

1                   A bill to be entitled  
2           An act relating to juvenile justice; amending s.  
3           985.04, F.S.; authorizing disclosure of specified  
4           confidential juvenile records to private school  
5           principals; requiring the Department of Juvenile  
6           Justice, law enforcement agencies, and state attorneys  
7           to provide notice to private school principals of  
8           specified juvenile offenders; providing criminal  
9           penalties for a private school employee who improperly  
10          discloses specified confidential information;  
11          requiring private school principals to notify  
12          classroom teachers of specified information; amending  
13          s. 985.207, F.S.; requiring the arresting authority to  
14          provide notice to private school principals of  
15          specified juvenile offenders; requiring private school  
16          principals to notify classroom teachers of specified  
17          information; permitting a law enforcement officer to  
18          take a child into custody for a violation of  
19          adjudication order conditions; amending s. 985.215,  
20          F.S.; permitting specified types of postadjudication  
21          detention for a child who has previously failed to  
22          appear at delinquency court proceedings regardless of  
23          risk assessment instrument results; providing  
24          exceptions that permit postadjudication detention  
25          until the child's disposition order is entered in his  
26          or her case; conforming cross-references; requiring  
27          detention staff to notify private school personnel of

28 | a juvenile sexual offender's release; amending s.  
29 | 985.228, F.S.; requiring a court to include specified  
30 | conditions in a child's order of adjudication of  
31 | delinquency that apply during the postadjudication and  
32 | predisposition period; providing a definition;  
33 | permitting a court to find a child in contempt of  
34 | court for a violation of adjudication order  
35 | conditions; providing sanctions; amending s. 985.31,  
36 | F.S.; deleting a requirement for a report on serious  
37 | or habitual juvenile offenders; amending s. 985.311,  
38 | F.S.; deleting a requirement for a report on intensive  
39 | residential treatment; amending s. 985.317, F.S.;  
40 | deleting a requirement for a report on literacy  
41 | programs for juvenile offenders; creating s. 985.3142,  
42 | F.S.; providing that the willful failure of a child to  
43 | return to a residential commitment facility within the  
44 | time authorized for a temporary release is absconding  
45 | for a first offense and is a second degree misdemeanor  
46 | for a second or subsequent offense; providing  
47 | penalties; amending s. 985.412, F.S.; directing the  
48 | Department of Juvenile Justice to collect and analyze  
49 | specified data; creating and revising definitions;  
50 | requiring the development of a standard methodology  
51 | for annually measuring, evaluating, and reporting  
52 | program outputs and youth outcomes; requiring an  
53 | annual report; specifying report contents; deleting a  
54 | requirement for an annual cost data report; deleting a

55 requirement for a cost-benefit analysis of educational  
56 programs; revising a cost-effectiveness model for  
57 commitment programs; revising a cost-effectiveness  
58 report due date; revising requirements for annual  
59 quality assurance reporting; conforming provisions;  
60 deleting obsolete provisions relating to incentive and  
61 disincentive proposals and liquidated damages;  
62 creating a pilot program that authorizes specified  
63 courts to select commitment programs for juvenile  
64 delinquents; providing definitions; providing the  
65 program's purpose; requiring the Department of  
66 Juvenile Justice to develop implementation procedures  
67 and to publish specified information about commitment  
68 programs on its website; providing procedures for the  
69 selection of commitment programs by courts; requiring  
70 evaluation and reports by the Office of Program Policy  
71 Analysis and Government Accountability; specifying  
72 department and court responsibilities relating to the  
73 reports; providing for future repeal of the pilot  
74 program; providing an effective date.

75  
76 Be It Enacted by the Legislature of the State of Florida:

77  
78 Section 1. Subsections (3) and (7) of section 985.04,  
79 Florida Statutes, are amended to read:

80 985.04 Oaths; records; confidential information.--

81           (3) (a) Except as provided in subsections (2), (4), (5),  
82 and (6), ~~and s. 943.053~~, all information obtained under this  
83 part in the discharge of official duty by any judge, any  
84 employee of the court, any authorized agent of the department ~~of~~  
85 ~~Juvenile Justice~~, the Parole Commission, the Department of  
86 Corrections, the juvenile justice circuit boards, any law  
87 enforcement agent, or any licensed professional or licensed  
88 community agency representative participating in the assessment  
89 or treatment of a juvenile is confidential and may be disclosed  
90 only to the authorized personnel of the court, the department ~~of~~  
91 ~~Juvenile Justice~~ and its designees, the Department of  
92 Corrections, the Parole Commission, law enforcement agents,  
93 school superintendents and their designees, the principal of a  
94 private school attended by the juvenile, any licensed  
95 professional or licensed community agency representative  
96 participating in the assessment or treatment of a juvenile, and  
97 others entitled under this chapter to receive that information,  
98 or upon order of the court. Within each county, the sheriff, the  
99 chiefs of police, the district school superintendent, and the  
100 department shall enter into an interagency agreement for the  
101 purpose of sharing information about juvenile offenders among  
102 all parties. The agreement must specify the conditions under  
103 which summary criminal history information is to be made  
104 available to appropriate school personnel, and the conditions  
105 under which school records are to be made available to  
106 appropriate department personnel. Such agreement shall require  
107 notification to any classroom teacher of assignment to the

108 | teacher's classroom of a juvenile who has been placed in a  
109 | probation or commitment program for a felony offense. The  
110 | agencies entering into such agreement must comply with s.  
111 | 943.0525, and must maintain the confidentiality of information  
112 | that is otherwise exempt from s. 119.07(1), as provided by law.

113 |       (b) The department shall disclose to the school  
114 | superintendent and the principal of a private school attended by  
115 | the child the presence of any child in the care and custody or  
116 | under the jurisdiction or supervision of the department who has  
117 | a known history of criminal sexual behavior with other  
118 | juveniles; is an alleged juvenile sex offender, as defined in s.  
119 | 39.01; or has pled guilty or nolo contendere to, or has been  
120 | found to have committed, a violation of chapter 794, chapter  
121 | 796, chapter 800, s. 827.071, or s. 847.0133, regardless of  
122 | adjudication. Any employee of a district school board or private  
123 | school who knowingly and willfully discloses such information to  
124 | an unauthorized person commits a misdemeanor of the second  
125 | degree, punishable as provided in s. 775.082 or s. 775.083.

126 |       (7) (a) Notwithstanding any other provision of this  
127 | section, when a child of any age is taken into custody by a law  
128 | enforcement officer for an offense that would have been a felony  
129 | if committed by an adult, or a crime of violence, the law  
130 | enforcement agency must notify the superintendent of schools, if  
131 | the child attends public school, or the principal of a private  
132 | school attended by the child, that the child is alleged to have  
133 | committed the delinquent act.

134 (b) Notwithstanding paragraph (a) or any other provision  
135 of this section, when a child of any age is formally charged by  
136 a state attorney with a felony or a delinquent act that would be  
137 a felony if committed by an adult, the state attorney shall  
138 notify the superintendent of schools, if the child attends  
139 public school, or the principal of a private school attended by  
140 the child, ~~the child's school~~ that the child has been charged  
141 with such felony or delinquent act. The information obtained by  
142 the superintendent of schools or private school principal  
143 pursuant to this section must be released within 48 hours after  
144 receipt to appropriate school personnel, including the principal  
145 of the public school of the child. The public or private school  
146 principal must immediately notify the child's immediate  
147 classroom teachers. Upon notification, the principal is  
148 authorized to begin disciplinary actions pursuant to s.  
149 1006.09(1)-(4).

150 Section 2. Paragraph (b) of subsection (1) of section  
151 985.207, Florida Statutes, is amended, and paragraph (e) is  
152 added to that subsection, to read:

153 985.207 Taking a child into custody.--

154 (1) A child may be taken into custody under the following  
155 circumstances:

156 (b) For a delinquent act or violation of law, pursuant to  
157 Florida law pertaining to a lawful arrest. If such delinquent  
158 act or violation of law would be a felony if committed by an  
159 adult or involves a crime of violence, the arresting authority  
160 shall immediately notify the district school superintendent, or

161 the superintendent's designee, of the school district with  
162 educational jurisdiction of the child or the principal of a  
163 private school attended by the child. Such notification shall  
164 include other education providers such as the Florida School for  
165 the Deaf and the Blind, university developmental research  
166 schools, and private elementary and secondary schools. The  
167 information obtained by the superintendent of schools or a  
168 private school principal pursuant to this section must be  
169 released within 48 hours after receipt to appropriate school  
170 personnel, including the principal of the child's public school,  
171 or as otherwise provided by law. The public or private school  
172 principal must immediately notify the child's immediate  
173 classroom teachers. Information provided by an arresting  
174 authority pursuant to this paragraph may not be placed in the  
175 student's permanent record and shall be removed from all school  
176 records no later than 9 months after the date of the arrest.

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

181  
182 Nothing in this subsection shall be construed to allow the  
183 detention of a child who does not meet the detention criteria in  
184 s. 985.215.

185 Section 3. Subsection (2), paragraphs (d) and (g) of  
186 subsection (5), and paragraph (b) of subsection (11) of section  
187 985.215, Florida Statutes, are amended to read:

188 985.215 Detention.--

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

193 (a) The child is alleged to be an escapee from a  
 194 residential commitment program, or an absconder from a  
 195 nonresidential commitment program, a probation program, or  
 196 conditional release supervision, or is alleged to have escaped  
 197 while being lawfully transported to or from a residential  
 198 commitment program.

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

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

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

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

210 (f) The child is charged with a capital felony, a life  
 211 felony, a felony of the first degree, a felony of the second  
 212 degree that does not involve a violation of chapter 893, or a  
 213 felony of the third degree that is also a crime of violence,



214 including any such offense involving the use or possession of a  
215 firearm.

216 (g) The child is charged with any second degree or third  
217 degree felony involving a violation of chapter 893 or any third  
218 degree felony that is not also a crime of violence, and the  
219 child:

- 220 1. Has a record of failure to appear at court hearings  
221 after being properly notified in accordance with the Rules of  
222 Juvenile Procedure;
- 223 2. Has a record of law violations prior to court hearings;
- 224 3. Has already been detained or has been released and is  
225 awaiting final disposition of the case;
- 226 4. Has a record of violent conduct resulting in physical  
227 injury to others; or
- 228 5. Is found to have been in possession of a firearm.

229 (h) The child is alleged to have violated the conditions  
230 of the child's probation or conditional release supervision.  
231 However, a child detained under this paragraph may be held only  
232 in a consequence unit as provided in s. 985.231(1)(a)1.c. If a  
233 consequence unit is not available, the child shall be placed on  
234 home detention with electronic monitoring.

235 (i) The child is detained on a judicial order for failure  
236 to appear and has previously willfully failed to appear, after  
237 proper notice, for an adjudicatory hearing on the same case  
238 regardless of the results of the risk assessment instrument. A  
239 child may be held in secure detention for up to 72 hours in  
240 advance of the next scheduled court hearing pursuant to this

241 paragraph. The child's failure to keep the clerk of court and  
242 defense counsel informed of a current and valid mailing address  
243 where the child will receive notice to appear at court  
244 proceedings does not provide an adequate ground for excusal of  
245 the child's nonappearance at the hearings.

246 (j) The child is detained on a judicial order for failure  
247 to appear and has previously willfully failed to appear, after  
248 proper notice, at two or more court hearings of any nature on  
249 the same case regardless of the results of the risk assessment  
250 instrument. A child may be held in secure detention for up to 72  
251 hours in advance of the next scheduled court hearing pursuant to  
252 this paragraph. The child's failure to keep the clerk of court  
253 and defense counsel informed of a current and valid mailing  
254 address where the child will receive notice to appear at court  
255 proceedings does not provide an adequate ground for excusal of  
256 the child's nonappearance at the hearings.

257 (k) At his or her adjudicatory hearing, the child has been  
258 found to have committed a delinquent act or violation of law and  
259 has previously willfully failed to appear, after proper notice,  
260 for other delinquency court proceedings of any nature regardless  
261 of the results of the risk assessment instrument. A child may be  
262 held in secure detention or, at the discretion of the court and  
263 if available, placed on home detention with electronic  
264 monitoring until the child's disposition order is entered in his  
265 or her case. The child's failure to keep the clerk of court and  
266 defense counsel informed of a current and valid mailing address  
267 where the child will receive notice to appear at court

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

270

271 A child who meets any of these criteria and who is ordered to be  
272 detained pursuant to this subsection shall be given a hearing  
273 within 24 hours after being taken into custody. The purpose of  
274 the detention hearing is to determine the existence of probable  
275 cause that the child has committed the delinquent act or  
276 violation of law with which he or she is charged and the need  
277 for continued detention, except where the child is alleged to  
278 have absconded from a nonresidential commitment program in which  
279 case the court, at the detention hearing, shall order that the  
280 child be released from detention and returned to his or her  
281 nonresidential commitment program. Unless a child is detained  
282 under paragraph (d), ~~or~~ paragraph (e), or paragraph (k), the  
283 court shall use the results of the risk assessment performed by  
284 the juvenile probation officer and, based on the criteria in  
285 this subsection, shall determine the need for continued  
286 detention. A child placed into secure, nonsecure, or home  
287 detention care may continue to be so detained by the court  
288 pursuant to this subsection. If the court orders a placement  
289 more restrictive than indicated by the results of the risk  
290 assessment instrument, the court shall state, in writing, clear  
291 and convincing reasons for such placement. Except as provided in  
292 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),  
293 paragraph (10)(c), or paragraph (10)(d), when a child is placed  
294 into secure or nonsecure detention care, or into a respite home

295 or other placement pursuant to a court order following a  
296 hearing, the court order must include specific instructions that  
297 direct the release of the child from such placement no later  
298 than 5 p.m. on the last day of the detention period specified in  
299 paragraph (5) (b) or paragraph (5) (c), or subparagraph (10) (a)1.,  
300 whichever is applicable, unless the requirements of such  
301 applicable provision have been met or an order of continuance  
302 has been granted pursuant to paragraph (5) (f).

303 (5)

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

308 (g) Upon good cause being shown that the nature of the  
309 charge requires additional time for the prosecution or defense  
310 of the case, the court may extend the time limits for detention  
311 specified in paragraph (c) or paragraph (d) an additional 9 days  
312 if the child is charged with an offense that would be, if  
313 committed by an adult, a capital felony, a life felony, a felony  
314 of the first degree, or a felony of the second degree involving  
315 violence against any individual.

316 (11)

317 (b) When a juvenile sexual offender, pursuant to this  
318 subsection, is released from detention or transferred to home  
319 detention or nonsecure detention, detention staff shall  
320 immediately notify the appropriate law enforcement agency and

321 school personnel at the public or private school attended by the  
322 offender.

323 Section 4. Subsection (5) of section 985.228, Florida  
324 Statutes, is amended to read:

325 985.228 Adjudicatory hearings; withheld adjudications;  
326 orders of adjudication.--

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

334 (b) The order of adjudication of delinquency under  
335 paragraph (a) shall also include conditions that must be  
336 followed by the child until a disposition order is entered in  
337 his or her case. These conditions must include, but are not  
338 limited to, specifying that the child, during any period of time  
339 that he or she:

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

343 2. Is in secure detention, is prohibited from engaging in  
344 ungovernable behavior.

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

347       1. The child's failing to obey the reasonable and lawful  
348 demands of the child's parent or legal guardian and, where  
349 applicable, the reasonable and lawful demands of a person  
350 responsible for supervising the child while he or she is in  
351 school, another educational program, or secure detention.

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

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

357       (d) If a child willfully violates a condition contained in  
358 his or her order of adjudication of delinquency, the court may  
359 find the child in direct or indirect contempt of court under s.  
360 985.216; however, notwithstanding s. 985.216 and the results of  
361 the risk assessment instrument, the child's sanctions for such  
362 contempt of court shall be placement in secure detention or, at  
363 the discretion of the court and if available, on home detention  
364 with electronic monitoring until the child's disposition order  
365 is entered in his or her case.

366       Section 5. Paragraph (a) of subsection (1) of section  
367 985.31, Florida Statutes, is amended to read:

368       985.31 Serious or habitual juvenile offender.--

369       (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the  
370 provisions of this chapter and the establishment of appropriate  
371 program guidelines and standards, contractual instruments, which  
372 shall include safeguards of all constitutional rights, shall be  
373 developed as follows:

374 (a) The department shall provide for:

375 1. The oversight of implementation of assessment and  
376 treatment approaches.

377 2. The identification and prequalification of appropriate  
378 individuals or not-for-profit organizations, including minority  
379 individuals or organizations when possible, to provide  
380 assessment and treatment services to serious or habitual  
381 delinquent children.

382 3. The monitoring and evaluation of assessment and  
383 treatment services for compliance with the provisions of this  
384 chapter and all applicable rules and guidelines pursuant  
385 thereto.

386 ~~4. The development of an annual report on the performance~~  
387 ~~of assessment and treatment to be presented to the Governor, the~~  
388 ~~Attorney General, the President of the Senate, the Speaker of~~  
389 ~~the House of Representatives, and the Auditor General no later~~  
390 ~~than January 1 of each year.~~

391 Section 6. Paragraph (a) of subsection (1) of section  
392 985.311, Florida Statutes, is amended to read:

393 985.311 Intensive residential treatment program for  
394 offenders less than 13 years of age.--

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

401 (a) The department shall provide for:

402 1. The oversight of implementation of assessment and  
403 treatment approaches.

404 2. The identification and prequalification of appropriate  
405 individuals or not-for-profit organizations, including minority  
406 individuals or organizations when possible, to provide  
407 assessment and treatment services to intensive offenders less  
408 than 13 years of age.

409 3. The monitoring and evaluation of assessment and  
410 treatment services for compliance with the provisions of this  
411 chapter and all applicable rules and guidelines pursuant  
412 thereto.

413 ~~4. The development of an annual report on the performance~~  
414 ~~of assessment and treatment to be presented to the Governor, the~~  
415 ~~Attorney General, the President of the Senate, the Speaker of~~  
416 ~~the House of Representatives, the Auditor General, and the~~  
417 ~~Office of Program Policy Analysis and Government Accountability~~  
418 ~~no later than January 1 of each year.~~

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

421 985.317 Literacy programs for juvenile offenders.--

422 ~~(5) EVALUATION AND REPORT. The department, in~~  
423 ~~consultation with the Department of Education, shall develop and~~  
424 ~~implement an evaluation of the literacy program in order to~~  
425 ~~determine the impact of the programs on recidivism. The~~  
426 ~~department shall submit an annual report on the implementation~~  
427 ~~and progress of the programs to the President of the Senate and~~



428 ~~the Speaker of the House of Representatives by January 1 of each~~  
429 ~~year.~~

430 Section 8. Section 985.3142, Florida Statutes, is created  
431 to read:

432 985.3142 Failure to return from a temporary release.--The  
433 willful failure of a child to return to a residential commitment  
434 facility described in s. 985.03(46) within the time authorized  
435 for a temporary release shall:

436 (1) For a first offense, constitute absconding and such  
437 offense shall be treated in the same manner as absconding from a  
438 nonresidential commitment facility under this chapter, except  
439 that under s. 985.215(2) the court shall order that the child be  
440 returned to his or her residential commitment facility at the  
441 child's detention hearing.

442 (2) For a second or subsequent offense, constitute a  
443 misdemeanor of the second degree, punishable as provided in s.  
444 775.082 or s. 775.083.

445 Section 9. Section 985.412, Florida Statutes, is amended  
446 to read:

447 985.412 Program review and reporting requirements ~~Quality~~  
448 ~~assurance and cost effectiveness.--~~

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

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

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

456           (c)~~(b)~~ Provide information about the cost of ~~such~~ programs  
 457 and their differential effectiveness so that program ~~the~~ quality  
 458 may ~~of such programs can~~ be compared and improvements made  
 459 continually.

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

462           (e)~~(d)~~ Provide information to the public about the  
 463 effectiveness of ~~such~~ programs in meeting established goals and  
 464 objectives.

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

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

469           (h)~~(g)~~ Modify or eliminate activities that are not  
 470 effective.

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

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

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

478           (c)~~(b)~~ "Program component" means an aggregation of  
 479 generally related objectives which, because of their special  
 480 character, related workload, and interrelated output, can

481 | logically be considered an entity for purposes of organization,  
 482 | management, accounting, reporting, and budgeting.

483 | ~~(c) "Program effectiveness" means the ability of the~~  
 484 | ~~program to achieve desired client outcomes, goals, and~~  
 485 | ~~objectives.~~

486 | (d) "Program group" means a collection of programs with  
 487 | sufficient similarity of function, services, and youth to permit  
 488 | appropriate comparisons among programs within the group.

489 | (3) OUTCOME EVALUATION.--The department, in consultation  
 490 | with the Office of Economic and Demographic Research, the Office  
 491 | of Program Policy Analysis and Government Accountability, and  
 492 | contract service providers, shall develop and use a standard  
 493 | methodology for annually measuring, evaluating, and reporting  
 494 | program outputs and youth outcomes for each program and program  
 495 | group.

496 | (a) The standard methodology must:

497 | 1. Incorporate, whenever possible, performance-based  
 498 | budgeting measures.

499 | 2. Include common terminology and operational definitions  
 500 | for measuring the performance of system and program  
 501 | administration, program outputs, and youth outcomes.

502 | 3. Specify program outputs for each program and for each  
 503 | program group within the juvenile justice continuum.

504 | 4. Specify desired youth outcomes and methods by which to  
 505 | measure youth outcomes for each program and program group.

506 | (b) By February 15 of each year, the department shall  
 507 | submit to the appropriate substantive and fiscal committees of

508 each house of the Legislature and the Governor a report that  
509 identifies and describes:

510 1. The standard methodology implemented under paragraph  
511 (a).

512 2. The programs offered within each program group.

513 3. The demographic profile and offense history of youth  
514 served in each program group.

515 4. The actual program outputs and youth outcomes achieved  
516 in each program group. The department shall annually collect and  
517 report cost data for every program operated or contracted by the  
518 department. The cost data shall conform to a format approved by  
519 the department and the Legislature. Uniform cost data shall be  
520 reported and collected for state operated and contracted  
521 programs so that comparisons can be made among programs. The  
522 department shall ensure that there is accurate cost accounting  
523 for state operated services including market equivalent rent and  
524 other shared cost. The cost of the educational program provided  
525 to a residential facility shall be reported and included in the  
526 cost of a program. The department shall submit an annual cost  
527 report to the President of the Senate, the Speaker of the House  
528 of Representatives, the Minority Leader of each house of the  
529 Legislature, the appropriate substantive and fiscal committees  
530 of each house of the Legislature, and the Governor, no later  
531 than December 1 of each year. Cost benefit analysis for  
532 educational programs will be developed and implemented in  
533 collaboration with and in cooperation with the Department of  
534 Education, local providers, and local school districts. Cost

535 ~~data for the report shall include data collected by the~~  
536 ~~Department of Education for the purposes of preparing the annual~~  
537 ~~report required by s. 1003.52(19).~~

538 (4) ~~(a)~~ PROGRAM ACCOUNTABILITY MEASURES. ~~--~~The department ~~of~~  
539 ~~Juvenile Justice~~, in consultation with the Office of Economic  
540 and Demographic Research, and contract service providers, shall  
541 develop a cost-effectiveness model and apply the model to each  
542 commitment program. ~~Program recidivism rates shall be a~~  
543 ~~component of the model.~~

544 (a) The cost-effectiveness model shall compare program  
545 costs to expected and actual youth recidivism rates ~~client~~  
546 ~~outcomes and program outputs~~. It is the intent of the  
547 Legislature that continual development efforts take place to  
548 improve the validity and reliability of the cost-effectiveness  
549 model ~~and to integrate the standard methodology developed under~~  
550 ~~s. 985.401(4) for interpreting program outcome evaluations.~~

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

555 (c) Based on ~~reports of the department on client outcomes~~  
556 ~~and program outputs~~ and on the department's most recent cost-  
557 effectiveness rankings, the department may terminate a  
558 commitment program ~~operated by the department or a provider~~ if  
559 the program has failed to achieve a minimum threshold of cost-  
560 effectiveness ~~program effectiveness~~. This paragraph does not  
561 preclude the department from terminating a contract as provided

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

565 |         (d) In collaboration with the Office of Economic and  
 566 | Demographic Research, and contract service providers, the  
 567 | department shall develop a work plan to refine the cost-  
 568 | effectiveness model so that the model is consistent with the  
 569 | performance-based program budgeting measures approved by the  
 570 | Legislature to the extent the department deems appropriate. The  
 571 | department shall notify the Office of Program Policy Analysis  
 572 | and Government Accountability of any meetings to refine the  
 573 | model.

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

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

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

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

586 |             4. Use the results of these evaluations in developing or  
 587 | refining juvenile justice programs or program models, youth

588 ~~client~~ outcomes and program outputs, provider contracts, quality  
589 assurance standards, and the cost-effectiveness model.

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

591 (a) Establish a comprehensive quality assurance system for  
592 each program ~~operated by the department or operated by a~~  
593 ~~provider under contract with the department~~. Each contract  
594 entered into by the department must provide for quality  
595 assurance.

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

598 (c) Establish quality assurance goals and objectives for  
599 each specific program component.

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

602 (e) Develop a quality assurance manual of specific,  
603 standardized terminology and procedures to be followed by each  
604 program.

605 (f) Evaluate each program ~~operated by the department or a~~  
606 ~~provider under a contract with the department~~ and establish  
607 minimum thresholds for each program component. If a provider  
608 fails to meet the established minimum thresholds, such failure  
609 shall cause the department to cancel the provider's contract  
610 unless the provider achieves compliance with minimum thresholds  
611 within 6 months or unless there are documented extenuating  
612 circumstances. In addition, the department may not contract with  
613 the same provider for the canceled service for a period of 12  
614 months. If a department-operated program fails to meet the

615 established minimum thresholds, the department must take  
616 necessary and sufficient steps to ensure and document program  
617 changes to achieve compliance with the established minimum  
618 thresholds. If the department-operated program fails to achieve  
619 compliance with the established minimum thresholds within 6  
620 months and if there are no documented extenuating circumstances,  
621 the department must notify the Executive Office of the Governor  
622 and the Legislature of the corrective action taken. Appropriate  
623 corrective action may include, but is not limited to:

- 624 1. Contracting out for the services provided in the  
625 program;
- 626 2. Initiating appropriate disciplinary action against all  
627 employees whose conduct or performance is deemed to have  
628 materially contributed to the program's failure to meet  
629 established minimum thresholds;
- 630 3. Redesigning the program; or
- 631 4. Realigning the program.

632 (g) ~~The department shall~~ Submit an annual report to the  
633 President of the Senate, the Speaker of the House of  
634 Representatives, the minority leader of each house of the  
635 Legislature, the appropriate substantive and fiscal committees  
636 of each house of the Legislature, and the Governor by, ~~no later~~  
637 ~~than~~ February 1 of each year. The annual report must contain, at  
638 a minimum, for each ~~specific program component~~:

- 639 1. A comprehensive description of the population served.  
640 ~~by the program;~~
- 641 2. A specific description of its ~~the~~ services.



642       3. A summary of the performance of each program component  
643 evaluated. provided by the program;

644       4. Cost data that is reported in a uniform format so that  
645 cost comparisons may be made among programs. For a residential  
646 program, the cost data must include the cost of its educational  
647 program.

648       5. A comparison of expenditures to federal and state  
649 funding.

650       6. Immediate and long-range concerns.

651       7. Recommendations to maintain, expand, improve, modify,  
652 or eliminate each program component so that changes in services  
653 lead to enhancement in program quality. The department shall  
654 ensure the reliability and validity of the information contained  
655 in the report.

656       ~~(6) The department shall collect and analyze available~~  
657 ~~statistical data for the purpose of ongoing evaluation of all~~  
658 ~~programs. The department shall provide the Legislature with~~  
659 ~~necessary information and reports to enable the Legislature to~~  
660 ~~make informed decisions regarding the effectiveness of, and any~~  
661 ~~needed changes in, services, programs, policies, and laws.~~

662       ~~(7) No later than November 1, 2001, the department shall~~  
663 ~~submit a proposal to the Legislature concerning funding~~  
664 ~~incentives and disincentives for the department and for~~  
665 ~~providers under contract with the department. The~~  
666 ~~recommendations for funding incentives and disincentives shall~~  
667 ~~be based upon both quality assurance performance and cost-~~  
668 ~~effectiveness performance. The proposal should strive to achieve~~

669 ~~consistency in incentives and disincentives for both department-~~  
670 ~~operated and contractor provided programs. The department may~~  
671 ~~include recommendations for the use of liquidated damages in the~~  
672 ~~proposal; however, the department is not presently authorized to~~  
673 ~~contract for liquidated damages in non hardware secure~~  
674 ~~facilities until January 1, 2002.~~

675 Section 10. Judicial discretion to select commitment  
676 programs; pilot program.--

677 (1) The definitions contained in s. 985.03, Florida  
678 Statutes, apply to this section. Additionally, for purposes of  
679 this section, the term:

680 (a) "Available placement" means a commitment program for  
681 which the department has determined the youth is eligible.

682 (b) "Commitment program" means a facility, service, or  
683 program operated by the department or by a provider under  
684 contract with the department within a restrictiveness level.

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

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

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

693 (2) Between September 1, 2006, and July 1, 2010, a pilot  
694 program shall be conducted in the First, Eleventh, Thirteenth,  
695 and Twentieth Judicial Circuits which authorizes delinquency

696 courts to select commitment programs for youth. The purpose of  
697 the pilot program is to identify and evaluate the benefits and  
698 disadvantages of affording such judicial discretion prior to  
699 legislative consideration of statewide implementation.

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

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

703 (b) Publish on its Internet website information that  
704 identifies the name and address of each commitment program and  
705 that describes for each identified commitment program the  
706 population of youth served; the maximum capacity; the services  
707 offered; the admission criteria; the most recent recidivism  
708 rates; and the most recent cost-effectiveness rankings and  
709 quality assurance results under s. 985.412, Florida Statutes.  
710 The department shall continually update information published  
711 under this paragraph as modifications occur.

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

714 (a) Order the department to include in a youth's  
715 predisposition report a list of all available placements within  
716 each restrictiveness level identified by the court or  
717 recommended by the department. The list shall also indicate the  
718 wait period for each available placement identified by the  
719 department.

720 (b)1. Specify for a youth committed by the court an  
721 available placement identified in the listing under paragraph  
722 (a), which has a wait period of 30 calendar days or less for a

723 minimum-risk nonresidential, low-risk residential, moderate-risk  
724 residential, or high-risk residential commitment program or a  
725 wait period of 20 calendar days or less for a maximum-risk  
726 residential commitment program; or

727 2. Alternatively, a delinquency court may specify:

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

732 b. A commitment program that is not listed as an available  
733 placement, if the court states reasons on the record  
734 establishing by a preponderance of the evidence that the youth  
735 is eligible for the commitment program and that the commitment  
736 program is in the youth's best interest.

737 (5) When a delinquency court specifies an available  
738 placement or commitment program for a youth under paragraph  
739 (4)(b), the youth shall be placed, as specified by the court,  
740 when the next regularly scheduled opening occurs after the  
741 placement of other youth who were previously committed and  
742 waiting for that program.

743 (6)(a) The Office of Program Policy Analysis and  
744 Government Accountability shall conduct a longitudinal  
745 evaluation of the pilot program created by this section and  
746 shall submit a written report to the appropriate substantive and  
747 fiscal committees of the Legislature and to the Governor on  
748 January 1, 2008, and annually thereafter, which identifies,  
749 according to judicial circuit and restrictiveness level, the

750 following data, as it becomes available, for the pilot program  
751 period:

752 1. The number of youth committed to the department by a  
753 delinquency court.

754 2. The number of youth placed by a delinquency court in an  
755 available placement under subparagraph (4)(b)1. and sub-  
756 subparagraph (4)(b)2.a. and in a commitment program under sub-  
757 subparagraph (4)(b)2.b.

758 3. The number of youth placed in a department-specified  
759 commitment program.

760 4. The average wait period for, and the average number of  
761 days spent by youth in secure detention while awaiting placement  
762 in, delinquency court-specified commitment programs and  
763 department-specified commitment programs.

764 5. The number of youth who complete, and who are otherwise  
765 released from, delinquency court-specified commitment programs  
766 and department-specified commitment programs.

767 6. Educational achievements made by youth while  
768 participating in delinquency court-specified commitment programs  
769 and department-specified commitment programs.

770 7. The number of youth who are taken into custody for a  
771 felony or misdemeanor within 6 months following completion of  
772 delinquency court-specified commitment programs and department-  
773 specified commitment programs.

774 (b) Before August 31, 2006:

775 1. The department, in consultation with the Office of  
776 Program Policy Analysis and Government Accountability, shall

777 develop reporting protocols to collect and maintain data  
778 necessary for the report required by this subsection.

779 2. The Office of Program Policy Analysis and Government  
780 Accountability, in consultation with staff of the appropriate  
781 substantive and fiscal committees of the Legislature, shall  
782 develop common terminology and operational definitions for the  
783 measurement of data necessary for the report required by this  
784 subsection.

785 (c) The reports required under paragraph (a) to be  
786 submitted on January 1, 2009, and January 1, 2010, must also  
787 include:

788 1. Findings by the Office of Program Policy Analysis and  
789 Government Accountability, the department, and delinquency  
790 courts regarding the benefits and disadvantages of authorizing  
791 courts to select commitment programs.

792 2. Recommendations by the Office of Program Policy  
793 Analysis and Government Accountability, the department, and  
794 delinquency courts, if found to be warranted, for amendments to  
795 current statutes addressing commitment.

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

797 Section 11. This act shall take effect July 1, 2006.