity of the offender.

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

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

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

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

15 d. Prior commitments to the Department of Juvenile
16 Justice, the former Department of Health and Rehabilitative
17 Services, the Department of Children and Family Services, or
18 other facilities or institutions.

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

23 7. Whether the Department of Juvenile Justice has
24 appropriate programs, facilities, and services immediately
25 available.

26 8. Whether adult sanctions would provide more
27 appropriate punishment and deterrence to further violations of
28 law than the imposition of juvenile sanctions.

29 (4) SENTENCING ALTERNATIVES.--

30 (b) Sentencing to juvenile sanctions.--In order to use
31 this paragraph, the court shall stay adjudication of guilt and

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

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

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

28 3. Order disposition pursuant to s. 985.231 as an
29 alternative to youthful offender or adult sentencing if the
30 court determines not to impose youthful offender or adult
31 sanctions.

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

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 31. Subsections (2) and (3) of section
17 985.305, Florida Statutes, are amended to read:

18 985.305 Early delinquency intervention program;
19 criteria.--

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

30 (3) A copy of the arrest report of any child 15 years
31 of age or younger who is taken into custody for committing a

1 delinquent act or any violation of law shall be forwarded to
2 the local operating circuit ~~service district~~ office of the
3 Department of Juvenile Justice. Upon receiving the second
4 arrest report of any such child from the judicial circuit in
5 which the program is located, the Department of Juvenile
6 Justice shall initiate an intensive review of the child's
7 social and educational history to determine the likelihood of
8 further significant delinquent behavior. In making this
9 determination, the Department of Juvenile Justice shall
10 consider, without limitation, the following factors:

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

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

15 (c) The child's academic history, including school
16 attendance, school achievements, grade level, and involvement
17 in school-sponsored activities.

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

20 (e) The child's history of substance abuse or
21 behavioral problems.

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

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

27 (h) The supervision that is available in the child's
28 home.

29 (i) The nature of the relationship between the parents
30 and the child and any siblings and the child.

31

1 Section 32. Subsections (5), (7), and (14) of section
2 985.308, Florida Statutes, are amended to read:

3 985.308 Juvenile sexual offender commitment programs;
4 sexual abuse intervention networks.--

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

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

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

27 Section 33. Subsections (6) and (12) of section
28 985.309, Florida Statutes, are amended to read:

29 985.309 Boot camp for children.--
30
31

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

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

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

14
15 This subsection does not preclude the operation of a program
16 that requires the participants to spend more than 4 months in
17 the boot camp component of the program or that requires the
18 participants to complete two sequential programs of 4 months
19 each in the boot camp component of the program.

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

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

26 Section 34. Subsection (2), paragraphs (e) and (j) of
27 subsection (3), and paragraph (a) of subsection (4) of section
28 985.31, Florida Statutes, are amended to read:

29 985.31 Serious or habitual juvenile offender.--

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

31

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

1 15. Consistent and clear consequences for misconduct.

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

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

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

13 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
14 TREATMENT.--

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

21 (j) The following provisions shall apply to children
22 in serious or habitual juvenile offender programs and
23 facilities:

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

28 2. A child shall begin participation in the community
29 supervision component of conditional release ~~aftercare~~ based
30 upon a determination made by the treatment provider and
31 approved by the department. The treatment provider shall give

1 written notice of the determination to the circuit court
2 having jurisdiction over the child. If the court does not
3 respond with a written objection within 10 days, the child
4 shall begin the conditional release ~~aftercare~~ component.

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

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

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

14 (a) Pursuant to the provisions of this section, the
15 department shall implement the comprehensive assessment
16 instrument for the treatment needs of serious or habitual
17 juvenile offenders and for the assessment, which assessment
18 shall include the criteria under s. 985.03(47)~~(49)~~ and shall
19 also include, but not be limited to, evaluation of the
20 child's:

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

30
31

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

4 985.311 Intensive residential treatment program for
5 offenders less than 13 years of age.--

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

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

10 The program shall consist of at least ~~combine 9 to 12~~ months
11 of intensive secure residential treatment ~~followed by a~~
12 ~~minimum of 9 months of aftercare.~~ Conditional release

13 assessment and services shall be provided in accordance with
14 s. 985.316.The components of the program shall include, but
15 not be limited to:

16 1. Diagnostic evaluation services.

17 2. Appropriate treatment modalities, including
18 substance abuse intervention, mental health services, and
19 sexual behavior dysfunction interventions and gang-related
20 behavior interventions.

21 3. Life skills.

22 4. Values clarification.

23 5. Case management services.

24 6. Educational services, including special and
25 remedial education.

26 7. Recreational and leisure time activities.

27 8. Community involvement opportunities commencing,
28 where appropriate, with the direct and timely payment of
29 restitution to the victim.

30 9. Intensive conditional release supervision
31 ~~aftercare.~~

1 10. Graduated reentry into the community.

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

5 12. Consistent and clear consequences for misconduct.

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

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

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

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

24 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
25 TREATMENT.--

26 (e) After a child has been adjudicated delinquent
27 pursuant to s. 985.228(5), the court shall determine whether
28 the child is eligible for an intensive residential treatment
29 program for offenders less than 13 years of age pursuant to s.
30 985.03(7)~~(8)~~. If the court determines that the child does not
31

1 meet the criteria, the provisions of s. 985.231(1) shall
2 apply.

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

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

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

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

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

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

27 (a) Pursuant to the provisions of this section, the
28 department shall implement the comprehensive assessment
29 instrument for the treatment needs of children who are
30 eligible for an intensive residential treatment program for
31 offenders less than 13 years of age and for the assessment,

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

13 Section 36. Section 985.312, Florida Statutes, is
14 amended to read:

15 985.312 Intensive residential treatment programs for
16 offenders less than 13 years of age; prerequisite for
17 commitment.--No child who is eligible for commitment to an
18 intensive residential treatment program for offenders less
19 than 13 years of age as established in s. 985.03(7)(8), may be
20 committed to any intensive residential treatment program for
21 offenders less than 13 years of age as established in s.
22 985.311, unless such program has been established by the
23 department through existing resources or specific
24 appropriation, for such program.

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

27 985.3141 Escapes from secure detention or residential
28 commitment facility.--An escape from:

29 (2) Any residential commitment facility described in
30 s. 985.03(45)(47), maintained for the custody, treatment,
31

1 punishment, or rehabilitation of children found to have
2 committed delinquent acts or violations of law; or
3 Section 38. Subsection (6) of section 985.315, Florida
4 Statutes, is amended to read:
5 985.315 Educational/technical and vocational
6 work-related programs.--
7 (6) The Juvenile Justice Advisory ~~Accountability~~ Board
8 shall conduct a study regarding the types of effective
9 juvenile vocational and work programs in operation across the
10 country, relevant research on what makes programs effective,
11 the key ingredients of effective juvenile vocational and work
12 programs, and the status of such programs in juvenile
13 facilities across the state. The board shall report its
14 findings and make recommendations on how to expand and improve
15 these programs no later than January 31, 2000, to the
16 President of the Senate, the Speaker of the House of
17 Representatives, and the Secretary of Juvenile Justice.
18 Section 39. Section 985.316, Florida Statutes, is
19 amended to read:
20 985.316 Conditional release ~~Aftercare~~.--
21 (1) The Legislature finds that:
22 (a) Conditional release ~~Aftercare~~ is the care,
23 treatment, help, and supervision provided juveniles released
24 from residential commitment programs to promote rehabilitation
25 and prevent recidivism.
26 (b) Conditional release ~~Aftercare~~ services can
27 contribute significantly to a successful transition of a
28 juvenile from a residential commitment to the juvenile's home,
29 school, and community. Therefore, the best efforts should be
30 made to provide for a successful transition.
31

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

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

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

8 (a) Commitment programs include rehabilitative efforts
9 on preparing committed juveniles for a successful release to
10 the community.

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

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

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

30 (4) After a youth is released from a residential
31 commitment program, conditional release ~~aftercare~~ services may

1 be delivered through either minimum-risk nonresidential
2 commitment restrictiveness programs or postcommitment
3 probation ~~community control~~. A juvenile under minimum-risk
4 nonresidential commitment placement will continue to be on
5 commitment status and subject to the transfer provision under
6 s. 985.404. A juvenile on postcommitment probation ~~community~~
7 ~~control~~ will be subject to the provisions under s.
8 985.231(1)(a).

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

11 985.317 Literacy programs for juvenile offenders.--

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

22 Section 41. Section 985.401, Florida Statutes, is
23 amended to read:

24 985.401 Juvenile Justice Advisory Accountability
25 Board.--

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

30 (2)(a) A full term shall be 3 years, and the term for
31 each seat on the board commences on October 1 and expires on

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

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

21 (c) The board shall annually select a chairperson from
22 among its members.

23 (d) The board shall meet at least once each quarter. A
24 member may not authorize a designee to attend a meeting of the
25 board in place of the member. A member who fails to attend two
26 consecutive regularly scheduled meetings of the board, unless
27 the member is excused by the chairperson, shall be deemed to
28 have abandoned the position, and the position shall be
29 declared vacant by the board.

30
31

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

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

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

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

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

28 3. Specification of desired client outcomes and
29 methods by which to measure client outcomes for each program
30 operated by the department or by a provider under contract
31 with the department.

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

4
5 For the purposes of this section, the term "program" or
6 "program type" means an individual state-operated or
7 contracted facility, site, or service delivered to at-risk or
8 delinquent youth as prescribed in a contract, program
9 description, or program services manual; and the term "program
10 group" means a collection of programs or program types with
11 sufficient similarity of function, services, and clientele to
12 permit appropriate comparisons among programs within the
13 program group.

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

27 (c) The board shall annually submit its outcome
28 evaluation report to the Secretary of the Department of
29 Juvenile Justice, the Governor, and the Legislature by
30 February 15, which must describe:

31

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

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

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

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

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

22 (5) The board shall:

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

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

30
31

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

29 985.404 Administering the juvenile justice
30 continuum.--

31

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, in writing, of its transfer of the child from
24 a commitment facility or program to another facility or
25 program of a higher or lower restrictiveness level. The court
26 that committed the child may agree to the transfer or may set
27 a hearing to review the transfer. If the court does not
28 respond within 10 days after receipt of the notice, the
29 transfer of the child shall be deemed granted.

30 (11)(a) The Department of Juvenile Justice, in
31 consultation with the Juvenile Justice Advisory ~~Accountability~~

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

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

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

26 (d) In collaboration with the Juvenile Justice
27 Advisory ~~Accountability~~ Board, the Office of Economic and
28 Demographic Research, and contract service providers, the
29 department shall develop a work plan to refine the
30 cost-effectiveness model so that the model is consistent with
31 the performance-based program budgeting measures approved by

1 the Legislature to the extent the department deems
2 appropriate. The department shall notify the Office of Program
3 Policy Analysis and Government Accountability of any meetings
4 to refine the model.

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

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

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

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

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

25 (12)(a) The department shall operate a statewide,
26 regionally administered system of detention services for
27 children, in accordance with a comprehensive plan for the
28 regional administration of all detention services in the
29 state. The plan must provide for the maintenance of adequate
30 availability of detention services for all counties. The plan
31 must cover all the department's operating circuits ~~15 service~~

1 ~~districts~~, with each operating circuit ~~service district~~ having
2 a secure facility and nonsecure and home detention programs,
3 and the plan may be altered or modified by the Department of
4 Juvenile Justice as necessary.

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

7 985.4045 Sexual misconduct prohibited; reporting
8 required; penalties.--

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

27 Section 44. Paragraph (a) of subsection (2) of section
28 985.406, Florida Statutes, is amended, and subsection (9) is
29 added to said section, to read:

30 985.406 Juvenile justice training academies
31 established; Juvenile Justice Standards and Training

1 Commission created; Juvenile Justice Training Trust Fund
2 created.--

3 (2) JUVENILE JUSTICE STANDARDS AND TRAINING
4 COMMISSION.--

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

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

22 2. Two members shall be representatives of local law
23 enforcement agencies.

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

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

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

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

3 7. One member shall be a representative of the
4 business community.

5
6 All appointed members shall be appointed to serve terms of 2
7 years.

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

12 Section 45. Subsection (2) of section 985.411, Florida
13 Statutes, is amended to read:

14 985.411 Administering county and municipal delinquency
15 programs and facilities.--

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

25 Section 46. Effective October 1, 2000, section
26 985.4135, Florida Statutes, is created to read:

27 985.4135 Juvenile justice circuit boards and juvenile
28 justice county councils.--

29 (1) There is authorized a juvenile justice circuit
30 board to be established in each of the 20 judicial circuits
31 and a juvenile justice county council to be established in

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

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

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

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

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

28 (6) Each juvenile justice circuit board shall provide
29 an annual report to the department describing the activities
30 of the circuit board and each of the county councils contained
31

1 within its circuit. The department may prescribe a format and
2 content requirements for submission of annual reports.

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

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

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

17 (c) Diversity in the judicial circuit.

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

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

30 (10) Membership of the juvenile justice county
31 councils, or juvenile justice circuit boards established under

1 subsection (9), must include representatives from the
2 following entities:
3 (a) Representatives from the school district, which
4 may include elected school board officials, the school
5 superintendent, school or district administrators, teachers,
6 and counselors.
7 (b) Representatives of the board of county
8 commissioners.
9 (c) Representatives of the governing bodies of local
10 municipalities within the county.
11 (d) A representative of the corresponding circuit or
12 regional entity of the Department of Children and Family
13 Services.
14 (e) Representatives of local law enforcement agencies,
15 including the sheriff or the sheriff's designee.
16 (f) Representatives of the judicial system.
17 (g) Representatives of the business community.
18 (h) Representatives of other interested officials,
19 groups, or entities, including, but not limited to, a
20 children's services council, public or private providers of
21 juvenile justice programs and services, students, parents, and
22 advocates. Private providers of juvenile justice programs may
23 not exceed one-third of the voting membership.
24 (i) Representatives of the faith community.
25 (j) Representatives of victim-service programs and
26 victims of crimes.
27 (k) Representatives of the Department of Corrections.
28 (11) Each juvenile justice county council, or juvenile
29 justice circuit board established under subsection (9), must
30 provide for the establishment of an executive committee of not
31

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

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

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

17 Section 47. Paragraph (b) of subsection (1) and
18 paragraph (d) of subsection (2) of section 985.4145, Florida
19 Statutes, are amended to read:

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

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

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

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

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

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

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

19 Section 48. Paragraphs (a) and (c) of subsection (1)
20 and paragraphs (a), (b), and (e) of subsection (2) of section
21 985.415, Florida Statutes, are amended to read:

22 985.415 Community Juvenile Justice Partnership
23 Grants.--

24 (1) GRANTS; CRITERIA.--

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

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

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

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

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

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

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

18 (2) GRANT APPLICATION PROCEDURES.--

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

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

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

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

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

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

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

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

21 8. The necessary program staff.

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

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

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

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

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

12 Section 49. 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 50. 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 51. Sections 985.413 and 985.414, Florida
24 Statutes, are repealed.

25 Section 52. (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 53. Notwithstanding the provisions of s.
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 54. Except as otherwise provided herein, this
13 act shall take effect July 1, 2000.

14
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16 HOUSE SUMMARY

17
18 Revises various functions and duties within the
19 Department of Juvenile Justice. Abolishes the offices of
20 the Deputy Secretary for Operations and the Assistant
21 Secretary of Programming and Planning. Authorizes the
22 Secretary of Juvenile Justice to establish positions to
23 administer the reorganization of the department. Creates
24 juvenile justice operating circuits. Provides for the
25 boundaries of the department's service districts to
26 conform to the boundaries of the judicial circuits.
27 Redesignates as "conditional release" the supervision of
28 a juvenile formerly termed "aftercare." Redesignates as
29 "probation" the legal status of a juvenile formerly
30 termed "community control." Revises the minimum period
31 for certain juveniles to participate in a boot camp, a
serious or habitual juvenile offender program, or an
intensive residential treatment program. Abolishes the
district juvenile justice boards. Establishes juvenile
justice circuit boards. Abolishes the county juvenile
justice councils. Establishes juvenile justice county
councils. Provides that certain members of district
juvenile justice boards and county juvenile justice
councils may complete their terms. Requires the
department to provide technical assistance to facilitate
the transition to circuit boards and county councils.
Authorizes the Department of Juvenile Justice to transfer
salary rates between budget entities to implement
reorganization. See bill for details.