



374274

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2021	.	
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	.	
	.	

The Committee on Criminal Justice (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

20.316 Department of Juvenile Justice.—There is created a



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11 Department of Juvenile Justice.

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

14 (a) Accountability and Program Support.

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

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

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

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

19 (b)~~(e)~~ Administration.
20

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

24 (3) JUVENILE JUSTICE OPERATING CIRCUITS.—The department
25 shall plan and administer its programs through a substate
26 structure that conforms to the boundaries of the judicial
27 circuits prescribed in s. 26.021. A county may seek placement in
28 a juvenile justice operating circuit other than as prescribed in
29 s. 26.021 for participation in the Prevention ~~and Victim~~
30 Services Program and the Probation and Community Corrections
31 Program by making a request of the chief circuit judge in each
32 judicial circuit affected by such request. Upon a showing that
33 geographic proximity, community identity, or other legitimate
34 concern for efficiency of operations merits alternative
35 placement, each affected chief circuit judge may authorize the
36 execution of an interagency agreement specifying the alternative
37 juvenile justice operating circuit in which the county is to be
38 placed and the basis for the alternative placement. Upon the
39 execution of said interagency agreement by each affected chief



40 circuit judge, the secretary may administratively place a county
41 in an alternative juvenile justice operating circuit pursuant to
42 the agreement.

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

45 985.101 Taking a child into custody.—

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

50 (a) Whether notice was sent to the address in the official
51 court record.

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

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

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

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

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

62 985.435 Probation and postcommitment probation; community
63 service.—

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



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69 the public defender, relevant law enforcement agencies, and the
70 department, a written plan specifying the alternative
71 consequence component which must be based upon the principle
72 that sanctions must reflect the seriousness of the violation,
73 the assessed criminogenic needs and risks of the child, the
74 child's age and maturity level, and how effective the sanction
75 or incentive will be in moving the child to compliant behavior.
76 The alternative consequence component is designed to provide
77 swift and appropriate consequences or incentives to a child who
78 is alleged to be noncompliant with or in violation of ~~to any~~
79 ~~noncompliance with technical conditions of probation.~~ If the
80 probation program includes this component, specific consequences
81 that apply to noncompliance with specific technical conditions
82 of probation, as well as incentives used to move the child
83 toward compliant behavior, must be detailed in the disposition
84 order.

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

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

88 985.6865 Juvenile detention.—

89 ~~(1) The Legislature finds that various counties and the~~
90 ~~Department of Juvenile Justice have engaged in a multitude of~~
91 ~~legal proceedings regarding detention cost sharing for~~
92 ~~juveniles. Such litigation has largely focused on how the~~
93 ~~Department of Juvenile Justice calculates the detention costs~~
94 ~~that the counties are responsible for paying, leading to the~~
95 ~~overbilling of counties for a period of years. Additionally,~~
96 ~~litigation pending in 2016 is a financial burden on the~~
97 ~~taxpayers of this state.~~



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98 ~~(2) It is the intent of the Legislature that all counties~~
99 ~~that are not fiscally constrained counties and that have pending~~
100 ~~administrative or judicial claims or challenges file a notice of~~
101 ~~voluntary dismissal with prejudice to dismiss all actions~~
102 ~~pending on or before February 1, 2016, against the state or any~~
103 ~~state agency related to juvenile detention cost sharing.~~
104 ~~Furthermore, all counties that are not fiscally constrained~~
105 ~~shall execute a release and waiver of any existing or future~~
106 ~~claims and actions arising from detention cost share prior to~~
107 ~~the 2016-2017 fiscal year. The department may not seek~~
108 ~~reimbursement from counties complying with this subsection for~~
109 ~~any underpayment for any cost-sharing requirements before the~~
110 ~~2016-2017 fiscal year.~~

111 (1)~~(3)~~ As used in this section, the term:

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

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

120 (c) "Total shared detention costs" means the amount of
121 funds expended by the department for the costs of detention care
122 for the prior fiscal year. This amount includes the most recent
123 actual certify forward amounts minus any funds it expends on
124 detention care for juveniles residing in fiscally constrained
125 counties or out of state.

126 (2)~~(4)~~ Notwithstanding s. 985.686, for the 2017-2018 fiscal



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127 ~~year, and each fiscal year thereafter, each county that is not a~~
128 ~~fiscally constrained county and that has taken the action~~
129 ~~fulfilling the intent of this section as described in subsection~~
130 ~~(2) shall pay its annual percentage share of 50 percent of the~~
131 ~~total shared detention costs. By Annually by July 15, 2017, and~~
132 ~~each year thereafter,~~ the department shall calculate and provide
133 to each county that is not a fiscally constrained county and
134 that does not provide its own detention care for juveniles its
135 annual percentage share by dividing the total number of
136 detention days for juveniles residing in the county for the most
137 recently completed 12-month period by the total number of
138 detention days for juveniles in all counties that are not
139 fiscally constrained counties during the same period. The annual
140 percentage share of each county that is not a fiscally
141 constrained county and that does not provide its own detention
142 care for juveniles must be multiplied by 50 percent of the total
143 shared detention costs to determine that county's share of
144 detention costs. Beginning August 1, each such county shall pay
145 to the department its share of detention costs, which shall be
146 paid in 12 equal payments due on the first day of each month.
147 The state shall pay the remaining actual costs of detention
148 care.

149 (3)~~(5)~~ The state shall pay all costs of detention care for
150 juveniles residing in a fiscally constrained county and for
151 juveniles residing out of state. The state shall pay all costs
152 of detention care for juveniles housed in state detention
153 centers from counties that provide their own detention care for
154 juveniles.

155 (4)~~(6)~~ Each county that is not a fiscally constrained



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156 county and that does not provide its own detention care for
157 juveniles ~~has taken the action fulfilling the intent of this~~
158 ~~section as described in subsection (2)~~ shall incorporate into
159 its annual county budget sufficient funds to pay its annual
160 percentage share of the total shared detention costs required by
161 subsection (2) ~~(4)~~.

162 Section 6. For the purpose of incorporating the amendment
163 made by this act to section 985.101, Florida Statutes, in
164 references thereto, paragraph (b) of subsection (1) of section
165 960.001, Florida Statutes, is reenacted to read:

166 960.001 Guidelines for fair treatment of victims and
167 witnesses in the criminal justice and juvenile justice systems.-

168 (1) The Department of Legal Affairs, the state attorneys,
169 the Department of Corrections, the Department of Juvenile
170 Justice, the Florida Commission on Offender Review, the State
171 Courts Administrator and circuit court administrators, the
172 Department of Law Enforcement, and every sheriff's department,
173 police department, or other law enforcement agency as defined in
174 s. 943.10(4) shall develop and implement guidelines for the use
175 of their respective agencies, which guidelines are consistent
176 with the purposes of this act and s. 16(b), Art. I of the State
177 Constitution and are designed to implement s. 16(b), Art. I of
178 the State Constitution and to achieve the following objectives:

179 (b) *Information for purposes of notifying victim or*
180 *appropriate next of kin of victim or other designated contact of*
181 *victim.*-In the case of a homicide, pursuant to chapter 782; or a
182 sexual offense, pursuant to chapter 794; or an attempted murder
183 or sexual offense, pursuant to chapter 777; or stalking,
184 pursuant to s. 784.048; or domestic violence, pursuant to s.



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185 25.385:

186 1. The arresting law enforcement officer or personnel of an
187 organization that provides assistance to a victim or to the
188 appropriate next of kin of the victim or other designated
189 contact must request that the victim or appropriate next of kin
190 of the victim or other designated contact complete a victim
191 notification card. However, the victim or appropriate next of
192 kin of the victim or other designated contact may choose not to
193 complete the victim notification card.

194 2. Unless the victim or the appropriate next of kin of the
195 victim or other designated contact waives the option to complete
196 the victim notification card, a copy of the victim notification
197 card must be filed with the incident report or warrant in the
198 sheriff's office of the jurisdiction in which the incident
199 report or warrant originated. The notification card shall, at a
200 minimum, consist of:

- 201 a. The name, address, and phone number of the victim; or
- 202 b. The name, address, and phone number of the appropriate
203 next of kin of the victim; or
- 204 c. The name, address, and telephone number of a designated
205 contact other than the victim or appropriate next of kin of the
206 victim; and
- 207 d. Any relevant identification or case numbers assigned to
208 the case.

209 3. The chief administrator, or a person designated by the
210 chief administrator, of a county jail, municipal jail, juvenile
211 detention facility, or residential commitment facility shall
212 make a reasonable attempt to notify the alleged victim or
213 appropriate next of kin of the alleged victim or other



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214 designated contact within 4 hours following the release of the
215 defendant on bail or, in the case of a juvenile offender, upon
216 the release from residential detention or commitment. If the
217 chief administrator, or designee, is unable to contact the
218 alleged victim or appropriate next of kin of the alleged victim
219 or other designated contact by telephone, the chief
220 administrator, or designee, must send to the alleged victim or
221 appropriate next of kin of the alleged victim or other
222 designated contact a written notification of the defendant's
223 release.

224 4. Unless otherwise requested by the victim or the
225 appropriate next of kin of the victim or other designated
226 contact, the information contained on the victim notification
227 card must be sent by the chief administrator, or designee, of
228 the appropriate facility to the subsequent correctional or
229 residential commitment facility following the sentencing and
230 incarceration of the defendant, and unless otherwise requested
231 by the victim or the appropriate next of kin of the victim or
232 other designated contact, he or she must be notified of the
233 release of the defendant from incarceration as provided by law.

234 5. If the defendant was arrested pursuant to a warrant
235 issued or taken into custody pursuant to s. 985.101 in a
236 jurisdiction other than the jurisdiction in which the defendant
237 is being released, and the alleged victim or appropriate next of
238 kin of the alleged victim or other designated contact does not
239 waive the option for notification of release, the chief
240 correctional officer or chief administrator of the facility
241 releasing the defendant shall make a reasonable attempt to
242 immediately notify the chief correctional officer of the



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243 jurisdiction in which the warrant was issued or the juvenile was
244 taken into custody pursuant to s. 985.101, and the chief
245 correctional officer of that jurisdiction shall make a
246 reasonable attempt to notify the alleged victim or appropriate
247 next of kin of the alleged victim or other designated contact,
248 as provided in this paragraph, that the defendant has been or
249 will be released.

250 Section 7. For the purpose of incorporating the amendment
251 made by this act to section 985.101, Florida Statutes, in a
252 reference thereto, subsection (2) of section 985.439, Florida
253 Statutes, is reenacted to read:

254 985.439 Violation of probation or postcommitment
255 probation.—

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

260 Section 8. For the purpose of incorporating the amendment
261 made by this act to section 985.435, Florida Statutes, in a
262 reference thereto, paragraph (b) of subsection (4) of section
263 985.565, Florida Statutes, is reenacted to read:

264 985.565 Sentencing powers; procedures; alternatives for
265 juveniles prosecuted as adults.—

266 (4) SENTENCING ALTERNATIVES.—

267 (b) *Juvenile sanctions.*—For juveniles transferred to adult
268 court but who do not qualify for such transfer under s.
269 985.556(3), the court may impose juvenile sanctions under this
270 paragraph. If juvenile sentences are imposed, the court shall,
271 under this paragraph, adjudge the child to have committed a



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272 delinquent act. Adjudication of delinquency may not be deemed a
273 conviction, nor shall it operate to impose any of the civil
274 disabilities ordinarily resulting from a conviction. The court
275 shall impose an adult sanction or a juvenile sanction and may
276 not sentence the child to a combination of adult and juvenile
277 punishments. An adult sanction or a juvenile sanction may
278 include enforcement of an order of restitution or probation
279 previously ordered in any juvenile proceeding. However, if the
280 court imposes a juvenile sanction and the department determines
281 that the sanction is unsuitable for the child, the department
282 shall return custody of the child to the sentencing court for
283 further proceedings, including the imposition of adult
284 sanctions. Upon adjudicating a child delinquent under subsection
285 (1), the court may:

286 1. Place the child in a probation program under the
287 supervision of the department for an indeterminate period of
288 time until the child reaches the age of 19 years or sooner if
289 discharged by order of the court.

290 2. Commit the child to the department for treatment in an
291 appropriate program for children for an indeterminate period of
292 time until the child is 21 or sooner if discharged by the
293 department. The department shall notify the court of its intent
294 to discharge no later than 14 days before discharge. Failure of
295 the court to timely respond to the department's notice shall be
296 considered approval for discharge.

297 3. Order disposition under ss. 985.435, 985.437, 985.439,
298 985.441, 985.45, and 985.455 as an alternative to youthful
299 offender or adult sentencing if the court determines not to
300 impose youthful offender or adult sanctions.



301
302 It is the intent of the Legislature that the criteria and
303 guidelines in this subsection are mandatory and that a
304 determination of disposition under this subsection is subject to
305 the right of the child to appellate review under s. 985.534.

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

307
308 ===== T I T L E A M E N D M E N T =====

309 And the title is amended as follows:

310 Delete everything before the enacting clause
311 and insert:

312 A bill to be entitled
313 An act relating to juvenile justice; amending s.
314 20.316, F.S.; creating the Accountability and Program
315 Support Program within the Department of Juvenile
316 Justice and revising the name of an existing program;
317 amending s. 985.101, F.S.; authorizing a court to
318 order that a child be taken into custody for failure
319 to appear; requiring a court to consider specified
320 information before it issues such an order; amending
321 s. 985.435, F.S.; requiring each judicial circuit to
322 develop, in consultation with specified persons and
323 entities, a written plan specifying the alternative
324 consequence component which must be based upon certain
325 principles; providing that the alternative consequence
326 component is designed to provide swift and appropriate
327 consequences or incentives to a child who is alleged
328 to be noncompliant with or in violation of probation;
329 repealing s. 985.686, F.S., relating to the shared



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330 county and state financial support responsibility for
331 juvenile detention; amending s. 985.6865, F.S.;
332 deleting provisions relating to legislative findings
333 and intent; requiring the Department of Juvenile
334 Justice to calculate annually by a certain date and
335 provide to each county that is not a fiscally
336 constrained county and that does not provide its own
337 detention care for juveniles its annual percentage
338 share of detention costs; requiring each county that
339 is not a fiscally constrained county and that does not
340 provide its own detention care for juveniles to
341 incorporate into its annual county budget sufficient
342 funds to pay its annual percentage share of detention
343 costs; reenacting ss. 960.001(1)(b) and 985.439(2),
344 F.S., relating to guidelines for fair treatment of
345 victims and witnesses in the criminal justice and
346 juvenile justice systems and violation of probation or
347 postcommitment probation, respectively, to incorporate
348 the amendment made to s. 985.101, F.S., in references
349 thereto; reenacting s. 985.565(4)(b), F.S., relating
350 to sentencing alternatives, to incorporate the
351 amendment made to s. 985.435, F.S., in a reference
352 thereto; providing an effective date.