

**By** the Committees on Appropriations; and Criminal Justice; and  
Senator Brandes

576-04227-21

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1                                   A bill to be entitled  
2       An act relating to juvenile justice; amending s.  
3       20.316, F.S.; creating the Accountability and Program  
4       Support Program within the Department of Juvenile  
5       Justice and revising the name of an existing program;  
6       amending s. 985.101, F.S.; authorizing a court to  
7       order that a child be taken into custody for failure  
8       to appear; requiring a court to consider specified  
9       information before it issues such an order; amending  
10      s. 985.435, F.S.; requiring each judicial circuit to  
11      develop, in consultation with specified persons and  
12      entities, a written plan specifying the alternative  
13      consequence component which must be based upon certain  
14      principles; providing that the alternative consequence  
15      component 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

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30 incorporate into its annual county budget sufficient  
31 funds to pay its annual percentage share of detention  
32 costs; amending s. 1003.52, F.S.; authorizing the  
33 Department of Juvenile Justice, in consultation with  
34 the Department of Education, to evaluate the viability  
35 of an alternative model for providing and funding  
36 education services for youth in detention and  
37 residential facilities; providing requirements;  
38 providing for expiration; reenacting ss. 960.001(1)(b)  
39 and 985.439(2), F.S., relating to guidelines for fair  
40 treatment of victims and witnesses in the criminal  
41 justice and juvenile justice systems and violation of  
42 probation or postcommitment probation, respectively,  
43 to incorporate the amendment made to s. 985.101, F.S.,  
44 in references thereto; reenacting s. 985.565(4)(b),  
45 F.S., relating to sentencing alternatives, to  
46 incorporate the amendment made to s. 985.435, F.S., in  
47 a reference thereto; providing an effective date.  
48

49 Be It Enacted by the Legislature of the State of Florida:  
50

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

56 20.316 Department of Juvenile Justice.—There is created a  
57 Department of Juvenile Justice.

58 (2) DEPARTMENT PROGRAMS.—The following programs are

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59 established within the Department of Juvenile Justice:

60 (a) Accountability and Program Support.

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

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

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

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

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

66  
67 The secretary may establish assistant secretary positions and a  
68 chief of staff position as necessary to administer the  
69 requirements of this section.

70 (3) JUVENILE JUSTICE OPERATING CIRCUITS.—The department  
71 shall plan and administer its programs through a substate  
72 structure that conforms to the boundaries of the judicial  
73 circuits prescribed in s. 26.021. A county may seek placement in  
74 a juvenile justice operating circuit other than as prescribed in  
75 s. 26.021 for participation in the Prevention ~~and Victim~~  
76 Services Program and the Probation and Community Corrections  
77 Program by making a request of the chief circuit judge in each  
78 judicial circuit affected by such request. Upon a showing that  
79 geographic proximity, community identity, or other legitimate  
80 concern for efficiency of operations merits alternative  
81 placement, each affected chief circuit judge may authorize the  
82 execution of an interagency agreement specifying the alternative  
83 juvenile justice operating circuit in which the county is to be  
84 placed and the basis for the alternative placement. Upon the  
85 execution of said interagency agreement by each affected chief  
86 circuit judge, the secretary may administratively place a county  
87 in an alternative juvenile justice operating circuit pursuant to

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88 the agreement.

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

91 985.101 Taking a child into custody.—

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

96 (a) Whether notice was sent to the address in the official  
97 court record.

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

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

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

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

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

108 985.435 Probation and postcommitment probation; community  
109 service.—

110 (4) A probation program may also include an alternative  
111 consequence component to address instances in which a child is  
112 noncompliant with technical conditions of his or her probation  
113 but has not committed any new violations of law. Each circuit  
114 shall develop, in consultation with judges, the state attorney,  
115 the public defender, relevant law enforcement agencies, and the  
116 department, a written plan specifying the alternative

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117 consequence component which must be based upon the principle  
118 that sanctions must reflect the seriousness of the violation,  
119 the assessed criminogenic needs and risks of the child, the  
120 child's age and maturity level, and how effective the sanction  
121 or incentive will be in moving the child to compliant behavior.  
122 The alternative consequence component is designed to provide  
123 swift and appropriate consequences or incentives to a child who  
124 is alleged to be noncompliant with or in violation of ~~to any~~  
125 ~~noncompliance with technical conditions of~~ probation. If the  
126 probation program includes this component, specific consequences  
127 that apply to noncompliance with specific technical conditions  
128 of probation, as well as incentives used to move the child  
129 toward compliant behavior, must be detailed in the disposition  
130 order.

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

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

134 985.6865 Juvenile detention.—

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

144 ~~(2) It is the intent of the Legislature that all counties~~  
145 ~~that are not fiscally constrained counties and that have pending~~

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146 ~~administrative or judicial claims or challenges file a notice of~~  
147 ~~voluntary dismissal with prejudice to dismiss all actions~~  
148 ~~pending on or before February 1, 2016, against the state or any~~  
149 ~~state agency related to juvenile detention cost sharing.~~  
150 ~~Furthermore, all counties that are not fiscally constrained~~  
151 ~~shall execute a release and waiver of any existing or future~~  
152 ~~claims and actions arising from detention cost share prior to~~  
153 ~~the 2016-2017 fiscal year. The department may not seek~~  
154 ~~reimbursement from counties complying with this subsection for~~  
155 ~~any underpayment for any cost-sharing requirements before the~~  
156 ~~2016-2017 fiscal year.~~

157 (1)~~(3)~~ As used in this section, the term:

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

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

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

172 (2)~~(4)~~ Notwithstanding s. ~~985.686~~, for the ~~2017-2018~~ fiscal  
173 ~~year, and each fiscal year thereafter, each county that is not a~~  
174 ~~fiscally constrained county and that has taken the action~~

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

195 (3)~~(5)~~ The state shall pay all costs of detention care for  
196 juveniles residing in a fiscally constrained county and for  
197 juveniles residing out of state. The state shall pay all costs  
198 of detention care for juveniles housed in state detention  
199 centers from counties that provide their own detention care for  
200 juveniles.

201 (4)~~(6)~~ Each county that is not a fiscally constrained  
202 county and that does not provide its own detention care for  
203 juveniles ~~has taken the action fulfilling the intent of this~~

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204 ~~section as described in subsection (2)~~ shall incorporate into  
205 its annual county budget sufficient funds to pay its annual  
206 percentage share of the total shared detention costs required by  
207 subsection (2) ~~(4)~~.

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

210 1003.52 Educational services in Department of Juvenile  
211 Justice programs.—

212 (23) Notwithstanding this section, during fiscal year 2021-  
213 2022, the Department of Juvenile Justice, in consultation with  
214 the Department of Education, is authorized to evaluate the  
215 viability of an alternative model for providing and funding  
216 education services for youth in detention and residential  
217 facilities. This evaluation must include material gathered  
218 through a request for information process. Such model must  
219 provide for assessments and direct educational services,  
220 including, but not limited to, special education and career and  
221 technical educational services; transition planning; educational  
222 program accountability standards; research-based best practices  
223 for educating justice-involved youth; and the recruiting,  
224 hiring, and training of teachers. This subsection expires June  
225 1, 2022.

226 Section 7. For the purpose of incorporating the amendment  
227 made by this act to section 985.101, Florida Statutes, in  
228 references thereto, paragraph (b) of subsection (1) of section  
229 960.001, Florida Statutes, is reenacted to read:

230 960.001 Guidelines for fair treatment of victims and  
231 witnesses in the criminal justice and juvenile justice systems.—

232 (1) The Department of Legal Affairs, the state attorneys,



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233 the Department of Corrections, the Department of Juvenile  
234 Justice, the Florida Commission on Offender Review, the State  
235 Courts Administrator and circuit court administrators, the  
236 Department of Law Enforcement, and every sheriff's department,  
237 police department, or other law enforcement agency as defined in  
238 s. 943.10(4) shall develop and implement guidelines for the use  
239 of their respective agencies, which guidelines are consistent  
240 with the purposes of this act and s. 16(b), Art. I of the State  
241 Constitution and are designed to implement s. 16(b), Art. I of  
242 the State Constitution and to achieve the following objectives:

243 *(b) Information for purposes of notifying victim or*  
244 *appropriate next of kin of victim or other designated contact of*  
245 *victim.*—In the case of a homicide, pursuant to chapter 782; or a  
246 sexual offense, pursuant to chapter 794; or an attempted murder  
247 or sexual offense, pursuant to chapter 777; or stalking,  
248 pursuant to s. 784.048; or domestic violence, pursuant to s.  
249 25.385:

250 1. The arresting law enforcement officer or personnel of an  
251 organization that provides assistance to a victim or to the  
252 appropriate next of kin of the victim or other designated  
253 contact must request that the victim or appropriate next of kin  
254 of the victim or other designated contact complete a victim  
255 notification card. However, the victim or appropriate next of  
256 kin of the victim or other designated contact may choose not to  
257 complete the victim notification card.

258 2. Unless the victim or the appropriate next of kin of the  
259 victim or other designated contact waives the option to complete  
260 the victim notification card, a copy of the victim notification  
261 card must be filed with the incident report or warrant in the

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262 sheriff's office of the jurisdiction in which the incident  
263 report or warrant originated. The notification card shall, at a  
264 minimum, consist of:

- 265       a. The name, address, and phone number of the victim; or  
266       b. The name, address, and phone number of the appropriate  
267 next of kin of the victim; or  
268       c. The name, address, and telephone number of a designated  
269 contact other than the victim or appropriate next of kin of the  
270 victim; and  
271       d. Any relevant identification or case numbers assigned to  
272 the case.

273       3. The chief administrator, or a person designated by the  
274 chief administrator, of a county jail, municipal jail, juvenile  
275 detention facility, or residential commitment facility shall  
276 make a reasonable attempt to notify the alleged victim or  
277 appropriate next of kin of the alleged victim or other  
278 designated contact within 4 hours following the release of the  
279 defendant on bail or, in the case of a juvenile offender, upon  
280 the release from residential detention or commitment. If the  
281 chief administrator, or designee, is unable to contact the  
282 alleged victim or appropriate next of kin of the alleged victim  
283 or other designated contact by telephone, the chief  
284 administrator, or designee, must send to the alleged victim or  
285 appropriate next of kin of the alleged victim or other  
286 designated contact a written notification of the defendant's  
287 release.

288       4. Unless otherwise requested by the victim or the  
289 appropriate next of kin of the victim or other designated  
290 contact, the information contained on the victim notification

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291 card must be sent by the chief administrator, or designee, of  
292 the appropriate facility to the subsequent correctional or  
293 residential commitment facility following the sentencing and  
294 incarceration of the defendant, and unless otherwise requested  
295 by the victim or the appropriate next of kin of the victim or  
296 other designated contact, he or she must be notified of the  
297 release of the defendant from incarceration as provided by law.

298         5. If the defendant was arrested pursuant to a warrant  
299 issued or taken into custody pursuant to s. 985.101 in a  
300 jurisdiction other than the jurisdiction in which the defendant  
301 is being released, and the alleged victim or appropriate next of  
302 kin of the alleged victim or other designated contact does not  
303 waive the option for notification of release, the chief  
304 correctional officer or chief administrator of the facility  
305 releasing the defendant shall make a reasonable attempt to  
306 immediately notify the chief correctional officer of the  
307 jurisdiction in which the warrant was issued or the juvenile was  
308 taken into custody pursuant to s. 985.101, and the chief  
309 correctional officer of that jurisdiction shall make a  
310 reasonable attempt to notify the alleged victim or appropriate  
311 next of kin of the alleged victim or other designated contact,  
312 as provided in this paragraph, that the defendant has been or  
313 will be released.

314         Section 8. For the purpose of incorporating the amendment  
315 made by this act to section 985.101, Florida Statutes, in a  
316 reference thereto, subsection (2) of section 985.439, Florida  
317 Statutes, is reenacted to read:

318         985.439 Violation of probation or postcommitment  
319 probation.—

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

324 Section 9. For the purpose of incorporating the amendment  
325 made by this act to section 985.435, Florida Statutes, in a  
326 reference thereto, paragraph (b) of subsection (4) of section  
327 985.565, Florida Statutes, is reenacted to read:

328 985.565 Sentencing powers; procedures; alternatives for  
329 juveniles prosecuted as adults.—

330 (4) SENTENCING ALTERNATIVES.—

331 (b) *Juvenile sanctions*.—For juveniles transferred to adult  
332 court but who do not qualify for such transfer under s.  
333 985.556(3), the court may impose juvenile sanctions under this  
334 paragraph. If juvenile sentences are imposed, the court shall,  
335 under this paragraph, adjudge the child to have committed a  
336 delinquent act. Adjudication of delinquency may not be deemed a  
337 conviction, nor shall it operate to impose any of the civil  
338 disabilities ordinarily resulting from a conviction. The court  
339 shall impose an adult sanction or a juvenile sanction and may  
340 not sentence the child to a combination of adult and juvenile  
341 punishments. An adult sanction or a juvenile sanction may  
342 include enforcement of an order of restitution or probation  
343 previously ordered in any juvenile proceeding. However, if the  
344 court imposes a juvenile sanction and the department determines  
345 that the sanction is unsuitable for the child, the department  
346 shall return custody of the child to the sentencing court for  
347 further proceedings, including the imposition of adult  
348 sanctions. Upon adjudicating a child delinquent under subsection

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349 (1), the court may:

350 1. Place the child in a probation program under the  
351 supervision of the department for an indeterminate period of  
352 time until the child reaches the age of 19 years or sooner if  
353 discharged by order of the court.

354 2. Commit the child to the department for treatment in an  
355 appropriate program for children for an indeterminate period of  
356 time until the child is 21 or sooner if discharged by the  
357 department. The department shall notify the court of its intent  
358 to discharge no later than 14 days before discharge. Failure of  
359 the court to timely respond to the department's notice shall be  
360 considered approval for discharge.

361 3. Order disposition under ss. 985.435, 985.437, 985.439,  
362 985.441, 985.45, and 985.455 as an alternative to youthful  
363 offender or adult sentencing if the court determines not to  
364 impose youthful offender or adult sanctions.

365

366 It is the intent of the Legislature that the criteria and  
367 guidelines in this subsection are mandatory and that a  
368 determination of disposition under this subsection is subject to  
369 the right of the child to appellate review under s. 985.534.

370 Section 10. This act shall take effect July 1, 2021.