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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/25/2008	.	
	.	
	.	

1 The Committee on Criminal Justice (Crist) recommended the
 2 following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
 6 and insert:

7 Section 1. Paragraph (b) of subsection (3) of section
 8 29.008, Florida Statutes, is amended to read:

9 29.008 County funding of court-related functions.--

10 (3) The following shall be considered a local requirement
 11 pursuant to subparagraph (2)(a)1.:

12 (b) Alternative sanctions coordinators pursuant to s.
 13 985.0375 ~~ss. 984.09 and 985.037.~~

14 Section 2. Paragraph (c) of subsection (4) of section
 15 790.22, Florida Statutes, is amended to read:

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16 790.22 Use of BB guns, air or gas-operated guns, or
17 electric weapons or devices by minor under 16; limitation;
18 possession of firearms by minor under 18 prohibited; penalties.--

19 (4)

20 (c) The juvenile justice circuit boards or juvenile justice
21 county councils or the Department of Juvenile Justice shall
22 establish appropriate community service programs to be available
23 as provided in s. 985.0375 ~~to the alternative sanctions~~
24 ~~coordinators of the circuit courts in implementing this~~
25 ~~subsection. The boards or councils or department shall propose~~
26 ~~the implementation of a community service program in each~~
27 ~~circuit, and may submit a circuit plan, to be implemented upon~~
28 ~~approval of the circuit alternative sanctions coordinator.~~

29 Section 3. Paragraph (a) of subsection (1) of section
30 939.185, Florida Statutes, is amended to read:

31 939.185 Assessment of additional court costs and
32 surcharges.--

33 (1) (a) The board of county commissioners may adopt by
34 ordinance an additional court cost, not to exceed \$65, to be
35 imposed by the court when a person pleads guilty or nolo
36 contendere to, or is found guilty of, or adjudicated delinquent
37 for, any felony, misdemeanor, delinquent act, or criminal traffic
38 offense under the laws of this state. Such additional assessment
39 shall be accounted for separately by the county in which the
40 offense occurred and be used only in the county imposing this
41 cost, to be allocated as follows:

42 1. Twenty-five percent of the amount collected shall be
43 allocated to fund innovations to supplement state funding for the
44 elements of the state courts system identified in s. 29.004 and
45 county funding for local requirements under s. 29.008(2)(a)2.



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46 2. Twenty-five percent of the amount collected shall be
47 allocated to assist counties in providing legal aid programs
48 required under s. 29.008(3)(a).

49 3. Twenty-five percent of the amount collected shall be
50 allocated to fund personnel and legal materials for the public as
51 part of a law library.

52 4. Twenty-five percent of the amount collected shall be
53 used as determined by the board of county commissioners to
54 support teen court programs, except as provided in s. 938.19(7),
55 juvenile assessment centers, and other juvenile alternative
56 programs that include diversion options for first time
57 misdemeanant youth or youth age 10 or younger.

58
59 Each county receiving funds under this section shall report the
60 amount of funds collected pursuant to this section and an
61 itemized list of expenditures for all authorized programs and
62 activities. The report shall be submitted in a format developed
63 by the Supreme Court to the Governor, the Chief Financial
64 Officer, the President of the Senate, and the Speaker of the
65 House of Representatives on a quarterly basis beginning with the
66 quarter ending September 30, 2004. Quarterly reports shall be
67 submitted no later than 30 days after the end of the quarter. Any
68 unspent funds at the close of the county fiscal year allocated
69 under subparagraphs 2., 3., and 4., shall be transferred for use
70 pursuant to subparagraph 1.

71 Section 4. Section 984.05, Florida Statutes, is amended to
72 read:

73 984.05 Rules relating to habitual truants; adoption by
74 State Board of Education and Department of Juvenile Justice.--The
75 Department of Juvenile Justice and the State Board of Education



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76 shall work together on the development of, and shall adopt, rules
77 as necessary for administering the implementation of ss.
78 984.03(27), 985.03(26) ~~985.03(25)~~, and 1003.27.

79 Section 5. Section 984.09, Florida Statutes, is amended to
80 read:

81 984.09 Punishment for contempt of court; ~~alternative~~
82 ~~sanctions.~~--

83 (1) CONTEMPT OF COURT; ~~LEGISLATIVE INTENT.~~ Except as
84 otherwise provided in this section, the court may punish any
85 child for contempt for interfering with the court or with court
86 administration, or for violating any provision of this chapter or
87 order of the court relative thereto as provided in s. 985.037. ~~It~~
88 ~~is the intent of the Legislature that the court restrict and~~
89 ~~limit the use of contempt powers with respect to commitment of a~~
90 ~~child to a secure facility. A child who commits direct contempt~~
91 ~~of court or indirect contempt of a valid court order may be taken~~
92 ~~into custody and ordered to serve an alternative sanction or~~
93 ~~placed in a secure facility, as authorized in this section, by~~
94 ~~order of the court.~~

95 (2) PLACEMENT IN A SECURE FACILITY.--

96 (a) A child may be placed in a secure facility as provided
97 in s. 985.037(2) ~~for purposes of punishment for contempt of court~~
98 ~~if alternative sanctions are unavailable or inappropriate, or if~~
99 ~~the child has already been ordered to serve an alternative~~
100 ~~sanction but failed to comply with the sanction.~~

101 (a) ~~A delinquent child who has been held in direct or~~
102 ~~indirect contempt may be placed in a secure detention facility~~
103 ~~for 5 days for a first offense or 15 days for a second or~~
104 ~~subsequent offense,~~ or in a secure residential commitment
105 facility.



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106 (b) A child in need of services who has been held in direct
107 contempt or indirect contempt may be placed, for 5 days for a
108 first offense or 15 days for a second or subsequent offense, in a
109 staff-secure shelter or a staff-secure residential facility
110 solely for children in need of services if such placement is
111 available, or, if such placement is not available, the child may
112 be placed in an appropriate mental health facility or substance
113 abuse facility for assessment. In addition to disposition under
114 this paragraph, a child in need of services who is held in direct
115 contempt or indirect contempt may be placed in a physically
116 secure setting as provided under s. 984.226 if conditions of
117 eligibility are met.

118 ~~(3) ALTERNATIVE SANCTIONS.--Each judicial circuit shall~~
119 ~~have an alternative sanctions coordinator who shall serve under~~
120 ~~the chief administrative judge of the juvenile division of the~~
121 ~~circuit court, and who shall coordinate and maintain a spectrum~~
122 ~~of contempt sanction alternatives in conjunction with the circuit~~
123 ~~plan implemented in accordance with s. 790.22(4)(c). Upon~~
124 ~~determining that a child has committed direct contempt of court~~
125 ~~or indirect contempt of a valid court order, the court may~~
126 ~~immediately request the alternative sanctions coordinator to~~
127 ~~recommend the most appropriate available alternative sanction and~~
128 ~~shall order the child to perform up to 50 hours of community-~~
129 ~~service manual labor or a similar alternative sanction, unless an~~
130 ~~alternative sanction is unavailable or inappropriate, or unless~~
131 ~~the child has failed to comply with a prior alternative sanction.~~
132 ~~Alternative contempt sanctions may be provided by local industry~~
133 ~~or by any nonprofit organization or any public or private~~
134 ~~business or service entity that has entered into a contract with~~
135 ~~the Department of Juvenile Justice to act as an agent of the~~



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136 ~~state to provide voluntary supervision of children on behalf of~~
137 ~~the state in exchange for the manual labor of children and~~
138 ~~limited immunity in accordance with s. 768.28(11).~~

139 ~~(3)(4) CHILDREN IN NEED OF SERVICES CONTEMPT OF COURT~~
140 ~~SANCTIONS; PROCEDURE AND DUE PROCESS.--~~

141 ~~(a) If a child is charged with direct contempt of court,~~
142 ~~including traffic court, the court may impose an authorized~~
143 ~~sanction immediately.~~

144 ~~(b) If a child is charged with indirect contempt of court,~~
145 ~~the court must hold a hearing within 24 hours to determine~~
146 ~~whether the child committed indirect contempt of a valid court~~
147 ~~order. At the hearing, the following due process rights must be~~
148 ~~provided to the child:~~

149 ~~1. Right to a copy of the order to show cause alleging~~
150 ~~facts supporting the contempt charge.~~

151 ~~2. Right to an explanation of the nature and the~~
152 ~~consequences of the proceedings.~~

153 ~~3. Right to legal counsel and the right to have legal~~
154 ~~counsel appointed by the court if the juvenile is indigent,~~
155 ~~pursuant to s. 985.033.~~

156 ~~4. Right to confront witnesses.~~

157 ~~5. Right to present witnesses.~~

158 ~~6. Right to have a transcript or record of the proceeding.~~

159 ~~7. Right to appeal to an appropriate court.~~

160
161 ~~The child's parent or guardian may address the court regarding~~
162 ~~the due process rights of the child. The court shall review the~~
163 ~~placement of the child every 72 hours to determine whether it is~~
164 ~~appropriate for the child to remain in the facility.~~



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165 ~~(c) The court may not order that a child be placed in a~~
166 ~~secure facility for punishment for contempt unless the court~~
167 ~~determines that an alternative sanction is inappropriate or~~
168 ~~unavailable or that the child was initially ordered to an~~
169 ~~alternative sanction and did not comply with the alternative~~
170 ~~sanction. The court is encouraged to order a child to perform~~
171 ~~community service, up to the maximum number of hours, where~~
172 ~~appropriate before ordering that the child be placed in a secure~~
173 ~~facility as punishment for contempt of court.~~

174 ~~(d) In addition to any other sanction imposed under s.~~
175 ~~985.037 this section, the court may direct the Department of~~
176 ~~Highway Safety and Motor Vehicles to withhold issuance of, or~~
177 ~~suspend, a child's driver's license or driving privilege. The~~
178 ~~court may order that a child's driver's license or driving~~
179 ~~privilege be withheld or suspended for up to 1 year for a first~~
180 ~~offense of contempt and up to 2 years for a second or subsequent~~
181 ~~offense. If the child's driver's license or driving privilege is~~
182 ~~suspended or revoked for any reason at the time the sanction for~~
183 ~~contempt is imposed, the court shall extend the period of~~
184 ~~suspension or revocation by the additional period ordered under~~
185 ~~this paragraph. If the child's driver's license is being withheld~~
186 ~~at the time the sanction for contempt is imposed, the period of~~
187 ~~suspension or revocation ordered under this paragraph shall begin~~
188 ~~on the date on which the child is otherwise eligible to drive.~~
189 ~~for a child in need of services whose driver's license or driving~~
190 ~~privilege is suspended under that section this paragraph, the~~
191 ~~court may direct the Department of Highway Safety and Motor~~
192 ~~Vehicles to issue the child a license for driving privileges~~
193 ~~restricted to business or employment purposes only, as defined in~~
194 ~~s. 322.271, or for the purpose of completing court-ordered~~



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195 community service, if the child is otherwise qualified for a
196 license. However, the department may not issue a restricted
197 license unless specifically ordered to do so by the court.

198 ~~(5) ALTERNATIVE SANCTIONS COORDINATOR. There is created~~
199 ~~the position of alternative sanctions coordinator within each~~
200 ~~judicial circuit, pursuant to subsection (3). Each alternative~~
201 ~~sanctions coordinator shall serve under the direction of the~~
202 ~~chief administrative judge of the juvenile division as directed~~
203 ~~by the chief judge of the circuit. The alternative sanctions~~
204 ~~coordinator shall act as the liaison between the judiciary, local~~
205 ~~department officials, district school board employees, and local~~
206 ~~law enforcement agencies. The alternative sanctions coordinator~~
207 ~~shall coordinate within the circuit community-based alternative~~
208 ~~sanctions, including nonsecure detention programs, community~~
209 ~~service projects, and other juvenile sanctions, in conjunction~~
210 ~~with the circuit plan implemented in accordance with s.~~
211 ~~790.22(4)(e).~~

212 Section 6. Subsection (3) of section 985.02, Florida
213 Statutes, is amended to read:

214 985.02 Legislative intent for the juvenile justice
215 system.--

216 (3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.--It is the
217 policy of the state with respect to juvenile justice and
218 delinquency prevention to first protect the public from acts of
219 delinquency. In addition, it is the policy of the state to:

220 (a) Develop and implement effective methods of preventing
221 and reducing acts of delinquency, with a focus on maintaining and
222 strengthening the family as a whole so that children may remain
223 in their homes or communities.

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224 (b) Develop and implement effective programs to prevent
225 delinquency, to divert children from the traditional juvenile
226 justice system, to intervene at an early stage of delinquency,
227 and to provide critically needed alternatives to
228 institutionalization and deep-end commitment.

229 (c) Provide well-trained personnel, high-quality services,
230 and cost-effective programs within the juvenile justice system.

231 (d) Increase the capacity of local governments and public
232 and private agencies to conduct rehabilitative treatment programs
233 and to provide research, evaluation, and training services in the
234 field of juvenile delinquency prevention.

235 (e) Encourage and promote diversion options when
236 appropriate, especially for first time misdemeanor youth or
237 youth age 10 or younger.

238
239 The Legislature intends that detention care, in addition to
240 providing secure and safe custody, will promote the health and
241 well-being of the children committed thereto and provide an
242 environment that fosters their social, emotional, intellectual,
243 and physical development.

244 Section 7. Subsections (39) through (57) of section 985.03,
245 Florida Statutes, are redesignated as subsections (40) through
246 (58), respectively, and a new subsection (38) is added to that
247 section, to read:

248 985.03 Definitions.--As used in this chapter, the term:

249 (38) "Ordinary medical care" means medical procedures which
250 are administered or performed on a routine basis and include, but
251 are not limited to, inoculations, physical examinations, remedial
252 treatment for minor illnesses and injuries, preventive services,
253 medication management, chronic disease management and other



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254 medical procedures which are administered or performed on a
255 routine basis and which do not involve hospitalization, surgery,
256 or use of general anesthesia.

257 Section 8. Subsections (1), (2), and (4) of section
258 985.037, Florida Statutes, are amended, and subsections (3) and
259 (5) of that section are redesignated as subsections (1) and (2)
260 of section 985.0375, Florida Statutes, and amended to read:

261 985.037 Punishment for contempt of court; ~~alternative~~
262 ~~sanctions.~~--

263 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.--The court may
264 punish any child for contempt for interfering with the court or
265 with court administration, or for violating any provision of this
266 chapter or order of the court relative thereto. It is the intent
267 of the Legislature that the court restrict and limit the use of
268 contempt powers with respect to commitment of a child to a secure
269 facility. A child who commits direct contempt of court or
270 indirect contempt of a valid court order may be taken into
271 custody and ordered to serve an alternative sanction or placed in
272 a secure facility, as authorized in this section, by order of the
273 court.

274 (2) PLACEMENT IN A SECURE FACILITY.--A child may be placed
275 in a secure facility for purposes of punishment for contempt of
276 court if alternative sanctions are unavailable or inappropriate,
277 or if the child has already been ordered to serve an alternative
278 sanction but failed to comply with the sanction. A delinquent
279 child who has been held in direct or indirect contempt may be
280 placed in a secure detention facility not to exceed 5 days for a
281 first offense and not to exceed 15 days for a second or
282 subsequent offense.



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283 | ~~(3)~~(4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
284 | PROCESS.--

285 | (a) If a child is charged with direct contempt of court,
286 | including traffic court, the court may impose an authorized
287 | sanction immediately.

288 | (b) If a child is charged with indirect contempt of court,
289 | the court must hold a hearing within 24 hours to determine
290 | whether the child committed indirect contempt of a valid court
291 | order. At the hearing, the following due process rights must be
292 | provided to the child:

293 | 1. Right to a copy of the order to show cause alleging
294 | facts supporting the contempt charge.

295 | 2. Right to an explanation of the nature and the
296 | consequences of the proceedings.

297 | 3. Right to legal counsel and the right to have legal
298 | counsel appointed by the court if the juvenile is indigent, under
299 | s. 985.033.

300 | 4. Right to confront witnesses.

301 | 5. Right to present witnesses.

302 | 6. Right to have a transcript or record of the proceeding.

303 | 7. Right to appeal to an appropriate court.

304 |

305 | The child's parent or guardian may address the court regarding
306 | the due process rights of the child. The court shall review the
307 | placement of the child every 72 hours to determine whether it is
308 | appropriate for the child to remain in the facility.

309 | (c) The court may not order that a child be placed in a
310 | secure facility for punishment for contempt unless the court
311 | determines that an alternative sanction is inappropriate or
312 | unavailable or that the child was initially ordered to an



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313 alternative sanction and did not comply with the alternative
314 sanction. The court is encouraged to order a child to perform
315 community service, up to the maximum number of hours, where
316 appropriate before ordering that the child be placed in a secure
317 facility as punishment for contempt of court.

318 (d) In addition to any other sanction imposed under this
319 section, the court may direct the Department of Highway Safety
320 and Motor Vehicles to withhold issuance of, or suspend, a child's
321 driver's license or driving privilege. The court may order that a
322 child's driver's license or driving privilege be withheld or
323 suspended for up to 1 year for a first offense of contempt and up
324 to 2 years for a second or subsequent offense. If the child's
325 driver's license or driving privilege is suspended or revoked for
326 any reason at the time the sanction for contempt is imposed, the
327 court shall extend the period of suspension or revocation by the
328 additional period ordered under this paragraph. If the child's
329 driver's license is being withheld at the time the sanction for
330 contempt is imposed, the period of suspension or revocation
331 ordered under this paragraph shall begin on the date on which the
332 child is otherwise eligible to drive.

333

334 985.0375 Alternative sanctions.--

335 (1)(3) ALTERNATIVE SANCTIONS.—Each judicial circuit shall
336 have an alternative sanctions coordinator who shall serve under
337 the chief administrative judge of the juvenile division of the
338 circuit court, and who shall coordinate and maintain a spectrum
339 of contempt sanction alternatives in conjunction with the circuit
340 plan implemented in accordance with s. 790.22(4)(c). Upon
341 determining that a child has committed direct contempt of court
342 or indirect contempt of a valid court order, the court may



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343 immediately request the alternative sanctions coordinator to
344 recommend the most appropriate available alternative sanction and
345 shall order the child to perform up to 50 hours of community-
346 service manual labor or a similar alternative sanction, unless an
347 alternative sanction is unavailable or inappropriate, or unless
348 the child has failed to comply with a prior alternative sanction.
349 Alternative contempt sanctions may be provided by local industry
350 or by any nonprofit organization or any public or private
351 business or service entity that has entered into a contract with
352 the department ~~of Juvenile Justice~~ to act as an agent of the
353 state to provide voluntary supervision of children on behalf of
354 the state in exchange for the manual labor of children and
355 limited immunity in accordance with s. 768.28(11).

356 ~~(2)(5) ALTERNATIVE SANCTIONS COORDINATOR.~~ There is created
357 the position of alternative sanctions coordinator within each
358 judicial circuit, pursuant to subsection ~~(1)(3)~~. Each alternative
359 sanctions coordinator shall serve under the direction of the
360 chief administrative judge of the juvenile division as directed
361 by the chief judge of the circuit. The alternative sanctions
362 coordinator shall act as the liaison between the judiciary, local
363 department officials, district school board employees, and local
364 law enforcement agencies. The alternative sanctions coordinator
365 shall coordinate within the circuit community-based alternative
366 sanctions, including nonsecure detention programs, community
367 service projects, and other juvenile sanctions, to implement s.
368 790.22(4) in conjunction with the circuit plan implemented in
369 accordance with s. 790.22(4)(c).

370 Section 9. Subsections (1) and (7) of section 985.04,
371 Florida Statutes, are amended to read:

372 985.04 Oaths; records; confidential information.--



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373 (1) Except as provided in subsections (2), (3), (6), and
374 (7) and s. 943.053, all information obtained under this chapter
375 in the discharge of official duty by any judge, any employee of
376 the court, any authorized agent of the department, the Parole
377 Commission, the Department of Corrections, the juvenile justice
378 circuit boards, any law enforcement agent, or any licensed
379 professional or licensed community agency representative
380 participating in the assessment or treatment of a juvenile is
381 confidential and may be disclosed only to the authorized
382 personnel of the court, the department and its designees, the
383 Department of Corrections, the Department of Children and
384 Families, the Parole Commission, law enforcement agents, school
385 superintendents and their designees, any licensed professional or
386 licensed community agency representative participating in the
387 assessment or treatment of a juvenile, and others entitled under
388 this chapter to receive that information, or upon order of the
389 court. Within each county, the sheriff, the chiefs of police, the
390 district school superintendent, and the department shall enter
391 into an interagency agreement for the purpose of sharing
392 information about juvenile offenders among all parties. The
393 agreement must specify the conditions under which summary
394 criminal history information is to be made available to
395 appropriate school personnel, and the conditions under which
396 school records are to be made available to appropriate department
397 personnel. Such agreement shall require notification to any
398 classroom teacher of assignment to the teacher's classroom of a
399 juvenile who has been placed in a probation or commitment program
400 for a felony offense. The agencies entering into such agreement
401 must comply with s. 943.0525, and must maintain the



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402 confidentiality of information that is otherwise exempt from s.
403 119.07(1), as provided by law.

404 (7) (a) Records in the custody of the department regarding
405 children are not open to inspection by the public. Such records
406 may be inspected only upon order of the Secretary of Juvenile
407 Justice or his or her authorized agent by persons who have
408 sufficient reason and upon such conditions for their use and
409 disposition as the secretary or his or her authorized agent deems
410 proper. The information in such records may be disclosed only to
411 other employees of the department who have a need therefor in
412 order to perform their official duties; to other persons as
413 authorized by rule of the department; and, upon request, to the
414 Department of Corrections and the Department of Children and
415 Families. The secretary or his or her authorized agent may permit
416 properly qualified persons to inspect and make abstracts from
417 records for statistical purposes under whatever conditions upon
418 their use and disposition the secretary or his or her authorized
419 agent deems proper, provided adequate assurances are given that
420 children's names and other identifying information will not be
421 disclosed by the applicant.

422 (b) The destruction of records pertaining to children
423 committed to or supervised by the department pursuant to a court
424 order, which records are retained until a child reaches the age
425 of 24 years or until a serious or habitual delinquent child
426 reaches the age of 26 years, shall be subject to chapter 943.

427 Section 10. Subsection (2) of section 985.245, Florida
428 Statutes, is amended to read:

429 985.245 Risk assessment instrument.--

430 (2) (a) The risk assessment instrument for detention care
431 placement determinations and court orders shall be developed by

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432 the department in consultation agreement with a committee
433 composed of two representatives appointed by ~~the following~~
434 ~~associations~~; the Conference of Circuit Judges of Florida, the
435 Prosecuting Attorneys Association, the Public Defenders
436 Association, the Florida Sheriffs Association, and the Florida
437 Association of Chiefs of Police. Each association shall appoint
438 two individuals, one representing an urban area and one
439 representing a rural area. In addition, the committee shall
440 include two representatives from child advocacy organizations,
441 and two recognized child mental health experts, appointed by the
442 department. The parties involved shall evaluate and revise the
443 risk assessment instrument as is considered necessary using the
444 method for revision as agreed by the parties. The risk assessment
445 instrument shall be evaluated to determine if the instrument
446 contributes to disproportionate minority contact.

447 (b) The risk assessment instrument shall take into
448 consideration, but need not be limited to, prior history of
449 failure to appear, prior offenses, prior history of residential
450 delinquency commitments, offenses committed pending adjudication,
451 any unlawful possession of a firearm, theft of a motor vehicle or
452 possession of a stolen motor vehicle, and probation status at the
453 time the child is taken into custody. The risk assessment
454 instrument shall also take into consideration appropriate
455 aggravating and mitigating circumstances, and shall be designed
456 to target a narrower population of children than s. 985.255. The
457 risk assessment instrument shall also include any information
458 concerning the child's history of abuse and neglect. The risk
459 assessment shall indicate whether detention care is warranted,
460 and, if detention care is warranted, whether the child should be
461 placed into secure, nonsecure, or home detention care.



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462 (c) Any risk assessment instrument utilized for detention
463 care placement determinations and court orders shall be validated
464 not later than December 31, 2008, and periodically evaluated
465 thereafter for continued validity.

466 Section 11. Paragraph (b) of subsection (5) of section
467 985.265, Florida Statutes, is amended to read:

468 985.265 Detention transfer and release; education; adult
469 jails.--

470 (5) The court shall order the delivery of a child to a jail
471 or other facility intended or used for the detention of adults:

472 (b) When a child taken into custody in this state is wanted
473 by another jurisdiction for prosecution as an adult.

474
475 The child shall be housed separately from adult inmates to
476 prohibit a child from having regular contact with incarcerated
477 adults, including trustees. "Regular contact" means sight and
478 sound contact. Separation of children from adults shall permit no
479 more than haphazard or accidental contact. The receiving jail or
480 other facility shall contain a separate section for children and
481 shall have an adequate staff to supervise and monitor the child's
482 activities at all times. Supervision and monitoring of children
483 includes physical observation and documented checks by jail or
484 receiving facility supervisory personnel at intervals not to
485 exceed 15 minutes, except in direct supervision housing with 24-
486 hour supervision. This subsection does not prohibit placing two
487 or more children in the same cell. Under no circumstances shall a
488 child be placed in the same cell with an adult.

489 Section 12. Subsection (2) is amended, and a new paragraph
490 (e) is added to subsection (3) of section 985.601, Florida
491 Statutes, to read:

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492 985.601 Administering the juvenile justice continuum.--

493 (2) (a) The department shall develop and implement an
494 appropriate continuum of care that provides individualized,
495 multidisciplinary assessments, objective evaluations of relative
496 risks, and the matching of needs with placements for all children
497 under its care, and that uses a system of case management to
498 facilitate each child being appropriately assessed, provided with
499 services, and placed in a program that meets the child's needs.

500 (b) As part of the continuum of services, the department
501 shall adopt rules establishing procedures to provide ordinary
502 medical care, mental health, substance abuse, and developmental
503 disabilities services to youth within the juvenile justice
504 continuum as defined in s. 985.03.

505
506 The department shall coordinate such rulemaking with other
507 affected agencies to avoid duplication, conflict, or
508 inconsistency.

509 (3) (a) The department shall develop or contract for
510 diversified and innovative programs to provide rehabilitative
511 treatment, including early intervention and prevention,
512 diversion, comprehensive intake, case management, diagnostic and
513 classification assessments, individual and family counseling,
514 shelter care, diversified detention care emphasizing alternatives
515 to secure detention, diversified probation, halfway houses,
516 foster homes, community-based substance abuse treatment services,
517 community-based mental health treatment services, community-based
518 residential and nonresidential programs, environmental programs,
519 and programs for serious or habitual juvenile offenders. Each
520 program shall place particular emphasis on reintegration and
521 conditional release for all children in the program.



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522 (b) The Legislature intends that, whenever possible and
523 reasonable, the department make every effort to consider
524 qualified faith-based organizations on an equal basis with other
525 private organizations when selecting contract providers of
526 services to juveniles.

527 (c) The department may contract with faith-based
528 organizations on the same basis as any other nongovernmental
529 providers, without impairing the religious character of such
530 organizations. Any faith-based organization may act as a
531 contractor in the delivery of services under any program, on the
532 same basis as any other nongovernmental provider, without
533 impairing the religious character of such organization. A faith-
534 based organization, which has entered into a contract with the
535 department, shall retain its independence from state and local
536 governments with regard to control over the definition,
537 development, practice, and expression of its religious beliefs.
538 The department shall not require a faith-based organization to
539 alter its form of internal government or remove religious art,
540 icons, scripture, or other symbols in order to be eligible to
541 contract as a provider.

542 (d) The department may include in any services contract a
543 requirement that providers prepare plans describing their
544 implementation of paragraphs (a) and (c). A failure to deliver
545 such plans, if required, may be considered by the department as a
546 breach of the contract that may result in cancellation of the
547 contract.

548 (e) In order to be eligible to participate in the state-
549 funded Intensive Delinquency Diversion Services program, counties
550 with non-state funded delinquency programs for youth must include

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551 diversion options for first time misdemeanant youth or youth age
552 10 or younger, unless otherwise prohibited.

553 Section 13. Section 985.606, Florida Statutes, is amended
554 to read:

555 985.606 Prevention services providers; outcome performance
556 data collection; reporting.--Each state agency or entity that
557 receives or uses state appropriations to fund programs, grants,
558 appropriations, or activities that are designed to prevent
559 juvenile crime, delinquency, gang membership, status offenses, or
560 that are designed to prevent a child from becoming a "child in
561 need of services," as defined in chapter 984, shall collect data
562 relative to the outcomes related to performance of such
563 activities and shall provide said data to the Governor, the
564 President of the Senate, and the Speaker of the House no later
565 than January 31st of each year for the preceding fiscal year.

566 Section 14. Subsection (8) is added to section 985.632,
567 Florida Statutes, to read:

568 985.632 Quality assurance and cost-effectiveness; outcome-
569 based contracting.--

570 (8) To create an accountable juvenile justice system that
571 is outcome-based, the department is authorized to conduct a
572 demonstration project utilizing outcome performance-based
573 contracts. During fiscal year 2008-09, the department shall
574 develop, in consultation with the Department of Financial
575 Services and a provider organization with multiple sites, an
576 implementation plan for outcome-based contracting. Such a plan
577 shall include interim and long-term outcome performance measures,
578 strategies for using financial incentives and disincentives to
579 increase provider performance, a plan to shift oversight and
580 monitoring of providers from a compliance-based approach to a

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581 more outcome-based approach, and recommendations of needed
582 legislative action to implement. This plan shall be submitted to
583 the Executive Office of the Governor, the Speaker of the House,
584 and the President of the Senate no later than March 1, 2009.

585 Section 15. Section 985.644, Florida Statutes, is amended
586 to read:

587 985.644 Departmental contracting powers; personnel
588 standards and screening.--

589 ~~(1) The department of Juvenile Justice or the Department of~~
590 ~~Children and Family Services, as appropriate,~~ may contract with
591 the Federal Government, other state departments and agencies,
592 county and municipal governments and agencies, public and private
593 agencies, and private individuals and corporations in carrying
594 out the purposes of, and the responsibilities established in,
595 this chapter.

596 (a) When the department ~~of Juvenile Justice or the~~
597 ~~Department of Children and Family Services~~ contracts with a
598 provider for any program for children, all personnel, including
599 owners, operators, employees, and volunteers, in the facility
600 must be of good moral character. Each contract entered into by
601 the either department for services delivered on an appointment or
602 intermittent basis by a provider that does not have regular
603 custodial responsibility for children and each contract with a
604 school for before or aftercare services must ensure that the
605 owners, operators, and all personnel who have direct contact with
606 children are of good moral character. A volunteer who assists on
607 an intermittent basis for less than 40 hours per month need not
608 be screened if the volunteer is under direct and constant
609 supervision by persons who meet the screening requirements.

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610 (b) ~~The department of Juvenile Justice and the Department~~
611 ~~of Children and Family Services~~ shall require employment
612 screening pursuant to chapter 435, using the level 2 standards
613 set forth in that chapter for personnel in programs for children
614 or youths.

615 (c) ~~The department of Juvenile Justice or the Department of~~
616 ~~Children and Family Services~~ may grant exemptions from
617 disqualification from working with children as provided in s.
618 435.07.

619 ~~(2) The department may contract with the Federal~~
620 ~~Government, other state departments and agencies, county and~~
621 ~~municipal governments and agencies, public and private agencies,~~
622 ~~and private individuals and corporations in carrying out the~~
623 ~~purposes and the responsibilities of the delinquency services and~~
624 ~~programs of the department.~~

625 (2)~~(3)~~ The department shall adopt a rule pursuant to
626 ~~chapter 120~~ establishing a procedure to provide notice of policy
627 changes that affect contracted delinquency services and programs.
628 A policy is defined as an operational requirement that applies to
629 only the specified contracted delinquency service or program. The
630 procedure must ~~shall~~ include:

631 (a) Public notice of policy development.

632 (b) Opportunity for public comment on the proposed policy.

633 (c) Assessment for fiscal impact upon the department and
634 providers.

635 (d) The department's response to comments received.

636 ~~(4) When the department contracts with a provider for any~~
637 ~~delinquency service or program, all personnel, including all~~
638 ~~owners, operators, employees, and volunteers in the facility or~~
639 ~~providing the service or program shall be of good moral~~



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640 ~~character. A volunteer who assists on an intermittent basis for~~
641 ~~less than 40 hours per month is not required to be screened if~~
642 ~~the volunteer is under direct and constant supervision by persons~~
643 ~~who meet the screening requirements.~~

644 (3)~~(5)~~(a) For any person employed by the department, or by
645 a provider under contract with the department, in delinquency
646 facilities, services, or programs, the department shall require:

647 1. A level 2 employment screening pursuant to chapter 435
648 prior to employment.

649 2. A federal criminal records check by the Federal Bureau
650 of Investigation every 5 years following the date of the person's
651 employment.

652 (b) Except for law enforcement, correctional, and
653 correctional probation officers, to whom s. 943.13(5) applies,
654 the department shall electronically submit to the Department of
655 Law Enforcement:

656 1. Fingerprint information obtained during the employment
657 screening required by subparagraph (a)1.

658 2. Beginning on December 15, 2005, fingerprint information
659 for all persons employed by the department, or by a provider
660 under contract with the department, in delinquency facilities,
661 services, or programs if such fingerprint information has not
662 previously been electronically submitted to the Department of Law
663 Enforcement under this paragraph.

664 (c) All fingerprint information electronically submitted to
665 the Department of Law Enforcement under paragraph (b) shall be
666 retained by the Department of Law Enforcement and entered into
667 the statewide automated fingerprint identification system
668 authorized by s. 943.05(2)(b). Thereafter, such fingerprint
669 information shall be available for all purposes and uses



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670 authorized for arrest fingerprint information entered into the
671 statewide automated fingerprint identification system pursuant to
672 s. 943.051 until the fingerprint information is removed under
673 ~~pursuant to~~ paragraph (e). The Department of Law Enforcement
674 shall search all arrest fingerprint information received pursuant
675 to s. 943.051 against the fingerprint information entered into
676 the statewide automated fingerprint system under ~~pursuant~~ to this
677 subsection. Any arrest records identified as a result of the
678 search shall be reported to the department in the manner and
679 timeframe established by the Department of Law Enforcement by
680 rule.

681 (d) The department shall pay an annual fee to the
682 Department of Law Enforcement for its costs resulting from the
683 fingerprint information retention services required by this
684 subsection. The amount of the annual fee and procedures for the
685 submission and retention of fingerprint information and for the
686 dissemination of search results shall be established by the
687 Department of Law Enforcement by adopting a rule that is
688 applicable to the department individually under ~~pursuant to~~ this
689 subsection or that is applicable to the department and other
690 employing agencies pursuant to rulemaking authority otherwise
691 provided by law.

692 (e) The department shall notify the Department of Law
693 Enforcement when a person whose fingerprint information is
694 retained by the Department of Law Enforcement under this
695 subsection is no longer employed by the department, or by a
696 provider under contract with the department, in a delinquency
697 facility, service, or program. This notice shall be provided by
698 the department to the Department of Law Enforcement no later than
699 6 months after the date of the change in the person's employment



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700 status. Fingerprint information for persons identified by the
701 department in the notice shall be removed from the statewide
702 automated fingerprint system.

703 ~~(6) The department may grant exemptions from~~
704 ~~disqualification from working with children as provided in s.~~
705 ~~435.07.~~

706 Section 16. Subsections (2), (3), (4), (5), (6), (7), (8),
707 and (9) of section 985.66, Florida Statutes, are amended to read:

708 985.66 Juvenile justice training academies; Juvenile
709 Justice Standards and Training Commission; Juvenile Justice
710 Training Trust Fund.--

711 (2) STAFF DEVELOPMENT AND TRAINING JUVENILE JUSTICE
712 STANDARDS AND TRAINING COMMISSION.--

713 ~~(a) There is created under the Department of Juvenile~~
714 ~~Justice the Juvenile Justice Standards and Training Commission,~~
715 ~~hereinafter referred to as the commission. The 17-member~~
716 ~~commission shall consist of the Attorney General or designee, the~~
717 ~~Commissioner of Education or designee, a member of the juvenile~~
718 ~~court judiciary to be appointed by the Chief Justice of the~~
719 ~~Supreme Court, and 14 members to be appointed by the Secretary of~~
720 ~~Juvenile Justice as follows:~~

721 ~~1. Seven members shall be juvenile justice professionals: a~~
722 ~~superintendent or a direct care staff member from an institution;~~
723 ~~a director from a contracted community-based program; a~~
724 ~~superintendent and a direct care staff member from a regional~~
725 ~~detention center or facility; a juvenile probation officer~~
726 ~~supervisor and a juvenile probation officer; and a director of a~~
727 ~~day treatment or conditional release program. No fewer than three~~
728 ~~of these members shall be contract providers.~~



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729 ~~2. Two members shall be representatives of local law~~
730 ~~enforcement agencies.~~

731 ~~3. One member shall be an educator from the state's~~
732 ~~university and community college program of criminology, criminal~~
733 ~~justice administration, social work, psychology, sociology, or~~
734 ~~other field of study pertinent to the training of juvenile~~
735 ~~justice program staff.~~

736 ~~4. One member shall be a member of the public.~~

737 ~~5. One member shall be a state attorney, or assistant state~~
738 ~~attorney, who has juvenile court experience.~~

739 ~~6. One member shall be a public defender, or assistant~~
740 ~~public defender, who has juvenile court experience.~~

741 ~~7. One member shall be a representative of the business~~
742 ~~community.~~

743
744 ~~All appointed members shall be appointed to serve terms of 2~~
745 ~~years.~~

746 ~~(b) The composition of the commission shall be broadly~~
747 ~~reflective of the public and shall include minorities and women.~~
748 ~~The term "minorities" as used in this paragraph means a member of~~
749 ~~a socially or economically disadvantaged group that includes~~
750 ~~blacks, Hispanics, and American Indians.~~

751 ~~(c) The Department of Juvenile Justice shall provide the~~
752 ~~commission with staff necessary to assist the commission in the~~
753 ~~performance of its duties.~~

754 ~~(d) The commission shall annually elect its chairperson and~~
755 ~~other officers. The commission shall hold at least four regular~~
756 ~~meetings each year at the call of the chairperson or upon the~~
757 ~~written request of three members of the commission. A majority of~~
758 ~~the members of the commission constitutes a quorum. Members of~~



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759 ~~the commission shall serve without compensation but are entitled~~
760 ~~to be reimbursed for per diem and travel expenses as provided by~~
761 ~~s. 112.061 and these expenses shall be paid from the Juvenile~~
762 ~~Justice Training Trust Fund.~~

763 (a) ~~(e)~~ The powers, duties, and functions of the department
764 ~~commission~~ shall be to:

765 1. Designate the location of the training academies;
766 develop, implement, maintain, and update the curriculum to be
767 used in the training of delinquency ~~juvenile justice~~ program
768 staff; establish timeframes for participation in and completion
769 of training by delinquency ~~juvenile justice~~ program staff;
770 develop, implement, maintain, and update job-related
771 examinations; develop, implement, and update the types and
772 frequencies of evaluations of the training academies; approve,
773 modify, or disapprove the budget for the training academies, and
774 the contractor to be selected to organize and operate the
775 training academies and to provide the training curriculum.

776 2. Establish uniform minimum job-related training courses
777 and examinations for delinquency ~~juvenile justice~~ program staff.

778 3. Consult and cooperate with the state or any political
779 subdivision; any private entity or contractor; and with private
780 and public universities, colleges, community colleges, and other
781 educational institutions concerning the development of juvenile
782 justice training and programs or courses of instruction,
783 including, but not limited to, education and training in the
784 areas of juvenile justice.

785 4. Enter into ~~With the approval of the department, make and~~
786 ~~enter into such~~ contracts and agreements with other agencies,
787 organizations, associations, corporations, individuals, or



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788 federal agencies as ~~the commission determines~~ are necessary in
789 the execution of its powers or the performance of its duties.

790 ~~5. Make recommendations to the Department of Juvenile~~
791 ~~Justice concerning any matter within the purview of this section.~~

792 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The department
793 ~~commission~~ shall establish a certifiable program for juvenile
794 justice training pursuant to this section, and all delinquency
795 ~~department~~ program staff and ~~providers~~ who deliver direct care
796 services ~~pursuant to contract with the department~~ shall be
797 required to participate in and successfully complete the
798 ~~commission~~-approved program of training pertinent to their areas
799 of responsibility. Judges, state attorneys, and public defenders,
800 law enforcement officers, and school district personnel may
801 participate in such training program. For the delinquency
802 ~~juvenile justice~~ program staff, the department ~~commission~~ shall,
803 based on a job-task analysis:

804 (a) Design, implement, maintain, evaluate, and revise a
805 basic training program, including a competency-based examination,
806 for the purpose of providing minimum employment training
807 qualifications for all delinquency program staff ~~juvenile justice~~
808 ~~personnel~~. All delinquency program staff of the department and
809 providers who deliver direct-care services who are hired after
810 October 1, 1999, must meet the following minimum requirements:

811 1. Be at least 19 years of age.

812 2. Be a high school graduate or its equivalent as
813 determined by the department ~~commission~~.

814 3. Not have been convicted of any felony or a misdemeanor
815 involving perjury or a false statement, or have received a
816 dishonorable discharge from any of the Armed Forces of the United
817 States. Any person who, after September 30, 1999, pleads guilty



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818 or nolo contendere to or is found guilty of any felony or a
819 misdemeanor involving perjury or false statement is not eligible
820 for employment, notwithstanding suspension of sentence or
821 withholding of adjudication. Notwithstanding this subparagraph,
822 any person who pled nolo contendere to a misdemeanor involving a
823 false statement before October 1, 1999, and who has had such
824 record of that plea sealed or expunged is not ineligible for
825 employment for that reason.

826 4. Abide by all the provisions of s. 985.644(1) regarding
827 fingerprinting and background investigations and other screening
828 requirements for personnel.

829 5. Execute and submit to the department an affidavit-of-
830 application form, adopted by the department, attesting to his or
831 her compliance with subparagraphs 1.-4. The affidavit must be
832 executed under oath and constitutes an official statement under
833 s. 837.06. The affidavit must include conspicuous language that
834 the intentional false execution of the affidavit constitutes a
835 misdemeanor of the second degree. The employing agency shall
836 retain the affidavit.

837 (b) Design, implement, maintain, evaluate, and revise an
838 advanced training program, including a competency-based
839 examination for each training course, which is intended to
840 enhance knowledge, skills, and abilities related to job
841 performance.

842 (c) Design, implement, maintain, evaluate, and revise a
843 career development training program, including a competency-based
844 examination for each training course. Career development courses
845 are intended to prepare personnel for promotion.

846 (d) The department ~~commission~~ is encouraged to design,
847 implement, maintain, evaluate, and revise juvenile justice



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848 training courses, or to enter into contracts for such training
849 courses, that are intended to provide for the safety and well-
850 being of both citizens and juvenile offenders.

851 (4) JUVENILE JUSTICE TRAINING TRUST FUND.--

852 (a) There is created within the State Treasury a Juvenile
853 Justice Training Trust Fund to be used by the Department of
854 Juvenile Justice for the purpose of funding the development and
855 updating of a job-task analysis of delinquency program staff
856 ~~juvenile justice personnel~~; the development, implementation, and
857 updating of job-related training courses and examinations; and
858 the cost of ~~commission-approved~~ juvenile justice training
859 courses; ~~and reimbursement for expenses as provided in s. 112.061~~
860 ~~for members of the commission and staff.~~

861 (b) One dollar from every noncriminal traffic infraction
862 collected pursuant to ss. 318.14(10) (b) and 318.18 shall be
863 deposited into the Juvenile Justice Training Trust Fund.

864 (c) In addition to the funds generated by paragraph (b),
865 the trust fund may receive funds from any other public or private
866 source.

867 (d) Funds that are not expended by the end of the budget
868 cycle or through a supplemental budget approved by the department
869 shall revert to the trust fund.

870 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING
871 ACADEMIES.--The number, location, and establishment of juvenile
872 justice training academies shall be determined by the department
873 ~~commission~~.

874 (6) SCHOLARSHIPS AND STIPENDS.--

875 (a) By rule, the department ~~commission~~ shall establish
876 criteria to award scholarships or stipends to qualified
877 delinquency program staff ~~juvenile justice personnel~~ who are

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878 residents of the state who want to pursue a bachelor's or
879 associate in arts degree in juvenile justice or a related field.
880 The department shall handle the administration of the scholarship
881 or stipend. The Department of Education shall handle the notes
882 issued for the payment of the scholarships or stipends. All
883 scholarship and stipend awards shall be paid from the Juvenile
884 Justice Training Trust Fund upon vouchers approved by the
885 Department of Education and properly certified by the Chief
886 Financial Officer. Prior to the award of a scholarship or
887 stipend, the delinquency program staff ~~juvenile justice employee~~
888 must agree in writing to practice her or his profession in
889 juvenile justice or a related field for 1 month for each month of
890 grant or to repay the full amount of the scholarship or stipend
891 together with interest at the rate of 5 percent per annum over a
892 period not to exceed 10 years. Repayment shall be made payable to
893 the state for deposit into the Juvenile Justice Training Trust
894 Fund.

895 (b) The department ~~commission~~ may establish the scholarship
896 program by rule and implement the program on or after July 1,
897 1996.

898 (7) ADOPTION OF RULES.--The department ~~may commission shall~~
899 adopt rules as necessary to carry out the provisions of this
900 section.

901 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
902 MANAGEMENT TRUST FUND.--Pursuant to s. 284.30, the Division of
903 Risk Management of the Department of Financial Services is
904 authorized to insure a private agency, individual, or corporation
905 operating a state-owned training school under a contract to carry
906 out the purposes and responsibilities of any program of the
907 department. The coverage authorized herein shall be under the

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908 same general terms and conditions as the department is insured
909 for its responsibilities under chapter 284.

910 (9) As used in this section, the term "delinquency program
911 staff" means supervisory and direct care staff of a delinquency
912 program as well as support staff who have direct contact with
913 children in a delinquency program that is owned and operated by
914 the department. ~~The Juvenile Justice Standards and Training~~
915 ~~Commission is terminated on June 30, 2001, and such termination~~
916 ~~shall be reviewed by the Legislature prior to that date.~~

917 Section 17. Section 985.664, Florida Statutes, is amended
918 to read:

919 985.664 Juvenile justice circuit boards and juvenile
920 justice county councils.--

921 (1) There is authorized a juvenile justice circuit board to
922 be established in each of the 20 judicial circuits and a juvenile
923 justice county council to be established in each of the 67
924 counties. The purpose of each juvenile justice circuit board and
925 each juvenile justice county council is to provide advice and
926 direction to the department and the Children and Youth Cabinet in
927 the development and implementation of juvenile justice programs
928 and to work collaboratively with the department in seeking
929 program improvements and policy changes to address the emerging
930 and changing needs of Florida's youth who are at risk of
931 delinquency.

932 (2) Each juvenile justice county council shall develop a
933 juvenile justice prevention and early intervention plan for the
934 county and shall collaborate with the circuit board and other
935 county councils assigned to that circuit in the development of a
936 comprehensive plan for the circuit. As part of such plan, each
937 council and board shall make provision for continual monitoring



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938 to identify and remedy disproportionate minority contact with the
939 juvenile justice system. The Children and Youth Cabinet shall
940 consider these local plans in implementing s. 402.56(5).

941 (3) Juvenile justice circuit boards and county councils
942 shall also participate in facilitating interagency cooperation
943 and information sharing.

944 (4) Juvenile justice circuit boards and county councils may
945 apply for and receive public or private grants to be administered
946 by one of the community partners that support one or more
947 components of the county or circuit plan.

948 (5) Juvenile justice circuit boards and county councils
949 shall advise and assist the department in the evaluation and
950 award of prevention and early intervention grant programs,
951 including the Community Juvenile Justice Partnership Grant
952 program established in s. 985.676 and proceeds from the Invest in
953 Children license plate annual use fees.

954 (6) Each juvenile justice circuit board shall provide an
955 annual report to the department and to the Children and Youth
956 Cabinet describing the activities of the circuit board and each
957 of the county councils contained within its circuit. The
958 department may prescribe a format and content requirements for
959 submission of annual reports.

960 (7) Membership of the juvenile justice circuit board may
961 not exceed 18 members, except as provided in subsections (8) and
962 (9). Members must include the state attorney, the public
963 defender, and the chief judge of the circuit, or their respective
964 designees. The remaining 15 members of the board must be
965 appointed by the county councils within that circuit. The board
966 where possible must be composed of an equitable number of members
967 ~~include at least one representative~~ from each county council



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968 | within the circuit, taking into account differences in
969 | population. In appointing members to the circuit board, the
970 | county councils must reflect:

971 | (a) The circuit's geography and population distribution.

972 | (b) Juvenile justice partners, including, but not limited
973 | to, representatives of law enforcement, the school system, and
974 | the Department of Children and Family Services.

975 | (c) Diversity in the judicial circuit.

976 | (d) Representation from residents of the targeted high-
977 | crime zip code communities as identified by the department and
978 | based on referral rates within the county.

979 | (8) At any time after the adoption of initial bylaws
980 | pursuant to subsection (12), a juvenile justice circuit board may
981 | revise the bylaws to increase the number of members by not more
982 | than three in order to adequately reflect the diversity of the
983 | population and community organizations or agencies in the
984 | circuit.

985 | (9) If county councils are not formed within a circuit, the
986 | circuit board may establish its membership in accordance with
987 | subsection (10). For juvenile justice circuit boards organized
988 | pursuant to this subsection, the state attorney, public defender,
989 | and chief circuit judge, or their respective designees, shall be
990 | members of the circuit board.

991 | (10) Membership of the juvenile justice county councils, or
992 | juvenile justice circuit boards established under subsection (9),
993 | must include representation from residents of the targeted high-
994 | crime zip code communities as identified by the department and
995 | based on referral rates within the county and may also include
996 | representatives from the following entities:



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997 (a) Representatives from the school district, which may
998 include elected school board officials, the school
999 superintendent, school or district administrators, teachers, and
1000 counselors.

1001 (b) Representatives of the board of county commissioners.

1002 (c) Representatives of the governing bodies of local
1003 municipalities within the county.

1004 (d) A representative of the corresponding circuit or
1005 regional entity of the Department of Children and Family
1006 Services.

1007 (e) Representatives of local law enforcement agencies,
1008 including the sheriff or the sheriff's designee.

1009 (f) Representatives of the judicial system.

1010 (g) Representatives of the business community.

1011 (h) Representatives of other interested officials, groups,
1012 or entities, including, but not limited to, a children's services
1013 council, public or private providers of juvenile justice programs
1014 and services, students, parents, and advocates. Private providers
1015 of juvenile justice programs may not exceed one-third of the
1016 voting membership.

1017 (i) Representatives of the faith community.

1018 (j) Representatives of victim-service programs and victims
1019 of crimes.

1020 (k) Representatives of the Department of Corrections.

1021 (11) Each juvenile justice county council, or juvenile
1022 justice circuit board established under subsection (9), must
1023 provide for the establishment of an executive committee of not
1024 more than 10 members. The duties and authority of the executive
1025 committee must be addressed in the bylaws.

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1026 (12) Each juvenile justice circuit board and county council
1027 shall develop bylaws that provide for officers and committees as
1028 the board or council deems necessary and shall specify the
1029 qualifications, method of selection, and term for each office
1030 created. The bylaws shall address at least the following issues:
1031 process for appointments to the board or council; election or
1032 appointment of officers; filling of vacant positions; duration of
1033 member terms; provisions for voting; meeting attendance
1034 requirements; and the establishment and duties of an executive
1035 committee, if required under subsection (11).

1036 (13) The secretary shall meet at least annually,
1037 individually or collectively, by phone or in person, with the
1038 chair of the juvenile justice circuit boards and the Children and
1039 Youth Cabinet in order to:

1040 1. Advise juvenile justice circuit board chairs of
1041 statewide juvenile justice issues and activities.

1042 2. Provide and receive comments on prevention and
1043 intervention program budget priorities.

1044 3. Provide and receive comments on the planning process.

1045 4. Discuss program development, program implementation,
1046 quality assurance, and program outcomes.

1047 ~~(14)-(13)~~ Members of juvenile justice circuit boards and
1048 county councils are subject to the provisions of part III of
1049 chapter 112.

1050 (15) Juvenile justice circuit boards and county councils
1051 shall use due diligence in notifying the community of board
1052 vacancies through various community outreach outlets such as
1053 community newspapers, churches and free public announcements.

1054 Section 18. Subsection (1) of section 985.668, Florida
1055 Statutes, is amended to read:

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1056 985.668 Innovation zones.--The department shall encourage
1057 each of the juvenile justice circuit boards in consultation with
1058 the juvenile justice county council within the circuit to propose
1059 at least one innovation zone within the circuit for the purpose
1060 of implementing any experimental, pilot, or demonstration project
1061 that furthers the legislatively established goals of the
1062 department. An innovation zone is a defined geographic area such
1063 as a circuit, commitment region, county, municipality, service
1064 delivery area, school campus, or neighborhood providing a
1065 laboratory for the research, development, and testing of the
1066 applicability and efficacy of model programs, policy options, and
1067 new technologies for the department.

1068 (1) (a) The juvenile justice circuit board shall submit a
1069 proposal for an innovation zone to the secretary. If the purpose
1070 of the proposed innovation zone is to demonstrate that specific
1071 statutory goals can be achieved more effectively by using
1072 procedures that require modification of existing rules, policies,
1073 or procedures, the proposal may request the secretary to waive
1074 such existing rules, policies, or procedures or to otherwise
1075 authorize use of alternative procedures or practices. Waivers of
1076 such existing rules, policies, or procedures must comply with
1077 applicable state or federal law.

1078 (b) For innovation zone proposals that the secretary
1079 determines require changes to state law, the secretary may submit
1080 a request for a waiver from such laws, together with any proposed
1081 changes to state law, to the chairs of the appropriate
1082 legislative committees for consideration.

1083 (c) For innovation zone proposals that the secretary
1084 determines require waiver of federal law, the secretary may



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1085 submit a request for such waivers to the applicable federal
1086 agency.

1087 Section 19. Paragraph (a) of subsection (2) and subsection
1088 (3) of section 985.676, Florida Statutes, are amended to read:

1089 985.676 Community juvenile justice partnership grants.--

1090 (2) GRANT APPLICATION PROCEDURES.--

1091 (a) Each entity wishing to apply for an annual community
1092 juvenile justice partnership grant, which may be renewed ~~for a~~
1093 ~~maximum of 2 additional years~~ for the same provision of services,
1094 shall submit a grant proposal for funding or continued funding to
1095 the department. The department shall establish the grant
1096 application procedures. In order to be considered for funding,
1097 the grant proposal shall include the following assurances and
1098 information:

1099 1. A letter from the chair of the juvenile justice circuit
1100 board confirming that the grant application has been reviewed and
1101 found to support one or more purposes or goals of the juvenile
1102 justice plan as developed by the board.

1103 2. A rationale and description of the program and the
1104 services to be provided, including goals and objectives.

1105 3. A method for identification of the juveniles most likely
1106 to be involved in the juvenile justice system who will be the
1107 focus of the program.

1108 4. Provisions for the participation of parents and
1109 guardians in the program.

1110 5. Coordination with other community-based and social
1111 service prevention efforts, including, but not limited to, drug
1112 and alcohol abuse prevention and dropout prevention programs,
1113 that serve the target population or neighborhood.

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1114 6. An evaluation component to measure the effectiveness of
1115 the program in accordance with s. 985.632.

1116 7. A program budget, including the amount and sources of
1117 local cash and in-kind resources committed to the budget. The
1118 proposal must establish to the satisfaction of the department
1119 that the entity will make a cash or in-kind contribution to the
1120 program of a value that is at least equal to 20 percent of the
1121 amount of the grant.

1122 8. The necessary program staff.

1123 (b) The department shall consider the following in awarding
1124 such grants:

1125 1. The recommendations of the juvenile justice county
1126 council as to the priority that should be given to proposals
1127 submitted by entities within a county.

1128 2. The recommendations of the juvenile justice circuit
1129 board as to the priority that should be given to proposals
1130 submitted by entities within a circuit.

1131
1132 As the first priority, the department shall fund applications
1133 that meet the requirements of this section and also fulfill the
1134 local juvenile circuit board plans.

1135 (3) RESTRICTIONS.--~~This section does not prevent a program~~
1136 ~~initiated under a community juvenile justice partnership grant~~
1137 ~~established pursuant to this section from continuing to operate~~
1138 ~~beyond the 3-year maximum funding period if it can find other~~
1139 ~~funding sources. Likewise,~~ This section does not restrict the
1140 number of programs an entity may apply for or operate.

1141 Section 20. Section 985.721, Florida Statutes, is amended
1142 to read:

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1143 985.721 Escapes from secure detention or residential
1144 commitment facility.--An escape from:

1145 (1) Any secure detention facility maintained for the
1146 temporary detention of children, pending adjudication,
1147 disposition, or placement;

1148 (2) Any residential commitment facility described in s.
1149 985.03(45) ~~s. 985.03(44)~~, maintained for the custody, treatment,
1150 punishment, or rehabilitation of children found to have committed
1151 delinquent acts or violations of law; or

1152 (3) Lawful transportation to or from any such secure
1153 detention facility or residential commitment facility,

1154
1155 constitutes escape within the intent and meaning of s. 944.40 and
1156 is a felony of the third degree, punishable as provided in s.
1157 775.082, s. 775.083, or s. 775.084.

1158 Section 21. Section 1006.125, Florida Statutes, is created
1159 to read:

1160 1006.125 Referrals to law enforcement; serious criminal
1161 offenses.--

1162 (1) A student that is charged by school authorities with a
1163 violation of the code of student conduct that may also constitute
1164 a serious criminal offense shall be reported to the law
1165 enforcement agency having jurisdiction over the student's school
1166 of attendance. This provision may be satisfied by providing
1167 notice to the appropriate school resource officer of the charge
1168 of violation of the code of student conduct and discipline code.

1169 (2) As used in this section, serious criminal offense
1170 includes an offense which would constitute a capital felony; life
1171 felony; first degree felony; second or third degree felony
1172 involving a firearm or weapon or violence against another person,

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1173 or an offense that poses a serious threat to school safety or the
1174 safety of any individual student or group of students.

1175 (3) Counties may seek reimbursement of secure detention
1176 costs from the school district for detention costs associated
1177 with the referral of a student for an offense other than that
1178 specified in this section at a rate not to exceed the per diem
1179 rate set by the Department of Juvenile Justice pursuant to s.
1180 985.686.

1181 Section 22. Subsections (1) and (2) of section 1006.13,
1182 Florida Statutes, are amended to read:

1183 1006.13 Policy ~~of zero tolerance~~ for crime and
1184 victimization.--

1185 (1) Each district school board shall adopt a policy ~~of zero~~
1186 ~~tolerance~~ for:

1187 (a) Crime and substance abuse, including the reporting of
1188 delinquent acts and crimes occurring whenever and wherever
1189 students are under the jurisdiction of the district school board.

1190 (b) Victimization of students, including taking all steps
1191 necessary to protect the victim of any violent crime from any
1192 further victimization.

1193 (2) The ~~zero tolerance~~ policy shall require students found
1194 to have committed one of the following serious criminal offenses
1195 to be expelled, with or without continuing educational services,
1196 from the student's regular school for a period of not less than 1
1197 full year, and to be referred to the criminal justice or juvenile
1198 justice system.

1199 (a) Bringing a firearm or weapon, as defined in chapter
1200 790, to school, to any school function, or onto any school-
1201 sponsored transportation or possessing a firearm at school.



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1202 (b) Making a threat or false report, as defined by ss.
 1203 790.162 and 790.163, respectively, involving school or school
 1204 personnel's property, school transportation, or a school-
 1205 sponsored activity.

1206
 1207 District school boards may assign the student to a disciplinary
 1208 program for the purpose of continuing educational services during
 1209 the period of expulsion. District school superintendents may
 1210 consider the 1-year expulsion requirement on a case-by-case basis
 1211 and request the district school board to modify the requirement
 1212 by assigning the student to a disciplinary program or second
 1213 chance school if the request for modification is in writing and
 1214 it is determined to be in the best interest of the student and
 1215 the school system. If a student committing any of the offenses in
 1216 this subsection is a student with a disability, the district
 1217 school board shall comply with applicable State Board of
 1218 Education rules.

1219 Section 23. For fiscal year 2008-09, there is hereby
 1220 appropriated from the General Revenue Fund to the Department of
 1221 Juvenile Justice, \$50,000 in nonrecurring funds for the purpose
 1222 of developing curriculum to be used for the certification of
 1223 direct care staff of the department.

1224 Section 24. This act shall take effect July 1, 2008.

1226 ===== T I T L E A M E N D M E N T =====

1227 And the title is amended as follows:

1228 Delete everything before the enacting clause
 1229 and insert:

1230 A bill to be entitled

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1231 | An act relating to juvenile justice; amending s. 29.008,
1232 | F.S.; conforming cross-references; amending s. 790.22,
1233 | F.S.; revising provisions relating to community service
1234 | programs; amending s. 939.185, F.S.; providing diversion
1235 | options; amending s. 984.05, F.S., conforming cross-
1236 | references; amending s. 984.09, F.S.; deleting duplicative
1237 | provisions relating to contempt of court and alternative
1238 | sanctions; amending s. 985.02, F.S.; providing diversion
1239 | options; amending s. 985.03, F.S.; defining the term
1240 | "ordinary medical care"; amending and renumber provisions
1241 | of s. 985.037, F.S.; relating to alterative sanctions;
1242 | creating s. 985.0375, F.S.; providing for alternative
1243 | sanctions; amending s. 985.04, F.S.; providing that
1244 | confidential information obtained during an official's
1245 | service with juvenile delinquents may be shared with
1246 | authorized personnel of the Department of Children and
1247 | Family Services; amending s. 985.245, F.S.; providing
1248 | additional representatives to the committee; amending s.
1249 | 985.265, F.S.; providing an exception in direct
1250 | supervision housing; amending s. 985.601, F.S.; requiring
1251 | the Department of Juvenile Justice to adopt rules to
1252 | establish procedures to provide ordinary medical care,
1253 | mental health, substance abuse, and developmental
1254 | disabilities services to youth within the juvenile justice
1255 | continuum; requiring that, to the extent possible within
1256 | available fiscal resources, the procedures must be
1257 | commensurate with procedures that youth receive in the
1258 | community; amending s. 985.606, F.S.; revising provisions
1259 | to data collection; amending s. 985.632, F.S.; creating an
1260 | accountable juvenile justice system that is outcome-based;

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1261 | amending s. 985.644, F.S.; removing the reference to the
1262 | Department of Children and Family Services; amending s.
1263 | 985.66, F.S.; transferring the responsibility for the
1264 | juvenile justice training program from the Juvenile
1265 | Justice Standards and Training Commission to the
1266 | Department of Juvenile Justice; requiring the department
1267 | to adopt rules; amending s. 985.664, F.S.; providing a
1268 | reference to the Children and Youth Cabinet; amending s.
1269 | 985.668, F.S.; including councils for proposals; amending
1270 | s. 985.676, F.S.; including the development and
1271 | implantation of a strategic plan; amending s. 985.721,
1272 | F.S.; conforming a cross-reference; creating s. 1006.125,
1273 | F.S.; regarding referrals to law enforcement and serious
1274 | criminal offenses; amending s. 1006.13, F.S.; removing the
1275 | reference of zero tolerance; providing an appropriation;
1276 | providing an effective date.