



Journal of the Senate

Number 10

Thursday, March 24, 1994

CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

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

PRAYER

The following prayer was offered by the Rev. Barry Ronald Young, Associate Minister, Mount Tabor Baptist Church, Miami:

Almighty God, we thank thee for this day and for this spiritual opportunity to bless this senatorial body that has been chosen to govern the affairs of our great state of Florida. Grant them the wisdom to view those things that will benefit the lives of all our citizens. Let them know that they have a charge to keep and that necessity is laid upon them to do that which is pleasing in thy sight.

Bless them with joy unspeakable, knowing that their labor is not in vain. Bless them that they will be a blessing to others. Let this august body remain mindful of your presence all the day long and may they know that they can draw from you strength to sustain them as they endeavor to fulfill their responsibilities this day and the days to come.

Heavenly Father, lead, guide and direct their way and keep them in your loving care now and forever. For this, we humbly petition thee. In your holy name, we pray. Amen.

PLEDGE

Senate Pages, Adella E. Weber of Stuart and Reginald L. Wilson of Tallahassee led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTIONS

On motion by Senator Dudley, by two-thirds vote **SCR 14** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Dudley—

SCR 14—A concurrent resolution designating Collier County as Purple Martin Capital of Florida.

WHEREAS, the Purple Martin is a sleek bird of grace and agility, ranging in size from 7 1/2 to 8 1/2 inches, and is the largest of the swallow family, and

WHEREAS, the Purple Martin spends the winter in Brazil and migrates to South Florida around the first of January, when it starts its breeding and nesting period, and

WHEREAS, each year, when the Purple Martins return from their winter grounds, one of the first places they generally appear in the United States is Collier County, Florida, and

WHEREAS, flocks numbering anywhere from 10,000 to 100,000 martins have been seen in the Naples area in years past, and

WHEREAS, Purple Martins represent a great balance in nature as they live almost exclusively on mosquitoes and other flying insects, and

WHEREAS, Collier County has the only organization in Florida expressly formed to promote Purple Martins, and

WHEREAS, the Conservancy Purple Martin Society has prepared information to show residents how to attract and provide nest sites for Purple Martins, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That Collier County be designated as Purple Martin Capital of Florida.

—was taken up out of order by unanimous consent, read the second time in full, adopted and certified to the House.

On motion by Senator Turner, by two-thirds vote **SR 278** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Turner—

SR 278—A resolution recognizing the Chapman House in Dade County, Florida, as a source of community history.

WHEREAS, the Chapman House, which was built in 1923, was the home and office of a prominent African-American medical doctor in Miami's pioneer community, Dr. William A. Chapman, and

WHEREAS, architecturally, the house is a fine example of the type of masonry vernacular prevalent in Dade County in the 1920s, and

WHEREAS, in connection with rebuilding the Booker T. Washington School, the Dade County public schools acquired the house and adjacent property, and

WHEREAS, Dorothy Jenkins Field conceived the idea of preserving the Chapman House as a historic site and of creating a districtwide multicultural oral history program, to be located in the house, and

WHEREAS, through the efforts of the Black Archives, History and Research Foundation of South Florida, Inc., the Chapman House was saved and, in 1983, was designated by the City of Miami as a historic site, and funding for restoration was obtained from the State of Florida and from the Dade County Public Schools, and

WHEREAS, on April 20, 1993, the house was officially dedicated as the Chapman House Ethnic Heritage Children's Folklife Education Center, and it now serves district students in grades K-12 as the multicultural education headquarters for the instruction and application of social science skills through oral history, art, architecture, music, literature, language arts, and the humanities, and

WHEREAS, the achievement of this goal was aided by many citizens of this state, of whom those who were acknowledged at the dedication program include Dr. Mildred Berry, Lilia Garcia, Ruth Greenfield, Paul Hanson, Dr. Gloria B. McPhee, Dr. Gilbert Porter, Virginia Rosen, Marian H. Shannon, and Senator William Turner; and was also aided by groups that include the Dade Community Foundation, the Dade County School Board, the Dade Heritage Trust, the LINKS, Inc., Greater Miami Chapter, and the National Alliance of Black School Educators, Greater Miami Chapter, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes the Chapman House Ethnic Heritage Children's Folklife Education Center as a valuable source of community history and commends the foresight of those who helped preserve the Chapman House and transform it into a districtwide learning center for school children.

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate attached, be forwarded to Ms. Dorothy Jenkins Fields as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

On motion by Senator McKay, by two-thirds vote **SR 2632** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

SR 2632—A resolution commending the Southeast High School football team for its 1993 football season.

WHEREAS, the Southeast High School football team, under the direction of Head Coach Paul Maechtle and his excellent staff, won its first Class 4A state high-school football title by defeating Panama City Bay High School, and

WHEREAS, the 1993 Southeast High Seminole team is the first team in state playoff history to have a 15-0 season, and

WHEREAS, the Southeast High Seminoles finished number 6 in the USA Today Super 25 poll, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the Southeast High School football team and Head Coach Paul Maechtle and his coaching staff for their outstanding accomplishments in bringing Southeast High School to national prominence and excellence in high-school football.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Southeast High School football team and to Coach Paul Maechtle as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

On motion by Senator McKay, by two-thirds vote **SR 2756** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

SR 2756—A resolution recognizing and praising the achievements of the Environmental Learning Laboratory in DeSoto County.

WHEREAS, on January 15, 1973, the Environmental Learning Laboratory of the DeSoto County School District opened its doors to students, and

WHEREAS, the land for the site of the laboratory was donated by the DeSoto County Board of County Commissioners, and

WHEREAS, the laboratory is in a densely wooded area on Pomeroy Creek, west of the Owens Community and east of Horse Creek in Arcadia, and

WHEREAS, the Environmental Learning Laboratory is an outdoor classroom offering environmental education to students of all ages, and

WHEREAS, the students learn to identify species of plants and animals and learn about alternate sources of energy, including solar power, wind, and water, and

WHEREAS, the Environmental Learning Laboratory is truly a classroom without walls, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Environmental Learning Laboratory be recognized for its contributions to the community and to the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Environmental Learning Laboratory as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

On motion by Senator McKay, by two-thirds vote **SR 2914** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

SR 2914—A resolution recognizing the Peace River Valley Citrus Growers Association.

WHEREAS, The Peace River Valley Citrus Growers Association was formed in 1992 in DeSoto and Hardee Counties and expanded in 1993 to include members in Manatee and Sarasota Counties, and

WHEREAS, the Peace River Valley Citrus Growers Association comprises over 400 ranchers and citrus growers in these counties, and

WHEREAS, the membership of this dynamic organization is growing daily, and

WHEREAS, under the direction of its Executive Vice President and General Manager, Calvin T. Cobb, the association will present a unified voice on governmental and environmental issues affecting citrus growers in the four counties, and

WHEREAS, the association will continue to work to ensure that citrus production remains a viable industry in the Peace River Valley area, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate salutes the Peace River Valley Citrus Growers Association on its accomplishments and wishes the association the best of luck as it continues to grow and represent the interests of its members—vital contributors to Florida's economy—and the people of Southwest Florida.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

On motion by Senator Jenne, by two-thirds vote **SR 2828** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Jenne—

SR 2828—A resolution commending the Phi Rho Pi national honor speech and debate organization for its selection of Florida as its 1994 national tournament site.

WHEREAS, Phi Rho Pi is a national honor fraternity serving the nation's junior college speech and debate students, and

WHEREAS, this activity enables students to develop self-confidence and respect, and further stimulates the creative thinking so necessary in today's society, and

WHEREAS, Phi Rho Pi organizes the annual national tournament that gives students from throughout the nation an opportunity to compete against each other, and

WHEREAS, Phi Rho Pi has selected Florida as the site for its 1994 tournament, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends Phi Rho Pi for its service to the nation's junior college students and for its selection of Florida as its 1994 national tournament site.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the President of Phi Rho Pi organization at its annual tournament as a tangible expression of welcome and appreciation for its contribution to the youth of this country and this state.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

**MOTIONS RELATING TO
COMMITTEE REFERENCE**

On motion by Senator Kirkpatrick, by two-thirds vote the appointment made by the Governor of Virginia B. Wetherell as Secretary of the Department of Environmental Protection was withdrawn from the Committee on Natural Resources and Conservation. The appointment was referred to the Committee on Executive Business, Ethics and Elections under the original reference.

On motions by Senator Kirkpatrick, by two-thirds vote **SB 1462** was withdrawn from the Committee on Community Affairs; **CS for SB 2344** was withdrawn from the Committee on Education; **CS for SB 1652** and **CS for SB's 2152 and 2154** were withdrawn from the Committee on Health Care; and **SB 32** was withdrawn from the Committee on Health and Rehabilitative Services.

On motions by Senator Meadows, by two-thirds vote **CS for SB 640** was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining; and **SB 3070** was removed from the Local Bill Calendar and withdrawn from further consideration.

On motion by Senator Grant, by two-thirds vote **SR 2680** was withdrawn from the committee of reference and further consideration.

On motions by Senator Dyer, by two-thirds vote **SB 2500** was withdrawn from the committees of reference and further consideration.

On motion by Senator Holzendorf, by two-thirds vote **SB 652** was withdrawn from the committee of reference and further consideration.

On motion by Senator Kirkpatrick, by two-thirds vote **CS for CS for SB 2670** was recommitted to the Committee on Commerce.

On motions by Senator Jenne, by two-thirds vote **SB 254**, **CS for SB 330**, **CS for SB 486**, **CS for CS for SB 1318**, **Senate Bills 2150 and 2238**, **CS for CS for SB 2470** and **CS for SB 2598** were withdrawn from the Committee on Appropriations.

On motion by Senator Kirkpatrick, by two-thirds vote **SB 640** was recommitted to the Committee on Personnel, Retirement and Collective Bargaining.

On motions by Senator Wexler, by two-thirds vote **Senate Bills 2640, 2630, 2288, 2942** and **2778** were withdrawn from the Committee on Finance, Taxation and Claims.

MOTIONS

On motion by Senator Jennings, by two-thirds vote **CS for SB 1072** which passed March 22 was ordered immediately certified to the House.

LOCAL BILLS

SB 2944—A bill to be entitled An act relating to Brevard County; amending chapter 87-455, Laws of Florida; limiting the use of funds received by the Technological Research and Development Authority to those programs that further the objectives and purposes of the authority; providing an effective date.

—was read the second time by title.

Senator Kurth moved the following amendments which were adopted:

Amendment 1 (with Title Amendment)—On page 1, between lines 20 and 21, insert:

Section 2. Chapter 89-500, Laws of Florida, establishing the Indian River Region Research Institute is repealed. Any remaining indebtedness or liabilities of the Indian River Region Research Institute are transferred to and assumed by the Technological Research and Development Authority.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 7, after the semicolon (;) insert: repealing ch. 89-500, Laws of Florida, relating to the Indian River Region Research Institute; transferring indebtedness or liabilities of the institute to the Technological Research and Development Authority;

Amendment 2—On page 1, strike all of lines 16-18 and insert:

(4) To establish an annual budget, and amend the budget when necessary, and utilize all funds received by the

On motion by Senator Kurth, by two-thirds vote **SB 2944** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 2946—A bill to be entitled An act relating to the Melbourne-Tillman Drainage District, Brevard County; renaming the district as the Melbourne-Tillman Water Control District; providing an effective date.

—was read the second time by title.

Senator Kurth moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, strike all of lines 9-19 and insert:

Section 1. The Water Control District of South Brevard created by chapter 86-418, Laws of Florida, as amended by chapters 90-401 and 91-346, Laws of Florida, is redesignated the Melbourne-Tillman Water Control District.

And the title is amended as follows:

In title, on page 1, strike lines 2 and 3 and insert: An act relating to the Water Control District of South Brevard; renaming the

On motion by Senator Kurth, by two-thirds vote **SB 2946** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 3064—A bill to be entitled An act relating to the Pinellas Sun-coast Transit Authority, Pinellas County; providing for expiration of the terms of office of the present governing body of the authority; amending s. 3(2), ch. 70-907, Laws of Florida, as amended; providing for appointment of members of the authority's governing body; creating s. 3(7), ch. 70-907, Laws of Florida, as amended; requiring the authority to make an annual report; providing an effective date.

—was read the second time by title. On motion by Senator Sullivan, by two-thirds vote **SB 3064** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 3066—A bill to be entitled An act relating to Marion County; repealing chs. 70-803, 81-437, Laws of Florida, which provide for the platting of lands in the county and for the recording of such plats; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **SB 3066** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 3078—A bill to be entitled An act relating to the South Brevard Water Authority; repealing chapter 83-375, Laws of Florida, as amended by chapter 87-481, Laws of Florida; providing for the dissolution of the South Brevard Water Authority; providing for the transfer of assets and liabilities; providing a conditional effective date.

—was read the second time by title.

Senator Grogan moved the following amendment which was adopted:

Amendment 1—On page 1, line 24, after "law, but only if HB 1545 or SB" insert: 3074

On motion by Senator Grogan, by two-thirds vote **SB 3078** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 3080—A bill to be entitled An act relating to Alachua County; authorizing creation of the Alachua County Criminal Justice Access and Assessment Center at Santa Fe Community College; providing for establishment and operation in accordance with Florida Statutes; providing for funding of the center through the assessment of an additional court cost against every person convicted of a violation of a criminal statute, ordinance, or traffic offense in Alachua County; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **SB 3080** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 3082—A bill to be entitled An act relating to North Springs Improvement District, Broward County; amending chapter 71-580, Laws of Florida, as amended; expanding the boundaries of the North Springs Improvement District; providing an effective date.

—was read the second time by title. On motion by Senator Meadows, by two-thirds vote **SB 3082** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 3084—A bill to be entitled An act relating to Nassau General Hospital, Nassau County; amending chapter 21228, Laws of Florida, 1941, as amended; providing authority to the Board of Trustees of Nassau General Hospital to sell or lease all or substantially all of its assets, including, but not limited to, that real and personal property comprising and utilized in the operation of Nassau General Hospital to a public or private organization or a not-for-profit or for-profit corporation, upon such terms and conditions as may be determined by the Board of Trustees of Nassau General Hospital to be in the best interests of the people of Nassau County; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote **SB 3084** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 3086—A bill to be entitled An act relating to Brevard County; relating to the Brevard County Commission District 1 recreational tax district and board; repealing chapter 59-1110, Laws of Florida, thereby abolishing the procedure to establish a recreational tax district, the governing board, and its powers as set out in said chapter; providing an effective date.

—was read the second time by title. On motion by Senator Grogan, by two-thirds vote **SB 3086** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 3092—A bill to be entitled An act relating to Indian River County; creating the Indian River County Deputy Sheriff's Career Service Act; providing definitions; providing for career service protections for deputy sheriffs; providing for probationary periods for deputy sheriffs; providing for notice of proposed action; requiring the establishment of review procedures with respect to termination actions; providing for arbitration review procedures; providing for an arbitration review board; providing for an alternative review board; providing procedures; providing for applicability; providing an effective date.

—was read the second time by title. On motion by Senator Kurth, by two-thirds vote **SB 3092** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Jenne, by two-thirds vote **HB 1593** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Jenne—

HB 1593—A bill to be entitled An act relating to the Central County Water Control District, Hendry County; providing for the elimination of proxy voting in the election of the Board of Supervisors for the district; providing for a referendum; providing an effective date.

—a companion measure, was substituted for **SB 3106** and read the second time by title. On motion by Senator Jenne, by two-thirds vote **HB 1593** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 3110—A bill to be entitled An act relating to the City of Hollywood, Broward County; amending chapter 89-429, Laws of Florida; revising provisions relating to the firemen's pension and retirement funds; amending Article X of the Charter of the City of Hollywood, relating to the pension and retirement section; providing effective dates.

—was read the second time by title. On motion by Senator Meadows, by two-thirds vote **SB 3110** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

SPECIAL ORDER

SENATOR JENNE PRESIDING

HB 1955—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 766.305(6), 766.307(1), (3), 766.309, 766.31(1), and 766.312, Florida Statutes, to ratify editorial changes made pursuant to the directive of the Legislature in s. 7, ch. 93-251, Laws of Florida, to replace the term "judge of compensation claims" with the term "hearing officer" throughout ss. 766.301-766.316, Florida Statutes, to conform to the redesignation of judges of compensation claims as hearing officers by s. 3, ch. 93-251, Laws of Florida.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 1955** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

HB 1957—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 142.01, 142.03, 893.15, 893.16(1), 921.187(1)(b), (c), 943.361, 948.034(1), (2), and 953.003(1)(a), Florida Statutes, pursuant to s. 33, ch. 93-406, Laws of Florida, to conform the statutes to the changes in internal cross-references within s. 893.13, Florida Statutes, by s. 23, ch. 93-406, Laws of Florida.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 1957** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

SB 2018—A bill to be entitled An act relating to trust funds; creating the Juvenile Justice Facility Construction and Operation Trust Fund within the Department of Juvenile Justice; providing for the deposit of certain court-imposed fees into the trust fund; providing a contingent effective date.

—was read the second time by title. On motion by Senator Siegel, by two-thirds vote **SB 2018** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40 Nays—None

CS for SB's 1548 and 1938—A bill to be entitled An act relating to the Inmate Welfare Trust Fund; amending s. 945.215, F.S.; requiring moneys in the trust fund to be annually appropriated by the Legislature; requiring the Department of Corrections to submit a report; specifying the purposes for which the funds may be used; prohibiting the purchase of certain audio-visual and electronic equipment with the funds; requiring a performance audit by the Auditor General; providing an effective date.

—was read the second time by title. On motion by Senator Crenshaw, by two-thirds vote **CS for SB's 1548 and 1938** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

SB 2050—A bill to be entitled An act relating to conditional release, control release, and conditional medical release; amending s. 947.141, F.S.; requiring that a releasee arrested on a felony charge be detained without bond pending the initial probable-cause determination and, upon a determination of probable cause, be detained without bond for a specified period pending issuance of a warrant charging violation of the conditions of release; reenacting ss. 947.1405(1), 947.146(12), 947.149(5), F.S., relating to conditional release, control release, and conditional medical release, to incorporate the amendment of s. 947.141, F.S., in references thereto; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole recommended the following amendment which was moved by Senator Beard and adopted:

Amendment 1—On page 1, strike line 21 and insert:

Section 1. Effective upon this act becoming a law and applicable to arrests on charges of felony offenses committed on or after that date, section 947.141, Florida Statutes, is

On motion by Senator Beard, by two-thirds vote **SB 2050** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 260—A bill to be entitled An act relating to child care; amending s. 409.176, F.S.; revising procedure for registration of residential child-caring agencies; deleting certain responsibilities of the Department of Health and Rehabilitative Services; providing responsibilities of a qualified association meeting standards of a statewide child-care organization; requiring notice to the department of certain violations and of suspension or revocation of registration; requiring an annual report to the department; providing an effective date.

—was read the second time by title.

Senator Holzendorf moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, line 16, insert:

Section 1. Subsection (13) is added to section 402.302, Florida Statutes, to read:

402.302 Definitions.—As used in ss. 402.301-402.319:

(13) "Indoor recreational facility" means an indoor commercial facility which is established for the primary purpose of entertaining children in a planned fitness environment through equipment, games, and activities in conjunction with food service and which provides child care for a particular child no more than 4 hours on any one day. An indoor recreational facility must be licensed as a child care facility under s. 402.305, but is exempt from the minimum outdoor-square-footage-per-child requirement specified in that section.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 2, after the semicolon (;) insert: amending s. 402.302, F.S.; defining the term "indoor recreational facility" and requiring that such facilities be licensed as child care facilities; exempting indoor recreational facilities from the minimum outdoor-square-footage-per-child requirement applicable to child care facilities;

On motions by Senator Holzendorf, by two-thirds vote **SB 260** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 202—A bill to be entitled An act relating to fleeing or attempting to elude a law enforcement officer; amending s. 316.1935, F.S.; providing for an enhanced penalty to be imposed against the operator of a vehicle who, after having been directed to stop the vehicle by a law enforcement officer, fails to stop or attempts to elude the officer; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Crist and adopted:

Amendment 1 (with Title Amendment)—On page 1, line 12, strike everything after the enacting clause and insert:

Section 1. Section 316.1935, Florida Statutes, is amended to read:

316.1935 Fleeing or attempting to elude a law enforcement police officer.—

(1) It is unlawful for the operator of any vehicle, having knowledge that he has been directed to stop ~~the such~~ vehicle by a duly authorized law enforcement police officer, willfully to refuse or fail to stop ~~the such~~ vehicle in compliance with ~~the such~~ directive or, having stopped in knowing compliance with ~~the such~~ a directive, willfully to flee in an attempt to elude ~~the such~~ officer, and any person violating this subsection shall, upon conviction, be punished by imprisonment in the county jail for a period not to exceed 1 year, or by fine not to exceed \$1,000, or by both such fine and imprisonment.

(2) Any person who, in the course of unlawfully fleeing or attempting to elude a law enforcement officer pursuant to subsection (1), having knowledge of an order to stop by a duly authorized law enforcement officer, causes the law enforcement officer to engage in a high speed vehicle pursuit commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(2) The court may revoke, for a period not to exceed 1 year, the driver's license of any operator of a motor vehicle convicted of a violation of subsection (1) or subsection (2) ~~for a period not to exceed 1 year~~.

Section 2. This act shall take effect October 1, 1994.

And the title is amended as follows:

In title, on page 1, strike all of lines 4-8 and insert: 316.1935, F.S.; providing for a penalty to be imposed against the operator of a vehicle who, after having been directed to stop the vehicle by a law enforcement officer, fails to stop or attempts to elude the officer and who causes high speed pursuit by the officer;

On motions by Senator Crist, by two-thirds vote **SB 202** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for SB 2900—A bill to be entitled An act relating to insurance; amending s. 624.605, F.S.; providing that credit property insurance not be considered property insurance; amending s. 628.6017, F.S.; providing criteria and procedures for assessable mutual insurers to become stock insurers; providing an effective date.

—was read the second time by title.

Senator McKay moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, between lines 11 and 12, insert:

Section 1. Subsection (1) of section 624.438, Florida Statutes, is amended to read:

624.438 General eligibility.—

(1) To meet the requirements for issuance of a certificate of authority and to maintain a multiple-employer welfare arrangement, an arrangement ~~must be~~:

(a) *Must be* nonprofit.

(b) *Must be* established by a trade association, industry association, or professional association of employers or professionals which has a constitution or bylaws specifically stating its purpose and which has been organized and maintained in good faith for a continuous period of 1 year for purposes other than that of obtaining or providing insurance.

(c) *Must be* operated pursuant to a trust agreement by a board of trustees which shall have complete fiscal control over the arrangement and which shall be responsible for all operations of the arrangement. The trustees selected shall be owners, partners, officers, directors, or employees of one or more employers in the arrangement. A trustee may not be an owner, officer, or employee of the administrator or service company of the arrangement. The trustees shall have the authority to approve applications of association members for participation in the arrangement and to contract with an authorized administrator or service company to administer the day-to-day affairs of the arrangement.

(d) *Must be* neither offered nor advertised to the public generally.

(e) *Must be* offered only to eligible employers who have been members of the sponsoring association for at least 2 consecutive months. The requirements of this paragraph shall not apply to an arrangement that has been operating under a certificate for at least 3 years.

(f) *Must be* operated in accordance with sound actuarial principles.

(g) *May, notwithstanding the provisions of paragraph (e), be offered to eligible physician employers. An eligible physician employer may participate in an arrangement's employer health benefit plans without being a member of the arrangement's sponsoring association if:*

1. *The physician has more than one employee.*
2. *The physician employer enters into a contract to render medical services to the arrangement's plan participants.*
3. *The physician employer agrees to waive any fee due from the arrangement in the event that the arrangement becomes insolvent.*
4. *The physician employer agrees to be subject to the same assessments and surcharges as apply to arrangement members.*

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, strike line 2 and insert: An act relating to insurance; amending s. 624.438, F.S.; specifying eligibility requirements for a certificate of authority as a multiple-employer welfare agreement; amending s.

On motion by Senator McKay, further consideration of **CS for SB 2900** as amended was deferred.

On motions by Senator Weinstein, by two-thirds vote **HB 655** was withdrawn from the Committees on Community Affairs and Governmental Operations.

On motions by Senator Weinstein, by two-thirds vote—

HB 655—A bill to be entitled An act relating to recreation districts; amending s. 418.21, F.S.; providing that the board of supervisors of a recreation district may have more than five members; providing for the establishment of designated geographical areas and for representation of those areas; amending s. 418.22, F.S.; providing that recreational facilities may be made available exclusively for district residents and property owners under certain circumstances; providing for restricting access; providing for determination of applicability of certain criteria prior to adop-

tion or amendment of a charter; providing for security buildings and other structures; amending s. 418.24, F.S.; providing for an additional finding in a charter of a recreation district regarding availability of recreational facilities; providing an effective date.

—a companion measure, was substituted for **SB 514** and by two-thirds vote read the second time by title. On motion by Senator Weinstein, by two-thirds vote **HB 655** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

THE PRESIDENT PRESIDING

SB 40—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; authorizing the use of tax revenues for public recreational parks by certain counties; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Johnson and adopted:

Amendment 1 (with Title Amendment)—On page 1, line 26, after “parks” insert: , *greenways and recreational trails*

And the title is amended as follows:

In title, on page 1, line 5, after “parks” insert: , *greenways and recreational trails*

Senator Harden moved the following amendment which failed:

Amendment 2—On page 1, line 27, before the period (.) insert: *or located in the subcounty special taxing district, whichever area is subject to the tax from which the revenues are received*

On motion by Senator Johnson, further consideration of **SB 40** as amended was deferred.

SB 1594—A bill to be entitled An act relating to building designations; renaming the District 7 facility of the Department of Health and Rehabilitative Services in Cocoa; providing an effective date.

—was read the second time by title. On motion by Senator Grogan, by two-thirds vote **SB 1594** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SENATOR CRIST PRESIDING

CS for SB 612—A bill to be entitled An act relating to regulation of professions; creating s. 455.2185, F.S.; exempting from state licensure requirements out-of-state or foreign professionals who are employed or designated by a sports entity visiting the state for a specific sporting event; providing limits on the practice permitted such professionals; repealing ss. 458.3095, 459.0051, F.S., relating to exemptions from state licensure requirements for physicians licensed in another state who are employed or designated by a sports entity visiting the state for a specific sporting event; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 1, lines 27 and 29, strike “department” and insert: *agency with regulatory jurisdiction over the profession*

Amendment 2 (with Title Amendment)—On page 2, between lines 18 and 19, insert:

Section 3. Section 458.326, Florida Statutes, is created to read:

458.326 Intractable pain; authorized treatment.—

(1) For the purposes of this section, the term “intractable pain” means pain for which, in the generally accepted course of medical practice, the cause cannot be removed and otherwise treated.

(2) Intractable pain must be diagnosed by a physician licensed under this chapter and qualified by experience to render such diagnosis.

(3) Notwithstanding any other provision of law, a physician may prescribe or administer any controlled substance under Schedules II-V, as provided for in s. 893.03, to a person for the treatment of intractable pain, provided the physician does so in accordance with that level of care, skill, and treatment recognized by a reasonably prudent physician under similar conditions and circumstances.

(4) Nothing in this section shall be construed to condone, authorize, or approve mercy killing or euthanasia, and no treatment authorized by this section may be used for such purpose.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 14, after the semicolon (;) insert: creating s. 458.326, F.S.; authorizing the prescription or administration of certain controlled substances by a physician in the treatment of intractable pain under certain conditions and circumstances;

Amendment 3 (with Title Amendment)—On page 2, between lines 18 and 19, insert:

Section 3. Section 464.027, Florida Statutes, is created to read:

464.027 Registered nurse first assistant.—

(1) LEGISLATIVE INTENT.—The purposes of this section are to:

(a) Encourage the use of registered nurse first assistants who meet the qualifications of this section as “assistants at surgery” by physicians and hospitals to provide quality, cost-effective surgical intervention to health care recipients in the state.

(b) Provide for reimbursement for the registered nurse first assistant from managed health care agencies, state agencies, workers’ compensation carriers, and private insurance companies.

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

(a) “Perioperative nursing” means a practice of nursing in which the nurse provides preoperative, intraoperative, and postoperative nursing care to surgical patients.

(b) “Recognized program” means a program that:

1. Addresses all content of the Association of Operating Room Nurses, Inc. Core Curriculum for the Registered Nurse First Assistant, and

2. Includes 1 academic year, defined as 45 hours of didactic instruction and 120 hours of clinical internship or its equivalent of two college semesters.

(c) “Registered nurse first assistant” means a person who meets the qualifications listed in this section.

(3) QUALIFICATIONS.—A registered nurse first assistant is any person who:

(a) Is licensed as a registered nurse under this chapter;

(b) Is certified in perioperative nursing; and

(c) Holds a certificate from, and has successfully completed, a recognized program.

(4) INSTITUTIONAL POWERS.—Each health care institution must establish specific procedures for the appointment and reappointment of registered nurse first assistant staff members and for granting, renewing, and revising their clinical privileges.

Section 4. Subsection (6) is added to section 627.419, Florida Statutes, to read:

627.419 Construction of policies.—

(6) *Notwithstanding any other provision of law, when any health insurance policy, health care services plan, or other contract provides for payment for surgical first assisting benefits or services, the policy, plan, or contract is to be construed as providing for payment to a registered nurse first assistant who performs such services that are within the scope of a registered nurse first assistant’s professional license.*

Section 5. Subsection (11) of section 408.706, Florida Statutes, is amended to read:

408.706 Community health purchasing alliances; accountable health partnerships.—

(11) The ability to recruit and retain alliance district health care providers in its provider network. For provider networks initially formed in an alliance district after July 1, 1993, an accountable health partnership shall make offers as to provider participation in its provider network to relevant alliance district health care providers for at least 60 percent of the available provider positions. A provider who is made an offer may participate in an accountable health partnership as long as the provider abides by the terms and conditions of the provider network contract, provides services at a rate or price equal to the rate or price negotiated by the accountable health partnership, and meets all of the accountable health partnership’s qualifications for participation in its provider networks including, but not limited to, network adequacy criteria. For purposes of this subsection, “alliance district health care provider” means a health care provider who is licensed under chapter 458, chapter 459, chapter 460, chapter 461, *chapter 464*, or chapter 465 who has practiced in Florida for more than 1 year within the alliance district served by the accountable health partnership.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 14, following the semicolon (;) insert: creating s. 464.027, F.S.; providing for recognition of registered nurses who meet specified criteria as “registered nurse first assistants”; providing duties of health-care institutions; providing legislative intent; providing definitions; amending s. 627.419, F.S.; providing for payment to registered nurse first assistants under insurance contracts that provide for surgical first assisting benefits or services; amending s. 408.706, F.S.; including persons licensed under the Nurse Practice Act as alliance district health care providers for purposes of community health purchasing alliances;

On motions by Senator Myers, by two-thirds vote **CS for SB 612** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

The Senate resumed consideration of—

CS for SB 2900—A bill to be entitled An act relating to insurance; amending s. 624.605, F.S.; providing that credit property insurance not be considered property insurance; amending s. 628.6017, F.S.; providing criteria and procedures for assessable mutual insurers to become stock insurers; providing an effective date.

—which had been previously considered and amended this day.

Senators Dudley and McKay offered the following amendment which was moved by Senator McKay and adopted:

Amendment 2—On page 2, line 8, after the period (.) insert: *In no event shall the failure to vote constitute a vote for approval.*

On motions by Senator McKay, **CS for SB 2900** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1766—A bill to be entitled An act relating to taxes; amending s. 193.062, F.S.; changing the filing deadline for tangible personal property tax returns; creating s. 193.063, F.S.; providing for an automatic extension for filing the returns; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Hargrett:

Amendment 1 (with Title Amendment)—On page 1, line 10, strike everything after the enacting clause and insert:

Section 1. Section 193.063, Florida Statutes, is created to read:

193.063 Extension of date for filing tangible personal property returns.—

Each county property appraiser may, at his or her discretion, grant extensions for filing tangible personal property tax returns after the April 1 deadline. Each extension request shall be made in sufficient time for the county property appraiser to consider the request and act on it before the return's regular due date. Each request for extension must include the name of the taxable entity, the tax identification number of the taxable entity, and the reason or reasons for an extension to be granted.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, strike all of lines 2-7 and insert: An act relating to ad valorem taxes; creating s. 193.063, F.S.; providing for an extension for filing tangible personal property tax returns; providing requirements for the request for extension; providing an effective date.

Senator Hargrett moved the following substitute amendment which was adopted:

Amendment 2 (with Title Amendment)—On page 1, line 10, strike everything after the enacting clause and insert:

Section 1. Section 193.063, Florida Statutes, is created to read:

193.063 Extension of date for filing tangible personal property tax returns.—The property appraiser may, at his discretion, grant an extension for the filing of a tangible personal property tax return for up to 45 days. A request for extension must be made in time for the property appraiser to consider the request and act on it before the regular due date of the return. A request for extension must include the name of the taxable entity, the tax identification number of the taxable entity, and the reason an extension should be granted.

Section 2. Section 193.073, Florida Statutes, is amended to read:

193.073 Erroneous returns; *estimate of assessment when no return filed.*—

(1) Upon discovery that an erroneous or incomplete statement of personal property has been filed by a taxpayer or that all the property of a taxpayer has not been returned for taxation, the property appraiser shall proceed as follows:

(a)(1) If the property is personal property and is discovered before April 1, he shall make an assessment in triplicate. After attaching the affidavit and warrant required by law, he shall dispose of the additional assessment roll in the same manner as provided by law.

(b)(2) If the property is personal property and is discovered on or after April 1, or is real property discovered at any time, the property shall be added to the assessment roll then in preparation.

(2) *If no tangible personal property tax return has been filed as required by law, including any extension which may have been granted for the filing of the return, the property appraiser is authorized to estimate from the best information available the assessment of the tangible personal property of a taxpayer who has not properly and timely filed his tax return. Such assessment shall be deemed to be prima facie correct, may be included on the tax roll, and taxes may be extended therefor on the tax roll in the same manner as for all other taxes.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, line 8, strike everything before the enacting clause and insert: A bill to be entitled An act relating to tangible personal property taxes; creating s. 193.063, F.S.; allowing the property appraiser to grant an extension for filing tangible personal property tax returns; providing requirements for the request for extension; amending s. 193.073, F.S.; authorizing the property appraiser to estimate an assessment of tangible personal property when no return is filed; providing an effective date.

On motions by Senator Hargrett, by two-thirds vote **SB 1766** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

Consideration of **SB 16** was deferred.

SB 1032—A bill to be entitled An act relating to fuel tax administration; amending s. 207.003, F.S.; amending provisions specifying the road privilege tax rate; amending s. 207.004, F.S.; providing for the issuance of temporary fuel-use permits and driveway permits; eliminating emergency permits and annual permits; amending s. 207.005, F.S.; revising reporting and filing requirements; amending s. 207.007, F.S.; revising provisions relating to penalties and interest on delinquent taxes; repealing s. 207.011(7), F.S., relating to an agreement between the Department of Revenue and the Department of Highway Safety and Motor Vehicles with respect to audit procedures; amending s. 207.026, F.S.; amending provisions relating to the transfer of funds from the Gas Tax Collection Trust Fund; amending s. 207.0281, F.S.; providing an example of the cooperative reciprocal agreements with other states which the Department of Highway Safety and Motor Vehicles may enter into; amending s. 316.545, F.S., to conform; repealing s. 207.029, F.S., relating to requiring proof of liability insurance on commercial motor vehicles; providing an effective date.

—was read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **SB 1032** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 638—A bill to be entitled An act relating to health facilities authorities; amending s. 154.209, F.S.; providing for the disposition of surplus funds that remain in the account of a health facilities authority; providing an effective date.

—was read the second time by title.

Senator Meadows moved the following amendment which was adopted:

Amendment 1—On page 1, line 22, following “and” insert: , if approved by a resolution of the health facilities authority,

On motion by Senator Meadows, by two-thirds vote **SB 638** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for SB 1296—A bill to be entitled An act relating to water pollution control; amending s. 403.1815, F.S.; specifying additional circumstances under which local regulation of the construction of water distribution mains and sewage collection and transmission systems may be authorized by the Department of Environmental Protection; providing for submission to the department of reports and maps; providing an effective date.

—was read the second time by title.

Senator Kiser moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 2, between lines 28 and 29, insert:

Section 2. Subsection (5) of section 556.102, Florida Statutes, is amended to read:

556.102 Definitions.—As used in this act:

(5) “Excavate” or “excavation” means any manmade cut, cavity, trench, or depression in the earth's surface, formed by removal of earth, intended to change the grade or level of land, or intended to penetrate or disturb the surface of the earth, ~~but does not include tilling of soil for agricultural purposes.~~

Section 3. Section 556.108, Florida Statutes, is amended to read:

556.108 ~~Exemptions Single family residential property exemption.~~—The notification requirements provided in s. 556.105(1) do not apply to:

(1) Any excavation or demolition performed by the owner of single-family residential property when such excavation or demolition is made entirely on such land, provided there is no encroachment on any member operator's right-of-way, easement, or permitted use.

(2) Any excavation or demolition associated with normal agricultural or railroad activities, provided such activities are not performed on any operator's marked right-of-way, easement, or permitted use.

(3) Any excavation or demolition that occurs as the result of normal industrial activities, provided such activities are confined to the immediate secured property of the facility and the activities are not performed on any operator's marked right-of-way, easement, or permitted use. For the purposes of this act, the industrial activities are limited to the following list of Standard Industrial Classifications: Industry Group Numbers 141, 206, 242, 243, and 491, and Major Group Numbers 13, 26, 28, and 29, as published by the United States Office of Management and Budget in 1987.

(4) Any excavation of 18 inches or less for:

(a) Surveying public or private property by surveyors or mappers as defined in chapter 472, excluding marked rights-of-way, marked easements, or permitted uses where marked, provided mechanized equipment is not used in the process of such surveying and the surveying is performed in accordance with the practice rules established under s. 472.027;

(b) Locating or protecting underground facilities, provided no mechanized equipment is used in the process of locating or protecting such underground facilities; or

(c) Extending underground facilities from an easement, right-of-way, or area of permitted use onto the four-family, three-family, two-family, or single-family residential property of the person to be served by such facilities, provided that, in the process of such extension, no mechanized equipment is used on any operator's marked right-of-way, easement, or permitted use.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 8, after the semicolon (;) insert: amending s. 556.102, F.S.; revising the definition of the term "excavate" or "excavation" for purposes of the Underground Facilities Damage Prevention and Safety Act; amending s. 556.108, F.S.; providing additional exemptions from the notification requirements of that act;

On motion by Senator Kiser, by two-thirds vote **CS for SB 1296** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

THE PRESIDENT PRESIDING

CS for CS for SB 642—A bill to be entitled An act relating to health care; requiring the agency to develop practice parameters for the detection and treatment of group B streptococcal infection; providing an effective date.

—was read the second time by title. On motion by Senator Wexler, by two-thirds vote **CS for CS for SB 642** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 204—A bill to be entitled An act relating to fraudulent practices; defining the offense of "equity skimming," involving the purchase of dwellings, failure of the purchaser to make payments on existing mortgages or deeds of trust, and use of the rents from such dwellings by the purchaser; providing penalties; providing an effective date.

—was read the second time by title. On motions by Senator Holzen-dorf, by two-thirds vote **SB 204** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38 Nays—None

RECONSIDERATION

On motion by Senator Kirkpatrick, by unanimous consent **SB 2360** was recalled from Senate Enrolling. On motion by Senator Kirkpatrick, the rules were waived and the Senate reconsidered the vote by which—

SB 2360—A bill to be entitled An act related to the designation of state buildings; designating the equine teaching hospital of the College of Veterinary Medicine at the University of Florida as the Alec P. and Louise H. Courtelis Equine Teaching Hospital; authorizing the University of Florida to erect appropriate markers; naming the building that houses the Department of Marine Science on the Saint Petersburg Campus of the University of South Florida the "Knight Oceanographic Research Center"; directing the Board of Regents of the Division of Universities of the Department of Education to erect suitable markers; authorizing and directing the Board of Regents to rename the Administration Building on the Florida Atlantic University Boca Raton Campus as the "Kenneth R. Williams Administration Building"; providing an effective date.

—passed as amended March 3.

On motion by Senator Kirkpatrick, the Senate reconsidered the vote by which the Senate concurred in **House Amendment 1**.

Senator Kirkpatrick moved the following amendment which was adopted:

Senate Amendment 1 to House Amendment 1—On page 1, strike all of lines 17-21 and insert:

(2) *The Board of Regents of the Division of*

On motion by Senator Kirkpatrick, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

SB 2360 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 96—A bill to be entitled An act relating to municipalities; authorizing municipalities to enforce ordinances and prescribe penalties for violations of municipal ordinances; prescribing limitations; providing an effective date.

—was read the second time by title. On motion by Senator Dyer, by two-thirds vote **SB 96** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

Consideration of **CS for SB 1014** was deferred.

SB 2208—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; providing an exemption from regulation for auction businesses; providing an exemption from regulation for licensed antique dealers, who purchase secondhand goods, rather than for any person who purchases household furnishings, under specific circumstances; providing an effective date.

—was read the second time by title.

Senator Scott moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, strike all of lines 13-15 and insert:

Section 1. Paragraph (l) is added to subsection (1) of section 538.03, Florida Statutes, and paragraphs (l) and (m) of subsection (2) of that section, are amended to read:

538.03 Definitions; applicability.—

(1) As used in this part, the term:

(l) "Physical possession" means that property must be stored or maintained in or on a facility leased, owned, or controlled by the licensed secondhand dealer, but not necessarily on the licensed premises, and the storage location must provide reasonable access to law enforcement for purposes of verifying compliance with this chapter.

And the title is amended as follows:

In title, on page 1, line 3, after the semicolon (;) insert: defining the term "physical possession" as that term is used with respect to property to which ch. 538, F.S., applies;

On motion by Senator Sullivan, by two-thirds vote **SB 2208** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 188—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.08066, F.S.; extending the time period for the purchase of manatee license plates; amending s. 3, ch. 89-168, Laws of Florida, to conform; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were moved by Senator Dantzler and adopted:

Amendment 1—On page 1, strike all of lines 26-29 and insert: expiration decal on the lower right corner. ~~The manatee license plate shall be available for sale for a period of 5 years, beginning January 1, 1990, through December 31, 1994.~~

Amendment 2 (with Title Amendment)—On page 1, line 30 through page 2, line 2, strike all of said lines and insert:

Section 2. Subsection (7) of section 3 of chapter 89-168, Laws of Florida, is repealed.

And the title is amended as follows:

In title, on page 1, strike all of lines 5 and 6 and insert: plates; repealing subsection (7) of section 3 of chapter 89-168, Laws of Florida, which provides for the repeal of s. 320.08066, F.S., on January 1, 1995; providing an effective

On motion by Senator Dantzler, by two-thirds vote **SB 188** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, March 24, 1994: HB 1955, HB 1957, SB 2018, CS for SB's 1548 and 1938, SB 2050, SB 260, SB 202, CS for SB 2900, SB 514, SB 40, SB 1594, CS for SB 612, SB 1766, SB 16, SB 1032, SB 638, CS for SB 1296, CS for CS for SB 642, SB 204, SB 96, CS for SB 1014, SB 2208, SB 188, SB 494, SB 1856, CS for SB 1202, SB 2098, CS for SB 2544, SB 1344, CS for SB 2334, CS for SB 1460, CS for SB 626, CS for SB 1526, CS for SB 1748, SB 1836, CS for SB 1394, CS for SB 1984, CS for SB 340, CS for SB 1334, CS for SB 304, HB 317

Respectfully submitted,
George Kirkpatrick, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Thursday, March 24, 1994: SB 2944, SB 2946, SB 3064, SB 3066, SB 3070, SB 3078, SB 3080, SB 3082, SB 3084, SB 3086, SB 3092, SB 3106, SB 3110

Respectfully submitted,
George Kirkpatrick, Chairman

The Committee on Commerce recommends the following pass: CS for SB 2256

The Committee on Criminal Justice recommends the following pass: CS for SB 1192, SB 1406, SB 1618 with 1 amendment

The Committee on Education recommends the following pass: CS for HB 387 with 2 amendments, SB 2078, SB 2636

The Committee on Governmental Operations recommends the following pass: SB 1538

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 1840 with 1 amendment, SB 2034 with 1 amendment

The bills were referred to the Committee on Commerce under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 280

The bill was referred to the Committee on Corrections, Probation and Parole under the original reference.

The Committee on Community Affairs recommends the following pass: SB 2312 with 1 amendment

The Committee on Governmental Operations recommends the following pass: SB 2204 with 2 amendments, SB 3018

The bills contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Judiciary recommends the following pass: SB 2658

The bill was referred to the Committee on Governmental Operations under the original reference.

The Committee on Professional Regulation recommends the following pass: SB 2412 with 13 amendments

The bill was referred to the Committee on Health Care under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1782

The bill was referred to the Committee on International Trade, Economic Development and Tourism under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 2036 with 1 amendment

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends the following pass: SB 3040

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Judiciary recommends the following pass: SB 2646 with 2 amendments

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Commerce recommends the following pass: CS for SB 2476 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 3098

The Committee on Criminal Justice recommends the following pass: SB 1280 with 1 amendment, SB 2898 with 1 amendment

The Committee on Education recommends the following pass: SB 2184

The Committee on Governmental Operations recommends the following pass: SB 2102, SB 2244

The Committee on Judiciary recommends the following pass: SB 1976

The Committee on Professional Regulation recommends the following pass: CS for SB 2782 with 2 amendments

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Governmental Operations recommends the following not pass: SB 2206

The Committee on Health and Rehabilitative Services recommends the following not pass: SB 2590

The bills contained in the foregoing reports were laid on the table.

The Committee on Commerce recommends a committee substitute for the following: SB 1936

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1824

The Committee on Professional Regulation recommends a committee substitute for the following: SB 2170

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Professional Regulation recommends a committee substitute for the following: SB 2058

The bill with committee substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 2542

The bill with committee substitute attached was referred to the Committee on Education under the original reference.

The Committee on International Trade, Economic Development and Tourism recommends committee substitutes for the following: SB 2416, Senate Bills 2418 and 2168, SB 3020, Senate Bills 3048 and 2178

The bills with committee substitutes attached were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 2926

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Commerce recommends a committee substitute for the following: SB 1966

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Professional Regulation recommends a committee substitute for the following: CS for SB 1476

The bill with committee substitute attached was placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on International Trade, Economic Development and Tourism recommends that the Senate confirm the appointment made by the Governor of Charles M. Dusseau, as Secretary of the Department of Commerce, to serve at the pleasure of the Governor.

The appointment contained in the foregoing report was referred to the Committee on Executive Business, Ethics and Elections under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Grogan—

SB 3112—A bill to be entitled An act relating to the Merritt Island Library District, Brevard County; amending s. 4, ch. 65-1289, Laws of Florida, as amended; requiring the annual budget meeting of the library district board, and any rehearing of a public meeting on the district budget, to be held on a date that does not conflict with general law; amending s. 9, ch. 65-1289, Laws of Florida; requiring the chairman of the library district board to give bond and increasing the amount of bond required of the treasurer; allowing the chairman to sign district checks in lieu of the treasurer; providing for construction of the act; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 3114—A bill to be entitled An act relating to the City of Jacksonville Beach; amending section 8, "Vested Termination of Membership," of chapter 27643, Laws of Florida, 1951, as amended, being the Employees' Retirement System of the City of Jacksonville Beach, to make changes recommended by the Board of Trustees of the retirement system and the City Council, so as to provide death benefits to survivors of former vested members; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Johnson—

SB 3116—A bill to be entitled An act relating to Lake County; ratifying the merging of the Northwest Lake County Hospital District and the Northeast Lake County Hospital District pursuant to ss. 189.402 and 189.404, F.S., into an independent special district to be known as the North Lake County District; creating a board of trustees of the district; providing the qualifications and duties of the members of the board; providing the method for election of the board; authorizing the board to provide funding to hospitals which provide indigent health care; requiring the board to levy a tax to fund such services; providing procedures for the

tax levy; requiring an annual financial report and audit from the medical provider receiving the tax funds; authorizing the board to expend its funds for the district; requiring the board to periodically file financial statements of the district; authorizing the board to accept certain funds; providing an effective date.

—was referred to the Committee on Rules and Calendar.

SR 3118 was introduced out of order and adopted March 22.

SB 3120 was introduced out of order and referenced March 22.

MOTION

On motion by Senator Grogan, the rules were waived and by unanimous consent the following bill was introduced:

By Senator Grogan—

SB 3122—A bill to be entitled An act relating to the confidentiality of information concerning the victim of a crime; providing that information provided by the victim of a crime for purposes of contacting the victim is exempt from public records requirements; providing for future legislative review of the exemption under the Open Government Sunset Review Act; providing a contingent effective date.

—which was referred to the Committees on Criminal Justice and Community Affairs.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Professional Regulation and Commerce and Senators Silver and Grant—

CS for CS for SB 1476—A bill to be entitled An act relating to consumer finance; amending s. 516.031, F.S.; authorizing certain additional finance charges for consumer loans; amending s. 516.11, F.S.; requiring a licensee to pay travel and per diem expenses under certain circumstances; amending s. 516.12, F.S.; authorizing licensees to maintain certain records in certain locations under certain circumstances; providing for the applicability of the act; providing an effective date.

By the Committee on Governmental Operations and Senators Dyer, Williams and Boczar—

CS for SB 1824—A bill to be entitled An act relating to government performance and accountability; providing a short title; defining “state agency” and “agency” for purposes of the act; amending s. 216.011, F.S.; providing definitions; creating s. 216.0166, F.S.; requiring state agencies to provide certain information for approval by the Executive Office of the Governor according to a specified schedule; providing for adjustment based on annual appropriations; providing requirements for revision of the service areas or programs of state agencies operating under a performance-based program budget; requiring the State Board of Administration and the legislative branch to submit performance measures and standards for review; creating s. 216.0172, F.S.; providing a schedule for submission of performance-based program budgets by state agencies; amending s. 216.023, F.S., and repealing subsection (7) thereof; removing provisions relating to submission of budget requests and point-by-point responses by agencies subject to evaluation pursuant to s. 216.0165, F.S.; providing requirements relating to submittal of performance-based program budget requests; amending s. 216.031, F.S.; revising requirements relating to budget requests for operational expenditures; requiring agencies operating under a performance-based program budget to submit an evaluation regarding performance measures and standards; amending s. 216.053, F.S.; revising requirements for summary information in the General Appropriations Act; amending s. 216.163, F.S.; providing requirements for submittal by the Governor to the Legislature of performance-based program budgets; providing for recommendations regarding incentives and disincentives for agency performance; creating s. 216.183, F.S.; requiring state agencies and the judicial branch submitting performance-based program budgets to use a specified chart of accounts; amending s.

216.292, F.S.; authorizing certain transfer of appropriations for departments operating under a performance-based program budget; amending s. 287.14, F.S.; providing an exception to provisions relating to purchase or lease of motor vehicles for agencies operating under a performance-based program budget; providing that the Department of Management Services and the Department of Revenue shall be considered to be operating under performance-based program budgets on a specified date; authorizing those departments to retain certain balances of appropriations; amending s. 11.143, F.S.; providing for designation by standing legislative committees of members to participate in the performance measures and standards process; amending s. 11.45, F.S.; deleting provisions relating to performance audits of new programs, evaluations regarding agencies reviewed under s. 216.0165, F.S., and audit schedules; amending s. 11.51, F.S.; renaming the Office of Policy Analysis and Agency Review as the Office of Program Evaluation and Budget Review; deleting the repeal of said section; amending s. 11.513, F.S.; requiring the performance of program evaluation and justification reviews by the office and providing requirements with respect thereto; providing duties of agencies; requiring a report; authorizing the Legislative Auditing Committee to direct that such reviews be conducted; deleting the repeal of said section; amending s. 20.21, F.S.; providing a mission statement for the Department of Revenue; specifying outcomes for the department; providing for service areas rather than divisions of the department; amending s. 20.22, F.S.; providing a mission statement for the Department of Management Services; specifying outcomes for the department; providing for service areas rather than divisions of the department; creating s. 121.1905, F.S.; establishing the Division of Retirement as a separate budget entity within, but independent of, the Department of Management Services; amending ss. 110.1231, 112.3173, 112.63, 112.665, 121.025, 121.031, 121.135, 121.136, 121.1815, 121.22, 121.23, 121.24, 121.35, 123.01, 218.32, 238.03, 250.22, 321.17, 321.19, 321.191, 321.202, and 321.2205, F.S., to conform; establishing the State Retirement Commission within the division; specifying effect on existing rules and pending judicial or administrative proceedings; providing an appropriation and authorizing positions; exempting the division from certain expenditure reduction requirements; amending s. 186.021, F.S.; providing for consistency of objectives in agency strategic plans; requiring the Office of Program Evaluation and Budget Review to initiate a program evaluation and justification review of educational facilities and report its findings; providing policy regarding state services; providing for identification of commercial activities being performed by state agencies and determination whether competition with private sources or other state agencies should be required; providing powers of the Administration Commission; providing for award of contracts; repealing s. 11.511, F.S., which provides for a director of the Office of Policy Analysis and Agency Review; repealing s. 11.55, F.S., which creates the State Agency Evaluation and Review Committee; repealing s. 216.0165, F.S., which provides for periodic agency and judicial branch evaluation and justification; amending s. 20.055, F.S.; revising the agencies to which said section applies; providing for an inspector general rather than chief internal auditor for each state agency; providing duties of inspectors general; providing for appointment and removal; providing qualifications; providing duties of state agencies; requiring reports; creating s. 14.32, F.S.; creating the Office of Chief Inspector General within the Executive Office of the Governor; providing duties and responsibilities of the office; specifying that responsibilities of chief internal auditors are to become the responsibilities of inspectors general; providing intent relating to use of funds; directing the Division of Statutory Revision to prepare reviser's bills; providing for severability; providing an effective date.

By the Committee on Commerce and Senator Silver—

CS for SB 1936—A bill to be entitled An act relating to community associations, condominiums, and cooperatives; amending s. 468.431, F.S.; redefining the term “community association management”; amending s. 468.433, F.S.; revising provisions with respect to licensure as a community association manager; amending s. 468.434, F.S.; revising provisions with respect to the membership of the advisory council on community association managers; amending s. 468.436, F.S.; deleting reference to certification; authorizing the division to issue certain orders and assess costs; providing for probation of license under certain circumstances; creating s. 468.438, F.S.; providing for community association management performed by time-share managing entities; amending s. 718.106, F.S.; providing for waiver of use rights by a tenant in certain circumstances; amending ss. 718.112 and 719.106, F.S.; revising provisions with respect to certain required provisions in the condominium bylaws, and with

respect to certain required provisions in the cooperative documents; amending s. 718.113, F.S.; authorizing the board to install, maintain, repair, or replace hurricane shutters; providing for the operation of such shutters by the board; amending s. 718.115, F.S.; including the expense of installation, replacement, operation, repair, and maintenance of hurricane shutters as common expenses; amending s. 718.116, F.S.; revising provisions with respect to assessments and liens; amending ss. 718.122 and 719.112, F.S.; revising provisions with respect to unconscionability of certain leases and rebuttable presumption for unit owners of condominiums and cooperatives; providing for maintenance of causes of action by unit owners under certain circumstances; amending s. 718.1255, F.S.; redefining the term "dispute" with respect to alternative dispute resolution under the condominium law; directing the division to employ attorneys as arbitrators; amending s. 719.1055, F.S.; revising provisions with respect to amendment of cooperative documents; amending ss. 718.203, 719.203, F.S.; requiring certain persons to grant implied warranties of fitness to developers and purchasers; amending ss. 718.614, 719.614, F.S.; deleting certain required economic information to be provided by developers of condominiums and cooperatives to tenants having a right of first refusal; amending ss. 718.616, 719.616, F.S.; revising provisions with respect to disclosure of the condition of the building and estimated replacement costs by developers of condominiums and cooperatives; amending ss. 718.618, 719.618, F.S.; revising provisions with respect to converter reserve accounts and warranties; providing an effective date.

By the Committee on Commerce and Senator Silver—

CS for SB 1966—A bill to be entitled An act relating to consumer leases; amending s. 680.1031, F.S.; redefining the terms "consumer lease" and "finance lease"; amending s. 680.1041, F.S.; revising provisions with respect to other statutes to which leases are subject; amending s. 680.303, F.S.; revising provisions with respect to the alienability of a party's interest under a lease contract or of a lessor's residual interest in goods; amending s. 680.304, F.S.; revising provisions with respect to the subsequent lease of goods by the lessor; amending s. 680.307, F.S.; revising provisions with respect to priority of liens arising by attachment or levy on security interests in and other claims to goods; amending s. 680.309, F.S.; revising provisions with respect to lessor's and lessee's rights when goods become fixtures; creating s. 680.32, F.S.; providing that nothing in chapter 680, F.S., prevents subordination by agreement by any person entitled to priority; amending s. 680.501, F.S.; revising provisions with respect to the procedure governing default; amending s. 680.503, F.S.; revising provisions with respect to modification or impairment of rights and remedies; amending s. 680.507, F.S.; revising provisions with respect to proof of market rent; amending s. 680.508, F.S.; revising provisions with respect to lessee's remedies; amending s. 680.516, F.S.; revising provisions with respect to the effect of acceptance of goods, notice of default, the burden of establishing default after acceptance, and notice of claim or litigation to persons answerable over; amending s. 680.518, F.S.; revising provisions with respect to cover and substitute goods; amending s. 680.519, F.S.; revising provisions with respect to lessee's damages for nondelivery, repudiation, default, or breach of warranty in regard to accepted goods; amending s. 680.523, F.S.; revising provisions with respect to lessor's remedies; amending s. 680.524, F.S.; revising provisions with respect to lessor's right to identify goods to lease contract; amending s. 680.525, F.S.; revising provisions with respect to lessor's right to possession of goods; amending s. 680.527, F.S.; revising provisions with respect to lessor's rights to dispose of goods; amending s. 680.528, F.S.; revising provisions with respect to lessor's damages for nonacceptance or repudiation; amending s. 680.529, F.S.; revising provisions with respect to lessor's action for rent; amending s. 680.532, F.S.; revising provisions with respect to lessor recovery for loss of residual interest; providing for applicability of the act; providing an effective date.

By the Committee on Professional Regulation and Senator Sullivan—

CS for SB 2058—A bill to be entitled An act relating to pilots, pilotage, and pilotage; creating s. 310.0015, F.S.; providing general provisions with respect to the regulation of piloting; amending s. 310.002, F.S.; revising and providing definitions; merging and amending ss. 310.011 and 310.021, F.S.; revising the composition of the Board of Pilot Commissioners; correcting terminology and cross references; amending s. 310.071, F.S.; revising requirements for certification as a deputy pilot; providing an additional path for qualification to take the deputy pilot examination; requiring the adoption of rules establishing physical examination require-

ments for deputy pilots; extending the period of validity of such certificates and limiting renewal thereof; amending ss. 310.073 and 310.081, F.S.; requiring the adoption of rules establishing physical examination requirements for pilots; restricting the number of applicants who may be certified as qualified to be a deputy pilot; amending s. 310.101, F.S.; revising and providing grounds for disciplinary action; increasing the administrative fine; providing penalties; creating s. 310.102, F.S.; providing for a treatment program for impaired pilots and deputy pilots; creating s. 310.1112, F.S.; requiring that pilots and deputy pilots report certain actions against their motor vehicle licenses; amending s. 310.121, F.S.; requiring specified application and examination fees; amending s. 310.131, F.S.; authorizing the Department of Business and Professional Regulation to audit the financial records of pilots and deputy pilots relating to pilotage; amending s. 310.141, F.S.; revising provisions relating to vessels subject to pilotage; amending s. 310.146, F.S.; exempting from regulation certain vessels transiting the Miami River; amending s. 310.151, F.S.; revising provisions regulating rates of pilotage; creating the Pilotage Rate Review Board within the department and providing for membership thereof; providing rulemaking authority to such board; providing requirements relating to funds received and expenses incurred; providing for rate hearings upon petition to such board; providing notice requirements; providing for rate review application fees; providing applicability to current rates; creating s. 310.183, F.S.; providing for immediate inactivation of a pilot's license or deputy pilot's certificate for a serious marine incident; providing for rules; amending s. 310.185, F.S.; correcting terminology; requiring the Legislative Information Technology Resource Committee to undertake a study and submit a report to the Governor and leaders of the Legislature relating to tracking systems that use integrated radar, satellites, or related technology; providing a contingent effective date.

By the Committee on Professional Regulation and Senators Sullivan, Kirkpatrick and Siegel—

CS for SB 2170—A bill to be entitled An act relating to Invasive Cardiovascular Technology; creating part XIV of chapter 468, F.S., relating to invasive cardiovascular technology; providing for regulation of the practice of invasive cardiovascular technology under the Department of Business and Professional Regulation; providing a short title, purpose, and definitions; requiring invasive cardiovascular technologists to register with the State of Florida; establishing qualifications for Florida registration; providing application, initial registration, and renewal fees; providing for biennial renewal; providing rulemaking authority; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senator Wexler—

CS for SB 2416—A bill to be entitled An act relating to economic development; amending s. 288.095, F.S., as amended; creating the Economic Development Incentives Pool within the Economic Development Trust Fund; providing for the deposit of certain moneys into the pool and for the use of moneys in the pool for the tax refund programs for qualified defense contractors, qualified targeted-industry businesses, and qualified corporate-headquarters locations and for administration of those programs; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senator Wexler—

CS for SB's 2418 and 2168—A bill to be entitled An act relating to the confidentiality of certain records of the Department of Commerce; providing that information concerning the relocation or expansion of a corporation that is provided to the department under the tax refund program for qualified targeted-industry businesses or for qualified corporate-headquarters locations is exempt from public records requirements for a specified period; providing an exception; providing for future legislative review of the exemption from s. 119.07(1), F.S., under the Open Government Sunset Review Act; authorizing the department to report certain information with respect to a tax refund or claim issued under these tax refund programs; providing a contingent effective date.

By the Committee on Health Care and Senator Forman—

CS for SB 2542—A bill to be entitled An act relating to medical education and training; creating a Florida Consortium on Medical Education and Training; providing powers and duties of the consortium; directing the Agency for Health Care Administration to seek certain federal approval; providing an appropriation; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Myers and Jenne—

CS for SB 2926—A bill to be entitled An act relating to governmental organization; amending s. 20.19, F.S.; redesignating the Department of Health and Rehabilitative Services as the Department of Human Services; transferring the powers of the department with respect to health care to the Department of Health Care Services; repealing s. 20.42, F.S., relating to the Agency for Health Care Administration; abolishing the agency as an autonomous entity under the Department of Business and Professional Regulation and transferring the agency to the Department of Health Care Services; repealing s. 33, ch. 92-33, Laws of Florida, relating to the Division of Medical Quality Assurance; providing that the division remain in the Department of Business and Professional Regulation; transferring the programs relating to children's medical services, Medicaid, and alcohol, drug abuse, and mental health from the Department of Health and Rehabilitative Services to the Department of Health Care Services; creating s. 20.191, F.S.; creating the Department of Health Care Services; providing for the organization and duties of the department; providing for the programs to be administered through regions; amending s. 20.04, F.S.; providing for the internal structuring of the Department of Health Care Services; transferring duties of the Department of Agriculture and Consumer Services relating to food establishments, food outlets, and food service establishments to the Department of Health Care Services; amending ss. 20.23, 11.50, 28.101, 28.222, 39.001, 39.01, 39.012, 39.014, 39.015, 39.023, 39.024, 39.025, 39.0255, 39.058, 39.0582, 39.062, 39.418, 39.42, 39.462, 39.469, 40.022, 61.046, 61.13, 61.16, 61.20, 63.022, 63.032, 63.062, 63.202, 63.212, 63.301, 68.07, 88.031, 88.171, 90.502, 90.503, 90.6063, 98.301, 110.1125, 110.1127, 110.123, 110.131, 110.205, 110.215, 112.0455, 112.061, 112.153, 119.07, 120.57, 125.0109, 125.901, 153.19, 154.01, 154.011, 154.013, 154.02, 154.03, 154.04, 154.05, 154.06, 154.205, 154.245, 154.304, 166.0445, 186.003, 186.022, 186.503, 186.508, 186.901, 189.415, 194.013, 196.1975, 205.1965, 212.04, 212.055, 212.08, 212.096, 215.3208, 216.0165, 216.136, 216.341, 218.65, 220.181, 222.21, 228.0617, 228.081, 228.093, 228.121, 229.8075, 229.832, 230.23, 230.2305, 230.2313, 230.23135, 230.2316, 230.2317, 230.71, 231.02, 231.381, 232.0315, 232.032, 232.13, 232.145, 232.19, 232.2481, 232.303, 232.304, 232.36, 232.50, 233.0643, 233.067, 233.0671, 236.081, 236.145, 236.602, 238.01, 239.301, 239.505, 240.4067, 240.4075, 240.4076, 240.5121, 240.514, 245.08, 245.13, 252.35, 252.355, 252.36, 255.565, 282.402, 282.403, 282.502, 284.40, 287.057, 287.059, 287.088, 287.155, 290.009, 314.05, 316.6135, 316.635, 318.14, 318.18, 318.21, 321.19, 322.055, 322.20, 370.0605, 370.16, 372.57, 372.6672, 373.309, 376.30, 376.3071, 377.712, 381.001, 381.0011, 381.0031, 381.0034, 381.0035, 381.0036, 381.0038, 381.0039, 381.004, 381.0041, 381.0051, 381.0062, 381.0064, 381.0065, 381.0068, 381.0072, 381.008, 381.009, 381.0098, 381.0101, 381.0261, 381.0302, 381.0406, 381.045, 381.0602, 381.0605, 381.6021, 381.6022, 381.6023, 381.698, 381.81, 382.002, 382.0135, 383.011, 383.013, 383.04, 383.05, 383.11, 383.12, 383.13, 383.14, 383.144, 383.16, 383.212, 383.215, 383.216, 383.2161, 383.302, 383.336, 383.3362, 384.23, 385.103, 385.202, 385.203, 385.204, 385.205, 385.206, 385.207, 385.209, 386.02, 386.03, 386.041, 386.203, 387.02, 387.03, 387.05, 387.08, 387.10, 388.45, 388.46, 390.001, 390.002, 390.011, 390.014, 391.021, 391.031, 391.056, 391.091, 391.202, 391.203, 391.205, 391.206, 391.207, 391.208, 391.210, 391.211, 391.212, 391.213, 391.214, 392.52, 393.001, 393.063, 393.064, 393.065, 393.066, 393.067, 393.0673, 393.0675, 393.071, 393.073, 393.11, 393.13, 393.15, 393.31, 393.32, 393.502, 393.503, 394.453, 394.455, 394.457, 394.4573, 394.458, 394.459, 394.461, 394.4674, 394.475, 394.4781, 394.4786, 394.4787, 394.4788, 394.480, 394.50, 394.60, 394.66, 394.67, 394.675, 394.73, 394.74, 394.75, 394.76, 394.78, 394.79, 395.002, 395.003, 395.004, 395.0161, 395.0162, 395.0163, 395.0185, 395.0191, 395.0193, 395.0197, 395.0199, 395.1023, 395.1041, 395.1046, 395.1055, 395.1065, 395.301, 395.3015, 395.3025, 395.602, 395.603, 395.604, 395.605, 395.606, 395.701, 395.7015, 397.311, 397.321, 397.405, 397.427, 397.706, 397.753, 397.754, 397.801, 397.821, 400.0060, 400.0065, 400.0067, 400.0069, 400.0075, 400.0087, 400.0089, 400.021, 400.022, 400.023, 400.062, 400.0625, 400.063, 400.071, 400.102, 400.111, 400.121, 400.125, 400.126, 400.141, 400.142, 400.151, 400.162, 400.165, 400.175, 400.176, 400.179, 400.18,

400.19, 400.191, 400.211, 400.23, 400.25, 400.29, 400.34, 400.401, 400.402, 400.404, 400.407, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.4174, 400.4176, 400.4177, 400.418, 400.419, 400.4195, 400.421, 400.422, 400.424, 400.426, 400.427, 400.428, 400.429, 400.431, 400.434, 400.435, 400.441, 400.442, 400.4445, 400.447, 400.453, 400.462, 400.464, 400.471, 400.474, 400.4785, 400.484, 400.495, 400.497, 400.506, 400.509, 400.512, 400.515, 400.518, 400.551, 400.552, 400.553, 400.554, 400.555, 400.556, 400.5565, 400.557, 400.5571, 400.5575, 400.558, 400.559, 400.56, 400.562, 400.601, 400.602, 400.6045, 400.605, 400.606, 400.607, 400.609, 400.618, 400.702, 400.801, 400.805, 401.107, 401.111, 401.117, 401.23, 401.245, 401.265, 402.04, 402.06, 402.07, 402.105, 402.12, 402.16, 402.161, 402.165, 402.166, 402.167, 402.17, 402.18, 402.181, 402.19, 402.20, 402.22, 402.24, 402.27, 402.28, 402.302, 402.3026, 402.3193, 402.3195, 402.32, 402.321, 402.33, 402.35, 402.37, 402.40, 402.41, 402.45, 402.47, 402.49, 402.55, 402.60, 402.61, 403.061, 403.0625, 403.081, 403.085, 403.086, 403.088, 403.703, 403.7841, 403.786, 403.813, 403.851, 403.852, 403.855, 403.856, 403.858, 403.859, 403.861, 403.862, 403.863, 403.8635, 403.864, 404.031, 404.051, 404.056, 404.0614, 404.131, 404.20, 404.22, 406.02, 407.61, 408.001, 408.02, 408.032, 408.033, 408.038, 408.039, 408.0455, 408.05, 408.061, 408.07, 408.072, 408.20, 408.30, 408.302, 408.601, 408.603, 408.701, 408.702, 408.703, 408.704, 408.7041, 408.7042, 408.7045, 408.7055, 408.7056, 408.706, 408.7071, 408.901, 408.902, 408.903, 408.906, 408.907, 408.908, 409.016, 409.029, 409.141, 409.146, 409.152, 409.166, 409.167, 409.1685, 409.175, 409.1755, 409.178, 409.185, 409.2554, 409.2567, 409.2673, 409.2675, 409.285, 409.315, 409.325, 409.3282, 409.3284, 409.345, 409.352, 409.403, 409.404, 409.441, 409.803, 409.901, 409.902, 409.908, 409.9081, 409.911, 409.9112, 409.9113, 409.9115, 409.9116, 409.923, 409.928, 409.940, 410.011, 410.016, 410.023, 410.032, 410.201, 410.30, 410.401, 410.402, 410.502, 410.602, 410.603, 411.203, 411.204, 411.205, 411.221, 411.222, 411.223, 411.224, 411.232, 413.031, 413.275, 413.602, 414.06, 414.07, 415.102, 415.501, 415.5015, 415.5016, 415.50165, 415.502, 415.5018, 415.503, 415.507, 415.5095, 415.515, 415.602, 415.604, 419.001, 419.002, 420.621, 421.10, 427.012, 427.0135, 430.06, 440.102, 440.13, 440.134, 440.151, 442.005, 443.036, 446.205, 446.23, 446.25, 450.191, 450.211, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.2175, 455.218, 455.2205, 455.221, 455.223, 455.224, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.236, 455.239, 455.241, 455.2416, 455.243, 455.245, 455.26, 458.316, 458.3165, 458.317, 458.331, 459.015, 460.403, 461.013, 466.023, 467.009, 467.0125, 468.1685, 468.301, 468.314, 468.351, 468.505, 470.021, 470.024, 470.025, 483.031, 483.035, 483.041, 483.051, 483.061, 483.091, 483.101, 483.106, 483.111, 483.172, 483.181, 483.191, 483.201, 483.221, 483.23, 483.245, 483.25, 483.26, 483.288, 483.291, 483.294, 483.30, 483.302, 483.314, 483.317, 483.32, 483.328, 483.610, 487.0615, 489.539, 489.551, 499.003, 499.004, 499.02, 499.022, 499.039, 499.601, 499.61, 500.455, 500.457, 500.459, 501.001, 501.065, 501.122, 501.124, 509.013, 509.032, 509.251, 509.291, 513.01, 514.011, 553.19, 561.025, 561.17, 561.19, 561.29, 570.42, 585.15, 624.215, 624.424, 624.91, 626.943, 627.4236, 627.429, 627.6418, 627.6472, 627.6613, 627.736, 627.912, 636.052, 641.21, 641.22, 641.23, 641.261, 641.28, 641.3007, 641.405, 641.406, 641.411, 641.412, 641.443, 641.454, 641.455, 641.47, 641.48, 641.55, 651.011, 651.021, 651.0235, 651.117, 651.118, 713.77, 732.915, 732.921, 732.9215, 732.922, 741.01, 741.29, 742.045, 742.08, 742.16, 743.0645, 744.474, 765.110, 765.307, 766.105, 766.1115, 766.305, 766.308, 766.314, 768.28, 768.76, 775.0877, 775.16, 784.075, 790.157, 790.22, 796.08, 860.1545, 873.01, 877.111, 893.02, 893.04, 893.11, 893.12, 893.15, 893.16, 893.165, 895.09, 916.105, 916.106, 916.11, 939.017, 943.031, 943.0585, 943.059, 944.012, 944.024, 944.095, 944.17, 944.602, 944.706, 945.025, 945.10, 945.12, 945.35, 945.41, 945.47, 945.49, 947.13, 947.146, 947.185, 948.01, 948.034, 949.02, 951.27, 953.003, 953.35, 958.19, 960.001, 960.003, F.S., s. 95, ch. 93-415, Laws of Florida, s. 9, ch. 93-416, Laws of Florida, s. 1, ch. 93-419, Laws of Florida; conforming those sections to the changes in duties and changes of names of departments made by this act; conforming certain of those sections, in addition, to the reorganization of the Departments of Business Regulation, Professional Regulation, Environmental Regulation, and Natural Resources enacted in 1993; amending and transferring s. 500.509, F.S., to conform to the change in duties made by this act; transferring the Food Distribution Program within the Department of Agriculture and Consumer Services to the Department of Human Services; amending s. 409.026, F.S., to conform to the transfer; repealing s. 570.072, F.S., relating to duties of the Department of Agriculture and Consumer Services with respect to commodity distribution; transferring the arthropod control program from the Department of Agriculture and Consumer Services to the Department of Health Care Services; amending s. 388.011, F.S.; redefining the department that has responsibility for control of arthropods of public health importance as the Department of Health Care Services; amending s. 388.111, F.S.; providing for vacancies on mosquito-control districts to be

filled by the Governor; amending s. 388.131, F.S.; providing for commissioners of such districts to give bond with the Governor; providing for continuing effect of existing rules; providing for continuation of administrative and judicial proceedings; transferring responsibility for regulation of packaged ice plants, dealers, and transportation from the Department of Agriculture and Consumer Services to the Department of Health Care Services; amending s. 509.032, F.S.; transferring the duty to inspect public food service establishments from the Department of Business and Professional Regulation to the Department of Health Care Services; amending s. 408.033, F.S.; providing for local health councils to include planning for seriously mentally ill and substance-abuse-impaired persons; repealing s. 395.304, F.S., relating to a report by the Agency for Health Care Administration; repealing ss. 455.2141, 455.2173, 455.220, F.S., relating to duties of the agency with respect to professional regulatory boards under its control; providing that this act does not affect the term of office of any person serving on a district or subdistrict human services board on the effective date of this act; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senator Grogan—

CS for SB 3020—A bill to be entitled An act relating to economic development; providing definitions; providing for tax refunds for businesses certified as qualified solar energy businesses by the Secretary of Commerce; limiting the total amount of tax refunds that are available; specifying the taxes for which a refund may be made; prohibiting a fraudulent claim for a refund; providing a penalty; providing requirements for applying for certification as a qualified solar energy business; providing criteria for the Division of Economic Development of the Department of Commerce in reviewing applications for certification; providing for a qualified solar energy business to enter into an agreement with the Department of Commerce under which the business is eligible for tax refunds; providing for a qualified solar energy business to become ineligible for a tax refund if it fails to maintain the employment and level of wages specified in the agreement; providing requirements for applying for the tax refund; providing that the amount of the tax refund approved by the Secretary of Commerce may not exceed the amount appropriated to the Economic Opportunity Trust Fund by the Legislature; providing for a proportionate reduction in refunds under certain circumstances; providing for payment of the tax refund by warrant from the Comptroller; providing rulemaking authority; authorizing the Department of Commerce to verify with appropriate agencies certain claims with respect to employment, wage levels, and the payment of taxes; requiring reports; providing for expiration of provisions authorizing the tax refunds; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senators Grogan and Wexler—

CS for SB's 3048 and 2178—A bill to be entitled An act relating to economic development; amending s. 213.053, F.S., as amended; providing for disclosure by the Department of Revenue of certain information to the Department of Commerce related to the payment of certain taxes; amending s. 288.104, F.S., relating to the tax refund program for qualified defense contractors; conforming and revising that program; creating s. 288.1051, F.S.; establishing a tax refund program for qualified targeted-industry businesses; providing legislative findings and declarations; providing definitions; authorizing the grant of certain tax refunds under certain circumstances; providing eligibility; providing requirements for application; providing procedures; providing duties of the Department of Commerce; providing for tax refund agreements; specifying contents; providing for annual claims for refunds; providing criteria; providing for administration by the department; requiring the department to adopt rules; requiring the department to report on the program; providing for expiration of the program; creating s. 288.1056, F.S.; establishing a tax refund program for qualified corporate-headquarters locations; providing legislative findings and declarations; providing definitions; authorizing the grant of certain tax refunds under certain circumstances; providing eligibility; providing requirements for application; providing procedures; providing duties of the Department of Commerce; providing for tax refund agreements; specifying contents; providing for annual claims for refunds; providing criteria; providing for administration by the department; requiring the department to adopt rules; requiring the department to report on the program; providing for expiration of the program; amending s. 443.171, F.S., as amended; providing for disclosure of certain

unemployment compensation confidential information to the Department of Commerce in administering these tax refund programs; repealing s. 7, ch. 93-414, Laws of Florida, which provides for the expiration of the tax refund program for qualified defense contractors if a specified event does not occur; authorizing additional positions to the department to administer the tax refund programs; providing for retroactive operation in part; providing effective dates.

EXECUTIVE BUSINESS

The Honorable Pat Thomas
President, The Florida Senate

March 24, 1994

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Accountancy	
Appointees: Martin, Mirtha Valdes	10/31/97
Webster-Phillips, Zoya	10/31/97
Board of Acupuncture	
Appointee: Yen, Johanna Chu	10/31/96
State Athletic Commission	
Appointees: Goodman, Alvin	09/30/96
Riley, Eric Anthony	09/30/95
Florida Board of Auctioneers	
Appointee: Cretul, Jimmy	10/31/96
Barbers' Board	
Appointee: Hayes, Clyde D.	10/31/95
Florida Black Business Investment Board	
Appointee: Reuben, Lucy J.	09/30/95
Florida Building Code Administrators and Inspectors Board	
Appointees: Alexander, Stanton Malone	10/31/97
Rogers, George Arthur	10/31/96
Board of Building Codes and Standards	
Appointees: Bosak, Frank M.	02/07/97
DeBay, James L.	12/08/97
Kopczynski, Medard K.	01/09/97
Mehlretter, James Robert	01/13/97
Stump, Hugh A., Jr.	04/05/97
Capital Collateral Representative for the State of Florida	
Appointee: Minerva, Michael Joseph	07/31/97
Board of Chiropractic	
Appointee: Sheldon, Richard Alan	10/31/96
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling	
Appointee: Szuch, Roger Brian	10/31/96
Florida Communities Trust	
Appointee: Coffey, C. David	01/31/95
State Board of Community Colleges	
Appointee: Byrne, Patrick E. II	09/30/98
Board of Trustees of Gulf Coast Community College	
Appointees: Rice, Lillie Mae	05/31/97
Smith, George Houston	05/31/97
Board of Trustees of Indian River Community College	
Appointee: Greenwood, Guiher Gene	05/31/97
Board of Trustees of Manatee Community College	
Appointee: McRae, Johncyna A.	05/31/97
Board of Trustees of North Florida Junior College	
Appointee: Wimberley, Amos Edward	05/31/97
Board of Trustees of Pasco-Hernando Community College	

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointee: Yant, James Clifford	05/31/97	Appointee: Carr, John Scott	09/30/96
Board of Trustees of Polk Community College Appointee: Gibson, Jean Haeseker	05/31/97	State Board of Independent Colleges and Universities Appointee: Durst, Maribeth	09/30/96
Board of Trustees of St. Johns River Community College Appointee: Keyes, Annie Lee	05/31/97	Florida International Affairs Commission Appointees: Lunetta, Carmen Joseph Ranson, Charles R. Starling, Bruce Cordell	07/09/97 07/09/97 07/09/94
Board of Trustees of South Florida Community College Appointee: Adams, Joyce Armstrong	05/31/97	Board of Professional Land Surveyors Appointee: Oliver, Patricia Gail	10/31/97
Construction Industry Licensing Board Appointees: Barge, James Allen Malia, Robert Joseph Pepin, Richard Chase Reeves-Lipscomb, Doris	10/31/97 10/31/96 09/30/94 10/31/97	Board of Landscape Architecture Appointees: Burmer, Jane Futrell Gilchrist, Hilda Gomez Hemphill, David Keith	03/04/94 10/31/96 03/04/96
Board of Cosmetology Appointees: Biggett, Earl S. Newsome, M. Ann	10/31/97 10/31/97	Governor's Mansion Commission Appointee: Reed, Catherine Sayers	09/30/97
Education Practices Commission Appointees: Ciemniecki, Raymond Stanley Hill, Christine K. Jolly, Sarah J. (Allison) Porter, Diane Margaret Wallace, Aaron	09/30/94 09/30/95 09/30/97 09/30/97 09/30/97	Board of Nursing Appointee: Coppen, Maria de los Angeles	10/31/97
Education Standards Commission Appointees: Bouzianis, Stephen Bozeman, Deane Cambridge, Herbert Hodges, Velton Vernon Huckabay, George Eugene Johnson, Warren H. Lopez, Mary Morgan Luckey, Charles R. Mathews, Gary Steven McClure, Rufus R. NeSmith, Phyllis M. Northrop, Grace Moose Schorr, Jan Catherine Shiple, Marie Rodriguez Smith, David Coles Yarnold, Genevieve E.	09/30/94 09/30/95 09/30/94 09/30/96 09/30/96 10/30/95 09/30/95 09/30/94 09/30/96 09/30/96 09/30/94 09/30/94 09/30/96 09/30/96 09/30/96 09/30/94 09/30/94 09/30/96 09/30/96 09/30/95	Board of Pharmacy Appointee: Wood, Marina Garcia	10/31/97
		Jacksonville Port Authority Appointee: Hulsey, Mark	09/30/97
		Tampa Port Authority Appointee: Gabremariam, Fassil	11/25/97
		Postsecondary Education Planning Commission Appointee: Inguanzo, Ramiro Jose	08/31/94
		Historic Tallahassee Preservation Board of Trustees Appointees: Kemp, Emily Carraway Lamb, Sara Hay Moore, Richard A.	06/30/97 06/30/97 06/30/97
		Board of Psychological Examiners Appointee: Ames-Dennard, Sharon Renee	10/31/97
		Board of Regents Appointees: Anderson, Audrea Isaac Bennett, Ralph Julian, Jr. Deen, Jeffrey O. Uhlfelder, Steven Joel	08/31/99 08/31/99 09/01/94 01/01/98
Board of Professional Engineers Appointee: Cabrera, Octavio	10/31/97	Northeast Florida Regional Planning Council, Region 4 Appointee: Halley, Harry John	10/01/94
Board of Directors, Enterprise Florida, Inc. Appointees: Duncan, Buell Gard, Jr. Gardner, James Edward Gargiulo, Jeffrey D. Reed, Cynthia V.	07/01/94 07/01/95 07/01/97 07/01/97	Southwest Florida Regional Planning Council, Region 9 Appointee: Urban, John Carl, Jr.	10/01/95
Commission on Ethics Appointees: Gustafson, Joel K. Lee, Yolanda Renea Lewis, Thomas Edwin, Jr.	06/30/95 06/30/95 06/30/95	Board of Trustees of the John and Mable Ringling Museum of Art Appointees: Hammons, Thomas Lee Peeples, Cecile Sanchez	07/05/97 11/05/97
Tampa-Hillsborough County Expressway Authority Appointee: Cohn, Vanessa Negron	07/01/97	Florida Commission on Tourism Appointees: Hertz, Arthur Herman Staed, Thomas W.	06/30/97 06/30/97
Florida State Fair Authority Appointee: Turner, Robin L.	06/30/96	Florida Commission on Veterans' Affairs Appointee: Reese, Frank	11/16/96
Board of Funeral and Cemetery Services Appointee: Betsey, Sam Washington, Jr.	09/08/97	Board of Veterinary Medicine Appointee: Whitley, Thomas Folsom	08/01/95
Game and Fresh Water Fish Commission Appointee: Humphrey, Louise Ireland	01/05/99	Coastal Rivers Basin Board of the Southwest Florida Water Management District Appointee: Torrence, Alfred Walker, Jr.	03/01/95
Harbormaster for the Port of Ft. Pierce Appointee: Ergle, Walter W.	09/26/95	Hillsborough River Basin Board of the Southwest Florida Water Management District Appointee: Kuenzel, Calvin Arnold	03/01/96
Board of Hearing Aid Specialists Appointees: Martinez, George Charles Yordon, Leonard M.	10/31/96 10/31/96	Withlacoochee River Basin Board of the Southwest Florida Water Management District Appointee: Griffin, James Floyde, Jr.	03/01/95
Health Care Board			

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee respectfully advises and recommends that:

- (1) the executive appointments of the above-named appointees, to the office and for the term indicated, be *confirmed* by the Senate.
- (2) Senate action on said appointments be taken prior to the adjournment of the 1994 Regular Session.
- (3) there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
William H. Turner, Chairman

On motion by Senator Turner, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee. The vote was:

Yeas—39 Nays—None

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 141, HB 311, HB 601, HB 655, HB 1255, HB 2669; has passed as amended HB 487, HB 2343; has adopted HCR 1145 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Gordon—

HB 141—A bill to be entitled An act relating to time limitations for sexual battery prosecutions; amending s. 775.15, F.S.; providing an unlimited time period for the commencement of prosecutions for violations of s. 794.011, F.S., in certain circumstances; providing an effective date.

—was referred to the Committees on Criminal Justice and Appropriations.

By Representative Sanderson and others—

HB 311—A bill to be entitled An act relating to interception of communications; amending s. 934.02, F.S.; excluding communications made through a numeric-only display paging device from the definition of “electronic communication” with respect to provisions prohibiting unauthorized interception; providing an effective date.

—was referred to the Committees on Criminal Justice and Commerce.

By Representative Wallace and others—

HB 601—A bill to be entitled An act relating to drug abuse prevention and control; amending s. 893.138, F.S.; providing additional circumstances which may constitute a nuisance subject to local administrative action; providing for additional action which may be taken by a nuisance abatement board; providing a definition; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Representative Geller—

HB 655—A bill to be entitled An act relating to recreation districts; amending s. 418.21, F.S.; providing that the board of supervisors of a recreation district may have more than five members; providing for the establishment of designated geographical areas and for representation of those areas; amending s. 418.22, F.S.; providing that recreational facilities may be made available exclusively for district residents and property owners under certain circumstances; providing for restricting access; providing for determination of applicability of certain criteria prior to adoption or amendment of a charter; providing for security buildings and other structures; amending s. 418.24, F.S.; providing for an additional finding in a charter of a recreation district regarding availability of recreational facilities; providing an effective date.

—was referred to the Committees on Community Affairs and Governmental Operations.

By Representative Upchurch—

HB 1255—A bill to be entitled An act relating to sales of real property; requiring disclosure of the location of certain property at the time of sale of such property; providing an effective date.

—was referred to the Committees on Judiciary and Commerce.

By Representative Bradley—

HB 2669—A bill to be entitled An act relating to postsecondary education; amending s. 240.209, F.S.; requiring the Board of Regents to develop standards for the role of student advocate at each university; requiring review of plans; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Tourism and Economic Development; and Representative Reddick and others—

HB 487—A bill to be entitled An act relating to historic properties; amending s. 258.007, F.S., relating to the authority of the Division of Recreation and Parks of the Department of Environmental Protection for administering historical markers; amending s. 267.021, F.S.; defining the term “Official Florida Historical Marker”; amending s. 267.061, F.S.; providing for coordination and direction of the state historical marker program by the Division of Historical Resources of the Department of State; providing duties of the division; creating the State Historical Marker Council; providing for fees; amending s. 267.0612, F.S., relating to the powers and duties of the Historic Preservation Advisory Council; amending s. 267.0617, F.S.; clarifying those projects eligible for grants-in-aid; providing appropriations; providing an effective date.

—was referred to the Committees on Governmental Operations; Finance, Taxation and Claims; and Appropriations.

By the Committee on Aging and Human Services; and Representative Gordon and others—

HB 2343—A bill to be entitled An act relating to aging and human services; amending s. 20.19, F.S.; renaming the Department of Health and Rehabilitative Services as the Department of Family Services; transferring within the department responsibilities for alcohol, drug abuse, and mental health programs and children’s medical services programs; modifying responsibilities of the Children and Families Program Office; deleting obsolete language; providing a directive to the statute editors; amending s. 20.41, F.S.; requiring Senate confirmation of the Secretary of Elderly Affairs; establishing administrative structure of the Department of Elderly Affairs; providing for headquarters, service facilities, and planning and service areas; providing that the department is the state unit on aging; providing for area agencies on aging; providing organization and responsibilities; providing conditions for certain department actions against an area agency on aging; deleting obsolete language; amending ss. 110.501, 287.088, 395.605, 400.402, 400.408, 400.441, 400.464, 400.551, 400.562, 400.618, 400.619, 400.621, 400.623, 402.33, 411.222, and 945.49,

F.S.; conforming references and cross references; providing responsibility of the Department of Elderly Affairs with respect to adult congregate living facilities, adult day care centers, and adult family care homes, to conform to the act; amending ss. 400.0067 and 400.0069, F.S.; providing for conflicts of interest relating to state and local long-term care ombudsman councils; renaming the local ombudsman councils; amending s. 400.141, F.S.; providing for shared programming and staff in certain nursing facilities; amending s. 400.427, F.S.; correcting scrivener's error relating to property and personal affairs of adult congregate living facility residents; amending ss. 400.605 and 400.606, F.S.; transferring authority to make rules relating to the hospice program from the Agency for Health Care Administration to the Department of Elderly Affairs; amending ss. 402.165, 402.166, and 402.167, F.S.; providing for appointment and functions of the statewide and district human rights advocacy committees with respect to the Department of Elderly Affairs; creating s. 409.2751, F.S.; establishing a Food Stamp Outreach Task Force in the Department of Family Services; providing membership; requiring the development of a plan; requiring reports; requiring staff support to the task force; authorizing reimbursement of members' expenses; specifying the process for the distribution of funds; amending and renumbering s. 410.011, F.S.; transferring administration of federal aging programs to the Department of Elderly Affairs; creating s. 430.105, F.S.; transferring a public records exemption; providing for future review; repealing s. 410.016, F.S., relating to responsibilities of the Department of Family Services with respect to the state's elderly population; amending and renumbering ss. 410.021, 410.022, 410.023, 410.024, 410.0241, 410.026, and 410.0295, F.S., relating to the community-care-for-the-elderly program; revising legislative intent and definitions; prescribing powers and duties of the Department of Elderly Affairs; revising the program; authorizing provider agencies to assess fees for services; providing for community care service systems under the area agencies on aging; authorizing certain contracts; creating s. 430.210, F.S.; granting rulemaking authority; repealing s. 410.0245, F.S., relating to a study of service needs for disabled adults; repealing s. 410.029, F.S., relating to multiyear plans; amending and renumbering ss. 410.201, 410.2015, and 410.202, F.S.; providing for administration of the older volunteers service credit program by the Department of Elderly Affairs; amending and renumbering s. 410.401, F.S.; revising membership of the Alzheimer's Disease Advisory Committee; transferring the committee to the Department of Elderly Affairs; providing additional members and duties; prescribing duties of the committee; amending and renumbering ss. 410.402 and 410.403, F.S.; conforming provisions relating to Alzheimer's disease and memory disorder research and day care and respite care programs; creating s. 430.504, F.S.; granting rulemaking authority; amending ss. 419.001 and 419.002, F.S.; providing responsibilities of the Department of Elderly Affairs with respect to community residential homes; amending s. 420.36, F.S.; conforming a cross reference; amending ss. 430.02 and 430.03, F.S.; conforming legislative intent and purpose with respect to programs administered by the Department of Elderly Affairs; amending s. 430.04, F.S.; providing additional duties and responsibilities of the department; amending s. 430.06, F.S.; providing for update of the plan for improving social services and long-term care for elderly persons; amending s. 430.07, F.S.; renaming the Office of Volunteer Community Service and assigning it division status within the department; providing responsibilities of the division; creating s. 430.075, F.S.; directing the department to contract with public or nonprofit agencies to be designated as area agencies on aging under the federal Older Americans Act of 1965, as amended, to provide programs funded under that act; prescribing contract requirements; creating s. 430.078, F.S.; providing for measurement and reporting of outcome evaluation and program effectiveness for programs administered by the department; providing for future transfer of specified programs from the Department of Family Services to the Department of Elderly Affairs; requiring an interagency agreement for coordination of services to aged, blind, and disabled persons; providing respective responsibilities of the headquarters and local offices of the Department of Elderly Affairs for transferred programs, service coordination, and service delivery; creating ss. 430.601, 430.602, 430.603, 430.604, 430.605, and 430.606, F.S., and amending and renumbering ss. 410.031, 410.032, 410.033, 410.034, 410.035, and 410.037, F.S.; providing for future separate administration and allocations with respect to home care for disabled adults and the elderly; providing for transfer of provisions relating to disabled persons; establishing separate provisions relating to elderly persons; providing legislative intent; providing definitions; providing for minimum standards and procedures; providing for provision of goods and services; providing for determination of unfitness to provide home care; providing for judicial review; providing for subsidy payments; providing for eligibility; conforming cross references; creating ss. 430.608 and 430.707, F.S.; granting rulemaking author-

ity; amending and renumbering s. 410.502, F.S.; providing for future transfer of provisions relating to housing and living arrangements which meet the special needs of the elderly; renumbering s. 410.504, F.S., relating to multidisciplinary centers on elderly living environments; creating s. 430.803, F.S.; granting rulemaking authority; amending and renumbering ss. 410.601, 410.602, 410.603, 410.604, 410.605, and 410.606, F.S.; providing for future transfer of responsibility for the "Community Care for Disabled Adults Act"; conforming references and definitions; providing for a schedule of fees for services provided to certain disabled adults; providing duties of the Department of Elderly Affairs; creating the Bureau of Adult Services within the Division of Programs of the department to administer the community care for disabled adults program; amending s. 430.03, F.S., relating to purposes of the department, to conform to said transfer; creating the Florida Commission on Persons with Disabilities; providing membership; providing for an executive director; authorizing reimbursement of members' expenses; providing for preparation of a master plan for policies and programs relating to persons with disabilities; requiring recommendations; requiring the commission to review certain budget requests; requiring reports; requiring public meetings; scheduling initial appointments and meeting, and termination, of the commission; continuing and transferring certain rules of the former Department of Health and Rehabilitative Services; providing for effect of the act on certain pending judicial and administrative proceedings; providing a directive to the statute editors; providing effective dates.

—was referred to the Committees on Health and Rehabilitative Services; and Appropriations.

By Representative Fuller—

HCR 1145—A concurrent resolution requesting Congress to direct funding for the study, treatment, and cure of Fibromyalgia/Chronic Fatigue and Immune Dysfunction Syndrome.

—was referred to the Committee on Rules and Calendar.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has refused to 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 and has acceded to the request of the Senate for the appointment of a conference committee.

The Speaker of the House of Representatives has appointed Representatives Ritchie, Chairman; Martinez, Logan, Edwards, Smith, Webster, Warner and Mortham as conferees on the part of the House.

John B. Phelps, Clerk

CS for CS for SB 68 and CS for SB's 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 and 1400—A bill to be entitled An act relating to juvenile justice; creating the Department of Juvenile Justice; providing for a Secretary of Juvenile Justice; providing for an Assistant Secretary for Prevention and Intervention; providing for an Assistant Secretary for Detention and Corrections; providing responsibilities; specifying service districts of the department within the state and commitment regions; requiring the department's annual budget request to be based on unit cost data; 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; 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; 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; assigning the board, for administrative purposes, to the Department of Juvenile Justice; providing powers and duties of the board; transferring all employees, unexpended balances of appropriations, materials, files, records, and equipment of the Commission on Juvenile Justice to the Juvenile Justice Advisory Board; 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 Children and Families Program Office of the Department of Health and Rehabilitative Services to provide intervention services for delinquent children and their families; 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; 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 that it is the intent of the Legislature to authorize the detention of a juvenile who has acted in contempt of court; providing that it is the policy of the state to identify and address certain problems with respect to juvenile delinquency; 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.; providing for preliminary screening to include certain interviews and urine and breathalyzer screenings; 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 "secure shelter," "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; creating s. 39.0206, F.S.; defining the term "department" to be the Department of Juvenile Justice for the purposes of ss. 39.021-39.078, F.S.; amending ss. 39.014, 39.021, F.S.; providing powers and 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; requiring the department to assist the Department of Health and Rehabilitative Services in reducing out-of-wedlock births and teenage pregnancies; requiring the department to measure and report to the Legislature on the effectiveness of programs and services; requiring a report by the Auditor General; repealing s. 39.023, F.S., relating to the Commission on Juvenile Justice; amending s. 39.024, F.S.; providing for the Secretary of Juvenile Justice to appoint members of the Juvenile Justice Standards and Training Council; 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 district juvenile justice boards from term limitations; prescribing additional duties of the boards; providing for the boards to have access to certain records for purposes of performing its duties; requiring the department to provide matching funds for additional positions for staff to assist the boards; 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; amending s. 39.029, F.S.; deleting an obsolete provision; amending s. 39.034, F.S.; authorizing the community arbitrator or community arbitration panel to require that a child undergo urine monitoring; amending s. 39.038, F.S.; providing for a juvenile who has been taken into custody to be released to a juvenile assessment center; 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; providing that a juvenile who is charged with committing domestic violence may be held in secure detention; 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; prohibiting the placement of an alleged dependent juvenile into secure detention care; amending s. 39.044, F.S.; deleting a requirement that certain efforts be made to release a juvenile from custody; requiring a 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; providing circumstances under which the department or the state attorney may seek a court order authorizing the temporary detention of certain juveniles who cannot be placed in an appropriate residential program; repealing s. 39.0445, F.S., relating to juvenile domestic violence offenders; amending ss. 39.045,

39.046, F.S.; providing powers and duties of the Department of Juvenile Justice with respect to juvenile justice programs; providing for certain interagency agreements with respect to the sharing of a juvenile's criminal history record among agencies; revising requirements for retaining a juvenile's records; authorizing the release of a juvenile's photograph if that juvenile has committed certain offenses; amending s. 39.047, F.S.; providing additional requirements for the intake and case management system of the Department of Juvenile Justice; requiring the district administrator of the Department of Health and Rehabilitative Services to cooperate with the case manager in providing intake and case management services; providing circumstances under which the state attorney may file an information against a juvenile between specified years of age who is charged with certain offenses; providing circumstances under which a juvenile must be transferred for prosecution as an adult, regardless of the age of the juvenile; 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; 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 obsolete provision; 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.; 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; specifying the fees to be paid for the care, support, and maintenance of a juvenile; providing for a reduction or waiver of such fees; providing for the deposit of such fees into the Juvenile Justice Facility Construction and Operation Trust Fund; 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.; providing powers and duties of the Department of Juvenile Justice with respect to juvenile justice programs; amending s. 39.057, F.S.; revising criteria under which a juvenile may be placed in a boot camp program; providing program requirements for a boot camp operated by the department, a county, or a municipality; requiring a minimum period of participation in the boot camp program; requiring a minimum period of participation in aftercare; providing training requirements for the staff of a boot camp program; providing certification requirements for instructors of training courses; creating s. 39.0581, F.S.; providing criteria for committing 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.; conforming provisions to changes made by the act; amending s. 39.059, F.S.; specifying fees to be imposed for the care, support, and maintenance of a juvenile committed to the department; providing for the reduction or waiver of such fees; providing for the deposit of such fees into the Juvenile Justice Facility Construction and Operation Trust Fund; revising criteria for determining suitability for imposing adult sanctions; amending s. 39.062, F.S.; conforming provisions to changes made by the act; 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.; 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.; providing duties and responsibilities of the Department of Juvenile Justice with respect to families in need of services and children in need of services; 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. 316.635, F.S.; providing that a minor who fails to appear as ordered by a court having jurisdiction over traffic violations commits contempt; authorizing the court to place a minor in secure detention for such offense; amending s. 316.655, F.S.;

providing that a minor may be placed in secure detention for violating certain traffic offenses; requiring that the court order the Department of Highway Safety and Motor Vehicles to revoke, for specified periods, the driver's license of a minor who is convicted of driving under the influence of alcohol or drugs; requiring that a minor 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. 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 in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 874.03, F.S.; redefining the term "pattern of youth and street gang activity" to eliminate "the purpose of furthering gang activity" for purposes of ch. 874, F.S., which increases the penalty for a felony or violent misdemeanor that is part of a pattern of youth and street gang activity, which provides a civil cause of action for a violation of the chapter, which provides for forfeiture of profits, proceeds, or instrumentalities of criminal activity of youth and street gangs, and which provides for reporting certain crime information; creating ss. 877.20-877.25, F.S.; providing legislative intent with respect to a curfew imposed on minors in this state; providing definitions; prohibiting a minor from being or remaining in a public place or establishment between certain hours; prohibiting a minor 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 minor who violates a curfew; providing that the parent of a minor has a legal duty to ensure that the minor does not violate a curfew; providing for a written warning and a penalty; providing circumstances under which the curfew does not apply; providing that the curfew imposed by the act does not apply unless adopted by the governing body of a county or municipality; providing that the curfew imposed by the act may be superseded by a county or municipal ordinance; 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; requiring the Department of Corrections and each county to develop programs under which judges may order that certain juveniles be allowed to tour the detention facilities of the department or the county; prohibiting a person other than an agent of the Department of Juvenile Justice or the Department of Health and Rehabilitative Services from giving shelter to a minor without the consent of the minor's parent or guardian and without notifying a law enforcement officer, a child-caring agency, or a child-placing agency; providing a penalty; providing that the parent or guardian of a minor has a right of action against a person who unlawfully shelters the minor; 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 appointments of members; providing responsibilities and

report requirements; providing legislative intent with respect to transferring certain provisions from ch. 39, F.S., relating to the Department of Juvenile Justice; providing appropriations; authorizing additional positions for the Department of Law Enforcement; authorizing the Governor to transfer vacant positions from the Department of Health and Rehabilitative Services to the Department of Juvenile Justice; providing for severability; providing an effective date.

CONFEREES 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 APPOINTED

The President had previously appointed Senator Siegel, Chairman; Senators Bankhead, Dantzler, Holzendorf, Kirkpatrick and McKay as conferees 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. The action of the Senate was certified to the House.

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 102 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 102—A bill to be entitled An act relating to intellectual property; reenacting and amending s. 815.04, F.S.; providing that certain "intellectual property" constituting a trade secret is not a public record; providing for future review and repeal of this exemption from the public records law; providing an effective date.

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

Section 1. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (3) of section 815.04, Florida Statutes, is reenacted and amended to read:

815.04 Offenses against intellectual property; *public records exemption*.—

(3)(a) *Data, programs, or supporting documentation which is a trade secret as defined in s. 812.081 which resides or exists internal or external to a computer, computer system, or computer network which is held by an agency as defined in chapter 119 is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(b) Whoever willfully, knowingly, and without authorization discloses or takes data, programs, or supporting documentation which is a trade secret as defined in s. 812.081 or is confidential as provided by law residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.

Section 2. The Legislature finds that it is a public necessity that trade secret information as defined in s. 812.081, Florida Statutes, and as provided for in s. 815.04(3), Florida Statutes, be expressly made confidential and exempt from the public records law because it is a felony to disclose such records. Due to the legal uncertainty as to whether a public employee would be protected from a felony conviction if otherwise complying with chapter 119, Florida Statutes, and with s. 24(a), Art. I of the State Constitution, it is imperative that a public records exemption be created. The Legislature in making disclosure of trade secrets a crime has clearly established the importance attached to trade secret protection. Disclosing trade secrets in an agency's possession would negatively impact the business interests of those providing an agency such trade secrets by damaging them in the marketplace, and those entities and individuals disclosing such trade secrets would hesitate to cooperate with that agency, which would impair the effective and efficient administration of governmental functions. Thus, the public and private harm in disclosing trade secrets significantly outweighs any public benefit derived from disclosure and the public's ability to scrutinize and monitor agency action is not diminished by nondisclosure of trade secrets.

Section 3. This act shall take effect October 1, 1994.

And the title is amended as follows:

In title, on page 1, line 1, strike the entire title and insert: A bill to be entitled An act relating to confidentiality of certain trade secret information; amending s. 815.04, F.S.; providing an exemption from public records requirements for data held by an agency which is a trade secret and which exists internal or external to a computer system; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

On motion by Senator Silver, the Senate concurred in the House amendment.

SB 102 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 106 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 106—A bill to be entitled An act relating to confidentiality of information pertaining to intercepted wire, oral, or electronic communications; reenacting and amending s. 934.09(7)(b), (c), (8), F.S.; declaring the requirements of federal law with respect to the confidentiality of such information; providing an effective date.

House Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Notwithstanding the October 1, 1994, repeal which will result from the certification of paragraphs (b) and (c) of subsection (7) and subsection (8) of section 934.09, Florida Statutes, pursuant to section 119.14(3)(b), Florida Statutes, said paragraphs and subsection are reenacted and amended to read:

934.09 Procedure for interception of wire, oral, or electronic communications.—

(7)

(b) The presence of the seal provided for by this subsection, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire, oral, or electronic communication or evidence derived therefrom under s. 934.08(3), as required by federal law.

(c) Applications made and orders granted under ss. 934.03-934.09 shall be sealed by the judge. Custody of the applications and orders shall be wherever the judge directs. As required by federal law, such applications and orders shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction and shall not be destroyed except on order of the issuing or denying judge, or that judge's successor in office, and in any event shall be kept for 10 years.

(8) As required by federal law, the contents of any intercepted wire, oral, or electronic communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding unless each party, not less than 10 days before the trial, hearing, or proceeding, has been furnished with a copy of the court order and accompanying application under which the interception was authorized or approved. This 10-day period may be waived by the judge if he finds that it was not possible to furnish the party with the above information 10 days before the trial, hearing, or proceeding and that the party will not be prejudiced by the delay in receiving such information.

Section 2. This act shall take effect October 1, 1994

On motion by Senator Silver, the Senate concurred in the House amendment.

SB 106 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 2016 and requests the concurrence of the Senate, or failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the House.

John B. Phelps, Clerk

CS for SB 2016—A bill to be entitled An act relating to license plates; providing for the issuance of a Save the Children license plate; providing fees; providing for proceeds of the fees to be deposited into the Juvenile Crime Prevention and Early Intervention Trust Fund within the Department of Juvenile Justice; providing a distribution formula; providing for proceeds of the fees to be used by the department to fund programs to prevent juvenile delinquency; providing for the design of the license plate to be approved by the Department of Highway Safety and Motor Vehicles; providing for automatic deauthorization of the plate in certain circumstances; providing a contingent effective date.

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

Section 1. Effective upon this act becoming a law, section 20.195, Florida Statutes, is created to read:

20.195 Legislative findings and intent relating to the organization of juvenile justice programs and services.—

(1) **LEGISLATIVE FINDINGS.**—The Legislature finds: that the structural organization of state government must be an ongoing process involving the legislative and executive branches of government; that the responsibility within the executive branch of government for the implementation of programs and policies should be clearly fixed and ascertainable; that units of government should be organized along functional or program lines; and that when reorganization is found to be necessary it should be implemented in a planned and orderly fashion in order to minimize the cost and the disruption of services to the public.

(2) **DEPARTMENT OF JUVENILE JUSTICE.**—

(a) There is created a Department of Juvenile Justice that shall be responsible for the planning and managing of all programs and services within the juvenile justice continuum of programs and services that are presently the responsibility of the Deputy Secretary for Juvenile Justice Programs of the Department of Health and Rehabilitative Services. All powers, duties, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Deputy Secretary for Juvenile Justice Programs are to be transferred by a type four transfer, as defined in s. 20.06, to the Department of Juvenile Justice effective not later than October 1, 1995. The Youthful Offender Program of the Department of Corrections, as defined in chapter 958, is hereby transferred to the Department of Juvenile Justice. All powers, duties, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Secretary of the Department of Corrections that relate to the Youthful Offender Program or Program Office are to be transferred by a type four transfer, as defined in s. 20.06, to the Department of Juvenile Justice, effective not later than October 1, 1995. The Department of Juvenile Justice shall be headed by a secretary who is appointed by, and serves at the pleasure of, the Governor.

(b) **Interim Secretary.**—There is created the position of Interim Secretary of the Department of Juvenile Justice, who shall be appointed by and serve at the pleasure of the Governor from the effective date of this section until not later than September 30, 1995. The Interim Secretary is, for administrative purposes, attached to the Executive Office of the Governor, which shall provide necessary administrative support. The Interim Secretary of the Department of Juvenile Justice, and such funds as are appropriated to the Department of Juvenile Justice, shall not be subject to the control of the Executive Office of the Governor. The Interim Secretary shall, jointly with the Deputy Secretary for Juvenile Justice Programs, plan and manage the establishment of the Department of Juvenile Justice, including the transfer of all programs, services, and institutions within the juvenile justice continuum from the Department of Health and Rehabilitative Services, and the transfer of youthful offender programs, services, and institutions from the Department of Corrections. The Interim Secretary and the Deputy Secretary for Juvenile Justice Programs shall convene the Department of Juvenile Justice Organization

Planning Group as needed and appoint such committees as may be useful in developing a plan and schedule for the implementation of this section. Within the limits of specific appropriations, the Interim Secretary is authorized to employ staff and contract for services necessary to carry out the intent of this section. The Interim Secretary shall submit reports on the progress of implementation of this section not less frequently than every three months to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority party leaders in the House and Senate.

(c) It is the intent of the Legislature to prepare for complete management, fiscal, and administrative independence for the Department of Juvenile Justice in the most cost-effective manner by creating regional program and administrative offices, to be known as regional offices, for juvenile justice programs and services. The Deputy Secretary for Juvenile Justice Programs is directed to establish regional offices, to be headed by a regional administrator, that are fully operational not later than October 1, 1995. To that end, the Secretary and all the employees and the Deputy Secretary for Administration of the Department of Health and Rehabilitative Services, and the Executive Office of the Governor, are directed to cooperate with, and support, the Deputy Secretary for Juvenile Justice Programs and the Interim Secretary of the Department of Juvenile Justice in the establishment of, and transition to, regional administrative and program offices for the juvenile justice system.

(d) It is the intent of the Legislature that current services provided to delinquent children and children in need of services by the various existing Department of Health and Rehabilitative Services programs shall continue and not be interrupted by the transition to the Department of Juvenile Justice.

(3) DEPARTMENT OF JUVENILE JUSTICE ORGANIZATION PLANNING GROUP.—

(a) There is created a Department of Juvenile Justice Organization Planning Group for the purpose of advising the Interim Secretary and the Deputy Secretary for Juvenile Justice Programs in developing a plan and schedule for implementation of a Department of Juvenile Justice, the implementation of regional offices, and the transfer of youthful offenders from the Department of Corrections to the Department of Juvenile Justice, to be completed by October 1, 1995.

(b) The membership of the Department of Juvenile Justice Organization Planning Group shall be composed of, but is not limited to:

1. One member appointed by the Deputy Secretary for Administration of the Department of Health and Rehabilitative Services and one member from the Department of Corrections, who shall be the Assistant Secretary for Youthful Offenders.
2. One district juvenile justice manager from each of the five commitment service regions, one member from a district juvenile justice board, and one representative from each of the two largest providers of state-wide contracted juvenile justice continuum services, to be appointed by the Deputy Secretary for Juvenile Justice Programs.
3. The chief of administration and the chief of program planning in the Juvenile Justice Program Office of the Department of Health and Rehabilitative Services.
4. The Executive Director of the Information Resources Commission, or a designee.
5. The Chair of the Commission on Juvenile Justice, or a designee.
6. The Director of the Governor's Office of Planning and Budgeting, or a designee.

For purposes of the Youthful Offender Program transfer plan pursuant to paragraph (4)(b), the Department of Juvenile Justice Organization Planning Group shall have the following members in addition to the members listed above: two juvenile court judges; one state attorney with juvenile court experience; one public defender with juvenile court experience; and one appointee of the Attorney General.

(4) DEPARTMENT OF JUVENILE JUSTICE ORGANIZATION PLANS; SCHEDULES.—The Interim Secretary of the Department of Juvenile Justice shall develop plans and schedules for the implementation of the organization of the Department of Juvenile Justice with regional administrative offices and for the implementation of the transfer of the Youthful Offender Program, including the Assistant Secretary and Youthful Offender Institutions, from the Department of Corrections to the Department of Juvenile Justice.

(a) The regional administration plan should anticipate and be based upon the establishment of an administrative office in each of the five juvenile justice commitment service regions as defined in s. 20.19(7)(b), effective not later than October 1, 1995. The plan shall identify the minimum type and number of staff positions necessary to carry out the responsibilities and functions that are to be assigned to the regional offices, and the specific property, positions, and associated appropriations of funds, if any, that can be transferred from the district administrative services budgets in the 15 service districts to the regional administrative office that will serve each respective district. To the extent that property, staff, and resources identified for transfer from service districts to the regional administrative offices are insufficient to enable the regional administrative offices to fulfill the responsibilities provided in this section, the plan shall include recommendations for additional staff and resources for the regional administrative offices. The plan shall ensure that each regional administrative office shall be capable of providing to each district juvenile justice manager within the region the following administrative and management support services:

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 juvenile justice managers and the regional administrator in the preparation of district and regional budget requests and the administration of approved operating budgets.
7. Other administrative duties as assigned by the Interim Secretary or the Deputy Secretary for Juvenile Justice.

The regional administrative plan and schedule, and any proposed legislation to implement the plan, shall be completed by November 1, 1994.

(b) The Youthful Offender Program transfer plan should anticipate and be based upon legal and statutory requirements and considerations related to the Costello settlement agreement, including overcrowding and medical standards; jurisdictional and sentencing guidelines issues; gain-time and early release mechanisms; personnel standards and training and risk categories; data systems and records; security; classification and transfers; victim restitution; community supervision; transportation; due process and equal protection; sentencing; and other relevant matters. For purposes of the transfer plan, the Department of Juvenile Justice Reorganization Planning Group shall have the following members, in addition to the members listed in subsection (3): two juvenile court judges, one state attorney with juvenile court experience; one public defender with juvenile court experience; and one member appointed by the Attorney General.

(c) The departmental organization plans and schedules should anticipate and be based upon:

1. The transfer to the Department of Juvenile Justice of responsibility for the programs and services within the juvenile justice continuum of programs and services and the transfer of all of the powers, duties, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Deputy Secretary for Juvenile Justice Programs, effective not later than October 1, 1995.
2. The transfer to the Department of Juvenile Justice, in accordance with the Youthful Offender Program transfer plan, of responsibility for the Youthful Offender Program of the Department of Corrections, as defined in chapter 958, including all powers, duties, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the secretary of the Department of Corrections that relate to the Youthful Offender Program or Program Office, effective not later than October 1, 1995.

(d) The departmental organization plan should anticipate and develop solutions for all organizational, administrative, personnel, fiscal, legal, statutory, and operational issues that may be identified in planning for the transfer to the Department of Juvenile Justice of all juvenile justice programs, services, and institutions currently under the jurisdiction of the Deputy Secretary for Juvenile Justice Programs of the Department of Health and Rehabilitative Services, and, in accordance with the Youthful Offender Program transfer plan, the programs, services, and

institutions currently within the Youthful Offender Program Office and under the jurisdiction of the Assistant Secretary for Programs in the Department of Corrections.

(e) The departmental organization plan and schedule, and any proposed legislation to implement the plan, including legislation recommended by the regional administration and Department of Juvenile Justice organization plan and the Youthful Offender Program transfer plan, and the recommendations, pursuant to subsection (5), of the Deputy Secretary for Juvenile Justice Programs regarding average lengths of stay, detention alternatives, and certain diversion programs; and the Advisory Council on Intergovernmental Relations regarding enhanced costs of administering due process rights and a study of the need for juvenile bail as a result of this act, shall be completed by November 1, 1994.

(5) PLANNING REPORTS.—

(a) The Deputy Secretary for Juvenile Justice shall require all programmatic, residential, and services contracts to include a cooperation clause for purposes of compliance with the quality assurance requirements of the department and the outcome evaluation requirements of the Commission on Juvenile Justice. The deputy secretary shall require contracts for residential commitment programs to include a provision that will ensure the delivery of aftercare and reentry services to youths successfully completing the residential program. The aftercare and reentry services need not necessarily be provided by the immediate contract provider. The deputy secretary shall report to the Department of Juvenile Justice Organization Planning Group any recommendations for standardized contract provisions pursuant to this paragraph.

(b) The deputy secretary shall provide to the Department of Juvenile Justice Organization Planning Group under this section, information sufficient to enable the group to recommend to the Legislature, no later than November 1, 1994:

1. Indicated increases in average lengths of stay in all programs and residential and nonresidential facilities, and the revenue appropriations required to accomplish such indicated increases.
2. An optimal full secure detention alternatives continuum and the revenue appropriations required to accomplish such optimal full secure detention alternatives continuum.
3. The need for enhancement of the civil citation, community arbitration, and J.A.S.P. programs, and the revenue appropriations required to accomplish such enhancements.

(c) The Advisory Council on Intergovernmental Relations shall conduct a study of the impact of this act on local governments. The study shall include, but need not be limited to:

1. Increase in numbers of juveniles held in local detention facilities in sight and sound separation pending trial.
2. Increase in costs of administration of due process rights to juveniles.
3. Increase in costs for jails to house juvenile DUI offenders.
4. The need for and anticipated costs of juvenile bail.

The studies and recommendations pursuant to this subsection shall be provided to the departmental organization planning group and the youthful offender transfer planning group in time for inclusion in the November 1, 1994, organization plan report.

(6) INNOVATION ZONES.—Effective October 1, 1995, the Department of Juvenile Justice shall encourage each of the five juvenile justice regions to propose at least one innovation zone within the region for the purpose of implementing an experimental, pilot, or demonstration project that furthers the legislatively established goals of the Department of Juvenile Justice. An innovation zone is a defined geographic area such as a 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) Each regional administrator is authorized to select, within existing resources and enhanced community partnership grants, and contingent upon local contributing funds and meeting all contractual requirements of the department, up to five model programs and new technologies for implementation within an innovation zone. Such model programs may include, but are not limited to, the following:

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 firefighting, 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.

(b) Pursuant to s. 39.0216, the Commission on Juvenile Justice shall evaluate the impact and effectiveness of the innovation zone programs in meeting the legislatively established goals of the department and prepare an outcome evaluation report.

(c) Each regional administrator shall submit proposals for innovation zone programs to the Deputy Secretary for Juvenile Justice Programs. 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 any applicable state or federal law relating to such waivers.

1. For innovation zone proposals that the Department of Juvenile Justice determines require changes to state law, the Department of Juvenile Justice 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.

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

(d) An innovation zone project may not have a duration of more than 2 years unless the Department of Juvenile Justice grants an extension.

(e) Before implementing an innovation zone under this subsection, the Department of Juvenile Justice shall, in conjunction with the Auditor General and the Commission on Juvenile Justice, develop measurable

and valid objectives for such zone within a negotiated reasonable period of time. Enhanced community partnership grants shall be utilized for innovation zone projects. Moneys designated for an innovation zone in one region may not be used to fund an innovation zone in another region.

Section 2. Effective October 1, 1995, subsection (4) of section 20.19, Florida Statutes, is repealed.

Section 3. Paragraph (a) of subsection (4) of section 20.315, Florida Statutes, is amended, a new subsection (8) is added to said section, present subsections (8), (13), and (16) of said 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 said 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 4. Subsection (1) of 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 and the recognition, protection, and enforcement of their constitutional and other legal rights, while ensuring that public safety interests 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.

Section 5. Subsections (2), (3), (4), (5), and (6) of section 39.002, Florida Statutes, are renumbered as subsections (3), (4), (5), (6), and (7), respectively, and amended, and a new subsection (2) is added to said section, to read:

39.002 Legislative intent for the juvenile justice system.—

(2) 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 recognizes that the ability of parents, custodians, and guard-

ians 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 be identified through the delinquency intake process and that appropriate recommendations to address those problems be presented to and considered by the court in all disposition proceedings.

(4)(3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—It is the policy of the state with respect to juvenile justice and delinquency prevention:

(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 develop and implement effective treatment programs to control, discipline, punish, and rehabilitate delinquent youth.~~

~~(d)(e) To provide well-trained personnel, high-quality services, and cost-effective programs within the juvenile justice system.~~

~~(e)(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.

(5)(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, *has a history of committing delinquent acts*, presents a history of committing a serious property offense prior to adjudication, disposition, or placement, or requests protection from imminent bodily harm.

(b) 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.

(6)(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 needs an adequate has an inadequate number of beds for serious or habitual juvenile offenders and an adequate 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 needed inadequate to meet their rehabilitative needs and where space is needed for adult offenders. Recidivism rates for each of these classes of offenders shall not 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.~~

(7)(6) SITING OF FACILITIES.—

(a)1. 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.

2. *The Legislature further finds that timely siting and development of needed correctional facilities for young offenders sentenced and incarcerated within the adult system is critical to the public safety and to the effective rehabilitation of both the juvenile offenders sentenced and incarcerated within the adult system and those adjudicated and placed within the juvenile system.*

(b) It is the purpose of the Legislature to guarantee that such facilities for both juvenile offenders sentenced and incarcerated within the adult system and juvenile offenders adjudicated and placed within the juvenile system are sited and developed within reasonable timeframes after they are legislatively authorized and appropriated.

(c) The Legislature further finds that such facilities for both juvenile offenders sentenced and incarcerated within the adult system and juvenile offenders adjudicated and placed within the juvenile system 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 to accomplish the siting of facilities for both juvenile offenders sentenced and incarcerated within the adult system and juvenile offenders adjudicated and placed within the juvenile system.

The supervision, counseling, rehabilitative treatment, and punitive efforts of the juvenile justice system should avoid the inappropriate use of correctional programs and large institutions. *However, juvenile offenders sentenced and incarcerated within the adult system should receive appropriate youthful offender programs within correctional institutions of adequate size to provide safe and cost-effective incarceration without sacrificing the goals of rehabilitation.* The Legislature finds that detention services to juvenile offenders in custody should exceed the primary goal of providing safe and secure custody, *whether pending juvenile adjudication and disposition or pending sentencing and incarceration within the adult system.*

Section 6. Subsection (15), paragraphs (b) and (c) of subsection (16), subsections (18), (21), (26), (45), (46), (60), paragraph (d) of subsection (61), and subsection (69) of section 39.01, Florida Statutes, are amended, paragraph (e) is added to subsection (68), and subsections (70), (71), (72), (73), and (74) are added to said section, to read:

39.01 Definitions.—When used in this chapter:

(15)(a) “Department,” or means the “Department of Health and Rehabilitative Services,” as used in part II and part IV, means, unless the context clearly requires otherwise, the Department of Juvenile Justice.

(b) On or after October 1, 1995, “Deputy Secretary for Juvenile Justice Programs” means the Secretary 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 pending adjudication, disposition, or placement. Such a home may not have more than 10 children on nonsecure detention assigned to it at any time. *Nothing in this paragraph prohibits the placement of children, other than those on nonsecure detention care status, in such designated residential home provided the department approves such placements as appropriate.*

(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 intense supervision of the department staff pending adjudication, disposition, or placement.

(18) “Detention center or facility” means a facility used pending court adjudication or disposition or placement or execution of court order, or for short term punishment pursuant to this chapter, for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure or nonsecure custody. A facility used for the commitment of adjudicated delinquents shall not be considered a detention center or facility.

(21) “Disposition hearing” means a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 39.052(3), in delinquency cases. *Disposition hearing also means a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under ; s. 39.408(3), in dependency cases; s. 39.44(3), in child-in-need-of-services cases; or s. 39.469, in termination of parental rights cases.*

(26) “Intake” means the department’s initial acceptance and screening 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 shall consider 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.

(45) “Secure detention center or facility” means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement; or for short-term punishment pursuant to this chapter.

(46) “Serious or habitual juvenile offender program” means a commitment program designed for 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 ~~commission~~ of the current offense and has been adjudicated or had adjudication withheld on the current offense for a capital, 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 ~~commission~~ of the current offense and has been adjudicated or had adjudication withheld on the current offense for a capital, life, first, or second degree felony offense, and the child has previously been adjudicated or had adjudication withheld on ~~found to have committed~~ at least three separate capital, life, first, or second degree felony offenses, other than second degree felony offenses under chapter 893, or third degree felony offenses involving the use of a weapon, within the preceding 24 months, and at least one of those adjudications or adjudications withheld resulted in placement in at least a moderate risk residential commitment program ~~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 the disposition ~~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 four separate, nonrelated felony offenses within the preceding 36 months, and at least one of those adjudications or adjudications withheld resulted in placement in at least a moderate risk residential commitment program. ~~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, the current offense is any felony, and had previously been committed to an early delinquency intervention program as defined in s. 39.055.

(e)(d)—The child Was less than 18 years of age at the time of 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.

(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 such means as psycho-social interviews, urine and breathalyzer screenings, and reviews of available educational, delinquency, and dependency records.

(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 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 residential.—Youth assessed and classified for placement in programs at this level represent a low risk to themselves and public safety and do 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 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. 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. Section 39.061 applies to children in moderate risk residential programs.

(d) 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 residential.—Children 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 programs in this level is prompted by a demonstrated need to protect public safety, based upon the child's prior record of violent acts or escape, that outweighs placement in programs at lower restrictiveness levels. Programs or program models in this level are maximum security custody residential commitment facilities and include: serious habitual offender programs and other maximum security program models authorized by the Legislature and established by rule.

(69) "Child eligible for an intensive residential treatment program for 10-13 year old offenders" means a child ~~who 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) "Secure shelter" means a facility in which a child is physically restricted and which is for the temporary care and assessment of a child who has been found to be dependent or a child in need of services, or a child from a family in need of services, who has violated a court order or whom the Department of Juvenile Justice or 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 or children in need of services or families in need of services.

(71) "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, with at least one staff member for each three children. The facility is for the temporary care and assessment of a child who has been found to be dependent or a child in need of services, who has been found to be in direct contempt of court or who has violated a court order, or whom the Department of Juvenile Justice or 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 or children in need of services.

(72) "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 level VI, VIII, or X 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.

(73) "Juvenile" means a "child."

(74) "Youth" means a "child."

Section 7. (1) The Division of Statutory Revision, in compiling manuscript for the next edition of the Florida Statutes, shall alphabetize the definitions in section 39.01, Florida Statutes, and shall conform all statutory cross references to such realphabetization.

(2) The Division of Statutory Revision, in compiling statute text for the next official edition of the Florida Statutes, shall conform the statute text to the amendment to section 39.01(15), Florida Statutes, contained in this act.

Section 8. For the purpose of incorporating the amendment to s. 39.01, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

39.052 Hearings.—

(5) SERIOUS OR HABITUAL 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 and whether the particular needs of the serious or habitual delinquent child would be best served by a serious or habitual 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 9. Section 39.0145, Florida Statutes, is created to read:

39.0145 Punishment for contempt of court; contempt secure facility alternatives continuum.—

(1) CONTEMPT OF COURT; PUNISHMENT OF JUVENILES; FACILITIES.—The court may punish any juvenile 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 as applied to juveniles with respect to secure facility sentences. A juvenile who commits direct contempt of court or indirect contempt of a valid court order may be taken into custody and placed in an alternative sanction or a secure facility, as authorized in this section, by order of the court.

(2) CONTEMPT OF COURT SECURE FACILITY PLACEMENT SENTENCES.—Secure facility placement sentences for purposes of punishment for contempt of court may be imposed when alternative sanctions are unavailable or inappropriate, or when the juvenile has already been sentenced to an alternative sanction but failed to comply with the sentence. Secure facility placements for contempt of court sentences are as follows:

(a) If the juvenile is held in indirect contempt of a valid court order pursuant to subsection (4), or is held in direct contempt of court, and has been charged with a delinquent act or violation of law, placement in secure detention or in a secure residential facility.

(b) If the juvenile has never been adjudicated or had adjudication withheld but has been charged with a delinquent act or a violation of law, placement in home detention with daily face-to-face detention center staff contact and electronic monitoring, or placement in an appropriate mental health or substance abuse facility for assessment while serving the contempt sentence.

(c) If the juvenile is held in direct contempt of court and is a child in need of services, placement in a staff secure shelter or in a staff secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, placement in an appropriate mental health or substance abuse facility for assessment while serving the contempt sentence. If the juvenile is held in indirect contempt of a valid court order and is a child in need of services, placement in secure detention, or in a secure residential facility, or in nonsecure detention care.

(d) If the juvenile is held in indirect contempt of a valid court order pursuant to subsection (4) and is a dependent child, placement in a staff secure dependency shelter solely for dependent children if such placement is available, or, if such placement is not available, placement in an appropriate mental health or substance abuse facility for assessment while serving the contempt sentence.

(3) CONTEMPT OF COURT ALTERNATIVE SENTENCES CONTINUUM.—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 juvenile 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 juvenile to up to 50 community service hours of manual labor in the recommended or a similar alternative sanction, unless an alternative sanction is unavailable or there is no appropriate alternative sanction or the juvenile has failed to comply with a prior alternative sanction. Contempt sanction alternatives may include local industry involving manual labor, or any nonprofit or not-for-profit 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 juveniles on behalf of the state in exchange for the manual labor of juveniles and limited immunity in accordance with s. 768.28(10).

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

(a) If the charge is direct contempt of court, the court may impose an authorized sanction immediately. If the charge is indirect contempt of court, the court must hold a hearing within 24 hours after the contempt

charge to determine whether the juvenile committed indirect contempt of a valid court order. At the hearing, the following due process rights must be provided to the juvenile:

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.

Any parent or guardian may address the court regarding the due process rights of the juvenile.

(b) Placement in a secure facility for punishment for contempt shall be ordered only upon a finding that an alternative sanction is inappropriate or unavailable or that the juvenile was initially sentenced to an alternative sanction and did not comply with the alternative sanction sentence. The court is encouraged to utilize escalating manual labor community service hours up to the maximum where appropriate before utilizing secure placement sentences for contempt of court. Placement in a secure facility is authorized for the following periods of time:

1. For a maximum of 5 days for the first occurrence of direct contempt of court in which secure placement is ordered;
2. For a maximum of 15 days following the hearing for the first occurrence of indirect contempt of court in which secure placement is ordered;
3. For a maximum of 15 days for the second occurrence of direct contempt of court in which secure placement is ordered;
4. For a maximum of 45 days following the hearing for the second occurrence of indirect contempt of court in which secure placement is ordered; and
5. For the maximum allowable period for any third or subsequent occurrence of contempt of court in which secure placement is ordered.

(c) An order for placement in a secure facility for punishment for contempt of court must be in writing and must contain specific findings of fact to support the conclusions of law.

(d) The procedures, due process rights, and timeframes in this section must be strictly construed.

(5) ALTERNATIVE SANCTIONS COORDINATORS.—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, local school system employees and local law enforcement agencies. The alternative sanctions coordinator shall be responsible for coordinating within the circuit alternative community-based juvenile justice sanctions including nonsecure detention programs, community service projects, and other juvenile justice sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).

Section 10. Subsections (3) and (4) of section 39.021, Florida Statutes, are amended to read:

39.021 Administering the delinquency system.—

(3) The department shall develop or contract for diversified and innovative programs to provide rehabilitative treatment, including early intervention and prevention, diversion, comprehensive intake, case management, diagnostic and classification assessments, individual and family counseling, shelter care, diversified detention care emphasizing alternatives to secure detention, diversified 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. *The department shall, in accordance with s. 39.0216, cooperate with the commission to track children diverted from the judicial system and determine the effectiveness of such diversion programs relative to the community's need for long term public safety.*

(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. *However, the department may not release a child from the physical location of the facility without written approval of the court.*

Section 11. Section 39.0216, Florida Statutes, is created to read:

39.0216 Outcome evaluation monitoring.—

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

(a) Ensure that information be provided to decisionmakers so that resources are allocated to programs of the Department of Juvenile Justice office that achieve desired performance levels.

(b) Provide information about the cost of juvenile justice programs and their differential effectiveness so that the quality of such programs can be compared and improvements made continually.

(c) Provide information to aid in developing related policy issues and concerns.

(d) Provide information to the public about the effectiveness of juvenile justice programs in meeting established goals and objectives.

(e) Provide a basis for a system of accountability to afford the best programs to meet each juvenile's needs.

(f) Improve service delivery.

(g) Modify or eliminate activities that are not effective.

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

(a) "Outcome" means the condition or circumstances of the juvenile after services or treatment have been provided and the extent of change in modifying or stabilizing the original condition or need that led to program services or treatment.

(b) "Program component" means any aggregation of generally related objectives that, because of their special character, related workload, and interrelated output, would be considered an entity for purposes of organization, management, accounting, reporting, and budgeting.

(c) "Program effectiveness" means the ability of the program to achieve program outcome goals and objectives in accordance with s. 20.195(4)(f).

(3) The Commission on Juvenile Justice shall:

(a) Establish and operate a comprehensive system to annually measure and report outcome and program effectiveness for each program operated by the Department of Juvenile Justice or operated by a provider under contract with the Department of for Juvenile Justice. Each contract entered into must provide for measuring program effectiveness.

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

(c) Establish the information and specific data elements required for the management of program-outcome measures.

(d) Establish procedures for the continuous flow of program-outcome information.

(e) Develop procedures to analyze program-outcome data in relation to program process.

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

(g) 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.

(h) Establish appropriate interdistrict evaluation teams using public-sector or private-sector experts to evaluate the quality of the services delivered by each program.

(4) The Department of Juvenile Justice shall:

(a) Establish goals and objectives for each specific program component to guide the Commission on Juvenile Justice in reporting on outcome and program effectiveness.

(b) Cooperate fully with the Commission on Juvenile Justice in reporting on outcome and program effectiveness.

(c) Develop a manual of specific, standardized terminology and procedures to be followed by each program. The procedure must include standard formats for collecting data from the various program components with clearly defined documentation requirements.

(5) The Commission on Juvenile Justice shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of each house of the Legislature, the appropriate substantive and appropriations committees of each house of the Legislature, and the Governor, by no later than December 15 of each year. This report may be included in the commission's annual report prepared pursuant to s. 39.023. At a minimum this program-outcome report must contain, for each specific program: a comprehensive description of the population served by the program; a specific description of the services provided by the program; program-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 so that changes in services lead to enhancement in program quality.

Section 12. 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 natural, adoptive, or foster parents, whether custodial or noncustodial, or the child's legal guardian or legal or actual custodian*. Upon the filing of a petition in the appropriate circuit court, the court which is exercising initial jurisdiction of the person of the child *and the child's natural, adoptive, or foster parents, whether custodial or noncus-*

todial, or the child's legal guardian or legal or actual custodian 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 s. 39.058, 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 for 10-13 year old or 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 for 10-13 year old or 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 natural, adoptive, or foster parents, whether custodial or noncustodial, or the child's legal guardian or legal or actual custodian 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 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. 39.059(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 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 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. 39.059;~~

~~b. Pursuant to the provisions of chapter 958, notwithstanding any other provisions of that chapter to the contrary; or~~

~~e. As an adult, pursuant to the provisions of s. 39.059(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. 39.059.~~

~~(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. 39.059(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. 39.059 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 13. Section 39.023, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 39.023, F.S., for present text.)

39.023 Commission on Juvenile Justice.—The Commission on Juvenile Justice is hereby created.

(1) Membership.—The commission shall consist of the following members:

(a) Two members appointed by the Governor, one of whom shall be selected from a list of three names submitted by the Clearinghouse on Human Services and shall be selected to represent the interests of juveniles.

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

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

(d) One member appointed by the Chief Justice of the Supreme Court.

(e) One member appointed by the Attorney General.

(f) One member appointed by the president of the Florida Prosecuting Attorneys Association.

(g) One member appointed by the president of the Florida Public Defenders Association.

(h) One member appointed by the Commissioner of Education.

(i) One member appointed by the president of the Florida Sheriffs Association.

(j) After October 1, 1995, one member appointed by the Secretary of Juvenile Justice, who may not be an employee of the Department of Juvenile Justice or the Department of Health and Rehabilitative Services.

(2) Membership qualifications; officers.—

(a) Members of the commission shall be qualified to consider and act upon juvenile justice issues, shall have direct experience and strong interest in juvenile justice, shall be knowledgeable in current juvenile justice policies and practices, and shall broadly represent juvenile justice and child advocacy interests.

(b) The composition of the commission 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.

(c) The commission shall select a chair and a vice chair from its voting members. The chair and vice chair shall serve for 2 years, and no such officer shall succeed himself or herself in such capacity.

(3) Terms; suspension or removal.—Members shall serve 4-year terms. However, those members appointed by the presidents of the Florida Prosecuting Attorneys Association and the Florida Public Defenders Association, as well as the members appointed by the Department of Juvenile Justice, the Commissioner of Education, and the Attorney General, and whose terms begin October 1, 1994, shall serve a 2-year term. 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 unexpired term. A member shall not serve for more than two consecutive 4-year terms; however, a member appointed to fill a vacancy is eligible for two full, successive terms after expiration of the term of the vacancy for which he or she was appointed. Members may be suspended or removed by their respective appointing officials upon recommendation or approval of a majority of the commission members.

(4) Meetings.—The commission shall meet at least six times annually, and more often when deemed appropriate by a majority of the commission members or on call of the chair.

(5) Expenses; staff; placement of commission.—

(a) The commission members shall serve without compensation, but shall be reimbursed for per diem and travel expenses pursuant to s. 112.061.

(b) The commission shall be staffed by a staff director and other personnel who shall be appointed by the commission and who shall be exempt from the provisions of part II of chapter 110, relating to the Career Service System. The staff director of the commission shall answer directly to the chair of the commission.

(c) The commission is assigned, for administrative purposes, to the Joint Legislative Management Committee and is subject to the established policies and procedures of the Joint Legislative Management Committee. The Joint Legislative Management Committee and each state agency shall provide assistance when requested by the commission. The employment of staff and consultants, the budget of the commission, and any transfer of funds by budget amendment must be approved in advance by the President of the Senate and the Speaker of the House of Representatives.

(6) Powers and duties.—The commission shall serve both as an oversight and evaluation body. The commission shall have the powers and duties to:

(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.

(d) Establish and operate a comprehensive system in accordance with s. 39.0216 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 commission shall use its evaluation of program outcome and program effectiveness to make recommendations to the Legislature for the funding of juvenile justice programs.

(e) Advise the President of the Senate, the Speaker of the House of Representatives, and the Governor on matters relating to parts II and IV. The commission 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 commission for the preceding year, and any recommendations of the commission for the following year.

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

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

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

(i) Conduct such other activities as the commission may determine are necessary and appropriate to monitor the effectiveness of the delivery of juvenile justice programs and services under parts II and IV.

(7) Access to records.—The commission shall have access to all records, files, and reports from any program, service, or facility that is operated, funded, licensed, or regulated by the Department of Juvenile Justice that are material to its monitoring duties and which are in the custody of the Department of Juvenile Justice or of any other agency or department of government. The commission's monitoring may not impede or obstruct matters under investigation by department, law enforcement, or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation which supersedes state law. Access shall not be granted to the records of a private licensed practitioner who is providing services outside agencies and facilities and whose client is competent and refuses disclosure. Notwithstanding the provisions of s. 119.14, all information obtained and copies of records received by the commission otherwise made confidential by law or relating to the identity of any person providing information to the commission about abuse or alleged violations of constitutional or human rights shall be confidential and exempt from the provisions of s. 119.07(1). Original client files, records, and reports shall not be removed from the Department of Health and Rehabilitative Services or agency facilities. Under no circumstance shall the commission have access to confidential adoption records in accordance with the provisions of ss. 39.411, 63.022, and 63.162. Any person who knowingly and willfully discloses any confidential information commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Repeal.—This section is repealed October 1, 2000, and shall be reviewed by the Legislature prior to that date.

Section 14. 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, Commission on Juvenile Justice staff, and Department of Juvenile Justice staff and 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 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 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 delinquency program staff.

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

5. One state attorney with juvenile court experience.

6. One public defender with 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 chair and other officers. The commission shall hold at least four regular meetings each year at the call of the chair 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 shall be 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) ~~(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 ~~Department of Juvenile Justice delinquency program staff~~; ~~establish~~ timeframes for participation in and completion of training by ~~Department of 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 necessarily 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~~ shall be required to participate in and successfully complete the program of training pertinent to their areas of responsibility. Judges, state attorneys, and public defenders, law enforcement officers, school district personnel, and the staff of the Commission on Juvenile Justice may participate in such training program. The Juvenile Justice Standards and Training 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; and a system of juvenile justice training academies; the participation of ~~Department of Juvenile Justice delinquency program staff and the Commission on Juvenile Justice staff~~ in the academies, the staff for the Juvenile Justice Standards and Training Commission Council, and reimbursement for expenses as provided in s. 112.061 for members of the 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 according to the recommendation of the ~~commission council~~ as approved by the ~~Department Secretary of Juvenile Justice Health and Rehabilitative Services.~~

(6) SCHOLARSHIPS AND INCENTIVES.—

(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 or her 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 rule at its first meeting after the effective date of this act and implement the program on or after July 1, 1995.

(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 15. 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 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) Failure of the juvenile to report timely for or to complete a work assignment or to 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 16. Section 39.026, Florida Statutes, is amended, and sections 39.027, 39.028, 39.029, 39.033, 39.034, 39.035, and 39.036, Florida Statutes, are renumbered as subsections (2), (3), (4), (5), (6), (7), and (8), respectively, of section 39.026, Florida Statutes, and amended, to read:

39.026 Community arbitration; ~~purpose.~~—

(1) **PURPOSE.**—The purpose of community arbitration is to provide a system by which children who commit delinquent acts may be dealt with in a speedy and informal manner at the community or neighborhood level, in an attempt to reduce the ever-increasing instances of delinquent acts and permit the judicial system to deal effectively with cases which are more serious in nature.

(2) ~~39.027~~ **Community arbitration PROGRAMS.**—

(a)(1) Each county may establish community arbitration programs designed to complement the department's intake process provided in this chapter. Community arbitration programs shall provide one or more com-

munity arbitrators or community arbitration panels to hear informally cases which involve alleged commissions of certain delinquent acts by children.

(b)(2) Cases which may be referred to a community arbitrator or community arbitration panel are limited to those which involve violations of local ordinances, those which involve misdemeanors, and those which involve third degree felonies, exclusive of third degree felonies involving personal violence, grand theft auto, or the use of a weapon.

(c)(3) A child who has been the subject of at least one prior adjudication or adjudication withheld for any first or second degree felony offense, any third degree felony offense involving personal violence, grand theft auto, or the use of a weapon, or any other offense not eligible for arbitration, shall not be eligible for resolution of any current offense through community arbitration.

(d)(4) Cases resolved through community arbitration shall be limited pursuant to this subsection.

1.(a) For each child referred to community arbitration, the primary offense shall be assigned a point value.

a.1. Misdemeanor offenses shall be assigned two points for a misdemeanor of the second degree, four points for a nonviolent misdemeanor of the first degree, and six points for a misdemeanor of the first degree involving violence.

b.2. Eligible third degree felony offenses shall be assigned eight points.

2.(b) There is not a restriction on the limit of separate incidents for which a law enforcement officer may refer a child to community arbitration, but a child who has accrued a point value of twelve or more points through community arbitration prior to the current offense shall no longer be eligible for community arbitration.

3.(e) The point values provided in this subsection shall also be assigned to a child's prior adjudications or adjudications withheld on eligible offenses for cases not referred to community arbitration.

(3) ~~39.028~~ **COMMUNITY ARBITRATORS.**—The chief judge of each judicial circuit shall maintain a list of qualified persons who have agreed to serve as community arbitrators for the purpose of carrying out the provisions of this part. Community arbitrators shall meet the qualification and training requirements adopted in rule by the Supreme Court. Whenever possible, qualified volunteers shall be used as community arbitrators.

(a)(1) Each community arbitrator or member of a community arbitration panel shall be selected by the chief judge of the circuit, the senior circuit court judge assigned to juvenile cases in the circuit, and the state attorney. A community arbitrator or, in the case of a panel, the chief arbitrator shall have such powers as are necessary to conduct the proceedings in a fair and expeditious manner.

(b)(2) A community arbitrator or member of a community arbitration panel shall be trained or experienced in juvenile causes and shall be:

1.(a) Either a graduate of an accredited law school or of an accredited school with a degree in behavioral social work or trained in conflict resolution techniques; and

2.(b) A person of the temperament necessary to deal properly with cases involving children and with the family crises likely to be presented to him.

(4) ~~39.029~~ **PROCEDURE FOR INITIATING CASES FOR COMMUNITY ARBITRATION.**—

(a)(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 and operate as a waiver of the speedy trial provisions of 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.

(b)(2) The intake counselor shall verify accurate identification of the child and determine whether or not the child has any prior adjudications or adjudications withheld for an offense eligible for community arbitration for consideration in the point value structure. If the child has at least one prior adjudication or adjudication withheld for an offense which is not eligible for community arbitration, or if the child has already surpassed the accepted level of points on prior community arbitration resolutions, the intake counselor or case manager shall consult with the state attorney regarding the filing of formal juvenile proceedings.

(c)(3) If the child or his parent or legal custodian or guardian rejects the handling of the complaint through community arbitration, the intake counselor shall consult with the state attorney for the filing of formal juvenile proceedings.

(d)(4) If the child or his parent or legal custodian or guardian accepts the handling of the complaint through community arbitration, the intake counselor shall provide copies of the complaint to the arbitrator or panel within 24 hours.

(e)(5) The community arbitrator or community arbitration panel shall, upon receipt of the complaint, set a time and date for a hearing within 7 days and shall inform the child's parent or legal custodian or guardian, the complaining witness, and any victims of the time, date, and place of the hearing.

~~(5)39.033—Community arbitration~~ HEARINGS.—

(a)(1) The law enforcement officer who issued the complaint need not appear at the scheduled hearing. However, prior to the hearing, he shall file with the community arbitrator or the community arbitration panel a comprehensive report setting forth the facts and circumstances surrounding the allegation.

(b)(2) Records and reports submitted by interested agencies and parties, including, but not limited to, complaining witnesses and victims, may be received in evidence before the community arbitrator or the community arbitration panel without the necessity of formal proof.

(c)(3) The testimony of the complaining witness and any alleged victim may be received when available.

(d)(4) Any statement or admission made by the child appearing before the community arbitrator or the community arbitration panel relating to the offense for which he was cited is privileged and may not be used as evidence against him either in a subsequent juvenile proceeding or in any subsequent civil or criminal action.

(e)(5) If a child fails to appear on the original hearing date, the matter shall be referred back to the intake counselor who shall consult with the state attorney regarding the filing of formal juvenile proceedings.

~~(6)39.034—Community arbitration~~ DISPOSITION OF CASES.—

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

1.(a) ~~Recommend that the state attorney decline prosecution~~ Dismiss the case.

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

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

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

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

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

7.(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.

8.(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.

9.(i) Continue the case for further investigation.

10.(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.

11. *Require urine monitoring.*

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.

(b)(2) Any person or agency to whom a child is referred pursuant to this section shall periodically report the progress of the child to the referring community arbitrator or community arbitration panel in the manner prescribed by such arbitrator or panel.

(c)(3) Any child who is referred by the community arbitrator or community arbitration panel to a work program related to delinquent children or to a nonprofit organization for volunteer work in the community, and who is also ordered to pay restitution to the victim, may be paid a reasonable hourly wage for his work, to the extent that funds are specifically appropriated or authorized for this purpose; provided, however, that such payments shall not, in total, exceed the amount of restitution ordered and that such payments shall be turned over by the child to the victim.

(d)(4) If a child consents to an informal resolution and, in the presence of his parent or legal custodian or guardian and the community arbitrator or community arbitration panel, agrees to comply with any disposition suggested or ordered by such arbitrator or panel and subsequently fails to abide by the terms of such agreement, the community arbitrator or community arbitration panel may, after a careful review of the circumstances, forward the case back to the intake counselor, who shall consult with the state attorney regarding the filing of formal juvenile proceedings.

~~(7)39.035—Community arbitration~~ REVIEW.—Any child or his parent or legal custodian or guardian who is dissatisfied with the disposition provided by the community arbitrator or the community arbitration panel may request a review of the disposition to the appropriate intake counselor within 15 days after the community arbitration hearing. Upon receipt of the request for review, the intake counselor shall consult with the state attorney who shall consider the request for review and may file formal juvenile proceedings or take such other action as may be warranted.

~~(8)39.036—Community arbitration~~ FUNDING.—Funding for the provisions of community arbitration may be provided through appropriations from the state or from local governments, through federal or other public or private grants, through any appropriations as authorized by the county participating in the community arbitration program, and through donations.

Section 17. Paragraph (b) of 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:

(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 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.~~

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 18. Paragraph (a) of subsection (2) of section 39.038, Florida Statutes, is amended, and a new paragraph (f) is added to said subsection, 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. 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 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.

(5) Upon taking a child into custody, a law enforcement officer may deliver the child, for temporary custody not to exceed 6 hours, to a secure booking area of a jail or other facility intended or used for the detention of adults, for the purpose of fingerprinting or photographing the child or awaiting appropriate transport to the department or as provided in subsection (4), provided no regular sight and sound contact between the child and adult inmates or trustees is permitted and the receiving facility has adequate staff to supervise and monitor the child's activities at all times.

Section 19. 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)(e) 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 or in need of services ~~may~~ shall not, under any circumstances, be placed into secure detention care solely for these reasons.

Section 20. Paragraph (b) of subsection (1) and subsections (2), (4), (5), (6), and (11) of section 39.044, Florida Statutes, are 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, nonsecure, 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 detain the child on an assessment of risk in accordance with the risk assessment instrument and procedures developed by the department pursuant to s. 39.042(3). *However, the intake counselor or case manager shall detain a child who is charged with a violation of s. 790.22(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 from lawful transportation thereto or therefrom*, or the child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony;

(b) The child 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;

(c) 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*

(d) *The child is charged with a violation of s. 790.22(3); or*

(e)(d) ~~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. 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.

(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 *under pursuant to* this chapter, except that the court shall not order or allow a child alleged to have committed a misdemeanor who is being transferred for criminal prosecution *under 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, *the 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 *must shall* be housed separately from adult inmates to prohibit *the* a child from having regular contact with incarcerated adults, including trustees. "Regular contact" means sight and sound contact. Separation of children from adults *may not shall* permit *no* more than haphazard or accidental contact. The receiving jail or other facility *must 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 *must 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 *prohibits shall prohibit* the placing of two or more children in the same cell. *Under no circumstances shall* A child *may not* 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; *however, upon the 21st day that a child has been held, if an adjudicatory hearing for the case has not been commenced by the court, the state attorney may request a 15-day detention extension for cause and the court must have a hearing on such request for extension. The total time may not exceed 36 days on an extended preadjudicatory detention.*

(c) A *No* child *may not shall* be held in secure, nonsecure, or home detention care for more than 15 days *after 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 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 *an order of disposition requiring residential placement or commitment pursuant to subsection (11) or 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 *the child's 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, *whether custodial or noncustodial, or the legal guardian or legal or actual custodian and may order the foster parents of the 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 *the 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 or institution having custody of the child fees as established by the department. *When a juvenile has been found to have committed a delinquent act or crime whether or not formal adjudication is withheld, and when the juvenile's legal or actual custodian, parent, foster parent, or legal or actual guardian receives AFDC or other public assistance to provide for any portion of that juvenile's care, the court may, in its discretion, where there is no federal prohibition to the contrary, garnish or otherwise order the payments of such public assistance or a portion thereof to be made directly, to offset the costs, to anyone providing care, custody, maintenance, rehabilitation, intervention, or corrective services to the juvenile.* 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.

(11)(a) When a child is committed to the department 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 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 or transfer to nonsecure or home detention care shall not exceed 15 days after commitment, excluding Saturdays, Sundays, and legal holidays. *If an order of disposition has been entered and the order requires residential placement or commitment of the child in a high or maximum risk facility, the child must be held in detention care until the placement or commitment can be accomplished. If an order of disposition has been entered and the order requires residential placement or commitment of the child in a moderate risk facility, the child must be electronically monitored by the department until placement or commitment can be accomplished.*

(b) *Effective July 1, 1995, when an order of disposition has been entered and the order requires residential placement or commitment of the child, the child must be held in detention care until the placement or commitment can be accomplished.*

Section 21. For the purpose of incorporating the amendment to s. 39.044, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted 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.

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 22. Subsections (2), (4), (5), (7), (8), (9), and (10) of section 39.045, Florida Statutes, are amended, and subsection (11) is added to said section, to read:

39.045 Oaths; records; confidential information.—

(2) The court shall make and keep records of all cases brought before it pursuant to this chapter. The court shall preserve the records pertain-

ing to a child charged with committing a delinquent act or violation of law until the child reaches 25 19 years of age or reaches 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 chapter and any other pleadings, certificates, proofs of publication, summonses, warrants, and writs which may be filed therein.

(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 *with respect to a child in the juvenile justice system by this 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 *the* a child and the parents, guardians, or legal or actual custodians of the child and their attorneys, law enforcement agencies, the department 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), and (9), records regarding children shall not be open to the public, and* all information obtained under this chapter in the discharge of official duty by any judge, any employee of the court, any authorized agent of the department, the Parole Commission, the Commission on Juvenile Justice, the Department of Corrections, ~~the juvenile delinquency and gang prevention councils,~~ any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the department and its designees, the Department of Corrections, the Parole Commission, the Commission on Juvenile Justice, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this chapter to receive that information, or upon order of the court. *The deputy secretary or 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 authorized agent deems proper, provided adequate assurances are given that children's names and other identifying information will not be disclosed by the applicant.*

(7) No court record of proceedings under this chapter is admissible in evidence in any other civil or criminal proceeding, except that:

(a) Orders and records relating to transferring a child prosecuted 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 chapter forming a part of the record on appeal may shall be used in the appellate court as 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 the such records are necessary to prove the charge.

(e) Records of proceedings under this part may be used to prove disqualification under 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 under pursuant to ss. 415.103 and 415.504.

(8)(a) ~~Records regarding children shall not be open to inspection by the public. Such records may be inspected only upon order of the secre-~~

~~tary of 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 who have a need therefor in order to perform their official duty; to other persons as authorized by rule of the department; and, upon request, to the Commission on Juvenile Justice 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 pursuant to a court order, which records are retained until a child reaches the age of 25 19 years may then be destroyed or until a serious or habitual delinquent child reaches the age of 21 years, shall be subject to the provisions of chapter 257.~~

(9) ~~Any other provisions of this chapter to the contrary notwithstanding,~~ A law enforcement agency shall make available to the public may release for publication the name and address of:

(a) A child taken into custody if the child is 14 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 a misdemeanor involving violence, or

(b) The name and address of a any child 14 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

(c) The name and address of a any child who has been adjudicated delinquent or had adjudication withheld for guilty of a capital felony, life felony, or first degree felony, or a second degree felony involving violence against a person.

In each such case, the law enforcement agency shall also make available for release for publication the child's photograph and the names and addresses of the child's natural, adoptive, or foster parents or legal guardians, whether custodial or noncustodial. If the child, at the time of commission of the offense, was in the custody of an agency or organization, that information must also be released for publication.

(10) This 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 23. For the purpose of incorporating the amendment to s. 39.045, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

39.039 Fingerprinting and photographing.—

(3) All law enforcement agencies and the Department of Law Enforcement shall use these fingerprint and photograph records only for identification purposes. If an identification is made, the Department of Law Enforcement shall advise the forwarding law enforcement agency of this fact and of the name and last known address of the child. Fingerprint and photograph records received pursuant to this section by the Department of Law Enforcement shall be retained and purged in the same manner as other information under s. 39.045(2). Records relating to children shall not be commingled with records of adult offenders.

39.058 Serious or habitual juvenile offender.—

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

(1) Assessment and treatment records are confidential as described in this paragraph and 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.

1. The department shall have full access to the assessment and treatment records to ensure coordination of services to the child.

2. The principles of confidentiality of records as provided in s. 39.045 shall apply to the assessment and treatment records of serious or habitual juvenile offenders.

39.0582 Intensive residential treatment program for 10-13 year old offenders.—

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

(1) Assessment and treatment records are confidential as described in this paragraph and 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.

1. The department shall have full access to the assessment and treatment records to ensure coordination of services to the child.

2. The principles of confidentiality of records as provided in s. 39.045 shall apply to the assessment and treatment records of children who are eligible for an intensive residential treatment program for 10-13 year old offenders.

Section 24. Paragraph (b) of subsection (1) and subsection (4) of section 39.047, Florida Statutes, are amended, and subsection (5) is added to said section, to read:

39.047 Intake and case management.—

(1)

(b) The 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 any service needs evidenced by the parents, custodians, or guardians to enhance their ability to provide adequate support, guidance, and supervision.* 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, *legal guardians,* or legal or actual custodians. 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. 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;~~

5.6. Refer the case to a grand jury;

6.7. 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

7.8. 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 himself or herself, 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 nonviolence to accept counseling, or to receive other assistance from any agency in the community which notifies the clerks of the circuit or county courts 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 his or her determination as to 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 25. Section 39.0471, Florida Statutes, is created to read:

39.0471 Juvenile justice assessment centers.—The department shall work cooperatively with substance abuse, mental health, law enforcement, schools, health services, and other entities involved with youth to establish a juvenile justice assessment center in each district. The assessment center shall serve as central intake and screening for youths referred to the department. Each juvenile justice assessment center shall

provide such services as are needed to facilitate initial screening of youth 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 26. 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 the education, and treatment, and 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 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, and the department or its contract providers.

Section 27. 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 natural parents or legal guardian of a child adjudicated a dependent, a child in need of services, or a delinquent 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 clerks of the circuit or county courts of the availability of its services. Where appropriate, the court shall order both parents or guardians to receive such parental assistance.

Section 28. Subsections (4), (5), (6), and (7) of section 39.049, Florida Statutes, are amended to read:

39.049 Process and service.—

(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 child's natural, adoptive, or foster parents, whether custodial or noncustodial.; 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 under 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 any of the child's natural, adoptive, or foster parents, legal or actual custodians, or legal guardians of the child is unknown after a diligent search and inquiry, or if any of the child's natural, adoptive, or foster parents, legal or actual custodians, or legal 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 any of the child's natural, adoptive, or foster parents, whether custodial or noncustodial, legal guardians, or legal or actual custodians evade service or ignore a summons, the court may order such person to be taken into custody immediately to show cause why the person should not be held in contempt.

(7) The jurisdiction of the court shall attach to the child, *the child's natural, adoptive, or foster parents, whether custodial or noncustodial, or the child's legal guardians or legal or actual custodians*, and the case when the summons is served upon the child and *such person 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, *the child's natural, adoptive, or foster parents, whether custodial or noncustodial, or the child's legal guardians or legal or actual custodians*, and the case in accordance with this chapter.

Section 29. Section 39.0495, Florida Statutes, is created to read:

39.0495 Parental attendance at court proceedings; contempt sanctions against employers.—

(1) A parent, custodian, or guardian who is summoned or otherwise obligated to appear for a hearing before the court under any proceeding arising under part II or part IV regarding a child's alleged delinquent act or violation of law may not be dismissed from employment, threatened with dismissal, or otherwise harassed by an employer or employer's agent because the parent, custodian, or guardian attended the hearing or other proceeding as required by law.

(2) Dismissal from employment, threat of dismissal, or other harassment of a parent, custodian, or guardian in violation of subsection (1) may be deemed a civil contempt of the court in which the case is pending, subjecting the violator to appropriate sanctions by the court.

Section 30. Subsections (1) and (2), and paragraphs (c) and (i) of subsection (3) 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 ~~this 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)1. 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, 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 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)(c)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 natural, adoptive, or foster his* parents, *whether custodial or noncustodial, or the child's legal guardians or legal or actual custodians* 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.

(3) DISPOSITION HEARING FOR DELINQUENCY CASES.— When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(c) Before the court determines and announces the disposition to be imposed, it shall:

1. State clearly, using common terminology, the purpose of the hearing and the right of persons present as parties to comment at the appropriate time on the issues before the court;

2. Discuss with the child *the child's* his compliance with any home release plan or other plan imposed since the date of the offense;

3. Discuss with the child *the child's* his feelings about the offense he has committed, the harm caused to the victim or others, and what penalty he should be required to pay for *the such* transgression; and

4. Give all parties present at the hearing an opportunity to comment on the issue of disposition and any proposed rehabilitative plan. Parties to the case shall include the *child's natural, adoptive, or foster* parents, *whether custodial or noncustodial, or the child's legal or actual* custodians, or *legal* guardians of the child; the child's counsel; the state attorney; representatives of the department; the victim if any, or *the victim's* his representative; representatives of the school system; and the law enforcement officers involved in the case.

(i) The court shall notify any victim of the offense, if *the victim such* person is known and within the jurisdiction of the court, of the hearing and shall notify and summon or subpoena, if necessary, the *child's natural, adoptive, or foster* parents, *whether custodial or noncustodial, or the child's legal or actual* custodians, or *legal* guardians of the child to attend the disposition hearing if they reside in the state.

Section 31. Subsections (2) and (4) of section 39.053, Florida Statutes, are 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.

(4) Except as the term "conviction" is used in chapter 322, and except for use in a subsequent proceeding under this chapter, an adjudication of delinquency by a court with respect to any child who has committed a delinquent act or violation of law shall not be deemed a conviction; nor shall the child be deemed to have been found guilty or to be a criminal by reason of that adjudication; nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or to disqualify or prejudice the child in any civil service application or appointment, with the exception of the use of records of proceedings under this part as provided in s. 39.045(7)(e). *The term "conviction," with respect to traffic violations in any proceeding before a court with jurisdiction over traffic violations, shall not be deemed a conviction as to those defined as minors under s. 316.635, for purposes of s. 39.0587.*

Section 32. Subsections (1), (2), (3), (4), and (5) of section 39.054, Florida Statutes, are amended, and new subsections (10) and (11) are added to said section, to read:

39.054 Powers of disposition.—

(1) *The court with 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 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 *another 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 a ~~any other~~ person or an 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 ~~must 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 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 shall not exceed an amount the child and *the child's natural, adoptive, or foster* his parents, *whether custodial or noncustodial, or legal guardians or legal or actual* custodians could reasonably be expected to pay or make. A child who participates in any work program under ~~the provisions of~~ this 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 *violating that he has violated* the conditions of *the his* program, the court shall give *the child him* an opportunity to be heard in person or through counsel, or both. Upon *the child's his* admission or after *the 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 *the child's his* 19th birthday unless *the child 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. 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 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 natural, adoptive, or foster* parents, *whether custodial or noncustodial, or legal guardians or legal or actual* custodians, 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, 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 and, if the court finds it appropriate, the child's natural, adoptive, or foster parents, whether custodial or noncustodial, or legal guardians or legal or actual custodians, together with the child, ~~or parent~~ to make restitution in money 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, including, but not limited to, a promissory note. The clerk of the circuit court shall be the receiving and dispensing agent. In such case, the court shall order ~~payment the child or parent to pay~~ to the office of the clerk of the circuit court in 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 child's natural, adoptive, or foster parent, whether custodial or noncustodial, or a child's legal guardian or legal or actual custodian under this paragraph may ~~shall~~ not exceed \$2,500 for any one criminal episode. A finding by the court, after a hearing, that the child's natural, adoptive, or foster parent, whether custodial or noncustodial, or a child's legal guardian or legal or actual custodian has made diligent good faith efforts to prevent the child from engaging in delinquent acts absolves such person ~~shall absolve the parent~~ of liability for restitution under this paragraph.

(g) Order the child and, if the court finds it appropriate, the child's natural, adoptive, or foster parents, whether custodial or noncustodial, or legal guardians or legal or actual custodians 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 a ~~the~~ child who meets the criteria to the department for placement in a serious or habitual delinquent children program or facility in accordance with s. 39.0582 or s. 39.058. Any commitment of a child to such a program or facility for serious or habitual delinquent children shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment which an adult may serve for the same offense. The court may retain jurisdiction over ~~the such~~ child until the child reaches the age of 19 ~~21~~, specifically for the purpose of the child completing the program.

(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, the court shall order the natural, ~~or~~ adoptive, or foster parents of the ~~such~~ child, whether custodial or noncustodial, or the legal guardians or legal or actual custodians ~~the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of the 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 licensed child-caring agency or the department. When the order affects the guardianship estate, a certified copy of the order must shall be delivered to the judge who has having jurisdiction of the guardianship estate.~~

(3) Any order made ~~under pursuant to~~ subsection (1) may thereafter be modified or set aside by the court.

(4) Any commitment of a delinquent child to the department shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment which an adult may serve for the same offense. 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 ~~under pursuant to~~ this section after becoming 19 years of age. ~~The department shall give the court which committed the child to the department reasonable notice, in writing, of its desire to discharge the child from a commitment to the department. The court 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.~~

(5) In carrying out ~~the provisions of~~ this chapter, the court may order the natural, adoptive, or foster parents, whether custodial or noncustodial, or the legal or actual custodian or legal guardian of a child who is found to have committed a delinquent act to participate in family counseling, parenting classes, or ~~and~~ other professional counseling activities ~~deemed~~ necessary for the rehabilitation of the child or the enhance-

ment of the custodian's or guardian's ability to provide the child with adequate support, guidance, and supervision. The court may also order the parents, custodian, or guardian to support and participate in the child's fulfillment of court-imposed sanctions. Further, the court may use its contempt powers to enforce such orders.

(10) Before the department effects any significant change in a child's status with respect to a commitment program, the deputy secretary shall give the court which committed the child to the department reasonable notice, in the form of a written motion for review, of the desire to modify the child's program status. The court which committed the child may thereafter approve or disapprove the request to change the child's program status. If the court does not grant the motion, the request shall be deemed denied.

(11) Before any juvenile offender is released from departmental supervision or commitment, the Deputy Secretary for Juvenile Justice shall provide the court having jurisdiction over the child and the state attorney with reasonable notice, in the form of a written motion for review, of the child's pending change in status. The judge must approve the release before a child may be put on release status, and the child must complete an exit interview with the judge before going on release status.

Section 33. 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 all youths returning to their communities from residential commitment programs, especially those youths returning from level VI, level VIII or level X programs. Accordingly, the Legislature further intends that reentry and aftercare services be included in the continuum of care for each residential program.

Section 34. Section 39.0645, Florida Statutes, is created to read:

39.0645 Notice to court of absconders and escapees.—The Deputy Secretary for Juvenile Justice shall give notice to the court, in the form of a motion for emergency review or as otherwise provided by law, when the department has reasonable grounds to believe that a child under the jurisdiction of the court:

(1) Has escaped or absconded from a facility or program, either pending adjudication, disposition, or placement, or after the child has been detained or placed in the facility or program. As used here, the term "facility or program" includes, but is not limited to, a secure or nonsecure detention facility maintained for the temporary care of children; a low, moderate, or high risk residential correctional facility; a treatment facility; a commitment program, community control program, or furlough program; or a home supervision program or aftercare supervision program.

(2) Is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony.

The Deputy Secretary for Juvenile Justice shall inform the court as soon as possible of the child's circumstances as described in subsection (1) or subsection (2), regardless of whether the child has been detained pursuant to s. 39.044(2)(a).

Section 35. Section 39.057, Florida Statutes, is amended to read:

39.057 Boot camp for juvenile offenders ~~children~~.—

(1) Contingent upon specific appropriation, the Deputy Secretary for Juvenile Justice ~~department~~ shall implement and operate a boot camp program to provide an intensive educational and physical training and rehabilitative program for appropriate ~~juvenile offenders children~~.

(2) Contingent upon local funding, a county or municipal government may implement and operate a boot camp program to provide an intensive educational and physical training and rehabilitative program for appropriate ~~juvenile offenders children~~.

(3)(a) A juvenile offender ~~child~~ may be placed in a level VI or higher boot camp program if he or she 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:

1.(a) A capital, life, first degree, or second degree felony; or

2.(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).

(b) A juvenile offender may be placed in a level II or level IV boot camp program if he or she 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 felony or violent misdemeanor offense.

(4) The Deputy Secretary for Juvenile Justice ~~department~~, county, or municipality operating the boot camp program shall screen juvenile offenders ~~children~~ sent to the boot camp program, so that only those juvenile offenders ~~children~~ who have medical and psychological profiles conducive to successfully completing an intensive work, educational, and disciplinary program may be admitted to the program. The Deputy Secretary for Juvenile Justice ~~department~~ shall adopt rules for use by the Deputy Secretary for Juvenile Justice ~~department~~, county, or municipality operating the boot camp program for screening such admissions.

(5) The program shall include educational assignments, work assignments, and physical training exercises. Juvenile offenders ~~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 juvenile offender with ethical and socially responsible thinking, beliefs, and values.

(6)(a) Based on the restrictiveness level of the juvenile offender, boot camp programs operated by the Deputy Secretary for Juvenile Justice ~~department~~, county, or municipality must, at minimum, be of the following duration:

1. Level II (minimum risk nonresidential) — 30 days.
2. Level IV (low risk residential) — 60 days.
3. Level VI (moderate risk residential) — 4 months.
4. Level VIII (high risk residential) — 6 months.
5. Level X (maximum risk residential) — 8 months.

(b) Boot camp programs operated by the Deputy Secretary for Juvenile Justice, county, or municipality must have an aftercare and reentry component which monitors and assists the release of boot camp participants into the community. The aftercare and reentry component shall be a program of not less than equal duration to the juvenile offender's boot camp participation. ~~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 Deputy Secretary for Juvenile Justice ~~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 60 days ~~6 months~~ of participation in both the boot camp program and the aftercare and reentry component ~~the program and aftercare~~ for successful completion and which also provide disciplinary sanctions and restrictions on the privileges of the general population of juvenile offenders ~~children~~ in the program.

(8) The Deputy Secretary for Juvenile Justice ~~department~~ is 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 Deputy Secretary for Juvenile Justice ~~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 which fails to pass the department's quarterly inspection and evaluation, if the deficiency causing the failure is material, must be terminated if such deficiency is not corrected by the next quarterly inspection, and the Deputy Secretary for Juvenile Justice, with the advice and consent of the district juvenile justice board, shall select a new agent or provider within the district to operate the boot camp program.

(9) The department shall keep records and monitor criminal activity, educational progress, and employment placement of all juvenile offenders who participate in a boot camp program ~~participants in department, county, and municipal boot camp programs~~ after their release from the program. The Commission on Juvenile Justice or the Governor's Inspec-

tor General ~~department~~ must publish an outcome evaluation study of each boot camp program within 18 months after the program becomes operational, which includes a comparison of criminal activity, educational progress, and employment placements of juvenile offenders ~~children~~ completing the program with the criminal activity, educational progress, and employment records of juvenile offenders ~~children~~ completing other types of programs.

(10) A juvenile offender ~~child~~ in any boot camp program who becomes unmanageable or medically or psychologically ineligible must be removed from the program.

(11)(a) The department may contract with private organizations for the operation of its boot camp program and aftercare and reentry component.

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

(12)(a) The 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 juvenile offenders ~~children~~ who have been placed in such a stringent program.

(b) Administrative staff must successfully complete not less than 120 contact-hours of training. Staff who have direct contact with children must successfully complete not less than 200 contact-hours of 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 Juvenile Justice Standards and Training Commission 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 successful completion of the training requirements specified in paragraph (b), unless under the direct supervision of a certified drill instructor or camp commander.

(13)(a) The department may institute injunctive proceedings in a court of competent jurisdiction against a county or a municipality to:

1. Enforce the provisions of this chapter or a minimum standard, rule, regulation, or order issued or entered pursuant thereto; or
2. Terminate the operation of a facility operated pursuant to this section.

(b) The department may institute proceedings against a county or a municipality to terminate the operation of a facility when any of the following conditions exist:

1. The facility fails to take preventive or corrective measures in accordance with any order of the department.
2. The facility fails to abide by any final order of the department once it has become effective and binding.
3. The facility commits any violation of this section constituting an emergency requiring immediate action as provided in this chapter.
4. The facility has willfully and knowingly refused to comply with the screening requirement for personnel pursuant to s. 39.001 or has refused to dismiss personnel found to be in noncompliance with the requirements for good moral character.

(c) Injunctive relief may include temporary and permanent injunctions.

Section 36. Section 39.058, Florida Statutes, is amended to read:

39.058 Serious or habitual juvenile offender program.—

(1) ASSESSMENT AND TREATMENT SERVICES.—Pursuant to the provisions of this chapter and the establishment of appropriate program guidelines and standards, contractual instruments, which shall include safeguards of all constitutional rights, shall be developed as follows:

(a) The department shall provide for:

1. The oversight of implementation of assessment and treatment approaches.

2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to serious or habitual delinquent children.

3. The monitoring and evaluation of assessment and treatment services for compliance with the provisions of this chapter and all applicable rules and guidelines pursuant thereto.

4. The development of an annual report on the performance of assessment and treatment to be presented to the Governor, the Attorney General, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General no later than January 1 of each year.

(b) Assessment shall generally comprise the first 30 days of treatment and be provided by the same provider as treatment, but assessment and treatment services may be provided by separate providers, where warranted. Providers shall be selected who have the capacity to assess and treat the unique problems presented by children with different racial and ethnic backgrounds. The department shall retain contractual authority to reject any assessment or treatment provider for lack of qualification.

(2) SERIOUS OR HABITUAL JUVENILE OFFENDER PROGRAM.—

(a) There is created the serious or habitual juvenile offender program. The program shall combine 9 to 12 months of intensive secure residential treatment followed by a minimum of 9 months of aftercare. The components of the program shall include, but not be limited to:

1. Diagnostic evaluation services.
2. Appropriate treatment modalities, including substance abuse intervention, mental health services, and sexual behavior dysfunction interventions and gang-related behavior interventions.
3. Prevocational and vocational services.
4. Job training, job placement, and employability skills training.
5. Case management services.
6. Educational services, including special education and pre-GED literacy.
7. Self-sufficiency planning.
8. Independent living skills.
9. Parenting skills.
10. Recreational and leisure time activities.
11. Community involvement opportunities commencing, where appropriate, with the direct and timely payment of restitution to the victim.
12. Intensive aftercare.
13. Graduated reentry into the community.
14. A diversity of forms of individual and family treatment appropriate to and consistent with the child's needs.
15. Consistent and clear consequences for misconduct.

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

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

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

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

(a) Assessment and treatment shall be conducted by treatment professionals with expertise in specific treatment procedures, which professionals shall exercise all professional judgment independently of the department.

(b) Treatment provided to children in designated facilities shall be suited to the assessed needs of each individual child and shall be administered safely and humanely, with respect for human dignity.

(c) The department may promulgate rules for the implementation and operation of programs and facilities for *children meeting the serious or habitual juvenile offender criteria offenders*.

(d) Any provider who acts in good faith is immune from civil or criminal liability for his actions in connection with the assessment, treatment, or transportation of a *child committed to a serious or habitual juvenile offender program* under the provisions of this chapter.

(e) After a child has been adjudicated delinquent pursuant to s. 39.053(3), the court shall determine whether the child meets the criteria for a serious or habitual juvenile offender program pursuant to s. 39.01(46). If the court determines that the child does not meet such criteria, the provisions of s. 39.054 shall apply.

(f) After a child has been transferred for criminal prosecution, a circuit court judge may direct an intake counselor or case manager to consult with designated staff from an appropriate serious or habitual juvenile offender program for the purpose of making recommendations to the court regarding the child's placement in such program.

(g) Recommendations as to a child's placement in a serious or habitual juvenile offender program shall be presented to the court within 72 hours after the adjudication or conviction, and may be based on a preliminary screening of the child at appropriate sites, considering the child's location while court action is pending, which may include the nearest regional detention center or facility or jail.

(h) Based on the recommendations of the multidisciplinary assessment, the intake counselor or case manager shall make the following recommendations to the court:

1. For each child who has not been transferred for criminal prosecution, the intake counselor or case manager shall recommend whether placement in such program is appropriate and needed.

2. For each child who has been transferred for criminal prosecution, the intake counselor or case manager shall recommend whether the most appropriate placement for the child is a juvenile justice system program, including a serious or habitual juvenile offender program or facility, or placement in the adult correctional system.

If treatment provided by a serious or habitual juvenile offender program or facility is determined to be appropriate and needed and placement is available, the intake counselor or case manager and the court shall identify the appropriate serious or habitual juvenile offender program or facility best suited to the needs of the child.

(i) The treatment and placement recommendations shall be submitted to the court for further action pursuant to this paragraph:

1. If it is recommended that placement in a serious or habitual juvenile offender program or facility is inappropriate, the court shall make an alternative disposition pursuant to s. 39.057 or other alternative sentencing as applicable, utilizing the recommendation as a guide.

2. If it is recommended that placement in a serious or habitual juvenile offender program or facility is appropriate, the court may commit the child to the department for placement in the restrictiveness level designated for serious or habitual delinquent children programs.

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

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

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

3. A child shall be discharged from the program based upon a determination made by the treatment provider with the approval of the department. *The court must either approve the discharge or require alternative placement.*

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

(k) Any commitment of a child to the department for placement in a serious or habitual juvenile offender program or facility shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment which an adult may serve for the same offense. Notwithstanding the provisions of ss. 39.054(4) and 743.07, a serious or habitual juvenile offender shall not be held under commitment from a court pursuant to this section, s. 39.054, or s. 39.059 after becoming 21 years of age. This provision shall apply only for the purpose of completing the serious or habitual juvenile offender program pursuant to this chapter and shall be used solely for the purpose of treatment.

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

(a) Pursuant to the provisions of this section, the department shall implement the comprehensive assessment instrument for the treatment needs of *children committed to a serious or habitual juvenile offender program offenders* and for the assessment, which assessment shall include the criteria under s. 39.01(46) and shall also include, but not be limited to, evaluation of the child's:

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

(b) The department shall contract with multiple individuals or not-for-profit organizations to perform the assessments and treatment, and shall ensure that the staff of each provider are appropriately trained.

(c) Assessment and treatment providers shall have a written procedure developed, in consultation with licensed treatment professionals, establishing conditions under which a child's blood and urine samples will be tested for substance abuse indications. It is not unlawful for the person receiving the test results to divulge the test results to the relevant facility staff and department personnel. However, such information is exempt from the provisions of ss. 119.01 and 119.07(1).

(d) Serologic blood test and urinalysis results obtained pursuant to paragraph (c) are confidential, except that they may be shared with employees or officers of the department, the court, and any assessment or treatment provider and designated facility treating the child. No person to whom the results of a test have been disclosed under this section may disclose the test results to another person not authorized under this section.

(e) The results of any serologic blood or urine test on a *child committed to a serious or habitual juvenile offender program* shall become a part of that child's permanent medical file. Upon transfer of the child to any other designated treatment facility, such file shall be transferred in an envelope marked confidential. The results of any test designed to identify the human immunodeficiency virus, or its antigen or antibody, shall be accessible only to persons designated by rule of the department. The provisions of such rule shall be consistent with the guidelines established by the Centers for Disease Control.

(f) The exemptions in this section from public records requirements are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(g) A record of the assessment and treatment of each *child committed to a serious or habitual juvenile offender program* shall be maintained by

the provider, which shall include data pertaining to the child's treatment and such other information as may be required under rules of the department. Unless waived by express and informed consent by the child or his guardian or, if the child is deceased, by the child's personal representative or by the person who stands next in line of intestate succession, the privileged and confidential status of the clinical assessment and treatment record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency.

(h) The assessment and treatment record shall not be a public record, and no part of it shall be released, except that:

1. The record shall be released to such persons and agencies as are designated by the child or his guardian.
2. The record shall be released to persons authorized by order of court, excluding matters privileged by other provisions of law.
3. The record or any part thereof shall be disclosed to a qualified researcher, a staff member of the designated treatment facility, or an employee of the department when the administrator of the facility or the Secretary of Health and Rehabilitative Services deems it necessary for treatment of the child, maintenance of adequate records, compilation of treatment data, or evaluation of programs.

4. Information from the assessment and treatment record may be used for statistical and research purposes if the information is abstracted in such a way as to protect the identity of individuals.

(i) Notwithstanding other provisions of this section, the department may request, receive, and provide assessment and treatment information to facilitate treatment, rehabilitation, and continuity of care of any *child committed to a serious or habitual juvenile offender program* from any of the following:

1. The Social Security Administration and the United States Department of Veterans Affairs.
2. Law enforcement agencies, state attorneys, defense attorneys, and judges in regard to the child's status.
3. Personnel in any facility in which the child may be placed.
4. Community agencies and others expected to provide services to the child upon his return to the community.

(j) Any law enforcement agency, designated treatment facility, governmental or community agency, or other entity that receives information pursuant to this section shall maintain such information as a non-public record as otherwise provided herein.

(k) Any agency, not-for-profit organization, or treatment professional who acts in good faith in releasing information pursuant to this subsection shall not be subject to civil or criminal liability for such release.

(l) Assessment and treatment records are confidential as described in this paragraph and 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.

1. The department shall have full access to the assessment and treatment records to ensure coordination of services to the child.
2. The principles of confidentiality of records as provided in s. 39.045 shall apply to the assessment and treatment records of *child committed to a serious or habitual juvenile offender program offenders*.

(m) For purposes of effective administration, accurate tracking and recordkeeping, and optimal treatment decisions, each assessment and treatment provider shall maintain a central identification file on *each child treated in a serious or habitual juvenile offender program offenders it treats*.

(n) The file of each *child committed to a serious or habitual juvenile offender program* shall contain, but is not limited to, pertinent children-in-need-of-services and delinquency record information maintained by the department; pertinent school records information on behavior, attendance, and achievement; and pertinent information on delinquency or children in need of services maintained by law enforcement agencies and the state attorney.

(o) All providers under this section shall, as part of their contractual duties, collect, maintain, and report to the department all information

necessary to comply with mandatory reporting pursuant to the promulgation of rules by the department for the implementation of serious or habitual juvenile offender programs and the monitoring and evaluation thereof.

(p) The department is responsible for the development and maintenance of a statewide automated tracking system for *children committed to a serious or habitual juvenile offender program offenders*.

(5) DESIGNATED TREATMENT FACILITIES.—

(a) Designated facilities shall be sited and constructed by the department, directly or by contract, pursuant to departmental rules, to ensure that facility design is compatible with treatment. The department is authorized to contract for the construction of the facilities and may also lease facilities. The number of beds per facility shall not exceed 25. An assessment of need for additional facilities shall be conducted prior to the siting or construction of more than one facility in any judicial circuit.

(b) Designated facilities for serious or habitual juvenile *offender programs offenders* shall be separate and secure facilities established under the authority of the department for the treatment of such children.

(c) Security for designated facilities for serious or habitual juvenile *offender programs offenders* shall be determined by the department. The department is authorized to contract for the provision of security.

(d) With respect to the treatment of *children committed to serious or habitual juvenile offender programs offenders* under this section, designated facilities shall be immune from liability for civil damages except in instances when the failure to act in good faith results in serious injury or death, in which case liability shall be governed by s. 768.28.

(e) Minimum standards and requirements for designated treatment facilities shall be contractually prescribed pursuant to subsection (1).

Section 37. Subsection (2) of section 39.0585, Florida Statutes, is amended to read:

39.0585 Information systems.—

(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) *Each parent or legal guardian of a juvenile offender, and each agency responsible for or involved with a juvenile offender, is responsible for notifying 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 the juvenile offender.*

Section 38. Section 39.0587, Florida Statutes, is created to read:

39.0587 Transfer of a juvenile for prosecution as an adult.—

(1) The methods for transferring a juvenile for prosecution as an adult are as follows:

(a) REQUEST.—The court shall transfer and certify a juvenile's criminal case for trial as an adult if the juvenile is alleged to have committed a violation of law and, prior to the commencement of an adjudicatory hearing, the juvenile, 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 juvenile 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 juvenile shall be handled thereafter in every respect as an adult for any subsequent violation of Florida law, unless the court imposes juvenile sanctions under s. 39.059(6).

(b) WAIVER.—

1. The state attorney may file a motion requesting the court to transfer the juvenile for criminal prosecution if the juvenile was 14 years of age or older at the time the alleged delinquent act or violation of law for which he or she is charged was committed. If the juvenile 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 (d).

2. If the juvenile was 14 years of age or older at the time of commission of a fourth or subsequent alleged felony offense and the juvenile 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 juvenile for prosecution as an adult or shall provide written reasons for not making such request, or proceed pursuant to paragraph (d). 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 juvenile were an adult or provide written reasons for not issuing such an order.

3. 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 Florida law was committed 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 juvenile were an adult. The juvenile shall thereafter be subject to prosecution, trial, and sentencing as if the juvenile were an adult but subject to the provisions of s. 39.059(7). Once a juvenile 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 juvenile shall thereafter be handled in every respect as if he were an adult for any subsequent violation of Florida law, unless the court imposes juvenile sanctions under s. 39.059(6).

(c) INDICTMENT.—

1. A juvenile 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 the charge is returned by the grand jury. When such indictment is returned, the petition for delinquency, if any, must be dismissed and the juvenile 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 juvenile 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 or she 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 chapter.

3. If the juvenile is found to have committed the offense punishable by death or by life imprisonment, the juvenile 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 or she 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 juvenile 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 juvenile shall be handled thereafter in every respect as if an adult for any subsequent violation of Florida law, unless the court imposes juvenile sanctions under s. 39.059.

(d) INFORMATION.—

1. With respect to any juvenile 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 juvenile 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 shall not file an information on a juvenile charged with a misdemeanor, unless the juvenile has had at least two previous adjudications or adjudications withheld for delinquent acts, one of which involved an offense classified as a felony under Florida law.

b. Shall file an information if the juvenile 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. Notwithstanding subparagraphs 1. and 2., regardless of the juvenile's age at the time the alleged offense was committed, the state attorney may file an information with respect to any juvenile 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.

4. Once a juvenile 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 juvenile shall be handled thereafter in every respect as if an adult for any subsequent violation of Florida 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 Commission on Juvenile Justice not later than January 1 of each year.

(2) When a juvenile 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 under s. 39.059 and may include the enforcement of any restitution ordered in any juvenile proceeding.

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

Section 39. 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 for treatment in any of the department's programs for children, the court shall order the natural, or adoptive, or foster parents of the such child, whether custodial or noncustodial, or the child's legal guardians or legal or actual custodians ~~the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court,~~ or the guardian of the 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. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge who has 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 shall 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 shall include the parents, guardians, 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 shall be in writing, but shall be 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 unsuitability 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 natural, adoptive, or foster parents, whether custodial or noncustodial, the legal guardians, or legal or actual 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 40. 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 41. 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 42. Subsection (1) of section 39.069, Florida Statutes, is amended to read:

39.069 Appeal.—

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

(a) Any affected child, and any natural, adoptive, or foster parent, whether custodial or noncustodial, or legal guardian or legal or actual custodian of the any child.

(b) The state, which may appeal from:

1. An order dismissing a petition or any section of a petition thereof;
2. An order granting a new adjudicatory hearing;
3. An order arresting judgment;
4. A ruling on a question of law when the child is adjudicated delinquent and appeals from the judgment;
5. The disposition, on the ground that it is illegal;
6. A judgment discharging a child on habeas corpus;

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

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

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

Section 43. Paragraph (i) is added to subsection (1) of section 48.193, Florida Statutes, to read:

48.193 Acts subjecting person to jurisdiction of courts of state.—

(1) Any person, whether or not a citizen or resident of this state, who personally or through an agent does any of the acts enumerated in this subsection thereby submits himself and, if he is a natural person, his personal representative to the jurisdiction of the courts of this state for any cause of action arising from the doing of any of the following acts:

(i) *Having parental responsibility for a child who resides in this state, whether the parental responsibility is as a natural, an adoptive, or a foster parent, or a legal guardian, and whether custodial or noncustodial. As used in this paragraph, the term "parental responsibility" means legal responsibility by blood, marriage, or court order to support or care for the child.*

Section 44. Paragraph (b) of subsection (10) of section 768.28, Florida Statutes, is amended, and a new subsection (11) is added to said 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, and youthful or juvenile offenders, shall be considered agents of the State of Florida, Department of Health and Rehabilitative Services, for the purposes of this section, while acting within the scope of and pursuant to guidelines established in the contract or by rule. The contracts shall 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 shall not be construed as designating persons providing contracted services to youthful or juvenile offenders as employees or agents of the state for the purposes of chapter 440.*

Section 45. 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 46. (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, the Deputy Secretary for Juvenile Justice, 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 Deputy Secretary for Juvenile Justice, one or more simulated matching programs are authorized in each county selected by the Department of Juvenile Justice as appropriately representative samples of urban or rural areas.

(4) The following criteria and procedures apply to each simulated matching program:

(a) Each state agency, district school board, and 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, the county juvenile justice council, the district juvenile justice boards, 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 Deputy Secretary for Juvenile Justice 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 expires July 1, 1996.*

Section 47. 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) Contingent upon specific appropriation, 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 provider for 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 of 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 addressing, 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 including the child abuse reporting laws.

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 Deputy Secretary for Juvenile Justice, 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.

Section 48. It is the finding of the Legislature that:

(1) It is in the best interest of the citizens of this state that all youth become productive members of society and that an education is essential to becoming a productive member of society.

(2) It is further in the best interest of Florida that the state enhance service delivery systems that emphasize education, work, personal responsibility, improved living conditions, and self-sufficiency for youth.

(3) The cycle of illiteracy, dependency, substance abuse, and delinquency often leads to adult criminal behavior.

(4) It is in the best interest of the state that all students receive an education in a safe environment.

Section 49. Subsection (1) of section 39.42, Florida Statutes, is 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.

Section 50. 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 51. 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 52. 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 53. Subsection (9) of section 415.516, Florida Statutes, is renumbered as subsection (10), and a new subsection (9) is added to said 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 54. 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 interests 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 *for students in kindergarten through grade 12*. 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 re-enter 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.

(e) ~~"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.

(e) "Parent education programs" means programs provided by school boards to address the needs of parents, *including conflict resolution training*.

(f) "Student support and assistance programs" means educational programs or services, *including conflict resolution training*, which are designed to provide support and assistance to dropout prevention students who are enrolled in the regular classroom.

(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. 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.

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.~~

(e) *Parent education programs.—*

1. *Parent education programs shall address issues related to parenting skills and competencies in conflict resolution, family finance and budgeting, family planning, and home economics.*

2. *Parents are eligible for services funded under this section only if their child is enrolled in a district school.*

3. *Parents participating in the program shall generate dropout prevention funding for only the instructional time related to the program.*

(f) *Student support and assistance programs.—*

1. *Student support and assistance programs shall provide academic assistance and coordination of support services. This program shall include auxiliary services provided to students or teachers, or both, and may be used in all program categories.*

2. *Students participating in this program shall generate dropout prevention funding for only the time that they receive extra services or auxiliary help.*

3. *The Department of Education shall establish age-appropriate student eligibility criteria for the participation of students enrolled in kindergarten through grade three in student support and assistance*

programs. Students enrolled in kindergarten through grade three shall receive dropout prevention services solely through the student support and 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.~~

~~(c) 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.~~

~~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, 1986, 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 program.

(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 55. 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) The State Board of Education shall adopt rules necessary to implement the provisions of this section.

Section 56. 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.
 - d. *Special programs.*
2. Special programs for exceptional students.—
 - a. Educable mentally handicapped.
 - b. Trainable mentally handicapped.
 - c. Physically handicapped.
 - d. Physical and occupational therapy part-time.
 - e. Speech, language, and hearing part-time.
 - f. Speech, language, and hearing.
 - g. Visually handicapped part-time.
 - h. Visually handicapped.
 - i. Emotionally handicapped part-time.
 - j. Emotionally handicapped.
 - k. Specific learning disability part-time.
- l. Specific learning disability.
- m. Gifted part-time.
- n. Hospital and homebound part-time.
- 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 57. 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 58. 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. ~~230.2316~~ ~~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 59. 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. ~~230.2316~~ ~~230.2316~~.

Section 60. 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 61. 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 62. *The repeal of s. 230.2316(4)(b), Florida Statutes, relating to teenage parent programs, shall be contingent upon the enactment of s. 230.23166, Florida Statutes, relating to teenage parent programs.*

Section 63. 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 64. Paragraph (c) of subsection (6) of section 230.23, Florida Statutes, is 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 rec-

ommended 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, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

Section 65. Paragraph (c) of subsection (8) of section 230.33, Florida Statutes, is 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:

(a) Admission, classification, promotion, and graduation of pupils.—Recommend rules and regulations for admitting, classifying, promoting, and graduating pupils to or from the various schools of the district.

(b) Enforcement of attendance laws.—Recommend plans and procedures for the enforcement of all laws and regulations relating to the attendance of pupils at school and for the employment of such qualified assistants as may be needed by him to enforce effectively those laws.

(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.

Section 66. Subsection (1) of 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.

Section 67. 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 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 sus-

pended 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.

(4) For any out-of-school suspension or expulsion, effective with the beginning of the school year 1995-1996, the school district must arrange for the child's alternative education program and must pay the cost thereof, not to exceed the amount earned by the student in the Florida Education Finance Program (FEFP).

Section 68. Section 230.2301, Florida Statutes, is created to read:

230.2301 Parents may be accompanied.—At any parent-teacher conference, parent-principal conference, exceptional student staffing meeting, suspension process, expulsion hearing, or other school or school district deliberation at which a student's parent or guardian is present, the parent or guardian shall have the option of being accompanied by another adult of his or her choice to serve as advocate, translator, or supporter for the parent or guardian and student.

Section 69. 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, a proposal for planning, implementing, and evaluating an after-school program for students age 10 through 15 years shall be submitted annually by each district school board, or by a public or private community organization designated by the school board, to the Department of Education 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. If an after-school program will be located at a school site, the program shall be incorporated into the school improvement plan by the school advisory council.

(c) The proposal shall describe how the district school board 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.

(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.

(4) ALLOCATION.—

(a) School and community resource grants shall provide core funding for after-school programs for students age 10 to 15 years.

(b) The amount available to each school district shall be calculated by the department based on available funding which may be provided in an appropriation.

(c) The department shall establish application guidelines and procedures for awarding school and community resource grants to implement this section. The department shall issue a request for proposals for grants and shall begin receiving applications no later than June 15, 1994, for the 1994-1995 fiscal year. Funds for which an application has not been received by November 1, 1994, shall be reallocated by the department based on a review of the original grant applications.

(d) In each fiscal year thereafter, the department shall establish such guidelines, procedures, and deadlines as are appropriate to make funding available for after-school programs at the beginning of each school year to each school district. However, funds for which no application has been received by November 1 shall be reallocated by the department to:

1. Community organizations in districts which did not submit an application.

2. Districts that did submit an application based on a review of the districts' original grant applications.

(e) Evaluation of the school and community resource grant program shall include a reporting 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 as well as those who did not.

(f) The department may contract for technical assistance services for the development and continuation of after-school programs established under this section.

(g) 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.

(h) 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.

(5) PROGRAM COMPONENTS.—The grants may be used to establish 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. 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.

(6) 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.

(7) 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 70. 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 shall 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 the traditional values of self-restraint, obedience to the law, sobriety, honesty, truthfulness, the work ethic, financial self-*

support, reverence for the institution of the family, and importance of marriage, preference that children be born within a loving marital relationship, chastity, fidelity, 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 71. Section 316.635, Florida Statutes, is amended to read:

316.635 Courts having jurisdiction over traffic violations; powers relating to custody and detention of minors.—

(1) *As used in this section, the term "minor" means a child under the age of 16 years.* A court which has jurisdiction over traffic violations shall have original jurisdiction in the case of any minor who is alleged to have committed a violation of law or of a county or municipal ordinance pertaining to the operation of a motor vehicle; however, any traffic offense that is punishable by law as a felony shall be under the jurisdiction of the circuit court.

(2) If a minor is arrested for the commission of a criminal traffic offense and transportation is necessary, the minor shall not be placed in any police car or other vehicle which at the same time contains an adult under arrest, except upon special order of the circuit court. However, if the minor is alleged to have participated with an adult in the same offense or transaction, the minor may be transported in the same vehicle with the adult.

(3) If a minor is taken into custody for a criminal traffic offense or a violation of chapter 322 and the minor does not demand to be taken before a magistrate, the arresting officer or booking officer shall immediately notify, or cause to be notified, the minor's parents, guardian, or responsible adult relative of the action taken. After making every reasonable effort to give notice, the arresting officer or booking officer may:

(a) Issue a notice to appear pursuant to chapter 901 and release the minor to a parent, guardian, responsible adult relative, or other responsible adult;

(b) Issue a notice to appear pursuant to chapter 901 and release the minor pursuant to s. 903.06;

(c) Issue a notice to appear pursuant to chapter 901 and deliver the minor to an appropriate substance abuse treatment or rehabilitation facility or refer the minor to an appropriate medical facility as provided in s. 901.29. If the minor cannot be delivered to an appropriate substance abuse treatment or rehabilitation facility or medical facility, the arresting officer may deliver the minor to an appropriate intake office of the Department of Health and Rehabilitative Services, which shall take custody of the minor and make any appropriate referrals; or

(d) If the violation constitutes a felony and the minor cannot be released pursuant to s. 903.03, transport and deliver the minor to an

appropriate Department of Health and Rehabilitative Services intake office. Upon delivery of the minor to the intake office, the department shall assume custody and proceed pursuant to chapter 39.

If action is not taken pursuant to paragraphs (a)-(d), the minor shall be delivered to the Department of Health and Rehabilitative Services, and the department shall make every reasonable effort to contact the parents, guardian, or responsible adult relative to take custody of the minor. If there is no parent, guardian, or responsible adult relative available, the department may retain custody of the minor for up to 24 hours.

Section 72. Section 322.055, Florida Statutes, is amended to read:

322.055 Revocation or suspension of, or delay of eligibility for, driver's license for persons 16 ~~18~~ years of age or older convicted of certain drug offenses.—

(1) Notwithstanding the provisions of s. 322.28, upon the conviction of a person 16 ~~18~~ years of age or older for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance, the court shall direct the department to revoke the driver's license or driving privilege of the person. The period of such revocation shall be 2 years or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Health and Rehabilitative Services. However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license.

(2) If a person 16 ~~18~~ years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person is eligible by reason of age for a driver's license or privilege, the court shall direct the department to withhold issuance of such person's driver's license or driving privilege for a period of 2 years after the date the person was convicted or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Health and Rehabilitative Services. However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license.

(3) If a person 16 ~~18~~ years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person's driver's license or driving privilege is already under suspension or revocation for any reason, the court shall direct the department to extend the period of such suspension or revocation by an additional period of 2 years or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Health and Rehabilitative Services. However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license.

(4) If a person 16 ~~18~~ years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person is ineligible by reason of age for a driver's license or driving privilege, the court shall direct the department to withhold issuance of such person's driver's license or driving privilege for a period of 2 years after the date that he would otherwise have become eligible or until he becomes eligible by reason of age for a driver's license and is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Health and Rehabilitative Services. However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license.

(5) Each clerk of court shall promptly report to the department each conviction for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance.

Section 73. For the purpose of incorporating the amendment to s. 322.056, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

322.05 Persons not to be licensed.—The department shall not issue any license:

(9) To any person who is ineligible under s. 322.056.

562.11 Selling, giving, or serving alcoholic beverages to person under age 21; misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to person under 21; penalties.—

(2) It is unlawful for any person to misrepresent or misstate his age or the age of any other person for the purpose of inducing any licensee or his agents or employees to sell, give, serve, or deliver any alcoholic beverages to a person under 21 years of age.

(c) In addition to any other penalty imposed for a violation of this subsection, if a person uses a driver's license or identification card issued by the Department of Highway Safety and Motor Vehicles in violation of this subsection, the court:

1. May order the person to participate in public service or a community work project for a period not to exceed 40 hours; and

2. Shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend or revoke, the person's driver's license or driving privilege, as provided in s. 322.056.

562.111 Possession of alcoholic beverages by persons under age 21 prohibited.—

(2) In addition to any other penalty imposed for a violation of subsection (1), the court shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend or revoke, the violator's driver's license or driving privilege, as provided in s. 322.056.

Section 74. Section 322.056, Florida Statutes, is amended to read:

322.056 Mandatory revocation or suspension of, or delay of eligibility for, driver's license for persons under age 16 ~~18~~ found guilty of certain alcohol or drug offenses.—

(1) Notwithstanding the provisions of s. 322.055, if a person under 16 ~~18~~ years of age is found guilty of or delinquent for a violation of s. 562.11(2), s. 562.111, or chapter 893, and:

(a) The person is eligible by reason of age for a driver's license or driving privilege, the court shall direct the department to revoke or to withhold issuance of his driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year for the first violation.
2. Two years, for a subsequent violation.

(b) The person's driver's license or driving privilege is under suspension or revocation for any reason, the court shall direct the department to extend the period of suspension or revocation by an additional period of:

1. Not less than 6 months and not more than 1 year for the first violation.
2. Two years, for a subsequent violation.

(c) The person is ineligible by reason of age for a driver's license or driving privilege, the court shall direct the department to withhold issuance of his driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year after the date on which he would otherwise have become eligible, for the first violation.
2. Two years after the date on which he would otherwise have become eligible, for a subsequent violation.

(2) A penalty imposed under subsection (1) shall be in addition to any other penalty imposed by law.

Section 75. Subsection (4) of section 316.655, Florida Statutes, is amended, and subsection (5) is added to said section, 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) A willful failure to comply with one or more sanctions imposed pursuant to paragraph (a) shall constitute contempt of court. Upon a finding by the court, after notice and a hearing, that a minor is in contempt of court for willful failure to comply with court ordered sanctions, the court may:

1. For a first contempt, order the minor to serve 3 days in a secure shelter as defined in chapter 39, or if one is not available, in a secure juvenile detention center.
2. For a second or subsequent contempt, the court may order a minor to serve 10 days in a secure shelter center, or if one is not available, in a secure juvenile detention center.

However, except for a conviction of a violation of s. 316.027, a minor 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.

(c) In addition to any sanctions as specified in subsection (4), 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.

(d) 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. Six 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 76. 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 on separate occasions within a 3-year period, for the purpose of furthering ~~criminal street gang~~ activity.

Section 77. 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 shall be reclassified if the commission of such 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 78. 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 79. Paragraph (a) of subsection (1) and subsections (3) and (4) 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. ~~Chapter~~ 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.*

(4) "Pattern of racketeering activity" means engaging in at least two incidents of racketeering conduct that have the same or similar intents, results, accomplices, victims, or methods of commission or that otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one of such incidents occurred after the effective date of this act and that the last of such incidents occurred within 5 years after a prior incident of racketeering conduct. *An offense committed in another state that is substantially similar to an offense proscribed in paragraph (1)(a) may constitute a predicate offense for purposes of this chapter if the offense meets all other applicable criteria in this section.*

Section 80. For the purpose of incorporating the amendment to s. 895.02, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are 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.

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.

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 81. Section 958.021, Florida Statutes, is amended to read:

958.021 Legislative intent.—The purpose of this 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 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 82. 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.~~ a the judge or successor who designates a defendant as a youthful offender.

(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.~~ or is classified as such by the department pursuant to s. 958.04.

Section 83. Subsection (1) of section 958.04, Florida Statutes, is amended to read:

958.04 Judicial disposition of youthful offenders.—

(1) The court may sentence as a youthful offender any person:

(a) Who is at least 18 years of age, or who has been transferred for prosecution to the criminal division of the circuit court pursuant to chapter 39;

(b) Who is found guilty of or who has tendered, and the court has accepted, a plea of *nolo contendere* or guilty to a crime which is, under the laws of this state, a felony if such crime was committed before the defendant's 21st birthday; and

(c) Who has not previously been classified as a youthful offender under the provisions of this act; however, no person who has been sentenced to death ~~found guilty of a capital or life felony~~ may be sentenced as a youthful offender under this act.

Section 84. 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.

(a) The period of time to be served at the basic training program shall be no less than 120 days. 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 which would 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 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 prosecuting attorney that the offender is being considered for placement in the basic training program. The notice shall 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 person given notice may, within 14 days of the mailing of the notice, notify the sentencing court in writing of objections, if any, to the place-

ment 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. The offices of the prosecuting attorneys may develop procedures for notifying each 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 adult institutions notwithstanding the provisions of 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 individual 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 (TABE) or any other testing instrument approved by the Department of Education, as appropriate. All offenders who have not obtained a high school diploma shall be enrolled in an adult education program designed to aid the offenders in improving their academic skills, and earning a State of Florida high school diploma (GED). 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 a 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 boot camp, except for those offenders who have committed or threatened violent acts. 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 program activities may be excluded from the specified time requirements in the program.

(b) If the offender is unable to participate in the basic training program 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 shall 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 which it might have originally imposed as a condition of probation.

(6)(a) Upon completion of the basic training program, offenders shall be transferred to a community residential program, and shall 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 conduct an evaluation of 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 victims. 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 State of Florida high school diploma (GED). Upon release from the community residential program, the offender shall remain on probation or other postrelease supervision, and shall 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 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, 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) Youthful offenders who are designated as such by the department and who are 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, the Florida Parole Commission, or such other authority as may exist or be established in the future which is empowered by law to effect the release of an inmate who has successfully completed the requirements of the basic training program.

(d) Upon an inmate's completion of the basic training program, the department shall submit a report to the releasing authority that describes the inmate's performance. If the performance has been satisfactory, the release authority shall establish a release date which is within 30 days following program completion. As a condition of release, the inmate 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 Speaker of the House of Representatives, the President of the Senate, and the Governor detailing the extent of implementation of the inmate 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 program 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 is authorized to develop performance-based contracts with qualified individuals, agencies, or corporations for the provision of any or all of the youthful offender programs.

(13) Offenders in the youthful offender basic training program shall be subject to rules of conduct as 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 is authorized to establish a system of incentives within the youthful offender program which the department may use to promote participation in rehabilitative programs and the orderly operation of the youthful offender 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 85. The department shall utilize a Diversion Center authorized by chapter 93-184, Laws of Florida, for the community residential program. The Diversion Center shall house only offenders released from the youthful offender basic training program established pursuant to s. 958.045, Florida Statutes.

Section 86. Subsection (4) of section 958.04, Florida Statutes, as amended by chapter 93-406, Laws of Florida, is hereby repealed.

Section 87. 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 88. Subsections (1), (4), and (5) 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.

(5) The department shall document and account for all forms for disciplinary reports for inmates ~~placed on extended limits of confinement~~, which reports shall include, but not be limited to, all violations of rules of conduct, the rule or rules violated, the nature of punishment administered, the authority ordering such punishment, and the duration of time during which the inmate was subjected to confinement. *Administrative rules of the department also apply to youthful offenders.*

Section 89. 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 (e), 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 18 and~~ 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 90. 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 91. Section 958.14, Florida Statutes, is amended to read:

958.14 Violation of probation, ~~control release, or~~ community control, or any other type of early release program.—A violation or alleged violation of probation or the terms of a community control program or control release or any other early release program shall subject the youthful offender to the provisions of s. 948.06(1). However, no youthful offender shall be committed to the custody of the department for a substantive violation for a period longer than the maximum sentence for the offense for which he was found guilty, with credit for time served while incarcerated, or for a technical or nonsubstantive violation for a period longer than 6 years or for a period longer than the maximum sentence for the offense for which he was found guilty, whichever is less, with credit for time served while incarcerated.

Section 92. Section 958.19, Florida Statutes, is hereby repealed.

Section 93. Correctional facilities for youthful offenders.—

(1) The Correctional Privatization Commission is authorized to enter into a contract or contracts in fiscal year 1994-1995 for designing, financing, acquiring, leasing, constructing, and operating three correctional facilities, notwithstanding s. 957.07, Florida Statutes. These three facilities shall be designed to have a capacity of up to 350 beds each and house male 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.

Section 94. There is hereby appropriated to the circuit courts from the General Revenue Fund a lump sum of \$1,000,000 and 20 FTEs for one alternative sanctions coordinator in each judicial circuit. The Office of the State Court Administrator shall classify and set the rate for these positions.

Section 95. Requirements with respect to certain gatherings at commercial gathering places; penalty for failure to comply.—

(1) The owner or operator of any night club, dance hall, social hall, or any similar commercial gathering place who conducts any dance or nighttime recreational gathering which is specifically advertised or held out as a "teen dance," "young adult night," or by any other term which indicating that it is primarily designed for or aimed at persons who are 18 years of age or younger shall provide reasonable security at the premises. The term "reasonable security," as used in this section, requires the presence of at least one uniformed security officer for each 75 minors in attendance. The requirements of this section are also applicable to any person or entity who rents any night club, dance hall, social hall, or any similar establishment to conduct any such dance or nighttime recreational gathering.

(2) A person who violates this section commits a noncriminal infraction and is subject to a civil fine of \$1,000 for each separate offense.

Section 96. Effective October 1, 1994, 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 97. *Interference with juvenile justice and youthful offender system administration, activities, or functions; penalties.*—Any person or agency, including but not limited to any employee, agent, or provider of the Department of Health and Rehabilitative Services, the Department of Corrections, or the Privatization Commission, who knowingly, intentionally, and willfully with intent to substantially obstruct, interferes with any administration, activity, or function of the juvenile justice system under part II or part IV of chapter 39, Florida Statutes, or the youthful offender criminal justice system under chapter 958, Florida Statutes, commits the offense of obstruction of justice, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 98. Any child committed to the department's custody or sentenced pursuant to chapter 958, Florida Statutes, may move that the court seal and expunge the prior record if:

(1) The child was adjudicated for a violation of law which, if committed by an adult would have been a felony; and

(2) The child successfully completed the terms of the commitment program or sentence; and

(3) The child earned a high school diploma or equivalent and successfully completed at least 1 year of post-secondary education with a grade point average above 2.0; and

(4) The child remained arrest free for a period of 5 years following their release from custody.

However, the moving party is ineligible for this program if the party has a prior juvenile or criminal history of child or sexual abuse.

Section 99. Sections 39.412 and 39.444, Florida Statutes, and section 8 of chapter 93-416, Laws of Florida, are repealed.

Section 100. (1) There is established the Alternative Education Institute to contract with private providers for alternative education in school facilities funded by PECO. The institute shall be a not-for-profit corporation acting as an instrumentality of the state and shall be authorized to receive, hold, invest, and administer property and any moneys 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 governed by 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.

(3) Each member shall have only one vote, shall serve a term of 3 years, and may be reappointed to the board.

(4) The board shall provide for the following:

(a) Approval of the articles of incorporation.

(b) Approval of the articles of incorporation of any not-for-profit corporate subsidiary created by the not-for-profit corporation.

(c) Utilization of facilities and personnel by the not-for-profit corporation and its subsidiaries for mutually approved alternative education programs.

(d) Preparation of an annual postaudit of the not-for-profit corporation's financial accounts and the financial accounts of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include management letters and shall be submitted to the Auditor General for review. The board and the Auditor General shall have the authority to 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 subsidiary. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report.

(e) Provision by the not-for-profit corporation and its subsidiaries of equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(5) The board is authorized to secure comprehensive general liability protection, including professional liability protection, for the not-for-profit corporation and its subsidiaries.

(6) In the event that the agreement between the not-for-profit corporation and the board is terminated for any reason, the board shall resume governance and operation of the facilities.

(7) The board of directors shall have the following powers and duties:

(a) Establishment of programs which fulfill the alternative education mission of the institute.

(b) Control over the budget and the dollars appropriated or donated to the institute from private, state, and federal sources.

(c) Appointment of members to carry out the educational activities of the institute and determine compensation, benefits, and terms of service.

(d) Control over the use and assignment of space and equipment within the facilities.

(e) Power to create the administrative structure necessary to carry out the mission of the institute.

(f) A reporting relationship to the Legislature.

(g) Provision of 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.

(8) The board of directors of the not-for-profit corporation shall create a council of advisers to review programs and recommend alternative education priorities and initiatives so as to maximize the state's investment in the institute. The council shall be appointed by the board of directors of the not-for-profit corporation. Each member of the council shall be appointed to serve a 2-year term and may be reappointed to the council.

(9) In carrying out the provisions of this section, the not-for-profit corporation and its subsidiaries are not "agencies" within the meaning of s. 20.03(11), Florida Statutes.

Section 101. Section 877.20, Florida Statutes, is created to read:

877.20 Local option juvenile curfew; 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 the provisions of ss. 877.20-877.25 by reference.

Section 102. Section 877.21, Florida Statutes, is created to read:

877.21 Local option juvenile curfew; definitions.—As used in ss. 877.20-877.25, the term:

(1) "Emergency" means an unforeseen combination of circumstances resulting in a situation requiring immediate attention to care for or prevent serious bodily injury, loss of life, or significant property loss. This term includes, but is not limited to, a fire, 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) "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.

(4) "Public place" means a place to which the public has access, including, but not limited to, streets, highway, public parks, and the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities, and shops.

(5) "Remain" means to stay unnecessarily in a particular place.

Section 103. Section 877.22, Florida Statutes, is created to read:

877.22 Minors under 16 years of age prohibited in public places and establishments during certain hours; penalty.—

(1)(a) A minor under 16 years of age may not be or remain in a public place or establishment between the hours of 12 midnight and 6 a.m. of the following day, Sunday through Thursday, except in the case of a legal holiday.

(b) A minor under 16 years of age may not be or remain in a public place or establishment between the hours of 2 a.m. and 6 a.m. on Fridays, Saturdays, and legal holidays.

(2) A minor under 16 years of age who has been suspended or expelled from school may not be or remain in a public place, establishment, or within 1,000 feet of school during the hours of 9 a.m. to 2 p.m. during any school day.

(3) A minor who violates this section is guilty of a civil infraction and shall pay a fine of \$250. A minor who violates this section a second or subsequent time is guilty of a misdemeanor of the second degree, and must be adjudicated under part II of chapter 39.

Section 104. Section 877.23, Florida Statutes, is created to read:

877.23 Legal duty of parent or owner, operator, or employee of business establishment; penalty.—

(1) The parent of a minor under 16 years of age has a legal duty and responsibility to ensure that the minor does not violate s. 877.22(1).

(2) The parent of a minor under 16 years of age 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 under 16 years of age who knowingly permits the minor to violate s. 877.22(1) or (2) is guilty of a civil infraction and shall pay a fine of \$500 for each offense.

(4) An owner, operator, or employee of a business establishment who knowingly allows a minor under 16 years of age to remain upon the premises of the establishment during curfew hours shall be guilty of a civil infraction and shall pay a fine of \$500 for each offense.

Section 105. Section 877.24, Florida Statutes, is created to read:

877.24 Exceptions to applicability of s. 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 involving the exercise of First Amendment rights protected by 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 the minor 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 106. Section 877.25, Florida Statutes, is created to read:

877.25 Local ordinance required; effect.—The provisions of ss. 877.20-877.24 are applicable in any county or municipality only after an ordinance incorporating these provisions by reference has been duly enacted. Nothing contained herein shall preclude a county or municipal ordinance regulating the presence of minors in public places which provide restrictions more stringent or less stringent than the curfew imposed under s. 877.22. Such a county or municipal ordinance has full force and effect and supersedes ss. 877.20-877.24.

Section 107. Sections 961.01 through 961.18, Florida Statutes, are created to read:

961.01 Legislative intent and purpose.—

(1) There is hereby created an educational job training and placement program which shall be operated by private nonprofit corporations in this state for the purpose of providing educational and job training programs which can lead to meaningful employment for juvenile delinquents.

(2) The program shall have the following objectives:

(a) To provide job training to prepare juvenile delinquents for meaningful employment in the private sector.

(b) To provide a positive and productive work environment that assists juvenile delinquents in developing self-esteem and a responsible work ethic.

(c) To teach actual job skills which have value in the private sector while participating juvenile delinquents concurrently earn a high school degree or equivalent.

(d) To work in partnership with private industry to secure job placement for juveniles upon completion of the training program.

(e) To establish a program which sustains itself as an ongoing business enterprise with no state appropriation.

(f) As an innovative community-based job training program for juvenile delinquents, to provide many benefits to the state and its citizens, including:

(1) Breaking the cycle of crime through the provision of rehabilitative skill training and meaningful employment.

(2) Providing juvenile delinquents with a structured nonresidential program, thus saving the taxpayers the costs of a residential program.

(3) Providing a continuing program for juvenile delinquents which does not require appropriations of general revenue.

961.02 Program administration.—The program shall be administered in accordance with the following guidelines:

(1) Each program shall have a specific focus and teach a specific set of marketable job skills. At capacity, each industry shall serve 30 to 50 juvenile delinquents in each location.

(2) Business plans shall be developed to provide specific details on each of the industry-based training programs to be established.

(3) A report shall be prepared by each corporation on the performance and outcome measures of each program.

(4) Each corporation shall work with the Youth Service Program Office of the Department of Health and Rehabilitative Services, to ensure the industry programs are compatible to the extent possible with other existing youth programs to form a part of the continuum of care for the state's juvenile delinquents. Upon completion of boot camp or other placements, instead of the juveniles being released to the community without supervision, they may be assigned by the courts, the Department

of Health and Rehabilitative Services, or any other agency of the state, or a political subdivision of the state, for participation in an industry model job training and education program, with job assistance provided upon completion of the training. This assignment would provide a continued opportunity for the juvenile delinquent to reinforce self-discipline and motivation and to apply these qualities in a constructive manner in a workplace setting while learning meaningful job skills.

(a) Each corporation shall provide for community-based job training to prepare the juvenile delinquents for meaningful employment in the private sector, where the real-world work environment will assist juveniles in developing self-esteem and a responsible work ethic.

(b) Each corporation shall work in partnership with private industry to secure job placement and job training opportunities for juveniles upon completion of the training program.

961.03 Program components.—The programs shall have the following mandatory components:

(1) Each corporation shall serve at-risk youths, adjudicated delinquents, and others, whether committed or not committed, who are appropriate for community placement and are of an appropriate age and level to benefit from a job training and education industrial model program. The types of industries established in each community shall be based on market demands and employment opportunities, and shall be related to the private sector business base.

(2) The program shall be nonresidential, with the juvenile delinquents transported to and from their place of residence to the worksite, where they shall be provided job skill training, actual work experience, and education.

(3) Each corporation shall work with local school boards to provide the course work needed to ensure that these student-learners can obtain their vocational educational certificates and/or GEDs. Local school boards shall contract with each corporation to provide the funds to assist the student-learners in attaining vocational educational certificates and/or GEDs.

(4) Each corporation shall strive to work with the juvenile delinquents for a period of 12 to 18 months.

(5) Each corporation shall operate the program for at least 5 days a week for at least 8 hours a day, excepting state authorized holidays.

(6) The student-learners will receive compensation for their performance based on their accomplishments related to their job skill levels and their overall contributions in meeting the performance goals of each industry in accordance with a compensation plan developed by each corporation, and approved by the department.

(7) A juvenile delinquent assigned to the program and compensated by the corporation operating the program shall not be considered an employee of the state or the corporation.

(8) Each corporation shall provide marketable job training in areas of current employment demand in the state.

(9)(a) A key component of the program shall be a job placement service. Each corporation shall work in partnership with area businesses, Job Service of Florida, and other organizations to place the program participants in jobs after completion of the job training.

(b) Each corporation may establish agreements with other chartered social service agencies to assist with other job-related support needs of program participants.

961.04 Definitions to be used with respect to juvenile delinquents programs.—As used in ss. 961.01-961.07, the term:

(1) "Corporation" means a private nonprofit corporation authorized to carry out the provisions of ss. 961.01-961.06, as certified by the department pursuant to s. 961.06.

(2) "Job Training Program" or "program" means any program operated by a nonprofit corporation in accordance with ss. 961.01-961.06; which corporation is certified by the department pursuant to s. 961.06 as qualified to operate the program as set out in ss. 961.02-961.06.

(3) "Department" means the Department of Education.

(4) "Facilities" means the buildings, land, equipment, and other chattels used in the operation of a program by each corporation.

(5) "Juvenile delinquent" means any individual from age 16 to 18 assigned to the program by the courts pursuant to s. 39.054(1)(i), the Department of Health and Rehabilitative Services, or any other agency of the state or a political subdivision of the state.

961.06 Certification of nonprofit corporations to operate programs; exemptions.—

(1) Beginning January 31, 1996, any nonprofit corporation established solely for the purpose of conducting an educational job training and placement program for juvenile delinquents may apply for certification to conduct such programs with the department. Upon certification, the nonprofit corporation shall be entitled to conduct one or more programs pursuant to the provisions of ss. 961.01 to 966.07.

(2) The nonprofit corporation seeking certification from the department shall file at least the following information upon forms prepared by the Department:

(a) Articles of incorporation.

(b) Business plans for the conduct of each program which plans shall include detailed sources of income and estimated expense for the conduct of each program.

(c) Plans for securing and promoting job placement.

(d) Background information on each member of the board of the corporation, and the proposed officers of the corporation and their qualifications to engage in such program.

(e) The location at which the corporation intends to conduct such program.

(f) Such other information as may be reasonably be required by the department.

(g) After a review and evaluation by the department, the department shall certify or refuse to certify. Such decision shall be made within 90 days within filing of a complete application which application shall be accompanied by a one-time fee in the amount of \$1,000 to cover the department's investigative cost.

(3) The corporation authorized to conduct the pilot program shall be entitled to continue to conduct the programs instituted by ss. 961.01 to 961.06, and other programs which such corporation may establish throughout the state shall be deemed certified for the purposes of the provisions of this section.

961.07 Exemptions from Fair Labor Standards Act.—

(1) The department shall request the secretary of the United States Department of Labor to provide an exemption from the hazardous occupations provisions of the Fair Labor Standards Act to allow for the employment of program participants as student-learners, and defined in the act. Upon obtaining this exemption, the provisions of s. 450.061 shall be waived to conform to the federal exemption.

(2) For the purposes of s. 450.081, the school hours and school days of student-learners shall be determined by the program.

Section 108. Paragraph (i) is added to subsection (1) of section 39.054, Florida Statutes, to read:

39.054 Powers of disposition.—

(1) The court which has jurisdiction of an adjudicated delinquent child 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:

(i) Order the child to participate in an educational, job training, and placement program pursuant to the provisions of chapter 961 for a period of from 12 to 18 months.

Section 109. Except as otherwise specifically provided herein, this act shall take effect July 1, 1994.

And the title is amended as follows:

Strike the entire title and insert: A bill to be entitled An act relating to the reorganization of juvenile justice programs and services and youthful criminal justice programs and services; creating s. 20.195, F.S.; providing legislative findings and intent; providing guidelines and organization plans and schedules for creation of a Department of Juvenile Justice and transfer of the Youthful Offender Program of the Department of Corrections to the new department; providing for transfer of specified powers, duties, records, personnel, and funds to the new department; providing for an Interim Secretary of the Department of Juvenile Justice and creating a Department of Juvenile Justice Organization Planning Group; providing for proposals for innovation zones, as defined, in juvenile justice regions; providing guidelines for implementation of specified model programs and technologies within such zones; repealing s. 20.19(4), F.S., relating to the Deputy Secretary for Juvenile Justice Programs; amending s. 20.315, F.S., relating to the Department of Corrections; providing for an Assistant Secretary for Youthful Offenders; including the Assistant Secretary and Youthful Offender Institutions among the budget entities of the department and removing reference to the Youth Offender Program Office; amending s. 39.001, F.S.; revising legislative intent and purposes with respect to ch. 39, F.S., relating to juvenile proceedings; amending s. 39.002, F.S.; revising legislative intent and findings with respect to the juvenile justice system and delinquency prevention; recognizing certain parental, custodial, and guardian responsibilities; amending s. 39.01, F.S.; defining or redefining or clarifying the applicability of specified terms with respect to ch. 39, F.S.; directing the Division of Statutory Revision to conform specified statutory cross references; creating s. 39.0145, F.S.; prescribing or revising guidelines with respect to punishment of juveniles for contempt of court; providing for secure facility placement sentences for juveniles under specified circumstances; providing for a contempt of court alternative sentences continuum and for alternative sanctions coordinators in judicial circuits; amending s. 39.021, F.S.; revising guidelines with respect to administration of the delinquency system; requiring written approval by the court of a child's release under specified circumstances; creating s. 39.0216, F.S.; providing for outcome evaluation monitoring of juvenile justice programs and prescribing certain responsibilities of the Commission on Juvenile Justice and the Department of Juvenile Justice; amending s. 39.022, F.S.; revising guidelines relating to court jurisdiction over children, parents, guardians, and custodians; amending s. 39.023, F.S.; revising specified provisions relating to the membership and powers and duties of the commission, and providing for such provisions to be reviewed by and repealed on October 1, 2000; amending s. 39.024, F.S.; renaming the Juvenile Justice Standards and Training Council as the Juvenile Justice Standards and Training Commission and revising provisions relating to the legislative purpose, membership, powers, duties, and functions of the commission; providing for specified training programs, scholarships, and incentives procedures for juvenile justice personnel; amending s. 39.0255, F.S.; providing and revising provisions relating to the juvenile civil citation program; amending ss. 39.026-39.036, F.S.; revising provisions relating to community arbitration programs for delinquency cases; amending s. 39.037, F.S.; revising guidelines and time limits for taking a child into custody; amending s. 39.038, F.S.; providing guidelines for release of a child to a juvenile assessment center or to a responsible adult and for the holding of a child taken into custody for the offense of driving under the influence or disorderly intoxication; amending ss. 316.635, 322.055, and 322.056, F.S.; redefining the term "minor" for purposes of court jurisdiction over traffic offenses and making children at least 16 years of age subject to specified provisions relating to traffic offenses or alcohol or drug offenses; amending s. 316.655, F.S.; revising provisions relating to penalties for specified traffic offenses, and providing for contempt of court punishment; amending s. 39.043, F.S.; eliminating certain prohibitions against the use of detention for purposes of punishment, treatment, or rehabilitation of a child; amending s. 39.044, F.S.; revising detention criteria and guidelines and responsibilities of intake counselors and case managers relating to detention; amending s. 39.045, F.S.; revising guidelines relating to disclosure of court records and confidential information regarding children; amending s. 39.047, F.S.; revising provisions relating to intake and case management in delinquency proceedings; permitting intake officers to request specified forms of parental instruction or other assistance before filing a delinquency petition; creating s. 39.0471, F.S.; providing for establishment of juvenile justice assessment centers; amending s. 39.0475, F.S.; providing for urine monitoring under the delinquency pretrial intervention program; creating s. 39.0476, F.S.; providing for court orders with respect to certain forms of parental assistance in delinquency, dependency, or child-in-need-of-services cases; amending s. 39.049, F.S.; revising guidelines relating to process and service in delinquency cases, providing for imposition of contempt sanctions against parents, guardians, or

custodians who evade service or ignore a summons; creating s. 39.0495, F.S.; providing for imposition of contempt sanctions against employers who commit specified acts against parents, guardians, or custodians summoned to appear at delinquency proceedings; amending s. 39.052, F.S.; revising guidelines and time limits with respect to hearings on delinquency cases; amending s. 39.053, F.S.; providing for urine monitoring as a condition of a community control program; redefining the term "conviction" under specified circumstances; amending s. 39.054, F.S.; revising guidelines relating to court powers of disposition in delinquency proceedings, and providing for court-ordered participation of parents and guardians in specified programs; providing for notice to the court and state attorney and for court review of a change in the program status of a child; amending s. 39.067, F.S.; providing legislative intent with respect to reentry and aftercare services; creating s. 39.0645, F.S.; providing for notice to the court of children who are absconders or escapees or who are wanted in other jurisdictions; amending s. 39.057, F.S.; revising guidelines relating to boot camp programs for juvenile offenders; amending s. 39.058, F.S.; revising provisions relating to the serious or habitual juvenile offender program; amending s. 39.0585, F.S.; revising provisions relating to confidentiality of records information with respect to juvenile offenders; requiring a parent or guardian of, or an agency responsible for or involved with, a juvenile offender to give specified notice to sheriffs immediately upon learning of the juvenile offender's relocation; creating s. 39.0587, F.S.; providing or revising procedures and guidelines with respect to transfer of a juvenile for prosecution as an adult; amending s. 39.059, F.S.; revising provisions relating to community control or commitment of children; amending s. 39.061, F.S.; providing penalties for escape by a child from lawful transportation to or from a secure detention facility or residential commitment facility; amending s. 39.064, F.S.; providing for detention of a child who has escaped from being lawfully transported thereto or therefrom; amending s. 39.069, F.S.; revising provisions relating to appeal of court orders in delinquency cases; amending s. 48.193, F.S.; including having "parental responsibility," as defined, among those acts subjecting a person to court jurisdiction; 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 youthful or juvenile offenders to be considered agents of the state under specified circumstances; amending s. 39.074, F.S.; providing for a dispute resolution process with respect to siting of correctional facilities; providing for designation by the Governor of a task force for organization of certain federal funding opportunities, authorizing certain simulated matching programs, and providing for expiration on July 1, 1996, of specified provisions relating to such task force and matching programs; providing for appointment by the Governor of a Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes; providing legislative intent with respect to education of youths to become productive members of society; amending s. 39.42, F.S.; revising legislative intent to emphasize parental responsibility in regard to families in need of services; 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, and 236.083, F.S.; revising cross references or providing conforming language to consist with specified provisions relating to school funding; providing for contingent repeal of specified provisions in s. 230.2316, 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, and 232.26, F.S.; revising powers and duties of school boards, superintendents, and principals, respectively; revising guidelines for suspensions and expulsions of students; creating s. 230.2301, F.S.; providing for assistance to parents or guardians during 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. 874.03, F.S.; revising definitions and terminology relating to illegal activity by criminal street gangs; amending s. 874.04, F.S.; providing for reclassification of penalties

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.; redefining the terms "racketeering activity," "enterprise," and "pattern of racketeering activity" with respect to specified provisions in ch. 895, F.S., relating to offenses concerning racketeering and illegal debts; amending s. 958.021, F.S.; revising legislative intent with respect to youthful offenders; amending s. 958.03, F.S.; revising definitions with respect to youthful offenders; 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 Diversion Center for a 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; amending s. 958.14, F.S.; revising provisions relating to sanctions for violations by youthful offenders of early release programs; 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 and other specified entities; requiring the Advisory Council on Intergovernmental Relations to conduct a certain study; 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; creating the position of alternative sanctions coordinator within each judicial circuit, and providing an appropriation for such positions; providing civil penalties for owners, operators, or renters of night clubs, dance halls, social halls, or similar establishments who fail to comply with specified requirements to provide "reasonable security," as defined, for dances or nighttime recreational gatherings held out as "teen dances" or "young adult nights"; providing misdemeanor penalties for knowing and intentional interference with the administration, activity, or function of the juvenile criminal justice system or youthful offender criminal justice system; providing for motions by a child to seal and expunge the child's prior record under specified circumstances; repealing ss. 39.412 and 39.444, F.S., relating to contempt sanctions in dependency cases and child-in-need-of-services cases, respectively; repealing section 8 of chapter 93-416, Laws of Florida, relating to prosecution of a juvenile offender as an adult, which section was to have taken effect July 1, 1994; providing for establishment of an Alternative Education Research Institute; reenacting specified provisions for the purpose of incorporating amendments; providing an appropriation; providing for the imposition of a local option curfew and penalties with respect thereto; creating ss. 961.01-961.18, F.S., relating to the creation of an educational job training and placement program for juvenile delinquents to be operated by private nonprofit corporations; amending s. 39.054, F.S., to conform; providing effective dates.

WHEREAS, the ramifications of Florida's juvenile crime problem reach far beyond the direct impact on the state's juvenile and criminal justice and correctional systems, affecting the current core and the future integrity of the state's business, community, education, and family institutions, and

WHEREAS, a comprehensive cross-sectional battle must be waged against the tragedy of juvenile crime if the problem is to be conquered, requiring hard work and innovative ideas throughout the entire spectrum of the state's public and private cultural and societal structures, and

WHEREAS, if victory is to be the outcome of this critical battle, it is imperative that the battle be waged in a cohesive, holistic, nonpartisan, nonpolitical, and well-planned strategic manner, with a major commitment of monetary and human resources, and

WHEREAS, such a strategy demands comprehensive, systemic, and systematic legislation that focuses on every aspect of Florida's juvenile crime problem in order to avoid the fragmentation and poor planning that have doomed the effort in the past, and

WHEREAS, with the complex and dangerous crime problem as the overriding issue faced by the Legislature in 1994, and with the mounting influx of proposals and recommendations from concerned citizens, public and private interest groups, organizations, businesses, commissions, and communities throughout the state inundating the decisionmaking process, the Legislature must take great care to provide an integrated statutory scheme to address its goal of finding the best possible framework for solution, and

WHEREAS, the integrated statutory scheme must address, at a minimum, the following issues: the philosophy of juvenile criminal justice in Florida; the structure for administering juvenile criminal justice in Florida; dependency and delinquency prevention and intervention; education and school safety, including curricula, truancy, dropout prevention, suspension and expulsion, and alternative schools; the need for enhancement of the youthful offender program of the Department of Corrections; the need for an enhanced role of the Privatization Commission; the methods for handling juvenile and youthful criminals in Florida, including the need for secure beds; the need to enhance law enforcement's effectiveness against juvenile and youthful 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 don't work and enhance programs that do work; the need for a quality assurance monitoring program by the department and an independent outcome evaluation and baseline recidivism tracking program; the need for standards and training and enhanced professionalism of juvenile criminal justice personnel; and the need to examine such crucial matters as the maximization of federal matching funds, the establishment of alternative school residential facilities, juvenile sex offender programs, and a secure detention alternatives continuum, NOW, THEREFORE,

On motion by Senator Siegel, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

CONFEREES ON CS FOR SB 2016 APPOINTED

The President appointed Senator Siegel, Chairman; Senators Bankhead, Dantzler, Holzendorf, Kirkpatrick and McKay as conferees on CS for SB 2016. The action of the Senate was certified to the House.

RETURNING MESSAGES—FINAL ACTION

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed SB 590, SB 1026 and CS for SB 1482.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed as amended HB 563 and HB 441.

John B. Phelps, Clerk

ROLL CALLS ON SENATE BILLS

SB 96

Yeas—37

Mr. President	Casas	Dudley	Gutman
Bankhead	Childers	Dyer	Harden
Beard	Crenshaw	Foley	Holzendorf
Boczar	Crist	Forman	Jennings
Brown-Waite	Dantzler	Grant	Johnson
Burt	Diaz-Balart	Grogan	Jones

Kirkpatrick Myers Sullivan
Kiser Scott Turner
Kurth Siegel Weinstein
Meadows Silver Wexler

Nays—None

Williams
Holzendorf
Jenne
Jennings
Johnson
Jones

Nays—None

Kirkpatrick
Kiser
Kurth
McKay
Meadows

Myers
Scott
Siegel
Silver
Sullivan

Turner
Weinstein
Wexler
Williams

SB 102

Yeas—38

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

Nays—None

Vote after roll call:
Yea—Gutman

SB 106

Yeas—38

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

Nays—None

Vote after roll call:
Yea—Gutman

SB 188

Yeas—38

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

Nays—None

SB 202

Yeas—39

Mr. President Burt Diaz-Balart
Bankhead Casas Dudley
Beard Childers Dyer
Boczar Crist Foley
Brown-Waite Dantzler Forman

Grant
Grogan
Gutman
Harden
Hargrett

SB 204

Yeas—38

Bankhead Diaz-Balart Holzendorf
Beard Dudley Jenne
Boczar Dyer Jennings
Brown-Waite Foley Johnson
Burt Forman Kirkpatrick
Casas Grant Kiser
Childers Grogan Kurth
Crenshaw Gutman McKay
Crist Harden Meadows
Dantzler Hargrett Myers

Nays—None

SB 260

Yeas—38

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

Nays—None

Vote after roll call:
Yea—Gutman

CS for SB 612

Yeas—40

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

Nays—None

SB 638

Yeas—39

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

Nays—None

CS for CS for SB 642

Yeas—39

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

Nays—None

SB 1032

Yeas—39

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

Nays—None

CS for SB 1296

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Childers, Kirkpatrick

CS for SB's 1548 and 1938

Yeas—37

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

Nays—1

Jones

Vote after roll call:

Yea—Gutman

SB 1594

Yeas—38

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

Nays—None

SB 1766

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

SB 2018

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

SB 2050

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Gutman, Kirkpatrick

SB 2208

Yeas—38

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

Nays—None

SB 2360

Yeas—38

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

Nays—None

CS for SB 2900

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

ROLL CALLS ON HOUSE BILLS

HB 655

Yeas—39

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

Nays—None

HB 1955

Yeas—34

Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Brown-Waite	Dyer	Jennings	Siegel
Burt	Foley	Johnson	Silver
Casas	Forman	Kirkpatrick	Weinstein
Childers	Grant	Kiser	Wexler
Crenshaw	Grogan	Kurth	Williams
Crist	Harden	McKay	
Dantzler	Hargrett	Meadows	

Nays—None

Vote after roll call:

Yea—Boczar, Gutman, Sullivan

HB 1957

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Gutman

ROLL CALL ON LOCAL BILLS

The following roll call was taken on **Senate Bills 2944, 2946, 3064, 3066, 3078, 3080, 3082, 3084, 3086, 3092 and 3110; and HB 1593** which passed this day:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Gutman

ROLL CALLS ON EXECUTIVE BUSINESS

Senate Confirmation of Executive Appointments

Yeas—39

Mr. President	Casas	Dudley	Harden
Bankhead	Childers	Dyer	Hargrett
Beard	Crenshaw	Foley	Holzendorf
Boczar	Crist	Forman	Jenne
Brown-Waite	Dantzler	Grant	Jennings
Burt	Diaz-Balart	Grogan	Johnson

Jones	McKay	Siegel	Weinstein
Kirkpatrick	Meadows	Silver	Wexler
Kiser	Myers	Sullivan	Williams
Kurth	Scott	Turner	

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 22 was corrected and approved.

Nays—None

Vote after roll call:

Yea—Gutman

CO-SPONSORS

Senator Forman—SB 1478, SB 1770, SB 2498; Senator Williams—SB 1824; Senators Gutman, Meadows, Silver and Turner—CS for SB 2116; Senator Casas—SB 2794; Senator Jenne—SB 2926

Senator Jones withdrew as a co-sponsor of SB 1432.

ENROLLING REPORTS

SB 26, CS for SB's 220 and 348, CS for SB 290, SB 562, SB 594, CS for SB 600, SB 672, SB 1076, SB 1510, SB 2958, SB 2962 and SB 2970 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 23, 1994.

SB 1078, SB 1080, SB 1084, SB 1086, SB 1088, SB 1090, SB 1092, SB 1094, SB 1096, SB 1098, SB 1108, SB 1122, SB 1124, SB 1128, SB 1130, SB 1132 and SB 1138 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 24, 1994.

Joe Brown, Secretary

RECESS

On motion by Senator Kirkpatrick, the Senate recessed at 11:00 a.m. for the purpose of holding committee meetings and conducting other Senate business until 9:00 a.m., Wednesday, March 30.