

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.

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

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

29.008 County funding of court-related functions.--

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

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

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

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

(4)

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

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

939.185 Assessment of additional court costs and surcharges.--

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.

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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

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

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 shall be considered eligible.

753 (2) The Redirection Program must provide community-based

754 services that have been identified as model programs or as
755 promising programs as determined by a nationally recognized
756 research entity using rigorous research design methodologies to
757 establish criteria of a strict scientific standard of program
758 effectiveness in reducing adolescent violent crime, aggression,
759 delinquency, and substance abuse. Interventions selected for use
760 in the Redirection Program must be identified by the search
761 entity as meeting the criteria as a model programs or as
762 promising programs. At a minimum, such rigorous research design
763 methodologies shall include the use of a random assignment study
764 or match control group study and achieve a high level of
765 internal validity, with an appropriate sample size, low
766 attrition, no differential attrition and the use of consistent
767 measures over time. For a program identified as a model, program
768 effectiveness must have been demonstrated beyond the treatment
769 period, sustained over an appropriate period of time, and have
770 had at least one replication. In addition, for a program to be
771 identified as a model, program effectiveness should also include
772 an analysis of mediating factors and cost effectiveness.

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

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

779 985.601 Administering the juvenile justice continuum.--

780 (2) (a) The department shall develop and implement an
781 appropriate continuum of care that provides individualized,

782 multidisciplinary assessments, objective evaluations of relative
783 risks, and the matching of needs with placements for all
784 children under its care, and that uses a system of case
785 management to facilitate each child being appropriately
786 assessed, provided with services, and placed in a program that
787 meets the child's needs.

788 (b) As part of the continuum of services, the department
789 shall adopt rules establishing procedures to provide ordinary
790 medical care, mental health, substance abuse, and developmental
791 disabilities services to youth within the juvenile justice
792 continuum as defined in s. 985.03. The department shall
793 coordinate such rulemaking with other affected agencies to avoid
794 duplication, conflict, or inconsistency.

795 (3)

796 (e) In order to be eligible to participate in the state-
797 funded Intensive Delinquency Diversion Services Program,
798 counties with non-state-funded delinquency programs for youth
799 must include diversion options for first-time misdemeanant youth
800 or youth 10 years of age 10 or younger, unless otherwise
801 prohibited.

802 Section 16. Section 985.606, Florida Statutes, is amended
803 to read:

804 985.606 Prevention services providers; outcome performance
805 data collection; reporting.--Each state agency or entity that
806 receives or uses state appropriations to fund programs, grants,
807 appropriations, or activities that are designed to prevent
808 juvenile crime, delinquency, gang membership, status offenses,
809 or that are designed to prevent a child from becoming a "child

810 in need of services," as defined in chapter 984, shall collect
811 data relative to the outcomes related to ~~performance of~~ such
812 activities and shall provide said data to the Governor, the
813 President of the Senate, and the Speaker of the House no later
814 than January 31st of each year for the preceding fiscal year.

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

817 985.632 Quality assurance and cost-effectiveness; outcome-
818 based contracting.--

819 (8) To create an accountable juvenile justice system that
820 is outcome-based, the department is authorized to conduct a
821 demonstration project using outcome-based contracts. During
822 fiscal year 2008-2009, the department shall develop, in
823 consultation with the Department of Financial Services and a
824 provider organization with multiple sites, an implementation
825 plan for outcome-based contracting. Such a plan shall include
826 interim and long-term outcome performance measures, strategies
827 for using financial incentives and disincentives to increase
828 provider performance, a plan to shift oversight and monitoring
829 of providers from a compliance-based approach to a more outcome-
830 based approach, and recommendations of needed legislative action
831 for implementation. This plan shall be submitted to the
832 Executive Office of the Governor, the Speaker of the House of
833 Representatives, and the President of the Senate no later than
834 March 1, 2009.

835 Section 18. Section 985.644, Florida Statutes, is amended
836 to read:

837 985.644 Departmental contracting powers; personnel
838 standards and screening.--

839 (1) ~~The department of Juvenile Justice or the Department~~
840 ~~of Children and Family Services, as appropriate,~~ may contract
841 with the Federal Government, other state departments and
842 agencies, county and municipal governments and agencies, public
843 and private agencies, and private individuals and corporations
844 in carrying out the purposes of, and the responsibilities
845 established in, this chapter.

846 (a) When the department ~~of Juvenile Justice or the~~
847 ~~Department of Children and Family Services~~ contracts with a
848 provider for any program for children, all personnel, including
849 owners, operators, employees, and volunteers, in the facility
850 must be of good moral character. Each contract entered into by
851 the either department for services delivered on an appointment
852 or intermittent basis by a provider that does not have regular
853 custodial responsibility for children and each contract with a
854 school for before or aftercare services must ensure that the
855 owners, operators, and all personnel who have direct contact
856 with children are of good moral character. A volunteer who
857 assists on an intermittent basis for less than 40 hours per
858 month need not be screened if the volunteer is under direct and
859 constant supervision by persons who meet the screening
860 requirements.

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

864 set forth in that chapter for personnel in programs for children
865 or youths.

866 (c) ~~The department of Juvenile Justice or the Department~~
867 ~~of Children and Family Services~~ may grant exemptions from
868 disqualification from working with children as provided in s.
869 435.07.

870 ~~(2) The department may contract with the Federal~~
871 ~~Government, other state departments and agencies, county and~~
872 ~~municipal governments and agencies, public and private agencies,~~
873 ~~and private individuals and corporations in carrying out the~~
874 ~~purposes and the responsibilities of the delinquency services~~
875 ~~and programs of the department.~~

876 (2)(3) The department shall adopt a rule pursuant to
877 ~~chapter 120~~ establishing a procedure to provide notice of policy
878 changes that affect contracted delinquency services and
879 programs. A policy is defined as an operational requirement that
880 applies to only the specified contracted delinquency service or
881 program. The procedure must ~~shall~~ include:

882 (a) Public notice of policy development.

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

884 (c) Assessment for fiscal impact upon the department and
885 providers.

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

887 ~~(4) When the department contracts with a provider for any~~
888 ~~delinquency service or program, all personnel, including all~~
889 ~~owners, operators, employees, and volunteers in the facility or~~
890 ~~providing the service or program shall be of good moral~~
891 ~~character. A volunteer who assists on an intermittent basis for~~

892 ~~less than 40 hours per month is not required to be screened if~~
893 ~~the volunteer is under direct and constant supervision by~~
894 ~~persons who meet the screening requirements.~~

895 (3)~~(5)~~(a) For any person employed by the department, or by
896 a provider under contract with the department, in delinquency
897 facilities, services, or programs, the department shall require:

898 1. A level 2 employment screening pursuant to chapter 435
899 prior to employment.

900 2. A federal criminal records check by the Federal Bureau
901 of Investigation every 5 years following the date of the
902 person's employment.

903 (b) Except for law enforcement, correctional, and
904 correctional probation officers, to whom s. 943.13(5) applies,
905 the department shall electronically submit to the Department of
906 Law Enforcement:

907 1. Fingerprint information obtained during the employment
908 screening required by subparagraph (a)1.

909 2. ~~Beginning on December 15, 2005,~~ Fingerprint information
910 for all persons employed by the department, or by a provider
911 under contract with the department, in delinquency facilities,
912 services, or programs if such fingerprint information has not
913 previously been electronically submitted to the Department of
914 Law Enforcement under this paragraph.

915 (c) All fingerprint information electronically submitted
916 to the Department of Law Enforcement under paragraph (b) shall
917 be retained by the Department of Law Enforcement and entered
918 into the statewide automated fingerprint identification system
919 authorized by s. 943.05(2)(b). Thereafter, such fingerprint

920 information shall be available for all purposes and uses
921 authorized for arrest fingerprint information entered into the
922 statewide automated fingerprint identification system pursuant
923 to s. 943.051 until the fingerprint information is removed under
924 ~~pursuant to~~ paragraph (e). The Department of Law Enforcement
925 shall search all arrest fingerprint information received
926 pursuant to s. 943.051 against the fingerprint information
927 entered into the statewide automated fingerprint system under
928 ~~pursuant to~~ this subsection. Any arrest records identified as a
929 result of the search shall be reported to the department in the
930 manner and timeframe established by the Department of Law
931 Enforcement by rule.

932 (d) The department shall pay an annual fee to the
933 Department of Law Enforcement for its costs resulting from the
934 fingerprint information retention services required by this
935 subsection. The amount of the annual fee and procedures for the
936 submission and retention of fingerprint information and for the
937 dissemination of search results shall be established by the
938 Department of Law Enforcement by adopting a rule that is
939 applicable to the department individually under ~~pursuant to~~ this
940 subsection or that is applicable to the department and other
941 employing agencies pursuant to rulemaking authority otherwise
942 provided by law.

943 (e) The department shall notify the Department of Law
944 Enforcement when a person whose fingerprint information is
945 retained by the Department of Law Enforcement under this
946 subsection is no longer employed by the department, or by a
947 provider under contract with the department, in a delinquency

948 facility, service, or program. This notice shall be provided by
 949 the department to the Department of Law Enforcement no later
 950 than 6 months after the date of the change in the person's
 951 employment status. Fingerprint information for persons
 952 identified by the department in the notice shall be removed from
 953 the statewide automated fingerprint system.

954 ~~(6) The department may grant exemptions from~~
 955 ~~disqualification from working with children as provided in s.~~
 956 ~~435.07.~~

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

960 985.66 Juvenile justice training academies; Juvenile
 961 Justice Standards and Training Commission; Juvenile Justice
 962 Training Trust Fund.--

963 (2) STAFF DEVELOPMENT AND TRAINING JUVENILE JUSTICE
 964 STANDARDS AND TRAINING COMMISSION.--

965 ~~(a) There is created under the Department of Juvenile~~
 966 ~~Justice the Juvenile Justice Standards and Training Commission,~~
 967 ~~hereinafter referred to as the commission. The 17 member~~
 968 ~~commission shall consist of the Attorney General or designee,~~
 969 ~~the Commissioner of Education or designee, a member of the~~
 970 ~~juvenile court judiciary to be appointed by the Chief Justice~~
 971 ~~of the Supreme Court, and 14 members to be appointed by the~~
 972 ~~Secretary of Juvenile Justice as follows:~~

973 ~~1. Seven members shall be juvenile justice professionals:~~
 974 ~~a superintendent or a direct care staff member from an~~
 975 ~~institution; a director from a contracted community based~~

976 ~~program; a superintendent and a direct care staff member from a~~
977 ~~regional detention center or facility; a juvenile probation~~
978 ~~officer supervisor and a juvenile probation officer; and a~~
979 ~~director of a day treatment or conditional release program. No~~
980 ~~fewer than three of these members shall be contract providers.~~

981 ~~2. Two members shall be representatives of local law~~
982 ~~enforcement agencies.~~

983 ~~3. One member shall be an educator from the state's~~
984 ~~university and community college program of criminology,~~
985 ~~criminal justice administration, social work, psychology,~~
986 ~~sociology, or other field of study pertinent to the training of~~
987 ~~juvenile justice program staff.~~

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

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

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

993 ~~7. One member shall be a representative of the business~~
994 ~~community.~~

995

996 ~~All appointed members shall be appointed to serve terms of 2~~
997 ~~years.~~

998 ~~(b) The composition of the commission shall be broadly~~
999 ~~reflective of the public and shall include minorities and~~
1000 ~~women. The term "minorities" as used in this paragraph means a~~
1001 ~~member of a socially or economically disadvantaged group that~~
1002 ~~includes blacks, Hispanics, and American Indians.~~

1003 ~~(c) The Department of Juvenile Justice shall provide the~~

1004 ~~commission with staff necessary to assist the commission in the~~
 1005 ~~performance of its duties.~~

1006 ~~(d) The commission shall annually elect its chairperson~~
 1007 ~~and other officers. The commission shall hold at least four~~
 1008 ~~regular meetings each year at the call of the chairperson or~~
 1009 ~~upon the written request of three members of the commission. A~~
 1010 ~~majority of the members of the commission constitutes a quorum.~~
 1011 ~~Members of the commission shall serve without compensation but~~
 1012 ~~are entitled to be reimbursed for per diem and travel expenses~~
 1013 ~~as provided by s. 112.061 and these expenses shall be paid from~~
 1014 ~~the Juvenile Justice Training Trust Fund.~~

1015 ~~(e) The powers, duties, and functions of the department~~
 1016 ~~commission shall be to:~~

1017 ~~(a)1-~~ Designate the location of the training academies;
 1018 develop, implement, maintain, and update the curriculum to be
 1019 used in the training of delinquency juvenile justice program
 1020 staff; establish timeframes for participation in and completion
 1021 of training by delinquency juvenile justice program staff;
 1022 develop, implement, maintain, and update job-related
 1023 examinations; develop, implement, and update the types and
 1024 frequencies of evaluations of the training academies; approve,
 1025 modify, or disapprove the budget for the training academies,
 1026 and the contractor to be selected to organize and operate the
 1027 training academies and to provide the training curriculum.

1028 ~~(b)2-~~ Establish uniform minimum job-related training
 1029 courses and examinations for delinquency juvenile justice
 1030 program staff.

1031 ~~(c)3-~~ Consult and cooperate with the state or any

1032 political subdivision; any private entity or contractor; and
 1033 with private and public universities, colleges, community
 1034 colleges, and other educational institutions concerning the
 1035 development of juvenile justice training and programs or
 1036 courses of instruction, including, but not limited to,
 1037 education and training in the areas of juvenile justice.

1038 ~~(d) 4. Enter into~~ With the approval of the department,
 1039 ~~make and enter into such~~ contracts and agreements with other
 1040 agencies, organizations, associations, corporations,
 1041 individuals, or federal agencies as ~~the commission determines~~
 1042 ~~are~~ necessary in the execution of its powers or the performance
 1043 of its duties.

1044 ~~5. Make recommendations to the Department of Juvenile~~
 1045 ~~Justice concerning any matter within the purview of this~~
 1046 ~~section.~~

1047 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The department
 1048 ~~commission~~ shall establish a certifiable program for juvenile
 1049 justice training pursuant to this section, and all delinquency
 1050 ~~department~~ program staff and ~~providers~~ who deliver direct care
 1051 services ~~pursuant to contract with the department~~ shall be
 1052 required to participate in and successfully complete the
 1053 ~~commission~~-approved program of training pertinent to their
 1054 areas of responsibility. Judges, state attorneys, and public
 1055 defenders, law enforcement officers, and school district
 1056 personnel may participate in such training program. For the
 1057 delinquency juvenile justice program staff, the department
 1058 ~~commission~~ shall, based on a job-task analysis:

1059 (a) Design, implement, maintain, evaluate, and revise a

1060 basic training program, including a competency-based
1061 examination, for the purpose of providing minimum employment
1062 training qualifications for all delinquency program staff
1063 ~~juvenile justice personnel~~. All delinquency program staff of
1064 the department and providers who deliver direct-care services
1065 who are hired after October 1, 1999, must meet the following
1066 minimum requirements:

- 1067 1. Be at least 19 years of age.
- 1068 2. Be a high school graduate or its equivalent as
1069 determined by the department ~~commission~~.
- 1070 3. Not have been convicted of any felony or a misdemeanor
1071 involving perjury or a false statement, or have received a
1072 dishonorable discharge from any of the Armed Forces of the
1073 United States. Any person who, after September 30, 1999, pleads
1074 guilty or nolo contendere to or is found guilty of any felony
1075 or a misdemeanor involving perjury or false statement is not
1076 eligible for employment, notwithstanding suspension of sentence
1077 or withholding of adjudication. Notwithstanding this
1078 subparagraph, any person who pled nolo contendere to a
1079 misdemeanor involving a false statement before October 1, 1999,
1080 and who has had such record of that plea sealed or expunged is
1081 not ineligible for employment for that reason.
- 1082 4. Abide by all the provisions of s. 985.644(1) regarding
1083 fingerprinting and background investigations and other
1084 screening requirements for personnel.
- 1085 5. Execute and submit to the department an affidavit-of-
1086 application form, adopted by the department, attesting to his
1087 or her compliance with subparagraphs 1.-4. The affidavit must

1088 be executed under oath and constitutes an official statement
 1089 under s. 837.06. The affidavit must include conspicuous
 1090 language that the intentional false execution of the affidavit
 1091 constitutes a misdemeanor of the second degree. The employing
 1092 agency shall retain the affidavit.

1093 (b) Design, implement, maintain, evaluate, and revise an
 1094 advanced training program, including a competency-based
 1095 examination for each training course, which is intended to
 1096 enhance knowledge, skills, and abilities related to job
 1097 performance.

1098 (c) Design, implement, maintain, evaluate, and revise a
 1099 career development training program, including a competency-
 1100 based examination for each training course. Career development
 1101 courses are intended to prepare personnel for promotion.

1102
 1103 (d) The department ~~commission~~ is encouraged to design,
 1104 implement, maintain, evaluate, and revise juvenile justice
 1105 training courses, or to enter into contracts for such training
 1106 courses, that are intended to provide for the safety and well-
 1107 being of both citizens and juvenile offenders.

1108 (4) JUVENILE JUSTICE TRAINING TRUST FUND.--

1109 (a) There is created within the State Treasury a Juvenile
 1110 Justice Training Trust Fund to be used by the Department of
 1111 Juvenile Justice for the purpose of funding the development and
 1112 updating of a job-task analysis of delinquency program staff
 1113 ~~juvenile justice personnel~~; the development, implementation,
 1114 and updating of job-related training courses and examinations;
 1115 and the cost of ~~commission-approved~~ juvenile justice training

1116 ~~courses, and reimbursement for expenses as provided in s.~~
 1117 ~~112.061 for members of the commission and staff.~~

1118 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING
 1119 ACADEMIES.--The number, location, and establishment of juvenile
 1120 justice training academies shall be determined by the
 1121 department ~~commission~~.

1122 (6) SCHOLARSHIPS AND STIPENDS.--

1123 (a) By rule, the department ~~commission~~ shall establish
 1124 criteria to award scholarships or stipends to qualified
 1125 delinquency program staff ~~juvenile justice personnel~~ who are
 1126 residents of the state who want to pursue a bachelor's or
 1127 associate in arts degree in juvenile justice or a related
 1128 field. The department shall handle the administration of the
 1129 scholarship or stipend. The Department of Education shall
 1130 handle the notes issued for the payment of the scholarships or
 1131 stipends. All scholarship and stipend awards shall be paid from
 1132 the Juvenile Justice Training Trust Fund upon vouchers approved
 1133 by the Department of Education and properly certified by the
 1134 Chief Financial Officer. Prior to the award of a scholarship or
 1135 stipend, the delinquency program staff ~~juvenile justice~~
 1136 ~~employee~~ must agree in writing to practice her or his
 1137 profession in juvenile justice or a related field for 1 month
 1138 for each month of grant or to repay the full amount of the
 1139 scholarship or stipend together with interest at the rate of 5
 1140 percent per annum over a period not to exceed 10 years.
 1141 Repayment shall be made payable to the state for deposit into
 1142 the Juvenile Justice Training Trust Fund.

1143 (b) The department ~~commission~~ may establish the

1144 scholarship program by rule ~~and implement the program on or~~
 1145 ~~after July 1, 1996.~~

1146 (7) ADOPTION OF RULES.--The department may ~~commission~~
 1147 ~~shall~~ adopt rules as necessary to carry out the provisions of
 1148 this section.

1149 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
 1150 MANAGEMENT TRUST FUND.--Pursuant to s. 284.30, the Division of
 1151 Risk Management of the Department of Financial Services is
 1152 authorized to insure a private agency, individual, or
 1153 corporation operating a state-owned training school under a
 1154 contract to carry out the purposes and responsibilities of any
 1155 program of the department. The coverage authorized herein shall
 1156 be under the same general terms and conditions as the
 1157 department is insured for its responsibilities under chapter
 1158 284.

1159 (9) DELINQUENCY PROGRAM STAFF DEFINED.--As used in this
 1160 section, the term "delinquency program staff" means supervisory
 1161 and direct care staff of a delinquency program as well as
 1162 support staff who have direct contact with children in a
 1163 delinquency program that is owned or operated by the
 1164 department.

1165 ~~(9) The Juvenile Justice Standards and Training Commission~~
 1166 ~~is terminated on June 30, 2001, and such termination shall be~~
 1167 ~~reviewed by the Legislature prior to that date.~~

1168 Section 20. Subsections (1), (2), (6), (7), and (10) of
 1169 section 985.664, Florida Statutes, are amended, subsection (13)
 1170 of that section is redesignated as subsection (14), and new
 1171 subsections (13) and (15) are added to that section, to read:

1172 985.664 Juvenile justice circuit boards and juvenile
1173 justice county councils.--

1174 (1) There is authorized a juvenile justice circuit board
1175 to be established in each of the 20 judicial circuits and a
1176 juvenile justice county council to be established in each of the
1177 67 counties. The purpose of each juvenile justice circuit board
1178 and each juvenile justice county council is to provide advice
1179 and direction to the department and the Children and Youth
1180 Cabinet in the development and implementation of juvenile
1181 justice programs and to work collaboratively with the department
1182 in seeking program improvements and policy changes to address
1183 the emerging and changing needs of Florida's youth who are at
1184 risk of delinquency.

1185 (2) Each juvenile justice county council shall develop a
1186 juvenile justice prevention and early intervention plan for the
1187 county and shall collaborate with the circuit board and other
1188 county councils assigned to that circuit in the development of a
1189 comprehensive plan for the circuit. As part of such plan, each
1190 council and board shall make provision for continual monitoring
1191 to identify and remedy disproportionate minority contact with
1192 the juvenile justice system. The Children and Youth Cabinet
1193 shall consider these local plans in implementing s. 402.56(5).

1194 (6) Each juvenile justice circuit board shall provide an
1195 annual report to the department and to the Children and Youth
1196 Cabinet describing the activities of the circuit board and each
1197 of the county councils contained within its circuit. The
1198 department may prescribe a format and content requirements for
1199 submission of annual reports.

1200 (7) Membership of the juvenile justice circuit board may
 1201 not exceed 18 members, except as provided in subsections (8) and
 1202 (9). Members must include the state attorney, the public
 1203 defender, and the chief judge of the circuit, or their
 1204 respective designees. The remaining 15 members of the board must
 1205 be appointed by the county councils within that circuit. The
 1206 board where possible must be composed of an equitable number of
 1207 members ~~include at least one representative~~ from each county
 1208 council within the circuit, taking into account differences in
 1209 population. In appointing members to the circuit board, the
 1210 county councils must reflect:

- 1211 (a) The circuit's geography and population distribution.
- 1212 (b) Juvenile justice partners, including, but not limited
 1213 to, representatives of law enforcement, the school system, and
 1214 the Department of Children and Family Services.
- 1215 (c) Diversity in the judicial circuit.
- 1216 (d) Representation from residents of communities in
 1217 targeted high-crime zip codes as identified by the department
 1218 and based on referral rates within the county.

1219 (10) Membership of the juvenile justice county councils,
 1220 or juvenile justice circuit boards established under subsection
 1221 (9), must include representation from residents of communities
 1222 in targeted high-crime zip codes as identified by the department
 1223 and based on referral rates within the county and may also
 1224 include representatives from the following entities:

- 1225 (a) Representatives from the school district, which may
 1226 include elected school board officials, the school

1227 superintendent, school or district administrators, teachers, and
 1228 counselors.

1229 (b) Representatives of the board of county commissioners.

1230 (c) Representatives of the governing bodies of local
 1231 municipalities within the county.

1232 (d) A representative of the corresponding circuit or
 1233 regional entity of the Department of Children and Family
 1234 Services.

1235 (e) Representatives of local law enforcement agencies,
 1236 including the sheriff or the sheriff's designee.

1237 (f) Representatives of the judicial system.

1238 (g) Representatives of the business community.

1239 (h) Representatives of other interested officials, groups,
 1240 or entities, including, but not limited to, a children's
 1241 services council, public or private providers of juvenile
 1242 justice programs and services, students, parents, and advocates.
 1243 Private providers of juvenile justice programs may not exceed
 1244 one-third of the voting membership.

1245 (i) Representatives of the faith community.

1246 (j) Representatives of victim-service programs and victims
 1247 of crimes.

1248 (k) Representatives of the Department of Corrections.

1249 (13) The secretary shall meet at least annually,
 1250 individually or collectively, by phone or in person, with the
 1251 chair of the juvenile justice circuit boards and the Children
 1252 and Youth Cabinet in order to:

1253 (a) Advise juvenile justice circuit board chairs of
 1254 statewide juvenile justice issues and activities.

1255 (b) Provide and receive comments on prevention and
 1256 intervention program budget priorities.

1257 (c) Provide and receive comments on the planning process.

1258 (d) Discuss program development, program implementation,
 1259 quality assurance, and program outcomes.

1260 (15) Juvenile justice circuit boards and county councils
 1261 shall use due diligence in notifying the community of board
 1262 vacancies through various community outreach outlets such as
 1263 community newspapers, religious organizations, and free public
 1264 announcements.

1265 Section 21. Section 985.668, Florida Statutes, is amended
 1266 to read:

1267 985.668 Innovation zones.--

1268 (1) The department shall encourage each of the juvenile
 1269 justice circuit boards, in consultation with the juvenile
 1270 justice county council within the circuit, to propose at least
 1271 one innovation zone within the circuit for the purpose of
 1272 implementing any experimental, pilot, or demonstration project
 1273 that furthers the legislatively established goals of the
 1274 department. An innovation zone is a defined geographic area such
 1275 as a circuit, commitment region, county, municipality, service
 1276 delivery area, school campus, or neighborhood providing a
 1277 laboratory for the research, development, and testing of the
 1278 applicability and efficacy of model programs, policy options,
 1279 and new technologies for the department.

1280 (2)~~(1)~~(a) The juvenile justice circuit board shall submit
 1281 a proposal for an innovation zone to the secretary. If the
 1282 purpose of the proposed innovation zone is to demonstrate that

1283 specific statutory goals can be achieved more effectively by
 1284 using procedures that require modification of existing rules,
 1285 policies, or procedures, the proposal may request the secretary
 1286 to waive such existing rules, policies, or procedures or to
 1287 otherwise authorize use of alternative procedures or practices.
 1288 Waivers of such existing rules, policies, or procedures must
 1289 comply with applicable state or federal law.

1290 (b) For innovation zone proposals that the secretary
 1291 determines require changes to state law, the secretary may
 1292 submit a request for a waiver from such laws, together with any
 1293 proposed changes to state law, to the chairs of the appropriate
 1294 legislative committees for consideration.

1295 (c) For innovation zone proposals that the secretary
 1296 determines require waiver of federal law, the secretary may
 1297 submit a request for such waivers to the applicable federal
 1298 agency.

1299 (3)~~(2)~~ An innovation zone project may not have a duration
 1300 of more than 2 years, but the secretary may grant an extension.

1301 (4)~~(3)~~ Before implementing an innovation zone under this
 1302 subsection, the secretary shall, in conjunction with the Office
 1303 of Program Policy Analysis and Government Accountability,
 1304 develop measurable and valid objectives for such zone within a
 1305 negotiated reasonable period of time. Moneys designated for an
 1306 innovation zone in one operating circuit may not be used to fund
 1307 an innovation zone in another operating circuit.

1308 (5)~~(4)~~ Program models for innovation zone projects
 1309 include, but are not limited to:

1310 (a) A forestry alternative work program that provides
1311 selected juvenile offenders an opportunity to serve in a
1312 forestry work program as an alternative to incarceration, in
1313 which offenders assist in wildland firefighting, enhancement of
1314 state land management, environmental enhancement, and land
1315 restoration.

1316 (b) A collaborative public/private dropout prevention
1317 partnership that trains personnel from both the public and
1318 private sectors of a target community who are identified and
1319 brought into the school system as an additional resource for
1320 addressing problems which inhibit and retard learning, including
1321 abuse, neglect, financial instability, pregnancy, and substance
1322 abuse.

1323 (c) A support services program that provides economically
1324 disadvantaged youth with support services, jobs, training,
1325 counseling, mentoring, and prepaid postsecondary tuition
1326 scholarships.

1327 (d) A juvenile offender job training program that offers
1328 an opportunity for juvenile offenders to develop educational and
1329 job skills in a 12-month to 18-month nonresidential training
1330 program, teaching the offenders skills such as computer-aided
1331 design, modular panel construction, and heavy vehicle repair and
1332 maintenance which will readily transfer to the private sector,
1333 thereby promoting responsibility and productivity.

1334 (e) An infant mortality prevention program that is
1335 designed to discourage unhealthy behaviors such as smoking and
1336 alcohol or drug consumption, reduce the incidence of babies born
1337 prematurely or with low birth weight, reduce health care cost by

1338 enabling babies to be safely discharged earlier from the
 1339 hospital, reduce the incidence of child abuse and neglect, and
 1340 improve parenting and problem-solving skills.

1341 (f) A regional crime prevention and intervention program
 1342 that serves as an umbrella agency to coordinate and replicate
 1343 existing services to at-risk children, first-time juvenile
 1344 offenders, youth crime victims, and school dropouts.

1345 (g) An alternative education outreach school program that
 1346 serves delinquent repeat offenders between 14 and 18 years of
 1347 age who have demonstrated failure in school and who are referred
 1348 by the juvenile court.

1349 (h) A drug treatment and prevention program that provides
 1350 early identification of children with alcohol or drug problems
 1351 to facilitate treatment, comprehensive screening and assessment,
 1352 family involvement, and placement options.

1353 (i) A community resource mother or father program that
 1354 emphasizes parental responsibility for the behavior of children,
 1355 and requires the availability of counseling services for
 1356 children at high risk for delinquent behavior.

1357 Section 22. Paragraphs (a) and (b) of subsection (2) and
 1358 subsection (3) of section 985.676, Florida Statutes, are amended
 1359 to read:

1360 985.676 Community juvenile justice partnership grants.--

1361 (2) GRANT APPLICATION PROCEDURES.--

1362 (a) Each entity wishing to apply for an annual community
 1363 juvenile justice partnership grant, which may be renewed ~~for a~~
 1364 ~~maximum of 2 additional years~~ for the same provision of
 1365 services, shall submit a grant proposal for funding or continued

1366 funding to the department. The department shall establish the
1367 grant application procedures. In order to be considered for
1368 funding, the grant proposal shall include the following
1369 assurances and information:

1370 1. A letter from the chair of the juvenile justice circuit
1371 board confirming that the grant application has been reviewed
1372 and found to support one or more purposes or goals of the
1373 juvenile justice plan as developed by the board.

1374 2. A rationale and description of the program and the
1375 services to be provided, including goals and objectives.

1376 3. A method for identification of the juveniles most
1377 likely to be involved in the juvenile justice system who will be
1378 the focus of the program.

1379 4. Provisions for the participation of parents and
1380 guardians in the program.

1381 5. Coordination with other community-based and social
1382 service prevention efforts, including, but not limited to, drug
1383 and alcohol abuse prevention and dropout prevention programs,
1384 that serve the target population or neighborhood.

1385 6. An evaluation component to measure the effectiveness of
1386 the program in accordance with s. 985.632.

1387 7. A program budget, including the amount and sources of
1388 local cash and in-kind resources committed to the budget. The
1389 proposal must establish to the satisfaction of the department
1390 that the entity will make a cash or in-kind contribution to the
1391 program of a value that is at least equal to 20 percent of the
1392 amount of the grant.

1393 8. The necessary program staff.

1394 (b) The department shall consider the following in
 1395 awarding such grants:

1396 1. The recommendations of the juvenile justice county
 1397 council as to the priority that should be given to proposals
 1398 submitted by entities within a county.

1399 2. The recommendations of the juvenile justice circuit
 1400 board as to the priority that should be given to proposals
 1401 submitted by entities within a circuit.

1402
 1403 As the first priority in awarding grants under this paragraph,
 1404 the department shall fund applications that meet the
 1405 requirements of this section and also fulfill the local juvenile
 1406 circuit board plans.

1407 (3) RESTRICTIONS. ~~--This section does not prevent a program~~
 1408 ~~initiated under a community juvenile justice partnership grant~~
 1409 ~~established pursuant to this section from continuing to operate~~
 1410 ~~beyond the 3 year maximum funding period if it can find other~~
 1411 ~~funding sources. Likewise,~~ This section does not restrict the
 1412 number of programs an entity may apply for or operate.

1413 Section 23. Section 985.721, Florida Statutes, is amended
 1414 to read:

1415 985.721 Escapes from secure detention or residential
 1416 commitment facility.--An escape from:

1417 (1) Any secure detention facility maintained for the
 1418 temporary detention of children, pending adjudication,
 1419 disposition, or placement;

1420 (2) Any residential commitment facility described in s.
 1421 985.03 (45) ~~(44)~~, maintained for the custody, treatment,

1422 punishment, or rehabilitation of children found to have
 1423 committed delinquent acts or violations of law; or
 1424 (3) Lawful transportation to or from any such secure
 1425 detention facility or residential commitment facility,
 1426
 1427 constitutes escape within the intent and meaning of s. 944.40
 1428 and is a felony of the third degree, punishable as provided in
 1429 s. 775.082, s. 775.083, or s. 775.084.

1430 Section 24. Section 1006.125, Florida Statutes, is created
 1431 to read:

1432 1006.125 Referrals to law enforcement; serious offenses.--

1433 (1) A student alleged to have committed a serious offense
 1434 shall be reported to the law enforcement agency having
 1435 jurisdiction over the student's school of attendance. This
 1436 requirement may be satisfied by providing notice to the
 1437 appropriate school resource officer of the charge of violation
 1438 of the code of student conduct and discipline code.

1439 (2) As used in this section, serious offense includes an
 1440 offense that would constitute a capital felony; life felony;
 1441 first degree felony; second or third degree felony involving a
 1442 firearm or weapon or violence against another person; a
 1443 delinquent act that would constitute such a felony if committed
 1444 by an adult; or an offense that poses a serious threat to school
 1445 safety or the safety of any individual student or group of
 1446 students.

1447 (3) Counties may seek reimbursement from the school
 1448 district for secure detention costs associated with the referral
 1449 of a student for an offense other than that specified in this

1450 section when the school authority refers the student to law
 1451 enforcement and requests that the student be placed in secure
 1452 detention and the student is placed in secure detention. In such
 1453 case, the county may be reimbursed at a rate not to exceed the
 1454 per diem rate set by the Department of Juvenile Justice pursuant
 1455 to s. 985.686.

1456 Section 25. Subsections (1) and (2) of section 1006.13,
 1457 Florida Statutes, are amended to read:

1458 1006.13 Policy ~~of zero tolerance~~ for crime and
 1459 victimization.--

1460 (1) Each district school board shall adopt a policy ~~of~~
 1461 ~~zero tolerance~~ for:

1462 (a) Crime and substance abuse, including the reporting of
 1463 delinquent acts and crimes occurring whenever and wherever
 1464 students are under the jurisdiction of the district school
 1465 board.

1466 (b) Victimization of students, including taking all steps
 1467 necessary to protect the victim of any violent crime from any
 1468 further victimization.

1469 (2) The ~~zero tolerance~~ policy shall require students found
 1470 to have committed one of the following serious criminal offenses
 1471 to be expelled, with or without continuing educational services,
 1472 from the student's regular school for a period of not less than
 1473 1 full year, and to be referred to the criminal justice or
 1474 juvenile justice system.

1475 (a) Bringing a firearm or weapon, as defined in chapter
 1476 790, to school, to any school function, or onto any school-
 1477 sponsored transportation or possessing a firearm at school.

1478 (b) Making a threat or false report, as defined by ss.
 1479 790.162 and 790.163, respectively, involving school or school
 1480 personnel's property, school transportation, or a school-
 1481 sponsored activity.

1482
 1483 District school boards may assign the student to a disciplinary
 1484 program for the purpose of continuing educational services
 1485 during the period of expulsion. District school superintendents
 1486 may consider the 1-year expulsion requirement on a case-by-case
 1487 basis and request the district school board to modify the
 1488 requirement by assigning the student to a disciplinary program
 1489 or second chance school if the request for modification is in
 1490 writing and it is determined to be in the best interest of the
 1491 student and the school system. If a student committing any of
 1492 the offenses in this subsection is a student with a disability,
 1493 the district school board shall comply with applicable State
 1494 Board of Education rules.

1495 Section 26. A children-in-need-of-services and families-
 1496 in-need-of-services provider shall demonstrate that it has
 1497 considered local, nontraditional, nonresidential delinquency
 1498 prevention service providers, including, but not limited to,
 1499 grassroots, community-based, and faith-based organizations, to
 1500 subcontract and deliver nonresidential services to youth
 1501 eligible for such services as defined in chapter 984, Florida
 1502 Statutes, in areas with high ratios of juvenile arrests in
 1503 relation to the numbers of youth ages 10 to 17 in those areas.
 1504 Such services shall be offered throughout the judicial circuit

1505 by the children-in-need-of-services and families-in-need-of-
1506 services provider.

1507 Section 27. For fiscal year 2008-2009, there is hereby
1508 appropriated from the General Revenue Fund to the Department of
1509 Juvenile Justice \$50,000 in nonrecurring funds for the purpose
1510 of developing curriculum to be used for the certification of
1511 direct care staff of the department.

1512 Section 28. Except as otherwise expressly provided in this
1513 act, this act shall take effect July 1, 2008.