

1
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:

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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.

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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

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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,

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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.--
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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 Safety 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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