

1 A bill to be entitled

2 An act relating to juvenile justice programs and
3 detention; amending s. 20.316, F.S.; creating the
4 Accountability and Program Support Program within the
5 Department of Juvenile Justice and revising the name
6 of an existing program; amending s. 985.101, F.S.;
7 requiring a court to consider specified information
8 before it issues an order to take a child into custody
9 for failing to appear; amending s. 985.435, F.S.;
10 requiring each judicial circuit to develop, in
11 consultation with specified persons and entities, a
12 written plan specifying the alternative consequence
13 component which must be based upon certain principles;
14 providing that the alternative consequence component
15 is designed to provide swift and appropriate
16 consequences or incentives to a child who is alleged
17 to be noncompliant with or in violation of probation;
18 repealing s. 985.686, F.S., relating to the shared
19 county and state financial support responsibility for
20 juvenile detention; amending s. 985.6865, F.S.;
21 deleting provisions relating to legislative findings
22 and intent; requiring the Department of Juvenile
23 Justice to calculate annually by a certain date and
24 provide to each county that is not a fiscally
25 constrained county and that does not provide its own

26 detention care for juveniles its annual percentage
27 share of detention costs; requiring each county that
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; reenacting ss. 960.001(1)(b) and 985.439(2),
33 F.S., relating to guidelines for fair treatment of
34 victims and witnesses in the criminal justice and
35 juvenile justice systems and violation of probation or
36 postcommitment probation, respectively, to incorporate
37 the amendment made to s. 985.101, F.S., in references
38 thereto; reenacting s. 985.565(4)(b), F.S., relating
39 to sentencing alternatives, to incorporate the
40 amendment made to s. 985.435, F.S., in a reference
41 thereto; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

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45 Section 1. Upon the expiration and reversion of the
46 amendment made to section 20.316, Florida Statutes, pursuant to
47 section 65 of chapter 2020-114, Laws of Florida, subsections (2)
48 and (3) of section 20.316, Florida Statutes, are amended to
49 read:

50 20.316 Department of Juvenile Justice.—There is created a

51 Department of Juvenile Justice.

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

54 (a) Accountability and Program Support.

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

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

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

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

59 (b) ~~(e)~~ Administration.

60

61 The secretary may establish assistant secretary positions and a
62 chief of staff position as necessary to administer the
63 requirements of this section.

64 (3) JUVENILE JUSTICE OPERATING CIRCUITS.—The department
65 shall plan and administer its programs through a substate
66 structure that conforms to the boundaries of the judicial
67 circuits prescribed in s. 26.021. A county may seek placement in
68 a juvenile justice operating circuit other than as prescribed in
69 s. 26.021 for participation in the Prevention ~~and Victim~~
70 Services Program and the Probation and Community Corrections
71 Program by making a request of the chief circuit judge in each
72 judicial circuit affected by such request. Upon a showing that
73 geographic proximity, community identity, or other legitimate
74 concern for efficiency of operations merits alternative
75 placement, each affected chief circuit judge may authorize the

76 execution of an interagency agreement specifying the alternative
 77 juvenile justice operating circuit in which the county is to be
 78 placed and the basis for the alternative placement. Upon the
 79 execution of said interagency agreement by each affected chief
 80 circuit judge, the secretary may administratively place a county
 81 in an alternative juvenile justice operating circuit pursuant to
 82 the agreement.

83 Section 2. Paragraph (c) of subsection (1) of section
 84 985.101, Florida Statutes, is amended to read:

85 985.101 Taking a child into custody.—

86 (1) A child may be taken into custody under the following
 87 circumstances:

88 (c) By a law enforcement officer for failing to appear at
 89 a court hearing after being properly noticed. However, before a
 90 court issues an order to take a child into custody for failing
 91 to appear, it must consider all of the following information
 92 relating to whether the child's nonappearance was willful:

93 1. Whether notice was sent to the child's address included
 94 in the official court record.

95 2. Whether any person provided notice to the child in any
 96 format.

97 3. If the child is represented by counsel, whether counsel
 98 for the child had contact or attempted to have contact with the
 99 child.

100 4. Whether a department representative had contact or

101 attempted to have contact with the child.

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

104
 105 Nothing in this subsection shall be construed to allow the
 106 detention of a child who does not meet the detention criteria in
 107 part V.

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

110 985.435 Probation and postcommitment probation; community
 111 service.—

112 (4) A probation program may also include an alternative
 113 consequence component to address instances in which a child is
 114 noncompliant with technical conditions of his or her probation
 115 but has not committed any new violations of law. Each judicial
 116 circuit shall develop, in consultation with judges, the state
 117 attorney, the public defender, relevant law enforcement
 118 agencies, and the department, a written plan specifying the
 119 alternative consequence component which must be based upon the
 120 principle that sanctions must reflect the seriousness of the
 121 violation, the assessed criminogenic needs and risks of the
 122 child, the child's age and maturity level, and how effective the
 123 sanction or incentive will be in moving the child to compliant
 124 behavior. The alternative consequence component is designed to
 125 provide swift and appropriate consequences or incentives to a

126 child who is alleged to be noncompliant with or in violation of
127 ~~to any noncompliance with technical conditions of probation.~~ If
128 the probation program includes this component, specific
129 consequences that apply to noncompliance with specific technical
130 conditions of probation, as well as incentives used to move the
131 child toward compliant behavior, must be detailed in the
132 disposition order.

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

134 Section 5. Subsections (1) through (6) of section
135 985.6865, Florida Statutes, are amended to read:

136 985.6865 Juvenile detention.—

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

146 ~~(2) It is the intent of the Legislature that all counties~~
147 ~~that are not fiscally constrained counties and that have pending~~
148 ~~administrative or judicial claims or challenges file a notice of~~
149 ~~voluntary dismissal with prejudice to dismiss all actions~~
150 ~~pending on or before February 1, 2016, against the state or any~~

151 ~~state agency related to juvenile detention cost sharing.~~
152 ~~Furthermore, all counties that are not fiscally constrained~~
153 ~~shall execute a release and waiver of any existing or future~~
154 ~~claims and actions arising from detention cost share prior to~~
155 ~~the 2016-2017 fiscal year. The department may not seek~~
156 ~~reimbursement from counties complying with this subsection for~~
157 ~~any underpayment for any cost sharing requirements before the~~
158 ~~2016-2017 fiscal year.~~

159 (1)~~(3)~~ As used in this section, the term:

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

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

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

174 (2)~~(4)~~ Annually ~~Notwithstanding s. 985.686, for the 2017-~~
175 ~~2018 fiscal year, and each fiscal year thereafter, each county~~

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

197 (3) ~~(5)~~ The state shall pay all costs of detention care for
198 juveniles residing in a fiscally constrained county and for
199 juveniles residing out of state. The state shall pay all costs
200 of detention care for juveniles housed in state detention

201 centers from counties that provide their own detention care for
 202 juveniles.

203 (4)~~(6)~~ Each county that is not a fiscally constrained
 204 county and that does not provide its own detention care for
 205 juveniles ~~has taken the action fulfilling the intent of this~~
 206 ~~section as described in subsection (2)~~ shall incorporate into
 207 its annual county budget sufficient funds to pay its annual
 208 percentage share of the total shared detention costs required by
 209 subsection (2) ~~(4)~~.

210 Section 6. For the purpose of incorporating the amendment
 211 made by this act to section 985.101, Florida Statutes, in
 212 references thereto, paragraph (b) of subsection (1) of section
 213 960.001, Florida Statutes, is reenacted to read:

214 960.001 Guidelines for fair treatment of victims and
 215 witnesses in the criminal justice and juvenile justice systems.-

216 (1) The Department of Legal Affairs, the state attorneys,
 217 the Department of Corrections, the Department of Juvenile
 218 Justice, the Florida Commission on Offender Review, the State
 219 Courts Administrator and circuit court administrators, the
 220 Department of Law Enforcement, and every sheriff's department,
 221 police department, or other law enforcement agency as defined in
 222 s. 943.10(4) shall develop and implement guidelines for the use
 223 of their respective agencies, which guidelines are consistent
 224 with the purposes of this act and s. 16(b), Art. I of the State
 225 Constitution and are designed to implement s. 16(b), Art. I of

226 | the State Constitution and to achieve the following objectives:

227 | (b) *Information for purposes of notifying victim or*
 228 | *appropriate next of kin of victim or other designated contact of*
 229 | *victim.*—In the case of a homicide, pursuant to chapter 782; or a
 230 | sexual offense, pursuant to chapter 794; or an attempted murder
 231 | or sexual offense, pursuant to chapter 777; or stalking,
 232 | pursuant to s. 784.048; or domestic violence, pursuant to s.
 233 | 25.385:

234 | 1. The arresting law enforcement officer or personnel of
 235 | an organization that provides assistance to a victim or to the
 236 | appropriate next of kin of the victim or other designated
 237 | contact must request that the victim or appropriate next of kin
 238 | of the victim or other designated contact complete a victim
 239 | notification card. However, the victim or appropriate next of
 240 | kin of the victim or other designated contact may choose not to
 241 | complete the victim notification card.

242 | 2. Unless the victim or the appropriate next of kin of the
 243 | victim or other designated contact waives the option to complete
 244 | the victim notification card, a copy of the victim notification
 245 | card must be filed with the incident report or warrant in the
 246 | sheriff's office of the jurisdiction in which the incident
 247 | report or warrant originated. The notification card shall, at a
 248 | minimum, consist of:

- 249 | a. The name, address, and phone number of the victim; or
- 250 | b. The name, address, and phone number of the appropriate

251 next of kin of the victim; or

252 c. The name, address, and telephone number of a designated
 253 contact other than the victim or appropriate next of kin of the
 254 victim; and

255 d. Any relevant identification or case numbers assigned to
 256 the case.

257 3. The chief administrator, or a person designated by the
 258 chief administrator, of a county jail, municipal jail, juvenile
 259 detention facility, or residential commitment facility shall
 260 make a reasonable attempt to notify the alleged victim or
 261 appropriate next of kin of the alleged victim or other
 262 designated contact within 4 hours following the release of the
 263 defendant on bail or, in the case of a juvenile offender, upon
 264 the release from residential detention or commitment. If the
 265 chief administrator, or designee, is unable to contact the
 266 alleged victim or appropriate next of kin of the alleged victim
 267 or other designated contact by telephone, the chief
 268 administrator, or designee, must send to the alleged victim or
 269 appropriate next of kin of the alleged victim or other
 270 designated contact a written notification of the defendant's
 271 release.

272 4. Unless otherwise requested by the victim or the
 273 appropriate next of kin of the victim or other designated
 274 contact, the information contained on the victim notification
 275 card must be sent by the chief administrator, or designee, of

276 | the appropriate facility to the subsequent correctional or
277 | residential commitment facility following the sentencing and
278 | incarceration of the defendant, and unless otherwise requested
279 | by the victim or the appropriate next of kin of the victim or
280 | other designated contact, he or she must be notified of the
281 | release of the defendant from incarceration as provided by law.

282 | 5. If the defendant was arrested pursuant to a warrant
283 | issued or taken into custody pursuant to s. 985.101 in a
284 | jurisdiction other than the jurisdiction in which the defendant
285 | is being released, and the alleged victim or appropriate next of
286 | kin of the alleged victim or other designated contact does not
287 | waive the option for notification of release, the chief
288 | correctional officer or chief administrator of the facility
289 | releasing the defendant shall make a reasonable attempt to
290 | immediately notify the chief correctional officer of the
291 | jurisdiction in which the warrant was issued or the juvenile was
292 | taken into custody pursuant to s. 985.101, and the chief
293 | correctional officer of that jurisdiction shall make a
294 | reasonable attempt to notify the alleged victim or appropriate
295 | next of kin of the alleged victim or other designated contact,
296 | as provided in this paragraph, that the defendant has been or
297 | will be released.

298 | Section 7. For the purpose of incorporating the amendment
299 | made by this act to section 985.101, Florida Statutes, in a
300 | reference thereto, subsection (2) of section 985.439, Florida

301 Statutes, is reenacted to read:

302 985.439 Violation of probation or postcommitment
303 probation.—

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

308 Section 8. For the purpose of incorporating the amendment
309 made by this act to section 985.435, Florida Statutes, in a
310 reference thereto, paragraph (b) of subsection (4) of section
311 985.565, Florida Statutes, is reenacted to read:

312 985.565 Sentencing powers; procedures; alternatives for
313 juveniles prosecuted as adults.—

314 (4) SENTENCING ALTERNATIVES.—

315 (b) *Juvenile sanctions*.—For juveniles transferred to adult
316 court but who do not qualify for such transfer under s.
317 985.556(3), the court may impose juvenile sanctions under this
318 paragraph. If juvenile sentences are imposed, the court shall,
319 under this paragraph, adjudge the child to have committed a
320 delinquent act. Adjudication of delinquency may not be deemed a
321 conviction, nor shall it operate to impose any of the civil
322 disabilities ordinarily resulting from a conviction. The court
323 shall impose an adult sanction or a juvenile sanction and may
324 not sentence the child to a combination of adult and juvenile
325 punishments. An adult sanction or a juvenile sanction may

326 include enforcement of an order of restitution or probation
327 previously ordered in any juvenile proceeding. However, if the
328 court imposes a juvenile sanction and the department determines
329 that the sanction is unsuitable for the child, the department
330 shall return custody of the child to the sentencing court for
331 further proceedings, including the imposition of adult
332 sanctions. Upon adjudicating a child delinquent under subsection
333 (1), the court may:

334 1. Place the child in a probation program under the
335 supervision of the department for an indeterminate period of
336 time until the child reaches the age of 19 years or sooner if
337 discharged by order of the court.

338 2. Commit the child to the department for treatment in an
339 appropriate program for children for an indeterminate period of
340 time until the child is 21 or sooner if discharged by the
341 department. The department shall notify the court of its intent
342 to discharge no later than 14 days before discharge. Failure of
343 the court to timely respond to the department's notice shall be
344 considered approval for discharge.

345 3. Order disposition under ss. 985.435, 985.437, 985.439,
346 985.441, 985.45, and 985.455 as an alternative to youthful
347 offender or adult sentencing if the court determines not to
348 impose youthful offender or adult sanctions.

349

350 It is the intent of the Legislature that the criteria and

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351 | guidelines in this subsection are mandatory and that a
352 | determination of disposition under this subsection is subject to
353 | the right of the child to appellate review under s. 985.534.

354

355 | Section 9. This act shall take effect July 1, 2021.