

By the Committee on Criminal and Civil Justice Appropriations;
and Senator Wise

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1 A bill to be entitled
2 An act relating to juvenile justice; amending s.
3 394.492, F.S.; including children 9 years of age or
4 younger at the time of referral for a delinquent act
5 within the definition of those children who are
6 eligible to receive comprehensive mental health
7 services; amending s. 984.03, F.S.; redefining the
8 terms "child in need of services" and "family in need
9 of services" to provide that a child is eligible to
10 receive comprehensive services if the child is 9 years
11 of age or younger at the time of referral to the
12 Department of Juvenile Justice for a delinquent act;
13 amending s. 984.14, F.S.; providing that a child may
14 not be placed in a shelter before a court hearing
15 unless the child is taken into custody for a
16 misdemeanor domestic violence charge and is eligible
17 to be held in secure detention; amending s. 985.02,
18 F.S.; providing additional legislative findings and
19 intent for the juvenile justice system; amending s.
20 985.03, F.S.; redefining the terms "child in need of
21 services" and "family in need of services" to provide
22 that a child is eligible to receive comprehensive
23 services if the child is 9 years of age or younger at
24 the time of referral to the department for a
25 delinquent act; amending s. 985.125, F.S.; encouraging
26 law enforcement agencies, school districts, counties,
27 municipalities, and the department to establish
28 prearrest or postarrest diversion programs;
29 encouraging operators of diversion programs to give

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30 first-time misdemeanor offenders and offenders who are
31 9 years of age or younger an opportunity to
32 participate in the programs; amending s. 985.145,
33 F.S.; requiring a juvenile probation officer to make a
34 referral to the appropriate shelter if the completed
35 risk assessment instrument shows that the child is
36 ineligible for secure detention; amending s. 985.24,
37 F.S.; prohibiting a child alleged to have committed a
38 delinquent act or violation of law from being placed
39 into secure, nonsecure, or home detention care because
40 of a misdemeanor charge of domestic violence if the
41 child lives in a family that has a history of family
42 violence or if the child is a victim of abuse or
43 neglect; prohibiting a child 9 years of age or younger
44 from being placed into secure detention care unless
45 the child is charged with a capital felony, a life
46 felony, or a felony of the first degree; amending s.
47 985.245, F.S.; revising membership on the statewide
48 risk assessment instrument committee; amending s.
49 985.255, F.S.; providing that a child may be retained
50 in home detention care under certain circumstances;
51 providing that a child who is charged with committing
52 a felony offense of domestic violence and who does not
53 meet detention criteria may nevertheless be held in
54 secure detention if the court makes certain specific
55 written findings; amending s. 985.441, F.S.;
56 authorizing a court to commit a female child
57 adjudicated as delinquent to the department for
58 placement in a mother-infant program designed to serve

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59 the needs of juvenile mothers or expectant juvenile
60 mothers who are committed as delinquents; requiring
61 the department to adopt rules to govern the operation
62 of the mother-infant program; amending s. 985.45,
63 F.S.; providing that whenever a child is required by
64 the court to participate in any juvenile justice work
65 program, the child is considered an employee of the
66 state for the purpose of workers' compensation;
67 amending s. 985.632, F.S.; requiring the Department of
68 Juvenile Justice to collect and analyze available
69 statistical data for the purpose of ongoing evaluation
70 of all juvenile justice programs; redefining terms;
71 requiring the department to use a standard methodology
72 to annually measure, evaluate, and report program
73 outputs and youth outcomes for each program and
74 program group; requiring that the department submit an
75 annual report to the appropriate committees of the
76 Legislature and the Governor; requiring that the
77 department apply a program accountability measures
78 analysis to each program; deleting obsolete
79 provisions; amending s. 985.664, F.S.; providing that
80 a juvenile justice circuit board may increase its
81 membership to adequately reflect the diversity of the
82 population, community organizations, and child care
83 agencies in its circuit; reenacting ss. 419.001(1)(d),
84 984.04(5), and 984.15(2)(c) and (3)(c), F.S., relating
85 to community residential homes, families and children
86 in need of services, and filing decisions available to
87 a state attorney, respectively, to incorporate the

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88 amendment made to s. 984.03, F.S., in references
89 thereto; reenacting s. 984.13(3), F.S., relating to
90 taking a child into custody, to incorporate the
91 amendment made to s. 984.14, F.S., in a reference
92 thereto; reenacting s. 419.001(1)(d), F.S., relating
93 to community residential homes, to incorporate the
94 amendment made to s. 985.03, F.S., in a reference
95 thereto; providing an effective date.

96

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

98

99 Section 1. Paragraph (i) is added to subsection (4) of
100 section 394.492, Florida Statutes, to read:

101 394.492 Definitions.—As used in ss. 394.490–394.497, the
102 term:

103 (4) “Child or adolescent at risk of emotional disturbance”
104 means a person under 18 years of age who has an increased
105 likelihood of becoming emotionally disturbed because of risk
106 factors that include, but are not limited to:

107 (i) Being 9 years of age or younger at the time of referral
108 for a delinquent act.

109 Section 2. Subsections (9) and (25) of section 984.03,
110 Florida Statutes, are amended to read:

111 984.03 Definitions.—When used in this chapter, the term:

112 (9) “Child in need of services” means a child for whom
113 there is no pending investigation into an allegation or
114 suspicion of abuse, neglect, or abandonment; no pending referral
115 alleging that the child is delinquent, except if the child is 9
116 years of age or younger at the time of referral to the

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117 department; or no current supervision by the department ~~of~~
118 ~~Juvenile Justice~~ or the Department of Children and Family
119 Services for an adjudication of dependency or delinquency. The
120 child must also, pursuant to this chapter, be found by the
121 court:

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

130 (b) To be habitually truant from school, while subject to
131 compulsory school attendance, despite reasonable efforts to
132 remedy the situation pursuant to ss. 1003.26 and 1003.27 and
133 through voluntary participation by the child's parents or legal
134 custodians and by the child in family mediation, services, and
135 treatment offered by the department ~~of Juvenile Justice~~ or the
136 Department of Children and Family Services; ~~or~~

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

144 (d) To be 9 years of age or younger and have been referred
145 to the department for committing a delinquent act.

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146 (25) "Family in need of services" means a family that has a
147 child who is running away; who is persistently disobeying
148 reasonable and lawful demands of the parent or legal custodian
149 and is beyond the control of the parent or legal custodian; ~~or~~
150 who is habitually truant from school or engaging in other
151 serious behaviors that place the child at risk of future abuse,
152 neglect, or abandonment or at risk of entering the juvenile
153 justice system; or who is 9 years of age or younger and being
154 referred to the department for a delinquent act. The child must
155 be referred to a law enforcement agency, the department ~~of~~
156 ~~Juvenile Justice~~, or an agency contracted to provide services to
157 children in need of services. A family is not eligible to
158 receive services if, at the time of the referral, there is an
159 open investigation into an allegation of abuse, neglect, or
160 abandonment or if the child is currently under supervision by
161 the department ~~of Juvenile Justice~~ or the Department of Children
162 and Family Services due to an adjudication of dependency or
163 delinquency.

164 Section 3. Subsection (1) of section 984.14, Florida
165 Statutes, is amended to read:

166 984.14 Shelter placement; hearing.—

167 (1) Unless ordered by the court pursuant to ~~the provisions~~
168 ~~of~~ this chapter, or upon voluntary consent to placement by the
169 child and the child's parent, legal guardian, or custodian, a
170 child taken into custody may ~~shall~~ not be placed in a shelter
171 prior to a court hearing unless the child is taken into custody
172 for a misdemeanor domestic violence charge and is eligible to be
173 held in secure detention or a determination has been made that
174 ~~the provision of~~ appropriate and available services will not

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175 eliminate the need for placement and that such placement is
176 required:

177 (a) To provide an opportunity for the child and family to
178 agree upon conditions for the child's return home, when
179 immediate placement in the home would result in a substantial
180 likelihood that the child and family would not reach an
181 agreement; or

182 (b) Because a parent, custodian, or guardian is unavailable
183 to take immediate custody of the child.

184 Section 4. Subsections (9), (10), and (11) are added to
185 section 985.02, Florida Statutes, to read:

186 985.02 Legislative intent for the juvenile justice system.—

187 (9) CHILDREN 9 YEARS OF AGE OR YOUNGER.—The Legislature finds
188 that very young children need age-appropriate services in order
189 to prevent and reduce future acts of delinquency. Children who
190 are 9 years of age or younger should be diverted into prearrest
191 or postarrest programs, civil citation programs, or children-in-
192 need-of-services and families-in-need-of-services programs, as
193 appropriate. If, upon findings from the needs assessment, the
194 child is found to be in need of mental health services or
195 substance abuse treatment services, the department shall
196 cooperate with the parent or legal guardian and the Department
197 of Children and Family Services, as appropriate, to identify the
198 most appropriate services and supports and available funding
199 sources to meet the needs of the child.

200 (10) RESTORATIVE JUSTICE.—

201 (a) It is the intent of the Legislature that the juvenile
202 justice system advance the principles of restorative justice.
203 The department shall focus on repairing the harm to victims of

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204 delinquent behavior by ensuring that the child understands the
205 effect of his or her delinquent behavior on the victim and the
206 community and that the child restore the losses of his or her
207 victim.

208 (b) Offender accountability is one of the principles of
209 restorative justice. The premise of this principle is that the
210 juvenile justice system must respond to delinquent behavior in
211 such a way that the offender is made aware of and takes
212 responsibility for repaying or restoring loss, damage, or injury
213 perpetrated upon the victim and the community. This goal is
214 achieved when the offender understands the consequences of
215 delinquent behaviors in terms of harm to others, and when the
216 offender makes amends for the harm, loss, or damage through
217 restitution, community service, or other appropriate repayment.

218 Section 5. Subsections (7) and (23) of section 985.03,
219 Florida Statutes, are amended to read:

220 985.03 Definitions.—As used in this chapter, the term:

221 (7) "Child in need of services" means a child for whom
222 there is no pending investigation into an allegation or
223 suspicion of abuse, neglect, or abandonment; no pending referral
224 alleging that the child is delinquent, except if the child is 9
225 years of age or younger at the time of referral to the
226 department; or no current supervision by the department or the
227 Department of Children and Family Services for an adjudication
228 of dependency or delinquency. The child must also, under this
229 chapter, be found by the court:

230 (a) To have persistently run away from the child's parents
231 or legal custodians despite reasonable efforts of the child, the
232 parents or legal custodians, and appropriate agencies to remedy

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233 the conditions contributing to the behavior. Reasonable efforts
234 shall include voluntary participation by the child's parents or
235 legal custodians and the child in family mediation, services,
236 and treatment offered by the department or the Department of
237 Children and Family Services;

238 (b) To be habitually truant from school, while subject to
239 compulsory school attendance, despite reasonable efforts to
240 remedy the situation under ss. 1003.26 and 1003.27 and through
241 voluntary participation by the child's parents or legal
242 custodians and by the child in family mediation, services, and
243 treatment offered by the department ~~of Juvenile Justice~~ or the
244 Department of Children and Family Services; ~~or~~

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

252 (d) To be 9 years of age or younger and have been referred
253 to the department for a delinquent act.

254 (23) "Family in need of services" means a family that has a
255 child for whom there is no pending investigation into an
256 allegation of abuse, neglect, or abandonment or no current
257 supervision by the department or the Department of Children and
258 Family Services for an adjudication of dependency or
259 delinquency. The child must also have been referred to a law
260 enforcement agency or the department for:

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

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

265 (c) Habitual truancy from school; or

266 (d) Being 9 years of age or younger and being referred for
267 a delinquent act.

268 Section 6. Subsection (1) of section 985.125, Florida
269 Statutes, is amended to read:

270 985.125 Prearrest or postarrest diversion programs.—

271 (1) A law enforcement agency, ~~or~~ school district, county,
272 municipality, or the department, in cooperation with the state
273 attorney, is encouraged to ~~may~~ establish a prearrest or
274 postarrest diversion programs. Youth who are taken into custody
275 for first-time misdemeanor offenses or offenders who are 9 years
276 of age or younger should be given an opportunity to participate
277 in prearrest or postarrest diversion programs ~~program.~~

278 Section 7. Paragraph (d) of subsection (1) of section
279 985.145, Florida Statutes, is amended to read:

280 985.145 Responsibilities of juvenile probation officer
281 during intake; screenings and assessments.—

282 (1) The juvenile probation officer shall serve as the
283 primary case manager for the purpose of managing, coordinating,
284 and monitoring the services provided to the child. Each program
285 administrator within the Department of Children and Family
286 Services shall cooperate with the primary case manager in
287 carrying out the duties and responsibilities described in this
288 section. In addition to duties specified in other sections and
289 through departmental rules, the assigned juvenile probation
290 officer shall be responsible for the following:

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291 (d) *Completing risk assessment instrument.*—The juvenile
292 probation officer shall ensure that a risk assessment instrument
293 establishing the child's eligibility for detention has been
294 accurately completed and that the appropriate recommendation was
295 made to the court. If, upon completion of the risk assessment
296 instrument, the child is ineligible for secure detention based
297 on the criteria in s. 985.24(2)(e), the juvenile probation
298 officer shall make a referral to the appropriate shelter for a
299 child in need of services or family in need of services.

300 Section 8. Section 985.24, Florida Statutes, is amended to
301 read:

302 985.24 Use of detention; prohibitions.—

303 (1) All determinations and court orders regarding the use
304 of secure, nonsecure, or home detention must ~~shall~~ be based
305 primarily upon findings that the child:

306 (a) Presents a substantial risk of not appearing at a
307 subsequent hearing;

308 (b) Presents a substantial risk of inflicting bodily harm
309 on others as evidenced by recent behavior;

310 (c) Presents a history of committing a property offense
311 prior to adjudication, disposition, or placement;

312 (d) Has committed contempt of court by:

313 1. Intentionally disrupting the administration of the
314 court;

315 2. Intentionally disobeying a court order; or

316 3. Engaging in a punishable act or speech in the court's
317 presence which shows disrespect for the authority and dignity of
318 the court; or

319 (e) Requests protection from imminent bodily harm.

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320 (2) A child alleged to have committed a delinquent act or
321 violation of law may not be placed into secure, nonsecure, or
322 home detention care for any of the following reasons:

323 (a) To allow a parent to avoid his or her legal
324 responsibility.

325 (b) To permit more convenient administrative access to the
326 child.

327 (c) To facilitate further interrogation or investigation.

328 (d) Due to a lack of more appropriate facilities.

329 (e) Due to a misdemeanor charge of domestic violence if the
330 child lives in a family that has a history of family violence,
331 as defined in s. 741.28, or if the child is a victim of abuse or
332 neglect, as defined in s. 39.01, and the decision to place the
333 child in secure detention is mitigated by the history of trauma
334 faced by the child, unless the child would otherwise be subject
335 to secure detention based on his or her prior history.

336 (3) A child alleged to be dependent under chapter 39 may
337 not, under any circumstances, be placed into secure detention
338 care.

339 (4) A child 9 years of age or younger may not be placed
340 into secure detention care unless the child is charged with a
341 capital felony, a life felony, or a felony of the first degree.

342 ~~(5)~~ (4) The department shall continue to identify
343 alternatives to secure detention care and shall develop such
344 alternatives and annually submit them to the Legislature for
345 authorization and appropriation.

346 Section 9. Paragraph (a) of subsection (2) of section
347 985.245, Florida Statutes, is amended to read:

348 985.245 Risk assessment instrument.—

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349 (2) (a) The risk assessment instrument for detention care
350 placement determinations and court orders shall be developed by
351 the department in agreement with a statewide committee composed
352 of representatives appointed by the following associations: the
353 Conference of Circuit Judges of Florida, the Prosecuting
354 Attorneys Association, the Public Defenders Association, the
355 Florida Sheriffs Association, and the Florida Association of
356 Chiefs of Police. Each association shall appoint two
357 individuals, one representing an urban area and one representing
358 a rural area. In addition, the committee shall include two
359 representatives from child advocacy organizations appointed by
360 the secretary of the department. The parties involved shall
361 evaluate and revise the risk assessment instrument as is
362 considered necessary using the method for revision as agreed by
363 the parties.

364 Section 10. Section 985.255, Florida Statutes, is amended
365 to read:

366 985.255 Detention criteria; detention hearing.—

367 (1) Subject to s. 985.25(1), a child taken into custody and
368 placed into ~~nonsecure or~~ home detention care or detained in
369 secure detention care before ~~prior to~~ a detention hearing may
370 continue to be detained by the court if:

371 (a) The child is alleged to be an escapee from a
372 residential commitment program; or an absconder from a
373 nonresidential commitment program, a probation program, or
374 conditional release supervision; or is alleged to have escaped
375 while being lawfully transported to or from a residential
376 commitment program.

377 (b) The child is wanted in another jurisdiction for an

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378 offense which, if committed by an adult, would be a felony.

379 (c) The child is charged with a delinquent act or violation
380 of law and requests in writing through legal counsel to be
381 detained for protection from an imminent physical threat to his
382 or her personal safety.

383 (d) The child is charged with committing a felony ~~an~~
384 offense of domestic violence as defined in s. 741.28 and is
385 detained as provided in subsection (2).

386 (e) The child is charged with possession or discharging a
387 firearm on school property in violation of s. 790.115.

388 (f) The child is charged with a capital felony, a life
389 felony, a felony of the first degree, a felony of the second
390 degree that does not involve a violation of chapter 893, or a
391 felony of the third degree that is also a crime of violence,
392 including any such offense involving the use or possession of a
393 firearm.

394 (g) The child is charged with any second degree or third
395 degree felony involving a violation of chapter 893 or any third
396 degree felony that is not also a crime of violence, and the
397 child:

- 398 1. Has a record of failure to appear at court hearings
399 after being properly notified in accordance with the Rules of
400 Juvenile Procedure;
- 401 2. Has a record of law violations prior to court hearings;
- 402 3. Has already been detained or has been released and is
403 awaiting final disposition of the case;
- 404 4. Has a record of violent conduct resulting in physical
405 injury to others; or
- 406 5. Is found to have been in possession of a firearm.

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407 (h) The child is alleged to have violated the conditions of
408 the child's probation or conditional release supervision.
409 However, a child detained under this paragraph may be held only
410 in a consequence unit as provided in s. 985.439. If a
411 consequence unit is not available, the child shall be placed on
412 home detention with electronic monitoring.

413 (i) The child is detained on a judicial order for failure
414 to appear and has previously willfully failed to appear, after
415 proper notice, for an adjudicatory hearing on the same case
416 regardless of the results of the risk assessment instrument. A
417 child may be held in secure detention for up to 72 hours in
418 advance of the next scheduled court hearing pursuant to this
419 paragraph. The child's failure to keep the clerk of court and
420 defense counsel informed of a current and valid mailing address
421 where the child will receive notice to appear at court
422 proceedings does not provide an adequate ground for excusal of
423 the child's nonappearance at the hearings.

424 (j) The child is detained on a judicial order for failure
425 to appear and has previously willfully failed to appear, after
426 proper notice, at two or more court hearings of any nature on
427 the same case regardless of the results of the risk assessment
428 instrument. A child may be held in secure detention for up to 72
429 hours in advance of the next scheduled court hearing pursuant to
430 this paragraph. The child's failure to keep the clerk of court
431 and defense counsel informed of a current and valid mailing
432 address where the child will receive notice to appear at court
433 proceedings does not provide an adequate ground for excusal of
434 the child's nonappearance at the hearings.

435 (2) A child who is charged with committing a felony ~~an~~

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436 offense of domestic violence as defined in s. 741.28 and who
437 does not meet detention criteria may be held in secure detention
438 if the court makes specific written findings that:

439 (a) Respite care for the child is not available.

440 (b) It is necessary to place the child in secure detention
441 in order to protect the victim from injury.

442

443 The child may not be held in secure detention under this
444 subsection for more than 48 hours unless ordered by the court.
445 After 48 hours, the court shall hold a hearing if the state
446 attorney or victim requests that secure detention be continued.
447 The child may continue to be held in detention care if the court
448 makes a specific, written finding that detention care is
449 necessary to protect the victim from injury. However, the child
450 may not be held in detention care beyond the time limits set
451 forth in this section or s. 985.26.

452 (3) (a) A child who meets any of the criteria in subsection
453 (1) and who is ordered to be detained under that subsection
454 shall be given a hearing within 24 hours after being taken into
455 custody. The purpose of the detention hearing is to determine
456 the existence of probable cause that the child has committed the
457 delinquent act or violation of law that he or she is charged
458 with and the need for continued detention. Unless a child is
459 detained under paragraph (1) (d) or paragraph (1) (e), the court
460 shall use the results of the risk assessment performed by the
461 juvenile probation officer and, based on the criteria in
462 subsection (1), shall determine the need for continued
463 detention. A child placed into secure, nonsecure, or home
464 detention care may continue to be so detained by the court.

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465 (b) If the court orders a placement more restrictive than
466 indicated by the results of the risk assessment instrument, the
467 court shall state, in writing, clear and convincing reasons for
468 such placement.

469 (c) Except as provided in s. 790.22(8) or in s. 985.27,
470 when a child is placed into secure or nonsecure detention care,
471 or into a respite home or other placement pursuant to a court
472 order following a hearing, the court order must include specific
473 instructions that direct the release of the child from such
474 placement no later than 5 p.m. on the last day of the detention
475 period specified in s. 985.26 or s. 985.27, whichever is
476 applicable, unless the requirements of such applicable provision
477 have been met or an order of continuance has been granted under
478 s. 985.26(4).

479 Section 11. Paragraph (e) is added to subsection (1) of
480 section 985.441, Florida Statutes, to read:

481 985.441 Commitment.—

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

486 (e) Commit the child to the department for placement in a
487 mother-infant program designed to serve the needs of juvenile
488 mothers or expectant juvenile mothers who are committed as
489 delinquents. The department's mother-infant program must be
490 licensed as a child care facility in accordance with s. 402.308,
491 and must provide the services and support necessary to enable
492 the committed juvenile mothers to provide for the needs of their
493 infants who, upon agreement of the mother, may accompany them in

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494 the program. The department shall adopt rules pursuant to ss.
 495 120.536(1) and 120.54 to govern the operation of such programs.

496 Section 12. Subsection (1) of section 985.45, Florida
 497 Statutes, is amended to read:

498 985.45 Liability and remuneration for work.-

499 (1) Whenever a child is required by the court to
 500 participate in any work program under this part or whenever a
 501 child volunteers to work in a specified state, county,
 502 municipal, or community service organization supervised work
 503 program or to work for the victim, either as an alternative to
 504 monetary restitution or as a part of the rehabilitative or
 505 probation program, the child is an employee of the state for the
 506 purposes of chapter 440 ~~liability~~.

507 Section 13. Section 985.632, Florida Statutes, is amended
 508 to read:

509 985.632 Program review and reporting requirements ~~Quality~~
 510 ~~assurance and cost-effectiveness.-~~

511 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature
 512 that the department:

513 (a) Ensure that information be provided to decisionmakers
 514 in a timely manner so that resources are allocated to programs
 515 that of the department which achieve desired performance levels.

516 (b) Collect and analyze available statistical data for the
 517 purpose of ongoing evaluation of all programs.

518 (c) ~~(b)~~ Provide information about the cost of such programs
 519 and their differential effectiveness so that program ~~the~~ quality
 520 may of such programs ~~can~~ be compared and improvements made
 521 continually.

522 (d) ~~(e)~~ Provide information to aid in developing related

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523 policy issues and concerns.

524 ~~(e)-(d)~~ Provide information to the public about the
525 effectiveness of such programs in meeting established goals and
526 objectives.

527 ~~(f)-(e)~~ Provide a basis for a system of accountability so
528 that each youth client is afforded the best programs to meet his
529 or her needs.

530 ~~(g)-(f)~~ Improve service delivery to youth clients.

531 ~~(h)-(g)~~ Modify or eliminate activities that are not
532 effective.

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

534 (a) "Youth" ~~"Client"~~ means any person who is being provided
535 treatment or services by the department or by a provider under
536 contract with the department.

537 (b) "Program" means any facility, service, or program for
538 youth which is operated by the department or by a provider under
539 contract with the department.

540 ~~(c)-(b)~~ "Program component" means an aggregation of
541 generally related objectives which, because of their special
542 character, related workload, and interrelated output, can
543 logically be considered an entity for purposes of organization,
544 management, accounting, reporting, and budgeting.

545 ~~(e) "Program effectiveness" means the ability of the~~
546 ~~program to achieve desired client outcomes, goals, and~~
547 ~~objectives.~~

548 (d) "Program group" means a collection of programs having
549 sufficient similarity of functions, services, and population to
550 permit appropriate comparisons between programs within the
551 group.

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552 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department
553 shall use a standard methodology for annually measuring,
554 evaluating, and reporting program outputs and youth outcomes for
555 each program and program group. The department shall submit a
556 report to the appropriate committees of the Legislature and the
557 Governor by January 15 of each year. The department shall notify
558 the Office of Program Policy Analysis and Government
559 Accountability and each contract service provider of substantive
560 changes to the methodology. The standard methodology must:

561 (a) Define common terminology and operational definitions
562 and methods by which to measure the performance of program
563 outputs and outcomes.

564 (b) Specify program outputs for each program and for each
565 program group within the juvenile justice continuum.

566 (c) Report cost data for each program operated or
567 contracted by the department for the fiscal year corresponding
568 to the program outputs and outcomes being reported. The
569 ~~department shall annually collect and report cost data for every~~
570 ~~program operated or contracted by the department. The cost data~~
571 ~~shall conform to a format approved by the department and the~~
572 ~~Legislature. Uniform cost data shall be reported and collected~~
573 ~~for state-operated and contracted programs so that comparisons~~
574 ~~can be made among programs. The department shall ensure that~~
575 ~~there is accurate cost accounting for state-operated services~~
576 ~~including market-equivalent rent and other shared cost. The cost~~
577 ~~of the educational program provided to a residential facility~~
578 ~~shall be reported and included in the cost of a program. The~~
579 ~~department shall submit an annual cost report to the President~~
580 ~~of the Senate, the Speaker of the House of Representatives, the~~

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581 ~~Minority Leader of each house of the Legislature, the~~
582 ~~appropriate substantive and fiscal committees of each house of~~
583 ~~the Legislature, and the Governor, no later than December 1 of~~
584 ~~each year. Cost-benefit analysis for educational programs will~~
585 ~~be developed and implemented in collaboration with and in~~
586 ~~cooperation with the Department of Education, local providers,~~
587 ~~and local school districts. Cost data for the report shall~~
588 ~~include data collected by the Department of Education for the~~
589 ~~purposes of preparing the annual report required by s.~~
590 ~~1003.52(19).~~

591 (4) ~~(a)~~ PROGRAM ACCOUNTABILITY MEASURES. ~~The department of~~
592 ~~Juvenile Justice, in consultation with the Office of Economic~~
593 ~~and Demographic Research, and contract service providers, shall~~
594 ~~develop a cost-effectiveness model and apply the program~~
595 ~~accountability measures analysis model to each commitment~~
596 ~~program and include the results in the comprehensive~~
597 ~~accountability report. Program recidivism rates shall be a~~
598 ~~component of the model.~~

599 (a) The program accountability measures analysis cost-
600 ~~effectiveness model shall compare program costs to expected and~~
601 ~~actual youth recidivism rates ~~client outcomes and program~~~~
602 ~~outputs. It is the intent of the Legislature that continual~~
603 ~~development efforts take place to improve the validity and~~
604 ~~reliability of the cost-effectiveness model and to ~~integrate the~~~~
605 ~~standard methodology developed under s. 985.401(4) for~~
606 ~~interpreting program outcome evaluations.~~

607 (b) ~~The department shall rank commitment programs based on~~
608 ~~the cost-effectiveness model and shall submit a report to the~~
609 ~~appropriate substantive and fiscal committees of each house of~~

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610 the Legislature by December 31 of each year.

611 ~~(b)(c)~~ Based on ~~reports of the department on client~~
612 ~~outcomes and program outputs and on~~ the department's most recent
613 program accountability measures analysis ~~cost-effectiveness~~
614 rankings, the department may terminate its contract with or
615 discontinue a commitment program ~~operated by the department or a~~
616 ~~provider~~ if the program has failed to achieve a minimum
617 threshold of recidivism and cost-effectiveness ~~program~~
618 ~~effectiveness~~. This paragraph does not preclude the department
619 from terminating a contract as provided under this section or as
620 otherwise provided by law or contract, and does not limit the
621 department's authority to enter into or terminate a contract.

622 ~~(c)(d)~~ The department shall notify the Office of Program
623 Policy Analysis and Government Accountability and each contract
624 service provider of substantive changes to the program
625 accountability measures analysis. ~~In collaboration with the~~
626 ~~Office of Economic and Demographic Research, and contract~~
627 ~~service providers, the department shall develop a work plan to~~
628 ~~refine the cost-effectiveness model so that the model is~~
629 ~~consistent with the performance-based program budgeting measures~~
630 ~~approved by the Legislature to the extent the department deems~~
631 ~~appropriate. The department shall notify the Office of Program~~
632 ~~Policy Analysis and Government Accountability of any meetings to~~
633 ~~refine the model.~~

634 ~~(d)(e)~~ Contingent upon specific appropriation, the
635 department, in consultation with the Office of Economic and
636 Demographic Research, and contract service providers, shall:

637 1. Construct a profile of each commitment program that uses
638 the results of the quality assurance report required by this

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639 section, the cost-effectiveness report required in this
640 subsection, and other reports available to the department.

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

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

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

650 (5) QUALITY ASSURANCE.—The department shall:

651 (a) Establish a comprehensive quality assurance system for
652 each program operated by the department or operated by a
653 provider under contract with the department. Each contract
654 entered into by the department must provide for quality
655 assurance and include the results in the comprehensive
656 accountability report.

657 (b) Provide operational definitions of and criteria for
658 quality assurance for each specific program component.

659 (c) Establish quality assurance goals and objectives for
660 each specific program component.

661 (d) Establish the information and specific data elements
662 required for the quality assurance program.

663 (e) Develop a quality assurance manual of specific,
664 standardized terminology and procedures to be followed by each
665 program.

666 (f) Evaluate each program operated by the department or a
667 provider under a contract with the department and establish

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668 minimum thresholds for each program component. If a provider
669 fails to meet the established minimum thresholds, such failure
670 shall cause the department to cancel the provider's contract
671 unless the provider achieves compliance with minimum thresholds
672 within 6 months or unless there are documented extenuating
673 circumstances. In addition, the department may not contract with
674 the same provider for the canceled service for a period of 12
675 months. If a department-operated program fails to meet the
676 established minimum thresholds, the department must take
677 necessary and sufficient steps to ensure and document program
678 changes to achieve compliance with the established minimum
679 thresholds. If the department-operated program fails to achieve
680 compliance with the established minimum thresholds within 6
681 months and if there are no documented extenuating circumstances,
682 the department must notify the Executive Office of the Governor
683 and the Legislature of the corrective action taken. Appropriate
684 corrective action may include, but is not limited to:

- 685 1. Contracting out for the services provided in the
686 program;
- 687 2. Initiating appropriate disciplinary action against all
688 employees whose conduct or performance is deemed to have
689 materially contributed to the program's failure to meet
690 established minimum thresholds;
- 691 3. Redesigning the program; or
- 692 4. Realigning the program.

693
694 ~~The department shall submit an annual report to the President of~~
695 ~~the Senate, the Speaker of the House of Representatives, the~~
696 ~~Minority Leader of each house of the Legislature, the~~

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697 ~~appropriate substantive and fiscal committees of each house of~~
698 ~~the Legislature, and the Governor, no later than February 1 of~~
699 ~~each year. The annual report must contain, at a minimum, for~~
700 ~~each specific program component: a comprehensive description of~~
701 ~~the population served by the program; a specific description of~~
702 ~~the services provided by the program; cost; a comparison of~~
703 ~~expenditures to federal and state funding; immediate and long-~~
704 ~~range concerns; and recommendations to maintain, expand,~~
705 ~~improve, modify, or eliminate each program component so that~~
706 ~~changes in services lead to enhancement in program quality. The~~
707 ~~department shall ensure the reliability and validity of the~~
708 ~~information contained in the report.~~

709 ~~(6) The department shall collect and analyze available~~
710 ~~statistical data for the purpose of ongoing evaluation of all~~
711 ~~programs. The department shall provide the Legislature with~~
712 ~~necessary information and reports to enable the Legislature to~~
713 ~~make informed decisions regarding the effectiveness of, and any~~
714 ~~needed changes in, services, programs, policies, and laws.~~

715 ~~(7) No later than November 1, 2001, the department shall~~
716 ~~submit a proposal to the Legislature concerning funding~~
717 ~~incentives and disincentives for the department and for~~
718 ~~providers under contract with the department. The~~
719 ~~recommendations for funding incentives and disincentives shall~~
720 ~~be based upon both quality assurance performance and cost-~~
721 ~~effectiveness performance. The proposal should strive to achieve~~
722 ~~consistency in incentives and disincentives for both department-~~
723 ~~operated and contractor-provided programs. The department may~~
724 ~~include recommendations for the use of liquidated damages in the~~
725 ~~proposal; however, the department is not presently authorized to~~

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726 ~~contract for liquidated damages in non-hardware-secure~~
727 ~~facilities until January 1, 2002.~~

728 Section 14. Subsection (8) of section 985.664, Florida
729 Statutes, is amended to read:

730 985.664 Juvenile justice circuit boards and juvenile
731 justice county councils.—

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

738 Section 15. For the purpose of incorporating the amendment
739 made by this act to section 984.03, Florida Statutes, in a
740 reference thereto, paragraph (d) of subsection (1) of section
741 419.001, Florida Statutes, is reenacted to read:

742 419.001 Site selection of community residential homes.—

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

745 (d) "Resident" means any of the following: a frail elder as
746 defined in s. 429.65; a physically disabled or handicapped
747 person as defined in s. 760.22(7)(a); a developmentally disabled
748 person as defined in s. 393.063; a nondangerous mentally ill
749 person as defined in s. 394.455(18); or a child who is found to
750 be dependent as defined in s. 39.01 or s. 984.03, or a child in
751 need of services as defined in s. 984.03 or s. 985.03.

752 Section 16. For the purpose of incorporating the amendment
753 made by this act to section 984.03, Florida Statutes, in a
754 reference thereto, subsection (5) of section 984.04, Florida

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755 Statutes, is reenacted to read:

756 984.04 Families in need of services and children in need of
757 services; procedures and jurisdiction.-

758 (5) The circuit court shall have exclusive original
759 jurisdiction of proceedings in which a child is alleged to be a
760 child in need of services. When the jurisdiction of any child
761 who has been found to be a child in need of services or the
762 parent, custodian, or legal guardian of such a child is
763 obtained, the court shall retain jurisdiction, unless
764 relinquished by its order or unless the department withdraws its
765 petition because the child no longer meets the definition of a
766 child in need of services as defined in s. 984.03, until the
767 child reaches 18 years of age. This subsection shall not be
768 construed to prevent the exercise of jurisdiction by any other
769 court having jurisdiction of the child if the child commits a
770 violation of law, is the subject of the dependency provisions
771 under this chapter, or is the subject of a pending investigation
772 into an allegation or suspicion of abuse, neglect, or
773 abandonment.

774 Section 17. For the purpose of incorporating the amendment
775 made by this act to section 984.03, Florida Statutes, in
776 references thereto, paragraph (c) of subsection (2) and
777 paragraph (c) of subsection (3) of section 984.15, Florida
778 Statutes, are reenacted to read:

779 984.15 Petition for a child in need of services.-

780 (2)

781 (c) The petition shall be in writing, shall state the
782 specific grounds under s. 984.03(9) by which the child is
783 designated a child in need of services, and shall certify that

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784 the conditions prescribed in paragraph (a) have been met. The
785 petition shall be signed by the petitioner under oath stating
786 good faith in filing the petition and shall be signed by an
787 attorney for the department.

788 (3)

789 (c) The petition must be in writing and must set forth
790 specific facts alleging that the child is a child in need of
791 services as defined in s. 984.03(9). The petition must also
792 demonstrate that the parent, guardian, or legal custodian has in
793 good faith, but unsuccessfully, participated in the services and
794 processes described in ss. 984.11 and 984.12.

795 Section 18. For the purpose of incorporating the amendment
796 made by this act to section 984.14, Florida Statutes, in a
797 reference thereto, subsection (3) of section 984.13, Florida
798 Statutes, is reenacted to read:

799 984.13 Taking into custody a child alleged to be from a
800 family in need of services or to be a child in need of
801 services.—

802 (3) If the child is taken into custody by, or is delivered
803 to, the department, the appropriate representative of the
804 department shall review the facts and make such further inquiry
805 as necessary to determine whether the child shall remain in
806 custody or be released. Unless shelter is required as provided
807 in s. 984.14(1), the department shall:

808 (a) Release the child to his or her parent, guardian, or
809 legal custodian, to a responsible adult relative, to a
810 responsible adult approved by the department, or to a
811 department-approved family-in-need-of-services and child-in-
812 need-of-services provider; or

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813 (b) Authorize temporary services and treatment that would
814 allow the child alleged to be from a family in need of services
815 to remain at home.

816 Section 19. For the purpose of incorporating the amendment
817 made by this act to section 985.03, Florida Statutes, in a
818 reference thereto, paragraph (d) of subsection (1) of section
819 419.001, Florida Statutes, is reenacted to read:

820 419.001 Site selection of community residential homes.—

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

823 (d) "Resident" means any of the following: a frail elder as
824 defined in s. 429.65; a physically disabled or handicapped
825 person as defined in s. 760.22(7)(a); a developmentally disabled
826 person as defined in s. 393.063; a nondangerous mentally ill
827 person as defined in s. 394.455(18); or a child who is found to
828 be dependent as defined in s. 39.01 or s. 984.03, or a child in
829 need of services as defined in s. 984.03 or s. 985.03.

830 Section 20. This act shall take effect July 1, 2010.