

By the Committees on Criminal and Civil Justice Appropriations;
Judiciary; 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; 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; amending

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59 s. 1006.13, F.S.; removing the reference of zero
60 tolerance; providing an effective date.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Paragraph (b) of subsection (3) of section
65 29.008, Florida Statutes, is amended to read:

66 29.008 County funding of court-related functions.--

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

69 (b) Alternative sanctions coordinators pursuant to s.
70 985.0375 ~~ss. 984.09 and 985.037.~~

71 Section 2. Paragraph (c) of subsection (4) of section
72 790.22, Florida Statutes, is amended to read:

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

76 (4)

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

86 Section 3. Paragraph (a) of subsection (1) of section
87 939.185, Florida Statutes, is amended to read:

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88 939.185 Assessment of additional court costs and
89 surcharges.--

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

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

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

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

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

115
116 Each county receiving funds under this section shall report the

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

128 Section 4. Section 984.05, Florida Statutes, is amended to
129 read:

130 984.05 Rules relating to habitual truants; adoption by
131 State Board of Education and Department of Juvenile Justice.--The
132 Department of Juvenile Justice and the State Board of Education
133 shall work together on the development of, and shall adopt, rules
134 as necessary for administering ~~the implementation of~~ ss.
135 984.03(27), 985.03(26) ~~985.03(25)~~, and 1003.27.

136 Section 5. Section 984.09, Florida Statutes, is amended to
137 read:

138 984.09 Punishment for contempt of court; ~~alternative~~
139 ~~sanctions~~.--

140 (1) CONTEMPT OF COURT; ~~LEGISLATIVE INTENT~~.--Except as
141 otherwise provided in this section, the court may punish any
142 child for contempt for interfering with the court or with court
143 administration, or for violating any provision of this chapter or
144 order of the court relative thereto as provided in s. 985.037. ~~It~~
145 ~~is the intent of the Legislature that the court restrict and~~

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146 ~~limit the use of contempt powers with respect to commitment of a~~
147 ~~child to a secure facility. A child who commits direct contempt~~
148 ~~of court or indirect contempt of a valid court order may be taken~~
149 ~~into custody and ordered to serve an alternative sanction or~~
150 ~~placed in a secure facility, as authorized in this section, by~~
151 ~~order of the court.~~

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

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

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

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

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

196 ~~(3)(4) CHILDREN IN NEED OF SERVICES CONTEMPT OF COURT~~
197 ~~SANCTIONS; PROCEDURE AND DUE PROCESS.--~~

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

201 ~~(b) If a child is charged with indirect contempt of court,~~
202 ~~the court must hold a hearing within 24 hours to determine~~
203 ~~whether the child committed indirect contempt of a valid court~~

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204 ~~order. At the hearing, the following due process rights must be~~
205 ~~provided to the child:~~

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

208 ~~2. Right to an explanation of the nature and the~~
209 ~~consequences of the proceedings.~~

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

213 ~~4. Right to confront witnesses.~~

214 ~~5. Right to present witnesses.~~

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

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

217

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

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

231 ~~(d) In addition to any other sanction imposed under s.~~
232 ~~985.037 this section, the court may direct the Department of~~

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

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

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262 ~~department officials, district school board employees, and local~~
263 ~~law enforcement agencies. The alternative sanctions coordinator~~
264 ~~shall coordinate within the circuit community-based alternative~~
265 ~~sanctions, including nonsecure detention programs, community~~
266 ~~service projects, and other juvenile sanctions, in conjunction~~
267 ~~with the circuit plan implemented in accordance with s.~~
268 ~~790.22(4)(c).~~

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

271 985.02 Legislative intent for the juvenile justice
272 system.--

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

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

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

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

288 (d) Increase the capacity of local governments and public
289 and private agencies to conduct rehabilitative treatment programs
290 and to provide research, evaluation, and training services in the

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291 field of juvenile delinquency prevention.

292 (e) Encourage and promote diversion options when
293 appropriate, especially for first-time misdemeanant youth or
294 youth 10 years of age or younger.

295

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

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

305 985.03 Definitions.--As used in this chapter, the term:

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

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

318 985.037 Punishment for contempt of court; ~~alternative~~
319 ~~sanctions.~~--

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

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

340 (3)~~(4)~~ CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
341 PROCESS.--

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

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

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349 provided to the child:

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

352 2. Right to an explanation of the nature and the
353 consequences of the proceedings.

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

357 4. Right to confront witnesses.

358 5. Right to present witnesses.

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

360 7. Right to appeal to an appropriate court.

361

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

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

375 (d) In addition to any other sanction imposed under this
376 section, the court may direct the Department of Highway Safety
377 and Motor Vehicles to withhold issuance of, or suspend, a child's

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

390 985.0375 Alternative sanctions.--

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

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407 business or service entity that has entered into a contract with
408 the department ~~of Juvenile Justice~~ to act as an agent of the
409 state to provide voluntary supervision of children on behalf of
410 the state in exchange for the manual labor of children and
411 limited immunity in accordance with s. 768.28(11).

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

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

428 985.04 Oaths; records; confidential information.--

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

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

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

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

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

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

485 985.245 Risk assessment instrument.--

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

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

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

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

522 Section 11. Subsection (5) of section 985.265, Florida

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523 Statutes, is amended to read:

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

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

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

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

538

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

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552 child be placed in the same cell with an adult.

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

556 985.601 Administering the juvenile justice continuum.--

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

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

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

573 (3)

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

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

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581 985.606 Prevention services providers; outcome ~~performance~~
582 data collection; reporting.--Each state agency or entity that
583 receives or uses state appropriations to fund programs, grants,
584 appropriations, or activities that are designed to prevent
585 juvenile crime, delinquency, gang membership, status offenses, or
586 that are designed to prevent a child from becoming a "child in
587 need of services," as defined in chapter 984, shall collect data
588 relative to the outcomes related to ~~performance of~~ such
589 activities and shall provide said data to the Governor, the
590 President of the Senate, and the Speaker of the House no later
591 than January 31st of each year for the preceding fiscal year.

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

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

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

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610 Speaker of the House of Representatives by March 1, 2009.

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

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

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

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

636 (b) ~~The department of Juvenile Justice and the Department~~
637 ~~of Children and Family Services~~ shall require employment
638 screening pursuant to chapter 435, using the level 2 standards

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639 set forth in that chapter for personnel in programs for children
640 or youths.

641 (c) The department of ~~Juvenile Justice or the Department of~~
642 ~~Children and Family Services~~ may grant exemptions from
643 disqualification from working with children as provided in s.
644 435.07.

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

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

657 (a) Public notice of policy development.

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

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

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

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

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668 ~~the volunteer is under direct and constant supervision by persons~~
669 ~~who meet the screening requirements.~~

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

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

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

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

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

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

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

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

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

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

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726 status. Fingerprint information for persons identified by the
727 department in the notice shall be removed from the statewide
728 automated fingerprint system.

729 ~~(6) The department may grant exemptions from~~
730 ~~disqualification from working with children as provided in s.~~
731 ~~435.07.~~

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

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

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

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

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

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755 ~~2. Two members shall be representatives of local law~~
756 ~~enforcement agencies.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

812 (d)4. Enter into ~~With the approval of the department, make~~

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813 ~~and enter into such~~ contracts and agreements with other agencies,
814 organizations, associations, corporations, individuals, or
815 federal agencies as ~~the commission determines~~ are necessary in
816 the execution of its powers or the performance of its duties.

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

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

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

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

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

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

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

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

869 (c) Design, implement, maintain, evaluate, and revise a
870 career development training program, including a competency-based

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871 examination for each training course. Career development courses
872 are intended to prepare personnel for promotion.

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

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

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

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

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

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

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

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900 | ~~commission.~~

901 | (6) SCHOLARSHIPS AND STIPENDS.--

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

922 | (b) The department ~~commission~~ may establish the scholarship
923 | program by rule and implement the program on or after July 1,
924 | 1996.

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

928 | (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK

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929 | MANAGEMENT TRUST FUND.--Pursuant to s. 284.30, the Division of
930 | Risk Management of the Department of Financial Services is
931 | authorized to insure a private agency, individual, or corporation
932 | operating a state-owned training school under a contract to carry
933 | out the purposes and responsibilities of any program of the
934 | department. The coverage authorized herein shall be under the
935 | same general terms and conditions as the department is insured
936 | for its responsibilities under chapter 284.

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

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

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

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

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958 delinquency.

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

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

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

984 (5) Juvenile justice circuit boards and county councils
985 shall advise and assist the department in the evaluation and
986 award of prevention and early intervention grant programs,

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987 including the Community Juvenile Justice Partnership Grant
988 program established in s. 985.676 and proceeds from the Invest in
989 Children license plate annual use fees.

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

999 (7) Membership of the juvenile justice circuit board may
1000 not exceed 18 members, except as provided in subsections (8) and
1001 (9). Members must include the state attorney, the public
1002 defender, and the chief judge of the circuit, or their respective
1003 designees. The remaining 15 members of the board must be
1004 appointed by the county councils within that circuit. The board
1005 where possible must be composed of an equitable number of members
1006 ~~include at least one representative~~ from each county council
1007 within the circuit, taking into account differences in
1008 population. In appointing members to the circuit board, the
1009 county councils must reflect:

- 1010 (a) The circuit's geography and population distribution.
1011 (b) Juvenile justice partners, including, but not limited
1012 to, representatives of law enforcement, the school system, and
1013 the Department of Children and Family Services.
1014 (c) Diversity in the judicial circuit.
1015 (d) Representation from residents of the targeted high-

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1016 crime zip code communities as identified by the department and
1017 based on referral rates within the county.

1018 (8) At any time after the adoption of initial bylaws
1019 pursuant to subsection (12), a juvenile justice circuit board may
1020 revise the bylaws to increase the number of members by not more
1021 than three in order to adequately reflect the diversity of the
1022 population and community organizations or agencies in the
1023 circuit.

1024 (9) If county councils are not formed within a circuit, the
1025 circuit board may establish its membership in accordance with
1026 subsection (10). For juvenile justice circuit boards organized
1027 pursuant to this subsection, the state attorney, public defender,
1028 and chief circuit judge, or their respective designees, shall be
1029 members of the circuit board.

1030 (10) Membership of the juvenile justice county councils, or
1031 juvenile justice circuit boards established under subsection (9),
1032 must include representation from residents of the targeted high-
1033 crime zip code communities as identified by the department and
1034 based on referral rates within the county and may also include
1035 representatives from the following entities:

1036 (a) Representatives from the school district, which may
1037 include elected school board officials, the school
1038 superintendent, school or district administrators, teachers, and
1039 counselors.

1040 (b) Representatives of the board of county commissioners.

1041 (c) Representatives of the governing bodies of local
1042 municipalities within the county.

1043 (d) A representative of the corresponding circuit or
1044 regional entity of the Department of Children and Family

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1045 Services.

1046 (e) Representatives of local law enforcement agencies,
1047 including the sheriff or the sheriff's designee.

1048 (f) Representatives of the judicial system.

1049 (g) Representatives of the business community.

1050 (h) Representatives of other interested officials, groups,
1051 or entities, including, but not limited to, a children's services
1052 council, public or private providers of juvenile justice programs
1053 and services, students, parents, and advocates. Private providers
1054 of juvenile justice programs may not exceed one-third of the
1055 voting membership.

1056 (i) Representatives of the faith community.

1057 (j) Representatives of victim-service programs and victims
1058 of crimes.

1059 (k) Representatives of the Department of Corrections.

1060 (11) Each juvenile justice county council, or juvenile
1061 justice circuit board established under subsection (9), must
1062 provide for the establishment of an executive committee of not
1063 more than 10 members. The duties and authority of the executive
1064 committee must be addressed in the bylaws.

1065 (12) Each juvenile justice circuit board and county council
1066 shall develop bylaws that provide for officers and committees as
1067 the board or council deems necessary and shall specify the
1068 qualifications, method of selection, and term for each office
1069 created. The bylaws shall address at least the following issues:
1070 process for appointments to the board or council; election or
1071 appointment of officers; filling of vacant positions; duration of
1072 member terms; provisions for voting; meeting attendance
1073 requirements; and the establishment and duties of an executive

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1074 committee, if required under subsection (11).

1075 (13) The secretary shall meet at least annually,
1076 individually or collectively, by telephone or in person, with the
1077 chair of the juvenile justice circuit boards and the Children and
1078 Youth Cabinet in order to:

1079 1. Advise juvenile justice circuit board chairs of
1080 statewide juvenile justice issues and activities.

1081 2. Provide and receive comments on prevention and
1082 intervention program budget priorities.

1083 3. Provide and receive comments on the planning process.

1084 4. Discuss program development, program implementation,
1085 quality assurance, and program outcomes.

1086 (14)-(13) Members of juvenile justice circuit boards and
1087 county councils are subject to the provisions of part III of
1088 chapter 112.

1089 (15) Juvenile justice circuit boards and county councils
1090 shall use due diligence in notifying the community of board
1091 vacancies through various community outreach outlets such as
1092 community newspapers, churches, and free public announcements.

1093 Section 18. Section 985.668, Florida Statutes, is amended
1094 to read:

1095 985.668 Innovation zones.--The department shall encourage
1096 each of the juvenile justice circuit boards, in consultation with
1097 the juvenile justice county council within the circuit, to
1098 propose at least one innovation zone within the circuit for the
1099 purpose of implementing any experimental, pilot, or demonstration
1100 project that furthers the legislatively established goals of the
1101 department. An innovation zone is a defined geographic area such
1102 as a circuit, commitment region, county, municipality, service

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1103 | delivery area, school campus, or neighborhood providing a
1104 | laboratory for the research, development, and testing of the
1105 | applicability and efficacy of model programs, policy options, and
1106 | new technologies for the department.

1107 | (1) (a) The juvenile justice circuit board shall submit a
1108 | proposal for an innovation zone to the secretary. If the purpose
1109 | of the proposed innovation zone is to demonstrate that specific
1110 | statutory goals can be achieved more effectively by using
1111 | procedures that require modification of existing rules, policies,
1112 | or procedures, the proposal may request the secretary to waive
1113 | such existing rules, policies, or procedures or to otherwise
1114 | authorize use of alternative procedures or practices. Waivers of
1115 | such existing rules, policies, or procedures must comply with
1116 | applicable state or federal law.

1117 | (b) For innovation zone proposals that the secretary
1118 | determines require changes to state law, the secretary may submit
1119 | a request for a waiver from such laws, together with any proposed
1120 | changes to state law, to the chairs of the appropriate
1121 | legislative committees for consideration.

1122 | (c) For innovation zone proposals that the secretary
1123 | determines require waiver of federal law, the secretary may
1124 | submit a request for such waivers to the applicable federal
1125 | agency.

1126 | (2) An innovation zone project may not have a duration of
1127 | more than 2 years, but the secretary may grant an extension.

1128 | (3) Before implementing an innovation zone under this
1129 | subsection, the secretary shall, in conjunction with the Office
1130 | of Program Policy Analysis and Government Accountability, develop
1131 | measurable and valid objectives for such zone within a negotiated

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1132 reasonable period of time. Moneys designated for an innovation
1133 zone in one operating circuit may not be used to fund an
1134 innovation zone in another operating circuit.

1135 (4) Program models for innovation zone projects include,
1136 but are not limited to:

1137 (a) A forestry alternative work program that provides
1138 selected juvenile offenders an opportunity to serve in a forestry
1139 work program as an alternative to incarceration, in which
1140 offenders assist in wildland firefighting, enhancement of state
1141 land management, environmental enhancement, and land restoration.

1142 (b) A collaborative public/private dropout prevention
1143 partnership that trains personnel from both the public and
1144 private sectors of a target community who are identified and
1145 brought into the school system as an additional resource for
1146 addressing problems which inhibit and retard learning, including
1147 abuse, neglect, financial instability, pregnancy, and substance
1148 abuse.

1149 (c) A support services program that provides economically
1150 disadvantaged youth with support services, jobs, training,
1151 counseling, mentoring, and prepaid postsecondary tuition
1152 scholarships.

1153 (d) A juvenile offender job training program that offers an
1154 opportunity for juvenile offenders to develop educational and job
1155 skills in a 12-month to 18-month nonresidential training program,
1156 teaching the offenders skills such as computer-aided design,
1157 modular panel construction, and heavy vehicle repair and
1158 maintenance which will readily transfer to the private sector,
1159 thereby promoting responsibility and productivity.

1160 (e) An infant mortality prevention program that is designed

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1161 | to discourage unhealthy behaviors such as smoking and alcohol or
1162 | drug consumption, reduce the incidence of babies born prematurely
1163 | or with low birth weight, reduce health care cost by enabling
1164 | babies to be safely discharged earlier from the hospital, reduce
1165 | the incidence of child abuse and neglect, and improve parenting
1166 | and problem-solving skills.

1167 | (f) A regional crime prevention and intervention program
1168 | that serves as an umbrella agency to coordinate and replicate
1169 | existing services to at-risk children, first-time juvenile
1170 | offenders, youth crime victims, and school dropouts.

1171 | (g) An alternative education outreach school program that
1172 | serves delinquent repeat offenders between 14 and 18 years of age
1173 | who have demonstrated failure in school and who are referred by
1174 | the juvenile court.

1175 | (h) A drug treatment and prevention program that provides
1176 | early identification of children with alcohol or drug problems to
1177 | facilitate treatment, comprehensive screening and assessment,
1178 | family involvement, and placement options.

1179 | (i) A community resource mother or father program that
1180 | emphasizes parental responsibility for the behavior of children,
1181 | and requires the availability of counseling services for children
1182 | at high risk for delinquent behavior.

1183 | Section 19. Paragraph (a) of subsection (2) and subsection
1184 | (3) of section 985.676, Florida Statutes, are amended to read:

1185 | 985.676 Community juvenile justice partnership grants.--

1186 | (2) GRANT APPLICATION PROCEDURES.--

1187 | (a) Each entity wishing to apply for an annual community
1188 | juvenile justice partnership grant, which may be renewed ~~for a~~
1189 | ~~maximum of 2 additional years~~ for the same provision of services,

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1190 shall submit a grant proposal for funding or continued funding to
1191 the department. The department shall establish the grant
1192 application procedures. In order to be considered for funding,
1193 the grant proposal shall include the following assurances and
1194 information:

1195 1. A letter from the chair of the juvenile justice circuit
1196 board confirming that the grant application has been reviewed and
1197 found to support one or more purposes or goals of the juvenile
1198 justice plan as developed by the board.

1199 2. A rationale and description of the program and the
1200 services to be provided, including goals and objectives.

1201 3. A method for identification of the juveniles most likely
1202 to be involved in the juvenile justice system who will be the
1203 focus of the program.

1204 4. Provisions for the participation of parents and
1205 guardians in the program.

1206 5. Coordination with other community-based and social
1207 service prevention efforts, including, but not limited to, drug
1208 and alcohol abuse prevention and dropout prevention programs,
1209 that serve the target population or neighborhood.

1210 6. An evaluation component to measure the effectiveness of
1211 the program in accordance with s. 985.632.

1212 7. A program budget, including the amount and sources of
1213 local cash and in-kind resources committed to the budget. The
1214 proposal must establish to the satisfaction of the department
1215 that the entity will make a cash or in-kind contribution to the
1216 program of a value that is at least equal to 20 percent of the
1217 amount of the grant.

1218 8. The necessary program staff.

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1219 (b) The department shall consider the following in awarding
1220 such grants:

1221 1. The recommendations of the juvenile justice county
1222 council as to the priority that should be given to proposals
1223 submitted by entities within a county.

1224 2. The recommendations of the juvenile justice circuit
1225 board as to the priority that should be given to proposals
1226 submitted by entities within a circuit.

1227

1228 As the first priority, the department shall fund applications
1229 that meet the requirements of this section and also fulfill the
1230 local juvenile justice circuit board and county council plans.

1231 (3) RESTRICTIONS.--~~This section does not prevent a program~~
1232 ~~initiated under a community juvenile justice partnership grant~~
1233 ~~established pursuant to this section from continuing to operate~~
1234 ~~beyond the 3-year maximum funding period if it can find other~~
1235 ~~funding sources. Likewise,~~ This section does not restrict the
1236 number of programs an entity may apply for or operate.

1237 Section 20. Section 985.721, Florida Statutes, is amended
1238 to read:

1239 985.721 Escapes from secure detention or residential
1240 commitment facility.--An escape from:

1241 (1) Any secure detention facility maintained for the
1242 temporary detention of children, pending adjudication,
1243 disposition, or placement;

1244 (2) Any residential commitment facility described in s.
1245 985.03(45) ~~s. 985.03(44)~~, maintained for the custody, treatment,
1246 punishment, or rehabilitation of children found to have committed
1247 delinquent acts or violations of law; or

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1248 (3) Lawful transportation to or from any such secure
1249 detention facility or residential commitment facility,

1250
1251 constitutes escape within the intent and meaning of s. 944.40 and
1252 is a felony of the third degree, punishable as provided in s.
1253 775.082, s. 775.083, or s. 775.084.

1254 Section 21. Subsections (1) and (2) of section 1006.13,
1255 Florida Statutes, are amended to read:

1256 1006.13 Policy ~~of zero tolerance~~ for crime and
1257 victimization.--

1258 (1) Each district school board shall adopt a policy ~~of zero~~
1259 ~~tolerance~~ for:

1260 (a) Crime and substance abuse, including the reporting of
1261 delinquent acts and crimes occurring whenever and wherever
1262 students are under the jurisdiction of the district school board.

1263 (b) Victimization of students, including taking all steps
1264 necessary to protect the victim of any violent crime from any
1265 further victimization.

1266 (2) The ~~zero tolerance~~ policy shall require students found
1267 to have committed one of the following serious criminal offenses
1268 to be expelled, with or without continuing educational services,
1269 from the student's regular school for at least ~~a period of not~~
1270 ~~less than~~ 1 full year, and to be referred to the criminal justice
1271 or juvenile justice system.

1272 (a) Bringing a firearm or weapon, as defined in chapter
1273 790, to school, to any school function, or onto any school-
1274 sponsored transportation or possessing a firearm at school.

1275 (b) Making a threat or false report, as defined by ss.
1276 790.162 and 790.163, respectively, involving school or school

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1277 personnel's property, school transportation, or a school-
1278 sponsored activity.

1279

1280 District school boards may assign the student to a disciplinary
1281 program for the purpose of continuing educational services during
1282 the period of expulsion. District school superintendents may
1283 consider the 1-year expulsion requirement on a case-by-case basis
1284 and request the district school board to modify the requirement
1285 by assigning the student to a disciplinary program or second
1286 chance school if the request for modification is in writing and
1287 it is determined to be in the best interest of the student and
1288 the school system. If a student committing any of the offenses in
1289 this subsection is a student with a disability, the district
1290 school board must ~~shall~~ comply with applicable State Board of
1291 Education rules.

1292 Section 22. This act shall take effect July 1, 2008.