

Bill No. CS for SB 1914

Amendment No. Barcode 104620

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Smith moved the following amendment:

Senate Amendment (with title amendment)
Delete everything after the enacting clause

and insert:

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 ~~the outcome evaluation activities of the~~
9 ~~Juvenile Justice Advisory Board as provided in s. 985.401,~~
10 legislative oversight, the Juvenile Justice Estimating
11 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,
18 Florida Statutes, is amended to read:

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

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

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

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

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

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

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

22

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

28 Section 4. Section 230.235, Florida Statutes, is
29 amended to read:

30 230.235 Policy of zero tolerance for crime and
31 victimization.--

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1 (1) Each school district shall, pursuant to this
2 section, adopt a policy of zero tolerance for:

3 (a) Crime and substance abuse ~~pursuant to this~~
4 ~~section~~. Such a policy shall include the reporting of
5 delinquent acts and crimes occurring whenever and wherever
6 students are under the jurisdiction of the school district.

7 (b) Victimization of students. Such a policy shall
8 include taking all steps necessary to protect the victim of
9 any violent crime from any further victimization.

10 (2) The policy shall require students found to have
11 committed one of the following offenses to be expelled, with
12 or without continuing educational services, from the student's
13 regular school for a period of not less than 1 full year, and
14 to be referred for criminal prosecution:

15 (a) Bringing a firearm or weapon, as defined in
16 chapter 790, to school, to any school function, or onto any
17 school-sponsored transportation.

18 (b) Making a threat or false report, as defined by ss.
19 790.162 and 790.163, respectively, involving school or school
20 personnel's property, school transportation, or a
21 school-sponsored activity.

22
23 District school boards may assign the student to a
24 disciplinary program or second chance school for the purpose
25 of continuing educational services during the period of
26 expulsion. Superintendents may consider the 1-year expulsion
27 requirement on a case-by-case basis and request the district
28 school board to modify the requirement by assigning the
29 student to a disciplinary program or second chance school if
30 it is determined to be in the best interest of the student and
31 the school system. If a student committing any of the offenses

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1 in this subsection is a student with a disability, the school
2 district shall comply with procedures pursuant to s. 232.251
3 and any applicable state board rule.

4 (3) Each school district shall enter into an agreement
5 with the county sheriff's office or local police department
6 specifying guidelines for ensuring that felonies and violent
7 misdemeanors, whether committed by a student or adult, and
8 delinquent acts that would be felonies or violent misdemeanors
9 if committed by an adult, are reported to law enforcement. The
10 cooperative agreement, adopted pursuant to s. 230.23161(14)
11 with the Department of Juvenile Justice, shall specify
12 guidelines for ensuring that all no contact orders entered by
13 the court are reported and enforced and that all steps
14 necessary are taken to protect the victim of any such crime.

15 Such agreements shall include the role of school resource
16 officers, if applicable, in handling reported incidents,
17 special circumstances in which school officials may handle
18 incidents without filing a report to law enforcement, and a
19 procedure for ensuring that school personnel properly report
20 appropriate delinquent acts and crimes. The school principal
21 shall be responsible for ensuring that all school personnel
22 are properly informed as to their responsibilities regarding
23 crime reporting, that appropriate delinquent acts and crimes
24 are properly reported, and that actions taken in cases with
25 special circumstances are properly taken and documented.

26 Section 5. Section 231.0851, Florida Statutes, is
27 amended to read:

28 231.0851 Reports of school safety and discipline.--

29 (1) Each principal must ensure that standardized forms
30 prescribed by rule of the State Board of Education are used to
31 report data concerning school safety and discipline to the

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1 Department of Education. The principal must develop a plan to
2 verify the accuracy of reported incidents.

3 (2) When a student has been the victim of a violent
4 crime perpetrated by another student who attends the same
5 school, the principal shall make full and effective use of the
6 provisions of ss. 232.26(2) and 232.265. A principal who fails
7 to comply with this subsection shall be ineligible for any
8 portion of the performance pay policy incentive under s.
9 230.23(5)(c). However, if any party responsible for
10 notification fails to properly notify the school, the
11 principal shall be eligible for the incentive.

12 Section 6. Section 232.265, Florida Statutes, is
13 created to read:

14 232.265 School attendance and transportation of
15 certain offenders.--

16 (1) Notwithstanding any provision of law prohibiting
17 the disclosure of the identity of a minor, whenever any person
18 who is attending public school is adjudicated guilty of or
19 delinquent for, or is found to have committed, regardless of
20 whether adjudication is withheld, or pleads guilty or nolo
21 contendere to, a felony violation of:

22 (a) Chapter 782, relating to homicide;

23 (b) Chapter 784, relating to assault, battery, and
24 culpable negligence;

25 (c) Chapter 787, relating to kidnapping, false
26 imprisonment, luring or enticing a child, and custody
27 offenses;

28 (d) Chapter 794, relating to sexual battery;

29 (e) Chapter 800, relating to lewdness and indecent
30 exposure;

31 (f) Chapter 827, relating to abuse of children;

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1 (g) Section 812.13, relating to robbery;
2 (h) Section 812.131, relating to robbery by sudden
3 snatching;
4 (i) Section 812.133, relating to carjacking; or
5 (j) Section 812.135, relating to home-invasion
6 robbery,
7
8 and, before or at the time of such adjudication, withholding
9 of adjudication, or plea, the offender was attending a school
10 attended by the victim or a sibling of the victim of the
11 offense, the Department of Juvenile Justice shall notify the
12 appropriate school district of the adjudication or plea and
13 the operation of this section and whether the offender is
14 prohibited from attending that school or riding on a school
15 bus whenever the victim or a sibling of the victim is
16 attending the same school or riding on the same school bus,
17 except as provided pursuant to a written disposition order
18 under s. 985.23(1)(d). Upon receipt of such notice, the
19 school district shall take appropriate action to effectuate
20 the provisions of subsection (2).
21 (2) Any offender described in subsection (1), who is
22 not exempted as provided in subsection (1), shall not attend
23 any school attended by the victim or a sibling of the victim
24 of the offense or ride on a school bus on which the victim or
25 a sibling of the victim is riding. The offender shall be
26 permitted by the school district in which the offender resides
27 to attend another school within the district, provided the
28 other school is not attended by the victim or sibling of the
29 victim of the offense or may be permitted by another school
30 district to attend a school in that district if the offender
31 is unable to attend any school in the district in which the

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1 offender resides due to the operation of this section.

2 (3) If the offender is unable to attend any other
3 school in the district in which the offender resides and is
4 prohibited from attending school in another school district,
5 the school district in which the offender resides shall take
6 every reasonable precaution to keep the offender separated
7 from the victim while on school grounds or on school
8 transportation. The steps to be taken by a school district to
9 keep the offender separated from the victim shall include, but
10 not be limited to, in-school suspension of the offender and
11 the scheduling of classes, lunch, or other school activities
12 of the victim and the offender so as not to coincide.

13 (4) The offender, or the parents or legal guardian of
14 the offender if the offender is a juvenile, shall be
15 responsible for arranging and paying for transportation
16 associated with or required by the offender's attending
17 another school or that would be required as a consequence of
18 the prohibition against riding on a school bus on which the
19 victim or a sibling of the victim is riding. However, the
20 offender or the parents or the legal guardian of the offender
21 shall not be charged for existing modes of transportation that
22 can be used by the offender at no additional cost to the
23 district.

24 Section 7. Subsection (1) of section 435.04, Florida
25 Statutes, is amended, and present subsections (3) and (4) of
26 said section are renumbered as subsections (4) and (5),
27 respectively, and a new subsection (3) is added to said
28 section, to read:

29 435.04 Level 2 screening standards.--

30 (1) All employees in positions designated by law as
31 positions of trust or responsibility shall be required to

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1 undergo security background investigations as a condition of
2 employment and continued employment. For the purposes of this
3 subsection, security background investigations shall include,
4 but not be limited to, ~~employment history checks,~~
5 fingerprinting for all purposes and checks in this subsection,
6 statewide criminal and juvenile records checks through the
7 Florida Department of Law Enforcement, and federal criminal
8 records checks through the Federal Bureau of Investigation,
9 and may include local criminal records checks through local
10 law enforcement agencies.

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

19 (a) Section 784.07, relating to assault or battery of
20 law enforcement officers, firefighters, emergency medical care
21 providers, public transit employees or agents, or other
22 specified officers.

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

25 (c) Section 944.40, relating to escape.

26
27 The Department of Juvenile Justice may not remove a
28 disqualification from employment or grant an exemption to any
29 person who is disqualified under this section for any offense
30 disposed of during the most recent 7-year period.

31 Section 8. Section 943.0582, Florida Statutes, is

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1 created to read:

2 943.0582 Prearrest, postarrest, or teen court
3 diversion program expunction.--

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

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

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

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

27 (b) As used in this section, the term "nonviolent
28 misdemeanor" includes simple assault or battery when prearrest
29 or postarrest diversion expunction is approved in writing by
30 the state attorney for the county in which the arrest
31 occurred.

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

4 (a) Submits an application for prearrest or postarrest
5 diversion expunction, on a form prescribed by the department,
6 signed by the minor's parent or legal guardian, or by the
7 minor if he or she has reached the age of majority at the time
8 of applying.

9 (b) Submits the application for prearrest or
10 postarrest diversion expunction no later than 6 months after
11 completion of the diversion program.

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

21 (d) Participated in a prearrest or postarrest
22 diversion program that expressly authorizes or permits such
23 expunction to occur.

24 (e) Participated in a prearrest or postarrest
25 diversion program based on an arrest for a nonviolent
26 misdemeanor that would not qualify as an act of domestic
27 violence as that term is defined in s. 741.28.

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

31 (4) The department is authorized to charge a \$75

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1 processing fee for each request received for prearrest or
 2 postarrest diversion program expunction, for placement in the
 3 Department of Law Enforcement Operating Trust Fund, unless
 4 such fee is waived by the executive director.

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

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

18 Section 9. Paragraph (a) of subsection (1) of section
 19 943.325, Florida Statutes, is amended to read:

20 943.325 Blood specimen testing for DNA analysis.--

21 (1)(a) Any person who is convicted or was previously
 22 convicted in this state for any offense or attempted offense
 23 defined in chapter 794, chapter 800, s. 782.04, s. 784.045, s.
 24 810.02, s. 812.133, or s. 812.135, and any person who is
 25 transferred to this state under Article VII of the Interstate
 26 Compact on Juveniles, part V of chapter 985, who has committed
 27 or attempted to commit an offense similarly defined by the
 28 transferring state, who is either:

- 29 1. Still incarcerated, or
 30 2. No longer incarcerated but is within the confines
 31 of the legal state boundaries and is on probation, community

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1 control, parole, conditional release, control release, or any
2 other court-ordered supervision,

3
4 shall be required to submit two specimens of blood to a
5 Department of Law Enforcement designated testing facility as
6 directed by the department.

7 Section 10. Paragraph (s) is added to subsection (1)
8 of section 960.001, Florida Statutes, to read:

9 960.001 Guidelines for fair treatment of victims and
10 witnesses in the criminal justice and juvenile justice
11 systems.--

12 (1) The Department of Legal Affairs, the state
13 attorneys, the Department of Corrections, the Department of
14 Juvenile Justice, the Parole Commission, the State Courts
15 Administrator and circuit court administrators, the Department
16 of Law Enforcement, and every sheriff's department, police
17 department, or other law enforcement agency as defined in s.
18 943.10(4) shall develop and implement guidelines for the use
19 of their respective agencies, which guidelines are consistent
20 with the purposes of this act and s. 16(b), Art. I of the
21 State Constitution and are designed to implement the
22 provisions of s. 16(b), Art. I of the State Constitution and
23 to achieve the following objectives:

24 (s) Attendance of victim at same school as
25 defendant.--When the victim of an offense committed by a
26 juvenile is a minor, the Department of Juvenile Justice shall
27 request information to determine if the victim, or any sibling
28 of the victim, attends or is eligible to attend the same
29 school as the offender. However, if the offender is subject to
30 a presentence investigation by the Department of Corrections,
31 the Department of Corrections shall make such request. If the

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1 victim or any sibling of the victim attends or is eligible to
2 attend the same school as that of the offender, the
3 appropriate agency shall notify the victim's parent or legal
4 guardian of the right to attend the sentencing or disposition
5 of the offender and request that the offender be required to
6 attend a different school.

7 Section 11. Paragraph (a) of subsection (2) of section
8 984.01, Florida Statutes, is amended to read:

9 984.01 Purposes and intent; personnel standards and
10 screening.--

11 (2) The Department of Juvenile Justice or the
12 Department of Children and Family Services, as appropriate,
13 may contract with the Federal Government, other state
14 departments and agencies, county and municipal governments and
15 agencies, public and private agencies, and private individuals
16 and corporations in carrying out the purposes of, and the
17 responsibilities established in, this chapter.

18 (a) When the Department of Juvenile Justice or the
19 Department of Children and Family Services contracts with a
20 provider for any program for children, all personnel,
21 including owners, operators, employees, and volunteers, in the
22 facility must be of good moral character. Each contract
23 entered into by either department for services delivered on an
24 appointment or intermittent basis by a provider that does not
25 have regular custodial responsibility for children and each
26 contract with a school for before or aftercare services must
27 ensure that the owners, operators, and all personnel who have
28 direct contact with children are of good moral character.A
29 volunteer who assists on an intermittent basis for less than
30 40 hours per month need not be screened if the volunteer is
31 under direct and constant supervision by persons who meet the

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1 screening requirements.

2 Section 12. Paragraph (a) of subsection (2) of section
3 985.01, Florida Statutes, is amended to read:

4 985.01 Purposes and intent; personnel standards and
5 screening.--

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

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

28 Section 13. Subsection (7) of section 985.02, Florida
29 Statutes, is amended to read:

30 985.02 Legislative intent for the juvenile justice
31 system.--

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1 (7) PARENTAL, CUSTODIAL, AND GUARDIAN
2 RESPONSIBILITIES.--Parents, custodians, and guardians are
3 deemed by the state to be responsible for providing their
4 children with sufficient support, guidance, and supervision to
5 deter their participation in delinquent acts. The state
6 further recognizes that the ability of parents, custodians,
7 and guardians to fulfill those responsibilities can be greatly
8 impaired by economic, social, behavioral, emotional, and
9 related problems. It is therefore the policy of the
10 Legislature that it is the state's responsibility to ensure
11 that factors impeding the ability of caretakers to fulfill
12 their responsibilities are identified through the delinquency
13 intake process and that appropriate recommendations to address
14 those problems are considered in any judicial or nonjudicial
15 proceeding. Nonetheless, as it is also the intent of the
16 Legislature to preserve and strengthen the child's family
17 ties, it is the policy of the Legislature that the emotional,
18 legal, and financial responsibilities of the caretaker with
19 regard to the care, custody, and support of the child continue
20 while the child is in the physical or legal custody of the
21 department.

22 Section 14. Subsections (13), (26), (30), (31), (32),
23 and paragraph (c) of subsection (45) of section 985.03,
24 Florida Statutes, are amended, subsections (46) through (58)
25 of said section are renumbered as subsections (47) through
26 (59), respectively, a new subsection (46) is added to said
27 section, and renumbered subsection (56) of said section is
28 amended, to read:

29 985.03 Definitions.--When used in this chapter, the
30 term:

31 (13) "Conditional release" means the care, treatment,

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1 help, and supervision provided to a juvenile released from a
2 residential commitment program which is intended to promote
3 rehabilitation and prevent recidivism. The purpose of
4 conditional release is to protect the public, reduce
5 recidivism, increase responsible productive behavior, and
6 provide for a successful transition of the youth from the
7 department to the family. Conditional release includes, but is
8 not limited to, ~~minimum-risk~~ nonresidential community-based
9 programs ~~and postcommitment probation.~~

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

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

19 (31) "Juvenile sexual offender" means:

20 (a) A juvenile who has been found by the court
21 pursuant to s. 985.228 to have committed a violation of
22 chapter 794, chapter 796, chapter 800, s. 827.071, or s.
23 847.0133;

24 (b) A juvenile found to have committed any felony
25 violation of law or delinquent act involving juvenile sexual
26 abuse. "Juvenile sexual abuse" means any sexual behavior which
27 occurs without consent, without equality, or as a result of
28 coercion. For purposes of this subsection, the following
29 definitions apply:

30 1. "Coercion" means the exploitation of authority, use
31 of bribes, threats of force, or intimidation to gain

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1 cooperation or compliance.

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

5 3. "Consent" means an agreement including all of the
6 following:

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

9 b. Knowledge of societal standards for what is being
10 proposed.

11 c. Awareness of potential consequences and
12 alternatives.

13 d. Assumption that agreement or disagreement will be
14 accepted equally.

15 e. Voluntary decision.

16 f. Mental competence.

17

18 Juvenile sexual offender behavior ranges from noncontact
19 sexual behavior such as making obscene phone calls,
20 exhibitionism, voyeurism, and the showing or taking of lewd
21 photographs to varying degrees of direct sexual contact, such
22 as frottage, fondling, digital penetration, rape, fellatio,
23 sodomy, and various other sexually aggressive acts.

24 (32) "Legal custody or guardian" means a legal status
25 created by court order or letter of guardianship which vests
26 in a custodian of the person or guardian, whether an agency or
27 an individual, the right to have physical custody of the child
28 and the right and duty to protect, train, and discipline the
29 child and to provide him or her with food, shelter, education,
30 and ordinary medical, dental, psychiatric, and psychological
31 care.

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1 (45) "Residential commitment level" means the level of
2 security provided by programs that service the supervision,
3 custody, care, and treatment needs of committed children.
4 Sections 985.3141 and 985.404(13) apply to children placed in
5 programs at any residential commitment level. The levels of
6 residential commitment are as follows:

7 (c) High-risk residential.--Programs or program models
8 at this commitment level are residential and shall not allow
9 youth to have access to the community. Facilities are
10 hardware-secure with perimeter fencing and locking doors.
11 Facilities shall provide 24-hour awake supervision, custody,
12 care, and treatment of residents. Youth assessed and
13 classified for this level of placement require close
14 supervision in a structured residential setting. Placement in
15 programs at this level is prompted by a concern for public
16 safety that outweighs placement in programs at lower
17 commitment restrictiveness levels. The staff at a facility at
18 this commitment level may seclude a child who is a physical
19 threat to himself or herself or others. Mechanical restraint
20 may also be used when necessary. The facility may provide for
21 single cell occupancy.

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

27 (56)(55) "Temporary release" means the terms and
28 conditions under which a child is temporarily released from a
29 commitment facility or allowed home visits. If the temporary
30 release is from a moderate-risk residential facility, a
31 high-risk residential facility, or a maximum-risk residential

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

12 Section 15. Subsection (2), paragraph (a) of
13 subsection (3), paragraph (a) of subsection (4), and
14 subsection (5) of section 985.04, Florida Statutes, are
15 amended to read:

16 985.04 Oaths; records; confidential information.--

17 (2) Records maintained by the Department of Juvenile
18 Justice, including copies of records maintained by the court,
19 which pertain to a child found to have committed a delinquent
20 act which, if committed by an adult, would be a crime
21 specified in ss. 435.03 and 435.04 ~~110.1127, 393.0655,~~
22 ~~394.457, 397.451, 402.305(2), 409.175, and 409.176~~ may not be
23 destroyed pursuant to this section for a period of 25 years
24 after the youth's final referral to the department, except in
25 cases of the death of the child. Such records, however, shall
26 be sealed by the court for use only in meeting the screening
27 requirements for personnel in s. 402.3055 and the other
28 sections cited above, or pursuant to departmental rule;
29 however, current criminal history information must be obtained
30 from the Department of Law Enforcement in accordance with s.
31 943.053. The information shall be released to those persons

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1 specified in the above cited sections for the purposes of
2 complying with those sections. The court may punish by
3 contempt any person who releases or uses the records for any
4 unauthorized purpose.

5 (3)(a) Except as provided in subsections (2), (4),
6 (5), and (6), and s. 943.053, all information obtained under
7 this part in the discharge of official duty by any judge, any
8 employee of the court, any authorized agent of the Department
9 of Juvenile Justice, the Parole Commission, ~~the Juvenile~~
10 ~~Justice Advisory Board~~, the Department of Corrections, the
11 juvenile justice circuit boards, any law enforcement agent, or
12 any licensed professional or licensed community agency
13 representative participating in the assessment or treatment of
14 a juvenile is confidential and may be disclosed only to the
15 authorized personnel of the court, the Department of Juvenile
16 Justice and its designees, the Department of Corrections, the
17 Parole Commission, ~~the Juvenile Justice Advisory Board~~, law
18 enforcement agents, school superintendents and their
19 designees, any licensed professional or licensed community
20 agency representative participating in the assessment or
21 treatment of a juvenile, and others entitled under this
22 chapter to receive that information, or upon order of the
23 court. Within each county, the sheriff, the chiefs of police,
24 the district school superintendent, and the department shall
25 enter into an interagency agreement for the purpose of sharing
26 information about juvenile offenders among all parties. The
27 agreement must specify the conditions under which summary
28 criminal history information is to be made available to
29 appropriate school personnel, and the conditions under which
30 school records are to be made available to appropriate
31 department personnel. Such agreement shall require

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1 notification to any classroom teacher of assignment to the
2 teacher's classroom of a juvenile who has been placed in a
3 probation or commitment program for a felony offense. The
4 agencies entering into such agreement must comply with s.
5 943.0525, and must maintain the confidentiality of information
6 that is otherwise exempt from s. 119.07(1), as provided by
7 law.

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

28 (5) Notwithstanding any other provisions of this part,
29 the name, photograph, address, and crime or arrest report of a
30 child:

31 (a) Taken into custody if the child has been taken

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1 into custody by a law enforcement officer for a violation of
 2 law which, if committed by an adult, would be a felony; ~~or~~

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

6 (c) Transferred to the adult system pursuant to s.
 7 985.227, indicted pursuant to s. 985.225, or waived pursuant
 8 to s. 95.226;

9 (d) Taken into custody by a law enforcement officer
 10 for a violation of law subject to the provisions of s.
 11 985.227(2)(b) or (d); or

12 (e) Transferred to the adult system but sentenced to
 13 the juvenile system pursuant to s. 985.233

14
 15 shall not be considered confidential and exempt from the
 16 provisions of s. 119.07(1) solely because of the child's age.

17 Section 16. Paragraph (d) of subsection (1) and
 18 subsection (2) of section 985.207, Florida Statutes, are
 19 amended to read:

20 985.207 Taking a child into custody.--

21 (1) A child may be taken into custody under the
 22 following circumstances:

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

28
 29 Nothing in this subsection shall be construed to allow the
 30 detention of a child who does not meet the detention criteria
 31 in s. 985.215.

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

19 Section 17. Subsection (5) of section 985.21, Florida
20 Statutes, is amended to read:

21 985.21 Intake and case management.--

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

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1 juvenile probation officer may, in determining whether to
 2 request that a delinquency petition be filed, take into
 3 consideration the willingness of the parent or legal guardian
 4 to comply with such request. The parent or guardian must
 5 provide the juvenile probation officer with identifying
 6 information, including the parent's or guardian's name,
 7 address, date of birth, social security number, and driver's
 8 license number or identification card number in order to
 9 comply with ss. 985.215(6), 985.231(1)(b), and 985.233(4)(d).

10 Section 18. Paragraph (b) of subsection (2) of section
 11 985.213, Florida Statutes, is amended to read:

12 985.213 Use of detention.--

13 (2)

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

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1 taken into custody. The risk assessment instrument shall also
2 take into consideration appropriate aggravating and mitigating
3 circumstances, and shall be designed to target a narrower
4 population of children than s. 985.215(2). The risk assessment
5 instrument shall also include any information concerning the
6 child's history of abuse and neglect. The risk assessment
7 shall indicate whether detention care is warranted, and, if
8 detention care is warranted, whether the child should be
9 placed into secure, nonsecure, or home detention care.

10 2. If, at the detention hearing, the court finds a
11 material error in the scoring of the risk assessment
12 instrument, the court may amend the score to reflect factual
13 accuracy.

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

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

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

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

31 4. For a child who is under the supervision of the

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1 department through probation ~~community control~~, home
2 detention, nonsecure detention, conditional release ~~aftercare~~,
3 postcommitment probation ~~community control~~, or commitment and
4 who is charged with committing a new offense, the risk
5 assessment instrument may be completed and scored based on the
6 underlying charge for which the child was placed under the
7 supervision of the department and the new offense.

8 Section 19. Paragraph (a) of subsection (2) of section
9 985.215, Florida Statutes, is amended, and paragraph (f) is
10 added to subsection (10) of said section, to read:

11 985.215 Detention.--

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

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

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

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

20 (10)

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

27 Section 20. Effective upon this act becoming a law and
28 operating retroactively to July 1, 2000, subsection (6) of
29 section 985.215, Florida Statutes, is amended to read:

30 985.215 Detention.--

31 (6)(a) When any child is placed into secure,

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1 nonsecure, or home detention care or into other placement
2 pursuant to a court order following a detention hearing, the
3 court shall order the ~~natural or adoptive~~ parents or guardians
4 ~~of such child, including the natural father of such child born~~
5 ~~out of wedlock who has acknowledged his paternity in writing~~
6 ~~before the court, or the guardian of such child's estate, if~~
7 ~~possessed of assets which under law may be disbursed for the~~
8 ~~care, support, and maintenance of the child,~~ to pay to the
9 Department of Juvenile Justice fees in the an amount of \$5\$20
10 per day that the child is under the care or supervision of the
11 department in order to partially offset ~~related to~~ the cost of
12 the care, support, ~~and~~ maintenance, and other usual and
13 ordinary obligations of parents to provide for the needs of
14 their children of the child, as established by the Department
15 ~~of Juvenile Justice~~, unless the court makes a finding on the
16 record that the parent or guardian of the child is indigent.

17 (b) At the time of the detention hearing, the
18 department shall report to the court, verbally or in writing,
19 any available information concerning the ability of the parent
20 or guardian of the child to pay such fee. If the court makes a
21 finding of indigency, the parent or guardian shall pay to the
22 department a nominal subsistence fee of \$2 per day that the
23 child is securely detained outside the home or \$1 per day if
24 the child is otherwise detained in lieu of other fees related
25 to the parent's obligation for the child's cost of care. The
26 nominal subsistence fee may only be waived or reduced if the
27 court makes a finding that such payment would constitute a
28 significant financial hardship. Such finding shall be in
29 writing and shall contain a detailed description of the facts
30 that led the court to make both the finding of indigency and
31 the finding of significant financial hardship. ~~As to each~~

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1 ~~parent or guardian for whom the court makes a finding of~~
2 ~~indigency, the court may reduce the fees or waive the fees~~
3 ~~upon a showing by the parent or guardian of an inability to~~
4 ~~pay the fees specified herein. If the court makes a finding of~~
5 ~~indigency or inability to pay the full cost of care, support,~~
6 ~~and maintenance of the child, the court shall order the parent~~
7 ~~or guardian to pay to the department a nominal subsistence fee~~
8 ~~on behalf of the child in the amount of at least \$2 per day~~
9 ~~that the child is detained outside the home or at least \$1 per~~
10 ~~day if the child is otherwise detained, unless the court makes~~
11 ~~a finding on the record that the parent or guardian would~~
12 ~~suffer a significant hardship if obligated for such amount.~~

13 (c) In addition, the court may reduce the fees or
14 waive the fees as to each parent or guardian if the court
15 makes a finding on the record that the parent or guardian was
16 the victim of the delinquent act or violation of law for which
17 the child is detained and that the parent or guardian is
18 cooperating in the investigation of the offense. ~~As to each~~
19 ~~parent or guardian, the court may reduce the fees or waive the~~
20 ~~fees if the court makes a finding on the record that the~~
21 ~~parent or guardian has made a diligent and good faith effort~~
22 ~~to prevent the child from engaging in the delinquent act or~~
23 ~~violation of law.~~

24 (d) The court must include specific findings in the
25 detention order as to what fees are ordered, reduced, or
26 waived. If the court fails to enter an order as required by
27 this subsection, it shall be presumed that the court intended
28 the parent or guardian to pay to the department the fee of \$5
29 ~~\$20~~ per day that the child remains in detention care.

30 (e) With respect to a child who has been found to have
31 committed a delinquent act or violation of law, whether or not

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1 adjudication is withheld, and whose parent or guardian
2 receives public assistance for any portion of that child's
3 care, the department must seek a federal waiver to garnish or
4 otherwise order the payments of the portion of the public
5 assistance relating to that child to offset the costs of
6 providing care, custody, maintenance, rehabilitation,
7 intervention, or corrective services to the child. When the
8 order affects the guardianship estate, a certified copy of the
9 order shall be delivered to the judge having jurisdiction of
10 the guardianship estate.

11 (f) The clerk of the circuit court shall act as a
12 depository for these fees. Upon each payment received, the
13 clerk of the circuit court shall receive a fee from the total
14 payment of 3 percent of any payment made except that no fee
15 shall be less than \$1 nor more than \$5 per payment made. This
16 fee shall serve as a service charge for the administration,
17 management, and maintenance of each payment. At the end of
18 each month, the clerk of the circuit court shall send all
19 money collected under this section to the state Grants and
20 Donations Trust Fund.

21 (g) The parent or guardian shall provide to the
22 department the parent's or guardian's name, address, social
23 security number, date of birth, and driver's license number or
24 identification card number and sufficient financial
25 information for the department to be able to determine the
26 parent's or guardian's ability to pay. If the parent or
27 guardian refuses to provide the department with any
28 identifying information or financial information, the court
29 shall order the parent to comply and may pursue contempt of
30 court sanctions for failure to comply.

31 (h) The department may employ a collection agency for

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1 the purpose of receiving, collecting, and managing the payment
2 of unpaid and delinquent fees. The collection agency must be
3 registered and in good standing under chapter 559. The
4 department may pay to the collection agency a fee from the
5 amount collected under the claim or may authorize the agency
6 to deduct the fee from the amount collected. The department
7 may also pay for collection services from available authorized
8 funds.

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

14 (j) The Department of Juvenile Justice shall provide
15 to the payor documentation of any amounts paid by the payor to
16 the Department of Juvenile Justice on behalf of the child. All
17 payments received by the department pursuant to this
18 subsection shall be deposited in the state Grants and
19 Donations Trust Fund. Neither the court nor the department
20 may extend the child's length of stay in detention care solely
21 for the purpose of collecting fees.

22 Section 21. Subsection (4) of section 985.227, Florida
23 Statutes, is amended to read:

24 985.227 Prosecution of juveniles as adults by the
25 direct filing of an information in the criminal division of
26 the circuit court; discretionary criteria; mandatory
27 criteria.--

28 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state
29 attorney shall develop written policies and guidelines to
30 govern determinations for filing an information on a juvenile,
31 to be submitted to the Executive Office of the Governor, the

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1 President of the Senate, and the Speaker of the House of
2 Representatives, ~~and the Juvenile Justice Advisory Board~~ not
3 later than January 1 of each year.

4 Section 22. Subsection (4) of section 985.228, Florida
5 Statutes, is amended to read:

6 985.228 Adjudicatory hearings; withheld adjudications;
7 orders of adjudication.--

8 (4) If the court finds that the child named in the
9 petition has committed a delinquent act or violation of law,
10 it may, in its discretion, enter an order stating the facts
11 upon which its finding is based but withholding adjudication
12 of delinquency and placing the child in a probation program
13 under the supervision of the department or under the
14 supervision of any other person or agency specifically
15 authorized and appointed by the court. The court may, as a
16 condition of the program, impose as a penalty component
17 restitution in money or in kind, community service, a curfew,
18 urine monitoring, revocation or suspension of the driver's
19 license of the child, or other nonresidential punishment
20 appropriate to the offense, and may impose as a rehabilitative
21 component a requirement of participation in substance abuse
22 treatment, or school or other educational program attendance.
23 If the child is attending public school and the court finds
24 that the victim or a sibling of the victim in the case was
25 assigned to attend or is eligible to attend the same school as
26 the child, the court order shall include a finding pursuant to
27 the proceedings described in s. 985.23(1)(d). If the court
28 later finds that the child has not complied with the rules,
29 restrictions, or conditions of the community-based program,
30 the court may, after a hearing to establish the lack of
31 compliance, but without further evidence of the state of

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1 delinquency, enter an adjudication of delinquency and shall
2 thereafter have full authority under this chapter to deal with
3 the child as adjudicated.

4 Section 23. Paragraph (d) of subsection (1) of section
5 985.23, Florida Statutes, is amended to read:

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

10 (1) Before the court determines and announces the
11 disposition to be imposed, it shall:

12 (d) Give all parties present at the hearing an
13 opportunity to comment on the issue of disposition and any
14 proposed rehabilitative plan. Parties to the case shall
15 include the parents, legal custodians, or guardians of the
16 child; the child's counsel; the state attorney;
17 representatives of the department; the victim if any, or his
18 or her representative; representatives of the school system;
19 and the law enforcement officers involved in the case. If the
20 child is attending or is eligible to attend public school and
21 the court finds that the victim or a sibling of the victim in
22 the case is attending or may attend the same school as the
23 child, the court shall, on its own motion or upon the request
24 of any party or any parent or legal guardian of the victim,
25 determine whether it is appropriate to enter a no contact
26 order in favor of the victim or a sibling of the victim. If
27 appropriate and acceptable to the victim and the victim's
28 parent or parents or legal guardian, the court may reflect in
29 the written disposition order that the victim or the victim's
30 parent stated in writing or in open court that he or she did
31 not object to the offender being permitted to attend the same

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1 school or ride on the same school bus as the victim or a
2 sibling of the victim.

3
4 It is the intent of the Legislature that the criteria set
5 forth in subsection (2) are general guidelines to be followed
6 at the discretion of the court and not mandatory requirements
7 of procedure. It is not the intent of the Legislature to
8 provide for the appeal of the disposition made pursuant to
9 this section.

10 Section 24. Paragraph (a) of subsection (1) and
11 subsection (2) of section 985.231, Florida Statutes, are
12 amended to read:

13 985.231 Powers of disposition in delinquency cases.--

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

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

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1 in school or other educational program. If the child is
2 attending or is eligible to attend public school and the court
3 finds that the victim or a sibling of the victim in the case
4 is attending or may attend the same school as the child, the
5 court placement order shall include a finding pursuant to the
6 proceedings described in s. 985.23(1)(d). Upon the
7 recommendation of the department at the time of disposition,
8 or subsequent to disposition pursuant to the filing of a
9 petition alleging a violation of the child's conditions of
10 postcommitment probation ~~or conditional release supervision,~~
11 the court may order the child to submit to random testing for
12 the purpose of detecting and monitoring the use of alcohol or
13 controlled substances.

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

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

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

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

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1 violated the conditions of probation or postcommitment
2 probation. If the violation involves a new charge of
3 delinquency, the child may be detained under s. 985.215 in a
4 facility other than a consequence unit. If the child is not
5 eligible for detention for the new charge of delinquency, the
6 child may be held in the consequence unit pending a hearing
7 and is subject to the time limitations specified in s.
8 985.215. If the child denies violating the conditions of
9 probation or postcommitment probation, the court shall appoint
10 counsel to represent the child at the child's request. Upon
11 the child's admission, or if the court finds after a hearing
12 that the child has violated the conditions of probation or
13 postcommitment probation, the court shall enter an order
14 revoking, modifying, or continuing probation or postcommitment
15 probation. In each such case, the court shall enter a new
16 disposition order and, in addition to the sanctions set forth
17 in this paragraph, may impose any sanction the court could
18 have imposed at the original disposition hearing. If the child
19 is found to have violated the conditions of probation or
20 postcommitment probation, the court may:

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

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

28 (III) Modify or continue the child's probation program
29 or postcommitment probation program.

30 (IV) Revoke probation or postcommitment probation and
31 commit the child to the department.

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

6 2. Commit the child to a licensed child-caring agency
7 willing to receive the child, but the court may not commit the
8 child to a jail or to a facility used primarily as a detention
9 center or facility or shelter.

10 3. Commit the child to the Department of Juvenile
11 Justice at a residential commitment ~~restrictiveness~~ level
12 defined in s. 985.03. Such commitment must be for the purpose
13 of exercising active control over the child, including, but
14 not limited to, custody, care, training, urine monitoring, and
15 treatment of the child and release of the child into the
16 community in a postcommitment nonresidential conditional
17 release program. If the child is eligible to attend public
18 school following residential commitment and the court finds
19 that the victim or a sibling of the victim in the case is or
20 may be attending the same school as the child, the commitment
21 order shall include a finding pursuant to the proceedings
22 described in s. 985.23(1)(d). If the child is not successful
23 in the conditional release program, the department may use the
24 transfer procedure under s. 985.404. Notwithstanding s. 743.07
25 and paragraph (d), and except as provided in s. 985.31, the
26 term of the commitment must be until the child is discharged
27 by the department or until he or she reaches the age of 21.

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

30 5. Require the child and, if the court finds it
31 appropriate, the child's parent or guardian together with the

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1 child, to render community service in a public service
2 program.

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

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

30 8. Commit the child to the Department of Juvenile
31 Justice for placement in a program or facility for serious or

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

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

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

30 (2) Following a delinquency adjudicatory hearing
31 pursuant to s. 985.228 and a delinquency disposition hearing

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1 pursuant to s. 985.23 which results in a commitment
2 determination, the court shall, on its own or upon request by
3 the state or the department, determine whether the protection
4 of the public requires that the child be placed in a program
5 for serious or habitual juvenile offenders and whether the
6 particular needs of the child would be best served by a
7 program for serious or habitual juvenile offenders as provided
8 in s. 985.31. The determination shall be made pursuant to ss.
9 985.03(46)(47)and 985.23(3).

10 Section 25. Effective upon this act becoming a law and
11 operating retroactively to July 1, 2000, paragraph (b) of
12 subsection (1) of section 985.231, Florida Statutes, is
13 amended to read:

14 985.231 Powers of disposition in delinquency cases.--
15 (1)

16 (b)1. When any child is adjudicated by the court to
17 have committed a delinquent act and temporary legal custody of
18 the child has been placed with a licensed child-caring agency
19 or the Department of Juvenile Justice, the court shall order
20 the ~~natural or adoptive~~ parents of such child, ~~including the~~
21 ~~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 that~~
24 ~~under law may be disbursed for the care, support, and~~
25 ~~maintenance of the child,~~to pay fees to the department in the
26 amount of \$5 per day that the child is under the care or
27 supervision of the department in order to partially offset the
28 ~~not to exceed the actual~~ cost of the care, support, ~~and~~
29 maintenance, and other usual and ordinary obligations of
30 parents to provide for the needs of their children while of
31 ~~the child~~ in the recommended residential commitment level,

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1 unless the court makes a finding on the record that the parent
2 or guardian of the child is indigent.

3 2. No later than the disposition hearing, the
4 department shall provide the court with information concerning
5 the actual cost of care, support, and maintenance of the child
6 in the recommended residential commitment level and concerning
7 the ability of the parent or guardian of the child to pay any
8 fees. If the court makes a finding of indigency, the parent or
9 guardianship shall pay to the department a nominal subsistence
10 fee of \$2 per day that the child is committed outside the home
11 or \$1 per day if the child is otherwise supervised in lieu of
12 other fees related to the parents' obligation for the child's
13 cost of care. The nominal subsistence fee may only be waived
14 or reduced if the court makes a finding that such payment
15 would constitute a significant financial hardship. Such
16 finding shall be in writing and shall contain a detailed
17 description of the facts that led the court to make both the
18 finding of indigency and the finding of significant financial
19 hardship.~~As to each parent or guardian for whom the court~~
20 ~~makes a finding of indigency, the court may reduce the fees or~~
21 ~~waive the fees upon a showing by the parent or guardian of an~~
22 ~~inability to pay the full cost of the care, support, and~~
23 ~~maintenance of the child. If the court makes a finding of~~
24 ~~indigency or inability to pay the full cost of care, support,~~
25 ~~and maintenance of the child, the court shall order the parent~~
26 ~~or guardian to pay to the department a nominal subsistence fee~~
27 ~~on behalf of the child in the amount of at least \$2 per day~~
28 ~~that the child is placed outside the home or at least \$1 per~~
29 ~~day if the child is otherwise placed, unless the court makes a~~
30 ~~finding on the record that the parent or guardian would suffer~~
31 ~~a significant hardship if obligated for such amount.~~

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1 3. In addition, the court may reduce the fees or waive
2 the fees as to each parent or guardian if the court makes a
3 finding on the record that the parent or guardian was the
4 victim of the delinquent act or violation of law for which the
5 child is subject to placement under this section and that the
6 parent or guardian has cooperated in the investigation and
7 prosecution of the offense. ~~As to each parent or guardian, the~~
8 ~~court may reduce the fees or waive the fees if the court makes~~
9 ~~a finding on the record that the parent or guardian has made a~~
10 ~~diligent and good faith effort to prevent the child from~~
11 ~~engaging in the delinquent act or violation of law.~~

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

30 5. The clerk of the circuit court shall act as a
31 depository for these fees. Upon each payment received, the

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

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

19 7. The department may employ a collection agency for
20 the purpose of receiving, collecting, and managing the payment
21 of unpaid and delinquent fees. The collection agency must be
22 registered and in good standing under chapter 559. The
23 department may pay to the collection agency a fee from the
24 amount collected under the claim or may authorize the agency
25 to deduct the fee from the amount collected. The department
26 may also pay for collection services from available authorized
27 funds.

28 8. The department may enter into agreements with
29 parents or guardians to establish a schedule of periodic
30 payments if payment of the obligation in full presents an
31 undue hardship. Any such agreement may provide for payment of

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1 interests consistent with prevailing loan rates.

2 9. The Department of Juvenile Justice shall provide to
3 the payor documentation of any amounts paid by the payor to
4 the Department of Juvenile Justice on behalf of the child. All
5 payments received by the department pursuant to this
6 subsection shall be deposited in the state Grants and
7 Donations Trust Fund.

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

11 Section 26. Effective upon this act becoming a law and
12 operating retroactively to July 1, 2000, paragraph (d) of
13 subsection (4) of section 985.233, Florida Statutes, is
14 amended to read:

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

17 (4) SENTENCING ALTERNATIVES.--

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

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

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

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

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

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

31 5. The clerk of the circuit court shall act as a

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

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

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

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

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

6 Section 27. Paragraph (f) is added to subsection (4)
7 of section 985.233, Florida Statutes, to read:

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

10 (4) SENTENCING ALTERNATIVES.--

11 (f) School attendance.--If the child is attending or
12 is eligible to attend public school and the court finds that
13 the victim or a sibling of the victim in the case is attending
14 or may attend the same school as the child, the court
15 placement order shall include a finding pursuant to the
16 proceeding described in s. 985.23(1)(d).

17
18 It is the intent of the Legislature that the criteria and
19 guidelines in this subsection are mandatory and that a
20 determination of disposition under this subsection is subject
21 to the right of the child to appellate review under s.
22 985.234.

23 Section 28. Subsection (2) of section 985.305, Florida
24 Statutes, is amended to read:

25 985.305 Early delinquency intervention program;
26 criteria.--

27 (2) The early delinquency intervention program shall
28 consist of intensive residential treatment in a secure
29 facility for 7 days to 6 weeks, followed by 6 to 9 months of
30 additional services ~~conditional release~~. An early delinquency
31 intervention program facility shall be designed to accommodate

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1 the placement of a maximum of 10 children, except that the
2 facility may accommodate up to 2 children in excess of that
3 maximum if the additional children have previously been
4 released from the residential portion of the program and are
5 later found to need additional residential treatment.

6 Section 29. Section 985.3065, Florida Statutes, is
7 amended to read:

8 985.3065 Prearrest or postarrest diversion programs.--

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

12 (2) As part of the prearrest or postarrest diversion
13 program, a child who is alleged to have committed a delinquent
14 act may be required to surrender his or her driver's license,
15 or refrain from applying for a driver's license, for not more
16 than 90 days. If the child fails to comply with the
17 requirements of the program, the state attorney may notify the
18 Department of Highway Safety and Motor Vehicles in writing to
19 suspend the child's driver's license for a period that may not
20 exceed 90 days.

21 (3) The prearrest or postarrest diversion program may,
22 upon agreement of the agencies that establish the program,
23 provide for the expunction of the nonjudicial arrest record of
24 a minor who successfully completes such a program pursuant to
25 s. 943.0582.

26 Section 30. Paragraph (e) of subsection (3) and
27 paragraph (a) of subsection (4) of section 985.31, Florida
28 Statutes, are amended to read:

29 985.31 Serious or habitual juvenile offender.--

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

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

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

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

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

24 Section 31. Subsection (4) of section 985.3155,
25 Florida Statutes, is amended to read:

26 985.3155 Multiagency plan for vocational education.--

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

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

7 Section 32. Subsections (4) and (5) of section
8 985.316, Florida Statutes, are amended to read:

9 985.316 Conditional release.--

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

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

31 Section 33. Subsections (3) and (4) of section

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1 985.404, Florida Statutes, are amended to read:

2 985.404 Administering the juvenile justice
3 continuum.--

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

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

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

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

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

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

28 Section 34. 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 section 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 fiscal committees of each house of the Legislature, and
18 the Governor, no later than December 1 of each year.
19 Cost-benefit analysis for educational programs will be
20 developed and implemented in collaboration with and in
21 cooperation with 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 recidivism 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 that
3 uses the results of the quality assurance report required by
4 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 for liquidated damages.

2 Section 35. 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 36. 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 37. 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 state-operated
31 facilities over which the department has jurisdiction. Persons

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

3 Section 38. Effective upon this act becoming a law,
4 section 985.422, Florida Statutes, is created to read:

5 985.422 Maintenance of state-owned facilities.--
6 (1) If the terms of a provider contract require or
7 allow the department to withhold a portion of the provider's
8 payment to establish a fund for significant maintenance,
9 repairs, or upgrades to state-owned or leased facilities, the
10 department shall deposit all such withheld payments into the
11 Administrative Trust Fund, which shall be used for such
12 purposes pursuant to lawful appropriation.

13 (2) This section is repealed July 1, 2002.

14 Section 39. Paragraph (b) of subsection (4) of section
15 985.401, Florida Statutes, is amended to read:

16 985.401 Juvenile Justice Advisory Board.--

17 (4)

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

31 Section 40. (1) The "Safety and Security Best

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1 Practices" developed by the Office of Program Policy Analysis
 2 and Government Accountability and approved by the Commissioner
 3 of Education shall be reviewed annually by the Office of
 4 Program Policy Analysis and Government Accountability and the
 5 Partnership for School Safety and Security established in s.
 6 229.8347, Florida Statutes, and each entity shall make
 7 recommendations to the Commissioner of Education for the
 8 addition, revision, or deletion of best practices.

9 (2) Each school district shall use the Safety and
 10 Security Best Practices to conduct a self-assessment of the
 11 school districts' current safety and security practices. Based
 12 on these self-assessment findings, the superintendent of each
 13 school district shall provide recommendations to the school
 14 board which identify strategies and activities that the school
 15 district should implement in order to improve school safety
 16 and security.

17 (3) By July 1, 2002, and annually thereafter, each
 18 school board must receive the self-assessment results at a
 19 publicly notice school board meeting to provide the public an
 20 opportunity to hear the school board members discuss and take
 21 action on the report findings. Each superintendent shall
 22 report the self-assessment results and school board action to
 23 the Commissioner of Education within 30 days following the
 24 school board meeting.

25 Section 41. Subsections (10) and (11) of section
 26 985.404, Florida Statutes, are repealed.

27 Section 42. Except as otherwise provided herein, this
 28 act shall take effect October 1, 2001.

29
30
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6

A bill to be entitled

7

An act relating to juvenile justice; amending

8

s. 20.316, F.S.; revising the juvenile justice

9

continuum to include community-based

10

residential commitment programs; deleting a

11

requirement that information systems of the

12

Department of Juvenile Justice support the

13

Juvenile Justice Advisory Board; amending s.

14

228.041, F.S.; authorizing additional teacher

15

planning days for nonresidential programs of

16

the Department of Juvenile Justice upon the

17

request of the provider; amending s. 230.23161,

18

F.S.; providing legislative goals with respect

19

to education within department programs;

20

amending s. 230.235, F.S.; requiring schools to

21

adopt a policy of zero tolerance for

22

victimization of students; requiring each

23

school district to enter into an agreement with

24

the Department of Juvenile Justice for the

25

purpose of protecting victims; amending s.

26

231.0851, F.S.; requiring principals to take

27

certain actions when a student has been a

28

victim of a violent crime perpetrated by

29

another student; providing ineligibility for

30

certain performance pay policy incentives under

31

certain circumstances; creating s. 232.265,

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1 F.S.; requiring the Department of Juvenile
2 Justice to provide certain notice to school
3 districts under certain circumstances;
4 prohibiting certain persons from attending
5 certain schools or riding on certain school
6 buses under certain circumstances; providing
7 for attending alternate schools; assigning
8 responsibility for certain transportation under
9 certain circumstances; amending s. 435.04,
10 F.S.; revising requirements for level-2
11 screening standards for persons in positions of
12 trust or responsibility; providing requirements
13 for background investigations for employees of
14 the Department of Juvenile Justice; limiting
15 the department's authority to provide an
16 exemption; creating s. 943.0582, F.S.;
17 providing for prearrest, postarrest, or teen
18 court diversion program expunction in certain
19 circumstances; providing for retroactive
20 effect; amending s. 960.001, F.S.; providing an
21 additional guideline for attendance of a victim
22 at the same school as a juvenile defendant;
23 amending s. 985.228, F.S.; requiring certain
24 court orders to include certain findings;
25 amending s. 985.23, F.S.; requiring a court to
26 determine the appropriateness of a no contact
27 order under certain circumstances; amending s.
28 943.325, F.S.; requiring DNA analysis of
29 persons who have committed certain offenses and
30 who are transferred to the state under the
31 Interstate Compact on Juveniles; amending ss.

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1 984.01 and 985.01, F.S., relating to personnel
2 standards and screening; requiring the
3 Department of Juvenile Justice and the
4 Department of Children and Family Services to
5 ensure that certain contractors are of good
6 moral character; amending s. 985.02, F.S.;
7 clarifying legislative intent concerning the
8 responsibilities of parents, custodians, and
9 guardians of children in the juvenile justice
10 system; amending s. 985.03, F.S.; revising
11 definitions; defining the term "respite" for
12 purposes of ch. 985, F.S.; amending s. 985.04,
13 F.S.; providing that certain records maintained
14 by the Department of Juvenile Justice need only
15 be retained for 25 years; expanding the
16 circumstances under which certain juvenile
17 records are not considered confidential and
18 exempt solely because of age; amending ss.
19 985.207 and 985.213, F.S.; clarifying
20 circumstances under which a juvenile is taken
21 into custody and assessed for placement;
22 requiring the parent or guardian to provide
23 certain information; amending s. 985.21, F.S.;
24 requiring the parent or guardian of a juvenile
25 to provide certain information to the juvenile
26 probation officer; amending s. 985.215, F.S.;
27 revising provisions related to the collection
28 of certain fees; authorizing placing a juvenile
29 into secure detention under certain
30 circumstances for a specified period;
31 authorizing the clerk of the circuit court to

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1 act as depository for fees; requiring the
2 parent or guardian to provide certain
3 information; providing for retroactive effect;
4 amending s. 985.227, F.S.; revising
5 requirements for state attorneys with respect
6 to reporting direct-file guidelines; amending
7 ss. 985.231 and 985.233, F.S.; requiring a
8 court placement order or a commitment order to
9 include certain findings; revising certain
10 requirements for testing a juvenile for the use
11 of alcohol or controlled substances; revising
12 provisions related to the collection of certain
13 fees; authorizing the clerk of the circuit
14 court to act as depository for fees; requiring
15 the parent or guardian to provide certain
16 information; providing for retroactive effect;
17 amending s. 985.305, F.S.; revising services
18 provided under the early delinquency
19 intervention program; amending s. 985.3065,
20 F.S.; providing for postarrest diversion
21 programs; providing for expunction of records;
22 amending s. 985.31, F.S., relating to serious
23 or habitual juvenile offenders; conforming
24 provisions to changes made by the act; amending
25 s. 985.3155, F.S.; revising requirements for
26 the multiagency plan for vocational education;
27 amending s. 985.316, F.S.; revising conditions
28 under which a juvenile may be released on
29 conditional release; amending s. 985.404, F.S.;
30 providing legislative intent with regard to
31 contracting with faith-based organizations that

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1 provide services to juveniles; clarifying
2 conditions under which a juvenile may be
3 transferred; deleting language relating to the
4 collection and reporting of cost data and
5 program ranking; amending s. 985.412, F.S.;
6 adding requirements relating to the collection
7 and reporting of cost data and program ranking;
8 requiring the Department of Juvenile Justice to
9 submit proposals for funding incentives and
10 disincentives based upon quality assurance
11 performance and cost-effectiveness performance
12 to the Legislature by a date certain; amending
13 s. 985.417, F.S.; revising conditions for
14 transferring a juvenile from the Department of
15 Corrections to the supervision of the
16 Department of Juvenile Justice; amending s. 14
17 of ch. 2000-134, Laws of Florida; revising
18 requirements for monitoring and supervising
19 juvenile offenders under a pilot program;
20 creating s. 985.42, F.S.; authorizing the
21 secretary to designate certain employees as law
22 enforcement officers; creating s. 985.422,
23 F.S.; authorizing the deposit of repair and
24 maintenance funds into the Administrative Trust
25 Fund; amending s. 985.401, F.S., to conform;
26 requiring the Office of Program Policy Analysis
27 and Government Accountability to annually
28 review certain safety and security best
29 practices; requiring school districts to use
30 such practices to conduct certain assessments;
31 requiring school district superintendents to

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1 make certain recommendations to school boards
2 based on such assessments; requiring school
3 boards to hold public meetings on the
4 assessments and recommendations; repealing s.
5 985.404(10) and (11), F.S., relating to an
6 annual cost data collection and reporting
7 program of the Department of Juvenile Justice
8 and cost-effectiveness model development and
9 application to commitment programs of the
10 department; providing effective dates.

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