

## CHAMBER ACTION

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1 The Juvenile Justice Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to juvenile justice; amending s. 985.207,  
7 F.S.; permitting a law enforcement officer to take a child  
8 into custody for a violation of adjudication order  
9 conditions; amending s. 985.215, F.S.; requiring specified  
10 home detention to be with electronic monitoring, subject  
11 to appropriation; permitting specified types of  
12 postadjudication detention for a child who has previously  
13 failed to appear at delinquency court proceedings  
14 regardless of risk assessment instrument results;  
15 providing exceptions that permit postadjudication  
16 detention for more than 15 days; conforming a cross-  
17 reference; amending s. 985.228, F.S.; requiring the court  
18 to include specified conditions in a child's order of  
19 adjudication of delinquency that apply during the  
20 postadjudication and predisposition period; providing a  
21 definition; permitting a court to find a child in contempt  
22 of court for a violation of adjudication order conditions;  
23 providing sanctions; amending s. 985.231, F.S.; requiring

HB 335

2006  
CS

24 specified home detention to be with electronic monitoring,  
25 subject to appropriation; amending s. 985.31, F.S.;  
26 deleting requirement for a report on serious or habitual  
27 juvenile offenders; amending s. 985.311, F.S.; deleting  
28 requirement for a report on intensive residential  
29 treatment; amending s. 985.317, F.S.; deleting a  
30 requirement for a report on literacy programs for juvenile  
31 offenders; amending s. 985.412, F.S.; directing the  
32 Department of Juvenile Justice to collect and analyze  
33 specified data; creating and revising definitions;  
34 requiring the development of a standard methodology for  
35 annually measuring, evaluating, and reporting program  
36 outputs and youth outcomes; requiring an annual report;  
37 specifying report contents; deleting a requirement for an  
38 annual cost data report; deleting a requirement for a  
39 cost-benefit analysis of educational programs; revising a  
40 cost-effectiveness model for commitment programs; revising  
41 a cost-effectiveness report due date; revising  
42 requirements for annual quality assurance reporting;  
43 deleting outdated incentive and disincentive proposal  
44 requirements; deleting outdated authorization for  
45 liquidated damages contract provisions; providing an  
46 effective date.

47  
48 Be It Enacted by the Legislature of the State of Florida:

49  
50 Section 1. Paragraph (e) is added to subsection (1) of  
51 section 985.207, Florida Statutes, to read:

HB 335

2006  
CS

52 | 985.207 Taking a child into custody.--

53 | (1) A child may be taken into custody under the following  
54 | circumstances:

55 | (e) When a law enforcement officer has probable cause to  
56 | believe that a child who is awaiting disposition has violated  
57 | conditions imposed by the court under s. 985.228(5) in his or  
58 | her order of adjudication of delinquency.

59 |  
60 | Nothing in this subsection shall be construed to allow the  
61 | detention of a child who does not meet the detention criteria in  
62 | s. 985.215.

63 | Section 2. Subsection (2) and paragraphs (d) and (g) of  
64 | subsection (5) of section 985.215, Florida Statutes, are amended  
65 | to read:

66 | 985.215 Detention.--

67 | (2) Subject to the provisions of subsection (1), a child  
68 | taken into custody and placed into nonsecure or home detention  
69 | care or detained in secure detention care prior to a detention  
70 | hearing may continue to be detained by the court if:

71 | (a) The child is alleged to be an escapee from a  
72 | residential commitment program, or an absconder from a  
73 | nonresidential commitment program, a probation program, or  
74 | conditional release supervision, or is alleged to have escaped  
75 | while being lawfully transported to or from a residential  
76 | commitment program.

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

HB 335

2006  
CS

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

83 | (d) The child is charged with committing an offense of  
84 | domestic violence as defined in s. 741.28 and is detained as  
85 | provided in s. 985.213(2)(b)3.

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

88 | (f) The child is charged with a capital felony, a life  
89 | felony, a felony of the first degree, a felony of the second  
90 | degree that does not involve a violation of chapter 893, or a  
91 | felony of the third degree that is also a crime of violence,  
92 | including any such offense involving the use or possession of a  
93 | firearm.

94 | (g) The child is charged with any second degree or third  
95 | degree felony involving a violation of chapter 893 or any third  
96 | degree felony that is not also a crime of violence, and the  
97 | child:

- 98 | 1. Has a record of failure to appear at court hearings  
99 | after being properly notified in accordance with the Rules of  
100 | Juvenile Procedure;
- 101 | 2. Has a record of law violations prior to court hearings;
- 102 | 3. Has already been detained or has been released and is  
103 | awaiting final disposition of the case;
- 104 | 4. Has a record of violent conduct resulting in physical  
105 | injury to others; or
- 106 | 5. Is found to have been in possession of a firearm.

HB 335

2006  
CS

107 (h) The child is alleged to have violated the conditions  
108 of the child's probation or conditional release supervision.  
109 However, a child detained under this paragraph shall ~~may~~ be held  
110 ~~only~~ in a consequence unit as provided in s. 985.231(1)(a)1.c.,  
111 except that, if a consequence unit is not available, the child  
112 shall be placed on home detention. Subject to legislative  
113 appropriation, home detention under this paragraph shall be with  
114 electronic monitoring.

115 (i) The child is detained on a judicial order for failure  
116 to appear and has previously willfully failed to appear, after  
117 proper notice, for an adjudicatory hearing on the same case  
118 regardless of the results of the risk assessment instrument. A  
119 child may be held in secure detention for up to 72 hours in  
120 advance of the next scheduled court hearing pursuant to this  
121 paragraph. The child's failure to keep the clerk of court and  
122 defense counsel informed of a current and valid mailing address  
123 where the child will receive notice to appear at court  
124 proceedings does not provide an adequate ground for excusal of  
125 the child's nonappearance at the hearings.

126 (j) The child is detained on a judicial order for failure  
127 to appear and has previously willfully failed to appear, after  
128 proper notice, at two or more court hearings of any nature on  
129 the same case regardless of the results of the risk assessment  
130 instrument. A child may be held in secure detention for up to 72  
131 hours in advance of the next scheduled court hearing pursuant to  
132 this paragraph. The child's failure to keep the clerk of court  
133 and defense counsel informed of a current and valid mailing  
134 address where the child will receive notice to appear at court

HB 335

2006  
CS

135 proceedings does not provide an adequate ground for excusal of  
136 the child's nonappearance at the hearings.

137 (k) At his or her adjudicatory hearing, the child has been  
138 found to have committed a delinquent act or violation of law and  
139 has previously willfully failed to appear, after proper notice,  
140 for other delinquency court proceedings of any nature regardless  
141 of the results of the risk assessment instrument. A child may be  
142 held in secure detention or, at the discretion of the court and  
143 if available, placed on home detention with electronic  
144 monitoring until the child's disposition order is entered in his  
145 or her case. The child's failure to keep the clerk of court and  
146 defense counsel informed of a current and valid mailing address  
147 where the child will receive notice to appear at court  
148 proceedings does not provide an adequate ground for excusal of  
149 the child's nonappearance at the hearings.

150  
151 A child who meets any of these criteria and who is ordered to be  
152 detained pursuant to this subsection shall be given a hearing  
153 within 24 hours after being taken into custody. The purpose of  
154 the detention hearing is to determine the existence of probable  
155 cause that the child has committed the delinquent act or  
156 violation of law with which he or she is charged and the need  
157 for continued detention, except where the child is alleged to  
158 have absconded from a nonresidential commitment program in which  
159 case the court, at the detention hearing, shall order that the  
160 child be released from detention and returned to his or her  
161 nonresidential commitment program. Unless a child is detained  
162 under paragraph (d), ~~or~~ paragraph (e), or paragraph (k), the

Page 6 of 27

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hb0335-01-c1

HB 335

2006  
CS

163 court shall use the results of the risk assessment performed by  
164 the juvenile probation officer and, based on the criteria in  
165 this subsection, shall determine the need for continued  
166 detention. A child placed into secure, nonsecure, or home  
167 detention care may continue to be so detained by the court  
168 pursuant to this subsection. If the court orders a placement  
169 more restrictive than indicated by the results of the risk  
170 assessment instrument, the court shall state, in writing, clear  
171 and convincing reasons for such placement. Except as provided in  
172 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),  
173 paragraph (10)(c), or paragraph (10)(d), when a child is placed  
174 into secure or nonsecure detention care, or into a respite home  
175 or other placement pursuant to a court order following a  
176 hearing, the court order must include specific instructions that  
177 direct the release of the child from such placement no later  
178 than 5 p.m. on the last day of the detention period specified in  
179 paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1.,  
180 whichever is applicable, unless the requirements of such  
181 applicable provision have been met or an order of continuance  
182 has been granted pursuant to paragraph (5)(f).

183 (5)

184 (d) Except as provided in paragraph (2)(k), paragraph (g),  
185 or s. 985.228(5), a child may not be held in secure, nonsecure,  
186 or home detention care for more than 15 days following the entry  
187 of an order of adjudication.

188 (g) Upon good cause being shown that the nature of the  
189 charge requires additional time for the prosecution or defense  
190 of the case, the court may extend the time limits for detention

HB 335

2006  
CS

191 specified in paragraph (c) or paragraph (d) an additional 9 days  
 192 if the child is charged with an offense that would be, if  
 193 committed by an adult, a capital felony, a life felony, a felony  
 194 of the first degree, or a felony of the second degree involving  
 195 violence against any individual.

196 Section 3. Subsection (5) of section 985.228, Florida  
 197 Statutes, is amended to read:

198 985.228 Adjudicatory hearings; withheld adjudications;  
 199 orders of adjudication.--

200 (5) (a) If the court finds that the child named in a  
 201 petition has committed a delinquent act or violation of law, but  
 202 elects not to proceed under subsection (4), it shall incorporate  
 203 that finding in an order of adjudication of delinquency entered  
 204 in the case, briefly stating the facts upon which the finding is  
 205 made, and the court shall thereafter have full authority under  
 206 this chapter to deal with the child as adjudicated.

207 (b) The order of adjudication of delinquency under  
 208 paragraph (a) shall also include conditions that must be  
 209 followed by the child until a disposition order is entered in  
 210 his or her case. These conditions must include, but are not  
 211 limited to, specifying that the child, during any period of time  
 212 that he or she:

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

216 2. Is in secure detention, is prohibited from engaging in  
 217 ungovernable behavior.



HB 335

2006  
CS

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

220 1. The child's failing to obey the reasonable and lawful  
221 demands of the child's parent or legal guardian and, where  
222 applicable, the reasonable and lawful demands of a person  
223 responsible for supervising the child while he or she is in  
224 school, another educational program, or secure detention.

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

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

230 (d) If a child willfully violates a condition contained in  
231 his or her order of adjudication of delinquency, the court may  
232 find the child in direct or indirect contempt of court under s.  
233 985.216; however, notwithstanding s. 985.216 and the results of  
234 the risk assessment instrument, the child's sanctions for such  
235 contempt of court shall be placement in secure detention or, at  
236 the discretion of the court and if available, on home detention  
237 with electronic monitoring until the child's disposition order  
238 is entered in his or her case.

239 Section 4. Paragraph (a) of subsection (1) of section  
240 985.231, Florida Statutes, is amended to read:

241 985.231 Powers of disposition in delinquency cases.--

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

HB 335

2006  
CS

246 | 1. Place the child in a probation program or a  
247 | postcommitment probation program under the supervision of an  
248 | authorized agent of the department or of any other person or  
249 | agency specifically authorized and appointed by the court,  
250 | whether in the child's own home, in the home of a relative of  
251 | the child, or in some other suitable place under such reasonable  
252 | conditions as the court may direct. A probation program for an  
253 | adjudicated delinquent child must include a penalty component  
254 | such as restitution in money or in kind, community service, a  
255 | curfew, revocation or suspension of the driver's license of the  
256 | child, or other nonresidential punishment appropriate to the  
257 | offense and must also include a rehabilitative program component  
258 | such as a requirement of participation in substance abuse  
259 | treatment or in school or other educational program. If the  
260 | child is attending or is eligible to attend public school and  
261 | the court finds that the victim or a sibling of the victim in  
262 | the case is attending or may attend the same school as the  
263 | child, the court placement order shall include a finding  
264 | pursuant to the proceedings described in s. 985.23(1)(d). Upon  
265 | the recommendation of the department at the time of disposition,  
266 | or subsequent to disposition pursuant to the filing of a  
267 | petition alleging a violation of the child's conditions of  
268 | postcommitment probation, the court may order the child to  
269 | submit to random testing for the purpose of detecting and  
270 | monitoring the use of alcohol or controlled substances.

271 | a. A classification scale for levels of supervision shall  
272 | be provided by the department, taking into account the child's  
273 | needs and risks relative to probation supervision requirements

HB 335

2006  
CS

274 | to reasonably ensure the public safety. Probation programs for  
275 | children shall be supervised by the department or by any other  
276 | person or agency specifically authorized by the court. These  
277 | programs must include, but are not limited to, structured or  
278 | restricted activities as described in this subparagraph, and  
279 | shall be designed to encourage the child toward acceptable and  
280 | functional social behavior. If supervision or a program of  
281 | community service is ordered by the court, the duration of such  
282 | supervision or program must be consistent with any treatment and  
283 | rehabilitation needs identified for the child and may not exceed  
284 | the term for which sentence could be imposed if the child were  
285 | committed for the offense, except that the duration of such  
286 | supervision or program for an offense that is a misdemeanor of  
287 | the second degree, or is equivalent to a misdemeanor of the  
288 | second degree, may be for a period not to exceed 6 months. When  
289 | restitution is ordered by the court, the amount of restitution  
290 | may not exceed an amount the child and the parent or guardian  
291 | could reasonably be expected to pay or make. A child who  
292 | participates in any work program under this part is considered  
293 | an employee of the state for purposes of liability, unless  
294 | otherwise provided by law.

295 |       b. The court may conduct judicial review hearings for a  
296 | child placed on probation for the purpose of fostering  
297 | accountability to the judge and compliance with other  
298 | requirements, such as restitution and community service. The  
299 | court may allow early termination of probation for a child who  
300 | has substantially complied with the terms and conditions of  
301 | probation.

HB 335

2006  
CS

302 c. If the conditions of the probation program or the  
303 postcommitment probation program are violated, the department or  
304 the state attorney may bring the child before the court on a  
305 petition alleging a violation of the program. Any child who  
306 violates the conditions of probation or postcommitment probation  
307 must be brought before the court if sanctions are sought. A  
308 child taken into custody under s. 985.207 for violating the  
309 conditions of probation or postcommitment probation shall be  
310 held in a consequence unit if such a unit is available. The  
311 child shall be afforded a hearing within 24 hours after being  
312 taken into custody to determine the existence of probable cause  
313 that the child violated the conditions of probation or  
314 postcommitment probation. A consequence unit is a secure  
315 facility specifically designated by the department for children  
316 who are taken into custody under s. 985.207 for violating  
317 probation or postcommitment probation, or who have been found by  
318 the court to have violated the conditions of probation or  
319 postcommitment probation. If the violation involves a new charge  
320 of delinquency, the child may be detained under s. 985.215 in a  
321 facility other than a consequence unit. If the child is not  
322 eligible for detention for the new charge of delinquency, the  
323 child may be held in the consequence unit pending a hearing and  
324 is subject to the time limitations specified in s. 985.215. If  
325 the child denies violating the conditions of probation or  
326 postcommitment probation, the court shall appoint counsel to  
327 represent the child at the child's request. Upon the child's  
328 admission, or if the court finds after a hearing that the child  
329 has violated the conditions of probation or postcommitment

Page 12 of 27

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hb0335-01-c1

HB 335

2006  
CS

330 probation, the court shall enter an order revoking, modifying,  
331 or continuing probation or postcommitment probation. In each  
332 such case, the court shall enter a new disposition order and, in  
333 addition to the sanctions set forth in this paragraph, may  
334 impose any sanction the court could have imposed at the original  
335 disposition hearing. If the child is found to have violated the  
336 conditions of probation or postcommitment probation, the court  
337 may:

338 (I) Place the child in a consequence unit in that judicial  
339 circuit, ~~if available,~~ for up to 5 days for a first violation,  
340 and up to 15 days for a second or subsequent violation, or, if a  
341 consequence unit is not available, the court may place the child  
342 on home detention, which shall, subject to legislative  
343 appropriation, include electronic monitoring.

344 ~~(II) Place the child on home detention with electronic~~  
345 ~~monitoring. However, this sanction may be used only if a~~  
346 ~~residential consequence unit is not available.~~

347 (II) ~~(III)~~ Modify or continue the child's probation program  
348 or postcommitment probation program.

349 (III) ~~(IV)~~ Revoke probation or postcommitment probation and  
350 commit the child to the department.

351 d. Notwithstanding s. 743.07 and paragraph (d), and except  
352 as provided in s. 985.31, the term of any order placing a child  
353 in a probation program must be until the child's 19th birthday  
354 unless he or she is released by the court, on the motion of an  
355 interested party or on its own motion.

356 2. Commit the child to a licensed child-caring agency  
357 willing to receive the child, but the court may not commit the

HB 335

2006  
CS

358 | child to a jail or to a facility used primarily as a detention  
359 | center or facility or shelter.

360 |       3. Commit the child to the department at a restrictiveness  
361 | level defined in s. 985.03. Such commitment must be for the  
362 | purpose of exercising active control over the child, including,  
363 | but not limited to, custody, care, training, urine monitoring,  
364 | and treatment of the child and release of the child from  
365 | residential commitment into the community in a postcommitment  
366 | nonresidential conditional release program. If the child is  
367 | eligible to attend public school following commitment and the  
368 | court finds that the victim or a sibling of the victim in the  
369 | case is or may be attending the same school as the child, the  
370 | commitment order shall include a finding pursuant to the  
371 | proceedings described in s. 985.23(1)(d). If the child is not  
372 | successful in the conditional release program, the department  
373 | may use the transfer procedure under s. 985.404. Notwithstanding  
374 | s. 743.07 and paragraph (d), and except as provided in s.  
375 | 985.31, the term of the commitment must be until the child is  
376 | discharged by the department or until he or she reaches the age  
377 | of 21.

378 |       4. Revoke or suspend the driver's license of the child.

379 |       5. Require the child and, if the court finds it  
380 | appropriate, the child's parent or guardian together with the  
381 | child, to render community service in a public service program.

382 |       6. As part of the probation program to be implemented by  
383 | the department, or, in the case of a committed child, as part of  
384 | the community-based sanctions ordered by the court at the  
385 | disposition hearing or before the child's release from

HB 335

2006  
CS

386 | commitment, order the child to make restitution in money,  
387 | through a promissory note cosigned by the child's parent or  
388 | guardian, or in kind for any damage or loss caused by the  
389 | child's offense in a reasonable amount or manner to be  
390 | determined by the court. The clerk of the circuit court shall be  
391 | the receiving and dispensing agent. In such case, the court  
392 | shall order the child or the child's parent or guardian to pay  
393 | to the office of the clerk of the circuit court an amount not to  
394 | exceed the actual cost incurred by the clerk as a result of  
395 | receiving and dispensing restitution payments. The clerk shall  
396 | notify the court if restitution is not made, and the court shall  
397 | take any further action that is necessary against the child or  
398 | the child's parent or guardian. A finding by the court, after a  
399 | hearing, that the parent or guardian has made diligent and good  
400 | faith efforts to prevent the child from engaging in delinquent  
401 | acts absolves the parent or guardian of liability for  
402 | restitution under this subparagraph.

403 |         7. Order the child and, if the court finds it appropriate,  
404 | the child's parent or guardian together with the child, to  
405 | participate in a community work project, either as an  
406 | alternative to monetary restitution or as part of the  
407 | rehabilitative or probation program.

408 |         8. Commit the child to the department for placement in a  
409 | program or facility for serious or habitual juvenile offenders  
410 | in accordance with s. 985.31. Any commitment of a child to a  
411 | program or facility for serious or habitual juvenile offenders  
412 | must be for an indeterminate period of time, but the time may  
413 | not exceed the maximum term of imprisonment that an adult may

HB 335

2006  
CS

414 | serve for the same offense. The court may retain jurisdiction  
 415 | over such child until the child reaches the age of 21,  
 416 | specifically for the purpose of the child completing the  
 417 | program.

418 |         9. In addition to the sanctions imposed on the child,  
 419 | order the parent or guardian of the child to perform community  
 420 | service if the court finds that the parent or guardian did not  
 421 | make a diligent and good faith effort to prevent the child from  
 422 | engaging in delinquent acts. The court may also order the parent  
 423 | or guardian to make restitution in money or in kind for any  
 424 | damage or loss caused by the child's offense. The court shall  
 425 | determine a reasonable amount or manner of restitution, and  
 426 | payment shall be made to the clerk of the circuit court as  
 427 | provided in subparagraph 6.

428 |         10. Subject to specific appropriation, commit the juvenile  
 429 | sexual offender to the department for placement in a program or  
 430 | facility for juvenile sexual offenders in accordance with s.  
 431 | 985.308. Any commitment of a juvenile sexual offender to a  
 432 | program or facility for juvenile sexual offenders must be for an  
 433 | indeterminate period of time, but the time may not exceed the  
 434 | maximum term of imprisonment that an adult may serve for the  
 435 | same offense. The court may retain jurisdiction over a juvenile  
 436 | sexual offender until the juvenile sexual offender reaches the  
 437 | age of 21, specifically for the purpose of completing the  
 438 | program.

439 |         Section 5. Paragraph (a) of subsection (1) of section  
 440 | 985.31, Florida Statutes, is amended to read:

441 |         985.31 Serious or habitual juvenile offender.--



HB 335

2006  
CS

442 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the  
443 provisions of this chapter and the establishment of appropriate  
444 program guidelines and standards, contractual instruments, which  
445 shall include safeguards of all constitutional rights, shall be  
446 developed as follows:

447 (a) The department shall provide for:

448 1. The oversight of implementation of assessment and  
449 treatment approaches.

450 2. The identification and prequalification of appropriate  
451 individuals or not-for-profit organizations, including minority  
452 individuals or organizations when possible, to provide  
453 assessment and treatment services to serious or habitual  
454 delinquent children.

455 3. The monitoring and evaluation of assessment and  
456 treatment services for compliance with the provisions of this  
457 chapter and all applicable rules and guidelines pursuant  
458 thereto.

459 ~~4. The development of an annual report on the performance~~  
460 ~~of assessment and treatment to be presented to the Governor, the~~  
461 ~~Attorney General, the President of the Senate, the Speaker of~~  
462 ~~the House of Representatives, and the Auditor General no later~~  
463 ~~than January 1 of each year.~~

464 Section 6. Paragraph (a) of subsection (1) of section  
465 985.311, Florida Statutes, is amended to read:

466 985.311 Intensive residential treatment program for  
467 offenders less than 13 years of age.--

468 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the  
469 provisions of this chapter and the establishment of appropriate

HB 335

2006  
CS

470 program guidelines and standards, contractual instruments, which  
471 shall include safeguards of all constitutional rights, shall be  
472 developed for intensive residential treatment programs for  
473 offenders less than 13 years of age as follows:

474 (a) The department shall provide for:

475 1. The oversight of implementation of assessment and  
476 treatment approaches.

477 2. The identification and prequalification of appropriate  
478 individuals or not-for-profit organizations, including minority  
479 individuals or organizations when possible, to provide  
480 assessment and treatment services to intensive offenders less  
481 than 13 years of age.

482 3. The monitoring and evaluation of assessment and  
483 treatment services for compliance with the provisions of this  
484 chapter and all applicable rules and guidelines pursuant  
485 thereto.

486 ~~4. The development of an annual report on the performance~~  
487 ~~of assessment and treatment to be presented to the Governor, the~~  
488 ~~Attorney General, the President of the Senate, the Speaker of~~  
489 ~~the House of Representatives, the Auditor General, and the~~  
490 ~~Office of Program Policy Analysis and Government Accountability~~  
491 ~~no later than January 1 of each year.~~

492 Section 7. Subsection (5) of section 985.317, Florida  
493 Statutes, is amended to read:

494 985.317 Literacy programs for juvenile offenders.--

495 ~~(5) EVALUATION AND REPORT. The department, in~~  
496 ~~consultation with the Department of Education, shall develop and~~  
497 ~~implement an evaluation of the literacy program in order to~~

HB 335

2006  
CS

498 ~~determine the impact of the programs on recidivism. The~~  
499 ~~department shall submit an annual report on the implementation~~  
500 ~~and progress of the programs to the President of the Senate and~~  
501 ~~the Speaker of the House of Representatives by January 1 of each~~  
502 ~~year.~~

503 Section 8. Section 985.412, Florida Statutes, is amended  
504 to read:

505 985.412 Program review and reporting requirements ~~Quality~~  
506 ~~assurance and cost effectiveness.--~~

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

509 (a) Ensure that information be provided to decisionmakers  
510 in a timely manner so that resources are allocated to programs  
511 that ~~of the department which~~ achieve desired performance levels.

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

514 (c) ~~(b)~~ Provide information about the cost of ~~such~~ programs  
515 and their differential effectiveness so that program ~~the~~ quality  
516 may ~~of such programs can~~ be compared and improvements made  
517 continually.

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

520 (e) ~~(d)~~ Provide information to the public about the  
521 effectiveness of ~~such~~ programs in meeting established goals and  
522 objectives.

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

HB 335

2006  
CS

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

527 ~~(h)(g)~~ Modify or eliminate activities that are not  
528 effective.

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

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

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

536 ~~(c)(b)~~ "Program component" means an aggregation of  
537 generally related objectives which, because of their special  
538 character, related workload, and interrelated output, can  
539 logically be considered an entity for purposes of organization,  
540 management, accounting, reporting, and budgeting.

541 ~~(c) "Program effectiveness" means the ability of the~~  
542 ~~program to achieve desired client outcomes, goals, and~~  
543 ~~objectives.~~

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

547 (3) OUTCOME EVALUATION.--The department, in consultation  
548 with the Office of Economic and Demographic Research, the Office  
549 of Program Policy Analysis and Government Accountability, and  
550 contract service providers, shall develop and use a standard  
551 methodology for annually measuring, evaluating, and reporting  
552 program outputs and youth outcomes for each program and program  
553 group.

HB 335

2006  
CS

- 554        (a) The standard methodology must:
- 555            1. Incorporate, whenever possible, performance-based
- 556 budgeting measures.
- 557            2. Include common terminology and operational definitions
- 558 for measuring the performance of system and program
- 559 administration, program outputs, and youth outcomes.
- 560            3. Specify program outputs for each program and for each
- 561 program group within the juvenile justice continuum.
- 562            4. Specify desired youth outcomes and methods by which to
- 563 measure youth outcomes for each program and program group.
- 564        (b) By February 15 of each year, the department shall
- 565 submit to the appropriate substantive and fiscal committees of
- 566 each house of the Legislature and the Governor a report that
- 567 identifies and describes:
- 568            1. The standard methodology implemented under paragraph
- 569 (a).
- 570            2. The programs offered within each program group.
- 571            3. The demographic profile and offense history of youth
- 572 served in each program group.
- 573            4. The actual program outputs and youth outcomes achieved
- 574 in each program group. ~~The department shall annually collect and~~
- 575 ~~report cost data for every program operated or contracted by the~~
- 576 ~~department. The cost data shall conform to a format approved by~~
- 577 ~~the department and the Legislature. Uniform cost data shall be~~
- 578 ~~reported and collected for state-operated and contracted~~
- 579 ~~programs so that comparisons can be made among programs. The~~
- 580 ~~department shall ensure that there is accurate cost accounting~~
- 581 ~~for state-operated services including market equivalent rent and~~

HB 335

2006  
CS

582 ~~other shared cost. The cost of the educational program provided~~  
 583 ~~to a residential facility shall be reported and included in the~~  
 584 ~~cost of a program. The department shall submit an annual cost~~  
 585 ~~report to the President of the Senate, the Speaker of the House~~  
 586 ~~of Representatives, the Minority Leader of each house of the~~  
 587 ~~Legislature, the appropriate substantive and fiscal committees~~  
 588 ~~of each house of the Legislature, and the Governor, no later~~  
 589 ~~than December 1 of each year. Cost benefit analysis for~~  
 590 ~~educational programs will be developed and implemented in~~  
 591 ~~collaboration with and in cooperation with the Department of~~  
 592 ~~Education, local providers, and local school districts. Cost~~  
 593 ~~data for the report shall include data collected by the~~  
 594 ~~Department of Education for the purposes of preparing the annual~~  
 595 ~~report required by s. 1003.52(19).~~

596 (4) ~~(a)~~ PROGRAM ACCOUNTABILITY MEASURES. --The department of  
 597 ~~Juvenile Justice~~, in consultation with the Office of Economic  
 598 and Demographic Research, and contract service providers, shall  
 599 develop a cost-effectiveness model and apply the model to each  
 600 commitment program. ~~Program recidivism rates shall be a~~  
 601 ~~component of the model.~~

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

HB 335

2006  
CS

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

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

623 (d) In collaboration with the Office of Economic and  
624 Demographic Research~~7~~ and contract service providers, the  
625 department shall develop a work plan to refine the cost-  
626 effectiveness model so that the model is consistent with the  
627 performance-based program budgeting measures approved by the  
628 Legislature to the extent the department deems appropriate. The  
629 department shall notify the Office of Program Policy Analysis  
630 and Government Accountability of any meetings to refine the  
631 model.

632 (e) Contingent upon specific appropriation, the  
633 department, in consultation with the Office of Economic and  
634 Demographic Research~~7~~ and contract service providers, shall:

635 1. Construct a profile of each commitment program that  
636 uses the results of the quality assurance report required by

HB 335

2006  
CS

637 | this section, the cost-effectiveness report required in this  
638 | subsection, and other reports available to the department.

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

642 |       3. Identify the essential factors that contribute to the  
643 | high, low, or disparate program ratings.

644 |       4. Use the results of these evaluations in developing or  
645 | refining juvenile justice programs or program models, youth  
646 | ~~elient~~ outcomes and program outputs, provider contracts, quality  
647 | assurance standards, and the cost-effectiveness model.

648 |       (5) QUALITY ASSURANCE.--The department shall:

649 |       (a) Establish a comprehensive quality assurance system for  
650 | each program ~~operated by the department or operated by a~~  
651 | ~~provider under contract with the department~~. Each contract  
652 | entered into by the department must provide for quality  
653 | assurance.

654 |       (b) Provide operational definitions of and criteria for  
655 | quality assurance for each specific program component.

656 |       (c) Establish quality assurance goals and objectives for  
657 | each specific program component.

658 |       (d) Establish the information and specific data elements  
659 | required for the quality assurance program.

660 |       (e) Develop a quality assurance manual of specific,  
661 | standardized terminology and procedures to be followed by each  
662 | program.

663 |       (f) Evaluate each program ~~operated by the department or a~~  
664 | ~~provider under a contract with the department~~ and establish



HB 335

2006  
CS

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

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

690 (g) ~~The department shall~~ Submit an annual report to the  
691 President of the Senate, the Speaker of the House of  
692 Representatives, the minority leader of each house of the

HB 335

2006  
CS

693 Legislature, the appropriate substantive and fiscal committees  
694 of each house of the Legislature, and the Governor ~~by, no later~~  
695 ~~than~~ February 1 of each year. The annual report must contain, at  
696 a minimum, for each ~~specific program component~~:

697 1. A comprehensive description of the population served.  
698 ~~by the program;~~

699 2. A specific description of its the services.

700 3. A summary of the performance of each program component  
701 evaluated. ~~provided by the program;~~

702 4. Cost data that is reported in a uniform format so that  
703 cost comparisons may be made among programs. For a residential  
704 program, the cost data must include the cost of its educational  
705 program.

706 5. A comparison of expenditures to federal and state  
707 funding.

708 6. Immediate and long-range concerns. ~~and~~

709 7. Recommendations to maintain, expand, improve, modify,  
710 or eliminate each program component so that changes in services  
711 lead to enhancement in program quality. ~~The department shall~~  
712 ~~ensure the reliability and validity of the information contained~~  
713 ~~in the report.~~

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

HB 335

2006  
CS

720 ~~(7) No later than November 1, 2001, the department shall~~  
721 ~~submit a proposal to the Legislature concerning funding~~  
722 ~~incentives and disincentives for the department and for~~  
723 ~~providers under contract with the department. The~~  
724 ~~recommendations for funding incentives and disincentives shall~~  
725 ~~be based upon both quality assurance performance and cost-~~  
726 ~~effectiveness performance. The proposal should strive to achieve~~  
727 ~~consistency in incentives and disincentives for both department-~~  
728 ~~operated and contractor provided programs. The department may~~  
729 ~~include recommendations for the use of liquidated damages in the~~  
730 ~~proposal; however, the department is not presently authorized to~~  
731 ~~contract for liquidated damages in non hardware secure~~  
732 ~~facilities until January 1, 2002.~~

733 Section 9. This act shall take effect July 1, 2006.