

By the Committee on Criminal Justice and Senator Bankhead

307-1843-98

1 A bill to be entitled
2 An act relating to programs and services for
3 juveniles; providing a short title; creating
4 the Florida Children's Cabinet within the
5 Executive Office of the Governor; providing for
6 membership; requiring the Children's Cabinet to
7 hold public meetings; providing for
8 appropriations to the Children's Cabinet;
9 requiring that the Children's Cabinet
10 coordinate programs to prevent juvenile crime
11 and victimization; requiring that the
12 Children's Cabinet submit a multiagency plan to
13 the Legislature; providing for regional
14 workshops; requiring a report to the
15 Legislature; amending s. 216.0166, F.S.,
16 relating to performance-based budget requests;
17 requiring certain agencies to conform budget
18 requests to the multiagency plan for preventing
19 juvenile crime and victimization; amending s.
20 230.2316, F.S.; requiring coordination between
21 a school district's dropout-prevention program
22 and juvenile assessment centers; amending s.
23 230.23161, F.S.; requiring that the Department
24 of Education adopt rules governing the
25 allocation of funds for educational services
26 provided by a school district at a facility of
27 the Department of Juvenile Justice; specifying
28 a percentage of funds to be allocated for
29 direct educational services; providing
30 legislative intent with respect to educational
31 programs operated by the Department of Juvenile

1 Justice; requiring that the Juvenile Justice
2 Advisory Board conduct a study of the
3 educational programs for juvenile offenders;
4 providing for the board to report to the
5 Governor and the Legislature; requiring the
6 board to hold public hearings; providing an
7 appropriation; requiring that the Office of
8 Program Policy Analysis and Government
9 Accountability conduct a performance review of
10 educational programs for juvenile offenders;
11 amending s. 237.34, F.S.; revising the
12 requirements for program expenditures by school
13 districts; creating s. 985.317, F.S.; providing
14 legislative intent with respect to a functional
15 literacy program for juvenile offenders;
16 providing for the Department of Education to
17 develop and administer a functional literacy
18 program in residential commitment programs of
19 the Department of Juvenile Justice; providing
20 requirements for juveniles in participating in
21 the program; specifying requirements for the
22 program; providing for an initial assessment
23 when a juvenile is admitted to a residential
24 commitment facility; providing for certain
25 juveniles to be exempt from participating in
26 the literacy program; requiring that the
27 Juvenile Justice Advisory Board evaluate the
28 program and report to the Legislature;
29 providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. This act may be cited as the "Juvenile
2 Crime and Victimization Prevention Act."

3 Section 2. Florida Children's Cabinet.--

4 (1)(a) There is created in the Executive Office of the
5 Governor the Children's Cabinet, which shall be composed of
6 the Governor, the Lieutenant Governor, the Commissioner of
7 Education, the Secretary of Children and Family Services, the
8 Secretary of Juvenile Justice, and the Secretary of Labor and
9 Employment Security.

10 (b) The Children's Cabinet shall serve as the forum
11 for the interagency coordination of policies for and funding
12 of programs to prevent juvenile crime and victimization.

13 (c) The Children's Cabinet shall hold public meetings
14 in Tallahassee at least quarterly, and may hold public
15 meetings and hearings throughout the state.

16 (2) It is the intent of the Legislature that the
17 Children's Cabinet receive an appropriation through a line
18 item in the General Appropriations Act which is separate from
19 other appropriations to the Executive Office of the Governor.
20 The appropriation for the Children's Cabinet shall be used
21 exclusively to fulfill its statutory responsibilities, and
22 shall include funds necessary for professional and support
23 staff and consultants. The chief of staff for the Children's
24 Cabinet shall be designated a Deputy Chief of Staff within the
25 Executive Office of the Governor.

26 Section 3. Interagency policies and plans for juvenile
27 crime and victimization prevention.--

28 (1) The Children's Cabinet shall develop and annually
29 update a coordinated and multiagency policy for preventing
30 juvenile crime and victimization and a plan for funding and
31 delivering services in accordance with the policy. Prevention

1 services shall include the full range of strategies and
2 services designed to prevent, impede, or ameliorate
3 developmental, health, and mental health conditions and
4 behaviors that contribute to juvenile crime and victimization
5 and to promote the personal and social growth of individuals
6 to their full potential. At a minimum, the plan must:

7 (a) Be based on the latest research-based knowledge
8 concerning effective strategies and interventions to prevent
9 juvenile crime and victimization.

10 (b) Identify and describe the populations to be
11 targeted for services, with particular emphasis on programs
12 and services that will prevent recidivism of juvenile
13 offenders and limit the repeated involvement of a juvenile in
14 the juvenile justice system or criminal justice system.

15 (c) Identify all sources of state and federal funding
16 for juvenile justice services and track the annual
17 appropriation of such funds by the Legislature.

18 (d) Identify the target population that each state
19 agency is primarily responsible for serving.

20 (e) Describe the means by which services that are
21 provided to clients of multiple agencies will be coordinated,
22 including the designation of a lead agency to provide
23 services.

24 (f) Describe the means by which each agency will share
25 appropriate information about clients for the purpose of
26 planning, delivering, or evaluating services for preventing
27 juvenile crime and victimization.

28 (2) The Children's Cabinet shall submit the first
29 coordinated multiagency plan to the Legislature by October 15,
30 1999, and this plan shall be used by state agencies in
31 developing budget requests for the 2000-2001 fiscal year.

1 Thereafter, in subsequent fiscal years, the annual multiagency
2 plan of the Children's Cabinet shall be used to develop agency
3 budget requests.

4 (3) Beginning in the 2000-2001 fiscal year, the
5 Governor's budget recommendations and the General
6 Appropriations Act shall link each agency's funding for
7 juvenile services with the coordinated multiagency services
8 plan developed by the Children's Cabinet.

9 Section 4. Community interagency policy planning and
10 coordination.--

11 (1) The Children's Cabinet shall hold regional
12 workshops to seek input on effective strategies for
13 implementing, at the community level, coordinated interagency
14 policies, funding, and services for preventing juvenile crime
15 and victimization. At a minimum, the workshops shall identify
16 barriers to effectively coordinating community efforts and
17 address the most appropriate role for the local and regional
18 entities in achieving the desired level of coordination,
19 including, but not limited to:

20 (a) County juvenile justice councils.

21 (b) District juvenile justice boards.

22 (c) District health and human services boards.

23 (d) Children's services councils.

24 (e) Local health councils.

25 (f) Regional planning councils.

26 (2) The Children's Cabinet shall submit a report and
27 recommendations on the most appropriate methods by which to
28 implement, at the community level, a coordinated interagency
29 policy, funding plan, and service delivery system for
30 preventing juvenile crime and victimization. The report shall
31 be submitted to the Legislature by December 1, 1999.

1 Section 5. Subsection (9) is added to section
2 216.0166, Florida Statutes, to read:

3 216.0166 Submission by state agencies of
4 performance-based budget requests, programs, and performance
5 measures.--

6 (9) Each agency represented by a member on the
7 Children's Cabinet, as created by section 2 of this act,
8 shall, with appropriate assistance from the Executive Office
9 of the Governor and the Office of Program Policy Analysis and
10 Government Accountability, revise the measures, standards,
11 outputs, and outcomes of its performance-based program budget
12 to the extent necessary so that the measures, standards,
13 outputs, and outcomes are consistent with and supportive of
14 the agency's responsibilities under the coordinated
15 multiagency plan for preventing juvenile crime and
16 victimization.

17 Section 6. Subsection (8) of section 230.2316, Florida
18 Statutes, is amended to read:

19 230.2316 Dropout prevention.--

20 (8) COORDINATION WITH OTHER AGENCIES.--School district
21 dropout prevention programs shall be coordinated with social
22 service, law enforcement, prosecutorial, and juvenile justice
23 agencies and juvenile assessment centers in the school
24 district. Notwithstanding the provisions of s. 228.093, these
25 agencies are authorized to exchange information contained in
26 student records and juvenile justice records. Such information
27 is confidential and exempt from the provisions of s.
28 119.07(1). School districts and other agencies receiving such
29 information shall use the information only for official
30 purposes connected with the certification of students for
31 admission to and for the administration of the dropout

1 prevention program, and shall maintain the confidentiality of
2 such information unless otherwise provided by law or rule.

3 Section 7. Section 230.23161, Florida Statutes, is
4 amended to read:

5 230.23161 Educational services in Department of
6 Juvenile Justice programs.--

7 (1) The Legislature finds that juvenile assessment
8 centers are an important source of information about youth who
9 are entering the juvenile justice system. The information
10 gathered at assessment centers will guide important
11 case-processing decisions, including the detention,
12 prosecution, adjudication, and commitment of youth. Juvenile
13 assessment centers also document the condition of youth
14 entering the system, thereby providing baseline data that are
15 essential to evaluating changes in the condition of youth as a
16 result of treatment. The cooperation and involvement of the
17 local school system, including the commitment of appropriate
18 resources for testing the educational status and special
19 learning problems and needs of youth, is essential if the full
20 potential benefits of juvenile assessment centers are to be
21 achieved.

22 (2)(1) Students participating in a detention,
23 commitment, or rehabilitation program pursuant to chapter 985
24 ~~39~~ which is sponsored by a community-based agency or is
25 operated or contracted for by the Department of Juvenile
26 Justice shall receive educational programs according to rules
27 of the State Board of Education. These students shall be
28 eligible for services afforded to students enrolled in
29 programs pursuant to s. 230.2316 and all corresponding State
30 Board of Education rules.

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1 ~~(3)(2)~~ The district school board of the county in
2 which the residential or nonresidential care facility or
3 juvenile assessment center is located shall provide for
4 appropriate educational assessments and an appropriate program
5 of instruction and special education services. The district
6 school board shall make provisions for each student to
7 participate in basic, vocational, and exceptional student
8 programs as appropriate. Each program shall be conducted
9 according to applicable law providing for the operation of
10 public schools and rules of the state board.

11 ~~(4)(3)~~ A school day for any student serviced in a
12 Department of Juvenile Justice program shall be the same as
13 specified in s. 228.041(13). Educational services may be
14 provided at times of the day most appropriate for the program.
15 School programming in juvenile justice detention, commitment,
16 and rehabilitation programs shall be made available during the
17 regular school year and the summer school by the local school
18 district.

19 ~~(5)(4)~~ The educational program shall consist of
20 appropriate basic academic, vocational, or exceptional
21 curricula and related services which support the treatment
22 goals and reentry and which may lead to completion of the
23 requirements for receipt of a high school diploma or its
24 equivalent. If the duration of a program is less than 40
25 days, the educational component may be limited to tutorial
26 activities and vocational employability skills.

27 ~~(6)(5)~~ Participation in the program by students of
28 compulsory school attendance age as provided for in s. 232.01
29 shall be mandatory. All students of noncompulsory
30 school-attendance age who have not received a high school
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1 diploma or its equivalent shall participate in the educational
2 program.

3 (7)~~(6)~~ The school district shall make every effort to
4 recruit and train teachers who are interested, qualified, and
5 experienced and to provide students in juvenile justice
6 programs with a wide range of educational programs and
7 opportunities.

8 (8)~~(7)~~ A school district may contract with a private
9 provider for the provision of educational programs to youths
10 placed with the Department of Juvenile Justice and may
11 generate local, state, and federal funding, including funding
12 through the Florida Education Finance Program for such
13 students.

14 (9)(a) The Department of Education shall by rule
15 define the terms "direct educational services" and
16 "administrative educational services." These definitions shall
17 govern the allocation by a local school district of funds
18 generated by state funding through the Florida Education
19 Finance Program.

20 (b)~~(8)~~ The local school district shall fund the direct
21 educational services ~~education~~ program in a Department of
22 Juvenile Justice facility at a ~~the same or higher~~ level not
23 less than 95 percent of ~~funding for equivalent students in the~~
24 ~~county school system based on~~ the funds generated by state
25 funding through the Florida Education Finance Program for such
26 students. It is the intent of the Legislature that the school
27 district maximize its available local, state, and federal
28 funding to a juvenile justice program, and that these funds be
29 used primarily for direct educational services.

30 (10)~~(9)~~ Each school district shall negotiate a
31 cooperative agreement with the Department of Juvenile Justice

1 on the delivery of educational services to youths under the
2 jurisdiction of the department. Such agreement must include,
3 but is not limited to:

4 (a) Roles and responsibilities of each agency,
5 including the roles and responsibilities of contract
6 providers.

7 (b) Administrative issues including procedures for
8 sharing information.

9 (c) Allocation of resources including maximization of
10 local, state, and federal funding.

11 (d) Procedures for educational evaluation for
12 educational exceptionalities and special needs.

13 (e) Curriculum and delivery of instruction.

14 (f) Classroom management procedures and attendance
15 policies.

16 (g) Procedures for provision of qualified
17 instructional personnel, whether supplied by the school
18 district or provided under contract by the provider, and for
19 performance of duties while in a juvenile justice setting.

20 (h) Provisions for improving skills in teaching and
21 working with juvenile delinquents.

22 (i) Transition plans for students moving into and out
23 of juvenile facilities.

24 (j) Procedures and timelines for the timely
25 documentation of credits earned and transfer of student
26 records.

27 (k) Methods and procedures for dispute resolution.

28 (l) Provisions for ensuring the safety of education
29 personnel and support for the agreed-upon education program.

30 (m) Strategies for correcting any deficiencies found
31 through the quality assurance process.

1 ~~(11)(10)~~ The cooperative agreement pursuant to
2 subsection~~(10)(9)~~ does not preclude the development of an
3 operating agreement or contract between the school district
4 and the provider for each juvenile justice program in the
5 school district where educational programs are to be provided.
6 Any of the matters which must be included in the agreement
7 pursuant to subsection~~(10)(9)~~ may be defined in the
8 operational agreements or operating contracts rather than in
9 the cooperative agreement if agreed to by the Department of
10 Juvenile Justice. Nothing in this section or in a cooperative
11 agreement shall be construed to require the school board to
12 provide more services than can be supported by the funds
13 generated by students in the juvenile justice programs.
14 However, it is the intent of the Legislature that not less
15 than 95 percent of the funds generated by students in juvenile
16 justice programs be allocated to direct educational services,
17 as defined by rule. If a school board contracts with another
18 entity to provide educational services in a juvenile justice
19 program, the school board must require that not less than 95
20 percent of the funds received by the entity be spent on direct
21 educational services. The entity's compliance with this
22 subsection shall be audited.

23 ~~(12)(11)~~ The Department of Education in consultation
24 with the Department of Juvenile Justice shall establish
25 standards and a comprehensive quality assurance review process
26 and schedule for the evaluation of the educational component
27 in juvenile justice programs.

28 ~~(13)(12)~~ The district school board shall not be
29 charged any rent, maintenance, utilities, or overhead on such
30 facilities. Maintenance, repairs, and remodeling of existing
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1 facilities shall be provided by the Department of Juvenile
2 Justice.

3 (14)~~(13)~~ When additional facilities are required, the
4 district school board and the Department of Juvenile Justice
5 shall agree on the appropriate site based on the instructional
6 needs of the students. When the most appropriate site for
7 instruction is on district school board property, a special
8 capital outlay request shall be made by the commissioner in
9 accordance with s. 235.41. When the most appropriate site is
10 on state property, state capital outlay funds shall be
11 requested by the Department of Juvenile Justice provided by s.
12 216.043 and shall be submitted as specified by s. 216.023.
13 Any instructional facility to be built on state property shall
14 have educational specifications jointly developed by the
15 school district and the Department of Juvenile Justice and
16 approved by the Department of Education. The size of space
17 and occupant design capacity criteria as provided by state
18 board rules shall be used for remodeling or new construction
19 whether facilities are provided on state property or district
20 school board property.

21 (15)~~(14)~~ The parent or guardian of exceptional
22 students shall have the due process rights provided for in
23 chapter 232.

24 (16)~~(15)~~ Department of Juvenile Justice detention and
25 commitment programs may be designated as second chance schools
26 pursuant to s. 230.2316(3)(d). Admission to such programs
27 shall be governed by ~~part II of~~ chapter 985 ~~39~~.

28 (17)~~(16)~~ The Department of Education and Department of
29 Juvenile Justice, after consultation with local providers,
30 shall report annually to the Legislature on the progress
31 towards developing effective educational programs for juvenile

1 delinquents including the amount of funding provided by local
2 school districts to juvenile justice programs, the amount
3 retained for administration, the status of the development of
4 cooperative agreements, and the results of the quality
5 assurance reviews including recommendations for system
6 improvement.

7 ~~(18)(17)~~ The Department of Education shall have the
8 authority to adopt any rules necessary to implement the
9 provisions of this section, including uniform curriculum,
10 funding, and second chance schools. Such rules shall require
11 the minimum amount of paperwork and reporting necessary to
12 comply with this act. ~~By January 1, 1997, current rules~~
13 ~~regarding this section shall be revised.~~

14 Section 8. Juvenile justice education programs.--

15 (1) It is the intent of the Legislature that
16 educational programs for youth committed by the court to
17 residential commitment programs operated by or contracted to
18 the Department of Juvenile Justice be strong components in the
19 state's efforts to rehabilitate and habilitate juvenile
20 offenders and to redirect the lives of juvenile offenders
21 toward a path of responsible citizenship. The Legislature
22 finds that efforts to improve the outcomes of juvenile
23 offenders and the accountability and cost-effectiveness of
24 juvenile justice programs cannot be successful unless adequate
25 attention and resources are directed to educational outcomes
26 of youth in the juvenile justice system. New and innovative
27 educational programs in residential and nonresidential
28 commitment facilities should be explored, developed, and
29 implemented along with innovative educational programs and
30 methods of delivering such programs to juvenile offenders who

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1 have not been committed to the Department of Juvenile Justice
2 but who are under court supervision in the community.

3 (2) The Juvenile Justice Advisory Board, created under
4 section 985.401, Florida Statutes, shall conduct a study to
5 determine the extent and nature of education programs for
6 juvenile offenders committed by the court to the Department of
7 Juvenile Justice and for juvenile offenders under court
8 supervision in the community.

9 (3)(a) The board shall analyze existing policy, law,
10 programs, services, and resources for providing juvenile
11 justice education and shall identify new policies to be
12 considered in providing such education.

13 (b) The board shall address, at a minimum:

14 1. The extent and nature of educational programs in
15 residential and nonresidential commitment programs for
16 juvenile offenders who are committed by the court to the
17 Department of Juvenile Justice in terms of assessment,
18 curriculum, staffing, delivery of services, and resources.

19 2. The educational curricula and delivery systems that
20 are the most appropriate for youth in the juvenile justice
21 system.

22 3. The extent and nature of existing educational
23 programs for juvenile offenders who are not committed by the
24 court to the Department of Juvenile Justice but who are under
25 some type of supervision in the community.

26 4. How educational services for juvenile offenders are
27 currently funded. The board shall identify barriers to
28 providing educational services and recommend alternative
29 funding methods for ensuring adequate and effective delivery
30 of educational services for juvenile offenders.

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1 5. The current statutory provisions for delivering
2 educational services to juvenile offenders. The board shall
3 determine whether changes in the law are necessary and, if so,
4 what those changes should be.

5 (4) The board shall propose any necessary changes to
6 policies and laws governing juvenile justice education and
7 necessary changes in the funding of such programs. The changes
8 may include, but not be limited to, increased flexibility in
9 the delivery of educational services; changes in program
10 criteria and the support services provided for students
11 returning to public schools, revisions in evaluation and
12 performance measures for educational programs, and changes in
13 the development, certification, and training of educational
14 personnel.

15 (5) The board shall submit its preliminary findings
16 and recommendations to the Governor, the President of the
17 Senate, the Speaker of the House of Representatives, and the
18 minority leaders of the Senate and the House of
19 Representatives by December 31, 1998. Findings and
20 recommendations of the board may serve as the basis for
21 changes in substantive law during the 1999 legislative
22 session.

23 (6) The board shall hold not fewer than two public
24 hearings at sites throughout the state to solicit testimony
25 and gather evidence related to juvenile justice education from
26 a broad range of persons.

27 (7) The sum of \$150,000 is appropriated from the
28 General Revenue Fund to the Juvenile Justice Advisory Board
29 for the purpose of funding the study of educational programs
30 for juvenile offenders. The board shall hire personnel
31 necessary to conduct the study. Administrative support

1 services for the study shall be provided by the board's staff
2 members. The board shall use a subcommittee of interested
3 board members and may request other interested persons to
4 participate and act as a juvenile justice education task force
5 for the study.

6 (8) The Office of Program Policy Analysis and
7 Government Accountability shall conduct a performance review
8 of educational programs for youth in residential commitment
9 facilities. Facilities selected for review shall consist of
10 state-operated and contracted residential commitment
11 facilities in different areas of the state. The purpose of the
12 review is to assist the Juvenile Justice Advisory Board in
13 addressing issues described in subsection (3). Specific issues
14 and questions to be addressed in the review shall be
15 determined through discussions with the board staff members,
16 the Department of Juvenile Justice, the Department of
17 Education, and staff members of relevant legislative
18 committees.

19 Section 9. Paragraph (a) of subsection (3) of section
20 237.34, Florida Statutes, is amended to read:

21 237.34 Cost accounting and reporting.--

22 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

23 (a) Each district shall expend at least the percent of
24 the funds generated by each of the programs listed herein on
25 the aggregate total school costs for such programs:

26 1. Kindergarten and grades 1, 2, and 3, 90 percent.

27 2. Grades 4, 5, 6, 7, and 8, 80 percent.

28 3. Grades 9, 10, 11, and 12, 80 percent.

29 4. Programs for exceptional students, on an aggregate
30 program basis, 80 percent.

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1 5. Grades 7 through 12 vocational education programs,
2 on an aggregate program basis, 80 percent.

3 6. Students-at-risk programs, on an aggregate program
4 basis, 80 percent, except for programs for students in
5 facilities operated by the Department of Juvenile Justice, 95
6 percent.

7 7. Any new program established and funded under s.
8 236.081(1)(c), that is not included under subparagraphs 1.
9 through 6., on an aggregate basis as appropriate, 80 percent.

10 Section 10. Section 985.317, Florida Statutes, is
11 created to read:

12 985.317 Functional literacy program for juvenile
13 offenders.--

14 (1) INTENT.--It is the intent of the Legislature that
15 the Department of Juvenile Justice establish a mandatory
16 functional literacy program for juvenile offenders committed
17 by the court and placed in residential commitment programs.
18 Juvenile offenders shall have the opportunity to achieve
19 functional literacy as a means to further their educational
20 and vocational needs and to assist them in discontinuing a
21 life of crime. The functional literacy program shall be of
22 high quality, targeted to the juvenile offender's assessed
23 ability and needs, and use appropriate instructional
24 technology and qualified educational instructors. The program
25 shall be offered in each residential commitment program
26 operated by or under contract with the department and shall
27 consist of standardized program criteria so that an offender
28 who is transferred to another facility may be able to continue
29 his or her literacy education with minimal disruption.

30 (2) JUVENILE OFFENDER FUNCTIONAL LITERACY
31 PROGRAM.--Contingent upon specific appropriation, the juvenile

1 offender functional literacy program is established within the
2 Department of Juvenile Justice. The Department of Education,
3 in consultation with the Department of Juvenile Justice, shall
4 develop, implement, and administer the program in each
5 residential commitment program operated by or under contract
6 with the department. The program shall promote the functional
7 literacy of juvenile offenders and ensure the continuity and
8 consistency of education within each facility.

9 (a)1. An offender 16 years of age or younger who meets
10 the criteria of this section shall be required to participate
11 in the program.

12 2. An offender 17 years of age or older who is
13 admitted to a residential commitment program on or after July
14 1, 1998, shall be required to participate in the program. An
15 offender 17 years of age or older who was committed to a
16 residential commitment program before July 1, 1998, may
17 voluntarily participate in the program if the offender
18 otherwise meets the requirements for eligibility.

19 (b) An offender is eligible to participate in the
20 program if the offender is unable to read at a sixth-grade
21 level and is not exempt under subsection (4).

22 (c) In addition to any other requirements determined
23 by the department, the program shall:

24 1. Provide for the participation of an offender who
25 may not attain functional literacy due to a medical,
26 developmental, or learning disability but who can reasonably
27 be expected to benefit from the program.

28 2. Require an eligible offender to participate in a
29 minimum of 240 hours of education per year unless the offender
30 becomes functionally literate or is released from the
31 commitment facility.

1 3. Require counseling for an offender who has not
2 become functionally literate after participation in the
3 program. The counseling shall address the benefits of
4 continuing in the program.

5 4. Include a system of incentives to encourage and
6 reward the performance of an offender in the program.

7 5. Include a system of disincentives that may include
8 disciplinary action if an offender refuses or intentionally
9 fails to participate in good faith in the program.

10 6. Provide for reports to be maintained in the
11 offender's records and forwarded to the appropriate
12 educational facility upon the offender's release from the
13 commitment facility.

14 (3) INITIAL ASSESSMENT.--When an offender is admitted
15 to a residential commitment facility, the department or a
16 provider under contract with the department shall immediately
17 assess whether the offender is functionally literate. An
18 assessment may be conducted at a juvenile assessment center as
19 provided in s. 985.209 as a part of the intake process. If the
20 department or a provider determines that an offender is not
21 functionally literate, the offender shall participate in the
22 program if the offender meets the criteria for participation.

23 (4) OFFENDERS EXEMPT FROM PARTICIPATION.--If an
24 offender is not reasonably expected to benefit from the
25 program as a result of a medical, developmental, or learning
26 disability, the offender may not be required to participate in
27 the program. The determination that an offender should be
28 exempt from the program must be made by an appropriate
29 psychologist, psychiatrist, or physician.

30 (5) EVALUATION AND REPORT.--The Juvenile Justice
31 Advisory Board shall evaluate the program as part of its

1 annual evaluation of program outcomes under s. 985.401. The
2 department, in consultation with the Department of Education,
3 shall develop and implement an evaluation of the program in
4 order to determine the impact of the program on recidivism.
5 The department shall submit an annual report on the
6 implementation and progress of the program to the President of
7 the Senate and the Speaker of the House of Representatives by
8 January 1 of each year.

9 Section 11. This act shall take effect July 1, 1998.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 2198

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14 Requires the Department of Education, rather than the
15 Department of Juvenile Justice, to develop and administer the
16 functional literacy program for juveniles in residential
17 commitment facilities.

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