

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

The Council for Smarter Government offered the following:

Amendment (with title amendment)

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

Section 1. Paragraph (b) of subsection (1) and
paragraph (d) of subsection (4) of section 20.316, Florida
Statutes, are amended, to read:

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

(1) SECRETARY OF JUVENILE JUSTICE.--

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

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

- 1 delinquency institutions provided or funded by the department.
2 (4) INFORMATION SYSTEMS.--
3 (d) The management information system shall, at a
4 minimum:
5 1. Facilitate case management of juveniles referred to
6 or placed in the department's custody.
7 2. Provide timely access to current data and computing
8 capacity to support outcome-evaluation ~~the outcome evaluation~~
9 ~~activities of the Juvenile Justice Advisory Board as provided~~
10 ~~in s. 985.401~~, legislative oversight, the Juvenile Justice
11 Estimating Conference, and other research.
12 3. Provide automated support to the quality assurance
13 and program review functions.
14 4. Provide automated support to the contract
15 management process.
16 5. Provide automated support to the facility
17 operations management process.
18 6. Provide automated administrative support to
19 increase efficiency, provide the capability of tracking
20 expenditures of funds by the department or contracted service
21 providers that are eligible for federal reimbursement, and
22 reduce forms and paperwork.
23 7. Facilitate connectivity, access, and utilization of
24 information among various state agencies, and other state,
25 federal, local, and private agencies, organizations, and
26 institutions.
27 8. Provide electronic public access to juvenile
28 justice information, which is not otherwise made confidential
29 by law or exempt from the provisions of s. 119.07(1).
30 9. Provide a system for the training of information
31 system users and user groups.

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

1 Section 2. Subsection (43) of section 228.041, Florida
2 Statutes, is amended to read:

3 228.041 Definitions.--Specific definitions shall be as
4 follows, and wherever such defined words or terms are used in
5 the Florida School Code, they shall be used as follows:

6 (43) SCHOOL YEAR FOR JUVENILE JUSTICE PROGRAMS.--For
7 schools operating for the purpose of providing educational
8 services to youth in Department of Juvenile Justice programs,
9 the school year shall be comprised of 250 days of instruction
10 distributed over 12 months. At the request of the provider, a
11 district school board may decrease the minimum number of days
12 of instruction by up to 10 days for teacher planning for
13 residential programs and up to 20 days for teacher planning
14 for nonresidential programs, subject to the approval of the
15 Department of Juvenile Justice and the Department of
16 Education.

17 Section 3. Subsection (1) of section 230.23161, is
18 amended to read:

19 230.23161 Educational services in Department of
20 Juvenile Justice programs.--

21 (1) The Legislature finds that education is an ~~the~~
22 ~~single most~~ important factor in the rehabilitation of
23 adjudicated delinquent youth in the custody of the Department
24 of Juvenile Justice in detention or commitment facilities. It
25 is the goal ~~intent~~ of the Legislature that youth in the
26 juvenile justice system continue to receive a high-quality ~~be~~
27 ~~provided with equal opportunity and access to quality and~~
28 ~~effective education that will meet the individual needs of~~
29 ~~each child.~~ The Department of Education shall serve as the
30 lead agency for juvenile justice education programs, to ensure
31 that curriculum, support services, and resources are provided

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

1 ~~to maximize the public's investment in the custody and care of~~
2 ~~these youth.~~ To this end, the Department of Education and the
3 Department of Juvenile Justice shall each designate a
4 Coordinator for Juvenile Justice Education Programs to serve
5 as the point of contact for resolving issues not addressed by
6 local district school boards and to provide ~~ensure~~ each
7 department's participation in the following activities:

8 (a) Training, collaborating, and coordinating with the
9 Department of Juvenile Justice, local school districts,
10 educational contract providers, and juvenile justice
11 providers, whether state operated or contracted.

12 (b) Collecting information on the academic performance
13 of students in juvenile justice commitment and detention
14 programs and reporting on the results.

15 (c) Developing academic and vocational protocols that
16 provide guidance to school districts and providers ~~in all~~
17 ~~aspects~~ of education programming, including records transfer
18 and transition.

19 (d) Prescribing the roles of program personnel and
20 interdepartmental local school district or provider
21 collaboration strategies.

22
23 Annually, a cooperative agreement and plan for juvenile
24 justice education service enhancement shall be developed
25 between the Department of Juvenile Justice and the Department
26 of Education and submitted to the Secretary of Juvenile
27 Justice and the Commissioner of Education by June 30.

28 Section 4. Subsection (1) of section 435.04, Florida
29 Statutes, is amended, and present subsections (3) and (4) of
30 that section are redesignated as subsections (4) and (5),
31 respectively, and a new subsection (3) is added to that

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

1 section, to read:

2 435.04 Level 2 screening standards.--

3 (1) All employees in positions designated by law as
4 positions of trust or responsibility shall be required to
5 undergo security background investigations as a condition of
6 employment and continued employment. For the purposes of this
7 subsection, security background investigations shall include,
8 but not be limited to, ~~employment history checks,~~
9 fingerprinting for all purposes and checks in this subsection,
10 statewide criminal and juvenile records checks through the
11 Florida Department of Law Enforcement, and federal criminal
12 records checks through the Federal Bureau of Investigation,
13 and may include local criminal records checks through local
14 law enforcement agencies.

15 (3) The security background investigations conducted
16 under this section for employees of the Department of Juvenile
17 Justice must ensure that no persons subject to the provisions
18 of this section have been found guilty of, regardless of
19 adjudication, or entered a plea of nolo contendere or guilty
20 to, any offense prohibited under any of the following
21 provisions of the Florida Statutes or under any similar
22 statute of another jurisdiction:

23 (a) Section 784.07, relating to assault or battery of
24 law enforcement officers, firefighters, emergency medical care
25 providers, public transit employees or agents, or other
26 specified officers.

27 (b) Section 810.02, relating to burglary, if the
28 offense is a felony.

29 (c) Section 944.40, relating to escape.

30

31 The Department of Juvenile Justice may not remove a

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

1 disqualification from employment or grant an exemption to any
2 person who is disqualified under this section for any offense
3 disposed of during the most recent 7-year period.

4 Section 5. Section 943.0582, Florida Statutes, is
5 created to read:

6 943.0582 Prearrest, postarrest, or teen court
7 diversion program expunction.--

8 (1) Notwithstanding any law dealing generally with the
9 preservation and destruction of public records, the department
10 may provide, by rule adopted pursuant to chapter 120, for the
11 expunction of any nonjudicial record of the arrest of a minor
12 who has successfully completed a prearrest or postarrest
13 diversion program for minors as authorized by s. 985.3065.

14 (2)(a) As used in this section, the term "expunction"
15 has the same meaning ascribed in s. 943.0585, except that:

16 1. The provisions of s. 943.0585(4)(a) do not apply,
17 except that the criminal history record of a person whose
18 record is expunged pursuant to this section shall be made
19 available only to criminal justice agencies for the purpose of
20 determining eligibility for prearrest, postarrest or teen
21 court diversion programs; when the record is sought as part of
22 a criminal investigation; or when the subject of the record is
23 a candidate for employment with a criminal justice agency.
24 For all other purposes, a person whose record is expunged
25 under this section may lawfully deny or fail to acknowledge
26 the arrest and the charge covered by the expunged record.

27 2. Records maintained by local criminal justice
28 agencies in the county in which the arrest occurred which are
29 eligible for expunction pursuant to this section shall be
30 sealed as the term is used in s. 943.059.

31 (b) As used in this section, the term "nonviolent

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

1 misdemeanor" includes simple assault or battery when prearrest
2 or postarrest diversion expunction is approved in writing by
3 the state attorney for the county in which the arrest
4 occurred.

5 (3) The department shall expunge the nonjudicial
6 arrest record of a minor who has successfully completed a
7 prearrest or postarrest diversion program if that minor:

8 (a) Submits an application for prearrest or postarrest
9 diversion expunction, on a form prescribed by the department,
10 signed by the minor's parent or legal guardian, or by the
11 minor if he or she has reached the age of majority at the time
12 of applying;

13 (b) Submits the application for prearrest or
14 postarrest diversion expunction no later than 6 months after
15 completion of the diversion program;

16 (c) Submits to the department, with the application,
17 an official written statement from the state attorney for the
18 county in which the arrest occurred certifying that he or she
19 has successfully completed that county's prearrest or
20 postarrest diversion program and that participation in the
21 program is strictly limited to minors arrested for a
22 nonviolent misdemeanor who have not otherwise been charged
23 with or found to have committed any criminal offense or
24 comparable ordinance violation;

25 (d) Participated in a prearrest or postarrest
26 diversion program that expressly authorizes or permits such
27 expunction to occur;

28 (e) Participated in a prearrest or postarrest
29 diversion program based on an arrest for a nonviolent
30 misdemeanor that would not qualify as an act of domestic
31 violence as that term is defined in s. 741.28; and

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

1 (f) Has never, prior to filing the application for
2 expunction, been charged with or found to have committed any
3 criminal offense or comparable ordinance violation.

4 (4) The department is authorized to charge a \$75
5 processing fee for each request received for prearrest or
6 postarrest diversion program expunction, for placement in the
7 Department of Law Enforcement Operating Trust Fund, unless
8 such fee is waived by the executive director.

9 (5) This section operates retroactively to permit the
10 expunction of any nonjudicial record of the arrest of a minor
11 who has successfully completed a prearrest or postarrest
12 diversion program on or after July 1, 2000; however, in the
13 case of a minor whose completion of the program occurred
14 before the effective date of this section, the application for
15 prearrest or postarrest diversion expunction must be submitted
16 within 6 months after the effective date of this section.

17 (6) Expunction or sealing granted under this section
18 does not prevent the minor who receives such relief from
19 petitioning for the expunction or sealing of a later criminal
20 history record as provided for in ss. 943.0585 and 943.059, if
21 the minor is otherwise eligible under those sections.

22 Section 6. Section 985.3065, Florida Statutes, is
23 amended to read:

24 985.3065 Prearrest or postarrest diversion programs.--

25 (1) A law enforcement agency or school district, in
26 cooperation with the state attorney, may establish a prearrest
27 or postarrest diversion program.

28 (2) As part of the prearrest or postarrest diversion
29 program, a child who is alleged to have committed a delinquent
30 act may be required to surrender his or her driver's license,
31 or refrain from applying for a driver's license, for not more

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

1 than 90 days. If the child fails to comply with the
2 requirements of the program, the state attorney may notify the
3 Department of Highway Safety and Motor Vehicles in writing to
4 suspend the child's driver's license for a period that may not
5 exceed 90 days.

6 (3) The prearrest or postarrest diversion program may,
7 upon agreement of the agencies that establish the program,
8 provide for the expunction of the nonjudicial arrest record of
9 a minor who successfully completes such a program pursuant to
10 s. 943.0582.

11 Section 7. Paragraph (a) of subsection (1) of section
12 943.325, Florida Statutes, is amended to read:

13 943.325 Blood specimen testing for DNA analysis.--

14 (1)(a) Any person who is convicted or was previously
15 convicted in this state for any offense or attempted offense
16 defined in chapter 794, chapter 800, s. 782.04, s. 784.045, s.
17 810.02, s. 812.133, or s. 812.135, and any person who is
18 transferred to this state under Article VII of the Interstate
19 Compact on Juveniles, part V of chapter 985, who has committed
20 or attempted to commit an offense similarly defined by the
21 transferring state, who is either:

- 22 1. Still incarcerated, or
23 2. No longer incarcerated but is within the confines
24 of the legal state boundaries and is on probation, community
25 control, parole, conditional release, control release, or any
26 other court-ordered supervision,

27
28 shall be required to submit two specimens of blood to a
29 Department of Law Enforcement designated testing facility as
30 directed by the department.

31 Section 8. Paragraph (a) of subsection (2) of section

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

1 984.01, Florida Statutes, is amended to read:

2 984.01 Purposes and intent; personnel standards and
3 screening.--

4 (2) The Department of Juvenile Justice or the
5 Department of Children and Family Services, as appropriate,
6 may contract with the Federal Government, other state
7 departments and agencies, county and municipal governments and
8 agencies, public and private agencies, and private individuals
9 and corporations in carrying out the purposes of, and the
10 responsibilities established in, this chapter.

11 (a) When the Department of Juvenile Justice or the
12 Department of Children and Family Services contracts with a
13 provider for any program for children, all personnel,
14 including owners, operators, employees, and volunteers, in the
15 facility must be of good moral character. Each contract
16 entered into by either department for services delivered on an
17 appointment or intermittent basis by a provider that does not
18 have regular custodial responsibility for children and each
19 contract with a school for before or aftercare services must
20 ensure that the owners, operators, and all personnel who have
21 direct contact with children are of good moral character.A
22 volunteer who assists on an intermittent basis for less than
23 40 hours per month need not be screened if the volunteer is
24 under direct and constant supervision by persons who meet the
25 screening requirements.

26 Section 9. Paragraph (a) of subsection (2) of section
27 985.01, Florida Statutes, is amended to read:

28 985.01 Purposes and intent; personnel standards and
29 screening.--

30 (2) The Department of Juvenile Justice or the
31 Department of Children and Family Services, as appropriate,

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

1 may contract with the Federal Government, other state
2 departments and agencies, county and municipal governments and
3 agencies, public and private agencies, and private individuals
4 and corporations in carrying out the purposes of, and the
5 responsibilities established in, this chapter.

6 (a) When the Department of Juvenile Justice or the
7 Department of Children and Family Services contracts with a
8 provider for any program for children, all personnel,
9 including owners, operators, employees, and volunteers, in the
10 facility must be of good moral character. Each contract
11 entered into by either department for services delivered on an
12 appointment or intermittent basis by a provider that does not
13 have regular custodial responsibility for children and each
14 contract with a school for before or aftercare services must
15 ensure that the owners, operators, and all personnel who have
16 direct contact with children are of good moral character.A
17 volunteer who assists on an intermittent basis for less than
18 40 hours per month need not be screened if the volunteer is
19 under direct and constant supervision by persons who meet the
20 screening requirements.

21 Section 10. Subsection (7) of section 985.02, Florida
22 Statutes; is amended to read as follows:

23 985.02 Legislative intent for the juvenile justice
24 system.--

25 (7) PARENTAL, CUSTODIAL, AND GUARDIAN
26 RESPONSIBILITIES.--Parents, custodians, and guardians are
27 deemed by the state to be responsible for providing their
28 children with sufficient support, guidance, and supervision to
29 deter their participation in delinquent acts. The state
30 further recognizes that the ability of parents, custodians,
31 and guardians to fulfill those responsibilities can be greatly

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

1 impaired by economic, social, behavioral, emotional, and
2 related problems. It is therefore the policy of the
3 Legislature that it is the state's responsibility to ensure
4 that factors impeding the ability of caretakers to fulfill
5 their responsibilities are identified through the delinquency
6 intake process and that appropriate recommendations to address
7 those problems are considered in any judicial or nonjudicial
8 proceeding. Nonetheless, as it is also the intent of the
9 Legislature to preserve and strengthen the child's family
10 ties, it is the policy of the Legislature that the emotional,
11 legal, and financial responsibilities of the caretaker with
12 regard to the care, custody and support of the child continue
13 while the child is in the physical or legal custody of the
14 department.

15 Section 11. Subsections (13), (26), (30), (31), and
16 (32), paragraph (c) of subsection (45), and present subsection
17 (55) of section 985.03, Florida Statutes, are amended, and
18 present subsections (46) through (58) are redesignated as
19 subsections (47) through (59), respectively, and a new
20 subsection (46) is added to that section, to read:

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

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

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

1 programs ~~and postcommitment probation.~~

2 (26) "Halfway house" means a community-based
3 residential program for 10 or more committed delinquents at
4 the moderate-risk commitment restrictiveness level which ~~that~~
5 is operated or contracted by the Department of Juvenile
6 Justice.

7 (30) "Juvenile probation officer" means the authorized
8 agent of the Department of Juvenile Justice who performs the
9 intake, ~~or case management, or supervision functions~~ function
10 ~~for a child alleged to be delinquent.~~

11 (31) "Juvenile sexual offender" means:

12 (a) A juvenile who has been found by the court
13 pursuant to s. 985.228 to have committed a violation of
14 chapter 794, chapter 796, chapter 800, s. 827.071, or s.
15 847.0133;

16 (b) A juvenile found to have committed any felony
17 violation of law or delinquent act involving juvenile sexual
18 abuse. "Juvenile sexual abuse" means any sexual behavior which
19 occurs without consent, without equality, or as a result of
20 coercion. For purposes of this subsection, the following
21 definitions apply:

22 1. "Coercion" means the exploitation of authority, use
23 of bribes, threats of force, or intimidation to gain
24 cooperation or compliance.

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

28 3. "Consent" means an agreement including all of the
29 following:

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

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

1 b. Knowledge of societal standards for what is being
2 proposed.

3 c. Awareness of potential consequences and
4 alternatives.

5 d. Assumption that agreement or disagreement will be
6 accepted equally.

7 e. Voluntary decision.

8 f. Mental competence.

9

10 Juvenile sexual offender behavior ranges from noncontact
11 sexual behavior such as making obscene phone calls,
12 exhibitionism, voyeurism, and the showing or taking of lewd
13 photographs to varying degrees of direct sexual contact, such
14 as frottage, fondling, digital penetration, rape, fellatio,
15 sodomy, and various other sexually aggressive acts.

16 (32) "Legal custody or guardian" means a legal status
17 created by court order or letter of guardianship which vests
18 in a custodian of the person or guardian, whether an agency or
19 an individual, the right to have physical custody of the child
20 and the right and duty to protect, train, and discipline the
21 child and to provide him or her with food, shelter, education,
22 and ordinary medical, dental, psychiatric, and psychological
23 care.

24 (45) "Residential commitment level" means the level of
25 security provided by programs that service the supervision,
26 custody, care, and treatment needs of committed children.
27 Sections 985.3141 and 985.404(13) apply to children placed in
28 programs at any residential commitment level. The levels of
29 residential commitment are as follows:

30 (c) High-risk residential.--Programs or program models
31 at this commitment level are residential and shall not allow

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

1 youth to have access to the community. Facilities are
2 hardware-secure with perimeter fencing and locking doors.
3 Facilities shall provide 24-hour awake supervision, custody,
4 care, and treatment of residents. Youth assessed and
5 classified for this level of placement require close
6 supervision in a structured residential setting. Placement in
7 programs at this level is prompted by a concern for public
8 safety that outweighs placement in programs at lower
9 commitment restrictiveness levels. The staff at a facility at
10 this commitment level may seclude a child who is a physical
11 threat to himself or herself or others. Mechanical restraint
12 may also be used when necessary. The facility may provide for
13 single cell occupancy.

14 (46) "Respite" means a placement that is available for
15 the care, custody, and placement of a youth charged with
16 domestic violence as an alternative to secure detention or for
17 placement of a youth when a shelter bed for a child in need of
18 services or a family in need of services is unavailable.

19 (56)(55) "Temporary release" means the terms and
20 conditions under which a child is temporarily released from a
21 commitment facility or allowed home visits. If the temporary
22 release is from a moderate-risk residential facility, a
23 high-risk residential facility, or a maximum-risk residential
24 facility, the terms and conditions of the temporary release
25 must be approved by the child, the court, and the facility.
26 The term includes periods during which the child is supervised
27 pursuant to a conditional release program or a period during
28 which the child is supervised by a juvenile probation officer
29 or other nonresidential staff of the department or staff
30 employed by an entity under contract with the department. ~~A~~
31 ~~child placed in a postcommitment supervision program by order~~

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

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

4 Section 12. Subsection (2), paragraph (a) of
5 subsection (3), paragraph (a) of subsection (4) and subsection
6 (5) of section 985.04, Florida Statutes, are amended to read:

7 985.04 Oaths; records; confidential information.--

8 (2) Records maintained by the Department of Juvenile
9 Justice, including copies of records maintained by the court,
10 which pertain to a child found to have committed a delinquent
11 act which, if committed by an adult, would be a crime
12 specified in ss. 435.03 and 435.04 ~~ss. 110.1127, 393.0655,~~
13 ~~394.457, 397.451, 402.305(2), 409.175, and 409.176~~ may not be
14 destroyed pursuant to this section for a period of 25 years
15 after the youth's final referral to the department, except in
16 cases of the death of the child. Such records, however, shall
17 be sealed by the court for use only in meeting the screening
18 requirements for personnel in s. 402.3055 and the other
19 sections cited above, or pursuant to departmental rule;
20 however, current criminal history information must be obtained
21 from the Department of Law Enforcement in accordance with s.
22 943.053. The information shall be released to those persons
23 specified in the above cited sections for the purposes of
24 complying with those sections. The court may punish by
25 contempt any person who releases or uses the records for any
26 unauthorized purpose.

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

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

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

30 (4)(a) Records in the custody of the Department of
31 Juvenile Justice regarding children are not open to inspection

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

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

19 (5) Notwithstanding any other provisions of this part,
20 the name, photograph, address, and crime or arrest report of a
21 child:

22 (a) Taken into custody if the child has been taken
23 into custody by a law enforcement officer for a violation of
24 law which, if committed by an adult, would be a felony; or

25 (b) Found by a court to have committed three or more
26 violations of law which, if committed by an adult, would be
27 misdemeanors;

28 (c) Transferred to the adult system pursuant to s.
29 985.227, indicted pursuant to s. 985.225 or waived pursuant to
30 s. 95.226;

31 (d) Taken into custody by a law enforcement officer

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

1 for a violation of law subject to the provisions of s.
2 985.227(2)(b) or (d);

3 (e) Transferred to the adult system but sentenced to
4 the juvenile system pursuant to s. 985.233;

5
6 shall not be considered confidential and exempt from the
7 provisions of s. 119.07(1) solely because of the child's age.

8 Section 13. Paragraph (d) of subsection (1) and
9 subsection (2) of section 985.207, Florida Statutes, are
10 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, home detention,
17 ~~postcommitment probation community control~~, or conditional
18 release supervision or has escaped ~~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 (2) When a child is taken into custody as provided in
24 this section, the person taking the child into custody shall
25 attempt to notify the parent, guardian, or legal custodian of
26 the child. The person taking the child into custody shall
27 continue such attempt until the parent, guardian, or legal
28 custodian of the child is notified or the child is delivered
29 to a juvenile probation officer pursuant to s. 985.21,
30 whichever occurs first. If the child is delivered to a
31 juvenile probation officer before the parent, guardian, or

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

1 legal custodian is notified, the juvenile probation officer
2 shall continue the attempt to notify until the parent,
3 guardian, or legal custodian of the child is notified.
4 Following notification, the parent or guardian must provide
5 identifying information, including name, address, date of
6 birth, social security number, and driver's license number or
7 identification card number of the parent or guardian to the
8 person taking the child into custody or the juvenile probation
9 officer.

10 Section 14. Subsection (5) of section 985.21, Florida
11 Statutes, is amended to read:

12 985.21 Intake and case management.--

13 (5) Prior to requesting that a delinquency petition be
14 filed or prior to filing a dependency petition, the juvenile
15 probation officer may request the parent or legal guardian of
16 the child to attend a course of instruction in parenting
17 skills, training in conflict resolution, and the practice of
18 nonviolence; to accept counseling; or to receive other
19 assistance from any agency in the community which notifies the
20 clerk of the court of the availability of its services. Where
21 appropriate, the juvenile probation officer shall request both
22 parents or guardians to receive such parental assistance. The
23 juvenile probation officer may, in determining whether to
24 request that a delinquency petition be filed, take into
25 consideration the willingness of the parent or legal guardian
26 to comply with such request. The parent or guardian must
27 provide the juvenile probation officer with identifying
28 information, including the parent or guardian's name, address,
29 date of birth, social security number, and driver's license
30 number or identification card number in order to comply with
31 ss. 985.215(6), 985.231(1)(b), and 985.233(4)(d).

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

1 Section 15. Paragraph (b) of subsection (2) of section
2 985.213, Florida Statutes, is amended to read:
3 985.213 Use of detention.--
4 (2)
5 (b)1. The risk assessment instrument for detention
6 care placement determinations and orders shall be developed by
7 the Department of Juvenile Justice in agreement with
8 representatives appointed by the following associations: the
9 Conference of Circuit Judges of Florida, the Prosecuting
10 Attorneys Association, the Public Defenders Association, the
11 Florida Sheriffs Association, and the Florida Association of
12 Chiefs of Police. Each association shall appoint two
13 individuals, one representing an urban area and one
14 representing a rural area. The parties involved shall
15 evaluate and revise the risk assessment instrument as is
16 considered necessary using the method for revision as agreed
17 by the parties. The risk assessment instrument shall take into
18 consideration, but need not be limited to, prior history of
19 failure to appear, prior offenses, offenses committed pending
20 adjudication, any unlawful possession of a firearm, theft of a
21 motor vehicle or possession of a stolen motor vehicle, and
22 probation ~~community control~~ status at the time the child is
23 taken into custody. The risk assessment instrument shall also
24 take into consideration appropriate aggravating and mitigating
25 circumstances, and shall be designed to target a narrower
26 population of children than s. 985.215(2). The risk assessment
27 instrument shall also include any information concerning the
28 child's history of abuse and neglect. The risk assessment
29 shall indicate whether detention care is warranted, and, if
30 detention care is warranted, whether the child should be
31 placed into secure, nonsecure, or home detention care.

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

1 2. If, at the detention hearing, the court finds a
2 material error in the scoring of the risk assessment
3 instrument, the court may amend the score to reflect factual
4 accuracy.

5 3. A child who is charged with committing an offense
6 of domestic violence as defined in s. 741.28(1) and who does
7 not meet detention criteria may be held in secure detention if
8 the court makes specific written findings that:

- 9 a. Respite care for the child is not available; and
- 10 b. It is necessary to place the child in secure
11 detention in order to protect the victim from injury.

12
13 The child may not be held in secure detention under this
14 subparagraph for more than 48 hours unless ordered by the
15 court. After 48 hours, the court shall hold a hearing if the
16 state attorney or victim requests that secure detention be
17 continued. The child may continue to be held in detention care
18 if the court makes a specific, written finding that detention
19 care is necessary to protect the victim from injury. However,
20 the child may not be held in detention care beyond the time
21 limits set forth in s. 985.215.

22 4. For a child who is under the supervision of the
23 department through probation ~~community control~~, home
24 detention, nonsecure detention, conditional release ~~aftercare~~,
25 postcommitment probation ~~community control~~, or commitment and
26 who is charged with committing a new offense, the risk
27 assessment instrument may be completed and scored based on the
28 underlying charge for which the child was placed under the
29 supervision of the department and the new offense.

30 Section 16. Paragraph (a) of subsection (2) of Section
31 985.215, Florida Statutes, is amended, paragraph (f) of

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

1 subsection (10) of said section is created, and effective upon
2 becoming a law and retroactive to July 1, 2000, subsection (6)
3 of said section is amended to read:

4 985.215 Detention.--

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

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

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

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

1 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),
2 paragraph (10)(c), or paragraph (10)(d), when a child is
3 placed into secure or nonsecure detention care, or into a
4 respite home or other placement pursuant to a court order
5 following a hearing, the court order must include specific
6 instructions that direct the release of the child from such
7 placement no later than 5 p.m. on the last day of the
8 detention period specified in paragraph (5)(b) or paragraph
9 (5)(c), or subparagraph (10)(a)1., whichever is applicable,
10 unless the requirements of such applicable provision have been
11 met or an order of continuance has been granted pursuant to
12 paragraph (5)(d).

13 (6)(a) When any child is placed into secure,
14 nonsecure, or home detention care or into other placement
15 pursuant to a court order following a detention hearing, the
16 court shall order the ~~natural or adoptive~~ parents or guardians
17 ~~of such child, including the natural father of such child born~~
18 ~~out of wedlock who has acknowledged his paternity in writing~~
19 ~~before the court, or the guardian of such child's estate, if~~
20 ~~possessed of assets which under law may be disbursed for the~~
21 ~~care, support, and maintenance of the child, to pay to the~~
22 Department of Juvenile Justice fees in the ~~an~~ amount of ~~\$5~~\$20
23 per day that the child is under the care or supervision of the
24 department in order to partially offset ~~related to~~ the cost of
25 the care, support, ~~and~~ maintenance ~~of the child and other~~
26 usual and ordinary obligations of parents to provide for the
27 needs of their children ~~as established by the Department of~~
28 ~~Juvenile Justice~~, unless the court makes a finding on the
29 record that the parent or guardian of the child is indigent.

30 (b) At the time of the detention hearing, the
31 department shall report to the court, verbally or in writing,

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

1 any available information concerning the ability of the parent
2 or guardian of the child to pay such fee. If the court makes a
3 finding of indigency, the parent or guardian shall pay to the
4 department a nominal subsistence fee of \$2 per day that the
5 child is securely detained outside the home or \$1 per day if
6 the child is otherwise detained in lieu of other fees related
7 to the parent's obligation for the child's cost of care. The
8 nominal subsistence fee may only be waived or reduced if the
9 court makes a finding that such payment would constitute a
10 significant financial hardship. Such finding shall be in
11 writing and shall contain a detailed description of the facts
12 that led the court to make both the finding of indigency and
13 the finding of significant financial hardship. As to each
14 parent or guardian for whom the court makes a finding of
15 indigency, the court may reduce the fees or waive the fees
16 upon a showing by the parent or guardian of an inability to
17 pay the fees specified herein. If the court makes a finding of
18 indigency or inability to pay the full cost of care, support,
19 and maintenance of the child, the court shall order the parent
20 or guardian to pay to the department a nominal subsistence fee
21 on behalf of the child in the amount of at least \$2 per day
22 that the child is detained outside the home or at least \$1 per
23 day if the child is otherwise detained, unless the court makes
24 a finding on the record that the parent or guardian would
25 suffer a significant hardship if obligated for such amount.

26 (c) In addition, the court may reduce the fees or
27 waive the fees as to each parent or guardian if the court
28 makes a finding on the record that the parent or guardian was
29 the victim of the delinquent act or violation of law for which
30 the child is detained and that the parent or guardian is
31 cooperating in the investigation of the offense. ~~As to each~~

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

1 ~~parent or guardian, the court may reduce the fees or waive the~~
2 ~~fees if the court makes a finding on the record that the~~
3 ~~parent or guardian has made a diligent and good faith effort~~
4 ~~to prevent the child from engaging in the delinquent act or~~
5 ~~violation of law.~~

6 (d) The court must include specific findings in the
7 detention order as to what fees are ordered, reduced, or
8 waived. If the court fails to enter an order as required by
9 this subsection, it shall be presumed that the court intended
10 the parent or guardian to pay to the department the fee of \$5
11 ~~\$20~~ per day that the child remains in detention care.

12 (e) With respect to a child who has been found to have
13 committed a delinquent act or violation of law, whether or not
14 adjudication is withheld, and whose parent or guardian
15 receives public assistance for any portion of that child's
16 care, the department must seek a federal waiver to garnish or
17 otherwise order the payments of the portion of the public
18 assistance relating to that child to offset the costs of
19 providing care, custody, maintenance, rehabilitation,
20 intervention, or corrective services to the child. When the
21 order affects the guardianship estate, a certified copy of the
22 order shall be delivered to the judge having jurisdiction of
23 the guardianship estate.

24 (f) The Clerk of the Circuit Court shall act as a
25 depository for these fees. Upon each payment received, the
26 Clerk of the Circuit Court shall receive a fee from the total
27 payment of 3 percent of any payment made except that no fee
28 shall be less than \$1 nor more than \$5 per payment made. This
29 fee shall serve as a service charge for the administration,
30 management, and maintenance of each payment. At the end of
31 each month, the Clerk of the Circuit Court shall send all

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

1 money collected under this section to the state Grants and
2 Donations Trust Fund.

3 (g) The parent or guardian shall provide to the
4 department the parent or guardian's name, address, social
5 security number, date of birth, and driver's license number of
6 identification card number and sufficient financial
7 information for the department to be able to determine the
8 parent or guardian's ability to pay. If the parent or guardian
9 refuses to provide the department with any identifying
10 information or financial information, the court shall order
11 the parent to comply and may pursue contempt of court
12 sanctions for failure to comply.

13 (h) The department may employ a collection agency for
14 the purpose of receiving, collecting, and managing the payment
15 of unpaid and delinquent fees. The collection agency must be
16 registered and in good standing under chapter 559. The
17 department may pay to the collection agency a fee from the
18 amount collected under the claim or may authorize the agency
19 to deduct the fee from the amount collected. The department
20 may also pay for collection services from available authorized
21 funds.

22 (i) The department may enter into agreements with
23 parents or guardians to establish a schedule of periodic
24 payments if payment of the obligation in full presents an
25 undue hardship. Any such agreement may provide for payment of
26 interest consistent with prevailing loan rates.

27 (j) The Department of Juvenile Justice shall provide
28 to the payor documentation of any amounts paid by the payor to
29 the Department of Juvenile Justice on behalf of the child. All
30 payments received by the department pursuant to this
31 subsection shall be deposited in the state Grants and

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

1 Donations Trust Fund.

2 (k) Neither the court nor the department may extend
3 the child's length of stay in detention care solely for the
4 purpose of collecting fees.

5 (10)

6 (f) Regardless of detention status, a child being
7 transported by the department to a commitment facility of the
8 department may be placed in secure detention overnight, not to
9 exceed a 24-hour period, for the specific purpose of ensuring
10 the safe delivery of the child to his or her commitment
11 program, court, appointment, transfer or release.

12 Section 17. Subsection (4) of section 985.227, Florida
13 Statutes, is amended to read:

14 985.227 Prosecution of juveniles as adults by the
15 direct filing of an information in the criminal division of
16 the circuit court; discretionary criteria; mandatory
17 criteria.--

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

25 Section 18. Paragraph (a) of subsection (1) and
26 subsection (2) of section 985.231 are amended; and effective
27 upon becoming a law, and retroactive to July 1, 2000,
28 paragraph (b) of subsection (1) of section 985.231, Florida
29 Statutes, is amended to read:

30 985.231 Powers of disposition in delinquency cases.--

31 (1)(a) The court that has jurisdiction of an

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

1 adjudicated delinquent child may, by an order stating the
2 facts upon which a determination of a sanction and
3 rehabilitative program was made at the disposition hearing:
4 1. Place the child in a probation program or a
5 postcommitment probation program under the supervision of an
6 authorized agent of the Department of Juvenile Justice or of
7 any other person or agency specifically authorized and
8 appointed by the court, whether in the child's own home, in
9 the home of a relative of the child, or in some other suitable
10 place under such reasonable conditions as the court may
11 direct. A probation program for an adjudicated delinquent
12 child must include a penalty component such as restitution in
13 money or in kind, community service, a curfew, revocation or
14 suspension of the driver's license of the child, or other
15 nonresidential punishment appropriate to the offense and must
16 also include a rehabilitative program component such as a
17 requirement of participation in substance abuse treatment or
18 in school or other educational program. Upon the
19 recommendation of the department at the time of disposition,
20 or subsequent to disposition pursuant to the filing of a
21 petition alleging a violation of the child's conditions of
22 postcommitment probation ~~or conditional release supervision~~,
23 the court may order the child to submit to random testing for
24 the purpose of detecting and monitoring the use of alcohol or
25 controlled substances.

26 a. A restrictiveness level classification scale for
27 levels of supervision shall be provided by the department,
28 taking into account the child's needs and risks relative to
29 probation supervision requirements to reasonably ensure the
30 public safety. Probation programs for children shall be
31 supervised by the department or by any other person or agency

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

1 specifically authorized by the court. These programs must
2 include, but are not limited to, structured or restricted
3 activities as described in this subparagraph, and shall be
4 designed to encourage the child toward acceptable and
5 functional social behavior. If supervision or a program of
6 community service is ordered by the court, the duration of
7 such supervision or program must be consistent with any
8 treatment and rehabilitation needs identified for the child
9 and may not exceed the term for which sentence could be
10 imposed if the child were committed for the offense, except
11 that the duration of such supervision or program for an
12 offense that is a misdemeanor of the second degree, or is
13 equivalent to a misdemeanor of the second degree, may be for a
14 period not to exceed 6 months. When restitution is ordered by
15 the court, the amount of restitution may not exceed an amount
16 the child and the parent or guardian could reasonably be
17 expected to pay or make. A child who participates in any work
18 program under this part is considered an employee of the state
19 for purposes of liability, unless otherwise provided by law.

20 b. The court may conduct judicial review hearings for
21 a child placed on probation for the purpose of fostering
22 accountability to the judge and compliance with other
23 requirements, such as restitution and community service. The
24 court may allow early termination of probation for a child who
25 has substantially complied with the terms and conditions of
26 probation.

27 c. If the conditions of the probation program or the
28 postcommitment probation program are violated, the department
29 or the state attorney may bring the child before the court on
30 a petition alleging a violation of the program. Any child who
31 violates the conditions of probation or postcommitment

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

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

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

1 postcommitment probation, the court may:

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

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

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

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

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

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

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

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

1 except as provided in s. 985.31, the term of the commitment
2 must be until the child is discharged by the department or
3 until he or she reaches the age of 21.

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

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

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

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

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

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

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

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

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

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

6 (b)1. When any child is adjudicated by the court to
7 have committed a delinquent act and temporary legal custody of
8 the child has been placed with a licensed child-caring agency
9 or the Department of Juvenile Justice, the court shall order
10 the ~~natural or adoptive~~ parents or guardians of such child,
11 ~~including the natural father of such child born out of wedlock~~
12 ~~who has acknowledged his paternity in writing before the~~
13 ~~court, or the guardian of such child's estate, if possessed of~~
14 ~~assets that under law may be disbursed for the care, support,~~
15 ~~and maintenance of the child,~~ to pay fees to the department in
16 the amount of \$5 per day that the child is under the care or
17 supervision of the department in order to partially offset
18 the not to exceed the actual cost of the care, support, and
19 maintenance, and other usual and ordinary obligations of
20 parents to provide for the needs of their children while of
21 ~~the child~~ in the recommended residential commitment level,
22 unless the court makes a finding on the record that the parent
23 or guardian of the child is indigent.

24 2. No later than the disposition hearing, the
25 department shall provide the court with information concerning
26 the actual cost of care, support, and maintenance of the child
27 in the recommended residential commitment level and concerning
28 the ability of the parent or guardian of the child to pay any
29 fees. If the court makes a finding of indigency, the parent or
30 guardianship shall pay to the department a nominal subsistence
31 fee of \$2 per day that the child is committed outside the home

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

1 or \$1 per day if the child is otherwise supervised in lieu of
2 other fees related to the parents' obligation for the child's
3 cost of care. The nominal subsistence fee may only be waived
4 or reduced if the court makes a finding that such payment
5 would constitute a significant financial hardship. Such
6 finding shall be in writing and shall contain a detailed
7 description of the facts that led the court to make both the
8 finding of indigency and the finding of significant financial
9 hardship.~~As to each parent or guardian for whom the court~~
10 ~~makes a finding of indigency, the court may reduce the fees or~~
11 ~~waive the fees upon a showing by the parent or guardian of an~~
12 ~~inability to pay the full cost of the care, support, and~~
13 ~~maintenance of the child. If the court makes a finding of~~
14 ~~indigency or inability to pay the full cost of care, support,~~
15 ~~and maintenance of the child, the court shall order the parent~~
16 ~~or guardian to pay to the department a nominal subsistence fee~~
17 ~~on behalf of the child in the amount of at least \$2 per day~~
18 ~~that the child is placed outside the home or at least \$1 per~~
19 ~~day if the child is otherwise placed, unless the court makes a~~
20 ~~finding on the record that the parent or guardian would suffer~~
21 ~~a significant hardship if obligated for such amount.~~

22 3. In addition, the court may reduce the fees or waive
23 the fees as to each parent or guardian if the court makes a
24 finding on the record that the parent or guardian was the
25 victim of the delinquent act or violation of law for which the
26 child is subject to placement under this section and that the
27 parent or guardian has cooperated in the investigation and
28 prosecution of the offense. ~~As to each parent or guardian, the~~
29 ~~court may reduce the fees or waive the fees if the court makes~~
30 ~~a finding on the record that the parent or guardian has made a~~
31 ~~diligent and good faith effort to prevent the child from~~

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

1 ~~engaging in the delinquent act or violation of law.~~

2 4. All orders committing a child to a residential
3 commitment program shall include specific findings as to what
4 fees are ordered, reduced, or waived. If the court fails to
5 enter an order as required by this paragraph, it shall be
6 presumed that the court intended the parent or guardian to pay
7 fees to the department in an amount of \$5 per day related to
8 ~~not to exceed the actual cost of the care, support, and~~
9 maintenance of the child. With regard to a child who reaches
10 the age of 18 prior to the disposition hearing, the court may
11 elect to direct an order required by this paragraph to such
12 child, rather than the parent or guardian. With regard to a
13 child who reaches the age of 18 while in the custody of the
14 department, the court may, upon proper motion of any party,
15 hold a hearing as to whether any party should be further
16 obligated respecting the payment of fees. When the order
17 affects the guardianship estate, a certified copy of the order
18 shall be delivered to the judge having jurisdiction of the
19 guardianship estate.

20 5. The Clerk of the Circuit Court shall act as a
21 depository for these fees. Upon each payment received, the
22 Clerk of the Circuit Court shall receive a fee from the total
23 payment of 3 percent of any payment made except that no fee
24 shall be less than \$1 nor more than \$5 per payment made. This
25 fee shall serve as a service charge for the administration,
26 management, and maintenance of each payment. At the end of
27 each month, the Clerk of the Circuit Court shall send all
28 money collected under this section to the State Grants and
29 Donations Trust Fund.

30 6. The parent or guardian shall provide to the
31 department the parent or guardian's name, address, social

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

1 security number, state of birth, and driver's license number
2 of identification card number and sufficient financial
3 information for the department to be able to determine the
4 parent or guardian's ability to pay. If the parent or
5 guardian refuses to provide the department with any
6 identifying information or financial information, the court
7 shall order the parent to comply and may pursue contempt of
8 court sanctions of failure to comply.

9 7. The department may employ a collection agency for
10 the purpose of receiving, collecting, and managing the payment
11 of unpaid and delinquent fees. The collection agency must be
12 registered and in good standing under chapter 559. The
13 department may pay to the collection agency a fee from the
14 amount collected under the claim or may authorize the agency
15 to deduct the fee from the amount collected. The department
16 may also pay for collection services from available authorized
17 funds.

18 8. The department may enter into agreements with
19 parents or guardians to establish a schedule of periodic
20 payments if payment of the obligation in full presents an
21 undue hardship. Any such agreement may provide for payment of
22 interests consistent with prevailing loan rates.

23 9. The Department of Juvenile Justice shall provide to
24 the payor documentation of any amounts paid by the payor to
25 the Department of Juvenile Justice on behalf of the child. All
26 payments received by the department pursuant to this
27 subsection shall be deposited in the state Grants and
28 Donations Trust Fund.

29 10. Neither the court nor the department may extend
30 the child's length of stay in placement care solely for the
31 purpose of collecting fees.

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

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(48)~~985.03(47)~~and 985.23(3).

12 Section 19. Effective upon becoming law and
13 retroactive to July 1, 2000, paragraph (d) of subsection (4)
14 of section 985.233, Florida Statutes, is amended to read:

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

17 (4) SENTENCING ALTERNATIVES.--

18 (d)1. Recoupment of cost of care in juvenile justice
19 facilities.--When the court orders commitment of a child to
20 the Department of Juvenile Justice for treatment in any of the
21 department's programs for children, the court shall order the
22 ~~natural or adoptive~~ parents or guardians of such child,
23 ~~including the natural father of such child born out of wedlock~~
24 ~~who has acknowledged his paternity in writing before the~~
25 ~~court, or guardian of such child's estate, if possessed of~~
26 ~~assets which under law may be disbursed for the care, support,~~
27 ~~and maintenance of the child, to pay fees in the amount of \$5~~
28 ~~per day that the child is under the care or supervision of the~~
29 department in order to partially offset the not to exceed the
30 actual cost of the care, support, and maintenance, and other
31 usual and ordinary obligations of parents to provide for the

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

1 needs of their children, of the child, unless the court makes
2 a finding on the record that the parent or legal guardian of
3 the child is indigent.

4 2. Prior to commitment, the department shall provide
5 the court with information concerning the actual cost of care
6 in the recommended residential commitment level and concerning
7 the ability of the parent or guardian of the child to pay
8 specified fees. If the court makes a finding of indigency, the
9 parent or guardian shall pay to the department a nominal
10 subsistence fee of \$2 per day that the child is committed
11 outside the home or \$1 per day if the child is otherwise
12 supervised in lieu of other fees related to the parent's
13 obligation for the child's cost of care. The nominal
14 subsistence fee may only be waived or reduced if the court
15 makes a finding that such payment would constitute a
16 significant financial hardship. Such finding shall be in
17 writing and shall contain a detailed description of the facts
18 that led the court to make both the finding of indigency and
19 the finding of significant financial hardship. As to each
20 ~~parent or guardian for whom the court makes a finding of~~
21 ~~indigency, the court may reduce the fees or waive the fees~~
22 ~~upon a showing by the parent or guardian of an inability to~~
23 ~~pay the full cost of the care, support, and maintenance of the~~
24 ~~child. If the court makes a finding of indigency or inability~~
25 ~~to pay the full cost of care, support, and maintenance of the~~
26 ~~child, the court shall order the parent or guardian to pay the~~
27 ~~department a nominal subsistence fee on behalf of the child in~~
28 ~~the amount of at least \$2 per day that the child is placed~~
29 ~~outside the home or at least \$1 per day if the child is~~
30 ~~otherwise placed, unless the court makes a finding on the~~
31 ~~record that the parent or guardian would suffer a significant~~

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

1 ~~hardship if obligated for such amount.~~

2 3. In addition, the court may reduce the fees or waive
3 the fees as to each parent or guardian if the court makes a
4 finding on the record that the parent or guardian was the
5 victim of the delinquent act or violation of law for which the
6 child is subject to commitment under this section and that the
7 parent or guardian has cooperated in the investigation and
8 prosecution of the offense. ~~As to each parent or guardian,~~
9 ~~the court may reduce the fees or waive the fees if the court~~
10 ~~makes a finding on the record that the parent or guardian has~~
11 ~~made a diligent and good faith effort to prevent the child~~
12 ~~from engaging in the delinquent act or violation of law.~~ When
13 the order affects the guardianship estate, a certified copy of
14 the order shall be delivered to the judge having jurisdiction
15 of the guardianship estate.

16 4. All orders committing a child to a residential
17 commitment program shall include specific findings as to what
18 fees are ordered, reduced, or waived. If the court fails to
19 enter an order as required by this paragraph, it shall be
20 presumed that the court intended the parent or guardian to pay
21 fees to the department in an amount of \$5 per day related to
22 ~~not to exceed the actual cost of the care, support, and~~
23 maintenance of the child. With regard to a child who reaches
24 the age of 18 prior to the disposition hearing, the court may
25 elect to direct an order required by this paragraph to such
26 child, rather than the parent or guardian. With regard to a
27 child who reaches the age of 18 while in the custody of the
28 department, the court may, upon proper motion of any party,
29 hold a hearing as to whether any party should be further
30 obligated respecting the payment of fees.

31 5. The Clerk of the Circuit court shall act as a

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

1 depository for these fees. Upon each payment received, the
2 Clerk of the Circuit Court shall receive a fee from the total
3 payment of 3 percent of any payment made except that no fee
4 shall be less than \$1 nor more than \$5 per payment made. This
5 fee shall serve as a service charge for the administration,
6 management, and maintenance of each payment. At the end of
7 each month, the Clerk of the Circuit Court shall send all
8 money collected under this section to the state Grants and
9 Donations Trust Fund.

10 6. The parent or guardian shall provide to the
11 department the parent or guardian's name, address, social
12 security number, date of birth, and driver's license number of
13 identification card number and sufficient financial
14 information for the department to be able to determine the
15 parent or guardian's ability to pay. If the parent or
16 guardian refuses to provide the department with any
17 identifying information or financial information, the court
18 shall order the parent to comply and may pursue contempt of
19 court sanctions for failure to comply.

20 7. The department may employ a collection agency for
21 the purpose of receiving, collecting, and managing the payment
22 of unpaid and delinquent fees. The collection agency must be
23 registered and in good standing under chapter 559. The
24 department may pay to the collection agency a fee from the
25 amount collected under the claim or may authorize the agency
26 to deduct the fee from the amount collected. The department
27 may also pay for collection services from available authorized
28 funds. The Department of Juvenile Justice shall provide to
29 the payor documentation of any amounts paid by the payor to
30 the Department of Juvenile Justice on behalf of the child. All
31 payments received by the department pursuant to this

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

1 subsection shall be deposited in the state Grants and
2 Donations Trust Fund.

3 8. Neither the court nor the department may extend the
4 child's length of stay in commitment care solely for the
5 purpose of collecting fees.

6
7 It is the intent of the Legislature that the criteria and
8 guidelines in this subsection are mandatory and that a
9 determination of disposition under this subsection is subject
10 to the right of the child to appellate review under s.
11 985.234.

12 Section 20. Subsection (2) of section 985.305, Florida
13 Statutes, is amended to read:

14 985.305 Early delinquency intervention program;
15 criteria.--

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

26 Section 21. Paragraph (e) of subsection (3) and
27 paragraph (a) of subsection (4) of section 985.31, Florida
28 Statutes, are amended to read:

29 985.31 Serious or habitual juvenile offender.--

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

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

1 (e) After a child has been adjudicated delinquent
2 pursuant to s. 985.228, the court shall determine whether the
3 child meets the criteria for a serious or habitual juvenile
4 offender pursuant to s. 985.03(48)~~s. 985.03(47)~~. If the court
5 determines that the child does not meet such criteria, the
6 provisions of s. 985.231(1) shall apply.

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

8 (a) Pursuant to the provisions of this section, the
9 department shall implement the comprehensive assessment
10 instrument for the treatment needs of serious or habitual
11 juvenile offenders and for the assessment, which assessment
12 shall include the criteria under s. 985.03(48)~~s. 985.03(47)~~
13 and shall also include, but not be limited to, evaluation of
14 the child's:

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

24 Section 22. Subsection (4) of section 985.3155,
25 Florida Statutes, is amended to read:

26 985.3155 Multiagency plan for vocational education.--

27 (4) The plan must also address strategies to
28 facilitate involvement of business and industry in the design,
29 delivery, and evaluation of vocational programming in juvenile
30 justice commitment facilities and conditional-release
31 ~~aftercare~~ programs, including apprenticeship and work

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

1 experience programs, mentoring and job shadowing, and other
2 strategies that lead to postrelease employment. Incentives for
3 business involvement, such as tax breaks, bonding, and
4 liability limits should be investigated, implemented where
5 appropriate, or recommended to the Legislature for
6 consideration.

7 Section 23. Subsections (4) and (5) of section
8 985.316, Florida Statutes, are amended to read:

9 985.316 Conditional release.--

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

19 (5) Participation in the educational program by
20 students of compulsory school attendance age pursuant to s.
21 232.01 is mandatory for juvenile justice youth on conditional
22 release ~~aftercare~~ or postcommitment probation ~~community~~
23 ~~control~~ status. A student of noncompulsory school-attendance
24 age who has not received a high school diploma or its
25 equivalent must participate in the educational program. A
26 youth who has received a high school diploma or its equivalent
27 and is not employed must participate in workforce development
28 or other vocational or technical education or attend a
29 community college or a university while in the program,
30 subject to available funding.

31 Section 24. Subsections (10) and (11) of section

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

1 985.404, Florida Statutes, are deleted; and subsections (3)
2 and (4) of said section are amended to read:

3 985.404 Administering the juvenile justice
4 continuum.--

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

19 (b) The Legislature intends that, whenever possible
20 and reasonable, the department make every effort to consider
21 qualified faith-based organizations on an equal basis with
22 other private organizations when selecting contract providers
23 of services to juveniles.

24 (c) The department may contract with faith-based
25 organizations on the same basis as any other nongovernmental
26 provider, without impairing the religious character of such
27 organizations. Any faith-based organization may act as a
28 contractor in the delivery of services under any program, on
29 the same basis as any other nongovernmental provider, without
30 impairing the religious character of such organization. A
31 faith-based organization, which has entered into a contract

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

1 with the department, shall retain its independence from state
2 and local governments with regard to control over the
3 definition, development, practice, and expression of its
4 religious beliefs. The department shall not require a
5 faith-based organization to alter its form of internal
6 government or remove religious art, icons, scripture, or other
7 symbols in order to be eligible to contract as a provider.

8 (d) The department may include in any services
9 contract a requirement that providers prepare plans describing
10 their implementation of paragraphs (a) and (c) of this
11 subsection. A failure to deliver such plans, if required, may
12 be considered by the department as a breach of the contract
13 that may result in cancellation of the contract.

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

29 ~~(10) The department shall annually collect and report~~
30 ~~cost data for every program operated or contracted by the~~
31 ~~department. The cost data shall conform to a format approved~~

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

1 ~~by the department and the Legislature. Uniform cost data shall~~
2 ~~be reported and collected for state-operated and contracted~~
3 ~~programs so that comparisons can be made among programs. The~~
4 ~~department shall ensure that there is accurate cost accounting~~
5 ~~for state-operated services including market equivalent rent~~
6 ~~and other shared cost. The cost of the educational program~~
7 ~~provided to a residential facility shall be reported and~~
8 ~~included in the cost of a program. The department shall submit~~
9 ~~an annual cost report to the President of the Senate, the~~
10 ~~Speaker of the House of Representatives, the Minority Leader~~
11 ~~of each house of the Legislature, the appropriate substantive~~
12 ~~and appropriations committees of each house of the~~
13 ~~Legislature, and the Governor, no later than December 1 of~~
14 ~~each year. Cost-benefit analysis for educational programs will~~
15 ~~be developed and implemented in collaboration with and~~
16 ~~cooperation by the Department of Education, local providers,~~
17 ~~and local school districts. Cost data for the report shall~~
18 ~~include data collected by the Department of Education for the~~
19 ~~purposes of preparing the annual report required by s.~~
20 ~~230.23161(21).~~

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

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

1 ~~under s. 985.401(4) for interpreting program outcome~~
2 ~~evaluations.~~

3 ~~(b) The department shall rank commitment programs~~
4 ~~based on the cost-effectiveness model and shall submit a~~
5 ~~report to the appropriate substantive and fiscal committees of~~
6 ~~each house of the Legislature by December 31 of each year.~~

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

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

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

30 ~~i. Construct a profile of each commitment program that~~
31 ~~uses the results of the quality assurance report required by~~

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

1 ~~s. 985.412, the outcome evaluation report compiled by the~~
2 ~~Juvenile Justice Advisory Board under s. 985.401, the~~
3 ~~cost-effectiveness report required in this subsection, and~~
4 ~~other reports available to the department.~~

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

9 ~~3. Identify the essential factors that contribute to~~
10 ~~the high, low, or disparate program ratings.~~

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

15 Section 25. Section 985.412, Florida Statutes, is
16 amended to read:

17 985.412 Quality assurance and cost-effectiveness.--

18 (1)(a) It is the intent of the Legislature that the
19 department to:

20 (a)1. Ensure that information be provided to
21 decisionmakers in a timely manner so that resources are
22 allocated to programs of the department which achieve desired
23 performance levels.

24 (b)2. Provide information about the cost of such
25 programs and their differential effectiveness so that the
26 quality of such programs can be compared and improvements made
27 continually.

28 (c)3. Provide information to aid in developing related
29 policy issues and concerns.

30 (d)4. Provide information to the public about the
31 effectiveness of such programs in meeting established goals

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

1 and objectives.

2 (e)5. Provide a basis for a system of accountability
3 so that each client is afforded the best programs to meet his
4 or her needs.

5 (f)6. Improve service delivery to clients.

6 (g)7. Modify or eliminate activities that are not
7 effective.

8 (2)(b) As used in this sections~~subsection~~, the term:

9 (a)1. "Client" means any person who is being provided
10 treatment or services by the department or by a provider under
11 contract with the department.

12 (b)2. "Program component" means an aggregation of
13 generally related objectives which, because of their special
14 character, related workload, and interrelated output, can
15 logically be considered an entity for purposes of
16 organization, management, accounting, reporting, and
17 budgeting.

18 (c)3. "Program effectiveness" means the ability of the
19 program to achieve desired client outcomes, goals, and
20 objectives.

21 (3) The department shall annually collect and report
22 cost data for every program operated or contracted by the
23 department. The cost data shall conform to a format approved
24 by the department and the Legislature. Uniform cost data shall
25 be reported and collected for state-operated and contracted
26 programs so that comparisons can be made among programs. The
27 department shall ensure that there is accurate cost accounting
28 for state-operated services including market-equivalent rent
29 and other shared cost. The cost of the educational program
30 provided to a residential facility shall be reported and
31 included in the cost of a program. The department shall submit

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

1 an annual cost report to the President of the Senate, the
2 Speaker of the House of Representatives, the Minority Leader
3 of each house of the Legislature, the appropriate substantive
4 and fiscal committees of each house of the Legislature, and
5 the Governor, no later than December 1 of each year.
6 Cost-benefit analysis for educational programs will be
7 developed and implemented in collaboration with and in
8 cooperation with the Department of Education, local providers,
9 and local school districts. Cost data for the report shall
10 include data collected by the Department of Education for the
11 purposes of preparing the annual report required by s.
12 230.23161(21).

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

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

29 (c) Based on reports of the department on client
30 outcomes and program outputs and on the department's most
31 recent cost-effectiveness rankings, the department may

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

1 terminate a program operated by the department or a provider
2 if the program has failed to achieve a minimum threshold of
3 program effectiveness. This paragraph does not preclude the
4 department from terminating a contract as provided under s.
5 985.412 or as otherwise provided by law or contract, and does
6 not limit the department's authority to enter into or
7 terminate a contract.

8 (d) In collaboration with the Office of Economic and
9 Demographic Research, and contract service providers, the
10 department shall develop a work plan to refine the
11 cost-effectiveness model so that the model is consistent with
12 the performance-based program budgeting measures approved by
13 the Legislature to the extent the department deems
14 appropriate. The department shall notify the Office of Program
15 Policy Analysis and Government Accountability of any meetings
16 to refine the model.

17 (e) Contingent upon specific appropriation, the
18 department, in consultation with the Office of Economic and
19 Demographic Research, and contract service providers, shall:

20 1. Construct a profile of each commitment program
21 that uses the results of the quality assurance report required
22 by s. 985.412, the cost-effectiveness report required in this
23 subsection, and other reports available to the department.

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

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

30 4. Use the results of these evaluations in developing
31 or refining juvenile justice programs or program models,

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

1 client outcomes and program outputs, provider contracts,
2 quality assurance standards, and the cost-effectiveness model.

3 (5)~~(c)~~ The department shall:

4 (a)~~1~~. Establish a comprehensive quality assurance
5 system for each program operated by the department or operated
6 by a provider under contract with the department. Each
7 contract entered into by the department must provide for
8 quality assurance.

9 (b)~~2~~. Provide operational definitions of and criteria
10 for quality assurance for each specific program component.

11 (c)~~3~~. Establish quality assurance goals and objectives
12 for each specific program component.

13 (d)~~4~~. Establish the information and specific data
14 elements required for the quality assurance program.

15 (e)~~5~~. Develop a quality assurance manual of specific,
16 standardized terminology and procedures to be followed by each
17 program.

18 (f)~~6~~. Evaluate each program operated by the department
19 or a provider under a contract with the department and
20 establish minimum thresholds for each program component. If a
21 provider fails to meet the established minimum thresholds,
22 such failure shall cause the department to cancel the
23 provider's contract unless the provider achieves compliance
24 with minimum thresholds within 6 months or unless there are
25 documented extenuating circumstances. In addition, the
26 department may not contract with the same provider for the
27 canceled service for a period of 12 months. If a
28 department-operated program fails to meet the established
29 minimum thresholds, the department must take necessary and
30 sufficient steps to ensure and document program changes to
31 achieve compliance with the established minimum thresholds. If

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

1 the department-operated program fails to achieve compliance
2 with the established minimum thresholds within 6 months and if
3 there are no documented extenuating circumstances, the
4 department must notify the Executive Office of the Governor
5 and the Legislature of the corrective action taken.
6 Appropriate corrective action may include, but is not limited
7 to:

8 ~~1.a.~~ Contracting out for the services provided in the
9 program;

10 ~~2.b.~~ Initiating appropriate disciplinary action
11 against all employees whose conduct or performance is deemed
12 to have materially contributed to the program's failure to
13 meet established minimum thresholds;

14 ~~3.c.~~ Redesigning the program; or

15 ~~4.d.~~ Realigning the program.
16

17 The department shall submit an annual report to the President
18 of the Senate, the Speaker of the House of Representatives,
19 the Minority Leader of each house of the Legislature, the
20 appropriate substantive and fiscal committees of each house of
21 the Legislature, and the Governor, no later than February 1 of
22 each year. The annual report must contain, at a minimum, for
23 each specific program component: a comprehensive description
24 of the population served by the program; a specific
25 description of the services provided by the program; cost; a
26 comparison of expenditures to federal and state funding;
27 immediate and long-range concerns; and recommendations to
28 maintain, expand, improve, modify, or eliminate each program
29 component so that changes in services lead to enhancement in
30 program quality. The department shall ensure the reliability
31 and validity of the information contained in the report.

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

1 ~~(6)(2)~~ The department shall collect and analyze
2 available statistical data for the purpose of ongoing
3 evaluation of all programs. The department shall provide the
4 Legislature with necessary information and reports to enable
5 the Legislature to make informed decisions regarding the
6 effectiveness of, and any needed changes in, services,
7 programs, policies, and laws.

8 (7) No later than November 1, 2001, the department
9 shall submit a proposal to the Legislature concerning funding
10 incentives and disincentives for the department and for
11 providers under contract with the department. The
12 recommendations for funding incentives and disincentives shall
13 be based upon both quality assurance performance and
14 cost-effectiveness performance. The proposal should strive to
15 achieve consistency in incentives and disincentives for both
16 department-operated and contractor-provided programs. The
17 department may include recommendations for the use of
18 liquidated damages in the proposal, however, the department is
19 not presently authorized to contract for liquidated damages.

20 Section 26. Subsection (1) of section 985.417, Florida
21 Statutes, is amended to read:

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

24 (1) When any child under the age of 18 years is
25 sentenced by any court of competent jurisdiction to the
26 Department of Corrections, the Secretary of Juvenile Justice
27 may transfer such child to the department for the remainder of
28 the sentence, or until his or her 21st birthday, whichever
29 results in the shorter term. If, upon such person's attaining
30 his or her 21st birthday, the sentence has not terminated, he
31 or she shall be transferred to the Department of Corrections

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

1 for placement in a youthful offender program, transferred or,
2 ~~with the commission's consent~~, to the supervision of the
3 department, ~~or be~~ given any other transfer that may lawfully
4 be made.

5 Section 27. Subsections (2) and (3) of section 14 of
6 chapter 2000-134, Laws of Florida, are amended to read:

7 Section 14. Juvenile Arrest and Monitor Unit pilot
8 program; creation; operation; duties of Orange County
9 Sheriff's Office and Department of Juvenile Justice.--

10 (2) Under the pilot program created in subsection (1),
11 the Orange County Sheriff's Office shall monitor selected
12 juvenile offenders on probation ~~community control~~ in Orange
13 County. The Department of Juvenile Justice shall recommend
14 juvenile offenders on probation ~~community control~~,
15 post-commitment probation ~~community control~~, and conditional
16 release ~~aftercare~~ to be supervised under this program. The
17 Orange County Sheriff's Office has the sole right and
18 authority to accept or reject any or all juvenile offenders
19 who have been recommended by the Department of Juvenile
20 Justice to the Juvenile Arrest and Monitor Unit. The sheriff's
21 office shall determine the number of juvenile offenders it
22 will supervise. The Department of Juvenile Justice shall
23 monthly recommend juvenile offenders to the sheriff's office,
24 to ensure that the program operates at maximum capacity as
25 determined by the sheriff's office. The Juvenile Arrest and
26 Monitor Unit shall supervise up to 25 juveniles per deputy
27 assigned to the unit. The Juvenile Arrest and Monitor Unit
28 will accept juvenile offenders who have been determined by the
29 Department of Juvenile Justice to be on probation ~~community~~
30 ~~control~~, post-commitment probation ~~community control~~, and
31 conditional release ~~aftercare~~. The Orange County Sheriff's

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

1 Office shall use all statutorily available means, ranging from
2 a verbal warning to arrest and incarceration, to effect
3 offenders' compliance with the terms of probation ~~community~~
4 ~~control~~.

5 (3) The Department of Juvenile Justice shall maintain
6 all files and paperwork relating to all juveniles on probation
7 ~~community control~~, post-commitment probation ~~community~~
8 ~~control~~, and conditional release ~~aftercare~~ who are supervised
9 under this pilot program as required by the Florida Statutes.

10 Section 28. Section 985.42, Florida Statutes, is
11 created to read:

12 985.42 Inspector general; inspectors.--The secretary
13 is authorized to designate persons holding law enforcement
14 certification within the Office of the Inspector General as
15 law enforcement officers, as necessary, to enforce any
16 criminal law, and conduct any criminal investigation that
17 relates to state-operated programs or state-operated
18 facilities over which the department has jurisdiction. Persons
19 designated as law enforcement officers must be certified
20 pursuant to s. 943.1395.

21 Section 29. Section 985.422, Florida Statutes, is
22 created to read:

23 Section 30. This section shall take effect upon
24 becoming law. Maintenance of state-owned facilities.--

25 (1) If the terms of a provider contract require or
26 allow the department to withhold a portion of the provider's
27 payment to establish a fund for significant maintenance,
28 repairs or upgrades to state-owned or leased facilities, the
29 department shall deposit all such withheld payments into the
30 Administrative Trust Fund, which shall be used for such
31 purposes pursuant to lawful appropriation.

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

1 (2) This section shall stand repealed on July 1, 2002.

2 Section 31. Except as otherwise provided, this act
3 shall take effect October 1, 2001.

4

5

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

7 And the title is amended as follows:

8 On page ,

9 remove from the title of the bill:

10

11 and insert in lieu thereof:

12

 A bill to be entitled

13

 An act relating to juvenile justice; amending
14 s. 20.316, F.S.; revising the juvenile justice
15 continuum to include community-based
16 residential commitment programs; deleting a
17 requirement that information systems of the
18 Department of Juvenile Justice support the
19 Juvenile Justice Advisory Board; amending s.
20 228.041, F.S.; authorizing additional teacher
21 planning days for nonresidential programs of
22 the Department of Juvenile Justice upon the
23 request of the provider; amending s. 230.23161,
24 F.S.; providing legislative goals with respect
25 to education within department programs;
26 amending s. 435.04, F.S.; revising requirements
27 for level-2 screening standards for persons in
28 positions of trust or responsibility; providing
29 requirements for background investigations for
30 employees of the Department of Juvenile
31 Justice; limiting the Department's authority to

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

1 provide an exemption; creating s. 943.0582,
2 F.S.; providing for prearrest, postarrest, or
3 teen court diversion program expunction in
4 certain circumstances; providing for
5 retroactive effect; amending s. 985.3065, F.S.;
6 providing for postarrest diversion programs;
7 providing for expunction of records; amending
8 s. 943.325, F.S.; requiring DNA analysis of
9 persons who have committed certain offenses and
10 who are transferred to the state under the
11 Interstate Compact on Juveniles; amending ss.
12 984.01 and 985.01, F.S., relating to personnel
13 standards and screening; requiring the
14 Department of Juvenile Justice and the
15 Department of Children and Family Services to
16 ensure that certain contractors are of good
17 moral character; amending s. 985.02; clarifying
18 legislative intent concerning the
19 responsibilities of parents, custodians, and
20 guardians of children in the juvenile justice
21 system; amending s. 985.03, F.S.; revising
22 definitions; defining the term "respite" for
23 purposes of ch. 985, F.S.; amending s. 985.04,
24 F.S.; providing that certain records maintained
25 by the Department of Juvenile Justice need only
26 be retained for 25 years; expanding the
27 circumstances under which certain juvenile
28 records are not considered confidential and
29 exempt solely because of age; amending ss.
30 985.207 and 985.213, F.S.; clarifying
31 circumstances under which a juvenile is taken

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

1 into custody and assessed for placement;
2 requiring the parent or guardian to provide
3 certain information; amending s. 985.21, F.S.;
4 requiring the parent or guardian of a juvenile
5 to provide certain information to the juvenile
6 probation officer; amending s. 985.215, F.S.;
7 revising provisions related to the collection
8 of certain fees; authorizing placing a juvenile
9 into secure detention under certain
10 circumstances for a specified period;
11 authorizing the Clerk of the Circuit Court to
12 act as depository for fees; requiring the
13 parent or guardian to provide certain
14 information; providing for retroactive effect,
15 amending s. 985.227, F.S.; revising
16 requirements for state attorneys with respect
17 to reporting direct-file guidelines; amending
18 ss. 985.231 and 985.233, F.S.; revising certain
19 requirements for testing a juvenile for the use
20 of alcohol or controlled substances; revising
21 provisions related to the collection of certain
22 fees; authorizing the Clerk of the Circuit
23 Court to act as depository for fees; requiring
24 the parent or guardian to provide certain
25 information; providing for retroactive effect,
26 amending s. 985.305, F.S.; revising services
27 provided under the early delinquency
28 intervention program; amending s. 985.31, F.S.,
29 relating to serious or habitual juvenile
30 offenders; conforming provisions to changes
31 made by the act; amending s. 985.3155, F.S.;

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

1 revising requirements for the multiagency plan
2 for vocational education; amending s. 985.316,
3 F.S.; revising conditions under which a
4 juvenile may be released on conditional
5 release; amending s. 985.404, F.S.; providing
6 legislative intent with regard to contracting
7 with faith-based organizations that provide
8 services to juveniles; clarifying conditions
9 under which a juvenile may be transferred;
10 deleting language relating to the collection
11 and reporting of cost data and program ranking;
12 amending s. 985.412, F.S.; adding requirements
13 relating to the collection and reporting of
14 cost data and program ranking; requiring the
15 Department of Juvenile Justice to submit
16 proposals for funding incentives and
17 disincentives based upon quality assurance
18 performance and cost-effectiveness performance
19 to the Legislature by a date certain; amending
20 s. 985.417, F.S.; revising conditions for
21 transferring a juvenile from the Department of
22 Corrections to the supervision of the
23 Department of Juvenile Justice; amending s. 14
24 of ch. 2000-134, Laws of Florida; revising
25 requirements for monitoring and supervising
26 juvenile offenders under a pilot program;
27 creating s. 985.42, F.S.; authorizing the
28 secretary to designate certain employees as law
29 enforcement officers; authorizing the deposit
30 of repair and maintenance funds into the
31 Administrative Trust Fund; providing effective

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

dates.