

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; providing that youth who are taken
25 into custody for first-time misdemeanor offenses or
26 offenders who are 9 years of age or younger should have an
27 opportunity to participate in such programs; amending s.
28 985.145, F.S.; requiring a juvenile probation officer to

29 refer a child to the appropriate shelter if the completed
30 risk assessment instrument shows that the child is
31 ineligible for secure detention; amending s. 985.24, F.S.;
32 prohibiting a child alleged to have committed a delinquent
33 act or violation of law from being placed into secure,
34 nonsecure, or home detention care because of a misdemeanor
35 charge of domestic violence if the child lives in a family
36 that has a history of domestic violence or if the child is
37 a victim of abuse or neglect; prohibiting a child 9 years
38 of age or younger from being placed into secure detention
39 care unless the child is charged with a capital felony,
40 life felony, or felony of the first degree; amending s.
41 985.245, F.S.; revising membership on the statewide risk
42 assessment instrument committee; amending s. 985.255,
43 F.S.; providing that a child may be retained in home
44 detention care under certain circumstances; providing that
45 a child who is charged with committing a felony offense of
46 domestic violence and who does not meet detention criteria
47 may nevertheless be held in secure detention if the court
48 makes certain specific written findings; amending s.
49 985.441, F.S.; providing that a court may commit a female
50 child adjudicated as delinquent to the department for
51 placement in a mother-infant program designed to serve the
52 needs of the juvenile mothers or expectant juvenile
53 mothers who are committed as delinquents; requiring the
54 department to adopt rules to govern the operation of the
55 mother-infant program; amending s. 985.45, F.S.;
56 specifying that a child working under certain

57 | circumstances is a state employee for workers'
 58 | compensation purposes; amending s. 985.632, F.S.; revising
 59 | provisions relating to quality assurance and cost-
 60 | effectiveness of department programs; amending s. 985.664,
 61 | F.S.; increasing the number of members by which a juvenile
 62 | justice circuit board may be increased to reflect the
 63 | diversity of the population and community organizations or
 64 | agencies in the circuit; providing legislative findings
 65 | concerning the determination of whether to commit a
 66 | juvenile to the Department of Juvenile Justice and to
 67 | determine the most appropriate restrictiveness level for
 68 | such a juvenile; providing an effective date.

69 |

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

71 |

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

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

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

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

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

84 | 984.03 Definitions.—When used in this chapter, the term:

CS/HB 7181

2010

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

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

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

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

CS/HB 7181

2010

113 the conditions contributing to the behavior. Reasonable efforts
 114 may include such things as good faith participation in family or
 115 individual counseling; or

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

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

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

138 984.14 Shelter placement; hearing.—

139 (1) Unless ordered by the court pursuant to the provisions
 140 of this chapter, or upon voluntary consent to placement by the

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

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

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

156 Section 4. Subsections (9) and (10) are added to section
 157 985.02, Florida Statutes, to read:

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

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

169 the department shall cooperate with the parent or legal guardian
 170 and the Department of Children and Family Services, as
 171 appropriate, to identify the most appropriate services and
 172 supports and available funding sources to meet the needs of the
 173 child.

174 (10) RESTORATIVE JUSTICE.-

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

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

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

194 985.03 Definitions.—As used in this chapter, the term:

195 (7) "Child in need of services" means a child for whom
 196 there is no pending investigation into an allegation or

CS/HB 7181

2010

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

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

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

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

225 individual counseling; or

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

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

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

236 (b) Persistently disobeying reasonable and lawful demands
 237 of parents or legal custodians, and being beyond their control;
 238 ~~or~~

239 (c) Habitual truancy from school; or

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

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

244 985.125 Prearrest or postarrest diversion programs.—

245 (1) A law enforcement agency, ~~or~~ school district, county,
 246 municipality, or the department, in cooperation with the state
 247 attorney, is encouraged to ~~may~~ establish a prearrest or
 248 postarrest diversion program. Youth who are taken into custody
 249 for first-time misdemeanor offenses or offenders who are 9 years
 250 of age or younger should be given an opportunity to participate
 251 in a prearrest or postarrest diversion program.

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

CS/HB 7181

2010

253 985.145, Florida Statutes, is amended to read:

254 985.145 Responsibilities of juvenile probation officer
255 during intake; screenings and assessments.—

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

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

274 Section 8. Section 985.24, Florida Statutes, is amended to
275 read:

276 985.24 Use of detention; prohibitions.—

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

280 (a) Presents a substantial risk of not appearing at a

281 subsequent hearing;

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

283 on others as evidenced by recent behavior;

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

285 prior to adjudication, disposition, or placement;

286 (d) Has committed contempt of court by:

287 1. Intentionally disrupting the administration of the

288 court;

289 2. Intentionally disobeying a court order; or

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

291 presence which shows disrespect for the authority and dignity of

292 the court; or

293 (e) Requests protection from imminent bodily harm.

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

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

296 home detention care for any of the following reasons:

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

298 responsibility.

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

300 child.

301 (c) To facilitate further interrogation or investigation.

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

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

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

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

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

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

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

309 detention based on prior history.

310 (3) A child alleged to be dependent under chapter 39 may
 311 not, under any circumstances, be placed into secure detention
 312 care.

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

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

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

322 985.245 Risk assessment instrument.—

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

337 the parties.

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

353 Section 10. Section 985.255, Florida Statutes, is amended
 354 to read:

355 985.255 Detention criteria; detention hearing.—

356 (1) Subject to s. 985.25(1), a child taken into custody
 357 and placed into ~~nonsecure~~ or home detention care or detained in
 358 secure detention care prior to a detention hearing may continue
 359 to be detained by the court if:

360 (a) The child is alleged to be an escapee from a
 361 residential commitment program; or an absconder from a
 362 nonresidential commitment program, a probation program, or
 363 conditional release supervision; or is alleged to have escaped
 364 while being lawfully transported to or from a residential

CS/HB 7181

2010

365 commitment program.

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

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

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

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

377 (f) The child is charged with a capital felony, a life
378 felony, a felony of the first degree, a felony of the second
379 degree that does not involve a violation of chapter 893, or a
380 felony of the third degree that is also a crime of violence,
381 including any such offense involving the use or possession of a
382 firearm.

383 (g) The child is charged with any second degree or third
384 degree felony involving a violation of chapter 893 or any third
385 degree felony that is not also a crime of violence, and the
386 child:

- 387 1. Has a record of failure to appear at court hearings
388 after being properly notified in accordance with the Rules of
389 Juvenile Procedure;
- 390 2. Has a record of law violations prior to court hearings;
- 391 3. Has already been detained or has been released and is
392 awaiting final disposition of the case;

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

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

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

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

413 (j) The child is detained on a judicial order for failure
 414 to appear and has previously willfully failed to appear, after
 415 proper notice, at two or more court hearings of any nature on
 416 the same case regardless of the results of the risk assessment
 417 instrument. A child may be held in secure detention for up to 72
 418 hours in advance of the next scheduled court hearing pursuant to
 419 this paragraph. The child's failure to keep the clerk of court
 420 and defense counsel informed of a current and valid mailing

CS/HB 7181

2010

421 address where the child will receive notice to appear at court
422 proceedings does not provide an adequate ground for excusal of
423 the child's nonappearance at the hearings.

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

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

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

431
432 The child may not be held in secure detention under this
433 subsection for more than 48 hours unless ordered by the court.
434 After 48 hours, the court shall hold a hearing if the state
435 attorney or victim requests that secure detention be continued.
436 The child may continue to be held in detention care if the court
437 makes a specific, written finding that detention care is
438 necessary to protect the victim from injury. However, the child
439 may not be held in detention care beyond the time limits set
440 forth in this section or s. 985.26.

441 (3) (a) A child who meets any of the criteria in subsection
442 (1) and who is ordered to be detained under that subsection
443 shall be given a hearing within 24 hours after being taken into
444 custody. The purpose of the detention hearing is to determine
445 the existence of probable cause that the child has committed the
446 delinquent act or violation of law that he or she is charged
447 with and the need for continued detention. Unless a child is
448 detained under paragraph (1) (d) or paragraph (1) (e), the court

CS/HB 7181

2010

449 shall use the results of the risk assessment performed by the
450 juvenile probation officer and, based on the criteria in
451 subsection (1), shall determine the need for continued
452 detention. A child placed into secure, nonsecure, or home
453 detention care may continue to be so detained by the court.

454 (b) If the court orders a placement more restrictive than
455 indicated by the results of the risk assessment instrument, the
456 court shall state, in writing, clear and convincing reasons for
457 such placement.

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

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

470 985.441 Commitment.—

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

475 (e) Commit a female child to the department for placement
476 in a mother-infant program designed to serve the needs of the

CS/HB 7181

2010

477 juvenile mothers or expectant juvenile mothers who are committed
 478 as delinquents. The department's mother-infant program shall be
 479 licensed as a child care facility in accordance with s. 402.308
 480 and shall provide the services and support necessary to enable
 481 the committed juvenile mothers to provide for the needs of the
 482 infants who, upon agreement of the mother, may accompany them in
 483 the program. The department shall adopt rules pursuant to ss.
 484 120.536(1) and 120.54 to govern the operation of such program.

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

487 985.45 Liability and remuneration for work.—

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

496 Section 13. Section 985.632, Florida Statutes, is amended
 497 to read:

498 985.632 Quality assurance and cost-effectiveness.—

499 (1) INTENT.—It is the intent of the Legislature that the
 500 department:

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

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

505 purpose of ongoing evaluation of all programs.

506 (c) Evaluate programs, whether operated by the department
 507 or by a provider under contract with the department, in the same
 508 manner and using the same standards, and take comparable actions
 509 as a result of such evaluations.

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

514 (e)~~(e)~~ Provide information to aid in developing related
 515 policy issues and concerns.

516 (f)~~(d)~~ Provide information to the public about the
 517 effectiveness of such programs in meeting established goals and
 518 objectives.

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

522 (h)~~(f)~~ Improve service delivery to youth clients.

523 (i)~~(g)~~ Modify or eliminate activities that are not
 524 effective.

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

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

529 (b) "Program component" means an aggregation of generally
 530 related objectives which, because of their special character,
 531 related workload, and interrelated output, can logically be
 532 considered an entity for purposes of organization, management,

533 accounting, reporting, and budgeting.

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

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

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

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

553 (a) Incorporate, whenever possible, performance-based
554 budgeting measures.

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

558 (c) Specify program outputs for each program and for each
559 program group within the juvenile justice continuum.

560 (d) Specify desired youth outcomes and methods by which to

561 measure youth outcomes for each program and program group.

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

584 (4) ~~(a)~~ COST-EFFECTIVENESS MODEL. ~~The department of~~
 585 ~~Juvenile Justice, in consultation with the Office of Economic~~
 586 ~~and Demographic Research, and contract service providers, shall~~
 587 ~~develop a cost-effectiveness model and apply the cost-~~
 588 ~~effectiveness model to each commitment program and include the~~

589 results in the Comprehensive Accountability Report. ~~Program~~
590 ~~recidivism rates shall be a component of the model.~~

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

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

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

612 (c)(d) The department shall notify the Office of Program
613 Policy Analysis and Government Accountability and contract
614 service providers of substantive changes to the cost-
615 effectiveness model ~~In collaboration with the Office of Economic~~
616 ~~and Demographic Research, and contract service providers, the~~

CS/HB 7181

2010

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

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

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

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

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

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

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

641 (a) Establish a comprehensive quality assurance system for
642 each program operated by the department or operated by a
643 provider under contract with the department. Each contract
644 entered into by the department must provide for quality

645 assurance and include the results in the Comprehensive
646 Accountability Report.

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

649 (c) Establish quality assurance goals and objectives for
650 each specific program component.

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

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

656 (f) Evaluate each program operated by the department or a
657 provider under a contract with the department and establish
658 minimum thresholds for each program component. If a provider
659 fails to meet the established minimum thresholds, such failure
660 shall cause the department to cancel the provider's contract
661 unless the provider achieves compliance with minimum thresholds
662 within 6 months or unless there are documented extenuating
663 circumstances. In addition, the department may not contract with
664 the same provider for the canceled service for a period of 12
665 months. If a department-operated program fails to meet the
666 established minimum thresholds, the department must take
667 necessary and sufficient steps to ensure and document program
668 changes to achieve compliance with the established minimum
669 thresholds. If the department-operated program fails to achieve
670 compliance with the established minimum thresholds within 6
671 months and if there are no documented extenuating circumstances,
672 the department must notify the Executive Office of the Governor

673 and the Legislature of the corrective action taken. Appropriate
 674 corrective action may include, but is not limited to:

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

683
 684 ~~The department shall submit an annual report to the President of~~
 685 ~~the Senate, the Speaker of the House of Representatives, the~~
 686 ~~Minority Leader of each house of the Legislature, the~~
 687 ~~appropriate substantive and fiscal committees of each house of~~
 688 ~~the Legislature, and the Governor, no later than February 1 of~~
 689 ~~each year. The annual report must contain, at a minimum, for~~
 690 ~~each specific program component: a comprehensive description of~~
 691 ~~the population served by the program; a specific description of~~
 692 ~~the services provided by the program; cost; a comparison of~~
 693 ~~expenditures to federal and state funding; immediate and long-~~
 694 ~~range concerns; and recommendations to maintain, expand,~~
 695 ~~improve, modify, or eliminate each program component so that~~
 696 ~~changes in services lead to enhancement in program quality. The~~
 697 ~~department shall ensure the reliability and validity of the~~
 698 ~~information contained in the report.~~

699 ~~(6) The department shall collect and analyze available~~
 700 ~~statistical data for the purpose of ongoing evaluation of all~~

CS/HB 7181

2010

701 ~~programs. The department shall provide the Legislature with~~
702 ~~necessary information and reports to enable the Legislature to~~
703 ~~make informed decisions regarding the effectiveness of, and any~~
704 ~~needed changes in, services, programs, policies, and laws.~~

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

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

720 985.664 Juvenile justice circuit boards and juvenile
721 justice county councils.—

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

CS/HB 7181

2010

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

734 Section 16. This act shall take effect upon becoming a
735 law.