

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 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 commitment and nonresidential ~~commitment~~ programs; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 section, to read:

2 435.04 Level 2 screening standards.--

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

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

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

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

29 (c) Section 944.40, relating to escape.

30

31 The Department of Juvenile Justice may not remove a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Section 6. Paragraph (a) of subsection (1) of section
23 943.325, Florida Statutes, is amended to read:

24 943.325 Blood specimen testing for DNA analysis.--

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

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1 transferring state, who is either:

2 1. Still incarcerated, or

3 2. No longer incarcerated but is within the confines
4 of the legal state boundaries and is on probation, community
5 control, parole, conditional release, control release, or any
6 other court-ordered supervision,

7
8 shall be required to submit two specimens of blood to a
9 Department of Law Enforcement designated testing facility as
10 directed by the department.

11 Section 7. Paragraph (a) of subsection (2) of section
12 984.01, Florida Statutes, is amended to read:

13 984.01 Purposes and intent; personnel standards and
14 screening.--

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

22 (a) When the Department of Juvenile Justice or the
23 Department of Children and Family Services contracts with a
24 provider for any program for children, all personnel,
25 including owners, operators, employees, and volunteers, in the
26 facility must be of good moral character. Each contract
27 entered into by either department for services delivered on an
28 appointment or intermittent basis by a provider that does not
29 have regular custodial responsibility for children and each
30 contract with a school for before or aftercare services must
31 ensure that the owners, operators, and all personnel who have

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1 direct contact with children are of good moral character.A
2 volunteer who assists on an intermittent basis for less than
3 40 hours per month need not be screened if the volunteer is
4 under direct and constant supervision by persons who meet the
5 screening requirements.

6 Section 8. Paragraph (a) of subsection (2) of section
7 985.01, Florida Statutes, is amended to read:

8 985.01 Purposes and intent; personnel standards and
9 screening.--

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

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

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1 Section 9. Subsection (7) of section 985.02, Florida
2 Statutes, is amended to read:

3 985.02 Legislative intent for the juvenile justice
4 system.--

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

26 Section 10. Subsections (13), (26), (30), (31), (32),
27 and paragraph (c) of subsection (45) of section 985.03,
28 Florida Statutes, are amended, subsections (46) through (58)
29 of said section are renumbered as subsections (47) through
30 (59), respectively, a new subsection (46) is added to said
31 section, and renumbered subsection (56) of said section is

1 amended, to read:

2 985.03 Definitions.--When used in this chapter, the
3 term:

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

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

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

23 (31) "Juvenile sexual offender" means:

24 (a) A juvenile who has been found by the court
25 pursuant to s. 985.228 to have committed a violation of
26 chapter 794, chapter 796, chapter 800, s. 827.071, or s.
27 847.0133;

28 (b) A juvenile found to have committed any felony
29 violation of law or delinquent act involving juvenile sexual
30 abuse. "Juvenile sexual abuse" means any sexual behavior which
31 occurs without consent, without equality, or as a result of

1 coercion. For purposes of this subsection, the following
2 definitions apply:

3 1. "Coercion" means the exploitation of authority, use
4 of bribes, threats of force, or intimidation to gain
5 cooperation or compliance.

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

9 3. "Consent" means an agreement including all of the
10 following:

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

13 b. Knowledge of societal standards for what is being
14 proposed.

15 c. Awareness of potential consequences and
16 alternatives.

17 d. Assumption that agreement or disagreement will be
18 accepted equally.

19 e. Voluntary decision.

20 f. Mental competence.

21

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

28 (32) "Legal custody or guardian" means a legal status
29 created by court order or letter of guardianship which vests
30 in a custodian of the person or guardian, whether an agency or
31 an individual, the right to have physical custody of the child

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1 and the right and duty to protect, train, and discipline the
2 child and to provide him or her with food, shelter, education,
3 and ordinary medical, dental, psychiatric, and psychological
4 care.

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

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

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

31 (56)-(55) "Temporary release" means the terms and

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

16 Section 11. Subsection (2), paragraph (a) of
17 subsection (3), paragraph (a) of subsection (4), and
18 subsection (5) of section 985.04, Florida Statutes, are
19 amended to read:

20 985.04 Oaths; records; confidential information.--

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

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1 sections cited above, or pursuant to departmental rule;
2 however, current criminal history information must be obtained
3 from the Department of Law Enforcement in accordance with s.
4 943.053. The information shall be released to those persons
5 specified in the above cited sections for the purposes of
6 complying with those sections. The court may punish by
7 contempt any person who releases or uses the records for any
8 unauthorized purpose.

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

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1 criminal history information is to be made available to
2 appropriate school personnel, and the conditions under which
3 school records are to be made available to appropriate
4 department personnel. Such agreement shall require
5 notification to any classroom teacher of assignment to the
6 teacher's classroom of a juvenile who has been placed in a
7 probation or commitment program for a felony offense. The
8 agencies entering into such agreement must comply with s.
9 943.0525, and must maintain the confidentiality of information
10 that is otherwise exempt from s. 119.07(1), as provided by
11 law.

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

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1 (5) Notwithstanding any other provisions of this part,
2 the name, photograph, address, and crime or arrest report of a
3 child:

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

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

10 (c) Transferred to the adult system pursuant to s.
11 985.227, indicted pursuant to s. 985.225, or waived pursuant
12 to s. 95.226;

13 (d) Taken into custody by a law enforcement officer
14 for a violation of law subject to the provisions of s.
15 985.227(2)(b) or (d); or

16 (e) Transferred to the adult system but sentenced to
17 the juvenile system pursuant to s. 985.233

18
19 shall not be considered confidential and exempt from the
20 provisions of s. 119.07(1) solely because of the child's age.

21 Section 12. Paragraph (d) of subsection (1) and
22 subsection (2) of section 985.207, Florida Statutes, are
23 amended to read:

24 985.207 Taking a child into custody.--

25 (1) A child may be taken into custody under the
26 following circumstances:

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

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

(2) When a child is taken into custody as provided in this section, the person taking the child into custody shall attempt to notify the parent, guardian, or legal custodian of the child. The person taking the child into custody shall continue such attempt until the parent, guardian, or legal custodian of the child is notified or the child is delivered to a juvenile probation officer pursuant to s. 985.21, whichever occurs first. If the child is delivered to a juvenile probation officer before the parent, guardian, or legal custodian is notified, the juvenile probation officer shall continue the attempt to notify until the parent, guardian, or legal custodian of the child is notified. Following notification, the parent or guardian must provide identifying information, including name, address, date of birth, social security number, and driver's license number or identification card number of the parent or guardian to the person taking the child into custody or the juvenile probation officer.

Section 13. Subsection (5) of section 985.21, Florida Statutes, is amended to read:

985.21 Intake and case management.--

(5) Prior to requesting that a delinquency petition be filed or prior to filing a dependency petition, the juvenile probation officer may request the parent or legal guardian of the child to attend a course of instruction in parenting skills, training in conflict resolution, and the practice of nonviolence; to accept counseling; or to receive other

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

14 Section 14. Paragraph (b) of subsection (2) of section
15 985.213, Florida Statutes, is amended to read:

16 985.213 Use of detention.--

17 (2)

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

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

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

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

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

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

25

26 The child may not be held in secure detention under this
27 subparagraph for more than 48 hours unless ordered by the
28 court. After 48 hours, the court shall hold a hearing if the
29 state attorney or victim requests that secure detention be
30 continued. The child may continue to be held in detention care
31 if the court makes a specific, written finding that detention

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1 care is necessary to protect the victim from injury. However,
2 the child may not be held in detention care beyond the time
3 limits set forth in s. 985.215.

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

12 Section 15. Paragraph (a) of subsection (2) of section
13 985.215, Florida Statutes, is amended, and paragraph (f) is
14 added to subsection (10) of said section, to read:

15 985.215 Detention.--

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

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

25
26 A child who meets any of these criteria and who is ordered to
27 be detained pursuant to this subsection shall be given a
28 hearing within 24 hours after being taken into custody. The
29 purpose of the detention hearing is to determine the existence
30 of probable cause that the child has committed the delinquent
31 act or violation of law with which he or she is charged and

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

24 (10)

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

31 Section 16. Effective upon this act becoming a law and

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1 operating retroactively to July 1, 2000, subsection (6) of
2 section 985.215, Florida Statutes, is amended to read:

3 985.215 Detention.--

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

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

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

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

28 (d) The court must include specific findings in the
29 detention order as to what fees are ordered, reduced, or
30 waived. If the court fails to enter an order as required by
31 this subsection, it shall be presumed that the court intended

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1 the parent or guardian to pay to the department the fee of \$5
2 ~~\$20~~ per day that the child remains in detention care.

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

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

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

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1 identifying information or financial information, the court
2 shall order the parent to comply and may pursue contempt of
3 court sanctions for failure to comply.

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

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

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

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

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

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

8 Section 18. Paragraph (a) of subsection (1) and
9 subsection (2) of section 985.231, Florida Statutes, are
10 amended to read:

11 985.231 Powers of disposition in delinquency cases.--

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

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

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1 or subsequent to disposition pursuant to the filing of a
2 petition alleging a violation of the child's conditions of
3 postcommitment probation ~~or conditional release supervision~~,
4 the court may order the child to submit to random testing for
5 the purpose of detecting and monitoring the use of alcohol or
6 controlled substances.

7 a. A restrictiveness level classification scale for
8 levels of supervision shall be provided by the department,
9 taking into account the child's needs and risks relative to
10 probation supervision requirements to reasonably ensure the
11 public safety. Probation programs for children shall be
12 supervised by the department or by any other person or agency
13 specifically authorized by the court. These programs must
14 include, but are not limited to, structured or restricted
15 activities as described in this subparagraph, and shall be
16 designed to encourage the child toward acceptable and
17 functional social behavior. If supervision or a program of
18 community service is ordered by the court, the duration of
19 such supervision or program must be consistent with any
20 treatment and rehabilitation needs identified for the child
21 and may not exceed the term for which sentence could be
22 imposed if the child were committed for the offense, except
23 that the duration of such supervision or program for an
24 offense that is a misdemeanor of the second degree, or is
25 equivalent to a misdemeanor of the second degree, may be for a
26 period not to exceed 6 months. When restitution is ordered by
27 the court, the amount of restitution may not exceed an amount
28 the child and the parent or guardian could reasonably be
29 expected to pay or make. A child who participates in any work
30 program under this part is considered an employee of the state
31 for purposes of liability, unless otherwise provided by law.

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1 b. The court may conduct judicial review hearings for
2 a child placed on probation for the purpose of fostering
3 accountability to the judge and compliance with other
4 requirements, such as restitution and community service. The
5 court may allow early termination of probation for a child who
6 has substantially complied with the terms and conditions of
7 probation.

8 c. If the conditions of the probation program or the
9 postcommitment probation program are violated, the department
10 or the state attorney may bring the child before the court on
11 a petition alleging a violation of the program. Any child who
12 violates the conditions of probation or postcommitment
13 probation must be brought before the court if sanctions are
14 sought. A child taken into custody under s. 985.207 for
15 violating the conditions of probation or postcommitment
16 probation shall be held in a consequence unit if such a unit
17 is available. The child shall be afforded a hearing within 24
18 hours after being taken into custody to determine the
19 existence of probable cause that the child violated the
20 conditions of probation or postcommitment probation. A
21 consequence unit is a secure facility specifically designated
22 by the department for children who are taken into custody
23 under s. 985.207 for violating probation or postcommitment
24 probation, or who have been found by the court to have
25 violated the conditions of probation or postcommitment
26 probation. If the violation involves a new charge of
27 delinquency, the child may be detained under s. 985.215 in a
28 facility other than a consequence unit. If the child is not
29 eligible for detention for the new charge of delinquency, the
30 child may be held in the consequence unit pending a hearing
31 and is subject to the time limitations specified in s.

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1 985.215. If the child denies violating the conditions of
2 probation or postcommitment probation, the court shall appoint
3 counsel to represent the child at the child's request. Upon
4 the child's admission, or if the court finds after a hearing
5 that the child has violated the conditions of probation or
6 postcommitment probation, the court shall enter an order
7 revoking, modifying, or continuing probation or postcommitment
8 probation. In each such case, the court shall enter a new
9 disposition order and, in addition to the sanctions set forth
10 in this paragraph, may impose any sanction the court could
11 have imposed at the original disposition hearing. If the child
12 is found to have violated the conditions of probation or
13 postcommitment probation, the court may:

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

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

21 (III) Modify or continue the child's probation program
22 or postcommitment probation program.

23 (IV) Revoke probation or postcommitment probation and
24 commit the child to the department.

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

30 2. Commit the child to a licensed child-caring agency
31 willing to receive the child, but the court may not commit the

1 child to a jail or to a facility used primarily as a detention
2 center or facility or shelter.

3 3. Commit the child to the Department of Juvenile
4 Justice at a restrictiveness level defined in s. 985.03. Such
5 commitment must be for the purpose of exercising active
6 control over the child, including, but not limited to,
7 custody, care, training, urine monitoring, and treatment of
8 the child and release of the child into the community in a
9 postcommitment nonresidential conditional release program. If
10 the child is not successful in the conditional release
11 program, the department may use the transfer procedure under
12 s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and
13 except as provided in s. 985.31, the term of the commitment
14 must be until the child is discharged by the department or
15 until he or she reaches the age of 21.

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

18 5. Require the child and, if the court finds it
19 appropriate, the child's parent or guardian together with the
20 child, to render community service in a public service
21 program.

22 6. As part of the probation program to be implemented
23 by the Department of Juvenile Justice, or, in the case of a
24 committed child, as part of the community-based sanctions
25 ordered by the court at the disposition hearing or before the
26 child's release from commitment, order the child to make
27 restitution in money, through a promissory note cosigned by
28 the child's parent or guardian, or in kind for any damage or
29 loss caused by the child's offense in a reasonable amount or
30 manner to be determined by the court. The clerk of the circuit
31 court shall be the receiving and dispensing agent. In such

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1 case, the court shall order the child or the child's parent or
2 guardian to pay to the office of the clerk of the circuit
3 court an amount not to exceed the actual cost incurred by the
4 clerk as a result of receiving and dispensing restitution
5 payments. The clerk shall notify the court if restitution is
6 not made, and the court shall take any further action that is
7 necessary against the child or the child's parent or guardian.
8 A finding by the court, after a hearing, that the parent or
9 guardian has made diligent and good faith efforts to prevent
10 the child from engaging in delinquent acts absolves the parent
11 or guardian of liability for restitution under this
12 subparagraph.

13 7. Order the child and, if the court finds it
14 appropriate, the child's parent or guardian together with the
15 child, to participate in a community work project, either as
16 an alternative to monetary restitution or as part of the
17 rehabilitative or probation program.

18 8. Commit the child to the Department of Juvenile
19 Justice for placement in a program or facility for serious or
20 habitual juvenile offenders in accordance with s. 985.31. Any
21 commitment of a child to a program or facility for serious or
22 habitual juvenile offenders must be for an indeterminate
23 period of time, but the time may not exceed the maximum term
24 of imprisonment that an adult may serve for the same offense.
25 The court may retain jurisdiction over such child until the
26 child reaches the age of 21, specifically for the purpose of
27 the child completing the program.

28 9. In addition to the sanctions imposed on the child,
29 order the parent or guardian of the child to perform community
30 service if the court finds that the parent or guardian did not
31 make a diligent and good faith effort to prevent the child

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1 from engaging in delinquent acts. The court may also order the
2 parent or guardian to make restitution in money or in kind for
3 any damage or loss caused by the child's offense. The court
4 shall determine a reasonable amount or manner of restitution,
5 and payment shall be made to the clerk of the circuit court as
6 provided in subparagraph 6.

7 10. Subject to specific appropriation, commit the
8 juvenile sexual offender to the Department of Juvenile Justice
9 for placement in a program or facility for juvenile sexual
10 offenders in accordance with s. 985.308. Any commitment of a
11 juvenile sexual offender to a program or facility for juvenile
12 sexual offenders must be for an indeterminate period of time,
13 but the time may not exceed the maximum term of imprisonment
14 that an adult may serve for the same offense. The court may
15 retain jurisdiction over a juvenile sexual offender until the
16 juvenile sexual offender reaches the age of 21, specifically
17 for the purpose of completing the program.

18 (2) Following a delinquency adjudicatory hearing
19 pursuant to s. 985.228 and a delinquency disposition hearing
20 pursuant to s. 985.23 which results in a commitment
21 determination, the court shall, on its own or upon request by
22 the state or the department, determine whether the protection
23 of the public requires that the child be placed in a program
24 for serious or habitual juvenile offenders and whether the
25 particular needs of the child would be best served by a
26 program for serious or habitual juvenile offenders as provided
27 in s. 985.31. The determination shall be made pursuant to ss.
28 985.03(46)(47) and 985.23(3).

29 Section 19. Effective upon this act becoming a law and
30 operating retroactively to July 1, 2000, paragraph (b) of
31 subsection (1) of section 985.231, Florida Statutes, is

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1 amended to read:

2 985.231 Powers of disposition in delinquency cases.--

3 (1)

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

22 2. No later than the disposition hearing, the
23 department shall provide the court with information concerning
24 the actual cost of care, support, and maintenance of the child
25 in the recommended residential commitment level and concerning
26 the ability of the parent or guardian of the child to pay any
27 fees. If the court makes a finding of indigency, the parent or
28 guardianship shall pay to the department a nominal subsistence
29 fee of \$2 per day that the child is committed outside the home
30 or \$1 per day if the child is otherwise supervised in lieu of
31 other fees related to the parents' obligation for the child's

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

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

31 4. All orders committing a child to a residential

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

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

28 6. The parent or guardian shall provide to the
29 department the parent or guardian's name, address, social
30 security number, state of birth, and driver's license number
31 or identification card number and sufficient financial

1 information for the department to be able to determine the
2 parent or guardian's ability to pay. If the parent or
3 guardian refuses to provide the department with any
4 identifying information or financial information, the court
5 shall order the parent to comply and may pursue contempt of
6 court sanctions for failure to comply.

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

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

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

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

30 Section 20. Effective upon this act becoming a law and
31 operating retroactively to July 1, 2000, paragraph (d) of

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1 subsection (4) of section 985.233, Florida Statutes, is
2 amended to read:

3 985.233 Sentencing powers; procedures; alternatives
4 for juveniles prosecuted as adults.--

5 (4) SENTENCING ALTERNATIVES.--

6 (d)1. Recoupment of cost of care in juvenile justice
7 facilities.--When the court orders commitment of a child to
8 the Department of Juvenile Justice for treatment in any of the
9 department's programs for children, the court shall order the
10 ~~natural or adoptive parents of such child, including the~~
11 ~~natural father of such child born out of wedlock who has~~
12 ~~acknowledged his paternity in writing before the court, or~~
13 ~~guardian of such child's estate, if possessed of assets which~~
14 ~~under law may be disbursed for the care, support, and~~
15 ~~maintenance of the child,~~to pay fees in the amount of \$5 per
16 day that the child is under the care or supervision of the
17 department in order to partially offset the not to exceed the
18 actual cost of the care, support, and maintenance, and other
19 usual and ordinary obligations of parents to provide for the
20 needs of their children of the child, unless the court makes a
21 finding on the record that the parent or legal guardian of the
22 child is indigent.

23 2. Prior to commitment, the department shall provide
24 the court with information concerning the actual cost of care
25 in the recommended residential commitment level and concerning
26 the ability of the parent or guardian of the child to pay
27 specified fees. If the court makes a finding of indigency, the
28 parent or guardian shall pay to the department a nominal
29 subsistence fee of \$2 per day that the child is committed
30 outside the home or \$1 per day if the child is otherwise
31 supervised in lieu of other fees related to the parent's

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

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

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1 the order affects the guardianship estate, a certified copy of
2 the order shall be delivered to the judge having jurisdiction
3 of the guardianship estate.

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

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

29 6. The parent or guardian shall provide to the
30 department the parent or guardian's name, address, social
31 security number, date of birth, and driver's license number or

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

8 7. The department may employ a collection agency for
9 the purpose of receiving, collecting, and managing the payment
10 of unpaid and delinquent fees. The collection agency must be
11 registered and in good standing under chapter 559. The
12 department may pay to the collection agency a fee from the
13 amount collected under the claim or may authorize the agency
14 to deduct the fee from the amount collected. The department
15 may also pay for collection services from available authorized
16 funds. The Department of Juvenile Justice shall provide to the
17 payor documentation of any amounts paid by the payor to the
18 Department of Juvenile Justice on behalf of the child. All
19 payments received by the department pursuant to this
20 subsection shall be deposited in the state Grants and
21 Donations Trust Fund.

22 8. Neither the court nor the department may extend the
23 child's length of stay in commitment care solely for the
24 purpose of collecting fees.

25 Section 21. Subsection (2) of section 985.305, Florida
26 Statutes, is amended to read:

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

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

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

8 Section 22. Section 985.3065, Florida Statutes, is
9 amended to read:

10 985.3065 Prearrest or postarrest diversion programs.--

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

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

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

28 Section 23. Paragraph (e) of subsection (3) and
29 paragraph (a) of subsection (4) of section 985.31, Florida
30 Statutes, are amended to read:

31 985.31 Serious or habitual juvenile offender.--

1 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
2 TREATMENT.--

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

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

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

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

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

28 985.3155 Multiagency plan for vocational education.--

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

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

9 Section 25. Subsections (4) and (5) of section
10 985.316, Florida Statutes, are amended to read:

11 985.316 Conditional release.--

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

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

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1 subject to available funding.

2 Section 26. Subsections (3) and (4) of section
3 985.404, Florida Statutes, are amended to read:

4 985.404 Administering the juvenile justice
5 continuum.--

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

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

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

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

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

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

30 Section 27. Section 985.412, Florida Statutes, is
31 amended to read:

1 985.412 Quality assurance and cost-effectiveness.--

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

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

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

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

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

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

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

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

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

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

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

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1 budgeting.

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

5 (3) The department shall annually collect and report
6 cost data for every program operated or contracted by the
7 department. The cost data shall conform to a format approved
8 by the department and the Legislature. Uniform cost data shall
9 be reported and collected for state-operated and contracted
10 programs so that comparisons can be made among programs. The
11 department shall ensure that there is accurate cost accounting
12 for state-operated services including market-equivalent rent
13 and other shared cost. The cost of the educational program
14 provided to a residential facility shall be reported and
15 included in the cost of a program. The department shall submit
16 an annual cost report to the President of the Senate, the
17 Speaker of the House of Representatives, the Minority Leader
18 of each house of the Legislature, the appropriate substantive
19 and fiscal committees of each house of the Legislature, and
20 the Governor, no later than December 1 of each year.
21 Cost-benefit analysis for educational programs will be
22 developed and implemented in collaboration with and in
23 cooperation with the Department of Education, local providers,
24 and local school districts. Cost data for the report shall
25 include data collected by the Department of Education for the
26 purposes of preparing the annual report required by s.
27 230.23161(21).

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

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

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

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

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

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

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

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

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

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

18 ~~(5)(e)~~ The department shall:

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

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

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

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

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

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1 program.

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

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

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

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

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

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

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

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

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1 department may include recommendations for the use of
2 liquidated damages in the proposal; however, the department is
3 not presently authorized to contract for liquidated damages.

4 Section 28. Subsection (1) of section 985.417, Florida
5 Statutes, is amended to read:

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

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

20 Section 29. Subsections (2) and (3) of section 14 of
21 chapter 2000-134, Laws of Florida, are amended to read:

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

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

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

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

25 Section 30. Section 985.42, Florida Statutes, is
26 created to read:

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

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1 relates to state-operated programs or state-operated
2 facilities over which the department has jurisdiction. Persons
3 designated as law enforcement officers must be certified
4 pursuant to s. 943.1395.

5 Section 31. Effective upon this act becoming a law,
6 section 985.422, Florida Statutes, is created to read:

7 985.422 Maintenance of state-owned facilities.--

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

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

16 Section 32. Paragraph (b) of subsection (4) of section
17 985.401, Florida Statutes, is amended to read:

18 985.401 Juvenile Justice Advisory Board.--

19 (4)

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

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1 methodology.

2 Section 33. Subsections (10) and (11) of section
3 985.404, Florida Statutes, are repealed.

4 Section 34. Except as otherwise provided, this act
5 shall take effect October 1, 2001.

6
7

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

9 And the title is amended as follows:

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

11

12 and insert in lieu thereof:

13

A bill to be entitled

14

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

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

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

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1 made by the act; amending s. 985.3155, F.S.;

2 revising requirements for the multiagency plan

3 for vocational education; amending s. 985.316,

4 F.S.; revising conditions under which a

5 juvenile may be released on conditional

6 release; amending s. 985.404, F.S.; providing

7 legislative intent with regard to contracting

8 with faith-based organizations that provide

9 services to juveniles; clarifying conditions

10 under which a juvenile may be transferred;

11 deleting language relating to the collection

12 and reporting of cost data and program ranking;

13 amending s. 985.412, F.S.; adding requirements

14 relating to the collection and reporting of

15 cost data and program ranking; requiring the

16 Department of Juvenile Justice to submit

17 proposals for funding incentives and

18 disincentives based upon quality assurance

19 performance and cost-effectiveness performance

20 to the Legislature by a date certain; amending

21 s. 985.417, F.S.; revising conditions for

22 transferring a juvenile from the Department of

23 Corrections to the supervision of the

24 Department of Juvenile Justice; amending s. 14

25 of ch. 2000-134, Laws of Florida; revising

26 requirements for monitoring and supervising

27 juvenile offenders under a pilot program;

28 creating s. 985.42, F.S.; authorizing the

29 secretary to designate certain employees as law

30 enforcement officers; creating s. 985.422,

31 F.S.; authorizing the deposit of repair and

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maintenance funds into the Administrative Trust Fund; amending s. 985.401, F.S., to conform; repealing s. 985.404(10) and (11), F.S., relating to an annual cost data collection and reporting program of the Department of Juvenile Justice and cost-effectiveness model development and application to commitment programs of the department; providing effective dates.