

By the Committee on Criminal Justice; and Senator Crist

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1 A bill to be entitled

2 An act relating to juvenile justice; amending s. 29.008,
3 F.S.; conforming cross-references; amending s. 790.22,
4 F.S.; revising provisions relating to community service
5 programs; amending s. 939.185, F.S.; providing diversion
6 options; amending s. 984.05, F.S., conforming cross-
7 references; amending s. 984.09, F.S.; deleting duplicative
8 provisions relating to contempt of court and alternative
9 sanctions; amending s. 985.02, F.S.; providing diversion
10 options; amending s. 985.03, F.S.; defining the term
11 "ordinary medical care"; amending and renumbering
12 provisions of s. 985.037, F.S., relating to alterative
13 sanctions; creating s. 985.0375, F.S.; providing for
14 alternative sanctions; amending s. 985.04, F.S.; providing
15 that confidential information obtained during an
16 official's service with juvenile delinquents may be shared
17 with authorized personnel of the Department of Children
18 and Family Services; amending s. 985.245, F.S.; providing
19 for additional representatives to be included on the
20 committee formed to advise the Department of Juvenile
21 Justice on the risk assessment instrument; requiring
22 periodic evaluation of the risk assessment instrument;
23 amending s. 985.265, F.S.; providing an exception to
24 required supervision in direct supervision housing;
25 amending s. 985.601, F.S.; requiring the Department of
26 Juvenile Justice to adopt rules to establish procedures to
27 provide ordinary medical care, mental health, substance
28 abuse, and developmental disabilities services to youth
29 within the juvenile justice continuum; requiring that, to

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30 the extent possible within available fiscal resources, the
31 procedures must be commensurate with procedures that youth
32 receive in the community; amending s. 985.606, F.S.;
33 revising provisions governing data collection; amending s.
34 985.632, F.S.; authorizing the department to conduct a
35 demonstration project in order to create an accountable
36 juvenile justice system that is outcome-based; amending s.
37 985.644, F.S., relating to departmental contracting
38 powers; removing references to the Department of Children
39 and Family Services; amending s. 985.66, F.S.;
40 transferring the responsibility for the juvenile justice
41 training program from the Juvenile Justice Standards and
42 Training Commission to the Department of Juvenile Justice;
43 requiring the department to adopt rules; amending s.
44 985.664, F.S., relating to the juvenile justice circuit
45 boards and juvenile justice county councils; providing a
46 reference to the Children and Youth Cabinet; amending s.
47 985.668, F.S.; encouraging each juvenile justice circuit
48 board, in consultation with the juvenile justice county
49 council, to propose an innovation zone within the circuit;
50 amending s. 985.676, F.S.; including the development and
51 implantation of a strategic plan; amending s. 985.721,
52 F.S.; conforming a cross-reference; creating s. 1006.125,
53 F.S.; requiring that a student charged with a violation of
54 the code of student conduct which constitutes a serious
55 criminal offense be reported to a law enforcement agency;
56 amending s. 1006.13, F.S.; removing the reference of zero
57 tolerance; providing an appropriation; providing an
58 effective date.

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59
60 Be It Enacted by the Legislature of the State of Florida:

61
62 Section 1. Paragraph (b) of subsection (3) of section
63 29.008, Florida Statutes, is amended to read:

64 29.008 County funding of court-related functions.--

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

67 (b) Alternative sanctions coordinators pursuant to s.
68 985.0375 ~~ss. 984.09 and 985.037.~~

69 Section 2. Paragraph (c) of subsection (4) of section
70 790.22, Florida Statutes, is amended to read:

71 790.22 Use of BB guns, air or gas-operated guns, or
72 electric weapons or devices by minor under 16; limitation;
73 possession of firearms by minor under 18 prohibited; penalties.--

74 (4)

75 (c) The juvenile justice circuit boards or juvenile justice
76 county councils or the Department of Juvenile Justice shall
77 establish appropriate community service programs to be available
78 as provided in s. 985.0375 ~~to the alternative sanctions~~
79 ~~coordinators of the circuit courts in implementing this~~
80 ~~subsection. The boards or councils or department shall propose~~
81 ~~the implementation of a community service program in each~~
82 ~~circuit, and may submit a circuit plan, to be implemented upon~~
83 ~~approval of the circuit alternative sanctions coordinator.~~

84 Section 3. Paragraph (a) of subsection (1) of section
85 939.185, Florida Statutes, is amended to read:

86 939.185 Assessment of additional court costs and
87 surcharges.--

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88 (1) (a) The board of county commissioners may adopt by
89 ordinance an additional court cost, not to exceed \$65, to be
90 imposed by the court when a person pleads guilty or nolo
91 contendere to, or is found guilty of, or adjudicated delinquent
92 for, any felony, misdemeanor, delinquent act, or criminal traffic
93 offense under the laws of this state. Such additional assessment
94 shall be accounted for separately by the county in which the
95 offense occurred and be used only in the county imposing this
96 cost, to be allocated as follows:

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

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

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

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

113
114 Each county receiving funds under this section shall report the
115 amount of funds collected pursuant to this section and an
116 itemized list of expenditures for all authorized programs and

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117 activities. The report shall be submitted in a format developed
118 by the Supreme Court to the Governor, the Chief Financial
119 Officer, the President of the Senate, and the Speaker of the
120 House of Representatives on a quarterly basis beginning with the
121 quarter ending September 30, 2004. Quarterly reports shall be
122 submitted no later than 30 days after the end of the quarter. Any
123 unspent funds at the close of the county fiscal year allocated
124 under subparagraphs 2., 3., and 4., shall be transferred for use
125 pursuant to subparagraph 1.

126 Section 4. Section 984.05, Florida Statutes, is amended to
127 read:

128 984.05 Rules relating to habitual truants; adoption by
129 State Board of Education and Department of Juvenile Justice.--The
130 Department of Juvenile Justice and the State Board of Education
131 shall work together on the development of, and shall adopt, rules
132 as necessary for administering ~~the implementation of~~ ss.

133 984.03(27), 985.03(26) ~~985.03(25)~~, and 1003.27.

134 Section 5. Section 984.09, Florida Statutes, is amended to
135 read:

136 984.09 Punishment for contempt of court; ~~alternative~~
137 ~~sanctions~~.--

138 (1) CONTEMPT OF COURT; ~~LEGISLATIVE INTENT~~.--Except as
139 otherwise provided in this section, the court may punish any
140 child for contempt for interfering with the court or with court
141 administration, or for violating any provision of this chapter or
142 order of the court relative thereto as provided in s. 985.037. ~~It~~
143 ~~is the intent of the Legislature that the court restrict and~~
144 ~~limit the use of contempt powers with respect to commitment of a~~
145 ~~child to a secure facility. A child who commits direct contempt~~

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146 ~~of court or indirect contempt of a valid court order may be taken~~
147 ~~into custody and ordered to serve an alternative sanction or~~
148 ~~placed in a secure facility, as authorized in this section, by~~
149 ~~order of the court.~~

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

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

156 ~~(a)~~ ~~A delinquent child who has been held in direct or~~
157 ~~indirect contempt may be placed in a secure detention facility~~
158 ~~for 5 days for a first offense or 15 days for a second or~~
159 ~~subsequent offense, or in a secure residential commitment~~
160 ~~facility.~~

161 (b) A child in need of services who has been held in direct
162 contempt or indirect contempt may be placed, for 5 days for a
163 first offense or 15 days for a second or subsequent offense, in a
164 staff-secure shelter or a staff-secure residential facility
165 solely for children in need of services if such placement is
166 available, or, if such placement is not available, the child may
167 be placed in an appropriate mental health facility or substance
168 abuse facility for assessment. In addition to disposition under
169 this paragraph, a child in need of services who is held in direct
170 contempt or indirect contempt may be placed in a physically
171 secure setting as provided under s. 984.226 if conditions of
172 eligibility are met.

173 ~~(3) ALTERNATIVE SANCTIONS.~~ ~~Each judicial circuit shall~~
174 ~~have an alternative sanctions coordinator who shall serve under~~

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175 ~~the chief administrative judge of the juvenile division of the~~
176 ~~circuit court, and who shall coordinate and maintain a spectrum~~
177 ~~of contempt sanction alternatives in conjunction with the circuit~~
178 ~~plan implemented in accordance with s. 790.22(4)(c). Upon~~
179 ~~determining that a child has committed direct contempt of court~~
180 ~~or indirect contempt of a valid court order, the court may~~
181 ~~immediately request the alternative sanctions coordinator to~~
182 ~~recommend the most appropriate available alternative sanction and~~
183 ~~shall order the child to perform up to 50 hours of community-~~
184 ~~service manual labor or a similar alternative sanction, unless an~~
185 ~~alternative sanction is unavailable or inappropriate, or unless~~
186 ~~the child has failed to comply with a prior alternative sanction.~~
187 ~~Alternative contempt sanctions may be provided by local industry~~
188 ~~or by any nonprofit organization or any public or private~~
189 ~~business or service entity that has entered into a contract with~~
190 ~~the Department of Juvenile Justice to act as an agent of the~~
191 ~~state to provide voluntary supervision of children on behalf of~~
192 ~~the state in exchange for the manual labor of children and~~
193 ~~limited immunity in accordance with s. 768.28(11).~~

194 ~~(3)(4) CHILDREN IN NEED OF SERVICES CONTEMPT OF COURT~~
195 ~~SANCTIONS; PROCEDURE AND DUE PROCESS.--~~

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

199 ~~(b) If a child is charged with indirect contempt of court,~~
200 ~~the court must hold a hearing within 24 hours to determine~~
201 ~~whether the child committed indirect contempt of a valid court~~
202 ~~order. At the hearing, the following due process rights must be~~
203 ~~provided to the child:~~

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

206 2. ~~Right to an explanation of the nature and the~~
207 ~~consequences of the proceedings.~~

208 3. ~~Right to legal counsel and the right to have legal~~
209 ~~counsel appointed by the court if the juvenile is indigent,~~
210 ~~pursuant to s. 985.033.~~

211 4. ~~Right to confront witnesses.~~

212 5. ~~Right to present witnesses.~~

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

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

215
216 ~~The child's parent or guardian may address the court regarding~~
217 ~~the due process rights of the child. The court shall review the~~
218 ~~placement of the child every 72 hours to determine whether it is~~
219 ~~appropriate for the child to remain in the facility.~~

220 (c) ~~The court may not order that a child be placed in a~~
221 ~~secure facility for punishment for contempt unless the court~~
222 ~~determines that an alternative sanction is inappropriate or~~
223 ~~unavailable or that the child was initially ordered to an~~
224 ~~alternative sanction and did not comply with the alternative~~
225 ~~sanction. The court is encouraged to order a child to perform~~
226 ~~community service, up to the maximum number of hours, where~~
227 ~~appropriate before ordering that the child be placed in a secure~~
228 ~~facility as punishment for contempt of court.~~

229 (d) ~~In addition to any other sanction imposed under s.~~
230 ~~985.037 this section, the court may direct the Department of~~
231 ~~Highway Safety and Motor Vehicles to withhold issuance of, or~~
232 ~~suspend, a child's driver's license or driving privilege. The~~

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233 ~~court may order that a child's driver's license or driving~~
234 ~~privilege be withheld or suspended for up to 1 year for a first~~
235 ~~offense of contempt and up to 2 years for a second or subsequent~~
236 ~~offense. If the child's driver's license or driving privilege is~~
237 ~~suspended or revoked for any reason at the time the sanction for~~
238 ~~contempt is imposed, the court shall extend the period of~~
239 ~~suspension or revocation by the additional period ordered under~~
240 ~~this paragraph. If the child's driver's license is being withheld~~
241 ~~at the time the sanction for contempt is imposed, the period of~~
242 ~~suspension or revocation ordered under this paragraph shall begin~~
243 ~~on the date on which the child is otherwise eligible to drive.~~
244 for a child in need of services whose driver's license or driving
245 privilege is suspended under that section ~~this paragraph~~, the
246 court may direct the Department of Highway Safety and Motor
247 Vehicles to issue the child a license for driving privileges
248 restricted to business or employment purposes only, as defined in
249 s. 322.271, or for the purpose of completing court-ordered
250 community service, if the child is otherwise qualified for a
251 license. However, the department may not issue a restricted
252 license unless specifically ordered to do so by the court.

253 ~~(5) ALTERNATIVE SANCTIONS COORDINATOR.--There is created~~
254 ~~the position of alternative sanctions coordinator within each~~
255 ~~judicial circuit, pursuant to subsection (3). Each alternative~~
256 ~~sanctions coordinator shall serve under the direction of the~~
257 ~~chief administrative judge of the juvenile division as directed~~
258 ~~by the chief judge of the circuit. The alternative sanctions~~
259 ~~coordinator shall act as the liaison between the judiciary, local~~
260 ~~department officials, district school board employees, and local~~
261 ~~law enforcement agencies. The alternative sanctions coordinator~~

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262 ~~shall coordinate within the circuit community-based alternative~~
263 ~~sanctions, including nonsecure detention programs, community~~
264 ~~service projects, and other juvenile sanctions, in conjunction~~
265 ~~with the circuit plan implemented in accordance with s.~~
266 ~~790.22(4)(c).~~

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

269 985.02 Legislative intent for the juvenile justice
270 system.--

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

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

279 (b) Develop and implement effective programs to prevent
280 delinquency, to divert children from the traditional juvenile
281 justice system, to intervene at an early stage of delinquency,
282 and to provide critically needed alternatives to
283 institutionalization and deep-end commitment.

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

286 (d) Increase the capacity of local governments and public
287 and private agencies to conduct rehabilitative treatment programs
288 and to provide research, evaluation, and training services in the
289 field of juvenile delinquency prevention.

290 (e) Encourage and promote diversion options when

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291 appropriate, especially for first-time misdemeanant youth or
292 youth 10 years of age or younger.

293

294 The Legislature intends that detention care, in addition to
295 providing secure and safe custody, will promote the health and
296 well-being of the children committed thereto and provide an
297 environment that fosters their social, emotional, intellectual,
298 and physical development.

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

303 985.03 Definitions.--As used in this chapter, the term:

304 (38) "Ordinary medical care" means medical procedures that
305 are administered or performed on a routine basis and include, but
306 are not limited to, inoculations, physical examinations, remedial
307 treatment for minor illnesses and injuries, preventive services,
308 medication management, chronic disease management, and other
309 medical procedures that are administered or performed on a
310 routine basis and that do not involve hospitalization, surgery,
311 or use of general anesthesia.

312 Section 8. Subsections (1), (2), and (4) of section
313 985.037, Florida Statutes, are amended, and subsections (3) and
314 (5) of that section are redesignated as subsections (1) and (2)
315 of section 985.0375, Florida Statutes, and amended to read:

316 985.037 Punishment for contempt of court; ~~alternative~~
317 ~~sanctions.~~--

318 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.--The court may
319 punish any child for contempt for interfering with the court or

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320 with court administration, or for violating any provision of this
321 chapter or order of the court relative thereto. It is the intent
322 of the Legislature that the court restrict and limit the use of
323 contempt powers with respect to commitment of a child to a secure
324 facility. A child who commits direct contempt of court or
325 indirect contempt of a valid court order may be taken into
326 custody and ordered to serve an alternative sanction or placed in
327 a secure facility, as authorized in this section, by order of the
328 court.

329 (2) PLACEMENT IN A SECURE FACILITY.--A child may be placed
330 in a secure facility for purposes of punishment for contempt of
331 court if alternative sanctions are unavailable or inappropriate,
332 or if the child has already been ordered to serve an alternative
333 sanction but failed to comply with the sanction. A delinquent
334 child who has been held in direct or indirect contempt may be
335 placed in a secure detention facility not to exceed 5 days for a
336 first offense and not to exceed 15 days for a second or
337 subsequent offense.

338 (3)~~(4)~~ CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
339 PROCESS.--

340 (a) If a child is charged with direct contempt of court,
341 including traffic court, the court may impose an authorized
342 sanction immediately.

343 (b) If a child is charged with indirect contempt of court,
344 the court must hold a hearing within 24 hours to determine
345 whether the child committed indirect contempt of a valid court
346 order. At the hearing, the following due process rights must be
347 provided to the child:

348 1. Right to a copy of the order to show cause alleging

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349 facts supporting the contempt charge.

350 2. Right to an explanation of the nature and the
351 consequences of the proceedings.

352 3. Right to legal counsel and the right to have legal
353 counsel appointed by the court if the juvenile is indigent, under
354 s. 985.033.

355 4. Right to confront witnesses.

356 5. Right to present witnesses.

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

358 7. Right to appeal to an appropriate court.

359

360 The child's parent or guardian may address the court regarding
361 the due process rights of the child. The court shall review the
362 placement of the child every 72 hours to determine whether it is
363 appropriate for the child to remain in the facility.

364 (c) The court may not order that a child be placed in a
365 secure facility for punishment for contempt unless the court
366 determines that an alternative sanction is inappropriate or
367 unavailable or that the child was initially ordered to an
368 alternative sanction and did not comply with the alternative
369 sanction. The court is encouraged to order a child to perform
370 community service, up to the maximum number of hours, where
371 appropriate before ordering that the child be placed in a secure
372 facility as punishment for contempt of court.

373 (d) In addition to any other sanction imposed under this
374 section, the court may direct the Department of Highway Safety
375 and Motor Vehicles to withhold issuance of, or suspend, a child's
376 driver's license or driving privilege. The court may order that a
377 child's driver's license or driving privilege be withheld or

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378 suspended for up to 1 year for a first offense of contempt and up
379 to 2 years for a second or subsequent offense. If the child's
380 driver's license or driving privilege is suspended or revoked for
381 any reason at the time the sanction for contempt is imposed, the
382 court shall extend the period of suspension or revocation by the
383 additional period ordered under this paragraph. If the child's
384 driver's license is being withheld at the time the sanction for
385 contempt is imposed, the period of suspension or revocation
386 ordered under this paragraph shall begin on the date on which the
387 child is otherwise eligible to drive.

388

389 985.0375 Alternative sanctions.--

390 (1)~~(3)~~ ~~ALTERNATIVE SANCTIONS.~~—Each judicial circuit shall
391 have an alternative sanctions coordinator who shall serve under
392 the chief administrative judge of the juvenile division of the
393 circuit court, and who shall coordinate and maintain a spectrum
394 of contempt sanction alternatives in conjunction with the circuit
395 plan implemented in accordance with s. 790.22(4)(c). Upon
396 determining that a child has committed direct contempt of court
397 or indirect contempt of a valid court order, the court may
398 immediately request the alternative sanctions coordinator to
399 recommend the most appropriate available alternative sanction and
400 shall order the child to perform up to 50 hours of community-
401 service manual labor or a similar alternative sanction, unless an
402 alternative sanction is unavailable or inappropriate, or unless
403 the child has failed to comply with a prior alternative sanction.
404 Alternative contempt sanctions may be provided by local industry
405 or by any nonprofit organization or any public or private
406 business or service entity that has entered into a contract with

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407 | the department ~~of Juvenile Justice~~ to act as an agent of the
408 | state to provide voluntary supervision of children on behalf of
409 | the state in exchange for the manual labor of children and
410 | limited immunity in accordance with s. 768.28(11).

411 | (2)~~(5)~~ ~~ALTERNATIVE SANCTIONS COORDINATOR.~~ There is created
412 | the position of alternative sanctions coordinator within each
413 | judicial circuit, pursuant to subsection (1) ~~(3)~~. Each
414 | alternative sanctions coordinator shall serve under the direction
415 | of the chief administrative judge of the juvenile division as
416 | directed by the chief judge of the circuit. The alternative
417 | sanctions coordinator shall act as the liaison between the
418 | judiciary, local department officials, district school board
419 | employees, and local law enforcement agencies. The alternative
420 | sanctions coordinator shall coordinate within the circuit
421 | community-based alternative sanctions, including nonsecure
422 | detention programs, community service projects, and other
423 | juvenile sanctions, to implement s. 790.22(4) ~~in conjunction with~~
424 | ~~the circuit plan implemented in accordance with s. 790.22(4)(c).~~

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

427 | 985.04 Oaths; records; confidential information.--

428 | (1) Except as provided in subsections (2), (3), (6), and
429 | (7) and s. 943.053, all information obtained under this chapter
430 | in the discharge of official duty by any judge, any employee of
431 | the court, any authorized agent of the department, the Parole
432 | Commission, the Department of Corrections, the juvenile justice
433 | circuit boards, any law enforcement agent, or any licensed
434 | professional or licensed community agency representative
435 | participating in the assessment or treatment of a juvenile is

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436 confidential and may be disclosed only to the authorized
437 personnel of the court, the department and its designees, the
438 Department of Corrections, the Department of Children and Family
439 Services, the Parole Commission, law enforcement agents, school
440 superintendents and their designees, any licensed professional or
441 licensed community agency representative participating in the
442 assessment or treatment of a juvenile, and others entitled under
443 this chapter to receive that information, or upon order of the
444 court. Within each county, the sheriff, the chiefs of police, the
445 district school superintendent, and the department shall enter
446 into an interagency agreement for the purpose of sharing
447 information about juvenile offenders among all parties. The
448 agreement must specify the conditions under which summary
449 criminal history information is to be made available to
450 appropriate school personnel, and the conditions under which
451 school records are to be made available to appropriate department
452 personnel. Such agreement shall require notification to any
453 classroom teacher of assignment to the teacher's classroom of a
454 juvenile who has been placed in a probation or commitment program
455 for a felony offense. The agencies entering into such agreement
456 must comply with s. 943.0525, and must maintain the
457 confidentiality of information that is otherwise exempt from s.
458 119.07(1), as provided by law.

459 (7) (a) Records in the custody of the department regarding
460 children are not open to inspection by the public. Such records
461 may be inspected only upon order of the Secretary of Juvenile
462 Justice or his or her authorized agent by persons who have
463 sufficient reason and upon such conditions for their use and
464 disposition as the secretary or his or her authorized agent deems

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465 | proper. The information in such records may be disclosed only to
466 | other employees of the department who have a need therefor in
467 | order to perform their official duties; to other persons as
468 | authorized by rule of the department; and, upon request, to the
469 | Department of Corrections and the Department of Children and
470 | Family Services. The secretary or his or her authorized agent may
471 | permit properly qualified persons to inspect and make abstracts
472 | from records for statistical purposes under whatever conditions
473 | upon their use and disposition the secretary or his or her
474 | authorized agent deems proper, provided adequate assurances are
475 | given that children's names and other identifying information
476 | will not be disclosed by the applicant.

477 | (b) The destruction of records pertaining to children
478 | committed to or supervised by the department pursuant to a court
479 | order, which records are retained until a child reaches the age
480 | of 24 years or until a serious or habitual delinquent child
481 | reaches the age of 26 years, shall be subject to chapter 943.

482 | Section 10. Subsection (2) of section 985.245, Florida
483 | Statutes, is amended to read:

484 | 985.245 Risk assessment instrument.--

485 | (2) (a) The risk assessment instrument for detention care
486 | placement determinations and court orders shall be developed by
487 | the department in consultation ~~agreement~~ with a committee
488 | composed of two representatives appointed by ~~the following~~
489 | ~~associations~~: the Conference of Circuit Judges of Florida, the
490 | Prosecuting Attorneys Association, the Public Defenders
491 | Association, the Florida Sheriffs Association, and the Florida
492 | Association of Chiefs of Police. Each association shall appoint
493 | two individuals, one representing an urban area and one

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494 representing a rural area. In addition, the committee shall
495 include two representatives from child advocacy organizations,
496 and two recognized child mental health experts, appointed by the
497 department. The parties involved shall evaluate and revise the
498 risk assessment instrument as is considered necessary using the
499 method for revision as agreed by the parties. The risk assessment
500 instrument shall be evaluated to determine if the instrument
501 contributes to disproportionate minority contact.

502 (b) The risk assessment instrument shall take into
503 consideration, but need not be limited to, prior history of
504 failure to appear, prior offenses, prior history of residential
505 delinquency commitments, offenses committed pending adjudication,
506 any unlawful possession of a firearm, theft of a motor vehicle or
507 possession of a stolen motor vehicle, and probation status at the
508 time the child is taken into custody. The risk assessment
509 instrument shall also take into consideration appropriate
510 aggravating and mitigating circumstances, and shall be designed
511 to target a narrower population of children than s. 985.255. The
512 risk assessment instrument shall also include any information
513 concerning the child's history of abuse and neglect. The risk
514 assessment shall indicate whether detention care is warranted,
515 and, if detention care is warranted, whether the child should be
516 placed into secure, nonsecure, or home detention care.

517 (c) Any risk assessment instrument used for determining
518 detention care placements and court orders shall be validated not
519 later than December 31, 2008, and periodically evaluated
520 thereafter for continued validity.

521 Section 11. Subsection (5) of section 985.265, Florida
522 Statutes, is amended to read:

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523 985.265 Detention transfer and release; education; adult
524 jails.--

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

527 (a) When the child has been transferred or indicted for
528 criminal prosecution as an adult under part X, except that the
529 court may not order or allow a child alleged to have committed a
530 misdemeanor who is being transferred for criminal prosecution
531 pursuant to either s. 985.556 or s. 985.557 to be detained or
532 held in a jail or other facility intended or used for the
533 detention of adults; however, such child may be held temporarily
534 in a detention facility; or

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

537
538 The child shall be housed separately from adult inmates to
539 prohibit a child from having regular contact with incarcerated
540 adults, including trustees. "Regular contact" means sight and
541 sound contact. Separation of children from adults shall permit no
542 more than haphazard or accidental contact. The receiving jail or
543 other facility shall contain a separate section for children and
544 shall have an adequate staff to supervise and monitor the child's
545 activities at all times. Supervision and monitoring of children
546 includes physical observation and documented checks by jail or
547 receiving facility supervisory personnel at intervals not to
548 exceed 15 minutes, except in direct supervision housing with 24-
549 hour supervision. This subsection does not prohibit placing two
550 or more children in the same cell. Under no circumstances shall a
551 child be placed in the same cell with an adult.

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552 Section 12. Subsection (2) of section 985.601, Florida
553 Statutes, is amended, and paragraph (e) is added to subsection
554 (3) of that section, to read:

555 985.601 Administering the juvenile justice continuum.--

556 (2) (a) The department shall develop and implement an
557 appropriate continuum of care that provides individualized,
558 multidisciplinary assessments, objective evaluations of relative
559 risks, and the matching of needs with placements for all children
560 under its care, and that uses a system of case management to
561 facilitate each child being appropriately assessed, provided with
562 services, and placed in a program that meets the child's needs.

563 (b) As part of the continuum of services, the department
564 shall adopt rules establishing procedures to provide ordinary
565 medical care, mental health, substance abuse, and developmental
566 disabilities services to youth within the juvenile justice
567 continuum as defined in s. 985.03.

568
569 The department shall coordinate such rulemaking with other
570 affected agencies to avoid duplication, conflict, or
571 inconsistency.

572 (3)

573 (e) In order to be eligible to participate in the state-
574 funded Intensive Delinquency Diversion Services program, counties
575 having nonstate-funded delinquency programs for youth must
576 include diversion options for first-time misdemeanant youth or
577 youth 10 years of age or younger, unless otherwise prohibited.

578 Section 13. Section 985.606, Florida Statutes, is amended
579 to read:

580 985.606 Prevention services providers; outcome performance

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581 data collection; reporting.--Each state agency or entity that
582 receives or uses state appropriations to fund programs, grants,
583 appropriations, or activities that are designed to prevent
584 juvenile crime, delinquency, gang membership, status offenses, or
585 that are designed to prevent a child from becoming a "child in
586 need of services," as defined in chapter 984, shall collect data
587 relative to the outcomes related to performance of such
588 activities and shall provide said data to the Governor, the
589 President of the Senate, and the Speaker of the House no later
590 than January 31st of each year for the preceding fiscal year.

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

593 985.632 Quality assurance and cost-effectiveness; outcome-
594 based contracting.--

595 (8) To create an accountable juvenile justice system that
596 is outcome-based, the department is authorized to conduct a
597 demonstration project using outcome performance-based contracts.
598 During the 2008-2009 fiscal year, the department shall develop,
599 in consultation with the Department of Financial Services and a
600 provider organization that has multiple sites, an implementation
601 plan for outcome-based contracting. Such a plan shall include
602 interim and long-term outcome performance measures, strategies
603 for using financial incentives and disincentives to increase
604 provider performance, a plan to shift oversight and monitoring of
605 providers from a compliance-based approach to a more outcome-
606 based approach, and recommendations of needed legislative action
607 to implement. This plan shall be submitted to the Executive
608 Office of the Governor, the President of the Senate, and the
609 Speaker of the House of Representatives by March 1, 2009.

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610 Section 15. Section 985.644, Florida Statutes, is amended
611 to read:

612 985.644 Departmental contracting powers; personnel
613 standards and screening.--

614 (1) The department ~~of Juvenile Justice or the Department of~~
615 ~~Children and Family Services, as appropriate,~~ may contract with
616 the Federal Government, other state departments and agencies,
617 county and municipal governments and agencies, public and private
618 agencies, and private individuals and corporations in carrying
619 out the purposes of, and the responsibilities established in,
620 this chapter.

621 (a) When the department ~~of Juvenile Justice or the~~
622 ~~Department of Children and Family Services~~ contracts with a
623 provider for any program for children, all personnel, including
624 owners, operators, employees, and volunteers, in the facility
625 must be of good moral character. Each contract entered into by
626 the either department for services delivered on an appointment or
627 intermittent basis by a provider that does not have regular
628 custodial responsibility for children and each contract with a
629 school for before or aftercare services must ensure that the
630 owners, operators, and all personnel who have direct contact with
631 children are of good moral character. A volunteer who assists on
632 an intermittent basis for less than 40 hours per month need not
633 be screened if the volunteer is under direct and constant
634 supervision by persons who meet the screening requirements.

635 (b) The department ~~of Juvenile Justice and the Department~~
636 ~~of Children and Family Services~~ shall require employment
637 screening pursuant to chapter 435, using the level 2 standards
638 set forth in that chapter for personnel in programs for children

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639 or youths.

640 (c) The department of ~~Juvenile Justice or the Department of~~
641 ~~Children and Family Services~~ may grant exemptions from
642 disqualification from working with children as provided in s.
643 435.07.

644 ~~(2) The department may contract with the Federal~~
645 ~~Government, other state departments and agencies, county and~~
646 ~~municipal governments and agencies, public and private agencies,~~
647 ~~and private individuals and corporations in carrying out the~~
648 ~~purposes and the responsibilities of the delinquency services and~~
649 ~~programs of the department.~~

650 (2) ~~(3)~~ The department shall adopt a rule pursuant to
651 ~~chapter 120~~ establishing a procedure to provide notice of policy
652 changes that affect contracted delinquency services and programs.
653 A policy is defined as an operational requirement that applies to
654 only the specified contracted delinquency service or program. The
655 procedure must ~~shall~~ include:

656 (a) Public notice of policy development.

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

658 (c) Assessment for fiscal impact upon the department and
659 providers.

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

661 ~~(4) When the department contracts with a provider for any~~
662 ~~delinquency service or program, all personnel, including all~~
663 ~~owners, operators, employees, and volunteers in the facility or~~
664 ~~providing the service or program shall be of good moral~~
665 ~~character. A volunteer who assists on an intermittent basis for~~
666 ~~less than 40 hours per month is not required to be screened if~~
667 ~~the volunteer is under direct and constant supervision by persons~~

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668 | ~~who meet the screening requirements.~~

669 | (3)~~(5)~~(a) For any person employed by the department, or by
670 | a provider under contract with the department, in delinquency
671 | facilities, services, or programs, the department shall require:

672 | 1. A level 2 employment screening pursuant to chapter 435
673 | prior to employment.

674 | 2. A federal criminal records check by the Federal Bureau
675 | of Investigation every 5 years following the date of the person's
676 | employment.

677 | (b) Except for law enforcement, correctional, and
678 | correctional probation officers, to whom s. 943.13(5) applies,
679 | the department shall electronically submit to the Department of
680 | Law Enforcement:

681 | 1. Fingerprint information obtained during the employment
682 | screening required by subparagraph (a)1.

683 | 2. Beginning on December 15, 2005, fingerprint information
684 | for all persons employed by the department, or by a provider
685 | under contract with the department, in delinquency facilities,
686 | services, or programs if such fingerprint information has not
687 | previously been electronically submitted to the Department of Law
688 | Enforcement under this paragraph.

689 | (c) All fingerprint information electronically submitted to
690 | the Department of Law Enforcement under paragraph (b) shall be
691 | retained by the Department of Law Enforcement and entered into
692 | the statewide automated fingerprint identification system
693 | authorized by s. 943.05(2)(b). Thereafter, such fingerprint
694 | information shall be available for all purposes and uses
695 | authorized for arrest fingerprint information entered into the
696 | statewide automated fingerprint identification system pursuant to

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697 s. 943.051 until the fingerprint information is removed under
698 ~~pursuant to~~ paragraph (e). The Department of Law Enforcement
699 shall search all arrest fingerprint information received pursuant
700 to s. 943.051 against the fingerprint information entered into
701 the statewide automated fingerprint system under ~~pursuant~~ to this
702 subsection. Any arrest records identified as a result of the
703 search shall be reported to the department in the manner and
704 timeframe established by the Department of Law Enforcement by
705 rule.

706 (d) The department shall pay an annual fee to the
707 Department of Law Enforcement for its costs resulting from the
708 fingerprint information retention services required by this
709 subsection. The amount of the annual fee and procedures for the
710 submission and retention of fingerprint information and for the
711 dissemination of search results shall be established by the
712 Department of Law Enforcement by adopting a rule that is
713 applicable to the department individually under ~~pursuant to~~ this
714 subsection or that is applicable to the department and other
715 employing agencies pursuant to rulemaking authority otherwise
716 provided by law.

717 (e) The department shall notify the Department of Law
718 Enforcement when a person whose fingerprint information is
719 retained by the Department of Law Enforcement under this
720 subsection is no longer employed by the department, or by a
721 provider under contract with the department, in a delinquency
722 facility, service, or program. This notice shall be provided by
723 the department to the Department of Law Enforcement no later than
724 6 months after the date of the change in the person's employment
725 status. Fingerprint information for persons identified by the

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726 department in the notice shall be removed from the statewide
727 automated fingerprint system.

728 ~~(6) The department may grant exemptions from~~
729 ~~disqualification from working with children as provided in s.~~
730 ~~435.07.~~

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

733 985.66 Juvenile justice training academies; Juvenile
734 Justice Standards and Training Commission; Juvenile Justice
735 Training Trust Fund.--

736 (2) STAFF DEVELOPMENT AND TRAINING ~~JUVENILE JUSTICE~~
737 ~~STANDARDS AND TRAINING COMMISSION.--~~

738 ~~(a) There is created under the Department of Juvenile~~
739 ~~Justice the Juvenile Justice Standards and Training Commission,~~
740 ~~hereinafter referred to as the commission. The 17-member~~
741 ~~commission shall consist of the Attorney General or designee, the~~
742 ~~Commissioner of Education or designee, a member of the juvenile~~
743 ~~court judiciary to be appointed by the Chief Justice of the~~
744 ~~Supreme Court, and 14 members to be appointed by the Secretary of~~
745 ~~Juvenile Justice as follows:~~

746 1. ~~Seven members shall be juvenile justice professionals: a~~
747 ~~superintendent or a direct care staff member from an institution;~~
748 ~~a director from a contracted community-based program; a~~
749 ~~superintendent and a direct care staff member from a regional~~
750 ~~detention center or facility; a juvenile probation officer~~
751 ~~supervisor and a juvenile probation officer; and a director of a~~
752 ~~day treatment or conditional release program. No fewer than three~~
753 ~~of these members shall be contract providers.~~

754 2. ~~Two members shall be representatives of local law~~

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755 ~~enforcement agencies.~~

756 ~~3. One member shall be an educator from the state's~~
757 ~~university and community college program of criminology, criminal~~
758 ~~justice administration, social work, psychology, sociology, or~~
759 ~~other field of study pertinent to the training of juvenile~~
760 ~~justice program staff.~~

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

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

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

766 ~~7. One member shall be a representative of the business~~
767 ~~community.~~

768

769 ~~All appointed members shall be appointed to serve terms of 2~~
770 ~~years.~~

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

776 ~~(c) The Department of Juvenile Justice shall provide the~~
777 ~~commission with staff necessary to assist the commission in the~~
778 ~~performance of its duties.~~

779 ~~(d) The commission shall annually elect its chairperson and~~
780 ~~other officers. The commission shall hold at least four regular~~
781 ~~meetings each year at the call of the chairperson or upon the~~
782 ~~written request of three members of the commission. A majority of~~
783 ~~the members of the commission constitutes a quorum. Members of~~

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

788 (e) The powers, duties, and functions of the department
789 ~~commission~~ shall be to:

790 (a)~~1~~. Designate the location of the training academies;
791 develop, implement, maintain, and update the curriculum to be
792 used in the training of delinquency ~~juvenile justice~~ program
793 staff; establish timeframes for participation in and completion
794 of training by delinquency ~~juvenile justice~~ program staff;
795 develop, implement, maintain, and update job-related
796 examinations; develop, implement, and update the types and
797 frequencies of evaluations of the training academies; approve,
798 modify, or disapprove the budget for the training academies, and
799 the contractor to be selected to organize and operate the
800 training academies and to provide the training curriculum.

801 (b)~~2~~. Establish uniform minimum job-related training
802 courses and examinations for delinquency ~~juvenile justice~~ program
803 staff.

804 (c)~~3~~. Consult and cooperate with the state or any political
805 subdivision; any private entity or contractor; and with private
806 and public universities, colleges, community colleges, and other
807 educational institutions concerning the development of juvenile
808 justice training and programs or courses of instruction,
809 including, but not limited to, education and training in the
810 areas of juvenile justice.

811 (d)~~4~~. Enter into ~~With the approval of the department, make~~
812 ~~and enter into such~~ contracts and agreements with other agencies,

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813 organizations, associations, corporations, individuals, or
814 federal agencies as ~~the commission determines~~ are necessary in
815 the execution of its powers or the performance of its duties.

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

818 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The department
819 ~~commission~~ shall establish a certifiable program for juvenile
820 justice training pursuant to this section, and all delinquency
821 ~~department~~ program staff and ~~providers~~ who deliver direct care
822 services ~~pursuant to contract with the department~~ shall be
823 required to participate in and successfully complete the
824 ~~commission~~-approved program of training pertinent to their areas
825 of responsibility. Judges, state attorneys, and public defenders,
826 law enforcement officers, and school district personnel may
827 participate in such training program. For the delinquency
828 ~~juvenile justice~~ program staff, the department ~~commission~~ shall,
829 based on a job-task analysis:

830 (a) Design, implement, maintain, evaluate, and revise a
831 basic training program, including a competency-based examination,
832 for the purpose of providing minimum employment training
833 qualifications for all delinquency program staff ~~juvenile justice~~
834 ~~personnel~~. All delinquency program staff of the department and
835 providers who deliver direct-care services who are hired after
836 October 1, 1999, must meet the following minimum requirements:

- 837 1. Be at least 19 years of age.
- 838 2. Be a high school graduate or its equivalent as
839 determined by the department ~~commission~~.
- 840 3. Not have been convicted of any felony or a misdemeanor
841 involving perjury or a false statement, or have received a

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842 | dishonorable discharge from any of the Armed Forces of the United
843 | States. Any person who, after September 30, 1999, pleads guilty
844 | or nolo contendere to or is found guilty of any felony or a
845 | misdemeanor involving perjury or false statement is not eligible
846 | for employment, notwithstanding suspension of sentence or
847 | withholding of adjudication. Notwithstanding this subparagraph,
848 | any person who pled nolo contendere to a misdemeanor involving a
849 | false statement before October 1, 1999, and who has had such
850 | record of that plea sealed or expunged is not ineligible for
851 | employment for that reason.

852 | 4. Abide by all the provisions of s. 985.644(1) regarding
853 | fingerprinting and background investigations and other screening
854 | requirements for personnel.

855 | 5. Execute and submit to the department an affidavit-of-
856 | application form, adopted by the department, attesting to his or
857 | her compliance with subparagraphs 1.-4. The affidavit must be
858 | executed under oath and constitutes an official statement under
859 | s. 837.06. The affidavit must include conspicuous language that
860 | the intentional false execution of the affidavit constitutes a
861 | misdemeanor of the second degree. The employing agency shall
862 | retain the affidavit.

863 | (b) Design, implement, maintain, evaluate, and revise an
864 | advanced training program, including a competency-based
865 | examination for each training course, which is intended to
866 | enhance knowledge, skills, and abilities related to job
867 | performance.

868 | (c) Design, implement, maintain, evaluate, and revise a
869 | career development training program, including a competency-based
870 | examination for each training course. Career development courses

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871 are intended to prepare personnel for promotion.

872 (d) The department ~~commission~~ is encouraged to design,
873 implement, maintain, evaluate, and revise juvenile justice
874 training courses, or to enter into contracts for such training
875 courses, that are intended to provide for the safety and well-
876 being of both citizens and juvenile offenders.

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

878 (a) There is created within the State Treasury a Juvenile
879 Justice Training Trust Fund to be used by the Department of
880 Juvenile Justice for the purpose of funding the development and
881 updating of a job-task analysis of delinquency program staff
882 ~~juvenile justice personnel~~; the development, implementation, and
883 updating of job-related training courses and examinations; and
884 the cost of ~~commission-approved~~ juvenile justice training
885 courses; ~~and reimbursement for expenses as provided in s. 112.061~~
886 ~~for members of the commission and staff.~~

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

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

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

896 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING
897 ACADEMIES.--The number, location, and establishment of juvenile
898 justice training academies shall be determined by the department
899 ~~commission~~.

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900 (6) SCHOLARSHIPS AND STIPENDS.--

901 (a) By rule, the department ~~commission~~ shall establish
902 criteria to award scholarships or stipends to qualified
903 delinquency program staff ~~juvenile justice personnel~~ who are
904 residents of the state who want to pursue a bachelor's or
905 associate in arts degree in juvenile justice or a related field.
906 The department shall handle the administration of the scholarship
907 or stipend. The Department of Education shall handle the notes
908 issued for the payment of the scholarships or stipends. All
909 scholarship and stipend awards shall be paid from the Juvenile
910 Justice Training Trust Fund upon vouchers approved by the
911 Department of Education and properly certified by the Chief
912 Financial Officer. Prior to the award of a scholarship or
913 stipend, the delinquency program staff ~~juvenile justice employee~~
914 must agree in writing to practice her or his profession in
915 juvenile justice or a related field for 1 month for each month of
916 grant or to repay the full amount of the scholarship or stipend
917 together with interest at the rate of 5 percent per annum over a
918 period not to exceed 10 years. Repayment shall be made payable to
919 the state for deposit into the Juvenile Justice Training Trust
920 Fund.

921 (b) The department ~~commission~~ may establish the scholarship
922 program by rule and implement the program on or after July 1,
923 1996.

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

927 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
928 MANAGEMENT TRUST FUND.--Pursuant to s. 284.30, the Division of

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929 Risk Management of the Department of Financial Services is
930 authorized to insure a private agency, individual, or corporation
931 operating a state-owned training school under a contract to carry
932 out the purposes and responsibilities of any program of the
933 department. The coverage authorized herein shall be under the
934 same general terms and conditions as the department is insured
935 for its responsibilities under chapter 284.

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

943 Section 17. Section 985.664, Florida Statutes, is amended
944 to read:

945 985.664 Juvenile justice circuit boards and juvenile
946 justice county councils.--

947 (1) There is authorized a juvenile justice circuit board to
948 be established in each of the 20 judicial circuits and a juvenile
949 justice county council to be established in each of the 67
950 counties. The purpose of each juvenile justice circuit board and
951 each juvenile justice county council is to provide advice and
952 direction to the department and the Children and Youth Cabinet in
953 the development and implementation of juvenile justice programs
954 and to work collaboratively with the department in seeking
955 program improvements and policy changes to address the emerging
956 and changing needs of Florida's youth who are at risk of
957 delinquency.

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958 (2) Each juvenile justice county council shall develop a
959 juvenile justice prevention and early intervention plan for the
960 county and shall collaborate with the circuit board and other
961 county councils assigned to that circuit in the development of a
962 comprehensive plan for the circuit. As part of such plan, each
963 council and board shall make provision for continual monitoring
964 to identify and remedy disproportionate minority contact with the
965 juvenile justice system. The Children and Youth Cabinet shall
966 consider these local plans in implementing s. 402.56(5).

967 (3) Juvenile justice circuit boards and county councils
968 shall also participate in facilitating interagency cooperation
969 and information sharing.

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

974 (5) Juvenile justice circuit boards and county councils
975 shall advise and assist the department in the evaluation and
976 award of prevention and early intervention grant programs,
977 including the Community Juvenile Justice Partnership Grant
978 program established in s. 985.676 and proceeds from the Invest in
979 Children license plate annual use fees.

980 (6) Each juvenile justice circuit board shall provide an
981 annual report to the department and to the Children and Youth
982 Cabinet describing the activities of the circuit board and each
983 of the county councils contained within its circuit. The
984 department may prescribe a format and content requirements for
985 submission of annual reports.

986 (7) Membership of the juvenile justice circuit board may

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987 | not exceed 18 members, except as provided in subsections (8) and
988 | (9). Members must include the state attorney, the public
989 | defender, and the chief judge of the circuit, or their respective
990 | designees. The remaining 15 members of the board must be
991 | appointed by the county councils within that circuit. The board
992 | where possible must be composed of an equitable number of members
993 | ~~include at least one representative~~ from each county council
994 | within the circuit, taking into account differences in
995 | population. In appointing members to the circuit board, the
996 | county councils must reflect:

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

998 | (b) Juvenile justice partners, including, but not limited
999 | to, representatives of law enforcement, the school system, and
1000 | the Department of Children and Family Services.

1001 | (c) Diversity in the judicial circuit.

1002 | (d) Representation from residents of the targeted high-
1003 | crime zip code communities as identified by the department and
1004 | based on referral rates within the county.

1005 | (8) At any time after the adoption of initial bylaws
1006 | pursuant to subsection (12), a juvenile justice circuit board may
1007 | revise the bylaws to increase the number of members by not more
1008 | than three in order to adequately reflect the diversity of the
1009 | population and community organizations or agencies in the
1010 | circuit.

1011 | (9) If county councils are not formed within a circuit, the
1012 | circuit board may establish its membership in accordance with
1013 | subsection (10). For juvenile justice circuit boards organized
1014 | pursuant to this subsection, the state attorney, public defender,
1015 | and chief circuit judge, or their respective designees, shall be

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1016 members of the circuit board.

1017 (10) Membership of the juvenile justice county councils, or
1018 juvenile justice circuit boards established under subsection (9),
1019 must include representation from residents of the targeted high-
1020 crime zip code communities as identified by the department and
1021 based on referral rates within the county and may also include
1022 representatives from the following entities:

1023 (a) Representatives from the school district, which may
1024 include elected school board officials, the school
1025 superintendent, school or district administrators, teachers, and
1026 counselors.

1027 (b) Representatives of the board of county commissioners.

1028 (c) Representatives of the governing bodies of local
1029 municipalities within the county.

1030 (d) A representative of the corresponding circuit or
1031 regional entity of the Department of Children and Family
1032 Services.

1033 (e) Representatives of local law enforcement agencies,
1034 including the sheriff or the sheriff's designee.

1035 (f) Representatives of the judicial system.

1036 (g) Representatives of the business community.

1037 (h) Representatives of other interested officials, groups,
1038 or entities, including, but not limited to, a children's services
1039 council, public or private providers of juvenile justice programs
1040 and services, students, parents, and advocates. Private providers
1041 of juvenile justice programs may not exceed one-third of the
1042 voting membership.

1043 (i) Representatives of the faith community.

1044 (j) Representatives of victim-service programs and victims

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1045 | of crimes.

1046 | (k) Representatives of the Department of Corrections.

1047 | (11) Each juvenile justice county council, or juvenile
1048 | justice circuit board established under subsection (9), must
1049 | provide for the establishment of an executive committee of not
1050 | more than 10 members. The duties and authority of the executive
1051 | committee must be addressed in the bylaws.

1052 | (12) Each juvenile justice circuit board and county council
1053 | shall develop bylaws that provide for officers and committees as
1054 | the board or council deems necessary and shall specify the
1055 | qualifications, method of selection, and term for each office
1056 | created. The bylaws shall address at least the following issues:
1057 | process for appointments to the board or council; election or
1058 | appointment of officers; filling of vacant positions; duration of
1059 | member terms; provisions for voting; meeting attendance
1060 | requirements; and the establishment and duties of an executive
1061 | committee, if required under subsection (11).

1062 | (13) The secretary shall meet at least annually,
1063 | individually or collectively, by telephone or in person, with the
1064 | chair of the juvenile justice circuit boards and the Children and
1065 | Youth Cabinet in order to:

1066 | 1. Advise juvenile justice circuit board chairs of
1067 | statewide juvenile justice issues and activities.

1068 | 2. Provide and receive comments on prevention and
1069 | intervention program budget priorities.

1070 | 3. Provide and receive comments on the planning process.

1071 | 4. Discuss program development, program implementation,
1072 | quality assurance, and program outcomes.

1073 | ~~(14)-(13)~~ Members of juvenile justice circuit boards and

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1074 county councils are subject to the provisions of part III of
1075 chapter 112.

1076 (15) Juvenile justice circuit boards and county councils
1077 shall use due diligence in notifying the community of board
1078 vacancies through various community outreach outlets such as
1079 community newspapers, churches, and free public announcements.

1080 Section 18. Section 985.668, Florida Statutes, is amended
1081 to read:

1082 985.668 Innovation zones.--The department shall encourage
1083 each of the juvenile justice circuit boards, in consultation with
1084 the juvenile justice county council within the circuit, to
1085 propose at least one innovation zone within the circuit for the
1086 purpose of implementing any experimental, pilot, or demonstration
1087 project that furthers the legislatively established goals of the
1088 department. An innovation zone is a defined geographic area such
1089 as a circuit, commitment region, county, municipality, service
1090 delivery area, school campus, or neighborhood providing a
1091 laboratory for the research, development, and testing of the
1092 applicability and efficacy of model programs, policy options, and
1093 new technologies for the department.

1094 (1) (a) The juvenile justice circuit board shall submit a
1095 proposal for an innovation zone to the secretary. If the purpose
1096 of the proposed innovation zone is to demonstrate that specific
1097 statutory goals can be achieved more effectively by using
1098 procedures that require modification of existing rules, policies,
1099 or procedures, the proposal may request the secretary to waive
1100 such existing rules, policies, or procedures or to otherwise
1101 authorize use of alternative procedures or practices. Waivers of
1102 such existing rules, policies, or procedures must comply with

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1103 applicable state or federal law.

1104 (b) For innovation zone proposals that the secretary
1105 determines require changes to state law, the secretary may submit
1106 a request for a waiver from such laws, together with any proposed
1107 changes to state law, to the chairs of the appropriate
1108 legislative committees for consideration.

1109 (c) For innovation zone proposals that the secretary
1110 determines require waiver of federal law, the secretary may
1111 submit a request for such waivers to the applicable federal
1112 agency.

1113 (2) An innovation zone project may not have a duration of
1114 more than 2 years, but the secretary may grant an extension.

1115 (3) Before implementing an innovation zone under this
1116 subsection, the secretary shall, in conjunction with the Office
1117 of Program Policy Analysis and Government Accountability, develop
1118 measurable and valid objectives for such zone within a negotiated
1119 reasonable period of time. Moneys designated for an innovation
1120 zone in one operating circuit may not be used to fund an
1121 innovation zone in another operating circuit.

1122 (4) Program models for innovation zone projects include,
1123 but are not limited to:

1124 (a) A forestry alternative work program that provides
1125 selected juvenile offenders an opportunity to serve in a forestry
1126 work program as an alternative to incarceration, in which
1127 offenders assist in wildland firefighting, enhancement of state
1128 land management, environmental enhancement, and land restoration.

1129 (b) A collaborative public/private dropout prevention
1130 partnership that trains personnel from both the public and
1131 private sectors of a target community who are identified and

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1132 brought into the school system as an additional resource for
1133 addressing problems which inhibit and retard learning, including
1134 abuse, neglect, financial instability, pregnancy, and substance
1135 abuse.

1136 (c) A support services program that provides economically
1137 disadvantaged youth with support services, jobs, training,
1138 counseling, mentoring, and prepaid postsecondary tuition
1139 scholarships.

1140 (d) A juvenile offender job training program that offers an
1141 opportunity for juvenile offenders to develop educational and job
1142 skills in a 12-month to 18-month nonresidential training program,
1143 teaching the offenders skills such as computer-aided design,
1144 modular panel construction, and heavy vehicle repair and
1145 maintenance which will readily transfer to the private sector,
1146 thereby promoting responsibility and productivity.

1147 (e) An infant mortality prevention program that is designed
1148 to discourage unhealthy behaviors such as smoking and alcohol or
1149 drug consumption, reduce the incidence of babies born prematurely
1150 or with low birth weight, reduce health care cost by enabling
1151 babies to be safely discharged earlier from the hospital, reduce
1152 the incidence of child abuse and neglect, and improve parenting
1153 and problem-solving skills.

1154 (f) A regional crime prevention and intervention program
1155 that serves as an umbrella agency to coordinate and replicate
1156 existing services to at-risk children, first-time juvenile
1157 offenders, youth crime victims, and school dropouts.

1158 (g) An alternative education outreach school program that
1159 serves delinquent repeat offenders between 14 and 18 years of age
1160 who have demonstrated failure in school and who are referred by

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1161 | the juvenile court.

1162 | (h) A drug treatment and prevention program that provides
1163 | early identification of children with alcohol or drug problems to
1164 | facilitate treatment, comprehensive screening and assessment,
1165 | family involvement, and placement options.

1166 | (i) A community resource mother or father program that
1167 | emphasizes parental responsibility for the behavior of children,
1168 | and requires the availability of counseling services for children
1169 | at high risk for delinquent behavior.

1170 | Section 19. Paragraph (a) of subsection (2) and subsection
1171 | (3) of section 985.676, Florida Statutes, are amended to read:

1172 | 985.676 Community juvenile justice partnership grants.--

1173 | (2) GRANT APPLICATION PROCEDURES.--

1174 | (a) Each entity wishing to apply for an annual community
1175 | juvenile justice partnership grant, which may be renewed ~~for a~~
1176 | ~~maximum of 2 additional years~~ for the same provision of services,
1177 | shall submit a grant proposal for funding or continued funding to
1178 | the department. The department shall establish the grant
1179 | application procedures. In order to be considered for funding,
1180 | the grant proposal shall include the following assurances and
1181 | information:

1182 | 1. A letter from the chair of the juvenile justice circuit
1183 | board confirming that the grant application has been reviewed and
1184 | found to support one or more purposes or goals of the juvenile
1185 | justice plan as developed by the board.

1186 | 2. A rationale and description of the program and the
1187 | services to be provided, including goals and objectives.

1188 | 3. A method for identification of the juveniles most likely
1189 | to be involved in the juvenile justice system who will be the

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1190 focus of the program.

1191 4. Provisions for the participation of parents and
1192 guardians in the program.

1193 5. Coordination with other community-based and social
1194 service prevention efforts, including, but not limited to, drug
1195 and alcohol abuse prevention and dropout prevention programs,
1196 that serve the target population or neighborhood.

1197 6. An evaluation component to measure the effectiveness of
1198 the program in accordance with s. 985.632.

1199 7. A program budget, including the amount and sources of
1200 local cash and in-kind resources committed to the budget. The
1201 proposal must establish to the satisfaction of the department
1202 that the entity will make a cash or in-kind contribution to the
1203 program of a value that is at least equal to 20 percent of the
1204 amount of the grant.

1205 8. The necessary program staff.

1206 (b) The department shall consider the following in awarding
1207 such grants:

1208 1. The recommendations of the juvenile justice county
1209 council as to the priority that should be given to proposals
1210 submitted by entities within a county.

1211 2. The recommendations of the juvenile justice circuit
1212 board as to the priority that should be given to proposals
1213 submitted by entities within a circuit.

1214
1215 As the first priority, the department shall fund applications
1216 that meet the requirements of this section and also fulfill the
1217 local juvenile circuit board plans.

1218 (3) RESTRICTIONS.--~~This section does not prevent a program~~

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1219 ~~initiated under a community juvenile justice partnership grant~~
1220 ~~established pursuant to this section from continuing to operate~~
1221 ~~beyond the 3-year maximum funding period if it can find other~~
1222 ~~funding sources. Likewise,~~ This section does not restrict the
1223 number of programs an entity may apply for or operate.

1224 Section 20. Section 985.721, Florida Statutes, is amended
1225 to read:

1226 985.721 Escapes from secure detention or residential
1227 commitment facility.--An escape from:

1228 (1) Any secure detention facility maintained for the
1229 temporary detention of children, pending adjudication,
1230 disposition, or placement;

1231 (2) Any residential commitment facility described in s.
1232 985.03(45) ~~s. 985.03(44)~~, maintained for the custody, treatment,
1233 punishment, or rehabilitation of children found to have committed
1234 delinquent acts or violations of law; or

1235 (3) Lawful transportation to or from any such secure
1236 detention facility or residential commitment facility,

1237
1238 constitutes escape within the intent and meaning of s. 944.40 and
1239 is a felony of the third degree, punishable as provided in s.
1240 775.082, s. 775.083, or s. 775.084.

1241 Section 21. Section 1006.125, Florida Statutes, is created
1242 to read:

1243 1006.125 Referrals to law enforcement agency; serious
1244 criminal offenses.--

1245 (1) A student who is charged by school authorities with a
1246 violation of the code of student conduct which may also
1247 constitute a serious criminal offense shall be reported to the

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1248 law enforcement agency having jurisdiction over the student's
1249 school of attendance. This provision may be satisfied by
1250 providing notice to the appropriate school resource officer of
1251 the charge of violation of the code of student conduct and
1252 discipline code.

1253 (2) As used in this section, a serious criminal offense
1254 includes an offense that would constitute a capital felony, life
1255 felony, first-degree felony, second-degree or third-degree felony
1256 involving a firearm or weapon or violence against another person,
1257 or an offense that poses a serious threat to school safety or the
1258 safety of any individual student or group of students.

1259 (3) Counties may seek reimbursement of secure detention
1260 costs from the school district for detention costs associated
1261 with the referral of a student for an offense other than that
1262 specified in this section at a rate not to exceed the per diem
1263 rate set by the Department of Juvenile Justice pursuant to s.
1264 985.686.

1265 Section 22. Subsections (1) and (2) of section 1006.13,
1266 Florida Statutes, are amended to read:

1267 1006.13 Policy ~~of zero tolerance~~ for crime and
1268 victimization.--

1269 (1) Each district school board shall adopt a policy ~~of zero~~
1270 ~~tolerance~~ for:

1271 (a) Crime and substance abuse, including the reporting of
1272 delinquent acts and crimes occurring whenever and wherever
1273 students are under the jurisdiction of the district school board.

1274 (b) Victimization of students, including taking all steps
1275 necessary to protect the victim of any violent crime from any
1276 further victimization.

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1277 (2) The ~~zero-tolerance~~ policy shall require students found
1278 to have committed one of the following serious criminal offenses
1279 to be expelled, with or without continuing educational services,
1280 from the student's regular school for a period of not less than 1
1281 full year, and to be referred to the criminal justice or juvenile
1282 justice system.

1283 (a) Bringing a firearm or weapon, as defined in chapter
1284 790, to school, to any school function, or onto any school-
1285 sponsored transportation or possessing a firearm at school.

1286 (b) Making a threat or false report, as defined by ss.
1287 790.162 and 790.163, respectively, involving school or school
1288 personnel's property, school transportation, or a school-
1289 sponsored activity.

1290
1291 District school boards may assign the student to a disciplinary
1292 program for the purpose of continuing educational services during
1293 the period of expulsion. District school superintendents may
1294 consider the 1-year expulsion requirement on a case-by-case basis
1295 and request the district school board to modify the requirement
1296 by assigning the student to a disciplinary program or second
1297 chance school if the request for modification is in writing and
1298 it is determined to be in the best interest of the student and
1299 the school system. If a student committing any of the offenses in
1300 this subsection is a student with a disability, the district
1301 school board shall comply with applicable State Board of
1302 Education rules.

1303 Section 23. For the 2008-2009 fiscal year, the sum of
1304 \$50,000 in nonrecurring funds is appropriated from the General
1305 Revenue Fund to the Department of Juvenile Justice for the

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1306 purpose of developing curriculum to be used for the certification
1307 of direct care staff of the department.

1308 Section 24. This act shall take effect July 1, 2008.