

1                                   A bill to be entitled  
2           An act relating to juvenile justice; amending  
3           s. 20.316, F.S.; revising the juvenile justice  
4           continuum to include community-based  
5           residential commitment programs; deleting a  
6           requirement that information systems of the  
7           Department of Juvenile Justice support the  
8           Juvenile Justice Advisory Board; amending s.  
9           228.041, F.S.; authorizing additional teacher  
10          planning days for nonresidential programs of  
11          the Department of Juvenile Justice upon the  
12          request of the provider; amending s. 230.23161,  
13          F.S.; providing legislative goals with respect  
14          to education within department programs;  
15          amending s. 230.235, F.S.; requiring schools to  
16          adopt a policy of zero tolerance for  
17          victimization of students; requiring each  
18          school district to enter into an agreement with  
19          the Department of Juvenile Justice for the  
20          purpose of protecting victims; amending s.  
21          231.0851, F.S.; requiring principals to take  
22          certain actions when a student has been a  
23          victim of a violent crime perpetrated by  
24          another student; providing ineligibility for  
25          certain performance pay policy incentives under  
26          certain circumstances; creating s. 232.265,  
27          F.S.; requiring the Department of Juvenile  
28          Justice to provide certain notice to school  
29          districts under certain circumstances;  
30          prohibiting certain persons from attending  
31          certain schools or riding on certain school

1 buses under certain circumstances; providing  
 2 for attending alternate schools; assigning  
 3 responsibility for certain transportation under  
 4 certain circumstances; amending s. 435.04,  
 5 F.S.; revising requirements for level-2  
 6 screening standards for persons in positions of  
 7 trust or responsibility; providing requirements  
 8 for background investigations for employees of  
 9 the Department of Juvenile Justice; limiting  
 10 the department's authority to provide an  
 11 exemption; creating s. 943.0582, F.S.;  
 12 providing for prearrest, postarrest, or teen  
 13 court diversion program expunction in certain  
 14 circumstances; providing for retroactive  
 15 effect; amending s. 960.001, F.S.; providing an  
 16 additional guideline for attendance of a victim  
 17 at the same school as a juvenile defendant;  
 18 amending s. 985.228, F.S.; requiring certain  
 19 court orders to include certain findings;  
 20 amending s. 985.23, F.S.; requiring a court to  
 21 determine the appropriateness of a no contact  
 22 order under certain circumstances; amending s.  
 23 943.325, F.S.; requiring DNA analysis of  
 24 persons who have committed certain offenses and  
 25 who are transferred to the state under the  
 26 Interstate Compact on Juveniles; amending ss.  
 27 984.01 and 985.01, F.S., relating to personnel  
 28 standards and screening; requiring the  
 29 Department of Juvenile Justice and the  
 30 Department of Children and Family Services to  
 31 ensure that certain contractors are of good

1 moral character; amending s. 985.02, F.S.;  
 2 clarifying legislative intent concerning the  
 3 responsibilities of parents, custodians, and  
 4 guardians of children in the juvenile justice  
 5 system; amending s. 985.03, F.S.; revising  
 6 definitions; defining the term "respite" for  
 7 purposes of ch. 985, F.S.; amending s. 985.04,  
 8 F.S.; providing that certain records maintained  
 9 by the Department of Juvenile Justice need only  
 10 be retained for 25 years; expanding the  
 11 circumstances under which certain juvenile  
 12 records are not considered confidential and  
 13 exempt solely because of age; amending ss.  
 14 985.207 and 985.213, F.S.; clarifying  
 15 circumstances under which a juvenile is taken  
 16 into custody and assessed for placement;  
 17 requiring the parent or guardian to provide  
 18 certain information; amending s. 985.21, F.S.;  
 19 requiring the parent or guardian of a juvenile  
 20 to provide certain information to the juvenile  
 21 probation officer; amending s. 985.215, F.S.;  
 22 revising provisions related to the collection  
 23 of certain fees; authorizing placing a juvenile  
 24 into secure detention under certain  
 25 circumstances for a specified period;  
 26 authorizing the clerk of the circuit court to  
 27 act as depository for fees; requiring the  
 28 parent or guardian to provide certain  
 29 information; providing for retroactive effect;  
 30 amending s. 985.227, F.S.; revising  
 31 requirements for state attorneys with respect

1 to reporting direct-file guidelines; amending  
2 ss. 985.231 and 985.233, F.S.; requiring a  
3 court placement order or a commitment order to  
4 include certain findings; revising certain  
5 requirements for testing a juvenile for the use  
6 of alcohol or controlled substances; revising  
7 provisions related to the collection of certain  
8 fees; authorizing the clerk of the circuit  
9 court to act as depository for fees; requiring  
10 the parent or guardian to provide certain  
11 information; providing for retroactive effect;  
12 amending s. 985.305, F.S.; revising services  
13 provided under the early delinquency  
14 intervention program; amending s. 985.3065,  
15 F.S.; providing for postarrest diversion  
16 programs; providing for expunction of records;  
17 amending s. 985.31, F.S., relating to serious  
18 or habitual juvenile offenders; conforming  
19 provisions to changes made by the act; amending  
20 s. 985.3155, F.S.; revising requirements for  
21 the multiagency plan for vocational education;  
22 amending s. 985.316, F.S.; revising conditions  
23 under which a juvenile may be released on  
24 conditional release; amending s. 985.404, F.S.;  
25 providing legislative intent with regard to  
26 contracting with faith-based organizations that  
27 provide services to juveniles; clarifying  
28 conditions under which a juvenile may be  
29 transferred; deleting language relating to the  
30 collection and reporting of cost data and  
31 program ranking; amending s. 985.412, F.S.;

1 adding requirements relating to the collection  
2 and reporting of cost data and program ranking;  
3 requiring the Department of Juvenile Justice to  
4 submit proposals for funding incentives and  
5 disincentives based upon quality assurance  
6 performance and cost-effectiveness performance  
7 to the Legislature by a date certain; amending  
8 s. 985.417, F.S.; revising conditions for  
9 transferring a juvenile from the Department of  
10 Corrections to the supervision of the  
11 Department of Juvenile Justice; amending s. 14  
12 of ch. 2000-134, Laws of Florida; revising  
13 requirements for monitoring and supervising  
14 juvenile offenders under a pilot program;  
15 creating s. 985.42, F.S.; authorizing the  
16 secretary to designate certain employees as law  
17 enforcement officers; creating s. 985.422,  
18 F.S.; authorizing the deposit of repair and  
19 maintenance funds into the Administrative Trust  
20 Fund; amending s. 985.401, F.S., to conform;  
21 requiring the Office of Program Policy Analysis  
22 and Government Accountability to annually  
23 review certain safety and security best  
24 practices; requiring school districts to use  
25 such practices to conduct certain assessments;  
26 requiring school district superintendents to  
27 make certain recommendations to school boards  
28 based on such assessments; requiring school  
29 boards to hold public meetings on the  
30 assessments and recommendations; repealing s.  
31 985.404(10) and (11), F.S., relating to an

1 annual cost data collection and reporting  
2 program of the Department of Juvenile Justice  
3 and cost-effectiveness model development and  
4 application to commitment programs of the  
5 department; providing effective dates.  
6

7 Be It Enacted by the Legislature of the State of Florida:  
8

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

12 20.316 Department of Juvenile Justice.--There is  
13 created a Department of Juvenile Justice.

14 (1) SECRETARY OF JUVENILE JUSTICE.--

15 (b) The Secretary of Juvenile Justice is responsible  
16 for planning, coordinating, and managing the delivery of all  
17 programs and services within the juvenile justice continuum.  
18 For purposes of this section, the term "juvenile justice  
19 continuum" means all children-in-need-of-services programs;  
20 families-in-need-of-services programs; other prevention, early  
21 intervention, and diversion programs; detention centers and  
22 related programs and facilities; community-based residential  
23 commitment and nonresidential ~~commitment~~ programs; and  
24 delinquency institutions provided or funded by the department.

25 (4) INFORMATION SYSTEMS.--

26 (d) The management information system shall, at a  
27 minimum:

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

30 2. Provide timely access to current data and computing  
31 capacity to support ~~the~~ outcome evaluation ~~activities of the~~

1 ~~Juvenile Justice Advisory Board as provided in s. 985.401,~~  
2 legislative oversight, the Juvenile Justice Estimating  
3 Conference, and other research.

4 3. Provide automated support to the quality assurance  
5 and program review functions.

6 4. Provide automated support to the contract  
7 management process.

8 5. Provide automated support to the facility  
9 operations management process.

10 6. Provide automated administrative support to  
11 increase efficiency, provide the capability of tracking  
12 expenditures of funds by the department or contracted service  
13 providers that are eligible for federal reimbursement, and  
14 reduce forms and paperwork.

15 7. Facilitate connectivity, access, and utilization of  
16 information among various state agencies, and other state,  
17 federal, local, and private agencies, organizations, and  
18 institutions.

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

22 9. Provide a system for the training of information  
23 system users and user groups.

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

26 228.041 Definitions.--Specific definitions shall be as  
27 follows, and wherever such defined words or terms are used in  
28 the Florida School Code, they shall be used as follows:

29 (43) SCHOOL YEAR FOR JUVENILE JUSTICE PROGRAMS.--For  
30 schools operating for the purpose of providing educational  
31 services to youth in Department of Juvenile Justice programs,

1 the school year shall be comprised of 250 days of instruction  
2 distributed over 12 months. At the request of the provider, a  
3 district school board may decrease the minimum number of days  
4 of instruction by up to 10 days for teacher planning for  
5 residential programs and up to 20 days for teacher planning  
6 for nonresidential programs, subject to the approval of the  
7 Department of Juvenile Justice and the Department of  
8 Education.

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

11 230.23161 Educational services in Department of  
12 Juvenile Justice programs.--

13 (1) The Legislature finds that education is the single  
14 most important factor in the rehabilitation of adjudicated  
15 delinquent youth in the custody of the Department of Juvenile  
16 Justice in detention or commitment facilities. It is the goal  
17 intent of the Legislature that youth in the juvenile justice  
18 system continue to receive a high-quality ~~be provided with~~  
19 ~~equal opportunity and access to quality and effective~~  
20 ~~education that will meet the individual needs of each child.~~  
21 The Department of Education shall serve as the lead agency for  
22 juvenile justice education programs, ~~to ensure that~~  
23 curriculum, support services, and resources ~~are provided to~~  
24 ~~maximize the public's investment in the custody and care of~~  
25 ~~these youth.~~ To this end, the Department of Education and the  
26 Department of Juvenile Justice shall each designate a  
27 Coordinator for Juvenile Justice Education Programs to serve  
28 as the point of contact for resolving issues not addressed by  
29 local district school boards and to provide ~~ensure~~ each  
30 department's participation in the following activities:  
31



1 (a) Training, collaborating, and coordinating with the  
2 Department of Juvenile Justice, local school districts,  
3 educational contract providers, and juvenile justice  
4 providers, whether state operated or contracted.

5 (b) Collecting information on the academic performance  
6 of students in juvenile justice commitment and detention  
7 programs and reporting on the results.

8 (c) Developing academic and vocational protocols that  
9 provide guidance to school districts and providers in all  
10 aspects of education programming, including records transfer  
11 and transition.

12 (d) Prescribing the roles of program personnel and  
13 interdepartmental local school district or provider  
14 collaboration strategies.

15  
16 Annually, a cooperative agreement and plan for juvenile  
17 justice education service enhancement shall be developed  
18 between the Department of Juvenile Justice and the Department  
19 of Education and submitted to the Secretary of Juvenile  
20 Justice and the Commissioner of Education by June 30.

21 Section 4. Section 230.235, Florida Statutes, is  
22 amended to read:

23 230.235 Policy of zero tolerance for crime and  
24 victimization--

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

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

31

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

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

9           (a) Bringing a firearm or weapon, as defined in  
10 chapter 790, to school, to any school function, or onto any  
11 school-sponsored transportation.

12           (b) Making a threat or false report, as defined by ss.  
13 790.162 and 790.163, respectively, involving school or school  
14 personnel's property, school transportation, or a  
15 school-sponsored activity.

16  
17 District school boards may assign the student to a  
18 disciplinary program or second chance school for the purpose  
19 of continuing educational services during the period of  
20 expulsion. Superintendents may consider the 1-year expulsion  
21 requirement on a case-by-case basis and request the district  
22 school board to modify the requirement by assigning the  
23 student to a disciplinary program or second chance school if  
24 it is determined to be in the best interest of the student and  
25 the school system. If a student committing any of the offenses  
26 in this subsection is a student with a disability, the school  
27 district shall comply with procedures pursuant to s. 232.251  
28 and any applicable state board rule.

29           (3) Each school district shall enter into an agreement  
30 with the county sheriff's office or local police department  
31 specifying guidelines for ensuring that felonies and violent

1 misdemeanors, whether committed by a student or adult, and  
 2 delinquent acts that would be felonies or violent misdemeanors  
 3 if committed by an adult, are reported to law enforcement. The  
 4 cooperative agreement, adopted pursuant to s. 230.23161(14)  
 5 with the Department of Juvenile Justice, shall specify  
 6 guidelines for ensuring that all no contact orders entered by  
 7 the court are reported and enforced and that all steps  
 8 necessary are taken to protect the victim of any such crime.  
 9 Such agreements shall include the role of school resource  
 10 officers, if applicable, in handling reported incidents,  
 11 special circumstances in which school officials may handle  
 12 incidents without filing a report to law enforcement, and a  
 13 procedure for ensuring that school personnel properly report  
 14 appropriate delinquent acts and crimes. The school principal  
 15 shall be responsible for ensuring that all school personnel  
 16 are properly informed as to their responsibilities regarding  
 17 crime reporting, that appropriate delinquent acts and crimes  
 18 are properly reported, and that actions taken in cases with  
 19 special circumstances are properly taken and documented.

20 Section 5. Section 231.0851, Florida Statutes, is  
 21 amended to read:

22 231.0851 Reports of school safety and discipline.--

23 (1) Each principal must ensure that standardized forms  
 24 prescribed by rule of the State Board of Education are used to  
 25 report data concerning school safety and discipline to the  
 26 Department of Education. The principal must develop a plan to  
 27 verify the accuracy of reported incidents.

28 (2) When a student has been the victim of a violent  
 29 crime perpetrated by another student who attends the same  
 30 school, the principal shall make full and effective use of the  
 31 provisions of ss. 232.26(2) and 232.265. A principal who fails

1 to comply with this subsection shall be ineligible for any  
2 portion of the performance pay policy incentive under s.  
3 230.23(5)(c). However, if any party responsible for  
4 notification fails to properly notify the school, the  
5 principal shall be eligible for the incentive.

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

8 232.265 School attendance and transportation of  
9 certain offenders.--

10 (1) Notwithstanding any provision of law prohibiting  
11 the disclosure of the identity of a minor, whenever any person  
12 who is attending public school is adjudicated guilty of or  
13 delinquent for, or is found to have committed, regardless of  
14 whether adjudication is withheld, or pleads guilty or nolo  
15 contendere to, a felony violation of:

16 (a) Chapter 782, relating to homicide;

17 (b) Chapter 784, relating to assault, battery, and  
18 culpable negligence;

19 (c) Chapter 787, relating to kidnapping, false  
20 imprisonment, luring or enticing a child, and custody  
21 offenses;

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

23 (e) Chapter 800, relating to lewdness and indecent  
24 exposure;

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

26 (g) Section 812.13, relating to robbery;

27 (h) Section 812.131, relating to robbery by sudden  
28 snatching;

29 (i) Section 812.133, relating to carjacking; or

30 (j) Section 812.135, relating to home-invasion  
31 robbery,

1  
2 and, before or at the time of such adjudication, withholding  
3 of adjudication, or plea, the offender was attending a school  
4 attended by the victim or a sibling of the victim of the  
5 offense, the Department of Juvenile Justice shall notify the  
6 appropriate school district of the adjudication or plea and  
7 the operation of this section and whether the offender is  
8 prohibited from attending that school or riding on a school  
9 bus whenever the victim or a sibling of the victim is  
10 attending the same school or riding on the same school bus,  
11 except as provided pursuant to a written disposition order  
12 under s. 985.23(1)(d). Upon receipt of such notice, the  
13 school district shall take appropriate action to effectuate  
14 the provisions of subsection (2).

15 (2) Any offender described in subsection (1), who is  
16 not exempted as provided in subsection (1), shall not attend  
17 any school attended by the victim or a sibling of the victim  
18 of the offense or ride on a school bus on which the victim or  
19 a sibling of the victim is riding. The offender shall be  
20 permitted by the school district in which the offender resides  
21 to attend another school within the district, provided the  
22 other school is not attended by the victim or sibling of the  
23 victim of the offense or may be permitted by another school  
24 district to attend a school in that district if the offender  
25 is unable to attend any school in the district in which the  
26 offender resides due to the operation of this section.

27 (3) If the offender is unable to attend any other  
28 school in the district in which the offender resides and is  
29 prohibited from attending school in another school district,  
30 the school district in which the offender resides shall take  
31 every reasonable precaution to keep the offender separated

1 from the victim while on school grounds or on school  
 2 transportation. The steps to be taken by a school district to  
 3 keep the offender separated from the victim shall include, but  
 4 not be limited to, in-school suspension of the offender and  
 5 the scheduling of classes, lunch, or other school activities  
 6 of the victim and the offender so as not to coincide.

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

18 Section 7. Subsection (1) of section 435.04, Florida  
 19 Statutes, is amended, and present subsections (3) and (4) of  
 20 said section are renumbered as subsections (4) and (5),  
 21 respectively, and a new subsection (3) is added to said  
 22 section, to read:

23 435.04 Level 2 screening standards.--

24 (1) All employees in positions designated by law as  
 25 positions of trust or responsibility shall be required to  
 26 undergo security background investigations as a condition of  
 27 employment and continued employment. For the purposes of this  
 28 subsection, security background investigations shall include,  
 29 but not be limited to, ~~employment history checks,~~  
 30 fingerprinting for all purposes and checks in this subsection,  
 31 statewide criminal and juvenile records checks through the

1 Florida Department of Law Enforcement, and federal criminal  
2 records checks through the Federal Bureau of Investigation,  
3 and may include local criminal records checks through local  
4 law enforcement agencies.

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

13 (a) Section 784.07, relating to assault or battery of  
14 law enforcement officers, firefighters, emergency medical care  
15 providers, public transit employees or agents, or other  
16 specified officers.

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

19 (c) Section 944.40, relating to escape.

20  
21 The Department of Juvenile Justice may not remove a  
22 disqualification from employment or grant an exemption to any  
23 person who is disqualified under this section for any offense  
24 disposed of during the most recent 7-year period.

25 Section 8. Section 943.0582, Florida Statutes, is  
26 created to read:

27 943.0582 Prearrest, postarrest, or teen court  
28 diversion program expunction.--

29 (1) Notwithstanding any law dealing generally with the  
30 preservation and destruction of public records, the department  
31 may provide, by rule adopted pursuant to chapter 120, for the

1 expunction of any nonjudicial record of the arrest of a minor  
2 who has successfully completed a prearrest or postarrest  
3 diversion program for minors as authorized by s. 985.3065.

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

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

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

21 (b) As used in this section, the term "nonviolent  
22 misdemeanor" includes simple assault or battery when prearrest  
23 or postarrest diversion expunction is approved in writing by  
24 the state attorney for the county in which the arrest  
25 occurred.

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

29 (a) Submits an application for prearrest or postarrest  
30 diversion expunction, on a form prescribed by the department,  
31 signed by the minor's parent or legal guardian, or by the



1 minor if he or she has reached the age of majority at the time  
2 of applying.

3 (b) Submits the application for prearrest or  
4 postarrest diversion expunction no later than 6 months after  
5 completion of the diversion program.

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

15 (d) Participated in a prearrest or postarrest  
16 diversion program that expressly authorizes or permits such  
17 expunction to occur.

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

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

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

30 (5) This section operates retroactively to permit the  
31 expunction of any nonjudicial record of the arrest of a minor

1 who has successfully completed a prearrest or postarrest  
2 diversion program on or after July 1, 2000; however, in the  
3 case of a minor whose completion of the program occurred  
4 before the effective date of this section, the application for  
5 prearrest or postarrest diversion expunction must be submitted  
6 within 6 months after the effective date of this section.

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

12 Section 9. Paragraph (a) of subsection (1) of section  
13 943.325, Florida Statutes, is amended to read:

14 943.325 Blood specimen testing for DNA analysis.--

15 (1)(a) Any person who is convicted or was previously  
16 convicted in this state for any offense or attempted offense  
17 defined in chapter 794, chapter 800, s. 782.04, s. 784.045, s.  
18 810.02, s. 812.133, or s. 812.135, and any person who is  
19 transferred to this state under Article VII of the Interstate  
20 Compact on Juveniles, part V of chapter 985, who has committed  
21 or attempted to commit an offense similarly defined by the  
22 transferring state, who is either:

23 1. Still incarcerated, or

24 2. No longer incarcerated but is within the confines  
25 of the legal state boundaries and is on probation, community  
26 control, parole, conditional release, control release, or any  
27 other court-ordered supervision,

28  
29 shall be required to submit two specimens of blood to a  
30 Department of Law Enforcement designated testing facility as  
31 directed by the department.

1           Section 10. Paragraph (s) is added to subsection (1)  
2 of 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 a presentence investigation by the Department of Corrections,  
25 the Department of Corrections shall make such request. If the  
26 victim or any sibling of the victim attends or is eligible to  
27 attend the same school as that of the offender, the  
28 appropriate agency shall notify the victim's parent or legal  
29 guardian of the right to attend the sentencing or disposition  
30 of the offender and request that the offender be required to  
31 attend a different school.

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

3           984.01 Purposes and intent; personnel standards and  
4 screening.--

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

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

27           Section 12. Paragraph (a) of subsection (2) of section  
28 985.01, Florida Statutes, is amended to read:

29           985.01 Purposes and intent; personnel standards and  
30 screening.--

31

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

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

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

25           985.02 Legislative intent for the juvenile justice  
26 system.--

27           (7) PARENTAL, CUSTODIAL, AND GUARDIAN  
28 RESPONSIBILITIES.--Parents, custodians, and guardians are  
29 deemed by the state to be responsible for providing their  
30 children with sufficient support, guidance, and supervision to  
31 deter their participation in delinquent acts. The state

1 further recognizes that the ability of parents, custodians,  
2 and guardians to fulfill those responsibilities can be greatly  
3 impaired by economic, social, behavioral, emotional, and  
4 related problems. It is therefore the policy of the  
5 Legislature that it is the state's responsibility to ensure  
6 that factors impeding the ability of caretakers to fulfill  
7 their responsibilities are identified through the delinquency  
8 intake process and that appropriate recommendations to address  
9 those problems are considered in any judicial or nonjudicial  
10 proceeding. Nonetheless, as it is also the intent of the  
11 Legislature to preserve and strengthen the child's family  
12 ties, it is the policy of the Legislature that the emotional,  
13 legal, and financial responsibilities of the caretaker with  
14 regard to the care, custody, and support of the child continue  
15 while the child is in the physical or legal custody of the  
16 department.

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

24 985.03 Definitions.--When used in this chapter, the  
25 term:

26 (13) "Conditional release" means the care, treatment,  
27 help, and supervision provided to a juvenile released from a  
28 residential commitment program which is intended to promote  
29 rehabilitation and prevent recidivism. The purpose of  
30 conditional release is to protect the public, reduce  
31 recidivism, increase responsible productive behavior, and

1 provide for a successful transition of the youth from the  
2 department to the family. Conditional release includes, but is  
3 not limited to, ~~minimum-risk~~ nonresidential community-based  
4 programs ~~and postcommitment probation.~~

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

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

14 (31) "Juvenile sexual offender" means:

15 (a) A juvenile who has been found by the court  
16 pursuant to s. 985.228 to have committed a violation of  
17 chapter 794, chapter 796, chapter 800, s. 827.071, or s.  
18 847.0133;

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

25 1. "Coercion" means the exploitation of authority, use  
26 of bribes, threats of force, or intimidation to gain  
27 cooperation or compliance.

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

31

1           3. "Consent" means an agreement including all of the  
2 following:

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

5           b. Knowledge of societal standards for what is being  
6 proposed.

7           c. Awareness of potential consequences and  
8 alternatives.

9           d. Assumption that agreement or disagreement will be  
10 accepted equally.

11           e. Voluntary decision.

12           f. Mental competence.

13  
14 Juvenile sexual offender behavior ranges from noncontact  
15 sexual behavior such as making obscene phone calls,  
16 exhibitionism, voyeurism, and the showing or taking of lewd  
17 photographs to varying degrees of direct sexual contact, such  
18 as frottage, fondling, digital penetration, rape, fellatio,  
19 sodomy, and various other sexually aggressive acts.

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

28           (45) "Residential commitment level" means the level of  
29 security provided by programs that service the supervision,  
30 custody, care, and treatment needs of committed children.  
31 Sections 985.3141 and 985.404(13) apply to children placed in



1 programs at any residential commitment level. The levels of  
2 residential commitment are as follows:

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

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

23 (56)~~(55)~~ "Temporary release" means the terms and  
24 conditions under which a child is temporarily released from a  
25 commitment facility or allowed home visits. If the temporary  
26 release is from a moderate-risk residential facility, a  
27 high-risk residential facility, or a maximum-risk residential  
28 facility, the terms and conditions of the temporary release  
29 must be approved by the child, the court, and the facility.  
30 The term includes periods during which the child is supervised  
31 pursuant to a conditional release program or a period during

1 which the child is supervised by a juvenile probation officer  
2 or other nonresidential staff of the department or staff  
3 employed by an entity under contract with the department. A  
4 ~~child placed in a postcommitment supervision program by order~~  
5 ~~of the court is not considered to be on temporary release and~~  
6 ~~is not subject to the terms and conditions of temporary~~  
7 ~~release.~~

8 Section 15. Subsection (2), paragraph (a) of  
9 subsection (3), paragraph (a) of subsection (4), and  
10 subsection (5) of section 985.04, Florida Statutes, are  
11 amended to read:

12 985.04 Oaths; records; confidential information.--

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

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

1 943.0525, and must maintain the confidentiality of information  
2 that is otherwise exempt from s. 119.07(1), as provided by  
3 law.

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

24 (5) Notwithstanding any other provisions of this part,  
25 the name, photograph, address, and crime or arrest report of a  
26 child:

27 (a) Taken into custody if the child has been taken  
28 into custody by a law enforcement officer for a violation of  
29 law which, if committed by an adult, would be a felony; ~~or~~  
30  
31

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

4 (c) Transferred to the adult system pursuant to s.  
5 985.227, indicted pursuant to s. 985.225, or waived pursuant  
6 to s. 95.226;

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

10 (e) Transferred to the adult system but sentenced to  
11 the juvenile system pursuant to s. 985.233

12  
13 shall not be considered confidential and exempt from the  
14 provisions of s. 119.07(1) solely because of the child's age.

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

18 985.207 Taking a child into custody.--

19 (1) A child may be taken into custody under the  
20 following circumstances:

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

26  
27 Nothing in this subsection shall be construed to allow the  
28 detention of a child who does not meet the detention criteria  
29 in s. 985.215.

30 (2) When a child is taken into custody as provided in  
31 this section, the person taking the child into custody shall

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

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

19 985.21 Intake and case management.--

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

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

8 Section 18. Paragraph (b) of subsection (2) of section  
9 985.213, Florida Statutes, is amended to read:

10 985.213 Use of detention.--

11 (2)

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

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

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

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

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

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

19  
 20 The child may not be held in secure detention under this  
 21 subparagraph for more than 48 hours unless ordered by the  
 22 court. After 48 hours, the court shall hold a hearing if the  
 23 state attorney or victim requests that secure detention be  
 24 continued. The child may continue to be held in detention care  
 25 if the court makes a specific, written finding that detention  
 26 care is necessary to protect the victim from injury. However,  
 27 the child may not be held in detention care beyond the time  
 28 limits set forth in s. 985.215.

29           4. For a child who is under the supervision of the  
 30 department through probation ~~community control~~, home  
 31 detention, nonsecure detention, conditional release ~~aftercare~~,



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

6 Section 19. Paragraph (a) of subsection (2) of section  
7 985.215, Florida Statutes, is amended, and paragraph (f) is  
8 added to subsection (10) of said section, to read:

9 985.215 Detention.--

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

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

19  
20 A child who meets any of these criteria and who is ordered to  
21 be detained pursuant to this subsection shall be given a  
22 hearing within 24 hours after being taken into custody. The  
23 purpose of the detention hearing is to determine the existence  
24 of probable cause that the child has committed the delinquent  
25 act or violation of law with which he or she is charged and  
26 the need for continued detention. Unless a child is detained  
27 under paragraph (d) or paragraph (e), the court shall utilize  
28 the results of the risk assessment performed by the juvenile  
29 probation officer and, based on the criteria in this  
30 subsection, shall determine the need for continued detention.  
31 A child placed into secure, nonsecure, or home detention care

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

18 (10)

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

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

28 985.215 Detention.--

29 (6)(a) When any child is placed into secure,  
30 nonsecure, or home detention care or into other placement  
31 pursuant to a court order following a detention hearing, the

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

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

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

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

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

28 (e) With respect to a child who has been found to have  
29 committed a delinquent act or violation of law, whether or not  
30 adjudication is withheld, and whose parent or guardian  
31 receives public assistance for any portion of that child's

1 care, the department must seek a federal waiver to garnish or  
2 otherwise order the payments of the portion of the public  
3 assistance relating to that child to offset the costs of  
4 providing care, custody, maintenance, rehabilitation,  
5 intervention, or corrective services to the child. When the  
6 order affects the guardianship estate, a certified copy of the  
7 order shall be delivered to the judge having jurisdiction of  
8 the guardianship estate.

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

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

29 (h) The department may employ a collection agency for  
30 the purpose of receiving, collecting, and managing the payment  
31 of unpaid and delinquent fees. The collection agency must be

1 registered and in good standing under chapter 559. The  
2 department may pay to the collection agency a fee from the  
3 amount collected under the claim or may authorize the agency  
4 to deduct the fee from the amount collected. The department  
5 may also pay for collection services from available authorized  
6 funds.

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

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

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

22 985.227 Prosecution of juveniles as adults by the  
23 direct filing of an information in the criminal division of  
24 the circuit court; discretionary criteria; mandatory  
25 criteria.--

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

1 ~~Representatives, and the Juvenile Justice Advisory Board~~ not  
2 later than January 1 of each year.

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

5 985.228 Adjudicatory hearings; withheld adjudications;  
6 orders of adjudication.--

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

1 thereafter have full authority under this chapter to deal with  
2 the child as adjudicated.

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

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

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

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

31



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

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

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

13 985.231 Powers of disposition in delinquency cases.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 985.231 Powers of disposition in delinquency cases.--

15 (1)

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (4) SENTENCING ALTERNATIVES.--

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (4) SENTENCING ALTERNATIVES.--

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

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

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

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

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



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

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

9 985.3065 Prearrest or postarrest diversion programs.--

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

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

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

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

30 985.31 Serious or habitual juvenile offender.--

31

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(48)~~(47)~~. 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(48)~~(47)~~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 31. 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

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 32. 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

1 community college or a university while in the program,  
2 subject to available funding.

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

5 985.404 Administering the juvenile justice  
6 continuum.--

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

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

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

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

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

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

31

1 Section 34. Section 985.412, Florida Statutes, is  
2 amended to read:

3 985.412 Quality assurance and cost-effectiveness.--

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

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

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

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

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

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

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

23 (g)7. Modify or eliminate activities that are not  
24 effective.

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

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

29 (b)2. "Program component" means an aggregation of  
30 generally related objectives which, because of their special  
31 character, related workload, and interrelated output, can

1 logically be considered an entity for purposes of  
 2 organization, management, accounting, reporting, and  
 3 budgeting.

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

7 (3) The department shall annually collect and report  
 8 cost data for every program operated or contracted by the  
 9 department. The cost data shall conform to a format approved  
 10 by the department and the Legislature. Uniform cost data shall  
 11 be reported and collected for state-operated and contracted  
 12 programs so that comparisons can be made among programs. The  
 13 department shall ensure that there is accurate cost accounting  
 14 for state-operated services including market-equivalent rent  
 15 and other shared cost. The cost of the educational program  
 16 provided to a residential facility shall be reported and  
 17 included in the cost of a program. The department shall submit  
 18 an annual cost report to the President of the Senate, the  
 19 Speaker of the House of Representatives, the Minority Leader  
 20 of each house of the Legislature, the appropriate substantive  
 21 and fiscal committees of each house of the Legislature, and  
 22 the Governor, no later than December 1 of each year.

23 Cost-benefit analysis for educational programs will be  
 24 developed and implemented in collaboration with and in  
 25 cooperation with the Department of Education, local providers,  
 26 and local school districts. Cost data for the report shall  
 27 include data collected by the Department of Education for the  
 28 purposes of preparing the annual report required by s.  
 29 230.23161(21).

30 (4)(a) The Department of Juvenile Justice, in  
 31 consultation with the Office of Economic and Demographic

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

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

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

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



1 Policy Analysis and Government Accountability of any meetings  
2 to refine the model.

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

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

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

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

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

20 (5)(e) The department shall:

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

26 (b)2- Provide operational definitions of and criteria  
27 for quality assurance for each specific program component.

28 (c)3- Establish quality assurance goals and objectives  
29 for each specific program component.

30 (d)4- Establish the information and specific data  
31 elements required for the quality assurance program.

1           ~~(e)5.~~ Develop a quality assurance manual of specific,  
 2 standardized terminology and procedures to be followed by each  
 3 program.

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

25           ~~1.a.~~ Contracting out for the services provided in the  
 26 program;

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

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

1           ~~4.d.~~ Realigning the program.

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

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

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

1 achieve consistency in incentives and disincentives for both  
2 department-operated and contractor-provided programs. The  
3 department may include recommendations for the use of  
4 liquidated damages in the proposal; however, the department is  
5 not presently authorized to contract for liquidated damages.

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

8 985.417 Transfer of children from the Department of  
9 Corrections to the Department of Juvenile Justice.--

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

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

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

27 (2) Under the pilot program created in subsection (1),  
28 the Orange County Sheriff's Office shall monitor selected  
29 juvenile offenders on probation ~~community control~~ in Orange  
30 County. The Department of Juvenile Justice shall recommend  
31 juvenile offenders on probation ~~community control~~,

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

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

27 Section 37. Section 985.42, Florida Statutes, is  
28 created to read:

29 985.42 Inspector general; inspectors.--The secretary  
30 is authorized to designate persons holding law enforcement  
31 certification within the Office of the Inspector General as

1 law enforcement officers, as necessary, to enforce any  
2 criminal law, and conduct any criminal investigation that  
3 relates to state-operated programs or state-operated  
4 facilities over which the department has jurisdiction. Persons  
5 designated as law enforcement officers must be certified  
6 pursuant to s. 943.1395.

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

9 985.422 Maintenance of state-owned facilities.--

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

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

18 Section 39. Paragraph (b) of subsection (4) of section  
19 985.401, Florida Statutes, is amended to read:

20 985.401 Juvenile Justice Advisory Board.--

21 (4)

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

1 shall notify the Office of Program Policy Analysis and  
2 Government Accountability of any meetings to develop the  
3 methodology.

4           Section 40. (1) The "Safety and Security Best  
5 Practices" developed by the Office of Program Policy Analysis  
6 and Government Accountability and approved by the Commissioner  
7 of Education shall be reviewed annually by the Office of  
8 Program Policy Analysis and Government Accountability and the  
9 Partnership for School Safety and Security established in s.  
10 229.8347, Florida Statutes, and each entity shall make  
11 recommendations to the Commissioner of Education for the  
12 addition, revision, or deletion of best practices.

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

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

29           Section 41. Subsections (10) and (11) of section  
30 985.404, Florida Statutes, are repealed.

31

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

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