

By the Committee on Budget

576-03501-11

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1 A bill to be entitled
2 An act relating to juvenile justice; creating s.
3 985.665, F.S.; providing legislative intent; defining
4 the term "regional coordinating agency"; providing
5 requirements for a regional coordinating agency;
6 requiring the Department of Juvenile Justice to
7 contract with regional coordinating agencies for
8 specified services relating to juvenile justice;
9 giving hiring preference to current department
10 employees who meet provider qualifications if they
11 apply for employment with the regional coordinating
12 agencies; providing that the department may maintain
13 certain statewide contracts in place on the effective
14 date of the act; providing for annual measurement and
15 reporting concerning the outcomes and effectiveness of
16 community-based juvenile justice services; requiring
17 regional coordinating agencies to comply with
18 specified requirements; providing for liability of
19 regional coordinating agencies and contracted
20 providers with respect to the treatment of juvenile
21 offenders; providing for governance of regional
22 coordinating agencies; providing for 2-year pilot
23 programs in specified judicial circuits; requiring
24 that the regional coordinating agencies participating
25 in the pilot programs be established organizations
26 within the circuit; requiring the pilot programs to
27 commence by a specified date; requiring annual
28 evaluation reports to the Governor and Legislature;
29 requiring reports; amending s. 985.441, F.S.;

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30 prohibiting a court from committing certain youth at a
31 restrictiveness level other than minimum-risk
32 nonresidential; authorizing a court to commit certain
33 youth to a low- or moderate-risk residential
34 placement; amending ss. 985.0301, 985.033, and 985.46,
35 F.S.; conforming cross-references; providing an
36 effective date.

37

38 WHEREAS, 94 percent of Florida youth grow up to be
39 productive citizens, but the 6 percent of Florida youth who
40 become delinquent cost the state of Florida an average of \$5,200
41 per child annually according to 2008 statistics, and

42 WHEREAS, according to national studies, 27 percent of
43 abused or neglected children become delinquent, and

44 WHEREAS, one of the most effective ways to reduce
45 delinquency is to prevent child abuse, abandonment, and neglect,
46 and

47 WHEREAS, Florida's juvenile commitment programs have a 39
48 percent recidivism rate within 1 year, and

49 WHEREAS, the Department of Juvenile Justice shows that 59
50 percent of the juveniles being rearrested offend within 120 days
51 after being released, revealing a critical transition period
52 currently not being addressed, and

53 WHEREAS, the State of Washington undertook a study that
54 demonstrated that a significant level of future prison
55 construction can be avoided, taxpayer dollars can be saved, and
56 crime rates can be reduced by a portfolio of evidence-based
57 youth service options, and

58 WHEREAS, it has been proven that at-risk youth benefit from

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59 a comprehensive approach through coordination of intensive
60 prevention, diversion, and family services, and

61 WHEREAS, local management fosters all these approaches,
62 ensures stronger relationships between providers and the family,
63 and allows providers to assist in strengthening relationships
64 between the child and the family, and

65 WHEREAS, instead of competing for funding, prevention,
66 diversion, and juvenile justice services should cooperate with
67 the goal of keeping youth out of juvenile detention, NOW,
68 THEREFORE,

69
70 Be It Enacted by the Legislature of the State of Florida:

71
72 Section 1. Section 985.665, Florida Statutes, is created to
73 read:

74 985.665 Community-based juvenile justice.-

75 (1) (a) It is the intent of the Legislature to direct the
76 department to contract with competent community-based agencies
77 to coordinate and manage juvenile justice and related services.
78 By implementing community-based juvenile justice, the community-
79 based regional coordinating agency will provide flexibility to
80 assess needs, apportion the funds allocated to the department
81 for this purpose, and build the appropriate continuum of care
82 resulting in more local ownership of juvenile justice problems
83 and better service outcomes. The community-based juvenile
84 justice model is designed to treat most of the juveniles in
85 services that are located and managed in their home communities
86 and that will promote greater family involvement and engagement,
87 promote better system and service coordination, and achieve more

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88 significant economic and operational efficiencies. These
89 services may include intervention, prevention, assessment
90 centers, diversion programs, civil citation, home detention,
91 alternatives to detention, community-based services, probation,
92 day treatment, independent living, evidence-based programs,
93 residential programming, and detention.

94 (b) As used in this section, the term "regional
95 coordinating agency" means a single nonprofit or county
96 government agency with which the department shall contract for
97 the provision of juvenile justice services in a community that
98 consists of at least one entire county.

99 (c) The requirements for a regional coordinating agency
100 include, but are not limited to:

101 1. The organizational infrastructure and financial capacity
102 to coordinate, integrate, and manage all juvenile justice
103 services in the designated community in cooperation with law
104 enforcement agencies and the judiciary.

105 2. The ability to ensure continuity of care from entry to
106 exit for all juveniles referred to the agency by law enforcement
107 agencies, the court system, and other referral sources.

108 3. The ability to contract with providers to create a local
109 network of juvenile justice services.

110 4. The willingness to accept accountability for meeting the
111 outcomes and performance standards related to juvenile justice
112 established by the Legislature and the Federal Government.

113 5. The capability and willingness to serve all juveniles
114 referred to the agency by law enforcement agencies and the court
115 system with funding from the department.

116 6. The willingness to ensure that each individual who

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117 provides juvenile justice services has successfully completed
118 the training required by the department as of July 1, 2011.

119 (2) The department shall contract with the regional
120 coordinating agency for the delivery, administration, and
121 management of services, including the services specified in
122 subsection (1) relating to juvenile justice, and other related
123 services or programs, as appropriate. The department shall
124 retain responsibility for the quality of contracted services and
125 programs and shall ensure that services are delivered in
126 accordance with applicable federal and state statutes and
127 regulations. This subsection does not affect the right of the
128 Department of Juvenile Justice to maintain any existing
129 statewide contract with a provider which is in place prior to
130 July 1, 2012.

131 (3) (a) The department, in partnership with an objective,
132 competent entity, shall establish a quality assurance program
133 for community-based juvenile justice. The quality assurance
134 program must include national standards for each specific
135 component of these services. The department, in consultation
136 with the regional coordinating agencies that are undertaking
137 community-based juvenile justice, shall establish minimum
138 thresholds for each component of service. Each regional
139 coordinating agency must be evaluated annually by the department
140 or by an objective, competent entity designated by the
141 department under the provisions of the quality assurance
142 program.

143 (b) The department shall establish and operate a
144 comprehensive system to measure and report annually the outcomes
145 and effectiveness of the services that are part of the regional

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146 coordinating agencies' community-based juvenile justice service
147 programs. The department shall use these findings in making
148 recommendations to the Governor and the Legislature for future
149 program and funding priorities in the juvenile justice system.

150 (4) With the exception of county governments, each regional
151 coordinating agency shall contract out all services to providers
152 meeting the current department standards under this chapter.
153 However, persons employed by the department in the provision of
154 juvenile justice and related services whose positions are
155 outsourced under this section shall be given hiring preference
156 by the regional coordinating agency if provider qualifications
157 are met. The regional coordinating agency must comply with
158 statutory requirements and agency rules in the provision of
159 contractual services. In order to eliminate or reduce the number
160 of duplicate inspections by various program offices, the
161 department shall coordinate inspections required pursuant to
162 approval of agencies under this section.

163 (5) With respect to the treatment of juvenile offenders
164 under this section, regional coordinating agencies and
165 contracted providers shall be treated as the state and its
166 agencies and subdivisions for liability purposes under s.
167 768.28.

168 (6) The operations of a regional coordinating agency shall
169 be governed by a local board of directors, of which 75 percent
170 of the membership shall be comprised of persons residing within
171 the service area of the regional coordinating agency.

172 (7) The department shall establish a minimum of two pilot
173 program sites in the Sixth and Ninth Judicial Circuits to
174 operate for 2 years each, commencing no later than January 1,

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175 2013. The department shall initiate the request for proposal
176 process, pursuant to s. 287.057(1)(b), no later than December
177 31, 2011. Regional coordinating agencies, which must be
178 established organizations within the circuit, shall be selected
179 from the request for proposal. The department shall have a
180 start-up contract in place no later than January 1, 2012, and a
181 services contract in place no later than January 1, 2013, with
182 the regional coordinating agencies for each of the pilot program
183 sites. Contracts with organizations responsible for the pilot
184 programs shall include the management and administration of all
185 juvenile justice services specified in subsection (1). The
186 department shall transfer all administrative and operational
187 funding associated with these services to the regional
188 coordinating agency, less those funds necessary to provide and
189 coordinate management of quality assurance and oversight. Each
190 regional coordinating agency that participates in the pilot
191 program effort or any future community-based juvenile justice
192 effort as described in this section must thoroughly analyze and
193 report the complete direct and indirect costs of delivering
194 these services through the department and the full cost of
195 community-based juvenile justice, including the cost of
196 monitoring and evaluating the contracted services. By January 31
197 of each year, beginning in 2014, the department shall submit the
198 evaluation regarding quality performance, outcome measure
199 attainment, and cost efficiency, as provided in paragraph
200 (3)(b), for each pilot program in operation during the preceding
201 fiscal year, to the President of the Senate, the Speaker of the
202 House of Representatives, the minority leaders of the Senate and
203 the House of Representatives, and the Governor.

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204 Section 2. Section 985.441, Florida Statutes, is amended to
205 read:

206 985.441 Commitment.—

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

211 (a) Commit the child to a licensed child-caring agency
212 willing to receive the child; however, the court may not commit
213 the child to a jail or to a facility used primarily as a
214 detention center or facility or shelter.

215 (b) Commit the child to the department at a restrictiveness
216 level defined in s. 985.03. Such commitment must be for the
217 purpose of exercising active control over the child, including,
218 but not limited to, custody, care, training, ~~urine~~
219 for substance abuse, electronic monitoring, and treatment of the
220 child and release of the child from residential commitment into
221 the community in a postcommitment nonresidential conditional
222 release program. If the child is not successful in the
223 conditional release program, the department may use the transfer
224 procedure under subsection (3).

225 (c) Commit the child to the department for placement in a
226 program or facility for serious or habitual juvenile offenders
227 in accordance with s. 985.47.

228 1. Following a delinquency adjudicatory hearing under s.
229 985.35 and a delinquency disposition hearing under s. 985.433
230 that results in a commitment determination, the court shall, on
231 its own or upon request by the state or the department,
232 determine whether the protection of the public requires that the

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233 child be placed in a program for serious or habitual juvenile
234 offenders and whether the particular needs of the child would be
235 best served by a program for serious or habitual juvenile
236 offenders as provided in s. 985.47. The determination shall be
237 made under ss. 985.47(1) and 985.433(7).

238 2. Any commitment of a child to a program or facility for
239 serious or habitual juvenile offenders must be for an
240 indeterminate period of time, but the time may not exceed the
241 maximum term of imprisonment that an adult may serve for the
242 same offense.

243 (d) Commit the child to the department for placement in a
244 program or facility for juvenile sexual offenders in accordance
245 with s. 985.48, subject to specific appropriation for such a
246 program or facility.

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

250 2. Any commitment of a juvenile sexual offender to a
251 program or facility for juvenile sexual offenders must be for an
252 indeterminate period of time, but the time may not exceed the
253 maximum term of imprisonment that an adult may serve for the
254 same offense.

255 (2) (a) Notwithstanding subsection (1), the court that has
256 jurisdiction of an adjudicated delinquent child whose underlying
257 offense is a misdemeanor may not commit the child at a
258 restrictiveness level other than minimum-risk nonresidential if
259 the child is adjudicated with a misdemeanor or probation
260 violation for a misdemeanor, other than a new law violation
261 constituting a felony. However, the court may commit such child

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262 to a low-risk or moderate-risk residential placement if the
263 child:

264 1. Has previously been adjudicated or had adjudication
265 withheld for a felony offense;

266 2. Has previously been adjudicated or had adjudication
267 withheld for two or more misdemeanor offenses;

268 3. Is before the court for disposition for a violation of
269 s. 828.12, s. 806.031, or s. 800.03; or

270 4. Proves to be unsuitable for the nonresidential program
271 by refusing to follow the court's order, program requirements,
272 or the treatment plan as set up by the department.

273 (b) If the child has been previously committed to a
274 moderate-risk residential program, the court may commit the
275 child to any restrictiveness level.

276 (3)-(2) The nonconsent of the child to commitment or
277 treatment in a substance abuse treatment program in no way
278 precludes the court from ordering such commitment or treatment.

279 (4)-(3) The department may transfer a child, when necessary
280 to appropriately administer the child's commitment, from one
281 facility or program to another facility or program operated,
282 contracted, subcontracted, or designated by the department,
283 including a postcommitment nonresidential conditional release
284 program, except that the department may not transfer any child
285 adjudicated solely for a misdemeanor to a residential program
286 except as provided in subsection (2). The department shall
287 notify the court that committed the child to the department and
288 any attorney of record for the child, in writing, of its intent
289 to transfer the child from a commitment facility or program to
290 another facility or program of a higher or lower restrictiveness

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291 level. The court that committed the child may agree to the
292 transfer or may set a hearing to review the transfer. If the
293 court does not respond within 10 days after receipt of the
294 notice, the transfer of the child shall be deemed granted.

295 Section 3. Paragraph (d) of subsection (5) of section
296 985.0301, Florida Statutes, is amended to read:

297 985.0301 Jurisdiction.—

298 (5)

299 (d) The court may retain jurisdiction over a child
300 committed to the department for placement in a juvenile prison
301 or in a high-risk or maximum-risk residential commitment program
302 to allow the child to participate in a juvenile conditional
303 release program pursuant to s. 985.46. In no case shall the
304 jurisdiction of the court be retained beyond the child's 22nd
305 birthday. However, if the child is not successful in the
306 conditional release program, the department may use the transfer
307 procedure under s. 985.441(4) ~~s. 985.441(3)~~.

308 Section 4. Subsection (2) of section 985.033, Florida
309 Statutes, is amended to read:

310 985.033 Right to counsel.—

311 (2) This section does not apply to transfer proceedings
312 under s. 985.441(4) ~~s. 985.441(3)~~, unless the court sets a
313 hearing to review the transfer.

314 Section 5. Subsection (4) of section 985.46, Florida
315 Statutes, is amended to read:

316 985.46 Conditional release.—

317 (4) A juvenile under nonresidential commitment placement
318 will continue to be on commitment status and subject to the
319 transfer provision under s. 985.441(4) ~~s. 985.441(3)~~.

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Section 6. This act shall take effect July 1, 2011.