

1
2 An act relating to juvenile justice education
3 programs; requiring the Juvenile Justice
4 Advisory Board to conduct a study relating to
5 education programs for juvenile offenders;
6 requiring findings and recommendations;
7 requiring a performance review by the Office of
8 Program Policy Analysis and Government
9 Accountability; providing an appropriation;
10 amending s. 230.23, F.S., relating to district
11 school board duties; revising provisions
12 relating to alternative education programs for
13 students in residential care facilities;
14 amending s. 230.2316, F.S.; providing for
15 certain coordination with school district
16 dropout prevention programs; amending s.
17 230.23161, F.S.; revising provisions relating
18 to educational services in Department of
19 Juvenile Justice programs; providing findings
20 relating to juvenile assessment centers;
21 providing school board and school district
22 duties; providing requirements relating to
23 teachers assigned to juvenile justice education
24 programs; providing for the operation of
25 specified education programs by the Department
26 of Education; amending s. 402.22, F.S.;
27 revising provisions relating to education
28 programs for students who reside in residential
29 care facilities operated by the Department of
30 Children and Family Services; creating s.
31 985.317, F.S.; requiring the development of a

1 Juvenile Offender Functional Literacy Program;
2 providing intent, eligibility, and program
3 requirements; requiring initial assessment;
4 providing for exemption from the program;
5 providing for evaluation and reporting;
6 amending s. 985.404, F.S.; revising provisions
7 relating to a cost data report; providing
8 definitions; prohibiting a state agency from
9 expanding the existing Orlando Regional
10 Juvenile Detention Center; prohibiting a state
11 agency from building a new detention center or
12 other commitment facility on property
13 contiguous to the existing detention center;
14 prohibiting a state agency from using property
15 contiguous to the existing detention center to
16 operate a detention center or other commitment
17 facility; providing an effective date.

18

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

20

21 Section 1. Juvenile justice education programs.--
22 (1) It is the intent of the Legislature that education
23 programs for youth committed by the court to residential
24 commitment programs operated by and contracted to the
25 Department of Juvenile Justice be strong components in
26 Florida's efforts to rehabilitate, habilitate, and redirect
27 the lives of juvenile offenders toward a path of responsible
28 citizenship. Education programs are the primary
29 rehabilitative method of turning around and redirecting the
30 lives of juvenile offenders. Efforts to improve the outcomes
31 of juvenile offenders and the accountability and

1 cost-effectiveness of juvenile justice programs cannot be
2 successful unless adequate attention and resources are paid to
3 educational outcomes of youth in the juvenile justice system.
4 New and innovative education programs in residential and
5 nonresidential commitment facilities, in addition to education
6 programs for juvenile offenders who have not been committed to
7 the Department of Juvenile Justice and who are under court
8 supervision in the community, should be explored, developed,
9 or implemented.

10 (2) The Juvenile Justice Advisory Board, created
11 pursuant to s. 985.401, Florida Statutes, shall conduct a
12 study to determine the extent and nature of education programs
13 for juvenile offenders committed by the court to the
14 Department of Juvenile Justice and for juvenile offenders
15 under court supervision in the community.

16 (3)(a) The Juvenile Justice Advisory Board shall
17 analyze existing juvenile justice education policy, statutes,
18 programs, services, and resources and identify new directions
19 for juvenile justice education.

20 (b) The board shall address, at a minimum, the
21 following issues:

22 1. The extent and nature of education programs in
23 residential and nonresidential commitment programs for
24 juvenile offenders committed by the court to the Department of
25 Juvenile Justice in terms of assessment, curriculum, staffing,
26 delivery, and resources.

27 2. Education curricula and delivery systems most
28 appropriate for youth in the juvenile justice system.

29 3. The extent and nature of existing education
30 programs for juvenile offenders who are not committed by the
31

1 court to the Department of Juvenile Justice but who are under
2 some type of community-based supervision.

3 4. How educational services for juvenile offenders are
4 currently funded, and identification of barriers to and
5 alternative funding methods for ensuring adequate and
6 effective delivery of educational services for this student
7 population.

8 5. Current statutory provisions for delivering
9 educational services to juvenile offenders, and determination
10 of whether statutory revisions are needed and what those
11 changes should be.

12 6. Barriers to the efficient and effective operation
13 of education programs in juvenile justice settings.

14 (4) The Juvenile Justice Advisory Board shall propose
15 any changes to policy, statutes, programs, and funding
16 regarding education programs and services for juvenile
17 offenders, including, but not limited to: flexibility in
18 educational service delivery; education program criteria and
19 student support and continuity for juvenile offenders
20 returning to public schools; education program evaluation and
21 performance measures; and educational staff development,
22 certification, and training.

23 (5) The Juvenile Justice Advisory Board shall submit
24 its preliminary findings and recommendations to the Governor,
25 the President of the Senate, the Speaker of the House of
26 Representatives, and the minority leaders of the Senate and
27 the House of Representatives by December 31, 1998. Findings
28 and recommendations of the board may serve as the basis for
29 changes in substantive law for the 1999 Regular Session of the
30 Legislature.

31

1 (6) The Juvenile Justice Advisory Board shall hold not
2 less than two public hearings at sites throughout the state to
3 solicit testimony and gather evidence from a broad range of
4 persons related to juvenile justice education issues.

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

17 (8) The sum of \$150,000 is hereby appropriated from
18 the General Revenue Fund to the Juvenile Justice Advisory
19 Board for the purpose of funding the study of education
20 programs for juvenile offenders committed by the court to the
21 Department of Juvenile Justice and for juvenile offenders
22 under court supervision in the community. The board shall
23 hire personnel necessary to staff the study. Administrative
24 support services for the study shall be provided by current
25 board staff. The board shall use a subcommittee of interested
26 board members and may request other interested persons to
27 participate and act as a juvenile justice education task force
28 for the study.

29 Section 2. Paragraph (n) of subsection (4) of section
30 230.23, Florida Statutes, is amended to read:

31

1 230.23 Powers and duties of school board.--The school
2 board, acting as a board, shall exercise all powers and
3 perform all duties listed below:

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

8 (n) Alternative education programs for students in
9 residential care facilities.--Provide educational programs
10 according to rules of the state board to students who reside
11 in residential care facilities operated by the Department of
12 Children and Family ~~Health and Rehabilitative~~ Services.

13 1. The district school board shall not be charged any
14 rent, maintenance, utilities, or overhead on such facilities.
15 Maintenance, repairs, and remodeling of existing facilities
16 shall be provided by the Department of Children and Family
17 ~~Health and Rehabilitative~~ Services.

18 2. If additional facilities are required, the district
19 school board and the Department of Children and Family ~~Health~~
20 ~~and Rehabilitative~~ Services shall agree on the appropriate
21 site based on the instructional needs of the students. When
22 the most appropriate site for instruction is on district
23 school board property, a special capital outlay request shall
24 be made by the commissioner in accordance with s. 235.41. When
25 the most appropriate site is on state property, state capital
26 outlay funds shall be requested by the Department of Children
27 and Family ~~Health and Rehabilitative~~ Services as provided by
28 s. 216.043 and shall be submitted as specified by s. 216.023.
29 Any instructional facility to be built on state property shall
30 have educational specifications jointly developed by the
31 school district and the Department of Children and Family

1 ~~Health and Rehabilitative~~ Services and approved by the
2 Department of Education. The size of space and occupant
3 design capacity criteria as provided by state board rules
4 shall be used for remodeling or new construction whether
5 facilities are provided on state property or district school
6 board property. The planning of such additional facilities
7 shall incorporate current Department of Children and Family
8 ~~Health and Rehabilitative~~ Services deinstitutionalization
9 plans.

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

15 4. The school board shall have a written agreement
16 with the Department of Children and Family ~~Health and~~
17 ~~Rehabilitative~~ Services outlining the respective duties and
18 responsibilities of each party.

19
20 Notwithstanding the provisions herein, the educational program
21 ~~programs at the Arthur Dozier School for Boys, the Marianna~~
22 ~~Sunland Center in Jackson County, and the Florida School for~~
23 ~~Boys at Okeechobee in Okeechobee County~~ shall be operated by
24 the Department of Education, either directly or through grants
25 or contractual agreements with other public or duly accredited
26 educational agencies approved by the Department of Education.

27 Section 3. Subsection (8) of section 230.2316, Florida
28 Statutes, is amended to read:

29 230.2316 Dropout prevention.--

30 (8) COORDINATION WITH OTHER AGENCIES.--School district
31 dropout prevention programs shall be coordinated with social

1 service, law enforcement, prosecutorial, and juvenile justice
2 agencies and juvenile assessment centers in the school
3 district. Notwithstanding the provisions of s. 228.093, these
4 agencies are authorized to exchange information contained in
5 student records and juvenile justice records. Such information
6 is confidential and exempt from the provisions of s.
7 119.07(1). School districts and other agencies receiving such
8 information shall use the information only for official
9 purposes connected with the certification of students for
10 admission to and for the administration of the dropout
11 prevention program, and shall maintain the confidentiality of
12 such information unless otherwise provided by law or rule.

13 Section 4. Section 230.23161, Florida Statutes, is
14 amended to read:

15 230.23161 Educational services in Department of
16 Juvenile Justice programs.--

17 (1) The Legislature finds that juvenile assessment
18 centers are an important source of information about youth who
19 are entering the juvenile justice system. Juvenile assessment
20 centers document the condition of youth entering the system,
21 thereby providing baseline data which is essential to evaluate
22 changes in the condition of youth as a result of treatment.
23 The cooperation and involvement of the local school system,
24 including the commitment of appropriate resources for
25 determining the educational status and special learning
26 problems and needs of youth, are essential if the full
27 potential benefits of juvenile assessment centers are to be
28 achieved.

29 (2)(1) Students participating in a detention,
30 commitment, or rehabilitation program pursuant to chapter 985
31 ~~39~~ which is sponsored by a community-based agency or is

1 operated or contracted for by the Department of Juvenile
2 Justice shall receive educational programs according to rules
3 of the State Board of Education. These students shall be
4 eligible for services afforded to students enrolled in
5 programs pursuant to s. 230.2316 and all corresponding State
6 Board of Education rules.

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

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

25 (5)~~(4)~~ The educational program shall consist of
26 appropriate basic academic, vocational, or exceptional
27 curricula and related services which support the treatment
28 goals and reentry and which may lead to completion of the
29 requirements for receipt of a high school diploma or its
30 equivalent. If the duration of a program is less than 40
31

1 days, the educational component may be limited to tutorial
2 activities and vocational employability skills.

3 (6)~~(5)~~ Participation in the program by students of
4 compulsory school attendance age as provided for in s. 232.01
5 shall be mandatory. All students of noncompulsory
6 school-attendance age who have not received a high school
7 diploma or its equivalent shall participate in the educational
8 program.

9 (7)~~(6)~~ The school district shall ~~make every effort to~~
10 recruit and train teachers who are interested, qualified, or
11 ~~and experienced in educating students in juvenile justice~~
12 programs.~~and to provide~~ Students in juvenile justice programs
13 shall be provided with a wide range of educational programs
14 and opportunities including textbooks, technology,
15 instructional support, and other resources available to
16 students in public schools. Teachers assigned to educational
17 programs in juvenile justice settings in which the school
18 district operates the educational program shall be selected by
19 the school district in consultation with the director of the
20 juvenile justice facility. Educational programs in juvenile
21 justice facilities shall have access to the substitute teacher
22 pool utilized by the school district.

23 (8)~~(7)~~ School districts are authorized and strongly
24 encouraged to ~~A school district may~~ contract with a private
25 provider for the provision of educational programs to youths
26 placed with the Department of Juvenile Justice and shall may
27 generate local, state, and federal funding, including funding
28 through the Florida Education Finance Program for such
29 students.

30 (9)~~(8)~~ The local school district shall fund the
31 education program in a Department of Juvenile Justice facility

1 at the same or higher level of funding for equivalent students
2 in the county school system based on the funds generated by
3 state funding through the Florida Education Finance Program
4 for such students. It is the intent of the Legislature that
5 the school district maximize its available local, state, and
6 federal funding to a juvenile justice program.

7 (10)~~(9)~~ Each school district shall negotiate a
8 cooperative agreement with the Department of Juvenile Justice
9 on the delivery of educational services to youths under the
10 jurisdiction of the department. Such agreement must include,
11 but is not limited to:

12 (a) Roles and responsibilities of each agency,
13 including the roles and responsibilities of contract
14 providers.

15 (b) Administrative issues including procedures for
16 sharing information.

17 (c) Allocation of resources including maximization of
18 local, state, and federal funding.

19 (d) Procedures for educational evaluation for
20 educational exceptionalities and special needs.

21 (e) Curriculum and delivery of instruction.

22 (f) Classroom management procedures and attendance
23 policies.

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

28 (h) Provisions for improving skills in teaching and
29 working with juvenile delinquents.

30 (i) Transition plans for students moving into and out
31 of juvenile facilities.

1 (j) Procedures and timelines for the timely
2 documentation of credits earned and transfer of student
3 records.

4 (k) Methods and procedures for dispute resolution.

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

7 (m) Strategies for correcting any deficiencies found
8 through the quality assurance process.

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

22 (12)~~(11)~~ The Department of Education in consultation
23 with the Department of Juvenile Justice shall establish
24 standards and a comprehensive quality assurance review process
25 and schedule for the evaluation of the educational component
26 in juvenile justice programs.

27 (13)~~(12)~~ The district school board shall not be
28 charged any rent, maintenance, utilities, or overhead on such
29 facilities. Maintenance, repairs, and remodeling of existing
30 facilities shall be provided by the Department of Juvenile
31 Justice.

1 ~~(14)(13)~~ When additional facilities are required, the
2 district school board and the Department of Juvenile Justice
3 shall agree on the appropriate site based on the instructional
4 needs of the students. When the most appropriate site for
5 instruction is on district school board property, a special
6 capital outlay request shall be made by the commissioner in
7 accordance with s. 235.41. When the most appropriate site is
8 on state property, state capital outlay funds shall be
9 requested by the Department of Juvenile Justice provided by s.
10 216.043 and shall be submitted as specified by s. 216.023.
11 Any instructional facility to be built on state property shall
12 have educational specifications jointly developed by the
13 school district and the Department of Juvenile Justice and
14 approved by the Department of Education. The size of space
15 and occupant design capacity criteria as provided by state
16 board rules shall be used for remodeling or new construction
17 whether facilities are provided on state property or district
18 school board property.

19 ~~(15)(14)~~ The parent or guardian of exceptional
20 students shall have the due process rights provided for in
21 chapter 232.

22 ~~(16)(15)~~ Department of Juvenile Justice detention and
23 commitment programs may be designated as second chance schools
24 pursuant to s. 230.2316(3)(d). Admission to such programs
25 shall be governed by ~~part II of~~ chapter 985 ~~39~~.

26 ~~(17)(16)~~ The Department of Education and Department of
27 Juvenile Justice, after consultation with and assistance from
28 local providers and local school districts, shall report
29 annually to the Legislature by December 1 on the progress
30 towards developing effective educational programs for juvenile
31 delinquents including the amount of funding provided by local

1 school districts to juvenile justice programs, the amount
2 retained for administration including documenting the purposes
3 for such expenses, 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) The educational programs at the Arthur Dozier
8 School for Boys in Jackson County and the Florida School for
9 Boys in Okeechobee shall be operated by the Department of
10 Education, either directly or through grants or contractual
11 agreements with other public or duly accredited education
12 agencies approved by the Department of Education.

13 (19)~~(17)~~ The Department of Education shall have the
14 authority to adopt any rules necessary to implement the
15 provisions of this section, including uniform curriculum,
16 funding, and second chance schools. Such rules shall require
17 the minimum amount of paperwork and reporting necessary to
18 comply with this act. ~~By January 1, 1997, current rules~~
19 ~~regarding this section shall be revised.~~

20 Section 5. Section 402.22, Florida Statutes, is
21 amended to read:

22 402.22 Education program for students who reside in
23 residential care facilities operated by the Department of
24 Children and Family ~~Health and Rehabilitative~~ Services.--

25 (1)(a) The Legislature recognizes that the Department
26 of Children and Family ~~Health and Rehabilitative~~ Services has
27 under its residential care students with critical problems of
28 physical impairment, emotional disturbance, ~~social~~
29 ~~maladjustment~~, mental impairment, and learning impairment.

30 (b) The Legislature recognizes the vital role of
31 education in the rehabilitation of such students. It is the

1 intent of the Legislature that all such students benefit from
2 educational services and receive such services.

3 (c) It is the intent of the Legislature that
4 educational services be coordinated with appropriate and
5 existing diagnostic and evaluative, social, followup, and
6 other therapeutic services of the Department of Children and
7 Family ~~Health and Rehabilitative~~ Services so that the effect
8 of the total rehabilitation process is maximized.

9 (d) It is the intent of the Legislature that, as
10 educational programs for students in residential care
11 facilities are implemented by the district school board,
12 educational personnel in the Department of Children and Family
13 ~~Health and Rehabilitative~~ Services residential care facilities
14 who meet the qualifications for employees of the district
15 school board be employed by the district school board.

16 (2) District school boards shall establish educational
17 programs for all students ages 5 through 18 under the
18 residential care of the Department of Children and Family
19 ~~Health and Rehabilitative~~ Services and may provide for
20 students below age 3 as provided for in s. 232.01(1)(e).
21 Funding of such programs shall be pursuant to s. 236.081.

22 (3) Notwithstanding any provisions of chapters 39,
23 393, 394, and 397 to the contrary, the services of the
24 Department of Children and Family ~~Health and Rehabilitative~~
25 Services and those of the Department of Education and district
26 school boards shall be mutually supportive and complementary
27 of each other. The education programs provided by the district
28 school board shall meet the standards prescribed by the State
29 Board of Education and the district school board. Decisions
30 regarding the design and delivery of Department of Children
31 and Family ~~Health and Rehabilitative~~ Services treatment or

1 habilitative services shall be made by interdisciplinary teams
2 of professional and paraprofessional staff of which
3 appropriate district school system administrative and
4 instructional personnel shall be invited to be participating
5 members. The requirements for maintenance of confidentiality
6 as prescribed in chapters 39, 393, 394, and 397 shall be
7 applied to information used by such interdisciplinary teams,
8 and such information shall be exempt from the provisions of
9 ss. 119.07(1) and 286.011.

10 (4) Students age 18 and under who are under the
11 residential care of the Department of Children and Family
12 ~~Health and Rehabilitative~~ Services and who receive an
13 education program shall be calculated as full-time equivalent
14 student membership in the appropriate cost factor as provided
15 for in s. 236.081(1)(c). Residential care facilities of the
16 Department of Children and Family ~~Health and Rehabilitative~~
17 Services shall include, but not be limited to, developmental
18 services institutions and ~~state mental health facilities, and~~
19 ~~youth services programs (residential and day programs)~~. All
20 students shall receive their education program from the
21 district school system, and funding shall be allocated through
22 the Florida Education Finance Program for the district school
23 system.

24 ~~(5) Students committed to the Department of Health and~~
25 ~~Rehabilitative Services and placed in youth services~~
26 ~~residential and day programs shall be assigned to the~~
27 ~~educational alternatives or other basic or special programs,~~
28 ~~as appropriate.~~

29 (5)(6) Instructional and special educational services
30 which are provided to mental health and retardation clients in
31 the Department of Children and Family ~~Health and~~

1 ~~Rehabilitative~~ Services residential care facilities by local
2 school districts shall not be less than 180 days or 900 hours;
3 however, the 900 hours may be distributed over a 12-month
4 period, unless otherwise stated in rules developed by the
5 State Board of Education with the concurrence of the
6 Department of Children and Family ~~Health and Rehabilitative~~
7 Services promulgated pursuant to subsection (6) ~~(7)~~.

8 (6) ~~(7)~~ The State Board of Education and the Department
9 of Children and Family ~~Health and Rehabilitative~~ Services
10 shall have the authority to promulgate rules which shall
11 assist in the orderly transfer of the instruction of students
12 from Department of Children and Family ~~Health and~~
13 ~~Rehabilitative~~ Services residential care facilities to the
14 district school system or to the public education agency and
15 which shall assist in implementing the specific intent as
16 stated in this act.

17 (7) ~~(8)~~ Notwithstanding the provisions of s.
18 230.23(4)(n), the educational program ~~programs~~ at ~~Arthur~~
19 ~~Dozier School for Boys~~ and the Marianna Sunland Center in
20 Jackson County ~~and the Florida School for Boys in Okeechobee~~
21 shall be operated by the Department of Education, either
22 directly or through grants or contractual agreements with
23 other public educational agencies. The annual state
24 allocation to any such agency shall be computed pursuant to s.
25 236.081(1), (2), and (5) and allocated in the amount that
26 would have been provided the local school district in which
27 the residential facility is located.

28 Section 6. Section 985.317, Florida Statutes, is
29 created to read:

30 985.317 Literacy Programs for Juvenile Offenders.--
31

1 (1) INTENT.--It is the intent of the Legislature that
2 mandatory literacy programs for juvenile offenders committed
3 by the court and placed in residential commitment programs be
4 established. Juvenile offenders shall have the opportunity to
5 achieve reading and writing skills as a means to further their
6 educational and vocational needs and to assist them in
7 discontinuing a life of crime. The literacy programs shall be
8 of high quality, targeted to the juvenile offender's assessed
9 ability and needs, and use appropriate instructional
10 technology and qualified educational instructors. The programs
11 shall be offered in each residential commitment program
12 operated by or under contract with the department and shall
13 consist of standardized outcomes so that an offender who is
14 transferred to another facility may be able to continue his or
15 her literacy education with minimal disruption.

16 (2) JUVENILE OFFENDER LITERACY PROGRAMS.--The
17 Department of Education, in consultation with the Department
18 of Juvenile Justice, shall identify and, contingent upon
19 specific appropriations, implement and administer juvenile
20 offender literacy programs for each residential commitment
21 program operated by or under contract with the department.
22 These programs shall promote the reading and writing skills of
23 juvenile offenders.

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

27 2. An offender 17 years of age or older who is
28 admitted to a residential commitment program on or after July
29 1, 1998, shall be required to participate in a literacy
30 program. An offender 17 years of age or older who was
31 committed to a residential commitment program before July 1,

1 1998, may voluntarily participate in a program if the offender
2 otherwise meets the requirements for eligibility.

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

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

8 1. Provide for the participation of an offender who
9 may not attain a sixth-grade or higher reading and writing
10 level due to a medical, developmental, or learning disability
11 but who can reasonably be expected to benefit from a literacy
12 program.

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

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

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

23 5. Include a system of disincentives that may include
24 disciplinary action if an offender refuses or intentionally
25 fails to participate in good faith in a program.

26 6. Provide for reports to be maintained in the
27 offender's records and forwarded to the appropriate
28 educational facility upon the offender's release from the
29 commitment facility.

30 (3) INITIAL ASSESSMENT.--When an offender is admitted
31 to a residential commitment facility, the department or a

1 provider under contract with the department shall immediately
2 assess whether the offender has achieved a sixth-grade or
3 higher reading and writing level. An assessment may be
4 conducted at a juvenile assessment center as provided in s.
5 985.209 as a part of the intake process. If the department or
6 a provider determines that an offender has not achieved a
7 sixth-grade or higher reading and writing level the offender
8 shall participate in a program if the offender meets the
9 criteria for participation.

10 (4) OFFENDERS EXEMPT FROM PARTICIPATION.--If an
11 offender is not reasonably expected to benefit from a program
12 as a result of a medical, developmental, or learning
13 disability, the offender may not be required to participate in
14 a program. The determination that an offender should be exempt
15 from a program must be made by an appropriate psychologist,
16 psychiatrist, or physician.

17 (5) EVALUATION AND REPORT.--The Juvenile Justice
18 Advisory Board shall evaluate the literacy program outcomes as
19 part of its annual evaluation of program outcomes under s.
20 985.401. The department, in consultation with the Department
21 of Education, shall develop and implement an evaluation of the
22 program in order to determine the impact of the programs on
23 recidivism. The department shall submit an annual report on
24 the implementation and progress of the programs to the
25 President of the Senate and the Speaker of the House of
26 Representatives by January 1 of each year.

27 Section 7. Subsection (10) of section 985.404, Florida
28 Statutes, is amended to read:

29 985.404 Administering the juvenile justice
30 continuum.--

31

1 (10) The department shall annually collect and report
2 cost data for every program operated or contracted by the
3 department. The cost data shall conform to a format approved
4 by the department and the Legislature. Uniform cost data shall
5 be reported and collected for state-operated and contracted
6 programs so that comparisons can be made among programs. The
7 department shall ensure that there is accurate cost accounting
8 for state-operated services including market-equivalent rent
9 and other shared cost. The cost of the educational program
10 provided to a residential facility shall be reported and
11 included in the cost of a program. The department shall submit
12 an annual cost report to the President of the Senate, the
13 Speaker of the House of Representatives, the Minority Leader
14 of each house of the Legislature, the appropriate substantive
15 and appropriations committees of each house of the
16 Legislature, and the Governor, no later than December 1
17 ~~February 1~~ of each year. Cost-benefit analysis for educational
18 programs will be developed and implemented in collaboration
19 with and cooperation by the Department of Education, local
20 providers, and local school districts. Cost data for the
21 report shall include data collected by the Department of
22 Education for the purposes of preparing the annual report
23 required by s. 230.23161(17) and will use current data sources
24 whenever possible.

25 Section 8. As used in this act, the term:

26 (1) "Detention center or other commitment facility"
27 means a facility used for the intake, supervision, custody,
28 care, or treatment of children who are alleged to be or who
29 have been found to be delinquent. The term includes, but is
30 not limited to, facilities used for the commitment of
31 adjudicated delinquents, facilities used pending court

1 adjudication or disposition or execution of a court order for
2 the temporary care of children alleged or found to have
3 committed a violation of law, detention centers, halfway
4 houses, shelters, residential sex offender programs, substance
5 abuse residential programs, boot camps, START Centers,
6 training schools, and wilderness programs.

7 (2) "Orlando Regional Juvenile Detention Center" or
8 "center" means the property leased by the Board of Trustees of
9 the Internal Improvement Trust Fund of the State of Florida to
10 the former Department of Health and Rehabilitative Services
11 under lease agreement number 2906 rendered December 10, 1976,
12 which is described in the lease agreement as follows:

13
14 For a Point of Beginning commence at the South
15 1/4 corner of Section 6, township 23 South,
16 Range 30 East; Run thence S 89°39'04" W along
17 the south line of the SW 1/4 of said Section 6
18 a distance of 1055.00 feet; Run thence N
19 00°00'14" E a distance of 300 feet; Run thence
20 N 89°39'04" a distance of 405.00 feet; Run
21 thence N 00°00'14" E a distance of 75.00 feet;
22 Run thence N 89°39'04" E a distance of 300.00
23 feet; Run thence N 00°00'14" E a distance of
24 225.00 feet; Run thence N 89°39'04" E a
25 distance of 350.00 feet to the east line of
26 said SW 1/4; Run thence S 00°00'14" W along
27 said east line a distance of 600.00 feet to the
28 Point of Beginning; LESS the south 30 feet
29 thereof and less the east 30 feet thereof for
30 road right-of-way; All being and lying in
31

1 Orange County, Florida, and containing 9.074
2 acres, more or less.

3
4 (3) "State agency" means any department or
5 departmental unit, as described in s. 20.04, Florida Statutes,
6 or any commission, board, authority, agency, or other unit of
7 state government and specifically includes the Department of
8 Juvenile Justice, the Department of Corrections, and the
9 Department of Children and Family Services. The term does not
10 include any county or municipality.

11 Section 9. (1) No state agency may expand the
12 existing Orlando Regional Juvenile Detention Center to include
13 property contiguous to the existing center.

14 (2) No state agency may build a new detention center
15 or other commitment facility on property contiguous to the
16 existing center.

17 (3) No state agency may use property contiguous to the
18 existing center for the purpose of operating a detention
19 center or other commitment facility.

20 Section 10. This act shall take effect upon becoming a
21 law.

22
23
24
25
26
27
28
29
30
31