

By the Committees on Governmental Reform and Oversight,  
Criminal Justice and Senator Bankhead

302-2025A-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          230.23, F.S., relating to district school board  
21          duties; revising provisions relating to  
22          alternative education programs for students in  
23          residential care facilities; amending s.  
24          230.2316, F.S.; requiring coordination between  
25          a school district's dropout-prevention program  
26          and juvenile assessment centers; amending s.  
27          230.23161, F.S.; providing findings relating to  
28          juvenile assessment centers; providing school  
29          board and school district duties; providing  
30          requirements relating to teachers assigned to  
31          juvenile justice education programs; providing

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

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

2

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

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

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

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

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

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

28 Section 3. Interagency policies and plans for juvenile  
29 crime and victimization prevention.--

30 (1) The Children's Cabinet shall develop and annually  
31 update a coordinated and multiagency policy for preventing

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

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

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

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

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

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

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

30 (2) The Children's Cabinet shall submit the first  
31 coordinated multiagency plan to the Legislature by October 15,

1 1999, and this plan shall be used by state agencies in  
2 developing budget requests for the 2000-2001 fiscal year.  
3 Thereafter, in subsequent fiscal years, the annual multiagency  
4 plan of the Children's Cabinet shall be used to develop agency  
5 budget requests.

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

11 Section 4. Community interagency policy planning and  
12 coordination.--

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

22 (a) County juvenile justice councils.

23 (b) District juvenile justice boards.

24 (c) District health and human services boards.

25 (d) Children's services councils.

26 (e) Local health councils.

27 (f) Regional planning councils.

28 (2) The Children's Cabinet shall submit a report and  
29 recommendations on the most appropriate methods by which to  
30 implement, at the community level, a coordinated interagency  
31 policy, funding plan, and service delivery system for

1 preventing juvenile crime and victimization. The report shall  
2 be submitted to the Legislature by December 1, 1999.

3 Section 5. Subsection (9) is added to section  
4 216.0166, Florida Statutes, to read:

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

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

19 Section 6. Paragraph (n) of subsection (4) of section  
20 230.23, Florida Statutes, is amended to read:

21 230.23 Powers and duties of school board.--The school  
22 board, acting as a board, shall exercise all powers and  
23 perform all duties listed below:

24 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
25 SCHOOLS.--Adopt and provide for the execution of plans for the  
26 establishment, organization, and operation of the schools of  
27 the district, including, but not limited to, the following:

28 (n) Alternative education programs for students in  
29 residential care facilities.--Provide educational programs  
30 according to rules of the state board to students who reside  
31

1 in residential care facilities operated by the Department of  
2 Children and Family ~~Health and Rehabilitative~~ Services.

3 1. The district school board shall not be charged any  
4 rent, maintenance, utilities, or overhead on such facilities.  
5 Maintenance, repairs, and remodeling of existing facilities  
6 shall be provided by the Department of Children and Family  
7 ~~Health and Rehabilitative~~ Services.

8 2. If additional facilities are required, the district  
9 school board and the Department of Children and Family ~~Health~~  
10 ~~and Rehabilitative~~ Services shall agree on the appropriate  
11 site based on the instructional needs of the students. When  
12 the most appropriate site for instruction is on district  
13 school board property, a special capital outlay request shall  
14 be made by the commissioner in accordance with s. 235.41. When  
15 the most appropriate site is on state property, state capital  
16 outlay funds shall be requested by the Department of Children  
17 and Family ~~Health and Rehabilitative~~ Services as provided by  
18 s. 216.043 and shall be submitted as specified by s. 216.023.  
19 Any instructional facility to be built on state property shall  
20 have educational specifications jointly developed by the  
21 school district and the Department of Children and Family  
22 ~~Health and Rehabilitative~~ Services and approved by the  
23 Department of Education. The size of space and occupant  
24 design capacity criteria as provided by state board rules  
25 shall be used for remodeling or new construction whether  
26 facilities are provided on state property or district school  
27 board property. The planning of such additional facilities  
28 shall incorporate current Department of Children and Family  
29 ~~Health and Rehabilitative~~ Services deinstitutionalization  
30 plans.

31

1           3. The school board shall have full and complete  
2 authority in the matter of the assignment and placement of  
3 such students in educational programs. The parent or guardian  
4 of exceptional students shall have the due process rights  
5 provided for in subparagraph (m)5.

6           4. The school board shall have a written agreement  
7 with the Department of Children and Family ~~Health and~~  
8 ~~Rehabilitative~~ Services outlining the respective duties and  
9 responsibilities of each party.

10  
11 Notwithstanding the provisions herein, the educational program  
12 ~~programs at the Arthur Dozier School for Boys, the Marianna~~  
13 ~~Sunland Center in Jackson County, and the Florida School for~~  
14 ~~Boys at Okeechobee in Okeechobee County~~ shall be operated by  
15 the Department of Education, either directly or through grants  
16 or contractual agreements with other public or duly accredited  
17 educational agencies approved by the Department of Education.

18           Section 7. Subsection (8) of section 230.2316, Florida  
19 Statutes, is amended to read:

20           230.2316 Dropout prevention.--

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



1 admission to and for the administration of the dropout  
2 prevention program, and shall maintain the confidentiality of  
3 such information unless otherwise provided by law or rule.

4 Section 8. Section 230.23161, Florida Statutes, is  
5 amended to read:

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

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

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

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 shall ~~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  
31

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, or  
5 ~~and~~ experienced in educating students in juvenile justice  
6 programs.~~and to provide~~ Students in juvenile justice programs  
7 shall be provided with a wide range of educational programs  
8 and opportunities, including textbooks, technology,  
9 instructional support, and other resources available to  
10 students in public school. Teachers assigned to educational  
11 programs in juvenile justice settings in which the school  
12 district operates the educational program shall be elected by  
13 the school district in consultation with the director of the  
14 juvenile justice facility. Educational programs in juvenile  
15 justice facilities shall have access to the substitute teacher  
16 pool utilized by the school district.

17 (8)~~(7)~~ School districts are authorized and strongly  
18 encouraged to ~~A school district may~~ contract with a private  
19 provider for the provision of educational programs to youths  
20 placed with the Department of Juvenile Justice and may  
21 generate local, state, and federal funding, including funding  
22 through the Florida Education Finance Program for such  
23 students.

24 (9)~~(8)~~ The local school district shall fund the  
25 education program in a Department of Juvenile Justice facility  
26 at the same or higher level of funding for equivalent students  
27 in the county school system based on the funds generated by  
28 state funding through the Florida Education Finance Program  
29 for such students. It is the intent of the Legislature that  
30 the school district maximize its available local, state, and  
31 federal funding to a juvenile justice program.

1           (10)~~(9)~~ Each school district shall negotiate a  
2 cooperative agreement with the Department of Juvenile Justice  
3 on the delivery of educational services to youths under the  
4 jurisdiction of the department. Such agreement must include,  
5 but is not limited to:

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

9           (b) Administrative issues including procedures for  
10 sharing information.

11           (c) Allocation of resources including maximization of  
12 local, state, and federal funding.

13           (d) Procedures for educational evaluation for  
14 educational exceptionalities and special needs.

15           (e) Curriculum and delivery of instruction.

16           (f) Classroom management procedures and attendance  
17 policies.

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

22           (h) Provisions for improving skills in teaching and  
23 working with juvenile delinquents.

24           (i) Transition plans for students moving into and out  
25 of juvenile facilities.

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

29           (k) Methods and procedures for dispute resolution.

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

1 (m) Strategies for correcting any deficiencies found  
2 through the quality assurance process.

3 (11)~~(10)~~ The cooperative agreement pursuant to  
4 subsection(10)~~(9)~~ does not preclude the development of an  
5 operating agreement or contract between the school district  
6 and the provider for each juvenile justice program in the  
7 school district where educational programs are to be provided.  
8 Any of the matters which must be included in the agreement  
9 pursuant to subsection(10)~~(9)~~ may be defined in the  
10 operational agreements or operating contracts rather than in  
11 the cooperative agreement if agreed to by the Department of  
12 Juvenile Justice. Nothing in this section or in a cooperative  
13 agreement shall be construed to require the school board to  
14 provide more services than can be supported by the funds  
15 generated by students in the juvenile justice programs.

16 (12)~~(11)~~ The Department of Education in consultation  
17 with the Department of Juvenile Justice shall establish  
18 standards and a comprehensive quality assurance review process  
19 and schedule for the evaluation of the educational component  
20 in juvenile justice programs.

21 (13)~~(12)~~ The district school board shall not be  
22 charged any rent, maintenance, utilities, or overhead on such  
23 facilities. Maintenance, repairs, and remodeling of existing  
24 facilities shall be provided by the Department of Juvenile  
25 Justice.

26 (14)~~(13)~~ When additional facilities are required, the  
27 district school board and the Department of Juvenile Justice  
28 shall agree on the appropriate site based on the instructional  
29 needs of the students. When the most appropriate site for  
30 instruction is on district school board property, a special  
31 capital outlay request shall be made by the commissioner in

1 accordance with s. 235.41. When the most appropriate site is  
2 on state property, state capital outlay funds shall be  
3 requested by the Department of Juvenile Justice provided by s.  
4 216.043 and shall be submitted as specified by s. 216.023.  
5 Any instructional facility to be built on state property shall  
6 have educational specifications jointly developed by the  
7 school district and the Department of Juvenile Justice and  
8 approved by the Department of Education. The size of space  
9 and occupant design capacity criteria as provided by state  
10 board rules shall be used for remodeling or new construction  
11 whether facilities are provided on state property or district  
12 school board property.

13 (15)~~(14)~~ The parent or guardian of exceptional  
14 students shall have the due process rights provided for in  
15 chapter 232.

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

20 (17)~~(16)~~ The Department of Education and Department of  
21 Juvenile Justice, after consultation with and assistance from  
22 local providers and local school districts, shall report  
23 annually to the Legislature by December 1 on the progress  
24 towards developing effective educational programs for juvenile  
25 delinquents including the amount of funding provided by local  
26 school districts to juvenile justice programs, the amount  
27 retained for administration, including documenting the  
28 purposes for such expense, the status of the development of  
29 cooperative agreements, and the results of the quality  
30 assurance reviews including recommendations for system  
31 improvement.

1           (18) The educational programs at the Arthur Dozier  
2 School for Boys in Jackson County and the Florida School for  
3 Boys in Okeechobee shall be operated by the Department of  
4 Education, either directly or through grants or contractual  
5 agreements with other public or duly accredited education  
6 agencies approved by the Department of Education.

7           ~~(19)(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 9. 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  
31

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.

31



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 contract for or hire  
31 personnel necessary to conduct the study. Administrative

1 support services for the study shall be provided by the  
2 board's staff members. The board shall use a subcommittee of  
3 interested board members and may request other interested  
4 persons to participate and act as a juvenile justice education  
5 task force 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 10. Section 985.317, Florida Statutes, is  
20 created to read:

21 985.317 Literacy program for juvenile offenders.--

22 (1) INTENT.--It is the intent of the Legislature that  
23 mandatory literacy programs for juvenile offenders committed  
24 by the court and placed in residential commitment programs be  
25 established. Juvenile offenders shall have the opportunity to  
26 achieve reading and writing skills as a means to further their  
27 educational and vocational needs and to assist them in  
28 discontinuing a life of crime. The literacy programs shall be  
29 of high quality, targeted to the juvenile offender's assessed  
30 ability and needs, and use appropriate instructional  
31 technology and qualified educational instructors. The programs

1 shall be offered in each residential commitment program  
2 operated by or under contract with the department and shall  
3 consist of standardized outcomes so that an offender who is  
4 transferred to another facility may be able to continue his or  
5 her literacy education with minimal disruption.

6 (2) JUVENILE OFFENDER FUNCTIONAL LITERACY

7 PROGRAMS.--The Department of Education, in consultation with  
8 the Department of Juvenile Justice, shall identify or develop  
9 and, contingent upon specific appropriations, implement and  
10 administer juvenile offender literacy programs for residential  
11 commitment programs operated by or under contract with the  
12 department. The programs shall promote the reading and writing  
13 skills of juvenile offenders.

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

17 2. An offender 17 years of age or older who is  
18 admitted to a residential commitment program on or after July  
19 1, 1998, shall be required to participate in a literacy  
20 program. An offender 17 years of age or older who was  
21 committed to a residential commitment program before July 1,  
22 1998, may voluntarily participate in the program if the  
23 offender otherwise meets the requirements for eligibility.

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

27 (c) In addition to any other requirements determined  
28 by the department, a literacy program shall:

29 1. Provide for the participation of an offender who  
30 may not attain a sixth-grade or higher reading and writing  
31 level due to a medical, developmental, or learning disability

1 but who can reasonably be expected to benefit from a literacy  
2 program.

3 2. Require an eligible offender to participate in a  
4 minimum of 240 hours of education per year unless the offender  
5 attains a sixth-grade or higher reading and writing level or  
6 is released from the commitment facility.

7 3. Require counseling for an offender who has not  
8 achieved a sixth-grade or higher reading and writing level  
9 after participation in a program. The counseling shall address  
10 the benefits of continuing in the program.

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

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

16 6. Provide for reports to be maintained in the  
17 offender's records and forwarded to the appropriate  
18 educational facility upon the offender's release from the  
19 commitment facility.

20 (3) INITIAL ASSESSMENT.--When an offender is admitted  
21 to a residential commitment facility, the department or a  
22 provider under contract with the department shall immediately  
23 assess whether the offender has achieved a sixth-grade or  
24 higher reading and writing level. An assessment may be  
25 conducted at a juvenile assessment center as provided in s.  
26 985.209 as a part of the intake process. If the department or  
27 a provider determines that an offender has not achieved a  
28 sixth-grade or higher reading and writing level, the offender  
29 shall participate in the program if the offender meets the  
30 criteria for participation.

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