

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED                                         (Y/N)  
ADOPTED AS AMENDED                         (Y/N)  
ADOPTED W/O OBJECTION                     (Y/N)  
FAILED TO ADOPT                              (Y/N)  
WITHDRAWN                                     (Y/N)  
OTHER                                          

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1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative Plasencia offered the following:

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4                    **Amendment (with title amendment)**

5                    Remove lines 98-209 and insert:  
6 for the child has information that the nonappearance was not  
7 willful or was otherwise beyond the child's control.

8                    4. Whether a department representative had contact or  
9 attempted to have contact with the child.

10                    5. Whether the department has any other specific  
11 information to assist the court in making the determination.

12  
13 Nothing in this subsection shall be construed to allow the  
14 detention of a child who does not meet the detention criteria in  
15 part V.

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

18 985.435 Probation and postcommitment probation; community  
19 service.—

20 (4) A probation program may also include an alternative  
21 consequence component to address instances in which a child is  
22 noncompliant with technical conditions of his or her probation  
23 but has not committed any new violations of law. Each judicial  
24 circuit shall develop, in consultation with judges, the state  
25 attorney, the public defender, the regional counsel, relevant  
26 law enforcement agencies, and the department, a written plan  
27 specifying the alternative consequence component which must be  
28 based upon the principle that sanctions must reflect the  
29 seriousness of the violation, the assessed criminogenic needs  
30 and risks of the child, the child's age and maturity level, and  
31 how effective the sanction or incentive will be in moving the  
32 child to compliant behavior. The alternative consequence  
33 component is designed to provide swift and appropriate  
34 consequences or incentives to a child who is alleged to be  
35 noncompliant with or in violation of ~~to any noncompliance with~~  
36 ~~technical conditions of~~ probation. If the probation program  
37 includes this component, specific consequences that apply to  
38 noncompliance with specific technical conditions of probation,  
39 as well as incentives used to move the child toward compliant  
40 behavior, must be detailed in the disposition order.

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

42 Section 5. Subsections (1) through (6) of section  
43 985.6865, Florida Statutes, are amended to read:

44 985.6865 Juvenile detention.—

45 ~~(1) The Legislature finds that various counties and the~~  
46 ~~Department of Juvenile Justice have engaged in a multitude of~~  
47 ~~legal proceedings regarding detention cost sharing for~~  
48 ~~juveniles. Such litigation has largely focused on how the~~  
49 ~~Department of Juvenile Justice calculates the detention costs~~  
50 ~~that the counties are responsible for paying, leading to the~~  
51 ~~overbilling of counties for a period of years. Additionally,~~  
52 ~~litigation pending in 2016 is a financial burden on the~~  
53 ~~taxpayers of this state.~~

54 ~~(2) It is the intent of the Legislature that all counties~~  
55 ~~that are not fiscally constrained counties and that have pending~~  
56 ~~administrative or judicial claims or challenges file a notice of~~  
57 ~~voluntary dismissal with prejudice to dismiss all actions~~  
58 ~~pending on or before February 1, 2016, against the state or any~~  
59 ~~state agency related to juvenile detention cost sharing.~~  
60 ~~Furthermore, all counties that are not fiscally constrained~~  
61 ~~shall execute a release and waiver of any existing or future~~  
62 ~~claims and actions arising from detention cost share prior to~~  
63 ~~the 2016-2017 fiscal year. The department may not seek~~  
64 ~~reimbursement from counties complying with this subsection for~~

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65 ~~any underpayment for any cost-sharing requirements before the~~  
66 ~~2016-2017 fiscal year.~~

67 ~~(1)-(3)~~ As used in this section, the term:

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

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

76 (c) "Total shared detention costs" means the amount of  
77 funds expended by the department for the costs of detention care  
78 for the prior fiscal year. This amount includes the most recent  
79 actual certify forward amounts minus any funds it expends on  
80 detention care for juveniles residing in fiscally constrained  
81 counties or out of state.

82 ~~(2)-(4) Annually Notwithstanding s. 985.686, for the 2017-~~  
83 ~~2018 fiscal year, and each fiscal year thereafter, each county~~  
84 ~~that is not a fiscally constrained county and that has taken the~~  
85 ~~action fulfilling the intent of this section as described in~~  
86 ~~subsection (2) shall pay its annual percentage share of 50~~  
87 ~~percent of the total shared detention costs. by July 15, 2017,~~  
88 ~~and each year thereafter, the department shall calculate and~~  
89 provide to each county that is not a fiscally constrained county

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90 and that does not provide its own detention care for juveniles  
91 its annual percentage share by dividing the total number of  
92 detention days for juveniles residing in the county for the most  
93 recently completed 12-month period by the total number of  
94 detention days for juveniles in all counties that are not  
95 fiscally constrained counties during the same period. The annual  
96 percentage share of each county that is not a fiscally  
97 constrained county and that does not provide its own detention  
98 care for juveniles must be multiplied by 50 percent of the total  
99 shared detention costs to determine that county's share of  
100 detention costs. Beginning August 1, each such county shall pay  
101 to the department its share of detention costs, which shall be  
102 paid in 12 equal payments due on the first day of each month.  
103 The state shall pay the remaining actual costs of detention  
104 care.

105 ~~(3)-(5)~~ The state shall pay all costs of detention care for  
106 juveniles residing in a fiscally constrained county and for  
107 juveniles residing out of state. The state shall pay all costs  
108 of detention care for juveniles housed in state detention  
109 centers from counties that provide their own detention care for  
110 juveniles.

111 ~~(4)-(6)~~ Each county that is not a fiscally constrained  
112 county and that does not provide its own detention care for  
113 juveniles ~~has taken the action fulfilling the intent of this~~  
114 ~~section as described in subsection (2)~~ shall incorporate into

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115 its annual county budget sufficient funds to pay its annual  
116 percentage share of the total shared detention costs required by  
117 subsection (2) ~~(4)~~.

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

120 1003.52 Educational services in Department of Juvenile  
121 Justice programs.—

122 (23) Notwithstanding this section, during fiscal year  
123 2021-2022, the Department of Juvenile Justice, in consultation  
124 with the Department of Education, is authorized to evaluate the  
125 viability of an alternative model for providing and funding  
126 education services for youth in detention and residential  
127 facilities. This evaluation must include material gathered  
128 through a request for information process. Such model must  
129 provide for assessments and direct educational services,  
130 including, but not limited to, special education and career and  
131 technical educational services; transition planning; educational  
132 program accountability standards; research-based best practices  
133 for educating justice-involved youth; and the recruiting,  
134 hiring, and training of teachers. This subsection expires June  
135 1, 2022.

136  
137 -----  
138 **T I T L E A M E N D M E N T**

139 Remove line 32 and insert:

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Bill No. CS/HB 885 (2021)

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140 costs; amending s. 1003.52, F.S.; authorizing the Department of  
141 Juvenile Justice, in consultation with the Department of  
142 Education, to evaluate the viability of an alternative model for  
143 providing and funding education services for youth in detention  
144 and residential facilities; providing requirements; providing  
145 for expiration; reenacting ss. 960.001(1)(b) and 985.439(2),