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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
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Floor: 1/AD/3R 4/28/2008 3:21 PM	.	Floor: AA 5/2/2008 3:58 PM

1 Senator Crist moved the following **amendment**:

2
3 **Senate Amendment (with title amendment)**

4 Delete everything after the enacting clause
5 and insert:

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

8 29.008 County funding of court-related functions.--

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

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

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

15 790.22 Use of BB guns, air or gas-operated guns, or
16 electric weapons or devices by minor under 16; limitation;
17 possession of firearms by minor under 18 prohibited; penalties.--



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18 (4)

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

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

30 939.185 Assessment of additional court costs and
31 surcharges.--

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

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

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



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

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

57 |
58 | Each county receiving funds under this section shall report the
59 | amount of funds collected pursuant to this section and an
60 | itemized list of expenditures for all authorized programs and
61 | activities. The report shall be submitted in a format developed
62 | by the Supreme Court to the Governor, the Chief Financial
63 | Officer, the President of the Senate, and the Speaker of the
64 | House of Representatives on a quarterly basis beginning with the
65 | quarter ending September 30, 2004. Quarterly reports shall be
66 | submitted no later than 30 days after the end of the quarter. Any
67 | unspent funds at the close of the county fiscal year allocated
68 | under subparagraphs 2., 3., and 4., shall be transferred for use
69 | pursuant to subparagraph 1.

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

72 | 984.05 Rules relating to habitual truants; adoption by
73 | State Board of Education and Department of Juvenile Justice.--The
74 | Department of Juvenile Justice and the State Board of Education
75 | shall work together on the development of, and shall adopt, rules
76 | as necessary for administering ~~the implementation of~~ ss.
77 | 984.03(27), 985.03(26) ~~985.03(25)~~, and 1003.27.



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

80 984.09 Punishment for contempt of court; ~~alternative~~
81 ~~sanctions.~~--

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

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

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

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

105 (b) A child in need of services who has been held in direct
106 contempt or indirect contempt may be placed, for 5 days for a
107 first offense or 15 days for a second or subsequent offense, in a



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

117 ~~(3) ALTERNATIVE SANCTIONS. Each judicial circuit shall~~
118 ~~have an alternative sanctions coordinator who shall serve under~~
119 ~~the chief administrative judge of the juvenile division of the~~
120 ~~circuit court, and who shall coordinate and maintain a spectrum~~
121 ~~of contempt sanction alternatives in conjunction with the circuit~~
122 ~~plan implemented in accordance with s. 790.22(4)(c). Upon~~
123 ~~determining that a child has committed direct contempt of court~~
124 ~~or indirect contempt of a valid court order, the court may~~
125 ~~immediately request the alternative sanctions coordinator to~~
126 ~~recommend the most appropriate available alternative sanction and~~
127 ~~shall order the child to perform up to 50 hours of community-~~
128 ~~service manual labor or a similar alternative sanction, unless an~~
129 ~~alternative sanction is unavailable or inappropriate, or unless~~
130 ~~the child has failed to comply with a prior alternative sanction.~~
131 ~~Alternative contempt sanctions may be provided by local industry~~
132 ~~or by any nonprofit organization or any public or private~~
133 ~~business or service entity that has entered into a contract with~~
134 ~~the Department of Juvenile Justice to act as an agent of the~~
135 ~~state to provide voluntary supervision of children on behalf of~~
136 ~~the state in exchange for the manual labor of children and~~
137 ~~limited immunity in accordance with s. 768.28(11).~~



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138 ~~(3)(4) CHILDREN IN NEED OF SERVICES CONTEMPT OF COURT~~
139 ~~SANCTIONS; PROCEDURE AND DUE PROCESS.--~~

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

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

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

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

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

155 ~~4. Right to confront witnesses.~~

156 ~~5. Right to present witnesses.~~

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

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

159
160 ~~The child's parent or guardian may address the court regarding~~
161 ~~the due process rights of the child. The court shall review the~~
162 ~~placement of the child every 72 hours to determine whether it is~~
163 ~~appropriate for the child to remain in the facility.~~

164 ~~(c) The court may not order that a child be placed in a~~
165 ~~secure facility for punishment for contempt unless the court~~
166 ~~determines that an alternative sanction is inappropriate or~~
167 ~~unavailable or that the child was initially ordered to an~~



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168 ~~alternative sanction and did not comply with the alternative~~
169 ~~sanction. The court is encouraged to order a child to perform~~
170 ~~community service, up to the maximum number of hours, where~~
171 ~~appropriate before ordering that the child be placed in a secure~~
172 ~~facility as punishment for contempt of court.~~

173 ~~(d) In addition to any other sanction imposed under s.~~
174 ~~985.037 this section, the court may direct the Department of~~
175 ~~Highway Safety and Motor Vehicles to withhold issuance of, or~~
176 ~~suspend, a child's driver's license or driving privilege. The~~
177 ~~court may order that a child's driver's license or driving~~
178 ~~privilege be withheld or suspended for up to 1 year for a first~~
179 ~~offense of contempt and up to 2 years for a second or subsequent~~
180 ~~offense. If the child's driver's license or driving privilege is~~
181 ~~suspended or revoked for any reason at the time the sanction for~~
182 ~~contempt is imposed, the court shall extend the period of~~
183 ~~suspension or revocation by the additional period ordered under~~
184 ~~this paragraph. If the child's driver's license is being withheld~~
185 ~~at the time the sanction for contempt is imposed, the period of~~
186 ~~suspension or revocation ordered under this paragraph shall begin~~
187 ~~on the date on which the child is otherwise eligible to drive.~~
188 ~~for a child in need of services whose driver's license or driving~~
189 ~~privilege is suspended under that section this paragraph, the~~
190 ~~court may direct the Department of Highway Safety and Motor~~
191 ~~Vehicles to issue the child a license for driving privileges~~
192 ~~restricted to business or employment purposes only, as defined in~~
193 ~~s. 322.271, or for the purpose of completing court-ordered~~
194 ~~community service, if the child is otherwise qualified for a~~
195 ~~license. However, the department may not issue a restricted~~
196 ~~license unless specifically ordered to do so by the court.~~



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

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

213 985.02 Legislative intent for the juvenile justice
214 system.--

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

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

223 (b) Develop and implement effective programs to prevent
224 delinquency, to divert children from the traditional juvenile
225 justice system, to intervene at an early stage of delinquency,



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226 and to provide critically needed alternatives to
227 institutionalization and deep-end commitment.

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

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

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

237
238 The Legislature intends that detention care, in addition to
239 providing secure and safe custody, will promote the health and
240 well-being of the children committed thereto and provide an
241 environment that fosters their social, emotional, intellectual,
242 and physical development.

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

247 985.03 Definitions.--As used in this chapter, the term:

248 (38) "Ordinary medical care" means medical procedures that
249 are administered or performed on a routine basis and include, but
250 are not limited to, inoculations, physical examinations, remedial
251 treatment for minor illnesses and injuries, preventive services,
252 medication management, chronic disease management, and other
253 medical procedures that are administered or performed on a
254 routine basis and that do not involve hospitalization, surgery,
255 or use of general anesthesia.



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

260 985.037 Punishment for contempt of court; ~~alternative~~
261 ~~sanctions~~.--

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

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

282 ~~(3)(4)~~ CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
283 PROCESS.--



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

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

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

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

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

299 4. Right to confront witnesses.

300 5. Right to present witnesses.

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

302 7. Right to appeal to an appropriate court.

303

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

308 (c) The court may not order that a child be placed in a
309 secure facility for punishment for contempt unless the court
310 determines that an alternative sanction is inappropriate or
311 unavailable or that the child was initially ordered to an
312 alternative sanction and did not comply with the alternative
313 sanction. The court is encouraged to order a child to perform



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314 community service, up to the maximum number of hours, where
315 appropriate before ordering that the child be placed in a secure
316 facility as punishment for contempt of court.

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

332 985.0375 Alternative sanctions.--

333 (1)-(3) ALTERNATIVE SANCTIONS.--Each judicial circuit shall
334 have an alternative sanctions coordinator who shall serve under
335 the chief administrative judge of the juvenile division of the
336 circuit court, and who shall coordinate and maintain a spectrum
337 of contempt sanction alternatives in conjunction with the circuit
338 plan implemented in accordance with s. 790.22(4)(c). Upon
339 determining that a child has committed direct contempt of court
340 or indirect contempt of a valid court order, the court may
341 immediately request the alternative sanctions coordinator to
342 recommend the most appropriate available alternative sanction and
343 shall order the child to perform up to 50 hours of community-



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

354 ~~(2)-(5) ALTERNATIVE SANCTIONS COORDINATOR.--~~There is created
355 the position of alternative sanctions coordinator within each
356 judicial circuit, pursuant to subsection (1) ~~(3)~~. Each
357 alternative sanctions coordinator shall serve under the direction
358 of the chief administrative judge of the juvenile division as
359 directed by the chief judge of the circuit. The alternative
360 sanctions coordinator shall act as the liaison between the
361 judiciary, local department officials, district school board
362 employees, and local law enforcement agencies. The alternative
363 sanctions coordinator shall coordinate within the circuit
364 community-based alternative sanctions, including nonsecure
365 detention programs, community service projects, and other
366 juvenile sanctions, to implement s. 790.22(4) ~~in conjunction with~~
367 ~~the circuit plan implemented in accordance with s. 790.22(4)(c).~~

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

370 985.04 Oaths; records; confidential information.--

371 (1) Except as provided in subsections (2), (3), (6), and
372 (7) and s. 943.053, all information obtained under this chapter
373 in the discharge of official duty by any judge, any employee of



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374 | the court, any authorized agent of the department, the Parole
375 | Commission, the Department of Corrections, the juvenile justice
376 | circuit boards, any law enforcement agent, or any licensed
377 | professional or licensed community agency representative
378 | participating in the assessment or treatment of a juvenile is
379 | confidential and may be disclosed only to the authorized
380 | personnel of the court, the department and its designees, the
381 | Department of Corrections, the Department of Children and Family
382 | Services, the Parole Commission, law enforcement agents, school
383 | superintendents and their designees, any licensed professional or
384 | licensed community agency representative participating in the
385 | assessment or treatment of a juvenile, and others entitled under
386 | this chapter to receive that information, or upon order of the
387 | court. Within each county, the sheriff, the chiefs of police, the
388 | district school superintendent, and the department shall enter
389 | into an interagency agreement for the purpose of sharing
390 | information about juvenile offenders among all parties. The
391 | agreement must specify the conditions under which summary
392 | criminal history information is to be made available to
393 | appropriate school personnel, and the conditions under which
394 | school records are to be made available to appropriate department
395 | personnel. Such agreement shall require notification to any
396 | classroom teacher of assignment to the teacher's classroom of a
397 | juvenile who has been placed in a probation or commitment program
398 | for a felony offense. The agencies entering into such agreement
399 | must comply with s. 943.0525, and must maintain the
400 | confidentiality of information that is otherwise exempt from s.
401 | 119.07(1), as provided by law.

402 | (7) (a) Records in the custody of the department regarding
403 | children are not open to inspection by the public. Such records



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

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

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

427 | 985.245 Risk assessment instrument.--

428 | (2) (a) The risk assessment instrument for detention care
429 | placement determinations and court orders shall be developed by
430 | the department in consultation ~~agreement~~ with a committee
431 | composed of two representatives appointed by ~~the following~~
432 | ~~associations~~; the Conference of Circuit Judges of Florida, the
433 | Prosecuting Attorneys Association, the Public Defenders



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434 Association, the Florida Sheriffs Association, and the Florida
435 Association of Chiefs of Police. Each association shall appoint
436 two individuals, one representing an urban area and one
437 representing a rural area. In addition, the committee shall
438 include two representatives from child advocacy organizations,
439 and two recognized child mental health experts, appointed by the
440 department. The parties involved shall evaluate and revise the
441 risk assessment instrument as is considered necessary using the
442 method for revision as agreed by the parties. The risk assessment
443 instrument shall be evaluated to determine if the instrument
444 contributes to disproportionate minority contact.

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

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



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

466 985.265 Detention transfer and release; education; adult
467 jails.--

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

470 (a) When the child has been transferred or indicted for
471 criminal prosecution as an adult under part X, except that the
472 court may not order or allow a child alleged to have committed a
473 misdemeanor who is being transferred for criminal prosecution
474 pursuant to either s. 985.556 or s. 985.557 to be detained or
475 held in a jail or other facility intended or used for the
476 detention of adults; however, such child may be held temporarily
477 in a detention facility; or

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

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



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493 or more children in the same cell. Under no circumstances shall a
494 child be placed in the same cell with an adult.

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

498 985.601 Administering the juvenile justice continuum.--

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

506 (b) As part of the continuum of services, the department
507 shall adopt rules establishing procedures to provide ordinary
508 medical care, mental health, substance abuse, and developmental
509 disabilities services to youth within the juvenile justice
510 continuum as defined in s. 985.03.

511
512 The department shall coordinate such rulemaking with other
513 affected agencies to avoid duplication, conflict, or
514 inconsistency.

515 (3)

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

521 Section 13. Section 985.606, Florida Statutes, is amended
522 to read:



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523 985.606 Prevention services providers; outcome performance
524 data collection; reporting.--Each state agency or entity that
525 receives or uses state appropriations to fund programs, grants,
526 appropriations, or activities that are designed to prevent
527 juvenile crime, delinquency, gang membership, status offenses, or
528 that are designed to prevent a child from becoming a "child in
529 need of services," as defined in chapter 984, shall collect data
530 relative to the outcomes related to performance of such
531 activities and shall provide said data to the Governor, the
532 President of the Senate, and the Speaker of the House no later
533 than January 31st of each year for the preceding fiscal year.

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

536 985.632 Quality assurance and cost-effectiveness; outcome-
537 based contracting.--

538 (8) To create an accountable juvenile justice system that
539 is outcome-based, the department is authorized to conduct a
540 demonstration project using outcome performance-based contracts.
541 During the 2008-2009 fiscal year, the department shall develop,
542 in consultation with the Department of Financial Services and a
543 provider organization that has multiple sites, an implementation
544 plan for outcome-based contracting. Such a plan shall include
545 interim and long-term outcome performance measures, strategies
546 for using financial incentives and disincentives to increase
547 provider performance, a plan to shift oversight and monitoring of
548 providers from a compliance-based approach to a more outcome-
549 based approach, and recommendations of needed legislative action
550 to implement. This plan shall be submitted to the Executive
551 Office of the Governor, the President of the Senate, and the
552 Speaker of the House of Representatives by March 1, 2009.



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553 Section 15. Section 985.644, Florida Statutes, is amended
554 to read:

555 985.644 Departmental contracting powers; personnel
556 standards and screening.--

557 (1) ~~The department of Juvenile Justice or the Department of~~
558 ~~Children and Family Services, as appropriate,~~ may contract with
559 the Federal Government, other state departments and agencies,
560 county and municipal governments and agencies, public and private
561 agencies, and private individuals and corporations in carrying
562 out the purposes of, and the responsibilities established in,
563 this chapter.

564 (a) When the department ~~of Juvenile Justice or the~~
565 ~~Department of Children and Family Services~~ contracts with a
566 provider for any program for children, all personnel, including
567 owners, operators, employees, and volunteers, in the facility
568 must be of good moral character. Each contract entered into by
569 the either department for services delivered on an appointment or
570 intermittent basis by a provider that does not have regular
571 custodial responsibility for children and each contract with a
572 school for before or aftercare services must ensure that the
573 owners, operators, and all personnel who have direct contact with
574 children are of good moral character. A volunteer who assists on
575 an intermittent basis for less than 40 hours per month need not
576 be screened if the volunteer is under direct and constant
577 supervision by persons who meet the screening requirements.

578 (b) ~~The department of Juvenile Justice and the Department~~
579 ~~of Children and Family Services~~ shall require employment
580 screening pursuant to chapter 435, using the level 2 standards
581 set forth in that chapter for personnel in programs for children
582 or youths.



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583 (c) The department of ~~Juvenile Justice or the Department of~~
584 ~~Children and Family Services~~ may grant exemptions from
585 disqualification from working with children as provided in s.
586 435.07.

587 ~~(2) The department may contract with the Federal~~
588 ~~Government, other state departments and agencies, county and~~
589 ~~municipal governments and agencies, public and private agencies,~~
590 ~~and private individuals and corporations in carrying out the~~
591 ~~purposes and the responsibilities of the delinquency services and~~
592 ~~programs of the department.~~

593 (2)~~(3)~~ The department shall adopt a rule pursuant to
594 ~~chapter 120~~ establishing a procedure to provide notice of policy
595 changes that affect contracted delinquency services and programs.
596 A policy is defined as an operational requirement that applies to
597 only the specified contracted delinquency service or program. The
598 procedure must ~~shall~~ include:

- 599 (a) Public notice of policy development.
- 600 (b) Opportunity for public comment on the proposed policy.
- 601 (c) Assessment for fiscal impact upon the department and
602 providers.
- 603 (d) The department's response to comments received.

604 ~~(4) When the department contracts with a provider for any~~
605 ~~delinquency service or program, all personnel, including all~~
606 ~~owners, operators, employees, and volunteers in the facility or~~
607 ~~providing the service or program shall be of good moral~~
608 ~~character. A volunteer who assists on an intermittent basis for~~
609 ~~less than 40 hours per month is not required to be screened if~~
610 ~~the volunteer is under direct and constant supervision by persons~~
611 ~~who meet the screening requirements.~~



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612 (3)~~(5)~~(a) For any person employed by the department, or by
613 a provider under contract with the department, in delinquency
614 facilities, services, or programs, the department shall require:

615 1. A level 2 employment screening pursuant to chapter 435
616 prior to employment.

617 2. A federal criminal records check by the Federal Bureau
618 of Investigation every 5 years following the date of the person's
619 employment.

620 (b) Except for law enforcement, correctional, and
621 correctional probation officers, to whom s. 943.13(5) applies,
622 the department shall electronically submit to the Department of
623 Law Enforcement:

624 1. Fingerprint information obtained during the employment
625 screening required by subparagraph (a)1.

626 2. Beginning on December 15, 2005, fingerprint information
627 for all persons employed by the department, or by a provider
628 under contract with the department, in delinquency facilities,
629 services, or programs if such fingerprint information has not
630 previously been electronically submitted to the Department of Law
631 Enforcement under this paragraph.

632 (c) All fingerprint information electronically submitted to
633 the Department of Law Enforcement under paragraph (b) shall be
634 retained by the Department of Law Enforcement and entered into
635 the statewide automated fingerprint identification system
636 authorized by s. 943.05(2)(b). Thereafter, such fingerprint
637 information shall be available for all purposes and uses
638 authorized for arrest fingerprint information entered into the
639 statewide automated fingerprint identification system pursuant to
640 s. 943.051 until the fingerprint information is removed under
641 ~~pursuant to~~ paragraph (e). The Department of Law Enforcement



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642 shall search all arrest fingerprint information received pursuant
643 to s. 943.051 against the fingerprint information entered into
644 the statewide automated fingerprint system under ~~pursuant~~ to this
645 subsection. Any arrest records identified as a result of the
646 search shall be reported to the department in the manner and
647 timeframe established by the Department of Law Enforcement by
648 rule.

649 (d) The department shall pay an annual fee to the
650 Department of Law Enforcement for its costs resulting from the
651 fingerprint information retention services required by this
652 subsection. The amount of the annual fee and procedures for the
653 submission and retention of fingerprint information and for the
654 dissemination of search results shall be established by the
655 Department of Law Enforcement by adopting a rule that is
656 applicable to the department individually under ~~pursuant to~~ this
657 subsection or that is applicable to the department and other
658 employing agencies pursuant to rulemaking authority otherwise
659 provided by law.

660 (e) The department shall notify the Department of Law
661 Enforcement when a person whose fingerprint information is
662 retained by the Department of Law Enforcement under this
663 subsection is no longer employed by the department, or by a
664 provider under contract with the department, in a delinquency
665 facility, service, or program. This notice shall be provided by
666 the department to the Department of Law Enforcement no later than
667 6 months after the date of the change in the person's employment
668 status. Fingerprint information for persons identified by the
669 department in the notice shall be removed from the statewide
670 automated fingerprint system.



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671 ~~(6) The department may grant exemptions from~~
672 ~~disqualification from working with children as provided in s.~~
673 ~~435.07.~~

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

676 985.66 Juvenile justice training academies; Juvenile
677 Justice Standards and Training Commission; Juvenile Justice
678 Training Trust Fund.--

679 (2) STAFF DEVELOPMENT AND TRAINING JUVENILE JUSTICE
680 STANDARDS AND TRAINING COMMISSION.--

681 ~~(a) There is created under the Department of Juvenile~~
682 ~~Justice the Juvenile Justice Standards and Training Commission,~~
683 ~~hereinafter referred to as the commission. The 17-member~~
684 ~~commission shall consist of the Attorney General or designee, the~~
685 ~~Commissioner of Education or designee, a member of the juvenile~~
686 ~~court judiciary to be appointed by the Chief Justice of the~~
687 ~~Supreme Court, and 14 members to be appointed by the Secretary of~~
688 ~~Juvenile Justice as follows:~~

689 ~~1. Seven members shall be juvenile justice professionals: a~~
690 ~~superintendent or a direct care staff member from an institution;~~
691 ~~a director from a contracted community based program; a~~
692 ~~superintendent and a direct care staff member from a regional~~
693 ~~detention center or facility; a juvenile probation officer~~
694 ~~supervisor and a juvenile probation officer; and a director of a~~
695 ~~day treatment or conditional release program. No fewer than three~~
696 ~~of these members shall be contract providers.~~

697 ~~2. Two members shall be representatives of local law~~
698 ~~enforcement agencies.~~

699 ~~3. One member shall be an educator from the state's~~
700 ~~university and community college program of criminology, criminal~~



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701 ~~justice administration, social work, psychology, sociology, or~~
702 ~~other field of study pertinent to the training of juvenile~~
703 ~~justice program staff.~~

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

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

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

709 ~~7. One member shall be a representative of the business~~
710 ~~community.~~

711

712 ~~All appointed members shall be appointed to serve terms of 2~~
713 ~~years.~~

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

719 ~~(c) The Department of Juvenile Justice shall provide the~~
720 ~~commission with staff necessary to assist the commission in the~~
721 ~~performance of its duties.~~

722 ~~(d) The commission shall annually elect its chairperson and~~
723 ~~other officers. The commission shall hold at least four regular~~
724 ~~meetings each year at the call of the chairperson or upon the~~
725 ~~written request of three members of the commission. A majority of~~
726 ~~the members of the commission constitutes a quorum. Members of~~
727 ~~the commission shall serve without compensation but are entitled~~
728 ~~to be reimbursed for per diem and travel expenses as provided by~~
729 ~~s. 112.061 and these expenses shall be paid from the Juvenile~~
730 ~~Justice Training Trust Fund.~~



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

733 (a)1. Designate the location of the training academies;
734 develop, implement, maintain, and update the curriculum to be
735 used in the training of delinquency ~~juvenile justice~~ program
736 staff; establish timeframes for participation in and completion
737 of training by delinquency ~~juvenile justice~~ program staff;
738 develop, implement, maintain, and update job-related
739 examinations; develop, implement, and update the types and
740 frequencies of evaluations of the training academies; approve,
741 modify, or disapprove the budget for the training academies, and
742 the contractor to be selected to organize and operate the
743 training academies and to provide the training curriculum.

744 (b)2. Establish uniform minimum job-related training
745 courses and examinations for delinquency ~~juvenile justice~~ program
746 staff.

747 (c)3. Consult and cooperate with the state or any political
748 subdivision; any private entity or contractor; and with private
749 and public universities, colleges, community colleges, and other
750 educational institutions concerning the development of juvenile
751 justice training and programs or courses of instruction,
752 including, but not limited to, education and training in the
753 areas of juvenile justice.

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

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



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761 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The department
762 ~~commission~~ shall establish a certifiable program for juvenile
763 justice training pursuant to this section, and all delinquency
764 ~~department~~ program staff and ~~providers~~ who deliver direct care
765 services ~~pursuant to contract with the department~~ shall be
766 required to participate in and successfully complete the
767 ~~commission~~-approved program of training pertinent to their areas
768 of responsibility. Judges, state attorneys, and public defenders,
769 law enforcement officers, and school district personnel may
770 participate in such training program. For the delinquency
771 ~~juvenile justice~~ program staff, the department ~~commission~~ shall,
772 based on a job-task analysis:

773 (a) Design, implement, maintain, evaluate, and revise a
774 basic training program, including a competency-based examination,
775 for the purpose of providing minimum employment training
776 qualifications for all delinquency program staff ~~juvenile justice~~
777 ~~personnel~~. All delinquency program staff of the department and
778 providers who deliver direct-care services who are hired after
779 October 1, 1999, must meet the following minimum requirements:

- 780 1. Be at least 19 years of age.
- 781 2. Be a high school graduate or its equivalent as
782 determined by the department ~~commission~~.
- 783 3. Not have been convicted of any felony or a misdemeanor
784 involving perjury or a false statement, or have received a
785 dishonorable discharge from any of the Armed Forces of the United
786 States. Any person who, after September 30, 1999, pleads guilty
787 or nolo contendere to or is found guilty of any felony or a
788 misdemeanor involving perjury or false statement is not eligible
789 for employment, notwithstanding suspension of sentence or
790 withholding of adjudication. Notwithstanding this subparagraph,



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791 any person who pled nolo contendere to a misdemeanor involving a
792 false statement before October 1, 1999, and who has had such
793 record of that plea sealed or expunged is not ineligible for
794 employment for that reason.

795 4. Abide by all the provisions of s. 985.644(1) regarding
796 fingerprinting and background investigations and other screening
797 requirements for personnel.

798 5. Execute and submit to the department an affidavit-of-
799 application form, adopted by the department, attesting to his or
800 her compliance with subparagraphs 1.-4. The affidavit must be
801 executed under oath and constitutes an official statement under
802 s. 837.06. The affidavit must include conspicuous language that
803 the intentional false execution of the affidavit constitutes a
804 misdemeanor of the second degree. The employing agency shall
805 retain the affidavit.

806 (b) Design, implement, maintain, evaluate, and revise an
807 advanced training program, including a competency-based
808 examination for each training course, which is intended to
809 enhance knowledge, skills, and abilities related to job
810 performance.

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

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

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



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821 (a) There is created within the State Treasury a Juvenile
822 Justice Training Trust Fund to be used by the Department of
823 Juvenile Justice for the purpose of funding the development and
824 updating of a job-task analysis of delinquency program staff
825 ~~juvenile justice personnel~~; the development, implementation, and
826 updating of job-related training courses and examinations; and
827 the cost of ~~commission-approved~~ juvenile justice training
828 courses; ~~and reimbursement for expenses as provided in s. 112.061~~
829 ~~for members of the commission and staff.~~

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

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

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

839 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING
840 ACADEMIES.--The number, location, and establishment of juvenile
841 justice training academies shall be determined by the department
842 ~~commission~~.

843 (6) SCHOLARSHIPS AND STIPENDS.--

844 (a) By rule, the department ~~commission~~ shall establish
845 criteria to award scholarships or stipends to qualified
846 delinquency program staff ~~juvenile justice personnel~~ who are
847 residents of the state who want to pursue a bachelor's or
848 associate in arts degree in juvenile justice or a related field.
849 The department shall handle the administration of the scholarship
850 or stipend. The Department of Education shall handle the notes



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851 issued for the payment of the scholarships or stipends. All
852 scholarship and stipend awards shall be paid from the Juvenile
853 Justice Training Trust Fund upon vouchers approved by the
854 Department of Education and properly certified by the Chief
855 Financial Officer. Prior to the award of a scholarship or
856 stipend, the delinquency program staff ~~juvenile justice employee~~
857 must agree in writing to practice her or his profession in
858 juvenile justice or a related field for 1 month for each month of
859 grant or to repay the full amount of the scholarship or stipend
860 together with interest at the rate of 5 percent per annum over a
861 period not to exceed 10 years. Repayment shall be made payable to
862 the state for deposit into the Juvenile Justice Training Trust
863 Fund.

864 (b) The department ~~commission~~ may establish the scholarship
865 program by rule and implement the program on or after July 1,
866 1996.

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

870 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
871 MANAGEMENT TRUST FUND.--Pursuant to s. 284.30, the Division of
872 Risk Management of the Department of Financial Services is
873 authorized to insure a private agency, individual, or corporation
874 operating a state-owned training school under a contract to carry
875 out the purposes and responsibilities of any program of the
876 department. The coverage authorized herein shall be under the
877 same general terms and conditions as the department is insured
878 for its responsibilities under chapter 284.

879 (9) As used in this section, the term "delinquency program
880 staff" means supervisory and direct care staff of a delinquency



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881 program as well as support staff who have direct contact with
882 children in a delinquency program that is owned and operated by
883 the department. ~~The Juvenile Justice Standards and Training~~
884 ~~Commission is terminated on June 30, 2001, and such termination~~
885 ~~shall be reviewed by the Legislature prior to that date.~~

886 Section 17. Section 985.664, Florida Statutes, is amended
887 to read:

888 985.664 Juvenile justice circuit boards and juvenile
889 justice county councils.--

890 (1) There is authorized a juvenile justice circuit board to
891 be established in each of the 20 judicial circuits and a juvenile
892 justice county council to be established in each of the 67
893 counties. The purpose of each juvenile justice circuit board and
894 each juvenile justice county council is to provide advice and
895 direction to the department and the Children and Youth Cabinet in
896 the development and implementation of juvenile justice programs
897 and to work collaboratively with the department in seeking
898 program improvements and policy changes to address the emerging
899 and changing needs of Florida's youth who are at risk of
900 delinquency.

901 (2) Each juvenile justice county council shall develop a
902 juvenile justice prevention and early intervention plan for the
903 county and shall collaborate with the circuit board and other
904 county councils assigned to that circuit in the development of a
905 comprehensive plan for the circuit. As part of such plan, each
906 council and board shall make provision for continual monitoring
907 to identify and remedy disproportionate minority contact with the
908 juvenile justice system. The Children and Youth Cabinet shall
909 consider these local plans in implementing s. 402.56(5).



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910 (3) Juvenile justice circuit boards and county councils
911 shall also participate in facilitating interagency cooperation
912 and information sharing with local school authorities, law
913 enforcement agencies, state attorneys, public defenders, judicial
914 entities, local representatives of the department, the Department
915 of Children and Family Services, and faith-based and community-
916 based organizations for the purposes of forwarding the goals of
917 the county or circuit plan. Such interagency collaborations shall
918 specify how the community's entities will cooperate, collaborate,
919 and share information to achieve the goals of the juvenile
920 justice prevention and early intervention plan or the
921 comprehensive plan for the circuit.

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

926 (5) Juvenile justice circuit boards and county councils
927 shall advise and assist the department in the evaluation and
928 award of prevention and early intervention grant programs,
929 including the Community Juvenile Justice Partnership Grant
930 program established in s. 985.676 and proceeds from the Invest in
931 Children license plate annual use fees.

932 (6) Each juvenile justice circuit board shall provide an
933 annual report to the department and to the Children and Youth
934 Cabinet describing the activities of the circuit board and each
935 of the county councils contained within its circuit. Such reports
936 must be agreed upon and signed by each acting chair of the board
937 and council and submitted to the Children and Youth Cabinet
938 through the department secretary or the secretary's designee. The



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939 department may prescribe a format and content requirements for
940 submission of annual reports.

941 (7) Membership of the juvenile justice circuit board may
942 not exceed 18 members, except as provided in subsections (8) and
943 (9). Members must include the state attorney, the public
944 defender, and the chief judge of the circuit, or their respective
945 designees. The remaining 15 members of the board must be
946 appointed by the county councils within that circuit. The board
947 where possible must be composed of an equitable number of members
948 ~~include at least one representative~~ from each county council
949 within the circuit, taking into account differences in
950 population. In appointing members to the circuit board, the
951 county councils must reflect:

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

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

956 (c) Diversity in the judicial circuit.

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

960 (8) At any time after the adoption of initial bylaws
961 pursuant to subsection (12), a juvenile justice circuit board may
962 revise the bylaws to increase the number of members by not more
963 than three in order to adequately reflect the diversity of the
964 population and community organizations or agencies in the
965 circuit.

966 (9) If county councils are not formed within a circuit, the
967 circuit board may establish its membership in accordance with
968 subsection (10). For juvenile justice circuit boards organized



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969 | pursuant to this subsection, the state attorney, public defender,
970 | and chief circuit judge, or their respective designees, shall be
971 | members of the circuit board.

972 | (10) Membership of the juvenile justice county councils, or
973 | juvenile justice circuit boards established under subsection (9),
974 | must include representation from residents of the targeted high-
975 | crime zip code communities as identified by the department and
976 | based on referral rates within the county and may also include
977 | representatives from the following entities:

978 | (a) Representatives from the school district, which may
979 | include elected school board officials, the school
980 | superintendent, school or district administrators, teachers, and
981 | counselors.

982 | (b) Representatives of the board of county commissioners.

983 | (c) Representatives of the governing bodies of local
984 | municipalities within the county.

985 | (d) A representative of the corresponding circuit or
986 | regional entity of the Department of Children and Family
987 | Services.

988 | (e) Representatives of local law enforcement agencies,
989 | including the sheriff or the sheriff's designee.

990 | (f) Representatives of the judicial system.

991 | (g) Representatives of the business community.

992 | (h) Representatives of other interested officials, groups,
993 | or entities, including, but not limited to, a children's services
994 | council, public or private providers of juvenile justice programs
995 | and services, students, parents, and advocates. Private providers
996 | of juvenile justice programs may not exceed one-third of the
997 | voting membership.

998 | (i) Representatives of the faith community.



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999 (j) Representatives of victim-service programs and victims
1000 of crimes.

1001 (k) Representatives of the Department of Corrections.

1002 (11) Each juvenile justice county council, or juvenile
1003 justice circuit board established under subsection (9), must
1004 provide for the establishment of an executive committee of not
1005 more than 10 members. The duties and authority of the executive
1006 committee must be addressed in the bylaws.

1007 (12) Each juvenile justice circuit board and county council
1008 shall develop bylaws that provide for officers and committees as
1009 the board or council deems necessary and shall specify the
1010 qualifications, method of selection, and term for each office
1011 created. The bylaws shall address at least the following issues:
1012 process for appointments to the board or council; election or
1013 appointment of officers; filling of vacant positions; duration of
1014 member terms; provisions for voting; meeting attendance
1015 requirements; and the establishment and duties of an executive
1016 committee, if required under subsection (11).

1017 (13) The secretary shall meet at least annually,
1018 individually or collectively, by telephone or in person, with the
1019 chair of the juvenile justice circuit boards and the Children and
1020 Youth Cabinet in order to:

1021 1. Advise juvenile justice circuit board chairs of
1022 statewide juvenile justice issues and activities.

1023 2. Provide and receive comments on prevention and
1024 intervention program budget priorities.

1025 3. Provide and receive comments on the planning process.

1026 4. Discuss program development, program implementation,
1027 quality assurance, and program outcomes.



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1028 ~~(14)-(13)~~ Members of juvenile justice circuit boards and
1029 county councils are subject to the provisions of part III of
1030 chapter 112.

1031 (15) Juvenile justice circuit boards and county councils
1032 shall use due diligence in notifying the community of board
1033 vacancies through various community outreach outlets such as
1034 community newspapers, churches, and free public announcements.

1035 Section 18. Section 985.668, Florida Statutes, is amended
1036 to read:

1037 985.668 Innovation zones.--The department shall encourage
1038 each of the juvenile justice circuit boards, in consultation with
1039 the juvenile justice county council within the circuit, to
1040 propose at least one innovation zone within the circuit for the
1041 purpose of implementing any experimental, pilot, or demonstration
1042 project that furthers the legislatively established goals of the
1043 department. An innovation zone is a defined geographic area such
1044 as a circuit, commitment region, county, municipality, service
1045 delivery area, school campus, or neighborhood providing a
1046 laboratory for the research, development, and testing of the
1047 applicability and efficacy of model programs, policy options, and
1048 new technologies for the department.

1049 (1) (a) The juvenile justice circuit board shall submit a
1050 proposal for an innovation zone to the secretary. If the purpose
1051 of the proposed innovation zone is to demonstrate that specific
1052 statutory goals can be achieved more effectively by using
1053 procedures that require modification of existing rules, policies,
1054 or procedures, the proposal may request the secretary to waive
1055 such existing rules, policies, or procedures or to otherwise
1056 authorize use of alternative procedures or practices. Waivers of



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1057 such existing rules, policies, or procedures must comply with
1058 applicable state or federal law.

1059 (b) For innovation zone proposals that the secretary
1060 determines require changes to state law, the secretary may submit
1061 a request for a waiver from such laws, together with any proposed
1062 changes to state law, to the chairs of the appropriate
1063 legislative committees for consideration.

1064 (c) For innovation zone proposals that the secretary
1065 determines require waiver of federal law, the secretary may
1066 submit a request for such waivers to the applicable federal
1067 agency.

1068 (2) An innovation zone project may not have a duration of
1069 more than 2 years, but the secretary may grant an extension.

1070 (3) Before implementing an innovation zone under this
1071 subsection, the secretary shall, in conjunction with the Office
1072 of Program Policy Analysis and Government Accountability, develop
1073 measurable and valid objectives for such zone within a negotiated
1074 reasonable period of time. Moneys designated for an innovation
1075 zone in one operating circuit may not be used to fund an
1076 innovation zone in another operating circuit.

1077 (4) Program models for innovation zone projects include,
1078 but are not limited to:

1079 (a) A forestry alternative work program that provides
1080 selected juvenile offenders an opportunity to serve in a forestry
1081 work program as an alternative to incarceration, in which
1082 offenders assist in wildland firefighting, enhancement of state
1083 land management, environmental enhancement, and land restoration.

1084 (b) A collaborative public/private dropout prevention
1085 partnership that trains personnel from both the public and
1086 private sectors of a target community who are identified and



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1087 brought into the school system as an additional resource for
1088 addressing problems which inhibit and retard learning, including
1089 abuse, neglect, financial instability, pregnancy, and substance
1090 abuse.

1091 (c) A support services program that provides economically
1092 disadvantaged youth with support services, jobs, training,
1093 counseling, mentoring, and prepaid postsecondary tuition
1094 scholarships.

1095 (d) A juvenile offender job training program that offers an
1096 opportunity for juvenile offenders to develop educational and job
1097 skills in a 12-month to 18-month nonresidential training program,
1098 teaching the offenders skills such as computer-aided design,
1099 modular panel construction, and heavy vehicle repair and
1100 maintenance which will readily transfer to the private sector,
1101 thereby promoting responsibility and productivity.

1102 (e) An infant mortality prevention program that is designed
1103 to discourage unhealthy behaviors such as smoking and alcohol or
1104 drug consumption, reduce the incidence of babies born prematurely
1105 or with low birth weight, reduce health care cost by enabling
1106 babies to be safely discharged earlier from the hospital, reduce
1107 the incidence of child abuse and neglect, and improve parenting
1108 and problem-solving skills.

1109 (f) A regional crime prevention and intervention program
1110 that serves as an umbrella agency to coordinate and replicate
1111 existing services to at-risk children, first-time juvenile
1112 offenders, youth crime victims, and school dropouts.

1113 (g) An alternative education outreach school program that
1114 serves delinquent repeat offenders between 14 and 18 years of age
1115 who have demonstrated failure in school and who are referred by
1116 the juvenile court.



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1117 (h) A drug treatment and prevention program that provides
1118 early identification of children with alcohol or drug problems to
1119 facilitate treatment, comprehensive screening and assessment,
1120 family involvement, and placement options.

1121 (i) A community resource mother or father program that
1122 emphasizes parental responsibility for the behavior of children,
1123 and requires the availability of counseling services for children
1124 at high risk for delinquent behavior.

1125 Section 19. Paragraph (a) of subsection (2) and subsection
1126 (3) of section 985.676, Florida Statutes, are amended to read:

1127 985.676 Community juvenile justice partnership grants.--

1128 (2) GRANT APPLICATION PROCEDURES.--

1129 (a) Each entity wishing to apply for an annual community
1130 juvenile justice partnership grant, which may be renewed ~~for a~~
1131 ~~maximum of 2 additional years~~ for the same provision of services,
1132 shall submit a grant proposal for funding or continued funding to
1133 the department. The department shall establish the grant
1134 application procedures. In order to be considered for funding,
1135 the grant proposal shall include the following assurances and
1136 information:

1137 1. A letter from the chair of the juvenile justice circuit
1138 board confirming that the grant application has been reviewed and
1139 found to support one or more purposes or goals of the juvenile
1140 justice plan as developed by the board.

1141 2. A rationale and description of the program and the
1142 services to be provided, including goals and objectives.

1143 3. A method for identification of the juveniles most likely
1144 to be involved in the juvenile justice system who will be the
1145 focus of the program.



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1146 4. Provisions for the participation of parents and
1147 guardians in the program.

1148 5. Coordination with other community-based and social
1149 service prevention efforts, including, but not limited to, drug
1150 and alcohol abuse prevention and dropout prevention programs,
1151 that serve the target population or neighborhood.

1152 6. An evaluation component to measure the effectiveness of
1153 the program in accordance with s. 985.632.

1154 7. A program budget, including the amount and sources of
1155 local cash and in-kind resources committed to the budget. The
1156 proposal must establish to the satisfaction of the department
1157 that the entity will make a cash or in-kind contribution to the
1158 program of a value that is at least equal to 20 percent of the
1159 amount of the grant.

1160 8. The necessary program staff.

1161 (b) The department shall consider the following in awarding
1162 such grants:

1163 1. The recommendations of the juvenile justice county
1164 council as to the priority that should be given to proposals
1165 submitted by entities within a county.

1166 2. The recommendations of the juvenile justice circuit
1167 board as to the priority that should be given to proposals
1168 submitted by entities within a circuit.

1169
1170 As the first priority, the department shall fund applications
1171 that meet the requirements of this section and also fulfill the
1172 local juvenile justice circuit board and county council plans.

1173 (3) RESTRICTIONS.--~~This section does not prevent a program~~
1174 ~~initiated under a community juvenile justice partnership grant~~
1175 ~~established pursuant to this section from continuing to operate~~



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1176 ~~beyond the 3-year maximum funding period if it can find other~~
1177 ~~funding sources. Likewise,~~ This section does not restrict the
1178 number of programs an entity may apply for or operate.

1179 Section 20. Section 985.721, Florida Statutes, is amended
1180 to read:

1181 985.721 Escapes from secure detention or residential
1182 commitment facility.--An escape from:

1183 (1) Any secure detention facility maintained for the
1184 temporary detention of children, pending adjudication,
1185 disposition, or placement;

1186 (2) Any residential commitment facility described in s.
1187 985.03(45) ~~s. 985.03(44)~~, maintained for the custody, treatment,
1188 punishment, or rehabilitation of children found to have committed
1189 delinquent acts or violations of law; or

1190 (3) Lawful transportation to or from any such secure
1191 detention facility or residential commitment facility,

1192
1193 constitutes escape within the intent and meaning of s. 944.40 and
1194 is a felony of the third degree, punishable as provided in s.
1195 775.082, s. 775.083, or s. 775.084.

1196 Section 21. Subsections (1) and (2) of section 1006.13,
1197 Florida Statutes, are amended to read:

1198 1006.13 Policy ~~of zero tolerance~~ for crime and
1199 victimization.--

1200 (1) Each district school board shall adopt a policy ~~of zero~~
1201 ~~tolerance~~ for:

1202 (a) Crime and substance abuse, including the reporting of
1203 delinquent acts and crimes occurring whenever and wherever
1204 students are under the jurisdiction of the district school board.



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1205 (b) Victimization of students, including taking all steps
1206 necessary to protect the victim of any violent crime from any
1207 further victimization.

1208 (2) The ~~zero tolerance~~ policy shall require students found
1209 to have committed one of the following serious criminal offenses
1210 to be expelled, with or without continuing educational services,
1211 from the student's regular school for at least ~~a period of not~~
1212 ~~less than~~ 1 full year, and to be referred to the criminal justice
1213 or juvenile justice system.

1214 (a) Bringing a firearm or weapon, as defined in chapter
1215 790, to school, to any school function, or onto any school-
1216 sponsored transportation or possessing a firearm at school.

1217 (b) Making a threat or false report, as defined by ss.
1218 790.162 and 790.163, respectively, involving school or school
1219 personnel's property, school transportation, or a school-
1220 sponsored activity.

1221
1222 District school boards may assign the student to a disciplinary
1223 program for the purpose of continuing educational services during
1224 the period of expulsion. District school superintendents may
1225 consider the 1-year expulsion requirement on a case-by-case basis
1226 and request the district school board to modify the requirement
1227 by assigning the student to a disciplinary program or second
1228 chance school if the request for modification is in writing and
1229 it is determined to be in the best interest of the student and
1230 the school system. If a student committing any of the offenses in
1231 this subsection is a student with a disability, the district
1232 school board must ~~shall~~ comply with applicable State Board of
1233 Education rules.

1234 Section 22. This act shall take effect July 1, 2008.



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1235
1236 ===== T I T L E A M E N D M E N T =====

1237 And the title is amended as follows:

1238 Delete everything before the enacting clause
1239 and insert:

1240 A bill to be entitled
1241 An act relating to juvenile justice; amending s. 29.008,
1242 F.S.; conforming cross-references; amending s. 790.22,
1243 F.S.; revising provisions relating to community service
1244 programs; amending s. 939.185, F.S.; providing diversion
1245 options; amending s. 984.05, F.S., conforming cross-
1246 references; amending s. 984.09, F.S.; deleting duplicative
1247 provisions relating to contempt of court and alternative
1248 sanctions; amending s. 985.02, F.S.; providing diversion
1249 options; amending s. 985.03, F.S.; defining the term
1250 "ordinary medical care"; amending and renumbering
1251 provisions of s. 985.037, F.S., relating to alterative
1252 sanctions; creating s. 985.0375, F.S.; providing for
1253 alternative sanctions; amending s. 985.04, F.S.; providing
1254 that confidential information obtained during an
1255 official's service with juvenile delinquents may be shared
1256 with authorized personnel of the Department of Children
1257 and Family Services; amending s. 985.245, F.S.; providing
1258 for additional representatives to be included on the
1259 committee formed to advise the Department of Juvenile
1260 Justice on the risk assessment instrument; requiring
1261 periodic evaluation of the risk assessment instrument;
1262 amending s. 985.265, F.S.; providing an exception to
1263 required supervision in direct supervision housing;
1264 amending s. 985.601, F.S.; requiring the Department of



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1265 Juvenile Justice to adopt rules to establish procedures to
1266 provide ordinary medical care, mental health, substance
1267 abuse, and developmental disabilities services to youth
1268 within the juvenile justice continuum; requiring that, to
1269 the extent possible within available fiscal resources, the
1270 procedures must be commensurate with procedures that youth
1271 receive in the community; amending s. 985.606, F.S.;
1272 revising provisions governing data collection; amending s.
1273 985.632, F.S.; authorizing the department to conduct a
1274 demonstration project in order to create an accountable
1275 juvenile justice system that is outcome-based; amending s.
1276 985.644, F.S., relating to departmental contracting
1277 powers; removing references to the Department of Children
1278 and Family Services; amending s. 985.66, F.S.;
1279 transferring the responsibility for the juvenile justice
1280 training program from the Juvenile Justice Standards and
1281 Training Commission to the Department of Juvenile Justice;
1282 requiring the department to adopt rules; amending s.
1283 985.664, F.S., relating to the juvenile justice circuit
1284 boards and juvenile justice county councils; providing a
1285 reference to the Children and Youth Cabinet; requiring
1286 that juvenile justice circuit boards and county councils
1287 participate in facilitating interagency cooperation and
1288 information sharing with certain entities; requiring that
1289 such collaborations specify certain information; providing
1290 requirements for the annual reports required to be
1291 submitted by each juvenile justice circuit board; amending
1292 s. 985.668, F.S.; encouraging each juvenile justice
1293 circuit board, in consultation with the juvenile justice
1294 county council, to propose an innovation zone within the



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1295 | circuit; amending s. 985.676, F.S.; including the
1296 | development and implantation of a strategic plan; amending
1297 | s. 985.721, F.S.; conforming a cross-reference; amending
1298 | s. 1006.13, F.S.; removing the reference of zero
1299 | tolerance; providing an effective date.