

By the Committee on Criminal Justice; and Senator Wise

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1 A bill to be entitled
2 An act relating to juvenile justice; amending s.
3 20.316, F.S.; requiring the Department of Juvenile
4 Justice to establish the Juvenile Justice Policy
5 Research Institute within the department for specified
6 purposes; providing purposes of the institute;
7 amending s. 27.51, F.S.; providing that public
8 defenders are available to juveniles at all stages of
9 delinquency court proceedings; amending s. 394.492,
10 F.S.; providing that a child referred for a delinquent
11 act when he or she was under age 11 may be considered
12 at risk of emotional disturbance and therefore subject
13 to referral for mental health services; amending ss.
14 984.03 and 985.03, F.S.; correcting terminology in the
15 definition of "child in need of services"; amending s.
16 409.9025, F.S.; providing for Medicaid eligibility for
17 juveniles committed to certain residential juvenile
18 programs; amending s. 985.125, F.S.; encouraging law
19 enforcement agencies, school districts, counties,
20 municipalities and the Department of Juvenile Justice
21 to establish prearrest or postarrest diversion
22 programs for first-time misdemeanor offenders who are
23 9 years of age or younger; creating s. 985.165, F.S.;
24 providing legislative findings; requiring state
25 funding of community-based substance abuse
26 intervention, evaluation, and treatment services
27 programs in each judicial circuit; providing for
28 diversion of certain first-time drug offenders into
29 such programs; amending s. 985.245, F.S.; modifying

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30 the size and composition of the risk assessment
31 committee; requiring that the risk assessment
32 instrument be independently validated; amending s.
33 985.441, F.S.; providing that a court may commit a
34 female child adjudicated as delinquent to the
35 department for placement in a mother-infant program
36 designed to serve the needs of the juvenile mothers or
37 expectant juvenile mothers who are committed as
38 delinquents; requiring the department to adopt rules
39 to govern the operation of the mother-infant program;
40 creating s. 985.461, F.S.; requiring that all youth
41 exiting juvenile justice commitment programs have made
42 available to them the services of an identified
43 community-based, interagency transition planning team;
44 creating s. 985.495, F.S.; requiring the Department of
45 Juvenile Justice to provide access to community-based,
46 gender-specific aftercare services to all girls
47 transitioning from department programs; requiring that
48 the department place such girls under female probation
49 or conditional release case managers; providing for
50 creation of a female caseload supervision team in
51 certain circumstances; amending s. 985.622, F.S.;

52 requiring that certain juvenile justice programs offer
53 vocational training; requiring the Department of
54 Juvenile Justice to work with the Agency for Workforce
55 Innovation and Workforce Florida, Inc., to ensure that
56 all job skills training is in areas directly tied to
57 careers listed on Florida's targeted occupation list;
58 deleting obsolete provisions; amending s. 985.644,

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59 F.S.; requiring the Department of Juvenile Justice to
60 conduct demonstration projects that emphasize the
61 benefits of outcome-based contracting with certain
62 performance standard requirements; authorizing use of
63 interim and long-term outcome performance measures;
64 requiring projects to be completed by a specified
65 date; amending s. 435.04, F.S.; authorizing the
66 Department of Juvenile Justice to hire persons for
67 employment in youth facilities who were formerly in
68 the juvenile justice system and exited successfully in
69 certain circumstances; amending s. 985.644, F.S.;
70 authorizing the Department of Juvenile Justice to
71 conditionally hire juvenile justice employees upon
72 successful completion of a preliminary background
73 screening, but prior to full background screening,
74 under specified conditions; amending s. 985.664, F.S.;
75 providing that juvenile justice circuit boards and
76 juvenile justice county councils may receive local
77 discretionary grant prevention funds for specified
78 purposes; amending s. 1011.62, F.S., relating to
79 allocations from the Florida Education Finance Program
80 to school districts for the operation of schools;
81 providing for the establishment of a cost factor for
82 students in juvenile justice education programs;
83 requiring the Department of Juvenile Justice, in
84 conjunction with representatives of specified
85 entities, to conduct a review of the detention risk
86 assessment instrument; requiring the agreement of all
87 such representatives for revisions to the detention

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88 risk assessment instrument; providing for creation of
89 a Disproportionate Minority Contact Task Force;
90 providing for membership, goals, and duties; requiring
91 a report; providing for dissolution of the task force;
92 providing for pilot projects for reduction of
93 disproportionate minority contact; providing for goals
94 of the pilot projects; requiring reports; providing
95 for termination of the pilot projects; providing
96 legislative findings; requiring the Department of
97 Juvenile Justice to identify service areas that
98 promote the concept of community-based programs;
99 requiring a report; requiring the Governor to
100 establish a task force to review and make
101 recommendations to modify current statutes or
102 practices associated with restoration of competency;
103 providing for membership; requiring a report;
104 providing for termination of the task force; requiring
105 the Governor to establish a task force to perform a
106 role delineation study and review and make
107 recommendations concerning specified issues; requiring
108 a report; providing for termination of the task force;
109 requiring the Department of Corrections, the
110 Department of Juvenile Justice, and the Department of
111 Children and Family Services to work with a university
112 in the State University System to calculate the return
113 on investment and cost savings of crime reduction
114 through effective prevention and intervention
115 programming; requiring a report; providing an
116 effective date.

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

119

120 Section 1. Subsection (5) is added to section 20.316,
121 Florida Statutes, to read:

122 20.316 Department of Juvenile Justice.—There is created a
123 Department of Juvenile Justice.

124 (5) RESEARCH INSTITUTE.—The department shall establish the
125 Juvenile Justice Policy Research Institute, which shall be
126 headed by a director. The institute shall be the principal unit
127 for research services within the department and shall provide
128 technical assistance, best practices, and policy and research
129 assistance and support to the department's policymakers.

130 Section 2. Paragraph (c) of subsection (1) of section
131 27.51, Florida Statutes, is amended to read:

132 27.51 Duties of public defender.—

133 (1) The public defender shall represent, without additional
134 compensation, any person determined to be indigent under s.
135 27.52 and:

136 (c) Alleged to be a delinquent child at all stages of any
137 delinquency court proceedings pursuant to a petition filed
138 before a circuit court;

139 Section 3. Paragraph (i) is added to subsection (4) of
140 section 394.492, Florida Statutes, to read:

141 394.492 Definitions.—As used in ss. 394.490-394.497, the
142 term:

143 (4) "Child or adolescent at risk of emotional disturbance"
144 means a person under 18 years of age who has an increased
145 likelihood of becoming emotionally disturbed because of risk

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146 factors that include, but are not limited to:

147 (i) Being 9 years of age or younger at the time of referral
148 for a delinquent act.

149 Section 4. Subsection (9) of section 984.03, Florida
150 Statutes, is amended to read:

151 984.03 Definitions.—When used in this chapter, the term:

152 (9) "Child in need of services" means a child for whom
153 there is no pending investigation into an allegation or
154 suspicion of abuse, neglect, or abandonment; no pending referral
155 alleging the child is delinquent, except for a child 9 years of
156 age or younger who is referred to the department; or no current
157 supervision by the department ~~of Juvenile Justice~~ or the
158 Department of Children and Family Services for an adjudication
159 of dependency or delinquency. The child must also, pursuant to
160 this chapter, be found by the court:

161 (a) To have persistently run away from the child's parents
162 or legal custodians despite reasonable efforts of the child, the
163 parents or legal custodians, and appropriate agencies to remedy
164 the conditions contributing to the behavior. Reasonable efforts
165 shall include voluntary participation by the child's parents or
166 legal custodians and the child in family mediation, services,
167 and treatment offered by the Department of Juvenile Justice or
168 the Department of Children and Family Services;

169 (b) To be habitually truant from school, while subject to
170 compulsory school attendance, despite reasonable efforts to
171 remedy the situation pursuant to ss. 1003.26 and 1003.27 and
172 through voluntary participation by the child's parents or legal
173 custodians and by the child in family mediation, services, and
174 treatment offered by the Department of Juvenile Justice or the

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175 Department of Children and Family Services; ~~or~~

176 (c) To have persistently disobeyed the reasonable and
177 lawful demands of the child's parents or legal custodians, and
178 to be beyond their control despite efforts by the child's
179 parents or legal custodians and appropriate agencies to remedy
180 the conditions contributing to the behavior. Reasonable efforts
181 may include such things as good faith participation in family or
182 individual counseling; or

183 (d) To be 9 years of age or younger and have been referred
184 to the department for committing a delinquent act.

185 Section 5. Subsection (7) of section 985.03, Florida
186 Statutes, is amended to read:

187 985.03 Definitions.—As used in this chapter, the term:

188 (7) "Child in need of services" means a child for whom
189 there is no pending investigation into an allegation or
190 suspicion of abuse, neglect, or abandonment; no pending referral
191 alleging the child is delinquent; or no current supervision by
192 the department or the Department of Children and Family Services
193 for an adjudication of dependency or delinquency. The child must
194 also, under this chapter, be found by the court:

195 (a) To have persistently run away from the child's parents
196 or legal custodians despite reasonable efforts of the child, the
197 parents or legal custodians, and appropriate agencies to remedy
198 the conditions contributing to the behavior. Reasonable efforts
199 shall include voluntary participation by the child's parents or
200 legal custodians and the child in family mediation, services,
201 and treatment offered by the department or the Department of
202 Children and Family Services;

203 (b) To be habitually truant from school, while subject to

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204 compulsory school attendance, despite reasonable efforts to
205 remedy the situation under ss. 1003.26 and 1003.27 and through
206 voluntary participation by the child's parents or legal
207 custodians and by the child in family mediation, services, and
208 treatment offered by the Department of Juvenile Justice or the
209 Department of Children and Family Services; or

210 (c) To have persistently disobeyed the reasonable and
211 lawful demands of the child's parents or legal custodians, and
212 to be beyond their control despite efforts by the child's
213 parents or legal custodians and appropriate agencies to remedy
214 the conditions contributing to the behavior. Reasonable efforts
215 may include such things as good faith participation in family or
216 individual counseling.

217 Section 6. Section 409.9025, Florida Statutes, is amended
218 to read:

219 409.9025 Eligibility while an inmate or in certain juvenile
220 programs.—

221 (1) Notwithstanding any other provision of law other than
222 s. 409.9021, in the event that a person who is an inmate in the
223 state's correctional system as defined in s. 944.02, in a county
224 detention facility as defined in s. 951.23, or in a municipal
225 detention facility as defined in s. 951.23 or committed to a
226 high-risk residential or maximum-risk residential juvenile
227 program as defined in s. 985.03(44) was in receipt of medical
228 assistance under this chapter immediately prior to being
229 admitted as an inmate or committed, such person shall remain
230 eligible for medical assistance while an inmate or while
231 committed, except that no medical assistance shall be furnished
232 under this chapter for any care, services, or supplies provided

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233 during such time as the person is an inmate or is committed;
234 however, nothing in this section shall be deemed as preventing
235 the provision of medical assistance for inpatient hospital
236 services furnished to such person ~~an inmate~~ at a hospital
237 outside of the premises of the place of incarceration or
238 commitment ~~inmate's facility~~ to the extent that federal
239 financial participation is available for the costs of such
240 services.

241 (2) Upon release from incarceration or commitment, such
242 person shall continue to be eligible for receipt of medical
243 assistance furnished under this chapter until such time as the
244 person is otherwise determined to no longer be eligible for such
245 assistance.

246 (3) To the extent permitted by federal law, the time during
247 which such person is an inmate or was committed to a juvenile
248 program described in subsection (1) shall not be included in any
249 calculation of when the person must recertify his or her
250 eligibility for medical assistance in accordance with this
251 chapter.

252 Section 7. Subsection (1) of section 985.125, Florida
253 Statutes, is amended to read:

254 985.125 Prearrest or postarrest diversion programs.—

255 (1) A law enforcement agency, ~~or~~ school district, county,
256 municipality, or the department, in cooperation with the state
257 attorney, is encouraged to ~~may~~ establish a prearrest or
258 postarrest diversion programs for first-time misdemeanor
259 offenders and offenders who are 9 years of age or younger
260 program.

261 Section 8. Section 985.165, Florida Statutes, is created to

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262 read:

263 985.165 Diversion of first-time drug possession offenders.-

264 (1) The Legislature finds that drug involvement, especially
265 among young adolescents, is best addressed through informal
266 settings. Placing young, minor offenders in detention is more
267 costly and does not provide the most appropriate mechanism for
268 treatment. Diversion of a youth whose first referral is for drug
269 possession into substance abuse services programs should result
270 in fewer youth placed on probation or in other formal
271 dispositions and more appropriate and effective handling of
272 youth arrested on drug charges. Diversion of such youth should
273 also prevent young offenders from exposure to more serious
274 offenders.

275 (2) The state shall fund community-based substance abuse
276 intervention, evaluation, and treatment services programs in
277 each judicial circuit. A youth who has not previously been
278 referred to the juvenile justice system for any offense and
279 whose first referral is for a controlled substance possession in
280 violation of s. 893.13(6) shall be diverted into a substance
281 abuse services program.

282 Section 9. Subsection (2) of section 985.245, Florida
283 Statutes, is amended to read:

284 985.245 Risk assessment instrument.-

285 (2) (a) The risk assessment instrument for detention care
286 placement determinations and court orders shall be developed by
287 the department in agreement with a committee composed of two
288 representatives appointed by the ~~following associations:~~ the
289 Conference of Circuit Judges of Florida, the Prosecuting
290 Attorneys Association, the Public Defenders Association, the

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291 Florida Sheriffs Association, and the Florida Association of
292 Chiefs of Police. Each association shall appoint two
293 individuals, one representing an urban area and one representing
294 a rural area. The committee must also include two
295 representatives from child advocacy organizations appointed by
296 the secretary of the department. The parties involved shall
297 evaluate and revise the risk assessment instrument as is
298 considered necessary using the method for revision as agreed by
299 the parties.

300 (b) The risk assessment instrument shall take into
301 consideration, but need not be limited to, prior history of
302 failure to appear, prior offenses, offenses committed pending
303 adjudication, any unlawful possession of a firearm, theft of a
304 motor vehicle or possession of a stolen motor vehicle, and
305 probation status at the time the child is taken into custody.
306 The risk assessment instrument shall also take into
307 consideration appropriate aggravating and mitigating
308 circumstances, and ~~shall~~ be designed to identify target a
309 narrower population of children than the population identified
310 under s. 985.255. The risk assessment instrument shall also
311 include any information concerning the child's history of abuse
312 and neglect. The risk assessment shall indicate whether
313 detention care is warranted, and, if detention care is
314 warranted, whether the child should be placed into secure,
315 nonsecure, or home detention care.

316 (c) The risk assessment instrument shall be independently
317 validated. The department shall review the population, policies,
318 and procedures affecting the use of detention every 7 years and
319 determine the necessity of revalidating the risk assessment

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320 instrument. Validation shall include an assessment of the
321 effectiveness of the instrument's ability to measure the risk
322 that the child will commit a repeat offense or fail to appear
323 for court proceedings. The risk assessment instrument shall also
324 be evaluated to determine if the instrument contributes to
325 disproportionate minority contact.

326 Section 10. Paragraph (e) is added to subsection (1) of
327 section 985.441, Florida Statutes, to read:

328 985.441 Commitment.—

329 (1) The court that has jurisdiction of an adjudicated
330 delinquent child may, by an order stating the facts upon which a
331 determination of a sanction and rehabilitative program was made
332 at the disposition hearing:

333 (e) Commit the child to the department for placement in a
334 mother-infant program designed to serve the needs of the
335 juvenile mothers or expectant juvenile mothers who are committed
336 as delinquents. The department's mother-infant program must be
337 licensed as a child care facility in accordance with s. 402.308,
338 and must provide the services and support necessary to enable
339 the committed juvenile mothers to provide for the needs of their
340 infants who, upon agreement of the mother, may accompany them in
341 the program. The department shall adopt rules to govern the
342 operation of such programs.

343 Section 11. Section 985.461, Florida Statutes, is created
344 to read:

345 985.461 Transition planning team.—Prior to exiting juvenile
346 justice commitment programs, all youth shall have made available
347 to them the services of an identified community-based,
348 interagency transition planning team to facilitate a

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349 comprehensive, multiagency reintegration of each youth into the
350 community. Transition planning teams shall address issues that
351 include the youth's housing, education, and employability.

352 Section 12. Section 985.495, Florida Statutes, is created
353 to read:

354 985.495 Aftercare services for girls.—The department shall
355 require community-based, gender-specific aftercare services for
356 girls transitioning from department programs. Such programs
357 shall include, but are not limited to, mental health, substance
358 abuse, family counseling and crisis intervention, education and
359 vocational training, and independent or transitional living
360 alternatives. The department shall place such girls under the
361 supervision of a female probation or conditional release case
362 manager. A female caseload supervision team shall be established
363 if the number of girls under supervision justifies it.

364 Section 13. Section 985.622, Florida Statutes, is amended
365 to read:

366 985.622 Multiagency plan for vocational education.—

367 (1) The Department of Juvenile Justice and the Department
368 of Education shall, in consultation with the statewide Workforce
369 Development Youth Council, school districts, providers, and
370 others, jointly develop a multiagency plan for vocational
371 education that establishes the curriculum, goals, and outcome
372 measures for vocational programs in juvenile commitment
373 facilities. Vocational training providing educational credits or
374 nationally recognized certification shall be available in all
375 juvenile justice day treatment programs and residential
376 commitment programs. The department shall work with the Agency
377 for Workforce Innovation and Workforce Florida, Inc., to ensure

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378 that all job skills training is in areas directly tied to
379 careers listed on Florida's targeted occupation list. The plan
380 must include the following:

381 (a) Provisions for maximizing appropriate state and federal
382 funding sources, including funds under the Workforce Investment
383 Act and the Perkins Act.~~†~~

384 (b) The responsibilities of both departments and all other
385 appropriate entities; ~~and~~

386 ~~(c) A detailed implementation schedule.~~

387
388 ~~The plan must be submitted to the Governor, the President of the~~
389 ~~Senate, and the Speaker of the House of Representatives by May~~
390 ~~1, 2001.~~

391 (2) ~~The plan must define~~ Vocational programming must be
392 ~~that is~~ appropriate based upon:

393 (a) The age and assessed educational abilities and goals of
394 the youth to be served; and

395 (b) The typical length of stay and custody characteristics
396 at the commitment program to which each youth is assigned.

397 (3) The plan must include a definition of vocational
398 programming that includes the following classifications of
399 commitment facilities that will offer vocational programming by
400 one of the following types:

401 (a) *Type A.*—Programs that teach personal accountability
402 skills and behaviors that are appropriate for youth in all age
403 groups and ability levels and that lead to work habits that help
404 maintain employment and living standards.

405 (b) *Type B.*—Programs that include Type A program content
406 and an orientation to the broad scope of career choices, based

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407 upon personal abilities, aptitudes, and interests. Exploring and
408 gaining knowledge of occupation options and the level of effort
409 required to achieve them are essential prerequisites to skill
410 training.

411 (c) *Type C.*—Programs that include Type A program content
412 and the vocational competencies or the prerequisites needed for
413 entry into a specific occupation.

414 (4) Vocational programming shall ~~The plan must also address~~
415 ~~strategies to~~ facilitate involvement of business and industry in
416 the design, delivery, and evaluation of vocational programming
417 in juvenile justice commitment facilities and conditional
418 release programs, including apprenticeship and work experience
419 programs, mentoring and job shadowing, and other strategies that
420 lead to postrelease employment. Incentives for business
421 involvement, such as tax breaks, bonding, and liability limits
422 should be investigated, implemented where appropriate, or
423 recommended to the Legislature for consideration.

424 (5) The department ~~of Juvenile Justice~~ and the Department
425 of Education shall each align its respective agency policies,
426 practices, technical manuals, contracts, quality-assurance
427 standards, performance-based-budgeting measures, and outcome
428 measures with the plan in commitment facilities ~~by July 31,~~
429 ~~2001. Each agency shall provide a report on the implementation~~
430 ~~of this section to the Governor, the President of the Senate,~~
431 ~~and the Speaker of the House of Representatives by August 31,~~
432 ~~2001.~~

433 (6) All provider contracts executed by the department ~~of~~
434 ~~Juvenile Justice~~ or the school districts ~~after January 1, 2002,~~
435 must be aligned with the plan.

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436 (7) The planning and execution of quality assurance reviews
437 conducted by the department or the Department of Education ~~or~~
438 ~~the Department of Juvenile Justice after August 1, 2002,~~ must be
439 aligned with the plan.

440 (8) Outcome measures reported by the department ~~of Juvenile~~
441 ~~Justice~~ and the Department of Education for youth ~~released on or~~
442 ~~after January 1, 2002,~~ should include outcome measures that
443 conform to the plan.

444 Section 14. Subsection (7) is added to section 985.644,
445 Florida Statutes, to read:

446 985.644 Departmental contracting powers; personnel
447 standards and screening.—

448 (7) The department shall conduct demonstration projects
449 that emphasize the benefits of outcome-based contracting with
450 critical interim performance standard requirements in lieu of
451 compliance-based contracts. The department may contract for such
452 projects based upon interim and long-term outcome performance
453 measures. Such projects shall be completed by December 31, 2010.

454 Section 15. Subsection (3) of section 435.04, Florida
455 Statutes, is amended to read:

456 435.04 Level 2 screening standards.—

457 (3) The security background investigations conducted under
458 this section for employees of the Department of Juvenile Justice
459 must ensure that no persons subject to the provisions of this
460 section have been found guilty of, regardless of adjudication,
461 or entered a plea of nolo contendere or guilty to, any offense
462 prohibited under any of the following provisions of the Florida
463 Statutes or under any similar statute of another jurisdiction:

464 (a) Section 784.07, relating to assault or battery of law

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465 enforcement officers, firefighters, emergency medical care
466 providers, public transit employees or agents, or other
467 specified officers.

468 (b) Section 810.02, relating to burglary, if the offense is
469 a felony.

470 (c) Section 944.40, relating to escape.

471

472 The Department of Juvenile Justice may not remove a
473 disqualification from employment or grant an exemption to any
474 person who is disqualified under this section for any offense
475 disposed of during the most recent 7-year period. However, the
476 Department of Juvenile Justice may authorize the hiring of a
477 person for employment in youth facilities who was formerly in a
478 juvenile justice system program and exited it successfully if
479 the person has not been arrested for or charged with any offense
480 in the adult criminal justice system or, for a period of 5 years
481 prior to hiring, had a delinquency petition filed against him or
482 her.

483 Section 16. Paragraph (b) of subsection (1) of section
484 985.644, Florida Statutes, is amended to read:

485 985.644 Departmental contracting powers; personnel
486 standards and screening.—

487 (1) The Department of Juvenile Justice or the Department of
488 Children and Family Services, as appropriate, may contract with
489 the Federal Government, other state departments and agencies,
490 county and municipal governments and agencies, public and
491 private agencies, and private individuals and corporations in
492 carrying out the purposes of, and the responsibilities
493 established in, this chapter.

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494 (b) The Department of Juvenile Justice and the Department
495 of Children and Family Services shall require employment
496 screening pursuant to chapter 435, using the level 2 standards
497 set forth in that chapter for personnel in programs for children
498 or youths. The Department of Juvenile Justice may conditionally
499 hire juvenile justice employees upon successful completion of a
500 preliminary background screening, but prior to completion of a
501 full background screening, on the condition that no direct
502 contact with children occurs when the employee is located in
503 facility housing a program for which background screening is
504 required or on the grounds of a facility where youth are
505 located.

506 Section 17. Subsection (14) is added to section 985.664,
507 Florida Statutes, to read:

508 985.664 Juvenile justice circuit boards and juvenile
509 justice county councils.—

510 (14) Subject to specific legislative appropriation,
511 juvenile justice circuit boards and juvenile justice county
512 councils shall receive local discretionary grant prevention
513 funds that they may allocate to meet the specific needs within
514 their local communities.

515 Section 18. Paragraph (c) of subsection (1) of section
516 1011.62, Florida Statutes, is amended to read:

517 1011.62 Funds for operation of schools.—If the annual
518 allocation from the Florida Education Finance Program to each
519 district for operation of schools is not determined in the
520 annual appropriations act or the substantive bill implementing
521 the annual appropriations act, it shall be determined as
522 follows:

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523 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
524 OPERATION.—The following procedure shall be followed in
525 determining the annual allocation to each district for
526 operation:

527 (c) *Determination of programs.*—Cost factors based on
528 desired relative cost differences between the following programs
529 shall be established in the annual General Appropriations Act.
530 The Commissioner of Education shall specify a matrix of services
531 and intensity levels to be used by districts in the
532 determination of the two weighted cost factors for exceptional
533 students with the highest levels of need. For these students,
534 the funding support level shall fund the exceptional students'
535 education program, with the exception of extended school year
536 services for students with disabilities.

- 537 1. Basic programs.—
- 538 a. Kindergarten and grades 1, 2, and 3.
 - 539 b. Grades 4, 5, 6, 7, and 8.
 - 540 c. Grades 9, 10, 11, and 12.
- 541 2. Programs for exceptional students.—
- 542 a. Support Level IV.
 - 543 b. Support Level V.
- 544 3. Secondary career education programs.—
- 545 4. English for Speakers of Other Languages.—
- 546 5. Juvenile justice education programs.

547 Section 19. (1) The Department of Juvenile Justice shall
548 create a Disproportionate Minority Contact Task Force. The
549 secretary of the department shall appoint the members of the
550 task force, which shall include representation from education,
551 law enforcement, state attorneys, public defenders, the state

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552 court system, faith communities, juvenile justice service
553 providers, advocacy organizations, members from communities most
554 affected, and other stakeholders. The goal of the task force
555 shall be to reduce disproportionate minority contact, statewide,
556 consistent with the federal Juvenile Justice and Delinquency
557 Prevention Act of 1974, as amended. Members of the task force
558 who are not government employees shall serve without
559 compensation but are entitled to receive reimbursement for
560 travel and per diem expenses as provided in s. 112.061, Florida
561 Statutes. The task force shall:

562 (a) Work with each local juvenile justice board and council
563 to develop a disproportionate minority contact reduction plan
564 for its area.

565 (b) Develop, in conjunction with the department,
566 requirements for every entity with which the department works,
567 throughout its continuum of services, to implement the
568 strategies, policies, and practices to reduce disproportionate
569 minority contact.

570 (c) Assist the department in developing ongoing cultural
571 sensitivity and cultural competence training for department and
572 provider staff to facilitate their participation in
573 disproportionate minority contact reduction plans and
574 strategies.

575 (d) Assist the department in developing training and
576 education classes to be made available to local law enforcement,
577 school system, and court personnel and other identified local
578 stakeholders.

579 (e) Assist the department in developing a strategic plan to
580 reduce disproportionate minority contact and over-

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581 representation, which shall include strategies such as
582 restorative decisionmaking practices, to offer alternatives
583 aimed at preventing movement of youth to the next level of
584 intervention at the point of school disciplinary decisions,
585 arrest, charging, disposition, and placement.

586 (f) Assist the department and the juvenile justice boards
587 and councils in establishing comprehensive partnerships with
588 faith-based and community-based organizations that will be
589 minority-led, citizen-based, nonprofit organizations designed
590 and prepared to handle the range of responsibilities for
591 responding to the needs of underserved youth.

592 (g) Submit a report to the Governor, the President of the
593 Senate, and the Speaker of the House of Representatives by July
594 1, 2010, summarizing its activities. The report shall also
595 include any specific recommendations for legislative action. The
596 task force is dissolved upon the submission of its report.

597 (2) The Department of Juvenile Justice shall establish a
598 pilot project for the reduction of disproportionate minority
599 contact in each of eight counties for a 3-year period. In each
600 county, the goals of the pilot project shall be to reduce
601 minority representation in and the overall number of youth and
602 school-based referrals to the juvenile justice system, reduce
603 minority representation in out-of-school suspensions and
604 expulsions, and reduce minority representation in the number of
605 youth held in secure detention or committed to residential
606 detention. The department shall submit preliminary reports
607 concerning the pilot projects to the Governor, the President of
608 the Senate, and the Speaker of the House of Representatives by
609 July 1, 2010, and July 1, 2011. The department shall submit a

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610 final report concerning the pilot projects by January 1, 2012.
611 The final report must include any specific recommendations for
612 legislative action during the 2012 Regular Session of the
613 Legislature. The pilot projects shall terminate on June 30,
614 2012.

615 Section 20. (1) The Legislature finds that Florida's
616 communities have much to offer youth and their families who are
617 involved in the juvenile justice system. Placement of a youth
618 far away from his or her home community weakens community
619 linkages that can assist the youth. Defining service areas that
620 will facilitate services near the youth's home will promote
621 providing the youth with the appropriate service when it is
622 needed. The Department of Juvenile Justice's current regions are
623 too large to achieve this goal. Other components of the juvenile
624 justice system operate within judicial circuits. For this
625 reason, the effectiveness of using judicial circuits as service
626 areas should be considered.

627 (2) The Department of Juvenile Justice shall identify
628 service areas that promote the concept of community-based
629 programs while recognizing the unique characteristics of
630 Florida's communities and recommend implementation to the
631 Legislature. Adoption of the service area boundaries of the
632 Department of Children and Family Services shall receive careful
633 consideration. A full continuum of services that includes, but
634 is not limited to, prevention, early intervention, supervision,
635 and support services in the family, probation, residential, and
636 aftercare fields shall be available in each service area. The
637 Department of Juvenile Justice shall submit a report to the
638 Governor, the President of the Senate, and the Speaker of the

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639 House of Representatives by January 1, 2010, concerning the use
640 of service areas as described in this section and any specific
641 recommendations for legislative action.

642 Section 21. The Legislature finds that the services and
643 education that a youth receives in detention while awaiting
644 placement in a commitment program should be considered as part
645 of completing the youth's treatment plan. Similarly, the
646 services and education that youth receive in a competency
647 restoration placement should be taken into consideration as part
648 of the predisposition report at the youth's treatment plan in
649 any subsequent disposition. Therefore, the Governor shall
650 establish a task force to review and make recommendations to
651 modify current statutes or practices associated with restoration
652 of competency. The task force shall include members of the
653 judicial branch, the Department of Juvenile Justice, the
654 Department of Children and Family Services, and community mental
655 health providers. Members of the task force who are not
656 government employees shall serve without compensation but are
657 entitled to receive reimbursement for travel and per diem
658 expenses as provided in s. 112.061, Florida Statutes. The task
659 force shall submit a report of its findings to the Governor, the
660 President of the Senate, and the Speaker of the House of
661 Representatives by January 1, 2010. The task force shall
662 terminate upon submission of its report.

663 Section 22. (1) The Legislature finds that the Department
664 of Juvenile Justice must have the ability to recruit and retain
665 a professional direct care staff and substantially reduce
666 turnover to ensure the most appropriate supervision and
667 rehabilitation of at-risk youth in their care. To further this

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668 goal, the Governor shall establish a task force to perform a
669 role delineation study. The task force shall review and make
670 recommendations concerning the following:

671 (a) Core competencies for all state and contracted direct
672 care staff and minimum hiring requirements.

673 (b) Professional curriculum, continuing education
674 requirements, and establishment of a certification program to
675 include standards, requirements, examinations, certification,
676 and decertification.

677 (c) Base rates of pay for all direct care staff.

678 (d) The possibility of granting special risk retirement
679 benefits for care staff who work directly with youth.

680 (2) Members of the task force who are not government
681 employees shall serve without compensation but are entitled to
682 receive reimbursement for travel and per diem expenses as
683 provided in s. 112.061, Florida Statutes. The task force shall
684 submit a report of its findings to the Governor, the President
685 of the Senate, and the Speaker of the House of Representatives
686 by January 1, 2010. The task force shall terminate upon
687 submission of its report.

688 Section 23. The Legislature finds that the Washington State
689 Institute for Public Policy has helped develop effective
690 strategies in that state that have produced a significant return
691 on investment in crime reduction through diversion of funding
692 for adult prisons to prevention programs. The Department of
693 Corrections, the Department of Juvenile Justice, and the
694 Department of Children and Family Services shall select and work
695 with a university in the State University System to calculate
696 the return on investment and cost savings of crime reduction

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697 through effective prevention and intervention programming with
698 the goal of implementing similar cost-saving strategies and
699 practices in this state. The university selected by the
700 departments shall submit a report to the secretary of each of
701 the departments, the Governor, the President of the Senate, and
702 the Speaker of the House of Representatives by June 30, 2010,
703 concerning the implementation of similar cost-saving strategies
704 and practices in this state and any specific recommendations for
705 legislative action.

706 Section 24. This act shall take effect July 1, 2009.