

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. 984.14,  
7 F.S.; prohibiting placement of a child into a shelter  
8 before a court hearing unless the child is taken into  
9 custody for a misdemeanor domestic violence charge and is  
10 ineligible to be held in secure detention; amending s.  
11 985.02, F.S.; revising legislative intent concerning  
12 delinquency prevention and detention; deleting provisions  
13 relating to serious and habitual juvenile offenders;  
14 providing legislative intent concerning children 9 years  
15 of age or younger and restorative justice; amending s.  
16 985.125, F.S.; encouraging law enforcement agencies,  
17 school districts, counties, municipalities, and the  
18 department to establish prearrest or postarrest diversion  
19 programs and to give first-time misdemeanor offenders and  
20 offenders who are 9 years of age or younger an opportunity  
21 to participate in the programs; amending s. 985.145, F.S.;  
22 requiring a juvenile probation officer to make a referral  
23 to the appropriate shelter if the completed risk  
24 assessment instrument shows that the child is ineligible  
25 for secure detention; amending s. 985.24, F.S.;  
26 prohibiting a child alleged to have committed a delinquent  
27 act or violation of law from being placed into secure,  
28 nonsecure, or home detention care because of a misdemeanor

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29 | charge of domestic violence if the child lives in a family  
30 | that has a history of family violence or if the child is a  
31 | victim of abuse or neglect unless the child would  
32 | otherwise be subject to secure detention based on prior  
33 | history; prohibiting a child 9 years of age or younger  
34 | from being placed into secure detention care unless the  
35 | child is charged with a capital felony, a life felony, or  
36 | a felony of the first degree; amending s. 985.245, F.S.;  
37 | revising the development process for the risk assessment  
38 | instrument; revising factors to be considered in assessing  
39 | a child's risk of rearrest or failure to appear; amending  
40 | s. 985.255, F.S.; providing that a child may be placed in  
41 | home detention care or detained in secure detention care  
42 | under certain circumstances; providing that a child who is  
43 | charged with committing a felony offense of domestic  
44 | violence and who does not meet detention criteria may  
45 | nevertheless be held in secure detention care if the court  
46 | makes certain specific written findings; amending s.  
47 | 985.441, F.S.; authorizing a court to commit a female  
48 | child adjudicated as delinquent to the department for  
49 | placement in a mother-infant program designed to serve the  
50 | needs of juvenile mothers or expectant juvenile mothers  
51 | who are committed as delinquents; requiring the department  
52 | to adopt rules to govern the operation of the mother-  
53 | infant program; amending s. 985.45, F.S.; providing that  
54 | whenever a child is required by the court to participate  
55 | in any juvenile justice work program, the child is  
56 | considered an employee of the state for the purpose of

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57 workers' compensation; amending s. 985.632, F.S.;

58 establishing legislative intent that the Department of

59 Juvenile Justice collect and analyze available statistical

60 data for the purpose of ongoing evaluation of all juvenile

61 justice programs; redefining terms; requiring the

62 department to use a standard methodology to annually

63 measure, evaluate, and report program outputs and youth

64 outcomes for each program and program group; requiring

65 that the department submit an annual report to the

66 appropriate committees of the Legislature and the

67 Governor; requiring that the department notify specified

68 parties of substantive changes to the standard methodology

69 used in its evaluation; requiring that the department

70 apply a program accountability measures analysis to each

71 commitment program; deleting obsolete provisions;

72 reenacting s. 984.13(3), F.S., relating to taking a child

73 into custody, to incorporate the amendment made to s.

74 984.14, F.S., in a reference thereto; providing an

75 effective date.

76

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

78

79 Section 1. Paragraph (i) is added to subsection (4) of

80 section 394.492, Florida Statutes, to read:

81 394.492 Definitions.—As used in ss. 394.490-394.497, the

82 term:

83 (4) "Child or adolescent at risk of emotional disturbance"

84 means a person under 18 years of age who has an increased

85 likelihood of becoming emotionally disturbed because of risk  
 86 factors that include, but are not limited to:

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

89 Section 2. Subsection (1) of section 984.14, Florida  
 90 Statutes, is amended to read:

91 984.14 Shelter placement; hearing.—

92 (1) Unless ordered by the court pursuant to ~~the provisions~~  
 93 ~~of~~ this chapter, or upon voluntary consent to placement by the  
 94 child and the child's parent, legal guardian, or custodian, a  
 95 child taken into custody may ~~shall~~ not be placed in a shelter  
 96 prior to a court hearing unless a determination has been made  
 97 that ~~the provision of~~ appropriate and available services will  
 98 not eliminate the need for placement and that such placement is  
 99 required:

100 (a) To provide an opportunity for the child and family to  
 101 agree upon conditions for the child's return home, when  
 102 immediate placement in the home would result in a substantial  
 103 likelihood that the child and family would not reach an  
 104 agreement; or

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

107 Section 3. Paragraph (b) of subsection (3), paragraph (b)  
 108 of subsection (4), and subsection (5) of section 985.02, Florida  
 109 Statutes, are amended, subsections (6) through (8) are  
 110 redesignated as subsections (5) through (7), respectively, and  
 111 new subsections (8) and (9) are added to that section, to read:

112 985.02 Legislative intent for the juvenile justice

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113 system.—

114 (3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—It is the  
 115 policy of the state with respect to juvenile justice and  
 116 delinquency prevention to first protect the public from acts of  
 117 delinquency. In addition, it is the policy of the state to:

118 (b) Develop and implement effective programs to prevent  
 119 delinquency, to divert children from the traditional juvenile  
 120 justice system, to intervene at an early stage of delinquency,  
 121 and to provide critically needed alternatives to  
 122 institutionalization, ~~and~~ deep-end commitment, and secure  
 123 detention.

124  
 125 The Legislature intends that detention care, in addition to  
 126 providing secure and safe custody, will promote the health and  
 127 well-being of the children committed thereto and provide an  
 128 environment that fosters their social, emotional, intellectual,  
 129 and physical development.

130 (4) DETENTION.—

131 (b) The Legislature intends that a juvenile found to have  
 132 committed a delinquent act understands the consequences and the  
 133 serious nature of such behavior. Therefore, the Legislature  
 134 finds that secure detention is appropriate to ensure public  
 135 safety and guarantee court appearance ~~provide punishment that~~  
 136 ~~discourages further delinquent behavior~~. The Legislature also  
 137 finds that certain juveniles have committed a sufficient number  
 138 of criminal acts, including acts involving violence to persons,  
 139 to represent sufficient danger to the community to warrant  
 140 sentencing and placement within the adult system. It is the

141 intent of the Legislature to establish clear criteria in order  
 142 to identify these juveniles and remove them from the juvenile  
 143 justice system.

144 ~~(5) SERIOUS OR HABITUAL JUVENILE OFFENDERS. The~~  
 145 ~~Legislature finds that fighting crime effectively requires a~~  
 146 ~~multipronged effort focusing on particular classes of delinquent~~  
 147 ~~children and the development of particular programs. This~~  
 148 ~~state's juvenile justice system has an inadequate number of beds~~  
 149 ~~for serious or habitual juvenile offenders and an inadequate~~  
 150 ~~number of community and residential programs for a significant~~  
 151 ~~number of children whose delinquent behavior is due to or~~  
 152 ~~connected with illicit substance abuse. In addition, a~~  
 153 ~~significant number of children have been adjudicated in adult~~  
 154 ~~criminal court and placed in this state's prisons where programs~~  
 155 ~~are inadequate to meet their rehabilitative needs and where~~  
 156 ~~space is needed for adult offenders. Recidivism rates for each~~  
 157 ~~of these classes of offenders exceed those tolerated by the~~  
 158 ~~Legislature and by the citizens of this state.~~

159 (8) 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 may be diverted into prearrest  
 163 or postarrest programs, civil citation programs, or children-in-  
 164 need-of-services and families-in-need-of-services programs, or  
 165 other programs, as appropriate. If, based upon a needs  
 166 assessment, the child is found to be in need of mental health  
 167 services or substance abuse treatment services, the department  
 168 shall cooperate with the parent or legal guardian and the

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

172 (9) RESTORATIVE JUSTICE.—

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

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

190 Section 4. Subsection (1) of section 985.125, Florida  
 191 Statutes, is amended to read:

192 985.125 Prearrest or postarrest diversion programs.—

193 (1) A law enforcement agency, ~~or~~ school district, county,  
 194 municipality, or the department, in cooperation with the state  
 195 attorney, is encouraged to ~~may~~ establish a prearrest or  
 196 postarrest diversion programs. Youth who are taken into custody

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197 for first-time misdemeanor offenses or offenders who are 9 years  
 198 of age or younger should be given an opportunity to participate  
 199 in prearrest or postarrest diversion programs ~~program.~~

200 Section 5. Paragraph (d) of subsection (1) of section  
 201 985.145, Florida Statutes, is amended to read:

202 985.145 Responsibilities of juvenile probation officer  
 203 during intake; screenings and assessments.—

204 (1) The juvenile probation officer shall serve as the  
 205 primary case manager for the purpose of managing, coordinating,  
 206 and monitoring the services provided to the child. Each program  
 207 administrator within the Department of Children and Family  
 208 Services shall cooperate with the primary case manager in  
 209 carrying out the duties and responsibilities described in this  
 210 section. In addition to duties specified in other sections and  
 211 through departmental rules, the assigned juvenile probation  
 212 officer shall be responsible for the following:

213 (d) *Completing risk assessment instrument.*—The juvenile  
 214 probation officer shall ensure that a risk assessment instrument  
 215 establishing the child's eligibility for detention has been  
 216 accurately completed and that the appropriate recommendation was  
 217 made to the court. If, upon completion of the risk assessment  
 218 instrument, the child is ineligible for secure detention based  
 219 on the criteria in s. 985.24(2)(e), the juvenile probation  
 220 officer shall make a referral to the appropriate shelter for a  
 221 child in need of services or family in need of services.

222 Section 6. Section 985.24, Florida Statutes, is amended to  
 223 read:

224 985.24 Use of detention; prohibitions.—



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

228 (a) Presents a substantial risk of not appearing at a  
 229 subsequent hearing;

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

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

234 (d) Has committed contempt of court by:

235 1. Intentionally disrupting the administration of the  
 236 court;

237 2. Intentionally disobeying a court order; or

238 3. Engaging in a punishable act or speech in the court's  
 239 presence which shows disrespect for the authority and dignity of  
 240 the court; or

241 (e) Requests protection from imminent bodily harm.

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

245 (a) To allow a parent to avoid his or her legal  
 246 responsibility.

247 (b) To permit more convenient administrative access to the  
 248 child.

249 (c) To facilitate further interrogation or investigation.

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

251 (e) Due to a misdemeanor charge of domestic violence if  
 252 the child lives in a family that has a history of family

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253 violence, as defined in s. 741.28, or if the child is a victim  
 254 of abuse or neglect, as defined in s. 39.01, and the decision to  
 255 place the child in secure detention care is mitigated by the  
 256 history of trauma faced by the child, unless the child would  
 257 otherwise be subject to secure detention based on his or her  
 258 prior history.

259 (3) A child alleged to be dependent under chapter 39 may  
 260 not, under any circumstances, be placed into secure detention  
 261 care.

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

265 (5)-(4) The department shall continue to identify  
 266 alternatives to secure detention care and shall develop such  
 267 alternatives and annually submit them to the Legislature for  
 268 authorization and appropriation.

269 Section 7. Subsection (2) of section 985.245, Florida  
 270 Statutes, is amended to read:

271 985.245 Risk assessment instrument.—

272 (2) (a) The risk assessment instrument for detention care  
 273 placement determinations and court orders shall be developed by  
 274 the department in consultation ~~agreement~~ with representatives  
 275 appointed by the following associations: the Conference of  
 276 Circuit Judges of Florida, the Prosecuting Attorneys  
 277 Association, the Public Defenders Association, the Florida  
 278 Sheriffs Association, and the Florida Association of Chiefs of  
 279 Police. Each association shall appoint two individuals, one  
 280 representing an urban area and one representing a rural area.

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281 The ~~parties involved shall evaluate and revise the risk~~  
 282 assessment instrument must be effective at predicting risk and  
 283 avoiding the unnecessary use of secure detention as is  
 284 ~~considered necessary using the method for revision as agreed by~~  
 285 ~~the parties.~~

286 (b) The risk assessment instrument shall accurately  
 287 predict a child's risk of rearrest or failure to appear and may  
 288 take the following factors ~~take~~ into consideration, but need not  
 289 be limited to them:~~7~~ prior history of failure to appear, prior  
 290 offenses, offenses committed pending adjudication, any unlawful  
 291 possession of a firearm, ~~theft of a motor vehicle or possession~~  
 292 ~~of a stolen motor vehicle,~~ and probation status at the time the  
 293 child is taken into custody. The risk assessment instrument  
 294 shall also take into consideration appropriate aggravating and  
 295 mitigating circumstances, and shall be designed to target a  
 296 narrower population of children than s. 985.255. The risk  
 297 assessment instrument shall also include any information  
 298 concerning the child's history of abuse and neglect. The risk  
 299 assessment shall indicate whether detention care is warranted,  
 300 and, if detention care is warranted, whether the child should be  
 301 placed into secure, nonsecure, or home detention care.

302 Section 8. Section 985.255, Florida Statutes, is amended  
 303 to read:

304 985.255 Detention criteria; detention hearing.—

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

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309 (a) The child is alleged to be an escapee from a  
310 residential commitment program; or an absconder from a  
311 nonresidential commitment program, a probation program, or  
312 conditional release supervision; or is alleged to have escaped  
313 while being lawfully transported to or from a residential  
314 commitment program.

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

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

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

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

326 (f) The child is charged with a capital felony, a life  
327 felony, a felony of the first degree, a felony of the second  
328 degree that does not involve a violation of chapter 893, or a  
329 felony of the third degree that is also a crime of violence,  
330 including any such offense involving the use or possession of a  
331 firearm.

332 (g) The child is charged with any second degree or third  
333 degree felony involving a violation of chapter 893 or any third  
334 degree felony that is not also a crime of violence, and the  
335 child:

336 1. Has a record of failure to appear at court hearings

337 after being properly notified in accordance with the Rules of  
 338 Juvenile Procedure;

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

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

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

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

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

351 (i) The child is detained on a judicial order for failure  
 352 to appear and has previously willfully failed to appear, after  
 353 proper notice, for an adjudicatory hearing on the same case  
 354 regardless of the results of the risk assessment instrument. A  
 355 child may be held in secure detention for up to 72 hours in  
 356 advance of the next scheduled court hearing pursuant to this  
 357 paragraph. The child's failure to keep the clerk of court and  
 358 defense counsel informed of a current and valid mailing address  
 359 where the child will receive notice to appear at court  
 360 proceedings does not provide an adequate ground for excusal of  
 361 the child's nonappearance at the hearings.

362 (j) The child is detained on a judicial order for failure  
 363 to appear and has previously willfully failed to appear, after  
 364 proper notice, at two or more court hearings of any nature on

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365 the same case regardless of the results of the risk assessment  
366 instrument. A child may be held in secure detention for up to 72  
367 hours in advance of the next scheduled court hearing pursuant to  
368 this paragraph. The child's failure to keep the clerk of court  
369 and defense counsel informed of a current and valid mailing  
370 address where the child will receive notice to appear at court  
371 proceedings does not provide an adequate ground for excusal of  
372 the child's nonappearance at the hearings.

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

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

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

380

381 The child may not be held in secure detention under this  
382 subsection for more than 48 hours unless ordered by the court.  
383 After 48 hours, the court shall hold a hearing if the state  
384 attorney or victim requests that secure detention be continued.  
385 The child may continue to be held in detention care if the court  
386 makes a specific, written finding that detention care is  
387 necessary to protect the victim from injury. However, the child  
388 may not be held in detention care beyond the time limits set  
389 forth in this section or s. 985.26.

390 (3) (a) A child who meets any of the criteria in subsection  
391 (1) and who is ordered to be detained under that subsection  
392 shall be given a hearing within 24 hours after being taken into

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393 custody. The purpose of the detention hearing is to determine  
394 the existence of probable cause that the child has committed the  
395 delinquent act or violation of law that he or she is charged  
396 with and the need for continued detention. Unless a child is  
397 detained under paragraph (1)(d) or paragraph (1)(e), the court  
398 shall use the results of the risk assessment performed by the  
399 juvenile probation officer and, based on the criteria in  
400 subsection (1), shall determine the need for continued  
401 detention. A child placed into secure, nonsecure, or home  
402 detention care may continue to be so detained by the court.

403 (b) If the court orders a placement more restrictive than  
404 indicated by the results of the risk assessment instrument, the  
405 court shall state, in writing, clear and convincing reasons for  
406 such placement.

407 (c) Except as provided in s. 790.22(8) or in s. 985.27,  
408 when a child is placed into secure or nonsecure detention care,  
409 or into a respite home or other placement pursuant to a court  
410 order following a hearing, the court order must include specific  
411 instructions that direct the release of the child from such  
412 placement no later than 5 p.m. on the last day of the detention  
413 period specified in s. 985.26 or s. 985.27, whichever is  
414 applicable, unless the requirements of such applicable provision  
415 have been met or an order of continuance has been granted under  
416 s. 985.26(4).

417 Section 9. Paragraph (e) is added to subsection (1) of  
418 section 985.441, Florida Statutes, to read:

419 985.441 Commitment.—

420 (1) The court that has jurisdiction of an adjudicated

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421 delinquent child may, by an order stating the facts upon which a  
 422 determination of a sanction and rehabilitative program was made  
 423 at the disposition hearing:

424 (e) Commit the child to the department for placement in a  
 425 mother-infant program designed to serve the needs of juvenile  
 426 mothers or expectant juvenile mothers who are committed as  
 427 delinquents. The department's mother-infant program must be  
 428 licensed as a child care facility in accordance with s. 402.308,  
 429 and must provide the services and support necessary to enable  
 430 the committed juvenile mothers to provide for the needs of their  
 431 infants who, upon agreement of the mother, may accompany them in  
 432 the program. The department shall adopt rules pursuant to ss.  
 433 120.536(1) and 120.54 to govern the operation of such programs.

434 Section 10. Subsection (1) of section 985.45, Florida  
 435 Statutes, is amended to read:

436 985.45 Liability and remuneration for work.—

437 (1) Whenever a child is required by the court to  
 438 participate in any work program under this part or whenever a  
 439 child volunteers to work in a specified state, county,  
 440 municipal, or community service organization supervised work  
 441 program or to work for the victim, either as an alternative to  
 442 monetary restitution or as a part of the rehabilitative or  
 443 probation program, the child is an employee of the state for the  
 444 purposes of chapter 440 liability.

445 Section 11. Section 985.632, Florida Statutes, is amended  
 446 to read:

447 985.632 Program review and reporting requirements ~~Quality~~  
 448 ~~assurance and cost-effectiveness.~~—



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

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

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

456 (c) ~~(b)~~ Provide information about the cost of such programs  
457 and their differential effectiveness so that program ~~the~~ quality  
458 may of such programs can be compared and improvements made  
459 continually.

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

462 (e) ~~(d)~~ Provide information to the public about the  
463 effectiveness of such programs in meeting established goals and  
464 objectives.

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

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

469 (h) ~~(g)~~ Modify or eliminate activities that are not  
470 effective.

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

472 (a) "Program" means any facility, service, or program for  
473 youth which is operated by the department or by a provider under  
474 contract with the department.

475 (b) ~~(b)~~ "Program component" means an aggregation of  
476 generally related objectives which, because of their special

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477 character, related workload, and interrelated output, can  
478 logically be considered an entity for purposes of organization,  
479 management, accounting, reporting, and budgeting.

480 (c) "Program group" means a collection of programs having  
481 sufficient similarity of functions, services, and population to  
482 allow appropriate comparisons between programs within the group.

483 (d)-(a) "Youth" "Client" means any person who is being  
484 provided treatment or services by the department or by a  
485 provider under contract with the department.

486 ~~(e) "Program effectiveness" means the ability of the~~  
487 ~~program to achieve desired client outcomes, goals, and~~  
488 ~~objectives.~~

489 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department  
490 shall use a standard methodology for annually measuring,  
491 evaluating, and reporting program outputs and youth outcomes for  
492 each program and program group. The department shall submit a  
493 report to the appropriate committees of the Legislature and the  
494 Governor by January 15 of each year. The department shall notify  
495 the Office of Program Policy Analysis and Government  
496 Accountability and each contract service provider of substantive  
497 changes to the methodology. The standard methodology must:

498 (a) Define common terminology and operational definitions  
499 and methods by which the performance of program outputs and  
500 outcomes may be measured.

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

503 (c) Report cost data for each program operated or  
504 contracted by the department for the fiscal year corresponding

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505 to the program outputs and outcomes being reported. The  
506 ~~department shall annually collect and report cost data for every~~  
507 ~~program operated or contracted by the department. The cost data~~  
508 ~~shall conform to a format approved by the department and the~~  
509 ~~Legislature. Uniform cost data shall be reported and collected~~  
510 ~~for state operated and contracted programs so that comparisons~~  
511 ~~can be made among programs. The department shall ensure that~~  
512 ~~there is accurate cost accounting for state-operated services~~  
513 ~~including market-equivalent rent and other shared cost. The cost~~  
514 ~~of the educational program provided to a residential facility~~  
515 ~~shall be reported and included in the cost of a program. The~~  
516 ~~department shall submit an annual cost report to the President~~  
517 ~~of the Senate, the Speaker of the House of Representatives, the~~  
518 ~~Minority Leader of each house of the Legislature, the~~  
519 ~~appropriate substantive and fiscal committees of each house of~~  
520 ~~the Legislature, and the Governor, no later than December 1 of~~  
521 ~~each year. Cost benefit analysis for educational programs will~~  
522 ~~be developed and implemented in collaboration with and in~~  
523 ~~cooperation with the Department of Education, local providers,~~  
524 ~~and local school districts. Cost data for the report shall~~  
525 ~~include data collected by the Department of Education for the~~  
526 ~~purposes of preparing the annual report required by s.~~  
527 ~~1003.52(19).~~

528 (4) PROGRAM ACCOUNTABILITY MEASURES.—

529 (a) ~~The department, in consultation with the Office of~~  
530 ~~Economic and Demographic Research and contract service~~  
531 ~~providers, shall develop a cost-effectiveness model and apply~~  
532 ~~the program accountability measures analysis model to each~~

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533 commitment program and include the results in the comprehensive  
534 accountability report. ~~Program recidivism rates shall be a~~  
535 ~~component of the model.~~ The program accountability measures  
536 analysis cost-effectiveness model shall compare program costs to  
537 expected and actual youth recidivism rates ~~client outcomes and~~  
538 ~~program outputs.~~ It is the intent of the Legislature that  
539 continual development efforts take place to improve the validity  
540 and reliability of the program accountability measure analysis  
541 ~~cost-effectiveness model.~~

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

546 ~~(b)(e)~~ Based on reports of the department on client  
547 ~~outcomes and program outputs and on the department's most recent~~  
548 program accountability measures analysis cost-effectiveness  
549 rankings, the department may terminate its contract with or  
550 discontinue a commitment program ~~operated by the department or a~~  
551 ~~provider~~ if the program has failed to achieve a minimum  
552 threshold of recidivism and program accountability ~~program~~  
553 ~~effectiveness.~~ This paragraph does not preclude the department  
554 from terminating a contract as provided under this section or as  
555 otherwise provided by law or contract, and does not limit the  
556 department's authority to enter into or terminate a contract.

557 ~~(c)(d)~~ The department shall notify the Office of Program  
558 Policy Analysis and Government Accountability and each contract  
559 service provider of substantive changes to the program  
560 accountability measures analysis. ~~In collaboration with the~~

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561 ~~Office of Economic and Demographic Research, and contract~~  
 562 ~~service providers, the department shall develop a work plan to~~  
 563 ~~refine the cost-effectiveness model so that the model is~~  
 564 ~~consistent with the performance-based program budgeting measures~~  
 565 ~~approved by the Legislature to the extent the department deems~~  
 566 ~~appropriate. The department shall notify the Office of Program~~  
 567 ~~Policy Analysis and Government Accountability of any meetings to~~  
 568 ~~refine the model.~~

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

572 1. Construct a profile of each commitment program which  
 573 ~~that~~ uses the results of the quality assurance report required  
 574 by this section, the program accountability measure analysis  
 575 ~~cost-effectiveness report~~ required in this subsection, and other  
 576 reports available to the department.

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

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

582 4. Use the results of these evaluations in developing or  
 583 refining juvenile justice programs or program models, youth  
 584 ~~client~~ outcomes and program outputs, provider contracts, quality  
 585 assurance standards, and the program accountability measure  
 586 analysis ~~cost-effectiveness model~~.

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

588 (a) Establish a comprehensive quality assurance system for

589 | each program operated by the department or operated by a  
590 | provider under contract with the department. Each contract  
591 | entered into by the department must provide for quality  
592 | assurance and include the results in the comprehensive  
593 | accountability report.

594 |       (b) Provide operational definitions of and criteria for  
595 | quality assurance for each specific program component.

596 |       (c) Establish quality assurance goals and objectives for  
597 | each specific program component.

598 |       (d) Establish the information and specific data elements  
599 | required for the quality assurance program.

600 |       (e) Develop a quality assurance manual of specific,  
601 | standardized terminology and procedures to be followed by each  
602 | program.

603 |       (f) Evaluate each program operated by the department or a  
604 | provider under a contract with the department and establish  
605 | minimum thresholds for each program component. If a provider  
606 | fails to meet the established minimum thresholds, such failure  
607 | shall cause the department to cancel the provider's contract  
608 | unless the provider achieves compliance with minimum thresholds  
609 | within 6 months or unless there are documented extenuating  
610 | circumstances. In addition, the department may not contract with  
611 | the same provider for the canceled service for a period of 12  
612 | months. If a department-operated program fails to meet the  
613 | established minimum thresholds, the department must take  
614 | necessary and sufficient steps to ensure and document program  
615 | changes to achieve compliance with the established minimum  
616 | thresholds. If the department-operated program fails to achieve

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617 compliance with the established minimum thresholds within 6  
618 months and if there are no documented extenuating circumstances,  
619 the department must notify the Executive Office of the Governor  
620 and the Legislature of the corrective action taken. Appropriate  
621 corrective action may include, but is not limited to:

- 622 1. Contracting out for the services provided in the  
623 program;
- 624 2. Initiating appropriate disciplinary action against all  
625 employees whose conduct or performance is deemed to have  
626 materially contributed to the program's failure to meet  
627 established minimum thresholds;
- 628 3. Redesigning the program; or
- 629 4. Realigning the program.

630

631 ~~The department shall submit an annual report to the President of~~  
632 ~~the Senate, the Speaker of the House of Representatives, the~~  
633 ~~Minority Leader of each house of the Legislature, the~~  
634 ~~appropriate substantive and fiscal committees of each house of~~  
635 ~~the Legislature, and the Governor, no later than February 1 of~~  
636 ~~each year. The annual report must contain, at a minimum, for~~  
637 ~~each specific program component: a comprehensive description of~~  
638 ~~the population served by the program; a specific description of~~  
639 ~~the services provided by the program; cost; a comparison of~~  
640 ~~expenditures to federal and state funding; immediate and long-~~  
641 ~~range concerns; and recommendations to maintain, expand,~~  
642 ~~improve, modify, or eliminate each program component so that~~  
643 ~~changes in services lead to enhancement in program quality. The~~  
644 ~~department shall ensure the reliability and validity of the~~

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645 ~~information contained in the report.~~

646 ~~(6) The department shall collect and analyze available~~  
647 ~~statistical data for the purpose of ongoing evaluation of all~~  
648 ~~programs. The department shall provide the Legislature with~~  
649 ~~necessary information and reports to enable the Legislature to~~  
650 ~~make informed decisions regarding the effectiveness of, and any~~  
651 ~~needed changes in, services, programs, policies, and laws.~~

652 Section 12. For the purpose of incorporating the amendment  
653 made by this act to section 984.14, Florida Statutes, in a  
654 reference thereto, subsection (3) of section 984.13, Florida  
655 Statutes, is reenacted to read:

656 984.13 Taking into custody a child alleged to be from a  
657 family in need of services or to be a child in need of  
658 services.—

659 (3) If the child is taken into custody by, or is delivered  
660 to, the department, the appropriate representative of the  
661 department shall review the facts and make such further inquiry  
662 as necessary to determine whether the child shall remain in  
663 custody or be released. Unless shelter is required as provided  
664 in s. 984.14(1), the department shall:

665 (a) Release the child to his or her parent, guardian, or  
666 legal custodian, to a responsible adult relative, to a  
667 responsible adult approved by the department, or to a  
668 department-approved family-in-need-of-services and child-in-  
669 need-of-services provider; or

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



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Section 13. This act shall take effect July 1, 2011.