

By the Committee on Criminal Justice

591-02505-23

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1 A bill to be entitled
2 An act relating to juvenile justice; amending s.
3 20.316, F.S.; requiring that the secretary of the
4 Department of Juvenile Justice oversee the
5 establishment of the Florida Scholars Academy;
6 revising a duty of the secretary; creating s. 985.619,
7 F.S.; requiring that the department establish the
8 academy; specifying the academy's mission; requiring
9 the academy to provide students with greater access to
10 secondary and postsecondary educational opportunities;
11 providing requirements for the contractual agreement
12 entered into by the department with an education
13 service provider; requiring that the superintendent of
14 the academy be approved by the secretary; requiring
15 that the academy be governed by a board of trustees;
16 providing for board membership; specifying the powers
17 and duties of the board; specifying funding sources
18 for the academy; providing requirements related to
19 funding; prohibiting the pledging of the state's
20 credit on behalf of the academy; requiring annual
21 financial audits of the academy; providing audit
22 requirements; providing requirements for an audit
23 report; authorizing the department to adopt rules;
24 amending s. 1000.04, F.S.; specifying that the academy
25 is a component of the delivery of public education
26 within Florida's Early Learning-20 education system;
27 amending s. 1013.53, F.S.; requiring the department to
28 provide early notice to school districts regarding the
29 siting of new juvenile justice detention facilities;

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30 requiring that school districts be consulted regarding
31 the types of students expected to be assigned to
32 detention facilities, rather than commitment
33 facilities; deleting requirements of the department
34 related to commitment facilities; providing an
35 appropriation; providing an effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

39 Section 1. Paragraph (c) of subsection (1) of section
40 20.316, Florida Statutes, is amended to read:

41 20.316 Department of Juvenile Justice.—There is created a
42 Department of Juvenile Justice.

43 (1) SECRETARY OF JUVENILE JUSTICE.—

44 (c) The Secretary of Juvenile Justice shall:

45 1. Ensure that juvenile justice continuum programs and
46 services are implemented according to legislative intent; state
47 and federal laws, rules, and regulations; statewide program
48 standards; and performance objectives by reviewing and
49 monitoring regional and circuit program operations and providing
50 technical assistance to those programs.

51 2. Identify the need for and recommend the funding and
52 implementation of an appropriate mix of programs and services
53 within the juvenile justice continuum, including prevention,
54 diversion, nonresidential and residential commitment programs,
55 training schools, and conditional release programs and services,
56 with an overlay of educational, career and technical education
57 ~~vocational~~, alcohol, drug abuse, and mental health services
58 where appropriate.

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59 3. Oversee the establishment of the Florida Scholars
60 Academy created under s. 985.619.

61 ~~4.3.~~ Provide for program research, development, and
62 planning.

63 ~~5.4.~~ Develop staffing and workload standards and coordinate
64 staff development and training.

65 ~~6.5.~~ Develop budget and resource allocation methodologies
66 and strategies.

67 ~~7.6.~~ Establish program policies and rules and ensure that
68 those policies and rules encourage cooperation, collaboration,
69 and information sharing with community partners in the juvenile
70 justice system to the extent authorized by law.

71 ~~8.7.~~ Develop funding sources external to state government.

72 ~~9.8.~~ Obtain, approve, monitor, and coordinate research and
73 program development grants.

74 ~~10.9.~~ Enter into contracts.

75 ~~11.10.~~ Monitor all state-funded programs, grants,
76 appropriations, or activities that are designed to prevent
77 juvenile crime, delinquency, gang membership, or status offense
78 behaviors and all state-funded programs, grants, appropriations,
79 or activities that are designed to prevent a child from becoming
80 a "child in need of services," as defined in chapter 984, in
81 order to effect the goals and policies of the State
82 Comprehensive Plan regarding children and regarding governmental
83 efficiency, and in order to determine:

84 a. The number of youth served by such state-funded
85 programs, grants, appropriations, or activities;

86 b. The number of youth who complete such state-funded
87 programs, grants, appropriations, or activities;

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88 c. The number and percentage of youth who are referred for
89 delinquency while participating in such state-funded programs,
90 grants, appropriations, or activities;

91 d. The number and percentage of youth who are referred for
92 delinquency within 6 months after completing such state-funded
93 programs, grants, appropriations, or activities.

94 Section 2. Section 985.619, Florida Statutes, is created to
95 read:

96 985.619 Florida Scholars Academy.—

97 (1) ESTABLISHMENT.—

98 (a) The department shall establish the Florida Scholars
99 Academy to deliver educational opportunities to students served
100 in residential commitment programs under this chapter.

101 (b) Each residential program site established, authorized,
102 or designated by the department is considered a campus of the
103 Florida Scholars Academy.

104 (c) Students sentenced by a court to adult facilities under
105 chapter 944 are not eligible to enroll in the Florida Scholars
106 Academy.

107 (2) MISSION.—The mission of the Florida Scholars Academy is
108 to provide a free and appropriate high-quality education to
109 eligible students within the juvenile justice system. The
110 academy shall provide students with greater access to secondary
111 and postsecondary educational opportunities, including, but not
112 limited to, pathways to attain a high school diploma, the career
113 and technical education graduation pathway option provided under
114 s. 1003.4282(10), a high school equivalency diploma, enrolling
115 in a degree program at a state college or university, and
116 earning an industry-recognized credential of value from the

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117 Master Credentials List as described in s. 445.004(4)(h) to
118 prepare students to be gainfully employed and productive members
119 of society upon their exit from the state's juvenile justice
120 system.

121 (3) REQUIRED CONTRACTING.—

122 (a) The department shall enter into a contractual agreement
123 with an education service provider with a proven track record of
124 success to operate, provide, or supplement full-time instruction
125 and instructional support services for students to earn a high
126 school diploma or high school equivalency diploma, enroll in a
127 degree program at a state college or university, and earn
128 industry-recognized credentials of value from the Master
129 Credentials List. The contracted education service provider is
130 responsible for the administration of all educational services
131 to students enrolled in the academy.

132 (b) The superintendent of the Florida Scholars Academy must
133 be approved by the secretary of the department. The
134 superintendent is responsible for the management and day-to-day
135 operations of the Florida Scholars Academy.

136 (4) GOVERNING BODY; POWERS AND DUTIES.—

137 (a)1. The Florida Scholars Academy shall be governed by a
138 board of trustees, composed of the following five members:
139 a. The secretary of the department, or his or her designee.
140 b. The superintendent of the Florida Scholars Academy.
141 c. Three members appointed by the Governor.
142 2. The secretary of the department or his or her designee
143 shall be the initial chair of the board and shall serve a term
144 of 4 years. Members of the board of trustees shall serve without
145 compensation but may be reimbursed for per diem and travel

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146 expenses pursuant to s. 112.061.

147 (b) The board of trustees shall have the following powers
148 and duties:

149 1. Meet at least 4 times each year, upon the call of the
150 chair, or at the request of a majority of the membership.

151 2. Be responsible for the Florida Scholars Academy's
152 development of an education delivery system that is cost-
153 effective, high-quality, educationally sound, and capable of
154 sustaining an effective delivery system.

155 3.a. Identify appropriate performance measures and
156 standards based on student achievement which reflect the
157 school's statutory mission and priorities, and implement an
158 accountability system approved by the State Board of Education
159 for the school by the 2024-2025 school year which includes an
160 assessment of its effectiveness and efficiency in providing
161 quality services that encourage high student achievement,
162 seamless articulation, and maximum access to career
163 opportunities.

164 b. For the 2024-2025 school year, the results of the
165 accountability system must serve as an informative baseline for
166 the academy as it works to improve performance in future years.

167 4. Administer and maintain the educational programs of the
168 Florida Scholars Academy in accordance with law and department
169 rules, in consultation with the State Board of Education.

170 5. With the approval of the secretary of the department or
171 his or her designee, determine the compensation, including
172 salaries and fringe benefits, and other conditions of employment
173 for such personnel, in alignment with the Florida Scholars
174 Academy's provider contracts.

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175 6. The employment of all Florida Scholars Academy
176 administrative and instructional personnel are subject to
177 rejection for cause by the secretary of the department or his or
178 her designee and are subject to policies established by the
179 board of trustees.

180 7. Provide for the content and custody of student records
181 in compliance with s. 1002.22.

182 8. Maintain the financial records and accounts of the
183 Florida Scholars Academy in compliance with rules adopted by the
184 State Board of Education for the uniform system of financial
185 records and accounts for the schools of this state.

186 9. Is a body corporate with all the powers of a body
187 corporate and may exercise such authority as is needed for the
188 proper operation and improvement of the Florida Scholars
189 Academy. The board of trustees is specifically authorized to
190 adopt rules, policies, and procedures, consistent with law and
191 State Board of Education rules related to governance, personnel,
192 budget and finance, administration, programs, curriculum and
193 instruction, travel and purchasing, technology, students,
194 contracts and grants, and property as necessary for optimal,
195 efficient operation of the Florida Scholars Academy.

196 (5) FUNDING.—

197 (a)1. Funding for the operational and instructional
198 services for students enrolled in the Florida Scholars Academy
199 must be provided by the General Appropriations Act.

200 2. The Florida Scholars Academy shall receive all federal
201 funds for which it is eligible.

202 (b) The secretary of the department shall prepare and
203 submit a legislative budget request on behalf of the Florida

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204 Scholars Academy as part of the department's legislative budget
205 request. The request of funds may be for operation and fixed
206 capital outlay, in accordance with chapter 216.

207 (c) The fiscal year for the Florida Scholars Academy is the
208 state fiscal year as defined in s. 216.011(1)(o).

209 (d) Notwithstanding s. 216.301 and pursuant to s. 216.351,
210 all unexpended funds appropriated for the Florida Scholars
211 Academy must be carried forward and included as the balance
212 forward for that fund in the approved operating budget for the
213 following year.

214 (e)1. The Florida Scholars Academy shall maintain at least
215 a 3 percent general fund ending fund balance, which amount must
216 be sufficient to address normal contingencies.

217 2. If at any time the portion of the general fund's ending
218 fund balance not classified as restricted, committed, or
219 nonspendable in the Florida Scholars Academy's approved
220 operating budget is projected to fall below 2 percent of
221 projected general fund revenues during the current fiscal year,
222 the secretary of the department or his or her designee shall
223 provide written notification to the Commissioner of Education.
224 If the commissioner determines that the Florida Scholars Academy
225 does not have a plan that is reasonably anticipated to avoid a
226 financial emergency as determined pursuant to s. 218.503, the
227 commissioner must, within 14 days after receiving such
228 notification, appoint a financial emergency board that shall
229 operate under the requirements, powers, and duties specified in
230 s. 218.503(3)(g).

231 (6) STATE CREDIT LIMITATION.—The credit of the state may
232 not be pledged under any circumstance on behalf of the Florida

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233 Scholars Academy.

234 (7) ANNUAL AUDIT.—

235 (a) The Florida Scholars Academy must have an annual
236 financial audit of its accounts and records conducted by an
237 independent auditor who is a certified public accountant
238 licensed under chapter 473. The independent auditor shall
239 conduct the audit in accordance with rules adopted by the
240 Auditor General pursuant to s. 11.45 and, upon completion of the
241 audit, shall prepare an audit report in accordance with such
242 rules. The audit report must include a written statement by the
243 board of trustees describing corrective action to be taken in
244 response to each of the independent auditor's recommendations
245 included in the audit report.

246 (b) The independent auditor shall submit the audit report
247 to the board of trustees and the Auditor General not later than
248 9 months after the end of the preceding fiscal year.

249 (8) RULEMAKING.—The department may establish rules to
250 implement this section.

251 Section 3. Subsection (6) is added to section 1000.04,
252 Florida Statutes, to read:

253 1000.04 Components for the delivery of public education
254 within the Florida Early Learning-20 education system.—Florida's
255 Early Learning-20 education system provides for the delivery of
256 early learning and public education through publicly supported
257 and controlled K-12 schools, Florida College System
258 institutions, state universities and other postsecondary
259 educational institutions, other educational institutions, and
260 other educational services as provided or authorized by the
261 Constitution and laws of the state.

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262 (6) FLORIDA SCHOLARS ACADEMY.—The Florida Scholars Academy
263 is a component of the delivery of public education within the
264 Florida Early Learning-20 education system.

265 Section 4. Section 1013.53, Florida Statutes, is amended to
266 read:

267 1013.53 Cooperative development of educational facilities
268 in juvenile justice programs.—

269 (1) The Department of Juvenile Justice shall provide early
270 notice to school districts regarding the siting of new juvenile
271 justice detention facilities. School districts shall include the
272 projected number of students in the districts' annual estimates.
273 School districts must be consulted regarding the types of
274 students expected to be assigned to detention ~~commitment~~
275 facilities for education planning and budgeting purposes.

276 (2) The Department of Juvenile Justice shall notify, in
277 writing, the Department of Education when a request for
278 proposals is issued for the construction or operation of a
279 ~~commitment~~ ~~or~~ detention facility anywhere in this ~~the~~ state. The
280 Department of Juvenile Justice shall notify, in writing, the
281 appropriate school district when a request for proposals is
282 issued for the construction or operation of a ~~commitment~~ ~~or~~
283 detention facility when a county or site is specifically
284 identified.

285 (3) The Department of Juvenile Justice shall also notify
286 the district school superintendent within 30 days after:

287 (a) The award of a contract for the construction or
288 operation of a ~~commitment~~ ~~or~~ detention facility within that
289 school district.

290 (b) Obtaining a permit to begin construction of a new

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291 detention ~~or commitment~~ facility within that school district.

292 Section 5. For the 2023-2024 fiscal year, the recurring sum
293 of \$12 million is appropriated from the General Revenue Fund to
294 the Department of Juvenile Justice for the purpose of carrying
295 out the provisions of this act.

296 Section 6. This act shall take effect July 1, 2023.