

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 for specified youth; amending s. 943.053, F.S.;
7 revising provisions relating to dissemination of criminal
8 justice information; amending s. 943.0585, F.S., relating
9 to court-ordered expunction of criminal history records,
10 to revise a reference; amending s. 984.05, F.S.; revising
11 terminology applicable to rules relating to habitual
12 truants; amending s. 984.09, F.S.; deleting duplicative
13 provisions relating to contempt of court and alternative
14 sanctions; amending s. 985.02, F.S.; providing diversion
15 options for specified youth; amending s. 985.03, F.S.;
16 defining the term "ordinary medical care"; amending and
17 redesignating provisions of s. 985.037, F.S.; relating to
18 alterative sanctions; creating s. 985.0375, F.S.;
19 providing for alternative sanctions; amending s. 985.04,
20 F.S.; providing that confidential information obtained
21 during an official's service with juvenile delinquents may
22 be shared with authorized personnel of the Department of
23 Children and Family Services; amending s. 985.245, F.S.;
24 providing additional representatives to the committee
25 developing a risk assessment instrument; providing an
26 additional factor to be considered in a risk assessment
27 instrument; providing for periodic evaluation of risk
28 assessment instruments; amending s. 985.265, F.S.;

29 providing an exception in direct supervision housing for
30 supervision and monitoring of children in a jail or other
31 adult facility; creating s. 985.438, F.S.; providing for
32 commitment alternatives; providing for the Redirection
33 Program; providing eligibility for participation;
34 requiring maintenance of data for program evaluation;
35 amending s. 985.601, F.S.; requiring the Department of
36 Juvenile Justice to adopt rules to establish procedures to
37 provide ordinary medical care, mental health, substance
38 abuse, and developmental disabilities services to youth
39 within the juvenile justice continuum; requiring that
40 certain rulemaking be coordinated with other agencies;
41 requiring counties with non-state-funded delinquency
42 programs for youth to provide diversion options for
43 certain youth in order to participate in a specified
44 delinquency diversion program; amending s. 985.606, F.S.;
45 revising provisions relating to data collection; amending
46 s. 985.632, F.S.; providing for a demonstration project
47 using outcome-based contracts; requiring a report;
48 amending s. 985.644, F.S.; removing the reference to the
49 Department of Children and Family Services as it relates
50 to contracting for certain services; revising provisions
51 relating to the contracting powers of the Department of
52 Juvenile Justice; amending s. 985.66, F.S.; transferring
53 the responsibility for the juvenile justice training
54 program from the Juvenile Justice Standards and Training
55 Commission to the Department of Juvenile Justice;
56 conforming provisions; requiring the department to adopt

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57 | rules; defining the term "delinquency program staff";
58 | amending s. 985.664, F.S.; revising provisions relating to
59 | juvenile justice circuit boards and juvenile justice
60 | county councils to provide references to the Children and
61 | Youth Cabinet; providing additional duties for councils
62 | and boards; revising provisions concerning membership of
63 | boards and councils; requiring the secretary of the
64 | department to meet with the chair of the juvenile justice
65 | circuit boards and the Children and Youth Cabinet at least
66 | annually for specified purposes; amending s. 985.668,
67 | F.S.; including juvenile justice county councils in
68 | provisions relating to innovation zone proposals; amending
69 | s. 985.676, F.S.; deleting a limit on renewals of annual
70 | community juvenile justice partnership grants; providing
71 | priority for funding certain applications; amending s.
72 | 985.721, F.S.; conforming a cross-reference; creating s.
73 | 1006.125, F.S.; requiring referral to law enforcement of
74 | serious criminal offenses; providing for reimbursement of
75 | secure detention costs in certain circumstances; providing
76 | a limit on such reimbursements; amending s. 1006.13, F.S.;
77 | revising provisions relating to school policies concerning
78 | crime and victimization to remove references to zero
79 | tolerance; providing an appropriation; providing effective
80 | dates.

81 |
82 | Be It Enacted by the Legislature of the State of Florida:
83 |

84 Section 1. Paragraph (b) of subsection (3) of section
 85 29.008, Florida Statutes, is amended to read:

86 29.008 County funding of court-related functions.--

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

89 (b) Alternative sanctions coordinators pursuant to s.
 90 985.0375 ~~ss. 984.09 and 985.037.~~

91 Section 2. Paragraph (c) of subsection (4) of section
 92 790.22, Florida Statutes, is amended to read:

93 790.22 Use of BB guns, air or gas-operated guns, or
 94 electric weapons or devices by minor under 16; limitation;
 95 possession of firearms by minor under 18 prohibited;
 96 penalties.--

97 (4)

98 (c) The juvenile justice circuit boards or juvenile
 99 justice county councils or the Department of Juvenile Justice
 100 shall establish appropriate community service programs to be
 101 available as provided in s. 985.0375 ~~to the alternative~~
 102 ~~sanctions coordinators of the circuit courts in implementing~~
 103 ~~this subsection. The boards or councils or department shall~~
 104 ~~propose the implementation of a community service program in~~
 105 ~~each circuit, and may submit a circuit plan, to be implemented~~
 106 ~~upon approval of the circuit alternative sanctions coordinator.~~

107 Section 3. Paragraph (a) of subsection (1) of section
 108 939.185, Florida Statutes, is amended to read:

109 939.185 Assessment of additional court costs and
 110 surcharges.--

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111 (1) (a) The board of county commissioners may adopt by
112 ordinance an additional court cost, not to exceed \$65, to be
113 imposed by the court when a person pleads guilty or nolo
114 contendere to, or is found guilty of, or adjudicated delinquent
115 for, any felony, misdemeanor, delinquent act, or criminal
116 traffic offense under the laws of this state. Such additional
117 assessment shall be accounted for separately by the county in
118 which the offense occurred and be used only in the county
119 imposing this cost, to be allocated as follows:

120 1. Twenty-five percent of the amount collected shall be
121 allocated to fund innovations to supplement state funding for
122 the elements of the state courts system identified in s. 29.004
123 and county funding for local requirements under s.
124 29.008(2)(a)2.

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

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

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

137

138 Each county receiving funds under this section shall report the

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139 amount of funds collected pursuant to this section and an
140 itemized list of expenditures for all authorized programs and
141 activities. The report shall be submitted in a format developed
142 by the Supreme Court to the Governor, the Chief Financial
143 Officer, the President of the Senate, and the Speaker of the
144 House of Representatives on a quarterly basis beginning with the
145 quarter ending September 30, 2004. Quarterly reports shall be
146 submitted no later than 30 days after the end of the quarter.
147 Any unspent funds at the close of the county fiscal year
148 allocated under subparagraphs 2., 3., and 4., shall be
149 transferred for use pursuant to subparagraph 1.

150 Section 4. Effective upon the effective date of HB 7089 or
151 similar legislation, if such legislation becomes law, paragraph
152 (a) of subsection (3) of section 943.053, Florida Statutes, is
153 amended to read:

154 943.053 Dissemination of criminal justice information;
155 fees.--

156 (3)(a)1. Criminal history information, including
157 information relating to minors, compiled by the Criminal Justice
158 Information Program from intrastate sources shall be available
159 on a priority basis to criminal justice agencies for criminal
160 justice purposes free of charge. After providing the program
161 with all known identifying information, persons in the private
162 sector and noncriminal justice agencies may be provided criminal
163 history information upon tender of fees as established in this
164 subsection and in the manner prescribed by rule of the
165 Department of Law Enforcement. Such fees are to offset the cost
166 of producing the record information, including the total cost of

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167 creating, storing, maintaining, updating, retrieving, improving,
168 and providing criminal history information in a centralized,
169 automated database, including personnel, technology, and
170 infrastructure expenses. Any access to criminal history
171 information by the private sector or noncriminal justice
172 agencies as provided in this subsection shall be assessed
173 without regard to the quantity or category of criminal history
174 record information requested. Fees may be waived or reduced by
175 the executive director of the Department of Law Enforcement for
176 good cause shown.

177 3. The subject of a criminal history record which is
178 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
179 of the State Constitution under subparagraph 2. when he or she
180 attains the age of 18 years may thereafter lawfully deny or fail
181 to acknowledge the arrests and dispositions covered by the
182 confidentiality and exemption, except when the subject of the
183 record:

184 a. Is a candidate for employment with a criminal justice
185 agency;

186 b. Is a defendant in a criminal prosecution;

187 c. Petitions for expunction or sealing under s. 943.0585
188 or s. 943.059;

189 d. Is a candidate for admission to The Florida Bar;

190 e. Is seeking to be employed or licensed by or to contract
191 with the Department of Children and Family Services or the
192 Department of Juvenile Justice or to be employed or used by a
193 contractor or licensee of either department in a sensitive
194 position having direct contact with children, the

195 developmentally disabled, the aged, or the elderly as provided
 196 in s. 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.
 197 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
 198 415.103, chapter 916, s. 985.644, chapter 400, or chapter 429;

199 f. Is seeking to be employed or licensed by the Department
 200 of Education, any district school board, any university
 201 laboratory school, any charter school, any private or parochial
 202 school, or any local governmental entity that licenses child
 203 care facilities;

204 g. Is attempting to purchase a firearm from a licensed
 205 importer, licensed manufacturer, or licensed dealer and is
 206 subject to a criminal history background check under state or
 207 federal law; or

208 h. Is seeking authorization from a Florida seaport
 209 identified in s. 311.09 for employment within or access to one
 210 or more of such seaports pursuant to s. 311.12 or s. 311.125.

211 4. Subject to the exceptions in subparagraph 3., a person
 212 whose criminal history record is confidential and exempt from s.
 213 119.07(1) and s. 24(a), Art. I of the State Constitution under
 214 subparagraph 2. when he or she attains the age of 18 years may
 215 not be held under any provision of law of this state to commit
 216 perjury or to be otherwise liable for giving a false statement
 217 by reason of such person's failure to recite or acknowledge the
 218 confidential and exempt criminal history record.

219 Section 5. Paragraph (a) of subsection (4) of section
 220 943.0585, Florida Statutes, is amended to read:

221 943.0585 Court-ordered expunction of criminal history
 222 records.--The courts of this state have jurisdiction over their

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223 own procedures, including the maintenance, expunction, and
224 correction of judicial records containing criminal history
225 information to the extent such procedures are not inconsistent
226 with the conditions, responsibilities, and duties established by
227 this section. Any court of competent jurisdiction may order a
228 criminal justice agency to expunge the criminal history record
229 of a minor or an adult who complies with the requirements of
230 this section. The court shall not order a criminal justice
231 agency to expunge a criminal history record until the person
232 seeking to expunge a criminal history record has applied for and
233 received a certificate of eligibility for expunction pursuant to
234 subsection (2). A criminal history record that relates to a
235 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
236 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
237 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
238 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
239 any violation specified as a predicate offense for registration
240 as a sexual predator pursuant to s. 775.21, without regard to
241 whether that offense alone is sufficient to require such
242 registration, or for registration as a sexual offender pursuant
243 to s. 943.0435, may not be expunged, without regard to whether
244 adjudication was withheld, if the defendant was found guilty of
245 or pled guilty or nolo contendere to the offense, or if the
246 defendant, as a minor, was found to have committed, or pled
247 guilty or nolo contendere to committing, the offense as a
248 delinquent act. The court may only order expunction of a
249 criminal history record pertaining to one arrest or one incident
250 of alleged criminal activity, except as provided in this

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251 section. The court may, at its sole discretion, order the
252 expunction of a criminal history record pertaining to more than
253 one arrest if the additional arrests directly relate to the
254 original arrest. If the court intends to order the expunction of
255 records pertaining to such additional arrests, such intent must
256 be specified in the order. A criminal justice agency may not
257 expunge any record pertaining to such additional arrests if the
258 order to expunge does not articulate the intention of the court
259 to expunge a record pertaining to more than one arrest. This
260 section does not prevent the court from ordering the expunction
261 of only a portion of a criminal history record pertaining to one
262 arrest or one incident of alleged criminal activity.
263 Notwithstanding any law to the contrary, a criminal justice
264 agency may comply with laws, court orders, and official requests
265 of other jurisdictions relating to expunction, correction, or
266 confidential handling of criminal history records or information
267 derived therefrom. This section does not confer any right to the
268 expunction of any criminal history record, and any request for
269 expunction of a criminal history record may be denied at the
270 sole discretion of the court.

271 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
272 criminal history record of a minor or an adult which is ordered
273 expunged by a court of competent jurisdiction pursuant to this
274 section must be physically destroyed or obliterated by any
275 criminal justice agency having custody of such record; except
276 that any criminal history record in the custody of the
277 department must be retained in all cases. A criminal history
278 record ordered expunged that is retained by the department is

279 confidential and exempt from the provisions of s. 119.07(1) and
 280 s. 24(a), Art. I of the State Constitution and not available to
 281 any person or entity except upon order of a court of competent
 282 jurisdiction. A criminal justice agency may retain a notation
 283 indicating compliance with an order to expunge.

284 (a) The person who is the subject of a criminal history
 285 record that is expunged under this section or under other
 286 provisions of law, including s. 943.0515, former s. 893.14,
 287 former s. 901.33, and former s. 943.058, may lawfully deny or
 288 fail to acknowledge the arrests covered by the expunged record,
 289 except when the subject of the record:

- 290 1. Is a candidate for employment with a criminal justice
 291 agency;
- 292 2. Is a defendant in a criminal prosecution;
- 293 3. Concurrently or subsequently petitions for relief under
 294 this section or s. 943.059;
- 295 4. Is a candidate for admission to The Florida Bar;
- 296 5. Is seeking to be employed or licensed by or to contract
 297 with the Department of Children and Family Services or the
 298 Department of Juvenile Justice or to be employed or used by such
 299 contractor or licensee in a sensitive position having direct
 300 contact with children, the developmentally disabled, the aged,
 301 or the elderly as provided in s. 110.1127(3), s. 393.063, s.
 302 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.
 303 409.175(2)(i), s. 415.102(4), chapter 916, s. 985.644, chapter
 304 400, or chapter 429;
- 305 6. Is seeking to be employed or licensed by the Department
 306 of Education, any district school board, any university

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307 laboratory school, any charter school, any private or parochial
 308 school, or any local governmental entity that licenses child
 309 care facilities; or

310 7. Is seeking authorization from a Florida seaport
 311 identified in s. 311.09 for employment within or access to one
 312 or more of such seaports pursuant to s. 311.12 or s. 311.125.

313 Section 6. Section 984.05, Florida Statutes, is amended to
 314 read:

315 984.05 Rules relating to habitual truants; adoption by
 316 State Board of Education and Department of Juvenile
 317 Justice.--The Department of Juvenile Justice and the State Board
 318 of Education shall work together on the development of, and
 319 shall adopt, rules as necessary for administering the
 320 ~~implementation of~~ ss. 984.03(27), 985.03(25), and 1003.27.

321 Section 7. Section 984.09, Florida Statutes, is amended to
 322 read:

323 984.09 Punishment for contempt of court; ~~alternative~~
 324 ~~sanctions~~.--

325 (1) CONTEMPT OF COURT, ~~LEGISLATIVE INTENT~~.--Except as
 326 otherwise provided in this section, the court may punish any
 327 child for contempt for interfering with the court or with court
 328 administration, or for violating any provision of this chapter
 329 or order of the court relative thereto as provided in s.
 330 985.037. ~~It is the intent of the Legislature that the court~~
 331 ~~restrict and limit the use of contempt powers with respect to~~
 332 ~~commitment of a child to a secure facility. A child who commits~~
 333 ~~direct contempt of court or indirect contempt of a valid court~~
 334 ~~order may be taken into custody and ordered to serve an~~

335 ~~alternative sanction or placed in a secure facility, as~~
 336 ~~authorized in this section, by order of the court.~~

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

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

343 ~~(a)~~ A delinquent child who has been held in direct or
 344 indirect contempt may be placed in a secure detention facility
 345 ~~for 5 days for a first offense or 15 days for a second or~~
 346 ~~subsequent offense,~~ or in a secure residential commitment
 347 facility.

348 (b) A child in need of services who has been held in
 349 direct contempt or indirect contempt may be placed, for 5 days
 350 for a first offense or 15 days for a second or subsequent
 351 offense, in a staff-secure shelter or a staff-secure residential
 352 facility solely for children in need of services if such
 353 placement is available, or, if such placement is not available,
 354 the child may be placed in an appropriate mental health facility
 355 or substance abuse facility for assessment. In addition to
 356 disposition under this paragraph, a child in need of services
 357 who is held in direct contempt or indirect contempt may be
 358 placed in a physically secure setting as provided under s.
 359 984.226 if conditions of eligibility are met.

360 ~~(3) ALTERNATIVE SANCTIONS.~~ Each judicial circuit shall
 361 ~~have an alternative sanctions coordinator who shall serve under~~
 362 ~~the chief administrative judge of the juvenile division of the~~

363 ~~ircuit court, and who shall coordinate and maintain a spectrum~~
 364 ~~of contempt sanction alternatives in conjunction with the~~
 365 ~~ircuit plan implemented in accordance with s. 790.22(4)(c).~~
 366 ~~Upon determining that a child has committed direct contempt of~~
 367 ~~court or indirect contempt of a valid court order, the court may~~
 368 ~~immediately request the alternative sanctions coordinator to~~
 369 ~~recommend the most appropriate available alternative sanction~~
 370 ~~and shall order the child to perform up to 50 hours of~~
 371 ~~community service manual labor or a similar alternative~~
 372 ~~sanction, unless an alternative sanction is unavailable or~~
 373 ~~inappropriate, or unless the child has failed to comply with a~~
 374 ~~prior alternative sanction. Alternative contempt sanctions may~~
 375 ~~be provided by local industry or by any nonprofit organization~~
 376 ~~or any public or private business or service entity that has~~
 377 ~~entered into a contract with the Department of Juvenile Justice~~
 378 ~~to act as an agent of the state to provide voluntary supervision~~
 379 ~~of children on behalf of the state in exchange for the manual~~
 380 ~~labor of children and limited immunity in accordance with s.~~
 381 ~~768.28(11).~~

382 ~~(3)(4) CHILDREN IN NEED OF SERVICES CONTEMPT OF COURT~~
 383 ~~SANCTIONS; PROCEDURE AND DUE PROCESS. --~~

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

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

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

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

394 ~~2. Right to an explanation of the nature and the~~
395 ~~consequences of the proceedings.~~

396 ~~3. Right to legal counsel and the right to have legal~~
397 ~~counsel appointed by the court if the juvenile is indigent,~~
398 ~~pursuant to s. 985.033.~~

399 ~~4. Right to confront witnesses.~~

400 ~~5. Right to present witnesses.~~

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

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

403

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

408 ~~(c) The court may not order that a child be placed in a~~
409 ~~secure facility for punishment for contempt unless the court~~
410 ~~determines that an alternative sanction is inappropriate or~~
411 ~~unavailable or that the child was initially ordered to an~~
412 ~~alternative sanction and did not comply with the alternative~~
413 ~~sanction. The court is encouraged to order a child to perform~~
414 ~~community service, up to the maximum number of hours, where~~
415 ~~appropriate before ordering that the child be placed in a secure~~
416 ~~facility as punishment for contempt of court.~~

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417 ~~(d)~~ In addition to any other sanction imposed under s.
418 985.037 ~~this section, the court may direct the Department of~~
419 ~~Highway Safety and Motor Vehicles to withhold issuance of, or~~
420 ~~suspend, a child's driver's license or driving privilege. The~~
421 ~~court may order that a child's driver's license or driving~~
422 ~~privilege be withheld or suspended for up to 1 year for a first~~
423 ~~offense of contempt and up to 2 years for a second or subsequent~~
424 ~~offense. If the child's driver's license or driving privilege is~~
425 ~~suspended or revoked for any reason at the time the sanction for~~
426 ~~contempt is imposed, the court shall extend the period of~~
427 ~~suspension or revocation by the additional period ordered under~~
428 ~~this paragraph. If the child's driver's license is being~~
429 ~~withheld at the time the sanction for contempt is imposed, the~~
430 ~~period of suspension or revocation ordered under this paragraph~~
431 ~~shall begin on the date on which the child is otherwise eligible~~
432 ~~to drive. for a child in need of services whose driver's license~~
433 ~~or driving privilege is suspended under that section ~~this~~~~
434 ~~paragraph,~~ the court may direct the Department of Highway Safety
435 and Motor Vehicles to issue the child a license for driving
436 privileges restricted to business or employment purposes only,
437 as defined in s. 322.271, or for the purpose of completing
438 court-ordered community service, if the child is otherwise
439 qualified for a license. However, the department may not issue a
440 restricted license unless specifically ordered to do so by the
441 court.

442 ~~(5) ALTERNATIVE SANCTIONS COORDINATOR. There is created~~
443 ~~the position of alternative sanctions coordinator within each~~
444 ~~judicial circuit, pursuant to subsection (3). Each alternative~~

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445 ~~sanctions coordinator shall serve under the direction of the~~
446 ~~chief administrative judge of the juvenile division as directed~~
447 ~~by the chief judge of the circuit. The alternative sanctions~~
448 ~~coordinator shall act as the liaison between the judiciary,~~
449 ~~local department officials, district school board employees, and~~
450 ~~local law enforcement agencies. The alternative sanctions~~
451 ~~coordinator shall coordinate within the circuit community based~~
452 ~~alternative sanctions, including nonsecure detention programs,~~
453 ~~community service projects, and other juvenile sanctions, in~~
454 ~~conjunction with the circuit plan implemented in accordance with~~
455 ~~s. 790.22(4)(c).~~

456 Section 8. Paragraph (e) is added to subsection (3) of
457 section 985.02, Florida Statutes, to read:

458 985.02 Legislative intent for the juvenile justice
459 system.--

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

464 (e) Encourage and promote diversion options when
465 appropriate, especially for first-time misdemeanant youth or
466 youth age 10 or younger.

467
468 The Legislature intends that detention care, in addition to
469 providing secure and safe custody, will promote the health and
470 well-being of the children committed thereto and provide an
471 environment that fosters their social, emotional, intellectual,
472 and physical development.

473 Section 9. Subsections (39) through (57) of section
 474 985.03, Florida Statutes, are redesignated as subsections (40)
 475 through (58), respectively, and a new subsection (39) is added
 476 to that section to read:

477 985.03 Definitions.--As used in this chapter, the term:
 478 (39) "Ordinary medical care" means medical procedures
 479 which are administered or performed on a routine basis and
 480 include, but are not limited to, inoculations, physical
 481 examinations, remedial treatment for minor illnesses and
 482 injuries, preventive services, medication management, chronic
 483 disease management, and other medical procedures that are
 484 administered or performed on a routine basis and that do not
 485 involve hospitalization, surgery, or use of general anesthesia.

486 Section 10. Subsections (1), (2), and (4) of section
 487 985.037, Florida Statutes, are amended, and subsections (3) and
 488 (5) of that section are redesignated as subsections (1) and (2)
 489 of section 985.0375, Florida Statutes, and amended to read:

490 985.037 Punishment for contempt of court;~~alternative~~
 491 ~~sanctions~~.--

492 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.--The court may
 493 punish any child for contempt for interfering with the court or
 494 with court administration, or for violating any provision of
 495 this chapter or order of the court relative thereto. It is the
 496 intent of the Legislature that the court restrict and limit the
 497 use of contempt powers with respect to commitment of a child to
 498 a secure facility. A child who commits direct contempt of court
 499 or indirect contempt of a valid court order may be taken into
 500 custody and ordered to serve an alternative sanction or placed

501 in a secure facility, as authorized in this section, by order of
 502 the court.

503 (2) PLACEMENT IN A SECURE FACILITY.--A child may be placed
 504 in a secure facility for purposes of punishment for contempt of
 505 court if alternative sanctions are unavailable or inappropriate,
 506 or if the child has already been ordered to serve an alternative
 507 sanction but failed to comply with the sanction. A delinquent
 508 child who has been held in direct or indirect contempt may be
 509 placed in a secure detention facility not to exceed 5 days for a
 510 first offense and not to exceed 15 days for a second or
 511 subsequent offense.

512 (3)~~(4)~~ CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
 513 PROCESS.--

514 (a) If a child is charged with direct contempt of court,
 515 including traffic court, the court may impose an authorized
 516 sanction immediately.

517 (b) If a child is charged with indirect contempt of court,
 518 the court must hold a hearing within 24 hours to determine
 519 whether the child committed indirect contempt of a valid court
 520 order. At the hearing, the following due process rights must be
 521 provided to the child:

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

524 2. Right to an explanation of the nature and the
 525 consequences of the proceedings.

526 3. Right to legal counsel and the right to have legal
 527 counsel appointed by the court if the juvenile is indigent,
 528 under s. 985.033.

- 529 4. Right to confront witnesses.
- 530 5. Right to present witnesses.
- 531 6. Right to have a transcript or record of the proceeding.
- 532 7. Right to appeal to an appropriate court.

533

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

538 (c) The court may not order that a child be placed in a
 539 secure facility for punishment for contempt unless the court
 540 determines that an alternative sanction is inappropriate or
 541 unavailable or that the child was initially ordered to an
 542 alternative sanction and did not comply with the alternative
 543 sanction. The court is encouraged to order a child to perform
 544 community service, up to the maximum number of hours, where
 545 appropriate before ordering that the child be placed in a secure
 546 facility as punishment for contempt of court.

547 (d) In addition to any other sanction imposed under this
 548 section, the court may direct the Department of Highway Safety
 549 and Motor Vehicles to withhold issuance of, or suspend, a
 550 child's driver's license or driving privilege. The court may
 551 order that a child's driver's license or driving privilege be
 552 withheld or suspended for up to 1 year for a first offense of
 553 contempt and up to 2 years for a second or subsequent offense.
 554 If the child's driver's license or driving privilege is
 555 suspended or revoked for any reason at the time the sanction for
 556 contempt is imposed, the court shall extend the period of

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557 suspension or revocation by the additional period ordered under
558 this paragraph. If the child's driver's license is being
559 withheld at the time the sanction for contempt is imposed, the
560 period of suspension or revocation ordered under this paragraph
561 shall begin on the date on which the child is otherwise eligible
562 to drive.

563 985.0375 Alternative sanctions.--

564 (1)(3) ALTERNATIVE SANCTIONS.—Each judicial circuit shall
565 have an alternative sanctions coordinator who shall serve under
566 the chief administrative judge of the juvenile division of the
567 circuit court, and who shall coordinate and maintain a spectrum
568 of contempt sanction alternatives in conjunction with the
569 circuit plan implemented in accordance with s. 790.22(4)(c).
570 Upon determining that a child has committed direct contempt of
571 court or indirect contempt of a valid court order, the court may
572 immediately request the alternative sanctions coordinator to
573 recommend the most appropriate available alternative sanction
574 and shall order the child to perform up to 50 hours of
575 community-service manual labor or a similar alternative
576 sanction, unless an alternative sanction is unavailable or
577 inappropriate, or unless the child has failed to comply with a
578 prior alternative sanction. Alternative contempt sanctions may
579 be provided by local industry or by any nonprofit organization
580 or any public or private business or service entity that has
581 entered into a contract with the department of ~~Juvenile Justice~~
582 to act as an agent of the state to provide voluntary supervision
583 of children on behalf of the state in exchange for the manual

584 labor of children and limited immunity in accordance with s.
 585 768.28(11).

586 (2)~~(5)~~ ~~ALTERNATIVE SANCTIONS COORDINATOR.~~ There is
 587 created the position of alternative sanctions coordinator within
 588 each judicial circuit, pursuant to subsection (1)~~(3)~~. Each
 589 alternative sanctions coordinator shall serve under the
 590 direction of the chief administrative judge of the juvenile
 591 division as directed by the chief judge of the circuit. The
 592 alternative sanctions coordinator shall act as the liaison
 593 between the judiciary, local department officials, district
 594 school board employees, and local law enforcement agencies. The
 595 alternative sanctions coordinator shall coordinate within the
 596 circuit community-based alternative sanctions, including
 597 nonsecure detention programs, community service projects, and
 598 other juvenile sanctions, to implement s. 790.22(4) ~~in~~
 599 ~~conjunction with the circuit plan implemented in accordance with~~
 600 ~~s. 790.22(4)(c).~~

601 Section 11. Subsections (1) and (7) of section 985.04,
 602 Florida Statutes, are amended to read:

603 985.04 Oaths; records; confidential information.--

604 (1) Except as provided in subsections (2), (3), (6), and
 605 (7) and s. 943.053, all information obtained under this chapter
 606 in the discharge of official duty by any judge, any employee of
 607 the court, any authorized agent of the department, the Parole
 608 Commission, the Department of Corrections, the juvenile justice
 609 circuit boards, any law enforcement agent, or any licensed
 610 professional or licensed community agency representative
 611 participating in the assessment or treatment of a juvenile is

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612 confidential and may be disclosed only to the authorized
613 personnel of the court, the department and its designees, the
614 Department of Corrections, the Department of Children and Family
615 Services, the Parole Commission, law enforcement agents, school
616 superintendents and their designees, any licensed professional
617 or licensed community agency representative participating in the
618 assessment or treatment of a juvenile, and others entitled under
619 this chapter to receive that information, or upon order of the
620 court. Within each county, the sheriff, the chiefs of police,
621 the district school superintendent, and the department shall
622 enter into an interagency agreement for the purpose of sharing
623 information about juvenile offenders among all parties. The
624 agreement must specify the conditions under which summary
625 criminal history information is to be made available to
626 appropriate school personnel, and the conditions under which
627 school records are to be made available to appropriate
628 department personnel. Such agreement shall require notification
629 to any classroom teacher of assignment to the teacher's
630 classroom of a juvenile who has been placed in a probation or
631 commitment program for a felony offense. The agencies entering
632 into such agreement must comply with s. 943.0525, and must
633 maintain the confidentiality of information that is otherwise
634 exempt from s. 119.07(1), as provided by law.

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

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640 disposition as the secretary or his or her authorized agent
641 deems proper. The information in such records may be disclosed
642 only to other employees of the department who have a need
643 therefor in order to perform their official duties; to other
644 persons as authorized by rule of the department; and, upon
645 request, to the Department of Corrections and the Department of
646 Children and Family Services. The secretary or his or her
647 authorized agent may permit properly qualified persons to
648 inspect and make abstracts from records for statistical purposes
649 under whatever conditions upon their use and disposition the
650 secretary or his or her authorized agent deems proper, provided
651 adequate assurances are given that children's names and other
652 identifying information will not be disclosed by the applicant.

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

658 Section 12. Subsection (2) of section 985.245, Florida
659 Statutes, is amended to read:

660 985.245 Risk assessment instrument.--

661 (2)(a) The risk assessment instrument for detention care
662 placement determinations and court orders shall be developed by
663 the department in consultation ~~agreement~~ with a committee
664 composed of two representatives appointed by ~~the following~~
665 ~~associations~~; the Conference of Circuit Judges of Florida, the
666 Prosecuting Attorneys Association, the Public Defenders
667 Association, the Florida Sheriffs Association, and the Florida

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668 Association of Chiefs of Police. Each association shall appoint
669 two individuals, one representing an urban area and one
670 representing a rural area. In addition, the committee shall
671 include two representatives from child advocacy organizations,
672 and two recognized child mental health experts, appointed by the
673 department. The parties involved shall evaluate and revise the
674 risk assessment instrument as is considered necessary using the
675 method for revision as agreed by the parties. The risk
676 assessment instrument shall be evaluated to determine if the
677 instrument contributes to disproportionate minority contact.

678 (b) The risk assessment instrument shall take into
679 consideration, but need not be limited to, prior history of
680 failure to appear, prior offenses, prior history of residential
681 delinquency commitments, offenses committed pending
682 adjudication, any unlawful possession of a firearm, theft of a
683 motor vehicle or possession of a stolen motor vehicle, and
684 probation status at the time the child is taken into custody.
685 The risk assessment instrument shall also take into
686 consideration appropriate aggravating and mitigating
687 circumstances, and shall be designed to target a narrower
688 population of children than s. 985.255. The risk assessment
689 instrument shall also include any information concerning the
690 child's history of abuse and neglect. The risk assessment shall
691 indicate whether detention care is warranted, and, if detention
692 care is warranted, whether the child should be placed into
693 secure, nonsecure, or home detention care.

694 (c) Any risk assessment instrument used for detention care
695 placement determinations and court orders shall be validated not

696 later than December 31, 2008, and periodically evaluated
 697 thereafter for continued validity.

698 Section 13. Subsection (5) of section 985.265, Florida
 699 Statutes, is amended to read:

700 985.265 Detention transfer and release; education; adult
 701 jails.--

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

705 (a) When the child has been transferred or indicted for
 706 criminal prosecution as an adult under part X, except that the
 707 court may not order or allow a child alleged to have committed a
 708 misdemeanor who is being transferred for criminal prosecution
 709 pursuant to either s. 985.556 or s. 985.557 to be detained or
 710 held in a jail or other facility intended or used for the
 711 detention of adults; however, such child may be held temporarily
 712 in a detention facility; or

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

715
 716 The child shall be housed separately from adult inmates to
 717 prohibit a child from having regular contact with incarcerated
 718 adults, including trustees. "Regular contact" means sight and
 719 sound contact. Separation of children from adults shall permit
 720 no more than haphazard or accidental contact. The receiving jail
 721 or other facility shall contain a separate section for children
 722 and shall have an adequate staff to supervise and monitor the
 723 child's activities at all times. Supervision and monitoring of

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

731 Section 14. Section 985.438, Florida Statutes, is created
732 to read:

733 985.438 Commitment alternatives; Redirection Program.--

734 (1) The Redirection Program is created for the purpose of
735 providing an alternative to residential commitment for eligible
736 youth that would otherwise be committed to a residential
737 program. Under this program, eligible youth may be diverted or
738 redirected to a therapy-based community program when
739 appropriate. The department, in conjunction with the chief judge
740 and the state attorney in each participating judicial circuit,
741 shall develop criteria to identify those eligible youth that are
742 appropriate for participation in the program. Eligible youth
743 shall include youth that:

744 (a) Have been adjudicated delinquent, or have had
745 adjudication withheld, for a non-law violation such as a
746 violation of a condition of probation; or

747 (b) Have been adjudicated delinquent, or have had
748 adjudication withheld, for a nonviolent felony, other than a
749 first degree felony or any felony direct-filed in adult court,
750 except that a female adjudicated delinquent, or with
751 adjudication withheld, for domestic violence shall be considered

752 eligible.

753 (2) The Redirection Program must provide evidence-based
 754 multisystemic therapy and functional family therapy, except that
 755 treatment services shall be functional family therapy for youth
 756 for whom these services are appropriate.

757 (3) The department shall maintain the data necessary for
 758 continued longitudinal evaluations of the program, including
 759 those relating to program expansion and program effectiveness.

760 Section 15. Subsection (2) of section 985.601, Florida
 761 Statutes, is amended, and paragraph (e) is added to subsection
 762 (3) of that section, to read:

763 985.601 Administering the juvenile justice continuum.--

764 (2)(a) The department shall develop and implement an
 765 appropriate continuum of care that provides individualized,
 766 multidisciplinary assessments, objective evaluations of relative
 767 risks, and the matching of needs with placements for all
 768 children under its care, and that uses a system of case
 769 management to facilitate each child being appropriately
 770 assessed, provided with services, and placed in a program that
 771 meets the child's needs.

772 (b) As part of the continuum of services, the department
 773 shall adopt rules establishing procedures to provide ordinary
 774 medical care, mental health, substance abuse, and developmental
 775 disabilities services to youth within the juvenile justice
 776 continuum as defined in s. 985.03. The department shall
 777 coordinate such rulemaking with other affected agencies to avoid
 778 duplication, conflict, or inconsistency.

779 (3)

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780 (e) In order to be eligible to participate in the state-
781 funded Intensive Delinquency Diversion Services Program,
782 counties with non-state-funded delinquency programs for youth
783 must include diversion options for first-time misdemeanant youth
784 or youth 10 years of age 10 or younger, unless otherwise
785 prohibited.

786 Section 16. Section 985.606, Florida Statutes, is amended
787 to read:

788 985.606 Prevention services providers; outcome ~~performance~~
789 data collection; reporting.--Each state agency or entity that
790 receives or uses state appropriations to fund programs, grants,
791 appropriations, or activities that are designed to prevent
792 juvenile crime, delinquency, gang membership, status offenses,
793 or that are designed to prevent a child from becoming a "child
794 in need of services," as defined in chapter 984, shall collect
795 data relative to the outcomes related to ~~performance of~~ such
796 activities and shall provide said data to the Governor, the
797 President of the Senate, and the Speaker of the House no later
798 than January 31st of each year for the preceding fiscal year.

799 Section 17. Subsection (8) is added to section 985.632,
800 Florida Statutes, to read:

801 985.632 Quality assurance and cost-effectiveness; outcome-
802 based contracting.--

803 (8) To create an accountable juvenile justice system that
804 is outcome-based, the department is authorized to conduct a
805 demonstration project using outcome-based contracts. During
806 fiscal year 2008-2009, the department shall develop, in
807 consultation with the Department of Financial Services and a

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808 provider organization with multiple sites, an implementation
 809 plan for outcome-based contracting. Such a plan shall include
 810 interim and long-term outcome performance measures, strategies
 811 for using financial incentives and disincentives to increase
 812 provider performance, a plan to shift oversight and monitoring
 813 of providers from a compliance-based approach to a more outcome-
 814 based approach, and recommendations of needed legislative action
 815 for implementation. This plan shall be submitted to the
 816 Executive Office of the Governor, the Speaker of the House of
 817 Representatives, and the President of the Senate no later than
 818 March 1, 2009.

819 Section 18. Section 985.644, Florida Statutes, is amended
 820 to read:

821 985.644 Departmental contracting powers; personnel
 822 standards and screening.--

823 (1) ~~The department of Juvenile Justice or the Department~~
 824 ~~of Children and Family Services, as appropriate,~~ may contract
 825 with the Federal Government, other state departments and
 826 agencies, county and municipal governments and agencies, public
 827 and private agencies, and private individuals and corporations
 828 in carrying out the purposes of, and the responsibilities
 829 established in, this chapter.

830 (a) When the department ~~of Juvenile Justice or the~~
 831 ~~Department of Children and Family Services~~ contracts with a
 832 provider for any program for children, all personnel, including
 833 owners, operators, employees, and volunteers, in the facility
 834 must be of good moral character. Each contract entered into by
 835 the either department for services delivered on an appointment

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836 or intermittent basis by a provider that does not have regular
837 custodial responsibility for children and each contract with a
838 school for before or aftercare services must ensure that the
839 owners, operators, and all personnel who have direct contact
840 with children are of good moral character. A volunteer who
841 assists on an intermittent basis for less than 40 hours per
842 month need not be screened if the volunteer is under direct and
843 constant supervision by persons who meet the screening
844 requirements.

845 (b) ~~The department of Juvenile Justice and the Department~~
846 ~~of Children and Family Services~~ shall require employment
847 screening pursuant to chapter 435, using the level 2 standards
848 set forth in that chapter for personnel in programs for children
849 or youths.

850 (c) ~~The department of Juvenile Justice or the Department~~
851 ~~of Children and Family Services~~ may grant exemptions from
852 disqualification from working with children as provided in s.
853 435.07.

854 ~~(2) The department may contract with the Federal~~
855 ~~Government, other state departments and agencies, county and~~
856 ~~municipal governments and agencies, public and private agencies,~~
857 ~~and private individuals and corporations in carrying out the~~
858 ~~purposes and the responsibilities of the delinquency services~~
859 ~~and programs of the department.~~

860 (2)~~(3)~~ The department shall adopt a rule pursuant to
861 ~~chapter 120~~ establishing a procedure to provide notice of policy
862 changes that affect contracted delinquency services and
863 programs. A policy is defined as an operational requirement that

864 applies to only the specified contracted delinquency service or
 865 program. The procedure must ~~shall~~ include:

- 866 (a) Public notice of policy development.
- 867 (b) Opportunity for public comment on the proposed policy.
- 868 (c) Assessment for fiscal impact upon the department and
 869 providers.
- 870 (d) The department's response to comments received.

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

879 (3) ~~(5)~~ (a) For any person employed by the department, or by
 880 a provider under contract with the department, in delinquency
 881 facilities, services, or programs, the department shall require:

- 882 1. A level 2 employment screening pursuant to chapter 435
 883 prior to employment.
- 884 2. A federal criminal records check by the Federal Bureau
 885 of Investigation every 5 years following the date of the
 886 person's employment.

887 (b) Except for law enforcement, correctional, and
 888 correctional probation officers, to whom s. 943.13(5) applies,
 889 the department shall electronically submit to the Department of
 890 Law Enforcement:

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891 1. Fingerprint information obtained during the employment
892 screening required by subparagraph (a)1.

893 2. ~~Beginning on December 15, 2005,~~ Fingerprint information
894 for all persons employed by the department, or by a provider
895 under contract with the department, in delinquency facilities,
896 services, or programs if such fingerprint information has not
897 previously been electronically submitted to the Department of
898 Law Enforcement under this paragraph.

899 (c) All fingerprint information electronically submitted
900 to the Department of Law Enforcement under paragraph (b) shall
901 be retained by the Department of Law Enforcement and entered
902 into the statewide automated fingerprint identification system
903 authorized by s. 943.05(2)(b). Thereafter, such fingerprint
904 information shall be available for all purposes and uses
905 authorized for arrest fingerprint information entered into the
906 statewide automated fingerprint identification system pursuant
907 to s. 943.051 until the fingerprint information is removed under
908 ~~pursuant to~~ paragraph (e). The Department of Law Enforcement
909 shall search all arrest fingerprint information received
910 pursuant to s. 943.051 against the fingerprint information
911 entered into the statewide automated fingerprint system under
912 ~~pursuant to~~ this subsection. Any arrest records identified as a
913 result of the search shall be reported to the department in the
914 manner and timeframe established by the Department of Law
915 Enforcement by rule.

916 (d) The department shall pay an annual fee to the
917 Department of Law Enforcement for its costs resulting from the
918 fingerprint information retention services required by this

919 subsection. The amount of the annual fee and procedures for the
 920 submission and retention of fingerprint information and for the
 921 dissemination of search results shall be established by the
 922 Department of Law Enforcement by adopting a rule that is
 923 applicable to the department individually under ~~pursuant to~~ this
 924 subsection or that is applicable to the department and other
 925 employing agencies pursuant to rulemaking authority otherwise
 926 provided by law.

927 (e) The department shall notify the Department of Law
 928 Enforcement when a person whose fingerprint information is
 929 retained by the Department of Law Enforcement under this
 930 subsection is no longer employed by the department, or by a
 931 provider under contract with the department, in a delinquency
 932 facility, service, or program. This notice shall be provided by
 933 the department to the Department of Law Enforcement no later
 934 than 6 months after the date of the change in the person's
 935 employment status. Fingerprint information for persons
 936 identified by the department in the notice shall be removed from
 937 the statewide automated fingerprint system.

938 ~~(6) The department may grant exemptions from~~
 939 ~~disqualification from working with children as provided in s.~~
 940 ~~435.07.~~

941 Section 19. Subsections (2) and (3), paragraph (a) of
 942 subsection (4), and subsections (5), (6), (7), (8), and (9) of
 943 section 985.66, Florida Statutes, are amended to read:

944 985.66 Juvenile justice training academies; Juvenile
 945 Justice Standards and Training Commission; Juvenile Justice
 946 Training Trust Fund.--

947 (2) STAFF DEVELOPMENT AND TRAINING ~~JUVENILE JUSTICE~~
 948 ~~STANDARDS AND TRAINING COMMISSION.~~ --

949 ~~(a) There is created under the Department of Juvenile~~
 950 ~~Justice the Juvenile Justice Standards and Training Commission,~~
 951 ~~hereinafter referred to as the commission. The 17 member~~
 952 ~~commission shall consist of the Attorney General or designee,~~
 953 ~~the Commissioner of Education or designee, a member of the~~
 954 ~~juvenile court judiciary to be appointed by the Chief Justice~~
 955 ~~of the Supreme Court, and 14 members to be appointed by the~~
 956 ~~Secretary of Juvenile Justice as follows:~~

957 ~~1. Seven members shall be juvenile justice professionals:~~
 958 ~~a superintendent or a direct care staff member from an~~
 959 ~~institution; a director from a contracted community based~~
 960 ~~program; a superintendent and a direct care staff member from a~~
 961 ~~regional detention center or facility; a juvenile probation~~
 962 ~~officer supervisor and a juvenile probation officer; and a~~
 963 ~~director of a day treatment or conditional release program. No~~
 964 ~~fewer than three of these members shall be contract providers.~~

965 ~~2. Two members shall be representatives of local law~~
 966 ~~enforcement agencies.~~

967 ~~3. One member shall be an educator from the state's~~
 968 ~~university and community college program of criminology,~~
 969 ~~eriminal justice administration, social work, psychology,~~
 970 ~~sociology, or other field of study pertinent to the training of~~
 971 ~~juvenile justice program staff.~~

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

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

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

977 ~~7. One member shall be a representative of the business~~
 978 ~~community.~~

979
 980 ~~All appointed members shall be appointed to serve terms of 2~~
 981 ~~years.~~

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

987 ~~(c) The Department of Juvenile Justice shall provide the~~
 988 ~~commission with staff necessary to assist the commission in the~~
 989 ~~performance of its duties.~~

990 ~~(d) The commission shall annually elect its chairperson~~
 991 ~~and other officers. The commission shall hold at least four~~
 992 ~~regular meetings each year at the call of the chairperson or~~
 993 ~~upon the written request of three members of the commission. A~~
 994 ~~majority of the members of the commission constitutes a quorum.~~
 995 ~~Members of the commission shall serve without compensation but~~
 996 ~~are entitled to be reimbursed for per diem and travel expenses~~
 997 ~~as provided by s. 112.061 and these expenses shall be paid from~~
 998 ~~the Juvenile Justice Training Trust Fund.~~

999 ~~(e) The powers, duties, and functions of the department~~
 1000 ~~commission shall be to:~~

1001 ~~(a)1. Designate the location of the training academies;~~
 1002 ~~develop, implement, maintain, and update the curriculum to be~~

1003 used in the training of delinquency ~~juvenile justice~~ program
 1004 staff; establish timeframes for participation in and completion
 1005 of training by delinquency ~~juvenile justice~~ program staff;
 1006 develop, implement, maintain, and update job-related
 1007 examinations; develop, implement, and update the types and
 1008 frequencies of evaluations of the training academies; approve,
 1009 modify, or disapprove the budget for the training academies,
 1010 and the contractor to be selected to organize and operate the
 1011 training academies and to provide the training curriculum.

1012 (b)2- Establish uniform minimum job-related training
 1013 courses and examinations for delinquency ~~juvenile justice~~
 1014 program staff.

1015 (c)3- Consult and cooperate with the state or any
 1016 political subdivision; any private entity or contractor; and
 1017 with private and public universities, colleges, community
 1018 colleges, and other educational institutions concerning the
 1019 development of juvenile justice training and programs or
 1020 courses of instruction, including, but not limited to,
 1021 education and training in the areas of juvenile justice.

1022 (d)4- Enter into ~~With the approval of the department,~~
 1023 ~~make and enter into such~~ contracts and agreements with other
 1024 agencies, organizations, associations, corporations,
 1025 individuals, or federal agencies as ~~the commission determines~~
 1026 ~~are~~ necessary in the execution of its powers or the performance
 1027 of its duties.

1028 ~~5-~~ ~~Make recommendations to the Department of Juvenile~~
 1029 ~~Justice concerning any matter within the purview of this~~
 1030 ~~section-~~

1031 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The department
 1032 ~~commission~~ shall establish a certifiable program for juvenile
 1033 justice training pursuant to this section, and all delinquency
 1034 ~~department~~ program staff and ~~providers~~ who deliver direct care
 1035 services ~~pursuant to contract with the department~~ shall be
 1036 required to participate in and successfully complete the
 1037 ~~commission~~-approved program of training pertinent to their
 1038 areas of responsibility. Judges, state attorneys, and public
 1039 defenders, law enforcement officers, and school district
 1040 personnel may participate in such training program. For the
 1041 delinquency juvenile justice program staff, the department
 1042 ~~commission~~ shall, based on a job-task analysis:

1043 (a) Design, implement, maintain, evaluate, and revise a
 1044 basic training program, including a competency-based
 1045 examination, for the purpose of providing minimum employment
 1046 training qualifications for all delinquency program staff
 1047 ~~juvenile justice personnel~~. All delinquency program staff of
 1048 the department and providers who deliver direct-care services
 1049 who are hired after October 1, 1999, must meet the following
 1050 minimum requirements:

- 1051 1. Be at least 19 years of age.
- 1052 2. Be a high school graduate or its equivalent as
 1053 determined by the department ~~commission~~.
- 1054 3. Not have been convicted of any felony or a misdemeanor
 1055 involving perjury or a false statement, or have received a
 1056 dishonorable discharge from any of the Armed Forces of the
 1057 United States. Any person who, after September 30, 1999, pleads
 1058 guilty or nolo contendere to or is found guilty of any felony

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1059 or a misdemeanor involving perjury or false statement is not
1060 eligible for employment, notwithstanding suspension of sentence
1061 or withholding of adjudication. Notwithstanding this
1062 subparagraph, any person who pled nolo contendere to a
1063 misdemeanor involving a false statement before October 1, 1999,
1064 and who has had such record of that plea sealed or expunged is
1065 not ineligible for employment for that reason.

1066 4. Abide by all the provisions of s. 985.644(1) regarding
1067 fingerprinting and background investigations and other
1068 screening requirements for personnel.

1069 5. Execute and submit to the department an affidavit-of-
1070 application form, adopted by the department, attesting to his
1071 or her compliance with subparagraphs 1.-4. The affidavit must
1072 be executed under oath and constitutes an official statement
1073 under s. 837.06. The affidavit must include conspicuous
1074 language that the intentional false execution of the affidavit
1075 constitutes a misdemeanor of the second degree. The employing
1076 agency shall retain the affidavit.

1077 (b) Design, implement, maintain, evaluate, and revise an
1078 advanced training program, including a competency-based
1079 examination for each training course, which is intended to
1080 enhance knowledge, skills, and abilities related to job
1081 performance.

1082 (c) Design, implement, maintain, evaluate, and revise a
1083 career development training program, including a competency-
1084 based examination for each training course. Career development
1085 courses are intended to prepare personnel for promotion.

1086

1087 (d) The department ~~commission~~ is encouraged to design,
 1088 implement, maintain, evaluate, and revise juvenile justice
 1089 training courses, or to enter into contracts for such training
 1090 courses, that are intended to provide for the safety and well-
 1091 being of both citizens and juvenile offenders.

1092 (4) JUVENILE JUSTICE TRAINING TRUST FUND.--

1093 (a) There is created within the State Treasury a Juvenile
 1094 Justice Training Trust Fund to be used by the Department of
 1095 Juvenile Justice for the purpose of funding the development and
 1096 updating of a job-task analysis of delinquency program staff
 1097 ~~juvenile justice personnel~~; the development, implementation,
 1098 and updating of job-related training courses and examinations;
 1099 and the cost of ~~commission-approved~~ juvenile justice training
 1100 ~~courses, and reimbursement for expenses as provided in s.~~
 1101 ~~112.061 for members of the commission and staff.~~

1102 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING
 1103 ACADEMIES.--The number, location, and establishment of juvenile
 1104 justice training academies shall be determined by the
 1105 department ~~commission~~.

1106 (6) SCHOLARSHIPS AND STIPENDS.--

1107 (a) By rule, the department ~~commission~~ shall establish
 1108 criteria to award scholarships or stipends to qualified
 1109 delinquency program staff ~~juvenile justice personnel~~ who are
 1110 residents of the state who want to pursue a bachelor's or
 1111 associate in arts degree in juvenile justice or a related
 1112 field. The department shall handle the administration of the
 1113 scholarship or stipend. The Department of Education shall
 1114 handle the notes issued for the payment of the scholarships or

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1115 stipends. All scholarship and stipend awards shall be paid from
 1116 the Juvenile Justice Training Trust Fund upon vouchers approved
 1117 by the Department of Education and properly certified by the
 1118 Chief Financial Officer. Prior to the award of a scholarship or
 1119 stipend, the delinquency program staff ~~juvenile justice~~
 1120 ~~employee~~ must agree in writing to practice her or his
 1121 profession in juvenile justice or a related field for 1 month
 1122 for each month of grant or to repay the full amount of the
 1123 scholarship or stipend together with interest at the rate of 5
 1124 percent per annum over a period not to exceed 10 years.
 1125 Repayment shall be made payable to the state for deposit into
 1126 the Juvenile Justice Training Trust Fund.

1127 (b) The department ~~commission~~ may establish the
 1128 scholarship program by rule ~~and implement the program on or~~
 1129 ~~after July 1, 1996.~~

1130 (7) ADOPTION OF RULES.--The department ~~may~~ ~~commission~~
 1131 ~~shall~~ adopt rules as necessary to carry out the provisions of
 1132 this section.

1133 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
 1134 MANAGEMENT TRUST FUND.--Pursuant to s. 284.30, the Division of
 1135 Risk Management of the Department of Financial Services is
 1136 authorized to insure a private agency, individual, or
 1137 corporation operating a state-owned training school under a
 1138 contract to carry out the purposes and responsibilities of any
 1139 program of the department. The coverage authorized herein shall
 1140 be under the same general terms and conditions as the
 1141 department is insured for its responsibilities under chapter
 1142 284.

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1143 (9) DELINQUENCY PROGRAM STAFF DEFINED.--As used in this
1144 section, the term "delinquency program staff" means supervisory
1145 and direct care staff of a delinquency program as well as
1146 support staff who have direct contact with children in a
1147 delinquency program that is owned or operated by the
1148 department.

1149 ~~(9) The Juvenile Justice Standards and Training Commission~~
1150 ~~is terminated on June 30, 2001, and such termination shall be~~
1151 ~~reviewed by the Legislature prior to that date.~~

1152 Section 20. Subsections (1), (2), (6), (7), and (10) of
1153 section 985.664, Florida Statutes, are amended, subsection (13)
1154 of that section is redesignated as subsection (14), and new
1155 subsections (13) and (15) are added to that section, to read:

1156 985.664 Juvenile justice circuit boards and juvenile
1157 justice county councils.--

1158 (1) There is authorized a juvenile justice circuit board
1159 to be established in each of the 20 judicial circuits and a
1160 juvenile justice county council to be established in each of the
1161 67 counties. The purpose of each juvenile justice circuit board
1162 and each juvenile justice county council is to provide advice
1163 and direction to the department and the Children and Youth
1164 Cabinet in the development and implementation of juvenile
1165 justice programs and to work collaboratively with the department
1166 in seeking program improvements and policy changes to address
1167 the emerging and changing needs of Florida's youth who are at
1168 risk of delinquency.

1169 (2) Each juvenile justice county council shall develop a
1170 juvenile justice prevention and early intervention plan for the

1171 county and shall collaborate with the circuit board and other
 1172 county councils assigned to that circuit in the development of a
 1173 comprehensive plan for the circuit. As part of such plan, each
 1174 council and board shall make provision for continual monitoring
 1175 to identify and remedy disproportionate minority contact with
 1176 the juvenile justice system. The Children and Youth Cabinet
 1177 shall consider these local plans in implementing s. 402.56(5).

1178 (6) Each juvenile justice circuit board shall provide an
 1179 annual report to the department and to the Children and Youth
 1180 Cabinet describing the activities of the circuit board and each
 1181 of the county councils contained within its circuit. The
 1182 department may prescribe a format and content requirements for
 1183 submission of annual reports.

1184 (7) Membership of the juvenile justice circuit board may
 1185 not exceed 18 members, except as provided in subsections (8) and
 1186 (9). Members must include the state attorney, the public
 1187 defender, and the chief judge of the circuit, or their
 1188 respective designees. The remaining 15 members of the board must
 1189 be appointed by the county councils within that circuit. The
 1190 board where possible must be composed of an equitable number of
 1191 members ~~include at least one representative~~ from each county
 1192 council within the circuit, taking into account differences in
 1193 population. In appointing members to the circuit board, the
 1194 county councils must reflect:

1195 (a) The circuit's geography and population distribution.

1196 (b) Juvenile justice partners, including, but not limited
 1197 to, representatives of law enforcement, the school system, and
 1198 the Department of Children and Family Services.

- 1199 (c) Diversity in the judicial circuit.
- 1200 (d) Representation from residents of communities in
- 1201 targeted high-crime zip codes as identified by the department
- 1202 and based on referral rates within the county.
- 1203 (10) Membership of the juvenile justice county councils,
- 1204 or juvenile justice circuit boards established under subsection
- 1205 (9), must include representation from residents of communities
- 1206 in targeted high-crime zip codes as identified by the department
- 1207 and based on referral rates within the county and may also
- 1208 include representatives from the following entities:
- 1209 (a) Representatives from the school district, which may
- 1210 include elected school board officials, the school
- 1211 superintendent, school or district administrators, teachers, and
- 1212 counselors.
- 1213 (b) Representatives of the board of county commissioners.
- 1214 (c) Representatives of the governing bodies of local
- 1215 municipalities within the county.
- 1216 (d) A representative of the corresponding circuit or
- 1217 regional entity of the Department of Children and Family
- 1218 Services.
- 1219 (e) Representatives of local law enforcement agencies,
- 1220 including the sheriff or the sheriff's designee.
- 1221 (f) Representatives of the judicial system.
- 1222 (g) Representatives of the business community.
- 1223 (h) Representatives of other interested officials, groups,
- 1224 or entities, including, but not limited to, a children's
- 1225 services council, public or private providers of juvenile
- 1226 justice programs and services, students, parents, and advocates.

1227 Private providers of juvenile justice programs may not exceed
 1228 one-third of the voting membership.

1229 (i) Representatives of the faith community.

1230 (j) Representatives of victim-service programs and victims
 1231 of crimes.

1232 (k) Representatives of the Department of Corrections.

1233 (13) The secretary shall meet at least annually,
 1234 individually or collectively, by phone or in person, with the
 1235 chair of the juvenile justice circuit boards and the Children
 1236 and Youth Cabinet in order to:

1237 (a) Advise juvenile justice circuit board chairs of
 1238 statewide juvenile justice issues and activities.

1239 (b) Provide and receive comments on prevention and
 1240 intervention program budget priorities.

1241 (c) Provide and receive comments on the planning process.

1242 (d) Discuss program development, program implementation,
 1243 quality assurance, and program outcomes.

1244 (15) Juvenile justice circuit boards and county councils
 1245 shall use due diligence in notifying the community of board
 1246 vacancies through various community outreach outlets such as
 1247 community newspapers, religious organizations, and free public
 1248 announcements.

1249 Section 21. Section 985.668, Florida Statutes, is amended
 1250 to read:

1251 985.668 Innovation zones.--

1252 (1) The department shall encourage each of the juvenile
 1253 justice circuit boards, in consultation with the juvenile
 1254 justice county council within the circuit, to propose at least

1255 one innovation zone within the circuit for the purpose of
 1256 implementing any experimental, pilot, or demonstration project
 1257 that furthers the legislatively established goals of the
 1258 department. An innovation zone is a defined geographic area such
 1259 as a circuit, commitment region, county, municipality, service
 1260 delivery area, school campus, or neighborhood providing a
 1261 laboratory for the research, development, and testing of the
 1262 applicability and efficacy of model programs, policy options,
 1263 and new technologies for the department.

1264 (2)~~(1)~~(a) The juvenile justice circuit board shall submit
 1265 a proposal for an innovation zone to the secretary. If the
 1266 purpose of the proposed innovation zone is to demonstrate that
 1267 specific statutory goals can be achieved more effectively by
 1268 using procedures that require modification of existing rules,
 1269 policies, or procedures, the proposal may request the secretary
 1270 to waive such existing rules, policies, or procedures or to
 1271 otherwise authorize use of alternative procedures or practices.
 1272 Waivers of such existing rules, policies, or procedures must
 1273 comply with applicable state or federal law.

1274 (b) For innovation zone proposals that the secretary
 1275 determines require changes to state law, the secretary may
 1276 submit a request for a waiver from such laws, together with any
 1277 proposed changes to state law, to the chairs of the appropriate
 1278 legislative committees for consideration.

1279 (c) For innovation zone proposals that the secretary
 1280 determines require waiver of federal law, the secretary may
 1281 submit a request for such waivers to the applicable federal
 1282 agency.

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1283 (3)~~(2)~~ An innovation zone project may not have a duration
1284 of more than 2 years, but the secretary may grant an extension.

1285 (4)~~(3)~~ Before implementing an innovation zone under this
1286 subsection, the secretary shall, in conjunction with the Office
1287 of Program Policy Analysis and Government Accountability,
1288 develop measurable and valid objectives for such zone within a
1289 negotiated reasonable period of time. Moneys designated for an
1290 innovation zone in one operating circuit may not be used to fund
1291 an innovation zone in another operating circuit.

1292 (5)~~(4)~~ Program models for innovation zone projects
1293 include, but are not limited to:

1294 (a) A forestry alternative work program that provides
1295 selected juvenile offenders an opportunity to serve in a
1296 forestry work program as an alternative to incarceration, in
1297 which offenders assist in wildland firefighting, enhancement of
1298 state land management, environmental enhancement, and land
1299 restoration.

1300 (b) A collaborative public/private dropout prevention
1301 partnership that trains personnel from both the public and
1302 private sectors of a target community who are identified and
1303 brought into the school system as an additional resource for
1304 addressing problems which inhibit and retard learning, including
1305 abuse, neglect, financial instability, pregnancy, and substance
1306 abuse.

1307 (c) A support services program that provides economically
1308 disadvantaged youth with support services, jobs, training,
1309 counseling, mentoring, and prepaid postsecondary tuition
1310 scholarships.

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1311 (d) A juvenile offender job training program that offers
1312 an opportunity for juvenile offenders to develop educational and
1313 job skills in a 12-month to 18-month nonresidential training
1314 program, teaching the offenders skills such as computer-aided
1315 design, modular panel construction, and heavy vehicle repair and
1316 maintenance which will readily transfer to the private sector,
1317 thereby promoting responsibility and productivity.

1318 (e) An infant mortality prevention program that is
1319 designed to discourage unhealthy behaviors such as smoking and
1320 alcohol or drug consumption, reduce the incidence of babies born
1321 prematurely or with low birth weight, reduce health care cost by
1322 enabling babies to be safely discharged earlier from the
1323 hospital, reduce the incidence of child abuse and neglect, and
1324 improve parenting and problem-solving skills.

1325 (f) A regional crime prevention and intervention program
1326 that serves as an umbrella agency to coordinate and replicate
1327 existing services to at-risk children, first-time juvenile
1328 offenders, youth crime victims, and school dropouts.

1329 (g) An alternative education outreach school program that
1330 serves delinquent repeat offenders between 14 and 18 years of
1331 age who have demonstrated failure in school and who are referred
1332 by the juvenile court.

1333 (h) A drug treatment and prevention program that provides
1334 early identification of children with alcohol or drug problems
1335 to facilitate treatment, comprehensive screening and assessment,
1336 family involvement, and placement options.

1337 (i) A community resource mother or father program that
1338 emphasizes parental responsibility for the behavior of children,

1339 and requires the availability of counseling services for
 1340 children at high risk for delinquent behavior.

1341 Section 22. Paragraphs (a) and (b) of subsection (2) and
 1342 subsection (3) of section 985.676, Florida Statutes, are amended
 1343 to read:

1344 985.676 Community juvenile justice partnership grants.--

1345 (2) GRANT APPLICATION PROCEDURES.--

1346 (a) Each entity wishing to apply for an annual community
 1347 juvenile justice partnership grant, which may be renewed ~~for a~~
 1348 ~~maximum of 2 additional years~~ for the same provision of
 1349 services, shall submit a grant proposal for funding or continued
 1350 funding to the department. The department shall establish the
 1351 grant application procedures. In order to be considered for
 1352 funding, the grant proposal shall include the following
 1353 assurances and information:

1354 1. A letter from the chair of the juvenile justice circuit
 1355 board confirming that the grant application has been reviewed
 1356 and found to support one or more purposes or goals of the
 1357 juvenile justice plan as developed by the board.

1358 2. A rationale and description of the program and the
 1359 services to be provided, including goals and objectives.

1360 3. A method for identification of the juveniles most
 1361 likely to be involved in the juvenile justice system who will be
 1362 the focus of the program.

1363 4. Provisions for the participation of parents and
 1364 guardians in the program.

1365 5. Coordination with other community-based and social
 1366 service prevention efforts, including, but not limited to, drug

1367 and alcohol abuse prevention and dropout prevention programs,
 1368 that serve the target population or neighborhood.

1369 6. An evaluation component to measure the effectiveness of
 1370 the program in accordance with s. 985.632.

1371 7. A program budget, including the amount and sources of
 1372 local cash and in-kind resources committed to the budget. The
 1373 proposal must establish to the satisfaction of the department
 1374 that the entity will make a cash or in-kind contribution to the
 1375 program of a value that is at least equal to 20 percent of the
 1376 amount of the grant.

1377 8. The necessary program staff.

1378 (b) The department shall consider the following in
 1379 awarding such grants:

1380 1. The recommendations of the juvenile justice county
 1381 council as to the priority that should be given to proposals
 1382 submitted by entities within a county.

1383 2. The recommendations of the juvenile justice circuit
 1384 board as to the priority that should be given to proposals
 1385 submitted by entities within a circuit.

1386
 1387 As the first priority in awarding grants under this paragraph,
 1388 the department shall fund applications that meet the
 1389 requirements of this section and also fulfill the local juvenile
 1390 circuit board plans.

1391 (3) RESTRICTIONS. ~~--This section does not prevent a program~~
 1392 ~~initiated under a community juvenile justice partnership grant~~
 1393 ~~established pursuant to this section from continuing to operate~~
 1394 ~~beyond the 3 year maximum funding period if it can find other~~

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1395 ~~funding sources. Likewise,~~ This section does not restrict the
 1396 number of programs an entity may apply for or operate.

1397 Section 23. Section 985.721, Florida Statutes, is amended
 1398 to read:

1399 985.721 Escapes from secure detention or residential
 1400 commitment facility.--An escape from:

1401 (1) Any secure detention facility maintained for the
 1402 temporary detention of children, pending adjudication,
 1403 disposition, or placement;

1404 (2) Any residential commitment facility described in s.
 1405 985.03 (45) ~~(44)~~, maintained for the custody, treatment,
 1406 punishment, or rehabilitation of children found to have
 1407 committed delinquent acts or violations of law; or

1408 (3) Lawful transportation to or from any such secure
 1409 detention facility or residential commitment facility,

1410
 1411 constitutes escape within the intent and meaning of s. 944.40
 1412 and is a felony of the third degree, punishable as provided in
 1413 s. 775.082, s. 775.083, or s. 775.084.

1414 Section 24. Section 1006.125, Florida Statutes, is created
 1415 to read:

1416 1006.125 Referrals to law enforcement; serious criminal
 1417 offenses.--

1418 (1) A student alleged to have committed a serious criminal
 1419 offense shall be reported to the law enforcement agency having
 1420 jurisdiction over the student's school of attendance. This
 1421 requirement may be satisfied by providing notice to the

1422 appropriate school resource officer of the charge of violation
 1423 of the code of student conduct and discipline code.

1424 (2) As used in this section, serious criminal offense
 1425 includes an offense that would constitute a capital felony; life
 1426 felony; first degree felony; second or third degree felony
 1427 involving a firearm or weapon or violence against another
 1428 person; or an offense that poses a serious threat to school
 1429 safety or the safety of any individual student or group of
 1430 students.

1431 (3) Counties may seek reimbursement of secure detention
 1432 costs from the school district for secure detention costs
 1433 associated with the referral of a student for an offense other
 1434 than that specified in this section when the school district
 1435 does not object to the referral. In such case, the county may be
 1436 reimbursed at a rate not to exceed the per diem rate set by the
 1437 Department of Juvenile Justice pursuant to s. 985.686.

1438 Section 25. Subsections (1) and (2) of section 1006.13,
 1439 Florida Statutes, are amended to read:

1440 1006.13 Policy ~~of zero tolerance~~ for crime and
 1441 victimization.--

1442 (1) Each district school board shall adopt a policy ~~of~~
 1443 ~~zero tolerance~~ for:

1444 (a) Crime and substance abuse, including the reporting of
 1445 delinquent acts and crimes occurring whenever and wherever
 1446 students are under the jurisdiction of the district school
 1447 board.

1448 (b) Victimization of students, including taking all steps
 1449 necessary to protect the victim of any violent crime from any
 1450 further victimization.

1451 (2) The ~~zero-tolerance~~ policy shall require students found
 1452 to have committed one of the following serious criminal offenses
 1453 to be expelled, with or without continuing educational services,
 1454 from the student's regular school for a period of not less than
 1455 1 full year, and to be referred to the criminal justice or
 1456 juvenile justice system.

1457 (a) Bringing a firearm or weapon, as defined in chapter
 1458 790, to school, to any school function, or onto any school-
 1459 sponsored transportation or possessing a firearm at school.

1460 (b) Making a threat or false report, as defined by ss.
 1461 790.162 and 790.163, respectively, involving school or school
 1462 personnel's property, school transportation, or a school-
 1463 sponsored activity.

1464
 1465 District school boards may assign the student to a disciplinary
 1466 program for the purpose of continuing educational services
 1467 during the period of expulsion. District school superintendents
 1468 may consider the 1-year expulsion requirement on a case-by-case
 1469 basis and request the district school board to modify the
 1470 requirement by assigning the student to a disciplinary program
 1471 or second chance school if the request for modification is in
 1472 writing and it is determined to be in the best interest of the
 1473 student and the school system. If a student committing any of
 1474 the offenses in this subsection is a student with a disability,

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1475 | the district school board shall comply with applicable State
1476 | Board of Education rules.

1477 | Section 26. For fiscal year 2008-2009, there is hereby
1478 | appropriated from the General Revenue Fund to the Department of
1479 | Juvenile Justice \$50,000 in nonrecurring funds for the purpose
1480 | of developing curriculum to be used for the certification of
1481 | direct care staff of the department.

1482 | Section 27. Except as otherwise expressly provided in this
1483 | act, this act shall take effect July 1, 2008.