

By the Committee on Budget; and Senator Evers

576-04688-11

20111850c1

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

576-04688-11

20111850c1

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 removing obsolete provisions relating to committing a
44 child to a program or facility for serious or habitual
45 juvenile offenders; authorizing a court to commit a
46 female child adjudicated as delinquent to the
47 department for placement in a mother-infant program
48 designed to serve the needs of juvenile mothers or
49 expectant juvenile mothers who are committed as
50 delinquents; amending s. 985.45, F.S.; providing that
51 whenever a child is required by the court to
52 participate in any juvenile justice work program, the
53 child is considered an employee of the state for the
54 purpose of workers' compensation; amending s. 985.632,
55 F.S.; establishing legislative intent that the
56 Department of Juvenile Justice collect and analyze
57 available statistical data for the purpose of ongoing
58 evaluation of all juvenile justice programs;

576-04688-11

20111850c1

59 redefining terms; requiring the department to use a
60 standard methodology to annually measure, evaluate,
61 and report program outputs and youth outcomes for each
62 program and program group; requiring that the
63 department submit an annual report to the appropriate
64 committees of the Legislature and the Governor;
65 requiring that the department notify specified parties
66 of substantive changes to the standard methodology
67 used in its evaluation; requiring that the department
68 apply a program accountability measures analysis to
69 each commitment program; deleting obsolete provisions;
70 amending s. 985.652, F.S.; removing a private
71 corporation operating a state-owned training school
72 under a contract with the Department of Juvenile
73 Justice from insurance coverage provided by the
74 Division of Risk Management of the Department of
75 Financial Services; repealing ss. 985.03(48),
76 985.03(56), 985.47, 985.483, 985.486, and 985.636,
77 F.S., relating to, respectively, legislative intent
78 for serious or habitual juvenile offenders in the
79 juvenile justice system, definitions of terms for a
80 training school and the serious or habitual juvenile
81 offender program, the serious or habitual juvenile
82 offender program in the juvenile justice system, the
83 intensive residential treatment program for offenders
84 less than 13 years of age, and the designation of
85 persons holding law enforcement certification within
86 the Office of the Inspector General to act as law
87 enforcement officers; amending s. 985.494, F.S.;

576-04688-11

20111850c1

88 requiring a child who is adjudicated delinquent, or
89 for whom adjudication is withheld, to be committed to
90 a maximum-risk residential program for an act that
91 would be a felony if committed by an adult if the
92 child has completed two different high-risk
93 residential commitment programs; repealing s. 985.445,
94 F.S., relating to cases involving grand theft of a
95 motor vehicle committed by a child; amending ss.
96 985.0301 and 985.565, F.S.; conforming references to
97 changes made by the act; amending s. 985.66, F.S.;
98 removing all references to the Juvenile Justice
99 Standards and Training Commission; requiring the
100 Department of Juvenile Justice to be responsible for
101 staff development and training; specifying the duties
102 and responsibilities of the department for staff
103 development; removing obsolete provisions to conform
104 to changes made by the act; repealing s. 985.48(8),
105 F.S., relating to activities of the Juvenile Justice
106 Standards and Training Commission with respect to
107 training and treatment services for juvenile sexual
108 offenders; amending ss. 984.14 and 985.14, F.S.;
109 revising provisions to conform to changes made by the
110 act; reenacting s. 914.13(3), F.S., relating to taking
111 a child into custody allegedly from a family or a
112 child in need of services, to incorporate the
113 amendment made to s. 984.14, F.S., in a reference
114 thereto; providing an effective date.

115
116 Be It Enacted by the Legislature of the State of Florida:

576-04688-11

20111850c1

117

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

120 394.492 Definitions.—As used in ss. 394.490-394.497, the
121 term:

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

- 126 (a) Being homeless.
- 127 (b) Having a family history of mental illness.
- 128 (c) Being physically or sexually abused or neglected.
- 129 (d) Abusing alcohol or other substances.
- 130 (e) Being infected with human immunodeficiency virus (HIV).
- 131 (f) Having a chronic and serious physical illness.
- 132 (g) Having been exposed to domestic violence.
- 133 (h) Having multiple out-of-home placements.
- 134 (i) Being 9 years of age or younger at the time of referral
135 for a delinquent act.

136 Section 2. Section 985.02, Florida Statutes, is amended to
137 read:

138 985.02 Legislative intent for the juvenile justice system.—

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

- 142 (a) Protection from abuse, neglect, and exploitation.
- 143 (b) A permanent and stable home.
- 144 (c) A safe and nurturing environment which will preserve a
145 sense of personal dignity and integrity.

576-04688-11

20111850c1

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

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

149 (f) Equal opportunity and access to quality and effective
150 education, which will meet the individual needs of each child,
151 and to recreation and other community resources to develop
152 individual abilities.

153 (g) Access to preventive services.

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

157 (i) Gender-specific programming and gender-specific program
158 models and services that comprehensively address the needs of a
159 targeted gender group.

160 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that
161 children in the care of the state's dependency and delinquency
162 systems need appropriate health care services, that the impact
163 of substance abuse on health indicates the need for health care
164 services to include substance abuse services where appropriate,
165 and that it is in the state's best interest that such children
166 be provided the services they need to enable them to become and
167 remain independent of state care. In order to provide these
168 services, the state's dependency and delinquency systems must
169 have the ability to identify and provide appropriate
170 intervention and treatment for children with personal or family-
171 related substance abuse problems. It is therefore the purpose of
172 the Legislature to provide authority for the state to contract
173 with community substance abuse treatment providers for the
174 development and operation of specialized support and overlay

576-04688-11

20111850c1

175 services for the dependency and delinquency systems, which will
176 be fully implemented and utilized as resources permit.

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

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

185 (b) Develop and implement effective programs to prevent
186 delinquency, to divert children from the traditional juvenile
187 justice system, to intervene at an early stage of delinquency,
188 and to provide critically needed alternatives to
189 institutionalization, ~~and~~ deep-end commitment, and secure
190 detention.

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

193 (d) Increase the capacity of local governments and public
194 and private agencies to conduct rehabilitative treatment
195 programs and to provide research, evaluation, and training
196 services in the field of juvenile delinquency prevention.

197
198 The Legislature intends that detention care, in addition to
199 providing secure and safe custody, will promote the health and
200 well-being of the children committed thereto and provide an
201 environment that fosters their social, emotional, intellectual,
202 and physical development.

203 (4) DETENTION.—

576-04688-11

20111850c1

204 (a) The Legislature finds that there is a need for a secure
205 placement for certain children alleged to have committed a
206 delinquent act. The Legislature finds that detention should be
207 used only when less restrictive interim placement alternatives
208 prior to adjudication and disposition are not appropriate. The
209 Legislature further finds that decisions to detain should be
210 based in part on a prudent assessment of risk and be limited to
211 situations where there is clear and convincing evidence that a
212 child presents a risk of failing to appear or presents a
213 substantial risk of inflicting bodily harm on others as
214 evidenced by recent behavior; presents a history of committing a
215 serious property offense prior to adjudication, disposition, or
216 placement; has acted in direct or indirect contempt of court; or
217 requests protection from imminent bodily harm.

218 (b) The Legislature intends that a juvenile found to have
219 committed a delinquent act understands the consequences and the
220 serious nature of such behavior. Therefore, the Legislature
221 finds that secure detention is appropriate to ensure public
222 safety and guarantee a juvenile's appearance in court ~~provide~~
223 ~~punishment that discourages further delinquent behavior~~. The
224 Legislature also finds that certain juveniles have committed a
225 sufficient number of criminal acts, including acts involving
226 violence to persons, to represent sufficient danger to the
227 community to warrant sentencing and placement within the adult
228 system. It is the intent of the Legislature to establish clear
229 criteria in order to identify these juveniles and remove them
230 from the juvenile justice system.

231 ~~(5) SERIOUS OR HABITUAL JUVENILE OFFENDERS. The Legislature~~
232 ~~finds that fighting crime effectively requires a multipronged~~

576-04688-11

20111850c1

233 ~~effort focusing on particular classes of delinquent children and~~
234 ~~the development of particular programs. This state's juvenile~~
235 ~~justice system has an inadequate number of beds for serious or~~
236 ~~habitual juvenile offenders and an inadequate number of~~
237 ~~community and residential programs for a significant number of~~
238 ~~children whose delinquent behavior is due to or connected with~~
239 ~~illicit substance abuse. In addition, A significant number of~~
240 ~~children have been adjudicated in adult criminal court and~~
241 ~~placed in this state's prisons where programs are inadequate to~~
242 ~~meet their rehabilitative needs and where space is needed for~~
243 ~~adult offenders. Recidivism rates for each of these classes of~~
244 ~~offenders exceed those tolerated by the Legislature and by the~~
245 ~~citizens of this state.~~

246 (5) ~~(6)~~ SITING OF FACILITIES.-

247 (a) The Legislature finds that timely siting and
248 development of needed residential facilities for juvenile
249 offenders is critical to the public safety of the citizens of
250 this state and to the effective rehabilitation of juvenile
251 offenders.

252 (b) It is the purpose of the Legislature to guarantee that
253 such facilities are sited and developed within reasonable
254 timeframes after they are legislatively authorized and
255 appropriated.

256 (c) The Legislature further finds that such facilities must
257 be located in areas of the state close to the home communities
258 of the children they house in order to ensure the most effective
259 rehabilitation efforts and the most intensive postrelease
260 supervision and case management. Residential facilities shall
261 have no more than 165 beds each, including campus-style

576-04688-11

20111850c1

262 programs, unless those campus-style programs include more than
263 one level of restrictiveness, provide multilevel education and
264 treatment programs using different treatment protocols, and have
265 facilities that coexist separately in distinct locations on the
266 same property.

267 (d) It is the intent of the Legislature that all other
268 departments and agencies of the state shall cooperate fully with
269 the Department of Juvenile Justice to accomplish the siting of
270 facilities for juvenile offenders.

271

272 The supervision, counseling, rehabilitative treatment, and
273 punitive efforts of the juvenile justice system should avoid the
274 inappropriate use of correctional programs and large
275 institutions. The Legislature finds that detention services
276 should exceed the primary goal of providing safe and secure
277 custody pending adjudication and disposition.

278 (6)~~(7)~~ PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—

279 Parents, custodians, and guardians are deemed by the state to be
280 responsible for providing their children with sufficient
281 support, guidance, and supervision to deter their participation
282 in delinquent acts. The state further recognizes that the
283 ability of parents, custodians, and guardians to fulfill those
284 responsibilities can be greatly impaired by economic, social,
285 behavioral, emotional, and related problems. It is therefore the
286 policy of the Legislature that it is the state's responsibility
287 to ensure that factors impeding the ability of caretakers to
288 fulfill their responsibilities are identified through the
289 delinquency intake process and that appropriate recommendations
290 to address those problems are considered in any judicial or

576-04688-11

20111850c1

291 nonjudicial proceeding. Nonetheless, as it is also the intent of
292 the Legislature to preserve and strengthen the child's family
293 ties, it is the policy of the Legislature that the emotional,
294 legal, and financial responsibilities of the caretaker with
295 regard to the care, custody, and support of the child continue
296 while the child is in the physical or legal custody of the
297 department.

298 (7)~~(8)~~ GENDER-SPECIFIC PROGRAMMING.—

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

302 (b) Gender-specific programming refers to unique program
303 models and services that comprehensively address the needs of a
304 targeted gender group. Gender-specific services require the
305 adherence to the principle of equity to ensure that the
306 different interests of young women and men are recognized and
307 varying needs are met, with equality as the desired outcome.
308 Gender-specific programming focuses on the differences between
309 young females' and young males' roles and responsibilities,
310 positions in society, access to and use of resources, and social
311 codes governing behavior. Gender-specific programs increase the
312 effectiveness of programs by making interventions more
313 appropriate to the specific needs of young women and men and
314 ensuring that these programs do not unknowingly create,
315 maintain, or reinforce gender roles or relations that may be
316 damaging.

317 (8) CHILDREN 9 YEARS OF AGE OR YOUNGER.—The Legislature
318 finds that very young children need age-appropriate services in
319 order to prevent and reduce future acts of delinquency. Children

576-04688-11

20111850c1

320 who are 9 years of age or younger should be diverted into
321 prearrest or postarrest programs, civil citation programs,
322 children-in-need-of-services and families-in-need-of-services
323 programs, or other programs, as appropriate. If, based upon a
324 needs assessment, the child is found to be in need of mental
325 health services or substance abuse treatment services, the
326 department shall cooperate with the parent or legal guardian and
327 the Department of Children and Family Services, as appropriate,
328 to identify the most appropriate services and supports and
329 available funding sources to meet the needs of the child.

330 (9) RESTORATIVE JUSTICE.—

331 (a) It is the intent of the Legislature that the juvenile
332 justice system advance the principles of restorative justice.
333 The department shall focus on repairing the harm to victims of
334 delinquent behavior by ensuring that the child understands the
335 effect of his or her delinquent behavior on the victim and the
336 community and that the child restores the losses of his or her
337 victim.

338 (b) Offender accountability is one of the principles of
339 restorative justice. The premise of this principle is that the
340 juvenile justice system must respond to delinquent behavior in
341 such a way that the offender is made aware of and takes
342 responsibility for repaying or restoring loss, damage, or injury
343 perpetrated upon the victim and the community. This goal is
344 achieved when the offender understands the consequences of
345 delinquent behaviors in terms of harm to others, and when the
346 offender makes amends for the harm, loss, or damage through
347 restitution, community service, or other appropriate repayment.

348 Section 3. Subsection (1) of section 985.125, Florida

576-04688-11

20111850c1

349 Statutes, is amended to read:

350 985.125 Prearrest or postarrest diversion programs.—

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

358 Section 4. Paragraph (d) of subsection (1) of section
 359 985.145, Florida Statutes, is amended to read:

360 985.145 Responsibilities of juvenile probation officer
 361 during intake; screenings and assessments.—

362 (1) The juvenile probation officer shall serve as the
 363 primary case manager for the purpose of managing, coordinating,
 364 and monitoring the services provided to the child. Each program
 365 administrator within the Department of Children and Family
 366 Services shall cooperate with the primary case manager in
 367 carrying out the duties and responsibilities described in this
 368 section. In addition to duties specified in other sections and
 369 through departmental rules, the assigned juvenile probation
 370 officer shall be responsible for the following:

371 (d) *Completing risk assessment instrument.*—The juvenile
 372 probation officer shall ensure that a risk assessment instrument
 373 establishing the child's eligibility for detention has been
 374 accurately completed and that the appropriate recommendation was
 375 made to the court. If, upon completion of the risk assessment
 376 instrument, the child is ineligible for secure detention based
 377 on the criteria in s. 985.24(2)(e), the juvenile probation

576-04688-11

20111850c1

378 officer shall make a referral to the appropriate shelter for a
379 child in need of services or family in need of services.

380 Section 5. Section 985.24, Florida Statutes, is amended to
381 read:

382 985.24 Use of detention; prohibitions.-

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

386 (a) Presents a substantial risk of not appearing at a
387 subsequent hearing;

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

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

392 (d) Has committed contempt of court by:

393 1. Intentionally disrupting the administration of the
394 court;

395 2. Intentionally disobeying a court order; or

396 3. Engaging in a punishable act or speech in the court's
397 presence which shows disrespect for the authority and dignity of
398 the court; or

399 (e) Requests protection from imminent bodily harm.

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

403 (a) To allow a parent to avoid his or her legal
404 responsibility.

405 (b) To permit more convenient administrative access to the
406 child.

576-04688-11

20111850c1

407 (c) To facilitate further interrogation or investigation.

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

409 (e) Due to a misdemeanor charge of domestic violence if the
410 child lives in a family that has a history of family violence,
411 as defined in s. 741.28, or if the child is a victim of abuse or
412 neglect, as defined in s. 39.01, and the decision to place the
413 child in secure detention care is mitigated by the history of
414 trauma faced by the child, unless the child would otherwise be
415 subject to secure detention based on his or her prior history.

416 (3) A child alleged to be dependent under chapter 39 may
417 not, under any circumstances, be placed into secure detention
418 care.

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

422 (5) ~~(4)~~ The department shall continue to identify
423 alternatives to secure detention care and shall develop such
424 alternatives and annually submit them to the Legislature for
425 authorization and appropriation.

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

428 985.245 Risk assessment instrument.—

429 (2) (a) The risk assessment instrument for detention care
430 placement determinations and court orders shall be developed by
431 the department in consultation ~~agreement~~ with representatives
432 appointed by the following associations: the Conference of
433 Circuit Judges of Florida, the Prosecuting Attorneys
434 Association, the Public Defenders Association, the Florida
435 Sheriffs Association, and the Florida Association of Chiefs of

576-04688-11

20111850c1

436 Police. Each association shall appoint two individuals, one
437 representing an urban area and one representing a rural area.
438 The risk assessment instrument shall be effective at predicting
439 risk and avoiding the unnecessary use of secure detention. ~~The~~
440 ~~parties involved shall evaluate and revise the risk assessment~~
441 ~~instrument as is considered necessary using the method for~~
442 ~~revision as agreed by the parties.~~

443 (b) The risk assessment instrument shall accurately predict
444 a child's risk of rearrest or failure to appear in court. ~~The~~
445 risk assessment instrument may take the following factors ~~take~~
446 ~~into consideration, but need not be limited to, the child's~~
447 ~~prior history of failure to appear, prior offenses, offenses~~
448 ~~committed pending adjudication, any unlawful possession of a~~
449 ~~firearm, theft of a motor vehicle or possession of a stolen~~
450 ~~motor vehicle,~~ and probation status at the time the child is
451 taken into custody. The risk assessment instrument shall also
452 take into consideration appropriate aggravating and mitigating
453 circumstances, and shall be designed to target a narrower
454 population of children than s. 985.255. The risk assessment
455 instrument shall also include any information concerning the
456 child's history of abuse and neglect. The risk assessment shall
457 indicate whether detention care is warranted, and, if detention
458 care is warranted, whether the child should be placed into
459 secure, nonsecure, or home detention care.

460 Section 7. Section 985.255, Florida Statutes, is amended to
461 read:

462 985.255 Detention criteria; detention hearing.—

463 (1) Subject to s. 985.25(1), a child taken into custody and
464 placed into ~~nonsecure or~~ home detention care or detained in

576-04688-11

20111850c1

465 secure detention care before ~~prior to~~ a detention hearing may
466 continue to be detained by the court if:

467 (a) The child is alleged to be an escapee from a
468 residential commitment program; or an absconder from a
469 nonresidential commitment program, a probation program, or
470 conditional release supervision; or is alleged to have escaped
471 while being lawfully transported to or from a residential
472 commitment program.

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

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

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

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

484 (f) The child is charged with a capital felony, a life
485 felony, a felony of the first degree, a felony of the second
486 degree that does not involve a violation of chapter 893, or a
487 felony of the third degree that is also a crime of violence,
488 including any such offense involving the use or possession of a
489 firearm.

490 (g) The child is charged with any second degree or third
491 degree felony involving a violation of chapter 893 or any third
492 degree felony that is not also a crime of violence, and the
493 child:

576-04688-11

20111850c1

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

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

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

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

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

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

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

509 (i) The child is detained on a judicial order for failure
510 to appear and has previously willfully failed to appear, after
511 proper notice, for an adjudicatory hearing on the same case
512 regardless of the results of the risk assessment instrument. A
513 child may be held in secure detention for up to 72 hours in
514 advance of the next scheduled court hearing pursuant to this
515 paragraph. The child's failure to keep the clerk of court and
516 defense counsel informed of a current and valid mailing address
517 where the child will receive notice to appear at court
518 proceedings does not provide an adequate ground for excusal of
519 the child's nonappearance at the hearings.

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

576-04688-11

20111850c1

523 the same case regardless of the results of the risk assessment
524 instrument. A child may be held in secure detention for up to 72
525 hours in advance of the next scheduled court hearing pursuant to
526 this paragraph. The child's failure to keep the clerk of court
527 and defense counsel informed of a current and valid mailing
528 address where the child will receive notice to appear at court
529 proceedings does not provide an adequate ground for excusal of
530 the child's nonappearance at the hearings.

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

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

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

538
539 The child may not be held in secure detention under this
540 subsection for more than 48 hours unless ordered by the court.
541 After 48 hours, the court shall hold a hearing if the state
542 attorney or victim requests that secure detention be continued.
543 The child may continue to be held in detention care if the court
544 makes a specific, written finding that detention care is
545 necessary to protect the victim from injury. However, the child
546 may not be held in detention care beyond the time limits set
547 forth in this section or s. 985.26.

548 (3) (a) A child who meets any of the criteria in subsection
549 (1) and who is ordered to be detained under that subsection
550 shall be given a hearing within 24 hours after being taken into
551 custody. The purpose of the detention hearing is to determine

576-04688-11

20111850c1

552 the existence of probable cause that the child has committed the
553 delinquent act or violation of law that he or she is charged
554 with and the need for continued detention. Unless a child is
555 detained under paragraph (1)(d) or paragraph (1)(e), the court
556 shall use the results of the risk assessment performed by the
557 juvenile probation officer and, based on the criteria in
558 subsection (1), shall determine the need for continued
559 detention. A child placed into secure, nonsecure, or home
560 detention care may continue to be so detained by the court.

561 (b) If the court orders a placement more restrictive than
562 indicated by the results of the risk assessment instrument, the
563 court shall state, in writing, clear and convincing reasons for
564 such placement.

565 (c) Except as provided in s. 790.22(8) or in s. 985.27,
566 when a child is placed into secure or nonsecure detention care,
567 or into a respite home or other placement pursuant to a court
568 order following a hearing, the court order must include specific
569 instructions that direct the release of the child from such
570 placement no later than 5 p.m. on the last day of the detention
571 period specified in s. 985.26 or s. 985.27, whichever is
572 applicable, unless the requirements of such applicable provision
573 have been met or an order of continuance has been granted under
574 s. 985.26(4).

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

577 985.441 Commitment.—

578 (1) The court that has jurisdiction of an adjudicated
579 delinquent child may, by an order stating the facts upon which a
580 determination of a sanction and rehabilitative program was made

576-04688-11

20111850c1

581 at the disposition hearing:

582 (a) Commit the child to a licensed child-caring agency
583 willing to receive the child; however, the court may not commit
584 the child to a jail or to a facility used primarily as a
585 detention center or facility or shelter.

586 (b) Commit the child to the department at a restrictiveness
587 level defined in s. 985.03. Such commitment must be for the
588 purpose of exercising active control over the child, including,
589 but not limited to, custody, care, training, urine monitoring,
590 and treatment of the child and release of the child from
591 residential commitment into the community in a postcommitment
592 nonresidential conditional release program. If the child is not
593 successful in the conditional release program, the department
594 may use the transfer procedure under subsection (3).

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

598 ~~1. Following a delinquency adjudicatory hearing under s.~~
599 ~~985.35 and a delinquency disposition hearing under s. 985.433~~
600 ~~that results in a commitment determination, the court shall, on~~
601 ~~its own or upon request by the state or the department,~~
602 ~~determine whether the protection of the public requires that the~~
603 ~~child be placed in a program for serious or habitual juvenile~~
604 ~~offenders and whether the particular needs of the child would be~~
605 ~~best served by a program for serious or habitual juvenile~~
606 ~~offenders as provided in s. 985.47. The determination shall be~~
607 ~~made under ss. 985.47(1) and 985.433(7).~~

608 ~~2. Any commitment of a child to a program or facility for~~
609 ~~serious or habitual juvenile offenders must be for an~~

576-04688-11

20111850c1

610 ~~indeterminate period of time, but the time may not exceed the~~
611 ~~maximum term of imprisonment that an adult may serve for the~~
612 ~~same offense.~~

613 (c) ~~(d)~~ Commit the child to the department for placement in
614 a program or facility for juvenile sexual offenders in
615 accordance with s. 985.48, subject to specific appropriation for
616 such a program or facility.

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

620 2. Any commitment of a juvenile sexual offender to a
621 program or facility for juvenile sexual offenders must be for an
622 indeterminate period of time, but the time may not exceed the
623 maximum term of imprisonment that an adult may serve for the
624 same offense.

625 (d) Commit the child to the department for placement in a
626 mother-infant program designed to serve the needs of juvenile
627 mothers or expectant juvenile mothers who are committed as
628 delinquents. The department's mother-infant program must be
629 licensed as a child care facility in accordance with s. 402.308,
630 and must provide the services and support necessary to enable
631 the committed juvenile mothers to provide for the needs of their
632 infants who, upon agreement of the mother, may accompany them in
633 the program.

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

636 985.45 Liability and remuneration for work.—

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

576-04688-11

20111850c1

639 child volunteers to work in a specified state, county,
640 municipal, or community service organization supervised work
641 program or to work for the victim, either as an alternative to
642 monetary restitution or as a part of the rehabilitative or
643 probation program, the child is an employee of the state for the
644 purposes of chapter 440 ~~liability~~.

645 Section 10. Section 985.632, Florida Statutes, is amended
646 to read:

647 985.632 Program review and reporting requirements ~~Quality~~
648 ~~assurance and cost-effectiveness.~~

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

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

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

656 (c) ~~(b)~~ Provide information about the cost of such programs
657 and their differential effectiveness so that program ~~the~~ quality
658 may of such programs can be compared and improvements made
659 continually.

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

662 (e) ~~(d)~~ Provide information to the public about the
663 effectiveness of such programs in meeting established goals and
664 objectives.

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

576-04688-11

20111850c1

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

669 (h)~~(g)~~ Modify or eliminate activities that are not
670 effective.

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

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

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

678 (c)~~(b)~~ "Program component" means an aggregation of
679 generally related objectives which, because of their special
680 character, related workload, and interrelated output, can
681 logically be considered an entity for purposes of organization,
682 management, accounting, reporting, and budgeting.

683 ~~(c) "Program effectiveness" means the ability of the~~
684 ~~program to achieve desired client outcomes, goals, and~~
685 ~~objectives.~~

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

689 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department
690 shall use a standard methodology for annually measuring,
691 evaluating, and reporting program outputs and youth outcomes for
692 each program and program group. The department shall submit a
693 report to the appropriate committees of the Legislature and the
694 Governor by January 15 of each year. The department shall notify
695 the Office of Program Policy Analysis and Government
696 Accountability and each contract service provider of substantive

576-04688-11

20111850c1

697 changes to the methodology. The standard methodology must:

698 (a) Define common terminology and operational definitions
699 and methods by which the performance of program outputs and
700 outcomes may be measured.

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

703 (c) Report cost data for each program operated or
704 contracted by the department for the fiscal year corresponding
705 to the program outputs and outcomes being reported. The
706 ~~department shall annually collect and report cost data for every~~
707 ~~program operated or contracted by the department. The cost data~~
708 ~~shall conform to a format approved by the department and the~~
709 ~~Legislature. Uniform cost data shall be reported and collected~~
710 ~~for state-operated and contracted programs so that comparisons~~
711 ~~can be made among programs. The department shall ensure that~~
712 ~~there is accurate cost accounting for state-operated services~~
713 ~~including market-equivalent rent and other shared cost. The cost~~
714 ~~of the educational program provided to a residential facility~~
715 ~~shall be reported and included in the cost of a program. The~~
716 ~~department shall submit an annual cost report to the President~~
717 ~~of the Senate, the Speaker of the House of Representatives, the~~
718 ~~Minority Leader of each house of the Legislature, the~~
719 ~~appropriate substantive and fiscal committees of each house of~~
720 ~~the Legislature, and the Governor, no later than December 1 of~~
721 ~~each year. Cost benefit analysis for educational programs will~~
722 ~~be developed and implemented in collaboration with and in~~
723 ~~cooperation with the Department of Education, local providers,~~
724 ~~and local school districts. Cost data for the report shall~~
725 ~~include data collected by the Department of Education for the~~

576-04688-11

20111850c1

726 ~~purposes of preparing the annual report required by s.~~
727 ~~1003.52(19).~~

728 (4) PROGRAM ACCOUNTABILITY MEASURES.—

729 (a) ~~The department, in consultation with the Office of~~
730 ~~Economic and Demographic Research and contract service~~
731 ~~providers, shall develop a cost-effectiveness model and apply~~
732 ~~the program accountability measures analysis model to each~~
733 ~~commitment program and include the results in the comprehensive~~
734 ~~accountability report. ~~Program recidivism rates shall be a~~~~
735 ~~component of the model. The program accountability measures~~
736 ~~analysis cost-effectiveness model shall compare program costs to~~
737 ~~expected and actual youth recidivism rates ~~client outcomes and~~~~
738 ~~program outputs. It is the intent of the Legislature that~~
739 ~~continual development efforts take place to improve the validity~~
740 ~~and reliability of the program accountability measures analysis~~
741 ~~cost-effectiveness model.~~

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

746 ~~(b)(c)~~ Based on ~~reports of the department on client~~
747 ~~outcomes and program outputs and on the department's most recent~~
748 ~~program accountability measures analysis cost-effectiveness~~
749 ~~rankings, the department may terminate its contract with or~~
750 ~~discontinue a commitment program ~~operated by the department or a~~~~
751 ~~provider if the program has failed to achieve a minimum~~
752 ~~threshold of recidivism and cost-effectiveness ~~program~~~~
753 ~~effectiveness. This paragraph does not preclude the department~~
754 ~~from terminating a contract as provided under this section or as~~

576-04688-11

20111850c1

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

757 (c)~~(d)~~ The department shall notify the Office of Program
758 Policy Analysis and Government Accountability and each contract
759 service provider of substantive changes to the program
760 accountability measures analysis. ~~In collaboration with the~~
761 ~~Office of Economic and Demographic Research, and contract~~
762 ~~service providers, the department shall develop a work plan to~~
763 ~~refine the cost-effectiveness model so that the model is~~
764 ~~consistent with the performance-based program budgeting measures~~
765 ~~approved by the Legislature to the extent the department deems~~
766 ~~appropriate. The department shall notify the Office of Program~~
767 ~~Policy Analysis and Government Accountability of any meetings to~~
768 ~~refine the model.~~

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

772 1. Construct a profile of each commitment program which
773 ~~that~~ uses the results of the quality assurance report required
774 by this section, the program accountability measures analysis
775 ~~cost-effectiveness report~~ required in this subsection, and other
776 reports available to the department.

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

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

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

576-04688-11

20111850c1

784 ~~client~~ outcomes and program outputs, provider contracts, quality
785 assurance standards, and the program accountability measures
786 analysis ~~cost-effectiveness model~~.

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

788 (a) Establish a comprehensive quality assurance system for
789 each program operated by the department or operated by a
790 provider under contract with the department. Each contract
791 entered into by the department must provide for quality
792 assurance and include the results in the comprehensive
793 accountability report.

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

796 (c) Establish quality assurance goals and objectives for
797 each specific program component.

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

800 (e) Develop a quality assurance manual of specific,
801 standardized terminology and procedures to be followed by each
802 program.

803 (f) Evaluate each program operated by the department or a
804 provider under a contract with the department and establish
805 minimum thresholds for each program component. If a provider
806 fails to meet the established minimum thresholds, such failure
807 shall cause the department to cancel the provider's contract
808 unless the provider achieves compliance with minimum thresholds
809 within 6 months or unless there are documented extenuating
810 circumstances. In addition, the department may not contract with
811 the same provider for the canceled service for a period of 12
812 months. If a department-operated program fails to meet the

576-04688-11

20111850c1

813 established minimum thresholds, the department must take
814 necessary and sufficient steps to ensure and document program
815 changes to achieve compliance with the established minimum
816 thresholds. If the department-operated program fails to achieve
817 compliance with the established minimum thresholds within 6
818 months and if there are no documented extenuating circumstances,
819 the department must notify the Executive Office of the Governor
820 and the Legislature of the corrective action taken. Appropriate
821 corrective action may include, but is not limited to:

- 822 1. Contracting out for the services provided in the
823 program;
- 824 2. Initiating appropriate disciplinary action against all
825 employees whose conduct or performance is deemed to have
826 materially contributed to the program's failure to meet
827 established minimum thresholds;
- 828 3. Redesigning the program; or
- 829 4. Realigning the program.

830

831 ~~The department shall submit an annual report to the President of~~
832 ~~the Senate, the Speaker of the House of Representatives, the~~
833 ~~Minority Leader of each house of the Legislature, the~~
834 ~~appropriate substantive and fiscal committees of each house of~~
835 ~~the Legislature, and the Governor, no later than February 1 of~~
836 ~~each year. The annual report must contain, at a minimum, for~~
837 ~~each specific program component: a comprehensive description of~~
838 ~~the population served by the program; a specific description of~~
839 ~~the services provided by the program; cost; a comparison of~~
840 ~~expenditures to federal and state funding; immediate and long-~~
841 ~~range concerns; and recommendations to maintain, expand,~~

576-04688-11

20111850c1

842 ~~improve, modify, or eliminate each program component so that~~
843 ~~changes in services lead to enhancement in program quality. The~~
844 ~~department shall ensure the reliability and validity of the~~
845 ~~information contained in the report.~~

846 ~~(6) The department shall collect and analyze available~~
847 ~~statistical data for the purpose of ongoing evaluation of all~~
848 ~~programs. The department shall provide the Legislature with~~
849 ~~necessary information and reports to enable the Legislature to~~
850 ~~make informed decisions regarding the effectiveness of, and any~~
851 ~~needed changes in, services, programs, policies, and laws.~~

852 Section 11. Section 985.652, Florida Statutes, is amended
853 to read:

854 985.652 Participation of certain programs in the State Risk
855 Management Trust Fund.—Pursuant to s. 284.30, the Division of
856 Risk Management of the Department of Financial Services is
857 authorized to insure a private agency or, individual, ~~or~~
858 ~~corporation operating a state-owned training school under a~~
859 ~~contract~~ to carry out the purposes and responsibilities of any
860 program of the department. The coverage authorized herein shall
861 be under the same general terms and conditions as the department
862 is insured for its responsibilities under chapter 284.

863 Section 12. Subsection (48) of section 985.03, Florida
864 Statutes, is repealed.

865 Section 13. Subsection (56) of section 985.03, Florida
866 Statutes, is repealed.

867 Section 14. Section 985.47, Florida Statutes, is repealed.

868 Section 15. Section 985.483, Florida Statutes, is repealed.

869 Section 16. Section 985.486, Florida Statutes, is repealed.

870 Section 17. Section 985.636, Florida Statutes, is repealed.

576-04688-11

20111850c1

871 Section 18. Section 985.494, Florida Statutes, is amended
872 to read:

873 985.494 Commitment programs for juvenile felony offenders.—

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

878 ~~(a) A program for serious or habitual juvenile offenders~~
879 ~~under s. 985.47 or an intensive residential treatment program~~
880 ~~for offenders less than 13 years of age under s. 985.483, if the~~
881 ~~child has participated in an early delinquency intervention~~
882 ~~program and has completed a sheriff's training and respect~~
883 ~~program.~~

884 ~~(b) a maximum-risk residential program,~~ if the child has
885 completed two different high-risk residential commitment
886 programs participated in an early delinquency intervention
887 program, has completed a sheriff's training and respect program,
888 and has completed a program for serious or habitual juvenile
889 offenders or an intensive residential treatment program for
890 offenders less than 13 years of age. The commitment of a child
891 to a maximum-risk residential program must be for an
892 indeterminate period, but may not exceed the maximum term of
893 imprisonment that an adult may serve for the same offense.

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

897 Section 19. Section 985.445, Florida Statutes, is repealed.

898 Section 20. Paragraphs (a), (b), (c), (e), and (g) of
899 subsection (5) of section 985.0301, Florida Statutes, are

576-04688-11

20111850c1

900 amended to read:

901 985.0301 Jurisdiction.—

902 (5) (a) Notwithstanding ss. 743.07, 985.43, 985.433,
903 985.435, 985.439, and 985.441, and except as provided in s. ss.
904 985.465 ~~and 985.47~~ and paragraph (f), when the jurisdiction of
905 any child who is alleged to have committed a delinquent act or
906 violation of law is obtained, the court shall retain
907 jurisdiction, unless relinquished by its order, until the child
908 reaches 19 years of age, with the same power over the child that
909 the court had prior to the child becoming an adult.

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

915 (c) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
916 ~~as provided in s. 985.47~~, the term of the commitment must be
917 until the child is discharged by the department or until he or
918 she reaches the age of 21 years. Notwithstanding ss. 743.07,
919 985.435, 985.437, 985.439, 985.441, ~~985.445~~, 985.455, and
920 985.513, and except as provided in this section ~~and s. 985.47~~, a
921 child may not be held under a commitment from a court under s.
922 985.439, s. 985.441(1) (a) or (b), ~~s. 985.445~~, or s. 985.455
923 after becoming 21 years of age.

924 (e) The court may retain jurisdiction over a child
925 committed to the department for placement in an intensive
926 residential treatment program for 10-year-old to 13-year-old
927 offenders, in the residential commitment program in a juvenile
928 prison, or in a residential sex offender program, ~~or in a~~

576-04688-11

20111850c1

929 ~~program for serious or habitual juvenile offenders as provided~~
930 ~~in s. 985.47 or s. 985.483~~ until the child reaches the age of
931 21. If the court exercises this jurisdiction retention, it shall
932 do so solely for the purpose of the child completing the
933 intensive residential treatment program for 10-year-old to 13-
934 year-old offenders, in the residential commitment program in a
935 juvenile prison, in a residential sex offender program, or the
936 program for serious or habitual juvenile offenders. Such
937 jurisdiction retention does not apply for other programs, other
938 purposes, or new offenses.

939 (g)1. Notwithstanding ss. 743.07 and 985.455(3), a serious
940 or habitual juvenile offender shall not be held under commitment
941 from a court under s. 985.441(1)(c), ~~s. 985.47,~~ or s. 985.565
942 after becoming 21 years of age. This subparagraph shall apply
943 only for the purpose of completing the serious or habitual
944 juvenile offender program under this chapter and shall be used
945 solely for the purpose of treatment.

946 2. The court may retain jurisdiction over a child who has
947 been placed in a program or facility for serious or habitual
948 juvenile offenders until the child reaches the age of 21,
949 specifically for the purpose of the child completing the
950 program.

951 Section 21. Paragraph (b) of subsection (4) of section
952 985.565, Florida Statutes, is amended to read:

953 985.565 Sentencing powers; procedures; alternatives for
954 juveniles prosecuted as adults.—

955 (4) SENTENCING ALTERNATIVES.—

956 (b) *Juvenile sanctions.*—For juveniles transferred to adult
957 court but who do not qualify for such transfer under s.

576-04688-11

20111850c1

958 985.556(3) or s. 985.557(2)(a) or (b), the court may impose
959 juvenile sanctions under this paragraph. If juvenile sentences
960 are imposed, the court shall, under this paragraph, adjudge the
961 child to have committed a delinquent act. Adjudication of
962 delinquency shall not be deemed a conviction, nor shall it
963 operate to impose any of the civil disabilities ordinarily
964 resulting from a conviction. The court shall impose an adult
965 sanction or a juvenile sanction and may not sentence the child
966 to a combination of adult and juvenile punishments. An adult
967 sanction or a juvenile sanction may include enforcement of an
968 order of restitution or probation previously ordered in any
969 juvenile proceeding. However, if the court imposes a juvenile
970 sanction and the department determines that the sanction is
971 unsuitable for the child, the department shall return custody of
972 the child to the sentencing court for further proceedings,
973 including the imposition of adult sanctions. Upon adjudicating a
974 child delinquent under subsection (1), the court may:

975 1. Place the child in a probation program under the
976 supervision of the department for an indeterminate period of
977 time until the child reaches the age of 19 years or sooner if
978 discharged by order of the court.

979 2. Commit the child to the department for treatment in an
980 appropriate program for children for an indeterminate period of
981 time until the child is 21 or sooner if discharged by the
982 department. The department shall notify the court of its intent
983 to discharge no later than 14 days prior to discharge. Failure
984 of the court to timely respond to the department's notice shall
985 be considered approval for discharge.

986 3. Order disposition under ss. 985.435, 985.437, 985.439,

576-04688-11

20111850c1

987 985.441, ~~985.445~~, 985.45, and 985.455 as an alternative to
988 youthful offender or adult sentencing if the court determines
989 not to impose youthful offender or adult sanctions.

990
991 It is the intent of the Legislature that the criteria and
992 guidelines in this subsection are mandatory and that a
993 determination of disposition under this subsection is subject to
994 the right of the child to appellate review under s. 985.534.

995 Section 22. Section 985.66, Florida Statutes, is amended to
996 read:

997 985.66 Juvenile justice training academies; staff
998 development and training ~~Juvenile Justice Standards and Training~~
999 ~~Commission~~; Juvenile Justice Training Trust Fund.—

1000 (1) LEGISLATIVE PURPOSE.—In order to enable the state to
1001 provide a systematic approach to staff development and training
1002 for judges, state attorneys, public defenders, law enforcement
1003 officers, school district personnel, and juvenile justice
1004 program staff that will meet the needs of such persons in their
1005 discharge of duties while at the same time meeting the
1006 requirements for the American Correction Association
1007 accreditation by the Commission on Accreditation for
1008 Corrections, it is the purpose of the Legislature to require the
1009 department to establish, maintain, and oversee the operation of
1010 juvenile justice training academies in the state. The purpose of
1011 the Legislature in establishing staff development and training
1012 programs is to foster better staff morale and reduce
1013 mistreatment and aggressive and abusive behavior in delinquency
1014 programs; to positively impact the recidivism of children in the
1015 juvenile justice system; and to afford greater protection of the

576-04688-11

20111850c1

1016 public through an improved level of services delivered by a
1017 professionally trained juvenile justice program staff to
1018 children who are alleged to be or who have been found to be
1019 delinquent.

1020 (2) STAFF DEVELOPMENT ~~JUVENILE JUSTICE STANDARDS AND~~
1021 ~~TRAINING COMMISSION.~~—

1022 (a) ~~There is created under the Department of Juvenile~~
1023 ~~Justice the Juvenile Justice Standards and Training Commission,~~
1024 ~~hereinafter referred to as the commission. The 17 member~~
1025 ~~commission shall consist of the Attorney General or designee,~~
1026 ~~the Commissioner of Education or designee, a member of the~~
1027 ~~juvenile court judiciary to be appointed by the Chief Justice of~~
1028 ~~the Supreme Court, and 14 members to be appointed by the~~
1029 ~~Secretary of Juvenile Justice as follows:~~

1030 1. ~~Seven members shall be juvenile justice professionals: a~~
1031 ~~superintendent or a direct care staff member from an~~
1032 ~~institution; a director from a contracted community-based~~
1033 ~~program; a superintendent and a direct care staff member from a~~
1034 ~~regional detention center or facility; a juvenile probation~~
1035 ~~officer supervisor and a juvenile probation officer; and a~~
1036 ~~director of a day treatment or conditional release program. No~~
1037 ~~fewer than three of these members shall be contract providers.~~

1038 2. ~~Two members shall be representatives of local law~~
1039 ~~enforcement agencies.~~

1040 3. ~~One member shall be an educator from the state's~~
1041 ~~university and community college program of criminology,~~
1042 ~~criminal justice administration, social work, psychology,~~
1043 ~~sociology, or other field of study pertinent to the training of~~
1044 ~~juvenile justice program staff.~~

576-04688-11

20111850c1

1045 ~~4. One member shall be a member of the public.~~

1046 ~~5. One member shall be a state attorney, or assistant state~~
1047 ~~attorney, who has juvenile court experience.~~

1048 ~~6. One member shall be a public defender, or assistant~~
1049 ~~public defender, who has juvenile court experience.~~

1050 ~~7. One member shall be a representative of the business~~
1051 ~~community.~~

1052
1053 ~~All appointed members shall be appointed to serve terms of 2~~
1054 ~~years.~~

1055 ~~(b) The composition of the commission shall be broadly~~
1056 ~~reflective of the public and shall include minorities and women.~~
1057 ~~The term "minorities" as used in this paragraph means a member~~
1058 ~~of a socially or economically disadvantaged group that includes~~
1059 ~~blacks, Hispanics, and American Indians.~~

1060 ~~(c) The Department of Juvenile Justice shall provide the~~
1061 ~~commission with staff necessary to assist the commission in the~~
1062 ~~performance of its duties.~~

1063 ~~(d) The commission shall annually elect its chairperson and~~
1064 ~~other officers. The commission shall hold at least four regular~~
1065 ~~meetings each year at the call of the chairperson or upon the~~
1066 ~~written request of three members of the commission. A majority~~
1067 ~~of the members of the commission constitutes a quorum. Members~~
1068 ~~of the commission shall serve without compensation but are~~
1069 ~~entitled to be reimbursed for per diem and travel expenses as~~
1070 ~~provided by s. 112.061 and these expenses shall be paid from the~~
1071 ~~Juvenile Justice Training Trust Fund.~~

1072 ~~(e) The department powers, duties, and functions of the~~
1073 ~~commission shall be to:~~

576-04688-11

20111850c1

1074 (a)1. Designate the location of the training academies;
1075 develop, implement, maintain, and update the curriculum to be
1076 used in the training of juvenile justice program staff;
1077 establish timeframes for participation in and completion of
1078 training by juvenile justice program staff; develop, implement,
1079 maintain, and update job-related examinations; develop,
1080 implement, and update the types and frequencies of evaluations
1081 of the training academies; approve, modify, or disapprove the
1082 budget for the training academies, and the contractor to be
1083 selected to organize and operate the training academies and to
1084 provide the training curriculum.

1085 (b)2. Establish uniform minimum job-related training
1086 courses and examinations for juvenile justice program staff.

1087 (c)3. Consult and cooperate with the state or any political
1088 subdivision; any private entity or contractor; and with private
1089 and public universities, colleges, community colleges, and other
1090 educational institutions concerning the development of juvenile
1091 justice training and programs or courses of instruction,
1092 including, but not limited to, education and training in the
1093 areas of juvenile justice.

1094 (d)4. ~~Enter into~~ With the approval of the department, make
1095 ~~and enter into such~~ contracts and agreements with other
1096 agencies, organizations, associations, corporations,
1097 individuals, or federal agencies as ~~the commission determines~~
1098 are necessary in the execution of the ~~its~~ powers of the
1099 department or the performance of its duties.

1100 ~~5. Make recommendations to the Department of Juvenile~~
1101 ~~Justice concerning any matter within the purview of this~~
1102 ~~section.~~

576-04688-11

20111850c1

1103 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department
1104 ~~commission~~ shall establish a certifiable program for juvenile
1105 justice training pursuant to this section, and all department
1106 program staff and providers who deliver direct care services
1107 pursuant to contract with the department shall be required to
1108 participate in and successfully complete the department-approved
1109 ~~commission-approved~~ program of training pertinent to their areas
1110 of responsibility. Judges, state attorneys, and public
1111 defenders, law enforcement officers, and school district
1112 personnel may participate in such training program. For the
1113 juvenile justice program staff, the department ~~commission~~ shall,
1114 based on a job-task analysis:

1115 (a) Design, implement, maintain, evaluate, and revise a
1116 basic training program, including a competency-based
1117 examination, for the purpose of providing minimum employment
1118 training qualifications for all juvenile justice personnel. All
1119 program staff of the department and providers who deliver
1120 direct-care services who are hired after October 1, 1999, must
1121 meet the following minimum requirements:

1122 1. Be at least 19 years of age.

1123 2. Be a high school graduate or its equivalent as
1124 determined by the department ~~commission~~.

1125 3. Not have been convicted of any felony or a misdemeanor
1126 involving perjury or a false statement, or have received a
1127 dishonorable discharge from any of the Armed Forces of the
1128 United States. Any person who, after September 30, 1999, pleads
1129 guilty or nolo contendere to or is found guilty of any felony or
1130 a misdemeanor involving perjury or false statement is not
1131 eligible for employment, notwithstanding suspension of sentence

576-04688-11

20111850c1

1132 or withholding of adjudication. Notwithstanding this
1133 subparagraph, any person who pled nolo contendere to a
1134 misdemeanor involving a false statement before October 1, 1999,
1135 and who has had such record of that plea sealed or expunged is
1136 not ineligible for employment for that reason.

1137 4. Abide by all the provisions of s. 985.644(1) regarding
1138 fingerprinting and background investigations and other screening
1139 requirements for personnel.

1140 5. Execute and submit to the department an affidavit-of-
1141 application form, adopted by the department, attesting to his or
1142 her compliance with subparagraphs 1.-4. The affidavit must be
1143 executed under oath and constitutes an official statement under
1144 s. 837.06. The affidavit must include conspicuous language that
1145 the intentional false execution of the affidavit constitutes a
1146 misdemeanor of the second degree. The employing agency shall
1147 retain the affidavit.

1148 (b) Design, implement, maintain, evaluate, and revise an
1149 advanced training program, including a competency-based
1150 examination for each training course, which is intended to
1151 enhance knowledge, skills, and abilities related to job
1152 performance.

1153 (c) Design, implement, maintain, evaluate, and revise a
1154 career development training program, including a competency-
1155 based examination for each training course. Career development
1156 courses are intended to prepare personnel for promotion.

1157 (d) The department ~~commission~~ is encouraged to design,
1158 implement, maintain, evaluate, and revise juvenile justice
1159 training courses, or to enter into contracts for such training
1160 courses, that are intended to provide for the safety and well-

576-04688-11

20111850c1

1161 being of both citizens and juvenile offenders.

1162 (4) JUVENILE JUSTICE TRAINING TRUST FUND.—

1163 (a) There is created within the State Treasury a Juvenile
1164 Justice Training Trust Fund to be used by the department ~~of~~
1165 ~~Juvenile Justice~~ for the purpose of funding the development and
1166 updating of a job-task analysis of juvenile justice personnel;
1167 the development, implementation, and updating of job-related
1168 training courses and examinations; and the cost of ~~commission-~~
1169 ~~approved~~ juvenile justice training courses; ~~and reimbursement~~
1170 ~~for expenses as provided in s. 112.061 for members of the~~
1171 ~~commission and staff.~~

1172 (b) One dollar from every noncriminal traffic infraction
1173 collected pursuant to ss. 318.14(10)(b) and 318.18 shall be
1174 deposited into the Juvenile Justice Training Trust Fund.

1175 (c) In addition to the funds generated by paragraph (b),
1176 the trust fund may receive funds from any other public or
1177 private source.

1178 (d) Funds that are not expended by the end of the budget
1179 cycle or through a supplemental budget approved by the
1180 department shall revert to the trust fund.

1181 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—
1182 The number, location, and establishment of juvenile justice
1183 training academies shall be determined by the department
1184 ~~commission.~~

1185 (6) SCHOLARSHIPS AND STIPENDS.—

1186 (a) By rule, the department ~~commission~~ shall establish
1187 criteria to award scholarships or stipends to qualified juvenile
1188 justice personnel who are residents of the state who want to
1189 pursue a bachelor's or associate in arts degree in juvenile

576-04688-11

20111850c1

1190 justice or a related field. The department shall handle the
1191 administration of the scholarship or stipend. The Department of
1192 Education shall handle the notes issued for the payment of the
1193 scholarships or stipends. All scholarship and stipend awards
1194 shall be paid from the Juvenile Justice Training Trust Fund upon
1195 vouchers approved by the Department of Education and properly
1196 certified by the Chief Financial Officer. Prior to the award of
1197 a scholarship or stipend, the juvenile justice employee must
1198 agree in writing to practice her or his profession in juvenile
1199 justice or a related field for 1 month for each month of grant
1200 or to repay the full amount of the scholarship or stipend
1201 together with interest at the rate of 5 percent per annum over a
1202 period not to exceed 10 years. Repayment shall be made payable
1203 to the state for deposit into the Juvenile Justice Training
1204 Trust Fund.

1205 (b) The department ~~commission~~ may establish the scholarship
1206 program by rule ~~and implement the program on or after July 1,~~
1207 ~~1996.~~

1208 (7) ADOPTION OF RULES.—The department ~~commission~~ shall
1209 adopt rules as necessary to carry out the provisions of this
1210 section.

1211 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
1212 MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of
1213 Risk Management of the Department of Financial Services is
1214 authorized to insure a private agency, individual, or
1215 corporation operating a state-owned training school under a
1216 contract to carry out the purposes and responsibilities of any
1217 program of the department. The coverage authorized herein shall
1218 be under the same general terms and conditions as the department

576-04688-11

20111850c1

1219 is insured for its responsibilities under chapter 284.

1220 ~~(9) The Juvenile Justice Standards and Training Commission~~
1221 ~~is terminated on June 30, 2001, and such termination shall be~~
1222 ~~reviewed by the Legislature prior to that date.~~

1223 Section 23. Subsection (8) of section 985.48, Florida
1224 Statutes, is repealed.

1225 Section 24. Subsection (1) of section 984.14, Florida
1226 Statutes, is amended to read:

1227 984.14 Shelter placement; hearing.—

1228 (1) Unless ordered by the court pursuant to ~~the provisions~~
1229 ~~of~~ this chapter, or upon voluntary consent to placement by the
1230 child and the child's parent, legal guardian, or custodian, a
1231 child taken into custody may ~~shall~~ not be placed in a shelter
1232 prior to a court hearing unless a determination has been made
1233 that ~~the provision of~~ appropriate and available services will
1234 not eliminate the need for placement and that such placement is
1235 required:

1236 (a) To provide an opportunity for the child and family to
1237 agree upon conditions for the child's return home, when
1238 immediate placement in the home would result in a substantial
1239 likelihood that the child and family would not reach an
1240 agreement; or

1241 (b) Because a parent, custodian, or guardian is unavailable
1242 to take immediate custody of the child.

1243 Section 25. Paragraph (a) of subsection (3) of section
1244 985.14, Florida Statutes, is amended to read:

1245 985.14 Intake and case management system.—

1246 (3) The intake and case management system shall facilitate
1247 consistency in the recommended placement of each child, and in

576-04688-11

20111850c1

1248 the assessment, classification, and placement process, with the
1249 following purposes:

1250 (a) An individualized, multidisciplinary assessment process
1251 that identifies the priority needs of each individual child for
1252 rehabilitation and treatment and identifies any needs of the
1253 child's parents or guardians for services that would enhance
1254 their ability to provide adequate support, guidance, and
1255 supervision for the child. This process shall begin with the
1256 detention risk assessment instrument and decision, shall include
1257 the intake preliminary screening and comprehensive assessment
1258 for substance abuse treatment services, mental health services,
1259 retardation services, literacy services, and other educational
1260 and treatment services as components, additional assessment of
1261 the child's treatment needs, and classification regarding the
1262 child's risks to the community ~~and, for a serious or habitual~~
1263 ~~delinquent child, shall include the assessment for placement in~~
1264 ~~a serious or habitual delinquent children program under s.~~
1265 ~~985.47.~~ The completed multidisciplinary assessment process shall
1266 result in the predisposition report.

1267 Section 26. For the purpose of incorporating the amendment
1268 made by this act to section 984.14, Florida Statutes, in a
1269 reference thereto, subsection (3) of section 984.13, Florida
1270 Statutes, is reenacted to read:

1271 984.13 Taking into custody a child alleged to be from a
1272 family in need of services or to be a child in need of
1273 services.—

1274 (3) If the child is taken into custody by, or is delivered
1275 to, the department, the appropriate representative of the
1276 department shall review the facts and make such further inquiry

576-04688-11

20111850c1

1277 as necessary to determine whether the child shall remain in
1278 custody or be released. Unless shelter is required as provided
1279 in s. 984.14(1), the department shall:

1280 (a) Release the child to his or her parent, guardian, or
1281 legal custodian, to a responsible adult relative, to a
1282 responsible adult approved by the department, or to a
1283 department-approved family-in-need-of-services and child-in-
1284 need-of-services provider; or

1285 (b) Authorize temporary services and treatment that would
1286 allow the child alleged to be from a family in need of services
1287 to remain at home.

1288 Section 27. This act shall take effect July 1, 2011.