

1 A bill to be entitled  
2 An act relating to juvenile justice; amending s. 20.316,  
3 F.S.; requiring the Department of Juvenile Justice to  
4 establish the Juvenile Justice Policy Research Institute  
5 within the department for specified purposes; providing  
6 purposes of the institute; amending s. 27.51, F.S.;  
7 providing that public defenders are available to juveniles  
8 at all stages of delinquency court proceedings; amending  
9 s. 394.492, F.S.; providing that a child referred for a  
10 delinquent act when he or she was under age 11 may be  
11 considered at risk of emotional disturbance and therefore  
12 subject to referral for mental health services; amending  
13 ss. 984.03 and 985.03, F.S.; correcting terminology in the  
14 definition of "child in need of services"; amending s.  
15 409.9025, F.S.; providing for Medicaid eligibility for  
16 juveniles committed to certain residential juvenile  
17 programs; amending s. 943.0515, F.S.; requiring the  
18 Department of Law Enforcement to notify certain specified  
19 agencies of the criminal history records of a minor which  
20 are expunged; requiring the arresting agency, the county,  
21 and the department to send the notice of expungement to  
22 those entities that received the criminal history records  
23 information; requiring that criminal history records that  
24 are to be expunged be physically destroyed or obliterated  
25 by the criminal justice agency having physical custody of  
26 the records; providing an exception; amending s. 943.0585,  
27 F.S.; prohibiting certain criminal history records from  
28 being expunged; providing that other records may be

29 | expunged under certain circumstances; providing that  
30 | certain information be included in the application for a  
31 | certificate of eligibility for expunction; providing for  
32 | county responsibilities when a county has disseminated  
33 | criminal history record information that is the subject of  
34 | an expungement order; prohibiting an agency, organization,  
35 | or company to which criminal history record information  
36 | was disseminated from releasing the expunged information  
37 | after a specified period; amending s. 943.059, F.S.;  
38 | prohibiting certain criminal records from being sealed;  
39 | providing that other records may be sealed under certain  
40 | circumstances; requiring that certain information be  
41 | included in the application for a certificate of  
42 | eligibility for sealing; providing for county  
43 | responsibilities when a county has disseminated criminal  
44 | history record information that is the subject of a  
45 | sealing order; prohibiting an agency, organization, or  
46 | company to which criminal history record information was  
47 | disseminated from releasing the sealed information after a  
48 | specified period; amending s. 943.0582, F.S.; conforming a  
49 | cross-reference; defining the term "violent offense";  
50 | providing for automatic expunction of the arrest record of  
51 | a minor for a nonviolent first offense if no charges or  
52 | petition was brought concerning the offense; providing for  
53 | reversal of the expunction if the person is subsequently  
54 | found to have committed a criminal offense or comparable  
55 | ordinance violation; amending s. 985.125, F.S.; providing  
56 | for establishment of prearrest or postarrest diversion

57 | programs by additional agencies; creating s. 985.165,  
58 | F.S.; providing legislative findings; requiring state  
59 | funding of community-based substance abuse intervention,  
60 | evaluation, and treatment services programs in each  
61 | judicial circuit; providing for diversion of certain  
62 | first-time drug offenders into such programs; amending s.  
63 | 985.245, F.S.; requiring the juvenile risk assessment  
64 | instrument to allow additional points to be assessed for a  
65 | child charged with a felony who has a prior residential  
66 | delinquency commitment; amending s. 985.441, F.S.;  
67 | providing for commitment of juveniles who are pregnant or  
68 | mothers with infant children in small family-style,  
69 | community-based programs when appropriate; creating s.  
70 | 985.461, F.S.; requiring that all youth exiting juvenile  
71 | justice commitment programs have made available to them  
72 | the services of an identified community-based, interagency  
73 | transition planning team; creating s. 985.495, F.S.;  
74 | requiring the Department of Juvenile Justice to provide  
75 | access to community-based, gender-specific aftercare  
76 | services to all girls transitioning from department  
77 | programs; requiring that the department place such girls  
78 | under female probation or conditional release case  
79 | managers; providing for creation of a female caseload  
80 | supervision team in certain circumstances; amending s.  
81 | 985.622, F.S.; requiring that certain juvenile justice  
82 | programs offer vocational training; requiring the  
83 | Department of Juvenile Justice to work with the Agency for  
84 | Workforce Innovation and Workforce Florida, Inc., to

85 | ensure that all job skills training is in areas directly  
86 | tied to careers listed on Florida's targeted occupation  
87 | list; deleting obsolete provisions; amending s. 985.644,  
88 | F.S.; requiring the Department of Juvenile Justice to  
89 | conduct demonstration projects that emphasize the benefits  
90 | of outcome-based contracting with certain performance  
91 | standard requirements; authorizing use of interim and  
92 | long-term outcome performance measures; requiring projects  
93 | to be completed by a specified date; amending s. 435.04,  
94 | F.S.; authorizing the Department of Juvenile Justice to  
95 | hire persons for employment in youth facilities who were  
96 | formerly in the juvenile justice system and exited  
97 | successfully in certain circumstances; amending s.  
98 | 985.644, F.S.; authorizing the Department of Juvenile  
99 | Justice to conditionally hire juvenile justice employees  
100 | upon successful completion of a preliminary background  
101 | screening, but prior to full background screening, under  
102 | specified conditions; amending s. 985.664, F.S.; providing  
103 | that juvenile justice circuit boards and juvenile justice  
104 | county councils may receive local discretionary grant  
105 | prevention funds for specified purposes; amending s.  
106 | 1011.62, F.S., relating to allocations from the Florida  
107 | Education Finance Program to school districts for the  
108 | operation of schools; providing for the establishment of a  
109 | cost factor for students in juvenile justice education  
110 | programs; requiring the Department of Juvenile Justice, in  
111 | conjunction with representatives of specified entities, to  
112 | conduct a review of the detention risk assessment

113 instrument; requiring the agreement of all such  
114 representatives for revisions to the detention risk  
115 assessment instrument; providing for creation of a  
116 Disproportionate Minority Contact Task Force; providing  
117 for membership, goals, and duties; requiring a report;  
118 providing for dissolution of the task force; providing for  
119 pilot projects for reduction of disproportionate minority  
120 contact; providing for goals of the pilot projects;  
121 requiring reports; providing for termination of the pilot  
122 projects; providing legislative findings; requiring the  
123 Department of Juvenile Justice to identify service areas  
124 that promote the concept of community-based programs;  
125 requiring a report; requiring the Governor to establish a  
126 task force to review and make recommendations to modify  
127 current statutes or practices associated with restoration  
128 of competency; providing for membership; requiring a  
129 report; providing for termination of the task force;  
130 requiring the Governor to establish a task force to  
131 perform a role delineation study and review and make  
132 recommendations concerning specified issues; requiring a  
133 report; providing for termination of the task force;  
134 requiring the Department of Corrections, the Department of  
135 Juvenile Justice, and the Department of Children and  
136 Family Services to work with a university in the State  
137 University System to calculate the return on investment  
138 and cost savings of crime reduction through effective  
139 prevention and intervention programming; requiring a  
140 report; providing an effective date.

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

Section 1. Subsection (5) is added to section 20.316, Florida Statutes, to read:

20.316 Department of Juvenile Justice.--There is created a Department of Juvenile Justice.

(5) RESEARCH INSTITUTE.--The department shall establish the Juvenile Justice Policy Research Institute, which shall be headed by a director. The institute shall be the principal unit for research services within the department and shall provide technical assistance, best practices, and policy and research assistance and support to the department's policymakers.

Section 2. Paragraph (c) of subsection (1) of section 27.51, Florida Statutes, is amended to read:

27.51 Duties of public defender.--

(1) The public defender shall represent, without additional compensation, any person determined to be indigent under s. 27.52 and:

(c) Alleged to be a delinquent child at all stages of any delinquency court proceedings ~~pursuant to a petition filed before a circuit court;~~

Section 3. Paragraph (i) is added to subsection (4) of section 394.492, Florida Statutes, to read:

394.492 Definitions.--As used in ss. 394.490-394.497, the term:

(4) "Child or adolescent at risk of emotional disturbance" means a person under 18 years of age who has an increased

169 likelihood of becoming emotionally disturbed because of risk  
 170 factors that include, but are not limited to:

171 (i) Having been under 11 years of age at the time of  
 172 referral for a delinquent act.

173 Section 4. Subsection (9) of section 984.03, Florida  
 174 Statutes, is amended to read:

175 984.03 Definitions.--When used in this chapter, the term:

176 (9) "Child in need of services" means a child for whom  
 177 there is no pending investigation into an allegation or  
 178 suspicion of abuse, neglect, or abandonment; no pending petition  
 179 ~~referral~~ alleging the child is delinquent; or no current  
 180 supervision by the Department of Juvenile Justice or the  
 181 Department of Children and Family Services for an adjudication  
 182 of dependency or delinquency. The child must also, pursuant to  
 183 this chapter, be found by the court:

184 (a) To have persistently run away from the child's parents  
 185 or legal custodians despite reasonable efforts of the child, the  
 186 parents or legal custodians, and appropriate agencies to remedy  
 187 the conditions contributing to the behavior. Reasonable efforts  
 188 shall include voluntary participation by the child's parents or  
 189 legal custodians and the child in family mediation, services,  
 190 and treatment offered by the Department of Juvenile Justice or  
 191 the Department of Children and Family Services;

192 (b) To be habitually truant from school, while subject to  
 193 compulsory school attendance, despite reasonable efforts to  
 194 remedy the situation pursuant to ss. 1003.26 and 1003.27 and  
 195 through voluntary participation by the child's parents or legal  
 196 custodians and by the child in family mediation, services, and

197 treatment offered by the Department of Juvenile Justice or the  
 198 Department of Children and Family Services; or

199 (c) To have persistently disobeyed the reasonable and  
 200 lawful demands of the child's parents or legal custodians, and  
 201 to be beyond their control despite efforts by the child's  
 202 parents or legal custodians and appropriate agencies to remedy  
 203 the conditions contributing to the behavior. Reasonable efforts  
 204 may include such things as good faith participation in family or  
 205 individual counseling.

206 Section 5. Subsection (7) of section 985.03, Florida  
 207 Statutes, is amended to read:

208 985.03 Definitions.--As used in this chapter, the term:

209 (7) "Child in need of services" means a child for whom  
 210 there is no pending investigation into an allegation or  
 211 suspicion of abuse, neglect, or abandonment; no pending petition  
 212 ~~referral~~ alleging the child is delinquent; or no current  
 213 supervision by the department or the Department of Children and  
 214 Family Services for an adjudication of dependency or  
 215 delinquency. The child must also, under this chapter, be found  
 216 by the court:

217 (a) To have persistently run away from the child's parents  
 218 or legal custodians despite reasonable efforts of the child, the  
 219 parents or legal custodians, and appropriate agencies to remedy  
 220 the conditions contributing to the behavior. Reasonable efforts  
 221 shall include voluntary participation by the child's parents or  
 222 legal custodians and the child in family mediation, services,  
 223 and treatment offered by the department or the Department of  
 224 Children and Family Services;



225 (b) To be habitually truant from school, while subject to  
 226 compulsory school attendance, despite reasonable efforts to  
 227 remedy the situation under ss. 1003.26 and 1003.27 and through  
 228 voluntary participation by the child's parents or legal  
 229 custodians and by the child in family mediation, services, and  
 230 treatment offered by the Department of Juvenile Justice or the  
 231 Department of Children and Family Services; or

232 (c) To have persistently disobeyed the reasonable and  
 233 lawful demands of the child's parents or legal custodians, and  
 234 to be beyond their control despite efforts by the child's  
 235 parents or legal custodians and appropriate agencies to remedy  
 236 the conditions contributing to the behavior. Reasonable efforts  
 237 may include such things as good faith participation in family or  
 238 individual counseling.

239 Section 6. Section 409.9025, Florida Statutes, is amended  
 240 to read:

241 409.9025 Eligibility while an inmate or in certain  
 242 juvenile programs.--

243 (1) Notwithstanding any other provision of law other than  
 244 s. 409.9021, in the event that a person who is an inmate in the  
 245 state's correctional system as defined in s. 944.02, in a county  
 246 detention facility as defined in s. 951.23, or in a municipal  
 247 detention facility as defined in s. 951.23 or committed to a  
 248 high-risk residential or maximum-risk residential juvenile  
 249 program as defined in s. 985.03(44) was in receipt of medical  
 250 assistance under this chapter immediately prior to being  
 251 admitted as an inmate or committed, such person shall remain  
 252 eligible for medical assistance while an inmate or while

253 committed, except that no medical assistance shall be furnished  
 254 under this chapter for any care, services, or supplies provided  
 255 during such time as the person is an inmate or is committed;  
 256 however, nothing in this section shall be deemed as preventing  
 257 the provision of medical assistance for inpatient hospital  
 258 services furnished to such person ~~an inmate~~ at a hospital  
 259 outside of the premises of the place of incarceration or  
 260 commitment ~~inmate's facility~~ to the extent that federal  
 261 financial participation is available for the costs of such  
 262 services.

263 (2) Upon release from incarceration or commitment, such  
 264 person shall continue to be eligible for receipt of medical  
 265 assistance furnished under this chapter until such time as the  
 266 person is otherwise determined to no longer be eligible for such  
 267 assistance.

268 (3) To the extent permitted by federal law, the time  
 269 during which such person is an inmate or was committed to a  
 270 juvenile program described in subsection (1) shall not be  
 271 included in any calculation of when the person must recertify  
 272 his or her eligibility for medical assistance in accordance with  
 273 this chapter.

274 Section 7. Present subsection (3) of section 943.0515,  
 275 Florida Statutes, is redesignated as subsection (5), and new  
 276 subsections (3) and (4) are added to that section, to read:

277 943.0515 Retention of criminal history records of  
 278 minors.--

279 (3) The department shall notify the appropriate clerk of  
 280 the court, the state attorney or statewide prosecutor, the

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281 county, and the arresting agency of any criminal history record  
282 that is expunged under this section. The arresting agency shall  
283 send the department's notification to any other agency to which  
284 the arresting agency disseminated the criminal history record  
285 information and to which the order pertains. The county shall  
286 send the department's notification to any agency, organization,  
287 or company to which the county disseminated the criminal history  
288 information and to which the order pertains. The department  
289 shall send the notification of expungement to the Federal Bureau  
290 of Investigation. The clerk of the court shall certify a copy of  
291 the department's notification to any other agency that has  
292 received the criminal history record, as reflected in the  
293 records of the court.

294 (4) Any criminal history record that is expunged by the  
295 department under this section must be physically destroyed or  
296 obliterated by any criminal justice agency that has custody of  
297 the record, except that a criminal history record in the custody  
298 of the department must be retained in all cases.

299 Section 8. Section 943.0585, Florida Statutes, is amended  
300 to read:

301 943.0585 Court-ordered expunction of criminal history  
302 records.--The courts of this state have jurisdiction over their  
303 own procedures, including the maintenance, expunction, and  
304 correction of judicial records containing criminal history  
305 information to the extent such procedures are not inconsistent  
306 with the conditions, responsibilities, and duties established by  
307 this section. Any court of competent jurisdiction may order a  
308 criminal justice agency to expunge the criminal history record

309 of a minor or an adult who complies with the requirements of  
 310 this section. The court shall not order a criminal justice  
 311 agency to expunge a criminal history record until the person  
 312 seeking to expunge a criminal history record has applied for and  
 313 received a certificate of eligibility for expunction pursuant to  
 314 subsection (3)~~(2)~~.

315 (1) PROHIBITION AGAINST EXPUNGING CERTAIN RECORDS.--A  
 316 criminal history record that relates to a violation of s.  
 317 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
 318 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
 319 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
 320 916.1075, a violation enumerated in s. 907.041, or any violation  
 321 specified as a predicate offense for registration as a sexual  
 322 predator pursuant to s. 775.21, without regard to whether that  
 323 offense alone is sufficient to require such registration, or for  
 324 registration as a sexual offender pursuant to s. 943.0435, may  
 325 not be expunged, ~~without regard to whether adjudication was~~  
 326 ~~withheld,~~ if the defendant was found guilty of or pled guilty or  
 327 nolo contendere to the offense, or if the defendant, as a minor,  
 328 was found to have committed, or pled guilty or nolo contendere  
 329 to committing, the offense as a delinquent act even if the  
 330 adjudication was withheld. The prohibition applies only to cases  
 331 in which the defendant, including a minor, was found guilty of  
 332 or pled guilty or nolo contendere to the offense. In all other  
 333 instances involving the enumerated offenses in this subsection,  
 334 the record may be expunged if an indictment, information, or  
 335 other charging document was not filed or issued in the case or,  
 336 if filed or issued in the case, was dismissed or nolle prosequi

337 by the state attorney or statewide prosecutor or was dismissed  
 338 by a court of competent jurisdiction, or the person was found  
 339 not guilty or acquitted by a judge or jury. The court may only  
 340 order expunction of a criminal history record pertaining to one  
 341 arrest or one incident of alleged criminal activity, except as  
 342 provided in this section. The court may, at its sole discretion,  
 343 order the expunction of a criminal history record pertaining to  
 344 more than one arrest if the additional arrests directly relate  
 345 to the original arrest. If the court intends to order the  
 346 expunction of records pertaining to such additional arrests,  
 347 such intent must be specified in the order. A criminal justice  
 348 agency may not expunge any record pertaining to such additional  
 349 arrests if the order to expunge does not articulate the  
 350 intention of the court to expunge a record pertaining to more  
 351 than one arrest. This section does not prevent the court from  
 352 ordering the expunction of only a portion of a criminal history  
 353 record pertaining to one arrest or one incident of alleged  
 354 criminal activity. Notwithstanding any law to the contrary, a  
 355 criminal justice agency may comply with laws, court orders, and  
 356 official requests of other jurisdictions relating to expunction,  
 357 correction, or confidential handling of criminal history records  
 358 or information derived therefrom. This section does not confer  
 359 any right to the expunction of any criminal history record, and  
 360 any request for expunction of a criminal history record may be  
 361 denied at the sole discretion of the court.

362 (2)~~(1)~~ PETITION TO EXPUNGE A CRIMINAL HISTORY

363 RECORD.--Each petition to a court to expunge a criminal history  
 364 record is complete only when accompanied by:

365 (a) A valid certificate of eligibility for expunction  
 366 issued by the department pursuant to subsection (3)~~(2)~~.

367 (b) The petitioner's sworn statement attesting that the  
 368 petitioner:

369 1. Has never, prior to the date on which the petition is  
 370 filed, been adjudicated guilty of a criminal offense or  
 371 comparable ordinance violation, or been adjudicated delinquent  
 372 for committing any felony or a misdemeanor specified in s.  
 373 943.051(3) (b) .

374 2. Has not been adjudicated guilty of, or adjudicated  
 375 delinquent for committing, any of the acts stemming from the  
 376 arrest or alleged criminal activity to which the petition  
 377 pertains.

378 3. Except as otherwise provided in this section, has never  
 379 secured a prior sealing or expunction of a criminal history  
 380 record under this section, former s. 893.14, former s. 901.33,  
 381 or former s. 943.058, or from any jurisdiction outside the  
 382 state, unless expunction is sought of a criminal history record  
 383 previously sealed for 10 years pursuant to paragraph (3)~~(2)~~(h)  
 384 and the record is otherwise eligible for expunction.

385 4. Is eligible for such an expunction to the best of his  
 386 or her knowledge or belief and does not have any other petition  
 387 to expunge or any petition to seal pending before any court.

388  
 389 Any person who knowingly provides false information on such  
 390 sworn statement to the court commits a felony of the third  
 391 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 392 775.084.

393            (3)~~(2)~~ CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.--Before  
 394 ~~Prior to~~ petitioning the court to expunge a criminal history  
 395 record, a person seeking to expunge a criminal history record  
 396 shall apply to the department for a certificate of eligibility  
 397 for expunction. The department shall, by rule adopted pursuant  
 398 to chapter 120, establish procedures pertaining to the  
 399 application for and issuance of certificates of eligibility for  
 400 expunction. A certificate of eligibility for expunction is valid  
 401 for 12 months after the date stamped on the certificate when  
 402 issued by the department. After that time, the petitioner must  
 403 reapply to the department for a new certificate of eligibility.  
 404 Eligibility for a renewed certification of eligibility must be  
 405 based on the status of the applicant and the law in effect at  
 406 the time of the renewal application. The department shall issue  
 407 a certificate of eligibility for expunction to a person who is  
 408 the subject of a criminal history record if that person:

409            (a) Has obtained, and submitted to the department, a  
 410 written, certified statement from the appropriate state attorney  
 411 or statewide prosecutor which indicates:

412            1. That an indictment, information, or other charging  
 413 document was not filed or issued in the case.

414            2. That an indictment, information, or other charging  
 415 document, if filed or issued in the case, was dismissed or nolle  
 416 prosequi by the state attorney or statewide prosecutor, or was  
 417 dismissed by a court of competent jurisdiction, or that the  
 418 person was found not guilty or acquitted by a judge or jury and  
 419 ~~that none of the charges related to the arrest or alleged~~  
 420 ~~criminal activity to which the petition to expunge pertains~~

421 ~~resulted in a trial, without regard to whether the outcome of~~  
422 ~~the trial was other than an adjudication of guilt.~~

423 3. That the criminal history record does not relate to a  
424 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
425 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
426 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
427 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
428 any violation specified as a predicate offense for registration  
429 as a sexual predator pursuant to s. 775.21, without regard to  
430 whether that offense alone is sufficient to require such  
431 registration, or for registration as a sexual offender pursuant  
432 to s. 943.0435, where the defendant was found guilty of, or pled  
433 guilty or nolo contendere to any such offense, or that the  
434 defendant, as a minor, was found to have committed, or pled  
435 guilty or nolo contendere to committing, such an offense as a  
436 delinquent act, without regard to whether adjudication was  
437 withheld.

438 (b) Remits a \$75 processing fee to the department for  
439 placement in the Department of Law Enforcement Operating Trust  
440 Fund, unless such fee is waived by the executive director.

441 (c) Has submitted to the department a certified copy of  
442 the disposition of the charge to which the petition to expunge  
443 pertains.

444 (d) Has never, prior to the date on which the application  
445 for a certificate of eligibility is filed, been adjudicated  
446 guilty of a criminal offense or comparable ordinance violation,  
447 or been adjudicated delinquent for committing any felony or a  
448 misdemeanor specified in s. 943.051(3)(b).



449 (e) Has not been adjudicated guilty of, or adjudicated  
 450 delinquent for committing, any of the acts stemming from the  
 451 arrest or alleged criminal activity to which the petition to  
 452 expunge pertains.

453 (f) Has never secured a prior sealing or expunction of a  
 454 criminal history record under this section, former s. 893.14,  
 455 former s. 901.33, or former s. 943.058 involving an offense for  
 456 which the defendant had been found guilty or pled guilty or nolo  
 457 contendere, unless expunction is sought of a criminal history  
 458 record previously sealed for 10 years pursuant to paragraph (h)  
 459 and the record is otherwise eligible for expunction.

460 (g) Is no longer under court supervision applicable to the  
 461 disposition of the arrest or alleged criminal activity to which  
 462 the petition to expunge pertains.

463 (h) Has previously obtained a court order sealing the  
 464 record under this section, former s. 893.14, former s. 901.33,  
 465 or former s. 943.058 for a minimum of 10 years because  
 466 adjudication was withheld or because all charges related to the  
 467 arrest or alleged criminal activity to which the petition to  
 468 expunge pertains were not dismissed prior to trial, without  
 469 regard to whether the outcome of the trial was other than an  
 470 adjudication of guilt. The requirement for the record to have  
 471 previously been sealed for a minimum of 10 years does not apply  
 472 when a plea was not entered or all charges related to the arrest  
 473 or alleged criminal activity to which the petition to expunge  
 474 pertains were dismissed prior to trial.

475 (4)~~(3)~~ PROCESSING OF A PETITION OR ORDER TO EXPUNGE.--

476 (a) In judicial proceedings under this section, a copy of

477 the completed petition to expunge shall be served upon the  
478 appropriate state attorney or the statewide prosecutor and upon  
479 the arresting agency; however, it is not necessary to make any  
480 agency other than the state a party. The appropriate state  
481 attorney or the statewide prosecutor and the arresting agency  
482 may respond to the court regarding the completed petition to  
483 expunge.

484 (b) If relief is granted by the court, the clerk of the  
485 court shall certify copies of the order to the appropriate state  
486 attorney or the statewide prosecutor, the county, and the  
487 arresting agency. The arresting agency is responsible for  
488 forwarding the order to any other agency to which the arresting  
489 agency disseminated the criminal history record information to  
490 which the order pertains. The county is responsible for  
491 forwarding the order to any agency, organization, or company to  
492 which the county disseminated the criminal history record  
493 information to which the order pertains. The department shall  
494 forward the order to expunge to the Federal Bureau of  
495 Investigation. The clerk of the court shall certify a copy of  
496 the order to any other agency which the records of the court  
497 reflect has received the criminal history record from the court.

498 (c) For an order to expunge entered by a court prior to  
499 July 1, 1992, the department shall notify the appropriate state  
500 attorney or statewide prosecutor of an order to expunge which is  
501 contrary to law because the person who is the subject of the  
502 record has previously been convicted of a crime or comparable  
503 ordinance violation or has had a prior criminal history record  
504 sealed or expunged. Upon receipt of such notice, the appropriate

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505 state attorney or statewide prosecutor shall take action, within  
 506 60 days, to correct the record and petition the court to void  
 507 the order to expunge. The department shall seal the record until  
 508 such time as the order is voided by the court.

509 (d) On or after July 1, 1992, the department or any other  
 510 criminal justice agency is not required to act on an order to  
 511 expunge entered by a court when such order does not comply with  
 512 the requirements of this section. Upon receipt of such an order,  
 513 the department must notify the issuing court, the appropriate  
 514 state attorney or statewide prosecutor, the petitioner or the  
 515 petitioner's attorney, and the arresting agency of the reason  
 516 for noncompliance. The appropriate state attorney or statewide  
 517 prosecutor shall take action within 60 days to correct the  
 518 record and petition the court to void the order. No cause of  
 519 action, including contempt of court, shall arise against any  
 520 criminal justice agency for failure to comply with an order to  
 521 expunge when the petitioner for such order failed to obtain the  
 522 certificate of eligibility as required by this section or such  
 523 order does not otherwise comply with the requirements of this  
 524 section.

525 (5) ~~(4)~~ EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any  
 526 criminal history record of a minor or an adult which is ordered  
 527 expunged by a court of competent jurisdiction pursuant to this  
 528 section must be physically destroyed or obliterated by any  
 529 criminal justice agency having custody of such record; except  
 530 that any criminal history record in the custody of the  
 531 department must be retained in all cases. A criminal history  
 532 record ordered expunged that is retained by the department is

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

538 (a) The person who is the subject of a criminal history  
539 record that is expunged under this section or under other  
540 provisions of law, including former s. 893.14, former s. 901.33,  
541 and former s. 943.058, may lawfully deny or fail to acknowledge  
542 the arrests covered by the expunged record, except when the  
543 subject of the record:

- 544 1. Is a candidate for employment with a criminal justice  
545 agency;
- 546 2. Is a defendant in a criminal prosecution;
- 547 3. Concurrently or subsequently petitions for relief under  
548 this section or s. 943.059;
- 549 4. Is a candidate for admission to The Florida Bar;
- 550 5. Is seeking to be employed or licensed by or to contract  
551 with the Department of Children and Family Services, the Agency  
552 for Health Care Administration, the Agency for Persons with  
553 Disabilities, or the Department of Juvenile Justice or to be  
554 employed or used by such contractor or licensee in a sensitive  
555 position having direct contact with children, the  
556 developmentally disabled, the aged, or the elderly as provided  
557 in s. 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.  
558 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4),  
559 chapter 916, s. 985.644, chapter 400, or chapter 429;
- 560 6. Is seeking to be employed or licensed by the Department

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561 of Education, any district school board, any university  
562 laboratory school, any charter school, any private or parochial  
563 school, or any local governmental entity that licenses child  
564 care facilities; or

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

568 (b) Subject to the exceptions in paragraph (a), a person  
569 who has been granted an expunction under this section, former s.  
570 893.14, former s. 901.33, or former s. 943.058 may not be held  
571 under any provision of law of this state to commit perjury or to  
572 be otherwise liable for giving a false statement by reason of  
573 such person's failure to recite or acknowledge an expunged  
574 criminal history record.

575 (c) Information relating to the existence of an expunged  
576 criminal history record which is provided in accordance with  
577 paragraph (a) is confidential and exempt from the provisions of  
578 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
579 except that the department shall disclose the existence of a  
580 criminal history record ordered expunged to the entities set  
581 forth in subparagraphs (a)1., 4., 5., 6., and 7. for their  
582 respective licensing, access authorization, and employment  
583 purposes, and to criminal justice agencies for their respective  
584 criminal justice purposes. It is unlawful for any employee of an  
585 entity set forth in subparagraph (a)1., subparagraph (a)4.,  
586 subparagraph (a)5., subparagraph (a)6., or subparagraph (a)7. to  
587 disclose information relating to the existence of an expunged  
588 criminal history record of a person seeking employment, access

589 authorization, or licensure with such entity or contractor,  
 590 except to the person to whom the criminal history record relates  
 591 or to persons having direct responsibility for employment,  
 592 access authorization, or licensure decisions. Any person who  
 593 violates this paragraph commits a misdemeanor of the first  
 594 degree, punishable as provided in s. 775.082 or s. 775.083.

595 (d) An agency, organization, or company to which the  
 596 county, department, or arresting agency disseminated the  
 597 criminal history record information and which has received the  
 598 order expunging the record may not release the expunged  
 599 information to the public after 30 days following the date that  
 600 it receives the court order expunging the record.

601 (6)-(5) STATUTORY REFERENCES.--Any reference to any other  
 602 chapter, section, or subdivision of the Florida Statutes in this  
 603 section constitutes a general reference under the doctrine of  
 604 incorporation by reference.

605 Section 9. Section 943.059, Florida Statutes, is amended  
 606 to read:

607 943.059 Court-ordered sealing of criminal history  
 608 records.--The courts of this state shall continue to have  
 609 jurisdiction over their own procedures, including the  
 610 maintenance, sealing, and correction of judicial records  
 611 containing criminal history information to the extent such  
 612 procedures are not inconsistent with the conditions,  
 613 responsibilities, and duties established by this section. Any  
 614 court of competent jurisdiction may order a criminal justice  
 615 agency to seal the criminal history record of a minor or an  
 616 adult who complies with the requirements of this section. The

617 court shall not order a criminal justice agency to seal a  
 618 criminal history record until the person seeking to seal a  
 619 criminal history record has applied for and received a  
 620 certificate of eligibility for sealing pursuant to subsection  
 621 (3)(2).

622 (1) PROHIBITION AGAINST SEALING CERTAIN RECORDS.--A  
 623 criminal history record that relates to a violation of s.  
 624 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
 625 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
 626 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
 627 916.1075, a violation enumerated in s. 907.041, or any violation  
 628 specified as a predicate offense for registration as a sexual  
 629 predator pursuant to s. 775.21, without regard to whether that  
 630 offense alone is sufficient to require such registration, or for  
 631 registration as a sexual offender pursuant to s. 943.0435, may  
 632 not be sealed, ~~without regard to whether adjudication was~~  
 633 ~~withheld,~~ if the defendant was found guilty of or pled guilty or  
 634 nolo contendere to the offense, or if the defendant, as a minor,  
 635 was found to have committed or pled guilty or nolo contendere to  
 636 committing the offense as a delinquent act even if the  
 637 adjudication was withheld. The prohibition applies only to cases  
 638 in which the defendant, including a minor, was found guilty of  
 639 or pled guilty or nolo contendere to the offense. In all other  
 640 instances involving the enumerated offenses in this subsection,  
 641 the record may be sealed if an indictment, information, or other  
 642 charging document was not filed or issued in the case or, if  
 643 filed or issued in the case, was dismissed or nolle prosequi by  
 644 the state attorney or statewide prosecutor or was dismissed by a

645 court of competent jurisdiction, or the person was found not  
 646 guilty or acquitted by a judge or jury. The court may only order  
 647 sealing of a criminal history record pertaining to one arrest or  
 648 one incident of alleged criminal activity, except as provided in  
 649 this section. The court may, at its sole discretion, order the  
 650 sealing of a criminal history record pertaining to more than one  
 651 arrest if the additional arrests directly relate to the original  
 652 arrest. If the court intends to order the sealing of records  
 653 pertaining to such additional arrests, such intent must be  
 654 specified in the order. A criminal justice agency may not seal  
 655 any record pertaining to such additional arrests if the order to  
 656 seal does not articulate the intention of the court to seal  
 657 records pertaining to more than one arrest. This section does  
 658 not prevent the court from ordering the sealing of only a  
 659 portion of a criminal history record pertaining to one arrest or  
 660 one incident of alleged criminal activity. Notwithstanding any  
 661 law to the contrary, a criminal justice agency may comply with  
 662 laws, court orders, and official requests of other jurisdictions  
 663 relating to sealing, correction, or confidential handling of  
 664 criminal history records or information derived therefrom. This  
 665 section does not confer any right to the sealing of any criminal  
 666 history record, and any request for sealing a criminal history  
 667 record may be denied at the sole discretion of the court.

668 (2)~~(1)~~ PETITION TO SEAL A CRIMINAL HISTORY RECORD.--Each  
 669 petition to a court to seal a criminal history record is  
 670 complete only when accompanied by:

671 (a) A valid certificate of eligibility for sealing issued  
 672 by the department pursuant to subsection (3)~~(2)~~.



673 (b) The petitioner's sworn statement attesting that the  
 674 petitioner:

675 1. Has never, prior to the date on which the petition is  
 676 filed, been adjudicated guilty of a criminal offense or  
 677 comparable ordinance violation, or been adjudicated delinquent  
 678 for committing any felony or a misdemeanor specified in s.  
 679 943.051(3) (b) .

680 2. Has not been adjudicated guilty of or adjudicated  
 681 delinquent for committing any of the acts stemming from the  
 682 arrest or alleged criminal activity to which the petition to  
 683 seal pertains.

684 3. Except as otherwise provided in this section, has never  
 685 secured a prior sealing or expunction of a criminal history  
 686 record under this section, former s. 893.14, former s. 901.33,  
 687 former s. 943.058, or from any jurisdiction outside the state.

688 4. Is eligible for such a sealing to the best of his or  
 689 her knowledge or belief and does not have any other petition to  
 690 seal or any petition to expunge pending before any court.

691  
 692 Any person who knowingly provides false information on such  
 693 sworn statement to the court commits a felony of the third  
 694 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 695 775.084.

696 (3)~~(2)~~ CERTIFICATE OF ELIGIBILITY FOR SEALING.--Prior to  
 697 petitioning the court to seal a criminal history record, a  
 698 person seeking to seal a criminal history record shall apply to  
 699 the department for a certificate of eligibility for sealing. The  
 700 department shall, by rule adopted pursuant to chapter 120,

701 establish procedures pertaining to the application for and  
702 issuance of certificates of eligibility for sealing. A  
703 certificate of eligibility for sealing is valid for 12 months  
704 after the date stamped on the certificate when issued by the  
705 department. After that time, the petitioner must reapply to the  
706 department for a new certificate of eligibility. Eligibility for  
707 a renewed certification of eligibility must be based on the  
708 status of the applicant and the law in effect at the time of the  
709 renewal application. The department shall issue a certificate of  
710 eligibility for sealing to a person who is the subject of a  
711 criminal history record provided that such person:

712 (a) Has submitted to the department a certified copy of  
713 the disposition of the charge to which the petition to seal  
714 pertains.

715 (b) Remits a \$75 processing fee to the department for  
716 placement in the Department of Law Enforcement Operating Trust  
717 Fund, unless such fee is waived by the executive director.

718 (c) Has never, prior to the date on which the application  
719 for a certificate of eligibility is filed, been adjudicated  
720 guilty of a criminal offense or comparable ordinance violation,  
721 or been adjudicated delinquent for committing any felony or a  
722 misdemeanor specified in s. 943.051(3)(b).

723 (d) Has not been adjudicated guilty of or adjudicated  
724 delinquent for committing any of the acts stemming from the  
725 arrest or alleged criminal activity to which the petition to  
726 seal pertains.

727 (e) Has never secured a prior sealing or expunction of a  
728 criminal history record under this section, former s. 893.14,

729 former s. 901.33, or former s. 943.058 involving an offense for  
 730 which the defendant had been found guilty or pled guilty or nolo  
 731 contendere.

732 (f) Is no longer under court supervision applicable to the  
 733 disposition of the arrest or alleged criminal activity to which  
 734 the petition to seal pertains.

735 (4)~~(3)~~ PROCESSING OF A PETITION OR ORDER TO SEAL.--

736 (a) In judicial proceedings under this section, a copy of  
 737 the completed petition to seal shall be served upon the  
 738 appropriate state attorney or the statewide prosecutor and upon  
 739 the arresting agency; however, it is not necessary to make any  
 740 agency other than the state a party. The appropriate state  
 741 attorney or the statewide prosecutor and the arresting agency  
 742 may respond to the court regarding the completed petition to  
 743 seal.

744 (b) If relief is granted by the court, the clerk of the  
 745 court shall certify copies of the order to the appropriate state  
 746 attorney or the statewide prosecutor, the county, and ~~to~~ the  
 747 arresting agency. The arresting agency is responsible for  
 748 forwarding the order to any other agency to which the arresting  
 749 agency disseminated the criminal history record information to  
 750 which the order pertains. The county is responsible for  
 751 forwarding the order to any agency, organization, or company to  
 752 which the county disseminated the criminal history record  
 753 information to which the order pertains. The department shall  
 754 forward the order to seal to the Federal Bureau of  
 755 Investigation. The clerk of the court shall certify a copy of  
 756 the order to any other agency which the records of the court

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757 reflect has received the criminal history record from the court.

758 (c) For an order to seal entered by a court prior to July  
759 1, 1992, the department shall notify the appropriate state  
760 attorney or statewide prosecutor of any order to seal which is  
761 contrary to law because the person who is the subject of the  
762 record has previously been convicted of a crime or comparable  
763 ordinance violation or has had a prior criminal history record  
764 sealed or expunged. Upon receipt of such notice, the appropriate  
765 state attorney or statewide prosecutor shall take action, within  
766 60 days, to correct the record and petition the court to void  
767 the order to seal. The department shall seal the record until  
768 such time as the order is voided by the court.

769 (d) On or after July 1, 1992, the department or any other  
770 criminal justice agency is not required to act on an order to  
771 seal entered by a court when such order does not comply with the  
772 requirements of this section. Upon receipt of such an order, the  
773 department must notify the issuing court, the appropriate state  
774 attorney or statewide prosecutor, the petitioner or the  
775 petitioner's attorney, and the arresting agency of the reason  
776 for noncompliance. The appropriate state attorney or statewide  
777 prosecutor shall take action within 60 days to correct the  
778 record and petition the court to void the order. No cause of  
779 action, including contempt of court, shall arise against any  
780 criminal justice agency for failure to comply with an order to  
781 seal when the petitioner for such order failed to obtain the  
782 certificate of eligibility as required by this section or when  
783 such order does not comply with the requirements of this  
784 section.

785 (e) An order sealing a criminal history record pursuant to  
 786 this section does not require that such record be surrendered to  
 787 the court, and such record shall continue to be maintained by  
 788 the department and other criminal justice agencies.

789 (f) An agency, organization, or company to which the  
 790 county, department, or arresting agency disseminated the  
 791 criminal history record information and which has received the  
 792 order sealing the record may not release the sealed information  
 793 to the public after 30 days following the date that it receives  
 794 the court order sealing the record.

795 (5) ~~(4)~~ EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A  
 796 criminal history record of a minor or an adult which is ordered  
 797 sealed by a court of competent jurisdiction pursuant to this  
 798 section is confidential and exempt from the provisions of s.  
 799 119.07(1) and s. 24(a), Art. I of the State Constitution and is  
 800 available only to the person who is the subject of the record,  
 801 to the subject's attorney, to criminal justice agencies for  
 802 their respective criminal justice purposes, which include  
 803 conducting a criminal history background check for approval of  
 804 firearms purchases or transfers as authorized by state or  
 805 federal law, to judges in the state courts system for the  
 806 purpose of assisting them in their case-related decisionmaking  
 807 responsibilities, as set forth in s. 943.053(5), or to those  
 808 entities set forth in subparagraphs (a)1., 4., 5., 6., and 8.  
 809 for their respective licensing, access authorization, and  
 810 employment purposes.

811 (a) The subject of a criminal history record sealed under  
 812 this section or under other provisions of law, including former

813 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
 814 deny or fail to acknowledge the arrests covered by the sealed  
 815 record, except when the subject of the record:

816 1. Is a candidate for employment with a criminal justice  
 817 agency;

818 2. Is a defendant in a criminal prosecution;

819 3. Concurrently or subsequently petitions for relief under  
 820 this section or s. 943.0585;

821 4. Is a candidate for admission to The Florida Bar;

822 5. Is seeking to be employed or licensed by or to contract  
 823 with the Department of Children and Family Services, the Agency  
 824 for Health Care Administration, the Agency for Persons with  
 825 Disabilities, or the Department of Juvenile Justice or to be  
 826 employed or used by such contractor or licensee in a sensitive  
 827 position having direct contact with children, the  
 828 developmentally disabled, the aged, or the elderly as provided  
 829 in s. 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.  
 830 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
 831 415.103, chapter 916, s. 985.644, chapter 400, or chapter 429;

832 6. Is seeking to be employed or licensed by the Department  
 833 of Education, any district school board, any university  
 834 laboratory school, any charter school, any private or parochial  
 835 school, or any local governmental entity that licenses child  
 836 care facilities;

837 7. Is attempting to purchase a firearm from a licensed  
 838 importer, licensed manufacturer, or licensed dealer and is  
 839 subject to a criminal history background check under state or  
 840 federal law; or

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841           8. Is seeking authorization from a Florida seaport  
842 identified in s. 311.09 for employment within or access to one  
843 or more of such seaports pursuant to s. 311.12 or s. 311.125.

844           (b) Subject to the exceptions in paragraph (a), a person  
845 who has been granted a sealing under this section, former s.  
846 893.14, former s. 901.33, or former s. 943.058 may not be held  
847 under any provision of law of this state to commit perjury or to  
848 be otherwise liable for giving a false statement by reason of  
849 such person's failure to recite or acknowledge a sealed criminal  
850 history record.

851           (c) Information relating to the existence of a sealed  
852 criminal record provided in accordance with the provisions of  
853 paragraph (a) is confidential and exempt from the provisions of  
854 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
855 except that the department shall disclose the sealed criminal  
856 history record to the entities set forth in subparagraphs (a)1.,  
857 4., 5., 6., and 8. for their respective licensing, access  
858 authorization, and employment purposes. It is unlawful for any  
859 employee of an entity set forth in subparagraph (a)1.,  
860 subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or  
861 subparagraph (a)8. to disclose information relating to the  
862 existence of a sealed criminal history record of a person  
863 seeking employment, access authorization, or licensure with such  
864 entity or contractor, except to the person to whom the criminal  
865 history record relates or to persons having direct  
866 responsibility for employment, access authorization, or  
867 licensure decisions. Any person who violates the provisions of  
868 this paragraph commits a misdemeanor of the first degree,

869 punishable as provided in s. 775.082 or s. 775.083.

870 (6)~~(5)~~ STATUTORY REFERENCES.--Any reference to any other  
 871 chapter, section, or subdivision of the Florida Statutes in this  
 872 section constitutes a general reference under the doctrine of  
 873 incorporation by reference.

874 Section 10. Section 943.0582, Florida Statutes, is amended  
 875 to read:

876 943.0582 Prearrest, postarrest, or teen court diversion  
 877 program expunction; nonviolent first-offense expunction.--

878 (1) Notwithstanding any law dealing generally with the  
 879 preservation and destruction of public records, the department  
 880 may provide, by rule adopted pursuant to chapter 120, for the  
 881 expunction of any nonjudicial record of the arrest of a minor  
 882 who has successfully completed a prearrest or postarrest  
 883 diversion program for minors as authorized by s. 985.125 or as  
 884 provided in subsection (4).

885 (2)~~(a)~~ As used in this section, the term:

886 (a) "Expunction" has the same meaning ascribed in and  
 887 effect as s. 943.0585, except that:

888 1. The provisions of s. 943.0585(5)(a) ~~943.0585(4)(a)~~ do  
 889 not apply, except that the criminal history record of a person  
 890 whose record is expunged pursuant to this section shall be made  
 891 available only to criminal justice agencies for the purpose of  
 892 determining eligibility for prearrest, postarrest, or teen court  
 893 diversion programs; when the record is sought as part of a  
 894 criminal investigation; or when the subject of the record is a  
 895 candidate for employment with a criminal justice agency. For all  
 896 other purposes, a person whose record is expunged under this



897 | section may lawfully deny or fail to acknowledge the arrest and  
 898 | the charge covered by the expunged record.

899 |         2. Records maintained by local criminal justice agencies  
 900 | in the county in which the arrest occurred that are eligible for  
 901 | expunction pursuant to this section shall be sealed as the term  
 902 | is used in s. 943.059.

903 |         (b) ~~As used in this section, the term~~ "Nonviolent  
 904 | misdemeanor" includes simple assault or battery when prearrest  
 905 | or postarrest diversion expunction is approved in writing by the  
 906 | state attorney for the county in which the arrest occurred.

907 |         (c) "Violent offense" means any offense for which one or  
 908 | more elements of the offense is a violent act or a threat of  
 909 | violence. Such offenses include, but are not limited to, any  
 910 | offense listed in s. 775.084(1) (b)1.

911 |         (3)(a) The department shall expunge the nonjudicial arrest  
 912 | record of a minor who has successfully completed a prearrest or  
 913 | postarrest diversion program if that minor:

914 |         1.(a) Submits an application for prearrest or postarrest  
 915 | diversion expunction, on a form prescribed by the department,  
 916 | signed by the minor's parent or legal guardian, or by the minor  
 917 | if he or she has reached the age of majority at the time of  
 918 | applying.

919 |         2.(b) Submits the application for prearrest or postarrest  
 920 | diversion expunction no later than 6 months after completion of  
 921 | the diversion program.

922 |         3.(c) Submits to the department, with the application, an  
 923 | official written statement from the state attorney for the  
 924 | county in which the arrest occurred certifying that he or she

925 has successfully completed that county's prearrest or postarrest  
 926 diversion program and that participation in the program is  
 927 strictly limited to minors arrested for a nonviolent misdemeanor  
 928 who have not otherwise been charged with or found to have  
 929 committed any criminal offense or comparable ordinance  
 930 violation.

931 ~~4.(d)~~ Participated in a prearrest or postarrest diversion  
 932 program that expressly authorizes or permits such expunction to  
 933 occur.

934 ~~5.(e)~~ Participated in a prearrest or postarrest diversion  
 935 program based on an arrest for a nonviolent misdemeanor that  
 936 would not qualify as an act of domestic violence as that term is  
 937 defined in s. 741.28.

938 ~~6.(f)~~ Has never, prior to filing the application for  
 939 expunction, been charged with or been found to have committed  
 940 any criminal offense or comparable ordinance violation.

941 ~~(b)(4)~~ The department is authorized to charge a \$75  
 942 processing fee for each request received for prearrest or  
 943 postarrest diversion program expunction, for placement in the  
 944 Department of Law Enforcement Operating Trust Fund, unless such  
 945 fee is waived by the executive director.

946 (4) The department shall automatically expunge the  
 947 nonjudicial first-time arrest record of a minor if the minor was  
 948 not found to have committed a violent offense and no charges or  
 949 petition was brought concerning the offense. The expunction  
 950 granted by this subsection shall terminate automatically if a  
 951 person whose record is expunged under this subsection is  
 952 subsequently found to have committed any criminal offense or

953 comparable ordinance violation. Upon such an automatic  
 954 termination of expunction, the record shall be treated for all  
 955 purposes as if the expunction granted by this subsection had  
 956 never occurred.

957 ~~(5) This section operates retroactively to permit the~~  
 958 ~~expunction of any nonjudicial record of the arrest of a minor~~  
 959 ~~who has successfully completed a prearrest or postarrest~~  
 960 ~~diversion program on or after July 1, 2000; however, in the case~~  
 961 ~~of a minor whose completion of the program occurred before the~~  
 962 ~~effective date of this section, the application for prearrest or~~  
 963 ~~postarrest diversion expunction must be submitted within 6~~  
 964 ~~months after the effective date of this section.~~

965 (5)-(6) Expunction or sealing granted under this section  
 966 does not prevent the minor who receives such relief from  
 967 petitioning for the expunction or sealing of a later criminal  
 968 history record as provided for in ss. 943.0585 and 943.059, if  
 969 the minor is otherwise eligible under those sections.

970 Section 11. Subsection (1) of section 985.125, Florida  
 971 Statutes, is amended to read:

972 985.125 Prearrest or postarrest diversion programs.--

973 (1) A Law enforcement agencies, agency or school districts  
 974 district, or other qualified agencies, in cooperation with the  
 975 state attorney, are encouraged to may establish a prearrest or  
 976 postarrest diversion programs ~~program~~.

977 Section 12. Section 985.165, Florida Statutes, is created  
 978 to read:

979 985.165 Diversion of first-time drug possession  
 980 offenders.--

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981       (1) The Legislature finds that drug involvement,  
982 especially among young adolescents, is best addressed through  
983 informal settings. Placing young, minor offenders in detention  
984 is more costly and does not provide the most appropriate  
985 mechanism for treatment. Diversion of a youth whose first  
986 referral is for drug possession into substance abuse services  
987 programs should result in fewer youth placed on probation or in  
988 other formal dispositions and more appropriate and effective  
989 handling of youth arrested on drug charges. Diversion of such  
990 youth should also prevent young offenders from exposure to more  
991 serious offenders.

992       (2) The state shall fund community-based substance abuse  
993 intervention, evaluation, and treatment services programs in  
994 each judicial circuit. A youth who has not previously been  
995 referred to the juvenile justice system for any offense and  
996 whose first referral is for a controlled substance possession in  
997 violation of s. 893.13(6) shall be diverted into a substance  
998 abuse services program.

999       Section 13. Paragraph (b) of subsection (2) of section  
1000 985.245, Florida Statutes, is amended to read:

1001       985.245 Risk assessment instrument.--

1002       (2)

1003       (b) The risk assessment instrument shall take into  
1004 consideration, but need not be limited to, prior history of  
1005 failure to appear, prior offenses, offenses committed pending  
1006 adjudication, any unlawful possession of a firearm, theft of a  
1007 motor vehicle or possession of a stolen motor vehicle, and  
1008 probation status at the time the child is taken into custody.

1009 The risk assessment instrument shall also take into  
 1010 consideration appropriate aggravating and mitigating  
 1011 circumstances, ~~and~~ shall be designed to target a narrower  
 1012 population of children than s. 985.255, and shall allow  
 1013 additional points to be assessed for a child charged with a  
 1014 felony who has a prior residential delinquency commitment. The  
 1015 risk assessment instrument shall also include any information  
 1016 concerning the child's history of abuse and neglect. The risk  
 1017 assessment shall indicate whether detention care is warranted,  
 1018 and, if detention care is warranted, whether the child should be  
 1019 placed into secure, nonsecure, or home detention care.

1020 Section 14. Paragraph (e) is added to subsection (1) of  
 1021 section 985.441, Florida Statutes, to read:

1022 985.441 Commitment.--

1023 (1) The court that has jurisdiction of an adjudicated  
 1024 delinquent child may, by an order stating the facts upon which a  
 1025 determination of a sanction and rehabilitative program was made  
 1026 at the disposition hearing:

1027 (e) Commit the child, if the child is pregnant or a mother  
 1028 with an infant child, when appropriate, in a small family-style,  
 1029 community-based program, taking into account the safety risk to  
 1030 the child, herself, the fetus or infant, and the public.

1031 Section 15. Section 985.461, Florida Statutes, is created  
 1032 to read:

1033 985.461 Transition planning team.--Prior to exiting  
 1034 juvenile justice commitment programs, all youth shall have made  
 1035 available to them the services of an identified community-based,  
 1036 interagency transition planning team to facilitate a

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1037 comprehensive, multiagency reintegration of each youth into the  
 1038 community. Transition planning teams shall address issues that  
 1039 include the youth's housing, education, and employability.

1040 Section 16. Section 985.495, Florida Statutes, is created  
 1041 to read:

1042 985.495 Aftercare services for girls.--The department  
 1043 shall require community-based, gender-specific aftercare  
 1044 services for girls transitioning from department programs. Such  
 1045 programs shall include, but are not limited to, mental health,  
 1046 substance abuse, family counseling and crisis intervention,  
 1047 education and vocational training, and independent or  
 1048 transitional living alternatives. The department shall place  
 1049 such girls under the supervision of a female probation or  
 1050 conditional release case manager. A female caseload supervision  
 1051 team shall be established if the number of girls under  
 1052 supervision justifies it.

1053 Section 17. Section 985.622, Florida Statutes, is amended  
 1054 to read:

1055 985.622 Multiagency plan for vocational education.--

1056 (1) The Department of Juvenile Justice and the Department  
 1057 of Education shall, in consultation with the statewide Workforce  
 1058 Development Youth Council, school districts, providers, and  
 1059 others, jointly develop a multiagency plan for vocational  
 1060 education that establishes the curriculum, goals, and outcome  
 1061 measures for vocational programs in juvenile commitment  
 1062 facilities. Vocational training providing educational credits or  
 1063 nationally recognized certification shall be available in all  
 1064 juvenile justice day treatment programs and residential

1065 commitment programs. The department shall work with the Agency  
 1066 for Workforce Innovation and Workforce Florida, Inc., to ensure  
 1067 that all job skills training is in areas directly tied to  
 1068 careers listed on Florida's targeted occupation list. The plan  
 1069 must include the following:

1070 (a) Provisions for maximizing appropriate state and  
 1071 federal funding sources, including funds under the Workforce  
 1072 Investment Act and the Perkins Act. ~~;~~

1073 (b) The responsibilities of both departments and all other  
 1074 appropriate entities; ~~and~~

1075 ~~(c) A detailed implementation schedule.~~

1076  
 1077 ~~The plan must be submitted to the Governor, the President of the~~  
 1078 ~~Senate, and the Speaker of the House of Representatives by May~~  
 1079 ~~1, 2001.~~

1080 (2) ~~The plan must define~~ Vocational programming must be  
 1081 ~~that is~~ appropriate based upon:

1082 (a) The age and assessed educational abilities and goals  
 1083 of the youth to be served; and

1084 (b) The typical length of stay and custody characteristics  
 1085 at the commitment program to which each youth is assigned.

1086 (3) The plan must include a definition of vocational  
 1087 programming that includes the following classifications of  
 1088 commitment facilities that will offer vocational programming by  
 1089 one of the following types:

1090 (a) Type A.--Programs that teach personal accountability  
 1091 skills and behaviors that are appropriate for youth in all age

1092 groups and ability levels and that lead to work habits that help  
 1093 maintain employment and living standards.

1094 (b) Type B.--Programs that include Type A program content  
 1095 and an orientation to the broad scope of career choices, based  
 1096 upon personal abilities, aptitudes, and interests. Exploring and  
 1097 gaining knowledge of occupation options and the level of effort  
 1098 required to achieve them are essential prerequisites to skill  
 1099 training.

1100 (c) Type C.--Programs that include Type A program content  
 1101 and the vocational competencies or the prerequisites needed for  
 1102 entry into a specific occupation.

1103 (4) Vocational programming shall ~~The plan must also~~  
 1104 ~~address strategies to~~ facilitate involvement of business and  
 1105 industry in the design, delivery, and evaluation of vocational  
 1106 programming in juvenile justice commitment facilities and  
 1107 conditional release programs, including apprenticeship and work  
 1108 experience programs, mentoring and job shadowing, and other  
 1109 strategies that lead to postrelease employment. Incentives for  
 1110 business involvement, such as tax breaks, bonding, and liability  
 1111 limits should be investigated, implemented where appropriate, or  
 1112 recommended to the Legislature for consideration.

1113 (5) The department ~~of Juvenile Justice~~ and the Department  
 1114 of Education shall each align its respective agency policies,  
 1115 practices, technical manuals, contracts, quality-assurance  
 1116 standards, performance-based-budgeting measures, and outcome  
 1117 measures with the plan in commitment facilities ~~by July 31,~~  
 1118 ~~2001. Each agency shall provide a report on the implementation~~  
 1119 ~~of this section to the Governor, the President of the Senate,~~



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1120 ~~and the Speaker of the House of Representatives by August 31,~~  
 1121 ~~2001.~~

1122 (6) All provider contracts executed by the department ~~of~~  
 1123 ~~Juvenile Justice~~ or the school districts ~~after January 1, 2002,~~  
 1124 must be aligned with the plan.

1125 (7) The planning and execution of quality assurance  
 1126 reviews conducted by the department or the Department of  
 1127 Education ~~or the Department of Juvenile Justice after August 1,~~  
 1128 ~~2002,~~ must be aligned with the plan.

1129 (8) Outcome measures reported by the department ~~of~~  
 1130 ~~Juvenile Justice~~ and the Department of Education for youth  
 1131 ~~released on or after January 1, 2002,~~ should include outcome  
 1132 measures that conform to the plan.

1133 Section 18. Subsection (7) is added to section 985.644,  
 1134 Florida Statutes, to read:

1135 985.644 Departmental contracting powers; personnel  
 1136 standards and screening.--

1137 (7) The department shall conduct demonstration projects  
 1138 that emphasize the benefits of outcome-based contracting with  
 1139 critical interim performance standard requirements in lieu of  
 1140 compliance-based contracts. The department may contract for such  
 1141 projects based upon interim and long-term outcome performance  
 1142 measures. Such projects shall be completed by December 31, 2010.

1143 Section 19. Subsection (3) of section 435.04, Florida  
 1144 Statutes, is amended to read:

1145 435.04 Level 2 screening standards.--

1146 (3) The security background investigations conducted under  
 1147 this section for employees of the Department of Juvenile Justice

1148 must ensure that no persons subject to the provisions of this  
 1149 section have been found guilty of, regardless of adjudication,  
 1150 or entered a plea of nolo contendere or guilty to, any offense  
 1151 prohibited under any of the following provisions of the Florida  
 1152 Statutes or under any similar statute of another jurisdiction:

1153 (a) Section 784.07, relating to assault or battery of law  
 1154 enforcement officers, firefighters, emergency medical care  
 1155 providers, public transit employees or agents, or other  
 1156 specified officers.

1157 (b) Section 810.02, relating to burglary, if the offense  
 1158 is a felony.

1159 (c) Section 944.40, relating to escape.

1160

1161 The Department of Juvenile Justice may not remove a  
 1162 disqualification from employment or grant an exemption to any  
 1163 person who is disqualified under this section for any offense  
 1164 disposed of during the most recent 7-year period. However, the  
 1165 Department of Juvenile Justice may authorize the hiring of a  
 1166 person for employment in youth facilities who was formerly in a  
 1167 juvenile justice system program and exited it successfully if  
 1168 the person has not been arrested for or charged with any offense  
 1169 in the adult criminal justice system or, for a period of 5 years  
 1170 prior to hiring, had a delinquency petition filed against him or  
 1171 her.

1172 Section 20. Paragraph (b) of subsection (1) of section  
 1173 985.644, Florida Statutes, is amended to read:

1174 985.644 Departmental contracting powers; personnel  
 1175 standards and screening.--

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1176 (1) The Department of Juvenile Justice or the Department  
1177 of Children and Family Services, as appropriate, may contract  
1178 with the Federal Government, other state departments and  
1179 agencies, county and municipal governments and agencies, public  
1180 and private agencies, and private individuals and corporations  
1181 in carrying out the purposes of, and the responsibilities  
1182 established in, this chapter.

1183 (b) The Department of Juvenile Justice and the Department  
1184 of Children and Family Services shall require employment  
1185 screening pursuant to chapter 435, using the level 2 standards  
1186 set forth in that chapter for personnel in programs for children  
1187 or youths. The Department of Juvenile Justice may conditionally  
1188 hire juvenile justice employees upon successful completion of a  
1189 preliminary background screening, but prior to completion of a  
1190 full background screening, on the condition that no direct  
1191 contact with children occurs when the employee is located in  
1192 facility housing a program for which background screening is  
1193 required or on the grounds of a facility where youth are  
1194 located.

1195 Section 21. Subsection (14) is added to section 985.664,  
1196 Florida Statutes, to read:

1197 985.664 Juvenile justice circuit boards and juvenile  
1198 justice county councils.--

1199 (14) Subject to specific legislative appropriation,  
1200 juvenile justice circuit boards and juvenile justice county  
1201 councils shall receive local discretionary grant prevention  
1202 funds that they may allocate to meet the specific needs within  
1203 their local communities.

1204 Section 22. Paragraph (c) of subsection (1) of section  
 1205 1011.62, Florida Statutes, is amended to read:

1206 1011.62 Funds for operation of schools.--If the annual  
 1207 allocation from the Florida Education Finance Program to each  
 1208 district for operation of schools is not determined in the  
 1209 annual appropriations act or the substantive bill implementing  
 1210 the annual appropriations act, it shall be determined as  
 1211 follows:

1212 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 1213 OPERATION.--The following procedure shall be followed in  
 1214 determining the annual allocation to each district for  
 1215 operation:

1216 (c) Determination of programs.--Cost factors based on  
 1217 desired relative cost differences between the following programs  
 1218 shall be established in the annual General Appropriations Act.  
 1219 The Commissioner of Education shall specify a matrix of services  
 1220 and intensity levels to be used by districts in the  
 1221 determination of the two weighted cost factors for exceptional  
 1222 students with the highest levels of need. For these students,  
 1223 the funding support level shall fund the exceptional students'  
 1224 education program, with the exception of extended school year  
 1225 services for students with disabilities.

- 1226 1. Basic programs.--
  - 1227 a. Kindergarten and grades 1, 2, and 3.
  - 1228 b. Grades 4, 5, 6, 7, and 8.
  - 1229 c. Grades 9, 10, 11, and 12.
- 1230 2. Programs for exceptional students.--
  - 1231 a. Support Level IV.

1232           b. Support Level V.

1233           3. Secondary career education programs.--

1234           4. English for Speakers of Other Languages.--

1235           5. Juvenile justice education programs.--

1236           Section 23. (1) The revision of the detention risk

1237 assessment instrument by the Department of Juvenile Justice

1238 required by s. 985.245, Florida Statutes, shall be made with the

1239 agreement of representatives appointed by the Conference of

1240 Circuit Judges of Florida, the Florida Prosecuting Attorneys

1241 Association, the Florida Public Defender Association, the

1242 Florida Sheriffs Association, and the Florida Police Chiefs

1243 Association. Each association shall appoint two individuals, one

1244 representing an urban area and one representing a rural area.

1245 The parties involved shall evaluate and revise the risk

1246 assessment instrument as is considered necessary using the

1247 method for revision as agreed by the parties.

1248           (2) The Department of Juvenile Justice, with the agreement

1249 of all the representatives listed in subsection (1), shall

1250 revise, automate, and validate the detention risk assessment

1251 instrument prior to June 1, 2010, and shall provide education

1252 and training to its staff on proper application of the revised

1253 screening instrument, population management control, and

1254 awareness of staff's authority to contact the prosecutor during

1255 the screening process to attempt to have eligible youth in

1256 secure detention released to an alternative program subsequent

1257 to the court hearing. The department may also provide such

1258 training for juvenile court judges.

1259           Section 24. (1) The Department of Juvenile Justice shall  
 1260 create a Disproportionate Minority Contact Task Force. The  
 1261 secretary of the department shall appoint the members of the  
 1262 task force, which shall include representation from education,  
 1263 law enforcement, state attorneys, public defenders, the state  
 1264 court system, faith communities, juvenile justice service  
 1265 providers, advocacy organizations, members from communities most  
 1266 affected, and other stakeholders. The goal of the task force  
 1267 shall be to reduce disproportionate minority contact, statewide,  
 1268 consistent with the federal Juvenile Justice and Delinquency  
 1269 Prevention Act of 1974, as amended. Members of the task force  
 1270 who are not government employees shall serve without  
 1271 compensation but are entitled to receive reimbursement for  
 1272 travel and per diem expenses as provided in s. 112.061, Florida  
 1273 Statutes. The task force shall:

1274           (a) Work with each local juvenile justice board and  
 1275 council to develop a disproportionate minority contact reduction  
 1276 plan for its area.

1277           (b) Develop, in conjunction with the department,  
 1278 requirements for every entity with which the department works,  
 1279 throughout its continuum of services, to implement the  
 1280 strategies, policies, and practices to reduce disproportionate  
 1281 minority contact.

1282           (c) Assist the department in developing ongoing cultural  
 1283 sensitivity and cultural competence training for department and  
 1284 provider staff to facilitate their participation in  
 1285 disproportionate minority contact reduction plans and  
 1286 strategies.

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1287 (d) Assist the department in developing training and  
1288 education classes to be made available to local law enforcement,  
1289 school system, and court personnel and other identified local  
1290 stakeholders.

1291 (e) Assist the department in developing a strategic plan  
1292 to reduce disproportionate minority contact and over-  
1293 representation, which shall include strategies such as  
1294 restorative decisionmaking practices, to offer alternatives  
1295 aimed at preventing movement of youth to the next level of  
1296 intervention as the point of school disciplinary decisions,  
1297 arrest, charging, disposition, and placement.

1298 (f) Assist the department and the juvenile justice boards  
1299 and councils in establishing comprehensive partnerships with  
1300 faith-based and community-based organizations that will be  
1301 minority-led, citizen-based, nonprofit organizations designed  
1302 and prepared to handle the range of responsibilities for  
1303 responding to the needs of underserved youth.

1304 (g) Submit a report to the Governor, the President of the  
1305 Senate, and the Speaker of the House of Representatives by July  
1306 1, 2010, summarizing its activities. The report shall also  
1307 include any specific recommendations for legislative action. The  
1308 task force is dissolved upon the submission of its report.

1309 (2) The Department of Juvenile Justice shall establish  
1310 eight pilot project for reduction of disproportionate minority  
1311 contact in eight counties for a 3-year period. In each county,  
1312 the goals of the pilot projects shall be to reduce minority  
1313 representation in and the overall number of youth and school-  
1314 based referrals to the juvenile justice system, reduce minority

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1315 representation in out-of-school suspensions and expulsions, and  
1316 reduce minority representation in the number of youth held in  
1317 secure detention or committed to residential detention. The  
1318 department shall submit preliminary reports concerning the pilot  
1319 projects to the Governor, the President of the Senate, and the  
1320 Speaker of the House of Representatives by July 1, 2010, and  
1321 July 1, 2011. The department shall submit a final report  
1322 concerning the pilot projects by January 1, 2012. The final  
1323 report must include any specific recommendations for legislative  
1324 action during the 2012 Regular Session of the Legislature. The  
1325 pilot projects shall terminate on June 30, 2012.

1326 Section 25. (1) The Legislature finds that Florida's  
1327 communities have much to offer youth and their families that are  
1328 involved in the juvenile justice system. Placement of a youth  
1329 far away from his or her home community weakens community  
1330 linkages that can assist the youth. Defining service areas that  
1331 will facilitate services near the youth's home will promote  
1332 providing the youth with the appropriate service when it is  
1333 needed. The Department of Juvenile Justice's current regions are  
1334 too large to achieve this goal. Other components of the juvenile  
1335 justice system operate within judicial circuits. The  
1336 effectiveness of using judicial circuits as service areas should  
1337 be considered for this reason.

1338 (2) The Department of Juvenile Justice shall identify  
1339 service areas that promote the concept of community-based  
1340 programs while recognizing the unique characteristics of  
1341 Florida's communities and recommend implementation to the  
1342 Legislature. Adoption of the service area boundaries of the



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1343 Department of Children and Family Services shall receive careful  
1344 consideration. A full continuum of services that include, but  
1345 are not limited to, prevention, early intervention, supervision,  
1346 and support services in the family, probation, residential, and  
1347 aftercare fields shall be available in each service area. The  
1348 Department of Juvenile Justice shall submit a report to the  
1349 Governor, the President of the Senate, and the Speaker of the  
1350 House of Representatives by January 1, 2010, concerning the use  
1351 of service areas as described in this section and any specific  
1352 recommendations for legislative action.

1353       Section 26. The Legislature finds that services and  
1354 education that a youth receives in detention while awaiting  
1355 placement in a commitment program should be considered as part  
1356 of completing the youth's treatment plan. Similarly, the  
1357 services and education that youth receive in a competency  
1358 restoration placement should be taken into consideration as part  
1359 of the predisposition report at the youth's treatment plan in  
1360 any subsequent disposition. Therefore, the Governor shall  
1361 establish a task force to review and make recommendations to  
1362 modify current statutes or practices associated with restoration  
1363 of competency. The task force shall include members of the  
1364 judicial branch, the Department of Juvenile Justice, the  
1365 Department of Children and Family Services, and community mental  
1366 health providers. Members of the task force who are not  
1367 government employees shall serve without compensation but are  
1368 entitled to receive reimbursement for travel and per diem  
1369 expenses as provided in s. 112.061, Florida Statutes. The task  
1370 force shall submit a report of its findings to the Governor, the

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1371 President of the Senate, and the Speaker of the House of  
1372 Representatives by January 1, 2010. The task force shall  
1373 terminate upon submission of its report.

1374 Section 27. (1) The Legislature finds that the Department  
1375 of Juvenile Justice must have the ability to recruit and retain  
1376 a professional direct care staff and substantially reduce  
1377 turnover to ensure the most appropriate supervision and  
1378 rehabilitation of at-risk youth in their care. To further this  
1379 goal, the Governor shall establish a task force to perform a  
1380 role delineation study. The task force shall review and make  
1381 recommendations concerning the following:

1382 (a) Core competencies for all state and contracted direct  
1383 care staff and minimum hiring requirements.

1384 (b) Professional curriculum, continuing education  
1385 requirements, and establishment of a certification program to  
1386 include standards, requirements, examinations, certification,  
1387 and decertification.

1388 (c) Base rates of pay for all direct care staff.

1389 (d) The possibility of granting special risk retirement  
1390 benefits for care staff who work directly with youth.

1391 (2) Members of the task force who are not government  
1392 employees shall serve without compensation but are entitled to  
1393 receive reimbursement for travel and per diem expenses as  
1394 provided in s. 112.061, Florida Statutes. The task force shall  
1395 submit a report of its findings to the Governor, the President  
1396 of the Senate, and the Speaker of the House of Representatives  
1397 by January 1, 2010. The task force shall terminate upon  
1398 submission of its report.

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1399           Section 28. The Legislature finds that the Washington  
1400 State Institute for Public Policy has helped develop effective  
1401 strategies in that state that have produced a significant return  
1402 on investment in crime reduction through diversion of funding  
1403 for adult prisons to prevention programs. The Department of  
1404 Corrections, the Department of Juvenile Justice, and the  
1405 Department of Children and Family Services shall select and work  
1406 with a university in the State University System to calculate  
1407 the return on investment and cost savings of crime reduction  
1408 through effective prevention and intervention programming with  
1409 the goal of implementing similar cost-saving strategies and  
1410 practices in this state. The university selected by the  
1411 departments shall submit a report to the secretary of each of  
1412 the departments, the Governor, the President of the Senate, and  
1413 the Speaker of the House of Representatives by June 30, 2010,  
1414 concerning the implementation of similar cost-saving strategies  
1415 and practices in this state and any specific recommendations for  
1416 legislative action.

1417           Section 29. This act shall take effect July 1, 2009.