

CHAPTER 2013-118

Committee Substitute for Committee Substitute for House Bill No. 617

An act relating to juvenile justice circuit advisory boards and juvenile justice county councils; amending s. 985.664, F.S.; redesignating juvenile justice circuit boards as juvenile justice circuit advisory boards; requiring each board to have a county organization representing each county in the circuit; providing an exception for single-county circuits; deleting provisions providing for juvenile justice county councils; revising provisions relating to duties and responsibilities of boards; requiring submission of circuit plans by specified dates; revising membership of boards; providing for appointment and terms of members; providing for quorums and for passage of measures or positions; revising provisions relating to bylaws; amending ss. 790.22, 938.17, 948.51, 985.48, and 985.676, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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

985.664 Juvenile justice circuit advisory boards and ~~juvenile justice county councils.~~—

(1) There is authorized a juvenile justice circuit advisory board to be established in each of the 20 judicial circuits and ~~a juvenile justice county council to be established in each of the 67 counties.~~ Except in single-county circuits, each juvenile justice circuit advisory board shall have a county organization representing each of the counties in the circuit. The county organization shall report directly to the juvenile justice circuit advisory board on the juvenile justice needs of the county. The purpose of each juvenile justice circuit advisory board and ~~each juvenile justice county council~~ is to provide advice and direction to the department in the development and implementation of juvenile justice programs and to work collaboratively with the department in seeking program improvements and policy changes to address the emerging and changing needs of Florida's youth who are at risk of delinquency.

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

(a) Developing ~~Each juvenile justice county council shall develop a juvenile justice prevention and early intervention plan for the county and shall collaborate with the circuit board and other county councils assigned to that circuit in the development of a comprehensive plan for the circuit. The initial circuit plan shall be submitted to the department no later than December 31, 2014, and no later than June 30 every 3 years thereafter. The~~

department shall prescribe a format and content requirements for the submission of the comprehensive plan.

~~(b)(3) Participating in the facilitation of Juvenile justice circuit boards and county councils shall also participate in facilitating interagency cooperation and information sharing.~~

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

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

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

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

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

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

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

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

~~(9) If county councils are not formed within a circuit, the circuit board may establish its membership in accordance with subsection (10). For~~

~~juvenile justice circuit boards organized pursuant to this subsection, the state attorney, public defender, and chief circuit judge, or their respective designees, shall be members of the circuit board.~~

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

~~(a) The state attorney or his or her designee Representatives from the school district, which may include elected school board officials, the school superintendent, school or district administrators, teachers, and counselors.~~

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

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

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

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

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

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

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

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

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

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

~~(h) Representatives of other interested officials, groups, or entities, including, but not limited to, a children's services council, public or private providers of juvenile justice programs and services, students, parents, and advocates. Private providers of juvenile justice programs may not exceed one-third of the voting membership.~~

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

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

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

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

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

1. Community leaders.

2. Youth-serving coalitions.

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

(b) Thereafter, when a vacancy in the office of the chair occurs, the Secretary of Juvenile Justice, in consultation with the juvenile justice circuit advisory board, shall appoint a new chair, who must meet the board membership requirements in subsection (4). The chair shall appoint members to vacant seats within 45 days after the vacancy and submit the appointments to the department for approval.

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

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

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

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

~~(10)(12) Each juvenile justice circuit advisory board and county council shall have develop bylaws that provide for officers and committees as the~~

board or council deems necessary and shall specify the qualifications, method of selection, and term for each office created. The department shall prescribe a format and content requirements for the bylaws. All bylaws must be approved by the department. The bylaws shall address at least the following issues: ~~process for appointments to the board or council; election or appointment of officers; filling of vacant positions; duration of member terms; provisions for voting;~~ meeting attendance requirements; and the establishment and duties of an executive committee, ~~if required under subsection (11).~~

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

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

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

(4)

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

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

938.17 County delinquency prevention; juvenile assessment centers and school board suspension programs.—

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

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

948.51 Community corrections assistance to counties or county consortiums.—

(2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A county, or a consortium of two or more counties, may contract with the

Department of Corrections for community corrections funds as provided in this section. In order to enter into a community corrections partnership contract, a county or county consortium must have a public safety coordinating council established under s. 951.26 and must designate a county officer or agency to be responsible for administering community corrections funds received from the state. The public safety coordinating council shall prepare, develop, and implement a comprehensive public safety plan for the county, or the geographic area represented by the county consortium, and shall submit an annual report to the Department of Corrections concerning the status of the program. In preparing the comprehensive public safety plan, the public safety coordinating council shall cooperate with the juvenile justice circuit advisory board ~~and the juvenile justice county council~~, established under s. 985.664, in order to include programs and services for juveniles in the plan. To be eligible for community corrections funds under the contract, the initial public safety plan must be approved by the governing board of the county, or the governing board of each county within the consortium, and the Secretary of Corrections based on the requirements of this section. If one or more other counties develop a unified public safety plan, the public safety coordinating council shall submit a single application to the department for funding. Continued contract funding shall be pursuant to subsection (5). The plan for a county or county consortium must cover at least a 5-year period and must include:

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

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

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

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

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

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

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

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

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

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

Section 6. Paragraph (a) of subsection (1) and paragraphs (b) and (e) of subsection (2) of section 985.676, Florida Statutes, are amended to read:

985.676 Community juvenile justice partnership grants.—

(1) GRANTS; CRITERIA.—

(a) In order to encourage the development of a county and circuit juvenile justice plan plans and the development and implementation of county and circuit interagency agreements under s. 985.664, the community juvenile justice partnership grant program is established and shall be administered by the department.

(2) GRANT APPLICATION PROCEDURES.—

(b) The department shall consider the following in awarding such grants:

1. ~~The recommendations of the juvenile justice county council as to the priority that should be given to proposals submitted by entities within a county.~~

2. the recommendations of the juvenile justice circuit advisory board as to the priority that should be given to proposals submitted by entities within a circuit in awarding such grants.

(e) Each entity that is awarded a grant as provided for in this section shall submit an annual evaluation report to the department, the circuit juvenile justice manager, and the juvenile justice circuit advisory board, ~~and the juvenile justice county council~~, by a date subsequent to the end of the contract period established by the department, documenting the extent to

which the program objectives have been met, the effect of the program on the juvenile arrest rate, and any other information required by the department. The department shall coordinate and incorporate all such annual evaluation reports with s. 985.632. Each entity is also subject to a financial audit and a performance audit.

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

Approved by the Governor June 5, 2013.

Filed in Office Secretary of State June 5, 2013.