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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to juvenile justice; amending s.
20.316, F.S.; creating the Accountability and Program
Support Program within the Department of Juvenile
Justice and revising the name of an existing program;
amending s. 985.101, F.S.; authorizing a court to
order that a child be taken into custody for failure
to appear; requiring a court to consider specified
information before it issues such an order; amending
s. 985.435, F.S.; requiring each judicial circuit to
develop, in consultation with specified persons and
entities, a written plan specifying the alternative
consequence component which must be based upon certain
principles; providing that the alternative consequence
component is designed to provide swift and appropriate
consequences or incentives to a child who is alleged
to be noncompliant with or in violation of probation;
repealing s. 985.686, F.S., relating to the shared
county and state financial support responsibility for
juvenile detention; amending s. 985.6865, F.S.;
deleting provisions relating to legislative findings
and intent; requiring the Department of Juvenile
Justice to calculate annually by a certain date and
provide to each county that is not a fiscally
constrained county and that does not provide its own
detention care for juveniles its annual percentage
share of detention costs; requiring each county that



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28 is not a fiscally constrained county and that does not
29 provide its own detention care for juveniles to
30 incorporate into its annual county budget sufficient
31 funds to pay its annual percentage share of detention
32 costs; amending s. 1003.52, F.S.; authorizing the
33 Department of Juvenile Justice, in consultation with
34 the Department of Education, to evaluate the viability
35 of an alternative model for providing and funding
36 education services for youth in detention and
37 residential facilities; providing requirements;
38 providing for expiration; reenacting ss. 960.001(1)(b)
39 and 985.439(2), F.S., relating to guidelines for fair
40 treatment of victims and witnesses in the criminal
41 justice and juvenile justice systems and violation of
42 probation or postcommitment probation, respectively,
43 to incorporate the amendment made to s. 985.101, F.S.,
44 in references thereto; reenacting s. 985.565(4)(b),
45 F.S., relating to sentencing alternatives, to
46 incorporate the amendment made to s. 985.435, F.S., in
47 a reference thereto; providing an effective date.

48
49 Be It Enacted by the Legislature of the State of Florida:

50
51 Section 1. Upon the expiration and reversion of the
52 amendment made to section 20.316, Florida Statutes, pursuant to
53 section 65 of chapter 2020-114, Laws of Florida, subsections (2)
54 and (3) of section 20.316, Florida Statutes, are amended to
55 read:

56 20.316 Department of Juvenile Justice.—There is created a



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57 Department of Juvenile Justice.

58 (2) DEPARTMENT PROGRAMS.—The following programs are
59 established within the Department of Juvenile Justice:

60 (a) Accountability and Program Support.

61 (d)~~(a)~~ Prevention ~~and Victim~~ Services.

62 (c)~~(b)~~ Intake and Detention.

63 (f)~~(e)~~ Residential and Correctional Facilities.

64 (e)~~(d)~~ Probation and Community Corrections.

65 (b)~~(e)~~ Administration.

66

67 The secretary may establish assistant secretary positions and a
68 chief of staff position as necessary to administer the
69 requirements of this section.

70 (3) JUVENILE JUSTICE OPERATING CIRCUITS.—The department
71 shall plan and administer its programs through a substate
72 structure that conforms to the boundaries of the judicial
73 circuits prescribed in s. 26.021. A county may seek placement in
74 a juvenile justice operating circuit other than as prescribed in
75 s. 26.021 for participation in the Prevention ~~and Victim~~
76 Services Program and the Probation and Community Corrections
77 Program by making a request of the chief circuit judge in each
78 judicial circuit affected by such request. Upon a showing that
79 geographic proximity, community identity, or other legitimate
80 concern for efficiency of operations merits alternative
81 placement, each affected chief circuit judge may authorize the
82 execution of an interagency agreement specifying the alternative
83 juvenile justice operating circuit in which the county is to be
84 placed and the basis for the alternative placement. Upon the
85 execution of said interagency agreement by each affected chief



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86 circuit judge, the secretary may administratively place a county
87 in an alternative juvenile justice operating circuit pursuant to
88 the agreement.

89 Section 2. Subsection (5) is added to section 985.101,
90 Florida Statutes, to read:

91 985.101 Taking a child into custody.—

92 (5) A court may order that a child be taken into custody
93 for failure to appear. Before the court issues such an order, it
94 must consider all of the following information relating to
95 whether the child's nonappearance was willful:

96 (a) Whether notice was sent to the address in the official
97 court record.

98 (b) Whether notice was given to the child in any format by
99 anyone.

100 (c) Whether counsel, if any, for the child had contact or
101 attempted to have contact with the child.

102 (d) Whether a department representative had contact or
103 attempted to have contact with the child.

104 (e) Whether the department has any specific information to
105 assist the court in this decision.

106 Section 3. Subsection (4) of section 985.435, Florida
107 Statutes, is amended to read:

108 985.435 Probation and postcommitment probation; community
109 service.—

110 (4) A probation program may also include an alternative
111 consequence component to address instances in which a child is
112 noncompliant with technical conditions of his or her probation
113 but has not committed any new violations of law. Each circuit
114 shall develop, in consultation with judges, the state attorney,



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115 the public defender, relevant law enforcement agencies, and the
116 department, a written plan specifying the alternative
117 consequence component which must be based upon the principle
118 that sanctions must reflect the seriousness of the violation,
119 the assessed criminogenic needs and risks of the child, the
120 child's age and maturity level, and how effective the sanction
121 or incentive will be in moving the child to compliant behavior.
122 The alternative consequence component is designed to provide
123 swift and appropriate consequences or incentives to a child who
124 is alleged to be noncompliant with or in violation of ~~to any~~
125 ~~noncompliance with technical conditions of probation.~~ If the
126 probation program includes this component, specific consequences
127 that apply to noncompliance with specific technical conditions
128 of probation, as well as incentives used to move the child
129 toward compliant behavior, must be detailed in the disposition
130 order.

131 Section 4. Section 985.686, Florida Statutes, is repealed.

132 Section 5. Subsections (1) through (6) of section 985.6865,
133 Florida Statutes, are amended to read:

134 985.6865 Juvenile detention.—

135 ~~(1) The Legislature finds that various counties and the~~
136 ~~Department of Juvenile Justice have engaged in a multitude of~~
137 ~~legal proceedings regarding detention cost sharing for~~
138 ~~juveniles. Such litigation has largely focused on how the~~
139 ~~Department of Juvenile Justice calculates the detention costs~~
140 ~~that the counties are responsible for paying, leading to the~~
141 ~~overbilling of counties for a period of years. Additionally,~~
142 ~~litigation pending in 2016 is a financial burden on the~~
143 ~~taxpayers of this state.~~



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144 ~~(2) It is the intent of the Legislature that all counties~~
145 ~~that are not fiscally constrained counties and that have pending~~
146 ~~administrative or judicial claims or challenges file a notice of~~
147 ~~voluntary dismissal with prejudice to dismiss all actions~~
148 ~~pending on or before February 1, 2016, against the state or any~~
149 ~~state agency related to juvenile detention cost sharing.~~
150 ~~Furthermore, all counties that are not fiscally constrained~~
151 ~~shall execute a release and waiver of any existing or future~~
152 ~~claims and actions arising from detention cost share prior to~~
153 ~~the 2016-2017 fiscal year. The department may not seek~~
154 ~~reimbursement from counties complying with this subsection for~~
155 ~~any underpayment for any cost-sharing requirements before the~~
156 ~~2016-2017 fiscal year.~~

157 (1)~~(3)~~ As used in this section, the term:

158 (a) "Detention care" means secure detention and respite
159 beds for juveniles charged with a domestic violence crime.

160 (b) "Fiscally constrained county" means a county within a
161 rural area of opportunity as designated by the Governor pursuant
162 to s. 288.0656 or each county for which the value of a mill will
163 raise no more than \$5 million in revenue, based on the certified
164 school taxable value certified pursuant to s. 1011.62(4)(a)1.a.,
165 from the previous July 1.

166 (c) "Total shared detention costs" means the amount of
167 funds expended by the department for the costs of detention care
168 for the prior fiscal year. This amount includes the most recent
169 actual certify forward amounts minus any funds it expends on
170 detention care for juveniles residing in fiscally constrained
171 counties or out of state.

172 (2)~~(4)~~ Notwithstanding s. 985.686, for the 2017-2018 fiscal



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173 ~~year, and each fiscal year thereafter, each county that is not a~~
174 ~~fiscally constrained county and that has taken the action~~
175 ~~fulfilling the intent of this section as described in subsection~~
176 ~~(2) shall pay its annual percentage share of 50 percent of the~~
177 ~~total shared detention costs. By Annually by July 15, 2017, and~~
178 ~~each year thereafter,~~ the department shall calculate and provide
179 to each county that is not a fiscally constrained county and
180 that does not provide its own detention care for juveniles its
181 annual percentage share by dividing the total number of
182 detention days for juveniles residing in the county for the most
183 recently completed 12-month period by the total number of
184 detention days for juveniles in all counties that are not
185 fiscally constrained counties during the same period. The annual
186 percentage share of each county that is not a fiscally
187 constrained county and that does not provide its own detention
188 care for juveniles must be multiplied by 50 percent of the total
189 shared detention costs to determine that county's share of
190 detention costs. Beginning August 1, each such county shall pay
191 to the department its share of detention costs, which shall be
192 paid in 12 equal payments due on the first day of each month.
193 The state shall pay the remaining actual costs of detention
194 care.

195 (3) ~~(5)~~ The state shall pay all costs of detention care for
196 juveniles residing in a fiscally constrained county and for
197 juveniles residing out of state. The state shall pay all costs
198 of detention care for juveniles housed in state detention
199 centers from counties that provide their own detention care for
200 juveniles.

201 (4) ~~(6)~~ Each county that is not a fiscally constrained



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202 county and that does not provide its own detention care for
203 juveniles ~~has taken the action fulfilling the intent of this~~
204 ~~section as described in subsection (2)~~ shall incorporate into
205 its annual county budget sufficient funds to pay its annual
206 percentage share of the total shared detention costs required by
207 subsection (2) ~~(4)~~.

208 Section 6. Subsection (23) is added to section 1003.52,
209 Florida Statutes, to read:

210 1003.52 Educational services in Department of Juvenile
211 Justice programs.—

212 (23) Notwithstanding this section, during fiscal year 2021-
213 2022, the Department of Juvenile Justice, in consultation with
214 the Department of Education, is authorized to evaluate the
215 viability of an alternative model for providing and funding
216 education services for youth in detention and residential
217 facilities. This evaluation must include material gathered
218 through a request for information process. Such model must
219 provide for assessments and direct educational services,
220 including, but not limited to, special education and career and
221 technical educational services; transition planning; educational
222 program accountability standards; research-based best practices
223 for educating justice-involved youth; and the recruiting,
224 hiring, and training of teachers. This subsection expires June
225 1, 2022.

226 Section 7. For the purpose of incorporating the amendment
227 made by this act to section 985.101, Florida Statutes, in
228 references thereto, paragraph (b) of subsection (1) of section
229 960.001, Florida Statutes, is reenacted to read:

230 960.001 Guidelines for fair treatment of victims and



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231 witnesses in the criminal justice and juvenile justice systems.-

232 (1) The Department of Legal Affairs, the state attorneys,
233 the Department of Corrections, the Department of Juvenile
234 Justice, the Florida Commission on Offender Review, the State
235 Courts Administrator and circuit court administrators, the
236 Department of Law Enforcement, and every sheriff's department,
237 police department, or other law enforcement agency as defined in
238 s. 943.10(4) shall develop and implement guidelines for the use
239 of their respective agencies, which guidelines are consistent
240 with the purposes of this act and s. 16(b), Art. I of the State
241 Constitution and are designed to implement s. 16(b), Art. I of
242 the State Constitution and to achieve the following objectives:

243 (b) *Information for purposes of notifying victim or*
244 *appropriate next of kin of victim or other designated contact of*
245 *victim.*-In the case of a homicide, pursuant to chapter 782; or a
246 sexual offense, pursuant to chapter 794; or an attempted murder
247 or sexual offense, pursuant to chapter 777; or stalking,
248 pursuant to s. 784.048; or domestic violence, pursuant to s.
249 25.385:

250 1. The arresting law enforcement officer or personnel of an
251 organization that provides assistance to a victim or to the
252 appropriate next of kin of the victim or other designated
253 contact must request that the victim or appropriate next of kin
254 of the victim or other designated contact complete a victim
255 notification card. However, the victim or appropriate next of
256 kin of the victim or other designated contact may choose not to
257 complete the victim notification card.

258 2. Unless the victim or the appropriate next of kin of the
259 victim or other designated contact waives the option to complete



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260 the victim notification card, a copy of the victim notification
261 card must be filed with the incident report or warrant in the
262 sheriff's office of the jurisdiction in which the incident
263 report or warrant originated. The notification card shall, at a
264 minimum, consist of:

- 265 a. The name, address, and phone number of the victim; or
- 266 b. The name, address, and phone number of the appropriate
267 next of kin of the victim; or
- 268 c. The name, address, and telephone number of a designated
269 contact other than the victim or appropriate next of kin of the
270 victim; and
- 271 d. Any relevant identification or case numbers assigned to
272 the case.

273 3. The chief administrator, or a person designated by the
274 chief administrator, of a county jail, municipal jail, juvenile
275 detention facility, or residential commitment facility shall
276 make a reasonable attempt to notify the alleged victim or
277 appropriate next of kin of the alleged victim or other
278 designated contact within 4 hours following the release of the
279 defendant on bail or, in the case of a juvenile offender, upon
280 the release from residential detention or commitment. If the
281 chief administrator, or designee, is unable to contact the
282 alleged victim or appropriate next of kin of the alleged victim
283 or other designated contact by telephone, the chief
284 administrator, or designee, must send to the alleged victim or
285 appropriate next of kin of the alleged victim or other
286 designated contact a written notification of the defendant's
287 release.

288 4. Unless otherwise requested by the victim or the



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289 appropriate next of kin of the victim or other designated
290 contact, the information contained on the victim notification
291 card must be sent by the chief administrator, or designee, of
292 the appropriate facility to the subsequent correctional or
293 residential commitment facility following the sentencing and
294 incarceration of the defendant, and unless otherwise requested
295 by the victim or the appropriate next of kin of the victim or
296 other designated contact, he or she must be notified of the
297 release of the defendant from incarceration as provided by law.

298 5. If the defendant was arrested pursuant to a warrant
299 issued or taken into custody pursuant to s. 985.101 in a
300 jurisdiction other than the jurisdiction in which the defendant
301 is being released, and the alleged victim or appropriate next of
302 kin of the alleged victim or other designated contact does not
303 waive the option for notification of release, the chief
304 correctional officer or chief administrator of the facility
305 releasing the defendant shall make a reasonable attempt to
306 immediately notify the chief correctional officer of the
307 jurisdiction in which the warrant was issued or the juvenile was
308 taken into custody pursuant to s. 985.101, and the chief
309 correctional officer of that jurisdiction shall make a
310 reasonable attempt to notify the alleged victim or appropriate
311 next of kin of the alleged victim or other designated contact,
312 as provided in this paragraph, that the defendant has been or
313 will be released.

314 Section 8. For the purpose of incorporating the amendment
315 made by this act to section 985.101, Florida Statutes, in a
316 reference thereto, subsection (2) of section 985.439, Florida
317 Statutes, is reenacted to read:



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318 985.439 Violation of probation or postcommitment
319 probation.-

320 (2) A child taken into custody under s. 985.101 for
321 violating the conditions of probation shall be screened and
322 detained or released based on his or her risk assessment
323 instrument score.

324 Section 9. For the purpose of incorporating the amendment
325 made by this act to section 985.435, Florida Statutes, in a
326 reference thereto, paragraph (b) of subsection (4) of section
327 985.565, Florida Statutes, is reenacted to read:

328 985.565 Sentencing powers; procedures; alternatives for
329 juveniles prosecuted as adults.-

330 (4) SENTENCING ALTERNATIVES.-

331 (b) *Juvenile sanctions*.—For juveniles transferred to adult
332 court but who do not qualify for such transfer under s.
333 985.556(3), the court may impose juvenile sanctions under this
334 paragraph. If juvenile sentences are imposed, the court shall,
335 under this paragraph, adjudge the child to have committed a
336 delinquent act. Adjudication of delinquency may not be deemed a
337 conviction, nor shall it operate to impose any of the civil
338 disabilities ordinarily resulting from a conviction. The court
339 shall impose an adult sanction or a juvenile sanction and may
340 not sentence the child to a combination of adult and juvenile
341 punishments. An adult sanction or a juvenile sanction may
342 include enforcement of an order of restitution or probation
343 previously ordered in any juvenile proceeding. However, if the
344 court imposes a juvenile sanction and the department determines
345 that the sanction is unsuitable for the child, the department
346 shall return custody of the child to the sentencing court for



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347 further proceedings, including the imposition of adult
348 sanctions. Upon adjudicating a child delinquent under subsection
349 (1), the court may:

350 1. Place the child in a probation program under the
351 supervision of the department for an indeterminate period of
352 time until the child reaches the age of 19 years or sooner if
353 discharged by order of the court.

354 2. Commit the child to the department for treatment in an
355 appropriate program for children for an indeterminate period of
356 time until the child is 21 or sooner if discharged by the
357 department. The department shall notify the court of its intent
358 to discharge no later than 14 days before discharge. Failure of
359 the court to timely respond to the department's notice shall be
360 considered approval for discharge.

361 3. Order disposition under ss. 985.435, 985.437, 985.439,
362 985.441, 985.45, and 985.455 as an alternative to youthful
363 offender or adult sentencing if the court determines not to
364 impose youthful offender or adult sanctions.

365
366 It is the intent of the Legislature that the criteria and
367 guidelines in this subsection are mandatory and that a
368 determination of disposition under this subsection is subject to
369 the right of the child to appellate review under s. 985.534.

370 Section 10. This act shall take effect July 1, 2021.