

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Barreiro offered the following:

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

4 Remove everything after the enacting clause and insert:

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

7 39.01 Definitions.--When used in this chapter, unless the
8 context otherwise requires:

9 (47) "Other person responsible for a child's welfare"
10 includes the child's legal guardian, legal custodian, or foster
11 parent; an employee of a private school, public or private child
12 day care center, residential home, institution, facility, or
13 agency; a law enforcement officer employed in any facility,
14 service, or program for children that is operated or contracted
15 by the Department of Juvenile Justice; or any other person
16 legally responsible for the child's welfare in a residential
17 setting; and also includes an adult sitter or relative entrusted

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18 with a child's care. For the purpose of departmental
19 investigative jurisdiction, this definition does not include the
20 following persons when they are acting in an official capacity:
21 law enforcement officers, except as otherwise provided in this
22 subsection; or employees of municipal or county detention
23 facilities; or employees of the Department of Corrections, ~~while~~
24 ~~acting in an official capacity.~~

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

27 985.207 Taking a child into custody.--

28 (1) A child may be taken into custody under the following
29 circumstances:

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

34
35 Nothing in this subsection shall be construed to allow the
36 detention of a child who does not meet the detention criteria in
37 s. 985.215.

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

41 985.215 Detention.--

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

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46 (a) The child is alleged to be an escapee from a
47 residential commitment program, or an absconder from a
48 nonresidential commitment program, a probation program, or
49 conditional release supervision, or is alleged to have escaped
50 while being lawfully transported to or from a residential
51 commitment program.

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

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

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

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

63 (f) The child is charged with a capital felony, a life
64 felony, a felony of the first degree, a felony of the second
65 degree that does not involve a violation of chapter 893, or a
66 felony of the third degree that is also a crime of violence,
67 including any such offense involving the use or possession of a
68 firearm.

69 (g) The child is charged with any second degree or third
70 degree felony involving a violation of chapter 893 or any third
71 degree felony that is not also a crime of violence, and the
72 child:

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73 1. Has a record of failure to appear at court hearings
74 after being properly notified in accordance with the Rules of
75 Juvenile Procedure;

76 2. Has a record of law violations prior to court hearings;

77 3. Has already been detained or has been released and is
78 awaiting final disposition of the case;

79 4. Has a record of violent conduct resulting in physical
80 injury to others; or

81 5. Is found to have been in possession of a firearm.

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

88 (i) The child is detained on a judicial order for failure
89 to appear and has previously willfully failed to appear, after
90 proper notice, for an adjudicatory hearing on the same case
91 regardless of the results of the risk assessment instrument. A
92 child may be held in secure detention for up to 72 hours in
93 advance of the next scheduled court hearing pursuant to this
94 paragraph. The child's failure to keep the clerk of court and
95 defense counsel informed of a current and valid mailing address
96 where the child will receive notice to appear at court
97 proceedings does not provide an adequate ground for excusal of
98 the child's nonappearance at the hearings.

99 (j) The child is detained on a judicial order for failure
100 to appear and has previously willfully failed to appear, after
101 proper notice, at two or more court hearings of any nature on
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102 the same case regardless of the results of the risk assessment
103 instrument. A child may be held in secure detention for up to 72
104 hours in advance of the next scheduled court hearing pursuant to
105 this paragraph. The child's failure to keep the clerk of court
106 and defense counsel informed of a current and valid mailing
107 address where the child will receive notice to appear at court
108 proceedings does not provide an adequate ground for excusal of
109 the child's nonappearance at the hearings.

110 (k) At his or her adjudicatory hearing, the child has been
111 found to have committed a delinquent act or violation of law and
112 has previously willfully failed to appear, after proper notice,
113 for other delinquency court proceedings of any nature regardless
114 of the results of the risk assessment instrument. A child may be
115 held in secure detention or, at the discretion of the court and
116 if available, placed on home detention with electronic
117 monitoring until the child's disposition order is entered in his
118 or her case. The child's failure to keep the clerk of court and
119 defense counsel informed of a current and valid mailing address
120 where the child will receive notice to appear at court
121 proceedings does not provide an adequate ground for excusal of
122 the child's nonappearance at the hearings.

123
124 A child who meets any of these criteria and who is ordered to be
125 detained pursuant to this subsection shall be given a hearing
126 within 24 hours after being taken into custody. The purpose of
127 the detention hearing is to determine the existence of probable
128 cause that the child has committed the delinquent act or
129 violation of law with which he or she is charged and the need
130 for continued detention, except where the child is alleged to

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131 have absconded from a nonresidential commitment program in which
132 case the court, at the detention hearing, shall order that the
133 child be released from detention and returned to his or her
134 nonresidential commitment program. Unless a child is detained
135 under paragraph (d), ~~or~~ paragraph (e), or paragraph (k), the
136 court shall use the results of the risk assessment performed by
137 the juvenile probation officer and, based on the criteria in
138 this subsection, shall determine the need for continued
139 detention. A child placed into secure, nonsecure, or home
140 detention care may continue to be so detained by the court
141 pursuant to this subsection. If the court orders a placement
142 more restrictive than indicated by the results of the risk
143 assessment instrument, the court shall state, in writing, clear
144 and convincing reasons for such placement. Except as provided in
145 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),
146 paragraph (10)(c), or paragraph (10)(d), when a child is placed
147 into secure or nonsecure detention care, or into a respite home
148 or other placement pursuant to a court order following a
149 hearing, the court order must include specific instructions that
150 direct the release of the child from such placement no later
151 than 5 p.m. on the last day of the detention period specified in
152 paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1.,
153 whichever is applicable, unless the requirements of such
154 applicable provision have been met or an order of continuance
155 has been granted pursuant to paragraph (5)(f).

156 (5)

157 (d) Except as provided in paragraph (2)(k), paragraph (g),
158 or s. 985.228(5), a child may not be held in secure, nonsecure,

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159 | or home detention care for more than 15 days following the entry
160 | of an order of adjudication.

161 | (g) Upon good cause being shown that the nature of the
162 | charge requires additional time for the prosecution or defense
163 | of the case, the court may extend the time limits for detention
164 | specified in paragraph (c) or paragraph (d) an additional 9 days
165 | if the child is charged with an offense that would be, if
166 | committed by an adult, a capital felony, a life felony, a felony
167 | of the first degree, or a felony of the second degree involving
168 | violence against any individual.

169 | Section 4. Paragraph (b) of subsection (2) of section
170 | 985.2155, Florida Statutes, is amended to read:

171 | 985.2155 Shared county and state responsibility for
172 | juvenile detention.--

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

174 | (b) "Fiscally constrained county" means a county
175 | ~~designated as a rural area of critical economic concern under s.~~
176 | ~~288.0656~~ for which the value of a mill in the county is no more
177 | than \$4 ~~\$3~~ million, based on the property valuations and tax
178 | data annually published by the Department of Revenue under s.
179 | 195.052.

180 | Section 5. Subsection (5) of section 985.228, Florida
181 | Statutes, is amended to read:

182 | 985.228 Adjudicatory hearings; withheld adjudications;
183 | orders of adjudication.--

184 | (5) (a) If the court finds that the child named in a
185 | petition has committed a delinquent act or violation of law, but
186 | elects not to proceed under subsection (4), it shall incorporate
187 | that finding in an order of adjudication of delinquency entered
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188 in the case, briefly stating the facts upon which the finding is
189 made, and the court shall thereafter have full authority under
190 this chapter to deal with the child as adjudicated.

191 (b) The order of adjudication of delinquency under
192 paragraph (a) shall also include conditions that must be
193 followed by the child until a disposition order is entered in
194 his or her case. These conditions must include, but are not
195 limited to, specifying that the child, during any period of time
196 that he or she:

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

200 2. Is in secure detention, is prohibited from engaging in
201 ungovernable behavior.

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

204 1. The child's failing to obey the reasonable and lawful
205 demands of the child's parent or legal guardian and, where
206 applicable, the reasonable and lawful demands of a person
207 responsible for supervising the child while he or she is in
208 school, another educational program, or secure detention.

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

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

214 (d) If a child willfully violates a condition contained in
215 his or her order of adjudication of delinquency, the court may
216 find the child in direct or indirect contempt of court under s.
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217 | 985.216; however, notwithstanding s. 985.216 and the results of
218 | the risk assessment instrument, the child's sanctions for such
219 | contempt of court shall be placement in secure detention or, at
220 | the discretion of the court and if available, on home detention
221 | with electronic monitoring until the child's disposition order
222 | is entered in his or her case.

223 | Section 6. Paragraph (j) of subsection (1) of section
224 | 985.231, Florida Statutes, is amended to read:

225 | 985.231 Powers of disposition in delinquency cases.--

226 | (1)

227 | (j) If the offense committed by the child was grand theft
228 | of a motor vehicle, the court:

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

234 | 2. Upon a second adjudication for grand theft of a motor
235 | vehicle which is separate and unrelated to the previous
236 | adjudication, may place the child youth in a sheriff's training
237 | and respect program ~~boot camp~~, unless the child is ineligible
238 | under s. 985.3091 pursuant to s. 985.309, and shall order the
239 | child youth to complete a minimum of 100 hours of community
240 | service.

241 | 3. Upon a third adjudication for grand theft of a motor
242 | vehicle which is separate and unrelated to the previous
243 | adjudications, shall place the child youth in a sheriff's
244 | training and respect program ~~boot camp~~ or other treatment
245 | program, unless the child is ineligible under s. 985.3091

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

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

249 Section 8. Section 985.3091, Florida Statutes, is created
250 to read:

251 985.3091 Sheriff's training and respect programs.--

252 (1) Contingent upon specific appropriation, local funding,
253 or specific appropriation and local funding, a county sheriff
254 may, under contract with the department, implement and operate a
255 sheriff's training and respect program to provide intensive
256 education, physical training, and rehabilitation for children
257 who are eligible under subsection (2). A sheriff's training and
258 respect program shall be under the sheriff's supervisory
259 authority as determined by the contract between the department
260 and the sheriff.

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

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

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

269 (c) Has a medical, psychological, and substance abuse
270 profile that is conducive to successful completion of the
271 program, as determined by the sheriff's and department's review
272 of preadmission medical, psychological, and substance abuse
273 screenings conducted by the department.

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274 (d) Will be placed in the judicial circuit in which the
275 child was adjudicated, except that the child may be placed
276 outside of that judicial circuit if:

277 1. The department, or the court if otherwise authorized by
278 law to select a commitment program within a restrictiveness
279 level for a child, determines that placement within the judicial
280 circuit would not be in the child's best interest or the
281 sheriff's training and respect program is unable to accept the
282 child; and

283 2. The child's parent or guardian agrees in writing to the
284 placement.

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

287 (a) Participate in physical training exercises.

288 (b) Complete educational, vocational, community service,
289 and substance abuse programs.

290 (c) Receive training in life and job skills and in
291 techniques for appropriate decisionmaking.

292 (d) Receive counseling that is directed at replacing
293 criminal thinking, beliefs, and values with moral thinking,
294 beliefs, and values.

295 (4) A sheriff's training and respect program shall be a
296 moderate-risk residential program and must provide conditional
297 release assessment and services in accordance with s. 985.316.
298 The minimum period of participation in the residential component
299 of a sheriff's training and respect program is 4 months;
300 however, this subsection does not prohibit operation of a
301 program that requires the participants to spend more than 4
302 months in the residential component of the program or that

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303 requires the participants to complete two sequential programs of
304 4 months each in the residential component of the program.

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

308 (a) Requirements for the preadmission medical,
309 psychological, and substance abuse screenings required by
310 subsection (2).

311 (b) Authorized disciplinary sanctions and restrictions on
312 the privileges of the general population of children in the
313 program. The rules must prohibit the use of physical force or
314 restraint except as authorized in rules adopted pursuant to s.
315 985.4055 and must specifically preclude the use of physical
316 force or restraint as a disciplinary sanction or to encourage
317 compliance with program requirements.

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

321 (d) Requirements for provision of notice by the program to
322 the department and for the removal of a child from the program
323 if the child becomes unmanageable or ineligible for the program
324 due to changes in his or her medical, psychological, or
325 substance abuse profile.

326 (e) Requirements for the prominent display of the
327 telephone number of the statewide abuse registry and for
328 immediate access by children in the program, upon request, to a
329 telephone for the purpose of contacting the abuse registry.

330 (6) (a) Evaluations under s. 985.412(5) of each sheriff's
331 training and respect program shall be conducted quarterly during
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332 the first year of the program's operation. Thereafter, if the
333 program has met the minimum thresholds for the evaluation, the
334 program shall be evaluated annually. If a sheriff's training and
335 respect program fails to meet the minimum thresholds, the
336 department shall cancel the contract for the program:

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

341 2. If the program fails to achieve compliance with the
342 minimum thresholds for program continuation within 3 months,
343 unless there are documented extenuating circumstances, as
344 defined in department rule.

345 (b) Upon cancellation of a contract under paragraph (a),
346 the program's operations shall immediately cease and the
347 department shall immediately discontinue any state payments to
348 the program.

349 (7) The department shall keep records and monitor criminal
350 activity, educational progress, and employment placement of all
351 sheriff's training and respect program participants after their
352 release from the program. The department must annually publish
353 an outcome evaluation study of each sheriff's training and
354 respect program.

355 (8) (a) The department shall adopt rules under ss.
356 120.536(1) and 120.54 that establish training requirements for
357 staff in a sheriff's training and respect program. These
358 requirements shall, at a minimum, require administrative staff
359 to successfully complete 120 contact hours of department-
360 approved training and staff who provide direct care, as defined
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361 in s. 985.4055, to successfully complete 200 contact hours of
362 department-approved training.

363 (b) Department-approved training must include, but is not
364 limited to, training on:

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

366 2. Authorized disciplinary sanctions, privilege
367 restrictions, and limitations on use of physical force and
368 restraint techniques under paragraph (5)(b) and prohibited
369 psychological intimidation techniques under paragraph (5)(c).

370 3. Appropriate counseling techniques and aggression
371 control methods.

372 4. Appropriate methods for dealing with children who have
373 been placed in programs that emphasize physical fitness and
374 personal discipline, including training on the identification
375 of, and appropriate responses to, children who are experiencing
376 physical or mental distress.

377 5. Cardiopulmonary resuscitation, choke-relief, and other
378 emergency medical procedures.

379 (c) All department-approved training courses under this
380 subsection must be taught by persons who are certified as
381 instructors by the Division of Criminal Justice Standards and
382 Training of the Department of Law Enforcement and who have prior
383 experience in a juvenile program. A training course in
384 counseling techniques need not be taught by a certified
385 instructor but must be taught by a person who has at least a
386 bachelor's degree in social work, counseling, psychology, or a
387 related field.

388 (d) A person may not provide direct care, as defined in s.
389 985.4055, to a child in a sheriff's training and respect program
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390 unless he or she has successfully completed the training
391 requirements under this subsection and has complied with the
392 requirements for employees under s. 985.4055(2)(b)-(d).

393 (9) Children shall not be admitted to a sheriff's training
394 and respect program until the department has adopted the rules
395 required by this section and has verified that each program is
396 in compliance with all laws and rules applicable to the program.
397 The department may adopt emergency rules pursuant to s.
398 120.54(4) if necessary to allow operation of sheriff's training
399 and respect programs beginning July 1, 2006.

400 Section 9. Paragraph (i) of subsection (3) of section
401 985.311, Florida Statutes, is amended to read:

402 985.311 Intensive residential treatment program for
403 offenders less than 13 years of age.--

404 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
405 TREATMENT.--

406 (i) The treatment and placement recommendations shall be
407 submitted to the court for further action pursuant to this
408 paragraph:

409 1. If it is recommended that placement in an intensive
410 residential treatment program for offenders less than 13 years
411 of age is inappropriate, the court shall make an alternative
412 disposition pursuant to s. 985.3091 ~~985.309~~ or other alternative
413 sentencing as applicable, utilizing the recommendation as a
414 guide.

415 2. If it is recommended that placement in an intensive
416 residential treatment program for offenders less than 13 years
417 of age is appropriate, the court may commit the child to the
418 department for placement in the restrictiveness level designated
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419 for intensive residential treatment program for offenders less
420 than 13 years of age.

421 Section 10. Section 985.4055, Florida Statutes, is created
422 to read:

423 985.4055 Protective action response.--

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

425 (a) "Direct care" means the care, supervision, custody, or
426 control of youth in any facility, service, or program that is
427 operated by the department or by a provider under contract with
428 the department.

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

430 (c) "Protective Action Response policy" means the policy
431 governing the use of verbal and physical intervention
432 techniques, mechanical restraints, and aerosol and chemical
433 agents by employees.

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

436 (a) Establish a Protective Action Response policy that:

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

439 2. Requires the use of verbal intervention techniques as
440 the initial response by an employee to verbal or physical
441 resistance by a youth, except where physical intervention
442 techniques are necessary to prevent:

443 a. Physical harm to the youth, employee, or another
444 person;

445 b. Property damage; or

446 c. The youth from escaping or absconding from lawful
447 supervision.

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448 3. Defines authorized physical intervention techniques and
449 the situations under which employees may use these techniques
450 for youth. Pain compliance techniques and use of less than
451 lethal force shall be prohibited, except where necessary to
452 prevent:

453 a. Physical harm to the youth, employee, or another
454 person;

455 b. Property damage; or

456 c. The youth from escaping or absconding from lawful
457 supervision.

458
459 Lethal force shall be prohibited, except where necessary to
460 protect the employee or another person from an imminent threat
461 of great bodily harm or death. Prior authorization by an
462 employee's supervisor for the use of physical intervention
463 techniques shall be obtained when practical.

464 4. Defines authorized use of mechanical restraints and the
465 situations under which employees may use such restraints on
466 youth. Prohibited uses of mechanical restraints shall include
467 the use of neck restraints and the securing of a youth to a
468 fixed object. Supervision requirements for youth who are secured
469 in mechanical restraints shall include constant and direct
470 visual monitoring by an employee for purposes of insuring youth
471 safety and ascertaining indications by the youth that restraints
472 are no longer necessary. Prior authorization by an employee's
473 supervisor for the use of mechanical restraints shall be
474 obtained when practical.

475 5. Prohibits employee use of aerosol or chemical agents,
476 including, but not limited to, oleoresin capsicum spray and

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477 ammonia capsules, on a youth unless required for medical
478 treatment of the youth by a licensed medical professional.

479 (b) Establish training curriculums for protective action
480 response certification of employees and instructors. The
481 training curriculum for employee certification shall, at a
482 minimum, require the employee to:

483 1. Complete 40 hours of instruction on the protective
484 action response policy.

485 2. Obtain a passing score:

486 a. On a written examination that tests the employee's
487 knowledge and understanding of the protective action response
488 policy.

489 b. During an evaluation by an instructor of the employee's
490 physically demonstrated ability to implement the protective
491 action response policy.

492 (c) Require training curriculums for protective action
493 response certification of employees to be taught by instructors
494 who have been certified under the training curriculum for
495 protective action response certification of instructors.

496 (d) Require each employee to have:

497 1. Completed the instruction required under subparagraph
498 (b)1 within 90 days.

499 2. Received his or her protective action response
500 certification within 90 days.

501 3. Direct supervision during the 90-day period prior to
502 completing the instruction and certification requirements under
503 subparagraphs 1. and 2. by an employee who had received the
504 training and certification required by subparagraphs 1. and 2.

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505 Section 11. Section 985.4056, Florida Statutes, is created
506 to read:

507 985.4056 Juvenile Justice Accountability Commission.--

508 (1) CREATION; MEMBERSHIP.--

509 (a) The Juvenile Justice Accountability Commission is
510 created and administratively housed within the department. The
511 commission shall be composed of seven members appointed by the
512 Governor. Each member of the commission must have direct
513 experience in juvenile justice issues and must be a citizen of
514 and registered voter in this state. The composition of the
515 commission must equitably represent all geographic areas of the
516 state and include minorities and women.

517 (b) Within the 2-year period preceding his or her
518 appointment, a member of the commission may not have been, and
519 during the 2-year period following termination of his or her
520 appointment, a member of the commission may not be:

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

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

526 (c) Each member of the commission shall serve a term of 4
527 years; however, for the purpose of providing staggered terms, of
528 the initial appointments, three members shall serve 2-year terms
529 and four members shall serve 4-year terms. Any vacancy on the
530 commission shall be filled in the same manner as the original
531 appointment within 60 days after the date upon which the vacancy
532 occurred, and any member appointed to fill a vacancy shall serve
533 only for the unexpired term of the member's predecessor. The

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534 chairperson of the commission shall be selected by the members
535 for a term of 1 year.

536 (d) In addition to the membership specified under this
537 subsection, the commission shall invite ex officio, nonvoting
538 associates to attend and participate in commission meetings and
539 to provide advice to the commission. The ex officio associates
540 shall include, but are not limited to:

541 1. A member of the House of Representatives designated by
542 the Speaker of the House.

543 2. A member of the Senate designated by the President of
544 the Senate.

545 3. An employee of the Executive Office of the Governor
546 designated by the Governor.

547 4. An employee of the department.

548 5. A circuit court judge with at least 1 year's experience
549 in the juvenile delinquency division.

550 6. A sheriff.

551 7. A provider under contract with the department for the
552 provision of one or more juvenile justice programs.

553 8. A member of a juvenile justice advocacy organization.

554 9. An employee of the Department of Law Enforcement who is
555 responsible for data compilation and research.

556 10. A state university employee responsible for juvenile
557 justice research.

558 (2) DEFINITIONS.--For purposes of this section, the term:

559 (a) "Juvenile justice program" means any facility,
560 service, or program that is operated by the department or by a
561 provider under contract with the department.

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562 (b) "Minorities" means a member of a socially or
563 economically disadvantaged group and includes African Americans,
564 Hispanics, and American Indians.

565 (3) MEETINGS.--

566 (a) The commission shall hold a minimum of four regular
567 meetings annually, and other meetings may be called by the chair
568 upon giving at least 7 days' notice to all members and the
569 public pursuant to chapter 120. Meetings may also be held upon
570 the written request of at least four members, upon at least 7
571 days' notice of such meeting being given to all members and the
572 public by the chair pursuant to chapter 120. Emergency meetings
573 may be held without notice upon the request of all members. The
574 meetings of the commission shall be held in the central office
575 of the department in Tallahassee unless the chair determines
576 that special circumstances warrant meeting at another location.

577 (b) A majority of the membership of the commission
578 constitutes a quorum and a quorum is required for any meeting of
579 the commission during which action will be voted upon. An action
580 of the commission is not binding unless the action is taken
581 pursuant to an affirmative vote of a majority of the members
582 present and the vote must be recorded in the minutes of the
583 meeting.

584 (c) A member of the commission may not authorize a
585 designee to attend a meeting of the commission in his or her
586 place. A member who fails to attend two consecutive regularly
587 scheduled meetings of the commission, unless the member is
588 excused by the chairperson, shall be deemed to have abandoned
589 the position, and the position shall be declared vacant by the
590 commission.

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

594 (4) ORGANIZATION.--

595 (a) The commission, subject to appropriation, may employ
596 an executive director and other staff, and may retain
597 consultants, as necessary.

598 (b) The commission shall be a separate budget entity, and
599 the executive director shall be the chief administrative
600 officer. The department shall provide administrative support and
601 service to the commission to the extent requested by the
602 executive director. The commission and its staff are not subject
603 to the control, supervision, or direction of the department.

604 (c) The commission shall develop a budget pursuant to
605 chapter 216. The budget is not subject to change by the
606 department and shall be submitted to the Governor and
607 Legislature as provided in s. 216.023.

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

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

612 (a) On or before October 1, 2006 and subject to
613 appropriation, enter into a contract under chapter 287 for the
614 development of a comprehensive evaluation, accountability, and
615 reporting system for each juvenile justice program individually
616 and for each category of the juvenile justice program for the
617 purpose of informing service providers and policy makers of the
618 effectiveness of individual providers and of the various

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619 approaches to providing services. The contract must require the
620 provider to deliver the following on or before January 15, 2007:

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

623 a. Includes minimum thresholds for program continuation
624 and that identifies program effectiveness and areas in need of
625 expansion, improvement, modification, or elimination.

626 b. Provides criteria for program termination based upon
627 evaluation results.

628 c. Requires continual review of best practices literature
629 and updates to the standardized evaluation protocol based upon
630 that review.

631 d. Requires an annual report to the executive and
632 legislative branches, which sets forth for each juvenile justice
633 program::

634 (I) A comprehensive description of the population served
635 by the program.

636 (II) A specific description of the services provided by
637 the program.

638 (III) Program cost.

639 (IV) A comparison of expenditures to federal and state
640 funding.

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

642 (VI) Recommendations to maintain, expand, improve, modify,
643 or eliminate the program.

644 2. A process for the collection, analysis, and reporting
645 of statistical data that will enable continuous evaluation of
646 the juvenile justice system as a whole and will provide the
647 Legislature, Governor, and the department with necessary and

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648 useful information and reports to make informed decisions
649 regarding the effectiveness of, and any needed changes in,
650 juvenile justice programming, policies, and laws.

651 (b) On or before February 15, 2007, submit a report to the
652 appropriate substantive and fiscal committees of the
653 Legislature, the Governor, and the secretary of the department
654 that:

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

658 2. Sets forth recommendations by the commission for:

659 a. Modifications to the provider-developed system if found
660 warranted by the commission.

661 b. Statutory amendments and department rule and policy
662 changes that will be required to implement the provider-
663 developed system.

664 c. Review and recommend programmatic and fiscal policies
665 governing the operation of juvenile justice programs. Funding
666 requirements for implementation of the provider-developed
667 system.

668 d. Whether the provider-developed system should be
669 implemented by employees of the commission or by a provider
670 under contract with the commission.

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

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

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676 (e) Serve as a clearinghouse, in coordination with the
677 department, to provide information and assistance to the
678 juvenile justice circuit boards and juvenile justice county
679 councils.

680 (f) Advise the President of the Senate, the Speaker of the
681 House of Representatives, the Governor, and the department on
682 matters relating to this chapter.

683 (g) Conduct such other activities as the commission may
684 determine are necessary and appropriate to monitor the
685 effectiveness of the delivery of juvenile justice under this
686 chapter.

687 (h) Submit an annual report to the Governor, the
688 appropriate substantive and fiscal committees of the
689 Legislature, and the secretary of the department no later than
690 January 1st of each year that summarizes the meetings and
691 activities of the commission during the preceding year and
692 includes any recommendations of the commission for the following
693 year.

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

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

700 Section 12. Section 985.412, Florida Statutes, is amended
701 to read:

702 985.412 Program review and reporting requirements Quality
703 assurance and cost effectiveness.--

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

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

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

711 (c) ~~(b)~~ Provide information about the cost of ~~such~~ programs
712 and their differential effectiveness so that program ~~the~~ quality
713 may of such programs can be compared and improvements made
714 continually.

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

717 (e) ~~(d)~~ Provide information to the public about the
718 effectiveness of ~~such~~ programs in meeting established goals and
719 objectives.

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

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

724 (h) ~~(g)~~ Modify or eliminate activities that are not
725 effective.

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

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

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

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733 (c)~~(b)~~ "Program component" means an aggregation of
734 generally related objectives which, because of their special
735 character, related workload, and interrelated output, can
736 logically be considered an entity for purposes of organization,
737 management, accounting, reporting, and budgeting.

738 ~~(c) "Program effectiveness" means the ability of the~~
739 ~~program to achieve desired client outcomes, goals, and~~
740 ~~objectives.~~

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

744 (3) OUTCOME EVALUATION.--The department, in consultation
745 with the Office of Economic and Demographic Research, the Office
746 of Program Policy Analysis and Government Accountability, and
747 contract service providers, shall develop and use a standard
748 methodology for annually measuring, evaluating, and reporting
749 program outputs and youth outcomes for each program and program
750 group.

751 (a) The standard methodology must:

752 1. Incorporate, whenever possible, performance-based
753 budgeting measures.

754 2. Include common terminology and operational definitions
755 for measuring the performance of system and program
756 administration, program outputs, and youth outcomes.

757 3. Specify program outputs for each program and for each
758 program group within the juvenile justice continuum.

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

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761 (b) By February 15 of each year, the department shall
762 submit to the appropriate substantive and fiscal committees of
763 each house of the Legislature and the Governor a report that
764 identifies and describes:

765 1. The standard methodology implemented under paragraph
766 (a).

767 2. The programs offered within each program group.

768 3. The demographic profile and offense history of youth
769 served in each program group.

770 4. The actual program outputs and youth outcomes achieved
771 in each program group. The department shall annually collect and
772 report cost data for every program operated or contracted by the
773 department. The cost data shall conform to a format approved by
774 the department and the Legislature. Uniform cost data shall be
775 reported and collected for state operated and contracted
776 programs so that comparisons can be made among programs. The
777 department shall ensure that there is accurate cost accounting
778 for state operated services including market equivalent rent and
779 other shared cost. The cost of the educational program provided
780 to a residential facility shall be reported and included in the
781 cost of a program. The department shall submit an annual cost
782 report to the President of the Senate, the Speaker of the House
783 of Representatives, the Minority Leader of each house of the
784 Legislature, the appropriate substantive and fiscal committees
785 of each house of the Legislature, and the Governor, no later
786 than December 1 of each year. Cost benefit analysis for
787 educational programs will be developed and implemented in
788 collaboration with and in cooperation with the Department of
789 Education, local providers, and local school districts. Cost
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790 ~~data for the report shall include data collected by the~~
791 ~~Department of Education for the purposes of preparing the annual~~
792 ~~report required by s. 1003.52(19).~~

793 (4) ~~(a)~~ PROGRAM ACCOUNTABILITY MEASURES. ~~--~~The department of
794 ~~Juvenile Justice~~, in consultation with the Office of Economic
795 and Demographic Research, and contract service providers, shall
796 develop a cost-effectiveness model and apply the model to each
797 commitment program. ~~Program recidivism rates shall be a~~
798 ~~component of the model.~~

799 (a) The cost-effectiveness model shall compare program
800 costs to expected and actual youth recidivism rates ~~client~~
801 ~~outcomes and program outputs~~. It is the intent of the
802 Legislature that continual development efforts take place to
803 improve the validity and reliability of the cost-effectiveness
804 model ~~and to integrate the standard methodology developed under~~
805 ~~s. 985.401(4) for interpreting program outcome evaluations.~~

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

810 (c) Based on ~~reports of the department on client outcomes~~
811 ~~and program outputs~~ and on the department's most recent cost-
812 effectiveness rankings, the department may terminate a
813 commitment program ~~operated by the department or a provider~~ if
814 the program has failed to achieve a minimum threshold of cost-
815 effectiveness ~~program effectiveness~~. This paragraph does not
816 preclude the department from terminating a contract as provided
817 under this section or as otherwise provided by law or contract,

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818 and does not limit the department's authority to enter into or
819 terminate a contract.

820 (d) In collaboration with the Office of Economic and
821 Demographic Research, and contract service providers, the
822 department shall develop a work plan to refine the cost-
823 effectiveness model so that the model is consistent with the
824 performance-based program budgeting measures approved by the
825 Legislature to the extent the department deems appropriate. The
826 department shall notify the Office of Program Policy Analysis
827 and Government Accountability of any meetings to refine the
828 model.

829 (e) Contingent upon specific appropriation, the
830 department, in consultation with the Office of Economic and
831 Demographic Research, and contract service providers, shall:

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

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

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

841 4. Use the results of these evaluations in developing or
842 refining juvenile justice programs or program models, youth
843 ~~client~~ outcomes and program outputs, provider contracts, ~~quality~~
844 ~~assurance standards~~, and the cost-effectiveness model.

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

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846 (a) Establish a comprehensive quality assurance system for
847 each program ~~operated by the department or operated by a~~
848 ~~provider under contract with the department~~. Each contract
849 entered into by the department must provide for quality
850 assurance.

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

853 (c) Establish quality assurance goals and objectives for
854 each specific program component.

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

857 (e) Develop a quality assurance manual of specific,
858 standardized terminology and procedures to be followed by each
859 program.

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

863 1. If a provider fails to meet the established minimum
864 thresholds, such failure shall cause the department to cancel
865 the provider's contract:

866 a. Immediately if the provider has a deficiency in a
867 critical life safety aspect of its operations, as defined in
868 department rule, or has failed to train and certify its
869 employees as required in s. 985.4055.

870 b. If ~~unless~~ the provider ~~fails to achieve~~ achieves
871 compliance with minimum thresholds within 6 months, except as
872 provided in s. 985.3091(6)(a), ~~or~~ unless there are documented
873 extenuating circumstances as defined in department rule.

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875 If a provider's contract is cancelled under subparagraph 1., the
876 provider's operations shall immediately cease, the department
877 shall immediately discontinue any state payments to the
878 provider, and the provider shall be ineligible to contract with
879 the department ~~In addition, the department may not contract with~~
880 ~~the same provider~~ for the canceled service for a period of 12
881 months.

882 2. If a department-operated program fails to meet the
883 established minimum thresholds, the program's operations shall
884 be:

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

889 b. Terminated if the department fails to achieve
890 compliance with the minimum thresholds for program continuation
891 within 6 months, unless there are documented extenuating
892 circumstances as defined in department rule. ~~the department must~~
893 ~~take necessary and sufficient steps to ensure and document~~
894 ~~program changes to achieve compliance with the established~~
895 ~~minimum thresholds. If the department operated program fails to~~
896 ~~achieve compliance with the established minimum thresholds~~
897 ~~within 6 months and if there are no documented extenuating~~
898 ~~circumstances, the department must notify the Executive Office~~
899 ~~of the Governor and the Legislature of the corrective action~~
900 ~~taken. Appropriate corrective action may include, but is not~~
901 ~~limited to:~~

902 ~~1. Contracting out for the services provided in the~~
903 ~~program;~~

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904 ~~2. Initiating appropriate disciplinary action against all~~
905 ~~employees whose conduct or performance is deemed to have~~
906 ~~materially contributed to the program's failure to meet~~
907 ~~established minimum thresholds;~~

908 ~~3. Redesigning the program; or~~

909 ~~4. Realigning the program.~~

910 (g) ~~The department shall~~ Submit an annual report to the
911 President of the Senate, the Speaker of the House of
912 Representatives, the minority leader of each house of the
913 Legislature, the appropriate substantive and fiscal committees
914 of each house of the Legislature, and the Governor by ~~, no later~~
915 ~~than~~ February 1 of each year. The annual report must contain, at
916 a minimum, for each ~~specific program component~~:

917 1. A comprehensive description of the population served.
918 ~~by the program;~~

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

920 3. A summary of the performance of each program component
921 evaluated. ~~provided by the program;~~

922 4. Cost data that is reported in a uniform format so that
923 cost comparisons may be made among programs. For a residential
924 program, the cost data must include the cost of its educational
925 program. ~~†~~

926 5. A comparison of expenditures to federal and state
927 funding. ~~†~~

928 6. Immediate and long-range concerns. ~~† and~~

929 7. Recommendations to maintain, expand, improve, modify,
930 or eliminate each program component so that changes in services
931 lead to enhancement in program quality. ~~The department shall~~

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932 ~~ensure the reliability and validity of the information contained~~
933 ~~in the report.~~

934 ~~(6) The department shall collect and analyze available~~
935 ~~statistical data for the purpose of ongoing evaluation of all~~
936 ~~programs. The department shall provide the Legislature with~~
937 ~~necessary information and reports to enable the Legislature to~~
938 ~~make informed decisions regarding the effectiveness of, and any~~
939 ~~needed changes in, services, programs, policies, and laws.~~

940 ~~(7) No later than November 1, 2001, the department shall~~
941 ~~submit a proposal to the Legislature concerning funding~~
942 ~~incentives and disincentives for the department and for~~
943 ~~providers under contract with the department. The~~
944 ~~recommendations for funding incentives and disincentives shall~~
945 ~~be based upon both quality assurance performance and cost-~~
946 ~~effectiveness performance. The proposal should strive to achieve~~
947 ~~consistency in incentives and disincentives for both department-~~
948 ~~operated and contractor provided programs. The department may~~
949 ~~include recommendations for the use of liquidated damages in the~~
950 ~~proposal; however, the department is not presently authorized to~~
951 ~~contract for liquidated damages in non hardware secure~~
952 ~~facilities until January 1, 2002.~~

953 Section 13. Section 958.046, Florida Statutes, is amended
954 to read:

955 958.046 Placement in county-operated boot camp programs
956 for youthful offenders.--In counties where there are county-
957 operated youthful offender boot camp programs, other than boot
958 camps described in s. 958.04 or sheriff's training and respect
959 programs in s. 985.3091 985.309, the court may sentence a
960 youthful offender to such a boot camp. In county-operated

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961 youthful offender boot camp programs, juvenile offenders shall
962 not be commingled with youthful offenders.

963 Section 14. Paragraph (i) of subsection (3) of section
964 985.31, Florida Statutes, is amended to read:

965 985.31 Serious or habitual juvenile offender.--

966 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
967 TREATMENT.--

968 (i) The treatment and placement recommendations shall be
969 submitted to the court for further action pursuant to this
970 paragraph:

971 1. If it is recommended that placement in a serious or
972 habitual juvenile offender program or facility is inappropriate,
973 the court shall make an alternative disposition pursuant to s.
974 985.3091 ~~985.309~~ or other alternative sentencing as applicable,
975 using ~~utilizing~~ the recommendation as a guide.

976 2. If it is recommended that placement in a serious or
977 habitual juvenile offender program or facility is appropriate,
978 the court may commit the child to the department for placement
979 in the restrictiveness level designated for serious or habitual
980 delinquent children programs.

981 Section 15. Section 985.314, Florida Statutes, is amended
982 to read:

983 985.314 Commitment programs for juvenile felony
984 offenders.--

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

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989 (a) A sheriff's training and respect boot camp program
990 under s. 985.3091 ~~s. 985.309~~ if the child has participated in an
991 early delinquency intervention program as provided in s.
992 985.305.

993 (b) A program for serious or habitual juvenile offenders
994 under s. 985.31 or an intensive residential treatment program
995 for offenders less than 13 years of age under s. 985.311, if the
996 child has participated in an early delinquency intervention
997 program and has completed a sheriff's training and respect boot
998 camp program.

999 (c) A maximum-risk residential program, if the child has
1000 participated in an early delinquency intervention program, has
1001 completed a sheriff's training and respect boot camp program,
1002 and has completed a program for serious or habitual juvenile
1003 offenders or an intensive residential treatment program for
1004 offenders less than 13 years of age. The commitment of a child
1005 to a maximum-risk residential program must be for an
1006 indeterminate period, but may not exceed the maximum term of
1007 imprisonment that an adult may serve for the same offense.

1008 (2) In committing a child to the appropriate program, the
1009 court may consider an equivalent program of similar intensity as
1010 being comparable to a program required under subsection (1).

1011 Section 16. Cost of supervision and care waiver; pilot
1012 program.--

1013 (1) For purposes of this section, the term:

1014 (a) "Approved parenting class" means a class approved by
1015 the Juvenile Justice Accountability Commission under subsection
1016 (4).

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1017 (b) "Court" means a circuit court in the Ninth Judicial
1018 Circuit.

1019 (c) "Department" means the Department of Juvenile Justice.

1020 (d) "Parent" means the parent of child whose delinquency
1021 case comes before a circuit court in the Ninth Judicial Circuit.

1022 (2) (a) Notwithstanding any contrary provision of s.
1023 985.2311, Florida Statutes, for the period of October 1, 2006
1024 through June 30, 2009, the court shall enter an order waiving
1025 the fees required to be paid under s. 985.2311, Florida
1026 Statutes, by a parent if the parent successfully completes an
1027 approved parenting class and presents the court with notarized
1028 documentation of such completion.

1029 (b) Participation in an approved parenting class under
1030 this subsection is voluntary and the parent is responsible for
1031 the payment of all costs associated with participation in the
1032 class.

1033 (c) A parent who fails to successfully complete an
1034 approved parenting class shall pay the full amount of fees
1035 required by s. 985.2311, Florida Statutes.

1036 (d) A parent may only have fees waived under this
1037 subsection once.

1038 (3) The Office of Program Policy and Government
1039 Accountability shall evaluate the pilot program created by this
1040 section and shall submit a written report to the appropriate
1041 substantive and fiscal committees of the Legislature, the
1042 Governor, and the Department of Juvenile Justice on September
1043 30, 2007, and annually thereafter, which identifies for the
1044 Ninth Judicial Circuit during the fiscal year preceding the
1045 report:

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1046 (a) The number of delinquency cases in which fees were
1047 required to be ordered under s. 985.2311, F.S., and the total
1048 amount of those fees.

1049 (b) The number of delinquency cases in which parents
1050 agreed to complete an approved parenting class and the number of
1051 delinquency cases in which the parent submitted notarized
1052 documentation of successful completion to the court.

1053 (c) The number of delinquency cases in which the court
1054 entered an order waiving fees under subsection (2) and the total
1055 amount of fees waived.

1056 (d) The number of youth, as such data becomes available,
1057 who are taken into custody for a felony or misdemeanor within
1058 six months following their release from department custody or
1059 supervision, whichever occurs later, and whose parents' fees
1060 under s. 985.2311, Florida Statutes, are:

1061 1. Waived by court order under subsection (2).

1062 2. Not waived by court order under subsection (2).

1063 (4) The Juvenile Justice Accountability Commission,
1064 subject to appropriation, shall execute a contract under chapter
1065 287 for the provision of parenting courses in the Ninth Judicial
1066 Circuit between October 1, 2006 through June 30, 2009.

1067 (5) This section is repealed effective October 1, 2009.

1068 Section 17. Effective October 1, 2006, all powers, duties,
1069 resources, and personnel associated with the Department of
1070 Juvenile Justice's responsibilities under ss. 985.308(9),
1071 985.311(2)(e), and 985.412, Florida Statutes are transferred to
1072 the Juvenile Justice Accountability Commission created by this
1073 act.

1074 Section 18. This act shall take effect July 1, 2006.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to juvenile justice; amending s. 39.01, F.S.; including specified law enforcement officers in the definition of "other person responsible for a child's welfare" for purposes of abuse investigations; amending s. 985.207, F.S.; permitting a law enforcement officer to take a child into custody for a violation of adjudication order conditions; amending s. 985.215, F.S.; permitting specified types of postadjudication detention for a child who has previously failed to appear at delinquency court proceedings regardless of risk assessment instrument results; providing exceptions that permit postadjudication detention until the child's disposition order is entered in his or her case; conforming cross-references; amending s. 985.2155, F.S.; revising the definition of the term "fiscally constrained county" for purposes of determining state payment of costs of juvenile detention care; amending s. 985.228, F.S.; requiring the court to include specified conditions in a child's order of adjudication of delinquency that apply during the postadjudication and predisposition period; providing a definition; permitting a court to find a child in contempt of court for a violation of adjudication order conditions; providing sanctions; amending s. 985.231, F.S.; conforming cross-references; repealing s. 985.309, F.S., relating to boot camps for children; creating s. 985.3091, F.S.;

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Amendment No. (for drafter's use only)

1104 authorizing the department to contract for sheriff's
1105 training and respect programs; providing eligibility
1106 requirements for children placed in the programs;
1107 specifying required program offerings; specifying program
1108 participation time frames; requiring the department to
1109 adopt rules and maintain specified records; providing for
1110 quarterly evaluations of and contract cancellation under
1111 specified circumstances; specifying staff training
1112 requirements; requiring the department to adopt training
1113 rules; prohibiting the provision of direct care to
1114 children by staff who have not complied with training
1115 requirements; prohibiting the operation of a program until
1116 department rules are adopted and the department has
1117 verified program compliance with applicable law and rules;
1118 authorizing emergency rules to expedite implementation;
1119 amending s. 985.311, F.S.; requiring the establishment of
1120 minimum thresholds for evaluations; conforming cross-
1121 references; creating s. 985.4055, F.S.; providing
1122 definitions; requiring the department to adopt rules
1123 establishing a protective action response policy;
1124 specifying when verbal and physical intervention
1125 techniques may be used; specifying prohibited uses of
1126 mechanical restraints; prohibiting use of aerosol and
1127 chemical agents; requiring the department to adopt rules
1128 establishing protection action response training
1129 curriculums and certification procedures; requiring
1130 department and provider employees to be certified in
1131 protective action response prior to exercising direct
1132 care; creating s. 985.4056, F.S.; creating the Juvenile

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Amendment No. (for drafter's use only)

1133 Justice Accountability Commission; providing for
1134 membership; providing definitions; providing for meetings
1135 and voting requirements; providing for an executive
1136 director and staff; providing for commission's budget;
1137 providing for reimbursement of per diem and travel
1138 expenses; requiring the commission to contract for a
1139 comprehensive evaluation and accountability system for
1140 juvenile justice programs; providing requirements for the
1141 system; requiring a report by the system provider;
1142 specifying commission duties; requiring a report by the
1143 commission; providing for termination of juvenile justice
1144 programs in specified circumstances; requiring the
1145 commission to adopt rules; amending s. 985.412, F.S.;
1146 deleting department's authority to establish a
1147 comprehensive quality assurance system; providing
1148 conforming changes; deleting obsolete provisions relating
1149 to incentive and disincentive proposals and liquidated
1150 damages; amending ss. 958.046, 985.31, and 985.314, F.S.;
1151 conforming cross-references and terminology; creating the
1152 cost of supervision and care waiver pilot program in the
1153 Ninth Judicial Circuit; requiring waiver of fees imposed
1154 under s. 985.2311, F.S., for successful completion of
1155 specified parenting classes; providing conditions
1156 applicable to such waiver; providing for review of the
1157 pilot program and reports by the Office of Program Policy
1158 and Government Accountability; requiring the Juvenile
1159 Justice Accountability Commission to contract for the
1160 provision of parenting classes; providing for future
1161 repeal; providing for a type two transfer of powers,

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Amendment No. (for drafter's use only)

1162 | duties, resources, and personnel relating to specified
1163 | department responsibilities to the Juvenile Justice
1164 | Accountability Commission; providing an effective date.