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CS/CS/HB 617

2013 Legislature

1
2 An act relating to juvenile justice circuit advisory
3 boards and juvenile justice county councils; amending
4 s. 985.664, F.S.; redesignating juvenile justice
5 circuit boards as juvenile justice circuit advisory
6 boards; requiring each board to have a county
7 organization representing each county in the circuit;
8 providing an exception for single-county circuits;
9 deleting provisions providing for juvenile justice
10 county councils; revising provisions relating to
11 duties and responsibilities of boards; requiring
12 submission of circuit plans by specified dates;
13 revising membership of boards; providing for
14 appointment and terms of members; providing for
15 quorums and for passage of measures or positions;
16 revising provisions relating to bylaws; amending ss.
17 790.22, 938.17, 948.51, 985.48, and 985.676, F.S.;
18 conforming provisions to changes made by the act;
19 providing an effective date.
20

21 Be It Enacted by the Legislature of the State of Florida:
22

23 Section 1. Section 985.664, Florida Statutes, is amended
24 to read:

25 985.664 Juvenile justice circuit advisory boards ~~and~~
26 ~~juvenile justice county councils.~~-

27 (1) There is authorized a juvenile justice circuit
28 advisory board to be established in each of the 20 judicial

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29 | ~~circuits and a juvenile justice county council to be established~~
 30 | ~~in each of the 67 counties. Except in single-county circuits,~~
 31 | ~~each juvenile justice circuit advisory board shall have a county~~
 32 | ~~organization representing each of the counties in the circuit.~~
 33 | ~~The county organization shall report directly to the juvenile~~
 34 | ~~justice circuit advisory board on the juvenile justice needs of~~
 35 | ~~the county.~~ The purpose of each juvenile justice circuit
 36 | ~~advisory board and each juvenile justice county council~~ is to
 37 | provide advice and direction to the department in the
 38 | development and implementation of juvenile justice programs and
 39 | to work collaboratively with the department in seeking program
 40 | improvements and policy changes to address the emerging and
 41 | changing needs of Florida's youth who are at risk of
 42 | delinquency.

43 | (2) The duties and responsibilities of a juvenile justice
 44 | circuit advisory board include, but are not limited to:

45 | (a) Developing ~~Each juvenile justice county council shall~~
 46 | ~~develop a juvenile justice prevention and early intervention~~
 47 | ~~plan for the county and shall collaborate with the circuit board~~
 48 | ~~and other county councils assigned to that circuit in the~~
 49 | ~~development of a comprehensive plan for the circuit. The initial~~
 50 | ~~circuit plan shall be submitted to the department no later than~~
 51 | ~~December 31, 2014, and no later than June 30 every 3 years~~
 52 | ~~thereafter. The department shall prescribe a format and content~~
 53 | ~~requirements for the submission of the comprehensive plan.~~

54 | (b) ~~(3)~~ Participating in the facilitation of Juvenile
 55 | ~~justice circuit boards and county councils shall also~~
 56 | ~~participate in facilitating~~ interagency cooperation and

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57 information sharing.

58 (c)(4) Providing recommendations ~~Juvenile justice circuit~~
59 ~~boards and county councils may apply for and receive public or~~
60 private grants to be administered by one of the community
61 partners that support one or more components of the
62 comprehensive county or circuit plan.

63 (d)(5) Providing recommendations to ~~Juvenile justice~~
64 ~~circuit boards and county councils shall advise and assist the~~
65 department in the evaluation and ~~award~~ of prevention and early
66 intervention grant programs, including the Community Juvenile
67 Justice Partnership Grant program established in s. 985.676 and
68 proceeds from the Invest in Children license plate annual use
69 fees.

70 (e)(6) Providing ~~Each juvenile justice circuit board shall~~
71 ~~provide~~ an annual report to the department describing the
72 board's activities ~~of the circuit board and each of the county~~
73 ~~councils contained within its circuit.~~ The department shall ~~may~~
74 prescribe a format and content requirements for submission of
75 annual reports. The annual report must be submitted to the
76 department no later than August 1 of each year.

77 (3)(7) Each ~~Membership of the juvenile justice circuit~~
78 advisory board shall have a minimum of 16 ~~may not exceed 18~~
79 ~~members, except as provided in subsections (8) and (9).~~ The
80 membership of each ~~Members must include the state attorney, the~~
81 ~~public defender, and the chief judge of the circuit, or their~~
82 ~~respective designees. The remaining 15 members of the board must~~
83 ~~be appointed by the county councils within that circuit. The~~
84 ~~board must include at least one representative from each county~~

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85 ~~council within the circuit. In appointing members to the circuit~~
86 ~~board, the county councils~~ must reflect:

87 (a) The circuit's geography and population distribution.

88 ~~(b) Juvenile justice partners, including, but not limited~~
89 ~~to, representatives of law enforcement, the school system, and~~
90 ~~the Department of Children and Family Services.~~

91 (b)(e) Diversity in the judicial circuit.

92 ~~(8) At any time after the adoption of initial bylaws~~
93 ~~pursuant to subsection (12), a juvenile justice circuit board~~
94 ~~may revise the bylaws to increase the number of members by not~~
95 ~~more than three in order to adequately reflect the diversity of~~
96 ~~the population and community organizations or agencies in the~~
97 ~~circuit.~~

98 ~~(9) If county councils are not formed within a circuit,~~
99 ~~the circuit board may establish its membership in accordance~~
100 ~~with subsection (10). For juvenile justice circuit boards~~
101 ~~organized pursuant to this subsection, the state attorney,~~
102 ~~public defender, and chief circuit judge, or their respective~~
103 ~~designees, shall be members of the circuit board.~~

104 (4)(10) Each member of the juvenile justice circuit
105 advisory board must be approved by the Secretary of Juvenile
106 Justice, except those members listed in paragraphs (a), (b),
107 (c), (e), (f), (g), and (h). ~~Membership of~~ The juvenile justice
108 ~~county councils, or juvenile justice circuit advisory boards~~
109 ~~established under subsection (1) must (9), may include as~~
110 ~~members representatives from the following entities:~~

111 (a) The state attorney or his or her designee
112 ~~Representatives from the school district, which may include~~

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113 ~~elected school board officials, the school superintendent,~~
114 ~~school or district administrators, teachers, and counselors.~~

115 (b) The public defender or his or her designee
116 ~~Representatives of the board of county commissioners.~~

117 (c) The chief judge or his or her designee ~~Representatives~~
118 ~~of the governing bodies of local municipalities within the~~
119 ~~county.~~

120 (d) A representative of the corresponding circuit or
121 regional entity of the Department of Children and Families
122 ~~Family Services.~~

123 (e) ~~Representatives of local law enforcement agencies,~~
124 ~~including~~ The sheriff or the sheriff's designee from each county
125 in the circuit.

126 (f) A police chief or his or her designee from each county
127 in the circuit ~~Representatives of the judicial system.~~

128 (g) A county commissioner or his or her designee from
129 each county in the circuit.

130 (h) The superintendent of each school district in the
131 circuit or his or her designee.

132 (i) A representative from the workforce organization of
133 each county in the circuit.

134 (j)~~(g)~~ A representative ~~Representatives of the business~~
135 ~~community.~~

136 (k) A youth representative who has had an experience with
137 the juvenile justice system and is not older than 21 years of
138 age.

139 ~~(h) Representatives of other interested officials, groups,~~
140 ~~or entities, including, but not limited to, a children's~~

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141 ~~services council, public or private providers of juvenile~~
 142 ~~justice programs and services, students, parents, and advocates.~~
 143 ~~Private providers of juvenile justice programs may not exceed~~
 144 ~~one-third of the voting membership.~~

145 (l)(i) A representative representatives of the faith
 146 community.

147 (m)(j) A health services representative who specializes in
 148 mental health care, ~~Representatives of victim-service programs,~~
 149 or ~~and~~ victims of crimes.

150 ~~(k) Representatives of the Department of Corrections.~~

151 (n) A parent or family member of a youth who has been
 152 involved with the juvenile justice system.

153 (o) Up to five representatives from any of the following
 154 who are not otherwise represented in this subsection:

155 1. Community leaders.

156 2. Youth-serving coalitions.

157 (5)(a) To form the initial juvenile justice circuit
 158 advisory board, the Secretary of Juvenile Justice, in
 159 consultation with the juvenile justice county councils in
 160 existence on October 1, 2013, shall appoint the chair of the
 161 board, who must meet the board membership requirements in
 162 subsection (4). Within 45 days after being appointed, the chair
 163 shall appoint the remaining members to the juvenile justice
 164 circuit advisory board and submit the appointments to the
 165 department for approval.

166 (b) Thereafter, when a vacancy in the office of the chair
 167 occurs, the Secretary of Juvenile Justice, in consultation with
 168 the juvenile justice circuit advisory board, shall appoint a new

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169 | chair, who must meet the board membership requirements in
 170 | subsection (4). The chair shall appoint members to vacant seats
 171 | within 45 days after the vacancy and submit the appointments to
 172 | the department for approval.

173 | (6) A member may not serve more than three consecutive 2-
 174 | year terms, except those members listed in paragraphs (4) (a),
 175 | (b), (c), (e), (f), (g), and (h). A former member who has not
 176 | served on the juvenile justice circuit advisory board for 2
 177 | years is eligible to serve on the juvenile justice circuit
 178 | advisory board again.

179 | (7) At least half of the voting members of the juvenile
 180 | justice circuit advisory board constitutes a quorum. A quorum
 181 | must be present in order for the board to vote on a measure or
 182 | position.

183 | (8) In order for a juvenile justice circuit advisory board
 184 | measure or position to pass, it must receive more than 50
 185 | percent of the vote.

186 | ~~(9)-(11)~~ Each ~~juvenile justice county council, or juvenile~~
 187 | ~~justice circuit~~ advisory board ~~established under subsection (9),~~
 188 | must provide for the establishment of an executive committee of
 189 | not more than 10 members. The duties and authority of the
 190 | executive committee must be addressed in the bylaws.

191 | ~~(10)-(12)~~ Each juvenile justice circuit advisory board ~~and~~
 192 | ~~county council~~ shall have develop bylaws ~~that provide for~~
 193 | ~~officers and committees as the board or council deems necessary~~
 194 | ~~and shall specify the qualifications, method of selection, and~~
 195 | ~~term for each office created.~~ The department shall prescribe a
 196 | format and content requirements for the bylaws. All bylaws must

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197 | be approved by the department. The bylaws shall address at least
198 | the following issues: ~~process for appointments to the board or~~
199 | ~~council;~~ election or appointment of officers; filling of vacant
200 | positions; ~~duration of member terms; provisions for voting;~~
201 | meeting attendance requirements; and the establishment and
202 | duties of an executive committee, ~~if required under subsection~~
203 | ~~(11)~~.

204 | (11) ~~(13)~~ Members of juvenile justice circuit advisory
205 | boards ~~and county councils~~ are subject to ~~the provisions of~~ part
206 | III of chapter 112.

207 | Section 2. Paragraph (c) of subsection (4) of section
208 | 790.22, Florida Statutes, is amended to read:

209 | 790.22 Use of BB guns, air or gas-operated guns, or
210 | electric weapons or devices by minor under 16; limitation;
211 | possession of firearms by minor under 18 prohibited; penalties.-

212 | (4)

213 | (c) The juvenile justice circuit advisory boards ~~or~~
214 | ~~juvenile justice county councils~~ or the Department of Juvenile
215 | Justice shall establish appropriate community service programs
216 | to be available to the alternative sanctions coordinators of the
217 | circuit courts in implementing this subsection. The boards ~~or~~
218 | ~~councils~~ or department shall propose the implementation of a
219 | community service program in each circuit, and may submit a
220 | circuit plan, to be implemented upon approval of the circuit
221 | alternative sanctions coordinator.

222 | Section 3. Subsection (4) of section 938.17, Florida
223 | Statutes, is amended to read:

224 | 938.17 County delinquency prevention; juvenile assessment

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225 centers and school board suspension programs.—

226 (4) A sheriff's office that receives proceeds pursuant to
227 s. 939.185 shall account for all funds annually by August 1 in a
228 written report to the juvenile justice circuit advisory board
229 ~~county council~~ if funds are used for assessment centers, and to
230 the district school board if funds are used for suspension
231 programs.

232 Section 4. Subsection (2) of section 948.51, Florida
233 Statutes, is amended to read:

234 948.51 Community corrections assistance to counties or
235 county consortiums.—

236 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A
237 county, or a consortium of two or more counties, may contract
238 with the Department of Corrections for community corrections
239 funds as provided in this section. In order to enter into a
240 community corrections partnership contract, a county or county
241 consortium must have a public safety coordinating council
242 established under s. 951.26 and must designate a county officer
243 or agency to be responsible for administering community
244 corrections funds received from the state. The public safety
245 coordinating council shall prepare, develop, and implement a
246 comprehensive public safety plan for the county, or the
247 geographic area represented by the county consortium, and shall
248 submit an annual report to the Department of Corrections
249 concerning the status of the program. In preparing the
250 comprehensive public safety plan, the public safety coordinating
251 council shall cooperate with the juvenile justice circuit
252 advisory board and ~~the juvenile justice county council,~~

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253 established under s. 985.664~~7~~ in order to include programs and
254 services for juveniles in the plan. To be eligible for community
255 corrections funds under the contract, the initial public safety
256 plan must be approved by the governing board of the county, or
257 the governing board of each county within the consortium, and
258 the Secretary of Corrections based on the requirements of this
259 section. If one or more other counties develop a unified public
260 safety plan, the public safety coordinating council shall submit
261 a single application to the department for funding. Continued
262 contract funding shall be pursuant to subsection (5). The plan
263 for a county or county consortium must cover at least a 5-year
264 period and must include:

265 (a) A description of programs offered for the job
266 placement and treatment of offenders in the community.

267 (b) A specification of community-based intermediate
268 sentencing options to be offered and the types and number of
269 offenders to be included in each program.

270 (c) Specific goals and objectives for reducing the
271 projected percentage of commitments to the state prison system
272 of persons with low total sentencing scores pursuant to the
273 Criminal Punishment Code.

274 (d) Specific evidence of the population status of all
275 programs which are part of the plan, which evidence establishes
276 that such programs do not include offenders who otherwise would
277 have been on a less intensive form of community supervision.

278 (e) The assessment of population status by the public
279 safety coordinating council of all correctional facilities owned
280 or contracted for by the county or by each county within the

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281 consortium.

282 (f) The assessment of bed space that is available for
283 substance abuse intervention and treatment programs and the
284 assessment of offenders in need of treatment who are committed
285 to each correctional facility owned or contracted for by the
286 county or by each county within the consortium.

287 (g) A description of program costs and sources of funds
288 for each community corrections program, including community
289 corrections funds, loans, state assistance, and other financial
290 assistance.

291 Section 5. Subsection (13) of section 985.48, Florida
292 Statutes, is amended to read:

293 985.48 Juvenile sexual offender commitment programs;
294 sexual abuse intervention networks.—

295 (13) Subject to specific appropriation, availability of
296 funds, or receipt of appropriate grant funds, the Office of the
297 Attorney General, the Department of Children and Families ~~Family~~
298 ~~Services, or~~ the Department of Juvenile Justice, ~~or local~~
299 ~~juvenile justice councils~~ shall award grants to sexual abuse
300 intervention networks that apply for such grants. The grants may
301 be used for training, treatment, conditional release,
302 evaluation, public awareness, and other specified community
303 needs that are identified by the network. A grant shall be
304 awarded based on the applicant's level of local funding, level
305 of collaboration, number of juvenile sexual offenders to be
306 served, number of victims to be served, and level of unmet
307 needs.

308 Section 6. Paragraph (a) of subsection (1) and paragraphs

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309 (b) and (e) of subsection (2) of section 985.676, Florida
 310 Statutes, are amended to read:
 311 985.676 Community juvenile justice partnership grants.—
 312 (1) GRANTS; CRITERIA.—
 313 (a) In order to encourage the development of a ~~county and~~
 314 circuit juvenile justice plan ~~plans~~ and the development and
 315 implementation of ~~county and~~ circuit interagency agreements
 316 under s. 985.664, the community juvenile justice partnership
 317 grant program is established and shall be administered by the
 318 department.
 319 (2) GRANT APPLICATION PROCEDURES.—
 320 (b) The department shall consider ~~the following in~~
 321 ~~awarding such grants:~~
 322 ~~1. The recommendations of the juvenile justice county~~
 323 ~~council as to the priority that should be given to proposals~~
 324 ~~submitted by entities within a county.~~
 325 ~~2.~~ the recommendations of the juvenile justice circuit
 326 advisory board as to the priority that should be given to
 327 proposals submitted by entities within a circuit in awarding
 328 such grants.
 329 (e) Each entity that is awarded a grant as provided for in
 330 this section shall submit an annual evaluation report to the
 331 department, the circuit juvenile justice manager, and the
 332 juvenile justice circuit advisory board, ~~and the juvenile~~
 333 ~~justice county council~~, by a date subsequent to the end of the
 334 contract period established by the department, documenting the
 335 extent to which the program objectives have been met, the effect
 336 of the program on the juvenile arrest rate, and any other

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337 | information required by the department. The department shall
338 | coordinate and incorporate all such annual evaluation reports
339 | with s. 985.632. Each entity is also subject to a financial
340 | audit and a performance audit.

341 | Section 7. This act shall take effect October 1, 2013.