

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

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 offenses; providing for reimbursement of secure
75 | detention costs in certain circumstances; providing a
76 | 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 for consideration of certain provider
80 | types relating to services for children in need of
81 | services and families in need of services; providing an
82 | appropriation; providing effective dates.

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

85
 86 Section 1. Paragraph (b) of subsection (3) of section
 87 29.008, Florida Statutes, is amended to read:

88 29.008 County funding of court-related functions.--

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

91 (b) Alternative sanctions coordinators pursuant to s.
 92 985.0375 ~~ss. 984.09 and 985.037.~~

93 Section 2. Paragraph (c) of subsection (4) of section
 94 790.22, Florida Statutes, is amended to read:

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

99 (4)

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

109 Section 3. Paragraph (a) of subsection (1) of section
 110 939.185, Florida Statutes, is amended to read:

111 939.185 Assessment of additional court costs and
 112 surcharges.--

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

122 1. Twenty-five percent of the amount collected shall be
123 allocated to fund innovations to supplement state funding for
124 the elements of the state courts system identified in s. 29.004
125 and county funding for local requirements under s.
126 29.008(2)(a)2.

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

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

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

139

140 Each county receiving funds under this section shall report the

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

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

156 943.053 Dissemination of criminal justice information;
 157 fees.--

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

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

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

186 a. Is a candidate for employment with a criminal justice
187 agency;

188 b. Is a defendant in a criminal prosecution;

189 c. Petitions for expunction or sealing under s. 943.0585
190 or s. 943.059;

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

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

197 developmentally disabled, the aged, or the elderly as provided
 198 in s. 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.
 199 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
 200 415.103, chapter 916, s. 985.644, chapter 400, or chapter 429;

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

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

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

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

221 Section 5. Paragraph (a) of subsection (4) of section
 222 943.0585, Florida Statutes, is amended to read:

223 943.0585 Court-ordered expunction of criminal history
 224 records.--The courts of this state have jurisdiction over their

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

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

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

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

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

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

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

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

315 Section 6. Section 984.05, Florida Statutes, is amended to
 316 read:

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

323 Section 7. Section 984.09, Florida Statutes, is amended to
 324 read:

325 984.09 Punishment for contempt of court; ~~alternative~~
 326 ~~sanctions~~.--

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

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

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

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

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

350 (b) A child in need of services who has been held in
 351 direct contempt or indirect contempt may be placed, for 5 days
 352 for a first offense or 15 days for a second or subsequent
 353 offense, in a staff-secure shelter or a staff-secure residential
 354 facility solely for children in need of services if such
 355 placement is available, or, if such placement is not available,
 356 the child may be placed in an appropriate mental health facility
 357 or substance abuse facility for assessment. In addition to
 358 disposition under this paragraph, a child in need of services
 359 who is held in direct contempt or indirect contempt may be
 360 placed in a physically secure setting as provided under s.
 361 984.226 if conditions of eligibility are met.

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

365 ~~ircuit court, and who shall coordinate and maintain a spectrum~~
 366 ~~of contempt sanction alternatives in conjunction with the~~
 367 ~~ircuit plan implemented in accordance with s. 790.22(4)(c).~~
 368 ~~Upon determining that a child has committed direct contempt of~~
 369 ~~court or indirect contempt of a valid court order, the court may~~
 370 ~~immediately request the alternative sanctions coordinator to~~
 371 ~~recommend the most appropriate available alternative sanction~~
 372 ~~and shall order the child to perform up to 50 hours of~~
 373 ~~community service manual labor or a similar alternative~~
 374 ~~sanction, unless an alternative sanction is unavailable or~~
 375 ~~inappropriate, or unless the child has failed to comply with a~~
 376 ~~prior alternative sanction. Alternative contempt sanctions may~~
 377 ~~be provided by local industry or by any nonprofit organization~~
 378 ~~or any public or private business or service entity that has~~
 379 ~~entered into a contract with the Department of Juvenile Justice~~
 380 ~~to act as an agent of the state to provide voluntary supervision~~
 381 ~~of children on behalf of the state in exchange for the manual~~
 382 ~~labor of children and limited immunity in accordance with s.~~
 383 ~~768.28(11).~~

384 ~~(3)(4) CHILDREN IN NEED OF SERVICES CONTEMPT OF COURT~~
 385 ~~SANCTIONS; PROCEDURE AND DUE PROCESS. --~~

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

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

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

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

396 ~~2. Right to an explanation of the nature and the~~
 397 ~~consequences of the proceedings.~~

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

401 ~~4. Right to confront witnesses.~~

402 ~~5. Right to present witnesses.~~

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

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

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

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

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

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

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

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

460 985.02 Legislative intent for the juvenile justice
 461 system.--

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

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

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

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

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

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

492 985.037 Punishment for contempt of court;~~alternative~~
 493 ~~sanctions~~.--

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

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503 in a secure facility, as authorized in this section, by order of
504 the court.

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

514 (3)~~(4)~~ CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
515 PROCESS.--

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

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

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

526 2. Right to an explanation of the nature and the
527 consequences of the proceedings.

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

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

535

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

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

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

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

565 985.0375 Alternative sanctions.--

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

586 labor of children and limited immunity in accordance with s.
587 768.28(11).

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

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

605 985.04 Oaths; records; confidential information.--

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

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

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

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

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

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

662 985.245 Risk assessment instrument.--

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

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

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

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

698 later than December 31, 2008, and periodically evaluated
 699 thereafter for continued validity.

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

702 985.265 Detention transfer and release; education; adult
 703 jails.--

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

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

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

717

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

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

733 Section 14. Section 985.438, Florida Statutes, is created
734 to read:

735 985.438 Commitment alternatives; Redirection Program.--

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

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

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

754 eligible.

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

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

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

765 985.601 Administering the juvenile justice continuum.--

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

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

781 (3)

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

788 Section 16. Section 985.606, Florida Statutes, is amended
 789 to read:

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

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

803 985.632 Quality assurance and cost-effectiveness; outcome-
 804 based contracting.--

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

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

821 Section 18. Section 985.644, Florida Statutes, is amended
 822 to read:

823 985.644 Departmental contracting powers; personnel
 824 standards and screening.--

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

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

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

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

852 (c) The department ~~of Juvenile Justice or the Department~~
853 ~~of Children and Family Services~~ may grant exemptions from
854 disqualification from working with children as provided in s.
855 435.07.

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

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

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

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

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

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

884 1. A level 2 employment screening pursuant to chapter 435
885 prior to employment.

886 2. A federal criminal records check by the Federal Bureau
887 of Investigation every 5 years following the date of the
888 person's employment.

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

893 1. Fingerprint information obtained during the employment
894 screening required by subparagraph (a)1.

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

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

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

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

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

940 ~~(6) The department may grant exemptions from~~
941 ~~disqualification from working with children as provided in s.~~
942 ~~435.07.~~

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

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

949 (2) STAFF DEVELOPMENT AND TRAINING ~~JUVENILE JUSTICE~~
 950 ~~STANDARDS AND TRAINING COMMISSION.~~ --

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

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

967 ~~2. Two members shall be representatives of local law~~
 968 ~~enforcement agencies.~~

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

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

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

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

979 ~~7. One member shall be a representative of the business~~
 980 ~~community.~~

981
 982 ~~All appointed members shall be appointed to serve terms of 2~~
 983 ~~years.~~

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

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

992 ~~(d) The commission shall annually elect its chairperson~~
 993 ~~and other officers. The commission shall hold at least four~~
 994 ~~regular meetings each year at the call of the chairperson or~~
 995 ~~upon the written request of three members of the commission. A~~
 996 ~~majority of the members of the commission constitutes a quorum.~~
 997 ~~Members of the commission shall serve without compensation but~~
 998 ~~are entitled to be reimbursed for per diem and travel expenses~~
 999 ~~as provided by s. 112.061 and these expenses shall be paid from~~
 1000 ~~the Juvenile Justice Training Trust Fund.~~

1001 ~~(e) The powers, duties, and functions of the department~~
 1002 ~~commission shall be to:~~

1003 ~~(a)1. Designate the location of the training academies;~~
 1004 ~~develop, implement, maintain, and update the curriculum to be~~

1005 used in the training of delinquency ~~juvenile justice~~ program
 1006 staff; establish timeframes for participation in and completion
 1007 of training by delinquency ~~juvenile justice~~ program staff;
 1008 develop, implement, maintain, and update job-related
 1009 examinations; develop, implement, and update the types and
 1010 frequencies of evaluations of the training academies; approve,
 1011 modify, or disapprove the budget for the training academies,
 1012 and the contractor to be selected to organize and operate the
 1013 training academies and to provide the training curriculum.

1014 (b)2- Establish uniform minimum job-related training
 1015 courses and examinations for delinquency ~~juvenile justice~~
 1016 program staff.

1017 (c)3- Consult and cooperate with the state or any
 1018 political subdivision; any private entity or contractor; and
 1019 with private and public universities, colleges, community
 1020 colleges, and other educational institutions concerning the
 1021 development of juvenile justice training and programs or
 1022 courses of instruction, including, but not limited to,
 1023 education and training in the areas of juvenile justice.

1024 (d)4- Enter into ~~With the approval of the department,~~
 1025 ~~make and enter into such~~ contracts and agreements with other
 1026 agencies, organizations, associations, corporations,
 1027 individuals, or federal agencies as ~~the commission determines~~
 1028 ~~are~~ necessary in the execution of its powers or the performance
 1029 of its duties.

1030 ~~5-~~ ~~Make recommendations to the Department of Juvenile~~
 1031 ~~Justice concerning any matter within the purview of this~~
 1032 ~~section-~~

1033 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The department
 1034 ~~commission~~ shall establish a certifiable program for juvenile
 1035 justice training pursuant to this section, and all delinquency
 1036 ~~department~~ program staff and ~~providers~~ who deliver direct care
 1037 services ~~pursuant to contract with the department~~ shall be
 1038 required to participate in and successfully complete the
 1039 ~~commission~~-approved program of training pertinent to their
 1040 areas of responsibility. Judges, state attorneys, and public
 1041 defenders, law enforcement officers, and school district
 1042 personnel may participate in such training program. For the
 1043 delinquency juvenile justice program staff, the department
 1044 ~~commission~~ shall, based on a job-task analysis:

1045 (a) Design, implement, maintain, evaluate, and revise a
 1046 basic training program, including a competency-based
 1047 examination, for the purpose of providing minimum employment
 1048 training qualifications for all delinquency program staff
 1049 ~~juvenile justice personnel~~. All delinquency program staff of
 1050 the department and providers who deliver direct-care services
 1051 who are hired after October 1, 1999, must meet the following
 1052 minimum requirements:

- 1053 1. Be at least 19 years of age.
- 1054 2. Be a high school graduate or its equivalent as
 1055 determined by the department ~~commission~~.
- 1056 3. Not have been convicted of any felony or a misdemeanor
 1057 involving perjury or a false statement, or have received a
 1058 dishonorable discharge from any of the Armed Forces of the
 1059 United States. Any person who, after September 30, 1999, pleads
 1060 guilty or nolo contendere to or is found guilty of any felony

1061 or a misdemeanor involving perjury or false statement is not
1062 eligible for employment, notwithstanding suspension of sentence
1063 or withholding of adjudication. Notwithstanding this
1064 subparagraph, any person who pled nolo contendere to a
1065 misdemeanor involving a false statement before October 1, 1999,
1066 and who has had such record of that plea sealed or expunged is
1067 not ineligible for employment for that reason.

1068 4. Abide by all the provisions of s. 985.644(1) regarding
1069 fingerprinting and background investigations and other
1070 screening requirements for personnel.

1071 5. Execute and submit to the department an affidavit-of-
1072 application form, adopted by the department, attesting to his
1073 or her compliance with subparagraphs 1.-4. The affidavit must
1074 be executed under oath and constitutes an official statement
1075 under s. 837.06. The affidavit must include conspicuous
1076 language that the intentional false execution of the affidavit
1077 constitutes a misdemeanor of the second degree. The employing
1078 agency shall retain the affidavit.

1079 (b) Design, implement, maintain, evaluate, and revise an
1080 advanced training program, including a competency-based
1081 examination for each training course, which is intended to
1082 enhance knowledge, skills, and abilities related to job
1083 performance.

1084 (c) Design, implement, maintain, evaluate, and revise a
1085 career development training program, including a competency-
1086 based examination for each training course. Career development
1087 courses are intended to prepare personnel for promotion.

1088

1089 (d) The department ~~commission~~ is encouraged to design,
 1090 implement, maintain, evaluate, and revise juvenile justice
 1091 training courses, or to enter into contracts for such training
 1092 courses, that are intended to provide for the safety and well-
 1093 being of both citizens and juvenile offenders.

1094 (4) JUVENILE JUSTICE TRAINING TRUST FUND.--

1095 (a) There is created within the State Treasury a Juvenile
 1096 Justice Training Trust Fund to be used by the Department of
 1097 Juvenile Justice for the purpose of funding the development and
 1098 updating of a job-task analysis of delinquency program staff
 1099 ~~juvenile justice personnel~~; the development, implementation,
 1100 and updating of job-related training courses and examinations;
 1101 and the cost of ~~commission-approved~~ juvenile justice training
 1102 ~~courses, and reimbursement for expenses as provided in s.~~
 1103 ~~112.061 for members of the commission and staff.~~

1104 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING
 1105 ACADEMIES.--The number, location, and establishment of juvenile
 1106 justice training academies shall be determined by the
 1107 department ~~commission~~.

1108 (6) SCHOLARSHIPS AND STIPENDS.--

1109 (a) By rule, the department ~~commission~~ shall establish
 1110 criteria to award scholarships or stipends to qualified
 1111 delinquency program staff ~~juvenile justice personnel~~ who are
 1112 residents of the state who want to pursue a bachelor's or
 1113 associate in arts degree in juvenile justice or a related
 1114 field. The department shall handle the administration of the
 1115 scholarship or stipend. The Department of Education shall
 1116 handle the notes issued for the payment of the scholarships or

1117 stipends. All scholarship and stipend awards shall be paid from
 1118 the Juvenile Justice Training Trust Fund upon vouchers approved
 1119 by the Department of Education and properly certified by the
 1120 Chief Financial Officer. Prior to the award of a scholarship or
 1121 stipend, the delinquency program staff ~~juvenile justice~~
 1122 ~~employee~~ must agree in writing to practice her or his
 1123 profession in juvenile justice or a related field for 1 month
 1124 for each month of grant or to repay the full amount of the
 1125 scholarship or stipend together with interest at the rate of 5
 1126 percent per annum over a period not to exceed 10 years.
 1127 Repayment shall be made payable to the state for deposit into
 1128 the Juvenile Justice Training Trust Fund.

1129 (b) The department ~~commission~~ may establish the
 1130 scholarship program by rule ~~and implement the program on or~~
 1131 ~~after July 1, 1996.~~

1132 (7) ADOPTION OF RULES.--The department ~~may~~ ~~commission~~
 1133 ~~shall~~ adopt rules as necessary to carry out the provisions of
 1134 this section.

1135 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
 1136 MANAGEMENT TRUST FUND.--Pursuant to s. 284.30, the Division of
 1137 Risk Management of the Department of Financial Services is
 1138 authorized to insure a private agency, individual, or
 1139 corporation operating a state-owned training school under a
 1140 contract to carry out the purposes and responsibilities of any
 1141 program of the department. The coverage authorized herein shall
 1142 be under the same general terms and conditions as the
 1143 department is insured for its responsibilities under chapter
 1144 284.

1145 (9) DELINQUENCY PROGRAM STAFF DEFINED.--As used in this
 1146 section, the term "delinquency program staff" means supervisory
 1147 and direct care staff of a delinquency program as well as
 1148 support staff who have direct contact with children in a
 1149 delinquency program that is owned or operated by the
 1150 department.

1151 ~~(9) The Juvenile Justice Standards and Training Commission~~
 1152 ~~is terminated on June 30, 2001, and such termination shall be~~
 1153 ~~reviewed by the Legislature prior to that date.~~

1154 Section 20. Subsections (1), (2), (6), (7), and (10) of
 1155 section 985.664, Florida Statutes, are amended, subsection (13)
 1156 of that section is redesignated as subsection (14), and new
 1157 subsections (13) and (15) are added to that section, to read:

1158 985.664 Juvenile justice circuit boards and juvenile
 1159 justice county councils.--

1160 (1) There is authorized a juvenile justice circuit board
 1161 to be established in each of the 20 judicial circuits and a
 1162 juvenile justice county council to be established in each of the
 1163 67 counties. The purpose of each juvenile justice circuit board
 1164 and each juvenile justice county council is to provide advice
 1165 and direction to the department and the Children and Youth
 1166 Cabinet in the development and implementation of juvenile
 1167 justice programs and to work collaboratively with the department
 1168 in seeking program improvements and policy changes to address
 1169 the emerging and changing needs of Florida's youth who are at
 1170 risk of delinquency.

1171 (2) Each juvenile justice county council shall develop a
 1172 juvenile justice prevention and early intervention plan for the

1173 county and shall collaborate with the circuit board and other
 1174 county councils assigned to that circuit in the development of a
 1175 comprehensive plan for the circuit. As part of such plan, each
 1176 council and board shall make provision for continual monitoring
 1177 to identify and remedy disproportionate minority contact with
 1178 the juvenile justice system. The Children and Youth Cabinet
 1179 shall consider these local plans in implementing s. 402.56(5).

1180 (6) Each juvenile justice circuit board shall provide an
 1181 annual report to the department and to the Children and Youth
 1182 Cabinet describing the activities of the circuit board and each
 1183 of the county councils contained within its circuit. The
 1184 department may prescribe a format and content requirements for
 1185 submission of annual reports.

1186 (7) Membership of the juvenile justice circuit board may
 1187 not exceed 18 members, except as provided in subsections (8) and
 1188 (9). Members must include the state attorney, the public
 1189 defender, and the chief judge of the circuit, or their
 1190 respective designees. The remaining 15 members of the board must
 1191 be appointed by the county councils within that circuit. The
 1192 board where possible must be composed of an equitable number of
 1193 members ~~include at least one representative~~ from each county
 1194 council within the circuit, taking into account differences in
 1195 population. In appointing members to the circuit board, the
 1196 county councils must reflect:

1197 (a) The circuit's geography and population distribution.

1198 (b) Juvenile justice partners, including, but not limited
 1199 to, representatives of law enforcement, the school system, and
 1200 the Department of Children and Family Services.

- 1201 (c) Diversity in the judicial circuit.
- 1202 (d) Representation from residents of communities in
- 1203 targeted high-crime zip codes as identified by the department
- 1204 and based on referral rates within the county.
- 1205 (10) Membership of the juvenile justice county councils,
- 1206 or juvenile justice circuit boards established under subsection
- 1207 (9), must include representation from residents of communities
- 1208 in targeted high-crime zip codes as identified by the department
- 1209 and based on referral rates within the county and may also
- 1210 include representatives from the following entities:
- 1211 (a) Representatives from the school district, which may
- 1212 include elected school board officials, the school
- 1213 superintendent, school or district administrators, teachers, and
- 1214 counselors.
- 1215 (b) Representatives of the board of county commissioners.
- 1216 (c) Representatives of the governing bodies of local
- 1217 municipalities within the county.
- 1218 (d) A representative of the corresponding circuit or
- 1219 regional entity of the Department of Children and Family
- 1220 Services.
- 1221 (e) Representatives of local law enforcement agencies,
- 1222 including the sheriff or the sheriff's designee.
- 1223 (f) Representatives of the judicial system.
- 1224 (g) Representatives of the business community.
- 1225 (h) Representatives of other interested officials, groups,
- 1226 or entities, including, but not limited to, a children's
- 1227 services council, public or private providers of juvenile
- 1228 justice programs and services, students, parents, and advocates.

1229 Private providers of juvenile justice programs may not exceed
 1230 one-third of the voting membership.

1231 (i) Representatives of the faith community.

1232 (j) Representatives of victim-service programs and victims
 1233 of crimes.

1234 (k) Representatives of the Department of Corrections.

1235 (13) The secretary shall meet at least annually,
 1236 individually or collectively, by phone or in person, with the
 1237 chair of the juvenile justice circuit boards and the Children
 1238 and Youth Cabinet in order to:

1239 (a) Advise juvenile justice circuit board chairs of
 1240 statewide juvenile justice issues and activities.

1241 (b) Provide and receive comments on prevention and
 1242 intervention program budget priorities.

1243 (c) Provide and receive comments on the planning process.

1244 (d) Discuss program development, program implementation,
 1245 quality assurance, and program outcomes.

1246 (15) Juvenile justice circuit boards and county councils
 1247 shall use due diligence in notifying the community of board
 1248 vacancies through various community outreach outlets such as
 1249 community newspapers, religious organizations, and free public
 1250 announcements.

1251 Section 21. Section 985.668, Florida Statutes, is amended
 1252 to read:

1253 985.668 Innovation zones.--

1254 (1) The department shall encourage each of the juvenile
 1255 justice circuit boards, in consultation with the juvenile
 1256 justice county council within the circuit, to propose at least

1257 one innovation zone within the circuit for the purpose of
 1258 implementing any experimental, pilot, or demonstration project
 1259 that furthers the legislatively established goals of the
 1260 department. An innovation zone is a defined geographic area such
 1261 as a circuit, commitment region, county, municipality, service
 1262 delivery area, school campus, or neighborhood providing a
 1263 laboratory for the research, development, and testing of the
 1264 applicability and efficacy of model programs, policy options,
 1265 and new technologies for the department.

1266 (2)~~(1)~~(a) The juvenile justice circuit board shall submit
 1267 a proposal for an innovation zone to the secretary. If the
 1268 purpose of the proposed innovation zone is to demonstrate that
 1269 specific statutory goals can be achieved more effectively by
 1270 using procedures that require modification of existing rules,
 1271 policies, or procedures, the proposal may request the secretary
 1272 to waive such existing rules, policies, or procedures or to
 1273 otherwise authorize use of alternative procedures or practices.
 1274 Waivers of such existing rules, policies, or procedures must
 1275 comply with applicable state or federal law.

1276 (b) For innovation zone proposals that the secretary
 1277 determines require changes to state law, the secretary may
 1278 submit a request for a waiver from such laws, together with any
 1279 proposed changes to state law, to the chairs of the appropriate
 1280 legislative committees for consideration.

1281 (c) For innovation zone proposals that the secretary
 1282 determines require waiver of federal law, the secretary may
 1283 submit a request for such waivers to the applicable federal
 1284 agency.

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1285 (3)~~(2)~~ An innovation zone project may not have a duration
1286 of more than 2 years, but the secretary may grant an extension.

1287 (4)~~(3)~~ Before implementing an innovation zone under this
1288 subsection, the secretary shall, in conjunction with the Office
1289 of Program Policy Analysis and Government Accountability,
1290 develop measurable and valid objectives for such zone within a
1291 negotiated reasonable period of time. Moneys designated for an
1292 innovation zone in one operating circuit may not be used to fund
1293 an innovation zone in another operating circuit.

1294 (5)~~(4)~~ Program models for innovation zone projects
1295 include, but are not limited to:

1296 (a) A forestry alternative work program that provides
1297 selected juvenile offenders an opportunity to serve in a
1298 forestry work program as an alternative to incarceration, in
1299 which offenders assist in wildland firefighting, enhancement of
1300 state land management, environmental enhancement, and land
1301 restoration.

1302 (b) A collaborative public/private dropout prevention
1303 partnership that trains personnel from both the public and
1304 private sectors of a target community who are identified and
1305 brought into the school system as an additional resource for
1306 addressing problems which inhibit and retard learning, including
1307 abuse, neglect, financial instability, pregnancy, and substance
1308 abuse.

1309 (c) A support services program that provides economically
1310 disadvantaged youth with support services, jobs, training,
1311 counseling, mentoring, and prepaid postsecondary tuition
1312 scholarships.

1313 (d) A juvenile offender job training program that offers
1314 an opportunity for juvenile offenders to develop educational and
1315 job skills in a 12-month to 18-month nonresidential training
1316 program, teaching the offenders skills such as computer-aided
1317 design, modular panel construction, and heavy vehicle repair and
1318 maintenance which will readily transfer to the private sector,
1319 thereby promoting responsibility and productivity.

1320 (e) An infant mortality prevention program that is
1321 designed to discourage unhealthy behaviors such as smoking and
1322 alcohol or drug consumption, reduce the incidence of babies born
1323 prematurely or with low birth weight, reduce health care cost by
1324 enabling babies to be safely discharged earlier from the
1325 hospital, reduce the incidence of child abuse and neglect, and
1326 improve parenting and problem-solving skills.

1327 (f) A regional crime prevention and intervention program
1328 that serves as an umbrella agency to coordinate and replicate
1329 existing services to at-risk children, first-time juvenile
1330 offenders, youth crime victims, and school dropouts.

1331 (g) An alternative education outreach school program that
1332 serves delinquent repeat offenders between 14 and 18 years of
1333 age who have demonstrated failure in school and who are referred
1334 by the juvenile court.

1335 (h) A drug treatment and prevention program that provides
1336 early identification of children with alcohol or drug problems
1337 to facilitate treatment, comprehensive screening and assessment,
1338 family involvement, and placement options.

1339 (i) A community resource mother or father program that
1340 emphasizes parental responsibility for the behavior of children,

1341 and requires the availability of counseling services for
 1342 children at high risk for delinquent behavior.

1343 Section 22. Paragraphs (a) and (b) of subsection (2) and
 1344 subsection (3) of section 985.676, Florida Statutes, are amended
 1345 to read:

1346 985.676 Community juvenile justice partnership grants.--

1347 (2) GRANT APPLICATION PROCEDURES.--

1348 (a) Each entity wishing to apply for an annual community
 1349 juvenile justice partnership grant, which may be renewed ~~for a~~
 1350 ~~maximum of 2 additional years~~ for the same provision of
 1351 services, shall submit a grant proposal for funding or continued
 1352 funding to the department. The department shall establish the
 1353 grant application procedures. In order to be considered for
 1354 funding, the grant proposal shall include the following
 1355 assurances and information:

1356 1. A letter from the chair of the juvenile justice circuit
 1357 board confirming that the grant application has been reviewed
 1358 and found to support one or more purposes or goals of the
 1359 juvenile justice plan as developed by the board.

1360 2. A rationale and description of the program and the
 1361 services to be provided, including goals and objectives.

1362 3. A method for identification of the juveniles most
 1363 likely to be involved in the juvenile justice system who will be
 1364 the focus of the program.

1365 4. Provisions for the participation of parents and
 1366 guardians in the program.

1367 5. Coordination with other community-based and social
 1368 service prevention efforts, including, but not limited to, drug

1369 and alcohol abuse prevention and dropout prevention programs,
 1370 that serve the target population or neighborhood.

1371 6. An evaluation component to measure the effectiveness of
 1372 the program in accordance with s. 985.632.

1373 7. A program budget, including the amount and sources of
 1374 local cash and in-kind resources committed to the budget. The
 1375 proposal must establish to the satisfaction of the department
 1376 that the entity will make a cash or in-kind contribution to the
 1377 program of a value that is at least equal to 20 percent of the
 1378 amount of the grant.

1379 8. The necessary program staff.

1380 (b) The department shall consider the following in
 1381 awarding such grants:

1382 1. The recommendations of the juvenile justice county
 1383 council as to the priority that should be given to proposals
 1384 submitted by entities within a county.

1385 2. The recommendations of the juvenile justice circuit
 1386 board as to the priority that should be given to proposals
 1387 submitted by entities within a circuit.

1388
 1389 As the first priority in awarding grants under this paragraph,
 1390 the department shall fund applications that meet the
 1391 requirements of this section and also fulfill the local juvenile
 1392 circuit board plans.

1393 (3) RESTRICTIONS. ~~--This section does not prevent a program~~
 1394 ~~initiated under a community juvenile justice partnership grant~~
 1395 ~~established pursuant to this section from continuing to operate~~
 1396 ~~beyond the 3 year maximum funding period if it can find other~~

1397 ~~funding sources. Likewise,~~ This section does not restrict the
 1398 number of programs an entity may apply for or operate.

1399 Section 23. Section 985.721, Florida Statutes, is amended
 1400 to read:

1401 985.721 Escapes from secure detention or residential
 1402 commitment facility.--An escape from:

1403 (1) Any secure detention facility maintained for the
 1404 temporary detention of children, pending adjudication,
 1405 disposition, or placement;

1406 (2) Any residential commitment facility described in s.
 1407 985.03 (45) ~~(44)~~, maintained for the custody, treatment,
 1408 punishment, or rehabilitation of children found to have
 1409 committed delinquent acts or violations of law; or

1410 (3) Lawful transportation to or from any such secure
 1411 detention facility or residential commitment facility,

1412
 1413 constitutes escape within the intent and meaning of s. 944.40
 1414 and is a felony of the third degree, punishable as provided in
 1415 s. 775.082, s. 775.083, or s. 775.084.

1416 Section 24. Section 1006.125, Florida Statutes, is created
 1417 to read:

1418 1006.125 Referrals to law enforcement; serious offenses.--

1419 (1) A student alleged to have committed a serious offense
 1420 shall be reported to the law enforcement agency having
 1421 jurisdiction over the student's school of attendance. This
 1422 requirement may be satisfied by providing notice to the
 1423 appropriate school resource officer of the charge of violation
 1424 of the code of student conduct and discipline code.

1425 (2) As used in this section, serious offense includes an
 1426 offense that would constitute a capital felony; life felony;
 1427 first degree felony; second or third degree felony involving a
 1428 firearm or weapon or violence against another person; a
 1429 delinquent act that would constitute such a felony if committed
 1430 by an adult; or an offense that poses a serious threat to school
 1431 safety or the safety of any individual student or group of
 1432 students.

1433 (3) Counties may seek reimbursement from the school
 1434 district for secure detention costs associated with the referral
 1435 of a student for an offense other than that specified in this
 1436 section when the school authority refers the student to law
 1437 enforcement and requests that the student be placed in secure
 1438 detention and the student is placed in secure detention. In such
 1439 case, the county may be reimbursed at a rate not to exceed the
 1440 per diem rate set by the Department of Juvenile Justice pursuant
 1441 to s. 985.686.

1442 Section 25. Subsections (1) and (2) of section 1006.13,
 1443 Florida Statutes, are amended to read:

1444 1006.13 Policy ~~of zero tolerance~~ for crime and
 1445 victimization.--

1446 (1) Each district school board shall adopt a policy ~~of~~
 1447 ~~zero tolerance~~ for:

1448 (a) Crime and substance abuse, including the reporting of
 1449 delinquent acts and crimes occurring whenever and wherever
 1450 students are under the jurisdiction of the district school
 1451 board.

1452 (b) Victimization of students, including taking all steps
 1453 necessary to protect the victim of any violent crime from any
 1454 further victimization.

1455 (2) The ~~zero-tolerance~~ policy shall require students found
 1456 to have committed one of the following serious criminal offenses
 1457 to be expelled, with or without continuing educational services,
 1458 from the student's regular school for a period of not less than
 1459 1 full year, and to be referred to the criminal justice or
 1460 juvenile justice system.

1461 (a) Bringing a firearm or weapon, as defined in chapter
 1462 790, to school, to any school function, or onto any school-
 1463 sponsored transportation or possessing a firearm at school.

1464 (b) Making a threat or false report, as defined by ss.
 1465 790.162 and 790.163, respectively, involving school or school
 1466 personnel's property, school transportation, or a school-
 1467 sponsored activity.

1468
 1469 District school boards may assign the student to a disciplinary
 1470 program for the purpose of continuing educational services
 1471 during the period of expulsion. District school superintendents
 1472 may consider the 1-year expulsion requirement on a case-by-case
 1473 basis and request the district school board to modify the
 1474 requirement by assigning the student to a disciplinary program
 1475 or second chance school if the request for modification is in
 1476 writing and it is determined to be in the best interest of the
 1477 student and the school system. If a student committing any of
 1478 the offenses in this subsection is a student with a disability,

1479 the district school board shall comply with applicable State
 1480 Board of Education rules.

1481 Section 26. A children-in-need-of-services and families-
 1482 in-need-of-services provider shall demonstrate that it has
 1483 considered local, nontraditional, nonresidential delinquency
 1484 prevention service providers, including, but not limited to,
 1485 grassroots, community-based, and faith-based organizations, to
 1486 subcontract and deliver nonresidential services to youth
 1487 eligible for such services as defined in chapter 984, Florida
 1488 Statutes, in areas with high ratios of juvenile arrests in
 1489 relation to the numbers of youth ages 10 to 17 in those areas.
 1490 Such services shall be offered throughout the judicial circuit
 1491 by the children-in-need-of-services and families-in-need-of-
 1492 services provider.

1493 Section 27. For fiscal year 2008-2009, there is hereby
 1494 appropriated from the General Revenue Fund to the Department of
 1495 Juvenile Justice \$50,000 in nonrecurring funds for the purpose
 1496 of developing curriculum to be used for the certification of
 1497 direct care staff of the department.

1498 Section 28. Except as otherwise expressly provided in this
 1499 act, this act shall take effect July 1, 2008.