

CHAMBER ACTION

1 The Criminal Justice Appropriations Committee recommends the
2 following:

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.
7 39.01, F.S.; including specified law enforcement
8 officers in the definition of "other person
9 responsible for a child's welfare" for purposes of
10 abuse investigations; amending s. 985.207, F.S.;
11 permitting a law enforcement officer to take a child
12 into custody for a violation of adjudication order
13 conditions; amending s. 985.215, F.S.; permitting
14 specified types of postadjudication detention for a
15 child who has previously failed to appear at
16 delinquency court proceedings regardless of risk
17 assessment instrument results; providing exceptions
18 that permit postadjudication detention until the
19 child's disposition order is entered in his or her
20 case; conforming cross-references; amending s.
21 985.2155, F.S.; revising the definition of the term
22 "fiscally constrained county" for purposes of
23 determining state payment of costs of juvenile

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24 | detention care; amending s. 985.228, F.S.; requiring a
25 | court to include specified conditions in a child's
26 | order of adjudication of delinquency that apply during
27 | the postadjudication and predisposition period;
28 | providing a definition; permitting a court to find a
29 | child in contempt of court for a violation of
30 | adjudication order conditions; providing sanctions;
31 | amending s. 985.231, F.S.; conforming cross-references
32 | and terminology; repealing s. 985.309, F.S., relating
33 | to boot camps for children; creating s. 985.3091,
34 | F.S.; authorizing the department to contract for
35 | sheriff's training and respect programs; providing
36 | eligibility requirements for children placed in the
37 | programs; specifying required program offerings;
38 | specifying program participation timeframes; requiring
39 | the department to adopt rules and maintain specified
40 | records; providing for quarterly evaluations of and
41 | contract cancellation under specified circumstances;
42 | specifying staff training requirements; requiring the
43 | department to adopt training rules; prohibiting the
44 | provision of direct care to children by staff who have
45 | not complied with training requirements; prohibiting
46 | the operation of a program until department rules are
47 | adopted and the department has verified program
48 | compliance with applicable law and rules; authorizing
49 | emergency rules to expedite implementation; amending
50 | s. 985.31, F.S.; deleting a requirement for a report
51 | on serious or habitual juvenile offenders; conforming

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 | cross-references and terminology; amending s. 985.311,
53 | F.S.; deleting a requirement for a report on intensive
54 | residential treatment; conforming cross-references and
55 | terminology; amending s. 985.317, F.S.; deleting a
56 | requirement for a report on literacy programs for
57 | juvenile offenders; creating s. 985.3142, F.S.;
58 | providing that the willful failure of a child to
59 | return to a residential commitment facility within the
60 | time authorized for a temporary release is absconding
61 | for a first offense and is a second degree misdemeanor
62 | for a second or subsequent offense; providing
63 | penalties; creating s. 985.4055, F.S.; providing
64 | definitions; requiring the department to adopt rules
65 | establishing a protective action response policy;
66 | specifying when verbal and physical intervention
67 | techniques may be used; specifying prohibited uses of
68 | mechanical restraints; prohibiting use of aerosol and
69 | chemical agents; requiring the department to adopt
70 | rules establishing protection action response training
71 | curriculums and certification procedures; requiring
72 | department and provider employees to be certified in
73 | protective action response within a specified number
74 | of days; creating s. 985.4056, F.S.; creating the
75 | Juvenile Justice Accountability Commission; providing
76 | for membership; providing definitions; providing for
77 | meetings and voting requirements; providing for an
78 | executive director and staff; providing for the
79 | commission's budget; providing for reimbursement of

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80 | per diem and travel expenses; requiring the commission
81 | to contract for a comprehensive evaluation,
82 | accountability, and reporting system for juvenile
83 | justice programs; providing requirements for the
84 | system; requiring a report by the system provider;
85 | specifying commission duties; requiring a report by
86 | the commission; providing for automated access to the
87 | juvenile justice information system; requiring the
88 | commission to adopt rules; amending s. 985.412, F.S.;
89 | directing the Department of Juvenile Justice to
90 | collect and analyze specified data; creating and
91 | revising definitions; requiring the development of a
92 | standard methodology for annually measuring,
93 | evaluating, and reporting program outputs and youth
94 | outcomes; requiring an annual report; specifying
95 | report contents; deleting a requirement for an annual
96 | cost data report; deleting a requirement for a cost-
97 | benefit analysis of educational programs; revising a
98 | cost-effectiveness model for commitment programs;
99 | revising a cost-effectiveness report due date;
100 | revising requirements for annual quality assurance
101 | reporting; providing for termination of juvenile
102 | justice contracts and programs in specified
103 | circumstances; conforming provisions; deleting
104 | obsolete provisions relating to incentive and
105 | disincentive proposals and liquidated damages;
106 | amending ss. 958.046 and 985.314, F.S.; conforming
107 | cross-references and terminology; creating the cost of

108 supervision and care waiver pilot program in the Ninth
109 Judicial Circuit; requiring waiver of fees imposed
110 under s. 985.2311, F.S., for successful completion of
111 specified parenting classes; providing conditions
112 applicable to such waiver; providing for review of the
113 pilot program and reports by the Office of Program
114 Policy Analysis and Government Accountability;
115 requiring the Juvenile Justice Accountability
116 Commission to contract for the provision of parenting
117 classes; providing for future repeal; providing for a
118 type two transfer of powers, duties, resources, and
119 personnel relating to specified department
120 responsibilities to the Juvenile Justice
121 Accountability Commission; creating a pilot program
122 that authorizes specified courts to select commitment
123 programs for juvenile delinquents; providing
124 definitions; providing the program's purpose;
125 requiring the Department of Juvenile Justice to
126 develop implementation procedures and to publish
127 specified information about commitment programs on its
128 website; providing procedures for the selection of
129 commitment programs by courts; requiring evaluation
130 and reports by the Office of Program Policy Analysis
131 and Government Accountability; specifying department
132 and court responsibilities relating to the reports;
133 providing for future repeal of the pilot program;
134 providing effective dates.

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

137

138 Section 1. Subsection (47) of section 39.01, Florida
139 Statutes, is amended to read:

140 39.01 Definitions.--When used in this chapter, unless the
141 context otherwise requires:

142 (47) "Other person responsible for a child's welfare"
143 includes the child's legal guardian, legal custodian, or foster
144 parent; an employee of a private school, public or private child
145 day care center, residential home, institution, facility, or
146 agency; a law enforcement officer employed in any facility,
147 service, or program for children that is operated or contracted
148 by the Department of Juvenile Justice; or any other person
149 legally responsible for the child's welfare in a residential
150 setting; and also includes an adult sitter or relative entrusted
151 with a child's care. For the purpose of departmental
152 investigative jurisdiction, this definition does not include the
153 following persons when they are acting in an official capacity:

154 (a) Law enforcement officers, except as otherwise provided
155 in this subsection; ~~or~~

156 (b) Employees of municipal or county detention facilities;
157 or

158 (c) Employees of the Department of Corrections, ~~while~~
159 ~~acting in an official capacity.~~

160 Section 2. Paragraph (e) is added to subsection (1) of
161 section 985.207, Florida Statutes, to read:

162 985.207 Taking a child into custody.--

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163 (1) A child may be taken into custody under the following
164 circumstances:

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

169

170 Nothing in this subsection shall be construed to allow the
171 detention of a child who does not meet the detention criteria in
172 s. 985.215.

173 Section 3. Subsection (2) and paragraphs (d) and (g) of
174 subsection (5) of section 985.215, Florida Statutes, are amended
175 to read:

176 985.215 Detention.--

177 (2) Subject to the provisions of subsection (1), a child
178 taken into custody and placed into nonsecure or home detention
179 care or detained in secure detention care prior to a detention
180 hearing may continue to be detained by the court if:

181 (a) The child is alleged to be an escapee from a
182 residential commitment program, or an absconder from a
183 nonresidential commitment program, a probation program, or
184 conditional release supervision, or is alleged to have escaped
185 while being lawfully transported to or from a residential
186 commitment program.

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

189 (c) The child is charged with a delinquent act or
190 violation of law and requests in writing through legal counsel

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191 to be detained for protection from an imminent physical threat
192 to his or her personal safety.

193 (d) The child is charged with committing an offense of
194 domestic violence as defined in s. 741.28 and is detained as
195 provided in s. 985.213(2)(b)3.

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

198 (f) The child is charged with a capital felony, a life
199 felony, a felony of the first degree, a felony of the second
200 degree that does not involve a violation of chapter 893, or a
201 felony of the third degree that is also a crime of violence,
202 including any such offense involving the use or possession of a
203 firearm.

204 (g) The child is charged with any second degree or third
205 degree felony involving a violation of chapter 893 or any third
206 degree felony that is not also a crime of violence, and the
207 child:

- 208 1. Has a record of failure to appear at court hearings
- 209 after being properly notified in accordance with the Rules of
- 210 Juvenile Procedure;
- 211 2. Has a record of law violations prior to court hearings;
- 212 3. Has already been detained or has been released and is
- 213 awaiting final disposition of the case;
- 214 4. Has a record of violent conduct resulting in physical
- 215 injury to others; or
- 216 5. Is found to have been in possession of a firearm.

217 (h) The child is alleged to have violated the conditions
218 of the child's probation or conditional release supervision.

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219 | However, a child detained under this paragraph may be held only
220 | in a consequence unit as provided in s. 985.231(1)(a)1.c. If a
221 | consequence unit is not available, the child shall be placed on
222 | home detention with electronic monitoring.

223 | (i) The child is detained on a judicial order for failure
224 | to appear and has previously willfully failed to appear, after
225 | proper notice, for an adjudicatory hearing on the same case
226 | regardless of the results of the risk assessment instrument. A
227 | child may be held in secure detention for up to 72 hours in
228 | advance of the next scheduled court hearing pursuant to this
229 | paragraph. The child's failure to keep the clerk of court and
230 | defense counsel informed of a current and valid mailing address
231 | where the child will receive notice to appear at court
232 | proceedings does not provide an adequate ground for excusal of
233 | the child's nonappearance at the hearings.

234 | (j) The child is detained on a judicial order for failure
235 | to appear and has previously willfully failed to appear, after
236 | proper notice, at two or more court hearings of any nature on
237 | the same case regardless of the results of the risk assessment
238 | instrument. A child may be held in secure detention for up to 72
239 | hours in advance of the next scheduled court hearing pursuant to
240 | this paragraph. The child's failure to keep the clerk of court
241 | and defense counsel informed of a current and valid mailing
242 | address where the child will receive notice to appear at court
243 | proceedings does not provide an adequate ground for excusal of
244 | the child's nonappearance at the hearings.

245 | (k) At his or her adjudicatory hearing, the child has been
246 | found to have committed a delinquent act or violation of law and

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247 has previously willfully failed to appear, after proper notice,
248 for other delinquency court proceedings of any nature regardless
249 of the results of the risk assessment instrument. A child may be
250 held in secure detention or, at the discretion of the court and
251 if available, placed on home detention with electronic
252 monitoring until the child's disposition order is entered in his
253 or her case. The child's failure to keep the clerk of court and
254 defense counsel informed of a current and valid mailing address
255 where the child will receive notice to appear at court
256 proceedings does not provide an adequate ground for excusal of
257 the child's nonappearance at the hearings.

258

259 A child who meets any of these criteria and who is ordered to be
260 detained pursuant to this subsection shall be given a hearing
261 within 24 hours after being taken into custody. The purpose of
262 the detention hearing is to determine the existence of probable
263 cause that the child has committed the delinquent act or
264 violation of law with which he or she is charged and the need
265 for continued detention, except where the child is alleged to
266 have absconded from a nonresidential commitment program in which
267 case the court, at the detention hearing, shall order that the
268 child be released from detention and returned to his or her
269 nonresidential commitment program. Unless a child is detained
270 under paragraph (d), ~~or~~ paragraph (e), or paragraph (k), the
271 court shall use the results of the risk assessment performed by
272 the juvenile probation officer and, based on the criteria in
273 this subsection, shall determine the need for continued
274 detention. A child placed into secure, nonsecure, or home

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275 detention care may continue to be so detained by the court
276 pursuant to this subsection. If the court orders a placement
277 more restrictive than indicated by the results of the risk
278 assessment instrument, the court shall state, in writing, clear
279 and convincing reasons for such placement. Except as provided in
280 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),
281 paragraph (10)(c), or paragraph (10)(d), when a child is placed
282 into secure or nonsecure detention care, or into a respite home
283 or other placement pursuant to a court order following a
284 hearing, the court order must include specific instructions that
285 direct the release of the child from such placement no later
286 than 5 p.m. on the last day of the detention period specified in
287 paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1.,
288 whichever is applicable, unless the requirements of such
289 applicable provision have been met or an order of continuance
290 has been granted pursuant to paragraph (5)(f).

291 (5)

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

296 (g) Upon good cause being shown that the nature of the
297 charge requires additional time for the prosecution or defense
298 of the case, the court may extend the time limits for detention
299 specified in paragraph (c) or paragraph (d) an additional 9 days
300 if the child is charged with an offense that would be, if
301 committed by an adult, a capital felony, a life felony, a felony

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302 of the first degree, or a felony of the second degree involving
303 violence against any individual.

304 Section 4. Paragraph (b) of subsection (2) of section
305 985.2155, Florida Statutes, is amended to read:

306 985.2155 Shared county and state responsibility for
307 juvenile detention.--

308 (2) As used in this section, the term:

309 (b) "Fiscally constrained county" means a county
310 ~~designated as a rural area of critical economic concern under s.~~
311 ~~288.0656~~ for which the value of a mill in the county is no more
312 than \$4 ~~\$3~~ million, based on the property valuations and tax
313 data annually published by the Department of Revenue under s.
314 195.052.

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

317 985.228 Adjudicatory hearings; withheld adjudications;
318 orders of adjudication.--

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

326 (b) The order of adjudication of delinquency under
327 paragraph (a) shall also include conditions that must be
328 followed by the child until a disposition order is entered in
329 his or her case. These conditions must include, but are not

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330 limited to, specifying that the child, during any period of time
331 that he or she:

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

335 2. Is in secure detention, is prohibited from engaging in
336 ungovernable behavior.

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

339 1. The child's failing to obey the reasonable and lawful
340 demands of the child's parent or legal guardian and, where
341 applicable, the reasonable and lawful demands of a person
342 responsible for supervising the child while he or she is in
343 school, another educational program, or secure detention.

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

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

349 (d) If a child willfully violates a condition contained in
350 his or her order of adjudication of delinquency, the court may
351 find the child in direct or indirect contempt of court under s.
352 985.216; however, notwithstanding s. 985.216 and the results of
353 the risk assessment instrument, the child's sanctions for such
354 contempt of court shall be placement in secure detention or, at
355 the discretion of the court and if available, on home detention
356 with electronic monitoring until the child's disposition order
357 is entered in his or her case.

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358 Section 6. Paragraph (j) of subsection (1) of section
359 985.231, Florida Statutes, is amended to read:

360 985.231 Powers of disposition in delinquency cases.--
361 (1)

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

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

369 2. Upon a second adjudication for grand theft of a motor
370 vehicle which is separate and unrelated to the previous
371 adjudication, may place the child youth in a sheriff's training
372 and respect program ~~boot camp~~, unless the child is ineligible
373 under s. 985.3091 ~~pursuant to s. 985.309~~, and shall order the
374 child youth to complete a minimum of 100 hours of community
375 service.

376 3. Upon a third adjudication for grand theft of a motor
377 vehicle which is separate and unrelated to the previous
378 adjudications, shall place the child youth in a sheriff's
379 training and respect program ~~boot camp~~ or other treatment
380 program, unless the child is ineligible under s. 985.3091
381 ~~pursuant to s. 985.309~~, and shall order the child youth to
382 complete a minimum of 250 hours of community service.

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

384 Section 8. Section 985.3091, Florida Statutes, is created
385 to read:

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- 386 985.3091 Sheriff's training and respect programs.--
- 387 (1) Contingent upon specific appropriation, local funding,
388 or specific appropriation and local funding, a county sheriff
389 may, under contract with the department, implement and operate a
390 sheriff's training and respect program to provide intensive
391 education, physical training, and rehabilitation for children
392 who are eligible under subsection (2). A sheriff's training and
393 respect program shall be under the sheriff's supervisory
394 authority as determined by the contract between the department
395 and the sheriff.
- 396 (2) A child is eligible for placement in a sheriff's
397 training and respect program if he or she:
- 398 (a) Is at least 14 years of age but less than 18 years of
399 age at the time of adjudication.
- 400 (b) Has been committed to the department for any offense
401 that, if committed by an adult, would be a felony other than a
402 capital felony, a life felony, or a violent felony of the first
403 degree.
- 404 (c) Has a medical, psychological, and substance abuse
405 profile that is conducive to successful completion of the
406 program, as determined by the sheriff's and department's review
407 of preadmission medical, psychological, and substance abuse
408 screenings conducted by the department.
- 409 (d) Will be placed in the judicial circuit in which the
410 child was adjudicated, except that the child may be placed
411 outside of that judicial circuit if:
- 412 1. The department, or the court if otherwise authorized by
413 law to select a commitment program within a restrictiveness

414 level for a child, determines that placement within the judicial
415 circuit would not be in the child's best interest or the
416 sheriff's training and respect program is unable to accept the
417 child; and

418 2. The child's parent or guardian agrees in writing to the
419 placement.

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

422 (a) Participate in physical training exercises.

423 (b) Complete educational, vocational, community service,
424 and substance abuse programs.

425 (c) Receive training in life and job skills and in
426 techniques for appropriate decisionmaking.

427 (d) Receive counseling that is directed at replacing
428 criminal thinking, beliefs, and values with moral thinking,
429 beliefs, and values.

430 (4) A sheriff's training and respect program shall be a
431 moderate-risk residential program and must provide conditional
432 release assessment and services in accordance with s. 985.316.
433 The minimum period of participation in the residential component
434 of a sheriff's training and respect program is 4 months;
435 however, this subsection does not prohibit operation of a
436 program that requires the participants to spend more than 4
437 months in the residential component of the program or that
438 requires the participants to complete two sequential programs of
439 4 months each in the residential component of the program.

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440 (5) The department shall adopt rules under ss. 120.536(1)
441 and 120.54 for the sheriff's training and respect program that
442 specify:

443 (a) Requirements for the preadmission medical,
444 psychological, and substance abuse screenings required by
445 subsection (2).

446 (b) Authorized disciplinary sanctions and restrictions on
447 the privileges of the general population of children in the
448 program. The rules must prohibit the use of physical force or
449 restraint except as authorized in rules adopted pursuant to s.
450 985.4055 and must specifically preclude the use of physical
451 force or restraint as a disciplinary sanction or to encourage
452 compliance with program requirements.

453 (c) Prohibitions on the use of psychological intimidation
454 techniques, unless necessary for the safety of youth or other
455 persons or to maintain security.

456 (d) Requirements for provision of notice by the program to
457 the department and for the removal of a child from the program
458 if the child becomes unmanageable or ineligible for the program
459 due to changes in his or her medical, psychological, or
460 substance abuse profile.

461 (e) Requirements for the prominent display of the
462 telephone number of the statewide abuse registry and for
463 immediate access by children in the program, upon request, to a
464 telephone for the purpose of contacting the abuse registry.

465 (6) (a) Evaluations under s. 985.412(5) of each sheriff's
466 training and respect program shall be conducted quarterly during
467 the first year of the program's operation. Thereafter, if the

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468 program has met the minimum thresholds for the evaluation, the
469 program shall be evaluated annually. If a sheriff's training and
470 respect program fails to meet the minimum thresholds, the
471 department shall cancel the contract for the program:

472 1. Immediately if the program has a deficiency in a
473 critical life safety aspect of its operations, as defined in
474 department rule, or has failed to train and certify its
475 employees as required in s. 985.4055.

476 2. If the program fails to achieve compliance with the
477 minimum thresholds for program continuation within 3 months,
478 unless there are documented extenuating circumstances as defined
479 in department rule.

480 (b) Upon cancellation of a contract under paragraph (a),
481 the program's operations shall immediately cease and the
482 department shall immediately discontinue any state payments to
483 the program.

484 (7) The department shall keep records and monitor criminal
485 activity, educational progress, and employment placement of all
486 sheriff's training and respect program participants after their
487 release from the program. The department must annually publish
488 an outcome evaluation study of each sheriff's training and
489 respect program.

490 (8) (a) The department shall adopt rules under ss.
491 120.536(1) and 120.54 that establish training requirements for
492 staff in a sheriff's training and respect program. These
493 requirements shall, at a minimum, require administrative staff
494 to successfully complete 120 contact hours of department-
495 approved training and staff who provide direct care, as defined

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496 | in s. 985.4055, to successfully complete 200 contact hours of
497 | department-approved training.

498 | (b) Department-approved training must include, but is not
499 | limited to, training on:

500 | 1. State and federal laws relating to child abuse.

501 | 2. Authorized disciplinary sanctions, privilege
502 | restrictions, and limitations on use of physical force and
503 | restraint techniques under paragraph (5) (b) and prohibited
504 | psychological intimidation techniques under paragraph (5) (c).

505 | 3. Appropriate counseling techniques and aggression
506 | control methods.

507 | 4. Appropriate methods for dealing with children who have
508 | been placed in programs that emphasize physical fitness and
509 | personal discipline, including training on the identification
510 | of, and appropriate responses to, children who are experiencing
511 | physical or mental distress.

512 | 5. Cardiopulmonary resuscitation, choke-relief, and other
513 | emergency medical procedures.

514 | (c) All department-approved training courses under this
515 | subsection must be taught by persons who are certified as
516 | instructors by the Division of Criminal Justice Standards and
517 | Training of the Department of Law Enforcement and who have prior
518 | experience in a juvenile program. A training course in
519 | counseling techniques need not be taught by a certified
520 | instructor but must be taught by a person who has at least a
521 | bachelor's degree in social work, counseling, psychology, or a
522 | related field.

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523 (d) A person may not provide direct care, as defined in s.
524 985.4055, to a child in a sheriff's training and respect program
525 unless he or she has successfully completed the training
526 requirements under this subsection and has complied with the
527 requirements for employees under s. 985.4055(2)(b)-(d).

528 (9) Children shall not be admitted to a sheriff's training
529 and respect program until the department has adopted the rules
530 required by this section and has verified that each program is
531 in compliance with all laws and rules applicable to the program.
532 The department may adopt emergency rules pursuant to s.
533 120.54(4) if necessary to allow operation of sheriff's training
534 and respect programs beginning July 1, 2006.

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

538 985.31 Serious or habitual juvenile offender.--

539 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the
540 provisions of this chapter and the establishment of appropriate
541 program guidelines and standards, contractual instruments, which
542 shall include safeguards of all constitutional rights, shall be
543 developed as follows:

544 (a) The department shall provide for:

545 1. The oversight of implementation of assessment and
546 treatment approaches.

547 2. The identification and prequalification of appropriate
548 individuals or not-for-profit organizations, including minority
549 individuals or organizations when possible, to provide

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550 assessment and treatment services to serious or habitual
551 delinquent children.

552 3. The monitoring and evaluation of assessment and
553 treatment services for compliance with the provisions of this
554 chapter and all applicable rules and guidelines pursuant
555 thereto.

556 ~~4. The development of an annual report on the performance~~
557 ~~of assessment and treatment to be presented to the Governor, the~~
558 ~~Attorney General, the President of the Senate, the Speaker of~~
559 ~~the House of Representatives, and the Auditor General no later~~
560 ~~than January 1 of each year.~~

561 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
562 TREATMENT.--

563 (i) The treatment and placement recommendations shall be
564 submitted to the court for further action pursuant to this
565 paragraph:

566 1. If it is recommended that placement in a serious or
567 habitual juvenile offender program or facility is inappropriate,
568 the court shall make an alternative disposition pursuant to s.
569 985.3091 ~~985.309~~ or other alternative sentencing as applicable,
570 using ~~utilizing~~ the recommendation as a guide.

571 2. If it is recommended that placement in a serious or
572 habitual juvenile offender program or facility is appropriate,
573 the court may commit the child to the department for placement
574 in the restrictiveness level designated for serious or habitual
575 delinquent children programs.

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

579 985.311 Intensive residential treatment program for
580 offenders less than 13 years of age.--

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

587 (a) The department shall provide for:

588 1. The oversight of implementation of assessment and
589 treatment approaches.

590 2. The identification and prequalification of appropriate
591 individuals or not-for-profit organizations, including minority
592 individuals or organizations when possible, to provide
593 assessment and treatment services to intensive offenders less
594 than 13 years of age.

595 3. The monitoring and evaluation of assessment and
596 treatment services for compliance with the provisions of this
597 chapter and all applicable rules and guidelines pursuant
598 thereto.

599 ~~4. The development of an annual report on the performance~~
600 ~~of assessment and treatment to be presented to the Governor, the~~
601 ~~Attorney General, the President of the Senate, the Speaker of~~
602 ~~the House of Representatives, the Auditor General, and the~~

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603 ~~Office of Program Policy Analysis and Government Accountability~~
604 ~~no later than January 1 of each year.~~

605 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
606 TREATMENT.--

607 (i) The treatment and placement recommendations shall be
608 submitted to the court for further action pursuant to this
609 paragraph:

610 1. If it is recommended that placement in an intensive
611 residential treatment program for offenders less than 13 years
612 of age is inappropriate, the court shall make an alternative
613 disposition pursuant to s. 985.3091 ~~985.309~~ or other alternative
614 sentencing as applicable, using ~~utilizing~~ the recommendation as
615 a guide.

616 2. If it is recommended that placement in an intensive
617 residential treatment program for offenders less than 13 years
618 of age is appropriate, the court may commit the child to the
619 department for placement in the restrictiveness level designated
620 for intensive residential treatment program for offenders less
621 than 13 years of age.

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

624 985.317 Literacy programs for juvenile offenders.--

625 ~~(5) EVALUATION AND REPORT. The department, in~~
626 ~~consultation with the Department of Education, shall develop and~~
627 ~~implement an evaluation of the literacy program in order to~~
628 ~~determine the impact of the programs on recidivism. The~~
629 ~~department shall submit an annual report on the implementation~~
630 ~~and progress of the programs to the President of the Senate and~~

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631 ~~the Speaker of the House of Representatives by January 1 of each~~
632 ~~year.~~

633 Section 12. Section 985.3142, Florida Statutes, is created
634 to read:

635 985.3142 Failure to return from a temporary release.--The
636 willful failure of a child to return to a residential commitment
637 facility described in s. 985.03(46) within the time authorized
638 for a temporary release shall:

639 (1) For a first offense, constitute absconding and such
640 offense shall be treated in the same manner as absconding from a
641 nonresidential commitment facility under this chapter, except
642 that under s. 985.215(2) the court shall order that the child be
643 returned to his or her residential commitment facility at the
644 child's detention hearing.

645 (2) For a second or subsequent offense, constitute a
646 misdemeanor of the second degree, punishable as provided in s.
647 775.082 or s. 775.083.

648 Section 13. Section 985.4055, Florida Statutes, is created
649 to read:

650 985.4055 Protective action response.--

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

652 (a) "Direct care" means the care, supervision, custody, or
653 control of youth in any facility, service, or program that is
654 operated by the department or by a provider under contract with
655 the department.

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

657 (c) "Protective action response policy" means the policy
658 governing the use of verbal and physical intervention

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659 techniques, mechanical restraints, and aerosol and chemical
660 agents by employees.

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

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

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

666 2. Requires the use of verbal intervention techniques as
667 the initial response by an employee to verbal or physical
668 resistance by a youth, except where physical intervention
669 techniques are necessary to prevent:

670 a. Physical harm to the youth, employee, or another
671 person;

672 b. Property damage; or

673 c. The youth from escaping or absconding from lawful
674 supervision.

675 3. Defines authorized physical intervention techniques and
676 the situations under which employees may use these techniques
677 for youth. Pain compliance techniques and use of less than
678 lethal force shall be prohibited, except where necessary to
679 prevent:

680 a. Physical harm to the youth, an employee, or another
681 person;

682 b. Property damage; or

683 c. The youth from escaping or absconding from lawful
684 supervision.

685

686 Lethal force shall be prohibited, except where necessary to
687 protect the employee or another person from an imminent threat
688 of great bodily harm or death. Prior authorization by an
689 employee's supervisor for the use of physical intervention
690 techniques shall be obtained when practical.

691 4. Defines authorized use of mechanical restraints and the
692 situations under which employees may use such restraints on
693 youth. Prohibited uses of mechanical restraints shall include
694 the use of neck restraints and the securing of a youth to a
695 fixed object. Supervision requirements for youth who are secured
696 in mechanical restraints shall include constant and direct
697 visual monitoring by an employee for purposes of insuring youth
698 safety and ascertaining indications by the youth that restraints
699 are no longer necessary. Prior authorization by an employee's
700 supervisor for the use of mechanical restraints shall be
701 obtained when practical.

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

706 (b) Establish training curriculum for protective action
707 response certification of employees and instructors. The
708 training curriculum for employee certification shall, at a
709 minimum, require the employee to:

710 1. Complete 40 hours of instruction on the protective
711 action response policy.

712 2. Obtain a passing score:

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713 a. On a written examination that tests the employee's
714 knowledge and understanding of the protective action response
715 policy.

716 b. During an evaluation by an instructor of the employee's
717 physically demonstrated ability to implement the protective
718 action response policy.

719 (c) Require training curriculums for protective action
720 response certification of employees to be taught by instructors
721 who have been certified under the training curriculum for
722 protective action response certification of instructors.

723 (d) Require each employee to have:

724 1. Completed the instruction required under subparagraph
725 (b)1. within 90 days.

726 2. Received his or her protective action response
727 certification within 90 days.

728 3. Direct supervision during the 90-day period prior to
729 completing the instruction and certification requirements under
730 subparagraphs 1. and 2. by an employee with the training and
731 certification required by subparagraphs 1. and 2.

732 Section 14. Section 985.4056, Florida Statutes, is created
733 to read:

734 985.4056 Juvenile Justice Accountability Commission.--

735 (1) CREATION; MEMBERSHIP.--

736 (a) The Juvenile Justice Accountability Commission is
737 created and administratively housed within the department. The
738 commission shall be composed of seven members appointed by the
739 Governor. Each member of the commission must have direct
740 experience in juvenile justice issues and must be a citizen of

741 and registered voter in this state. The composition of the
742 commission must equitably represent all geographic areas of the
743 state and include minorities and women.

744 (b) Within the 2-year period preceding his or her
745 appointment, a member of the commission may not have been, and
746 during the 2-year period following termination of his or her
747 appointment, a member of the commission may not be:

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

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

753 (c) Each member of the commission shall serve a term of 4
754 years; however, for the purpose of providing staggered terms, of
755 the initial appointments, three members shall serve 2-year terms
756 and four members shall serve 4-year terms. Any vacancy on the
757 commission shall be filled in the same manner as the original
758 appointment within 60 days after the date upon which the vacancy
759 occurred, and any member appointed to fill a vacancy shall serve
760 only for the unexpired term of the member's predecessor. The
761 chair of the commission shall be selected by the members for a
762 term of 1 year.

763 (d) In addition to the membership specified under this
764 subsection, the commission shall invite ex officio, nonvoting
765 associates to attend and participate in commission meetings and
766 to provide advice to the commission. The ex officio associates
767 shall include, but are not limited to:

- 768 1. A member of the House of Representatives designated by
 769 the Speaker of the House.
- 770 2. A member of the Senate designated by the President of
 771 the Senate.
- 772 3. An employee of the Executive Office of the Governor
 773 designated by the Governor.
- 774 4. An employee of the department.
- 775 5. A circuit court judge with at least 1 year's experience
 776 in the juvenile delinquency division.
- 777 6. A sheriff.
- 778 7. A provider under contract with the department for the
 779 provision of one or more juvenile justice programs.
- 780 8. A member of a juvenile justice advocacy organization.
- 781 9. An employee of the Department of Law Enforcement who is
 782 responsible for data compilation and research.
- 783 10. A state university employee responsible for juvenile
 784 justice research.
- 785 (2) DEFINITIONS.--For purposes of this section, the term:
- 786 (a) "Juvenile justice program" means any facility,
 787 service, or program that is operated by the department or by a
 788 provider under contract with the department.
- 789 (b) "Minorities" means a member of a socially or
 790 economically disadvantaged group and includes African Americans,
 791 Hispanics, and American Indians.
- 792 (3) MEETINGS.--
- 793 (a) The commission shall hold a minimum of four regular
 794 meetings annually, and other meetings may be called by the chair
 795 upon giving at least 7 days' notice to all members and the

796 public pursuant to chapter 120. Meetings may also be held upon
797 the written request of at least four members, upon at least 7
798 days' notice of such meeting being given to all members and the
799 public by the chair pursuant to chapter 120. Emergency meetings
800 may be held without notice upon the request of all members. The
801 meetings of the commission shall be held in the central office
802 of the department in Tallahassee unless the chair determines
803 that special circumstances warrant meeting at another location.

804 (b) A majority of the membership of the commission
805 constitutes a quorum, and a quorum is required for any meeting
806 of the commission during which action will be voted upon. An
807 action of the commission is not binding unless the action is
808 taken pursuant to an affirmative vote of a majority of the
809 members present, and the vote must be recorded in the minutes of
810 the meeting.

811 (c) A member of the commission may not authorize a
812 designee to attend a meeting of the commission in his or her
813 place. A member who fails to attend two consecutive regularly
814 scheduled meetings of the commission, unless the member is
815 excused by the chair, shall be deemed to have abandoned the
816 position and the position shall be declared vacant by the
817 commission.

818 (d) The chair shall cause to be made a complete record of
819 the proceedings of the commission, which record shall be open
820 for public inspection.

821 (4) ORGANIZATION.--

822 (a) The commission, subject to appropriation, may employ
823 an executive director and other staff, and may retain
824 consultants, as necessary.

825 (b) The commission shall be a separate budget entity, and
826 the executive director shall be the chief administrative
827 officer. The department shall provide administrative support and
828 service to the commission to the extent requested by the
829 executive director. The commission and its staff are not subject
830 to the control, supervision, or direction of the department.

831 (c) The commission shall develop a budget pursuant to
832 chapter 216. The budget is not subject to change by the
833 department and shall be submitted to the Governor and
834 Legislature as provided in s. 216.023.

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

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

839 (a) On or before October 1, 2006 and, subject to
840 appropriation, enter into a contract under chapter 287 for the
841 development of a comprehensive evaluation, accountability, and
842 reporting system for each juvenile justice program individually
843 and for each category of the juvenile justice continuum for the
844 purpose of informing service providers and policy makers of the
845 effectiveness of individual providers and of the various
846 approaches to providing services. The contract must require the
847 provider to deliver the following on or before January 15, 2007:

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

850 a. Includes minimum thresholds for program continuation
851 and that identifies program effectiveness and areas in need of
852 expansion, improvement, modification, or elimination.

853 b. Provides criteria for program termination based upon
854 evaluation results.

855 c. Requires continual review of best practices literature
856 and updates to the standardized evaluation protocol based upon
857 that review.

858 d. Requires an annual report to the executive and
859 legislative branches, which sets forth for each juvenile justice
860 program:

861 (I) A comprehensive description of the population served
862 by the program.

863 (II) A specific description of the services provided by
864 the program.

865 (III) Program cost.

866 (IV) A comparison of expenditures to federal and state
867 funding.

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

869 (VI) Recommendations to maintain, expand, improve, modify,
870 or eliminate the program.

871 2. A process for the collection, analysis, and reporting
872 of statistical data that will enable continuous evaluation of
873 the juvenile justice system as a whole and will provide the
874 Legislature, Governor, and the department with necessary and
875 useful information and reports to make informed decisions
876 regarding the effectiveness of, and any needed changes in,
877 juvenile justice programming, policies, and laws.

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878 (b) On or before February 15, 2007, submit a report to the
879 appropriate substantive and fiscal committees of the
880 Legislature, the Governor, and the secretary of the department
881 that:

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

885 2. Sets forth recommendations by the commission for:

886 a. Modifications to the provider-developed system if found
887 warranted by the commission.

888 b. Statutory amendments and department rule and policy
889 changes that will be required to implement the provider-
890 developed system.

891 c. Funding requirements for implementation of the
892 provider-developed system.

893 d. Whether the provider-developed system should be
894 implemented by employees of the commission or by a provider
895 under contract with the commission.

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

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

901 (e) Serve as a clearinghouse, in coordination with the
902 department, to provide information and assistance to the
903 juvenile justice circuit boards and juvenile justice county
904 councils.

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905 (f) Advise the President of the Senate, the Speaker of the
 906 House of Representatives, the Governor, and the department on
 907 matters relating to this chapter.

908 (g) Conduct such other activities as the commission may
 909 determine are necessary and appropriate to monitor the
 910 effectiveness of the delivery of juvenile justice under this
 911 chapter.

912 (h) Submit an annual report to the Governor, the
 913 appropriate substantive and fiscal committees of the
 914 Legislature, and the secretary of the department no later than
 915 January 1st of each year that summarizes the meetings and
 916 activities of the commission during the preceding year and
 917 includes any recommendations of the commission for the following
 918 year.

919 (6) INFORMATION SYSTEM ACCESS.--The department shall
 920 provide the commission with automated access to the juvenile
 921 justice information system under s. 20.316(4).

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

925 Section 15. Section 985.412, Florida Statutes, is amended
 926 to read:

927 985.412 Program review and reporting requirements ~~Quality~~
 928 ~~assurance and cost effectiveness.--~~

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

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

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

936 (c)~~(b)~~ Provide information about the cost of ~~such~~ programs
 937 and their differential effectiveness so that program the quality
 938 may of such programs can be compared and improvements made
 939 continually.

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

942 (e)~~(d)~~ Provide information to the public about the
 943 effectiveness of ~~such~~ programs in meeting established goals and
 944 objectives.

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

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

949 (h)~~(g)~~ Modify or eliminate activities that are not
 950 effective.

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

952 (a) "Youth" ~~"Client"~~ means any person who is being
 953 provided treatment or services by the department or by a
 954 provider under contract with the department.

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

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958 ~~(c)(b)~~ "Program component" means an aggregation of
959 generally related objectives which, because of their special
960 character, related workload, and interrelated output, can
961 logically be considered an entity for purposes of organization,
962 management, accounting, reporting, and budgeting.

963 ~~(c) "Program effectiveness" means the ability of the~~
964 ~~program to achieve desired client outcomes, goals, and~~
965 ~~objectives.~~

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

969 (3) OUTCOME EVALUATION.--The department, in consultation
970 with the Office of Economic and Demographic Research, the Office
971 of Program Policy Analysis and Government Accountability, and
972 contract service providers, shall develop and use a standard
973 methodology for annually measuring, evaluating, and reporting
974 program outputs and youth outcomes for each program and program
975 group.

976 (a) The standard methodology must:

977 1. Incorporate, whenever possible, performance-based
978 budgeting measures.

979 2. Include common terminology and operational definitions
980 for measuring the performance of system and program
981 administration, program outputs, and youth outcomes.

982 3. Specify program outputs for each program and for each
983 program group within the juvenile justice continuum.

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

986 (b) By February 15 of each year, the department shall
987 submit to the appropriate substantive and fiscal committees of
988 each house of the Legislature and the Governor a report that
989 identifies and describes:

990 1. The standard methodology implemented under paragraph
991 (a).

992 2. The programs offered within each program group.

993 3. The demographic profile and offense history of youth
994 served in each program group.

995 4. The actual program outputs and youth outcomes achieved
996 in each program group. ~~The department shall annually collect and~~
997 ~~report cost data for every program operated or contracted by the~~
998 ~~department. The cost data shall conform to a format approved by~~
999 ~~the department and the Legislature. Uniform cost data shall be~~
1000 ~~reported and collected for state operated and contracted~~
1001 ~~programs so that comparisons can be made among programs. The~~
1002 ~~department shall ensure that there is accurate cost accounting~~
1003 ~~for state operated services including market equivalent rent and~~
1004 ~~other shared cost. The cost of the educational program provided~~
1005 ~~to a residential facility shall be reported and included in the~~
1006 ~~cost of a program. The department shall submit an annual cost~~
1007 ~~report to the President of the Senate, the Speaker of the House~~
1008 ~~of Representatives, the Minority Leader of each house of the~~
1009 ~~Legislature, the appropriate substantive and fiscal committees~~
1010 ~~of each house of the Legislature, and the Governor, no later~~
1011 ~~than December 1 of each year. Cost benefit analysis for~~
1012 ~~educational programs will be developed and implemented in~~
1013 ~~collaboration with and in cooperation with the Department of~~

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1014 ~~Education, local providers, and local school districts. Cost~~
 1015 ~~data for the report shall include data collected by the~~
 1016 ~~Department of Education for the purposes of preparing the annual~~
 1017 ~~report required by s. 1003.52(19).~~

1018 (4) ~~(a)~~ PROGRAM ACCOUNTABILITY MEASURES. --The department of
 1019 ~~Juvenile Justice~~, in consultation with the Office of Economic
 1020 and Demographic Research, and contract service providers, shall
 1021 develop a cost-effectiveness model and apply the model to each
 1022 commitment program. ~~Program recidivism rates shall be a~~
 1023 ~~component of the model.~~

1024 (a) The cost-effectiveness model shall compare program
 1025 costs to expected and actual youth recidivism rates ~~client~~
 1026 ~~outcomes and program outputs~~. It is the intent of the
 1027 Legislature that continual development efforts take place to
 1028 improve the validity and reliability of the cost-effectiveness
 1029 model ~~and to integrate the standard methodology developed under~~
 1030 ~~s. 985.401(4) for interpreting program outcome evaluations.~~

1031 (b) The department shall rank commitment programs based on
 1032 the cost-effectiveness model and shall submit a report to the
 1033 appropriate substantive and fiscal committees of each house of
 1034 the Legislature by January 15 ~~December 31~~ of each year.

1035 (c) Based on ~~reports of the department on client outcomes~~
 1036 ~~and program outputs~~ and on the department's most recent cost-
 1037 effectiveness rankings, the department may terminate a
 1038 commitment program ~~operated by the department or a provider~~ if
 1039 the program has failed to achieve a minimum threshold of cost-
 1040 effectiveness ~~program effectiveness~~. This paragraph does not
 1041 preclude the department from terminating a contract as provided

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1042 | under this section or as otherwise provided by law or contract,
1043 | and does not limit the department's authority to enter into or
1044 | terminate a contract.

1045 | (d) In collaboration with the Office of Economic and
1046 | Demographic Research, and contract service providers, the
1047 | department shall develop a work plan to refine the cost-
1048 | effectiveness model so that the model is consistent with the
1049 | performance-based program budgeting measures approved by the
1050 | Legislature to the extent the department deems appropriate. The
1051 | department shall notify the Office of Program Policy Analysis
1052 | and Government Accountability of any meetings to refine the
1053 | model.

1054 | (e) Contingent upon specific appropriation, the
1055 | department, in consultation with the Office of Economic and
1056 | Demographic Research, and contract service providers, shall:

1057 | 1. Construct a profile of each commitment program that
1058 | uses the results of the quality assurance report required by
1059 | this section, the cost-effectiveness report required in this
1060 | subsection, and other reports available to the department.

1061 | 2. Target, for a more comprehensive evaluation, any
1062 | commitment program that has achieved consistently high, low, or
1063 | disparate ratings in the reports required under subparagraph 1.

1064 | 3. Identify the essential factors that contribute to the
1065 | high, low, or disparate program ratings.

1066 | 4. Use the results of these evaluations in developing or
1067 | refining juvenile justice programs or program models, youth
1068 | ~~client~~ outcomes and program outputs, provider contracts, quality
1069 | assurance standards, and the cost-effectiveness model.

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- 1070 (5) QUALITY ASSURANCE.--The department shall:
- 1071 (a) Establish a comprehensive quality assurance system for
- 1072 each program ~~operated by the department or operated by a~~
- 1073 ~~provider under contract with the department~~. Each contract
- 1074 entered into by the department must provide for quality
- 1075 assurance.
- 1076 (b) Provide operational definitions of and criteria for
- 1077 quality assurance for each specific program component.
- 1078 (c) Establish quality assurance goals and objectives for
- 1079 each specific program component.
- 1080 (d) Establish the information and specific data elements
- 1081 required for the quality assurance program.
- 1082 (e) Develop a quality assurance manual of specific,
- 1083 standardized terminology and procedures to be followed by each
- 1084 program.
- 1085 (f) Evaluate each program ~~operated by the department or a~~
- 1086 ~~provider under a contract with the department~~ and establish
- 1087 minimum thresholds for each program component.
- 1088 1. If a provider fails to meet the established minimum
- 1089 thresholds, such failure shall cause the department to cancel
- 1090 the provider's contract:
- 1091 a. Immediately if the provider has a deficiency in a
- 1092 critical life safety aspect of its operations, as defined in
- 1093 department rule, or has failed to train and certify its
- 1094 employees as required in s. 985.4055.
- 1095 b. If ~~unless~~ the provider ~~fails to achieve~~ achieves
- 1096 compliance with minimum thresholds within 6 months, except as

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1097 provided in s. 985.3091(6)(a), ~~or~~ unless there are documented
1098 extenuating circumstances as defined in department rule.

1099
1100 If a provider's contract is canceled under subparagraph 1., the
1101 provider's operations shall immediately cease, the department
1102 shall immediately discontinue any state payments to the
1103 provider, and the provider shall be ineligible to contract with
1104 the department ~~In addition, the department may not contract with~~
1105 ~~the same provider~~ for the canceled service for a period of 12
1106 months.

1107 2. If a department-operated program fails to meet the
1108 established minimum thresholds, the program's operations shall
1109 be:

1110 a. Immediately terminated if the program has a deficiency
1111 in a critical life safety aspect of its operations, as defined
1112 in department rule, or if the department has failed to train and
1113 certify program employees as required in s. 985.4055.

1114 b. Terminated if the department fails to achieve
1115 compliance with the minimum thresholds for program continuation
1116 within 6 months, unless there are documented extenuating
1117 circumstances as defined in department rule. ~~the department must~~
1118 ~~take necessary and sufficient steps to ensure and document~~
1119 ~~program changes to achieve compliance with the established~~
1120 ~~minimum thresholds. If the department operated program fails to~~
1121 ~~achieve compliance with the established minimum thresholds~~
1122 ~~within 6 months and if there are no documented extenuating~~
1123 ~~circumstances, the department must notify the Executive Office~~
1124 ~~of the Governor and the Legislature of the corrective action~~

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1125 ~~taken. Appropriate corrective action may include, but is not~~
 1126 ~~limited to:~~

1127 ~~1. Contracting out for the services provided in the~~
 1128 ~~program;~~

1129 ~~2. Initiating appropriate disciplinary action against all~~
 1130 ~~employees whose conduct or performance is deemed to have~~
 1131 ~~materially contributed to the program's failure to meet~~
 1132 ~~established minimum thresholds;~~

1133 ~~3. Redesigning the program; or~~
 1134 ~~4. Realigning the program.~~

1135 (g) ~~The department shall~~ Submit an annual report to the
 1136 President of the Senate, the Speaker of the House of
 1137 Representatives, the minority leader of each house of the
 1138 Legislature, the appropriate substantive and fiscal committees
 1139 of each house of the Legislature, and the Governor by, ~~no later~~
 1140 ~~than~~ February 1 of each year. The annual report must contain, at
 1141 a minimum, for each ~~specific~~ program ~~component~~:

1142 1. A comprehensive description of the population served.
 1143 ~~by the program;~~

1144 2. A specific description of its ~~the~~ services.

1145 3. A summary of the performance of each program component
 1146 evaluated. ~~provided by the program;~~

1147 4. Cost data that is reported in a uniform format so that
 1148 cost comparisons may be made among programs. For a residential
 1149 program, the cost data must include the cost of its educational
 1150 program. ~~†~~

1151 5. A comparison of expenditures to federal and state
 1152 funding. ~~†~~

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1153 6. Immediate and long-range concerns ~~;~~ ~~and~~
1154 7. Recommendations to maintain, expand, improve, modify,
1155 or eliminate each program component so that changes in services
1156 lead to enhancement in program quality. ~~The department shall~~
1157 ~~ensure the reliability and validity of the information contained~~
1158 ~~in the report.~~

1159 ~~(6) The department shall collect and analyze available~~
1160 ~~statistical data for the purpose of ongoing evaluation of all~~
1161 ~~programs. The department shall provide the Legislature with~~
1162 ~~necessary information and reports to enable the Legislature to~~
1163 ~~make informed decisions regarding the effectiveness of, and any~~
1164 ~~needed changes in, services, programs, policies, and laws.~~

1165 ~~(7) No later than November 1, 2001, the department shall~~
1166 ~~submit a proposal to the Legislature concerning funding~~
1167 ~~incentives and disincentives for the department and for~~
1168 ~~providers under contract with the department. The~~
1169 ~~recommendations for funding incentives and disincentives shall~~
1170 ~~be based upon both quality assurance performance and cost-~~
1171 ~~effectiveness performance. The proposal should strive to achieve~~
1172 ~~consistency in incentives and disincentives for both department-~~
1173 ~~operated and contractor provided programs. The department may~~
1174 ~~include recommendations for the use of liquidated damages in the~~
1175 ~~proposal; however, the department is not presently authorized to~~
1176 ~~contract for liquidated damages in non hardware secure~~
1177 ~~facilities until January 1, 2002.~~

1178 Section 16. Section 958.046, Florida Statutes, is amended
1179 to read:

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1180 958.046 Placement in county-operated boot camp programs
1181 for youthful offenders.--In counties where there are county-
1182 operated youthful offender boot camp programs, other than boot
1183 camps described in s. 958.04 or sheriff's training and respect
1184 programs in s. 985.3091 ~~985.309~~, the court may sentence a
1185 youthful offender to such a boot camp. In county-operated
1186 youthful offender boot camp programs, juvenile offenders shall
1187 not be commingled with youthful offenders.

1188 Section 17. Subsection (1) of section 985.314, Florida
1189 Statutes, is amended to read:

1190 985.314 Commitment programs for juvenile felony
1191 offenders.--

1192 (1) Notwithstanding any other law and regardless of the
1193 child's age, a child who is adjudicated delinquent, or for whom
1194 adjudication is withheld, for an act that would be a felony if
1195 committed by an adult, shall be committed to:

1196 (a) A sheriff's training and respect ~~boot camp~~ program
1197 under s. 985.3091 ~~s. 985.309~~ if the child has participated in an
1198 early delinquency intervention program as provided in s.
1199 985.305.

1200 (b) A program for serious or habitual juvenile offenders
1201 under s. 985.31 or an intensive residential treatment program
1202 for offenders less than 13 years of age under s. 985.311, if the
1203 child has participated in an early delinquency intervention
1204 program and has completed a sheriff's training and respect ~~boot~~
1205 ~~camp~~ program.

1206 (c) A maximum-risk residential program, if the child has
1207 participated in an early delinquency intervention program, has

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1208 completed a sheriff's training and respect ~~boot-camp~~ program,
 1209 and has completed a program for serious or habitual juvenile
 1210 offenders or an intensive residential treatment program for
 1211 offenders less than 13 years of age. The commitment of a child
 1212 to a maximum-risk residential program must be for an
 1213 indeterminate period, but may not exceed the maximum term of
 1214 imprisonment that an adult may serve for the same offense.

1215 Section 18. Cost of supervision and care waiver; pilot
 1216 program.--

1217 (1) For purposes of this section, the term:

1218 (a) "Approved parenting class" means a class approved by
 1219 the Juvenile Justice Accountability Commission under subsection
 1220 (4).

1221 (b) "Court" means a circuit court in the Ninth Judicial
 1222 Circuit.

1223 (c) "Department" means the Department of Juvenile Justice.

1224 (d) "Parent" means the parent of child whose delinquency
 1225 case comes before a circuit court in the Ninth Judicial Circuit.

1226 (2) (a) Notwithstanding any contrary provision of s.
 1227 985.2311, Florida Statutes, for the period of October 1, 2006,
 1228 through June 30, 2009, the court shall enter an order waiving
 1229 the fees required to be paid under s. 985.2311, Florida
 1230 Statutes, by a parent if the parent successfully completes an
 1231 approved parenting class and presents the court with notarized
 1232 documentation of such completion.

1233 (b) Participation in an approved parenting class under
 1234 this subsection is voluntary and the parent is responsible for

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1235 the payment of all costs associated with participation in the
1236 class.

1237 (c) A parent who fails to successfully complete an
1238 approved parenting class shall pay the full amount of fees
1239 required by s. 985.2311, Florida Statutes.

1240 (d) A parent may only have fees waived under this
1241 subsection once.

1242 (3) The Office of Program Policy Analysis and Government
1243 Accountability shall evaluate the pilot program created by this
1244 section and shall submit a written report to the appropriate
1245 substantive and fiscal committees of the Legislature, the
1246 Governor, and the Department of Juvenile Justice on September
1247 30, 2007, and annually thereafter, which identifies for the
1248 Ninth Judicial Circuit during the fiscal year preceding the
1249 report:

1250 (a) The number of delinquency cases in which fees were
1251 required to be ordered under s. 985.2311, Florida Statutes, and
1252 the total amount of those fees.

1253 (b) The number of delinquency cases in which parents
1254 agreed to complete an approved parenting class and the number of
1255 delinquency cases in which the parent submitted notarized
1256 documentation of successful completion to the court.

1257 (c) The number of delinquency cases in which the court
1258 entered an order waiving fees under subsection (2) and the total
1259 amount of fees waived.

1260 (d) The number of youth, as such data becomes available,
1261 who are taken into custody for a felony or misdemeanor within 6
1262 months following their release from department custody or

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1263 supervision, whichever occurs later, and whose parents' fees
 1264 under s. 985.2311, Florida Statutes, are:
 1265 1. Waived by court order under subsection (2).
 1266 2. Not waived by court order under subsection (2).
 1267 (4) The Juvenile Justice Accountability Commission,
 1268 subject to appropriation, shall execute a contract under chapter
 1269 287, Florida Statutes, for the provision of parenting courses in
 1270 the Ninth Judicial Circuit between October 1, 2006 through June
 1271 30, 2009.
 1272 (5) This section is repealed effective October 1, 2009.
 1273 Section 19. Effective October 1, 2006, all powers, duties,
 1274 resources, and personnel associated with the Department of
 1275 Juvenile Justice's responsibilities under ss. 985.308(9),
 1276 985.311(2)(e), 985.411(7) and (9)(b), and 985.412, Florida
 1277 Statutes, are transferred by a type two transfer as defined in
 1278 s. 20.06(2), Florida Statutes, to the Juvenile Justice
 1279 Accountability Commission created by this act.
 1280 Section 20. Judicial discretion to select commitment
 1281 programs; pilot program.--
 1282 (1) The definitions contained in s. 985.03, Florida
 1283 Statutes, apply to this section. Additionally, for purposes of
 1284 this section, the term:
 1285 (a) "Available placement" means a commitment program for
 1286 which the department has determined the youth is eligible.
 1287 (b) "Commitment program" means a facility, service, or
 1288 program operated by the department or by a provider under
 1289 contract with the department within a restrictiveness level.

1290 (c) "Delinquency court" means a circuit court in the
 1291 First, Eleventh, Thirteenth, or Twentieth Judicial Circuit.

1292 (d) "Eligible" means a determination that the youth
 1293 satisfies admission criteria for the commitment program.

1294 (e) "Wait period" means the shortest period of time
 1295 expected to elapse prior to placement of a youth in a commitment
 1296 program, as determined by the department based upon anticipated
 1297 release dates for youth currently in the commitment program.

1298 (2) Between September 1, 2006, and July 1, 2010, a pilot
 1299 program shall be conducted in the First, Eleventh, Thirteenth,
 1300 and Twentieth Judicial Circuits which authorizes delinquency
 1301 courts to select commitment programs for youth. The purpose of
 1302 the pilot program is to identify and evaluate the benefits and
 1303 disadvantages of affording such judicial discretion prior to
 1304 legislative consideration of statewide implementation.

1305 (3) Before August 31, 2006, the department shall:

1306 (a) Develop, in consultation with delinquency court
 1307 judges, procedures to implement this section.

1308 (b) Publish on its Internet website information that
 1309 identifies the name and address of each commitment program and
 1310 that describes for each identified commitment program the
 1311 population of youth served; the maximum capacity; the services
 1312 offered; the admission criteria; the most recent recidivism
 1313 rates; and the most recent cost-effectiveness rankings and
 1314 quality assurance results under s. 985.412, Florida Statutes.
 1315 The department shall continually update information published
 1316 under this paragraph as modifications occur.

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1317 (4) Between September 1, 2006, and July 1, 2010, a
1318 delinquency court may:

1319 (a) Order the department to include in a youth's
1320 predisposition report a list of all available placements within
1321 each restrictiveness level identified by the court or
1322 recommended by the department. The list shall also indicate the
1323 wait period for each available placement identified by the
1324 department.

1325 (b)1. Specify for a youth committed by the court an
1326 available placement identified in the listing under paragraph
1327 (a), which has a wait period of 30 calendar days or less for a
1328 minimum-risk nonresidential, low-risk residential, moderate-risk
1329 residential, or high-risk residential commitment program or a
1330 wait period of 20 calendar days or less for a maximum-risk
1331 residential commitment program; or

1332 2. Alternatively, a delinquency court may specify:

1333 a. An available placement with a wait period in excess of
1334 those identified in subparagraph 1., if the court states reasons
1335 on the record establishing by a preponderance of the evidence
1336 that the available placement is in the youth's best interest; or

1337 b. A commitment program that is not listed as an available
1338 placement, if the court states reasons on the record
1339 establishing by a preponderance of the evidence that the youth
1340 is eligible for the commitment program and that the commitment
1341 program is in the youth's best interest.

1342 (5) When a delinquency court specifies an available
1343 placement or commitment program for a youth under paragraph
1344 (4) (b), the youth shall be placed, as specified by the court,

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1345 when the next regularly scheduled opening occurs after the
 1346 placement of other youth who were previously committed and
 1347 waiting for that program.

1348 (6) (a) The Office of Program Policy Analysis and
 1349 Government Accountability shall conduct a longitudinal
 1350 evaluation of the pilot program created by this section and
 1351 shall submit a written report to the appropriate substantive and
 1352 fiscal committees of the Legislature and to the Governor on
 1353 January 1, 2008, and annually thereafter, which identifies,
 1354 according to judicial circuit and restrictiveness level, the
 1355 following data, as it becomes available, for the pilot program
 1356 period:

1357 1. The number of youth committed to the department by a
 1358 delinquency court.

1359 2. The number of youth placed by a delinquency court in an
 1360 available placement under subparagraph (4) (b)1. and sub-
 1361 subparagraph (4) (b)2.a. and in a commitment program under sub-
 1362 subparagraph (4) (b)2.b.

1363 3. The number of youth placed in a department-specified
 1364 commitment program.

1365 4. The average wait period for, and the average number of
 1366 days spent by youth in secure detention while awaiting placement
 1367 in, delinquency court-specified commitment programs and
 1368 department-specified commitment programs.

1369 5. The number of youth who complete, and who are otherwise
 1370 released from, delinquency court-specified commitment programs
 1371 and department-specified commitment programs.

1372 6. Educational achievements made by youth while
 1373 participating in delinquency court-specified commitment programs
 1374 and department-specified commitment programs.

1375 7. The number of youth who are taken into custody for a
 1376 felony or misdemeanor within 6 months following completion of
 1377 delinquency court-specified commitment programs and department-
 1378 specified commitment programs.

1379 (b) Before August 31, 2006:

1380 1. The department, in consultation with the Office of
 1381 Program Policy Analysis and Government Accountability, shall
 1382 develop reporting protocols to collect and maintain data
 1383 necessary for the report required by this subsection.

1384 2. The Office of Program Policy Analysis and Government
 1385 Accountability, in consultation with staff of the appropriate
 1386 substantive and fiscal committees of the Legislature, shall
 1387 develop common terminology and operational definitions for the
 1388 measurement of data necessary for the report required by this
 1389 subsection.

1390 (c) The reports required under paragraph (a) to be
 1391 submitted on January 1, 2009, and January 1, 2010, must also
 1392 include:

1393 1. Findings by the Office of Program Policy Analysis and
 1394 Government Accountability, the department, and delinquency
 1395 courts regarding the benefits and disadvantages of authorizing
 1396 courts to select commitment programs.

1397 2. Recommendations by the Office of Program Policy
 1398 Analysis and Government Accountability, the department, and

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1399 | delinquency courts, if found to be warranted, for amendments to
1400 | current statutes addressing commitment.

1401 | (7) This section is repealed effective July 1, 2010.

1402 | Section 21. Except as otherwise expressly provided in this
1403 | act, this act shall take effect July 1, 2006.