

1 A bill to be entitled
 2 An act relating to juvenile justice; amending s. 29.008, F.S.;
 3 conforming cross-references; amending s. 790.22, F.S.; revising
 4 provisions relating to community service programs; amending s.
 5 939.185, F.S.; providing diversion options; amending s. 984.05,
 6 F.S., conforming cross-references; amending s. 984.09, F.S.;
 7 deleting duplicative provisions relating to contempt of court
 8 and alternative sanctions; amending s. 985.02, F.S.; providing
 9 diversion options; amending s. 985.03, F.S.; defining the term
 10 "ordinary medical care"; amending and renumber provisions of s.
 11 985.037, F.S.; relating to alterative sanctions; creating s.
 12 985.0375, F.S.; providing for alternative sanctions; amending s.
 13 985.04, F.S.; providing that confidential information obtained
 14 during an official's service with juvenile delinquents may be
 15 shared with authorized personnel of the Department of Children
 16 and Family Services; amending s. 985.245, F.S.; providing
 17 additional representatives to the committee; amending s.
 18 985.265, F.S.; providing an exception in direct supervision
 19 housing; amending s. 985.601, F.S.; requiring the Department of
 20 Juvenile Justice to adopt rules to establish procedures to
 21 provide ordinary medical care, mental health, substance abuse,
 22 and developmental disabilities services to youth within the
 23 juvenile justice continuum; requiring that, to the extent
 24 possible within available fiscal resources, the procedures must
 25 be commensurate with procedures that youth receive in the
 26 community; amending s. 985.606, F.S.; revising provisions to
 27 data collection; amending s. 985.632, F.S.; creating an
 28 accountable juvenile justice system that is outcome-based;

PCB SSC 08-04

ORIGINAL

2008

29 amending s. 985.644, F.S.; removing the reference to the
 30 Department of Children and Family Services; amending s. 985.66,
 31 F.S.; transferring the responsibility for the juvenile justice
 32 training program from the Juvenile Justice Standards and
 33 Training Commission to the Department of Juvenile Justice;
 34 requiring the department to adopt rules; amending s. 985.664,
 35 F.S.; providing a reference to the Children and Youth Cabinet;
 36 amending s. 985.668, F.S.; including councils for proposals;
 37 amending s. 985.676, F.S.; including the development and
 38 implantation of a strategic plan; amending s. 985.721, F.S.;
 39 conforming a cross-reference; creating s. 1006.125, F.S.;
 40 regarding referrals to law enforcement and serious criminal
 41 offenses; amending s. 1006.13, F.S.; removing the reference of
 42 zero tolerance; providing an appropriation; providing an
 43 effective date.

44

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

46

47 Section 1. Paragraph (b) of subsection (3) of section
 48 29.008, Florida Statutes, is amended to read:

49

29.008 County funding of court-related functions.--

50

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

52

(b) Alternative sanctions coordinators pursuant to s.
 53 985.0375 ~~ss. 984.09 and 985.037~~.

54

Section 2. Paragraph (c) of subsection (4) of section
 55 790.22, Florida Statutes, is amended to read:

PCB SSC 08-04

ORIGINAL

2008

56 790.22 Use of BB guns, air or gas-operated guns, or
 57 electric weapons or devices by minor under 16; limitation;
 58 possession of firearms by minor under 18 prohibited; penalties.-

59 -

60 (4)

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

70 Section 3. Paragraph (a) of subsection (1) of section
 71 939.185, Florida Statutes, is amended to read:

72 939.185 Assessment of additional court costs and
 73 surcharges.--

74 (1) (a) The board of county commissioners may adopt by
 75 ordinance an additional court cost, not to exceed \$65, to be
 76 imposed by the court when a person pleads guilty or nolo
 77 contendere to, or is found guilty of, or adjudicated delinquent
 78 for, any felony, misdemeanor, delinquent act, or criminal
 79 traffic offense under the laws of this state. Such additional
 80 assessment shall be accounted for separately by the county in
 81 which the offense occurred and be used only in the county
 82 imposing this cost, to be allocated as follows:

83 1. Twenty-five percent of the amount collected shall be
 84 allocated to fund innovations to supplement state funding for
 85 the elements of the state courts system identified in s. 29.004
 86 and county funding for local requirements under s.
 87 29.008(2)(a)2.

88 2. Twenty-five percent of the amount collected shall be
 89 allocated to assist counties in providing legal aid programs
 90 required under s. 29.008(3)(a).

91 3. Twenty-five percent of the amount collected shall be
 92 allocated to fund personnel and legal materials for the public
 93 as part of a law library.

94 4. Twenty-five percent of the amount collected shall be
 95 used as determined by the board of county commissioners to
 96 support teen court programs, except as provided in s. 938.19(7),
 97 juvenile assessment centers, and other juvenile alternative
 98 programs that include diversion options for first time
 99 misdemeanant youth or youth age 10 or younger.

100
 101 Each county receiving funds under this section shall report the
 102 amount of funds collected pursuant to this section and an
 103 itemized list of expenditures for all authorized programs and
 104 activities. The report shall be submitted in a format developed
 105 by the Supreme Court to the Governor, the Chief Financial
 106 Officer, the President of the Senate, and the Speaker of the
 107 House of Representatives on a quarterly basis beginning with the
 108 quarter ending September 30, 2004. Quarterly reports shall be
 109 submitted no later than 30 days after the end of the quarter.
 110 Any unspent funds at the close of the county fiscal year

111 allocated under subparagraphs 2., 3., and 4., shall be
 112 transferred for use pursuant to subparagraph 1.

113 Section 4. Section 984.05, Florida Statutes, is amended to
 114 read:

115 984.05 Rules relating to habitual truants; adoption by
 116 State Board of Education and Department of Juvenile Justice.--
 117 The Department of Juvenile Justice and the State Board of
 118 Education shall work together on the development of, and shall
 119 adopt, rules as necessary for administering the implementation
 120 of ss. 984.03(27), 985.03(26) ~~985.03(25)~~, and 1003.27.

121 Section 5. Section 984.09, Florida Statutes, is amended to
 122 read:

123 984.09 Punishment for contempt of court; ~~alternative~~
 124 ~~sanctions.~~--

125 (1) CONTEMPT OF COURT; ~~LEGISLATIVE INTENT.~~--Except as
 126 otherwise provided in this section, the court may punish any
 127 child for contempt for interfering with the court or with court
 128 administration, or for violating any provision of this chapter
 129 or order of the court relative thereto as provided in s.
 130 985.037. ~~It is the intent of the Legislature that the court~~
 131 ~~restrict and limit the use of contempt powers with respect to~~
 132 ~~commitment of a child to a secure facility. A child who commits~~
 133 ~~direct contempt of court or indirect contempt of a valid court~~
 134 ~~order may be taken into custody and ordered to serve an~~
 135 ~~alternative sanction or placed in a secure facility, as~~
 136 ~~authorized in this section, by order of the court.~~

137 (2) PLACEMENT IN A SECURE FACILITY.--

138 (a) A child may be placed in a secure facility as provided
 139 in s. 985.037(2) ~~for purposes of punishment for contempt of~~
 140 ~~court if alternative sanctions are unavailable or inappropriate,~~
 141 ~~or if the child has already been ordered to serve an alternative~~
 142 ~~sanction but failed to comply with the sanction.~~

143 ~~(a)~~ A delinquent child who has been held in direct or
 144 indirect contempt may be placed in a secure detention facility
 145 ~~for 5 days for a first offense or 15 days for a second or~~
 146 ~~subsequent offense,~~ or in a secure residential commitment
 147 facility.

148 (b) A child in need of services who has been held in
 149 direct contempt or indirect contempt may be placed, for 5 days
 150 for a first offense or 15 days for a second or subsequent
 151 offense, in a staff-secure shelter or a staff-secure residential
 152 facility solely for children in need of services if such
 153 placement is available, or, if such placement is not available,
 154 the child may be placed in an appropriate mental health facility
 155 or substance abuse facility for assessment. In addition to
 156 disposition under this paragraph, a child in need of services
 157 who is held in direct contempt or indirect contempt may be
 158 placed in a physically secure setting as provided under s.
 159 984.226 if conditions of eligibility are met.

160 ~~(3) ALTERNATIVE SANCTIONS. Each judicial circuit shall~~
 161 ~~have an alternative sanctions coordinator who shall serve under~~
 162 ~~the chief administrative judge of the juvenile division of the~~
 163 ~~circuit court, and who shall coordinate and maintain a spectrum~~
 164 ~~of contempt sanction alternatives in conjunction with the~~
 165 ~~circuit plan implemented in accordance with s. 790.22(4)(c).~~

166 ~~Upon determining that a child has committed direct contempt of~~
 167 ~~court or indirect contempt of a valid court order, the court may~~
 168 ~~immediately request the alternative sanctions coordinator to~~
 169 ~~recommend the most appropriate available alternative sanction~~
 170 ~~and shall order the child to perform up to 50 hours of~~
 171 ~~community service manual labor or a similar alternative~~
 172 ~~sanction, unless an alternative sanction is unavailable or~~
 173 ~~inappropriate, or unless the child has failed to comply with a~~
 174 ~~prior alternative sanction. Alternative contempt sanctions may~~
 175 ~~be provided by local industry or by any nonprofit organization~~
 176 ~~or any public or private business or service entity that has~~
 177 ~~entered into a contract with the Department of Juvenile Justice~~
 178 ~~to act as an agent of the state to provide voluntary supervision~~
 179 ~~of children on behalf of the state in exchange for the manual~~
 180 ~~labor of children and limited immunity in accordance with s.~~
 181 ~~768.28(11).~~

182 ~~(3)(4) CHILDREN IN NEED OF SERVICES CONTEMPT OF COURT~~
 183 ~~SANCTIONS; PROCEDURE AND DUE PROCESS. --~~

184 ~~(a) If a child is charged with direct contempt of court,~~
 185 ~~including traffic court, the court may impose an authorized~~
 186 ~~sanction immediately.~~

187 ~~(b) If a child is charged with indirect contempt of court,~~
 188 ~~the court must hold a hearing within 24 hours to determine~~
 189 ~~whether the child committed indirect contempt of a valid court~~
 190 ~~order. At the hearing, the following due process rights must be~~
 191 ~~provided to the child:~~

- 192 ~~1. Right to a copy of the order to show cause alleging~~
- 193 ~~facts supporting the contempt charge.~~

- 194 ~~2. Right to an explanation of the nature and the~~
- 195 ~~consequences of the proceedings.~~
- 196 ~~3. Right to legal counsel and the right to have legal~~
- 197 ~~counsel appointed by the court if the juvenile is indigent,~~
- 198 ~~pursuant to s. 985.033.~~
- 199 ~~4. Right to confront witnesses.~~
- 200 ~~5. Right to present witnesses.~~
- 201 ~~6. Right to have a transcript or record of the proceeding.~~
- 202 ~~7. Right to appeal to an appropriate court.~~

203

204 ~~The child's parent or guardian may address the court regarding~~

205 ~~the due process rights of the child. The court shall review the~~

206 ~~placement of the child every 72 hours to determine whether it is~~

207 ~~appropriate for the child to remain in the facility.~~

208 ~~(c) The court may not order that a child be placed in a~~

209 ~~secure facility for punishment for contempt unless the court~~

210 ~~determines that an alternative sanction is inappropriate or~~

211 ~~unavailable or that the child was initially ordered to an~~

212 ~~alternative sanction and did not comply with the alternative~~

213 ~~sanction. The court is encouraged to order a child to perform~~

214 ~~community service, up to the maximum number of hours, where~~

215 ~~appropriate before ordering that the child be placed in a secure~~

216 ~~facility as punishment for contempt of court.~~

217 ~~(d) In addition to any other sanction imposed under s.~~

218 ~~985.037 this section, the court may direct the Department of~~

219 ~~Highway Safety and Motor Vehicles to withhold issuance of, or~~

220 ~~suspend, a child's driver's license or driving privilege. The~~

221 ~~court may order that a child's driver's license or driving~~

222 ~~privilege be withheld or suspended for up to 1 year for a first~~
 223 ~~offense of contempt and up to 2 years for a second or subsequent~~
 224 ~~offense. If the child's driver's license or driving privilege is~~
 225 ~~suspended or revoked for any reason at the time the sanction for~~
 226 ~~contempt is imposed, the court shall extend the period of~~
 227 ~~suspension or revocation by the additional period ordered under~~
 228 ~~this paragraph. If the child's driver's license is being~~
 229 ~~withheld at the time the sanction for contempt is imposed, the~~
 230 ~~period of suspension or revocation ordered under this paragraph~~
 231 ~~shall begin on the date on which the child is otherwise eligible~~
 232 ~~to drive.~~ for a child in need of services whose driver's license
 233 or driving privilege is suspended under that section ~~this~~
 234 ~~paragraph~~, the court may direct the Department of Highway Safety
 235 and Motor Vehicles to issue the child a license for driving
 236 privileges restricted to business or employment purposes only,
 237 as defined in s. 322.271, or for the purpose of completing
 238 court-ordered community service, if the child is otherwise
 239 qualified for a license. However, the department may not issue a
 240 restricted license unless specifically ordered to do so by the
 241 court.

242 ~~(5) ALTERNATIVE SANCTIONS COORDINATOR. There is created~~
 243 ~~the position of alternative sanctions coordinator within each~~
 244 ~~judicial circuit, pursuant to subsection (3). Each alternative~~
 245 ~~sanctions coordinator shall serve under the direction of the~~
 246 ~~chief administrative judge of the juvenile division as directed~~
 247 ~~by the chief judge of the circuit. The alternative sanctions~~
 248 ~~coordinator shall act as the liaison between the judiciary,~~
 249 ~~local department officials, district school board employees, and~~

250 ~~local law enforcement agencies. The alternative sanctions~~
 251 ~~coordinator shall coordinate within the circuit community-based~~
 252 ~~alternative sanctions, including nonsecure detention programs,~~
 253 ~~community service projects, and other juvenile sanctions, in~~
 254 ~~conjunction with the circuit plan implemented in accordance with~~
 255 ~~s. 790.22(4)(c).~~

256 Section 6. Paragraph (e) is added to subsection (3) of
 257 section 985.02, Florida Statutes, to read:

258 985.02 Legislative intent for the juvenile justice
 259 system.--

260 (3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.--It is
 261 the policy of the state with respect to juvenile justice and
 262 delinquency prevention to first protect the public from acts of
 263 delinquency. In addition, it is the policy of the state to:

264 (e) Encourage and promote diversion options when
 265 appropriate, especially for first time misdemeanor youth or
 266 youth age 10 or younger.

267
 268 The Legislature intends that detention care, in addition to
 269 providing secure and safe custody, will promote the health and
 270 well-being of the children committed thereto and provide an
 271 environment that fosters their social, emotional, intellectual,
 272 and physical development.

273 Section 7. Subsections (39) through (57) of section
 274 985.03, Florida Statutes, are redesignated as subsections (40)
 275 through (58), respectively, and a new subsection (38) is added
 276 to that section, to read:

277 985.03 Definitions.--As used in this chapter, the term:

278 (38) "Ordinary medical care" means medical procedures
 279 which are administered or performed on a routine basis and
 280 include, but are not limited to, inoculations, physical
 281 examinations, remedial treatment for minor illnesses and
 282 injuries, preventive services, medication management, chronic
 283 disease management and other medical procedures which are
 284 administered or performed on a routine basis and which do not
 285 involve hospitalization, surgery, or use of general anesthesia.

286 Section 8. Subsections (1), (2), and (4) of section
 287 985.037, Florida Statutes, are amended, and subsections (3) and
 288 (5) of that section are redesignated as subsections (1) and (2)
 289 of section 985.0375, Florida Statutes, and amended to read:

290 985.037 Punishment for contempt of court;~~alternative~~
 291 ~~sanctions~~.--

292 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.--The court may
 293 punish any child for contempt for interfering with the court or
 294 with court administration, or for violating any provision of
 295 this chapter or order of the court relative thereto. It is the
 296 intent of the Legislature that the court restrict and limit the
 297 use of contempt powers with respect to commitment of a child to
 298 a secure facility. A child who commits direct contempt of court
 299 or indirect contempt of a valid court order may be taken into
 300 custody and ordered to serve an alternative sanction or placed
 301 in a secure facility, as authorized in this section, by order of
 302 the court.

303 (2) PLACEMENT IN A SECURE FACILITY.--A child may be placed
 304 in a secure facility for purposes of punishment for contempt of
 305 court if alternative sanctions are unavailable or inappropriate,

306 or if the child has already been ordered to serve an alternative
 307 sanction but failed to comply with the sanction. A delinquent
 308 child who has been held in direct or indirect contempt may be
 309 placed in a secure detention facility not to exceed 5 days for a
 310 first offense and not to exceed 15 days for a second or
 311 subsequent offense.

312 (3)~~(4)~~ CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
 313 PROCESS.--

314 (a) If a child is charged with direct contempt of court,
 315 including traffic court, the court may impose an authorized
 316 sanction immediately.

317 (b) If a child is charged with indirect contempt of court,
 318 the court must hold a hearing within 24 hours to determine
 319 whether the child committed indirect contempt of a valid court
 320 order. At the hearing, the following due process rights must be
 321 provided to the child:

322 1. Right to a copy of the order to show cause alleging
 323 facts supporting the contempt charge.

324 2. Right to an explanation of the nature and the
 325 consequences of the proceedings.

326 3. Right to legal counsel and the right to have legal
 327 counsel appointed by the court if the juvenile is indigent,
 328 under s. 985.033.

329 4. Right to confront witnesses.

330 5. Right to present witnesses.

331 6. Right to have a transcript or record of the proceeding.

332 7. Right to appeal to an appropriate court.

333

334 The child's parent or guardian may address the court regarding
335 the due process rights of the child. The court shall review the
336 placement of the child every 72 hours to determine whether it is
337 appropriate for the child to remain in the facility.

338 (c) The court may not order that a child be placed in a
339 secure facility for punishment for contempt unless the court
340 determines that an alternative sanction is inappropriate or
341 unavailable or that the child was initially ordered to an
342 alternative sanction and did not comply with the alternative
343 sanction. The court is encouraged to order a child to perform
344 community service, up to the maximum number of hours, where
345 appropriate before ordering that the child be placed in a secure
346 facility as punishment for contempt of court.

347 (d) In addition to any other sanction imposed under this
348 section, the court may direct the Department of Highway Safety
349 and Motor Vehicles to withhold issuance of, or suspend, a
350 child's driver's license or driving privilege. The court may
351 order that a child's driver's license or driving privilege be
352 withheld or suspended for up to 1 year for a first offense of
353 contempt and up to 2 years for a second or subsequent offense.
354 If the child's driver's license or driving privilege is
355 suspended or revoked for any reason at the time the sanction for
356 contempt is imposed, the court shall extend the period of
357 suspension or revocation by the additional period ordered under
358 this paragraph. If the child's driver's license is being
359 withheld at the time the sanction for contempt is imposed, the
360 period of suspension or revocation ordered under this paragraph

361 shall begin on the date on which the child is otherwise eligible
 362 to drive.

363

364 985.0375 Alternative sanctions.--

365 (1)~~(3)~~ ~~ALTERNATIVE SANCTIONS.~~—Each judicial circuit shall
 366 have an alternative sanctions coordinator who shall serve under
 367 the chief administrative judge of the juvenile division of the
 368 circuit court, and who shall coordinate and maintain a spectrum
 369 of contempt sanction alternatives in conjunction with the
 370 circuit plan implemented in accordance with s. 790.22(4)(c).
 371 Upon determining that a child has committed direct contempt of
 372 court or indirect contempt of a valid court order, the court may
 373 immediately request the alternative sanctions coordinator to
 374 recommend the most appropriate available alternative sanction
 375 and shall order the child to perform up to 50 hours of
 376 community-service manual labor or a similar alternative
 377 sanction, unless an alternative sanction is unavailable or
 378 inappropriate, or unless the child has failed to comply with a
 379 prior alternative sanction. Alternative contempt sanctions may
 380 be provided by local industry or by any nonprofit organization
 381 or any public or private business or service entity that has
 382 entered into a contract with the department ~~of Juvenile Justice~~
 383 to act as an agent of the state to provide voluntary supervision
 384 of children on behalf of the state in exchange for the manual
 385 labor of children and limited immunity in accordance with s.
 386 768.28(11).

387 (2)~~(5)~~ ~~ALTERNATIVE SANCTIONS COORDINATOR.~~—There is
 388 created the position of alternative sanctions coordinator within

PCB SSC 08-04

ORIGINAL

2008

389 each judicial circuit, pursuant to subsection (1)~~(3)~~. Each
 390 alternative sanctions coordinator shall serve under the
 391 direction of the chief administrative judge of the juvenile
 392 division as directed by the chief judge of the circuit. The
 393 alternative sanctions coordinator shall act as the liaison
 394 between the judiciary, local department officials, district
 395 school board employees, and local law enforcement agencies. The
 396 alternative sanctions coordinator shall coordinate within the
 397 circuit community-based alternative sanctions, including
 398 nonsecure detention programs, community service projects, and
 399 other juvenile sanctions, to implement s. 790.22(4) ~~in~~
 400 ~~conjunction with the circuit plan implemented in accordance with~~
 401 ~~s. 790.22(4)(c).~~

402 Section 9. Subsections (1) and (7) of section 985.04,
 403 Florida Statutes, is amended to read:

404 985.04 Oaths; records; confidential information.--

405 (1) Except as provided in subsections (2), (3), (6), and
 406 (7) and s. 943.053, all information obtained under this chapter
 407 in the discharge of official duty by any judge, any employee of
 408 the court, any authorized agent of the department, the Parole
 409 Commission, the Department of Corrections, the juvenile justice
 410 circuit boards, any law enforcement agent, or any licensed
 411 professional or licensed community agency representative
 412 participating in the assessment or treatment of a juvenile is
 413 confidential and may be disclosed only to the authorized
 414 personnel of the court, the department and its designees, the
 415 Department of Corrections, the Department of Children and Family
 416 Services, the Parole Commission, law enforcement agents, school

PCB SSC 08-04

ORIGINAL

2008

417 | superintendents and their designees, any licensed professional
418 | or licensed community agency representative participating in the
419 | assessment or treatment of a juvenile, and others entitled under
420 | this chapter to receive that information, or upon order of the
421 | court. Within each county, the sheriff, the chiefs of police,
422 | the district school superintendent, and the department shall
423 | enter into an interagency agreement for the purpose of sharing
424 | information about juvenile offenders among all parties. The
425 | agreement must specify the conditions under which summary
426 | criminal history information is to be made available to
427 | appropriate school personnel, and the conditions under which
428 | school records are to be made available to appropriate
429 | department personnel. Such agreement shall require notification
430 | to any classroom teacher of assignment to the teacher's
431 | classroom of a juvenile who has been placed in a probation or
432 | commitment program for a felony offense. The agencies entering
433 | into such agreement must comply with s. 943.0525, and must
434 | maintain the confidentiality of information that is otherwise
435 | exempt from s. 119.07(1), as provided by law.

436 | (7) (a) Records in the custody of the department regarding
437 | children are not open to inspection by the public. Such records
438 | may be inspected only upon order of the Secretary of Juvenile
439 | Justice or his or her authorized agent by persons who have
440 | sufficient reason and upon such conditions for their use and
441 | disposition as the secretary or his or her authorized agent
442 | deems proper. The information in such records may be disclosed
443 | only to other employees of the department who have a need
444 | therefor in order to perform their official duties; to other

PCB SSC 08-04

ORIGINAL

2008

445 persons as authorized by rule of the department; and, upon
 446 request, to the Department of Corrections and the Department of
 447 Children and Families. The secretary or his or her authorized
 448 agent may permit properly qualified persons to inspect and make
 449 abstracts from records for statistical purposes under whatever
 450 conditions upon their use and disposition the secretary or his
 451 or her authorized agent deems proper, provided adequate
 452 assurances are given that children's names and other identifying
 453 information will not be disclosed by the applicant.

454 (b) The destruction of records pertaining to children
 455 committed to or supervised by the department pursuant to a court
 456 order, which records are retained until a child reaches the age
 457 of 24 years or until a serious or habitual delinquent child
 458 reaches the age of 26 years, shall be subject to chapter 943.

459 Section 10. Subsection (2) of section 985.245, Florida
 460 Statutes, is amended to read:

461 985.245 Risk assessment instrument.--

462 (2)(a) The risk assessment instrument for detention care
 463 placement determinations and court orders shall be developed by
 464 the department in consultation ~~agreement~~ with a committee
 465 composed of two representatives appointed by ~~the following~~
 466 ~~associations~~: the Conference of Circuit Judges of Florida, the
 467 Prosecuting Attorneys Association, the Public Defenders
 468 Association, the Florida Sheriffs Association, and the Florida
 469 Association of Chiefs of Police. Each association shall appoint
 470 two individuals, one representing an urban area and one
 471 representing a rural area. In addition, the committee shall
 472 include two representatives from child advocacy organizations,

473 and two recognized child mental health experts, appointed by the
 474 department. The parties involved shall evaluate and revise the
 475 risk assessment instrument as is considered necessary using the
 476 method for revision as agreed by the parties. The risk
 477 assessment instrument shall be evaluated to determine if the
 478 instrument contributes to disproportionate minority contact.

479 (b) The risk assessment instrument shall take into
 480 consideration, but need not be limited to, prior history of
 481 failure to appear, prior offenses, prior history of residential
 482 delinquency commitments, offenses committed pending
 483 adjudication, any unlawful possession of a firearm, theft of a
 484 motor vehicle or possession of a stolen motor vehicle, and
 485 probation status at the time the child is taken into custody.
 486 The risk assessment instrument shall also take into
 487 consideration appropriate aggravating and mitigating
 488 circumstances, and shall be designed to target a narrower
 489 population of children than s. 985.255. The risk assessment
 490 instrument shall also include any information concerning the
 491 child's history of abuse and neglect. The risk assessment shall
 492 indicate whether detention care is warranted, and, if detention
 493 care is warranted, whether the child should be placed into
 494 secure, nonsecure, or home detention care.

495 (c) Any risk assessment instrument utilized for detention
 496 care placement determinations and court orders shall be
 497 validated not later than December 31, 2008, and periodically
 498 evaluated thereafter for continued validity.

499 Section 11. Paragraph (b) of subsection (5) of section
 500 985.265, Florida Statutes, is amended to read:

501 985.265 Detention transfer and release; education; adult
502 jails.--

503 (5) The court shall order the delivery of a child to a
504 jail or other facility intended or used for the detention of
505 adults:

506 (b) When a child taken into custody in this state is
507 wanted by another jurisdiction for prosecution as an adult.

508
509 The child shall be housed separately from adult inmates to
510 prohibit a child from having regular contact with incarcerated
511 adults, including trustees. "Regular contact" means sight and
512 sound contact. Separation of children from adults shall permit
513 no more than haphazard or accidental contact. The receiving jail
514 or other facility shall contain a separate section for children
515 and shall have an adequate staff to supervise and monitor the
516 child's activities at all times. Supervision and monitoring of
517 children includes physical observation and documented checks by
518 jail or receiving facility supervisory personnel at intervals
519 not to exceed 15 minutes, except in direct supervision housing
520 with 24-hour supervision. This subsection does not prohibit
521 placing two or more children in the same cell. Under no
522 circumstances shall a child be placed in the same cell with an
523 adult.

524 Section 12. Subsection (2) is amended, and a new paragraph
525 (e) is added to subsection (3) of section 985.601, Florida
526 Statutes, to read:

527 985.601 Administering the juvenile justice continuum.--

528 (2) (a) The department shall develop and implement an

529 appropriate continuum of care that provides individualized,
 530 multidisciplinary assessments, objective evaluations of relative
 531 risks, and the matching of needs with placements for all
 532 children under its care, and that uses a system of case
 533 management to facilitate each child being appropriately
 534 assessed, provided with services, and placed in a program that
 535 meets the child's needs.

536 (b) As part of the continuum of services, the department
 537 shall adopt rules establishing procedures to provide ordinary
 538 medical care, mental health, substance abuse, and developmental
 539 disabilities services to youth within the juvenile justice
 540 continuum as defined in s. 985.03.

541
 542 The department shall coordinate such rulemaking with other
 543 affected agencies to avoid duplication, conflict, or
 544 inconsistency.

545 (3)

546 (e) In order to be eligible to participate in the state-
 547 funded Intensive Delinquency Diversion Services program,
 548 counties with non-state funded delinquency programs for youth
 549 must include diversion options for first time misdemeanant youth
 550 or youth age 10 or younger, unless otherwise prohibited.

551 Section 13. Section 985.606, Florida Statutes, is amended
 552 to read:

553 985.606 Prevention services providers; outcome performance
 554 data collection; reporting.--Each state agency or entity that
 555 receives or uses state appropriations to fund programs, grants,
 556 appropriations, or activities that are designed to prevent

PCB SSC 08-04

ORIGINAL

2008

557 juvenile crime, delinquency, gang membership, status offenses,
558 or that are designed to prevent a child from becoming a "child
559 in need of services," as defined in chapter 984, shall collect
560 data relative to the outcomes related to ~~performance of~~ such
561 activities and shall provide said data to the Governor, the
562 President of the Senate, and the Speaker of the House no later
563 than January 31st of each year for the preceding fiscal year.

564 Section 14. Subsection (8) is added to section 985.632,
565 Florida Statutes, to read:

566 985.632 Quality assurance and cost-effectiveness; outcome-
567 based contracting.--

568 (8) To create an accountable juvenile justice system that
569 is outcome-based, the department is authorized to conduct a
570 demonstration project utilizing outcome performance-based
571 contracts. During fiscal year 2008-09, the department shall
572 develop, in consultation with the Department of Financial
573 Services and a provider organization with multiple sites, an
574 implementation plan for outcome-based contracting. Such a plan
575 shall include interim and long-term outcome performance
576 measures, strategies for using financial incentives and
577 disincentives to increase provider performance, a plan to shift
578 oversight and monitoring of providers from a compliance-based
579 approach to a more outcome-based approach, and recommendations
580 of needed legislative action to implement. This plan shall be
581 submitted to the Executive Office of the Governor, the Speaker
582 of the House, and the President of the Senate no later than
583 March 1, 2009.

PCB SSC 08-04

ORIGINAL

2008

584 Section 15. Section 985.644, Florida Statutes, is amended
585 to read:

586 985.644 Departmental contracting powers; personnel
587 standards and screening.--

588 (1) The department ~~of Juvenile Justice or the Department~~
589 ~~of Children and Family Services, as appropriate,~~ may contract
590 with the Federal Government, other state departments and
591 agencies, county and municipal governments and agencies, public
592 and private agencies, and private individuals and corporations
593 in carrying out the purposes of, and the responsibilities
594 established in, this chapter.

595 (a) When the department ~~of Juvenile Justice or the~~
596 ~~Department of Children and Family Services~~ contracts with a
597 provider for any program for children, all personnel, including
598 owners, operators, employees, and volunteers, in the facility
599 must be of good moral character. Each contract entered into by
600 the either department for services delivered on an appointment
601 or intermittent basis by a provider that does not have regular
602 custodial responsibility for children and each contract with a
603 school for before or aftercare services must ensure that the
604 owners, operators, and all personnel who have direct contact
605 with children are of good moral character. A volunteer who
606 assists on an intermittent basis for less than 40 hours per
607 month need not be screened if the volunteer is under direct and
608 constant supervision by persons who meet the screening
609 requirements.

610 (b) The department ~~of Juvenile Justice and the Department~~
611 ~~of Children and Family Services~~ shall require employment

612 screening pursuant to chapter 435, using the level 2 standards
 613 set forth in that chapter for personnel in programs for children
 614 or youths.

615 (c) The department of ~~Juvenile Justice or the Department~~
 616 ~~of Children and Family Services~~ may grant exemptions from
 617 disqualification from working with children as provided in s.
 618 435.07.

619 ~~(2) The department may contract with the Federal~~
 620 ~~Government, other state departments and agencies, county and~~
 621 ~~municipal governments and agencies, public and private agencies,~~
 622 ~~and private individuals and corporations in carrying out the~~
 623 ~~purposes and the responsibilities of the delinquency services~~
 624 ~~and programs of the department.~~

625 (2)~~(3)~~ The department shall adopt a rule pursuant to
 626 ~~chapter 120~~ establishing a procedure to provide notice of policy
 627 changes that affect contracted delinquency services and
 628 programs. A policy is defined as an operational requirement that
 629 applies to only the specified contracted delinquency service or
 630 program. The procedure must ~~shall~~ include:

- 631 (a) Public notice of policy development.
- 632 (b) Opportunity for public comment on the proposed policy.
- 633 (c) Assessment for fiscal impact upon the department and
 634 providers.
- 635 (d) The department's response to comments received.

636 ~~(4) When the department contracts with a provider for any~~
 637 ~~delinquency service or program, all personnel, including all~~
 638 ~~owners, operators, employees, and volunteers in the facility or~~
 639 ~~providing the service or program shall be of good moral~~

640 ~~character. A volunteer who assists on an intermittent basis for~~
641 ~~less than 40 hours per month is not required to be screened if~~
642 ~~the volunteer is under direct and constant supervision by~~
643 ~~persons who meet the screening requirements.~~

644 (3)~~(5)~~(a) For any person employed by the department, or by
645 a provider under contract with the department, in delinquency
646 facilities, services, or programs, the department shall require:

647 1. A level 2 employment screening pursuant to chapter 435
648 prior to employment.

649 2. A federal criminal records check by the Federal Bureau
650 of Investigation every 5 years following the date of the
651 person's employment.

652 (b) Except for law enforcement, correctional, and
653 correctional probation officers, to whom s. 943.13(5) applies,
654 the department shall electronically submit to the Department of
655 Law Enforcement:

656 1. Fingerprint information obtained during the employment
657 screening required by subparagraph (a)1.

658 2. Beginning on December 15, 2005, fingerprint information
659 for all persons employed by the department, or by a provider
660 under contract with the department, in delinquency facilities,
661 services, or programs if such fingerprint information has not
662 previously been electronically submitted to the Department of
663 Law Enforcement under this paragraph.

664 (c) All fingerprint information electronically submitted
665 to the Department of Law Enforcement under paragraph (b) shall
666 be retained by the Department of Law Enforcement and entered
667 into the statewide automated fingerprint identification system

PCB SSC 08-04

ORIGINAL

2008

668 authorized by s. 943.05(2)(b). Thereafter, such fingerprint
669 information shall be available for all purposes and uses
670 authorized for arrest fingerprint information entered into the
671 statewide automated fingerprint identification system pursuant
672 to s. 943.051 until the fingerprint information is removed under
673 ~~pursuant to~~ paragraph (e). The Department of Law Enforcement
674 shall search all arrest fingerprint information received
675 pursuant to s. 943.051 against the fingerprint information
676 entered into the statewide automated fingerprint system under
677 ~~pursuant to~~ this subsection. Any arrest records identified as a
678 result of the search shall be reported to the department in the
679 manner and timeframe established by the Department of Law
680 Enforcement by rule.

681 (d) The department shall pay an annual fee to the
682 Department of Law Enforcement for its costs resulting from the
683 fingerprint information retention services required by this
684 subsection. The amount of the annual fee and procedures for the
685 submission and retention of fingerprint information and for the
686 dissemination of search results shall be established by the
687 Department of Law Enforcement by adopting a rule that is
688 applicable to the department individually under ~~pursuant to~~ this
689 subsection or that is applicable to the department and other
690 employing agencies pursuant to rulemaking authority otherwise
691 provided by law.

692 (e) The department shall notify the Department of Law
693 Enforcement when a person whose fingerprint information is
694 retained by the Department of Law Enforcement under this
695 subsection is no longer employed by the department, or by a

696 provider under contract with the department, in a delinquency
 697 facility, service, or program. This notice shall be provided by
 698 the department to the Department of Law Enforcement no later
 699 than 6 months after the date of the change in the person's
 700 employment status. Fingerprint information for persons
 701 identified by the department in the notice shall be removed from
 702 the statewide automated fingerprint system.

703 ~~(6) The department may grant exemptions from~~
 704 ~~disqualification from working with children as provided in s.~~
 705 ~~435.07.~~

706 Section 16. Subsections (2), (6), (7), (8), and (9),
 707 paragraphs (a) and (d) of subsection (3), and paragraph (a) of
 708 subsection (4) of section 985.66, Florida Statutes, is amended
 709 to read:

710 985.66 Juvenile justice training academies; Juvenile
 711 Justice Standards and Training Commission; Juvenile Justice
 712 Training Trust Fund.--

713 (2) STAFF DEVELOPMENT AND TRAINING JUVENILE JUSTICE
 714 STANDARDS AND TRAINING COMMISSION.--

715 ~~(a) There is created under the Department of Juvenile~~
 716 ~~Justice the Juvenile Justice Standards and Training Commission,~~
 717 ~~hereinafter referred to as the commission. The 17 member~~
 718 ~~commission shall consist of the Attorney General or designee,~~
 719 ~~the Commissioner of Education or designee, a member of the~~
 720 ~~juvenile court judiciary to be appointed by the Chief Justice~~
 721 ~~of the Supreme Court, and 14 members to be appointed by the~~
 722 ~~Secretary of Juvenile Justice as follows:~~

723 ~~1. Seven members shall be juvenile justice professionals.~~

724 ~~a superintendent or a direct care staff member from an~~
 725 ~~institution; a director from a contracted community-based~~
 726 ~~program; a superintendent and a direct care staff member from a~~
 727 ~~regional detention center or facility; a juvenile probation~~
 728 ~~officer supervisor and a juvenile probation officer; and a~~
 729 ~~director of a day treatment or conditional release program. No~~
 730 ~~fewer than three of these members shall be contract providers.~~

731 ~~2. Two members shall be representatives of local law~~
 732 ~~enforcement agencies.~~

733 ~~3. One member shall be an educator from the state's~~
 734 ~~university and community college program of criminology,~~
 735 ~~criminal justice administration, social work, psychology,~~
 736 ~~sociology, or other field of study pertinent to the training of~~
 737 ~~juvenile justice program staff.~~

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

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

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

743 ~~7. One member shall be a representative of the business~~
 744 ~~community.~~

745 ~~All appointed members shall be appointed to serve terms of~~
 746 ~~2 years.~~

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

752 ~~(c) The Department of Juvenile Justice shall provide the~~
753 ~~commission with staff necessary to assist the commission in the~~
754 ~~performance of its duties.~~

755 ~~(d) The commission shall annually elect its chairperson~~
756 ~~and other officers. The commission shall hold at least four~~
757 ~~regular meetings each year at the call of the chairperson or~~
758 ~~upon the written request of three members of the commission. A~~
759 ~~majority of the members of the commission constitutes a quorum.~~
760 ~~Members of the commission shall serve without compensation but~~
761 ~~are entitled to be reimbursed for per diem and travel expenses~~
762 ~~as provided by s. 112.061 and these expenses shall be paid from~~
763 ~~the Juvenile Justice Training Trust Fund.~~

764 (a)~~(e)~~ The powers, duties, and functions of the
765 department ~~commission~~ shall be to:

766 1. Designate the location of the training academies;
767 develop, implement, maintain, and update the curriculum to be
768 used in the training of delinquency ~~juvenile justice~~ program
769 staff; establish timeframes for participation in and completion
770 of training by delinquency ~~juvenile justice~~ program staff;
771 develop, implement, maintain, and update job-related
772 examinations; develop, implement, and update the types and
773 frequencies of evaluations of the training academies; approve,
774 modify, or disapprove the budget for the training academies,
775 and the contractor to be selected to organize and operate the
776 training academies and to provide the training curriculum.

777 2. Establish uniform minimum job-related training courses
778 and examinations for delinquency ~~juvenile justice~~ program
779 staff.

780 3. Consult and cooperate with the state or any political
 781 subdivision; any private entity or contractor; and with private
 782 and public universities, colleges, community colleges, and
 783 other educational institutions concerning the development of
 784 juvenile justice training and programs or courses of
 785 instruction, including, but not limited to, education and
 786 training in the areas of juvenile justice.

787 4. Enter into ~~With the approval of the department, make~~
 788 ~~and enter into such~~ contracts and agreements with other
 789 agencies, organizations, associations, corporations,
 790 individuals, or federal agencies as ~~the commission determines~~
 791 ~~are necessary~~ in the execution of its powers or the performance
 792 of its duties.

793 5. ~~Make recommendations to the Department of Juvenile~~
 794 ~~Justice concerning any matter within the purview of this~~
 795 ~~section.~~

796 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The department
 797 ~~commission~~ shall establish a certifiable program for juvenile
 798 justice training pursuant to this section, and all delinquency
 799 ~~department~~ program staff and ~~providers~~ who deliver direct care
 800 services ~~pursuant to contract with the department~~ shall be
 801 required to participate in and successfully complete the
 802 ~~commission~~-approved program of training pertinent to their
 803 areas of responsibility. Judges, state attorneys, and public
 804 defenders, law enforcement officers, and school district
 805 personnel may participate in such training program. For the
 806 delinquency juvenile justice program staff, the department
 807 ~~commission~~ shall, based on a job-task analysis:

PCB SSC 08-04

ORIGINAL

2008

808 (a) Design, implement, maintain, evaluate, and revise a
809 basic training program, including a competency-based
810 examination, for the purpose of providing minimum employment
811 training qualifications for all delinquency program staff
812 ~~juvenile justice personnel~~. All delinquency program staff of
813 the department and providers who deliver direct-care services
814 who are hired after October 1, 1999, must meet the following
815 minimum requirements:

- 816 1. Be at least 19 years of age.
- 817 2. Be a high school graduate or its equivalent as
818 determined by the department ~~commission~~.
- 819 3. Not have been convicted of any felony or a misdemeanor
820 involving perjury or a false statement, or have received a
821 dishonorable discharge from any of the Armed Forces of the
822 United States. Any person who, after September 30, 1999, pleads
823 guilty or nolo contendere to or is found guilty of any felony
824 or a misdemeanor involving perjury or false statement is not
825 eligible for employment, notwithstanding suspension of sentence
826 or withholding of adjudication. Notwithstanding this
827 subparagraph, any person who pled nolo contendere to a
828 misdemeanor involving a false statement before October 1, 1999,
829 and who has had such record of that plea sealed or expunged is
830 not ineligible for employment for that reason.
- 831 4. Abide by all the provisions of s. 985.644(1) regarding
832 fingerprinting and background investigations and other
833 screening requirements for personnel.
- 834 5. Execute and submit to the department an affidavit-of-
835 application form, adopted by the department, attesting to his

836 or her compliance with subparagraphs 1.-4. The affidavit must
 837 be executed under oath and constitutes an official statement
 838 under s. 837.06. The affidavit must include conspicuous
 839 language that the intentional false execution of the affidavit
 840 constitutes a misdemeanor of the second degree. The employing
 841 agency shall retain the affidavit.

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

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

848 (a) There is created within the State Treasury a Juvenile
 849 Justice Training Trust Fund to be used by the Department of
 850 Juvenile Justice for the purpose of funding the development and
 851 updating of a job-task analysis of delinquency program staff
 852 ~~juvenile justice personnel~~; the development, implementation,
 853 and updating of job-related training courses and examinations;
 854 and the cost of ~~commission-approved~~ juvenile justice training
 855 courses; ~~and reimbursement for expenses as provided in s.~~
 856 ~~112.061 for members of the commission and staff.~~

857 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING
 858 ACADEMIES.--The number, location, and establishment of juvenile
 859 justice training academies shall be determined by the
 860 department ~~commission~~.

861 (6) SCHOLARSHIPS AND STIPENDS.--

862 (a) By rule, the department ~~commission~~ shall establish
 863 criteria to award scholarships or stipends to qualified

PCB SSC 08-04

ORIGINAL

2008

864 delinquency program staff ~~juvenile justice personnel~~ who are
 865 residents of the state who want to pursue a bachelor's or
 866 associate in arts degree in juvenile justice or a related
 867 field. The department shall handle the administration of the
 868 scholarship or stipend. The Department of Education shall
 869 handle the notes issued for the payment of the scholarships or
 870 stipends. All scholarship and stipend awards shall be paid from
 871 the Juvenile Justice Training Trust Fund upon vouchers approved
 872 by the Department of Education and properly certified by the
 873 Chief Financial Officer. Prior to the award of a scholarship or
 874 stipend, the delinquency program staff ~~juvenile justice~~
 875 ~~employee~~ must agree in writing to practice her or his
 876 profession in juvenile justice or a related field for 1 month
 877 for each month of grant or to repay the full amount of the
 878 scholarship or stipend together with interest at the rate of 5
 879 percent per annum over a period not to exceed 10 years.
 880 Repayment shall be made payable to the state for deposit into
 881 the Juvenile Justice Training Trust Fund.

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

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

888 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
 889 MANAGEMENT TRUST FUND.--Pursuant to s. 284.30, the Division of
 890 Risk Management of the Department of Financial Services is
 891 authorized to insure a private agency, individual, or

892 corporation operating a state-owned training school under a
 893 contract to carry out the purposes and responsibilities of any
 894 program of the department. The coverage authorized herein shall
 895 be under the same general terms and conditions as the
 896 department is insured for its responsibilities under chapter
 897 284.

898 (9) As used in this section, the term "delinquency
 899 program staff" means supervisory and direct care staff of a
 900 delinquency program as well as support staff who have direct
 901 contact with children in a delinquency program that is owned or
 902 operated by the department.

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

906 Section 17. Subsections (1), (2), (6), (7), and (10) are
 907 amended, and new subsections (13) and (15) are added to section
 908 985.664, Florida Statutes, to read:

909 985.664 Juvenile justice circuit boards and juvenile
 910 justice county councils.--

911 (1) There is authorized a juvenile justice circuit board
 912 to be established in each of the 20 judicial circuits and a
 913 juvenile justice county council to be established in each of the
 914 67 counties. The purpose of each juvenile justice circuit board
 915 and each juvenile justice county council is to provide advice
 916 and direction to the department and the Children and Youth
 917 Cabinet in the development and implementation of juvenile
 918 justice programs and to work collaboratively with the department
 919 in seeking program improvements and policy changes to address

920 the emerging and changing needs of Florida's youth who are at
 921 risk of delinquency.

922 (2) Each juvenile justice county council shall develop a
 923 juvenile justice prevention and early intervention plan for the
 924 county and shall collaborate with the circuit board and other
 925 county councils assigned to that circuit in the development of a
 926 comprehensive plan for the circuit. As part of such plan, each
 927 council and board shall make provision for continual monitoring
 928 to identify and remedy disproportionate minority contact with
 929 the juvenile justice system. The Children and Youth Cabinet
 930 shall consider these local plans in implementing s. 402.56(5).

931 (6) Each juvenile justice circuit board shall provide an
 932 annual report to the department and to the Children and Youth
 933 Cabinet describing the activities of the circuit board and each
 934 of the county councils contained within its circuit. The
 935 department may prescribe a format and content requirements for
 936 submission of annual reports.

937 (7) Membership of the juvenile justice circuit board may
 938 not exceed 18 members, except as provided in subsections (8) and
 939 (9). Members must include the state attorney, the public
 940 defender, and the chief judge of the circuit, or their
 941 respective designees. The remaining 15 members of the board must
 942 be appointed by the county councils within that circuit. The
 943 board where possible must be composed of an equitable number of
 944 members ~~include at least one representative~~ from each county
 945 council within the circuit, taking into account differences in
 946 population. In appointing members to the circuit board, the
 947 county councils must reflect:

- 948 (a) The circuit's geography and population distribution.
- 949 (b) Juvenile justice partners, including, but not limited
- 950 to, representatives of law enforcement, the school system, and
- 951 the Department of Children and Family Services.
- 952 (c) Diversity in the judicial circuit.
- 953 (d) Representation from residents of the targeted high-
- 954 crime zip code communities as identified by the department and
- 955 based on referral rates within the county.
- 956 (10) Membership of the juvenile justice county councils,
- 957 or juvenile justice circuit boards established under subsection
- 958 (9), must include representation from residents of the targeted
- 959 high-crime zip code communities as identified by the department
- 960 and based on referral rates within the county and may also
- 961 include representatives from the following entities:
- 962 (a) Representatives from the school district, which may
- 963 include elected school board officials, the school
- 964 superintendent, school or district administrators, teachers, and
- 965 counselors.
- 966 (b) Representatives of the board of county commissioners.
- 967 (c) Representatives of the governing bodies of local
- 968 municipalities within the county.
- 969 (d) A representative of the corresponding circuit or
- 970 regional entity of the Department of Children and Family
- 971 Services.
- 972 (e) Representatives of local law enforcement agencies,
- 973 including the sheriff or the sheriff's designee.
- 974 (f) Representatives of the judicial system.
- 975 (g) Representatives of the business community.

976 (h) Representatives of other interested officials, groups,
 977 or entities, including, but not limited to, a children's
 978 services council, public or private providers of juvenile
 979 justice programs and services, students, parents, and advocates.
 980 Private providers of juvenile justice programs may not exceed
 981 one-third of the voting membership.

982 (i) Representatives of the faith community.

983 (j) Representatives of victim-service programs and victims
 984 of crimes.

985 (k) Representatives of the Department of Corrections.

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

990 1. Advise juvenile justice circuit board chairs of
 991 statewide juvenile justice issues and activities.

992 2. Provide and receive comments on prevention and
 993 intervention program budget priorities.

994 3. Provide and receive comments on the planning process.

995 4. Discuss program development, program implementation,
 996 quality assurance, and program outcomes.

997 (15) Juvenile justice circuit boards and county councils
 998 shall use due diligence in notifying the community of board
 999 vacancies through various community outreach outlets such as
 1000 community newspapers, churches and free public announcements.

1001 Section 18. Subsection (1) of section 985.668, Florida
 1002 Statutes, is amended to read:

1003 985.668 Innovation zones.--The department shall encourage
 1004 each of the juvenile justice circuit boards in consultation with
 1005 the juvenile justice county council within the circuit to
 1006 propose at least one innovation zone within the circuit for the
 1007 purpose of implementing any experimental, pilot, or
 1008 demonstration project that furthers the legislatively
 1009 established goals of the department. An innovation zone is a
 1010 defined geographic area such as a circuit, commitment region,
 1011 county, municipality, service delivery area, school campus, or
 1012 neighborhood providing a laboratory for the research,
 1013 development, and testing of the applicability and efficacy of
 1014 model programs, policy options, and new technologies for the
 1015 department.

1016 (1) (a) The juvenile justice circuit board shall submit a
 1017 proposal for an innovation zone to the secretary. If the purpose
 1018 of the proposed innovation zone is to demonstrate that specific
 1019 statutory goals can be achieved more effectively by using
 1020 procedures that require modification of existing rules,
 1021 policies, or procedures, the proposal may request the secretary
 1022 to waive such existing rules, policies, or procedures or to
 1023 otherwise authorize use of alternative procedures or practices.
 1024 Waivers of such existing rules, policies, or procedures must
 1025 comply with applicable state or federal law.

1026 (b) For innovation zone proposals that the secretary
 1027 determines require changes to state law, the secretary may
 1028 submit a request for a waiver from such laws, together with any
 1029 proposed changes to state law, to the chairs of the appropriate
 1030 legislative committees for consideration.

1031 (c) For innovation zone proposals that the secretary
 1032 determines require waiver of federal law, the secretary may
 1033 submit a request for such waivers to the applicable federal
 1034 agency.

1035 Section 19. Paragraph (a) of subsection (2) and subsection
 1036 (3) of section 985.676, Florida Statutes, are amended to read:

1037 985.676 Community juvenile justice partnership grants.--

1038 (2) GRANT APPLICATION PROCEDURES.--

1039 (a) Each entity wishing to apply for an annual community
 1040 juvenile justice partnership grant, which may be renewed ~~for a~~
 1041 ~~maximum of 2 additional years~~ for the same provision of
 1042 services, shall submit a grant proposal for funding or continued
 1043 funding to the department. The department shall establish the
 1044 grant application procedures. In order to be considered for
 1045 funding, the grant proposal shall include the following
 1046 assurances and information:

1047 1. A letter from the chair of the juvenile justice circuit
 1048 board confirming that the grant application has been reviewed
 1049 and found to support one or more purposes or goals of the
 1050 juvenile justice plan as developed by the board.

1051 2. A rationale and description of the program and the
 1052 services to be provided, including goals and objectives.

1053 3. A method for identification of the juveniles most
 1054 likely to be involved in the juvenile justice system who will be
 1055 the focus of the program.

1056 4. Provisions for the participation of parents and
 1057 guardians in the program.

1058 5. Coordination with other community-based and social
 1059 service prevention efforts, including, but not limited to, drug
 1060 and alcohol abuse prevention and dropout prevention programs,
 1061 that serve the target population or neighborhood.

1062 6. An evaluation component to measure the effectiveness of
 1063 the program in accordance with s. 985.632.

1064 7. A program budget, including the amount and sources of
 1065 local cash and in-kind resources committed to the budget. The
 1066 proposal must establish to the satisfaction of the department
 1067 that the entity will make a cash or in-kind contribution to the
 1068 program of a value that is at least equal to 20 percent of the
 1069 amount of the grant.

1070 8. The necessary program staff.

1071 (b) The department shall consider the following in
 1072 awarding such grants:

1073 1. The recommendations of the juvenile justice county
 1074 council as to the priority that should be given to proposals
 1075 submitted by entities within a county.

1076 2. The recommendations of the juvenile justice circuit
 1077 board as to the priority that should be given to proposals
 1078 submitted by entities within a circuit.

1079
 1080 As the first priority, the department shall fund applications
 1081 that meet the requirements of this section and also fulfill the
 1082 local juvenile circuit board plans.

1083 (3) RESTRICTIONS. --~~This section does not prevent a program~~
 1084 ~~initiated under a community juvenile justice partnership grant~~
 1085 ~~established pursuant to this section from continuing to operate~~

PCB SSC 08-04

ORIGINAL

2008

1086 ~~beyond the 3 year maximum funding period if it can find other~~
 1087 ~~funding sources. Likewise,~~ This section does not restrict the
 1088 number of programs an entity may apply for or operate.

1089 Section 20. Section 985.721, Florida Statutes, is amended
 1090 to read:

1091 985.721 Escapes from secure detention or residential
 1092 commitment facility.--An escape from:

1093 (1) Any secure detention facility maintained for the
 1094 temporary detention of children, pending adjudication,
 1095 disposition, or placement;

1096 (2) Any residential commitment facility described in s.
 1097 985.03(45) ~~s. 985.03(44)~~, maintained for the custody, treatment,
 1098 punishment, or rehabilitation of children found to have
 1099 committed delinquent acts or violations of law; or

1100 (3) Lawful transportation to or from any such secure
 1101 detention facility or residential commitment facility,

1102
 1103 constitutes escape within the intent and meaning of s. 944.40
 1104 and is a felony of the third degree, punishable as provided in
 1105 s. 775.082, s. 775.083, or s. 775.084.

1106 Section 21. Section 1006.125, Florida Statutes, is created
 1107 to read:

1108 1006.125 Referrals to law enforcement; serious criminal
 1109 offenses.--

1110 (1) A student that is charged by school authorities with a
 1111 violation of the code of student conduct that may also
 1112 constitute a serious criminal offense shall be reported to the
 1113 law enforcement agency having jurisdiction over the student's

1114 school of attendance. This provision may be satisfied by
 1115 providing notice to the appropriate school resource officer of
 1116 the charge of violation of the code of student conduct and
 1117 discipline code.

1118 (2) As used in this section, serious criminal offense
 1119 includes an offense which would constitute a capital felony;
 1120 life felony; first degree felony; second or third degree felony
 1121 involving a firearm or weapon or violence against another
 1122 person, or an offense that poses a serious threat to school
 1123 safety or the safety of any individual student or group of
 1124 students.

1125 (3) Counties may seek reimbursement of secure detention
 1126 costs from the school district for secure detention costs
 1127 associated with the referral of a student for an offense other
 1128 than that specified in this section at a rate not to exceed the
 1129 per diem rate set by the Department of Juvenile Justice pursuant
 1130 to s. 985.686.

1131 Section 22. Subsections (1) and (2) of section 1006.13,
 1132 Florida Statutes, are amended to read:

1133 1006.13 Policy ~~of zero tolerance~~ for crime and
 1134 victimization.--

1135 (1) Each district school board shall adopt a policy ~~of~~
 1136 ~~zero tolerance~~ for:

1137 (a) Crime and substance abuse, including the reporting of
 1138 delinquent acts and crimes occurring whenever and wherever
 1139 students are under the jurisdiction of the district school
 1140 board.

1141 (b) Victimization of students, including taking all steps
 1142 necessary to protect the victim of any violent crime from any
 1143 further victimization.

1144 (2) The ~~zero-tolerance~~ policy shall require students found
 1145 to have committed one of the following serious criminal offenses
 1146 to be expelled, with or without continuing educational services,
 1147 from the student's regular school for a period of not less than
 1148 1 full year, and to be referred to the criminal justice or
 1149 juvenile justice system.

1150 (a) Bringing a firearm or weapon, as defined in chapter
 1151 790, to school, to any school function, or onto any school-
 1152 sponsored transportation or possessing a firearm at school.

1153 (b) Making a threat or false report, as defined by ss.
 1154 790.162 and 790.163, respectively, involving school or school
 1155 personnel's property, school transportation, or a school-
 1156 sponsored activity.

1157
 1158 District school boards may assign the student to a disciplinary
 1159 program for the purpose of continuing educational services
 1160 during the period of expulsion. District school superintendents
 1161 may consider the 1-year expulsion requirement on a case-by-case
 1162 basis and request the district school board to modify the
 1163 requirement by assigning the student to a disciplinary program
 1164 or second chance school if the request for modification is in
 1165 writing and it is determined to be in the best interest of the
 1166 student and the school system. If a student committing any of
 1167 the offenses in this subsection is a student with a disability,

PCB SSC 08-04

ORIGINAL

2008

1168 | the district school board shall comply with applicable State
 1169 | Board of Education rules.

1170 | Section 23. For fiscal year 2008-09, there is hereby
 1171 | appropriated from the General Revenue Fund to the Department of
 1172 | Juvenile Justice, \$50,000 in nonrecurring funds for the purpose
 1173 | of developing curriculum to be used for the certification of
 1174 | direct care staff of the department.

1175 | Section 24. This act shall take effect July 1, 2008.