

## Committee on Criminal Justice

### **CS/CS/HB 885 — Juvenile Justice Programs and Detention**

by Judiciary Committee; Criminal Justice and Public Safety Subcommittee; and Rep. Plasencia and others (CS/CS/SB 1166 by Appropriations Committee; Criminal Justice Committee; and Senator Brandes)

The bill amends s. 20.316, F.S., to retain the program entitled “Accountability and Program Support” within the Department of Juvenile Justice (DJJ). This program was created in statute by the implementing bill for the General Appropriations Act for Fiscal Year 2020-2021. This change will also allow the secretary to keep the assistant secretary that was appointed for the program. The bill also retains the change made to s. 20.316, F.S., by the implementing bill for the General Appropriations Act for Fiscal Year 2020-2021, that revised the name of the existing program, “Prevention and Victim Services,” to “Prevention Services.” This change is because the DJJ has not provided victim services for numerous years.

The bill amends s. 985.101, F.S., providing that before a court issues an order to take a child into custody for failing to appear, it must consider all of the following information relating to whether the child’s nonappearance was willful:

- Whether notice was sent to the child’s address included in the official court record.
- Whether any person provided notice to the child in any format.
- If the child is represented by counsel, whether counsel for the child has information that the nonappearance was not willful or was otherwise beyond the child’s control.
- Whether a DJJ representative had contact or attempted to have contact with the child.
- Whether the DJJ has any specific information to assist the court in the determination.

The bill amends s. 985.435, F.S., providing that each judicial circuit must develop a written plan specifying the alternative consequence component. These plans must be based upon the principle that sanctions must reflect:

- The seriousness of the violation.
- The assessed criminogenic needs and risks of the child.
- The child’s age and maturity level.
- How effective the sanction or incentive will be in moving the child to compliant behavior.

The plan must be made in consultation with the judges, the state attorney, the public defender, the regional counsel, the relevant law enforcement agencies, and the DJJ.

The bill also amends s. 985.6865, F.S., to ensure that only a county that is not fiscally constrained and that does not provide for its own detention care contributes 50 percent of the detention cost. The bill also removes language related to detention cost sharing that is no longer relevant.

The bill amends s. 1003.52, F.S., providing that during Fiscal Year 2021-2022, the DJJ, in consultation with the Department of Education, is authorized to evaluate the viability of an

alternative model for providing and funding educational services for youth in detention and residential facilities. This evaluation must include material gathered through a request for information process. Such model must provide for assessments and direct educational services, including, but not limited to:

- Special education and career and technical educational services.
- Transition planning.
- Educational program accountability standards.
- Research-based best practices for educating justice-involved youth.
- The recruiting, hiring, and training of teachers.

The above provision expires June 1, 2022.

The bill repeals s. 985.686, F.S., which provided for a detention cost sharing plan between the DJJ and counties. This cost sharing plan is now governed by s. 985.6865, F.S.

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 40-0; House 119-0*