

1 A bill to be entitled
2 An act relating to juvenile justice; repealing ss.
3 984.03(48), 985.03(48) and (56), 985.445, 985.47,
4 985.48(8), 985.483, 985.486, and 985.636, F.S., relating
5 to, respectively, definitions of terms for the serious or
6 habitual juvenile offender program and a training school,
7 cases involving grand theft of a motor vehicle committed
8 by a child, the serious or habitual juvenile offender
9 program in the juvenile justice system, activities of the
10 Juvenile Justice Standards and Training Commission with
11 respect to training and treatment services for juvenile
12 sexual offenders, the intensive residential treatment
13 program for offenders less than 13 years of age, and the
14 designation of persons holding law enforcement
15 certification within the Office of the Inspector General
16 to act as law enforcement officers; amending ss. 943.0515,
17 985.601, and 985.688, F.S.; conforming provisions to
18 changes made by the act; amending s. 985.652, F.S.;
19 deleting a reference to a corporation operating a state-
20 owned training school under a contract in provisions
21 relating to participation of certain programs in the State
22 Risk Management Trust Fund; amending s. 394.492, F.S.;
23 including children 9 years of age or younger at the time
24 of referral for a delinquent act within the definition of
25 those children who are eligible to receive comprehensive
26 mental health services; amending s. 984.14, F.S.;
27 conforming provisions to changes made by the act; amending
28 ss. 985.0301, 985.14, and 985.565, F.S.; conforming

29 | references to changes made by the act; amending s. 985.02,
30 | F.S.; revising legislative intent concerning delinquency
31 | prevention and detention; deleting provisions relating to
32 | serious and habitual juvenile offenders; providing
33 | legislative intent concerning children 9 years of age or
34 | younger and restorative justice; amending s. 985.125,
35 | F.S.; encouraging law enforcement agencies, school
36 | districts, counties, municipalities, and the Department of
37 | Juvenile Justice to establish prearrest or postarrest
38 | diversion programs and to give first-time misdemeanor
39 | offenders and offenders who are 9 years of age or younger
40 | an opportunity to participate in the programs; amending s.
41 | 985.145, F.S.; requiring a juvenile probation officer to
42 | make a referral to the appropriate shelter if the
43 | completed risk assessment instrument shows that the child
44 | is ineligible for secure detention; amending s. 985.24,
45 | F.S.; prohibiting a child alleged to have committed a
46 | delinquent act or violation of law from being placed into
47 | secure, nonsecure, or home detention care because of a
48 | misdemeanor charge of domestic violence if the child lives
49 | in a family that has a history of family violence or if
50 | the child is a victim of abuse or neglect unless the child
51 | would otherwise be subject to secure detention based on
52 | prior history; prohibiting a child 9 years of age or
53 | younger from being placed into secure detention care
54 | unless the child is charged with a capital felony, a life
55 | felony, or a felony of the first degree; amending s.
56 | 985.245, F.S.; revising the development process for the

57 risk assessment instrument; revising factors to be
58 considered in assessing a child's risk of rearrest or
59 failure to appear; amending s. 985.255, F.S.; providing
60 that a child may be placed in home detention care or
61 detained in secure detention care under certain
62 circumstances; providing that a child who is charged with
63 committing a felony offense of domestic violence and who
64 does not meet detention criteria may nevertheless be held
65 in secure detention care if the court makes certain
66 specific written findings; amending s. 985.441, F.S.;
67 conforming references to changes made by the act;
68 authorizing a court to commit a female child adjudicated
69 as delinquent to the department for placement in a mother-
70 infant program designed to serve the needs of juvenile
71 mothers or expectant juvenile mothers who are committed as
72 delinquents; amending s. 985.45, F.S.; providing that
73 whenever a child is required by the court to participate
74 in any juvenile justice work program, the child is
75 considered an employee of the state for the purpose of
76 workers' compensation; amending s. 985.494, F.S.;
77 requiring a child who is adjudicated delinquent, or for
78 whom adjudication is withheld, to be committed to a
79 maximum-risk residential program for an act that would be
80 a felony if committed by an adult if the child has
81 completed two different high-risk residential commitment
82 programs; amending s. 985.632, F.S.; declaring legislative
83 intent that the department collect and analyze available
84 statistical data for the purpose of ongoing evaluation of

85 all juvenile justice programs; revising, defining, and
86 deleting terms; requiring the department to use a standard
87 methodology to annually measure, evaluate, and report
88 program outputs and youth outcomes for each program and
89 program group; requiring that the department submit an
90 annual report; requiring that the department notify
91 specified parties of substantive changes to the standard
92 methodology used in its evaluation; requiring that the
93 department apply a program accountability measures
94 analysis to each commitment program; deleting obsolete
95 provisions; amending s. 985.66, F.S.; removing all
96 references to the Juvenile Justice Standards and Training
97 Commission; requiring the department to be responsible for
98 staff development and training; specifying the duties and
99 responsibilities of the department for staff development
100 and training; removing obsolete provisions to conform to
101 changes made by the act; providing an effective date.
102

103 Be It Enacted by the Legislature of the State of Florida:
104

105 Section 1. Subsection (48) of section 984.03, Florida
106 Statutes, is repealed.

107 Section 2. Subsection (48) of section 985.03, Florida
108 Statutes, is repealed.

109 Section 3. Subsection (56) of section 985.03, Florida
110 Statutes, is repealed.

111 Section 4. Section 985.445, Florida Statutes, is repealed.

112 Section 5. Section 985.47, Florida Statutes, is repealed.

CS/CS/HB 4157

2011

113 Section 6. Subsection (8) of section 985.48, Florida
 114 Statutes, is repealed.

115 Section 7. Section 985.483, Florida Statutes, is repealed.

116 Section 8. Section 985.486, Florida Statutes, is repealed.

117 Section 9. Section 985.636, Florida Statutes, is repealed.

118 Section 10. Subsection (1) of section 943.0515, Florida
 119 Statutes, is amended to read:

120 943.0515 Retention of criminal history records of minors.—

121 (1) (a) The Criminal Justice Information Program shall
 122 retain the criminal history record of a minor who is classified
 123 as a serious or habitual juvenile offender or committed to a
 124 juvenile correctional facility or juvenile prison under chapter
 125 985 for 5 years after the date the offender reaches 21 years of
 126 age, at which time the record shall be expunged unless it meets
 127 the criteria of paragraph (2) (a) or paragraph (2) (b).

128 (b) If the minor is not ~~classified as a serious or~~
 129 ~~habitual juvenile offender or~~ committed to a juvenile
 130 correctional facility or juvenile prison under chapter 985, the
 131 program shall retain the minor's criminal history record for 5
 132 years after the date the minor reaches 19 years of age, at which
 133 time the record shall be expunged unless it meets the criteria
 134 of paragraph (2) (a) or paragraph (2) (b).

135 Section 11. Subsection (3) of section 985.601, Florida
 136 Statutes, is amended to read:

137 985.601 Administering the juvenile justice continuum.—

138 (3) (a) ~~The department shall develop or contract for~~
 139 ~~diversified and innovative programs to provide rehabilitative~~
 140 ~~treatment, including early intervention and prevention,~~

CS/CS/HB 4157

2011

141 ~~diversion, comprehensive intake, case management, diagnostic and~~
 142 ~~classification assessments, individual and family counseling,~~
 143 ~~shelter care, diversified detention care emphasizing~~
 144 ~~alternatives to secure detention, diversified probation, halfway~~
 145 ~~houses, foster homes, community-based substance abuse treatment~~
 146 ~~services, community-based mental health treatment services,~~
 147 ~~community-based residential and nonresidential programs,~~
 148 ~~environmental programs, and programs for serious or habitual~~
 149 ~~juvenile offenders. Each program shall place particular emphasis~~
 150 ~~on reintegration and conditional release for all children in the~~
 151 ~~program.~~

152 (a) ~~(b)~~ The Legislature intends that, whenever possible and
 153 reasonable, the department make every effort to consider
 154 qualified faith-based organizations on an equal basis with other
 155 private organizations when selecting contract providers of
 156 services to juveniles.

157 (b) ~~(c)~~ The department may contract with faith-based
 158 organizations on the same basis as any other nongovernmental
 159 providers, without impairing the religious character of such
 160 organizations. Any faith-based organization may act as a
 161 contractor in the delivery of services under any program, on the
 162 same basis as any other nongovernmental provider, without
 163 impairing the religious character of such organization. A faith-
 164 based organization, which has entered into a contract with the
 165 department, shall retain its independence from state and local
 166 governments with regard to control over the definition,
 167 development, practice, and expression of its religious beliefs.
 168 The department shall not require a faith-based organization to

CS/CS/HB 4157

2011

169 alter its form of internal government or remove religious art,
 170 icons, scripture, or other symbols in order to be eligible to
 171 contract as a provider.

172 (c)~~(d)~~ The department may include in any services contract
 173 a requirement that providers prepare plans describing their
 174 implementation of paragraph (b) ~~paragraphs (a) and (c)~~. A
 175 failure to deliver such plans, if required, may be considered by
 176 the department as a breach of the contract that may result in
 177 cancellation of the contract.

178 Section 12. Subsection (2) of section 985.688, Florida
 179 Statutes, is amended to read:

180 985.688 Administering county and municipal delinquency
 181 programs and facilities.—

182 (2) A county or municipal government may develop or
 183 contract for innovative programs that provide rehabilitative
 184 treatment with particular emphasis on reintegration and
 185 conditional release for all children in the program, including
 186 halfway houses and community-based substance abuse treatment
 187 services, mental health treatment services, residential and
 188 nonresidential programs, and environmental programs,~~and~~
 189 ~~programs for serious or habitual juvenile offenders.~~

190 Section 13. Section 985.652, Florida Statutes, is amended
 191 to read:

192 985.652 Participation of certain programs in the State
 193 Risk Management Trust Fund.—Pursuant to s. 284.30, the Division
 194 of Risk Management of the Department of Financial Services is
 195 authorized to insure a private agency, or individual,~~or~~
 196 ~~corporation operating a state-owned training school under a~~

CS/CS/HB 4157

2011

197 ~~contract~~ to carry out the purposes and responsibilities of any
 198 program of the department. The coverage authorized herein shall
 199 be under the same general terms and conditions as the department
 200 is insured for its responsibilities under chapter 284.

201 Section 14. Paragraph (i) is added to subsection (4) of
 202 section 394.492, Florida Statutes, to read:

203 394.492 Definitions.—As used in ss. 394.490–394.497, the
 204 term:

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

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

211 Section 15. Subsection (1) of section 984.14, Florida
 212 Statutes, is amended to read:

213 984.14 Shelter placement; hearing.—

214 (1) Unless ordered by the court pursuant to ~~the provisions~~
 215 ~~of~~ this chapter, or upon voluntary consent to placement by the
 216 child and the child's parent, legal guardian, or custodian, a
 217 child taken into custody may ~~shall~~ not be placed in a shelter
 218 prior to a court hearing unless a determination has been made
 219 that ~~the provision of~~ appropriate and available services will
 220 not eliminate the need for placement and that such placement is
 221 required:

222 (a) To provide an opportunity for the child and family to
 223 agree upon conditions for the child's return home, when
 224 immediate placement in the home would result in a substantial

CS/CS/HB 4157

2011

225 likelihood that the child and family would not reach an
 226 agreement; or

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

229 Section 16. Subsection (5) of section 985.0301, Florida
 230 Statutes, is amended to read:

231 985.0301 Jurisdiction.—

232 (5) (a) Notwithstanding ss. 743.07, 985.43, 985.433,
 233 985.435, 985.439, and 985.441, and except as provided in s. ss-
 234 ~~985.465 and 985.47~~ and paragraph (f), when the jurisdiction of
 235 any child who is alleged to have committed a delinquent act or
 236 violation of law is obtained, the court shall retain
 237 jurisdiction, unless relinquished by its order, until the child
 238 reaches 19 years of age, with the same power over the child that
 239 the court had prior to the child becoming an adult.

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

245 (c) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
 246 ~~as provided in s. 985.47,~~ the term of the commitment must be
 247 until the child is discharged by the department or until he or
 248 she reaches the age of 21 years. Notwithstanding ss. 743.07,
 249 985.435, 985.437, 985.439, 985.441, ~~985.445,~~ 985.455, and
 250 985.513, and except as provided in this section ~~and s. 985.47,~~ a
 251 child may not be held under a commitment from a court under s.

CS/CS/HB 4157

2011

252 985.439, s. 985.441(1) (a) or (b), ~~s. 985.445~~, or s. 985.455
 253 after becoming 21 years of age.

254 (d) The court may retain jurisdiction over a child
 255 committed to the department for placement in a juvenile prison
 256 or in a high-risk or maximum-risk residential commitment program
 257 to allow the child to participate in a juvenile conditional
 258 release program pursuant to s. 985.46. In no case shall the
 259 jurisdiction of the court be retained beyond the child's 22nd
 260 birthday. However, if the child is not successful in the
 261 conditional release program, the department may use the transfer
 262 procedure under s. 985.441(3).

263 (e) The court may retain jurisdiction over a child
 264 committed to the department for placement in an intensive
 265 residential treatment program for 10-year-old to 13-year-old
 266 offenders, in the residential commitment program in a juvenile
 267 prison, or in a residential sex offender program, ~~or in a~~
 268 ~~program for serious or habitual juvenile offenders as provided~~
 269 ~~in s. 985.47 or s. 985.483~~ until the child reaches the age of
 270 21. If the court exercises this jurisdiction retention, it shall
 271 do so solely for the purpose of the child completing the
 272 intensive residential treatment program for 10-year-old to 13-
 273 year-old offenders, in the residential commitment program in a
 274 juvenile prison, or in a residential sex offender program, ~~or~~
 275 ~~the program for serious or habitual juvenile offenders~~. Such
 276 jurisdiction retention does not apply for other programs, other
 277 purposes, or new offenses.

278 (f) The court may retain jurisdiction over a child
 279 committed to a juvenile correctional facility or a juvenile

280 | prison until the child reaches the age of 21 years, specifically
 281 | for the purpose of allowing the child to complete such program.

282 | ~~(g)1. Notwithstanding ss. 743.07 and 985.455(3), a serious~~
 283 | ~~or habitual juvenile offender shall not be held under commitment~~
 284 | ~~from a court under s. 985.441(1)(c), s. 985.47, or s. 985.565~~
 285 | ~~after becoming 21 years of age. This subparagraph shall apply~~
 286 | ~~only for the purpose of completing the serious or habitual~~
 287 | ~~juvenile offender program under this chapter and shall be used~~
 288 | ~~solely for the purpose of treatment.~~

289 | ~~2. The court may retain jurisdiction over a child who has~~
 290 | ~~been placed in a program or facility for serious or habitual~~
 291 | ~~juvenile offenders until the child reaches the age of 21,~~
 292 | ~~specifically for the purpose of the child completing the~~
 293 | ~~program.~~

294 | (g)~~(h)~~ The court may retain jurisdiction over a juvenile
 295 | sexual offender who has been placed in a program or facility for
 296 | juvenile sexual offenders until the juvenile sexual offender
 297 | reaches the age of 21, specifically for the purpose of
 298 | completing the program.

299 | (h)~~(i)~~ The court may retain jurisdiction over a child and
 300 | the child's parent or legal guardian whom the court has ordered
 301 | to pay restitution until the restitution order is satisfied. To
 302 | retain jurisdiction, the court shall enter a restitution order,
 303 | which is separate from any disposition or order of commitment,
 304 | on or prior to the date that the court's jurisdiction would
 305 | cease under this section. The contents of the restitution order
 306 | shall be limited to the child's name and address, the name and
 307 | address of the parent or legal guardian, the name and address of

CS/CS/HB 4157

2011

308 the payee, the case number, the date and amount of restitution
 309 ordered, any amount of restitution paid, the amount of
 310 restitution due and owing, and a notation that costs, interest,
 311 penalties, and attorney's fees may also be due and owing. The
 312 terms of the restitution order are subject to s. 775.089(5).

313 ~~(i)-(j)~~ This subsection does not prevent the exercise of
 314 jurisdiction by any court having jurisdiction of the child if
 315 the child, after becoming an adult, commits a violation of law.

316 Section 17. Paragraph (b) of subsection (3), paragraph (b)
 317 of subsection (4), and subsection (5) of section 985.02, Florida
 318 Statutes, are amended, subsections (6) through (8) are
 319 redesignated as subsections (5) through (7), respectively, and
 320 new subsections (8) and (9) are added to that section, to read:

321 985.02 Legislative intent for the juvenile justice
 322 system.—

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

327 (b) Develop and implement effective programs to prevent
 328 delinquency, to divert children from the traditional juvenile
 329 justice system, to intervene at an early stage of delinquency,
 330 and to provide critically needed alternatives to
 331 institutionalization, ~~and~~ deep-end commitment, and secure
 332 detention.

333
 334 The Legislature intends that detention care, in addition to
 335 providing secure and safe custody, will promote the health and

CS/CS/HB 4157

2011

336 well-being of the children committed thereto and provide an
337 environment that fosters their social, emotional, intellectual,
338 and physical development.

339 (4) DETENTION.—

340 (b) The Legislature intends that a juvenile found to have
341 committed a delinquent act understands the consequences and the
342 serious nature of such behavior. Therefore, the Legislature
343 finds that secure detention is appropriate to ensure public
344 safety and guarantee court appearance ~~provide punishment that~~
345 ~~discourages further delinquent behavior~~. The Legislature also
346 finds that certain juveniles have committed a sufficient number
347 of criminal acts, including acts involving violence to persons,
348 to represent sufficient danger to the community to warrant
349 sentencing and placement within the adult system. It is the
350 intent of the Legislature to establish clear criteria in order
351 to identify these juveniles and remove them from the juvenile
352 justice system.

353 ~~(5) SERIOUS OR HABITUAL JUVENILE OFFENDERS.—The~~
354 ~~Legislature finds that fighting crime effectively requires a~~
355 ~~multipronged effort focusing on particular classes of delinquent~~
356 ~~children and the development of particular programs. This~~
357 ~~state's juvenile justice system has an inadequate number of beds~~
358 ~~for serious or habitual juvenile offenders and an inadequate~~
359 ~~number of community and residential programs for a significant~~
360 ~~number of children whose delinquent behavior is due to or~~
361 ~~connected with illicit substance abuse. In addition, a~~
362 ~~significant number of children have been adjudicated in adult~~
363 ~~criminal court and placed in this state's prisons where programs~~

CS/CS/HB 4157

2011

364 ~~are inadequate to meet their rehabilitative needs and where~~
365 ~~space is needed for adult offenders. Recidivism rates for each~~
366 ~~of these classes of offenders exceed those tolerated by the~~
367 ~~Legislature and by the citizens of this state.~~

368 (8) CHILDREN 9 YEARS OF AGE OR YOUNGER.—The Legislature
369 finds that very young children need age-appropriate services in
370 order to prevent and reduce future acts of delinquency. Children
371 who are 9 years of age or younger may be diverted into prearrest
372 or postarrest programs, civil citation programs, or children-in-
373 need-of-services and families-in-need-of-services programs, or
374 other programs, as appropriate. If, based upon a needs
375 assessment, the child is found to be in need of mental health
376 services or substance abuse treatment services, the department
377 shall cooperate with the parent or legal guardian and the
378 Department of Children and Family Services, as appropriate, to
379 identify the most appropriate services and supports and
380 available funding sources to meet the needs of the child.

381 (9) RESTORATIVE JUSTICE.—

382 (a) It is the intent of the Legislature that the juvenile
383 justice system advance the principles of restorative justice.
384 The department shall focus on repairing the harm to victims of
385 delinquent behavior by ensuring that the child understands the
386 effect of his or her delinquent behavior on the victim and the
387 community and that the child restores the losses of his or her
388 victim.

389 (b) Offender accountability is one of the principles of
390 restorative justice. The premise of this principle is that the
391 juvenile justice system must respond to delinquent behavior in

392 such a way that the offender is made aware of and takes
 393 responsibility for repaying or restoring loss, damage, or injury
 394 perpetrated upon the victim and the community. This goal is
 395 achieved when the offender understands the consequences of
 396 delinquent behavior in terms of harm to others and when the
 397 offender makes amends for the harm, loss, or damage through
 398 restitution, community service, or other appropriate repayment.

399 Section 18. Subsection (1) of section 985.125, Florida
 400 Statutes, is amended to read:

401 985.125 Prearrest or postarrest diversion programs.—

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

409 Section 19. Paragraph (a) of subsection (3) of section
 410 985.14, Florida Statutes, is amended to read:

411 985.14 Intake and case management system.—

412 (3) The intake and case management system shall facilitate
 413 consistency in the recommended placement of each child, and in
 414 the assessment, classification, and placement process, with the
 415 following purposes:

416 (a) An individualized, multidisciplinary assessment
 417 process that identifies the priority needs of each individual
 418 child for rehabilitation and treatment and identifies any needs
 419 of the child's parents or guardians for services that would

CS/CS/HB 4157

2011

420 enhance their ability to provide adequate support, guidance, and
 421 supervision for the child. This process shall begin with the
 422 detention risk assessment instrument and decision, and shall
 423 include the intake preliminary screening and comprehensive
 424 assessment for substance abuse treatment services, mental health
 425 services, retardation services, literacy services, and other
 426 educational and treatment services as components, additional
 427 assessment of the child's treatment needs, and classification
 428 regarding the child's risks to the community ~~and, for a serious~~
 429 ~~or habitual delinquent child, shall include the assessment for~~
 430 ~~placement in a serious or habitual delinquent children program~~
 431 ~~under s. 985.47.~~ The completed multidisciplinary assessment
 432 process shall result in the predisposition report.

433 Section 20. Paragraph (d) of subsection (1) of section
 434 985.145, Florida Statutes, is amended to read:

435 985.145 Responsibilities of juvenile probation officer
 436 during intake; screenings and assessments.—

437 (1) The juvenile probation officer shall serve as the
 438 primary case manager for the purpose of managing, coordinating,
 439 and monitoring the services provided to the child. Each program
 440 administrator within the Department of Children and Family
 441 Services shall cooperate with the primary case manager in
 442 carrying out the duties and responsibilities described in this
 443 section. In addition to duties specified in other sections and
 444 through departmental rules, the assigned juvenile probation
 445 officer shall be responsible for the following:

446 (d) Completing risk assessment instrument.—The juvenile
 447 probation officer shall ensure that a risk assessment instrument

448 establishing the child's eligibility for detention has been
 449 accurately completed and that the appropriate recommendation was
 450 made to the court. If, upon completion of the risk assessment
 451 instrument, the child is ineligible for secure detention based
 452 on the criteria in s. 985.24(2)(e), the juvenile probation
 453 officer shall make a referral to the appropriate shelter for a
 454 child in need of services or family in need of services.

455 Section 21. Section 985.24, Florida Statutes, is amended
 456 to read:

457 985.24 Use of detention; prohibitions.—

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

461 (a) Presents a substantial risk of not appearing at a
 462 subsequent hearing;

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

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

467 (d) Has committed contempt of court by:

468 1. Intentionally disrupting the administration of the
 469 court;

470 2. Intentionally disobeying a court order; or

471 3. Engaging in a punishable act or speech in the court's
 472 presence which shows disrespect for the authority and dignity of
 473 the court; or

474 (e) Requests protection from imminent bodily harm.

CS/CS/HB 4157

2011

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

478 (a) To allow a parent to avoid his or her legal
479 responsibility.

480 (b) To permit more convenient administrative access to the
481 child.

482 (c) To facilitate further interrogation or investigation.

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

484 (e) Due to a misdemeanor charge of domestic violence if
485 the child lives in a family that has a history of family
486 violence, as defined in s. 741.28, or if the child is a victim
487 of abuse or neglect, as defined in s. 39.01, and the decision to
488 place the child in secure detention care is mitigated by the
489 history of trauma faced by the child, unless the child would
490 otherwise be subject to secure detention based on his or her
491 prior history.

492 (3) A child alleged to be dependent under chapter 39 may
493 not, under any circumstances, be placed into secure detention
494 care.

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

498 (5)~~(4)~~ The department shall continue to identify
499 alternatives to secure detention care and shall develop such
500 alternatives and annually submit them to the Legislature for
501 authorization and appropriation.

502 Section 22. Subsection (2) of section 985.245, Florida
 503 Statutes, is amended to read:

504 985.245 Risk assessment instrument.—

505 (2) (a) The risk assessment instrument for detention care
 506 placement determinations and court orders shall be developed by
 507 the department in consultation ~~agreement~~ with representatives
 508 appointed by the following associations: the Conference of
 509 Circuit Judges of Florida, the Prosecuting Attorneys
 510 Association, the Public Defenders Association, the Florida
 511 Sheriffs Association, and the Florida Association of Chiefs of
 512 Police. Each association shall appoint two individuals, one
 513 representing an urban area and one—representing a rural area.
 514 ~~The parties involved shall evaluate and revise the risk~~
 515 ~~assessment instrument shall be effective at predicting risk and~~
 516 ~~avoiding the unnecessary use of secure detention as is~~
 517 ~~considered necessary using the method for revision as agreed by~~
 518 ~~the parties.~~

519 (b) The risk assessment instrument shall accurately
 520 predict a child's risk of rearrest or failure to appear and may
 521 take the following factors ~~take~~ into consideration, but need not
 522 be limited to them: ~~7~~ prior history of failure to appear, prior
 523 offenses, offenses committed pending adjudication, any unlawful
 524 possession of a firearm, ~~theft of a motor vehicle or possession~~
 525 ~~of a stolen motor vehicle~~, and probation status at the time the
 526 child is taken into custody. The risk assessment instrument
 527 shall also take into consideration appropriate aggravating and
 528 mitigating circumstances, and shall be designed to target a
 529 narrower population of children than s. 985.255. The risk

CS/CS/HB 4157

2011

530 assessment instrument shall also include any information
531 concerning the child's history of abuse and neglect. The risk
532 assessment shall indicate whether detention care is warranted,
533 and, if detention care is warranted, whether the child should be
534 placed into secure, nonsecure, or home detention care.

535 Section 23. Subsections (1) and (2) of section 985.255,
536 Florida Statutes, are amended to read:

537 985.255 Detention criteria; detention hearing.—

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

542 (a) The child is alleged to be an escapee from a
543 residential commitment program; or an absconder from a
544 nonresidential commitment program, a probation program, or
545 conditional release supervision; or is alleged to have escaped
546 while being lawfully transported to or from a residential
547 commitment program.

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

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

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

CS/CS/HB 4157

2011

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

559 (f) The child is charged with a capital felony, a life
 560 felony, a felony of the first degree, a felony of the second
 561 degree that does not involve a violation of chapter 893, or a
 562 felony of the third degree that is also a crime of violence,
 563 including any such offense involving the use or possession of a
 564 firearm.

565 (g) The child is charged with any second degree or third
 566 degree felony involving a violation of chapter 893 or any third
 567 degree felony that is not also a crime of violence, and the
 568 child:

- 569 1. Has a record of failure to appear at court hearings
 570 after being properly notified in accordance with the Rules of
 571 Juvenile Procedure;
- 572 2. Has a record of law violations prior to court hearings;
- 573 3. Has already been detained or has been released and is
 574 awaiting final disposition of the case;
- 575 4. Has a record of violent conduct resulting in physical
 576 injury to others; or
- 577 5. Is found to have been in possession of a firearm.

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

CS/CS/HB 4157

2011

584 (i) The child is detained on a judicial order for failure
585 to appear and has previously willfully failed to appear, after
586 proper notice, for an adjudicatory hearing on the same case
587 regardless of the results of the risk assessment instrument. A
588 child may be held in secure detention for up to 72 hours in
589 advance of the next scheduled court hearing pursuant to this
590 paragraph. The child's failure to keep the clerk of court and
591 defense counsel informed of a current and valid mailing address
592 where the child will receive notice to appear at court
593 proceedings does not provide an adequate ground for excusal of
594 the child's nonappearance at the hearings.

595 (j) The child is detained on a judicial order for failure
596 to appear and has previously willfully failed to appear, after
597 proper notice, at two or more court hearings of any nature on
598 the same case regardless of the results of the risk assessment
599 instrument. A child may be held in secure detention for up to 72
600 hours in advance of the next scheduled court hearing pursuant to
601 this paragraph. The child's failure to keep the clerk of court
602 and defense counsel informed of a current and valid mailing
603 address where the child will receive notice to appear at court
604 proceedings does not provide an adequate ground for excusal of
605 the child's nonappearance at the hearings.

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

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

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

613
 614 The child may not be held in secure detention under this
 615 subsection for more than 48 hours unless ordered by the court.
 616 After 48 hours, the court shall hold a hearing if the state
 617 attorney or victim requests that secure detention be continued.
 618 The child may continue to be held in detention care if the court
 619 makes a specific, written finding that detention care is
 620 necessary to protect the victim from injury. However, the child
 621 may not be held in detention care beyond the time limits set
 622 forth in this section or s. 985.26.

623 Section 24. Subsection (1) of section 985.441, Florida
 624 Statutes, is amended to read:

625 985.441 Commitment.—

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

630 (a) Commit the child to a licensed child-caring agency
 631 willing to receive the child; however, the court may not commit
 632 the child to a jail or to a facility used primarily as a
 633 detention center or facility or shelter.

634 (b) Commit the child to the department at a
 635 restrictiveness level defined in s. 985.03. Such commitment must
 636 be for the purpose of exercising active control over the child,
 637 including, but not limited to, custody, care, training, urine
 638 monitoring, and treatment of the child and release of the child

CS/CS/HB 4157

2011

639 from residential commitment into the community in a
640 postcommitment nonresidential conditional release program. If
641 the child is not successful in the conditional release program,
642 the department may use the transfer procedure under subsection
643 (3).

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

647 ~~1. Following a delinquency adjudicatory hearing under s.~~
648 ~~985.35 and a delinquency disposition hearing under s. 985.433~~
649 ~~that results in a commitment determination, the court shall, on~~
650 ~~its own or upon request by the state or the department,~~
651 ~~determine whether the protection of the public requires that the~~
652 ~~child be placed in a program for serious or habitual juvenile~~
653 ~~offenders and whether the particular needs of the child would be~~
654 ~~best served by a program for serious or habitual juvenile~~
655 ~~offenders as provided in s. 985.47. The determination shall be~~
656 ~~made under ss. 985.47(1) and 985.433(7).~~

657 ~~2. Any commitment of a child to a program or facility for~~
658 ~~serious or habitual juvenile offenders must be for an~~
659 ~~indeterminate period of time, but the time may not exceed the~~
660 ~~maximum term of imprisonment that an adult may serve for the~~
661 ~~same offense.~~

662 (c) ~~(d)~~ Commit the child to the department for placement in
663 a program or facility for juvenile sexual offenders in
664 accordance with s. 985.48, subject to specific appropriation for
665 such a program or facility.

CS/CS/HB 4157

2011

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

669 2. Any commitment of a juvenile sexual offender to a
670 program or facility for juvenile sexual offenders must be for an
671 indeterminate period of time, but the time may not exceed the
672 maximum term of imprisonment that an adult may serve for the
673 same offense.

674 (d) Commit the child to the department for placement in a
675 mother-infant program designed to serve the needs of juvenile
676 mothers or expectant juvenile mothers who are committed as
677 delinquents. The department's mother-infant program must be
678 licensed as a child care facility in accordance with s. 402.308
679 and must provide the services and support necessary to enable
680 the committed juvenile mothers to provide for the needs of their
681 infants who, upon agreement of the mother, may accompany them in
682 the program.

683 Section 25. Subsection (1) of section 985.45, Florida
684 Statutes, is amended to read:

685 985.45 Liability and remuneration for work.—

686 (1) Whenever a child is required by the court to
687 participate in any work program under this part or whenever a
688 child volunteers to work in a specified state, county,
689 municipal, or community service organization supervised work
690 program or to work for the victim, either as an alternative to
691 monetary restitution or as a part of the rehabilitative or
692 probation program, the child is an employee of the state for the
693 purposes of chapter 440 liability.

CS/CS/HB 4157

2011

694 Section 26. Section 985.494, Florida Statutes, is amended
 695 to read:

696 985.494 Commitment programs for juvenile felony
 697 offenders.—

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

702 ~~(a) A program for serious or habitual juvenile offenders~~
 703 ~~under s. 985.47 or an intensive residential treatment program~~
 704 ~~for offenders less than 13 years of age under s. 985.483, if the~~
 705 ~~child has participated in an early delinquency intervention~~
 706 ~~program and has completed a sheriff's training and respect~~
 707 ~~program.~~

708 ~~(b) a maximum-risk residential program, if the child has~~
 709 completed two different high-risk residential commitment
 710 programs ~~participated in an early delinquency intervention~~
 711 ~~program, has completed a sheriff's training and respect program,~~
 712 ~~and has completed a program for serious or habitual juvenile~~
 713 ~~offenders or an intensive residential treatment program for~~
 714 ~~offenders less than 13 years of age. The commitment of a child~~
 715 ~~to a maximum-risk residential program must be for an~~
 716 ~~indeterminate period, but may not exceed the maximum term of~~
 717 ~~imprisonment that an adult may serve for the same offense.~~

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

721 Section 27. Paragraph (b) of subsection (4) of section
 722 985.565, Florida Statutes, is amended to read:

723 985.565 Sentencing powers; procedures; alternatives for
 724 juveniles prosecuted as adults.—

725 (4) SENTENCING ALTERNATIVES.—

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

728 985.556(3) or s. 985.557(2)(a) or (b), the court may impose

729 juvenile sanctions under this paragraph. If juvenile sentences

730 are imposed, the court shall, under this paragraph, adjudge the

731 child to have committed a delinquent act. Adjudication of

732 delinquency shall not be deemed a conviction, nor shall it

733 operate to impose any of the civil disabilities ordinarily

734 resulting from a conviction. The court shall impose an adult

735 sanction or a juvenile sanction and may not sentence the child

736 to a combination of adult and juvenile punishments. An adult

737 sanction or a juvenile sanction may include enforcement of an

738 order of restitution or probation previously ordered in any

739 juvenile proceeding. However, if the court imposes a juvenile

740 sanction and the department determines that the sanction is

741 unsuitable for the child, the department shall return custody of

742 the child to the sentencing court for further proceedings,

743 including the imposition of adult sanctions. Upon adjudicating a

744 child delinquent under subsection (1), the court may:

745 1. Place the child in a probation program under the

746 supervision of the department for an indeterminate period of

747 time until the child reaches the age of 19 years or sooner if

748 discharged by order of the court.

749 2. Commit the child to the department for treatment in an
 750 appropriate program for children for an indeterminate period of
 751 time until the child is 21 or sooner if discharged by the
 752 department. The department shall notify the court of its intent
 753 to discharge no later than 14 days prior to discharge. Failure
 754 of the court to timely respond to the department's notice shall
 755 be considered approval for discharge.

756 3. Order disposition under ss. 985.435, 985.437, 985.439,
 757 985.441, ~~985.445~~, 985.45, and 985.455 as an alternative to
 758 youthful offender or adult sentencing if the court determines
 759 not to impose youthful offender or adult sanctions.

760
 761 It is the intent of the Legislature that the criteria and
 762 guidelines in this subsection are mandatory and that a
 763 determination of disposition under this subsection is subject to
 764 the right of the child to appellate review under s. 985.534.

765 Section 28. Section 985.632, Florida Statutes, is amended
 766 to read:

767 985.632 Program review and reporting requirements ~~Quality~~
 768 ~~assurance and cost-effectiveness.~~

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

771 (a) Ensure that information be provided to decisionmakers
 772 in a timely manner so that resources are allocated to programs
 773 that ~~of the department which~~ achieve desired performance levels.

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

776 ~~(c)-(b)~~ Provide information about the cost of such programs
 777 and their differential effectiveness so that program ~~the~~ quality
 778 ~~may of such programs can~~ be compared and improvements made
 779 continually.

780 ~~(d)-(e)~~ Provide information to aid in developing related
 781 policy issues and concerns.

782 ~~(e)-(d)~~ Provide information to the public about the
 783 effectiveness of such programs in meeting established goals and
 784 objectives.

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

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

789 ~~(h)-(g)~~ Modify or eliminate activities that are not
 790 effective.

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

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

795 ~~(b)-(b)~~ "Program component" means an aggregation of
 796 generally related objectives which, because of their special
 797 character, related workload, and interrelated output, can
 798 logically be considered an entity for purposes of organization,
 799 management, accounting, reporting, and budgeting.

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

803 (d) ~~(a)~~ "Youth" "Client" means any person who is being
 804 provided treatment or services by the department or by a
 805 provider under contract with the department.

806 ~~(c) "Program effectiveness" means the ability of the~~
 807 ~~program to achieve desired client outcomes, goals, and~~
 808 ~~objectives.~~

809 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department
 810 shall use a standard methodology for annually measuring,
 811 evaluating, and reporting program outputs and youth outcomes for
 812 each program and program group. The department shall submit a
 813 report to the appropriate committees of the Legislature and the
 814 Governor by January 15 of each year. The department shall notify
 815 the Office of Program Policy Analysis and Government
 816 Accountability and each contract service provider of substantive
 817 changes to the methodology. The standard methodology must:

818 (a) Define common terminology and operational definitions
 819 and methods by which the performance of program outputs and
 820 outcomes may be measured.

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

823 (c) Report cost data for each program operated or
 824 contracted by the department for the fiscal year corresponding
 825 to the program outputs and outcomes being reported. The
 826 ~~department shall annually collect and report cost data for every~~
 827 ~~program operated or contracted by the department. The cost data~~
 828 ~~shall conform to a format approved by the department and the~~
 829 ~~Legislature. Uniform cost data shall be reported and collected~~
 830 ~~for state-operated and contracted programs so that comparisons~~

831 ~~can be made among programs. The department shall ensure that~~
832 ~~there is accurate cost accounting for state-operated services~~
833 ~~including market-equivalent rent and other shared cost. The cost~~
834 ~~of the educational program provided to a residential facility~~
835 ~~shall be reported and included in the cost of a program. The~~
836 ~~department shall submit an annual cost report to the President~~
837 ~~of the Senate, the Speaker of the House of Representatives, the~~
838 ~~Minority Leader of each house of the Legislature, the~~
839 ~~appropriate substantive and fiscal committees of each house of~~
840 ~~the Legislature, and the Governor, no later than December 1 of~~
841 ~~each year. Cost-benefit analysis for educational programs will~~
842 ~~be developed and implemented in collaboration with and in~~
843 ~~cooperation with the Department of Education, local providers,~~
844 ~~and local school districts. Cost data for the report shall~~
845 ~~include data collected by the Department of Education for the~~
846 ~~purposes of preparing the annual report required by s.~~
847 ~~1003.52(19).~~

848 (4) PROGRAM ACCOUNTABILITY MEASURES.—

849 (a) ~~The department, in consultation with the Office of~~
850 ~~Economic and Demographic Research and contract service~~
851 ~~providers, shall develop a cost-effectiveness model and apply~~
852 ~~the program accountability measures analysis model to each~~
853 ~~commitment program and include the results in the comprehensive~~
854 ~~accountability report. ~~Program recidivism rates shall be a~~~~
855 ~~component of the model. The program accountability measures~~
856 ~~analysis cost-effectiveness model shall compare program costs to~~
857 ~~expected and actual youth recidivism rates ~~client outcomes and~~~~
858 ~~program outputs. It is the intent of the Legislature that~~

CS/CS/HB 4157

2011

859 continual development efforts take place to improve the validity
860 and reliability of the program accountability measure analysis
861 ~~cost-effectiveness model~~.

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

866 ~~(b)(e)~~ Based on ~~reports of the department on client~~
867 ~~outcomes and program outputs and on the department's most recent~~
868 program accountability measures analysis cost-effectiveness
869 rankings, the department may terminate its contract with or
870 discontinue a commitment program ~~operated by the department or a~~
871 ~~provider~~ if the program has failed to achieve a minimum
872 threshold of recidivism and cost-effectiveness ~~program~~
873 ~~effectiveness~~. This paragraph does not preclude the department
874 from terminating a contract as provided under this section or as
875 otherwise provided by law or contract, and does not limit the
876 department's authority to enter into or terminate a contract.

877 ~~(c)(d)~~ The department shall notify the Office of Program
878 Policy Analysis and Government Accountability and each contract
879 service provider of substantive changes to the program
880 accountability measures analysis. ~~In collaboration with the~~
881 ~~Office of Economic and Demographic Research, and contract~~
882 ~~service providers, the department shall develop a work plan to~~
883 ~~refine the cost-effectiveness model so that the model is~~
884 ~~consistent with the performance-based program budgeting measures~~
885 ~~approved by the Legislature to the extent the department deems~~
886 ~~appropriate. The department shall notify the Office of Program~~

CS/CS/HB 4157

2011

887 ~~Policy Analysis and Government Accountability of any meetings to~~
 888 ~~refine the model.~~

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

892 1. Construct a profile of each commitment program which
 893 ~~that~~ uses the results of the quality assurance report required
 894 by this section, the program accountability measure analysis
 895 ~~cost-effectiveness report~~ required in this subsection, and other
 896 reports available to the department.

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

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

902 4. Use the results of these evaluations in developing or
 903 refining juvenile justice programs or program models, youth
 904 ~~client~~ outcomes and program outputs, provider contracts, quality
 905 assurance standards, and the program accountability measure
 906 analysis ~~cost-effectiveness model~~.

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

908 (a) Establish a comprehensive quality assurance system for
 909 each program operated by the department or operated by a
 910 provider under contract with the department. Each contract
 911 entered into by the department must provide for quality
 912 assurance and include the results in the comprehensive
 913 accountability report.

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

916 (c) Establish quality assurance goals and objectives for
 917 each specific program component.

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

920 (e) Develop a quality assurance manual of specific,
 921 standardized terminology and procedures to be followed by each
 922 program.

923 (f) Evaluate each program operated by the department or a
 924 provider under a contract with the department and establish
 925 minimum thresholds for each program component. If a provider
 926 fails to meet the established minimum thresholds, such failure
 927 shall cause the department to cancel the provider's contract
 928 unless the provider achieves compliance with minimum thresholds
 929 within 6 months or unless there are documented extenuating
 930 circumstances. In addition, the department may not contract with
 931 the same provider for the canceled service for a period of 12
 932 months. If a department-operated program fails to meet the
 933 established minimum thresholds, the department must take
 934 necessary and sufficient steps to ensure and document program
 935 changes to achieve compliance with the established minimum
 936 thresholds. If the department-operated program fails to achieve
 937 compliance with the established minimum thresholds within 6
 938 months and if there are no documented extenuating circumstances,
 939 the department must notify the Executive Office of the Governor
 940 and the Legislature of the corrective action taken. Appropriate
 941 corrective action may include, but is not limited to:

CS/CS/HB 4157

2011

- 942 1. Contracting out for the services provided in the
 943 program;
- 944 2. Initiating appropriate disciplinary action against all
 945 employees whose conduct or performance is deemed to have
 946 materially contributed to the program's failure to meet
 947 established minimum thresholds;
- 948 3. Redesigning the program; or
- 949 4. Realigning the program.

950

951 ~~The department shall submit an annual report to the President of~~
 952 ~~the Senate, the Speaker of the House of Representatives, the~~
 953 ~~Minority Leader of each house of the Legislature, the~~
 954 ~~appropriate substantive and fiscal committees of each house of~~
 955 ~~the Legislature, and the Governor, no later than February 1 of~~
 956 ~~each year. The annual report must contain, at a minimum, for~~
 957 ~~each specific program component: a comprehensive description of~~
 958 ~~the population served by the program; a specific description of~~
 959 ~~the services provided by the program; cost; a comparison of~~
 960 ~~expenditures to federal and state funding; immediate and long-~~
 961 ~~range concerns; and recommendations to maintain, expand,~~
 962 ~~improve, modify, or eliminate each program component so that~~
 963 ~~changes in services lead to enhancement in program quality. The~~
 964 ~~department shall ensure the reliability and validity of the~~
 965 ~~information contained in the report.~~

966 ~~(6) The department shall collect and analyze available~~
 967 ~~statistical data for the purpose of ongoing evaluation of all~~
 968 ~~programs. The department shall provide the Legislature with~~
 969 ~~necessary information and reports to enable the Legislature to~~

970 ~~make informed decisions regarding the effectiveness of, and any~~
 971 ~~needed changes in, services, programs, policies, and laws.~~

972 Section 29. Section 985.66, Florida Statutes, is amended
 973 to read:

974 985.66 Juvenile justice training academies; staff
 975 development and training; ~~Juvenile Justice Standards and~~
 976 ~~Training Commission~~; Juvenile Justice Training Trust Fund.—

977 (1) LEGISLATIVE PURPOSE.—In order to enable the state to
 978 provide a systematic approach to staff development and training
 979 for judges, state attorneys, public defenders, law enforcement
 980 officers, school district personnel, and juvenile justice
 981 program staff that will meet the needs of such persons in their
 982 discharge of duties while at the same time meeting the
 983 requirements for the American Correction Association
 984 accreditation by the Commission on Accreditation for
 985 Corrections, it is the purpose of the Legislature to require the
 986 department to establish, maintain, and oversee the operation of
 987 juvenile justice training academies in the state. The purpose of
 988 the Legislature in establishing staff development and training
 989 programs is to foster better staff morale and reduce
 990 mistreatment and aggressive and abusive behavior in delinquency
 991 programs; to positively impact the recidivism of children in the
 992 juvenile justice system; and to afford greater protection of the
 993 public through an improved level of services delivered by a
 994 professionally trained juvenile justice program staff to
 995 children who are alleged to be or who have been found to be
 996 delinquent.

997 (2) STAFF DEVELOPMENT ~~JUVENILE JUSTICE STANDARDS AND~~
 998 ~~TRAINING COMMISSION.—~~

999 ~~(a) There is created under the Department of Juvenile~~
 1000 ~~Justice the Juvenile Justice Standards and Training Commission,~~
 1001 ~~hereinafter referred to as the commission. The 17-member~~
 1002 ~~commission shall consist of the Attorney General or designee,~~
 1003 ~~the Commissioner of Education or designee, a member of the~~
 1004 ~~juvenile court judiciary to be appointed by the Chief Justice of~~
 1005 ~~the Supreme Court, and 14 members to be appointed by the~~
 1006 ~~Secretary of Juvenile Justice as follows:~~

1007 ~~1. Seven members shall be juvenile justice professionals:~~
 1008 ~~a superintendent or a direct care staff member from an~~
 1009 ~~institution; a director from a contracted community-based~~
 1010 ~~program; a superintendent and a direct care staff member from a~~
 1011 ~~regional detention center or facility; a juvenile probation~~
 1012 ~~officer supervisor and a juvenile probation officer; and a~~
 1013 ~~director of a day treatment or conditional release program. No~~
 1014 ~~fewer than three of these members shall be contract providers.~~

1015 ~~2. Two members shall be representatives of local law~~
 1016 ~~enforcement agencies.~~

1017 ~~3. One member shall be an educator from the state's~~
 1018 ~~university and community college program of criminology,~~
 1019 ~~eriminal justice administration, social work, psychology,~~
 1020 ~~sociology, or other field of study pertinent to the training of~~
 1021 ~~juvenile justice program staff.~~

1022 ~~4. One member shall be a member of the public.~~

1023 ~~5. One member shall be a state attorney, or assistant~~
 1024 ~~state attorney, who has juvenile court experience.~~

CS/CS/HB 4157

2011

1025 ~~6. One member shall be a public defender, or assistant~~
 1026 ~~public defender, who has juvenile court experience.~~

1027 ~~7. One member shall be a representative of the business~~
 1028 ~~community.~~

1029
 1030 ~~All appointed members shall be appointed to serve terms of 2~~
 1031 ~~years.~~

1032 ~~(b) The composition of the commission shall be broadly~~
 1033 ~~reflective of the public and shall include minorities and women.~~
 1034 ~~The term "minorities" as used in this paragraph means a member~~
 1035 ~~of a socially or economically disadvantaged group that includes~~
 1036 ~~blacks, Hispanics, and American Indians.~~

1037 ~~(c) The Department of Juvenile Justice shall provide the~~
 1038 ~~commission with staff necessary to assist the commission in the~~
 1039 ~~performance of its duties.~~

1040 ~~(d) The commission shall annually elect its chairperson~~
 1041 ~~and other officers. The commission shall hold at least four~~
 1042 ~~regular meetings each year at the call of the chairperson or~~
 1043 ~~upon the written request of three members of the commission. A~~
 1044 ~~majority of the members of the commission constitutes a quorum.~~
 1045 ~~Members of the commission shall serve without compensation but~~
 1046 ~~are entitled to be reimbursed for per diem and travel expenses~~
 1047 ~~as provided by s. 112.061 and these expenses shall be paid from~~
 1048 ~~the Juvenile Justice Training Trust Fund.~~

1049 ~~(e) The department powers, duties, and functions of the~~
 1050 ~~commission shall be to:~~

1051 ~~(a)1. Designate the location of the training academies;~~
 1052 ~~develop, implement, maintain, and update the curriculum to be~~

CS/CS/HB 4157

2011

1053 used in the training of juvenile justice program staff;
 1054 establish timeframes for participation in and completion of
 1055 training by juvenile justice program staff; develop, implement,
 1056 maintain, and update job-related examinations; develop,
 1057 implement, and update the types and frequencies of evaluations
 1058 of the training academies; approve, modify, or disapprove the
 1059 budget for the training academies, and the contractor to be
 1060 selected to organize and operate the training academies and to
 1061 provide the training curriculum.

1062 (b)2. Establish uniform minimum job-related training
 1063 courses and examinations for juvenile justice program staff.

1064 (c)3. Consult and cooperate with the state or any
 1065 political subdivision; any private entity or contractor; and
 1066 with private and public universities, colleges, community
 1067 colleges, and other educational institutions concerning the
 1068 development of juvenile justice training and programs or courses
 1069 of instruction, including, but not limited to, education and
 1070 training in the areas of juvenile justice.

1071 (d)4. ~~Enter into~~ With the approval of the department, make
 1072 ~~and enter into such~~ contracts and agreements with other
 1073 agencies, organizations, associations, corporations,
 1074 individuals, or federal agencies as ~~the commission determines~~
 1075 ~~are~~ necessary in the execution of the its powers of the
 1076 department or the performance of its duties.

1077 ~~5. Make recommendations to the Department of Juvenile~~
 1078 ~~Justice concerning any matter within the purview of this~~
 1079 ~~section.~~

1080 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department
 1081 ~~commission~~ shall establish a certifiable program for juvenile
 1082 justice training pursuant to this section, and all department
 1083 program staff and providers who deliver direct care services
 1084 pursuant to contract with the department shall be required to
 1085 participate in and successfully complete the department-approved
 1086 ~~commission-approved~~ program of training pertinent to their areas
 1087 of responsibility. Judges, state attorneys, and public
 1088 defenders, law enforcement officers, and school district
 1089 personnel may participate in such training program. For the
 1090 juvenile justice program staff, the department ~~commission~~ shall,
 1091 based on a job-task analysis:

1092 (a) Design, implement, maintain, evaluate, and revise a
 1093 basic training program, including a competency-based
 1094 examination, for the purpose of providing minimum employment
 1095 training qualifications for all juvenile justice personnel. All
 1096 program staff of the department and providers who deliver
 1097 direct-care services who are hired after October 1, 1999, must
 1098 meet the following minimum requirements:

- 1099 1. Be at least 19 years of age.
- 1100 2. Be a high school graduate or its equivalent as
 1101 determined by the department ~~commission~~.
- 1102 3. Not have been convicted of any felony or a misdemeanor
 1103 involving perjury or a false statement, or have received a
 1104 dishonorable discharge from any of the Armed Forces of the
 1105 United States. Any person who, after September 30, 1999, pleads
 1106 guilty or nolo contendere to or is found guilty of any felony or
 1107 a misdemeanor involving perjury or false statement is not

1108 eligible for employment, notwithstanding suspension of sentence
 1109 or withholding of adjudication. Notwithstanding this
 1110 subparagraph, any person who pled nolo contendere to a
 1111 misdemeanor involving a false statement before October 1, 1999,
 1112 and who has had such record of that plea sealed or expunged is
 1113 not ineligible for employment for that reason.

1114 4. Abide by all the provisions of s. 985.644(1) regarding
 1115 fingerprinting and background investigations and other screening
 1116 requirements for personnel.

1117 5. Execute and submit to the department an affidavit-of-
 1118 application form, adopted by the department, attesting to his or
 1119 her compliance with subparagraphs 1.-4. The affidavit must be
 1120 executed under oath and constitutes an official statement under
 1121 s. 837.06. The affidavit must include conspicuous language that
 1122 the intentional false execution of the affidavit constitutes a
 1123 misdemeanor of the second degree. The employing agency shall
 1124 retain the affidavit.

1125 (b) Design, implement, maintain, evaluate, and revise an
 1126 advanced training program, including a competency-based
 1127 examination for each training course, which is intended to
 1128 enhance knowledge, skills, and abilities related to job
 1129 performance.

1130 (c) Design, implement, maintain, evaluate, and revise a
 1131 career development training program, including a competency-
 1132 based examination for each training course. Career development
 1133 courses are intended to prepare personnel for promotion.

1134 (d) The department ~~commission~~ is encouraged to design,
 1135 implement, maintain, evaluate, and revise juvenile justice

CS/CS/HB 4157

2011

1136 training courses, or to enter into contracts for such training
 1137 courses, that are intended to provide for the safety and well-
 1138 being of both citizens and juvenile offenders.

1139 (4) JUVENILE JUSTICE TRAINING TRUST FUND.—

1140 (a) There is created within the State Treasury a Juvenile
 1141 Justice Training Trust Fund to be used by the department ~~of~~
 1142 ~~Juvenile Justice~~ for the purpose of funding the development and
 1143 updating of a job-task analysis of juvenile justice personnel;
 1144 the development, implementation, and updating of job-related
 1145 training courses and examinations; and the cost of ~~commission-~~
 1146 ~~approved~~ juvenile justice training courses; ~~and reimbursement~~
 1147 ~~for expenses as provided in s. 112.061 for members of the~~
 1148 ~~commission and staff.~~

1149 (b) One dollar from every noncriminal traffic infraction
 1150 collected pursuant to ss. 318.14(10)(b) and 318.18 shall be
 1151 deposited into the Juvenile Justice Training Trust Fund.

1152 (c) In addition to the funds generated by paragraph (b),
 1153 the trust fund may receive funds from any other public or
 1154 private source.

1155 (d) Funds that are not expended by the end of the budget
 1156 cycle or through a supplemental budget approved by the
 1157 department shall revert to the trust fund.

1158 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—
 1159 The number, location, and establishment of juvenile justice
 1160 training academies shall be determined by the department
 1161 ~~commission.~~

1162 (6) SCHOLARSHIPS AND STIPENDS.—

CS/CS/HB 4157

2011

1163 (a) By rule, the department ~~commission~~ shall establish
 1164 criteria to award scholarships or stipends to qualified juvenile
 1165 justice personnel who are residents of the state who want to
 1166 pursue a bachelor's or associate in arts degree in juvenile
 1167 justice or a related field. The department shall handle the
 1168 administration of the scholarship or stipend. The Department of
 1169 Education shall handle the notes issued for the payment of the
 1170 scholarships or stipends. All scholarship and stipend awards
 1171 shall be paid from the Juvenile Justice Training Trust Fund upon
 1172 vouchers approved by the Department of Education and properly
 1173 certified by the Chief Financial Officer. Prior to the award of
 1174 a scholarship or stipend, the juvenile justice employee must
 1175 agree in writing to practice her or his profession in juvenile
 1176 justice or a related field for 1 month for each month of grant
 1177 or to repay the full amount of the scholarship or stipend
 1178 together with interest at the rate of 5 percent per annum over a
 1179 period not to exceed 10 years. Repayment shall be made payable
 1180 to the state for deposit into the Juvenile Justice Training
 1181 Trust Fund.

1182 (b) The department ~~commission~~ may establish the
 1183 scholarship program by rule ~~and implement the program on or~~
 1184 ~~after July 1, 1996.~~

1185 (7) ADOPTION OF RULES.—The department ~~commission~~ shall
 1186 adopt rules as necessary to carry out the provisions of this
 1187 section.

1188 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
 1189 MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of
 1190 Risk Management of the Department of Financial Services is

CS/CS/HB 4157

2011

1191 authorized to insure a private agency, or individual, ~~or~~
1192 ~~corporation operating a state-owned training school under a~~
1193 ~~contract~~ to carry out the purposes and responsibilities of any
1194 program of the department. The coverage authorized herein shall
1195 be under the same general terms and conditions as the department
1196 is insured for its responsibilities under chapter 284.

1197 ~~(9) The Juvenile Justice Standards and Training Commission~~
1198 ~~is terminated on June 30, 2001, and such termination shall be~~
1199 ~~reviewed by the Legislature prior to that date.~~

1200 Section 30. This act shall take effect July 1, 2011.