

HB 7181

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1                   A bill to be entitled  
2           An act relating to juvenile justice; amending s. 394.492,  
3           F.S.; including children 9 years of age or younger at the  
4           time of referral for a delinquent act within the  
5           definition of those children who are eligible to receive  
6           comprehensive mental health services; amending s. 984.03,  
7           F.S.; expanding the meaning of the terms "child in need of  
8           services" and "family in need of services" to include a  
9           child 9 years of age or younger at the time of referral to  
10          the Department of Juvenile Justice; amending s. 984.14,  
11          F.S.; providing for a youth taken into custody for a  
12          misdemeanor domestic violence charge who is ineligible to  
13          be held in secure detention to be placed in a shelter;  
14          amending s. 985.02, F.S.; providing additional legislative  
15          findings and intent concerning very young children and  
16          restorative justice; amending s. 985.03, F.S.; expanding  
17          the meaning of the terms "child in need of services" and  
18          "family in need of services" to include a child 9 years of  
19          age or younger at the time of referral to the Department  
20          of Juvenile Justice; amending s. 985.125, F.S.;  
21          encouraging law enforcement agencies, school districts,  
22          counties, municipalities, and the Department of Juvenile  
23          Justice to establish prearrest or postarrest diversion  
24          programs for youth who are 9 years of age or younger;  
25          amending s. 985.145, F.S.; requiring a juvenile probation  
26          officer to refer a child to the appropriate shelter if the  
27          completed risk assessment instrument shows that the child  
28          is ineligible for secure detention; amending s. 985.24,

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29 F.S.; prohibiting a child alleged to have committed a  
30 delinquent act or violation of law from being placed into  
31 secure, nonsecure, or home detention care because of a  
32 misdemeanor charge of domestic violence if the child lives  
33 in a family that has a history of domestic violence or if  
34 the child is a victim of abuse or neglect; prohibiting a  
35 child 9 years of age or younger from being placed into  
36 secure detention care unless the child is charged with a  
37 capital felony, life felony, or felony of the first  
38 degree; amending s. 985.245, F.S.; revising membership on  
39 the statewide risk assessment instrument committee;  
40 requiring independent validation of the risk assessment  
41 instrument; amending s. 985.255, F.S.; providing that a  
42 child may be retained in home detention care under certain  
43 circumstances; providing that a child who is charged with  
44 committing a felony offense of domestic violence and who  
45 does not meet detention criteria may nevertheless be held  
46 in secure detention if the court makes certain specific  
47 written findings; amending s. 985.441, F.S.; providing  
48 that a court may commit a female child adjudicated as  
49 delinquent to the department for placement in a mother-  
50 infant program designed to serve the needs of the juvenile  
51 mothers or expectant juvenile mothers who are committed as  
52 delinquents; requiring the department to adopt rules to  
53 govern the operation of the mother-infant program;  
54 amending s. 985.45, F.S.; specifying that a child working  
55 under certain circumstances is a state employee for  
56 workers' compensation purposes; amending s. 985.632, F.S.;

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57 | revising provisions relating to quality assurance and  
 58 | cost-effectiveness of department programs; amending s.  
 59 | 985.664, F.S.; increasing the number of members by which a  
 60 | juvenile justice circuit board may be increased to reflect  
 61 | the diversity of the population and community  
 62 | organizations or agencies in the circuit; providing  
 63 | legislative findings concerning the determination of  
 64 | whether to commit a juvenile to the Department of Juvenile  
 65 | Justice and to determine the most appropriate  
 66 | restrictiveness level for such a juvenile; providing an  
 67 | effective date.

68 |

69 | Be It Enacted by the Legislature of the State of Florida:

70 |

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

73 | 394.492 Definitions.—As used in ss. 394.490–394.497, the  
 74 | term:

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

79 | (i) Being 9 years of age or younger at the time of  
 80 | referral for a delinquent act.

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

83 | 984.03 Definitions.—When used in this chapter, the term:

84 | (9) "Child in need of services" means a child for whom

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85 | there is no pending investigation into an allegation or  
 86 | suspicion of abuse, neglect, or abandonment; no pending referral  
 87 | alleging the child is delinquent, except when a child 9 years of  
 88 | age or younger is being referred to the department; or no  
 89 | current supervision by the department ~~of Juvenile Justice~~ or the  
 90 | Department of Children and Family Services for an adjudication  
 91 | of dependency or delinquency. The child must also, pursuant to  
 92 | this chapter, be found by the court:

93 |       (a) To have persistently run away from the child's parents  
 94 | or legal custodians despite reasonable efforts of the child, the  
 95 | parents or legal custodians, and appropriate agencies to remedy  
 96 | the conditions contributing to the behavior. Reasonable efforts  
 97 | shall include voluntary participation by the child's parents or  
 98 | legal custodians and the child in family mediation, services,  
 99 | and treatment offered by the department ~~of Juvenile Justice~~ or  
 100 | the Department of Children and Family Services;

101 |       (b) To be habitually truant from school, while subject to  
 102 | compulsory school attendance, despite reasonable efforts to  
 103 | remedy the situation pursuant to ss. 1003.26 and 1003.27 and  
 104 | through voluntary participation by the child's parents or legal  
 105 | custodians and by the child in family mediation, services, and  
 106 | treatment offered by the department ~~of Juvenile Justice~~ or the  
 107 | Department of Children and Family Services; ~~or~~

108 |       (c) To have persistently disobeyed the reasonable and  
 109 | lawful demands of the child's parents or legal custodians, and  
 110 | to be beyond their control despite efforts by the child's  
 111 | parents or legal custodians and appropriate agencies to remedy  
 112 | the conditions contributing to the behavior. Reasonable efforts

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113 may include such things as good faith participation in family or  
 114 individual counseling; or

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

117 (25) "Family in need of services" means a family that has  
 118 a child who is running away; who is persistently disobeying  
 119 reasonable and lawful demands of the parent or legal custodian  
 120 and is beyond the control of the parent or legal custodian; ~~or~~  
 121 who is habitually truant from school or engaging in other  
 122 serious behaviors that place the child at risk of future abuse,  
 123 neglect, or abandonment or at risk of entering the juvenile  
 124 justice system; or who is 9 years of age or younger and being  
 125 referred to the department for a delinquent act. The child must  
 126 be referred to a law enforcement agency, the department ~~of~~  
 127 ~~Juvenile Justice~~, or an agency contracted to provide services to  
 128 children in need of services. A family is not eligible to  
 129 receive services if, at the time of the referral, there is an  
 130 open investigation into an allegation of abuse, neglect, or  
 131 abandonment or if the child is currently under supervision by  
 132 the department ~~of Juvenile Justice~~ or the Department of Children  
 133 and Family Services due to an adjudication of dependency or  
 134 delinquency.

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

137 984.14 Shelter placement; hearing.—

138 (1) Unless ordered by the court pursuant to the provisions  
 139 of this chapter, or upon voluntary consent to placement by the  
 140 child and the child's parent, legal guardian, or custodian, a

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141 child taken into custody shall not be placed in a shelter prior  
 142 to a court hearing unless the child is taken into custody for a  
 143 misdemeanor domestic violence charge and is ineligible to be  
 144 held in secure detention or a determination has been made that  
 145 the provision of appropriate and available services will not  
 146 eliminate the need for placement and that such placement is  
 147 required:

148 (a) To provide an opportunity for the child and family to  
 149 agree upon conditions for the child's return home, when  
 150 immediate placement in the home would result in a substantial  
 151 likelihood that the child and family would not reach an  
 152 agreement; or

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

155 Section 4. Subsections (9) and (10) are added to section  
 156 985.02, Florida Statutes, to read:

157 985.02 Legislative intent for the juvenile justice  
 158 system.—

159 (9) CHILDREN 9 YEARS OF AGE OR YOUNGER.—The Legislature  
 160 finds that very young children need age-appropriate services in  
 161 order to prevent and reduce future acts of delinquency. Children  
 162 who are 9 years of age or younger should be diverted into  
 163 prearrest or postarrest programs, civil citation programs, or  
 164 children-in-need-of-services and families-in-need-of-services  
 165 programs, or other programs as appropriate. If, upon findings  
 166 from the needs assessment, the child is found to be in need of  
 167 mental health services or substance abuse treatment services,  
 168 the department shall cooperate with the parent or legal guardian

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169 and the Department of Children and Family Services, as  
170 appropriate, to identify the most appropriate services and  
171 supports and available funding sources to meet the needs of the  
172 child.

173 (10) RESTORATIVE JUSTICE.—

174 (a) It is the intent of the Legislature that the juvenile  
175 justice system advance the principles of restorative justice.  
176 The department should focus on repairing the harm to victims of  
177 delinquent behavior by ensuring that the child understands the  
178 impact of his or her delinquent behavior on the victim and the  
179 community and that the child restore the losses of his or her  
180 victim.

181 (b) Offender accountability is one of the basic principles  
182 of restorative justice. The premise of this principle is that  
183 the juvenile justice system must respond to delinquent behavior  
184 in such a way that the offender is made aware of and takes  
185 responsibility for repaying or restoring loss, damage, or injury  
186 perpetrated upon the victim and the community. This goal is  
187 achieved when the offender understands the consequences of  
188 delinquent behavior in terms of harm to others and when the  
189 offender makes amends for the harm, loss, or damage through  
190 restitution, community service, or other appropriate repayment.

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

193 985.03 Definitions.—As used in this chapter, the term:

194 (7) "Child in need of services" means a child for whom  
195 there is no pending investigation into an allegation or  
196 suspicion of abuse, neglect, or abandonment; no pending referral

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197 | alleging the child is delinquent, except when a child 9 years of  
 198 | age or younger is being referred to the department; or no  
 199 | current supervision by the department or the Department of  
 200 | Children and Family Services for an adjudication of dependency  
 201 | or delinquency. The child must also, under this chapter, be  
 202 | found by the court:

203 |       (a) To have persistently run away from the child's parents  
 204 | or legal custodians despite reasonable efforts of the child, the  
 205 | parents or legal custodians, and appropriate agencies to remedy  
 206 | the conditions contributing to the behavior. Reasonable efforts  
 207 | shall include voluntary participation by the child's parents or  
 208 | legal custodians and the child in family mediation, services,  
 209 | and treatment offered by the department or the Department of  
 210 | Children and Family Services;

211 |       (b) To be habitually truant from school, while subject to  
 212 | compulsory school attendance, despite reasonable efforts to  
 213 | remedy the situation under ss. 1003.26 and 1003.27 and through  
 214 | voluntary participation by the child's parents or legal  
 215 | custodians and by the child in family mediation, services, and  
 216 | treatment offered by the department ~~of Juvenile Justice~~ or the  
 217 | Department of Children and Family Services; ~~or~~

218 |       (c) To have persistently disobeyed the reasonable and  
 219 | lawful demands of the child's parents or legal custodians, and  
 220 | to be beyond their control despite efforts by the child's  
 221 | parents or legal custodians and appropriate agencies to remedy  
 222 | the conditions contributing to the behavior. Reasonable efforts  
 223 | may include such things as good faith participation in family or  
 224 | individual counseling; or



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

227 (23) "Family in need of services" means a family that has  
 228 a child for whom there is no pending investigation into an  
 229 allegation of abuse, neglect, or abandonment or no current  
 230 supervision by the department or the Department of Children and  
 231 Family Services for an adjudication of dependency or  
 232 delinquency. The child must also have been referred to a law  
 233 enforcement agency or the department for:

- 234 (a) Running away from parents or legal custodians;
- 235 (b) Persistently disobeying reasonable and lawful demands
- 236 of parents or legal custodians, and being beyond their control;
- 237 ~~or~~

238 (c) Habitual truancy from school; or

239 (d) Being a child 9 years of age or younger and being  
 240 referred for a delinquent act.

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

243 985.125 Prearrest or postarrest diversion programs.—

244 (1) A law enforcement agency, ~~or~~ school district, county,  
 245 municipality, or the department, in cooperation with the state  
 246 attorney, is encouraged to ~~may~~ establish a prearrest or  
 247 postarrest diversion program. Youth 9 years of age or younger  
 248 should be given the opportunity to participate in a prearrest or  
 249 postarrest diversion program.

250 Section 7. Paragraph (d) of subsection (1) of section  
 251 985.145, Florida Statutes, is amended to read:

252 985.145 Responsibilities of juvenile probation officer

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253 during intake; screenings and assessments.—

254 (1) The juvenile probation officer shall serve as the  
 255 primary case manager for the purpose of managing, coordinating,  
 256 and monitoring the services provided to the child. Each program  
 257 administrator within the Department of Children and Family  
 258 Services shall cooperate with the primary case manager in  
 259 carrying out the duties and responsibilities described in this  
 260 section. In addition to duties specified in other sections and  
 261 through departmental rules, the assigned juvenile probation  
 262 officer shall be responsible for the following:

263 (d) Completing risk assessment instrument.—The juvenile  
 264 probation officer shall ensure that a risk assessment instrument  
 265 establishing the child's eligibility for detention has been  
 266 accurately completed and that the appropriate recommendation was  
 267 made to the court. If upon completion of the risk assessment  
 268 instrument the child is ineligible for secure detention based on  
 269 the criteria in s. 985.24(2)(e), the juvenile probation officer  
 270 shall make a referral to the appropriate shelter for a child in  
 271 need of services or a family in need of services.

272 Section 8. Section 985.24, Florida Statutes, is amended to  
 273 read:

274 985.24 Use of detention; prohibitions.—

275 (1) All determinations and court orders regarding the use  
 276 of secure, nonsecure, or home detention shall be based primarily  
 277 upon findings that the child:

278 (a) Presents a substantial risk of not appearing at a  
 279 subsequent hearing;

280 (b) Presents a substantial risk of inflicting bodily harm

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281 on others as evidenced by recent behavior;

282 (c) Presents a history of committing a property offense

283 prior to adjudication, disposition, or placement;

284 (d) Has committed contempt of court by:

285 1. Intentionally disrupting the administration of the

286 court;

287 2. Intentionally disobeying a court order; or

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

289 presence which shows disrespect for the authority and dignity of

290 the court; or

291 (e) Requests protection from imminent bodily harm.

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

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

294 home detention care for any of the following reasons:

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

296 responsibility.

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

298 child.

299 (c) To facilitate further interrogation or investigation.

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

301 (e) Due to a misdemeanor charge of domestic violence when

302 the child lives in a family with a history of domestic violence

303 as defined in s. 741.28 or is a victim of abuse or neglect as

304 defined in s. 39.01, and the decision to place the child in

305 secure detention is mitigated by the history of trauma faced by

306 the child, unless the child would otherwise be subject to secure

307 detention based on prior history.

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

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309 not, under any circumstances, be placed into secure detention  
 310 care.

311 (4) A child 9 years of age or younger may not be placed in  
 312 secure detention care unless the child is charged with a capital  
 313 felony, life felony, or felony of the first degree.

314 (5)~~(4)~~ The department shall continue to identify  
 315 alternatives to secure detention care and shall develop such  
 316 alternatives and annually submit them to the Legislature for  
 317 authorization and appropriation.

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

320 985.245 Risk assessment instrument.—

321 (2) (a) The risk assessment instrument for detention care  
 322 placement determinations and court orders shall be developed by  
 323 the department in agreement with a committee composed of two  
 324 representatives appointed by the following associations: the  
 325 Conference of Circuit Judges of Florida, the Prosecuting  
 326 Attorneys Association, the Public Defenders Association, the  
 327 Florida Sheriffs Association, and the Florida Association of  
 328 Chiefs of Police. Each association shall appoint two  
 329 individuals, one representing an urban area and one representing  
 330 a rural area. In addition, the committee shall include two  
 331 representatives from child advocacy organizations appointed by  
 332 the secretary of the department. The parties involved shall  
 333 evaluate and revise the risk assessment instrument as is  
 334 considered necessary using the method for revision as agreed by  
 335 the parties.

336 (b) The risk assessment instrument shall take into

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337 | consideration, but need not be limited to, prior history of  
 338 | failure to appear, prior offenses, offenses committed pending  
 339 | adjudication, any unlawful possession of a firearm, theft of a  
 340 | motor vehicle or possession of a stolen motor vehicle, and  
 341 | probation status at the time the child is taken into custody.  
 342 | The risk assessment instrument shall also take into  
 343 | consideration appropriate aggravating and mitigating  
 344 | circumstances, and shall be designed to target a narrower  
 345 | population of children than s. 985.255. The risk assessment  
 346 | instrument shall also include any information concerning the  
 347 | child's history of abuse and neglect. The risk assessment shall  
 348 | indicate whether detention care is warranted, and, if detention  
 349 | care is warranted, whether the child should be placed into  
 350 | secure, ~~nonsecure~~, or home detention care.

351 |       (c) The risk assessment instrument shall be independently  
 352 | validated. The department shall review the population, policies,  
 353 | and procedures that have an impact on the use of detention every  
 354 | 7 years to determine the necessity of revalidating the risk  
 355 | assessment instrument. Validation of the instrument means  
 356 | assessing the effectiveness of the instrument's ability to  
 357 | measure the risk of committing new offenses and failure to  
 358 | appear for court proceedings.

359 |       Section 10. Section 985.255, Florida Statutes, is amended  
 360 | to read:

361 |       985.255 Detention criteria; detention hearing.—

362 |       (1) Subject to s. 985.25(1), a child taken into custody  
 363 | and placed into ~~nonsecure~~ or home detention care or detained in  
 364 | secure detention care prior to a detention hearing may continue

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365 | to be detained by the court if:

366 |       (a) The child is alleged to be an escapee from a  
 367 | residential commitment program; or an absconder from a  
 368 | nonresidential commitment program, a probation program, or  
 369 | conditional release supervision; or is alleged to have escaped  
 370 | while being lawfully transported to or from a residential  
 371 | commitment program.

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

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

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

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

383 |       (f) The child is charged with a capital felony, a life  
 384 | felony, a felony of the first degree, a felony of the second  
 385 | degree that does not involve a violation of chapter 893, or a  
 386 | felony of the third degree that is also a crime of violence,  
 387 | including any such offense involving the use or possession of a  
 388 | firearm.

389 |       (g) The child is charged with any second degree or third  
 390 | degree felony involving a violation of chapter 893 or any third  
 391 | degree felony that is not also a crime of violence, and the  
 392 | child:

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- 393           1. Has a record of failure to appear at court hearings  
 394 after being properly notified in accordance with the Rules of  
 395 Juvenile Procedure;
- 396           2. Has a record of law violations prior to court hearings;
- 397           3. Has already been detained or has been released and is  
 398 awaiting final disposition of the case;
- 399           4. Has a record of violent conduct resulting in physical  
 400 injury to others; or
- 401           5. Is found to have been in possession of a firearm.

402           (h) The child is alleged to have violated the conditions  
 403 of the child's probation or conditional release supervision.  
 404 However, a child detained under this paragraph may be held only  
 405 in a consequence unit as provided in s. 985.439. If a  
 406 consequence unit is not available, the child shall be placed on  
 407 home detention with electronic monitoring.

408           (i) The child is detained on a judicial order for failure  
 409 to appear and has previously willfully failed to appear, after  
 410 proper notice, for an adjudicatory hearing on the same case  
 411 regardless of the results of the risk assessment instrument. A  
 412 child may be held in secure detention for up to 72 hours in  
 413 advance of the next scheduled court hearing pursuant to this  
 414 paragraph. The child's failure to keep the clerk of court and  
 415 defense counsel informed of a current and valid mailing address  
 416 where the child will receive notice to appear at court  
 417 proceedings does not provide an adequate ground for excusal of  
 418 the child's nonappearance at the hearings.

419           (j) The child is detained on a judicial order for failure  
 420 to appear and has previously willfully failed to appear, after

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421 proper notice, at two or more court hearings of any nature on  
422 the same case regardless of the results of the risk assessment  
423 instrument. A child may be held in secure detention for up to 72  
424 hours in advance of the next scheduled court hearing pursuant to  
425 this paragraph. The child's failure to keep the clerk of court  
426 and defense counsel informed of a current and valid mailing  
427 address where the child will receive notice to appear at court  
428 proceedings does not provide an adequate ground for excusal of  
429 the child's nonappearance at the hearings.

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

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

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

437  
438 The child may not be held in secure detention under this  
439 subsection for more than 48 hours unless ordered by the court.  
440 After 48 hours, the court shall hold a hearing if the state  
441 attorney or victim requests that secure detention be continued.  
442 The child may continue to be held in detention care if the court  
443 makes a specific, written finding that detention care is  
444 necessary to protect the victim from injury. However, the child  
445 may not be held in detention care beyond the time limits set  
446 forth in this section or s. 985.26.

447 (3) (a) A child who meets any of the criteria in subsection  
448 (1) and who is ordered to be detained under that subsection



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449 shall be given a hearing within 24 hours after being taken into  
450 custody. The purpose of the detention hearing is to determine  
451 the existence of probable cause that the child has committed the  
452 delinquent act or violation of law that he or she is charged  
453 with and the need for continued detention. Unless a child is  
454 detained under paragraph (1)(d) or paragraph (1)(e), the court  
455 shall use the results of the risk assessment performed by the  
456 juvenile probation officer and, based on the criteria in  
457 subsection (1), shall determine the need for continued  
458 detention. A child placed into secure, nonsecure, or home  
459 detention care may continue to be so detained by the court.

460 (b) If the court orders a placement more restrictive than  
461 indicated by the results of the risk assessment instrument, the  
462 court shall state, in writing, clear and convincing reasons for  
463 such placement.

464 (c) Except as provided in s. 790.22(8) or in s. 985.27,  
465 when a child is placed into secure or nonsecure detention care,  
466 or into a respite home or other placement pursuant to a court  
467 order following a hearing, the court order must include specific  
468 instructions that direct the release of the child from such  
469 placement no later than 5 p.m. on the last day of the detention  
470 period specified in s. 985.26 or s. 985.27, whichever is  
471 applicable, unless the requirements of such applicable provision  
472 have been met or an order of continuance has been granted under  
473 s. 985.26(4).

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

476 985.441 Commitment.—

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

481 (e) Commit a female child to the department for placement  
 482 in a mother-infant program designed to serve the needs of the  
 483 juvenile mothers or expectant juvenile mothers who are committed  
 484 as delinquents. The department's mother-infant program shall be  
 485 licensed as a child care facility in accordance with s. 402.308  
 486 and shall provide the services and support necessary to enable  
 487 the committed juvenile mothers to provide for the needs of the  
 488 infants who, upon agreement of the mother, may accompany them in  
 489 the program. The department shall adopt rules pursuant to ss.  
 490 120.536(1) and 120.54 to govern the operation of such program.

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

493 985.45 Liability and remuneration for work.—

494 (1) Whenever a child is required by the court to  
 495 participate in any work program under this part or whenever a  
 496 child volunteers to work in a specified state, county,  
 497 municipal, or community service organization supervised work  
 498 program or to work for the victim, either as an alternative to  
 499 monetary restitution or as a part of the rehabilitative or  
 500 probation program, the child is an employee of the state for the  
 501 purposes of chapter 440 liability.

502 Section 13. Section 985.632, Florida Statutes, is amended  
 503 to read:

504 985.632 Quality assurance and cost-effectiveness.—

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505 (1) INTENT.—It is the intent of the Legislature that the  
506 department:

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

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

512 (c) ~~(b)~~ Provide information about the cost of such programs  
513 and their differential effectiveness so that program ~~the~~ quality  
514 ~~of such programs~~ can be compared and improvements made  
515 continually.

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

518 (e) ~~(d)~~ Provide information to the public about the  
519 effectiveness of such programs in meeting established goals and  
520 objectives.

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

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

525 (h) ~~(g)~~ Modify or eliminate activities that are not  
526 effective.

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

528 (a) "Program" means any facility, service, or program for  
529 youth that is operated by the department or by a provider under  
530 contract with the department.

531 (b) "Program component" means an aggregation of generally  
532 related objectives which, because of their special character,

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533 related workload, and interrelated output, can logically be  
534 considered an entity for purposes of organization, management,  
535 accounting, reporting, and budgeting.

536 ~~(e) "Program effectiveness" means the ability of the~~  
537 ~~program to achieve desired client outcomes, goals, and~~  
538 ~~objectives.~~

539 (c) "Program group" means a collection of programs with  
540 sufficient similarity of functions, services, and youth to  
541 permit appropriate comparison among programs within the group.

542 (d)(a) "Youth" "Client" means any person who is being  
543 provided treatment or services by the department or by a  
544 provider under contract with the department.

545 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department  
546 shall use a standard methodology for annually measuring,  
547 evaluating, and reporting program outputs and youth outcomes for  
548 each program and program group. The department shall submit a  
549 report to the appropriate substantive and fiscal committees of  
550 the Legislature and the Governor no later than January 15 of  
551 each year. The department shall notify the Office of Program  
552 Policy Analysis and Government Accountability and contract  
553 service providers of substantive changes to the methodology. The  
554 standard methodology must:

555 (a) Incorporate, whenever possible, performance-based  
556 budgeting measures.

557 (b) Include common terminology and operational definitions  
558 for measuring the performance of system and program  
559 administration, program outputs, and youth outcomes.

560 (c) Specify program outputs for each program and for each

561 program group within the juvenile justice continuum.

562 (d) Specify desired youth outcomes and methods by which to  
 563 measure youth outcomes for each program and program group.

564 ~~(3) The department shall annually collect and report cost~~  
 565 ~~data for every program operated or contracted by the department.~~  
 566 ~~The cost data shall conform to a format approved by the~~  
 567 ~~department and the Legislature. Uniform cost data shall be~~  
 568 ~~reported and collected for state-operated and contracted~~  
 569 ~~programs so that comparisons can be made among programs. The~~  
 570 ~~department shall ensure that there is accurate cost accounting~~  
 571 ~~for state-operated services including market-equivalent rent and~~  
 572 ~~other shared cost. The cost of the educational program provided~~  
 573 ~~to a residential facility shall be reported and included in the~~  
 574 ~~cost of a program. The department shall submit an annual cost~~  
 575 ~~report to the President of the Senate, the Speaker of the House~~  
 576 ~~of Representatives, the Minority Leader of each house of the~~  
 577 ~~Legislature, the appropriate substantive and fiscal committees~~  
 578 ~~of each house of the Legislature, and the Governor, no later~~  
 579 ~~than December 1 of each year. Cost benefit analysis for~~  
 580 ~~educational programs will be developed and implemented in~~  
 581 ~~collaboration with and in cooperation with the Department of~~  
 582 ~~Education, local providers, and local school districts. Cost~~  
 583 ~~data for the report shall include data collected by the~~  
 584 ~~Department of Education for the purposes of preparing the annual~~  
 585 ~~report required by s. 1003.52(19).~~

586 (4) (a) COST-EFFECTIVENESS MODEL.—The department of  
 587 Juvenile Justice, in consultation with the Office of Economic  
 588 and Demographic Research, and contract service providers, shall

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589 ~~develop a cost-effectiveness model and apply the cost-~~  
590 ~~effectiveness model to each commitment program and include the~~  
591 ~~results in the Comprehensive Accountability Report. Program~~  
592 ~~recidivism rates shall be a component of the model.~~

593 (a) The cost-effectiveness model shall compare program  
594 costs to expected and actual youth recidivism rates ~~client~~  
595 ~~outcomes and program outputs.~~ It is the intent of the  
596 Legislature that continual development efforts take place to  
597 improve the validity and reliability of the cost-effectiveness  
598 model ~~and to integrate the standard methodology developed under~~  
599 ~~s. 985.401(4) for interpreting program outcome evaluations.~~

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

604 (b)-(c) Based on ~~reports of the department on client~~  
605 ~~outcomes and program outputs and on the department's most recent~~  
606 ~~cost-effectiveness rankings, the department may terminate a~~  
607 ~~commitment program operated by the department or a provider if~~  
608 ~~the program has failed to achieve a minimum threshold of cost-~~  
609 ~~effectiveness ~~program effectiveness.~~ This paragraph does not~~  
610 ~~preclude the department from terminating a contract as provided~~  
611 ~~under this section or as otherwise provided by law or contract,~~  
612 ~~and does not limit the department's authority to enter into or~~  
613 ~~terminate a contract.~~

614 (c)-(d) The department shall notify the Office of Program  
615 Policy Analysis and Government Accountability and contract  
616 service providers of substantive changes to the cost-

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617 effectiveness model ~~In collaboration with the Office of Economic~~  
 618 ~~and Demographic Research, and contract service providers, the~~  
 619 ~~department shall develop a work plan to refine the cost-~~  
 620 ~~effectiveness model so that the model is consistent with the~~  
 621 ~~performance-based program budgeting measures approved by the~~  
 622 ~~Legislature to the extent the department deems appropriate. The~~  
 623 ~~department shall notify the Office of Program Policy Analysis~~  
 624 ~~and Government Accountability of any meetings to refine the~~  
 625 ~~model.~~

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

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

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

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

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

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

643 (a) Establish a comprehensive quality assurance system for  
 644 each program operated by the department or operated by a

645 provider under contract with the department. Each contract  
 646 entered into by the department must provide for quality  
 647 assurance and include the results in the Comprehensive  
 648 Accountability Report.

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

651 (c) Establish quality assurance goals and objectives for  
 652 each specific program component.

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

655 (e) Develop a quality assurance manual of specific,  
 656 standardized terminology and procedures to be followed by each  
 657 program.

658 (f) Evaluate each program operated by the department or a  
 659 provider under a contract with the department and establish  
 660 minimum thresholds for each program component. If a provider  
 661 fails to meet the established minimum thresholds, such failure  
 662 shall cause the department to cancel the provider's contract  
 663 unless the provider achieves compliance with minimum thresholds  
 664 within 6 months or unless there are documented extenuating  
 665 circumstances. In addition, the department may not contract with  
 666 the same provider for the canceled service for a period of 12  
 667 months. If a department-operated program fails to meet the  
 668 established minimum thresholds, the department must take  
 669 necessary and sufficient steps to ensure and document program  
 670 changes to achieve compliance with the established minimum  
 671 thresholds. If the department-operated program fails to achieve  
 672 compliance with the established minimum thresholds within 6



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673 months and if there are no documented extenuating circumstances,  
674 the department must notify the Executive Office of the Governor  
675 and the Legislature of the corrective action taken. Appropriate  
676 corrective action may include, but is not limited to:

- 677 1. Contracting out for the services provided in the  
678 program;
- 679 2. Initiating appropriate disciplinary action against all  
680 employees whose conduct or performance is deemed to have  
681 materially contributed to the program's failure to meet  
682 established minimum thresholds;
- 683 3. Redesigning the program; or
- 684 4. Realigning the program.

685

686 ~~The department shall submit an annual report to the President of~~  
687 ~~the Senate, the Speaker of the House of Representatives, the~~  
688 ~~Minority Leader of each house of the Legislature, the~~  
689 ~~appropriate substantive and fiscal committees of each house of~~  
690 ~~the Legislature, and the Governor, no later than February 1 of~~  
691 ~~each year. The annual report must contain, at a minimum, for~~  
692 ~~each specific program component: a comprehensive description of~~  
693 ~~the population served by the program; a specific description of~~  
694 ~~the services provided by the program; cost; a comparison of~~  
695 ~~expenditures to federal and state funding; immediate and long-~~  
696 ~~range concerns; and recommendations to maintain, expand,~~  
697 ~~improve, modify, or eliminate each program component so that~~  
698 ~~changes in services lead to enhancement in program quality. The~~  
699 ~~department shall ensure the reliability and validity of the~~  
700 ~~information contained in the report.~~

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701           ~~(6) The department shall collect and analyze available~~  
 702 ~~statistical data for the purpose of ongoing evaluation of all~~  
 703 ~~programs. The department shall provide the Legislature with~~  
 704 ~~necessary information and reports to enable the Legislature to~~  
 705 ~~make informed decisions regarding the effectiveness of, and any~~  
 706 ~~needed changes in, services, programs, policies, and laws.~~

707           ~~(7) No later than November 1, 2001, the department shall~~  
 708 ~~submit a proposal to the Legislature concerning funding~~  
 709 ~~incentives and disincentives for the department and for~~  
 710 ~~providers under contract with the department. The~~  
 711 ~~recommendations for funding incentives and disincentives shall~~  
 712 ~~be based upon both quality assurance performance and cost-~~  
 713 ~~effectiveness performance. The proposal should strive to achieve~~  
 714 ~~consistency in incentives and disincentives for both department-~~  
 715 ~~operated and contractor-provided programs. The department may~~  
 716 ~~include recommendations for the use of liquidated damages in the~~  
 717 ~~proposal; however, the department is not presently authorized to~~  
 718 ~~contract for liquidated damages in non-hardware-secure~~  
 719 ~~facilities until January 1, 2002.~~

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

722           985.664 Juvenile justice circuit boards and juvenile  
 723 justice county councils.—

724           (8) At any time after the adoption of initial bylaws  
 725 pursuant to subsection (12), a juvenile justice circuit board  
 726 may revise the bylaws to increase the number of members by not  
 727 more than five ~~three~~ in order to adequately reflect the  
 728 diversity of the population and community organizations or

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729 agencies in the circuit.

730       Section 15. The Legislature finds that a court is in the  
731 best position to weigh all facts and circumstances to determine  
732 whether to commit a juvenile before it to the Department of  
733 Juvenile Justice and to determine the most appropriate  
734 restrictiveness level when such a juvenile is committed to the  
735 department.

736       Section 16. This act shall take effect upon becoming a  
737 law.