

20101072e1

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

20101072e1

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

20101072e1

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

20101072e1

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

20101072e1

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.

20101072e1

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 ineligible to  
173 be held in secure detention or a determination has been made  
174 that ~~the provision of~~ appropriate and available services will

20101072e1

175 not 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  
188 finds that very young children need age-appropriate services in  
189 order to prevent and reduce future acts of delinquency. Children  
190 who are 9 years of age or younger should be diverted into  
191 prearrest or postarrest programs, civil citation programs, or  
192 children-in-need-of-services and families-in-need-of-services  
193 programs, or other programs, as appropriate. If, upon findings  
194 from the needs assessment, the child is found to be in need of  
195 mental health services or substance abuse treatment services,  
196 the department shall cooperate with the parent or legal guardian  
197 and the Department of Children and Family Services, as  
198 appropriate, to identify the most appropriate services and  
199 supports and available funding sources to meet the needs of the  
200 child.

201 (10) RESTORATIVE JUSTICE.—

202 (a) It is the intent of the Legislature that the juvenile  
203 justice system advance the principles of restorative justice.

20101072e1

204 The department shall focus on repairing the harm to victims of  
205 delinquent behavior by ensuring that the child understands the  
206 effect of his or her delinquent behavior on the victim and the  
207 community and that the child restore the losses of his or her  
208 victim.

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

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

221 985.03 Definitions.—As used in this chapter, the term:

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

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

20101072e1

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

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

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

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

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

20101072e1

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

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

265 ~~or~~

266 (c) Habitual truancy from school; or

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

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

271 985.125 Prearrest or postarrest diversion programs.—

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

279 Section 7. Paragraph (d) of subsection (1) of section  
280 985.145, Florida Statutes, is amended to read:

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

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

20101072e1

291 officer shall be responsible for the following:

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

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

303 985.24 Use of detention; prohibitions.—

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

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

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

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

313 (d) Has committed contempt of court by:

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

316 2. Intentionally disobeying a court order; or

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

20101072e1

320 (e) Requests protection from imminent bodily harm.

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

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

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

328 (c) To facilitate further interrogation or investigation.

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

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

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

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

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

347 Section 9. Paragraph (a) of subsection (2) of section  
348 985.245, Florida Statutes, is amended to read:

20101072e1

349 985.245 Risk assessment instrument.—

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

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

367 985.255 Detention criteria; detention hearing.—

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

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

20101072e1

378 (b) The child is wanted in another jurisdiction for an  
379 offense which, if committed by an adult, would be a felony.

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

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

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

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

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

399 1. Has a record of failure to appear at court hearings  
400 after being properly notified in accordance with the Rules of  
401 Juvenile Procedure;

402 2. Has a record of law violations prior to court hearings;

403 3. Has already been detained or has been released and is  
404 awaiting final disposition of the case;

405 4. Has a record of violent conduct resulting in physical  
406 injury to others; or

20101072e1

407 5. Is found to have been in possession of a firearm.

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

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

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

20101072e1

436 (2) A child who is charged with committing a felony ~~an~~  
437 offense of domestic violence as defined in s. 741.28 and who  
438 does not meet detention criteria may be held in secure detention  
439 if the court makes specific written findings that:

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

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

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

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

20101072e1

465 detention care may continue to be so detained by the court.

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

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

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

482 985.441 Commitment.—

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

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

20101072e1

494 infants who, upon agreement of the mother, may accompany them in  
495 the program. The department shall adopt rules pursuant to ss.  
496 120.536(1) and 120.54 to govern the operation of such programs.

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

499 985.45 Liability and remuneration for work.—

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

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

510 985.632 Program review and reporting requirements ~~Quality~~  
511 ~~assurance and cost effectiveness.~~—

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

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

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

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

20101072e1

523        (d)~~(e)~~ Provide information to aid in developing related  
524 policy issues and concerns.

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

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

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

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

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

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

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

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

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

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

20101072e1

552 group.

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

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

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

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

20101072e1

581 ~~of the Senate, the Speaker of the House of Representatives, the~~  
582 ~~Minority Leader of each house of the Legislature, the~~  
583 ~~appropriate substantive and fiscal committees of each house of~~  
584 ~~the Legislature, and the Governor, no later than December 1 of~~  
585 ~~each year. Cost benefit analysis for educational programs will~~  
586 ~~be developed and implemented in collaboration with and in~~  
587 ~~cooperation with the Department of Education, local providers,~~  
588 ~~and local school districts. Cost data for the report shall~~  
589 ~~include data collected by the Department of Education for the~~  
590 ~~purposes of preparing the annual report required by s.~~  
591 ~~1003.52(19).~~

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

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

608 (b) ~~The department shall rank commitment programs based on~~  
609 ~~the cost effectiveness model and shall submit a report to the~~

20101072e1

610 ~~appropriate substantive and fiscal committees of each house of~~  
611 ~~the Legislature by December 31 of each year.~~

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

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

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

638 1. Construct a profile of each commitment program that uses

20101072e1

639 the results of the quality assurance report required by this  
640 section, the cost-effectiveness report required in this  
641 subsection, and other reports available to the department.

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

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

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

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

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

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

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

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

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

667 (f) Evaluate each program operated by the department or a

20101072e1

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

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

694

695 ~~The department shall submit an annual report to the President of~~  
696 ~~the Senate, the Speaker of the House of Representatives, the~~

20101072e1

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

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

716 ~~(7) No later than November 1, 2001, the department shall~~  
717 ~~submit a proposal to the Legislature concerning funding~~  
718 ~~incentives and disincentives for the department and for~~  
719 ~~providers under contract with the department. The~~  
720 ~~recommendations for funding incentives and disincentives shall~~  
721 ~~be based upon both quality assurance performance and cost-~~  
722 ~~effectiveness performance. The proposal should strive to achieve~~  
723 ~~consistency in incentives and disincentives for both department-~~  
724 ~~operated and contractor-provided programs. The department may~~  
725 ~~include recommendations for the use of liquidated damages in the~~

20101072e1

726 ~~proposal; however, the department is not presently authorized to~~  
727 ~~contract for liquidated damages in non-hardware secure~~  
728 ~~facilities until January 1, 2002.~~

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

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

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

739 Section 15. For the purpose of incorporating the amendment  
740 made by this act to section 984.03, Florida Statutes, in a  
741 reference thereto, paragraph (d) of subsection (1) of section  
742 419.001, Florida Statutes, is reenacted to read:

743 419.001 Site selection of community residential homes.—

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

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

753 Section 16. For the purpose of incorporating the amendment  
754 made by this act to section 984.03, Florida Statutes, in a

20101072e1

755 reference thereto, subsection (5) of section 984.04, Florida  
756 Statutes, is reenacted to read:

757 984.04 Families in need of services and children in need of  
758 services; procedures and jurisdiction.—

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

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

780 984.15 Petition for a child in need of services.—

781 (2)

782 (c) The petition shall be in writing, shall state the  
783 specific grounds under s. 984.03(9) by which the child is

20101072e1

784 designated a child in need of services, and shall certify that  
785 the conditions prescribed in paragraph (a) have been met. The  
786 petition shall be signed by the petitioner under oath stating  
787 good faith in filing the petition and shall be signed by an  
788 attorney for the department.

789 (3)

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

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

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

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

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

20101072e1

813 need-of-services provider; or

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

817 Section 19. For the purpose of incorporating the amendment  
818 made by this act to section 985.03, Florida Statutes, in a  
819 reference thereto, paragraph (d) of subsection (1) of section  
820 419.001, Florida Statutes, is reenacted to read:

821 419.001 Site selection of community residential homes.—

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

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

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