

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Juvenile Justice 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

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- 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.

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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 be given the opportunity to continue
27 to receive a high-quality ~~be provided with equal opportunity~~
28 ~~and access to quality and effective education that will meet~~
29 ~~the individual needs of each child.~~ The Department of
30 Education shall serve as the lead agency for juvenile justice
31 education programs, to ensure that curriculum, support

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

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

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

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

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

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

29 Section 4. Subsection (1) of section 435.04, Florida
30 Statutes, is amended, and present subsections (3) and (4) of
31 that section are redesignated as subsections (4) and (5),

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1 respectively, and a new subsection (3) is added to that
2 section, to read:

3 435.04 Level 2 screening standards.--

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

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

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

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

30 (c) Section 944.40, relating to escape.

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1 The Department of Juvenile Justice may not remove a
2 disqualification from employment or grant an exemption to any
3 person who is disqualified under this section for any offense
4 disposed during the most recent 7-year period.

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

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

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

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

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

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

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1 (b) As used in this section, the term "nonviolent
2 misdemeanor" includes simple assault or battery when prearrest
3 or postarrest diversion expunction is approved in writing by
4 the state attorney for the county in which the arrest
5 occurred.

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

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

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

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

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

29 (e) Participated in a prearrest or postarrest
30 diversion program based on an arrest for a nonviolent
31 misdemeanor that would not qualify as an act of domestic

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1 violence as that term is defined in s. 741.28; and

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

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

10 (5) This section operates retroactively to permit 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 on or after July 1, 2000; however, in the
14 case of a minor whose completion of the program occurred
15 before the effective date of this section, the application for
16 prearrest or postarrest diversion expunction must be submitted
17 within 6 months after the effective date of this section.

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

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

25 985.3065 Prearrest or postarrest diversion programs.--

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

29 (2) As part of the prearrest or postarrest diversion
30 program, a child who is alleged to have committed a delinquent
31 act may be required to surrender his or her driver's license,

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

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

12 Section 7. Paragraph (a) of subsection (1) of section
13 943.325, Florida Statutes, is amended to read:

14 943.325 Blood specimen testing for DNA analysis.--

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

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

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

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1 Section 8. Paragraph (a) of subsection (2) of section
2 984.01, Florida Statutes, is amended to read:

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

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

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

27 Section 9. Paragraph (a) of subsection (2) of section
28 985.01, Florida Statutes, is amended to read:

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

31 (2) The Department of Juvenile Justice or the

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

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

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

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

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

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

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

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

24 (13) "Conditional release" means the care, treatment,
25 help, and supervision provided to a juvenile released from a
26 residential commitment program which is intended to promote
27 rehabilitation and prevent recidivism. The purpose of
28 conditional release is to protect the public, reduce
29 recidivism, increase responsible productive behavior, and
30 provide for a successful transition of the youth from the
31 department to the family. Conditional release includes, but is

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1 not limited to, ~~minimum-risk~~ nonresidential community-based
2 programs and ~~postcommitment probation~~.

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

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

12 (45) "Residential commitment level" means the level of
13 security provided by programs that service the supervision,
14 custody, care, and treatment needs of committed children.
15 Sections 985.3141 and 985.404(13) apply to children placed in
16 programs at any residential commitment level. The levels of
17 residential commitment are as follows:

18 (c) High-risk residential.--Programs or program models
19 at this commitment level are residential and shall not allow
20 youth to have access to the community. Facilities are
21 hardware-secure with perimeter fencing and locking doors.
22 Facilities shall provide 24-hour awake supervision, custody,
23 care, and treatment of residents. Youth assessed and
24 classified for this level of placement require close
25 supervision in a structured residential setting. Placement in
26 programs at this level is prompted by a concern for public
27 safety that outweighs placement in programs at lower
28 commitment ~~restrictiveness~~ levels. The staff at a facility at
29 this commitment level may seclude a child who is a physical
30 threat to himself or herself or others. Mechanical restraint
31 may also be used when necessary. The facility may provide for

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1 single cell occupancy.

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

7 (56)(55) "Temporary release" means the terms and
8 conditions under which a child is temporarily released from a
9 commitment facility or allowed home visits. If the temporary
10 release is from a moderate-risk residential facility, a
11 high-risk residential facility, or a maximum-risk residential
12 facility, the terms and conditions of the temporary release
13 must be approved by the child, the court, and the facility.
14 The term includes periods during which the child is supervised
15 pursuant to a conditional release program or a period during
16 which the child is supervised by a juvenile probation officer
17 or other nonresidential staff of the department or staff
18 employed by an entity under contract with the department. A
19 child placed in a postcommitment supervision program by order
20 of the court is not considered to be on temporary release and
21 is not subject to the terms and conditions of temporary
22 release.

23 Section 12. Subsections (2),(3),(4) and (5) of section
24 985.04, Florida Statutes, are amended to read:

25 985.04 Oaths; records; confidential information.--

26 (2) Records maintained by the Department of Juvenile
27 Justice, including copies of records maintained by the court,
28 which pertain to a child found to have committed a delinquent
29 act which, if committed by an adult, would be a crime
30 specified in s. 435.03 and 435.04 ~~ss. 110.1127, 393.0655,~~
31 ~~394.457, 397.451, 402.305(2), 409.175, and 409.176~~ may not be

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1 destroyed pursuant to this section for a period of 25 years
2 after the youth's final referral to the department, except in
3 cases of the death of the child. Such records, however, shall
4 be sealed by the court for use only in meeting the screening
5 requirements for personnel in s. 402.3055 and the other
6 sections cited above, or pursuant to departmental rule;
7 however, current criminal history information must be obtained
8 from the Department of Law Enforcement in accordance with s.
9 943.053. The information shall be released to those persons
10 specified in the above cited sections for the purposes of
11 complying with those sections. The court may punish by
12 contempt any person who releases or uses the records for any
13 unauthorized purpose.

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

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

17 (b) The department shall disclose to the school
18 superintendent the presence of any child in the care and
19 custody or under the jurisdiction or supervision of the
20 department who has a known history of criminal sexual behavior
21 with other juveniles; is an alleged juvenile sex offender, as
22 defined in s. 39.01; or has pled guilty or nolo contendere to,
23 or has been found to have committed, a violation of chapter
24 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133,
25 regardless of adjudication. Any employee of a district school
26 board who knowingly and willfully discloses such information
27 to an unauthorized person commits a misdemeanor of the second
28 degree, punishable as provided in s. 775.082 or s. 775.083.

29 (4)(a) Records in the custody of the Department of
30 Juvenile Justice regarding children are not open to inspection
31 by the public. Such records may be inspected only upon order

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

18 (b) The destruction of records pertaining to children
19 committed to or supervised by the Department of Juvenile
20 Justice pursuant to a court order, which records are retained
21 until a child reaches the age of 24 years or until a serious
22 or habitual delinquent child reaches the age of 26 years,
23 shall be subject to chapter 943.

24 (5) Notwithstanding any other provisions of this part,
25 the name, photograph, address, and crime or arrest report of a
26 child:

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

30 (b) Found by a court to have committed three or more
31 violations of law which, if committed by an adult, would be

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1 misdemeanors;

2 (c) Transferred to the adult system pursuant to s.
3 985.227, indicted pursuant to s. 985.225 or waived pursuant to
4 s. 95.226;

5 (d) Taken into custody by a law enforcement officer
6 for a violation of law subject to the provisions of s.
7 985.227(2)(b) or (d);

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

10

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

13 Section 13. Paragraph (d) of subsection (1) and
14 subsection (2) of section 985.207, Florida Statutes, are
15 amended to read:

16 985.207 Taking a child into custody.--

17 (1) A child may be taken into custody under the
18 following circumstances:

19 (d) By a law enforcement officer who has probable
20 cause to believe that the child is in violation of the
21 conditions of the child's probation, home detention,
22 postcommitment probation ~~community control~~, or conditional
23 release supervision or has escaped ~~absconded~~ from commitment.

24

25 Nothing in this subsection shall be construed to allow the
26 detention of a child who does not meet the detention criteria
27 in s. 985.215.

28 (2) When a child is taken into custody as provided in
29 this section, the person taking the child into custody shall
30 attempt to notify the parent, guardian, or legal custodian of
31 the child. The person taking the child into custody shall

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1 continue such attempt until the parent, guardian, or legal
2 custodian of the child is notified or the child is delivered
3 to a juvenile probation officer pursuant to s. 985.21,
4 whichever occurs first. If the child is delivered to a
5 juvenile probation officer before the parent, guardian, or
6 legal custodian is notified, the juvenile probation officer
7 shall continue the attempt to notify until the parent,
8 guardian, or legal custodian of the child is notified.
9 Following notification, the parent or guardian must provide
10 identifying information, including name, address, date of
11 birth, social security number, and driver's license number or
12 identification card number of the parent or guardian to the
13 person taking the child into custody or the juvenile probation
14 officer.

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

17 985.21 Intake and case management.--

18 (5) Prior to requesting that a delinquency petition be
19 filed or prior to filing a dependency petition, the juvenile
20 probation officer may request the parent or legal guardian of
21 the child to attend a course of instruction in parenting
22 skills, training in conflict resolution, and the practice of
23 nonviolence; to accept counseling; or to receive other
24 assistance from any agency in the community which notifies the
25 clerk of the court of the availability of its services. Where
26 appropriate, the juvenile probation officer shall request both
27 parents or guardians to receive such parental assistance. The
28 juvenile probation officer may, in determining whether to
29 request that a delinquency petition be filed, take into
30 consideration the willingness of the parent or legal guardian
31 to comply with such request. The parent or guardian must

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1 provide the juvenile probation officer with identifying
2 information, including the parent or guardian's name, address,
3 date of birth, social security number, and driver's license
4 number or identification card number in order to comply with
5 ss. 985.215(6), 985.231(1)(b), and 985.233(4)(d).

6 Section 15. Paragraph (b) of subsection (2) of section
7 985.213, Florida Statutes, is amended to read:

8 985.213 Use of detention.--

9 (2)

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

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1 instrument shall also include any information concerning the
2 child's history of abuse and neglect. The risk assessment
3 shall indicate whether detention care is warranted, and, if
4 detention care is warranted, whether the child should be
5 placed into secure, nonsecure, or home detention care.

6 2. If, at the detention hearing, the court finds a
7 material error in the scoring of the risk assessment
8 instrument, the court may amend the score to reflect factual
9 accuracy.

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

14 a. Respite care for the child is not available; and

15 b. It is necessary to place the child in secure
16 detention in order to protect the victim from injury.

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

27 4. For a child who is under the supervision of the
28 department through probation ~~community control~~, home
29 detention, nonsecure detention, conditional release ~~aftercare~~,
30 postcommitment probation ~~community control~~, or commitment and
31 who is charged with committing a new offense, the risk

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1 assessment instrument may be completed and scored based on the
2 underlying charge for which the child was placed under the
3 supervision of the department and the new offense.

4 Section 16. Paragraph (a) of subsection (2) and
5 subsection (6) of section 985.215, Florida Statutes, are
6 amended, and paragraph (f) is added to subsection (10) of that
7 section, to read:

8 985.215 Detention.--

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

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

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

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

17 (6) When any child is placed into secure, nonsecure,
18 or home detention care or into other placement pursuant to a
19 court order following a detention hearing, the court shall
20 order the natural or adoptive parents of such child, including
21 the natural father of such child born out of wedlock who has
22 acknowledged his paternity in writing before the court, or the
23 guardian of such child's estate, if possessed of assets which
24 under law may be disbursed for the care, support, and
25 maintenance of the child, to pay to the Department of Juvenile
26 Justice ~~fees in~~ an amount which relates to the ordinary and
27 usual parental obligation to provide for basic needs of the
28 child, but not to exceed the actual of \$20 per day related to
29 the cost of the care, support, and maintenance of the child
30 while under the care of the department. The actual cost of
31 the care, support, and maintenance of the child, as

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1 established by the Department of Juvenile Justice, shall be
2 payable to the department unless the court makes a finding on
3 the record that the parent or guardian of the child is
4 indigent. At the time of the detention hearing, the department
5 shall report to the court, verbally or in writing, any
6 available information concerning the ability of the parent or
7 guardian of the child to pay such fee. As to each parent or
8 guardian for whom the court makes a finding of indigency, the
9 court may reduce the fees or waive the fees upon a showing by
10 the parent or guardian of an inability to pay the fees
11 specified herein. If the court makes a finding of indigency or
12 inability to pay the full cost of care, support, and
13 maintenance of the child, the court shall order the parent or
14 guardian to pay to the department a nominal subsistence fee on
15 behalf of the child in the amount of at least \$2 per day that
16 the child is detained outside the home or at least \$1 per day
17 if the child is otherwise detained, unless the court makes a
18 finding on the record that the parent or guardian would suffer
19 a significant hardship if obligated for such amount. In
20 addition, the court may reduce the fees or waive the fees as
21 to each parent or guardian if the court makes a finding on the
22 record that the parent or guardian was the victim of the
23 delinquent act or violation of law for which the child is
24 detained and that the parent or guardian is cooperating in the
25 investigation of the offense. As to each parent or guardian,
26 the court may reduce the fees or waive the fees if the court
27 makes a finding on the record that the parent or guardian has
28 made a diligent and good faith effort to prevent the child
29 from engaging in the delinquent act or violation of law. The
30 court must include specific findings in the detention order as
31 to what fees are ordered, reduced, or waived. If the court

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1 fails to enter an order as required by this subsection, the
2 department is authorized pursuant to s. 985.02(7), this
3 subsection, and s. 985.422 to collect an amount of \$2 per day
4 that the child is detained outside the home and \$1 per day
5 that the child is supervised by the department while otherwise
6 detained it shall be presumed that the court intended the
7 parent or guardian to pay to the department the fee of \$20 per
8 day that the child remains in detention care. With respect to
9 a child who has been found to have committed a delinquent act
10 or violation of law, whether or not adjudication is withheld,
11 and whose parent or guardian receives public assistance for
12 any portion of that child's care, the department must seek a
13 federal waiver to garnish or otherwise order the payments of
14 the portion of the public assistance relating to that child to
15 offset the costs of providing care, custody, maintenance,
16 rehabilitation, intervention, or corrective services to the
17 child. When the order affects the guardianship estate, a
18 certified copy of the order shall be delivered to the judge
19 having jurisdiction of the guardianship estate. The department
20 may employ a collection agency for the purpose of receiving,
21 collecting, and managing the payment of unpaid and delinquent
22 fees. The collection agency must be registered and in good
23 standing under chapter 559. The department may pay to the
24 collection agency a fee from the amount collected under the
25 claim or may authorize the agency to deduct the fee from the
26 amount collected. The department may also pay for collection
27 services from available authorized funds. The Department of
28 Juvenile Justice shall provide to the payor documentation of
29 any amounts paid by the payor to the Department of Juvenile
30 Justice on behalf of the child. All payments received by the
31 department pursuant to this subsection shall be deposited in

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1 the state Grants and Donations Trust Fund. Neither the court
2 nor the department may extend the child's length of stay in
3 detention care solely for the purpose of collecting fees.

4 (10)

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

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

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

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

24 Section 18. Paragraphs (a) and (b) of subsection (1)
25 and subsection (2) of section 985.231, Florida Statutes, are
26 amended to read:

27 985.231 Powers of disposition in delinquency cases.--

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

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

23 a. A restrictiveness level classification scale for
24 levels of supervision shall be provided by the department,
25 taking into account the child's needs and risks relative to
26 probation supervision requirements to reasonably ensure the
27 public safety. Probation programs for children shall be
28 supervised by the department or by any other person or agency
29 specifically authorized by the court. These programs must
30 include, but are not limited to, structured or restricted
31 activities as described in this subparagraph, and shall be

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

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

24 c. If the conditions of the probation program or the
25 postcommitment probation program are violated, the department
26 or the state attorney may bring the child before the court on
27 a petition alleging a violation of the program. Any child who
28 violates the conditions of probation or postcommitment
29 probation must be brought before the court if sanctions are
30 sought. A child taken into custody under s. 985.207 for
31 violating the conditions of probation or postcommitment

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

30 (I) Place the child in a consequence unit in that
31 judicial circuit, if available, for up to 5 days for a first

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1 violation, and up to 15 days for a second or subsequent
2 violation.

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

6 (III) Modify or continue the child's probation program
7 or postcommitment probation program.

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

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

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

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

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

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

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

29 7. Order the child and, if the court finds it
30 appropriate, the child's parent or guardian together with the
31 child, to participate in a community work project, either as

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1 an alternative to monetary restitution or as part of the
2 rehabilitative or probation program.

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

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

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

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1 juvenile sexual offender reaches the age of 21, specifically
2 for the purpose of completing the program.

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

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1 to pay the full cost of care, support, and maintenance of the
2 child, the court shall order the parent or guardian to pay to
3 the department a nominal subsistence fee on behalf of the
4 child in the amount of at least \$2 per day that the child is
5 placed outside the home or at least \$1 per day if the child is
6 otherwise placed, unless the court makes a finding on the
7 record that the parent or guardian would suffer a significant
8 hardship if obligated for such amount. In addition, the court
9 may reduce the fees or waive the fees as to each parent or
10 guardian if the court makes a finding on the record that the
11 parent or guardian was the victim of the delinquent act or
12 violation of law for which the child is subject to placement
13 under this section and that the parent or guardian has
14 cooperated in the investigation and prosecution of the
15 offense. As to each parent or guardian, the court may reduce
16 the fees or waive the fees if the court makes a finding on the
17 record that the parent or guardian has made a diligent and
18 good faith effort to prevent the child from engaging in the
19 delinquent act or violation of law. All orders committing a
20 child to a residential commitment program shall include
21 specific findings as to what fees are ordered, reduced, or
22 waived. If the court fails to enter an order as required by
23 this paragraph, the department is authorized pursuant to this
24 paragraph, s. 985.02(7), and s. 985.422 to collect an amount
25 of \$5 per day that the child is committed outside the home and
26 \$1 per day while otherwise under the supervision of the
27 department ~~it shall be presumed that the court intended the~~
28 ~~parent or guardian to pay fees to the department in an amount~~
29 ~~not to exceed the actual cost of the care, support, and~~
30 ~~maintenance of the child.~~ With regard to a child who reaches
31 the age of 18 prior to the disposition hearing, the court may

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

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

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1 985.03(48)~~985.03(47)~~and 985.23(3).

2 Section 19. Paragraph (d) of subsection (4) of section
3 985.233, Florida Statutes, is amended to read:

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

6 (4) SENTENCING ALTERNATIVES.--

7 (d) Recoupment of cost of care in juvenile justice
8 facilities.--When the court orders commitment of a child to
9 the Department of Juvenile Justice for treatment in any of the
10 department's programs for children, the court shall order the
11 natural or adoptive parents of such child, including the
12 natural father of such child born out of wedlock who has
13 acknowledged his paternity in writing before the court, or
14 guardian of such child's estate, if possessed of assets which
15 under law may be disbursed for the care, support, and
16 maintenance of the child, to pay fees in the amount which
17 relates to the ordinary and usual parental obligation to
18 provide for the basic needs of the child, but not to exceed
19 the actual cost of the care, support, and maintenance of the
20 child, unless the court makes a finding on the record that the
21 parent or legal guardian of the child is indigent. Prior to
22 commitment, the department shall provide the court with
23 information concerning the actual cost of care in the
24 recommended residential commitment level and concerning the
25 ability of the parent or guardian of the child to pay
26 specified fees. As to each parent or guardian for whom the
27 court makes a finding of indigency, the court may reduce the
28 fees or waive the fees upon a showing by the parent or
29 guardian of an inability to pay the full cost of the care,
30 support, and maintenance of the child. If the court makes a
31 finding of indigency or inability to pay the full cost of

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1 care, support, and maintenance of the child, the court shall
2 order the parent or guardian to pay the department a nominal
3 subsistence fee on behalf of the child in the amount of at
4 least \$2 per day that the child is placed outside the home or
5 at least \$1 per day if the child is otherwise placed, unless
6 the court makes a finding on the record that the parent or
7 guardian would suffer a significant hardship if obligated for
8 such amount. In addition, the court may reduce the fees or
9 waive the fees as to each parent or guardian if the court
10 makes a finding on the record that the parent or guardian was
11 the victim of the delinquent act or violation of law for which
12 the child is subject to commitment under this section and that
13 the parent or guardian has cooperated in the investigation and
14 prosecution of the offense. As to each parent or guardian,
15 the court may reduce the fees or waive the fees if the court
16 makes a finding on the record that the parent or guardian has
17 made a diligent and good faith effort to prevent the child
18 from engaging in the delinquent act or violation of law. When
19 the order affects the guardianship estate, a certified copy of
20 the order shall be delivered to the judge having jurisdiction
21 of the guardianship estate. All orders committing a child to
22 a residential commitment program shall include specific
23 findings as to what fees are ordered, reduced, or waived. If
24 the court fails to enter an order as required by this
25 paragraph, the department is authorized pursuant to this
26 paragraph, s. 985.02(7), and s. 985.422 to collect an amount
27 of \$5 per day that the child is committed outside the home and
28 \$1 per day that the child is supervised by the department
29 while otherwise under the supervision of the department it
30 ~~shall be presumed that the court intended the parent or~~
31 ~~guardian to pay fees to the department in an amount not to~~

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1 ~~exceed the actual cost of the care, support, and maintenance~~
2 ~~of the child.~~ With regard to a child who reaches the age of
3 18 prior to the disposition hearing, the court may elect to
4 direct an order required by this paragraph to such child,
5 rather than the parent or guardian. With regard to a child
6 who reaches the age of 18 while in the custody of the
7 department, the court may, upon proper motion of any party,
8 hold a hearing as to whether any party should be further
9 obligated respecting the payment of fees. The department may
10 employ a collection agency for the purpose of receiving,
11 collecting, and managing the payment of unpaid and delinquent
12 fees. The collection agency must be registered and in good
13 standing under chapter 559. The department may pay to the
14 collection agency a fee from the amount collected under the
15 claim or may authorize the agency to deduct the fee from the
16 amount collected. The department may also pay for collection
17 services from available authorized funds. The Department of
18 Juvenile Justice shall provide to the payor documentation of
19 any amounts paid by the payor to the Department of Juvenile
20 Justice on behalf of the child. All payments received by the
21 department pursuant to this subsection shall be deposited in
22 the state Grants and Donations Trust Fund. Neither the court
23 nor the department may extend the child's length of stay in
24 commitment care solely for the purpose of collecting fees.

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

27 985.305 Early delinquency intervention program;
28 criteria.--

29 (2) The early delinquency intervention program shall
30 consist of intensive residential treatment in a secure
31 facility for 7 days to 6 weeks, followed by 6 to 9 months of

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1 ~~additional services conditional release.~~ An early delinquency
2 intervention program facility shall be designed to accommodate
3 the placement of a maximum of 10 children, except that the
4 facility may accommodate up to 2 children in excess of that
5 maximum if the additional children have previously been
6 released from the residential portion of the program and are
7 later found to need additional residential treatment.

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

11 985.31 Serious or habitual juvenile offender.--

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

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

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

21 (a) Pursuant to the provisions of this section, the
22 department shall implement the comprehensive assessment
23 instrument for the treatment needs of serious or habitual
24 juvenile offenders and for the assessment, which assessment
25 shall include the criteria under s. 985.03(48)~~s. 985.03(47)~~
26 and shall also include, but not be limited to, evaluation of
27 the child's:

- 28 1. Amenability to treatment.
- 29 2. Proclivity toward violence.
- 30 3. Tendency toward gang involvement.
- 31 4. Substance abuse or addiction and the level thereof.

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1 5. History of being a victim of child abuse or sexual
2 abuse, or indication of sexual behavior dysfunction.

3 6. Number and type of previous adjudications, findings
4 of guilt, and convictions.

5 7. Potential for rehabilitation.

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

8 985.3155 Multiagency plan for vocational education.--

9 (4) The plan must also address strategies to
10 facilitate involvement of business and industry in the design,
11 delivery, and evaluation of vocational programming in juvenile
12 justice commitment facilities and conditional-release
13 ~~aftercare~~ programs, including apprenticeship and work
14 experience programs, mentoring and job shadowing, and other
15 strategies that lead to postrelease employment. Incentives for
16 business involvement, such as tax breaks, bonding, and
17 liability limits should be investigated, implemented where
18 appropriate, or recommended to the Legislature for
19 consideration.

20 Section 23. Subsections (4) and (5) of section
21 985.316, Florida Statutes, are amended to read:

22 985.316 Conditional release.--

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

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1 (5) Participation in the educational program by
2 students of compulsory school attendance age pursuant to s.
3 232.01 is mandatory for juvenile justice youth on conditional
4 release ~~aftercare~~ or postcommitment probation ~~community~~
5 ~~control~~ status. A student of noncompulsory school-attendance
6 age who has not received a high school diploma or its
7 equivalent must participate in the educational program. A
8 youth who has received a high school diploma or its equivalent
9 and is not employed must participate in workforce development
10 or other vocational or technical education or attend a
11 community college or a university while in the program,
12 subject to available funding.

13 Section 24. Subsections (10) and (11) of section
14 985.404, Florida Statutes, are deleted; and subsections (3)
15 and (4) of said section are amended to read:

16 985.404 Administering the juvenile justice
17 continuum.--

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

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1 (b) The Legislature intends that, whenever possible
2 and reasonable, the department make every effort to consider
3 qualified faith-based organizations on an equal basis with
4 other private organizations when selecting contract providers
5 of services to juveniles.

6 (c) The department may contract with faith-based
7 organizations on the same basis as any other nongovernmental
8 provider, without impairing the religious character of such
9 organizations. Any faith-based organization may act as a
10 contractor in the delivery of services under any program, on
11 the same basis as any other nongovernmental provider, without
12 impairing the religious character of such organization. A
13 faith-based organization, which has entered into a contract
14 with the department, shall retain its independence from state
15 and local governments with regard to control over the
16 definition, development, practice, and expression of its
17 religious beliefs. The department shall not require a
18 faith-based organization to alter its form of internal
19 government or remove religious art, icons, scripture, or other
20 symbols in order to be eligible to contract as a provider.

21 (d) The department may include in any services
22 contract a requirement that providers prepare plans describing
23 their implementation of paragraphs (a) and (c) of this
24 subsection. A failure to deliver such plans, if required, may
25 be considered by the department as a breach of the contract
26 that may result in cancellation of the contract.

27 (4) The department may transfer a child, when
28 necessary to appropriately administer the child's commitment,
29 from one facility or program to another facility or program
30 operated, contracted, subcontracted, or designated by the
31 department, including a postcommitment ~~minimum-risk~~

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1 nonresidential conditional release program. The department
2 shall notify the court that committed the child to the
3 department and any attorney of record, in writing, of its
4 intent to transfer the child from a commitment facility or
5 program to another facility or program of a higher or lower
6 restrictiveness level. The court that committed the child may
7 agree to the transfer or may set a hearing to review the
8 transfer. If the court does not respond within 10 days after
9 receipt of the notice, the transfer of the child shall be
10 deemed granted.

11 ~~(10) The department shall annually collect and report~~
12 ~~cost data for every program operated or contracted by the~~
13 ~~department. The cost data shall conform to a format approved~~
14 ~~by the department and the Legislature. Uniform cost data shall~~
15 ~~be reported and collected for state-operated and contracted~~
16 ~~programs so that comparisons can be made among programs. The~~
17 ~~department shall ensure that there is accurate cost accounting~~
18 ~~for state-operated services including market equivalent rent~~
19 ~~and other shared cost. The cost of the educational program~~
20 ~~provided to a residential facility shall be reported and~~
21 ~~included in the cost of a program. The department shall submit~~
22 ~~an annual cost report to the President of the Senate, the~~
23 ~~Speaker of the House of Representatives, the Minority Leader~~
24 ~~of each house of the Legislature, the appropriate substantive~~
25 ~~and appropriations committees of each house of the~~
26 ~~Legislature, and the Governor, no later than December 1 of~~
27 ~~each year. Cost-benefit analysis for educational programs will~~
28 ~~be developed and implemented in collaboration with and~~
29 ~~cooperation by the Department of Education, local providers,~~
30 ~~and local school districts. Cost data for the report shall~~
31 ~~include data collected by the Department of Education for the~~

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1 ~~purposes of preparing the annual report required by s.~~
2 ~~230.23161(21).~~

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

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

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

30 ~~(d) In collaboration with the Juvenile Justice~~
31 ~~Advisory Board, the Office of Economic and Demographic~~

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

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

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

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

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

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

28 Section 25. Section 985.412, Florida Statutes, is
29 amended to read:

30 985.412 Quality assurance and cost-effectiveness.--

31 (1)~~(a)~~ It is the intent of the Legislature that the

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1 department to:

2 (a)1. Ensure that information be provided to
3 decisionmakers in a timely manner so that resources are
4 allocated to programs of the department which achieve desired
5 performance levels.

6 (b)2. Provide information about the cost of such
7 programs and their differential effectiveness so that the
8 quality of such programs can be compared and improvements made
9 continually.

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

12 (d)4. Provide information to the public about the
13 effectiveness of such programs in meeting established goals
14 and objectives.

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

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

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

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

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

25 (b)2. "Program component" means an aggregation of
26 generally related objectives which, because of their special
27 character, related workload, and interrelated output, can
28 logically be considered an entity for purposes of
29 organization, management, accounting, reporting, and
30 budgeting.

31 (c)3. "Program effectiveness" means the ability of the

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1 program to achieve desired client outcomes, goals, and
2 objectives.

3 (3) The department shall annually collect and report
4 cost data for every program operated or contracted by the
5 department. The cost data shall conform to a format approved
6 by the department and the Legislature. Uniform cost data shall
7 be reported and collected for state-operated and contracted
8 programs so that comparisons can be made among programs. The
9 department shall ensure that there is accurate cost accounting
10 for state-operated services including market-equivalent rent
11 and other shared cost. The cost of the educational program
12 provided to a residential facility shall be reported and
13 included in the cost of a program. The department shall submit
14 an annual cost report to the President of the Senate, the
15 Speaker of the House of Representatives, the Minority Leader
16 of each house of the Legislature, the appropriate substantive
17 and appropriations committees of each house of the
18 Legislature, and the Governor, no later than December 1 of
19 each year. Cost-benefit analysis for educational programs will
20 be developed and implemented in collaboration with and
21 cooperation by the Department of Education, local providers,
22 and local school districts. Cost data for the report shall
23 include data collected by the Department of Education for the
24 purposes of preparing the annual report required by s.
25 230.23161(21).

26 (4)(a) The Department of Juvenile Justice, in
27 consultation with the Office of Economic and Demographic
28 Research, and contract service providers, shall develop a
29 cost-effectiveness model and apply the model to each
30 commitment program. Program recommitment rates shall be a
31 component of the model. The cost-effectiveness model shall

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1 compare program costs to client outcomes and program outputs.
2 It is the intent of the Legislature that continual development
3 efforts take place to improve the validity and reliability of
4 the cost-effectiveness model and to integrate the standard
5 methodology developed under s. 985.401(4) for interpreting
6 program outcome evaluations.

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

11 (c) Based on reports of the department on client
12 outcomes and program outputs and on the department's most
13 recent cost-effectiveness rankings, the department may
14 terminate a program operated by the department or a provider
15 if the program has failed to achieve a minimum threshold of
16 program effectiveness. This paragraph does not preclude the
17 department from terminating a contract as provided under s.
18 985.412 or as otherwise provided by law or contract, and does
19 not limit the department's authority to enter into or
20 terminate a contract.

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

30 (e) Contingent upon specific appropriation, the
31 department, in consultation with the Office of Economic and

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- 1 Demographic Research, and contract service providers, shall:
2 1. Construct a profile of each commitment program
3 that uses the results of the quality assurance report required
4 by s. 985.412, the cost-effectiveness report required in this
5 subsection, and other reports available to the department.
6 2. Target, for a more comprehensive evaluation, any
7 commitment program that has achieved consistently high, low,
8 or disparate ratings in the reports required under
9 subparagraph 1.
10 3. Identify the essential factors that contribute to
11 the high, low, or disparate program ratings.
12 4. Use the results of these evaluations in developing
13 or refining juvenile justice programs or program models,
14 client outcomes and program outputs, provider contracts,
15 quality assurance standards, and the cost-effectiveness model.
16 ~~(5)(e)~~ The department shall:
17 ~~(a)1.~~ Establish a comprehensive quality assurance
18 system for each program operated by the department or operated
19 by a provider under contract with the department. Each
20 contract entered into by the department must provide for
21 quality assurance.
22 ~~(b)2.~~ Provide operational definitions of and criteria
23 for quality assurance for each specific program component.
24 ~~(c)3.~~ Establish quality assurance goals and objectives
25 for each specific program component.
26 ~~(d)4.~~ Establish the information and specific data
27 elements required for the quality assurance program.
28 ~~(e)5.~~ Develop a quality assurance manual of specific,
29 standardized terminology and procedures to be followed by each
30 program.
31 ~~(f)6.~~ Evaluate each program operated by the department

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1 or a provider under a contract with the department and
2 establish minimum thresholds for each program component. If a
3 provider fails to meet the established minimum thresholds,
4 such failure shall cause the department to cancel the
5 provider's contract unless the provider achieves compliance
6 with minimum thresholds within 6 months or unless there are
7 documented extenuating circumstances. In addition, the
8 department may not contract with the same provider for the
9 canceled service for a period of 12 months. If a
10 department-operated program fails to meet the established
11 minimum thresholds, the department must take necessary and
12 sufficient steps to ensure and document program changes to
13 achieve compliance with the established minimum thresholds. If
14 the department-operated program fails to achieve compliance
15 with the established minimum thresholds within 6 months and if
16 there are no documented extenuating circumstances, the
17 department must notify the Executive Office of the Governor
18 and the Legislature of the corrective action taken.
19 Appropriate corrective action may include, but is not limited
20 to:

21 ~~1.a.~~ Contracting out for the services provided in the
22 program;

23 ~~2.b.~~ Initiating appropriate disciplinary action
24 against all employees whose conduct or performance is deemed
25 to have materially contributed to the program's failure to
26 meet established minimum thresholds;

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

28 ~~4.d.~~ Realigning the program.
29

30 The department shall submit an annual report to the President
31 of the Senate, the Speaker of the House of Representatives,

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1 the Minority Leader of each house of the Legislature, the
2 appropriate substantive and fiscal committees of each house of
3 the Legislature, and the Governor, no later than February 1 of
4 each year. The annual report must contain, at a minimum, for
5 each specific program component: a comprehensive description
6 of the population served by the program; a specific
7 description of the services provided by the program; cost; a
8 comparison of expenditures to federal and state funding;
9 immediate and long-range concerns; and recommendations to
10 maintain, expand, improve, modify, or eliminate each program
11 component so that changes in services lead to enhancement in
12 program quality. The department shall ensure the reliability
13 and validity of the information contained in the report.

14 ~~(6)(2)~~ The department shall collect and analyze
15 available statistical data for the purpose of ongoing
16 evaluation of all programs. The department shall provide the
17 Legislature with necessary information and reports to enable
18 the Legislature to make informed decisions regarding the
19 effectiveness of, and any needed changes in, services,
20 programs, policies, and laws.

21 (7) No later than November 1, 2001, the department
22 shall submit a proposal to the Legislature concerning funding
23 incentives and disincentives for the department and for
24 providers under contract with the department. The
25 recommendations for funding incentives and disincentives shall
26 be based upon both quality assurance performance and
27 cost-effectiveness performance. The proposal should strive to
28 achieve consistency in incentives and disincentives for both
29 department-operated and contractor-provided programs. The
30 department may include recommendations for the use of
31 liquidated damages in the proposal, however, the department is

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1 not presently authorized to contract liquidated damages.

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

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

6 (1) When any child under the age of 18 years is
7 sentenced by any court of competent jurisdiction to the
8 Department of Corrections, the Secretary of Juvenile Justice
9 may transfer such child to the department for the remainder of
10 the sentence, or until his or her 21st birthday, whichever
11 results in the shorter term. If, upon such person's attaining
12 his or her 21st birthday, the sentence has not terminated, he
13 or she shall be transferred to the Department of Corrections
14 for placement in a youthful offender program, transferred or,
15 ~~with the commission's consent,~~ to the supervision of the
16 department, or be given any other transfer that may lawfully
17 be made.

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

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

23 (2) Under the pilot program created in subsection (1),
24 the Orange County Sheriff's Office shall monitor selected
25 juvenile offenders on probation ~~community control~~ in Orange
26 County. The Department of Juvenile Justice shall recommend
27 juvenile offenders on probation ~~community control~~,
28 post-commitment probation ~~community control~~, and conditional
29 release ~~aftercare~~ to be supervised under this program. The
30 Orange County Sheriff's Office has the sole right and
31 authority to accept or reject any or all juvenile offenders

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1 who have been recommended by the Department of Juvenile
2 Justice to the Juvenile Arrest and Monitor Unit. The sheriff's
3 office shall determine the number of juvenile offenders it
4 will supervise. The Department of Juvenile Justice shall
5 monthly recommend juvenile offenders to the sheriff's office,
6 to ensure that the program operates at maximum capacity as
7 determined by the sheriff's office. The Juvenile Arrest and
8 Monitor Unit shall supervise up to 25 juveniles per deputy
9 assigned to the unit. The Juvenile Arrest and Monitor Unit
10 will accept juvenile offenders who have been determined by the
11 Department of Juvenile Justice to be on probation ~~community~~
12 ~~control~~, post-commitment probation ~~community~~
13 ~~control~~, and conditional release ~~aftercare~~. The Orange County Sheriff's
14 Office shall use all statutorily available means, ranging from
15 a verbal warning to arrest and incarceration, to effect
16 offenders' compliance with the terms of probation ~~community~~
17 ~~control~~.

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

23 Section 28. Section 985.42, Florida Statutes, is
24 created to read:

25 985.42 Inspector general; inspectors.--The secretary
26 is authorized to designate persons holding law enforcement
27 certification within the Office of the Inspector General as
28 law enforcement officers, as necessary, to enforce any
29 criminal law, and conduct any criminal investigation that
30 relates to state-operated programs or facilities over which
31 the Department has jurisdiction. Persons designated as law

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1 enforcement officers must be certified pursuant to s.
2 943.1395.

3 Section 29. Section 985.422, Florida Statutes, is
4 created to read:

5 985.422 Cost of care administration.--

6 (1) The department is authorized to take any legal,
7 reasonable and appropriate action it deems necessary to
8 collect or settle any unpaid fees or judgments under ss.
9 985.215, 985.231, and 985.233(4), including settling for less
10 than the full amount owed or selling the right to collect to
11 third parties.

12 (2) All payments received by the department pursuant
13 to this section shall be deposited in the state Grants and
14 Donations Trust Fund.

15 Section 30. This act shall take effect October 1,
16 2001, except that this section and section 23 of this act
17 shall take effect upon becoming a law.

18
19

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

21 And the title is amended as follows:

22 On page ,
23 remove from the title of the bill:

24

25 and insert in lieu thereof:

26 A bill to be entitled
27 An act relating to juvenile justice; amending
28 s. 20.316, F.S.; revising the juvenile justice
29 continuum to include community-based
30 residential commitment programs; deleting a
31 requirement that information systems of the

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1 Department of Juvenile Justice support the
2 Juvenile Justice Advisory Board; amending s.
3 228.041, F.S.; authorizing additional teacher
4 planning days for nonresidential programs of
5 the Department of Juvenile Justice upon the
6 request of the provider; amending s. 230.23161,
7 F.S.; providing legislative goals with respect
8 to educational opportunities within department
9 programs; amending s. 435.04, F.S.; revising
10 requirements for level-2 screening standards
11 for persons in positions of trust or
12 responsibility; providing requirements for
13 background investigations for employees of the
14 Department of Juvenile Justice; creating s.
15 943.0582, F.S.; providing for prearrest,
16 postarrest, or teen court diversion program
17 expunction in certain circumstances; amending
18 s. 985.3065, F.S.; providing for postarrest
19 diversion programs; providing for expunction of
20 records; amending s. 943.325, F.S.; requiring
21 DNA analysis of persons who have committed
22 certain offenses and who are transferred to the
23 state under the Interstate Compact on
24 Juveniles; amending ss. 984.01 and 985.01,
25 F.S., relating to personnel standards and
26 screening; requiring the Department of Juvenile
27 Justice and the Department of Children and
28 Family Services to ensure that certain
29 contractors are of good moral character;
30 amending s. 985.02; clarifying legislative
31 intent concerning the responsibilities of

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1 parents, custodians, and guardians of children
2 in the juvenile justice system; amending s.
3 985.03, F.S.; revising definitions; defining
4 the term "respite" for purposes of ch. 985,
5 F.S.; amending s. 985.04, F.S.; providing that
6 certain records maintained by the Department of
7 Juvenile Justice need only be retained for 25
8 years; expanding the circumstances under which
9 certain juvenile records are not considered
10 confidential and exempt solely because of age;
11 amending ss. 985.207 and 985.213, F.S.;
12 clarifying circumstances under which a juvenile
13 is taken into custody and assessed for
14 placement; requiring the parent or guardian to
15 provide certain information; amending s.
16 985.21, F.S.; requiring the parent or guardian
17 of a juvenile to provide certain information to
18 the juvenile probation officer; amending s.
19 985.215, F.S.; revising provisions related to
20 the collection of certain fees; authorizing
21 placing a juvenile into secure detention under
22 certain circumstances for a specified period;
23 requiring the parent or guardian to provide
24 certain information; amending s. 985.227, F.S.;
25 revising requirements for state attorneys with
26 respect to reporting direct-file guidelines;
27 amending ss. 985.231 and 985.233, F.S.;
28 revising certain requirements for testing a
29 juvenile for the use of alcohol or controlled
30 substances; revising provisions related to the
31 collection of certain fees; requiring the

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1 parent or guardian to provide certain
2 information; amending s. 985.305, F.S.;
3 revising services provided under the early
4 delinquency intervention program; amending s.
5 985.31, F.S., relating to serious or habitual
6 juvenile offenders; conforming provisions to
7 changes made by the act; amending s. 985.3155,
8 F.S.; revising requirements for the multiagency
9 plan for vocational education; amending s.
10 985.316, F.S.; revising conditions under which
11 a juvenile may be released on conditional
12 release; amending s. 985.404, F.S.; providing
13 legislative intent with regard to contracting
14 with faith-based organizations that provide
15 services to juveniles; clarifying conditions
16 under which a juvenile may be transferred;
17 deleting language relating to the collection
18 and reporting of cost data and program ranking;
19 amending s. 985.412, F.S.; adding requirements
20 relating to the collection and reporting of
21 cost data and program ranking; requiring the
22 Department of Juvenile Justice to submit
23 proposals for funding incentives and
24 disincentives based upon quality assurance
25 performance and cost-effectiveness performance
26 to the Legislature by a date certain; amending
27 s. 985.417, F.S.; revising conditions for
28 transferring a juvenile from the Department of
29 Corrections to the supervision of the
30 Department of Juvenile Justice; amending s. 14
31 of ch. 2000-134, Laws of Florida; revising

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1 requirements for monitoring and supervising
2 juvenile offenders under a pilot program;
3 creating s. 985.42, F.S.; authorizing the
4 secretary to designate certain employees as law
5 enforcement officers; creating s. 985.422,
6 F.S.; authorizing the department to take
7 necessary action to collect or settle unpaid
8 fees or judgments; providing an effective date.
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