

Committee on Criminal Justice

CS/HB 1425 — Juvenile Justice

by Judiciary Committee and Rep. Yarkosky (CS/CS/SB 1352 by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; and Senator Bradley)

The bill makes changes throughout the Florida Statutes, including throughout ch. 985, F.S., to revise provisions relating to juvenile justice. Specifically the bill:

- Amends s. 985.03, F.S., to remove “minimum-risk nonresidential” as a restrictiveness level for committed youth, and change the term “nonsecure residential” to “moderate-risk.” References to juvenile correctional facilities and juvenile prisons are removed from the definition of “maximum-risk residential.” The bill makes corresponding changes throughout multiple sections of law.
- Amends s. 381.887, F.S., to add personnel of the Department of Juvenile Justice (DJJ) and any contracted provider with direct contact with youth to the list of personnel that are offered immunity from civil and criminal liability as a result of administering an emergency opioid antagonist.
- Amends ss. 985.02, 985.03, 985.126, 985.17, and 985.601, F.S., to replace the terms gender and gender-specific, with sex and sex-specific, respectively.
- Amends s. 985.115, F.S., to provide that a juvenile assessment center may not be considered a facility that can receive a child who: is suffering from a serious physical condition that requires a medical diagnosis or treatment; is mentally ill as defined in s. 394.463(1), F.S.; or is intoxicated and has threatened or attempted physical harm to him or herself or another.
- Amends s. 985.26, F.S., to provide that transitions from secure detention care and supervised release detention care be initiated upon the court’s own motion, or upon a motion of the child or of the state, and after considering any information provided by the department regarding the child’s adjustment to detention supervision.

Education

Additionally, the bill makes changes necessary for the operation of the Florida Scholars Academy and the education of children within the DJJ. The bill amends s. 1003.01, F.S., to include the Florida Scholars Academy in the definition of “juvenile justice education programs or schools,” and amends s. 985.619, F.S., to permit the Florida Scholars Academy board of trustees to review and approve an annual academic calendar to provide educational services to youth.

The bill amends s. 985.601, F.S., to authorize the department to use state or federal funds to purchase and distribute promotional and educational materials that are consistent with the dignity and integrity of the state for the following purposes:

- Educating children and families about the juvenile justice continuum, including local prevention programs or community services available for participation or enrollment.

- Staff recruitment at job fairs, career fairs, community events, the Institute for Commercialization of Florida Technology, community college campuses, or state university campuses.
- Educating children and families on children-specific public safety issues, including, but not limited to, safe storage of adult-owned firearms, consequences of child firearm offenses, human trafficking, or drug and alcohol abuse.

The bill amends s. 1003.51, F.S., to revise requirements for the State Board of Education rules. Such rules must articulate expectations for effective education programs for students in the DJJ, and must establish policies and standards for certain education programs. The bill revises the requirements for such rules by:

- Removing the requirement that the rules provide assessment procedures for prevention, day treatment, and residential programs.
- Requiring the rules to provide recommended instructional programs, using course delivery models aligned to the state academic standards.
- Requiring the rules provide accountability measures and school improvement requirements as public alternative schools for juvenile justice education programs.
- Removing the requirement that the rules provide a series of graduated sanctions for district school boards whose educational programs in the DJJ programs are considered to be unsatisfactory.

The Department of Education (DOE) in partnership with the DJJ, the district school boards, and providers must develop and implement requirements for contracts and cooperative agreements. The bill adds the following to the list of minimum contract requirements:

- Accountability requirements and corrective action plans, if needed; and
- Administration of the federal Strengthening Career and Technical Education for the 21st Century Act.

Additionally, the bill requires the DOE, in partnership with the DJJ and the district school board to maintain specified records, including a Section 504 plan, or behavioral plan, if applicable.

The bill removes accountability measures, and requires the DOE to issue an alternative school improvement rating for prevention and day treatment prevention juvenile justice education programs.

The bill amends s. 1003.52, F.S., to remove reference to residential programs, and provide that the section applies only to detention, prevention, or day treatment. Additionally, the bill removes the requirement that the Coordinators for Juvenile Justice Education Programs report on the departments' participation in implementing a joint accountability, program performance, and program improvement process.

The bill removes provisions relating to career and professional education (CAPE) and provisions related to requiring residential juvenile justice education programs to provide certain CAPE courses. The bill replaces references to CAPE with career and technical education. The bill

requires each district school board to select appropriate academic and career assessments to be administered at the time of program entry and exit for the purpose of developing goals for education transition plans, progress monitoring plans, individual education plans, and federal reporting.

The bill requires each district school board to negotiate a cooperative agreement with the department on the delivery of education services to students in such programs. The bill adds that such agreement must include:

- Strategies for correcting any deficiencies found through the alternative school improvement rating and student performance measures; and
- Career and academic assessments selected by the district.

The bill removes provisions requiring the DOE, in consultation with the DJJ, to adopt rules and collect data and report on certain programs. The bill removes a provision requiring that specified entities jointly develop a multiagency plan for CAPE.

The bill amends s. 1001.42, F.S., to make conforming changes by removing the requirement that the DJJ report on the elements specified in s. 1003.52(17), F.S.

Juvenile Justice Advisory Boards

The bill amends s. 985.664, F.S., to remove current language relating to juvenile justice circuit advisory boards' duties, responsibilities, reporting, and other requirements. The bill requires that each judicial circuit in this state have a juvenile justice circuit advisory board, that must work with the chief probation officer of the circuit, to use data to inform policy and practice which improves the juvenile justice continuum.

The minimum number of members that sit on the board is lowered from 16 to 14, and each member must be approved by the chief probation officer of the circuit, rather than the Secretary of the DJJ. The bill decreases the maximum number of board members who may be representatives from the community from 5 to 3.

Additionally, the chief probation officer in each circuit must serve as the chair of the board for that circuit.

The bill amends s. 790.22, F.S., to remove the provision permitting the juvenile justice circuit advisory board to establish certain community service programs and provides the DJJ must establish such programs.

The bill removes reference to the juvenile justice circuit advisory board in ss. 938.17, 948.51, and 985.668, F.S. The bill further amends s. 985.668, F.S., to provide that the chief probation officer must submit specified proposals to the secretary of the DJJ.

The bill amends s. 985.676, F.S., to revise the required contents of a grant proposal that applicants must submit to be considered for funding from an annual community juvenile justice partnership grant. The bill requires the department to consider the recommendations of community stakeholders, rather than the juvenile justice circuit advisor board, as to certain priorities. The bill removes the juvenile justice circuit advisory board from the entities to which each awarded grantee is required to submit an annual evaluation report.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 35-0; House 115-1