

By Senator Perry

8-00045-21

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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 a new program within the
4 Department of Juvenile Justice and revising the name
5 of an existing program; repealing s. 985.686, F.S.,
6 relating to shared county and state responsibility for
7 juvenile detention; amending s. 985.6865, F.S.;
8 deleting provisions relating to legislative findings
9 and legislative intent; deleting provisions relating
10 to cost sharing; deleting a provision requiring each
11 county that is not a fiscally constrained county to
12 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; amending s. 943.0582,
22 F.S.; deleting a requirement that limits diversion
23 program expunction to programs for misdemeanor
24 offenses; amending s. 985.126, F.S.; conforming a
25 provision to changes made by the act; providing an
26 effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Upon the expiration and reversion of the
31 amendment made to section 20.316, Florida Statutes, pursuant to
32 section 65 of chapter 2020-114, Laws of Florida, subsections (2)
33 and (3) of section 20.316, Florida Statutes, are amended to
34 read:

35 20.316 Department of Juvenile Justice.—There is created a
36 Department of Juvenile Justice.

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

39 (a) Accountability and Program Support.

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

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

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

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

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

45

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

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

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

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

69 Section 3. Subsections (1) through (4) and (6) of section
70 985.6865, Florida Statutes, are amended to read:

71 985.6865 Juvenile detention.—

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

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

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88 shall ~~execute a release and waiver of any existing or future~~
89 ~~claims and actions arising from detention cost share prior to~~
90 ~~the 2016-2017 fiscal year. The department may not seek~~
91 ~~reimbursement from counties complying with this subsection for~~
92 ~~any underpayment for any cost sharing requirements before the~~
93 ~~2016-2017 fiscal year.~~

94 (1)~~(3)~~ As used in this section, the term:

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

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

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

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

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

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

139 Section 4. Subsection (1) and paragraph (b) of subsection
140 (3) of section 943.0582, Florida Statutes, are amended to read:
141 943.0582 Diversion program expunction.—

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

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146 diversion program ~~for a misdemeanor offense~~.

147 (3) The department shall expunge the nonjudicial arrest
148 record of a minor who has successfully completed a diversion
149 program if that minor:

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

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

160 985.126 Diversion programs; data collection; denial of
161 participation or expunged record.—

162 (5) A minor who successfully completes a diversion program
163 ~~for a first-time misdemeanor offense~~ may lawfully deny or fail
164 to acknowledge his or her participation in the program and an
165 expunction of a nonjudicial arrest record under s. 943.0582,
166 unless the inquiry is made by a criminal justice agency, as
167 defined in s. 943.045, for a purpose described in s.
168 943.0582(2)(b)1.

169 Section 6. This act shall take effect July 1, 2021.