

1 A bill to be entitled
 2 An act relating to a juvenile justice pilot program;
 3 creating a pilot program that authorizes specified courts
 4 to select commitment programs for juvenile delinquents;
 5 providing definitions; providing program's purpose;
 6 requiring the Department of Juvenile Justice to develop
 7 implementation procedures and to publish specified
 8 information about commitment programs on its website;
 9 providing procedures for the selection of commitment
 10 programs by courts; requiring evaluation and reports by
 11 the Office of Program Policy and Government
 12 Accountability; specifying department and court
 13 responsibilities relating to the reports; providing for
 14 future repeal; providing an effective date.

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

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 18 Section 1. Judicial discretion to select commitment
 19 programs; pilot program.--

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

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

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

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28 (c) "Delinquency court" means a circuit court in the
29 First, Eleventh, or Thirteenth Judicial Circuit.

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

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

36 (2) Between September 1, 2006, and July 1, 2010, a pilot
37 program shall be conducted in the First, Eleventh, and
38 Thirteenth Judicial Circuits, which authorizes delinquency
39 courts to select commitment programs for youth. The purpose of
40 the pilot program is to identify and evaluate the benefits and
41 disadvantages of affording such judicial discretion prior to
42 legislative consideration of statewide implementation.

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

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

46 (b) Publish on its Internet website information that
47 identifies the name and address of each commitment program and
48 that describes for each identified commitment program the
49 population of youth served; the maximum capacity; the services
50 offered; the admission criteria; the most recent recidivism
51 rates; and the most recent cost-effectiveness rankings and
52 quality assurance results under s. 985.412, Florida Statutes.
53 The department shall continually update information published
54 under this paragraph as modifications occur.

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

57 (a) Order the department to include in a youth's
58 predisposition report a list of all available placements within
59 each restrictiveness level identified by the court or
60 recommended by the department. The list shall also indicate the
61 wait period for each available placement identified by the
62 department.

63 (b)1. Specify for a youth committed by the court an
64 available placement identified in the listing under paragraph
65 (a), which has a wait period of 30 calendar days or less for a
66 minimum-risk nonresidential, low-risk residential, moderate-risk
67 residential, or high-risk residential commitment program or a
68 wait period of 20 calendar days or less for a maximum-risk
69 residential commitment program; or

70 2. Alternatively, a delinquency court may specify:

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

75 b. A commitment program that is not listed as an available
76 placement, if the court states reasons on the record
77 establishing by a preponderance of the evidence that the youth
78 is eligible for the commitment program and that the commitment
79 program is in the youth's best interest.

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

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83 when the next regularly scheduled opening occurs after the
84 placement of other youth who were previously committed and
85 waiting for that program.

86 (6) (a) The Office of Program Policy Analysis and
87 Government Accountability shall conduct a longitudinal
88 evaluation of the pilot program created by this section and
89 shall submit a written report to the appropriate substantive and
90 fiscal committees of the Legislature and to the Governor on
91 January 1, 2008, and annually thereafter, which identifies,
92 according to judicial circuit and restrictiveness level, the
93 following data, as it becomes available, for the pilot program
94 period:

95 1. The number of youth committed to the department by a
96 delinquency court.

97 2. The number of youth placed by a delinquency court in an
98 available placement under subparagraph (4) (b)1. and sub-
99 subparagraph (4) (b)2.a., and in a commitment program under sub-
100 subparagraph (4) (b)2.b.

101 3. The number of youth placed in a department-specified
102 commitment program.

103 4. The average wait period for, and the average number of
104 days spent by youth in secure detention while awaiting placement
105 in, delinquency court-specified commitment programs and
106 department-specified commitment programs.

107 5. The number of youth who complete, and who are otherwise
108 released from, delinquency court-specified commitment programs
109 and department-specified commitment programs.

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110 6. Educational achievements made by youth while
111 participating in delinquency court-specified commitment programs
112 and department-specified commitment programs.

113 7. The number of youth who are taken into custody for a
114 felony or misdemeanor within 6 months following completion of
115 delinquency court-specified commitment programs and department-
116 specified commitment programs.

117 (b) Before August 31, 2006:

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

122 2. The Office of Program Policy Analysis and Government
123 Accountability, in consultation with staff of the appropriate
124 substantive and fiscal committees of the Legislature, shall
125 develop common terminology and operational definitions for the
126 measurement of data necessary for the report required by this
127 subsection.

128 (c) The reports required under paragraph (a) to be
129 submitted on January 1, 2009, and January 1, 2010, must also
130 include:

131 1. Findings by the Office of Program Policy Analysis and
132 Government Accountability, the department, and delinquency
133 courts regarding the benefits and disadvantages of authorizing
134 courts to select commitment programs.

135 2. Recommendations by the Office of Program Policy
136 Analysis and Government Accountability, the department, and

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

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

140 | Section 2. This act shall take effect July 1, 2006.