

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; amending s. 121.021, F.S.; amending  
6 the definition of the term "special risk  
7 member"; amending s. 121.0515, F.S.; providing  
8 an additional criterion for designation as a  
9 special risk member; providing effective dates.

10

11 Be It Enacted by the Legislature of the State of Florida:

12

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

16 20.316 Department of Juvenile Justice.--There is  
17 created a Department of Juvenile Justice.

18 (1) SECRETARY OF JUVENILE JUSTICE.--

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

29 (4) INFORMATION SYSTEMS.--

30 (d) The management information system shall, at a  
31 minimum:

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

3           2. Provide timely access to current data and computing  
4 capacity to support ~~the outcome evaluation activities of the~~  
5 ~~Juvenile Justice Advisory Board as provided in s. 985.401,~~  
6 legislative oversight, the Juvenile Justice Estimating  
7 Conference, and other research.

8           3. Provide automated support to the quality assurance  
9 and program review functions.

10          4. Provide automated support to the contract  
11 management process.

12          5. Provide automated support to the facility  
13 operations management process.

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

19          7. Facilitate connectivity, access, and utilization of  
20 information among various state agencies, and other state,  
21 federal, local, and private agencies, organizations, and  
22 institutions.

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

26          9. Provide a system for the training of information  
27 system users and user groups.

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

30  
31

1           228.041 Definitions.--Specific definitions shall be as  
2 follows, and wherever such defined words or terms are used in  
3 the Florida School Code, they shall be used as follows:

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

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

17           230.23161 Educational services in Department of  
18 Juvenile Justice programs.--

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



1 Department of Juvenile Justice shall each designate a  
2 Coordinator for Juvenile Justice Education Programs to serve  
3 as the point of contact for resolving issues not addressed by  
4 local district school boards and to provide ~~ensure~~ each  
5 department's participation in the following activities:

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

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

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

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

20  
21 Annually, a cooperative agreement and plan for juvenile  
22 justice education service enhancement shall be developed  
23 between the Department of Juvenile Justice and the Department  
24 of Education and submitted to the Secretary of Juvenile  
25 Justice and the Commissioner of Education by June 30.

26 Section 4. Section 230.235, Florida Statutes, is  
27 amended to read:

28 230.235 Policy of zero tolerance for crime and  
29 victimization.--

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

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

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

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

13           (a) Bringing a firearm or weapon, as defined in  
14 chapter 790, to school, to any school function, or onto any  
15 school-sponsored transportation.

16           (b) Making a threat or false report, as defined by ss.  
17 790.162 and 790.163, respectively, involving school or school  
18 personnel's property, school transportation, or a  
19 school-sponsored activity.

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

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

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

25 Section 5. Section 231.0851, Florida Statutes, is  
26 amended to read:

27 231.0851 Reports of school safety and discipline.--

28 (1) Each principal must ensure that standardized forms  
29 prescribed by rule of the State Board of Education are used to  
30 report data concerning school safety and discipline to the

31

1 Department of Education. The principal must develop a plan to  
2 verify the accuracy of reported incidents.

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

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

14 232.265 School attendance and transportation of  
15 certain offenders.--

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

22 (a) Chapter 782, relating to homicide;

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

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

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

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

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

1           (g) Section 812.13, relating to robbery;

2           (h) Section 812.131, relating to robbery by sudden  
3 snatching;

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

5           (j) Section 812.135, relating to home-invasion  
6 robbery,

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

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

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

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

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

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

30 435.04 Level 2 screening standards.--  
31

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

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

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

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

27           (c) Section 944.40, relating to escape.

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

3 Section 8. Section 943.0582, Florida Statutes, is  
4 created to read:

5 943.0582 Prearrest, postarrest, or teen court  
6 diversion program expunction.--

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

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

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

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

30 (b) As used in this section, the term "nonviolent  
31 misdemeanor" includes simple assault or battery when prearrest



1 or postarrest diversion expunction is approved in writing by  
2 the state attorney for the county in which the arrest  
3 occurred.

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

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

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

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

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

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

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

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

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

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

22           Section 9. Paragraph (a) of subsection (1) of section  
23 943.325, Florida Statutes, is amended to read:

24           943.325 Blood specimen testing for DNA analysis.--

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

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

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

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

14 960.001 Guidelines for fair treatment of victims and  
15 witnesses in the criminal justice and juvenile justice  
16 systems.--

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

29 (s) Attendance of victim at same school as  
30 defendant.--When the victim of an offense committed by a  
31 juvenile is a minor, the Department of Juvenile Justice shall

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

12 Section 11. Paragraph (a) of subsection (2) of section  
13 984.01, Florida Statutes, is amended to read:

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

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

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

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

7 Section 12. Paragraph (a) of subsection (2) of section  
8 985.01, Florida Statutes, is amended to read:

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

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

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

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

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

5 985.02 Legislative intent for the juvenile justice  
6 system.--

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

28 Section 14. Subsections (13), (26), (30), (31), (32),  
29 and paragraph (c) of subsection (45) of section 985.03,  
30 Florida Statutes, are amended, subsections (46) through (58)  
31 of said section are renumbered as subsections (47) through

1 (59), respectively, a new subsection (46) is added to said  
2 section, and renumbered subsection (56) of said section is  
3 amended, to read:

4 985.03 Definitions.--When used in this chapter, the  
5 term:

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

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

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

25 (31) "Juvenile sexual offender" means:

26 (a) A juvenile who has been found by the court  
27 pursuant to s. 985.228 to have committed a violation of  
28 chapter 794, chapter 796, chapter 800, s. 827.071, or s.  
29 847.0133;

30 (b) A juvenile found to have committed any felony  
31 violation of law or delinquent act involving juvenile sexual

1 abuse. "Juvenile sexual abuse" means any sexual behavior which  
2 occurs without consent, without equality, or as a result of  
3 coercion. For purposes of this subsection, the following  
4 definitions apply:

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

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

11         3. "Consent" means an agreement including all of the  
12 following:

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

15             b. Knowledge of societal standards for what is being  
16 proposed.

17             c. Awareness of potential consequences and  
18 alternatives.

19             d. Assumption that agreement or disagreement will be  
20 accepted equally.

21             e. Voluntary decision.

22             f. Mental competence.

23

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

30         (32) "Legal custody or guardian" means a legal status  
31 created by court order or letter of guardianship which vests



1 in a custodian of the person or guardian, whether an agency or  
2 an individual, the right to have physical custody of the child  
3 and the right and duty to protect, train, and discipline the  
4 child and to provide him or her with food, shelter, education,  
5 and ordinary medical, dental, psychiatric, and psychological  
6 care.

7 (45) "Residential commitment level" means the level of  
8 security provided by programs that service the supervision,  
9 custody, care, and treatment needs of committed children.

10 Sections 985.3141 and 985.404(13) apply to children placed in  
11 programs at any residential commitment level. The levels of  
12 residential commitment are as follows:

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

28 (46) "Respite" means a placement that is available for  
29 the care, custody, and placement of a youth charged with  
30 domestic violence as an alternative to secure detention or for  
31

1 placement of a youth when a shelter bed for a child in need of  
2 services or a family in need of services is unavailable.

3 (56)(55) "Temporary release" means the terms and  
4 conditions under which a child is temporarily released from a  
5 commitment facility or allowed home visits. If the temporary  
6 release is from a moderate-risk residential facility, a  
7 high-risk residential facility, or a maximum-risk residential  
8 facility, the terms and conditions of the temporary release  
9 must be approved by the child, the court, and the facility.  
10 The term includes periods during which the child is supervised  
11 pursuant to a conditional release program or a period during  
12 which the child is supervised by a juvenile probation officer  
13 or other nonresidential staff of the department or staff  
14 employed by an entity under contract with the department. ~~A~~  
15 ~~child placed in a postcommitment supervision program by order~~  
16 ~~of the court is not considered to be on temporary release and~~  
17 ~~is not subject to the terms and conditions of temporary~~  
18 ~~release.~~

19 Section 15. Subsection (2), paragraph (a) of  
20 subsection (3), paragraph (a) of subsection (4), and  
21 subsection (5) of section 985.04, Florida Statutes, are  
22 amended to read:

23 985.04 Oaths; records; confidential information.--

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

1 cases of the death of the child. Such records, however, shall  
2 be sealed by the court for use only in meeting the screening  
3 requirements for personnel in s. 402.3055 and the other  
4 sections cited above, or pursuant to departmental rule;  
5 however, current criminal history information must be obtained  
6 from the Department of Law Enforcement in accordance with s.  
7 943.053. The information shall be released to those persons  
8 specified in the above cited sections for the purposes of  
9 complying with those sections. The court may punish by  
10 contempt any person who releases or uses the records for any  
11 unauthorized purpose.

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

1 enter into an interagency agreement for the purpose of sharing  
2 information about juvenile offenders among all parties. The  
3 agreement must specify the conditions under which summary  
4 criminal history information is to be made available to  
5 appropriate school personnel, and the conditions under which  
6 school records are to be made available to appropriate  
7 department personnel. Such agreement shall require  
8 notification to any classroom teacher of assignment to the  
9 teacher's classroom of a juvenile who has been placed in a  
10 probation or commitment program for a felony offense. The  
11 agencies entering into such agreement must comply with s.  
12 943.0525, and must maintain the confidentiality of information  
13 that is otherwise exempt from s. 119.07(1), as provided by  
14 law.

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

1 proper, provided adequate assurances are given that children's  
2 names and other identifying information will not be disclosed  
3 by the applicant.

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

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

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

13 (c) Transferred to the adult system pursuant to s.  
14 985.227, indicted pursuant to s. 985.225, or waived pursuant  
15 to s. 95.226;

16 (d) Taken into custody by a law enforcement officer  
17 for a violation of law subject to the provisions of s.  
18 985.227(2)(b) or (d); or

19 (e) Transferred to the adult system but sentenced to  
20 the juvenile system pursuant to s. 985.233

21  
22 shall not be considered confidential and exempt from the  
23 provisions of s. 119.07(1) solely because of the child's age.

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

27 985.207 Taking a child into custody.--

28 (1) A child may be taken into custody under the  
29 following circumstances:

30 (d) By a law enforcement officer who has probable  
31 cause to believe that the child is in violation of the

1 conditions of the child's probation, home detention,  
2 postcommitment probation ~~community control~~, or conditional  
3 release supervision or has escaped ~~absconded~~ from commitment.

4  
5 Nothing in this subsection shall be construed to allow the  
6 detention of a child who does not meet the detention criteria  
7 in s. 985.215.

8 (2) When a child is taken into custody as provided in  
9 this section, the person taking the child into custody shall  
10 attempt to notify the parent, guardian, or legal custodian of  
11 the child. The person taking the child into custody shall  
12 continue such attempt until the parent, guardian, or legal  
13 custodian of the child is notified or the child is delivered  
14 to a juvenile probation officer pursuant to s. 985.21,  
15 whichever occurs first. If the child is delivered to a  
16 juvenile probation officer before the parent, guardian, or  
17 legal custodian is notified, the juvenile probation officer  
18 shall continue the attempt to notify until the parent,  
19 guardian, or legal custodian of the child is notified.

20 Following notification, the parent or guardian must provide  
21 identifying information, including name, address, date of  
22 birth, social security number, and driver's license number or  
23 identification card number of the parent or guardian to the  
24 person taking the child into custody or the juvenile probation  
25 officer.

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

28 985.21 Intake and case management.--

29 (5) Prior to requesting that a delinquency petition be  
30 filed or prior to filing a dependency petition, the juvenile  
31 probation officer may request the parent or legal guardian of

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

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

19 985.213 Use of detention.--

20 (2)

21 (b)1. The risk assessment instrument for detention  
 22 care placement determinations and orders shall be developed by  
 23 the Department of Juvenile Justice in agreement with  
 24 representatives appointed by the following associations: the  
 25 Conference of Circuit Judges of Florida, the Prosecuting  
 26 Attorneys Association, the Public Defenders Association, the  
 27 Florida Sheriffs Association, and the Florida Association of  
 28 Chiefs of Police. Each association shall appoint two  
 29 individuals, one representing an urban area and one  
 30 representing a rural area. The parties involved shall  
 31 evaluate and revise the risk assessment instrument as is

1 considered necessary using the method for revision as agreed  
 2 by the parties. The risk assessment instrument shall take into  
 3 consideration, but need not be limited to, prior history of  
 4 failure to appear, prior offenses, offenses committed pending  
 5 adjudication, any unlawful possession of a firearm, theft of a  
 6 motor vehicle or possession of a stolen motor vehicle, and  
 7 probation ~~community control~~ status at the time the child is  
 8 taken into custody. The risk assessment instrument shall also  
 9 take into consideration appropriate aggravating and mitigating  
 10 circumstances, and shall be designed to target a narrower  
 11 population of children than s. 985.215(2). The risk assessment  
 12 instrument shall also include any information concerning the  
 13 child's history of abuse and neglect. The risk assessment  
 14 shall indicate whether detention care is warranted, and, if  
 15 detention care is warranted, whether the child should be  
 16 placed into secure, nonsecure, or home detention care.

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

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

- 25             a. Respite care for the child is not available; and
- 26             b. It is necessary to place the child in secure
- 27 detention in order to protect the victim from injury.

28  
 29 The child may not be held in secure detention under this  
 30 subparagraph for more than 48 hours unless ordered by the  
 31 court. After 48 hours, the court shall hold a hearing if the



1 state attorney or victim requests that secure detention be  
2 continued. The child may continue to be held in detention care  
3 if the court makes a specific, written finding that detention  
4 care is necessary to protect the victim from injury. However,  
5 the child may not be held in detention care beyond the time  
6 limits set forth in s. 985.215.

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

15 Section 19. Paragraph (a) of subsection (2) of section  
16 985.215, Florida Statutes, is amended, and paragraph (f) is  
17 added to subsection (10) of said section, to read:

18 985.215 Detention.--

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

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

28  
29 A child who meets any of these criteria and who is ordered to  
30 be detained pursuant to this subsection shall be given a  
31 hearing within 24 hours after being taken into custody. The

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

27 (10)

28 (f) Regardless of detention status, a child being  
29 transported by the department to a commitment facility of the  
30 department may be placed in secure detention overnight, not to  
31 exceed a 24-hour period, for the specific purpose of ensuring

1 the safe delivery of the child to his or her commitment  
 2 program, court, appointment, transfer, or release.

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

6 985.215 Detention.--

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

24 (b) At the time of the detention hearing, the  
 25 department shall report to the court, verbally or in writing,  
 26 any available information concerning the ability of the parent  
 27 or guardian of the child to pay such fee. If the court makes a  
 28 finding of indigency, the parent or guardian shall pay to the  
 29 department a nominal subsistence fee of \$2 per day that the  
 30 child is securely detained outside the home or \$1 per day if  
 31 the child is otherwise detained in lieu of other fees related

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

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

31

1           (d) The court must include specific findings in the  
 2 detention order as to what fees are ordered, reduced, or  
 3 waived. If the court fails to enter an order as required by  
 4 this subsection, it shall be presumed that the court intended  
 5 the parent or guardian to pay to the department the fee of \$5  
 6 ~~\$20~~ per day that the child remains in detention care.

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

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

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

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

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

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

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

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

1           985.227 Prosecution of juveniles as adults by the  
2 direct filing of an information in the criminal division of  
3 the circuit court; discretionary criteria; mandatory  
4 criteria.--

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

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

14           985.228 Adjudicatory hearings; withheld adjudications;  
15 orders of adjudication.--

16           (4) If the court finds that the child named in the  
17 petition has committed a delinquent act or violation of law,  
18 it may, in its discretion, enter an order stating the facts  
19 upon which its finding is based but withholding adjudication  
20 of delinquency and placing the child in a probation program  
21 under the supervision of the department or under the  
22 supervision of any other person or agency specifically  
23 authorized and appointed by the court. The court may, as a  
24 condition of the program, impose as a penalty component  
25 restitution in money or in kind, community service, a curfew,  
26 urine monitoring, revocation or suspension of the driver's  
27 license of the child, or other nonresidential punishment  
28 appropriate to the offense, and may impose as a rehabilitative  
29 component a requirement of participation in substance abuse  
30 treatment, or school or other educational program attendance.  
31 If the child is attending public school and the court finds

1 that the victim or a sibling of the victim in the case was  
2 assigned to attend or is eligible to attend the same school as  
3 the child, the court order shall include a finding pursuant to  
4 the proceedings described in s. 985.23(1)(d). If the court  
5 later finds that the child has not complied with the rules,  
6 restrictions, or conditions of the community-based program,  
7 the court may, after a hearing to establish the lack of  
8 compliance, but without further evidence of the state of  
9 delinquency, enter an adjudication of delinquency and shall  
10 thereafter have full authority under this chapter to deal with  
11 the child as adjudicated.

12 Section 23. Paragraph (d) of subsection (1) of section  
13 985.23, Florida Statutes, is amended to read:

14 985.23 Disposition hearings in delinquency  
15 cases.--When a child has been found to have committed a  
16 delinquent act, the following procedures shall be applicable  
17 to the disposition of the case:

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

20 (d) Give all parties present at the hearing an  
21 opportunity to comment on the issue of disposition and any  
22 proposed rehabilitative plan. Parties to the case shall  
23 include the parents, legal custodians, or guardians of the  
24 child; the child's counsel; the state attorney;  
25 representatives of the department; the victim if any, or his  
26 or her representative; representatives of the school system;  
27 and the law enforcement officers involved in the case. If the  
28 child is attending or is eligible to attend public school and  
29 the court finds that the victim or a sibling of the victim in  
30 the case is attending or may attend the same school as the  
31 child, the court shall, on its own motion or upon the request



1 of any party or any parent or legal guardian of the victim,  
2 determine whether it is appropriate to enter a no contact  
3 order in favor of the victim or a sibling of the victim. If  
4 appropriate and acceptable to the victim and the victim's  
5 parent or parents or legal guardian, the court may reflect in  
6 the written disposition order that the victim or the victim's  
7 parent stated in writing or in open court that he or she did  
8 not object to the offender being permitted to attend the same  
9 school or ride on the same school bus as the victim or a  
10 sibling of the victim.

11

12 It is the intent of the Legislature that the criteria set  
13 forth in subsection (2) are general guidelines to be followed  
14 at the discretion of the court and not mandatory requirements  
15 of procedure. It is not the intent of the Legislature to  
16 provide for the appeal of the disposition made pursuant to  
17 this section.

18 Section 24. Paragraph (a) of subsection (1) and  
19 subsection (2) of section 985.231, Florida Statutes, are  
20 amended to read:

21 985.231 Powers of disposition in delinquency cases.--

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

26 1. Place the child in a probation program or a  
27 postcommitment probation program under the supervision of an  
28 authorized agent of the Department of Juvenile Justice or of  
29 any other person or agency specifically authorized and  
30 appointed by the court, whether in the child's own home, in  
31 the home of a relative of the child, or in some other suitable

1 place under such reasonable conditions as the court may  
2 direct. A probation program for an adjudicated delinquent  
3 child must include a penalty component such as restitution in  
4 money or in kind, community service, a curfew, revocation or  
5 suspension of the driver's license of the child, or other  
6 nonresidential punishment appropriate to the offense and must  
7 also include a rehabilitative program component such as a  
8 requirement of participation in substance abuse treatment or  
9 in school or other educational program. If the child is  
10 attending or is eligible to attend public school and the court  
11 finds that the victim or a sibling of the victim in the case  
12 is attending or may attend the same school as the child, the  
13 court placement order shall include a finding pursuant to the  
14 proceedings described in s. 985.23(1)(d). Upon the  
15 recommendation of the department at the time of disposition,  
16 or subsequent to disposition pursuant to the filing of a  
17 petition alleging a violation of the child's conditions of  
18 postcommitment probation ~~or conditional release supervision~~,  
19 the court may order the child to submit to random testing for  
20 the purpose of detecting and monitoring the use of alcohol or  
21 controlled substances.

22 a. A restrictiveness level classification scale for  
23 levels of supervision shall be provided by the department,  
24 taking into account the child's needs and risks relative to  
25 probation supervision requirements to reasonably ensure the  
26 public safety. Probation programs for children shall be  
27 supervised by the department or by any other person or agency  
28 specifically authorized by the court. These programs must  
29 include, but are not limited to, structured or restricted  
30 activities as described in this subparagraph, and shall be  
31 designed to encourage the child toward acceptable and

1 functional social behavior. If supervision or a program of  
2 community service is ordered by the court, the duration of  
3 such supervision or program must be consistent with any  
4 treatment and rehabilitation needs identified for the child  
5 and may not exceed the term for which sentence could be  
6 imposed if the child were committed for the offense, except  
7 that the duration of such supervision or program for an  
8 offense that is a misdemeanor of the second degree, or is  
9 equivalent to a misdemeanor of the second degree, may be for a  
10 period not to exceed 6 months. When restitution is ordered by  
11 the court, the amount of restitution may not exceed an amount  
12 the child and the parent or guardian could reasonably be  
13 expected to pay or make. A child who participates in any work  
14 program under this part is considered an employee of the state  
15 for purposes of liability, unless otherwise provided by law.

16       b. The court may conduct judicial review hearings for  
17 a child placed on probation for the purpose of fostering  
18 accountability to the judge and compliance with other  
19 requirements, such as restitution and community service. The  
20 court may allow early termination of probation for a child who  
21 has substantially complied with the terms and conditions of  
22 probation.

23       c. If the conditions of the probation program or the  
24 postcommitment probation program are violated, the department  
25 or the state attorney may bring the child before the court on  
26 a petition alleging a violation of the program. Any child who  
27 violates the conditions of probation or postcommitment  
28 probation must be brought before the court if sanctions are  
29 sought. A child taken into custody under s. 985.207 for  
30 violating the conditions of probation or postcommitment  
31 probation shall be held in a consequence unit if such a unit

1 is available. The child shall be afforded a hearing within 24  
2 hours after being taken into custody to determine the  
3 existence of probable cause that the child violated the  
4 conditions of probation or postcommitment probation. A  
5 consequence unit is a secure facility specifically designated  
6 by the department for children who are taken into custody  
7 under s. 985.207 for violating probation or postcommitment  
8 probation, or who have been found by the court to have  
9 violated the conditions of probation or postcommitment  
10 probation. If the violation involves a new charge of  
11 delinquency, the child may be detained under s. 985.215 in a  
12 facility other than a consequence unit. If the child is not  
13 eligible for detention for the new charge of delinquency, the  
14 child may be held in the consequence unit pending a hearing  
15 and is subject to the time limitations specified in s.  
16 985.215. If the child denies violating the conditions of  
17 probation or postcommitment probation, the court shall appoint  
18 counsel to represent the child at the child's request. Upon  
19 the child's admission, or if the court finds after a hearing  
20 that the child has violated the conditions of probation or  
21 postcommitment probation, the court shall enter an order  
22 revoking, modifying, or continuing probation or postcommitment  
23 probation. In each such case, the court shall enter a new  
24 disposition order and, in addition to the sanctions set forth  
25 in this paragraph, may impose any sanction the court could  
26 have imposed at the original disposition hearing. If the child  
27 is found to have violated the conditions of probation or  
28 postcommitment probation, the court may:

29 (I) Place the child in a consequence unit in that  
30 judicial circuit, if available, for up to 5 days for a first  
31

1 violation, and up to 15 days for a second or subsequent  
2 violation.

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

6 (III) Modify or continue the child's probation program  
7 or postcommitment probation program.

8 (IV) Revoke probation or postcommitment probation and  
9 commit the child to the department.

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

15 2. Commit the child to a licensed child-caring agency  
16 willing to receive the child, but the court may not commit the  
17 child to a jail or to a facility used primarily as a detention  
18 center or facility or shelter.

19 3. Commit the child to the Department of Juvenile  
20 Justice at a residential commitment ~~restrictiveness~~ level  
21 defined in s. 985.03. Such commitment must be for the purpose  
22 of exercising active control over the child, including, but  
23 not limited to, custody, care, training, urine monitoring, and  
24 treatment of the child and release of the child into the  
25 community in a postcommitment nonresidential conditional  
26 release program. If the child is eligible to attend public  
27 school following residential commitment and the court finds  
28 that the victim or a sibling of the victim in the case is or  
29 may be attending the same school as the child, the commitment  
30 order shall include a finding pursuant to the proceedings  
31 described in s. 985.23(1)(d). If the child is not successful

1 in the conditional release program, the department may use the  
2 transfer procedure under s. 985.404. Notwithstanding s. 743.07  
3 and paragraph (d), and except as provided in s. 985.31, the  
4 term of the commitment must be until the child is discharged  
5 by the department or until he or she reaches the age of 21.

6 4. Revoke or suspend the driver's license of the  
7 child.

8 5. Require the child and, if the court finds it  
9 appropriate, the child's parent or guardian together with the  
10 child, to render community service in a public service  
11 program.

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

1 or guardian of liability for restitution under this  
2 subparagraph.

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

8 8. Commit the child to the Department of Juvenile  
9 Justice for placement in a program or facility for serious or  
10 habitual juvenile offenders in accordance with s. 985.31. Any  
11 commitment of a child to a program or facility for serious or  
12 habitual juvenile offenders must be for an indeterminate  
13 period of time, but the time may not exceed the maximum term  
14 of imprisonment that an adult may serve for the same offense.  
15 The court may retain jurisdiction over such child until the  
16 child reaches the age of 21, specifically for the purpose of  
17 the child completing the program.

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

28 10. Subject to specific appropriation, commit the  
29 juvenile sexual offender to the Department of Juvenile Justice  
30 for placement in a program or facility for juvenile sexual  
31 offenders in accordance with s. 985.308. Any commitment of a

1 juvenile sexual offender to a program or facility for juvenile  
 2 sexual offenders must be for an indeterminate period of time,  
 3 but the time may not exceed the maximum term of imprisonment  
 4 that an adult may serve for the same offense. The court may  
 5 retain jurisdiction over a juvenile sexual offender until the  
 6 juvenile sexual offender reaches the age of 21, specifically  
 7 for the purpose of completing the program.

8 (2) Following a delinquency adjudicatory hearing  
 9 pursuant to s. 985.228 and a delinquency disposition hearing  
 10 pursuant to s. 985.23 which results in a commitment  
 11 determination, the court shall, on its own or upon request by  
 12 the state or the department, determine whether the protection  
 13 of the public requires that the child be placed in a program  
 14 for serious or habitual juvenile offenders and whether the  
 15 particular needs of the child would be best served by a  
 16 program for serious or habitual juvenile offenders as provided  
 17 in s. 985.31. The determination shall be made pursuant to ss.  
 18 985.03(46)~~(47)~~and 985.23(3).

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

23 985.231 Powers of disposition in delinquency cases.--

24 (1)

25 (b)1. When any child is adjudicated by the court to  
 26 have committed a delinquent act and temporary legal custody of  
 27 the child has been placed with a licensed child-caring agency  
 28 or the Department of Juvenile Justice, the court shall order  
 29 the ~~natural or adoptive~~ parents of such child, ~~including the~~  
 30 ~~natural father of such child born out of wedlock who has~~  
 31 ~~acknowledged his paternity in writing before the court, or the~~



1 ~~guardian of such child's estate, if possessed of assets that~~  
2 ~~under law may be disbursed for the care, support, and~~  
3 ~~maintenance of the child,~~to pay fees to the department in the  
4 amount of \$5 per day that the child is under the care or  
5 supervision of the department in order to partially offset the  
6 ~~not to exceed the actual~~ cost of the care, support, ~~and~~  
7 maintenance, and other usual and ordinary obligations of  
8 parents to provide for the needs of their children while of  
9 ~~the child~~ in the recommended residential commitment level,  
10 unless the court makes a finding on the record that the parent  
11 or guardian of the child is indigent.

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

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

10 3. In addition, the court may reduce the fees or waive  
11 the fees as to each parent or guardian if the court makes a  
12 finding on the record that the parent or guardian was the  
13 victim of the delinquent act or violation of law for which the  
14 child is subject to placement under this section and that the  
15 parent or guardian has cooperated in the investigation and  
16 prosecution of the offense. ~~As to each parent or guardian, the~~  
17 ~~court may reduce the fees or waive the fees if the court makes~~  
18 ~~a finding on the record that the parent or guardian has made a~~  
19 ~~diligent and good faith effort to prevent the child from~~  
20 ~~engaging in the delinquent act or violation of law.~~

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

1 child who reaches the age of 18 while in the custody of the  
2 department, the court may, upon proper motion of any party,  
3 hold a hearing as to whether any party should be further  
4 obligated respecting the payment of fees. When the order  
5 affects the guardianship estate, a certified copy of the order  
6 shall be delivered to the judge having jurisdiction of the  
7 guardianship estate.

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

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

28 7. The department may employ a collection agency for  
29 the purpose of receiving, collecting, and managing the payment  
30 of unpaid and delinquent fees. The collection agency must be  
31 registered and in good standing under chapter 559. The

1 department may pay to the collection agency a fee from the  
2 amount collected under the claim or may authorize the agency  
3 to deduct the fee from the amount collected. The department  
4 may also pay for collection services from available authorized  
5 funds.

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

11 9. The Department of Juvenile Justice shall provide to  
12 the payor documentation of any amounts paid by the payor to  
13 the Department of Juvenile Justice on behalf of the child. All  
14 payments received by the department pursuant to this  
15 subsection shall be deposited in the state Grants and  
16 Donations Trust Fund.

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

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

24 985.233 Sentencing powers; procedures; alternatives  
25 for juveniles prosecuted as adults.--

26 (4) SENTENCING ALTERNATIVES.--

27 (d)1. Recoupment of cost of care in juvenile justice  
28 facilities.--When the court orders commitment of a child to  
29 the Department of Juvenile Justice for treatment in any of the  
30 department's programs for children, the court shall order the  
31 ~~natural or adoptive~~ parents of such child, ~~including the~~

1 ~~natural father of such child born out of wedlock who has~~  
2 ~~acknowledged his paternity in writing before the court, or~~  
3 ~~guardian of such child's estate, if possessed of assets which~~  
4 ~~under law may be disbursed for the care, support, and~~  
5 ~~maintenance of the child, to pay fees in the amount of \$5 per~~  
6 ~~day that the child is under the care or supervision of the~~  
7 ~~department in order to partially offset the not to exceed the~~  
8 ~~actual cost of the care, support, and maintenance, and other~~  
9 ~~usual and ordinary obligations of parents to provide for the~~  
10 ~~needs of their children of the child, unless the court makes a~~  
11 ~~finding on the record that the parent or legal guardian of the~~  
12 ~~child is indigent.~~

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

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

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

25 4. All orders committing a child to a residential  
26 commitment program shall include specific findings as to what  
27 fees are ordered, reduced, or waived. If the court fails to  
28 enter an order as required by this paragraph, it shall be  
29 presumed that the court intended the parent or guardian to pay  
30 fees to the department in an amount of \$5 per day related to  
31 ~~not to exceed the actual cost of the care, support, and~~

1 maintenance of the child. With regard to a child who reaches  
2 the age of 18 prior to the disposition hearing, the court may  
3 elect to direct an order required by this paragraph to such  
4 child, rather than the parent or guardian. With regard to a  
5 child who reaches the age of 18 while in the custody of the  
6 department, the court may, upon proper motion of any party,  
7 hold a hearing as to whether any party should be further  
8 obligated respecting the payment of fees.

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

12 8. Neither the court nor the department may extend the  
 13 child's length of stay in commitment care solely for the  
 14 purpose of collecting fees.

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

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

19 (4) SENTENCING ALTERNATIVES.--

20 (f) School attendance.--If the child is attending or  
 21 is eligible to attend public school and the court finds that  
 22 the victim or a sibling of the victim in the case is attending  
 23 or may attend the same school as the child, the court  
 24 placement order shall include a finding pursuant to the  
 25 proceeding described in s. 985.23(1)(d).

26  
 27 It is the intent of the Legislature that the criteria and  
 28 guidelines in this subsection are mandatory and that a  
 29 determination of disposition under this subsection is subject  
 30 to the right of the child to appellate review under s.  
 31 985.234.



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

3           985.305 Early delinquency intervention program;  
4 criteria.--

5           (2) The early delinquency intervention program shall  
6 consist of intensive residential treatment in a secure  
7 facility for 7 days to 6 weeks, followed by 6 to 9 months of  
8 additional services ~~conditional release~~. An early delinquency  
9 intervention program facility shall be designed to accommodate  
10 the placement of a maximum of 10 children, except that the  
11 facility may accommodate up to 2 children in excess of that  
12 maximum if the additional children have previously been  
13 released from the residential portion of the program and are  
14 later found to need additional residential treatment.

15          Section 29. Section 985.3065, Florida Statutes, is  
16 amended to read:

17          985.3065 Prearrest or postarrest diversion programs.--

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

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

30          (3) The prearrest or postarrest diversion program may,  
31 upon agreement of the agencies that establish the program,

1 provide for the expunction of the nonjudicial arrest record of  
2 a minor who successfully completes such a program pursuant to  
3 s. 943.0582.

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

7 985.31 Serious or habitual juvenile offender.--

8 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
9 TREATMENT.--

10 (e) After a child has been adjudicated delinquent  
11 pursuant to s. 985.228, the court shall determine whether the  
12 child meets the criteria for a serious or habitual juvenile  
13 offender pursuant to s. 985.03(48)~~(47)~~. If the court  
14 determines that the child does not meet such criteria, the  
15 provisions of s. 985.231(1) shall apply.

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

17 (a) Pursuant to the provisions of this section, the  
18 department shall implement the comprehensive assessment  
19 instrument for the treatment needs of serious or habitual  
20 juvenile offenders and for the assessment, which assessment  
21 shall include the criteria under s. 985.03(48)~~(47)~~and shall  
22 also include, but not be limited to, evaluation of the  
23 child's:

- 24 1. Amenability to treatment.
- 25 2. Proclivity toward violence.
- 26 3. Tendency toward gang involvement.
- 27 4. Substance abuse or addiction and the level thereof.
- 28 5. History of being a victim of child abuse or sexual  
29 abuse, or indication of sexual behavior dysfunction.
- 30 6. Number and type of previous adjudications, findings  
31 of guilt, and convictions.

1           7. Potential for rehabilitation.

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

4           985.3155 Multiagency plan for vocational education.--

5           (4) The plan must also address strategies to  
6 facilitate involvement of business and industry in the design,  
7 delivery, and evaluation of vocational programming in juvenile  
8 justice commitment facilities and conditional release  
9 ~~aftercare~~ programs, including apprenticeship and work  
10 experience programs, mentoring and job shadowing, and other  
11 strategies that lead to postrelease employment. Incentives for  
12 business involvement, such as tax breaks, bonding, and  
13 liability limits should be investigated, implemented where  
14 appropriate, or recommended to the Legislature for  
15 consideration.

16           Section 32. Subsections (4) and (5) of section  
17 985.316, Florida Statutes, are amended to read:

18           985.316 Conditional release.--

19           (4) ~~After a youth is released from a residential~~  
20 ~~commitment program, conditional release services may be~~  
21 ~~delivered through either minimum-risk nonresidential~~  
22 ~~commitment restrictiveness programs or postcommitment~~  
23 ~~probation.~~A juvenile under ~~minimum-risk~~ nonresidential  
24 commitment placement will continue to be on commitment status  
25 and subject to the transfer provision under s. 985.404. ~~A~~  
26 ~~juvenile on postcommitment probation will be subject to the~~  
27 ~~provisions under s. 985.231(1)(a).~~

28           (5) Participation in the educational program by  
29 students of compulsory school attendance age pursuant to s.  
30 232.01 is mandatory for juvenile justice youth on conditional  
31 release ~~aftercare~~ or postcommitment probation ~~community~~

1 ~~control~~ status. A student of noncompulsory school-attendance  
 2 age who has not received a high school diploma or its  
 3 equivalent must participate in the educational program. A  
 4 youth who has received a high school diploma or its equivalent  
 5 and is not employed must participate in workforce development  
 6 or other vocational or technical education or attend a  
 7 community college or a university while in the program,  
 8 subject to available funding.

9 Section 33. Subsections (3) and (4) of section  
 10 985.404, Florida Statutes, are amended to read:

11 985.404 Administering the juvenile justice  
 12 continuum.--

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

27 (b) The Legislature intends that, whenever possible  
 28 and reasonable, the department make every effort to consider  
 29 qualified faith-based organizations on an equal basis with  
 30 other private organizations when selecting contract providers  
 31 of services to juveniles.

1           (c) The department may contract with faith-based  
2 organizations on the same basis as any other nongovernmental  
3 provider, without impairing the religious character of such  
4 organizations. Any faith-based organization may act as a  
5 contractor in the delivery of services under any program, on  
6 the same basis as any other nongovernmental provider, without  
7 impairing the religious character of such organization. A  
8 faith-based organization, which has entered into a contract  
9 with the department, shall retain its independence from state  
10 and local governments with regard to control over the  
11 definition, development, practice, and expression of its  
12 religious beliefs. The department shall not require a  
13 faith-based organization to alter its form of internal  
14 government or remove religious art, icons, scripture, or other  
15 symbols in order to be eligible to contract as a provider.

16           (d) The department may include in any services  
17 contract a requirement that providers prepare plans describing  
18 their implementation of paragraphs (a) and (c) of this  
19 subsection. A failure to deliver such plans, if required, may  
20 be considered by the department as a breach of the contract  
21 that may result in cancellation of the contract.

22           (4) The department may transfer a child, when  
23 necessary to appropriately administer the child's commitment,  
24 from one facility or program to another facility or program  
25 operated, contracted, subcontracted, or designated by the  
26 department, including a postcommitment ~~minimum-risk~~  
27 nonresidential conditional release program. The department  
28 shall notify the court that committed the child to the  
29 department and any attorney of record, in writing, of its  
30 intent to transfer the child from a commitment facility or  
31 program to another facility or program of a higher or lower

1 restrictiveness level. The court that committed the child may  
2 agree to the transfer or may set a hearing to review the  
3 transfer. If the court does not respond within 10 days after  
4 receipt of the notice, the transfer of the child shall be  
5 deemed granted.

6 Section 34. Section 985.412, Florida Statutes, is  
7 amended to read:

8 985.412 Quality assurance and cost-effectiveness.--

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

11 (a)1. Ensure that information be provided to  
12 decisionmakers in a timely manner so that resources are  
13 allocated to programs of the department which achieve desired  
14 performance levels.

15 (b)2. Provide information about the cost of such  
16 programs and their differential effectiveness so that the  
17 quality of such programs can be compared and improvements made  
18 continually.

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

21 (d)4. Provide information to the public about the  
22 effectiveness of such programs in meeting established goals  
23 and objectives.

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

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

28 (g)7. Modify or eliminate activities that are not  
29 effective.

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

31

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

4           ~~(b)2.~~ "Program component" means an aggregation of  
5 generally related objectives which, because of their special  
6 character, related workload, and interrelated output, can  
7 logically be considered an entity for purposes of  
8 organization, management, accounting, reporting, and  
9 budgeting.

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

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

1 and local school districts. Cost data for the report shall  
2 include data collected by the Department of Education for the  
3 purposes of preparing the annual report required by s.  
4 230.23161(21).

5 (4)(a) The Department of Juvenile Justice, in  
6 consultation with the Office of Economic and Demographic  
7 Research, and contract service providers, shall develop a  
8 cost-effectiveness model and apply the model to each  
9 commitment program. Program recidivism rates shall be a  
10 component of the model. The cost-effectiveness model shall  
11 compare program costs to client outcomes and program outputs.  
12 It is the intent of the Legislature that continual development  
13 efforts take place to improve the validity and reliability of  
14 the cost-effectiveness model and to integrate the standard  
15 methodology developed under s. 985.401(4) for interpreting  
16 program outcome evaluations.

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

21 (c) Based on reports of the department on client  
22 outcomes and program outputs and on the department's most  
23 recent cost-effectiveness rankings, the department may  
24 terminate a program operated by the department or a provider  
25 if the program has failed to achieve a minimum threshold of  
26 program effectiveness. This paragraph does not preclude the  
27 department from terminating a contract as provided under s.  
28 985.412 or as otherwise provided by law or contract, and does  
29 not limit the department's authority to enter into or  
30 terminate a contract.

31



1           (d) In collaboration with the Office of Economic and  
2 Demographic Research, and contract service providers, the  
3 department shall develop a work plan to refine the  
4 cost-effectiveness model so that the model is consistent with  
5 the performance-based program budgeting measures approved by  
6 the Legislature to the extent the department deems  
7 appropriate. The department shall notify the Office of Program  
8 Policy Analysis and Government Accountability of any meetings  
9 to refine the model.

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

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

17           2. Target, for a more comprehensive evaluation, any  
18 commitment program that has achieved consistently high, low,  
19 or disparate ratings in the reports required under  
20 subparagraph 1.

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

23           4. Use the results of these evaluations in developing  
24 or refining juvenile justice programs or program models,  
25 client outcomes and program outputs, provider contracts,  
26 quality assurance standards, and the cost-effectiveness model.

27           (5)(c) The department shall:

28           (a)1. Establish a comprehensive quality assurance  
29 system for each program operated by the department or operated  
30 by a provider under contract with the department. Each  
31

1 contract entered into by the department must provide for  
2 quality assurance.

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

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

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

9 (e)5. Develop a quality assurance manual of specific,  
10 standardized terminology and procedures to be followed by each  
11 program.

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

31

1 Appropriate corrective action may include, but is not limited  
2 to:

3 1.a. Contracting out for the services provided in the  
4 program;

5 2.b. Initiating appropriate disciplinary action  
6 against all employees whose conduct or performance is deemed  
7 to have materially contributed to the program's failure to  
8 meet established minimum thresholds;

9 3.c. Redesigning the program; or

10 4.d. Realigning the program.  
11

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

27 (6)~~(2)~~ The department shall collect and analyze  
28 available statistical data for the purpose of ongoing  
29 evaluation of all programs. The department shall provide the  
30 Legislature with necessary information and reports to enable  
31 the Legislature to make informed decisions regarding the

1 effectiveness of, and any needed changes in, services,  
2 programs, policies, and laws.

3       (7) No later than November 1, 2001, the department  
4 shall submit a proposal to the Legislature concerning funding  
5 incentives and disincentives for the department and for  
6 providers under contract with the department. The  
7 recommendations for funding incentives and disincentives shall  
8 be based upon both quality assurance performance and  
9 cost-effectiveness performance. The proposal should strive to  
10 achieve consistency in incentives and disincentives for both  
11 department-operated and contractor-provided programs. The  
12 department may include recommendations for the use of  
13 liquidated damages in the proposal; however, the department is  
14 not presently authorized to contract for liquidated damages in  
15 non-hardware-secure facilities until January 1, 2002.

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

18       985.417 Transfer of children from the Department of  
19 Corrections to the Department of Juvenile Justice.--

20       (1) When any child under the age of 18 years is  
21 sentenced by any court of competent jurisdiction to the  
22 Department of Corrections, the Secretary of Juvenile Justice  
23 may transfer such child to the department for the remainder of  
24 the sentence, or until his or her 21st birthday, whichever  
25 results in the shorter term. If, upon such person's attaining  
26 his or her 21st birthday, the sentence has not terminated, he  
27 or she shall be transferred to the Department of Corrections  
28 for placement in a youthful offender program, transferred or,  
29 ~~with the commission's consent,~~ to the supervision of the  
30 department, or be given any other transfer that may lawfully  
31 be made.

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

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

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

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

6           Section 37. Section 985.42, Florida Statutes, is  
7 created to read:

8           985.42 Inspector general; inspectors.--The secretary  
9 is authorized to designate persons holding law enforcement  
10 certification within the Office of the Inspector General as  
11 law enforcement officers, as necessary, to enforce any  
12 criminal law, and conduct any criminal investigation that  
13 relates to state-operated programs or state-operated  
14 facilities over which the department has jurisdiction. Persons  
15 designated as law enforcement officers must be certified  
16 pursuant to s. 943.1395.

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

19           985.422 Maintenance of state-owned facilities.--

20           (1) If the terms of a provider contract require or  
21 allow the department to withhold a portion of the provider's  
22 payment to establish a fund for significant maintenance,  
23 repairs, or upgrades to state-owned or leased facilities, the  
24 department shall deposit all such withheld payments into the  
25 Administrative Trust Fund, which shall be used for such  
26 purposes pursuant to lawful appropriation.

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

28           Section 39. Paragraph (b) of subsection (4) of section  
29 985.401, Florida Statutes, is amended to read:

30           985.401 Juvenile Justice Advisory Board.--

31           (4)

1 (b) In developing the standard methodology, the board  
2 shall consult with the department, the Office of Economic and  
3 Demographic Research, contract service providers, and other  
4 interested parties. It is the intent of the Legislature that  
5 this effort result in consensus recommendations, and, to the  
6 greatest extent possible, integrate the goals and  
7 legislatively approved measures of performance-based program  
8 budgeting provided in chapter 94-249, Laws of Florida, and the  
9 quality assurance program provided in s. 985.412,~~and the~~  
10 ~~cost-effectiveness model provided in s. 985.404(11)~~. The board  
11 shall notify the Office of Program Policy Analysis and  
12 Government Accountability of any meetings to develop the  
13 methodology.

14 Section 40. (1) The "Safety and Security Best  
15 Practices" developed by the Office of Program Policy Analysis  
16 and Government Accountability and approved by the Commissioner  
17 of Education shall be reviewed annually by the Office of  
18 Program Policy Analysis and Government Accountability and the  
19 Partnership for School Safety and Security established in s.  
20 229.8347, Florida Statutes, and each entity shall make  
21 recommendations to the Commissioner of Education for the  
22 addition, revision, or deletion of best practices.

23 (2) Each school district shall use the Safety and  
24 Security Best Practices to conduct a self-assessment of the  
25 school districts' current safety and security practices. Based  
26 on these self-assessment findings, the superintendent of each  
27 school district shall provide recommendations to the school  
28 board which identify strategies and activities that the school  
29 district should implement in order to improve school safety  
30 and security.

31

1           (3) By July 1, 2002, and annually thereafter, each  
2 school board must receive the self-assessment results at a  
3 publicly notice school board meeting to provide the public an  
4 opportunity to hear the school board members discuss and take  
5 action on the report findings. Each superintendent shall  
6 report the self-assessment results and school board action to  
7 the Commissioner of Education within 30 days following the  
8 school board meeting.

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

11           Section 42. Paragraph (e) is added to subsection (15)  
12 of section 121.021, Florida Statutes, to read:

13           121.021 Definitions.--The following words and phrases  
14 as used in this chapter have the respective meanings set forth  
15 unless a different meaning is plainly required by the context:

16           (15)

17           (e) Effective July 1, 2001, the term "special risk  
18 member" includes any member who is employed as a youth custody  
19 officer by the Department of Juvenile Justice and meets the  
20 special criteria set forth in s. 121.0515(2)(g).

21           Section 43. Paragraph (g) is added to subsection (2)  
22 of section 121.0515, Florida Statutes, to read:

23           121.0515 Special risk membership.--

24           (2) CRITERIA.--A member, to be designated as a special  
25 risk member, must meet the following criteria:

26           (g) The member must be employed as a youth custody  
27 officer and be certified, or required to be certified, in  
28 compliance with s. 943.1395. In addition, the member's primary  
29 duties and responsibilities must be the supervised custody,  
30 surveillance, control, investigation, apprehension, arrest,  
31 and counseling of assigned juveniles within the community.



1           Section 44. Except as otherwise provided herein, this  
2 act shall take effect October 1, 2001.

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