

1 A bill to be entitled
2 An act relating to juvenile justice; providing a short
3 title; amending s. 39.01, F.S.; including specified law
4 enforcement officers in the definition of "other person
5 responsible for a child's welfare" for purposes of abuse
6 investigations; amending s. 985.207, F.S.; permitting a
7 law enforcement officer to take a child into custody for a
8 violation of adjudication order conditions; amending s.
9 985.215, F.S.; permitting specified types of
10 postadjudication detention for a child who has previously
11 failed to appear at delinquency court proceedings
12 regardless of risk assessment instrument results;
13 providing exceptions that permit postadjudication
14 detention until the child's disposition order is entered
15 in his or her case; conforming cross-references; amending
16 s. 985.2155, F.S.; revising the definition of the term
17 "fiscally constrained county" for purposes of determining
18 state payment of costs of juvenile detention care;
19 amending s. 985.228, F.S.; requiring the court to include
20 specified conditions in a child's order of adjudication of
21 delinquency that apply during the postadjudication and
22 predisposition period; providing a definition; permitting
23 a court to find a child in contempt of court for a
24 violation of adjudication order conditions; providing
25 sanctions; amending s. 985.231, F.S.; conforming cross-
26 references; repealing s. 985.309, F.S., relating to boot
27 camps for children; creating s. 985.3091, F.S.;
28 authorizing the department to contract for sheriff's

29 training and respect programs; providing eligibility
30 requirements for children placed in the programs;
31 specifying required program offerings; specifying program
32 participation time frames; requiring the department to
33 adopt rules and maintain specified records; providing for
34 quarterly evaluations of and contract cancellation under
35 specified circumstances; specifying staff training
36 requirements; requiring the department to adopt training
37 rules; prohibiting the provision of direct care to
38 children by staff who have not complied with training
39 requirements; prohibiting the operation of a program until
40 department rules are adopted and the department has
41 verified program compliance with applicable law and rules;
42 authorizing emergency rules to expedite implementation;
43 amending s. 985.311, F.S.; requiring the establishment of
44 minimum thresholds for evaluations; conforming cross-
45 references; creating s. 985.4055, F.S.; providing
46 definitions; requiring the department to adopt rules
47 establishing a protective action response policy;
48 specifying when verbal and physical intervention
49 techniques may be used; specifying prohibited uses of
50 mechanical restraints; prohibiting use of aerosol and
51 chemical agents; requiring the department to adopt rules
52 establishing protection action response training
53 curriculums and certification procedures; requiring
54 department and provider employees to be certified in
55 protective action response prior to exercising direct
56 care; creating s. 985.4056, F.S.; creating the Juvenile

57 Justice Accountability Commission; providing for
58 membership; providing definitions; providing for meetings
59 and voting requirements; providing for an executive
60 director and staff; providing for commission's budget;
61 providing for reimbursement of per diem and travel
62 expenses; requiring the commission to contract for a
63 comprehensive evaluation and accountability system for
64 juvenile justice programs; providing requirements for the
65 system; requiring a report by the system provider;
66 specifying commission duties; requiring a report by the
67 commission; providing for termination of juvenile justice
68 programs in specified circumstances; requiring the
69 commission to adopt rules; amending s. 985.412, F.S.;
70 deleting department's authority to establish a
71 comprehensive quality assurance system; providing
72 conforming changes; deleting obsolete provisions relating
73 to incentive and disincentive proposals and liquidated
74 damages; amending ss. 958.046, 985.31, and 985.314, F.S.;
75 conforming cross-references and terminology; creating the
76 cost of supervision and care waiver pilot program in the
77 Ninth Judicial Circuit; requiring waiver of fees imposed
78 under s. 985.2311, F.S., for successful completion of
79 specified parenting classes; providing conditions
80 applicable to such waiver; providing for review of the
81 pilot program and reports by the Office of Program Policy
82 and Government Accountability; requiring the Juvenile
83 Justice Accountability Commission to contract for the
84 provision of parenting classes; providing for future

85 | repeal; providing for a type two transfer of powers,
 86 | duties, resources, and personnel relating to specified
 87 | department responsibilities to the Juvenile Justice
 88 | Accountability Commission; providing an effective date.
 89 |

90 | Be It Enacted by the Legislature of the State of Florida:
 91 |

92 | Section 1. This act may be cited as the "Martin Lee
 93 | Anderson Act of 2006."

94 | Section 2. Subsection (47) of section 39.01, Florida
 95 | Statutes, is amended to read:

96 | 39.01 Definitions.--When used in this chapter, unless the
 97 | context otherwise requires:

98 | (47) "Other person responsible for a child's welfare"
 99 | includes the child's legal guardian, legal custodian, or foster
 100 | parent; an employee of a private school, public or private child
 101 | day care center, residential home, institution, facility, or
 102 | agency; a law enforcement officer employed in any facility,
 103 | service, or program for children that is operated or contracted
 104 | by the Department of Juvenile Justice; or any other person
 105 | legally responsible for the child's welfare in a residential
 106 | setting; and also includes an adult sitter or relative entrusted
 107 | with a child's care. For the purpose of departmental
 108 | investigative jurisdiction, this definition does not include the
 109 | following persons when they are acting in an official capacity:
 110 | law enforcement officers, except as otherwise provided in this
 111 | subsection; ~~or~~ employees of municipal or county detention
 112 | facilities; or employees of the Department of Corrections, ~~while~~

113 ~~acting in an official capacity.~~

114 Section 3. Paragraph (e) is added to subsection (1) of
 115 section 985.207, Florida Statutes, to read:

116 985.207 Taking a child into custody.--

117 (1) A child may be taken into custody under the following
 118 circumstances:

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

123
 124 Nothing in this subsection shall be construed to allow the
 125 detention of a child who does not meet the detention criteria in
 126 s. 985.215.

127 Section 4. Subsection (2) and paragraphs (d) and (g) of
 128 subsection (5) of section 985.215, Florida Statutes, are amended
 129 to read:

130 985.215 Detention.--

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

135 (a) The child is alleged to be an escapee from a
 136 residential commitment program, or an absconder from a
 137 nonresidential commitment program, a probation program, or
 138 conditional release supervision, or is alleged to have escaped
 139 while being lawfully transported to or from a residential
 140 commitment program.

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

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

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

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

152 (f) The child is charged with a capital felony, a life
 153 felony, a felony of the first degree, a felony of the second
 154 degree that does not involve a violation of chapter 893, or a
 155 felony of the third degree that is also a crime of violence,
 156 including any such offense involving the use or possession of a
 157 firearm.

158 (g) The child is charged with any second degree or third
 159 degree felony involving a violation of chapter 893 or any third
 160 degree felony that is not also a crime of violence, and the
 161 child:

- 162 1. Has a record of failure to appear at court hearings
 163 after being properly notified in accordance with the Rules of
 164 Juvenile Procedure;
- 165 2. Has a record of law violations prior to court hearings;
- 166 3. Has already been detained or has been released and is
 167 awaiting final disposition of the case;
- 168 4. Has a record of violent conduct resulting in physical

169 injury to others; or

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

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

177 (i) The child is detained on a judicial order for failure
 178 to appear and has previously willfully failed to appear, after
 179 proper notice, for an adjudicatory hearing on the same case
 180 regardless of the results of the risk assessment instrument. A
 181 child may be held in secure detention for up to 72 hours in
 182 advance of the next scheduled court hearing pursuant to this
 183 paragraph. The child's failure to keep the clerk of court and
 184 defense counsel informed of a current and valid mailing address
 185 where the child will receive notice to appear at court
 186 proceedings does not provide an adequate ground for excusal of
 187 the child's nonappearance at the hearings.

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

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

199 (k) At his or her adjudicatory hearing, the child has been
200 found to have committed a delinquent act or violation of law and
201 has previously willfully failed to appear, after proper notice,
202 for other delinquency court proceedings of any nature regardless
203 of the results of the risk assessment instrument. A child may be
204 held in secure detention or, at the discretion of the court and
205 if available, placed on home detention with electronic
206 monitoring until the child's disposition order is entered in his
207 or her case. The child's failure to keep the clerk of court and
208 defense counsel informed of a current and valid mailing address
209 where the child will receive notice to appear at court
210 proceedings does not provide an adequate ground for excusal of
211 the child's nonappearance at the hearings.

212
213 A child who meets any of these criteria and who is ordered to be
214 detained pursuant to this subsection shall be given a hearing
215 within 24 hours after being taken into custody. The purpose of
216 the detention hearing is to determine the existence of probable
217 cause that the child has committed the delinquent act or
218 violation of law with which he or she is charged and the need
219 for continued detention, except where the child is alleged to
220 have absconded from a nonresidential commitment program in which
221 case the court, at the detention hearing, shall order that the
222 child be released from detention and returned to his or her
223 nonresidential commitment program. Unless a child is detained
224 under paragraph (d), ~~or~~ paragraph (e), or paragraph (k), the

225 court shall use the results of the risk assessment performed by
226 the juvenile probation officer and, based on the criteria in
227 this subsection, shall determine the need for continued
228 detention. A child placed into secure, nonsecure, or home
229 detention care may continue to be so detained by the court
230 pursuant to this subsection. If the court orders a placement
231 more restrictive than indicated by the results of the risk
232 assessment instrument, the court shall state, in writing, clear
233 and convincing reasons for such placement. Except as provided in
234 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),
235 paragraph (10)(c), or paragraph (10)(d), when a child is placed
236 into secure or nonsecure detention care, or into a respite home
237 or other placement pursuant to a court order following a
238 hearing, the court order must include specific instructions that
239 direct the release of the child from such placement no later
240 than 5 p.m. on the last day of the detention period specified in
241 paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1.,
242 whichever is applicable, unless the requirements of such
243 applicable provision have been met or an order of continuance
244 has been granted pursuant to paragraph (5)(f).

245 (5)

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

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

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

258 Section 5. Paragraph (b) of subsection (2) of section
 259 985.2155, Florida Statutes, is amended to read:

260 985.2155 Shared county and state responsibility for
 261 juvenile detention.--

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

263 (b) "Fiscally constrained county" means a county
 264 ~~designated as a rural area of critical economic concern under s.~~
 265 ~~288.0656~~ for which the value of a mill in the county is no more
 266 than \$4 ~~\$3~~ million, based on the property valuations and tax
 267 data annually published by the Department of Revenue under s.
 268 195.052.

269 Section 6. Subsection (5) of section 985.228, Florida
 270 Statutes, is amended to read:

271 985.228 Adjudicatory hearings; withheld adjudications;
 272 orders of adjudication.--

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

280 (b) The order of adjudication of delinquency under

281 paragraph (a) shall also include conditions that must be
282 followed by the child until a disposition order is entered in
283 his or her case. These conditions must include, but are not
284 limited to, specifying that the child, during any period of time
285 that he or she:

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

289 2. Is in secure detention, is prohibited from engaging in
290 ungovernable behavior.

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

293 1. The child's failing to obey the reasonable and lawful
294 demands of the child's parent or legal guardian and, where
295 applicable, the reasonable and lawful demands of a person
296 responsible for supervising the child while he or she is in
297 school, another educational program, or secure detention.

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

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

303 (d) If a child willfully violates a condition contained in
304 his or her order of adjudication of delinquency, the court may
305 find the child in direct or indirect contempt of court under s.
306 985.216; however, notwithstanding s. 985.216 and the results of
307 the risk assessment instrument, the child's sanctions for such
308 contempt of court shall be placement in secure detention or, at

309 the discretion of the court and if available, on home detention
 310 with electronic monitoring until the child's disposition order
 311 is entered in his or her case.

312 Section 7. Paragraph (j) of subsection (1) of section
 313 985.231, Florida Statutes, is amended to read:

314 985.231 Powers of disposition in delinquency cases.--

315 (1)

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

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

323 2. Upon a second adjudication for grand theft of a motor
 324 vehicle which is separate and unrelated to the previous
 325 adjudication, may place the child youth in a sheriff's training
 326 and respect program ~~boot camp~~, unless the child is ineligible
 327 under s. 985.3091 ~~pursuant to s. 985.309~~, and shall order the
 328 child youth to complete a minimum of 100 hours of community
 329 service.

330 3. Upon a third adjudication for grand theft of a motor
 331 vehicle which is separate and unrelated to the previous
 332 adjudications, shall place the child youth in a sheriff's
 333 training and respect program ~~boot camp~~ or other treatment
 334 program, unless the child is ineligible under s. 985.3091
 335 ~~pursuant to s. 985.309~~, and shall order the child youth to
 336 complete a minimum of 250 hours of community service.

337 Section 8. Section 985.309, Florida Statutes, is repealed.

338 Section 9. Section 985.3091, Florida Statutes, is created
339 to read:

340 985.3091 Sheriff's training and respect programs.--

341 (1) Contingent upon specific appropriation, local funding,
342 or specific appropriation and local funding, a county sheriff
343 may, under contract with the department, implement and operate a
344 sheriff's training and respect program to provide intensive
345 education, physical training, and rehabilitation for children
346 who are eligible under subsection (2). A sheriff's training and
347 respect program shall be under the sheriff's supervisory
348 authority as determined by the contract between the department
349 and the sheriff.

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

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

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

358 (c) Has a medical, psychological, and substance abuse
359 profile that is conducive to successful completion of the
360 program, as determined by the sheriff's and department's review
361 of preadmission medical, psychological, and substance abuse
362 screenings conducted by the department.

363 (d) Will be placed in the judicial circuit in which the
364 child was adjudicated, except that the child may be placed

365 outside of that judicial circuit if:

366 1. The department, or the court if otherwise authorized by
367 law to select a commitment program within a restrictiveness
368 level for a child, determines that placement within the judicial
369 circuit would not be in the child's best interest or the
370 sheriff's training and respect program is unable to accept the
371 child; and

372 2. The child's parent or guardian agrees in writing to the
373 placement.

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

376 (a) Participate in physical training exercises.

377 (b) Complete educational, vocational, community service,
378 and substance abuse programs.

379 (c) Receive training in life and job skills and in
380 techniques for appropriate decisionmaking.

381 (d) Receive counseling that is directed at replacing
382 criminal thinking, beliefs, and values with moral thinking,
383 beliefs, and values.

384 (4) A sheriff's training and respect program shall be a
385 moderate-risk residential program and must provide conditional
386 release assessment and services in accordance with s. 985.316.
387 The minimum period of participation in the residential component
388 of a sheriff's training and respect program is 4 months;
389 however, this subsection does not prohibit operation of a
390 program that requires the participants to spend more than 4
391 months in the residential component of the program or that

392 requires the participants to complete two sequential programs of
 393 4 months each in the residential component of the program.

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

397 (a) Requirements for the preadmission medical,
 398 psychological, and substance abuse screenings required by
 399 subsection (2).

400 (b) Authorized disciplinary sanctions and restrictions on
 401 the privileges of the general population of children in the
 402 program. The rules must prohibit the use of physical force or
 403 restraint except as authorized in rules adopted pursuant to s.
 404 985.4055 and must specifically preclude the use of physical
 405 force or restraint as a disciplinary sanction or to encourage
 406 compliance with program requirements.

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

410 (d) Requirements for provision of notice by the program to
 411 the department and for the removal of a child from the program
 412 if the child becomes unmanageable or ineligible for the program
 413 due to changes in his or her medical, psychological, or
 414 substance abuse profile.

415 (e) Requirements for the prominent display of the
 416 telephone number of the statewide abuse registry and for
 417 immediate access by children in the program, upon request, to a
 418 telephone for the purpose of contacting the abuse registry.

419 (6) (a) Evaluations under s. 985.412(5) of each sheriff's

420 training and respect program shall be conducted quarterly during
421 the first year of the program's operation. Thereafter, if the
422 program has met the minimum thresholds for the evaluation, the
423 program shall be evaluated annually. If a sheriff's training and
424 respect program fails to meet the minimum thresholds, the
425 department shall cancel the contract for the program:

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

430 2. If the program fails to achieve compliance with the
431 minimum thresholds for program continuation within 3 months,
432 unless there are documented extenuating circumstances, as
433 defined in department rule.

434 (b) Upon cancellation of a contract under paragraph (a),
435 the program's operations shall immediately cease and the
436 department shall immediately discontinue any state payments to
437 the program.

438 (7) The department shall keep records and monitor criminal
439 activity, educational progress, and employment placement of all
440 sheriff's training and respect program participants after their
441 release from the program. The department must annually publish
442 an outcome evaluation study of each sheriff's training and
443 respect program.

444 (8) (a) The department shall adopt rules under ss.
445 120.536(1) and 120.54 that establish training requirements for
446 staff in a sheriff's training and respect program. These
447 requirements shall, at a minimum, require administrative staff

448 to successfully complete 120 contact hours of department-
449 approved training and staff who provide direct care, as defined
450 in s. 985.4055, to successfully complete 200 contact hours of
451 department-approved training.

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

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

455 2. Authorized disciplinary sanctions, privilege
456 restrictions, and limitations on use of physical force and
457 restraint techniques under paragraph (5) (b) and prohibited
458 psychological intimidation techniques under paragraph (5) (c).

459 3. Appropriate counseling techniques and aggression
460 control methods.

461 4. Appropriate methods for dealing with children who have
462 been placed in programs that emphasize physical fitness and
463 personal discipline, including training on the identification
464 of, and appropriate responses to, children who are experiencing
465 physical or mental distress.

466 5. Cardiopulmonary resuscitation, choke-relief, and other
467 emergency medical procedures.

468 (c) All department-approved training courses under this
469 subsection must be taught by persons who are certified as
470 instructors by the Division of Criminal Justice Standards and
471 Training of the Department of Law Enforcement and who have prior
472 experience in a juvenile program. A training course in
473 counseling techniques need not be taught by a certified
474 instructor but must be taught by a person who has at least a
475 bachelor's degree in social work, counseling, psychology, or a

476 related field.

477 (d) A person may not provide direct care, as defined in s.
 478 985.4055, to a child in a sheriff's training and respect program
 479 unless he or she has successfully completed the training
 480 requirements under this subsection and has complied with the
 481 requirements for employees under s. 985.4055(2)(b)-(d).

482 (9) Children shall not be admitted to a sheriff's training
 483 and respect program until the department has adopted the rules
 484 required by this section and has verified that each program is
 485 in compliance with all laws and rules applicable to the program.
 486 The department may adopt emergency rules pursuant to s.
 487 120.54(4) if necessary to allow operation of sheriff's training
 488 and respect programs beginning July 1, 2006.

489 Section 10. Paragraph (i) of subsection (3) of section
 490 985.311, Florida Statutes, is amended to read:

491 985.311 Intensive residential treatment program for
 492 offenders less than 13 years of age.--

493 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
 494 TREATMENT.--

495 (i) The treatment and placement recommendations shall be
 496 submitted to the court for further action pursuant to this
 497 paragraph:

498 1. If it is recommended that placement in an intensive
 499 residential treatment program for offenders less than 13 years
 500 of age is inappropriate, the court shall make an alternative
 501 disposition pursuant to s. 985.3091 ~~985.309~~ or other alternative
 502 sentencing as applicable, utilizing the recommendation as a
 503 guide.

504 2. If it is recommended that placement in an intensive
 505 residential treatment program for offenders less than 13 years
 506 of age is appropriate, the court may commit the child to the
 507 department for placement in the restrictiveness level designated
 508 for intensive residential treatment program for offenders less
 509 than 13 years of age.

510 Section 11. Section 985.4055, Florida Statutes, is created
 511 to read:

512 985.4055 Protective action response.--

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

514 (a) "Direct care" means the care, supervision, custody, or
 515 control of youth in any facility, service, or program that is
 516 operated by the department or by a provider under contract with
 517 the department.

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

519 (c) "Protective Action Response policy" means the policy
 520 governing the use of verbal and physical intervention
 521 techniques, mechanical restraints, and aerosol and chemical
 522 agents by employees.

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

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

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

528 2. Requires the use of verbal intervention techniques as
 529 the initial response by an employee to verbal or physical
 530 resistance by a youth, except where physical intervention
 531 techniques are necessary to prevent:

- 532 a. Physical harm to the youth, employee, or another
533 person;
- 534 b. Property damage; or
- 535 c. The youth from escaping or absconding from lawful
536 supervision.
- 537 3. Defines authorized physical intervention techniques and
538 the situations under which employees may use these techniques
539 for youth. Pain compliance techniques and use of less than
540 lethal force shall be prohibited, except where necessary to
541 prevent:
- 542 a. Physical harm to the youth, employee, or another
543 person;
- 544 b. Property damage; or
- 545 c. The youth from escaping or absconding from lawful
546 supervision.
- 547
- 548 Lethal force shall be prohibited, except where necessary to
549 protect the employee or another person from an imminent threat
550 of great bodily harm or death. Prior authorization by an
551 employee's supervisor for the use of physical intervention
552 techniques shall be obtained when practical.
- 553 4. Defines authorized use of mechanical restraints and the
554 situations under which employees may use such restraints on
555 youth. Prohibited uses of mechanical restraints shall include
556 the use of neck restraints and the securing of a youth to a
557 fixed object. Supervision requirements for youth who are secured
558 in mechanical restraints shall include constant and direct
559 visual monitoring by an employee for purposes of insuring youth

560 safety and ascertaining indications by the youth that restraints
561 are no longer necessary. Prior authorization by an employee's
562 supervisor for the use of mechanical restraints shall be
563 obtained when practical.

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

568 (b) Establish training curriculums for protective action
569 response certification of employees and instructors. The
570 training curriculum for employee certification shall, at a
571 minimum, require the employee to:

572 1. Complete 40 hours of instruction on the protective
573 action response policy.

574 2. Obtain a passing score:

575 a. On a written examination that tests the employee's
576 knowledge and understanding of the protective action response
577 policy.

578 b. During an evaluation by an instructor of the employee's
579 physically demonstrated ability to implement the protective
580 action response policy.

581 (c) Require training curriculums for protective action
582 response certification of employees to be taught by instructors
583 who have been certified under the training curriculum for
584 protective action response certification of instructors.

585 (d) Require each employee to have:

586 1. Completed the instruction required under subparagraph
587 (b)1 within 90 days.

588 2. Received his or her protective action response
 589 certification within 90 days.

590 3. Direct supervision during the 90-day period prior to
 591 completing the instruction and certification requirements under
 592 subparagraphs 1. and 2. by an employee who had received the
 593 training and certification required by subparagraphs 1. and 2.

594 Section 12. Section 985.4056, Florida Statutes, is created
 595 to read:

596 985.4056 Juvenile Justice Accountability Commission.--

597 (1) CREATION; MEMBERSHIP.--

598 (a) The Juvenile Justice Accountability Commission is
 599 created and administratively housed within the department. The
 600 commission shall be composed of seven members appointed by the
 601 Governor. Each member of the commission must have direct
 602 experience in juvenile justice issues and must be a citizen of
 603 and registered voter in this state. The composition of the
 604 commission must equitably represent all geographic areas of the
 605 state and include minorities and women.

606 (b) Within the 2-year period preceding his or her
 607 appointment, a member of the commission may not have been, and
 608 during the 2-year period following termination of his or her
 609 appointment, a member of the commission may not be:

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

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

615 (c) Each member of the commission shall serve a term of 4

616 years; however, for the purpose of providing staggered terms, of
617 the initial appointments, three members shall serve 2-year terms
618 and four members shall serve 4-year terms. Any vacancy on the
619 commission shall be filled in the same manner as the original
620 appointment within 60 days after the date upon which the vacancy
621 occurred, and any member appointed to fill a vacancy shall serve
622 only for the unexpired term of the member's predecessor. The
623 chairperson of the commission shall be selected by the members
624 for a term of 1 year.

625 (d) In addition to the membership specified under this
626 subsection, the commission shall invite ex officio, nonvoting
627 associates to attend and participate in commission meetings and
628 to provide advice to the commission. The ex officio associates
629 shall include, but are not limited to:

630 1. A member of the House of Representatives designated by
631 the Speaker of the House.

632 2. A member of the Senate designated by the President of
633 the Senate.

634 3. An employee of the Executive Office of the Governor
635 designated by the Governor.

636 4. An employee of the department.

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

639 6. A sheriff.

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

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

643 9. An employee of the Department of Law Enforcement who is

644 responsible for data compilation and research.

645 10. A state university employee responsible for juvenile
 646 justice research.

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

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

651 (b) "Minorities" means a member of a socially or
 652 economically disadvantaged group and includes African Americans,
 653 Hispanics, and American Indians.

654 (3) MEETINGS.--

655 (a) The commission shall hold a minimum of four regular
 656 meetings annually, and other meetings may be called by the chair
 657 upon giving at least 7 days' notice to all members and the
 658 public pursuant to chapter 120. Meetings may also be held upon
 659 the written request of at least four members, upon at least 7
 660 days' notice of such meeting being given to all members and the
 661 public by the chair pursuant to chapter 120. Emergency meetings
 662 may be held without notice upon the request of all members. The
 663 meetings of the commission shall be held in the central office
 664 of the department in Tallahassee unless the chair determines
 665 that special circumstances warrant meeting at another location.

666 (b) A majority of the membership of the commission
 667 constitutes a quorum and a quorum is required for any meeting of
 668 the commission during which action will be voted upon. An action
 669 of the commission is not binding unless the action is taken
 670 pursuant to an affirmative vote of a majority of the members
 671 present and the vote must be recorded in the minutes of the

672 meeting.

673 (c) A member of the commission may not authorize a
 674 designee to attend a meeting of the commission in his or her
 675 place. A member who fails to attend two consecutive regularly
 676 scheduled meetings of the commission, unless the member is
 677 excused by the chairperson, shall be deemed to have abandoned
 678 the position, and the position shall be declared vacant by the
 679 commission.

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

683 (4) ORGANIZATION.--

684 (a) The commission, subject to appropriation, may employ
 685 an executive director and other staff, and may retain
 686 consultants, as necessary.

687 (b) The commission shall be a separate budget entity, and
 688 the executive director shall be the chief administrative
 689 officer. The department shall provide administrative support and
 690 service to the commission to the extent requested by the
 691 executive director. The commission and its staff are not subject
 692 to the control, supervision, or direction of the department.

693 (c) The commission shall develop a budget pursuant to
 694 chapter 216. The budget is not subject to change by the
 695 department and shall be submitted to the Governor and
 696 Legislature as provided in s. 216.023.

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

700 (5) DUTIES.--The commission shall:
 701 (a) On or before October 1, 2006 and subject to
 702 appropriation, enter into a contract under chapter 287 for the
 703 development of a comprehensive evaluation, accountability, and
 704 reporting system for each juvenile justice program individually
 705 and for each category of the juvenile justice program for the
 706 purpose of informing service providers and policy makers of the
 707 effectiveness of individual providers and of the various
 708 approaches to providing services. The contract must require the
 709 provider to deliver the following on or before January 15, 2007:
 710 1. A standardized evaluation protocol based upon best
 711 practices for each juvenile justice program that:
 712 a. Includes minimum thresholds for program continuation
 713 and that identifies program effectiveness and areas in need of
 714 expansion, improvement, modification, or elimination.
 715 b. Provides criteria for program termination based upon
 716 evaluation results.
 717 c. Requires continual review of best practices literature
 718 and updates to the standardized evaluation protocol based upon
 719 that review.
 720 d. Requires an annual report to the executive and
 721 legislative branches, which sets forth for each juvenile justice
 722 program::
 723 (I) A comprehensive description of the population served
 724 by the program.
 725 (II) A specific description of the services provided by
 726 the program.
 727 (III) Program cost.

728 (IV) A comparison of expenditures to federal and state
 729 funding.

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

731 (VI) Recommendations to maintain, expand, improve, modify,
 732 or eliminate the program.

733 2. A process for the collection, analysis, and reporting
 734 of statistical data that will enable continuous evaluation of
 735 the juvenile justice system as a whole and will provide the
 736 Legislature, Governor, and the department with necessary and
 737 useful information and reports to make informed decisions
 738 regarding the effectiveness of, and any needed changes in,
 739 juvenile justice programming, policies, and laws.

740 (b) On or before February 15, 2007, submit a report to the
 741 appropriate substantive and fiscal committees of the
 742 Legislature, the Governor, and the secretary of the department
 743 that:

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

747 2. Sets forth recommendations by the commission for:

748 a. Modifications to the provider-developed system if found
 749 warranted by the commission.

750 b. Statutory amendments and department rule and policy
 751 changes that will be required to implement the provider-
 752 developed system.

753 c. Review and recommend programmatic and fiscal policies
 754 governing the operation of juvenile justice programs. Funding
 755 requirements for implementation of the provider-developed

756 system.

757 d. Whether the provider-developed system should be
758 implemented by employees of the commission or by a provider
759 under contract with the commission.

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

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

765 (e) Serve as a clearinghouse, in coordination with the
766 department, to provide information and assistance to the
767 juvenile justice circuit boards and juvenile justice county
768 councils.

769 (f) Advise the President of the Senate, the Speaker of the
770 House of Representatives, the Governor, and the department on
771 matters relating to this chapter.

772 (g) Conduct such other activities as the commission may
773 determine are necessary and appropriate to monitor the
774 effectiveness of the delivery of juvenile justice under this
775 chapter.

776 (h) Submit an annual report to the Governor, the
777 appropriate substantive and fiscal committees of the
778 Legislature, and the secretary of the department no later than
779 January 1st of each year that summarizes the meetings and
780 activities of the commission during the preceding year and
781 includes any recommendations of the commission for the following
782 year.

783 (6) INFORMATION SYSTEM ACCESS.--The department shall

784 provide the commission with automated access to the Juvenile
 785 Justice Information System under s. 20.316(4).

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

789 Section 13. Section 985.412, Florida Statutes, is amended
 790 to read:

791 985.412 Program review and reporting requirements ~~Quality~~
 792 ~~assurance and cost effectiveness.--~~

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

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

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

800 (c)-(b) Provide information about the cost of ~~such~~ programs
 801 and their differential effectiveness so that program the quality
 802 may of such programs can be compared and improvements made
 803 continually.

804 (d)-(e) Provide information to aid in developing related
 805 policy issues and concerns.

806 (e)-(d) Provide information to the public about the
 807 effectiveness of ~~such~~ programs in meeting established goals and
 808 objectives.

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

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

813 (h)~~(g)~~ Modify or eliminate activities that are not
814 effective.

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

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

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

822 (c)~~(b)~~ "Program component" means an aggregation of
823 generally related objectives which, because of their special
824 character, related workload, and interrelated output, can
825 logically be considered an entity for purposes of organization,
826 management, accounting, reporting, and budgeting.

827 ~~(c) "Program effectiveness" means the ability of the~~
828 ~~program to achieve desired client outcomes, goals, and~~
829 ~~objectives.~~

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

833 (3) OUTCOME EVALUATION.--The department, in consultation
834 with the Office of Economic and Demographic Research, the Office
835 of Program Policy Analysis and Government Accountability, and
836 contract service providers, shall develop and use a standard
837 methodology for annually measuring, evaluating, and reporting
838 program outputs and youth outcomes for each program and program
839 group.

840 (a) The standard methodology must:
 841 1. Incorporate, whenever possible, performance-based
 842 budgeting measures.
 843 2. Include common terminology and operational definitions
 844 for measuring the performance of system and program
 845 administration, program outputs, and youth outcomes.
 846 3. Specify program outputs for each program and for each
 847 program group within the juvenile justice continuum.
 848 4. Specify desired youth outcomes and methods by which to
 849 measure youth outcomes for each program and program group.
 850 (b) By February 15 of each year, the department shall
 851 submit to the appropriate substantive and fiscal committees of
 852 each house of the Legislature and the Governor a report that
 853 identifies and describes:
 854 1. The standard methodology implemented under paragraph
 855 (a).
 856 2. The programs offered within each program group.
 857 3. The demographic profile and offense history of youth
 858 served in each program group.
 859 4. The actual program outputs and youth outcomes achieved
 860 in each program group. ~~The department shall annually collect and~~
 861 ~~report cost data for every program operated or contracted by the~~
 862 ~~department. The cost data shall conform to a format approved by~~
 863 ~~the department and the Legislature. Uniform cost data shall be~~
 864 ~~reported and collected for state operated and contracted~~
 865 ~~programs so that comparisons can be made among programs. The~~
 866 ~~department shall ensure that there is accurate cost accounting~~
 867 ~~for state operated services including market equivalent rent and~~

868 ~~other shared cost. The cost of the educational program provided~~
 869 ~~to a residential facility shall be reported and included in the~~
 870 ~~cost of a program. The department shall submit an annual cost~~
 871 ~~report to the President of the Senate, the Speaker of the House~~
 872 ~~of Representatives, the Minority Leader of each house of the~~
 873 ~~Legislature, the appropriate substantive and fiscal committees~~
 874 ~~of each house of the Legislature, and the Governor, no later~~
 875 ~~than December 1 of each year. Cost benefit analysis for~~
 876 ~~educational programs will be developed and implemented in~~
 877 ~~collaboration with and in cooperation with the Department of~~
 878 ~~Education, local providers, and local school districts. Cost~~
 879 ~~data for the report shall include data collected by the~~
 880 ~~Department of Education for the purposes of preparing the annual~~
 881 ~~report required by s. 1003.52(19).~~

882 (4) ~~(a)~~ PROGRAM ACCOUNTABILITY MEASURES. ~~--~~The department of
 883 ~~Juvenile Justice~~, in consultation with the Office of Economic
 884 and Demographic Research, and contract service providers, shall
 885 develop a cost-effectiveness model and apply the model to each
 886 commitment program. ~~Program recidivism rates shall be a~~
 887 ~~component of the model.~~

888 (a) The cost-effectiveness model shall compare program
 889 costs to expected and actual youth recidivism rates ~~client~~
 890 ~~outcomes and program outputs~~. It is the intent of the
 891 Legislature that continual development efforts take place to
 892 improve the validity and reliability of the cost-effectiveness
 893 model ~~and to integrate the standard methodology developed under~~
 894 ~~s. 985.401(4) for interpreting program outcome evaluations.~~

895 (b) The department shall rank commitment programs based on

896 the cost-effectiveness model and shall submit a report to the
 897 appropriate substantive and fiscal committees of each house of
 898 the Legislature by January 15 ~~December 31~~ of each year.

899 (c) Based on ~~reports of the department on client outcomes~~
 900 ~~and program outputs and on~~ the department's most recent cost-
 901 effectiveness rankings, the department may terminate a
 902 commitment program ~~operated by the department or a provider~~ if
 903 the program has failed to achieve a minimum threshold of cost-
 904 effectiveness ~~program effectiveness~~. This paragraph does not
 905 preclude the department from terminating a contract as provided
 906 under this section or as otherwise provided by law or contract,
 907 and does not limit the department's authority to enter into or
 908 terminate a contract.

909 (d) In collaboration with the Office of Economic and
 910 Demographic Research, and contract service providers, the
 911 department shall develop a work plan to refine the cost-
 912 effectiveness model so that the model is consistent with the
 913 performance-based program budgeting measures approved by the
 914 Legislature to the extent the department deems appropriate. The
 915 department shall notify the Office of Program Policy Analysis
 916 and Government Accountability of any meetings to refine the
 917 model.

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

921 1. Construct a profile of each commitment program that
 922 uses the results of the quality assurance report required by
 923 this section, the cost-effectiveness report required in this

924 subsection, and other reports available to the department.

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

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

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

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

935 (a) Establish a comprehensive quality assurance system for
 936 each program ~~operated by the department or operated by a~~
 937 ~~provider under contract with the department~~. Each contract
 938 entered into by the department must provide for quality
 939 assurance.

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

942 (c) Establish quality assurance goals and objectives for
 943 each specific program component.

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

946 (e) Develop a quality assurance manual of specific,
 947 standardized terminology and procedures to be followed by each
 948 program.

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

952 1. If a provider fails to meet the established minimum
 953 thresholds, such failure shall cause the department to cancel
 954 the provider's contract:

955 a. Immediately if the provider has a deficiency in a
 956 critical life safety aspect of its operations, as defined in
 957 department rule, or has failed to train and certify its
 958 employees as required in s. 985.4055.

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

963
 964 If a provider's contract is cancelled under subparagraph 1., the
 965 provider's operations shall immediately cease, the department
 966 shall immediately discontinue any state payments to the
 967 provider, and the provider shall be ineligible to contract with
 968 the department ~~In addition, the department may not contract with~~
 969 ~~the same provider~~ for the canceled service for a period of 12
 970 months.

971 2. If a department-operated program fails to meet the
 972 established minimum thresholds, the program's operations shall
 973 be:

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

978 b. Terminated if the department fails to achieve
 979 compliance with the minimum thresholds for program continuation

980 within 6 months, unless there are documented extenuating
 981 circumstances as defined in department rule. ~~the department must~~
 982 ~~take necessary and sufficient steps to ensure and document~~
 983 ~~program changes to achieve compliance with the established~~
 984 ~~minimum thresholds. If the department-operated program fails to~~
 985 ~~achieve compliance with the established minimum thresholds~~
 986 ~~within 6 months and if there are no documented extenuating~~
 987 ~~circumstances, the department must notify the Executive Office~~
 988 ~~of the Governor and the Legislature of the corrective action~~
 989 ~~taken. Appropriate corrective action may include, but is not~~
 990 ~~limited to:~~

- 991 ~~1. Contracting out for the services provided in the~~
- 992 ~~program;~~
- 993 ~~2. Initiating appropriate disciplinary action against all~~
- 994 ~~employees whose conduct or performance is deemed to have~~
- 995 ~~materially contributed to the program's failure to meet~~
- 996 ~~established minimum thresholds;~~
- 997 ~~3. Redesigning the program; or~~
- 998 ~~4. Realigning the program.~~

999 (g) ~~The department shall~~ Submit an annual report to the
 1000 President of the Senate, the Speaker of the House of
 1001 Representatives, the minority leader of each house of the
 1002 Legislature, the appropriate substantive and fiscal committees
 1003 of each house of the Legislature, and the Governor by ~~, no later~~
 1004 ~~than~~ February 1 of each year. The annual report must contain, at
 1005 a minimum, for each ~~specific~~ specific program ~~component~~:

- 1006 1. A comprehensive description of the population served.
- 1007 ~~by the program;~~

1008 2. A specific description of its ~~the~~ services.

1009 3. A summary of the performance of each program component

1010 ~~evaluated. provided by the program;~~

1011 4. Cost data that is reported in a uniform format so that

1012 cost comparisons may be made among programs. For a residential

1013 program, the cost data must include the cost of its educational

1014 program.†

1015 5. A comparison of expenditures to federal and state

1016 funding.†

1017 6. Immediate and long-range concerns. †~~and~~

1018 7. Recommendations to maintain, expand, improve, modify,

1019 or eliminate each program component so that changes in services

1020 lead to enhancement in program quality. ~~The department shall~~

1021 ~~ensure the reliability and validity of the information contained~~

1022 ~~in the report.~~

1023 ~~(6) The department shall collect and analyze available~~

1024 ~~statistical data for the purpose of ongoing evaluation of all~~

1025 ~~programs. The department shall provide the Legislature with~~

1026 ~~necessary information and reports to enable the Legislature to~~

1027 ~~make informed decisions regarding the effectiveness of, and any~~

1028 ~~needed changes in, services, programs, policies, and laws.~~

1029 ~~(7) No later than November 1, 2001, the department shall~~

1030 ~~submit a proposal to the Legislature concerning funding~~

1031 ~~incentives and disincentives for the department and for~~

1032 ~~providers under contract with the department. The~~

1033 ~~recommendations for funding incentives and disincentives shall~~

1034 ~~be based upon both quality assurance performance and cost-~~

1035 ~~effectiveness performance. The proposal should strive to achieve~~

1036 ~~consistency in incentives and disincentives for both department-~~
 1037 ~~operated and contractor provided programs. The department may~~
 1038 ~~include recommendations for the use of liquidated damages in the~~
 1039 ~~proposal; however, the department is not presently authorized to~~
 1040 ~~contract for liquidated damages in non-hardware-secure~~
 1041 ~~facilities until January 1, 2002.~~

1042 Section 14. Section 958.046, Florida Statutes, is amended
 1043 to read:

1044 958.046 Placement in county-operated boot camp programs
 1045 for youthful offenders.--In counties where there are county-
 1046 operated youthful offender boot camp programs, other than boot
 1047 camps described in s. 958.04 or sheriff's training and respect
 1048 programs in s. 985.3091 985.309, the court may sentence a
 1049 youthful offender to such a boot camp. In county-operated
 1050 youthful offender boot camp programs, juvenile offenders shall
 1051 not be commingled with youthful offenders.

1052 Section 15. Paragraph (i) of subsection (3) of section
 1053 985.31, Florida Statutes, is amended to read:

1054 985.31 Serious or habitual juvenile offender.--

1055 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
 1056 TREATMENT.--

1057 (i) The treatment and placement recommendations shall be
 1058 submitted to the court for further action pursuant to this
 1059 paragraph:

1060 1. If it is recommended that placement in a serious or
 1061 habitual juvenile offender program or facility is inappropriate,
 1062 the court shall make an alternative disposition pursuant to s.
 1063 985.3091 985.309 or other alternative sentencing as applicable,

1064 using ~~utilizing~~ the recommendation as a guide.

1065 2. If it is recommended that placement in a serious or
 1066 habitual juvenile offender program or facility is appropriate,
 1067 the court may commit the child to the department for placement
 1068 in the restrictiveness level designated for serious or habitual
 1069 delinquent children programs.

1070 Section 16. Section 985.314, Florida Statutes, is amended
 1071 to read:

1072 985.314 Commitment programs for juvenile felony
 1073 offenders.--

1074 (1) Notwithstanding any other law and regardless of the
 1075 child's age, a child who is adjudicated delinquent, or for whom
 1076 adjudication is withheld, for an act that would be a felony if
 1077 committed by an adult, shall be committed to:

1078 (a) A sheriff's training and respect ~~boot-camp~~ program
 1079 under s. 985.3091 ~~s. 985.309~~ if the child has participated in an
 1080 early delinquency intervention program as provided in s.
 1081 985.305.

1082 (b) A program for serious or habitual juvenile offenders
 1083 under s. 985.31 or an intensive residential treatment program
 1084 for offenders less than 13 years of age under s. 985.311, if the
 1085 child has participated in an early delinquency intervention
 1086 program and has completed a sheriff's training and respect ~~boot-~~
 1087 ~~camp~~ program.

1088 (c) A maximum-risk residential program, if the child has
 1089 participated in an early delinquency intervention program, has
 1090 completed a sheriff's training and respect ~~boot-camp~~ program,
 1091 and has completed a program for serious or habitual juvenile

1092 offenders or an intensive residential treatment program for
 1093 offenders less than 13 years of age. The commitment of a child
 1094 to a maximum-risk residential program must be for an
 1095 indeterminate period, but may not exceed the maximum term of
 1096 imprisonment that an adult may serve for the same offense.

1097 (2) In committing a child to the appropriate program, the
 1098 court may consider an equivalent program of similar intensity as
 1099 being comparable to a program required under subsection (1).

1100 Section 17. Cost of supervision and care waiver; pilot
 1101 program.--

1102 (1) For purposes of this section, the term:

1103 (a) "Approved parenting class" means a class approved by
 1104 the Juvenile Justice Accountability Commission under subsection
 1105 (4).

1106 (b) "Court" means a circuit court in the Ninth Judicial
 1107 Circuit.

1108 (c) "Department" means the Department of Juvenile Justice.

1109 (d) "Parent" means the parent of child whose delinquency
 1110 case comes before a circuit court in the Ninth Judicial Circuit.

1111 (2) (a) Notwithstanding any contrary provision of s.
 1112 985.2311, Florida Statutes, for the period of October 1, 2006
 1113 through June 30, 2009, the court shall enter an order waiving
 1114 the fees required to be paid under s. 985.2311, Florida
 1115 Statutes, by a parent if the parent successfully completes an
 1116 approved parenting class and presents the court with notarized
 1117 documentation of such completion.

1118 (b) Participation in an approved parenting class under
 1119 this subsection is voluntary and the parent is responsible for

1120 the payment of all costs associated with participation in the
 1121 class.

1122 (c) A parent who fails to successfully complete an
 1123 approved parenting class shall pay the full amount of fees
 1124 required by s. 985.2311, Florida Statutes.

1125 (d) A parent may only have fees waived under this
 1126 subsection once.

1127 (3) The Office of Program Policy and Government
 1128 Accountability shall evaluate the pilot program created by this
 1129 section and shall submit a written report to the appropriate
 1130 substantive and fiscal committees of the Legislature, the
 1131 Governor, and the Department of Juvenile Justice on September
 1132 30, 2007, and annually thereafter, which identifies for the
 1133 Ninth Judicial Circuit during the fiscal year preceding the
 1134 report:

1135 (a) The number of delinquency cases in which fees were
 1136 required to be ordered under s. 985.2311, F.S., and the total
 1137 amount of those fees.

1138 (b) The number of delinquency cases in which parents
 1139 agreed to complete an approved parenting class and the number of
 1140 delinquency cases in which the parent submitted notarized
 1141 documentation of successful completion to the court.

1142 (c) The number of delinquency cases in which the court
 1143 entered an order waiving fees under subsection (2) and the total
 1144 amount of fees waived.

1145 (d) The number of youth, as such data becomes available,
 1146 who are taken into custody for a felony or misdemeanor within
 1147 six months following their release from department custody or

1148 supervision, whichever occurs later, and whose parents' fees
 1149 under s. 985.2311, Florida Statutes, are:

1150 1. Waived by court order under subsection (2).
 1151 2. Not waived by court order under subsection (2).

1152 (4) The Juvenile Justice Accountability Commission,
 1153 subject to appropriation, shall execute a contract under chapter
 1154 287 for the provision of parenting courses in the Ninth Judicial
 1155 Circuit between October 1, 2006 through June 30, 2009.

1156 (5) This section is repealed effective October 1, 2009.

1157 Section 18. Effective October 1, 2006, all powers, duties,
 1158 resources, and personnel associated with the Department of
 1159 Juvenile Justice's responsibilities under ss. 985.308(9),
 1160 985.311(2)(e), 985.411(7) and (9)(b), and 985.412, Florida
 1161 Statutes, are transferred by a type two transfer as defined in
 1162 s. 20.06(2), Florida Statutes, to the Juvenile Justice
 1163 Accountability Commission created by this act.

1164 Section 19. This act shall take effect July 1, 2006.