



559888

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2011	.	
	.	
	.	
	.	

---

---

The Committee on Budget (Fasano) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (4) of section 394.492, Florida  
Statutes, is amended to read:

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

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

(a) Being homeless.



559888

- 14 (b) Having a family history of mental illness.
- 15 (c) Being physically or sexually abused or neglected.
- 16 (d) Abusing alcohol or other substances.
- 17 (e) Being infected with human immunodeficiency virus (HIV).
- 18 (f) Having a chronic and serious physical illness.
- 19 (g) Having been exposed to domestic violence.
- 20 (h) Having multiple out-of-home placements.
- 21 (i) Being 9 years of age or younger at the time of referral

22 for a delinquent act.

23 Section 2. Section 985.02, Florida Statutes, is amended to  
24 read:

25 985.02 Legislative intent for the juvenile justice system.—

26 (1) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of  
27 the Legislature that the children of this state be provided with  
28 the following protections:

- 29 (a) Protection from abuse, neglect, and exploitation.
- 30 (b) A permanent and stable home.
- 31 (c) A safe and nurturing environment which will preserve a  
32 sense of personal dignity and integrity.
- 33 (d) Adequate nutrition, shelter, and clothing.
- 34 (e) Effective treatment to address physical, social, and  
35 emotional needs, regardless of geographical location.
- 36 (f) Equal opportunity and access to quality and effective  
37 education, which will meet the individual needs of each child,  
38 and to recreation and other community resources to develop  
39 individual abilities.
- 40 (g) Access to preventive services.
- 41 (h) An independent, trained advocate when intervention is  
42 necessary, and a skilled guardian or caretaker in a safe



559888

43 environment when alternative placement is necessary.

44 (i) Gender-specific programming and gender-specific program  
45 models and services that comprehensively address the needs of a  
46 targeted gender group.

47 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that  
48 children in the care of the state's dependency and delinquency  
49 systems need appropriate health care services, that the impact  
50 of substance abuse on health indicates the need for health care  
51 services to include substance abuse services where appropriate,  
52 and that it is in the state's best interest that such children  
53 be provided the services they need to enable them to become and  
54 remain independent of state care. In order to provide these  
55 services, the state's dependency and delinquency systems must  
56 have the ability to identify and provide appropriate  
57 intervention and treatment for children with personal or family-  
58 related substance abuse problems. It is therefore the purpose of  
59 the Legislature to provide authority for the state to contract  
60 with community substance abuse treatment providers for the  
61 development and operation of specialized support and overlay  
62 services for the dependency and delinquency systems, which will  
63 be fully implemented and utilized as resources permit.

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

68 (a) Develop and implement effective methods of preventing  
69 and reducing acts of delinquency, with a focus on maintaining  
70 and strengthening the family as a whole so that children may  
71 remain in their homes or communities.



559888

72 (b) Develop and implement effective programs to prevent  
73 delinquency, to divert children from the traditional juvenile  
74 justice system, to intervene at an early stage of delinquency,  
75 and to provide critically needed alternatives to  
76 institutionalization, ~~and~~ deep-end commitment, and secure  
77 detention.

78 (c) Provide well-trained personnel, high-quality services,  
79 and cost-effective programs within the juvenile justice system.

80 (d) Increase the capacity of local governments and public  
81 and private agencies to conduct rehabilitative treatment  
82 programs and to provide research, evaluation, and training  
83 services in the field of juvenile delinquency prevention.

84  
85 The Legislature intends that detention care, in addition to  
86 providing secure and safe custody, will promote the health and  
87 well-being of the children committed thereto and provide an  
88 environment that fosters their social, emotional, intellectual,  
89 and physical development.

90 (4) DETENTION.—

91 (a) The Legislature finds that there is a need for a secure  
92 placement for certain children alleged to have committed a  
93 delinquent act. The Legislature finds that detention should be  
94 used only when less restrictive interim placement alternatives  
95 prior to adjudication and disposition are not appropriate. The  
96 Legislature further finds that decisions to detain should be  
97 based in part on a prudent assessment of risk and be limited to  
98 situations where there is clear and convincing evidence that a  
99 child presents a risk of failing to appear or presents a  
100 substantial risk of inflicting bodily harm on others as



559888

101 evidenced by recent behavior; presents a history of committing a  
102 serious property offense prior to adjudication, disposition, or  
103 placement; has acted in direct or indirect contempt of court; or  
104 requests protection from imminent bodily harm.

105 (b) The Legislature intends that a juvenile found to have  
106 committed a delinquent act understands the consequences and the  
107 serious nature of such behavior. Therefore, the Legislature  
108 finds that secure detention is appropriate to ensure public  
109 safety and guarantee a juvenile's appearance in court ~~provide~~  
110 ~~punishment that discourages further delinquent behavior.~~ The  
111 Legislature also finds that certain juveniles have committed a  
112 sufficient number of criminal acts, including acts involving  
113 violence to persons, to represent sufficient danger to the  
114 community to warrant sentencing and placement within the adult  
115 system. It is the intent of the Legislature to establish clear  
116 criteria in order to identify these juveniles and remove them  
117 from the juvenile justice system.

118 ~~(5) SERIOUS OR HABITUAL JUVENILE OFFENDERS. The Legislature~~  
119 ~~finds that fighting crime effectively requires a multipronged~~  
120 ~~effort focusing on particular classes of delinquent children and~~  
121 ~~the development of particular programs. This state's juvenile~~  
122 ~~justice system has an inadequate number of beds for serious or~~  
123 ~~habitual juvenile offenders and an inadequate number of~~  
124 ~~community and residential programs for a significant number of~~  
125 ~~children whose delinquent behavior is due to or connected with~~  
126 ~~illicit substance abuse. In addition, A significant number of~~  
127 ~~children have been adjudicated in adult criminal court and~~  
128 ~~placed in this state's prisons where programs are inadequate to~~  
129 ~~meet their rehabilitative needs and where space is needed for~~



559888

130 ~~adult offenders. Recidivism rates for each of these classes of~~  
131 ~~offenders exceed those tolerated by the Legislature and by the~~  
132 ~~citizens of this state.~~

133 (5)~~(6)~~ SITING OF FACILITIES.-

134 (a) The Legislature finds that timely siting and  
135 development of needed residential facilities for juvenile  
136 offenders is critical to the public safety of the citizens of  
137 this state and to the effective rehabilitation of juvenile  
138 offenders.

139 (b) It is the purpose of the Legislature to guarantee that  
140 such facilities are sited and developed within reasonable  
141 timeframes after they are legislatively authorized and  
142 appropriated.

143 (c) The Legislature further finds that such facilities must  
144 be located in areas of the state close to the home communities  
145 of the children they house in order to ensure the most effective  
146 rehabilitation efforts and the most intensive postrelease  
147 supervision and case management. Residential facilities shall  
148 have no more than 165 beds each, including campus-style  
149 programs, unless those campus-style programs include more than  
150 one level of restrictiveness, provide multilevel education and  
151 treatment programs using different treatment protocols, and have  
152 facilities that coexist separately in distinct locations on the  
153 same property.

154 (d) It is the intent of the Legislature that all other  
155 departments and agencies of the state shall cooperate fully with  
156 the Department of Juvenile Justice to accomplish the siting of  
157 facilities for juvenile offenders.

158



559888

159 The supervision, counseling, rehabilitative treatment, and  
160 punitive efforts of the juvenile justice system should avoid the  
161 inappropriate use of correctional programs and large  
162 institutions. The Legislature finds that detention services  
163 should exceed the primary goal of providing safe and secure  
164 custody pending adjudication and disposition.

165 (6)~~(7)~~ PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—

166 Parents, custodians, and guardians are deemed by the state to be  
167 responsible for providing their children with sufficient  
168 support, guidance, and supervision to deter their participation  
169 in delinquent acts. The state further recognizes that the  
170 ability of parents, custodians, and guardians to fulfill those  
171 responsibilities can be greatly impaired by economic, social,  
172 behavioral, emotional, and related problems. It is therefore the  
173 policy of the Legislature that it is the state's responsibility  
174 to ensure that factors impeding the ability of caretakers to  
175 fulfill their responsibilities are identified through the  
176 delinquency intake process and that appropriate recommendations  
177 to address those problems are considered in any judicial or  
178 nonjudicial proceeding. Nonetheless, as it is also the intent of  
179 the Legislature to preserve and strengthen the child's family  
180 ties, it is the policy of the Legislature that the emotional,  
181 legal, and financial responsibilities of the caretaker with  
182 regard to the care, custody, and support of the child continue  
183 while the child is in the physical or legal custody of the  
184 department.

185 (7)~~(8)~~ GENDER-SPECIFIC PROGRAMMING.—

186 (a) The Legislature finds that the prevention, treatment,  
187 and rehabilitation needs of youth served by the juvenile justice



559888

188 system are gender-specific.

189 (b) Gender-specific programming refers to unique program  
190 models and services that comprehensively address the needs of a  
191 targeted gender group. Gender-specific services require the  
192 adherence to the principle of equity to ensure that the  
193 different interests of young women and men are recognized and  
194 varying needs are met, with equality as the desired outcome.  
195 Gender-specific programming focuses on the differences between  
196 young females' and young males' roles and responsibilities,  
197 positions in society, access to and use of resources, and social  
198 codes governing behavior. Gender-specific programs increase the  
199 effectiveness of programs by making interventions more  
200 appropriate to the specific needs of young women and men and  
201 ensuring that these programs do not unknowingly create,  
202 maintain, or reinforce gender roles or relations that may be  
203 damaging.

204 (8) CHILDREN 9 YEARS OF AGE OR YOUNGER.—The Legislature  
205 finds that very young children need age-appropriate services in  
206 order to prevent and reduce future acts of delinquency. Children  
207 who are 9 years of age or younger should be diverted into  
208 prearrest or postarrest programs, civil citation programs,  
209 children-in-need-of-services and families-in-need-of-services  
210 programs, or other programs, as appropriate. If, based upon a  
211 needs assessment, the child is found to be in need of mental  
212 health services or substance abuse treatment services, the  
213 department shall cooperate with the parent or legal guardian and  
214 the Department of Children and Family Services, as appropriate,  
215 to identify the most appropriate services and supports and  
216 available funding sources to meet the needs of the child.





559888

217 (9) RESTORATIVE JUSTICE.—

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

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

235 Section 3. Subsection (1) of section 985.125, Florida  
236 Statutes, is amended to read:

237 985.125 Prearrest or postarrest diversion programs.—

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

245 Section 4. Paragraph (d) of subsection (1) of section



559888

246 985.145, Florida Statutes, is amended to read:

247 985.145 Responsibilities of juvenile probation officer  
248 during intake; screenings and assessments.—

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

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

267 Section 5. Section 985.24, Florida Statutes, is amended to  
268 read:

269 985.24 Use of detention; prohibitions.—

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

273 (a) Presents a substantial risk of not appearing at a  
274 subsequent hearing;



559888

- 275 (b) Presents a substantial risk of inflicting bodily harm  
276 on others as evidenced by recent behavior;
- 277 (c) Presents a history of committing a property offense  
278 prior to adjudication, disposition, or placement;
- 279 (d) Has committed contempt of court by:
- 280 1. Intentionally disrupting the administration of the  
281 court;
- 282 2. Intentionally disobeying a court order; or
- 283 3. Engaging in a punishable act or speech in the court's  
284 presence which shows disrespect for the authority and dignity of  
285 the court; or
- 286 (e) Requests protection from imminent bodily harm.
- 287 (2) A child alleged to have committed a delinquent act or  
288 violation of law may not be placed into secure, nonsecure, or  
289 home detention care for any of the following reasons:
- 290 (a) To allow a parent to avoid his or her legal  
291 responsibility.
- 292 (b) To permit more convenient administrative access to the  
293 child.
- 294 (c) To facilitate further interrogation or investigation.
- 295 (d) Due to a lack of more appropriate facilities.
- 296 (e) Due to a misdemeanor charge of domestic violence if the  
297 child lives in a family that has a history of family violence,  
298 as defined in s. 741.28, or if the child is a victim of abuse or  
299 neglect, as defined in s. 39.01, and the decision to place the  
300 child in secure detention care is mitigated by the history of  
301 trauma faced by the child, unless the child would otherwise be  
302 subject to secure detention based on his or her prior history.
- 303 (3) A child alleged to be dependent under chapter 39 may



559888

304 not, under any circumstances, be placed into secure detention  
305 care.

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

309 (5)~~(4)~~ The department shall continue to identify  
310 alternatives to secure detention care and shall develop such  
311 alternatives and annually submit them to the Legislature for  
312 authorization and appropriation.

313 Section 6. Paragraphs (a) and (b) of subsection (2) of  
314 section 985.245, Florida Statutes, are amended to read:

315 985.245 Risk assessment instrument.—

316 (2) (a) The risk assessment instrument for detention care  
317 placement determinations and court orders shall be developed by  
318 the department in consultation ~~agreement~~ with representatives  
319 appointed by the following associations: the Conference of  
320 Circuit Judges of Florida, the Prosecuting Attorneys  
321 Association, the Public Defenders Association, the Florida  
322 Sheriffs Association, and the Florida Association of Chiefs of  
323 Police. Each association shall appoint two individuals, one  
324 representing an urban area and one representing a rural area.  
325 The risk assessment instrument shall be effective at predicting  
326 risk and avoiding the unnecessary use of secure detention. ~~The~~  
327 ~~parties involved shall evaluate and revise the risk assessment~~  
328 ~~instrument as is considered necessary using the method for~~  
329 ~~revision as agreed by the parties.~~

330 (b) The risk assessment instrument shall accurately predict  
331 a child's risk of rearrest or failure to appear in court. ~~The~~  
332 risk assessment instrument may take the following factors ~~take~~



559888

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

347 Section 7. Section 985.255, Florida Statutes, is amended to  
348 read:

349 985.255 Detention criteria; detention hearing.—

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

354 (a) The child is alleged to be an escapee from a  
355 residential commitment program; or an absconder from a  
356 nonresidential commitment program, a probation program, or  
357 conditional release supervision; or is alleged to have escaped  
358 while being lawfully transported to or from a residential  
359 commitment program.

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



559888

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

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

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

371 (f) The child is charged with a capital felony, a life  
372 felony, a felony of the first degree, a felony of the second  
373 degree that does not involve a violation of chapter 893, or a  
374 felony of the third degree that is also a crime of violence,  
375 including any such offense involving the use or possession of a  
376 firearm.

377 (g) The child is charged with any second degree or third  
378 degree felony involving a violation of chapter 893 or any third  
379 degree felony that is not also a crime of violence, and the  
380 child:

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

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

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

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

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

390 (h) The child is alleged to have violated the conditions of



559888

391 the child's probation or conditional release supervision.  
392 However, a child detained under this paragraph may be held only  
393 in a consequence unit as provided in s. 985.439. If a  
394 consequence unit is not available, the child shall be placed on  
395 home detention with electronic monitoring.

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

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

418 (2) A child who is charged with committing a felony ~~an~~  
419 offense of domestic violence as defined in s. 741.28 and who



559888

420 does not meet detention criteria may be held in secure detention  
421 if the court makes specific written findings that:

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

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

425  
426 The child may not be held in secure detention under this  
427 subsection for more than 48 hours unless ordered by the court.  
428 After 48 hours, the court shall hold a hearing if the state  
429 attorney or victim requests that secure detention be continued.  
430 The child may continue to be held in detention care if the court  
431 makes a specific, written finding that detention care is  
432 necessary to protect the victim from injury. However, the child  
433 may not be held in detention care beyond the time limits set  
434 forth in this section or s. 985.26.

435 (3) (a) A child who meets any of the criteria in subsection  
436 (1) and who is ordered to be detained under that subsection  
437 shall be given a hearing within 24 hours after being taken into  
438 custody. The purpose of the detention hearing is to determine  
439 the existence of probable cause that the child has committed the  
440 delinquent act or violation of law that he or she is charged  
441 with and the need for continued detention. Unless a child is  
442 detained under paragraph (1) (d) or paragraph (1) (e), the court  
443 shall use the results of the risk assessment performed by the  
444 juvenile probation officer and, based on the criteria in  
445 subsection (1), shall determine the need for continued  
446 detention. A child placed into secure, nonsecure, or home  
447 detention care may continue to be so detained by the court.

448 (b) If the court orders a placement more restrictive than





559888

449 indicated by the results of the risk assessment instrument, the  
450 court shall state, in writing, clear and convincing reasons for  
451 such placement.

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

462 Section 8. Subsection (1) of section 985.441, Florida  
463 Statutes, is amended to read:

464 985.441 Commitment.—

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

469 (a) Commit the child to a licensed child-caring agency  
470 willing to receive the child; however, the court may not commit  
471 the child to a jail or to a facility used primarily as a  
472 detention center or facility or shelter.

473 (b) Commit the child to the department at a restrictiveness  
474 level defined in s. 985.03. Such commitment must be for the  
475 purpose of exercising active control over the child, including,  
476 but not limited to, custody, care, training, urine monitoring,  
477 and treatment of the child and release of the child from



559888

478 residential commitment into the community in a postcommitment  
479 nonresidential conditional release program. If the child is not  
480 successful in the conditional release program, the department  
481 may use the transfer procedure under subsection (3).

482 ~~(c) Commit the child to the department for placement in a~~  
483 ~~program or facility for serious or habitual juvenile offenders~~  
484 ~~in accordance with s. 985.47.~~

485 ~~1. Following a delinquency adjudicatory hearing under s.~~  
486 ~~985.35 and a delinquency disposition hearing under s. 985.433~~  
487 ~~that results in a commitment determination, the court shall, on~~  
488 ~~its own or upon request by the state or the department,~~  
489 ~~determine whether the protection of the public requires that the~~  
490 ~~child be placed in a program for serious or habitual juvenile~~  
491 ~~offenders and whether the particular needs of the child would be~~  
492 ~~best served by a program for serious or habitual juvenile~~  
493 ~~offenders as provided in s. 985.47. The determination shall be~~  
494 ~~made under ss. 985.47(1) and 985.433(7).~~

495 ~~2. Any commitment of a child to a program or facility for~~  
496 ~~serious or habitual juvenile offenders must be for an~~  
497 ~~indeterminate period of time, but the time may not exceed the~~  
498 ~~maximum term of imprisonment that an adult may serve for the~~  
499 ~~same offense.~~

500 ~~(c)(d)~~ Commit the child to the department for placement in  
501 a program or facility for juvenile sexual offenders in  
502 accordance with s. 985.48, subject to specific appropriation for  
503 such a program or facility.

504 1. The child may only be committed for such placement  
505 pursuant to determination that the child is a juvenile sexual  
506 offender under the criteria specified in s. 985.475.



559888

507           2. Any commitment of a juvenile sexual offender to a  
508 program or facility for juvenile sexual offenders must be for an  
509 indeterminate period of time, but the time may not exceed the  
510 maximum term of imprisonment that an adult may serve for the  
511 same offense.

512           (d) Commit the child to the department for placement in a  
513 mother-infant program designed to serve the needs of juvenile  
514 mothers or expectant juvenile mothers who are committed as  
515 delinquents. The department's mother-infant program must be  
516 licensed as a child care facility in accordance with s. 402.308,  
517 and must provide the services and support necessary to enable  
518 the committed juvenile mothers to provide for the needs of their  
519 infants who, upon agreement of the mother, may accompany them in  
520 the program.

521           Section 9. Subsection (1) of section 985.45, Florida  
522 Statutes, is amended to read:

523           985.45 Liability and remuneration for work.-

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

532           Section 10. Section 985.632, Florida Statutes, is amended  
533 to read:

534           985.632 Program review and reporting requirements ~~Quality~~  
535 ~~assurance and cost-effectiveness.-~~



559888

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

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

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

543 (c) ~~(b)~~ Provide information about the cost of such programs  
544 and their differential effectiveness so that program ~~the~~ quality  
545 may of such programs can be compared and improvements made  
546 continually.

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

549 (e) ~~(d)~~ Provide information to the public about the  
550 effectiveness of such programs in meeting established goals and  
551 objectives.

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

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

556 (h) ~~(g)~~ Modify or eliminate activities that are not  
557 effective.

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

559 (a) "Youth" ~~"Client"~~ means any person who is being provided  
560 treatment or services by the department or by a provider under  
561 contract with the department.

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



559888

565           ~~(c)~~ ~~(b)~~ "Program component" means an aggregation of  
566 generally related objectives which, because of their special  
567 character, related workload, and interrelated output, can  
568 logically be considered an entity for purposes of organization,  
569 management, accounting, reporting, and budgeting.

570           ~~(c) "Program effectiveness" means the ability of the~~  
571 ~~program to achieve desired client outcomes, goals, and~~  
572 ~~objectives.~~

573           (d) "Program group" means a collection of programs having  
574 sufficient similarity of functions, services, and population to  
575 allow appropriate comparisons between programs within the group.

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

585           (a) Define common terminology and operational definitions  
586 and methods by which the performance of program outputs and  
587 outcomes may be measured.

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

590           (c) Report cost data for each program operated or  
591 contracted by the department for the fiscal year corresponding  
592 to the program outputs and outcomes being reported. The  
593 ~~department shall annually collect and report cost data for every~~



559888

594 ~~program operated or contracted by the department. The cost data~~  
595 ~~shall conform to a format approved by the department and the~~  
596 ~~Legislature. Uniform cost data shall be reported and collected~~  
597 ~~for state-operated and contracted programs so that comparisons~~  
598 ~~can be made among programs. The department shall ensure that~~  
599 ~~there is accurate cost accounting for state-operated services~~  
600 ~~including market-equivalent rent and other shared cost. The cost~~  
601 ~~of the educational program provided to a residential facility~~  
602 ~~shall be reported and included in the cost of a program. The~~  
603 ~~department shall submit an annual cost report to the President~~  
604 ~~of the Senate, the Speaker of the House of Representatives, the~~  
605 ~~Minority Leader of each house of the Legislature, the~~  
606 ~~appropriate substantive and fiscal committees of each house of~~  
607 ~~the Legislature, and the Governor, no later than December 1 of~~  
608 ~~each year. Cost-benefit analysis for educational programs will~~  
609 ~~be developed and implemented in collaboration with and in~~  
610 ~~cooperation with the Department of Education, local providers,~~  
611 ~~and local school districts. Cost data for the report shall~~  
612 ~~include data collected by the Department of Education for the~~  
613 ~~purposes of preparing the annual report required by s.~~  
614 ~~1003.52(19).~~

615 (4) PROGRAM ACCOUNTABILITY MEASURES.—

616 (a) ~~The department, in consultation with the Office of~~  
617 ~~Economic and Demographic Research and contract service~~  
618 ~~providers, shall develop a cost-effectiveness model and apply~~  
619 ~~the program accountability measures analysis model to each~~  
620 ~~commitment program and include the results in the comprehensive~~  
621 ~~accountability report. ~~Program recidivism rates shall be a~~~~  
622 ~~component of the model. The program accountability measures~~



559888

623 ~~analysis cost-effectiveness model~~ shall compare program costs to  
624 expected and actual youth recidivism rates ~~client outcomes and~~  
625 ~~program outputs~~. It is the intent of the Legislature that  
626 continual development efforts take place to improve the validity  
627 and reliability of the program accountability measure analysis  
628 ~~cost-effectiveness model~~.

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

633 ~~(b)(c)~~ Based on ~~reports of the department on client~~  
634 ~~outcomes and program outputs and on the department's most recent~~  
635 program accountability measures analysis cost-effectiveness  
636 rankings, the department may terminate its contract with or  
637 discontinue a commitment program ~~operated by the department or a~~  
638 ~~provider~~ if the program has failed to achieve a minimum  
639 threshold of recidivism and cost-effectiveness ~~program~~  
640 ~~effectiveness~~. This paragraph does not preclude the department  
641 from terminating a contract as provided under this section or as  
642 otherwise provided by law or contract, and does not limit the  
643 department's authority to enter into or terminate a contract.

644 ~~(c)(d)~~ The department shall notify the Office of Program  
645 Policy Analysis and Government Accountability and each contract  
646 service provider of substantive changes to the program  
647 accountability measures analysis. ~~In collaboration with the~~  
648 ~~Office of Economic and Demographic Research, and contract~~  
649 ~~service providers, the department shall develop a work plan to~~  
650 ~~refine the cost-effectiveness model so that the model is~~  
651 ~~consistent with the performance-based program budgeting measures~~



559888

652 ~~approved by the Legislature to the extent the department deems~~  
653 ~~appropriate. The department shall notify the Office of Program~~  
654 ~~Policy Analysis and Government Accountability of any meetings to~~  
655 ~~refine the model.~~

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

659 1. Construct a profile of each commitment program which  
660 ~~that~~ uses the results of the quality assurance report required  
661 by this section, the program accountability measure analysis  
662 ~~cost-effectiveness report~~ required in this subsection, and other  
663 reports available to the department.

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

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

669 4. Use the results of these evaluations in developing or  
670 refining juvenile justice programs or program models, youth  
671 ~~client~~ outcomes and program outputs, provider contracts, quality  
672 assurance standards, and the program accountability measure  
673 analysis ~~cost-effectiveness model~~.

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

675 (a) Establish a comprehensive quality assurance system for  
676 each program operated by the department or operated by a  
677 provider under contract with the department. Each contract  
678 entered into by the department must provide for quality  
679 assurance and include the results in the comprehensive  
680 accountability report.





559888

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

683           (c) Establish quality assurance goals and objectives for  
684 each specific program component.

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

687           (e) Develop a quality assurance manual of specific,  
688 standardized terminology and procedures to be followed by each  
689 program.

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

709           1. Contracting out for the services provided in the



559888

710 program;

711 2. Initiating appropriate disciplinary action against all  
712 employees whose conduct or performance is deemed to have  
713 materially contributed to the program's failure to meet  
714 established minimum thresholds;

715 3. Redesigning the program; or

716 4. Realigning the program.

717

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

733 ~~(6) The department shall collect and analyze available~~  
734 ~~statistical data for the purpose of ongoing evaluation of all~~  
735 ~~programs. The department shall provide the Legislature with~~  
736 ~~necessary information and reports to enable the Legislature to~~  
737 ~~make informed decisions regarding the effectiveness of, and any~~  
738 ~~needed changes in, services, programs, policies, and laws.~~



559888

739           Section 11. Subsection (48) of section 985.03, Florida  
740 Statutes, is repealed.

741           Section 12. Subsection (56) of section 985.03, Florida  
742 Statutes, is repealed.

743           Section 13. Section 985.47, Florida Statutes, is repealed.

744           Section 14. Section 985.483, Florida Statutes, is repealed.

745           Section 15. Section 985.486, Florida Statutes, is repealed.

746           Section 16. Section 985.636, Florida Statutes, is repealed.

747           Section 17. Section 985.494, Florida Statutes, is amended  
748 to read:

749           985.494 Commitment programs for juvenile felony offenders.-

750           (1) Notwithstanding any other law and regardless of the  
751 child's age, a child who is adjudicated delinquent, or for whom  
752 adjudication is withheld, for an act that would be a felony if  
753 committed by an adult, shall be committed to:

754           ~~(a) A program for serious or habitual juvenile offenders~~  
755 ~~under s. 985.47 or an intensive residential treatment program~~  
756 ~~for offenders less than 13 years of age under s. 985.483, if the~~  
757 ~~child has participated in an early delinquency intervention~~  
758 ~~program and has completed a sheriff's training and respect~~  
759 ~~program.~~

760           ~~(b) a maximum-risk residential program,~~ if the child has  
761 completed two different high-risk residential commitment  
762 programs participated in an early delinquency intervention  
763 program, has completed a sheriff's training and respect program,  
764 and has completed a program for serious or habitual juvenile  
765 offenders or an intensive residential treatment program for  
766 offenders less than 13 years of age. The commitment of a child  
767 to a maximum-risk residential program must be for an



559888

768 indeterminate period, but may not exceed the maximum term of  
769 imprisonment that an adult may serve for the same offense.

770 (2) In committing a child to the appropriate program, the  
771 court may consider an equivalent program of similar intensity as  
772 being comparable to a program required under subsection (1).

773 Section 18. Section 985.445, Florida Statutes, is repealed.

774 Section 19. Paragraphs (a), (b), (c), (e), and (g), of  
775 subsection (5) of section 985.0301, Florida Statutes, are  
776 amended to read:

777 985.0301 Jurisdiction.—

778 (5) (a) Notwithstanding ss. 743.07, 985.43, 985.433,  
779 985.435, 985.439, and 985.441, and except as provided in s. ss.  
780 985.465 and 985.47 and paragraph (f), when the jurisdiction of  
781 any child who is alleged to have committed a delinquent act or  
782 violation of law is obtained, the court shall retain  
783 jurisdiction, unless relinquished by its order, until the child  
784 reaches 19 years of age, with the same power over the child that  
785 the court had prior to the child becoming an adult.

786 (b) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~  
787 ~~as provided in s. 985.47,~~ the term of any order placing a child  
788 in a probation program must be until the child's 19th birthday  
789 unless he or she is released by the court on the motion of an  
790 interested party or on his or her own motion.

791 (c) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~  
792 ~~as provided in s. 985.47,~~ the term of the commitment must be  
793 until the child is discharged by the department or until he or  
794 she reaches the age of 21 years. Notwithstanding ss. 743.07,  
795 985.435, 985.437, 985.439, 985.441, ~~985.445,~~ 985.455, and  
796 985.513, and except as provided in this section ~~and s. 985.47,~~ a



559888

797 child may not be held under a commitment from a court under s.  
798 985.439, s. 985.441(1)(a) or (b), ~~s. 985.445~~, or s. 985.455  
799 after becoming 21 years of age.

800 (e) The court may retain jurisdiction over a child  
801 committed to the department for placement in an intensive  
802 residential treatment program for 10-year-old to 13-year-old  
803 offenders, in the residential commitment program in a juvenile  
804 prison, or in a residential sex offender program, ~~or in a~~  
805 ~~program for serious or habitual juvenile offenders as provided~~  
806 ~~in s. 985.47 or s. 985.483~~ until the child reaches the age of  
807 21. If the court exercises this jurisdiction retention, it shall  
808 do so solely for the purpose of the child completing the  
809 intensive residential treatment program for 10-year-old to 13-  
810 year-old offenders, in the residential commitment program in a  
811 juvenile prison, in a residential sex offender program, or the  
812 program for serious or habitual juvenile offenders. Such  
813 jurisdiction retention does not apply for other programs, other  
814 purposes, or new offenses.

815 (g)1. Notwithstanding ss. 743.07 and 985.455(3), a serious  
816 or habitual juvenile offender shall not be held under commitment  
817 from a court under s. 985.441(1)(c), ~~s. 985.47~~, or s. 985.565  
818 after becoming 21 years of age. This subparagraph shall apply  
819 only for the purpose of completing the serious or habitual  
820 juvenile offender program under this chapter and shall be used  
821 solely for the purpose of treatment.

822 2. The court may retain jurisdiction over a child who has  
823 been placed in a program or facility for serious or habitual  
824 juvenile offenders until the child reaches the age of 21,  
825 specifically for the purpose of the child completing the



559888

826 program.

827 Section 20. Paragraph (b) of subsection (4) of section  
828 985.565, Florida Statutes, is amended to read:

829 985.565 Sentencing powers; procedures; alternatives for  
830 juveniles prosecuted as adults.—

831 (4) SENTENCING ALTERNATIVES.—

832 (b) *Juvenile sanctions*.—For juveniles transferred to adult  
833 court but who do not qualify for such transfer under s.  
834 985.556(3) or s. 985.557(2)(a) or (b), the court may impose  
835 juvenile sanctions under this paragraph. If juvenile sentences  
836 are imposed, the court shall, under this paragraph, adjudge the  
837 child to have committed a delinquent act. Adjudication of  
838 delinquency shall not be deemed a conviction, nor shall it  
839 operate to impose any of the civil disabilities ordinarily  
840 resulting from a conviction. The court shall impose an adult  
841 sanction or a juvenile sanction and may not sentence the child  
842 to a combination of adult and juvenile punishments. An adult  
843 sanction or a juvenile sanction may include enforcement of an  
844 order of restitution or probation previously ordered in any  
845 juvenile proceeding. However, if the court imposes a juvenile  
846 sanction and the department determines that the sanction is  
847 unsuitable for the child, the department shall return custody of  
848 the child to the sentencing court for further proceedings,  
849 including the imposition of adult sanctions. Upon adjudicating a  
850 child delinquent under subsection (1), the court may:

851 1. Place the child in a probation program under the  
852 supervision of the department for an indeterminate period of  
853 time until the child reaches the age of 19 years or sooner if  
854 discharged by order of the court.



559888

855           2. Commit the child to the department for treatment in an  
856 appropriate program for children for an indeterminate period of  
857 time until the child is 21 or sooner if discharged by the  
858 department. The department shall notify the court of its intent  
859 to discharge no later than 14 days prior to discharge. Failure  
860 of the court to timely respond to the department's notice shall  
861 be considered approval for discharge.

862           3. Order disposition under ss. 985.435, 985.437, 985.439,  
863 985.441, ~~985.445~~, 985.45, and 985.455 as an alternative to  
864 youthful offender or adult sentencing if the court determines  
865 not to impose youthful offender or adult sanctions.

866  
867 It is the intent of the Legislature that the criteria and  
868 guidelines in this subsection are mandatory and that a  
869 determination of disposition under this subsection is subject to  
870 the right of the child to appellate review under s. 985.534.

871           Section 21. Section 985.66, Florida Statutes, is amended to  
872 read:

873           985.66 Juvenile justice training academies; staff  
874 development and training; ~~Juvenile Justice Standards and~~  
875 ~~Training Commission~~; Juvenile Justice Training Trust Fund.—

876           (1) LEGISLATIVE PURPOSE.—In order to enable the state to  
877 provide a systematic approach to staff development and training  
878 for judges, state attorneys, public defenders, law enforcement  
879 officers, school district personnel, and juvenile justice  
880 program staff that will meet the needs of such persons in their  
881 discharge of duties while at the same time meeting the  
882 requirements for the American Correction Association  
883 accreditation by the Commission on Accreditation for



559888

884 Corrections, it is the purpose of the Legislature to require the  
885 department to establish, maintain, and oversee the operation of  
886 juvenile justice training academies in the state. The purpose of  
887 the Legislature in establishing staff development and training  
888 programs is to foster better staff morale and reduce  
889 mistreatment and aggressive and abusive behavior in delinquency  
890 programs; to positively impact the recidivism of children in the  
891 juvenile justice system; and to afford greater protection of the  
892 public through an improved level of services delivered by a  
893 professionally trained juvenile justice program staff to  
894 children who are alleged to be or who have been found to be  
895 delinquent.

896 (2) STAFF DEVELOPMENT ~~JUVENILE JUSTICE STANDARDS AND~~  
897 ~~TRAINING COMMISSION.~~-

898 ~~(a) There is created under the Department of Juvenile~~  
899 ~~Justice the Juvenile Justice Standards and Training Commission,~~  
900 ~~hereinafter referred to as the commission. The 17-member~~  
901 ~~commission shall consist of the Attorney General or designee,~~  
902 ~~the Commissioner of Education or designee, a member of the~~  
903 ~~juvenile court judiciary to be appointed by the Chief Justice of~~  
904 ~~the Supreme Court, and 14 members to be appointed by the~~  
905 ~~Secretary of Juvenile Justice as follows:~~

906 ~~1. Seven members shall be juvenile justice professionals: a~~  
907 ~~superintendent or a direct care staff member from an~~  
908 ~~institution; a director from a contracted community-based~~  
909 ~~program; a superintendent and a direct care staff member from a~~  
910 ~~regional detention center or facility; a juvenile probation~~  
911 ~~officer supervisor and a juvenile probation officer; and a~~  
912 ~~director of a day treatment or conditional release program. No~~





559888

913 ~~fewer than three of these members shall be contract providers.~~

914 ~~2. Two members shall be representatives of local law~~  
915 ~~enforcement agencies.~~

916 ~~3. One member shall be an educator from the state's~~  
917 ~~university and community college program of criminology,~~  
918 ~~criminal justice administration, social work, psychology,~~  
919 ~~sociology, or other field of study pertinent to the training of~~  
920 ~~juvenile justice program staff.~~

921 ~~4. One member shall be a member of the public.~~

922 ~~5. One member shall be a state attorney, or assistant state~~  
923 ~~attorney, who has juvenile court experience.~~

924 ~~6. One member shall be a public defender, or assistant~~  
925 ~~public defender, who has juvenile court experience.~~

926 ~~7. One member shall be a representative of the business~~  
927 ~~community.~~

928  
929 ~~All appointed members shall be appointed to serve terms of 2~~  
930 ~~years.~~

931 ~~(b) The composition of the commission shall be broadly~~  
932 ~~reflective of the public and shall include minorities and women.~~  
933 ~~The term "minorities" as used in this paragraph means a member~~  
934 ~~of a socially or economically disadvantaged group that includes~~  
935 ~~blacks, Hispanics, and American Indians.~~

936 ~~(c) The Department of Juvenile Justice shall provide the~~  
937 ~~commission with staff necessary to assist the commission in the~~  
938 ~~performance of its duties.~~

939 ~~(d) The commission shall annually elect its chairperson and~~  
940 ~~other officers. The commission shall hold at least four regular~~  
941 ~~meetings each year at the call of the chairperson or upon the~~



559888

942 ~~written request of three members of the commission. A majority~~  
943 ~~of the members of the commission constitutes a quorum. Members~~  
944 ~~of the commission shall serve without compensation but are~~  
945 ~~entitled to be reimbursed for per diem and travel expenses as~~  
946 ~~provided by s. 112.061 and these expenses shall be paid from the~~  
947 ~~Juvenile Justice Training Trust Fund.~~

948 ~~(e) The department powers, duties, and functions of the~~  
949 ~~commission shall be to:~~

950 ~~(a)1.~~ Designate the location of the training academies;  
951 develop, implement, maintain, and update the curriculum to be  
952 used in the training of juvenile justice program staff;  
953 establish timeframes for participation in and completion of  
954 training by juvenile justice program staff; develop, implement,  
955 maintain, and update job-related examinations; develop,  
956 implement, and update the types and frequencies of evaluations  
957 of the training academies; approve, modify, or disapprove the  
958 budget for the training academies, and the contractor to be  
959 selected to organize and operate the training academies and to  
960 provide the training curriculum.

961 ~~(b)2.~~ Establish uniform minimum job-related training  
962 courses and examinations for juvenile justice program staff.

963 ~~(c)3.~~ Consult and cooperate with the state or any political  
964 subdivision; any private entity or contractor; and with private  
965 and public universities, colleges, community colleges, and other  
966 educational institutions concerning the development of juvenile  
967 justice training and programs or courses of instruction,  
968 including, but not limited to, education and training in the  
969 areas of juvenile justice.

970 ~~(d)4. Enter into With the approval of the department, make~~



559888

971 ~~and enter into such~~ contracts and agreements with other  
972 agencies, organizations, associations, corporations,  
973 individuals, or federal agencies as ~~the commission determines~~  
974 are necessary in the execution of ~~the~~ its powers ~~of the~~  
975 department or the performance of its duties.

976 ~~5. Make recommendations to the Department of Juvenile~~  
977 ~~Justice concerning any matter within the purview of this~~  
978 ~~section.~~

979 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department  
980 ~~commission~~ shall establish a certifiable program for juvenile  
981 justice training pursuant to this section, and all department  
982 program staff and providers who deliver direct care services  
983 pursuant to contract with the department shall be required to  
984 participate in and successfully complete the department-approved  
985 ~~commission-approved~~ program of training pertinent to their areas  
986 of responsibility. Judges, state attorneys, and public  
987 defenders, law enforcement officers, and school district  
988 personnel may participate in such training program. For the  
989 juvenile justice program staff, the department ~~commission~~ shall,  
990 based on a job-task analysis:

991 (a) Design, implement, maintain, evaluate, and revise a  
992 basic training program, including a competency-based  
993 examination, for the purpose of providing minimum employment  
994 training qualifications for all juvenile justice personnel. All  
995 program staff of the department and providers who deliver  
996 direct-care services who are hired after October 1, 1999, must  
997 meet the following minimum requirements:

- 998 1. Be at least 19 years of age.
- 999 2. Be a high school graduate or its equivalent as



559888

1000 determined by the department ~~commission~~.

1001         3. Not have been convicted of any felony or a misdemeanor  
1002 involving perjury or a false statement, or have received a  
1003 dishonorable discharge from any of the Armed Forces of the  
1004 United States. Any person who, after September 30, 1999, pleads  
1005 guilty or nolo contendere to or is found guilty of any felony or  
1006 a misdemeanor involving perjury or false statement is not  
1007 eligible for employment, notwithstanding suspension of sentence  
1008 or withholding of adjudication. Notwithstanding this  
1009 subparagraph, any person who pled nolo contendere to a  
1010 misdemeanor involving a false statement before October 1, 1999,  
1011 and who has had such record of that plea sealed or expunged is  
1012 not ineligible for employment for that reason.

1013         4. Abide by all the provisions of s. 985.644(1) regarding  
1014 fingerprinting and background investigations and other screening  
1015 requirements for personnel.

1016         5. Execute and submit to the department an affidavit-of-  
1017 application form, adopted by the department, attesting to his or  
1018 her compliance with subparagraphs 1.-4. The affidavit must be  
1019 executed under oath and constitutes an official statement under  
1020 s. 837.06. The affidavit must include conspicuous language that  
1021 the intentional false execution of the affidavit constitutes a  
1022 misdemeanor of the second degree. The employing agency shall  
1023 retain the affidavit.

1024         (b) Design, implement, maintain, evaluate, and revise an  
1025 advanced training program, including a competency-based  
1026 examination for each training course, which is intended to  
1027 enhance knowledge, skills, and abilities related to job  
1028 performance.



559888

1029 (c) Design, implement, maintain, evaluate, and revise a  
1030 career development training program, including a competency-  
1031 based examination for each training course. Career development  
1032 courses are intended to prepare personnel for promotion.

1033 (d) The department ~~commission~~ is encouraged to design,  
1034 implement, maintain, evaluate, and revise juvenile justice  
1035 training courses, or to enter into contracts for such training  
1036 courses, that are intended to provide for the safety and well-  
1037 being of both citizens and juvenile offenders.

1038 (4) JUVENILE JUSTICE TRAINING TRUST FUND.—

1039 (a) There is created within the State Treasury a Juvenile  
1040 Justice Training Trust Fund to be used by the department ~~of~~  
1041 ~~Juvenile Justice~~ for the purpose of funding the development and  
1042 updating of a job-task analysis of juvenile justice personnel;  
1043 the development, implementation, and updating of job-related  
1044 training courses and examinations; and the cost of ~~commission-~~  
1045 ~~approved~~ juvenile justice training courses; ~~and reimbursement~~  
1046 ~~for expenses as provided in s. 112.061 for members of the~~  
1047 ~~commission and staff.~~

1048 (b) One dollar from every noncriminal traffic infraction  
1049 collected pursuant to ss. 318.14(10)(b) and 318.18 shall be  
1050 deposited into the Juvenile Justice Training Trust Fund.

1051 (c) In addition to the funds generated by paragraph (b),  
1052 the trust fund may receive funds from any other public or  
1053 private source.

1054 (d) Funds that are not expended by the end of the budget  
1055 cycle or through a supplemental budget approved by the  
1056 department shall revert to the trust fund.

1057 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—



559888

1058 The number, location, and establishment of juvenile justice  
1059 training academies shall be determined by the department  
1060 ~~commission~~.

1061 (6) SCHOLARSHIPS AND STIPENDS.—

1062 (a) By rule, the department ~~commission~~ shall establish  
1063 criteria to award scholarships or stipends to qualified juvenile  
1064 justice personnel who are residents of the state who want to  
1065 pursue a bachelor's or associate in arts degree in juvenile  
1066 justice or a related field. The department shall handle the  
1067 administration of the scholarship or stipend. The Department of  
1068 Education shall handle the notes issued for the payment of the  
1069 scholarships or stipends. All scholarship and stipend awards  
1070 shall be paid from the Juvenile Justice Training Trust Fund upon  
1071 vouchers approved by the Department of Education and properly  
1072 certified by the Chief Financial Officer. Prior to the award of  
1073 a scholarship or stipend, the juvenile justice employee must  
1074 agree in writing to practice her or his profession in juvenile  
1075 justice or a related field for 1 month for each month of grant  
1076 or to repay the full amount of the scholarship or stipend  
1077 together with interest at the rate of 5 percent per annum over a  
1078 period not to exceed 10 years. Repayment shall be made payable  
1079 to the state for deposit into the Juvenile Justice Training  
1080 Trust Fund.

1081 (b) The department ~~commission~~ may establish the scholarship  
1082 program by rule ~~and implement the program on or after July 1,~~  
1083 ~~1996.~~

1084 (7) ADOPTION OF RULES.—The department ~~commission~~ shall  
1085 adopt rules as necessary to carry out the provisions of this  
1086 section.



559888

1087 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK  
1088 MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of  
1089 Risk Management of the Department of Financial Services is  
1090 authorized to insure a private agency, individual, or  
1091 corporation operating a state-owned training school under a  
1092 contract to carry out the purposes and responsibilities of any  
1093 program of the department. The coverage authorized herein shall  
1094 be under the same general terms and conditions as the department  
1095 is insured for its responsibilities under chapter 284.

1096 ~~(9) The Juvenile Justice Standards and Training Commission~~  
1097 ~~is terminated on June 30, 2001, and such termination shall be~~  
1098 ~~reviewed by the Legislature prior to that date.~~

1099 Section 22. Subsection (8) of section 985.48, Florida  
1100 Statutes, is repealed.

1101 Section 23. Subsection (1) of section 984.14, Florida  
1102 Statutes, is amended to read:

1103 984.14 Shelter placement; hearing.—

1104 (1) Unless ordered by the court pursuant to ~~the provisions~~  
1105 ~~of~~ this chapter, or upon voluntary consent to placement by the  
1106 child and the child's parent, legal guardian, or custodian, a  
1107 child taken into custody may ~~shall~~ not be placed in a shelter  
1108 prior to a court hearing unless a determination has been made  
1109 that ~~the provision of~~ appropriate and available services will  
1110 not eliminate the need for placement and that such placement is  
1111 required:

1112 (a) To provide an opportunity for the child and family to  
1113 agree upon conditions for the child's return home, when  
1114 immediate placement in the home would result in a substantial  
1115 likelihood that the child and family would not reach an



559888

1116 agreement; or

1117 (b) Because a parent, custodian, or guardian is unavailable  
1118 to take immediate custody of the child.

1119 Section 24. Paragraph (a) of subsection (3) of section  
1120 985.14, Florida Statutes, is amended to read:

1121 985.14 Intake and case management system.—

1122 (3) The intake and case management system shall facilitate  
1123 consistency in the recommended placement of each child, and in  
1124 the assessment, classification, and placement process, with the  
1125 following purposes:

1126 (a) An individualized, multidisciplinary assessment process  
1127 that identifies the priority needs of each individual child for  
1128 rehabilitation and treatment and identifies any needs of the  
1129 child's parents or guardians for services that would enhance  
1130 their ability to provide adequate support, guidance, and  
1131 supervision for the child. This process shall begin with the  
1132 detention risk assessment instrument and decision, shall include  
1133 the intake preliminary screening and comprehensive assessment  
1134 for substance abuse treatment services, mental health services,  
1135 retardation services, literacy services, and other educational  
1136 and treatment services as components, additional assessment of  
1137 the child's treatment needs, and classification regarding the  
1138 child's risks to the community and, ~~for a serious or habitual~~  
1139 ~~delinquent child, shall include the assessment for placement in~~  
1140 ~~a serious or habitual delinquent children program under s.~~  
1141 985.47. The completed multidisciplinary assessment process shall  
1142 result in the predisposition report.

1143 Section 25. For the purpose of incorporating the amendment  
1144 made by this act to section 984.14, Florida Statutes, in a





559888

1145 reference thereto, subsection (3) of section 984.13, Florida  
1146 Statutes, is reenacted to read:

1147 984.13 Taking into custody a child alleged to be from a  
1148 family in need of services or to be a child in need of  
1149 services.-

1150 (3) If the child is taken into custody by, or is delivered  
1151 to, the department, the appropriate representative of the  
1152 department shall review the facts and make such further inquiry  
1153 as necessary to determine whether the child shall remain in  
1154 custody or be released. Unless shelter is required as provided  
1155 in s. 984.14(1), the department shall:

1156 (a) Release the child to his or her parent, guardian, or  
1157 legal custodian, to a responsible adult relative, to a  
1158 responsible adult approved by the department, or to a  
1159 department-approved family-in-need-of-services and child-in-  
1160 need-of-services provider; or

1161 (b) Authorize temporary services and treatment that would  
1162 allow the child alleged to be from a family in need of services  
1163 to remain at home.

1164 Section 26. This act shall take effect July 1, 2011.

1165  
1166 ===== T I T L E A M E N D M E N T =====

1167 And the title is amended as follows:

1168  
1169 Delete everything before the enacting clause  
1170 and insert:

1171 A bill to be entitled  
1172 An act relating to juvenile justice; amending s.  
1173 394.492, F.S.; including children 9 years of age or



559888

1174 younger at the time of referral for a delinquent act  
1175 within the definition of those children who are  
1176 eligible to receive comprehensive mental health  
1177 services; amending s. 985.02, F.S.; revising  
1178 legislative intent for the juvenile justice system;  
1179 amending s. 985.125, F.S.; encouraging law enforcement  
1180 agencies, school districts, counties, municipalities,  
1181 and the Department of Juvenile Justice to establish  
1182 prearrest or postarrest diversion programs and to give  
1183 first-time misdemeanor offenders and offenders who are  
1184 9 years of age or younger an opportunity to  
1185 participate in the programs; amending s. 985.145,  
1186 F.S.; requiring a juvenile probation officer to make a  
1187 referral to the appropriate shelter if the completed  
1188 risk assessment instrument shows that the child is  
1189 ineligible for secure detention; amending s. 985.24,  
1190 F.S.; prohibiting a child alleged to have committed a  
1191 delinquent act or violation of law from being placed  
1192 into secure, nonsecure, or home detention care because  
1193 of a misdemeanor charge of domestic violence if the  
1194 child lives in a family that has a history of family  
1195 violence or if the child is a victim of abuse or  
1196 neglect unless the child would otherwise be subject to  
1197 secure detention based on prior history; prohibiting a  
1198 child 9 years of age or younger from being placed into  
1199 secure detention care unless the child is charged with  
1200 a capital felony, a life felony, or a felony of the  
1201 first degree; amending s. 985.245, F.S.; revising the  
1202 development process for the risk assessment



559888

1203 instrument; revising factors to be considered in  
1204 assessing a child's risk of rearrest or failure to  
1205 appear; amending s. 985.255, F.S.; providing that a  
1206 child may be placed in home detention care or detained  
1207 in secure detention care under certain circumstances;  
1208 providing that a child who is charged with committing  
1209 a felony offense of domestic violence and who does not  
1210 meet detention criteria may nevertheless be held in  
1211 secure detention care if the court makes certain  
1212 specific written findings; amending s. 985.441, F.S.;  
1213 removing obsolete provisions relating to committing a  
1214 child to a program or facility for serious or habitual  
1215 juvenile offenders; authorizing a court to commit a  
1216 female child adjudicated as delinquent to the  
1217 department for placement in a mother-infant program  
1218 designed to serve the needs of juvenile mothers or  
1219 expectant juvenile mothers who are committed as  
1220 delinquents; amending s. 985.45, F.S.; providing that  
1221 whenever a child is required by the court to  
1222 participate in any juvenile justice work program, the  
1223 child is considered an employee of the state for the  
1224 purpose of workers' compensation; amending s. 985.632,  
1225 F.S.; establishing legislative intent that the  
1226 Department of Juvenile Justice collect and analyze  
1227 available statistical data for the purpose of ongoing  
1228 evaluation of all juvenile justice programs;  
1229 redefining terms; requiring the department to use a  
1230 standard methodology to annually measure, evaluate,  
1231 and report program outputs and youth outcomes for each



559888

1232 program and program group; requiring that the  
1233 department submit an annual report to the appropriate  
1234 committees of the Legislature and the Governor;  
1235 requiring that the department notify specified parties  
1236 of substantive changes to the standard methodology  
1237 used in its evaluation; requiring that the department  
1238 apply a program accountability measures analysis to  
1239 each commitment program; deleting obsolete provisions;  
1240 repealing ss. 985.03(48), 985.03(56), 985.47, 985.483,  
1241 985.486, and 985.636, F.S., relating to, respectively,  
1242 legislative intent for serious or habitual juvenile  
1243 offenders in the juvenile justice system, definitions  
1244 of terms for a training school and the serious or  
1245 habitual juvenile offender program, the serious or  
1246 habitual juvenile offender program in the juvenile  
1247 justice system, the intensive residential treatment  
1248 program for offenders less than 13 years of age, and  
1249 the designation of persons holding law enforcement  
1250 certification within the Office of the Inspector  
1251 General to act as law enforcement officers; amending  
1252 s. 985.494, F.S.; requiring a child who is adjudicated  
1253 delinquent, or for whom adjudication is withheld, to  
1254 be committed to a maximum-risk residential program for  
1255 an act that would be a felony if committed by an adult  
1256 if the child has completed two different high-risk  
1257 residential commitment programs; repealing s. 985.445,  
1258 F.S., relating to cases involving grand theft of a  
1259 motor vehicle committed by a child; amending ss.  
1260 985.0301, and 985.565, F.S.; conforming references to



559888

1261 changes made by the act; amending s. 985.66, F.S.;

1262 removing all references to the Juvenile Justice

1263 Standards and Training Commission; requiring the

1264 Department of Juvenile Justice to be responsible for

1265 staff development and training; specifying the duties

1266 and responsibilities of the department for staff

1267 development; removing obsolete provisions to conform

1268 to changes made by the act; repealing s. 985.48(8),

1269 F.S., relating to activities of the Juvenile Justice

1270 Standards and Training Commission with respect to

1271 training and treatment services for juvenile sexual

1272 offenders; amending ss. 984.14 and 985.14, F.S.;

1273 revising provisions to conform to changes made by the

1274 act; reenacting s. 914.13(3), F.S., relating to taking

1275 a child into custody allegedly from a family or a

1276 child in need of services, to incorporate the

1277 amendments made to s. 984.14, F.S., in a reference

1278 thereto; providing an effective date.