



Journal of the Senate

Number 18

Wednesday, April 13, 1994

CALL TO ORDER

The Senate was called to order by the President at 2:20 p.m. A quorum present—38:

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Williams
Crenshaw	Gutman	Kurth	
Crist	Harden	McKay	

Excused: Senators Weinstein and Wexler until 3:00 p.m.

PRAYER

The following prayer was offered by Joe Brown, Secretary of the Senate:

Let there be peace, O Lord, in the hearts and minds of these your servants as they go about their work for your people. Amen.

PLEDGE

The President led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS

On motion by Senator Kirkpatrick, the rules were waived and the Committee on Rules and Calendar was granted permission to meet at 4:00 p.m. this day.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR CS FOR SB 68 AND CS FOR SB'S 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 AND 1400; AND CS FOR SB 2016

*The Honorable Pat Thomas
President of the Senate*

*The Honorable Bolley L. Johnson
Speaker, House of Representatives*

Dear President Thomas and Speaker Johnson:

Your Conference Committee on the disagreeing votes of the two houses on juvenile justice, same being:

An act relating to juvenile justice

An act relating to license plates

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate adopt the Conference Committee Amendment attached hereto and by reference made a part of this report and pass CS for CS for SB 68 and CS for SB's 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 and 1400 as amended by said Conference Committee Amendment.

2. That the House of Representatives recede from House Amendment 1 to CS for CS for SB 68 and CS for SB's 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 and 1400, adopt the Conference Committee Amendment, and pass CS for CS for SB 68 and CS for SB's 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 and 1400 as amended by said Conference Committee Amendment.

3. That the House of Representatives recede from House Amendment 1 to CS for SB 2016 and pass CS for SB 2016.

*s/Gary Siegel
Chairman
s/John McKay
Vice Chairman
s/W. G. (Bill) Bankhead
s/Rick Dantzler
s/Betty S. Holzendorf
s/George G. Kirkpatrick*

*s/Buzz Ritchie
Chairman
s/Lori Edwards
s/Willie Logan, Jr.
s/Elvin L. Martinez
s/Sandra Barringer Mortham
s/Kelley R. Smith
s/Tom Warner
s/Daniel Webster*

Managers on the part of the Senate

Managers on the part of the House of Representatives

Summary of Conference Committee Action:

Organizational Structure

Department of Juvenile Justice

- Effective upon becoming law, creates the Department of Juvenile Justice (DJJ).
- Provides that the Governor will appoint the Secretary of Juvenile Justice who, in turn, will appoint a Deputy Secretary for Operations (who will supervise 15 district managers) and an Assistant Secretary of Programming and Planning (who will supervise the Division of Prevention and Intervention and the Division of Detention and Commitment Programs).
- Authorizes the Secretary to appoint a Deputy Secretary of Reorganization; provides that this position will terminate by June 30, 1995.
- Effective October 1, 1994, makes a type four transfer of all programs, personnel and resources administered by the Deputy Secretary of Juvenile Justice, together with associated administrative support, from HRS to the Department of Juvenile Justice.

Department of Corrections

- Effective October 1, 1994, creates Assistant Secretary for Youthful Offenders.
- Enhances rehabilitative focus of youthful offender institutions.
- Provides aftercare for the youthful offender basic training program (Sumter Boot Camp).

Corrections Privatization Commission

- Authorizes the Corrections Privatization Commission to contract for the operation of three 350-bed youthful offender facilities.

Juvenile Justice Advisory Board

- Abolishes the Commission on Juvenile Justice and creates the Juvenile Justice Advisory Board in the Executive Office of the Governor; provides the Advisory Board will be composed of nine members (seven members appointed by the Governor, one appointed by the President of the Senate, one member appointed by the Speaker of the House); makes a type three transfer from the Commission to Advisory Board.

- Requires the Advisory Board to conduct outcome evaluation of juvenile justice programs and services statewide and to act as a clearing-house of juvenile justice information to district juvenile justice boards and to county juvenile justice councils.
- Requires cancellation of a provider's contract if the provider fails to meet established minimum performance standards within 6 months of when a deficiency is noted, unless extenuating circumstances are documented.
- Requires Advisory Board to meet quarterly.

Juvenile Justice District Boards and County Councils

- Expands membership of county councils to include locally elected officials.
- Provides for one full-time staff for each district juvenile justice board.
- Requires community juvenile justice partnership grant recipients to contribute at least a 20% match.

Miscellaneous

- Specifies responsibilities of Juvenile Justice Standards and Training Commission.
- Provides for the establishment of professional juvenile justice curricula and authorizes juvenile justice scholarships.
- Provides for arbitration of siting disputes related to juvenile justice facilities.
- Extends sovereign immunity to juvenile justice contract providers.

Detention

Contempt of Court

- Permits judges to use secure detention as punishment when a juvenile delinquent is found to be in direct or indirect contempt of court.
- Permits judges to use staff-secure shelters or appropriate substance abuse or mental health facilities when a child-in-need-of-services (truant, runaway or ungovernable) is found to be in direct or indirect contempt of court.
- Provides for uniform sanctions of up to 5 days for the first offense and up to 15 days for a second or subsequent offense in cases of contempt.
- Requires the court to conduct a hearing within 24 hours and to review indirect contempt orders every 72 hours to determine whether it is appropriate for a juvenile to remain in secure detention.
- Permits judges to use secure detention or staff-secure shelters when a juvenile fails to appear or fails to comply with an order in traffic court.
- Encourages juvenile court judges to use alternative sanctions before using secure detention; creates position of alternative sanctions coordinator to assist juvenile judges in each circuit develop alternative sanctions in the community.

Pre-Hearing Detention—Criteria

- Expands pre-hearing detention criteria to include all third-degree felonies, provided that one of five current qualifiers is met (record of failure to appear, record of violations pending a hearing, record of violent conduct resulting in injury to others, possession of a firearm during the offense, released pending commitment placement).

Post-Adjudication Detention—15-day rule

- Effective October 1, 1994, authorizes unlimited detention pending placement of a juvenile offender committed to a high risk residential program (Level VIII, such as a training school or boot camp).
- Effective July 1, 1995, authorizes unlimited detention pending placement of juvenile offenders committed to a maximum risk program (Level X, such as a serious or habitual offender program).
- Effective July 1, 1995, authorizes unlimited home detention and electronic monitoring pending placement of juvenile offenders committed to any residential program.

Miscellaneous

- Restricts use of television in detention centers except for purposes of education or as a reward for good behavior; permits the detention superintendent to determine policy.
- Authorizes use of secure detention (when a respite home is not available) for a juvenile charged with domestic violence who does not otherwise meet detention criteria.

Parental Responsibility

- Requires the court to order parents or guardians to pay fees equal to actual cost of detention or commitment; permits the court to reduce or waive fees if the parent is unable to pay, if the parent was a victim, or if the parent made a good faith effort to prevent the delinquent act.
- Authorizes the court to garnish a portion of a parent's AFDC or public assistance dollars to offset the costs of delinquency services.
- Deletes the \$2,500 limit on parental liability for restitution.
- Requires Department of Juvenile Justice to notify sheriffs at prior and new addresses upon relocation of a violent juvenile offender who is under the Department's supervision.

Authority of Juvenile Judges

- Requires court approval prior to temporary release of a juvenile offender for more than 3 days.

Prosecution of Juveniles as Adults

- Effective January 1, 1995, provides for prosecution as an adult of a 14 or 15 year old charged with a specified serious felony.
- Effective January 1, 1995, mandates that state attorneys prosecute as adults juveniles of any age who have three prior felony adjudications and three prior residential commitments.
- Authorizes RICO prosecution of criminal street gangs; specifies that "criminal street gang activity" includes delinquent acts and violations of law.

Diversions

- Provides for establishment of juvenile assessment centers.
- Enhances and encourages diversion programs including civil citation, teen court, prison tours, and counseling.

Commitment Programs

Boot Camps

- Establishes low risk boot camps (Level IV) for less serious juvenile offenders, with a 2-month residential program and at least 2 months of aftercare.
- Requires 4-month minimum residential program and 4 months of aftercare for moderate and high risk boot camps; authorizes boot camps to have two residential phases.
- Modifies boot camp eligibility criteria by prohibiting placement of violent first degree juvenile offenders in boot camps and by permitting placement of juvenile offenders charged with third degree felonies.
- Establishes minimum standards for boot camp instructor training.

Programs

- Effective January 1, 1995, establishes a maximum risk residential commitment program (Level X) for serious or habitual juvenile offenders with lengths of stay from 18 months to 3 years.
- Establishes an accelerated commitment plan for Early Delinquency Prevention Program participants.
- States legislative intent that aftercare be provided to all juveniles released from residential programs.
- Creates the Alternative Education Institute charged with establishing alternative education programs in residential school facilities for juvenile offenders.

- Directs the Department of Juvenile Justice, together with the Department of Education and the Department of Labor and Employment Security, to study development and implementation of a job education and training program.

Juvenile Records

- Authorizes law enforcement officers to release for publication the name, photograph, and other identifying information of a juvenile of any age charged with a felony offense or found to have committed three misdemeanors.
- Extends to age 24 (or age 26 if a serious or habitual juvenile offender) the length of time juvenile records are retained by the court; provides for merger of juvenile record into adult record upon subsequent conviction as an adult.
- Authorizes the Department of Law Enforcement to expand its criminal history database to include juvenile criminal records.

Local Option Curfew

- Authorizes local governments to establish curfews and sets model guidelines.

Revenues

- CS for SB 2016 creates the *Save the Children* license plate with a \$20 user fee; provides that funds will be allocated according to each county's proportionate share of fees collected and that funds will be used for programs and services designed to prevent juvenile delinquency, based on recommendations by the county juvenile justice councils.
- Provides for fifty-cent surcharge on auto tags with proceeds appropriated to addictions receiving facilities, crisis stabilization units and community partnership grants.

Education

Dropout Prevention

- Aligns dropout prevention programs with Blueprint 2000 to give schools more control over these programs.

After-school Programs

- Provides for after-school programs.

Suspension and Expulsion

- Permits school districts to honor expulsion orders of other districts.
- Requires the Department of Education to conduct a study on the relation of suspensions and expulsions to juvenile crime.

Character Development

- Permits school districts to include character development criteria in the curricula of each school.

Goal 1

- Requires interagency coordination between HRS and the school districts to meet the first state education goal.
- Focuses existing infrastructure of early education and child care programs on preparing children for school.

Parents

- Permits parents to be accompanied by adult of their choice at meetings with school district personnel.

Truancy

- Expedites process for identifying and providing services to habitual truants.

Exceptional Education

- Requires teacher training in exceptional student education.

Notification to School Superintendent

- Requires law enforcement to notify the superintendent when a school employee is arrested for abuse of a minor or for sale of a controlled substance.

- Requires law enforcement and the courts to notify the superintendent and the superintendent to notify the principal and teachers when a student is taken into custody for a felony offense.

Other Task Forces and Reports

- Establishes a task force on federal funds to optimize federal funding participation.
- Establishes a juvenile sex offender and victim task force.
- Requires JLMC Economic and Demographic Research Division to study the feasibility of a statutory schedule for assessing parental fees.
- Requires the Advisory Council on Intergovernmental Relations to study the impact on local governments of direct file provisions.

Conference Committee Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Effective upon this act becoming a law, section 20.316, Florida Statutes, is created to read:

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

(1) SECRETARY OF JUVENILE JUSTICE.—

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

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

(c) The Secretary of Juvenile Justice shall:

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

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

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

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

5. Develop budget and resource allocation methodologies and strategies.

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

7. Develop funding sources external to state government.

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

9. Enter into contracts.

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

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

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

- (a) Division of Prevention and Intervention.
- (b) Division of Detention and Commitment.

(4) SERVICE DISTRICTS.—The department shall plan and administer its programs through service districts and subdistricts composed of the following counties:

- District 1.—Escambia, Santa Rosa, Okaloosa, and Walton Counties;
- District 2, Subdistrict A.—Holmes, Washington, Bay, Jackson, Calhoun, and Gulf Counties;
- District 2, Subdistrict B.—Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, and Taylor Counties;
- District 3.—Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and Alachua Counties;
- District 4.—Baker, Nassau, Duval, Clay, and St. Johns Counties;
- District 5.—Pasco and Pinellas Counties;
- District 6.—Hillsborough and Manatee Counties;
- District 7, Subdistrict A.—Seminole, Orange, and Osceola Counties;
- District 7, Subdistrict B.—Brevard County;
- District 8, Subdistrict A.—Sarasota and DeSoto Counties;
- District 8, Subdistrict B.—Charlotte, Lee, Glades, Hendry, and Collier Counties;
- District 9.—Palm Beach County;
- District 10.—Broward County;
- District 11, Subdistrict A.—Dade County;
- District 11, Subdistrict B.—Monroe County;
- District 12.—Flagler and Volusia Counties;
- District 13.—Marion, Citrus, Hernando, Sumter, and Lake Counties;
- District 14.—Polk, Hardee, and Highlands Counties; and
- District 15.—Indian River, Okeechobee, St. Lucie, and Martin Counties.

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

- Northwest Region.—Districts 1 and 2.
- Northeast Region.—Districts 3, 4, 12, and 13.
- Eastern Region.—Districts 7, 9, and 15.
- Western Region.—Districts 5, 6, 8, and 14.
- Southern Region.—Districts 10 and 11.

(6) INFORMATION SYSTEMS.—

(a) The secretary shall implement a priority program aimed at the design, testing, and integration of automated information systems necessary for effective and efficient management of the department. These systems shall contain, at a minimum, management data, offender data, and program data deemed essential for the ongoing administration of juvenile justice programs, as well as for the purpose of management decisions. It is the intent of the Legislature that these systems be developed with the idea of providing maximum administrative support to program operations. It is also essential that these systems comply with federal program requirements and ensure confidentiality of client information.

(b) For the purpose of funding this effort, the department shall include in its annual budget request a comprehensive summary of costs involved, as well as manpower saved, in the establishment of these auto-

ated systems. This budget request must also include a complete inventory of current staff, equipment, and facility resources available for completion of the desired systems. The department shall review all forms for duplicative content and, to the maximum extent possible, reduce, consolidate, and eliminate such duplication to provide for a uniform and concise information-collection system.

Section 2. Effective upon this act becoming a law, the Secretary of Juvenile Justice shall appoint an Assistant Secretary for Reorganization for the Department of Juvenile Justice who shall be appointed to serve until June 30, 1995. The Assistant Secretary for Reorganization shall be located, for administrative purposes, within the Department of Health and Rehabilitative Services.

Section 3. (1) Effective October 1, 1994, all powers, duties, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Deputy Secretary for Juvenile Justice Programs of the Department of Health and Rehabilitative Services are transferred by a type four transfer, as defined in section 20.06, Florida Statutes, to the Department of Juvenile Justice, as created by this act.

(2)(a) Effective October 1, 1994, the following funds and positions are transferred to the Department of Juvenile Justice:

1. The unexpended balances of \$4,838,761 from the General Revenue Fund and \$70,745 from trust funds from appropriate budget entities supporting administrative infrastructure for juvenile justice programs and functions within the Department of Health and Rehabilitative Services, as identified in the department's Indirect Cost Allocation Plan submitted to the Federal Government.

2. A total of 110 positions within the Department of Health and Rehabilitative Services.

(b) The Department of Health and Rehabilitative Services shall transfer all tangible property; office furnishings and supplies; leases of the department and leases of state lands by the Department of Environmental Protection which are used for juvenile justice purposes; pro rata shares of fixed capital funds for centrally managed projects, acquisition of motor vehicles, and operating capital outlay for the 1994-1995 fiscal year to the Department of Juvenile Justice.

(c) Pursuant to section 216.181(9)(a), Florida Statutes, the Executive Office of the Governor may provide for flexibility in salary rates which is necessary to support the Department of Juvenile Justice, and may establish positions at a rate in excess of 10 percent above the minimum, to the extent annualized moneys for salaries are available.

(d) By September 1, 1994, the Assistant Secretary for Reorganization shall prescribe a schedule of transition activities and functions with respect to the creation of the Department of Juvenile Justice. The schedule must address, at a minimum, building leases, information support systems, cash ownership and transfer, administrative support functions, inventory and transfers of equipment and structures, expenditure transfers, budget authority and positions, and certifications forward.

(e) The Department of Health and Rehabilitative Services must provide administrative support for juvenile justice programs and staff until October 1, 1994.

(f) This subsection shall take effect upon becoming a law.

(3) All administrative rules of the Deputy Secretary for Juvenile Justice Programs of the Department of Health and Rehabilitative Services which are in effect on September 30, 1994, shall remain in effect as rules of the Department of Juvenile Justice until they are specifically changed in the manner provided by law.

(4) This act does not affect the validity of any judicial or administrative proceeding pending on September 30, 1994, and the Department of Juvenile Justice is substituted as a real party in interest with respect to any proceeding pending on that date which involves the juvenile justice programs of the Department of Health and Rehabilitative Services.

Section 4. Juvenile Justice Advisory Board.—

(1) The Juvenile Justice Advisory Board shall be composed of 9 members. Members of the board shall have direct experience and a strong interest in juvenile justice issues. The board shall consist of:

(a) Seven members appointed by the Governor.

(b) One member appointed by the President of the Senate.

(c) One member appointed by the Speaker of the House of Representatives.

(2) Each appointment shall be for a 3-year term, except that, of the initial appointments, three members shall be appointed to a 1-year term, three members shall be appointed to a 2-year term, and three members shall be appointed to a 3-year term. The initial appointments of the President of the Senate and the Speaker of the House of Representatives shall be for a 3-year term. A member is not eligible for appointment to more than two full, consecutive terms. A vacancy on the board shall be filled within 60 days after the date on which the vacancy occurs, and the appointment shall be for the remainder of the unexpired term. The board shall annually select a chairperson from among its members. The board shall meet at least once each quarter. A member may not authorize a designee to attend a meeting of the board in place of the member. Failure by a member to attend two regularly scheduled and consecutive meetings of the board creates a vacancy on the board unless the member is excused by the chairperson.

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

(b) The board shall appoint a staff director and other personnel who are exempt from part II of chapter 110, Florida Statutes, relating to the Career Service System.

(c) The board is assigned, for administrative purposes, to the Executive Office of the Governor. The Executive Office of the Governor and each state agency shall provide assistance when requested by the board. The board shall develop a budget pursuant to chapter 216, Florida Statutes. The budget shall be submitted directly to the Governor.

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

(4) The board shall:

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

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

(c) Monitor all activities of the executive and judicial branch and their effectiveness in implementing policies pursuant to parts II and IV of chapter 39, Florida Statutes.

(d) Establish and operate a comprehensive system to annually measure and report program outcome and effectiveness for each program operated by the Department of Juvenile Justice or operated by a provider under contract with the department. The board shall use its evaluation to make recommendations to the department and report to the Legislature concerning the effectiveness and future funding priorities of juvenile justice programs. The evaluation shall be advisory only.

(e) Advise the Department of Juvenile Justice, the President of the Senate, the Speaker of the House of Representatives, and the Governor on matters relating to parts II and IV of chapter 39, Florida Statutes. The board shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, and the Governor, by no later than December 15 of each calendar year, summarizing the activities and reports of the board for the preceding year, and any recommendations of the board for the following year.

(f) Serve as a clearinghouse to provide information and assistance to the district juvenile justice boards and county juvenile justice councils.

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

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

(i) Contract for consultants as necessary and appropriate, within the limits of specific appropriations.

(j) Conduct such other activities as the board may determine are necessary and appropriate to monitor the effectiveness of the delivery of juvenile justice programs and services under parts II and IV of chapter 39, Florida Statutes.

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

Section 5. All positions, unexpended balances of appropriations, materials, files, records, data, equipment, and supplies of the Commission on Juvenile Justice are transferred by a type three transfer, as defined in section 20.06, Florida Statutes, to the Juvenile Justice Advisory Board, as created by this act.

Section 6. The Juvenile Justice Advisory Board shall study the feasibility of transferring the programs and duties of the Assistant Secretary for Youthful Offenders within the Department of Corrections to the Department of Juvenile Justice. The board's review shall include, but is not limited to: legal and statutory requirements and considerations related to overcrowding and medical standards; jurisdictional and sentencing guidelines; gain-time and early release mechanisms; personnel standards and training and risk categories; data systems and records; security; classification and transfers; victim restitution; rehabilitation and educational programs; community supervision; transportation; due process and equal protection; sentencing; and other relevant matters. For purposes of the review, the board shall consult with judges, state attorneys, public defenders, personnel of the Department of Corrections, law enforcement personnel, education professionals, employment and job training professionals, citizen groups, and other interested persons. The board shall submit a recommendation to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 1995.

Section 7. Section 20.19, Florida Statutes, is amended to read:

20.19 Department of Health and Rehabilitative Services.—There is created a Department of Health and Rehabilitative Services.

(1) PURPOSE.—

(a) The purposes of the Department of Health and Rehabilitative Services are to deliver, or provide for the delivery of, all health, social, and rehabilitative services offered by the state through the department to its citizens and include, but are not limited to:

1. Cooperating with other state and local agencies in integrating the delivery of all health, social, and rehabilitative services offered by the state to those citizens in need of assistance.

2. Providing such assistance as is authorized to all eligible clients in order that they might achieve or maintain economic self-support and self-sufficiency to prevent, reduce, or eliminate dependency.

3. Preventing or remedying the neglect, abuse, or exploitation of children and of adults unable to protect their own interests.

~~4. Preventing the causes of juvenile delinquency, and cooperating with other units of state and local government and other public and private entities to develop a comprehensive, community-based continuum of programs and services for children in need of services, families in need of services, and delinquent children and their families.~~

4.5. Aiding in the preservation, rehabilitation, and reuniting of families.

5.6. Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care.

6.7. Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions when necessary.

7.8. Preventing the occurrence and spread of communicable diseases and other physical and mental diseases and disabilities to the maximum degree possible.

8.9. Conducting public health surveillance and investigative activities to protect citizens and visitors in the state from environmentally related disease.

9.10. Promoting the maintenance and improvement of health and mental health.

10.11. Disseminating health information to the public with recommendations for self-help aimed at the prevention of disease and the maintenance and improvement of the health of all residents of and visitors in this state.

11.12. Providing preventive and primary health care services through county public health units to ensure access to such services to facilitate a healthy start for children and to help prevent long-term disabling conditions.

12.13. Planning and developing health resources to assure effective and efficient delivery of high quality health services fully accessible to all citizens.

13.14. Paying for health care and medical care in the most reasonably expeditious fashion while promoting cost-effectiveness, quality, and patient dignity in those medical payment programs authorized by the Legislature.

14.15. Participating as a partner in community efforts to improve schools, promote school safety, prevent juvenile crime, and support families through collaborative efforts and information sharing among the partners to the fullest extent authorized by law.

15. *Reducing out-of-wedlock births and teenage pregnancies. The department shall report to the Governor and the Legislature at least once every 2 years on its activities, programs, and recommendations intended to accomplish the purposes of this subparagraph.*

(b) In fulfillment of these purposes, the department shall create a 5-year strategic plan which reflects broad societal outcomes, sets forth a broad framework within which the district plans are developed, and establishes a set of measurable goals and objectives and operational performance standards.

(c) The secretary, deputy secretaries, district administrators, and assistant secretaries are authorized to appoint ad hoc advisory committees when necessary. The problem or issue that an ad hoc committee is asked to address, and the timeframe within which the committee is to complete its work, shall be specified at the time of the initial appointment of the committee. Such ad hoc advisory committees shall include representatives of individuals, groups, associations, or institutions that may be affected by the issue or problem that the ad hoc advisory committee is asked to examine. Members of ad hoc advisory committees shall receive no compensation, but may, within existing resources of the department, be reimbursed for travel expenses as provided for in s. 112.061. The department may adopt a rule which establishes the general operating procedures for any ad hoc advisory committees that may be created pursuant to this paragraph.

(2) SECRETARY OF HEALTH AND REHABILITATIVE SERVICES; DEPUTY SECRETARY.—

(a) The head of the department is the Secretary of Health and Rehabilitative Services. The secretary is appointed by the Governor subject to confirmation by the Senate. The secretary serves at the pleasure of the Governor.

(b) The secretary shall appoint a deputy secretary who shall act in the absence of the secretary. The deputy secretary is directly responsible to the secretary, performs such duties as are assigned to him by the secretary, and serves at the pleasure of the secretary.

(c) In accordance with the provisions of s. 20.055, the chief internal auditor reports directly to the secretary.

(d) There is created under the Secretary of Health and Rehabilitative Services the Office of Evaluation. The Office of Evaluation has the following responsibilities:

1. Technical support and coordinated management of the department's outcome evaluation and program effectiveness efforts within each program office.

2. Development of policies and procedures to ensure the validity, reliability, and utility of the department's evaluations.

3. Ensuring the integrity and quality of program evaluations conducted by the department.

4. Development of procedures for the competitive procurement of external evaluations, including detailed specifications for all evaluation contracts.

5. Development of the budget for the department's evaluation efforts and identification of future evaluation needs, including infrastructure needs to support the outcome evaluation function.

6. Such other duties relating to evaluation as may be assigned to the Office of Evaluation by the secretary.

(e) The secretary shall ensure the establishment of statewide needs assessment methodologies for all departmental client service programs, to be applied uniformly across the state in order to identify the total statewide need for each service and ensure comparability of data from one service district or one commitment region to another. As appropriate, these methodologies shall include health, economic, and sociodemographic indicators of need and shall ensure the use of uniform waiting list criteria.

(f) The secretary has the authority and responsibility to ensure that the purpose of the department is fulfilled in accordance with state and federal laws, rules, and regulations.

(g) In addition to his other duties, the secretary is responsible for evaluation, departmental legal services, inspector general, and internal audit functions. The secretary may assign performance of evaluation functions or departmental legal services to any appropriate unit within the department but shall maintain internal auditing as the secretary's responsibility.

(h) The secretary may establish regional processing centers to provide selected administrative functions designed to support multiple districts. These offices may not have line authority over district offices and may not be interposed between district management and the secretary. These offices may be created, consolidated, restructured, or rearranged by the secretary, within the limitations provided for in chapter 216, in order to achieve more effective and efficient performance of service delivery and support functions to multiple districts. In the establishment of any administrative processing centers pursuant to this paragraph, the department is directed to avoid consolidation of functions that support service-delivery decisionmaking such as budgetary functions; discretionary decisions regarding procurement of goods and services; and decisions regarding recruitment, hiring, and evaluation of staff. This paragraph does not restrict local decisionmaking by supervisors or managers regarding discretionary functions. Any consolidation of administrative functions under this paragraph shall be designed to minimize any adverse impact on service districts or institutions.

(3) DEPUTY SECRETARY FOR HEALTH.—The secretary shall appoint a Deputy Secretary for Health who is the State Health Officer and serves at the pleasure of, and is directly responsible to, the secretary. The Deputy Secretary for Health is responsible for all programs, activities, and functions of the department relating to public health matters, including environmental health. The State Health Officer is responsible for declaring public health emergencies and issuing public health advisories. The State Health Officer must be a physician licensed under chapter 458 or chapter 459 who has specialized training or experience in public health programming and administration.

(a) The Deputy Secretary for Health has the following responsibilities:

1. Ensuring that public health programs are implemented according to legislative intent and as provided in state and federal laws, rules, and regulations.

2. Program planning and interprogram planning and development.

3. Departmental health planning and health statistics and information functions.

4. Ensuring that county public health units plan with schools for the development of supplemental school health programs to meet the needs of children and their families.

5. Reviewing, monitoring, and ensuring compliance with statewide program standards and performance objectives.

6. Conducting outcome evaluations and ensuring program effectiveness.

7. Monitoring district spending plans as they relate to public health.

8. Issuing any health advisory which is intended to warn the public of any situation that is potentially hazardous to public health and to protect the health and safety of the public.

9. Other duties as are assigned to him by the secretary.

(b) The secretary may appoint assistant health officers, as deemed appropriate, to assist the State Health Officer, at the request of the State Health Officer. Each assistant health officer serves at the pleasure of the secretary and is directly responsible to the State Health Officer. The offices of the assistant health officers shall operate in a staff capacity to the State Health Officer, and the responsibilities of the offices include needs identification, program and service monitoring, and technical assistance to the State Health Officer.

(c) State health institutions are managed as components of continuums of care. To that end, it is the intent of the Legislature that institutional resources and community-based resources be managed in a coordinated and flexible manner to facilitate maximum development of community-based continuums of care and minimum use of institutional services. Further, it is the intent of the Legislature that budget management of state health institutions include mechanisms to transfer institutional funds to service districts in order to successfully reduce the use by each district of its share of institutional resources.

(d) Prior to issuing any health advisory, the State Health Officer must consult with any state or local agency the areas of responsibility of which may be affected by such advisory. Upon determining that issuing a health advisory is necessary to protect the public health and safety, and prior to issuing the advisory, the State Health Officer must notify each county public health unit within the area which is affected by the advisory of his intent to issue the advisory. The State Health Officer is authorized to take any action appropriate to enforce any health advisory.

(e) The department may establish within existing resources an Office of Health Promotion and Wellness to be directed by the Assistant Health Officer for Health Promotion and Wellness, who shall report to the State Health Officer.

(f) The department may establish with existing resources the Office of Public Health Policy and Research to be supervised by the Assistant Health Officer for Public Health Policy and Research, who shall report directly to the State Health Officer. The assistant health officer shall direct all public health information systems, public health planning, public health research, and public health policy analysis activities administered by the State Health Office. The office shall seek constructive solutions to statewide public health problems and encourage the efficient and effective delivery of public health services. It shall assist in forming public health policies by coordinating, sponsoring, and conducting research on major public health issues; developing, implementing, and managing public health information systems, including the vital statistics system; and conducting analyses of public health policy issues, including manpower, cost, health status, environmental, family health, disease control, and health promotion issues. The office shall assist in developing model public health programs, including health promotion programs; secure grant funds to support the testing of model and innovative public health programs; and evaluate public health program impacts and client outcomes. The office shall produce periodic public health reports and comprehensive public health plans.

(4) ~~DEPUTY SECRETARY FOR JUVENILE JUSTICE PROGRAMS.~~ The secretary shall appoint a Deputy Secretary for Juvenile Justice Programs who serves at the pleasure of, and is directly responsible to, the secretary. At the time of appointment, the Deputy Secretary for Juvenile Justice Programs must have earned from an accredited institution a graduate degree in social sciences, education, law, or a related field, and must have no less than 10 years of professional or administrative experience in work related to delinquent children. The Deputy Secretary for Juvenile Justice Programs is responsible for planning, coordinating, and managing the delivery of all programs and services within the juvenile justice continuum. For purposes of this section, unless a contrary meaning is clearly indicated, the term "juvenile justice continuum" means

~~all children in need of services programs, families in need of services programs, other prevention, early intervention, and diversion programs, detention centers, and related programs and facilities, community-based residential and nonresidential commitment programs, and delinquency institutions provided or funded by the department. The Deputy Secretary for Juvenile Justice Programs shall have line authority over all departmental employees engaged in directly providing or managing the delivery of juvenile justice continuum programs and services offered by the department, including the management of institutions and residential treatment programs.~~

~~(a) The Deputy Secretary for Juvenile Justice Programs has the following responsibilities:~~

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

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

~~3. Program research, development, and planning.~~

~~4. Developing staffing and workload standards, staff development, and training.~~

~~5. Developing budget and resource allocation methodologies and strategies.~~

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

~~7. Developing funding sources external to state government.~~

~~8. Obtaining, approving, monitoring, and coordinating research and program development grants.~~

~~9. Conducting outcome evaluations and ensuring program effectiveness.~~

~~10. Entering contracts.~~

~~(b) The Deputy Secretary for Juvenile Justice Programs is responsible for and has line authority over the management of all institutions, detention centers, community-based residential and nonresidential commitment programs, aftercare and reentry services, children in need of services programs, families in need of services programs, and prevention and diversion programs within the juvenile justice continuum of the state. Specific responsibilities of the deputy secretary with respect to the management of juvenile justice continuum institutions, detention centers, and residential programs include, but are not limited to, appointing superintendents of institutions and detention centers and ensuring that the operation of those facilities complies with federal and state laws, rules, and regulations, and departmental policies.~~

~~(c)1. The Delinquency Services Program Office is renamed the Juvenile Justice Program Office, to be headed by the Assistant Secretary for Juvenile Justice Programs whose responsibilities include, but are not limited to:~~

~~a. Establishment of program standards and performance objectives.~~

~~b. Development of program policies and rules, and provision of policy interpretations in order to achieve statewide consistency.~~

~~c. The review and monitoring of programs and the provision of technical assistance to programs in order to ensure compliance and accountability with statewide program standards, performance objectives, and state and federal laws, rules, and regulations.~~

~~d. Ensuring that the commitment resources of each region are utilized efficiently and equitably through the appointment of a coordinator of commitment resources for each region.~~

e. Advocating quality programs and services for the state's juvenile justice continuum which protect public safety, divert children from lives of crime, and encourage children to become productive members of society.

f. Outcome evaluation and program effectiveness.

g. Development of staffing and workload standards.

h. Development of budget and resource allocation methodologies and strategies.

i. Compilation of reports, analyses, and assessments of client needs and services on a statewide basis.

j. Staff development and training.

k. General statewide supervision of the administration of service programs.

1. Any other program planning and development duties assigned by the Deputy Secretary for Juvenile Justice Programs or the secretary.

2. Juvenile justice institutions are managed as components of the juvenile justice continuum of care. To that end, it is the intent of the Legislature that institutional resources and community-based resources be managed by the program office in a coordinated and flexible manner to facilitate maximum development of the community-based continuum of care and minimum use of institutional services. Further, it is the intent of the Legislature that the deputy secretary require the development and implementation of budget mechanisms which allow the eventual transfer of institutional appropriations to commitment regions or service districts that are successful in reducing utilization of their allocation of institutional resources as a result of their efforts to develop alternative community-based programs and services. Each juvenile justice institution must have an advisory board that includes representatives selected by each region served by that institution. The advisory board shall assist in policy development, participate in the institution's quality assurance process, and coordinate the delivery of services provided by the community and the institution.

(d) The assistant secretary shall periodically review the needs in each commitment region with each district juvenile justice manager in the region; the superintendent of each level VIII commitment program that provides services to juveniles from the region; providers of level VI commitment program services within the region; providers of level IV commitment program services within the region; providers of aftercare or reentry services within the region; providers of level II commitment program services; providers of children in need of services program services; providers of families in need of services program services; and the district administrator from each service district within the region. The responsibilities of the assistant secretary in periodically reviewing the commitment regions include, but are not limited to:

1. Establishing regional goals and objectives consistent with statewide policy parameters.

2. Conducting regional needs assessments using methodologies consistent with those established by the secretary pursuant to paragraph (2)(e).

3. Advising on the development of a regional service delivery plan that:

a. Identifies current resources and services available.

b. Identifies unmet needs and gaps in services.

c. Establishes service and funding priorities.

d. Recommends new services or deletion of existing services.

4. Ensuring that the resources of the juvenile justice continuum within the region are shared equitably and utilized efficiently.

5. Ensuring that differences between district and circuit boundaries do not impede the efficient and effective implementation and operation of juvenile justice continuum programs and services within the region.

6. Providing a forum for the presentation, discussion, and resolution of programming or operational issues within the region.

7. Providing a forum for the presentation and discussion of complaints and recommendations by judges, state attorneys, public defend-

ers, school boards, sheriffs, chiefs of police, and others within the region concerning the continuum of juvenile justice programs and services funded or operated by the department.

(e) There is created in each district the position of district juvenile justice manager which is exempt from the career service system established in part II of chapter 110. The Deputy Secretary for Juvenile Justice Programs appoints a juvenile justice manager in each district, who serves at the pleasure of and is directly responsible to the deputy secretary. The district juvenile justice manager has direct line authority over all juvenile justice continuum programs and services assigned to the service district. The responsibilities of the district juvenile justice manager include, but are not limited to:

1. Ensuring that the juvenile justice continuum programs in the district are administered in conformity with state and federal laws, rules, and regulations; local, regional, and statewide service plans; and all other policies, procedures, and guidelines established by the secretary or the Deputy Secretary for Juvenile Justice Programs.

2. Administering the juvenile justice continuum programs of the district and managing the personnel and facilities associated with those programs which serve in the district.

3. Applying standard information and standard referral, intake, diagnostic, evaluation, and case management procedures established by the Deputy Secretary for Juvenile Justice Programs.

4. Coordinating the juvenile justice continuum services provided by the department with those of other public and private agencies providing health, social, educational, and rehabilitative services to the same children and their families within the district.

5. Establishing such policies and procedures as are required to discharge the duties of the district juvenile justice manager and to implement and conform the policies, procedures, and guidelines established by the department to the needs of the district.

6. Providing to each chief judge and juvenile division judge, state attorney, public defender, sheriff or other chief law enforcement officer, school board, and contract provider written notification of the name of the single person responsible for the efficient management of all juvenile justice continuum programs and services in each county of the district.

7. Assisting in the establishment and operation of the district juvenile justice board established in s. 39.025(6).

(4)(5) DEPUTY SECRETARY FOR HUMAN SERVICES.—The secretary shall appoint a Deputy Secretary for Human Services who serves at the pleasure of, and is directly responsible to, the secretary. The secretary shall appoint an Assistant Deputy Secretary for Human Services who serves at the pleasure of the secretary and is directly responsible to the Deputy Secretary for Human Services.

(a) Except as otherwise provided in this section, the Deputy Secretary for Human Services has the following responsibilities:

1. Ensuring that human services programs are implemented according to legislative intent and as provided in state and federal laws, rules, and regulations.

2. Program planning, interprogram planning, and development.

3. Reviewing, monitoring, and ensuring compliance with statewide goals, objectives, and operational performance standards.

4. Conducting outcome evaluations and ensuring program effectiveness.

5. Monitoring of district human services programs and spending plans.

6. Interprogram policy development, short-term and long-term planning, standards setting, monitoring, quality control, staff development, training, and technical assistance.

7. Ensuring the continued interagency collaboration with the Department of Education for the development and integration of effective programs to serve children and their families.

8. Ensuring the development and implementation of a client-oriented, case management system in the service programs of the department.

9. Other duties as are assigned to him by the secretary.

(b)1. Program offices operate in a staff capacity to the Deputy Secretary for Human Services. Each program office is headed by an assistant secretary who is appointed by, and serves at the pleasure of, the secretary and is directly responsible to the Deputy Secretary for Human Services. The Assistant Secretary for Children's Medical Services is responsible for all programs, activities, and functions of the department relating to all children's medical services programs operated by the department. The Assistant Secretary for Children's Medical Services must be a physician licensed under chapter 458 or chapter 459, and must have specialized training and experience in child health as defined in s. 391.051. The secretary shall appoint a Deputy Assistant Secretary for Alcohol and Drug Abuse and a Deputy Assistant Secretary for Mental Health, who both report directly to the Assistant Secretary for Alcohol, Drug Abuse, and Mental Health. The Deputy Secretary for Human Services shall delegate to the program offices the following responsibilities, which include, but are not limited to:

- a. Establishment of program standards and performance objectives.
- b. Development of program policies and rules, and provision of policy interpretations in order to achieve statewide consistency.
- c. The review and monitoring of programs and the provision of technical assistance to programs in order to ensure compliance and accountability with statewide program standards, performance objectives, and state and federal laws, rules, and regulations.
- d. Outcome evaluation and program effectiveness.
- e. Development of staffing and workload standards.
- f. Development of budget and resource allocation methodologies and strategies.
- g. Compilation of reports, analyses, and assessments of client needs and services on a statewide basis.
- h. Staff development and training.
- i. General statewide supervision of the administration of service programs.
- j. Any other program planning and development duties assigned by the secretary.

2. The following program offices are established and may be consolidated, restructured, or rearranged by the secretary; provided any such consolidation, restructuring, or rearranging is for the purpose of encouraging service integration through more effective and efficient performance of the program offices or parts thereof:

a. Child Support Enforcement Program Office.—The responsibilities of this program office encompass the administration of the child support enforcement program established in Title IV-D of the Social Security Act, 42 U.S.C. s. 1302, in accordance with the provisions of ss. 409.2551-409.2597.

b. Children's Medical Services Program Office.—The responsibilities of this office encompass all children's medical services programs operated by the department.

c. Economic Services Program Office.—The responsibilities of this office encompass all income support programs within the department, such as aid to families with dependent children (AFDC), food stamps, and state supplementation of the supplemental security income (SSI) program.

d. Developmental Services Program Office.—The responsibilities of this office encompass programs operated by the department for developmentally disabled persons. Developmental disabilities include any disability defined in s. 393.063.

~~e. Medicaid Program Office.—The responsibilities of this office include planning and development of policies and programs, program and provider monitoring, provider relations, interprogram planning, and program surveillance and utilization review.~~

e.f. Aging and Adult Services Program Office.—The responsibilities of this office encompass all aging and adult programs operated by the department, including SSI-related program eligibility determinations.

f.g. Children and Families Program Office.—The responsibilities of this program office encompass intake services for protective investigation services for abandoned, abused, and neglected children; interstate compact on the placement of children programs; children's protective services; adoption; child care; foster care programs; specialized services to families; and programs serving children through the Menninger Foundation, including the CHARLEE Program.

g.h. Alcohol, Drug Abuse, and Mental Health Program Office.—The responsibilities of this office encompass all alcohol, drug abuse, and mental health programs operated by the department. In addition, the responsibility for adult forensic programs and children's mental health programs and services, except programs serving children through the Menninger Foundation, including the CHARLEE Program, the Eckerd Family Youth Alternatives, Inc., and the Elaine Gordon Treatment Center, shall be located within this office.

3. State institutions, other than health institutions, are managed as components of related continuums of care. To that end, it is the intent of the Legislature that institutional resources and community-based resources be managed in a coordinated and flexible manner to facilitate maximum development of community-based continuums of care and minimum use of institutional services. Further, it is the intent of the Legislature that budget management of state institutions include mechanisms to transfer institutional funds to service districts in order to successfully reduce the use by the district of its share of institutional resources. Each civil mental health and developmental services institution must have an advisory board that includes representatives selected by each district served by that institution. The advisory board shall assist in policy development, participate in the institution's quality assurance process, and coordinate the delivery of services provided by the community and the institution.

(5)(6) DEPUTY SECRETARY FOR ADMINISTRATION.—

(a) The secretary shall appoint a Deputy Secretary for Administration who serves at the pleasure of, and is directly responsible to, the secretary. The Deputy Secretary for Administration is responsible for:

- 1. Supervising all of the budget management activities of the department and serving as the chief budget officer of the department.
- 2. Providing administrative and management support services above the district level.
- 3. Monitoring administrative and management support services in the districts.
- 4. Developing and implementing uniform policies, procedures, and guidelines with respect to personnel administration, finance and accounting, budget, grants management and disbursement, contract administration, procurement, information and communications systems, management evaluation and improvement, and general services, including housekeeping, maintenance, and leasing of facilities.
- 5. Performing such other administrative duties as are assigned to him by the secretary.

(b) The Deputy Secretary for Administration may establish regional administration centers to manage those administrative functions which can be managed at a regional level more efficiently and cost effectively than at the district level.

(c) If reductions in a district's operating budget become necessary during any fiscal year, the department shall develop a formula to be used in its recommendations to the Governor and Legislature which equitably treats counties that have voluntarily appropriated funds to department programs and does not disproportionately reduce a district's operating budget because of such county appropriations.

(6)(7)(a) Service districts.—The department shall plan and administer its programs of health, social, and rehabilitative services through service districts and subdistricts composed of the following counties:

- District 1.—Escambia, Santa Rosa, Okaloosa, and Walton Counties;
- District 2, Subdistrict A.—Holmes, Washington, Bay, Jackson, Calhoun, and Gulf Counties;
- District 2, Subdistrict B.—Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, and Taylor Counties;

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

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

District 5.—Pasco and Pinellas Counties;

District 6.—Hillsborough and Manatee Counties;

District 7, Subdistrict A.—Seminole, Orange, and Osceola Counties;

District 7, Subdistrict B.—Brevard County;

District 8, Subdistrict A.—Sarasota and DeSoto Counties;

District 8, Subdistrict B.—Charlotte, Lee, Glades, Hendry, and Collier Counties;

District 9.—Palm Beach County;

District 10.—Broward County;

District 11, Subdistrict A.—Dade County;

District 11, Subdistrict B.—Monroe County;

District 12.—Flagler and Volusia Counties;

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

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

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

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

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

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

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

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

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

~~(7)(8) HEALTH AND HUMAN SERVICES BOARDS.—~~

~~(a) There is created a health and human services board in each service district or subdistrict. The initial membership and the authority to appoint the members shall be allocated among the counties of each district or subdistrict as follows:~~

~~1. District 1 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Escambia County, 6 members; Okaloosa County, 3 members; Santa Rosa County, 2 members; and Walton County, 1 member.~~

~~2. District 2 has a board composed of 23 members, with 5 at-large members to be appointed by the Governor, and 18 members to be appointed by the boards of county commissioners in the respective counties, as follows: Holmes County, 1 member; Washington County, 1 member; Bay County, 2 members; Jackson County, 1 member; Calhoun County, 1 member; Gulf County, 1 member; Gadsden County, 1 member; Franklin County, 1 member; Liberty County, 1 member; Leon County, 4 members; Wakulla County, 1 member; Jefferson County, 1 member; Madison County, 1 member; and Taylor County, 1 member.~~

~~3. District 3 has a board composed of 19 members, with 4 at-large members to be appointed by the Governor, and 15 members to be appointed by the boards of county commissioners of the respective counties, as follows: Hamilton County, 1 member; Suwannee County, 1 member; Lafayette County, 1 member; Dixie County, 1 member; Columbia County, 1 member; Gilchrist County, 1 member; Levy County, 1 member; Union County, 1 member; Bradford County, 1 member; Putnam County, 1 member; and Alachua County, 5 members.~~

~~4. District 4 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Baker County, 1 member; Nassau County, 1 member; Duval County, 7 members; Clay County, 2 members; and St. Johns County, 1 member.~~

5. District 5 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Pasco County, 3 members; and Pinellas County, 9 members.

6. District 6 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Hillsborough County, 9 members; and Manatee County, 3 members.

7. District 7 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Seminole County, 3 members; Orange County, 5 members; Osceola County, 1 member; and Brevard County, 3 members.

8. District 8 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners in the respective counties, as follows: Sarasota County, 3 members; DeSoto County, 1 member; Charlotte County, 1 member; Lee County, 3 members; Glades County, 1 member; Hendry County, 1 member; and Collier County, 2 members.

9. District 9 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the Board of County Commissioners of Palm Beach County.

10. District 10 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the Board of County Commissioners of Broward County.

11. District 11, Subdistrict A, and Subdistrict B, each have a board composed of 15 members, with 3 at-large members to be appointed to each board by the Governor, and 12 members to be appointed by each of the respective boards of county commissioners.

12. District 12 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Flagler County, 3 members; and Volusia County, 9 members.

13. District 13 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Marion County, 4 members; Citrus County, 2 members; Hernando County, 2 members; Sumter County, 1 member; and Lake County, 3 members.

14. District 14 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Polk County, 9 members; Highlands County, 2 members; and Hardee County, 1 member.

15. District 15 has a board composed of 15 members, with 3 at-large members to be appointed by the Governor, and 12 members to be appointed by the boards of county commissioners of the respective counties, as follows: Indian River County, 3 members; Okeechobee County, 1 member; St. Lucie County, 5 members; and Martin County, 3 members.

Notwithstanding any other provisions of this subsection, in districts or subdistricts consisting of two counties, the number of members to be appointed by any one board of county commissioners may not be fewer than 3 nor more than 9.

(b) At any time after the adoption of initial bylaws pursuant to paragraph (a), a district or subdistrict health and human services board may adopt a bylaw that enlarges the size of the board up to a maximum of 23 members, or otherwise adjusts the size or composition of the board, including a decision to change from a district board to subdistrict boards, or from a subdistrict board to a district board, if in the judgment of the board, such change is necessary to adequately represent the diversity of the population within the district or subdistrict. In the creation of subdistrict boards, the bylaws shall set the size of the board, not to exceed 15 members, and shall set the number of appointments to be made by the Governor and the respective boards of county commissioners in the subdistrict. The Governor shall be given the authority to appoint no fewer

than one-fifth of the members. Current members of the district board shall become members of the subdistrict board in the subdistrict where they reside. Vacancies on a newly created subdistrict board shall be filled from among the list of nominees submitted to the subdistrict nominee qualifications review committee pursuant to subsection (8)(9).

(c) The appointments by the Governor and the boards of county commissioners are from nominees selected by the appropriate district or subdistrict nominee qualifications review committee pursuant to subsection (8)(9). Membership of each board must be representative of its district or subdistrict with respect to age, gender, and ethnicity. For boards having 15 members or fewer, at least two members must be consumers of the department's services. For boards having more than 15 members, there must be at least three consumers on the board. Members must have demonstrated their interest and commitment to, and have appropriate expertise for, meeting the health and human services needs of the community. The Governor shall appoint nominees whose presence on the health and human services board will help assure that the board reflects the demographic characteristics and consumer perspective of each of the service districts.

(d)1. Board members shall submit annually a disclosure statement of health and human services interests to the department's inspector general and the board. Any member who has an interest in a matter under consideration by the board must abstain from voting. Board members are subject to the provisions of s. 112.3145, relating to disclosure of financial interests.

2. Employees of provider agencies, other than employees of units of local or state government, may not serve as health and human services board members but may serve in an advisory capacity to the board. Salaried employees of units of local or state government occupying positions providing services under contract with the department may not serve as members of the board. Elected officials who have authority to appoint members to a health and human services board may not serve as members of a board. The district administrator shall serve as a nonvoting ex officio member of the board. A department employee may not be a member of the board.

(e)1. In order to establish staggered terms for members of the board, all initial appointments by the boards of county commissioners of Escambia, Walton, Bay, Gadsden, Jackson, Leon, Alachua, Putnam, Marion, Lake, Duval, Brevard, Orange, Charlotte, Lee, Sarasota, Martin, and St. Lucie Counties are for 2-year terms. In addition, the boards of county commissioners of Volusia, Pinellas, Polk, Hillsborough, Palm Beach, Broward, and Dade Counties are to designate seven of their respective initial appointments to the board to have 2-year terms. Thereafter, all appointments to each board shall be for 4-year terms.

2. Appointments to fill vacancies created by the death, resignation, or removal of a member are for the unexpired term. A member may not serve more than two full consecutive terms.

3. A member who is absent from three meetings within any 12-month period, without having been excused by the chairperson, is deemed to have resigned, and the board shall immediately declare the seat vacant. Members may be suspended or removed for cause by a majority vote of the board members or by the Governor.

(f) Members of the health and human services boards shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. Payment may also be authorized for preapproved child care expenses or lost wages for members who are consumers of the department's services and for preapproved child care expenses for other members who demonstrate hardship.

(g) Appointees to the health and human services board are subject to the provisions of chapter 112, part III, Code of Ethics for Public Officers and Employees.

(h) Actions taken by the board must be consistent with departmental policy and state and federal laws, rules, and regulations.

(i) The department shall provide comprehensive orientation and training to the members of the boards to enable them to fulfill their responsibilities.

(j) Each health and human services board, and each of its subcommittees, shall hold periodic public meetings and hearings throughout the district to receive input on the development of the district service delivery plan, the legislative budget request, and the performance of the department.

(k) Except as otherwise provided in this section, responsibility and accountability for local human services planning rests with the health and human services boards. ~~District juvenile justice boards established in s. 39.025 shall submit their planning recommendations to the assistant secretary, the Commission on Juvenile Justice, and the health and human services board.~~ All other local health and human services-related planning or advisory councils under the jurisdiction of the department shall submit their plans to the health and human services boards. *In addition, a plan developed by a health and human services board must consider the data supplied by the district juvenile justice board on the clients served by the juvenile justice programs and services within the district as well as the recommendations of the district juvenile justice board with respect to the unmet needs of juveniles within the district. The health and human services board shall inform the district juvenile justice board of the manner in which the health and human services board used such data in developing its plans and recommendations.* The health and human services boards may establish additional subcommittees or technical advisory committees.

(l) It is the policy of the state to provide a family-centered constellation of services. The primary goal of these services is the preservation of families. District goals and objectives must be consistent with this statewide policy.

(m) The health and human services boards shall operate through an annual agreement negotiated between the secretary and the board. Such agreements must include expected outcomes and provide for periodic reports and evaluations of district and board performance and must also include a core set of service elements to be developed by the secretary and used by the boards in district needs assessments to ensure consistency in the development of district legislative budget requests.

(n) The annual agreement between the secretary and the board must include provisions that specify the procedures to be used by the parties to resolve differences in the interpretation of the agreement or disputes as to the adequacy of the parties' compliance with their respective obligations under the agreement.

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

1. Establish district goals and objectives consistent with statewide policy parameters.
2. Conduct district needs assessments using methodologies consistent with those established by the secretary pursuant to paragraph (2)(e).
3. Develop and approve a district service delivery plan that:
 - a. Identifies current resources and services available;
 - b. Identifies unmet needs and gaps in services;
 - c. Establishes service and funding priorities; and
 - d. Recommends new services or deletion of existing services.
4. Provide budget oversight, including development and approval of the district's legislative budget request.
5. Provide policy oversight, including development and approval of district policies and procedures.
6. Act as a focal point for community participation in department activities such as:
 - a. Assisting in the integration of all health and social services within the community;
 - b. Assisting in the development of community resources;
 - c. Advocating for community programs and services;
 - d. Receiving and addressing concerns of consumers and others; and
 - e. Advising the district administrator on the administration of service programs throughout the district or subdistrict.
7. Immediately upon appointment of the membership, develop bylaws that clearly identify and describe operating procedures for the board. The bylaws may authorize the chairpersons of subdistrict boards to designate one or more committees composed of members of both subdistrict boards to act on districtwide issues. At a minimum, the bylaws

must specify notice requirements for all regular and special meetings of the board, the number of members required to constitute a quorum, and the number of affirmative votes of members present and voting that are required to take official and final action on a matter before the board.

8.a. Determine the board's internal organizational structure, including the designation of standing committees. In order to foster the coordinated and integrated delivery of human services in its community, a local board shall use a committee structure that is based on issues, such as children, housing, transportation, or health care. Each such committee must include consumers, advocates, providers, and department staff from every appropriate program area. In addition, each board and district administrator shall jointly identify community entities, including, but not limited to, the Area Agency on Aging, and resources outside the department to be represented on the committees of the board.

b. The district juvenile justice boards established in s. 39.025 constitute the standing committee on issues relating to planning, funding, or evaluation of programs and services relating to the juvenile justice continuum.

9. Participate with the secretary in the selection of a district administrator according to the provisions of paragraph (9)(b)(10)(b).

10. Complete an annual evaluation of the district or subdistrict and review the evaluation at a meeting of the board at which the public has an opportunity to comment.

11. Provide input to the secretary on the annual evaluation of the district administrator. The board may request that the secretary submit a written report on the actions to be taken to address negative aspects of the evaluation. At any time, the board may recommend to the secretary that the district administrator be discharged. Upon receipt of such a recommendation, the secretary shall make a formal reply to the board stating the action to be taken with respect to the board's recommendation.

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

(8)(9) DISTRICT NOMINEE QUALIFICATIONS REVIEW COMMITTEES.—

(a) There is created a nominee qualifications review committee in each service district or subdistrict for the purpose of screening and evaluating applicants and recommending nominees for the health and human services board of the district or subdistrict. A member of a nominee qualifications review committee must be a resident of the district or subdistrict and is not eligible to be nominated for appointment to a health and human services board.

(b) The appointments to a nominee qualifications review committee are made as follows:

1. In a district or subdistrict composed of one county, the Governor shall appoint two members, the board of county commissioners shall appoint two members, the district school board shall appoint one member, the chief judge of the circuit shall appoint one member, and these appointees shall appoint three additional members.

2. In a district or subdistrict composed of two counties, the Governor shall appoint two members, each board of county commissioners shall appoint two members, each district school board shall appoint one member, the chief judge of the circuit containing the most populous county shall appoint one member, and these appointees shall appoint three additional members.

3. In a district or subdistrict composed of three counties, the Governor shall appoint two members, each board of county commissioners shall appoint two members, each district school board shall appoint one member, the chief judge of the circuit containing the most populous county shall appoint one member, and these appointees shall appoint four additional members.

4. In a district or subdistrict composed of four counties, the Governor shall appoint two members, each board of county commissioners shall appoint one member, except that the board of county commissioners of the most populous county shall appoint two members, each district school board shall appoint one member, the chief judge of the circuit containing the most populous county shall appoint one member, and these appointees shall appoint four additional members.

5. In a district or subdistrict composed of five counties, the Governor shall appoint three members, each board of county commissioners shall appoint one member, except that the board of county commissioners of the most populous county shall appoint two members, each district school board shall appoint one member, the chief judge of the circuit containing the most populous county shall appoint one member, and these appointees shall appoint five additional members.

6. In a district or subdistrict composed of six counties, the Governor shall appoint three members, each board of county commissioners shall appoint one member, except that the board of county commissioners of the most populous county shall appoint two members, each district school board shall appoint one member, the chief judge of the circuit containing the most populous county shall appoint one member, and these appointees shall appoint three additional members.

7. In a district or subdistrict composed of eight counties, the Governor shall appoint three members, each board of county commissioners shall appoint one member, except that the board of county commissioners of the most populous county shall appoint two members, each district school board shall appoint one member, the chief judge of the circuit containing the most populous county shall appoint one member, and these appointees shall appoint three additional members.

8. In a district or subdistrict composed of 11 counties, the Governor shall appoint two members, each board of county commissioners shall appoint one member, except that the board of county commissioners of the most populous county shall appoint two members, each district school board shall appoint one member, the chief judge of the circuit containing the most populous county shall appoint one member, and these appointees shall appoint three additional members.

(c) Appointees to a district nominee qualifications review committee must have substantial professional or volunteer experience in planning, delivering, or evaluating health and human services within their communities. In addition to these qualifications, it is the intent of the Legislature that nominee qualifications review committees represent the diversity of their respective districts or subdistricts by the inclusion of representation of such groups as:

1. County government;
2. District school systems;
3. The judiciary;
4. Law enforcement;
5. Consumers of departmental services;
6. Advocates for persons receiving or eligible to receive services provided or funded by the department;
7. Funders of health and human services in the community;
8. The medical community;
9. Chambers of commerce;
10. Major cities; and
11. Universities and community colleges.

(d) The initial terms of persons appointed by the Governor or board of county commissioners are for 2 years. Persons initially appointed by other appointing authorities have 4-year terms. Thereafter, the terms of all appointees are 4 years. A person who, at the expiration of his term, has served on a nominee qualifications review committee for more than 5 years is not eligible for reappointment.

(e) Members of a nominee qualifications review committee shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. Payment may also be authorized for preapproved child care expenses or lost wages for members who are consumers of the department and for preapproved child care expenses for other members who demonstrate hardship.

(f) Each district nominee qualifications review committee shall conduct its business according to the following procedures:

1. The public shall be provided reasonable advance notice of regular and special meetings;

2. A majority of the members, plus one, is necessary to constitute a quorum, and the affirmative vote of a majority of those present is necessary to take official action;

3. All meetings and records shall be open to the public pursuant to s. 286.011;

4. The deadline for submission of nominee applications may not be less than 30 days after the date of publication of a notice of vacancy and solicitation of nominee applications from interested persons; and

5. A person may not be nominated for appointment to a district health and human services board except by submission of a standard nominee application form, which shall be developed by the department and distributed to all nominee qualifications review committees.

(g) Each district nominee qualifications review committee shall submit to the appointing authorities in its respective district a pool of nominees equal to three times the number of vacancies on the district or subdistrict health and human services board. The pool of nominees submitted by each district nominee qualifications review committee must be balanced with respect to age, gender, ethnicity, and other demographic characteristics so that the appointees to the district health and human services board reflect the diversity of the population within its service district. It is the further intent of the Legislature that the Governor appoint nominees whose presence on the health and human services board will help assure that the board reflects the demographic characteristics and consumer perspectives of each of the service districts or subdistricts. If, following the appointments by the boards of county commissioners, the remaining nominees in the pool do not, in the judgment of the Governor, provide sufficient diversity to effectuate the intent of this paragraph, the Governor may request that the district or subdistrict nominee qualifications review committee submit the names of three additional nominees for each vacant position on the board.

(9)(10) DISTRICT ADMINISTRATOR.—

(a) The secretary shall appoint a district administrator for each of the service districts, pursuant to paragraph (b). Each district administrator serves at the pleasure of the secretary, is directly responsible to the secretary, and has the same standing within the department as an assistant secretary. Except as otherwise provided in this section, each district administrator has direct line authority over all departmental programs assigned to the district. In addition to those responsibilities assigned by law, the district administrator shall carry out those duties delegated to him by the secretary.

(b) Upon the resignation or removal of a district administrator, the secretary shall notify the chairperson of the health and human services board in the district and shall advertise the position in accordance with departmental policy. The board, or a designated committee of the board, shall solicit applications for the position of district administrator, screen applicants, and submit the names of not more than five nor fewer than three qualified candidates to the secretary. The secretary shall appoint the district administrator from among the nominees submitted by the health and human services board. If the secretary determines that none of the nominees should be appointed, the secretary shall notify the board and request that additional recruitment efforts be initiated and that, following such efforts, the names of additional qualified nominees be submitted. Applications for the position of district administrator are public records; and meetings of the board or a committee of the board for the purpose of screening, evaluating, or interviewing an applicant for the position of district administrator are open to the public.

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

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

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

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

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

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

6. Except as otherwise provided in this section, appointing district program managers, program supervisors, and the superintendent of each institution within the district and approving all other personnel appointments within the district.

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

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

(d) To assist him in the discharge of his duties, each district administrator may appoint, in consultation with the Deputy Secretary for Health, a deputy district administrator for health, and may also appoint a district program manager for social services. The deputy district administrator for health may have line authority over all district programs, activities, and functions relating to public health, including environmental health matters, and other programs as may be assigned by the district administrator. Each district administrator may appoint a district manager for administrative services. Each deputy district administrator for health, district program manager, and the district manager for administrative services serves at the pleasure of the district administrator.

(e) There may be program supervisors in each district who serve in a line capacity to the district administrator and report directly to the district administrator or his designee. Program supervisors are appointed by the district administrator in conformity with qualifications established through state personnel system procedures. Program supervisors may be employed on a full-time, part-time, or fee-for-service contractual basis. The duties of a program supervisor include, but are not limited to:

1. Administering district service programs in conformity with statewide policies, procedures, and guidelines established by the secretary.

2. Recommending changes in district program policy.

3. Identifying and developing community resources.

4. Identifying district needs.

5. Serving as program spokesman in educating the public as to the availability of programs and the needs of clients.

6. Serving as primary staff development adviser in assessing the needs of staff and developing training and staff development programs.

(f) Programs at the district level are in the following areas: aging and adult services; children's medical services; health; alcohol, drug abuse, and mental health; developmental services; economic services; and children and family services. There may be a program supervisor for each program, or the district administrator may combine programs including children, youth, and families under a program manager or program supervisor if such arrangement is approved by the secretary.

(g) The district manager for administrative services shall provide the following administrative and management support services to the district in accordance with the uniform policies, procedures, and guidelines established by the Deputy Secretary for Administration:

1. Finance and accounting.

2. Grants management and disbursement.

3. Personnel administration.

4. Purchasing and procurement.

5. General services, including housekeeping and maintenance of facilities.
6. Assisting the district administrator in preparation of the district budget request and administration of the approved operating budget.
7. The district manager for administrative services is the chief budget officer of the district.
8. Other administrative duties as assigned by the district administrator.

(10)(14) STATEWIDE HEALTH AND HUMAN SERVICES BOARD.—There is created the Statewide Health and Human Services Board consisting of the chairs of the district health and human services boards or their designees. The statewide board shall meet at least twice annually and as needed, upon the call of the secretary, to advise the secretary on statewide issues and identify barriers to effective and efficient local service delivery. Each member attending these meetings is entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(11)(12) DEPARTMENTAL BUDGET.—

(a) The secretary shall develop and submit annually to the Legislature a comprehensive departmental summary budget document which arrays each district budget request along program lines and, for the purpose of legislative appropriation, consists of five distinct budget entities:

1. Department Administration.
2. Statewide Services.
3. Multidistrict Services.
4. Entitlement Benefits and Services.
5. District Services.

The department shall revise its budget entity designations to conform with the five distinct budget entities. The department, in accordance with chapter 216, shall transfer, as necessary, funds and positions among budget entities to realign appropriations with the revised budget entity designations. Such authorized revisions must be consistent with the intent of the approved operating budget. The various district budget requests developed pursuant to paragraph (d) shall be included in the comprehensive departmental summary budget document. The department shall periodically review the appropriateness of the budget entity designations and the adequacy of its delegated authority to transfer funds between entities and submit the reviews to the Speaker of the House of Representatives and the President of the Senate.

(b) To fulfill this responsibility, the secretary may review, amend, and approve the annual budget request of all departmental activities pursuant to s. 216.023.

(c) It is the responsibility of the Deputy Secretary for Administration to promulgate the necessary budget timetables, formats, and data requirements for all departmental budget requests in accordance with the statewide budget requirements of the Executive Office of the Governor.

(d) It is the responsibility of the district administrator, jointly with the health and human services board, to develop an annual budget request to be reviewed, amended, and approved by the secretary.

~~2. It is the responsibility of the district juvenile justice manager and the assistant secretary, in consultation with the district juvenile justice board, the district health and human services board, and the district administrator, to develop an annual juvenile justice budget request for the district, to be submitted to the Deputy Secretary for Juvenile Justice Programs, and reviewed, amended, and approved by the secretary.~~

Annual budget requests are based on units of service and the costs of those services.

(e)1. The department's program planning, budgeting, and information systems capabilities are required to be linked. Identification of resource requirements and legislative appropriations are based upon systematic identification of client needs and appropriate service arrays, defined units of measurement and data captured for unit costing purposes, and tracking services delivered in a manner so that program outcomes can be determined. The department shall implement an integrated, unit cost based budgeting system across program areas pursuant to the schedule in paragraph (f).

2. Pursuant to program budgets in the General Appropriations Act, the Letter of Intent, and the resources appropriated to fund this process and considering district requests submitted in accordance with paragraph (d), the secretary shall, to the maximum extent possible, contract with each district administrator for the maximum units of service possible. These contracts are translated into district budgets, and both the contracts and the district budgets are submitted to the Executive Office of the Governor and the legislative appropriations committees. All amendments to the contracts and district budgets pursuant to contract amendments must be provided to the Executive Office of the Governor and the legislative appropriations committees at least 7 days before the effective date of the change.

3. Funds may be made available to the districts only for actual services provided pursuant to the contracts. This does not preclude the advancement of funds if reconciliations based on actual units of service provided are made within 15 days after each quarter.

(f)1. The use of unit cost data as the basis for the department's budget is phased in beginning during the 1991-1992 fiscal year and shall be completed by the 1996-1997 fiscal year.

2. The programs of the department shall begin using this budget process on the following timetable:

- a. Fiscal year 1991-1992: Alcohol, drug abuse, and mental health programs and developmental services programs.
- b. Fiscal year 1992-1993: Economic services programs and aging and adult services programs.
- c. Fiscal year 1993-1994: Medicaid programs and children's medical services programs.
- d. Fiscal year 1994-1995: Children and families programs, ~~juvenile justice continuum programs~~, health programs, and all other programs.

3. For the first 2 years after each program begins using this budget process, subparagraph (e)3. does not apply to the program.

(g) The units of service are developed by the program offices from data provided pursuant to subsection (13)(15). The department shall prepare legislation to incorporate these units of service into the respective statutes not later than the legislative session 1 year after the fiscal year in which unit cost data is used as the basis for the program's budget.

(12)(13) CONFORMITY WITH FEDERAL STATUTES AND REGULATIONS.—It is the intent of the Legislature that this section not conflict with any federal statute or implementing regulation governing federal grant-in-aid programs administered by the department. Whenever such a conflict is asserted by the applicable agency of the Federal Government, the secretary of the department shall submit to the United States Department of Health and Human Services, or other applicable federal agency, a request for a favorable policy response or a waiver of the conflicting portions. If such request is approved, as certified in writing by the Secretary of the United States Department of Health and Human Services or head of the other applicable federal agency, the secretary of the department is authorized to make the adjustments in the organization and state service plan prescribed by this section which are necessary for conformity to federal statutes and regulations. Prior to making such adjustments, the secretary shall provide to the Speaker of the House of Representatives and the President of the Senate an explanation and justification of the position of the department and shall outline all feasible alternatives consistent with the provisions of this section. These alternatives may include the state supervision of local service agencies by the department if such agencies are designated by the Governor. The Governor is hereby authorized to designate local agencies of county governments to provide services pursuant to federally required state plans administered by the department. These local agencies shall provide services for and on behalf of the county governments included within the geographic boundaries of the local agency. The board of commissioners of each county within the local agency shall annually approve the service plan to be provided by the local service agency. In order to assure coordination with other health and rehabilitation services provided to citizens within each county, local service agencies designated by the Governor pursuant to this section shall correspond to the service districts created pursuant to subsection (6)(7). The district administrator of each service district is designated the head of the local service agency. As head of the local service agency, the district administrator shall administer the service programs in conformity with statewide policies, procedures, and

guidelines established by the department. The local agency shall administer its program pursuant to a written agreement with the department which:

(a) Indicates that the local agency will conduct its program under the supervision of the department in accordance with the state plan and in compliance with statewide standards as established by the department, including standards of organization and administration.

(b) Sets forth the methods to be followed by the department in its supervision of the local agency, including an evaluation of the effectiveness of the program of the local agency.

(c) Sets forth the basis on which the department participates financially in its locally administered programs.

(d) Indicates whether the local agency will utilize another local public or nonprofit agency in the provision of services and the arrangements for such utilization.

The local agency is responsible for the administration of all aspects of the program within the political subdivisions which it serves. In order to assure uniformity of personnel standards, the local agency shall utilize the state personnel rules and regulations, including provisions related to tenure, selection, appointment, and qualifications of personnel.

(13)(14) INFORMATION SYSTEMS.—

(a) The secretary shall appoint a Chief Management Information Officer to serve as the department's information resource manager with the authority for agency development and management information systems maintenance, policies, and procedures as provided for in s. 282.311. The Chief Management Information Officer shall direct and promote information as a strategic asset and facilitate integration of data systems and agency and interagency resource sharing as allowed by applicable statutes. The Chief Management Information Officer serves at the pleasure of the secretary.

(b) The Chief Management Information Officer is directly responsible for the management of the management information systems service center that provides primary information systems support for all entities within the department and maintains fee-for-service provisions for use by other agencies. The Chief Management Information Officer shall negotiate service-level agreements between the management information systems service center and users and shall facilitate integrated information systems practices and procedures throughout the service districts and commitment regions, and with local service providers.

(c) The secretary of the department shall implement a priority program aimed at the design, testing, and integration of automated information systems necessary for effective and efficient management of the department and clients. These systems shall contain, minimally, management data, client data, and program data deemed essential for the ongoing administration of service delivery, as well as for the purpose of management decisions. It is the intent of the Legislature that these systems be developed with the idea of providing maximum administrative support to the delivery of services and to allow for the development of a more logical alignment of programs, services, and budget structures to effectively address the problems of any person who receives the services of the department. It is also essential that these systems comply with federal program requirements and ensure confidentiality of individual client information.

(d) The department's information systems are developed to support a client outcome-based budget and management system. At a minimum, these systems must use a unit of service basis to measure contract performance, integrate client demographic and unit cost information, and provide for program outcome measurement.

(e) For the purpose of funding this effort, the department shall include in its annual budget request a comprehensive summary of costs involved, as well as manpower saved, and the availability of costs for private-sector systems in the establishment of these automated systems. Such budget request shall also include a complete inventory of current staff, equipment, and facility resources available for completion of the desired systems. The department shall review all forms for duplicative content and, to the maximum extent possible, reduce, consolidate, and eliminate such duplication to provide for a uniform, integrated, and concise management information collection system.

(14)(15) ELIGIBILITY REQUIREMENTS.—The department shall review the eligibility requirements of its various programs and, to the maximum extent possible, consolidate them into a single eligibility system.

(15)(16) PURCHASE OF SERVICES.—Whenever possible, the department, in accordance with the established program objectives and performance criteria, shall contract for the provision of services by counties, municipalities, not-for-profit corporations, for-profit corporations, and other entities capable of providing needed services, if services so provided are more cost-efficient than those provided by the department.

(16)(17) HEADQUARTERS; SERVICE FACILITIES.—

(a) The department shall maintain its headquarters and all offices above the district office level in Tallahassee.

(b) Within each of its service districts and commitment regions, the department shall locate its service facilities in the same place when it is possible to do so without removing service facilities from proximity to the clients they serve. The department shall implement a plan by which all or substantially all services within a district are moved, as existing leases expire, to centers located close to prospective users or clients. These centers may be shared with other public users and may be designated as community service centers.

(17)(18) PROCUREMENT OF HEALTH SERVICES.—Nothing contained in chapter 287 requires competitive bids for health services involving examination, diagnosis, or treatment.

(18)(19) CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS.—It is the intent of the Legislature that when county governments are required by law to participate in the funding of programs, the department shall consult with designated representatives of county governments in developing policies and service delivery plans for those programs.

(19)(20) OUTCOME EVALUATION AND PROGRAM EFFECTIVENESS.—

(a) It is the intent of the Legislature to:

1. Ensure that information be provided to decisionmakers so that resources are allocated to programs of the department under the Children and Families Program; Juvenile Justice Program; Aging and Adult Services Program; Alcohol, Drug Abuse, and Mental Health Program; Developmental Services Program; Economic Services Program; Children's Medical Services Program; and Health Program that achieve desired performance levels.

2. Provide information about the cost of such programs and their differential effectiveness so that the quality of such programs can be compared and improvements made continually.

3. Provide information to aid in the development of related policy issues and concerns.

4. Provide information to the public about the effectiveness of such programs in meeting established goals and objectives.

5. Provide a basis for a system of accountability so that each client is afforded the best programs to meet his needs.

6. Improve service delivery to clients.

7. Modify or eliminate activities that are not effective.

(b) As used in this subsection, the term:

1. "Client" means any person who is being provided treatment or services by the department or by a provider under contract with the department.

2. "Outcome" means the condition or circumstances of the client after services or treatment have been provided and the extent of change in modifying or stabilizing the original condition or need that led to client services or treatment.

3. "Program component" means an aggregation of generally related objectives which, because of their special character, related workload, and interrelated output, can logically be considered an entity for purposes of organization, management, accounting, reporting, and budgeting.

4. "Program effectiveness" means the ability of the program to achieve desired client outcomes, goals, and objectives.

5. "Program office" means any program office under the Deputy Secretary for Human Services ~~or the Deputy Secretary for Juvenile Justice Programs~~, and all programs under the Deputy Secretary for Health.

(c) The department shall:

1. Establish within the Children and Families Program; ~~Juvenile Justice Program~~; Aging and Adult Services Program; Alcohol, Drug Abuse, and Mental Health Program; Developmental Services Program; Economic Services Program; Children's Medical Services Program; and Health Program a comprehensive system to annually measure and report client outcome and program effectiveness for each program that each program office operates or contracts. Client-outcome measures are a required provision of all contracts entered into by the department with respect to the provision of services under the jurisdiction of the programs.

2.a. Provide operational definitions of and criteria for client outcome and program effectiveness for each specific program component, to include, but not be limited to, a definition of successful program completion.

b. The Children and Families Program Office shall define and report recidivism in addition to the requirements of this section.

c. As appropriate, program offices under this section shall report clients who reenter services and treatment within 1 year after release, discharge, or successful completion of a program.

3. Establish goals and objectives for each specific program component.

4. Establish the information and specific data elements required for the management of client-outcome measures.

5. Develop a program office-specific, standardized terminology and procedures manual to be followed by each program. The procedures shall include standard formats for the collection of data from the various program components with clearly defined documentation requirements.

6. Establish procedures for the continuous flow of client-outcome information.

7. Develop procedures to analyze client-outcome data in relation to program process.

8. Implement continuous longitudinal studies to determine the long-range effects of programs. The longitudinal studies shall track a cohort representative sample of clients at 5 years after their initial completion of a program. Whenever possible, longitudinal studies shall compare a representative sample of clients completing the program with a comparable cohort group that did not enter the program.

a. The Children and Families Program Office shall determine the long-range effect of prevention, residential, and nonresidential programs for dependent children.

b. The Aging and Adult Services Program Office shall determine the long-range effects of programs, including, but not limited to, programs that provide community services, in-home care, and other nonresidential services, to determine their effect in preventing residential placement.

c. The Alcohol, Drug Abuse, and Mental Health Program Office shall determine the long-range effects of programs, including, but not limited to, prevention, community-based programs, outpatient programs, inpatient programs, and nonresidential and residential programs for children and adults.

d. The Children's Medical Services Program Office shall determine the long-range effects of programs, including, but not limited to, prevention and early intervention programs, including infant metabolic screening, developmental evaluation, inpatient programs, and outpatient programs.

e. The Developmental Services Program Office shall determine the long-range effects of programs, including, but not limited to, prevention, early intervention, family support services, developmental training programs, community-based supported employment, and community residential programs.

f. The Economic Services Program Office shall determine the long-range effects of programs, including, but not limited to, programs that implement the provisions of the Family Support Act of 1988, Pub. L. No. 100-485, pursuant to s. 409.029.

g. The State Health Office shall determine the long-range effects of programs, including, but not limited to, maternal and child health; family planning; the Special Supplemental Food Program for Women, Infants, and Children; primary health care; dental health; communicable diseases; and environmental health.

~~h. The Juvenile Justice Program Office shall determine the long-range effect of all programs and services within the juvenile justice continuum, including prevention, diversion, children in need of services and families in need of services programs, nonresidential and residential commitment programs, training schools, and reentry and aftercare programs and services, as well as the effect of overlaid education, vocational, substance abuse, and mental health services in cases where they have been utilized.~~

9. Establish appropriate methodology and statistical analysis to ensure the reliability, validity, and utility of client-outcome data.

10. Establish appropriate interdistrict evaluation teams using private-sector experts to evaluate the quality of the services delivered by each program.

Each program office under this subsection shall submit an annual report to the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of each house of the Legislature, the appropriate substantive and appropriations committees of each house of the Legislature, and the Governor, no later than December 31 of each calendar year, ~~beginning December 31, 1993~~. The annual program-outcome report shall contain, at a minimum, for each specific program component a comprehensive description of the population served by the program, a specific description of the services provided by the program, client-outcome measures, an assessment of program effectiveness, cost, a comparison of expenditures to federal and state funding, immediate and long-range concerns, the status or results of the longitudinal studies, and recommendations to maintain, expand, improve, modify, or eliminate each program component so that changes in services lead to enhancement in program quality. The department's Inspector General shall ensure the reliability and validity of the information contained in the report.

(d) The Auditor General shall periodically evaluate the client-outcome and program-effectiveness system to determine if the process is achieving the legislative intent of this section and shall prepare a report thereof, the initial report to be submitted on December 31, 1993, and a report to be submitted every 5 years thereafter to the persons specified in paragraph (c).

(20)(21) INNOVATION ZONES.—The health and human services board may propose designation of an innovation zone for 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 district, ~~commitment region~~, county, municipality, service delivery area, school campus, or neighborhood providing a laboratory for the research, development, and testing of the applicability and efficacy of model programs, policy options, and new technologies for the department.

(a)1. The district administrator ~~or Assistant Secretary for Juvenile Justice~~ 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.

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

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

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

(c) The Statewide Health and Human Services Board, in conjunction with the secretary, shall develop a health and human services innovation transfer network for the purpose of providing information on innovation zone research and projects or other effective initiatives in health and human services to the health and human services boards established under subsection (7)(8).

(d) Prior to implementing an innovation zone pursuant to the requirements of this subsection and chapter 216, the secretary shall, in conjunction with the Auditor General, develop measurable and valid objectives for such zone within a negotiated reasonable period of time. No more than fifteen innovative zones shall be in operation at any one time within the districts, and no more than five shall be in operation at any one time within the commitment regions.

Section 8. Paragraph (a) of subsection (4) of section 20.315, Florida Statutes, is amended, a new subsection (8) is added to that section, present subsections (8), (13), and (16) of that section are redesignated as subsections (9), (14), and (17), respectively, and amended, and present subsections (9), (10), (11), (12), (14), (15), (17), (18), (19), (20), (21), and (22) of that section are redesignated as subsections (10), (11), (12), (13), (15), (16), (18), (19), (20), (21), (22), and (23), respectively, to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(4) SECRETARY OF CORRECTIONS; DEPUTY SECRETARY.—The head of the Department of Corrections is the Secretary of Corrections. The secretary shall be appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor.

(a) The secretary is the chief administrative officer of the department and shall have the authority and responsibility to plan, direct, coordinate, and execute the powers, duties, and responsibilities assigned to the department. The responsibilities of the secretary shall include, but not be limited to:

1. Setting departmental priorities.
2. Appointing the Assistant Secretary for Operations, the Assistant Secretary for Management and Budget, the Assistant Secretary for Programs, the Assistant Secretary for Health Services, the Assistant Secretary for Youthful Offenders, the program directors, and the regional directors.
3. Directing the management, planning, and budgeting processes.
4. Supervising and directing the promulgation of all departmental rules.
5. Supervising and directing the department's legal services.

(8) ASSISTANT SECRETARY FOR YOUTHFUL OFFENDERS.—*The Assistant Secretary for Youthful Offenders is responsible for coordinating and integrating the custody, care, treatment, and rehabilitation of youthful offenders and other duties assigned by the secretary. The Assistant Secretary for Youthful Offenders is responsible for: planning and developing a comprehensive youthful offender program sufficient to meet the needs of youths committed to the department; program research; identifying offender needs and recommending solutions and priorities; developing offender service programs, including the policies and standards for such programs; providing technical assistance to the regional-level program operations; assuring uniform program quality among regions; developing funding sources external to state government; and obtaining, approving, monitoring, and coordinating research and program development grants. The Assistant Secretary for Youthful Offenders does not have line authority over any service program operations of the department, including the management of institutions, residential treatment programs, and the supervision of probationers and parolees.*

(9)(8) PROGRAM OFFICES.—

(a) Program offices shall be designed to operate in a staff capacity to the Assistant Secretary for Programs. Each program office shall be headed by a program office director who is appointed by the secretary and reports directly to the Assistant Secretary for Programs. Program offices shall not have any line authority over regional operations. In no case shall the total professional staff of all of the program offices and the

office of the Assistant Secretary for Programs exceed 200 persons. The Assistant Secretary for Programs shall delegate to the program offices the following responsibilities which shall include, but not be limited to:

1. Aiding in the identification of client needs.
2. Developing program policies.
3. Setting, monitoring, and controlling the quality of program standards.
4. Developing state program plans and implementing directives, rules, and procedures for the secretary.
5. Conducting program evaluation.
6. Other duties as assigned by the secretary.

(b) The following program offices are established:

1. Adult Services Program Office.—The responsibilities of this office shall relate directly to the custody, care, treatment, and rehabilitation of adult offenders committed to the Department of Corrections.

~~2. Youth Offender Program Office.—The responsibilities of this office shall relate directly to the development of a comprehensive youthful offender program sufficient to meet the needs of youths committed to the Department of Corrections. This program shall include, but not be limited to, the custody, care, treatment, and rehabilitation of youthful offenders.~~

2.3. Probation and Parole Program Office.—The responsibilities of this office shall relate directly to community supervision, intake, investigation, and initial classification of offenders.

(c) The salary of a program office director shall be set at a level equal to that of a division director.

(14)(13) DEPARTMENTAL BUDGETS.—

(a) The secretary shall develop and submit annually to the Legislature a comprehensive departmental summary budget document which shall array budget requests along program lines. This summary document shall, for the purpose of legislative appropriation, consist of ten eight distinct budget entities:

1. The Office of the Secretary and the Office of Management and Budget.
2. The Assistant Secretary for Programs and all program offices.
3. The Assistant Secretary for Operations and regional administration.
4. The Assistant Secretary for Health Services.
5. *The Assistant Secretary for Youthful Offenders.*
- 6.5. Major Institutions.
- 7.6. Community Facilities and Road Prisons.
- 8.7. Probation and Parole Services.
- 9.8. Correctional Education School Authority.
10. *Youthful Offender Institutions.*

(b) To fulfill this responsibility, the secretary shall have the authority to review, amend, and approve the annual budget requests of all departmental activities. Departmental activities do not include the Correctional Education School Authority. The budget procedure for the authority shall be pursuant to s. 242.68. Recommendations on departmental budget priorities shall be furnished to the secretary by the Assistant Secretary for Operations, the Assistant Secretary for Management and Budget, the Assistant Secretary for Programs, the Assistant Secretary for Youthful Offenders, and the Assistant Secretary for Health Services.

(c) It is the responsibility of the Office of Management and Budget to promulgate the necessary budget timetables, formats, and data requirements for all departmental budget requests. This shall be done in accordance with statewide budget requirements of the Executive Office of the Governor.

(d) It is the responsibility of the regional director to develop an annual budget request to be reviewed, amended, and approved by the secretary.

(17)(16) PROGRESS REPORTS.—~~After July 1, 1976,~~ The department shall make an annual report to the Governor and the Legislature reflecting its activities and making recommendations for improvement of the services to be performed by the department. Such report shall be on the basis of a fiscal year. Notwithstanding the provisions of other statutes, such report shall be the only annual report required by law to be submitted by the department. However, the department shall continue to make such other reports as are provided for in this act or specifically requested by the Governor or any officer, member, or committee of the Legislature.

Section 9. Section 39.001, Florida Statutes, is amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(1) The purposes of this chapter are:

(a) To provide judicial and other procedures *to assure due process* through which children and other interested parties are assured fair hearings *by a respectful and respected court or other tribunal* and the recognition, protection, and enforcement of their constitutional and other legal rights, while ensuring that public safety interests *and the authority and dignity of the courts* are adequately protected.

(b) To provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development; to ensure secure and safe custody; and to promote the health and well-being of all children under the state's care.

~~(c) To ensure assure due process for each child, balanced with the state's interest in the protection of society, by providing for a comprehensive standardized assessment of the child's needs so that the most appropriate control, discipline, punishment, and treatment can be administered consistent with the seriousness of the act committed, the community's long-term need for public safety, the prior record of the child and the specific rehabilitation needs of the child, while also providing whenever possible restitution to the victim of the offense substituting methods of prevention, early intervention, diversion, offender rehabilitation, treatment, community services, and restitution in money or in kind for retributive punishment, whenever possible, and by providing intensive treatment sanctions only when most appropriate, recognizing that sanctions which are consistent with the seriousness of the act committed and focus on treatment should be applied in cases where necessary efforts have been made to divert the child from the juvenile justice system.~~

~~(d) To assure to all children brought to the attention of the courts, either as a result of their misconduct or because of neglect or mistreatment by those responsible for their care, the care, guidance, and control, preferably in each child's own home, which will best serve the moral, emotional, mental, and physical welfare of the child and the best interests of the state.~~

(d)(e) To preserve and strengthen the child's family ties whenever possible, removing him from the custody of his parents only when his welfare or the safety and protection of the public cannot be adequately safeguarded without such removal; and, when the child is removed from his own family, to secure for him custody, care, and discipline as nearly as possible equivalent to that which should have been given by his parents; and to assure, in all cases in which a child must be permanently removed from the custody of his parents, that the child be placed in an approved family home, *adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court and be made a member of the family by adoption.*

(e)1.(f) To assure that the adjudication and disposition of a child alleged or found to have committed a violation of Florida law be exercised with appropriate discretion and in keeping with the seriousness of the offense and the need for treatment services, and that all findings made under this chapter be based upon facts presented at a hearing that meets the constitutional standards of fundamental fairness and due process.

2. *To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process.*

(f) *To provide children committed to the Department of Juvenile Justice with training in life skills, including vocational education.*

(2) *The Department of Juvenile Justice or the Department of Health and Rehabilitative Services, as appropriate, may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.*

(a) *When the Department of Juvenile Justice or the Department of Health and Rehabilitative Services contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. A volunteer who assists on an intermittent basis for less than 40 hours per month need not be screened if the volunteer is under direct and constant supervision by persons who meet the screening requirements.*

(b) *The Department of Juvenile Justice and the Department of Health and Rehabilitative Services shall establish minimum standards for good moral character, based on screening, for personnel in programs for children or youths. Such minimum standards shall ensure that no personnel have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following sections of the Florida Statutes or under a similar statute of another jurisdiction:*

1. Section 782.04, relating to murder.
2. Section 782.07, relating to manslaughter.
3. Section 782.071, relating to vehicular homicide.
4. Section 782.09, relating to killing an unborn child by injury to the mother.
5. Section 784.011, relating to assault, if the victim of the offense was a minor.
6. Section 784.021, relating to aggravated assault.
7. Section 784.03, relating to battery, if the victim of the offense was a minor.
8. Section 784.045, relating to aggravated battery.
9. Section 787.01, relating to kidnapping.
10. Section 787.02, relating to false imprisonment.
11. Section 787.04, relating to removing minors from the state or concealing minors contrary to state agency or court order.
12. Section 794.011, relating to sexual battery.
13. Chapter 796, relating to prostitution.
14. Section 798.02, relating to lewd and lascivious behavior.
15. Chapter 800, relating to lewdness and indecent exposure.
16. Section 806.01, relating to arson.
17. Section 812.13, relating to robbery.
18. Section 826.04, relating to incest.
19. Section 827.03, relating to aggravated child abuse.
20. Section 827.04, relating to child abuse.
21. Section 827.05, relating to negligent treatment of children.
22. Section 827.071, relating to sexual performance by a child.
23. Section 415.111, relating to abuse, neglect, or exploitation of aged or disabled persons.
24. Chapter 847, relating to obscene literature.
25. Chapter 893, relating to drug abuse prevention and control, if the offense was a felony or if any other person involved in the offense was a minor.
26. Section 817.563, relating to fraudulent sale of controlled substances, if the offense was a felony.

For the purposes of this section, a finding of delinquency or a plea of nolo contendere or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, or a similar statute of another jurisdiction for any of the foregoing acts has the same effect as a finding of guilt, regardless of adjudication or disposition.

(c) Standards for screening shall also ensure that the person:

1. Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37);
2. Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or s. 415.503(6) which has been uncontested or has been upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or
3. Has not committed an act which constitutes domestic violence as defined in s. 741.30.

(d) The Department of Juvenile Justice or the Department of Health and Rehabilitative Services may grant to any person who has been convicted of one of the following offenses an exemption from disqualification from working with children:

1. A felony prohibited under any section of the Florida Statutes cited in paragraph (b) or paragraph (c) or under a similar statute of another jurisdiction;
2. Misdemeanors prohibited under any section of the Florida Statutes cited in this section or under a similar statute of another jurisdiction;
3. Offenses which were a felony when committed but are now a misdemeanor;
4. Findings of delinquency as specified in this section;
5. Judicial determinations of abuse or neglect under this chapter;
6. Confirmed reports of abuse, neglect, or exploitation under chapter 415 which have been uncontested or have been upheld pursuant to s. 415.103 or s. 415.504; or
7. Commission of domestic violence.

(e) In order to grant an exemption to a person, the Department of Juvenile Justice or the Department of Health and Rehabilitative Services, as appropriate, must have clear and convincing evidence to support a reasonable belief that the person is of good character so as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time that has elapsed since the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident, or such other circumstances that by the standards described in paragraph (c) indicate that the person will not present a danger to the safety or well-being of children. The decision of the Department of Juvenile Justice or the Department of Health and Rehabilitative Services regarding an exemption may be contested through a hearing held pursuant to chapter 120.

(f) The disqualification for employment provided in this subsection may not be removed solely by reason of any executive clemency, pardon, or restoration of civil rights from any person found guilty of, regardless of adjudication, or having entered a plea of nolo contendere or guilty to, any felony cited in this subsection.

(g) To be a provider for the Department of Juvenile Justice or the Department of Health and Rehabilitative Services, the applicant must submit a complete set of fingerprints of the operator and each employee, taken by an authorized law enforcement agency or an employee of the Department of Juvenile Justice or the Department of Health and Rehabilitative Services who is trained to take fingerprints.

1. The Department of Juvenile Justice or the Department of Health and Rehabilitative Services, as appropriate, shall submit the fingerprints to the Department of Law Enforcement for state processing and federal processing by the Federal Bureau of Investigation.

2. The Department of Juvenile Justice or the Department of Health and Rehabilitative Services, as appropriate, shall review the record with respect to the crimes contained in paragraph (b) and shall notify the provider of its findings. When disposition information is missing on a criminal record, the provider, upon request of the Department of Juvenile Justice or the Department of Health and Rehabilitative Services, shall

provide it within 30 days to the department. The failure to supply such information within 30 days or show reasonable efforts to obtain it shall result in automatic disqualification. If a legible set of fingerprints, as determined by the Federal Bureau of Investigation, cannot be obtained after a minimum of three attempts, the Department of Juvenile Justice or the Department of Health and Rehabilitative Services, as appropriate, shall determine eligibility based upon the name check results provided by the Florida Department of Law Enforcement and the Federal Bureau of Investigation as noted on the fingerprint cards.

(h) The costs of processing fingerprints and the state criminal records checks shall be paid by the provider or persons being screened.

(i)1. It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person to willfully, knowingly, or intentionally use information from the criminal records obtained under this subsection for any purpose other than employment screening or to release information from such records to any person for any purpose other than employment screening.

2. It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person to willfully, knowingly, or intentionally use information from the juvenile records obtained under this subsection for any purpose other than employment screening or to release information from such records to any other person for any purpose other than employment screening.

(3) It is the intent of the Legislature that this chapter be liberally interpreted and construed in conformity with its declared purposes.

Section 10. Subsections (3), (4), (5), and (6) of section 39.002, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

39.002 Legislative intent for the juvenile justice system.—

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

(a) To Develop and implement effective methods of preventing and reducing acts of delinquency, with a focus on maintaining and strengthening the family as a whole so that children may remain in their homes or communities.

(b) To Develop and implement effective programs to prevent delinquency, to divert children from the traditional juvenile justice system, to intervene at an early stage of delinquency, and to provide critically needed alternatives to institutionalization and deep-end commitment.

(c) To Provide well-trained personnel, high-quality services, and cost-effective programs within the juvenile justice system.

(d) To Increase the capacity of local governments and public and private agencies to conduct rehabilitative treatment programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

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

(4) DETENTION.—

(a) The Legislature finds that there is a need for a secure placement for certain children alleged to have committed a delinquent act. The Legislature finds that detention under the provisions of part II should be used only when less restrictive interim placement alternatives prior to adjudication and disposition are not appropriate. The Legislature further finds that decisions to detain should be based in part on a prudent assessment of risk and be limited to situations where there is clear and convincing compelling evidence that a child presents a risk of failing to appear or presents a substantial risk of inflicting bodily harm on others as evidenced by recent behavior; presents a history of committing a serious property offense prior to adjudication, disposition, or placement; has acted in direct or indirect contempt of court; or requests protection from imminent bodily harm.

(b) The Legislature intends that a juvenile found to have committed a delinquent act understands the consequences and the serious nature

of such behavior. Therefore, the Legislature finds that secure detention is appropriate to provide punishment that discourages further delinquent behavior. The Legislature also finds that certain juveniles have committed a sufficient number of criminal acts, including acts involving violence to persons, to represent sufficient danger to the community to warrant sentencing and placement within the adult system. It is the intent of the Legislature to establish clear criteria in order to identify these juveniles and remove them from the juvenile system.

(5) **SERIOUS OR HABITUAL JUVENILE OFFENDERS.**—

(a) The Legislature finds that fighting crime effectively requires a multipronged effort focusing on particular classes of delinquent children and the development of particular programs. Florida's juvenile justice system has an inadequate number of beds for serious or habitual juvenile offenders and an inadequate number of community and residential programs for a significant number of children whose delinquent behavior is due to or connected with illicit substance abuse. In addition, a significant number of children have been adjudicated in adult criminal court and placed in Florida's prisons where programs are inadequate to meet their rehabilitative needs and where space is needed for adult offenders. Recidivism rates for each of these classes of offenders exceed those tolerated by the Legislature and by the citizens of this state.

~~(b) In order to promote effective facility management of a difficult population and to promote rehabilitation that protects the public, children who require secure facilities due to serious or habitual delinquent behavior shall, to the maximum extent practicable, be placed in small, secure, intensive rehabilitation facilities.~~

(6) **SITING OF FACILITIES.**—

(a) The Legislature finds that timely siting and development of needed residential facilities for juvenile offenders is critical to the public safety of the citizens of this state and to the effective rehabilitation of juvenile offenders.

(b) It is the purpose of the Legislature to guarantee that such facilities are sited and developed within reasonable timeframes after they are legislatively authorized and appropriated.

(c) The Legislature further finds that such facilities must be located in areas of the state close to the home communities of the children they house in order to ensure the most effective rehabilitation efforts and the most intensive postrelease supervision and case management.

(d) It is the intent of the Legislature that all other departments and agencies of the state shall cooperate fully with the Department of Juvenile Justice to accomplish the siting of facilities for juvenile offenders.

The supervision, counseling, rehabilitative treatment, and punitive efforts of the juvenile justice system should avoid the inappropriate use of correctional programs and large institutions. The Legislature finds that detention services should exceed the primary goal of providing safe and secure custody pending adjudication and disposition.

(7) **PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.**—*Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision to deter their participation in delinquent acts. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of caretakers to fulfill their responsibilities are identified through the delinquency intake process and that appropriate recommendations to address those problems are considered in any judicial or nonjudicial proceeding.*

Section 11. Subsections (5), (6), (7), and (8), paragraphs (b) and (c) of subsection (10), subsections (12) and (15), paragraphs (b) and (c) of subsection (16), subsections (17), (23), (25), (26), (27), (30), and (31), paragraph (a) of subsection (38), and subsections (43), (46), (49), (52), (56), (57), (58), (60), (61), (68), and (69) of section 39.01, Florida Statutes, are amended, and subsections (70) and (71) are added to that section, to read:

39.01 Definitions.—When used in this chapter:

(5) "Authorized agent" or "designee" of the department means a person or agency assigned or designated by the Department of Juvenile

Justice or the Department of Health and Rehabilitative Services, as appropriate, to perform duties or exercise powers pursuant to this chapter and includes contract providers and their employees for purposes of providing services to and managing cases of children in need of services and families in need of services.

(6) "Caretaker/homemaker" means an authorized agent of the Department of Health and Rehabilitative Services who shall remain in the child's home with the child until a parent, legal guardian, or relative of the child enters the home and is capable of assuming and agrees to assume charge of the child.

(7)(a) "Child" or "juvenile" means any unmarried person under the age of 18 alleged to be dependent, in need of services, or from a family in need of services, or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years.

(b) For the purposes of part V of this chapter, "child" means an unmarried person under the age of 18 years whose legal custody has been awarded to the Department of Health and Rehabilitative Services or a licensed child-placing or child-caring agency by order of a court or who has been committed temporarily to the care of, or voluntarily placed with, such an agency or the Department of Health and Rehabilitative Services by a parent, guardian, or relative within the second degree of consanguinity.

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

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

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

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

(10) "Child who is found to be dependent" means a child who, pursuant to this chapter, is found by the court:

(b) To have been surrendered to the Department of Health and Rehabilitative Services or a licensed child-placing agency for purpose of adoption.

(c) To have been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, or the Department of Health and Rehabilitative Services, whereupon, pursuant to the requirements of part V of this chapter, a performance agreement has expired and the parent or parents have failed to substantially comply with the requirements of the agreement.

(12) "Community control" means the legal status of probation created by law and court order in cases involving a child who has been found to have committed a delinquent act. Community control is an individualized program in which the freedom of the child is limited and the child is restricted to noninstitutional quarters or restricted to the child's home in lieu of commitment to the custody of the Department of Juvenile Justice.

(15) "Department," as used in parts III, V, and VI, means the Department of Health and Rehabilitative Services. As used in parts II and IV, the term means the Department of Juvenile Justice.

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

(b) "Nonsecure detention" means temporary custody of the child while the child is in a residential home in the community in a physically nonrestrictive environment under the supervision of the Department of *Juvenile Justice* pending adjudication, disposition, or placement. ~~Such a home may not have more than 10 children on nonsecure detention assigned to it at any time.~~

(c) "Home detention" means temporary custody of the child while the child is released to the custody of his parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of the Department of *Juvenile Justice* staff pending adjudication, disposition, or placement.

(17) "Detention hearing" means a hearing for the court to determine if a child should be placed in the need for temporary custody, as provided for under ss. 39.042 and 39.044, in delinquency cases, or s. 39.402(4), in dependency cases.

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

- (a) Running away from parents or legal custodians;
- (b) Persistently disobeying reasonable and lawful demands of parents or legal custodians, and for being beyond their control; or
- (c) Habitual truancy from school.

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

(26) "Intake" means the department's initial acceptance and screening by the Department of *Juvenile Justice* of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

- (a) The disposition of the complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.
- (b) The referral of the child to another public or private agency when appropriate.
- (c) The recommendation by the intake counselor or case manager of judicial handling when appropriate and warranted.

(27) "Intake counselor" or "case manager" means the authorized agent of the Department of *Juvenile Justice* performing the intake or case management function for a child alleged to be delinquent or in need of services, or from a family in need of services.

(30) "Licensed child-caring agency" means a person, society, association, or agency licensed by the Department of *Health and Rehabilitative Services* to care for, receive, and board children.

(31) "Licensed child-placing agency" means a person, society, association, or institution licensed by the Department of *Health and Rehabilitative Services* to care for, receive, or board children and to place children in a licensed child-caring institution or a foster or adoptive home.

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

(43) "Protective supervision" means a legal status in dependency cases, child-in-need-of-services cases, or family-in-need-of-services cases which permits the child to remain in his own home or other placement under the supervision of an agent of the Department of *Juvenile Justice* or the Department of *Health and Rehabilitative Services*, subject to being returned to the court during the period of supervision.

(46) "Serious or habitual juvenile offender" means a child who has been found to have committed a delinquent act or a violation of law, in the case currently before the court, and who meets at least one of the following criteria:

(a) Was no less than 14 years of age at the time of disposition for ~~commission~~ of the current offense and has been adjudicated or had adjudication withheld on the current offense for a capital felony, a life felony, or a first-degree, life, or first-degree felony involving the infliction or threatened infliction of serious physical harm to another person.

(b) Was no less than 14 years of age at the time of disposition for ~~commission~~ of the current offense and has been adjudicated or had adjudication withheld on the current offense for a capital felony, a life felony, a first-degree felony, or a second-degree felony, life, first, or second degree felony offense, and the child has previously been adjudicated or had adjudication withheld for ~~found to have committed~~ at least two ~~three~~ separate, nonrelated capital felonies, life felonies, first-degree felonies, or second-degree felonies, other than second-degree felony violations of chapter 893 or third-degree felonies, life, first, or second degree felony offenses, or third degree felony offenses involving the use of a weapon, within the preceding 24 months, and at least one of those adjudications, or the withholding of at least one of those adjudications, resulted in placement of the child in a residential commitment program of a moderate-risk restrictiveness level or greater. ~~with the third adjudication or adjudication withheld for an offense that occurred after the second adjudication or adjudication withheld, and the second adjudication or adjudication withheld for an offense that occurred after the first adjudication or adjudication withheld.~~

(c) Was not less than 14 years of age at the time of disposition for the ~~commission~~ of the current offense, which may include any felony, and the child has previously been adjudicated or had adjudication withheld for ~~found to have committed~~ at least three ~~four~~ separate, nonrelated felony offenses within the preceding 36 months, and at least one of those adjudications, or the withholding of at least one of those adjudications, resulted in placement of the child in a residential commitment program of a moderate-risk restrictiveness level or greater. ~~with the fourth adjudication or adjudication withheld for an offense that occurred after the third adjudication or adjudication withheld, and the third adjudication or adjudication withheld for an offense that occurred after the second adjudication or adjudication withheld, and the second adjudication or adjudication withheld for an offense that occurred after the first adjudication or adjudication withheld; or~~

(d) Was not less than 14 years of age at the time of disposition of the current offense, which may include any felony, and the child has previously been committed to an early delinquency intervention program as provided in s. 39.055 and a boot camp program as provided in s. 39.057.

(e)(d) ~~The child~~ Was less than 18 years of age at the time of the commission of the current offense and has been convicted in a criminal court or has had adjudication withheld pursuant to s. 39.059, and otherwise meets the criteria.

(49) "Social service agency" means the Department of *Health and Rehabilitative Services*, a licensed child-caring agency, or a licensed child-placing agency.

(52) "To be habitually truant" means that:

(a) The child has been absent from school without the knowledge or justifiable consent of the child's parent or legal guardian and is not exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education;

(b) In addition to the actions described in ss. 230.2313(3)(c) and 232.17, the school administration has completed the following escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

1. One or more meetings have been held between a school attendance professional or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance professional or school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met and the school administration shall proceed to the next escalating activity;

2. Educational counseling has been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes were instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child; and

3. Educational evaluation, which may include psychological evaluation, has been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition;

(c) A school social worker or other person designated by the school administration, if the school does not have a school social worker, and an intake counselor or case manager of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions which may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior; and

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

(56) "Protective investigation" means the acceptance of a report alleging child abuse or neglect, as defined in s. 415.503, by the central abuse registry and tracking system or the acceptance of a report of other dependency by the local children, youth, and families office of the Department of Health and Rehabilitative Services; the investigation and classification of each report; the determination of whether action by the court is warranted; the determination of the disposition of each report without court or public agency action when appropriate; the referral of a child to another public or private agency when appropriate; and the recommendation by the protective investigator of court action when appropriate.

(57) "Protective investigator" means an authorized agent of the Department of Health and Rehabilitative Services who receives, investigates, and classifies reports of child abuse or neglect as defined in s. 415.503; who, as a result of the investigation, may recommend that a dependency petition be filed for the child under the criteria of paragraph (10)(a); and who performs other duties necessary to carry out the required actions of the protective investigation function.

(58) "Designated facility" or "designated treatment facility" means any facility designated by the Department of Juvenile Justice to provide treatment to juvenile offenders.

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

(61) "Restrictiveness level" means the level of custody provided by programs that service the custody and care needs of committed children. There shall be five ~~four~~ restrictiveness levels:

(a) ~~Minimum-risk~~ ~~Minimum-risk~~ nonresidential.—Youth assessed and classified for placement in programs at this restrictiveness level represent a minimum risk to themselves and public safety and do not require

placement and services in residential settings. Programs or program models in this restrictiveness level include: Community counselor supervision programs, special intensive group programs, nonresidential marine programs, nonresidential training and rehabilitation centers, and other local community nonresidential programs.

(b) ~~Low-risk~~ ~~Low-risk~~ residential.—Youth assessed and classified for placement in programs at this level represent a low risk to themselves and public safety and do not require placement and services in residential settings. Programs or program models in this restrictiveness level include: Short Term Offender Programs (STOP), group treatment homes, family group homes, proctor homes, and Short Term Environmental Programs (STEP).

(c) ~~Moderate-risk~~ ~~Moderate-risk~~ residential.—Youth assessed and classified for placement in programs in this restrictiveness level represent a moderate risk to public safety. Programs are designed for children who require close supervision but do not need placement in facilities that are staff or physically secure. Programs in the moderate risk residential restrictiveness level provide 24-hour awake supervision, custody, care, and treatment. *A facility at this restrictiveness level may have a security fence around the perimeter of the grounds of the facility.* Programs or program models in this restrictiveness level include: Halfway houses, START Centers, the Dade Intensive Control Program, licensed substance abuse residential programs, and moderate-term wilderness programs designed for committed delinquent youth that are operated or contracted by the Department of Juvenile Justice. Section 39.061 applies to children in moderate risk residential programs.

(d) ~~High-risk~~ ~~High-risk~~ residential.—Youth assessed and classified for this level of placement require close supervision in a structured residential setting that provides 24-hour-per-day secure custody, care, and supervision. Placement in programs in this level is prompted by a concern for public safety that outweighs placement in programs at lower restrictiveness levels. Programs or program models in this level are staff or physically secure residential commitment facilities and include: Training schools, ~~serious-habitual-offender programs~~, intensive halfway houses, residential sex offender programs, long-term wilderness programs designed exclusively for committed delinquent youth, boot camps, secure halfway house programs, and the Broward Control Treatment Center. Section 39.061 applies to children placed in programs in this restrictiveness level.

(e) ~~Maximum-risk~~ ~~Maximum-risk~~ residential.—Youth assessed and classified for this level of placement require close supervision in a maximum security residential setting that provides 24-hour-per-day secure custody, care, and supervision. Placement in a program in this level is prompted by a demonstrated need to protect the public. Programs or program models in this level are maximum-secure-custody, long-term residential commitment facilities that are intended to provide a moderate overlay of educational, vocational, and behavioral-modification services and include programs for serious and habitual juvenile offenders and other maximum-security program models authorized by the Legislature and established by rule.

(68) "Protective supervision case plan" means a document that is prepared by the ~~department's~~ protective supervision counselor of the Department of Health and Rehabilitative Services, is based upon the voluntary protective supervision of a case pursuant to s. 39.403(2)(b), or a disposition order entered pursuant to s. 39.41(1)(a)1., and that:

(a) Is developed in conference with the parent, guardian, or custodian of the child and, if appropriate, the child and any court-appointed guardian ad litem.

(b) Is written simply and clearly in the principal language, to the extent possible, of the parent, guardian, or custodian of the child and in English.

(c) Is subject to modification based on changing circumstances and negotiations among the parties to the plan and includes, at a minimum:

1. All services and activities ordered by the court.
2. Goals and specific activities to be achieved by all parties to the plan.
3. Anticipated dates for achieving each goal and activity.
4. Signatures of all parties to the plan.

(d) Is submitted to the court in cases where a dispositional order has been entered pursuant to s. 39.41(1)(a)1.

(69) "Child eligible for an intensive residential treatment program for 10-year-old to 13-year-old ~~10-13-year-old~~ offenders" means a child who may have a behavioral disturbance but has not been found to be severely or emotionally disturbed by an official access diagnosis and who has been found to have committed a delinquent act or a violation of law in the case currently before the court, and who meets at least one of the following criteria:

(a) Is no less than 10 years of age and no greater than 13 years of age and the current offense is a capital or life felony.

(b) Is no less than 10 years of age and no greater than 13 years of age and the current offense is a first or second degree felony offense, involving the infliction of serious physical harm to another person and has previously been found to have committed at least one capital, life, first, or second degree felony offense.

(c) Is no less than 10 years of age and no greater than 13 years of age and the current offense is any felony, and the child has previously been found to have committed at least three separate, nonrelated, felony offenses resulting in at least one residential commitment.

(d) The child was less than 14 years of age at the time of the current offense and has been convicted in a criminal court or has had adjudication withheld pursuant to s. 39.059, and otherwise meets the criteria.

(70) "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Health and Rehabilitative Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.

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

Section 12. Section 39.012, Florida Statutes, is amended to read:

39.012 Rules for implementation.—*The Department of Juvenile Justice shall adopt rules for the efficient and effective management of all programs, services, facilities, and functions necessary for implementing parts II and IV of this chapter and the Department of Health and Rehabilitative Services shall adopt promulgate administrative rules for the efficient and effective management of all programs, services, facilities, and functions of the department necessary for implementing parts III, V, and VI the implementation of this chapter. Such rules may shall not be in conflict with the Florida Rules of Juvenile Procedure. All rules and policies must shall conform to accepted standards of care and treatment.*

Section 13. Section 39.014, Florida Statutes, is amended to read:

39.014 Legal representation for cases under this chapter.—For cases arising under part II of this chapter, the state attorney shall represent the state. For cases arising under parts III, IV, V, and VI of this chapter, an attorney for the Department of Health and Rehabilitative Services shall represent the state. For cases arising under part IV of this chapter, an attorney for the Department of Juvenile Justice shall represent the state. The Department of Health and Rehabilitative Services may contract with outside counsel or the state attorney, pursuant to s. 287.059, for legal representation for cases arising under parts III, IV, V, and VI of this chapter, and the Department of Juvenile Justice may contract with outside counsel or the state attorney, pursuant to s. 287.059, for legal representation for cases arising under part IV of this chapter. The Attorney General shall exercise general oversight of legal services provided to the Department of Juvenile Justice and the Department of

Health and Rehabilitative Services under this chapter 39. This oversight responsibility shall require the Attorney General to assess, on a periodic basis, the extent to which the Department of Juvenile Justice or the Department of Health and Rehabilitative Services, as appropriate, is complying with the mandates of the Florida Supreme Court in cases arising under ~~chapter 39~~, parts III, IV, V, and VI of this chapter. If at any time the Attorney General determines that the Department of Juvenile Justice or the Department of Health and Rehabilitative Services is not complying with the mandates of the Supreme Court, the Attorney General shall notify the Legislature. Notwithstanding the provisions of this chapter 39 or chapter 415 to the contrary, the Attorney General shall have access to confidential information necessary to carry out his oversight responsibility; provided, However, that public disclosure of information by the Attorney General may shall not contain any—client—identifying information that identifies a client of the Department of Juvenile Justice or the Department of Health and Rehabilitative Services.

Section 14. Section 39.0145, Florida Statutes, is created to read:

39.0145 Punishment for contempt of court; alternative sanctions.—

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

(2) PLACEMENT IN A SECURE FACILITY.—A child may be placed in a secure facility for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been sentenced to serve an alternative sanction but failed to comply with the sentence.

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

(b) A child in need of services who has been held in direct contempt or indirect contempt may be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a staff-secure shelter or a staff-secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment.

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

(4) CONTEMPT OF COURT SENTENCING; PROCEDURE AND DUE PROCESS.—

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

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

1. Right to a copy of the petition requesting the contempt sentence.
2. Right to an explanation of the nature and the consequences of the proceedings.
3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 39.041.
4. Right to confront witnesses.
5. Right to present witnesses.
6. Right to have a transcript or record of the proceeding.
7. Right to appeal to an appropriate court.

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

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

(5) **ALTERNATIVE SANCTIONS COORDINATOR.**—Effective July 1, 1995, there is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary and county juvenile justice councils, the local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including nonsecure detention programs, community service projects, and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).

Section 15. Sections 39.412 and 39.444, Florida Statutes, and section 8 of chapter 93-416, Laws of Florida, are repealed.

Section 16. Section 39.015, Florida Statutes, is amended to read:

39.015 Rules relating to habitual truants; adoption by *Department of Education and Department of Juvenile Justice Health and Rehabilitative Services.*—The Department of *Juvenile Justice Health and Rehabilitative Services* and the Department of Education shall work together on the development of, and shall adopt, rules for the implementation of ss. 39.01(52), 39.403(2), and 232.19(3) and (6)(a).

Section 17. Section 39.0206, Florida Statutes, is created to read:

39.0206 Definition.—As used in ss. 39.021-39.078, the term "department" means the Department of Juvenile Justice.

Section 18. Section 39.021, Florida Statutes, is amended to read:

39.021 Administering the *juvenile justice continuum delinquency system.*—

(1) The Department of *Juvenile Justice shall plan, develop, and coordinate* ~~is responsible for the planning, development, and coordination~~ of comprehensive services and programs statewide for the prevention, early intervention, control, and rehabilitative treatment of delinquent behavior.

(2) The department shall develop and implement an appropriate continuum of care ~~that which~~ provides individualized, multidisciplinary assessments, objective evaluations of relative risks, and the matching of needs with placements for all children under its care, and ~~that which~~ uses a system of case management ~~system~~ to facilitate each child being appropriately assessed, ~~provided with and receiving~~ services, and placed in a program ~~that meets placement which reflect~~ the child's needs.

(3) The department shall develop or contract for diversified and innovative programs to provide rehabilitative treatment, including early intervention and prevention, diversion, comprehensive intake, case man-

agement, diagnostic and classification assessments, individual and family counseling, shelter care, diversified detention care emphasizing alternatives to secure detention, diversified community control, halfway houses, foster homes, community-based substance abuse treatment services, community-based mental health treatment services, community-based residential and nonresidential programs, environmental programs, and programs for serious or habitual juvenile offenders. Each program shall place particular emphasis on reintegration and aftercare for all children in the program.

(4) Pursuant to rules adopted by the department, the department may transfer a child, when necessary to appropriately administer the child's commitment, from one facility or program to another facility or program operated, contracted, subcontracted, or designated by the department.

(5) The department shall maintain continuing cooperation with the Department of Education, *the Department of Health and Rehabilitative Services*, the Department of Labor and Employment Security, and the Department of Corrections for the purpose of participating in agreements with respect to dropout prevention and the reduction of suspensions, expulsions, and truancy; increased access to and participation in GED, vocational, and alternative education programs; and employment training and placement assistance. The cooperative agreements between the departments shall include an interdepartmental plan to cooperate in accomplishing the reduction of inappropriate transfers of children into the adult criminal justice and correctional systems.

(6) The department may provide consulting services and technical assistance to courts, law enforcement agencies, and other state agencies, local governments, and public and private organizations, and may develop or assist in ~~developing the development of~~ community interest and action programs relating to intervention against, diversion from, and prevention and treatment of, delinquent behavior.

(7) In view of the importance of the basic values of work, responsibility, and self-reliance to a child's return to his community, the department may pay a child a reasonable sum of money for work performed while employed in any of the department's work programs. The ~~department's~~ work programs shall be designed so that the work benefits the department or the state, their properties, or the child's community. Funds for payments shall be provided specifically for salaries pursuant to this subsection, and payments shall be made pursuant to a plan approved or rules adopted by the department.

(8) The department ~~shall administer programs and is responsible for the implementation of law and policy relating to children's services for children in need of services and families in need of services and shall coordinate and for the coordination of~~ its efforts with those of the Federal Government, state agencies, county and municipal governments, private agencies, and child advocacy groups ~~concerned with providing such services.~~ The department ~~shall establish is responsible for establishing~~ standards for, providing technical assistance to, and exercising the requisite supervision of, ~~children's services and programs for children~~ in all state-supported facilities and programs.

(9) The department shall ensure that personnel responsible for the care, supervision, and individualized treatment of children are appropriately apprised of the requirements of this part and trained in the specialized areas required to comply with ~~department~~ standards established by rule.

(10)(a) *It is the intent of the Legislature to:*

1. *Ensure that information be provided to decisionmakers so that resources are allocated to programs of the department which achieve desired performance levels.*

2. *Provide information about the cost of such programs and their differential effectiveness so that the quality of such programs can be compared and improvements made continually.*

3. *Provide information to aid in developing related policy issues and concerns.*

4. *Provide information to the public about the effectiveness of such programs in meeting established goals and objectives.*

5. *Provide a basis for a system of accountability so that each client is afforded the best programs to meet his needs.*

6. *Improve service delivery to clients.*

7. *Modify or eliminate activities that are not effective.*

(b) *As used in this subsection, the term:*

1. *"Client" means any person who is being provided treatment or services by the department or by a provider under contract with the department.*

2. *"Program component" means an aggregation of generally related objectives which, because of their special character, related workload, and interrelated output, can logically be considered an entity for purposes of organization, management, accounting, reporting, and budgeting.*

3. *"Program effectiveness" means the ability of the program to achieve desired client outcomes, goals, and objectives.*

(c) *The department shall:*

1. *Establish a comprehensive quality assurance system for each program operated by the department or operated by a provider under contract with the department. Each contract entered into by the department must provide for quality assurance.*

2. *Provide operational definitions of and criteria for quality assurance for each specific program component.*

3. *Establish quality assurance goals and objectives for each specific program component.*

4. *Establish the information and specific data elements required for the quality assurance program.*

5. *Develop a quality assurance manual of specific, standardized terminology and procedures to be followed by each program.*

6. *Evaluate each program operated by a provider under a contract with the department and establish minimum thresholds for each program component. If a provider fails to meet the established minimum thresholds, such failure shall cause the department to cancel the provider's contract unless the provider achieves compliance with minimum thresholds within 6 months or unless there are documented extenuating circumstances. In addition, the department may not contract with the same provider for the cancelled service for a period of 12 months.*

The department shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and appropriations committees of each house of the Legislature, and the Governor, no later than December 31 of each year. The annual report must contain, at a minimum, for each specific program component; a comprehensive description of the population served by the program; a specific description of the services provided by the program; cost; a comparison of expenditures to federal and state funding; immediate and long-range concerns; and recommendations to maintain, expand, improve, modify, or eliminate each program component so that changes in services lead to enhancement in program quality. The department's Inspector General shall ensure the reliability and validity of the information contained in the report.

~~(11)(10)~~ *The department shall collect and analyze available statistical data for the purpose of ongoing evaluation of all programs in accordance with s. 20.19. The department shall provide the Legislature with necessary information and reports to enable the Legislature to make making of informed decisions regarding the effectiveness of, and any needed changes in, services, programs, policies, and laws.*

~~(12)(11)(a)~~ *The department shall operate a statewide, regionally administered system of detention services for children, in accordance with utilizing a comprehensive plan for the regional administration of all detention services in the state. The plan must shall provide for the maintenance of adequate availability of detention services for all counties. The initial implementation plan must cover the department's 15 service districts, comprised of 18 catchment areas, with each service district area having a secure facility and nonsecure and home detention programs, and the plan may be altered or modified by the Department of Juvenile Justice as necessary.*

(b) *The department shall is authorized and directed to adopt rules prescribing standards and requirements with reference to:*

1. *The construction, equipping, maintenance, staffing, programming, and operation of detention facilities;*

2. *The treatment, training, and education of children confined in detention facilities;*

3. *The cleanliness and sanitation of detention facilities;*

4. *The number of children who may be housed in detention facilities per specified unit of floor space;*

5. *The quality, quantity, and supply of bedding furnished to children housed in detention facilities;*

6. *The quality, quantity, and diversity of food served in detention facilities and the manner in which it is served;*

7. *The furnishing of medical attention and health and comfort items in detention facilities; and*

8. *The disciplinary treatment administered in detention facilities.*

(c) The rules must provide that the time spent by a child in a detention facility must be devoted to educational training and other types of self-motivation and development. The use of televisions, radios, and audioplayers shall be restricted to educational programming. However, the manager of a detention facility may allow noneducational programs to be used as a reward for good behavior. Exercise must be structured and calisthenic and aerobic in nature and may include weight-lifting.

(d) Each programmatic, residential, and service contract entered into by the department must include a cooperation clause for purposes of complying with the department's quality assurance requirements and the program outcome-evaluation requirements.

Section 19. Section 39.022, Florida Statutes, is amended to read:

39.022 Jurisdiction.—

(1) *The circuit court has exclusive original jurisdiction of proceedings in which a child is alleged to have committed a delinquent act or violation of law.*

(2) *During the prosecution of any violation of law against any person who has been presumed to be an adult, if it is shown that the person was a child at the time the offense was committed and that the person does not meet the criteria for prosecution and sentencing as an adult, the court shall immediately transfer the case, together with the physical custody of the person and all physical evidence, papers, documents, and testimony, original and duplicate, connected therewith, to the appropriate court for proceedings under this chapter. The circuit court is exclusively authorized to assume jurisdiction over any juvenile offender who is arrested and charged with violating a federal law or a law of the District of Columbia, who is found or is living or domiciled in a county in which the circuit court is established, and who is surrendered to the circuit court as provided in 18 U.S.C. s. 5001.*

(3)(a) *Petitions filed under this part shall be filed in the county where the delinquent act or violation of law occurred, but the circuit court for that county may transfer the case to the circuit court of the circuit in which the child resides or will reside at the time of detention or placement for dispositional purposes. A If the child who has been detained, he shall be transferred to the appropriate detention center or facility or other placement directed by the receiving court.*

(b) *The jurisdiction to be exercised by the court when a child is taken into custody before the filing of a petition under s. 39.049(7) shall be exercised by the circuit court for the county in which the child is taken into custody, which court shall have personal jurisdiction of the child and the child's parent or legal guardian. Upon the filing of a petition in the appropriate circuit court, the court that which is exercising initial jurisdiction of the person of the child shall, if the child has been detained, immediately order the child to be transferred to the detention center or facility or other placement as ordered by the court having subject matter jurisdiction of the case.*

(4)(a) *Notwithstanding the provisions of ss. 39.054(4) and 743.07, and except as provided in ss. s. 39.058 and 39.0581, when the jurisdiction of any child who is alleged to have committed a delinquent act or violation of law is obtained, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 19 years of age, with the same power over the child that the court had prior to the child becoming an adult.*

(b) The court may retain jurisdiction over a child committed to the department for placement in an *intensive residential treatment program for 10-year-old to 13-year-old offenders* or in a program for a serious or habitual juvenile offenders program as provided in s. 39.0582 or s. 39.058 until the child reaches the age of 21. If the court exercises this jurisdiction retention, it shall do so solely for the purpose of the child completing the *intensive residential treatment program for 10-year-old to 13-year-old offenders* or the program for serious or habitual juvenile offenders program. Such jurisdiction retention does not apply for other programs, other purposes, or new offenses.

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

(d) This subsection does shall not be construed to prevent the exercise of jurisdiction by any court having jurisdiction of the child if the child, after becoming an adult, commits a violation of law.

(5)(a) If the court finds, after a waiver hearing pursuant to s. 39.052(2), that a child who was 14 years of age or older at the time the alleged violation was committed and who is alleged to have committed a violation of Florida law should be charged and tried as an adult, the court may enter an order transferring the case and certifying the case for trial as if the child were an adult. The child shall thereafter be subject to prosecution, trial, and sentencing as if the child were an adult but subject to the provisions of s. 39.050(7).

(b) The court shall transfer and certify the case for trial as if the child were an adult if the child is alleged to have committed a violation of law and, prior to the commencement of an adjudicatory hearing, the child, joined by a parent or, in the absence of a parent, by his guardian or guardian ad litem, demands in writing to be tried as an adult.

(c)1. A child of any age charged with a violation of Florida law punishable by death or by life imprisonment is subject to the jurisdiction of the court as set forth in s. 39.049(7) unless and until an indictment on such charge is returned by the grand jury. When such indictment is returned, the petition for delinquency, if any, shall be dismissed and the child shall be tried and handled in every respect as if he were an adult:

a. On the offense punishable by death or by life imprisonment; and

b. On all other felonies or misdemeanors charged in the indictment which are based on the same act or transaction as the offense punishable by death or by life imprisonment or on one or more acts or transactions connected with the offense punishable by death or by life imprisonment.

2. No adjudicatory hearing shall be held for 31 days after the child is taken into custody and charged with having committed an offense punishable by death or by life imprisonment, unless the state attorney advises the court in writing that he does not intend to present the case to the grand jury or that he has presented the case to the grand jury and the grand jury has not returned an indictment. If the court receives such a notice from the state attorney, or if the grand jury fails to act within the 21-day period, the court may proceed as otherwise authorized under this chapter.

3. If the child is found to have committed the offense punishable by death or by life imprisonment, the child shall be sentenced as an adult. If the child is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he was indicted as a part of the criminal episode, the court may sentence as follows:

a. Pursuant to the provisions of s. 39.050;

b. Pursuant to the provisions of chapter 050, notwithstanding any other provisions of that chapter to the contrary; or

c. As an adult, pursuant to the provisions of s. 39.050(7)(c).

Once a child has been indicted pursuant to this paragraph and has been found to have committed any offense for which he was indicted as a part of the criminal episode, the child shall thereafter be handled in every respect as if he were an adult for any subsequent violation of Florida law, unless the court pursuant to this paragraph imposes juvenile sanctions under s. 39.050.

(d) Once a child has been transferred for criminal prosecution pursuant to a voluntary or an involuntary waiver hearing or information and has been found to have committed the offense for which he is transferred or a lesser included offense, the child shall thereafter be handled in every respect as if he were an adult for any subsequent violation of Florida law, unless the court, pursuant to this paragraph, imposes juvenile sanctions under s. 39.050(6).

(e) Each state attorney shall develop written policies and guidelines which govern determinations for filing an information on a child, to be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives not later than January 1, 1991.

(6) When a child has been transferred for criminal prosecution as an adult and has been found to have committed a violation of Florida law, the disposition of the case may be made pursuant to s. 39.050 and may include the enforcement of any restitution ordered in any juvenile proceeding.

(7) Nothing in this part shall be deemed to deprive the court of any jurisdiction or relieve it of any duties conferred upon the court by law.

Section 20. Section 39.023, Florida Statutes, is repealed.

Section 21. Section 39.024, Florida Statutes, is amended to read:

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

(1) LEGISLATIVE PURPOSE.—In order to enable the state to provide a systematic approach to staff development and training for judges, state attorneys, public defenders, law enforcement officers, school district personnel, and juvenile justice delinquency program staff that will meet the needs of such persons in their discharge of duties while at the same time meeting the requirements for the American Correction Association accreditation by the Commission on Accreditation for Corrections, it is the purpose of the Legislature to require the department to establish, maintain, and oversee the operation of juvenile justice training academies in the state. The purpose of the Legislature in establishing staff development and training programs is to foster better staff morale and reduce mistreatment and aggressive and abusive behavior in delinquency programs; to positively impact the recidivism of children in the juvenile justice system; and to afford greater protection of the public through an improved level of services delivered by a professionally trained juvenile justice delinquency program staff to children who are alleged to be or who have been found to be delinquent.

(2) JUVENILE JUSTICE STANDARDS AND TRAINING COMMISSION COUNCIL.—

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

1. Eight members of the council shall be juvenile justice delinquency program staff: a superintendent and a direct care staff member from a state-owned and state-operated institution; a superintendent, a director, or a direct care staff member from both a contracted and a state-operated community-based program; a superintendent and a direct care staff member from a regional detention center or facility; an intake supervisor, intake counselor, or case manager; and a community control and furlough supervisor or counselor.

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

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

4. One member Two members of the council shall be a member members of the public.

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

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

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

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

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

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

(e) The powers, duties, and functions of the commission council shall be to:

1. ~~Designate~~ Advise the department on the location of the training academies; ~~develop, implement, maintain, and update the~~ curriculum to be used in the training of juvenile justice delinquency program staff; ~~establish~~ timeframes for participation in and completion of training by juvenile justice delinquency program staff; ~~develop, implement, maintain, and update job-related examinations;~~ ~~develop, implement, and update the~~ types and frequencies of evaluations of the training academies; ~~approve, modify, or disapprove~~ the budget for the training academies, and the contractor to be selected to organize and operate the training academies and to provide the training curriculum.

2. ~~Establish uniform minimum job-related training courses and examinations for juvenile justice program staff. Advise the department on staffing for the council.~~

3. ~~Consult and cooperate with the state or any political subdivision; any private entity or contractor; and with private and public universities, colleges, community colleges, and other educational institutions concerning the development of juvenile justice training and programs or courses of instruction, including, but not limited to, education and training in the areas of juvenile justice. Review, evaluate, and advise the department concerning revisions, if needed, in both rules and law affecting standards and training for delinquency programs.~~

4. ~~With the approval of the department, make and enter into such contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as the commission determines are necessary in the execution of its powers or the performance of its duties. Recommend improvements, if needed, in the administration of delinquency programs.~~

5. ~~Make recommendations to the Department of Juvenile Justice concerning any matter within the purview of this section. Report annually to the Secretary of Health and Rehabilitative Services, the President of the Senate, and the Speaker of the House of Representatives.~~

(d) ~~The Secretary of Health and Rehabilitative Services shall respond to the recommendations of the council in writing. The response shall be forwarded to the council, the President of the Senate, and the Speaker of the House of Representatives.~~

(e) ~~The department shall provide the council with staff necessary to assist in the performance of its duties.~~

(f) ~~Members of the council shall receive no compensation but shall be reimbursed for expenses as provided in s. 112.061.~~

(3) JUVENILE JUSTICE TRAINING PROGRAM.—The commission department shall establish a program for juvenile justice training pursuant to the provisions of this section, and all Department of Juvenile Justice delinquency program staff and providers who deliver direct-care services pursuant to contract with the department shall be required to

participate in and successfully complete the commission-approved program of training pertinent to their areas of responsibility. Judges, state attorneys, and public defenders, law enforcement officers, and school district personnel may participate in such training program. For the juvenile justice program staff, the commission shall, based on a job-task analysis:

(a) Design, implement, maintain, evaluate, and revise a basic training program, including a curriculum-based examination, for the purpose of providing minimum employment training qualifications for all juvenile justice personnel.

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

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

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

(4) JUVENILE JUSTICE TRAINING TRUST FUND.—

(a) There is created within the State Treasury a Juvenile Justice Training Trust Fund to be used by the Department of Juvenile Justice for the purpose of funding the development and updating of a job-task analysis of juvenile justice personnel; the development, implementation, and updating of job-related training courses and examinations; the cost of commission-approved a system of juvenile justice training courses; ~~academics, the participation of delinquency program staff in the academies, the staff for the Juvenile Justice Standards and Training Council, and reimbursement for expenses as provided in s. 112.061 for members of the commission and staff council.~~

(b) One dollar from every noncriminal traffic infraction collected pursuant to ss. 318.14(9)(b), 318.14(10)(b), and 318.18 shall be deposited into the Juvenile Justice Training Trust Fund.

(c) In addition to the funds generated by paragraph (b), the trust fund may receive funds from any other public or private source.

(d) Funds that are not expended by the end of the budget cycle or through a supplemental budget approved by the department shall revert to the trust fund.

(5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—The number, location, and timeframe for establishment of juvenile justice training academies shall be determined by the commission according to the recommendation of the council as approved by the Secretary of Health and Rehabilitative Services.

(6) SCHOLARSHIPS AND STIPENDS.—

(a) By rule, the commission shall establish criteria to award scholarships or stipends to qualified juvenile justice personnel who are residents of the state who want to pursue a bachelor's or associate of arts degree in juvenile justice or a related field. The department shall handle the administration of the scholarship or stipend. The Department of Education shall handle the notes issued for the payment of the scholarships or stipends. All scholarship and stipend awards shall be paid from the Juvenile Justice Training Trust Fund upon vouchers approved by the Department of Education and properly certified by the Comptroller. Prior to the award of a scholarship or stipend, the juvenile justice employee must agree in writing to practice his profession in juvenile justice or a related field for 1 month for each month of grant or to repay the full amount of the scholarship or stipend together with interest at the rate of 5 percent per annum over a period not to exceed 10 years. Repayment shall be made payable to the state for deposit into the Juvenile Justice Training Trust Fund.

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

(7)(6) ADOPTION OF RULES.—The commission department shall adopt rules as necessary to carry out the provisions of this section.

(8)(7) PARTICIPATION OF CERTAIN PROGRAMS IN THE FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of Risk Management of the Department of Insurance is authorized to insure a private agency, individual, or corporation operating a state-owned training school under a contract to carry out the purposes and responsibilities of any program of the department. The coverage authorized herein shall be under the same general terms and conditions as the department is insured for its responsibilities under chapter 284.

Section 22. Section 39.025, Florida Statutes, is amended to read:

39.025 District juvenile justice boards.—

(1) SHORT TITLE.—This section may be cited as the “Community Juvenile Justice System Act of 1993.”

(2) FINDINGS.—The Legislature finds that the number of children suspended or expelled from school is growing at an alarming rate; that juvenile crime is growing at an alarming rate; and that there is a direct relationship between the increasing number of children suspended or expelled from school and the rising crime rate. The Legislature further finds that the problem of school safety cannot be solved solely by suspending or expelling students, nor can the public be protected from juvenile crime merely by incarcerating juvenile delinquents, but that school and law enforcement authorities must work in cooperation with the Department of Juvenile Justice, the Department of Health and Rehabilitative Services, and other community representatives in a partnership that coordinates goals, strategies, resources, and evaluation of outcomes. The Legislature finds that where such partnerships exist the participants believe that such efforts are beneficial to the community and should be encouraged elsewhere.

(3) INTENT.—The Legislature recognizes that, despite the large investment of resources committed to address the needs of the criminal justice system of this state, the crime rate continues to increase, overcrowding the state’s juvenile detention centers, jails, and prisons and placing the state in jeopardy of being unable to effectively manage these facilities. The economic cost of crime to the state continues to drain existing resources, and the cost to victims, both economic and psychological, is traumatic and tragic. The Legislature further recognizes that many adults in the criminal justice system were once delinquents in the juvenile justice system. The Legislature also recognizes that the most effective juvenile delinquency programs are programs that not only prevent children from entering the juvenile justice system, but also meet local community needs and have substantial community involvement and support. Therefore, it is the belief of the Legislature that one of the best investments of the scarce resources available to combat crime is in the prevention of delinquency, including prevention of criminal activity by youth gangs, with special emphasis on structured and well-supervised alternative education programs for children suspended or expelled from school. It is the intent of the Legislature to authorize and encourage each of the counties of the state to establish a comprehensive juvenile justice plan based upon the input of representatives of every affected public or private entity, organization, or group. It is the further intent of the Legislature that representatives of school systems, the judiciary, law enforcement, and the Department of Juvenile Justice acquire a thorough understanding of the role and responsibility that each has in addressing juvenile crime in the community, that the county juvenile justice plan reflect an understanding of the legal and fiscal limits within which the plan must be implemented, and that willingness of the parties to cooperate and collaborate in implementing the plan be explicitly stated. It is the further intent of the Legislature that county juvenile justice plans form the basis of and be integrated into district juvenile justice plans and that the prevention and treatment resources at the county, district, and regional levels be utilized to the maximum extent possible to implement and further the goals of their respective plans.

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

(a) “Juvenile justice continuum” includes, but is not limited to, delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by youth gangs, and juvenile arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; aftercare and reentry services; substance abuse and mental health programs; educational and vocational programs;

recreational programs; community services programs; community service work programs; and alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.

(b) “Department” means the Department of Juvenile Justice Health and Rehabilitative Services.

(c) “District” means a service district of the Department of Juvenile Justice Health and Rehabilitative Services as defined in s. 20.19(7).

(d) “District administrator” means the chief operating officer of each service district of the Department of Health and Rehabilitative Services as defined in s. 20.19(6) s. 20.19(7), and, where appropriate, includes each district administrator whose service district falls within the boundaries of a judicial circuit.

(e) “Circuit” means any of the twenty judicial circuits as set forth in s. 26.021.

(f) “Health and human services board” means the body created in each service district of the Department of Health and Rehabilitative Services pursuant to the provisions of s. 20.19(7) s. 20.19(8).

(g) “District juvenile justice manager” means the person appointed by the Deputy Secretary of for Juvenile Justice Programs, pursuant to s. 20.19(4)(e), responsible for planning, managing, and evaluating all juvenile justice continuum programs and services delivered or funded by the Department of Juvenile Justice Health and Rehabilitative Services within the district.

(h) “Authority” means the Florida Motor Vehicle Theft Prevention Authority established in s. 860.154.

(5) COUNTY JUVENILE JUSTICE COUNCILS.—

(a) A county juvenile justice council is authorized in each county for the purpose of encouraging the initiation of, or supporting ongoing, interagency cooperation and collaboration in addressing juvenile crime. A county juvenile justice council must include representatives of the following:

1. The district school superintendent, or his designee.
2. The chairman of the board of county commissioners, or his designee.
3. An elected official of the governing body of a municipality within the county.
- 4.1. Representatives of the local school system including administrators, teachers, school counselors, and parents.
- 5.2. The district juvenile justice manager and the district administrator Program Office of the Department of Health and Rehabilitative Services, or their respective designees.
- 6.3. Representatives of local law enforcement agencies, including the sheriff or his designee.
- 7.4. Representatives of the judicial system, including, but not limited to, the chief judge of the circuit, the state attorney, the public defender, the clerk of the circuit court, or their respective designees.
- 8.5. Representatives of the business community.
- 9.6. Representatives of any other interested officials, groups, or entities including, but not limited to, a children’s services council, public or private providers of juvenile justice programs and services, students, and advocates.

A juvenile delinquency and gang prevention council or any other group or organization that currently exists in any county, and that is composed of and open to representatives of the classes of members described in this section, may notify the district juvenile justice manager of its desire to be designated as the county juvenile justice council.

(b) The purpose of a county juvenile justice council is to provide a forum for the development of a community-based interagency assessment of the local juvenile justice system, to develop a county juvenile justice plan for more effectively preventing juvenile delinquency, and to make recommendations for more effectively utilizing existing community resources in dealing with juveniles who are truant or have been sus-

pended or expelled from school, or who are found to be involved in crime. The county juvenile justice plan shall include relevant portions of local crime prevention and public safety plans, school improvement and school safety plans, and the plans or initiatives of other public and private entities within the county that are concerned with dropout prevention, school safety, the prevention of juvenile crime and criminal activity by youth gangs, and alternatives to suspension, expulsion, and detention for children found in contempt of court.

(c) The duties and responsibilities of a county juvenile justice council include, but are not limited to:

1. Developing a county juvenile justice plan based upon utilization of the resources of law enforcement, the school system, the Department of Juvenile Justice, the Department of Health and Rehabilitative Services, and others in a cooperative and collaborative manner to prevent or discourage juvenile crime and develop meaningful alternatives to school suspensions and expulsions.

2. Entering into a written county interagency agreement specifying the nature and extent of contributions each signatory agency will make in achieving the goals of the county juvenile justice plan and their commitment to the sharing of information useful in carrying out the goals of the interagency agreement to the extent authorized by law.

3. Applying for and receiving public or private grants, to be administered by one of the community partners, that support one or more components of the county juvenile justice plan.

4. Designating the county representatives to the district juvenile justice board pursuant to subsection (6).

5. Providing a forum for the presentation of interagency recommendations and the resolution of disagreements relating to the contents of the county interagency agreement or the performance by the parties of their respective obligations under the agreement.

6. Assisting and directing the efforts of local community support organizations and volunteer groups in providing enrichment programs and other support services for clients of local juvenile detention centers.

7. Providing an annual report and recommendations to the district juvenile justice board, the ~~Commission on Juvenile Justice Advisory Board~~, and the district juvenile justice manager.

(6) DISTRICT JUVENILE JUSTICE BOARDS.—

(a) There is created a district juvenile justice board within each district to be composed of representatives of county juvenile justice councils within the district.

(b)1.a. *The authority to appoint members to district juvenile justice boards, and the size of each board, is as follows:*

(I) *District 1 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Escambia County, 6 members; Okaloosa County, 3 members; Santa Rosa County, 2 members; and Walton County, 1 member.*

(II) *District 2 is to have a board composed of 18 members, to be appointed by the juvenile justice councils in the respective counties, as follows: Holmes County, 1 member; Washington County, 1 member; Bay County, 2 members; Jackson County, 1 member; Calhoun County, 1 member; Gulf County, 1 member; Gadsden County, 1 member; Franklin County, 1 member; Liberty County, 1 member; Leon County, 4 members; Wakulla County, 1 member; Jefferson County, 1 member; Madison County, 1 member; and Taylor County, 1 member.*

(III) *District 3 is to have a board composed of 15 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Hamilton County, 1 member; Suwannee County, 1 member; Lafayette County, 1 member; Dixie County, 1 member; Columbia County, 1 member; Gilchrist County, 1 member; Levy County, 1 member; Union County, 1 member; Bradford County, 1 member; Putnam County, 1 member; and Alachua County, 5 members.*

(IV) *District 4 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Baker County, 1 member; Nassau County, 1 member; Duval County, 7 members; Clay County, 2 members; and St. Johns County, 1 member.*

(V) *District 5 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Pasco County, 3 members; and Pinellas County, 9 members.*

(VI) *District 6 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Hillsborough County, 9 members; and Manatee County, 3 members.*

(VII) *District 7 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Seminole County, 3 members; Orange County, 5 members; Osceola County, 1 member; and Brevard County, 3 members.*

(VIII) *District 8 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Sarasota County, 3 members; DeSoto County, 1 member; Charlotte County, 1 member; Lee County, 3 members; Glades County, 1 member; Hendry County, 1 member; and Collier County, 2 members.*

(IX) *District 9 is to have a board composed of 12 members, to be appointed by the juvenile justice council of Palm Beach County.*

(X) *District 10 is to have a board composed of 12 members, to be appointed by the juvenile justice council of Broward County.*

(XI) *District 11, Subdistrict A, and Subdistrict B, each have a sub-district juvenile justice board composed of 12 members to be appointed by the juvenile justice council in the respective counties.*

(XII) *District 12 is to have a board composed of 12 members, to be appointed by the juvenile justice council of the respective counties, as follows: Flagler County, 3 members; and Volusia County, 9 members.*

(XIII) *District 13 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Marion County, 4 members; Citrus County, 2 members; Hernando County, 2 members; Sumter County, 1 member; and Lake County, 3 members.*

(XIV) *District 14 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Polk County, 9 members; Highlands County, 2 members; and Hardee County, 1 member.*

(XV) *District 15 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Indian River County, 3 members; Okeechobee County, 1 member; St. Lucie County, 5 members; and Martin County, 3 members. Appointments to the initial district juvenile justice board by each county juvenile justice council shall be in a number equal to the county's appointments to the district health and human services board as provided in s. 20.10(8). In addition,*

The district health and human services board in each district may appoint one of its members to serve as an ex officio member of the district juvenile justice board established under this sub-subparagraph.

b. In any judicial circuit where a juvenile delinquency and gang prevention council exists on the date this act becomes law, and where the circuit and district or subdistrict boundaries are identical, such council shall become the district juvenile justice board, and shall thereafter have the purposes and exercise the authority and responsibilities provided in this section.

2. At any time after the adoption of initial bylaws pursuant to paragraph (c), a district juvenile justice board may adopt a bylaw to enlarge the size, by no more than three members, and composition of the board to adequately reflect the diversity of the population and community organizations in the district. ~~that enlarges the size of the board by no more than three members or that otherwise alters the composition of the board, if, in the judgment of the board, the change is necessary to adequately reflect the diversity of the population of the district.~~

3. In order to create staggered terms, the initial terms of members of the district juvenile justice board appointed by the county juvenile justice council in the most populous county of the district shall expire on June 30, 1995 1994. The initial terms of members appointed by other county councils shall expire on June 30, 1996 1995. Thereafter, all appointments shall be for 2-year terms. Appointments to fill vacancies created by death, resignation, or removal of a member are for the unexpired term. A member may not serve more than two full consecutive terms; however,

this limitation does not apply in any district in which a juvenile delinquency and gang prevention council that existed on May 7, 1993, became the district juvenile justice board.

4. A member who is absent for three meetings within any 12-month period, without having been excused by the chair, is deemed to have resigned, and the board shall immediately declare the seat vacant. Members may be suspended or removed for cause by a majority vote of the board members or by the Governor.

5. Members are subject to the provisions of chapter 112, part III, Code of Ethics for Public Officers and Employees.

(c) Upon the completion of the appointment process, the district juvenile justice manager shall schedule an organizational meeting of the board. At the organizational meeting, or as soon thereafter as is practical, the board shall adopt bylaws and rules of procedure for the operation of the board, provided such bylaws and rules are not inconsistent with federal and state laws or county ordinances. The bylaws shall provide for such officers and committees as the board deems necessary, and shall specify the qualifications, method of selection, and term for each office created.

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

1. Advise the district juvenile justice manager, ~~the district health and human services board~~, and the district administrator on the need for and the availability of juvenile justice programs and services in the district.

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

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

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

5. Advise and assist the district juvenile justice manager in the provision of optional, innovative delinquency services in the district to meet the unique needs of delinquent children and their families.

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

7. Educate the community about and assist in the Community Juvenile Justice Partnership grant program administered by the Florida Motor Vehicle Theft Prevention Authority and the Interagency Task Force on Community Juvenile Justice Partnerships.

8. Advise the district health and human services board, the district juvenile justice manager, and the Deputy Secretary of Juvenile Justice Programs regarding the development of the legislative budget request for juvenile justice programs and services in the district and the commitment region, and, in coordination with the district health and human services board, make recommendations, develop programs, and provide funding for prevention and early intervention programs and services designed to serve children in need of services, families in need of services, and children who are at risk of delinquency within the district or region.

9. Assist the district juvenile justice manager in collecting information and statistical data useful in assessing the need for prevention programs and services within the juvenile justice continuum program in the district.

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

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

12.11. Provide a written annual report on the activities of the board to the district administrator, ~~the district health and human services board, the assistant Secretary of Juvenile Justice, and the Commission on Juvenile Justice Advisory Board~~. The report should include an assessment of the effectiveness of juvenile justice continuum programs and services within the district, recommendations for elimination, modification, or expansion of existing programs, and suggestions for new programs or services in the juvenile justice continuum that would meet identified needs of children and families in the district.

(e) Contingent upon legislative appropriation, the department shall provide funding for a minimum of one full-time position for a staff person to work with the district juvenile justice boards.

(7) DISTRICT JUVENILE JUSTICE PLAN; PROGRAMS.—

(a) A district juvenile justice plan is authorized in each district or any subdivision of the district authorized by the district juvenile justice board for the purpose of reducing delinquent acts, juvenile arrests, and gang activity. Juvenile justice programs under such plan may be administered by the Department of Juvenile Justice Health and Rehabilitative Services; the district school board; a local law enforcement agency; or any other public or private entity, in cooperation with appropriate state or local governmental entities and public and private agencies. A juvenile justice program under this section may be planned, implemented, and conducted in any district pursuant to a proposal developed and approved as specified in subsection (8).

(b) District juvenile justice plans shall be developed by district juvenile justice boards in close cooperation with the schools, the courts, the state attorney, law enforcement, state agencies, and community organizations and groups. It is the intent of the Legislature that representatives of all elements of the community acquire a thorough understanding of the role and responsibility that each has in addressing juvenile crime in the community, and that the district juvenile justice plan reflect an understanding of the legal and fiscal limits within which the plan must be implemented.

(c) The district juvenile justice board may use public hearings and other appropriate processes to solicit input regarding the development and updating of the district juvenile justice plan. Input may be provided by parties which include, but are not limited to:

1. Local level public and private service providers, advocacy organizations, and other organizations working with delinquent children.
2. County and municipal governments.
3. State agencies that provide services to children and their families.
4. University youth centers.
5. Judges, state attorneys, public defenders, and The Florida Bar.
6. Victims of crimes committed by children.
7. Law enforcement.
8. Delinquent children and their families and caregivers.

The district juvenile justice board must develop its district juvenile justice plan in close cooperation with the appropriate health and human services board of the Department of Health and Rehabilitative Services, local school districts, and with local law enforcement agencies, and other community groups and must update the plan annually. To aid the planning process, the Department of Juvenile Justice shall provide to district juvenile justice boards routinely collected ethnicity data. The Department of Law Enforcement shall include ethnicity as a field in the Florida Intelligence Center data base, and shall collect the data routinely and make it available to district juvenile justice boards.

(8) COMMUNITY JUVENILE JUSTICE PARTNERSHIP GRANTS; CRITERIA.—

(a) In order to encourage the development of county and district juvenile justice plans and the development and implementation of county

and district interagency agreements among representatives of the *Department of Juvenile Justice*, the Department of Health and Rehabilitative Services, law enforcement, and school authorities, the community juvenile justice partnership grant program is established, to be administered by the interagency task force for community juvenile justice partnership grants pursuant to the provisions of s. 860.1545.

(b) The interagency task force for community juvenile justice partnership grants shall only consider applications which at a minimum provide for the following:

1. The participation of the local school authorities, local law enforcement, and local representatives of the *Department of Juvenile Justice* and the Department of Health and Rehabilitative Services pursuant to a written interagency partnership agreement. Such agreement must specify how community entities will cooperate, collaborate, and share information in furtherance of the goals of the district juvenile justice plan; and
2. The reduction of truancy and in-school and out-of-school suspensions and expulsions, and the enhancement of school safety.

(c) In addition, the task force may consider the following criteria in recommending award of such grants:

1. The district juvenile justice plan and any county juvenile justice plans that are referred to or incorporated into the district plan, including a list of individuals, groups, and public and private entities that participated in the development of the plan.
2. The diversity of community entities participating in the development of the district juvenile justice plan.
3. The number of community partners who will be actively involved in the operation of the grant program.
4. The number of students or youth 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.

(9) GRANT APPLICATION PROCEDURES.—

(a) Each entity wishing to apply for an annual community juvenile justice partnership grant, which may be renewed for up to 2 additional years, shall submit a grant proposal for funding or continued funding to the Executive Director of the Florida Motor Vehicle Theft Prevention Authority by ~~September 1, 1993,~~ and by March 1 of each every year thereafter. The authority shall establish the grant application procedures. In order to be considered for funding, the grant proposal shall include the following assurances and information:

1. A letter from the chair of the county juvenile justice council confirming that the grant application has been reviewed and found to support one or more purposes or goals of the juvenile justice plan as developed by the council.
2. A rationale and description of the program and the services to be provided, including goals and objectives.
3. A method for identification of the juveniles at risk of involvement in the juvenile justice system who will be the focus of the program.
4. Provisions for the participation of parents and guardians in the program.
5. Coordination with other community-based and social service prevention efforts, including, but not limited to, drug and alcohol abuse prevention and dropout prevention programs, that serve the target population or neighborhood.
6. An evaluation component to measure the effectiveness of the program in accordance with the provisions of ss. 20.19 and 39.021.
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 authority 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. At least 50 percent of the contribution must be in cash.*
8. The necessary program staff.

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

1. The number of juvenile arrests within the geographical area to be served by the program. Those geographical areas with the highest number of juvenile arrests shall have priority for selection.
2. The extent to which the program targets high juvenile crime neighborhoods and those public schools serving juveniles from high crime neighborhoods.
3. The validity and cost-effectiveness of the program.
4. 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.
5. The extent to which the program complements any project approved for funding under the Safe Neighborhoods Act pursuant to chapter 87-243, Laws of Florida.
6. *The recommendations of the juvenile justice council as to the priority that should be given to proposals submitted by entities within a county.*
7. *The recommendations of the juvenile justice board as to the priority that should be given to proposals submitted by entities within a district.*

(c) The authority shall make available to anyone wishing to apply for such a grant information on all of the criteria to be used by the authority in the selection of the proposals for funding pursuant to the provisions of this subsection and s. 860.1545.

(d) The authority shall review all program proposals submitted. Entities submitting proposals shall be notified of approval not later than ~~November 1, 1993, for the 1993-1994 fiscal year and by June 30 of each every fiscal year thereafter.~~

(e) Each entity ~~that which~~ is awarded a grant as provided for in this section shall submit an annual evaluation report to the authority, the district administrator, ~~the district health and human services board,~~ and the county juvenile justice council, by a date subsequent to the end of the contract period established by the authority, 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 authority. The authority shall coordinate and incorporate all such annual evaluation reports with the provisions of s. 39.021 ~~s. 20.19~~. Each entity is also subject to a financial audit and a performance audit.

(f) The authority ~~may is authorized to~~ establish rules and policy provisions necessary to implement ~~the provisions of~~ this section.

(10) RESTRICTIONS.—~~Nothing in~~ This section ~~does not shall be construed to~~ prevent a program initiated under a community juvenile justice partnership grant established pursuant to this section from continuing to operate beyond the 3-year maximum funding period if it can find other funding sources. Likewise, ~~nothing in~~ this section ~~does not shall be construed to~~ restrict the number of programs an entity may apply for or operate.

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

(a)1. *The district juvenile justice 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.*

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

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

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

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

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

1. Forestry alternative work program that provides selected juvenile offenders an opportunity to serve in a forestry work program as an alternative to incarceration, in which offenders assist in wildland fire-fighting, enhancement of state land management, environmental enhancement, and land restoration.

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

3. Support services program that provides economically disadvantaged youth with support services, jobs, training, counseling, mentoring, and prepaid postsecondary tuition scholarships.

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

5. Infant mortality prevention program that is designed to discourage unhealthy behaviors such as smoking and alcohol or drug consumption, reduce the incidence of babies born prematurely or with low birth weight, reduce health care cost by enabling babies to be safely discharged earlier from the hospital, reduce the incidence of child abuse and neglect, and improve parenting and problem-solving skills.

6. Regional crime prevention and intervention program that serves as an umbrella agency to coordinate and replicate existing services to at-risk children, first-time juvenile offenders, youth crime victims, and school dropouts.

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

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

9. Community resource mother or father program that emphasizes parental responsibility for the behavior of children, and requires the availability of counseling services for children at high risk for delinquent behavior.

Section 23. Subsections (1) and (4) of section 39.0255, Florida Statutes, are amended to read:

39.0255 Civil citation.—

(1) There is hereby established a juvenile civil citation process for the purpose of providing an efficient and innovative alternative to custody by the Department of Juvenile Justice Health and Rehabilitative Services of children who commit nonserious delinquent acts and to ensure swift

and appropriate consequences. The civil citation program may be established at the local level with the concurrence of the chief judge of the circuit, state attorney, public defender, and the head of each local law enforcement agency involved. Under such a juvenile civil citation program, any law enforcement officer upon making contact with a juvenile who admits having committed a misdemeanor, may issue a civil citation assessing not more than 50 community service hours, and may require participation in intervention services appropriate to identified needs of the juvenile, including family counseling, urinalysis monitoring, and substance abuse and mental health treatment services. A copy of each citation issued under this section shall be provided to the department, and the department shall enter appropriate information into the juvenile offender information system.

(4) If ~~Failure of the juvenile fails to report timely for a work assignment, complete a work assignment, or comply with assigned intervention services or to complete his work assignment~~ within the prescribed time, or if the juvenile commits a third or subsequent misdemeanor, the law enforcement officer shall issue a report alleging the child has committed a delinquent act, at which point an intake counselor or case manager shall perform a preliminary determination as provided under s. 39.047(4).

Section 24. Subsection (1) of section 39.029, Florida Statutes, is amended to read:

39.029 Procedure for initiating cases for community arbitration.—

(1) Any law enforcement officer may issue a complaint, along with a recommendation for community arbitration, against any child who such officer has reason to believe has committed any offense that is eligible for community arbitration. The complaint shall specify the offense and the reasons why the law enforcement officer feels that the offense should be handled by community arbitration. Any intake counselor or case manager or, at the request of the child's parent or legal custodian or guardian, the state attorney or the court having jurisdiction, with the concurrence of the state attorney, may refer a complaint to be handled by community arbitration when appropriate. A copy of the complaint shall be forwarded to the appropriate intake counselor or case manager and the parent or legal custodian or guardian of the child within 48 hours after issuance of the complaint. In addition to the complaint, the child and his parent or legal custodian or guardian shall be informed of the objectives of the community arbitration process, the conditions, procedures, and timeframes under which it will be conducted, and the fact that it is not obligatory. ~~The child and his parent or legal custodian or guardian shall be informed that acceptance of the timeframe for successfully completing the community arbitration agreement may delay the 45-day speedy trial provision under s. 39.048(6).~~ The intake counselor shall contact the child and his parent or legal custodian or guardian within 2 days after the date on which the complaint was received. At this time, the child or his parent or legal custodian or guardian shall inform the intake counselor of the decision to approve or reject the handling of the complaint through community arbitration.

Section 25. Subsection (1) of section 39.034, Florida Statutes, is amended to read:

39.034 Community arbitration; disposition of cases.—

(1) Subsequent to any hearing held as provided in s. 39.033, the community arbitrator or community arbitration panel may:

(a) Recommend that the state attorney decline to prosecute the child ~~Dismiss the case.~~

(b) Issue ~~Dismiss the case with~~ a warning to the child or the child's family and recommend that the state attorney decline to prosecute the child.

(c) Refer the child for placement in a community-based nonresidential program.

(d) Refer the child or the family to community counseling.

(e) Refer the child to a safety and education program related to delinquent children.

(f) Refer the child to a work program related to delinquent children and require up to 100 hours of work by the child.

(g) Refer the child to a nonprofit organization for volunteer work in the community and require up to 100 hours of work by the child.

(h) Order restitution in money or in kind in a case involving property damage; however, the amount of restitution shall not exceed the amount of actual damage to property.

(i) Continue the case for further investigation.

(j) Require the child to undergo urinalysis monitoring.

(k)(j) Impose any other restrictions or sanctions that are designed to encourage responsible and acceptable behavior and are agreed upon by the participants of the community arbitration proceedings.

The community arbitrator or community arbitration panel shall determine an appropriate timeframe in which the disposition must be completed. The community arbitrator or community arbitration panel shall report the disposition of the case to the intake counselor or case manager.

Section 26. Subsection (1) of section 39.037, Florida Statutes, is amended to read:

39.037 Taking a child into custody.—

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

(a) Pursuant to an order of the circuit court issued ~~under pursuant to the provisions of this part chapter~~, based upon sworn testimony, either before or after a petition is filed. ~~;~~

(b) For a delinquent act or violation of law, pursuant to Florida law pertaining to a lawful arrest. If such delinquent act or violation of law ~~would be a felony if committed by an adult or involves a crime of violence or a crime in which a deadly weapon was used~~, the arresting authority shall immediately notify the district school superintendent, or his designee, of the school district with educational jurisdiction of the child. ~~Except to the extent necessary to protect the health, safety, and welfare of other students, faculty, or staff, The information obtained by the superintendent of schools pursuant to this section must be may be released within 48 hours after receipt only to appropriate school personnel, including the principal of the child's school, or as otherwise provided by law. The principal must immediately notify the child's immediate classroom teachers. In order to protect the rights of the child and his parents or other persons responsible for the child's welfare, all information in the possession of the superintendent or other employees of the school district concerning reports of delinquent acts or violations of law involving a crime of violence or a crime in which a deadly weapon was used shall be confidential and exempt from the provisions of s. 119.07(1), and shall not be disclosed except as specifically authorized by this paragraph. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Information provided by an arresting authority pursuant to this paragraph may shall not be placed in the student's permanent record and shall be removed from all school records no later than 9 months after the date of the arrest.~~

(c) For failing to appear at a court hearing after being properly noticed.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. 39.044.

Section 27. Paragraph (a) of subsection (2) of section 39.038, Florida Statutes, is amended, and a new paragraph (f) is added to that subsection, and subsection (4) is amended, to read:

39.038 Release or delivery from custody.—

(2) Unless otherwise ordered by the court pursuant to s. 39.044, 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:

(a) To the child's parent, guardian, or legal custodian or, if the child's parent, guardian, or legal custodian is unavailable, unwilling, or unable to provide supervision for the child, to any responsible adult. *Prior to releasing the child to a responsible adult, other than the parent, guardian, or legal custodian, the person taking the child into custody may conduct a criminal history background check of the person to whom the child is to be released. If the person has a prior felony conviction, or a conviction for child abuse, drug trafficking, or prostitution, that person is not a responsible adult for the purposes of this section.* The person to whom the child is released shall agree to inform the department or the person releasing the child of the child's subsequent change of address and to produce the child in court at such time as the court may direct, and the child shall join in the agreement.

(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 pursuant to this section with a copy of the assessment.*

(4) A person taking a child into custody who determines, pursuant to s. 39.044, that the child should be detained or released to a shelter designated by the department, shall make a reasonable effort to immediately notify the parent, guardian, or legal custodian of the child and shall, without unreasonable delay, deliver the child to the appropriate intake counselor or case manager or, if the court has so ordered pursuant to s. 39.044, to a detention center or facility. Upon delivery of the child, the person taking the child into custody shall make a written report or probable cause affidavit to the appropriate intake counselor or case manager. Such written report or probable cause affidavit *must shall*:

(a) Identify the child and, if known, his parents, guardian, or legal custodian.

(b) Establish that the child was legally taken into custody, with sufficient information to establish the jurisdiction of the court and to make a prima facie showing that the child has committed a violation of law.

Section 28. Subsections (1), (2), and (4) of section 39.039, Florida Statutes, are amended to read:

39.039 Fingerprinting and photographing.—

(1)(a) *A child who is charged with or found to have committed an offense that would be a felony if committed by an adult shall be fingerprinted and the fingerprints A law enforcement agency must fingerprint and photograph a child taken into custody upon probable cause that such child has committed a violation of law. Such fingerprint records and photographs shall be retained by the law enforcement agency in a separate file, and these records and all copies thereof shall be marked "Juvenile Confidential." If the violation of law for which the child has been taken into custody would be a felony had it been committed by an adult, the original record of the child's fingerprints must be submitted to the Department of Law Enforcement as provided in s. 943.051(3)(a) & 943.051(4).*

(b) *A child who is charged with or found to have committed the following misdemeanors shall be fingerprinted and the fingerprints shall be submitted to the Department of Law Enforcement as provided in s. 943.051(3)(b):*

1. Assault, as defined in s. 784.011.
2. Battery, as defined in s. 784.03.
3. Carrying a concealed weapon, as defined in s. 790.01(1).
4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).
5. Child abuse, as defined in s. 827.04(2).
6. Negligent treatment of children, as defined in s. 827.05.
7. Assault or battery on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a) and (b).
8. Open carrying of a weapon, as defined in s. 790.053.
9. Exposure of sexual organs, as defined in s. 800.03.
10. Unlawful possession of a firearm, as defined in s. 790.22(5).
11. Petit theft, as defined in s. 812.04(2)(d).
12. Cruelty to animals, as defined in s. 828.12(1).
13. Arson, as defined in s. 806.031(1).

A law enforcement agency may fingerprint and photograph a child taken into custody upon probable cause that such child has committed any other violation of law, as the agency deems appropriate. Such fingerprint records and photographs shall be retained by the law enforcement agency in a separate file, and these records and all copies thereof must be marked "Juvenile Confidential." Notwithstanding the provisions of s. 119.14, these records shall not be available for public disclosure and inspection under s. 119.07(1), but shall be available to other law enforcement agencies, criminal justice agencies, state attorneys, the courts, the child, the parents or legal custodians of the child, their attor-

neys, and any other person authorized by the court to have access to such records. These records may, in the discretion of the court, be open to inspection by anyone upon a showing of cause. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The fingerprint and photograph records shall be produced in the court whenever directed by the court. Any photograph taken pursuant to this section may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime.

(c)(b) The court shall be responsible for the fingerprinting of any child at the disposition hearing if the child has been adjudicated or had adjudication withheld for any felony in the case currently before the court.

(2) If the child is not referred to the court, or if the child is found not to have committed a violation of law, the court may, after notice to the law enforcement agency involved, order the originals and copies of the fingerprints and photographs destroyed. Unless otherwise ordered by the court, if the child is found to have committed an offense which would be a felony if it had been committed by an adult, then the law enforcement agency having custody of the fingerprint and photograph records shall retain the originals and immediately thereafter forward adequate duplicate copies to the court along with the written offense report relating to the matter for which the child was taken into custody. Except as otherwise provided by this subsection, the clerk of the court, after the disposition hearing on the case, shall forward duplicate copies of the fingerprints and photographs, together with the child's name, address, date of birth, age, and sex, to the following agencies:

(a) The Department of Law Enforcement.

(b) The sheriff of the county in which the child was taken into custody, in order to maintain a central child identification file in that county.

(c) The law enforcement agency of each municipality having a population in excess of 50,000 persons and located in the county of arrest, if so requested specifically or by a general request by that agency.

(d) A news media office or a news organization that specifically requests the information for a particular child.

(4) ~~Nothing contained in~~ This section ~~does not shall~~ prohibit the fingerprinting or photographing of child traffic violators. All records of such traffic violations shall be kept in the full name of the violator and shall be open to inspection and publication in the same manner as adult traffic violations. ~~Nothing contained in~~ This section ~~does not shall~~ apply to the photographing of children by the Department of Juvenile Justice or the Department of Health and Rehabilitative Services.

Section 29. Section 39.042, Florida Statutes, is amended to read:

39.042 Use of detention.—

(1) All determinations and court orders regarding the use of secure, nonsecure, or home detention shall be based primarily upon findings that the child:

(a) Presents a substantial risk of not appearing at a subsequent hearing;

(b) Presents a substantial risk of inflicting bodily harm on others as evidenced by recent behavior;

(c) Presents a history of committing a serious property offense prior to adjudication, disposition, or placement; or

(d) Has committed contempt of court by:

1. Intentionally disrupting the administration of the court;

2. Intentionally disobeying a court order; or

3. Engaging in a punishable act or speech in the court's presence which shows disrespect for the authority and dignity of the court; or

(e)(d) Requests protection from imminent bodily harm.

~~(2) A child shall not be placed into detention care, whether secure, nonsecure, or home detention care, if appropriate less restrictive placement alternatives are available.~~

(2)(3)(a) All determinations and court orders regarding placement of a child into detention care shall comply with all requirements and criteria provided in this part and shall be based on a risk assessment of the child, unless the child is placed into detention care as provided in subparagraph (b)3.

(b)1. The risk assessment instrument for detention care placement determinations and orders shall be developed by the Department of Juvenile Justice in agreement with representatives appointed by the following associations: the Conference of Circuit Judges of Florida, the Prosecuting Attorneys Association, and the Public Defenders Association. Each association shall appoint two individuals, one representing an urban area and one representing a rural area. ~~The risk assessment instrument shall be developed and implemented not later than December 1, 1990. Such agreement must include a method for revising the risk assessment instrument. If agreement is not reached within 90 days, the parties involved shall submit in writing the reasons for not reaching agreement to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives. Until such time as the risk assessment instrument is developed, the court criteria in s. 39.044 shall be used to determine detention care placement.~~ The parties involved shall evaluate and revise the risk assessment instrument as is considered necessary using the method for revision as agreed by the parties. The risk assessment instrument shall take into consideration, but need not be limited to, prior history of failure to appear, prior offenses, offenses committed pending adjudication, any unlawful possession of a firearm, theft of a motor vehicle or possession of a stolen motor vehicle, and community control status at the time the child is taken into custody. The risk assessment instrument shall also take into consideration appropriate aggravating and mitigating circumstances, and shall be designed to target a narrower population of children than s. 39.044(2). The risk assessment instrument shall also include any information concerning the child's history of abuse and neglect. The risk assessment shall indicate whether detention care is warranted, and, if detention care is warranted, whether the child should be placed into secure, nonsecure, or home detention care.

2. If, at the detention hearing, the court finds a material error in the scoring of the risk assessment instrument, the court may amend the score to reflect factual accuracy.

3. A child who is charged with committing an offense of domestic violence against the child's parent, sibling, spouse, or offspring and who does not meet detention criteria may be held in secure detention if a respite home or similar authorized residential facility is not available for up to 48 hours. The court may order that the child continue to be held in secure detention provided that a hearing is held at the end of each 48-hour period, excluding Saturdays, Sundays, and legal holidays, in which the state attorney and the department may recommend to the court that the child continue to be held in secure detention.

(3)(4)(a) While a child who is currently enrolled in school is in nonsecure or home detention care, the child shall continue to attend school unless otherwise ordered by the court.

(b) While a child is in secure detention care, the child shall receive education commensurate with his grade level and his educational ability.

(4)(5) The Department of Juvenile Justice shall continue to identify alternatives to secure detention care and shall develop such alternatives and annually submit them to the Legislature for authorization and appropriation.

Section 30. Section 39.043, Florida Statutes, is amended to read:

39.043 Prohibited uses of detention.—

(1) A child alleged to have committed a delinquent act or violation of law may ~~shall~~ not be placed into secure, nonsecure, or home detention care for any of the following reasons:

~~(a) To punish, treat, or rehabilitate the child;~~

(a)(b) To allow a parent to avoid his or her legal responsibility;

(b)(c) To permit more convenient administrative access to the child;

(c)(d) To facilitate further interrogation or investigation; or

(d)(e) Due to a lack of more appropriate facilities.

(2) A child alleged to be dependent under part III of this chapter may ~~or in need of services shall~~ not, under any circumstances, be placed into secure detention care solely for these reasons.

Section 31. Section 39.044, Florida Statutes, is amended to read:

39.044 Detention.—

(1) The intake counselor or case manager shall receive custody of a child who has been taken into custody from the law enforcement agency 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 required.

(a) During the period of time from the taking of the child into custody ~~by the department~~ to the date of the detention hearing, the initial decision as to the child's placement into secure *detention care*, nonsecure *detention care*, or home detention care, ~~or release from custody~~, shall be made by the intake counselor or case manager pursuant to ss. 39.042 and 39.043. ~~Every effort shall be made to release the child from custody pursuant to s. 39.038.~~

(b) The intake counselor or case manager shall base his decision whether or not to ~~place~~ ~~detain~~ the child into *secure detention care* or *nonsecure detention care* on an assessment of risk in accordance with the risk assessment instrument and procedures developed by the Department of *Juvenile Justice* under ~~pursuant to~~ s. 39.042(3).

(c) If the intake counselor or case manager determines that a child who is eligible for detention based upon the results of the risk assessment instrument should be released, the intake counselor or case manager shall contact the state attorney, who may authorize release. If detention is not authorized, the child may be released by the intake counselor or case manager in accordance with s. 39.038.

Under no circumstances shall the intake counselor or case manager 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.

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

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

(b) The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony;

(c) ~~he~~ The child ~~is has been~~ charged with a delinquent act or violation of law and requests in writing through legal counsel to be detained for protection from an imminent physical threat to his personal safety;

(d) *The child is charged with committing an offense of domestic violence against the child's parent, sibling, spouse, or offspring and is detained as provided in s. 39.042(2)(b)3;*

(e) ~~he~~ The child is charged with a capital felony, a life felony, a felony of the first degree, a felony of the second degree that does not involve a violation of chapter 893, or a felony of the third degree that is also a crime of violence, including any such offense involving the use or possession of a firearm; or

(f) ~~he~~ The child is charged with ~~a serious property crime as described in s. 810.02(2) or (3) or s. 812.014(2)(c)4, any offense involving the use of a firearm, or any second-degree or third-degree felony involving a violation of chapter 893 or any third-degree felony that is not also a crime of violence, and the child:~~

1. ~~He~~ Has a record of failure to appear at court hearings after being properly notified in accordance with the Rules of Juvenile Procedure;
2. ~~He~~ Has a record of law violations prior to court hearings;
3. ~~He~~ Has already been detained or has been released and is awaiting final disposition of ~~the~~ his case;
4. ~~He~~ Has a record of violent conduct resulting in physical injury to others; or
5. ~~He~~ Is found to have been in possession of a firearm.

A child who meets these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he is charged and the need for continued detention. *Unless a child is detained under paragraph (d)*, the court shall utilize the results of the risk assessment performed by the intake counselor or case manager and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement.

(3) Except in emergency situations, a child ~~may~~ ~~shall~~ not be placed into or transported in any police car or similar vehicle ~~that~~ ~~which~~ at the same time contains an adult under arrest, unless the adult is alleged or believed to be involved in the same offense or transaction as the child.

(4) The court may order the delivery of a child to a jail or other facility intended or used for the detention of adults:

(a) When the child has been transferred or indicted for criminal prosecution as an adult pursuant to this ~~part~~ ~~chapter~~, except that the court ~~may~~ ~~shall~~ not order or allow a child alleged to have committed a misdemeanor who is being transferred for criminal prosecution pursuant to s. 39.059 to be detained or held in a jail or other facility intended or used for the detention of adults; however, such child may be held temporarily in a detention facility; or

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

The child shall be housed separately from adult inmates to prohibit a child from having regular contact with incarcerated adults, including trustees. "Regular contact" means sight and sound contact. Separation of children from adults shall permit no more than haphazard or accidental contact. The receiving jail or other facility shall contain a separate section for children and shall have an adequate staff to supervise and monitor the child's activities at all times. Supervision and monitoring of children ~~includes~~ ~~shall include~~ physical observation and documented checks by jail or receiving facility supervisory personnel at intervals not to exceed 15 minutes. ~~Nothing in~~ This paragraph ~~does not~~ ~~shall~~ prohibit the placing of two or more children in the same cell. Under no circumstances shall a child be placed in the same cell with an adult.

(5)(a) ~~A~~ ~~No~~ child ~~may not~~ ~~shall~~ be placed into or held in secure, nonsecure, or home detention care for longer than 24 hours unless the court orders such detention care in accordance with ~~the provisions of~~ subsection (2). The decision as to the release of the child from detention care shall be made by order of the court. The order shall be a final order, reviewable by appeal pursuant to s. 39.069 and the Florida Rules of Appellate Procedure.

(b) ~~A~~ ~~No~~ child ~~may not~~ ~~shall~~ be held in secure, nonsecure, or home detention care under a special detention order for more than 21 days unless an adjudicatory hearing for the case has been commenced by the court.

(c) ~~A~~ ~~No~~ child ~~may not~~ ~~shall~~ be held in secure, nonsecure, or home detention care for more than 15 days following the entry of an order of adjudication unless an order of disposition pursuant to s. 39.054 has been entered by the court or unless a continuance, which ~~may~~ ~~shall~~ not exceed 15 days, has been granted for cause. The detention center or facility superintendent shall request that the court order the release of any child held beyond 15 days without a grant of continuance.

(d) The time limits in paragraphs (b) and (c) do not include periods of delay resulting from a continuance granted by the court for cause on motion of the child or his counsel or of the state.

(6) When any child is placed into secure, nonsecure, or home detention care or into other placement pursuant to a court order following a detention hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay to the Department of *Juvenile Justice*, or institution having custody of the

child, fees equal to the actual cost of the care, support, and maintenance of the child, as established by the Department of Juvenile Justice, unless the court determines that the parent or guardian of the child is indigent. The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. In addition, the court may waive the fees if it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law or if the court finds that the parent or guardian has made a diligent and good-faith effort to prevent the child from engaging in the delinquent act or violation of law. With respect to a child who has been found to have committed a delinquent act or violation of law, whether or not adjudication is withheld, and whose parent or guardian receives AFDC or other public assistance for any portion of that child's care, the department must seek a federal waiver to garnish or otherwise order the payments of the portion of the public assistance relating to that child to offset the costs of providing care, custody, maintenance, rehabilitation, intervention, or corrective services to the child. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

(7) If a child is detained and a petition for delinquency is filed, the child shall be arraigned in accordance with the Florida Rules of Juvenile Procedure within 48 hours after the filing of the petition for delinquency.

(8) If a child is detained pursuant to this section, the Department of Juvenile Justice may transfer the child from nonsecure or home detention care to secure detention care only if significantly changed circumstances warrant such transfer.

(9) If a child is on release status and not detained pursuant to this section, the child may be placed into secure, nonsecure, or home detention care only pursuant to a court hearing in which the original risk assessment instrument, rescored based on newly discovered evidence or changed circumstances with the results recommending detention, is introduced into evidence.

~~(10) Any child placed into detention for contempt of court shall be represented by legal counsel as provided in s. 39.041. The following due process rights must be provided during all stages of any proceeding under this chapter:~~

~~(a) The right to have the charges against the child in writing served a reasonable time before the hearing.~~

~~(b) The right to a hearing before a court.~~

~~(c) The right to an explanation of the nature and consequences of the proceeding.~~

~~(d) The right to confront witnesses.~~

~~(e) The right to present witnesses.~~

~~(f) The right to have a transcript or record of the proceedings.~~

~~(g) The right to appeal to an appropriate court.~~

~~A child shall not be placed in a jail or other facility intended for the detention of adults pursuant to this subsection.~~

(10)(a)(11) When a child is committed to the Department of Juvenile Justice awaiting dispositional placement, removal of the child from detention care shall occur within 5 days, excluding Saturdays, Sundays, and legal holidays. A child placed into secure detention care and committed to the department who is awaiting dispositional placement in a commitment program shall be transferred by the department into nonsecure or home detention care if placement does not occur within 5 days after commitment, excluding Saturdays, Sundays, and legal holidays. If the child is committed to a low-risk residential program or a moderate-risk residential program, the department may seek an order from the court authorizing continued detention for a specific period of time necessary for the appropriate residential placement of the child. However, such continued detention in secure detention care may or transfer to nonsecure or home detention care shall not exceed 15 days after commitment, excluding Saturdays, Sundays, and legal holidays, and except as otherwise provided in this subsection. Effective July 1, 1995, the court may order that a child be held in home detention of unlimited duration with electronic monitoring while awaiting placement in a low-risk residential program or a moderate-risk residential program.

(b) If the child is committed to a high-risk residential program, the child must be held in detention care until placement or commitment is accomplished.

(c) Effective July 1, 1995, if the child is committed to a maximum-risk residential program, the child must be held in detention care until placement or commitment is accomplished.

Section 32. Section 39.0445, Florida Statutes, is amended to read:

39.0445 Juvenile domestic violence offenders.—If a child is charged with the commission of a domestic violence offense against the child's parent, spouse, or offspring and does not meet the detention criteria established in s. 39.044, the court may order that the child be placed in a respite home, if available, or any similar residential facility, if available, other than a detention center, authorized by the department for the placement of juvenile domestic violence offenders or, if not available, in a secure detention center.

Section 33. Section 39.045, Florida Statutes, is amended to read:

39.045 Oaths; records; confidential information.—

(1) Authorized agents of the Department of Juvenile Justice may ~~shall each have power to~~ administer oaths and affirmations.

(2) The clerk of the court shall make and keep records of all cases brought before it pursuant to this part chapter. The court shall preserve the records pertaining to a child charged with committing a delinquent act or violation of law until he reaches 24 19 years of age or reaches 26 21 years of age if he is a serious or habitual delinquent child, until 5 years after the last entry was made, or until 3 years after the death of the child, whichever is earlier, and may then destroy them, except that records made of traffic offenses in which there is no allegation of delinquency may be destroyed as soon as this can be reasonably accomplished. The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this part chapter and of any other pleadings, certificates, proofs of publication, summonses, warrants, and writs that are which may be filed pursuant to the case therein.

(3) Records maintained by the Department of Juvenile Justice, including copies of records maintained by the court, which pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime specified in ss. 110.1127, 393.0655, 394.457, 397.451, 402.305(1), 409.175, and 409.176 may shall not be destroyed pursuant to this section, except in cases of the death of the child. Such records, however, shall be sealed by the court for use only in meeting the screening requirements for personnel in s. 402.3055 and the other sections cited above, or pursuant to departmental rule. The information shall be released to those persons specified in the above cited sections for the purposes of complying with those sections. The court may punish by contempt any person who releases or uses the records for any unauthorized purpose.

(4) The clerk shall keep all official records required by this section separate from other records of the circuit court, except those records pertaining to motor vehicle violations, which shall be forwarded to the Department of Highway Safety and Motor Vehicles. Except as provided in subsection (9), official records required by this part are chapter shall not be open to inspection by the public, but may be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents, guardians, or legal custodians of the child and their attorneys, law enforcement agencies, the Department of Juvenile Justice and its designees, the Parole Commission, and the Department of Corrections shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.

(5) Except as provided in subsections (3) and (8), all information obtained under this part chapter in the discharge of official duty by any judge, any employee of the court, any authorized agent of the Department of Juvenile Justice, the Parole Commission, the Commission on Juvenile Justice Advisory Board, the Department of Corrections, the district juvenile justice boards juvenile delinquency and gang prevention councils, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assess-

ment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the Department of Juvenile Justice and its designees, the Department of Corrections, the Parole Commission, the Commission on Juvenile Justice Advisory Board, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this part chapter to receive that information, or upon order of the court. *Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.*

(6) All orders of the court entered pursuant to this part chapter shall be in writing and signed by the judge, except that the clerk or deputy clerk may sign a summons or notice to appear.

(7) A No court record of proceedings under this part chapter is not admissible in evidence in any other civil or criminal proceeding, except that:

(a) Orders transferring a child for trial as an adult are admissible in evidence in the court in which he is tried, but create no presumption as to the guilt of the child; nor may such orders be read to, or commented upon in the presence of, the jury in any trial.

(b) Orders binding an adult over for trial on a criminal charge, made by the judge as a committing magistrate, are admissible in evidence in the court to which the adult is bound over.

(c) Records of proceedings under this part chapter forming a part of the record on appeal must shall be used in the appellate court in the manner provided in s. 39.069(4).

(d) Records are admissible in evidence in any case in which a person is being tried upon a charge of having committed perjury, to the extent such records are necessary to prove the charge.

(e) Records of proceedings under this part may be used to prove disqualification pursuant to ss. 39.076, 110.1127, 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, and 409.176, and for proof in a chapter 120 proceeding pursuant to ss. 415.103 and 415.504.

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

(b) The destruction of records pertaining to children committed to or supervised by the Department of Juvenile Justice pursuant to a court order, which records are retained until a child reaches the age of 24 19 years or until a serious or habitual delinquent child reaches the age of 26 21 years, shall be subject to the provisions of chapter 943 257.

(9) Notwithstanding any other provisions of this part chapter to the contrary notwithstanding, a law enforcement agency may release for publication the name, photograph, and address of a child taken into custody if the child is 16 years of age or older and has been taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony, or the name, photograph, and address of any child 16 years of age or older who has been found by a court to have committed at least three or more violations of law which, if committed by an

adult, would be misdemeanors, or the name and address of any child who has been adjudicated guilty of a capital felony, life felony, or first degree felony, or a second degree felony involving violence against a person.

(10) This part chapter does not prohibit the release of the juvenile offense report by a law enforcement agency to the victim of the offense. However, the name and address of the juvenile must be deleted from the report provided to the victim unless such information is otherwise public under subsection (9) or any other provision of law.

(11) Notwithstanding any other provision of this section, when a child of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the law enforcement agency must notify the superintendent of schools that the child is alleged to have committed the delinquent act. Upon notification, the principal is authorized to begin disciplinary actions pursuant to s. 232.26. The information obtained by the superintendent of schools pursuant to this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the school of the child. The principal must immediately notify the child's immediate classroom teachers.

Section 34. Subsections (1), (2), and (4) of section 39.046, Florida Statutes, are amended to read:

39.046 Medical, psychiatric, psychological, substance abuse, and educational examination and treatment.—

(1) After a detention petition or a petition for delinquency has been filed, the court may order the child named in the petition to be examined by a physician. The court may also order the child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disabilities diagnostic and evaluation team of the Department of Health and Rehabilitative Services. If it is necessary to place a child in a residential facility for such evaluation, the criteria and procedures established in chapter 393, chapter 394, or chapter 397, whichever is applicable, shall be used.

(2) Whenever a child has been found to have committed a delinquent act, or before such finding with the consent of any parent or legal custodian of the child, the court may order the child to be treated by a physician. The court may also order the child to receive mental health, substance abuse, or retardation services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, the procedures and criteria established in chapter 393, chapter 394, or chapter 397, whichever is applicable, shall be used. After a child has been adjudicated delinquent, if an educational needs assessment by the district school board or the Department of Health and Rehabilitative Services has been previously conducted, the court shall order the report of such needs assessment included in the child's court record in lieu of a new assessment. For purposes of this section, an educational needs assessment includes, but is not limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education.

(4) Whenever a child found to have committed a delinquent act is placed by order of the court within the care and custody or under the supervision of the Department of Juvenile Justice and it appears to the court that there is no parent, guardian, or person standing in loco parentis who is capable of authorizing or willing to authorize medical, surgical, dental, or other remedial care or treatment for the child, the court may, after due notice to the parent, guardian, or person standing in loco parentis, if any, order that a representative of the Department of Juvenile Justice may authorize such medical, surgical, dental, or other remedial care for the child by licensed practitioners as may from time to time appear necessary.

Section 35. Subsections (1) and (4) of section 39.047, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

39.047 Intake and case management.—

(1)(a) During the intake process the intake counselor shall screen each child to determine:

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

2. The presence of medical, psychiatric, psychological, substance abuse, educational problems, or other conditions that may have caused the child to come to the attention of law enforcement or the Department of Juvenile Justice. In cases where such conditions are identified, and a nonjudicial handling of the case is chosen, the intake counselor shall attempt to refer the child to a program or agency, together with all available and relevant assessment information concerning the child's precipitating condition.

3. The Department of Juvenile Justice shall develop a case management system whereby a child brought into intake is assigned a case manager if the child was not released, referred to a diversionary program, referred for community arbitration, or referred to some other program or agency for the purpose of nonofficial or nonjudicial handling, and shall make every reasonable effort to provide continuity of case management for the child; provided, however, that case management for children committed to residential programs may be transferred as provided in s. 39.067.

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

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

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

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

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

e. Making recommendations for services and facilitating the delivery of those services from the department to the child, including any mental health services, educational services, family counseling services, family assistance services, and substance abuse services. The delinquency case manager shall serve as the primary case manager for the purpose of managing, coordinating, and monitoring the services provided to the child by the department. Each program administrator within the Department of Health and Rehabilitative Services shall cooperate with ~~must provide any assistance necessary to facilitate the execution of the responsibilities~~ of the primary case manager in carrying out the duties and responsibilities described in this section.

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

(b) The intake and case management system shall facilitate consistency in the recommended placement of each child, and in the assessment, classification, and placement process, with the following purposes:

1. An individualized, multidisciplinary assessment process that identifies the priority needs of each individual child for rehabilitation and treatment and identifies any needs of the child's parents or guardians for services that would enhance their ability to provide adequate support, guidance, and supervision for the child. This process shall begin with the detention risk assessment instrument and decision, shall include the intake preliminary screening and comprehensive assessment for substance abuse treatment services, mental health services, retardation services, literacy services, and other educational and treatment services as components, additional assessment of the child's treatment needs, and

classification regarding the child's risks to the community and, for a serious or habitual delinquent child, shall include the assessment for placement in a serious or habitual delinquent children program pursuant to s. 39.058. The completed multidisciplinary assessment process shall result in the predisposition report.

2. A classification system that assigns a relative risk to the child and the community based upon assessments including the detention risk assessment results when available to classify the child's risk as it relates to placement and supervision alternatives.

3. An admissions process that facilitates for each child the utilization of the treatment plan and setting most appropriate to meet the child's programmatic needs and provide the minimum program security needed to ensure public safety.

(4) The intake counselor or case manager shall make a preliminary determination as to whether the report, affidavit, or complaint is complete, consulting with the state attorney as may be necessary. In any case where the intake counselor or case manager or the state attorney finds that the report, affidavit, or complaint is insufficient by the standards for a probable cause affidavit, the intake counselor or case manager or state attorney shall return the report, affidavit, or complaint, without delay, to the person or agency originating the such report, affidavit, or complaint or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and shall request, and the person or agency shall promptly thereafter furnish, additional information in order to comply with the standards for a probable cause affidavit.

(a) If The intake counselor or case manager, upon determining determines that the report, affidavit, or complaint is complete, he may, in the case of a child who is alleged to have committed a delinquent act or violation of law, recommend that the state attorney file a petition of delinquency or an information or seek an indictment by the grand jury. However, such a recommendation is shall not be a prerequisite for any action taken by the state attorney.

(b) If The intake counselor or case manager, upon determining determines that the report, affidavit, or complaint is complete, pursuant to uniform procedures established by the department, the intake counselor or case manager shall:

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

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

When indicated by the comprehensive assessment, the department is authorized to contract within appropriated funds for services with a local nonprofit community mental health or substance abuse agency licensed or authorized under chapter 394, or chapter 397, or other authorized nonprofit social service agency providing related services. The determination of mental health or substance abuse services shall be conducted in coordination with existing programs providing mental health or substance abuse services in conjunction with the intake office. Client information resulting from the screening and evaluation shall be documented pursuant to rules established by the department and shall serve to assist the intake counselor or case manager in providing the most appropriate services and recommendations in the least intrusive manner. Such client information shall be used in the multidisciplinary assessment and classification of the child, but such information, and any information obtained directly or indirectly through the assessment process, is inadmissible in court prior to the disposition hearing, unless the child's written consent is obtained. At the disposition hearing, documented client information shall serve to assist the court in making the most appropriate custody, adjudicatory, and dispositional decision. If the screening and assessment indicate that the interest of the child and the public will be best served thereby, the intake counselor or case manager, with the approval of the state attorney, may refer the child for care, diagnostic and evaluation services, substance abuse treatment services, mental health services, retardation services, a diversionary or arbitration or mediation program, community service work, or other programs or treatment services voluntarily accepted by the child and the child's his parents or legal guardians custo-

dians. The victim, if any, and the law enforcement agency which investigated the offense shall be notified immediately by the state attorney of the action taken ~~under pursuant to~~ this paragraph. Whenever a child volunteers to participate in any work program under the provisions of this chapter or volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, ~~the such~~ child shall be considered an employee of the state for the purposes of liability. In determining the child's average weekly wage, unless otherwise determined by a specific funding program, all remuneration received from the employer is considered a gratuity, and the child is not entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of the child's ~~his~~ future wage-earning capacity.

(c) If The intake counselor or case manager, ~~upon determining determines~~ that the report, affidavit, or complaint complies with the standards of a probable cause affidavit and ~~that in his judgment~~ the interest of the child and the public will be best served, ~~he~~ may recommend that a delinquency petition not be filed. If such a recommendation is made, the intake counselor or case manager shall advise in writing the person or agency making the report, affidavit, or complaint, the victim, if any, and the law enforcement agency having investigative jurisdiction of the offense of the recommendation and the reasons therefor; and that the person or agency may submit, within 10 days after the receipt of such notice, the report, affidavit, or complaint to the state attorney for special review. The state attorney, upon receiving a request for special review, shall consider the facts presented by the report, affidavit, or complaint, and by the intake counselor or case manager who made the recommendation that no petition be filed, before making a final decision as to whether a petition or information should or should not be filed.

(d) In all cases in which the child is alleged to have committed a violation of law or delinquent act and is not detained, the intake counselor or case manager shall submit a written report to the state attorney, including the original report, complaint, or affidavit, or a copy thereof, ~~including a copy of the child's prior juvenile record~~, within 20 days after the date the child is taken into custody. In cases in which the child is in detention, the intake office report ~~must shall~~ be submitted within 24 hours after the child is placed into detention. The intake office report ~~must shall~~ recommend either that a petition or information be filed or that no petition or information be filed, and ~~must it shall~~ set forth reasons for ~~the such~~ recommendation.

(e) The state attorney ~~may shall~~ in all cases ~~have the right to~~ take action ~~independent, regardless~~ of the action or lack of action of the intake counselor or case manager, and shall determine the action which is in the best interest of the public and the child. ~~If the child meets the criteria requiring prosecution as an adult, the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons for not making such request. In all other cases, the state attorney may:~~

1. File a petition for dependency;
2. File a petition pursuant to part IV;
3. File a petition for delinquency;
4. File a petition for delinquency with a motion to transfer and certify the child pursuant to ~~ss. 39.022(5) and 39.052(2)~~ for prosecution as an adult;
5. ~~File an information pursuant to s. 39.0587; With respect to any child who at the time of commission of the alleged offense was 16 or 17 years of age, file an information when in his judgment and discretion the public interest requires that adult sanctions be considered or imposed. However, the state attorney shall not file an information on a child charged with a misdemeanor, unless the child has had at least two previous adjudications or adjudications withheld for delinquent acts, one of which involved an offense classified under Florida law as a felony;~~
6. Refer the case to a grand jury;
7. Refer the child to a diversionary, pretrial intervention, arbitration, or mediation program, or to some other treatment or care program if such program commitment is voluntarily accepted by the child or ~~the child's~~ his parents or legal guardians; or
8. ~~Decline to file~~ Dismiss the case.

(f) In cases in which a delinquency report, affidavit, or complaint is filed by a law enforcement agency and the state attorney determines not to file a petition, the state attorney shall advise the clerk of the circuit court in writing that no petition will be filed thereon.

(5) ~~Prior to requesting that a delinquency petition be filed or prior to filing a dependency petition, the intake officer may request the parent or legal guardian of the child to attend a course of instruction in parenting skills, training in conflict resolution, and the practice of non-violence; to accept counseling; or to receive other assistance from any agency in the community which notifies the clerk of the court of the availability of its services. Where appropriate, the intake officer shall request both parents or guardians to receive such parental assistance. The intake officer may, in determining whether to request that a delinquency petition be filed, take into consideration the willingness of the parent or legal guardian to comply with such request.~~

Section 36. Section 39.0471, Florida Statutes, is created to read:

39.0471 Juvenile justice assessment centers.—The department shall work cooperatively with substance abuse facilities, mental health providers, law enforcement agencies, schools, health services providers, and other entities involved with children to establish a juvenile justice assessment center in each service district. The assessment center shall serve as central intake and screening for children referred to the department. Each juvenile justice assessment center shall provide services needed to facilitate initial screening of children, including intake and needs assessment, substance abuse screening, physical and mental health screening, and diagnostic testing, as appropriate. The entities involved in the assessment center shall make the resources for the provision of these services available at the same level to which they are available to the general public.

Section 37. Paragraphs (c) and (d) of subsection (1) of section 39.0475, Florida Statutes, are amended to read:

39.0475 Delinquency pretrial intervention program.—

(1)

(c)1. If the court finds that the child has not successfully completed the delinquency pretrial intervention program, the court may order the child to continue in an education, ~~and treatment, or urine monitoring program~~ if resources and funding are available or order that the charges revert to normal channels for prosecution.

2. The court may dismiss the charges upon a finding that the child has successfully completed the delinquency pretrial intervention program.

(d) Any entity, whether public or private, providing a pretrial substance abuse education, ~~and treatment intervention, and a urine monitoring program~~ under this section must contract with the county or appropriate governmental entity, and the terms of the contract must include, but need not be limited to, the requirements established for private entities under s. 948.15(2). It is the intent of the Legislature that public or private entities providing substance abuse education and treatment intervention programs involve the active participation of parents, schools, churches, businesses, law enforcement ~~agencies~~, and the department or its contract providers.

Section 38. Section 39.0476, Florida Statutes, is created to read:

39.0476 Powers with respect to certain children.—In carrying out the provisions of this chapter, the court may order the parent or legal guardian of a child adjudicated dependent, a child in need of services, or a delinquent child to attend a course of instruction in parenting skills, to accept counseling, or to receive other assistance from any agency in the community which notifies the clerk of the court of the availability of its services. Where appropriate, the court shall order both parents or guardians to receive such parental assistance.

Section 39. Section 39.049, Florida Statutes, is amended to read:

39.049 Process and service.—

(1) Personal appearance of any person in a hearing before the court obviates the necessity of serving process on that person.

(2) Upon the filing of a petition containing allegations of facts which, if true, would establish that the child committed a delinquent act or violation of law, and upon the request of the petitioner, the clerk or deputy clerk shall issue a summons.

(3) The summons shall have a copy of the petition attached and shall require the person on whom it is served to appear for a hearing at a time and place specified. Except in cases of medical emergency, the time may shall not be less than 24 hours after service of the summons. If the child is not detained by an order of the court, the summons shall require the custodian of the child to produce the child at the said time and place.

(4) The summons shall be directed to, and shall be served upon, the following persons:

- (a) The child, in the same manner as if he were an adult;
- (b) The parents of the child; and
- (c) Any legal custodians, actual custodians, guardians, and guardians ad litem of the child.

(5) If the petition alleges that the child has committed a delinquent act or violation of law and the judge deems it advisable to do so, pursuant to the criteria of s. 39.044, the judge may, by endorsement upon the summons and after the entry of an order in which valid reasons are specified, order the child to be taken into custody immediately, and in such case the person serving the summons shall immediately take the child into custody.

(6) If the identity or residence of the parents, custodians, or guardians of the child is unknown after a diligent search and inquiry, if the parents, custodians, or guardians are residents of a state other than Florida, or if the parents, custodians, or guardians evade service or ignore a summons, the person who made the search and inquiry shall file in the case a certificate of those facts, and the court shall appoint a guardian ad litem for the child, if appropriate. *If the parent, custodian, or guardian of the child fails to obey a summons, the court may, by endorsement upon the summons and after the entry of an order in which valid reasons are specified, order the parent, custodian, or guardian to be taken into custody immediately to show cause why the parent, guardian, or custodian should not be held in contempt for failing to obey the summons. The court may appoint a guardian ad litem for the child, if appropriate.*

(7) The jurisdiction of the court shall attach to the child and the case when the summons is served upon the child and a parent or legal or actual custodian or guardian of the child, or when the child is taken into custody with or without service of summons and before or after the filing of a petition, whichever first occurs, and thereafter the court may control the child and the case in accordance with this part chapter.

(8) Upon the application of the child or the state attorney, the clerk or deputy clerk shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, or other tangible objects at any hearing.

(9) All process and orders issued by the court shall be served or executed as other process and orders of the circuit court and, in addition, may be served or executed by authorized agents of the Department of Juvenile Justice at the department's discretion.

(10) Subpoenas may be served within the state by any person over 18 years of age who is not a party to the proceeding.

(11) No fee shall be paid for service of any process or other papers by an agent of the department. If any process, orders, or other papers are served or executed by any sheriff, the sheriff's fees shall be paid by the county.

Section 40. Section 39.0495, Florida Statutes, is created to read:

39.0495 Threatening or dismissing an employee prohibited.—

(1) An employer, or his agent, may not dismiss from employment an employee who is summoned to appear before the court under s. 39.049 solely because of the nature of the summons or because the employee complies with the summons.

(2) If an employer, or his agent, threatens an employee with dismissal, or dismisses an employee, who is summoned to appear under s. 39.049, the court may hold the employer in contempt.

Section 41. Subsections (1), (2), and (5) of section 39.052, Florida Statutes, are amended to read:

39.052 Hearings.—

(1) ADJUDICATORY HEARING.—

(a) The adjudicatory hearing ~~must shall~~ be held as soon as practicable after the petition alleging that a child has committed a delinquent act or violation of law is filed and in accordance with the Florida Rules of Juvenile Procedure; but reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall be granted. If the child is being detained, the time limitations provided for in s. 39.044(5)(b) and (c) apply. ~~The right to a speedy trial is governed by the provisions of s. 39.048(6), but such right may be voluntarily waived by the child in accordance with the Florida Rules of Juvenile Procedure.~~

(b) Adjudicatory hearings shall be conducted without a jury by the court, applying in delinquency cases the rules of evidence in use in this state in criminal cases; adjourning the hearings from time to time as necessary; and conducting a fundamentally fair hearing in language understandable, to the fullest extent practicable, to the child before the court.

1. In a hearing on a petition alleging that a child has committed a delinquent act or violation of law, the evidence must establish ~~the such~~ findings beyond a reasonable doubt.

2. The child is entitled to the opportunity to introduce evidence and otherwise be heard in ~~the child's~~ his own behalf and to cross-examine witnesses.

3. A child charged with a delinquent act or violation of law ~~must be afforded all rights against self-incrimination need not be a witness against or otherwise incriminate himself.~~ Evidence illegally seized or obtained ~~may shall~~ not be received to establish the allegations against ~~the child him~~.

(c) All hearings, except as hereinafter provided in this section, ~~must shall~~ be open to the public, and no person ~~may shall~~ be excluded ~~therefrom~~ except on special order of the court. The court, in its discretion, may close any hearing to the public when the public interest and the welfare of the child are best served by so doing. Hearings involving more than one child may be held simultaneously when the children were involved in the same transactions.

(2) WAIVER HEARING.—

(a) Within 7 days, excluding Saturdays, Sundays, and legal holidays, after the date a petition alleging that a child has committed a delinquent act or violation of law has been filed, or later with the approval of the court, ~~but which shall also be~~ before an adjudicatory hearing, and after considering the recommendation of the intake counselor or case manager, the state attorney may file a motion requesting the court to transfer the child for criminal prosecution ~~if the child was 14 or more years of age at the time of commission of the alleged delinquent act or violation of law for which he is charged. If the child has been previously adjudicated delinquent for murder, sexual battery, armed or strong armed robbery, earjacking, home invasion robbery, aggravated battery, or aggravated assault, and is currently charged with a second or subsequent violent crime against a person, the state attorney shall file a motion requesting the court to transfer the child for criminal prosecution or, if the child was 16 or 17 years of age at the time of commission of the alleged offense, shall file an information pursuant to s. 39.047(4)(e)5, if applicable.~~

(b) ~~After Following~~ the filing of the motion of the state attorney, summonses ~~must shall~~ be issued and served in conformity with the provisions of s. 39.049. A copy of the motion and a copy of the delinquency petition, if not already served, ~~must shall~~ be attached to each summons.

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

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

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

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

4. The ~~probable cause as found in prosecutive merits of~~ the report, affidavit, or complaint.

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

- 6. The sophistication and maturity of the child.
- 7. The record and previous history of the child, including:

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

- b. Prior periods of probation or community control;

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

- d. Prior commitments to institutions.

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

(d) Prior to a hearing on the motion by the state attorney, a study and report to the court, relevant to the factors in paragraph (c) ~~must~~, ~~shall~~ be made in writing by an authorized agent of the department. The child and ~~the child's~~ his parents or legal guardians and counsel and the state attorney shall have the right to examine these reports and to question the parties responsible for them at the hearing.

(e) Any decision to transfer a child for criminal prosecution ~~must~~ ~~shall~~ be in writing and ~~shall~~ include consideration of, and findings of fact with respect to, all criteria in paragraph (c). The court shall render an order including a specific finding of fact and the reasons for a decision to impose adult sanctions. The order shall be reviewable on appeal ~~under~~ pursuant to s. 39.069 and the Florida Rules of Appellate Procedure.

(5) ~~PLACEMENT OF A SERIOUS OR HABITUAL JUVENILE OFFENDER DELINQUENT CHILD PLACEMENT.~~—Following a delinquency adjudicatory hearing pursuant to subsection (1) and a delinquency disposition hearing pursuant to subsection (3) which results in a commitment determination, the court shall, on its own or upon request by the state or the department, determine whether ~~serious or habitual delinquent child placement is required~~ for the protection of the public ~~requires that the child be placed in a program for serious or habitual juvenile offenders~~ and whether the particular needs of the ~~serious or habitual delinquent~~ child would be best served by a program for serious or habitual juvenile offenders ~~delinquent children program~~ as provided in s. 39.058. The determination shall be made pursuant to s. 39.01(46) and paragraph (3)(e).

Section 42. Subsection (2) of section 39.053, Florida Statutes, is amended to read:

39.053 Adjudication.—

(2) If the court finds that the child named in the petition has committed a delinquent act or violation of law, it may, in its discretion, enter an order stating the facts upon which its finding is based but withholding adjudication of delinquency and placing the child in a community control program under the supervision of the department or under the supervision of any other person or agency specifically authorized and appointed by the court. The court may, as a condition of the program, impose as a penalty component restitution in money or in kind, community service, a curfew, *urine monitoring*, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense, and may impose as a rehabilitative component a requirement of participation in substance abuse treatment, or school or other educational program attendance. If the court later finds that the child has not complied with the rules, restrictions, or conditions of the community-based program, the court may, after a hearing to establish the lack of compliance, but without further evidence of the state of delinquency, enter an adjudication of delinquency and shall thereafter have full authority under this chapter to deal with the child as adjudicated.

Section 43. Section 39.054, Florida Statutes, is amended to read:

39.054 Powers of disposition.—

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

(a) Place the child in a community control program under the supervision of an authorized agent of the Department of *Juvenile Justice* or of any other person or agency specifically authorized and appointed by the court, whether in the child's own home, in the home of a relative of the child, or in some other suitable place under such reasonable conditions as the court may direct. A community control program for an adjudicated delinquent child must include a penalty component such as restitution in money or in kind, community service, a curfew, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense and must also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in school or other educational program.

1. A restrictiveness level classification scale for levels of supervision shall be provided by the department, taking into account the child's needs and risks relative to community control supervision requirements to reasonably ensure the public safety. Community control programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs must include, but are not limited to, structured or restricted activities as described in this paragraph, and shall be designed to encourage the child toward acceptable and functional social behavior. If supervision or a program of community service is ordered by the court, the duration of such supervision or program must be consistent with any treatment and rehabilitation needs identified for the child and may not exceed the term for which sentence could be imposed if the child were committed for the offense, ~~except that the duration of such supervision or program for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months.~~ When restitution is ordered by the court, the amount of restitution ~~may shall~~ not exceed an amount the child and his ~~parent or guardian~~ parents could reasonably be expected to pay or make. A child who participates in any work program under ~~the provisions of this part is chapter shall be~~ considered an employee of the state for purposes of liability, unless otherwise provided by law.

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

3. If the conditions of the community control program are violated, the agent supervising the community control program as it relates to the child involved, or the state attorney, may bring the child before the court on a petition alleging a violation of the program. If the child denies that he has violated the conditions of his program, the court shall give him an opportunity to be heard in person or through counsel, or both. Upon his admission or after such hearing, if the court finds that the conditions of the community control program have been violated, the court shall enter an order revoking, modifying, or continuing the program. In all cases after a revocation, the court shall enter a new disposition order and ~~may shall have full power at that time to~~ make any disposition it could have made at the original disposition hearing.

4. Notwithstanding ~~the provisions of~~ s. 743.07 and subsection (4), and except as provided in s. 39.058, the term of any order placing a child in a community control program must be until his 19th birthday unless he is released by the court, on the motion of an interested party or on its own motion.

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

(c) Commit the child to the Department of *Juvenile Justice*. Such commitment must be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, *urine monitoring*, and treatment of the child and furlough of the child into the community. Notwithstanding ~~the provisions of~~ s. 743.07 and subsection (4), and except as provided in s. 39.058, the term of the commitment must be until the child is discharged by the department or until he reaches the age of 21 ~~19~~.

(d) Revoke or suspend the driver's license of the child.

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

(f) As part of the community control program to be implemented by the Department of *Juvenile Justice*, or, in the case of a committed child, as part of the community-based sanctions ordered by the court at the disposition hearing or before the child's release from commitment, order the child or parent to make restitution in money, through a promissory note cosigned by the child's parent or guardian, or in kind for any damage or loss caused by the child's offense in a reasonable amount or manner to be determined by the court. The clerk of the circuit court shall be the receiving and dispensing agent. In such case, the court shall order the child or his parent or guardian to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. ~~The liability of a parent under this paragraph shall not exceed \$2,500 for any one criminal episode.~~ A finding by the court, after a hearing, that the parent or guardian has made diligent and good-faith ~~good-faith~~ efforts to prevent the child from engaging in delinquent acts ~~absolves shall absolve~~ the parent or guardian of liability for restitution under this paragraph.

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

(h) Commit the child to the Department of *Juvenile Justice* for placement in a program or facility for serious or habitual juvenile offenders ~~delinquent children program or facility~~ in accordance with s. 39.058. Any commitment of a child to a program or facility for serious or habitual juvenile offenders ~~delinquent children~~ shall be for an indeterminate period of time, but the time ~~may~~ shall not exceed the maximum term of imprisonment that which an adult may serve for the same offense. The court may retain jurisdiction over such child until the child reaches the age of 21, specifically for the purpose of the child completing the program.

(i) In addition to the sanctions imposed on the child, order the parent or guardian of the child to perform community service if the court finds that the parent or guardian did not make a diligent and good-faith effort to prevent the child from engaging in delinquent acts.

(2) When any child is adjudicated by the court to have committed a delinquent act and temporary legal custody of the child has been placed with a licensed child-caring agency or the Department of *Juvenile Justice*, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets that which under law may be disbursed for the care, support, and maintenance of the child, to pay fees to the licensed child-caring agency or the Department of *Juvenile Justice* equal to the actual cost of the care, support, and maintenance of the child, unless the court determines that the parent or guardian of the child is indigent. The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. In addition, the court may waive the fees if it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law or if the court finds that the parent or guardian has made a diligent and good-faith effort to prevent the child from engaging in the delinquent act or violation of law. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

(3) Any order made pursuant to subsection (1) may thereafter be modified or set aside by the court.

(4) Any commitment of a delinquent child to the Department of *Juvenile Justice* must ~~shall~~ be for an indeterminate period of time, which may include periods of temporary release, but the time ~~may~~ shall not exceed the maximum term of imprisonment that which an adult may serve for the same offense. Any temporary release for a period greater than 3 days must be approved by the court. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department with the concurrence of the court. Notwithstanding the provisions of s. 743.07 and this subsection, and except as provided in s. 39.058, a ~~no~~ child may not ~~shall~~ be held under a commitment from a court pursuant to this section after becoming 21 ~~19~~ years of age. The department shall give the court that which committed the child to the department reasonable notice, in writing, of its desire to discharge the child from a commitment facility to the department. The court that which 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.*

(5) In carrying out the provisions of this part ~~chapter~~, the court may order the natural parents or legal custodian or guardian of a child who is found to have committed a delinquent act to participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the child or to enhance their ability to provide the child with adequate support, guidance, and supervision. The court may also order that the parent, custodian, or guardian support the child and participate with the child in fulfilling a court-imposed sanction. In addition, the court may use its contempt powers to enforce a court-imposed sanction.

(6) The court may at any time enter an order ending its jurisdiction over any child.

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

(8) The court may, upon motion of the child or upon its own motion, within 60 days after imposition of a disposition of commitment, suspend the further execution of the disposition and place the child on probation in a community control program upon such terms and conditions as the court may require. The department shall forward to the court all relevant material on the child's progress while in custody not later than 3 working days prior to the hearing on the motion to suspend the disposition.

(9) The nonconsent of the child to commitment or treatment in a substance abuse treatment program ~~shall~~ in no way ~~precludes preclude~~ the court from ordering such commitment or treatment.

Section 44. Subsection (1) of section 39.055, Florida Statutes, is amended to read:

39.055 Early delinquency intervention program.—

(1) The Department of *Juvenile Justice* shall, contingent upon specific appropriation and with the cooperation of local law enforcement agencies, the judiciary, district school board personnel, the office of the state attorney, the office of the public defender, the Department of *Health and Rehabilitative Services*, and community service agencies that work with children, establish an early delinquency intervention program, the components of which shall include, but not be limited to:

- (a) Case management services.
- (b) Treatment modalities, including substance abuse treatment services, mental health services, and retardation services.
- (c) Prevocational education and vocational education services.
- (d) Diagnostic evaluation services.
- (e) Educational services.
- (f) Self-sufficiency planning.
- (g) Independent living skills.
- (h) Parenting skills.
- (i) Recreational and leisure time activities.
- (j) Program evaluation.
- (k) Medical screening.

Section 45. Subsection (1) of section 39.056, Florida Statutes, is amended to read:

39.056 Early delinquency intervention program criteria.—

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

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

Section 46. Subsections (3), (5), (6), (7), (8), and (12) of section 39.057, Florida Statutes, are amended to read:

39.057 Boot camp for children.—

(3) A child may be placed in a boot camp program if he is at least 14 years of age but less than 18 years of age at the time of adjudication and has been committed to the department for any offense that, if committed by an adult, would be a felony, other than:

- ~~(a) a capital felony, a life felony, or a violent felony of the first degree, or second-degree felony; or~~
- ~~(b) a third-degree felony with two or more prior felony adjudications, of which one or more resulted in a residential commitment as defined in s. 39.01(61).~~

(5) The program shall include educational assignments, work assignments, and physical training exercises. Children shall be required to participate in educational, vocational, and substance abuse programs and to receive additional training in techniques of appropriate decisionmaking, as well as in life skills and job skills. *The program shall include counseling that is directed at replacing the criminal thinking, beliefs, and values of the child with moral thinking, beliefs, and values.*

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

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

(b) A participant in a moderate-risk residential program or a high-risk residential program must spend 4 months in the boot camp component of the program and 4 months in aftercare.

This subsection does not preclude the operation of a program that requires the participants to spend more than 4 months in the boot camp component of the program or that requires the participants to complete two sequential programs of 4 months each in the boot camp component of the program. The department shall provide an aftercare component for monitoring and assisting the release of department, county, or municipal program participants into the community.

(7) The department shall adopt rules for use by the department, county, or municipality operating the boot camp program ~~for the program and aftercare which provide for at least 6 months of participation in the program and aftercare for successful completion and which also provide for disciplinary sanctions and restrictions on the privileges of the general population of children in the program.~~

(8) The department ~~shall be required to~~ conduct quarterly inspections and evaluations of each county or municipal government boot camp program to determine whether the program complies with department rules for continued operation of the program. The department shall charge, and the county or municipal government shall pay, a monitoring fee equal to 0.5 percent of the direct operating costs of the boot camp program. The operation of a boot camp program ~~that which~~ fails to pass the department's quarterly inspection and evaluation, if the deficiency causing the failure is material, must be terminated if ~~the such~~ deficiency is not corrected by the next quarterly inspection.

(12)(a) The Juvenile Justice Standards and Training Commission ~~department~~ shall either establish criteria for training all contract staff or provide a special training program for department, county, and municipal boot camp program staff, which shall include appropriate methods of dealing with children who have been placed in such a stringent program.

(b) *Administrative staff must successfully complete a minimum of 120 contact hours of commission-approved training. Staff who have direct contact with children must successfully complete a minimum of 200 contact hours of commission-approved training, which must include training in the counseling techniques that are used in the boot camp program, basic cardiopulmonary resuscitation and choke-relief, and the control of aggression.*

(c) *All training courses must be taught by persons who are certified as instructors by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement and who have prior experience in a juvenile boot camp program. A training course in counseling techniques need not be taught by a certified instructor but must be taught by a person who has at least a bachelor's degree in social work, counseling, psychology, or a related field.*

(d) *A person may not have direct contact with a child in the boot camp program until he has successfully completed the training requirements specified in paragraph (b), unless he is under the direct supervision of a certified drill instructor or camp commander.*

Section 47. Effective January 1, 1995, section 39.0581, Florida Statutes, is created to read:

39.0581 Maximum-risk residential program.—A maximum-risk residential program is a physically secure residential commitment program with a designated length of stay from 18 months to 36 months, primarily serving children 15 years of age to 19 years of age, or until the jurisdiction of the court expires. The court may retain jurisdiction over the child until the child reaches the age of 21, specifically for the purpose of the child completing the program. Each child committed to this level must meet one of the following criteria:

(1) Was no less than 15 years of age at the time of disposition for the current offense and has been adjudicated, or has had adjudication withheld, on the current offense for a capital felony, life felony, or first-degree felony involving the infliction or threatened infliction of serious physical harm to another person.

(2) Was no less than 15 years of age at the time of disposition for the current offense and has been adjudicated, or has had adjudication withheld, on the current offense for a capital felony, life felony, first-degree felony, or second-degree felony, and has previously been adjudicated, or has had adjudication withheld, for at least three separate, nonrelated capital felonies, life felonies, first-degree felonies, second-degree felonies, or third-degree offenses involving the use of a weapon within the preceding 24 months, and at least one of those adjudications, or the withholding of at least one of those adjudications, resulted in placement in a residential commitment program.

(3) Was not less than 15 years of age at the time of the disposition for the current offense, which may include any felony, and has previously been adjudicated, or had adjudication withheld, for at least four separate, nonrelated felony offenses within the preceding 36 months, and at least one of those adjudications, or the withholding of at least one of those adjudications, resulted in placement in a residential commitment program.

(4) Was not less than 15 years of age at the time of disposition for the current offense and has previously been committed to an early delinquency intervention program as defined in s. 39.055 and a residential commitment program.

(5) Was less than 18 years of age at the time of commission of the current offense and has been convicted as an adult, or has had adjudication withheld pursuant to s. 39.059, and otherwise meets the criteria.

Section 48. Section 39.0584, Florida Statutes, is created to read:

39.0584 Commitment programs for juvenile felony offenders.—

(1) Notwithstanding any other law and regardless of the child's age, a child who is adjudicated delinquent, or for whom adjudication is withheld, for an act that would be a felony if committed by an adult, shall be committed to:

(a) A boot camp program under s. 39.057 if the child has participated in an early delinquency intervention program as provided in s. 39.055.

(b) A program for serious or habitual juvenile offenders under s. 39.058 or an intensive residential treatment program for 10-year-old to 13-year-old offenders under s. 39.0582, if the child has participated in an early delinquency intervention program and has completed a boot camp program.

(c) A maximum-risk residential program, if the child has participated in an early delinquency intervention program, has completed a boot camp program, and has completed a program for serious or habitual juvenile offenders or an intensive residential treatment program for 10-year-old to 13-year-old offenders. The commitment of a child to a maximum-risk residential program must be for an indeterminate period, but may not exceed the maximum term of imprisonment that an adult may serve for the same offense.

(2) In committing a child to the appropriate program, the court may consider an equivalent program of similar intensity as being comparable to a program required under subsection (1).

Section 49. Subsections (1) and (2) of section 39.0585, Florida Statutes, are amended to read:

39.0585 Information systems.—

(1)(a) For the purpose of assisting in law enforcement administration and decisionmaking, such as juvenile diversion from continued involvement with the law enforcement and judicial systems, the sheriff of the county in which juveniles are taken into custody is encouraged to maintain a central identification file on certain juvenile offenders and on juveniles who are at risk of becoming juvenile offenders by virtue of having an arrest record.

(b) The central identification file shall contain, but not be limited to, pertinent dependency record information maintained by the Department of Health and Rehabilitative Services and delinquency record information maintained by the Department of Juvenile Justice; pertinent school records, including information on behavior, attendance, and achievement; pertinent information on delinquency and dependency maintained by law enforcement agencies and the state attorney; and pertinent information on delinquency and dependency maintained by those agencies charged with screening, assessment, planning, and treatment responsibilities. The information obtained shall be used to develop a multiagency information sheet on certain juvenile offenders or juveniles who are at risk of becoming juvenile offenders. The agencies and persons specified in this paragraph shall cooperate with the law enforcement agency or county in providing the provision of needed information and in developing the development of the multiagency information sheet to the greatest extent possible.

(c) As used in this section, the term "certain juvenile offender" means a juvenile who has been adjudicated delinquent and who meets one or more of the following criteria:

1. Is arrested for a capital, life, or first degree felony offense or sexual battery.

2. Has five or more arrests, at least three of which are for felony offenses. Three of such arrests must have occurred within the preceding 12-month period.

3. Has ten or more arrests, at least two of which are for felony offenses. Three of such arrests must have occurred within the preceding 12-month period.

4. Has four or more arrests, at least one of which is for a felony offense and occurred within the preceding 12-month period.

5. Has ten or more arrests, at least eight of which are for any of the following offenses:

- a. Petit theft;
- b. Misdemeanor assault;
- c. Possession of a controlled substance;
- d. Weapon or firearm violation; or
- e. Substance abuse.

Four of such arrests must have occurred within the preceding 12-month period.

6. Meets at least one of the criteria for youth and street gang membership.

(2)(a) Notwithstanding any provision of law to the contrary, confidentiality of records information does not apply to juveniles who have been arrested for an offense that would be a crime if committed by an adult four or more times, regarding the sharing of the information on the juvenile with the law enforcement agency or county and any agency or person providing information for the development of the multiagency information sheet as well as the courts, the child, the parents or legal custodians of the child, their attorneys, or any other person authorized by the court to have access. Upon consent of the child's parent or legal custodian, a public or private educational agency shall provide pertinent records to and cooperate with the law enforcement agency or county in providing needed information and developing the multiagency information sheet to the greatest extent possible. Neither these records provided to the law enforcement agency or county nor the records developed from these records for certain juvenile offenders nor the records provided or developed from records provided to the law enforcement agency or county on juveniles at risk of becoming juvenile offenders shall be available for public disclosure and inspection under s. 119.07.

(b) The department shall notify the sheriffs of both the prior county of residence and the new county of residence immediately upon learning of the move or other relocation of a juvenile offender who has been adjudicated or had adjudication withheld for a violent misdemeanor or violent felony.

Section 50. Section 39.0587, Florida Statutes, is created to read:

39.0587 Transfer of a child for prosecution as an adult.—

(1)(a) The court shall transfer and certify a child's criminal case for trial as an adult if the child is alleged to have committed a violation of law and, prior to the commencement of an adjudicatory hearing, the child, joined by a parent or, in the absence of a parent, by the guardian or guardian ad litem, demands in writing to be tried as an adult. Once a child has been transferred for criminal prosecution pursuant to a voluntary waiver hearing and has been found to have committed the presenting offense or a lesser included offense, the child shall be handled thereafter in every respect as an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 39.059(4)(b) or (4)(c).

(b)1. The state attorney may file a motion requesting the court to transfer the child for criminal prosecution if the child was 14 years of age or older at the time the alleged delinquent act or violation of law was committed. If the child has been previously adjudicated delinquent for murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, or aggravated assault, and is currently charged with a second or subsequent violent crime against a person, the state attorney shall file a motion requesting the court to transfer and certify the juvenile for prosecution as an adult, or proceed pursuant to paragraph (e).

2. If the child was 14 years of age or older at the time of commission of a fourth or subsequent alleged felony offense and the child was previously adjudicated delinquent or had adjudication withheld for or was found to have committed, or to have attempted or conspired to commit, three offenses that are felony offenses if committed by an adult, and one

or more of such felony offenses involved the use or possession of a firearm or violence against a person, the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons for not making such request, or proceed pursuant to paragraph (e). Upon the state attorney's request, the court shall either enter an order transferring the case and certifying the case for trial as if the child were an adult or provide written reasons for not issuing such an order.

(c) If the court finds, after a waiver hearing under s. 39.052(2), that a juvenile who was 14 years of age or older at the time the alleged violation of state law was committed should be charged and tried as an adult, the court shall enter an order transferring the case and certifying the case for trial as if the child were an adult. The child shall thereafter be subject to prosecution, trial, and sentencing as if the child were an adult but subject to the provisions of s. 39.059(7). Once a child has been transferred for criminal prosecution pursuant to an involuntary waiver hearing and has been found to have committed the presenting offense or a lesser included offense, the child shall thereafter be handled in every respect as if he were an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 39.059(4)(b) or (4)(c).

(d)1. A child of any age who is charged with a violation of state law punishable by death or by life imprisonment is subject to the jurisdiction of the court as set forth in s. 39.049(7) unless and until an indictment on the charge is returned by the grand jury. When such indictment is returned, the petition for delinquency, if any, must be dismissed and the child must be tried and handled in every respect as an adult:

- a. On the offense punishable by death or by life imprisonment; and
- b. On all other felonies or misdemeanors charged in the indictment which are based on the same act or transaction as the offense punishable by death or by life imprisonment or on one or more acts or transactions connected with the offense punishable by death or by life imprisonment.

2. An adjudicatory hearing may not be held until 21 days after the child is taken into custody and charged with having committed an offense punishable by death or by life imprisonment, unless the state attorney advises the court in writing that he does not intend to present the case to the grand jury, or has presented the case to the grand jury and the grand jury has not returned an indictment. If the court receives such a notice from the state attorney, or if the grand jury fails to act within the 21-day period, the court may proceed as otherwise authorized under this part.

3. If the child is found to have committed the offense punishable by death or by life imprisonment, the child shall be sentenced as an adult. If the juvenile is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he was indicted as a part of the criminal episode, the court may sentence as follows:

- a. Pursuant to s. 39.059;
- b. Pursuant to chapter 958, notwithstanding any other provisions of that chapter to the contrary; or
- c. As an adult, pursuant to s. 39.059(7)(c).

4. Once a child has been indicted pursuant to this subsection and has been found to have committed any offense for which he was indicted as a part of the criminal episode, the child shall be handled thereafter in every respect as if an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 39.059.

(e)1. Effective January 1, 1995, with respect to any child who was 14 or 15 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed and when the offense charged is:

- 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. Lewd or lascivious assault or act in the presence of a child; or
- n. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

2. With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney:

a. May file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed. However, the state attorney may not file an information on a child charged with a misdemeanor, unless the child has had at least two previous adjudications or adjudications withheld for delinquent acts, one of which involved an offense classified as a felony under state law.

b. Shall file an information if the child has been previously adjudicated delinquent for murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, or aggravated assault, and is currently charged with a second or subsequent violent crime against a person.

3. Effective January 1, 1995, notwithstanding subparagraphs 1. and 2., regardless of the child's age at the time the alleged offense was committed, the state attorney must file an information with respect to any child who previously has been adjudicated for offenses which, if committed by an adult, would be felonies and such adjudications occurred at three or more separate delinquency adjudicatory hearings, and three of which resulted in residential commitments as defined in s. 39.01(61).

4. Once a child has been transferred for criminal prosecution pursuant to information and has been found to have committed the presenting offense or a lesser included offense, the child shall be handled thereafter in every respect as if an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 39.059(6).

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

(2) When a child has been transferred for criminal prosecution as an adult and has been found to have committed a violation of state law, the disposition of the case may be made under s. 39.059 and may include the enforcement of any restitution ordered in any juvenile proceeding.

(3) This section does not deprive the court of any jurisdiction or relieve it of any duty conferred upon the court by law.

Section 51. Subsections (5) and (7) of section 39.059, Florida Statutes, are amended to read:

39.059 Community control or commitment of children prosecuted as adults.—

(5) When the court orders commitment of a child to the Department of Juvenile Justice for treatment in any of the department's programs for children, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay fees to the department equal to the actual cost of the care, support, and maintenance of the child, unless the court determines that the parent guardian of the child is indigent. The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. In addition, the court may waive the fees if it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law or if

the court finds that the parent or guardian has made a diligent and good-faith effort to prevent the child from engaging in the delinquent act or violation of law. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate.

(7)(a) At the sentencing hearing the court shall receive and consider a presentence investigation report by the Department of Corrections regarding the suitability of the offender for disposition as an adult, a juvenile, or a youthful offender. The presentence investigation report must include a comments section prepared by the Department of Juvenile Justice, with its recommendations as to disposition. This report requirement may be waived by the offender.

(b) After considering the presentence investigation report, the court shall give all parties present at the hearing an opportunity to comment on the issue of sentence and any proposed rehabilitative plan. Parties to the case include the parent, guardian, or legal custodian of the offender; the offender's counsel; the state attorney; representatives of the Department of Corrections and the Department of Juvenile Justice; the victim or victim's representative; representatives of the school system; and the law enforcement officers involved in the case.

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

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

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

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

4. The sophistication and maturity of the offender.

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

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

b. Prior periods of probation or community control.

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

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

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

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

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

(d) Any decision to impose adult sanctions must be in writing, but is presumed appropriate, and the court is not required to set forth specific findings or enumerate the criteria in this subsection as any basis for its decision to impose adult sanctions.

(e) If the court determines not to impose youthful offender or adult sanctions, the court may order disposition pursuant to s. 39.054 as an alternative to youthful offender or adult sentencing.

(7) When a child has been transferred for criminal prosecution and the child has been found to have committed a violation of Florida law, the following procedure shall govern the disposition of the case:

(a) At the disposition hearing the court shall receive and consider a predisposition report by the department regarding the suitability of the child for disposition as a child.

(b) After considering the predisposition report, the court shall give all parties present at the hearing an opportunity to comment on the issue of sentence and any proposed rehabilitative plan. Parties to the case shall include the parents, guardians, or legal custodian of the child; the child's counsel; the state attorney; representatives of the department; any victim or his representative; representatives of the school system; and the law enforcement officers involved in the case.

(c) Suitability or nonsuitability for adult sanctions shall be determined by the court before any other determination of disposition. The suitability determination shall be made by reference to the following criteria:

1. The seriousness of the offense to the community and whether the protection of the community requires adult disposition.

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

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

4. The sophistication and maturity of the child.

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

a. Previous contacts with the department, the Department of Corrections, other law enforcement agencies, and courts;

b. Prior periods of probation or community control;

c. Prior adjudications that the child committed a delinquent act or violation of law; and

d. Prior commitments to institutions.

6. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child if he is assigned to services and facilities for delinquent children.

(d) Any decision to impose adult sanctions shall be in writing and in conformity with each of the above criteria. The court shall render a specific finding of fact and the reasons for the decision to impose adult sanctions. Such order shall be reviewable on appeal by the child pursuant to s. 39.069.

(e) If the court determines not to impose adult sanctions, the court must next determine what juvenile sanctions it will impose. If the court determines not to adjudicate and commit to the department, the court shall then determine what community-based penal sanctions it will impose in a community control program. Community-based sanctions may include participation in substance abuse treatment, restitution in money or in kind, a curfew, revocation or suspension of the driver's license of the child, community or public service, required school or other educational program attendance, or other nonresidential punishment appropriate to the offense.

(f) After appropriate sanctions for the offense are determined, the court shall develop, approve, and order a plan of community control. The community control plan shall contain rules, requirements, conditions, and programs that are designed to encourage responsible and acceptable behavior, and to promote the rehabilitation of the child and the protection of the community.

(g) The court may receive and consider any other relevant and material evidence, including other reports, written or oral, in its effort to determine the action to be taken with regard to the child, and may rely upon such evidence to the extent of its probative value even if the evidence would not be competent in an adjudicatory hearing.

(h) The court shall notify any victim of the offense of the hearing and shall notify, or subpoena if appropriate necessary, the parents, guardians, or legal custodians of the child to attend the disposition hearing if they reside in the state.

(i) Upon completion of the predisposition report, it must shall be made available to the child's counsel and the state attorney by the department prior to the disposition hearing.

It is the intent of the Legislature that the foregoing criteria and guidelines in this subsection are shall be deemed mandatory and that a determination of disposition under pursuant to this subsection is subject to the right of the child to appellate review under pursuant to s. 39.069.

Section 52. Section 39.061, Florida Statutes, is amended to read:

39.061 Escapes from secure detention or residential commitment facility.—An escape from any secure detention facility maintained for the temporary *detention care* of children, pending adjudication, disposition, or placement; or an escape from any ~~moderate or high risk~~ residential commitment facility defined in s. 39.01(61)(c) and (d), maintained for the custody, treatment, *punishment*, or rehabilitation of children found to have committed delinquent acts or violations of law; or an escape from *lawful transportation thereto or therefrom* constitutes escape within the intent and meaning of s. 944.40 and is a felony of ~~in~~ the third degree, *punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 53. Section 39.062, Florida Statutes, is amended to read:

39.062 Transfer of children from the Department of Corrections to the Department of *Juvenile Justice Health and Rehabilitative Services*.—

(1) When any child under the age of 18 years is sentenced by any court of competent jurisdiction to the Department of Corrections, the Secretary of *Juvenile Justice Health and Rehabilitative Services* may transfer such child to the department for the remainder of his sentence, or until his 21st birthday, whichever results in the shorter term. If, upon such person's attaining his 21st birthday, his sentence has not terminated, he shall be transferred to the Department of Corrections for placement in a youthful offender program or, with the commission's consent, to the supervision of the department or be given any other transfer *that which* may lawfully be made.

(2) If the child is under sentence for a term of years, after the department has supervised him for a sufficient length of time to ascertain that he has attained satisfactory rehabilitation, the department, upon determination that such action is in the best interests of both the child and society, may relieve the child from making further reports.

(3) When the child has, in the opinion of the department, so conducted himself as to deserve a pardon, a commutation of sentence, or the remission in whole or in part of any fine, forfeiture, or penalty, the secretary may recommend that such clemency be extended to the child. In such case the secretary shall fully advise the Governor of the facts upon which such recommendation is based.

(4) The department shall grant gain-time for good conduct, may grant extra good-time allowances, and may declare a forfeiture thereof. If any child who was sentenced pursuant to s. 921.18 is transferred to the department, the department may determine the exact sentence of the child, but the sentence *may shall* not be longer than the maximum sentence *that which* was imposed by the court pursuant to s. 921.18. All time spent in the department shall count toward the expiration of sentence. Any child ~~so~~ transferred to the department may, at the discretion of the secretary, be returned to the Department of Corrections.

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

Section 54. Section 39.064, Florida Statutes, is amended to read:

39.064 Detention of furloughed child or escapee on authority of the department.—

(1) If an authorized agent of the department has reasonable grounds to believe that any delinquent child committed to the department has escaped from a facility of the department *or from being lawfully transported thereto or therefrom*, the ~~such~~ agent may take the ~~such~~ child into his active custody and may deliver the child to the facility ~~from which he escaped~~ or, if it is closer, to a detention center for return to the facility ~~from which he escaped~~. However, ~~a no~~ child *may not shall* be held in detention longer than 24 hours, excluding Saturdays, Sundays, and legal holidays, unless a special order so directing is made by the judge after a detention hearing resulting in a finding that detention is required based on the criteria in s. 39.044(2). The order shall state the reasons for such finding. The reasons shall be reviewable by appeal or in habeas corpus proceedings in the district court of appeal.

(2) Any sheriff or other law enforcement officer, upon the request of the secretary of the department or his duly authorized agent, shall take a child who has escaped or absconded from a department facility for committed delinquent children, *or from being lawfully transported thereto or therefrom*, into custody and deliver the child to the appropriate intake counselor or case manager of the department.

Section 55. Subsection (4) is added to section 39.067, Florida Statutes, to read:

39.067 Furlough and intensive aftercare.—

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

Section 56. Subsection (8) of section 39.074, Florida Statutes, is amended to read:

39.074 Siting of facilities; study; criteria.—

(8) When the department requests such a modification and it is denied by the local government, *the local government or the department shall initiate the dispute resolution process established under s. 186.509 to reconcile differences on the siting of correctional facilities between the department, local governments, and private citizens. If the regional planning council has not established a dispute resolution process pursuant to s. 186.509, the department shall establish, by rule, procedures for dispute resolution. The dispute resolution process shall require the parties to commence meetings to reconcile their differences. If the parties fail to resolve their differences within 30 days after the denial, the parties shall engage in voluntary mediation or similar process. If the parties fail to resolve their differences by mediation within 60 days after the denial, or if no action is taken on the department's or there is no action on such request within 90 days after the request, the department must may* appeal the decision of the local government on the requested modification of local plans, ordinances, or regulations to the Governor and Cabinet. *Any dispute resolution process initiated under this section must conform to the time limitations set forth herein. However, upon agreement of all parties, the time limits may be extended, but in no event may the dispute resolution process extend over 180 days.*

Section 57. Section 39.39, Florida Statutes, is created to read:

39.39 Definition.—As used in ss. 39.40-39.418, the term "department" means the Department of Health and Rehabilitative Services.

Section 58. For the purpose of incorporating the amendments to s. 39.044, Florida Statutes, in a reference thereto, subsection (4) of section 39.402, Florida Statutes, is reenacted to read:

39.402 Placement in a shelter.—

(4) If the child is alleged to be both dependent and delinquent, the protective investigator may authorize either placement in a shelter pursuant to this section or detention pursuant to s. 39.044.

Section 59. Section 39.419, Florida Statutes, is created to read:

39.419 Definition.—As used in ss. 39.42-39.447, the term "department" means the Department of Juvenile Justice.

Section 60. Subsections (1), (2), and (3) of section 39.42, Florida Statutes, are amended to read:

39.42 Families in need of services and children in need of services; procedures and jurisdiction.—

(1) It is the intent of the Legislature to address the problems of families in need of services by providing them with an array of services designed to preserve the unity and integrity of the family *and to emphasize parental responsibility for the behavior of their children*. These services shall be provided on a continuum of increasing level of intensity and participation by the parent and child. It is the further intent of the Legislature that judicial intervention to resolve the problems and conflicts that exist within a family be limited to situations in which service, treatment, and family mediation have, after a diligent effort, failed to achieve a resolution to the problems and conflicts. In creating this part, the Legislature recognizes the need to distinguish the problems of truants, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this recognition, it shall be the policy of the state to develop services for families in need of services and children in need of services.

(2) The Department of *Juvenile Justice Health and Rehabilitative Services* shall be responsible for all nonjudicial proceedings involving a family in need of services.

(3) All nonjudicial procedures in family-in-need-of-services cases shall be according to rules established by the Department of *Juvenile Justice Health and Rehabilitative Services* under chapter 120.

Section 61. Section 39.449, Florida Statutes, is created to read:

39.449 Definition.—As used in ss. 39.45-39.456, the term “department” means the Department of Health and Rehabilitative Services.

Section 62. Section 39.459, Florida Statutes, is created to read:

39.459 Definition.—As used in ss. 39.46-39.474, the term “department” means the Department of Health and Rehabilitative Services.

Section 63. Paragraph (b) of subsection (9) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(9) JUVENILE JUSTICE ESTIMATING CONFERENCE.—

(b) Principals.—The Executive Office of the Governor, the Division of Economics and Demographic Research of the Joint Legislative Management Committee, and professional staff who have forecasting expertise from the *Department of Juvenile Justice*, the Department of Health and Rehabilitative Services *Delinquency Services*, and Alcohol, Drug Abuse, and Mental Health Program Office Offices, the Department of Law Enforcement, the Senate Appropriations Committee staff, the House of Representatives Appropriations Committee staff, or their designees, are the principals of the Juvenile Justice Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals. To facilitate policy and legislative recommendations, the conference may call upon professional staff of the *Florida Legislature's Commission on Juvenile Justice Advisory Board* and other appropriate legislative staff.

Section 64. Subsection (4) is added to section 316.635, Florida Statutes, to read:

316.635 Courts having jurisdiction over traffic violations; powers relating to custody and detention of minors.—

(4) A minor who willfully fails to appear before any court or judicial officer as required by written notice to appear is guilty of contempt of court. Upon a finding by a court, after notice and a hearing, that a minor is in contempt of court for willful failure to appear pursuant to a valid notice to appear, the court may:

(a) For a first offense, order the minor to serve up to 5 days in a staff-secure shelter as defined in chapter 39 or, if space in a staff-secure shelter is unavailable, in a secure juvenile detention center.

(b) For a second or subsequent offense, the court may order a minor to serve up to 15 days in a staff-secure shelter or, if space in a staff-secure shelter is unavailable, in a secure juvenile detention center.

Section 65. Subsections (4), (5), and (6) of section 316.655, Florida Statutes, are amended to read:

316.655 Penalties.—

(4) Any person convicted of a violation of s. 316.027, s. 316.061, s. 316.067, s. 316.072, s. 316.192, s. 316.193, s. 316.1935, s. 316.2045(2), or s. 316.545(1) shall be punished as specifically provided in that section.

(5)(a) If the court finds that a minor committed any violation of any of the provisions of this chapter, the court may also impose one or more of the following sanctions:

1.(a) The court may reprimand or counsel the minor and his parents or guardian.

2.(b) The court may require the minor to attend, for a reasonable period, a traffic school conducted by a public authority.

3.(c) The court may order the minor to remit to the general fund of the local governmental body a sum not exceeding the maximum fine applicable to an adult for a like offense.

4.(d) The court may order the minor to participate in public service or a community work project for a minimum number of hours. A minor who participates in such a work program shall be considered an employee of the state for the purposes of chapter 440.

5.(e) The court may impose a curfew or other restriction on the liberty of the minor for a period not to exceed 6 months.

(b) Failure to comply with one or more sanctions imposed under paragraph (a) constitutes contempt of court. Upon a finding by the court, after notice and a hearing, that a minor is in contempt of court for failure to comply with court-ordered sanctions, the court may:

1. For a first offense, order the minor to serve up to 5 days in a staff-secure shelter as defined in chapter 39 or, if space in a staff-secure shelter is unavailable, in a secure juvenile detention center.

2. For a second or subsequent offense, the court may order a minor to serve up to 15 days in a staff-secure shelter or, if space in a staff-secure shelter is unavailable, in a secure juvenile detention center.

(c) ~~However,~~ Except for a conviction of a violation of s. 316.027, a minor may ~~shall~~ not be imprisoned in an adult detention facility. If a minor is imprisoned for a violation of s. 316.027, under no circumstances shall a minor be placed in the same cell as an adult. The receiving facility shall have adequate staff to supervise and monitor the minor's activities at all times. Nothing in this paragraph prohibits the placing of two or more minors in the same cell.

(d) For the first conviction for a violation of s. 316.193, the court may order the Department of Highway Safety and Motor Vehicles to revoke the minor's driver's license until the minor is 18 years of age. For a second or subsequent conviction for such a violation, the court may order the Department of Highway Safety and Motor Vehicles to revoke the minor's driver's license until the minor is 21 years of age.

(e) A minor who is arrested for a violation of s. 316.193 may not be released from custody until the later of the following events occur:

1. He is no longer under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893 and affected to the extent that his normal faculties are impaired;

2. His blood alcohol level is less than 0.05 percent; or

3. Eight hours have elapsed from the time he was arrested.

(6)(5) ~~In addition to those penalties specified in this section,~~ Drivers convicted of a violation of any offense prohibited by this chapter or any other law of this state regulating motor vehicles may have their driving privileges revoked or suspended by the court if the court finds such revocation or suspension warranted by the totality of the circumstances resulting in the conviction and the need to provide for the maximum safety for all persons who travel on or who are otherwise affected by the use of the highways of the state. In determining whether suspension or revocation is appropriate, the court shall consider all pertinent factors, including, but not limited to, such factors as the extent and nature of the driver's violation of this chapter, the number of persons killed or injured as the result of the driver's violation of this chapter, and the extent of any property damage resulting from the driver's violation of this chapter.

(7)(6) In addition to any other penalty provided for violation of the state uniform traffic control law pursuant to this chapter or chapter 318, any county that ~~which~~ participates in an intergovernmental radio communication program approved by the Division of Communications of the Department of ~~Management~~ General Services may assess an additional surcharge of up to \$12.50 for each moving traffic violation, which surcharge ~~must shall~~ be used by the county to fund that county's participation in the program.

Section 66. Section 320.08046, Florida Statutes, is created to read:

320.08046 Surcharge on license tax; General Revenue Fund.—There is levied on each license tax imposed under s. 320.08, except those set forth in s. 320.08(11), a surcharge in the amount of 50 cents, which shall be collected in the same manner as the license tax. Of the proceeds of the license tax surcharge, 80 percent shall be deposited into the General Revenue Fund and 20 percent shall be deposited into the Florida Motor Vehicle Theft Prevention Trust Fund.

Section 67. Subsection (1) of section 397.821, Florida Statutes, is amended to read:

397.821 Juvenile substance abuse impairment prevention and early intervention councils.—

(1) Each judicial circuit as set forth in s. 26.021 may establish a juvenile substance abuse impairment prevention and early intervention council composed of at least 12 members, including representatives from law enforcement, the department, school districts, state attorney and public defender offices, the circuit court, the religious community, substance abuse impairment professionals, child advocates from the community, business leaders, parents, and high school students. However, those circuits which already have in operation a council of similar composition may designate the existing body as the juvenile substance abuse impairment prevention and early intervention council for the purposes of this section. Each council shall establish bylaws providing for the length of term of its members, but the term may not exceed 4 years. The district administrator, as defined in s. 20.19(10)(a), and the chief judge of the circuit court shall each appoint six members of the council. The district administrator shall appoint a representative from the department, a school district representative, a substance abuse impairment treatment professional, a child advocate, a parent, and a high school student. The chief judge of the circuit court shall appoint a business leader and representatives from the state attorney's office, the public defender's office, the religious community, the circuit court, and law enforcement agencies.

Section 68. Section 402.181, Florida Statutes, is amended to read:

402.181 State Institutions Claims Fund.—

(1) There is created a State Institutions Claims Fund, available for the purpose of making restitution for property damages and direct medical expenses for injuries caused by shelter children or foster children, or escapees or inmates of state institutions under the Department of Health and Rehabilitative Services, the Department of Juvenile Justice, or the Department of Corrections. There shall be a separate fund in the State Treasury which shall be the depository of all funds used for this purpose by all institutions under the supervision and control of the Department of Health and Rehabilitative Services, the Department of Juvenile Justice, and the Department of Corrections.

(2) Claims for restitution may be filed with the Department of Legal Affairs at its office in accordance with regulations prescribed by the Department of Legal Affairs. The Department of Legal Affairs shall have full power and authority to hear, investigate, and determine all questions in respect to such claims and is authorized to pay individual claims up to \$1,000. Claims in excess of this amount shall continue to require legislative approval.

(3) The Department of Legal Affairs shall make or cause to be made such investigations as it considers necessary in respect to such claims. Hearings shall be held in accordance with chapter 120.

Section 69. Section 409.146, Florida Statutes, is amended to read:

409.146 Children and families and delinquency services client and management information system.—

(1) The Department of Health and Rehabilitative Services and the Department of Juvenile Justice shall establish a children and families and delinquency services client and management information system which shall provide information concerning children served by the department's children and families and delinquency services programs.

(2) The children and families and delinquency services client and management information system shall provide, at a minimum, an integrated service delivery information system to implement comprehensive screening, uniform assessment, case planning, monitoring, resource matching, and outcome evaluations for all of the following program services categories and related program components as defined in s. 20.19 and chapter 39:

- (a) Prevention and diversion services.
- (b) Families in need of services and children in need of services.
- (c) Child welfare services.
- (d) Delinquency services.
- (e) Child care services.

(3) The system shall be designed to promote efficient and effective use of resources and accountability designed to provide the most appropriate, least restrictive services for all clients in the department's children and families and delinquency services programs. It shall contain, at a minimum, that information deemed to be essential for ongoing administration of service delivery and outcome evaluation systems, as well as for the purpose of management decisions.

(4) The system shall be operated in such a manner as to facilitate the service delivery goals of the children receiving the children and families and delinquency services programs and services.

(5) The Department of Health and Rehabilitative Services and the Department of Juvenile Justice shall employ accepted current system development methodology to determine the appropriate design and contents of the system, as well as the most rapid feasible implementation schedule as outlined in the department's information resources management operational plan of the Department of Health and Rehabilitative Services and the Department of Juvenile Justice.

(6) The Department of Health and Rehabilitative Services and the Department of Juvenile Justice shall aggregate, on a quarterly and an annual basis, the information and statistical data of the children and families and delinquency services client and management information system into a descriptive report and shall disseminate the quarterly and annual reports to interested parties, including substantive committees of the House of Representatives and the Senate.

(7) Whenever feasible, the system shall have on-line computers and shall be available for data entry and retrieval at the department's unit level of organization by program component counselors.

(8) Children and families and delinquency services program staff responsible for services shall be trained in the use of the system.

(9) ~~The department shall expedite the completion of all phases of planning, development, and operation of the children and families and delinquency services client and management information system. The development phase shall be completed no later than July 1, 1993. The operational phase shall be completed no later than July 1, 1994. The children and families and delinquency services client and management information system shall be in place and operational no later than July 1, 1994.~~ The Department of Health and Rehabilitative Services and the Department of Juvenile Justice shall provide an annual report to the Joint Information Technology Resources Committee. The committee shall review the report and shall forward the report, along with its comments, to the appropriate substantive and appropriations committees of the House of Representatives and the Senate delineating the development status of the system and other information necessary for funding and policy formulation. In developing the system, the Department of Health and Rehabilitative Services and the Department of Juvenile Justice shall consider and report on the availability of, and the costs associated with using, existing software and systems, including, but not limited to, those that are operational in other states, to meet the requirements of this section. The department shall also consider and report on the compatibility of such existing software and systems with ~~an~~ the department's integrated management information system. The report shall be submitted no later than December 1 of each year.

Section 70. Paragraph (b) of subsection (10) of section 768.28, Florida Statutes, is amended, and present subsections (11), (12), (13), (14), (15), (16), and (17) of that section are redesignated as subsections (12), (13), (14), (15), (16), (17), and (18), respectively, and a new subsection (11) is added to that section, to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions.—

(10)

(b) This subsection shall not be construed as designating persons providing contracted health care services to inmates as employees or agents of the state for the purposes of chapter 440.

(11)(a) Providers or vendors, or any of their employees or agents, that have contractually agreed to act on behalf of the state as agents of the Department of Juvenile Justice to provide services to children in need of services, families in need of services, or juvenile offenders, are, solely with respect to such services, agents of the state for purposes of this section while acting within the scope of and pursuant to guidelines established in the contract or by rule. A contract must provide for the indemnification of the state by the agent for any liabilities incurred up to the limits set out in this chapter.

(b) This subsection does not designate a person who provides contracted services to juvenile offenders as an employee or agent of the state for purposes of chapter 440.

Section 71. Section 784.075, Florida Statutes, is amended to read:

784.075 Battery on detention or commitment facility staff.—A person who commits a battery on an intake counselor or case manager, as defined in s. 39.01(27), on other staff of a detention center or facility as defined in s. 39.01(18), or on a staff member of a commitment facility as defined in s. 39.01(61)(c), or (d), or (e), commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, a staff member of the facilities listed includes persons employed by the Department of ~~Juvenile Justice Health and Rehabilitative Services~~, persons employed at facilities licensed by the Department of ~~Juvenile Justice Health and Rehabilitative Services~~, and persons employed at facilities operated under a contract with the Department of ~~Juvenile Justice Health and Rehabilitative Services~~.

Section 72. Section 860.1545, Florida Statutes, is amended to read:

860.1545 Interagency task force for community juvenile justice partnership grants.—

(1) There is created an interagency task force for community juvenile justice partnership grants. The members of the task force include the Attorney General, the Commissioner of Education, the Secretary of the Department of Health and Rehabilitative Services, the Secretary of ~~Juvenile Justice~~, and the executive director of the Department of Law Enforcement, or their designees.

(2) The purposes of the task force are:

(a) To develop and execute an interagency agreement among the member agencies that promotes and supports cooperation and collaboration among law enforcement, education, and the Department of Health and Rehabilitative Services concerning children and families who are receiving the services or assistance of the agencies that are parties to the agreement;

(b) To receive and evaluate grant proposals, and to make recommendations to the board of directors of the Florida Motor Vehicle Theft Prevention Authority concerning the awarding of grants under the community juvenile justice partnership grant program established in s. 39.025(8); and

(c) To provide technical assistance to representatives of the Department of Health and Rehabilitative Services, the Department of ~~Juvenile Justice~~, law enforcement agencies, and educational authorities at the local level regarding the development and implementation of interagency agreements. Such interagency agreements must seek to reduce juvenile crime, especially motor vehicle theft, by promoting cooperation and collaboration and the sharing of appropriate information in a joint effort to improve school safety and reduce truancy and in-school and out-of-school suspensions, by supporting alternatives to in-school and out-of-school suspensions and expulsions that provide structured and supervised educational programs supplemented by a coordinated overlay of other appropriate services.

(3) The executive director of the Florida Motor Vehicle Theft Prevention Authority shall provide administrative and technical support for the task force pursuant to s. 860.156, and the authority may, pursuant to s. 860.157, ~~adopt promulgate such rules as may be necessary to carry out the purposes of this section.~~

(4) The criteria specified in s. 39.025(8) shall be used by the task force in developing its recommendations on proposed grants, and by the board of directors of the Florida Motor Vehicle Theft Prevention Authority in awarding and evaluating grants made under the community juvenile justice partnership grant program.

Section 73. Paragraph (c) of subsection (2) of section 860.158, Florida Statutes, is amended to read:

860.158 Florida Motor Vehicle Theft Prevention Trust Fund.—

(2) Money in the trust fund shall be expended as follows:

(c) Not less than 70 percent ~~two-thirds~~ of the funds in the trust fund shall be made available each year to fund qualified grants under the community juvenile justice partnership grant program established in s. 39.025(8).

Section 74. Subsections (2) and (3) of section 874.02, Florida Statutes, are amended to read:

874.02 Legislative findings and intent.—

(2) The Legislature finds, however, that the state is facing a mounting crisis caused by ~~criminal youth and street gangs~~ whose members threaten and terrorize peaceful citizens and commit a multitude of crimes. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected.

(3) It is the intent of the Legislature to eradicate the terror created by ~~criminal youth and street gangs~~ by providing enhanced penalties and by eliminating the patterns, profits, proceeds, and instrumentalities of ~~criminal youth and street gang activity~~.

Section 75. Section 874.03, Florida Statutes, is amended to read:

874.03 Definitions.—As used in this chapter:

(1) "~~Criminal youth and street gang~~" means a formal or informal ongoing organization, association, or group of three or more persons who:

(a) Have a common name or common identifying signs, colors, or symbols;

(b) Have members or associates who, individually or collectively, engage in or have engaged in a pattern of ~~criminal youth and street gang activity~~.

(2) "~~Criminal youth and street gang member~~" is a person who engages in a pattern of ~~criminal youth and street gang activity~~ and meets two or more of the following criteria:

(a) Admits to ~~criminal street gang membership~~.

(b) Is a youth under the age of 21 years who is identified as a ~~criminal street gang member~~ by a parent or guardian.

(c) Is identified as a ~~criminal street gang member~~ by a documented reliable informant.

(d) Resides in or frequents a particular ~~criminal street gang's~~ area and adopts their style of dress, their use of hand signs, or their tattoos, and associates with known ~~criminal street gang members~~.

(e) Is identified as a ~~criminal street gang member~~ by an informant of previously untested reliability and such identification is corroborated by independent information.

(f) Has been arrested more than once in the company of identified ~~criminal street gang members~~ for offenses which are consistent with usual ~~criminal street gang activity~~.

(g) Is identified as a ~~criminal street gang member~~ by physical evidence such as photographs or other documentation.

(h) Has been stopped in the company of known ~~criminal street gang members~~ four or more times.

(3) "~~Pattern of criminal youth and street gang activity~~" means the commission, attempted commission, or solicitation, by any member or members of a ~~criminal youth and street gang~~, of two or more felony or violent misdemeanor offenses, or two or more delinquent acts or violations of law which would be felonies or violent misdemeanors if committed by an adult, on separate occasions within a 3-year period, ~~for the purpose of furthering gang activity~~.

Section 76. Section 874.04, Florida Statutes, is amended to read:

874.04 Pattern of ~~criminal youth and street gang activity~~; reclassified penalties.—The penalty for any felony or violent misdemeanor, or any delinquent act or violation of law which would be a felony or violent misdemeanor if committed by an adult, shall be reclassified if the offender was a member of a ~~criminal street gang at the time of the commission of such offense that meets the criteria felony or misdemeanor is part of a pattern of criminal youth and street gang activity~~:

(1) A misdemeanor of the second degree shall be punishable as if it were a misdemeanor of the first degree.

(2) A misdemeanor of the first degree shall be punishable as if it were a felony of the third degree.

(3) A felony of the third degree shall be punishable as if it were a felony of the second degree.

(4) A felony of the second degree shall be punishable as if it were a felony of the first degree.

(5) A felony of the first degree shall be punishable as if it were a life felony.

Section 77. Section 874.08, Florida Statutes, is amended to read:

874.08 Profits, proceeds, and instrumentalities of ~~criminal youth and street gangs~~; forfeiture.—Any profits, proceeds, or instrumentalities of criminal activity of any ~~criminal youth and street gang~~ shall be subject to seizure and forfeiture under the Florida Contraband Forfeiture Act under pursuant to the provisions of s. 932.704.

Section 78. Paragraph (a) of subsection (1) and subsection (3) of section 895.02, Florida Statutes, as amended by chapter 93-415, Laws of Florida, are amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime which is chargeable by indictment or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.
2. Section 403.727(3)(b), relating to environmental control.
3. Section 409.325, relating to public assistance fraud.
4. Section 409.920, relating to Medicaid provider fraud.
5. ~~Section Sections~~ 410.105 or s. 440.106, relating to workers' compensation.
6. Chapter 517, relating to sale of securities and investor protection.
7. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.
8. Chapter 550, relating to jai alai frontons.
9. Chapter 552, relating to the manufacture, distribution, and use of explosives.
10. Chapter 562, relating to beverage law enforcement.
11. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.
12. Chapter 687, relating to interest and usurious practices.
13. Section 721.08, s. 721.09, or s. 721.13, relating to real estate time-share plans.
14. Chapter 782, relating to homicide.
15. Chapter 784, relating to assault and battery.
16. Chapter 787, relating to kidnapping.
17. Chapter 790, relating to weapons and firearms.
18. Section 796.01, s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.
19. Chapter 806, relating to arson.
20. Chapter 812, relating to theft, robbery, and related crimes.
21. Chapter 815, relating to computer-related crimes.
22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.
23. Section 827.071, relating to commercial sexual exploitation of children.
24. Chapter 831, relating to forgery and counterfeiting.
25. Chapter 832, relating to issuance of worthless checks and drafts.
26. Section 836.05, relating to extortion.
27. Chapter 837, relating to perjury.
28. Chapter 838, relating to bribery and misuse of public office.
29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

32. *Chapter 874, relating to criminal street gangs.*

33.31. Chapter 893, relating to drug abuse prevention and control.

34.32. Chapter 896, relating to offenses related to financial transactions.

35.33. Sections 914.22 and 914.23, relating to tampering with a witness, victim, or informant, and retaliation against a witness, victim, or informant.

36.34. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

(3) "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity; and it includes illicit as well as licit enterprises and governmental, as well as other, entities. *A criminal street gang, as defined in s. 874.03, constitutes an enterprise.*

Section 79. For the purpose of incorporating the amendment to section 895.02, Florida Statutes, in references thereto, subsection (1) of section 27.34, Florida Statutes, is reenacted to read:

27.34 Salaries and other related costs of state attorneys' offices; limitations.—

(1) No county or municipality shall appropriate or contribute funds to the operation of the various state attorneys, except that a county or municipality may appropriate or contribute funds to pay the salary of one assistant state attorney whose sole function shall be to prosecute violations of special laws or ordinances of the county or municipality and may provide persons employed by the county or municipality to the state attorney to serve as special investigators pursuant to the provisions of s. 27.251. However, any county or municipality may contract with the state attorney of the judicial circuit in which such county or municipality is located for the prosecution of violations of county or municipal ordinances. In addition, a county or municipality may appropriate or contribute funds to pay the salary of one or more assistant state attorneys who are trained in the use of the civil and criminal provisions of the Florida RICO Act, chapter 895, and whose sole function is to investigate and prosecute civil and criminal RICO actions when one or more offenses identified in s. 895.02(1)(a) occur within the boundaries of the municipality or county.

Section 80. For the purpose of incorporating the amendment to section 895.02, Florida Statutes, in references thereto, paragraph (g) of subsection (3) of section 655.50, Florida Statutes, is reenacted to read:

655.50 Florida Control of Money Laundering in Financial Institutions Act; reports of transactions involving currency or monetary instruments; when required; purpose; definitions; penalties.—

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

(g) "Specified unlawful activity" means any "racketeering activity" as defined in s. 895.02.

Section 81. For the purpose of incorporating the amendment to section 895.02, Florida Statutes, in references thereto, paragraph (g) of subsection (1) of section 896.101, Florida Statutes, is reenacted to read:

896.101 Offense of conduct of financial transaction involving proceeds of unlawful activity; penalties.—

(1) DEFINITIONS.—As used in this section, the term:

(g) "Specified unlawful activity" means any "racketeering activity" as defined in s. 895.02.

Section 82. Section 877.20, Florida Statutes, is created to read:

877.20 Legislative intent.—It is the intent of the Legislature to protect minors in this state from harm and victimization, to promote the safety and well-being of minors in this state, to reduce the crime and violence committed by minors in this state, and to provide counties and municipalities with the option of adopting a local juvenile curfew ordinance by incorporating by reference the provisions of ss. 877.20-877.25.

Section 83. Section 877.21, Florida Statutes, is created to read:

877.21 Definitions.—As used in ss. 877.20-877.25, the term:

(1) "Emergency" means an unforeseen combination of circumstances which results in a situation that requires immediate attention to care for or prevent serious bodily injury, loss of life, or significant property loss. The term includes, but is not limited to, a fire, a natural disaster, or an automobile accident.

(2) "Establishment" means a privately owned place of business to which the public is invited, including, but not limited to, a place of amusement or a place of entertainment.

(3) "Minor" means any person under 16 years of age.

(4) "Parent" means a person that has legal custody of a minor as a:

(a) Natural or adoptive parent.

(b) Legal guardian.

(c) Person who stands in loco parentis to the minor.

(d) Person who has legal custody of the minor by order of the court.

(5) "Public place" means a place to which the public has access, including, but not limited to, streets, highways, public parks, and the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities, and shops.

(6) "Remain" means to stay unnecessarily in a particular place.

Section 84. Section 877.22, Florida Statutes, is created to read:

877.22 Minors prohibited in public places and establishments during certain hours; penalty; procedure.—

(1)(a) A minor may not be or remain in a public place or establishment between the hours of 11:00 p.m. and 5:00 a.m. of the following day, Sunday through Thursday, except in the case of a legal holiday.

(b) A minor may not be or remain in a public place or establishment between the hours of 12:01 a.m. and 6:00 a.m. on Saturdays, Sundays, and legal holidays.

(2) A minor who has been suspended or expelled from school may not be or remain in a public place, in an establishment, or within 1,000 feet of a school during the hours of 9:00 a.m. to 2:00 p.m. during any school day.

(3) A minor who violates this section shall receive a written warning for his first violation. A minor who violates this section after having received a prior written warning is guilty of a civil infraction and shall pay a fine of \$50 for each violation.

(4) If a minor violates a curfew and is taken into custody, the minor shall be transported immediately to a police station or to a facility operated by a religious, charitable, or civic organization that conducts a curfew program in cooperation with a local law enforcement agency. After recording pertinent information about the minor, the law enforcement agency shall attempt to contact the parent of the minor and, if successful, shall request that the parent take custody of the minor and shall release the minor to the parent. If the law enforcement agency is not able to contact the minor's parent within 2 hours after the minor is taken into custody, or if the parent refuses to take custody of the minor, the law enforcement agency may transport the minor to his residence or proceed as authorized under part III of chapter 39.

Section 85. Section 877.23, Florida Statutes, is created to read:

877.23 Legal duty of parent; penalty.—

(1) The parent of a minor has a legal duty and responsibility to ensure that the minor does not violate s. 877.22(1).

(2) The parent of a minor has a legal duty and responsibility to personally supervise, or arrange for a responsible adult to supervise, the minor so that the minor does not violate s. 877.22(2).

(3) The parent of a minor who knowingly permits the minor to violate s. 877.22(1) or (2) shall receive a written warning for a first violation. A parent who knowingly permits the minor to violate s. 877.22(1) or (2) after having received a prior written warning is guilty of a civil infraction and shall pay a fine of \$50 for each violation.

Section 86. Section 877.24, Florida Statutes, is created to read:

877.24 Nonapplication of section 877.22.—Section 877.22 does not apply to a minor who is:

(1) Accompanied by his parent or by another adult authorized by the minor's parent to have custody of the minor.

(2) Involved in an emergency or engaged, with his parent's permission, in an emergency errand.

(3) Attending or traveling directly to or from an activity that involves the exercise of rights protected under the First Amendment of the United States Constitution.

(4) Going directly to or returning directly from lawful employment, or who is in a public place or establishment in connection with or as required by a business, trade, profession, or occupation in which the minor is lawfully engaged.

(5) Returning directly home from a school-sponsored function, a religious function, or a function sponsored by a civic organization.

(6) On the property of, or on the sidewalk of, the place where he resides, or who is on the property or sidewalk of an adult next-door neighbor with that neighbor's permission.

(7) Engaged in interstate travel or bona fide intrastate travel with the consent of the minor's parent.

(8) Attending an organized event held at and sponsored by a theme park or entertainment complex as defined in s. 509.013(9).

Section 87. Section 877.25, Florida Statutes, is created to read:

877.25 Local ordinance required; effect.—Sections 877.20-877.24 do not apply in a county or municipality unless the governing body of the county or municipality adopts an ordinance that incorporates by reference the provisions of ss. 877.20-877.24. Sections 877.20-877.24 do not preclude county or municipal ordinances regulating the presence of minors in public places and establishments which provide restrictions more stringent or less stringent than the curfew imposed under s. 877.22.

Section 88. Subsection (10) of section 943.045, Florida Statutes, is amended to read:

943.045 Definitions.—The following words and phrases as used in ss. 943.045-943.08 shall have the following meanings:

(10) "Criminal justice agency" means:

(a) A court.;

(b) The department.;

(c) *The Department of Juvenile Justice.*

(d) Any other governmental agency or subunit thereof which performs the administration of criminal justice pursuant to a statute or rule of court and which allocates a substantial part of its annual budget to the administration of criminal justice.

Section 89. Section 943.051, Florida Statutes, is amended to read:

943.051 Criminal justice information; collection and storage; fingerprinting.—

(1) The Division of Criminal Justice Information Systems, acting as the state's central criminal justice information repository, shall:

(a) Collect, process, and store criminal justice information and records necessary to the operation of the criminal justice information system of the department.

(b) Develop systems that which inform one criminal justice agency of the criminal justice information held or maintained by other criminal justice agencies.

(c) Collect, process, maintain, and disseminate information and records with due regard to the privacy interests of individuals and shall strive to maintain or disseminate only accurate and complete records.

(2) Each adult person charged with or convicted of a felony, misdemeanor, or violation of a comparable ordinance by a state, county, municipal, or other law enforcement agency shall be fingerprinted, and such

fingerprints shall be submitted to the department. Exceptions to this requirement for specified misdemeanors or comparable ordinance violations may be made by the department by rule.

(3)(a) A minor who is charged with or found to have committed an offense that would be a felony if committed by an adult shall be fingerprinted and the fingerprints shall be submitted to the department.

(b) A minor who is charged with or found to have committed the following misdemeanors shall be fingerprinted and the fingerprints shall be submitted to the department:

1. Assault, as defined in s. 784.011.
2. Battery, as defined in s. 784.03.
3. Carrying a concealed weapon, as defined in s. 790.01(1).
4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).
5. Child abuse, as defined in s. 827.04(2).
6. Negligent treatment of children, as defined in s. 827.05.
7. Assault or battery on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a) and (b).
8. Open carrying of a weapon, as defined in s. 790.053.
9. Exposure of sexual organs, as defined in s. 800.03.
10. Unlawful possession of a firearm, as defined in s. 790.22(5).
11. Petit theft, as defined in s. 812.04(2)(d).
12. Cruelty to animals, as defined in s. 828.12(1).
13. Arson, as defined in s. 806.031(1).

(4)(3) Fingerprints shall be used as the basis for criminal history records.

~~(4) Each juvenile arrested for a felony by a state, county, municipal, or other law enforcement agency must be fingerprinted, and his fingerprints must be submitted to the department to be used for identification purposes only.~~

Section 90. Section 943.0515, Florida Statutes, is created to read:

943.0515 Retention of criminal history records of minors.—

(1)(a) The Division of Criminal Justice Information Systems shall retain the criminal history record of a minor who is classified as a serious or habitual juvenile offender under chapter 39 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 subsection (2)(a) or (2)(b).

(b) If the minor is not classified as a serious or habitual juvenile under chapter 39, the division shall retain his criminal history record for 5 years after the date he reaches 19 years of age, at which time the record shall be expunged unless it meets the criteria of subsection (2)(a) or (2)(b).

(2)(a) If a person 18 years of age or older is charged with or convicted of a forcible felony and the person's criminal history record as a minor has not yet been destroyed, the person's record as a minor must be merged with the person's adult criminal history record and must be retained as a part of the person's adult record.

(b) If, at any time, a minor is adjudicated as an adult for a forcible felony, the minor's criminal history record prior to the time of his adjudication as an adult must be merged with his record as an adjudicated adult. That portion of the criminal history record which relates to the minor's offenses prior to his adjudication as an adult may only be released as provided under s. 943.054(4).

Section 91. Subsections (2) and (3) of section 943.052, Florida Statutes, are amended to read:

943.052 Disposition reporting.—The division shall, by rule, establish procedures and a format for each criminal justice agency to monitor its records and submit reports, as provided by this section, to the division. The disposition report shall be developed by the division and shall include the offender-based transaction system number.

(2) Each clerk of the court shall submit the uniform dispositions to the division or in a manner acceptable to the division. The report shall be submitted at least once a month and, when acceptable by the division, may be submitted in an automated format. *The disposition report is mandatory for dispositions relating to adult offenders only.*

(3)(a) The Department of Corrections shall submit information to the division relating to the receipt or discharge of any person who is sentenced to a state correctional institution.

(b) *The Department of Juvenile Justice shall submit information to the division relating to the receipt or discharge of any minor who is found to have committed an offense that would be a felony if committed by an adult, or is found to have committed a misdemeanor specified in s. 943.051(3), and is committed to the custody of the Department of Juvenile Justice.*

Section 92. Present subsection (4) of section 943.053, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

943.053 Dissemination of criminal justice information; fees.—

(4) *The division shall provide, free of charge, a minor's criminal history record to a criminal justice agency that requests such record for criminal justice purposes. The division shall provide, on an approximate-cost basis, a minor's criminal history record to a governmental agency that requests such record for purposes of screening an applicant for employment or licensing under s. 39.001, s. 39.076, s. 110.1127, s. 242.335, s. 393.0655, s. 394.457, s. 397.451, s. 400.512, s. 402.305, or s. 409.175. In addition, the division shall provide, on an approximate-cost basis, a minor's criminal history record to a school principal who requests such information. The school principal may release information in a minor's criminal history record only to the assistant principal and the minor's guidance counselor and teachers.*

Section 93. Subsection (1) of section 943.056, Florida Statutes, is amended to read:

943.056 Access to, review and challenge of, criminal history records.—

(1) When a person requests a copy of his own criminal history record not otherwise available as provided by s. 119.07, the Department of Law Enforcement shall provide such record for review upon verification, by fingerprints, of the identity of the requesting person. *If a minor, or the parent or legal guardian of a minor, requests a copy of the minor's criminal history record, the Department of Law Enforcement shall provide such copy for review upon verification, by fingerprints, of the identity of the minor.* The providing of such record shall not require the payment of any fees, except those provided for by federal regulations.

Section 94. Section 943.0581, Florida Statutes, is amended to read:

943.0581 Administrative expunction.—~~Notwithstanding any provisions of statutory law dealing generally with the preservation and destruction of public records, the department may provide, by rule adopted pursuant to chapter 120, for the administrative expunction of any nonjudicial record of an arrest of a minor or an adult made contrary to law or by mistake.~~

Section 95. Section 943.0585, Florida Statutes, is amended to read:

943.0585 Court-ordered expunction of criminal history records.—~~The courts of this state shall continue to have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information. Any court of competent jurisdiction may order a criminal justice agency to expunge the a criminal history record of a minor or an adult who, provided that the person who is the subject of the record complies with the requirements of this section; However, a criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041 may not be expunged, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, the offense as a delinquent act, where the defendant was found or pled guilty, without regard to whether adjudication was withheld, may not be expunged.~~ The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a crim-

inal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. ~~Nothing in~~ This section *does not prevent* the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any ~~provision of statutory law~~ to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each petition to a court to expunge a criminal history record is complete only when accompanied by:

(a) A certificate of eligibility for expunction issued by the department pursuant to subsection (2).

(b) The petitioner's sworn statement attesting that the petitioner:

1. Has never previously been adjudicated guilty of a criminal offense or comparable ordinance violation *or adjudicated delinquent for committing a felony or a misdemeanor specified in s. 943.051(3)(b)*.

2. Has not been adjudicated guilty of, *or adjudicated delinquent for committing*, any of the ~~acts~~ charges stemming from the arrest or alleged criminal activity to which the petition pertains.

3. Has never secured a prior sealing or expunction of a criminal history record under this section, former s. 893.14, former s. 901.33, or former s. 943.058, or from any jurisdiction outside the state.

4. Is eligible for such an expunction to the best of his knowledge or belief and does not have any other petition to expunge or any petition to seal pending before any court.

Any person who knowingly provides false information on such sworn statement to the court commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to petitioning the court to expunge a criminal history record, a person seeking to expunge a criminal history record shall apply to the department for a certificate of eligibility for expunction. The department shall, by rule adopted pursuant to chapter 120, establish procedures pertaining to the application for and issuance of certificates of eligibility for expunction. The department shall issue a certificate of eligibility for expunction to a person who is the subject of a criminal history record *if provided that such person:*

(a) Has obtained, and submitted to the department, a written, certified statement from the appropriate state attorney or statewide prosecutor which indicates:

1. That an indictment, ~~or~~ information, *or other charging document* was not filed *or issued* in the case.

2. That an indictment, ~~or~~ information, *or other charging document*, if filed *or issued* in the case, was dismissed or nolle prosequi by the state attorney or statewide prosecutor, or was dismissed by a court of competent jurisdiction.

3. That the criminal history record does not relate to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a ~~violation enumerated in s. 907.041~~, where the defendant was found *guilty of*, or pled guilty or *nolo contendere to any such offense, or that the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, such an offense as a delinquent act*, without regard to whether adjudication was withheld.

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

(c) Has submitted to the department a certified copy of the disposition of the charge to which the petition to expunge pertains.

(d) Has never previously been adjudicated guilty of a criminal offense or comparable ordinance violation *or adjudicated delinquent for committing a felony or a misdemeanor specified in s. 943.051(3)(b)*.

(e) Has not been adjudicated guilty of, *or adjudicated delinquent for committing*, any of the ~~acts~~ charges stemming from the arrest or alleged criminal activity to which the petition to expunge pertains.

(f) Has never secured a prior sealing or expunction of a criminal history record under this section, former s. 893.14, former s. 901.33, or former s. 943.058.

(g) Is no longer under court supervision applicable to the disposition of the arrest or alleged criminal activity to which the petition to expunge pertains.

(h) Is not required due to:

1. An indictment or information not having been filed by the appropriate state attorney or statewide prosecutor;

2. An indictment or information having been dismissed or nolle prosequi by the appropriate state attorney or statewide prosecutor; or

3. An indictment or information having been dismissed by a court of competent jurisdiction

to wait a minimum of 10 years prior to being eligible for an expunction of such record. Otherwise, such criminal history record must be sealed under this section, former s. 893.14, former s. 901.33, or former s. 943.058 for at least 10 years before such record is eligible for expunction. *If such record relates to an offense for which the defendant was adjudicated delinquent, the record is eligible for expunction 10 years after the arrest or 10 years after the commission of the delinquent or criminal activity to which it pertains.*

(3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

(a) In judicial proceedings under this section, a copy of the completed petition to expunge shall be served upon the appropriate state attorney or the statewide prosecutor and upon the arresting agency; however, it is not necessary to make any agency other than the state a party. The appropriate state attorney or the statewide prosecutor and the arresting agency may respond to the court regarding the completed petition to expunge.

(b) If relief is granted by the court, the clerk of the court shall certify copies of the order to the appropriate state attorney or the statewide prosecutor and the arresting agency. The arresting agency is responsible for forwarding the order to any other agency to which the arresting agency disseminated the criminal history record information to which the order pertains. The department shall forward the order to expunge to the Federal Bureau of Investigation. The clerk of the court shall certify a copy of the order to any other agency which the records of the court reflect has received the criminal history record from the court.

(c) For an order to expunge entered by a court prior to July 1, 1992, the department shall notify the appropriate state attorney or statewide prosecutor of an order to expunge which is contrary to law because the person who is the subject of the record has previously been convicted of a crime or comparable ordinance violation or has had a prior criminal history record sealed or expunged. Upon receipt of such notice, the appropriate state attorney or statewide prosecutor shall take action, within 60 days, to correct the record and petition the court to void the order to expunge. The department shall seal the record until such time as the order is voided by the court.

(d) On or after July 1, 1992, the department or any other criminal justice agency is not required to act on an order to expunge entered by a court when such order does not comply with the requirements of this section. Upon receipt of such an order, the department must notify the issuing court, the appropriate state attorney or statewide prosecutor, the petitioner or the petitioner's attorney, and the arresting agency of the reason for noncompliance. The appropriate state attorney or statewide prosecutor shall take action within 60 days to correct the record and petition the court to void the order. A cause of action does not arise against any criminal justice agency for failure to comply with an order to expunge when such order does not comply with the requirements of this section.

(4) **EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.**—Any criminal history record of a minor or an adult which that is ordered expunged by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record; except that any criminal history record in the custody of the department must be retained in all cases. A criminal history record ordered expunged that is retained by the department is not available to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation indicating compliance with an order to expunge.

(a) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the events covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or s. 943.059;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Health and Rehabilitative Services or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 39.076, s. 110.1127(3), s. 393.063(3), s. 394.455(20), s. 397.451, s. 402.302(8), s. 402.313(3), s. 409.175(2)(h), s. 415.102(4), s. 415.103, or chapter 400; or
6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity that licenses child care facilities.

(b) Subject to the exceptions in paragraph (a), a person who has been granted an expunction under this section, former s. 893.14, former s. 901.33, or former s. 943.058 may not be held under any provision of law of this state to commit perjury or to be otherwise liable for giving a false statement by reason of such person's failure to recite or acknowledge an expunged criminal history record.

(c) It is unlawful for any employee of an entity set forth in subparagraph (a)1., subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6. to disclose information relating to the existence of an expunged criminal history record of a person seeking employment or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment or licensure decisions. Any person who violates this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 96. Paragraph (a) of subsection (4) of section 943.059, Florida Statutes, is amended to read:

943.059 Court-ordered sealing of criminal history records.—The courts of this state shall continue to have jurisdiction over their own procedures, including the maintenance, sealing, and correction of judicial records containing criminal history information. Any court of competent jurisdiction may order a criminal justice agency to seal a criminal history record, provided that the person who is the subject of the record complies with the requirements of this section; however, a criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041, where the defendant was found or pled guilty, without regard to whether adjudication was withheld, may not be sealed. The court may only order sealing of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the sealing of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the sealing of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not seal any record pertaining to such additional arrests if the order to seal does not articulate the intention of the court to seal records pertaining to more than one arrest. Nothing in this section prevents the court from ordering the sealing of only a portion of a criminal history record pertaining to one arrest or one inci-

dent of alleged criminal activity. Notwithstanding any provision of statutory law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to sealing, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the sealing of any criminal history record, and any request for sealing a criminal history record may be denied at the sole discretion of the court.

(4) **EFFECT OF CRIMINAL HISTORY RECORD SEALING.**—A criminal history record that is ordered sealed by a court of competent jurisdiction pursuant to this section is a nonpublic record available only to the person who is the subject of the record, to the subject's attorney, to criminal justice agencies for their respective criminal justice purposes, or to those entities set forth in subparagraphs (a)1., (a)4., (a)5., and (a)6. for their respective licensing and employment purposes.

(a) The subject of a criminal history record sealed under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the events covered by the sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or s. 943.0585;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Health and Rehabilitative Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 39.076, s. 110.1127(3), s. 393.063(3), s. 394.455(20), s. 397.451, s. 402.302(8), s. 402.313(3), s. 409.175(2)(h), s. 415.102(4), s. 415.103, or chapter 400; or
6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity which licenses child care facilities.

Section 97. Section 958.021, Florida Statutes, is amended to read:

958.021 Legislative intent.—The purpose of this chapter act is to improve the chances of correction and successful return to the community of youthful offenders sentenced to imprisonment by providing them with enhanced vocational, educational, counseling, or public service opportunities and by preventing their association with older and more experienced criminals during the terms of their confinement. It is the further purpose of this chapter act to encourage citizen volunteers from the community to contribute time, skills, and maturity toward helping youthful offenders successfully reintegrate into the community and to require encourage youthful offenders to participate in substance abuse and other types of counseling and programs at each youthful offender institution. It is the further intent of the Legislature to provide an additional sentencing alternative to be used in the discretion of the court when dealing with offenders who have demonstrated that they can no longer be handled safely as juveniles and who require more substantial limitations upon their liberty to ensure the protection of society.

Section 98. Subsections (3) and (5) of section 958.03, Florida Statutes, are amended to read:

958.03 Definitions.—As used in this act:

(3) "Court" means a the judge or successor who designates a defendant as a youthful offender ~~or such judge's successor in office.~~

(5) "Youthful offender" means any person who is sentenced as such by the court or is classified as such by the department pursuant to s. 958.04 ~~or is classified as such by the department.~~

Section 99. Effective July 1, 1995, section 958.045, Florida Statutes, is created to read:

958.045 Youthful offender basic training program.—

(1) The department shall develop and implement a basic training program for youthful offenders sentenced or classified by the department as youthful offenders pursuant to this chapter. The period of time to be served at the basic training program shall be no less than 120 days.

(a) The program shall include marching drills, calisthenics, a rigid dress code, manual labor assignments, physical training with obstacle courses, training in decisionmaking and personal development, general education development and adult basic education courses, and drug counseling and other rehabilitation programs.

(b) The department shall adopt rules governing the administration of the youthful offender basic training program, requiring that basic training participants complete a structured disciplinary program, and allowing for a restriction on general inmate population privileges.

(2) Upon receipt of youthful offenders, the department shall screen offenders for the basic training program. To participate, an offender must have no physical limitations that preclude participation in strenuous activity, must not be impaired, and must not have been previously incarcerated in a state or federal correctional facility. In screening offenders for the basic training program, the department shall consider the offender's criminal history and the possible rehabilitative benefits of "shock" incarceration. If an offender meets the specified criteria and space is available, the department shall request, in writing from the sentencing court, approval for the offender to participate in the basic training program. If the person is classified by the department as a youthful offender and the department is requesting approval from the sentencing court for placement in the program, the department shall, at the same time, notify the state attorney that the offender is being considered for placement in the basic training program. The notice must explain that the purpose of such placement is diversion from lengthy incarceration when a short "shock" incarceration could produce the same deterrent effect, and that the state attorney may, within 14 days after the mailing of the notice, notify the sentencing court in writing of objections, if any, to the placement of the offender in the basic training program. The sentencing court shall notify the department in writing of placement approval no later than 21 days after receipt of the department's request for placement of the youthful offender in the basic training program. Failure to notify the department within 21 days shall be considered an approval by the sentencing court for placing the youthful offender in the basic training program. Each state attorney may develop procedures for notifying the victim that the offender is being considered for placement in the basic training program.

(3) The program shall provide a short incarceration period of rigorous training to offenders who require a greater degree of supervision than community control or probation provides. Basic training programs may be operated in secure areas in or adjacent to an adult institution notwithstanding s. 958.11. The program is not intended to divert offenders away from probation or community control but to divert them from long periods of incarceration when a short "shock" incarceration could produce the same deterrent effect.

(4) Upon admittance to the department, an educational and substance abuse assessment shall be performed on each youthful offender. Upon admittance to the basic training program, each offender shall have a full substance abuse assessment to determine the offender's need for substance abuse treatment. The educational assessment shall be accomplished through the aid of the Test of Adult Basic Education or any other testing instrument approved by the Department of Education, as appropriate. Each offender who has not obtained a high school diploma shall be enrolled in an adult education program designed to aid the offender in improving his academic skills and earning a high school diploma. Further assessments of the prior vocational skills and future vocational education shall be provided to the offender. A periodic evaluation shall be made to assess the progress of each offender, and upon completion of the basic training program the assessment and information from the department's record of each offender shall be transferred to the appropriate community residential program.

(5)(a) If an offender in the basic training program becomes unmanageable, the department may revoke the offender's gain-time and place the offender in disciplinary confinement for up to 30 days. Upon completion of the disciplinary process, the offender shall be readmitted to the basic training program, except for an offender who has committed or threatened to commit a violent act. If the offender is terminated from the program, the department may place the offender in the general population to complete the remainder of the offender's sentence. Any period of time in which the offender is unable to participate in the basic training activities may be excluded from the specified time requirements in the program.

(b) If the offender is unable to participate in the basic training activities due to medical reasons, certified medical personnel shall examine the offender and shall consult with the basic training program director concerning the offender's termination from the program.

(c) The portion of the sentence served prior to placement in the basic training program may not be counted toward program completion. Upon the offender's completion of the basic training program, the department shall submit a report to the court that describes the offender's performance. If the offender's performance has been satisfactory, the court shall issue an order modifying the sentence imposed and placing the offender on probation. The term of probation may include placement in a community residential program. If the offender violates the conditions of probation, the court may revoke probation and impose any sentence that it might have originally imposed as a condition of probation.

(6)(a) Upon completing the basic training program, an offender shall be transferred to a community residential program and reside there for a term designated by department rule. If the basic training program director determines that the offender is not suitable for the community residential program but is suitable for an alternative postrelease program or release plan, within 30 days prior to program completion the department shall evaluate the offender's needs and determine an alternative postrelease program or plan. The department's consideration shall include, but not be limited to, the offender's employment, residence, family situation, and probation or postrelease supervision obligations. Upon the approval of the department, the offender shall be released to an alternative postrelease program or plan.

(b) While in the community residential program, as appropriate, the offender shall engage in gainful employment, and if any, shall pay restitution to the victim. If appropriate, the offender may enroll in substance abuse counseling, and if suitable, shall enroll in a general education development or adult basic education class for the purpose of attaining a high school diploma. Upon release from the community residential program, the offender shall remain on probation, or other postrelease supervision, and abide by the conditions of the offender's probation or postrelease supervision. If, upon transfer from the community residential program, the offender has not completed the enrolled educational program, the offender shall continue the educational program until completed. If the offender fails to complete the program, the department may request the court or the control release authority to execute an order returning the offender back to the community residential program until completion of the program.

(7) The department shall implement the basic training program to the fullest extent feasible within the provisions of this section.

(8)(a) The Assistant Secretary for Youthful Offenders shall continuously screen all institutions, facilities, and programs for any inmate who meets the eligibility requirements for youthful offender designation specified in s. 958.04, whose age does not exceed 24 years. The department may classify and assign as a youthful offender any inmate who meets the criteria of s. 958.04.

(b) A youthful offender who is designated as such by the department and assigned to the basic training program must be eligible for control release pursuant to s. 947.146.

(c) The department shall work cooperatively with the Control Release Authority or the Parole Commission to effect the release of an offender who has successfully completed the requirements of the basic training program.

(d) Upon an offender's completion of the basic training program, the department shall submit a report to the releasing authority that describes the offender's performance. If the performance has been satisfactory, the release authority shall establish a release date that is within 30 days following program completion. As a condition of release, the offender shall be placed in a community residential program as provided in this section or on community supervision as provided in chapter 947, and shall be subject to the conditions established therefor.

(9) Upon commencement of the community residential program, the department shall submit annual reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing the extent of implementation of the basic training program and the community residential program, and outlining future goals and any recommendation the department has for future legislative action.

(10) Due to serious and violent crime, the Legislature declares the construction of a basic training facility is necessary to aid in alleviating an emergency situation.

(11) The department shall provide a special training program for staff selected for the basic training program.

(12) The department may develop performance-based contracts with qualified individuals, agencies, or corporations for the provision of any or all of the youthful offender programs.

(13) An offender in the basic training program is subject to rules of conduct established by the department and may have sanctions imposed, including loss of privileges, restrictions, disciplinary confinement, alteration of release plans, or other program modifications in keeping with the nature and gravity of the program violation. Administrative or protective confinement, as necessary, may be imposed.

(14) The department may establish a system of incentives within the basic training program which the department may use to promote participation in rehabilitative programs and the orderly operation of institutions and facilities.

(15) The department shall develop a system for tracking recidivism, including, but not limited to, rearrests and recommitment of youthful offenders, and shall report on that system in its annual reports of the programs.

Section 100. Effective October 1, 1995, for the community residential facility established by this act, the Department of Corrections shall use a diversion center authorized by chapter 93-184, Laws of Florida, a probation and restitution center, an existing residential facility, a facility specifically appropriated for this purpose, or the department may contract to design and build the community residential facility. The department shall separately house offenders released from the youthful offender basic training program established pursuant to section 958.045, Florida Statutes, in the community residential facility established by this act.

Section 101. Effective July 1, 1995, subsection (4) of section 958.04, Florida Statutes, is repealed.

Section 102. Section 958.07, Florida Statutes, is amended to read:

958.07 Presentence report; access by defendant.—The defendant is entitled to an opportunity to present to the court facts which would materially affect the decision of the court to adjudicate the defendant a youthful offender. The defendant, his attorney, and the state shall be entitled to inspect all factual material contained in the *comprehensive* presentence report or diagnostic reports prepared or received by the department. The court may withhold from disclosure to the defendant and his attorney sources of information which have been obtained through a promise of confidentiality. In all cases in which parts of the report are not disclosed, the court shall state for the record the reasons for its action and shall inform the defendant and his attorney that information has not been disclosed.

Section 103. Subsections (1) and (4) of section 958.09, Florida Statutes, are amended to read:

958.09 Extension of limits of confinement.—

(1) The department shall adopt rules permitting the extension of the limits of the place of confinement of a youthful offender when there is reasonable cause to believe that he will honor the trust placed in him. The department may authorize a youthful offender, under prescribed conditions and following investigation and approval by the department which shall maintain a written record of such action, to leave the place of his confinement ~~unaccompanied by a custodial agent~~ for a prescribed period of time:

(a) To visit a designated place or places for the purpose of visiting a dying relative, attending the funeral of a relative, or arranging for employment or for a suitable residence for use when released; to otherwise aid in the correction of the youthful offender; or for another compelling reason consistent with the public interest and to return to the same or another institution or facility designated by the department; or

(b) To work at paid employment, participate in an educational or a training program, or voluntarily serve a public or nonprofit agency or a public service program in the community; provided, that the youthful offender shall be confined except during the hours of his employment, education, training, or service and while traveling thereto and therefrom.

(4) The department may contract with other public and private agencies for the confinement, *treatment, counseling, aftercare*, or community supervision of youthful offenders when consistent with the youthful offenders' welfare and the interest of society.

Section 104. Subsections (1), (4), (5), and (6) of section 958.11, Florida Statutes, are amended to read:

958.11 Designation of institutions and programs for youthful offenders; assignment from youthful offender institutions and programs.—

(1) The department shall by rule designate separate institutions and programs for youthful offenders and shall employ and utilize personnel specially qualified by training and experience to operate all such institutions and programs for youthful offenders. *Youthful offenders who are at least 14 years of age but who have not yet reached the age of 19 years shall be separated from youthful offenders who are 19 years of age or older, except that if the population of the facilities designated for 14 year-old to 18 year-old youthful offenders exceeds 100 percent of lawful capacity, the department may assign 18 year-old youthful offenders to the 19-24 age group facility.*

(4) ~~The Office of the Assistant Secretary for Youthful Offenders youthful offender program office~~ shall continuously screen all institutions, facilities, and programs for any inmate who meets the eligibility requirements for youthful offender designation specified in s. 958.04 ~~(1)(a) and (c)~~, whose age does not exceed 24 years and whose total length of sentence does not exceed 10 years, and the department may classify and assign as a youthful offender any inmate who meets the criteria of this subsection.

(5) The Population Movement and Control Coordinator shall coordinate all youthful offender assignments or transfers and shall consult with the ~~Office of the Assistant Secretary for Youthful Offenders Offender Program Office and the Adult Services Program Office. The Office of the Assistant Secretary for Youthful Offenders Offender Program Office~~ shall review and maintain access to full and complete documentation and substantiation of all such assignments or transfers of youthful offenders to or from facilities in the state correctional system which are not designated for their care, custody, and control, except assignments or transfers made pursuant to paragraph (3)(c).

(6) The department may assign to a youthful offender facility any inmate, except a capital or life felon, whose age does not exceed 19 years but who does not otherwise meet the criteria of this section, if the ~~Assistant Secretary for Youthful Offenders youthful offender program office~~ determines that such inmate's mental or physical vulnerability would substantially or materially jeopardize his safety in a nonyouthful offender facility. Monthly reports on assignments made under this subsection shall be provided to the President of the Senate and the Speaker of the House of Representatives.

Section 105. Section 958.12, Florida Statutes, is amended to read:

958.12 Participation in certain activities required.—

(1) A youthful offender ~~shall~~ ~~may~~ be required to participate in work assignments, and in vocational, academic, or counseling, ~~and other rehabilitative programs in accordance with this section, or in public service activities or may be required to secure a G.E.D. certificate including, but not limited to:~~

(a) All youthful offenders may be required, as appropriate, to participate in:

1. Reception and orientation.
2. Evaluation, needs assessment, and classification.
3. Educational programs.
4. Vocational and job training.
5. Life and socialization skills training, including anger/aggression control.
6. Prerelease orientation and planning.
7. Appropriate transition services.

(b) In addition to the requirements in paragraph (a), the department shall make available:

1. Religious services and counseling.

2. *Social services.*
3. *Substance abuse treatment and counseling.*
4. *Psychological and psychiatric services.*
5. *Library services.*
6. *Medical and dental health care.*
7. *Athletic, recreational, and leisure time activities.*
8. *Mail and visiting privileges.*

Income derived by a youthful offender from participation in such activities may be used, in part, to defray a portion of the costs of his incarceration or supervision; to satisfy preexisting obligations; to pay fines, counseling fees, or other costs lawfully imposed; or to pay restitution to the victim of the crime for which the youthful offender has been convicted in an amount determined by the sentencing court. Any such income not used for such reasons or not used as provided in s. 946.513 or s. 958.09 shall be placed in a *bank account trust fund* for use by the youthful offender upon his release.

(2) *A comprehensive transition and postrelease plan shall be developed for the youthful offender by a team consisting of a transition assistance officer, a classification officer, an educational representative, a health services administrator, a probation and parole officer, and the youthful offender.*

(3) *A youthful offender shall be visited by a probation and parole officer prior to the offender's release from incarceration in order to assist in the youthful offender's transition.*

(4) *Community partnerships shall be developed by the department to provide postrelease community resources. The department shall develop partnerships with entities which include, but are not limited to, the Department of Labor and Employment Security, the Department of Health and Rehabilitative Services, community health agencies, and school systems.*

(5) *Supervision of the youthful offender after release from incarceration is required and may be accomplished in a residential or nonresidential program, intensive day treatment, or supervision by a probation and parole officer.*

Section 106. Section 958.19, Florida Statutes, is repealed.

Section 107. Correctional facilities for youthful offenders.—

(1) The Correctional Privatization Commission may enter into contracts in fiscal year 1994-1995 for designing, financing, acquiring, leasing, constructing, and operating three correctional facilities, notwithstanding section 957.07, Florida Statutes. These three facilities shall be designed to have a capacity of up to 350 beds each and house inmates sentenced or classified as youthful offenders within the custody of the Department of Corrections under chapter 958, Florida Statutes. Two of these facilities shall be designed to house youthful offenders between the ages of 14 and 18 and one shall be designed to house youthful offenders between the ages of 19 and 24.

(2) These youthful offender facilities shall be designed to provide the optimum capacity for programs for youthful offenders designed to reduce recidivism, including, but not limited to: educational and vocational programs, substance abuse and mental health counseling, prerelease orientation and planning, job and career counseling, physical exercise, dispute resolution, and life-skills training. In order to assure this quality programming, the commission shall give no more than 30 percent weight to cost in evaluating proposals.

(3) The commission shall specify the area in which each facility will be located and require that each be located in or near a different metropolitan area in areas of the state close to the home communities of the youthful offenders they house in order to assist in the most effective rehabilitation efforts, including family visitation.

(4) This section shall take effect upon becoming a law.

Section 108. (1) Effective upon this act becoming a law, there is established within the Department of Education the Alternative Education Institute which may immediately contract with a private provider for alternative education programs in residential school facilities. The programs shall be funded with PECO funds and shall serve juvenile offend-

ers who have been prosecuted as adults or who have been committed to a high-risk residential program or a maximum-risk residential program of the Department of Juvenile Justice. The institute shall be a not-for-profit corporation acting as an instrumentality of the state and may receive, hold, invest, and administer property and any moneys or donated lands or facilities received from private, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. The affairs of the corporation shall be managed by a board of directors who shall serve without compensation.

(2) The institute shall be a 13-member board, with 7 members appointed by the Governor, 3 members appointed by the President of the Senate, and 3 members appointed by the Speaker of the House of Representatives. All members must be appointed no later than June 1, 1994. The board shall select a chair from among its members.

(3) Each member shall have only one vote, shall be appointed to a term of 3 years, and may be reappointed to the board.

(4) In order to carry out the mission established in subsection (1), the institute is responsible for:

(a) Developing the education facilities fixed capital outlay and operational plans.

(b) Assuring compliance on all siting and contracting issues relating to the construction and operation of education programs.

(c) Preparing an annual postaudit of the not-for-profit corporation's financial accounts and the financial accounts of any of its for-profit or not-for-profit subsidiaries, to be conducted by an independent certified public accountant. The annual audit report must include management letters and shall be submitted to the Auditor General for review. The board and the Auditor General may require and receive from the not-for-profit corporation and any subsidiaries, or from their independent auditor, any detail or supplemental data relative to the operation of the not-for-profit corporation or its subsidiary.

(d) Providing by the not-for-profit corporation and its for-profit or not-for-profit subsidiaries of equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(e) Establishing programs which fulfill the education mission of the institute.

(f) Establishing programs that fulfill the alternative education mission of the institute.

(g) Controlling the budget and the dollars appropriated or donated to the institute from private, state, and federal sources.

(h) Appointing members to carry out the educational activities of the institute and determine compensation, benefits, and terms of service.

(i) Controlling the use and assignment of space and equipment within the residential school facilities.

(j) Creating the administrative structure necessary to carry out the mission of the institute.

(k) Reporting to the Legislature.

(l) Providing a copy of the institute's annual report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives by December 15 of each year.

(5) If the agreement between the not-for-profit corporation and the institute is terminated for any reason, the institute shall assume governance and operation of the residential school facilities.

(6) In carrying out the provisions of this section, the not-for-profit corporation and its for-profit or not-for-profit subsidiaries are not "agencies" within the meaning of section 20.03(11), Florida Statutes.

Section 109. The Department of Corrections shall develop a program under which a judge may order that juveniles who have committed delinquent acts shall be allowed to tour state correctional facilities under the terms and conditions established by the department. Each county shall develop a comparable program to allow juveniles to tour county jails pursuant to a court order.

Section 110. The Advisory Council on Intergovernmental Relations shall conduct a study of the impact of this act on local governments. The study must include, but is not limited to, an analysis of the:

- (1) Increase in numbers of juveniles held in county jails in sight-and-sound separation pending trial.
- (2) Increase in costs of administering due-process rights of juveniles.
- (3) Increase in costs for counties to house juvenile DUI offenders.
- (4) Need for and anticipated costs of juvenile bail.

The studies and recommendations pursuant to this section shall be provided to the President of the Senate and the Speaker of the House of Representatives by November 1, 1995.

Section 111. Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes.—

(1) The Legislature finds that the state's policy framework for the reporting, prevention, investigation, and treatment of juvenile sexual offenders has not been able to address the needs of this population or the needs of victims of juvenile sexual abuse and juvenile sexual crimes. It is the intent of the Legislature to examine the policy, procedures, and resources of the state designed to address this problem so that appropriate changes can be made in policy and programs to address the needs of the offenders and victims.

(2) There is created a Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes to examine and recommend changes to the state's current policy and program framework for the reporting, prevention, investigation, and treatment of juvenile sexual offenders and the treatment of victims of juvenile sexual abuse and juvenile sexual crimes. In addition, the task force is charged with educating policymakers and the public concerning its findings and recommendations.

(3) The task force shall be composed of 17 members, to be appointed by the Governor as follows:

- (a) One member shall be a circuit court judge with at least 1 year's experience in the juvenile division.
- (b) One member shall be from the field of law enforcement.
- (c) One member shall be an assistant state attorney with at least 1 year's experience in the juvenile division.
- (d) One member shall be an assistant public defender with at least 1 year's experience in the juvenile division.
- (e) One member shall be a provider of a residential juvenile sexual offender treatment program.
- (f) One member shall be a provider of a nonresidential treatment of juvenile sexual offenders.
- (g) One member shall be from the Children and Families Program.
- (h) One member shall be from the Juvenile Justice Program.
- (i) One member shall be from the Alcohol, Drug Abuse, and Mental Health Program.
- (j) One member shall be a child protective investigator.
- (k) One member shall be from a child protection team.
- (l) One member shall be a member of the House of Representatives.
- (m) One member shall be a member of the Senate.
- (n) Four members shall be appointed at large.

The task force members shall reflect the racial, gender, and ethnic diversity of the state and shall be selected for their leadership and knowledge on the issues of concern to the task force.

(4) The Governor shall appoint the chair. All appointments shall be made by June 1, 1994. In the event of a vacancy, the person who made the original appointment shall appoint a new member to fill the vacancy.

(5)(a) The task force shall analyze existing policy, programs, services, and resources in order to define a new direction for policy and programs.

(b) The task force shall develop a report which shall address, at a minimum, the following issues:

1. Delineation and examination of the merits of the issues and concerns regarding the law, policy, procedures, and resources of the state designed to address the problem of juvenile sexual abuse and crimes.
2. Definition of juvenile sexual offenders and victims of juvenile sexual abuse and crimes for the purpose of treatment.
3. Identification of the needs of the treatment system for offenders and victims.
4. Proposed changes to the law, policy, programs, and funding regarding offenders and victims.
5. Procedure for determining the effectiveness of programs for offenders and victims, including needed information system capacity and evaluation capacity.
6. Identification of areas or issues where consensus is lacking regarding the appropriate state response.

(6) The task force shall hold its first meeting no later than June 15, 1994, and shall submit its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the Senate and the House of Representatives by December 31, 1994. Staff support shall be provided by the Executive Office of the Governor, the Department of Health and Rehabilitative Services, and the Department of Law Enforcement. The findings and recommendations of the task force may serve as the basis for a comprehensive reform proposal for the 1995 Regular Session of the Legislature.

(7) Members of the task force shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses as provided in section 112.061, Florida Statutes.

(8) This section shall take effect upon becoming a law.

Section 112. (1) The Legislature intends that state and local agencies serving children and families work together to improve the well-being of children, preserve and promote the stability and self-sufficiency of families, prevent unnecessary out-of-home care for children, and help all children to succeed in school. State agencies, district school boards, and local governments are strongly encouraged to use state and local funds to match federal funds within the goals stated in this section.

(2) The Governor shall designate a task force for optimization of federal funding participation to analyze opportunities for increasing state participation in federal funding programs that serve children and families, including Title IV-A, Emergency Assistance and Child Care; Title IV-E; and Title XIX of the Social Security Act. The task force must include the Commissioner of Education, the secretary of the Department of Health and Rehabilitative Services, and the secretary of the Department of Labor and Employment Security. The task force shall be housed within the Executive Office of the Governor for administrative purposes. Members of the task force shall be entitled to per diem and travel expenses in accordance with section 112.061, Florida Statutes. The task force shall review the reports from the local simulated matching programs authorized in this section, analyze opportunities for increasing state participation in federal funding programs, including the feasibility of authorizing local matching of federal funds, and submit a report with recommendations by January 1, 1995, to the President of the Senate, the Speaker of the House of Representatives, and the appropriations committees of the Senate and the House of Representatives.

(3) The Legislature authorizes simulated matching programs to improve state participation in federal funding programs by identifying state and local funds to match federal funds. In order to represent urban and rural areas and each service district of the Department of Health and Rehabilitative Services, one or more simulated matching programs are authorized in each of the following counties: Alachua, Broward, Dade, Duval, Flagler, Gadsden, Highlands, Hillsborough, Lee, Marion, Martin, Palm Beach, Pinellas, Santa Rosa, and Seminole.

(4) The following criteria and procedures apply to each simulated matching program:

- (a) Each state agency, district school board, or local governmental entity that simulates a match of federal funds from sources including, but not limited to, Title IV-A, Emergency Assistance and Child Care; Title

IV-E; or Title XIX of the Social Security Act, in excess of the amount of federal funds which is appropriated by the Legislature to that agency, board, or entity in fiscal year 1994-1995, shall create a plan for investing the amount of the new or additional funds to improve or expand services provided for children and families.

(b) Each such district school board or local governmental entity shall establish a collaborative planning process for the use of the funds consistent with the intent of subsection (1). The county commission and the district school board shall designate an interagency collaborative planning body that must include, at a minimum, representatives of the public schools, county and municipal governments, the local health and human services board, and public and private community agencies that serve children and families. The county commission and the district school board shall give consideration to designating an existing community council that meets the membership requirements. Each collaborative planning body shall prepare a report that describes the planning process, lists the participants, identifies unmet needs of families and children, and shows the anticipated receipt of federal funds that could be received through collaborative service delivery, the planned use of funds for the next fiscal year, and the actual use of funds in the preceding fiscal year. The report must be submitted to the task force for optimization of federal funding participation and the appropriations committees of the Senate and the House of Representatives by November 1, 1994.

(c) For purposes of the simulated matching programs, each state agency that receives federal funds under Title IV-A, Emergency Assistance and Child Care; Title IV-E; or Title XIX of the Social Security Act or other federal programs that serve children and families to be matched by the agency shall set guidelines and standards for other state agencies, district school boards, and local governmental entities to use in submitting claims for federal reimbursement consistent with federal and state laws and regulations. The guidelines must provide that an agency, board, or entity that submitted a claim and received federal reimbursement therefor would be liable for any federal disallowance caused by failure to follow a federal or state requirement.

(d) The Department of Health and Rehabilitative Services shall establish procedures that would permit a state agency, district school board, or local governmental entity to retain the nonfederal matching share and permit the passing through of such federal reimbursements to the agency, board, or entity.

(e) Each state agency that improves its process of matching federal funds under Title IV-A, Emergency Assistance and Child Care; Title IV-E; and Title XIX of the Social Security Act during the 1994-1995 fiscal year must report to each county conducting a simulated matching program the amount of new federal funds which was received through an improved matching process in programs in that county.

(5) If the Legislature authorizes local matching of federal dollars as a state policy, those counties conducting simulated matching programs under this act shall be the first counties authorized to implement the policy.

(6) This section shall take effect upon this act becoming a law and expires July 1, 1996.

Section 113. The Economic and Demographic Research Division of the Joint Legislative Management Committee is hereby directed to conduct a feasibility study of creating a statutory schedule for use by the Department of Juvenile Justice or the judicial system in determining the amount owed by the parent or guardian of a juvenile committed to the custody of the department for the care, support, and maintenance of the child. This study should include, but not be limited to, an evaluation of the minimal amount of financial information and supporting documentation needed from the parent or guardian, the applicability of existing child support guidelines and enforcement mechanisms, identification of relevant federal and state laws and rules which may impact on assessment ability, the development of a proposed schedule and an estimate of the amount of money likely to be generated, as well as associated collection costs. In addition, the study shall explore the merits of charging a fee based on the actual costs incurred by the parent or guardian for care normally provided in the home rather than program costs. A final report containing recommendations and draft legislation shall be submitted on or before October 31, 1994, to the President of the Senate and the Speaker of the House of Representatives.

Section 114. The Department of Juvenile Justice, the Department of Education, and the Department of Labor and Employment Security shall

study the feasibility of establishing programs to be operated by private corporations in this state for the purpose of providing education, on-the-job training, and job placement for juvenile offenders. If such programs are found to be feasible, the study must include plans and timetables for developing and implementing the programs. The Secretary of Juvenile Justice shall report the findings and conclusions of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 1995.

Section 115. It is the intent of the Legislature to consider legislation in the 1995 Regular Session which transfers provisions that relate to the programs and services administered by the Department of Juvenile Justice, as created by this act, from chapter 39, Florida Statutes, to another chapter of the Florida Statutes.

Section 116. (1) The sum of \$4,963,284 is appropriated from the General Revenue Fund to the Department of Health and Rehabilitative Services for the 1994-1995 fiscal year to be allocated as follows:

(a) \$2,000,000 for 6 months of operational funding and \$1,500,000 for fixed capital outlay for five 20-bed additions receiving facilities.

(b) \$1,122,375 for 6 months of operational funding and \$340,909 for fixed capital outlay for 30 children's crisis stabilization unit beds.

(2) The sum of \$1,400,000 is appropriated from the Florida Motor Vehicle Theft Prevention Trust Fund to the Department of Legal Affairs for the purpose of funding community juvenile justice partnership grants awarded under section 39.025, Florida Statutes.

(3) This section shall take effect upon becoming a law.

Section 117. The Governor may transfer vacant positions from within any program unit of the Department of Health and Rehabilitative Services to the Department of Juvenile Justice for purposes of administering the operations of the Department of Juvenile Justice.

Section 118. Effective July 1, 1994, the Department of Education shall develop a state plan for use of funds received by school districts under Title I of the Elementary and Secondary Education Act of 1965, as amended and readopted (Chapter I). The state plan must require each school district plan to explain how the Chapter I schools in the district will use the funds to support the state education goals. The state plan should require each district to specify how the Chapter I program supports the first state education goal, readiness to start school.

Section 119. Beginning with the 1995-1996 school year, a school district may not report for funding any kindergarten students under the Florida Education Finance Program unless the key data elements for the first state education goal, as approved by the State Board of Education, were collected by the district.

Section 120. Effective July 1, 1994, subsections (1), (3), and (10) and paragraph (o) of subsection (4) of section 230.2305, Florida Statutes, are amended to read:

230.2305 Prekindergarten early intervention program.—

(1) LEGISLATIVE INTENT; PURPOSE.—The Legislature recognizes that high quality prekindergarten education programs increase children's chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that such programs be developmental, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of all children, and support family education and the involvement of parents in their child's educational progress. *Each prekindergarten early intervention program shall provide the elements necessary to prepare children for school, including a developmentally appropriate educational program and opportunities for parental involvement in the program.* It is the legislative intent that the prekindergarten early intervention program not exist as an isolated program, but build upon existing services and work in cooperation with other programs for young children. It is intended that procedures such as, but not limited to, contracting, collocation, mainstreaming, and cooperative funding be used to coordinate the program with Head Start, public and private providers of day care, handicapped student preschool programs, programs for migrant children, Chapter I, subsidized day care, adult literacy programs, and other services. It is further the intent of the Legislature that the Commissioner of Education seek the advice of the Secretary of Health and Rehabilitative Services in the development and implementation of the prekindergarten early intervention program and the coordination of services to young chil-

dren. The purpose of the prekindergarten early intervention program is to ~~encourage and~~ assist school districts in implementing such programs that will enable all the families and children in the school district to be prepared for the children's success in school.

(3) PLANS.—Each district school board that ~~which~~ chooses to participate in the prekindergarten early intervention program shall submit to the Commissioner of Education a plan for implementing and conducting a prekindergarten early intervention program. Each plan or amended plan shall be developed in cooperation with the local interagency coordinating council on early childhood services pursuant to subsection (11) and shall be approved by the commissioner. A district school board shall submit a plan or amended plan for planning and evaluating prekindergarten programs, implementing new services, enhancing existing early childhood, prekindergarten, or child care programs provided by public or nonpublic entities, or contracting for the provision of services or facilities. School boards are encouraged, ~~but are not required,~~ to include in their plans an explanation of the role of the prekindergarten early intervention program in the school district's effort to meet the first state education goal, readiness to start school, and the plan should include the utilization of public and private programs already in existence in the district, business-education partnerships, and preschool programs operated by vocational-technical schools, community colleges, and universities. A district school board plan shall identify the locations where services will be provided and may include public school property or other sites that meet state and local licensing requirements for child day care facilities or State Board of Education rules, except that sites shall be located to the maximum extent practicable so as to provide easy access by parents, especially working parents of economically disadvantaged children. When a district uses nonschool facilities or nonschool facility staff for the provision of services, a contract is required; when a district uses nonschool facilities and provides district instructional staff, a cooperative agreement is required. Unless the commissioner requests a revised plan, districts with plans approved subsequent to July 1, 1989, must submit only amendments to their initial plans to the commissioner by November 15 of each subsequent year.

(4) PLAN APPROVAL.—To be considered for approval, each plan, or amendment to a plan, shall be prepared according to instructions issued by the Commissioner of Education and shall include, without limitation:

(o) A written description of the role of the program in the school district's effort to meet the first state education goal, readiness to start school, including a description of the school board's plan efforts to involve nonpublic schools, public and private providers of day care and early education, and other community agencies that provide services to young children. This may include private child care programs, subsidized child care programs, and Head Start programs. The written description of the school board's plan efforts to involve the groups listed above shall be submitted annually.

(10) DISTRICT INTERAGENCY COORDINATING COUNCILS.—

(a) To be eligible for a prekindergarten early intervention program, each school district must develop, implement, and evaluate its prekindergarten program in cooperation with a district interagency coordinating council on early childhood services.

(b) Each district coordinating council shall be comprised of at least 12 members to be appointed by the district school board for the county in which participating schools are located and to include at least the following:

1. One member who is a parent of a child enrolled in, or intending to enroll in, the public school prekindergarten program.
2. One member who is a director or designated director of a prekindergarten program in the district.
3. One member who is a member of a district school board.
4. One member who is a representative of an agency serving the handicapped.

5. Four members who are representatives of organizations providing prekindergarten educational services, one of whom is a representative of a Head Start Program; one of whom is a representative of a Title XX subsidized child day care program, if such programs exist within the county; and two of whom are private providers of preschool care and edu-

cation to 3-year-old and 4-year-old children. If there is no Head Start Program or Title XX program operating within the county, the school board shall appoint two members to represent community interests in prekindergarten education.

6. Two members who are representatives of agencies responsible for providing social, medical, dental, adult literacy, or transportation services, one of whom represents the county public health unit.

7. One member to represent a local child advocacy organization.

8. One member to represent the district K-three program.

(c) Each district interagency coordinating council shall:

1. Assist district school boards in developing a plan or an amended plan to implement a prekindergarten early intervention program. The plan and all amendments must be signed by the council chairman, the chairman of the district school board, and the district school superintendent before being submitted to the Commissioner of Education for approval.

2. Coordinate the delivery of educational, social, medical, child care, and other services.

Section 121. Effective July 1, 1994, paragraph (b) of subsection (2) and paragraphs (a) and (e) of subsection (4) of section 411.222, Florida Statutes, are amended to read:

411.222 Intraagency and interagency coordination; creation of offices; responsibilities; memorandum of agreement; creation of coordinating council; responsibilities.—

(2) DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES.—There is created within the Department of Health and Rehabilitative Services an Office of Prevention, Early Assistance, and Child Development for the purpose of intraagency and interagency planning, policy, and program development and coordination to enhance existing programs and services and to develop new programs and services for high-risk pregnant women and for high-risk preschool children and their families. In order to meet the responsibilities of this chapter, staff shall be assigned to the office no later than September 1, 1989.

(b) Interagency responsibilities.—

1. Perform the joint functions related to the joint strategic plan as specified in s. 411.221.

2. Prepare jointly with the Department of Education a memorandum of agreement pursuant to this section, or other cooperative agreements necessary to implement the requirements of this chapter.

3. Develop, in collaboration with the Department of Education, rules necessary to implement this chapter.

4. Perform the responsibilities enumerated in subparagraphs (a)4.-7. on a statewide basis in conjunction with the Office of Prevention, Early Assistance, and Child Development within the Department of Education.

5. Subject to appropriation, develop and implement a program of parenting workshops to assist and counsel the parents or guardians of students having disciplinary problems. These workshops should be made available to all families of students who have disciplinary problems. The department may provide these services directly or may enter into contracts with school districts for the provision of these services.

(4) STATE COORDINATING COUNCIL FOR EARLY CHILDHOOD SERVICES.—

(a) Creation; intent.—The State Coordinating Council for Early Childhood Services is hereby created to ensure coordination among the various agencies and programs serving preschool children in order to support school districts' efforts to achieve the first state education goal, readiness to start school; to facilitate communication, cooperation, and maximum use of resources; and to promote high standards for all programs serving preschool children in Florida. It is the intent of the Legislature that the coordinating council shall be an independent nonpartisan body and shall not be identified or affiliated with any one agency, program, or group.

(e) Duties.—The council shall recommend to the Governor, Commissioner of Education, Secretary of Health and Rehabilitative Services, President of the Senate, and Speaker of the House of Representatives

methods for coordinating the various agencies, public and private programs, entities serving preschool children and their families, and organizations representing teenage pregnancy prevention programs, and procedures to facilitate communication, cooperation, and maximum use of resources to enable school districts to achieve the first state education goal, readiness to start school. The council shall be advised as to the development of the statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for handicapped infants and toddlers and their families required pursuant to 20 U.S.C. s. 1474, Education of the Handicapped. Further, the council shall:

1. Serve as interagency coordinating council for monitoring of the joint strategic plan as required by s. 411.221.

2. Advise the Department of Education and the Department of Health and Rehabilitative Services concerning standards, rules, rule revisions, agency guidelines, and administration and enforcement affecting child care facilities, family day care homes, prekindergarten early intervention programs, preschool programs for handicapped and migrant children, programs for handicapped and high-risk infants and toddlers, and other programs and services for preschool children and their families.

3. Advise the Department of Education and the Department of Health and Rehabilitative Services concerning criteria for grant guidelines, plan and proposal review, and eligibility for services for programs serving preschool children.

4. Review preservice and inservice training programs and graduate programs for personnel of child care programs, prekindergarten early intervention programs, preschool programs for handicapped and migrant children, programs for handicapped and high-risk infants and toddlers, and other early childhood programs and services for preschool children and their families. Advise the departments regarding needed improvements and revisions in training requirements and the content of training programs, including programs offered by school districts, the Department of Health and Rehabilitative Services, community colleges, and universities.

5. Recommend methods to increase public-private partnership involvement in services for preschool children, to maximize federal funding availability, and for effective use of available resources through cooperative funding and coordinated services.

6. Recommend legislation, when needed, affecting child care facilities, prekindergarten early intervention programs, preschool programs for handicapped and migrant children, programs for handicapped and high-risk infants and toddlers, and other programs and services for preschool children and their families.

7. Advise the Commissioner of Education and the Secretary of Health and Rehabilitative Services regarding issues and trends in early childhood services, the identification of programs providing high quality services for preschool children, and the dissemination of information about these programs.

8. Advise the Department of Education and the Department of Health and Rehabilitative Services concerning standards, rules, rule revisions, and agency guidelines affecting school curriculum, health services, family planning services, and other programs and services designed to prevent teenage pregnancy.

9. Review preservice and inservice training programs for teachers, counselors, and other persons who teach comprehensive health education, the benefits of sexual abstinence, the consequences of teenage pregnancy, reproductive health, interpersonal skills, life management skills, science, decisionmaking, self-concept building skills, or any other course designed to prevent teenage pregnancy.

10. Recommend methods to increase parental and community involvement in teenage pregnancy prevention and to use effectively available resources through cooperative funding and coordinated services.

11. Recommend legislation, when needed, to reduce teenage pregnancy, including programs in the areas of health care and education and programs directed at teenage parents.

12. Advise the respective Offices of Prevention, Early Assistance, and Child Development on the need for, and the nature of, technical assistance and on ways to enhance the offices' roles in intraagency and interagency coordination.

13. Conduct onsite visitation and provide technical assistance to programs.

14. Review procedures for prototype selection, monitoring, technical assistance, and evaluation and make recommendations for change.

Section 122. Effective July 1, 1994, subsection (1) of section 402.3026, Florida Statutes, is amended to read:

402.3026 Full-service schools.—

(1) The State Board of Education and the Department of Health and Rehabilitative Services shall jointly establish full-service schools to serve students from schools that have a student population that has a high risk of needing medical and social services, based on the results of the demographic evaluations. The full-service schools must integrate the services of the Department of Health and Rehabilitative Services that are critical to the continuity-of-care process. The Department of Health and Rehabilitative Services shall provide services to these high-risk students through facilities established within the grounds of the school. The Department of Health and Rehabilitative Services professionals shall carry out their specialized services as an extension of the educational environment. Such services may include, without limitation, nutritional services, basic medical services, aid to dependent children, parenting skills, counseling for abused children, *counseling for children at high risk for delinquent behavior and their parents*, and adult education.

Section 123. Effective July 1, 1994, subsection (1) of section 402.45, Florida Statutes, is amended to read:

402.45 Community resource mother or father program.—

(1) The Department of Health and Rehabilitative Services shall establish a community resource mother or father program pursuant to this section within the resources allocated. The purpose of the program shall be to demonstrate the benefits of utilizing community resource mothers or fathers to improve maternal and child health outcomes; to enhance parenting and child development, including the educational enrichment of children through the promotion of increased awareness by mothers and fathers of their own strengths and potentials as home educators; to support family integrity through the provision of social support and parent education and training; to provide assistance to children at high risk for delinquent behavior and their parents; and to provide assistance to high-risk pregnant women and to high-risk or handicapped infants, toddlers, and preschool children and their parents.

Section 124. Effective July 1, 1994, subsection (6) of section 409.802, Florida Statutes, is amended to read:

409.802 Provisions of Family Policy Act.—In order to accomplish the goal of the Family Policy Act, the Legislature shall seek to provide to all families of this state the following:

(6) Equal opportunity and access to quality and effective education which will meet the individual needs of each family member and which will mobilize family strengths into effective educational action through a comprehensive partnership of the family, school, and community that reinforces and enhances family skills and parental responsibility, reinforces a caring environment, and, where feasible, utilizes the school facility as a center for community activity.

Section 125. Effective July 1, 1994, subsection (9) of section 415.516, Florida Statutes, is renumbered as subsection (10), and a new subsection (9) is added to that section, to read:

415.516 Goals.—The goals of any Family Builders Program shall be to:

(9) *Emphasize parental responsibility and facilitate counseling for children at high risk of delinquent behavior and their parents.*

Section 126. Effective July 1, 1994, section 230.2316, Florida Statutes, is amended to read:

230.2316 Dropout prevention.—

(1) SHORT TITLE.—This act may be cited as the "Dropout Prevention Act."

(2) INTENT.—The Legislature recognizes that a growing proportion of young people are not making successful transitions to productive adult lives. The Legislature further recognizes that traditional education programs which do not meet certain students' educational needs and inter-

ests may cause these students to become unmotivated, fail, be truant, be disruptive, or drop out of school. The Legislature finds that ~~the school dropout rates within the state have reached epidemic proportions and that a child who does not complete his education is greatly limited in obtaining gainful employment, achieving his full potential, and becoming a productive member of society.~~ Therefore, it is the intent of the Legislature to authorize and encourage district school boards throughout the state to establish comprehensive dropout prevention programs. These programs shall be designed to meet the needs of students who are not effectively served by conventional education programs in the public school system. It is further the intent of the Legislature that cooperative agreements be developed among school districts, other governmental and private agencies, and community resources in order to implement innovative exemplary programs aimed at reducing the number of students who do not complete their education and increasing the number of students who have a positive experience in school and obtain a high school diploma.

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

~~(a) "Dropout retrieval activities" means educational programs and activities which identify and motivate students who have dropped out of school to reenter school in order to obtain a high school diploma or its equivalent.~~

(a)(b) "Educational alternatives programs" means educational programs which are designed to offer variations of traditional instructional programs and strategies for the purpose of increasing the likelihood that grade 4 through grade 12 students who are unmotivated or unsuccessful in traditional programs remain in school and *enroll in a program of study that leads to a high school diploma* ~~obtain a high school diploma~~ or its equivalent.

~~(c) "Teenage parent programs" means educational programs which are designed to provide a specialized curriculum and other services to meet the needs of both students who are pregnant or students who are mothers or fathers and the children of the students.~~

(b)(d) "Substance abuse programs" means agency-based or school-based educational programs which are designed to meet the needs of students with drug or alcohol-related problems.

(c)(e) "Disciplinary programs" means programs designed to provide a *safe learning environment for the general school population, increase the safety of the school and the community, and provide positive intervention* for students who are disruptive in the traditional school environment.

(d)(f) "Youth services programs" means educational programs, *including conflict resolution training*, provided by the school district to students participating in Department of Health and Rehabilitative Services or other *state or community* youth residential or day services programs.

~~(g) "Community-based dropout prevention programs" means programs and services provided by public or private nonprofit agencies which are designed to support and supplement the dropout prevention program of the school district.~~

(4) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.—All programs funded pursuant to the provisions of this section shall be positive and shall reflect strong parental and community involvement. In addition, specific programs shall meet the following criteria:

(a) Educational alternatives programs.—

1. The program differs from traditional education programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and employs alternative teaching methodologies, curricula, learning activities, or diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. Student participation in such programs shall be voluntary. The minimum period of time during which the student participates in the program shall be equivalent to ~~two~~ *three* instructional periods per day unless the program utilizes a *student support and assistance component resource, tutorial, or remedial compensatory model* rather than regularly scheduled courses. ~~The minimum period of time for a student in grades 6-12 may be equivalent to two instructional periods per day.~~

2. *A student support and assistance component may be used to provide academic assistance and coordination of support services to stu-*

dents enrolled full-time in a regular classroom who are eligible for educational alternative programs. This component shall include auxiliary services provided to students or teachers, or both. Students participating in this model shall generate funding only for the time that they receive extra services or auxiliary help.

3.2. The student has been identified as being a potential dropout based upon one of the criteria:

a. The student has shown a lack of motivation in school through grades which are not commensurate with documented ability levels or, high absenteeism, ~~or other documentation provided by student services personnel;~~

b. The student has not been successful in school as determined by retentions, failing grades, or low achievement test scores and has needs and interests that cannot be met through *traditional programs* ~~federal compensatory education programs or exceptional education programs;~~

c. The student has been identified as a potential school dropout by student services personnel using district or state criteria. *District criteria that are used as a basis for student referral to an educational alternatives program shall identify specific student performance indicators that the educational alternative program seeks to address.*

d. The student has performed successfully in the educational alternatives program and wishes to remain enrolled in such program.

4.3. The remedial compensatory program must be coordinated in a manner which permits the exclusion of instructional staff members employed through the use of funds in this program from the comparability requirements of the Federal Compensatory Education Program.

~~(b) Teenage parent programs.—~~

~~1. The program shall provide pregnant students or students who are parents and the children of these students with a comprehensive teenage parent program consisting of educational and ancillary service components. The program shall provide pregnant students or students who are parents with the option of participating in regular classroom activities or enrolling in a special program designed to meet their needs pursuant to s. 232.01. Students participating in teenage parent programs shall be exempt from minimum attendance requirements for absences related to pregnancy, but shall be required to make up work missed due to absence.~~

~~2. The curriculum shall include instruction in such topics as prenatal and postnatal health care, parenting skills, benefits of sexual abstinence, and consequences of subsequent pregnancies. Parenting skills should include instruction in the stages of child growth and development, methods for aiding in the intellectual, language, physical, and social development of children, and guidance on constructive play activities.~~

~~3. Provision for necessary child care, health care, social services, and transportation shall be required ancillary service components of teenage parent programs. Ancillary services may be provided through the coordination of existing programs and services and through joint agreements between school districts and between school districts and other appropriate public and private providers.~~

~~(b)(e) Substance abuse programs.—~~

1. The program shall provide basic educational instruction for students participating in non-school-based residential or day substance abuse treatment programs. Such educational programs shall provide curricula and related services which support the program goals and *lead to which are appropriate for completion of a high school diploma or its equivalent; or*

2. The program shall provide school-based programs which serve students who have documented *drug-related drug or alcohol-related problems, or students whose immediate family members have documented drug-related or alcohol-related problems that adversely affect the student's performance in school*, and shall include instruction designed to prevent substance abuse.

~~(c)(d) Disciplinary programs.—~~

1. The student has a history of disruptive behavior in school or has committed an offense *that which warrants out-of-school suspension or expulsion from school according to the district code of student conduct.* For the purposes of this program, "disruptive behavior" is behavior *that which:*

a. Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or

b. Severely threatens the general welfare of students or others with whom the student comes into contact.

2. The program includes but is not necessarily limited to in-school suspension, alternatives to expulsion, counseling centers, and crisis intervention centers. *The program may be planned and operated in collaboration with local law enforcement or other community agencies.*

3. In-school suspension programs shall provide instruction and ~~and/or~~ counseling leading to improved student behavior and the development of more effective interpersonal skills. Such programs shall be positive alternatives to *out-of-school* regular suspension programs and shall emphasize, but not be limited to, the following: enhancement of student self-esteem; improved attendance; prevention of behavior that which might cause a student to enter a juvenile delinquency program; reduction in the number of discipline referrals; and reduction in the number of student dropouts; *and reduction in the number of out-of-school suspensions. After providing assistance, school boards shall disapprove school-based, in-school suspension programs that continually fail to directly reduce the school's expulsion or out-of-school suspension rate. The principal of each school shall prepare an annual report which delineates the number of students suspended in in-school and out-of-school suspension, the proportionate populations represented by such students, and the bases for such suspensions. The report shall include an analysis of such data and recommendations for increasing student success through the program. The report shall be distributed to all members of the school advisory council for consideration in the annual school improvement plan.*

4. A student who has been placed in detention or a court-adjudicated commitment program shall be evaluated by school district personnel upon completion of such program prior to placement of the student in an educational program. Such student shall not be automatically assigned to a disciplinary program upon reentering the school system.

5. Prior to assigning a student to a disciplinary program of more than 10 days' duration, the district shall attempt a ~~variety continuum~~ of education and student services to identify the causes of the disruptive behavior, to modify the behavior, or to provide more appropriate educational services to the student; however, a student who has committed an offense that which warrants expulsion according to the district code of student conduct may be assigned to a disciplinary program without attempting a ~~variety continuum~~ of services.

6. In-school suspension programs shall be funded at the dropout prevention program weight pursuant to s. 236.081(1)(c) if the school district program provides the following *in addition to the academic component*:

a. Individual and group counseling *as a daily activity is included as an activity for a minimum of two class periods daily.*

b. A parent conference *is held* while a student is in the in-school suspension program for all suspensions of 4 days or longer or whenever a student incurs a second *or subsequent* suspension in the same school year.

c. *Reports regarding* The school district reports the specific misconduct for each student placed in in-school suspension.

If such criteria are not met, in-school suspension programs shall be funded at the basic program weight for the grade level at which the program is provided pursuant to s. 236.081(1)(e) ~~1.a-e.~~

~~7. The district school boards and the department may establish a summer inservice training program for teachers and administrators which may be provided by district school boards or individual schools and which shall include, but not be limited to, instruction focusing on treating students with respect and enhancing student self-esteem, developing positive in-school intervention methods for misbehaving students, establishing strategies to involve students in classroom and school management and in reducing student misconduct, conducting student and parent conferences, and creating "student friendly" environments at schools. Instructional personnel may use successful participation in a summer inservice training program established pursuant to this subparagraph for certification extension or for adding a new certification area if the district has an approved add-on certification program, pursuant to State Board of Education rules.~~

~~(d)(e)~~ Youth services programs.—

1. The student is ~~assigned to participating in~~ a detention, commitment, or rehabilitation program provided pursuant to chapter 39 which is sponsored by a *state or* community-based agency or is operated or contracted for by the Department of Health and Rehabilitative Services.

2. Programs shall provide intensive counseling, behavior modification, and therapy in order to meet the student's individual needs. Programs may be residential or nonresidential. ~~Discretion shall be used when determining student assignments based on eligibility.~~

3. ~~A school day for~~ Any student served in a youth services program shall be *provided the equivalent of instruction provided for the definition of a "school day" pursuant to s. 228.041. However, the educational services may be provided at times of the day most appropriate for the youth services program the same as specified in s. 228.041(13).*

4. A program is provided which shall consist of appropriate basic academic, vocational, or exceptional curricula and related services which support the rehabilitation program goals and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent, provided that the educational component of youth services programs of less than 40 days' duration which take place in a park or wilderness setting may be limited to tutorial activities and vocational employability skills.

5. Participation in the program by students of compulsory school attendance age as provided for in s. 232.01 shall be mandatory.

~~6. The school district shall make every effort to recruit and train teachers who are interested, qualified, and experienced and to provide students in youth services programs with a wide range of educational programs.~~

6. *Districts are encouraged to implement programs that assist students in the transition between dismissal from youth services programs and school reentry.*

7. ~~The Department of Education or~~ A school district may contract with a private nonprofit entity or a *state or local government agency* for the provision of educational programs to clients of the Department of Health and Rehabilitative Services and may generate state funding through the Florida Education Finance Program for such students. *School districts shall submit to the Department of Education evidence of cooperative agreements with the Deputy Secretary for Juvenile Justice, in order to receive funding.*

~~(f)~~ Dropout retrieval assistance programs.—

~~1. The program shall utilize community college and university students to locate and counsel youth who have dropped out of school and to assist the youth if they decide to return to school.~~

~~2. The school district shall make every effort to provide a wide range of educational and ancillary programs to youth who return to school as a result of dropout retrieval assistance programs.~~

~~3. The school district shall encourage the community college or university at which a student participating in a dropout retrieval assistance program is enrolled to provide the student with directed individual study or internship credit for participating in a dropout retrieval assistance program.~~

(5) PROGRAM PLANNING AND IMPLEMENTATION.—

(a) Each district may establish one or more alternative programs for dropout prevention at the elementary, middle, junior high school, or high school level.

(b) Any school district desiring to receive state funding for a dropout prevention program pursuant to the provisions of s. 236.081(1)(c) shall develop a comprehensive dropout prevention program plan which describes all of the programs and services which the district will make available to students pursuant to subsection (4). ~~As part of that plan, each school district shall develop, either singly or through a joint agreement with other school districts, a teenage parent program and implement the program unless:~~

~~1. There are no pregnant or parenting teenagers in the school district interested in participating in a teenage parent program;~~

2. ~~The school district submits demonstrable proof that the particular needs of pregnant or parenting teenagers interested in participating in a teenage parent program are being met through other agencies, entities, or family members, including a description of needs and any relevant service agreements; or~~

3. ~~The school district submits demonstrable proof that:~~

a. ~~It is financially unable to meet the particular ancillary services needs of pregnant or parenting teenagers interested in participating in a teenage parent program; and~~

b. ~~The needed ancillary services are unavailable from the agencies or entities included on the community services inventory conducted pursuant to subsection (9).~~

~~Districts choosing not to implement all of the four remaining programs described in subsection (4) shall provide evidence that such programs are either not needed within the district or that the needs of students are already being provided through existing public or private agencies or entities or that the district is unable to provide the program.~~

~~(e) In order to be approved, each plan shall include the following components:~~

1. ~~Emphasis on parental, community, and business involvement.~~

2. ~~Interagency coordination in order to maximize existing human and fiscal resources.~~

3. ~~A method for early identification of potential dropouts.~~

4. ~~Dropout retrieval activities.~~

5. ~~Employability skills and other career awareness activities related to preparation for the workforce.~~

6. ~~Commitment of the district to achieve the goals and objectives of this section, as evidenced by the assignment of at least one person to be responsible for the implementation and administration of the district's dropout prevention program.~~

~~(c)(d) For each program to be provided by the district pursuant to subsection (4), the following information shall be provided in the program plan:~~

1. ~~Student eligibility criteria.~~

2. ~~Student admission procedures.~~

3. ~~Operating procedures.~~

4. ~~Program goals and outcome objectives. Measurable outcome objectives shall provide a framework for the evaluation of each dropout prevention program, which shall specify, at a minimum, the outcome to be produced, the time period during which the outcome will be produced, and to what degree the outcome will be produced.~~

5. ~~Qualifications of program personnel.~~

6. ~~The program budget, including identification of all federal, state, local, or other funds which will be used to support the program.~~

6.7. ~~A schedule for staff development activities.~~

7.8. ~~Evaluation procedures which describe how outcome objectives will be achieved and measured.~~

~~(d) Beginning with the 1994-1995 school year, district plans or amended plans may be submitted to the Department of Education dropout prevention regional offices for technical assistance and review prior to approval by the local school board.~~

~~(e) The Department of Education shall provide technical assistance upon request of the school or school district.~~

~~(f) Each school that establishes or continues a dropout prevention program at that school site shall reflect that program in the school improvement plan as required under s. 230.23(18).~~

~~(e) District comprehensive dropout prevention program plans shall be submitted to the Commissioner of Education for approval by December 1, 1996, prior to implementation of the program. In subsequent years, districts shall submit amendments to the initial dropout prevention plans. Pursuant to rules adopted by the State Board of Education, a~~

~~school district shall be required to receive approval from the commissioner prior to implementing any new dropout prevention program to be funded pursuant to s. 236.081(1)(c) and not included in the district's initial comprehensive program plan.~~

~~(g)(f) Districts may modify courses listed in the State Course Code Directory for the purpose of providing dropout prevention programs pursuant to the provisions of this section. Such modifications must be approved by the commissioner and may include lengthening or shortening of the time allocated for in-class study, alternate methods of assessment of student performance, and the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction, and activities conducted within the student support and assistance component of education alternatives.~~

~~(6) EVALUATION.—The Department of Education shall establish, by January 1, 1990, a set of minimum objective criteria for each program type under this section. In establishing the criteria, the department shall solicit school district input. Beginning with the 1987-1988 school year, Each school district receiving state funding for dropout prevention programs through the Florida Education Finance Program as provided for in subsection (5) shall submit an annual a biennial report to the Department of Education documenting the extent to which each of the district's dropout prevention programs has been successful in meeting the outcome objectives established by the district for the program. At a minimum, school districts shall develop by July 1, 1990, outcome objectives for each objective criteria established by the Department of Education. Such outcome objectives shall be included in the annual biennial report required under this subsection beginning in the 1991-1993 biennium. The department shall develop specific review measures, pursuant to s. 229.555, to ensure that district program outcome objectives are measurable and include the number and proportion of students in dropout prevention programs who later drop out of high school, thereby assuring that these objectives will provide an accurate basis for evaluating the effectiveness of dropout prevention programs. This information shall be reported to parents pursuant to s. 230.23(18). The department shall compile this information into an annual a biennial report which shall be submitted to the presiding officers of the Legislature by February 15 of the second year of each biennium.~~

~~(7) STAFF DEVELOPMENT.—Staff assigned to dropout prevention programs shall participate regularly in staff development activities relating to their specific duties and responsibilities as provided for in the district's approved dropout prevention program plan and master inservice plan.~~

~~(a) Each school district shall establish procedures for ensuring that teachers assigned to dropout prevention programs possess the affective, pedagogical, and content-related skills necessary to meet the needs of at-risk students. Each school board shall also ensure that adequate staff development activities are available for dropout prevention staff and that dropout prevention staff participate in these activities.~~

~~(b) The district school boards and the department may establish a summer inservice training program for teachers and administrators which may be provided by district school boards or individual schools and which shall include, but not be limited to, instruction focusing on treating students with respect and enhancing student self-esteem, developing positive in-school intervention methods for misbehaving students, establishing strategies to involve students in classroom and school management and in reducing student misconduct, conducting student and parent conferences, and creating "student-friendly" environments at schools. Instructional personnel may use successful participation in a summer inservice training program established pursuant to this paragraph for certification extension or for adding a new certification area if the district has an approved add-on certification program, pursuant to State Board of Education rules.~~

~~(8) RECORDS.—Each district providing a program for dropout prevention pursuant to the provisions of this section shall maintain for each participating student for whom funding is generated through the Florida Education Finance Program records documenting the student's eligibility, the length of participation, the type of program to which the student was assigned, and an evaluation of the student's academic and behavioral performance while in the program. The parents or guardians of a student assigned to such a dropout prevention program shall be notified in writing and entitled to an administrative review of any action by school personnel relating to such placement pursuant to the provisions of chapter 120. However, for educational alternatives of choice, which are voluntary and for which a student's parent or guardian has requested participation, such notification of administrative review shall not be required.~~

(9) ~~COORDINATION WITH OTHER AGENCIES.~~—School district dropout prevention programs shall be coordinated with social service, law enforcement, prosecutorial, and juvenile justice agencies in the school district. School districts shall inventory community services and programs relevant to implementation of their comprehensive dropout prevention program plans. Notwithstanding the provisions of s. 228.093, these agencies are authorized to exchange information contained in student records and juvenile justice records. Such information is confidential and exempt from the provisions of s. 119.07(1). School districts and other agencies receiving such information shall use the information only for official purposes connected with the certification of students for admission to and for the administration of the dropout prevention program, and shall maintain the confidentiality of such information unless otherwise provided by law or rule. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(10) ~~DROPOUT PREVENTION MANUAL.~~—The Department of Education, in conjunction with the Center for Dropout Prevention shall develop a manual for school districts which shall include a presentation of the intent and goals of this section, requirements for comprehensive dropout prevention program plans, examples of successful practices, identification of resources available to supplement educational programs, and other information that will assist in the successful implementation of this section. This manual shall be made available to school districts no later than September 15, 1986.

(11) ~~COMMUNITY BASED DROPOUT PREVENTION PROGRAM GRANTS.~~—

(a) Beginning with the 1986-1987 school year, from funds specifically appropriated by the Legislature for this purpose, the Department of Education is authorized and directed to award grants on a competitive basis to public or private nonprofit entities wishing to implement dropout retrieval activities or community-based dropout prevention programs. Such grants shall be awarded annually by no later than January 30 of each year.

(b) Each entity wishing to apply for a grant shall submit a grant proposal to the Department of Education by December 1, 1986, on forms prescribed by the department. In order to be considered for funding, the grant proposal shall include at least the following information and assurances:

1.—A detailed description of the program to be implemented, including a statement of program objectives, activities, target population, number of students to be served, and identification of all education, community agency, private sector, or other personnel and resources involved in program development and implementation.

2.—Assurance that parents and guardians will be involved in the development and implementation of the program.

3.—A detailed program budget.

4.—Measures for evaluation of the effectiveness of the program, including cost effectiveness.

(c) The Department of Education shall consider the following factors in awarding grants as specified in this subsection:

1.—The dropout rate within the geographic area to be served by the program. Those geographic areas with high dropout rates shall have priority for selection.

2.—The qualifications of the personnel who will be responsible for program implementation and administration.

3.—The extent to which the program will be coordinated with existing public educational programs and social and medical services.

4.—The cost effectiveness of the program.

5.—The degree to which the programs' objectives and activities are consistent with the goals of this subsection.

(d) The department shall make available to any entity wishing to apply for a community based dropout prevention program grant information on all of the criteria to be used by the department in the selection of proposals for funding pursuant to the provisions of this subsection.

(e) Each entity which is awarded a grant pursuant to the provisions of this section shall submit an annual report to the Department of Education documenting the extent to which the program objectives are being met.

(12) ~~MINI-SCHOOLS AS EDUCATIONAL ALTERNATIVES; INCENTIVE GRANTS.~~—

(a) Beginning with the 1990-1991 school year, from funds specifically appropriated by the Legislature for this purpose, the Department of Education shall award incentive grants on a competitive basis to school districts to fund the startup costs associated with the development and initial operation of small, open enrollment, mini schools as educational alternatives under the school district's comprehensive dropout prevention plan as described in subsection (5). Such incentive grants shall be awarded annually on March 15th of each year.

(b) Each school district interested in applying for an incentive grant shall submit a proposal to the Department of Education by January 30, 1990, on Department of Education forms. In order to be considered for funding, the grant proposal shall include, at a minimum, the following information and assurances:

1.—A detailed description of the mini schools to be operated, including a statement of philosophy, objectives, activities, type and grade levels of the school to be operated, instructional variations, number of students to be served, projected staffing and annual operating costs, location of the school, and certification that the proposal will be included in the school district's dropout prevention plan.

2.—An assurance that students, parents, and teachers of the school district will be involved in the preplanning, development, and operation of the mini school.

3.—Assurance that the enrollment in the mini school will be open to all students by choice with an equitable system of student selection and criteria for admission, to be developed and approved by the school district.

4.—Assurance that the mini school, if located within a currently operating school, will have self governance as would any freestanding school administered by the school district.

5.—A detailed program budget, displaying the amount of the grant requested and local funding contributions.

6.—An evaluation component which identifies methods to be used to measure student performance outcomes.

(c) The Department of Education shall give priority to the following factors in awarding grants as specified in this subsection:

1.—The overall demonstrable need for the mini school.

2.—The dropout rate of the school district.

3.—The graduation rate of the school district.

4.—The nonpromotion rate of the school district, and whether the proposed mini school targets those grades having the highest nonpromotion rates.

5.—The assurance of the school district that the mini school will be opened by the start of the subsequent school year and that the school district has involved teachers, students, and parents in the planning process.

6.—The extent to which the mini school will be seeking the active involvement of community agencies and the private sector.

7.—The extent and appropriateness of staff development.

(d) Each school district awarded a grant pursuant to the provisions of this subsection shall submit on a one-time basis a final report to the Department of Education documenting the expenditure of the grant funds and the extent to which the program objectives have been met. Such a report shall be submitted no later than 60 days after the start of the subsequent school year. Thereafter, school districts shall incorporate information on the mini school in their biennial report as provided for by subsection (6).

(13) ~~POSITIVE ALTERNATIVES TO OUT-OF-SCHOOL SUSPENSION GRANTS.~~—

(a) Beginning with the 1990-1991 school year, as funded by the Legislature for this purpose, the Department of Education is authorized and directed to award grants on a competitive basis to school districts wishing to implement programs or services as positive alternatives to out-of-school suspension. Such grants shall be awarded by November 1, 1990, and thereafter on August 15 of each year.

~~(b) School districts applying for a grant shall include the following information on forms provided by the department:~~

~~1. A program description, the identification of schools to participate, the projected number of students to be served, and the strategies to be used.~~

~~2. Assurances that the grant will cover those services which currently do not generate full-time equivalent student reimbursement.~~

~~3. A commitment to carry out a student performance outcome evaluation of all students served by the program, and the program impact on the total number of out-of-school suspensions.~~

~~(c) The programs or services which could provide positive alternatives to out-of-school suspension include, but are not limited to, one or more of the following:~~

~~1. Crisis counseling/time-out centers.~~

~~2. After school study or work programs.~~

~~3. Peer-court or mediators programs.~~

~~4. Saturday school or work/counseling programs.~~

~~5. Community service work assignments.~~

~~6. Disciplinary class or school programs.~~

~~7. In-school suspension, counseling, and assessment components.~~

~~8. Other school designed interventions as may be developed and proposed.~~

~~(d) The department shall make available to school districts the criteria to be used for selecting grant proposals as part of the notification of the grant funding process.~~

(10)(14) RULES.—The Department of Education shall have the authority to adopt any rules necessary to implement the provisions of this section; such rules shall require the minimum amount of paperwork and reporting necessary to comply with this act. *By January 1, 1995, current rules regarding this section shall be revised.*

Section 127. Effective July 1, 1994, section 230.23166, Florida Statutes, is created to read:

230.23166 Teenage parent programs.—

(1) Each district school board shall establish and implement a teenage parent program.

(2) "Teenage parent programs" means educational programs which are designed to provide a specialized curriculum and other services to meet the needs of students who are pregnant or students who are mothers or fathers and the children of the students.

(3)(a) The program shall provide pregnant students or students who are parents and the children of these students with a comprehensive teenage parent program consisting of educational and ancillary service components. The program shall provide pregnant students or students who are parents with the option of participating in regular classroom activities or enrolling in a special program designed to meet their needs pursuant to s. 232.01. Students participating in teenage parent programs shall be exempt from minimum attendance requirements for absences related to pregnancy or parenting, but shall be required to make up work missed due to absence.

(b) The curriculum shall include instruction in such topics as prenatal and postnatal health care, parenting skills, benefits of sexual abstinence, and consequences of subsequent pregnancies. Parenting skills should include instruction in the stages of child growth and development, methods for aiding in the intellectual, language, physical, and social development of children, and guidance on constructive play activities.

(c) Provision for necessary child care, health care, social services, parent education, and transportation shall be required ancillary service components of teenage parent programs. Ancillary services may be provided through the coordination of existing programs and services and through joint agreements between school districts and between school districts and other appropriate public and private providers.

(d) The school board shall make adequate provisions for pregnant and parenting teenagers to complete the course work necessary to earn a high school diploma. School boards are encouraged to give students a choice of educational options that shall allow students to earn credit toward a high school diploma at a rate at least commensurate with traditional high school programs. Such a choice should include, but not be limited to, remaining in the school they originally attend, attending a separate center, attending an area vocational technical center, or attending a different middle or high school.

(e) Children enrolled in child care provided by the district shall be funded at the special program cost factor pursuant to s. 236.081 if the parent or parents are enrolled full time in a public school in the district.

(4) The Department of Education shall develop and distribute guidelines for developmentally appropriate child care. The guidelines shall be the basis for the planning and implementation of child care facilities. Upon request of local school personnel, the department shall provide technical assistance in this regard to schools or districts.

(5) Districts may modify courses listed in the State Course Code Directory for the purpose of providing teenage parent programs pursuant to the provisions of this section. Such modifications must be approved by the commissioner and may include lengthening or shortening of the school time allotted for in-class study, alternate methods of assessment of student performance, and the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction.

(6) The State Board of Education shall adopt rules necessary to implement the provisions of this section.

Section 128. Effective July 1, 1994, paragraph (c) of subsection (1) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. However, the application of cost factors in part-time programs for exceptional students is limited to a maximum of twelve twenty-fifths of a student membership in a given program during a week. Beginning with the 1990-1991 fiscal year, the application of cost factors in part-time programs for exceptional students is limited to a maximum of 432 hours of a student full-time equivalent membership in a given program during a school year as defined in s. 228.041(16). The criteria for qualification for the special programs, including maximum case loads for part-time programs, shall be determined by rules of the state board. However, the district may apply to the department for an exemption to the maximums set above, and the department may grant such exemptions when district size or program dispersal would place an undue burden on the district. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten. Beginning with the 1993-1994 fiscal year, the Department of Education shall conduct a program cost analysis, pursuant to State Board of Education rule, as part of the program review process. Adult basic and secondary programs must also be addressed in the program cost analysis. The program cost analysis must include, but is not limited to, the cost of direct and indirect operations, instruction, faculty-to-student ratio, consumable supplies, equipment, and optimum program length.

1. Basic programs.—

a. Kindergarten and grades 1, 2, and 3.

b. Grades 4, 5, 6, 7, and 8.

c. Grades 9, 10, 11, and 12.

2. Special programs for exceptional students.—

a. Educable mentally handicapped.

- b. *Special programs for teenage parents.*
- c.~~b.~~ Trainable mentally handicapped.
- d.~~e.~~ Physically handicapped.
- e.~~d.~~ Physical and occupational therapy part-time.
- f.~~e.~~ Speech, language, and hearing part-time.
- g.~~f.~~ Speech, language, and hearing.
- h.~~g.~~ Visually handicapped part-time.
- i.~~h.~~ Visually handicapped.
- j.~~i.~~ Emotionally handicapped part-time.
- k.~~j.~~ Emotionally handicapped.
- l.~~k.~~ Specific learning disability part-time.
- m.~~l.~~ Specific learning disability.
- n.~~m.~~ Gifted part-time.
- o.~~n.~~ Hospital and homebound part-time.
- p.~~o.~~ Profoundly handicapped.
- 3. Special adult general education programs.—
 - a. Adult basic education.
 - b. Adult secondary education.
 - c. Lifelong learning.
- 4. Special vocational-technical programs job-preparatory.—
 - a. Agriculture.
 - b. Office.
 - c. Distributive.
 - d. Diversified.
 - e. Health.
 - f. Public service.
 - g. Home economics.
 - h. Industrial.
 - i. Exploratory.
- 5. Special vocational-technical-adult supplemental.—
 - a. Agriculture.
 - b. Office.
 - c. Distributive.
 - d. Health.
 - e. Public service.
 - f. Home economics.
 - g. Industrial.
- 6. Students-at-risk programs.—
 - a. Dropout prevention.
 - b. Kindergarten through grade 3 ESOL.
 - c. Grades 4 through 8 ESOL.
 - d. Grades 9 through 12 ESOL.

Section 129. Effective July 1, 1994, paragraph (a) of subsection (6) of section 229.592, Florida Statutes, is amended to read:

229.592 Implementation of state system of school improvement and education accountability.—

(6) EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods during the time period

required for careful deliberation by the Legislature and the Florida Commission on Education Reform and Accountability, the following time-limited exceptions shall be permitted:

(a) In the General Appropriations Acts of 1991, 1992, and 1993, the Legislature may authorize exceptions to any laws pertaining to fiscal policies, including ss. 236.013 and 236.081, provided the intent is to give school districts increased flexibility and local control of education funds. If the General Appropriations Act does not contain a specific line-item appropriation or a specific listing within a line-item appropriation which provides funding for the programs established pursuant to the following statutes, the statute shall be held in abeyance for that fiscal year, and any approved plan for implementing said statute shall be null and void for said fiscal year: ss. 228.0855; 230.2215; 230.2305; 230.2309; 230.2312; 230.2313; 230.2314; ~~230.2316(11), (12), and (13)~~; 230.2318; 230.2319(6), (7), (8), and (9); 231.087; 231.532; 231.613; 232.257; 232.301; 233.057; 233.0575; 233.0576; 233.0615; 233.067(5), (6), (7), (8), and (11); 233.069; 233.65; 234.021; 236.02(3); 236.022; 236.0835; 236.0873; 236.083; 236.088; 236.089; 236.091; 236.092; 236.122; 236.1223; 236.1224; 236.1227; 236.1228; and 239.401. In the event the extended day supplement required by s. 236.081(10) is not appropriated in full and is not contained in a specific line-item appropriation or a specific listing within a line-item appropriation in the General Appropriations Act of 1991, 1992, or 1993, those provisions of ss. 228.041(16) and 236.02(2)(a) that require a minimum of 1,050 hours of instruction for grades 9 through 12 shall be held in abeyance.

In determining which statutes and rules stand in the way of school improvement, the Florida Commission on Education Reform and Accountability shall consider the effect that holding the statutes listed in paragraphs (a) and (b) in abeyance has had on the school improvement process.

Section 130. Effective July 1, 1994, paragraph (d) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(d) Students who become or have become married and students who are pregnant shall not be prohibited from attending school. These students and students who are parents shall receive the same educational instruction or its equivalent as other students, but may voluntarily be assigned to a class or program suited to their special needs. Consistent with s. ~~230.23166~~ ~~230.2316~~, pregnant or parenting teens shall be entitled to participate in a teenage parent program. Pregnant students may attend alternative education programs or adult education programs, provided that the curriculum allows the student to continue to work toward a high school diploma.

Section 131. Effective July 1, 1994, paragraph (e) of subsection (1) of section 234.01, Florida Statutes, is amended to read:

234.01 Purpose; transportation; when provided.—

(1) School boards, after considering recommendations of the superintendent:

(e) Shall provide necessary transportation to pregnant students or student parents, and the children of those students, as part of a teenage parent program pursuant to s. ~~230.23166~~ ~~230.2316~~.

Section 132. Effective July 1, 1994, paragraph (c) of subsection (2) of section 236.013, Florida Statutes, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms are defined as follows for the purposes of this act:

(2) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 236.081(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 236.081(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.; the difference between that fraction or sum of fractions and the maximum value as set forth in subsection (5) for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A student in the basic half-day kindergarten program of not less than 450 net hours shall earn one-half of a full-time equivalent membership.

(III) A half-day kindergarten student in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per school year for which he is a member divided by the number of hours set forth in sub-sub-subparagraph (II); the difference between that fraction and the number of hours set forth in sub-sub-subparagraph (II) for each full-time student in membership in a half-day kindergarten program is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(IV) A part-time student, except a postsecondary or adult student, is a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per school year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(V) A postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation is a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(VI) A full-time student who is part of a program authorized by subparagraph (a)3. in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each regular or special program equal to the number of net hours per school year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(VII) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to:

- a. Special programs for exceptional students;
- b. Special vocational-technical programs;
- c. Special adult general education programs;
- d. Dropout prevention programs provided for those students who were in membership in ~~teenage parent~~, substance abuse, or youth services programs as defined in s. 230.2316 or *teenage parent programs as defined in s. 230.2316* and are in need of such additional instruction;
- e. The Florida Primary Education Program or an approved alternative, as provided in s. 230.2312, for those students who were receiving preventive instructional strategies for at least 45 days of the 180-day term and are in need of additional instruction or kindergarten through fifth grade limited English proficient students enrolled in, or eligible for, English for speakers of other languages;
- f. The Florida Progress in Middle Childhood Education Program for those students in grades 6 through 8 who have failed one or more subjects; and for those students in grade 4 or grade 5 who were receiving the preventive instructional strategies for at least 45 days of the 180-day term and are in need of such additional instruction;

g. Students-at-risk programs provided for those students who were in membership in an educational alternative or disciplinary program in dropout prevention programs as defined in s. 230.2316 or programs in English for speakers of other languages as defined in s. 233.058 for all of the last 15 days of the 180-day term or a total of 30 days within the 180-day term and are in need of such additional instruction;

h. Other basic programs offered for promotion or credit instruction as defined by rules of the state board; and

i. Programs which modify the school year to accommodate the needs of children who have moved with their parents for the purpose of engaging in the farm labor or fish industries, provided such programs are approved by the commissioner.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department under the provisions of s. 228.041(13) to operate for less than the minimum school day.

Section 133. Effective July 1, 1994, paragraph (f) of subsection (1) of section 236.083, Florida Statutes, is amended to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to public school programs of students in membership in kindergarten through grade 12, in migrant and exceptional student programs below kindergarten, and in any other state-funded prekindergarten program shall be determined as follows:

(1) Subject to the rules of the state board, each district shall determine the membership of students who are transported:

(f) By reason of being a pregnant student or student parent, and the child of a student parent as provided in s. 230.23166 ~~230-2316~~, regardless of distance from school.

Section 134. Effective July 1, 1994, the repeal of section 230.2316(4)(b), Florida Statutes, relating to teenage parent programs, shall be contingent upon the enactment of section 230.23166, Florida Statutes, relating to teenage parent programs.

Section 135. Effective July 1, 1994, subsection (25) of section 228.041, Florida Statutes, is amended to read:

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

(25) SUSPENSION.—

(a) Suspension, also referred to as *out-of-school suspension*, is the temporary removal of a student from *all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal or the principal's designee, his regular school program* for a period not to exceed 10 school days.

(b) *In-school suspension* is the temporary removal of a student from the student's regular school program and placement in an alternative program, such as that provided in s. 230.2316, under the supervision of school district personnel, for a period not to exceed 10 school days.

Section 136. Effective July 1, 1994, paragraphs (c) and (d) of subsection (6) and subsection (13) of section 230.23, Florida Statutes, are amended to read:

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

(6) CHILD WELFARE.—Provide for the proper accounting for all children of school age, for the attendance and control of pupils at school, and for proper attention to health, safety, and other matters relating to the welfare of children in the following fields, as prescribed in chapter 232.

(c) Control of pupils.—

1. Adopt rules and regulations for the control, discipline, *in-school suspension*, suspension, and expulsion of pupils and decide all cases recommended for expulsion. Such rules shall clearly specify disciplinary action that shall be imposed if a student possesses alcoholic beverages or electronic telephone pagers or is involved in the illegal use, sale, or possession of controlled substances, as defined in chapter 893, on school

property or while attending a school function. School boards are encouraged to include in these provisions alternatives to expulsion and suspension such as in-school suspension and guidelines on identification and referral of students to alcohol and substance abuse treatment agencies. Suspension hearings are exempted from the provisions of chapter 120. Expulsion hearings shall be governed by s. 120.57(2) and are exempt from s. 286.011. However, the pupil's parent or legal guardian must be given notice of the provisions of s. 286.011 and may elect to have the hearing held in compliance with that section. The school board shall have the authority to prohibit the use of corporal punishment, provided that the school board adopts or has adopted a written program of alternative control or discipline, which may include, but is not limited to, timeout rooms, in-school suspension, student peer review, parental involvement, and other forms of positive reinforcement, such as classes on appropriate classroom behavior.

2. Have the authority as the school board of a receiving school district to honor the final order of expulsion of a student by another school board in accordance with the following procedures:

a. A final order of expulsion shall be recorded in the records of the receiving school district.

b. The expelled student applying for admission to the receiving school district shall be advised of the final order of expulsion.

c. The superintendent of schools of the receiving school district may recommend to the school board that the final order of expulsion be waived and the student be admitted to the school district, or that the final order of expulsion be honored and the student not be admitted to the school district. If the student is admitted by the school board, with or without the recommendation of the superintendent, the student may be placed in an appropriate educational program at the direction of the school board.

(d) Code of student conduct.—Adopt a code of student conduct for elementary schools and a code of student conduct for secondary schools and distribute the appropriate code to all teachers, school personnel, students, and parents or guardians, at the beginning of every school year. A district may compile the code of student conduct for elementary schools and the code of student conduct for secondary schools in one publication and distribute the combined codes to all teachers, school personnel, students, and parents or guardians at the beginning of every school year. Each code of student conduct shall be developed by the school board; elementary or secondary school teachers and other school personnel, including school administrators; students; and parents or guardians. The code of student conduct for elementary schools shall parallel the code for secondary schools. Each code shall be organized and written in language which is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory councils, and parent and teacher associations. Each code shall be based on the rules governing student conduct and discipline adopted by the school board and be made available in the student handbook or similar publication. Each code shall include, but not be limited to:

1. Consistent policies and specific grounds for disciplinary action, including *in-school suspension*, *out-of-school suspension*, *expulsion*, any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.

2. Procedures to be followed for acts requiring discipline, including corporal punishment.

3. An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

4. Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, ~~or weapons or firearms~~, or possession of electronic telephone pagers, by any student while such student is upon school property or in attendance at a school function is grounds for *in-school suspension*, *out-of-school suspension*, *expulsion*, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

5. Notice that the possession of a firearm, a knife, a weapon, or an item which can be used as a weapon by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution.

6. Notice that violence against any school district personnel by a student is grounds for *in-school suspension*, *out-of-school suspension*, *expulsion*, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

7. Notice that violation of school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student's privilege of riding on a school bus and may be grounds for *in-school suspension*, *out-of-school suspension*, *expulsion*, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

8. Notice that violation of the school board's sexual harassment policy by a student is grounds for *in-school suspension*, *expulsion*, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

(13) COOPERATION WITH OTHER AGENCIES.—

(a) Cooperate with federal, state, county, and municipal agencies in all matters relating to education and child welfare. District superintendents and school boards may initiate policy meetings with such agencies to promote joint planning and provide effective programs in matters relating to discipline, truancy, and dropouts.

(b) Cooperate with public and private community agencies and with the local service district of the Department of Health and Rehabilitative Services to achieve the first state education goal, readiness to start school.

(c)(b) Cooperate with the Department of Education in identifying each child in the school district who is a migratory child as defined in Pub. L. No. 95-561 and cooperate with the department in providing such other information as the department deems necessary.

Section 137. Effective July 1, 1994, paragraph (c) of subsection (8) and subsection (13) of section 230.33, Florida Statutes, are amended to read:

230.33 Duties and responsibilities of superintendent.—The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he shall advise and counsel with the school board. The recommendations, nominations, proposals, and reports required by law and rule to be made to the school board by the superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations, and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

(8) CHILD WELFARE.—Recommend plans to the school board for the proper accounting for all children of school age, for the attendance and control of pupils at school, for the proper attention to health, safety, and other matters which will best promote the welfare of children in the following fields, as prescribed in chapter 232:

(c) Control of pupils.—Propose rules and regulations for the control, discipline, *in-school suspension*, suspension, and expulsion of pupils and review and modify recommendations for suspension and expulsion of pupils and transmit to the school board for action recommendations for expulsion of pupils. When the superintendent makes a recommendation for expulsion to the school board, he shall give written notice to the pupil and his parent or guardian of the recommendation, setting forth the charges against the pupil and advising the pupil and his parent or guardian of his right to due process as prescribed by s. 120.57(2). When school board action on a recommendation for the expulsion of a pupil is pending, the superintendent may extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the school board.

(14) COOPERATION WITH OTHER AGENCIES.—

(a) Cooperation with governmental agencies in enforcement of laws and rules.—Recommend plans for cooperating with, and, on the basis of approved plans, to cooperate with, federal, state, county, and municipal agencies in the enforcement of laws and rules pertaining to all matters relating to education and child welfare.

(b) *Cooperation with other local administrators to achieve the first state education goal.*—Cooperate with the district administrator of the Department of Health and Rehabilitative Services and with administrators of other local public and private agencies to achieve the first state education goal, readiness to start school.

(c)(b) Identifying and reporting names of migratory children, other information.—Recommend plans for identifying and reporting to the Department of Education the name of each child in the school district who qualifies according to the definition of a migratory child, based on Pub. L. No. 95-561, and for reporting such other information as may be prescribed by the department.

Section 138. Effective July 1, 1994, section 230.335, Florida Statutes, is amended to read:

230.335 Notification of superintendent of certain charges against or convictions of students or employees.—

(1)(a) Notwithstanding the provisions of s. 39.045(8) or any other provision of law to the contrary, a law enforcement agency shall, within 48 hours of the arrest, notify the appropriate superintendent of schools of the name and address of any employee of the school district who is charged with arrested for a felony or with a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance. The notification shall include the specific charge for which the employee of the school district was arrested.

(b) Notwithstanding the provisions of s. 39.045(8) or any other provision of law to the contrary, the court shall, within 48 hours of the finding, notify the appropriate superintendent of schools of the name and address of any student found to have committed a delinquent act, or who has had adjudication of a delinquent act withheld which, if committed by an adult, would be a felony, or the name and address of any student found guilty of a felony. Notification shall include the specific delinquent act found to have been committed or for which adjudication was withheld, or the specific felony for which the student was found guilty.

(2) Except to the extent necessary to protect the health, safety, and welfare of other students, the information obtained by the superintendent of schools pursuant to this section may be released only to appropriate school personnel or as otherwise provided by law.

Section 139. Effective July 1, 1994, section 232.26, Florida Statutes, is amended to read:

232.26 Authority of principal.—

(1)(a) Subject to law and to the rules of the state board and the district school board, the principal in charge of the school or the principal's designee his designated representative shall develop policies for delegating by which he may delegate to any teacher or other member of the instructional staff or to any bus driver transporting students of the school such responsibility for the control and direction of students as he may consider desirable.

(b) The principal or the principal's designee his designated representative may suspend a student only in accordance with the rules of the district school board; The principal or the principal's designee shall make a good faith effort to immediately inform a student's parent or guardian by telephone of a student's suspension and the reasons for the suspension. Each and each suspension and the reasons for the suspension shall be reported in writing within 24 hours, with the reasons therefor, to the student's parent or guardian by United States mail. Each suspension and the reasons for the suspension shall also be reported in writing within 24 hours and to the superintendent. A good faith effort shall be made by the principal or the principal's designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct as defined by rules of the district school board. Such rules shall require oral and or written notice to the student of the charges and an explanation of the evidence against him or her prior to the suspension. against him and, if he denies the charges, an explanation to him of the evidence against him Each student shall be given and an opportunity for him to present his or her side of the story. No student who is required by law to attend school shall be suspended for unexcused tardiness, lateness, absence or truancy. The principal or the principal's designee his designated representative may suspend any student transported to or from school at the public expense from the privilege of riding on a school bus

for violation of school board transportation policies, which shall include a policy regarding behavior at school bus stops, and, the principal or the principal's designee shall give his designated representative giving notice in writing to the student's parent or guardian and to the superintendent within 24 hours. School personnel shall not be held legally responsible for suspensions of students made in good faith.

(c) The principal or the principal's designee his designated representative may recommend to the superintendent the expulsion of any student who has committed a serious breach of conduct, including, but not limited to, willful disobedience, open defiance of authority of a member of his staff, violence against persons or property, or any other act which substantially disrupts the orderly conduct of the school. Any recommendation of expulsion shall include a detailed report by the principal or his designated representative on the alternative measures taken prior to the recommendation of expulsion.

(d) The principal or the principal's designee his designated representative shall include an analysis of suspensions and expulsions in the annual report of school progress.

(2) Suspension proceedings, pursuant to rules of promulgated by the State Board of Education, may be initiated against any pupil enrolled as a student who is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, if that incident is shown, in an administrative hearing with notice provided to the parents or legal guardian or custodian of such pupil by the principal of the school pursuant to rules promulgated by the State Board of Education and to rules developed pursuant to s. 231.085, to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. Any pupil who is suspended as the result of such proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed 10 days, as determined by the superintendent. Such suspension shall not affect the delivery of educational services to the pupil, and the pupil shall be immediately enrolled in a daytime alternative education program, or an evening alternative education program, where appropriate. If the pupil is not subsequently adjudicated delinquent or found guilty, the suspension shall be terminated immediately. If the pupil is found guilty of a felony, the superintendent shall have the authority to determine if a recommendation for expulsion shall be made to the school board; however, such suspension or expulsion shall not affect the delivery of educational services to the pupil in any residential or nonresidential program outside the public school. Any pupil who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under chapter 893 shall be entitled to a waiver of the discipline or expulsion:

(a) If he divulges information leading to the arrest and conviction of the person who supplied such controlled substance to him, or if he voluntarily discloses his unlawful possession of such controlled substance prior to his arrest. Any information divulged which leads to such arrest and conviction is not admissible in evidence in a subsequent criminal trial against the pupil divulging such information.

(b) If the pupil commits himself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.

(3) Any recommendation for the expulsion of a handicapped student shall be made in accordance with the rules promulgated by the State Board of Education.

Section 140. Effective July 1, 1994, section 230.2301, Florida Statutes, is created to read:

230.2301 Parents may be accompanied.—At any meeting regarding the assignment of staff to an exceptional student or at a conference regarding the discipline of a student, the student's parent or guardian may be accompanied by another adult of his choice to assist the parent or guardian in communicating with school district personnel.

Section 141. Effective upon this act becoming a law, section 232.258, Florida Statutes, is created to read:

232.258 School and community resource grants.—

(1) SHORT TITLE.—This section may be cited as the "School and Community Resource Grant Program."

(2) INTENT.—The Legislature recognizes that after-school programs that capture the attention of the age group for which they are intended, hold the students' interest, and are developmentally appropriate are the most successful. The Legislature recognizes that after-school programs can increase communication between school personnel and parents, as well as provide students a safe, after-school environment and opportunities for personal enrichment and academic improvement. The Legislature also recognizes that Florida's communities and school districts are largely untapped resources through which after-school programs can be provided. In particular, school facilities represent a public capital investment which can be more fully utilized. Further, the Legislature recognizes that effective after-school programs can meet the needs of students and the local community, as well as assist the students in making appropriate life-style choices. Therefore, it is the belief of the Legislature that one of the best investments of scarce community and state resources which promotes the general welfare of Florida's young adolescents age 10 through 15 years is structured and well-supervised after-school programs. It is the intent of the Legislature to authorize and encourage each community in cooperation with its district school board to establish comprehensive, after-school programs for young adolescents based upon identified needs of adolescents and families in the community. Further, it is the intent of the Legislature that this section be liberally construed so as to permit district school boards to cooperate, collaborate, and contract with public and nonpublic community organizations to establish and operate innovative after-school programs that capture the attention of young adolescents, hold their interest, and are developmentally appropriate.

(3) APPLICATION.—

(a) To be eligible for a school and community resource grant, each school principal and school advisory council shall jointly submit a proposal for planning, implementing, and evaluating an after-school program for students age 10 through 15 years to the district school board for review and approval.

(b) The proposal shall identify locations where after-school program services will be provided, which may include public school property or other sites appropriate for the kinds of activities proposed.

(c) The proposal shall describe how the school and community organizations will collaborate and coordinate their resources to provide the continuum of services described in this section. The community organizations may include any local, state, or federal agency or any other public or private organization or business within the community. All entities involved in providing care, services, facilities, and other components of the after-school program shall enter into a written agreement which shall at a minimum provide for the use and maintenance of equipment and facilities, as well as specify the contributions of each collaborator. School boards are encouraged to contract with existing programs. However, state-funded programs should not supplant privately supported programs.

(d) The proposal shall include the estimated number of participants in the program, including the estimated number of economically disadvantaged participants based on their eligibility for free or reduced-price lunch. Strategies for marketing and encouraging participation in the program shall be included in the proposal. It is strongly encouraged that students representing the targeted age group participate in the program planning and student recruitment process.

(e) The proposal shall include how the program will address activities such as:

1. Recreational activities, such as intramural sports and the arts and other appropriate fitness and leisure activities.
2. Study time and the opportunity to receive assistance with school work.
3. Other developmentally appropriate activities, including time to socialize, read, and engage in other self-directed activities or prevention activities, including conflict resolution, mediation, and family living skills.

(f) Evaluation of the school and community resource grant program shall include a reporting in the school report card required pursuant to s. 230.23 of the overall participation rates in the after-school programs, the participation rate of disadvantaged students, and the quality of the after-school program based on the responses of children and families who used the program.

(g) The department and school board may contract for technical assistance services for the development and continuation of after-school programs established under this section.

(h) Enrollment in after-school programs funded through this section may be increased through contracts and grants from local, state, and federal agencies and any other organization or business within the community.

(i) Enrollment in after-school programs funded through this section may be increased through user fees which may be based on a sliding scale for students who do not qualify for the free or reduced-price lunch program or are not awarded a position under the grant. A school board may pay the tuition through the grant or waive the fee for a student who is recommended to the program by school services personnel if the student is ineligible for the free or reduced-price lunch program and the student's parents are unwilling to pay the fee.

(4) PROGRAM COMPONENTS.—The grants, which may not replace or supplant locally generated funds, may be used to establish programs or enhance existing programs, both before and after school, and on weekdays, weekends, and during school vacations depending upon identified needs of adolescents and families in the community. Grants shall be used to provide tuition costs for students eligible for the free or reduced-price lunch program and others who would be unsupervised after school. Tuition provided through grants and from other public and private sources may be used for, but are not limited to, providing:

(a) Diverse personnel to operate the program, including, but not limited to, school district employees, parks and recreation staff, college students, parents, and private instructors in music, the arts, recreation, and other appropriate areas of interest to students age 10 to 15 years.

(b) Necessary supplies and equipment to implement the program.

(c) Health services.

(d) Meals.

(e) Transportation.

(f) Security, maintenance, and custodial services.

(5) FACILITIES.—Facilities utilized for after-school programs pursuant to this section shall meet the State Uniform Building Code for Public Educational Facilities Construction in accordance with s. 235.26, or shall meet the applicable state minimum building codes pursuant to chapter 553 and state minimum fire protection codes pursuant to s. 633.025 as adopted by the authority in whose jurisdiction the facility is located. Facilities shall be inspected and brought into conformance with the building and fire safety codes prior to occupancy. School facilities shall not be required to be licensed by the Department of Health and Rehabilitative Services as child care centers.

(6) PERSONNEL.—Personnel employed in after-school programs established pursuant to this section shall not be required to be certified pursuant to s. 231.17, but shall comply with the screening requirement pursuant to ss. 231.02(2) and 231.1713.

Section 142. Effective upon this act becoming a law, section 233.0615, Florida Statutes, is amended to read:

233.0615 *Character development and law education program.*—

(1) There is hereby created a *character development and law education program*, which program may be administered by the Commissioner of Education in cooperation with The Florida Bar and other appropriate organizations and agencies pursuant to rules adopted by the State Board of Education. Such program may be implemented and conducted in each any public school under pursuant to a proposal developed and approved pursuant to subsection (2).

(2) Each program must district school board, or each principal through the district school board, may submit to the commissioner for approval a proposal for implementing and conducting the law education program. Priority shall be given to proposals for implementing and conducting the program in the elementary grades. Each proposal shall be developed with the assistance of the district advisory councils, school advisory councils, and those agencies and organizations which are concerned with law education or with the criminal and juvenile justice systems of the state and shall include, but is not limited to:

(a) *Instruction concerning the common duties and obligations necessary to ensure and promote an orderly, lawful, moral, and civil society, thereby enhancing collective security and well-being. Instruction must be included in obedience to the law, sobriety, honesty, truthfulness, the work ethic, financial self-support, respect for the family and marriage, the need for children to have positive parental influences, the responsibility of both parents for the upbringing of their children, and respect for authority;*

(b)(a) *Provisions for instruction in the rights, obligations, and duties of citizens under the law and under the state and federal constitutions, with particular emphasis on the consequences to the individual and for society of disobedience of the law;*

(c)(b) *When necessary, provisions for inservice training programs in law education for teachers, administrators, and other personnel, to fully administer this section;*

(d)(e) *Provisions for enlisting, when necessary, the involvement of governmental agencies and private organizations in order to ensure the use of all available resources in the implementation of the program; and*

(e) *Provisions for the parents of school children enrolled in the program to be involved in the program where appropriate.*

(d) ~~Information concerning the number of teachers and students to be involved, the estimated cost of the project, and the number of years for which it is to be funded;~~

(e) ~~Provisions for evaluation of the program, and for its integration into the general curricula and financial program of the school district at the end of the funded term of years; and~~

(f) ~~Such other information and provisions as shall be required by the commissioner.~~

(3) ~~For those programs approved, the commissioner shall authorize distribution of funds from funds available to the Department of Education for law education programs.~~

Section 143. Effective July 1, 1994, subsection (3) of section 232.19, Florida Statutes, is amended to read:

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

(3) HABITUAL TRUANCY CASES.—*If (a) In case a child becomes a habitual truant, the school administration must shall file with the circuit court a complaint alleging the facts, and the child must shall be dealt with as a child in need of services according to the provisions of chapter 39. Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies must shall allow a reasonable time period to complete actions required by this subsection to remedy the conditions leading to the truant behavior. The following criteria must shall be met and documented in writing prior to the filing of a petition:*

(a)1. ~~The child must have been absent from school with or without the knowledge or consent of the child's parent or legal guardian and must not be exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in s. 232.06, s. 232.09, or any other exemption specified by law or the rules of the State Board of Education; and~~

(b)2. ~~In addition to the actions described in ss. 230.2313(3)(c) and 232.17, the school administration must have completed the following escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior:~~

1.a. ~~One or more meetings must have been held between a school attendance professional or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance professional or school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met and the school administration must have proceeded to the next escalating activity; and~~

2.b. ~~Educational counseling must have been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, the such changes must have been insti-~~

tuted but proved unsuccessful in remedying the truant behavior. ~~The Such curriculum changes may have included enrollment of the child in an alternative education program that met the specific educational and behavioral needs of the child; and~~

e. ~~Educational evaluation, which may have included psychological evaluation, must have been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition; and~~

3. ~~A school social worker or other person designated by the school administration, if the school does not have a school social worker, and an intake officer of the Department of Health and Rehabilitative Services must have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions which may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations must have met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.~~

(b) ~~The failure or refusal of the parent or legal guardian to participate, or to make a good faith effort to participate, in the activities prescribed for his involvement pursuant to this subsection shall cause proceedings to be brought against the parent or legal guardian pursuant to this section. The failure or refusal of the parent or legal guardian to participate will not automatically cause the child to be handled as a child in need of services pursuant to this subsection. The school administration and the Department of Health and Rehabilitative Services shall continue to work with the child to remedy the conditions causing the truant behavior. If, after a reasonable period of time, the truant behavior persists, the child may be handled as a habitual truant pursuant to this section and chapter 39. The failure or refusal of the child to participate, or make a good faith effort to participate, in the activities required by this subsection, even though the child's parent or legal guardian has attempted to comply, will cause the child to be handled as a habitual truant pursuant to this section and chapter 39 if the child's truant behavior has persisted. The continued truant behavior of the child, even though both the parent or legal guardian and the child have complied with the activities prescribed in this subsection, will cause the child to be considered a habitual truant, and the child shall be handled as such pursuant to this section and chapter 39.~~

Section 144. Effective July 1, 1994, subsection (2) of section 231.17, Florida Statutes, is amended to read:

231.17 Certificates granted on application to those meeting prescribed requirements.—

(2) MINIMUM COMPETENCIES.—

(a) Each professional certificate issued shall be valid for a period not to exceed 5 years. Each applicant for initial professional certification shall demonstrate, on a comprehensive written examination or through such other procedures as may be specified by the state board, mastery of those minimum essential generic and specialization competencies and other criteria as shall be adopted into rules by the state board, including, but not limited to, the following:

1. The ability to write in a logical and understandable style with appropriate grammar and sentence structure;

2. The ability to read, comprehend, and interpret professional and other written material;

3. The ability to comprehend and work with fundamental mathematical concepts;

4. The ability to recognize signs of severe emotional distress in students and to apply techniques of crisis intervention with emphasis on suicide prevention and positive emotional development;

5. The ability to recognize signs of alcohol and drug abuse in students and to apply counseling techniques with emphasis on intervention and prevention of future abuse;

6. The ability to recognize the physical and behavioral indicators of child abuse and neglect, to know rights and responsibilities regarding

reporting, to know how to care for a child's needs after a report is made, and to know recognition, intervention, and prevention strategies pertaining to child abuse and neglect that can be related to children in a classroom setting in a nonthreatening, positive manner;

7. The ability to comprehend patterns of physical, social, and academic development in students, including exceptional students in the regular classroom, and to counsel the same students concerning their needs in these areas;

8. The ability to recognize and be aware of the instructional needs of exceptional students; *and*.

9. *The ability to recognize disorders of development in students and employ appropriate intervention strategies.*

(b) The state board shall adopt rules ~~that which~~ specify the minimum essential generic and subject matter competencies to be demonstrated by means of the written examination and those to be demonstrated by other means. The written examination may be taken by any individual enrolled in a postsecondary institution who pays the appropriate fee and completes the required application procedures prior to graduation. The examination shall require a candidate to demonstrate the following:

1. Mastery of general knowledge, including the ability to read, write, and compute;

2. Mastery of professional skills; and

3. Mastery of the subject matter in each area for which certification is being sought. However, an applicant may satisfy the subject area and professional knowledge testing requirements by attaining scores on corresponding tests from the National Teachers Examination series that meet standards established by the state board.

The College Level Academic Skills Test or a similar test approved by the state board shall be used by degreed personnel to demonstrate mastery of general knowledge as required in subparagraph 1.

(c) Each person seeking initial certification shall have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study.

(d) *Each person seeking initial certification shall have earned credits in courses related to normal child development and the disorders of development.*

(e)~~(d)~~ A person who meets all certification requirements ~~that which~~ have been established by law or rule, other than the passing of the examination and the successful completion of the first year of the professional orientation program or the completion of professional education courses in which the applicant is deficient, may be issued a nonrenewable, 2-year temporary certificate. However, the State Board of Education shall adopt rules to allow for the issuance of one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to an individual who holds a bachelor's degree in the area of speech-language ~~impairment impaired~~ to allow for completion of a master's degree program in speech-language ~~impairment impaired~~, to allow for the issuance of one additional 2-year temporary certificate when the requirements for the professional certificate were not completed because of the serious illness, injury, or other extraordinary, extenuating circumstance of the applicant, or to allow a person employed less than 99 days during the first year of teaching to extend the certificate for 1 additional year. The department shall issue, pursuant to this section, a certificate upon the written request of the district school superintendent, the governing authority of a developmental research school, or the governing authority of a nonpublic school with an approved professional orientation program.

(f)~~(e)~~ The commissioner, with the approval of the state board, may assign to a university in the state system the responsibility for printing, administering, scoring, and providing appropriate analysis of the written tests required.

(g)~~(f)~~ The state board shall adopt as a rule a score the achievement of which shall be required for the issuance of a professional certificate and certain temporary certificates.

(h)~~(g)~~ Provision shall be made for a person who does not achieve the score necessary for certification to review his completed examination and bring to the attention of the department any errors ~~that which~~ would result in a passing score.

(i)~~(h)~~ The department and the board shall maintain confidentiality of the examination, developmental materials, and workpapers, and the examination, developmental materials, and workpapers shall be exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The board shall adopt such rules as may be necessary to accomplish this purpose.

(j)~~(i)~~ The state board shall designate the certification areas for which subject area tests shall be developed.

Section 145. Effective July 1, 1994, paragraph (a) of subsection (2) of section 231.24, Florida Statutes, is amended to read:

231.24 Renewal of certificates.—

(2) For the renewal of a professional certificate, the following requirements shall be met:

(a)1. The applicant shall earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant shall earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Credits or points that provide training to teachers in the area of exceptional student education, *normal child development, and the disorders of development* may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 236.0811 in the district's approved 5-year master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity or serving on an instructional materials committee or a state board or commission ~~that which~~ deals with educational issues.

2. In lieu of college course credit or inservice points, the applicant may renew a specialization area by passage of a state board approved subject area test or by completion of a department-approved summer work program in a business or industry directly related to an area of specialization listed on the certificate. The state board shall adopt rules providing for the approval procedure.

3. In the event an applicant wishes to retain more than two specialization areas on the certificate, the applicant shall be permitted two successive validity periods for renewal of all specialization areas. However, at no time shall *fewer* less than 6 college course credit hours or the equivalent be earned in any one validity period.

Section 146. Effective July 1, 1994, paragraph (a) of subsection (2) of section 236.0811, Florida Statutes, is amended to read:

236.0811 Educational training.—

(2)(a)1. Pursuant to rules of the State Board of Education, each district shall develop and submit to the commissioner for approval a 5-year master plan for inservice educational training. The plan shall be based on an assessment of the inservice educational training needs of the district conducted by a committee ~~that which~~ includes parents, classroom teachers, and other educational personnel. The plan shall include a component consisting of competencies in the identification, assessment, and prescription of instruction for exceptional students. The plan shall also include a component consisting of competencies in the identification, assessment, and prescription of instruction for child abuse and neglect prevention and for substance and alcohol abuse prevention. *In addition, the plan must include a component to provide regular training to classroom teachers on advances in the field of normal child development and the disorders of development.* The plan must also include a component consisting of competencies in instruction for multicultural sensitivity in the classroom. The plan shall be updated annually by July 1 and shall include inservice activities for all district employees from all fund sources. Classroom teachers and guidance counselors shall be required to participate in the inservice training for child abuse and neglect prevention, for alcohol and substance abuse prevention education, and for multicultural sensitivity education, which may include negotiation and conflict resolution training. The department shall withhold approval of any district's master inservice plan, as required by this section, which fails to provide and require training in substance abuse prevention education pursuant to s. 233.067(4)(c)1. for all classroom teachers and guidance counselors.

2. The plan of each school district for inservice educational training submitted pursuant to this paragraph must include inservice components that which may be used for extension of a certificate or a new endorsement in each of the following areas: a study of the middle grades, understanding the student in the middle grades, organizing interdisciplinary instruction in the middle grades, curriculum development in the middle grades, developing critical thinking and creative thinking in students in the middle grades, counseling functions of the teacher in the middle grades, developing creative learning materials for the middle grades, and planning and evaluating programs in the middle grades. The department is authorized to waive one or more of these inservice areas if the district can document its unsuccessful attempt to secure a competent trainer or sufficient enrollment or when the department determines that specific validated competencies may be substituted in lieu of such inservice areas. The State Board of Education shall adopt rules necessary to implement the provisions of this subparagraph.

Section 147. (1) The Commissioner of Education shall study and make recommendations concerning the following issues related to school discipline:

(a) The use of in-school and out-of-school suspension and expulsion in schools; identifying offenses; number and duration of suspensions; the race, gender, grade, and other characteristics of students suspended; and the impact on students' academic progress.

(b) Teacher referral trends for discipline offenses and alternatives available to teachers.

(c) The relationship between out-of-school suspension and expulsion and juvenile delinquency and crime.

(d) A longitudinal study of students affected by out-of-school suspension to track their progression through the school system and juvenile justice system, in cooperation with the Department of Juvenile Justice, the Department of Health and Rehabilitative Services, and the Department of Law Enforcement.

(e) The current level and need for additional alternatives for placement of disruptive and violent students in the school system and their relationship to the juvenile justice system.

The Commissioner of Education shall submit a report of the findings and recommendations to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the Senate and the House of Representatives by December 31, 1994, with an interim report due by October 1, 1994.

(2) This section shall take effect upon this act becoming a law.

Section 148. The sum of \$804,722 and 14 positions are appropriated from the Operating Trust Fund within the Department of Law Enforcement to the Department of Law Enforcement for fiscal year 1994-1995 for the purpose of developing the Juvenile Criminal History File.

Section 149. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions of applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 150. Unless otherwise expressly provided in this act, this act shall take effect October 1, 1994.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to juvenile justice; creating s. 20.316, F.S.; creating the Department of Juvenile Justice; providing for a Secretary of Juvenile Justice; providing duties and responsibilities; providing for a Deputy Secretary for Operations; providing for an Assistant Secretary of Programming and Planning; specifying service districts of the department within the state and commitment regions; requiring the secretary to establish an automated information system for the purpose of administering juvenile justice programs; requiring that funding for the system be included in the department's legislative budget request; providing for the appointment of an Assistant Secretary for Reorganization to serve until a specified date; transferring all powers, duties, records, personnel, property, and unexpended balances of appropriations of the Deputy Secretary for Juvenile Justice Programs of the Department of Health and Rehabilitative Services to the Department of Juvenile Justice; transferring speci-

fied funds and positions from the Department of Health and Rehabilitative Services to the Department of Juvenile Justice; authorizing the Executive Office of the Governor to establish salary rates in excess of a specified amount; providing for administrative rules of the Deputy Secretary for Juvenile Justice Programs of the Department of Health and Rehabilitative Services to remain in effect until changed by the Department of Juvenile Justice; providing for the transfer of pending judicial or administrative proceedings; creating the Juvenile Justice Advisory Board; providing for membership of the board; providing for terms of appointment; providing for meetings; providing for reimbursement for per diem and travel expenses; providing for the board to be a separate budget entity; assigning the board, for administrative purposes, to the Executive Office of the Governor; providing powers and duties of the board; transferring all positions, unexpended balances of appropriations, materials, files, records, and equipment of the Commission on Juvenile Justice to the Juvenile Justice Advisory Board; requiring the board to study the feasibility of transferring the programs and duties of the Assistant Secretary for Youthful Offenders within the Department of Corrections to the Department of Juvenile Justice; requiring a report; amending s. 20.19, F.S.; deleting references to certain programs of the Department of Health and Rehabilitative Services with respect to juvenile justice and children in need of services and families in need of services to conform to changes made by the act; providing an additional purpose of the Department of Health and Rehabilitative Services with respect to reducing out-of-wedlock births and teenage pregnancies; requiring a report; requiring the health and human services boards of the Department of Health and Rehabilitative Services, in planning its programs, to consider data concerning the juvenile justice programs and services within the district; requiring district administrators of the department to cooperate with district school superintendents to meet the first state education goal; amending s. 20.315, F.S.; providing for an Assistant Secretary for Youthful Offenders within the Department of Corrections; abolishing the Youth Offender Program Office within the department; providing additional budget categories for the department; amending s. 39.001, F.S.; revising the purposes and intent of ch. 39, F.S., relating to juvenile proceedings; amending s. 39.002, F.S.; revising state policy with respect to juvenile justice and delinquency prevention; providing legislative intent with respect to the secure detention of juveniles; providing legislative policy with respect to parental responsibility; amending s. 39.01, F.S.; revising definitions to conform to changes made by the act; deleting a limitation on the number of children that may be assigned to a nonsecure detention facility; redefining the term "serious or habitual juvenile offender" for purposes of ch. 39, F.S.; including certain interviews and urine and breathalyzer screenings within the definition of the term "preliminary screening"; defining the term "maximum-risk residential" as an additional level of custody under which a juvenile is committed to the custody of the department; defining the terms "staff-secure shelter," and "temporary release" for purposes of ch. 39, F.S.; amending s. 39.012, F.S.; requiring the Department of Juvenile Justice, as created by this act, to adopt rules; amending s. 39.014, F.S.; providing duties of the Department of Juvenile Justice with respect to juvenile justice programs and programs and services for children in need of services and families in need of services; creating s. 39.0145, F.S.; providing legislative intent with respect to punishing a juvenile for contempt of court; providing circumstances under which the court may order that a juvenile be placed in a secure facility for contempt; providing for an alternative sentences coordinator within each judicial circuit; providing for the coordinator to recommend alternative sanctions to the court for a juvenile held in contempt; providing for a hearing; providing maximum periods of detention; providing duties of the alternative sanctions coordinator; repealing ss. 39.412, 39.444, F.S., relating to contempt powers of the court with respect to a dependent child or a child in need of services; repealing s. 8, ch. 93-416, Laws of Florida, relating to circumstances under which a juvenile is certified for prosecution as an adult; amending s. 39.015, F.S.; requiring the Department of Juvenile Justice to adopt rules with respect to habitual truants; creating s. 39.0206, F.S.; defining the term "department" to mean the Department of Juvenile Justice for purposes of ss. 39.021-39.078, F.S.; amending s. 39.021, F.S.; providing powers and duties of the Department of Juvenile Justice with respect to juvenile justice programs; requiring the department to measure and report to the Legislature on the effectiveness of programs and services; providing requirements for educational training in detention facilities; providing requirements for contracts with providers that provide programs for juvenile offenders; amending s. 39.022, F.S.; providing circumstances under which the court may retain jurisdiction over a juvenile and the juvenile's parent or guardian; deleting certain provisions with respect to the transfer of a juvenile for prosecution as an adult; repealing s. 39.023, F.S., relating to the Com-

mission on Juvenile Justice; amending s. 39.024, F.S.; revising legislative intent with respect to training for juvenile justice personnel; redesignating the Juvenile Justice Standards and Training Council as the Juvenile Justice Standards and Training Commission; revising the membership; providing additional powers and duties; providing for the award of scholarships and stipends to juvenile justice employees; providing rulemaking authority; amending s. 39.025, F.S.; revising the membership of the county juvenile justice councils; providing for the juvenile justice councils within each district to appoint members to a district juvenile justice board; increasing the initial terms of members appointed to the district juvenile justice boards; exempting members of certain boards from term limitations; prescribing additional duties of the boards; providing additional requirements for an entity that applies for a community juvenile justice partnership grant; authorizing the boards to propose innovation zones within the districts; providing requirements for implementing such proposals; amending s. 39.0255, F.S.; providing powers and duties of the Department of Juvenile Justice with respect to the juvenile civil citation process; requiring citation information to be entered into the juvenile offender information system; amending s. 39.029, F.S.; deleting an obsolete provision; amending s. 39.034, F.S.; authorizing the community arbitrator or the community arbitration panel to require that a juvenile undergo urine monitoring; amending s. 39.037, F.S.; revising circumstances under which the arresting authority shall notify school personnel that a juvenile has been taken into custody; requiring notification of the juvenile's classroom teachers; amending s. 39.038, F.S.; authorizing a criminal history background check on a person to whom a juvenile is released, other than the juvenile's parent; amending s. 39.039, F.S.; requiring that the fingerprints of a juvenile who is charged with or found to have committed certain offenses be submitted to the Department of Law Enforcement; requiring that the name, address, and photograph of a juvenile found to have committed a felony be forwarded to a news organization upon request; amending s. 39.042, F.S.; authorizing the detention of a juvenile upon certain acts of contempt; deleting a requirement that a juvenile be placed in a less restrictive alternative placement if such is available; authorizing the detention of a juvenile who is charged with committing domestic violence; requiring a hearing within a specified period; amending s. 39.043, F.S.; deleting a prohibition on placing a child in need of services into secure detention care; amending s. 39.044, F.S.; deleting a requirement that certain efforts be made to release a juvenile from custody; revising criteria under which a juvenile may be held in detention prior to a detention hearing; requiring the juvenile's parent or guardian to pay certain fees for the care, support, and maintenance of the juvenile; providing for a reduction or waiver of such fees; requiring the department to seek a federal waiver allowing the garnishment of certain public assistance moneys provided for the care and support of a juvenile who is committed to the department; providing circumstances under which a juvenile may be held in detention care until placement or commitment is accomplished; amending s. 39.0445, F.S.; revising provisions with respect to juvenile domestic violence offenders; amending s. 39.045, F.S.; revising requirements of the court in retaining a juvenile's record; requiring certain interagency agreements with respect to the sharing of a juvenile's criminal history record among agencies; revising requirements of the department in retaining a juvenile's record; authorizing the release of a juvenile's photograph if that juvenile has committed certain offenses; requiring a law enforcement agency to notify school personnel if a juvenile is taken into custody for certain offenses; amending s. 39.046, F.S.; conforming provisions to changes made by the act; amending s. 39.047, F.S.; revising certain procedures for intake and case management for a juvenile taken into custody; requiring the program administrator of the Department of Health and Rehabilitative Services to cooperate with the case manager in providing intake and case management services; revising requirements for the state attorney in filing an information against a juvenile who is charged with a violation of law or delinquent act; authorizing an intake officer to request that a parent or guardian receive certain instruction or parental assistance; creating s. 39.0471, F.S.; requiring the department to establish a juvenile justice assessment center in each service district of the department; amending s. 39.0475, F.S.; authorizing the court to order that a juvenile continue in a urine monitoring program following completion of a delinquency pretrial intervention program; providing requirements for entities that provide such programs; creating s. 39.0476, F.S.; authorizing the court to order that the parent or guardian or a dependent child, a child in need of services, or a delinquent child receive certain parental assistance or instruction; amending s. 39.049, F.S.; providing for the parent or guardian of a juvenile to be taken into custody for failing to obey a summons; creating s. 39.0495, F.S.; prohibiting an employer from dismissing or threatening to dismiss an employee who is summoned to appear; amending s. 39.052, F.S.; deleting an obso-

lete provision; revising requirements for adjudicatory hearings; amending s. 39.053, F.S.; authorizing the court to require that a juvenile undergo urine monitoring as part of a community control program; amending s. 39.054, F.S.; limiting the period of supervision or the duration of a program to which certain juvenile offenders may be sentenced; providing that commitment of a juvenile to the Department of Juvenile Justice is for the purpose of control of the juvenile which includes urine monitoring; increasing the age until which the department maintains custody of a juvenile who has been adjudicated delinquent and committed to the department; authorizing the court to order that the parent or guardian of a juvenile perform community service with the juvenile; authorizing the court to order the parent or guardian of a juvenile to cosign a note in satisfaction of an order of restitution; deleting the limitation on the liability of a parent for his child's criminal acts; authorizing the court to order the parent or guardian of a juvenile to perform community service if the court finds that the parent or guardian did not make certain efforts to prevent the juvenile from engaging in delinquent acts; requiring the juvenile's parent or guardian to pay certain fees for the care, support, and maintenance of the juvenile; providing for a reduction or waiver of such fees; authorizing the department to temporarily release a juvenile committed to the department; providing for the department to revoke a juvenile's temporary release status; amending ss. 39.055, 39.056, F.S., relating to the early delinquency intervention program; conforming provisions to changes made by the act; amending s. 39.057, F.S.; revising criteria under which a juvenile may be placed in a boot camp; providing program requirements for a boot camp operated by the department, a county, or a municipality; requiring minimum periods of participation in the boot camp component and in aftercare according to the restrictiveness level of the boot camp; providing training requirements for the staff of a boot camp; providing certification requirements for instructors of training courses; creating s. 39.0581, F.S.; providing criteria under which the court may commit a juvenile to a maximum-risk residential program; creating s. 39.0584, F.S.; requiring the court to commit a juvenile to a graduated series of commitment programs if the juvenile is adjudicated delinquent for multiple felony offenses; amending s. 39.0585, F.S., relating to information systems; conforming provisions to changes made by the act; requiring the department to notify certain sheriffs of the relocation of a juvenile offender; creating s. 39.0587, F.S.; providing for the transfer of a juvenile's criminal case for trial as an adult; providing circumstances under which the state attorney may file a motion requesting such transfer; providing circumstances under which the state attorney is required to file such motion; providing for sentencing; requiring the state attorney to develop policies and guidelines for filing an information on a juvenile; amending s. 39.059, F.S.; requiring a juvenile's parent or guardian to pay certain fees for the care, support, and maintenance of the juvenile; revising provisions relating to community control or commitment of a juvenile prosecuted as an adult; providing for a reduction or waiver of such fees; revising criteria for determining suitability for imposing adult sanctions; amending s. 39.061, F.S.; providing a penalty for the offense of escaping from being transported to or from a detention facility; amending s. 39.062, F.S., relating to the transfer of juveniles from the Department of Corrections; conforming provisions to changes made by the act; amending s. 39.064, F.S.; authorizing the detention of a juvenile who has escaped from being transported to or from a detention facility; amending s. 39.067, F.S.; providing legislative intent with respect to the provision of reentry and after care services for juvenile offenders; amending s. 39.074, F.S.; providing for a dispute resolution process with respect to siting correctional facilities for juvenile offenders committed to the department; creating s. 39.39, F.S.; defining the term "department" to mean the Department of Health and Rehabilitative Services for purposes of ss. 39.40-39.418, F.S.; reenacting s. 39.402(4), F.S., relating to placement of a juvenile in a shelter, to incorporate the amendment to s. 39.044, F.S., in a reference thereto; creating s. 39.419, F.S.; defining the term "department" to mean the Department of Juvenile Justice for purposes of ss. 39.42-39.447, F.S.; amending s. 39.42, F.S.; revising legislative intent with respect to services provided for families in need of services and children in need of services; conforming provisions to changes made by the act; creating s. 39.449, F.S.; defining the term "department" to mean the Department of Health and Rehabilitative Services for purposes of ss. 39.45-39.456, F.S.; creating s. 39.459, F.S.; defining the term "department" to mean the Department of Health and Rehabilitative Services for purposes of ss. 39.46-39.474, F.S.; amending s. 216.136, F.S., relating to the Juvenile Justice Estimating Conference; conforming provisions to changes made by the act; amending s. 316.635, F.S.; providing that a juvenile who fails to appear as ordered by a court having jurisdiction over traffic violations commits contempt; authorizing the court to place a juvenile in staff-secure shelter for such offense; amending s. 316.655, F.S.;

authorizing the court to order that a juvenile be placed in staff-secure shelter for violating certain traffic laws; authorizing the court to order the Department of Highway Safety and Motor Vehicles to revoke, for specified periods, the driver's license of a juvenile who is convicted of driving under the influence of alcohol or drugs; requiring that a juvenile be temporarily held in custody following such arrest; creating s. 320.08046, F.S.; imposing a surcharge on the motor vehicle license tax; providing for deposit of the proceeds of the surcharge into the General Revenue Fund and the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 397.821, F.S.; conforming a cross-reference to changes made by the act; amending s. 402.181, F.S.; authorizing the Department of Juvenile Justice to make claims against the State Institutions Claims Fund; amending s. 409.146, F.S.; requiring the Department of Health and Rehabilitative Services and the Department of Juvenile Justice to establish a management information system for services and clients; requiring a report; amending s. 768.28, F.S.; providing for specified contractual agents providing services to children in need of services, families in need of services, or juvenile offenders to be considered agents of the state under specified circumstances; amending s. 784.075, F.S., relating to battery on detention or commitment facility staff; providing penalties for battery on such staff persons employed by the Department of Juvenile Justice; amending s. 860.1545, F.S.; providing for the Secretary of Juvenile Justice to be a member of the interagency task force for community juvenile justice partnership grants; amending s. 860.158, F.S.; revising the distribution of funds deposited in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 874.02, F.S.; providing legislative intent with respect to criminal street gangs; amending s. 874.03, F.S.; revising definitions and terminology relating to illegal activity by criminal street gangs; amending s. 874.04, F.S.; providing for reclassifying a penalty for an offense that is part of a pattern of criminal street gang activity; amending s. 874.08, F.S.; providing for seizure as contraband of profits, proceeds, and instrumentalities of criminal activity of criminal street gangs; amending s. 895.02, F.S.; including crimes relating to criminal street gangs within the definition of the term "racketeering activity" for purposes of the Florida RICO Act; providing that a criminal street gang constitutes an enterprise for purposes of such act; reenacting ss. 27.34(1), 655.50(3)(g), 896.101(1)(g), F.S., relating to RICO investigations and unlawful financial transactions, to incorporate the amendment to s. 895.02, F.S., in references thereto; creating ss. 877.20-877.25, F.S.; providing legislative intent with respect to a curfew for juveniles in this state; providing definitions; prohibiting a juvenile from being or remaining in a public place or establishment between certain hours; prohibiting a juvenile under a specified age who has been suspended or expelled from school from being or remaining in a public place, establishment, or school during certain hours; providing for a written warning and a penalty; requiring the law enforcement agency to attempt to contact the parent of a juvenile who violates a curfew; providing that the parent of a juvenile has a legal duty to ensure that the juvenile does not violate a curfew; providing for a written warning and a penalty; providing circumstances under which the curfew does not apply; providing that a curfew does not apply unless adopted by the governing body of a county or municipality; amending s. 943.045, F.S.; defining the term "criminal justice agency" to include the Department of Juvenile Justice for purposes of ss. 943.045-943.08, F.S., relating to criminal history records; amending s. 943.051, F.S.; requiring that the fingerprints of a minor who is charged with or found to have committed certain offenses be submitted to the Department of Law Enforcement; creating s. 943.0515, F.S.; providing for retaining the criminal history record of a minor for specified periods of time depending on whether the minor is classified as a serious or habitual juvenile offender under ch. 39, F.S.; providing circumstances under which an offender's criminal history record as a minor is merged with the offender's record as an adult; amending s. 943.052, F.S.; providing that the clerks of the court are required to report the dispositions relating to adult offenders only; requiring the Department of Juvenile Justice to submit information to the Division of Criminal Justice Information Systems of the Department of Law Enforcement relating to the receipt or discharge of minors found to have committed certain specified offenses; amending s. 943.053, F.S.; requiring that the division provide a minor's criminal history record to a criminal justice agency for criminal justice purposes; requiring that the division provide a minor's criminal history record to certain governmental agencies for purposes of screening an applicant for employment or licensing; requiring that the division provide a minor's criminal history record to a school principal upon request; amending s. 943.056, F.S.; providing requirements for releasing a copy of a minor's criminal history record to the minor or his parent or legal guardian; amending s. 943.0581, F.S.; providing for the nonjudicial expunction of the arrest record of a minor; amending s. 943.0585, F.S.; providing circumstances under which the court may

order the expunction of a minor's criminal history record; providing certain exceptions; amending s. 943.059, F.S., relating to the sealing of criminal history records; conforming provisions to changes made by the act; amending s. 958.021, F.S.; revising legislative intent with respect to youthful offenders; amending s. 958.03, F.S.; revising definitions; amending s. 958.04, F.S.; revising provisions with respect to judicial disposition of youthful offenders; creating s. 958.045, F.S.; providing for a basic training program for youthful offenders; prescribing a minimum length of stay in the program; providing responsibilities and rulemaking authority of the Department of Corrections with respect to the youthful offender program; providing for initial educational and substance abuse assessment of program participants and progress evaluations; prescribing departmental authority and disciplinary sanctions with respect to unmanageable offenders; providing for a community residential program and alternative post-release programs and plans; providing for certain reports by the department to the Legislature; providing for use of a certain facility for the community residential facility; repealing s. 958.04(4), F.S., relating to the basic training program for youthful offenders; amending s. 958.07, F.S.; providing for comprehensive presentence reports on youthful offenders; amending s. 958.09, F.S.; revising provisions relating to extension of limits of confinement of youthful offenders; amending s. 958.11, F.S.; revising guidelines and prescribing responsibilities of the Office of the Assistant Secretary for Youthful Offenders relating to youthful offender assignments; amending s. 958.12, F.S.; providing for mandatory participation of youthful offenders in specified programs; providing for comprehensive transition and postrelease plans for youthful offenders; repealing s. 958.19, F.S., relating to the Youth Corrections Program; creating provisions for correctional facilities for youthful offenders, and providing responsibilities related thereto of the Correctional Privatization Commission; providing for establishment of an Alternative Education Institute for the purpose of contracting with a private provider for alternative education programs in residential school facilities; providing for membership of the institute; providing duties of the institute; requiring the Department of Corrections and each county to develop programs under which judges may order that certain juveniles be allowed to tour correctional facilities; requiring the Advisory Council on Intergovernmental Relations to study the impact of the act on local governments; requiring a report; creating the Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes; providing for appointment of members; providing responsibilities and report requirements; providing for a task force to optimize funding under certain specified federal programs and to analyze opportunities for increasing state participation in such programs; requiring a report; authorizing certain simulated matching programs; providing criteria and application procedures; requiring reports; requiring the Economic and Demographic Research Division of the Joint Legislative Management Committee to study the feasibility of creating a schedule for use by the courts in ordering that support be paid to the Department of Juvenile Justice for a juvenile committed to the department; requiring a report; requiring the Department of Juvenile Justice, the Department of Education, and the Department of Labor and Employment Security to study the feasibility of establishing an educational job training and placement program for juvenile offenders; requiring a report; providing legislative intent with respect to transferring certain provisions from ch. 39, F.S., relating to the Department of Juvenile Justice; providing appropriations; authorizing the Governor to transfer vacant positions from the Department of Health and Rehabilitative Services to the Department of Juvenile Justice; requiring the Department of Education to develop a state plan for the Chapter I program; prohibiting a school district from reporting for funding any kindergarten students unless the district has collected the key data elements for the first state education goal; amending s. 230.2305, F.S.; providing that school boards are encouraged to provide a plan that explains the role of the prekindergarten early intervention program in meeting the first state education goal; revising the membership of the district interagency coordinating councils; amending s. 411.222, F.S.; providing for parenting workshops, subject to appropriation, to be provided by the Office of Prevention, Early Assistance, and Child Development of the Department of Health and Rehabilitative Services; establishing the role of the State Coordinating Council for Early Childhood Services to coordinate agency activities to enable school districts to meet the first state education goal, readiness to start school; amending s. 402.3026, F.S.; providing for counseling services at full-service schools for children at high risk for delinquent behavior and their parents; amending s. 402.45, F.S.; providing for community resource mother and father programs to provide specified assistance to children at high risk for delinquency and their parents; amending s. 409.802, F.S.; providing legislative intent for enhanced parental responsibility with respect to the Family Policy Act; amending

s. 415.516, F.S.; revising the goals of the Family Builders Program; amending s. 230.2316, F.S.; revising provisions in the Dropout Prevention Act; creating s. 230.23166, F.S.; providing for establishment of teenage parent programs by district school boards; amending s. 236.081, F.S.; revising provisions relating to school funding of special programs; amending ss. 229.592, 232.01, 234.01, 236.013, 236.083, F.S.; revising cross references or providing conforming language to conform to specified provisions relating to school funding; providing for contingent repeal of s. 230.2316(4)(b), F.S., relating to teenage parent programs; amending s. 228.041, F.S.; revising the definition of the term "suspension" with respect to the Florida School Code; amending ss. 230.23, 230.33, 232.26, F.S.; revising powers and duties of school boards, superintendents, and principals, respectively; requiring district school superintendents to cooperate with the district administrator of the Department of Health and Rehabilitative Services and administrators of local public and private agencies to meet the first state education goal; revising guidelines for suspensions and expulsions of students; requiring school districts to cooperate with other agencies to prepare children and families for children's success in school; creating s. 230.2301, F.S.; providing for assistance to parents or guardians during specified parent-teacher conferences; amending s. 230.335, F.S.; providing requirements relating to notification of superintendents of schools of certain charges against or convictions of employees or students; creating s. 232.258, F.S.; providing for the School and Community Resource Grant Program; amending s. 233.0615, F.S.; providing for a character development and law education program; amending s. 232.19, F.S.; deleting the requirements that school districts provide educational evaluation and the services of a school social worker before initiating a petition to declare a habitual truant as a child in need of services; amending s. 231.17, F.S.; providing requirements for teacher certification; amending s. 231.24, F.S.; authorizing the use of certain training programs for renewal of teaching certificates; amending s. 236.0811, F.S.; providing requirements for school district master plans for the inservice training of teachers; requiring the Commissioner of Education to study and make recommendations with respect to school discipline; requiring a report; providing an appropriation; providing for severability; providing effective dates.

WHEREAS, the state's juvenile crime problem has ramifications far beyond the juvenile justice system and affects the health and integrity of the state's business, community, education, and family institutions, and

WHEREAS, the state must therefore employ a comprehensive strategy to address the problem of juvenile crime if the problem is to be effectively solved, and

WHEREAS, such a strategy demands comprehensive, systemic, and systematic legislation that addresses all aspects of the state's juvenile crime problem in order to avoid the fragmentation and poor planning that have compromised efforts in the past, and

WHEREAS, the integrated statutory scheme must address, at a minimum, the following issues: the philosophy of juvenile justice in the state; the administrative structure of the juvenile justice system; dependency and delinquency prevention and intervention; education and school safety, including curricula, truancy, dropout-prevention, suspension and expulsion, and alternative schools; the need for enhancing the youthful offender program of the Department of Corrections; the need for an enhanced role for the Privatization Commission; the methods of handling juvenile offenders, including the need for secure beds; the need to enhance law enforcement's effectiveness against juvenile criminal street gangs; the need to enhance judges' effectiveness in enforcing their contempt powers; the need to test innovative new programs while maintaining the flexibility to eliminate programs that are ineffective and to enhance programs that are successful; the need to monitor program quality and track recidivism of juvenile offenders; the need for standards and training that will enhance the professionalism of juvenile justice personnel; and the need to maximize federal matching funds, establish alternative residential schools and juvenile sex-offender programs, and provide a continuum of secure detention alternatives, NOW, THEREFORE,

The Conference Committee Report was read and on motion by Senator Siegel was adopted. CS for CS for SB 68 and CS for SB's 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 and 1400; and CS for SB 2016 passed as recommended and were certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38 Nays—None

RECESS

On motion by Senator Kirkpatrick, the Senate recessed at 3:00 p.m. to reconvene upon call of the President, but no earlier than 4:30 p.m.

CALL TO ORDER

The Senate was called to order by the President at 5:33 p.m. A quorum present—40:

President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

LOCAL BILLS

MOTIONS

On motions by Senator Kirkpatrick, by two-thirds vote, the following local bills were considered outside the extended call: **House Bills 587, 2291 and 1355.**

On motions by Senator Brown-Waite, by two-thirds vote—

HB 587—A bill to be entitled An act releasing a reversionary interest of the state in certain lands in Hernando County; repealing s. 1(4), ch. 76-254, Laws of Florida, which provided for a reverter to the state in 10 acres of land directed to be conveyed to the Guidance Center of Hernando County for use as a permanent facility; directing the Board of Trustees of the Internal Improvement Trust Fund to release the reversionary interest; providing restrictions on sale of the property after default to a lending institution; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

On motions by Senator Myers, by two-thirds vote—

HB 2291—A bill to be entitled An act relating to St. Lucie County; amending chapter 89-475, Laws of Florida; providing nonprobationary status for certain employees of the St. Lucie County Sheriff; specifying rights of such employees; providing procedures for appeal of disciplinary actions and complaints against employees of the sheriff; providing for appointment of boards to hear appeals and procedures with respect thereto; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

HB 1355—A bill to be entitled An act relating to the Acme Improvement District, Palm Beach County; providing for the giving of notice of the filing of a petition to amend the district's water management plans; providing for the giving of notice of the filing of the report of the commissioners for the district's water management plans; providing for alternate methods of amending plans in addition to the provisions of chapter 298, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 1355** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

MOTIONS

On motions by Senator Kirkpatrick, by two-thirds vote CS for CS for SB 1350, together with the House Message, and CS for CS for SB 3060 were placed on the Special and Continuing Order Calendar.

SPECIAL AND CONTINUING ORDER

RETURNING MESSAGE ON CS FOR CS FOR SB 1350

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for CS for SB 1350 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1350—A bill to be entitled An act relating to Everglades restoration; amending s. 373.4592, F.S.; providing legislative findings and intent with respect to restoring the Everglades; providing definitions; exempting the Everglades Protection Area and the Everglades Agricultural Area from the Everglades SWIM Plan during the term of the Everglades Program; providing that the district is not prohibited from adopting a SWIM for Florida Bay and C-111 Basin; deleting provisions requiring the adoption of an Everglades SWIM Plan directing the South Florida Water Management District to implement the Everglades Construction Project; limiting ad valorem expenditures in the Okeechobee Basin for the project; providing a preference for displaced workers; providing milestones for completion of the project; requiring the district to improve the hydroperiod of the Everglades Protection Area; reducing wasteful discharge to tide and requiring water conservation and reuse; requiring a specified increased flow to the Everglades Protection Area; requiring the district to develop a model for quantifying the amount of water to be replaced; requiring coordination with the Federal Government; removing certain tracts from STA 3/4; requiring a monitoring program to evaluate effectiveness of the stormwater treatment areas and best management practices for these areas; requiring the district to submit certain reports to the Governor and Legislature; requiring the Department of Environmental Protection and the district to determine long-term water quality standards and criteria; providing for evaluation of water quality standards; providing for permittees in compliance with best-management practices permit conditions to be exempted from other water-quality improvement measures until December 31, 2006; providing exceptions; providing for water-supply and hydroperiod improvement; providing that certain landowners may not exceed a specified phosphorous loading; requiring the department and the district to implement a water-quality monitoring program; requiring the implementation of BMP's for certain areas; requiring monitoring and control of exotic species; providing for farmers adversely impacted by land acquisition to have priority in leasing state and water management district lands; providing for a specified lease renewal by the Department of Corrections; providing for an Everglades agricultural privilege tax and a C-139 agricultural privilege tax; providing for tax deferments; requiring the Department of Agriculture and Consumer Services to prepare a report; providing procedures for challenging these taxes; providing for special assessments; deleting provisions providing for the creation of stormwater utilities; allowing the district to levy special assessments within stormwater management system benefit areas; allowing the district to begin construction and operation of the Everglades Construction Project prior to receiving a department permit; requiring the district to apply for a permit to construct, operate, and maintain the Everglades Construction Project; authorizing stormwater-treatment-area discharges into the Everglades Protection Area under certain conditions; allowing the district to apply for permit modifications; providing criteria for stormwater-treatment-area compliance; providing for long-term compliance permits; requiring the district to submit to the department certain permit modifications; specifying what the permit application must include; providing that certain water-quality standards are not altered; providing that certain relief mechanisms may not be granted for certain discharges except under certain circumstances; providing that certain landowners or permittees must meet a specified phosphorous-discharge limit; preserving the rights of the Seminole Tribe of Florida under the Water Rights Compact; directing the district to establish an Everglades Fund; providing uses for the fund; amending s. 298.22, F.S.; authorizing the condemnation or acquisition of land to implement s. 373.4592, F.S.; continuing the collection of tolls on Alligator Alley; providing uses for tolls; authorizing the South Florida Water Man-

agement District to issue revenue bonds or notes using toll revenues as security; providing uses for the proceeds from said lands or notes; amending s. 338.165, F.S.; authorizing the Department of Transportation to request the issuance of bonds secured by toll revenues collected on Alligator Alley to fund specified transportation projects; creating s. 373.4593, F.S.; providing legislative intent regarding the restoration of the Florida Bay; directing the district to implement an emergency interim plan; providing elements of said plan; authorizing the South Florida Water Management District to acquire specified lands by eminent domain; directing the district to take certain actions to promote the restoration of the Florida Bay; waiving certain permit requirements; authorizing the acquisition of certain lands needed to restore the historical hydrology of Florida Bay using funds from the Conservation and Recreation Lands Trust Fund; allocating not more than \$25 million in said funds to be used by the South Florida Water Management District for said purpose; repealing s. 1 of ch. 91-80, Laws of Florida, which prescribes a short title for ch. 91-80, Laws of Florida; providing an appropriation; providing an effective date.

House Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Section 373.4592, Florida Statutes, is amended to read:

373.4592 Everglades improvement and management.—

(1) FINDINGS AND INTENT.—

(a) The Legislature finds that the Everglades ecological system not only contributes to South Florida's water supply, flood control, and recreation, but serves as the habitat for diverse species of wildlife and plant life. The system is unique in the world and one of Florida's great treasures. *The Everglades ecological system is endangered as a result of adverse changes in water quality, and in the quantity, distribution, and timing of flows, and, therefore, must be restored and protected.*

(b) *The Legislature finds that, although the district and the department have developed plans and programs for the improvement and management of the surface waters tributary to the Everglades Protection Area, implementation of those plans and programs has not been as timely as is necessary to restore and protect unique flora and fauna of the Everglades, including the Everglades National Park and the Arthur R. Marshall Loxahatchee National Wildlife Refuge. Therefore, the Legislature determines that an appropriate method to proceed with Everglades restoration and protection is to authorize the district to proceed expeditiously with implementation of the Everglades Program.*

(c) *The Legislature finds that, in the last decade, people have come to realize the tremendous cost the alteration of natural systems has exacted on the region. The Statement of Principles of July 1993 among the Federal Government, the South Florida Water Management District, the Department of Environmental Protection, and certain agricultural industry representatives formed a basis to bring to a close 5 years of costly litigation. That agreement should be used to begin the cleanup and renewal of the Everglades ecosystem.*

(d) *It is the intent of the Legislature to promote Everglades restoration and protection through certain legislative findings and determinations. The Legislature finds that waters flowing into the Everglades Protection Area contain excessive levels of phosphorus. A reduction in levels of phosphorus will benefit the ecology of the Everglades Protection Area.*

(e) *It is the intent of the Legislature to pursue comprehensive and innovative solutions to issues of water quality, water quantity, hydroperiod, and invasion of exotic species which face the Everglades ecosystem. The Legislature recognizes that the Everglades ecosystem must be restored both in terms of water quality and water quantity and must be preserved and protected in a manner that is long term and comprehensive. The Legislature further recognizes that the EAA and adjacent areas provide a base for an agricultural industry, which in turn provides important products, jobs, and income regionally and nationally. It is the intent of the Legislature to preserve natural values in the Everglades while also maintaining the quality of life for all residents of South Florida, including those in agriculture, and to minimize the impact on South Florida jobs, including agricultural, tourism, and natural resource-related jobs, all of which contribute to a robust regional economy.*

(f) *The Legislature finds that improved water supply and hydroperiod management are crucial elements to overall revitalization*

of the Everglades ecosystem, including Florida Bay. It is the intent of the Legislature to expedite plans and programs for improving water quantity reaching the Everglades, correcting long-standing hydroperiod problems, increasing the total quantity of water flowing through the system, providing water supply for the Everglades National Park, urban and agricultural areas, and Florida Bay, and replacing water previously available from the coastal ridge in areas of southern Dade County. Whenever possible, wasteful discharges of fresh water to tide shall be reduced, and the water shall be stored for delivery at more optimum times. Additionally, reuse and conservation measures shall be implemented consistent with law. The Legislature further recognizes that additional water storage may be an appropriate use of Lake Okeechobee.

(g) The Legislature finds that the Statement of Principles of July 1993, the Everglades Construction Project, and the regulatory requirements of this section provide a sound basis for the state's long-term cleanup and restoration objectives for the Everglades. It is the intent of the Legislature to provide a sufficient period of time for construction, testing, and research, so that the benefits of the Everglades Construction Project will be determined and maximized prior to requiring additional measures. The Legislature finds that STAs and BMPs are currently the best available technology for achieving the interim water quality goals of the Everglades Program. A combined program of agricultural BMPs, STAs, and requirements of this section is a reasonable method of achieving interim total phosphorus discharge reductions. The Everglades Program is an appropriate foundation on which to build a long-term program to ultimately achieve restoration and protection of the Everglades Protection Area.

(h) The Everglades Construction Project represents by far the largest environmental cleanup and restoration program of this type ever undertaken, and the returns from substantial public and private investment must be maximized so that available resources are managed responsibly. To that end, the Legislature directs that the Everglades Construction Project and regulatory requirements associated with the Statement of Principles of July 1993 be pursued expeditiously, but with flexibility, so that superior technology may be utilized when available. Consistent with the implementation of the Everglades Construction Project, landowners shall be provided the maximum opportunity to provide treatment on their land.

(b) The Legislature further recognizes the efforts of the South Florida Water Management District to implement a comprehensive plan pursuant to the Surface Water Improvement and Management Act which will provide strategies, programs, and projects for the restoration and protection of water quality in the Everglades. The Legislature does not intend by this section to limit the authority of the district in the implementation of such plan.

(c) It is the intent of the Legislature to facilitate the surface water improvement and management process, to assist the district and the Department of Environmental Regulation in the performance of their duties and responsibilities, and to provide funding mechanisms which will contribute to the implementation of the strategies incorporated in the Everglades Surface Water Improvement and Management Plan or contribute to projects or facilities determined necessary to meet water quality requirements established by rulemaking or permit proceedings.

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

(a) "Best management practice" or "BMP" means a practice or combination of practices determined by the district, in cooperation with the department, based on research, field-testing, and expert review, to be the most effective and practicable, including economic and technological considerations, on-farm means of improving water quality in agricultural discharges to a level that balances water quality improvements and agricultural productivity.

(b) "C-139 Basin" or "Basin" means those lands described in subsection (16)

(c) "Department" means the Florida Department of Environmental Protection.

(d)(a) "District" means the South Florida Water Management District.

(e)(b) "Everglades Agricultural Area" or "EAA" means the Everglades Agricultural Area, which are those lands described in subsection

(15). shall have the meaning set forth in the Everglades Surface Water Improvement and Management Plan or interim permit issued pursuant to subsection (6).

(f) "Everglades Construction Project" means the project described in the February 15, 1994, conceptual design document together with construction and operation schedules on file with the South Florida Water Management District, except as modified by this section.

(g) "Everglades Program" means the program of projects, regulations, and research provided by this section, including the Everglades Construction Project.

(h)(e) "Everglades Protection Area" means Water Conservation Areas 1, 2A, 2B, 3A, and 3B, the Arthur R. Marshall Loxahatchee National Wildlife Refuge, and the Everglades National Park.

(i)(d) "Master permit" means a single permit issued to a legally responsible entity defined by rule, authorizing the construction, alteration, maintenance, or operation of multiple stormwater management systems that which may be owned or operated by different persons and which provides an opportunity to achieve collective compliance with applicable department and district rules and the provisions of this section.

(j) "Phosphorus criterion" means a numeric interpretation for phosphorus of the Class III narrative nutrient criterion.

(e) "Plan" shall, except as otherwise indicated, refer to the Everglades Surface Water Improvement and Management Plan adopted by the South Florida Water Management District, as amended from time to time.

(k)(f) "Stormwater management program" shall have the meaning set forth in s. 403.031(15).

(l) "Stormwater treatment areas" or "STAs" means those treatment areas described and depicted in the district's conceptual design document of February 15, 1994, and any modifications as provided in this section.

(g) "Stormwater utility" shall have the meaning set forth in s. 403.031(17).

(3) EVERGLADES ADOPTION OF SWIM PLAN.—The Legislature finds that the Everglades Program required by this section establishes more extensive and comprehensive requirements for surface water improvement and management within the Everglades than the SWIM plan requirements provided in ss. 373.451-373.456. In order to avoid duplicative requirements, and in order to conserve the resources available to the district, the SWIM plan requirements of those sections shall not apply to the Everglades Protection Area and the EAA during the term of the Everglades Program, and the district will neither propose, nor take final agency action on, any Everglades SWIM plan for those areas until the Everglades Program is fully implemented; however, funds under s. 259.101(3)(b) may be used for acquisition of lands necessary to implement the Everglades Construction Project. The district's actions in implementing the Everglades Construction Project relating to the responsibilities of the EAA and C-139 Basin for funding and water quality compliance in the EAA and the Everglades Protection Area shall be governed by this section. Other strategies or activities in the March 1992 SWIM plan may be implemented if otherwise authorized by law.

(a) The district shall adopt the Everglades Surface Water Improvement and Management Plan pursuant to the provisions of ss. 373.451-373.456. In addition to the criteria contained in s. 373.453, the plan shall include:

1. Strategies for developing programs and projects designed to bring facilities into compliance with applicable water quality standards and restore the Everglades hydroperiod, including the identification and acquisition of lands for the purpose of water treatment or implementation of stormwater management systems, the development of funding mechanisms, and the development of a permitting system for discharges into waters managed by the district.

2. Specific goals for stormwater management systems funded pursuant to subsection (5) and a periodic evaluation process to determine whether such goals are being achieved.

3. Strategies for establishing monitoring protocols to ensure the accuracy of data.

4. Strategies for establishing research programs to measure program and project effectiveness.

(b) ~~The plan shall not be reviewable as a rule under s. 120.54 or s. 120.56. However, the final agency action of the governing board of the district under s. 373.456(4) or (5)(b) shall constitute an order of the district subject to review as provided in s. 373.456(5)(b). The order shall also be subject to the provisions of s. 120.57. If a provision of the plan is to be implemented through permits for which there is no existing rule requirement, the district shall engage in rulemaking procedures pursuant to chapter 120 for the adoption of the requirement. To the extent feasible, any review proceeding under chapter 373 or any administrative proceeding under s. 120.57, with respect to a challenge to the plan, shall be expedited and shall be consolidated with any pending review proceedings relating to an interim permit issued pursuant to subsection (6).~~

(c) ~~This section shall not be construed to prohibit the district prior to approval of the plan from pursuing interim permits pursuant to subsection (6) or from engaging in restoration or protection measures, including the acquisition, construction, or operation of the Everglades Nutrient Removal Project or the project referred to as Water Management Area 3, as identified in the September 28, 1990, draft of the Everglades Surface Water Improvement and Management Plan. The department may release funds under ss. 373.451-373.456 for such projects.~~

(4) EVERGLADES PROGRAM.—

(a) *Everglades Construction Project.*—The district shall implement the Everglades Construction Project. By the time of completion of the project, the state, district, or other governmental authority shall purchase the inholdings in the Rotenberger and such other lands necessary to achieve a 2:1 mitigation ratio for the use of Brown's Farm and other similar lands, including those needed for the STA 1 Inflow and Distribution Works. The inclusion of public lands as part of the project is for the purpose of treating waters not coming from the EAA for hydroperiod restoration. It is the intent of the Legislature that the district aggressively pursue the implementation of the Everglades Construction Project in accordance with the schedule in this subsection. The Legislature recognizes that adherence to the schedule is dependent upon factors beyond the control of the district, including the timely receipt of funds from all contributors. The district shall take all reasonable measures to complete timely performance of the schedule in this section in order to finish the Everglades Construction Project. The district shall not delay implementation of the project beyond the time delay caused by those circumstances and conditions that prevent timely performance. The district shall not levy ad valorem taxes in excess of 0.1 mill within the Okeechobee Basin for the purposes of the design, construction and acquisition of the Everglades Construction Project. The ad valorem tax proceeds not exceeding 0.1 mill levied within the Okeechobee Basin for such purposes shall be the sole direct district contribution from district ad valorem taxes appropriated or expended for the design, construction and acquisition of the Everglades Construction Project unless the Legislature by specific amendment to this section increases the 0.1 mill ad valorem tax contribution, increases the agricultural privilege taxes, or otherwise reallocates the relative contribution by ad valorem taxpayers and taxpayers paying the agricultural privilege taxes toward the funding of the design, construction and acquisition of the Everglades Construction Project. Once the STAs are completed, the district shall allow these areas to be used by the public for recreational purposes in the manner set forth in s. 373.59(10), considering the suitability of these lands for such uses. These lands shall be made available for recreational use unless the district governing board can demonstrate that such uses are incompatible with the restoration goals of the Everglades Construction Project or the water quality and hydrological purposes of the STAs or would otherwise adversely impact the implementation of the project. The district shall give preferential consideration to the hiring of agricultural workers displaced as a result of the Everglades Construction Project, consistent with their qualifications and abilities, for the construction and operation of these STAs. The following milestones apply to the completion of the Everglades Construction Project as depicted in the February 15, 1994, conceptual design document:

1. The district must complete the final design of the STA 1 East and West and pursue STA 1 East project components as part of a cost-shared program with the Federal Government. The district must be the

local sponsor of the federal project that will include STA 1 East, and STA 1 West if so authorized by federal law. Land acquisition shall be completed for STA 1 West by April 1, 1996, and for STA 1 East by July 1, 1998;

2. Construction of STA 1 East is to be completed under the direction of the United States Army Corps of Engineers in conjunction with the currently authorized C-51 flood control project by July 1, 2002;

3. The district must complete construction of STA 1 West and STA 1 Inflow and Distribution Works under the direction of the United States Army Corps of Engineers, if the direction is authorized under federal law, in conjunction with the currently authorized C-51 flood control project, by January 1, 1999;

4. The district must complete construction of STA 2 by February 1, 1999;

5. The district must complete construction of STA 3/4 by October 1, 2003;

6. The district must complete construction of STA 5 by January 1, 1999; and

7. The district must complete construction of STA 6 by October 1, 1997.

8. East Beach Water Control District, South Shore Drainage District, South Florida Conservancy District, East Shore Water Control District, and the lessee of agricultural lease number 3420 shall complete any system modifications described in the Everglades Construction Project to the extent that funds are available from the Everglades Fund. These entities shall divert the discharges described within the Everglades Construction Project within 60 days of completion of construction of the appropriate STA. Such required modifications shall be deemed to be a part of each district's plan of reclamation pursuant to chapter 298.

(b) *Everglades water supply and hydroperiod improvement and restoration.*—

1. A comprehensive program to revitalize the Everglades shall include programs and projects to improve the water quantity reaching the Everglades Protection Area at optimum times and improve hydroperiod deficiencies in the Everglades ecosystem. To the greatest extent possible, wasteful discharges of fresh water to tide shall be reduced, and water conservation practices and reuse measures shall be implemented by water users, consistent with law. Water supply management must include improvement of water quantity reaching the Everglades, correction of long-standing hydroperiod problems, and an increase in the total quantity of water flowing through the system. Water supply management must provide water supply for the Everglades National Park, the urban and agricultural areas, and the Florida Bay and must replace water previously available from the coastal ridge areas of southern Dade County. The Everglades Construction Project redirects some water currently lost to tide. It is an important first step in completing hydroperiod improvement.

2. The district shall operate the Everglades Construction Project as specified in the February 15, 1994, conceptual design document, to provide additional inflows to the Everglades Protection Area. The increased flow from the project shall be directed to the Everglades Protection Area as needed to achieve an average annual increase of 28 percent compared to the baseline years of 1979 to 1988. Consistent with the design of the Everglades Construction Project and without demonstratively reducing water quality benefits, the regulatory releases will be timed and distributed to the Everglades Protection Area to maximize environmental benefits.

3. The district shall operate the Everglades Construction Project in accordance with the February 15, 1994, conceptual design document to maximize the water quantity benefits and improve the hydroperiod of the Everglades Protection Area. All reductions of flow to the Everglades Protection Area from BMP implementation will be replaced. The district shall develop a model to be used for quantifying the amount of water to be replaced. The district shall publish in the Florida Administrative Weekly a notice of rule development on the model no later than July 1, 1994, and a notice of rulemaking no later than July 1, 1995. The timing and distribution of this replaced water will be directed to the Everglades Protection Area to maximize the natural balance of the Everglades Protection Area.

4. The Legislature recognizes the complexity of the Everglades watershed, as well as legal mandates under Florida and federal law. As local sponsor of the Central and Southern Florida Flood Control Project, the district must coordinate its water supply and hydroperiod programs with the Federal Government. Federal planning, research, operating guidelines, and restrictions for the Central and Southern Florida Flood Control Project now under review by federal agencies will provide important components of the district's Everglades Program. The department and district shall use their best efforts to seek the amendment of the authorized purposes of the project to include water quality protection, hydroperiod restoration, and environmental enhancement as authorized purposes of the Central and Southern Florida Flood Control Project, in addition to the existing purposes of water supply, flood protection, and allied purposes. Further, the department and the district shall use their best efforts to request that the Federal Government include in the evaluation of the regulation schedule for Lake Okeechobee a review of the regulatory releases, so as to facilitate releases of water into the Everglades Protection Area which further improve hydroperiod restoration.

5. The district, through cooperation with the federal and state agencies, shall develop other programs and methods to increase the water flow and improve the hydroperiod of the Everglades Protection Area.

6. Nothing in this section is intended to provide an allocation or reservation of water or to modify the provisions of part II of chapter 373. All decisions regarding allocations and reservations of water shall be governed by applicable law.

7. The district shall proceed to expeditiously implement the minimum flows and levels for the Everglades Protection Area as required by s. 373.042 and shall expeditiously complete the Lower East Coast Water Supply Plan.

(c) *STA 3/4 modification.*—The Everglades Program will contribute to the restoration of the Rotenberger and Holey Land tracts. The Everglades Construction Project provides a first step toward restoration by improving hydroperiod with treated water for the Rotenberger tract and by providing a source of treated water for the Holey Land. It is further the intent of the Legislature that the easternmost tract of the Holey Land, known as the "Toe of the Boot," be removed from STA 3/4 under the circumstances set forth in this paragraph. The district shall proceed to modify the Everglades Construction Project, provided that the redesign achieves at least as many environmental and hydrological benefits as are included in the original design, including treatment of waters from sources other than the EAA, and does not delay construction of STA 3/4. The district is authorized to use eminent domain to acquire alternative lands, only if such lands are located within 1 mile of the northern border of STA 3/4.

(d) *Everglades research and monitoring program.*—

1. By January 1996, the department and the district shall review and evaluate available water quality data for the Everglades Protection Area and tributary waters and identify any additional information necessary to adequately describe water quality in the Everglades Protection Area and tributary waters. By such date, the department and the district shall also initiate a research and monitoring program to generate such additional information identified and to evaluate the effectiveness of the BMPs and STAs, as they are implemented, in improving water quality and maintaining designated and existing beneficial uses of the Everglades Protection Area and tributary waters. As part of the program, the district shall monitor all discharges into the Everglades Protection Area for purposes of determining compliance with state water quality standards.

2. The research and monitoring program shall evaluate the ecological and hydrological needs of the Everglades Protection Area, including the minimum flows and levels. Consistent with such needs, the program shall also evaluate water quality standards for the Everglades Protection Area and for the canals of the EAA, so that these canals can be classified in the manner set forth in paragraph (e) and protected as an integral part of the water management system which includes the STAs of the Everglades Construction Project and allows landowners in the EAA to achieve applicable water quality standards compliance by BMPs and STA treatment to the extent this treatment is available and effective.

3. The research and monitoring program shall include research seeking to optimize the design and operation of the STAs, including

research to reduce outflow concentrations, and to identify other treatment and management methods and regulatory programs that are superior to STAs in achieving the intent and purposes of this section.

4. The research and monitoring program shall be conducted to allow completion by December 2001 of any research necessary to allow the department to propose a phosphorus criterion in the Everglades Protection Area, and to evaluate existing state water quality standards applicable to the Everglades Protection Area and existing state water quality standards and classifications applicable to the EAA canals. In developing the phosphorus criterion, the department shall also consider the minimum flows and levels for the Everglades Protection Area and the district's water supply plans for the Lower East Coast.

5. The district, in cooperation with the department, shall prepare a peer-reviewed interim report regarding the research and monitoring program, which shall be submitted no later than January 1, 1999, to the Governor, the President of the Senate, and the Speaker of the House of Representatives for their review. The interim report shall summarize all data and findings available as of July 1, 1998, on the effectiveness of STAs and BMPs in improving water quality. The interim report shall also include a summary of the then-available data and findings related to the following: the Lower East Coast Water Supply Plan of the district, the United States Environmental Protection Agency Everglades Mercury Study, the United States Army Corps of Engineers South Florida Ecosystem Restoration Study, the results of research and monitoring of water quality and quantity in the Everglades region, the degree of phosphorus discharge reductions achieved by BMPs and agricultural operations in the region, the current information on the ecological and hydrological needs of the Everglades, and the costs and benefits of phosphorus reduction alternatives. Prior to finalizing the interim report, the district shall conduct at least one scientific workshop and two public hearings on its proposed interim report. One public hearing must be held in Palm Beach County and the other must be held in either Dade or Broward County. The interim report shall be used by the department and the district in making any decisions regarding the implementation of the Everglades Construction Project subsequent to the completion of the interim report. The construction of STAs 3/4 shall not be commenced until 90 days after the interim report has been submitted to the Governor and the Legislature.

6. Beginning January 1, 2000, the district and the department shall annually issue a peer-reviewed report regarding the research and monitoring program that summarizes all data and findings. The department shall provide copies of the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall identify water quality parameters, in addition to phosphorus, which exceed state water quality standards or are causing or contributing to adverse impacts in the Everglades Protection Area.

7. The district shall continue research seeking to optimize the design and operation of STAs and to identify other treatment and management methods that are superior to STAs in achieving optimum water quality and water quantity for the benefit of the Everglades. The district shall optimize the design and operation of the STAs described in the Everglades Construction Project prior to expanding their size. Additional methods to achieve compliance with water quality standards shall not be limited to more intensive management of the STAs.

(e) *Evaluation of water quality standards.*—

1. The department and the district shall employ all means practicable to complete by December 31, 1998, any additional research necessary to:

a. Numerically interpret for phosphorus the Class III narrative nutrient criterion necessary to meet water quality standards in the Everglades Protection Area; and

b. Evaluate existing water quality standards applicable to the Everglades Protection Area and EAA canals.

This research shall be completed no later than December 31, 2001.

2. By December 31, 2001, the department shall file a notice of rule-making in the Florida Administrative Weekly to establish a phosphorus criterion in the Everglades Protection Area. In no case shall such phosphorus criterion allow waters in the Everglades Protection Area to be altered so as to cause an imbalance in the natural populations of aquatic flora or fauna. The phosphorus criterion shall be 10 parts per

billion (ppb) in the Everglades Protection Area in the event the department does not adopt by rule such criterion by December 31, 2003. However, in the event the department fails to adopt a phosphorus criterion on or before December 31, 2002, any person whose substantial interests would be affected by the rulemaking shall have the right, on or before February 28, 2003, to petition for a writ of mandamus to compel the department to adopt by rule such criterion. Venue for the mandamus action must be Leon County. The court may stay implementation of the 10 parts per billion (ppb) criterion during the pendency of the mandamus proceeding upon a demonstration by the petitioner of irreparable harm in the absence of such relief. The department's phosphorus criterion, whenever adopted, shall supersede the 10 parts per billion (ppb) criterion otherwise established by this section, but shall not be lower than the natural conditions of the Everglades Protection Area and shall take into account spatial and temporal variability.

3. The department shall use the best available information to define relationships between waters discharged to, and the resulting water quality in, the Everglades Protection Area. The department or the district shall use these relationships to establish discharge limits in permits for discharges into the EAA canals and the Everglades Protection Area necessary to prevent an imbalance in the natural populations of aquatic flora or fauna in the Everglades Protection Area, and to provide a net improvement in the areas already impacted. Compliance with the phosphorus criterion shall be based upon a long-term geometric mean of concentration levels to be measured at sampling stations recognized from the research to be reasonably representative of receiving waters in the Everglades Protection Area, and so located so as to assure that the Everglades Protection Area is not altered so as to cause an imbalance in natural populations of aquatic flora and fauna and to assure a net improvement in the areas already impacted. For the Everglades National Park and the Arthur R. Marshall Loxahatchee National Wildlife Refuge, the method for measuring compliance with the phosphorus criterion shall be in a manner consistent with Appendices A and B, respectively, of the settlement agreement dated July 26, 1991, entered in case No. 88-1886-Civ-Hoeveler, United States District Court for the Southern District of Florida, that recognizes and provides for incorporation of relevant research.

4. The department's evaluation of any other water quality standards must include the department's antidegradation standards and EAA canal classifications. In recognition of the special nature of the conveyance canals of the EAA, as a component of the classification process, the department is directed to formally recognize by rulemaking existing actual beneficial uses of the conveyance canals in the EAA. This shall include recognition of the Class III designated uses of recreation, propagation and maintenance of a healthy, well-balanced population of fish and wildlife, the integrated water management purposes for which the Central and Southern Florida Flood Control Project was constructed, flood control, conveyance of water to and from Lake Okeechobee for urban and agricultural water supply, Everglades hydroperiod restoration, conveyance of water to the STAs, and navigation.

(f) EAA best management practices.—

1. The district, in cooperation with the department, shall develop and implement a water quality monitoring program to evaluate the effectiveness of the BMPs in achieving and maintaining compliance with state water quality standards and restoring and maintaining designated and existing beneficial uses. The program shall include an analysis of the effectiveness of the BMPs in treating constituents that are not being significantly improved by the STAs. The monitoring program shall include monitoring of appropriate parameters at representative locations.

2. The district shall continue to require and enforce the BMP and other requirements of Rules 40E-61 and 40E-63, Florida Administrative Code, during the terms of the existing permits issued pursuant to those rules. Rule 40E-61, Florida Administrative Code, may be amended to include the BMPs required by Rule 40E-63, Florida Administrative Code. Prior to the expiration of existing permits, and during each 5-year term of subsequent permits as provided for in this section, those rules shall be amended to implement a comprehensive program of research, testing, and implementation of BMPs that will address all water quality standards within the EAA and Everglades Protection Area. Under this program:

a. EAA landowners, through the EAA Environmental Protection District or otherwise, shall sponsor a program of BMP research with qualified experts to identify appropriate BMPs.

b. Consistent with the water quality monitoring program, BMPs will be field-tested in a sufficient number of representative sites in the EAA to reflect soil and crop types and other factors that influence BMP design and effectiveness.

c. BMPs as required for varying crops and soil types shall be included in permit conditions in the 5-year permits issued pursuant to this section.

d. The district shall conduct research in cooperation with EAA landowners to identify water quality parameters that are not being significantly improved either by the STAs or the BMPs, and to identify further BMP strategies needed to address these parameters.

3. The Legislature finds that through the implementation of the Everglades BMPs Program and the implementation of the Everglades Construction Project, reasonable further progress will be made towards addressing water quality requirements of the EAA canals and the Everglades Protection Area. Permittees within the EAA and the C-139 Basin who are in full compliance with the conditions of permits under Rules 40E-61 and 40E-63, Florida Administrative Code, have made all payments required under the Everglades Program, and are in compliance with subparagraph (a)8., if applicable, shall not be required to implement additional water quality improvement measures, prior to December 31, 2006, other than those required by subparagraph 2., with the following exceptions:

a. Nothing in this subparagraph shall limit the existing authority of the department or the district to limit or regulate discharges that pose a significant danger to the public health and safety; and

b. New land uses and new stormwater management facilities other than alterations to existing agricultural stormwater management systems for water quality improvements shall not be accorded the compliance established by this section. Permits may be required to implement improvements or alterations to existing agricultural water management systems.

4. As of December 31, 2006, all permits, including those issued prior to that date, shall require implementation of additional water quality measures, taking into account the water quality treatment actually provided by the STAs and the effectiveness of the BMPs. As of that date, no permittee's discharge shall cause or contribute to any violation of water quality standards in the Everglades Protection Area.

5. Effective immediately, landowners within the C-139 Basin shall not collectively exceed an annual average loading of phosphorus of 28.7 metric tons based proportionately on the historical rainfall for the C-139 Basin over the period of October 1, 1978 to September 30, 1988. New surface inflows shall not increase the annual average loading of phosphorus stated above. Provided that the C-139 Basin does not exceed this annual average loading, all landowners within the Basin shall be in compliance for that year. Compliance determinations for individual landowners within the C-139 Basin for remedial action, if the Basin is determined by the district to be out of compliance for that year, shall be based on the landowners' proportional share of the total phosphorus loading of 28.7 metric tons. The total phosphorus discharge load shall be determined by a method consistent with Appendix 40E-63-3, Florida Administrative Code, disregarding the 25-percent phosphorus reduction factor.

6. The district, in cooperation with the department, shall develop and implement a water quality monitoring program to evaluate the quality of the discharge from the C-139 Basin. Upon determination by the department or the district that the C-139 Basin is exceeding any presently existing water quality standards, the district shall require landowners within the C-139 Basin to implement BMPs appropriate to the land uses within the C-139 Basin consistent with subparagraph 2. Thereafter, the provisions of subparagraphs 2.-4. shall apply to the landowners within the C-139 Basin.

(g) Monitoring and control of exotic species.—

1. The district shall establish a biological monitoring network throughout the Everglades Protection Area and shall prepare a survey of exotic species at least every 2 years.

2. In addition, the district shall establish a program to coordinate with federal, state or other governmental entities the control of continued expansion and the removal of these exotic species. The district's program shall give high priority to species affecting the largest areal extent within the Everglades Protection Area.

(5)(4) ACQUISITION AND LEASE OF STATE LANDS.—

(a) As used in this subsection, the term:

1. "Available land" means land within the EAA owned by the board of trustees which is covered by any of the following leases: Numbers 3543, 3420, 1447, 1971-5, and 3433, and the southern one-third of number 2376 constituting 127 acres, more or less.

2. "Board of trustees" means the Board of Trustees of the Internal Improvement Trust Fund.

3. "Designated acre," as to any impacted farmer, means an acre of land which is designated for STAs or water retention or storage in the February 15, 1994, conceptual design document and which is owned or leased by the farmer or on which one or more agricultural products were produced which, during the period beginning October 1, 1992, and ending September 30, 1993, were processed at a facility owned by the farmer.

4. "Impacted farmer" means a producer or processor of agricultural commodities and includes subsidiaries and affiliates that have designated acres.

5. "Impacted vegetable farmer" means an impacted farmer in the EAA who uses more than 30 percent of the land farmed by that farmer, whether owned or leased, for the production of vegetables.

6. "Vegetable-area available land" means land within the EAA owned by the board of trustees which is covered by lease numbers 3422 and 1935/1935S.

(b)(a) The Legislature declares that it is necessary for the public health and welfare that the Everglades water and water-related resources be conserved and protected. The Legislature further declares that certain lands may be needed for the treatment or storage of water prior to its release into the Everglades Protection Area. The acquisition of real property for this objective constitutes a public purpose for which public funds may be expended. In addition to other authority pursuant to this chapter to acquire real property, the governing board of the district is empowered and authorized to acquire fee title or easements by eminent domain for the limited purpose of implementing stormwater management systems, identified and described in the *Everglades Construction Project plan* or determined necessary to meet water quality requirements established by rule or permit.

(c) The Legislature determines it to be in the public interest to minimize the potential loss of land and related product supply to farmers and processors who are most affected by acquisition of land for Everglades restoration and hydroperiod purposes. Accordingly, subject to the priority established below for vegetable-area available land, impacted farmers shall have priority in the leasing of available land. An impacted farmer shall have the right to lease each parcel of available land, upon expiration of the existing lease, for a term of 20 years and at a rental rate determined by appraisal using established state procedures. For those parcels of land that have previously been competitively bid, the rental rate shall not be less than the rate the board of trustees currently receives. The board of trustees may also adjust the rental rate on an annual basis using an appropriate index, and update the appraisals at 5-year intervals. If more than one impacted farmer desires to lease a particular parcel of available land, the one that has the greatest number of designated acres shall have priority.

(d) Impacted vegetable farmers shall have priority in leasing vegetable-area available land. An impacted vegetable farmer shall have the right to lease vegetable-area available land, upon expiration of the existing lease, for a term of 20 years or a term ending August 25, 2018, whichever term first expires, and at a rental rate determined by appraisal using established state procedures. If the lessee elects, such terms may consist of an initial five-year term, with successive options to renew at the lessee's option for additional five-year terms. For extensions of leases on those parcels of land that have previously been competitively bid, the rental rate shall not be less than the rate the board of trustees currently receives. The board of trustees may also adjust the rental rate on an annual basis using an appropriate index, and update the appraisals at 5-year intervals. If more than one impacted vegetable farmer desires to lease vegetable-area available land, the one that has the greatest number of designated acres shall have priority.

(e) Impacted vegetable farmers with farming operations in areas of Florida other than the EAA shall have priority in leasing suitable sur-

plus lands, where such lands are located in the St. Johns River Water Management District and in the vicinity of the other areas where such impacted vegetable farmers operate. The suitability of such use shall be determined solely by the St. Johns River Water Management District. The St. Johns River Water Management District shall make good-faith efforts to provide these impacted vegetable farmers with the opportunity to lease such suitable lands to offset their designated acres. The rental rate shall be determined by appraisal using established procedures.

(f) The corporation conducting correctional work programs under part II of chapter 946 shall be entitled to renew, for a period of 20 years, its lease with the Department of Corrections which expires June 30, 1998, which includes the utilization of land for the production of sugar cane, and which is identified as lease number 2671 with the board of trustees.

(g) Except as specified in paragraph (f), once the leases or lease extensions specified in this subsection have been granted and become effective, the trustees shall retain the authority to terminate after 9 years any such lease or lease extension upon 2 years' notice to the lessee and a finding by the trustees that the lessee has ceased to be impacted as provided in this section. In that event, the outgoing lessee is entitled to be compensated for any documented, unamortized planting costs associated with the lease and any unamortized capital costs incurred prior to the notice. In addition, the trustees may terminate such lease or lease extension if the lessee fails to comply with, and after reasonable notice and opportunity to correct or fails to correct, any material provision of the lease or its obligation under this section.

~~(b) In addition to the acquisition of lands by eminent domain pursuant to paragraph (a), the Board of Trustees of the Internal Improvement Trust Fund and the district may enter into cooperative agreements with property owners within a stormwater management system area to provide for the exchange of property subject to condemnation under paragraph (a) for state-owned property which the owner or an affiliate of such owner leases from the board of trustees or other agency of the state and which was used for agricultural production on January 1, 1991. Any such agreement shall include the following:~~

~~1. The landowner shall acquire property covered by the lease by paying any deficiency in cash or by transferring other private lands which the district or any other agency of the state has sought to acquire, or by a combination of land transfer and cash payment.~~

~~2. The exchange shall be made on the basis of appraisals performed in a manner consistent with the provisions of s. 253.025(7).~~

~~3. Title to any land conveyed to the Board of Trustees of the Internal Improvement Trust Fund as a result of such an exchange shall be conveyed to the South Florida Water Management District upon payment of the appraised value thereof by the district to the board of trustees.~~

(6) EVERGLADES AGRICULTURAL PRIVILEGE TAX.—

(a) There is hereby imposed an annual Everglades agricultural privilege tax for the privilege of conducting an agricultural trade or business on:

1. All real property located within the EAA that is classified as agricultural under the provisions of chapter 193; and

2. Leasehold or other interests in real property located within the EAA owned by the United States, the state, or any agency thereof permitting the property to be used for agricultural purposes in a manner that would allow such property to be classified as agricultural under the provisions of chapter 193 if not governmentally owned, whether or not such property is actually classified as agricultural under the provisions of chapter 193.

It is hereby determined by the Legislature that the privilege of conducting an agricultural trade or business on such property constitutes a reasonable basis for imposition of the Everglades agricultural privilege tax and that logical differences exist between the agricultural use of such property and the use of other property within the EAA for residential or nonagricultural commercial use. The Everglades agricultural privilege tax shall constitute a lien against the property, or the leasehold or other interest in governmental property permitting such property to be used for agricultural purposes, described on the Everglades agricultural privilege tax roll. The lien shall be in effect from January 1 of the year the tax notice is mailed until discharged by payment and shall be equal

in rank and dignity with the liens of all state, county, district, or municipal taxes and non-ad valorem assessments imposed pursuant to general law, special act, or local ordinance and shall be superior in dignity to all other liens, titles, and claims.

(b) The Everglades agricultural privilege tax, other than for leasehold or other interests in governmental property permitting such property to be used for agricultural purposes, shall be collected in the manner provided for ad valorem taxes. By September 15 of each year, the governing board of the district shall certify by resolution an Everglades agricultural privilege tax roll on compatible electronic medium to the tax collector of each county in which a portion of the EAA is located. The district shall also produce one copy of the roll in printed form which shall be available for inspection by the public. The district shall post the Everglades agricultural privilege tax for each parcel on the roll. The tax collector shall not accept any such roll that is not certified on compatible electronic medium and that does not contain the posting of the Everglades agricultural privilege tax for each parcel. It is the responsibility of the district that such rolls be free of errors and omissions. Alterations to such rolls may be made by the executive director of the district, or a designee, up to 10 days before certification. If the tax collector or any taxpayer discovers errors or omissions on such roll, such person may request the district to file a corrected roll or a correction of the amount of any Everglades agricultural privilege tax. Other than for leasehold or other interests in governmental property permitting such property to be used for agricultural purposes, Everglades agricultural privilege taxes collected pursuant to this section shall be included in the combined notice for ad valorem taxes and non-ad valorem assessments provided for in s. 197.3635. Such Everglades agricultural privilege taxes shall be listed in the portion of the combined notice utilized for non-ad valorem assessments. A separate mailing is authorized only as a solution to the most exigent factual circumstances. However, if a tax collector cannot merge an Everglades agricultural privilege tax roll to produce such a notice, the tax collector shall mail a separate notice of Everglades agricultural privilege taxes or shall direct the district to mail such a separate notice. In deciding whether a separate mailing is necessary, the tax collector shall consider all costs to the district and taxpayers of such a separate mailing and the adverse effects to the taxpayers of delayed and multiple notices. The district shall bear all costs associated with any separate notice. Everglades agricultural privilege taxes collected pursuant to this section shall be subject to all collection provisions of chapter 197, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment. Everglades agricultural privilege taxes for leasehold or other interests in property owned by the United States, the state, or any agency thereof permitting such property to be used for agricultural purposes shall be included on the notice provided pursuant to s. 196.31, a copy of which shall be provided to lessees or other interest holders registering with the district, and shall be collected from the lessee or other appropriate interest holder and remitted to the district immediately upon collection. Everglades agricultural privilege taxes included on the statement provided pursuant to s. 196.31 shall be due and collected on or prior to the next April 1 following provision of the notice. Proceeds of the Everglades agricultural privilege taxes shall be distributed by the tax collector to the district. Each tax collector shall be paid a commission equal to the actual cost of collection, not to exceed 2 percent, on the amount of Everglades agricultural privilege taxes collected and remitted. Notwithstanding any general law or special act to the contrary, Everglades agricultural privilege taxes shall not be included on the notice of proposed property taxes provided for in s. 200.069.

(c) The initial Everglades agricultural privilege tax roll shall be certified for the tax notices mailed in November 1994. Incentive credits to the Everglades agricultural privilege taxes to be included on the initial Everglades agricultural privilege tax roll, if any, shall be based upon the total phosphorus load reduction for the year ending April 30, 1993. The Everglades agricultural privilege taxes for each year shall be computed in the following manner:

1. Annual Everglades agricultural privilege taxes shall be charged for the privilege of conducting an agricultural trade or business on each acre of real property or portion thereof. The annual Everglades agricultural privilege tax shall be \$24.89 per acre for the tax notices mailed in November 1994 through November 1997, \$27 per acre for the tax notices mailed in November 1998 through November 2001; \$31 per acre for the tax notices mailed in November 2002 through November 2005; and \$35 per acre for the tax notices mailed in November 2006 through November 2013.

2. It is the intent of the Legislature to encourage the performance of best management practices to maximize the reduction of phosphorus loads at points of discharge from the EAA by providing an incentive credit against the Everglades agricultural privilege taxes set forth in subparagraph 1. The total phosphorus load reduction shall be measured for the entire EAA by comparing the actual measured total phosphorus load attributable to the EAA for each annual period ending on April 30 to the total estimated phosphorus load that would have occurred during the 1979-1988 base period using the model for total phosphorus load determinations provided in Rule 40E-63, Florida Administrative Code, utilizing the technical information and procedures contained in Section IV-EAA Period of Record Flow and Phosphorus Load Calculations; Section V-Monitoring Requirements; and Section VI-Phosphorus Load Allocations and Compliance Calculations of the Draft Technical Document in Support of Rule 40E-63, Florida Administrative Code - Works of the District within the Everglades, March 3, 1992, and the Standard Operating Procedures for Water Quality Collection in Support of the Everglades Water Condition Report, dated February 18, 1994. The model estimates the total phosphorus load that would have occurred during the 1979-1988 base period by substituting the rainfall conditions for such annual period ending April 30 for the conditions that were used to calibrate the model for the 1979-1988 base period. The data utilized to calculate the actual loads attributable to the EAA shall be adjusted to eliminate the effect of any load and flow that were not included in the 1979-1988 base period as defined in Rule 40E-63, Florida Administrative Code. The incorporation of the method of measuring the total phosphorus load reduction provided in this subparagraph is intended to provide a legislatively approved aid to the governing board of the district in making an annual ministerial determination of any incentive credit.

3. Phosphorus load reductions calculated in the manner described in subparagraph 2. and rounded to the nearest whole percentage point for each annual period beginning on May 1 and ending on April 30 shall be used to compute incentive credits to the Everglades agricultural privilege taxes to be included on the annual tax notices mailed in November of the next ensuing calendar year. Incentive credits, if any, will reduce the Everglades agricultural privilege taxes set forth in subparagraph 1. only to the extent that the phosphorus load reduction exceeds 25 percent. Subject to subparagraph 4., the reduction of phosphorus load by each percentage point in excess of 25 percent, computed for the 12-month period ended on April 30 of the calendar year immediately preceding certification of the Everglades agricultural privilege tax, shall result in the following incentive credits: \$0.33 per acre for the tax notices mailed in November 1994 through November 1997; \$0.54 per acre for the tax notices mailed in November 1998 through November 2001; \$0.61 per acre for the tax notices mailed in November 2002 through November 2005, and \$0.65 per acre for the tax notices mailed in November 2006 through November 2013. The determination of incentive credits, if any, shall be documented by resolution of the governing board of the district adopted prior to or at the time of the adoption of its resolution certifying the annual Everglades agricultural privilege tax roll to the appropriate tax collector.

4. Notwithstanding subparagraph 3., incentive credits for the performance of best management practices shall not reduce the minimum annual Everglades agricultural privilege tax to less than \$24.89 per acre, which annual Everglades agricultural privilege tax as adjusted in the manner required by paragraph (e) shall be known as the "minimum tax." To the extent that the application of incentive credits for the performance of best management practices would reduce the annual Everglades agricultural privilege tax to an amount less than the minimum tax, then the unused or excess incentive credits for the performance of best management practices shall be carried forward, on a phosphorus load percentage basis, to be applied as incentive credits in subsequent years. Any unused or excess incentive credits remaining after certification of the Everglades agricultural privilege tax roll for the tax notices mailed in November 2013 shall be canceled.

5. Notwithstanding the schedule of Everglades agricultural privilege taxes set forth in subparagraph 1., the owner, lessee, or other appropriate interest holder of any property shall be entitled to have the Everglades agricultural privilege tax for any parcel of property reduced to the minimum tax, commencing with the tax notices mailed in November 1996 for parcels of property participating in the early baseline option as defined in Rule 40E-63, Florida Administrative Code, and with the tax notices mailed in November 1997 for parcels of property not participating in the early baseline option, upon compliance with the requirements set forth in this subparagraph. The owner, lessee, or other appropriate

interest holder shall file an application with the executive director of the district prior to July 1 for consideration of reduction to the minimum tax on the Everglades agricultural privilege tax roll to be certified for the tax notice mailed in November of the same calendar year and shall have the burden of proving the reduction in phosphorus load attributable to such parcel of property. The phosphorus load reduction for each discharge structure serving the parcel shall be measured as provided in Rule 40E-63, Florida Administrative Code, and the permit issued for such property pursuant to Rule 40E-63, Florida Administrative Code. A parcel of property which has achieved the following annual phosphorus load reduction standards shall have the minimum tax included on the annual tax notice mailed in November of the next ensuing calendar year: 30 percent or more for the tax notices mailed in November 1994 through November 1997; 35 percent or more for the tax notices mailed in November 1998 through November 2001; 40 percent or more for the tax notices mailed in November 2002 through November 2005; and 45 percent or more for the tax notices mailed in November 2006 through November 2013. In addition, any parcel of property that achieves an annual flow weighted mean concentration of 50 parts per billion (ppb) of phosphorus at each discharge structure serving the property for any year ending April 30 shall have the minimum tax included on the annual tax notice mailed in November of the next ensuing calendar year. Any annual phosphorus reductions that exceed the amount necessary to have the minimum tax included on the annual tax notice for any parcel of property shall be carried forward to the subsequent years' phosphorus load reduction to determine if the minimum tax shall be included on the annual tax notice. The governing board of the district shall deny or grant the application by resolution adopted prior to or at the time of the adoption of its resolution certifying the annual Everglades agricultural privilege tax roll to the appropriate tax collector.

6. The annual Everglades agricultural privilege tax for the tax notices mailed in November 2014 and thereafter shall be \$10 per acre.

(d) For purposes of this paragraph, "vegetable acreage" means, for each tax year, any portion of a parcel of property used for a period of not less than 8 months for the production of vegetable crops, including sweet corn, during the 12 months ended September 30 of the year preceding the tax year. Land preparation, crop rotation, and fallow periods shall not disqualify property from classification as vegetable acreage if such property is actually used for the production of vegetable crops.

1. It is hereby determined by the Legislature that vegetable farming in the EAA is subject to volatile market conditions and is particularly subject to crop loss or damage due to freezes, flooding, and drought. It is further determined by the Legislature that, due to the foregoing factors, imposition of an Everglades agricultural privilege tax upon vegetable acreage in excess of the minimum tax could create a severe economic hardship and impair the production of vegetable crops. Notwithstanding the schedule of Everglades agricultural privilege taxes set forth in subparagraph (c)1., the Everglades agricultural privilege tax for vegetable acreage shall be the minimum tax, and vegetable acreage shall not be entitled to any incentive credits.

2. If either the Governor, the President of the United States, or the United States Department of Agriculture declares the existence of a state of emergency or disaster resulting from extreme natural conditions impairing the ability of vegetable acreage to produce crops, payment of the Everglades agricultural privilege taxes imposed for the privilege of conducting an agricultural trade or business on such property shall be deferred for a period of 1 year, and all subsequent annual payments shall be deferred for the same period.

a. If the declaration occurs between April 1 and October 31, the Everglades agricultural privilege tax to be included on the next annual tax notice will be deferred to the subsequent annual tax notice.

b. If the declaration occurs between November 1 and March 31 and the Everglades agricultural privilege tax included on the most recent tax notice has not been paid, such Everglades agricultural privilege tax will be deferred to the next annual tax notice.

c. If the declaration occurs between November 1, and March 31 and the Everglades agricultural privilege tax included on the most recent tax notice has been paid, the Everglades agricultural privilege tax to be included on the next annual tax notice will be deferred to the subsequent annual tax notice.

3. In the event payment of Everglades agricultural privilege taxes is deferred pursuant to this paragraph, the District must record a notice in the official records of each county in which vegetable acreage subject to such deferment is located. The recorded notice must describe each parcel of property as to which Everglades agricultural privilege taxes have been deferred and the amount deferred for such property. If all or any portion of the property as to which Everglades agricultural privilege taxes have been deferred ceases to be classified as agricultural under the provisions of chapter 193 or otherwise subject to the Everglades agricultural privilege tax, all deferred amounts must be included on the tax notice for such property mailed in November of the first tax year for which such property is not subject to the Everglades agricultural privilege tax. After a property owner has paid all outstanding Everglades agricultural privilege taxes, including any deferred amounts, the district shall provide the property owner with a recordable instrument evidencing the payment of all outstanding amounts.

4. The owner, lessee, or other appropriate interest holder must file an application with the executive director of the district prior to July 1 for classification of a portion of the property as vegetable acreage on the Everglades agricultural privilege tax roll to be certified for the tax notice mailed in November of the same calendar year and shall have the burden of proving the number of acres used for the production of vegetable crops during the year in which incentive credits are determined and the period of such use. The governing board of the district shall deny or grant the application by resolution adopted prior to or at the time of the adoption of its resolution certifying the annual Everglades agricultural privilege tax roll to the appropriate tax collector.

5. This paragraph does not relieve vegetable acreage from the performance of best management practices specified in Rule 40E-63, Florida Administrative Code.

(e) If, for any tax year, the number of acres subject to the Everglades agricultural privilege tax is less than the number of acres included on the Everglades agricultural privilege tax roll certified for the tax notices mailed in November 1994, the minimum tax shall be subject to increase in the manner provided in this paragraph. In determining the number of acres subject to the Everglades agricultural privilege tax for purposes of this paragraph, property acquired by a not-for-profit entity for purposes of conservation and preservation, the United States, or the state, or any agency thereof, and removed from the Everglades agricultural privilege tax roll after January 1, 1994, shall be treated as subject to the tax even though no tax is imposed or due: in its entirety, for tax notices mailed prior to November 2000; to the extent its area exceeds 4 percent of the total area of property subject to the Everglades agricultural tax, for tax notices mailed in November 2000 through November 2005; and to the extent its area exceeds 8 percent of the total area of property subject to the Everglades agricultural tax, for tax notices mailed in November 2006 and thereafter. For each tax year, the district shall determine the amount, if any, by which the sum of the following exceeds \$12,367,000:

1. The product of the minimum tax multiplied by the number of acres subject to the Everglades agricultural privilege tax; and

2. The ad valorem tax increment, as defined in this subparagraph.

The aggregate of such annual amounts, less any portion previously applied to eliminate or reduce future increases in the minimum tax, as described in this subparagraph, shall be known as the "excess tax amount." If for any tax year, the amount computed by multiplying the minimum tax by the number of acres then subject to the Everglades agricultural privilege tax is less than \$12,367,000, the excess tax amount shall be applied in the following manner. If the excess tax amount exceeds such difference, an amount equal to the difference shall be deducted from the excess tax amount and applied to eliminate any increase in the minimum tax. If such difference exceeds the excess tax amount, the excess tax amount shall be applied to reduce any increase in the minimum tax. In such event, a new minimum tax shall be computed by subtracting the remaining excess tax amount from \$12,367,000 and dividing the result by the number of acres subject to the Everglades agricultural privilege tax for such tax year. For purposes of this subparagraph, the "ad valorem tax increment" means 50 percent of the difference between the amount of ad valorem taxes actually imposed by the district for the immediate prior tax year against property included on the Everglades agricultural privilege tax roll certified for the tax notices mailed in November 1994 that was not subject to the Everglades agricultural privilege tax during the immediate prior tax year and the

amount of ad valorem taxes that would have been imposed against such property for the immediate prior tax year if the taxable value of each acre had been equal to the average taxable value of all other land classified as agricultural within the EAA for such year; however, the ad valorem tax increment for any year shall not exceed the amount that would have been derived from such property from imposition of the minimum tax during the immediate prior tax year.

(f) Any owner, lessee, or other appropriate interest holder of property subject to the Everglades agricultural privilege tax may contest the Everglades agricultural privilege tax by filing an action in circuit court.

1. No action may be brought to contest the Everglades agricultural privilege tax after 60 days from the date the tax notice that includes the Everglades agricultural privilege tax is mailed by the tax collector. Before an action to contest the Everglades agricultural privilege tax may be brought, the taxpayer shall pay to the tax collector the amount of the Everglades agricultural privilege tax which the taxpayer admits in good faith to be owing. The tax collector shall issue a receipt for the payment and the receipt shall be filed with the complaint. Payment of an Everglades agricultural privilege tax shall not be deemed an admission that such tax was due and shall not prejudice the right to bring a timely action to challenge such tax and seek a refund. No action to contest the Everglades agricultural privilege tax may be maintained, and such action shall be dismissed, unless all Everglades agricultural privilege taxes imposed in years after the action is brought, which the taxpayer in good faith admits to be owing, are paid before they become delinquent. The requirements of this subparagraph are jurisdictional.

2. In any action involving a challenge of the Everglades agricultural privilege tax, the court shall assess all costs. If the court finds that the amount of tax owed by the taxpayer is greater than the amount the taxpayer has in good faith admitted and paid, it shall enter judgment against the taxpayer for the deficiency and for interest on the deficiency at the rate of 12 percent per year from the date the tax became delinquent. If it finds that the amount of tax which the taxpayer has admitted to be owing is grossly disproportionate to the amount of tax found to be due and that the taxpayer's admission was not made in good faith, the court shall also assess a penalty at the rate of 25 percent of the deficiency per year from the date the tax became delinquent. The court may issue injunctions to restrain the sale of property for any Everglades agricultural privilege tax which appears to be contrary to law or equity.

(g) Notwithstanding any contrary provisions in chapter 120, or any provision of any other law, an action in circuit court shall be the exclusive remedy to challenge the assessment of an Everglades agricultural privilege tax and owners of property subject to the Everglades agricultural privilege tax shall have no right or standing to initiate administrative proceedings under chapter 120 to challenge the assessment of an Everglades agricultural privilege tax, including specifically, and without limitation, the annual certification by the district governing board of the Everglades agricultural privilege tax roll to the appropriate tax collector, the annual calculation of any incentive credit for phosphorus level reductions, the denial of an application for exclusion from the Everglades agricultural privilege tax, the calculation of the minimum tax adjustments provided in paragraph (e), the denial of an application for reduction to the minimum tax, and the denial of any application for classification as vegetable acreage, deferment of payment for vegetable acreage, or correction of any alleged error in the Everglades agricultural privilege tax roll.

(h) In recognition of the findings set forth in subsection (1), the Legislature finds that the assessment and use of the Everglades agricultural privilege tax is a matter of concern to all areas of Florida and the Legislature intends this act to be a general law authorization of the tax within the meaning of s. 9, Art. VII of the State Constitution.

(7) C-139 AGRICULTURAL PRIVILEGE TAX.—

(a) There is hereby imposed an annual C-139 agricultural privilege tax for the privilege of conducting an agricultural trade or business on:

1. All real property located within the C-139 Basin that is classified as agricultural under the provisions of chapter 193; and

2. Leasehold or other interests in real property located within the C-139 Basin owned by the United States, the state, or any agency thereof permitting the property to be used for agricultural purposes in a manner that would result in such property being classified as agricul-

tural under the provisions of chapter 193 if not governmentally owned, whether or not such property is actually classified as agricultural under the provisions of chapter 193.

It is hereby determined by the Legislature that the privilege of conducting an agricultural trade or business on such property constitutes a reasonable basis for imposing the C-139 agricultural privilege tax and that logical differences exist between the agricultural use of such property and the use of other property within the C-139 Basin for residential or nonagricultural commercial use. The C-139 agricultural privilege tax shall constitute a lien against the property, or the leasehold or other interest in governmental property permitting such property to be used for agricultural purposes, described on the C-139 agricultural privilege tax roll. The lien shall be in effect from January 1 of the year the tax notice is mailed until discharged by payment and shall be equal in rank and dignity with the liens of all state, county, district, or municipal taxes and non-ad valorem assessments imposed pursuant to general law, special act, or local ordinance and shall be superior in dignity to all other liens, titles, and claims.

(b) The C-139 agricultural privilege tax, other than for leasehold or other interests in governmental property permitting such property to be used for agricultural purposes, shall be collected in the manner provided for ad valorem taxes. By September 15 of each year, the governing board of the district shall certify by resolution a C-139 agricultural privilege tax roll on compatible electronic medium to the tax collector of each county in which a portion of the C-139 Basin is located. The district shall also produce one copy of the roll in printed form which shall be available for inspection by the public. The district shall post the C-139 agricultural privilege tax for each parcel on the roll. The tax collector shall not accept any such roll that is not certified on compatible electronic medium and that does not contain the posting of the C-139 agricultural privilege tax for each parcel. It is the responsibility of the district that such rolls be free of errors and omissions. Alterations to such rolls may be made by the executive director of the district, or a designee, up to 10 days before certification. If the tax collector or any taxpayer discovers errors or omissions on such roll, such person may request the district to file a corrected roll or a correction of the amount of any C-139 agricultural privilege tax. Other than for leasehold or other interests in governmental property permitting such property to be used for agricultural purposes, C-139 agricultural privilege taxes collected pursuant to this section shall be included in the combined notice for ad valorem taxes and non-ad valorem assessments provided for in s. 197.3635. Such C-139 agricultural privilege taxes shall be listed in the portion of the combined notice utilized for non-ad valorem assessments. A separate mailing is authorized only as a solution to the most exigent factual circumstances. However, if a tax collector cannot merge a C-139 agricultural privilege tax roll to produce such a notice, the tax collector shall mail a separate notice of C-139 agricultural privilege taxes or shall direct the district to mail such a separate notice. In deciding whether a separate mailing is necessary, the tax collector shall consider all costs to the district and taxpayers of such a separate mailing and the adverse effects to the taxpayers of delayed and multiple notices. The district shall bear all costs associated with any separate notice. C-139 agricultural privilege taxes collected pursuant to this section shall be subject to all collection provisions of chapter 197, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment. C-139 agricultural privilege taxes for leasehold or other interests in property owned by the United States, the state, or any agency thereof permitting such property to be used for agricultural purposes shall be included on the notice provided pursuant to s. 196.31, a copy of which shall be provided to lessees or other interest holders registering with the district, and shall be collected from the lessee or other appropriate interest holder and remitted to the district immediately upon collection. C-139 agricultural privilege taxes included on the statement provided pursuant to s. 196.31 shall be due and collected on or prior to the next April 1 following provision of the notice. Proceeds of the C-139 agricultural privilege taxes shall be distributed by the tax collector to the district. Each tax collector shall be paid a commission equal to the actual cost of collection, not to exceed 2 percent, on the amount of C-139 agricultural privilege taxes collected and remitted. Notwithstanding any general law or special act to the contrary, C-139 agricultural privilege taxes shall not be included on the notice of proposed property taxes provided in s. 200.069.

(c) The initial C-139 agricultural privilege tax roll shall be certified for the tax notices mailed in November 1994. The C-139 agricultural

privilege taxes for the tax notices mailed in November 1994 through November 2013 shall be computed by dividing \$654,656 by the number of acres included on the C-139 agricultural privilege tax roll for such year, excluding any property located within the C-139 Annex. The C-139 agricultural privilege taxes for the tax notices mailed in November 2014 and thereafter shall be \$1.80 per acre.

(d) For purposes of this paragraph, "vegetable acreage" means, for each tax year, any portion of a parcel of property used for a period of not less than 8 months for the production of vegetable crops, including sweet corn, during the 12 months ended September 30 of the year preceding the tax year. Land preparation, crop rotation, and fallow periods shall not disqualify property from classification as vegetable acreage if such property is actually used for the production of vegetable crops. If either the Governor, the President of the United States, or the United States Department of Agriculture declares the existence of a state of emergency or disaster resulting from extreme natural conditions impairing the ability of vegetable acreage to produce crops, payment of the C-139 agricultural privilege taxes imposed for the privilege of conducting an agricultural trade or business on such property shall be deferred for a period of 1 year, and all subsequent annual payments shall be deferred for the same period.

a. If the declaration occurs between April 1 and October 31, the C-139 agricultural privilege tax to be included on the next annual tax notice will be deferred to the subsequent annual tax notice.

b. If the declaration occurs between November 1 and March 31 and the C-139 agricultural privilege tax included on the most recent tax notice has not been paid, such C-139 agricultural privilege tax will be deferred to the next annual tax notice.

c. If the declaration occurs between November 1, and March 31 and the C-139 agricultural privilege tax included on the most recent tax notice has been paid, the C-139 agricultural privilege tax to be included on the next annual tax notice will be deferred to the subsequent annual tax notice.

2. In the event payment of C-139 agricultural privilege taxes is deferred pursuant to this paragraph, the District must record a notice in the official records of each county in which vegetable acreage subject to such deferral is located. The recorded notice must describe each parcel of property as to which C-139 agricultural privilege taxes have been deferred and the amount deferred for such property. If all or any portion of the property as to which C-139 agricultural privilege taxes have been deferred ceases to be classified as agricultural under the provisions of chapter 193 or otherwise subject to the C-139 agricultural privilege tax, all deferred amounts must be included on the tax notice for such property mailed in November of the first tax year for which such property is not subject to the C-139 agricultural privilege tax. After a property owner has paid all outstanding C-139 agricultural privilege taxes, including any deferred amounts, the district shall provide the property owner with a recordable instrument evidencing the payment of all outstanding amounts.

3. The owner, lessee, or other appropriate interest holder shall file an application with the executive director of the district prior to July 1 for classification of a portion of the property as vegetable acreage on the C-139 agricultural privilege tax roll to be certified for the tax notice mailed in November of the same calendar year and shall have the burden of proving the number of acres used for the production of vegetable crops during the year in which incentive credits are determined and the period of such use. The governing board of the district shall deny or grant the application by resolution adopted prior to or at the time of the adoption of its resolution certifying the annual C-139 agricultural privilege tax roll to the appropriate tax collector.

4. This paragraph does not relieve vegetable acreage from the performance of best management practices specified in Rule 40E-63, Florida Administrative Code.

(e) Any owner, lessee, or other appropriate interest holder of property subject to the C-139 agricultural privilege tax may contest the C-139 agricultural privilege tax by filing an action in circuit court.

1. No action may be brought to contest the C-139 agricultural privilege tax after 60 days from the date the tax notice that includes the C-139 agricultural privilege tax is mailed by the tax collector. Before an action to contest the C-139 agricultural privilege tax may be brought, the taxpayer shall pay to the tax collector the amount of the C-139 agri-

cultural privilege tax which the taxpayer admits in good faith to be owing. The tax collector shall issue a receipt for the payment and the receipt shall be filed with the complaint. Payment of an C-139 agricultural privilege tax shall not be deemed an admission that such tax was due and shall not prejudice the right to bring a timely action to challenge such tax and seek a refund. No action to contest the C-139 agricultural privilege tax may be maintained, and such action shall be dismissed, unless all C-139 agricultural privilege taxes imposed in years after the action is brought, which the taxpayer in good faith admits to be owing, are paid before they become delinquent. The requirements of this paragraph are jurisdictional.

2. In any action involving a challenge of the C-139 agricultural privilege tax, the court shall assess all costs. If the court finds that the amount of tax owed by the taxpayer is greater than the amount the taxpayer has in good faith admitted and paid, it shall enter judgment against the taxpayer for the deficiency and for interest on the deficiency at the rate of 12 percent per year from the date the tax became delinquent. If it finds that the amount of tax which the taxpayer has admitted to be owing is grossly disproportionate to the amount of tax found to be due and that the taxpayer's admission was not made in good faith, the court shall also assess a penalty at the rate of 25 percent of the deficiency per year from the date the tax became delinquent. The court may issue injunctions to restrain the sale of property for any C-139 agricultural privilege tax which appears to be contrary to law or equity.

(f) Notwithstanding any contrary provisions in chapter 120, or any provision of any other law, an action in circuit court shall be the exclusive remedy to challenge the assessment of an C-139 agricultural privilege tax and owners of property subject to the C-139 agricultural privilege tax shall have no right or standing to initiate administrative proceedings under chapter 120 to challenge the assessment of an C-139 agricultural privilege tax including specifically, and without limitation, the annual certification by the district governing board of the C-139 agricultural privilege tax roll to the appropriate tax collector, the denial of an application for exclusion from the C-139 agricultural privilege tax, and the denial of any application for classification as vegetable acreage, deferment of payment for vegetable acreage, or correction of any alleged error in the C-139 agricultural privilege tax roll.

(g) In recognition of the findings set forth in subsection (1), the Legislature finds that the assessment and use of the C-139 agricultural privilege tax is a matter of concern to all areas of Florida and the Legislature intends this section to be a general law authorization of the tax within the meaning of s. 9, Art. VII of the State Constitution.

(8)(5) SPECIAL ASSESSMENTS STORMWATER FUNDING; DEDICATED FUNDS FOR STORMWATER MANAGEMENT.—

(a) In addition to any other legally available funding mechanism legally available to the district to plan, acquire, construct, finance, operate, or maintain stormwater management systems, the district may:

(a) ~~Create one or more stormwater utilities within or without the EAA and adopt stormwater utility fees not to exceed an amount sufficient to plan, acquire, construct, finance, operate, and maintain stormwater management systems where such utilities and systems are identified and described in the plan or permits issued pursuant to subsection (6). If adopted, stormwater utility fees shall be charged to property owners in the district based on the relative contribution of each property owner to the need for stormwater management systems and programs. The district may establish stormwater utility fees adopted pursuant to this paragraph in accordance with the procedures set forth in s. 120.54, and may enforce the payment of such fees through actions or proceedings in any court of competent jurisdiction for unpaid deposits and charges, or through the imposition of liens upon real property for which utility fees are charged and unpaid.~~

(b) ~~Establish and set aside, as a continuing source of revenue, other funds sufficient to plan, acquire, construct, finance, operate, and maintain stormwater management systems identified and described in the plan or permits issued pursuant to subsection (6). Such funds may include contributions from the Everglades Agricultural Area Environmental Protection District, created pursuant to chapter 80-423, Laws of Florida, as amended. The district shall apply any such contributions as a credit against any fee imposed pursuant to paragraph (a) or assessment levied pursuant to paragraph (c).~~

(e) create, alone or in cooperation with counties, municipalities, and special districts pursuant to s. 163.01, the Florida Interlocal Cooperation Act of 1969, one or more stormwater management system benefit areas including property located outside the EAA and the C-139 Basin, and property located within the EAA and the C-139 Basin that is not subject to the Everglades agricultural privilege tax or the C-139 agricultural privilege tax within the EAA or any other area of the district identified and described in the plan or permits issued pursuant to subsection (6). The district may levy special assessments upon property owners within said benefit areas a per-acreage assessment to fund the planning, acquisition, construction, financing, operation, maintenance, and administration of stormwater management systems for the benefited areas. Any benefit area in which property owners receive substantially different levels of stormwater management system benefits shall include stormwater management system benefit subareas within which different per acreage assessments shall be levied from subarea to subarea based upon a reasonable relationship to benefits received. The assessments shall be calculated to generate sufficient funds to plan, acquire, construct, finance, operate, and maintain the stormwater management systems authorized pursuant to this section identified and described in the plan or permits issued pursuant to subsection (6).

(b) The district may use the non-ad valorem levy, collection, and enforcement method as provided in chapter 197 for assessments levied pursuant to this paragraph (a).

(c) The district shall publish notice of the certification of the non-ad valorem assessment roll pursuant to chapter 197 in a newspaper of general circulation in the counties wherein the assessment is being levied, within 1 week after the district certifies the non-ad valorem assessment roll to the tax collector pursuant to s. 197.3632(5). The assessments so levied pursuant to paragraph (a) shall be final and conclusive as to each lot or parcel unless the owner thereof shall, within 90 days of certification of the non-ad valorem assessment roll pursuant to s. 197.3632(5), commence an action in circuit court. Absent such commencement of an action within such period of time by an owner of a lot or parcel, such owner shall thereafter be estopped to raise any question related to the special benefit afforded the property or the reasonableness of the amount of the assessment. Except with respect to an owner who has commenced such an action, the non-ad valorem assessment roll as finally adopted and certified by the South Florida Water Management District to the tax collector pursuant to s. 197.3632(5) shall be competent and sufficient evidence that the assessments were duly levied and that all other proceedings adequate to the adoption of the non-ad valorem assessment roll were duly held, taken, and performed as required by s. 197.3632. If any assessment is abated in whole or in part by the court, the amount by which the assessment is so reduced may, by resolution of the governing board of the district, be payable from funds of the district legally available for that purpose, or at the discretion of the governing board of the district, assessments may be increased in the manner provided in s. 197.3632.

(d) In no event shall the amount of funds collected for stormwater management facilities pursuant to paragraph (a) or paragraph (e) or any combination thereof exceed the cost of providing water management attributable to water quality treatment resulting from the operation of stormwater management systems of the landowners to be assessed charged. Such water quality treatment may be required by the plan or permits issued by the district pursuant to subsection (6). Prior to the imposition of fees or assessments pursuant to paragraph (a) or paragraph (e) for construction of new stormwater management systems or the acquisition of necessary land, the district shall establish the general purpose, design, and function of the new system sufficient to make a fair and reasonable determination of the estimated costs of water management attributable to water quality treatment resulting from operation of stormwater management systems of the landowners to be assessed charged. This determination shall establish the proportion of the total anticipated costs attributable to the landowners. In determining the costs to be imposed by fees or assessments, the district shall consider the extent to which nutrients originate from external sources beyond the control of the landowners to be assessed charged. Costs for hydroperiod restoration within the Everglades Protection Area shall be provided by funds other than those derived from the assessments authorized by paragraph (a) or paragraph (e). The proportion of total anticipated costs attributable to the landowners shall be apportioned to individual landowners considering the factors specified in paragraph (e). Any determination made pursuant to this paragraph or paragraph (e) may be included in the plan or permits issued by the district pursuant to subsection (6).

(e) In determining the amount of any fee or assessment imposed on an individual landowner to be charged under paragraph (a) or paragraph (e), the district shall consider the quality and quantity of the stormwater discharged by the landowner, the amount of treatment provided to the landowner, and whether the landowner has provided equivalent treatment or retention prior to discharge to the district's system.

(f) No fee or assessment shall be imposed under this section paragraph (a) or paragraph (e) for the operation or maintenance of a stormwater management system or facility for which construction has been completed on or before July 1, 1991, except to the extent that the operation or maintenance, or any modification of such system or facility, is required to provide water quality treatment.

(g) The district shall suspend, terminate, or modify projects and funding for such projects, as appropriate, if the projects are not achieving applicable goals specified in the plan.

(h) The Legislature hereby determines that any property owner who contributes to the need for stormwater management systems and programs, as determined for each individual property owner either through the plan or through permits issued to the district pursuant to subsection (6) or to the property owner, is deemed to benefit from such systems and programs, and such benefits are deemed to be directly proportional to the relative contribution of the property owner to such need. The Legislature also determines that the issuance of a master permit provides benefits, through the opportunity to achieve collective compliance, for all persons within the area of the master permit which may be considered by the district in the imposition of fees or assessments under this section.

(9) PERMITS.—

(a) The Legislature finds that construction and operation of the Everglades Construction Project will benefit the water resources of the district and is consistent with the public interest. The district shall construct, maintain, and operate the Everglades Construction Project in accordance with this section.

(b) The Legislature finds that there is an immediate need to initiate cleanup and restoration of the Everglades Protection Area through the Everglades Construction Project. In recognition of this need, the district may begin construction of the Everglades Construction Project prior to final agency action, or notice of intended agency action, on any permit from the department under this section.

(c) The department may issue permits to the district to construct, operate, and maintain the Everglades Construction Project based on the criteria set forth in this section. The permits to be issued by the department to the district under this section shall be in lieu of other permits under part IV of chapter 373 or part VIII of chapter 403 (1992).

(d) By June 1, 1994, the district shall apply to the department for a permit or permits for the construction, operation, and maintenance of the Everglades Construction Project. The district may comply with this paragraph by amending its pending Everglades permit application.

(e) The department shall issue a permit for a term of 5 years for the construction, operation, and maintenance of the Everglades Construction Project upon the district's providing reasonable assurances that:

1. The project will be constructed, operated, and maintained in accordance with the Everglades Construction Project;

2. The BMP program set forth in paragraph (4)(f) has been implemented; and

3. The final design of the Everglades Construction Project shall minimize wetland impacts, to the maximum extent practicable and consistent with the Everglades Construction Project.

(f) At least 60 days prior to the expiration of any permit issued under this section, the district may apply for renewal for a period of 5 years.

(g) Permits issued under this section may include any standard conditions provided by department rule which are appropriate and consistent with this section.

(h) Discharges shall be allowed, provided the STAs are operated in accordance with this section, if, after a stabilization period:

1. The STAs achieve the design objectives of the Everglades Construction Project for phosphorus;

2. For water quality parameters other than phosphorus, the quality of water discharged from the STAs is of equal or better quality than inflows; and

3. Discharges from STAs do not pose a serious danger to the public health, safety, or welfare.

(i) The district may discharge from any STA into waters of the state upon issuance of final agency action authorizing such action or in accordance with s. 373.439.

(j)1. Modifications to the Everglades Construction Project shall be submitted to the department for a determination as to whether permit modification is necessary. The department shall notify the district within 30 days after receiving the submittal as to whether permit modification is necessary.

2. The Legislature recognizes that technological advances may occur during the construction of the Everglades Construction Project. If superior technology becomes available in the future which can be implemented to more effectively meet the intent and purposes of this section, the district is authorized to pursue that alternative through permit modification to the department. The department may issue or modify a permit provided that the alternative is demonstrated to be superior at achieving the restoration goals of the Everglades Construction Project considering:

- a. Levels of load reduction;
- b. Levels of discharge concentration reduction;
- c. Water quantity, distribution, and timing for the Everglades Protection Area;
- d. Compliance with water quality standards;
- e. Compatibility of treated water with the balance in natural populations of aquatic flora or fauna in the Everglades Protection Area;
- f. Cost-effectiveness; and
- g. The schedule for implementation.

Upon issuance of permit modifications by the department, the district is authorized to use available funds to finance the modification.

3. The district shall modify projects of the Everglades Construction Project, as appropriate, if the projects are not achieving the design objectives. Modifications that are inconsistent with the permit shall require a permit modification from the department. Modifications which substitute the treatment technology must meet the requirements of subparagraph 2. Nothing in this section shall prohibit the district from refining or modifying the final design of the project based upon the February 14, 1994, conceptual design document in accordance with standard engineering practices.

(k) By October 1, 1994, the district shall apply for a permit under this section to operate and maintain discharge structures within the control of the district which discharge into, within, or from the Everglades Protection Area and are not included in the Everglades Construction Project. The district may comply with this subsection by amending its pending permit application regarding these structures. In addition to the requirements of ss. 373.413 and 373.416, the application shall include the following:

1. Schedules and strategies for:
 - a. Achieving and maintaining water quality standards;
 - b. Evaluation of existing programs, permits, and water quality data;
 - c. Acquisition of lands and construction and operation of water treatment facilities, if appropriate, together with development of funding mechanisms; and
 - d. Development of a regulatory program to improve water quality, including identification of structures or systems requiring permits or modifications of existing permits.
2. A monitoring program to ensure the accuracy of data and measure progress toward achieving compliance with water quality standards.

(l) The department shall issue one or more permits for a term of 5 years for the operation and maintenance of structures identified by the district in paragraph (k) upon the district's demonstration of reasonable assurance that those elements identified in subparagraph (k) will provide compliance with water quality standards to the maximum extent practicable and otherwise comply with the provisions of ss. 373.413 and 373.416. The department shall take agency action on the permit application by October 1, 1996. At least 60 days prior to the expiration of any permit, the district may apply for a renewal thereof for a period of 5 years.

(m) The district may apply for modification of any permit issued pursuant to this subsection, including superior technology in accordance with the procedures set forth in this subsection.

(n) The district also shall apply for a permit or modification of an existing permit, as provided in this subsection, for any new structure or for any modification of an existing structure.

~~(6) PERMITS. The department and the district shall develop a permitting program consistent with the plan, if adopted. Pursuant to such program:~~

~~(a) The district shall apply to the department by October 1, 1991, for 5-year interim permits for the construction, operation, and maintenance of stormwater management systems for district structures discharging into or within the Everglades Protection Area. In addition to the requirements of ss. 373.413 and 373.416, the applications shall include the following:~~

~~1. To the extent information is available, recommended ambient concentration levels and discharge limitations for phosphorus appropriate to achieve and maintain compliance with applicable state water quality standards.~~

~~2. Proposed interim concentration levels designed to achieve such compliance to the maximum extent practicable.~~

~~3. Strategies for achieving and maintaining compliance with such interim concentration levels, including the acquisition of lands and the construction and operation of facilities for the purpose of water treatment, the development of funding mechanisms, and the development of a regulatory program to improve the quality of water entering the stormwater management systems. Such regulatory program shall include the identification of structures or systems requiring permits or modifications of existing permits and the development, where appropriate, of a master permit for a specified area, such as the Everglades Agricultural Area.~~

~~4. Appropriate schedules to carry out such strategies.~~

~~5. A monitoring program to ensure the accuracy of data and measure progress toward achieving interim concentration levels and applicable water quality standards.~~

~~(b) The department shall issue such interim permits to the district upon the district's demonstration of reasonable assurance that such permits will achieve compliance with interim concentration levels to the maximum extent practicable and otherwise comply with the provisions of ss. 373.413 and 373.416. The district shall also apply for an interim permit or for the modification of an existing permit, as provided in paragraph (a), for any new structure or for any modification of an existing structure subsequent to October 1, 1991.~~

~~(c) Permits issued pursuant to paragraph (b) shall be consistent with the plan, if adopted. Applications for modifications necessary to maintain consistency with the plan shall be filed within 90 days of the adoption of any change to the plan necessitating such modifications.~~

~~(d) At least 60 days prior to expiration of any interim permit issued pursuant to paragraph (b), the district may apply for a renewal thereof for a period of 5 years for the purpose of achievement and maintenance of applicable water quality standards.~~

~~(o)(e) Except as otherwise provided in this section, nothing in this subsection shall relieve any person from the need to obtain any permit required by the department or the district pursuant to any other provision of law.~~

~~(p)(f) The district shall publish notice of rulemaking pursuant to chapter 120 by October 1, 1991, allowing for a master permit or permits authorizing discharges from landowners within that area served by structures identified as S-5A, S-6, S-7, S-8, and S-150. For discharges within~~

this area, the district shall not initiate any proceedings to require new permits or permit modifications for nutrient limitations prior to the adoption of the master permit rule by the governing board of the district or prior to April 1, 1992, whichever first occurs. The district's rules shall also establish conditions or requirements allowing for a single master permit for the Everglades Agricultural Area including those structures and water releases subject to rule 40E-61, Florida Administrative Code. No later than the adoption of rules allowing for a single master permit, the department and the district shall provide appropriate procedures for incorporating into a master permit separate permits issued by the department under this chapter. The district's rules authorizing master permits for the Everglades Agricultural Area shall provide requirements consistent with this section the Everglades Surface Water Improvement and Management Plan and with interim or other permits issued by the department to the district. Such a master permit shall not preclude the requirement that individual permits be obtained for persons within the master permit area for activities not authorized by, or not in compliance with, the master permit. Nothing in this subsection shall limit the authority of the department or district to enforce existing permit requirements or existing rules, to require permits for new structures, or to develop rules for master permits for other areas. To the greatest extent possible the department shall delegate to the district any authority necessary to implement this subsection which is not already delegated.

(7) ~~APPLICABILITY OF LAWS AND WATER QUALITY STANDARDS; AUTHORITY OF DISTRICT AND DEPARTMENT.—~~

~~(a) Nothing in this section shall be construed to limit, detract from, or compromise the application or implementation of the Surface Water Improvement and Management Act, ss. 373.451-373.495. This section shall be construed, in all respects, to enhance and strengthen the provisions of the act as applied to the Everglades Protection Area. As provided in ss. 373.451-373.495, the plan shall include recommendations and schedules for bringing all pollution sources into compliance with state water quality standards. This section does not, nor shall the plan, authorize any existing or future violation of any applicable statute, rule, or permit requirement, nor diminish the authority of the department or the district.~~

~~(b) Except to the extent authorized in subsection (6), nothing in this section shall be construed as altering any currently applicable state water quality standards in the areas impacted by this section.~~

~~(c) The provisions of this section shall not be construed to limit or restrict the authority granted the district and the department pursuant to this chapter or chapter 403 to control, regulate, permit, construct, or operate a stormwater management system, or to plan, design, or implement a surface water improvement and management plan, and the provisions of this section shall be deemed to be supplemental to the authority granted pursuant to this chapter and chapter 403.~~

(10) LONG-TERM COMPLIANCE PERMITS.—By December 31, 2006, the department and the district shall take such action as may be necessary so that water delivered to the Everglades Protection Area achieves state water quality standards, including the phosphorus criterion, in all parts of the Everglades Protection Area.

(a) By December 31, 2003, the district shall submit to the department a permit modification to incorporate proposed changes to the Everglades Construction Project and the permits issued pursuant to subsection (9). These changes shall be designed to achieve compliance with the phosphorus criterion and the other state water quality standards by December 31, 2006.

(b) If the Everglades Construction Project or other discharges to the Everglades Protection Area are not in compliance with state water quality standards, the permit application shall include:

1. A plan for achieving compliance with the phosphorus criterion in the Everglades Protection Area.

2. A plan for achieving compliance in the Everglades Protection Area with state water quality standards other than the phosphorus criterion.

3. Proposed cost estimates for the plans referred to in subparagraphs 1. and 2.

4. Proposed funding mechanisms for the plans referred to in subparagraphs 1. and 2.

5. Proposed schedules for implementation of the plans referred to in subparagraphs 1. and 2.

(c) If the Everglades Construction Project or other discharges to the Everglades Protection Area are in compliance with state water quality standards, including the phosphorus criterion, the permit application shall include:

1. A plan for maintaining compliance with the phosphorus criterion in the Everglades Protection Area.

2. A plan for maintaining compliance in the Everglades Protection Area with state water quality standards other than the phosphorus criterion.

(11) APPLICABILITY OF LAWS AND WATER QUALITY STANDARDS; AUTHORITY OF DISTRICT AND DEPARTMENT.—

(a) Except as otherwise provided in this section, nothing in this section shall be construed:

1. As altering any applicable state water quality standards, laws, or district or department rules in areas impacted by this section; or

2. To restrict the authority otherwise granted the department and the district pursuant to this chapter or chapter 403, and provisions of this section shall be deemed supplemental to the authority granted pursuant to this chapter and chapter 403.

(b) Mixing zones, variances, and moderating provisions, or relief mechanisms for compliance with water quality standards as provided by department rules, shall not be permitted for discharges which are subject to paragraph (4)(f) and subject to this section, except that site specific alternative criteria may be allowed for nonphosphorus parameters if the applicant shows entitlement under applicable law. After December 31, 2006, all such relief mechanisms may be allowed for nonphosphorus parameters if otherwise provided for by applicable law.

(c) Those landowners or permittees who are not in compliance as provided in paragraph (4)(f) must meet a discharge limit for phosphorus of 50 parts per billion (ppb) unless and until some other limit has been established by department rule or order or operation of paragraph (4)(e).

(12) RIGHTS OF SEMINOLE TRIBE OF FLORIDA.—Nothing in this section is intended to diminish or alter the governmental authority and powers of the Seminole Tribe of Florida, or diminish or alter the rights of that tribe, including, but not limited to, rights under the Water Rights Compact among the Seminole Tribe of Florida, the state, and the South Florida Water Management District as enacted by Pub. L. No. 100-228, 101 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in s. 285.165, and rights under any other agreement between the Seminole Tribe of Florida and the state or its agencies. No land of the Seminole Tribe of Florida shall be used for stormwater treatment without the consent of the tribe.

(13)(8) ANNUAL REPORTS.—Beginning January 1, 1992, the district shall submit to the department, the Governor, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate annual progress reports regarding implementation of the section plan. The annual report will include a summary of the water conditions in the Everglades Protection Area, the status of the impacted areas, the status of the construction of the STAs, the implementation of the BMPs, and actions taken to monitor and control exotic species. The district must prepare the report in coordination with federal and state agencies.

(14) EVERGLADES FUND.—The South Florida Water Management District is directed to separately account for all moneys used for the purpose of funding the Everglades Construction Project.

(15) DEFINITION OF EVERGLADES AGRICULTURAL AREA.—As used in this section, "Everglades Agricultural Area" or "EAA" means the following described property: BEGINNING at the intersection of the North line of Section 2, Township 41, Range 37 East, with the Eastern right of way line of U.S. Army Corps of Engineers' Levee D-9, in Palm Beach County, Florida; thence, easterly along said North line of said Section 2 to the Northeast corner of said Section 2; thence, northerly along the West line of Section 36, Township 40 South, Range 37 East, to the West one-quarter corner of said Section 36; thence, easterly

along the East-West half section line of said Section 36 to the center of said Section 36; thence northerly along the North-South half section line of said Section 36 to the North one-quarter corner of said Section 36, said point being on the line between Palm Beach and Martin Counties; thence, easterly along said North line of said Section 36 and said line between Palm Beach and Martin Counties to the Westerly right of way line of the South Florida Water Management District's Levee 8 North Tieback; thence, southerly along said Westerly right of way line of said Levee 8 North Tieback to the Southerly right of way line of South Florida Water Management District's Levee 8 at a point near the Northeast corner of Section 12, Township 41 South, Range 37 East; thence, easterly along said Southerly right of way line of said Levee 8 to a point in Section 7, Township 41 South, Range 38 East, where said right of way line turns southeasterly; thence, southeasterly along the Southwesterly right of way line of said Levee 8 to a point near the South line of Section 8, Township 43 South, Range 40 East, where said right of way line turns southerly; thence, southerly along the Westerly right of way line of said Levee 8 to the Northerly right of way line of State Road 80, in Section 32, Township 43 South, Range 40 East; thence, westerly along the Northerly right of way line of said State Road 80 to the northeasterly extension of the Northwesterly right of way line of South Florida Water Management District's Levee 7; thence, southwesterly along said northeasterly extension, and along the northwesterly right of way line of said Levee 7 to a point near the Northwest corner of Section 3, Township 45 South, Range 39 East, where said right of way turns southerly; thence, southerly along the Westerly right of way line of said Levee 7 to the Northwesterly right of way line of South Florida Water Management District's Levee 6, on the East line of Section 4, Township 46 South, Range 39 East; thence, southwesterly along the Northwesterly right of way line of said Levee 6 to the Northerly right of way line of South Florida Water Management District's Levee 5, near the Southwest corner of Section 22, Township 47 South, Range 38 East; thence, westerly along said Northerly right of way line of said Levee 5 and along the Northerly right of way line of South Florida Water Management District's Levee 4 to the Northeasterly right of way line of South Florida Water Management District's Levee 3 and the Northeast corner of Section 12, Township 48 South, Range 34 East; thence, northwesterly along said Northeasterly right of way line of said Levee 3 to a point near the Southwest corner of Section 9, Township 47 South, Range 34 East, where said right of way line turns northerly; thence, northerly along the Easterly right of way line of said Levee 3 and South Florida Water Management District's Levee 2 to the southerly line of Section 4, Township 46 South, Range 34 East; thence, easterly along said southerly line of said Section 4 to the Southeast corner of said Section 4; thence, northerly along the East lines of said Section 4 and Section 33, Township 45 South, Range 34 East, to the Northeast corner of said Section 33; thence, westerly along the North line of said Section 33 to said Easterly right of way line of said Levee 2; thence, northerly along said Easterly right of way line of said Levee 2 and South Florida Water Management District's Levee 1, to the North line of Section 16, Township 44 South, Range 34 East; thence, easterly along the North lines of said Section 16 and Section 15, Township 44 South, Range 34 East, to the Northeast corner of said Section 15; thence, northerly along the West lines of Section 11 and Section 2, Township 44 South, Range 34 East, and the West lines of Section 35, Section 26 and Section 23, Township 43 South, Range 34 East to a point 25 feet north of the West quarter-corner (W1/4) of said Section 23; thence, easterly along a line that is 25 feet north and parallel to the East-West half section line of said Section 23 and Section 24 to a point that is 25 feet north of the center of said Section 24; thence, northerly along the North-South half section lines of said Section 24 and Section 13, Township 43 South, Range 34 East, to the intersection with the North right of way line of State Road 80A (old U.S. Highway 27); thence, westerly along said North right of way line of said State Road 80A (old U.S. Highway 27) to the intersection with the Southerly right of way line of State Road 80; thence, easterly along said Southerly right of way line of said State Road 80 to the intersection with the North line of Section 19, Township 43 South, Range 35 East; thence, easterly along said North line of said Section 19 to the intersection with the Southerly right of way of U.S. Army Corps of Engineers Levee D-2; thence, easterly along said Southerly right of way of said Levee D-2 to the intersection with the north right of way line of State Road 80 (new U.S. Highway 27); thence, easterly along said North right of way line of said State Road 80 (new U.S. Highway 27) to the East right of way line of South Florida Water Management District's Levee 25 (Miami Canal); thence, North along said East right of way line of said Levee 25 to the said south right of way line of said Levee D-2; thence, easterly and northeasterly along said Southerly and Easterly right of way lines of said Levee D-2 and said Levee D-9 to the point of beginning.

(16) DEFINITION OF C-139 BASIN.—For purposes of this section:

(a) "C-139 Basin" or "Basin" means the following described property: beginning at the intersection of an easterly extension of the south bank of Deer Fence Canal with the center line of South Florida Water Management District's Levee 3 in Section 33, Township 46 South, Range 34 East, Hendry County, Florida; thence, westerly along said easterly extension and along the South bank of said Deer Fence Canal to where it intersects the center line of State Road 846 in Section 33, Township 46 South, Range 32 East; thence, departing from said top of bank to the center line of said State Road 846, westerly along said center line of said State Road 846 to the West line of Section 4, Township 47 South, Range 31 East; thence, northerly along the West line of said section 4, and along the west lines of Sections 33 and 28, Township 46 South, Range 31 East, to the northwest corner of said Section 28; thence, easterly along the North line of said Section 28 to the North one-quarter (N1/4) corner of said Section 28; thence, northerly along the West line of the Southeast one-quarter (SE1/4) of Section 21, Township 46 South, Range 31 East, to the northwest corner of said Southeast one-quarter (SE1/4) of Section 21; thence, easterly along the North line of said Southeast one-quarter (SE1/4) of Section 21 to the northeast corner of said Southeast one-quarter (SE1/4) of Section 21; thence, northerly along the East line of said Section 21 and the East line of Section 16, Township 46 South, Range 31, East, to the northeast corner thereof; thence, westerly along the North line of said Section 16, to the northwest corner thereof; thence, northerly along the West line of Sections 9 and 4, Township 46 South, Range 31, East, to the northwest corner of said Section 4; thence, westerly along the North lines of Section 5 and Section 6, Township 46 South, Range 31 East, to the South one-quarter (S1/4) corner of Section 31, Township 45 South, Range 31 East; thence, northerly to the South one-quarter (S1/4) corner of Section 30, Township 45 South, Range 31 East; thence, easterly along the South line of said Section 30 and the South lines of Sections 29 and 28, Township 45 South, Range 31 East, to the Southeast corner of said Section 28; thence, northerly along the East line of said Section 28 and the East lines of Sections 21 and 16, Township 45 South, Range 31 East, to the Northwest corner of the Southwest one-quarter of the Southwest one-quarter (SW1/4 of the SW 1/4) of Section 15, Township 45 South, Range 31 East; thence, northeasterly to the east one-quarter (E1/4) corner of Section 15, Township 45 South, Range 31 East; thence, northerly along the East line of said Section 15, and the East line of Section 10, Township 45 South, Range 31 East, to the center line of a road in the Northeast one-quarter (NE1/4) of said Section 10; thence, generally easterly and northeasterly along the center line of said road to its intersection with the center line of State Road 832; thence, easterly along said center line of said State Road 832 to its intersection with the center line of State Road 833; thence, northerly along said center line of said State Road 833 to the north line of Section 9, Township 44 South, Range 32 East; thence, easterly along the North line of said Section 9 and the north lines of Sections 10, 11 and 12, Township 44 South, Range 32 East, to the northeast corner of Section 12, Township 44 South, Range 32 East; thence, easterly along the North line of Section 7, Township 44 South, Range 33 East, to the center line of Flaghole Drainage District Levee, as it runs to the east near the northwest corner of said Section 7, Township 44 South, Range 33 East; thence, easterly along said center line of the Flaghole Drainage District Levee to where it meets the center line of South Florida Water Management District's Levee 1 at Flag Hole Road; thence, continue easterly along said center line of said Levee 1 to where it turns south near the Northwest corner of Section 12, Township 44 South, Range 33 East; thence, Southerly along said center line of said Levee 1 to where the levee turns east near the Southwest corner of said Section 12; thence, easterly along said center line of said Levee 1 to where it turns south near the Northeast corner of Section 17, Township 44 South, Range 34 East; thence, southerly along said center line of said Levee 1 and the center line of South Florida Water Management District's Levee 2 to the intersection with the north line of Section 33, Township 45 South, Range 34 East; thence, easterly along the north line of said Section 33 to the northeast corner of said Section 33; thence, southerly along the east line of said Section 33 to the southeast corner of said Section 33; thence, southerly along the east line of Section 4, Township 46 South, Range 34 East to the southeast corner of said Section 4; thence, westerly along the south line of said Section 4 to the intersection with the centerline of South Florida Water Management District's Levee 2; thence, southerly along said Levee 2 centerline and South Florida Water Management District's Levee 3 centerline to the POINT OF BEGINNING.

(b) If the district issues permits in accordance with all applicable rules allowing water from the "C-139 Annex" to flow into the drainage system for the C-139 Basin, the C-139 Annex shall be added to the C-139 Basin for all tax years thereafter, commencing with the next C-139 agricultural privilege tax roll certified after issuance of such permits. "C-139 Annex" means the following described property: that part of the S.E. 1/4 of Section 32, Township 46 South, Range 34 East and that portion of Sections 5 and 6, Township 47 South, Range 34 East lying west of the L-3 Canal and South of the Deer Fence Canal; all of Sections 7, 17, 18, 19, 20, 28, 29, 30, 31, 32, 33, and 34, and that portion of Sections 8, 9, 16, 21, 22, 26, 27, 35, and 36 lying south and west of the L-3 Canal, in Township 47 South, Range 34 East; and all of Sections 2, 3, 4, 5, 6, 8, 9, 10, and 11 and that portion of Section 1 lying south and west of the L-3 Canal all in Township 48 South, Range 34 East.

Section 2. Paragraph (b) of subsection (3) of section 259.101, Florida Statutes, is amended to read:

259.101 Florida Preservation 2000 Act.—

(3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. The proceeds of any bonds deposited into the Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection Natural Resources in the following manner:

(b) Thirty percent to the Department of Environmental Protection Regulation for the purchase of water management lands pursuant to s. 373.59, to be distributed among the water management districts as provided in that section. Funds received by each district may also be used for acquisition of lands necessary to implement surface water improvement and management plans approved in accordance with s. 373.456 or for acquisition of lands necessary to implement the Everglades Construction Project authorized by s. 373.4592.

Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for the purposes described in this subsection. Bond proceeds allocated pursuant to paragraph (c) may be used to purchase lands on the priority lists developed pursuant to s. 259.035. Title to lands purchased pursuant to paragraphs (a), (d), (e), (f), and (g) shall be vested in the Board of Trustees of the Internal Improvement Trust Fund. Title to lands purchased pursuant to paragraph (c) may be vested in the Board of Trustees of the Internal Improvement Trust Fund. Paragraphs (a) and (b) are repealed effective October 1, 2000, and paragraphs (c), (d), (e), (f), and (g) are repealed effective October 1, 1996. Prior to repeal, the Legislature shall review the provisions scheduled for repeal and shall determine whether to reenact or modify the provisions or to take no action.

Section 3. Alligator Alley toll road.—

(1) The Legislature finds that the construction of Alligator Alley, designated as State Highway 84 and federal Interstate Highway 75, has provided a convenient and necessary connection of the east and west coasts of Florida for commerce and other purposes. However, this state highway has contributed to the alteration of water flows in the Everglades and affected ecological patterns of the historical southern Everglades. The Legislature has determined that it is appropriate and in the public interest to establish a system of tolls for use of Alligator Alley to produce needed financial resources to help restore the natural resource values lost by construction of this highway.

(2) The Department of Transportation is directed to continue the system of tolls on this highway. Notwithstanding the provisions of s. 338.165(2), Florida Statutes, to the contrary, such toll collections shall be used for the purposes of this section and s. 338.165(3).

(3) Fees generated from tolls shall be deposited in the State Transportation Trust Fund, and any amount of funds generated annually in excess of that required to reimburse outstanding contractual obligations, to operate and maintain the highway and toll facilities, including reconstruction and restoration, and to pay for those projects that are funded with Alligator Alley toll revenues and that are contained in the 1993-1994 adopted work program or the 1994-1995 tentative work program submitted to the Legislature on February 22, 1994, may be transferred to the Everglades Fund of the South Florida Water Management District for environmental projects to restore the natural values of the Everglades, subject to compliance with any applicable federal laws and regulations. Projects may include, but are not limited to:

(a) Highway redesign to allow for improved sheet flow of water across the southern Everglades.

(b) Water conveyance projects to enable more water resources to reach Florida Bay to replenish marine estuary functions.

(c) Engineering design plans for waste water treatment facilities as recommended in the Water Quality Protection Program Document for the Florida Keys National Marine Sanctuary.

(d) Acquisition of lands to move STA 3/4 out of the Toe of the Boot, provided such lands are located within 1 mile of the northern border of STA 3/4.

(e) Other Everglades Construction Projects as described in the February 15, 1994 conceptual design document.

(4) The district may issue revenue bonds or notes under s. 373.584, and pledge the revenue from the transfers from the Alligator Alley toll revenues as security for such bonds or notes. The proceeds from such revenue bonds or notes shall be used for environmental projects; at least 50 percent of said proceeds must be used for projects that benefit Florida Bay, as described in this section subject to resolutions approving such activity by the Board of Trustees of the Internal Improvement Trust Fund and the governing board of the South Florida Water Management District and the remaining proceeds must be used for restoration activities in the Everglades Protection Area.

Section 4. The Legislature finds that certain lands are appropriate for acquisition with funds from the Conservation and Recreation Lands Trust Fund in order to restore the historic hydrology of Florida Bay. Notwithstanding chapter 259, F.S., sums not to exceed the total of \$25 million in funds appropriated to the Department of Environmental Protection from the Conservation and Recreation Lands Trust Fund shall be allocated, as necessary, to the South Florida Water Management District, on a dollar-for-dollar matching basis to be used for the acquisition of such lands. The funds are intended to supplement, but not replace, any federal or district funds that may be available for such purposes. In addition, the amount to be allocated will be decreased by the amount provided by any other state sources for the acquisition of such land.

Section 5. The South Florida Water Management District is authorized to expend funds from Alligator Alley tolls which have been deposited in the Everglades Fund of the South Florida Water Management District to fund restoration activities for the Everglades and Florida Bay.

Section 6. Subsection (6) of section 298.22, Florida Statutes, is amended to read:

298.22 Powers given supervisors to effect reclamation of land in district.—In order to effect the drainage, protection, and reclamation of the land in the district subject to tax, the board of supervisors:

(6) May condemn or acquire, by purchase or grant, for the use of the district, any land or property within or without said district not acquired or condemned by the court on the report of the commissioners assessing benefits and damages, and shall follow the procedure set out in chapter 73. Such powers to condemn or acquire any land or property within or without the district shall also be available for implementing requirements imposed on those districts subject to s. 373.4592.

Section 7. Section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(1) The department, any transportation or expressway authority or, in the absence of an authority, a county or counties may continue to collect the toll on a revenue-producing project after the discharge of any bond indebtedness related to such project and may increase such toll. All tolls so collected shall first be used to pay the annual cost of the operation, maintenance, and improvement of the toll project.

(2) If the revenue-producing project is on the State Highway System, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the revenue-producing project is located.

(3) Notwithstanding any other law to the contrary, pursuant to Article VII, Section 11 of the Constitution of the State of Florida, and subject to the requirements of subsection 2 of this section, the Depart-

ment of Transportation may request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Alligator Alley to fund transportation projects contained in the 1993-1994 Adopted Work Program or in any subsequent adopted work program of the department.

(4)(3) If the revenue-producing project is on the county road system, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any other state or county road within the county or counties in which the revenue-producing project is located.

(5)(4) Selection of projects on the State Highway System for construction, maintenance, or improvement with toll revenues shall be, with the concurrence of the department, consistent with the Florida Transportation Plan.

(6)(5) Notwithstanding the provisions of subsection (1), in order to facilitate expeditious completion of the Interstate System, the department is authorized to continue to collect the toll on a revenue-producing project currently designated as part of the Interstate System.

(7)(6) This section does not apply to the turnpike system as defined under the Florida Turnpike Law.

Section 8. Section 1 of chapter 91-80, Laws of Florida, is hereby repealed.

Section 9. Subsection (3) of section 373.459, Florida Statutes, is amended to read:

373.459 Surface Water Improvement and Management Trust Fund.—

(3) The amount of money that may be released to a water management district from the Surface Water Improvement and Management Trust Fund for approved plans, or continuations of approved plans, to improve and manage the surface waters described in ss. 373.451-373.4595 is limited to not more than 60 percent of the amount of money necessary for the approved plans of the South Florida Water Management District, the Southwest Florida Water Management District, and the St. Johns River Water Management District, and not more than 80 percent of the amount of money necessary for the approved plans of the Northwest Florida Water Management District and the Suwannee River Water Management District. The remaining funds necessary for the approved plans shall be provided by the district. ~~The district shall provide at least 40 percent of the amount of money necessary for the plans.~~

Section 10. Except where otherwise provided herein, this act shall take effect upon becoming a law.

House Amendment 1 to House Amendment 1—On page 7, strike line 21 and insert: *Construction Project, to the extent these funds are identified in the Statement of Principles of July 1993. The district's actions in implementing*

Senators Kiser, Jones and Diaz-Balart offered the following amendment which was moved by Senator Kiser and adopted:

Senate Amendment 1 (with Title Amendment) to House Amendment 1 as amended—On page 76, between lines 4 and 5, insert:

Section 3. Alligator Alley toll road.—

(1) The Legislature finds that the construction of Alligator Alley, designated as State Highway 84 and federal Interstate Highway 75, has provided a convenient and necessary connection of the east and west coasts of Florida for commerce and other purposes. However, this state highway has contributed to the alteration of water flows in the Everglades and affected ecological patterns of the historical southern Everglades. The Legislature has determined that it is appropriate and in the public interest to establish a system of tolls for use of Alligator Alley to produce needed financial resources to help restore the natural resource values lost by construction of this highway.

(2) The Department of Transportation is directed to continue the system of tolls on this highway. Notwithstanding the provisions of section 338.165(2), Florida Statutes, to the contrary, such toll collections shall be used for the purposes of this section.

(3) Fees generated from tolls shall be deposited in the State Transportation Trust Fund, and any amount of funds generated annually in

excess of that required to reimburse outstanding contractual obligations, to operate and maintain the highway and toll facilities, including reconstruction and restoration, and to pay for those projects that are funded with Alligator Alley toll revenues and that are contained in the 1993-1994 adopted work program or the 1994-1995 tentative work program submitted to the Legislature on February 22, 1994, may be transferred to the Everglades Fund of the South Florida Water Management District for environmental projects to restore the natural values of the Everglades, subject to compliance with any applicable federal laws and regulations. Projects shall be limited to:

(a) Highway redesign to allow for improved sheet flow of water across the southern Everglades.

(b) Water conveyance projects to enable more water resources to reach Florida Bay to replenish marine estuary functions.

(c) Engineering design plans for waste water treatment facilities as recommended in the Water Quality Protection Program Document for the Florida Keys National Marine Sanctuary.

(d) Acquisition of lands to move STA 3/4 out of the Toe of the Boot, provided such lands are located within 1 mile of the northern border of STA 3/4.

(e) Other Everglades Construction Projects as described in the February 15, 1994 conceptual design document.

(4) The district may issue revenue bonds or notes under section 373.584, Florida Statutes, and pledge the revenue from the transfers from the Alligator Alley toll revenues as security for such bonds or notes. The proceeds from such revenue bonds or notes shall be used for environmental projects; at least 50 percent of said proceeds must be used for projects that benefit Florida Bay, as described in this section subject to resolutions approving such activity by the Board of Trustees of the Internal Improvement Trust Fund and the governing board of the South Florida Water Management District and the remaining proceeds must be used for restoration activities in the Everglades Protection Area.

Section 4. Section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(1) The department, any transportation or expressway authority or, in the absence of an authority, a county or counties may continue to collect the toll on a revenue-producing project after the discharge of any bond indebtedness related to such project and may increase such toll. All tolls so collected shall first be used to pay the annual cost of the operation, maintenance, and improvement of the toll project.

(2) If the revenue-producing project is on the State Highway System, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the revenue-producing project is located.

(3) *Notwithstanding any other law to the contrary, pursuant to Article VII, Section 11 of the Constitution of the State of Florida, and subject to the requirements of subsection 2 of this section, the Department of Transportation may request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Alligator Alley to fund transportation projects contained in the 1993-1994 Adopted Work Program or in any subsequent adopted work program of the department.*

(4)(3) If the revenue-producing project is on the county road system, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any other state or county road within the county or counties in which the revenue-producing project is located.

(5)(4) Selection of projects on the State Highway System for construction, maintenance, or improvement with toll revenues shall be, with the concurrence of the department, consistent with the Florida Transportation Plan.

(6)(5) Notwithstanding the provisions of subsection (1), in order to facilitate expeditious completion of the Interstate System, the department is authorized to continue to collect the toll on a revenue-producing project currently designated as part of the Interstate System.

(7)(6) This section does not apply to the turnpike system as defined under the Florida Turnpike Law.

Section 5. Section 373.4593, Florida Statutes, is created to read:

373.4593 Florida Bay Restoration.—

(1) The Legislature declares that an emergency exists regarding Florida Bay due to an environmental crisis manifested in widespread dieoff of sea grasses, algae blooms and resulting decreases in marine life. These conditions threaten the ecological integrity of Florida Bay and surrounding areas and the economic viability of Monroe County and the State of Florida. The Legislature further finds that an increase in freshwater flow will assist in the restoration of Florida Bay.

(2) The South Florida Water Management District shall take all actions within its authority to implement an emergency interim plan. The emergency interim plan shall be designed to provide for the release of water into Taylor Slough and Florida Bay by up to 800 cfs, in order to optimize the quantity, timing, distribution and quality of fresh water, and promote sheet flow into Taylor Slough.

(a) By June 1, 1994, the South Florida Water Management District shall request the federal government to become a joint sponsor of the emergency interim plan.

(b) By June 1, 1994, the South Florida Water Management District shall request the federal government to take all action within its authority to expedite or waive any necessary federal approvals.

(c) By July 1, 1994, the South Florida Water Management District shall file for any necessary federal approvals.

(d) Within 60 days of the issuance of the final federal approvals, the South Florida Water Management District shall complete the installation of the necessary facilities required by the emergency interim plan.

(e) By July 1, 1994, the South Florida Water Management District shall file an eminent domain action to acquire the western 3 sections of the area known as Frog Pond. The South Florida Water Management District is granted the specific powers to exercise eminent domain to condemn the lands in these areas.

(f) Within 30 days of the acquisition of the property referred to above and the completion of the actions in (d) above, the South Florida Water Management District shall implement the emergency interim plan.

The above measures are emergency interim actions intended to enhance the quantity, timing, and distribution of freshwater to Taylor Slough and Florida Bay. These measures will benefit the water resources of the South Florida Water Management District and are consistent with the public interest.

(3) The district shall not be required to obtain a permit which may otherwise be required under this chapter or chapter 403 prior to the construction, installation, and operation of the pumping facilities and related facilities required to implement the emergency interim plan. The district is directed to provide information on the emergency interim plan to the department. The district shall minimize environmental impacts which may occur during construction, and shall submit a construction plan to the department. In the event that the emergency interim plan continues beyond July 1, 1996, the district shall apply to the department for a permit to continue to operate these facilities.

(4) The Legislature recognizes that the U.S. Army Corps of Engineers is developing a comprehensive plan for restoring freshwater flow into Taylor Slough and Florida Bay over the next several years. The emergency interim plan is not a substitute for or in conflict with the provisions of the U.S. Army Corps of Engineers currently under development. Further, the Legislature directs that the department and the South Florida Water Management District shall request the federal government complete and fund the ongoing restoration efforts so as to increase the quantity, quality, timing, and distribution of water delivered to the Bay. The department and the district shall also request the federal government to evaluate the release of freshwater under the demonstration project, consistent with applicable law.

Section 6. The Legislature finds that certain lands are appropriate for acquisition with funds from the Conservation and Recreation Lands Trust Fund in order to restore the historic hydrology of Florida Bay. Notwithstanding chapter 259, F.S., sums not to exceed the total of \$25 million in funds appropriated to the Department of Environmental Protection from the Conservation and Recreation Lands Trust Fund shall be allocated, as necessary, to the South Florida Water Management District,

on a dollar-for-dollar matching basis to be used for the acquisition of such lands. The funds are intended to supplement, but not replace, any federal or district funds that may be available for such purposes. In addition, the amount to be allocated will be decreased by the amount provided by any other state sources for the acquisition of such land.

Section 7. The South Florida Water Management District is authorized to expend funds from Alligator Alley tolls which have been deposited in the Everglades Fund of the South Florida Water Management District to fund restoration activities for the Everglades and Florida Bay.

(Renumber subsequent sections)

And the title is amended as follows:

In title, on page 3, line 31, after the semicolon (;) insert: continuing the collection of tolls on Alligator Alley; providing uses for tolls; authorizing the South Florida Water Management District to issue revenue bonds or notes using toll revenues as security; providing uses for the proceeds from said lands or notes; amending s. 338.165, F.S.; authorizing the Department of Transportation to request the issuance of bonds secured by toll revenues collected on Alligator Alley to fund specified transportation projects; creating s. 373.4593, F.S.; providing legislative intent regarding the restoration of the Florida Bay; directing the district to implement an emergency interim plan; providing elements of said plan; authorizing the South Florida Water Management District to acquire specified lands by eminent domain; directing the district to take certain actions to promote the restoration of the Florida Bay; waiving certain permit requirements; authorizing the acquisition of certain lands needed to restore the historical hydrology of Florida Bay using funds from the Conservation and Recreation Lands Trust Fund; allocating not more than \$25 million in said funds to be used by the South Florida Water Management District for said purpose;

The vote was:

Yeas—36 Nays—4

Senator Wexler moved the following amendment which was adopted:

Senate Amendment 2 to House Amendment 1 as amended—On page 10, line 17, after the period (.) insert: *Notwithstanding the provisions of s. 200.069 to the contrary, any millage levied under the .1 mill limitation in this paragraph shall be included as a separate entry on the Notice of Proposed Property Taxes pursuant to s. 200.069.*

Senator Dantzler moved the following amendments which were adopted:

Senate Amendment 3 to House Amendment 1 as amended—On page 1, line 11, insert:

Section 1. Section 373.4592 shall be known as the "Everglades Forever Act."

Senate Amendment 4 to House Amendment 1 as amended—In title, on page 1, line 2, after the semicolon (;) insert: providing a short title;

Senator Dudley moved the following amendment which failed:

Senate Amendment 5 (with Title Amendment) to House Amendment 1 as amended—On page 68, strike all of lines 1-4 and insert:

(14) **EVERGLADES FUND.—**

(a) *The South Florida Water Management District is directed to separately account for all moneys used for the purpose of funding the Everglades Construction Project.*

(b) *In no event shall the South Florida Water Management District increase its ad valorem millage rate for the purpose of funding any portion of the Everglades restoration program, unless each of the state's other water management districts also contribute a pro rata share of funding in an equal amount for the purpose of funding the Everglades restoration program.*

And the title is amended as follows:

On page 5, line 29, after "fund," insert: providing a condition for increase in the district's ad valorem tax rate for funding Everglades restoration;

On motions by Senator Dantzler, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendments.

CS for CS for SB 1350 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33 Nays—7

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be withdrawn from the Committee and added to the Senate Calendar for Wednesday, April 13, 1994:

Local Bills: HB 587, HB 2291, HB 1355

CS for CS for SB 1350—Everglades

CS for CS for SB 3060—Health Care Security Act

Respectfully submitted,
George Kirkpatrick, Chairman

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 66, SB 102, SB 106, SB 590, SB 1026, SB 1082, SB 1102, SB 1468 and CS for SB 1482 which became law without his signature on April 12, 1994.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed HB 481, HB 1583, HB 2291; has passed as amended CS for HB 81, CS for HB 157, CS for HB 449, HB 587, CS for CS for HB 647, CS for HB 683, CS for HB 687, CS for HB 1085, CS for HB 1111, CS for HB 1125, CS for HB 1141, HB 1163, CS for HB 1215, CS for HB 1295, CS for HB 1303, CS for HB 1343, HB 1407, HB 1423, CS for HB 1425, CS for HB 1457, CS for HB 1587, CS for HB 1675, CS for HB 1717, CS for HB 1801, HB 2027, CS for HB 2043, HB 2047, CS for HB 2175, CS for HB 2251, HB 2295, HB 2317, HB 2405, HB 2437, HB 2467, HB 2481, HB 2513, HB 2521, HB 2559, HB 2819, CS for HB 2883; has passed as amended by the required constitutional three-fifths vote of the membership CS for CS for HJR 2053; has adopted HCR 453, HM 2889 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Mitchell—

HB 481—A bill to be entitled An act relating to viticulture; amending s. 561.221, F.S.; revising requirements relating to the conduct of wine tastings and sales by certified Florida Farm Wineries at specified events; amending s. 564.06, F.S.; eliminating future repeal of a provision requiring deposit into the Viticulture Trust Fund of a portion of the revenues collected from the excise taxes imposed on wine; amending s. 599.002, F.S.; revising the membership and responsibilities of the Viticulture Advisory Council; correcting a cross reference; eliminating future review and repeal; amending s. 599.003, F.S.; revising the State Viticulture Plan; eliminating future repeal; amending s. 599.012, F.S.; providing editorial changes to provisions relating to the Viticulture Trust Fund; repealing s. 599.001(4), F.S., relating to future repeal of the legislative declaration of public policy on viticulture; repealing s. 599.012(3), F.S., relating to future repeal of the Viticulture Trust Fund; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Bullard and others—

HB 1583—A bill to be entitled An act relating to parental responsibility; amending s. 39.42, F.S.; expanding legislative intent with respect to children and families in need of services; amending s. 402.3026, F.S.; pro-

viding for counseling for certain children and their parents at full-service schools; amending s. 402.45, F.S.; providing for assistance to certain children and their parents under the community resource mother or father program; amending s. 409.802, F.S.; providing for parental responsibility under the "Family Policy Act"; amending s. 415.516, F.S.; providing additional goals of the Family Builders Program; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Pruitt—

HB 2291—A bill to be entitled An act relating to St. Lucie County; amending chapter 89-475, Laws of Florida; providing nonprobationary status for certain employees of the St. Lucie County Sheriff; specifying rights of such employees; providing procedures for appeal of disciplinary actions and complaints against employees of the sheriff; providing for appointment of boards to hear appeals and procedures with respect thereto; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Education and Representative Feeney and others—

CS for HB 81—A bill to be entitled An act relating to courses of study and instructional aids; creating s. 233.0655, F.S.; authorizing district school boards to allow teachers and administrators to read or post certain writings, documents, and records related to American history; providing for distribution of the section; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Employee and Management Relations; and Representative Mitchell and others—

HB 157—A bill to be entitled An act relating to the Florida Retirement System and other public retirement systems; amending s. 112.363, F.S.; providing for changes to the Health Insurance Subsidy Trust Fund; amending s. 112.61, F.S.; modifying legislative intent; amending s. 121.021, F.S.; redefining the term "creditable service"; amending s. 121.051, F.S.; providing membership status of regular receivership employees of the Division of Rehabilitation and Liquidation; amending ss. 121.052, 121.055, and 121.071, F.S.; revising contribution rates applicable to members of the Elected State and County Officers' Class, the Senior Management Service Class, and the Regular, Special Risk, and Special Risk Administrative Support Classes of the Florida Retirement System; modifying provisions related to upgraded service; providing for maximum contributions payable for annuities purchased under the Senior Management Service Optional Annuity Program (OAP) and the Optional Retirement Program for the State University System (ORP); creating s. 121.1115, F.S.; providing for the purchase of creditable service for periods of employment as public employees in other states, subject to certain limitations and conditions; providing cost; amending s. 121.40, F.S.; revising the contribution rate applicable to the supplemental retirement plan for the Institute of Food and Agricultural Sciences of the University of Florida; amending s. 121.122, F.S.; providing for Senior Management Service membership for certain reemployed retirees; amending ss. 175.121, 175.401, 185.10, and 185.50, F.S.; providing for withholding of moneys; providing legislative intent with respect to contribution rates; providing legislative findings; providing legislative intent regarding future changes affecting the Florida Retirement System; repealing s. 121.056, F.S., relating to contribution rate adjustments; providing effective dates.

—was referred to the Committee on Rules and Calendar.

By the Committee on Transportation and Representative Minton and others—

CS for HB 449—A bill to be entitled An act relating to trucking; amending s. 316.550, F.S.; providing for the permitting of oversize or overweight vehicles carrying nondivisible loads; providing for the permitting of sealed containerized loads; providing criteria for the issuance of such permits; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Stabins and others—

HB 587—A bill to be entitled An act releasing a reversionary interest of the state in certain lands in Hernando County; repealing s. 1(4), ch. 76-254, Laws of Florida, which provided for a reverter to the state in 10 acres of land directed to be conveyed to the Guidance Center of Hernando County for use as a permanent facility; directing the Board of Trustees of the Internal Improvement Trust Fund to release the reversionary interest; providing restrictions on sale of the property after default to a lending institution; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committees on Finance and Taxation; and Judiciary; and Representative Sembler and others—

CS for CS for HB 647—A bill to be entitled An act relating to ad valorem tax administration; amending s. 166.231(9), F.S.; providing clarification that customer owned coin operated telephone and cellular interconnection charges are exempt from the municipal public services tax; providing a certification procedure; relieving the sellers of telecommunications services from the obligation of collecting and remitting such tax from exempted purchasers; amending s. 197.332, F.S.; providing that tax collectors shall be allowed to collect attorney's fees and court costs in performing their duties; amending s. 197.402, F.S.; revising the number of advertisements required for real property with delinquent taxes; amending s. 197.413, F.S.; providing that the tax collector is not required to issue a warrant for delinquent personal property taxes of less than \$50; providing an additional fee for each warrant issued; amending ss. 197.462 and 197.472, F.S.; increasing the fees collected by tax collectors for administering the transfer or redemption of tax certificates; amending s. 196.011, F.S.; authorizing the granting of a late-filed application for exemption for property entitled to a religious exemption under certain conditions; providing for retroactive effect; amending s. 125.0104, F.S.; authorizing certain counties to levy an additional tourist development tax to finance the construction, reconstruction, or renovation of a facility for a new professional sports franchise; prohibiting a county that imposes such a tax from expending ad valorem tax revenues for such facility; authorizing use of the proceeds of the tourist development tax for trails projects; providing effective dates.

—was referred to the Committee on Rules and Calendar.

By the Committee on Health Care and Representative Dawson and others—

CS for HB 683—A bill to be entitled An act relating to Medicaid; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules regarding the care and treatment of certain patients in hospital distinct part nursing units; amending s. 400.051, F.S.; revising an exemption from provisions regulating nursing homes; amending s. 409.905, F.S.; providing for Medicaid reimbursement to a hospital providing nursing services in a Medicare skilled nursing facility; amending s. 409.908, F.S.; providing for Medicaid reimbursement to hospitals providing skilled nursing services; limiting the period services may be provided; amending s. 409.912, F.S.; providing for disenrollment of a Medicaid prepaid plan enrollee who wishes to enter hospice care; requiring the agency, in conjunction with other specified entities, to develop recommendations to determine the appropriate placement of Medicaid skilled nursing patients in skilled nursing facilities; providing for presentation of such recommendations to specified legislative leaders by a specified date; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Natural Resources and Representative Mitchell and others—

CS for HB 687—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; amending s. 370.01, F.S.; defining the terms "exhibit" and "authorization"; amending s. 370.0605, F.S.; revising language with respect to saltwater fishing licenses; amending s. 370.0606, F.S.; revising language with respect to the appointment of subagents for the sale of saltwater fishing licenses; amending s. 370.0608, F.S.; provid-

ing for the annual appropriation of a certain amount of the total proceeds derived from the sale of 5-year licenses; amending ss. 370.0615, 372.5712, 372.5714, 372.5715, 372.573, 372.58, 372.581, 372.59, and 372.711, F.S.; deleting reference to stamps and substituting the term "permit" therefor; amending s. 370.062, F.S.; providing that the Game and Fresh Water Fish Commission and any tax collector may sell tags for the harvest of tarpon; providing procedures and providing for the disposition of fees; amending s. 370.1111, F.S.; revising language with respect to regulations on the taking of snook to provide for the sale by the Game and Fresh Water Fish Commission and by the tax collectors of permits for snook; providing procedures and providing for the disposition of fees; amending s. 370.14, F.S.; revising language with respect to crawfish regulations to provide for the sale of permits by the commission and the tax collectors; providing procedures and providing for the disposition of fees; amending s. 372.001, F.S.; redefining the term "resident"; amending s. 372.0222, F.S.; authorizing the commission to enter into agreements with private vendors for vendor advertisements; providing for approval of ads; providing limitations; amending s. 372.561, F.S.; revising language with respect to the issuance of licenses to take wild animal life or freshwater aquatic life; deleting reference to stamps; providing procedures with respect to the collection of fees; amending s. 372.57, F.S.; revising language with respect to licenses and permits; amending s. 372.571, F.S.; correcting a cross reference; including reference to permits; amending s. 372.574, F.S.; revising language with respect to the appointment of subagents for the sale of hunting, fishing, and trapping licenses and permits; providing fees and penalties; amending s. 372.60, F.S.; revising language with respect to the issuance of replacement licenses or permits; providing an appropriation; providing effective dates.

—was referred to the Committee on Rules and Calendar.

By the Committee on Commerce and Representative Abrams and others—

CS for HB 1085—A bill to be entitled An act relating to regulation of fast food franchises; creating section 559.928, F.S., creating the Commission on Fast Food Franchise Practices; providing for appointments and duties of the commission; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Natural Resources and Representative Hafner—

HB 1111—A bill to be entitled An act relating to pollution prevention; creating s. 403.070, F.S.; creating the Pollution Prevention Act of 1994; creating s. 403.071, F.S.; providing legislative findings and intent; creating s. 403.0725, F.S.; providing definitions; amending s. 403.073, F.S.; providing for an evaluation and recommendations for voluntary pollution prevention goals and methods to measure pollution prevention progress; deleting obsolete language; amending s. 403.074, F.S.; providing for the development and implementation of a voluntary pollution prevention program; expanding technical assistance programs for pollution prevention; providing for an annual report on statewide progress in pollution prevention; creating s. 403.0745, F.S.; establishing a matching grant program for small businesses in the state for pollution prevention projects; creating s. 403.075, F.S.; providing for supplemental environmental projects in lieu of civil penalties assessed; creating s. 403.0751, F.S.; providing for the evaluation of regulatory incentives for facilities that propose pollution prevention goals which go beyond requirements of law; providing conditions for incentives eligibility; exempting the agreement for voluntary pollution prevention from chapter 120; providing for written comments from the public on a facility's proposed pollution prevention goal; creating s. 403.0752, F.S.; authorizing counties which receive recycling and education grants which have met their waste reduction goals to use grant funds for pollution prevention projects; providing for a comprehensive report to the Legislature; providing for legislative action if significant progress is not demonstrated; providing for legislative review of certain rules; providing appropriations; repealing s. 403.072, F.S., relating to a short title; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Natural Resources and Representative Hawkins—

CS for HB 1125—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.06, F.S.; providing for an application review fee for certain saltwater product licenses; providing for the issuance of certain endorsements to charitable corporations; providing a penalty; amending s. 370.07, F.S.; authorizing the sharing of fishing reports with certain other states; amending s. 370.13, F.S.; providing restrictions on the renewal or reissuance of certain stone crab trap numbers; providing that stone crabs shall be designated as a restricted species; amending s. 370.14, F.S.; providing an increase in crawfish trap fees; providing for distribution of the fee revenues; amending s. 370.142, F.S.; amending the fee structure for spiny lobster trap certificates; providing for disposition of fees; amending s. 370.153, F.S.; providing additional requirements with respect to live shrimp production; revising language with respect to dead shrimp production; renaming certain licenses; providing hardship criteria under which a restricted species endorsement may be issued; providing an appropriation; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committees on Appropriations and Natural Resources and Representative Long and others—

CS for CS for HB 1141—A bill to be entitled An act relating to biomedical waste; amending s. 1 of ch. 92-31, Laws of Florida; continuing a moratorium which prohibits the construction of biomedical waste incinerators until a date specified; exempting certain incinerators which have completed state and local permitting and begun construction by the effective date of the act or had commenced construction by a certain date and met specific findings; providing that the prohibition applies to new incinerators; providing a definition of “commenced construction”; requiring the Department of Environmental Protection to make certain legislative recommendations; requiring the Department of Environmental Protection and the Department of Health and Rehabilitative Services to review and amend certain rules, and evaluate state biomedical waste generation and treatment capacity, according to a specified schedule; requiring a report to the Legislature; providing severability; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Crady—

HB 1163—A bill to be entitled An act relating to investment of public funds; amending ss. 125.01 and 166.021, F.S.; providing that entities that are funded by a county or municipality may be required by the county or municipality to conduct a performance audit; amending ss. 125.31, 166.261, 215.47, 218.345, 219.075, and 236.24, F.S.; authorizing investment of public funds in obligations of agencies or instrumentalities of the United States Government; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Business and Professional Regulation; and Representative Wise—

CS for HB 1215—A bill to be entitled An act relating to reflexology; amending s. 480.033, F.S.; providing definitions; creating s. 480.0481, F.S.; providing for qualifications, licensure, and provisional licensure of reflexologists; creating s. 480.0482, F.S.; establishing examination requirements; establishing initial qualifications for examination; providing for an appropriation; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committees on Finance and Taxation; and Transportation; and Representative Bronson—

CS for HB 1295—A bill to be entitled An act relating to transportation; amending s. 427.011, F.S.; redefining the terms “coordinating board” and “transportation disadvantaged funds”; amending s. 427.012, F.S.;

renaming the Transportation Disadvantaged Commission as the Commission for the Transportation Disadvantaged; revising membership on the commission; providing that nine members shall constitute a quorum; amending s. 427.013, F.S.; revising language with respect to the purpose and responsibilities of the commission; amending s. 427.0135, F.S.; providing additional duties of member departments in carrying out the policies and procedures of the commission; deleting the requirement that the Department of Health and Rehabilitative Services assign at least one full-time position to each of its districts and to the central office; amending s. 427.015, F.S.; revising language with respect to the function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged; amending s. 427.0155, F.S.; revising language with respect to community transportation coordinators; amending s. 427.0159, F.S.; conforming to the act; amending s. 427.016, F.S.; revising language with respect to the expenditure of local government, state, and federal funds for the transportation disadvantaged; amending s. 337.276, F.S.; revising language with respect to advanced acquisition of right-of-way; amending s. 339.135, F.S.; redefining the term “district work program”; revising language with respect to funding and developing a tentative work program and the adoption of the work program; amending s. 338.223, F.S.; revising language with respect to proposed turnpike projects; amending s. 20.23, F.S.; deleting the Office of Florida Turnpike from the Department of Transportation; providing for an additional transportation district to consist of the turnpike; amending s. 338.2275, F.S.; revising language with respect to approved turnpike projects; amending s. 338.234, F.S.; authorizing the Department of Transportation to grant concessions or selling along the turnpike system; providing for public events; deleting language with respect to the advisory role of the Department of Citrus; amending s. 338.235, F.S.; revising language with respect to contracts with the department for the provision of services on the turnpike system; repealing s. 338.244, F.S., relating to the prohibition against certain expenditures for advertising the turnpike system; amending s. 338.251, F.S.; revising language with respect to the Toll Facilities Revolving Trust Fund; amending s. 348.7544, F.S.; revising language with respect to the Northwest Beltway Part A; creating s. 348.7545, F.S.; providing for the Western Beltway Part C; amending s. 337.015, F.S.; providing for flexible start and finish time limits on certain construction projects; providing for retainage; amending s. 337.18, F.S.; revising language with respect to surety bonds; amending s. 337.11, F.S.; requiring a bond with respect to actions protesting a bid solicitation, bid rejection, or contract which does not require qualification of bidders; providing for the waiver of competitive bidding provisions under certain circumstances; providing for the continuation of combined design and construction contracts; amending s. 337.16, F.S.; providing for determination of contractor nonresponsibility; amending s. 332.004, F.S.; redefining the term “airport or aviation development project”; amending s. 332.006, F.S.; revising language with respect to the duties of the Department of Transportation with respect to aviation in the state; amending s. 332.007, F.S.; revising language with respect to the administration and financing of aviation and airport programs and projects; amending s. 330.30, F.S.; authorizing the department to set the license period for all airports other than public airports; amending s. 311.07, F.S.; revising language with respect to Florida seaport transportation and economic development funding; amending s. 311.09, F.S.; revising language with respect to the Florida Seaport Transportation and Economic Development Council; amending s. 341.052, F.S.; correcting a reference to a federal agency under the public transit block grant program; amending s. 322.53, F.S.; providing an additional exemption from the requirement of obtaining a commercial driver’s license; amending s. 337.25, F.S.; revising language with respect to the acquisition, lease, and disposal of real and personal property; amending s. 253.034, F.S.; providing for the granting of an easement in perpetuity by the Board of Trustees of the Internal Improvement Trust Fund, if an improvement to state-owned lands is a transportation facility; amending ss. 337.401, 337.402, and 337.403, F.S.; making provisions relating to utilities on or along public road rights-of-way applicable to public rail corridors; amending s. 337.405, F.S.; making provisions relating to trees and vegetation within public road rights-of-way applicable to public rail corridors; amending s. 337.406, F.S.; revising language with respect to the unlawful use of state transportation facility right-of-way; amending s. 337.407, F.S.; revising language with respect to the regulation of signs and lights within the right-of-way; amending s. 125.01, F.S.; providing that the governing body of a county may regulate the placement of signs, lights, and other structures within the right-of-way limits of the county road system; amending s. 479.01, F.S.; defining the term “automated changeable facing”; redefining the terms “commercial or industrial zone,” “premises,” “sign,” “sign facing,” and “unzoned commercial or industrial

area"; defining the term "remove"; amending s. 479.02, F.S.; deleting reference to the federal-aid primary highway system with respect to the power of the department to implement a specific information panel program; amending s. 338.065, F.S.; deleting the authority of the department to establish a fee schedule for placing specific business logo signs on the right-of-way of certain limited access highways; amending s. 479.26, F.S.; revising language with respect to the specific information panel program; amending s. 479.03, F.S.; revising language with respect to the jurisdiction of the Department of Transportation; amending s. 479.04, F.S.; revising language with respect to outdoor advertising; requiring license; amending s. 479.07, F.S.; revising language with respect to sign permits; amending s. 479.107, F.S.; revising language with respect to signs on highway rights-of-way; amending s. 479.08, F.S.; providing for effect of revocation order by the department and timely notice of appeal of revocation; amending s. 479.15, F.S.; providing for compensation for removal or alteration of certain signs by local governmental entities; amending s. 479.24, F.S.; revising duties and responsibilities of the department with respect to removal of certain signs; deleting language with respect to prioritization; repealing s. 339.145(2), F.S., relating to the Working Capital Trust Fund; amending s. 338.155, F.S.; exempting certain persons from toll payments; amending sections 7 and 8 of chapter 93-164, Laws of Florida; advancing dates for the review of certain programs by the Florida Transportation Commission; delaying the repeal of s. 334.046, F.S.; amending s. 335.093, F.S.; providing for the effect of scenic highway designation; amending s. 479.11; requiring the adoption of rules prohibiting the display of certain signs and providing for local government enforcement; amending s. 479.16; requiring compliance with certain lighting restrictions; amending s. 339.155, F.S.; revising language with respect to public participation in transportation projects; delaying the due date for recommendations of the Florida Transportation Commission related to the functional classification system developed pursuant to chapter 90-136, Laws of Florida; amending s. 338.001, F.S.; revising language with respect to the Florida Intrastate Highway System; amending s. 334.03, F.S.; revising the definition of the "Florida Intrastate Highway System"; amending s. 336.025, F.S.; requiring periodic review of any interlocal agreement which provides the method of distribution of local option gas taxes; amending s. 337.408, F.S.; exempting municipal and county roads from right-of-way bench, shelter, and disposal receptacle regulations; exempting installation of benches and shelters from public bidding requirements; providing for exceptions; providing for override of other chapters; amending s. 348.0002, F.S.; providing definitions; amending s. 348.0003, F.S.; providing for membership of governing body of an authority in a county defined in s. 125.011(1), F.S.; amending s. 348.0004, F.S.; expanding the powers of an expressway authority in a county defined in s. 125.011(1), F.S., to authorize the use of excess revenues for financing the planning, design, acquisition, construction, extension, rehabilitation, equipping, or improvement of a public transportation facility; providing limitations; providing for public hearing; amending s. 348.0005, F.S.; providing procedures for issuing bonds; amending s. 348.0011, F.S.; providing that bonds issued by or on behalf of an authority are exempt from taxation; amending s. 348.0012, F.S.; providing for nonapplicability of the Florida Expressway Authority Act; amending s. 338.165, F.S.; creating an exception for the use of remaining toll revenues; repealing s. 337.407(2), F.S., relating to exemptions for benches, shelters, and waste receptacles placed on road right-of-way; repealing s. 338.2275(3)(j), F.S.; eliminating the Central Connector from a list of turnpike projects which are approved, subject to verification of economic feasibility; providing legislative intent; amending s. 320.03, F.S.; increasing the fee imposed for registering automobiles for private use and certain trucks; providing for the deposit of the proceeds of such fees into the trust fund for use as provided in part I, ch. 427, F.S., relating to transportation services; amending s. 320.131, F.S.; increasing a fee charged for temporary tags; providing for distribution of new proceeds to the Impaired Drivers and Speeders Trust Fund; providing effective dates.

—was referred to the Committee on Rules and Calendar.

By the Committee on Natural Resources and Representative Ritchie and others—

CS for HB 1303—A bill to be entitled An act relating to artificial fishing reef development; amending s. 370.25, F.S.; revising criteria to be used by the Department of Environmental Protection for the construction of artificial fishing reefs; providing legislative findings; authorizing the department to seek and hold necessary federal and state permits for artificial reef construction on behalf of persons, local governments, or

other entities under certain circumstances; providing criteria for the department to exercise this option; providing fees; providing for review and repeal; providing prohibitions on certain activities with respect to artificial reefs; providing penalties; providing an appropriation; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Governmental Operations and Representative Roberts and others—

CS for HB 1343—A bill to be entitled An act relating to public records; creating the public records mediation program within the Office of the Attorney General; providing duties of the office relating to public records dispute mediation, legislation, model rules, and training; requiring a report; amending s. 119.01, F.S.; providing legislative intent with respect to electronic recordkeeping and costs for providing public records; amending s. 119.011, F.S.; revising the definition of "public records"; amending s. 119.07, F.S.; revising language relating to charges for copies of public records; providing for fees for electronic copies of computer databases; amending s. 119.083, F.S.; defining "proprietary software"; providing requirements applicable to agencies that use proprietary software to store, manipulate, or retrieve public records and that maintain public records in electronic recordkeeping systems; providing for fees; prohibiting agencies from entering into certain contracts for creation or maintenance of a public records database; amending s. 257.36, F.S.; providing that the Division of Library and Information Services shall institute a training program relating to access to public records and promulgate model rules for such access; providing applicability of such rules; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Abrams and others—

HB 1407—A bill to be entitled An act relating to the Florida Retirement System and other public retirement systems; amending s. 112.363, F.S.; providing for changes to the Health Insurance Subsidy Trust Fund; amending s. 112.61, F.S.; modifying legislative intent; amending s. 121.021, F.S.; redefining the term "creditable service"; amending s. 121.051, F.S., relating to participation in the Florida Retirement System; authorizing public hospital special districts in the Florida Retirement System to partially withdraw from the system and establish an alternative retirement plan for future employees only; providing for public hearing; providing for publication of notice; providing for an actuarial report; providing for presentation of the plan and report to each certified bargaining unit; requiring negotiation; providing for adoption of a resolution; providing conditions; providing membership status of regular receiver-ship employees of the Division of Rehabilitation and Liquidation; amending ss. 121.052, 121.055, and 121.071, F.S.; revising contribution rates applicable to members of the Elected State and County Officers' Class, the Senior Management Service Class, and the Regular, Special Risk, and Special Risk Administrative Support Classes of the Florida Retirement System; modifying provisions related to upgraded service; providing for maximum contributions payable for annuities purchased under the Senior Management Service Optional Annuity Program (OAP) and the Optional Retirement Program for the State University System (ORP); creating s. 121.1115, F.S.; providing for the purchase of creditable service for periods of employment as public employees in other states, subject to certain limitations and conditions; providing cost; amending s. 121.40, F.S.; revising the contribution rate applicable to the supplemental retirement plan for the Institute of Food and Agricultural Sciences of the University of Florida; amending s. 121.122, F.S.; providing for Senior Management Service membership for certain reemployed retirees; amending ss. 175.121, 175.401, 185.10, and 185.50, F.S.; providing for withholding of moneys; providing legislative intent with respect to contribution rates; providing legislative findings; providing legislative intent regarding future changes affecting the Florida Retirement System; repealing s. 121.056, F.S., relating to contribution rate adjustments; providing effective dates.

—was referred to the Committee on Rules and Calendar.

By Representative Healey—

HB 1423—A bill to be entitled An act relating to collective bargaining; amending s. 447.309, F.S.; revising language with respect to funding the provisions of a collective bargaining agreement by the Florida Legislature; creating s. 447.500, F.S.; providing for negotiating the impact of a financial urgency; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Judiciary and Representative Trammell and others—

CS for HB 1425—A bill to be entitled An act relating to comparative fault; amending s. 768.81(3), F.S.; providing for apportionment of damages with respect to comparative fault; providing for the addition of settling tortfeasors; creating s. 768.81(8), F.S.; providing for nonparties; providing for procedures; providing for application; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Community Affairs and Representative Boyd—

CS for HB 1457—A bill to be entitled An act relating to building construction; exempting certain persons from certain permit and code requirements of the Department of Health and Rehabilitative Services, the Department of Community Affairs, and the Department of Environmental Protection, for certain purposes; providing for an extension of certain leases for certain periods of time; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Appropriations and Representative Logan and others—

CS for HB 1587—A bill to be entitled An act relating to the family; amending s. 61.1301, F.S.; providing an additional ground for the court to delay the effect of certain income deduction orders; providing requirements with respect to multiple income deduction orders; amending s. 61.30, F.S.; revising language with respect to child care costs and health insurance costs prepaid by the noncustodial parent; amending s. 382.013, F.S.; providing requirements with respect to birth certificates when the mother of the child is unmarried; amending s. 409.2557, F.S.; correcting a reference to federal law with respect to the child support enforcement program; amending s. 409.2561, F.S.; revising language with respect to public assistance money where there is a prior court order for support; amending s. 409.2566, F.S.; changing the name of the Child Support Enforcement Application and User Fee Trust Fund to the Child Support Enforcement Application Fee Trust Fund; amending s. 409.2567, F.S.; deleting reference to a user fee from the obligor with respect to child support; amending s. 742.10, F.S.; directing the Department of Health and Rehabilitative Services to promulgate rules which establish information to be provided prior to the acknowledgment of paternity; creating s. 742.105, F.S.; providing for the effect of a determination of paternity from a foreign jurisdiction; amending s. 742.12, F.S.; revising language with respect to scientific testing to determine paternity; amending section 22 of chapter 93-208, Laws of Florida, deleting certain requirements in a report; establishing a pilot project; requiring certain employers to report certain employee information to the Department of Labor and Employment Security; creating the Advisory Council on Accelerated Employment Reporting; providing membership; providing for reports to the Legislature; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Regulated Industries and Representative Ritchie—

CS for HB 1675—A bill to be entitled An act relating to regulation of the promotion and conduct of boxing and kickboxing; revising the provisions of chapter 548, F.S.; amending ss. 548.002, 548.004, 548.006, 548.007, 548.008, 548.011, 548.012, 548.014, 548.025, 548.032, 548.042,

548.043, 548.045, 548.046, 548.049, 548.05, 548.052, 548.053, 548.054, 548.056, 548.057, 548.06, 548.061, 548.064, 548.066, and 548.07, F.S.; providing definitions; providing for additional personnel of the State Athletic Commission; clarifying powers of the commission; providing for applicability; prohibiting certain competitions; providing penalties; authorizing the commission to issue, deny, suspend, or revoke licenses and permits under certain circumstances; prohibiting the commission from issuing licenses to certain persons; providing for duration of a license; providing for approval of amateur sanctioning bodies; authorizing the commission to adopt certain rules; providing commission authority to impose fines; requiring a license; providing requirements; providing for ownership of licenses; requiring bond or other security for licenses; imposing license fees; providing for permits for certain activities; authorizing the commission to collect a permit fee; prohibiting advertisement of matches without commission approval; prohibiting fictitious names under certain circumstances; providing weights and classes; providing limitations; requiring certain gloves under certain circumstances; revising provisions relating to a medical advisory council; requiring a physician's attendance at matches; providing requirements, duties, and responsibilities of such physicians; providing immunity for volunteer physicians; requiring certain types of insurance; clarifying provisions requiring the commission to adopt rules to regulate and control contracts between licensees and participants; providing additional requirements; limiting the compensation of certain persons; prohibiting payment of advances; providing an exception; providing for distribution of moneys to participants and officials; providing procedures; providing for withholding certain moneys under certain circumstances; providing for hearings; providing for disposition of withheld moneys; prohibiting certain financial interests in participants; prohibiting concurrent holding of licenses; providing for assignment and attendance of officials at matches under certain circumstances; revising provisions requiring payments to the state after matches; providing penalties; providing requirements for closed circuit telecasts; providing procedures; providing for payments; providing penalties; prohibiting destruction of certain records; providing penalties; providing for refund of tickets under certain circumstances; providing for emergency suspension of licenses or permits under certain circumstances; providing procedures; creating s. 548.0121, F.S.; specifying license requirements; requiring the commission to establish certain criteria; creating s. 548.0122, F.S.; prohibiting use of certain drugs or foreign substances under certain circumstances; authorizing the commission to adopt rules providing for use of certain drugs and foreign substances; providing penalties; creating s. 548.0235, F.S.; authorizing the commission to require medical examinations of participants or officials under certain circumstances; creating s. 548.0431, F.S.; requiring the commission to establish criteria and set standards for certain clothing, equipment, and appearance; creating s. 548.044, F.S.; regulating actions of licensees under certain circumstances; providing duties of licensees; creating s. 548.0461, F.S.; requiring the provision of emergency medical services and equipment at matches; creating s. 548.0462, F.S.; requiring certain physical condition for match participants; requiring licensees to report certain violations to the commission; authorizing the commission to require participants or referees to submit to medical tests or drug screening; creating s. 548.0571, F.S.; requiring the commission to set fees for officials; creating s. 548.0572, F.S.; requiring the commission to determine scoring systems and establish rules of conduct; creating s. 548.059, F.S.; requiring a mandatory elapse of time between matches; providing for mandatory medical suspensions of certain participants; repealing s. 548.013, F.S., relating to foreign copromoter license requirements; repealing s. 548.017, F.S., relating to persons required to have licenses; repealing s. 548.026, F.S., relating to duration of licenses; repealing s. 548.028, F.S., relating to prohibiting the commission from issuing licenses to certain persons; repealing s. 548.035, F.S., relating to permit fees; repealing s. 548.041, F.S., relating to age of boxers; repealing s. 548.047, F.S., relating to duties of licensees; repealing s. 548.069, F.S., relating to age of spectators; repealing s. 548.071, F.S., relating to authority of the commission to deny, suspend, or revoke licenses; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Natural Resources and Representative D. Saunders and others—

CS for HB 1717—A bill to be entitled An act relating to land acquisition in areas of critical state concern; amending s. 253.023, F.S.; providing legislative intent for purchase of rights or interests using moneys from the Conservation and Recreation Lands Trust Fund, Save Our Rivers

Trust Fund, and Florida Communities Trust Fund; amending s. 259.045, F.S.; providing for recommendations by land authorities; amending s. 259.101, F.S.; providing funding for the Green Swamp Land Authority under the Florida Preservation 2000 Act; amending s. 373.089, F.S.; providing for sale or exchange of interests or rights in land; creating s. 380.0677, F.S.; creating the Green Swamp Land Authority; providing membership; providing mission and responsibilities; providing budget procedures; requiring the Governor's approval of proposed acquisitions; providing for land protection agreements for landowners within the Green Swamp Area of Critical State Concern; providing for application, selection, consideration, monitoring, and enforcement; providing for appropriations; vesting ownership rights and interests in the Southwest Florida and St. Johns River Water Management Districts; providing for landowner's use of property under an agreement; specifying conditions for termination of an agreement; providing certain protection of property rights; amending s. 380.507, F.S.; correcting a reference to conform to the act; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Higher Education and Representative Bloom and others—

CS for HB 1801—A bill to be entitled An act relating to the New World School of the Arts; amending s. 240.535, F.S.; revising assignment of school for purposes of governance; providing for university partners; revising composition of the executive board; providing duties of the foundation; requiring a budget request; deleting the summer arts program; providing Board of Regents' duties; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative King—

HB 2027—A bill to be entitled An act relating to restitution; creating the "Florida Civil Restitution Lien and Crime Victims' Remedy Act of 1994"; providing for imposition of a restitution lien upon real and personal property owned by a convicted offender; providing legislative findings and intent; providing definitions; providing for lien attachment and specifying liability of the offender; prescribing requirements and procedures for civil restitution lien orders; providing for a schedule of liquidated damages and a schedule of correctional costs; providing for construction and severability; amending s. 960.07, F.S.; revising provisions with respect to the filing of claims for compensation under the Florida Crimes Compensation Act; providing for applicability of section; amending s. 960.13, F.S.; providing that payments made under the act shall be considered payment of last resort that follows all other sources; revising provisions with respect to awards; providing for an award for mental health care for a minor whose normal emotional development was adversely affected by being the victim of a crime; amending s. 960.14, F.S.; providing that where a claimant under the act owes money to the Crimes Compensation Trust Fund the amount owed shall be reduced from the award; providing that payment made to a service provider is considered payment in full for services rendered to the victim; amending s. 960.17, F.S.; providing that certain payments under the act shall create an obligation of restitution; amending s. 960.20, F.S.; providing that certain costs are considered assessed unless specifically waived by the court; providing that certain costs shall be included in a judgment; amending s. 960.28, F.S.; revising provisions with respect to payment for victims' initial examinations; providing for future repeal; requiring a report; creating s. 624.128, F.S.; providing that certain insurance provisions are not applicable to a person eligible under the Florida Crimes Compensation Act; amending s. 775.0835, F.S.; providing that certain costs are considered assessed unless specifically waived by the court; amending s. 775.089, F.S.; providing that payment of an award by the Crimes Compensation Trust Fund shall create an order of restitution; redefining the term "victim"; expanding the scope of restitution orders; providing for the conversion of certain orders to a judgment; amending s. 960.001, F.S.; directing the Executive Office of the Governor to determine when an agency needs to amend or modify existing guidelines for fair treatment of victims and witnesses; requiring agencies to file certain additional documents with such office; requiring such office to issue an annual report detailing agency compliance with the guidelines; conforming a cross reference; amending s. 39.022, F.S.; conforming a cross reference; amending s. 921.187, F.S.; revising provisions with respect to restitution orders; providing for priority of certain liens; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Commerce and Representative Burke and others—

CS for HB 2043—A bill to be entitled An act relating to automated teller machines; creating ss. 655.960, 655.961, 655.962, 655.963, 655.964, and 655.965, F.S.; providing definitions; requiring evaluations of automated teller machines; requiring compliance with specified standards; providing for a good faith standard for evaluating automated teller machines; establishing compliance dates for operators and persons controlling certain areas; specifying standards for lighting, mirrors, and landscaping; requiring the provision of certain notice; providing exemptions; providing for preemption; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Trammell and others—

HB 2047—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending ss. 212.20 and 218.65, F.S.; providing for an additional distribution of tax revenues to the Local Government Half-cent Sales Tax Clearing Trust Fund for emergency distribution under s. 218.65, F.S.; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Education and Representative Bush and others—

CS for HB 2175—A bill to be entitled An act relating to education; providing for a study of the assessment of culturally and linguistically diverse populations; providing study requirements; requiring a report; providing an appropriation; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committees on Finance and Taxation; and Regulated Industries; and Representative Kelly—

CS for HB 2251—A bill to be entitled An act relating to the regulation of alcoholic beverages; amending ss. 72.011 and 120.575, F.S.; providing that provisions relating to the contesting of certain tax matters are applicable to chapters relating to the Beverage Law; amending s. 72.031, F.S.; providing that the Department of Business and Professional Regulation is the defendant in certain actions; reenacting and amending s. 95.091, F.S.; specifying the time limits for the department to determine and assess taxes; reenacting ss. 215.26 and 26.012, F.S., for the purpose of incorporating changes to s. 72.011, F.S.; amending s. 561.14, F.S., relating to the authority of licensed beverage manufacturers; amending s. 561.17, F.S., relating to the authority of the Department of Agriculture and Consumer Services with respect to certification of sanitary requirements of licensed premises; amending s. 561.181, F.S., relating to the issuance of temporary initial beverage licenses; amending s. 561.19, F.S., and repealing subsection (3) thereof, relating to issuance of an inactive license when no location has been specified and the transfer of the notice of selection for a license; amending s. 561.27, F.S., relating to renewal of an expired license; amending s. 561.29, F.S., relating to the effective date of orders of suspension or revocation; amending s. 561.32, F.S., relating to transfer of licenses; amending s. 561.331, F.S., relating to temporary licensure upon application for transfer, change of location, or change of type or series; amending s. 561.50, F.S., relating to failure to pay monthly tax liability; amending s. 561.025, F.S., relating to the distribution of funds deposited into the Alcoholic Beverage and Tobacco Trust Fund; creating s. 561.121, F.S., relating to deposit of revenues; amending s. 565.02, F.S.; granting a liquor license for a marine exhibition park; providing license taxes; amending s. 72.011, F.S.; granting a plaintiff additional time to comply with jurisdictional requirements in certain instances; providing a rebuttable presumption relating to de minimus errors; providing legislative intent; providing effective dates.

—was referred to the Committee on Rules and Calendar.

By Representative Jones and others—

HB 2295—A bill to be entitled An act relating to St. Petersburg Junior College, Pinellas County; providing for the District Board of Trustees of the college to levy up to one-half mill tax per year for 2 years in Pinellas County; providing for a referendum election; providing for assessment and collection; providing that the proceeds of the tax levy shall not reduce state funding for St. Petersburg Junior College; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Health Care and Representative Graber and others—

HB 2317—A bill to be entitled An act relating to vital statistics; providing a short title; amending s. 382.002, F.S.; providing definitions; amending s. 382.008, F.S.; requiring the Department of Health and Rehabilitative Services to amend or replace original death records under certain circumstances; reenacting s. 382.008(6), F.S., relating to copies of death records, to incorporate the amendment to s. 382.025(4), F.S., in a reference; amending s. 382.013, F.S.; specifying time period for preparation of a birth certificate when birth occurs outside an institution; revising provisions relating to naming the father on birth certificate when the father is deceased or the child was conceived by artificial insemination; providing for the accuracy of personal data; amending s. 382.015, F.S.; directing the department to provide certain reports to the State Registrar; amending s. 382.018, F.S.; revising provisions relating to petition for delayed birth certificate; amending s. 382.019, F.S.; authorizing the department to file delayed certificates of birth, death, or fetal death, under certain circumstances; amending s. 382.025, F.S.; providing exemptions from confidentiality of birth and death records; revising provisions relating to copies of marriage, divorce, and death records; increasing fees for records searches, amendments, and copies; restricting use of certain data; revising authority to issue or reproduce certain documents; amending s. 382.026, F.S.; expanding department authority to impose fines; amending s. 460.414, F.S.; revising provision which allows chiropractors to sign death certificates; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Transportation and Representative Healey and others—

HB 2405—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 427.011, F.S.; redefining the terms "coordinating board" and "transportation disadvantaged funds"; amending s. 427.012, F.S.; renaming the Transportation Disadvantaged Commission as the Commission for the Transportation Disadvantaged; revising membership on the commission; providing that nine members shall constitute a quorum; amending s. 427.013, F.S.; revising language with respect to the purpose and responsibilities of the commission; amending s. 427.0135, F.S.; providing additional duties of member departments in carrying out the policies and procedures of the commission; deleting the requirement that the Department of Health and Rehabilitative Services assign at least one full-time position to each of its districts and to the central office; amending s. 427.015, F.S.; revising language with respect to the function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged; amending s. 427.0155, F.S.; revising language with respect to community transportation coordinators; amending s. 427.0159, F.S.; conforming to the act; amending s. 427.016, F.S.; revising language with respect to the expenditure of local government, state, and federal funds for the transportation disadvantaged; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Agriculture and Consumer Services; and Representative Harris—

HB 2437—A bill to be entitled An act relating to citrus canker; discontinuing the collection of citrus canker excise taxes and depositing overdue taxes in the Citrus Advertising Trust Fund; providing an appropriation to the Citrus Advertising Trust Fund; providing an appropria-

tion of unexpended funds to the Citrus Advertising Trust Fund; providing a transfer from the Division of Administrative Hearings Administrative Trust Fund; providing a transfer from the Citrus Canker Compensation Trust Fund; terminating the Florida Citrus Canker Trust Fund, the Citrus Canker Compensation Trust Fund, and the Citrus Canker Eradication Trust Fund; providing an appropriation from the Citrus Advertising Trust Fund; amending s. 602.025, F.S.; deleting certain legislative intent provisions with respect to citrus canker; amending s. 602.065, F.S.; revising language with respect to available funds for reimbursement to Florida for citrus canker eradication; providing effective dates.

—was referred to the Committee on Rules and Calendar.

By the Committee on Natural Resources and Representative Rudd—

HB 2467—A bill to be entitled An act relating to pollutant storage tanks; amending s. 376.305, F.S.; reopening and clarifying applicability of the Abandoned Tank Restoration Program; reducing the maximum deductible applicable to reimbursements under the program; amending s. 376.3072, F.S.; providing additional conditions by which small businesses, religious or charitable institutions, and small counties and municipalities are eligible for restoration costs under the Florida Petroleum Liability and Restoration Insurance Program; providing restrictions; amending s. 376.308, F.S.; extending liability to the owner or operator of certain tanks or location where a discharge occurred; directing the Department of Environmental Protection to revise rules to implement recommendations of the Statewide Grand Jury Report; amending s. 376.302, F.S.; providing a penalty for misrepresenting certain qualifications or submitting certain reimbursements; amending s. 403.061, F.S.; prohibiting the adoption of certain local ordinances, special laws, or regulations relating to certain vapor recovery systems; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Governmental Operations and Representative Boyd—

HB 2481—A bill to be entitled An act relating to public records; creating s. 28.001, F.S.; providing definitions of "official records" and "public records"; amending s. 28.07, F.S.; specifying that the official records books be kept at the county seat; repealing s. 28.17, F.S., which requires verification of deeds and other instruments by the officer recording them; amending s. 28.19, F.S.; deleting a requirement that the clerk of the circuit court verify an instrument before receiving a service charge for recording the instrument; amending s. 28.24, F.S.; authorizing the clerk to charge a fee for furnishing electronic copies of a computer database; amending s. 28.30, F.S.; revising provisions relating to destruction and reproduction of public records by the clerk; providing requirements relating to electronic recordkeeping and status of records reproduced by such means; specifying time of filing of documents submitted by electronic transmission and the clerk's responsibility with respect thereto; amending s. 92.29, F.S.; specifying status of reproductions of records through electronic recordkeeping systems; amending s. 695.26, F.S.; revising requirements relating to the form of recorded instruments affecting real property; amending s. 25.382, F.S.; providing for annual review of judicial system employment practices; amending s. 28.07, F.S.; providing that the Official Records books of the county shall be kept at the county seat; amending s. 28.222, F.S.; providing for public inspection of records; creating s. 28.235, F.S.; authorizing the clerk of the circuit court to make advance payments on behalf of the county for certain goods and services; amending s. 28.24, F.S.; revising a reporting date; revising the date scheduled for review and expiration of specified provisions relating to the Public Records Modernization Trust Fund; amending s. 28.34, F.S.; providing for annual review of employment practices by the clerk; amending s. 55.10, F.S.; revising the amount of the deposit with the clerk of the court for transfer of claims of lien; amending s. 55.502, F.S.; modifying the definition of foreign judgment; amending s. 55.505, F.S.; requiring payment of a service charge for an execution or other process of enforcement of a foreign judgment; amending s. 57.081, F.S.; limiting the services of the courts, sheriffs, and clerks provided without charge to indigent persons; requiring detailed financial disclosure in the affidavit required for certification of indigency; revising requirements when represented by attorney; amending s. 125.222, F.S.; providing that the Official Records books of the county shall be kept at the county seat; amending s. 382.022, F.S.; changing monthly deadline for county court judges and clerks of the

circuit courts to transmit marriage application fees; amending s. 553.04, F.S.; providing that bonds of plumbing contractors are filed with county code enforcement rather than the clerk of the circuit court; amending s. 695.26, F.S.; revising requirements for recording documents affecting real property with the clerk of the circuit court; amending s. 925.037, F.S., relating to reimbursement of counties for fees paid to appointed counsel and conflict committees; delaying the dates of certain reports; deleting obsolete language; repealing s. 28.17, F.S., relating to verification of documents; repealing s. 28.19, F.S., relating to service charges; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Natural Resources and Representative Rudd—

HB 2513—A bill to be entitled An act relating to the confidentiality of the navigational coordinates that establish the location of artificial reefs; providing legislative findings; exempting from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution the coordinates that establish the location of certain artificial reefs constructed under federal and state permits held by the Department of Environmental Protection; providing for future review and repeal; providing a conditional effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Higher Education and Representative Peeples and others—

HB 2521—A bill to be entitled An act relating to postsecondary education; amending s. 240.116, F.S.; providing for articulated acceleration for home education students; amending s. 240.313, F.S.; authorizing rules relating to the number and length of terms of trustees on community college district boards of trustees; providing for a student member on each district board of trustees; amending s. 240.321, F.S.; providing requirements for home education students for enrollment at a community college; amending s. 240.209, F.S.; requiring the Board of Regents to adopt procedures and guidelines for review of employee grievances and complaints and for employee protection; amending s. 240.311, F.S.; requiring the State Board of Community Colleges to develop guidelines for review of employee grievances and complaints and for employee protection; providing procedures; providing powers; amending s. 240.319, F.S.; requiring community college district boards of trustees to adopt rules for review of employee grievances and complaints; amending s. 240.335, F.S.; providing a requirement relating to equity accountability reports; creating s. 240.336, F.S.; providing for employee appeals of certain grievances; amending s. 240.319, F.S.; revising provisions relating to contracts for community college equipment; amending s. 240.335, F.S.; deleting a report on discrimination in granting salaries; amending s. 240.35, F.S.; revising provisions relating to the establishment of community college fees; providing requirements for a student activity and service fee, an athletic fee, and a financial aid fee; providing for fee committees, adoption of fees, use of fees, and reporting; revising provisions relating to the capital improvement fee; providing purpose of fees; amending s. 240.36, F.S.; providing restrictions relating to the Florida Academic Improvement Trust Fund for Community Colleges; amending s. 240.367, F.S.; revising provisions relating to loans; amending s. 240.551, F.S.; revising a definition in the Florida Prepaid Postsecondary Education Expense Program; amending s. 242.65, F.S.; revising provisions relating to the Council for the Florida School of the Arts; providing effective dates.

—was referred to the Committee on Rules and Calendar.

By Representative Bloom and others—

HB 2559—A bill to be entitled An act relating to state-federal relations; amending s. 14.23, F.S.; revising legislative intent; abolishing the Office of State-Federal Relations and creating a Council on Federal Affairs; providing for maintenance of offices; providing duties of the council; providing for an executive director; providing for funding through the State-Federal Relations Trust Fund; providing membership of the governing board of the council and duties thereof; requiring that certain state agencies cooperate with the council, furnish certain information to the council, designate a federal funds coordinator, and report annually to the council; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Judiciary and Representative Ritchie and others—

HB 2819—A bill to be entitled An act relating to adoptions; creating part I of ch. 63, F.S., relating to general provisions for adoption; amending s. 63.012, F.S.; revising language relating to the short title; amending s. 63.022, F.S.; revising language relating to legislative intent; amending s. 63.032, F.S.; revising definitions; providing definitions; renumbering and amending s. 63.207, F.S.; revising provisions relating to out-of-state placement; creating s. 63.0325, F.S.; providing for placement of a minor for adoption by the department, an agency, or an intermediary; requiring consent and relinquishment or termination of parental rights; providing for exceptions; amending s. 63.042, F.S.; revising language relating to who may be adopted and who may adopt; renumbering s. 63.232, F.S., relating to the duty of person adopting; creating s. 63.0423, F.S.; requiring disclosure of background information; providing for forms; amending s. 63.0425, F.S.; providing placement preference; providing exceptions; amending s. 63.043, F.S.; revising language which prohibits screening or testing for sickle-cell trait; renumbering and amending s. 63.097, F.S.; providing for approval of excess fees and costs; creating s. 63.044, F.S.; providing for jurisdiction by circuit court; providing exceptions; creating s. 63.0443, F.S.; providing for appointment of counsel or guardian for certain persons in termination proceedings; renumbering s. 63.222, F.S., relating to effect on prior adoptions; creating part II of ch. 63, F.S., relating to adoption procedures; renumbering and amending s. 63.085, F.S.; requiring agencies and intermediaries to disclose specified information to persons seeking to adopt; creating s. 63.055, F.S.; providing for voluntary relinquishment of parental rights; prohibiting execution of relinquishment during the first 24 hours after birth of the minor; providing for content of the relinquishment; requiring witnesses and acknowledgment; creating s. 63.057, F.S.; providing for revocation of relinquishment under certain circumstances; renumbering and amending s. 63.052, F.S.; providing for guardianship and responsibility for needs and welfare of minor placed or relinquished for adoption; providing for proof of permanent placement; amending s. 63.062, F.S.; revising language relating to persons required to consent to adoption of a minor; deleting language relating to adult adoptions; amending s. 63.072, F.S.; clarifying language relating to persons whose consent is not required; providing for the court to dispense with consent of the minor in certain circumstances; amending s. 63.082, F.S.; revising procedures for execution of consent to adoption; prohibiting execution of consent during the first 24 hours after birth of the minor; providing for forms and content thereof; providing for acknowledgment; creating s. 63.0822, F.S.; providing for revocation of consent under certain circumstances; amending s. 63.092, F.S.; revising provisions which require a report to the court of intended placement for adoption by the department, agency, or intermediary; revising provisions which require a preliminary home evaluation; amending s. 63.102, F.S.; revising provisions relating to filing of petition; amending s. 63.112, F.S.; revising provisions relating to documents filed with the court; amending s. 63.122, F.S.; revising provisions relating to notice of adoption proceedings; creating s. 63.123, F.S.; providing for content of notice and service; creating s. 63.124, F.S.; providing for notice to unknown father; providing for inquiry; amending s. 63.125, F.S.; revising provisions relating to the final home evaluation; providing for content; amending s. 63.132, F.S.; revising provisions relating to report of expenditures and receipts; reenacting s. 63.135, F.S., relating to information under oath to be submitted to court; amending s. 63.142, F.S.; revising provisions relating to hearing of petition to adopt; providing for time of hearing; providing for notice; providing for investigation order by the court; creating s. 63.144, F.S.; providing for determination by the court; providing for the court to impose sanctions upon any person who violates the chapter; renumbering s. 63.172, F.S., relating to effect of judgment of adoption; creating s. 63.148, F.S.; providing limitation for attacks or appeals from judgment; amending s. 63.152, F.S.; revising provisions relating to new birth records; amending s. 63.162, F.S.; revising provisions relating to confidentiality of records; deleting provision that allows court to appoint certain persons to contact birth parent on petition by adoptee; creating part III of ch. 63, F.S., relating to termination procedures; creating s. 63.173, F.S.; providing for petition to terminate parental rights; creating s. 63.174, F.S.; providing for time and content of petition; creating s. 63.175, F.S.; providing for notice of petition and hearing; creating s. 63.176, F.S.; providing grounds for termination of parental relationship; creating s. 63.177, F.S.; providing effect of order granting petition; creating s. 63.178, F.S.; providing effect of order denying petition; creating part IV of ch. 63, F.S., relating to adult adoptions; creating s. 63.2001, F.S.; providing for adoption of adults; creating s. 63.2003, F.S.; providing for legal consequences; creating s.

63.2005, F.S.; providing for consent; creating s. 63.2007, F.S.; providing for petition; creating s. 63.2009, F.S.; providing for notice and time of hearing; creating s. 63.2011, F.S.; providing for dispositional hearing; creating s. 63.2013, F.S.; providing for judgment of adoption of an adult; creating part V of ch. 63, F.S., relating to preplanned adoptions; renumbering and amending s. 63.212(1)(i), F.S.; revising language which prohibits specified acts, provides for preplanned adoption arrangements and agreements, and provides definitions; providing penalties; creating part VI of ch. 63, F.S., relating to prohibited acts and penalties; amending s. 63.212, F.S.; revising provisions which provide penalties for specified prohibited acts; reenacting s. 63.219, F.S., relating to imposition of sanctions for violation of chapter; creating part VII of ch. 63, F.S., relating to miscellaneous provisions for adoptions; creating s. 63.311, F.S.; requiring the department to establish a central birth mother registry to record all agreements between intermediaries or agencies and birth mothers; requiring intermediaries and agencies to make reports of specified information; requiring reports be signed by the birth mother, witnessed, and notarized; renumbering ss. 63.165, 63.167, 63.192, 63.202, and 63.233, F.S., relating to the state registry of adoption information, the state adoption information center, recognition of foreign judgment, authority to license and adopt rules, and rulemaking authority of the department, respectively; repealing ss. 63.182, 63.185, and 63.301, F.S., relating to appeal and validation of judgment, residency requirement, and the advisory council on adoption, respectively; amending ss. 732.108 and 742.14, F.S.; correcting cross references; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committees on Finance and Taxation; and Natural Resources; and Representative Rudd and others—

HB 2883—A bill to be entitled An act relating to Everglades restoration; amending s. 373.4592, F.S.; providing legislative findings and intent with respect to restoring the Everglades; providing definitions; exempting the Everglades Protection Area and the Everglades Agricultural Area from the Everglades SWIM plan; deleting provisions requiring the adoption of an Everglades SWIM plan; directing the South Florida Water Management District to implement and to complete the Everglades Construction Project in a timely manner; requiring the district to purchase certain lands at a specified ratio for the use of other lands; authorizing the district to limit ad valorem expenditures in the Okeechobee Basin for the project; providing a hiring preference for displaced workers; providing milestones for completion of the project; requiring certain drainage districts to complete system modifications if funds are available; requiring the district to improve the hydroperiod of the Everglades Protection Area and to maximize water quantity benefits; requiring reductions of wasteful discharges to tide; directing a specified average annual increase in water supply to the Everglades Protection Area; requiring reductions of flows from best management practices to be replaced; requiring the Everglades Construction Project to be operated according to the conceptual design document to increase inflows and water quantity, and improve hydroperiod; requiring the district to coordinate its water supply and hydroperiod with the Federal Government; providing for alternative projects; retaining applicable law related to reservations and allocations of water; removing certain stormwater treatment areas from the “Toe of the Boot”; providing for an Everglades Research Program; requiring a monitoring program to evaluate effectiveness of a specified list of items related to stormwater treatment areas and best management practices for these areas to allow the department to propose a phosphorus criterion, and to optimize the design of the stormwater treatment areas; requiring the district, with the department, to issue an interim report; prohibiting construction of certain stormwater treatment areas until following release of interim report; requiring the district and department to issue an annual peer-reviewed report; providing dates by which the department and district must adopt a phosphorus criterion; establishing an alternate standard for phosphorus under specified circumstances; requiring the Department of Environmental Protection and the district to determine long-term water quality standards and criteria; providing for evaluation of water quality standards which must include specified items; requiring the establishment of a water quality monitoring program for certain purposes; requiring the district to enforce the best management practices as provided in the Florida Administrative Code; requiring a best management practices research program to study specified issues; requiring the district and the Everglades Agricultural Area landowners to determine which water quality standards are not being improved by stormwater treatment areas or best management practices; providing for permittees

in compliance with best management practices permit conditions to be exempted from other water quality improvement measures until a specified date; providing procedures to evaluate compliance; establishing a water quality monitoring program for the C-139 Basin; prohibiting the C-139 Basin from exceeding specific phosphorus loadings; requiring monitoring and control of exotic species; providing definitions; providing for farmers adversely impacted by land acquisition to have priority in leasing state and water management district lands; providing for a specified lease renewal by the Department of Corrections; providing for the imposition of an Everglades agricultural privilege tax and a C-139 agricultural privilege tax; specifying entities which are subject to the privilege taxes; providing that the privilege taxes constitute liens on specified parcels; providing a method for certifying the privilege taxes; specifying the price of the privilege taxes on an acre-per-acre basis; providing a formula for incentive credits; providing methods for receiving incentive credits; providing vegetable growers with a separate agricultural privilege tax; providing mechanism to defer payments under certain conditions; requiring vegetable growers to utilize best management practices; providing conditions under which the minimum privilege taxes may be increased; providing for special assessments; deleting provisions providing for a dedicated fund for stormwater management and the creation of stormwater utilities; requiring the district to construct and operate the Everglades Construction Project as set forth in s. 373.4592, F.S.; requiring the district to apply for a permit to incorporate the Everglades Construction Project; authorizing construction of the Everglades Construction Project prior to the department's issuing or final agency action or a notice of intended agency action; requiring the department to issue a 5-year permit for the Everglades Construction Project if specified conditions are met; authorizing the stormwater treatment area discharges in the Everglades Protection Area if they meet specified criteria and are stabilized; providing criteria for stormwater treatment area compliance; authorizing the district to seek permit modifications as superior technology comes available; requiring permit modifications for specified reasons; requiring the district to seek permit modifications for structures not included in the Everglades Construction Project; deleting obsolete provisions related to interim permits and interim phosphorus concentration levels; deleting obsolete provisions related to elements of the SWIM plan and state water quality standards; providing authority to the department and the district to take any action necessary to ensure appropriate water quality standards are met by a specified date; requiring permits after said date to achieve applicable phosphorus criterion; providing alternative permit in case the Everglades Construction Project does not meet state water quality standards; establishing applicability of other laws and water quality standards; providing limited circumstances when alternative methods for determining discharge limits are authorized; providing a specified discharge limit under certain circumstances; providing rights of the Seminole Tribe of Florida; excepting a SWIM report during the years the Everglades Program is in effect; directing the district to establish an Everglades Fund; providing uses for the fund; defining the “Everglades Agricultural Area”; defining the “C-139 Basin”; amending s. 259.101, F.S.; providing for use of funds from the Florida Preservation 2000 Trust Fund to implement the Everglades Construction Project; continuing the collection of tolls on Alligator Alley until a specified date; providing uses for tolls; amending s. 298.22, F.S.; authorizing the condemnation or acquisition of land to implement s. 373.4592, F.S.; amending s. 338.165, F.S.; providing for transfer of Alligator Alley toll revenues to appropriate trust funds for Everglades restoration; providing for issuance of bonds; amending s. 373.459, F.S.; revising distribution of water management district matching funds under the Surface Water Improvement and Management Trust Fund; repealing s. 1 of ch. 91-80, Laws of Florida, which prescribes a short title for ch. 91-80, Laws of Florida; providing an appropriation; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committees on Appropriations; and Finance and Taxation; and Representative Long and others—

CS for CS for HJR 2053—A joint resolution proposing an amendment to Section 1 of Article VII and the creation of Section 21 of Article XII of the State Constitution relating to state revenue limitation.

—was referred to the Committee on Rules and Calendar.

CS for CS for SB 1350

By Representative Kerrigan and others—

HCR 453—A concurrent resolution directing the Florida Attorney General to file suit in the United States Supreme Court against the United States Government, specified United States Government departments and agencies, and the official representatives of certain other countries, alleging violations of the civil rights of Prisoners of War or Missing in Action and to demand that documents concerning these individuals be released, and to urge the attorneys general of the other 49 states of the United States to join in this action.

—was referred to the Committee on Rules and Calendar.

By Representative Manrique and others—

HM 2889—A memorial to the Congress of the United States, urging Congress to oppose the lifting of the U.S. economic embargo of Cuba.

—was referred to the Committee on Rules and Calendar.

ROLL CALLS ON SENATE BILLS

**Conference Committee Report on
CS for CS for SB 68 and CS for SB's 2012, 230, 236, 248,
266, 274, 282, 392, 498, 674, 1306 and 1400;
and CS for SB 2016**

Yeas—38

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Williams
Crenshaw	Gutman	Kurth	
Crist	Harden	McKay	

Nays—None

Vote after roll call:

Yea—Weinstein, Wexler

**CS for CS for SB 1350
Senate Amendment 1**

Yeas—36

Bankhead	Diaz-Balart	Jenne	Myers
Beard	Dudley	Jennings	Scott
Boczar	Dyer	Johnson	Siegel
Brown-Waite	Forman	Jones	Silver
Burt	Grant	Kirkpatrick	Sullivan
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crenshaw	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams

Nays—4

Mr. President	Dantzler	Foley	Holzendorf
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Yeas—33

Mr. President	Dudley	Johnson	Silver
Bankhead	Dyer	Jones	Sullivan
Beard	Foley	Kirkpatrick	Turner
Burt	Grant	Kurth	Weinstein
Casas	Grogan	McKay	Wexler
Childers	Gutman	Meadows	Williams
Crenshaw	Harden	Myers	
Dantzler	Hargrett	Scott	
Diaz-Balart	Jenne	Siegel	

Nays—7

Boczar	Crist	Holzendorf	Kiser
Brown-Waite	Forman	Jennings	

ROLL CALL ON LOCAL BILLS

The following roll call was taken on **House Bills 587, 2291 and 1355** which passed this day:

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 8 was corrected and approved.

RECESS

On motion by Senator Kirkpatrick, the Senate recessed at 6:16 p.m. to reconvene at 10:00 a.m., Thursday, April 14.