

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1352

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Bradley

SUBJECT: Juvenile Justice

DATE: February 20, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	<u>Parker</u>	<u>Yeatman</u>	<u>FP</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1352 amends s. 381.887, F.S., adding personnel of the Department of Juvenile Justice (DJJ) and of any contracted provider with direct contact with youth to the list of personnel that are offered immunity from civil and criminal liability as a result of administering an emergency opioid antagonist (EOA).

The bill amends s. 985.619, F.S., permitting the Florida Scholars Academy board of trustees to review and approve an annual academic calendar to provide educational services to youth.

The bill amends s. 985.664, F.S., to require that each judicial circuit in this state have a juvenile justice circuit advisory board, and specifies requirements of such board. The bill removes reference to the juvenile justice circuit advisory board in ss. 938.17 and 948.51, F.S.

The bill amends s. 790.22, F.S., to remove the provision requiring the juvenile justice circuit advisory board to establish certain community service programs and transfers the responsibility to the alternative sanctions coordinators of the circuit courts.

The bill amends s. 985.601, F.S., to authorize the department to use state or federal funds to purchase and distribute promotional and educational materials that are consistent with the dignity and integrity of the state for the following purposes:

- Educating children and families about the juvenile justice continuum, including local prevention programs or community services available for participation or enrollment.

- Staff recruitment at job fairs, career fairs, community events, the Institute for Commercialization of Florida Technology, community college campuses, or state university campuses.
- Educating children and families on children-specific public safety issues, including, but not limited to, safe storage of adult-owned firearms, consequences of child firearm offenses, human trafficking, or drug and alcohol abuse.

The bill amends s. 985.115, F.S., to provide that a juvenile assessment center may not be considered a facility that can receive a child who is suffering from a serious physical condition that requires a medical diagnosis or treatment, is mentally ill as defined in s. 394.463(1), F.S., or the child is intoxicated and has threatened or attempted physical harm to him or herself or another.

The bill amends s. 985.03, F.S., to revise definitions and remove “minimum-risk nonresidential” as a restrictiveness level for committed youth. The bill revises the term “nonsecure residential” programs to “moderate-risk.” The term “juvenile prison” and “juvenile correctional facilities” are removed to standardize the term “maximum risk residential.” Corresponding changes are made in ss. 985.27, 985.441, 985.465, 330.41, and 553.865, F.S.

The bill amends various statutes throughout ch. 985, F.S., to replace the terms gender and gender-specific, with sex and sex-specific respectively. These changes are made in ss. 985.02, 985.126, 985.17, and 985.601, F.S.

The bill amends s. 985.26, F.S., to authorize that transitions from secure detention care and supervised release detention care be initiated upon the court’s own motion, or upon a motion of the child or of the state, and after considering any information provided by the department regarding the child’s adjustment to detention supervision.

The bill amends s. 985.676, F.S., to revise the required contents of a grant proposal applicants must submit to be considered for funding from an annual community juvenile justice partnership grant. The bill requires the department to consider the recommendations of community stakeholders, rather than the juvenile justice circuit advisor board, as to certain priorities. The bill removes the juvenile justice circuit advisory board from the entities to which each awarded grantee is required to submit an annual evaluation report.

The bill amends s. 1003.01, F.S., to include the Florida Scholars Academy as an educational entity.

The bill amends s. 1003.51, F.S., to revise requirements for certain State Board of Education rules to establish policies and standards for certain education programs. The bill provides for a use of course delivery model aligned to the state academic standards. The bill also provides accountability measures and school improvement requirements as public alternative schools for juvenile justice education programs.

The bill amends s. 1003.52, F.S., to revise the role of Coordinators for Juvenile Justice Education Programs in collecting certain information and developing protocols that provide guidance to district school boards and juvenile justice education providers in all aspects of educational

programming, including records transfer and transition. The bill removes provisions relating to career and professional education (CAPE)¹ and provisions related to requiring residential juvenile justice education programs to provide certain CAPE courses. The bill requires each district school board to make provisions for high school level students to earn credits towards high school graduation while in juvenile justice detention, prevention, or day programs.

The bill authorizes district school boards to contract with private providers for the provision of education programs to students placed in such programs. The bill requires each district school board to negotiate a cooperative agreement with the department on the delivery of education services to students in such programs. The bill removes provisions requiring the Department of Education, in consultation with the DJJ, to adopt rules and collect data and report on certain programs. The bill removes a provision requiring that specified entities jointly develop a multiagency plan for CAPE.

The bill provides that school districts shall provide the high school equivalency examination exit option for all juvenile justice programs, except for residential programs operated under s. 985.619, F.S. The district school board shall select appropriate academic and career assessments to be administered at the time of program entry and exit for the purpose of developing goals for education transition plans, progress monitoring plans, and individual education plans.

The bill does not have a fiscal impact on DJJ. See Section V, Fiscal Impact Statement.

The bill is effective July 1, 2024.

II. Present Situation:

The Department of Juvenile Justice Continuum

Section 985.601, F.S., provides for administering the juvenile justice continuum. The DJJ is authorized to plan, develop, and coordinate comprehensive services and programs statewide for the prevention, early intervention, control, and rehabilitative treatment of delinquent behavior.²

The department is also authorized to develop and implement an appropriate continuum of care that provides individualized, multidisciplinary assessments, objective evaluations of relative risks, and the matching of needs with placements for all children under its care, and that uses a system of case management to facilitate each child being appropriately assessed, provided with services, and placed in a program that meets the child's needs.³

¹ Section 1003.52(5), F.S., states, prevention and day treatment juvenile justice education programs, at a minimum, shall provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services. Residential juvenile justice education programs with a contracted minimum length of stay of 9 months shall provide CAPE courses that lead to preapprentice certifications and industry certifications. Programs with contracted lengths of stay of less than 9 months may provide career education courses that lead to preapprentice certifications and CAPE industry certifications.

² Section 985.601(1), F.S.

³ Section 985.601(2), F.S.

Circuit Advisory Boards

Section 985.664, F.S., authorizes the establishment of Juvenile Justice Circuit Advisory Boards.⁴ The Circuit Advisory Boards serve as advisors to the DJJ according to their statutory responsibilities. Members of the boards work closely with Delinquency Prevention Specialists and DJJ staff to plan for services that meet the identified needs of juveniles and families within the local community. The Juvenile Justice Circuit Advisory Boards are vehicles for collaboration. Through the Circuit Advisory Boards, the department promotes community partnerships to increase public safety. Boards primarily focus on juvenile delinquency prevention programs and services such as mentoring, teen courts, civil citation, partnership programs, after school programs and public forums to increase communication between youth and law enforcement.⁵

Florida Scholars Academy

Section 985.619, F.S., creates the Florida Scholars Academy within the DJJ developing a single-uniform education system overseen by the DJJ to provide educational opportunities to students in the DJJ residential commitment programs.⁶ The Florida Scholars Academy serves as a national model with a focus on improving outcomes for youth through individualized educational pathways. The Florida Scholars Academy helps youth in DJJ care attain a high school or high school equivalency diploma, industry-recognized credentials, and enroll in a postsecondary program of study at a Florida college, university, or technical college.⁷

Requirements for juvenile justice education are specified in s. 1003.52, F.S. Section 1003.52, F.S., designates the Florida Department of Education as the lead agency for juvenile justice education programs, curriculum, support services, and resources. Additionally, s. 1003.52, F.S., stipulates that the “district school board of the county in which the juvenile justice prevention, day treatment, residential, or detention program is located shall provide or contract for appropriate educational assessments and an appropriate program of instruction and special education services.”⁸

Section 1003.52(5), F.S., states: Prevention and day treatment juvenile justice education programs, at a minimum, shall provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services. Residential juvenile justice education programs with a contracted minimum length of stay of 9 months shall provide Career and Professional Education (CAPE) courses that lead to preapprentice certifications and industry certifications.⁹

⁴ Section 985.664, F.S.

⁵ Department of Juvenile Justice, Juvenile Justice Circuit Advisory Boards Prevent Juvenile Crime, available at <https://www.djj.state.fl.us/content/download/21162/file/circuit-advisory-board-brochure-3.pdf> (last visited on January 22, 2024).

⁶ Section 985.619(2), F.S.

⁷ Florida Department of Justice, *Governor Ron DeSantis Signs Legislation Creating First-of-its-Kind Education System for Juvenile Justice-Involved Youth* available at <https://www.djj.state.fl.us/news/press-releases/2023/governor-ron-desantis-signs-legislation-creating-first-of-its-kind-education-system-for-juvenile-justice-involved-youth> (last visited on January 26, 2024).

⁸ Section 1003.52, F.S.

⁹ Section 1003.52(5), F.S.

County Delinquency Prevention

The sheriff's office of the county must be a partner in a written agreement with the DJJ to participate in a juvenile assessment center or with the district school board to participate in a suspension program.¹⁰ A sheriff's office that receives proceeds pursuant to s. 939.185, F.S., shall account for all funds annually by August 1 in a written report to the juvenile justice circuit advisory board if funds are used for assessment centers, and to the district school board if funds are used for suspension programs.¹¹

Community Corrections Assistance to Counties or County Consortiums

A county, or a consortium of two or more counties, may contract with the Department of Corrections for community corrections funds as provided in this section. In order to enter into a community corrections partnership contract, a county or county consortium must have a public safety coordinating council established under s. 951.26, F.S.,¹² and must designate a county officer or agency to be responsible for administering community corrections funds received from the state. The public safety coordinating council shall prepare, develop, and implement a comprehensive public safety plan for the county, or the geographic area represented by the county consortium, and shall submit an annual report to the Department of Corrections concerning the status of the program. In preparing the comprehensive public safety plan, the public safety coordinating council shall cooperate with the juvenile justice circuit advisory board established under s. 985.664, F.S., in order to include programs and services for juveniles in the plan.¹³

Juvenile Assessment Centers

Every child under the age of 18 charged with a crime in Florida is referred to the DJJ.¹⁴ The DJJ serves as the primary case manager responsible for managing, coordinating, and monitoring services provided to the child.¹⁵ Intake and screening services for a child referred to the DJJ are performed at a Juvenile Assessment Center (JAC).¹⁶ The purpose of the intake process is to assess the child's needs and risks and to determine the most appropriate treatment plan and setting for the child's programmatic need and risks.¹⁷ Once a child is in the custody of the DJJ, the DJJ determines whether detention care is appropriate.¹⁸

A Juvenile Assessment Center (JAC) is a facility where law enforcement may release a child taken into custody for them to be screened after arrest. Youth may not be released to a JAC:

¹⁰ Section 938.17(1), F.S.

¹¹ Section 938.17(4), F.S.

¹² Section 951.26(1), F.S., provides that each board of county commissioners shall establish a county public safety coordinating council for the county or shall join with a consortium of one or more other counties to establish a public safety coordinating council for the geographic area represented by the member counties.

¹³ Section 948.51(2), F.S.

¹⁴ A referral is similar to an arrest in the adult criminal justice system. See Probation and Community Intervention, Overview, Department of Juvenile Justice, available at <http://www.djj.state.fl.us/services/probation> (last visited January 22, 2024).

¹⁵ Section 985.145(1), F.S.

¹⁶ Section 985.135(4), F.S.

¹⁷ Section 985.14(2), F.S. The intake process consists of a preliminary screening and may be followed by a comprehensive assessment, consisting of a full mental health, cognitive impairment, substance abuse, or psychosexual evaluation.

¹⁸ Section 985.25(1), F.S.

- If the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, to a law enforcement officer who shall deliver the child to a hospital for necessary evaluation and treatment.¹⁹
- If the child is believed to be mentally ill as defined in s. 394.463(1), F.S., to a law enforcement officer who shall take the child to a designated public receiving facility as defined in s. 394.455, F.S., for examination under s. 394.463, F.S.²⁰
- If the child appears to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or herself or another, or is incapacitated by substance abuse, to a law enforcement officer who shall deliver the child to a hospital, addictions receiving facility, or treatment resource.²¹

Secure Detention Transfer

The court is not prohibited from transitioning a child to and from secure detention care and supervised release detention care, including electronic monitoring, when the court finds such a placement necessary, or no longer necessary, to preserve public safety or to ensure the child's safety, appearance in court, or compliance with a court order.²²

Restrictiveness Levels

The Legislature finds that there is a need for a secure placement for certain children alleged to have committed a delinquent act. The Legislature finds that detention should be used only when less restrictive interim placement alternatives prior to adjudication and disposition are not appropriate.²³

According to the DJJ, “Minimum-risk nonresidential” is an option the court can utilize when they want to commit a youth but have them stay in the community and attend a program 5 days a week for services. This type of program is better accomplished through probation instead of commitment. Operationally, this definition causes issues because in all other areas of law a youth who is committed to the department is removed from the community and housed in a secure facility. This level of commitment blurs the lines between community probation and traditional commitment. There is other statutory language that allows for these programs and for a court to utilize them, but it instead keeps the youth on probation instead of commitment.²⁴

Chapter 985, F.S., and other sections of statute that reference juvenile justice residential restrictiveness levels use various out-of-date and misleading definitions. This includes the term “nonsecure residential” to describe a facility in which youth are securely housed with both staff and hardware security provided. Additionally, the term “maximum-risk residential” is used interchangeably with “juvenile prison” and “juvenile correctional facility” without proper cross references. In practice, the department and stakeholders refer to these programs as “maximum-

¹⁹ Section 985.115(2)(c), F.S.

²⁰ Section 985.115(2)(d), F.S.

²¹ Section 985.115(2)(e), F.S.

²² Section 985.26(2)(a)3., F.S.

²³ Section 985.02(4)(a), F.S.

²⁴ Department of Juvenile Justice, 2024 Agency Legislative Bill Analysis on SB 1352, pg. 2 (on file with the Senate Committee on Criminal Justice).

risk.” Further, the department provides housing, treatment services, etc. for youth based on their sex, which is currently not a defined term.²⁵

Emergency Opioid Antagonists

Opioid receptor antagonists block one or more of the opioid receptors in the central or peripheral nervous system. The two most commonly used, centrally-acting opioid receptor antagonists are naloxone and naltrexone. Naloxone comes in intravenous, intramuscular, and intranasal formulations and is FDA-approved for the use in an opioid overdose and the reversal of respiratory depression associated with opioid use. Naltrexone is available in both oral and long acting injectable formulations and is FDA-approved for the treatment of opioid and/or alcohol maintenance treatment. The most commonly used peripheral opioid receptor antagonist is methylnaltrexone, which is a potent competitive antagonist acting at the digestive tract and is also FDA-approved for the treatment of opioid-induced constipation.²⁶

Section 381.887, F.S., provides that the purpose of the section is to provide for the prescribing, ordering, and dispensing of EOAs to patients and caregivers and to encourage the prescribing, ordering, and dispensing of EOAs by authorized health care practitioners. The section states that: An authorized health care practitioner may prescribe and dispense an EOA to, and a pharmacist may order an EOA with an autoinjection delivery system or intranasal application delivery system for, a patient or caregiver for use in accordance with this section.

- A pharmacist may dispense an EOA pursuant to a prescription by an authorized health care practitioner. A pharmacist may dispense an EOA with an autoinjection delivery system or intranasal application delivery system, which must be appropriately labeled with instructions for use, pursuant to a pharmacist’s order or pursuant to a nonpatient-specific standing order.
- A patient or caregiver is authorized to store and possess approved EOAs and, in an emergency situation when a physician is not immediately available, administer the EOA to a person believed in good faith to be experiencing an opioid overdose, regardless of whether that person has a prescription for an EOA.

The section also authorizes emergency responders, crime laboratory personnel, and personnel of a law enforcement agency or another agency who, if they are likely to come in contact with a controlled substance or persons at risk of an overdose, to possess, store, and administer EOAs as clinically indicated and provides immunity for such persons as a result of administering an EOA.

Additionally, the section provides immunity to:

- A person, including, but not limited to, an authorized health care practitioner, a dispensing health care practitioner, or a pharmacist, who possesses, administers, prescribes, dispenses, or stores an approved EOA in compliance with this section and s. 768.13, F.S.²⁷

²⁵ *Id.*

²⁶ National Library of Medicine, *Opioid Antagonists*, available at <https://www.ncbi.nlm.nih.gov/books/NBK537079/#:~:text=3%5D%5B4%5D-.The%20two%20most%20commonly%20used%20centrally%20acting%20opioid%20receptor%20antagonists,depression%20associated%20with%20opioid%20use> (last visited on January 22, 2024).

²⁷ Section 768.12, F.S., is the Good Samaritan Act. Section 381.887, F.S., specifies that this immunity is the immunity afforded under the Good Samaritan Act.

- An authorized health care practitioner, acting in good faith and exercising reasonable care, for prescribing an EOA in accordance with this section.
- A dispensing health care practitioner or pharmacist, acting in good faith and exercising reasonable care, for dispensing an EOA in accordance with this section.

The Good Samaritan Act

Section 768.13, F.S., establishes the Good Samaritan Act. The Act provides civil immunity to any person, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment either in direct response to emergency situations related to and arising out of a declared public health emergency, a declared state of emergency, or at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment, without objection of the injured victim or victims thereof, for any damages resulting from the treatment or as a result of any act or failure to act in providing or arranging treatment where the person acts as an ordinary reasonably prudent person would.²⁸

The Good Samaritan Act also provides certain immunities to health care providers and health care practitioners providing emergency care in specified situations, to any person participating in emergency response activities under specified circumstances, and any person who renders emergency care or treatment to an injured animal in specified circumstances.²⁹

III. Effect of Proposed Changes:

This bill amends s. 381.887, F.S., to add personnel of the Department of Juvenile Justice (DJJ) and of any contracted provider with direct contact with youth to the list of personnel that are offered immunity from civil and criminal liability as a result of administering an emergency opioid antagonist.

The bill amends s. 790.22, F.S., to remove the provision permitting the juvenile justice circuit advisory board to establish certain community service programs. The bill designates the responsibility of establishing appropriate community service programs available to the alternative sanctions coordinators of the circuit courts.

The bill amends s. 938.17, F.S., to provide that the sheriff's office that receives proceeds pursuant to s. 939.185, F.S., shall account for all funds annually in a written report to the DJJ if funds are used for assessment centers, and to the district school board if funds are used for suspension programs, rather than the juvenile justice circuit advisory board.

The bill amends s. 948.51, F.S., to require the public safety coordinating council of a county (or a consortium of two or more counties) to collaborate with the DJJ, rather than the juvenile justice circuit advisory board when preparing a comprehensive safety plan.

The bill amends s. 985.02, F.S., to revise the legislative intent for the general protections for children in DJJ from gender-specific to sex-specific. The terms "gender-specific" and "gender" are replaced with "sex-specific" and "sex," respectively.

²⁸ Section 768.13(2)(a), F.S.

²⁹ Section 768.13(b)1., F.S.

The bill amends s. 985.03, F.S., to revise definitions and remove “minimum-risk nonresidential” as a restrictiveness level for committed youth. The bill revises the term “nonsecure residential” programs to “moderate-risk.” The term “juvenile prison” and “juvenile correctional facilities” are removed to standardize the term “maximum risk residential.”

The bill amends s. 985.115, F.S., to provide that a juvenile assessment center may not be considered a facility that can receive a child who is suffering from a serious physical condition that requires a medical diagnosis or treatment, is mentally ill as defined in s. 394.463(1), F.S., or the child is intoxicated and has threatened or attempted physical harm to him or herself or another.

The bill amends s. 985.126, F.S., to revise the information a diversion program is required to report about each minor to include sex rather than gender.

The bill amends s. 985.17, F.S., to revise the programming focus for the department’s prevention services for youth at risk of becoming delinquent to include sex-specific services rather than gender-specific services.

The bill amends s. 985.26, F.S., to authorize that transitions from secure detention care and supervised release detention care be initiated upon the court’s own motion, or upon a motion of the child or of the state, and after considering any information provided by the department regarding the child’s adjustment to detention supervision.

The bill amends s. 985.27, F.S., to revise the required court placement in secure detention for children who are adjudicated and awaiting placement in a moderate-risk, rather than nonsecure, residential commitment program.

The bill amends s. 985.441, F.S., to authorize a court to commit certain children to a moderate-risk, rather than nonsecure, residential placement under certain circumstances.

The bill amends s. 985.465, F.S., to revise the physically secure residential commitment program to send specified children to maximum-risk residential facilities rather than juvenile correctional facilities or prisons.

The bill amends s. 985.601, F.S., to revise certain required programs for rehabilitative treatment to include sex-specific programming rather than gender-specific programming. The bill also authorizes the department to use state or federal funds to purchase and distribute promotional and educational materials that are consistent with the dignity and integrity of the state for the following purposes:

- Educating children and families about the juvenile justice continuum, including local prevention programs or community services available for participation or enrollment.
- Staff recruitment at job fairs, career fairs, community events, the Institute for Commercialization of Florida Technology, community college campuses, or state university campuses.
- Educating children and families on children-specific public safety issues, including, but not limited to, safe storage of adult-owned firearms, consequences of child firearm offenses, human trafficking, or drug and alcohol abuse.

The bill amends s. 985.619, F.S., permitting the Florida Scholars Academy board of trustees to review and approve an annual academic calendar to provide educational services to youth for a school year composed of 250 days or 1,250 hours of instruction for students enrolled in a traditional K-12 education pathway. The board of trustees may decrease the minimum number of days for instruction by up to 20 days or 100 hours for teacher planning.

The bill amends s. 985.664, F.S., to require that each judicial circuit in this state shall have a juvenile justice circuit advisory board. The bill requires the juvenile justice circuit advisory board shall work with the chief probation officer of the circuit to use data to inform policies and practices that better improve the juvenile justice continuum. The bill removes provisions relating to the juvenile justice circuit advisory board's purpose, duties, and responsibilities and decreases the minimum number of members that each juvenile justice circuit advisory board is required to have. The bill requires that each member of the juvenile justice circuit advisory board be approved by the chief probation officer of the circuit, rather than the Secretary of Juvenile Justice. The bill requires the chief probation officer in each circuit to serve as the chair of the juvenile justice advisory board for that circuit. The bill removes provisions relating to board membership and vacancies; deletes provisions relating to quorums and the passing of measures; and deletes provisions requiring the establishment of executive committees and having bylaws.

The bill amends s. 985.676, F.S., to revise the requirements of what grant proposal applicants must submit to be considered for funding for an annual community juvenile justice partnership grant. The bill requires the department to consider the recommendations of community stakeholders, rather than the juvenile justice circuit advisory board, as to certain priorities. The bill removes the juvenile justice circuit advisory board from the entities to which each awarded grantee is required to submit an annual evaluation report.

The bill amends s. 1003.01, F.S., to include the Florida Scholars Academy as an educational entity.

The bill amends s. 1003.51, F.S., to revise requirements for certain State Board of Education rules to establish policies and standards for certain education programs. The bill provides for a use of course delivery models aligned to the state academic standards, including:

- Direct instruction;
- Blended learning pursuant to s. 1011.61(1), F.S.;
- District virtual instruction programs;
- Virtual charter schools;
- Florida Virtual School;
- Virtual course offerings;
- District franchises of Florida Virtual School; and
- Credit recovery course procedures.

The bill also provides accountability measures and school improvement requirements as public alternative schools for juvenile justice education programs.

The bill amends s. 1003.52, F.S., to revise the role of Coordinators for Juvenile Justice Education Programs in collecting certain information and developing protocols that provide guidance to

district school boards and juvenile justice education providers in all aspects of educational programming, including records transfer and transition. The bill removes provisions relating to career and professional education (CAPE) and provisions related to requiring residential juvenile justice education programs to provide certain CAPE courses. The bill requires each district school board to make provisions for high school level students to earn credits towards high school graduation while in juvenile justice detention, prevention, or day programs.

The bill authorizes district school boards to contract with private providers for the provision of education programs to students placed in such programs. The bill requires each district school board to negotiate a cooperative agreement with the department on the delivery of education services to students in such programs. The bill removes provisions requiring the Department of Education, in consultation with the DJJ, to adopt rules and collect data and report on certain programs. The bill removes a provision requiring that specified entities jointly develop a multiagency plan for CAPE.

The bill provides that school districts shall provide the high school equivalency examination exit option for all juvenile justice programs, except for residential programs operated under s. 985.619, F.S. The district school board shall select appropriate academic and career assessments to be administered at the time of program entry and exit for the purpose of developing goals for education transition plans, progress monitoring plans, and individual education plans.

The bill amends s. 330.41, F.S., to make conforming changes by replacing the term nonsecure residential facility with the term moderate-risk residential facility.

The bill amends s. 553.865, F.S., to conform a provision changing the term juvenile correctional facility or juvenile prison to maximum-risk residential facilities.

The bill amends s. 1001.42, F.S., to make conforming changes.

The bill reenacts s. 985.721, s. 985.25(1), s. 985.255(3), s. 985.475(2)(h), and s. 985.565(4)(b), F.S.

The bill is effective July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill does not have a fiscal impact on state or local governments.³⁰

VI. Technical Deficiencies:

The bill removes accountability measures under s. 1003.51, F.S., and provides that data for accountability measuring for detention, prevention, and day programs will be captured in the Department of Education report for alternative schools in the Juvenile Justice Educational Annual Report for school improvement. Alternative schools have a separate rating system that is outlined in s. 1008.341, F.S. In that statute, it defines an alternative school as a school that provides dropout prevention and academic interventions as defined in s. 1003.53, F.S. Although there may be an overlap in services offered, the statute does not mention detention, prevention, and day treatment schools referenced in s. 1003.52, F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 381.887, 790.22, 938.17, 948.51, 985.02, 985.03, 985.115, 985.126, 985.17, 985.26, 985.27, 985.441, 985.465, 985.601, 985.619, 985.664, 985.676, 1003.01, 1003.51, 1003.52, 330.41, 553.865, 1001.42, 985.721, 985.25, 985.255, 985.475, and 985.565.

³⁰ Department of Juvenile Justice, *2024 Agency Legislative Bill Analysis, SB 1352*, January 12, 2024.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations Committee on Criminal and Civil Justice:

The committee substitute:

- Clarifies educational components needed to conform with the creation of the Florida Scholars Academy.
- Provides accountability measures for juvenile justice education programs to include detention, prevention, and day programs.
- Permits the use of course delivery models aligned to the state academic standards.
- Permits the Florida Scholars Academy board of trustees to review and approve an annual academic calendar to provide educational services.
- Makes conforming changes to education statutes to include current operational practices and terminology.

B. Amendments:

None.