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1 A bill to be entitled
2 An act relating to juvenile justice; amending s. 394.492,
3 F.S.; including children 9 years of age or younger at the
4 time of referral for a delinquent act within the
5 definition of those children who are eligible to receive
6 comprehensive mental health services; amending s. 984.03,
7 F.S.; expanding the meaning of the term "child in need of
8 services" to include a child 9 years of age or younger at
9 the time of referral to the Department of Juvenile
10 Justice; amending s. 984.14, F.S.; providing for a youth
11 to be placed in a shelter; amending s. 985.02, F.S.;
12 providing additional legislative findings and intent;
13 amending s. 985.03, F.S.; redefining the term "child in
14 need of services" to provide that a child is eligible to
15 receive comprehensive services if the child is 9 years of
16 age or younger at the time of referral to the department;
17 amending s. 985.125, F.S.; encouraging law enforcement
18 agencies, school districts, counties, municipalities, and
19 the Department of Juvenile Justice to establish prearrest
20 or postarrest diversion programs for first-time
21 misdemeanor offenders or who are 9 years of age or
22 younger; amending s. 985.14, F.S.; providing that amending
23 s. 985.441, F.S.; providing that a court may commit a
24 female child adjudicated as delinquent to the department
25 for placement in a mother-infant program designed to serve
26 the needs of the juvenile mothers or expectant juvenile
27 mothers who are committed as delinquents; requiring the

28 department to adopt rules to govern the operation of the
 29 mother-infant program; providing an effective date.

30

31 Be It Enacted by the Legislature of the State of Florida:

32

33 Section 1. Paragraph (i) is added to subsection (4) of
 34 section 394.492, Florida Statutes, to read:

35 394.492 Definitions.—As used in ss. 394.490–394.497, the
 36 term:

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

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

43 Section 2. Subsections (9) and (25) of section 984.03,
 44 Florida Statutes, are amended to read:

45 984.03 Definitions.—When used in this chapter, the term:

46 (9) "Child in need of services" means a child for whom
 47 there is no pending investigation into an allegation or
 48 suspicion of abuse, neglect, or abandonment; no pending referral
 49 alleging the child is delinquent, except when a child 9 years of
 50 age or younger is being referred to the department; or no
 51 current supervision by the Department of Juvenile Justice or the
 52 Department of Children and Family Services for an adjudication
 53 of dependency or delinquency. The child must also, pursuant to
 54 this chapter, be found by the court:

55 (d) To be 9 years of age or younger and have been referred

56 | for a delinquent act.

57 | (25) "Family in need of services" means a family that has
 58 | a child who is running away; who is persistently disobeying
 59 | reasonable and lawful demands of the parent or legal custodian
 60 | and is beyond the control of the parent or legal custodian; or
 61 | who is habitually truant from school or engaging in other
 62 | serious behaviors that place the child at risk of future abuse,
 63 | neglect, or abandonment or at risk of entering the juvenile
 64 | justice system; or who is 9 years of age or younger and being
 65 | referred to the Department of Juvenile Justice for a delinquent
 66 | act. The child must be referred to a law enforcement agency, the
 67 | Department of Juvenile Justice, or an agency contracted to
 68 | provide services to children in need of services. A family is
 69 | not eligible to receive services if, at the time of the
 70 | referral, there is an open investigation into an allegation of
 71 | abuse, neglect, or abandonment or if the child is currently
 72 | under supervision by the Department of Juvenile Justice or the
 73 | Department of Children and Family Services due to an
 74 | adjudication of dependency or delinquency.

75 | Section 3. Subsection (1) of section 984.14, Florida
 76 | Statutes, is amended to read:

77 | 984.14 Shelter placement; hearing.—

78 | (1) Unless ordered by the court pursuant to the provisions
 79 | of this chapter, or upon voluntary consent to placement by the
 80 | child and the child's parent, legal guardian, or custodian, a
 81 | child taken into custody shall not be placed in a shelter prior
 82 | to a court hearing unless the child is taken into custody for a
 83 | misdemeanor domestic violence charge and is ineligible to be

84 held in secure detention or a determination has been made that
 85 the provision of appropriate and available services will not
 86 eliminate the need for placement and that such placement is
 87 required:

88 (a) To provide an opportunity for the child and family to
 89 agree upon conditions for the child's return home, when
 90 immediate placement in the home would result in a substantial
 91 likelihood that the child and family would not reach an
 92 agreement; or

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

95 Section 4. Subsections (9) and (10) are added to section
 96 985.02, Florida Statutes, to read:

97 985.02 Legislative intent for the juvenile justice
 98 system.—

99 (9) CHILDREN 9 YEARS OF AGE OR YOUNGER.—The Legislature
 100 finds that very young children need age-appropriate services in
 101 order to prevent and reduce future acts of delinquency. Children
 102 who are 9 years of age or younger should be diverted into
 103 prearrest or postarrest programs, civil citation programs, or
 104 children-in-need-of-services and families-in-need-of-services
 105 programs, or other programs as appropriate. If, upon findings
 106 from the needs assessment, the child is found to be in need of
 107 mental health services or substance abuse treatment services,
 108 the department shall cooperate with the parent or legal guardian
 109 and the Department of Children and Family Services, as
 110 appropriate, to identify the most appropriate services and

111 supports and available funding sources to meet the needs of the
 112 child.

113 (10) Restorative Justice.—

114 (a) It is the intent of the Legislature that the juvenile
 115 justice system advance that principles of restorative justice.
 116 The department should focus on repairing the harm to victims of
 117 delinquent behavior, ensuring the youth understands the impact
 118 of their delinquent behavior on the victim and the community,
 119 and restoring the loss to the victim.

120 (b) Offender accountability is one of the basic principles
 121 of restorative justice. The premise of this principle is that
 122 the juvenile justice system must respond to delinquent behavior
 123 in such a way that the offender is made aware of and takes
 124 responsibility for repaying or restoring loss, damage or injury
 125 perpetrated upon the victim and the community. This goal is
 126 achieved when the offender understands the consequences of
 127 delinquent behaviors in terms of harm to others; and when the
 128 offender makes amends for the harm, loss or damage through
 129 restitution, community services or other appropriate repayment.

130 Section 5. Subsections (7) and (23) of section 985.03,
 131 Florida Statutes, are amended to read:

132 985.03 Definitions.—As used in this chapter, the term:

133 (7) "Child in need of services" means a child for whom
 134 there is no pending investigation into an allegation or
 135 suspicion of abuse, neglect, or abandonment; no pending referral
 136 alleging the child is delinquent, except when a child 9 years of
 137 age or younger is being referred to the department; or no
 138 current supervision by the department or the Department of

139 Children and Family Services for an adjudication of dependency
 140 or delinquency. The child must also, under this chapter, be
 141 found by the court:

142 (a) To have persistently run away from the child's parents
 143 or legal custodians despite reasonable efforts of the child, the
 144 parents or legal custodians, and appropriate agencies to remedy
 145 the conditions contributing to the behavior. Reasonable efforts
 146 shall include voluntary participation by the child's parents or
 147 legal custodians and the child in family mediation, services,
 148 and treatment offered by the department or the Department of
 149 Children and Family Services;

150 (b) To be habitually truant from school, while subject to
 151 compulsory school attendance, despite reasonable efforts to
 152 remedy the situation under ss. 1003.26 and 1003.27 and through
 153 voluntary participation by the child's parents or legal
 154 custodians and by the child in family mediation, services, and
 155 treatment offered by the Department of Juvenile Justice or the
 156 Department of Children and Family Services; ~~or~~

157 (c) To have persistently disobeyed the reasonable and
 158 lawful demands of the child's parents or legal custodians, and
 159 to be beyond their control despite efforts by the child's
 160 parents or legal custodians and appropriate agencies to remedy
 161 the conditions contributing to the behavior. Reasonable efforts
 162 may include such things as good faith participation in family or
 163 individual counseling; or

164 (d) To be 9 years of age or younger and have been referred
 165 for a delinquent act.

166 (23) "Family in need of services" means a family that has

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167 a child for whom there is no pending investigation into an
 168 allegation of abuse, neglect, or abandonment or no current
 169 supervision by the department or the Department of Children and
 170 Family Services for an adjudication of dependency or
 171 delinquency. The child must also have been referred to a law
 172 enforcement agency or the department for:

- 173 (a) Running away from parents or legal custodians;
- 174 (b) Persistently disobeying reasonable and lawful demands
 175 of parents or legal custodians, and being beyond their control;
 176 ~~or~~
- 177 (c) Habitual truancy from school; or
- 178 (d) Being a child 9 years of age or younger and being
 179 referred for a delinquent act.

180 Section 6. Subsection (1) of section 985.125, Florida
 181 Statutes, is amended to read:

182 985.125 Prearrest or postarrest diversion programs.-

- 183 (1) A law enforcement agency, ~~or~~ school district, county,
 184 municipality, or the department in cooperation with the state
 185 attorney, is encouraged to ~~may~~ establish a prearrest or
 186 postarrest diversion program. Youth 9 years of age or younger
 187 should be given the opportunity to participate in a prearrest or
 188 postarrest diversion program.

189 Section 7. Paragraph (d) of subsection (1) of section
 190 985.145, Florida Statutes, is amended to read:

191 985.145 Responsibilities of juvenile probation officer
 192 during intake; screenings and assessments.-

- 193 (1) The juvenile probation officer shall serve as the
 194 primary case manager for the purpose of managing, coordinating,

195 and monitoring the services provided to the child. Each program
 196 administrator within the Department of Children and Family
 197 Services shall cooperate with the primary case manager in
 198 carrying out the duties and responsibilities described in this
 199 section. In addition to duties specified in other sections and
 200 through departmental rules, the assigned juvenile probation
 201 officer shall be responsible for the following:

202 (d) Completing risk assessment instrument.—The juvenile
 203 probation officer shall ensure that a risk assessment instrument
 204 establishing the child's eligibility for detention has been
 205 accurately completed and that the appropriate recommendation was
 206 made to the court. If upon completion of the risk assessment
 207 instrument, the child is ineligible for secure detention based
 208 on the criteria in s. 985.24(2)(e), the juvenile probation
 209 officer shall make a referral to the appropriate CINS/FINS
 210 shelter.

211 Section 8. Section 985.24, Florida Statutes, is amended to
 212 read:

213 985.24 Use of detention; prohibitions.—

214 (1) All determinations and court orders regarding the use
 215 of secure, nonsecure, or home detention shall be based primarily
 216 upon findings that the child:

217 (a) Presents a substantial risk of not appearing at a
 218 subsequent hearing;

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

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

- 223 (d) Has committed contempt of court by:
- 224 1. Intentionally disrupting the administration of the
- 225 court;
- 226 2. Intentionally disobeying a court order; or
- 227 3. Engaging in a punishable act or speech in the court's
- 228 presence which shows disrespect for the authority and dignity of
- 229 the court; or
- 230 (e) Requests protection from imminent bodily harm.
- 231 (2) A child alleged to have committed a delinquent act or
- 232 violation of law may not be placed into secure, nonsecure, or
- 233 home detention care for any of the following reasons:
- 234 (a) To allow a parent to avoid his or her legal
- 235 responsibility.
- 236 (b) To permit more convenient administrative access to the
- 237 child.
- 238 (c) To facilitate further interrogation or investigation.
- 239 (d) Due to a lack of more appropriate facilities.
- 240 (e) Due to a misdemeanor charge of domestic violence when
- 241 the child lives in a family with a history of domestic violence
- 242 as defined in s. 741.28 or has been a victim of abuse or neglect
- 243 as defined in s. 39.01, and the decision to place in secure
- 244 detention is mitigated by the history of trauma faced by the
- 245 child, unless the youth would otherwise score for secure
- 246 detention based on prior history.
- 247 (3) A child alleged to be dependent under chapter 39 may
- 248 not, under any circumstances, be placed into secure detention
- 249 care.
- 250 (4) A child 9 years of age or younger may not be placed in

251 secure detention unless the child is charged with a capital
 252 felony, a life felony, or a felony of the first degree.

253 ~~(5)(4)~~ The department shall continue to identify
 254 alternatives to secure detention care and shall develop such
 255 alternatives and annually submit them to the Legislature for
 256 authorization and appropriation.

257 Section 9. Subsection (2) of section 985.245, Florida
 258 Statutes, is amended to read:

259 985.245 Risk assessment instrument.—

260 (2) (a) The risk assessment instrument for detention care
 261 placement determinations and court orders shall be developed by
 262 the department in agreement with a committee composed of two
 263 representatives appointed by ~~the following associations:~~ the
 264 Conference of Circuit Judges of Florida, the Prosecuting
 265 Attorneys Association, the Public Defenders Association, the
 266 Florida Sheriffs Association, and the Florida Association of
 267 Chiefs of Police. Each association shall appoint two
 268 individuals, one representing an urban area and one representing
 269 a rural area. In addition, the committee shall include two
 270 representatives from child advocacy organizations appointed by
 271 the Secretary of the department. The parties involved shall
 272 evaluate and revise the risk assessment instrument as is
 273 considered necessary using the method for revision as agreed by
 274 the parties.

275 (b) The risk assessment instrument shall take into
 276 consideration, but need not be limited to, prior history of
 277 failure to appear, prior offenses, offenses committed pending
 278 adjudication, any unlawful possession of a firearm, theft of a

279 | motor vehicle or possession of a stolen motor vehicle, and
 280 | probation status at the time the child is taken into custody.
 281 | The risk assessment instrument shall also take into
 282 | consideration appropriate aggravating and mitigating
 283 | circumstances, and shall be designed to target a narrower
 284 | population of children than s. 985.255. The risk assessment
 285 | instrument shall also include any information concerning the
 286 | child's history of abuse and neglect. The risk assessment shall
 287 | indicate whether detention care is warranted, and, if detention
 288 | care is warranted, whether the child should be placed into
 289 | secure, ~~nonsecure,~~ or home detention care.

290 | (c) The risk assessment instrument shall be independently
 291 | validated. The department shall review the population, policies
 292 | and procedures impacting the use of detention every seven years
 293 | to determine the necessity of revalidating the risk assessment
 294 | instrument. Validation is assessing the effectiveness of the
 295 | instrument's ability to measure the risk of new offending and
 296 | failure to appear for court proceedings.

297 | Section 10. Section 985.255, Florida Statutes, is amended
 298 | to read:

299 | 985.255 Detention criteria; detention hearing.—

300 | (1) Subject to s. 985.25(1), a child taken into custody
 301 | and placed into ~~nonsecure~~ or home detention care or detained in
 302 | secure detention care prior to a detention hearing may continue
 303 | to be detained by the court if:

304 | (a) The child is alleged to be an escapee from a
 305 | residential commitment program; or an absconder from a
 306 | nonresidential commitment program, a probation program, or

307 conditional release supervision; or is alleged to have escaped
 308 while being lawfully transported to or from a residential
 309 commitment program.

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

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

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

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

321 (f) The child is charged with a capital felony, a life
 322 felony, a felony of the first degree, a felony of the second
 323 degree that does not involve a violation of chapter 893, or a
 324 felony of the third degree that is also a crime of violence,
 325 including any such offense involving the use or possession of a
 326 firearm.

327 (g) The child is charged with any second degree or third
 328 degree felony involving a violation of chapter 893 or any third
 329 degree felony that is not also a crime of violence, and the
 330 child:

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

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

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

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

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

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

346 (i) The child is detained on a judicial order for failure
347 to appear and has previously willfully failed to appear, after
348 proper notice, for an adjudicatory hearing on the same case
349 regardless of the results of the risk assessment instrument. A
350 child may be held in secure detention for up to 72 hours in
351 advance of the next scheduled court hearing pursuant to this
352 paragraph. The child's failure to keep the clerk of court and
353 defense counsel informed of a current and valid mailing address
354 where the child will receive notice to appear at court
355 proceedings does not provide an adequate ground for excusal of
356 the child's nonappearance at the hearings.

357 (j) The child is detained on a judicial order for failure
358 to appear and has previously willfully failed to appear, after
359 proper notice, at two or more court hearings of any nature on
360 the same case regardless of the results of the risk assessment
361 instrument. A child may be held in secure detention for up to 72
362 hours in advance of the next scheduled court hearing pursuant to

363 | this paragraph. The child's failure to keep the clerk of court
 364 | and defense counsel informed of a current and valid mailing
 365 | address where the child will receive notice to appear at court
 366 | proceedings does not provide an adequate ground for excusal of
 367 | the child's nonappearance at the hearings.

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

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

373 | (b) It is necessary to place the child in secure detention
 374 | in order to protect the victim from injury.

375 |
 376 | The child may not be held in secure detention under this
 377 | subsection for more than 48 hours unless ordered by the court.
 378 | After 48 hours, the court shall hold a hearing if the state
 379 | attorney or victim requests that secure detention be continued.
 380 | The child may continue to be held in detention care if the court
 381 | makes a specific, written finding that detention care is
 382 | necessary to protect the victim from injury. However, the child
 383 | may not be held in detention care beyond the time limits set
 384 | forth in this section or s. 985.26.

385 | (3) (a) A child who meets any of the criteria in subsection
 386 | (1) and who is ordered to be detained under that subsection
 387 | shall be given a hearing within 24 hours after being taken into
 388 | custody. The purpose of the detention hearing is to determine
 389 | the existence of probable cause that the child has committed the
 390 | delinquent act or violation of law that he or she is charged

391 with and the need for continued detention. Unless a child is
 392 detained under paragraph (1)(d) or paragraph (1)(e), the court
 393 shall use the results of the risk assessment performed by the
 394 juvenile probation officer and, based on the criteria in
 395 subsection (1), shall determine the need for continued
 396 detention. A child placed into secure, nonsecure, or home
 397 detention care may continue to be so detained by the court.

398 (b) If the court orders a placement more restrictive than
 399 indicated by the results of the risk assessment instrument, the
 400 court shall state, in writing, clear and convincing reasons for
 401 such placement.

402 (c) Except as provided in s. 790.22(8) or in s. 985.27,
 403 when a child is placed into secure or nonsecure detention care,
 404 or into a respite home or other placement pursuant to a court
 405 order following a hearing, the court order must include specific
 406 instructions that direct the release of the child from such
 407 placement no later than 5 p.m. on the last day of the detention
 408 period specified in s. 985.26 or s. 985.27, whichever is
 409 applicable, unless the requirements of such applicable provision
 410 have been met or an order of continuance has been granted under
 411 s. 985.26(4).

412 Section 11. Subsection (8) of section 985.664, Florida
 413 Statutes, is amended to read:

414 985.664 Juvenile justice circuit boards and juvenile
 415 justice county councils.—

416 (8) At any time after the adoption of initial bylaws
 417 pursuant to subsection (12), a juvenile justice circuit board
 418 may revise the bylaws to increase the number of members by not

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419 | more than five ~~three~~ in order to adequately reflect the
 420 | diversity of the population and community organizations or
 421 | agencies in the circuit.

422 | Section 12. Paragraph (e) is added to subsection (1) of
 423 | section 985.441, Florida Statutes, to read:

424 | 985.441 Commitment.—

425 | (1) The court that has jurisdiction of an adjudicated
 426 | delinquent child may, by an order stating the facts upon which a
 427 | determination of a sanction and rehabilitative program was made
 428 | at the disposition hearing:

429 | (e) Commit the child to the department for placement in a
 430 | mother-infant program designed to serve the needs of the
 431 | juvenile mothers or expectant juvenile mothers who are committed
 432 | as delinquents. The department's mother-infant program shall be
 433 | licensed as a child care facility in accordance with s. 402.308
 434 | and shall provide the services and support necessary to enable
 435 | the committed juvenile mothers to provide for the needs of the
 436 | infants who, upon agreement of the mother, may accompany them in
 437 | the program. The department shall adopt rule provisions pursuant
 438 | to ch. 120 to govern operation of such programs.

439 | Section 13. Section 985.632, Florida Statutes, is amended
 440 | to read:

441 | 985.632 Quality assurance and cost-effectiveness.—

442 | (1) It is the intent of the Legislature that the
 443 | department:

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

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

449 ~~(c)-(b)~~ Provide information about the cost of such programs
 450 and their differential effectiveness so that program ~~the~~ quality
 451 ~~of such programs~~ can be compared and improvements made
 452 continually.

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

455 ~~(e)-(d)~~ Provide information to the public about the
 456 effectiveness of such programs in meeting established goals and
 457 objectives.

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

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

462 ~~(h)-(g)~~ Modify or eliminate activities that are not
 463 effective.

464 (2) DEFINITIONS.--As used in this section, the term:

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

468 (b) "Program" means any facility, service, or program for
 469 youth that is operated by the department or by a provider under
 470 contract with the department.

471 ~~(c)-(b)~~ "Program component" means an aggregation of
 472 generally related objectives which, because of their special
 473 character, related workload, and interrelated output, can
 474 logically be considered an entity for purposes of organization,

475 management, accounting, reporting, and budgeting.

476 ~~(c) "Program effectiveness" means the ability of the~~
 477 ~~program to achieve desired client outcomes, goals, and~~
 478 ~~objectives.~~

479 (d) "Program group" means a collection of programs with
 480 sufficient similarity of functions, services, and youth to
 481 permit appropriate comparison among programs within the group.

482 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.--The department
 483 shall use a standard methodology for annually measuring,
 484 evaluating, and reporting program outputs and youth outcomes for
 485 each program and program group. The department shall submit a
 486 report to the appropriate substantive and fiscal committees of
 487 the Legislature and the Governor no later than January 15 of
 488 each year. The department shall notify the Office of Program
 489 Policy Analysis and Government Accountability and contract
 490 service providers of substantive changes to the methodology.

491 (a) The standard methodology must:

492 1. Incorporate, whenever possible, performance-based
 493 budgeting measures.

494 2. Include common terminology and operational definitions
 495 for measuring the performance of system and program
 496 administration, program outputs, and youth outcomes.

497 3. Specify program outputs for each program and for each
 498 program group within the juvenile justice continuum.

499 4. Specify desired youth outcomes and methods by which to
 500 measure youth outcomes for each program and program group.

501 ~~(3) The department shall annually collect and report cost~~
 502 ~~data for every program operated or contracted by the department.~~

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503 ~~The cost data shall conform to a format approved by the~~
 504 ~~department and the Legislature. Uniform cost data shall be~~
 505 ~~reported and collected for state-operated and contracted~~
 506 ~~programs so that comparisons can be made among programs. The~~
 507 ~~department shall ensure that there is accurate cost accounting~~
 508 ~~for state-operated services including market equivalent rent and~~
 509 ~~other shared cost. The cost of the educational program provided~~
 510 ~~to a residential facility shall be reported and included in the~~
 511 ~~cost of a program. The department shall submit an annual cost~~
 512 ~~report to the President of the Senate, the Speaker of the House~~
 513 ~~of Representatives, the Minority Leader of each house of the~~
 514 ~~Legislature, the appropriate substantive and fiscal committees~~
 515 ~~of each house of the Legislature, and the Governor, no later~~
 516 ~~than December 1 of each year. Cost-benefit analysis for~~
 517 ~~educational programs will be developed and implemented in~~
 518 ~~collaboration with and in cooperation with the Department of~~
 519 ~~Education, local providers, and local school districts. Cost~~
 520 ~~data for the report shall include data collected by the~~
 521 ~~Department of Education for the purposes of preparing the annual~~
 522 ~~report required by s. 1003.52(19).~~

523 (4) ~~(a)~~ COST-EFFECTIVENESS MODEL.~~The department~~ Department
 524 ~~of Juvenile Justice, in consultation with the Office of Economic~~
 525 ~~and Demographic Research, and contract service providers, shall~~
 526 ~~develop a cost-effectiveness model and apply the cost-~~
 527 effectiveness model to each commitment program and include the
 528 results in the Comprehensive Accountability Report. ~~Program~~
 529 ~~recidivism rates shall be a component of the model.~~

530 (a) The cost-effectiveness model shall compare program

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531 costs to expected and actual youth recidivism rates ~~client~~
532 ~~outcomes and program outputs~~. It is the intent of the
533 Legislature that continual development efforts take place to
534 improve the validity and reliability of the cost-effectiveness
535 model and to ~~integrate the standard methodology developed under~~
536 ~~s. 985.401(4) for interpreting program outcome evaluations~~.

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

541 ~~(b)(e)~~ Based on ~~reports of the department on client~~
542 ~~outcomes and program outputs and on the department's most recent~~
543 ~~cost-effectiveness rankings, the department may terminate a~~
544 commitment ~~program operated by the department or a provider~~ if
545 the program has failed to achieve a minimum threshold of cost-
546 effectiveness ~~program effectiveness~~. This paragraph does not
547 preclude the department from terminating a contract as provided
548 under this section or as otherwise provided by law or contract,
549 and does not limit the department's authority to enter into or
550 terminate a contract.

551 ~~(c)(d)~~ The department shall notify the Office of Program
552 Policy Analysis and Government Accountability and contract
553 service providers of substantive changes to the cost-
554 effectiveness model. ~~In collaboration with the Office of~~
555 ~~Economic and Demographic Research, and contract service~~
556 ~~providers, the department shall develop a work plan to refine~~
557 ~~the cost-effectiveness model so that the model is consistent~~
558 ~~with the performance-based program budgeting measures approved~~

559 ~~by the Legislature to the extent the department deems~~
 560 ~~appropriate. The department shall notify the Office of Program~~
 561 ~~Policy Analysis and Government Accountability of any meetings to~~
 562 ~~refine the model.~~

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

566 1. Construct a profile of each commitment program that
 567 uses the results of the quality assurance report required by
 568 this section, the cost-effectiveness report required in this
 569 subsection, and other reports available to the department.

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

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

575 4. Use the results of these evaluations in developing or
 576 refining juvenile justice programs or program models, youth
 577 ~~elient~~ outcomes and program outputs, provider contracts, quality
 578 assurance standards, and the cost-effectiveness model.

579 (5) QUALITY ASSURANCE.--The department shall:

580 (a) Establish a comprehensive quality assurance system for
 581 each program operated by the department or operated by a
 582 provider under contract with the department. Each contract
 583 entered into by the department must provide for quality
 584 assurance and include the results in the Comprehensive
 585 Accountability Report.

586 (b) Provide operational definitions of and criteria for

587 quality assurance for each specific program component.

588 (c) Establish quality assurance goals and objectives for
589 each specific program component.

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

592 (e) Develop a quality assurance manual of specific,
593 standardized terminology and procedures to be followed by each
594 program.

595 (f) Evaluate each program operated by the department or a
596 provider under a contract with the department and establish
597 minimum thresholds for each program component. If a provider
598 fails to meet the established minimum thresholds, such failure
599 shall cause the department to cancel the provider's contract
600 unless the provider achieves compliance with minimum thresholds
601 within 6 months or unless there are documented extenuating
602 circumstances. In addition, the department may not contract with
603 the same provider for the canceled service for a period of 12
604 months. If a department-operated program fails to meet the
605 established minimum thresholds, the department must take
606 necessary and sufficient steps to ensure and document program
607 changes to achieve compliance with the established minimum
608 thresholds. If the department-operated program fails to achieve
609 compliance with the established minimum thresholds within 6
610 months and if there are no documented extenuating circumstances,
611 the department must notify the Executive Office of the Governor
612 and the Legislature of the corrective action taken. Appropriate
613 corrective action may include, but is not limited to:

614 1. Contracting out for the services provided in the

615 program;

616 2. Initiating appropriate disciplinary action against all
 617 employees whose conduct or performance is deemed to have
 618 materially contributed to the program's failure to meet
 619 established minimum thresholds;

620 3. Redesigning the program; or

621 4. Realigning the program.

622

623 ~~The department shall submit an annual report to the President of~~
 624 ~~the Senate, the Speaker of the House of Representatives, the~~
 625 ~~Minority Leader of each house of the Legislature, the~~
 626 ~~appropriate substantive and fiscal committees of each house of~~
 627 ~~the Legislature, and the Governor, no later than February 1 of~~
 628 ~~each year. The annual report must contain, at a minimum, for~~
 629 ~~each specific program component: a comprehensive description of~~
 630 ~~the population served by the program; a specific description of~~
 631 ~~the services provided by the program; cost; a comparison of~~
 632 ~~expenditures to federal and state funding; immediate and long-~~
 633 ~~range concerns; and recommendations to maintain, expand,~~
 634 ~~improve, modify, or eliminate each program component so that~~
 635 ~~changes in services lead to enhancement in program quality. The~~
 636 ~~department shall ensure the reliability and validity of the~~
 637 ~~information contained in the report.~~

638 ~~(6) The department shall collect and analyze available~~
 639 ~~statistical data for the purpose of ongoing evaluation of all~~
 640 ~~programs. The department shall provide the Legislature with~~
 641 ~~necessary information and reports to enable the Legislature to~~
 642 ~~make informed decisions regarding the effectiveness of, and any~~

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643 ~~needed changes in, services, programs, policies, and laws.~~
 644 ~~(7) No later than November 1, 2001, the department shall~~
 645 ~~submit a proposal to the Legislature concerning funding~~
 646 ~~incentives and disincentives for the department and for~~
 647 ~~providers under contract with the department. The~~
 648 ~~recommendations for funding incentives and disincentives shall~~
 649 ~~be based upon both quality assurance performance and cost-~~
 650 ~~effectiveness performance. The proposal should strive to achieve~~
 651 ~~consistency in incentives and disincentives for both department-~~
 652 ~~operated and contractor-provided programs. The department may~~
 653 ~~include recommendations for the use of liquidated damages in the~~
 654 ~~proposal; however, the department is not presently authorized to~~
 655 ~~contract for liquidated damages in non-hardware-secure~~
 656 ~~facilities until January 1, 2002.~~

657 Section 14. Subsection (1) of section 985.45, Florida
 658 Statutes, is amended to read:

659 985.45 Liability and remuneration for work.—

660 (1) Whenever a child is required by the court to
 661 participate in any work program under this part or whenever a
 662 child volunteers to work in a specified state, county,
 663 municipal, or community service organization supervised work
 664 program or to work for the victim, either as an alternative to
 665 monetary restitution or as a part of the rehabilitative or
 666 probation program, the child is an employee of the state for the
 667 purposes of ch. 440 liability.

668 Section 15. This act shall take effect upon becoming a law.