

## CHAPTER 2024-133

### Committee Substitute for House Bill No. 1425

An act relating to juvenile justice; amending s. 330.41, F.S.; conforming provisions to changes made by the act; amending s. 381.887, F.S.; authorizing certain employees of Department of Juvenile Justice and contracted providers to possess and administer opioid antagonists; providing immunity from liability for administration; amending ss. 553.865, 790.22, 938.17, 943.0515, and 948.51, F.S.; conforming provisions to changes made by the act; amending s. 985.02, F.S.; replacing the term “gender-specific” with “sex-specific”; conforming provisions; amending s. 985.03, F.S.; eliminating the minimum-risk nonresidential restrictiveness level; redesignating the nonsecure residential restrictiveness level as the “moderate-risk residential level”; revising the components of the maximum-risk residential restrictiveness level; defining “sex”; amending s. 985.039, F.S.; conforming provisions to changes made by the act; amending s. 985.115, F.S.; providing that juvenile assessment centers are not facilities that are permitted to receive certain children; amending ss. 985.126 and 985.17, F.S.; conforming provisions to changes made by the act; amending s. 985.26, F.S.; revising provisions concerning transitioning a child to and from secure detention care and supervised release detention care; amending ss. 985.27, 985.441, and 985.455, F.S.; conforming provisions to changes made by the act; amending s. 985.465, F.S.; replacing the term “juvenile correctional facility or juvenile prison” with “maximum-risk residential facilities”; amending s. 985.601, F.S.; authorizing the purchase of certain materials; amending s. 985.619, F.S.; providing the board of trustees of the Florida Scholars Academy the power and duty to review and approve an annual academic calendar; authorizing the board of trustees to decrease the minimum number of days for instruction; amending s. 985.664, F.S.; substantially revising provisions relating to juvenile justice circuit advisory boards; amending ss. 985.668, 985.676, and 1001.42, F.S.; conforming provisions to changes made by the act; amending s. 1003.01, F.S.; revising the definition of the term “juvenile justice education programs or schools”; amending s. 1003.51, F.S.; revising requirements for certain State Board of Education rules to establish policies and standards for certain education programs; revising requirements for the Department of Education, in partnership with the Department of Juvenile Justice, district school boards, and education providers, to develop and implement certain contract requirements and to maintain standardized required content of education records; revising district school board requirements; revising departmental requirements relating to juvenile justice education programs; amending s. 1003.52, F.S.; revising the role of Coordinators for Juvenile Justice Education Programs in collecting certain information and developing certain protocols; deleting provisions relating to career and professional education (CAPE); requiring district school boards to select appropriate academic and career assessments to be administered at the time of

program entry and exit; deleting provisions related to requiring residential juvenile justice education programs to provide certain CAPE courses; requiring each district school board to make provisions for high school level students to earn credits toward high school graduation while in juvenile justice detention, prevention, or day treatment programs; authorizing district school boards to contract with private providers for education programs for students in such programs; requiring each district school board to negotiate a cooperative agreement with the department on the delivery of educational services to students in such programs; revising requirements for such agreements; deleting provisions requiring the Department of Education, in consultation with the Department of Juvenile Justice, to adopt rules and collect data and report on certain programs; deleting a provision requiring that specified entities jointly develop a multiagency plan for CAPE; conforming provisions to changes made by the act; reenacting ss. 985.25(1), 985.255(3), 985.475(2)(h), 985.565(4)(b), and 985.721, F.S., relating to detention intakes, detention criteria and detention hearings, juvenile sexual offenders, juvenile sanctions, and escapes from secure detention or residential commitment facilities, respectively, to incorporate the amendments made by the act; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 330.41, Florida Statutes, is amended to read:

330.41 Unmanned Aircraft Systems Act.—

(2) DEFINITIONS.—As used in this act, the term:

(a) “Critical infrastructure facility” means any of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders:

1. A power generation or transmission facility, substation, switching station, or electrical control center.

2. A chemical or rubber manufacturing or storage facility.

3. A water intake structure, water treatment facility, wastewater treatment plant, or pump station.

4. A mining facility.

5. A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.

6. A liquid natural gas or propane gas terminal or storage facility.

7. Any portion of an aboveground oil or gas pipeline.
8. A refinery.
9. A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
10. A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.
11. A seaport as listed in s. 311.09(1), which need not be completely enclosed by a fence or other physical barrier and need not be marked with a sign or signs indicating that entry is forbidden.
12. An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport.
13. An airport as defined in s. 330.27.
14. A spaceport territory as defined in s. 331.303(18).
15. A military installation as defined in 10 U.S.C. s. 2801(c)(4) and an armory as defined in s. 250.01.
16. A dam as defined in s. 373.403(1) or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways.
17. A state correctional institution as defined in s. 944.02 or a private correctional facility authorized under chapter 957.
18. A secure detention center or facility as defined in s. 985.03, or a moderate-risk ~~nonsecure~~ residential facility, a high-risk residential facility, or a maximum-risk residential facility as those terms are described in s. 985.03(44).
19. A county detention facility as defined in s. 951.23.
20. A critical infrastructure facility as defined in s. 692.201.

Section 2. Paragraph (d) is added to subsection (4) of section 381.887, Florida Statutes, to read:

381.887 Emergency treatment for suspected opioid overdose.—

(4) The following persons are authorized to possess, store, and administer emergency opioid antagonists as clinically indicated and are immune from any civil liability or criminal liability as a result of administering an emergency opioid antagonist:

(d) Personnel of the Department of Juvenile Justice and of any contracted provider with direct contact with youth authorized under chapters 984 and 985.

Section 3. Paragraphs (c) and (j) of subsection (3), paragraph (a) of subsection (10), and paragraph (f) of subsection (12) of section 553.865, Florida Statutes, are amended to read:

553.865 Private spaces.—

(3) As used in this section, the term:

(c) “Covered entity” means any:

1. Correctional institution;
2. Detention facility;
3. Educational institution;

4. Maximum risk residential facility ~~Juvenile correctional facility or juvenile prison~~ as described in s. 985.465, any detention center or facility designated by the Department of Juvenile Justice to provide secure detention as defined in s. 985.03(18)(a), and any facility used for a residential program as described in s. 985.03(44) ~~985.03(44)(b), (c), or (d)~~; or

5. Public building.

(j) “Public building” means a building comfort-conditioned for occupancy which is owned or leased by the state, a state agency, or a political subdivision. The term does not include a correctional institution, a detention facility, an educational institution, a maximum risk residential facility ~~juvenile correctional facility or juvenile prison~~ as described in s. 985.465, a detention center or facility designated by the Department of Juvenile Justice to provide secure detention as defined in s. 985.03(18)(a), or any facility used for a residential program as described in s. 985.03(44) ~~985.03(44)(b), (c), or (d)~~.

(10)(a) Each maximum risk residential facility ~~juvenile correctional facility or juvenile prison~~ as described in s. 985.465, each detention center or facility designated by the Department of Juvenile Justice to provide secure detention as defined in s. 985.03(18)(a), and each facility used for a residential program as described in s. 985.03(44) ~~985.03(44)(b), (c), or (d)~~ shall establish disciplinary procedures for any juvenile as defined in s. 985.03(7) who willfully enters, for a purpose other than those listed in subsection (6), a restroom or changing facility designated for the opposite sex in such maximum risk residential facility ~~juvenile correctional facility, juvenile prison~~, secure detention center or facility, or residential program facility and refuses to depart when asked to do so by delinquency program staff, detention staff, or residential program staff.

(12) A covered entity that is:

(f) A maximum risk residential facility ~~juvenile correctional facility or juvenile prison~~ as described in s. 985.465, a detention center or facility designated by the Department of Juvenile Justice to provide secure detention as defined in s. 985.03(18)(a), or a facility used for a residential program as described in s. ~~985.03(44)~~ 985.03(44)(b), (c), or (d) shall submit documentation to the Department of Juvenile Justice regarding compliance with subsections (4) and (5), as applicable, within 1 year after being established or, if such institution or facility was established before July 1, 2023, no later than April 1, 2024.

Section 4. 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) ~~The juvenile justice circuit advisory boards 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~~ department shall propose the implementation of a community service program in each circuit, and may submit a circuit plan, to be implemented upon approval of the circuit alternative sanctions coordinator.

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

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

(4) A sheriff's office that receives proceeds pursuant to s. 939.185 shall account for all funds annually by August 1 in a written report to the Department of Juvenile Justice ~~juvenile justice circuit advisory board~~ if funds are used for assessment centers, and to the district school board if funds are used for suspension programs.

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

943.0515 Retention of criminal history records of minors.—

(1)(a) The Criminal Justice Information Program shall retain the criminal history record of a minor who is classified as a serious or habitual juvenile offender or committed to a maximum risk residential facility ~~juvenile correctional facility or juvenile prison~~ under chapter 985 for 5 years after the date the offender reaches 21 years of age, at which time the record

shall be expunged unless it meets the criteria of paragraph (2)(a) or paragraph (2)(b).

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

2. A minor described in subparagraph 1. may apply to the department to have his or her criminal history record expunged before the minor reaches 21 years of age. To be eligible for expunction under this subparagraph, the minor must be 18 years of age or older and less than 21 years of age and have not been charged by the state attorney with or found to have committed any criminal offense within the 5-year period before the application date. The only offenses eligible to be expunged under this subparagraph are those that the minor committed before the minor reached 18 years of age. A criminal history record expunged under this subparagraph requires the approval of the state attorney for each circuit in which an offense specified in the criminal history record occurred. A minor seeking to expunge a criminal history record under this subparagraph shall apply to the department for expunction in the manner prescribed by rule. An application for expunction under this subparagraph shall include:

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

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

c. A sworn, written statement from the minor seeking relief that he or she is no longer under court supervision applicable to the disposition of the arrest or alleged criminal activity to which the application to expunge pertains and that he or she has not been charged with or found to have committed a criminal offense, in any jurisdiction of the state or within the United States, within the 5-year period before the application date. A person who knowingly provides false information on the sworn statement required by this sub-subparagraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

Section 7. 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 Department of Juvenile Justice ~~juvenile justice circuit advisory board established under s. 985.664~~ 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 8. Paragraph (h) of subsection (1) and subsection (7) of section 985.02, Florida Statutes, are amended to read:

985.02 Legislative intent for the juvenile justice system.—

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

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

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

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

(b) Sex-specific Gender-specific interventions focus on the differences between young females' and young males' social roles and responsibilities, access to and use of resources, history of trauma, and reasons for interaction with the juvenile justice system. Sex-specific Gender-specific programs increase the effectiveness of programs by making interventions more appropriate to the specific needs of young women and men and ensuring that these programs do not unknowingly create, maintain, or reinforce sex gender roles or relations that may be damaging.

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

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

(14) “Day treatment” means a nonresidential, community-based program designed to provide therapeutic intervention to youth who are served by the department or, placed on probation or conditional release, ~~or committed to the minimum-risk nonresidential level.~~ A day treatment program may provide educational and career and technical education



services and shall provide case management services; individual, group, and family counseling; training designed to address delinquency risk factors; and monitoring of a youth's compliance with, and facilitation of a youth's completion of, sanctions if ordered by the court. Program types may include, but are not limited to, career programs, marine programs, juvenile justice alternative schools, training and rehabilitation programs, and sex-specific gender-specific programs.

(44) "Restrictiveness level" means the level of programming and security provided by programs that service the supervision, custody, care, and treatment needs of committed children. Sections 985.601(10) and 985.721 apply to children placed in programs at any residential commitment level. The restrictiveness levels of commitment are as follows:

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

~~(a)(b) Moderate-risk Nonsecure residential.—Programs or program models at this commitment level are residential but may allow youth to have supervised access to the community. Facilities at this commitment level are either environmentally secure, staff secure, or are hardware-secure with walls, fencing, or locking doors. Residential facilities at this commitment level shall have no more than 90 beds each, including campus-style programs, unless those campus-style programs include more than one treatment program using different treatment protocols, and have facilities that coexist separately in distinct locations on the same property. Facilities at this commitment level shall provide 24-hour awake supervision, custody, care, and treatment of residents. Youth assessed and classified for placement in programs at this commitment level represent a low or moderate risk to public safety and require close supervision. 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.~~

~~(b)(c) High-risk residential.—Programs or program models at this commitment level are residential and do not allow youth to have access to the community, except that temporary release providing community access for up to 72 continuous hours may be approved by a court for a youth who has made successful progress in his or her program in order for the youth to attend a family emergency or, during the final 60 days of his or her placement, to visit his or her home, enroll in school or a career and technical education program, complete a job interview, or participate in a community service project. High-risk residential facilities are hardware-secure with~~

perimeter fencing and locking doors. Residential facilities at this commitment level shall have no more than 90 beds each, including campus-style programs, unless those campus-style programs include more than one treatment program using different treatment protocols, and have facilities that coexist separately in distinct locations on the same property. Facilities at this commitment level 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. Placement in programs at this level is prompted by a concern for public safety that outweighs placement in programs at lower commitment 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, except that youth may be housed together during prerelease transition.

~~(c)(d)~~ Maximum-risk residential.—~~Programs or program models at this commitment level include juvenile correctional facilities and juvenile prisons.~~ The programs at this commitment level are long-term residential and do not allow youth to have access to the community. Facilities at this commitment level are maximum-custody, hardware-secure with perimeter security fencing and locking doors. Residential facilities at this commitment level shall have no more than 90 beds each, including campus-style programs, unless those campus-style programs include more than one treatment program using different treatment protocols, and have facilities that coexist separately in distinct locations on the same property. Facilities at this commitment level 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. Facilities at this commitment level 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. Placement in a program at this level is prompted by a demonstrated need to protect the public.

(46) “Sex” has the same meaning as provided in s. 553.865(3).

~~(51)(50)~~ “Temporary release” means the terms and conditions under which a child is temporarily released from a residential commitment facility or allowed home visits. If the temporary release is from a moderate-risk nonsecure 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.

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

985.039 Cost of supervision; cost of care.—

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

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

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

985.115 Release or delivery from custody.—

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

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

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

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

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

1. The race, ethnicity, sex ~~gender~~, and age of that minor.
2. The offense committed, including the specific law establishing the offense.
3. The judicial circuit and county in which the offense was committed and the law enforcement agency that had contact with the minor for the offense.
4. Other demographic information necessary to properly register a case into the Juvenile Justice Information System Prevention Web, as specified by the department.

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

1. The data required pursuant to paragraph (a).
2. Whether the minor was offered the opportunity to participate in a diversion program. If the minor was:
  - a. Not offered such opportunity, the reason such offer was not made.
  - b. Offered such opportunity, whether the minor or his or her parent or legal guardian declined to participate in the diversion program.
- (4) ~~Beginning January 1, 2019,~~ The department shall compile and semiannually publish the data required by subsection (3) on the department's website in a format that is, at a minimum, sortable by judicial circuit, county, law enforcement agency, race, ethnicity, sex ~~gender~~, age, and offense committed.

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

985.17 Prevention services.—

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

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

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

985.26 Length of detention.—

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

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

3. This section does not prohibit a court from transitioning a child to and from secure detention care and supervised release detention care, including electronic monitoring, when the court finds such a placement necessary, or no longer necessary, to preserve public safety or to ensure the child's safety, appearance in court, or compliance with a court order. Such transition may be initiated upon the court's own motion, or upon motion of the child or of the state, and after considering any information provided by the department regarding the child's adjustment to detention supervision. Each period of secure detention care or supervised release detention care counts toward the time limitations in this subsection whether served consecutively or nonconsecutively.

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

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

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

985.441 Commitment.—

(2) Notwithstanding subsection (1), the court having jurisdiction over an adjudicated delinquent child whose offense is a misdemeanor, or a child who is currently on probation for a misdemeanor, may not commit the child for any misdemeanor offense or any probation violation that is technical in nature and not a new violation of law ~~at a restrictiveness level other than minimum-risk nonresidential~~. However, the court may commit such child to a moderate-risk nonsecure residential placement if:

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

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

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

(d) The court finds by a preponderance of the evidence that the protection of the public requires such placement or that the particular

needs of the child would be best served by such placement. Such finding must be in writing.

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

985.455 Other dispositional issues.—

(3) Any commitment of a delinquent child to the department must be for an indeterminate period of time, which may include periods of temporary release; however, the period of time may not exceed the maximum term of imprisonment that an adult may serve for the same offense, ~~except that the duration of a minimum-risk nonresidential commitment 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.~~ The duration of the child's placement in a commitment program of any restrictiveness 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 quarterly, unless the court requests monthly reports. If the child is under the jurisdiction of a dependency court, the court may receive and consider any information provided by the Guardian Ad Litem Program or the child's attorney ad litem, if appointed. The child's length of stay in a commitment program may be extended if the child fails to comply with or participate in treatment activities. The child's length of stay in the program shall not be extended for purposes of sanction or punishment. Any temporary release from such program 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 commitment program. 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.

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

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

(1) The child 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:

- (a) Arson;
- (b) Sexual battery;
- (c) Robbery;
- (d) Kidnapping;
- (e) Aggravated child abuse;
- (f) Aggravated assault;
- (g) Aggravated stalking;
- (h) Murder;
- (i) Manslaughter;
- (j) Unlawful throwing, placing, or discharging of a destructive device or bomb;
- (k) Armed burglary;
- (l) Aggravated battery;
- (m) Carjacking;
- (n) Home-invasion robbery;
- (o) Burglary with an assault or battery;
- (p) Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or
- (q) Carrying, displaying, using, threatening to use, or attempting to use a weapon or firearm during the commission of a felony.

(2) The child 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 three or more times to a delinquency commitment program.

(3) The child 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.

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

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

985.601 Administering the juvenile justice continuum.—

(3)(a) 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, trauma-informed care, individual and family counseling, family engagement resources and programs, ~~sex-specific gender-specific~~ programming, shelter care, diversified detention care emphasizing alternatives to secure detention, diversified probation, halfway houses, foster homes, community-based substance abuse treatment services, community-based mental health treatment services, community-based residential and nonresidential programs, mother-infant programs, and environmental programs. The department may pay expenses in support of innovative programs and activities that address identified needs and the well-being of children in the department's care or under its supervision, subject to the requirements of chapters 215, 216, and 287. Each program shall place particular emphasis on reintegration and conditional release for all children in the program.

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

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

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

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

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

985.619 Florida Scholars Academy.—

(4) GOVERNING BODY; POWERS AND DUTIES.—

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

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



2. Be responsible for the Florida Scholars Academy's development of an education delivery system that is cost-effective, high-quality, educationally sound, and capable of sustaining an effective delivery system.

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

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

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

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

6. The employment of all Florida Scholars Academy administrative and instructional personnel are subject to rejection for cause by the secretary of the department or his or her designee and are subject to policies established by the board of trustees.

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

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

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

10. Notwithstanding any rule to the contrary, review and approve an annual academic calendar to provide educational services to youth for a school year composed of 250 days or 1,250 hours of instruction for students enrolled in a traditional K-12 education pathway, distributed over 12

months. The board of trustees may decrease the minimum number of days for instruction by up to 20 days or 100 hours for teacher planning.

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

985.664 Juvenile justice circuit advisory boards.—

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

~~(1) There is authorized a juvenile justice circuit advisory board to be established in each of the 20 judicial circuits. Except in single-county circuits, each juvenile justice circuit advisory board shall have a county organization representing each of the counties in the circuit. The county organization shall report directly to the juvenile justice circuit advisory board on the juvenile justice needs of the county. The purpose of each juvenile justice circuit advisory board 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) The duties and responsibilities of a juvenile justice circuit advisory board include, but are not limited to:~~

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

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

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

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

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

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

- (a) The circuit’s geography and population distribution.
- (b) Diversity in the judicial circuit.

~~(3)(4)~~ Each member of the juvenile justice circuit advisory board must be approved by the chief probation officer of the circuit ~~Secretary of Juvenile Justice~~, except those members listed in paragraphs (a), (b), (c), (e), (f), (g), and (h). ~~Each~~ The juvenile justice circuit advisory board ~~boards established under subsection (1)~~ must include as members:

- (a) The state attorney or his or her designee.
- (b) The public defender or his or her designee.
- (c) The chief judge or his or her designee.
- (d) A representative of the corresponding circuit or regional entity of the Department of Children and Families.
- (e) The sheriff or the sheriff’s designee from each county in the circuit.
- (f) A police chief or his or her designee from each county in the circuit.
- (g) A county commissioner or his or her designee from each county in the circuit.
- (h) The superintendent of each school district in the circuit or his or her designee.
- (i) A representative from the workforce organization of each county in the circuit.
- (j) A representative of the business community.
- (k) A youth representative who has had an experience with the juvenile justice system and is not older than 21 years of age.
- (l) A representative of the faith community.
- (m) A health services representative who specializes in mental health care, victim-service programs, or victims of crimes.
- (n) A parent or family member of a youth who has been involved with the juvenile justice system.
- (o) Up to three ~~five~~ representatives from the community. ~~any of the following who are not otherwise represented in this subsection:~~

- ~~1.—Community leaders.~~
- ~~2.—Youth-serving coalitions.~~

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

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

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

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

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

~~(9) Each juvenile justice circuit advisory board 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.~~

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

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

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

985.668 Innovation zones.—The department shall encourage each of the juvenile justice circuit boards to propose at least one innovation zone within the circuit 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, 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 chief probation officer in each circuit 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.

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

985.676 Community juvenile justice partnership grants.—

(1) GRANTS; CRITERIA.—

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

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

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

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

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

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

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

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

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

1. The circuit juvenile justice plan and any county juvenile justice plans that are referred to or incorporated into the circuit 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 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 juvenile justice circuit board 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.~~

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

2.3. 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.

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

4.5. 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.

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

6.7. 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.

7.8. The necessary program staff.

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

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

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

(e) Each entity that is awarded a grant as provided for in this section shall submit an annual evaluation report to the department and, ~~the circuit juvenile justice manager, and the juvenile justice circuit advisory board~~, 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 s. 985.632. Each entity is also subject to a financial audit and a performance audit.

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

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

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

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

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

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

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

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

(14)(a) “Juvenile justice education programs or schools” means programs or schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, for a school year composed of 250 days of instruction, or the equivalent expressed in hours as specified in State Board of Education rule, distributed over 12 months. If the period of operation is expressed in hours, the State Board of Education must review the calculation annually. ~~The use of the equivalent expressed in hours is only applicable to nonresidential programs. At the request of the provider,~~ A district school board, including an educational entity under s. 985.619, may decrease the minimum number of days of instruction by ~~up to 10 days for teacher planning for residential programs and up to 20 days or equivalent hours as specified in the State Board of Education rule for teacher planning for nonresidential programs,~~ subject to the approval of the Department of Juvenile Justice and the Department of Education.

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

1003.51 Other public educational services.—

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

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

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

(c) Academic expectations.



- (d) Career expectations.
- (e) Education transition planning and services.
- (f) Service delivery options available to district school boards, including direct service and contracting.
- (g) Assessment procedures that, which:

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

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

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

(h) Recommended instructional programs, using course delivery models aligned to the state academic standards. Options may include direct instruction, blended learning under s. 1011.61(1), or district virtual instruction programs, virtual charter schools, Florida Virtual School, virtual course offerings, and district franchises of Florida Virtual School pursuant to ss. 1002.33, 1002.37, 1002.45, 1002.455, 1003.498, and 1011.62(1), and credit recovery course procedures, including, but not limited to:

- 1. Secondary education.
- 2. High school equivalency examination preparation.
- 3. Postsecondary education.
- 4. Career and technical professional education (CAPE).
- 5. Job preparation.
- 6. Virtual education that:

a. Provides competency-based instruction that addresses the unique academic needs of the student through delivery by an entity accredited by a Department of Education-approved accrediting body AdvanceED or the Southern Association of Colleges and Schools.

- b. Confers certifications and diplomas.
- c. Issues credit that articulates with and transcripts that are recognized by secondary schools.
- d. Allows the student to continue to access and progress through the program once the student leaves the juvenile justice system.
- (i) Funding requirements, which must provide that at least 95 percent of the FEFP funds generated by students in Department of Juvenile Justice programs or in an education program for juveniles under s. 985.19 must be spent on instructional costs for those students. Department of Juvenile Justice education programs are entitled to 100 percent of the formula-based categorical funds generated by students in Department of Juvenile Justice programs. Such funds must be spent on appropriate categoricals, such as instructional materials and public school technology for those students.
- (j) Qualifications of instructional staff, procedures for the selection of instructional staff, and procedures for consistent instruction and qualified staff year-round. Qualifications shall include those for instructors of career and technical education CAPE courses, standardized across the state, and shall be based on state certification, local school district approval, and industry-recognized certifications as identified on the Master Credentials CAPE Industry Certification Funding List. Procedures for the use of noncertified instructional personnel who possess expert knowledge or experience in their fields of instruction shall be established.
- (k) Transition services, including the roles and responsibilities of appropriate personnel in the juvenile justice education program, the school district in which where the student will reenter, provider organizations, and the Department of Juvenile Justice.
- (l) Procedures and timeframe for transfer of education records when a student enters and leaves a Department of Juvenile Justice education program.
- (m) The requirement that each district school board maintain an academic transcript for each student enrolled in a juvenile justice education program that delineates each course completed by the student as provided by the State Course Code Directory.
- (n) The requirement that each district school board make available and transmit a copy of a student's transcript in the discharge packet when the student exits a juvenile justice education program.
- (o) Contract requirements.
- (p) Accountability and school improvement requirements as public alternative schools pursuant to ss. 1008.31, 1008.34, 1008.341, and 1008.345

~~(p)~~—Performance expectations for providers and district school boards, including student performance measures by type of program, education program performance ratings, school improvement, and corrective action plans for low-performing programs.

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

~~(r)~~—A series of graduated sanctions for district school boards whose educational programs in Department of Juvenile Justice programs are considered to be unsatisfactory and for instances in which district school boards fail to meet standards prescribed by law, rule, or State Board of Education policy. These sanctions shall include the option of requiring a district school board to contract with a provider or another district school board if the educational program at the Department of Juvenile Justice program is performing below minimum standards and, after 6 months, is still performing below minimum standards.

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

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

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

(a) Develop and implement requirements for contracts and cooperative agreements regarding the delivery of appropriate education services to students in Department of Juvenile Justice education programs. The minimum contract requirements shall include, but are not limited to, payment structure and amounts; access to district services; contract management provisions; data reporting requirements, including reporting of full-time equivalent student membership; accountability requirements and corrective action plans, if needed; administration of federal programs such as Title I, exceptional student education, and the federal Strengthening Career and Technical Education for the 21st Century Act Carl D. Perkins Career and Technical Education Act of 2006; and the policy and standards included in subsection (2).

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

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

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

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

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

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

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

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

7. A portfolio reflecting the student's academic accomplishments and industry certification earned, when age appropriate, while in the Department of Juvenile Justice program.

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

(4) Each district school board shall:

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

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

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

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

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

(5) The Department of Education shall issue an alternative school improvement rating for prevention and day treatment prevention juvenile justice education programs, pursuant to s. 1008.341 ~~establish and operate, either directly or indirectly through a contract, a mechanism to provide~~

~~accountability measures that annually assesses and evaluates all juvenile justice education programs using student performance data and program performance ratings by type of program and shall provide technical assistance and related research to district school boards and juvenile justice education providers. The Department of Education, with input from the Department of Juvenile Justice, school districts, and education providers, shall develop annual recommendations for system and school improvement.~~

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

1003.52 Educational services in Department of Juvenile Justice programs.—

(1) The Department of Education shall serve as the lead agency for juvenile justice education programs, curriculum, support services, and resources. To this end, the Department of Education and the Department of Juvenile Justice shall each designate a Coordinator for Juvenile Justice Education Programs to serve as the point of contact for resolving issues not addressed by district school boards and to provide each department's participation in the following activities:

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

(b) Collecting information on the academic, career and technical ~~profes-~~sional education (CAPE), and transition performance of students in juvenile justice programs and reporting on the results.

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

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

Annually, a cooperative agreement and plan for juvenile justice education service enhancement shall be developed between the Department of Juvenile Justice and the Department of Education and submitted to the Secretary of Juvenile Justice and the Commissioner of Education by June 30. The plan shall include, at a minimum, each agency's role regarding educational program accountability, technical assistance, training, and coordination of services.

(2) Students participating in Department of Juvenile Justice education programs pursuant to chapter 985 which are sponsored by a community-based agency or are operated or contracted for by the Department of Juvenile Justice shall receive education programs according to rules of the State Board of Education. These students shall be eligible for services afforded to

students enrolled in programs pursuant to s. 1003.53 and all corresponding State Board of Education rules.

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

(a) All contracts between a district school board desiring to contract directly with juvenile justice education programs to provide academic instruction for students in such programs must be in writing and reviewed by the Department of Juvenile Justice. Unless both parties agree to an extension of time, the district school board and the juvenile justice education program shall negotiate and execute a new or renewal contract within 40 days after the district school board provides the proposal to the juvenile justice education program. The Department of Education shall provide mediation services for any disputes relating to this paragraph.

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

(c) The district school board shall make provisions for each student to participate in basic career and technical education, ~~CAPE~~, and exceptional student programs, as appropriate. Students served in Department of Juvenile Justice education programs shall have access to the appropriate courses and instruction to prepare them for the high school equivalency examination. Students participating in high school equivalency examination preparation programs shall be funded at the basic program cost factor for Department of Juvenile Justice programs in the Florida Education Finance Program. Each program shall be conducted according to applicable law providing for the operation of public schools and rules of the State Board of Education. School districts shall provide the high school equivalency examination exit option for all juvenile justice education programs, except for residential programs operated under s. 985.619.

(d) The district school board shall select appropriate academic and career assessments to be administered at the time of program entry and exit for the purpose of developing goals for education transition plans, progress monitoring plans, individual education plans, as applicable, and federal reporting, as applicable

~~(d) The Department of Education, with the assistance of the school districts and juvenile justice education providers, shall select a common student assessment instrument and protocol for measuring student learning~~

~~gains and student progression while a student is in a juvenile justice education program. The Department of Education and the Department of Juvenile Justice shall jointly review the effectiveness of this assessment and implement changes as necessary.~~

(4) Educational services shall be provided at times of the day most appropriate for the juvenile justice program. School programming in juvenile justice detention, prevention, or day treatment, ~~and residential programs~~ shall be made available by the local school district during the juvenile justice school year, as provided in s. 1003.01(14). In addition, students in juvenile justice education programs shall have access to courses offered pursuant to ss. 1002.37, 1002.45, and 1003.498. The Department of Education and the school districts shall adopt policies necessary to provide such access.

(5) The educational program shall provide instruction based on each student's individualized transition plan, assessed educational needs, and the education programs available in the school district in which the student will return. Depending on the student's needs, educational programming may consist of remedial courses, academic courses required for grade advancement, career and technical education ~~CAPE~~ courses, high school equivalency examination preparation, or exceptional student education curricula and related services which support the transition goals and reentry and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent. Prevention and day treatment juvenile justice education programs, at a minimum, shall provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services. ~~Residential juvenile justice education programs with a contracted minimum length of stay of 9 months shall provide CAPE courses that lead to preapprentice certifications and industry certifications. Programs with contracted lengths of stay of less than 9 months may provide career education courses that lead to preapprentice certifications and CAPE industry certifications. If the duration of a program is less than 40 days, the educational component may be limited to tutorial remediation activities, career employability skills instruction, education counseling, and transition services that prepare students for a return to school, the community, and their home settings based on the students' needs.~~

(6) Participation in the program by students of compulsory school-attendance age as provided for in s. 1003.21 shall be mandatory. All students of noncompulsory school-attendance age who have not received a high school diploma or its equivalent shall participate in the educational program, unless the student files a formal declaration of his or her intent to terminate school enrollment as described in s. 1003.21 and is afforded the opportunity to take the high school equivalency examination and attain a Florida high school diploma before release from a juvenile justice education program. A student who has received a high school diploma or its equivalent and is not employed shall participate in workforce development ~~or other CAPE~~

education or Florida College System institution or university courses while in the program, subject to available funding.

(7) An individualized progress monitoring plan shall be developed for all students ~~not classified as exceptional education students~~ upon entry in a juvenile justice education program and upon reentry in the school district. These plans shall address academic, literacy, and career and technical skills and shall include provisions for intensive remedial instruction in the areas of weakness.

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

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

(10) School districts and juvenile justice education providers shall develop individualized transition plans during the course of a student's stay in a juvenile justice education program to coordinate academic, career and technical, and secondary and postsecondary services that assist the student in successful community reintegration upon release. Development of the transition plan shall be a collaboration of the personnel in the juvenile justice education program, reentry personnel, personnel from the school district where the student will return, the student, the student's family, and the Department of Juvenile Justice ~~personnel for committed students~~.

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

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

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

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



(b) For the purpose of transition planning and reentry services, representatives from the school district and the one-stop center where the student will return shall participate as members of the local Department of Juvenile Justice reentry teams. The school district, upon return of a student from a juvenile justice education program, must consider the individual needs and circumstances of the student and the transition plan recommendations when reenrolling a student in a public school. A local school district may not maintain a standardized policy for all students returning from a juvenile justice program but place students based on their needs and their performance in the juvenile justice education program, including any virtual education options.

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

(11) The district school board shall recruit and train teachers who are ~~interested, qualified, or experienced~~ in educating students in juvenile justice programs. Students in juvenile justice programs shall be provided a wide range of education programs and opportunities, including instructional materials ~~textbooks~~, technology, instructional support, and resources commensurate with resources provided to students in public schools, including instructional materials ~~textbooks~~ and access to technology. If the district school board operates a juvenile justice education program at a juvenile justice facility, the district school board, in consultation with the director of the juvenile justice facility, shall select the instructional personnel assigned to that program. The Secretary of Juvenile Justice or the director of a juvenile justice program may request that the performance of a teacher assigned by the district to a juvenile justice education program be reviewed by the district and that the teacher be reassigned based upon an evaluation conducted pursuant to s. 1012.34 or for inappropriate behavior. Juvenile justice education programs shall have access to the substitute teacher pool used by the district school board.

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

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

(b) Juvenile justice education programs to receive the appropriate FEFP funding for Department of Juvenile Justice education programs shall include those operated through a contract with the Department of Juvenile Justice.

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

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

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

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

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

(b) Administrative issues including procedures for sharing information.

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

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

(e) Curriculum and delivery of instruction.

(f) Classroom management procedures and attendance policies.

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

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

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

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

(k) Methods and procedures for dispute resolution.

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

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

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

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

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

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

~~(b) A performance rating system to be used by the Department of Education to evaluate the delivery of educational services within each of the juvenile justice programs. The performance rating shall be primarily based on data regarding student performance as described in paragraph (a).~~

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

~~(d) The Department of Education, in partnership with the Department of Juvenile Justice, shall develop a comprehensive accountability and program improvement process. The accountability and program improvement process shall be based on student performance measures by type of program and shall rate education program performance. The accountability system shall identify and recognize high-performing education programs. The Department of Education, in partnership with the Department of Juvenile Justice,~~

~~shall identify low performing programs. Low performing education programs shall receive an onsite program evaluation from the Department of Juvenile Justice. School improvement, technical assistance, or the reassignment of the program shall be based, in part, on the results of the program evaluation. Through a corrective action process, low performing programs must demonstrate improvement or the programs shall be reassigned.~~

~~(17) The department, in collaboration with the Department of Juvenile Justice, shall collect data and report on commitment, day treatment, prevention, and detention programs. The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor by February 1 of each year. The report must include, at a minimum:~~

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

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

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

~~3. Receive industry certification.~~

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

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

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

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

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

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

~~1. The amount of funding provided by district school boards to juvenile justice programs and the amount retained for administration, including documenting the purposes of such expenses.~~

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

~~3. Recommendations for system improvement.~~

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

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

~~(17)~~(19) When additional facilities are required for juvenile justice detention, prevention, or day treatment programs, the district school board and the Department of Juvenile Justice shall agree on the appropriate site based on the instructional needs of the students. When the most appropriate site for instruction is on district school board property, a special capital outlay request shall be made by the commissioner in accordance with s. 1013.60. When the most appropriate site is on state property, state capital outlay funds shall be requested by the Department of Juvenile Justice provided by s. 216.043 and shall be submitted as specified by s. 216.023. Any instructional facility to be built on state property shall have educational specifications jointly developed by the district school board and the Department of Juvenile Justice and approved by the Department of Education. The size of space and occupant design capacity criteria as provided by State Board of Education rules shall be used for remodeling or new construction whether facilities are provided on state property or district school board property.

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

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

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

Section 28. For the purpose of incorporating the amendment made by this act to section 985.115, Florida Statutes, in a reference thereto, subsection (1) of section 985.25, Florida Statutes, is reenacted to read:

985.25 Detention intake.—

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

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

(b) The department shall base the decision whether to place the child into detention care on an assessment of risk in accordance with the risk assessment instrument and procedures developed by the department under s. 985.245, except that a child shall be placed in secure detention care until the child's detention hearing if the child meets the criteria specified in s. 985.255(1)(f), is charged with possessing or discharging a firearm on school property in violation of s. 790.115, or is charged with any other offense involving the possession or use of a firearm.

(c) If the final score on the child's risk assessment instrument indicates detention care is appropriate, but the department otherwise determines the child should be released, the department shall contact the state attorney, who may authorize release.

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

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

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

985.255 Detention criteria; detention hearing.—

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

(b) 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.

(c) Except as provided in s. 790.22(8) or s. 985.27, when a child is placed into 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 s. 985.26 or s. 985.27, whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted under s. 985.26(4). If the court order does not include a release date, the release date shall be requested from the court on the same date that the child is placed in detention care. If a subsequent hearing is needed to provide additional information to the court for safety planning, the initial order placing the child in detention care shall reflect the next detention review hearing, which shall be held within 3 calendar days after the child's initial detention placement.

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

985.475 Juvenile sexual offenders.—

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

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

Section 31. For the purpose of incorporating the amendment made by this act to section 985.441, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 985.565, Florida Statutes, is reenacted to read:

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

(4) SENTENCING ALTERNATIVES.—

(b) *Juvenile sanctions*.—For juveniles transferred to adult court but who do not qualify for such transfer under s. 985.556(3), the court may impose juvenile sanctions under this paragraph. If juvenile sentences are imposed,

the court shall, under this paragraph, adjudge the child to have committed a delinquent act. Adjudication of delinquency may 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 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 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 before discharge. Failure of the court to timely respond to the department's notice shall be considered approval for discharge.

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

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. 985.534.

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

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

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

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

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



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

Section 33. This act shall take effect July 1, 2024.

Approved by the Governor April 26, 2024.

Filed in Office Secretary of State April 26, 2024.