

By the Committees on Judiciary; Criminal Justice; and Senator
Crist

590-06962-08

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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

590-06962-08

2008700c2

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; requiring
47 that juvenile justice circuit boards and county councils
48 participate in facilitating interagency cooperation and
49 information sharing with certain entities; requiring that
50 such collaborations specify certain information; providing
51 requirements for the annual reports required to be
52 submitted by each juvenile justice circuit board; amending
53 s. 985.668, F.S.; encouraging each juvenile justice
54 circuit board, in consultation with the juvenile justice
55 county council, to propose an innovation zone within the
56 circuit; amending s. 985.676, F.S.; including the
57 development and implantation of a strategic plan; amending
58 s. 985.721, F.S.; conforming a cross-reference; creating

590-06962-08

2008700c2

59 s. 1006.125, F.S.; requiring that a student charged with a
60 violation of the code of student conduct which constitutes
61 a serious criminal offense be reported to a law
62 enforcement agency; amending s. 1006.13, F.S.; removing
63 the reference of zero tolerance; providing an
64 appropriation; providing an effective date.

65
66 Be It Enacted by the Legislature of the State of Florida:

67
68 Section 1. Paragraph (b) of subsection (3) of section
69 29.008, Florida Statutes, is amended to read:

70 29.008 County funding of court-related functions.--

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

73 (b) Alternative sanctions coordinators pursuant to s.
74 985.0375 ~~ss. 984.09 and 985.037.~~

75 Section 2. Paragraph (c) of subsection (4) of section
76 790.22, Florida Statutes, is amended to read:

77 790.22 Use of BB guns, air or gas-operated guns, or
78 electric weapons or devices by minor under 16; limitation;
79 possession of firearms by minor under 18 prohibited; penalties.--

80 (4)

81 (c) The juvenile justice circuit boards or juvenile justice
82 county councils or the Department of Juvenile Justice shall
83 establish appropriate community service programs to be available
84 as provided in s. 985.0375 ~~to the alternative sanctions~~
85 ~~coordinators of the circuit courts in implementing this~~
86 ~~subsection. The boards or councils or department shall propose~~
87 ~~the implementation of a community service program in each~~

590-06962-08

2008700c2

88 ~~circuit, and may submit a circuit plan, to be implemented upon~~
89 ~~approval of the circuit alternative sanctions coordinator.~~

90 Section 3. Paragraph (a) of subsection (1) of section
91 939.185, Florida Statutes, is amended to read:

92 939.185 Assessment of additional court costs and
93 surcharges.--

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

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

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

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

113 4. Twenty-five percent of the amount collected shall be
114 used as determined by the board of county commissioners to
115 support teen court programs, except as provided in s. 938.19(7),
116 juvenile assessment centers, and other juvenile alternative

590-06962-08

2008700c2

117 | programs that include diversion options for first-time
118 | misdemeanant youth or youth 10 years of age or younger.

119 |
120 | Each county receiving funds under this section shall report the
121 | amount of funds collected pursuant to this section and an
122 | itemized list of expenditures for all authorized programs and
123 | activities. The report shall be submitted in a format developed
124 | by the Supreme Court to the Governor, the Chief Financial
125 | Officer, the President of the Senate, and the Speaker of the
126 | House of Representatives on a quarterly basis beginning with the
127 | quarter ending September 30, 2004. Quarterly reports shall be
128 | submitted no later than 30 days after the end of the quarter. Any
129 | unspent funds at the close of the county fiscal year allocated
130 | under subparagraphs 2., 3., and 4., shall be transferred for use
131 | pursuant to subparagraph 1.

132 | Section 4. Section 984.05, Florida Statutes, is amended to
133 | read:

134 | 984.05 Rules relating to habitual truants; adoption by
135 | State Board of Education and Department of Juvenile Justice.--The
136 | Department of Juvenile Justice and the State Board of Education
137 | shall work together on the development of, and shall adopt, rules
138 | as necessary for administering ~~the implementation of~~ ss.
139 | 984.03(27), 985.03(26) ~~985.03(25)~~, and 1003.27.

140 | Section 5. Section 984.09, Florida Statutes, is amended to
141 | read:

142 | 984.09 Punishment for contempt of court; ~~alternative~~
143 | ~~sanctions.~~--

144 | (1) CONTEMPT OF COURT; ~~LEGISLATIVE INTENT.~~--Except as
145 | otherwise provided in this section, the court may punish any

590-06962-08

2008700c2

146 child for contempt for interfering with the court or with court
147 administration, or for violating any provision of this chapter or
148 order of the court relative thereto as provided in s. 985.037. ~~It~~
149 ~~is the intent of the Legislature that the court restrict and~~
150 ~~limit the use of contempt powers with respect to commitment of a~~
151 ~~child to a secure facility. A child who commits direct contempt~~
152 ~~of court or indirect contempt of a valid court order may be taken~~
153 ~~into custody and ordered to serve an alternative sanction or~~
154 ~~placed in a secure facility, as authorized in this section, by~~
155 ~~order of the court.~~

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

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

162 (a) ~~A delinquent child who has been held in direct or~~
163 ~~indirect contempt may be placed in a secure detention facility~~
164 ~~for 5 days for a first offense or 15 days for a second or~~
165 ~~subsequent offense, or in a secure residential commitment~~
166 ~~facility.~~

167 (b) A child in need of services who has been held in direct
168 contempt or indirect contempt may be placed, for 5 days for a
169 first offense or 15 days for a second or subsequent offense, in a
170 staff-secure shelter or a staff-secure residential facility
171 solely for children in need of services if such placement is
172 available, or, if such placement is not available, the child may
173 be placed in an appropriate mental health facility or substance
174 abuse facility for assessment. In addition to disposition under

590-06962-08

2008700c2

175 | this paragraph, a child in need of services who is held in direct
176 | contempt or indirect contempt may be placed in a physically
177 | secure setting as provided under s. 984.226 if conditions of
178 | eligibility are met.

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

200 | ~~(3)(4) CHILDREN IN NEED OF SERVICES CONTEMPT OF COURT~~
201 | ~~SANCTIONS; PROCEDURE AND DUE PROCESS.--~~

202 | ~~(a) If a child is charged with direct contempt of court,~~
203 | ~~including traffic court, the court may impose an authorized~~

590-06962-08

2008700c2

204 ~~sanction immediately.~~

205 ~~(b) If a child is charged with indirect contempt of court,~~
206 ~~the court must hold a hearing within 24 hours to determine~~
207 ~~whether the child committed indirect contempt of a valid court~~
208 ~~order. At the hearing, the following due process rights must be~~
209 ~~provided to the child:~~

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

212 ~~2. Right to an explanation of the nature and the~~
213 ~~consequences of the proceedings.~~

214 ~~3. Right to legal counsel and the right to have legal~~
215 ~~counsel appointed by the court if the juvenile is indigent,~~
216 ~~pursuant to s. 985.033.~~

217 ~~4. Right to confront witnesses.~~

218 ~~5. Right to present witnesses.~~

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

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

221
222 ~~The child's parent or guardian may address the court regarding~~
223 ~~the due process rights of the child. The court shall review the~~
224 ~~placement of the child every 72 hours to determine whether it is~~
225 ~~appropriate for the child to remain in the facility.~~

226 ~~(c) The court may not order that a child be placed in a~~
227 ~~secure facility for punishment for contempt unless the court~~
228 ~~determines that an alternative sanction is inappropriate or~~
229 ~~unavailable or that the child was initially ordered to an~~
230 ~~alternative sanction and did not comply with the alternative~~
231 ~~sanction. The court is encouraged to order a child to perform~~
232 ~~community service, up to the maximum number of hours, where~~

590-06962-08

2008700c2

233 ~~appropriate before ordering that the child be placed in a secure~~
234 ~~facility as punishment for contempt of court.~~

235 ~~(d)~~ In addition to any other sanction imposed under s.
236 985.037 ~~this section, the court may direct the Department of~~
237 ~~Highway Safety and Motor Vehicles to withhold issuance of, or~~
238 ~~suspend, a child's driver's license or driving privilege. The~~
239 ~~court may order that a child's driver's license or driving~~
240 ~~privilege be withheld or suspended for up to 1 year for a first~~
241 ~~offense of contempt and up to 2 years for a second or subsequent~~
242 ~~offense. If the child's driver's license or driving privilege is~~
243 ~~suspended or revoked for any reason at the time the sanction for~~
244 ~~contempt is imposed, the court shall extend the period of~~
245 ~~suspension or revocation by the additional period ordered under~~
246 ~~this paragraph. If the child's driver's license is being withheld~~
247 ~~at the time the sanction for contempt is imposed, the period of~~
248 ~~suspension or revocation ordered under this paragraph shall begin~~
249 ~~on the date on which the child is otherwise eligible to drive.~~
250 for a child in need of services whose driver's license or driving
251 privilege is suspended under that section ~~this paragraph~~, the
252 court may direct the Department of Highway Safety and Motor
253 Vehicles to issue the child a license for driving privileges
254 restricted to business or employment purposes only, as defined in
255 s. 322.271, or for the purpose of completing court-ordered
256 community service, if the child is otherwise qualified for a
257 license. However, the department may not issue a restricted
258 license unless specifically ordered to do so by the court.

259 ~~(5) ALTERNATIVE SANCTIONS COORDINATOR.--There is created~~
260 ~~the position of alternative sanctions coordinator within each~~
261 ~~judicial circuit, pursuant to subsection (3). Each alternative~~

590-06962-08

2008700c2

262 ~~sanctions coordinator shall serve under the direction of the~~
263 ~~chief administrative judge of the juvenile division as directed~~
264 ~~by the chief judge of the circuit. The alternative sanctions~~
265 ~~coordinator shall act as the liaison between the judiciary, local~~
266 ~~department officials, district school board employees, and local~~
267 ~~law enforcement agencies. The alternative sanctions coordinator~~
268 ~~shall coordinate within the circuit community-based alternative~~
269 ~~sanctions, including nonsecure detention programs, community~~
270 ~~service projects, and other juvenile sanctions, in conjunction~~
271 ~~with the circuit plan implemented in accordance with s.~~
272 ~~790.22(4)(c).~~

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

275 985.02 Legislative intent for the juvenile justice
276 system.--

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

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

285 (b) Develop and implement effective programs to prevent
286 delinquency, to divert children from the traditional juvenile
287 justice system, to intervene at an early stage of delinquency,
288 and to provide critically needed alternatives to
289 institutionalization and deep-end commitment.

290 (c) Provide well-trained personnel, high-quality services,

590-06962-08

2008700c2

291 and cost-effective programs within the juvenile justice system.

292 (d) Increase the capacity of local governments and public
293 and private agencies to conduct rehabilitative treatment programs
294 and to provide research, evaluation, and training services in the
295 field of juvenile delinquency prevention.

296 (e) Encourage and promote diversion options when
297 appropriate, especially for first-time misdemeanor youth or
298 youth 10 years of age or younger.

299

300 The Legislature intends that detention care, in addition to
301 providing secure and safe custody, will promote the health and
302 well-being of the children committed thereto and provide an
303 environment that fosters their social, emotional, intellectual,
304 and physical development.

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

309 985.03 Definitions.--As used in this chapter, the term:

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

318 Section 8. Subsections (1), (2), and (4) of section
319 985.037, Florida Statutes, are amended, and subsections (3) and

590-06962-08

2008700c2

320 (5) of that section are redesignated as subsections (1) and (2)
321 of section 985.0375, Florida Statutes, and amended to read:

322 985.037 Punishment for contempt of court; ~~alternative~~
323 ~~sanctions~~.--

324 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.--The court may
325 punish any child for contempt for interfering with the court or
326 with court administration, or for violating any provision of this
327 chapter or order of the court relative thereto. It is the intent
328 of the Legislature that the court restrict and limit the use of
329 contempt powers with respect to commitment of a child to a secure
330 facility. A child who commits direct contempt of court or
331 indirect contempt of a valid court order may be taken into
332 custody and ordered to serve an alternative sanction or placed in
333 a secure facility, as authorized in this section, by order of the
334 court.

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

344 (3) ~~(4)~~ CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
345 PROCESS.--

346 (a) If a child is charged with direct contempt of court,
347 including traffic court, the court may impose an authorized
348 sanction immediately.

590-06962-08

2008700c2

349 (b) If a child is charged with indirect contempt of court,
350 the court must hold a hearing within 24 hours to determine
351 whether the child committed indirect contempt of a valid court
352 order. At the hearing, the following due process rights must be
353 provided to the child:

354 1. Right to a copy of the order to show cause alleging
355 facts supporting the contempt charge.

356 2. Right to an explanation of the nature and the
357 consequences of the proceedings.

358 3. Right to legal counsel and the right to have legal
359 counsel appointed by the court if the juvenile is indigent, under
360 s. 985.033.

361 4. Right to confront witnesses.

362 5. Right to present witnesses.

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

364 7. Right to appeal to an appropriate court.
365

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

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

590-06962-08

2008700c2

378 facility as punishment for contempt of court.

379 (d) In addition to any other sanction imposed under this
380 section, the court may direct the Department of Highway Safety
381 and Motor Vehicles to withhold issuance of, or suspend, a child's
382 driver's license or driving privilege. The court may order that a
383 child's driver's license or driving privilege be withheld or
384 suspended for up to 1 year for a first offense of contempt and up
385 to 2 years for a second or subsequent offense. If the child's
386 driver's license or driving privilege is suspended or revoked for
387 any reason at the time the sanction for contempt is imposed, the
388 court shall extend the period of suspension or revocation by the
389 additional period ordered under this paragraph. If the child's
390 driver's license is being withheld at the time the sanction for
391 contempt is imposed, the period of suspension or revocation
392 ordered under this paragraph shall begin on the date on which the
393 child is otherwise eligible to drive.

394

395 985.0375 Alternative sanctions.--

396 (1)~~(3)~~ ~~ALTERNATIVE SANCTIONS.~~—Each judicial circuit shall
397 have an alternative sanctions coordinator who shall serve under
398 the chief administrative judge of the juvenile division of the
399 circuit court, and who shall coordinate and maintain a spectrum
400 of contempt sanction alternatives in conjunction with the circuit
401 plan implemented in accordance with s. 790.22(4)(c). Upon
402 determining that a child has committed direct contempt of court
403 or indirect contempt of a valid court order, the court may
404 immediately request the alternative sanctions coordinator to
405 recommend the most appropriate available alternative sanction and
406 shall order the child to perform up to 50 hours of community-

590-06962-08

2008700c2

407 service manual labor or a similar alternative sanction, unless an
408 alternative sanction is unavailable or inappropriate, or unless
409 the child has failed to comply with a prior alternative sanction.
410 Alternative contempt sanctions may be provided by local industry
411 or by any nonprofit organization or any public or private
412 business or service entity that has entered into a contract with
413 the department ~~of Juvenile Justice~~ to act as an agent of the
414 state to provide voluntary supervision of children on behalf of
415 the state in exchange for the manual labor of children and
416 limited immunity in accordance with s. 768.28(11).

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

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

433 985.04 Oaths; records; confidential information.--

434 (1) Except as provided in subsections (2), (3), (6), and
435 (7) and s. 943.053, all information obtained under this chapter

590-06962-08

2008700c2

436 in the discharge of official duty by any judge, any employee of
437 the court, any authorized agent of the department, the Parole
438 Commission, the Department of Corrections, the juvenile justice
439 circuit boards, any law enforcement agent, or any licensed
440 professional or licensed community agency representative
441 participating in the assessment or treatment of a juvenile is
442 confidential and may be disclosed only to the authorized
443 personnel of the court, the department and its designees, the
444 Department of Corrections, the Department of Children and Family
445 Services, the Parole Commission, law enforcement agents, school
446 superintendents and their designees, any licensed professional or
447 licensed community agency representative participating in the
448 assessment or treatment of a juvenile, and others entitled under
449 this chapter to receive that information, or upon order of the
450 court. Within each county, the sheriff, the chiefs of police, the
451 district school superintendent, and the department shall enter
452 into an interagency agreement for the purpose of sharing
453 information about juvenile offenders among all parties. The
454 agreement must specify the conditions under which summary
455 criminal history information is to be made available to
456 appropriate school personnel, and the conditions under which
457 school records are to be made available to appropriate department
458 personnel. Such agreement shall require notification to any
459 classroom teacher of assignment to the teacher's classroom of a
460 juvenile who has been placed in a probation or commitment program
461 for a felony offense. The agencies entering into such agreement
462 must comply with s. 943.0525, and must maintain the
463 confidentiality of information that is otherwise exempt from s.
464 119.07(1), as provided by law.

590-06962-08

2008700c2

465 (7) (a) Records in the custody of the department regarding
466 children are not open to inspection by the public. Such records
467 may be inspected only upon order of the Secretary of Juvenile
468 Justice or his or her authorized agent by persons who have
469 sufficient reason and upon such conditions for their use and
470 disposition as the secretary or his or her authorized agent deems
471 proper. The information in such records may be disclosed only to
472 other employees of the department who have a need therefor in
473 order to perform their official duties; to other persons as
474 authorized by rule of the department; and, upon request, to the
475 Department of Corrections and the Department of Children and
476 Family Services. The secretary or his or her authorized agent may
477 permit properly qualified persons to inspect and make abstracts
478 from records for statistical purposes under whatever conditions
479 upon their use and disposition the secretary or his or her
480 authorized agent deems proper, provided adequate assurances are
481 given that children's names and other identifying information
482 will not be disclosed by the applicant.

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

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

490 985.245 Risk assessment instrument.--

491 (2) (a) The risk assessment instrument for detention care
492 placement determinations and court orders shall be developed by
493 the department in consultation ~~agreement~~ with a committee

590-06962-08

2008700c2

494 composed of two representatives appointed by ~~the following~~
495 ~~associations~~; the Conference of Circuit Judges of Florida, the
496 Prosecuting Attorneys Association, the Public Defenders
497 Association, the Florida Sheriffs Association, and the Florida
498 Association of Chiefs of Police. Each association shall appoint
499 two individuals, one representing an urban area and one
500 representing a rural area. In addition, the committee shall
501 include two representatives from child advocacy organizations,
502 and two recognized child mental health experts, appointed by the
503 department. The parties involved shall evaluate and revise the
504 risk assessment instrument as is considered necessary using the
505 method for revision as agreed by the parties. The risk assessment
506 instrument shall be evaluated to determine if the instrument
507 contributes to disproportionate minority contact.

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

590-06962-08

2008700c2

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

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

529 985.265 Detention transfer and release; education; adult
530 jails.--

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

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

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

543
544 The child shall be housed separately from adult inmates to
545 prohibit a child from having regular contact with incarcerated
546 adults, including trustees. "Regular contact" means sight and
547 sound contact. Separation of children from adults shall permit no
548 more than haphazard or accidental contact. The receiving jail or
549 other facility shall contain a separate section for children and
550 shall have an adequate staff to supervise and monitor the child's
551 activities at all times. Supervision and monitoring of children

590-06962-08

2008700c2

552 includes physical observation and documented checks by jail or
553 receiving facility supervisory personnel at intervals not to
554 exceed 15 minutes, except in direct supervision housing with 24-
555 hour supervision. This subsection does not prohibit placing two
556 or more children in the same cell. Under no circumstances shall a
557 child be placed in the same cell with an adult.

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

561 985.601 Administering the juvenile justice continuum.--

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

569 (b) As part of the continuum of services, the department
570 shall adopt rules establishing procedures to provide ordinary
571 medical care, mental health, substance abuse, and developmental
572 disabilities services to youth within the juvenile justice
573 continuum as defined in s. 985.03.

574
575 The department shall coordinate such rulemaking with other
576 affected agencies to avoid duplication, conflict, or
577 inconsistency.

578 (3)

579 (e) In order to be eligible to participate in the state-
580 funded Intensive Delinquency Diversion Services program, counties

590-06962-08

2008700c2

581 having nonstate-funded delinquency programs for youth must
582 include diversion options for first-time misdemeanant youth or
583 youth 10 years of age or younger, unless otherwise prohibited.

584 Section 13. Section 985.606, Florida Statutes, is amended
585 to read:

586 985.606 Prevention services providers; outcome performance
587 data collection; reporting.--Each state agency or entity that
588 receives or uses state appropriations to fund programs, grants,
589 appropriations, or activities that are designed to prevent
590 juvenile crime, delinquency, gang membership, status offenses, or
591 that are designed to prevent a child from becoming a "child in
592 need of services," as defined in chapter 984, shall collect data
593 relative to the outcomes related to performance of such
594 activities and shall provide said data to the Governor, the
595 President of the Senate, and the Speaker of the House no later
596 than January 31st of each year for the preceding fiscal year.

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

599 985.632 Quality assurance and cost-effectiveness; outcome-
600 based contracting.--

601 (8) To create an accountable juvenile justice system that
602 is outcome-based, the department is authorized to conduct a
603 demonstration project using outcome performance-based contracts.
604 During the 2008-2009 fiscal year, the department shall develop,
605 in consultation with the Department of Financial Services and a
606 provider organization that has multiple sites, an implementation
607 plan for outcome-based contracting. Such a plan shall include
608 interim and long-term outcome performance measures, strategies
609 for using financial incentives and disincentives to increase

590-06962-08

2008700c2

610 provider performance, a plan to shift oversight and monitoring of
611 providers from a compliance-based approach to a more outcome-
612 based approach, and recommendations of needed legislative action
613 to implement. This plan shall be submitted to the Executive
614 Office of the Governor, the President of the Senate, and the
615 Speaker of the House of Representatives by March 1, 2009.

616 Section 15. Section 985.644, Florida Statutes, is amended
617 to read:

618 985.644 Departmental contracting powers; personnel
619 standards and screening.--

620 (1) ~~The department of Juvenile Justice or the Department of~~
621 ~~Children and Family Services, as appropriate,~~ may contract with
622 the Federal Government, other state departments and agencies,
623 county and municipal governments and agencies, public and private
624 agencies, and private individuals and corporations in carrying
625 out the purposes of, and the responsibilities established in,
626 this chapter.

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

590-06962-08

2008700c2

639 be screened if the volunteer is under direct and constant
640 supervision by persons who meet the screening requirements.

641 (b) ~~The department of Juvenile Justice and the Department~~
642 ~~of Children and Family Services~~ shall require employment
643 screening pursuant to chapter 435, using the level 2 standards
644 set forth in that chapter for personnel in programs for children
645 or youths.

646 (c) ~~The department of Juvenile Justice or the Department of~~
647 ~~Children and Family Services~~ may grant exemptions from
648 disqualification from working with children as provided in s.
649 435.07.

650 ~~(2) The department may contract with the Federal~~
651 ~~Government, other state departments and agencies, county and~~
652 ~~municipal governments and agencies, public and private agencies,~~
653 ~~and private individuals and corporations in carrying out the~~
654 ~~purposes and the responsibilities of the delinquency services and~~
655 ~~programs of the department.~~

656 (2)~~(3)~~ The department shall adopt a rule pursuant to
657 ~~chapter 120~~ establishing a procedure to provide notice of policy
658 changes that affect contracted delinquency services and programs.
659 A policy is defined as an operational requirement that applies to
660 only the specified contracted delinquency service or program. The
661 procedure must ~~shall~~ include:

662 (a) Public notice of policy development.

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

664 (c) Assessment for fiscal impact upon the department and
665 providers.

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

667 ~~(4) When the department contracts with a provider for any~~

590-06962-08

2008700c2

668 ~~delinquency service or program, all personnel, including all~~
669 ~~owners, operators, employees, and volunteers in the facility or~~
670 ~~providing the service or program shall be of good moral~~
671 ~~character. A volunteer who assists on an intermittent basis for~~
672 ~~less than 40 hours per month is not required to be screened if~~
673 ~~the volunteer is under direct and constant supervision by persons~~
674 ~~who meet the screening requirements.~~

675 (3)~~(5)~~(a) For any person employed by the department, or by
676 a provider under contract with the department, in delinquency
677 facilities, services, or programs, the department shall require:

678 1. A level 2 employment screening pursuant to chapter 435
679 prior to employment.

680 2. A federal criminal records check by the Federal Bureau
681 of Investigation every 5 years following the date of the person's
682 employment.

683 (b) Except for law enforcement, correctional, and
684 correctional probation officers, to whom s. 943.13(5) applies,
685 the department shall electronically submit to the Department of
686 Law Enforcement:

687 1. Fingerprint information obtained during the employment
688 screening required by subparagraph (a)1.

689 2. Beginning on December 15, 2005, fingerprint information
690 for all persons employed by the department, or by a provider
691 under contract with the department, in delinquency facilities,
692 services, or programs if such fingerprint information has not
693 previously been electronically submitted to the Department of Law
694 Enforcement under this paragraph.

695 (c) All fingerprint information electronically submitted to
696 the Department of Law Enforcement under paragraph (b) shall be

590-06962-08

2008700c2

697 retained by the Department of Law Enforcement and entered into
698 the statewide automated fingerprint identification system
699 authorized by s. 943.05(2) (b). Thereafter, such fingerprint
700 information shall be available for all purposes and uses
701 authorized for arrest fingerprint information entered into the
702 statewide automated fingerprint identification system pursuant to
703 s. 943.051 until the fingerprint information is removed under
704 ~~pursuant to~~ paragraph (e). The Department of Law Enforcement
705 shall search all arrest fingerprint information received pursuant
706 to s. 943.051 against the fingerprint information entered into
707 the statewide automated fingerprint system under ~~pursuant~~ to this
708 subsection. Any arrest records identified as a result of the
709 search shall be reported to the department in the manner and
710 timeframe established by the Department of Law Enforcement by
711 rule.

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

723 (e) The department shall notify the Department of Law
724 Enforcement when a person whose fingerprint information is
725 retained by the Department of Law Enforcement under this

590-06962-08

2008700c2

726 subsection is no longer employed by the department, or by a
727 provider under contract with the department, in a delinquency
728 facility, service, or program. This notice shall be provided by
729 the department to the Department of Law Enforcement no later than
730 6 months after the date of the change in the person's employment
731 status. Fingerprint information for persons identified by the
732 department in the notice shall be removed from the statewide
733 automated fingerprint system.

734 ~~(6) The department may grant exemptions from~~
735 ~~disqualification from working with children as provided in s.~~
736 ~~435.07.~~

737 Section 16. Subsections (2), (3), (4), (5), (6), (7), (8),
738 and (9) of section 985.66, Florida Statutes, are amended to read:
739 985.66 Juvenile justice training academies; Juvenile
740 Justice Standards and Training Commission; Juvenile Justice
741 Training Trust Fund.--

742 (2) STAFF DEVELOPMENT AND TRAINING JUVENILE JUSTICE
743 STANDARDS AND TRAINING COMMISSION.--

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

752 1. ~~Seven members shall be juvenile justice professionals: a~~
753 ~~superintendent or a direct care staff member from an institution;~~
754 ~~a director from a contracted community-based program; a~~

590-06962-08

2008700c2

755 ~~superintendent and a direct care staff member from a regional~~
756 ~~detention center or facility; a juvenile probation officer~~
757 ~~supervisor and a juvenile probation officer; and a director of a~~
758 ~~day treatment or conditional release program. No fewer than three~~
759 ~~of these members shall be contract providers.~~

760 ~~2. Two members shall be representatives of local law~~
761 ~~enforcement agencies.~~

762 ~~3. One member shall be an educator from the state's~~
763 ~~university and community college program of criminology, criminal~~
764 ~~justice administration, social work, psychology, sociology, or~~
765 ~~other field of study pertinent to the training of juvenile~~
766 ~~justice program staff.~~

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

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

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

772 ~~7. One member shall be a representative of the business~~
773 ~~community.~~

774
775 ~~All appointed members shall be appointed to serve terms of 2~~
776 ~~years.~~

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

782 ~~(c) The Department of Juvenile Justice shall provide the~~
783 ~~commission with staff necessary to assist the commission in the~~

590-06962-08

2008700c2

784 ~~performance of its duties.~~

785 ~~(d) The commission shall annually elect its chairperson and~~
786 ~~other officers. The commission shall hold at least four regular~~
787 ~~meetings each year at the call of the chairperson or upon the~~
788 ~~written request of three members of the commission. A majority of~~
789 ~~the members of the commission constitutes a quorum. Members of~~
790 ~~the commission shall serve without compensation but are entitled~~
791 ~~to be reimbursed for per diem and travel expenses as provided by~~
792 ~~s. 112.061 and these expenses shall be paid from the Juvenile~~
793 ~~Justice Training Trust Fund.~~

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

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

807 (b)2. Establish uniform minimum job-related training
808 courses and examinations for delinquency juvenile justice program
809 staff.

810 (c)3. Consult and cooperate with the state or any political
811 subdivision; any private entity or contractor; and with private
812 and public universities, colleges, community colleges, and other

590-06962-08

2008700c2

813 educational institutions concerning the development of juvenile
814 justice training and programs or courses of instruction,
815 including, but not limited to, education and training in the
816 areas of juvenile justice.

817 ~~(d)4. Enter into With the approval of the department, make~~
818 ~~and enter into such~~ contracts and agreements with other agencies,
819 organizations, associations, corporations, individuals, or
820 federal agencies as ~~the commission determines~~ are necessary in
821 the execution of its powers or the performance of its duties.

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

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

836 (a) Design, implement, maintain, evaluate, and revise a
837 basic training program, including a competency-based examination,
838 for the purpose of providing minimum employment training
839 qualifications for all delinquency program staff ~~juvenile justice~~
840 ~~personnel~~. All delinquency program staff of the department and
841 providers who deliver direct-care services who are hired after

590-06962-08

2008700c2

842 | October 1, 1999, must meet the following minimum requirements:

843 | 1. Be at least 19 years of age.

844 | 2. Be a high school graduate or its equivalent as
845 | determined by the department ~~commission~~.

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

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

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

869 | (b) Design, implement, maintain, evaluate, and revise an
870 | advanced training program, including a competency-based

590-06962-08

2008700c2

871 examination for each training course, which is intended to
872 enhance knowledge, skills, and abilities related to job
873 performance.

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

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

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

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

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

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

899 (d) Funds that are not expended by the end of the budget

590-06962-08

2008700c2

900 cycle or through a supplemental budget approved by the department
901 shall revert to the trust fund.

902 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING
903 ACADEMIES.--The number, location, and establishment of juvenile
904 justice training academies shall be determined by the department
905 ~~commission~~.

906 (6) SCHOLARSHIPS AND STIPENDS.--

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

927 (b) The department ~~commission~~ may establish the scholarship
928 program by rule and implement the program on or after July 1,

590-06962-08

2008700c2

929 | 1996.

930 | (7) ADOPTION OF RULES.--The department may ~~commission shall~~
931 | adopt rules as necessary to carry out the provisions of this
932 | section.

933 | (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
934 | MANAGEMENT TRUST FUND.--Pursuant to s. 284.30, the Division of
935 | Risk Management of the Department of Financial Services is
936 | authorized to insure a private agency, individual, or corporation
937 | operating a state-owned training school under a contract to carry
938 | out the purposes and responsibilities of any program of the
939 | department. The coverage authorized herein shall be under the
940 | same general terms and conditions as the department is insured
941 | for its responsibilities under chapter 284.

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

949 | Section 17. Section 985.664, Florida Statutes, is amended
950 | to read:

951 | 985.664 Juvenile justice circuit boards and juvenile
952 | justice county councils.--

953 | (1) There is authorized a juvenile justice circuit board to
954 | be established in each of the 20 judicial circuits and a juvenile
955 | justice county council to be established in each of the 67
956 | counties. The purpose of each juvenile justice circuit board and
957 | each juvenile justice county council is to provide advice and

590-06962-08

2008700c2

958 direction to the department and the Children and Youth Cabinet in
959 the development and implementation of juvenile justice programs
960 and to work collaboratively with the department in seeking
961 program improvements and policy changes to address the emerging
962 and changing needs of Florida's youth who are at risk of
963 delinquency.

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

973 (3) Juvenile justice circuit boards and county councils
974 shall also participate in facilitating interagency cooperation
975 and information sharing with local school authorities, law
976 enforcement agencies, state attorneys, public defenders, judicial
977 entities, local representatives of the department, the Department
978 of Children and Family Services, and faith-based and community-
979 based organizations for the purposes of forwarding the goals of
980 the county or circuit plan. Such interagency collaborations shall
981 specify how the community's entities will cooperate, collaborate,
982 and share information to achieve the goals of the juvenile
983 justice prevention and early intervention plan or the
984 comprehensive plan for the circuit.

985 (4) Juvenile justice circuit boards and county councils may
986 apply for and receive public or private grants to be administered

590-06962-08

2008700c2

987 | by one of the community partners that support one or more
988 | components of the county or circuit plan.

989 | (5) Juvenile justice circuit boards and county councils
990 | shall advise and assist the department in the evaluation and
991 | award of prevention and early intervention grant programs,
992 | including the Community Juvenile Justice Partnership Grant
993 | program established in s. 985.676 and proceeds from the Invest in
994 | Children license plate annual use fees.

995 | (6) Each juvenile justice circuit board shall provide an
996 | annual report to the department and to the Children and Youth
997 | Cabinet describing the activities of the circuit board and each
998 | of the county councils contained within its circuit. Such reports
999 | must be agreed upon and signed by each acting chair of the board
1000 | and council and submitted to the Children and Youth Cabinet
1001 | through the department secretary or the secretary's designee. The
1002 | department may prescribe a format and content requirements for
1003 | submission of annual reports.

1004 | (7) Membership of the juvenile justice circuit board may
1005 | not exceed 18 members, except as provided in subsections (8) and
1006 | (9). Members must include the state attorney, the public
1007 | defender, and the chief judge of the circuit, or their respective
1008 | designees. The remaining 15 members of the board must be
1009 | appointed by the county councils within that circuit. The board
1010 | where possible must be composed of an equitable number of members
1011 | ~~include at least one representative~~ from each county council
1012 | within the circuit, taking into account differences in
1013 | population. In appointing members to the circuit board, the
1014 | county councils must reflect:

1015 | (a) The circuit's geography and population distribution.

590-06962-08

2008700c2

1016 (b) Juvenile justice partners, including, but not limited
1017 to, representatives of law enforcement, the school system, and
1018 the Department of Children and Family Services.

1019 (c) Diversity in the judicial circuit.

1020 (d) Representation from residents of the targeted high-
1021 crime zip code communities as identified by the department and
1022 based on referral rates within the county.

1023 (8) At any time after the adoption of initial bylaws
1024 pursuant to subsection (12), a juvenile justice circuit board may
1025 revise the bylaws to increase the number of members by not more
1026 than three in order to adequately reflect the diversity of the
1027 population and community organizations or agencies in the
1028 circuit.

1029 (9) If county councils are not formed within a circuit, the
1030 circuit board may establish its membership in accordance with
1031 subsection (10). For juvenile justice circuit boards organized
1032 pursuant to this subsection, the state attorney, public defender,
1033 and chief circuit judge, or their respective designees, shall be
1034 members of the circuit board.

1035 (10) Membership of the juvenile justice county councils, or
1036 juvenile justice circuit boards established under subsection (9),
1037 must include representation from residents of the targeted high-
1038 crime zip code communities as identified by the department and
1039 based on referral rates within the county and may also include
1040 representatives from the following entities:

1041 (a) Representatives from the school district, which may
1042 include elected school board officials, the school
1043 superintendent, school or district administrators, teachers, and
1044 counselors.

590-06962-08

2008700c2

- 1045 (b) Representatives of the board of county commissioners.
- 1046 (c) Representatives of the governing bodies of local
1047 municipalities within the county.
- 1048 (d) A representative of the corresponding circuit or
1049 regional entity of the Department of Children and Family
1050 Services.
- 1051 (e) Representatives of local law enforcement agencies,
1052 including the sheriff or the sheriff's designee.
- 1053 (f) Representatives of the judicial system.
- 1054 (g) Representatives of the business community.
- 1055 (h) Representatives of other interested officials, groups,
1056 or entities, including, but not limited to, a children's services
1057 council, public or private providers of juvenile justice programs
1058 and services, students, parents, and advocates. Private providers
1059 of juvenile justice programs may not exceed one-third of the
1060 voting membership.
- 1061 (i) Representatives of the faith community.
- 1062 (j) Representatives of victim-service programs and victims
1063 of crimes.
- 1064 (k) Representatives of the Department of Corrections.
- 1065 (11) Each juvenile justice county council, or juvenile
1066 justice circuit board established under subsection (9), must
1067 provide for the establishment of an executive committee of not
1068 more than 10 members. The duties and authority of the executive
1069 committee must be addressed in the bylaws.
- 1070 (12) Each juvenile justice circuit board and county council
1071 shall develop bylaws that provide for officers and committees as
1072 the board or council deems necessary and shall specify the
1073 qualifications, method of selection, and term for each office

590-06962-08

2008700c2

1074 created. The bylaws shall address at least the following issues:
1075 process for appointments to the board or council; election or
1076 appointment of officers; filling of vacant positions; duration of
1077 member terms; provisions for voting; meeting attendance
1078 requirements; and the establishment and duties of an executive
1079 committee, if required under subsection (11).

1080 (13) The secretary shall meet at least annually,
1081 individually or collectively, by telephone or in person, with the
1082 chair of the juvenile justice circuit boards and the Children and
1083 Youth Cabinet in order to:

1084 1. Advise juvenile justice circuit board chairs of
1085 statewide juvenile justice issues and activities.

1086 2. Provide and receive comments on prevention and
1087 intervention program budget priorities.

1088 3. Provide and receive comments on the planning process.

1089 4. Discuss program development, program implementation,
1090 quality assurance, and program outcomes.

1091 (14)~~(13)~~ Members of juvenile justice circuit boards and
1092 county councils are subject to the provisions of part III of
1093 chapter 112.

1094 (15) Juvenile justice circuit boards and county councils
1095 shall use due diligence in notifying the community of board
1096 vacancies through various community outreach outlets such as
1097 community newspapers, churches, and free public announcements.

1098 Section 18. Section 985.668, Florida Statutes, is amended
1099 to read:

1100 985.668 Innovation zones.--The department shall encourage
1101 each of the juvenile justice circuit boards, in consultation with
1102 the juvenile justice county council within the circuit, to

590-06962-08

2008700c2

1103 | propose at least one innovation zone within the circuit for the
1104 | purpose of implementing any experimental, pilot, or demonstration
1105 | project that furthers the legislatively established goals of the
1106 | department. An innovation zone is a defined geographic area such
1107 | as a circuit, commitment region, county, municipality, service
1108 | delivery area, school campus, or neighborhood providing a
1109 | laboratory for the research, development, and testing of the
1110 | applicability and efficacy of model programs, policy options, and
1111 | new technologies for the department.

1112 | (1) (a) The juvenile justice circuit board shall submit a
1113 | proposal for an innovation zone to the secretary. If the purpose
1114 | of the proposed innovation zone is to demonstrate that specific
1115 | statutory goals can be achieved more effectively by using
1116 | procedures that require modification of existing rules, policies,
1117 | or procedures, the proposal may request the secretary to waive
1118 | such existing rules, policies, or procedures or to otherwise
1119 | authorize use of alternative procedures or practices. Waivers of
1120 | such existing rules, policies, or procedures must comply with
1121 | applicable state or federal law.

1122 | (b) For innovation zone proposals that the secretary
1123 | determines require changes to state law, the secretary may submit
1124 | a request for a waiver from such laws, together with any proposed
1125 | changes to state law, to the chairs of the appropriate
1126 | legislative committees for consideration.

1127 | (c) For innovation zone proposals that the secretary
1128 | determines require waiver of federal law, the secretary may
1129 | submit a request for such waivers to the applicable federal
1130 | agency.

1131 | (2) An innovation zone project may not have a duration of

590-06962-08

2008700c2

1132 | more than 2 years, but the secretary may grant an extension.

1133 | (3) Before implementing an innovation zone under this
1134 | subsection, the secretary shall, in conjunction with the Office
1135 | of Program Policy Analysis and Government Accountability, develop
1136 | measurable and valid objectives for such zone within a negotiated
1137 | reasonable period of time. Moneys designated for an innovation
1138 | zone in one operating circuit may not be used to fund an
1139 | innovation zone in another operating circuit.

1140 | (4) Program models for innovation zone projects include,
1141 | but are not limited to:

1142 | (a) A forestry alternative work program that provides
1143 | selected juvenile offenders an opportunity to serve in a forestry
1144 | work program as an alternative to incarceration, in which
1145 | offenders assist in wildland firefighting, enhancement of state
1146 | land management, environmental enhancement, and land restoration.

1147 | (b) A collaborative public/private dropout prevention
1148 | partnership that trains personnel from both the public and
1149 | private sectors of a target community who are identified and
1150 | brought into the school system as an additional resource for
1151 | addressing problems which inhibit and retard learning, including
1152 | abuse, neglect, financial instability, pregnancy, and substance
1153 | abuse.

1154 | (c) A support services program that provides economically
1155 | disadvantaged youth with support services, jobs, training,
1156 | counseling, mentoring, and prepaid postsecondary tuition
1157 | scholarships.

1158 | (d) A juvenile offender job training program that offers an
1159 | opportunity for juvenile offenders to develop educational and job
1160 | skills in a 12-month to 18-month nonresidential training program,

590-06962-08

2008700c2

1161 teaching the offenders skills such as computer-aided design,
1162 modular panel construction, and heavy vehicle repair and
1163 maintenance which will readily transfer to the private sector,
1164 thereby promoting responsibility and productivity.

1165 (e) An infant mortality prevention program that is designed
1166 to discourage unhealthy behaviors such as smoking and alcohol or
1167 drug consumption, reduce the incidence of babies born prematurely
1168 or with low birth weight, reduce health care cost by enabling
1169 babies to be safely discharged earlier from the hospital, reduce
1170 the incidence of child abuse and neglect, and improve parenting
1171 and problem-solving skills.

1172 (f) A regional crime prevention and intervention program
1173 that serves as an umbrella agency to coordinate and replicate
1174 existing services to at-risk children, first-time juvenile
1175 offenders, youth crime victims, and school dropouts.

1176 (g) An alternative education outreach school program that
1177 serves delinquent repeat offenders between 14 and 18 years of age
1178 who have demonstrated failure in school and who are referred by
1179 the juvenile court.

1180 (h) A drug treatment and prevention program that provides
1181 early identification of children with alcohol or drug problems to
1182 facilitate treatment, comprehensive screening and assessment,
1183 family involvement, and placement options.

1184 (i) A community resource mother or father program that
1185 emphasizes parental responsibility for the behavior of children,
1186 and requires the availability of counseling services for children
1187 at high risk for delinquent behavior.

1188 Section 19. Paragraph (a) of subsection (2) and subsection
1189 (3) of section 985.676, Florida Statutes, are amended to read:

590-06962-08

2008700c2

1190 985.676 Community juvenile justice partnership grants.--

1191 (2) GRANT APPLICATION PROCEDURES.--

1192 (a) Each entity wishing to apply for an annual community
1193 juvenile justice partnership grant, which may be renewed ~~for a~~
1194 ~~maximum of 2 additional years~~ for the same provision of services,
1195 shall submit a grant proposal for funding or continued funding to
1196 the department. The department shall establish the grant
1197 application procedures. In order to be considered for funding,
1198 the grant proposal shall include the following assurances and
1199 information:

1200 1. A letter from the chair of the juvenile justice circuit
1201 board confirming that the grant application has been reviewed and
1202 found to support one or more purposes or goals of the juvenile
1203 justice plan as developed by the board.

1204 2. A rationale and description of the program and the
1205 services to be provided, including goals and objectives.

1206 3. A method for identification of the juveniles most likely
1207 to be involved in the juvenile justice system who will be the
1208 focus of the program.

1209 4. Provisions for the participation of parents and
1210 guardians in the program.

1211 5. Coordination with other community-based and social
1212 service prevention efforts, including, but not limited to, drug
1213 and alcohol abuse prevention and dropout prevention programs,
1214 that serve the target population or neighborhood.

1215 6. An evaluation component to measure the effectiveness of
1216 the program in accordance with s. 985.632.

1217 7. A program budget, including the amount and sources of
1218 local cash and in-kind resources committed to the budget. The

590-06962-08

2008700c2

1219 | proposal must establish to the satisfaction of the department
1220 | that the entity will make a cash or in-kind contribution to the
1221 | program of a value that is at least equal to 20 percent of the
1222 | amount of the grant.

1223 | 8. The necessary program staff.

1224 | (b) The department shall consider the following in awarding
1225 | such grants:

1226 | 1. The recommendations of the juvenile justice county
1227 | council as to the priority that should be given to proposals
1228 | submitted by entities within a county.

1229 | 2. The recommendations of the juvenile justice circuit
1230 | board as to the priority that should be given to proposals
1231 | submitted by entities within a circuit.

1232 |

1233 | As the first priority, the department shall fund applications
1234 | that meet the requirements of this section and also fulfill the
1235 | local juvenile justice circuit board and county council plans.

1236 | (3) ~~RESTRICTIONS.--This section does not prevent a program~~
1237 | ~~initiated under a community juvenile justice partnership grant~~
1238 | ~~established pursuant to this section from continuing to operate~~
1239 | ~~beyond the 3-year maximum funding period if it can find other~~
1240 | ~~funding sources. Likewise, This section does not restrict the~~
1241 | number of programs an entity may apply for or operate.

1242 | Section 20. Section 985.721, Florida Statutes, is amended
1243 | to read:

1244 | 985.721 Escapes from secure detention or residential
1245 | commitment facility.--An escape from:

1246 | (1) Any secure detention facility maintained for the
1247 | temporary detention of children, pending adjudication,

590-06962-08

2008700c2

1248 disposition, or placement;

1249 (2) Any residential commitment facility described in s.
1250 985.03(45) ~~s. 985.03(44)~~, maintained for the custody, treatment,
1251 punishment, or rehabilitation of children found to have committed
1252 delinquent acts or violations of law; or

1253 (3) Lawful transportation to or from any such secure
1254 detention facility or residential commitment facility,

1255

1256 constitutes escape within the intent and meaning of s. 944.40 and
1257 is a felony of the third degree, punishable as provided in s.
1258 775.082, s. 775.083, or s. 775.084.

1259 Section 21. Section 1006.125, Florida Statutes, is created
1260 to read:

1261 1006.125 Referrals to law enforcement agency; serious
1262 criminal offenses.--

1263 (1) A student who is charged by school authorities with a
1264 violation of the code of student conduct which may also
1265 constitute a serious criminal offense shall be reported to the
1266 law enforcement agency having jurisdiction over the student's
1267 school of attendance. This provision may be satisfied by
1268 providing notice to the appropriate school resource officer of
1269 the charge of violation of the code of student conduct and
1270 discipline code.

1271 (2) As used in this section, a serious criminal offense
1272 includes an offense that would constitute a capital felony, life
1273 felony, first-degree felony, second-degree or third-degree felony
1274 involving a firearm or weapon or violence against another person,
1275 or an offense that poses a serious threat to school safety or the
1276 safety of any individual student or group of students.

590-06962-08

2008700c2

1277 (3) Counties may seek reimbursement of secure detention
1278 costs from the school district for detention costs associated
1279 with the referral of a student for an offense other than that
1280 specified in this section at a rate not to exceed the per diem
1281 rate set by the Department of Juvenile Justice pursuant to s.
1282 985.686.

1283 Section 22. Subsections (1) and (2) of section 1006.13,
1284 Florida Statutes, are amended to read:

1285 1006.13 Policy ~~of zero tolerance~~ for crime and
1286 victimization.--

1287 (1) Each district school board shall adopt a policy ~~of zero~~
1288 ~~tolerance~~ for:

1289 (a) Crime and substance abuse, including the reporting of
1290 delinquent acts and crimes occurring whenever and wherever
1291 students are under the jurisdiction of the district school board.

1292 (b) Victimization of students, including taking all steps
1293 necessary to protect the victim of any violent crime from any
1294 further victimization.

1295 (2) The ~~zero tolerance~~ policy shall require students found
1296 to have committed one of the following serious criminal offenses
1297 to be expelled, with or without continuing educational services,
1298 from the student's regular school for a period of not less than 1
1299 full year, and to be referred to the criminal justice or juvenile
1300 justice system.

1301 (a) Bringing a firearm or weapon, as defined in chapter
1302 790, to school, to any school function, or onto any school-
1303 sponsored transportation or possessing a firearm at school.

1304 (b) Making a threat or false report, as defined by ss.
1305 790.162 and 790.163, respectively, involving school or school

590-06962-08

2008700c2

1306 personnel's property, school transportation, or a school-
1307 sponsored activity.

1308

1309 District school boards may assign the student to a disciplinary
1310 program for the purpose of continuing educational services during
1311 the period of expulsion. District school superintendents may
1312 consider the 1-year expulsion requirement on a case-by-case basis
1313 and request the district school board to modify the requirement
1314 by assigning the student to a disciplinary program or second
1315 chance school if the request for modification is in writing and
1316 it is determined to be in the best interest of the student and
1317 the school system. If a student committing any of the offenses in
1318 this subsection is a student with a disability, the district
1319 school board shall comply with applicable State Board of
1320 Education rules.

1321 Section 23. For the 2008-2009 fiscal year, the sum of
1322 \$50,000 in nonrecurring funds is appropriated from the General
1323 Revenue Fund to the Department of Juvenile Justice for the
1324 purpose of developing curriculum to be used for the certification
1325 of direct care staff of the department.

1326 Section 24. This act shall take effect July 1, 2008.