

## Committee Substitute for Senate Bill No. 1196

An act relating to juvenile justice; amending s. 20.316, F.S.; revising the duties of the Secretary of Juvenile Justice; abolishing the offices of the Deputy Secretary for Operations and the Assistant Secretary of Programming and Planning; establishing various programs within the department; authorizing the secretary to establish positions necessary to administer the requirements of said section; creating juvenile justice operating circuits; revising the boundaries of the department's service districts to conform to the boundaries of the judicial circuits; amending s. 984.03, F.S.; revising definitions for purposes of ch. 984, F.S., relating to children and families in need of services; amending s. 984.09, F.S., deleting reference to county juvenile justice councils; amending s. 985.03, F.S.; defining the term "conditional release" to mean the supervision of treatment services formerly known as aftercare; defining the term "probation" to mean the legal status formerly known as community control; revising and deleting definitions to conform to other changes made by the act; amending s. 985.207, F.S.; authorizing law enforcement to take a child into custody under certain circumstances; amending s. 985.21, F.S.; revising intake screening procedures; amending s. 985.215, F.S.; providing for a special detention order to facilitate a comprehensive evaluation upon a finding of delinquency in certain cases; revising requirements related to court-ordered fees; providing conforming provisions; amending s. 985.216, F.S., relating to alternative sanctions coordinators; providing conforming provisions; amending s. 985.229, F.S.; authorizing a predispositional report upon a finding of delinquency; requiring a predispositional report for a child for whom residential commitment disposition is anticipated or recommended; requiring the predispositional report to include a comprehensive evaluation in certain circumstances; providing a time certain for the submission of the predispositional report; specifying parties who may receive copies of the predispositional report; amending s. 985.23, F.S.; requiring the court to consider recommendations of the Department of Juvenile Justice at disposition; revising evaluation requirements associated with the predispositional report; providing for sanctions to include day treatment probation programs; amending s. 985.231, F.S.; providing that the child's length of stay in a residential commitment program shall be based on objective performance-based treatment planning; requiring monthly progress reports to the court; authorizing extension of the child's length of stay if the child fails to comply with or participate in treatment activities; prohibiting extension of the child's length of stay for purposes of sanction or punishment; requiring any temporary release to be approved by the court; requiring communication to the court of the child's treatment plan progress and adjustment-related issues upon request to release the child; revising requirements related to court-ordered fees; providing conforming provisions; s. 985.233, F.S.; revising conditions under which adult sanctions may be imposed; revising requirements related to court-

ordered fees; creating s. 985.3045, F.S.; requiring the department's prevention service program to monitor all state-funded programs designed to prevent juvenile crime in a manner consistent with s. 984.02, F.S., and s. 985.02, F.S.; requiring a report concerning the implementation of a statewide multiagency juvenile delinquency prevention plan; specifying certain issues to be addressed in the report; requiring all entities that use state monies to fund juvenile delinquency prevention services through contracts or grants with the department to comply with certain requirements; requiring each state agency or entity that receives or uses state appropriations to fund certain prevention services to submit a report; amending ss. 985.309, 985.31, and 985.311, F.S.; revising the minimum period for certain juveniles to participate in a boot camp, a serious or habitual offender program, or a habitual offender program or an intensive residential treatment program; amending s. 985.404, F.S.; requiring notice of intent to transfer a child from a commitment facility or program; creating a workgroup to make recommendations for a system of classification and placement; providing minimum considerations; providing minimum membership; providing for testing and validation of the system; providing for a report to the Governor and Legislature; creating s. 985.4135, F.S.; creating juvenile justice circuit boards and juvenile justice county councils; providing for membership, duties, and procedures; providing that certain members of district juvenile justice boards and county juvenile justice councils their terms; repealing s. 985.413, F.S., relating to district juvenile justice boards; repealing s. 985.414, F.S., relating to county juvenile justice councils; requiring the department to provide technical assistance to facilitate transition to circuit boards and county councils; providing for repeal; authorizing the Department of Juvenile Justice to transfer salary rates between budget entities to implement reorganization; creating the position of youth custody officer within the Department of Juvenile Justice; specifying duties and qualifications of youth custody officers; amending ss. 20.19, 39.0015, 216.136, 232.19, 288.9957, 419.001, 744.309, 784.075, 790.22, 938.17, 948.51, 984.05, 984.086, 984.10, 985.04, 985.06, 985.2066, 985.226, 985.227, 985.228, 985.305, 985.308, 985.312, 985.3141, 985.315, 985.316, 985.317, 985.401, 985.4045, 985.406, 985.411, 985.4145, 985.415, 985.416, and 985.417, F.S.; conforming provisions to changes made by the act; deleting obsolete provisions; providing for repeal; providing effective dates.

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

Section 1. Section 20.316, Florida Statutes, is amended to read:

20.316 Department of Juvenile Justice.—There is created a Department of Juvenile Justice.

(1) SECRETARY OF JUVENILE JUSTICE.—

(a) The head of the Department of Juvenile Justice is the Secretary of Juvenile Justice. The secretary of the department shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(b) The Secretary of Juvenile Justice is responsible for planning, coordinating, and managing the delivery of all programs and services within the juvenile justice continuum. For purposes of this section, the term “juvenile justice continuum” means all children-in-need-of-services programs; families-in-need-of-services programs; other prevention, early intervention, and diversion programs; detention centers and related programs and facilities; community-based residential and nonresidential commitment programs; and delinquency institutions provided or funded by the department.

(c) The Secretary of Juvenile Justice shall:

1. Ensure that juvenile justice continuum programs and services are implemented according to legislative intent; state and federal laws, rules, and regulations; statewide program standards; and performance objectives by reviewing and monitoring regional and circuit district program operations and providing technical assistance to those programs.

2. Identify the need for and recommend the funding and implementation of an appropriate mix of programs and services within the juvenile justice continuum, including prevention, diversion, nonresidential and residential commitment programs, training schools, and conditional release reentry and aftercare programs and services, with an overlay of educational, vocational, alcohol, drug abuse, and mental health services where appropriate.

3. Provide for program research, development, and planning.

4. Develop staffing and workload standards and coordinate staff development and training.

5. Develop budget and resource allocation methodologies and strategies.

6. Establish program policies and rules and ensure that those policies and rules encourage cooperation, collaboration, and information sharing with community partners in the juvenile justice system to the extent authorized by law.

7. Develop funding sources external to state government.

8. Obtain, approve, monitor, and coordinate research and program development grants.

9. Enter into contracts.

10. Monitor all state-funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a “child in need of services,” as defined in chapter 984, in order to effect the goals and policies of the State Comprehensive Plan regarding children and regarding governmental efficiency and in order to determine:

a. The number of youth served by such state-funded programs, grants, appropriations, or activities;

b. The number of youth who complete such state-funded programs, grants, appropriations, or activities;

c. The number and percentage of youth who are referred for delinquency while participating in such state-funded programs, grants, appropriations, or activities;

d. The number and percentage of youth who are referred for delinquency within 6 months after completing such state-funded programs, grants, appropriations, or activities.

~~(d) The secretary shall periodically review the needs in each commitment region.~~

(2) DEPARTMENT PROGRAMS.—The following programs are established within the Department of Juvenile Justice:

(a) Prevention and Victim Services.

(b) Intake and Detention.

(c) Residential and Correctional Facilities.

(d) Probation and Community Corrections.

(e) Administration.

The secretary may establish assistant secretary positions and a chief of staff position as necessary to administer the requirements of this section.

~~(2) DEPUTY SECRETARY FOR OPERATIONS.—The secretary shall appoint a Deputy Secretary for Operations who shall supervise the managers of the 15 services districts within the department.~~

~~(3) ASSISTANT SECRETARY OF PROGRAMMING AND PLANNING.—The secretary shall appoint an Assistant Secretary of Programming and Planning who shall head the following divisions:~~

~~(a) Division of Prevention and Intervention.~~

~~(b) Division of Detention and Commitment.~~

(3)(4) JUVENILE JUSTICE OPERATING CIRCUITS SERVICE DISTRICTS.—The department shall plan and administer its programs through a substate structure that conforms to the boundaries of the judicial circuits prescribed in s. 26.021. A county may seek placement in a juvenile justice operating circuit other than as prescribed in s. 26.021 for participation in the Prevention and Victim Services Program and the Probation and Community Corrections Program by making a request of the chief circuit judge in each judicial circuit affected by such request. Upon a showing that geographic proximity, community identity, or other legitimate concern for efficiency of operations merits alternative placement, each affected chief circuit judge may authorize the execution of an interagency agreement specifying the alternative juvenile justice operating circuit in which the county is to be

placed and the basis for the alternative placement. Upon the execution of said interagency agreement by each affected chief circuit judge, the secretary may administratively place a county in an alternative juvenile justice operating circuit pursuant to the agreement. ~~service districts and subdistricts composed of the following counties:~~

~~District 1.—Escambia, Santa Rosa, Okaloosa, and Walton Counties;~~

~~District 2.—Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, and Taylor Counties;~~

~~District 3.—Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and Alachua Counties;~~

~~District 4.—Baker, Nassau, Duval, Clay, and St. Johns Counties;~~

~~District 5.—Pasco and Pinellas Counties;~~

~~District 6.—Hillsborough and Manatee Counties;~~

~~District 7.—Seminole, Orange, Osceola, and Brevard Counties;~~

~~District 8.—Sarasota, DeSoto, Charlotte, Lee, Glades, Hendry, and Collier Counties;~~

~~District 9.—Palm Beach County;~~

~~District 10.—Broward County;~~

~~District 11.—Dade and Monroe Counties;~~

~~District 12.—Flagler and Volusia Counties;~~

~~District 13.—Marion, Citrus, Hernando, Sumter, and Lake Counties;~~

~~District 14.—Polk, Hardee, and Highlands Counties; and~~

~~District 15.—Indian River, Okeechobee, St. Lucie, and Martin Counties.~~

~~(5) COMMITMENT REGIONS.—The department shall plan and administer its community and institutional delinquency programs, children-in-need-of-services programs, and families-in-need-of-services programs through commitment regions composed of the following service districts:~~

~~Northwest Region.—Districts 1 and 2.~~

~~Northeast Region.—Districts 3, 4, 12, and 13.~~

~~Eastern Region.—Districts 7, 9, and 15.~~

~~Western Region.—Districts 5, 6, 8, and 14.~~

~~Southern Region.—Districts 10 and 11.~~

~~(4)(6) INFORMATION SYSTEMS.—~~

(a) The Department of Juvenile Justice shall develop, in consultation with the Criminal and Juvenile Justice Information Systems Council under s. 943.08, a juvenile justice information system which shall provide information concerning the department's activities and programs.

(b) In establishing the computing and network infrastructure for the development of the information system, the department shall develop a system design to set the direction for the information system. That design shall include not only department system requirements but also data exchange requirements of other state and local juvenile justice system organizations.

(c) The department shall implement a distributed system architecture which shall be defined in its agency strategic plan.

(d) The management information system shall, at a minimum:

1. Facilitate case management of juveniles referred to or placed in the department's custody.

2. Provide timely access to current data and computing capacity to support the outcome evaluation activities of the Juvenile Justice ~~Accountability~~ Advisory Board as provided in s. 985.401, legislative oversight, the Juvenile Justice Estimating Conference, and other research.

3. Provide automated support to the quality assurance and program review functions.

4. Provide automated support to the contract management process.

5. Provide automated support to the facility operations management process.

6. Provide automated administrative support to increase efficiency, provide the capability of tracking expenditures of funds by the department or contracted service providers that are eligible for federal reimbursement, and reduce forms and paperwork.

7. Facilitate connectivity, access, and utilization of information among various state agencies, and other state, federal, local, and private agencies, organizations, and institutions.

8. Provide electronic public access to juvenile justice information, which is not otherwise made confidential by law or exempt from the provisions of s. 119.07(1).

9. Provide a system for the training of information system users and user groups.

(e) The department shall aggregate, on a quarterly and an annual basis, the program information, demographic, program utilization rate, and statistical data of the youth served into a descriptive report and shall disseminate the quarterly and annual reports to substantive committees of the House of Representatives and the Senate.

(f) The department shall provide an annual report on the juvenile justice information system to the Criminal and Juvenile Justice Information Systems Council ~~Joint Information Technology Resources Committee~~. The

council committee shall review and forward the report, along with its comments, to the appropriate substantive and appropriations committees of the House of Representatives and the Senate delineating the development status of the system and other information necessary for funding policy formulation.

(g) The department shall include in its annual budget request a comprehensive summary of costs involved in the establishment of the information system and cost savings associated with its implementation. The budget request must also include a complete inventory of staff, equipment, and facility resources for development and maintenance of the system.

Section 2. Paragraph (o) of subsection (8) and paragraph (c) of subsection (10) of section 20.19, Florida Statutes, are amended to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(8) HEALTH AND HUMAN SERVICES BOARDS.—

(o) Health and human services boards have the following responsibilities, with respect to those programs and services assigned to the districts, as developed jointly with the district administrator:

1. Establish district outcome measures consistent with statewide outcomes.

2. Conduct district needs assessments using methodologies consistent with those established by the secretary.

3. Negotiate with the secretary a district performance agreement that:

a. Identifies current resources and services available;

b. Identifies unmet needs and gaps in services;

c. Establishes service and funding priorities;

d. Establishes outcome measures for the district; and

e. Identifies expenditures and the number of clients to be served, by service.

4. Provide budget oversight, including development and approval of the district's legislative budget request.

5. Provide policy oversight, including development and approval of district policies and procedures.

6. Act as a focal point for community participation in department activities such as:

a. Assisting in the integration of all health and social services within the community;

- b. Assisting in the development of community resources;
  - c. Advocating for community programs and services;
  - d. Receiving and addressing concerns of consumers and others; and
  - e. Advising the district administrator on the administration of service programs throughout the district.
7. Advise the district administrator on ways to integrate the delivery of family and health care services at the local level.
8. Make recommendations which would enhance district productivity and efficiency, ensure achievement of performance standards, and assist the district in improving the effectiveness of the services provided.
9. Review contract provider performance reports.
10. Immediately upon appointment of the membership, develop bylaws that clearly identify and describe operating procedures for the board. At a minimum, the bylaws must specify notice requirements for all regular and special meetings of the board, the number of members required to constitute a quorum, and the number of affirmative votes of members present and voting that are required to take official and final action on a matter before the board.
- 11.a. Determine the board's internal organizational structure, including the designation of standing committees. In order to foster the coordinated and integrated delivery of family services in its community, a local board shall use a committee structure that is based on issues, such as children, housing, transportation, or health care. Each such committee must include consumers, advocates, providers, and department staff from every appropriate program area. In addition, each board and district administrator shall jointly identify community entities, including, but not limited to, the Area Agency on Aging, and resources outside the department to be represented on the committees of the board.
- b. The ~~district~~ juvenile justice circuit boards established in s. ~~985.4135~~ 985.413 constitute the standing committee on issues relating to planning, funding, or evaluation of programs and services relating to the juvenile justice continuum.
12. Participate with the secretary in the selection of a district administrator according to the provisions of paragraph (10)(b).
13. Complete an annual evaluation of the district and review the evaluation at a meeting of the board at which the public has an opportunity to comment.
14. Provide input to the secretary on the annual evaluation of the district administrator. The board may request that the secretary submit a written report on the actions to be taken to address negative aspects of the evaluation. At any time, the board may recommend to the secretary that the



district administrator be discharged. Upon receipt of such a recommendation, the secretary shall make a formal reply to the board stating the action to be taken with respect to the board's recommendation.

15. Elect a chair and other officers, as specified in the bylaws, from among the members of the board.

(10) DISTRICT ADMINISTRATOR.—

(c) The duties of the district administrator include, but are not limited to:

1. Ensuring jointly with the health and human services board that the administration of all service programs is carried out in conformity with state and federal laws, rules, and regulations, statewide service plans, and any other policies, procedures, and guidelines established by the secretary.

2. Administering the offices of the department within the district and directing and coordinating all personnel, facilities, and programs of the department located in that district, except as otherwise provided herein.

3. Applying standard information, referral, intake, diagnostic and evaluation, and case management procedures established by the secretary. Such procedures shall include, but are not limited to, a protective investigation system for dependency programs serving abandoned, abused, and neglected children.

4. Centralizing to the greatest extent possible the administrative functions associated with the provision of services of the department within the district.

5. Coordinating the services provided by the department in the district with those of other districts, with the Secretary of Juvenile Justice, the circuit district juvenile justice manager, and public and private agencies that provide health, social, educational, or rehabilitative services within the district. Such coordination of services includes cooperation with the superintendent of each school district in the department's service district to achieve the first state education goal, readiness to start school.

6. Except as otherwise provided in this section, appointing all personnel within the district. The district administrator and the secretary shall jointly appoint the superintendent of each institution under the jurisdiction of the department within the district.

7. Establishing, with the approval of the health and human services board, such policies and procedures as may be required to discharge his or her duties and implement and conform the policies, procedures, and guidelines established by the secretary to the needs of the district.

8. Transferring up to 10 percent of the total district budget, with the approval of the secretary, to maximize effective program delivery, the provisions of ss. 216.292 and 216.351 notwithstanding.

Section 3. Paragraph (b) of subsection (3) of section 39.0015, Florida Statutes, is amended to read:

39.0015 Child abuse prevention training in the district school system.—

(3) DEFINITIONS.—As used in this section:

(b) “Child abuse” means those acts as defined in ss. 39.01(1), (2), (30), (44), (46), (53), and (64), 827.04, and 984.03(1), (2), and (37) ~~(39)~~.

Section 4. Paragraph (b) of subsection (9) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(9) JUVENILE JUSTICE ESTIMATING CONFERENCE.—

(b) Principals.—The Executive Office of the Governor, the Office of Economic and Demographic Research, and professional staff who have forecasting expertise from the Department of Juvenile Justice, the Department of Children and Family Services Alcohol, Drug Abuse, and Mental Health Program Office, the Department of Law Enforcement, the Senate Appropriations Committee staff, the House of Representatives Appropriations Committee staff, or their designees, are the principals of the Juvenile Justice Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals. To facilitate policy and legislative recommendations, the conference may call upon professional staff of the Juvenile Justice Advisory Accountability Board and appropriate legislative staff.

Section 5. Subsection (4) of section 232.19, Florida Statutes, is amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(4) COOPERATIVE AGREEMENTS.—The circuit ~~district~~ manager of the Department of Juvenile Justice or the circuit ~~district~~ manager’s designee, the district administrator of the Department of Children and Family Services or the district administrator’s designee, and the superintendent of the local school district or the superintendent’s designee must develop a cooperative interagency agreement that:

(a) Clearly defines each department’s role, responsibility, and function in working with habitual truants and their families.

(b) Identifies and implements measures to resolve and reduce truant behavior.

(c) Addresses issues of streamlining service delivery, the appropriateness of legal intervention, case management, the role and responsibility of the case staffing committee, student and parental intervention and involvement, and community action plans.

(d) Delineates timeframes for implementation and identifies a mechanism for reporting results by the circuit district juvenile justice manager or the circuit district manager's designee and the superintendent of schools or the superintendent's designee to the Department of Juvenile Justice and the Department of Education and other governmental entities as needed.

(e) Designates which agency is responsible for each of the intervention steps in this section, to yield more effective and efficient intervention services.

Section 6. Subsection (1) of section 288.9957, Florida Statutes, is amended to read:

288.9957 Florida Youth Workforce Council.—

(1) The chairman of the Workforce Development Board shall designate the Florida Youth Workforce Council from representatives of distressed inner-city and rural communities who have demonstrated experience working with at-risk youth, and representatives of public and private groups, including, but not limited to, School-to-Work Advisory Councils, the National Guard, Children's Services Councils, Juvenile Welfare Boards, the Apprenticeship Council, juvenile justice circuit District boards, and other federal and state programs that target youth, to advise the board on youth programs and to implement Workforce Development Board strategies for young people.

Section 7. Paragraph (d) of subsection (1) of section 419.001, Florida Statutes, is amended to read:

419.001 Site selection of community residential homes.—

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

(d) "Resident" means any of the following: a frail elder as defined in s. 400.618; a physically disabled or handicapped person as defined in s. 760.22(7)(a); a developmentally disabled person as defined in s. 393.063(12); a nondangerous mentally ill person as defined in s. 394.455(18); or a child as defined in s. 39.01(14), s. 984.03(9) or (12), or s. 985.03(8)(9).

Section 8. Subsection (3) of section 744.309, Florida Statutes, is amended to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) DISQUALIFIED PERSONS.—No person who has been convicted of a felony or who, from any incapacity or illness, is incapable of discharging the duties of a guardian, or who is otherwise unsuitable to perform the duties of a guardian, shall be appointed to act as guardian. Further, no person who has been judicially determined to have committed abuse, abandonment, or neglect against a child as defined in s. 39.01 or s. 984.03(2) and (37) (39), or who has a confirmed report of abuse, neglect, or exploitation which has been uncontested or upheld pursuant to the provisions of ss. 415.104 and 415.1075 shall be appointed to act as a guardian. Except as

provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship. A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.

Section 9. Section 784.075, Florida Statutes, is amended to read:

784.075 Battery on detention or commitment facility staff.—A person who commits a battery on a juvenile probation officer, as defined in s. 984.03 or s. 985.03, on other staff of a detention center or facility as defined in s. 984.03 or s. 985.03, or on a staff member of a commitment facility as defined in s. 985.03(45)(47), commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, a staff member of the facilities listed includes persons employed by the Department of Juvenile Justice, persons employed at facilities licensed by the Department of Juvenile Justice, and persons employed at facilities operated under a contract with the Department of Juvenile Justice.

Section 10. Paragraph (c) of subsection (4) of section 790.22, Florida Statutes, is amended to read:

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

(4)

(c) ~~No later than July 1, 1994, The district juvenile justice circuit boards or county juvenile justice county councils or the Department of Juvenile Justice shall establish appropriate community service programs to be available to the alternative sanctions coordinators of the circuit courts in implementing this subsection. The boards or councils or department shall propose the implementation of a community service program in each circuit, and may submit a circuit plan, to be implemented upon approval of the circuit alternative sanctions coordinator.~~

Section 11. Subsection (4) of section 938.17, Florida Statutes, is amended to read:

938.17 County delinquency prevention.—

(4) A sheriff's office that receives the cost assessments established in subsection (1) shall account for all funds that have been deposited into the designated account by August 1 annually in a written report to the county juvenile justice county council if funds are used for assessment centers, and to the district school board if funds are used for suspension programs.

Section 12. Subsection (2) of section 948.51, Florida Statutes, is amended to read:

948.51 Community corrections assistance to counties or county consortiums.—

(2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A county, or a consortium of two or more counties, may contract with the Department of Corrections for community corrections funds as provided in this section. In order to enter into a community corrections partnership contract, a county or county consortium must have a public safety coordinating council established under s. 951.26 and must designate a county officer or agency to be responsible for administering community corrections funds received from the state. The public safety coordinating council shall prepare, develop, and implement a comprehensive public safety plan for the county, or the geographic area represented by the county consortium, and shall submit an annual report to the Department of Corrections concerning the status of the program. In preparing the comprehensive public safety plan, the public safety coordinating council shall cooperate with the ~~district~~ juvenile justice circuit board and the ~~county~~ juvenile justice county council, established under s. ~~985.4135~~ 985.413, in order to include programs and services for juveniles in the plan. To be eligible for community corrections funds under the contract, the initial public safety plan must be approved by the governing board of the county, or the governing board of each county within the consortium, and the Secretary of Corrections based on the requirements of this section. If one or more other counties develop a unified public safety plan, the public safety coordinating council shall submit a single application to the department for funding. Continued contract funding shall be pursuant to subsection (5). The plan for a county or county consortium must cover at least a 5-year period and must include:

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

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

(c) Specific goals and objectives for reducing the projected percentage of commitments to the state prison system of persons with low total sentencing scores pursuant to the Criminal Punishment Code.

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

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

(f) The assessment of bed space that is available for substance abuse intervention and treatment programs and the assessment of offenders in

need of treatment who are committed to each correctional facility owned or contracted for by the county or by each county within the consortium.

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

Section 13. Present subsections (24) and (25) of section 984.03, Florida Statutes, are repealed, subsections (26) through (58) are renumbered as subsections (24) through (56), respectively, and present subsections (27), (32), (33), (45), and (48) of said section are amended to read:

984.03 Definitions.—When used in this chapter, the term:

~~(25)~~(27) “Family in need of services” means a family that has a child who is running away; who is persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or at risk of entering the juvenile justice system for whom there is no pending investigation into an allegation of abuse, neglect, or abandonment or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must be also have been referred to a law enforcement agency, or the Department of Juvenile Justice, or an agency contracted to provide services to children in need of services. A family is not eligible to receive services if, at the time of the referral, there is an open investigation into an allegation of abuse, neglect, or abandonment or if the child is currently under supervision by the Department of Juvenile Justice or the Department of Children and Family Services due to an adjudication of dependency or delinquency. for:

~~(a) Running away from parents or legal custodians;~~

~~(b) Persistently disobeying reasonable and lawful demands of parents or legal custodians and being beyond their control; or~~

~~(c) Habitual truancy from school.~~

~~(30)~~(32) “Juvenile justice continuum” includes, but is not limited to, delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by youth gangs and juvenile arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; conditional release aftercare and reentry services; substance abuse and mental health programs; educational and vocational programs; recreational programs; community services programs; community service work programs; and alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.

~~(31)~~(33) “Juvenile probation officer” means the authorized agent of the department who performs and directs intake, assessment, probation, or conditional release aftercare, and other related services.

~~(43)~~(45) “Preventive services” means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in an adjudication that orders the placement of a child into in foster care or into the delinquency system or that will or could result in the child living on the street. Social services and other supportive and rehabilitative services may include the provision of assessment and screening services; individual, group, or family counseling; specialized educational and vocational services; temporary shelter for the child; outreach services for children living on the street; independent living services to assist adolescents in achieving a successful transition to adulthood; and other specialized services shall promote the child’s need for a safe, continuous, stable, living environment and shall promote family autonomy and shall strengthen family life as the first priority whenever possible.

~~(46)~~(48) “Reunification services” means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child, whichever is applicable; the child; and, where appropriate, the foster parents of the child for the purpose of enabling a child who has been placed in temporary shelter foster care to return to his or her family at the earliest possible time. Social services and other supportive and rehabilitative services shall be consistent with promote the child’s need for a safe, continuous, and stable, living environment and shall promote the strengthening of family autonomy and strengthen family life as a first priority whenever possible.

Section 14. Section 984.05, Florida Statutes, is amended to read:

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

Section 15. Section 984.086, Florida Statutes, is amended to read:

984.086 Children locked out of the home; interagency cooperation.—The Department of Juvenile Justice and the Department of Children and Family Services shall encourage interagency cooperation within each circuit district and shall develop comprehensive agreements between the staff and providers for each department in order to coordinate the services provided to children who are locked out of the home and the families of those children.

Section 16. Subsection (5) of section 984.09, Florida Statutes, is amended to read:

984.09 Punishment for contempt of court; alternative sanctions.—

(5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary, ~~and county juvenile justice councils,~~ the local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including nonsecure detention programs, community service projects, and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).

Section 17. Subsection (2) of section 984.10, Florida Statutes, is amended to read:

984.10 Intake.—

(2) A representative of the department shall make a preliminary determination as to whether the report or complaint is complete. The criteria for the completeness of a report or complaint with respect to a child alleged to be from a family in need of services while subject to compulsory school attendance shall be governed by s. 984.03(27)(29). In any case in which the representative of the department finds that the report or complaint is incomplete, the representative of the department shall return the report or complaint without delay to the person or agency originating the report or complaint or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction and request additional information in order to complete the report or complaint.

Section 18. Section 985.03, Florida Statutes, is amended to read:

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

(1) “Addictions receiving facility” means a substance abuse service provider as defined in chapter 397.

(2) “Adjudicatory hearing” means a hearing for the court to determine whether or not the facts support the allegations stated in the petition, as is provided for under s. 985.228 in delinquency cases.

(3) “Adult” means any natural person other than a child.

(4)(5) “Arbitration” means a process whereby a neutral third person or panel, called an arbitrator or an arbitration panel, considers the facts and arguments presented by the parties and renders a decision which may be binding or nonbinding.

(5)(6) “Authorized agent” or “designee” of the department means a person or agency assigned or designated by the Department of Juvenile Justice or the Department of Children and Family Services, as appropriate, to perform duties or exercise powers pursuant to this chapter and includes contract providers and their employees for purposes of providing services to and



managing cases of children in need of services and families in need of services.

(6)(7) “Child” or “juvenile” or “youth” means any unmarried person under the age of 18 who has not been emancipated by order of the court and who has been found or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years.

(7)(8) “Child eligible for an intensive residential treatment program for offenders less than 13 years of age” means a child who has been found to have committed a delinquent act or a violation of law in the case currently before the court and who meets at least one of the following criteria:

(a) The child is less than 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

1. Arson;
2. Sexual battery;
3. Robbery;
4. Kidnapping;
5. Aggravated child abuse;
6. Aggravated assault;
7. Aggravated stalking;
8. Murder;
9. Manslaughter;
10. Unlawful throwing, placing, or discharging of a destructive device or bomb;
11. Armed burglary;
12. Aggravated battery;
13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or
14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

(b) The child is less than 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least once to a delinquency commitment program.

(c) The child is less than 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(8)~~(9)~~ “Child in need of services” means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

(a) To have persistently run away from the child’s parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child’s parents or legal custodians and the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Children and Family Services;

(b) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 232.17 and 232.19 and through voluntary participation by the child’s parents or legal custodians and by the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Children and Family Services; or

(c) To have persistently disobeyed the reasonable and lawful demands of the child’s parents or legal custodians, and to be beyond their control despite efforts by the child’s parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.

(9)~~(10)~~ “Child who has been found to have committed a delinquent act” means a child who, pursuant to the provisions of this chapter, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition shall not include an act constituting contempt of court arising out of a dependency proceeding or a proceeding pursuant to part III of this chapter.

(10)~~(11)~~ “Child support” means a court-ordered obligation, enforced under chapter 61 and ss. 409.2551-409.2597, for monetary support for the care, maintenance, training, and education of a child.

(11)~~(12)~~ “Circuit” means any of the 20 judicial circuits as set forth in s. 26.021.

(12)~~(13)~~ “Comprehensive assessment” or “assessment” means the gathering of information for the evaluation of a juvenile offender’s or a child’s physical, psychological, educational, vocational, and social condition and family environment as they relate to the child’s need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.

(13)(4) “Conditional release Aftercare” means the care, treatment, help, and supervision provided to a juvenile released from a residential commitment program which is intended to promote rehabilitation and prevent recidivism. The purpose of conditional release aftercare is to protect the public, reduce recidivism, increase responsible productive behavior, and provide for a successful transition of the youth from the department to the family. Conditional release Aftercare includes, but is not limited to, minimum-risk nonresidential programs, ~~reentry services~~, and postcommitment probation community control.

(14)(15) “Court,” unless otherwise expressly stated, means the circuit court assigned to exercise jurisdiction under this chapter.

(15)(16)(a) “Delinquency program” means any intake, probation community control, or similar program; regional detention center or facility; or community-based program, whether owned and operated by or contracted by the Department of Juvenile Justice, or institution owned and operated by or contracted by the Department of Juvenile Justice, which provides intake, supervision, or custody and care of children who are alleged to be or who have been found to be delinquent pursuant to part II.

(b) “Delinquency program staff” means supervisory and direct care staff of a delinquency program as well as support staff who have direct contact with children in a delinquency program.

(c) “Delinquency prevention programs” means programs designed for the purpose of reducing the occurrence of delinquency, including youth and street gang activity, and juvenile arrests. The term excludes arbitration, diversionary or mediation programs, and community service work or other treatment available subsequent to a child committing a delinquent act.

(16)(17) “Department” means the Department of Juvenile Justice.

(17)(18) “Designated facility” or “designated treatment facility” means any facility designated by the Department of Juvenile Justice to provide treatment to juvenile offenders.

(18)(19) “Detention care” means the temporary care of a child in secure, nonsecure, or home detention, pending a court adjudication or disposition or execution of a court order. There are three types of detention care, as follows:

(a) “Secure detention” means temporary custody of the child while the child is under the physical restriction of a detention center or facility pending adjudication, disposition, or placement.

(b) “Nonsecure detention” means temporary custody of the child while the child is in a residential home in the community in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice pending adjudication, disposition, or placement.

(c) “Home detention” means temporary custody of the child while the child is released to the custody of the parent, guardian, or custodian in a

physically nonrestrictive environment under the supervision of the Department of Juvenile Justice staff pending adjudication, disposition, or placement.

~~(19)~~(20) “Detention center or facility” means a facility used pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure or nonsecure custody. A facility used for the commitment of adjudicated delinquents shall not be considered a detention center or facility.

~~(20)~~(21) “Detention hearing” means a hearing for the court to determine if a child should be placed in temporary custody, as provided for under ss. 985.213 and 985.215 in delinquency cases.

~~(21)~~(22) “Disposition hearing” means a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 985.231, in delinquency cases.

~~(23)~~ “District” means a service district of the Department of Juvenile Justice.

~~(24)~~ “District juvenile justice manager” means the person appointed by the Secretary of Juvenile Justice, responsible for planning, managing, and evaluating all juvenile justice continuum programs and services delivered or funded by the Department of Juvenile Justice within the district.

~~(22)~~(25) “Family” means a collective of persons, consisting of a child and a parent, guardian, adult custodian, or adult relative, in which:

(a) The persons reside in the same house or living unit; or

(b) The parent, guardian, adult custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

~~(23)~~(26) “Family in need of services” means a family that has a child for whom there is no pending investigation into an allegation of abuse, neglect, or abandonment or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also have been referred to a law enforcement agency or the Department of Juvenile Justice for:

(a) Running away from parents or legal custodians;

(b) Persistently disobeying reasonable and lawful demands of parents or legal custodians, and being beyond their control; or

(c) Habitual truancy from school.

~~(24)~~(27) “Foster care” means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.

(25)~~(28)~~ “Habitually truant” means that:

(a) The child has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the child’s parent or legal guardian, is subject to compulsory school attendance under s. 232.01, and is not exempt under s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education.

(b) Escalating activities to determine the cause, and to attempt the remediation, of the child’s truant behavior under ss. 232.17 and 232.19 have been completed.

If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 232.17 and 232.19 and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the state attorney may file a child-in-need-of-services petition. Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the state attorney may elect to file a child-in-need-of-services petition.

(c) A school representative, designated according to school board policy, and a juvenile probation officer of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions that could be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in s. 232.19(3) shall be handled as prescribed in s. 232.19.

(26)~~(29)~~ “Halfway house” means a community-based residential program for 10 or more committed delinquents at the moderate-risk restrictiveness level that is operated or contracted by the Department of Juvenile Justice.

(27)~~(30)~~ “Intake” means the initial acceptance and screening by the Department of Juvenile Justice of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best

interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

(a) The disposition of the complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.

(b) The referral of the child to another public or private agency when appropriate.

(c) The recommendation by the juvenile probation officer of judicial handling when appropriate and warranted.

~~(28)~~(31) “Judge” means the circuit judge exercising jurisdiction pursuant to this chapter.

~~(29)~~(32) “Juvenile justice continuum” includes, but is not limited to, delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by youth gangs, and juvenile arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; conditional release aftercare and reentry services; substance abuse and mental health programs; educational and vocational programs; recreational programs; community services programs; community service work programs; and alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.

~~(30)~~(33) “Juvenile probation officer” means the authorized agent of the Department of Juvenile Justice who performs the intake or case management function for a child alleged to be delinquent.

~~(31)~~(34) “Juvenile sexual offender” means:

(a) A juvenile who has been found by the court pursuant to s. 985.228 to have committed a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133;

(b) A juvenile found to have committed any violation of law or delinquent act involving juvenile sexual abuse. “Juvenile sexual abuse” means any sexual behavior which occurs without consent, without equality, or as a result of coercion. For purposes of this subsection, the following definitions apply:

1. “Coercion” means the exploitation of authority, use of bribes, threats of force, or intimidation to gain cooperation or compliance.

2. “Equality” means two participants operating with the same level of power in a relationship, neither being controlled nor coerced by the other.

3. “Consent” means an agreement including all of the following:
  - a. Understanding what is proposed based on age, maturity, developmental level, functioning, and experience.
  - b. Knowledge of societal standards for what is being proposed.
  - c. Awareness of potential consequences and alternatives.
  - d. Assumption that agreement or disagreement will be accepted equally.
  - e. Voluntary decision.
  - f. Mental competence.

Juvenile sexual offender behavior ranges from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts.

~~(32)~~(35) “Legal custody” means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

~~(33)~~(36) “Licensed child-caring agency” means a person, society, association, or agency licensed by the Department of Children and Family Services to care for, receive, and board children.

~~(34)~~(37) “Licensed health care professional” means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

~~(35)~~(38) “Likely to injure oneself” means that, as evidenced by violent or other actively self-destructive behavior, it is more likely than not that within a 24-hour period the child will attempt to commit suicide or inflict serious bodily harm on himself or herself.

~~(36)~~(39) “Likely to injure others” means that it is more likely than not that within a 24-hour period the child will inflict serious and unjustified bodily harm on another person.

~~(37)~~(40) “Mediation” means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decisionmaking authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

(38)(41) “Necessary medical treatment” means care which is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child’s condition or to alleviate immediate pain of a child.

(39)(42) “Next of kin” means an adult relative of a child who is the child’s brother, sister, grandparent, aunt, uncle, or first cousin.

(40)(43) “Parent” means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1)(b). If a child has been legally adopted, the term “parent” means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. 39.503 or s. 63.062(1)(b).

(41)(44) “Preliminary screening” means the gathering of preliminary information to be used in determining a child’s need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of the child.

(42)(45) “Preventive services” means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in the placement of a child in foster care. Social services and other supportive and rehabilitative services shall promote the child’s need for a safe, continuous, stable living environment and shall promote family autonomy and shall strengthen family life as the first priority whenever possible.

(43)(43) “Probation Community control” means the legal status of probation created by law and court order in cases involving a child who has been found to have committed a delinquent act. Probation Community control is an individualized program in which the freedom of the child is limited and the child is restricted to noninstitutional quarters or restricted to the child’s home in lieu of commitment to the custody of the Department of Juvenile Justice. Youth on probation may be assessed and classified for placement in day-treatment probation programs designed for youth who represent a minimum risk to themselves and public safety and do not require placement and services in a residential setting. Program types in this more intensive and structured day-treatment probation option include vocational programs, marine programs, juvenile justice alternative schools, training and rehabilitation programs, and gender-specific programs.

(44)(46) “Relative” means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

(45)(47) “Residential commitment Restrictiveness level” means the level of security custody provided by programs that service the supervision, cus-



today, and care, and treatment needs of committed children. Sections 985.3141 and 985.404(13) apply to children placed in programs at any residential commitment level. The levels of residential commitment are as follows: There shall be five restrictiveness levels:

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

~~(a)(b) Low-risk residential.—Programs or program models at this commitment level are residential but may allow youth to have unsupervised access to the community. Youth assessed and classified for placement in programs at this commitment level represent a low risk to themselves and public safety but and do require placement and services in residential settings. Children who have been found to have committed delinquent acts that involve firearms, delinquent acts that are sexual offenses, or delinquent acts that would be life felonies or first degree felonies if committed by an adult shall not be committed to a program at this level. Programs or program models in this restrictiveness level include: Short Term Offender Programs (STOP), group treatment homes, family group homes, proctor homes, and Short Term Environmental Programs (STEP). Section 985.3141 applies to children placed in programs in this restrictiveness level.~~

~~(b)(c) Moderate-risk residential.—Programs or program models at this commitment level are residential but may allow youth to have supervised access to the community. Facilities are either environmentally secure, staff secure, or are hardware-secure with walls, fencing, or locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. Youth assessed and classified for placement in programs at in this commitment restrictiveness level represent a moderate risk to public safety and. Programs are designed for children who require close supervision but do not need placement in facilities that are physically secure. Programs in the moderate-risk residential restrictiveness level provide 24-hour awake supervision, custody, care, and treatment. Upon specific appropriation, a facility at this restrictiveness level may have a security fence around the perimeter of the grounds of the facility and may be hardware-secure or staff-secure. The staff at a facility at this commitment restrictiveness level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. Programs or program models in this restrictiveness level include: halfway houses, START Centers, the Dade Intensive Control Program, licensed substance abuse residential programs, and moderate-term wilderness programs designed for committed delinquent youth that are operated or contracted by the Department of Juvenile Justice. Section 985.3141 applies to children placed in programs in this restrictiveness level.~~

~~(c)(d)~~ High-risk residential.—Programs or program models at this commitment level are residential and shall not allow youth to have access to the community. Facilities are hardware-secure with perimeter fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. Youth assessed and classified for this level of placement require close supervision in a structured residential setting that provides 24-hour per-day secure custody, care, and supervision. Placement in programs at in this level is prompted by a concern for public safety that outweighs placement in programs at lower restrictiveness levels. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility may provide for single cell occupancy. Programs or program models in this level are staff-secure or physically secure residential commitment facilities and include: training schools, intensive halfway houses, residential sex offender programs, long-term wilderness programs designed exclusively for committed delinquent youth, boot camps, secure halfway house programs, and the Broward Control Treatment Center. Section 985.3141 applies to children placed in programs in this restrictiveness level.

~~(d)(e)~~ Maximum-risk residential Juvenile correctional facilities or juvenile prison.—Programs or program models at this commitment level include juvenile correctional facilities and juvenile prisons. The programs are long-term residential and shall not allow youth to have access to the community. Facilities are maximum-custody hardware-secure with perimeter security fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility shall provide for single cell occupancy, except that youth may be housed together during prerelease transition. Youth assessed and classified for this level of placement require close supervision in a maximum security residential setting that provides 24-hour per-day secure custody, care, and supervision. Placement in a program at in this level is prompted by a demonstrated need to protect the public. Programs or program models in this level are maximum-secure-custody, long-term residential commitment facilities that are intended to provide a moderate overlay of educational, vocational, and behavioral modification services and other maximum-security program models authorized by the Legislature and established by rule. Section 985.3141 applies to children placed in programs in this restrictiveness level.

~~(46)(48)~~ “Secure detention center or facility” means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

~~(47)(49)~~ “Serious or habitual juvenile offender,” for purposes of commitment to a residential facility and for purposes of records retention, means a child who has been found to have committed a delinquent act or a violation of law, in the case currently before the court, and who meets at least one of the following criteria:

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

1. Arson;
2. Sexual battery;
3. Robbery;
4. Kidnapping;
5. Aggravated child abuse;
6. Aggravated assault;
7. Aggravated stalking;
8. Murder;
9. Manslaughter;
10. Unlawful throwing, placing, or discharging of a destructive device or bomb;
11. Armed burglary;
12. Aggravated battery;
13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or
14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

(b) The youth is at least 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least two times to a delinquency commitment program.

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

~~(48)~~(50) “Serious or habitual juvenile offender program” means the program established in s. 985.31.

~~(49)~~(51) “Shelter” means a place for the temporary care of a child who is alleged to be or who has been found to be delinquent.

~~(50)~~(52) “Shelter hearing” means a hearing provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.

~~(51)~~(53) “Staff-secure shelter” means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in

contempt of court, or whom the Department of Children and Family Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.

(52)(54) “Substance abuse” means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

(53)(55) “Taken into custody” means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child’s release, detention, placement, or other disposition as authorized by law.

(54)(56) “Temporary legal custody” means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

(55)(57) “Temporary release” means the terms and conditions under which a child is temporarily released from a commitment facility or allowed home visits. If the temporary release is from a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility, the terms and conditions of the temporary release must be approved by the child, the court, and the facility. The term includes periods during which the child is supervised pursuant to a conditional release reentry program or ~~an aftercare program~~ or a period during which the child is supervised by a juvenile probation officer or other nonresidential staff of the department or staff employed by an entity under contract with the department. A child placed in a postcommitment supervision program by order of the court is not considered to be on temporary release and is not subject to the terms and conditions of temporary release.

(56)(58) “Training school” means one of the following facilities: the Arthur G. Dozier School or the Eckerd Youth Development Center.

(57)(59) “Violation of law” or “delinquent act” means a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

(58)(60) “Waiver hearing” means a hearing provided for under s. 985.226(3).

Section 19. Paragraph (a) of subsection (3) and paragraph (a) of subsection (4) of section 985.04, Florida Statutes, are amended to read:

## 985.04 Oaths; records; confidential information.—

(3)(a) Except as provided in subsections (2), (4), (5), and (6), and s. 943.053, all information obtained under this part in the discharge of official duty by any judge, any employee of the court, any authorized agent of the Department of Juvenile Justice, the Parole Commission, the Juvenile Justice Advisory Accountability Board, the Department of Corrections, the ~~district~~ juvenile justice circuit boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the Department of Juvenile Justice and its designees, the Department of Corrections, the Parole Commission, the Juvenile Justice Advisory Accountability Board, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this chapter to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. Such agreement shall require notification to any classroom teacher of assignment to the teacher's classroom of a juvenile who has been placed in a probation ~~community control~~ or commitment program for a felony offense. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.

(4)(a) Records in the custody of the Department of Juvenile Justice regarding children are not open to inspection by the public. Such records may be inspected only upon order of the Secretary of Juvenile Justice or his or her authorized agent by persons who have sufficient reason and upon such conditions for their use and disposition as the secretary or his or her authorized agent deems proper. The information in such records may be disclosed only to other employees of the Department of Juvenile Justice who have a need therefor in order to perform their official duty; to other persons as authorized by rule of the Department of Juvenile Justice; and, upon request, to the Juvenile Justice Advisory Accountability Board and the Department of Corrections. The secretary or his or her authorized agent may permit properly qualified persons to inspect and make abstracts from records for statistical purposes under whatever conditions upon their use and disposition the secretary or his or her authorized agent deems proper, provided adequate assurances are given that children's names and other identifying information will not be disclosed by the applicant.

Section 20. Subsection (2) of section 985.06, Florida Statutes, is amended to read:

985.06 Statewide information-sharing system; interagency work-group.—

(2) The interagency workgroup shall be coordinated through the Department of Education and shall include representatives from the state agencies specified in subsection (1), school superintendents, school district information system directors, principals, teachers, juvenile court judges, police chiefs, county sheriffs, clerks of the circuit court, the Department of Children and Family Services, providers of juvenile services including a provider from a juvenile substance abuse program, and circuit district juvenile justice managers.

Section 21. Section 985.2066, Florida Statutes, is amended to read:

985.2066 Children locked out of the home; interagency cooperation.— The Department of Juvenile Justice and the Department of Children and Family Services shall encourage interagency cooperation within each circuit district and shall develop comprehensive agreements between the staff and providers for each department in order to coordinate the services provided to children who are locked out of the home and the families of those children.

Section 22. Paragraph (d) of subsection (1) of section 985.207, Florida Statutes, is amended to read:

985.207 Taking a child into custody.—

(1) A child may be taken into custody under the following circumstances:

(d) By a law enforcement officer who has probable cause to believe that the child is in violation of the conditions of the child's probation community control, home detention, or conditional release ~~after~~care supervision or has absconded from commitment.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. 985.215.

Section 23. Paragraph (a) of subsection (1) of section 985.21, Florida Statutes, is amended to read:

985.21 Intake and case management.—

(1)(a) During the intake process, the juvenile probation officer shall screen each child or shall cause each child to be screened in order to determine:

1. Appropriateness for release, referral to a diversionary program including, but not limited to, a teen-court program, referral for community arbitration, or referral to some other program or agency for the purpose of nonofficial or nonjudicial handling.

2. The presence of medical, psychiatric, psychological, substance abuse, educational, or vocational problems, or other conditions that may have caused the child to come to the attention of law enforcement or the Department of Juvenile Justice. The child shall also be screened to determine whether the child poses a danger to himself or herself or others in the community. The results of this screening shall be made available to the court

and to court officers. In cases where such conditions are identified, and a nonjudicial handling of the case is chosen, the juvenile probation officer shall attempt to refer the child to a program or agency, together with all available and relevant assessment information concerning the child's precipitating condition.

3. The Department of Juvenile Justice shall develop an intake and a case management system whereby a child brought into intake is assigned a juvenile probation officer if the child was not released, referred to a diversionary program, referred for community arbitration, or referred to some other program or agency for the purpose of nonofficial or nonjudicial handling, and shall make every reasonable effort to provide case management services for the child; provided, however, that case management for children committed to residential programs may be transferred as provided in s. 985.316.

4. In addition to duties specified in other sections and through departmental rules, the assigned juvenile probation officer shall be responsible for the following:

a. Ensuring that a risk assessment instrument establishing the child's eligibility for detention has been accurately completed and that the appropriate recommendation was made to the court.

b. Inquiring as to whether the child understands his or her rights to counsel and against self-incrimination.

c. Performing the preliminary screening and making referrals for comprehensive assessment regarding the child's need for substance abuse treatment services, mental health services, retardation services, literacy services, or other educational or treatment services.

d. Coordinating the multidisciplinary assessment when required, which includes the classification and placement process that determines the child's priority needs, risk classification, and treatment plan. When sufficient evidence exists to warrant a comprehensive assessment and the child fails to voluntarily participate in the assessment efforts, it is the responsibility of the juvenile probation officer to inform the court of the need for the assessment and the refusal of the child to participate in such assessment. This assessment, classification, and placement process shall develop into the predisposition report.

e. Making recommendations for services and facilitating the delivery of those services to the child, including any mental health services, educational services, family counseling services, family assistance services, and substance abuse services. The juvenile probation officer shall serve as the primary case manager for the purpose of managing, coordinating, and monitoring the services provided to the child. Each program administrator within the Department of Children and Family Services shall cooperate with the primary case manager in carrying out the duties and responsibilities described in this section.

The Department of Juvenile Justice shall annually advise the Legislature and the Executive Office of the Governor of the resources needed in order for the intake and case management system to maintain a staff-to-client ratio that is consistent with accepted standards and allows the necessary supervision and services for each child. The intake process and case management system shall provide a comprehensive approach to assessing the child's needs, relative risks, and most appropriate handling, and shall be based on an individualized treatment plan.

Section 24. Paragraphs (a) and (h) of subsection (2), and subsection (6) of section 985.215, Florida Statutes, are amended, and present paragraph (d) of subsection (5) of said section is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection to read:

985.215 Detention.—

(2) Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(a) The child is alleged to be an escapee or an absconder from a commitment program, a probation community control program, furlough, or conditional release ~~aftercare~~ supervision, or is alleged to have escaped while being lawfully transported to or from such program or supervision.

(h) The child is alleged to have violated the conditions of the child's probation community control or conditional release ~~aftercare~~ supervision. However, a child detained under this paragraph may be held only in a consequence unit as provided in s. 985.231(1)(a)1.c. If a consequence unit is not available, the child shall be placed on home detention with electronic monitoring.

A child who meets any of these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he or she is charged and the need for continued detention. Unless a child is detained under paragraph (d) or paragraph (e), the court shall utilize the results of the risk assessment performed by the juvenile probation officer and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement. Except as provided in s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d), when a child is placed into secure or nonsecure detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the



detention period specified in paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1., whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted pursuant to paragraph (5)(d).

(5)

(d) A child who was not in secure detention at the time of the adjudicatory hearing, but for whom residential commitment is anticipated or recommended, may be placed under a special detention order for a period not to exceed 72 hours, excluding weekends and legal holidays, for the purpose of conducting a comprehensive evaluation as provided in s. 985.229(1). Motions for the issuance of such special detention order may be made subsequent to a finding of delinquency. Upon said motion, the court shall conduct a hearing to determine the appropriateness of such special detention order and shall order the least restrictive level of detention necessary to complete the comprehensive evaluation process that is consistent with public safety. Such special detention order may be extended for an additional 72 hours upon further order of the court.

(6) When any child is placed into secure, nonsecure, or home detention care or into other placement pursuant to a court order following a detention hearing, the court shall order the natural or adoptive parents of such child, including the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay to the Department of Juvenile Justice, or institution having custody of the child, fees in an amount of twenty dollars per day related to the equal to the actual cost of the care, support, and maintenance of the child, as established by the Department of Juvenile Justice, unless the court determines makes a finding on the record that the parent or guardian of the child is indigent. At the time of the detention hearing, the Department shall report to the court, verbally or in writing, any available information concerning the ability of the parent or guardian of the child to pay such fee. As to each parent or guardian for whom the court makes a finding of indigency, the The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the fees specified herein full cost of the care, support, and maintenance of the child. If the court makes a finding of indigency or inability to pay the full cost of care, support, and maintenance of the child, the court shall order the parent or guardian to pay to the department a nominal subsistence fee on behalf of the child in the amount of at least \$2 per day that the child is detained outside the home or at least \$1 per day if the child is otherwise detained, unless the court makes a finding on the record that the parent or guardian would suffer a significant hardship if obligated for such amount. In addition, the court may reduce the fees or waive the fees as to each parent or guardian if the court makes a finding on the record it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law for which the child is detained and that the parent or guardian is cooperating in the investigation of the offense. As to each parent or guardian, the court may reduce the fees or waive the fees or if the court makes a finding on the record finds that the parent or guardian

has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. The court must include specific findings in the detention order as to what fees are ordered, reduced, or waived. If the court fails to enter an order as required by this subsection, it shall be presumed that the court intended the parent or guardian to pay to the department the fee of twenty dollars per day that the child remains in detention care. With respect to a child who has been found to have committed a delinquent act or violation of law, whether or not adjudication is withheld, and whose parent or guardian receives public assistance for any portion of that child's care, the department must seek a federal waiver to garnish or otherwise order the payments of the portion of the public assistance relating to that child to offset the costs of providing care, custody, maintenance, rehabilitation, intervention, or corrective services to the child. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected. The department may also pay for collection services from available authorized funds. The Department of Juvenile Justice shall provide to the payor documentation of any amounts paid by the payor to the Department of Juvenile Justice on behalf of the child. All payments received by the department pursuant to this subsection shall be deposited in the state Grants and Donations Trust Fund. Neither the court nor the department may extend the child's length of stay in detention care solely for the purpose of collecting fees.

Section 25. Subsection (5) of section 985.216, Florida Statutes, is amended to read:

985.216 Punishment for contempt of court; alternative sanctions.—

(5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary, ~~and county juvenile justice councils,~~ the local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including nonsecure detention programs, community service projects, and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).

Section 26. Paragraph (c) of subsection (3) of section 985.226, Florida Statutes, is amended to read:

985.226 Criteria for waiver of juvenile court jurisdiction; hearing on motion to transfer for prosecution as an adult.—

## (3) WAIVER HEARING.—

(c) The court shall conduct a hearing on all transfer request motions for the purpose of determining whether a child should be transferred. In making its determination, the court shall consider:

1. The seriousness of the alleged offense to the community and whether the protection of the community is best served by transferring the child for adult sanctions.

2. Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner.

3. Whether the alleged offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted.

4. The probable cause as found in the report, affidavit, or complaint.

5. The desirability of trial and disposition of the entire offense in one court when the child's associates in the alleged crime are adults or children who are to be tried as adults.

6. The sophistication and maturity of the child.

7. The record and previous history of the child, including:

a. Previous contacts with the department, the Department of Corrections, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, other law enforcement agencies, and courts;

b. Prior periods of probation ~~or community control~~;

c. Prior adjudications that the child committed a delinquent act or violation of law, greater weight being given if the child has previously been found by a court to have committed a delinquent act or violation of law involving an offense classified as a felony or has twice previously been found to have committed a delinquent act or violation of law involving an offense classified as a misdemeanor; and

d. Prior commitments to institutions.

8. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child, if the child is found to have committed the alleged offense, by the use of procedures, services, and facilities currently available to the court.

Section 27. Paragraph (b) of subsection (2) and subsection (4) of section 985.227, Florida Statutes, are amended to read:

985.227 Prosecution of juveniles as adults by the direct filing of an information in the criminal division of the circuit court; discretionary criteria; mandatory criteria.—

## (2) MANDATORY DIRECT FILE.—

(b) Notwithstanding subsection (1), regardless of the child's age at the time the alleged offense was committed, the state attorney must file an information with respect to any child who previously has been adjudicated for offenses which, if committed by an adult, would be felonies and such adjudications occurred at three or more separate delinquency adjudicatory hearings, and three of which resulted in residential commitments as defined in s. 985.03(45)(47).

(4) DIRECT-FILE POLICIES AND GUIDELINES.—Each state attorney shall develop written policies and guidelines to govern determinations for filing an information on a juvenile, to be submitted to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Juvenile Justice Advisory Accountability Board not later than January 1 of each year.

Section 28. Subsection (4) of section 985.228, Florida Statutes, is amended to read:

985.228 Adjudicatory hearings; withheld adjudications; orders of adjudication.—

(4) If the court finds that the child named in the petition has committed a delinquent act or violation of law, it may, in its discretion, enter an order stating the facts upon which its finding is based but withholding adjudication of delinquency and placing the child in a probation ~~community control~~ program under the supervision of the department or under the supervision of any other person or agency specifically authorized and appointed by the court. The court may, as a condition of the program, impose as a penalty component restitution in money or in kind, community service, a curfew, urine monitoring, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense, and may impose as a rehabilitative component a requirement of participation in substance abuse treatment, or school or other educational program attendance. 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 chapter to deal with the child as adjudicated.

Section 29. Subsections (1) and (3) of section 985.229, Florida Statutes, are amended to read:

985.229 Predisposition report; other evaluations.—

(1) Upon a finding that the child has committed a delinquent act ~~At the disposition hearing,~~ the court ~~may~~ shall order a predisposition report regarding the eligibility of the child for disposition other than by adjudication and commitment to the department or for disposition of adjudication, commitment to the department, and, if appropriate, assignment of a residential

commitment level. The predisposition report shall be the result of the multidisciplinary assessment when such assessment is needed, and of the classification and placement process, and it shall indicate and report the child's priority needs, recommendations as to a classification of risk for the child in the context of his or her program and supervision needs, and a plan for treatment that recommends the most appropriate placement setting to meet the child's needs with the minimum program security that reasonably ensures public safety. A predisposition report shall be ordered for any child for whom a residential commitment disposition is anticipated or recommended by an officer of the court or by the department. A comprehensive evaluation for physical health, mental health, substance abuse, academic, educational, or vocational problems shall be ordered for any child for whom a residential commitment disposition is anticipated or recommended by an officer of the court or by the department. If a comprehensive evaluation is ordered, the predisposition report shall include a summary of the comprehensive evaluation. The predisposition report shall be submitted to the court upon completion of the report but no later than 48 hours prior to the disposition hearing. ~~The predisposition report,~~ but shall not be reviewed by the court without the consent of the child and his or her legal counsel until the child has been found to have committed a delinquent act.

(3) The predisposition report, together with all other reports and evaluations used by the department in preparing the predisposition report, shall be made available to the child, the child's parents or legal guardian, the child's legal counsel, and the state attorney upon completion of the report and at a reasonable time prior to the disposition hearing.

Section 30. Subsection (2), paragraph (d) of subsection (3), and subsection (4) and subsection (5) of section 985.23, Florida Statutes, are amended to read:

985.23 Disposition hearings in delinquency cases.—When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(2) The first determination to be made by the court is a determination of the suitability or nonsuitability for adjudication and commitment of the child to the department. This determination shall include consideration of the recommendations of the department, which may include a predisposition report. ~~be based upon~~ The predisposition report which shall include, whether as part of the child's multidisciplinary assessment, classification, and placement process components or separately, evaluation of the following criteria:

(a) The seriousness of the offense to the community. If the court determines that the child was a member of a criminal street gang at the time of the commission of the offense, which determination shall be made pursuant to chapter 874, the seriousness of the offense to the community shall be given great weight.

(b) Whether the protection of the community requires adjudication and commitment to the department.

(c) Whether the offense was committed in an aggressive, violent, premeditated, or willful manner.

(d) Whether the offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted.

(e) The sophistication and maturity of the child.

(f) The record and previous criminal history of the child, including without limitations:

1. Previous contacts with the department, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, the Department of Corrections, other law enforcement agencies, and courts;

2. Prior periods of probation ~~or community control~~;

3. Prior adjudications of delinquency; and

4. Prior commitments to institutions.

(g) The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child if committed to a community services program or facility.

(h) The child's educational status, including, but not limited to, the child's strengths, abilities, and unmet and special educational needs. The report shall identify appropriate educational and vocational goals for the child. Examples of appropriate goals include:

1. Attainment of a high school diploma or its equivalent.

2. Successful completion of literacy course(s).

3. Successful completion of vocational course(s).

4. Successful attendance and completion of the child's current grade if enrolled in school.

5. Enrollment in an apprenticeship or a similar program.

At the time of disposition, the court may make recommendations to the department as to specific treatment approaches to be employed.

(3)

(d) The court may also require that the child be placed in a ~~probation community control~~ program following the child's discharge from commitment. Community-based sanctions pursuant to subsection (4) may be imposed by the court at the disposition hearing or at any time prior to the child's release from commitment.

(4) If the court determines not to adjudicate and commit to the department, then the court shall determine what community-based sanctions it will impose in a probation community control program for the child. Community-based sanctions may include, but are not limited to, participation in substance abuse treatment, a day-treatment probation program, restitution in money or in kind, a curfew, revocation or suspension of the driver's license of the child, community service, and appropriate educational programs as determined by the district school board.

(5) After appropriate sanctions for the offense are determined, the court shall develop, approve, and order a plan of probation community control which will contain rules, requirements, conditions, and rehabilitative programs, including the option of a day-treatment probation program, which ~~that~~ are designed to encourage responsible and acceptable behavior and to promote both the rehabilitation of the child and the protection of the community.

Section 31. Paragraphs (a), (b), (d), (g), and (h) of subsection (1) and subsection (2) of section 985.231, Florida Statutes, are amended to read:

985.231 Powers of disposition in delinquency cases.—

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

1. Place the child in a probation community control program or a post-commitment probation community control program under the supervision of an authorized agent of the Department of Juvenile Justice or of any other person or agency specifically authorized and appointed by the court, whether in the child's own home, in the home of a relative of the child, or in some other suitable place under such reasonable conditions as the court may direct. A probation community control program for an adjudicated delinquent child must include a penalty component such as restitution in money or in kind, community service, a curfew, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense and must also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in school or other educational program. Upon the recommendation of the department at the time of disposition, or subsequent to disposition pursuant to the filing of a petition alleging a violation of the child's conditions of postcommitment probation community control or conditional release after-care supervision, the court may order the child to submit to random testing for the purpose of detecting and monitoring the use of alcohol or controlled substances.

a. A restrictiveness level classification scale for levels of supervision shall be provided by the department, taking into account the child's needs and risks relative to probation community control supervision requirements to reasonably ensure the public safety. Probation Community control programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs must

include, but are not limited to, structured or restricted activities as described in this subparagraph, and shall be designed to encourage the child toward acceptable and functional social behavior. If supervision or a program of community service is ordered by the court, the duration of such supervision or program must be consistent with any treatment and rehabilitation needs identified for the child and may not exceed the term for which sentence could be imposed if the child were committed for the offense, except that the duration of such supervision or program for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months. When restitution is ordered by the court, the amount of restitution may not exceed an amount the child and the parent or guardian could reasonably be expected to pay or make. A child who participates in any work program under this part is considered an employee of the state for purposes of liability, unless otherwise provided by law.

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

c. If the conditions of the ~~probation community control~~ program or the postcommitment ~~probation community control~~ program are violated, the department or the state attorney may bring the child before the court on a petition alleging a violation of the program. Any child who violates the conditions of ~~probation community control~~ or postcommitment ~~probation community control~~ must be brought before the court if sanctions are sought. A child taken into custody under s. 985.207 for violating the conditions of ~~probation community control~~ or postcommitment ~~probation community control~~ shall be held in a consequence unit if such a unit is available. The child shall be afforded a hearing within 24 hours after being taken into custody to determine the existence of probable cause that the child violated the conditions of ~~probation community control~~ or postcommitment ~~probation community control~~. A consequence unit is a secure facility specifically designated by the department for children who are taken into custody under s. 985.207 for violating ~~probation community control~~ or postcommitment ~~probation community control~~, or who have been found by the court to have violated the conditions of ~~probation community control~~ or postcommitment ~~probation community control~~. If the violation involves a new charge of delinquency, the child may be detained under s. 985.215 in a facility other than a consequence unit. If the child is not eligible for detention for the new charge of delinquency, the child may be held in the consequence unit pending a hearing and is subject to the time limitations specified in s. 985.215. If the child denies violating the conditions of ~~probation community control~~ or postcommitment ~~probation community control~~, the court shall appoint counsel to represent the child at the child's request. Upon the child's admission, or if the court finds after a hearing that the child has violated the conditions of ~~probation community control~~ or postcommitment ~~probation community control~~, the court shall enter an order revoking, modifying, or



continuing probation ~~community control~~ or postcommitment probation ~~community control~~. In each such case, the court shall enter a new disposition order and, in addition to the sanctions set forth in this paragraph, may impose any sanction the court could have imposed at the original disposition hearing. If the child is found to have violated the conditions of probation ~~community control~~ or postcommitment probation ~~community control~~, the court may:

(I) Place the child in a consequence unit in that judicial circuit, if available, for up to 5 days for a first violation, and up to 15 days for a second or subsequent violation.

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

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

(IV) Revoke probation ~~community control~~ or postcommitment probation ~~community control~~ and commit the child to the department.

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

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

3. Commit the child to the Department of Juvenile Justice at a restrictiveness level defined in s. 985.03. Such commitment must be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, urine monitoring, and treatment of the child and release of the child into the community in a postcommitment nonresidential conditional release ~~aftercare~~ program. If the child is not successful in the conditional release ~~aftercare~~ program, the department may use the transfer procedure under s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of the commitment must be until the child is discharged by the department or until he or she reaches the age of 21.

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

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

6. As part of the probation ~~community control~~ program to be implemented by the Department of Juvenile Justice, or, in the case of a committed child, as part of the community-based sanctions ordered by the court at the

disposition hearing or before the child's release from commitment, order the child to make restitution in money, through a promissory note cosigned by the child's parent or guardian, or in kind for any damage or loss caused by the child's offense in a reasonable amount or manner to be determined by the court. The clerk of the circuit court shall be the receiving and dispensing agent. In such case, the court shall order the child or the child's parent or guardian to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. The clerk shall notify the court if restitution is not made, and the court shall take any further action that is necessary against the child or the child's parent or guardian. A finding by the court, after a hearing, that the parent or guardian has made diligent and good faith efforts to prevent the child from engaging in delinquent acts absolves the parent or guardian of liability for restitution under this subparagraph.

7. Order the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to participate in a community work project, either as an alternative to monetary restitution or as part of the rehabilitative or probation ~~community control~~ program.

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

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

10. Subject to specific appropriation, commit the juvenile sexual offender to the Department of Juvenile Justice for placement in a program or facility for juvenile sexual offenders in accordance with s. 985.308. Any commitment of a juvenile sexual offender to a program or facility for juvenile sexual offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over a juvenile sexual offender until the juvenile sexual offender reaches the age of 21, specifically for the purpose of completing the program.

(b) When any child is adjudicated by the court to have committed a delinquent act and temporary legal custody of the child has been placed with a licensed child-caring agency or the Department of Juvenile Justice, the

court shall order the natural or adoptive parents of such child, including the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets that under law may be disbursed for the care, support, and maintenance of the child, to pay fees to the Department in the amount not to exceed to the licensed child-caring agency or the Department of Juvenile Justice equal to the actual cost of the care, support, and maintenance of the child in the recommended residential commitment level, unless the court determines makes a finding on the record that the parent or guardian of the child is indigent. No later than the disposition hearing, the Department shall provide the court with information concerning the actual cost of care, support, and maintenance of the child in the recommended residential commitment level and concerning the ability of the parent or guardian of the child to pay any fees. As to each parent or guardian for whom the court makes a finding of indigency, the The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. If the court makes a finding of indigency or inability to pay the full cost of care, support, and maintenance of the child, the court shall order the parent or guardian to pay to the department a nominal subsistence fee on behalf of the child in the amount of at least \$2 per day that the child is placed outside the home or at least \$1 per day if the child is otherwise placed, unless the court makes a finding on the record that the parent or guardian would suffer a significant hardship if obligated for such amount. In addition, the court may reduce the fees or waive the fees as to each parent or guardian if the court makes a finding on the record it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law for which the child is subject to placement under this section and that the parent or guardian has cooperated in the investigation and prosecution of the offense. As to each parent or guardian, the court may reduce the fees or waive the fees or if the court makes a finding on the record finds that the parent or guardian has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. All orders committing a child to a residential commitment program shall include specific findings as to what fees are ordered, reduced, or waived. If the court fails to enter an order as required by this paragraph, it shall be presumed that the court intended the parent or guardian to pay fees to the department in an amount not to exceed the actual cost of the care, support, and maintenance of the child. With regard to a child who reaches the age of 18 prior to the disposition hearing, the court may elect to direct an order required by this paragraph to such child, rather than the parent or guardian. With regard to a child who reaches the age of 18 while in the custody of the department, the court may, upon proper motion of any party, hold a hearing as to whether any party should be further obligated respecting the payment of fees. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected. The department may also pay for collection services from available authorized funds. The Department of Juvenile Justice shall provide to the

payor documentation of any amounts paid by the payor to the Department of Juvenile Justice on behalf of the child. All payments received by the department pursuant to this subsection shall be deposited in the state Grants and Donations Trust Fund. Neither the court nor the department may extend the child's length of stay in placement care solely for the purpose of collecting fees.

(d) Any commitment of a delinquent child to the Department of Juvenile Justice must be for an indeterminate period of time, which may include periods of temporary release, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The duration of the child's placement in a residential commitment program of any level shall be based on objective performance-based treatment planning. The child's treatment plan progress and adjustment-related issues shall be reported to the court each month. The child's length of stay in a residential commitment program may be extended if the child fails to comply with or participate in treatment activities. The child's length of stay in such program shall not be extended for purposes of sanction or punishment. Any temporary release from such program for a period greater than 3 days must be approved by the court. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department with the concurrence of the court. The child's treatment plan progress and adjustment-related issues must be communicated to the court at the time the department requests the court to consider releasing the child from the residential commitment program. Notwithstanding s. 743.07 and this subsection, and except as provided in s. 985.31, a child may not be held under a commitment from a court pursuant to this section after becoming 21 years of age. The department shall give the court that committed the child to the department reasonable notice, in writing, of its desire to discharge the child from a commitment facility. The court that committed the child may thereafter accept or reject the request. If the court does not respond within 10 days after receipt of the notice, the request of the department shall be deemed granted. This section does not limit the department's authority to revoke a child's temporary release status and return the child to a commitment facility for any violation of the terms and conditions of the temporary release.

(g) Whenever a child is required by the court to participate in any work program under this part or whenever a child volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, either as an alternative to monetary restitution or as a part of the rehabilitative or probation community control program, the child is an employee of the state for the purposes of liability. In determining the child's average weekly wage unless otherwise determined by a specific funding program, all remuneration received from the employer is a gratuity, and the child is not entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of the child's future wage-earning capacity.

(h) The court may, upon motion of the child or upon its own motion, within 60 days after imposition of a disposition of commitment, suspend the further execution of the disposition and place the child ~~on probation~~ in a

probation ~~community control~~ program upon such terms and conditions as the court may require. The department shall forward to the court all relevant material on the child's progress while in custody not later than 3 working days prior to the hearing on the motion to suspend the disposition.

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

Section 32. Subsection (1) and paragraphs (b), (c), and (d) of subsection (4) of section 985.233, Florida Statutes, are amended to read:

985.233 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.—

(1) POWERS OF DISPOSITION.—

(a) A child who is found to have committed a violation of law may, as an alternative to adult dispositions, be committed to the department for treatment in an appropriate program for children outside the adult correctional system or be placed on juvenile probation ~~in a community control program for juveniles~~.

(b) In determining whether to impose juvenile sanctions instead of adult sanctions, the court shall consider the following criteria:

1. The seriousness of the offense to the community and whether the community would best be protected by juvenile or adult sanctions.

2. Whether the offense was committed in an aggressive, violent, premeditated, or willful manner.

3. Whether the offense was against persons or against property, with greater weight being given to offenses against persons, especially if personal injury resulted.

4. The sophistication and maturity of the offender.

5. The record and previous history of the offender, including:

a. Previous contacts with the Department of Corrections, the Department of Juvenile Justice, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, law enforcement agencies, and the courts.

b. Prior periods of probation ~~or community control~~.

c. Prior adjudications that the offender committed a delinquent act or violation of law as a child.

d. Prior commitments to the Department of Juvenile Justice, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, or other facilities or institutions.

6. The prospects for adequate protection of the public and the likelihood of deterrence and reasonable rehabilitation of the offender if assigned to services and facilities of the Department of Juvenile Justice.

7. Whether the Department of Juvenile Justice has appropriate programs, facilities, and services immediately available.

8. Whether adult sanctions would provide more appropriate punishment and deterrence to further violations of law than the imposition of juvenile sanctions.

(4) SENTENCING ALTERNATIVES.—

(b) Sentencing to juvenile sanctions.—In order to use this paragraph, the court shall stay adjudication of guilt and instead shall adjudge the child to have committed a delinquent act. Adjudication of delinquency shall not be deemed a conviction, nor shall it operate to impose any of the civil disabilities ordinarily resulting from a conviction. The court shall impose an adult sanction or a juvenile sanction and may not sentence the child to a combination of adult and juvenile punishments. An adult sanction or a juvenile sanction may include enforcement of an order of restitution or probation community control previously ordered in any juvenile proceeding. However, if the court imposes a juvenile sanction and the department determines that the sanction is unsuitable for the child, the department shall return custody of the child to the sentencing court for further proceedings, including the imposition of adult sanctions. Upon adjudicating a child delinquent under subsection (1), the court may:

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

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

3. Order disposition pursuant to s. 985.231 as an alternative to youthful offender or adult sentencing if the court determines not to impose youthful offender or adult sanctions.

(c) Imposition of adult sanctions upon failure of juvenile sanctions.—If a child proves not to be suitable in a juvenile probation ~~to a community control program~~ or for a treatment program under the provisions of subparagraph (b)2., the court may revoke the previous adjudication, impose an adjudication of guilt, classify the child as a youthful offender when appropriate, and impose any sentence which it may lawfully impose, giving credit for all time spent by the child in the department.

(d) Recoupment of cost of care in juvenile justice facilities.—When the court orders commitment of a child to the Department of Juvenile Justice for treatment in any of the department's programs for children, the court shall order the natural or adoptive parents of such child, including the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay fees in the amount not to exceed to the department equal to the actual cost of the care, support, and maintenance of the child, unless the court determines makes a finding on the record that the parent or legal guardian of the child is indigent. Prior to commitment, the department shall provide the court with information concerning the actual cost of care in the recommended residential commitment level and concerning the ability of the parent or guardian of the child to pay specified fees. As to each parent or guardian for whom the court makes a finding of indigency, the The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. If the court makes a finding of indigency or inability to pay the full cost of care, support, and maintenance of the child, the court shall order the parent or guardian to pay the department a nominal subsistence fee on behalf of the child in the amount of at least \$2 per day that the child is placed outside the home or at least \$1 per day if the child is otherwise placed, unless the court makes a finding on the record that the parent or guardian would suffer a significant hardship if obligated for such amount. In addition, the court may reduce the fees or waive the fees as to each parent or guardian if the court makes a finding on the record it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law for which the child is subject to commitment under this section and that the parent or guardian has cooperated in the investigation and prosecution of the offense. As to each parent or guardian, the court may reduce the fees or waive the fees or if the court makes a finding on the record finds that the parent or guardian has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate. All orders committing a child to a residential commitment program shall include specific findings as to what fees are ordered, reduced, or waived. If the court fails to enter an order as required by this paragraph, it shall be presumed that the court intended the parent or guardian to pay fees to the Department in an amount not to exceed the actual cost of the care, support, and maintenance of the child. With regard to a child who reaches the age of 18 prior to the disposition hearing, the court may elect to direct an order required by this paragraph to such child, rather than the parent or guardian. With regard to a child who reaches the age of 18 while in the custody of the department, the court may, upon proper motion of any party, hold a hearing as to whether any party should be further obligated respecting the payment of fees. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the

claim or may authorize the agency to deduct the fee from the amount collected. The department may also pay for collection services from available authorized funds. The Department of Juvenile Justice shall provide to the payor documentation of any amounts paid by the payor to the Department of Juvenile Justice on behalf of the child. All payments received by the department pursuant to this subsection shall be deposited in the state Grants and Donations Trust Fund. Neither the court nor the department may extend the child's length of stay in commitment care solely for the purpose of collecting fees.

It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this subsection is subject to the right of the child to appellate review under s. 985.234.

Section 33. Section 985.3045, Florida Statutes, is created to read:

985.3045.—(1) The Department's prevention service program shall monitor all state-funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984, in order to inform the Governor and the Legislature concerning efforts designed to further the policy of the state concerning Juvenile Justice and Delinquency Prevention, consistent with s. 984.02 and s. 985.02.

(2) No later than January 31, 2001, the Prevention Services program shall submit a report to the Governor, the Speaker of the House, and the President of the Senate concerning the implementation of a statewide multi-agency plan to coordinate the efforts of all state-funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984. The report shall include a proposal for a statewide coordinated multiagency juvenile delinquency prevention policy. In preparing the report, the department shall coordinate with and receive input from each state agency or entity that receives or uses state appropriations to fund programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, status offense, or that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984. The report shall identify whether legislation will be needed to effect a statewide plan to coordinate the efforts of all state-funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984. The report shall consider the potential impact of requiring such state-funded efforts to target at least one of the following strategies designed to prevent youth from entering or reentering the juvenile justice system and track the associated outcome data:



(a) Encouraging youth to attend school, which may include special assistance and tutoring to address deficiencies in academic performance; outcome data to reveal the number of days youth attended school while participating in the program.

(b) Engaging youth in productive and wholesome activities during non-school hours that build positive character or instill positive values, or that enhance educational experiences; outcome data to reveal the number of youth who are arrested during nonschool hours while participating in the program.

(c) Encouraging youth to avoid the use of violence; outcome data to reveal the number of youth who are arrested for crimes involving violence while participating in the program.

(d) Assisting youth to acquire skills needed to find meaningful employment, which may include assistance in finding a suitable employer for the youth, outcome data to reveal the number of youth who obtain and maintain employment for at least 180 days.

The department is encouraged to identify additional strategies which may be relevant to preventing youth from becoming children-in-need-of-services and to preventing juvenile crime, delinquency, gang membership and status offense behaviors. The report shall consider the feasibility of developing uniform performance measures and methodology for collecting such outcome data to be utilized by all state-funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984. The Prevention Service program is encouraged to identify other issues that may be of critical importance to preventing a child from becoming a child in need of services, as defined in chapter 984, or to preventing juvenile crime, delinquency, gang membership, or status offense behaviors.

(3) The department shall expend funds related to the prevention of juvenile delinquency in a manner consistent with the policies expressed in s. 984.02 and s. 985.02. The department shall expend said funds in a manner that maximizes public accountability and ensures the documentation of outcomes.

(a) All entities that receive or use state monies to fund juvenile delinquency prevention services through contracts or grants with the department shall design the programs providing such services to further one or more of the strategies specified in subsection (2)(a) through subsection (2)(d).

(b) The department shall develop an outcome measure for each program strategy specified in subsection (2)(a) through subsection (2)(d) that logically relates to the risk factor addressed by the strategy.

(c) All entities that receive or use state monies to fund the juvenile delinquency prevention services through contracts or grants with the de-

partment shall, as a condition of receipt of state funds, provide the department with personal demographic information concerning all participants in the service sufficient to allow the department to verify criminal or delinquent history information, school attendance or academic information, employment information, or other requested performance information.

Section 34. Each state agency or entity that receives or uses state appropriations to fund programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, status offense, or that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984, Florida Statutes, shall collect data relative to the performance of such activities and shall provide said data to the Governor, the President of the Senate, and the Speaker of the House no later than January 31st of each year for the preceding fiscal year, beginning in 2002. Further, each state agency or entity that receives or uses state appropriations to fund programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, status offense, or that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984, Florida Statutes, shall cooperate with the Department of Juvenile Justice with regard to the report described in section 985.3045(2), Florida Statutes.

Section 35. Subsections (2) and (3) of section 985.305, Florida Statutes, are amended to read:

985.305 Early delinquency intervention program; criteria.—

(2) The early delinquency intervention program shall consist of intensive residential treatment in a secure facility for 7 days to 6 weeks, followed by 6 to 9 months of conditional release ~~aftercare~~. An early delinquency intervention program facility shall be designed to accommodate the placement of a maximum of 10 children, except that the facility may accommodate up to 2 children in excess of that maximum if the additional children have previously been released from the residential portion of the program and are later found to need additional residential treatment.

(3) A copy of the arrest report of any child 15 years of age or younger who is taken into custody for committing a delinquent act or any violation of law shall be forwarded to the local operating circuit service district office of the Department of Juvenile Justice. Upon receiving the second arrest report of any such child from the judicial circuit in which the program is located, the Department of Juvenile Justice shall initiate an intensive review of the child's social and educational history to determine the likelihood of further significant delinquent behavior. In making this determination, the Department of Juvenile Justice shall consider, without limitation, the following factors:

(a) Any prior allegation that the child is dependent or a child in need of services.

(b) The physical, emotional, and intellectual status and developmental level of the child.

- (c) The child's academic history, including school attendance, school achievements, grade level, and involvement in school-sponsored activities.
- (d) The nature and quality of the child's peer group relationships.
- (e) The child's history of substance abuse or behavioral problems.
- (f) The child's family status, including the capability of the child's family members to participate in a family-centered intervention program.
- (g) The child's family history of substance abuse or criminal activity.
- (h) The supervision that is available in the child's home.
- (i) The nature of the relationship between the parents and the child and any siblings and the child.

Section 36. Subsections (5), (7), and (14) of section 985.308, Florida Statutes, are amended to read:

985.308 Juvenile sexual offender commitment programs; sexual abuse intervention networks.—

(5) Based on assessed need for conditional release, the department shall provide an intensive conditional release ~~aftercare~~ component for monitoring and assisting the transition of a juvenile sexual offender into the community with terms and conditions that ~~which~~ may include electronic monitoring of the juvenile sexual offender.

(7) The department may contract with private organizations for the operation of a juvenile sexual offender program and conditional release ~~aftercare~~.

(14) Subject to specific appropriation, availability of funds, or receipt of appropriate grant funds, the Office of the Attorney General, the Department of Children and Family Services, the Department of Juvenile Justice, or local juvenile justice councils shall award grants to sexual abuse intervention networks that apply for such grants. The grants may be used for training, treatment, conditional release ~~aftercare~~, evaluation, public awareness, and other specified community needs that are identified by the network. A grant shall be awarded based on the applicant's level of local funding, level of collaboration, number of juvenile sexual offenders to be served, number of victims to be served, and level of unmet needs.

Section 37. Subsections (6) and (12) of section 985.309, Florida Statutes, are amended to read:

985.309 Boot camp for children.—

(6) A boot camp operated by the department, a county, or a municipality must provide for the following minimum periods of participation:

(a) A participant in a low-risk residential program must spend at least 2 months in the boot camp component of the program ~~and 2 months in~~

~~aftercare.~~ Conditional release assessment and services shall be provided in accordance with s. 985.316.

(b) A participant in a moderate-risk residential program must spend at least 4 months in the boot camp component of the program ~~and 4 months in aftercare.~~ Conditional release assessment and services shall be provided in accordance with s. 985.316.

This subsection does not preclude the operation of a program that requires the participants to spend more than 4 months in the boot camp component of the program or that requires the participants to complete two sequential programs of 4 months each in the boot camp component of the program.

(12)(a) The department may contract with private organizations for the operation of its boot camp program and conditional release ~~aftercare.~~

(b) A county or municipality may contract with private organizations for the operation of its boot camp program and conditional release ~~aftercare.~~

Section 38. Subsection (2), paragraphs (e) and (j) of subsection (3), and paragraph (a) of subsection (4) of section 985.31, Florida Statutes, are amended to read:

985.31 Serious or habitual juvenile offender.—

(2) SERIOUS OR HABITUAL JUVENILE OFFENDER PROGRAM.—

(a) There is created the serious or habitual juvenile offender program. The program shall consist of at least ~~combine 9 to 12~~ months of intensive secure residential treatment ~~followed by a minimum of 9 months of aftercare.~~ Conditional release assessment and services shall be provided in accordance with s. 985.316. The components of the program shall include, but not be limited to:

1. Diagnostic evaluation services.
2. Appropriate treatment modalities, including substance abuse intervention, mental health services, and sexual behavior dysfunction interventions and gang-related behavior interventions.
3. Prevocational and vocational services.
4. Job training, job placement, and employability-skills training.
5. Case management services.
6. Educational services, including special education and pre-GED literacy.
7. Self-sufficiency planning.
8. Independent living skills.
9. Parenting skills.

10. Recreational and leisure time activities.
11. Community involvement opportunities commencing, where appropriate, with the direct and timely payment of restitution to the victim.
12. Intensive conditional release supervision ~~aftercare~~.
13. Graduated reentry into the community.
14. A diversity of forms of individual and family treatment appropriate to and consistent with the child's needs.
15. Consistent and clear consequences for misconduct.

(b) The department is authorized to contract with private companies to provide some or all of the components indicated in paragraph (a).

(c) The department shall involve local law enforcement agencies, the judiciary, school board personnel, the office of the state attorney, the office of the public defender, and community service agencies interested in or currently working with juveniles, in planning and developing this program.

(d) The department is authorized to accept funds or in-kind contributions from public or private sources to be used for the purposes of this section.

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

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

(j) The following provisions shall apply to children in serious or habitual juvenile offender programs and facilities:

1. A child shall begin participation in the conditional release ~~reentry~~ component of the program based upon a determination made by the treatment provider and approved by the department.

2. A child shall begin participation in the community supervision component of conditional release ~~aftercare~~ based upon a determination made by the treatment provider and approved by the department. The treatment provider shall give written notice of the determination to the circuit court having jurisdiction over the child. If the court does not respond with a written objection within 10 days, the child shall begin the conditional release ~~aftercare~~ component.

3. A child shall be discharged from the program based upon a determination made by the treatment provider with the approval of the department.

4. In situations where the department does not agree with the decision of the treatment provider, a reassessment shall be performed, and the de-

partment shall utilize the reassessment determination to resolve the disagreement and make a final decision.

(4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

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

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

Section 39. Subsection (2), paragraphs (e) and (j) of subsection (3), and paragraph (a) of subsection (4) of section 985.311, Florida Statutes, are amended to read:

985.311 Intensive residential treatment program for offenders less than 13 years of age.—

(2) INTENSIVE RESIDENTIAL TREATMENT PROGRAM FOR OFFENDERS LESS THAN 13 YEARS OF AGE.—

(a) There is created the intensive residential treatment program for offenders less than 13 years of age. The program shall consist of at least combine 9 to 12 months of intensive secure residential treatment followed by a minimum of 9 months of aftercare. Conditional release assessment and services shall be provided in accordance with s. 985.316. The components of the program shall include, but not be limited to:

1. Diagnostic evaluation services.
2. Appropriate treatment modalities, including substance abuse intervention, mental health services, and sexual behavior dysfunction interventions and gang-related behavior interventions.
3. Life skills.
4. Values clarification.

5. Case management services.
6. Educational services, including special and remedial education.
7. Recreational and leisure time activities.
8. Community involvement opportunities commencing, where appropriate, with the direct and timely payment of restitution to the victim.
9. Intensive conditional release supervision ~~aftercare~~.
10. Graduated reentry into the community.
11. A diversity of forms of individual and family treatment appropriate to and consistent with the child's needs.
12. Consistent and clear consequences for misconduct.

(b) The department is authorized to contract with private companies to provide some or all of the components indicated in paragraph (a).

(c) The department shall involve local law enforcement agencies, the judiciary, school board personnel, the office of the state attorney, the office of the public defender, and community service agencies interested in or currently working with juveniles, in planning and developing this program.

(d) The department is authorized to accept funds or in-kind contributions from public or private sources to be used for the purposes of this section.

(e) The department shall establish quality assurance standards to ensure the quality and substance of mental health services provided to children with mental, nervous, or emotional disorders who may be committed to intensive residential treatment programs. The quality assurance standards shall address the possession of credentials by the mental health service providers.

### (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(e) After a child has been adjudicated delinquent pursuant to s. 985.228(5), the court shall determine whether the child is eligible for an intensive residential treatment program for offenders less than 13 years of age pursuant to s. 985.03(7)(~~8~~). If the court determines that the child does not meet the criteria, the provisions of s. 985.231(1) shall apply.

(j) The following provisions shall apply to children in an intensive residential treatment program for offenders less than 13 years of age:

1. A child shall begin participation in the conditional release ~~reentry~~ component of the program based upon a determination made by the treatment provider and approved by the department.

2. A child shall begin participation in the community supervision component of conditional release ~~aftercare~~ based upon a determination made by

the treatment provider and approved by the department. The treatment provider shall give written notice of the determination to the circuit court having jurisdiction over the child. If the court does not respond with a written objection within 10 days, the child shall begin the conditional release ~~after~~care component.

3. A child shall be discharged from the program based upon a determination made by the treatment provider with the approval of the department.

4. In situations where the department does not agree with the decision of the treatment provider, a reassessment shall be performed, and the department shall utilize the reassessment determination to resolve the disagreement and make a final decision.

(4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(a) Pursuant to the provisions of this section, the department shall implement the comprehensive assessment instrument for the treatment needs of children who are eligible for an intensive residential treatment program for offenders less than 13 years of age and for the assessment, which assessment shall include the criteria under s. 985.03(7)(~~8~~) and shall also include, but not be limited to, evaluation of the child's:

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

Section 40. Section 985.312, Florida Statutes, is amended to read:

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

Section 41. Subsection (2) of section 985.3141, Florida Statutes, is amended to read:

985.3141 Escapes from secure detention or residential commitment facility.—An escape from:



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

Section 42. Subsection (6) of section 985.315, Florida Statutes, is amended to read:

985.315 Educational/technical and vocational work-related programs.—

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

Section 43. Section 985.316, Florida Statutes, is amended to read:

985.316 Conditional release Aftercare.—

(1) The Legislature finds that:

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

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

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

(d) Accordingly, conditional release aftercare should be included in the continuum of care.

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

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

(b) Conditional release Aftercare transition planning begins as early in the commitment process as possible.

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

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

(4) After a youth is released from a residential commitment program, conditional release ~~aftercare~~ services may be delivered through either minimum-risk nonresidential commitment restrictiveness programs or postcommitment probation ~~community control~~. A juvenile under minimum-risk nonresidential commitment placement will continue to be on commitment status and subject to the transfer provision under s. 985.404. A juvenile on postcommitment probation ~~community control~~ will be subject to the provisions under s. 985.231(1)(a).

Section 44. Subsection (5) of section 985.317, Florida Statutes, is amended to read:

985.317 Literacy programs for juvenile offenders.—

(5) EVALUATION AND REPORT.—The Juvenile Justice Advisory Accountability Board shall evaluate the literacy program outcomes as part of its annual evaluation of program outcomes under s. 985.401. The department, in consultation with the Department of Education, shall develop and implement an evaluation of the program in order to determine the impact of the programs on recidivism. The department shall submit an annual report on the implementation and progress of the programs to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year.

Section 45. Section 985.401, Florida Statutes, is amended to read:

985.401 Juvenile Justice Advisory Accountability Board.—

(1) The Juvenile Justice Advisory Accountability Board shall be composed of seven members appointed by the Governor. Members of the board shall have direct experience and a strong interest in juvenile justice issues.

(2)(a) A full term shall be 3 years, and the term for each seat on the board commences on October 1 and expires on September 30, without regard to the date of appointment. Each appointing authority shall appoint a member to fill one of the three vacancies that occurs with the expiration of terms on September 30 of each year. A member is not eligible for appointment to more than two full, consecutive terms. A vacancy on the board shall be filled within 60 days after the date on which the vacancy occurs. The Governor shall make the appointment to fill a vacancy that occurs for any reason other

than the expiration of a term, and the appointment shall be for the remainder of the unexpired term. ~~For the purpose of implementing the provisions of this paragraph, vacancies that occur before October 1, 1999, shall not be filled until October 1, 1999, and the Governor shall make only one appointment to fill the vacancies that result from expiration of terms on September 30, 1999.~~

(b) The composition of the board must be broadly reflective of the public and must include minorities and women. The term "minorities" as used in this paragraph means a member of a socially or economically disadvantaged group and includes African Americans, Hispanics, and American Indians.

(c) The board shall annually select a chairperson from among its members.

(d) The board shall meet at least once each quarter. A member may not authorize a designee to attend a meeting of the board in place of the member. A member who fails to attend two consecutive regularly scheduled meetings of the board, unless the member is excused by the chairperson, shall be deemed to have abandoned the position, and the position shall be declared vacant by the board.

(3)(a) The board members shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

(b) ~~Effective July 1, 1999,~~ The board and its staff are assigned to the Department of Juvenile Justice. For the purpose of implementing this paragraph, all of the duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the board are transferred to the Department of Juvenile Justice. The transfer of segregated funds shall be made in such a manner that the relation between program and revenue source, as provided in law, is maintained.

(4)(a) The board shall establish and operate a comprehensive system to annually measure and report program outcomes and effectiveness for each program operated by the Department of Juvenile Justice or operated by a provider under contract with the department. The system shall include a standard methodology for interpreting the board's outcome evaluation reports, using, where appropriate, the performance-based program budgeting measures approved by the Legislature. The methodology must include:

1. Common terminology and operational definitions for measuring the performance of system administration, program administration, program outputs, and client outcomes.

2. Program outputs for each group of programs within each level of the juvenile justice continuum and specific program outputs for each program or program type.

3. Specification of desired client outcomes and methods by which to measure client outcomes for each program operated by the department or by a provider under contract with the department.

4. Recommended annual minimum thresholds of satisfactory performance for client outcomes and program outputs.

For the purposes of this section, the term “program” or “program type” means an individual state-operated or contracted facility, site, or service delivered to at-risk or delinquent youth as prescribed in a contract, program description, or program services manual; and the term “program group” means a collection of programs or program types with sufficient similarity of function, services, and clientele to permit appropriate comparisons among programs within the program group.

(b) In developing the standard methodology, the board shall consult with the department, the Office of Economic and Demographic Research, contract service providers, and other interested parties. It is the intent of the Legislature that this effort result in consensus recommendations, and, to the greatest extent possible, integrate the goals and legislatively approved measures of performance-based program budgeting provided in chapter 94-249, Laws of Florida, the quality assurance program provided in s. 985.412, and the cost-effectiveness model provided in s. 985.404(11). The board shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to develop the methodology.

(c) The board shall annually submit its outcome evaluation report to the Secretary of the Department of Juvenile Justice, the Governor, and the Legislature by February 15, which must describe:

1. The methodology for interpreting outcome evaluations, including common terminology and operational definitions.

2. The recommended minimum thresholds of satisfactory performance for client outcomes and program outputs applicable to the year for which the data are reported.

3. The actual client outcomes and program outputs achieved by each program operated by the department or by a provider under contract with the department, compared with the recommended minimum thresholds of satisfactory performance for client outcomes and program outputs for the year under review. The report shall group programs or program types with similarity of function and services and make appropriate comparisons between programs within the program group.

(d) The board shall use its evaluation research to make advisory recommendations to the Legislature, the Governor, and the department concerning the effectiveness and future funding priorities of juvenile justice programs.

(e) The board shall annually review and revise the methodology as necessary to ensure the continuing improvement and validity of the evaluation process.

(5) The board shall:

(a) Review and recommend programmatic and fiscal policies governing the operation of programs, services, and facilities for which the Department of Juvenile Justice is responsible.

(b) Monitor the development and implementation of long-range juvenile justice policies, including prevention, early intervention, diversion, adjudication, and commitment.

(c) Monitor all activities of the executive and judicial branch and their effectiveness in implementing policies pursuant to this chapter.

(d) Advise the President of the Senate, the Speaker of the House of Representatives, the Governor, and the department on matters relating to this chapter.

(e) In coordination with the Department of Juvenile Justice, serve as a clearinghouse to provide information and assistance to the ~~district~~ juvenile justice ~~circuit~~ boards and ~~county~~ juvenile justice county councils.

(f) Hold public hearings and inform the public of activities of the board and of the Department of Juvenile Justice, as appropriate.

(g) Monitor the delivery and use of services, programs, or facilities operated, funded, regulated, or licensed by the Department of Juvenile Justice for juvenile offenders or alleged juvenile offenders, and for prevention, diversion, or early intervention of delinquency, and to develop programs to educate the citizenry about such services, programs, and facilities and about the need and procedure for siting new facilities.

(h) Conduct such other activities as the board may determine are necessary and appropriate to monitor the effectiveness of the delivery of juvenile justice programs and services under this chapter.

(i) Submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the secretary of the department not later than February 15 of each calendar year, summarizing the activities and reports of the board for the preceding year, and any recommendations of the board for the following year.

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

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

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

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

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

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

(7) The board shall have access to all records, files, and reports that are material to its duties and that are in the custody of a school board, a law enforcement agency, a state attorney, a public defender, the court, the Department of Children and Family Services, and the department.

(8) Unless reenacted by the Legislature, this section expires June 30, 2001.

Section 46. Subsections (3), (4), and (11) and paragraph (a) of subsection (12) of section 985.404, Florida Statutes, are amended, and a new subsection (14) is added to said section, to read:

985.404 Administering the juvenile justice continuum.—

(3) The department shall develop or contract for diversified and innovative programs to provide rehabilitative treatment, including early intervention and prevention, diversion, comprehensive intake, case management, diagnostic and classification assessments, individual and family counseling, shelter care, diversified detention care emphasizing alternatives to secure detention, diversified probation community control, halfway houses, foster homes, community-based substance abuse treatment services, community-based mental health treatment services, community-based residential and nonresidential programs, environmental programs, and programs for serious or habitual juvenile offenders. Each program shall place particular emphasis on reintegration and conditional release ~~aftercare~~ for all children in the program.

(4) The department may transfer a child, when necessary to appropriately administer the child's commitment, from one facility or program to another facility or program operated, contracted, subcontracted, or designated by the department, including a postcommitment minimum-risk nonresidential conditional release ~~aftercare~~ program. The department shall notify the court that committed the child to the department and any attorney of record, in writing, of its intent to transfer of the child from a commitment facility or program to another facility or program of a higher or lower restrictiveness level. The court that committed the child may agree to the transfer or may set a hearing to review the transfer. If the court does not respond within 10 days after receipt of the notice, the transfer of the child shall be deemed granted.

(11)(a) The Department of Juvenile Justice, in consultation with the Juvenile Justice Advisory Accountability Board, the Office of Economic and Demographic Research, and contract service providers, shall develop a cost-effectiveness model and apply the model to each commitment program. Program recommitment rates shall be a component of the model. The cost-effectiveness model shall compare program costs to client outcomes and

program outputs. It is the intent of the Legislature that continual development efforts take place to improve the validity and reliability of the cost-effectiveness model and to integrate the standard methodology developed under s. 985.401(4) for interpreting program outcome evaluations.

(b) The department shall rank commitment programs based on the cost-effectiveness model and shall submit a report to the appropriate substantive and fiscal committees of each house of the Legislature by December 31 of each year.

(c) Based on reports of the Juvenile Justice Advisory Accountability Board on client outcomes and program outputs and on the department's most recent cost-effectiveness rankings, the department may terminate a program operated by the department or a provider if the program has failed to achieve a minimum threshold of program effectiveness. This paragraph does not preclude the department from terminating a contract as provided under s. 985.412 or as otherwise provided by law or contract, and does not limit the department's authority to enter into or terminate a contract.

(d) In collaboration with the Juvenile Justice Advisory Accountability Board, the Office of Economic and Demographic Research, and contract service providers, the department shall develop a work plan to refine the cost-effectiveness model so that the model is consistent with the performance-based program budgeting measures approved by the Legislature to the extent the department deems appropriate. The department shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to refine the model.

(e) Contingent upon specific appropriation, the department, in consultation with the Juvenile Justice Advisory Accountability Board, the Office of Economic and Demographic Research, and contract service providers, shall:

1. Construct a profile of each commitment program that uses the results of the quality assurance report required by s. 985.412, the outcome evaluation report compiled by the Juvenile Justice Advisory Accountability Board under s. 985.401, the cost-effectiveness report required in this subsection, and other reports available to the department.

2. Target, for a more comprehensive evaluation, any commitment program that has achieved consistently high, low, or disparate ratings in the reports required under subparagraph 1.

3. Identify the essential factors that contribute to the high, low, or disparate program ratings.

4. Use the results of these evaluations in developing or refining juvenile justice programs or program models, client outcomes and program outputs, provider contracts, quality assurance standards, and the cost-effectiveness model.

(12)(a) The department shall operate a statewide, regionally administered system of detention services for children, in accordance with a comprehensive plan for the regional administration of all detention services in the

state. The plan must provide for the maintenance of adequate availability of detention services for all counties. The plan must cover all the department's operating circuits ~~15 service districts~~, with each operating circuit ~~service district~~ having a secure facility and nonsecure and home detention programs, and the plan may be altered or modified by the Department of Juvenile Justice as necessary.

(14) A classification and placement workgroup is established, with minimum membership to be composed of two juvenile court judges, two state attorneys or their designated assistants, two public defenders or their designated assistants, representatives of two law enforcement agencies, and representatives of two providers of juvenile justice services. Other interested parties may also participate. The workgroup shall make recommendations concerning the development of a system for classifying and placing juvenile offenders who are committed to residential programs. At a minimum, the recommended system of classification and placement shall consider the age and gender of the child, the seriousness of the delinquent act for which the child is being committed, whether the child has a history of committing delinquent acts, the child's physical health, the child's mental health, whether the child has a history of substance use or abuse, and the child's academic or vocational needs. The workgroup shall also consider whether other factors are appropriate for inclusion in the recommended classification and placement system, including the appropriateness of graduated sanctions for repeat offenders. The workgroup shall recommend a process for testing and validating the effectiveness of the recommended classification and placement system. The workgroup shall provide a report of these recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate no later than September 30, 2001.

Section 47. Subsection (2) of section 985.4045, Florida Statutes, is amended to read:

985.4045 Sexual misconduct prohibited; reporting required; penalties.—

(2) An employee of the department, or an employee of a provider under contract with the department, who witnesses sexual misconduct committed against a juvenile offender, or who has reasonable cause to suspect that sexual misconduct has been committed against a juvenile offender, shall immediately report the incident to the department's incident hotline, and prepare, date, and sign an independent report that specifically describes the nature of the sexual misconduct, the location and time of the incident, and the persons involved. The employee shall deliver the report to the supervisor or program director, who is responsible for providing copies to the department's inspector general and the circuit ~~district~~ juvenile justice manager. The inspector general shall immediately conduct an appropriate administrative investigation, and, if there is probable cause to believe that a violation of subsection (1) has occurred, the inspector general shall notify the state attorney in the circuit in which the incident occurred.

Section 48. Paragraph (a) of subsection (2) of section 985.406, Florida Statutes, is amended, and subsection (9) is added to said section, to read:



985.406 Juvenile justice training academies established; Juvenile Justice Standards and Training Commission created; Juvenile Justice Training Trust Fund created.—

(2) JUVENILE JUSTICE STANDARDS AND TRAINING COMMISSION.—

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

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

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

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

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

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

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

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

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

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

Section 49. Subsection (2) of section 985.411, Florida Statutes, is amended to read:

985.411 Administering county and municipal delinquency programs and facilities.—

(2) A county or municipal government may develop or contract for innovative programs ~~that which~~ provide rehabilitative treatment with particular emphasis on reintegration and conditional release aftercare for all children in the program, including halfway houses and community-based substance abuse treatment services, mental health treatment services, residential and nonresidential programs, environmental programs, and programs for serious or habitual juvenile offenders.

Section 50. Effective October 1, 2000, section 985.4135, Florida Statutes, is created to read:

985.4135 Juvenile justice circuit boards and juvenile justice county councils.—

(1) There is authorized a juvenile justice circuit board to be established in each of the 20 judicial circuits and a juvenile justice county council to be established in each of the 67 counties. The purpose of each juvenile justice circuit board and each juvenile justice county council is to provide advice and direction to the department in the development and implementation of juvenile justice programs and to work collaboratively with the department in seeking program improvements and policy changes to address the emerging and changing needs of Florida's youth who are at risk of delinquency.

(2) Each juvenile justice county council shall develop a juvenile justice prevention and early intervention plan for the county and shall collaborate with the circuit board and other county councils assigned to that circuit in the development of a comprehensive plan for the circuit.

(3) Juvenile justice circuit boards and county councils shall also participate in facilitating interagency cooperation and information sharing.

(4) Juvenile justice circuit boards and county councils may apply for and receive public or private grants to be administered by one of the community partners that support one or more components of the county or circuit plan.

(5) Juvenile justice circuit boards and county councils shall advise and assist the department in the evaluation and award of prevention and early intervention grant programs, including the Community Juvenile Justice Partnership Grant program established in s. 985.415 and proceeds from the Invest in Children license plate annual use fees.

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

(7) Membership of the juvenile justice circuit board may not exceed 18 members, except as provided in subsections (8) and (9). Members must include the state attorney, the public defender, and the chief judge of the circuit, or their respective designees. The remaining 15 members of the board must be appointed by the county councils within that circuit. The board must include at least one representative from each county council within the circuit. In appointing members to the circuit board, the county councils must reflect:

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

(b) Juvenile justice partners, including, but not limited to, representatives of law enforcement, the school system, and the Department of Children and Family Services.

(c) Diversity in the judicial circuit.

(8) At any time after the adoption of initial bylaws pursuant to subsection (12), a juvenile justice circuit board may revise the bylaws to increase the number of members by not more than three in order to adequately reflect the diversity of the population and community organizations or agencies in the circuit.

(9) If county councils are not formed within a circuit, the circuit board may establish its membership in accordance with subsection (10). For juvenile justice circuit boards organized pursuant to this subsection, the state attorney, public defender, and chief circuit judge, or their respective designees, shall be members of the circuit board.

(10) Membership of the juvenile justice county councils, or juvenile justice circuit boards established under subsection (9), must include representatives from the following entities:

(a) Representatives from the school district, which may include elected school board officials, the school superintendent, school or district administrators, teachers, and counselors.

(b) Representatives of the board of county commissioners.

(c) Representatives of the governing bodies of local municipalities within the county.

(d) A representative of the corresponding circuit or regional entity of the Department of Children and Family Services.

(e) Representatives of local law enforcement agencies, including the sheriff or the sheriff's designee.

(f) Representatives of the judicial system.

(g) Representatives of the business community.

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

(i) Representatives of the faith community.

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

(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.

(12) Each juvenile justice circuit board and county council shall develop bylaws that provide for officers and committees as the board or council deems necessary and shall specify the qualifications, method of selection, and term for each office created. The bylaws shall address at least the following issues: process for appointments to the board or council; election or appointment of officers; filling of vacant positions; duration of member terms; provisions for voting; meeting attendance requirements; and the establishment and duties of an executive 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.

Section 51. Paragraph (b) of subsection (1) and paragraph (d) of subsection (2) of section 985.4145, Florida Statutes, are amended to read:

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

(1) DEFINITION.—As used in this section, the term “direct-support organization” means an organization whose sole purpose is to support the juvenile justice system and which is:

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

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

(2) CONTRACT.—The direct-support organization shall operate under written contract with the department. The contract must provide for:

(d) The reversion of moneys and property held in trust by the direct-support organization for the benefit of the juvenile justice system to the state if the department ceases to exist or to the department if the direct-support organization is no longer approved to operate for the department, a county commission, or a circuit district board or if the direct-support organization ceases to exist;

Section 52. Paragraphs (a) and (c) of subsection (1) and paragraphs (a), (b), and (e) of subsection (2) of section 985.415, Florida Statutes, are amended to read:

## 985.415 Community Juvenile Justice Partnership Grants.—

## (1) GRANTS; CRITERIA.—

(a) In order to encourage the development of county and circuit district juvenile justice plans and the development and implementation of county and circuit district interagency agreements pursuant to s. ~~985.413 ss. 985.413 and 985.414~~, the community juvenile justice partnership grant program is established, and shall be administered by the Department of Juvenile Justice.

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

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

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

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

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

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

## (2) GRANT APPLICATION PROCEDURES.—

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

1. A letter from the chair of the ~~county~~ juvenile justice circuit board ~~council~~ 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 ~~council~~.

2. A rationale and description of the program and the 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.

4. Provisions for the participation of parents and 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.

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

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

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

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

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

(e) Each entity that is awarded a grant as provided for in this section shall submit an annual evaluation report to the department, the circuit district juvenile justice manager, the ~~district~~ juvenile justice circuit board, and the ~~county~~ juvenile justice county council, by a date subsequent to the end of the contract period established by the department, documenting the extent to which the program objectives have been met, the effect of the program on the juvenile arrest rate, and any other information required by the department. The department shall coordinate and incorporate all such annual evaluation reports with the provisions of s. 985.412. Each entity is also subject to a financial audit and a performance audit.

Section 53. Section 985.416, Florida Statutes, is amended to read:

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

(1)(a) The ~~district~~ juvenile justice circuit board shall submit a proposal for an innovation zone to the secretary. If the purpose of the proposed innovation zone is to demonstrate that specific statutory goals can be achieved more effectively by using procedures that require modification of

existing rules, policies, or procedures, the proposal may request the secretary to waive such existing rules, policies, or procedures or to otherwise authorize use of alternative procedures or practices. Waivers of such existing rules, policies, or procedures must comply with applicable state or federal law.

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

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

(2) An innovation zone project may not have a duration of more than 2 years, but the secretary may grant an extension.

(3) Before implementing an innovation zone under this subsection, the secretary shall, in conjunction with the Auditor General, develop measurable and valid objectives for such zone within a negotiated reasonable period of time. Moneys designated for an innovation zone in one operating circuit service district may not be used to fund an innovation zone in another operating circuit district.

(4) Program models for innovation zone projects include, but are not limited to:

(a) A forestry alternative work program that provides selected juvenile offenders an opportunity to serve in a forestry work program as an alternative to incarceration, in which offenders assist in wildland firefighting, enhancement of state land management, environmental enhancement, and land 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.

(d) A juvenile offender job training program that offers an opportunity for juvenile offenders to develop educational and job skills in a 12-month to 18-month nonresidential training program, teaching the offenders skills such as computer-aided design, modular panel construction, and heavy vehicle repair and maintenance which will readily transfer to the private sector, thereby promoting responsibility and productivity.

(e) An infant mortality prevention program that is designed to discourage unhealthy behaviors such as smoking and alcohol or drug consumption,

reduce the incidence of babies born prematurely or with low birth weight, reduce health care cost by enabling babies to be safely discharged earlier from the hospital, reduce the incidence of child abuse and neglect, and improve parenting and problem-solving skills.

(f) A regional crime prevention and intervention program that serves as an umbrella agency to coordinate and replicate existing services to at-risk children, first-time juvenile offenders, youth crime victims, and school drop-outs.

(g) An alternative education outreach school program that serves delinquent repeat offenders between 14 and 18 years of age who have demonstrated failure in school and who are referred by the juvenile court.

(h) A drug treatment and prevention program that provides early identification of children with alcohol or drug problems to facilitate treatment, comprehensive screening and assessment, family involvement, and placement options.

(i) A community resource mother or father program that emphasizes parental responsibility for the behavior of children, and requires the availability of counseling services for children at high risk for delinquent behavior.

Section 54. Subsection (5) of section 985.417, Florida Statutes, is amended to read:

985.417 Transfer of children from the Department of Corrections to the Department of Juvenile Justice.—

(5) Any child who has been convicted of a capital felony while under the age of 18 years may not be released on probation ~~community control~~ without the consent of the Governor and three members of the Cabinet.

Section 55. Sections 985.413 and 985.414, Florida Statutes, are repealed.

Section 56. (1) The Department of Juvenile Justice shall provide technical assistance to existing district juvenile justice boards and county juvenile justice councils to facilitate the transition to juvenile justice circuit boards and juvenile justice county councils as required in this act. Members of district juvenile justice boards and county juvenile justice councils as of July 1, 2000, shall be permitted to complete their terms.

(2) This section is repealed January 1, 2002.

Section 57. Notwithstanding the provisions of section 216.181, Florida Statutes, the Department of Juvenile Justice may transfer salary rate, without position changes, between budget entities for Fiscal Year 2000-2001 for the purpose of implementing the reorganization of the department. All such transfers must be in accordance with the budget amendatory and legislative notice provisions of chapter 216, Florida Statutes. This section is repealed effective June 30, 2001.



Section 58. Youth custody officer.—

(1) There is created within the Department of Juvenile Justice the position of youth custody officer. The duties of each youth custody officer shall be to take youth into custody if the officer has probable cause to believe that the youth has violated the conditions of probation, home detention, conditional release, or postcommitment probation, or has failed to appear in court after being properly noticed. The authority of the youth custody officer to take youth into custody is specifically limited to this purpose.

(2) A youth custody officer must meet the minimum qualifications for employment or appointment, be certified under chapter 943, Florida Statutes, and comply with the requirements for continued employment required by section 943.135, Florida Statutes. The Department of Juvenile Justice must comply with the responsibilities provided for an employing agency under section 943.133, Florida Statutes, for each youth custody officer.

(3) A youth custody officer shall inform appropriate local law enforcement agencies of his or her activities under this section.

Section 59. Except as otherwise provided herein, this act shall take effect July 1, 2000.

Approved by the Governor May 17, 2000.

Filed in Office Secretary of State May 17, 2000.