

By Senator Wise

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

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

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59 subsequently found to have committed a criminal  
60 offense or comparable ordinance violation; amending s.  
61 985.125, F.S.; providing for establishment of  
62 prearrest or postarrest diversion programs by  
63 additional agencies; creating s. 985.165, F.S.;  
64 providing legislative findings; requiring state  
65 funding of community-based substance abuse  
66 intervention, evaluation, and treatment services  
67 programs in each judicial circuit; providing for  
68 diversion of certain first-time drug offenders into  
69 such programs; amending s. 985.245, F.S.; requiring  
70 the juvenile risk assessment instrument to allow  
71 additional points to be assessed against a child who  
72 is charged with a felony and who has a prior  
73 residential delinquency commitment; amending s.  
74 985.441, F.S.; providing for commitment of juveniles  
75 who are pregnant or mothers with infant children in  
76 small family-style, community-based programs when  
77 appropriate; creating s. 985.461, F.S.; requiring that  
78 all youth exiting juvenile justice commitment programs  
79 have made available to them the services of an  
80 identified community-based, interagency transition  
81 planning team; creating s. 985.495, F.S.; requiring  
82 the Department of Juvenile Justice to provide access  
83 to community-based, gender-specific aftercare services  
84 to all girls in transition from department programs;  
85 requiring that the department place such girls under  
86 female probation or conditional release case managers;  
87 providing for creation of a female caseload

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88 supervision team in certain circumstances; creating s.  
89 985.566, F.S.; requiring mandatory parole hearings for  
90 certain inmates who are sentenced to an adult  
91 correctional facility as a child, who have not  
92 committed a specified offense, and who have served a  
93 specified period of time; providing that inmates  
94 convicted of specified offenses are ineligible;  
95 providing for participation of victims in such  
96 hearings; amending s. 985.622, F.S.; requiring that  
97 certain juvenile justice programs offer vocational  
98 training; requiring the Department of Juvenile Justice  
99 to work with the Agency for Workforce Innovation and  
100 Workforce Florida, Inc., to ensure that all job skills  
101 training is in areas directly tied to careers listed  
102 on Florida's targeted occupation list; deleting  
103 obsolete provisions; amending s. 985.644, F.S.;  
104 requiring the Department of Juvenile Justice to  
105 conduct demonstration projects that emphasize the  
106 benefits of outcome-based contracting with certain  
107 performance standard requirements; authorizing the use  
108 of interim and long-term outcome performance measures;  
109 requiring projects to be completed by a specified  
110 date; amending s. 435.04, F.S.; authorizing the  
111 Department of Juvenile Justice, in certain  
112 circumstances, to hire persons for employment in youth  
113 facilities who were formerly in the juvenile justice  
114 system and exited successfully; amending s. 985.644,  
115 F.S.; authorizing the Department of Juvenile Justice  
116 to conditionally hire juvenile justice employees upon

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117 successful completion of a preliminary background  
118 screening, but prior to a full background screening,  
119 under specified conditions; amending s. 985.664, F.S.;  
120 providing that juvenile justice circuit boards and  
121 juvenile justice county councils may receive funds  
122 through local discretionary grants for specified  
123 purposes; amending s. 1006.13, F.S.; providing that  
124 zero-tolerance policies does not apply to petty acts  
125 of misconduct and misdemeanors; requiring that  
126 discipline or prosecution for a violation of a zero-  
127 tolerance policy should be based on considerations of  
128 an individual student and particular circumstances;  
129 providing that school districts should involve law  
130 enforcement agencies only for serious offenses that  
131 threaten safety and use alternatives to expulsion or  
132 referral for prosecution in certain circumstances;  
133 amending s. 1011.62, F.S., relating to allocations  
134 from the Florida Education Finance Program to school  
135 districts for the operation of schools; providing for  
136 the establishment of a cost factor for students in  
137 juvenile justice education programs; requiring the  
138 Department of Juvenile Justice, in consultation with  
139 representatives of specified entities, to conduct a  
140 review of the detention risk assessment instrument;  
141 providing for creation of a Disproportionate Minority  
142 Contact Task Force; providing for membership, goals,  
143 and duties; requiring a report; providing for  
144 dissolution of the task force; providing for pilot  
145 projects for reduction of disproportionate minority

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146 contact; providing for goals of the pilot projects;  
147 requiring reports; providing for termination of the  
148 pilot projects; directing the Children and Youth  
149 Cabinet to coordinate and assist specified entities in  
150 reviewing and amending K-12 zero-tolerance policies;  
151 providing for goals of the review; providing  
152 legislative findings; requiring the Department of  
153 Juvenile Justice to identify service areas that  
154 promote the concept of community-based programs;  
155 requiring a report; requiring the Governor to  
156 establish a task force to review and make  
157 recommendations to modify current statutes or  
158 practices associated with restoration of competency;  
159 providing for membership; requiring a report;  
160 providing for termination of the task force; requiring  
161 the Governor to establish a task force to perform a  
162 role delineation study and review and make  
163 recommendations concerning specified issues; requiring  
164 a report; providing for termination of the task force;  
165 requiring the Department of Corrections, the  
166 Department of Juvenile Justice, and the Department of  
167 Children and Family Services to work with a university  
168 in the State University System to calculate the return  
169 on investment and cost savings of crime reduction  
170 through effective prevention and intervention  
171 programming; requiring a report; reenacting s.  
172 402.22(4) and (7), F.S., relating to educational  
173 programs for students in residential care facilities,  
174 to incorporate the amendments made to s. 1011.62,

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175 F.S., in a reference thereto; reenacting ss.  
 176 985.66(3) (a) and 985.688(10) (b), F.S., relating to  
 177 juvenile justice training academies and county and  
 178 municipal delinquency programs and facilities,  
 179 respectively, to incorporate the amendments made to s.  
 180 985.644, F.S., in a reference thereto; providing an  
 181 effective date.

182  
 183 Be It Enacted by the Legislature of the State of Florida:

184  
 185 Section 1. Subsection (5) is added to section 20.316,  
 186 Florida Statutes, to read:

187 20.316 Department of Juvenile Justice.—There is created a  
 188 Department of Juvenile Justice.

189 (5) RESEARCH INSTITUTE.—The department shall establish the  
 190 Juvenile Justice Policy Research Institute, which shall be  
 191 headed by a director. The institute shall be the principal unit  
 192 for research services within the department and shall provide  
 193 technical assistance, best practices, and policy and research  
 194 assistance and support to the policymakers of the department.

195 Section 2. Subsection (1) of section 27.51, Florida  
 196 Statutes, is amended to read:

197 27.51 Duties of public defender.—

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

200 27.52 and:

201 (a) Under arrest for, or charged with, a felony;

202 (b) Under arrest for, or charged with:

203 1. A misdemeanor authorized for prosecution by the state

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204 attorney;

205 2. A violation of chapter 316 punishable by imprisonment;

206 3. Criminal contempt; or

207 4. A violation of a special law or county or municipal  
208 ordinance ancillary to a state charge, or if not ancillary to a  
209 state charge, only if the public defender contracts with the  
210 county or municipality to provide representation pursuant to ss.  
211 27.54 and 125.69.

212

213 The public defender shall not provide representation pursuant to  
214 this paragraph if the court, prior to trial, files in the cause  
215 an order of no imprisonment as provided in s. 27.512;

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

219 (d) Sought by petition filed in such court to be  
220 involuntarily placed as a mentally ill person under part I of  
221 chapter 394, involuntarily committed as a sexually violent  
222 predator under part V of chapter 394, or involuntarily admitted  
223 to residential services as a person with developmental  
224 disabilities under chapter 393. A public defender shall not  
225 represent any plaintiff in a civil action brought under the  
226 Florida Rules of Civil Procedure, the Federal Rules of Civil  
227 Procedure, or the federal statutes, or represent a petitioner in  
228 a rule challenge under chapter 120, unless specifically  
229 authorized by statute;

230 (e) Convicted and sentenced to death, for purposes of  
231 handling an appeal to the Supreme Court; or

232 (f) Is appealing a matter in a case arising under



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233 paragraphs (a)-(d).

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

236 394.492 Definitions.—As used in ss. 394.490-394.497, the  
237 term:

238 (4) "Child or adolescent at risk of emotional disturbance"  
239 means a person under 18 years of age who has an increased  
240 likelihood of becoming emotionally disturbed because of risk  
241 factors that include, but are not limited to:

242 (i) Being 11 years of age or younger at the time of  
243 referral for a delinquent act.

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

246 984.03 Definitions.—When used in this chapter, the term:

247 (9) "Child in need of services" means a child for whom  
248 there is no pending investigation into an allegation or  
249 suspicion of abuse, neglect, or abandonment; no pending petition  
250 ~~referral~~ alleging the child is delinquent; or no current  
251 supervision by the Department of Juvenile Justice or the  
252 Department of Children and Family Services for an adjudication  
253 of dependency or delinquency. The child must also, pursuant to  
254 this chapter, be found by the court:

255 (a) To have persistently run away from the child's parents  
256 or legal custodians despite reasonable efforts of the child, the  
257 parents or legal custodians, and appropriate agencies to remedy  
258 the conditions contributing to the behavior. Reasonable efforts  
259 shall include voluntary participation by the child's parents or  
260 legal custodians and the child in family mediation, services,  
261 and treatment offered by the Department of Juvenile Justice or

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262 the Department of Children and Family Services;

263 (b) To be habitually truant from school, while subject to  
264 compulsory school attendance, despite reasonable efforts to  
265 remedy the situation pursuant to ss. 1003.26 and 1003.27 and  
266 through voluntary participation by the child's parents or legal  
267 custodians and by the child in family mediation, services, and  
268 treatment offered by the Department of Juvenile Justice or the  
269 Department of Children and Family Services; or

270 (c) To have persistently disobeyed the reasonable and  
271 lawful demands of the child's parents or legal custodians, and  
272 to be beyond their control despite efforts by the child's  
273 parents or legal custodians and appropriate agencies to remedy  
274 the conditions contributing to the behavior. Reasonable efforts  
275 may include such things as good faith participation in family or  
276 individual counseling.

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

279 985.03 Definitions.—As used in this chapter, the term:

280 (7) "Child in need of services" means a child for whom  
281 there is no pending investigation into an allegation or  
282 suspicion of abuse, neglect, or abandonment; no pending petition  
283 ~~referral~~ alleging the child is delinquent; or no current  
284 supervision by the department or the Department of Children and  
285 Family Services for an adjudication of dependency or  
286 delinquency. The child must also, under this chapter, be found  
287 by the court:

288 (a) To have persistently run away from the child's parents  
289 or legal custodians despite reasonable efforts of the child, the  
290 parents or legal custodians, and appropriate agencies to remedy

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291 the conditions contributing to the behavior. Reasonable efforts  
 292 shall include voluntary participation by the child's parents or  
 293 legal custodians and the child in family mediation, services,  
 294 and treatment offered by the department or the Department of  
 295 Children and Family Services;

296 (b) To be habitually truant from school, while subject to  
 297 compulsory school attendance, despite reasonable efforts to  
 298 remedy the situation under ss. 1003.26 and 1003.27 and through  
 299 voluntary participation by the child's parents or legal  
 300 custodians and by the child in family mediation, services, and  
 301 treatment offered by the Department of Juvenile Justice or the  
 302 Department of Children and Family Services; or

303 (c) To have persistently disobeyed the reasonable and  
 304 lawful demands of the child's parents or legal custodians, and  
 305 to be beyond their control despite efforts by the child's  
 306 parents or legal custodians and appropriate agencies to remedy  
 307 the conditions contributing to the behavior. Reasonable efforts  
 308 may include such things as good faith participation in family or  
 309 individual counseling.

310 Section 6. Section 409.9025, Florida Statutes, is amended  
 311 to read:

312 409.9025 Eligibility while an inmate or in certain juvenile  
 313 programs.—

314 (1) Notwithstanding any other ~~provision of~~ law other than  
 315 s. 409.9021, ~~if in the event that~~ a person who is an inmate in  
 316 the state's correctional system as defined in s. 944.02, in a  
 317 county detention facility as defined in s. 951.23, ~~or~~ in a  
 318 municipal detention facility as defined in s. 951.23, or  
 319 committed to a high-risk residential or maximum-risk residential

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320 juvenile program as defined in s. 985.03(44) was in receipt of  
321 medical assistance under this chapter immediately prior to being  
322 admitted as an inmate or committed, such person shall remain  
323 eligible for medical assistance while an inmate or while  
324 committed, except that ~~no~~ medical assistance may not ~~shall~~ be  
325 furnished under this chapter for any care, services, or supplies  
326 provided during such time as the person is an inmate. ~~;~~ ~~however,~~  
327 ~~nothing in~~ This section shall not be deemed as preventing the  
328 provision of medical assistance for inpatient hospital services  
329 furnished to such person ~~an inmate~~ at a hospital outside of the  
330 premises of the place of incarceration or commitment ~~inmate's~~  
331 ~~facility~~ to the extent that federal financial participation is  
332 available for the costs of such services.

333 (2) Upon release from incarceration or commitment, such  
334 person shall continue to be eligible for receipt of medical  
335 assistance furnished under this chapter until such time as the  
336 person is otherwise determined to no longer be eligible for ~~such~~  
337 assistance.

338 (3) To the extent permitted by federal law, the time during  
339 which ~~a such~~ person is an inmate or was committed to a juvenile  
340 program described in subsection (1) shall not be included in any  
341 calculation of when the person must recertify his or her  
342 eligibility for medical assistance in accordance with this  
343 chapter.

344 Section 7. Present subsection (3) of section 943.0515,  
345 Florida Statutes, is renumbered as subsection (5) and new  
346 subsections (3) and (4) are added to that section, to read:

347 943.0515 Retention of criminal history records of minors.—

348 (3) The department shall notify the appropriate clerk of

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349 the court, the state attorney or statewide prosecutor, the  
350 county, and the arresting agency of any criminal history record  
351 that is expunged under this section. The arresting agency shall  
352 send the department's notification to any other agency to which  
353 the arresting agency disseminated the criminal history record  
354 information and to which the order pertains. The county shall  
355 send the department's notification to any agency, organization,  
356 or company to which the county disseminated the criminal history  
357 information and to which the order pertains. The department  
358 shall send the notification of expungement to the Federal Bureau  
359 of Investigation. The clerk of the court shall certify a copy of  
360 the department's notification to any other agency that has  
361 received the criminal history record, as reflected in the  
362 records of the court.

363 (4) Any criminal history record that is expunged by the  
364 department under this section must be physically destroyed or  
365 obliterated by any criminal justice agency that has custody of  
366 the record, except that a criminal history record in the custody  
367 of the department must be retained in all cases.

368 Section 8. Section 943.0585, Florida Statutes, is amended  
369 to read:

370 943.0585 Court-ordered expunction of criminal history  
371 records.—The courts of this state have jurisdiction over their  
372 own procedures, including the maintenance, expunction, and  
373 correction of judicial records containing criminal history  
374 information to the extent such procedures are not inconsistent  
375 with the conditions, responsibilities, and duties established by  
376 this section. Any court of competent jurisdiction may order a  
377 criminal justice agency to expunge the criminal history record

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378 of a minor or an adult who complies with the requirements of  
379 this section. The court shall not order a criminal justice  
380 agency to expunge a criminal history record until the person  
381 seeking to expunge a criminal history record has applied for and  
382 received a certificate of eligibility for expunction pursuant to  
383 subsection (3) ~~(2)~~.

384 (1) PROHIBITION AGAINST EXPUNGING CERTAIN RECORDS.—A  
385 criminal history record that relates to a violation of s.  
386 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
387 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
388 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
389 916.1075, a violation enumerated in s. 907.041, or any violation  
390 specified as a predicate offense for registration as a sexual  
391 predator pursuant to s. 775.21, without regard to whether that  
392 offense alone is sufficient to require such registration, or for  
393 registration as a sexual offender pursuant to s. 943.0435, may  
394 not be expunged, ~~without regard to whether adjudication was~~  
395 ~~withheld,~~ if the defendant was found guilty of or pled guilty or  
396 nolo contendere to the offense, or if the defendant, as a minor,  
397 was found to have committed, or pled guilty or nolo contendere  
398 to committing, the offense as a delinquent act, even if the  
399 adjudication was withheld. The prohibition applies only to cases  
400 in which the defendant, including a minor, was found guilty of  
401 or pled guilty or nolo contendere to the offense. In all other  
402 instances involving the enumerated offenses in this subsection,  
403 the record may be expunged if an indictment, information, or  
404 other charging document was not filed or issued in the case or,  
405 if filed or issued in the case, was dismissed or nolle prosequi  
406 by the state attorney or statewide prosecutor or was dismissed

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407 by a court of competent jurisdiction, or the person was found  
408 not guilty or acquitted by a judge or jury. The court may only  
409 order expunction of a criminal history record pertaining to one  
410 arrest or one incident of alleged criminal activity, except as  
411 provided in this section. The court may, at its sole discretion,  
412 order the expunction of a criminal history record pertaining to  
413 more than one arrest if the additional arrests directly relate  
414 to the original arrest. If the court intends to order the  
415 expunction of records pertaining to such additional arrests,  
416 such intent must be specified in the order. A criminal justice  
417 agency may not expunge any record pertaining to such additional  
418 arrests if the order to expunge does not articulate the  
419 intention of the court to expunge a record pertaining to more  
420 than one arrest. This section does not prevent the court from  
421 ordering the expunction of only a portion of a criminal history  
422 record pertaining to one arrest or one incident of alleged  
423 criminal activity. Notwithstanding any law to the contrary, a  
424 criminal justice agency may comply with laws, court orders, and  
425 official requests of other jurisdictions relating to expunction,  
426 correction, or confidential handling of criminal history records  
427 or information derived therefrom. This section does not confer  
428 any right to the expunction of any criminal history record, and  
429 any request for expunction of a criminal history record may be  
430 denied at the sole discretion of the court.

431 (2)~~(1)~~ PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each  
432 petition to a court to expunge a criminal history record is  
433 complete only when accompanied by:

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

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436 (b) The petitioner's sworn statement attesting that the  
437 petitioner:

438 1. Has never, prior to the date on which the petition is  
439 filed, been adjudicated guilty of a criminal offense or  
440 comparable ordinance violation, or been adjudicated delinquent  
441 for committing any felony or a misdemeanor specified in s.  
442 943.051(3)(b).

443 2. Has not been adjudicated guilty of, or adjudicated  
444 delinquent for committing, any of the acts stemming from the  
445 arrest or alleged criminal activity to which the petition  
446 pertains.

447 3. Except as otherwise provided in this section, has never  
448 secured a prior sealing or expunction of a criminal history  
449 record under this section, former s. 893.14, former s. 901.33,  
450 or former s. 943.058, or from any jurisdiction outside the  
451 state, unless expunction is sought of a criminal history record  
452 previously sealed for 10 years pursuant to paragraph (3)(h)  
453 ~~(2)(h)~~ and the record is otherwise eligible for expunction.

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

457  
458 Any person who knowingly provides false information on such  
459 sworn statement to the court commits a felony of the third  
460 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
461 775.084.

462 (3) ~~(2)~~ CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Before  
463 ~~Prior to~~ petitioning the court to expunge a criminal history  
464 record, a person seeking to expunge a criminal history record



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465 shall apply to the department for a certificate of eligibility  
466 for expunction. The department shall, by rule adopted pursuant  
467 to chapter 120, establish procedures pertaining to the  
468 application for and issuance of certificates of eligibility for  
469 expunction. A certificate of eligibility for expunction is valid  
470 for 12 months after the date stamped on the certificate when  
471 issued by the department. After that time, the petitioner must  
472 reapply to the department for a new certificate of eligibility.  
473 Eligibility for a renewed certification of eligibility must be  
474 based on the status of the applicant and the law in effect at  
475 the time of the renewal application. The department shall issue  
476 a certificate of eligibility for expunction to a person who is  
477 the subject of a criminal history record if that person:

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

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

483 2. That an indictment, information, or other charging  
484 document, if filed or issued in the case, was dismissed or nolle  
485 prosequi by the state attorney or statewide prosecutor, or was  
486 dismissed by a court of competent jurisdiction, or that the  
487 person was found not guilty or acquitted by a judge or jury, and  
488 that none of the charges related to the arrest or alleged  
489 criminal activity to which the petition to expunge pertains  
490 resulted in a trial, without regard to whether the outcome of  
491 the trial was other than an adjudication of guilt.

492 3. That the criminal history record does not relate to a  
493 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,

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494 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
495 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
496 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
497 any violation specified as a predicate offense for registration  
498 as a sexual predator pursuant to s. 775.21, without regard to  
499 whether that offense alone is sufficient to require such  
500 registration, or for registration as a sexual offender pursuant  
501 to s. 943.0435, where the defendant was found guilty of, or pled  
502 guilty or nolo contendere to any such offense, or that the  
503 defendant, as a minor, was found to have committed, or pled  
504 guilty or nolo contendere to committing, such an offense as a  
505 delinquent act, without regard to whether adjudication was  
506 withheld.

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

510 (c) Has submitted to the department a certified copy of the  
511 disposition of the charge to which the petition to expunge  
512 pertains.

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

518 (e) Has not been adjudicated guilty of, or adjudicated  
519 delinquent for committing, any of the acts stemming from the  
520 arrest or alleged criminal activity to which the petition to  
521 expunge pertains.

522 (f) Has never secured a prior sealing or expunction of a

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523 criminal history record under this section, former s. 893.14,  
524 former s. 901.33, or former s. 943.058 involving an offense for  
525 which the defendant had been found guilty or pled guilty or nolo  
526 contendere, unless expunction is sought of a criminal history  
527 record previously sealed for 10 years pursuant to paragraph (h)  
528 and the record is otherwise eligible for expunction.

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

532 (h) Has previously obtained a court order sealing the  
533 record under this section, former s. 893.14, former s. 901.33,  
534 or former s. 943.058 for a minimum of 10 years because  
535 adjudication was withheld or because all charges related to the  
536 arrest or alleged criminal activity to which the petition to  
537 expunge pertains were not dismissed prior to trial, without  
538 regard to whether the outcome of the trial was other than an  
539 adjudication of guilt. The requirement for the record to have  
540 previously been sealed for a minimum of 10 years does not apply  
541 when a plea was not entered or all charges related to the arrest  
542 or alleged criminal activity to which the petition to expunge  
543 pertains were dismissed prior to trial.

544 (4)~~(3)~~ PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

545 (a) In judicial proceedings under this section, a copy of  
546 the completed petition to expunge shall be served upon the  
547 appropriate state attorney or the statewide prosecutor and upon  
548 the arresting agency; however, it is not necessary to make any  
549 agency other than the state a party. The appropriate state  
550 attorney or the statewide prosecutor and the arresting agency  
551 may respond to the court regarding the completed petition to

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552 expunge.

553 (b) If relief is granted by the court, the clerk of the  
554 court shall certify copies of the order to the appropriate state  
555 attorney or the statewide prosecutor, the county, and the  
556 arresting agency. The arresting agency is responsible for  
557 forwarding the order to any other agency to which the arresting  
558 agency disseminated the criminal history record information to  
559 which the order pertains. The county is responsible for  
560 forwarding the order to any agency, organization, or company to  
561 which the county disseminated the criminal history record  
562 information to which the order pertains. The department shall  
563 forward the order to expunge to the Federal Bureau of  
564 Investigation. The clerk of the court shall certify a copy of  
565 the order to any other agency which the records of the court  
566 reflect has received the criminal history record from the court.

567 (c) For an order to expunge entered by a court prior to  
568 July 1, 1992, the department shall notify the appropriate state  
569 attorney or statewide prosecutor of an order to expunge which is  
570 contrary to law because the person who is the subject of the  
571 record has previously been convicted of a crime or comparable  
572 ordinance violation or has had a prior criminal history record  
573 sealed or expunged. Upon receipt of such notice, the appropriate  
574 state attorney or statewide prosecutor shall take action, within  
575 60 days, to correct the record and petition the court to void  
576 the order to expunge. The department shall seal the record until  
577 such time as the order is voided by the court.

578 (d) On or after July 1, 1992, the department or any other  
579 criminal justice agency is not required to act on an order to  
580 expunge entered by a court when such order does not comply with

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581 the requirements of this section. Upon receipt of such an order,  
582 the department must notify the issuing court, the appropriate  
583 state attorney or statewide prosecutor, the petitioner or the  
584 petitioner's attorney, and the arresting agency of the reason  
585 for noncompliance. The appropriate state attorney or statewide  
586 prosecutor shall take action within 60 days to correct the  
587 record and petition the court to void the order. No cause of  
588 action, including contempt of court, shall arise against any  
589 criminal justice agency for failure to comply with an order to  
590 expunge when the petitioner for such order failed to obtain the  
591 certificate of eligibility as required by this section or such  
592 order does not otherwise comply with the requirements of this  
593 section.

594 (5)~~(4)~~ EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
595 criminal history record of a minor or an adult which is ordered  
596 expunged by a court of competent jurisdiction pursuant to this  
597 section must be physically destroyed or obliterated by any  
598 criminal justice agency having custody of such record; except  
599 that any criminal history record in the custody of the  
600 department must be retained in all cases. A criminal history  
601 record ordered expunged that is retained by the department is  
602 confidential and exempt from the provisions of s. 119.07(1) and  
603 s. 24(a), Art. I of the State Constitution and not available to  
604 any person or entity except upon order of a court of competent  
605 jurisdiction. A criminal justice agency may retain a notation  
606 indicating compliance with an order to expunge.

607 (a) The person who is the subject of a criminal history  
608 record that is expunged under this section or under other  
609 provisions of law, including former s. 893.14, former s. 901.33,

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610 and former s. 943.058, may lawfully deny or fail to acknowledge  
611 the arrests covered by the expunged record, except when the  
612 subject of the record:

613 1. Is a candidate for employment with a criminal justice  
614 agency;

615 2. Is a defendant in a criminal prosecution;

616 3. Concurrently or subsequently petitions for relief under  
617 this section or s. 943.059;

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

619 5. Is seeking to be employed or licensed by or to contract  
620 with the Department of Children and Family Services, the Agency  
621 for Health Care Administration, the Agency for Persons with  
622 Disabilities, or the Department of Juvenile Justice or to be  
623 employed or used by such contractor or licensee in a sensitive  
624 position having direct contact with children, the  
625 developmentally disabled, the aged, or the elderly as provided  
626 in s. 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.  
627 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4),  
628 chapter 916, s. 985.644, chapter 400, or chapter 429;

629 6. Is seeking to be employed or licensed by the Department  
630 of Education, any district school board, any university  
631 laboratory school, any charter school, any private or parochial  
632 school, or any local governmental entity that licenses child  
633 care facilities; or

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

637 (b) Subject to the exceptions in paragraph (a), a person  
638 who has been granted an expunction under this section, former s.

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639 893.14, former s. 901.33, or former s. 943.058 may not be held  
640 under any provision of law of this state to commit perjury or to  
641 be otherwise liable for giving a false statement by reason of  
642 such person's failure to recite or acknowledge an expunged  
643 criminal history record.

644 (c) Information relating to the existence of an expunged  
645 criminal history record which is provided in accordance with  
646 paragraph (a) is confidential and exempt from the provisions of  
647 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
648 except that the department shall disclose the existence of a  
649 criminal history record ordered expunged to the entities set  
650 forth in subparagraphs (a)1., 4., 5., 6., and 7. for their  
651 respective licensing, access authorization, and employment  
652 purposes, and to criminal justice agencies for their respective  
653 criminal justice purposes. It is unlawful for any employee of an  
654 entity set forth in subparagraph (a)1., subparagraph (a)4.,  
655 subparagraph (a)5., subparagraph (a)6., or subparagraph (a)7. to  
656 disclose information relating to the existence of an expunged  
657 criminal history record of a person seeking employment, access  
658 authorization, or licensure with such entity or contractor,  
659 except to the person to whom the criminal history record relates  
660 or to persons having direct responsibility for employment,  
661 access authorization, or licensure decisions. Any person who  
662 violates this paragraph commits a misdemeanor of the first  
663 degree, punishable as provided in s. 775.082 or s. 775.083.

664 (d) An agency, organization, or company to which the  
665 county, department, or arresting agency disseminated the  
666 criminal history record information and which has received the  
667 order expunging the record may not release the expunged

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668 information to the public after 30 days following the date that  
669 it receives the court order expunging the record.

670 (6) ~~(5)~~ STATUTORY REFERENCES.—Any reference to any other  
671 chapter, section, or subdivision of the Florida Statutes in this  
672 section constitutes a general reference under the doctrine of  
673 incorporation by reference.

674 Section 9. Section 943.059, Florida Statutes, is amended to  
675 read:

676 943.059 Court-ordered sealing of criminal history records.—  
677 The courts of this state shall continue to have jurisdiction  
678 over their own procedures, including the maintenance, sealing,  
679 and correction of judicial records containing criminal history  
680 information to the extent such procedures are not inconsistent  
681 with the conditions, responsibilities, and duties established by  
682 this section. Any court of competent jurisdiction may order a  
683 criminal justice agency to seal the criminal history record of a  
684 minor or an adult who complies with the requirements of this  
685 section. The court shall not order a criminal justice agency to  
686 seal a criminal history record until the person seeking to seal  
687 a criminal history record has applied for and received a  
688 certificate of eligibility for sealing pursuant to subsection  
689 (3) ~~(2)~~.

690 (1) PROHIBITION AGAINST SEALING CERTAIN RECORDS.—A criminal  
691 history record that relates to a violation of s. 393.135, s.  
692 394.4593, s. 787.025, chapter 794, s. 796.03, s. 800.04, s.  
693 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s.  
694 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a  
695 violation enumerated in s. 907.041, or any violation specified  
696 as a predicate offense for registration as a sexual predator



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697 pursuant to s. 775.21, without regard to whether that offense  
698 alone is sufficient to require such registration, or for  
699 registration as a sexual offender pursuant to s. 943.0435, may  
700 not be sealed, ~~without regard to whether adjudication was~~  
701 ~~withheld~~, if the defendant was found guilty of or pled guilty or  
702 nolo contendere to the offense, or if the defendant, as a minor,  
703 was found to have committed or pled guilty or nolo contendere to  
704 committing the offense as a delinquent act even if the  
705 adjudication was withheld. The prohibition applies only to cases  
706 in which the defendant, including a minor, was found guilty of  
707 or pled guilty or nolo contendere to the offense. In all other  
708 instances involving the enumerated offenses in this subsection,  
709 the record may be sealed if an indictment, information, or other  
710 charging document was not filed or issued in the case or, if  
711 filed or issued in the case, was dismissed or nolle prosequi by  
712 the state attorney or statewide prosecutor or was dismissed by a  
713 court of competent jurisdiction, or the person was found not  
714 guilty or acquitted by a judge or jury. The court may only order  
715 sealing of a criminal history record pertaining to one arrest or  
716 one incident of alleged criminal activity, except as provided in  
717 this section. The court may, at its sole discretion, order the  
718 sealing of a criminal history record pertaining to more than one  
719 arrest if the additional arrests directly relate to the original  
720 arrest. If the court intends to order the sealing of records  
721 pertaining to such additional arrests, such intent must be  
722 specified in the order. A criminal justice agency may not seal  
723 any record pertaining to such additional arrests if the order to  
724 seal does not articulate the intention of the court to seal  
725 records pertaining to more than one arrest. This section does

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726 not prevent the court from ordering the sealing of only a  
727 portion of a criminal history record pertaining to one arrest or  
728 one incident of alleged criminal activity. Notwithstanding any  
729 law to the contrary, a criminal justice agency may comply with  
730 laws, court orders, and official requests of other jurisdictions  
731 relating to sealing, correction, or confidential handling of  
732 criminal history records or information derived therefrom. This  
733 section does not confer any right to the sealing of any criminal  
734 history record, and any request for sealing a criminal history  
735 record may be denied at the sole discretion of the court.

736 (2)~~(1)~~ PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each  
737 petition to a court to seal a criminal history record is  
738 complete only when accompanied by:

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

741 (b) The petitioner's sworn statement attesting that the  
742 petitioner:

743 1. Has never, prior to the date on which the petition is  
744 filed, been adjudicated guilty of a criminal offense or  
745 comparable ordinance violation, or been adjudicated delinquent  
746 for committing any felony or a misdemeanor specified in s.  
747 943.051(3)(b).

748 2. Has not been adjudicated guilty of or adjudicated  
749 delinquent for committing any of the acts stemming from the  
750 arrest or alleged criminal activity to which the petition to  
751 seal pertains.

752 3. Except as otherwise provided in this section, has never  
753 secured a prior sealing or expunction of a criminal history  
754 record under this section, former s. 893.14, former s. 901.33,

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755 former s. 943.058, or from any jurisdiction outside the state.

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

759  
760 Any person who knowingly provides false information on such  
761 sworn statement to the court commits a felony of the third  
762 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
763 775.084.

764 (3)~~(2)~~ CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to  
765 petitioning the court to seal a criminal history record, a  
766 person seeking to seal a criminal history record shall apply to  
767 the department for a certificate of eligibility for sealing. The  
768 department shall, by rule adopted pursuant to chapter 120,  
769 establish procedures pertaining to the application for and  
770 issuance of certificates of eligibility for sealing. A  
771 certificate of eligibility for sealing is valid for 12 months  
772 after the date stamped on the certificate when issued by the  
773 department. After that time, the petitioner must reapply to the  
774 department for a new certificate of eligibility. Eligibility for  
775 a renewed certification of eligibility must be based on the  
776 status of the applicant and the law in effect at the time of the  
777 renewal application. The department shall issue a certificate of  
778 eligibility for sealing to a person who is the subject of a  
779 criminal history record provided that such person:

780 (a) Has submitted to the department a certified copy of the  
781 disposition of the charge to which the petition to seal  
782 pertains.

783 (b) Remits a \$75 processing fee to the department for

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784 placement in the Department of Law Enforcement Operating Trust  
785 Fund, unless such fee is waived by the executive director.

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

791 (d) Has not been adjudicated guilty of or adjudicated  
792 delinquent for committing any of the acts stemming from the  
793 arrest or alleged criminal activity to which the petition to  
794 seal pertains.

795 (e) Has never secured a prior sealing or expunction of a  
796 criminal history record under this section, former s. 893.14,  
797 former s. 901.33, or former s. 943.058 involving an offense for  
798 which the defendant had been found guilty or pled guilty or nolo  
799 contendere.

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

803 (4)~~(3)~~ PROCESSING OF A PETITION OR ORDER TO SEAL.—

804 (a) In judicial proceedings under this section, a copy of  
805 the completed petition to seal shall be served upon the  
806 appropriate state attorney or the statewide prosecutor and upon  
807 the arresting agency; however, it is not necessary to make any  
808 agency other than the state a party. The appropriate state  
809 attorney or the statewide prosecutor and the arresting agency  
810 may respond to the court regarding the completed petition to  
811 seal.

812 (b) If relief is granted by the court, the clerk of the

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813 court shall certify copies of the order to the appropriate state  
814 attorney or the statewide prosecutor, the county, and to the  
815 arresting agency. The arresting agency is responsible for  
816 forwarding the order to any other agency to which the arresting  
817 agency disseminated the criminal history record information to  
818 which the order pertains. The county is responsible for  
819 forwarding the order to any agency, organization, or company to  
820 which the county disseminated the criminal history record  
821 information to which the order pertains. The department shall  
822 forward the order to seal to the Federal Bureau of  
823 Investigation. The clerk of the court shall certify a copy of  
824 the order to any other agency which the records of the court  
825 reflect has received the criminal history record from the court.

826 (c) For an order to seal entered by a court prior to July  
827 1, 1992, the department shall notify the appropriate state  
828 attorney or statewide prosecutor of any order to seal which is  
829 contrary to law because the person who is the subject of the  
830 record has previously been convicted of a crime or comparable  
831 ordinance violation or has had a prior criminal history record  
832 sealed or expunged. Upon receipt of such notice, the appropriate  
833 state attorney or statewide prosecutor shall take action, within  
834 60 days, to correct the record and petition the court to void  
835 the order to seal. The department shall seal the record until  
836 such time as the order is voided by the court.

837 (d) On or after July 1, 1992, the department or any other  
838 criminal justice agency is not required to act on an order to  
839 seal entered by a court when such order does not comply with the  
840 requirements of this section. Upon receipt of such an order, the  
841 department must notify the issuing court, the appropriate state

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842 attorney or statewide prosecutor, the petitioner or the  
843 petitioner's attorney, and the arresting agency of the reason  
844 for noncompliance. The appropriate state attorney or statewide  
845 prosecutor shall take action within 60 days to correct the  
846 record and petition the court to void the order. No cause of  
847 action, including contempt of court, shall arise against any  
848 criminal justice agency for failure to comply with an order to  
849 seal when the petitioner for such order failed to obtain the  
850 certificate of eligibility as required by this section or when  
851 such order does not comply with the requirements of this  
852 section.

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

857 (f) An agency, organization, or company to which the  
858 county, department, or arresting agency disseminated the  
859 criminal history record information and which has received the  
860 order sealing the record may not release the sealed information  
861 to the public after 30 days following the date that it receives  
862 the court order sealing the record.

863 (5)~~(4)~~ EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A  
864 criminal history record of a minor or an adult which is ordered  
865 sealed by a court of competent jurisdiction pursuant to this  
866 section is confidential and exempt from the provisions of s.  
867 119.07(1) and s. 24(a), Art. I of the State Constitution and is  
868 available only to the person who is the subject of the record,  
869 to the subject's attorney, to criminal justice agencies for  
870 their respective criminal justice purposes, which include

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871 conducting a criminal history background check for approval of  
872 firearms purchases or transfers as authorized by state or  
873 federal law, to judges in the state courts system for the  
874 purpose of assisting them in their case-related decisionmaking  
875 responsibilities, as set forth in s. 943.053(5), or to those  
876 entities set forth in subparagraphs (a)1., 4., 5., 6., and 8.  
877 for their respective licensing, access authorization, and  
878 employment purposes.

879 (a) The subject of a criminal history record sealed under  
880 this section or under other provisions of law, including former  
881 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
882 deny or fail to acknowledge the arrests covered by the sealed  
883 record, except when the subject of the record:

- 884 1. Is a candidate for employment with a criminal justice  
885 agency;
- 886 2. Is a defendant in a criminal prosecution;
- 887 3. Concurrently or subsequently petitions for relief under  
888 this section or s. 943.0585;
- 889 4. Is a candidate for admission to The Florida Bar;
- 890 5. Is seeking to be employed or licensed by or to contract  
891 with the Department of Children and Family Services, the Agency  
892 for Health Care Administration, the Agency for Persons with  
893 Disabilities, or the Department of Juvenile Justice or to be  
894 employed or used by such contractor or licensee in a sensitive  
895 position having direct contact with children, the  
896 developmentally disabled, the aged, or the elderly as provided  
897 in s. 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.  
898 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
899 415.103, chapter 916, s. 985.644, chapter 400, or chapter 429;

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900           6. Is seeking to be employed or licensed by the Department  
901 of Education, any district school board, any university  
902 laboratory school, any charter school, any private or parochial  
903 school, or any local governmental entity that licenses child  
904 care facilities;

905           7. Is attempting to purchase a firearm from a licensed  
906 importer, licensed manufacturer, or licensed dealer and is  
907 subject to a criminal history background check under state or  
908 federal law; or

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

912           (b) Subject to the exceptions in paragraph (a), a person  
913 who has been granted a sealing under this section, former s.  
914 893.14, former s. 901.33, or former s. 943.058 may not be held  
915 under any provision of law of this state to commit perjury or to  
916 be otherwise liable for giving a false statement by reason of  
917 such person's failure to recite or acknowledge a sealed criminal  
918 history record.

919           (c) Information relating to the existence of a sealed  
920 criminal record provided in accordance with the provisions of  
921 paragraph (a) is confidential and exempt from the provisions of  
922 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
923 except that the department shall disclose the sealed criminal  
924 history record to the entities set forth in subparagraphs (a)1.,  
925 4., 5., 6., and 8. for their respective licensing, access  
926 authorization, and employment purposes. It is unlawful for any  
927 employee of an entity set forth in subparagraph (a)1.,  
928 subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or



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929 subparagraph (a)8. to disclose information relating to the  
930 existence of a sealed criminal history record of a person  
931 seeking employment, access authorization, or licensure with such  
932 entity or contractor, except to the person to whom the criminal  
933 history record relates or to persons having direct  
934 responsibility for employment, access authorization, or  
935 licensure decisions. Any person who violates the provisions of  
936 this paragraph commits a misdemeanor of the first degree,  
937 punishable as provided in s. 775.082 or s. 775.083.

938 (6)~~(5)~~ STATUTORY REFERENCES.—Any reference to any other  
939 chapter, section, or subdivision of the Florida Statutes in this  
940 section constitutes a general reference under the doctrine of  
941 incorporation by reference.

942 Section 10. Section 943.0582, Florida Statutes, is amended  
943 to read:

944 943.0582 Prearrest, postarrest, or teen court diversion  
945 program expunction; nonviolent first-offense expunction.—

946 (1) Notwithstanding any law dealing generally with the  
947 preservation and destruction of public records, the department  
948 may provide, by rule adopted pursuant to chapter 120, for the  
949 expunction of any nonjudicial record of the arrest of a minor  
950 who has successfully completed a prearrest or postarrest  
951 diversion program for minors as authorized by s. 985.125 or as  
952 provided in subsection (4).

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

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

956 1. The provisions of s. 943.0585(5)(a) ~~s. 943.0585(4)(a)~~ do  
957 not apply, except that the criminal history record of a person

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958 whose record is expunged pursuant to this section shall be made  
959 available only to criminal justice agencies for the purpose of  
960 determining eligibility for prearrest, postarrest, or teen court  
961 diversion programs; when the record is sought as part of a  
962 criminal investigation; or when the subject of the record is a  
963 candidate for employment with a criminal justice agency. For all  
964 other purposes, a person whose record is expunged under this  
965 section may lawfully deny or fail to acknowledge the arrest and  
966 the charge covered by the expunged record.

967 2. Records maintained by local criminal justice agencies in  
968 the county in which the arrest occurred that are eligible for  
969 expunction pursuant to this section shall be sealed as the term  
970 is used in s. 943.059.

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

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

979 (3) (a) The department shall expunge the nonjudicial arrest  
980 record of a minor who has successfully completed a prearrest or  
981 postarrest diversion program if that minor:

982 1. (a) Submits an application for prearrest or postarrest  
983 diversion expunction, on a form prescribed by the department,  
984 signed by the minor's parent or legal guardian, or by the minor  
985 if he or she has reached the age of majority at the time of  
986 applying.

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987        2.~~(b)~~ Submits the application for prearrest or postarrest  
988 diversion expunction no later than 6 months after completion of  
989 the diversion program.

990        3.~~(e)~~ Submits to the department, with the application, an  
991 official written statement from the state attorney for the  
992 county in which the arrest occurred certifying that he or she  
993 has successfully completed that county's prearrest or postarrest  
994 diversion program and that participation in the program is  
995 strictly limited to minors arrested for a nonviolent misdemeanor  
996 who have not otherwise been charged with or found to have  
997 committed any criminal offense or comparable ordinance  
998 violation.

999        4.~~(d)~~ Participated in a prearrest or postarrest diversion  
1000 program that expressly authorizes or permits such expunction to  
1001 occur.

1002        5.~~(e)~~ Participated in a prearrest or postarrest diversion  
1003 program based on an arrest for a nonviolent misdemeanor that  
1004 would not qualify as an act of domestic violence as that term is  
1005 defined in s. 741.28.

1006        6.~~(f)~~ Has never, prior to filing the application for  
1007 expunction, been charged with or been found to have committed  
1008 any criminal offense or comparable ordinance violation.

1009        (b)~~(4)~~ The department is authorized to charge a \$75  
1010 processing fee for each request received for prearrest or  
1011 postarrest diversion program expunction, for placement in the  
1012 Department of Law Enforcement Operating Trust Fund, unless such  
1013 fee is waived by the executive director.

1014        (4) The department shall automatically expunge the  
1015 nonjudicial first-time arrest record of a minor if the minor was

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1016 not found to have committed a violent offense and no charges or  
1017 petition was brought concerning the offense. The expunction  
1018 granted by this subsection shall terminate automatically if a  
1019 person whose record is expunged under this subsection is  
1020 subsequently found to have committed any criminal offense or  
1021 comparable ordinance violation. Upon such an automatic  
1022 termination of expunction, the record shall be treated for all  
1023 purposes as if the expunction granted by this subsection had  
1024 never occurred.

1025 ~~(5) This section operates retroactively to permit the~~  
1026 ~~expunction of any nonjudicial record of the arrest of a minor~~  
1027 ~~who has successfully completed a prearrest or postarrest~~  
1028 ~~diversion program on or after July 1, 2000; however, in the case~~  
1029 ~~of a minor whose completion of the program occurred before the~~  
1030 ~~effective date of this section, the application for prearrest or~~  
1031 ~~postarrest diversion expunction must be submitted within 6~~  
1032 ~~months after the effective date of this section.~~

1033 (5)(6) Expunction or sealing granted under this section  
1034 does not prevent the minor who receives such relief from  
1035 petitioning for the expunction or sealing of a later criminal  
1036 history record as provided for in ss. 943.0585 and 943.059, if  
1037 the minor is otherwise eligible under those sections.

1038 Section 11. Subsection (1) of section 985.125, Florida  
1039 Statutes, is amended to read:

1040 985.125 Prearrest or postarrest diversion programs.—

1041 (1) ~~A~~ Law enforcement agencies, agency or school districts  
1042 district, or other qualified agencies, in cooperation with the  
1043 state attorney, are encouraged to ~~may~~ establish a prearrest or  
1044 postarrest diversion programs ~~program~~.

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1045 Section 12. Section 985.165, Florida Statutes, is created  
1046 to read:

1047 985.165 Diversion of first-time drug possession offenders.-

1048 (1) The Legislature finds that drug involvement, especially  
1049 among young adolescents, is best addressed through informal  
1050 settings. Placing young, minor offenders in detention is more  
1051 costly and does not provide the most appropriate mechanism for  
1052 treatment. Diversion of first-time drug possessors into  
1053 substance abuse programs should result in fewer youth placed on  
1054 probation or in other formal dispositions and more appropriate  
1055 and effective handling of youth arrested on drug charges.  
1056 Diversion of such youth should also prevent young offenders from  
1057 exposure to more serious offenders.

1058 (2) Subject to appropriations, the state shall fund  
1059 community-based substance abuse intervention, evaluation, and  
1060 treatment services programs in each judicial circuit. A youth  
1061 charged with a controlled substance possession offense in  
1062 violation of s. 893.13(6) who has not been the subject of at  
1063 least one prior adjudication or had an adjudication withheld for  
1064 any drug possession offense shall be diverted from prosecution  
1065 into a substance abuse services program and, upon successful  
1066 completion of such program, adjudication shall be withheld.

1067 Section 13. Paragraph (b) of subsection (2) of section  
1068 985.245, Florida Statutes, is amended to read:

1069 985.245 Risk assessment instrument.-

1070 (2)

1071 (b) The risk assessment instrument shall take into  
1072 consideration, but need not be limited to, prior history of  
1073 failure to appear, prior offenses, offenses committed pending

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1074 adjudication, any unlawful possession of a firearm, theft of a  
1075 motor vehicle or possession of a stolen motor vehicle, and  
1076 probation status at the time the child is taken into custody.  
1077 The risk assessment instrument shall also take into  
1078 consideration appropriate aggravating and mitigating  
1079 circumstances, ~~and~~ shall be designed to target a narrower  
1080 population of children than s. 985.255, and shall allow  
1081 additional points to be assessed against a youth who is charged  
1082 with a felony and who has a prior residential delinquency  
1083 commitment. The risk assessment instrument shall also include  
1084 any information concerning the child's history of abuse and  
1085 neglect. The risk assessment shall indicate whether detention  
1086 care is warranted, and, if detention care is warranted, whether  
1087 the child should be placed into secure, nonsecure, or home  
1088 detention care.

1089 Section 14. Paragraph (e) is added to subsection (1) of  
1090 section 985.441, Florida Statutes, to read:

1091 985.441 Commitment.—

1092 (1) The court that has jurisdiction of an adjudicated  
1093 delinquent child may, by an order stating the facts upon which a  
1094 determination of a sanction and rehabilitative program was made  
1095 at the disposition hearing:

1096 (e) Commit the child, if the child is pregnant or a mother  
1097 with an infant child, when appropriate, in a small family-style,  
1098 community-based program, taking into account the safety risk to  
1099 the child, the mother, the fetus or infant, and the public.

1100 Section 15. Section 985.461, Florida Statutes, is created  
1101 to read:

1102 985.461 Transition planning team.—Before exiting juvenile

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1103 justice commitment programs, all children shall have made  
1104 available to them the services of an identified community-based,  
1105 interagency transition planning team to facilitate a  
1106 comprehensive, multiagency reintegration of each child into the  
1107 community. Transition planning teams shall address issues that  
1108 include the child's housing, education, and employability.

1109 Section 16. Section 985.495, Florida Statutes, is created  
1110 to read:

1111 985.495 Aftercare services for girls.—The department shall  
1112 require community-based, gender-specific aftercare services for  
1113 girls in transition from department programs. Such programs must  
1114 include, but are not limited to, mental health, substance abuse,  
1115 family counseling and crisis intervention, education and  
1116 vocational training, and independent or transitional living  
1117 alternatives. The department shall place such girls under the  
1118 supervision of a female probation or conditional release case  
1119 manager. A female caseload supervision team shall be established  
1120 if the number of girls under supervision justifies such action.

1121 Section 17. Section 985.566, Florida Statutes, is created  
1122 to read:

1123 985.566 Parole for certain offenders; mandatory hearing.—

1124 (1) The Parole Commission shall hold a mandatory parole  
1125 hearing for an inmate who is sentenced to an adult correctional  
1126 facility as a child and who received an adult prison sentence of  
1127 greater than 10 years if the inmate has served at least 8 years  
1128 of that sentence and is not ineligible for a hearing as provided  
1129 in subsection (2).

1130 (2) An inmate convicted of a violation of one or more of  
1131 the following is ineligible for the mandatory hearing required

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1132 by this section:

1133 (a) Any offense listed in s. 775.084(1)(b)1., relating to  
1134 habitual violent felony offenses.

1135 (b) Any violation of s. 784.03, relating to felony battery.

1136 (c) Any violation of s. 827.03, relating to abuse,  
1137 aggravated abuse, and neglect of a child.

1138 (3) The victim of an offense committed by an inmate for  
1139 whom parole is sought in a parole hearing required by this  
1140 section shall be notified before the hearing in reasonable time  
1141 to appear and be afforded the opportunity to provide comment and  
1142 express their concerns to the commission.

1143 Section 18. Section 985.622, Florida Statutes, is amended  
1144 to read:

1145 985.622 Multiagency plan for vocational education.—

1146 (1) The Department of Juvenile Justice and the Department  
1147 of Education shall, in consultation with the statewide Workforce  
1148 Development Youth Council, school districts, providers, and  
1149 others, jointly develop a multiagency plan for vocational  
1150 education that establishes the curriculum, goals, and outcome  
1151 measures for vocational programs in juvenile commitment  
1152 facilities. Vocational training providing educational credits or  
1153 nationally recognized certification shall be available in all  
1154 juvenile justice day treatment programs and residential  
1155 commitment programs. The department shall work with the Agency  
1156 for Workforce Innovation and Workforce Florida, Inc., to ensure  
1157 that all job skills training is in areas directly tied to  
1158 careers listed on this state's targeted occupation list.

1159 The plan must include the following:

1160 (a) Provisions for maximizing appropriate state and federal



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1161 funding sources, including funds under the Workforce Investment  
1162 Act and the Perkins Act; and

1163 (b) The responsibilities of both departments and all other  
1164 appropriate entities. ~~and~~

1165 ~~(c) A detailed implementation schedule.~~

1166

1167 ~~The plan must be submitted to the Governor, the President of the~~  
1168 ~~Senate, and the Speaker of the House of Representatives by May~~  
1169 ~~1, 2001.~~

1170 (2) ~~The plan must define~~ Vocational programming must be  
1171 ~~that is~~ appropriate based upon:

1172 (a) The age and assessed educational abilities and goals of  
1173 the youth to be served; and

1174 (b) The typical length of stay and custody characteristics  
1175 at the commitment program to which each youth is assigned.

1176 (3) The plan must include a definition of vocational  
1177 programming that includes the following classifications of  
1178 commitment facilities offering ~~that will offer~~ vocational  
1179 programming by one of the following types:

1180 (a) *Type A.*—Programs that teach personal accountability  
1181 skills and behaviors that are appropriate for youth in all age  
1182 groups and ability levels and that lead to work habits that help  
1183 maintain employment and living standards.

1184 (b) *Type B.*—Programs that include Type A program content  
1185 and an orientation to the broad scope of career choices, based  
1186 upon personal abilities, aptitudes, and interests. Exploring and  
1187 gaining knowledge of occupation options and the level of effort  
1188 required to achieve them are essential prerequisites to skill  
1189 training.

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1190 (c) *Type C.*—Programs that include Type A program content  
1191 and the vocational competencies or the prerequisites needed for  
1192 entry into a specific occupation.

1193 (4) Vocational programming shall ~~The plan must also address~~  
1194 ~~strategies to~~ facilitate involvement of business and industry in  
1195 the design, delivery, and evaluation of vocational programming  
1196 in juvenile justice commitment facilities and conditional  
1197 release programs, including apprenticeship and work experience  
1198 programs, mentoring and job shadowing, and other strategies that  
1199 lead to postrelease employment. Incentives for business  
1200 involvement, such as tax breaks, bonding, and liability limits  
1201 should be investigated, implemented where appropriate, or  
1202 recommended to the Legislature for consideration.

1203 (5) The department ~~of Juvenile Justice~~ and the Department  
1204 of Education shall each align its respective agency policies,  
1205 practices, technical manuals, contracts, quality-assurance  
1206 standards, performance-based-budgeting measures, and outcome  
1207 measures with the plan in commitment facilities ~~by July 31,~~  
1208 ~~2001. Each agency shall provide a report on the implementation~~  
1209 ~~of this section to the Governor, the President of the Senate,~~  
1210 ~~and the Speaker of the House of Representatives by August 31,~~  
1211 ~~2001.~~

1212 (6) All provider contracts executed by the department ~~of~~  
1213 ~~Juvenile Justice~~ or the school districts ~~after January 1, 2002,~~  
1214 must be aligned with the plan.

1215 (7) The planning and execution of quality assurance reviews  
1216 conducted by the department or the Department of Education ~~or~~  
1217 ~~the Department of Juvenile Justice after August 1, 2002,~~ must be  
1218 aligned with the plan.

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1219 (8) Outcome measures reported by the department ~~of Juvenile~~  
1220 ~~Justice~~ and the Department of Education for youth ~~released on or~~  
1221 ~~after January 1, 2002,~~ should include outcome measures that  
1222 conform to the plan.

1223 Section 19. Subsection (7) is added to section 985.644,  
1224 Florida Statutes, to read:

1225 985.644 Departmental contracting powers; personnel  
1226 standards and screening.—

1227 (7) The department shall conduct demonstration projects  
1228 that emphasize the benefits of outcome-based contracting with  
1229 critical interim performance standard requirements in lieu of  
1230 compliance-based contracts. The department may contract for such  
1231 projects based upon interim and long-term outcome performance  
1232 measures. Such projects shall be completed by December 31, 2010.

1233 Section 20. Subsection (3) of section 435.04, Florida  
1234 Statutes, is amended to read:

1235 435.04 Level 2 screening standards.—

1236 (3) The security background investigations conducted under  
1237 this section for employees of the Department of Juvenile Justice  
1238 must ensure that no persons subject to the provisions of this  
1239 section have been found guilty of, regardless of adjudication,  
1240 or entered a plea of nolo contendere or guilty to, any offense  
1241 prohibited under any of the following provisions of the Florida  
1242 Statutes or under any similar statute of another jurisdiction:

1243 (a) Section 784.07, relating to assault or battery of law  
1244 enforcement officers, firefighters, emergency medical care  
1245 providers, public transit employees or agents, or other  
1246 specified officers.

1247 (b) Section 810.02, relating to burglary, if the offense is

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1248 a felony.

1249 (c) Section 944.40, relating to escape.

1250  
1251 The Department of Juvenile Justice may not remove a  
1252 disqualification from employment or grant an exemption to any  
1253 person who is disqualified under this section for any offense  
1254 disposed of during the most recent 7-year period.

1255  
1256 However, the Department of Juvenile Justice may authorize the  
1257 hiring of a person for employment in youth facilities who was  
1258 formerly in a juvenile justice system program and exited it  
1259 successfully if the person has not been arrested for or charged  
1260 with any offense in the adult criminal justice system or, for a  
1261 period of 5 years before hiring, had a delinquency petition  
1262 filed against him or her.

1263 Section 21. Paragraph (b) of subsection (1) of section  
1264 985.644, Florida Statutes, is amended to read:

1265 985.644 Departmental contracting powers; personnel  
1266 standards and screening.—

1267 (1) The Department of Juvenile Justice or the Department of  
1268 Children and Family Services, as appropriate, may contract with  
1269 the Federal Government, other state departments and agencies,  
1270 county and municipal governments and agencies, public and  
1271 private agencies, and private individuals and corporations in  
1272 carrying out the purposes of, and the responsibilities  
1273 established in, this chapter.

1274 (b) The department ~~of Juvenile Justice~~ and the Department  
1275 of Children and Family Services shall require employment  
1276 screening pursuant to chapter 435, using the level 2 standards

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1277 set forth in that chapter for personnel in programs for children  
1278 or youths. The department may conditionally hire a juvenile  
1279 justice employee after successfully completing a preliminary  
1280 background screening, but before completing a full background  
1281 screening, on the condition that no direct contact with children  
1282 occurs when the employee is located in a facility housing a  
1283 program for which background screening is required or on the  
1284 grounds of a facility where youth are located.

1285 Section 22. Subsection (14) is added to section 985.664,  
1286 Florida Statutes, to read:

1287 985.664 Juvenile justice circuit boards and juvenile  
1288 justice county councils.—

1289 (14) Subject to specific legislative appropriation,  
1290 juvenile justice circuit boards and juvenile justice county  
1291 councils shall receive local discretionary grant prevention  
1292 funds that they may allocate to meet the specific needs within  
1293 their local communities.

1294 Section 23. Paragraph (a) of subsection (1) of section  
1295 1006.13, Florida Statutes, is amended, and subsection (6) is  
1296 added to that section, to read:

1297 1006.13 Policy of zero tolerance for crime and  
1298 victimization.—

1299 (1) Each district school board shall adopt a policy of zero  
1300 tolerance for:

1301 (a) Crime and substance abuse, including the reporting of  
1302 delinquent acts and crimes occurring whenever and wherever  
1303 students are under the jurisdiction of the district school  
1304 board. However, the zero-tolerance policy does not apply to  
1305 petty acts of misconduct and misdemeanors.

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1306       (6) Discipline or prosecution for a violation of a zero-  
1307 tolerance policy must be based on considerations of an  
1308 individual student and the particular circumstances of the  
1309 student's misconduct. School districts should involve a law  
1310 enforcement agency only in serious offenses that threaten  
1311 safety. School districts should use alternatives to expulsion or  
1312 referral for prosecution in order to improve student behavior  
1313 and school climate when doing so will not result in making  
1314 schools dangerous.

1315       Section 24. Paragraph (c) of subsection (1) of section  
1316 1011.62, Florida Statutes, is amended to read:

1317       1011.62 Funds for operation of schools.—If the annual  
1318 allocation from the Florida Education Finance Program to each  
1319 district for operation of schools is not determined in the  
1320 annual appropriations act or the substantive bill implementing  
1321 the annual appropriations act, it shall be determined as  
1322 follows:

1323       (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
1324 OPERATION.—The following procedure shall be followed in  
1325 determining the annual allocation to each district for  
1326 operation:

1327       (c) *Determination of programs.*—Cost factors based on  
1328 desired relative cost differences between the following programs  
1329 shall be established in the annual General Appropriations Act.  
1330 The Commissioner of Education shall specify a matrix of services  
1331 and intensity levels to be used by districts in the  
1332 determination of the two weighted cost factors for exceptional  
1333 students with the highest levels of need. For these students,  
1334 the funding support level shall fund the exceptional students'

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1335 education program, with the exception of extended school year  
1336 services for students with disabilities.

1337 1. Basic programs.—

1338 a. Kindergarten and grades 1, 2, and 3.

1339 b. Grades 4, 5, 6, 7, and 8.

1340 c. Grades 9, 10, 11, and 12.

1341 2. Programs for exceptional students.—

1342 a. Support Level IV.

1343 b. Support Level V.

1344 3. Secondary career education programs.—

1345 4. English for Speakers of Other Languages.—

1346 5. Juvenile justice education programs.—

1347 Section 25. (1) The revision of the detention risk  
1348 assessment instrument by the Department of Juvenile Justice as  
1349 required by s. 985.245, Florida Statutes, shall be conducted in  
1350 consultation with representatives appointed by the Conference of  
1351 Circuit Judges of Florida, the Florida Prosecuting Attorneys  
1352 Association, the Florida Public Defender Association, the  
1353 Florida Sheriffs Association, and the Florida Police Chiefs  
1354 Association. Each association shall appoint two individuals, one  
1355 representing an urban area and one representing a rural area.  
1356 The members involved shall evaluate and revise the risk  
1357 assessment instrument in ways it considers necessary using a  
1358 method for revision agreed upon by the members.

1359 (2) The Department of Juvenile Justice shall revise,  
1360 automate, and validate the risk assessment instrument before  
1361 June 1, 2010. The department shall provide education and  
1362 training to its staff on the proper use of the revised screening  
1363 instrument, population management control, and awareness of the

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1364 department staff's authority to contact the prosecutor during  
1365 the screening process to attempt to have eligible children in  
1366 secure detention released to an alternative program subsequent  
1367 to the court hearing. The department may also provide such  
1368 training for juvenile court judges.

1369       Section 26. (1) The Department of Juvenile Justice shall  
1370 create a Disproportionate Minority Contact Task Force. The  
1371 secretary of the department shall appoint the members of the  
1372 task force, which shall include representation from the field of  
1373 education, law enforcement agencies, state attorneys, public  
1374 defenders, the state court system, faith communities, juvenile  
1375 justice service providers, advocacy organizations, members from  
1376 communities most affected, and other stakeholders. The goal of  
1377 the task force is to reduce disproportionate minority contact  
1378 with the juvenile justice system consistent with the federal  
1379 Juvenile Justice and Delinquency Prevention Act of 1974, as  
1380 amended. Members of the task force who are not government  
1381 employees shall serve without compensation, but are entitled to  
1382 receive reimbursement for travel and per diem expenses as  
1383 provided in s. 112.061, Florida Statutes. The task force shall:

1384       (a) Work with each local juvenile justice board and council  
1385 to develop a disproportionate minority contact reduction plan  
1386 for its area.

1387       (b) In conjunction with the department, develop  
1388 requirements for every entity with which the department works,  
1389 throughout its continuum of services, to implement the  
1390 strategies, policies, and practices needed to reduce  
1391 disproportionate minority contact.

1392       (c) Assist the department in developing ongoing cultural



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1393 sensitivity and cultural competence training for department and  
1394 provider staff to facilitate their participation in  
1395 disproportionate minority contact reduction plans and  
1396 strategies.

1397 (d) Assist the department in developing training and  
1398 education classes to be made available to local law enforcement  
1399 agencies, school systems, court personnel, and other identified  
1400 local stakeholders.

1401 (e) Assist the department in developing a strategic plan to  
1402 reduce disproportionate minority contact and over-representation  
1403 of minority children in the juvenile justice system, which shall  
1404 include strategies such as restorative decisionmaking practices,  
1405 by offering alternatives aimed at preventing the movement of  
1406 youth to the next level of intervention at the point of school  
1407 disciplinary decisions, arrest, charging, disposition, and  
1408 placement.

1409 (f) Assist the department and the juvenile justice boards  
1410 and councils in establishing comprehensive partnerships with  
1411 faith-based and community-based organizations which will be  
1412 minority-led, citizen-based, and designed and prepared to handle  
1413 the range of responsibilities for responding to the needs of  
1414 underserved youth.

1415 (g) Submit a report to the Governor, the President of the  
1416 Senate, and the Speaker of the House of Representatives by July  
1417 1, 2010, summarizing its activities. The report shall also  
1418 include any specific recommendations for legislative action. The  
1419 task force is dissolved upon the submission of its report.

1420 (2) The Department of Juvenile Justice shall establish a  
1421 pilot project to reduce disproportionate minority contact with

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1422 the juvenile justice system in each of eight selected counties  
1423 for a 3-year period. In each county, the goals of the pilot  
1424 project shall be to reduce minority representation in and the  
1425 overall number of youth and school-based referrals to the  
1426 juvenile justice system, reduce minority representation in out-  
1427 of-school suspensions and expulsions, and reduce minority  
1428 representation in the number of youth held in secure detention  
1429 or committed to residential detention. The department shall  
1430 submit preliminary reports concerning the pilot projects to the  
1431 Governor, the President of the Senate, and the Speaker of the  
1432 House of Representatives by July 1, 2010, and July 1, 2011. The  
1433 department shall submit a final report concerning the pilot  
1434 projects by January 1, 2012. The final report must include any  
1435 specific recommendations for legislative action during the 2012  
1436 Regular Session of the Legislature. The pilot projects shall  
1437 terminate on June 30, 2012.

1438       Section 27. The Children and Youth Cabinet is directed to  
1439 coordinate and assist the Department of Education,  
1440 representatives of law enforcement agencies, school  
1441 superintendents, and the Department of Juvenile Justice to  
1442 review and amend K-12 zero-tolerance policies and practices to  
1443 eliminate the referral of youth to the Department of Juvenile  
1444 Justice for misdemeanor offenses. The goals of the review are to  
1445 ensure that policies and practices are consistent with the  
1446 original legislative intent of the zero-tolerance laws, which  
1447 was intended for serious, violent offenses, and to develop  
1448 alternatives that promote youth accountability while avoiding  
1449 suspension and other punitive options.

1450       Section 28. (1) The Legislature finds that communities in

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1451 this state have much to offer youth and their families who are  
1452 involved in the juvenile justice system. Placement of a youth  
1453 far away from his or her home community weakens community  
1454 linkages that can support and encourage the youth. Defining  
1455 service areas that will facilitate services near the youth's  
1456 home will promote providing the youth with the appropriate  
1457 service when it is needed. The Department of Juvenile Justice's  
1458 current regions are too large to achieve this goal. Other  
1459 components of the juvenile justice system operate within  
1460 judicial circuits. The effectiveness of using judicial circuits  
1461 as service areas should be considered for this reason.

1462 (2) The Department of Juvenile Justice shall identify  
1463 service areas that promote the concept of community-based  
1464 programs while recognizing the unique characteristics of the  
1465 communities of this state and recommend implementation to the  
1466 Legislature. Adoption of the service area boundaries of the  
1467 Department of Children and Family Services shall receive careful  
1468 consideration. A full continuum of services that includes, but  
1469 is not limited to, prevention, early intervention, supervision,  
1470 and support services in the family and probation, residential,  
1471 and aftercare fields shall be available in each service area.  
1472 The Department of Juvenile Justice shall submit a report to the  
1473 Governor, the President of the Senate, and the Speaker of the  
1474 House of Representatives by January 1, 2010, concerning the use  
1475 of service areas as described in this section and any specific  
1476 recommendations for legislative action.

1477 Section 29. The Legislature finds that the services and  
1478 education that a youth receives in detention while awaiting  
1479 placement in a commitment program should be considered as part

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1480 of completing the youth's treatment plan. Similarly, the  
1481 services and education that youth receive in a competency  
1482 restoration placement should be taken into consideration as part  
1483 of the predisposition report at the youth's treatment plan in  
1484 any subsequent disposition. Therefore, the Governor shall  
1485 establish a task force to review and make recommendations to  
1486 modify current statutes or practices associated with restoration  
1487 of competency. The task force shall include members of the  
1488 judicial branch, the Department of Juvenile Justice, and the  
1489 Department of Children and Family Services and community mental  
1490 health and developmental disability providers. Members of the  
1491 task force who are not government employees shall serve without  
1492 compensation, but are entitled to receive reimbursement for  
1493 travel and per diem expenses as provided in s. 112.061, Florida  
1494 Statutes. The task force shall submit a report of its findings  
1495 to the Governor, the President of the Senate, and the Speaker of  
1496 the House of Representatives by January 1, 2010. The task force  
1497 shall terminate upon submission of its report.

1498       Section 30. (1) The Legislature finds that the Department  
1499 of Juvenile Justice must have the ability to recruit and retain  
1500 a professional direct care staff and substantially reduce  
1501 turnover to ensure the most appropriate supervision and  
1502 rehabilitation of at-risk youth in their care. To further this  
1503 goal, the Governor shall establish a task force to perform a  
1504 role-delineation study. The task force shall review and make  
1505 recommendations concerning the following:

1506           (a) Core competencies for all state and contracted direct  
1507 care staff and minimum hiring requirements.

1508           (b) Professional curriculum, continuing education

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1509 requirements, and establishment of a certification program to  
1510 include standards, requirements, examinations, certification,  
1511 and decertification.

1512 (c) Base rates of pay for all direct care staff.

1513 (d) The possibility of granting special risk retirement  
1514 benefits for care staff who work directly with youth.

1515 (2) Members of the task force who are not government  
1516 employees shall serve without compensation, but are entitled to  
1517 receive reimbursement for travel and per diem expenses as  
1518 provided in s. 112.061, Florida Statutes. The task force shall  
1519 submit a report of its findings to the Governor, the President  
1520 of the Senate, and the Speaker of the House of Representatives  
1521 by January 1, 2010. The task force shall terminate upon  
1522 submission of its report.

1523 Section 31. The Legislature finds that the Washington State  
1524 Institute for Public Policy has helped develop effective  
1525 strategies in that state which have produced a significant  
1526 return on investment in crime reduction through diversion of  
1527 funding for adult prisons to prevention programs. The Department  
1528 of Corrections, the Department of Juvenile Justice, and the  
1529 Department of Children and Family Services shall select and work  
1530 with a university in the State University System to calculate  
1531 the return on investment and cost savings of crime reduction  
1532 through effective prevention and intervention programming with  
1533 the goal of implementing similar cost-saving strategies and  
1534 practices in this state. The university selected by the  
1535 departments shall submit a report to the secretary of each of  
1536 the departments, the Governor, the President of the Senate, and  
1537 the Speaker of the House of Representatives by June 30, 2010,

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1538 concerning the implementation of similar cost-saving strategies  
1539 and practices in this state and any specific recommendations for  
1540 legislative action.

1541 Section 32. For the purpose of incorporating the amendment  
1542 made by this act to section 1011.62, Florida Statutes, in a  
1543 reference thereto, subsections (4) and (7) of section 402.22,  
1544 Florida Statutes, are reenacted to read:

1545 402.22 Education program for students who reside in  
1546 residential care facilities operated by the Department of  
1547 Children and Family Services or the Agency for Persons with  
1548 Disabilities.—

1549 (4) Students age 18 and under who are under the residential  
1550 care of the Department of Children and Family Services or the  
1551 Agency for Persons with Disabilities and who receive an  
1552 education program shall be calculated as full-time equivalent  
1553 student membership in the appropriate cost factor as provided  
1554 for in s. 1011.62(1)(c). Residential care facilities shall  
1555 include, but not be limited to, developmental disabilities  
1556 centers and state mental health facilities. All students shall  
1557 receive their education program from the district school system,  
1558 and funding shall be allocated through the Florida Education  
1559 Finance Program for the district school system.

1560 (7) Notwithstanding the provisions of s. 1001.42(4)(n), the  
1561 educational program at the Marianna Sunland Center in Jackson  
1562 County shall be operated by the Department of Education, either  
1563 directly or through grants or contractual agreements with other  
1564 public educational agencies. The annual state allocation to any  
1565 such agency shall be computed pursuant to s. 1011.62(1), (2),  
1566 and (6) and allocated in the amount that would have been

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1567 provided the local school district in which the residential  
1568 facility is located.

1569 Section 33. For the purpose of incorporating the amendment  
1570 made by this act to section 985.644, Florida Statutes, in a  
1571 reference thereto, paragraph (a) of subsection (3) of section  
1572 985.66, Florida Statutes, is reenacted to read:

1573 985.66 Juvenile justice training academies; Juvenile  
1574 Justice Standards and Training Commission; Juvenile Justice  
1575 Training Trust Fund.—

1576 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The commission shall  
1577 establish a certifiable program for juvenile justice training  
1578 pursuant to this section, and all department program staff and  
1579 providers who deliver direct care services pursuant to contract  
1580 with the department shall be required to participate in and  
1581 successfully complete the commission-approved program of  
1582 training pertinent to their areas of responsibility. Judges,  
1583 state attorneys, and public defenders, law enforcement officers,  
1584 and school district personnel may participate in such training  
1585 program. For the juvenile justice program staff, the commission  
1586 shall, based on a job-task analysis:

1587 (a) Design, implement, maintain, evaluate, and revise a  
1588 basic training program, including a competency-based  
1589 examination, for the purpose of providing minimum employment  
1590 training qualifications for all juvenile justice personnel. All  
1591 program staff of the department and providers who deliver  
1592 direct-care services who are hired after October 1, 1999, must  
1593 meet the following minimum requirements:

- 1594 1. Be at least 19 years of age.
- 1595 2. Be a high school graduate or its equivalent as

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1596 determined by the commission.

1597 3. Not have been convicted of any felony or a misdemeanor  
1598 involving perjury or a false statement, or have received a  
1599 dishonorable discharge from any of the Armed Forces of the  
1600 United States. Any person who, after September 30, 1999, pleads  
1601 guilty or nolo contendere to or is found guilty of any felony or  
1602 a misdemeanor involving perjury or false statement is not  
1603 eligible for employment, notwithstanding suspension of sentence  
1604 or withholding of adjudication. Notwithstanding this  
1605 subparagraph, any person who pled nolo contendere to a  
1606 misdemeanor involving a false statement before October 1, 1999,  
1607 and who has had such record of that plea sealed or expunged is  
1608 not ineligible for employment for that reason.

1609 4. Abide by all the provisions of s. 985.644(1) regarding  
1610 fingerprinting and background investigations and other screening  
1611 requirements for personnel.

1612 5. Execute and submit to the department an affidavit-of-  
1613 application form, adopted by the department, attesting to his or  
1614 her compliance with subparagraphs 1.-4. The affidavit must be  
1615 executed under oath and constitutes an official statement under  
1616 s. 837.06. The affidavit must include conspicuous language that  
1617 the intentional false execution of the affidavit constitutes a  
1618 misdemeanor of the second degree. The employing agency shall  
1619 retain the affidavit.

1620 Section 34. For the purpose of incorporating the amendment  
1621 made by this act to section 985.644, Florida Statutes, in a  
1622 reference thereto, paragraph (b) of subsection (10) of section  
1623 985.688, Florida Statutes, is reenacted to read:

1624 985.688 Administering county and municipal delinquency



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1625 programs and facilities.-

1626 (10)

1627 (b) The department may institute proceedings against a  
1628 county or municipality to terminate the operation of a facility  
1629 when any of the following conditions exist:

1630 1. The facility fails to take preventive or corrective  
1631 measures in accordance with any order of the department.

1632 2. The facility fails to abide by any final order of the  
1633 department once it has become effective and binding.

1634 3. The facility commits any violation of this section  
1635 constituting an emergency requiring immediate action as provided  
1636 in this chapter.

1637 4. The facility has willfully and knowingly refused to  
1638 comply with the screening requirement for personnel under s.  
1639 985.644(1) or has refused to dismiss personnel found to be in  
1640 noncompliance with the requirements for good moral character.

1641 Section 35. This act shall take effect July 1, 2009.