

By Senator Wise

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1 A bill to be entitled
2 An act relating to juvenile justice; amending s.
3 394.492, F.S.; including children 9 years of age or
4 younger at the time of referral for a delinquent act
5 within the definition of those children who are
6 eligible to receive comprehensive mental health
7 services; amending s. 984.03, F.S.; redefining the
8 terms "child in need of services" and "family in need
9 of services" to provide that a child is eligible to
10 receive comprehensive services if the child is 9 years
11 of age or younger at the time of referral to the
12 Department of Juvenile Justice for a delinquent act;
13 amending s. 984.14, F.S.; providing that a child may
14 not be placed in a shelter before a court hearing
15 unless the child is taken into custody for a
16 misdemeanor domestic violence charge and is eligible
17 to be held in secure detention; amending s. 985.02,
18 F.S.; providing additional legislative findings and
19 intent for the juvenile justice system; amending s.
20 985.03, F.S.; redefining the terms "child in need of
21 services" and "family in need of services" to provide
22 that a child is eligible to receive comprehensive
23 services if the child is 9 years of age or younger at
24 the time of referral to the department for a
25 delinquent act; amending s. 985.125, F.S.; encouraging
26 law enforcement agencies, school districts, counties,
27 municipalities, and the department to establish
28 prearrest or postarrest diversion programs;
29 encouraging operators of diversion programs to give

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30 first-time misdemeanor offenders and offenders who are
31 9 years of age or younger an opportunity to
32 participate in the programs; amending s. 985.145,
33 F.S.; requiring a juvenile probation officer to make a
34 referral to the appropriate shelter if the completed
35 risk assessment instrument shows that the child is
36 ineligible for secure detention; amending s. 985.24,
37 F.S.; prohibiting a child alleged to have committed a
38 delinquent act or violation of law from being placed
39 into secure, nonsecure, or home detention care because
40 of a misdemeanor charge of domestic violence if the
41 child lives in a family that has a history of family
42 violence or if the child is a victim of abuse or
43 neglect; prohibiting a child 9 years of age or younger
44 from being placed into secure detention care unless
45 the child is charged with a capital felony, a life
46 felony, or a felony of the first degree; amending s.
47 985.245, F.S.; revising membership on the statewide
48 risk assessment instrument committee; amending s.
49 985.255, F.S.; providing that a child may be retained
50 in home detention care under certain circumstances;
51 providing that a child who is charged with committing
52 a felony offense of domestic violence and who does not
53 meet detention criteria may nevertheless be held in
54 secure detention if the court makes certain specific
55 written findings; amending s. 985.441, F.S.;
56 authorizing a court to commit a female child
57 adjudicated as delinquent to the department for
58 placement in a mother-infant program designed to serve

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59 the needs of juvenile mothers or expectant juvenile
60 mothers who are committed as delinquents; requiring
61 the department to adopt rules to govern the operation
62 of the mother-infant program; amending s. 985.45,
63 F.S.; providing that whenever a child is required by
64 the court to participate in any juvenile justice work
65 program, the child is considered an employee of the
66 state for the purpose of workers' compensation;
67 amending s. 985.632, F.S.; requiring the Department of
68 Juvenile Justice to collect and analyze available
69 statistical data for the purpose of ongoing evaluation
70 of all juvenile justice programs; redefining terms;
71 requiring the department to use a standard methodology
72 to annually measure, evaluate, and report program
73 outputs and youth outcomes for each program and
74 program group; requiring that the department submit an
75 annual report to the appropriate committees of the
76 Legislature and the Governor; requiring that the
77 department apply a program accountability measures
78 analysis to each program; deleting obsolete
79 provisions; amending s. 985.664, F.S.; providing that
80 a juvenile justice circuit board may increase its
81 membership to adequately reflect the diversity of the
82 population, community organizations, and child care
83 agencies in its circuit; creating the Disproportionate
84 Minority Contact Task Force within the Department of
85 Juvenile Justice; requiring the secretary to appoint
86 members to the task force; providing for membership on
87 the task force; providing for members of the task

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88 force to serve without compensation or reimbursement
89 for travel and per diem expenses; requiring that the
90 department provide the necessary staff to facilitate
91 the work of the task force within existing resources;
92 setting forth the goals of the task force; providing
93 duties of the task force; requiring that the task
94 force submit annual reports to the secretary
95 summarizing the activities of the task force;
96 providing that the task force is abolished on a
97 specified date; reenacting ss. 419.001(1)(d),
98 984.04(5), and 984.15(2)(c) and (3)(c), F.S., relating
99 to community residential homes, families and children
100 in need of services, and filing decisions available to
101 a state attorney, respectively, to incorporate the
102 amendment made to s. 984.03, F.S., in references
103 thereto; reenacting s. 984.13(3), F.S., relating to
104 taking a child into custody, to incorporate the
105 amendment made to s. 984.14, F.S., in a reference
106 thereto; reenacting s. 419.001(1)(d), F.S., relating
107 to community residential homes, to incorporate the
108 amendment made to s. 985.03, F.S., in a reference
109 thereto; providing an effective date.

110

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

112

113 Section 1. Paragraph (i) is added to subsection (4) of
114 section 394.492, Florida Statutes, to read:

115 394.492 Definitions.—As used in ss. 394.490-394.497, the
116 term:

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117 (4) "Child or adolescent at risk of emotional disturbance"
118 means a person under 18 years of age who has an increased
119 likelihood of becoming emotionally disturbed because of risk
120 factors that include, but are not limited to:

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

123 Section 2. Subsections (9) and (25) of section 984.03,
124 Florida Statutes, are amended to read:

125 984.03 Definitions.—When used in this chapter, the term:

126 (9) "Child in need of services" means a child for whom
127 there is no pending investigation into an allegation or
128 suspicion of abuse, neglect, or abandonment; no pending referral
129 alleging that the child is delinquent, except if the child is 9
130 years of age or younger at the time of referral to the
131 department; or no current supervision by the department ~~of~~
132 ~~Juvenile Justice~~ or the Department of Children and Family
133 Services for an adjudication of dependency or delinquency. The
134 child must also, pursuant to this chapter, be found by the
135 court:

136 (a) To have persistently run away from the child's parents
137 or legal custodians despite reasonable efforts of the child, the
138 parents or legal custodians, and appropriate agencies to remedy
139 the conditions contributing to the behavior. Reasonable efforts
140 shall include voluntary participation by the child's parents or
141 legal custodians and the child in family mediation, services,
142 and treatment offered by the department ~~of Juvenile Justice~~ or
143 the Department of Children and Family Services;

144 (b) To be habitually truant from school, while subject to
145 compulsory school attendance, despite reasonable efforts to

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146 remedy the situation pursuant to ss. 1003.26 and 1003.27 and
147 through voluntary participation by the child's parents or legal
148 custodians and by the child in family mediation, services, and
149 treatment offered by the department ~~of Juvenile Justice~~ or the
150 Department of Children and Family Services; ~~or~~

151 (c) To have persistently disobeyed the reasonable and
152 lawful demands of the child's parents or legal custodians, and
153 to be beyond their control despite efforts by the child's
154 parents or legal custodians and appropriate agencies to remedy
155 the conditions contributing to the behavior. Reasonable efforts
156 may include such things as good faith participation in family or
157 individual counseling; or-

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

160 (25) "Family in need of services" means a family that has a
161 child who is running away; who is persistently disobeying
162 reasonable and lawful demands of the parent or legal custodian
163 and is beyond the control of the parent or legal custodian; ~~or~~
164 who is habitually truant from school or engaging in other
165 serious behaviors that place the child at risk of future abuse,
166 neglect, or abandonment or at risk of entering the juvenile
167 justice system; or who is 9 years of age or younger and being
168 referred to the department for a delinquent act. The child must
169 be referred to a law enforcement agency, the department ~~of~~
170 ~~Juvenile Justice~~, or an agency contracted to provide services to
171 children in need of services. A family is not eligible to
172 receive services if, at the time of the referral, there is an
173 open investigation into an allegation of abuse, neglect, or
174 abandonment or if the child is currently under supervision by

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175 the department ~~of Juvenile Justice~~ or the Department of Children
176 and Family Services due to an adjudication of dependency or
177 delinquency.

178 Section 3. Subsection (1) of section 984.14, Florida
179 Statutes, is amended to read:

180 984.14 Shelter placement; hearing.—

181 (1) Unless ordered by the court pursuant to ~~the provisions~~
182 ~~of~~ this chapter, or upon voluntary consent to placement by the
183 child and the child's parent, legal guardian, or custodian, a
184 child taken into custody may shall not be placed in a shelter
185 prior to a court hearing unless the child is taken into custody
186 for a misdemeanor domestic violence charge and is eligible to be
187 held in secure detention or a determination has been made that
188 ~~the provision of~~ appropriate and available services will not
189 eliminate the need for placement and that such placement is
190 required:

191 (a) To provide an opportunity for the child and family to
192 agree upon conditions for the child's return home, when
193 immediate placement in the home would result in a substantial
194 likelihood that the child and family would not reach an
195 agreement; or

196 (b) Because a parent, custodian, or guardian is unavailable
197 to take immediate custody of the child.

198 Section 4. Subsections (9), (10), and (11) are added to
199 section 985.02, Florida Statutes, to read:

200 985.02 Legislative intent for the juvenile justice system.—

201 (9) CHILDREN 9 YEARS OF AGE OR YOUNGER.—The Legislature
202 finds that very young children need age-appropriate services in
203 order to prevent and reduce future acts of delinquency. Children

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204 who are 9 years of age or younger who have been determined by
205 the court to pose no danger to the community and are unlikely to
206 recidivate, should be diverted into prearrest or postarrest
207 programs, civil citation programs, or children-in-need-of-
208 services and families-in-need-of-services programs, as
209 appropriate. If, upon findings from the needs assessment, the
210 child is found to be in need of mental health services or
211 substance abuse treatment services, the department shall
212 cooperate with the parent or legal guardian and the Department
213 of Children and Family Services, as appropriate, to identify the
214 most appropriate services and supports and available funding
215 sources to meet the needs of the child.

216 (10) RESTORATIVE JUSTICE.—

217 (a) It is the intent of the Legislature that the juvenile
218 justice system advance the principles of restorative justice.
219 The department shall focus on repairing the harm to victims of
220 delinquent behavior by ensuring that the child understands the
221 effect of his or her delinquent behavior on the victim and the
222 community and restores the loss to the victim.

223 (b) Offender accountability is one of the principles of
224 restorative justice. The premise of this principle is that the
225 juvenile justice system must respond to delinquent behavior in
226 such a way that the offender is made aware of and takes
227 responsibility for repaying or restoring loss, damage, or injury
228 perpetrated upon the victim and the community. This goal is
229 achieved when the offender understands the consequences of
230 delinquent behaviors in terms of harm to others, and when the
231 offender makes amends for the harm, loss, or damage through
232 restitution, community service, or other appropriate repayment.

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233 (11) OVERREPRESENTATION IN THE JUVENILE JUSTICE SYSTEM.—The
234 Legislature intends to ensure equal treatment of all youth
235 within the juvenile justice system in its commitment to reduce
236 juvenile delinquency. When specific groups of youth are
237 overrepresented based upon their gender, race, ethnicity, or
238 socioeconomic status in the juvenile justice system, the
239 department shall examine and revise its strategies, policies,
240 and practices to ensure that the department is not contributing
241 to overrepresentation. The department shall solicit input from
242 community stakeholders and affected citizens to assist in the
243 modification of strategies, policies, and practices to reduce
244 overrepresentation. For the purpose of this subsection, the term
245 “overrepresented” means a condition whereby a larger proportion
246 of a particular group of youth is present at any stage of the
247 juvenile justice system than would be expected based upon their
248 percentage of this state’s overall youth population.

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

251 985.03 Definitions.—As used in this chapter, the term:

252 (7) “Child in need of services” means a child for whom
253 there is no pending investigation into an allegation or
254 suspicion of abuse, neglect, or abandonment; no pending referral
255 alleging that the child is delinquent, except if the child is 9
256 years of age or younger at the time of referral to the
257 department; or no current supervision by the department or the
258 Department of Children and Family Services for an adjudication
259 of dependency or delinquency. The child must also, under this
260 chapter, be found by the court:

261 (a) To have persistently run away from the child’s parents

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262 or legal custodians despite reasonable efforts of the child, the
263 parents or legal custodians, and appropriate agencies to remedy
264 the conditions contributing to the behavior. Reasonable efforts
265 shall include voluntary participation by the child's parents or
266 legal custodians and the child in family mediation, services,
267 and treatment offered by the department or the Department of
268 Children and Family Services;

269 (b) To be habitually truant from school, while subject to
270 compulsory school attendance, despite reasonable efforts to
271 remedy the situation under ss. 1003.26 and 1003.27 and through
272 voluntary participation by the child's parents or legal
273 custodians and by the child in family mediation, services, and
274 treatment offered by the department ~~of Juvenile Justice~~ or the
275 Department of Children and Family Services; ~~or~~

276 (c) To have persistently disobeyed the reasonable and
277 lawful demands of the child's parents or legal custodians, and
278 to be beyond their control despite efforts by the child's
279 parents or legal custodians and appropriate agencies to remedy
280 the conditions contributing to the behavior. Reasonable efforts
281 may include such things as good faith participation in family or
282 individual counseling; or

283 (d) To have been referred for a delinquent act at the age
284 of 9 years or younger.

285 (23) "Family in need of services" means a family that has a
286 child for whom there is no pending investigation into an
287 allegation of abuse, neglect, or abandonment or no current
288 supervision by the department or the Department of Children and
289 Family Services for an adjudication of dependency or
290 delinquency. The child must also have been referred to a law

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- 291 enforcement agency or the department for:
- 292 (a) Running away from parents or legal custodians;
- 293 (b) Persistently disobeying reasonable and lawful demands
- 294 of parents or legal custodians, and being beyond their control;
- 295 ~~or~~
- 296 (c) Habitual truancy from school; or
- 297 (d) Being 9 years of age or younger and being referred for
- 298 a delinquent act.

299 Section 6. Subsection (1) of section 985.125, Florida

300 Statutes, is amended to read:

301 985.125 Prearrest or postarrest diversion programs.—

302 (1) A law enforcement agency, ~~or~~ school district, county,

303 municipality, or the department, in cooperation with the state

304 attorney, is encouraged to ~~may~~ establish a prearrest or

305 postarrest diversion programs. Youth who are taken into custody

306 for first-time misdemeanor offenses or offenders who are 9 years

307 of age or younger should be given an opportunity to participate

308 in prearrest or postarrest diversion programs ~~program.~~

309 Section 7. Paragraph (d) of subsection (1) of section

310 985.145, Florida Statutes, is amended to read:

311 985.145 Responsibilities of juvenile probation officer

312 during intake; screenings and assessments.—

313 (1) The juvenile probation officer shall serve as the

314 primary case manager for the purpose of managing, coordinating,

315 and monitoring the services provided to the child. Each program

316 administrator within the Department of Children and Family

317 Services shall cooperate with the primary case manager in

318 carrying out the duties and responsibilities described in this

319 section. In addition to duties specified in other sections and

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320 through departmental rules, the assigned juvenile probation
321 officer shall be responsible for the following:

322 (d) *Completing risk assessment instrument.*—The juvenile
323 probation officer shall ensure that a risk assessment instrument
324 establishing the child's eligibility for detention has been
325 accurately completed and that the appropriate recommendation was
326 made to the court. If, upon completion of the risk assessment
327 instrument, the child is ineligible for secure detention based
328 on the criteria in s. 985.24(2)(e), the juvenile probation
329 officer shall make a referral to the appropriate shelter for a
330 child in need of services or family in need of services.

331 Section 8. Section 985.24, Florida Statutes, is amended to
332 read:

333 985.24 Use of detention; prohibitions.—

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

337 (a) Presents a substantial risk of not appearing at a
338 subsequent hearing;

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

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

343 (d) Has committed contempt of court by:

344 1. Intentionally disrupting the administration of the
345 court;

346 2. Intentionally disobeying a court order; or

347 3. Engaging in a punishable act or speech in the court's
348 presence which shows disrespect for the authority and dignity of

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349 the court; or

350 (e) Requests protection from imminent bodily harm.

351 (2) A child alleged to have committed a delinquent act or
352 violation of law may not be placed into secure, nonsecure, or
353 home detention care for any of the following reasons:

354 (a) To allow a parent to avoid his or her legal
355 responsibility.

356 (b) To permit more convenient administrative access to the
357 child.

358 (c) To facilitate further interrogation or investigation.

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

360 (e) Due to a misdemeanor charge of domestic violence if the
361 child lives in a family that has a history of family violence,
362 as defined in s. 741.28, or if the child is a victim of abuse or
363 neglect, as defined in s. 39.01, and the decision to place the
364 child in secure detention is mitigated by the history of trauma
365 faced by the child, unless the child would otherwise be subject
366 to secure detention based on his or her prior history.

367 (3) A child alleged to be dependent under chapter 39 may
368 not, under any circumstances, be placed into secure detention
369 care.

370 (4) A child 9 years of age or younger may not be placed
371 into secure detention care unless the child is charged with a
372 capital felony, a life felony, or a felony of the first degree.

373 ~~(5)~~(4) The department shall continue to identify
374 alternatives to secure detention care and shall develop such
375 alternatives and annually submit them to the Legislature for
376 authorization and appropriation.

377 Section 9. Paragraph (a) of subsection (2) of section

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378 985.245, Florida Statutes, is amended to read:

379 985.245 Risk assessment instrument.—

380 (2) (a) The risk assessment instrument for detention care
381 placement determinations and court orders shall be developed by
382 the department in agreement with a statewide committee composed
383 of representatives appointed by the following associations: the
384 Conference of Circuit Judges of Florida, the Prosecuting
385 Attorneys Association, the Public Defenders Association, the
386 Florida Sheriffs Association, and the Florida Association of
387 Chiefs of Police. Each association shall appoint two
388 individuals, one representing an urban area and one representing
389 a rural area. In addition, the committee shall include two
390 representatives from child advocacy organizations appointed by
391 the secretary of the department. The parties involved shall
392 evaluate and revise the risk assessment instrument as is
393 considered necessary using the method for revision as agreed by
394 the parties.

395 Section 10. Section 985.255, Florida Statutes, is amended
396 to read:

397 985.255 Detention criteria; detention hearing.—

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

402 (a) The child is alleged to be an escapee from a
403 residential commitment program; or an absconder from a
404 nonresidential commitment program, a probation program, or
405 conditional release supervision; or is alleged to have escaped
406 while being lawfully transported to or from a residential

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407 commitment program.

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

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

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

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

419 (f) The child is charged with a capital felony, a life
420 felony, a felony of the first degree, a felony of the second
421 degree that does not involve a violation of chapter 893, or a
422 felony of the third degree that is also a crime of violence,
423 including any such offense involving the use or possession of a
424 firearm.

425 (g) The child is charged with any second degree or third
426 degree felony involving a violation of chapter 893 or any third
427 degree felony that is not also a crime of violence, and the
428 child:

- 429 1. Has a record of failure to appear at court hearings
430 after being properly notified in accordance with the Rules of
431 Juvenile Procedure;
- 432 2. Has a record of law violations prior to court hearings;
- 433 3. Has already been detained or has been released and is
434 awaiting final disposition of the case;
- 435 4. Has a record of violent conduct resulting in physical

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436 injury to others; or

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

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

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

444 (i) The child is detained on a judicial order for failure
445 to appear and has previously willfully failed to appear, after
446 proper notice, for an adjudicatory hearing on the same case
447 regardless of the results of the risk assessment instrument. A
448 child may be held in secure detention for up to 72 hours in
449 advance of the next scheduled court hearing pursuant to this
450 paragraph. The child's failure to keep the clerk of court and
451 defense counsel informed of a current and valid mailing address
452 where the child will receive notice to appear at court
453 proceedings does not provide an adequate ground for excusal of
454 the child's nonappearance at the hearings.

455 (j) The child is detained on a judicial order for failure
456 to appear and has previously willfully failed to appear, after
457 proper notice, at two or more court hearings of any nature on
458 the same case regardless of the results of the risk assessment
459 instrument. A child may be held in secure detention for up to 72
460 hours in advance of the next scheduled court hearing pursuant to
461 this paragraph. The child's failure to keep the clerk of court
462 and defense counsel informed of a current and valid mailing
463 address where the child will receive notice to appear at court
464 proceedings does not provide an adequate ground for excusal of

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465 the child's nonappearance at the hearings.

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

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

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

473
474 The child may not be held in secure detention under this
475 subsection for more than 48 hours unless ordered by the court.
476 After 48 hours, the court shall hold a hearing if the state
477 attorney or victim requests that secure detention be continued.
478 The child may continue to be held in detention care if the court
479 makes a specific, written finding that detention care is
480 necessary to protect the victim from injury. However, the child
481 may not be held in detention care beyond the time limits set
482 forth in this section or s. 985.26.

483 (3) (a) A child who meets any of the criteria in subsection
484 (1) and who is ordered to be detained under that subsection
485 shall be given a hearing within 24 hours after being taken into
486 custody. The purpose of the detention hearing is to determine
487 the existence of probable cause that the child has committed the
488 delinquent act or violation of law that he or she is charged
489 with and the need for continued detention. Unless a child is
490 detained under paragraph (1) (d) or paragraph (1) (e), the court
491 shall use the results of the risk assessment performed by the
492 juvenile probation officer and, based on the criteria in
493 subsection (1), shall determine the need for continued

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494 detention. A child placed into secure, nonsecure, or home
495 detention care may continue to be so detained by the court.

496 (b) If the court orders a placement more restrictive than
497 indicated by the results of the risk assessment instrument, the
498 court shall state, in writing, clear and convincing reasons for
499 such placement.

500 (c) Except as provided in s. 790.22(8) or in s. 985.27,
501 when a child is placed into secure or nonsecure detention care,
502 or into a respite home or other placement pursuant to a court
503 order following a hearing, the court order must include specific
504 instructions that direct the release of the child from such
505 placement no later than 5 p.m. on the last day of the detention
506 period specified in s. 985.26 or s. 985.27, whichever is
507 applicable, unless the requirements of such applicable provision
508 have been met or an order of continuance has been granted under
509 s. 985.26(4).

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

512 985.441 Commitment.—

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

517 (e) Commit the child to the department for placement in a
518 mother-infant program designed to serve the needs of juvenile
519 mothers or expectant juvenile mothers who are committed as
520 delinquents. The department's mother-infant program must be
521 licensed as a child care facility in accordance with s. 402.308,
522 and must provide the services and support necessary to enable

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523 the committed juvenile mothers to provide for the needs of their
524 infants who, upon agreement of the mother, may accompany them in
525 the program. The department shall adopt rules to govern the
526 operation of such programs.

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

529 985.45 Liability and remuneration for work.—

530 (1) Whenever a child is required by the court to
531 participate in any work program under this part or whenever a
532 child volunteers to work in a specified state, county,
533 municipal, or community service organization supervised work
534 program or to work for the victim, either as an alternative to
535 monetary restitution or as a part of the rehabilitative or
536 probation program, the child is an employee of the state for the
537 purposes of chapter 440 liability.

538 Section 13. Section 985.632, Florida Statutes, is amended
539 to read:

540 985.632 Program review and reporting requirements ~~Quality~~
541 ~~assurance and cost-effectiveness.~~—

542 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
543 that the department:

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

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

549 (c) ~~(b)~~ Provide information about the cost of such programs
550 and their differential effectiveness so that program ~~the~~ quality
551 may ~~of such programs~~ can be compared and improvements made

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552 continually.

553 ~~(d)-(e)~~ Provide information to aid in developing related
554 policy issues and concerns.

555 ~~(e)-(d)~~ Provide information to the public about the
556 effectiveness of such programs in meeting established goals and
557 objectives.

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

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

562 ~~(h)-(g)~~ Modify or eliminate activities that are not
563 effective.

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

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

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

571 ~~(c)-(b)~~ "Program component" means an aggregation of
572 generally related objectives which, because of their special
573 character, related workload, and interrelated output, can
574 logically be considered an entity for purposes of organization,
575 management, accounting, reporting, and budgeting.

576 ~~(e) "Program effectiveness" means the ability of the~~
577 ~~program to achieve desired client outcomes, goals, and~~
578 ~~objectives.~~

579 (d) "Program group" means a collection of programs having
580 sufficient similarity of functions, services, and population to

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581 permit appropriate comparisons between programs within the
582 group.

583 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department
584 shall use a standard methodology for annually measuring,
585 evaluating, and reporting program outputs and youth outcomes for
586 each program and program group. The department shall submit a
587 report to the appropriate committees of the Legislature and the
588 Governor by January 15 of each year. The department shall notify
589 the Office of Program Policy Analysis and Government
590 Accountability and each contract service provider of substantive
591 changes to the methodology. The standard methodology must:

592 (a) Define common terminology and operational definitions
593 and methods by which to measure the performance of program
594 outputs and outcomes.

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

597 (c) Report cost data for each program operated or
598 contracted by the department for the fiscal year corresponding
599 to the program outputs and outcomes being reported. The
600 ~~department shall annually collect and report cost data for every~~
601 ~~program operated or contracted by the department. The cost data~~
602 ~~shall conform to a format approved by the department and the~~
603 ~~Legislature. Uniform cost data shall be reported and collected~~
604 ~~for state-operated and contracted programs so that comparisons~~
605 ~~can be made among programs. The department shall ensure that~~
606 ~~there is accurate cost accounting for state-operated services~~
607 ~~including market-equivalent rent and other shared cost. The cost~~
608 ~~of the educational program provided to a residential facility~~
609 ~~shall be reported and included in the cost of a program. The~~

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610 ~~department shall submit an annual cost report to the President~~
611 ~~of the Senate, the Speaker of the House of Representatives, the~~
612 ~~Minority Leader of each house of the Legislature, the~~
613 ~~appropriate substantive and fiscal committees of each house of~~
614 ~~the Legislature, and the Governor, no later than December 1 of~~
615 ~~each year. Cost-benefit analysis for educational programs will~~
616 ~~be developed and implemented in collaboration with and in~~
617 ~~cooperation with the Department of Education, local providers,~~
618 ~~and local school districts. Cost data for the report shall~~
619 ~~include data collected by the Department of Education for the~~
620 ~~purposes of preparing the annual report required by s.~~
621 ~~1003.52(19).~~

622 (4) ~~(a)~~ PROGRAM ACCOUNTABILITY MEASURES. ~~The department of~~
623 ~~Juvenile Justice, in consultation with the Office of Economic~~
624 ~~and Demographic Research, and contract service providers,~~ shall
625 ~~develop a cost-effectiveness model and apply the program~~
626 ~~accountability measures analysis model to each commitment~~
627 ~~program and include the results in the comprehensive~~
628 ~~accountability report. Program recidivism rates shall be a~~
629 ~~component of the model.~~

630 (a) The program accountability measures analysis cost-
631 ~~effectiveness model~~ shall compare program costs to expected and
632 actual youth recidivism rates ~~elient outcomes and program~~
633 ~~outputs.~~ It is the intent of the Legislature that continual
634 development efforts take place to improve the validity and
635 reliability of the cost-effectiveness model ~~and to integrate the~~
636 ~~standard methodology developed under s. 985.401(4) for~~
637 ~~interpreting program outcome evaluations.~~

638 (b) ~~The department shall rank commitment programs based on~~

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639 ~~the cost-effectiveness model and shall submit a report to the~~
640 ~~appropriate substantive and fiscal committees of each house of~~
641 ~~the Legislature by December 31 of each year.~~

642 (b) ~~(e)~~ Based on ~~reports of the department on client~~
643 ~~outcomes and program outputs and on the department's most recent~~
644 program accountability measures analysis ~~cost-effectiveness~~
645 ~~rankings, the department may terminate its contract with or~~
646 discontinue a commitment program ~~operated by the department or a~~
647 ~~provider~~ if the program has failed to achieve a minimum
648 threshold of recidivism and cost-effectiveness ~~program~~
649 ~~effectiveness~~. This paragraph does not preclude the department
650 from terminating a contract as provided under this section or as
651 otherwise provided by law or contract, and does not limit the
652 department's authority to enter into or terminate a contract.

653 (c) ~~(d)~~ The department shall notify the Office of Program
654 Policy Analysis and Government Accountability and each contract
655 service provider of substantive changes to the program
656 accountability measures analysis. ~~In collaboration with the~~
657 ~~Office of Economic and Demographic Research, and contract~~
658 ~~service providers, the department shall develop a work plan to~~
659 ~~refine the cost-effectiveness model so that the model is~~
660 ~~consistent with the performance-based program budgeting measures~~
661 ~~approved by the Legislature to the extent the department deems~~
662 ~~appropriate. The department shall notify the Office of Program~~
663 ~~Policy Analysis and Government Accountability of any meetings to~~
664 ~~refine the model.~~

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

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

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

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

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

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

682 (a) Establish a comprehensive quality assurance system for
683 each program operated by the department or operated by a
684 provider under contract with the department. Each contract
685 entered into by the department must provide for quality
686 assurance and include the results in the comprehensive
687 accountability report.

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

690 (c) Establish quality assurance goals and objectives for
691 each specific program component.

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

694 (e) Develop a quality assurance manual of specific,
695 standardized terminology and procedures to be followed by each
696 program.

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697 (f) Evaluate each program operated by the department or a
698 provider under a contract with the department and establish
699 minimum thresholds for each program component. If a provider
700 fails to meet the established minimum thresholds, such failure
701 shall cause the department to cancel the provider's contract
702 unless the provider achieves compliance with minimum thresholds
703 within 6 months or unless there are documented extenuating
704 circumstances. In addition, the department may not contract with
705 the same provider for the canceled service for a period of 12
706 months. If a department-operated program fails to meet the
707 established minimum thresholds, the department must take
708 necessary and sufficient steps to ensure and document program
709 changes to achieve compliance with the established minimum
710 thresholds. If the department-operated program fails to achieve
711 compliance with the established minimum thresholds within 6
712 months and if there are no documented extenuating circumstances,
713 the department must notify the Executive Office of the Governor
714 and the Legislature of the corrective action taken. Appropriate
715 corrective action may include, but is not limited to:

- 716 1. Contracting out for the services provided in the
717 program;
- 718 2. Initiating appropriate disciplinary action against all
719 employees whose conduct or performance is deemed to have
720 materially contributed to the program's failure to meet
721 established minimum thresholds;
- 722 3. Redesigning the program; or
- 723 4. Realigning the program.

724
725 ~~The department shall submit an annual report to the President of~~

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726 ~~the Senate, the Speaker of the House of Representatives, the~~
727 ~~Minority Leader of each house of the Legislature, the~~
728 ~~appropriate substantive and fiscal committees of each house of~~
729 ~~the Legislature, and the Governor, no later than February 1 of~~
730 ~~each year. The annual report must contain, at a minimum, for~~
731 ~~each specific program component: a comprehensive description of~~
732 ~~the population served by the program; a specific description of~~
733 ~~the services provided by the program; cost; a comparison of~~
734 ~~expenditures to federal and state funding; immediate and long-~~
735 ~~range concerns; and recommendations to maintain, expand,~~
736 ~~improve, modify, or eliminate each program component so that~~
737 ~~changes in services lead to enhancement in program quality. The~~
738 ~~department shall ensure the reliability and validity of the~~
739 ~~information contained in the report.~~

740 ~~(6) The department shall collect and analyze available~~
741 ~~statistical data for the purpose of ongoing evaluation of all~~
742 ~~programs. The department shall provide the Legislature with~~
743 ~~necessary information and reports to enable the Legislature to~~
744 ~~make informed decisions regarding the effectiveness of, and any~~
745 ~~needed changes in, services, programs, policies, and laws.~~

746 ~~(7) No later than November 1, 2001, the department shall~~
747 ~~submit a proposal to the Legislature concerning funding~~
748 ~~incentives and disincentives for the department and for~~
749 ~~providers under contract with the department. The~~
750 ~~recommendations for funding incentives and disincentives shall~~
751 ~~be based upon both quality assurance performance and cost-~~
752 ~~effectiveness performance. The proposal should strive to achieve~~
753 ~~consistency in incentives and disincentives for both department-~~
754 ~~operated and contractor provided programs. The department may~~

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755 ~~include recommendations for the use of liquidated damages in the~~
756 ~~proposal; however, the department is not presently authorized to~~
757 ~~contract for liquidated damages in non-hardware-secure~~
758 ~~facilities until January 1, 2002.~~

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

761 985.664 Juvenile justice circuit boards and juvenile
762 justice county councils.—

763 (8) At any time after the adoption of initial bylaws
764 pursuant to subsection (12), a juvenile justice circuit board
765 may revise the bylaws to increase the number of members by not
766 more than five ~~three~~ in order to adequately reflect the
767 diversity of the population and community organizations or
768 agencies in the circuit.

769 Section 15. Disproportionate Minority Contact Task Force.—

770 (1) (a) The Disproportionate Minority Contact Task Force is
771 established within the Department of Juvenile Justice, which
772 shall be a task force as defined in s. 20.03, Florida Statutes.

773 (b) The Secretary of Juvenile Justice shall appoint 15
774 members to the task force. The appointed members shall include
775 representatives from educational institutions, law enforcement
776 agencies, state attorney offices, public defender offices, the
777 state court system, faith communities, juvenile justice service
778 providers, advocacy organizations, and other stakeholders.

779 (c) Members of the task force shall serve without
780 compensation, and members who are not governmental employees may
781 not be reimbursed for travel or per diem expenses.

782 (2) Within existing resources, the department shall provide
783 the necessary staff to facilitate the work of the task force.

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784 (3) The goal of the task force is to reduce the
785 disproportionate contact, statewide, of minority juvenile
786 offenders with the department and law enforcement agencies,
787 consistent with the federal Juvenile Justice and Delinquency
788 Prevention Act of 1974, Pub. L. No. 93-415, as amended.

789 (4) The task force shall:

790 (a) Work with each local juvenile justice board and council
791 to develop a plan to reduce disproportionate minority contact
792 within its area.

793 (b) Develop, in conjunction with the department,
794 requirements for every entity with which the department works,
795 throughout its continuum of services, to implement strategies,
796 policies, and practices that reduce disproportionate minority
797 contact.

798 (c) Assist the department in developing ongoing cultural
799 sensitivity and cultural competence training for departmental
800 and provider staff to facilitate their participation in plans
801 and strategies to reduce disproportionate minority contact.

802 (d) Assist the department in developing training and
803 educational classes that will be made available to local law
804 enforcement agencies, school systems, court personnel, and other
805 identified local stakeholders.

806 (e) Assist the department in developing a strategic plan to
807 reduce disproportionate minority contact and overrepresentation,
808 which shall include strategies such as restorative justice
809 practices, civil citation programs, and other prevention and
810 diversionary strategies that offer alternatives intended to
811 prevent the movement of youth into the next level of
812 intervention at the point of school disciplinary decisions,

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813 arrest, charging, disposition, and placement.

814 (f) Assist the department and the local juvenile justice
815 boards and councils in establishing comprehensive partnerships
816 with faith-based and community-based organizations that are
817 minority-led, citizen-based, and nonprofit organizations and
818 that are designed and prepared to handle the range of
819 responsibilities for responding to the needs of underserved
820 youth.

821 (g) Submit an annual report to the secretary by July 1 of
822 each year summarizing its activities. The report shall also
823 include any specific recommendations for appropriate
824 legislation.

825 (5) The task force is abolished July 1, 2013.

826 Section 16. For the purpose of incorporating the amendment
827 made by this act to section 984.03, Florida Statutes, in a
828 reference thereto, paragraph (d) of subsection (1) of section
829 419.001, Florida Statutes, is reenacted to read:

830 419.001 Site selection of community residential homes.—

831 (1) For the purposes of this section, the following
832 definitions shall apply:

833 (d) "Resident" means any of the following: a frail elder as
834 defined in s. 429.65; a physically disabled or handicapped
835 person as defined in s. 760.22(7)(a); a developmentally disabled
836 person as defined in s. 393.063; a nondangerous mentally ill
837 person as defined in s. 394.455(18); or a child who is found to
838 be dependent as defined in s. 39.01 or s. 984.03, or a child in
839 need of services as defined in s. 984.03 or s. 985.03.

840 Section 17. For the purpose of incorporating the amendment
841 made by this act to section 984.03, Florida Statutes, in a

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842 reference thereto, subsection (5) of section 984.04, Florida
843 Statutes, is reenacted to read:

844 984.04 Families in need of services and children in need of
845 services; procedures and jurisdiction.-

846 (5) The circuit court shall have exclusive original
847 jurisdiction of proceedings in which a child is alleged to be a
848 child in need of services. When the jurisdiction of any child
849 who has been found to be a child in need of services or the
850 parent, custodian, or legal guardian of such a child is
851 obtained, the court shall retain jurisdiction, unless
852 relinquished by its order or unless the department withdraws its
853 petition because the child no longer meets the definition of a
854 child in need of services as defined in s. 984.03, until the
855 child reaches 18 years of age. This subsection shall not be
856 construed to prevent the exercise of jurisdiction by any other
857 court having jurisdiction of the child if the child commits a
858 violation of law, is the subject of the dependency provisions
859 under this chapter, or is the subject of a pending investigation
860 into an allegation or suspicion of abuse, neglect, or
861 abandonment.

862 Section 18. For the purpose of incorporating the amendment
863 made by this act to section 984.03, Florida Statutes, in
864 references thereto, paragraph (c) of subsection (2) and
865 paragraph (c) of subsection (3) of section 984.15, Florida
866 Statutes, are reenacted to read:

867 984.15 Petition for a child in need of services.-

868 (2)

869 (c) The petition shall be in writing, shall state the
870 specific grounds under s. 984.03(9) by which the child is

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871 designated a child in need of services, and shall certify that
872 the conditions prescribed in paragraph (a) have been met. The
873 petition shall be signed by the petitioner under oath stating
874 good faith in filing the petition and shall be signed by an
875 attorney for the department.

876 (3)

877 (c) The petition must be in writing and must set forth
878 specific facts alleging that the child is a child in need of
879 services as defined in s. 984.03(9). The petition must also
880 demonstrate that the parent, guardian, or legal custodian has in
881 good faith, but unsuccessfully, participated in the services and
882 processes described in ss. 984.11 and 984.12.

883 Section 19. For the purpose of incorporating the amendment
884 made by this act to section 984.14, Florida Statutes, in a
885 reference thereto, subsection (3) of section 984.13, Florida
886 Statutes, is reenacted to read:

887 984.13 Taking into custody a child alleged to be from a
888 family in need of services or to be a child in need of
889 services.—

890 (3) If the child is taken into custody by, or is delivered
891 to, the department, the appropriate representative of the
892 department shall review the facts and make such further inquiry
893 as necessary to determine whether the child shall remain in
894 custody or be released. Unless shelter is required as provided
895 in s. 984.14(1), the department shall:

896 (a) Release the child to his or her parent, guardian, or
897 legal custodian, to a responsible adult relative, to a
898 responsible adult approved by the department, or to a
899 department-approved family-in-need-of-services and child-in-

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900 need-of-services provider; or

901 (b) Authorize temporary services and treatment that would
902 allow the child alleged to be from a family in need of services
903 to remain at home.

904 Section 20. For the purpose of incorporating the amendment
905 made by this act to section 985.03, Florida Statutes, in a
906 reference thereto, paragraph (d) of subsection (1) of section
907 419.001, Florida Statutes, is reenacted to read:

908 419.001 Site selection of community residential homes.—

909 (1) For the purposes of this section, the following
910 definitions shall apply:

911 (d) "Resident" means any of the following: a frail elder as
912 defined in s. 429.65; a physically disabled or handicapped
913 person as defined in s. 760.22(7)(a); a developmentally disabled
914 person as defined in s. 393.063; a nondangerous mentally ill
915 person as defined in s. 394.455(18); or a child who is found to
916 be dependent as defined in s. 39.01 or s. 984.03, or a child in
917 need of services as defined in s. 984.03 or s. 985.03.

918 Section 21. This act shall take effect July 1, 2010.