By Senator Wise

	5-00821-10 20101550
1	A bill to be entitled
2	An act relating to juvenile justice; amending s.
3	985.35, F.S.; requiring the Department of Juvenile
4	Justice to adopt rules governing the procedures that
5	may be used to restrain a child upon his or her
6	arrival at the courthouse and the length of time a
7	child may be placed in isolation; requiring the
8	department to comply with the Protective Action
9	Response policy whenever mechanical restraints are
10	used; amending s. 985.483, F.S.; conforming a cross-
11	reference; amending s. 985.664, F.S.; requiring that a
12	juvenile justice circuit board and a juvenile justice
13	county council be established in each judicial circuit
14	and county, respectively; providing a purpose for each
15	board and council; requiring the Children and Youth
16	Cabinet to monitor the comprehensive plan of each
17	circuit; requiring a circuit board and county council
18	to enter into a written county or circuit interagency
19	agreement specifying the nature and extent of
20	contributions that each signatory agency will make in
21	order to achieve the goals of the county or circuit
22	plan; specifying the parties that must be included in
23	the interagency agreement; providing for the sharing
24	of information useful in carrying out the goals of the
25	interagency agreement; requiring each circuit board to
26	prepare an annual report; requiring the annual
27	legislative budget request to reflect the needs of
28	each board and council; providing for membership on
29	the circuit board; requiring the Secretary of Juvenile

Page 1 of 18

	5-00821-10 20101550
30	Justice to attend quarterly meetings with the
31	chairpersons of the county councils and circuit
32	boards; providing for the content of the meetings;
33	providing for reimbursement for nongovernmental
34	members of circuit boards and county councils;
35	requiring the department to provide legal counsel to
36	advise boards and councils; requiring each circuit
37	board and county council to use due diligence to
38	encourage community participation by using community
39	outreach outlets; amending s. 985.668 F.S.; requiring
40	the department to encourage circuit boards and county
41	councils to propose at least one innovation zone;
42	amending s. 985.676, F.S.; providing that certain
43	specified criteria be used when awarding community
44	juvenile justice partnership grants; allowing the
45	department to extend indefinitely the funding period
46	of a grant under specified circumstances; providing an
47	effective date.
48	
49	Be It Enacted by the Legislature of the State of Florida:
50	
51	Section 1. Section 985.35, Florida Statutes, is amended to
52	read:
53	985.35 Adjudicatory hearings; withheld adjudications;
54	orders of adjudication
55	(1) The adjudicatory hearing must be held as soon as
56	practicable after the petition alleging that a child has
57	committed a delinquent act or violation of law is filed and in
58	accordance with the Florida Rules of Juvenile Procedure; but

Page 2 of 18

	5 00001 10 00101550
59	5-00821-10 20101550
60	reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall be granted. If the child is
61	being detained, the time limitations in s. 985.26(2) and (3)
62	apply. The department shall adopt rules governing the procedures
63	
64	courthouse. The rules must describe when a mechanical device may
65	be used and how long a child may be placed in isolation.
66	
67	jury by the court, applying in delinquency cases the rules of
68	
69	time to time as necessary; and conducting a fundamentally fair
70	hearing in language understandable, to the fullest extent
71	practicable, to the child before the court.
72	(a) In a hearing on a petition alleging that a child has
73	committed a delinquent act or violation of law, the evidence
74	must establish the findings beyond a reasonable doubt.
75	(b) The child is entitled to the opportunity to introduce
76	evidence and otherwise be heard in the child's own behalf and to
77	cross-examine witnesses.
78	(c) A child charged with a delinquent act or violation of
79	law must be afforded all rights against self-incrimination.
80	Evidence illegally seized or obtained may not be received to
81	establish the allegations against the child.
82	(3) The department must comply with the Protective Action
83	Response policy adopted pursuant to s. 985.645(2) whenever
84	mechanical restraints are used.
85	(4) (3) If the court finds that the child named in a
86	petition has not committed a delinquent act or violation of law,
87	it shall enter an order so finding and dismissing the case.

Page 3 of 18

```
5-00821-10
```

20101550

88 <u>(5)-(4)</u> If the court finds that the child named in the 89 petition has committed a delinquent act or violation of law, it 90 may, in its discretion, enter an order stating the facts upon 91 which its finding is based but withholding adjudication of 92 delinquency.

(a) Upon withholding adjudication of delinquency, the court 93 94 may place the child in a probation program under the supervision 95 of the department or under the supervision of any other person or agency specifically authorized and appointed by the court. 96 97 The court may, as a condition of the program, impose as a 98 penalty component restitution in money or in kind, community 99 service, a curfew, urine monitoring, revocation or suspension of 100 the driver's license of the child, or other nonresidential 101 punishment appropriate to the offense, and may impose as a 102 rehabilitative component a requirement of participation in 103 substance abuse treatment, or school or other educational 104 program attendance.

(b) If the child is attending public school and the court finds that the victim or a sibling of the victim in the case was assigned to attend or is eligible to attend the same school as the child, the court order shall include a finding pursuant to the proceedings described in s. 985.455, regardless of whether adjudication is withheld.

(c) If the court later finds that the child has not complied with the rules, restrictions, or conditions of the community-based program, the court may, after a hearing to establish the lack of compliance, but without further evidence of the state of delinquency, enter an adjudication of delinquency and shall thereafter have full authority under this

Page 4 of 18

```
5-00821-10
```

117 chapter to deal with the child as adjudicated.

118 (6) (5) If the court finds that the child named in a petition has committed a delinquent act or violation of law, but 119 120 elects not to proceed under subsection (5) (4), it shall 121 incorporate that finding in an order of adjudication of delinquency entered in the case, briefly stating the facts upon 122 123 which the finding is made, and the court shall thereafter have 124 full authority under this chapter to deal with the child as 125 adjudicated.

126 (7) (6) Except as the term "conviction" is used in chapter 127 322, and except for use in a subsequent proceeding under this 128 chapter, an adjudication of delinquency by a court with respect 129 to any child who has committed a delinquent act or violation of 130 law shall not be deemed a conviction; nor shall the child be 131 deemed to have been found guilty or to be a criminal by reason 132 of that adjudication; nor shall that adjudication operate to 133 impose upon the child any of the civil disabilities ordinarily 134 imposed by or resulting from conviction or to disqualify or prejudice the child in any civil service application or 135 136 appointment, with the exception of the use of records of 137 proceedings under this chapter as provided in s. 985.045(4).

138 <u>(8) (7)</u> Notwithstanding any other provision of law, an 139 adjudication of delinquency for an offense classified as a 140 felony shall disqualify a person from lawfully possessing a 141 firearm until such person reaches 24 years of age.

Section 2. Subsection (2) of section 985.483, FloridaStatutes, is amended to read:

144 985.483 Intensive residential treatment program for145 offenders less than 13 years of age.-

Page 5 of 18

CODING: Words stricken are deletions; words underlined are additions.

20101550

	5-00821-10 20101550
146	(2) DETERMINATIONAfter a child has been adjudicated
147	delinquent under <u>s. 985.35(6)</u> s. 985.35(5) , the court shall
148	determine whether the child is eligible for an intensive
149	residential treatment program for offenders less than 13 years
150	of age under subsection (1). If the court determines that the
151	child does not meet the criteria, ss. 985.435, 985.437, 985.439,
152	985.441, 985.445, 985.45, and 985.455 shall apply.
153	Section 3. Section 985.664, Florida Statutes, is amended to
154	read:
155	985.664 Juvenile justice circuit boards and juvenile
156	justice county councils
157	(1) There is authorized A juvenile justice circuit board
158	\underline{shall} \underline{to} be established in each of the 20 judicial circuits and
159	a juvenile justice county council <u>shall</u> $\pm \Theta$ be established in
160	each of the 67 counties. The purpose of each juvenile justice
161	circuit board and each juvenile justice county council is to
162	provide advice and direction to the department in the
163	development and implementation of juvenile justice programs and
164	to work collaboratively with the department, the Department of
165	Children and Family Services, and the Children and Youth Cabinet
166	in seeking program improvements and policy changes to address
167	the emerging and changing needs of Florida's youth who are at
168	risk of delinquency and dependency.
169	(2) Each juvenile justice county council shall develop a
170	juvenile justice prevention and early intervention plan for the
171	county and shall collaborate with the circuit board and other
172	county councils assigned to that circuit in the development of a
173	comprehensive plan for the circuit. The Children and Youth
174	Cabinet shall monitor the local plans and design, direct, and

Page 6 of 18

5-00821-10 20101550 175 monitor a statewide plan, which shall be implemented by and 176 through the boards and councils. A circuit board and county 177 council may design programs and projects necessary to accomplish 178 the comprehensive plan for the circuit. Each county council and 179 circuit board must continually monitor the implementation of the 180 comprehensive plan in order to identify and remedy any 181 situations that may result in minority juveniles coming in 182 disproportionate contact with the juvenile justice system. 183 (3) Juvenile justice circuit boards and county councils 184 shall also participate in facilitating interagency cooperation 185 and information sharing by entering into a written county or 186 circuit interagency agreement specifying the nature and extent of contributions that each signatory agency will make in order 187 188 to achieve the goals of the county or circuit plan and their 189 commitment to share any information that is useful in carrying 190 out the goals of the interagency agreement. The interagency 191 agreement must include as parties, at a minimum, local school 192 authorities or representatives, local law enforcement agencies, 193 state attorneys, public defenders, and local representatives of 194 the Department of Juvenile Justice and the Department of 195 Children and Family Services. The agreement must specify how 196 community entities will cooperate, collaborate, and share 197 information to achieve the goals of the juvenile justice 198 prevention and early intervention plan or the comprehensive plan 199 of the circuit. Each circuit board shall provide a forum for the 200 presentation of interagency recommendations and the resolution 201 of any disagreements relating to the contents of the county or 202 circuit interagency agreement or the performance by the parties 203 of their respective obligations under the agreement.

Page 7 of 18

204	5-00821-10 20101550
204	(4) Juvenile justice circuit boards and county councils may
205	apply for and receive public or private grants to be
206	administered by one of the community partners that support one
207	or more components of the county or circuit plan <u>and to be used</u>
208	as otherwise directed in their bylaws. To aid in this process,
209	the department shall provide fiscal agency services for the
210	circuit boards and county councils.
211	(5) Juvenile justice circuit boards and county councils
212	shall advise and assist the department in the evaluation and
213	award of prevention and early intervention grant programs,
214	including the Community Juvenile Justice Partnership Grant
215	program established in s. 985.676 and proceeds from the Invest
216	in Children license plate annual use fees.
217	(6) Each juvenile justice circuit board shall provide an
218	annual report to the department and the Children and Youth
219	Cabinet describing the activities of the circuit board and each
220	of the county councils contained within its circuit. The acting
221	chairs of the circuit board and of each county council within
222	the circuit shall agree on the descriptions of the activities
223	and sign the report. The department may prescribe a format and
224	content requirements for submission of annual reports, and shall
225	present and submit the proposed annual legislative budget
226	request reflecting the required material and fiscal needs of
227	each board and council.
228	(7) Membership of the juvenile justice circuit board may
229	not exceed 18 members, except as provided in subsections (8) and
230	(9). Members must include the state attorney, the public
231	defender, and the chief judge of the circuit, or their
232	respective designees, who shall preside each on a rotating basis

Page 8 of 18

CODING: Words stricken are deletions; words underlined are additions.

SB 1550

5-00821-10 20101550 233 as chair in intervals of 2-year terms. The remaining 15 members 234 of the board must be appointed by the county councils within 235 that circuit. County council members may serve as ex officio 236 members of the circuit board. The board, when possible for 237 purposes of equity, must be composed of an equal number of 238 active members include at least one representative from each 239 county council within the circuit, taking into account the 240 differences in population. In appointing members to the circuit board, the county councils must reflect: 241 2.42 (a) The circuit's geography and population distribution. (b) Juvenile justice partners, including, but not limited 243 244 to, representatives of law enforcement, the school system, and the Department of Children and Family Services. 245 246 (c) Diversity in the judicial circuit. 247 (d) Representation from residents of high-crime zip code 248 communities as identified by the department and based on 249 referral rates within the communities. 250 (8) At any time after the adoption of initial bylaws 251 pursuant to subsection (12) and absent any county councils 252 formed within a circuit, a juvenile justice circuit board may 253 revise the bylaws to increase the number of members by not more than three in order to adequately reflect the diversity of the 254 255 population and community organizations or agencies in the 256 circuit. 257 (9) If county councils are not formed within a circuit, the 258 circuit board may establish its membership in accordance with 259 subsection (10) of not more than 18 members. For juvenile 260 justice circuit boards organized pursuant to this subsection, 261 the state attorney, public defender, and chief circuit judge, or

Page 9 of 18

	5-00821-10 20101550
262	their respective designees, shall be members of the circuit
263	board.
264	(10) Membership of the juvenile justice county councils, or
265	juvenile justice circuit boards established under subsection
266	(9), must include representation from residents of high-crime
267	zip code communities as identified by the department and based
268	on referral rates within the county, and may also include
269	representatives from the following entities:
270	(a) Representatives from the school district, which may
271	include elected school board officials, the school
272	superintendent, school or district administrators, teachers, and
273	counselors.
274	(b) Representatives of the board of county commissioners.
275	(c) Representatives of the governing bodies of local
276	municipalities within the county.
277	(d) A representative of the corresponding circuit or
278	regional entity of the Department of Children and Family
279	Services.
280	(e) Representatives of local law enforcement agencies,
281	including the sheriff or the sheriff's designee.
282	(f) Representatives of the judicial system.
283	(g) Representatives of the business community.
284	(h) Representatives of other interested officials, groups,
285	or entities, including, but not limited to, a children's
286	services council, public or private providers of juvenile
287	justice programs and services, students, parents, and advocates.
288	Private providers of juvenile justice programs may not exceed
289	one-third of the voting membership.
290	(i) Representatives of the faith community.

Page 10 of 18

5-00821-10 20101550_ 291 (j) Representatives of victim-service programs and victims 292 of crimes.

293

(k) Representatives of the Department of Corrections.

(11) Each juvenile justice county council, or juvenile justice circuit board established under subsection (9), must provide for the establishment of an executive committee of not more than 10 members. The duties and authority of the executive committee must be addressed in the bylaws.

299 (12) Each juvenile justice circuit board and county council 300 shall develop and adopt bylaws that provide for officers and 301 committees as the board or council deems necessary and shall 302 specify the qualifications, method of selection, and term for 303 each office created, and other rules of procedure for the board's or council's operation, if the bylaws are not 304 inconsistent with federal and state laws or county ordinances. 305 306 The bylaws shall address at least the following issues: process 307 for appointments to the board or council; election or 308 appointment of officers; filling of vacant positions; duration 309 of member terms; provisions for voting; meeting attendance 310 requirements; and the establishment and duties of an executive 311 committee, if required under subsection (11).

(13) Members of juvenile justice circuit boards and county councils are subject to the provisions of part III of chapter 112 and s. 11.25. Juvenile justice circuit boards and county councils are state agency units as prescribed by s. 11.135.

316 <u>(14) The secretary of the department shall hold quarterly</u> 317 <u>meetings with the chairs of the juvenile justice boards and</u> 318 <u>councils and the Children and Youth Cabinet in order to:</u> 319 <u>(a) Advise juvenile justice boards and councils of</u>

Page 11 of 18

	5-00821-10 20101550
320	statewide juvenile justice issues and activities.
321	(b) Provide feedback on budget priorities in the prevention
322	and intervention programs.
323	(c) Obtain input into the strategic planning process.
324	(d) Discuss program development, program implementation,
325	and quality assurance.
326	(15) Nongovernmental members of the juvenile justice
327	circuit boards and county councils shall serve without
328	compensation, unless stated otherwise in the bylaws, but are
329	entitled to reimbursement for per diem and travel expenses in
330	accordance with s. 112.061, and for other costs and expenses
331	that may be necessary and required while in performance of their
332	duties under this section. The department shall provide each
333	board and council with an allotted fund for administrating the
334	board's or council's duties. The department shall adopt rules
335	pursuant to s. 985.64 in order to apply for and approve the
336	funds.
337	(16) The department shall provide legal counsel on all
338	internal matters to the boards and councils where necessary as
339	to their duties, responsibilities, and jurisdiction.
340	(17) The boards and councils shall use due diligence in
341	notifying the community and encouraging public participation and
342	membership through various community outreach outlets, such as
343	community newspapers, churches, and free public announcements.
344	Section 4. Section 985.668, Florida Statutes, is amended to
345	read:
346	985.668 Innovation zonesThe department shall encourage
347	each of the juvenile justice circuit boards and councils to
348	propose at least one innovation zone within the circuit for the

Page 12 of 18

5-00821-10 349 purpose of implementing any experimental, pilot, or 350 demonstration project that furthers the legislatively 351 established goals of the department. An innovation zone is a 352 defined geographic area such as a circuit, commitment region, 353 county, municipality, service delivery area, school campus, or 354 neighborhood providing a laboratory for the research, 355 development, and testing of the applicability and efficacy of 356 model programs, policy options, and new technologies for the 357 department. 358 (1) (a) The juvenile justice circuit board, in conjunction 359 with and with written approval from the county councils within 360 its circuit, if formed, shall submit a proposal for an 361 innovation zone to the secretary. If the purpose of the proposed 362 innovation zone is to demonstrate that specific statutory goals 363 can be achieved more effectively by using procedures that 364 require modification of existing rules, policies, or procedures, 365 the proposal may request the secretary to waive such existing 366 rules, policies, or procedures or to otherwise authorize use of 367 alternative procedures or practices. Waivers of such existing 368 rules, policies, or procedures must comply with applicable state

369 or federal law.

370 (b) For innovation zone proposals that the secretary 371 determines require changes to state law, the secretary may 372 submit a request for a waiver from such laws, together with any 373 proposed changes to state law, to the chairs of the appropriate 374 legislative committees for consideration.

375 (c) For innovation zone proposals that the secretary 376 determines require waiver of federal law, the secretary may 377 submit a request for such waivers to the applicable federal

Page 13 of 18

CODING: Words stricken are deletions; words underlined are additions.

20101550

5-00821-10 20101550 378 agency. 379 (2) An innovation zone project may not have a duration of more than 2 years, but the secretary may grant an extension. 380 (3) Before implementing an innovation zone under this 381 382 subsection, the secretary shall, in conjunction with the Office of Program Policy Analysis and Government Accountability, 383 384 develop measurable and valid objectives for such zone within a 385 negotiated reasonable period of time. Moneys designated for an 386 innovation zone in one operating circuit may not be used to fund 387 an innovation zone in another operating circuit. 388 (4) Program models for innovation zone projects include, 389 but are not limited to: (a) A forestry alternative work program that provides 390 391 selected juvenile offenders an opportunity to serve in a 392 forestry work program as an alternative to incarceration, in 393

393 which offenders assist in wildland firefighting, enhancement of 394 state land management, environmental enhancement, and land 395 restoration.

(b) A collaborative public/private dropout prevention partnership that trains personnel from both the public and private sectors of a target community who are identified and brought into the school system as an additional resource for addressing problems which inhibit and retard learning, including abuse, neglect, financial instability, pregnancy, and substance abuse.

(c) A support services program that provides economically disadvantaged youth with support services, jobs, training, counseling, mentoring, and prepaid postsecondary tuition scholarships.

Page 14 of 18

	5-00821-10 20101550
407	
408	opportunity for juvenile offenders to develop educational and
409	job skills in a 12-month to 18-month nonresidential training
410	program, teaching the offenders skills such as computer-aided
411	design, modular panel construction, and heavy vehicle repair and
412	maintenance which will readily transfer to the private sector,
413	thereby promoting responsibility and productivity.
414	(e) An infant mortality prevention program that is designed
415	to discourage unhealthy behaviors such as smoking and alcohol or
416	drug consumption, reduce the incidence of babies born
417	prematurely or with low birth weight, reduce health care cost by
418	enabling babies to be safely discharged earlier from the
419	hospital, reduce the incidence of child abuse and neglect, and
420	improve parenting and problem-solving skills.
421	(f) A regional crime prevention and intervention program
422	that serves as an umbrella agency to coordinate and replicate
423	existing services to at-risk children, first-time juvenile
424	offenders, youth crime victims, and school dropouts.
425	(g) An alternative education outreach school program that
426	serves delinquent repeat offenders between 14 and 18 years of
427	age who have demonstrated failure in school and who are referred
428	by the juvenile court.
429	(h) A drug treatment and prevention program that provides
430	early identification of children with alcohol or drug problems
431	to facilitate treatment, comprehensive screening and assessment,
432	family involvement, and placement options.
433	(i) A community resource mother or father program that
434	emphasizes parental responsibility for the behavior of children,
435	and requires the availability of counseling services for

Page 15 of 18

_	5-00821-10 20101550
436	children at high risk for delinquent behavior.
437	Section 5. Paragraph (b) of subsection (1), paragraph (a)
438	of subsection (2), and subsection (3) of section 985.676,
439	Florida Statutes, are amended to read:
440	985.676 Community juvenile justice partnership grants
441	(1) GRANTS; CRITERIA
442	(b) In awarding these grants, the department shall consider
443	applications that at a minimum provide for the following:
444	1. The participation of the agencies and programs needed to
445	implement the project or program for which the applicant is
446	applying;
447	2. The reduction of truancy and in-school and out-of-school
448	suspensions and expulsions, the enhancement of school safety,
449	and other delinquency early-intervention and diversion services;
450	3. The number of youths from 10 through 17 years of age
451	within the geographic area to be served by the program, giving
452	those geographic areas having the highest number of youths from
453	10 to 17 years of age priority for selection;
454	4. The extent to which the program targets high-juvenile-
455	crime neighborhoods and those public schools serving juveniles
456	from high-crime neighborhoods;
457	5. The validity and cost-effectiveness of the program; and
458	6. The degree to which the program is located in and
459	managed by local leaders of the target neighborhoods and public
460	schools serving the target neighborhoods; and.
461	7. The development and implementation of the goals of the
462	local juvenile justice county council or circuit board and the
463	Children and Youth Cabinet, along with other departmental
464	purposes.

Page 16 of 18

```
5-00821-10
```

20101550

465

(2) GRANT APPLICATION PROCEDURES.-

466 (a) Each entity wishing to apply for an annual community 467 juvenile justice partnership grant, which may be renewed for a 468 maximum of 2 additional years for the same provision of 469 services, unless subject to extension as prescribed under 470 subsection (3), shall submit a grant proposal for funding or 471 continued funding to the department. The department shall 472 establish the grant application procedures. In order to be 473 considered for funding, the grant proposal shall include the 474 following assurances and information:

1. A letter from <u>each</u> the chair of the juvenile justice circuit board <u>and council</u> confirming that the grant application has been reviewed and found to support one or more purposes or goals of the juvenile justice plan as developed by the board.

479 2. A rationale and description of the program and the480 services to be provided, including goals and objectives.

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

4844. Provisions for the participation of parents and485 guardians in the program.

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

490 6. An evaluation component to measure the effectiveness of491 the program in accordance with s. 985.632.

492 7. A program budget, including the amount and sources of493 local cash and in-kind resources committed to the budget. The

Page 17 of 18

5-00821-10 20101550
proposal must establish to the satisfaction of the department
that the entity will make a cash or in-kind contribution to the
program of a value that is at least equal to 20 percent of the
amount of the grant.
8. The necessary program staff.
(3) RESTRICTIONS
(a) This section does not prevent a program initiated under
a community juvenile justice partnership grant established
pursuant to this section from continuing to operate beyond the
3-year maximum funding period if it can find other funding
sources. Likewise, this section does not restrict the number of
programs an entity may apply for or operate.
(b) Notwithstanding the 3-year maximum funding period, the
department, upon the request of the entity or the recommendation
of the affected juvenile justice circuit board or county council
and the Children and Youth Cabinet, may indefinitely extend the
funding period for the same provision of services if the
entity's evaluation report, submitted annually to the department
pursuant to paragraph (2)(e), shows that the entity's services
in 3 previous years were unique and extraordinary in achieving
the goals of the department, the juvenile justice circuit board
or county council, or the Children and Youth Cabinet.
Section 6. This act shall take effect July 1, 2010.

Page 18 of 18