

By Senator Evers

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1 A bill to be entitled
2 An act relating to juvenile justice; amending s.
3 394.492, F.S.; including children 9 years of age or
4 younger at the time of referral for a delinquent act
5 within the definition of those children who are
6 eligible to receive comprehensive mental health
7 services; amending s. 985.02, F.S.; revising
8 legislative intent for the juvenile justice system;
9 amending s. 985.125, F.S.; encouraging law enforcement
10 agencies, school districts, counties, municipalities,
11 and the Department of Juvenile Justice to establish
12 prearrest or postarrest diversion programs and to give
13 first-time misdemeanor offenders and offenders who are
14 9 years of age or younger an opportunity to
15 participate in the programs; amending s. 985.145,
16 F.S.; requiring a juvenile probation officer to make a
17 referral to the appropriate shelter if the completed
18 risk assessment instrument shows that the child is
19 ineligible for secure detention; amending s. 985.24,
20 F.S.; prohibiting a child alleged to have committed a
21 delinquent act or violation of law from being placed
22 into secure, nonsecure, or home detention care because
23 of a misdemeanor charge of domestic violence if the
24 child lives in a family that has a history of family
25 violence or if the child is a victim of abuse or
26 neglect unless the child would otherwise be subject to
27 secure detention based on prior history; prohibiting a
28 child 9 years of age or younger from being placed into
29 secure detention care unless the child is charged with

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30 a capital felony, a life felony, or a felony of the
31 first degree; amending s. 985.245, F.S.; revising the
32 development process for the risk assessment
33 instrument; revising factors to be considered in
34 assessing a child's risk of rearrest or failure to
35 appear; amending s. 985.255, F.S.; providing that a
36 child may be placed in home detention care or detained
37 in secure detention care under certain circumstances;
38 providing that a child who is charged with committing
39 a felony offense of domestic violence and who does not
40 meet detention criteria may nevertheless be held in
41 secure detention care if the court makes certain
42 specific written findings; amending s. 985.441, F.S.;
43 authorizing a court to commit a female child
44 adjudicated as delinquent to the department for
45 placement in a mother-infant program designed to serve
46 the needs of juvenile mothers or expectant juvenile
47 mothers who are committed as delinquents; requiring
48 the department to adopt rules to govern the operation
49 of the mother-infant program; amending s. 985.45,
50 F.S.; providing that whenever a child is required by
51 the court to participate in any juvenile justice work
52 program, the child is considered an employee of the
53 state for the purpose of workers' compensation;
54 amending s. 985.632, F.S.; establishing legislative
55 intent that the Department of Juvenile Justice collect
56 and analyze available statistical data for the purpose
57 of ongoing evaluation of all juvenile justice
58 programs; redefining terms; requiring the department

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59 to use a standard methodology to annually measure,
60 evaluate, and report program outputs and youth
61 outcomes for each program and program group; requiring
62 that the department submit an annual report to the
63 appropriate committees of the Legislature and the
64 Governor; requiring that the department notify
65 specified parties of substantive changes to the
66 standard methodology used in its evaluation; requiring
67 that the department apply a program accountability
68 measures analysis to each commitment program; deleting
69 obsolete provisions; providing an effective date.

70

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

72

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

75 394.492 Definitions.—As used in ss. 394.490-394.497, the
76 term:

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

- 81 (a) Being homeless.
82 (b) Having a family history of mental illness.
83 (c) Being physically or sexually abused or neglected.
84 (d) Abusing alcohol or other substances.
85 (e) Being infected with human immunodeficiency virus (HIV).
86 (f) Having a chronic and serious physical illness.
87 (g) Having been exposed to domestic violence.

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88 (h) Having multiple out-of-home placements.

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

91 Section 2. Section 985.02, Florida Statutes, is amended to
92 read:

93 985.02 Legislative intent for the juvenile justice system.—

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

97 (a) Protection from abuse, neglect, and exploitation.

98 (b) A permanent and stable home.

99 (c) A safe and nurturing environment which will preserve a
100 sense of personal dignity and integrity.

101 (d) Adequate nutrition, shelter, and clothing.

102 (e) Effective treatment to address physical, social, and
103 emotional needs, regardless of geographical location.

104 (f) Equal opportunity and access to quality and effective
105 education, which will meet the individual needs of each child,
106 and to recreation and other community resources to develop
107 individual abilities.

108 (g) Access to preventive services.

109 (h) An independent, trained advocate when intervention is
110 necessary, and a skilled guardian or caretaker in a safe
111 environment when alternative placement is necessary.

112 (i) Gender-specific programming and gender-specific program
113 models and services that comprehensively address the needs of a
114 targeted gender group.

115 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that
116 children in the care of the state's dependency and delinquency

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117 systems need appropriate health care services, that the impact
118 of substance abuse on health indicates the need for health care
119 services to include substance abuse services where appropriate,
120 and that it is in the state's best interest that such children
121 be provided the services they need to enable them to become and
122 remain independent of state care. In order to provide these
123 services, the state's dependency and delinquency systems must
124 have the ability to identify and provide appropriate
125 intervention and treatment for children with personal or family-
126 related substance abuse problems. It is therefore the purpose of
127 the Legislature to provide authority for the state to contract
128 with community substance abuse treatment providers for the
129 development and operation of specialized support and overlay
130 services for the dependency and delinquency systems, which will
131 be fully implemented and utilized as resources permit.

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

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

140 (b) Develop and implement effective programs to prevent
141 delinquency, to divert children from the traditional juvenile
142 justice system, to intervene at an early stage of delinquency,
143 and to provide critically needed alternatives to
144 institutionalization, ~~and~~ deep-end commitment, and secure
145 detention.

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

148 (d) Increase the capacity of local governments and public
149 and private agencies to conduct rehabilitative treatment
150 programs and to provide research, evaluation, and training
151 services in the field of juvenile delinquency prevention.

152

153 The Legislature intends that detention care, in addition to
154 providing secure and safe custody, will promote the health and
155 well-being of the children committed thereto and provide an
156 environment that fosters their social, emotional, intellectual,
157 and physical development.

158 (4) DETENTION.—

159 (a) The Legislature finds that there is a need for a secure
160 placement for certain children alleged to have committed a
161 delinquent act. The Legislature finds that detention should be
162 used only when less restrictive interim placement alternatives
163 prior to adjudication and disposition are not appropriate. The
164 Legislature further finds that decisions to detain should be
165 based in part on a prudent assessment of risk and be limited to
166 situations where there is clear and convincing evidence that a
167 child presents a risk of failing to appear or presents a
168 substantial risk of inflicting bodily harm on others as
169 evidenced by recent behavior; presents a history of committing a
170 serious property offense prior to adjudication, disposition, or
171 placement; has acted in direct or indirect contempt of court; or
172 requests protection from imminent bodily harm.

173 (b) The Legislature intends that a juvenile found to have
174 committed a delinquent act understands the consequences and the

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175 serious nature of such behavior. Therefore, the Legislature
176 finds that secure detention is appropriate to ensure public
177 safety and guarantee a juvenile's appearance in court ~~provide~~
178 ~~punishment that discourages further delinquent behavior.~~ The
179 Legislature also finds that certain juveniles have committed a
180 sufficient number of criminal acts, including acts involving
181 violence to persons, to represent sufficient danger to the
182 community to warrant sentencing and placement within the adult
183 system. It is the intent of the Legislature to establish clear
184 criteria in order to identify these juveniles and remove them
185 from the juvenile justice system.

186 ~~(5) SERIOUS OR HABITUAL JUVENILE OFFENDERS. The Legislature~~
187 ~~finds that fighting crime effectively requires a multipronged~~
188 ~~effort focusing on particular classes of delinquent children and~~
189 ~~the development of particular programs. This state's juvenile~~
190 ~~justice system has an inadequate number of beds for serious or~~
191 ~~habitual juvenile offenders and an inadequate number of~~
192 ~~community and residential programs for a significant number of~~
193 ~~children whose delinquent behavior is due to or connected with~~
194 ~~illicit substance abuse. In addition, A significant number of~~
195 ~~children have been adjudicated in adult criminal court and~~
196 ~~placed in this state's prisons where programs are inadequate to~~
197 ~~meet their rehabilitative needs and where space is needed for~~
198 ~~adult offenders. Recidivism rates for each of these classes of~~
199 ~~offenders exceed those tolerated by the Legislature and by the~~
200 ~~citizens of this state.~~

201 (5) (6) SITING OF FACILITIES.-

202 (a) The Legislature finds that timely siting and
203 development of needed residential facilities for juvenile

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204 offenders is critical to the public safety of the citizens of
205 this state and to the effective rehabilitation of juvenile
206 offenders.

207 (b) It is the purpose of the Legislature to guarantee that
208 such facilities are sited and developed within reasonable
209 timeframes after they are legislatively authorized and
210 appropriated.

211 (c) The Legislature further finds that such facilities must
212 be located in areas of the state close to the home communities
213 of the children they house in order to ensure the most effective
214 rehabilitation efforts and the most intensive postrelease
215 supervision and case management. Residential facilities shall
216 have no more than 165 beds each, including campus-style
217 programs, unless those campus-style programs include more than
218 one level of restrictiveness, provide multilevel education and
219 treatment programs using different treatment protocols, and have
220 facilities that coexist separately in distinct locations on the
221 same property.

222 (d) It is the intent of the Legislature that all other
223 departments and agencies of the state shall cooperate fully with
224 the Department of Juvenile Justice to accomplish the siting of
225 facilities for juvenile offenders.

226
227 The supervision, counseling, rehabilitative treatment, and
228 punitive efforts of the juvenile justice system should avoid the
229 inappropriate use of correctional programs and large
230 institutions. The Legislature finds that detention services
231 should exceed the primary goal of providing safe and secure
232 custody pending adjudication and disposition.

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233 (6)~~(7)~~ PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—
234 Parents, custodians, and guardians are deemed by the state to be
235 responsible for providing their children with sufficient
236 support, guidance, and supervision to deter their participation
237 in delinquent acts. The state further recognizes that the
238 ability of parents, custodians, and guardians to fulfill those
239 responsibilities can be greatly impaired by economic, social,
240 behavioral, emotional, and related problems. It is therefore the
241 policy of the Legislature that it is the state's responsibility
242 to ensure that factors impeding the ability of caretakers to
243 fulfill their responsibilities are identified through the
244 delinquency intake process and that appropriate recommendations
245 to address those problems are considered in any judicial or
246 nonjudicial proceeding. Nonetheless, as it is also the intent of
247 the Legislature to preserve and strengthen the child's family
248 ties, it is the policy of the Legislature that the emotional,
249 legal, and financial responsibilities of the caretaker with
250 regard to the care, custody, and support of the child continue
251 while the child is in the physical or legal custody of the
252 department.

253 (7)~~(8)~~ GENDER-SPECIFIC PROGRAMMING.—

254 (a) The Legislature finds that the prevention, treatment,
255 and rehabilitation needs of youth served by the juvenile justice
256 system are gender-specific.

257 (b) Gender-specific programming refers to unique program
258 models and services that comprehensively address the needs of a
259 targeted gender group. Gender-specific services require the
260 adherence to the principle of equity to ensure that the
261 different interests of young women and men are recognized and

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262 varying needs are met, with equality as the desired outcome.
263 Gender-specific programming focuses on the differences between
264 young females' and young males' roles and responsibilities,
265 positions in society, access to and use of resources, and social
266 codes governing behavior. Gender-specific programs increase the
267 effectiveness of programs by making interventions more
268 appropriate to the specific needs of young women and men and
269 ensuring that these programs do not unknowingly create,
270 maintain, or reinforce gender roles or relations that may be
271 damaging.

272 (8) CHILDREN 9 YEARS OF AGE OR YOUNGER.—The Legislature
273 finds that very young children need age-appropriate services in
274 order to prevent and reduce future acts of delinquency. Children
275 who are 9 years of age or younger should be diverted into
276 prearrest or postarrest programs, civil citation programs,
277 children-in-need-of-services and families-in-need-of-services
278 programs, or other programs, as appropriate. If, based upon a
279 needs assessment, the child is found to be in need of mental
280 health services or substance abuse treatment services, the
281 department shall cooperate with the parent or legal guardian and
282 the Department of Children and Family Services, as appropriate,
283 to identify the most appropriate services and supports and
284 available funding sources to meet the needs of the child.

285 (9) RESTORATIVE JUSTICE.—

286 (a) It is the intent of the Legislature that the juvenile
287 justice system advance the principles of restorative justice.
288 The department shall focus on repairing the harm to victims of
289 delinquent behavior by ensuring that the child understands the
290 effect of his or her delinquent behavior on the victim and the

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291 community and that the child restores the losses of his or her
 292 victim.

293 (b) Offender accountability is one of the principles of
 294 restorative justice. The premise of this principle is that the
 295 juvenile justice system must respond to delinquent behavior in
 296 such a way that the offender is made aware of and takes
 297 responsibility for repaying or restoring loss, damage, or injury
 298 perpetrated upon the victim and the community. This goal is
 299 achieved when the offender understands the consequences of
 300 delinquent behaviors in terms of harm to others, and when the
 301 offender makes amends for the harm, loss, or damage through
 302 restitution, community service, or other appropriate repayment.

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

305 985.125 Prearrest or postarrest diversion programs.-

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

313 Section 4. Paragraph (d) of subsection (1) of section
 314 985.145, Florida Statutes, is amended to read:

315 985.145 Responsibilities of juvenile probation officer
 316 during intake; screenings and assessments.-

317 (1) The juvenile probation officer shall serve as the
 318 primary case manager for the purpose of managing, coordinating,
 319 and monitoring the services provided to the child. Each program

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320 administrator within the Department of Children and Family
321 Services shall cooperate with the primary case manager in
322 carrying out the duties and responsibilities described in this
323 section. In addition to duties specified in other sections and
324 through departmental rules, the assigned juvenile probation
325 officer shall be responsible for the following:

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

335 Section 5. Section 985.24, Florida Statutes, is amended to
336 read:

337 985.24 Use of detention; prohibitions.—

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

341 (a) Presents a substantial risk of not appearing at a
342 subsequent hearing;

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

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

347 (d) Has committed contempt of court by:

348 1. Intentionally disrupting the administration of the

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349 court;

350 2. Intentionally disobeying a court order; or

351 3. Engaging in a punishable act or speech in the court's
352 presence which shows disrespect for the authority and dignity of
353 the court; or

354 (e) Requests protection from imminent bodily harm.

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

358 (a) To allow a parent to avoid his or her legal
359 responsibility.

360 (b) To permit more convenient administrative access to the
361 child.

362 (c) To facilitate further interrogation or investigation.

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

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

371 (3) A child alleged to be dependent under chapter 39 may
372 not, under any circumstances, be placed into secure detention
373 care.

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

377 (5) ~~(4)~~ The department shall continue to identify

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378 alternatives to secure detention care and shall develop such
379 alternatives and annually submit them to the Legislature for
380 authorization and appropriation.

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

383 985.245 Risk assessment instrument.—

384 (2) (a) The risk assessment instrument for detention care
385 placement determinations and court orders shall be developed by
386 the department in consultation ~~agreement~~ with representatives
387 appointed by the following associations: the Conference of
388 Circuit Judges of Florida, the Prosecuting Attorneys
389 Association, the Public Defenders Association, the Florida
390 Sheriffs Association, and the Florida Association of Chiefs of
391 Police. Each association shall appoint two individuals, one
392 representing an urban area and one representing a rural area.
393 The risk assessment instrument shall be effective at predicting
394 risk and avoiding the unnecessary use of secure detention. The
395 ~~parties involved shall evaluate and revise the risk assessment~~
396 ~~instrument as is considered necessary using the method for~~
397 ~~revision as agreed by the parties.~~

398 (b) The risk assessment instrument shall accurately predict
399 a child's risk of re-arrest or failure to appear in court. The
400 risk assessment instrument may take the following factors ~~take~~
401 into consideration, but need not be limited to, the child's
402 prior history of failure to appear, prior offenses, offenses
403 committed pending adjudication, any unlawful possession of a
404 firearm, ~~theft of a motor vehicle or possession of a stolen~~
405 ~~motor vehicle,~~ and probation status at the time the child is
406 taken into custody. The risk assessment instrument shall also

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407 take into consideration appropriate aggravating and mitigating
408 circumstances, and shall be designed to target a narrower
409 population of children than s. 985.255. The risk assessment
410 instrument shall also include any information concerning the
411 child's history of abuse and neglect. The risk assessment shall
412 indicate whether detention care is warranted, and, if detention
413 care is warranted, whether the child should be placed into
414 secure, nonsecure, or home detention care.

415 Section 7. Section 985.255, Florida Statutes, is amended to
416 read:

417 985.255 Detention criteria; detention hearing.—

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

422 (a) The child is alleged to be an escapee from a
423 residential commitment program; or an absconder from a
424 nonresidential commitment program, a probation program, or
425 conditional release supervision; or is alleged to have escaped
426 while being lawfully transported to or from a residential
427 commitment program.

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

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

434 (d) The child is charged with committing a felony ~~an~~
435 offense of domestic violence as defined in s. 741.28 and is

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436 detained as provided in subsection (2).

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

439 (f) The child is charged with a capital felony, a life
440 felony, a felony of the first degree, a felony of the second
441 degree that does not involve a violation of chapter 893, or a
442 felony of the third degree that is also a crime of violence,
443 including any such offense involving the use or possession of a
444 firearm.

445 (g) The child is charged with any second degree or third
446 degree felony involving a violation of chapter 893 or any third
447 degree felony that is not also a crime of violence, and the
448 child:

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

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

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

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

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

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

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

464 (i) The child is detained on a judicial order for failure

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465 to appear and has previously willfully failed to appear, after
466 proper notice, for an adjudicatory hearing on the same case
467 regardless of the results of the risk assessment instrument. A
468 child may be held in secure detention for up to 72 hours in
469 advance of the next scheduled court hearing pursuant to this
470 paragraph. The child's failure to keep the clerk of court and
471 defense counsel informed of a current and valid mailing address
472 where the child will receive notice to appear at court
473 proceedings does not provide an adequate ground for excusal of
474 the child's nonappearance at the hearings.

475 (j) The child is detained on a judicial order for failure
476 to appear and has previously willfully failed to appear, after
477 proper notice, at two or more court hearings of any nature on
478 the same case regardless of the results of the risk assessment
479 instrument. A child may be held in secure detention for up to 72
480 hours in advance of the next scheduled court hearing pursuant to
481 this paragraph. The child's failure to keep the clerk of court
482 and defense counsel informed of a current and valid mailing
483 address where the child will receive notice to appear at court
484 proceedings does not provide an adequate ground for excusal of
485 the child's nonappearance at the hearings.

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

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

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

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494 The child may not be held in secure detention under this
495 subsection for more than 48 hours unless ordered by the court.
496 After 48 hours, the court shall hold a hearing if the state
497 attorney or victim requests that secure detention be continued.
498 The child may continue to be held in detention care if the court
499 makes a specific, written finding that detention care is
500 necessary to protect the victim from injury. However, the child
501 may not be held in detention care beyond the time limits set
502 forth in this section or s. 985.26.

503 (3) (a) A child who meets any of the criteria in subsection
504 (1) and who is ordered to be detained under that subsection
505 shall be given a hearing within 24 hours after being taken into
506 custody. The purpose of the detention hearing is to determine
507 the existence of probable cause that the child has committed the
508 delinquent act or violation of law that he or she is charged
509 with and the need for continued detention. Unless a child is
510 detained under paragraph (1) (d) or paragraph (1) (e), the court
511 shall use the results of the risk assessment performed by the
512 juvenile probation officer and, based on the criteria in
513 subsection (1), shall determine the need for continued
514 detention. A child placed into secure, nonsecure, or home
515 detention care may continue to be so detained by the court.

516 (b) If the court orders a placement more restrictive than
517 indicated by the results of the risk assessment instrument, the
518 court shall state, in writing, clear and convincing reasons for
519 such placement.

520 (c) Except as provided in s. 790.22(8) or in s. 985.27,
521 when a child is placed into secure or nonsecure detention care,
522 or into a respite home or other placement pursuant to a court

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523 order following a hearing, the court order must include specific
524 instructions that direct the release of the child from such
525 placement no later than 5 p.m. on the last day of the detention
526 period specified in s. 985.26 or s. 985.27, whichever is
527 applicable, unless the requirements of such applicable provision
528 have been met or an order of continuance has been granted under
529 s. 985.26(4).

530 Section 8. Paragraph (e) is added to subsection (1) of
531 section 985.441, Florida Statutes, to read:

532 985.441 Commitment.—

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

537 (e) Commit the child to the department for placement in a
538 mother-infant program designed to serve the needs of juvenile
539 mothers or expectant juvenile mothers who are committed as
540 delinquents. The department's mother-infant program must be
541 licensed as a child care facility in accordance with s. 402.308,
542 and must provide the services and support necessary to enable
543 the committed juvenile mothers to provide for the needs of their
544 infants who, upon agreement of the mother, may accompany them in
545 the program. The department shall adopt rules pursuant to ss.
546 120.536(1) and 120.54 to govern the operation of such programs.

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

549 985.45 Liability and remuneration for work.—

550 (1) Whenever a child is required by the court to
551 participate in any work program under this part or whenever a

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552 child volunteers to work in a specified state, county,
553 municipal, or community service organization supervised work
554 program or to work for the victim, either as an alternative to
555 monetary restitution or as a part of the rehabilitative or
556 probation program, the child is an employee of the state for the
557 purposes of chapter 440 ~~liability~~.

558 Section 10. Section 985.632, Florida Statutes, is amended
559 to read:

560 985.632 Program review and reporting requirements ~~Quality~~
561 ~~assurance and cost-effectiveness.~~

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

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

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

569 (c) ~~(b)~~ Provide information about the cost of such programs
570 and their differential effectiveness so that program ~~the~~ quality
571 may of such programs can be compared and improvements made
572 continually.

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

575 (e) ~~(d)~~ Provide information to the public about the
576 effectiveness of such programs in meeting established goals and
577 objectives.

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

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

582 ~~(h)(g)~~ Modify or eliminate activities that are not
583 effective.

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

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

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

591 ~~(c)(b)~~ "Program component" means an aggregation of
592 generally related objectives which, because of their special
593 character, related workload, and interrelated output, can
594 logically be considered an entity for purposes of organization,
595 management, accounting, reporting, and budgeting.

596 ~~(c) "Program effectiveness" means the ability of the~~
597 ~~program to achieve desired client outcomes, goals, and~~
598 ~~objectives.~~

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

602 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department
603 shall use a standard methodology for annually measuring,
604 evaluating, and reporting program outputs and youth outcomes for
605 each program and program group. The department shall submit a
606 report to the appropriate committees of the Legislature and the
607 Governor by January 15 of each year. The department shall notify
608 the Office of Program Policy Analysis and Government
609 Accountability and each contract service provider of substantive

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610 changes to the methodology. The standard methodology must:

611 (a) Define common terminology and operational definitions
612 and methods by which the performance of program outputs and
613 outcomes may be measured.

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

616 (c) Report cost data for each program operated or
617 contracted by the department for the fiscal year corresponding
618 to the program outputs and outcomes being reported. The
619 ~~department shall annually collect and report cost data for every~~
620 ~~program operated or contracted by the department. The cost data~~
621 ~~shall conform to a format approved by the department and the~~
622 ~~Legislature. Uniform cost data shall be reported and collected~~
623 ~~for state-operated and contracted programs so that comparisons~~
624 ~~can be made among programs. The department shall ensure that~~
625 ~~there is accurate cost accounting for state-operated services~~
626 ~~including market-equivalent rent and other shared cost. The cost~~
627 ~~of the educational program provided to a residential facility~~
628 ~~shall be reported and included in the cost of a program. The~~
629 ~~department shall submit an annual cost report to the President~~
630 ~~of the Senate, the Speaker of the House of Representatives, the~~
631 ~~Minority Leader of each house of the Legislature, the~~
632 ~~appropriate substantive and fiscal committees of each house of~~
633 ~~the Legislature, and the Governor, no later than December 1 of~~
634 ~~each year. Cost benefit analysis for educational programs will~~
635 ~~be developed and implemented in collaboration with and in~~
636 ~~cooperation with the Department of Education, local providers,~~
637 ~~and local school districts. Cost data for the report shall~~
638 ~~include data collected by the Department of Education for the~~

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639 ~~purposes of preparing the annual report required by s.~~
640 ~~1003.52(19).~~

641 (4) PROGRAM ACCOUNTABILITY MEASURES.-

642 (a) ~~The department, in consultation with the Office of~~
643 ~~Economic and Demographic Research and contract service~~
644 ~~providers, shall develop a cost-effectiveness model and apply~~
645 ~~the program accountability measures analysis model to each~~
646 ~~commitment program and include the results in the comprehensive~~
647 ~~accountability report. ~~Program recidivism rates shall be a~~~~
648 ~~component of the model. The program accountability measures~~
649 ~~analysis cost-effectiveness model shall compare program costs to~~
650 ~~expected and actual youth recidivism rates ~~client outcomes and~~~~
651 ~~program outputs. It is the intent of the Legislature that~~
652 ~~continual development efforts take place to improve the validity~~
653 ~~and reliability of the program accountability measure analysis~~
654 ~~cost-effectiveness model.~~

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

659 ~~(b) (c)~~ Based on ~~reports of the department on client~~
660 ~~outcomes and program outputs and on the department's most recent~~
661 ~~program accountability measures analysis cost-effectiveness~~
662 ~~rankings, the department may terminate its contract with or~~
663 ~~discontinue a commitment program ~~operated by the department or a~~~~
664 ~~provider if the program has failed to achieve a minimum~~
665 ~~threshold of recidivism and cost-effectiveness ~~program~~~~
666 ~~effectiveness. This paragraph does not preclude the department~~
667 ~~from terminating a contract as provided under this section or as~~

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668 otherwise provided by law or contract, and does not limit the
669 department's authority to enter into or terminate a contract.

670 (c)~~(d)~~ The department shall notify the Office of Program
671 Policy Analysis and Government Accountability and each contract
672 service provider of substantive changes to the program
673 accountability measures analysis. ~~In collaboration with the~~
674 ~~Office of Economic and Demographic Research, and contract~~
675 ~~service providers, the department shall develop a work plan to~~
676 ~~refine the cost-effectiveness model so that the model is~~
677 ~~consistent with the performance-based program budgeting measures~~
678 ~~approved by the Legislature to the extent the department deems~~
679 ~~appropriate. The department shall notify the Office of Program~~
680 ~~Policy Analysis and Government Accountability of any meetings to~~
681 ~~refine the model.~~

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

685 1. Construct a profile of each commitment program which
686 ~~that~~ uses the results of the quality assurance report required
687 by this section, the program accountability measure analysis
688 ~~cost-effectiveness report~~ required in this subsection, and other
689 reports available to the department.

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

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

695 4. Use the results of these evaluations in developing or
696 refining juvenile justice programs or program models, youth

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697 ~~client~~ outcomes and program outputs, provider contracts, quality
698 assurance standards, and the program accountability measure
699 analysis ~~cost-effectiveness model~~.

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

701 (a) Establish a comprehensive quality assurance system for
702 each program operated by the department or operated by a
703 provider under contract with the department. Each contract
704 entered into by the department must provide for quality
705 assurance and include the results in the comprehensive
706 accountability report.

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

709 (c) Establish quality assurance goals and objectives for
710 each specific program component.

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

713 (e) Develop a quality assurance manual of specific,
714 standardized terminology and procedures to be followed by each
715 program.

716 (f) Evaluate each program operated by the department or a
717 provider under a contract with the department and establish
718 minimum thresholds for each program component. If a provider
719 fails to meet the established minimum thresholds, such failure
720 shall cause the department to cancel the provider's contract
721 unless the provider achieves compliance with minimum thresholds
722 within 6 months or unless there are documented extenuating
723 circumstances. In addition, the department may not contract with
724 the same provider for the canceled service for a period of 12
725 months. If a department-operated program fails to meet the

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726 established minimum thresholds, the department must take
727 necessary and sufficient steps to ensure and document program
728 changes to achieve compliance with the established minimum
729 thresholds. If the department-operated program fails to achieve
730 compliance with the established minimum thresholds within 6
731 months and if there are no documented extenuating circumstances,
732 the department must notify the Executive Office of the Governor
733 and the Legislature of the corrective action taken. Appropriate
734 corrective action may include, but is not limited to:

- 735 1. Contracting out for the services provided in the
736 program;
- 737 2. Initiating appropriate disciplinary action against all
738 employees whose conduct or performance is deemed to have
739 materially contributed to the program's failure to meet
740 established minimum thresholds;
- 741 3. Redesigning the program; or
- 742 4. Realigning the program.

743

744 ~~The department shall submit an annual report to the President of~~
745 ~~the Senate, the Speaker of the House of Representatives, the~~
746 ~~Minority Leader of each house of the Legislature, the~~
747 ~~appropriate substantive and fiscal committees of each house of~~
748 ~~the Legislature, and the Governor, no later than February 1 of~~
749 ~~each year. The annual report must contain, at a minimum, for~~
750 ~~each specific program component: a comprehensive description of~~
751 ~~the population served by the program; a specific description of~~
752 ~~the services provided by the program; cost; a comparison of~~
753 ~~expenditures to federal and state funding; immediate and long-~~
754 ~~range concerns; and recommendations to maintain, expand,~~

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755 ~~improve, modify, or eliminate each program component so that~~
756 ~~changes in services lead to enhancement in program quality. The~~
757 ~~department shall ensure the reliability and validity of the~~
758 ~~information contained in the report.~~

759 ~~(6) The department shall collect and analyze available~~
760 ~~statistical data for the purpose of ongoing evaluation of all~~
761 ~~programs. The department shall provide the Legislature with~~
762 ~~necessary information and reports to enable the Legislature to~~
763 ~~make informed decisions regarding the effectiveness of, and any~~
764 ~~needed changes in, services, programs, policies, and laws.~~

765 Section 11. This act shall take effect July 1, 2011.