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HB 5019, Engrossed 2

2006 Legislature

1 A bill to be entitled
2 An act relating to juvenile justice; providing a short
3 title; amending s. 39.01, F.S.; including specified law
4 enforcement officers in the definition of "other person
5 responsible for a child's welfare" for purposes of abuse
6 investigations; amending s. 985.2155, F.S.; revising the
7 definition of the term "fiscally constrained county" for
8 purposes of determining state payment of costs of juvenile
9 detention care; amending s. 985.231, F.S.; conforming
10 cross-references; repealing s. 985.309, F.S., relating to
11 boot camps for children; creating s. 985.3091, F.S.;
12 authorizing the department to contract with a county or
13 municipal law enforcement agency for sheriff's training
14 and respect programs; providing eligibility requirements
15 for children placed in the programs; specifying required
16 program offerings; specifying program participation time
17 frames; requiring a physician or nurse to provide youth
18 medical treatment during specified hours; requiring
19 compliance with the Protective Action Response policy;
20 requiring the department to adopt rules on specified
21 subjects; defining and prohibiting "harmful psychological
22 intimidation techniques"; providing for evaluations and
23 contract cancellation under specified circumstances;
24 specifying staff training requirements; requiring the
25 department to adopt training rules; requiring specified
26 supervision for staff who provide direct care prior to
27 compliance with training requirements; requiring the
28 completion of exit physical examinations of, and exit

ENROLLED

HB 5019, Engrossed 2

2006 Legislature

29 | statements by, youth upon release from the program;
30 | requiring investigations under specified circumstances;
31 | requiring the department to maintain specified records and
32 | complete an annual report; prohibiting the operation of a
33 | program until department rules are adopted and the
34 | department has verified program compliance with applicable
35 | law and rules; authorizing emergency rules to expedite
36 | implementation; amending s. 985.311, F.S.; conforming a
37 | cross-reference; creating s. 985.4055, F.S.; providing
38 | definitions; requiring the department to adopt rules
39 | establishing a Protective Action Response policy;
40 | specifying when verbal and physical intervention
41 | techniques may be used; specifying prohibited uses of
42 | mechanical restraints; prohibiting use of aerosol and
43 | chemical agents and Tasers; requiring the department to
44 | adopt rules establishing protection action response
45 | training curriculums and certification procedures;
46 | requiring department and provider direct care employees to
47 | be certified in protective action response within
48 | specified time frames and to be supervised prior to
49 | certification; amending ss. 958.046, 985.31, and 985.314,
50 | F.S.; conforming cross-references and terminology;
51 | creating the cost of supervision and care waiver pilot
52 | program in the Fourth and Eleventh Judicial Circuits;
53 | providing definitions; requiring waiver of fees imposed
54 | under s. 985.2311, F.S., for successful completion of
55 | specified parenting classes; providing conditions
56 | applicable to such waiver; providing for review of the

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

57 pilot program and reports by the Office of Program Policy
 58 and Government Accountability; requiring the department to
 59 contract or otherwise arrange for the provision of
 60 parenting classes; providing for future repeal; providing
 61 an effective date.

62

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

64

65 Section 1. This act may be cited as the "Martin Lee
 66 Anderson Act of 2006."

67 Section 2. Subsection (47) of section 39.01, Florida
 68 Statutes, is amended to read:

69 39.01 Definitions.--When used in this chapter, unless the
 70 context otherwise requires:

71 (47) "Other person responsible for a child's welfare"
 72 includes the child's legal guardian, legal custodian, or foster
 73 parent; an employee of a private school, public or private child
 74 day care center, residential home, institution, facility, or
 75 agency; a law enforcement officer employed in any facility,
 76 service, or program for children that is operated or contracted
 77 by the Department of Juvenile Justice; or any other person
 78 legally responsible for the child's welfare in a residential
 79 setting; and also includes an adult sitter or relative entrusted
 80 with a child's care. For the purpose of departmental
 81 investigative jurisdiction, this definition does not include the
 82 following persons when they are acting in an official capacity:
 83 law enforcement officers, except as otherwise provided in this
 84 subsection; ~~or~~ employees of municipal or county detention

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

85 facilities; or employees of the Department of Corrections, ~~while~~
 86 ~~acting in an official capacity.~~

87 Section 3. Paragraph (b) of subsection (2) of section
 88 985.2155, Florida Statutes, is amended to read:

89 985.2155 Shared county and state responsibility for
 90 juvenile detention.--

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

92 (b) "Fiscally constrained county" means a county within
 93 ~~designated as~~ a rural area of critical economic concern as
 94 designated by the Governor pursuant to ~~under~~ s. 288.0656 or each
 95 county for which the value of a mill will raise ~~in the county is~~
 96 no more than \$5 million in revenue ~~\$3 million~~, based on the
 97 certified school taxable value from the previous July 1 property
 98 ~~valuations and tax data annually published by the Department of~~
 99 ~~Revenue under s. 195.052.~~

100 Section 4. Paragraph (j) of subsection (1) of section
 101 985.231, Florida Statutes, is amended to read:

102 985.231 Powers of disposition in delinquency cases.--

103 (1)

104 (j) If the offense committed by the child was grand theft
 105 of a motor vehicle, the court:

106 1. Upon a first adjudication for a grand theft of a motor
 107 vehicle, may place the child youth in a sheriff's training and
 108 respect program ~~boot camp~~, unless the child is ineligible under
 109 s. 985.3091 ~~pursuant to s. 985.309~~, and shall order the child
 110 youth to complete a minimum of 50 hours of community service.

111 2. Upon a second adjudication for grand theft of a motor
 112 vehicle which is separate and unrelated to the previous

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

113 adjudication, may place the child youth in a sheriff's training
 114 and respect program ~~boot camp~~, unless the child is ineligible
 115 under s. 985.3091 ~~pursuant to s. 985.309~~, and shall order the
 116 child youth to complete a minimum of 100 hours of community
 117 service.

118 3. Upon a third adjudication for grand theft of a motor
 119 vehicle which is separate and unrelated to the previous
 120 adjudications, shall place the child youth in a sheriff's
 121 training and respect program ~~boot camp~~ or other treatment
 122 program, unless the child is ineligible under s. 985.3091
 123 ~~pursuant to s. 985.309~~, and shall order the child youth to
 124 complete a minimum of 250 hours of community service.

125 Section 5. Section 985.309, Florida Statutes, is repealed.

126 Section 6. Section 985.3091, Florida Statutes, is created
 127 to read:

128 985.3091 Sheriff's training and respect programs.--

129 (1) (a) For purposes of this section, the term "agency"
 130 means a county or municipal law enforcement agency.

131 (b) Contingent upon specific appropriation, local funding,
 132 or specific appropriation and local funding, an agency may,
 133 under contract with the department, implement and operate a
 134 sheriff's training and respect program to provide intensive
 135 education, physical training, and rehabilitation for children
 136 who are eligible under subsection (2). A sheriff's training and
 137 respect program shall be under the agency's supervisory
 138 authority as determined by the contract between the department
 139 and the agency.

140 (2) A child is eligible for placement in a sheriff's

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

141 training and respect program if he or she:

142 (a) Is at least 14 years of age but less than 18 years of
 143 age at the time of adjudication.

144 (b) Has been committed to the department for any offense
 145 that, if committed by an adult, would be a felony other than a
 146 capital felony, a life felony, or a violent felony of the first
 147 degree.

148 (c) Is physically examined by a physician licensed under
 149 chapter 458 or chapter 459 or an advanced registered nurse
 150 practitioner licensed and certified under chapter 464.

151 (d) Has a physical, psychological, and substance abuse
 152 profile that is conducive to successful completion of the
 153 program, as determined by the agency's and department's review
 154 of the preadmission physical examination under paragraph (c) and
 155 of preadmission psychological and substance abuse screenings,
 156 which must be conducted or ordered to be conducted by the
 157 department.

158 (e) Will be placed in the judicial circuit in which the
 159 child was adjudicated or, if there is no sheriff's training and
 160 respect program in that judicial circuit, the child may be
 161 placed in the judicial circuit nearest to the judicial circuit
 162 in which he or she was adjudicated which has a sheriff's
 163 training and respect program.

164 (3) A sheriff's training and respect program shall require
 165 children to:

166 (a) Receive a written, easily understandable statement
 167 that sets forth, and a verbal description of, their rights under
 168 this section. At the time of admission into the sheriff's

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

169 training and respect program, each child must acknowledge in
 170 writing his or her receipt and understanding of the written
 171 statement and verbal description.

172 (b) Participate in physical training exercises.

173 (c) Complete educational, vocational, community service,
 174 and substance abuse programs.

175 (d) Receive training in life and job skills and in
 176 techniques for appropriate decisionmaking.

177 (e) Receive counseling that is directed at replacing
 178 criminal thinking, beliefs, and values with moral thinking,
 179 beliefs, and values.

180 (4) A sheriff's training and respect program must provide
 181 for youth medical treatment needs by a physician licensed under
 182 chapter 458 or chapter 459, an advanced registered nurse
 183 practitioner licensed and certified under chapter 464, or a
 184 registered nurse licensed under chapter 464 who works daily
 185 between the hours of 7:00 a.m. and 9:00 p.m. and must provide
 186 for on-call access to at least one such medical professional at
 187 all other times.

188 (5) A sheriff's training and respect program shall be a
 189 moderate-risk residential program and must provide conditional
 190 release assessment and services in accordance with s. 985.316.
 191 The minimum period of participation in the residential component
 192 of a sheriff's training and respect program is 4 months;
 193 however, this subsection does not prohibit operation of a
 194 program that requires the participants to spend more than 4
 195 months in the residential component of the program or that

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

196 requires the participants to complete two sequential programs of
 197 4 months each in the residential component of the program.

198 (6) Staff in a sheriff's training and respect program who
 199 exercise direct care, as defined in s. 985.4055, shall comply
 200 with the Protective Action Response policy established in
 201 department rules adopted under s. 985.4055(2)(a).

202 (7) The department shall adopt rules under ss. 120.536(1)
 203 and 120.54 for the sheriff's training and respect program that
 204 specify:

205 (a) Requirements for the preadmission physical
 206 examinations and psychological and substance abuse screenings
 207 required by subsection (2).

208 (b) Authorized disciplinary sanctions and restrictions on
 209 the privileges of the general population of children in the
 210 program.

211 (c) Prohibitions on the use of harmful psychological
 212 intimidation techniques. For purposes of this section, the term
 213 "harmful psychological intimidation techniques":

214 1. Includes the following actions when intentionally used
 215 as a therapeutic or training technique or as a means to
 216 encourage compliance with program requirements:

217 a. The threat of physical force or violence.

218 b. An intentional attempt to humiliate or embarrass a
 219 child.

220 c. An intentional attempt to diminish a child's self-
 221 confidence or otherwise psychologically break a child's will.

222 d. Any action that would be considered child abuse or
 223 neglect under chapter 39 or chapter 827.

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

- 224 2. Does not include the following actions:
- 225 a. Direct and forceful communication to a child of program
 226 requirements or legitimate performance expectations prior to or
 227 during participation in program activities, including positive,
 228 active encouragement of children engaged in physical training
 229 exercises.
- 230 b. Communication necessary to inform a child of
 231 noncompliance with program requirements or appropriate actions
 232 to remediate such noncompliance.
- 233 c. Communication necessary to inform a child of poor
 234 performance or appropriate actions to remediate such poor
 235 performance.
- 236 d. Communications or other actions necessary to maintain
 237 order or safety in a program.
- 238 e. Any lawful and reasonable communications or actions
 239 that are permissible for parents, other juvenile justice
 240 programs, school officials, or other adults who have custody of
 241 or supervisory responsibilities for children.
- 242 (d) Requirements for provision of notice by the program to
 243 the department and for the removal of a child from the program
 244 if the child becomes unmanageable or ineligible for the program
 245 due to changes in his or her physical, psychological, or
 246 substance abuse profile.
- 247 (e) Requirements for the prominent display of the
 248 telephone number of the statewide abuse registry and for
 249 immediate access by children in the program, upon request, to a
 250 telephone for the purpose of contacting the statewide abuse

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

251 registry, the public defender's office, his or her attorney, or
 252 a law enforcement agency.

253 (f) Requirements for the delivery of a copy of each
 254 child's exit statement under subsection (10) to the department
 255 by facsimile or electronic mail.

256 (8) (a) Evaluations under s. 985.412(5) of each sheriff's
 257 training and respect program shall be conducted quarterly during
 258 the first year of the program's operation. Thereafter, if the
 259 program met the minimum thresholds during its most recent
 260 evaluation, the program shall be evaluated at least once
 261 annually. If a sheriff's training and respect program fails to
 262 meet the minimum thresholds, the department shall cancel the
 263 contract for the program:

264 1. Immediately if the program has a deficiency in a
 265 critical life safety aspect of its operations, as defined in
 266 department rule, or has failed to train its staff as required
 267 under subsection (9).

268 2. If the program fails to achieve compliance with the
 269 minimum thresholds within 3 months, unless there are documented
 270 extenuating circumstances, as defined in department rule.

271 (b) Upon cancellation of a contract under paragraph (a),
 272 the program's operations shall immediately cease and the
 273 department shall immediately discontinue any state payments to
 274 the program.

275 (9) (a) The department shall adopt rules under ss.
 276 120.536(1) and 120.54 that establish training requirements that
 277 must be completed by staff in a sheriff's training and respect
 278 program within 90 calendar days following the person's date of

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

279 hire, and that must, at a minimum, require:
 280 1. Administrative staff to successfully complete 120
 281 contact hours of department-approved training.
 282 2. Staff who provide direct care, as defined in s.
 283 985.4055 to be:
 284 a. Certified correctional, correctional probation, or law
 285 enforcement officers under chapter 943 and to receive at least
 286 20 hours of department-approved training in the Protective
 287 Action Response policy established in department rules adopted
 288 under s. 985.4055(2)(a); or
 289 b. Certified in protective action response under s.
 290 985.4055(2)(b)-(e) and to successfully complete 200 contact
 291 hours of department-approved training, which must include, but
 292 is not limited to, training on:
 293 (I) State and federal laws relating to child abuse.
 294 (II) Authorized disciplinary sanctions and privilege
 295 restrictions under paragraph (7)(b) and prohibited harmful
 296 psychological intimidation techniques under paragraph (7)(c).
 297 (III) Appropriate counseling techniques and aggression
 298 control methods.
 299 (IV) Appropriate methods for dealing with children who
 300 have been placed in programs that emphasize physical fitness and
 301 personal discipline, including training on the identification
 302 of, and appropriate responses to, children who are experiencing
 303 physical or mental distress.
 304 (V) Cardiopulmonary resuscitation, choke-relief, and other
 305 emergency medical procedures.
 306 (b) All department-approved training courses under this

ENROLLED

HB 5019, Engrossed 2

2006 Legislature

307 subsection must be taught by one or more persons who are
308 certified as, or who have completed the necessary education and
309 training to be, an instructor for the course being taught. A
310 training course in counseling techniques must be taught by a
311 person who has at least a bachelor's degree in social work,
312 counseling, psychology, or a related field.

313 (c) A person who exercises direct care, as defined in s.
314 985.4055, in a sheriff's training and respect program prior to
315 successful completion of the training requirements in this
316 subsection must be directly supervised by a person who has
317 successfully completed the training requirements in this
318 subsection.

319 (10) Prior to release of a child from a sheriff's training
320 and respect program, the child:

321 (a) Must be physically examined by a physician licensed
322 under chapter 458 or chapter 459 or an advanced registered nurse
323 practitioner licensed and certified under chapter 464. Any
324 evidence of abuse as defined in s. 39.01(2) must be documented
325 and immediately reported by the examiner to the statewide abuse
326 registry and the department.

327 (b) Must sign an exit statement indicating whether his or
328 her rights under this section were observed and whether he or
329 she was subjected to any abuse as defined in s. 39.01(2),
330 harmful psychological intimidation techniques, or violations of
331 the Protective Action Response policy established in department
332 rules adopted under s. 985.4055(2)(a). Any allegation by the
333 child that:

334 1. He or she was subjected to abuse as defined in s.

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

335 39.01(2) in the sheriff's training and respect program must be
 336 investigated by the Department of Children and Family Services
 337 under s. 39.302.

338 2. His or her rights under this section were not observed
 339 or that he or she was subjected to harmful psychological
 340 intimidation techniques or to violations of the department's
 341 Protective Action Response policy must be investigated by the
 342 department's Inspector General.

343 (c) The sheriff's training and respect program shall
 344 deliver a copy of each child's exit statement at the time it is
 345 executed to:

346 1. The department in the manner prescribed under paragraph
 347 (7) (f).

348 2. The statewide abuse registry if it contains any
 349 allegation of abuse as defined in s. 39.01(2).

350 (11) The department must:

351 (a) Maintain records for each sheriff's training and
 352 respect program participant and shall monitor his or her
 353 recidivism, educational progress, and employment placement for
 354 at least 1 year following his or her release from the program.
 355 Recidivism statistics shall indicate the degree and severity of
 356 the criminal activity.

357 (b) Annually publish an outcome evaluation study of each
 358 sheriff's training and respect program that includes recidivism
 359 statistics.

360 (12) Children shall not be admitted to a sheriff's
 361 training and respect program until the department has adopted
 362 the rules required by this section and has verified that each

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

363 program is in compliance with all laws and rules applicable to
 364 the program. The department may adopt emergency rules pursuant
 365 to s. 120.54(4) if necessary to allow operation of sheriff's
 366 training and respect programs beginning July 1, 2006.

367 Section 7. Paragraph (i) of subsection (3) of section
 368 985.311, Florida Statutes, is amended to read:

369 985.311 Intensive residential treatment program for
 370 offenders less than 13 years of age.--

371 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
 372 TREATMENT.--

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

376 1. If it is recommended that placement in an intensive
 377 residential treatment program for offenders less than 13 years
 378 of age is inappropriate, the court shall make an alternative
 379 disposition pursuant to s. 985.3091 ~~985.309~~ or other alternative
 380 sentencing as applicable, utilizing the recommendation as a
 381 guide.

382 2. If it is recommended that placement in an intensive
 383 residential treatment program for offenders less than 13 years
 384 of age is appropriate, the court may commit the child to the
 385 department for placement in the restrictiveness level designated
 386 for intensive residential treatment program for offenders less
 387 than 13 years of age.

388 Section 8. Section 985.4055, Florida Statutes, is created
 389 to read:

390 985.4055 Protective action response.--

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

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(1) For purposes of this section, the term:
(a) "Direct care" means direct contact with youth for the
purpose of providing care, supervision, custody, or control of
youth in a detention facility, delinquency program, or
commitment program within any restrictiveness level, which is
operated by the department or by a provider under contract with
the department.

(b) "Employee" means any person who exercises direct care.
The term "employee" does not include a licensed medical
professional, mental health counselor, substance abuse
counselor, or social services counselor whose primary
responsibilities are to provide treatment to youth in a
detention facility, delinquency program, or commitment program
within any restrictiveness level, which is operated by the
department or by a provider under contract with the department.

(c) "Protective Action Response policy" means the policy
governing the use of verbal and physical intervention
techniques, mechanical restraints, aerosol and chemical agents,
and Tasers by employees.

(d) "Taser" means any mechanism that is designed to emit
or project an electronic, magnetic, or other type of charge or
shock for the purpose of temporarily incapacitating a person.

(2) The department shall adopt rules under ss. 120.536(1)
and 120.54 that:

- (a) Establish a Protective Action Response policy that:
 - 1. Defines the authorized level of response by an employee
to each level of verbal or physical resistance by a youth.
 - 2. Requires the use of verbal intervention techniques as

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

419 the initial response by an employee to verbal or physical
 420 resistance by a youth, except where physical intervention
 421 techniques are necessary to prevent:

422 a. Physical harm to the youth, employee, or another
 423 person;

424 b. Property damage; or

425 c. The youth from escaping or absconding from lawful
 426 supervision.

427 3. Defines authorized physical intervention techniques and
 428 the situations under which employees may use these techniques
 429 for youth. Pain compliance techniques and use of less than
 430 lethal force shall be prohibited, except where necessary to
 431 prevent:

432 a. Physical harm to the youth, employee, or another
 433 person;

434 b. Property damage; or

435 c. The youth from escaping or absconding from lawful
 436 supervision.

437

438 Lethal force shall be prohibited, except where necessary to
 439 protect the employee or another person from an imminent threat
 440 of great bodily harm or death. Prior authorization by an
 441 employee's supervisor for the use of physical intervention
 442 techniques shall be obtained when practical.

443 4. Defines authorized use of mechanical restraints and the
 444 situations under which employees may use such restraints on
 445 youth. Prohibited uses of mechanical restraints shall include
 446 the use of neck restraints and the securing of a youth to a

ENROLLED

HB 5019, Engrossed 2

2006 Legislature

447 fixed object. Supervision requirements for youth who are secured
448 in mechanical restraints shall include constant and direct
449 visual monitoring by an employee for purposes of ensuring youth
450 safety and ascertaining indications by the youth that restraints
451 are no longer necessary. Prior authorization by an employee's
452 supervisor for the use of mechanical restraints shall be
453 obtained when practical.

454 5. Prohibits the use of aerosol or chemical agents,
455 including, but not limited to, oleoresin capsicum spray and
456 ammonia capsules, on a youth unless required for medical
457 treatment of the youth by a licensed medical professional.

458 6. Prohibits the use of a Taser on a youth.

459 (b) Establish training curriculum for protective action
460 response certification of employees and instructors. The
461 training curriculum for employee certification shall, at a
462 minimum, require the employee to:

463 1. Complete instruction on the Protective Action Response
464 policy.

465 2. Obtain a passing score:

466 a. On a written examination that tests the employee's
467 knowledge and understanding of the Protective Action Response
468 policy.

469 b. During an evaluation by an instructor of the employee's
470 physically demonstrated ability to implement the Protective
471 Action Response policy.

472 (c) Require training curriculum for protective action
473 response certification of employees to be taught by instructors
474 who have been certified under the training curriculum for

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

475 protective action response certification of instructors.

476 (d) Except as provided in s. 985.3091(9) for specified
 477 certified officers, require each employee who was not certified
 478 by the department in protective action response prior to July 1,
 479 2006, to receive his or her protective action response
 480 certification by September 30, 2006, or within 90 calendar days
 481 following his or her date of hire, whichever date is later.

482 (e) Require any employee who exercises direct care prior
 483 to receiving his or her protective action response certification
 484 to be directly supervised by an employee who has received his or
 485 her protective action response certification.

486 Section 9. Section 958.046, Florida Statutes, is amended
 487 to read:

488 958.046 Placement in county-operated boot camp programs
 489 for youthful offenders.--In counties where there are county-
 490 operated youthful offender boot camp programs, other than boot
 491 camps described in s. 958.04 or sheriff's training and respect
 492 programs in s. 985.3091 ~~985.309~~, the court may sentence a
 493 youthful offender to such a boot camp. In county-operated
 494 youthful offender boot camp programs, juvenile offenders shall
 495 not be commingled with youthful offenders.

496 Section 10. Paragraph (i) of subsection (3) of section
 497 985.31, Florida Statutes, is amended to read:

498 985.31 Serious or habitual juvenile offender.--

499 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
 500 TREATMENT.--

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

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

503 paragraph:
 504 1. If it is recommended that placement in a serious or
 505 habitual juvenile offender program or facility is inappropriate,
 506 the court shall make an alternative disposition pursuant to s.
 507 985.3091 ~~985.309~~ or other alternative sentencing as applicable,
 508 using ~~utilizing~~ the recommendation as a guide.

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

514 Section 11. Section 985.314, Florida Statutes, is amended
 515 to read:

516 985.314 Commitment programs for juvenile felony
 517 offenders.--

518 (1) Notwithstanding any other law and regardless of the
 519 child's age, a child who is adjudicated delinquent, or for whom
 520 adjudication is withheld, for an act that would be a felony if
 521 committed by an adult, shall be committed to:

522 (a) A sheriff's training and respect boot-camp program
 523 under s. 985.3091 ~~985.309~~ if the child has participated in an
 524 early delinquency intervention program as provided in s.
 525 985.305.

526 (b) A program for serious or habitual juvenile offenders
 527 under s. 985.31 or an intensive residential treatment program
 528 for offenders less than 13 years of age under s. 985.311, if the
 529 child has participated in an early delinquency intervention
 530 program and has completed a sheriff's training and respect boot

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

531 ~~camp~~ program.

532 (c) A maximum-risk residential program, if the child has
 533 participated in an early delinquency intervention program, has
 534 completed a sheriff's training and respect boot camp program,
 535 and has completed a program for serious or habitual juvenile
 536 offenders or an intensive residential treatment program for
 537 offenders less than 13 years of age. The commitment of a child
 538 to a maximum-risk residential program must be for an
 539 indeterminate period, but may not exceed the maximum term of
 540 imprisonment that an adult may serve for the same offense.

541 (2) In committing a child to the appropriate program, the
 542 court may consider an equivalent program of similar intensity as
 543 being comparable to a program required under subsection (1).

544 Section 12. Cost of supervision and care waiver; pilot
 545 program.--

546 (1) For purposes of this section, the term:

547 (a) "Approved parenting class" means a class approved by
 548 the department under subsection (4).

549 (b) "Court" means a circuit court in the Fourth or
 550 Eleventh Judicial Circuits.

551 (c) "Department" means the Department of Juvenile Justice.

552 (d) "Parent" means a parent, as defined in s.
 553 985.2311(13), Florida Statutes, whose child's delinquency case
 554 comes before a circuit court in the Fourth or Eleventh Judicial
 555 Circuit.

556 (2) (a) Notwithstanding any contrary provision of s.
 557 985.2311, Florida Statutes, for the period of October 1, 2006,
 558 through June 30, 2009, the court shall enter an order waiving

ENROLLED

HB 5019, Engrossed 2

2006 Legislature

559 the fees required to be paid under s. 985.2311, Florida
560 Statutes, by a parent if the parent successfully completes an
561 approved parenting class and presents the court with notarized
562 documentation of such completion.

563 (b) Participation in an approved parenting class under
564 this subsection is voluntary and the parent is responsible for
565 the payment of all costs associated with participation in the
566 class.

567 (c) A parent who fails to successfully complete an
568 approved parenting class shall pay the full amount of fees
569 required by s. 985.2311, Florida Statutes.

570 (d) A parent may only have fees waived under this
571 subsection once.

572 (3) The Office of Program Policy and Government
573 Accountability shall evaluate the pilot program created by this
574 section and shall submit a written report to the appropriate
575 substantive and fiscal committees of the Legislature, the
576 Governor, and the Department of Juvenile Justice on September
577 30, 2007, and annually thereafter, which identifies for the
578 Fourth and Eleventh Judicial Circuits during the fiscal year
579 preceding the report:

580 (a) The number of delinquency cases in which fees were
581 required to be ordered under s. 985.2311, Florida Statutes, and
582 the total amount of those fees.

583 (b) The number of delinquency cases in which parents
584 agreed to complete an approved parenting class and the number of
585 delinquency cases in which the parent submitted notarized
586 documentation of successful completion to the court.

ENROLLED
 HB 5019, Engrossed 2

2006 Legislature

587 (c) The number of delinquency cases in which the court
 588 entered an order waiving fees under subsection (2) and the total
 589 amount of fees waived.

590 (d) The number of youth, as such data becomes available,
 591 who are taken into custody for a felony or misdemeanor within 6
 592 months following their release from department custody or
 593 supervision, whichever occurs later, and whose parents' fees
 594 under s. 985.2311, Florida Statutes, are:

- 595 1. Waived by court order under subsection (2).
- 596 2. Not waived by court order under subsection (2).

597 (4) The department shall contract or otherwise arrange for
 598 the provision of parenting courses in the Fourth and Eleventh
 599 Judicial Circuits between October 1, 2006, through June 30,
 600 2009.

601 (5) This section is repealed October 1, 2009.
 602 Section 13. This act shall take effect July 1, 2006.