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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2010	.	
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The Committee on Criminal and Civil Justice Appropriations
(Joyner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 204 - 825
and insert:
who are 9 years of age or younger should be diverted into
prearrest or postarrest programs, civil citation programs, or
children-in-need-of-services and families-in-need-of-services
programs, as appropriate. If, upon findings from the needs
assessment, the child is found to be in need of mental health
services or substance abuse treatment services, the department
shall cooperate with the parent or legal guardian and the
Department of Children and Family Services, as appropriate, to



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13 identify the most appropriate services and supports and
14 available funding sources to meet the needs of the child.

15 (10) RESTORATIVE JUSTICE.—

16 (a) It is the intent of the Legislature that the juvenile
17 justice system advance the principles of restorative justice.
18 The department shall focus on repairing the harm to victims of
19 delinquent behavior by ensuring that the child understands the
20 effect of his or her delinquent behavior on the victim and the
21 community and that the child restore the losses of his or her
22 victim.

23 (b) Offender accountability is one of the principles of
24 restorative justice. The premise of this principle is that the
25 juvenile justice system must respond to delinquent behavior in
26 such a way that the offender is made aware of and takes
27 responsibility for repaying or restoring loss, damage, or injury
28 perpetrated upon the victim and the community. This goal is
29 achieved when the offender understands the consequences of
30 delinquent behaviors in terms of harm to others, and when the
31 offender makes amends for the harm, loss, or damage through
32 restitution, community service, or other appropriate repayment.

33 Section 5. Subsections (7) and (23) of section 985.03,
34 Florida Statutes, are amended to read:

35 985.03 Definitions.—As used in this chapter, the term:

36 (7) "Child in need of services" means a child for whom
37 there is no pending investigation into an allegation or
38 suspicion of abuse, neglect, or abandonment; no pending referral
39 alleging that the child is delinquent, except if the child is 9
40 years of age or younger at the time of referral to the
41 department; or no current supervision by the department or the



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42 Department of Children and Family Services for an adjudication
43 of dependency or delinquency. The child must also, under this
44 chapter, be found by the court:

45 (a) To have persistently run away from the child's parents
46 or legal custodians despite reasonable efforts of the child, the
47 parents or legal custodians, and appropriate agencies to remedy
48 the conditions contributing to the behavior. Reasonable efforts
49 shall include voluntary participation by the child's parents or
50 legal custodians and the child in family mediation, services,
51 and treatment offered by the department or the Department of
52 Children and Family Services;

53 (b) To be habitually truant from school, while subject to
54 compulsory school attendance, despite reasonable efforts to
55 remedy the situation under ss. 1003.26 and 1003.27 and through
56 voluntary participation by the child's parents or legal
57 custodians and by the child in family mediation, services, and
58 treatment offered by the department ~~of Juvenile Justice~~ or the
59 Department of Children and Family Services; ~~or~~

60 (c) To have persistently disobeyed the reasonable and
61 lawful demands of the child's parents or legal custodians, and
62 to be beyond their control despite efforts by the child's
63 parents or legal custodians and appropriate agencies to remedy
64 the conditions contributing to the behavior. Reasonable efforts
65 may include such things as good faith participation in family or
66 individual counseling; or

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

69 (23) "Family in need of services" means a family that has a
70 child for whom there is no pending investigation into an



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71 allegation of abuse, neglect, or abandonment or no current
72 supervision by the department or the Department of Children and
73 Family Services for an adjudication of dependency or
74 delinquency. The child must also have been referred to a law
75 enforcement agency or the department for:

76 (a) Running away from parents or legal custodians;

77 (b) Persistently disobeying reasonable and lawful demands
78 of parents or legal custodians, and being beyond their control;
79 ~~or~~

80 (c) Habitual truancy from school; or

81 (d) Being 9 years of age or younger and being referred for
82 a delinquent act.

83 Section 6. Subsection (1) of section 985.125, Florida
84 Statutes, is amended to read:

85 985.125 Prearrest or postarrest diversion programs.—

86 (1) A law enforcement agency, ~~or~~ school district, county,
87 municipality, or the department, in cooperation with the state
88 attorney, is encouraged to ~~may~~ establish a prearrest or
89 postarrest diversion programs. Youth who are taken into custody
90 for first-time misdemeanor offenses or offenders who are 9 years
91 of age or younger should be given an opportunity to participate
92 in prearrest or postarrest diversion programs ~~program.~~

93 Section 7. Paragraph (d) of subsection (1) of section
94 985.145, Florida Statutes, is amended to read:

95 985.145 Responsibilities of juvenile probation officer
96 during intake; screenings and assessments.—

97 (1) The juvenile probation officer shall serve as the
98 primary case manager for the purpose of managing, coordinating,
99 and monitoring the services provided to the child. Each program



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100 administrator within the Department of Children and Family
101 Services shall cooperate with the primary case manager in
102 carrying out the duties and responsibilities described in this
103 section. In addition to duties specified in other sections and
104 through departmental rules, the assigned juvenile probation
105 officer shall be responsible for the following:

106 (d) *Completing risk assessment instrument.*—The juvenile
107 probation officer shall ensure that a risk assessment instrument
108 establishing the child's eligibility for detention has been
109 accurately completed and that the appropriate recommendation was
110 made to the court. If, upon completion of the risk assessment
111 instrument, the child is ineligible for secure detention based
112 on the criteria in s. 985.24(2)(e), the juvenile probation
113 officer shall make a referral to the appropriate shelter for a
114 child in need of services or family in need of services.

115 Section 8. Section 985.24, Florida Statutes, is amended to
116 read:

117 985.24 Use of detention; prohibitions.—

118 (1) All determinations and court orders regarding the use
119 of secure, nonsecure, or home detention must ~~shall~~ be based
120 primarily upon findings that the child:

121 (a) Presents a substantial risk of not appearing at a
122 subsequent hearing;

123 (b) Presents a substantial risk of inflicting bodily harm
124 on others as evidenced by recent behavior;

125 (c) Presents a history of committing a property offense
126 prior to adjudication, disposition, or placement;

127 (d) Has committed contempt of court by:

128 1. Intentionally disrupting the administration of the



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129 court;

130 2. Intentionally disobeying a court order; or

131 3. Engaging in a punishable act or speech in the court's

132 presence which shows disrespect for the authority and dignity of

133 the court; or

134 (e) Requests protection from imminent bodily harm.

135 (2) A child alleged to have committed a delinquent act or

136 violation of law may not be placed into secure, nonsecure, or

137 home detention care for any of the following reasons:

138 (a) To allow a parent to avoid his or her legal

139 responsibility.

140 (b) To permit more convenient administrative access to the

141 child.

142 (c) To facilitate further interrogation or investigation.

143 (d) Due to a lack of more appropriate facilities.

144 (e) Due to a misdemeanor charge of domestic violence if the

145 child lives in a family that has a history of family violence,

146 as defined in s. 741.28, or if the child is a victim of abuse or

147 neglect, as defined in s. 39.01, and the decision to place the

148 child in secure detention is mitigated by the history of trauma

149 faced by the child, unless the child would otherwise be subject

150 to secure detention based on his or her prior history.

151 (3) A child alleged to be dependent under chapter 39 may

152 not, under any circumstances, be placed into secure detention

153 care.

154 (4) A child 9 years of age or younger may not be placed

155 into secure detention care unless the child is charged with a

156 capital felony, a life felony, or a felony of the first degree.

157 (5)-(4) The department shall continue to identify



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158 alternatives to secure detention care and shall develop such
159 alternatives and annually submit them to the Legislature for
160 authorization and appropriation.

161 Section 9. Paragraph (a) of subsection (2) of section
162 985.245, Florida Statutes, is amended to read:

163 985.245 Risk assessment instrument.—

164 (2) (a) The risk assessment instrument for detention care
165 placement determinations and court orders shall be developed by
166 the department in agreement with a statewide committee composed
167 of representatives appointed by the following associations: the
168 Conference of Circuit Judges of Florida, the Prosecuting
169 Attorneys Association, the Public Defenders Association, the
170 Florida Sheriffs Association, and the Florida Association of
171 Chiefs of Police. Each association shall appoint two
172 individuals, one representing an urban area and one representing
173 a rural area. In addition, the committee shall include two
174 representatives from child advocacy organizations appointed by
175 the secretary of the department. The parties involved shall
176 evaluate and revise the risk assessment instrument as is
177 considered necessary using the method for revision as agreed by
178 the parties.

179 Section 10. Section 985.255, Florida Statutes, is amended
180 to read:

181 985.255 Detention criteria; detention hearing.—

182 (1) Subject to s. 985.25(1), a child taken into custody and
183 placed into ~~nonsecure or~~ home detention care or detained in
184 secure detention care before ~~prior to~~ a detention hearing may
185 continue to be detained by the court if:

186 (a) The child is alleged to be an escapee from a



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187 residential commitment program; or an absconder from a
188 nonresidential commitment program, a probation program, or
189 conditional release supervision; or is alleged to have escaped
190 while being lawfully transported to or from a residential
191 commitment program.

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

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

198 (d) The child is charged with committing a felony ~~an~~
199 offense of domestic violence as defined in s. 741.28 and is
200 detained as provided in subsection (2).

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

203 (f) The child is charged with a capital felony, a life
204 felony, a felony of the first degree, a felony of the second
205 degree that does not involve a violation of chapter 893, or a
206 felony of the third degree that is also a crime of violence,
207 including any such offense involving the use or possession of a
208 firearm.

209 (g) The child is charged with any second degree or third
210 degree felony involving a violation of chapter 893 or any third
211 degree felony that is not also a crime of violence, and the
212 child:

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



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

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

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

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

222 (h) The child is alleged to have violated the conditions of
223 the child's probation or conditional release supervision.

224 However, a child detained under this paragraph may be held only
225 in a consequence unit as provided in s. 985.439. If a
226 consequence unit is not available, the child shall be placed on
227 home detention with electronic monitoring.

228 (i) The child is detained on a judicial order for failure
229 to appear and has previously willfully failed to appear, after
230 proper notice, for an adjudicatory hearing on the same case
231 regardless of the results of the risk assessment instrument. A
232 child may be held in secure detention for up to 72 hours in
233 advance of the next scheduled court hearing pursuant to this
234 paragraph. The child's failure to keep the clerk of court and
235 defense counsel informed of a current and valid mailing address
236 where the child will receive notice to appear at court
237 proceedings does not provide an adequate ground for excusal of
238 the child's nonappearance at the hearings.

239 (j) The child is detained on a judicial order for failure
240 to appear and has previously willfully failed to appear, after
241 proper notice, at two or more court hearings of any nature on
242 the same case regardless of the results of the risk assessment
243 instrument. A child may be held in secure detention for up to 72
244 hours in advance of the next scheduled court hearing pursuant to



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

250 (2) A child who is charged with committing a felony ~~an~~
251 offense of domestic violence as defined in s. 741.28 and who
252 does not meet detention criteria may be held in secure detention
253 if the court makes specific written findings that:

254 (a) Respite care for the child is not available.

255 (b) It is necessary to place the child in secure detention
256 in order to protect the victim from injury.

257
258 The child may not be held in secure detention under this
259 subsection for more than 48 hours unless ordered by the court.
260 After 48 hours, the court shall hold a hearing if the state
261 attorney or victim requests that secure detention be continued.
262 The child may continue to be held in detention care if the court
263 makes a specific, written finding that detention care is
264 necessary to protect the victim from injury. However, the child
265 may not be held in detention care beyond the time limits set
266 forth in this section or s. 985.26.

267 (3) (a) A child who meets any of the criteria in subsection
268 (1) and who is ordered to be detained under that subsection
269 shall be given a hearing within 24 hours after being taken into
270 custody. The purpose of the detention hearing is to determine
271 the existence of probable cause that the child has committed the
272 delinquent act or violation of law that he or she is charged
273 with and the need for continued detention. Unless a child is



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274 detained under paragraph (1)(d) or paragraph (1)(e), the court
275 shall use the results of the risk assessment performed by the
276 juvenile probation officer and, based on the criteria in
277 subsection (1), shall determine the need for continued
278 detention. A child placed into secure, nonsecure, or home
279 detention care may continue to be so detained by the court.

280 (b) If the court orders a placement more restrictive than
281 indicated by the results of the risk assessment instrument, the
282 court shall state, in writing, clear and convincing reasons for
283 such placement.

284 (c) Except as provided in s. 790.22(8) or in s. 985.27,
285 when a child is placed into secure or nonsecure detention care,
286 or into a respite home or other placement pursuant to a court
287 order following a hearing, the court order must include specific
288 instructions that direct the release of the child from such
289 placement no later than 5 p.m. on the last day of the detention
290 period specified in s. 985.26 or s. 985.27, whichever is
291 applicable, unless the requirements of such applicable provision
292 have been met or an order of continuance has been granted under
293 s. 985.26(4).

294 Section 11. Paragraph (e) is added to subsection (1) of
295 section 985.441, Florida Statutes, to read:

296 985.441 Commitment.—

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

301 (e) Commit the child to the department for placement in a
302 mother-infant program designed to serve the needs of juvenile



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303 mothers or expectant juvenile mothers who are committed as
304 delinquents. The department's mother-infant program must be
305 licensed as a child care facility in accordance with s. 402.308,
306 and must provide the services and support necessary to enable
307 the committed juvenile mothers to provide for the needs of their
308 infants who, upon agreement of the mother, may accompany them in
309 the program. The department shall adopt rules pursuant to ss.
310 120.536(1) and 120.54 to govern the operation of such programs.

311 Section 12. Subsection (1) of section 985.45, Florida
312 Statutes, is amended to read:

313 985.45 Liability and remuneration for work.-

314 (1) Whenever a child is required by the court to
315 participate in any work program under this part or whenever a
316 child volunteers to work in a specified state, county,
317 municipal, or community service organization supervised work
318 program or to work for the victim, either as an alternative to
319 monetary restitution or as a part of the rehabilitative or
320 probation program, the child is an employee of the state for the
321 purposes of chapter 440 liability.

322 Section 13. Section 985.632, Florida Statutes, is amended
323 to read:

324 985.632 Program review and reporting requirements ~~Quality~~
325 ~~assurance and cost-effectiveness.-~~

326 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature
327 that the department:

328 (a) Ensure that information be provided to decisionmakers
329 in a timely manner so that resources are allocated to programs
330 that ~~of the department which~~ achieve desired performance levels.

331 (b) Collect and analyze available statistical data for the



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332 purpose of ongoing evaluation of all programs.

333 (c)~~(b)~~ Provide information about the cost of such programs
334 and their differential effectiveness so that program ~~the~~ quality
335 ~~may of such programs can~~ be compared and improvements made
336 continually.

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

339 (e)~~(d)~~ Provide information to the public about the
340 effectiveness of such programs in meeting established goals and
341 objectives.

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

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

346 (h)~~(g)~~ Modify or eliminate activities that are not
347 effective.

348 (2) DEFINITIONS.—As used in this section, the term:

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

352 (b) "Program" means any facility, service, or program for
353 youth which is operated by the department or by a provider under
354 contract with the department.

355 (c)~~(b)~~ "Program component" means an aggregation of
356 generally related objectives which, because of their special
357 character, related workload, and interrelated output, can
358 logically be considered an entity for purposes of organization,
359 management, accounting, reporting, and budgeting.

360 ~~(c) "Program effectiveness" means the ability of the~~



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361 ~~program to achieve desired client outcomes, goals, and~~
362 ~~objectives.~~

363 (d) "Program group" means a collection of programs having
364 sufficient similarity of functions, services, and population to
365 permit appropriate comparisons between programs within the
366 group.

367 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department
368 shall use a standard methodology for annually measuring,
369 evaluating, and reporting program outputs and youth outcomes for
370 each program and program group. The department shall submit a
371 report to the appropriate committees of the Legislature and the
372 Governor by January 15 of each year. The department shall notify
373 the Office of Program Policy Analysis and Government
374 Accountability and each contract service provider of substantive
375 changes to the methodology. The standard methodology must:

376 (a) Define common terminology and operational definitions
377 and methods by which to measure the performance of program
378 outputs and outcomes.

379 (b) Specify program outputs for each program and for each
380 program group within the juvenile justice continuum.

381 (c) Report cost data for each program operated or
382 contracted by the department for the fiscal year corresponding
383 to the program outputs and outcomes being reported. The
384 ~~department shall annually collect and report cost data for every~~
385 ~~program operated or contracted by the department. The cost data~~
386 ~~shall conform to a format approved by the department and the~~
387 ~~Legislature. Uniform cost data shall be reported and collected~~
388 ~~for state-operated and contracted programs so that comparisons~~
389 ~~can be made among programs. The department shall ensure that~~



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390 ~~there is accurate cost accounting for state operated services~~
391 ~~including market equivalent rent and other shared cost. The cost~~
392 ~~of the educational program provided to a residential facility~~
393 ~~shall be reported and included in the cost of a program. The~~
394 ~~department shall submit an annual cost report to the President~~
395 ~~of the Senate, the Speaker of the House of Representatives, the~~
396 ~~Minority Leader of each house of the Legislature, the~~
397 ~~appropriate substantive and fiscal committees of each house of~~
398 ~~the Legislature, and the Governor, no later than December 1 of~~
399 ~~each year. Cost benefit analysis for educational programs will~~
400 ~~be developed and implemented in collaboration with and in~~
401 ~~cooperation with the Department of Education, local providers,~~
402 ~~and local school districts. Cost data for the report shall~~
403 ~~include data collected by the Department of Education for the~~
404 ~~purposes of preparing the annual report required by s.~~
405 ~~1003.52(19).~~

406 (4) ~~(a)~~ PROGRAM ACCOUNTABILITY MEASURES. ~~The department of~~
407 ~~Juvenile Justice, in consultation with the Office of Economic~~
408 ~~and Demographic Research, and contract service providers, shall~~
409 ~~develop a cost-effectiveness model and apply the program~~
410 ~~accountability measures analysis model to each commitment~~
411 ~~program and include the results in the comprehensive~~
412 ~~accountability report. Program recidivism rates shall be a~~
413 ~~component of the model.~~

414 (a) The program accountability measures analysis cost-
415 ~~effectiveness model~~ shall compare program costs to expected and
416 actual youth recidivism rates ~~elient outcomes and program~~
417 ~~outputs~~. It is the intent of the Legislature that continual
418 development efforts take place to improve the validity and



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419 reliability of the cost-effectiveness model ~~and to integrate the~~
420 ~~standard methodology developed under s. 985.401(4) for~~
421 ~~interpreting program outcome evaluations.~~

422 ~~(b) The department shall rank commitment programs based on~~
423 ~~the cost-effectiveness model and shall submit a report to the~~
424 ~~appropriate substantive and fiscal committees of each house of~~
425 ~~the Legislature by December 31 of each year.~~

426 ~~(b)(e)~~ Based on reports of the department on client
427 outcomes and program outputs and on the department's most recent
428 program accountability measures analysis cost-effectiveness
429 rankings, the department may terminate its contract with or
430 discontinue a commitment program operated by the department or a
431 provider if the program has failed to achieve a minimum
432 threshold of recidivism and cost-effectiveness program
433 effectiveness. This paragraph does not preclude the department
434 from terminating a contract as provided under this section or as
435 otherwise provided by law or contract, and does not limit the
436 department's authority to enter into or terminate a contract.

437 ~~(c)(d)~~ The department shall notify the Office of Program
438 Policy Analysis and Government Accountability and each contract
439 service provider of substantive changes to the program
440 accountability measures analysis. In collaboration with the
441 Office of Economic and Demographic Research, and contract
442 service providers, the department shall develop a work plan to
443 refine the cost-effectiveness model so that the model is
444 consistent with the performance-based program budgeting measures
445 approved by the Legislature to the extent the department deems
446 appropriate. The department shall notify the Office of Program
447 Policy Analysis and Government Accountability of any meetings to



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448 ~~refine the model.~~

449 (d) ~~(e)~~ Contingent upon specific appropriation, the
450 department, in consultation with the Office of Economic and
451 Demographic Research, and contract service providers, shall:

452 1. Construct a profile of each commitment program that uses
453 the results of the quality assurance report required by this
454 subsection, the cost-effectiveness report required in this
455 subsection, and other reports available to the department.

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

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

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

465 (5) QUALITY ASSURANCE.—The department shall:

466 (a) Establish a comprehensive quality assurance system for
467 each program operated by the department or operated by a
468 provider under contract with the department. Each contract
469 entered into by the department must provide for quality
470 assurance and include the results in the comprehensive
471 accountability report.

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

474 (c) Establish quality assurance goals and objectives for
475 each specific program component.

476 (d) Establish the information and specific data elements



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477 required for the quality assurance program.

478 (e) Develop a quality assurance manual of specific,
479 standardized terminology and procedures to be followed by each
480 program.

481 (f) Evaluate each program operated by the department or a
482 provider under a contract with the department and establish
483 minimum thresholds for each program component. If a provider
484 fails to meet the established minimum thresholds, such failure
485 shall cause the department to cancel the provider's contract
486 unless the provider achieves compliance with minimum thresholds
487 within 6 months or unless there are documented extenuating
488 circumstances. In addition, the department may not contract with
489 the same provider for the canceled service for a period of 12
490 months. If a department-operated program fails to meet the
491 established minimum thresholds, the department must take
492 necessary and sufficient steps to ensure and document program
493 changes to achieve compliance with the established minimum
494 thresholds. If the department-operated program fails to achieve
495 compliance with the established minimum thresholds within 6
496 months and if there are no documented extenuating circumstances,
497 the department must notify the Executive Office of the Governor
498 and the Legislature of the corrective action taken. Appropriate
499 corrective action may include, but is not limited to:

500 1. Contracting out for the services provided in the
501 program;

502 2. Initiating appropriate disciplinary action against all
503 employees whose conduct or performance is deemed to have
504 materially contributed to the program's failure to meet
505 established minimum thresholds;



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- 506 3. Redesigning the program; or
507 4. Realigning the program.

508
509 ~~The department shall submit an annual report to the President of~~
510 ~~the Senate, the Speaker of the House of Representatives, the~~
511 ~~Minority Leader of each house of the Legislature, the~~
512 ~~appropriate substantive and fiscal committees of each house of~~
513 ~~the Legislature, and the Governor, no later than February 1 of~~
514 ~~each year. The annual report must contain, at a minimum, for~~
515 ~~each specific program component: a comprehensive description of~~
516 ~~the population served by the program; a specific description of~~
517 ~~the services provided by the program; cost; a comparison of~~
518 ~~expenditures to federal and state funding; immediate and long-~~
519 ~~range concerns; and recommendations to maintain, expand,~~
520 ~~improve, modify, or eliminate each program component so that~~
521 ~~changes in services lead to enhancement in program quality. The~~
522 ~~department shall ensure the reliability and validity of the~~
523 ~~information contained in the report.~~

524 ~~(6) The department shall collect and analyze available~~
525 ~~statistical data for the purpose of ongoing evaluation of all~~
526 ~~programs. The department shall provide the Legislature with~~
527 ~~necessary information and reports to enable the Legislature to~~
528 ~~make informed decisions regarding the effectiveness of, and any~~
529 ~~needed changes in, services, programs, policies, and laws.~~

530 ~~(7) No later than November 1, 2001, the department shall~~
531 ~~submit a proposal to the Legislature concerning funding~~
532 ~~incentives and disincentives for the department and for~~
533 ~~providers under contract with the department. The~~
534 ~~recommendations for funding incentives and disincentives shall~~



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535 ~~be based upon both quality assurance performance and cost-~~
536 ~~effectiveness performance. The proposal should strive to achieve~~
537 ~~consistency in incentives and disincentives for both department-~~
538 ~~operated and contractor provided programs. The department may~~
539 ~~include recommendations for the use of liquidated damages in the~~
540 ~~proposal; however, the department is not presently authorized to~~
541 ~~contract for liquidated damages in non hardware secure~~
542 ~~facilities until January 1, 2002.~~

543 Section 14. Subsection (8) of section 985.664, Florida
544 Statutes, is amended to read:

545 985.664 Juvenile justice circuit boards and juvenile
546 justice county councils.-

547 (8) At any time after the adoption of initial bylaws
548 pursuant to subsection (12), a juvenile justice circuit board
549 may revise the bylaws to increase the number of members by not
550 more than five ~~three~~ in order to adequately reflect the
551 diversity of the population and community organizations or
552 agencies in the circuit.

553
554 ===== T I T L E A M E N D M E N T =====

555 And the title is amended as follows:

556 Delete lines 83 - 97

557 and insert:

558 agencies in its circuit; reenacting ss. 419.001(1)(d),