

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Culp offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 312-1272 and insert:

5  
6 than \$5 ~~\$3~~ million, based on the property valuations and tax  
7 data annually published by the Department of Revenue under s.  
8 195.052.

9 Section 5. Subsection (5) of section 985.228, Florida  
10 Statutes, is amended to read:

11 985.228 Adjudicatory hearings; withheld adjudications;  
12 orders of adjudication.--

13 (5) (a) If the court finds that the child named in a  
14 petition has committed a delinquent act or violation of law, but  
15 elects not to proceed under subsection (4), it shall incorporate  
16 that finding in an order of adjudication of delinquency entered  
17 in the case, briefly stating the facts upon which the finding is

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18 made, and the court shall thereafter have full authority under  
19 this chapter to deal with the child as adjudicated.

20 (b) The order of adjudication of delinquency under  
21 paragraph (a) shall also include conditions that must be  
22 followed by the child until a disposition order is entered in  
23 his or her case. These conditions must include, but are not  
24 limited to, specifying that the child, during any period of time  
25 that he or she:

26 1. Is not in secure detention, must comply with a curfew;  
27 must attend school or another educational program, if eligible;  
28 and is prohibited from engaging in ungovernable behavior.

29 2. Is in secure detention, is prohibited from engaging in  
30 ungovernable behavior.

31 (c) For purposes of this subsection, the term  
32 "ungovernable behavior" means:

33 1. The child's failing to obey the reasonable and lawful  
34 demands of the child's parent or legal guardian and, where  
35 applicable, the reasonable and lawful demands of a person  
36 responsible for supervising the child while he or she is in  
37 school, another educational program, or secure detention.

38 2. The child engaging in behavior that evidences a risk  
39 that the child may fail to appear for future court proceedings  
40 or may inflict harm upon others or the property of others.

41 3. Other behavior of the child as specified in writing by  
42 the court in the order of adjudication of delinquency.

43 (d) If a child willfully violates a condition contained in  
44 his or her order of adjudication of delinquency, the court may  
45 find the child in direct or indirect contempt of court under s.  
46 985.216; however, notwithstanding s. 985.216 and the results of  
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47 the risk assessment instrument, the child's sanctions for such  
48 contempt of court shall be placement in secure detention or, at  
49 the discretion of the court and if available, on home detention  
50 with electronic monitoring until the child's disposition order  
51 is entered in his or her case.

52 Section 6. Paragraph (j) of subsection (1) of section  
53 985.231, Florida Statutes, is amended to read:

54 985.231 Powers of disposition in delinquency cases.--

55 (1)

56 (j) If the offense committed by the child was grand theft  
57 of a motor vehicle, the court:

58 1. Upon a first adjudication for a grand theft of a motor  
59 vehicle, may place the child youth in a sheriff's training and  
60 respect program ~~boot camp~~, unless the child is ineligible under  
61 s. 985.3091 pursuant to s. 985.309, and shall order the child  
62 youth to complete a minimum of 50 hours of community service.

63 2. Upon a second adjudication for grand theft of a motor  
64 vehicle which is separate and unrelated to the previous  
65 adjudication, may place the child youth in a sheriff's training  
66 and respect program ~~boot camp~~, unless the child is ineligible  
67 under s. 985.3091 pursuant to s. 985.309, and shall order the  
68 child youth to complete a minimum of 100 hours of community  
69 service.

70 3. Upon a third adjudication for grand theft of a motor  
71 vehicle which is separate and unrelated to the previous  
72 adjudications, shall place the child youth in a sheriff's  
73 training and respect program ~~boot camp~~ or other treatment  
74 program, unless the child is ineligible under s. 985.3091

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75 ~~pursuant to s. 985.309~~, and shall order the child youth to  
76 complete a minimum of 250 hours of community service.

77 Section 7. Section 985.309, Florida Statutes, is repealed.

78 Section 8. Section 985.3091, Florida Statutes, is created  
79 to read:

80 985.3091 Sheriff's training and respect programs.--

81 (1) Contingent upon specific appropriation, local funding,  
82 or specific appropriation and local funding, a county sheriff  
83 may, under contract with the department, implement and operate a  
84 sheriff's training and respect program to provide intensive  
85 education, physical training, and rehabilitation for children  
86 who are eligible under subsection (2). A sheriff's training and  
87 respect program shall be under the sheriff's supervisory  
88 authority as determined by the contract between the department  
89 and the sheriff.

90 (2) A child is eligible for placement in a sheriff's  
91 training and respect program if he or she:

92 (a) Is at least 14 years of age but less than 18 years of  
93 age at the time of adjudication.

94 (b) Has been committed to the department for any offense  
95 that, if committed by an adult, would be a felony other than a  
96 capital felony, a life felony, or a violent felony of the first  
97 degree.

98 (c) Has a medical, psychological, and substance abuse  
99 profile that is conducive to successful completion of the  
100 program, as determined by the sheriff's and department's review  
101 of preadmission medical, psychological, and substance abuse  
102 screenings conducted by the department.

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103 (d) Will be placed in the judicial circuit in which the  
104 child was adjudicated, except that the child may be placed  
105 outside of that judicial circuit if:

106 1. The department, or the court if otherwise authorized by  
107 law to select a commitment program within a restrictiveness  
108 level for a child, determines that placement within the judicial  
109 circuit would not be in the child's best interest or the  
110 sheriff's training and respect program is unable to accept the  
111 child; and

112 2. The child's parent or guardian agrees in writing to the  
113 placement.

114 (3) A sheriff's training and respect program shall require  
115 children to:

116 (a) Participate in physical training exercises.

117 (b) Complete educational, vocational, community service,  
118 and substance abuse programs.

119 (c) Receive training in life and job skills and in  
120 techniques for appropriate decisionmaking.

121 (d) Receive counseling that is directed at replacing  
122 criminal thinking, beliefs, and values with moral thinking,  
123 beliefs, and values.

124 (4) A sheriff's training and respect program shall be a  
125 moderate-risk residential program and must provide conditional  
126 release assessment and services in accordance with s. 985.316.  
127 The minimum period of participation in the residential component  
128 of a sheriff's training and respect program is 4 months;  
129 however, this subsection does not prohibit operation of a  
130 program that requires the participants to spend more than 4  
131 months in the residential component of the program or that

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132 requires the participants to complete two sequential programs of  
133 4 months each in the residential component of the program.

134 (5) Staff in a sheriff's training and respect program who  
135 exercise direct care, as defined in s. 985.4055, shall comply  
136 with the protective action response policy established in  
137 department rules adopted under s. 985.4055(2)(a).

138 (6) The department shall adopt rules under ss. 120.536(1)  
139 and 120.54 for the sheriff's training and respect program that  
140 specify:

141 (a) Requirements for the preadmission medical,  
142 psychological, and substance abuse screenings required by  
143 subsection (2).

144 (b) Authorized disciplinary sanctions and restrictions on  
145 the privileges of the general population of children in the  
146 program.

147 (c) Prohibitions on the use of psychological intimidation  
148 techniques. For purposes of this section, the term  
149 "psychological intimidation techniques":

150 1. Includes the following actions when intentionally used  
151 as a therapeutic or training technique or as a means to  
152 encourage compliance with program requirements:

153 a. The threat of physical force or violence.

154 b. An intentional attempt to humiliate or embarrass a  
155 child.

156 c. An intentional attempt to diminish a child's self-  
157 confidence or otherwise psychologically break a child's will.

158 d. Any action that would be considered child abuse or  
159 neglect under chapter 39 or chapter 827.

160 2. Does not include the following actions:

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161 a. Direct and forceful communication to a child of program  
162 requirements or legitimate performance expectations prior to or  
163 during participation in program activities, including positive,  
164 active encouragement of children engaged in physical training  
165 exercises.

166 b. Communication necessary to inform a child of  
167 noncompliance with program requirements or appropriate actions  
168 to remediate such noncompliance.

169 c. Communication necessary to inform a child of poor  
170 performance or appropriate actions to remediate such poor  
171 performance.

172 d. Communications or other actions necessary to maintain  
173 order or safety in a program.

174 e. Any lawful and reasonable communications or actions  
175 that are permissible for parents, other juvenile justice  
176 programs, school officials, or other adults who have custody of  
177 or supervisory responsibilities for children.

178 (d) Requirements for provision of notice by the program to  
179 the department and for the removal of a child from the program  
180 if the child becomes unmanageable or ineligible for the program  
181 due to changes in his or her medical, psychological, or  
182 substance abuse profile.

183 (e) Requirements for the prominent display of the  
184 telephone number of the statewide abuse registry and for  
185 immediate access by children in the program, upon request, to a  
186 telephone for the purpose of contacting the abuse registry.

187 (7) (a) Evaluations under s. 985.412(5) of each sheriff's  
188 training and respect program shall be conducted quarterly during  
189 the first year of the program's operation. Thereafter, if the

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190 program met the minimum thresholds during its most recent  
191 evaluation, the program shall be evaluated annually. If a  
192 sheriff's training and respect program fails to meet the minimum  
193 thresholds, the department shall cancel the contract for the  
194 program:

195 1. Immediately if the program has a deficiency in a  
196 critical life safety aspect of its operations, as defined in  
197 department rule, or has failed to train its staff as required  
198 under subsection (9).

199 2. If the program fails to achieve compliance with the  
200 minimum thresholds within 3 months, unless there are documented  
201 extenuating circumstances, as defined in department rule.

202 (b) Upon cancellation of a contract under paragraph (a),  
203 the program's operations shall immediately cease and the  
204 department shall immediately discontinue any state payments to  
205 the program.

206 (8) The department shall keep records and monitor criminal  
207 activity, educational progress, and employment placement of all  
208 sheriff's training and respect program participants after their  
209 release from the program. The department must annually publish  
210 an outcome evaluation study of each sheriff's training and  
211 respect program.

212 (9) (a) The department shall adopt rules under ss.  
213 120.536(1) and 120.54 that establish training requirements that  
214 must be completed by staff in a sheriff's training and respect  
215 program within 90 calendar days following the person's date of  
216 hire and that must, at a minimum, require:

217 1. Administrative staff to successfully complete 120  
218 contact hours of department-approved training.

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219 2. Staff who provide direct care, as defined in s.  
220 985.4055:

221 a. To be a certified correctional, correctional probation,  
222 or law enforcement officer under chapter 943 or to be certified  
223 in protective action response under s. 985.4055(2)(b)-(e).

224 b. To successfully complete 200 contact hours of  
225 department-approved training.

226 (b) Department-approved training under paragraph (a) for  
227 direct care staff must include, but is not limited to, training  
228 on:

229 1. State and federal laws relating to child abuse.

230 2. Authorized disciplinary sanctions and privilege  
231 restrictions under paragraph (5)(b) and prohibited psychological  
232 intimidation techniques under paragraph (5)(c).

233 3. The Protective Action Response policy established in  
234 department rules adopted under s. 985.4055(2)(a) for direct care  
235 staff who are not certified under 985.4055(2)(b)-(e).

236 4. Appropriate counseling techniques and aggression  
237 control methods.

238 5. Appropriate methods for dealing with children who have  
239 been placed in programs that emphasize physical fitness and  
240 personal discipline, including training on the identification  
241 of, and appropriate responses to, children who are experiencing  
242 physical or mental distress.

243 6. Cardiopulmonary resuscitation, choke-relief, and other  
244 emergency medical procedures.

245 (c) All department-approved training courses under this  
246 subsection must be taught by persons who are certified as  
247 instructors for the courses being taught. A training course in  
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248 counseling techniques need not be taught by a certified  
249 instructor but must be taught by a person who has at least a  
250 bachelor's degree in social work, counseling, psychology, or a  
251 related field.

252 (d) A person who exercises direct care, as defined in s.  
253 985.4055, in a sheriff's training and respect program prior to  
254 successful completion of the training requirements in this  
255 subsection must be directly supervised by a person who has  
256 successfully completed the training requirements in this  
257 subsection.

258 (10) Children shall not be admitted to a sheriff's  
259 training and respect program until the department has adopted  
260 the rules required by this section and has verified that each  
261 program is in compliance with all laws and rules applicable to  
262 the program. The department may adopt emergency rules pursuant  
263 to s. 120.54(4) if necessary to allow operation of sheriff's  
264 training and respect programs beginning July 1, 2006.

265 Section 9. Paragraph (a) of subsection (1) and paragraph  
266 (i) of subsection (3) of section 985.31, Florida Statutes, are  
267 amended to read:

268 985.31 Serious or habitual juvenile offender.--

269 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the  
270 provisions of this chapter and the establishment of appropriate  
271 program guidelines and standards, contractual instruments, which  
272 shall include safeguards of all constitutional rights, shall be  
273 developed as follows:

274 (a) The department shall provide for:

275 1. The oversight of implementation of assessment and  
276 treatment approaches.

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277           2. The identification and prequalification of appropriate  
278 individuals or not-for-profit organizations, including minority  
279 individuals or organizations when possible, to provide  
280 assessment and treatment services to serious or habitual  
281 delinquent children.

282           3. The monitoring and evaluation of assessment and  
283 treatment services for compliance with the provisions of this  
284 chapter and all applicable rules and guidelines pursuant  
285 thereto.

286           ~~4. The development of an annual report on the performance  
287 of assessment and treatment to be presented to the Governor, the  
288 Attorney General, the President of the Senate, the Speaker of  
289 the House of Representatives, and the Auditor General no later  
290 than January 1 of each year.~~

291           (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
292 TREATMENT.--

293           (i) The treatment and placement recommendations shall be  
294 submitted to the court for further action pursuant to this  
295 paragraph:

296           1. If it is recommended that placement in a serious or  
297 habitual juvenile offender program or facility is inappropriate,  
298 the court shall make an alternative disposition pursuant to s.  
299 985.3091 ~~985.309~~ or other alternative sentencing as applicable,  
300 using ~~utilizing~~ the recommendation as a guide.

301           2. If it is recommended that placement in a serious or  
302 habitual juvenile offender program or facility is appropriate,  
303 the court may commit the child to the department for placement  
304 in the restrictiveness level designated for serious or habitual  
305 delinquent children programs.

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306 Section 10. Paragraph (a) of subsection (1) and paragraph  
307 (i) of subsection (3) of section 985.311, Florida Statutes, are  
308 amended to read:

309 985.311 Intensive residential treatment program for  
310 offenders less than 13 years of age.--

311 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the  
312 provisions of this chapter and the establishment of appropriate  
313 program guidelines and standards, contractual instruments, which  
314 shall include safeguards of all constitutional rights, shall be  
315 developed for intensive residential treatment programs for  
316 offenders less than 13 years of age as follows:

317 (a) The department shall provide for:

318 1. The oversight of implementation of assessment and  
319 treatment approaches.

320 2. The identification and prequalification of appropriate  
321 individuals or not-for-profit organizations, including minority  
322 individuals or organizations when possible, to provide  
323 assessment and treatment services to intensive offenders less  
324 than 13 years of age.

325 3. The monitoring and evaluation of assessment and  
326 treatment services for compliance with the provisions of this  
327 chapter and all applicable rules and guidelines pursuant  
328 thereto.

329 ~~4. The development of an annual report on the performance~~  
330 ~~of assessment and treatment to be presented to the Governor, the~~  
331 ~~Attorney General, the President of the Senate, the Speaker of~~  
332 ~~the House of Representatives, the Auditor General, and the~~  
333 ~~Office of Program Policy Analysis and Government Accountability~~  
334 ~~no later than January 1 of each year.~~

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335 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
336 TREATMENT.--

337 (i) The treatment and placement recommendations shall be  
338 submitted to the court for further action pursuant to this  
339 paragraph:

340 1. If it is recommended that placement in an intensive  
341 residential treatment program for offenders less than 13 years  
342 of age is inappropriate, the court shall make an alternative  
343 disposition pursuant to s. 985.3091 ~~985.309~~ or other alternative  
344 sentencing as applicable, using ~~utilizing~~ the recommendation as  
345 a guide.

346 2. If it is recommended that placement in an intensive  
347 residential treatment program for offenders less than 13 years  
348 of age is appropriate, the court may commit the child to the  
349 department for placement in the restrictiveness level designated  
350 for intensive residential treatment program for offenders less  
351 than 13 years of age.

352 Section 11. Subsection (5) of section 985.317, Florida  
353 Statutes, is amended to read:

354 985.317 Literacy programs for juvenile offenders.--

355 ~~(5) EVALUATION AND REPORT. The department, in~~  
356 ~~consultation with the Department of Education, shall develop and~~  
357 ~~implement an evaluation of the literacy program in order to~~  
358 ~~determine the impact of the programs on recidivism. The~~  
359 ~~department shall submit an annual report on the implementation~~  
360 ~~and progress of the programs to the President of the Senate and~~  
361 ~~the Speaker of the House of Representatives by January 1 of each~~  
362 ~~year.~~

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363 Section 12. Section 985.3142, Florida Statutes, is created  
364 to read:

365 985.3142 Failure to return from a temporary release.--The  
366 willful failure of a child to return to a residential commitment  
367 facility described in s. 985.03(46) within the time authorized  
368 for a temporary release shall:

369 (1) For a first offense, constitute absconding and such  
370 offense shall be treated in the same manner as absconding from a  
371 nonresidential commitment facility under this chapter, except  
372 that under s. 985.215(2) the court shall order that the child be  
373 returned to his or her residential commitment facility at the  
374 child's detention hearing.

375 (2) For a second or subsequent offense, constitute a  
376 misdemeanor of the second degree, punishable as provided in s.  
377 775.082 or s. 775.083.

378 Section 13. Section 985.4055, Florida Statutes, is created  
379 to read:

380 985.4055 Protective action response.--

381 (1) For purposes of this section, the term:

382 (a) "Direct care" means the care, supervision, custody, or  
383 control of youth in any detention facility, delinquency program,  
384 or commitment program within any restrictiveness level, which is  
385 operated by the department or by a provider under contract with  
386 the department.

387 (b) "Employee" means any person who exercises direct care.

388 (c) "Protective action response policy" means the policy  
389 governing the use of verbal and physical intervention  
390 techniques, mechanical restraints, and aerosol and chemical  
391 agents by employees.

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392       (2) The department shall adopt rules under ss. 120.536(1)  
393 and 120.54 that:

394       (a) Establish a protective action response policy that:

395       1. Defines the authorized level of response by an employee  
396 to each level of verbal or physical resistance by a youth.

397       2. Requires the use of verbal intervention techniques as  
398 the initial response by an employee to verbal or physical  
399 resistance by a youth, except where physical intervention  
400 techniques are necessary to prevent:

401       a. Physical harm to the youth, employee, or another  
402 person;

403       b. Property damage; or

404       c. The youth from escaping or absconding from lawful  
405 supervision.

406       3. Defines authorized physical intervention techniques and  
407 the situations under which employees may use these techniques  
408 for youth. Pain compliance techniques and use of less than  
409 lethal force shall be prohibited, except where necessary to  
410 prevent:

411       a. Physical harm to the youth, employee, or another  
412 person;

413       b. Property damage; or

414       c. The youth from escaping or absconding from lawful  
415 supervision.

416  
417 Lethal force shall be prohibited, except where necessary to  
418 protect the employee or another person from an imminent threat  
419 of great bodily harm or death. Prior authorization by an

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420 employee's supervisor for the use of physical intervention  
421 techniques shall be obtained when practical.

422 4. Defines authorized use of mechanical restraints and the  
423 situations under which employees may use such restraints on  
424 youth. Prohibited uses of mechanical restraints shall include  
425 the use of neck restraints and the securing of a youth to a  
426 fixed object. Supervision requirements for youth who are secured  
427 in mechanical restraints shall include constant and direct  
428 visual monitoring by an employee for purposes of insuring youth  
429 safety and ascertaining indications by the youth that restraints  
430 are no longer necessary. Prior authorization by an employee's  
431 supervisor for the use of mechanical restraints shall be  
432 obtained when practical.

433 5. Prohibits employee use of aerosol or chemical agents,  
434 including, but not limited to, oleoresin capsicum spray and  
435 ammonia capsules, on a youth unless required for medical  
436 treatment of the youth by a licensed medical professional.

437 (b) Establish training curriculum for protective action  
438 response certification of employees and instructors. The  
439 training curriculum for employee certification shall, at a  
440 minimum, require the employee to:

441 1. Complete instruction on the protective action response  
442 policy.

443 2. Obtain a passing score:

444 a. On a written examination that tests the employee's  
445 knowledge and understanding of the protective action response  
446 policy.

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447 b. During an evaluation by an instructor of the employee's  
448 physically demonstrated ability to implement the protective  
449 action response policy.

450 (c) Require training curriculums for protective action  
451 response certification of employees to be taught by instructors  
452 who have been certified under the training curriculum for  
453 protective action response certification of instructors.

454 (d) Except as provided in s. 985.3091(9) for specified  
455 certified officers, require each employee, who was not certified  
456 by the department in protective action response prior to July 1,  
457 2006, to receive his or her protective action response  
458 certification by September 30, 2006, or within 90 calendar days  
459 following his or her date of hire, whichever date is later.

460 (e) Require any employee who exercises direct care prior  
461 to receiving his or her protective action response certification  
462 to be directly supervised by an employee who has received his or  
463 her protective action response certification.

464 Section 14. Section 985.4056, Florida Statutes, is created  
465 to read:

466 985.4056 Juvenile Justice Accountability Commission.--

467 (1) CREATION; MEMBERSHIP.--

468 (a) The Juvenile Justice Accountability Commission is  
469 created and administratively housed within the department. The  
470 commission shall be composed of seven members appointed by the  
471 Governor. Each member of the commission must have direct  
472 experience in juvenile justice issues and must be a citizen of  
473 and registered voter in this state. The composition of the  
474 commission must equitably represent all geographic areas of the  
475 state and include minorities and women.

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476 (b) Within the 2-year period preceding his or her  
477 appointment, a member of the commission may not have been, and  
478 during the 2-year period following termination of his or her  
479 appointment, a member of the commission may not be:

480 1. An employee of, a consultant to, or a provider under  
481 contract with the department.

482 2. A contractor, or an employee or a consultant thereof,  
483 who submits a bid, proposal, or reply in response to a  
484 competitive solicitation issued by the commission.

485 (c) Each member of the commission shall serve a term of 4  
486 years; however, for the purpose of providing staggered terms, of  
487 the initial appointments, three members shall serve 2-year terms  
488 and four members shall serve 4-year terms. Any vacancy on the  
489 commission shall be filled in the same manner as the original  
490 appointment within 60 days after the date upon which the vacancy  
491 occurred, and any member appointed to fill a vacancy shall serve  
492 only for the unexpired term of the member's predecessor. The  
493 chairperson of the commission shall be selected by the members  
494 for a term of 1 year.

495 (d) In addition to the membership specified under this  
496 subsection, the commission shall invite ex officio, nonvoting  
497 associates to attend and participate in commission meetings and  
498 to provide advice to the commission. The ex officio associates  
499 shall include, but are not limited to:

500 1. A member of the House of Representatives designated by  
501 the Speaker of the House.

502 2. A member of the Senate designated by the President of  
503 the Senate.

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- 504       3. An employee of the Executive Office of the Governor  
505 designated by the Governor.
- 506       4. An employee of the department.
- 507       5. A circuit court judge with at least 1 year's experience  
508 in the juvenile delinquency division.
- 509       6. A sheriff.
- 510       7. A provider under contract with the department for the  
511 provision of one or more juvenile justice programs.
- 512       8. A member of a juvenile justice advocacy organization.
- 513       9. An employee of the Department of Law Enforcement who is  
514 responsible for data compilation and research.
- 515       10. A state university employee who is responsible for  
516 juvenile justice research.
- 517       (2) DEFINITIONS.--For purposes of this section, the term:
- 518       (a) "Juvenile justice program" means any facility,  
519 service, or program that is operated by the department or by a  
520 provider under contract with the department.
- 521       (b) "Minorities" means a member of a socially or  
522 economically disadvantaged group and includes African Americans,  
523 Hispanics, and American Indians.
- 524       (3) MEETINGS.--
- 525       (a) The commission shall hold a minimum of four regular  
526 meetings annually, and other meetings may be called by the chair  
527 upon giving at least 7 days' notice to all members and the  
528 public pursuant to chapter 120. Meetings may also be held upon  
529 the written request of at least four members, upon at least 7  
530 days' notice of such meeting being given to all members and the  
531 public by the chair pursuant to chapter 120. Emergency meetings  
532 may be held without notice upon the request of all members. The

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533 meetings of the commission shall be held in the central office  
534 of the department in Tallahassee unless the chair determines  
535 that special circumstances warrant meeting at another location.

536 (b) A majority of the membership of the commission  
537 constitutes a quorum and a quorum is required for any meeting of  
538 the commission during which action will be voted upon. An action  
539 of the commission is not binding unless the action is taken  
540 pursuant to an affirmative vote of a majority of the members  
541 present and the vote must be recorded in the minutes of the  
542 meeting.

543 (c) A member of the commission may not authorize a  
544 designee to attend a meeting of the commission in his or her  
545 place. A member who fails to attend two consecutive regularly  
546 scheduled meetings of the commission, unless the member is  
547 excused by the chairperson, shall be deemed to have abandoned  
548 the position, and the position shall be declared vacant by the  
549 commission.

550 (d) The chairperson shall cause to be made a complete  
551 record of the proceedings of the commission, which record shall  
552 be open for public inspection.

553 (4) ORGANIZATION.--

554 (a) The commission, subject to appropriation, may employ  
555 an executive director and other staff, and may retain  
556 consultants, as necessary.

557 (b) The commission shall be a separate budget entity, and  
558 the executive director shall be the chief administrative  
559 officer. The department shall provide administrative support and  
560 service to the commission to the extent requested by the

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561 executive director. The commission and its staff are not subject  
562 to the control, supervision, or direction of the department.

563 (c) The commission shall develop a budget pursuant to  
564 chapter 216. The budget is not subject to change by the  
565 department and shall be submitted to the Governor and  
566 Legislature as provided in s. 216.023.

567 (d) Members of the commission and ex officio associates  
568 shall serve without compensation, but are entitled to  
569 reimbursement for per diem and travel expenses under s. 112.061.

570 (5) DUTIES.--The commission shall:

571 (a) On or before October 1, 2006, and subject to  
572 appropriation, enter into a contract under chapter 287 for the  
573 development of a comprehensive evaluation, accountability, and  
574 reporting system for each juvenile justice program individually  
575 and for each category of the juvenile justice continuum for the  
576 purpose of informing service providers and policy makers of the  
577 effectiveness of individual providers and of the various  
578 approaches to providing services. The contract must require the  
579 provider to deliver the following on or before January 15, 2007:

580 1. A standardized evaluation protocol based upon best  
581 practices for each juvenile justice program that:

582 a. Includes minimum thresholds for program continuation  
583 and that identifies program effectiveness and areas in need of  
584 expansion, improvement, modification, or elimination.

585 b. Provides criteria for program termination based upon  
586 evaluation results.

587 c. Requires continual review of best practices literature  
588 and updates to the standardized evaluation protocol based upon  
589 that review.

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590 d. Requires an annual report to the executive and  
591 legislative branches, which sets forth for each juvenile justice  
592 program:

593 (I) A comprehensive description of the population served  
594 by the program.

595 (II) A specific description of the services provided by  
596 the program.

597 (III) Program cost.

598 (IV) A comparison of expenditures to federal and state  
599 funding.

600 (V) Immediate and long-range program concerns.

601 (VI) Recommendations to maintain, expand, improve, modify,  
602 or eliminate the program.

603 2. A process for the collection, analysis, and reporting  
604 of statistical data that will enable continuous evaluation of  
605 the juvenile justice system as a whole and will provide the  
606 Legislature, Governor, and the department with necessary and  
607 useful information and reports to make informed decisions  
608 regarding the effectiveness of, and any needed changes in,  
609 juvenile justice programming, policies, and laws.

610 (b) On or before February 15, 2007, submit a report to the  
611 appropriate substantive and fiscal committees of the  
612 Legislature, the Governor, and the secretary of the department  
613 that:

614 1. Provides a detailed summary of, and an implementation  
615 schedule for, the comprehensive evaluation, accountability, and  
616 reporting system developed by the provider under paragraph (a).

617 2. Sets forth recommendations by the commission for:

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618 a. Modifications to the provider-developed system if found  
619 warranted by the commission.

620 b. Statutory amendments and department rule and policy  
621 changes that will be required to implement the provider-  
622 developed system.

623 c. Funding requirements for implementation of the  
624 provider-developed system.

625 d. Whether the provider-developed system should be  
626 implemented by employees of the commission or by a provider  
627 under contract with the commission.

628 (c) Monitor the development and implementation of long-  
629 range juvenile justice program policies, including prevention,  
630 early intervention, diversion, adjudication, and commitment.

631 (d) Review and recommend programmatic and fiscal policies  
632 governing the operation of juvenile justice programs.

633 (e) Serve as a clearinghouse, in coordination with the  
634 department, to provide information and assistance to the  
635 juvenile justice circuit boards and juvenile justice county  
636 councils.

637 (f) Advise the President of the Senate, the Speaker of the  
638 House of Representatives, the Governor, and the department on  
639 matters relating to this chapter.

640 (g) Conduct such other activities as the commission may  
641 determine are necessary and appropriate to monitor the  
642 effectiveness of the delivery of juvenile justice under this  
643 chapter.

644 (h) Submit an annual report to the Governor, the  
645 appropriate substantive and fiscal committees of the  
646 Legislature, and the secretary of the department no later than  
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647 January 1st of each year that summarizes the meetings and  
648 activities of the commission during the preceding year and  
649 includes any recommendations of the commission for the following  
650 year.

651 (6) INFORMATION SYSTEM ACCESS.--The department shall  
652 provide the commission with automated access to the Juvenile  
653 Justice Information System under s. 20.316(4).

654 (7) RULEMAKING.--The commission shall adopt rules pursuant  
655 to ss. 120.536(1) and 120.54 to implement the provisions of this  
656 section.

657 Section 15. Section 985.412, Florida Statutes, is amended  
658 to read:

659 985.412 Program review and reporting requirements ~~Quality~~  
660 ~~assurance and cost effectiveness.--~~

661 (1) LEGISLATIVE PURPOSE.--It is the intent of the  
662 Legislature that the department:

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

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

668 (c) ~~(b)~~ Provide information about the cost of such programs  
669 and their differential effectiveness so that program the quality  
670 may of such programs can be compared and improvements made  
671 continually.

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

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674 ~~(e)(d)~~ Provide information to the public about the  
675 effectiveness of ~~such~~ programs in meeting established goals and  
676 objectives.

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

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

681 ~~(h)(g)~~ Modify or eliminate activities that are not  
682 effective.

683 (2) DEFINITIONS.--As used in this section, the term:

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

687 (b) "Program" means any facility, service, or program for  
688 youth that is operated by the department or by a provider under  
689 contract with the department.

690 ~~(c)(b)~~ "Program component" means an aggregation of  
691 generally related objectives which, because of their special  
692 character, related workload, and interrelated output, can  
693 logically be considered an entity for purposes of organization,  
694 management, accounting, reporting, and budgeting.

695 ~~(c) "Program effectiveness" means the ability of the~~  
696 ~~program to achieve desired client outcomes, goals, and~~  
697 ~~objectives.~~

698 (d) "Program group" means a collection of programs with  
699 sufficient similarity of function, services, and youth to permit  
700 appropriate comparisons among programs within the group.

701 (3) OUTCOME EVALUATION.--The department, in consultation  
702 with the Office of Economic and Demographic Research, the Office  
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703 of Program Policy Analysis and Government Accountability, and  
704 contract service providers, shall develop and use a standard  
705 methodology for annually measuring, evaluating, and reporting  
706 program outputs and youth outcomes for each program and program  
707 group.

708 (a) The standard methodology must:

709 1. Incorporate, whenever possible, performance-based  
710 budgeting measures.

711 2. Include common terminology and operational definitions  
712 for measuring the performance of system and program  
713 administration, program outputs, and youth outcomes.

714 3. Specify program outputs for each program and for each  
715 program group within the juvenile justice continuum.

716 4. Specify desired youth outcomes and methods by which to  
717 measure youth outcomes for each program and program group.

718 (b) By February 15 of each year, the department shall  
719 submit to the appropriate substantive and fiscal committees of  
720 each house of the Legislature and the Governor a report that  
721 identifies and describes:

722 1. The standard methodology implemented under paragraph  
723 (a).

724 2. The programs offered within each program group.

725 3. The demographic profile and offense history of youth  
726 served in each program group.

727 4. The actual program outputs and youth outcomes achieved  
728 in each program group. ~~The department shall annually collect and~~  
729 ~~report cost data for every program operated or contracted by the~~  
730 ~~department. The cost data shall conform to a format approved by~~  
731 ~~the department and the Legislature. Uniform cost data shall be~~  
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732 ~~reported and collected for state operated and contracted~~  
733 ~~programs so that comparisons can be made among programs. The~~  
734 ~~department shall ensure that there is accurate cost accounting~~  
735 ~~for state operated services including market equivalent rent and~~  
736 ~~other shared cost. The cost of the educational program provided~~  
737 ~~to a residential facility shall be reported and included in the~~  
738 ~~cost of a program. The department shall submit an annual cost~~  
739 ~~report to the President of the Senate, the Speaker of the House~~  
740 ~~of Representatives, the Minority Leader of each house of the~~  
741 ~~Legislature, the appropriate substantive and fiscal committees~~  
742 ~~of each house of the Legislature, and the Governor, no later~~  
743 ~~than December 1 of each year. Cost benefit analysis for~~  
744 ~~educational programs will be developed and implemented in~~  
745 ~~collaboration with and in cooperation with the Department of~~  
746 ~~Education, local providers, and local school districts. Cost~~  
747 ~~data for the report shall include data collected by the~~  
748 ~~Department of Education for the purposes of preparing the annual~~  
749 ~~report required by s. 1003.52(19).~~

750 (4) ~~(a)~~ PROGRAM ACCOUNTABILITY MEASURES. ~~--~~The department of  
751 ~~Juvenile Justice~~, in consultation with the Office of Economic  
752 and Demographic Research, and contract service providers, shall  
753 develop a cost-effectiveness model and apply the model to each  
754 commitment program. ~~Program recidivism rates shall be a~~  
755 ~~component of the model.~~

756 (a) The cost-effectiveness model shall compare program  
757 costs to expected and actual youth recidivism rates ~~client~~  
758 ~~outcomes and program outputs.~~ It is the intent of the  
759 Legislature that continual development efforts take place to  
760 improve the validity and reliability of the cost-effectiveness

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761 | model ~~and to integrate the standard methodology developed under~~  
762 | ~~s. 985.401(4) for interpreting program outcome evaluations.~~

763 | (b) The department shall rank commitment programs based on  
764 | the cost-effectiveness model and shall submit a report to the  
765 | appropriate substantive and fiscal committees of each house of  
766 | the Legislature by January 15 ~~December 31~~ of each year.

767 | (c) Based on ~~reports of the department on client outcomes~~  
768 | ~~and program outputs and on the department's most recent cost-~~  
769 | ~~effectiveness rankings, the department may terminate a~~  
770 | commitment program ~~operated by the department or a provider~~ if  
771 | the program has failed to achieve a minimum threshold of cost-  
772 | effectiveness ~~program effectiveness~~. This paragraph does not  
773 | preclude the department from terminating a contract as provided  
774 | under this section or as otherwise provided by law or contract,  
775 | and does not limit the department's authority to enter into or  
776 | terminate a contract.

777 | (d) In collaboration with the Office of Economic and  
778 | Demographic Research, and contract service providers, the  
779 | department shall develop a work plan to refine the cost-  
780 | effectiveness model so that the model is consistent with the  
781 | performance-based program budgeting measures approved by the  
782 | Legislature to the extent the department deems appropriate. The  
783 | department shall notify the Office of Program Policy Analysis  
784 | and Government Accountability of any meetings to refine the  
785 | model.

786 | (e) Contingent upon specific appropriation, the  
787 | department, in consultation with the Office of Economic and  
788 | Demographic Research, and contract service providers, shall:

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789 1. Construct a profile of each commitment program that  
790 uses the results of the quality assurance report required by  
791 this section, the cost-effectiveness report required in this  
792 subsection, and other reports available to the department.

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

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

798 4. Use the results of these evaluations in developing or  
799 refining juvenile justice programs or program models, youth  
800 ~~elient~~ outcomes and program outputs, provider contracts, quality  
801 assurance standards, and the cost-effectiveness model.

802 (5) QUALITY ASSURANCE.--The department shall:

803 (a) Establish a comprehensive quality assurance system for  
804 each program ~~operated by the department or operated by a~~  
805 ~~provider under contract with the department~~. Each contract  
806 entered into by the department must provide for quality  
807 assurance.

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

810 (c) Establish quality assurance goals and objectives for  
811 each specific program component.

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

814 (e) Develop a quality assurance manual of specific,  
815 standardized terminology and procedures to be followed by each  
816 program.

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817 (f) Evaluate each program ~~operated by the department or a~~  
818 ~~provider under a contract with the department~~ and establish  
819 minimum thresholds for each program component.

820 1. If a provider fails to meet the established minimum  
821 thresholds, such failure shall cause the department to cancel  
822 the provider's contract:

823 a. Immediately if the provider has a deficiency in a  
824 critical life safety aspect of its operations, as defined in  
825 department rule, or has failed to train and certify its  
826 employees as required in s. 985.3091(9) or s. 985.4055.

827 b. If ~~unless~~ the provider ~~fails to achieve~~ achieves  
828 compliance with minimum thresholds within 6 months, except as  
829 provided in s. 985.3091(7)(a)2., ~~or~~ unless there are documented  
830 extenuating circumstances as defined in department rule.

831  
832 If a provider's contract is cancelled under subparagraph 1., the  
833 provider's operations shall immediately cease, the department  
834 shall immediately discontinue any state payments to the  
835 provider, and the provider shall be ineligible to contract with  
836 the department ~~In addition, the department may not contract with~~  
837 ~~the same provider~~ for the canceled service for a period of 12  
838 months.

839 2. If a department-operated program fails to meet the  
840 established minimum thresholds, the program's operations shall  
841 be:

842 a. Immediately terminated if the program has a deficiency  
843 in a critical life safety aspect of its operations, as defined  
844 in department rule, or if the department has failed to train and  
845 certify program employees as required in s. 985.4055.

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846 b. Terminated if the department fails to achieve  
847 compliance with the minimum thresholds within 6 months, unless  
848 there are documented extenuating circumstances as defined in  
849 department rule. ~~the department must take necessary and~~  
850 ~~sufficient steps to ensure and document program changes to~~  
851 ~~achieve compliance with the established minimum thresholds. If~~  
852 ~~the department operated program fails to achieve compliance with~~  
853 ~~the established minimum thresholds within 6 months and if there~~  
854 ~~are no documented extenuating circumstances, the department must~~  
855 ~~notify the Executive Office of the Governor and the Legislature~~  
856 ~~of the corrective action taken. Appropriate corrective action~~  
857 ~~may include, but is not limited to:~~

- 858 ~~1. Contracting out for the services provided in the~~  
859 ~~program;~~
- 860 ~~2. Initiating appropriate disciplinary action against all~~  
861 ~~employees whose conduct or performance is deemed to have~~  
862 ~~materially contributed to the program's failure to meet~~  
863 ~~established minimum thresholds;~~
- 864 ~~3. Redesigning the program; or~~
- 865 ~~4. Realigning the program.~~

866 (g) The department shall Submit an annual report to the  
867 President of the Senate, the Speaker of the House of  
868 Representatives, the minority leader of each house of the  
869 Legislature, the appropriate substantive and fiscal committees  
870 of each house of the Legislature, and the Governor by ~~, no later~~  
871 ~~than~~ February 1 of each year. The annual report must contain, at  
872 a minimum, for each ~~specific~~ program component:

- 873 1. A comprehensive description of the population served.  
874 ~~by the program;~~

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- 875           2. A specific description of ~~its~~ the services.
- 876           3. A summary of the performance of each program component  
877 evaluated. ~~provided by the program;~~
- 878           4. Cost data that is reported in a uniform format so that  
879 cost comparisons may be made among programs. For a residential  
880 program, the cost data must include the cost of its educational  
881 program.†
- 882           5. A comparison of expenditures to federal and state  
883 funding.†
- 884           6. Immediate and long-range concerns. †~~and~~
- 885           7. Recommendations to maintain, expand, improve, modify,  
886 or eliminate each program component so that changes in services  
887 lead to enhancement in program quality. ~~The department shall~~  
888 ensure the reliability and validity of the information contained  
889 in the report.
- 890           ~~(6) The department shall collect and analyze available~~  
891 ~~statistical data for the purpose of ongoing evaluation of all~~  
892 ~~programs. The department shall provide the Legislature with~~  
893 ~~necessary information and reports to enable the Legislature to~~  
894 ~~make informed decisions regarding the effectiveness of, and any~~  
895 ~~needed changes in, services, programs, policies, and laws.~~
- 896           ~~(7) No later than November 1, 2001, the department shall~~  
897 ~~submit a proposal to the Legislature concerning funding~~  
898 ~~incentives and disincentives for the department and for~~  
899 ~~providers under contract with the department. The~~  
900 ~~recommendations for funding incentives and disincentives shall~~  
901 ~~be based upon both quality assurance performance and cost-~~  
902 ~~effectiveness performance. The proposal should strive to achieve~~  
903 ~~consistency in incentives and disincentives for both department-~~

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904 ~~operated and contractor provided programs. The department may~~  
905 ~~include recommendations for the use of liquidated damages in the~~  
906 ~~proposal; however, the department is not presently authorized to~~  
907 ~~contract for liquidated damages in non hardware secure~~  
908 ~~facilities until January 1, 2002.~~

909 Section 16. Section 958.046, Florida Statutes, is amended  
910 to read:

911 958.046 Placement in county-operated boot camp programs  
912 for youthful offenders.--In counties where there are county-  
913 operated youthful offender boot camp programs, other than boot  
914 camps described in s. 958.04 or sheriff's training and respect  
915 programs in s. 985.3091 ~~985.309~~, the court may sentence a  
916 youthful offender to such a boot camp. In county-operated  
917 youthful offender boot camp programs, juvenile offenders shall  
918 not be commingled with youthful offenders.

919 Section 17. Section 985.314, Florida Statutes, is amended  
920 to read:

921 985.314 Commitment programs for juvenile felony  
922 offenders.--

923 (1) Notwithstanding any other law and regardless of the  
924 child's age, a child who is adjudicated delinquent, or for whom  
925 adjudication is withheld, for an act that would be a felony if  
926 committed by an adult, shall be committed to:

927 (a) A sheriff's training and respect ~~boot camp~~ program  
928 under s. 985.3091 ~~s. 985.309~~ if the child has participated in an  
929 early delinquency intervention program as provided in s.  
930 985.305.

931 (b) A program for serious or habitual juvenile offenders  
932 under s. 985.31 or an intensive residential treatment program  
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933 for offenders less than 13 years of age under s. 985.311, if the  
934 child has participated in an early delinquency intervention  
935 program and has completed a sheriff's training and respect boot  
936 ~~camp~~ program.

937 (c) A maximum-risk residential program, if the child has  
938 participated in an early delinquency intervention program, has  
939 completed a sheriff's training and respect boot-camp program,  
940 and has completed a program for serious or habitual juvenile  
941 offenders or an intensive residential treatment program for  
942 offenders less than 13 years of age. The commitment of a child  
943 to a maximum-risk residential program must be for an  
944 indeterminate period, but may not exceed the maximum term of  
945 imprisonment that an adult may serve for the same offense.

946 (2) In committing a child to the appropriate programs, the  
947 court may consider an equivalent program of similar intensity as  
948 being comparable to a program required under subsection (1).

949 Section 18. Cost of supervision and care waiver; pilot  
950 program.--

951 (1) For purposes of this section, the term:

952 (a) "Approved parenting class" means a class approved by  
953 the Juvenile Justice Accountability Commission under subsection  
954 (4).

955 (b) "Court" means a circuit court in the Ninth Judicial  
956 Circuit.

957 (c) "Department" means the Department of Juvenile Justice.

958 (d) "Parent" means a parent, as defined in s.  
959 985.2311(13), whose child's delinquency case comes before a  
960 circuit court in the Ninth Judicial Circuit.

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961 (2) (a) Notwithstanding any contrary provision of s.  
962 985.2311, Florida Statutes, for the period of October 1, 2006,  
963 through June 30, 2009, the court shall enter an order waiving  
964 the fees required to be paid under s. 985.2311, Florida  
965 Statutes, by a parent if the parent successfully completes an  
966 approved parenting class and presents the court with notarized  
967 documentation of such completion.

968 (b) Participation in an approved parenting class under  
969 this subsection is voluntary and the parent is responsible for  
970 the payment of all costs associated with participation in the  
971 class.

972 (c) A parent who fails to successfully complete an  
973 approved parenting class shall pay the full amount of fees  
974 required by s. 985.2311, Florida Statutes.

975 (d) A parent may only have fees waived under this  
976 subsection once.

977 (3) The Office of Program Policy Analysis and Government  
978 Accountability shall evaluate the pilot program created by this  
979 section and shall submit a written report to the appropriate  
980 substantive and fiscal committees of the Legislature, the  
981 Governor, and the Department of Juvenile Justice on September  
982 30, 2007, and annually thereafter, which identifies for the  
983 Ninth Judicial Circuit during the fiscal year preceding the  
984 report:

985 (a) The number of delinquency cases in which fees were  
986 required to be ordered under s. 985.2311, Florida Statutes, and  
987 the total amount of those fees.

988 (b) The number of delinquency cases in which parents  
989 agreed to complete an approved parenting class and the number of  
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990 delinquency cases in which the parent submitted notarized  
991 documentation of successful completion to the court.

992 (c) The number of delinquency cases in which the court  
993 entered an order waiving fees under subsection (2) and the total  
994 amount of fees waived.

995 (d) The number of youth, as such data becomes available,  
996 who are taken into custody for a felony or misdemeanor within 6  
997 months following their release from department custody or  
998 supervision, whichever occurs later, and whose parents' fees  
999 under s. 985.2311, Florida Statutes, are:

1000 1. Waived by court order under subsection (2).

1001 2. Not waived by court order under subsection (2).

1002 (4) The Juvenile Justice Accountability Commission,  
1003 subject to appropriation, shall execute a contract under chapter  
1004 287, Florida Statutes, for the provision of parenting courses in  
1005 the Ninth Judicial Circuit between October 1, 2006 through June  
1006 30, 2009.

1007 (5) This section is repealed effective October 1, 2009.

1008 Section 19. Task force on juvenile cruelty to animals.--

1009 (1) The Legislature recognizes that multiple research  
1010 studies have found statistically significant correlations  
1011 between acts of animal cruelty by juveniles and violent behavior  
1012 against persons and that a literature review conducted by the  
1013 federal Office of Juvenile Justice Delinquency Prevention found  
1014 that juvenile animal cruelty may be characteristic of the  
1015 developmental histories of 25 to 60 percent of violent adult  
1016 offenders. The Legislature further recognizes that it is  
1017 critical for the rehabilitation of juvenile animal cruelty  
1018 offenders and for the protection of society that the Legislature

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1019 establish a policy requiring the Department of Juvenile Justice  
1020 to assess the specific rehabilitation needs of juvenile animal  
1021 cruelty offenders and to provide programs that will treat these  
1022 offenders and halt further antisocial conduct.

1023 (2) For purposes of this section, the term:

1024 (a) "Department" means the Department of Juvenile Justice.

1025 (b) "Juvenile animal cruelty offender" means a juvenile  
1026 referred to the department who has violated s. 828.12, Florida  
1027 Statutes, or who otherwise has a history of engaging in one or  
1028 more acts of animal cruelty.

1029 (3) There is created a task force to review and evaluate  
1030 the state's laws that define and address animal cruelty and the  
1031 department's practices for treating and rehabilitating juvenile  
1032 animal cruelty offenders. The task force shall make findings  
1033 that include, but are not limited to:

1034 (a) Identification of statutes that address animal  
1035 cruelty.

1036 (b) Compilation of statistics regarding the number of  
1037 juveniles in this state who have been found, between July 1,  
1038 2001, and June 30, 2006, to have committed an act of animal  
1039 cruelty in violation of s. 828.12, Florida Statutes, and  
1040 identification of the disposition imposed in each of those  
1041 cases.

1042 (c) A profile of the delinquency and criminal histories of  
1043 the juveniles involved in the cases identified in paragraph (b)  
1044 before and after commission of the act of animal cruelty.

1045 (d) A summary of the department's methods for identifying  
1046 juvenile animal cruelty offenders who are referred to the

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1047 department for a delinquent act other than a violation of s.  
1048 828.12, Florida Statutes.

1049 (e) Identification of the department's practices,  
1050 procedures, and programs for the treatment and rehabilitation of  
1051 juvenile animal cruelty offenders.

1052 (f) A summary of research regarding juvenile animal  
1053 cruelty offenders and of any recommendations contained therein  
1054 for the treatment and rehabilitation of these offenders.

1055 (g) Identification of best and evidence-based practices  
1056 and model programs used in other jurisdictions for the treatment  
1057 and rehabilitation of juvenile animal cruelty offenders.

1058 (4) Based on its findings, the task force shall make  
1059 recommendations for the improvement of the state's policies and  
1060 laws that address juvenile animal cruelty. Such recommendations  
1061 shall specifically include, but are not limited to,  
1062 identification of methods to assess the needs of juvenile animal  
1063 cruelty offenders, treatment programs that will best  
1064 rehabilitate juvenile animal cruelty offenders, service delivery  
1065 mechanisms to ensure that recommended treatment programs are  
1066 available statewide, and any funding needs above existing  
1067 resources to ensure adequate availability of recommended  
1068 treatment programs.

1069 (5) On or before August 1, 2006, the secretary of the  
1070 department shall appoint up to 12 members to the task force. The  
1071 task force membership shall include, but is not limited to:  
1072 three persons who collectively have experience with the conduct  
1073 of juvenile animal cruelty research and with the treatment and  
1074 rehabilitation of juvenile animal cruelty offenders; two  
1075 department employees who collectively are responsible for

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1076 research and planning and delinquency prevention and treatment  
1077 programming; and two representatives of providers of juvenile  
1078 delinquency prevention, treatment, and rehabilitation services.

1079 (6) The task force shall submit a written report of its  
1080 findings and recommendations to the Governor, the President of  
1081 the Senate, and the Speaker of the House of Representatives by  
1082 January 1, 2007.

1083 (7) Administrative support for the task force shall be  
1084 provided by the department. Members of the task force shall  
1085 serve without compensation, but are entitled to reimbursement  
1086 under s. 112.061, Florida Statutes, for travel and per diem  
1087 expenses incurred in the performance of their official duties.

1088 The task force shall strive to minimize travel and per diem  
1089 expenses by performing, when practicable, its duties in the  
1090 location where the majority of task force members reside.

1091 (8) The task force shall be dissolved upon submission of  
1092 its report.

1093 Section 20. Task Force on Juvenile Sexual Offenders and  
1094 their Victims.--

1095 (1) For purposes of this section, the term:

1096 (a) "Department" means the Department of Juvenile Justice.

1097 (b) "Task force" means the 2006 Task Force on Juvenile  
1098 Sexual Offenders and their Victims.

1099 (2) On or before August 1, 2006, there shall be created a  
1100 task force to continue the evaluation of the state's juvenile  
1101 sexual offender laws that was conducted by the 2005 Task Force  
1102 on Juvenile Sexual Offenders and their Victims, as created in s.  
1103 10 of chapter 2005-263, Laws of Florida.

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1104       (3) The secretary of the department shall appoint up to 12  
1105 members to the task force, who shall include, but are not  
1106 limited to, a circuit court judge with at least 1 year of  
1107 experience in the juvenile division, a state attorney with at  
1108 least 1 year of experience in the juvenile division, a public  
1109 defender with at least 1 year of experience in the juvenile  
1110 division, two representatives of the department, one member from  
1111 the Florida Juvenile Justice Association, two members from  
1112 providers of juvenile sexual offender services, one member from  
1113 the Florida Association for the Treatment of Sexual Abusers, and  
1114 one victim advocate.

1115       (4) The task force shall:

1116       (a) Review the findings and recommendations contained in  
1117 the final report of the 2005 Task Force on Juvenile Sexual  
1118 Offenders and their Victims, including the recommendations  
1119 specified in Appendix II of that report, and identify each  
1120 recommendation that has not yet been implemented.

1121       (b) Determine which recommendations reviewed under  
1122 paragraph (a) remain appropriate for implementation.

1123       (c) Make additional recommendations, if warranted, for the  
1124 improvement of the state's laws, policies, programs, and funding  
1125 for juvenile sexual offenders.

1126       (d) Submit a written report to the Governor and the  
1127 appropriate substantive and fiscal committees of the Legislature  
1128 no later than January 1, 2007, that:

1129       1. Discusses each state law addressing juvenile sexual  
1130 offenders.

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1131 2. Specifically identifies statutory criteria that should  
1132 be satisfied before a juvenile is classified as a sexual  
1133 offender or placed in sexual offender programming.

1134 3. Sets forth detailed findings in support of each  
1135 recommendation under paragraphs (b) and (c) and a comprehensive  
1136 plan for implementation of these recommendations, including  
1137 proposed amendments to statute to redefine the term "juvenile  
1138 sexual offender" and modifications of state agency rules,  
1139 practices, and procedures.

1140 (5) The department shall provide administrative support  
1141 for the task force. Members of the task force shall receive no  
1142 salary from the state beyond any salary already received from  
1143 their sponsoring agencies, if any, and are not entitled to  
1144 reimbursement for travel and per diem expenses.

1145 (6) The task force shall be dissolved upon submission of  
1146 its report.

1147 Section 21. Subsections (1) and (2) of section 27.51,  
1148 Florida Statutes, are amended to read:

1149 27.51 Duties of public defender.--

1150 (1) The public defender shall represent, without  
1151 additional compensation, any person determined to be indigent  
1152 under s. 27.52 and:

1153 (a) Under arrest for, or charged with, a felony;

1154 (b) Under arrest for, or charged with:

1155 1. A misdemeanor authorized for prosecution by the state  
1156 attorney;

1157 2. A violation of chapter 316 punishable by imprisonment;

1158 3. Criminal contempt; or

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1159 4. A violation of a special law or county or municipal  
1160 ordinance ancillary to a state charge, or if not ancillary to a  
1161 state charge, only if the public defender contracts with the  
1162 county or municipality to provide representation pursuant to ss.  
1163 27.54 and 125.69.

1164  
1165 The public defender may ~~shall~~ not provide representation under  
1166 ~~pursuant to~~ this paragraph if the court, before ~~prior to~~ trial,  
1167 files in the cause an order of no imprisonment as provided in s.  
1168 27.512;

1169 (c) Who is a child taken into custody under s. 985.207 or  
1170 s. 985.2075 ~~Alleged to be a delinquent child pursuant to a~~  
1171 ~~petition filed before a circuit court;~~

1172 (d) Sought by petition filed in such court to be  
1173 involuntarily placed as a mentally ill person under part I of  
1174 chapter 394, involuntarily committed as a sexually violent  
1175 predator under part V of chapter 394, or involuntarily admitted  
1176 to residential services as a person with developmental  
1177 disabilities under chapter 393. A public defender may ~~shall~~ not  
1178 represent any plaintiff in a civil action brought under the  
1179 Florida Rules of Civil Procedure, the Federal Rules of Civil  
1180 Procedure, or the federal statutes, or represent a petitioner in  
1181 a rule challenge under chapter 120, unless specifically  
1182 authorized by statute;

1183 (e) Convicted and sentenced to death, for purposes of  
1184 handling an appeal to the Supreme Court; or

1185 (f) Is appealing a matter in a case arising under  
1186 paragraphs (a) - (d).

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1187 (2) Except as provided in s. 985.203, the court may not  
1188 appoint the public defender to represent, even on a temporary  
1189 basis, any person who is not indigent. The court, however, may  
1190 appoint private counsel in capital cases as provided in ss.  
1191 27.40 and 27.5303.

1192 Section 22. Subsections (1) and (2) of section 985.203,  
1193 Florida Statutes, are amended to read:

1194 985.203 Right to counsel.--

1195 (1) A child shall be represented ~~is entitled to~~  
1196 ~~representation by legal counsel~~ at all stages of any delinquency  
1197 court proceedings under this chapter, which occur after the  
1198 child has been taken into custody under s. 985.207 or s.  
1199 985.2075, unless the right to counsel is freely, knowingly, and  
1200 intelligently waived by the child after he or she has had an  
1201 opportunity to confer with counsel ~~part~~. If the child and the  
1202 parents or other legal guardian are indigent and unable to  
1203 employ counsel for the child, the court shall appoint counsel  
1204 pursuant to s. 27.52. Determination of indigence and costs of  
1205 representation shall be as provided by ss. 27.52 and 938.29.  
1206 ~~Legal Counsel representing a child who exercises the right to~~  
1207 ~~counsel~~ shall be allowed to provide advice ~~and counsel~~ to the  
1208 child at any time after the child has been taken into custody  
1209 under s. 985.207 or s. 985.2075 ~~subsequent to the child's~~  
1210 ~~arrest, including prior to a detention hearing while in secure~~  
1211 ~~detention care. A child shall be represented by legal counsel at~~  
1212 ~~all stages of all court proceedings unless the right to counsel~~  
1213 ~~is freely, knowingly, and intelligently waived by the child. If~~  
1214 the child appears without counsel, the court shall advise the

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1215 child of his or her rights with respect to representation of  
1216 court-appointed counsel.

1217 (2) If the parents or legal guardian of an indigent child  
1218 are not indigent but refuse to employ counsel, the court shall  
1219 appoint counsel pursuant to s. 27.52 to represent the child at  
1220 the detention hearing and until counsel is provided. Costs of  
1221 representation shall be ~~are hereby~~ imposed as provided by ss.  
1222 27.52 and 938.29. Thereafter, the court may ~~shall~~ not appoint  
1223 counsel for an indigent child who has ~~with~~ nonindigent parents  
1224 or a nonindigent legal guardian but shall order the parents or  
1225 legal guardian to obtain private counsel. A parent or legal  
1226 guardian of an indigent child who has been ordered to obtain  
1227 private counsel for the child and who willfully fails to follow  
1228 the court order shall be punished by the court in civil contempt  
1229 proceedings. If a parent or legal guardian is also an alleged  
1230 victim in the case, the court may not order the parents or legal  
1231 guardian to obtain private counsel but shall appoint counsel  
1232 pursuant to s. 27.52 to represent the indigent child. At the  
1233 disposition of the case and upon a finding by the court that a  
1234 parent or legal guardian is a victim of the offense, the parents  
1235 or legal guardian shall not be liable for fees, charges, or  
1236 costs under s. 27.52, s. 938.29, or this chapter.

1237  
1238 ===== T I T L E A M E N D M E N T =====

1239 Remove lines 38-117 and insert:

1240  
1241 specifying program participation timeframes; requiring  
1242 compliance with the protective action response policy;  
1243 requiring the department to adopt rules and maintain

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1244 specified records; defining the term "psychological  
1245 intimidation techniques"; providing for evaluations  
1246 and contract cancellation under specified  
1247 circumstances; specifying staff training requirements;  
1248 requiring the department to adopt training rules;  
1249 requiring specified supervision for staff who provide  
1250 direct care prior to compliance with training  
1251 requirements; prohibiting the operation of a program  
1252 until department rules are adopted and the department  
1253 has verified program compliance with applicable law  
1254 and rules; authorizing emergency rules to expedite  
1255 implementation; amending s. 985.31, F.S.; deleting a  
1256 requirement for a report on serious or habitual  
1257 juvenile offenders; conforming cross-references and  
1258 terminology; amending s. 985.311, F.S.; deleting a  
1259 requirement for a report on intensive residential  
1260 treatment; conforming cross-references and  
1261 terminology; amending s. 985.317, F.S.; deleting a  
1262 requirement for a report on literacy programs for  
1263 juvenile offenders; creating s. 985.3142, F.S.;  
1264 providing that the willful failure of a child to  
1265 return to a residential commitment facility within the  
1266 time authorized for a temporary release is absconding  
1267 for a first offense and is a second degree misdemeanor  
1268 for a second or subsequent offense; providing  
1269 penalties; creating s. 985.4055, F.S.; providing  
1270 definitions; requiring the department to adopt rules  
1271 establishing a protective action response policy;  
1272 specifying when verbal and physical intervention

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1273 techniques may be used; specifying prohibited uses of  
1274 mechanical restraints; prohibiting use of aerosol and  
1275 chemical agents; requiring the department to adopt  
1276 rules establishing protection action response training  
1277 curriculums and certification procedures; requiring  
1278 department and provider direct care employees to be  
1279 certified in protective action response within  
1280 specified timeframes and to be supervised prior to  
1281 certification; creating s. 985.4056, F.S.; creating  
1282 the Juvenile Justice Accountability Commission;  
1283 providing for membership; providing for ex officio  
1284 associates; providing definitions; providing for  
1285 meetings and voting requirements; providing for an  
1286 executive director and staff; providing for  
1287 commission's budget; providing for reimbursement of  
1288 per diem and travel expenses; requiring the commission  
1289 to contract for a the development of a comprehensive  
1290 evaluation, accountability, and reporting system for  
1291 juvenile justice programs; providing requirements for  
1292 the system; requiring a report by the system provider;  
1293 specifying commission duties; requiring reports by the  
1294 commission; requiring the department to provide the  
1295 commission with access to the Juvenile Justice  
1296 Information System; requiring the commission to adopt  
1297 rules; amending s. 985.412, F.S.; directing the  
1298 department to collect and analyze specified data;  
1299 creating and revising definitions; requiring the  
1300 development of a standard methodology for annually  
1301 measuring, evaluating, and reporting program outputs

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1302 and youth outcomes; requiring an annual report;  
1303 specifying report contents; deleting a requirement for  
1304 an annual cost data report; deleting a requirement for  
1305 a cost-benefit analysis of educational programs;  
1306 revising a cost-effectiveness model for commitment  
1307 programs; revising a cost-effectiveness report due  
1308 date; revising requirements for annual quality  
1309 assurance reporting; providing for termination of  
1310 juvenile justice contracts and programs in specified  
1311 circumstances; conforming provisions; requiring the  
1312 department to adopt rules; deleting obsolete  
1313 provisions relating to incentive and disincentive  
1314 proposals and liquidated damages; amending ss. 958.046  
1315 and 985.314, F.S.; conforming cross-references and  
1316 terminology; creating the cost of supervision and care  
1317 waiver pilot program in the Ninth Judicial Circuit;  
1318 requiring waiver of fees imposed under s. 985.2311,  
1319 F.S., for successful completion of specified parenting  
1320 classes; providing conditions applicable to such  
1321 waiver; providing for review of the pilot program and  
1322 reports by the Office of Program Policy Analysis and  
1323 Government Accountability; requiring the Juvenile  
1324 Justice Accountability Commission to contract for the  
1325 provision of parenting classes; providing for future  
1326 repeal; providing legislative findings; providing  
1327 definitions; creating a task force on juvenile cruelty  
1328 to animals; providing powers and duties; requiring the  
1329 task force to consider specified issues and make  
1330 recommendations; providing membership; requiring a

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1331 report; providing for administrative support and  
1332 travel reimbursement; providing for dissolution of the  
1333 task force; creating a Task Force on Juvenile Sexual  
1334 Offenders and their Victims; providing definitions;  
1335 providing membership; providing duties; requiring a  
1336 report; providing for administrative support;  
1337 prohibiting per diem and travel reimbursement;  
1338 providing for dissolution of the task force; amending  
1339 s. 27.51, F.S.; requiring that the public defender  
1340 represent an indigent child taken into custody under  
1341 specified delinquency provisions; amending s. 985.203,  
1342 F.S.; requiring that a child be represented in  
1343 specified delinquency court proceedings unless the  
1344 right to counsel is waived after having an opportunity  
1345 to confer with counsel; providing that counsel be  
1346 permitted to advise a child after a specified point in  
1347 delinquency court proceedings; requiring that the  
1348 court appoint counsel for an indigent child if the  
1349 child's parent or legal guardian is the alleged victim  
1350 in the case; providing that the parents or legal  
1351 guardian is not liable for fees, charges, or costs  
1352 upon a finding by the court that a parent or legal  
1353 guardian is a victim of the offense; providing for a

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