

Bill No. CS for CS for SB 1594

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senators Campbell, Horne and Lee moved the following amendment		
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14	Senate Amendment (with title amendment)		
15	Delete everything after the enacting clause		
16			
17	and insert:		
18	Section 1. Section 435.04, Florida Statutes, 1998		
19	Supplement, is amended to read:		
20	435.04 Level 2 screening standards.--		
21	(1) All employees in positions designated by law as		
22	positions of trust or responsibility shall be required to		
23	undergo security background investigations as a condition of		
24	employment and continued employment. For the purposes of this		
25	subsection, security background investigations shall include,		
26	but not be limited to, employment history checks,		
27	fingerprinting for all purposes and checks in this subsection,		
28	statewide criminal and juvenile records checks through the		
29	Florida Department of Law Enforcement, and federal criminal		
30	records checks through the Federal Bureau of Investigation,		
31	and may include local criminal records checks through local		

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1 law enforcement agencies.

2 (2) The security background investigations under this
3 section must ensure that no persons subject to the provisions
4 of this section have been found guilty of, regardless of
5 adjudication, or entered a plea of nolo contendere or guilty
6 to, any offense prohibited under any of the following
7 provisions of the Florida Statutes or under any similar
8 statute of another jurisdiction:

9 (a) Section 415.111, relating to adult abuse, neglect,
10 or exploitation of aged persons or disabled adults.

11 (b) Section 782.04, relating to murder.

12 (c) Section 782.07, relating to manslaughter,
13 aggravated manslaughter of an elderly person or disabled
14 adult, or aggravated manslaughter of a child.

15 (d) Section 782.071, relating to vehicular homicide.

16 (e) Section 782.09, relating to killing of an unborn
17 child by injury to the mother.

18 (f) Section 784.011, relating to assault, if the
19 victim of the offense was a minor.

20 (g) Section 784.021, relating to aggravated assault.

21 (h) Section 784.03, relating to battery, if the victim
22 of the offense was a minor.

23 (i) Section 784.045, relating to aggravated battery.

24 (j) Section 784.075, relating to battery on a
25 detention or commitment facility staff.

26 (k)(j) Section 787.01, relating to kidnapping.

27 (l)(k) Section 787.02, relating to false imprisonment.

28 (m) Section 787.04(2), relating to taking, enticing,
29 or removing a child beyond the state limits with criminal
30 intent pending custody proceedings.

31 (n) Section 787.04(3), relating to carrying a child

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1 beyond the state lines with criminal intent to avoid producing
2 a child at a custody hearing or delivering the child to the
3 designated person.

4 (o) Section 790.115(1), relating to exhibiting
5 firearms or weapons within 1,000 feet of a school.

6 (p) Section 790.115(2)(b), relating to possessing an
7 electric weapon or device, destructive device, or other weapon
8 on school property.

9 (q)(l) Section 794.011, relating to sexual battery.

10 (r)(m) Former s. 794.041, relating to prohibited acts
11 of persons in familial or custodial authority.

12 (s)(n) Chapter 796, relating to prostitution.

13 (t)(o) Section 798.02, relating to lewd and lascivious
14 behavior.

15 (u)(p) Chapter 800, relating to lewdness and indecent
16 exposure.

17 (v)(q) Section 806.01, relating to arson.

18 (w)(r) Chapter 812, relating to theft, robbery, and
19 related crimes, if the offense is a felony.

20 (x)(s) Section 817.563, relating to fraudulent sale of
21 controlled substances, only if the offense was a felony.

22 (y)(t) Section 825.102, relating to abuse, aggravated
23 abuse, or neglect of an elderly person or disabled adult.

24 (z)(u) Section 825.1025, relating to lewd or
25 lascivious offenses committed upon or in the presence of an
26 elderly person or disabled adult.

27 (aa)(v) Section 825.103, relating to exploitation of
28 an elderly person or disabled adult, if the offense was a
29 felony.

30 (bb)(w) Section 826.04, relating to incest.

31 (cc)(x) Section 827.03, relating to child abuse,

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- 1 aggravated child abuse, or neglect of a child.
- 2 (dd)(y) Section 827.04, relating to contributing to
- 3 the delinquency or dependency of a child.
- 4 (ee)(z) Section 827.05, relating to negligent
- 5 treatment of children.
- 6 (ff)(aa) Section 827.071, relating to sexual
- 7 performance by a child.
- 8 (gg) Section 843.01, relating to resisting arrest with
- 9 violence.
- 10 (hh) Section 843.025, relating to depriving a law
- 11 enforcement, correctional, or correctional probation officer
- 12 means of protection or communication.
- 13 (ii) Section 843.12, relating to aiding in an escape.
- 14 (jj) Section 843.13, relating to aiding in the escape
- 15 of juvenile inmates in correctional institutions.
- 16 (kk)(bb) Chapter 847, relating to obscene literature.
- 17 (ll) Section 874.05(1), relating to encouraging or
- 18 recruiting another to join a criminal gang.
- 19 (mm)(cc) Chapter 893, relating to drug abuse
- 20 prevention and control, only if the offense was a felony or if
- 21 any other person involved in the offense was a minor.
- 22 (nn) Section 944.35(3), relating to inflicting cruel
- 23 or inhuman treatment on an inmate resulting in great bodily
- 24 harm.
- 25 (oo) Section 944.46, relating to harboring,
- 26 concealing, or aiding an escaped prisoner.
- 27 (pp) Section 944.47, relating to introduction of
- 28 contraband into a correctional facility.
- 29 (qq) Section 985.4045, relating to sexual misconduct
- 30 in juvenile justice programs.
- 31 (rr) Section 985.4046, relating to contraband

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1 introduced into detention facilities.

2 (3) Standards must also ensure that the person:

3 (a) For employees or employers licensed or registered
4 pursuant to chapter 400, does not have a confirmed report of
5 abuse, neglect, or exploitation as defined in s. 415.102(5),
6 which has been uncontested or upheld under s. 415.103.

7 (b) Has not committed an act that constitutes domestic
8 violence as defined in s. 741.30.

9 (4) Under penalty of perjury, all employees in such
10 positions of trust or responsibility shall attest to meeting
11 the requirements for qualifying for employment and agreeing to
12 inform the employer immediately if convicted of any of the
13 disqualifying offenses while employed by the employer. Each
14 employer of employees in such positions of trust or
15 responsibilities which is licensed or registered by a state
16 agency shall submit to the licensing agency annually, under
17 penalty of perjury, an affidavit of compliance with the
18 provisions of this section.

19 Section 2. Subsection (1) of section 943.0515, Florida
20 Statutes, 1998 Supplement, is amended to read:

21 943.0515 Retention of criminal history records of
22 minors.--

23 (1)(a) The Criminal Justice Information Program shall
24 retain the criminal history record of a minor who is
25 classified as a serious or habitual juvenile offender or
26 committed to a juvenile correctional facility or juvenile
27 prison under chapter 985 for 5 years after the date the
28 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) If the minor is not classified as a serious or

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1 habitual juvenile offender or committed to a juvenile
2 correctional facility or juvenile prison under chapter 985,
3 the program shall retain the minor's criminal history record
4 for 5 years after the date the minor reaches 19 years of age,
5 at which time the record shall be expunged unless it meets the
6 criteria of paragraph (2)(a) or paragraph (2)(b).

7 Section 3. Paragraph (r) is added to subsection (1) of
8 section 960.001, Florida Statutes, 1998 Supplement, to read:

9 960.001 Guidelines for fair treatment of victims and
10 witnesses in the criminal justice and juvenile justice
11 systems.--

12 (1) The Department of Legal Affairs, the state
13 attorneys, the Department of Corrections, the Department of
14 Juvenile Justice, the Parole Commission, the State Courts
15 Administrator and circuit court administrators, the Department
16 of Law Enforcement, and every sheriff's department, police
17 department, or other law enforcement agency as defined in s.
18 943.10(4) shall develop and implement guidelines for the use
19 of their respective agencies, which guidelines are consistent
20 with the purposes of this act and s. 16(b), Art. I of the
21 State Constitution and are designed to implement the
22 provisions of s. 16(b), Art. I of the State Constitution and
23 to achieve the following objectives:

24 (r) Implementing crime prevention in order to protect
25 the safety of persons and property, as prescribed in the State
26 Comprehensive Plan.--By preventing crimes that create victims
27 or further harm former victims, crime-prevention efforts are
28 an essential part of providing effective service for victims
29 and witnesses. Therefore, the agencies identified in this
30 subsection may participate in and expend funds for crime
31 prevention, public awareness, public participation, and

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1 educational activities directly relating to, and in
2 furtherance of, existing public safety statutes. Furthermore,
3 funds may not be expended for the purpose of influencing
4 public opinion on public policy issues that have not been
5 resolved by the Legislature or the electorate.

6 Section 4. Subsection (16) of section 984.03, Florida
7 Statutes, 1998 Supplement, is amended to read:

8 984.03 Definitions.--When used in this chapter, the
9 term:

10 (16) "Delinquency program" means any intake, community
11 control ~~and furlough~~, or similar program; regional detention
12 center or facility; or community-based program, whether owned
13 and operated by or contracted by the Department of Juvenile
14 Justice, or institution owned and operated by or contracted by
15 the Department of Juvenile Justice, which provides intake,
16 supervision, or custody and care of children who are alleged
17 to be or who have been found to be delinquent pursuant to
18 chapter 985.

19 Section 5. Paragraph (a) of present subsection (15)
20 and paragraphs (a) and (e) of present subsection (46) of
21 section 985.03, Florida Statutes, 1998 Supplement, are
22 amended, and present subsections (4) through (59) are
23 redesignated as subsections (5) through (60), respectively,
24 and a new subsection (4) is added to that section, to read:

25 985.03 Definitions.--When used in this chapter, the
26 term:

27 (4) "Aftercare" means the care, treatment, help, and
28 supervision provided to a juvenile released from a residential
29 commitment program which is intended to promote rehabilitation
30 and prevent recidivism. The purpose of aftercare is to protect
31 the public, reduce recidivism, increase responsible productive

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1 behavior, and provide for a successful transition of the youth
2 from the department to the family. Aftercare includes, but is
3 not limited to, minimum-risk nonresidential programs, reentry
4 services, and postcommitment community control.

5 (16)(15)(a) "Delinquency program" means any intake,
6 community control ~~and furlough~~, or similar program; regional
7 detention center or facility; or community-based program,
8 whether owned and operated by or contracted by the Department
9 of Juvenile Justice, or institution owned and operated by or
10 contracted by the Department of Juvenile Justice, which
11 provides intake, supervision, or custody and care of children
12 who are alleged to be or who have been found to be delinquent
13 pursuant to part II.

14 (47)(46) "Restrictiveness level" means the level of
15 custody provided by programs that service the custody and care
16 needs of committed children. There shall be five
17 restrictiveness levels:

18 (a) Minimum-risk nonresidential.--Youth assessed and
19 classified for placement in programs at this restrictiveness
20 level represent a minimum risk to themselves and public safety
21 and do not require placement and services in residential
22 settings. Programs or program models in this restrictiveness
23 level include: community counselor supervision programs,
24 special intensive group programs, nonresidential marine
25 programs, nonresidential training and rehabilitation centers,
26 and other local community nonresidential programs, including
27 any nonresidential program or supervision program that is used
28 for aftercare placement.

29 (e) Juvenile correctional facilities or juvenile
30 prison ~~Maximum-risk residential~~.--Youth assessed and
31 classified for this level of placement require close

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1 supervision in a maximum security residential setting that
2 provides 24-hour-per-day secure custody, care, and
3 supervision. Placement in a program in this level is prompted
4 by a demonstrated need to protect the public. Programs or
5 program models in this level are maximum-secure-custody,
6 long-term residential commitment facilities that are intended
7 to provide a moderate overlay of educational, vocational, and
8 behavioral-modification services and other maximum-security
9 program models authorized by the Legislature and established
10 by rule. Section 985.3141 applies to children placed in
11 programs in this restrictiveness level.

12 Section 6. Paragraph (b) of subsection (4) of section
13 39.0132, Florida Statutes, 1998 Supplement, is amended to
14 read:

15 39.0132 Oaths, records, and confidential
16 information.--

17 (4)

18 (b) The department shall disclose to the school
19 superintendent the presence of any child in the care and
20 custody or under the jurisdiction or supervision of the
21 department who has a known history of criminal sexual behavior
22 with other juveniles; is an alleged juvenile sex offender, as
23 defined in s. 39.01 ~~s. 415.50165~~; or has pled guilty or nolo
24 contendere to, or has been found to have committed, a
25 violation of chapter 794, chapter 796, chapter 800, s.
26 827.071, or s. 847.0133, regardless of adjudication. Any
27 employee of a district school board who knowingly and
28 willfully discloses such information to an unauthorized person
29 commits a misdemeanor of the second degree, punishable as
30 provided in s. 775.082 or s. 775.083.

31 Section 7. Paragraph (b) of subsection (3) of section

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1 985.04, Florida Statutes, 1998 Supplement, is amended to read:
 2 985.04 Oaths; records; confidential information.--
 3 (3)
 4 (b) The department shall disclose to the school
 5 superintendent the presence of any child in the care and
 6 custody or under the jurisdiction or supervision of the
 7 department who has a known history of criminal sexual behavior
 8 with other juveniles; is an alleged juvenile sex offender, as
 9 defined in s. 39.01 ~~s. 415.50165~~; or has pled guilty or nolo
 10 contendere to, or has been found to have committed, a
 11 violation of chapter 794, chapter 796, chapter 800, s.
 12 827.071, or s. 847.0133, regardless of adjudication. Any
 13 employee of a district school board who knowingly and
 14 willfully discloses such information to an unauthorized person
 15 commits a misdemeanor of the second degree, punishable as
 16 provided in s. 775.082 or s. 775.083.
 17 Section 8. Paragraph (d) of subsection (1) of section
 18 985.207, Florida Statutes, 1998 Supplement, is amended to
 19 read:
 20 985.207 Taking a child into custody.--
 21 (1) A child may be taken into custody under the
 22 following circumstances:
 23 (d) By a law enforcement officer who has probable
 24 cause to believe that the child is in violation of the
 25 conditions of the child's community control, home detention
 26 furlough, or aftercare supervision or has absconded from
 27 commitment.
 28
 29 Nothing in this subsection shall be construed to allow the
 30 detention of a child who does not meet the detention criteria
 31 in s. 985.215.

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1 Section 9. Section 985.208, Florida Statutes, 1998
2 Supplement, is amended to read:

3 985.208 Detention of ~~furloughed child or~~ escapee on
4 authority of the department.--

5 (1) If an authorized agent of the department has
6 reasonable grounds to believe that any delinquent child
7 committed to the department has escaped from a facility of the
8 department or from being lawfully transported thereto or
9 therefrom, the agent may take the child into active custody
10 and may deliver the child to the facility or, if it is closer,
11 to a detention center for return to the facility. However, a
12 child may not be held in detention longer than 24 hours,
13 excluding Saturdays, Sundays, and legal holidays, unless a
14 special order so directing is made by the judge after a
15 detention hearing resulting in a finding that detention is
16 required based on the criteria in s. 985.215(2). The order
17 shall state the reasons for such finding. The reasons shall be
18 reviewable by appeal or in habeas corpus proceedings in the
19 district court of appeal.

20 (2) Any sheriff or other law enforcement officer, upon
21 the request of the secretary of the department or duly
22 authorized agent, shall take a child who has escaped or
23 absconded from a department facility for committed delinquent
24 children, or from being lawfully transported thereto or
25 therefrom, into custody and deliver the child to the
26 appropriate juvenile probation officer of the department.

27 Section 10. Paragraph (b) of subsection (1) of section
28 985.212, Florida Statutes, is amended to read:

29 985.212 Fingerprinting and photographing.--

30 (1)

31 (b) A child who is charged with or found to have

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1 committed one of the following misdemeanors shall be
2 fingerprinted and the fingerprints shall be submitted to the
3 Department of Law Enforcement as provided in s. 943.051(3)(b):

4 1. Assault, as defined in s. 784.011.

5 2. Battery, as defined in s. 784.03.

6 3. Carrying a concealed weapon, as defined in s.
7 790.01(1).

8 4. Unlawful use of destructive devices or bombs, as
9 defined in s. 790.1615(1).

10 5. Negligent treatment of children, as defined in
11 former s. 827.05.

12 6. Assault on a law enforcement officer, a
13 firefighter, or other specified officers, as defined in s.
14 784.07(2)(a).

15 7. Open carrying of a weapon, as defined in s.
16 790.053.

17 8. Exposure of sexual organs, as defined in s. 800.03.

18 9. Unlawful possession of a firearm, as defined in s.
19 790.22(5).

20 10. Petit theft, as defined in s. 812.014.

21 11. Cruelty to animals, as defined in s. 828.12(1).

22 12. Arson, resulting in bodily harm to a firefighter,
23 as defined in s. 806.031(1).

24

25 A law enforcement agency may fingerprint and photograph a
26 child taken into custody upon probable cause that such child
27 has committed any other violation of law, as the agency deems
28 appropriate. Such fingerprint records and photographs shall be
29 retained by the law enforcement agency in a separate file, and
30 these records and all copies thereof must be marked "Juvenile
31 Confidential." These records are ~~shall~~ not be available for

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1 public disclosure and inspection under s. 119.07(1) except as
2 provided in ss. 943.053 and 985.04(5), but shall be available
3 to other law enforcement agencies, criminal justice agencies,
4 state attorneys, the courts, the child, the parents or legal
5 custodians of the child, their attorneys, and any other person
6 authorized by the court to have access to such records. In
7 addition, such records may be submitted to the Department of
8 Law Enforcement for inclusion in the state criminal history
9 records and used by criminal justice agencies for criminal
10 justice purposes. These records may, in the discretion of the
11 court, be open to inspection by anyone upon a showing of
12 cause. The fingerprint and photograph records shall be
13 produced in the court whenever directed by the court. Any
14 photograph taken pursuant to this section may be shown by a
15 law enforcement officer to any victim or witness of a crime
16 for the purpose of identifying the person who committed such
17 crime.

18 Section 11. Paragraphs (a) and (c) of subsection (1)
19 and subsection (2) of section 985.231, Florida Statutes, 1998
20 Supplement, are amended to read:

21 985.231 Powers of disposition in delinquency cases.--
22 (1)

23 (a) The court that has jurisdiction of an adjudicated
24 delinquent child may, by an order stating the facts upon which
25 a determination of a sanction and rehabilitative program was
26 made at the disposition hearing:

27 1. Place the child in a community control program or a
28 postcommitment community control ~~an aftercare~~ program under
29 the supervision of an authorized agent of the Department of
30 Juvenile Justice or of any other person or agency specifically
31 authorized and appointed by the court, whether in the child's

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1 own home, in the home of a relative of the child, or in some
2 other suitable place under such reasonable conditions as the
3 court may direct. A community control program for an
4 adjudicated delinquent child must include a penalty component
5 such as restitution in money or in kind, community service, a
6 curfew, revocation or suspension of the driver's license of
7 the child, or other nonresidential punishment appropriate to
8 the offense and must also include a rehabilitative program
9 component such as a requirement of participation in substance
10 abuse treatment or in school or other educational program.
11 Upon the recommendation of the department at the time of
12 disposition, or subsequent to disposition pursuant to the
13 filing of a petition alleging a violation of the child's
14 conditions of community control or aftercare supervision, the
15 court may order the child to submit to random testing for the
16 purpose of detecting and monitoring the use of alcohol or
17 controlled substances.

18 a. A restrictiveness level classification scale for
19 levels of supervision shall be provided by the department,
20 taking into account the child's needs and risks relative to
21 community control supervision requirements to reasonably
22 ensure the public safety. Community control programs for
23 children shall be supervised by the department or by any other
24 person or agency specifically authorized by the court. These
25 programs must include, but are not limited to, structured or
26 restricted activities as described in this subparagraph, and
27 shall be designed to encourage the child toward acceptable and
28 functional social behavior. If supervision or a program of
29 community service is ordered by the court, the duration of
30 such supervision or program must be consistent with any
31 treatment and rehabilitation needs identified for the child

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1 and may not exceed the term for which sentence could be
2 imposed if the child were committed for the offense, except
3 that the duration of such supervision or program for an
4 offense that is a misdemeanor of the second degree, or is
5 equivalent to a misdemeanor of the second degree, may be for a
6 period not to exceed 6 months. When restitution is ordered by
7 the court, the amount of restitution may not exceed an amount
8 the child and the parent or guardian could reasonably be
9 expected to pay or make. A child who participates in any work
10 program under this part is considered an employee of the state
11 for purposes of liability, unless otherwise provided by law.

12 b. The court may conduct judicial review hearings for
13 a child placed on community control for the purpose of
14 fostering accountability to the judge and compliance with
15 other requirements, such as restitution and community service.
16 The court may allow early termination of community control for
17 a child who has substantially complied with the terms and
18 conditions of community control.

19 c. If the conditions of the community control program
20 or the postcommitment community control ~~aftercare~~ program are
21 violated, the department ~~agent supervising the program as it~~
22 ~~relates to the child involved~~, or the state attorney, may
23 bring the child before the court on a petition alleging a
24 violation of the program. Any child who violates the
25 conditions of community control or postcommitment community
26 control ~~aftercare~~ must be brought before the court if
27 sanctions are sought. A child taken into custody under s.
28 985.207 for violating the conditions of community control or
29 postcommitment community control ~~aftercare~~ shall be held in a
30 consequence unit if such a unit is available. The child shall
31 be afforded a hearing within 24 hours after being taken into

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1 custody to determine the existence of probable cause that the
2 child violated the conditions of community control or
3 postcommitment community control ~~aftercare~~. A consequence unit
4 is a secure facility specifically designated by the department
5 for children who are taken into custody under s. 985.207 for
6 violating community control or postcommitment community
7 control ~~aftercare~~, or who have been found by the court to have
8 violated the conditions of community control or postcommitment
9 community control ~~aftercare~~. If the violation involves a new
10 charge of delinquency, the child may be detained under s.
11 985.215 in a facility other than a consequence unit. If the
12 child is not eligible for detention for the new charge of
13 delinquency, the child may be held in the consequence unit
14 pending a hearing and is subject to the time limitations
15 specified in s. 985.215. If the child denies violating the
16 conditions of community control or postcommitment community
17 control ~~aftercare~~, the court shall appoint counsel to
18 represent the child at the child's request. Upon the child's
19 admission, or if the court finds after a hearing that the
20 child has violated the conditions of community control or
21 postcommitment community control ~~aftercare~~, the court shall
22 enter an order revoking, modifying, or continuing community
23 control or postcommitment community control ~~aftercare~~. In each
24 such case, the court shall enter a new disposition order and,
25 in addition to the sanctions set forth in this paragraph, may
26 impose any sanction the court could have imposed at the
27 original disposition hearing. If the child is found to have
28 violated the conditions of community control or postcommitment
29 community control ~~aftercare~~, the court may:

30 (I) Place the child in a consequence unit in that
31 judicial circuit, if available, for up to 5 days for a first

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1 violation, and up to 15 days for a second or subsequent
2 violation.

3 (II) Place the child on home detention with electronic
4 monitoring. However, this sanction may be used only if a
5 residential consequence unit is not available.

6 (III) Modify or continue the child's community control
7 program or postcommitment community control ~~aftercare~~ program.

8 (IV) Revoke community control or postcommitment
9 community control ~~aftercare~~ and commit the child to the
10 department.

11 d. Notwithstanding s. 743.07 and paragraph (d), and
12 except as provided in s. 985.31, the term of any order placing
13 a child in a community control program must be until the
14 child's 19th birthday unless he or she is released by the
15 court, on the motion of an interested party or on its own
16 motion.

17 2. Commit the child to a licensed child-caring agency
18 willing to receive the child, but the court may not commit the
19 child to a jail or to a facility used primarily as a detention
20 center or facility or shelter.

21 3. Commit the child to the Department of Juvenile
22 Justice at a restrictiveness level defined in s. 985.03 ~~s.~~
23 ~~985.03(45)~~. Such commitment must be for the purpose of
24 exercising active control over the child, including, but not
25 limited to, custody, care, training, urine monitoring, and
26 treatment of the child and release ~~furlough~~ of the child into
27 the community in a postcommitment nonresidential aftercare
28 program. If the child is not successful in the aftercare
29 program, the department may use the transfer procedure under
30 s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and
31 except as provided in s. 985.31, the term of the commitment

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1 must be until the child is discharged by the department or
2 until he or she reaches the age of 21.

3 4. Revoke or suspend the driver's license of the
4 child.

5 5. Require the child and, if the court finds it
6 appropriate, the child's parent or guardian together with the
7 child, to render community service in a public service
8 program.

9 6. As part of the community control program to be
10 implemented by the Department of Juvenile Justice, or, in the
11 case of a committed child, as part of the community-based
12 sanctions ordered by the court at the disposition hearing or
13 before the child's release from commitment, order the child to
14 make restitution in money, through a promissory note cosigned
15 by the child's parent or guardian, or in kind for any damage
16 or loss caused by the child's offense in a reasonable amount
17 or manner to be determined by the court. The clerk of the
18 circuit court shall be the receiving and dispensing agent. In
19 such case, the court shall order the child or the child's
20 parent or guardian to pay to the office of the clerk of the
21 circuit court an amount not to exceed the actual cost incurred
22 by the clerk as a result of receiving and dispensing
23 restitution payments. The clerk shall notify the court if
24 restitution is not made, and the court shall take any further
25 action that is necessary against the child or the child's
26 parent or guardian. A finding by the court, after a hearing,
27 that the parent or guardian has made diligent and good faith
28 efforts to prevent the child from engaging in delinquent acts
29 absolves the parent or guardian of liability for restitution
30 under this subparagraph.

31 7. Order the child and, if the court finds it

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1 appropriate, the child's parent or guardian together with the
2 child, to participate in a community work project, either as
3 an alternative to monetary restitution or as part of the
4 rehabilitative or community control program.

5 8. Commit the child to the Department of Juvenile
6 Justice for placement in a program or facility for serious or
7 habitual juvenile offenders in accordance with s. 985.31. Any
8 commitment of a child to a program or facility for serious or
9 habitual juvenile offenders must be for an indeterminate
10 period of time, but the time may not exceed the maximum term
11 of imprisonment that an adult may serve for the same offense.
12 The court may retain jurisdiction over such child until the
13 child reaches the age of 21, specifically for the purpose of
14 the child completing the program.

15 9. In addition to the sanctions imposed on the child,
16 order the parent or guardian of the child to perform community
17 service if the court finds that the parent or guardian did not
18 make a diligent and good faith effort to prevent the child
19 from engaging in delinquent acts. The court may also order the
20 parent or guardian to make restitution in money or in kind for
21 any damage or loss caused by the child's offense. The court
22 shall determine a reasonable amount or manner of restitution,
23 and payment shall be made to the clerk of the circuit court as
24 provided in subparagraph 6.

25 10. Subject to specific appropriation, commit the
26 juvenile sexual offender to the Department of Juvenile Justice
27 for placement in a program or facility for juvenile sexual
28 offenders in accordance with s. 985.308. Any commitment of a
29 juvenile sexual offender to a program or facility for juvenile
30 sexual offenders must be for an indeterminate period of time,
31 but the time may not exceed the maximum term of imprisonment

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1 that an adult may serve for the same offense. The court may
2 retain jurisdiction over a juvenile sexual offender until the
3 juvenile sexual offender reaches the age of 21, specifically
4 for the purpose of completing the program.

5 (c) Any order made pursuant to paragraph (a) shall be
6 in writing as prepared by the clerk of court and may
7 thereafter be modified or set aside by the court.

8 (2) Following a delinquency adjudicatory hearing
9 pursuant to s. 985.228 and a delinquency disposition hearing
10 pursuant to s. 985.23 which results in a commitment
11 determination, the court shall, on its own or upon request by
12 the state or the department, determine whether the protection
13 of the public requires that the child be placed in a program
14 for serious or habitual juvenile offenders and whether the
15 particular needs of the child would be best served by a
16 program for serious or habitual juvenile offenders as provided
17 in s. 985.31. The determination shall be made pursuant to ss.
18 985.03(49)~~985.03(47)~~and 985.23(3).

19 Section 12. Subsections (14) and (15) of section
20 985.308, Florida Statutes, 1998 Supplement, are amended to
21 read:

22 985.308 Juvenile sexual offender commitment programs;
23 sexual abuse intervention networks.--

24 (14) Subject to specific appropriation, availability
25 of funds, or receipt of appropriate grant funds, the Office of
26 the Attorney General, the Department of Children and Family
27 Services, the Department of Juvenile Justice, or local
28 juvenile justice councils shall award grants to sexual abuse
29 intervention networks that apply for such grants. The grants
30 may be used for training, treatment, aftercare, evaluation,
31 public awareness, and other specified community needs that are

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1 identified by the network. A grant shall be awarded based on
2 the applicant's level of local funding, level of
3 collaboration, number of juvenile sexual offenders to be
4 served, number of victims to be served, and level of unmet
5 needs. ~~The Department of Legal Affairs' Office of the Attorney~~
6 ~~General, in collaboration with the Department of Juvenile~~
7 ~~Justice and the Department of Children and Family Services,~~
8 ~~shall establish by rule minimum standards for each respective~~
9 ~~department for residential and day treatment juvenile sexual~~
10 ~~offender programs funded under this subsection.~~

11 ~~(15) The Department of Legal Affairs may adopt rules~~
12 ~~necessary to award grants under this section.~~

13 Section 13. Section 985.316, Florida Statutes, is
14 amended to read:

15 985.316 ~~Furlough and intensive~~ Aftercare.--

16 (1) The Legislature finds that:

17 (a) Aftercare is the care, treatment, help, and
18 supervision provided juveniles released from residential
19 commitment programs to promote rehabilitation and prevent
20 recidivism.

21 (b) Aftercare services can contribute significantly to
22 a successful transition of a juvenile from a residential
23 commitment to the juvenile's home, school, and community.
24 Therefore, the best efforts should be made to provide for a
25 successful transition.

26 (c) The purpose of aftercare is to protect safety;
27 reduce recidivism; increase responsible productive behaviors;
28 and provide for a successful transition of care and custody of
29 the youth from the state to the family.

30 (d) Accordingly, aftercare should be included in the
31 continuum of care.

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1 (2) It is the intent of the Legislature that:

2 (a) Commitment programs include rehabilitative efforts
3 on preparing committed juveniles for a successful release to
4 the community.

5 (b) Aftercare transition planning begins as early in
6 the commitment process as possible.

7 (c) Each juvenile committed to a residential
8 commitment program be assessed to determine the need for
9 aftercare services upon release from the commitment program.

10 (3) For juveniles referred or committed to the
11 department, the function of the department may include, but
12 shall not be limited to, assessing each committed juvenile to
13 determine the need for aftercare services upon release from a
14 commitment program, supervising the juvenile when released
15 into the community from a residential commitment facility of
16 the department, providing such counseling and other services
17 as may be necessary for the families and assisting their
18 preparations for the return of the child. Subject to specific
19 appropriation, the department shall provide for outpatient
20 sexual offender counseling for any juvenile sexual offender
21 released from a commitment program as a component of
22 aftercare.

23 (4) After a youth is released from a residential
24 commitment program, aftercare services may be delivered
25 through either minimum-risk nonresidential commitment
26 restrictiveness programs or postcommitment community control.
27 A juvenile under minimum-risk nonresidential commitment
28 placement will continue to be on commitment status and subject
29 to the transfer provision under s. 985.404. A juvenile on
30 post-commitment community control will be subject to the
31 provisions under s. 985.231(1)(a).

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1 ~~(1) With regard to children referred or committed to~~
2 ~~the department, the function of the department may include,~~
3 ~~but shall not be limited to, supervising the child when~~
4 ~~furloughed into the community from a facility of the~~
5 ~~department, including providing such counseling and other~~
6 ~~services as may be necessary for the families and assisting~~
7 ~~their preparations for the return of the child.~~

8 ~~(2) Whenever a delinquent child is committed to a~~
9 ~~residential program operated by a private vendor under~~
10 ~~contract, the department may negotiate with such vendor to~~
11 ~~provide intensive aftercare for the child in the home~~
12 ~~community following successful completion of the residential~~
13 ~~program. Intensive aftercare shall involve regular contact~~
14 ~~between the child and the staff of the vendor with whom the~~
15 ~~child has developed a relationship during the course of the~~
16 ~~commitment program. Contingent upon specific appropriation, a~~
17 ~~contract for intensive aftercare provided by the residential~~
18 ~~commitment program vendor shall provide for caseloads of 10 or~~
19 ~~fewer children, intensive aftercare for 1 year, and a transfer~~
20 ~~of the ongoing case management and reentry responsibilities~~
21 ~~from the department to the vendor at the time the vendor~~
22 ~~admits the child into the commitment program. The department~~
23 ~~shall annually seek the necessary resources to provide~~
24 ~~intensive aftercare.~~

25 ~~(3) Subject to specific appropriation, the department~~
26 ~~shall provide or contract for outpatient sexual offender~~
27 ~~counseling for any juvenile sexual offender furloughed from a~~
28 ~~commitment program, as a component of aftercare services.~~

29 ~~(4) Upon a recommendation that a child committed to~~
30 ~~the department have his or her furlough revoked, the~~
31 ~~department shall, within 30 days after the date the~~

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1 ~~recommendation is made, hold an administrative hearing~~
2 ~~pursuant to chapter 120.~~

3 ~~(5) It is the legislative intent that, to prevent~~
4 ~~recidivism of juvenile offenders, reentry and aftercare~~
5 ~~services be provided statewide to each juvenile who returns to~~
6 ~~his or her community from a residential commitment program.~~
7 ~~Accordingly, the Legislature further intends that reentry and~~
8 ~~aftercare services be included in the continuum of care.~~

9 Section 14. Subsections (4) and (10) of section
10 985.404, Florida Statutes, 1998 Supplement, are amended, and
11 subsection (13) is added to that section, to read:

12 985.404 Administering the juvenile justice
13 continuum.--

14 (4) The department may transfer a child, when
15 necessary to appropriately administer the child's commitment,
16 from one facility or program to another facility or program
17 operated, contracted, subcontracted, or designated by the
18 department, including a postcommitment minimum-risk
19 nonresidential aftercare program. The department shall notify
20 the court that committed the child to the department, in
21 writing, of its transfer of the child from a commitment
22 facility or program to another facility or program of a higher
23 or lower restrictiveness level. The court that committed the
24 child may agree to the transfer or may set a hearing to review
25 the transfer. If the court does not respond within 10 days
26 after receipt of the notice, the transfer of the child shall
27 be deemed granted.

28 (10) The department shall annually collect and report
29 cost data for every program operated or contracted by the
30 department. The cost data shall conform to a format approved
31 by the department and the Legislature. Uniform cost data shall

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1 be reported and collected for state-operated and contracted
2 programs so that comparisons can be made among programs. The
3 department shall ensure that there is accurate cost accounting
4 for state-operated services including market-equivalent rent
5 and other shared cost. The cost of the educational program
6 provided to a residential facility shall be reported and
7 included in the cost of a program. The department shall submit
8 an annual cost report to the President of the Senate, the
9 Speaker of the House of Representatives, the Minority Leader
10 of each house of the Legislature, the appropriate substantive
11 and appropriations committees of each house of the
12 Legislature, and the Governor, no later than December 1 of
13 each year. Cost-benefit analysis for educational programs will
14 be developed and implemented in collaboration with and
15 cooperation by the Department of Education, local providers,
16 and local school districts. Cost data for the report shall
17 include data collected by the Department of Education for the
18 purposes of preparing the annual report required by s.
19 230.23161(21)~~(17)~~.

20 (13) The department shall implement procedures to
21 ensure that educational support activities are provided
22 throughout the juvenile justice continuum. Such activities may
23 include, but are not limited to, mentoring, tutoring, group
24 discussions, homework assistance, library support, designated
25 reading times, independent living, personal finance, and other
26 appropriate educational activities.

27 Section 15. Subsection (3) of section 985.406, Florida
28 Statutes, 1998 Supplement, is amended to read:

29 985.406 Juvenile justice training academies
30 established; Juvenile Justice Standards and Training
31 Commission created; Juvenile Justice Training Trust Fund

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1 created.--

2 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The commission
3 shall establish a certifiable program for juvenile justice
4 training pursuant to ~~the provisions of~~ this section, and all
5 Department of Juvenile Justice program staff and providers who
6 deliver direct care services pursuant to contract with the
7 department shall be required to participate in and
8 successfully complete the commission-approved program of
9 training pertinent to their areas of responsibility. Judges,
10 state attorneys, and public defenders, law enforcement
11 officers, and school district personnel may participate in
12 such training program. For the juvenile justice program staff,
13 the commission shall, based on a job-task analysis:

14 (a) Design, implement, maintain, evaluate, and revise
15 a basic training program, including a competency-based
16 ~~curriculum-based~~ examination, for the purpose of providing
17 minimum employment training qualifications for all juvenile
18 justice personnel. All program staff of the Department of
19 Juvenile Justice and providers who deliver direct-care
20 services who are hired after October 1, 1999, must meet the
21 following minimum requirements:

22 1. Be at least 19 years of age.

23 2. Be a high school graduate or its equivalent as
24 determined by the commission.

25 3. Not have been convicted of any felony or a
26 misdemeanor involving perjury or a false statement, or have
27 received a dishonorable discharge from any of the Armed Forces
28 of the United States. Any person who, after September 30,
29 1999, pleads guilty or nolo contendere to or is found guilty
30 of any felony or a misdemeanor involving perjury or false
31 statement is not eligible for employment, notwithstanding

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1 suspension of sentence or withholding of adjudication.

2 Notwithstanding this subparagraph, any person who pleads nolo
3 contendere to a misdemeanor involving a false statement before
4 October 1, 1999, and who has had such record of that plea
5 sealed or expunged is not ineligible for employment for that
6 reason.

7 4. Abide by all the provisions of s. 985.01(2)
8 regarding fingerprinting and background investigations and
9 other screening requirements for personnel.

10 5. Execute and submit to the department an
11 affidavit-of-application form, adopted by the department,
12 attesting to his or her compliance with subparagraphs 1.
13 through 4. The affidavit must be executed under oath and
14 constitutes an official statement under s. 837.06. The
15 affidavit must include conspicuous language that the
16 intentional false execution of the affidavit constitutes a
17 misdemeanor of the second degree. The employing agency shall
18 retain the affidavit.

19 (b) Design, implement, maintain, evaluate, and revise
20 an advanced training program, including a competency-based
21 ~~curriculum-based~~ examination for each training course, which
22 is intended to enhance knowledge, skills, and abilities
23 related to job performance.

24 (c) Design, implement, maintain, evaluate, and revise
25 a career development training program, including a
26 competency-based ~~curriculum-based~~ examination for each
27 training course. Career development courses are intended to
28 prepare personnel for promotion.

29 (d) The commission is encouraged to design, implement,
30 maintain, evaluate, and revise juvenile justice training
31 courses, or to enter into contracts for such training courses,

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1 that are intended to provide for the safety and well-being of
2 both citizens and juvenile offenders.

3 Section 16. Section 985.4145, Florida Statutes, is
4 created to read:

5 985.4145 Direct-support organization; definition; use
6 of property; board of directors; audit.--

7 (1) DEFINITION.--As used in this section, the term
8 "direct-support organization" means an organization whose sole
9 purpose is to support the juvenile justice system and which
10 is:

11 (a) A corporation not-for-profit incorporated under
12 chapter 617 and which is approved by the Department of State;

13 (b) Organized and operated to conduct programs and
14 activities; to raise funds; to request and receive grants,
15 gifts, and bequests of moneys; to acquire, receive, hold,
16 invest, and administer, in its own name, securities, funds,
17 objects of value, or other property, real or personal; and to
18 make expenditures to or for the direct or indirect benefit of
19 the Department of Juvenile Justice or the juvenile justice
20 system operated by a county commission or a district board;

21 (c) Determined by the Department of Juvenile Justice
22 to be consistent with the goals of the juvenile justice
23 system, in the best interest of the state, and in accordance
24 with the adopted goals and mission of the Department of
25 Juvenile Justice.

26
27 Expenditures of the organization shall be expressly used to
28 prevent and ameliorate juvenile delinquency. The expenditures
29 of the direct-support organization may not be used for the
30 purpose of lobbying as defined in s. 11.045.

31 (2) CONTRACT.--The direct-support organization shall

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1 operate under written contract with the department. The
 2 contract must provide for:
 3 (a) Approval of the articles of incorporation and
 4 bylaws of the direct-support organization by the department.
 5 (b) Submission of an annual budget for the approval of
 6 the department.
 7 (c) Certification by the department that the
 8 direct-support organization is complying with the terms of the
 9 contract and in a manner consistent with the goals and
 10 purposes of the department and in the best interest of the
 11 state. Such certification must be made annually and reported
 12 in the official minutes of a meeting of the direct-support
 13 organization.
 14 (d) The reversion of moneys and property held in trust
 15 by the direct-support organization for the benefit of the
 16 juvenile justice system to the state if the department ceases
 17 to exist or to the department if the direct-support
 18 organization is no longer approved to operate for the
 19 department, a county commission, or a district board or if the
 20 direct-support organization ceases to exist;
 21 (e) The fiscal year of the direct-support
 22 organization, which must begin July 1 of each year and end
 23 June 30 of the following year;
 24 (f) The disclosure of material provisions of the
 25 contract, and the distinction between the department and the
 26 direct-support organization, to donors of gifts,
 27 contributions, or bequests, including such disclosure on all
 28 promotional and fundraising publications.
 29 (3) BOARD OF DIRECTORS.--The Secretary of Juvenile
 30 Justice shall appoint a board of directors of the
 31 direct-support organization. Members of the organization must

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1 include representatives from businesses, representatives from
2 each of the juvenile justice service districts, and one
3 representative appointed at-large.

4 (4) USE OF PROPERTY.--The department may permit,
5 without charge, appropriate use of fixed property and
6 facilities of the juvenile justice system by the
7 direct-support organization, subject to the provisions of this
8 section.

9 (a) The department may prescribe any condition with
10 which the direct-support organization must comply in order to
11 use fixed property or facilities of the juvenile justice
12 system.

13 (b) The department may not permit the use of any fixed
14 property or facilities of the juvenile justice system by the
15 direct-support organization if it does not provide equal
16 membership and employment opportunities to all persons
17 regardless of race, color, religion, sex, age, or national
18 origin.

19 (c) The department shall adopt rules prescribing the
20 procedures by which the direct-support organization is
21 governed and any conditions with which a direct-support
22 organization must comply to use property or facilities of the
23 department.

24 (5) Any moneys may be held in a separate depository
25 account in the name of the direct-support organization and
26 subject to the provisions of the contract with the department.

27 (6) The direct-support organization shall provide for
28 an annual financial and compliance postaudit of its financial
29 accounts and records by an independent certified public
30 accountant in accordance with rules of the Auditor General.
31 The annual audit report must include a management letter and

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1 must be submitted to the Auditor General and the department
2 for review. The department and the Auditor General may require
3 and receive from the direct-support organization, or from its
4 independent auditor, any detail or supplemental data relative
5 to the operation of the organization.

6 Section 17. Paragraph (b) of subsection (1) and
7 paragraphs (a) and (b) of subsection (2) of section 985.415,
8 Florida Statutes, 1998 Supplement, are amended to read:

9 985.415 Community Juvenile Justice Partnership
10 Grants.--

11 (1) GRANTS; CRITERIA.--

12 (b) In awarding these grants,the department shall
13 ~~only~~ consider applications that ~~which~~ at a minimum provide for
14 the following:

15 1. The participation of the agencies and programs
16 needed to implement the project or program for which the
17 applicant is applying; ~~and~~

18 2. The reduction of truancy and in-school and
19 out-of-school suspensions and expulsions, ~~and~~ the enhancement
20 of school safety, and other delinquency early-intervention and
21 diversion services;-

22 3. The number of youths from 10 through 17 years of
23 age within the geographic area to be served by the program,
24 giving those geographic areas having the highest number of
25 youths from 10 to 17 years of age priority for selection;

26 4. The extent to which the program targets
27 high-juvenile-crime neighborhoods and those public schools
28 serving juveniles from high-crime neighborhoods;

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

31 6. The degree to which the program is located in and

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1 managed by local leaders of the target neighborhoods and
2 public schools serving the target neighborhoods.

3 (2) GRANT APPLICATION PROCEDURES.--

4 (a) Each entity wishing to apply for an annual
5 community juvenile justice partnership grant, which may be
6 renewed for a maximum of 2 additional years for the same
7 provision of services, shall submit a grant proposal for
8 funding or continued funding to the department ~~by March 1 of~~
9 ~~each year~~. The department shall establish the grant
10 application procedures. In order to be considered for
11 funding, the grant proposal shall include the following
12 assurances and information:

13 1. A letter from the chair of the county juvenile
14 justice council confirming that the grant application has been
15 reviewed and found to support one or more purposes or goals of
16 the juvenile justice plan as developed by the council.

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

19 3. A method for identification of the juveniles most
20 likely to be involved ~~at risk of involvement~~ in the juvenile
21 justice system who will be the focus of the program.

22 4. Provisions for the participation of parents and
23 guardians in the program.

24 5. Coordination with other community-based and social
25 service prevention efforts, including, but not limited to,
26 drug and alcohol abuse prevention and dropout prevention
27 programs, that serve the target population or neighborhood.

28 6. An evaluation component to measure the
29 effectiveness of the program in accordance with the provisions
30 of s. 985.412.

31 7. A program budget, including the amount and sources

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1 of local cash and in-kind resources committed to the budget.
2 The proposal must establish to the satisfaction of the
3 department that the entity will make a cash or in-kind
4 contribution to the program of a value that is at least equal
5 to 20 percent of the amount of the grant.

6 8. The necessary program staff.

7 (b) The department shall consider the following in
8 awarding such grants:

9 ~~1. The number of youths from 10 through 17 years of~~
10 ~~age within the geographical area to be served by the program.~~
11 ~~Those geographical areas with the highest number of youths~~
12 ~~from 10 through 17 years of age shall have priority for~~
13 ~~selection.~~

14 ~~2. The extent to which the program targets high~~
15 ~~juvenile crime neighborhoods and those public schools serving~~
16 ~~juveniles from high crime neighborhoods.~~

17 ~~3. The validity and cost-effectiveness of the program.~~

18 ~~4. The degree to which the program is located in and~~
19 ~~managed by local leaders of the target neighborhoods and~~
20 ~~public schools serving the target neighborhoods.~~

21 ~~1.5.~~ The recommendations of the juvenile justice
22 council as to the priority that should be given to proposals
23 submitted by entities within a county.

24 ~~2.6.~~ The recommendations of the juvenile justice board
25 as to the priority that should be given to proposals submitted
26 by entities within a district.

27 Section 18. Subsection (5) of section 985.417, Florida
28 Statutes, is amended to read:

29 985.417 Transfer of children from the Department of
30 Corrections to the Department of Juvenile Justice.--

31 (5) Any child who has been convicted of a capital

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1 felony while under the age of 18 years may not be released
2 ~~furloughed~~ on community control without the consent of the
3 Governor and three members of the Cabinet.

4 Section 19. Section 985.421, Florida Statutes, is
5 created to read:

6 985.421 Welfare account local fund created; use of.--

7 (1) All moneys now held in the Welfare Trust Fund, or
8 similar fund in any state program under the jurisdiction of
9 the Department of Juvenile Justice, shall be deposited in a
10 welfare trust fund, which fund is created in the State
11 Treasury or in a place that the department shall designate.
12 The money in the fund for each program of the department, and
13 money that accrues thereto, is appropriated for the benefit,
14 education, and general welfare of youth in that program. The
15 general welfare of the youth includes the establishment of,
16 maintenance of, staffing for, and the purchase of items for
17 resale at canteens or vending machines maintained at the state
18 programs and for the establishment of, maintenance of,
19 employment of personnel for, and the operation of canteens,
20 hobby shops, recreational or entertainment facilities,
21 activity centers, farming projects, behavior modification
22 programs for all youth, and similar facilities and programs.

23 (2) All moneys now held in any welfare trust fund or
24 similar fund in any district of the department shall be
25 deposited in the Welfare Trust Fund, which is created in the
26 State Treasury, or in a place that the department designates.
27 Money in the fund of each district of the department, and
28 money that accrues thereto, is appropriated for the purpose
29 the donor intended. Absent specific intentions of the donor,
30 such moneys must be used for programs for the benefit,
31 education, and general welfare of all youths of the

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1 department. All sales taxes collected by the department in a
2 district for the Department of Revenue may be deposited into
3 the district trust fund to facilitate preparing consolidated
4 sales tax returns and remittals of sales tax to the Department
5 of Revenue.

6 (3) The Department of Juvenile Justice shall deposit
7 in a welfare trust fund all receipts from the operation of
8 canteens, vending machines, hobby shops, activity centers,
9 farming projects, specified donations and other such
10 facilities designated as accruing to a specific welfare trust
11 fund, and any moneys that are assigned to a specific welfare
12 trust fund by youths or others. Separate revenue and expense
13 accounts must be maintained in the department's accounting
14 system for each such facility. Annually, the net proceeds,
15 must be determined for such facility and made available for
16 expenditures for the benefit, education, and general welfare
17 of the youths of the department. The moneys in the fund
18 constitute a trust held by the department for the benefit and
19 welfare of the youths of the department.

20 (4) Any contraband found upon or in the possession of
21 any youth of the department shall be confiscated and
22 liquidated, and the proceeds thereof shall be deposited in a
23 welfare trust fund.

24 (5) The department may invest in the manner authorized
25 by law for fiduciaries any money in a welfare trust fund which
26 is not necessary for immediate use. Investments may include,
27 but are not limited to, investments in savings share accounts
28 of any credit union chartered under the laws of the United
29 States and doing business in this state and savings share
30 accounts of any credit union chartered under the laws of this
31 state, provided the credit union is insured under the federal

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1 share insurance program or an approved state share insurance
2 program. The interest earned and other increments derived from
3 such investments of such money shall be deposited in the
4 Welfare Trust Fund. Moneys required for current use may be
5 deposited in any bank, credit union, or savings and loan
6 association authorized to do business in this state, provided
7 such deposits are insured under a federal depository or share
8 insurance program or under a state-approved depository or
9 share insurance program, and provided such moneys are
10 available on demand.

11 (6) The department shall maintain accounts in the
12 Welfare Trust Fund for the sale of goods, services, or
13 products as outlined in subsection (1), and each project shall
14 be accounted for separately in accordance with cost standards
15 established by the department. However, the cost of such
16 projects may not include any wage or salary expenditures
17 funded by a general revenue appropriation applicable to such
18 rehabilitative activities. The cost of materials incorporated
19 in such products sold, if funded by an appropriation of
20 general revenue, must be restored to the General Revenue Fund
21 unallocated at the end of the fiscal year of sale from the
22 proceeds of such sales.

23 Section 20. Paragraph (d) of subsection (1) of section
24 419.001, Florida Statutes, 1998 Supplement, is amended to
25 read:

26 419.001 Site selection of community residential
27 homes.--

28 (1) For the purposes of this section, the following
29 definitions shall apply:

30 (d) "Resident" means any of the following: a frail
31 elder as defined in s. 400.618; a physically disabled or

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1 handicapped person as defined in s. 760.22(7)(a); a
2 developmentally disabled person as defined in s. 393.063(11);
3 a nondangerous mentally ill person as defined in s.
4 394.455(18); or a child as defined in s. 39.01(11), s.
5 984.03(9) or (12), or s. 985.03(9)~~s. 985.03(8)~~.

6 Section 21. Section 784.075, Florida Statutes, 1998
7 Supplement, is amended to read:

8 784.075 Battery on detention or commitment facility
9 staff.--A person who commits a battery on a juvenile probation
10 officer ~~an intake counselor or case manager~~, as defined in s.
11 984.03 ~~s. 984.03(31)~~ or s. 985.03 ~~s. 985.03(30)~~, on other
12 staff of a detention center or facility as defined in s.
13 984.03 ~~s. 984.03(19)~~ or s. 985.03 ~~s. 985.03(19)~~, or on a staff
14 member of a commitment facility as defined in s. 985.03(47)~~s.~~
15 ~~985.03(45)~~, commits a felony of the third degree, punishable
16 as provided in s. 775.082, s. 775.083, or s. 775.084. For
17 purposes of this section, a staff member of the facilities
18 listed includes persons employed by the Department of Juvenile
19 Justice, persons employed at facilities licensed by the
20 Department of Juvenile Justice, and persons employed at
21 facilities operated under a contract with the Department of
22 Juvenile Justice.

23 Section 22. Section 984.05, Florida Statutes, 1998
24 Supplement, is amended to read:

25 984.05 Rules relating to habitual truants; adoption by
26 Department of Education and Department of Juvenile
27 Justice.--The Department of Juvenile Justice and the
28 Department of Education shall work together on the development
29 of, and shall adopt, rules as necessary for the implementation
30 of ss. 232.19, 984.03(29), and 985.03(28)~~985.03(27)~~.

31 Section 23. Subsections (1), (2), (3), and (4) of

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1 section 985.227, Florida Statutes, are amended, and subsection
2 (5) is added to that section, to read:

3 985.227 Prosecution of juveniles as adults by the
4 direct filing of an information in the criminal division of
5 the circuit court; discretionary criteria; mandatory
6 criteria.--

7 (1) DISCRETIONARY DIRECT FILE; CRITERIA.--

8 (a) With respect to any child who was 14 or 15 years
9 of age at the time the alleged offense was committed, the
10 state attorney may file an information when in the state
11 attorney's judgment and discretion the public interest
12 requires that adult sanctions be considered or imposed and
13 when the offense charged is for the commission of, attempt to
14 commit, or conspiracy to commit:

- 15 1. Arson;
- 16 2. Sexual battery;
- 17 3. Robbery;
- 18 4. Kidnapping;
- 19 5. Aggravated child abuse;
- 20 6. Aggravated assault;
- 21 7. Aggravated stalking;
- 22 8. Murder;
- 23 9. Manslaughter;
- 24 10. Unlawful throwing, placing, or discharging of a
25 destructive device or bomb;
- 26 11. Armed burglary in violation of s. 810.02(2)(b) or
27 specified burglary of a dwelling or structure in violation of
28 s. 810.02(2)(c), or burglary with an assault or battery in
29 violation of s. 810.02(2)(a);
- 30 12. Aggravated battery;
- 31 13. Lewd or lascivious assault or act in the presence

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1 of a child;

2 14. Carrying, displaying, using, threatening, or
3 attempting to use a weapon or firearm during the commission of
4 a felony; or

5 15. Grand theft in violation of s. 812.014(2)(a);

6 16. Home invasion robbery; or

7 17. Carjacking.

8 (b) With respect to any child who was 16 or 17 years
9 of age at the time the alleged offense was committed, the
10 state attorney may file an information when in the state
11 attorney's judgment and discretion the public interest
12 requires that adult sanctions be considered or imposed.
13 However, the state attorney may not file an information on a
14 child charged with a misdemeanor, unless the child has had at
15 least two previous adjudications or adjudications withheld for
16 delinquent acts, one of which involved an offense classified
17 as a felony under state law.

18 (2) MANDATORY DIRECT FILE.--

19 (a) With respect to any child who was 16 or 17 years
20 of age at the time the alleged offense was committed, the
21 state attorney shall file an information if the child has been
22 previously adjudicated delinquent for an act classified as a
23 felony, which adjudication was for the commission of, attempt
24 to commit, or conspiracy to commit murder, sexual battery,
25 armed or strong-armed robbery, carjacking, home-invasion
26 robbery, aggravated battery, or aggravated assault, and the
27 child is currently charged with a second or subsequent violent
28 crime against a person.

29 (b) Notwithstanding subsection (1), regardless of the
30 child's age at the time the alleged offense was committed, the
31 state attorney must file an information with respect to any

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1 child who previously has been adjudicated for offenses which,
2 if committed by an adult, would be felonies and such
3 adjudications occurred at three or more separate delinquency
4 adjudicatory hearings, and three of which resulted in
5 residential commitments as defined in s. 985.03(47)~~s.~~
6 ~~985.03(45)~~.

7 (c) The state attorney must file an information if a
8 child, regardless of the child's age at the time the alleged
9 offense was committed, is alleged to have committed an act
10 that would be a violation of law if the child were an adult,
11 that involves stealing a motor vehicle, including, but not
12 limited to, a violation of s. 812.133, relating to carjacking,
13 or s. 812.014(2)(c)6., relating to grand theft of a motor
14 vehicle, and while the child was in possession of the stolen
15 motor vehicle the child caused serious bodily injury to or the
16 death of a person who was not involved in the underlying
17 offense. For purposes of this section, the driver and all
18 willing passengers in the stolen motor vehicle at the time
19 such serious bodily injury or death is inflicted shall also be
20 subject to mandatory transfer to adult court. "Stolen motor
21 vehicle," for the purposes of this section, means a motor
22 vehicle that has been the subject of any criminal wrongful
23 taking. For purposes of this section, "willing passengers"
24 means all willing passengers who have participated in the
25 underlying offense.

26 (3) EFFECT OF DIRECT FILE.--

27 (a) Once a child has been transferred for criminal
28 prosecution pursuant to an information and has been found to
29 have committed the presenting offense or a lesser included
30 offense, the child shall be handled thereafter in every
31 respect as if an adult for any subsequent violation of state

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1 law, unless the court imposes juvenile sanctions under s.
2 985.233.

3 (b) When a child is transferred for criminal
4 prosecution as an adult, the court shall immediately transfer
5 and certify to the adult circuit appropriate court all felony
6 ~~preadjudicatory~~ cases pertaining to the child, for prosecution
7 of the child as an adult, which have not yet resulted in a
8 plea of guilty or nolo contendere or in which a finding of
9 guilt has not been made. If a child is acquitted of all
10 charged offenses or lesser included offenses contained in the
11 original case transferred to adult court, all felony cases
12 that were transferred to adult court as a result of this
13 paragraph shall be subject to the same penalties to which such
14 cases would have been subject before being transferred to
15 adult court that pertain to that child which are pending in
16 juvenile court, including, but not limited to, all cases
17 involving offenses that occur or are referred between the date
18 of transfer and sentencing in adult court and all outstanding
19 juvenile disposition orders. The juvenile court shall make
20 every effort to dispose of all predispositional cases and
21 transfer those cases to the adult court prior to adult
22 sentencing. It is the intent of the Legislature to require all
23 cases occurring prior to the sentencing hearing in adult court
24 to be handled by the adult court for final resolution with the
25 original transfer case.

26 (c) When a child has been transferred for criminal
27 prosecution as an adult and has been found to have committed a
28 violation of state law, the disposition of the case may be
29 made under s. 985.233 and may include the enforcement of any
30 restitution ordered in any juvenile proceeding.

31 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state

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1 attorney shall develop ~~and annually update~~ written policies
2 and guidelines to govern determinations for filing an
3 information on a juvenile, to be submitted to the Executive
4 Office of the Governor, the President of the Senate, the
5 Speaker of the House of Representatives, and the Juvenile
6 Justice Advisory Board not later than January 1 of each year.

7 (5) An information filed pursuant to this section may
8 include all charges that are based on the same act, criminal
9 episode, or transaction as the primary offenses.

10 Section 24. Paragraph (e) of subsection (3) and
11 paragraph (a) of subsection (4) of section 985.31, Florida
12 Statutes, 1998 Supplement, are amended to read:

13 985.31 Serious or habitual juvenile offender.--

14 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
15 TREATMENT.--

16 (e) After a child has been adjudicated delinquent
17 pursuant to s. 985.228, the court shall determine whether the
18 child meets the criteria for a serious or habitual juvenile
19 offender pursuant to s. 985.03(49)~~s. 985.03(47)~~. If the court
20 determines that the child does not meet such criteria, the
21 provisions of s. 985.231(1) shall apply.

22 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

23 (a) Pursuant to the provisions of this section, the
24 department shall implement the comprehensive assessment
25 instrument for the treatment needs of serious or habitual
26 juvenile offenders and for the assessment, which assessment
27 shall include the criteria under s. 985.03(49)~~s. 985.03(47)~~
28 and shall also include, but not be limited to, evaluation of
29 the child's:

- 30 1. Amenability to treatment.
- 31 2. Proclivity toward violence.

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1 3. Tendency toward gang involvement.
2 4. Substance abuse or addiction and the level thereof.
3 5. History of being a victim of child abuse or sexual
4 abuse, or indication of sexual behavior dysfunction.
5 6. Number and type of previous adjudications, findings
6 of guilt, and convictions.
7 7. Potential for rehabilitation.
8 Section 25. Paragraph (e) of subsection (3) and
9 paragraph (a) of subsection (4) of section 985.311, Florida
10 Statutes, 1998 Supplement, are amended to read:
11 985.311 Intensive residential treatment program for
12 offenders less than 13 years of age.--
13 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
14 TREATMENT.--
15 (e) After a child has been adjudicated delinquent
16 pursuant to s. 985.228(5), the court shall determine whether
17 the child is eligible for an intensive residential treatment
18 program for offenders less than 13 years of age pursuant to s.
19 985.03(8)~~s. 985.03(7)~~. If the court determines that the
20 child does not meet the criteria, the provisions of s.
21 985.231(1) shall apply.
22 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--
23 (a) Pursuant to the provisions of this section, the
24 department shall implement the comprehensive assessment
25 instrument for the treatment needs of children who are
26 eligible for an intensive residential treatment program for
27 offenders less than 13 years of age and for the assessment,
28 which assessment shall include the criteria under s. 985.03(8)
29 ~~s. 985.03(7)~~ and shall also include, but not be limited to,
30 evaluation of the child's:
31 1. Amenability to treatment.

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- 1 2. Proclivity toward violence.
- 2 3. Tendency toward gang involvement.
- 3 4. Substance abuse or addiction and the level thereof.
- 4 5. History of being a victim of child abuse or sexual
- 5 abuse, or indication of sexual behavior dysfunction.
- 6 6. Number and type of previous adjudications, findings
- 7 of guilt, and convictions.
- 8 7. Potential for rehabilitation.

9 Section 26. Section 985.312, Florida Statutes, is
10 amended to read:

11 985.312 Intensive residential treatment programs for
12 offenders less than 13 years of age; prerequisite for
13 commitment.--No child who is eligible for commitment to an
14 intensive residential treatment program for offenders less
15 than 13 years of age as established in s. 985.03(8)~~s.~~
16 ~~985.03(7)~~, may be committed to any intensive residential
17 treatment program for offenders less than 13 years of age as
18 established in s. 985.311, unless such program has been
19 established by the department through existing resources or
20 specific appropriation, for such program.

21 Section 27. Section 985.3141, Florida Statutes, is
22 amended to read:

23 985.3141 Escapes from secure detention or residential
24 commitment facility.--An escape from:

25 (1) Any secure detention facility maintained for the
26 temporary detention of children, pending adjudication,
27 disposition, or placement;

28 (2) Any residential commitment facility described in
29 s. 985.03(47)~~s. 985.03(45)~~, maintained for the custody,
30 treatment, punishment, or rehabilitation of children found to
31 have committed delinquent acts or violations of law; or

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1 (3) Lawful transportation to or from any such secure
2 detention facility or residential commitment facility,
3
4 constitutes escape within the intent and meaning of s. 944.40
5 and is a felony of the third degree, punishable as provided in
6 s. 775.082, s. 775.083, or s. 775.084.

7 Section 28. Subsection (1) of section 985.234, Florida
8 Statutes, is amended to read:

9 985.234 Appeal.--

10 (1) An appeal from an order of the court affecting a
11 party to a case involving a child pursuant to this part may be
12 taken to the appropriate district court of appeal within the
13 time and in the manner prescribed by s. 924.051 and the
14 Florida Rules of Appellate Procedure by:

15 (a) Any child, and any parent or legal guardian or
16 custodian of any child.

17 (b) The state, which may appeal from:

18 1. An order dismissing a petition or any section
19 thereof;

20 2. An order granting a new adjudicatory hearing;

21 3. An order arresting judgment;

22 4. A ruling on a question of law when the child is
23 adjudicated delinquent and appeals from the judgment;

24 5. The disposition, on the ground that it is illegal;

25 6. A judgment discharging a child on habeas corpus;

26 7. An order adjudicating a child insane under the
27 Florida Rules of Juvenile Procedure; and

28 8. All other preadjudicatory hearings, except that the
29 state may not take more than one appeal under this subsection
30 in any case.

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1 In the case of an appeal by the state, the notice of appeal
2 shall be filed by the appropriate state attorney or his or her
3 authorized assistant pursuant to the provisions of s. 27.18.
4 Such an appeal shall embody all assignments of error in each
5 preadjudicatory hearing order that the state seeks to have
6 reviewed. The state shall pay all costs of the appeal except
7 for the child's attorney's fee.

8 Section 29. Section 985.315, Florida Statutes, 1998
9 Supplement, is amended to read:

10 985.315 Educational/technical and vocational
11 work-related ~~work training~~ programs.--

12 (1)(a) It is the finding of the Legislature that the
13 educational/technical and vocational work-related ~~work~~
14 programs of the Department of Juvenile Justice are uniquely
15 different from other programs operated or conducted by other
16 departments in that it is essential to the state that these
17 ~~the work~~ programs provide juveniles with useful information
18 and activities that can lead to meaningful employment after
19 release in order to assist in reducing the return of juveniles
20 to the system.

21 (b) It is further the finding of the Legislature that
22 the mission of a juvenile educational/technical and vocational
23 work-related ~~work~~ program is, in order of priority:

24 1. To provide a joint effort between the department,
25 the juvenile work programs, and educational/technical and
26 ~~other~~ vocational training programs to reinforce relevant
27 education, training, and postrelease job placement, and help
28 reduce recommitment.

29 2. To serve the security goals of the state through
30 the reduction of idleness of juveniles and the provision of an
31 incentive for good behavior in residential commitment

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1 facilities.

2 3. To teach youth in juvenile justice programs
3 relevant job skills and the fundamentals of a trade in order
4 to prepare them for placement in the workforce.

5 (c) It is further the finding of the Legislature that
6 a program which duplicates as closely as possible free-work
7 production and service operations in order to aid juveniles in
8 adjustment after release and to prepare juveniles for gainful
9 employment is in the best interest of the state, juveniles,
10 and the general public.

11 (2)(a) The department is strongly encouraged to ~~may~~
12 require juveniles placed in a high-risk residential,
13 maximum-risk residential, or a serious/habitual offender
14 program to participate in an educational/technical or a
15 vocational work-related work program 5 hours per day, 5 days
16 per week. All policies developed by the department relating
17 to this requirement must be consistent with applicable
18 federal, state, and local labor laws and standards, including
19 all laws relating to child labor.

20 (b) Nothing in this subsection is intended to restore,
21 in whole or in part, the civil rights of any juvenile. No
22 juvenile compensated under this subsection shall be considered
23 as an employee of the state or the department, nor shall such
24 juvenile come within any other provision of the Workers'
25 Compensation Law.

26 (3) In adopting or modifying master plans for juvenile
27 work programs and educational/technical and vocational
28 training programs, and in the administration of the Department
29 of Juvenile Justice, it shall be the objective of the
30 department to develop:

31 (a) Attitudes favorable to work, the work situation,

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1 and a law-abiding life in each juvenile employed in the
2 juvenile work program.

3 (b) Education and training opportunities that are
4 reasonably broad, but which develop specific work skills.

5 (c) Programs that motivate juveniles to use their
6 abilities. ~~Juveniles who do not adjust to these programs shall~~
7 ~~be reassigned.~~

8 (d) Education and training programs that will be of
9 mutual benefit to all governmental jurisdictions of the state
10 by reducing the costs of government to the taxpayers and which
11 integrate all instructional programs into a unified curriculum
12 suitable for all juveniles, but taking account of the
13 different abilities of each juvenile.

14 (e) A logical sequence of educational/technical or
15 vocational training, employment by the juvenile ~~vocational~~
16 work programs, and postrelease job placement for juveniles
17 participating in juvenile work programs.

18 (4)(a) The Department of Juvenile Justice shall
19 establish guidelines for the operation of juvenile
20 educational/technical and vocational work-related work
21 programs, which shall include the following procedures:

22 1. Participation in the educational/technical and
23 vocational work-related programs shall be on a 5-day-per-week,
24 5-hour-per-day basis.

25 ~~2.1.~~ The education, training, work experience,
26 emotional and mental abilities, and physical capabilities of
27 the juvenile and the duration of the term of placement imposed
28 on the juvenile are to be analyzed before assignment of the
29 juvenile inmate into the various processes best suited for
30 educational/technical or vocational training.

31 ~~3.2.~~ When feasible, the department shall attempt to

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1 obtain education or training credit for a juvenile seeking
2 apprenticeship status or a high school diploma or its
3 equivalent.

4 ~~4.3-~~ The juvenile may begin in a general education and
5 work skills program and progress to a specific work skills
6 training program, depending upon the ability, desire, and
7 education and work record of the juvenile.

8 ~~5.4-~~ Modernization and upgrading of equipment and
9 facilities should include greater automation and improved
10 production techniques to expose juveniles to the latest
11 technological procedures to facilitate their adjustment to
12 real work situations.

13 (b) Evaluations of juvenile educational/technical and
14 vocational work-related ~~work~~ programs shall be conducted
15 according to the following guidelines:

16 1. Systematic evaluations and quality assurance
17 monitoring shall be implemented, in accordance with ss.
18 985.401(4) and 985.412(1), to determine whether the ~~juvenile~~
19 ~~vocational work~~ programs are related to successful postrelease
20 adjustments.

21 2. Operations and policies of the ~~work~~ programs shall
22 be reevaluated to determine if they are consistent with their
23 primary objectives.

24 (c) The department shall seek the advice of private
25 labor and management to:

26 1. Assist its work programs in the development of
27 statewide policies aimed at innovation and organizational
28 change.

29 2. Obtain technical and practical assistance,
30 information, and guidance.

31 3. Encourage the cooperation and involvement of the

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1 private sector.

2 4. Assist in the placement of youth into meaningful
3 jobs upon release from the residential program.

4 (d) The department and providers are strongly
5 encouraged to work in partnership with local businesses and
6 trade groups in the development and operation of
7 educational/technical and vocational programs.

8 (5)(a) The Department of Juvenile Justice may adopt
9 and put into effect an agricultural and industrial production
10 and marketing program to provide training facilities for
11 persons placed in serious/habitual offender, high-risk
12 residential, and maximum-risk residential programs and
13 facilities under the control and supervision of the
14 department. The emphasis of this program shall be to provide
15 juveniles with useful work experience and appropriate job
16 skills that will facilitate their reentry into society and
17 provide an economic benefit to the public and the department
18 through effective utilization of juveniles.

19 (b) The department is authorized to contract with the
20 private sector for substantial involvement in a juvenile
21 industry program which includes the operation of a direct
22 private sector business within a juvenile facility and the
23 hiring of juvenile workers. The purposes and objectives of
24 this program shall be to:

25 1. Increase benefits to the general public by
26 reimbursement to the state for a portion of the costs of
27 juvenile residential care.

28 2. Provide purposeful work for juveniles as a means of
29 reducing tensions caused by confinement.

30 3. Increase job skills.

31 4. Provide additional opportunities for rehabilitation

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1 of juveniles who are otherwise ineligible to work outside the
2 facilities, such as maximum security juveniles.

3 5. Develop and establish new models for juvenile
4 facility-based businesses which create jobs approximating
5 conditions of private sector employment.

6 6. Draw upon the economic base of operations for
7 disposition to the Crimes Compensation Trust Fund.

8 7. Substantially involve the private sector with its
9 capital, management skills, and expertise in the design,
10 development, and operation of businesses.

11 (c) Notwithstanding any other law to the contrary,
12 including s. 440.15(9), private sector employers shall provide
13 juveniles participating in juvenile work programs under
14 paragraph (b) with workers' compensation coverage, and
15 juveniles shall be entitled to the benefits of such coverage.
16 Nothing in this subsection shall be construed to allow
17 juveniles to participate in unemployment compensation
18 benefits.

19 (6) The Juvenile Justice Accountability Board shall
20 conduct a study regarding the types of effective juvenile
21 vocational and work programs in operation across the country,
22 relevant research on what makes programs effective, the key
23 ingredients of effective juvenile vocational and work
24 programs, and the status of such programs in juvenile
25 facilities across the state. The board shall report its
26 findings and make recommendations on how to expand and improve
27 these programs no later than January 31, 2000, to the
28 President of the Senate, the Speaker of the House of
29 Representatives, and the Secretary of Juvenile Justice.

30 (7) The department, working with providers, shall
31 inventory juvenile vocational and work training programs in

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1 use in commitment programs across the state. The inventory
2 shall list the commitment program, the type of vocational or
3 work program offered, the relevant job skills provided, and
4 which programs work with the trades industry to place youth in
5 jobs upon release.

6 Section 30. Paragraph (c) of subsection (4) of section
7 985.201, Florida Statutes, is amended to read:

8 985.201 Jurisdiction.--

9 (4)

10 (c) The court may retain jurisdiction over a child and
11 the child's parent or legal guardian whom the court has
12 ordered to pay restitution until the restitution order is
13 satisfied or until the court orders otherwise. If the court
14 retains such jurisdiction after the date upon which the
15 court's jurisdiction would cease under this section, it shall
16 do so solely for the purpose of enforcing the restitution
17 order. The terms of the restitution order are subject to the
18 provisions of s. 775.089(5)~~s. 775.089(6)~~.

19 Section 31. Subsection (4) of section 985.21, Florida
20 Statutes, 1998 Supplement, is amended to read:

21 985.21 Intake and case management.--

22 (4) The juvenile probation officer shall make a
23 preliminary determination as to whether the report, affidavit,
24 or complaint is complete, consulting with the state attorney
25 as may be necessary. In any case where the juvenile probation
26 officer or the state attorney finds that the report,
27 affidavit, or complaint is insufficient by the standards for a
28 probable cause affidavit, the juvenile probation officer or
29 state attorney shall return the report, affidavit, or
30 complaint, without delay, to the person or agency originating
31 the report, affidavit, or complaint or having knowledge of the

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1 facts or to the appropriate law enforcement agency having
2 investigative jurisdiction of the offense, and shall request,
3 and the person or agency shall promptly furnish, additional
4 information in order to comply with the standards for a
5 probable cause affidavit.

6 ~~(a) The juvenile probation officer, upon determining~~
7 ~~that the report, affidavit, or complaint is complete, may, in~~
8 ~~the case of a child who is alleged to have committed a~~
9 ~~delinquent act or violation of law, recommend that the state~~
10 ~~attorney file a petition of delinquency or an information or~~
11 ~~seek an indictment by the grand jury. However, such a~~
12 ~~recommendation is not a prerequisite for any action taken by~~
13 ~~the state attorney.~~

14 (a) ~~(b)~~ The juvenile probation officer, upon
15 determining that the report, affidavit, or complaint is
16 complete, pursuant to uniform procedures established by the
17 department, shall:

18 1. When indicated by the preliminary screening,
19 provide for a comprehensive assessment of the child and family
20 for substance abuse problems, using community-based licensed
21 programs with clinical expertise and experience in the
22 assessment of substance abuse problems.

23 2. When indicated by the preliminary screening,
24 provide for a comprehensive assessment of the child and family
25 for mental health problems, using community-based
26 psychologists, psychiatrists, or other licensed mental health
27 professionals with clinical expertise and experience in the
28 assessment of mental health problems.

29
30 When indicated by the comprehensive assessment, the department
31 is authorized to contract within appropriated funds for

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1 services with a local nonprofit community mental health or
2 substance abuse agency licensed or authorized under chapter
3 394, or chapter 397, or other authorized nonprofit social
4 service agency providing related services. The determination
5 of mental health or substance abuse services shall be
6 conducted in coordination with existing programs providing
7 mental health or substance abuse services in conjunction with
8 the intake office. Client information resulting from the
9 screening and evaluation shall be documented pursuant to rules
10 established by the department and shall serve to assist the
11 juvenile probation officer in providing the most appropriate
12 services and recommendations in the least intrusive manner.
13 Such client information shall be used in the multidisciplinary
14 assessment and classification of the child, but such
15 information, and any information obtained directly or
16 indirectly through the assessment process, is inadmissible in
17 court prior to the disposition hearing, unless the child's
18 written consent is obtained. At the disposition hearing,
19 documented client information shall serve to assist the court
20 in making the most appropriate custody, adjudicatory, and
21 dispositional decision. If the screening and assessment
22 indicate that the interest of the child and the public will be
23 best served thereby, the juvenile probation officer, with the
24 approval of the state attorney, may refer the child for care,
25 diagnostic and evaluation services, substance abuse treatment
26 services, mental health services, retardation services, a
27 diversionary or arbitration or mediation program, community
28 service work, or other programs or treatment services
29 voluntarily accepted by the child and the child's parents or
30 legal guardians. The victim, if any, and the law enforcement
31 agency which investigated the offense shall be notified

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1 immediately by the state attorney of the action taken under
2 this paragraph. Whenever a child volunteers to participate in
3 any work program under this chapter or volunteers to work in a
4 specified state, county, municipal, or community service
5 organization supervised work program or to work for the
6 victim, the child shall be considered an employee of the state
7 for the purposes of liability. In determining the child's
8 average weekly wage, unless otherwise determined by a specific
9 funding program, all remuneration received from the employer
10 is considered a gratuity, and the child is not entitled to any
11 benefits otherwise payable under s. 440.15, regardless of
12 whether the child may be receiving wages and remuneration from
13 other employment with another employer and regardless of the
14 child's future wage-earning capacity.

15 (b)~~(c)~~ The juvenile probation officer, upon
16 determining that the report, affidavit, or complaint complies
17 with the standards of a probable cause affidavit and that the
18 interest of the child and the public will be best served, may
19 recommend that a delinquency petition not be filed. If such a
20 recommendation is made, the juvenile probation officer shall
21 advise in writing the person or agency making the report,
22 affidavit, or complaint, the victim, if any, and the law
23 enforcement agency having investigative jurisdiction of the
24 offense of the recommendation and the reasons therefor; and
25 that the person or agency may submit, within 10 days after the
26 receipt of such notice, the report, affidavit, or complaint to
27 the state attorney for special review. The state attorney,
28 upon receiving a request for special review, shall consider
29 the facts presented by the report, affidavit, or complaint,
30 and by the juvenile probation officer who made the
31 recommendation that no petition be filed, before making a

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1 final decision as to whether a petition or information should
2 or should not be filed.

3 (c)(d) Subject to the interagency agreement authorized
4 under this paragraph, the juvenile probation officer for each
5 case in which a child is alleged to have committed a violation
6 of law or delinquent act and is not detained ~~In all cases in~~
7 ~~which the child is alleged to have committed a violation of~~
8 ~~law or delinquent act and is not detained, the juvenile~~
9 ~~probation officer~~ shall submit a written report to the state
10 attorney, including the original report, complaint, or
11 affidavit, or a copy thereof, including a copy of the child's
12 prior juvenile record, within 20 days after the date the child
13 is taken into custody. In cases in which the child is in
14 detention, the intake office report must be submitted within
15 24 hours after the child is placed into detention. The intake
16 office report may include a recommendation ~~must recommend~~
17 ~~either~~ that a petition or information be filed or that no
18 petition or information be filed, and may ~~must~~ set forth
19 reasons for the recommendation. The State Attorney and the
20 Department of Juvenile Justice may, on a district-by-district
21 basis, enter into interagency agreements denoting the cases
22 that will require a recommendation and those for which a
23 recommendation is unnecessary.

24 (d)(e) The state attorney may in all cases take action
25 independent of the action or lack of action of the juvenile
26 probation officer, and shall determine the action which is in
27 the best interest of the public and the child. If the child
28 meets the criteria requiring prosecution as an adult pursuant
29 to s. 985.226, the state attorney shall request the court to
30 transfer and certify the child for prosecution as an adult or
31 shall provide written reasons to the court for not making such

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1 request. In all other cases, the state attorney may:
2 1. File a petition for dependency;
3 2. File a petition pursuant to chapter 984;
4 3. File a petition for delinquency;
5 4. File a petition for delinquency with a motion to
6 transfer and certify the child for prosecution as an adult;
7 5. File an information pursuant to s. 985.227;
8 6. Refer the case to a grand jury;
9 7. Refer the child to a diversionary, pretrial
10 intervention, arbitration, or mediation program, or to some
11 other treatment or care program if such program commitment is
12 voluntarily accepted by the child or the child's parents or
13 legal guardians; or
14 8. Decline to file.
15 (e)~~(f)~~ In cases in which a delinquency report,
16 affidavit, or complaint is filed by a law enforcement agency
17 and the state attorney determines not to file a petition, the
18 state attorney shall advise the clerk of the circuit court in
19 writing that no petition will be filed thereon.
20 Section 32. Subsection (4) of section 985.225, Florida
21 Statutes, is amended to read:
22 985.225 Indictment of a juvenile.--
23 (4)(a) Once a child has been indicted pursuant to this
24 subsection and has been found to have committed any offense
25 for which he or she was indicted as a part of the criminal
26 episode, the child shall be handled thereafter in every
27 respect as if an adult for any subsequent violation of state
28 law, unless the court imposes juvenile sanctions under s.
29 985.233.
30 (b) When a child has been indicted pursuant to this
31 subsection the court shall immediately transfer and certify to

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1 the adult circuit court all felony cases pertaining to the
2 child, for prosecution of the child as an adult, which have
3 not yet resulted in a plea of guilty or nolo contendere or in
4 which a finding of guilt has not been made. If the child is
5 acquitted of all charged offenses or lesser included offenses
6 contained in the indictment case, all felony cases that were
7 transferred to adult court pursuant to this paragraph shall be
8 subject to the same penalties such cases were subject to
9 before being transferred to adult court.

10 Section 33. Subsection (6) of section 985.218, Florida
11 Statutes, 1998 Supplement, is repealed.

12 Section 34. Subsections (2) and (4) of section
13 985.226, Florida Statutes, 1998 Supplement, are amended to
14 read:

15 985.226 Criteria for waiver of juvenile court
16 jurisdiction; hearing on motion to transfer for prosecution as
17 an adult.--

18 (2) INVOLUNTARY WAIVER.--

19 (a) Discretionary ~~involuntary~~ waiver.--Except as
20 provided in paragraph (b),the state attorney may file a
21 motion requesting the court to transfer the child for criminal
22 prosecution if the child was 14 years of age or older at the
23 time the alleged delinquent act or violation of law was
24 committed.

25 (b) Mandatory waiver.--

26 1. If the child was 14 years of age or older, and if
27 the child has been previously adjudicated delinquent for an
28 act classified as a felony, which adjudication was for the
29 commission of, attempt to commit, or conspiracy to commit
30 murder, sexual battery, armed or strong-armed robbery,
31 carjacking, home-invasion robbery, aggravated battery, or

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1 aggravated assault, or burglary with an assault or battery,
2 and the child is currently charged with a second or subsequent
3 violent crime against a person; ~~or, the state attorney shall~~
4 ~~file a motion requesting the court to transfer and certify the~~
5 ~~juvenile for prosecution as an adult, or proceed pursuant to~~
6 ~~s. 985.227(1).~~

7 ~~2.(b) Mandatory involuntary waiver.~~ If the child was
8 14 years of age or older at the time of commission of a fourth
9 or subsequent alleged felony offense and the child was
10 previously adjudicated delinquent or had adjudication withheld
11 for or was found to have committed, or to have attempted or
12 conspired to commit, three offenses that are felony offenses
13 if committed by an adult, and one or more of such felony
14 offenses involved the use or possession of a firearm or
15 violence against a person;7

16
17 the state attorney shall request the court to transfer and
18 certify the child for prosecution as an adult or shall provide
19 written reasons to the court for not making such request, or
20 proceed pursuant to s. 985.227(1). Upon the state attorney's
21 request, the court shall either enter an order transferring
22 the case and certifying the case for trial as if the child
23 were an adult or provide written reasons for not issuing such
24 an order.

25 (4) EFFECT OF ORDER WAIVING JURISDICTION.--

26 ~~(a) If the court finds, after a waiver hearing under~~
27 ~~subsection (3), that a juvenile who was 14 years of age or~~
28 ~~older at the time the alleged violation of state law was~~
29 ~~committed should be charged and tried as an adult, the court~~
30 ~~shall enter an order transferring the case and certifying the~~
31 ~~case for trial as if the child were an adult. The child shall~~

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1 ~~thereafter be subject to prosecution, trial, and sentencing as~~
2 ~~if the child were an adult but subject to the provisions of s.~~
3 ~~985.233.~~ Once a child has been transferred for criminal
4 prosecution pursuant to an involuntary waiver hearing and has
5 been found to have committed the presenting offense or a
6 lesser included offense, the child shall thereafter be handled
7 in every respect as an adult for any subsequent violation of
8 state law, unless the court imposes juvenile sanctions under
9 s. 985.233.

10 (b) When a child is transferred for criminal
11 prosecution as an adult, the court shall immediately transfer
12 and certify to the adult circuit court all felony cases
13 pertaining to the child, for prosecution of the child as an
14 adult, which have not yet resulted in a plea of guilty or nolo
15 contendere or in which a finding of guilt has not been made.
16 If the child is acquitted of all charged offenses or lesser
17 included offenses contained in the original case transferred
18 to adult court, all felony cases that were transferred to
19 adult court pursuant to this paragraph shall be subject to the
20 same penalties such cases were subject to before being
21 transferred to adult court.

22 Section 35. Subsection (7) is added to section
23 985.228, Florida Statutes, to read:

24 985.228 Adjudicatory hearings; withheld adjudications;
25 orders of adjudication.--

26 (7) Notwithstanding any other provision of law, an
27 adjudication of delinquency for an offense classified as a
28 felony shall disqualify a person from lawfully possessing a
29 firearm until such person reaches 24 years of age.

30 Section 36. Subsections (1) and (2) of section 790.23,
31 Florida Statutes, 1998 Supplement, are amended to read:

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1 790.23 Felons and delinquents; possession of firearms
2 or electric weapons or devices unlawful.--

3 (1) It is unlawful for any person to own or to have in
4 his or her care, custody, possession, or control any firearm
5 or electric weapon or device, or to carry a concealed weapon,
6 including a tear gas gun or chemical weapon or device, if that
7 person has been:

8 (a) ~~Convicted of a felony or found to have committed a~~
9 ~~delinquent act that would be a felony if committed by an adult~~
10 ~~in the courts of this state;~~

11 **(b) Found, in the courts of this state, to have**
12 **committed a delinquent act that would be a felony if committed**
13 **by an adult and such person is under 24 years of age.**

14 ~~(c)(b)~~ Convicted of or found to have committed a crime
15 against the United States which is designated as a felony;

16 ~~(d)(c)~~ Found to have committed a delinquent act in
17 another state, territory, or country that would be a felony if
18 committed by an adult and which was punishable by imprisonment
19 for a term exceeding 1 year and such person is under 24 years
20 of age; or

21 ~~(e)(d)~~ Found guilty of an offense that is a felony in
22 another state, territory, or country and which was punishable
23 by imprisonment for a term exceeding 1 year.

24 (2) This section shall not apply to a person convicted
25 of a felony whose civil rights and firearm authority have been
26 restored, ~~or to a person found to have committed a delinquent~~
27 ~~act that would be a felony if committed by an adult with~~
28 ~~respect to which the jurisdiction of the court pursuant to~~
29 ~~chapter 985 has expired.~~

30 Section 37. Section 985.313, Florida Statutes, is
31 amended to read:

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1 985.313 Juvenile correctional facilities or juvenile
2 prison ~~Maximum-risk residential program.~~--A juvenile
3 correctional facility or juvenile prison ~~maximum-risk~~
4 ~~residential program~~ is a physically secure residential
5 commitment program with a designated length of stay from 18
6 months to 36 months, primarily serving children 13 years of
7 age to 19 years of age, or until the jurisdiction of the court
8 expires. The court may retain jurisdiction over the child
9 until the child reaches the age of 21, specifically for the
10 purpose of the child completing the program. Each child
11 committed to this level must meet one of the following
12 criteria:

13 (1) The youth is at least 13 years of age at the time
14 of the disposition for the current offense and has been
15 adjudicated on the current offense for:

- 16 (a) Arson;
17 (b) Sexual battery;
18 (c) Robbery;
19 (d) Kidnapping;
20 (e) Aggravated child abuse;
21 (f) Aggravated assault;
22 (g) Aggravated stalking;
23 (h) Murder;
24 (i) Manslaughter;
25 (j) Unlawful throwing, placing, or discharging of a
26 destructive device or bomb;
27 (k) Armed burglary;
28 (l) Aggravated battery;
29 (m) Carjacking;
30 (n) Home-invasion robbery;
31 (o) Burglary with an assault or battery;

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1 ~~(p)(m)~~ Lewd or lascivious assault or act in the
2 presence of a child; or

3 ~~(q)(n)~~ Carrying, displaying, using, threatening to
4 use, or attempting to use a weapon or firearm during the
5 commission of a felony.

6 (2) The youth is at least 13 years of age at the time
7 of the disposition, the current offense is a felony, and the
8 child has previously been committed three or more times to a
9 delinquency commitment program.

10 (3) The youth is at least 13 years of age and is
11 currently committed for a felony offense and transferred from
12 a moderate-risk or high-risk residential commitment placement.

13 (4) The youth is at least 13 years of age at the time
14 of the disposition for the current offense, the youth is
15 eligible for prosecution as an adult for the current offense,
16 and the current offense is ranked at level 7 or higher on the
17 Criminal Punishment Code offense severity ranking chart
18 pursuant to s. 921.0022.

19 Section 38. Subsections (43) and (44) are added to
20 section 228.041, Florida Statutes, 1998 Supplement, to read:

21 228.041 Definitions.--Specific definitions shall be as
22 follows, and wherever such defined words or terms are used in
23 the Florida School Code, they shall be used as follows:

24 (43) SCHOOL YEAR FOR JUVENILE JUSTICE PROGRAMS.--For
25 schools operating for the purpose of providing educational
26 services to youth in Department of Juvenile Justice programs,
27 the school year shall be comprised of 250 days of instruction
28 distributed over 12 months. A district school board may
29 decrease the minimum number of days of instruction by up to 10
30 days for teacher planning.

31 (44) JUVENILE JUSTICE PROVIDER.--"Juvenile justice

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1 provider" means the Department of Juvenile Justice or a
2 private, public, or other governmental organization under
3 contract with the Department of Juvenile Justice which
4 provides treatment, care and custody, or educational programs
5 for youth in juvenile justice intervention, detention, or
6 commitment programs.

7 Section 39. Section 228.051, Florida Statutes, is
8 amended to read:

9 228.051 Organization and funding of required public
10 schools.--The public schools of the state shall provide 13
11 consecutive years of instruction, beginning with kindergarten,
12 and shall also provide such instruction for exceptional
13 children and youth in Department of Juvenile Justice programs
14 as may be required by law. The funds for support and
15 maintenance of such schools shall be derived from state,
16 district, federal, or other lawful sources or combinations of
17 sources and shall include any tuition fees charged
18 nonresidents as provided by law. Public schools,
19 institutions, and agencies providing this instruction shall
20 constitute the uniform system of free public schools
21 prescribed by Art. IX of the State Constitution.

22 Section 40. Section 228.081, Florida Statutes, is
23 amended to read:

24 228.081 Other public educational services.--

25 (1) The general control of other public educational
26 services shall be vested in the state board except as provided
27 herein. The state board shall, at the request of the
28 Department of Children and Family Services and the Department
29 of Juvenile Justice, advise as to standards and requirements
30 relating to education to be met in all state schools or
31 institutions under their control which provide educational

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1 programs. The Department of Education shall provide
2 supervisory services for the educational programs of all such
3 schools or institutions. The direct control of any of these
4 services provided as part of the district program of education
5 shall rest with the school board. These services shall be
6 supported out of state, district, federal, or other lawful
7 funds, depending on the requirements of the services being
8 supported.

9 (2) The Department of Education shall recommend and by
10 August 1, 1999, the state board shall adopt an administrative
11 rule articulating expectations for high-quality, effective
12 education programs for youth in Department of Juvenile Justice
13 programs, including, but not limited to, education programs in
14 juvenile justice commitment and detention facilities. The rule
15 shall articulate policies and standards for education programs
16 for youth in Department of Juvenile Justice programs and shall
17 include the following:

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

20 (b) The responsibilities of the Department of
21 Education, the Department of Juvenile Justice, school
22 districts, and providers of education services to youth in
23 Department of Juvenile Justice programs.

24 (c) Academic expectations.

25 (d) Service delivery options available to school
26 districts, including direct service and contracting.

27 (e) Assessment procedures, which:

28 1. Include appropriate academic and vocational
29 assessments administered at program entry and exit which are
30 selected by the Department of Education in partnership with
31 representatives from the Department of Juvenile Justice,

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1 school districts, and providers.

2 2. Require school districts to be responsible for
3 ensuring the completion of the assessment process.

4 3. Require assessments for students in detention who
5 will move on to commitment facilities, to be designed to
6 create the foundation for developing the student's education
7 program in the assigned commitment facility.

8 4. Require assessments of students sent directly to
9 commitment facilities to be completed within the first week of
10 the student's commitment.

11
12 The results of these assessments, together with a portfolio
13 depicting the student's academic and vocational
14 accomplishments, shall be included in the discharge package
15 assembled for each youth.

16 (f) Recommended instructional programs including, but
17 not limited to, vocational training and job preparation.

18 (g) Funding requirements, which shall include the
19 requirement that at least 80 percent of the FEFP funds
20 generated by students in Department of Juvenile Justice
21 Programs be spent on instructional costs for those students.
22 One hundred percent of the formula-based categorial funds
23 generated by students in Department of Juvenile Justice
24 Programs must be spent on appropriate categoricals such as
25 instructional materials and public school technology for those
26 students.

27 (h) Qualifications of instructional staff, procedures
28 for the selection of instructional staff, and procedures to
29 ensure consistent instruction and qualified staff year round.

30 (i) Transition services, including the roles and
31 responsibilities of appropriate personnel in school districts,

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1 provider organizations, and the Department of Juvenile
2 Justice.

3 (j) Procedures and timeframe for transfer of education
4 records when a youth enters and leaves a facility.

5 (k) The requirement that each school district maintain
6 an academic transcript for each student enrolled in a juvenile
7 justice facility which delineates each course completed by the
8 student as provided by the State Course Code Directory.

9 (l) The requirement that each school district make
10 available and transmit a copy of a student's transcript in the
11 discharge packet when the student exits a facility.

12 (m) Contract requirements.

13 (n) Performance expectations for providers and school
14 districts, including the provision of academic improvement
15 plan as required in s. 232.245.

16 (o) The role and responsibility of the school district
17 in securing workforce development funds.

18 (p) A series of graduated sanctions for school
19 districts whose educational programs in Department of Juvenile
20 Justice facilities are considered to be unsatisfactory and for
21 instances in which school districts fail to meet standards
22 prescribed by law, rule, or State Board of Education policy.
23 These sanctions shall include the option of requiring a school
24 district to contract with a provider or another school
25 district if the educational program at the Department of
26 Juvenile Justice facility has failed a quality assurance
27 review and after 6 months, is still performing below minimum
28 standards.

29 (q) Other aspects of program operations.

30 (3) By January 1, 2000, the Department of Education in
31 partnership with the Department of Juvenile Justice, school

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1 districts, and providers shall:

2 (a) Develop model contracts for the delivery of
3 appropriate education services to youth in Department of
4 Juvenile Justice programs to be used for the development of
5 future contracts. The model contracts shall reflect the policy
6 and standards included in subsection (2). The Department of
7 Education shall ensure that appropriate school district
8 personnel are trained and held accountable for the management
9 and monitoring of contracts for education programs for youth
10 in juvenile justice residential and nonresidential facilities.

11 (b) Develop model procedures for transitioning youth
12 into and out of Department of Juvenile Justice programs. These
13 procedures shall reflect the policy and standards adopted
14 pursuant to subsection (2).

15 (c) Develop standardized required content of education
16 records to be included as part of a youth's commitment record.
17 These requirements shall reflect the policy and standards
18 adopted pursuant to subsection (2) and shall include, but not
19 be limited to, the following:

20 1. A copy of the student's individualized education
21 plan;

22 2. Assessment data, including grade level proficiency
23 in reading, writing, and mathematics, and performance on tests
24 taken according to s. 229.57;

25 3. A copy of the student's permanent cumulative
26 record; and

27 4. A copy of the student's academic transcript.

28 5. A portfolio reflecting the youth's academic
29 accomplishments while in the Department of Juvenile Justice
30 program.

31 (d) Develop model procedures for securing the

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1 education record and the roles and responsibilities of the
2 juvenile probation officer and others involved in the
3 withdrawal of the student from school and assignment to a
4 commitment or detention facility. Effective for the 2000-2001
5 school year and thereafter, school districts shall be required
6 to respond to requests for student education records received
7 from another school district or a juvenile justice facility
8 within 5 working days of receiving the request.

9 (4) The Department of Education shall ensure that
10 school districts notify students in juvenile justice
11 residential or nonresidential facilities who attain the age of
12 16 years of the provisions of s. 232.01(1)(c) regarding
13 compulsory school attendance and make available the option of
14 enrolling in a program to attain a general education
15 development diploma prior to release from the facility. School
16 districts or community colleges, or both, shall waive GED
17 testing fees for youth in Department of Juvenile Justice
18 residential programs and shall, upon request, designate
19 schools operating for the purpose of providing educational
20 services to youth in Department of Juvenile Justice programs
21 as GED testing centers, subject to GED testing center
22 requirements.

23 (5) The Department of Education shall establish and
24 operate, either directly or indirectly through a contract, a
25 mechanism to provide quality assurance reviews of all juvenile
26 justice education programs and shall provide technical
27 assistance and related research to school districts and
28 providers on how to establish, develop, and operate
29 educational programs that exceed the minimum quality assurance
30 standards.

31 Section 41. Subsection (3) of section 229.57, Florida

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1 Statutes, 1998 Supplement, is amended to read.

2 229.57 Student assessment program.--

3 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner is
4 directed to design and implement a statewide program of
5 educational assessment that provides information for the
6 improvement of the operation and management of the public
7 schools including schools operating for the purpose of
8 providing educational services to youth in Department of
9 Juvenile Justice programs. The program must be designed, as
10 far as possible, so as not to conflict with ongoing district
11 assessment programs and so as to use information obtained from
12 district programs. Pursuant to the statewide assessment
13 program, the commissioner shall:

14 (a) Submit to the state board a list that specifies
15 student skills and competencies to which the goals for
16 education specified in the state plan apply, including, but
17 not limited to, reading, writing, and mathematics. The skills
18 and competencies must include problem-solving and higher-order
19 skills as appropriate. The commissioner shall select such
20 skills and competencies after receiving recommendations from
21 educators, citizens, and members of the business community.
22 The commissioner shall submit to the state board revisions to
23 the list of student skills and competencies in order to
24 maintain continuous progress toward improvements in student
25 proficiency.

26 (b) Develop and implement a uniform system of
27 indicators to describe the performance of public school
28 students and the characteristics of the public school
29 districts and the public schools. These indicators must
30 include, without limitation, information gathered by the
31 comprehensive management information system created pursuant

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1 to s. 229.555 and student achievement information obtained
2 pursuant to this section.

3 (c) Develop and implement a student achievement
4 testing program as part of the statewide assessment program,
5 to be administered at designated times at the elementary,
6 middle, and high school levels to measure reading, writing,
7 and mathematics. The testing program must be designed so
8 that:

9 1. The tests measure student skills and competencies
10 adopted by the state board as specified in paragraph (a). The
11 tests must measure and report student proficiency levels in
12 reading, writing, and mathematics. Other content areas may be
13 included as directed by the commissioner. The commissioner
14 shall provide for the tests to be developed or obtained, as
15 appropriate, through contracts and project agreements with
16 private vendors, public vendors, public agencies,
17 postsecondary institutions, or school districts. The
18 commissioner shall obtain input with respect to the design and
19 implementation of the testing program from state educators and
20 the public.

21 2. The tests are criterion-referenced and include, to
22 the extent determined by the commissioner, items that require
23 the student to produce information or perform tasks in such a
24 way that the skills and competencies he or she uses can be
25 measured.

26 3. Each testing program, whether at the elementary,
27 middle, or high school level, includes a test of writing in
28 which students are required to produce writings which are then
29 scored by appropriate methods.

30 4. A score is designated for each subject area tested,
31 below which score a student's performance is deemed

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1 inadequate. The school districts shall provide appropriate
2 remedial instruction to students who score below these levels.

3 5. All 11th grade students take a high school
4 competency test developed by the state board to test minimum
5 student performance skills and competencies in reading,
6 writing, and mathematics. The test must be based on the skills
7 and competencies adopted by the state board pursuant to
8 paragraph (a). Upon recommendation of the commissioner, the
9 state board shall designate a passing score for each part of
10 the high school competency test. In establishing passing
11 scores, the state board shall consider any possible negative
12 impact of the test on minority students. The commissioner may
13 establish criteria whereby a student who successfully
14 demonstrates proficiency in either reading or mathematics or
15 both may be exempted from taking the corresponding section of
16 the high school competency test or the college placement test.
17 A student must earn a passing score or have been exempted from
18 each part of the high school competency test in order to
19 qualify for a regular high school diploma. The school
20 districts shall provide appropriate remedial instruction to
21 students who do not pass part of the competency test.

22 6. Participation in the testing program is mandatory
23 for all students, including students served in Department of
24 Juvenile Justice programs, except as otherwise prescribed by
25 the commissioner. The commissioner shall recommend rules to
26 the state board for the provision of test adaptations and
27 modifications of procedures as necessary for students in
28 exceptional education programs and for students who have
29 limited English proficiency.

30 7. A student seeking an adult high school diploma must
31 meet the same testing requirements that a regular high school

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1 student must meet.

2 8. By January 1, 2000, the Department of Education
3 must develop, or select, and implement a common battery of
4 assessment tools which will be used in all juvenile justice
5 programs in the state. These tools must accurately reflect
6 criteria established in the Florida Sunshine State Standards.

7
8 The commissioner may design and implement student testing
9 programs for any grade level and subject area, based on
10 procedures designated by the commissioner to monitor
11 educational achievement in the state.

12 (d) Obtain or develop a career planning assessment to
13 be administered to students, at their option, in grades 7 and
14 10 to assist them in preparing for further education or
15 entering the workforce. The statewide student assessment
16 program must include career planning assessment.

17 (e) Conduct ongoing research to develop improved
18 methods of assessing student performance, including, without
19 limitation, the use of technology to administer tests, the use
20 of electronic transfer of data, the development of
21 work-product assessments, and the development of process
22 assessments.

23 (f) Conduct ongoing research and analysis of student
24 achievement data, including, without limitation, monitoring
25 trends in student achievement, identifying school programs
26 that are successful, and analyzing correlates of school
27 achievement.

28 (g) Provide technical assistance to school districts
29 in the implementation of state and district testing programs
30 and the use of the data produced pursuant to such programs.

31 Section 42. Paragraph (c) is added to subsection (1)

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1 of section 229.58, Florida Statutes, 1998 Supplement, to read:

2 229.58 District and school advisory councils.--

3 (1) ESTABLISHMENT.--

4 (c) For those schools operating for the purpose of
5 providing educational services to youth in Department of
6 Juvenile Justice programs, school boards may establish a
7 district advisory council with appropriate representatives for
8 the purpose of developing and monitoring a district school
9 improvement plan which encompasses all such schools in the
10 district, pursuant to s. 230.23(16)(a).

11 Section 43. Subsections (1), (3), and (4) of section
12 229.592, Florida Statutes, 1998 Supplement, are amended to
13 read:

14 229.592 Implementation of state system of school
15 improvement and education accountability.--

16 (1) DEVELOPMENT.--It is the intent of the Legislature
17 that every public school in the state, including schools
18 operating for the purpose of providing educational services to
19 youth in Department of Juvenile Justice programs, shall have a
20 school improvement plan, as required by s. 230.23(16), ~~fully~~
21 ~~implemented and operational by the beginning of the 1993-1994~~
22 ~~school year.~~ Vocational standards considered pursuant to s.
23 239.229 shall be incorporated into the school improvement plan
24 for each area technical center operated by a school board by
25 the 1994-1995 school year, and area technical centers shall
26 prepare school report cards incorporating such standards,
27 pursuant to s. 230.23(16), for the 1995-1996 school year. In
28 order to accomplish this, the Florida Commission on Education
29 Reform and Accountability and the school districts and schools
30 shall carry out the duties assigned to them by ss. 229.594 and
31 230.23(16), respectively.

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1 (3) COMMISSIONER.--The commissioner shall be
2 responsible for implementing and maintaining a system of
3 intensive school improvement and stringent education
4 accountability.

5 (a) Based on the recommendations of the Florida
6 Commission on Education Reform and Accountability, the
7 commissioner shall develop and implement the following
8 programs and procedures:

9 1. A system of data collection and analysis that will
10 improve information about the educational success of
11 individual students and schools, including schools operating
12 for the purpose of providing educational services to youth in
13 Department of Juvenile Justice programs. The information and
14 analyses must be capable of identifying educational programs
15 or activities in need of improvement, and reports prepared
16 pursuant to this subparagraph shall be distributed to the
17 appropriate school boards prior to distribution to the general
18 public. This provision shall not preclude access to public
19 records as provided in chapter 119.

20 2. A program of school improvement that will analyze
21 information to identify schools, including schools operating
22 for the purpose of providing educational services to youth in
23 Department of Juvenile Justice programs, educational programs,
24 or educational activities in need of improvement.

25 3. A method of delivering services to assist school
26 districts and schools to improve, including schools operating
27 for the purpose of providing educational services to youth in
28 Department of Juvenile Justice programs.

29 4. A method of coordinating with the state educational
30 goals and school improvement plans any other state program
31 that creates incentives for school improvement.

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1 (b) The commissioner shall be held responsible for the
2 implementation and maintenance of the system of school
3 improvement and education accountability outlined in this
4 subsection. There shall be an annual determination of whether
5 adequate progress is being made toward implementing and
6 maintaining a system of school improvement and education
7 accountability.

8 (c) The annual feedback report shall be developed by
9 the commission and the Department of Education.

10 (d) The commissioner and the commission shall review
11 each school board's feedback report and submit its findings to
12 the State Board of Education. If adequate progress is not
13 being made toward implementing and maintaining a system of
14 school improvement and education accountability, the State
15 Board of Education shall direct the commissioner to prepare
16 and implement a corrective action plan. The commissioner and
17 State Board of Education shall monitor the development and
18 implementation of the corrective action plan.

19 (e) As co-chair of the Florida Commission on Education
20 Reform and Accountability, the commissioner shall appear
21 before the appropriate committees of the Legislature annually
22 in October to report and recommend changes in state policy
23 necessary to foster school improvement and education
24 accountability. The report shall reflect the recommendations
25 of the Florida Commission on Education Reform and
26 Accountability. Included in the report shall be a list of the
27 schools, including schools operating for the purpose of
28 providing educational services to youth in Department of
29 Juvenile Justice programs,for which school boards have
30 developed assistance and intervention plans and an analysis of
31 the various strategies used by the school boards. School

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1 reports shall be distributed pursuant to this paragraph and s.
2 230.23(16)(e) according to guidelines adopted by the State
3 Board of Education.

4 (4) DEPARTMENT.--

5 (a) The Department of Education shall implement a
6 training program to develop among state and district educators
7 a cadre of facilitators of school improvement. These
8 facilitators shall assist schools and districts to conduct
9 needs assessments and develop and implement school improvement
10 plans to meet state goals.

11 (b) Upon request, the department shall provide
12 technical assistance and training to any school, including any
13 school operating for the purpose of providing educational
14 services to youth in Department of Juvenile Justice programs,
15 school advisory council, district, or school board for
16 conducting needs assessments, developing and implementing
17 school improvement plans, developing and implementing
18 assistance and intervention plans, or implementing other
19 components of school improvement and accountability. Priority
20 for these services shall be given to school districts in rural
21 and sparsely populated areas of the state.

22 (c) Pursuant to s. 24.121(5)(d), the department shall
23 not release funds from the Educational Enhancement Trust Fund
24 to any district in which a school, including schools operating
25 for the purpose of providing educational services to youth in
26 Department of Juvenile Justice programs, does not have an
27 approved school improvement plan, pursuant to s. 230.23(16),
28 after 1 full school year of planning and development, or does
29 not comply with school advisory council membership composition
30 requirements pursuant to s. 229.58(1). The department shall
31 send a technical assistance team to each school without an

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1 approved plan to develop such school improvement plan or to
2 each school without appropriate school advisory council
3 membership composition to develop a strategy for corrective
4 action. The department shall release the funds upon approval
5 of the plan or upon establishment of a plan of corrective
6 action. Notice shall be given to the public of the
7 department's intervention and shall identify each school
8 without a plan or without appropriate school advisory council
9 membership composition.

10 Section 44. Paragraphs (a) and (e) of subsection (16)
11 of section 230.23, Florida Statutes, 1998 Supplement, are
12 amended to read:

13 230.23 Powers and duties of school board.--The school
14 board, acting as a board, shall exercise all powers and
15 perform all duties listed below:

16 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
17 ACCOUNTABILITY.--Maintain a system of school improvement and
18 education accountability as provided by statute and State
19 Board of Education rule. This system of school improvement and
20 education accountability shall be consistent with, and
21 implemented through, the district's continuing system of
22 planning and budgeting required by this section and ss.
23 229.555 and 237.041. This system of school improvement and
24 education accountability shall include, but not be limited to,
25 the following:

26 (a) School improvement plans.--Annually approve and
27 require implementation of a new, amended, or continuation
28 school improvement plan for each school in the district,
29 except that a school board may establish a district school
30 improvement plan which includes all schools in the district
31 operating for the purpose of providing educational services to

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1 youth in Department of Juvenile Justice programs. Such plan
2 shall be designed to achieve the state education goals and
3 student performance standards pursuant to ss. 229.591(3) and
4 229.592. Beginning in 1999-2000, each plan shall also address
5 issues relative to budget, training, instructional materials,
6 technology, staffing, student support services, and other
7 matters of resource allocation, as determined by school board
8 policy.

9 (e) Public disclosure.--Provide information regarding
10 performance of students and educational programs as required
11 pursuant to s. 229.555 and implement a system of school
12 reports as required by statute and State Board of Education
13 rule which shall include schools operating for the purpose of
14 providing educational services to youth in Department of
15 Juvenile Justice programs, and for those schools, report on
16 the elements specified in s. 230.23161(21).

17 Section 45. Section 230.23161, Florida Statutes, 1998
18 Supplement, is amended to read.

19 230.23161 Educational services in Department of
20 Juvenile Justice programs.--

21 (1) The Legislature finds that education is the single
22 most important factor in the rehabilitation of adjudicated
23 delinquent youth in the custody of the Department of Juvenile
24 Justice in detention or commitment facilities. The Department
25 of Education shall serve as the lead agency for juvenile
26 justice education programs to ensure that curriculum, support
27 services, and resources are provided to maximize the public's
28 investment in the custody and care of these youth. To this
29 end, the Department of Education and the Department of
30 Juvenile Justice shall each designate a Coordinator for
31 Juvenile Justice Education Programs to serve as the point of

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1 contact for resolving issues not addressed by local district
2 school boards and to ensure each department's participation in
3 the following activities:

4 (a) Training, collaborating, and coordinating with the
5 Department of Juvenile Justice, local school districts,
6 educational contract providers, and juvenile justice
7 providers, whether state operated or contracted.

8 (b) Collecting information on the academic performance
9 of students in juvenile justice commitment and detention
10 programs and reporting on the results.

11 (c) Developing protocols that provide guidance to
12 school districts and providers in all aspects of education
13 programming, including records transfer and transition.

14 (d) Prescribing the roles of program personnel.

15 (2)(1) The Legislature finds that juvenile assessment
16 centers are an important source of information about youth who
17 are entering the juvenile justice system. Juvenile assessment
18 centers document the condition of youth entering the system,
19 thereby providing baseline data which is essential to evaluate
20 changes in the condition of youth as a result of treatment.
21 The cooperation and involvement of the local school system,
22 including the commitment of appropriate resources for
23 determining the educational status and special learning
24 problems and needs of youth, are essential if the full
25 potential benefits of juvenile assessment centers are to be
26 achieved.

27 (3)(2) Students participating in a detention,
28 commitment, or rehabilitation program pursuant to chapter 985
29 which is sponsored by a community-based agency or is operated
30 or contracted for by the Department of Juvenile Justice shall
31 receive educational programs according to rules of the State

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1 Board of Education. These students shall be eligible for
2 services afforded to students enrolled in programs pursuant to
3 s. 230.2316 and all corresponding State Board of Education
4 rules.

5 (4)~~(3)~~ The district school board of the county in
6 which the residential or nonresidential care facility or
7 juvenile assessment facility is located shall provide
8 appropriate educational assessments and an appropriate program
9 of instruction and special education services. The district
10 school board shall make provisions for each student to
11 participate in basic, vocational, and exceptional student
12 programs as appropriate. Students served in Department of
13 Juvenile Justice programs shall have access to the appropriate
14 courses and instruction to prepare them for the GED test.
15 Students participating in GED preparation programs shall be
16 funded at the basic program cost factor for Department of
17 Juvenile Justice programs in the Florida Education Finance
18 Program. Each program shall be conducted according to
19 applicable law providing for the operation of public schools
20 and rules of the state board.

21 (5)~~(4)~~ A school day for any student serviced in a
22 Department of Juvenile Justice program shall be the same as
23 specified in s. 228.041(13). Educational services shall be
24 provided at times of the day most appropriate for the program.
25 School programming in juvenile justice detention, commitment,
26 and rehabilitation programs shall be made available during the
27 regular school year and the summer school by the local school
28 district.

29 (6)~~(5)~~ The educational program shall consist of
30 appropriate basic academic, vocational, or exceptional
31 curricula and related services which support the treatment

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1 goals and reentry and which may lead to completion of the
2 requirements for receipt of a high school diploma or its
3 equivalent. If the duration of a program is less than 40
4 days, the educational component may be limited to tutorial
5 activities and vocational employability skills.

6 (7)(6) Participation in the program by students of
7 compulsory school attendance age as provided for in s. 232.01
8 shall be mandatory. All students of noncompulsory
9 school-attendance age who have not received a high school
10 diploma or its equivalent shall participate in the educational
11 program, unless the student files a formal declaration of his
12 or her intent to terminate school enrollment as described in
13 s. 232.01(1)(c) and is afforded the opportunity to attain a
14 general education development diploma prior to release from a
15 facility.

16 (8) An academic improvement plan shall be developed
17 for students who score below the level specified in local
18 school board policy in reading, writing, and mathematics or
19 below the level specified by the Commissioner of Education on
20 statewide assessments as required by s. 232.245. These plans
21 shall address academic, literacy, and life skills and shall
22 include provisions for intensive remedial instruction in the
23 areas of weakness.

24 (9) Each school district shall maintain an academic
25 record for each student enrolled in a juvenile justice
26 facility as prescribed by s. 228.081. Such record shall
27 delineate each course completed by the student according to
28 procedures in the State Course Code Directory. The school
29 district shall include a copy of a student's academic record
30 in the discharge packet when the student exits the facility.

31 (10) The Department of Education shall ensure that all

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1 school districts make provisions for high school level
2 committed youth to earn credits toward high school graduation
3 while in residential and nonresidential juvenile justice
4 facilities. Provisions must be made for the transfer of
5 credits and partial credits earned.

6 (11)~~(7)~~ The school district shall recruit and train
7 teachers who are interested, qualified, or experienced in
8 educating students in juvenile justice programs. Students in
9 juvenile justice programs shall be provided a wide range of
10 educational programs and opportunities including textbooks,
11 technology, instructional support, and other resources
12 available to students in public schools. Teachers assigned to
13 educational programs in juvenile justice settings in which the
14 school district operates the educational program shall be
15 selected by the school district in consultation with the
16 director of the juvenile justice facility. Educational
17 programs in juvenile justice facilities shall have access to
18 the substitute teacher pool utilized by the school district.

19 (12)~~(8)~~ School districts are authorized and strongly
20 encouraged to contract with a private provider for the
21 provision of educational programs to youths placed with the
22 Department of Juvenile Justice and shall generate local,
23 state, and federal funding, including funding through the
24 Florida Education Finance Program for such students. The
25 school district's planning and budgeting process shall include
26 the needs of Department of Juvenile Justice programs in the
27 district's plan for expenditures for state categorical and
28 federal funds.

29 (13)~~(9)~~ The local school district shall fund the
30 education program in a Department of Juvenile Justice facility
31 at the same or higher level of funding for equivalent students

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1 in the county school system based on the funds generated by
2 state funding through the Florida Education Finance Program
3 for such students. It is the intent of the Legislature that
4 the school district maximize its available local, state, and
5 federal funding to a juvenile justice program.

6 (a) Juvenile justice education programs shall be
7 funded in the appropriate FEFP program based on the
8 educational services needed by the student for Department of
9 Juvenile Justice programs in accordance with s. 236.081.

10 (b) Juvenile justice education programs to receive the
11 appropriate FEFP program funding for Department of Juvenile
12 Justice programs shall include those operated through a
13 contract with the Department of Juvenile Justice and which are
14 under purview of the Department of Juvenile Justice quality
15 assurance standards for education.

16 (c) Consistent with the rules of the State Board of
17 Education, local school districts are authorized and required
18 to request an alternative FTE survey for Department of
19 Juvenile Justice programs experiencing fluctuations in student
20 enrollment.

21 (d) FTE count periods shall be prescribed in rules of
22 the State Board of Education. The summer school period for
23 students in Department of Juvenile Justice programs shall
24 begin on the day immediately following the end of the regular
25 school year and end on the day immediately preceding the
26 subsequent regular school year. Students shall be funded for
27 no more than 25 hours per week of direct instruction. The
28 Department of Education shall develop a method which captures
29 all direct instructional time provided to such students during
30 the summer school period.

31 (14)(10) Each school district shall negotiate a

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1 cooperative agreement with the Department of Juvenile Justice
2 on the delivery of educational services to youths under the
3 jurisdiction of the department. Such agreement must include,
4 but is not limited to:

5 (a) Roles and responsibilities of each agency,
6 including the roles and responsibilities of contract
7 providers.

8 (b) Administrative issues including procedures for
9 sharing information.

10 (c) Allocation of resources including maximization of
11 local, state, and federal funding.

12 (d) Procedures for educational evaluation for
13 educational exceptionalities and special needs.

14 (e) Curriculum and delivery of instruction.

15 (f) Classroom management procedures and attendance
16 policies.

17 (g) Procedures for provision of qualified
18 instructional personnel, whether supplied by the school
19 district or provided under contract by the provider, and for
20 performance of duties while in a juvenile justice setting.

21 (h) Provisions for improving skills in teaching and
22 working with juvenile delinquents.

23 (i) Transition plans for students moving into and out
24 of juvenile facilities.

25 (j) Procedures and timelines for the timely
26 documentation of credits earned and transfer of student
27 records.

28 (k) Methods and procedures for dispute resolution.

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

31 (m) Strategies for correcting any deficiencies found

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1 through the quality assurance process.

2 ~~(15)(11)~~ The cooperative agreement pursuant to
3 subsection~~(14)(10)~~ does not preclude the development of an
4 operating agreement or contract between the school district
5 and the provider for each juvenile justice program in the
6 school district where educational programs are to be provided.
7 Any of the matters which must be included in the agreement
8 pursuant to subsection~~(14)(10)~~ may be defined in the
9 operational agreements or operating contracts rather than in
10 the cooperative agreement if agreed to by the Department of
11 Juvenile Justice. Nothing in this section or in a cooperative
12 agreement shall be construed to require the school board to
13 provide more services than can be supported by the funds
14 generated by students in the juvenile justice programs.

15 ~~(16)(a)(12)~~ The Department of Education in
16 consultation with the Department of Juvenile Justice, school
17 districts and providers shall establish objective and
18 measurable quality assurance standards for the educational
19 component of residential and nonresidential juvenile justice
20 facilities. These standards shall rate the school district's
21 performance both as a provider and contractor. The quality
22 assurance rating for the education component shall be
23 disaggregated from the overall quality assurance score and
24 reported separately.

25 (b) The Department of Education shall develop and a
26 comprehensive quality assurance review process and schedule
27 for the evaluation of the educational component in juvenile
28 justice programs. The Department of Juvenile Justice quality
29 assurance site visit and the education quality assurance site
30 visit shall be conducted during the same visit.

31 (c) The Department of Education, in consultation with

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1 school districts and providers, shall establish minimum
2 thresholds for the standards and key indicators for education
3 programs in juvenile justice facilities. If a school district
4 fails to meet the established minimum standards, the district
5 will be given 6 months to achieve compliance with the
6 standards. If after 6 months, the school district's
7 performance is still below minimum standards, the Department
8 of Education shall exercise sanctions as prescribed by rules
9 adopted by the State Board of Education. If a provider, under
10 contract with the school district, fails to meet minimum
11 standards, such failure shall cause the school district to
12 cancel the provider's contract unless the provider achieves
13 compliance within 6 months or unless there are documented
14 extenuating circumstances.

15 (17)~~(13)~~ The district school board shall not be
16 charged any rent, maintenance, utilities, or overhead on such
17 facilities. Maintenance, repairs, and remodeling of existing
18 facilities shall be provided by the Department of Juvenile
19 Justice.

20 (18)~~(14)~~ When additional facilities are required, the
21 district school board and the Department of Juvenile Justice
22 shall agree on the appropriate site based on the instructional
23 needs of the students. When the most appropriate site for
24 instruction is on district school board property, a special
25 capital outlay request shall be made by the commissioner in
26 accordance with s. 235.41. When the most appropriate site is
27 on state property, state capital outlay funds shall be
28 requested by the Department of Juvenile Justice provided by s.
29 216.043 and shall be submitted as specified by s. 216.023.
30 Any instructional facility to be built on state property shall
31 have educational specifications jointly developed by the

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1 school district and the Department of Juvenile Justice and
2 approved by the Department of Education. The size of space
3 and occupant design capacity criteria as provided by state
4 board rules shall be used for remodeling or new construction
5 whether facilities are provided on state property or district
6 school board property.

7 (19)~~(15)~~ The parent or guardian of exceptional
8 students shall have the due process rights provided for in
9 chapter 232.

10 (20)~~(16)~~ Department of Juvenile Justice detention and
11 commitment programs may be designated as second chance schools
12 pursuant to s. 230.2316(3)(d). Admission to such programs
13 shall be governed by chapter 985.

14 (21)~~(17)~~ The Department of Education and Department of
15 Juvenile Justice, after consultation with and assistance from
16 local providers and local school districts, shall report
17 annually to the Legislature by February ~~December~~ 1 on the
18 progress towards developing effective educational programs for
19 juvenile delinquents including the amount of funding provided
20 by local school districts to juvenile justice programs, the
21 amount retained for administration including documenting the
22 purposes for such expenses, the status of the development of
23 cooperative agreements, ~~and~~ the results of the quality
24 assurance reviews including recommendations for system
25 improvement, and information on the identification of, and
26 services provided to, exceptional students in juvenile justice
27 commitment facilities to determine whether these students are
28 properly reported for funding and are appropriately served.

29 (22)~~(18)~~ The educational programs at the Arthur Dozier
30 School for Boys in Jackson County and the Florida School for
31 Boys in Okeechobee shall be operated by the Department of

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1 Education, either directly or through grants or contractual
2 agreements with other public or duly accredited education
3 agencies approved by the Department of Education.

4 (23)~~(19)~~ The Department of Education shall have the
5 authority to adopt any rules necessary to implement the
6 provisions of this section, including uniform curriculum,
7 funding, and second chance schools. Such rules shall require
8 the minimum amount of paperwork and reporting necessary to
9 comply with this act.

10 Section 46. Section 235.1975, Florida Statutes, is
11 created to read:

12 235.1975 Cooperative Development of Educational
13 Facilities in Juvenile Justice Programs.--

14 (1) The Department of Management Services, in
15 consultation with the Department of Education and the
16 Department of Juvenile Justice, shall conduct a review and
17 analysis of existing education facilities in Department of
18 Juvenile Justice facilities to determine the adequacy of the
19 facilities for educational use. This information shall be used
20 to generate a 3-year plan for the provision of adequate space,
21 equipment, furnishings, and technology for improving the
22 learner's educational outcomes. The Department of Education
23 shall submit this plan to the Governor, the President of the
24 Senate, the Speaker of the House of Representatives, and the
25 Secretary of the Department of Juvenile Justice by November 1,
26 1999. The plan shall contain sufficient detail for the
27 development of a fixed capital outlay budget request which
28 will ensure that student achievement will be enhanced.

29 (2) The Department of Juvenile Justice shall provide
30 early notice to school districts regarding the siting of new
31 juvenile justice facilities. School districts shall include

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1 the projected number of students in the districts' annual
2 estimates. School districts should be consulted regarding the
3 types of students expected to be assigned to commitment
4 facilities for education planning and budgeting purposes. The
5 Department of Juvenile Justice shall notify, in writing, the
6 Department of Education when a request for proposals is issued
7 for the construction or operation of a commitment or detention
8 facility anywhere in the state. The Department of Juvenile
9 Justice shall notify, in writing, the appropriate school
10 district when a request for proposals is issued for the
11 construction or operation of a commitment or detention
12 facility when a county or site is specifically identified. The
13 Department of Juvenile Justice is also required to notify the
14 district school superintendent within 30 days of the award of
15 a contract for the construction or operation of a commitment
16 or detention facility within that school district.

17 Section 47. Paragraph (a) of subsection (3) of section
18 237.34, Florida Statutes, is amended to read.

19 237.34 Cost accounting and reporting.--

20 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

21 (a) Each district shall expend at least the percent of
22 the funds generated by each of the programs listed herein on
23 the aggregate total school costs for such programs:

24 1. Kindergarten and grades 1, 2, and 3, 90 percent.

25 2. Grades 4, 5, 6, 7, and 8, 80 percent.

26 3. Grades 9, 10, 11, and 12, 80 percent.

27 4. Programs for exceptional students, on an aggregate
28 program basis, 80 percent.

29 5. Grades 7 through 12 vocational education programs,
30 on an aggregate program basis, 80 percent.

31 6. Students-at-risk programs, on an aggregate program

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1 basis, 80 percent.

2 7. Juvenile justice programs, on an aggregate program
3 basis, 80 percent.

4 8.7. Any new program established and funded under s.
5 236.081(1)(c), that is not included under subparagraphs 1.
6 through 6., on an aggregate basis as appropriate, 80 percent.

7 Section 48. Subsection (6) of section 985.401, Florida
8 Statutes, 1998 Supplement, is renumbered as subsection (7),
9 and a new subsection (6) is added to said section to read:

10 985.401 Juvenile Justice Accountability Board.--

11 (6) The board shall study the extent and nature of
12 education programs for juvenile offenders committed by the
13 court to the Department of Juvenile Justice and for juvenile
14 offenders under court supervision in the community. The board
15 shall utilize a subcommittee of interested board members and
16 may request other interested persons to participate and act as
17 a juvenile justice education task force for the study. The
18 task force shall address, at a minimum, the following issues:

19 (a) The impact of education services on students in
20 commitment programs;

21 (b) The barriers impeding the timely transfer of
22 education records;

23 (c) The development and implementation of vocational
24 programming in commitment programs;

25 (d) The implementation of provisions for earning high
26 school credits regardless of varied lengths of stay; and

27 (e) The accountability of school districts and
28 providers regarding the expenditure of education funds.

29 (7)(6) Each state agency shall provide assistance when
30 requested by the board. The board shall have access to all
31 records, files, and reports that are material to its duties

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1 and that are in the custody of a school board, a law
2 enforcement agency, a state attorney, a public defender, the
3 court, the Department of Children and Family Services, and the
4 department.

5 Section 49. Paragraph (d) of subsection (3) of section
6 985.413, Florida Statutes, 1998 Supplement, is amended to
7 read:

8 985.413 District juvenile justice boards.--

9 (3) DISTRICT JUVENILE JUSTICE BOARDS.--

10 (d) A district juvenile justice board has the purpose,
11 power, and duty to:

12 1. Advise the district juvenile justice manager and
13 the district administrator on the need for and the
14 availability of juvenile justice programs and services in the
15 district, including the educational services in Department of
16 Juvenile Justice programs.

17 2. Develop a district juvenile justice plan that is
18 based upon the juvenile justice plans developed by each county
19 within the district, and that addresses the needs of each
20 county within the district.

21 3. Develop a district interagency cooperation and
22 information-sharing agreement that supplements county
23 agreements and expands the scope to include appropriate
24 circuit and district officials and groups.

25 4. Coordinate the efforts of the district juvenile
26 justice board with the activities of the Governor's Juvenile
27 Justice and Delinquency Prevention Advisory Committee and
28 other public and private entities.

29 5. Advise and assist the district juvenile justice
30 manager in the provision of optional, innovative delinquency
31 services in the district to meet the unique needs of

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1 delinquent children and their families.

2 6. Develop, in consultation with the district juvenile
3 justice manager, funding sources external to the Department of
4 Juvenile Justice for the provision and maintenance of
5 additional delinquency programs and services. The board may,
6 either independently or in partnership with one or more county
7 juvenile justice councils or other public or private entities,
8 apply for and receive funds, under contract or other funding
9 arrangement, from federal, state, county, city, and other
10 public agencies, and from public and private foundations,
11 agencies, and charities for the purpose of funding optional
12 innovative prevention, diversion, or treatment services in the
13 district for delinquent children and children at risk of
14 delinquency, and their families. To aid in this process, the
15 department shall provide fiscal agency services for the
16 councils.

17 7. Educate the community about and assist in the
18 community juvenile justice partnership grant program
19 administered by the Department of Juvenile Justice.

20 8. Advise the district health and human services
21 board, the district juvenile justice manager, and the
22 Secretary of Juvenile Justice regarding the development of the
23 legislative budget request for juvenile justice programs and
24 services in the district and the commitment region, and, in
25 coordination with the district health and human services
26 board, make recommendations, develop programs, and provide
27 funding for prevention and early intervention programs and
28 services designed to serve children in need of services,
29 families in need of services, and children who are at risk of
30 delinquency within the district or region.

31 9. Assist the district juvenile justice manager in

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1 collecting information and statistical data useful in
2 assessing the need for prevention programs and services within
3 the juvenile justice continuum program in the district.

4 10. Make recommendations with respect to, and monitor
5 the effectiveness of, the judicial administrative plan for
6 each circuit pursuant to Rule 2.050, Florida Rules of Judicial
7 Administration.

8 11. Provide periodic reports to the health and human
9 services board in the appropriate district of the Department
10 of Children and Family Services. These reports must contain,
11 at a minimum, data about the clients served by the juvenile
12 justice programs and services in the district, as well as data
13 concerning the unmet needs of juveniles within the district.

14 12. Provide a written annual report on the activities
15 of the board to the district administrator, the Secretary of
16 Juvenile Justice, and the Juvenile Justice Accountability
17 ~~Advisory~~ Board. The report should include an assessment of the
18 effectiveness of juvenile justice continuum programs and
19 services within the district, recommendations for elimination,
20 modification, or expansion of existing programs, and
21 suggestions for new programs or services in the juvenile
22 justice continuum that would meet identified needs of children
23 and families in the district.

24 Section 50. The Department of Education shall work in
25 consultation with the Department of Juvenile Justice and the
26 local school districts to develop a plan for educational
27 programs in detention centers. The plan shall reflect the
28 unique needs, variability in lengths of stay, and diversity of
29 youth assigned to juvenile justice detention centers, and
30 instructional strategies to improve student achievement. The
31 plan shall anticipate the use of all state and local funding

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1 categories available to ensure the success of students who are
2 being educated in juvenile justice facilities. The plan shall
3 provide for appropriate performance outcome measures. The
4 plan shall be submitted to the Governor, the Speaker of the
5 House of Representatives, and the President of the Senate
6 prior to January 1, 2000, and shall include appropriate cost
7 estimates.

8 Section 51. This act shall take effect upon becoming a
9 law.

12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 Delete everything before the enacting clause
15
16 and insert:

17 A bill to be entitled
18 An act relating to juvenile justice; amending
19 s. 435.04, F.S.; adding to the list of offenses
20 that will prohibit the employment of a person
21 subject to Level 2 screening standards;
22 amending s. 943.0515, F.S.; requiring the
23 Criminal Justice Information Program to retain
24 the criminal history records of minors who are
25 committed to a juvenile correctional facility
26 or juvenile prison; amending s. 960.001, F.S.;
27 authorizing state agencies to expend funds for
28 certain crime prevention and educational
29 activities; amending ss. 984.03, 985.03, F.S.;
30 redefining the term "delinquency program" to
31 delete references to furlough programs;

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1 defining the term "aftercare" for purposes of
2 ch. 985, F.S.; providing for minimum-risk
3 nonresidential programs to be used for the
4 aftercare placement of juveniles; amending ss.
5 39.0132, 985.04, F.S.; requiring the department
6 to disclose to school officials that a student
7 has a history of criminal sexual behavior with
8 other juveniles; conforming cross-references;
9 amending ss. 985.207, 985.208, F.S., relating
10 to conditions under which a juvenile may be
11 detained; adding a reference to home detention;
12 deleting references to violation of furlough;
13 amending s. 985.212, F.S.; providing for
14 fingerprint records and photographs of
15 juveniles to be submitted to the Department of
16 Law Enforcement; amending s. 985.231, F.S.;
17 providing for an adjudicated delinquent
18 juvenile to be placed in postcommitment
19 community control rather than in an aftercare
20 program under certain circumstances; specifying
21 responsibility for preparing certain documents;
22 amending s. 985.308, F.S.; deleting the
23 Department of Legal Affairs' rulemaking
24 responsibilities for sexual abuse intervention
25 networks; amending s. 985.316, F.S.; providing
26 legislative findings and intent; providing for
27 the delivery of aftercare services to a
28 juvenile released from a residential commitment
29 program; deleting requirements for juveniles
30 released on furlough; amending s. 985.404,
31 F.S., relating to the juvenile justice

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1 continuum; providing for release of a juvenile
2 into an aftercare program; requiring
3 educational support activities to be provided;
4 amending s. 985.406, F.S.; providing additional
5 qualifications for the program staff of the
6 Department of Juvenile Justice and its
7 providers; requiring competency-based
8 examinations; creating s. 985.4145, F.S.;
9 defining the term "direct-support
10 organization"; authorizing such an organization
11 to use property and facilities of the
12 Department of Juvenile Justice; providing
13 restrictions; requiring the Secretary of
14 Juvenile Justice to appoint a board of
15 directors for the direct-support organization;
16 requiring an annual audit of the organization;
17 amending s. 985.415, F.S.; revising the
18 procedures for submittal and selection of
19 Community Juvenile Justice Partnership Grants;
20 amending s. 985.417, F.S., relating to the
21 transfer of children from the Department of
22 Corrections to the Department of Juvenile
23 Justice; deleting references to the furlough of
24 a child convicted of a capital felony; creating
25 s. 985.421, F.S.; providing for the Department
26 of Juvenile Justice's creation and use of a
27 welfare account local fund; amending ss.
28 419.001, 784.075, 984.05, 985.227, 985.31,
29 985.311, 985.312, F.S.; conforming
30 cross-references to changes made by the act;
31 amending s. 985.234, F.S.; providing the time

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1 within which an order involving a child may be
2 appealed; amending s. 985.315, F.S.; revising
3 the vocational work training programs under the
4 Department of Juvenile Justice; providing for
5 participation of certain juveniles in
6 educational/technical or vocational
7 work-related program 5 hours per day, 5 days
8 per week; requiring the Juvenile Justice
9 Accountability Board to conduct a study of
10 juvenile vocational and work programs;
11 requiring a report; requiring the department to
12 inventory programs in the state; amending s.
13 985.03, F.S.; redesignating "maximum-risk"
14 residential facilities as "juvenile
15 correctional facilities" or "juvenile prisons";
16 amending s. 985.201, F.S.; conforming a
17 cross-reference for purposes of application to
18 terms of certain restitution orders; amending
19 s. 985.21, F.S.; deleting an authorization for
20 a juvenile probation officer to make certain
21 recommendations to the state attorney;
22 clarifying certain contents of intake reports;
23 authorizing the State Attorney and Department
24 of Juvenile Justice to enter into certain
25 interagency agreements for certain purposes;
26 amending s. 985.225, F.S.; requiring transfer
27 of certain felony cases relating to children to
28 adult court for prosecution as an adult;
29 repealing s. 985.218(6), F.S., relating to
30 adjudicatory hearings for children committing
31 delinquent acts or violations of law; amending

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1 s. 985.226, F.S., relating to criteria for
2 discretionary waiver and mandatory waiver of
3 juvenile court jurisdiction; revising the list
4 of specified offenses to include certain
5 additional offenses; amending s. 985.227, F.S.,
6 relating to discretionary direct-file criteria
7 and mandatory direct-file criteria; permitting
8 the filing of an information when a child was
9 14 or 15 years of age at the time the child
10 attempted to commit or conspired to commit any
11 one of specified offenses; revising duties of
12 the court and guidelines for transfer of cases
13 pertaining to the child when a child is
14 transferred for adult prosecution; removing the
15 requirement for annual updating by the state
16 attorney of direct-file policies and
17 guidelines; providing that the information
18 filed pursuant to specified provisions may
19 include all charges that are based on the same
20 act, criminal episode, or transaction as the
21 primary offense; amending s. 985.228, F.S.;
22 specifying disqualification for possessing a
23 firearm until a certain age for persons
24 adjudicated delinquent for certain felony
25 offenses; amending s. 790.23, F.S.; providing a
26 prohibition against possession of firearms or
27 weapons by certain persons who were found to
28 have committed delinquent acts classified as
29 felonies; amending s. 985.313, F.S.;
30 redesignating "maximum-risk" residential
31 programs as "juvenile correctional facilities"

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1 or "juvenile prisons"; providing that a
2 juvenile may be committed to such a facility if
3 adjudicated on certain additional offenses;
4 amending s. 228.041, F.S.; defining "juvenile
5 justice provider" and "school year for juvenile
6 justice programs"; amending s. 228.051, F.S.,
7 relating to the organization and funding of
8 required public schools; requiring the public
9 schools of the state to provide instruction for
10 youth in Department of Juvenile Justice
11 programs; amending s. 228.081, F.S.; requiring
12 the development and adoption of a rule
13 articulating expectations for education
14 programs for youth in Department of Juvenile
15 Justice programs; requiring the development of
16 model contracts for the delivery of educational
17 services to youth in Department of Juvenile
18 Justice programs; requiring the Department of
19 Education to provide training and technical
20 assistance; requiring the development of model
21 procedures for transitioning youth into and out
22 of Department of Juvenile Justice programs;
23 requiring the development of model procedures
24 regarding education records; requiring the
25 Department of Education to provide, or contract
26 for the provision of, quality assurance reviews
27 of all juvenile justice education programs;
28 amending s. 229.57, F.S.; revising provisions
29 relating to the statewide assessment program to
30 include schools operating for the purpose of
31 providing educational services to youth in

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1 Department of Juvenile Justice programs;
2 requiring the Department of Education to
3 develop and implement assessment tools to be
4 used in juvenile justice programs; amending s.
5 229.58, F.S.; authorizing the establishment of
6 district advisory councils for juvenile justice
7 education programs; amending s. 229.592, F.S.;
8 revising provisions relating to the
9 implementation of the state system of school
10 improvement and education accountability to
11 include schools operating for the purpose of
12 providing educational services to youth in
13 Department of Juvenile Justice programs;
14 deleting obsolete language; amending s. 230.23,
15 F.S., relating to powers and duties of the
16 school board; revising provisions relating to
17 school improvement plans and public disclosure
18 to include schools operating for the purpose of
19 providing educational services to youth in
20 Department of Juvenile Justice programs;
21 amending s. 230.23161, F.S., relating to
22 educational services in Department of Juvenile
23 Justice programs; providing legislative intent;
24 requiring the Department of Education to serve
25 as the lead agency; requiring the Department of
26 Education and the Department of Juvenile
27 Justice to designate a coordinator to ensure
28 department participation in certain activities;
29 requiring student access to GED programs;
30 requiring certain funding; revising provisions
31 relating to compulsory school attendance;

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1 requiring the development of an academic
2 improvement plan for certain students;
3 providing requirements regarding academic
4 records; requiring provisions for the earning
5 and transfer of credits; providing funding
6 requirements; revising provisions relating to
7 quality assurance standards; requiring the
8 Department of Juvenile Justice site visit and
9 the education quality assurance site visit to
10 take place during the same visit; requiring the
11 establishment of minimum standards; requiring
12 the State Board of Education to adopt rules
13 establishing sanctions for performance below
14 minimum standards; revising requirements
15 regarding an annual report; creating s.
16 235.1975, F.S., relating to cooperative
17 development of educational facilities in
18 juvenile justice programs; requiring a review
19 and analysis of existing facilities; requiring
20 the development and submission of a plan;
21 requiring the Department of Juvenile Justice to
22 provide certain information to school districts
23 and the Department of Education regarding new
24 juvenile justice facilities; providing an
25 appropriation; providing requirements regarding
26 planning and budgeting; amending s. 237.34,
27 F.S.; requiring each district to expend at
28 least 90 percent of the funds generated by
29 juvenile justice programs on the aggregate
30 total school costs for such programs; amending
31 s. 985.401, F.S.; requiring the Juvenile

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1 Justice Accountability Board to study the
2 extent and nature of education programs for
3 juvenile offenders; amending s. 985.413, F.S.;
4 revising the duties of district juvenile
5 justice boards; requiring the development and
6 submission of a plan for education programs in
7 detention centers; amending s. 985.404, F.S.,
8 relating to the administration of the juvenile
9 justice continuum; correcting a
10 cross-reference; providing an effective date.

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