



FLORIDA DEPARTMENT OF JUVENILE JUSTICE

SB 1166 Juvenile Justice by Senator Brandes and HB 885 Juvenile Justice Programs and Detention by Representative Plasencia

Section 1:

- Creates a DJJ program of Accountability and Program Support and renames Prevention and Victim Services to Prevention Services.
- The new program will place a greater focus on the management of programs operated and contracted by the Department.
- The Department has not done victim services for many years. Victim services are now often administered by the State Attorney's Office in each circuit.
- This change was made in the implementing bill for FY 2020-21 but will be made permanent with this bill.

Section 2:

- Court ordered mandates for secure detention often occur because the courts are not aware of, or do not consider, the reasons that led the youth to fail to appear or other alternatives for dealing with failures to appear (FTA). This can lead to low level youth being held in secure detention.
- The bill requires that courts consider information provided by the Department regarding a youth's failure to appear before issuing an order to take the youth into custody.
- The information must include whether the child's failure to appear was due to the child not having transportation to the hearing and whether the child's failure to appear was caused by circumstances beyond the child's control.
- Alternatives to secure detention for FTAs include: setting a new court date and allowing DJJ to communicate with the youth; a notice being issued for the youth to be taken into custody and transported to DJJ where they receive a notice to appear and are released; or taking the youth into custody and running a detention risk assessment evaluation on them and placing them according to the results.

Section 3:

- When youth are put on probation, they are given terms to follow, and when they violate a term of that probation, it is considered a technical violation.
- Examples of technical violations of probation (VOP) include missing classes, not following up on referrals, missing counseling sessions, not completing community service or being late for curfew.
- Many circuits do not have a plan in place with appropriate sanctions that can be used when a youth commits a technical VOP. This can lead to youth being arrested, held in secure detention, and ordered to appear before a judge for these types of technical VOPs.

2737 Centerview Drive • Tallahassee, Florida 32399-3100 • (850) 488-1850

Ron DeSantis, Governor

Josefina M. Tamayo, Acting Secretary

The mission of the Department of Juvenile Justice is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.

- The bill will require circuits to develop written plans in consultation with the Department, law enforcement, judges, state attorneys and public defenders that would describe a methodology for determining the appropriate sanction or incentive when youth under supervision violate a condition of their probation that is not a new law violation.
- The plan should be based upon the principle that sanctions should reflect the seriousness of the violation, the assessed criminogenic needs and risks of the youth, the youth's age and maturity level, and how effective the sanction or incentive will be in moving the youth towards compliant behavior.

Sections 4 and 5:

- In 2016, the legislature passed SB 1322 which created section 985.6585, Florida Statutes, relating to payment for the cost of juvenile detention care that is provided by the Department of Juvenile Justice. All counties have a clear payment method, but obsolete detention cost share language in s. 985.686, F.S., remains in statute.
- Further clarification is needed in s. 985.6865 to solidify and clarify current practice, that counties who operate their own detention centers for juveniles (Seminole and Polk) are excluded from detention cost share.

Sections 6-9:

- Amends various cross references.

Section 10:

- Provides an effective date of July 1, 2021.

Fiscal Impact:

- Indeterminate Cost Savings. The bill will likely decrease the number of youth held in secure detention for FTAs and VOPs, therefore providing a cost savings for the state and the counties.