

1 A bill to be entitled
2 An act relating to juvenile justice; repealing ss.
3 985.02(5), 985.03(48), 985.03(56), 985.47, 985.483,
4 985.486, and 985.636, F.S., relating to, respectively,
5 legislative intent for serious or habitual juvenile
6 offenders in the juvenile justice system, definitions of
7 terms for a training school and the serious or habitual
8 juvenile offender program, the serious or habitual
9 juvenile offender program in the juvenile justice system,
10 the intensive residential treatment program for offenders
11 less than 13 years of age, and the designation of persons
12 holding law enforcement certification within the Office of
13 the Inspector General to act as law enforcement officers;
14 amending s. 985.494, F.S.; requiring a child who is
15 adjudicated delinquent, or for whom adjudication is
16 withheld, to be committed to a maximum-risk residential
17 program for an act that would be a felony if committed by
18 an adult if the child has completed two different high-
19 risk residential commitment programs; repealing s.
20 985.445, F.S., relating to cases involving grand theft of
21 a motor vehicle committed by a child; amending ss.
22 985.0301, 985.14, 985.441, and 985.565, F.S.; conforming
23 references to changes made by the act; amending s. 985.66,
24 F.S.; removing all references to the Juvenile Justice
25 Standards and Training Commission; requiring the
26 Department of Juvenile Justice to be responsible for staff
27 development and training; specifying the duties and
28 responsibilities of the department for staff development

29 and training; removing obsolete provisions to conform to
 30 changes made by the act; repealing s. 985.48(8), F.S.,
 31 relating to activities of the Juvenile Justice Standards
 32 and Training Commission with respect to training and
 33 treatment services for juvenile sexual offenders;
 34 providing an effective date.

35
 36 Be It Enacted by the Legislature of the State of Florida:

37
 38 Section 1. Subsection (5) of section 985.02, Florida
 39 Statutes, is repealed.

40 Section 2. Subsection (48) of section 985.03, Florida
 41 Statutes, is repealed.

42 Section 3. Subsection (56) of section 985.03, Florida
 43 Statutes, is repealed.

44 Section 4. Section 985.47, Florida Statutes, is repealed.

45 Section 5. Section 985.483, Florida Statutes, is repealed.

46 Section 6. Section 985.486, Florida Statutes, is repealed.

47 Section 7. Section 985.636, Florida Statutes, is repealed.

48 Section 8. Section 985.494, Florida Statutes, is amended
 49 to read:

50 985.494 Commitment programs for juvenile felony
 51 offenders.—

52 (1) Notwithstanding any other law and regardless of the
 53 child's age, a child who is adjudicated delinquent, or for whom
 54 adjudication is withheld, for an act that would be a felony if
 55 committed by an adult, shall be committed to÷

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56 ~~(a) A program for serious or habitual juvenile offenders~~
57 ~~under s. 985.47 or an intensive residential treatment program~~
58 ~~for offenders less than 13 years of age under s. 985.483, if the~~
59 ~~child has participated in an early delinquency intervention~~
60 ~~program and has completed a sheriff's training and respect~~
61 ~~program.~~

62 ~~(b) a maximum-risk residential program, if the child has~~
63 ~~completed two different high-risk residential commitment~~
64 ~~programs participated in an early delinquency intervention~~
65 ~~program, has completed a sheriff's training and respect program,~~
66 ~~and has completed a program for serious or habitual juvenile~~
67 ~~offenders or an intensive residential treatment program for~~
68 ~~offenders less than 13 years of age. The commitment of a child~~
69 ~~to a maximum-risk residential program must be for an~~
70 ~~indeterminate period, but may not exceed the maximum term of~~
71 ~~imprisonment that an adult may serve for the same offense.~~

72 (2) In committing a child to the appropriate program, the
73 court may consider an equivalent program of similar intensity as
74 being comparable to a program required under subsection (1).

75 Section 9. Section 985.445, Florida Statutes, is repealed.

76 Section 10. Paragraphs (a), (b), (c), (e), and (g) of
77 subsection (5) of section 985.0301, Florida Statutes, are
78 amended to read:

79 985.0301 Jurisdiction.—

80 (5) (a) Notwithstanding ss. 743.07, 985.43, 985.433,
81 985.435, 985.439, and 985.441, and except as provided in ss.
82 985.465 ~~and 985.47~~ and paragraph (f), when the jurisdiction of
83 any child who is alleged to have committed a delinquent act or

84 violation of law is obtained, the court shall retain
 85 jurisdiction, unless relinquished by its order, until the child
 86 reaches 19 years of age, with the same power over the child that
 87 the court had prior to the child becoming an adult.

88 (b) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
 89 ~~as provided in s. 985.47,~~ the term of any order placing a child
 90 in a probation program must be until the child's 19th birthday
 91 unless he or she is released by the court on the motion of an
 92 interested party or on his or her own motion.

93 (c) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
 94 ~~as provided in s. 985.47,~~ the term of the commitment must be
 95 until the child is discharged by the department or until he or
 96 she reaches the age of 21 years. Notwithstanding ss. 743.07,
 97 985.435, 985.437, 985.439, 985.441, ~~985.445,~~ 985.455, and
 98 985.513, and except as provided in this section ~~and s. 985.47,~~ a
 99 child may not be held under a commitment from a court under s.
 100 985.439, s. 985.441(1)(a) or (b), ~~s. 985.445,~~ or s. 985.455
 101 after becoming 21 years of age.

102 (e) The court may retain jurisdiction over a child
 103 committed to the department for placement in an intensive
 104 residential treatment program for 10-year-old to 13-year-old
 105 offenders, in the residential commitment program in a juvenile
 106 prison, or in a residential sex offender program, ~~or in a~~
 107 ~~program for serious or habitual juvenile offenders as provided~~
 108 ~~in s. 985.47 or s. 985.483~~ until the child reaches the age of
 109 21. If the court exercises this jurisdiction retention, it shall
 110 do so solely for the purpose of the child completing the
 111 intensive residential treatment program for 10-year-old to 13-

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112 year-old offenders, in the residential commitment program in a
 113 juvenile prison, in a residential sex offender program, or the
 114 program for serious or habitual juvenile offenders. Such
 115 jurisdiction retention does not apply for other programs, other
 116 purposes, or new offenses.

117 (g)1. Notwithstanding ss. 743.07 and 985.455(3), a serious
 118 or habitual juvenile offender shall not be held under commitment
 119 from a court under s. 985.441(1)(c), ~~s. 985.47~~, or s. 985.565
 120 after becoming 21 years of age. This subparagraph shall apply
 121 only for the purpose of completing the serious or habitual
 122 juvenile offender program under this chapter and shall be used
 123 solely for the purpose of treatment.

124 2. The court may retain jurisdiction over a child who has
 125 been placed in a program or facility for serious or habitual
 126 juvenile offenders until the child reaches the age of 21,
 127 specifically for the purpose of the child completing the
 128 program.

129 Section 11. Paragraph (a) of subsection (3) of section
 130 985.14, Florida Statutes, is amended to read:

131 985.14 Intake and case management system.—

132 (3) The intake and case management system shall facilitate
 133 consistency in the recommended placement of each child, and in
 134 the assessment, classification, and placement process, with the
 135 following purposes:

136 (a) An individualized, multidisciplinary assessment
 137 process that identifies the priority needs of each individual
 138 child for rehabilitation and treatment and identifies any needs
 139 of the child's parents or guardians for services that would

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140 enhance their ability to provide adequate support, guidance, and
 141 supervision for the child. This process shall begin with the
 142 detention risk assessment instrument and decision, shall include
 143 the intake preliminary screening and comprehensive assessment
 144 for substance abuse treatment services, mental health services,
 145 retardation services, literacy services, and other educational
 146 and treatment services as components, additional assessment of
 147 the child's treatment needs, and classification regarding the
 148 child's risks to the community ~~and, for a serious or habitual~~
 149 ~~delinquent child, shall include the assessment for placement in~~
 150 ~~a serious or habitual delinquent children program under s.~~
 151 ~~985.47.~~ The completed multidisciplinary assessment process shall
 152 result in the predisposition report.

153 Section 12. Paragraphs (c) and (d) of subsection (1) of
 154 section 985.441, Florida Statutes, are amended to read:

155 985.441 Commitment.—

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

160 ~~(c) Commit the child to the department for placement in a~~
 161 ~~program or facility for serious or habitual juvenile offenders~~
 162 ~~in accordance with s. 985.47.~~

163 ~~1. Following a delinquency adjudicatory hearing under s.~~
 164 ~~985.35 and a delinquency disposition hearing under s. 985.433~~
 165 ~~that results in a commitment determination, the court shall, on~~
 166 ~~its own or upon request by the state or the department,~~
 167 ~~determine whether the protection of the public requires that the~~

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168 ~~child be placed in a program for serious or habitual juvenile~~
169 ~~offenders and whether the particular needs of the child would be~~
170 ~~best served by a program for serious or habitual juvenile~~
171 ~~offenders as provided in s. 985.47. The determination shall be~~
172 ~~made under ss. 985.47(1) and 985.433(7).~~

173 ~~2. Any commitment of a child to a program or facility for~~
174 ~~serious or habitual juvenile offenders must be for an~~
175 ~~indeterminate period of time, but the time may not exceed the~~
176 ~~maximum term of imprisonment that an adult may serve for the~~
177 ~~same offense.~~

178 (c) ~~(d)~~ Commit the child to the department for placement in
179 a program or facility for juvenile sexual offenders in
180 accordance with s. 985.48, subject to specific appropriation for
181 such a program or facility.

182 1. The child may only be committed for such placement
183 pursuant to determination that the child is a juvenile sexual
184 offender under the criteria specified in s. 985.475.

185 2. Any commitment of a juvenile sexual offender to a
186 program or facility for juvenile sexual offenders must be for an
187 indeterminate period of time, but the time may not exceed the
188 maximum term of imprisonment that an adult may serve for the
189 same offense.

190 Section 13. Paragraph (b) of subsection (4) of section
191 985.565, Florida Statutes, is amended to read:

192 985.565 Sentencing powers; procedures; alternatives for
193 juveniles prosecuted as adults.—

194 (4) SENTENCING ALTERNATIVES.—

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195 (b) *Juvenile sanctions.*—For juveniles transferred to adult
196 court but who do not qualify for such transfer under s.
197 985.556(3) or s. 985.557(2)(a) or (b), the court may impose
198 juvenile sanctions under this paragraph. If juvenile sentences
199 are imposed, the court shall, under this paragraph, adjudge the
200 child to have committed a delinquent act. Adjudication of
201 delinquency shall not be deemed a conviction, nor shall it
202 operate to impose any of the civil disabilities ordinarily
203 resulting from a conviction. The court shall impose an adult
204 sanction or a juvenile sanction and may not sentence the child
205 to a combination of adult and juvenile punishments. An adult
206 sanction or a juvenile sanction may include enforcement of an
207 order of restitution or probation previously ordered in any
208 juvenile proceeding. However, if the court imposes a juvenile
209 sanction and the department determines that the sanction is
210 unsuitable for the child, the department shall return custody of
211 the child to the sentencing court for further proceedings,
212 including the imposition of adult sanctions. Upon adjudicating a
213 child delinquent under subsection (1), the court may:

214 1. Place the child in a probation program under the
215 supervision of the department for an indeterminate period of
216 time until the child reaches the age of 19 years or sooner if
217 discharged by order of the court.

218 2. Commit the child to the department for treatment in an
219 appropriate program for children for an indeterminate period of
220 time until the child is 21 or sooner if discharged by the
221 department. The department shall notify the court of its intent
222 to discharge no later than 14 days prior to discharge. Failure

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223 of the court to timely respond to the department's notice shall
 224 be considered approval for discharge.

225 3. Order disposition under ss. 985.435, 985.437, 985.439,
 226 985.441, ~~985.445~~, 985.45, and 985.455 as an alternative to
 227 youthful offender or adult sentencing if the court determines
 228 not to impose youthful offender or adult sanctions.

229
 230 It is the intent of the Legislature that the criteria and
 231 guidelines in this subsection are mandatory and that a
 232 determination of disposition under this subsection is subject to
 233 the right of the child to appellate review under s. 985.534.

234 Section 14. Section 985.66, Florida Statutes, is amended
 235 to read:

236 985.66 Juvenile justice training academies; staff
 237 development and training; ~~Juvenile Justice Standards and~~
 238 ~~Training Commission~~; Juvenile Justice Training Trust Fund.—

239 (1) LEGISLATIVE PURPOSE.—In order to enable the state to
 240 provide a systematic approach to staff development and training
 241 for judges, state attorneys, public defenders, law enforcement
 242 officers, school district personnel, and juvenile justice
 243 program staff that will meet the needs of such persons in their
 244 discharge of duties while at the same time meeting the
 245 requirements for the American Correction Association
 246 accreditation by the Commission on Accreditation for
 247 Corrections, it is the purpose of the Legislature to require the
 248 department to establish, maintain, and oversee the operation of
 249 juvenile justice training academies in the state. The purpose of
 250 the Legislature in establishing staff development and training

251 programs is to foster better staff morale and reduce
 252 mistreatment and aggressive and abusive behavior in delinquency
 253 programs; to positively impact the recidivism of children in the
 254 juvenile justice system; and to afford greater protection of the
 255 public through an improved level of services delivered by a
 256 professionally trained juvenile justice program staff to
 257 children who are alleged to be or who have been found to be
 258 delinquent.

259 (2) STAFF DEVELOPMENT ~~JUVENILE JUSTICE STANDARDS AND~~
 260 ~~TRAINING COMMISSION.~~—

261 ~~(a) There is created under the Department of Juvenile~~
 262 ~~Justice the Juvenile Justice Standards and Training Commission,~~
 263 ~~hereinafter referred to as the commission. The 17-member~~
 264 ~~commission shall consist of the Attorney General or designee,~~
 265 ~~the Commissioner of Education or designee, a member of the~~
 266 ~~juvenile court judiciary to be appointed by the Chief Justice of~~
 267 ~~the Supreme Court, and 14 members to be appointed by the~~
 268 ~~Secretary of Juvenile Justice as follows:~~

269 1. ~~Seven members shall be juvenile justice professionals:~~
 270 ~~a superintendent or a direct care staff member from an~~
 271 ~~institution; a director from a contracted community-based~~
 272 ~~program; a superintendent and a direct care staff member from a~~
 273 ~~regional detention center or facility; a juvenile probation~~
 274 ~~officer supervisor and a juvenile probation officer; and a~~
 275 ~~director of a day treatment or conditional release program. No~~
 276 ~~fewer than three of these members shall be contract providers.~~

277 2. ~~Two members shall be representatives of local law~~
 278 ~~enforcement agencies.~~

279 ~~3. One member shall be an educator from the state's~~
 280 ~~university and community college program of criminology,~~
 281 ~~criminal justice administration, social work, psychology,~~
 282 ~~sociology, or other field of study pertinent to the training of~~
 283 ~~juvenile justice program staff.~~

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

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

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

289 ~~7. One member shall be a representative of the business~~
 290 ~~community.~~

291
 292 ~~All appointed members shall be appointed to serve terms of 2~~
 293 ~~years.~~

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

299 ~~(c) The Department of Juvenile Justice shall provide the~~
 300 ~~commission with staff necessary to assist the commission in the~~
 301 ~~performance of its duties.~~

302 ~~(d) The commission shall annually elect its chairperson~~
 303 ~~and other officers. The commission shall hold at least four~~
 304 ~~regular meetings each year at the call of the chairperson or~~
 305 ~~upon the written request of three members of the commission. A~~
 306 ~~majority of the members of the commission constitutes a quorum.~~

307 ~~Members of the commission shall serve without compensation but~~
 308 ~~are entitled to be reimbursed for per diem and travel expenses~~
 309 ~~as provided by s. 112.061 and these expenses shall be paid from~~
 310 ~~the Juvenile Justice Training Trust Fund.~~

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

313 ~~(a)1.~~ Designate the location of the training academies;
 314 develop, implement, maintain, and update the curriculum to be
 315 used in the training of juvenile justice program staff;
 316 establish timeframes for participation in and completion of
 317 training by juvenile justice program staff; develop, implement,
 318 maintain, and update job-related examinations; develop,
 319 implement, and update the types and frequencies of evaluations
 320 of the training academies; approve, modify, or disapprove the
 321 budget for the training academies, and the contractor to be
 322 selected to organize and operate the training academies and to
 323 provide the training curriculum.

324 ~~(b)2.~~ Establish uniform minimum job-related training
 325 courses and examinations for juvenile justice program staff.

326 ~~(c)3.~~ Consult and cooperate with the state or any
 327 political subdivision; any private entity or contractor; and
 328 with private and public universities, colleges, community
 329 colleges, and other educational institutions concerning the
 330 development of juvenile justice training and programs or courses
 331 of instruction, including, but not limited to, education and
 332 training in the areas of juvenile justice.

333 ~~(d)4. Enter into With the approval of the department, make~~
 334 ~~and enter into such~~ contracts and agreements with other

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335 agencies, organizations, associations, corporations,
 336 individuals, or federal agencies as ~~the commission determines~~
 337 ~~are~~ necessary in the execution of the its powers of the
 338 department or the performance of its duties.

339 ~~5. Make recommendations to the Department of Juvenile~~
 340 ~~Justice concerning any matter within the purview of this~~
 341 ~~section.~~

342 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department
 343 ~~commission~~ shall establish a certifiable program for juvenile
 344 justice training pursuant to this section, and all department
 345 program staff and providers who deliver direct care services
 346 pursuant to contract with the department shall be required to
 347 participate in and successfully complete the department-approved
 348 ~~commission-approved~~ program of training pertinent to their areas
 349 of responsibility. Judges, state attorneys, and public
 350 defenders, law enforcement officers, and school district
 351 personnel may participate in such training program. For the
 352 juvenile justice program staff, the department ~~commission~~ shall,
 353 based on a job-task analysis:

354 (a) Design, implement, maintain, evaluate, and revise a
 355 basic training program, including a competency-based
 356 examination, for the purpose of providing minimum employment
 357 training qualifications for all juvenile justice personnel. All
 358 program staff of the department and providers who deliver
 359 direct-care services who are hired after October 1, 1999, must
 360 meet the following minimum requirements:

361 1. Be at least 19 years of age.

362 2. Be a high school graduate or its equivalent as
 363 determined by the department ~~commission~~.

364 3. Not have been convicted of any felony or a misdemeanor
 365 involving perjury or a false statement, or have received a
 366 dishonorable discharge from any of the Armed Forces of the
 367 United States. Any person who, after September 30, 1999, pleads
 368 guilty or nolo contendere to or is found guilty of any felony or
 369 a misdemeanor involving perjury or false statement is not
 370 eligible for employment, notwithstanding suspension of sentence
 371 or withholding of adjudication. Notwithstanding this
 372 subparagraph, any person who pled nolo contendere to a
 373 misdemeanor involving a false statement before October 1, 1999,
 374 and who has had such record of that plea sealed or expunged is
 375 not ineligible for employment for that reason.

376 4. Abide by all the provisions of s. 985.644(1) regarding
 377 fingerprinting and background investigations and other screening
 378 requirements for personnel.

379 5. Execute and submit to the department an affidavit-of-
 380 application form, adopted by the department, attesting to his or
 381 her compliance with subparagraphs 1.-4. The affidavit must be
 382 executed under oath and constitutes an official statement under
 383 s. 837.06. The affidavit must include conspicuous language that
 384 the intentional false execution of the affidavit constitutes a
 385 misdemeanor of the second degree. The employing agency shall
 386 retain the affidavit.

387 (b) Design, implement, maintain, evaluate, and revise an
 388 advanced training program, including a competency-based
 389 examination for each training course, which is intended to

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390 enhance knowledge, skills, and abilities related to job
 391 performance.

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

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

401 (4) JUVENILE JUSTICE TRAINING TRUST FUND.—

402 (a) There is created within the State Treasury a Juvenile
 403 Justice Training Trust Fund to be used by the department ~~of~~
 404 ~~Juvenile Justice~~ for the purpose of funding the development and
 405 updating of a job-task analysis of juvenile justice personnel;
 406 the development, implementation, and updating of job-related
 407 training courses and examinations; and the cost of ~~commission-~~
 408 ~~approved~~ juvenile justice training courses; ~~and reimbursement~~
 409 ~~for expenses as provided in s. 112.061 for members of the~~
 410 ~~commission and staff.~~

411 (b) One dollar from every noncriminal traffic infraction
 412 collected pursuant to ss. 318.14(10)(b) and 318.18 shall be
 413 deposited into the Juvenile Justice Training Trust Fund.

414 (c) In addition to the funds generated by paragraph (b),
 415 the trust fund may receive funds from any other public or
 416 private source.

417 (d) Funds that are not expended by the end of the budget
 418 cycle or through a supplemental budget approved by the
 419 department shall revert to the trust fund.

420 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—
 421 The number, location, and establishment of juvenile justice
 422 training academies shall be determined by the department
 423 ~~commission~~.

424 (6) SCHOLARSHIPS AND STIPENDS.—

425 (a) By rule, the department ~~commission~~ shall establish
 426 criteria to award scholarships or stipends to qualified juvenile
 427 justice personnel who are residents of the state who want to
 428 pursue a bachelor's or associate in arts degree in juvenile
 429 justice or a related field. The department shall handle the
 430 administration of the scholarship or stipend. The Department of
 431 Education shall handle the notes issued for the payment of the
 432 scholarships or stipends. All scholarship and stipend awards
 433 shall be paid from the Juvenile Justice Training Trust Fund upon
 434 vouchers approved by the Department of Education and properly
 435 certified by the Chief Financial Officer. Prior to the award of
 436 a scholarship or stipend, the juvenile justice employee must
 437 agree in writing to practice her or his profession in juvenile
 438 justice or a related field for 1 month for each month of grant
 439 or to repay the full amount of the scholarship or stipend
 440 together with interest at the rate of 5 percent per annum over a
 441 period not to exceed 10 years. Repayment shall be made payable
 442 to the state for deposit into the Juvenile Justice Training
 443 Trust Fund.

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

447 (7) ADOPTION OF RULES.—The department ~~commission~~ shall
448 adopt rules as necessary to carry out the provisions of this
449 section.

450 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
451 MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of
452 Risk Management of the Department of Financial Services is
453 authorized to insure a private agency, individual, or
454 corporation operating a state-owned training school under a
455 contract to carry out the purposes and responsibilities of any
456 program of the department. The coverage authorized herein shall
457 be under the same general terms and conditions as the department
458 is insured for its responsibilities under chapter 284.

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

462 Section 15. Subsection (8) of section 985.48, Florida
463 Statutes, is repealed.

464 Section 16. This act shall take effect July 1, 2011.