

723-145AX-32

Bill No. CS/CS/HB 267, 1st Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Barreiro, Byrd, and Melvin offered the following:

**Amendment (with title amendment)**

remove from the bill: everything after the enacting clause, and insert in lieu thereof:

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

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

(1) SECRETARY OF JUVENILE JUSTICE.--

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

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

3 (4) INFORMATION SYSTEMS.--

4 (d) The management information system shall, at a  
5 minimum:

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

8 2. Provide timely access to current data and computing  
9 capacity to support ~~the outcome evaluation activities of the~~  
10 ~~Juvenile Justice Advisory Board as provided in s. 985.401,~~  
11 legislative oversight, the Juvenile Justice Estimating  
12 Conference, and other research.

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

15 4. Provide automated support to the contract  
16 management process.

17 5. Provide automated support to the facility  
18 operations management process.

19 6. Provide automated administrative support to  
20 increase efficiency, provide the capability of tracking  
21 expenditures of funds by the department or contracted service  
22 providers that are eligible for federal reimbursement, and  
23 reduce forms and paperwork.

24 7. Facilitate connectivity, access, and utilization of  
25 information among various state agencies, and other state,  
26 federal, local, and private agencies, organizations, and  
27 institutions.

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

31 9. Provide a system for the training of information

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1 system users and user groups.

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

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

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

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

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

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

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

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

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

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

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

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

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

31 230.235 Policy of zero tolerance for crime and

1 victimization.--

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

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

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

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

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

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

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

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

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

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

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

29 231.0851 Reports of school safety and discipline.--

30 (1) Each principal must ensure that standardized forms  
31 prescribed by rule of the State Board of Education are used to

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1 report data concerning school safety and discipline to the  
2 Department of Education. The principal must develop a plan to  
3 verify the accuracy of reported incidents.

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

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

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

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

23 (a) Chapter 782, relating to homicide;

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

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

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

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

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1           (f) Chapter 827, relating to abuse of children;  
2           (g) Section 812.13, relating to robbery;  
3           (h) Section 812.131, relating to robbery by sudden  
4 snatching;  
5           (i) Section 812.133, relating to carjacking; or  
6           (j) Section 812.135, relating to home-invasion  
7 robbery,  
8  
9 and, before or at the time of such adjudication, withholding  
10 of adjudication, or plea, the offender was attending a school  
11 attended by the victim or a sibling of the victim of the  
12 offense, the Department of Juvenile Justice shall notify the  
13 appropriate school district of the adjudication or plea and  
14 the operation of this section and whether the offender is  
15 prohibited from attending that school or riding on a school  
16 bus whenever the victim or a sibling of the victim is  
17 attending the same school or riding on the same school bus,  
18 except as provided pursuant to a written disposition order  
19 under s. 985.23(1)(d). Upon receipt of such notice, the  
20 school district shall take appropriate action to effectuate  
21 the provisions of subsection (2).

22           (2) Any offender described in subsection (1), who is  
23 not exempted as provided in subsection (1), shall not attend  
24 any school attended by the victim or a sibling of the victim  
25 of the offense or ride on a school bus on which the victim or  
26 a sibling of the victim is riding. The offender shall be  
27 permitted by the school district in which the offender resides  
28 to attend another school within the district, provided the  
29 other school is not attended by the victim or sibling of the  
30 victim of the offense or may be permitted by another school  
31 district to attend a school in that district if the offender



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1 is unable to attend any school in the district in which the  
2 offender resides due to the operation of this section.

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

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

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

30 435.04 Level 2 screening standards.--

31 (1) All employees in positions designated by law as

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

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

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

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

26 (c) Section 944.40, relating to escape.

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

1           Section 8. Section 943.0582, Florida Statutes, is  
2 created to read:

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

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

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

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

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

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

1 occurred.

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

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

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

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

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

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

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

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

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

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

19           Section 9. Paragraph (a) of subsection (1) of section  
20 943.325, Florida Statutes, is amended to read:

21           943.325 Blood specimen testing for DNA analysis.--

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

- 30           1. Still incarcerated, or  
31           2. No longer incarcerated but is within the confines

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1 of the legal state boundaries and is on probation, community  
2 control, parole, conditional release, control release, or any  
3 other court-ordered supervision,

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

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

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

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

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

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

8 Section 11. Paragraph (a) of subsection (2) of section  
9 984.01, Florida Statutes, is amended to read:

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

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

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

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1 under direct and constant supervision by persons who meet the  
2 screening requirements.

3 Section 12. Paragraph (a) of subsection (2) of section  
4 985.01, Florida Statutes, is amended to read:

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

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

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

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

31 985.02 Legislative intent for the juvenile justice



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1 system.--

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

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

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

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

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

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

20           (31) "Juvenile sexual offender" means:

21           (a) A juvenile who has been found by the court  
22 pursuant to s. 985.228 to have committed a violation of  
23 chapter 794, chapter 796, chapter 800, s. 827.071, or s.  
24 847.0133;

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

31           1. "Coercion" means the exploitation of authority, use

1 of bribes, threats of force, or intimidation to gain  
2 cooperation or compliance.

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

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

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

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

12           c. Awareness of potential consequences and  
13 alternatives.

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

16           e. Voluntary decision.

17           f. Mental competence.

18

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

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

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1 care.

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

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

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

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

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

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

17 985.04 Oaths; records; confidential information.--

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

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1 943.053. The information shall be released to those persons  
2 specified in the above cited sections for the purposes of  
3 complying with those sections. The court may punish by  
4 contempt any person who releases or uses the records for any  
5 unauthorized purpose.

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

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

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

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

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

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

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

10 (d) Taken into custody by a law enforcement officer  
11 for a violation of law subject to the provisions of s.  
12 985.227(2)(b) or (d); or

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

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

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

21 985.207 Taking a child into custody.--

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

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

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



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1 in s. 985.215.

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

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

22 985.21 Intake and case management.--

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

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

11 Section 18. Paragraph (b) of subsection (2) of section  
12 985.213, Florida Statutes, is amended to read:

13 985.213 Use of detention.--

14 (2)

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

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

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

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

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

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

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

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

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

12           985.215 Detention.--

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

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

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

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

21 (10)

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

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

31 985.215 Detention.--

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

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

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

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

25 (d) The court must include specific findings in the  
26 detention order as to what fees are ordered, reduced, or  
27 waived. If the court fails to enter an order as required by  
28 this subsection, it shall be presumed that the court intended  
29 the parent or guardian to pay to the department the fee of \$5  
30 ~~\$20~~ per day that the child remains in detention care.

31 (e) With respect to a child who has been found to have

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1 committed a delinquent act or violation of law, whether or not  
2 adjudication is withheld, and whose parent or guardian  
3 receives public assistance for any portion of that child's  
4 care, the department must seek a federal waiver to garnish or  
5 otherwise order the payments of the portion of the public  
6 assistance relating to that child to offset the costs of  
7 providing care, custody, maintenance, rehabilitation,  
8 intervention, or corrective services to the child. When the  
9 order affects the guardianship estate, a certified copy of the  
10 order shall be delivered to the judge having jurisdiction of  
11 the guardianship estate.

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

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



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

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

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

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

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

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

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1 to be submitted to the Executive Office of the Governor, the  
2 President of the Senate, and the Speaker of the House of  
3 Representatives, ~~and the Juvenile Justice Advisory Board~~ not  
4 later than January 1 of each year.

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

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

9 (4) If the court finds that the child named in the  
10 petition has committed a delinquent act or violation of law,  
11 it may, in its discretion, enter an order stating the facts  
12 upon which its finding is based but withholding adjudication  
13 of delinquency and placing the child in a probation program  
14 under the supervision of the department or under the  
15 supervision of any other person or agency specifically  
16 authorized and appointed by the court. The court may, as a  
17 condition of the program, impose as a penalty component  
18 restitution in money or in kind, community service, a curfew,  
19 urine monitoring, revocation or suspension of the driver's  
20 license of the child, or other nonresidential punishment  
21 appropriate to the offense, and may impose as a rehabilitative  
22 component a requirement of participation in substance abuse  
23 treatment, or school or other educational program attendance.  
24 If the child is attending public school and the court finds  
25 that the victim or a sibling of the victim in the case was  
26 assigned to attend or is eligible to attend the same school as  
27 the child, the court order shall include a finding pursuant to  
28 the proceedings described in s. 985.23(1)(d). If the court  
29 later finds that the child has not complied with the rules,  
30 restrictions, or conditions of the community-based program,  
31 the court may, after a hearing to establish the lack of

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1 compliance, but without further evidence of the state of  
2 delinquency, enter an adjudication of delinquency and shall  
3 thereafter have full authority under this chapter to deal with  
4 the child as adjudicated.

5 Section 23. Paragraph (d) of subsection (1) of section  
6 985.23, Florida Statutes, is amended to read:

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

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

13 (d) Give all parties present at the hearing an  
14 opportunity to comment on the issue of disposition and any  
15 proposed rehabilitative plan. Parties to the case shall  
16 include the parents, legal custodians, or guardians of the  
17 child; the child's counsel; the state attorney;  
18 representatives of the department; the victim if any, or his  
19 or her representative; representatives of the school system;  
20 and the law enforcement officers involved in the case. If the  
21 child is attending or is eligible to attend public school and  
22 the court finds that the victim or a sibling of the victim in  
23 the case is attending or may attend the same school as the  
24 child, the court shall, on its own motion or upon the request  
25 of any party or any parent or legal guardian of the victim,  
26 determine whether it is appropriate to enter a no contact  
27 order in favor of the victim or a sibling of the victim. If  
28 appropriate and acceptable to the victim and the victim's  
29 parent or parents or legal guardian, the court may reflect in  
30 the written disposition order that the victim or the victim's  
31 parent stated in writing or in open court that he or she did

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1 not object to the offender being permitted to attend the same  
2 school or ride on the same school bus as the victim or a  
3 sibling of the victim.  
4

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

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

14 985.231 Powers of disposition in delinquency cases.--

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

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

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

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

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

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

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

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

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

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

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

31 (IV) Revoke probation or postcommitment probation and

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1 commit the child to the department.

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

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

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

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

31 5. Require the child and, if the court finds it



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1 appropriate, the child's parent or guardian together with the  
2 child, to render community service in a public service  
3 program.

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

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

31           8. Commit the child to the Department of Juvenile

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

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

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

31 (2) Following a delinquency adjudicatory hearing

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1 pursuant to s. 985.228 and a delinquency disposition hearing  
2 pursuant to s. 985.23 which results in a commitment  
3 determination, the court shall, on its own or upon request by  
4 the state or the department, determine whether the protection  
5 of the public requires that the child be placed in a program  
6 for serious or habitual juvenile offenders and whether the  
7 particular needs of the child would be best served by a  
8 program for serious or habitual juvenile offenders as provided  
9 in s. 985.31. The determination shall be made pursuant to ss.  
10 985.03(46)(47)and 985.23(3).

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

15 985.231 Powers of disposition in delinquency cases.--

16 (1)

17 (b)1. When any child is adjudicated by the court to  
18 have committed a delinquent act and temporary legal custody of  
19 the child has been placed with a licensed child-caring agency  
20 or the Department of Juvenile Justice, the court shall order  
21 the ~~natural or adoptive~~ parents of such child, ~~including the~~  
22 ~~natural father of such child born out of wedlock who has~~  
23 ~~acknowledged his paternity in writing before the court, or the~~  
24 ~~guardian of such child's estate, if possessed of assets that~~  
25 ~~under law may be disbursed for the care, support, and~~  
26 ~~maintenance of the child,~~to pay fees to the department in the  
27 amount of \$5 per day that the child is under the care or  
28 supervision of the department in order to partially offset the  
29 ~~not to exceed the actual~~ cost of the care, support, ~~and~~  
30 maintenance, and other usual and ordinary obligations of  
31 parents to provide for the needs of their children while of

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1 ~~the child~~ in the recommended residential commitment level,  
2 unless the court makes a finding on the record that the parent  
3 or guardian of the child is indigent.

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

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1 ~~a significant 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 placement 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, the~~  
9 ~~court may reduce the fees or waive the fees if the court makes~~  
10 ~~a finding on the record that the parent or guardian has made a~~  
11 ~~diligent and good faith effort to prevent the child from~~  
12 ~~engaging in the delinquent act or violation of law.~~

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

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, state of birth, and driver's license number  
13 or 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.

29 8. The department may enter into agreements with  
30 parents or guardians to establish a schedule of periodic  
31 payments if payment of the obligation in full presents an

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1 undue hardship. Any such agreement may provide for payment of  
2 interests consistent with prevailing loan rates.

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

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

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

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

18 (4) SENTENCING ALTERNATIVES.--

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

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1 usual and ordinary obligations of parents to provide for the  
2 needs of their children ~~of the child~~, unless the court makes a  
3 finding on the record that the parent or legal guardian of the  
4 child is indigent.

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



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1 ~~record that the parent or guardian would suffer a significant~~  
2 ~~hardship if obligated for such amount.~~

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

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

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

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

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

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1 payments received by the department pursuant to this  
2 subsection shall be deposited in the state Grants and  
3 Donations Trust Fund.

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

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

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

11 (4) SENTENCING ALTERNATIVES.--

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

18  
19 It is the intent of the Legislature that the criteria and  
20 guidelines in this subsection are mandatory and that a  
21 determination of disposition under this subsection is subject  
22 to the right of the child to appellate review under s.  
23 985.234.

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

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

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

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

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

9 985.3065 Prearrest or postarrest diversion programs.--

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

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

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

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

30 985.31 Serious or habitual juvenile offender.--

31 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND

1 TREATMENT.--

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

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

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

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

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

27 985.3155 Multiagency plan for vocational education.--

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

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

8 Section 32. Subsections (4) and (5) of section  
9 985.316, Florida Statutes, are amended to read:

10 985.316 Conditional release.--

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

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

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1           Section 33. Subsections (3) and (4) of section  
2 985.404, Florida Statutes, are amended to read:

3           985.404 Administering the juvenile justice  
4 continuum.--

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

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

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

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

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

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

29 Section 34. Section 985.412, Florida Statutes, is  
30 amended to read:

31 985.412 Quality assurance and cost-effectiveness.--



1           (1)~~(a)~~ It is the intent of the Legislature that the  
2 department to:

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

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

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

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

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

19           ~~(f)6.~~ Improve service delivery to clients.

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

22           (2)~~(b)~~ As used in this section ~~subsection~~, the term:

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

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

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1           ~~(c)3.~~ "Program effectiveness" means the ability of the  
2 program to achieve desired client outcomes, goals, and  
3 objectives.

4           (3) The department shall annually collect and report  
5 cost data for every program operated or contracted by the  
6 department. The cost data shall conform to a format approved  
7 by the department and the Legislature. Uniform cost data shall  
8 be reported and collected for state-operated and contracted  
9 programs so that comparisons can be made among programs. The  
10 department shall ensure that there is accurate cost accounting  
11 for state-operated services including market-equivalent rent  
12 and other shared cost. The cost of the educational program  
13 provided to a residential facility shall be reported and  
14 included in the cost of a program. The department shall submit  
15 an annual cost report to the President of the Senate, the  
16 Speaker of the House of Representatives, the Minority Leader  
17 of each house of the Legislature, the appropriate substantive  
18 and fiscal committees of each house of the Legislature, and  
19 the Governor, no later than December 1 of each year.  
20 Cost-benefit analysis for educational programs will be  
21 developed and implemented in collaboration with and in  
22 cooperation with the Department of Education, local providers,  
23 and local school districts. Cost data for the report shall  
24 include data collected by the Department of Education for the  
25 purposes of preparing the annual report required by s.  
26 230.23161(21).

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

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

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

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

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

31 (e) Contingent upon specific appropriation, the

1 department, in consultation with the Office of Economic and  
2 Demographic Research, and contract service providers, shall:

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

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

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

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

17 (5)(c) The department shall:

18 (a)1. Establish a comprehensive quality assurance  
19 system for each program operated by the department or operated  
20 by a provider under contract with the department. Each  
21 contract entered into by the department must provide for  
22 quality assurance.

23 (b)2. Provide operational definitions of and criteria  
24 for quality assurance for each specific program component.

25 (c)3. Establish quality assurance goals and objectives  
26 for each specific program component.

27 (d)4. Establish the information and specific data  
28 elements required for the quality assurance program.

29 (e)5. Develop a quality assurance manual of specific,  
30 standardized terminology and procedures to be followed by each  
31 program.

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

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

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

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

29            ~~4.d.~~ Realigning the program.  
30

31 The department shall submit an annual report to the President

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

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

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

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1 liquidated damages in the proposal; however, the department is  
 2 not presently authorized to contract for liquidated damages.

3 Section 35. Subsection (1) of section 985.417, Florida  
 4 Statutes, is amended to read:

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

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

19 Section 36. Subsections (2) and (3) of section 14 of  
 20 chapter 2000-134, Laws of Florida, are amended to read:

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

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

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

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

24 Section 37. Section 985.42, Florida Statutes, is  
25 created to read:

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



1 facilities over which the department has jurisdiction. Persons  
2 designated as law enforcement officers must be certified  
3 pursuant to s. 943.1395.

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

6 985.422 Maintenance of state-owned facilities.--

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

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

15 Section 39. Paragraph (b) of subsection (4) of section  
16 985.401, Florida Statutes, is amended to read:

17 985.401 Juvenile Justice Advisory Board.--

18 (4)

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

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1           Section 40. (1) The "Safety and Security Best  
2 Practices" developed by the Office of Program Policy Analysis  
3 and Government Accountability and approved by the Commissioner  
4 of Education shall be reviewed annually by the Office of  
5 Program Policy Analysis and Government Accountability and the  
6 Partnership for School Safety and Security established in s.  
7 229.8347, Florida Statutes, and each entity shall make  
8 recommendations to the Commissioner of Education for the  
9 addition, revision, or deletion of best practices.

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

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

26           Section 41. Subsections (10) and (11) of section  
27 985.404, Florida Statutes, are repealed.

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

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31

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Bill No. CS/CS/HB 267, 1st Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

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

2 And the title is amended as follows:

3 remove from the title of the bill: the entire title

4

5 and insert in lieu thereof:

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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Bill No. CS/CS/HB 267, 1st Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

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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Bill No. CS/CS/HB 267, 1st Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

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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Amendment No. \_\_\_\_ (for drafter's use only)

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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Bill No. CS/CS/HB 267, 1st Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

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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