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1 A bill to be entitled
2 An act relating to juvenile justice; amending s.
3 20.316, F.S.; revising the name of a program and
4 creating an additional program within the Department
5 of Juvenile Justice; conforming a provision to changes
6 made by the act; repealing s. 985.686, F.S., relating
7 to shared county and state responsibility for juvenile
8 detention; amending s. 985.6865, F.S.; deleting
9 provisions relating to legislative findings and
10 legislative intent; deleting a provision requiring
11 each county that is not a fiscally constrained county
12 to pay its annual percentage share of the total shared
13 detention costs; requiring the Department of Juvenile
14 Justice to calculate and provide to each county that
15 is not a fiscally constrained county and that does not
16 provide its own detention care for juveniles its
17 annual percentage share; requiring each county that is
18 not a fiscally constrained county and that does not
19 provide its own detention care for juveniles to
20 incorporate into its annual budget sufficient funds to
21 pay its annual percentage share; conforming a
22 provision to changes made by the act; conforming a
23 cross-reference; amending s. 943.0582, F.S.; deleting
24 a requirement that limits diversion program expunction
25 to programs for misdemeanor offenses; amending s.
26 985.126, F.S.; conforming a provision to changes made
27 by the act; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsections (2) and (3) of section 20.316, Florida Statutes, are amended to read:

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

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

(a) Accountability and Program Support.

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

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

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

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

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

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

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

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59 execution of an interagency agreement specifying the alternative
60 juvenile justice operating circuit in which the county is to be
61 placed and the basis for the alternative placement. Upon the
62 execution of said interagency agreement by each affected chief
63 circuit judge, the secretary may administratively place a county
64 in an alternative juvenile justice operating circuit pursuant to
65 the agreement.

66 Section 2. Section 985.686, Florida Statutes, is repealed.

67 Section 3. Subsections (1) through (4) and (6) of section
68 985.6865, Florida Statutes, are amended to read:

69 985.6865 Juvenile detention.—

70 ~~(1) The Legislature finds that various counties and the~~
71 ~~Department of Juvenile Justice have engaged in a multitude of~~
72 ~~legal proceedings regarding detention cost sharing for~~
73 ~~juveniles. Such litigation has largely focused on how the~~
74 ~~Department of Juvenile Justice calculates the detention costs~~
75 ~~that the counties are responsible for paying, leading to the~~
76 ~~overbilling of counties for a period of years. Additionally,~~
77 ~~litigation pending in 2016 is a financial burden on the~~
78 ~~taxpayers of this state.~~

79 ~~(2) It is the intent of the Legislature that all counties~~
80 ~~that are not fiscally constrained counties and that have pending~~
81 ~~administrative or judicial claims or challenges file a notice of~~
82 ~~voluntary dismissal with prejudice to dismiss all actions~~
83 ~~pending on or before February 1, 2016, against the state or any~~
84 ~~state agency related to juvenile detention cost sharing.~~
85 ~~Furthermore, all counties that are not fiscally constrained~~
86 ~~shall execute a release and waiver of any existing or future~~
87 ~~claims and actions arising from detention cost share prior to~~

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88 ~~the 2016-2017 fiscal year. The department may not seek~~
89 ~~reimbursement from counties complying with this subsection for~~
90 ~~any underpayment for any cost-sharing requirements before the~~
91 ~~2016-2017 fiscal year.~~

92 (1)~~(3)~~ As used in this section, the term:

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

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

101 (c) "Total shared detention costs" means the amount of
102 funds expended by the department for the costs of detention care
103 for the prior fiscal year. This amount includes the most recent
104 actual certify forward amounts minus any funds it expends on
105 detention care for juveniles residing in fiscally constrained
106 counties or out of state.

107 (2)~~(4)~~ ~~Notwithstanding s. 985.686, for the 2017-2018 fiscal~~
108 ~~year, and each fiscal year thereafter, each county that is not a~~
109 ~~fiscally constrained county and that has taken the action~~
110 ~~fulfilling the intent of this section as described in subsection~~
111 ~~(2) shall pay its annual percentage share of 50 percent of the~~
112 ~~total shared detention costs. Annually by July 15, 2017, and~~
113 ~~each year thereafter, the department shall calculate and provide~~
114 ~~to each county that is not a fiscally constrained county and~~
115 ~~that does not provide its own detention care for juveniles its~~
116 ~~annual percentage share by dividing the total number of~~

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117 detention days for juveniles residing in the county for the most
118 recently completed 12-month period by the total number of
119 detention days for juveniles in all counties that are not
120 fiscally constrained counties during the same period. The annual
121 percentage share of each county that is not a fiscally
122 constrained county and that does not provide its own detention
123 care for juveniles must be multiplied by 50 percent of the total
124 shared detention costs to determine that county's share of
125 detention costs. Beginning August 1, each such county shall pay
126 to the department its share of detention costs, which shall be
127 paid in 12 equal payments due on the first day of each month.
128 The state shall pay the remaining actual costs of detention
129 care.

130 (4)~~(6)~~ Each county that is not a fiscally constrained
131 county and that does not provide its own detention care for
132 juveniles ~~has taken the action fulfilling the intent of this~~
133 ~~section as described in subsection (2)~~ shall incorporate into
134 its annual county budget sufficient funds to pay its annual
135 percentage share of the total shared detention costs required by
136 subsection (2) ~~(4)~~.

137 Section 4. Subsection (1) and paragraph (b) of subsection
138 (3) of section 943.0582, Florida Statutes, are amended to read:
139 943.0582 Diversion program expunction.—

140 (1) Notwithstanding any law dealing generally with the
141 preservation and destruction of public records, the department
142 shall adopt rules to provide for the expunction of a nonjudicial
143 record of the arrest of a minor who has successfully completed a
144 diversion program ~~for a misdemeanor offense~~.

145 (3) The department shall expunge the nonjudicial arrest

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146 record of a minor who has successfully completed a diversion
147 program if that minor:

148 (b) Submits to the department, with the application, an
149 official written statement from the state attorney for the
150 county in which the arrest occurred certifying that he or she
151 has successfully completed that county's diversion program, ~~that~~
152 ~~his or her participation in the program was based on an arrest~~
153 ~~for a misdemeanor,~~ and that he or she has not otherwise been
154 charged by the state attorney with, or found to have committed,
155 any criminal offense or comparable ordinance violation.

156 Section 5. Subsection (5) of section 985.126, Florida
157 Statutes, is amended to read:

158 985.126 Diversion programs; data collection; denial of
159 participation or expunged record.-

160 (5) A minor who successfully completes a diversion program
161 ~~for a first-time misdemeanor offense~~ may lawfully deny or fail
162 to acknowledge his or her participation in the program and an
163 expunction of a nonjudicial arrest record under s. 943.0582,
164 unless the inquiry is made by a criminal justice agency, as
165 defined in s. 943.045, for a purpose described in s.
166 943.0582(2)(b)1.

167 Section 6. This act shall take effect July 1, 2020.