

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Yarkosky offered the following:

Amendment (with title amendment)

Remove lines 177-1435 and insert:

this subsection. The ~~boards or~~ department shall propose the implementation of a community service program in each circuit, and may submit a circuit plan, to be implemented upon approval of the circuit alternative sanctions coordinator.

Section 5. Subsection (4) of section 938.17, Florida Statutes, is amended to read:

938.17 County delinquency prevention; juvenile assessment centers and school board suspension programs.—

(4) A sheriff's office that receives proceeds pursuant to s. 939.185 shall account for all funds annually by August 1 in a written report to the Department of Juvenile Justice ~~juvenile~~

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17 ~~justice circuit advisory board~~ if funds are used for assessment
18 centers, and to the district school board if funds are used for
19 suspension programs.

20 Section 6. Subsection (1) of section 943.0515, Florida
21 Statutes, is amended to read:

22 943.0515 Retention of criminal history records of minors.—

23 (1)(a) The Criminal Justice Information Program shall
24 retain the criminal history record of a minor who is classified
25 as a serious or habitual juvenile offender or committed to a
26 maximum risk residential facility ~~juvenile correctional facility~~
27 ~~or juvenile prison~~ under chapter 985 for 5 years after the date
28 the offender reaches 21 years of age, at which time the record
29 shall be expunged unless it meets the criteria of paragraph
30 (2)(a) or paragraph (2)(b).

31 (b)1. If the minor is not classified as a serious or
32 habitual juvenile offender or committed to a maximum risk
33 residential facility ~~juvenile correctional facility or juvenile~~
34 ~~prison~~ under chapter 985, the program shall retain the minor's
35 criminal history record for 2 years after the date the minor
36 reaches 19 years of age, at which time the record shall be
37 expunged unless it meets the criteria of paragraph (2)(a) or
38 paragraph (2)(b).

39 2. A minor described in subparagraph 1. may apply to the
40 department to have his or her criminal history record expunged
41 before the minor reaches 21 years of age. To be eligible for

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42 expunction under this subparagraph, the minor must be 18 years
43 of age or older and less than 21 years of age and have not been
44 charged by the state attorney with or found to have committed
45 any criminal offense within the 5-year period before the
46 application date. The only offenses eligible to be expunged
47 under this subparagraph are those that the minor committed
48 before the minor reached 18 years of age. A criminal history
49 record expunged under this subparagraph requires the approval of
50 the state attorney for each circuit in which an offense
51 specified in the criminal history record occurred. A minor
52 seeking to expunge a criminal history record under this
53 subparagraph shall apply to the department for expunction in the
54 manner prescribed by rule. An application for expunction under
55 this subparagraph shall include:

56 a. A processing fee of \$75 to the department for placement
57 in the Department of Law Enforcement Operating Trust Fund,
58 unless such fee is waived by the executive director.

59 b. A full set of fingerprints of the applicant taken by a
60 law enforcement agency for purposes of identity verification.

61 c. A sworn, written statement from the minor seeking
62 relief that he or she is no longer under court supervision
63 applicable to the disposition of the arrest or alleged criminal
64 activity to which the application to expunge pertains and that
65 he or she has not been charged with or found to have committed a
66 criminal offense, in any jurisdiction of the state or within the

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67 United States, within the 5-year period before the application
68 date. A person who knowingly provides false information on the
69 sworn statement required by this sub-subparagraph commits a
70 misdemeanor of the first degree, punishable as provided in s.
71 775.082 or s. 775.083.

72 3. A minor who applies, but who is not approved for early
73 expunction in accordance with subparagraph 2., shall have his or
74 her criminal history record expunged at age 21 if eligible under
75 subparagraph 1.

76 Section 7. Subsection (2) of section 948.51, Florida
77 Statutes, is amended to read:

78 948.51 Community corrections assistance to counties or
79 county consortiums.—

80 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A
81 county, or a consortium of two or more counties, may contract
82 with the Department of Corrections for community corrections
83 funds as provided in this section. In order to enter into a
84 community corrections partnership contract, a county or county
85 consortium must have a public safety coordinating council
86 established under s. 951.26 and must designate a county officer
87 or agency to be responsible for administering community
88 corrections funds received from the state. The public safety
89 coordinating council shall prepare, develop, and implement a
90 comprehensive public safety plan for the county, or the
91 geographic area represented by the county consortium, and shall

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92 submit an annual report to the Department of Corrections
93 concerning the status of the program. In preparing the
94 comprehensive public safety plan, the public safety coordinating
95 council shall cooperate with the Department of Juvenile Justice
96 ~~juvenile justice circuit advisory board established under s.~~
97 ~~985.664~~ in order to include programs and services for juveniles
98 in the plan. To be eligible for community corrections funds
99 under the contract, the initial public safety plan must be
100 approved by the governing board of the county, or the governing
101 board of each county within the consortium, and the Secretary of
102 Corrections based on the requirements of this section. If one or
103 more other counties develop a unified public safety plan, the
104 public safety coordinating council shall submit a single
105 application to the department for funding. Continued contract
106 funding shall be pursuant to subsection (5). The plan for a
107 county or county consortium must cover at least a 5-year period
108 and must include:

109 (a) A description of programs offered for the job
110 placement and treatment of offenders in the community.

111 (b) A specification of community-based intermediate
112 sentencing options to be offered and the types and number of
113 offenders to be included in each program.

114 (c) Specific goals and objectives for reducing the
115 projected percentage of commitments to the state prison system

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116 of persons with low total sentencing scores pursuant to the
117 Criminal Punishment Code.

118 (d) Specific evidence of the population status of all
119 programs which are part of the plan, which evidence establishes
120 that such programs do not include offenders who otherwise would
121 have been on a less intensive form of community supervision.

122 (e) The assessment of population status by the public
123 safety coordinating council of all correctional facilities owned
124 or contracted for by the county or by each county within the
125 consortium.

126 (f) The assessment of bed space that is available for
127 substance abuse intervention and treatment programs and the
128 assessment of offenders in need of treatment who are committed
129 to each correctional facility owned or contracted for by the
130 county or by each county within the consortium.

131 (g) A description of program costs and sources of funds
132 for each community corrections program, including community
133 corrections funds, loans, state assistance, and other financial
134 assistance.

135 Section 8. Paragraph (h) of subsection (1) and subsection
136 (7) of section 985.02, Florida Statutes, are amended to read:

137 985.02 Legislative intent for the juvenile justice
138 system.—

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139 (1) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of
140 the Legislature that the children of this state be provided with
141 the following protections:

142 (h) Sex-specific ~~Gender-specific~~ programming and sex-
143 specific ~~gender-specific~~ program models and services that
144 comprehensively address the needs of either sex ~~a targeted~~
145 ~~gender group~~.

146 (7) SEX-SPECIFIC ~~GENDER-SPECIFIC~~ PROGRAMMING.—

147 (a) The Legislature finds that the needs of children
148 served by the juvenile justice system are sex-specific ~~gender-~~
149 ~~specific~~. A sex-specific ~~gender-specific~~ approach is one in
150 which programs, services, and treatments comprehensively address
151 the unique developmental needs of either sex ~~a targeted gender~~
152 ~~group~~ under the care of the department. Young women and men have
153 different pathways to delinquency, display different patterns of
154 offending, and respond differently to interventions, treatment,
155 and services.

156 (b) Sex-specific ~~Gender-specific~~ interventions focus on
157 the differences between young females' and young males' social
158 roles and responsibilities, access to and use of resources,
159 history of trauma, and reasons for interaction with the juvenile
160 justice system. Sex-specific ~~Gender-specific~~ programs increase
161 the effectiveness of programs by making interventions more
162 appropriate to the specific needs of young women and men and
163 ensuring that these programs do not unknowingly create,

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164 maintain, or reinforce sex ~~gender~~ roles or relations that may be
165 damaging.

166 Section 9. Subsections (46) through (54) of section
167 985.03, Florida Statutes, are renumbered as subsections (47)
168 through (55), respectively, subsections (14) and (44) and
169 present subsection (50) are amended, and a new subsection (46)
170 is added to that section, to read:

171 985.03 Definitions.—As used in this chapter, the term:

172 (14) "Day treatment" means a nonresidential, community-
173 based program designed to provide therapeutic intervention to
174 youth who are served by the department or, placed on probation
175 or conditional release, ~~or committed to the minimum-risk~~
176 ~~nonresidential level~~. A day treatment program may provide
177 educational and career and technical education services and
178 shall provide case management services; individual, group, and
179 family counseling; training designed to address delinquency risk
180 factors; and monitoring of a youth's compliance with, and
181 facilitation of a youth's completion of, sanctions if ordered by
182 the court. Program types may include, but are not limited to,
183 career programs, marine programs, juvenile justice alternative
184 schools, training and rehabilitation programs, and sex-specific
185 ~~gender-specific~~ programs.

186 (44) "Restrictiveness level" means the level of
187 programming and security provided by programs that service the
188 supervision, custody, care, and treatment needs of committed

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189 children. Sections 985.601(10) and 985.721 apply to children
190 placed in programs at any residential commitment level. The
191 restrictiveness levels of commitment are as follows:

192 ~~(a) Minimum-risk nonresidential.—Programs or program~~
193 ~~models at this commitment level work with youth who remain in~~
194 ~~the community and participate at least 5 days per week in a day~~
195 ~~treatment program. Youth assessed and classified for programs at~~
196 ~~this commitment level represent a minimum risk to themselves and~~
197 ~~public safety and do not require placement and services in~~
198 ~~residential settings. Youth in this level have full access to,~~
199 ~~and reside in, the community. Youth who have been found to have~~
200 ~~committed delinquent acts that involve firearms, that are sexual~~
201 ~~offenses, or that would be life felonies or first degree~~
202 ~~felonies if committed by an adult may not be committed to a~~
203 ~~program at this level.~~

204 ~~(a)(b)~~ Moderate-risk Nonsecure residential.—Programs or
205 program models at this commitment level are residential but may
206 allow youth to have supervised access to the community.
207 Facilities at this commitment level are either environmentally
208 secure, staff secure, or are hardware-secure with walls,
209 fencing, or locking doors. Residential facilities at this
210 commitment level shall have no more than 90 beds each, including
211 campus-style programs, unless those campus-style programs
212 include more than one treatment program using different
213 treatment protocols, and have facilities that coexist separately

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214 in distinct locations on the same property. Facilities at this
215 commitment level shall provide 24-hour awake supervision,
216 custody, care, and treatment of residents. Youth assessed and
217 classified for placement in programs at this commitment level
218 represent a low or moderate risk to public safety and require
219 close supervision. The staff at a facility at this commitment
220 level may seclude a child who is a physical threat to himself or
221 herself or others. Mechanical restraint may also be used when
222 necessary.

223 (b)-(e) High-risk residential.—Programs or program models
224 at this commitment level are residential and do not allow youth
225 to have access to the community, except that temporary release
226 providing community access for up to 72 continuous hours may be
227 approved by a court for a youth who has made successful progress
228 in his or her program in order for the youth to attend a family
229 emergency or, during the final 60 days of his or her placement,
230 to visit his or her home, enroll in school or a career and
231 technical education program, complete a job interview, or
232 participate in a community service project. High-risk
233 residential facilities are hardware-secure with perimeter
234 fencing and locking doors. Residential facilities at this
235 commitment level shall have no more than 90 beds each, including
236 campus-style programs, unless those campus-style programs
237 include more than one treatment program using different
238 treatment protocols, and have facilities that coexist separately

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239 in distinct locations on the same property. Facilities at this
240 commitment level shall provide 24-hour awake supervision,
241 custody, care, and treatment of residents. Youth assessed and
242 classified for this level of placement require close supervision
243 in a structured residential setting. Placement in programs at
244 this level is prompted by a concern for public safety that
245 outweighs placement in programs at lower commitment levels. The
246 staff at a facility at this commitment level may seclude a child
247 who is a physical threat to himself or herself or others.
248 Mechanical restraint may also be used when necessary. The
249 facility may provide for single cell occupancy, except that
250 youth may be housed together during prerelease transition.

251 ~~(c)-(d) Maximum-risk residential. Programs or program~~
252 ~~models at this commitment level include juvenile correctional~~
253 ~~facilities and juvenile prisons.~~ The programs at this commitment
254 level are long-term residential and do not allow youth to have
255 access to the community. Facilities at this commitment level are
256 maximum-custody, hardware-secure with perimeter security fencing
257 and locking doors. Residential facilities at this commitment
258 level shall have no more than 90 beds each, including campus-
259 style programs, unless those campus-style programs include more
260 than one treatment program using different treatment protocols,
261 and have facilities that coexist separately in distinct
262 locations on the same property. Facilities at this commitment
263 level shall provide 24-hour awake supervision, custody, care,

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264 and treatment of residents. The staff at a facility at this
265 commitment level may seclude a child who is a physical threat to
266 himself or herself or others. Mechanical restraint may also be
267 used when necessary. Facilities at this commitment level shall
268 provide for single cell occupancy, except that youth may be
269 housed together during prerelease transition. Youth assessed and
270 classified for this level of placement require close supervision
271 in a maximum security residential setting. Placement in a
272 program at this level is prompted by a demonstrated need to
273 protect the public.

274 (46) "Sex" has the same meaning as provided in s.
275 553.865(3).

276 (51) ~~(50)~~ "Temporary release" means the terms and
277 conditions under which a child is temporarily released from a
278 residential commitment facility or allowed home visits. If the
279 temporary release is from a moderate-risk ~~nonsecure~~ residential
280 facility, a high-risk residential facility, or a maximum-risk
281 residential facility, the terms and conditions of the temporary
282 release must be approved by the child, the court, and the
283 facility.

284 Section 10. Paragraph (a) of subsection (1) of section
285 985.039, Florida Statutes, is amended to read:

286 985.039 Cost of supervision; cost of care.—

287 (1) Except as provided in subsection (3) or subsection
288 (4):

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289 (a) When any child is placed into supervised release
290 detention, probation, or other supervision status with the
291 department, ~~or is committed to the minimum-risk nonresidential~~
292 ~~restrictiveness level~~, the court shall order the parent of such
293 child to pay to the department a fee for the cost of the
294 supervision of such child in the amount of \$1 per day for each
295 day that the child is in such status.

296 Section 11. Paragraph (f) of subsection (2) of section
297 985.115, Florida Statutes, is amended to read:

298 985.115 Release or delivery from custody.—

299 (2) Unless otherwise ordered by the court under s. 985.255
300 or s. 985.26, and unless there is a need to hold the child, a
301 person taking a child into custody shall attempt to release the
302 child as follows:

303 (f) If available, to a juvenile assessment center equipped
304 and staffed to assume custody of the child for the purpose of
305 assessing the needs of the child in custody. The center may then
306 release or deliver the child under this section with a copy of
307 the assessment. A juvenile assessment center may not be
308 considered a facility that can receive a child under paragraph
309 (c), paragraph (d), or paragraph (e).

310 Section 12. Paragraphs (a) and (b) of subsection (3) and
311 subsection (4) of section 985.126, Florida Statutes, are amended
312 to read:

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313 985.126 Diversion programs; data collection; denial of
314 participation or expunged record.—

315 (3)(a) ~~Beginning October 1, 2018,~~ Each diversion program
316 shall submit data to the department which identifies for each
317 minor participating in the diversion program:

318 1. The race, ethnicity, sex ~~gender~~, and age of that minor.

319 2. The offense committed, including the specific law
320 establishing the offense.

321 3. The judicial circuit and county in which the offense
322 was committed and the law enforcement agency that had contact
323 with the minor for the offense.

324 4. Other demographic information necessary to properly
325 register a case into the Juvenile Justice Information System
326 Prevention Web, as specified by the department.

327 (b) ~~Beginning October 1, 2018,~~ Each law enforcement agency
328 shall submit to the department data that identifies for each
329 minor who was eligible for a diversion program, but was instead
330 referred to the department, provided a notice to appear, or
331 arrested:

332 1. The data required pursuant to paragraph (a).

333 2. Whether the minor was offered the opportunity to
334 participate in a diversion program. If the minor was:

335 a. Not offered such opportunity, the reason such offer was
336 not made.

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337 b. Offered such opportunity, whether the minor or his or
338 her parent or legal guardian declined to participate in the
339 diversion program.

340 (4) ~~Beginning January 1, 2019,~~ The department shall
341 compile and semiannually publish the data required by subsection
342 (3) on the department's website in a format that is, at a
343 minimum, sortable by judicial circuit, county, law enforcement
344 agency, race, ethnicity, sex ~~gender~~, age, and offense committed.

345 Section 13. Paragraph (a) of subsection (3) of section
346 985.17, Florida Statutes, is amended to read:

347 985.17 Prevention services.—

348 (3) The department's prevention services for youth at risk
349 of becoming delinquent should:

350 (a) Focus on preventing initial or further involvement of
351 such youth in the juvenile justice system by including services
352 such as literacy services, sex-specific ~~gender-specific~~
353 programming, recreational services, and after-school services,
354 and should include targeted services to troubled, truant,
355 ungovernable, abused, trafficked, or runaway youth. To decrease
356 the likelihood that a youth will commit a delinquent act, the
357 department should use mentoring and may provide specialized
358 services addressing the strengthening of families, job training,
359 and substance abuse.

360 Section 14. Paragraph (a) of subsection (2) of section
361 985.26, Florida Statutes, is amended to read:

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362 985.26 Length of detention.—

363 (2)(a)1. A court may order a child to be placed on
364 supervised release detention care for any time period until an
365 adjudicatory hearing is completed. However, if a child has
366 served 60 days on supervised release detention care, the court
367 must conduct a hearing within 15 days after the 60th day, to
368 determine the need for continued supervised release detention
369 care. At the hearing, and upon good cause being shown that the
370 nature of the charge requires additional time for the
371 prosecution or defense of the case or that the totality of the
372 circumstances, including the preservation of public safety,
373 warrants an extension, the court may order the child to remain
374 on supervised release detention care until the adjudicatory
375 hearing is completed.

376 2. Except as provided in paragraph (b) or paragraph (c), a
377 child may not be held in secure detention care under a special
378 detention order for more than 21 days unless an adjudicatory
379 hearing for the case has been commenced in good faith by the
380 court.

381 3. This section does not prohibit a court from
382 transitioning a child to and from secure detention care and
383 supervised release detention care, including electronic
384 monitoring, when the court finds such a placement necessary, or
385 no longer necessary, to preserve public safety or to ensure the
386 child's safety, appearance in court, or compliance with a court

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387 order. Such transition may be initiated upon the court's own
388 motion, or upon a motion of the child or of the state, and after
389 considering any information provided by the department regarding
390 the child's adjustment to detention supervision. Each period of
391 secure detention care or supervised release detention care
392 counts toward the time limitations in this subsection whether
393 served consecutively or nonconsecutively.

394 Section 15. Section 985.27, Florida Statutes, is amended
395 to read:

396 985.27 Postdisposition detention while awaiting
397 residential commitment placement.—The court must place all
398 children who are adjudicated and awaiting placement in a
399 moderate-risk nonsecure, high-risk, or maximum-risk residential
400 commitment program in secure detention care until the placement
401 or commitment is accomplished.

402 Section 16. Subsection (2) of section 985.441, Florida
403 Statutes, is amended to read:

404 985.441 Commitment.—

405 (2) Notwithstanding subsection (1), the court having
406 jurisdiction over an adjudicated delinquent child whose offense
407 is a misdemeanor, or a child who is currently on probation for a
408 misdemeanor, may not commit the child for any misdemeanor
409 offense or any probation violation that is technical in nature
410 and not a new violation of law ~~at a restrictiveness level other~~
411 ~~than minimum-risk nonresidential~~. However, the court may commit

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412 such child to a moderate-risk ~~nonsecure~~ residential placement
413 if:

414 (a) The child has previously been adjudicated or had
415 adjudication withheld for a felony offense;

416 (b) The child has previously been adjudicated or had
417 adjudication withheld for three or more misdemeanor offenses
418 within the previous 18 months;

419 (c) The child is before the court for disposition for a
420 violation of s. 800.03, s. 806.031, or s. 828.12; or

421 (d) The court finds by a preponderance of the evidence
422 that the protection of the public requires such placement or
423 that the particular needs of the child would be best served by
424 such placement. Such finding must be in writing.

425 Section 17. Subsection (3) of section 985.455, Florida
426 Statutes, is amended to read:

427 985.455 Other dispositional issues.—

428 (3) Any commitment of a delinquent child to the department
429 must be for an indeterminate period of time, which may include
430 periods of temporary release; however, the period of time may
431 not exceed the maximum term of imprisonment that an adult may
432 serve for the same offense, ~~except that the duration of a~~
433 ~~minimum-risk nonresidential commitment for an offense that is a~~
434 ~~misdemeanor of the second degree, or is equivalent to a~~
435 ~~misdemeanor of the second degree, may be for a period not to~~
436 ~~exceed 6 months.~~ The duration of the child's placement in a

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437 commitment program of any restrictiveness level shall be based
438 on objective performance-based treatment planning. The child's
439 treatment plan progress and adjustment-related issues shall be
440 reported to the court quarterly, unless the court requests
441 monthly reports. If the child is under the jurisdiction of a
442 dependency court, the court may receive and consider any
443 information provided by the Guardian Ad Litem Program or the
444 child's attorney ad litem, if appointed. The child's length of
445 stay in a commitment program may be extended if the child fails
446 to comply with or participate in treatment activities. The
447 child's length of stay in the program shall not be extended for
448 purposes of sanction or punishment. Any temporary release from
449 such program must be approved by the court. Any child so
450 committed may be discharged from institutional confinement or a
451 program upon the direction of the department with the
452 concurrence of the court. The child's treatment plan progress
453 and adjustment-related issues must be communicated to the court
454 at the time the department requests the court to consider
455 releasing the child from the commitment program. The department
456 shall give the court that committed the child to the department
457 reasonable notice, in writing, of its desire to discharge the
458 child from a commitment facility. The court that committed the
459 child may thereafter accept or reject the request. If the court
460 does not respond within 10 days after receipt of the notice, the
461 request of the department shall be deemed granted. This section

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462 does not limit the department's authority to revoke a child's
463 temporary release status and return the child to a commitment
464 facility for any violation of the terms and conditions of the
465 temporary release.

466 Section 18. Section 985.465, Florida Statutes, is amended
467 to read:

468 985.465 Maximum-risk residential facilities ~~Juvenile~~
469 ~~correctional facilities or juvenile prison.~~ A maximum risk
470 residential facility ~~juvenile correctional facility or juvenile~~
471 ~~prison~~ is a physically secure residential commitment program
472 with a designated length of stay from 18 months to 36 months,
473 primarily serving children 13 years of age to 19 years of age or
474 until the jurisdiction of the court expires. Each child
475 committed to this level must meet one of the following criteria:

476 (1) The child is at least 13 years of age at the time of
477 the disposition for the current offense and has been adjudicated
478 on the current offense for:

- 479 (a) Arson;
- 480 (b) Sexual battery;
- 481 (c) Robbery;
- 482 (d) Kidnapping;
- 483 (e) Aggravated child abuse;
- 484 (f) Aggravated assault;
- 485 (g) Aggravated stalking;
- 486 (h) Murder;

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- 487 (i) Manslaughter;
- 488 (j) Unlawful throwing, placing, or discharging of a
489 destructive device or bomb;
- 490 (k) Armed burglary;
- 491 (l) Aggravated battery;
- 492 (m) Carjacking;
- 493 (n) Home-invasion robbery;
- 494 (o) Burglary with an assault or battery;
- 495 (p) Any lewd or lascivious offense committed upon or in
496 the presence of a person less than 16 years of age; or
- 497 (q) Carrying, displaying, using, threatening to use, or
498 attempting to use a weapon or firearm during the commission of a
499 felony.
- 500 (2) The child is at least 13 years of age at the time of
501 the disposition, the current offense is a felony, and the child
502 has previously been committed three or more times to a
503 delinquency commitment program.
- 504 (3) The child is at least 13 years of age and is currently
505 committed for a felony offense and transferred from a moderate-
506 risk or high-risk residential commitment placement.
- 507 (4) The child is at least 13 years of age at the time of
508 the disposition for the current offense, the child is eligible
509 for prosecution as an adult for the current offense, and the
510 current offense is ranked at level 7 or higher on the Criminal

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511 Punishment Code offense severity ranking chart pursuant to s.
512 921.0022.

513 Section 19. Paragraph (a) of subsection (3) of section
514 985.601, Florida Statutes, is amended, and subsection (12) is
515 added to that section, to read:

516 985.601 Administering the juvenile justice continuum.—

517 (3)(a) The department shall develop or contract for
518 diversified and innovative programs to provide rehabilitative
519 treatment, including early intervention and prevention,
520 diversion, comprehensive intake, case management, diagnostic and
521 classification assessments, trauma-informed care, individual and
522 family counseling, family engagement resources and programs,
523 sex-specific ~~gender-specific~~ programming, shelter care,
524 diversified detention care emphasizing alternatives to secure
525 detention, diversified probation, halfway houses, foster homes,
526 community-based substance abuse treatment services, community-
527 based mental health treatment services, community-based
528 residential and nonresidential programs, mother-infant programs,
529 and environmental programs. The department may pay expenses in
530 support of innovative programs and activities that address
531 identified needs and the well-being of children in the
532 department's care or under its supervision, subject to the
533 requirements of chapters 215, 216, and 287. Each program shall
534 place particular emphasis on reintegration and conditional
535 release for all children in the program.

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536 (12) The department may use state or federal funds to
537 purchase and distribute promotional and educational materials
538 that are consistent with the dignity and integrity of the state
539 for all of the following purposes:

540 (a) Educating children and families about the juvenile
541 justice continuum, including local prevention programs or
542 community services available for participation or enrollment.

543 (b) Staff recruitment at job fairs, career fairs,
544 community events, the Institute for Commercialization of Florida
545 Technology, community college campuses, or state university
546 campuses.

547 (c) Educating children and families on children-specific
548 public safety issues, including, but not limited to, safe
549 storage of adult-owned firearms, consequences of child firearm
550 offenses, human trafficking, or drug and alcohol abuse.

551 Section 20. Paragraph (b) of subsection (4) of section
552 985.619, Florida Statutes, is amended to read:

553 985.619 Florida Scholars Academy.—

554 (4) GOVERNING BODY; POWERS AND DUTIES.—

555 (b) The board of trustees shall have the following powers
556 and duties:

557 1. Meet at least 4 times each year, upon the call of the
558 chair, or at the request of a majority of the membership.

559 2. Be responsible for the Florida Scholars Academy's
560 development of an education delivery system that is cost-

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561 effective, high-quality, educationally sound, and capable of
562 sustaining an effective delivery system.

563 3.a. Identify appropriate performance measures and
564 standards based on student achievement which reflect the
565 school's statutory mission and priorities, and implement an
566 accountability system approved by the State Board of Education
567 for the school by the 2024-2025 school year which includes an
568 assessment of its effectiveness and efficiency in providing
569 quality services that encourage high student achievement,
570 seamless articulation, and maximum access to career
571 opportunities.

572 b. For the 2024-2025 school year, the results of the
573 accountability system must serve as an informative baseline for
574 the academy as it works to improve performance in future years.

575 4. Administer and maintain the educational programs of the
576 Florida Scholars Academy in accordance with law and department
577 rules, in consultation with the State Board of Education.

578 5. With the approval of the secretary of the department or
579 his or her designee, determine the compensation, including
580 salaries and fringe benefits, and other conditions of employment
581 for such personnel, in alignment with the Florida Scholars
582 Academy's provider contracts.

583 6. The employment of all Florida Scholars Academy
584 administrative and instructional personnel are subject to
585 rejection for cause by the secretary of the department or his or

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586 her designee and are subject to policies established by the
587 board of trustees.

588 7. Provide for the content and custody of student records
589 in compliance with s. 1002.22.

590 8. Maintain the financial records and accounts of the
591 Florida Scholars Academy in compliance with rules adopted by the
592 State Board of Education for the uniform system of financial
593 records and accounts for the schools of this state.

594 9. Is a body corporate with all the powers of a body
595 corporate and may exercise such authority as is needed for the
596 proper operation and improvement of the Florida Scholars
597 Academy. The board of trustees is specifically authorized to
598 adopt rules, policies, and procedures, consistent with law and
599 State Board of Education rules related to governance, personnel,
600 budget and finance, administration, programs, curriculum and
601 instruction, travel and purchasing, technology, students,
602 contracts and grants, and property as necessary for optimal,
603 efficient operation of the Florida Scholars Academy.

604 10. Notwithstanding any rule to the contrary, review and
605 approve an annual academic calendar to provide educational
606 services to youth for a school year composed of 250 days or
607 1,250 hours of instruction for students enrolled in a
608 traditional K-12 education pathway, distributed over 12 months.
609 The board of trustees may decrease the minimum number of days

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610 for instruction by up to 20 days or 100 hours for teacher
611 planning.

612 Section 21. Section 985.664, Florida Statutes, is amended
613 to read:

614 985.664 Juvenile justice circuit advisory boards.—

615 (1) Each circuit shall have a juvenile justice circuit
616 advisory board. The board shall work with the chief probation
617 officer of the circuit to use data to inform policy and practice
618 which improves the juvenile justice continuum.

619 ~~(1) There is authorized a juvenile justice circuit~~
620 ~~advisory board to be established in each of the 20 judicial~~
621 ~~circuits. Except in single-county circuits, each juvenile~~
622 ~~justice circuit advisory board shall have a county organization~~
623 ~~representing each of the counties in the circuit. The county~~
624 ~~organization shall report directly to the juvenile justice~~
625 ~~circuit advisory board on the juvenile justice needs of the~~
626 ~~county. The purpose of each juvenile justice circuit advisory~~
627 ~~board is to provide advice and direction to the department in~~
628 ~~the development and implementation of juvenile justice programs~~
629 ~~and to work collaboratively with the department in seeking~~
630 ~~program improvements and policy changes to address the emerging~~
631 ~~and changing needs of Florida's youth who are at risk of~~
632 ~~delinquency.~~

633 ~~(2) The duties and responsibilities of a juvenile justice~~
634 ~~circuit advisory board include, but are not limited to:~~

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635 ~~(a) Developing a comprehensive plan for the circuit. The~~
636 ~~initial circuit plan shall be submitted to the department no~~
637 ~~later than December 31, 2014, and no later than June 30 every 3~~
638 ~~years thereafter. The department shall prescribe a format and~~
639 ~~content requirements for the submission of the comprehensive~~
640 ~~plan.~~

641 ~~(b) Participating in the facilitation of interagency~~
642 ~~cooperation and information sharing.~~

643 ~~(c) Providing recommendations for public or private grants~~
644 ~~to be administered by one of the community partners that support~~
645 ~~one or more components of the comprehensive circuit plan.~~

646 ~~(d) Providing recommendations to the department in the~~
647 ~~evaluation of prevention and early intervention grant programs,~~
648 ~~including the Community Juvenile Justice Partnership Grant~~
649 ~~program established in s. 985.676 and proceeds from the Invest~~
650 ~~in Children license plate annual use fees.~~

651 ~~(e) Providing an annual report to the department~~
652 ~~describing the board's activities. The department shall~~
653 ~~prescribe a format and content requirements for submission of~~
654 ~~annual reports. The annual report must be submitted to the~~
655 ~~department no later than August 1 of each year.~~

656 ~~(2)(3)~~ Each juvenile justice circuit advisory board shall
657 have a minimum of 14 ~~16~~ members. The membership of each board
658 must reflect:

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

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- 660 (b) Diversity in the judicial circuit.
- 661 ~~(3)+(4)~~ Each member of the juvenile justice circuit
662 advisory board must be approved by the chief probation officer
663 of the circuit ~~Secretary of Juvenile Justice~~, except those
664 members listed in paragraphs (a), (b), (c), (e), (f), (g), and
665 (h). Each ~~The~~ juvenile justice circuit advisory board ~~boards~~
666 ~~established under subsection (1)~~ must include as members:
- 667 (a) The state attorney or his or her designee.
- 668 (b) The public defender or his or her designee.
- 669 (c) The chief judge or his or her designee.
- 670 (d) A representative of the corresponding circuit or
671 regional entity of the Department of Children and Families.
- 672 (e) The sheriff or the sheriff's designee from each county
673 in the circuit.
- 674 (f) A police chief or his or her designee from each county
675 in the circuit.
- 676 (g) A county commissioner or his or her designee from each
677 county in the circuit.
- 678 (h) The superintendent of each school district in the
679 circuit or his or her designee.
- 680 (i) A representative from the workforce organization of
681 each county in the circuit.
- 682 (j) A representative of the business community.

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683 (k) A youth representative who has had an experience with
684 the juvenile justice system and is not older than 21 years of
685 age.

686 (l) A representative of the faith community.

687 (m) A health services representative who specializes in
688 mental health care, victim-service programs, or victims of
689 crimes.

690 (n) A parent or family member of a youth who has been
691 involved with the juvenile justice system.

692 (o) Up to three ~~five~~ representatives from the community.
693 ~~any of the following who are not otherwise represented in this~~
694 ~~subsection:~~

695 ~~1. Community leaders.~~

696 ~~2. Youth-serving coalitions.~~

697 (4) The chief probation officer in each circuit shall
698 serve as the chair of the juvenile justice circuit advisory
699 board for that circuit.

700 ~~(5) When a vacancy in the office of the chair occurs, the~~
701 ~~juvenile justice circuit advisory board shall appoint a new~~
702 ~~chair, who must meet the board membership requirements in~~
703 ~~subsection (4). The chair shall appoint members to vacant seats~~
704 ~~within 45 days after the vacancy and submit the appointments to~~
705 ~~the department for approval. The chair shall serve at the~~
706 ~~pleasure of the Secretary of Juvenile Justice.~~

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707 ~~(6) A member may not serve more than three consecutive 2-~~
708 ~~year terms, except those members listed in paragraphs (4)(a),~~
709 ~~(b), (c), (e), (f), (g), and (h). A former member who has not~~
710 ~~served on the juvenile justice circuit advisory board for 2~~
711 ~~years is eligible to serve on the juvenile justice circuit~~
712 ~~advisory board again.~~

713 ~~(7) At least half of the voting members of the juvenile~~
714 ~~justice circuit advisory board constitutes a quorum. A quorum~~
715 ~~must be present in order for the board to vote on a measure or~~
716 ~~position.~~

717 ~~(8) In order for a juvenile justice circuit advisory board~~
718 ~~measure or position to pass, it must receive more than 50~~
719 ~~percent of the vote.~~

720 ~~(9) Each juvenile justice circuit advisory board must~~
721 ~~provide for the establishment of an executive committee of not~~
722 ~~more than 10 members. The duties and authority of the executive~~
723 ~~committee must be addressed in the bylaws.~~

724 ~~(10) Each juvenile justice circuit advisory board shall~~
725 ~~have bylaws. The department shall prescribe a format and content~~
726 ~~requirements for the bylaws. All bylaws must be approved by the~~
727 ~~department. The bylaws shall address at least the following~~
728 ~~issues: election or appointment of officers; filling of vacant~~
729 ~~positions; meeting attendance requirements; and the~~
730 ~~establishment and duties of an executive committee.~~

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731 ~~(11) Members of juvenile justice circuit advisory boards~~
732 ~~are subject to part III of chapter 112.~~

733 Section 22. Paragraph (a) of subsection (1) of section
734 985.668, Florida Statutes, is amended to read:

735 985.668 Innovation zones.—The department shall encourage
736 each of the juvenile justice circuit boards to propose at least
737 one innovation zone within the circuit for the purpose of
738 implementing any experimental, pilot, or demonstration project
739 that furthers the legislatively established goals of the
740 department. An innovation zone is a defined geographic area such
741 as a circuit, commitment region, county, municipality, service
742 delivery area, school campus, or neighborhood providing a
743 laboratory for the research, development, and testing of the
744 applicability and efficacy of model programs, policy options,
745 and new technologies for the department.

746 (1) (a) The chief probation officer in each circuit
747 ~~juvenile justice circuit board~~ shall submit a proposal for an
748 innovation zone to the secretary. If the purpose of the proposed
749 innovation zone is to demonstrate that specific statutory goals
750 can be achieved more effectively by using procedures that
751 require modification of existing rules, policies, or procedures,
752 the proposal may request the secretary to waive such existing
753 rules, policies, or procedures or to otherwise authorize use of
754 alternative procedures or practices. Waivers of such existing

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755 rules, policies, or procedures must comply with applicable state
756 or federal law.

757 Section 23. Subsections (1) and (2) of section 985.676,
758 Florida Statutes, are amended to read:

759 985.676 Community juvenile justice partnership grants.—

760 (1) GRANTS; CRITERIA.—

761 (a) In order to encourage the development of a circuit
762 juvenile justice plan ~~and the development and implementation of~~
763 ~~circuit interagency agreements under s. 985.664~~, the community
764 juvenile justice partnership grant program is established and
765 shall be administered by the department.

766 (b) In awarding these grants, the department shall
767 consider applications that at a minimum provide for the
768 following:

769 1. The participation of the agencies and programs needed
770 to implement the project or program for which the applicant is
771 applying;

772 2. The reduction of truancy and in-school and out-of-
773 school suspensions and expulsions, the enhancement of school
774 safety, and other delinquency early-intervention and diversion
775 services;

776 3. The number of youths from 10 through 17 years of age
777 within the geographic area to be served by the program, giving
778 those geographic areas having the highest number of youths from
779 10 to 17 years of age priority for selection;

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780 4. The extent to which the program targets high-juvenile-
781 crime neighborhoods and those public schools serving juveniles
782 from high-crime neighborhoods;

783 5. The validity and cost-effectiveness of the program; and

784 6. The degree to which the program is located in and
785 managed by local leaders of the target neighborhoods and public
786 schools serving the target neighborhoods.

787 (c) In addition, the department may consider the following
788 criteria in awarding grants:

789 1. The circuit juvenile justice plan and any county
790 juvenile justice plans that are referred to or incorporated into
791 the circuit plan, including a list of individuals, groups, and
792 public and private entities that participated in the development
793 of the plan.

794 2. The diversity of community entities participating in
795 the development of the circuit juvenile justice plan.

796 3. The number of community partners who will be actively
797 involved in the operation of the grant program.

798 4. The number of students or youths to be served by the
799 grant and the criteria by which they will be selected.

800 5. The criteria by which the grant program will be
801 evaluated and, if deemed successful, the feasibility of
802 implementation in other communities.

803 (2) GRANT APPLICATION PROCEDURES.—

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804 (a) Each entity wishing to apply for an annual community
805 juvenile justice partnership grant, which may be renewed for a
806 maximum of 2 additional years for the same provision of
807 services, shall submit a grant proposal for funding or continued
808 funding to the department. The department shall establish the
809 grant application procedures. In order to be considered for
810 funding, the grant proposal shall include the following
811 assurances and information:

812 ~~1. A letter from the chair of the juvenile justice circuit~~
813 ~~board confirming that the grant application has been reviewed~~
814 ~~and found to support one or more purposes or goals of the~~
815 ~~juvenile justice plan as developed by the board.~~

816 ~~2.~~ A rationale and description of the program and the
817 services to be provided, including goals and objectives.

818 ~~2.3.~~ A method for identification of the juveniles most
819 likely to be involved in the juvenile justice system who will be
820 the focus of the program.

821 ~~3.4.~~ Provisions for the participation of parents and
822 guardians in the program.

823 ~~4.5.~~ Coordination with other community-based and social
824 service prevention efforts, including, but not limited to, drug
825 and alcohol abuse prevention and dropout prevention programs,
826 that serve the target population or neighborhood.

827 ~~5.6.~~ An evaluation component to measure the effectiveness
828 of the program in accordance with s. 985.632.

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829 ~~6.7.~~ A program budget, including the amount and sources of
830 local cash and in-kind resources committed to the budget. The
831 proposal must establish to the satisfaction of the department
832 that the entity will make a cash or in-kind contribution to the
833 program of a value that is at least equal to 20 percent of the
834 amount of the grant.

835 ~~7.8.~~ The necessary program staff.

836 (b) The department shall consider the recommendations of
837 community stakeholders ~~the juvenile justice circuit advisory~~
838 ~~board~~ as to the priority that should be given to proposals
839 submitted by entities within a circuit in awarding such grants.

840 (c) The department shall make available, to anyone wishing
841 to apply for such a grant, information on all of the criteria to
842 be used in the selection of the proposals for funding pursuant
843 to the provisions of this subsection.

844 (d) The department shall review all program proposals
845 submitted. Entities submitting proposals shall be notified of
846 approval not later than June 30 of each year.

847 (e) Each entity that is awarded a grant as provided for in
848 this section shall submit an annual evaluation report to the
849 department and, ~~the circuit juvenile justice manager, and the~~
850 ~~juvenile justice circuit advisory board~~, by a date subsequent to
851 the end of the contract period established by the department,
852 documenting the extent to which the program objectives have been
853 met, the effect of the program on the juvenile arrest rate, and

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854 any other information required by the department. The department
855 shall coordinate and incorporate all such annual evaluation
856 reports with s. 985.632. Each entity is also subject to a
857 financial audit and a performance audit.

858 (f) The department may establish rules and policy
859 provisions necessary to implement this section.

860 Section 24. Paragraph (c) of subsection (18) of section
861 1001.42, Florida Statutes, is amended to read:

862 1001.42 Powers and duties of district school board.—The
863 district school board, acting as a board, shall exercise all
864 powers and perform all duties listed below:

865 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
866 Maintain a system of school improvement and education
867 accountability as provided by statute and State Board of
868 Education rule. This system of school improvement and education
869 accountability shall be consistent with, and implemented
870 through, the district's continuing system of planning and
871 budgeting required by this section and ss. 1008.385, 1010.01,
872 and 1011.01. This system of school improvement and education
873 accountability shall comply with the provisions of ss. 1008.33,
874 1008.34, 1008.345, and 1008.385 and include the following:

875 (c) *Public disclosure.*—The district school board shall
876 provide information regarding the performance of students and
877 educational programs as required pursuant to ss. 1008.22 and
878 1008.385 and implement a system of school reports as required by

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879 statute and State Board of Education rule which shall include
880 schools operating for the purpose of providing educational
881 services to students in Department of Juvenile Justice programs,
882 ~~and for those schools, report on the elements specified in s.~~
883 ~~1003.52(17)~~. Annual public disclosure reports shall be in an
884 easy-to-read report card format and shall include the school's
885 grade, high school graduation rate calculated without high
886 school equivalency examinations, disaggregated by student
887 ethnicity, and performance data as specified in state board
888 rule.

889 Section 25. Paragraph (a) of subsection (14) of section
890 1003.01, Florida Statutes, is amended to read:

891 1003.01 Definitions.—As used in this chapter, the term:

892 (14) (a) "Juvenile justice education programs or schools"
893 means programs or schools operating for the purpose of providing
894 educational services to youth in Department of Juvenile Justice
895 programs, for a school year composed of 250 days of instruction,
896 or the equivalent expressed in hours as specified in State Board
897 of Education rule, distributed over 12 months. If the period of
898 operation is expressed in hours, the State Board of Education
899 must review the calculation annually. ~~The use of the equivalent~~
900 ~~expressed in hours is only applicable to nonresidential~~
901 ~~programs. At the request of the provider,~~ A district school
902 board, including an educational entity under s. 985.619, may
903 decrease the minimum number of days of instruction by ~~up to 10~~

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904 ~~days for teacher planning for residential programs~~ and up to 20
905 days or equivalent hours as specified in the State Board of
906 Education rule for teacher planning ~~for nonresidential programs~~,
907 subject to the approval of the Department of Juvenile Justice
908 and the Department of Education.

909 Section 26. Subsections (2) through (5) of section
910 1003.51, Florida Statutes, are amended to read:

911 1003.51 Other public educational services.—

912 (2) The State Board of Education shall adopt rules
913 articulating expectations for effective education programs for
914 students in Department of Juvenile Justice programs, including,
915 but not limited to, education programs in juvenile justice
916 prevention, day treatment, ~~residential~~, and detention programs.
917 The rules ~~rule~~ shall establish policies and standards for
918 education programs for students in Department of Juvenile
919 Justice programs and shall include the following:

920 (a) The interagency collaborative process needed to ensure
921 effective programs with measurable results.

922 (b) The responsibilities of the Department of Education,
923 the Department of Juvenile Justice, CareerSource Florida, Inc.,
924 district school boards, and providers of education services to
925 students in Department of Juvenile Justice programs.

926 (c) Academic expectations.

927 (d) Career expectations.

928 (e) Education transition planning and services.

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929 (f) Service delivery options available to district school
930 boards, including direct service and contracting.

931 (g) Assessment procedures that, ~~which~~:

932 ~~1. For prevention, day treatment, and residential~~
933 ~~programs, include appropriate academic and career assessments~~
934 ~~administered at program entry and exit that are selected by the~~
935 ~~Department of Education in partnership with representatives from~~
936 ~~the Department of Juvenile Justice, district school boards, and~~
937 ~~education providers. Assessments must be completed within the~~
938 ~~first 10 school days after a student's entry into the program.~~

939 ~~2. provide for determination of the areas of academic need~~
940 ~~and strategies for appropriate intervention and instruction for~~
941 ~~each student in a detention facility within 5 school days after~~
942 ~~the student's entry into the program and administer a research-~~
943 ~~based assessment that will assist the student in determining his~~
944 ~~or her educational and career options and goals within 22 school~~
945 ~~days after the student's entry into the program.~~

946
947 The results of these assessments, together with a portfolio
948 depicting the student's academic and career accomplishments,
949 shall be included in the discharge packet assembled for each
950 student.

951 (h) Recommended instructional programs, using course
952 delivery models aligned to the state academic standards. Options
953 may include direct instruction, blended learning pursuant to s.

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954 1011.61(1), or district virtual instruction programs, virtual
955 charter schools, Florida Virtual School, virtual course
956 offerings, and district franchises of Florida Virtual School
957 pursuant to ss. 1002.33, 1002.37, 1002.45, 1002.455, 1003.498,
958 and 1011.62(1), and credit recovery course procedures including,
959 but not limited to:

- 960 1. Secondary education.
- 961 2. High school equivalency examination preparation.
- 962 3. Postsecondary education.
- 963 4. Career and technical ~~professional~~ education ~~(CAPE)~~.
- 964 5. Job preparation.
- 965 6. Virtual education that:
 - 966 a. Provides competency-based instruction that addresses
967 the unique academic needs of the student through delivery by an
968 entity accredited by a Department of Education-approved
969 accrediting body ~~AdvancedED or the Southern Association of~~
970 ~~Colleges and Schools~~.
 - 971 b. Confers certifications and diplomas.
 - 972 c. Issues credit that articulates with and transcripts
973 that are recognized by secondary schools.
 - 974 d. Allows the student to continue to access and progress
975 through the program once the student leaves the juvenile justice
976 system.
 - 977 (i) Funding requirements, which must provide that at least
978 95 percent of the FEFP funds generated by students in Department

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979 of Juvenile Justice programs or in an education program for
980 juveniles under s. 985.19 must be spent on instructional costs
981 for those students. Department of Juvenile Justice education
982 programs are entitled to 100 percent of the formula-based
983 categorical funds generated by students in Department of
984 Juvenile Justice programs. Such funds must be spent on
985 appropriate categoricals, such as instructional materials and
986 public school technology for those students.

987 (j) Qualifications of instructional staff, procedures for
988 the selection of instructional staff, and procedures for
989 consistent instruction and qualified staff year-round.
990 Qualifications shall include those for instructors of career and
991 technical education ~~CAPE~~ courses, standardized across the state,
992 and shall be based on state certification, local school district
993 approval, and industry-recognized certifications as identified
994 on the Master Credential ~~CAPE Industry Certification Funding~~
995 List. Procedures for the use of noncertified instructional
996 personnel who possess expert knowledge or experience in their
997 fields of instruction shall be established.

998 (k) Transition services, including the roles and
999 responsibilities of appropriate personnel in the juvenile
1000 justice education program, the school district where the student
1001 will reenter, provider organizations, and the Department of
1002 Juvenile Justice.

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1003 (l) Procedures and timeframe for transfer of education
1004 records when a student enters and leaves a Department of
1005 Juvenile Justice education program.

1006 (m) The requirement that each district school board
1007 maintain an academic transcript for each student enrolled in a
1008 juvenile justice education program that delineates each course
1009 completed by the student as provided by the State Course Code
1010 Directory.

1011 (n) The requirement that each district school board make
1012 available and transmit a copy of a student's transcript in the
1013 discharge packet when the student exits a juvenile justice
1014 education program.

1015 (o) Contract requirements.

1016 (p) Accountability and school improvement requirements as
1017 public alternative schools pursuant to ss. 1008.31, 1008.34,
1018 1008.341, and 1008.345 ~~Performance expectations for providers~~
1019 ~~and district school boards, including student performance~~
1020 ~~measures by type of program, education program performance~~
1021 ~~ratings, school improvement, and corrective action plans for~~
1022 ~~low-performing programs.~~

1023 (q) The role and responsibility of the district school
1024 board in securing workforce development funds.

1025 (r) A series of graduated sanctions for district school
1026 boards whose educational programs in Department of Juvenile
1027 Justice programs are considered to be unsatisfactory and for

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1028 instances in which district school boards fail to meet standards
1029 prescribed by law, rule, or State Board of Education policy.
1030 These sanctions shall include the option of requiring a district
1031 school board to contract with a provider or another district
1032 school board if the educational program at the Department of
1033 Juvenile Justice program is performing below minimum standards
1034 and, after 6 months, is still performing below minimum
1035 standards.

1036 ~~(s)~~ Curriculum, school ~~guidance~~ counseling, transition,
1037 and education services expectations, including curriculum
1038 flexibility for detention centers operated by the Department of
1039 Juvenile Justice.

1040 (s) ~~(t)~~ Other aspects of program operations.

1041 (3) The Department of Education in partnership with the
1042 Department of Juvenile Justice, the district school boards, and
1043 providers shall:

1044 (a) Develop and implement requirements for contracts and
1045 cooperative agreements regarding the delivery of appropriate
1046 education services to students in Department of Juvenile Justice
1047 education programs. The minimum contract requirements shall
1048 include, but are not limited to, payment structure and amounts;
1049 access to district services; contract management provisions;
1050 data reporting requirements, including reporting of full-time
1051 equivalent student membership; accountability requirements and
1052 corrective action plans, if needed; administration of federal

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1053 programs such as Title I, exceptional student education, and the
1054 federal Strengthening Career and Technical Education for the
1055 21st Century Act ~~Carl D. Perkins Career and Technical Education~~
1056 ~~Act of 2006~~; and the policy and standards included in subsection
1057 (2).

1058 (b) Develop and implement procedures for transitioning
1059 students into and out of Department of Juvenile Justice
1060 education programs. These procedures shall reflect the policy
1061 and standards adopted pursuant to subsection (2).

1062 (c) Maintain standardized required content of education
1063 records to be included as part of a student's commitment record
1064 and procedures for securing the student's records. The education
1065 records shall include, but not be limited to, the following:

1066 1. A copy of the student's individual educational plan, and
1067 Section 504 plan, or behavioral plan, if applicable.

1068 2. A copy of the student's individualized progress
1069 monitoring plan.

1070 3. A copy of the student's individualized transition plan.

1071 4. Data on student performance on assessments taken
1072 according to s. 1008.22.

1073 5. A copy of the student's permanent cumulative record.

1074 6. A copy of the student's academic transcript.

1075 7. A portfolio reflecting the student's academic
1076 accomplishments and industry certification earned, when age

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1077 appropriate, while in the Department of Juvenile Justice
1078 program.

1079 (d) Establish the roles and responsibilities of the
1080 juvenile probation officer and others involved in the withdrawal
1081 of the student from school and assignment to a juvenile justice
1082 education program.

1083 (4) Each district school board shall:

1084 (a) Notify students in juvenile justice education programs
1085 who attain the age of 16 years of the law regarding compulsory
1086 school attendance and make available the option of enrolling in
1087 an education program to attain a Florida high school diploma by
1088 taking the high school equivalency examination before release
1089 from the program. The Department of Education shall assist
1090 juvenile justice education programs with becoming high school
1091 equivalency examination centers.

1092 (b) Respond to requests for student education records
1093 received from another district school board or a juvenile
1094 justice education program within 3 ~~5~~ working days after
1095 receiving the request.

1096 (c) Provide access to courses offered pursuant to ss.
1097 1002.37, 1002.45, 1002.455, and 1003.498. School districts and
1098 providers may enter into cooperative agreements for the
1099 provision of curriculum associated with courses offered pursuant
1100 to s. 1003.498 to enable providers to offer such courses.

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1101 (d) Complete the assessment process required by subsection
1102 (2).

1103 (e) Monitor compliance with contracts for education
1104 programs for students in juvenile justice prevention, day
1105 treatment, ~~residential,~~ and detention programs.

1106 (5) The Department of Education shall issue an alternative
1107 school improvement rating for prevention and day treatment
1108 prevention juvenile justice education programs, pursuant to s.
1109 1008.341 ~~establish and operate, either directly or indirectly~~
1110 ~~through a contract, a mechanism to provide accountability~~
1111 ~~measures that annually assesses and evaluates all juvenile~~
1112 ~~justice education programs using student performance data and~~
1113 ~~program performance ratings by type of program and shall provide~~
1114 ~~technical assistance and related research to district school~~
1115 ~~boards and juvenile justice education providers. The Department~~
1116 ~~of Education, with input from the Department of Juvenile~~
1117 ~~Justice, school districts, and education providers, shall~~
1118 ~~develop annual recommendations for system and school~~
1119 ~~improvement.~~

1120 Section 27. Section 1003.52, Florida Statutes, is amended
1121 to read:

1122 1003.52 Educational services in Department of Juvenile
1123 Justice programs.—

1124 (1) The Department of Education shall serve as the lead
1125 agency for juvenile justice education programs, curriculum,

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1126 support services, and resources. To this end, the Department of
1127 Education and the Department of Juvenile Justice shall each
1128 designate a Coordinator for Juvenile Justice Education Programs
1129 to serve as the point of contact for resolving issues not
1130 addressed by district school boards and to provide each
1131 department's participation in the following activities:

1132 (a) Training, collaborating, and coordinating with
1133 district school boards, local workforce development boards, ~~and~~
1134 ~~local youth councils,~~ educational contract providers, and
1135 juvenile justice providers, whether state operated or
1136 contracted.

1137 (b) Collecting information on the academic, career and
1138 technical ~~professional~~ education ~~(CAPE)~~, and transition
1139 performance of students in juvenile justice programs and
1140 reporting on the results.

1141 (c) Developing academic and career and technical education
1142 ~~CAPE~~ protocols that provide guidance to district school boards
1143 and juvenile justice education providers in all aspects of
1144 education programming, including records transfer and
1145 transition.

1146 ~~(d) Implementing a joint accountability, program~~
1147 ~~performance, and program improvement process.~~

1148
1149 Annually, a cooperative agreement and plan for juvenile justice
1150 education service enhancement shall be developed between the

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1151 Department of Juvenile Justice and the Department of Education
1152 and submitted to the Secretary of Juvenile Justice and the
1153 Commissioner of Education by June 30. The plan shall include, at
1154 a minimum, each agency's role regarding educational program
1155 accountability, technical assistance, training, and coordination
1156 of services.

1157 (2) Students participating in Department of Juvenile
1158 Justice education programs pursuant to chapter 985 which are
1159 sponsored by a community-based agency or are operated or
1160 contracted for by the Department of Juvenile Justice shall
1161 receive education programs according to rules of the State Board
1162 of Education. These students shall be eligible for services
1163 afforded to students enrolled in programs pursuant to s. 1003.53
1164 and all corresponding State Board of Education rules.

1165 (3) The district school board of the county in which the
1166 juvenile justice education prevention, day treatment,
1167 ~~residential~~, or detention program is located shall provide or
1168 contract for appropriate educational assessments and an
1169 appropriate program of instruction and special education
1170 services.

1171 (a) All contracts between a district school board desiring
1172 to contract directly with juvenile justice education programs to
1173 provide academic instruction for students in such programs must
1174 be in writing and reviewed by the Department of Juvenile
1175 Justice. Unless both parties agree to an extension of time, the

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1176 district school board and the juvenile justice education program
1177 shall negotiate and execute a new or renewal contract within 40
1178 days after the district school board provides the proposal to
1179 the juvenile justice education program. The Department of
1180 Education shall provide mediation services for any disputes
1181 relating to this paragraph.

1182 (b) District school boards shall satisfy invoices issued
1183 by juvenile justice education programs within 15 working days
1184 after receipt. If a district school board does not timely issue
1185 a warrant for payment, it must pay to the juvenile justice
1186 education program interest at a rate of 1 percent per month,
1187 calculated on a daily basis, on the unpaid balance until such
1188 time as a warrant is issued for the invoice and accrued interest
1189 amount. The district school board may not delay payment to a
1190 juvenile justice education program of any portion of funds owed
1191 pending the district's receipt of local funds.

1192 (c) The district school board shall make provisions for
1193 each student to participate in basic career and technical
1194 education, ~~CAPE~~, and exceptional student programs, as
1195 appropriate. Students served in Department of Juvenile Justice
1196 education programs shall have access to the appropriate courses
1197 and instruction to prepare them for the high school equivalency
1198 examination. Students participating in high school equivalency
1199 examination preparation programs shall be funded at the basic
1200 program cost factor for Department of Juvenile Justice programs

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1201 in the Florida Education Finance Program. Each program shall be
1202 conducted according to applicable law providing for the
1203 operation of public schools and rules of the State Board of
1204 Education. School districts shall provide the high school
1205 equivalency examination exit option for all juvenile justice
1206 education programs, except for residential programs operated
1207 under s. 985.619.

1208 (d) The district school board shall select appropriate
1209 academic and career assessments to be administered at the time
1210 of program entry and exit for the purpose of developing goals
1211 for education transition plans, progress monitoring plans,
1212 individual education plans, as applicable, and federal
1213 reporting, as applicable ~~The Department of Education, with the~~
1214 ~~assistance of the school districts and juvenile justice~~
1215 ~~education providers, shall select a common student assessment~~
1216 ~~instrument and protocol for measuring student learning gains and~~
1217 ~~student progression while a student is in a juvenile justice~~
1218 ~~education program. The Department of Education and the~~
1219 ~~Department of Juvenile Justice shall jointly review the~~
1220 ~~effectiveness of this assessment and implement changes as~~
1221 ~~necessary.~~

1222 (4) Educational services shall be provided at times of the
1223 day most appropriate for the juvenile justice program. School
1224 programming in juvenile justice detention, prevention, or day
1225 treatment, ~~and residential~~ programs shall be made available by

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1226 the local school district during the juvenile justice school
1227 year, as provided in s. 1003.01(14). In addition, students in
1228 juvenile justice education programs shall have access to courses
1229 offered pursuant to ss. 1002.37, 1002.45, and 1003.498. The
1230 Department of Education and the school districts shall adopt
1231 policies necessary to provide such access.

1232 (5) The educational program shall provide instruction
1233 based on each student's individualized transition plan, assessed
1234 educational needs, and the education programs available in the
1235 school district in which the student will return. Depending on
1236 the student's needs, educational programming may consist of
1237 remedial courses, academic courses required for grade
1238 advancement, career and technical education ~~CAPE courses~~, high
1239 school equivalency examination preparation, or exceptional
1240 student education curricula and related services which support
1241 the transition goals and reentry and which may lead to
1242 completion of the requirements for receipt of a high school
1243 diploma or its equivalent. Prevention and day treatment juvenile
1244 justice education programs, at a minimum, shall provide career
1245 readiness and exploration opportunities as well as truancy and
1246 dropout prevention intervention services. ~~Residential juvenile
1247 justice education programs with a contracted minimum length of
1248 stay of 9 months shall provide CAPE courses that lead to
1249 preapprentice certifications and industry certifications.
1250 Programs with contracted lengths of stay of less than 9 months~~

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1251 ~~may provide career education courses that lead to preapprentice~~
1252 ~~certifications and CAPE industry certifications. If the duration~~
1253 ~~of a program is less than 40 days, the educational component may~~
1254 ~~be limited to tutorial remediation activities, career~~
1255 ~~employability skills instruction, education counseling, and~~
1256 ~~transition services that prepare students for a return to~~
1257 ~~school, the community, and their home settings based on the~~
1258 ~~students' needs.~~

1259 (6) Participation in the program by students of compulsory
1260 school-attendance age as provided for in s. 1003.21 shall be
1261 mandatory. All students of noncompulsory school-attendance age
1262 who have not received a high school diploma or its equivalent
1263 shall participate in the educational program, unless the student
1264 files a formal declaration of his or her intent to terminate
1265 school enrollment as described in s. 1003.21 and is afforded the
1266 opportunity to take the high school equivalency examination and
1267 attain a Florida high school diploma before release from a
1268 juvenile justice education program. A student who has received a
1269 high school diploma or its equivalent and is not employed shall
1270 participate in workforce development ~~or other CAPE education~~ or
1271 Florida College System institution or university courses while
1272 in the program, subject to available funding.

1273 (7) An individualized progress monitoring plan shall be
1274 developed for all students ~~not classified as exceptional~~
1275 ~~education students~~ upon entry in a juvenile justice education

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1276 program and upon reentry in the school district. These plans
1277 shall address academic, literacy, and career and technical
1278 skills and shall include provisions for intensive remedial
1279 instruction in the areas of weakness.

1280 (8) Each district school board shall maintain an academic
1281 record for each student enrolled in a juvenile justice education
1282 program as prescribed by s. 1003.51. Such record shall delineate
1283 each course completed by the student according to procedures in
1284 the State Course Code Directory. The district school board shall
1285 include a copy of a student's academic record in the discharge
1286 packet when the student exits the program.

1287 (9) Each district school board shall make provisions for
1288 high school level students to earn credits toward high school
1289 graduation while in ~~residential and nonresidential~~ juvenile
1290 justice detention, prevention, or day treatment education
1291 programs. Provisions must be made for the transfer of credits
1292 and partial credits earned.

1293 (10) School districts and juvenile justice education
1294 providers shall develop individualized transition plans during
1295 the course of a student's stay in a juvenile justice education
1296 program to coordinate academic, career and technical, and
1297 secondary and postsecondary services that assist the student in
1298 successful community reintegration upon release. Development of
1299 the transition plan shall be a collaboration of the personnel in
1300 the juvenile justice education program, reentry personnel,

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1301 personnel from the school district where the student will
1302 return, the student, the student's family, and the Department of
1303 Juvenile Justice ~~personnel for committed students~~.

1304 (a) Transition planning must begin upon a student's
1305 placement in the program. The transition plan must include, at a
1306 minimum:

1307 1. Services and interventions that address the student's
1308 assessed educational needs and postrelease education plans.

1309 2. Services to be provided during the program stay and
1310 services to be implemented upon release, including, but not
1311 limited to, continuing education in secondary school, career and
1312 technical education ~~CAPE programs~~, postsecondary education, or
1313 employment, based on the student's needs.

1314 3. Specific monitoring responsibilities to determine
1315 whether the individualized transition plan is being implemented
1316 and the student is provided access to support services that will
1317 sustain the student's success by individuals who are responsible
1318 for the reintegration and coordination of these activities.

1319 (b) For the purpose of transition planning and reentry
1320 services, representatives from the school district and the one-
1321 stop center where the student will return shall participate as
1322 members of the local Department of Juvenile Justice reentry
1323 teams. The school district, upon return of a student from a
1324 juvenile justice education program, must consider the individual
1325 needs and circumstances of the student and the transition plan

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1326 recommendations when reenrolling a student in a public school. A
1327 local school district may not maintain a standardized policy for
1328 all students returning from a juvenile justice program but place
1329 students based on their needs and their performance in the
1330 juvenile justice education program, including any virtual
1331 education options.

1332 (c) The Department of Education and the Department of
1333 Juvenile Justice shall provide oversight and guidance to school
1334 districts, education providers, and reentry personnel on how to
1335 implement effective educational transition planning and
1336 services.

1337 (11) The district school board shall recruit and train
1338 teachers who are ~~interested, qualified, or experienced~~ in
1339 educating students in juvenile justice programs. Students in
1340 juvenile justice programs shall be provided a wide range of
1341 education programs and opportunities including instructional
1342 materials ~~textbooks~~, technology, instructional support, and
1343 resources commensurate with resources provided to students in
1344 public schools, including instructional materials ~~textbooks~~ and
1345 access to technology. If the district school board operates a
1346 juvenile justice education program at a juvenile justice
1347 facility, the district school board, in consultation with the
1348 director of the juvenile justice facility, shall select the
1349 instructional personnel assigned to that program. The Secretary
1350 of Juvenile Justice or the director of a juvenile justice

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1351 program may request that the performance of a teacher assigned
1352 by the district to a juvenile justice education program be
1353 reviewed by the district and that the teacher be reassigned
1354 based upon an evaluation conducted pursuant to s. 1012.34 or for
1355 inappropriate behavior. Juvenile justice education programs
1356 shall have access to the substitute teacher pool used by the
1357 district school board.

1358 (12) District school boards may contract with a private
1359 provider for the provision of education programs to students
1360 placed in juvenile justice detention, prevention, or day
1361 treatment programs with the Department of Juvenile Justice and
1362 shall generate local, state, and federal funding, including
1363 funding through the Florida Education Finance Program for such
1364 students. The district school board's planning and budgeting
1365 process shall include the needs of Department of Juvenile
1366 Justice education programs in the district school board's plan
1367 for expenditures for state categorical and federal funds.

1368 (13) (a) Eligible students enrolled in juvenile justice
1369 detention, prevention, or day treatment education programs shall
1370 be funded the same as students enrolled in traditional public
1371 schools funded in the Florida Education Finance Program and as
1372 specified in s. 1011.62 and the General Appropriations Act.

1373 (b) Juvenile justice education programs to receive the
1374 appropriate FEFP funding for Department of Juvenile Justice

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1375 education programs shall include those operated through a
1376 contract with the Department of Juvenile Justice.

1377 (c) Consistent with the rules of the State Board of
1378 Education, district school boards shall request an alternative
1379 FTE survey for Department of Juvenile Justice education programs
1380 experiencing fluctuations in student enrollment.

1381 (d) FTE count periods shall be prescribed in rules of the
1382 State Board of Education and shall be the same for programs of
1383 the Department of Juvenile Justice as for other public school
1384 programs. The summer school period for students in Department of
1385 Juvenile Justice education programs shall begin on the day
1386 immediately following the end of the regular school year and end
1387 on the day immediately preceding the subsequent regular school
1388 year. Students shall be funded for no more than 25 hours per
1389 week of direct instruction.

1390 (e) Each juvenile justice education program must receive
1391 all federal funds for which the program is eligible.

1392 (14) Each district school board shall negotiate a
1393 cooperative agreement with the Department of Juvenile Justice on
1394 the delivery of educational services to students in juvenile
1395 justice detention, prevention, or day treatment programs under
1396 the jurisdiction of the Department of Juvenile Justice. Such
1397 agreement must include, but is not limited to:

1398 (a) Roles and responsibilities of each agency, including
1399 the roles and responsibilities of contract providers.

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1400 (b) Administrative issues including procedures for sharing
1401 information.

1402 (c) Allocation of resources including maximization of
1403 local, state, and federal funding.

1404 (d) Procedures for educational evaluation for educational
1405 exceptionalities and special needs.

1406 (e) Curriculum and delivery of instruction.

1407 (f) Classroom management procedures and attendance
1408 policies.

1409 (g) Procedures for provision of qualified instructional
1410 personnel, whether supplied by the district school board or
1411 provided under contract by the provider, and for performance of
1412 duties while in a juvenile justice setting.

1413 (h) Provisions for improving skills in teaching and
1414 working with students referred to juvenile justice education
1415 programs.

1416 (i) Transition plans for students moving into and out of
1417 juvenile justice education programs.

1418 (j) Procedures and timelines for the timely documentation
1419 of credits earned and transfer of student records.

1420 (k) Methods and procedures for dispute resolution.

1421 (l) Provisions for ensuring the safety of education
1422 personnel and support for the agreed-upon education program.

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1423 (m) Strategies for correcting any deficiencies found
1424 through the alternative school improvement rating accountability
1425 ~~and evaluation system~~ and student performance measures.

1426 (n) Career and academic assessments selected by the
1427 district pursuant to paragraph (3)(d).

1428 (15) Nothing in this section or in a cooperative agreement
1429 requires the district school board to provide more services than
1430 can be supported by the funds generated by students in the
1431 juvenile justice programs.

1432 ~~(16) The Department of Education, in consultation with the~~
1433 ~~Department of Juvenile Justice, district school boards, and~~
1434 ~~providers, shall adopt rules establishing:~~

1435 ~~(a) Objective and measurable student performance measures~~
1436 ~~to evaluate a student's educational progress while participating~~
1437 ~~in a prevention, day treatment, or residential program. The~~
1438 ~~student performance measures must be based on appropriate~~
1439 ~~outcomes for all students in juvenile justice education~~
1440 ~~programs, taking into consideration the student's length of stay~~
1441 ~~in the program. Performance measures shall include outcomes that~~
1442 ~~relate to student achievement of career education goals,~~
1443 ~~acquisition of employability skills, receipt of a high school~~
1444 ~~diploma or its equivalent, grade advancement, and the number of~~
1445 ~~CAPE industry certifications earned.~~

1446 ~~(b) A performance rating system to be used by the~~
1447 ~~Department of Education to evaluate the delivery of educational~~

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1448 ~~services within each of the juvenile justice programs. The~~
1449 ~~performance rating shall be primarily based on data regarding~~
1450 ~~student performance as described in paragraph (a).~~

1451 ~~(c) The timeframes, procedures, and resources to be used~~
1452 ~~to improve a low-rated educational program or to terminate or~~
1453 ~~reassign the program.~~

1454 ~~(d) The Department of Education, in partnership with the~~
1455 ~~Department of Juvenile Justice, shall develop a comprehensive~~
1456 ~~accountability and program improvement process. The~~
1457 ~~accountability and program improvement process shall be based on~~
1458 ~~student performance measures by type of program and shall rate~~
1459 ~~education program performance. The accountability system shall~~
1460 ~~identify and recognize high-performing education programs. The~~
1461 ~~Department of Education, in partnership with the Department of~~
1462 ~~Juvenile Justice, shall identify low-performing programs. Low-~~
1463 ~~performing education programs shall receive an onsite program~~
1464 ~~evaluation from the Department of Juvenile Justice. School~~
1465 ~~improvement, technical assistance, or the reassignment of the~~
1466 ~~program shall be based, in part, on the results of the program~~
1467 ~~evaluation. Through a corrective action process, low-performing~~
1468 ~~programs must demonstrate improvement or the programs shall be~~
1469 ~~reassigned.~~

1470 ~~(17) The department, in collaboration with the Department~~
1471 ~~of Juvenile Justice, shall collect data and report on~~
1472 ~~commitment, day treatment, prevention, and detention programs.~~

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1473 ~~The report shall be submitted to the President of the Senate,~~
1474 ~~the Speaker of the House of Representatives, and the Governor by~~
1475 ~~February 1 of each year. The report must include, at a minimum:~~

1476 ~~(a) The number and percentage of students who:~~

1477 ~~1. Return to an alternative school, middle school, or high~~
1478 ~~school upon release and the attendance rate of such students~~
1479 ~~before and after participation in juvenile justice education~~
1480 ~~programs.~~

1481 ~~2. Receive a standard high school diploma or a high school~~
1482 ~~equivalency diploma.~~

1483 ~~3. Receive industry certification.~~

1484 ~~4. Enroll in a postsecondary educational institution.~~

1485 ~~5. Complete a juvenile justice education program without~~
1486 ~~reoffending.~~

1487 ~~6. Reoffend within 1 year after completion of a day~~
1488 ~~treatment or residential commitment program.~~

1489 ~~7. Remain employed 1 year after completion of a day~~
1490 ~~treatment or residential commitment program.~~

1491 ~~8. Demonstrate learning gains pursuant to paragraph~~
1492 ~~(3)(d).~~

1493 ~~(b) The following cost data for each juvenile justice~~
1494 ~~education program:~~

1495 ~~1. The amount of funding provided by district school~~
1496 ~~boards to juvenile justice programs and the amount retained for~~

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1497 ~~administration, including documenting the purposes of such~~
1498 ~~expenses.~~

1499 ~~2. The status of the development of cooperative~~
1500 ~~agreements.~~

1501 ~~3. Recommendations for system improvement.~~

1502 ~~4. Information on the identification of, and services~~
1503 ~~provided to, exceptional students, to determine whether these~~
1504 ~~students are properly reported for funding and are appropriately~~
1505 ~~served.~~

1506 ~~(18)~~ The district school board shall not be charged any
1507 rent, maintenance, utilities, or overhead on such facilities.
1508 Maintenance, repairs, and remodeling of existing detention
1509 facilities shall be provided by the Department of Juvenile
1510 Justice.

1511 (17) ~~(19)~~ When additional facilities are required for
1512 juvenile justice detention, prevention, or day treatment
1513 programs, the district school board and the Department of
1514 Juvenile Justice shall agree on the appropriate site based on
1515 the instructional needs of the students. When the most
1516 appropriate site for instruction is on district school board
1517 property, a special capital outlay request shall be made by the
1518 commissioner in accordance with s. 1013.60. When the most
1519 appropriate site is on state property, state capital outlay
1520 funds shall be requested by the Department of Juvenile Justice
1521 provided by s. 216.043 and shall be submitted as specified by s.

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1522 216.023. Any instructional facility to be built on state
1523 property shall have educational specifications jointly developed
1524 by the district school board and the Department of Juvenile
1525 Justice and approved by the Department of Education. The size of
1526 space and occupant design capacity criteria as provided by State
1527 Board of Education rules shall be used for remodeling or new
1528 construction whether facilities are provided on state property
1529 or district school board property.

1530 ~~(18)-(20)~~ The parent of an exceptional student shall have
1531 the due process rights provided for in this chapter.

1532 ~~(19)-(21)~~ The State Board of Education shall adopt rules
1533 necessary to implement this section. Such rules must require the
1534 minimum amount of paperwork and reporting.

1535 ~~(22) The Department of Juvenile Justice and the Department~~
1536 ~~of Education, in consultation with CareerSource Florida, Inc.,~~
1537 ~~the statewide Workforce Development Youth Council, district~~
1538 ~~school boards, Florida College System institutions, providers,~~
1539 ~~and others, shall jointly develop a multiagency plan for CAPE~~
1540 ~~which describes the funding, curriculum, transfer of credits,~~
1541 ~~goals, and outcome measures for career education programming in~~
1542 ~~juvenile commitment facilities, pursuant to s. 985.622. The plan~~
1543 ~~must be reviewed annually.~~

1544 Section 28. For the purpose of incorporating the amendment
1545 made by this act to section 985.115, Florida Statutes, in a

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1546 reference thereto, subsection (1) of section 985.25, Florida
1547 Statutes, is reenacted to read:

1548 985.25 Detention intake.—

1549 (1) The department shall receive custody of a child who
1550 has been taken into custody from the law enforcement agency or
1551 court and shall review the facts in the law enforcement report
1552 or probable cause affidavit and make such further inquiry as may
1553 be necessary to determine whether detention care is appropriate.

1554 (a) During the period of time from the taking of the child
1555 into custody to the date of the detention hearing, the initial
1556 decision as to the child's placement into detention care shall
1557 be made by the department under ss. 985.24 and 985.245(1).

1558 (b) The department shall base the decision whether to place the
1559 child into detention care on an assessment of risk in accordance
1560 with the risk assessment instrument and procedures developed by
1561 the department under s. 985.245, except that a child shall be
1562 placed in secure detention care until the child's detention
1563 hearing if the child meets the criteria specified in s.

1564 985.255(1)(f), is charged with possessing or discharging a
1565 firearm on school property in violation of s. 790.115, or is
1566 charged with any other offense involving the possession or use
1567 of a firearm.

1568 (c) If the final score on the child's risk assessment
1569 instrument indicates detention care is appropriate, but the
1570 department otherwise determines the child should be released,

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1571 the department shall contact the state attorney, who may
1572 authorize release.

1573 (d) If the final score on the risk assessment instrument
1574 indicates detention is not appropriate, the child may be
1575 released by the department in accordance with ss. 985.115 and
1576 985.13.

1577
1578 Under no circumstances shall the department or the state
1579 attorney or law enforcement officer authorize the detention of
1580 any child in a jail or other facility intended or used for the
1581 detention of adults, without an order of the court.

1582 Section 29. For the purpose of incorporating the amendment
1583 made by this act to section 985.27, Florida Statutes, in a
1584 reference thereto, subsection (3) of section 985.255, Florida
1585 Statutes, is reenacted to read:

1586 985.255 Detention criteria; detention hearing.—

1587 (3)(a) The purpose of the detention hearing required under
1588 subsection (1) is to determine the existence of probable cause
1589 that the child has committed the delinquent act or violation of
1590 law that he or she is charged with and the need for continued
1591 detention. The court shall use the results of the risk
1592 assessment performed by the department and, based on the
1593 criteria in subsection (1), shall determine the need for
1594 continued detention. If the child is a prolific juvenile
1595 offender who is detained under s. 985.26(2)(c), the court shall

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1596 use the results of the risk assessment performed by the
1597 department and the criteria in subsection (1) or subsection (2)
1598 only to determine whether the prolific juvenile offender should
1599 be held in secure detention.

1600 (b) If the court orders a placement more restrictive than
1601 indicated by the results of the risk assessment instrument, the
1602 court shall state, in writing, clear and convincing reasons for
1603 such placement.

1604 (c) Except as provided in s. 790.22(8) or s. 985.27, when
1605 a child is placed into detention care, or into a respite home or
1606 other placement pursuant to a court order following a hearing,
1607 the court order must include specific instructions that direct
1608 the release of the child from such placement no later than 5
1609 p.m. on the last day of the detention period specified in s.
1610 985.26 or s. 985.27, whichever is applicable, unless the
1611 requirements of such applicable provision have been met or an
1612 order of continuance has been granted under s. 985.26(4). If the
1613 court order does not include a release date, the release date
1614 shall be requested from the court on the same date that the
1615 child is placed in detention care. If a subsequent hearing is
1616 needed to provide additional information to the court for safety
1617 planning, the initial order placing the child in detention care
1618 shall reflect the next detention review hearing, which shall be
1619 held within 3 calendar days after the child's initial detention
1620 placement.

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1621 Section 30. For the purpose of incorporating the amendment
1622 made by this act to section 985.441, Florida Statutes, in a
1623 reference thereto, paragraph (h) of subsection (2) of section
1624 985.475, Florida Statutes, is reenacted to read:

1625 985.475 Juvenile sexual offenders.—

1626 (2) Following a delinquency adjudicatory hearing under s.
1627 985.35, the court may on its own or upon request by the state or
1628 the department and subject to specific appropriation, determine
1629 whether a juvenile sexual offender placement is required for the
1630 protection of the public and what would be the best approach to
1631 address the treatment needs of the juvenile sexual offender.
1632 When the court determines that a juvenile has no history of a
1633 recent comprehensive assessment focused on sexually deviant
1634 behavior, the court may, subject to specific appropriation,
1635 order the department to conduct or arrange for an examination to
1636 determine whether the juvenile sexual offender is amenable to
1637 community-based treatment.

1638 (h) If the juvenile sexual offender violates any condition
1639 of the disposition or the court finds that the juvenile sexual
1640 offender is failing to make satisfactory progress in treatment,
1641 the court may revoke the community-based treatment alternative
1642 and order commitment to the department under s. 985.441.

1643 Section 31. For the purpose of incorporating the amendment
1644 made by this act to section 985.441, Florida Statutes, in a

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1645 reference thereto, paragraph (b) of subsection (4) of section
1646 985.565, Florida Statutes, is reenacted to read:
1647 985.565 Sentencing powers; procedures; alternatives for
1648 juveniles prosecuted as adults.—
1649 (4) SENTENCING ALTERNATIVES.—
1650 (b) *Juvenile sanctions.*—For juveniles transferred to adult
1651 court but who do not qualify for such transfer under s.
1652 985.556(3), the court may impose juvenile sanctions under this
1653 paragraph. If juvenile sentences are imposed, the court shall,
1654 under this paragraph, adjudge the child to have committed a
1655 delinquent act. Adjudication of delinquency may not be deemed a
1656 conviction, nor shall it operate to impose any of the civil
1657 disabilities ordinarily resulting from a conviction. The court
1658 shall impose an adult sanction or a juvenile sanction and may
1659 not sentence the child to a combination of adult and juvenile
1660 punishments. An adult sanction or a juvenile sanction may
1661 include enforcement of an order of restitution or probation
1662 previously ordered in any juvenile proceeding. However, if the
1663 court imposes a juvenile sanction and the department determines
1664 that the sanction is unsuitable for the child, the department
1665 shall return custody of the child to the sentencing court for
1666 further proceedings, including the imposition of adult
1667 sanctions. Upon adjudicating a child delinquent under subsection
1668 (1), the court may:

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1669 1. Place the child in a probation program under the
1670 supervision of the department for an indeterminate period of
1671 time until the child reaches the age of 19 years or sooner if
1672 discharged by order of the court.

1673 2. Commit the child to the department for treatment in an
1674 appropriate program for children for an indeterminate period of
1675 time until the child is 21 or sooner if discharged by the
1676 department. The department shall notify the court of its intent
1677 to discharge no later than 14 days before discharge. Failure of
1678 the court to timely respond to the department's notice shall be
1679 considered approval for discharge.

1680 3. Order disposition under ss. 985.435, 985.437, 985.439,
1681 985.441, 985.45, and 985.455 as an alternative to youthful
1682 offender or adult sentencing if the court determines not to
1683 impose youthful offender or adult sanctions.

1684
1685 It is the intent of the Legislature that the criteria and
1686 guidelines in this subsection are mandatory and that a
1687 determination of disposition under this subsection is subject to
1688 the right of the child to appellate review under s. 985.534.

1689 Section 32. For the purpose of incorporating the amendment
1690 made by this act to section 985.03, Florida Statutes, in a
1691 reference thereto, section 985.721, Florida Statutes, is
1692 reenacted to read:

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1693 985.721 Escapes from secure detention or residential
1694 commitment facility.—An escape from:
1695 (1) Any secure detention facility maintained for the
1696 temporary detention of children, pending adjudication,
1697 disposition, or placement;
1698 (2) Any residential commitment facility described in s.
1699 985.03(44), maintained for the custody, treatment, punishment,
1700 or rehabilitation of children found to have committed delinquent
1701 acts or violations of law; or (3) Lawful transportation to or
1702 from any such secure detention facility or residential
1703 commitment facility,
1704
1705 constitutes escape within the intent and meaning of s. 944.40
1706 and is a felony of the third degree, punishable as provided in
1707 s. 775.082, s. 775.083, or s. 775.084.

1711 -----
1712 **T I T L E A M E N D M E N T**

1713 Remove lines 34-44 and insert:
1714 purposes; amending s. 985.619, F.S.; providing the board of
1715 trustees of the Florida Scholars Academy the power and duty to
1716 review and approve an annual academic calendar; authorizing the
1717 board of trustees to decrease the minimum number of days for

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1718 instruction; amending s. 985.664, F.S.; substantially revising
1719 provisions relating to juvenile justice circuit advisory boards;
1720 amending ss. 985.668 and 985.676, F.S.; conforming provisions to
1721 changes made by the act; amending s. 1001.42, F.S.; conforming a
1722 provision to changes made by the act; amending s. 1003.01, F.S.;
1723 revising the definition of the term "juvenile justice education
1724 programs or schools"; amending s. 1003.51, F.S.; revising
1725 requirements for certain State Board of Education rules to
1726 establish policies and standards for certain education programs;
1727 revising requirements for the Department of Education, in
1728 partnership with the Department of Juvenile Justice, the
1729 district school boards, and education providers, to develop and
1730 implement certain contract requirements and to maintain
1731 standardized required content of education records; revising
1732 district school board requirements; revising departmental
1733 requirements relating to juvenile justice education programs;
1734 amending s. 1003.52, F.S.; revising the role of Coordinators for
1735 Juvenile Justice Education Programs in collecting certain
1736 information and developing certain protocols; deleting
1737 provisions relating to career and professional education (CAPE);
1738 requiring district school boards to select appropriate academic
1739 and career assessments to be administered at the time of program
1740 entry and exit; deleting provisions related to requiring
1741 residential juvenile justice education programs to provide
1742 certain CAPE courses; requiring each district school board to

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1743 make provisions for high school level students to earn credits
1744 toward high school graduation while in juvenile justice
1745 detention, prevention, or day treatment programs; authorizing
1746 district school boards to contract with private providers for
1747 the provision of education programs to students placed in such
1748 programs; requiring each district school board to negotiate a
1749 cooperative agreement with the department on the delivery of
1750 educational services to students in such programs; revising
1751 requirements for such agreements; deleting provisions requiring
1752 the Department of Education, in consultation with the Department
1753 of Juvenile Justice, to adopt rules and collect data and report
1754 on certain programs; deleting a provision requiring that
1755 specified entities jointly develop a multiagency plan for CAPE;
1756 conforming provisions to changes made by the act; reenacting s.
1757 985.25(1), F.S., relating to detention intakes, to incorporate
1758 the amendment made to s. 985.115, F.S., in a reference thereto;
1759 reenacting s. 985.255(3), F.S., relating to detention criteria
1760 and detention hearings, to incorporate the amendment made to s.
1761 985.27, F.S., in a reference thereto; reenacting ss.
1762 985.475(2)(h) and 985.565(4)(b), F.S., relating to juvenile
1763 sexual offenders and juvenile sanctions, respectively, to
1764 incorporate the amendment made to s. 985.441, F.S., in
1765 references thereto; reenacting s. 985.721, F.S., relating to
1766 escapes from secure detention or residential commitment

COMMITTEE/SUBCOMMITTEE AMENDMENT

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1767 facilities, to incorporate the amendment made to s. 985.03,
1768 F.S., in a reference thereto; providing an effective