

By the Committee on Juvenile Justice and Representatives  
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1                                   A bill to be entitled  
2           An act relating to school attendance by violent  
3           offenders; amending s. 230.235, F.S.; requiring  
4           schools to adopt a policy of zero tolerance for  
5           victimization of students; requiring each  
6           school district to enter into an agreement with  
7           the Department of Juvenile Justice for the  
8           purpose of protecting victims; amending s.  
9           231.0851, F.S.; requiring principals to take  
10          certain actions when a student has been a  
11          victim of a violent crime perpetrated by  
12          another student; providing ineligibility for  
13          certain performance pay policy incentives under  
14          certain circumstances; creating s. 232.265,  
15          F.S.; requiring the Department of Juvenile  
16          Justice to provide certain notice to school  
17          districts under certain circumstances;  
18          prohibiting certain persons from attending  
19          certain schools or riding on certain school  
20          buses under certain circumstances; providing  
21          for attending alternate schools; assigning  
22          responsibility for certain transportation under  
23          certain circumstances; amending s. 960.001,  
24          F.S.; providing an additional guideline for  
25          attendance of a victim at the same school as a  
26          juvenile defendant; amending s. 985.228, F.S.;  
27          requiring certain court orders to include  
28          certain findings; amending s. 985.23, F.S.;  
29          requiring a court to determine the  
30          appropriateness of a no contact order under  
31          certain circumstances; amending s. 985.231,

1 F.S.; requiring a court placement order or a  
2 commitment order to include certain findings;  
3 providing an effective date.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

7 Section 1. Section 230.235, Florida Statutes, is  
8 amended to read:

9 230.235 Policy of zero tolerance for crime and  
10 victimization--

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

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

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

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

25 (a) Bringing a firearm or weapon, as defined in  
26 chapter 790, to school, to any school function, or onto any  
27 school-sponsored transportation.

28 (b) Making a threat or false report, as defined by ss.  
29 790.162 and 790.163, respectively, involving school or school  
30 personnel's property, school transportation, or a  
31 school-sponsored activity.

1  
2 District school boards may assign the student to a  
3 disciplinary program or second chance school for the purpose  
4 of continuing educational services during the period of  
5 expulsion. Superintendents may consider the 1-year expulsion  
6 requirement on a case-by-case basis and request the district  
7 school board to modify the requirement by assigning the  
8 student to a disciplinary program or second chance school if  
9 it is determined to be in the best interest of the student and  
10 the school system. If a student committing any of the offenses  
11 in this subsection is a student with a disability, the school  
12 district shall comply with procedures pursuant to s. 232.251  
13 and any applicable state board rule.

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

25 Such agreements shall include the role of school resource  
26 officers, if applicable, in handling reported incidents,  
27 special circumstances in which school officials may handle  
28 incidents without filing a report to law enforcement, and a  
29 procedure for ensuring that school personnel properly report  
30 appropriate delinquent acts and crimes. The school principal  
31 shall be responsible for ensuring that all school personnel

1 are properly informed as to their responsibilities regarding  
2 crime reporting, that appropriate delinquent acts and crimes  
3 are properly reported, and that actions taken in cases with  
4 special circumstances are properly taken and documented.

5 Section 2. Section 231.0851, Florida Statutes, is  
6 amended to read:

7 231.0851 Reports of school safety and discipline.--

8 (1) Each principal must ensure that standardized forms  
9 prescribed by rule of the State Board of Education are used to  
10 report data concerning school safety and discipline to the  
11 Department of Education. The principal must develop a plan to  
12 verify the accuracy of reported incidents.

13 (2) When a student has been the victim of a violent  
14 crime perpetrated by another student who attends the same  
15 school, the principal shall make full and effective use of the  
16 provisions of ss. 232.26(2) and 232.265. A principal who fails  
17 to comply with this subsection shall be ineligible for any  
18 portion of the performance pay policy incentive under s.  
19 230.23(5)(c).

20 Section 3. Section 232.265, Florida Statutes, is  
21 created to read:

22 232.265 School attendance and transportation of  
23 certain offenders.--

24 (1) Notwithstanding any provision of law prohibiting  
25 the disclosure of the identity of a minor, whenever any person  
26 who is attending public school is adjudicated guilty of or  
27 delinquent for, or is found to have committed, regardless of  
28 whether adjudication is withheld, or pleads guilty or nolo  
29 contendere to, a felony violation of:

30 (a) Chapter 782, relating to homicide;  
31

1           (b) Chapter 784, relating to assault, battery, and  
2 culpable negligence;  
3           (c) Chapter 787, relating to kidnapping, false  
4 imprisonment, luring or enticing a child, and custody  
5 offenses;  
6           (d) Chapter 794, relating to sexual battery;  
7           (e) Chapter 800, relating to lewdness and indecent  
8 exposure;  
9           (f) Chapter 827, relating to abuse of children;  
10           (g) Section 812.13, relating to robbery;  
11           (h) Section 812.131, relating to robbery by sudden  
12 snatching;  
13           (i) Section 812.133, relating to carjacking; or  
14           (j) Section 812.135, relating to home-invasion  
15 robbery,  
16  
17 and, before or at the time of such adjudication, withholding  
18 of adjudication, or plea, the offender was attending a school  
19 attended by the victim or a sibling of the victim of the  
20 offense, the Department of Juvenile Justice shall notify the  
21 appropriate school district of the adjudication or plea and  
22 the operation of this section and that the offender is  
23 prohibited from attending that school or riding on a school  
24 bus whenever the victim or a sibling of the victim is  
25 attending the same school or riding on the same school bus.  
26 Upon receipt of such notice, the school district shall take  
27 appropriate action to effectuate the provisions of subsection  
28 (2).  
29           (2) Any offender described in subsection (1) shall not  
30 attend any school attended by the victim or a sibling of the  
31 victim of the offense or ride on a school bus on which the

1 victim or a sibling of the victim is riding. The offender  
2 shall be permitted by the school district in which the  
3 offender resides to attend another school within the district,  
4 provided the other school is not attended by the victim or  
5 sibling of the victim of the offense or may be permitted by  
6 another school district to attend a school in that district if  
7 the offender is unable to attend any school in the district in  
8 which the offender resides due to the operation of this  
9 section.

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

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

1 Section 4. Paragraph (s) is added to subsection (1) of  
2 section 960.001, Florida Statutes, to read:

3 960.001 Guidelines for fair treatment of victims and  
4 witnesses in the criminal justice and juvenile justice  
5 systems.--

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

18 (s) Attendance of victim at same school as  
19 defendant.--When the victim of an offense committed by a  
20 juvenile is a minor, the Department of Juvenile Justice shall  
21 request information to determine if the victim, or any sibling  
22 of the victim, attends or is eligible to attend the same  
23 school as the offender. However, if the offender is subject to  
24 the jurisdiction of the criminal circuit court, the Department  
25 of Corrections shall make such request. If the victim or any  
26 sibling of the victim attends or is eligible to attend the  
27 same school as that of the offender, the appropriate agency  
28 shall notify the victim's parent or legal guardian of the  
29 right to attend the sentencing or disposition of the offender  
30 and request that the offender be required to attend a  
31 different school.

1           Section 5. Subsection (4) of section 985.228, Florida  
2 Statutes, is amended to read:  
3           985.228 Adjudicatory hearings; withheld adjudications;  
4 orders of adjudication.--  
5           (4) If the court finds that the child named in the  
6 petition has committed a delinquent act or violation of law,  
7 it may, in its discretion, enter an order stating the facts  
8 upon which its finding is based but withholding adjudication  
9 of delinquency and placing the child in a probation program  
10 under the supervision of the department or under the  
11 supervision of any other person or agency specifically  
12 authorized and appointed by the court. The court may, as a  
13 condition of the program, impose as a penalty component  
14 restitution in money or in kind, community service, a curfew,  
15 urine monitoring, revocation or suspension of the driver's  
16 license of the child, or other nonresidential punishment  
17 appropriate to the offense, and may impose as a rehabilitative  
18 component a requirement of participation in substance abuse  
19 treatment, or school or other educational program attendance.  
20 If the child is attending public school and the court finds  
21 that the victim or a sibling of the victim in the case was  
22 assigned to attend or is eligible to attend the same school as  
23 the child, the court order shall include a finding pursuant to  
24 the proceedings described in s. 985.23(1)(d).If the court  
25 later finds that the child has not complied with the rules,  
26 restrictions, or conditions of the community-based program,  
27 the court may, after a hearing to establish the lack of  
28 compliance, but without further evidence of the state of  
29 delinquency, enter an adjudication of delinquency and shall  
30 thereafter have full authority under this chapter to deal with  
31 the child as adjudicated.



1           Section 6. Paragraph (d) of subsection (1) of section  
2 985.23, Florida Statutes, is amended to read:

3           985.23 Disposition hearings in delinquency  
4 cases.--When a child has been found to have committed a  
5 delinquent act, the following procedures shall be applicable  
6 to the disposition of the case:

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

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

24  
25 It is the intent of the Legislature that the criteria set  
26 forth in subsection (2) are general guidelines to be followed  
27 at the discretion of the court and not mandatory requirements  
28 of procedure. It is not the intent of the Legislature to  
29 provide for the appeal of the disposition made pursuant to  
30 this section.

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1           Section 7. Paragraph (a) of subsection (1) of section  
2 985.231, Florida Statutes, is amended to read:

3           985.231 Powers of disposition in delinquency cases.--

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

8           1. Place the child in a probation program or a  
9 postcommitment probation program under the supervision of an  
10 authorized agent of the Department of Juvenile Justice or of  
11 any other person or agency specifically authorized and  
12 appointed by the court, whether in the child's own home, in  
13 the home of a relative of the child, or in some other suitable  
14 place under such reasonable conditions as the court may  
15 direct. A probation program for an adjudicated delinquent  
16 child must include a penalty component such as restitution in  
17 money or in kind, community service, a curfew, revocation or  
18 suspension of the driver's license of the child, or other  
19 nonresidential punishment appropriate to the offense and must  
20 also include a rehabilitative program component such as a  
21 requirement of participation in substance abuse treatment or  
22 in school or other educational program. If the child is  
23 attending or is eligible to attend public school and the court  
24 finds that the victim or a sibling of the victim in the case  
25 is attending or may attend the same school as the child, the  
26 court placement order shall include a finding pursuant to the  
27 proceedings described in s. 985.23(1)(d). Upon the  
28 recommendation of the department at the time of disposition,  
29 or subsequent to disposition pursuant to the filing of a  
30 petition alleging a violation of the child's conditions of  
31 postcommitment probation or conditional release supervision,

1 the court may order the child to submit to random testing for  
2 the purpose of detecting and monitoring the use of alcohol or  
3 controlled substances.

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

29 b. The court may conduct judicial review hearings for  
30 a child placed on probation for the purpose of fostering  
31 accountability to the judge and compliance with other

1 requirements, such as restitution and community service. The  
2 court may allow early termination of probation for a child who  
3 has substantially complied with the terms and conditions of  
4 probation.

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

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

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

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

18 (III) Modify or continue the child's probation program  
19 or postcommitment probation program.

20 (IV) Revoke probation or postcommitment probation and  
21 commit the child to the department.

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

27 2. Commit the child to a licensed child-caring agency  
28 willing to receive the child, but the court may not commit the  
29 child to a jail or to a facility used primarily as a detention  
30 center or facility or shelter.

31

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

19           4. Revoke or suspend the driver's license of the  
20 child.

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

25           6. As part of the probation program to be implemented  
26 by the Department of Juvenile Justice, or, in the case of a  
27 committed child, as part of the community-based sanctions  
28 ordered by the court at the disposition hearing or before the  
29 child's release from commitment, order the child to make  
30 restitution in money, through a promissory note cosigned by  
31 the child's parent or guardian, or in kind for any damage or

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

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

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

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

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

22           Section 8. This act shall take effect July 1, 2001.  
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