

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE
COMMITTEE ON GENERAL EDUCATION
FINAL ANALYSIS**

BILL #: CS/CS/HB 267, 3rd ENG

RELATING TO: Juvenile Justice

SPONSOR(S): Council for Lifelong Learning, Committee on Juvenile Justice and Representative(s)
Kravitz, Barreiro, Davis, and others

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) GENERAL EDUCATION YEAS 10 NAYS 0
- (2) JUVENILE JUSTICE YEAS 8 NAYS 0
- (3) COUNCIL FOR LIFELONG LEARNING YEAS 13 NAYS 0
- (4)
- (5)

I. SUMMARY:

CS/CS/HB 267, 3rd ENG., (the act) creates s. 232.265, F.S., which prohibits certain students from attending the same school or riding on a school bus with the victim or sibling of the victim of an enumerated felony offense for which the offending student has pled "guilty" or nolo contendere, or for which the offending student has been adjudicated guilty of, or delinquent for, or was found to have committed, regardless of whether adjudication was withheld. The act requires the Department of Juvenile Justice (DJJ) to provide notice to the appropriate school district of the adjudication or plea, and the operation of this act. An exception is provided if the court's disposition order "reflects" that the victim or victim's parents stated in writing or in open court that he or she did not object to the victim and offender attending the same school or riding the same bus.

The act requires the school district in which the offending student resides to allow the offending student to attend another school in the district, so long as the victim or victim's sibling does not attend such school. The offending student's parents or legal guardians are responsible for arranging and paying for transportation associated with or required by the offender's attending another school. If the offender is unable to attend any other school in the residing district and is prohibited from attending school in another school district, the residing district must take reasonable precautions to separate the offender from the victim while on school grounds or school transportation.

The act directs school principals to make full and effective use of newly-created s. 232.265, F.S., as well as the provisions of current s. 232.26(2), F.S., which relates to suspensions and expulsions. A principal who doesn't comply with these provisions is ineligible for the performance pay increases provided in s. 230.23(5)(c), F.S. However, the act also provides that if the party responsible for notifying the school fails to properly provide such notification, the principal shall be eligible for the incentive.

The act expands s. 230.235, F.S., to require each school district to include victimization of students in the district's policy of zero tolerance. The policy must include taking steps necessary to protect a victim of violent crime from any further victimization. The act requires the court to address the appropriateness of a "no contact" order in favor of the victim at delinquency proceedings involving the offending student.

The act makes various changes as recommended by the Department of Juvenile Justice and the Department of Education, as part of their legislative packages. See EFFECT OF PROPOSED CHANGES portion of this analysis for details.

The act appears to have minimal fiscal impact and provides an effective date of July 1, 2001.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

PROHIBITION OF CERTAIN FELONY OFFENDERS FROM SCHOOL OR BUS CONTACT WITH VICTIM OR VICTIM'S SIBLING

Similar laws in other states

Both Washington and Nevada have laws similar to the one proposed in this act. Washington's law was passed in 1994, Nevada's in 1997. In Washington, the state's Victim Witness Protection Program tracks both victims and offenders. Since passage of the law in Washington, there have been about 20 incidents in which the law was applicable.

Two problems noted in the application of Washington's law regard instances of incest (under Washington's law, the two children would be allowed to live in the same house, eat meals together, ride the bus together [Washington's law has no prohibition against riding the same bus], yet would not be allowed to attend the same school), and instances in which there is no alternate school within a reasonable distance (the offender's parents would either be forced to travel the long distance, or to engage in home schooling).

Florida's constitutional responsibility to educate

The Florida Constitution provides that:

It is...a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure and high quality system of free public schools that allows students to obtain a high quality education...

Transportation of students

Section 234.01, F.S., sets forth the circumstances under which transportation of students must be provided. School boards, after considering recommendations of the superintendent, shall provide transportation to:

1. Handicapped students in prekindergarten and kindergarten, *provided transportation is necessary to provide adequate educational facilities and opportunities which would otherwise not be adequate*; and

2. Students whose homes are more than a reasonable walking distance, as defined by the rules of the commissioner, from the nearest appropriate school

Authority of principal

Section 232.26(1)(c), F.S., provides the principal with authority to recommend to the superintendent the expulsion of any student who has committed a serious breach of conduct, including, but not limited to, willful disobedience, open defiance of authority of a member of his or her staff, violence against persons or property, or any other act which substantially disrupts the orderly conduct of the school. Any recommendation of expulsion shall include a detailed report by the principal or the principal's designated representative on the alternative measures taken prior to the recommendation of expulsion.

Section 232.26(2), F.S., states that suspension proceedings may be initiated against any pupil enrolled as a student who is formally charged (not just arrested) with a felony for an incident which allegedly occurred on property other than public school property, if that incident is shown, in an administrative hearing to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. Any pupil who is suspended as the result of such proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed 10 days, as determined by the superintendent. The school board is given the authority to expel students if they have been found to have committed a felony, provided that the expulsion does not affect the delivery of educational services to the student in any residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting.

Laws Affecting Florida Schools

Florida law does not currently address school assignment or school bus transportation of students who have been charged with a criminal offense against other students or their siblings.

Section 230.235, F.S., expresses the state's "Policy of Zero-Tolerance for Crime." The section requires each school district to adopt zero-tolerance policies for crime and substance abuse.¹ Florida Administrative Code Rule 6A-1.0404, "Zero Tolerance for School Related Violent Crimes", requires each school district to invoke the most severe consequences provided for in the applicable Code of Student Conduct² in dealing with students who engage in the following violent criminal acts on **school** property, on **school-sponsored** transportation, or at **school-sponsored** activities:

- Homicide
- Sexual battery
- Armed robbery
- Aggravated battery
- Battery or aggravated battery on school personnel
- Kidnapping or abduction
- Arson
- Possession, use, or sale of any firearm; or
- Possession, use, or sale of any explosive device.

Typically, the most severe consequence is expulsion. Section 232.26(1)(c), F.S., provides school principals with authority to recommend to the superintendent that any student who has committed a serious breach of conduct be expelled. A "serious breach of conduct" may include, but is not limited to, willful disobedience, open defiance of authority of a member of the school staff, violence against

¹ s. 230.235(1), F.S.

² s. 230.23(6)(d), F.S.

persons or property, or any other act which substantially disrupts the orderly conduct of the school.³ Recommendations for expulsion must include a detailed report by the principal or the principal's designee outlining alternative measures taken prior to recommendation of expulsion.⁴

Section 232.26(2), F.S., provides that suspension proceedings may be initiated against any pupil enrolled as a student who is formally charged with a felony for an incident which allegedly occurred **on property other than public school property**, if the incident is shown in an administrative hearing to have an adverse impact on the educational program, discipline, or welfare of the school in which the offending pupil is enrolled. Any pupil who is suspended as the result of such proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time as determined by the superintendent.⁵ Unlike other suspensions, suspensions pursuant to s. 232.26(2), F.S., may exceed 10 days.⁶ The school board has authority to expel students found to have committed a felony offense.⁷ However, the expulsion must not affect the delivery of educational services to such student.⁸ If appropriate, the offending student is to be enrolled in a residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting.⁹

News accounts

The Florida Times-Union reports that 6,213 children in Florida were sexually assaulted by other children from July 1998 to June 1999.¹⁰ The newspaper also reports that during the 1998-99 school year, 159 rapes and 2,830 incidents of sexual harassment were reported to schools across the state.¹¹

The Florida Times-Union recently reported the story of a Clay County teen who rides the school bus each day with her rapist.¹² The newspaper also reported the story of a student who was home-schooled for a year following her attack by another child, and then later returned to the public school system where she discovered her attacker was attending the same school.¹³ The Clay County superintendent reportedly claimed that nothing could be done due to the criminal resolution of the case and the absence of a restraining order.¹⁴

DEPARTMENT OF JUVENILE JUSTICE (DJJ) PROVISIONS

Last session, several juvenile justice bills passed amending ch. 895, F.S. Terminology and definitional changes were made in some of the bills, but these changes were not consistent throughout the legislation.

Section 230.23161, F.S., establishes the educational services that are to be delivered to youth in DJJ programs, including legislative direction that these youth be given educational services that meet their individual needs.

³ s. 232.26(1)(c), F.S.

⁴ *Id.*

⁵ s. 232.26(5), F.S.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *The Florida Times-Union*, No. 335, pp. A1 through A5, November 30, 2001.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

Section 985.01(2)(b), F.S., mandates the DJJ to conduct employment screening pursuant to ch. 435, F.S., using the level 2 standards set forth in that chapter for personnel working in programs for children. That section also contains a list of prohibited offenses that if found guilty of, disqualify a person from working for the department.

Section 943.0585, F.S., does not contain specific authority for the Florida Department of Law Enforcement (FDLE) to expunge the nonjudicial arrest record of a minor for a non-violent misdemeanor who has successfully completed a prearrest, postarrest, or teen court diversion program verified and approved in writing by the state attorney.

Part V of ch. 985, F.S., contains the provisions for transferring youth to and from other states under the Interstate Compact on Juveniles. Chapter 943, F.S., contains provisions regarding the collection of DNA samples for certain specified crimes. No provision is made in ch. 943, F.S., for juveniles transferred under the Compact. Currently, juvenile sex offenders may be transferred into the state and may refuse to provide a DNA sample for entry into the state database.

Sections 943.085, 943.10, and 943.13, F.S., set forth standards and guidelines for law enforcement and correctional institutions and officers. According to the DJJ, inspector specialists in the Inspector General's Office investigate certified juvenile detention and juvenile probation officers, often for criminal allegations, but do not have the authority to take immediate action if need be to protect youth in these programs because these specialists are not certified.

Sections 984.01(2)(a) and 985.01(2)(a), F.S., authorize the DJJ or the Department of Children and Family Services to contract with other entities for service delivery purposes. The law requires all contracted providers and their personnel in the facility to be of good moral character; however, the law is silent in regard to contracts for services delivered on an appointment or intermittent basis.

Currently, definitions under s. 985.03, F.S., make references to "minimum-risk," "postcommitment probation," and "restrictiveness levels," which were changed during the 2000 legislative session. "Respite" is not currently defined in this section. Additionally, the definition of "temporary release" excludes a youth in a post-commitment supervision program.

The DJJ is authorized to collect the cost of care and custody for youth in detention and commitment programs in ss. 985.215, 985.231, and 985.233, F.S. Judges must make specific findings about fee payments in the commitment and/or detention order. The DJJ is required to report to the court any available information concerning the parent's ability to pay these fees. The court may reduce or waive the fee if it makes a finding of indigency or inability to pay the full cost of care.

Detention cost is specified at \$20 per day and commitment cost is the "actual cost" of care and custody. According to the DJJ, a budget reduction of \$500,000 was adopted by the Legislature based on the department's anticipated ability to recover costs, and collections to date do not appear adequate to recover that reduction. The department states that \$190,000 has been collected in the first seven months of the program.

Section 985.215, F.S., prescribes the circumstances when a youth may be placed in a juvenile detention center. There is no specific authority for placing a youth in detention when being transported from a commitment program, court, or to other appointments.

Currently, the Juvenile Justice Advisory Board (JJAB) is included in the list to receive written policies and guidelines for filing information on a juvenile from each state attorney.

According to the DJJ, concerns have been raised by oversight groups that the department's per diem rates are the same for providers in state-operated buildings and for providers operating programs in their own facilities. The department initiated a pilot program to employ contract provisions requiring providers in state-owned buildings to set aside funds to maintain these facilities. Initial efforts were not successful because although funds were set aside, they reverted to the General Revenue Fund at the end of the fiscal year, leaving no cash or spending authority during the subsequent year to address maintenance needs, according to the DJJ.

Under s. 985.417, F.S., the Florida Parole Commission must consent when a youth is transferred between the Department of Corrections and the Department of Juvenile Justice.

DEPARTMENT OF EDUCATION (DOE) PROVISIONS

"Safety and Security Best Practices" were developed in 2000 and approved by the Commissioner of Education in November, 2000, as part of the Best Financial Management Practices (BFMP). The BFMP were revised by 2000-86, Laws of Florida, and removed the Safety and Security Best Practices as a specific element of the BFMP because, although safety is a very important issue, it is not really a financial issue.

The Partnership for School Safety was established in 2000 (s. 229.8347, F.S.). The 11-member partnership, appointed by the Governor, evaluates school safety and security school programs and strategies and assesses the extent to which best practices for school safety and security are being followed. It is also required to establish and maintain an electronic clearinghouse of safety and security information, and train and offer technical assistance to school district staff and others on how to create a safe school environment.

C. EFFECT OF PROPOSED CHANGES:

Prohibition Of Certain Felony Offenders From School Or Bus Contact With Victim Or Victim's Sibling

The act creates s. 232.265, F.S., which prohibits certain students from attending the same school or riding on a school bus with the victim or sibling of the victim of an enumerated felony offense for which the offending student has plead "guilty" or nolo contendere, or for which the offending student has been adjudicated guilty or delinquent, or was found to have committed, regardless of whether adjudication was withheld. The offenses enumerated in the act relate to felony violations of:

- Chapter 782, relating to homicide;
- Chapter 784, relating to assault, battery, and culpable negligence;
- Chapter 787, relating to kidnapping, false imprisonment, luring or enticing a child, and custody offenses;
- Chapter 794, relating to sexual battery;
- Chapter 800, relating to lewdness and indecent exposure;
- Chapter 827, relating to the abuse of children;
- Section 812.13, relating to robbery;
- Section 812.131, relating to robbery by sudden snatching;
- Section 812.133, relating to carjacking; or
- Section 812.135, relating to home-invasion robbery.

The act requires DJJ to provide notice to the appropriate school district of the adjudication or plea involving an enumerated offense, as well as the operation of the act.

The act provides an exception from the requirement that the offender and victim attend different schools and ride different buses, providing that the court's disposition order "reflects" that the victim or victim's parents stated in writing or in open court that he or she did not object to the victim and offender attending the same school or riding the same bus.

The act provides that the school district in which the offending student resides must allow the offending student to attend another school in the district, so long as the victim or victim's sibling does not attend such school. If the offender is unable to attend any other school in the residing district and is prohibited from attending school in another school district, the school district must take every reasonable precaution to keep the offender separated from the victim while on school grounds or on school transportation. The parents or legal guardians of the offending student are responsible for arranging and paying for transportation associated with or required by the offender's attending another school.

In connection with the newly-created s. 232.265, F.S., the act also expands s. 230.235, F.S., to require each school district to adopt a policy of zero tolerance for victimization of students, in addition to the current zero tolerance policy for crime and substance abuse. The policy must include taking all steps necessary to protect the victim of any violent crime from any further victimization. Each school district must work cooperatively with DJJ to ensure that all "no contact" orders entered by the court are reported and enforced, and that all steps necessary are taken to protect the victim of any such crime.

In addition, the act amends s. 960.001, F.S., which addresses guidelines for fair treatment of victims and witnesses. The act provides that when the victim of an offense committed by a juvenile is a minor, DJJ is to request information regarding whether the offender and the victim or sibling of the victim attend the same school. If the offender is under the criminal court jurisdiction, the Department of Corrections is to request the information. After this information has been obtained, the appropriate agency is to notify the victim's parent or legal guardian of the right to attend the sentencing or disposition of the offender, and request that the offender be required to attend another school.

The act also amends s. 985.23(1)(d), F.S., which relates to disposition hearings in juvenile delinquency cases. The act requires the court make a finding related to the appropriateness of entering a "no contact" order in favor of the victim at delinquency proceedings involving the offending student. The act amends s. 985.228, F.S., (relating to adjudicatory hearings, withheld adjudications, and orders of adjudication) and s. 985.231, F.S., (relating to powers of disposition in delinquency cases) for purposes of incorporating the amendment to s. 985.23(1)(d), F.S.

The act directs school principals to make full and effective use of the current provisions in s. 232.26(2), F.S., relating to suspensions and expulsions, and the newly-created s. 232.265, F.S., which prohibits offenders from attending the same school or riding the same school bus as their victims in certain circumstances. A principal who doesn't comply with these provisions is ineligible for the performance pay increases provided in s. 230.23(5)(c), F.S. However, the act also provides that if the party responsible for notifying the school fails to properly provide such notification, the principal shall be eligible for the incentive.

Department of Juvenile Justice Recommended Changes

The act also includes a number of provisions recommended by the Department of Juvenile Justice, in their annual legislative package. These provisions:

- Streamline the department's background screening process and adds new offenses for which security background investigations may be conducted.

- Permit the Secretary to designate certain certified individuals in the Inspector General's Office as certified law enforcement officers.
- Require DNA testing of youth moving to the state under interstate compact.
- Allow clerks of court to receive payments for the cost of care and custody of delinquent youth.
- Authorize DJJ to contract with faith-based organizations.
- Authorize DJJ Youth Custody Officers to be included in the Florida Special Risk Retirement Plan.
- Require DJJ to submit a proposal to the Legislature by November 1, 2001, regarding funding and incentives and disincentives including liquidated damages for department-operated and provider programs under contract with the department.

Additionally, the act contains a number of technical clean-up issues. These include:

- Changing remaining references to "community control" to "probation."
- Changing remaining references to "aftercare" to "conditional release."
- Correcting references to non-residential day treatment programs to clarify that they are not commitment programs.
- Clarifying that youth involved in the Early Delinquency Intervention Program are not on conditional release status.

Also, the word "intent" is replaced with "goal" in s. 230.23161, F.S., and the intent of the Legislature is clarified in relation to the education of youth in the juvenile justice system.

Department of Education Recommended Changes

This act provides that the "Safety and Security Best Practices" developed by the Office of Program Policy Analysis and Government Accountability and approved by the Commissioner of Education shall be reviewed annually by OPPAGA and the Partnership for School Safety. It provides that school districts shall use the Safety and Security Best Practices to conduct a self-assessment. Based on these self-assessment findings, the superintendent of each school district shall provide recommendations to the school board which identify strategies and activities that the school district should implement in order to improve school safety and security. .

D. SECTION-BY-SECTION ANALYSIS:

Please see "Effect of Proposed Changes" section.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

This act is not expected to result in significant expenditures by state government. Please see "Fiscal Comments" section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Prohibition Of Certain Felony Offenders From School Or Bus Contact With Victim Or Victim's Sibling

Department of Juvenile Justice

DJJ estimates that the agency's costs associated with notifying schools, victims, and their families will be minimal. The Juvenile Justice Information System is able to process victim information and can generate the notices at a cost of approximately 36 cents per notice (postage, plus envelope and paper supplies) During FY 99-00, 37,249 youth were either placed on probation or were committed and eligible for subsequent conditional release placement. Based on this data, DJJ estimates a recurring fiscal impact for notification of approximately \$13,410 (37,249 youth X .36 = \$13,410). These costs may be offset by workload savings if the act results in reduced future victimization.

DJJ anticipates that indirect effects of the act will have an indeterminate impact on workload for juvenile probation officers and DJJ's recently-created victims' coordinators. Victims' coordinators will assume responsibility for modifying victim restitution forms to collect information on the victim's school, the victim's siblings and their schools, and the victim's preference for a no contact order and separate school situation. Juvenile probation officers will be responsible for including this information in their predisposition report to the judge, and for coordinating with the school district to facilitate separate school placements and transportation arrangements.

The act could have a negative, but indeterminate, impact on recidivism rates if offenders fail to attend or drop out of their new school setting. The Department of Education reports that 60 percent of middle school students who transfer to new schools fail to continue attendance.

Department Of Juvenile Justice Legislative Package Provisions

The DJJ reports that the cost associated with maintaining certification for Inspector Specialists in the Office of the Inspector General is estimated at \$23,400, depending upon the number designated by the Secretary.

The proposal authorizes Clerks of Court to receive payments for the cost of care and custody of juveniles. This change is expected to increase collections; however, the amount of expected improvement in collections is indeterminate. The 2000 Legislature reduced the department's budget by \$500,000 in FY 00-01 due to anticipated receipts from parents. Approximately \$190,000 has been received in the first seven months of the program. While additional improvements in

collections are expected, the DJJ reports that it does not appear that the department will be able to recover the full amount of the \$500,000 reduction.

According to DJJ, the amount of maintenance fees to be collected from providers administering programs in state-operated buildings is indeterminate. A policy has not been developed on the amount or time for negotiating these provisions into contracts. According to DJJ, provisions in this act are necessary to keep funds collected for this purpose from reverting.

Finally, the DJJ reports that Specialized Risk Retirement Benefits for 30 Youth Custody Officers will amount to \$94, 421.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

Section 1, Art. IX, Florida Constitution, provides for the following:

It is...a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure and high quality system of free public schools that allows students to obtain a high quality education...

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on General Education adopted one "strike-everything" amendment which primarily corrected some terminology, required the court to notify the district, and changed the effective date.

On March 27, 2001, the House Committee on Juvenile Justice adopted a substitute "strike-everything" amendment to the General Education amendment that was traveling with the act, and reported the bill favorably as a committee substitute. The original bill, as filed, dealt mainly with the issue of offenders and their victims and siblings of victims attending the same school and riding the same school bus. The CS passed by the Committee on Juvenile Justice expanded on the General Education amendment by adding several legal and juvenile justice issues:

- Directs school principals to make full and effective use of newly-created s. 232.265, F.S., as well as the provisions of current s. 232.26(2), F.S., which relates to suspensions and expulsions. A principal who doesn't comply with these provisions is ineligible for the performance pay increases provided in s. 230.23(5)(c), F.S. However, it also provided that if the party responsible for notifying the school fails to properly provide such notification, the principal shall be eligible for the incentive.
- Expands s. 230.235, F.S., to require each school district to include victimization of students in the district's policy of zero tolerance. The policy must include taking steps necessary to protect a victim of violent crime from any further victimization.
- Requires the court to address the appropriateness of a "no contact" order in favor of the victim at delinquency proceedings involving the offending student.

On April 17, 2001, the Council for Lifelong Learning passed the committee substitute as a council substitute. Added provisions in the Council Substitute are:

- Exception from the requirement that the offender and victim attend different schools and ride different buses, providing that the court's disposition order "reflects" that the victim or victim's parents stated in writing or in open court that he or she did not object to the victim and offender attending the same school or riding the same bus; and
- Exception to principal's ineligibility for the incentive established in s. 230.23(5)(c) F.S. if the party responsible for notifying the school of the applicability of this bill's provisions in an incident involving the school's students fails to properly provide such notification.

Additional provisions were adopted on the House and Senate Floor, primarily encompassing the Department of Juvenile Justice legislative package and safety recommendations from the Department of Education.

VII. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Gip Arthur

Staff Director:

Ouida Ashworth

AS REVISED BY THE COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Shari Z. Whittier

Staff Director:

Lori Ager

STORAGE NAME: h0267s2z.ge.doc

DATE: June 12, 2001

PAGE: 12

AS FURTHER REVISED BY THE COUNCIL FOR LIFELONG LEARNING:

Prepared by:
Gip Arthur

Staff Director:
Patricia Levesque

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON GENERAL EDUCATION:

Prepared by:

Staff Director:

Gip Arthur

Ouida Ashworth