May 20, 2016

Dear DJJ Staff, Stakeholders and Partners:

I am pleased to present the Florida Department of Juvenile Justice (DJJ) 2016 Legislative Wrap-Up Report. This report summarizes legislative and budgetary items approved during the 2016 Legislative Session and includes information on legislation that impacts the lives of our at-risk and delinquent youth and the many professionals who are dedicated to their care.

Governor Scott’s 2016-17 “Florida First Budget” included critical issues for the Department of Juvenile Justice, including funding to repair and maintain safe and healthy facilities, to increase staff-to-youth ratios in non-secure residential commitment programs, and to increase prevention services to at-risk youth. DJJ is pleased to announce the Florida Legislature appropriated over $540 million toward the Department’s overall budget.

This was a successful session, seeing both of DJJ’s legislative priorities passed and signed into law. **HB 7061** includes joint priority language the Department developed with the Department of Highway Safety and Motor Vehicles to allow youth transitioning from DJJ to receive no cost identification cards, a key document for successful, adult life. Identification cards help youth seek employment, open a bank account, and prepare for college. In addition, **SB 1322** revises the cost-sharing relationship between DJJ and Florida’s counties for juvenile detention costs. This important legislation ends more than a decade of legal actions regarding the cost-sharing split, allowing for a new beginning for the partnership between DJJ and the counties in our focus on how to best serve Florida’s children and their families.

These and other issues are covered in this report, which I hope you find to be an informative summary of the legislative actions impacting the Florida juvenile justice system. On behalf of all whom we serve, thank you for your dedicated service to the youth in our care.

Sincerely,

Christina K. Daly
Secretary
2016 Regular Legislative Session

The 2016 Regular Legislative Session convened on January 12, 2016, and ended March 11, 2016, 60 days later. In this regular legislative session, a total of 279 bills and resolutions passed both the Senate and House, equal to just over 15% of the 1,814 bills filed.

Of the bills filed, civil citation, juvenile records, detention cost share, and treatment-based mental health courts were key issues for the Department of Juvenile Justice.

2016 Regular Session Statistics

<table>
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<th>Session</th>
<th>2016 Session</th>
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Note:
The purpose of this report is to provide general summary information relating to legislation affecting the Department of Juvenile Justice. This document is not intended to provide legal advice or to replace a legal analysis of legislation.
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SUBSTANTIVE BILLS

DJJ Priority Legislation

SB 1322 (Latvala) Relating to Juvenile Detention Costs
Chapter 2016-152, Laws of Florida
Effective Date: March 29, 2016

SB 1322 creates section 985.6585, Florida Statutes, relating to payment for the costs of juvenile detention care that is provided by the Department of Juvenile Justice (DJJ). The bill revises the method for calculating the share of detention care costs that must be paid by each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles. The new method applies to any county that: (1) dismisses all actions against the state that are related to detention costs; and (2) releases and waives any existing or future claim arising from detention cost share prior to Fiscal Year 2016-2017. Any county that does not fulfill the conditions will be billed according to the existing method set out in section 985.686, Florida Statutes.

The share of detention costs for each county that meets the conditions of the new statute will be based on the percentage of detention days used for that county’s juveniles in the most recently completed 12-month period compared to detention days used for all counties that are not fiscally constrained during the same period. For Fiscal Year 2016-2017, each such county’s payment will be calculated by multiplying the county’s percentage of detention day use by $42.5 million. For Fiscal Year 2017-2018 and thereafter, each such county’s payment will be calculated by multiplying the county’s percentage of detention day use by 50 percent of total detention care costs in the prior fiscal year for all counties that are not a fiscally constrained county. The DJJ is responsible for paying the remainder of detention costs.

The bill includes an appropriation of $7.3 million in recurring funds and $3.5 million in nonrecurring funds from the General Revenue Fund for Fiscal Year 2016-2017. This appropriation is a supplement to funds appropriated to the DJJ in the 2016-2017 General Appropriations Act for the purpose of paying the state’s share of costs for juvenile detention.

The bill’s provisions take effect upon becoming law. By exception, the appropriation takes effect July 1, 2016.

HB 7061 (Santiago) Relating to Transportation
Chapter 2016-239, Laws of Florida
Effective Date: July 1, 2016

The Department worked with the Department of Highway Safety and Motor Vehicles (HSMV) on joint priority language that allows HSMV to provide a no-cost original, renewal, or replacement identification card to a youth in the custody or under the supervision of the Department of Juvenile Justice and receiving services. The issuance of the no-cost identification card will be processed by HSMV’s mobile issuing units. Sections 59 and 61 of HB 7061 include this priority language.
Identification cards are a key document for youth transitioning to normal and successful adult life, needed to help youth to seek employment, open a bank account, prepare for college, apply for financial assistance, and most other things that come with being an adult.

Children and Youth Cabinet

HB 241 (Harrell) Relating to Children and Youth Cabinet
Chapter 2016-19, Laws of Florida
Effective Date: July 1, 2016

HB 241 revises the membership of the Children and Youth Cabinet. The Cabinet currently consists of the Governor and 14 other members, including the Secretary of the Department of Children and Families, the Secretary of Juvenile Justice, the director of the Agency for Persons with Disabilities, the director of the Office of Early Learning, the State Surgeon General, the Secretary of Health Care Administration, the Commissioner of Education, the director of the Statewide Guardian Ad Litem Office, the director of the Office of Child Abuse Prevention, and five members appointed by the Governor who represent children and youth advocacy organizations. The law expands the total membership of the Cabinet to 16 by adding a superintendent of schools who will be appointed by the Governor. The bill changes the title of the ninth member of the Cabinet from “the director of the Office of Child Abuse Prevention” to “the director of the Office of Adoption and Child Protection.”

Health

HB 7087 (Sprowls) Relating to Telehealth
Chapter 2016-240, Laws of Florida
Effective Date: July 1, 2016

The bill authorizes the Agency for Health Care Administration (AHCA), the Department of Health (DOH) and the Office of Insurance Regulation (OIR) to survey health care facilities, health maintenance organizations, health care practitioners, and health insurers to collect information regarding telehealth utilization and coverage. The AHCA must submit a report of the survey findings to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2016.

The bill also creates a 15-member Telehealth Advisory Council chaired by the AHCA Secretary. The council is tasked with reviewing the survey and research findings and making recommendations to increase the use and accessibility of telehealth in Florida, and requires the council to submit a report with recommendations to the presiding officers and the Governor by October 31, 2017. The council sunsets June 30, 2018.

The bill modifies the definition of a “discount medical plan” under section 636.202, Florida Statutes, to clarify that medical services provided through a telecommunications medium that does not offer a discount to the plan member is not insurance.
Human Trafficking

HB 545 (Spano) Relating to Human Trafficking
Chapter 2016-24, Laws of Florida
Effective Date: October 1, 2016

HB 545 amends section 796.07, Florida Statutes, to remove persons under the age of 18 from being prosecuted for prostitution and makes correlating changes in Chapter 39, Florida Statutes, to reflect that sexually exploiting a child in prostitution should be viewed as human trafficking, ensuring that children involved in prostitution are treated as victims rather than culprits.

HB 545 also reclassifies human trafficking offenses under section 787.06, Florida Statutes, if a person causes great bodily harm, permanent disability, or permanent disfigurement to another person and clarifies that a person can be convicted of branding a victim of human trafficking if the branding is for the purpose of committing or facilitating the offense of human trafficking. The bill also adds human trafficking as a qualifying felony offense for first degree felony murder.

The penalties for a first-time violation of subsection 796.06(2), Florida Statutes, (renting a space to be used for lewdness, assignation, or prostitution), are increased from a second degree misdemeanor to a first degree misdemeanor. The penalties for a second or subsequent violation are increased from a first degree misdemeanor to a third degree felony.

The bill reclassifies a violation of section 796.07, Florida Statutes, to the next degree higher if the place, structure, building, or conveyance that is owned, established, maintained, or operated in violation of the statute is a massage establishment that is or should be licensed under section 480.043, Florida Statutes. The bill adds section 796.07, Florida Statutes, to the list of offenses that requires an emergency order to suspend a massage therapist or establishment license and denying an application for a new or renewal massage therapist or establishment license.

Finally, the bill adds the offense of racketeering to the list of qualifying offenses for classification as a sexual predator or sexual offender only if the court makes a written finding that the racketeering activity involved at least one registration-qualifying sexual offense or one registration-qualifying offense with sexual intent or motive.

Juvenile Criminal History Records

HB 293 (Pritchett) Relating to Public Records/Juvenile Criminal History Records
Chapter 2016-78, Laws of Florida
Effective Date: March 24, 2016

HB 293 makes changes to sections 985.04 and 943.053, Florida Statutes, relating to juvenile criminal history records. The bill addresses inconsistencies between the two sections of law by ensuring specified juvenile records deemed not confidential and exempt in section 943.053, Florida Statutes, are identical to those in section 985.04, Florida Statutes, and requiring the Florida Department of Law Enforcement (FDLE) to release juvenile criminal history records in a manner that takes into account the records’ confidential and exempt status.
HB 293 amends section 985.04, Florida Statutes, to clarify that juvenile records obtained under Chapter 985, Florida Statutes, are confidential and exempt (rather than just confidential). The changes apply to records obtained before, on, and after the effective date of the bill.

The following juvenile records are not confidential and exempt for a juvenile:

- taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;
- charged with a violation of law which, if committed by an adult, would be a felony;
- found to have committed an offense which, if committed by an adult, would be a felony; or
- records of a juvenile who has been transferred to adult court pursuant to Chapter 985, part X, Florida Statutes

The bill removes language specifying that the records of juveniles who have been found to have committed three or more misdemeanor violations are not confidential and exempt. These records are now confidential and exempt.

The bill authorizes a custodian of public records to choose not to post a juvenile’s arrest or booking photograph on the custodian’s website even though the photograph is not confidential and exempt or otherwise restricted from publication by law. This authorization does not restrict public access to the record.

The bill amends subsection 943.053(3), Florida Statutes, to establish a separate process to disseminate juvenile criminal history information. Under this process, juvenile criminal history information, including the information that is confidential and exempt, is available to:

- a criminal justice agency for criminal justice purposes on a priority basis and free of charge;
- the person to whom the record relates, or his or her attorney;
- the parent, guardian, or legal custodian of the person to whom the record relates, provided such person has not reached the age of majority, been emancipated by a court, or been legally married; or
- an agency or entity specified in subsections 943.0585(4) or 943.059(4), Florida Statutes, for the stated purposes specified, and to any person within the agency or entity who has direct responsibility for employment, access authorization, or licensure decisions.

Juvenile criminal history information not confidential and exempt may be released to the private sector and noncriminal justice agencies upon tender of fees and in the same manner that criminal history information relating to adults is released.

The bill repeals all new public records exemptions created in the bill on October 2, 2021, unless reviewed and saved from repeal by the Legislature and provides a statement of public necessity as required by the State Constitution.

SB 386 (Detert) Relating to Expunction of Records of Minors
Chapter 2016-42, Laws of Florida
Effective Date: July 1, 2016

The bill amends section 943.0515, Florida Statutes, to require all records maintained by the Florida Department of Law Enforcement (FDLE) related to minors who are not classified as serious or habitual
juvenile offenders or who have not been committed to a juvenile correctional facility or juvenile prison to be automatically expunged when the minor reaches the age of 21 years, instead of 24 years of age. Automatic expunction will occur so long as one of the following exceptions does not apply:

- A person 18 years of age or older is charged with or convicted of a forcible felony and the person’s criminal history record as a minor has not yet been destroyed;
- At any time a minor is adjudicated as an adult for a forcible felony; or
- The record relates to a minor who was adjudicated delinquent for a violation committed on or after July 1, 2007, as provided in section 943.0435(1)(a)1.d., Florida Statutes, involving certain sexual offenses.

Automatic expunction of records related to juveniles who are classified as serious or habitual juvenile offenders or who have been committed to a juvenile correctional facility or juvenile prison will remain at 26 years of age under the bill.

The bill also allows non-serious juvenile offenders to apply to FDLE to have their record expunged earlier than age 21. A minor may apply to FDLE to have their criminal history record expunged earlier than age 21 if:

- The minor has reached 18 years of age but is not yet 21 years of age;
- The minor submits a $75 processing fee and a full set of fingerprints;
- The State Attorney for each circuit in which an offense specified in the criminal history record approves; and
- The minor submits a sworn, written statement that he or she is no longer under court supervision applicable to the disposition of the arrest they are applying to expunge and has not been charged with or found to have committed a criminal offense within the five (5) year period prior to the application.

The only offenses eligible to be expunged before age 21 are those that the minor committed before reaching the age of 18 years. An unsuccessful request for early expunction of criminal history records will not affect the applicant’s eligibility for automatic expunction of the records upon reaching age 21. The bill provides that knowingly submitting false information on the sworn statement is a first degree misdemeanor.

The bill eliminates the requirement in section 943.0582, Florida Statutes, that an application for prearrest or postarrest diversion expunction must be submitted within 12 months after the minor completes the diversion program, allowing for application without time limit.

The bill amends section 790.23, Florida Statutes, to allow an individual whose criminal record has been expunged pursuant to the bill to possess firearms.

**Mental Health Services**

**SB 12 (Garcia) Relating to Mental Health and Substance Abuse**

Chapter 2016-241, Laws of Florida

Effective Date: July 1, 2016

SB 12 addresses Florida’s system for the delivery of behavioral health services. The bill provides for mental health services for children, parents, and others seeking custody of children involved in
dependency court proceedings. The bill identifies the components of a coordinated system of care to be provided for individuals with mental illness or substance use disorder and defines a “No Wrong Door” model for accessing care.

The Agency for Health Care Administration (AHCA) and the Department of Children and Families (DCF) are directed to modify licensure requirements to create an option for a single, consolidated license to provide both mental health and substance use disorder services. Additionally, AHCA and DCF are directed to develop a plan to increase federal funding for behavioral health care; compile detailed documentation of the cost and reimbursements for Medicaid covered services provided to Medicaid eligible individuals by providers of behavioral health care services.

SB 12 modifies the legal procedures and timelines to more closely align the Baker Act (mental illness) and Marchman Act (substance abuse), as well as processes for assessment, evaluation, and provision of services.

The bill revises duties and responsibilities of DCF to strengthen contract and oversight of the managing entities. The bill revises the duties and responsibilities of the managing entities to include, among others, the requirement to conduct a community behavioral health care needs assessment every three years in the geographic area served by the managing entity; determine the optimal array of services to meet the needs identified in the needs assessment and develop strategies to divert people with mental illness or substance use disorder from the criminal justice system and collaborate with the Department of Juvenile Justice and the state court system to integrate behavioral health services with the child welfare system.

Beginning in 2017, each managing entity is required to develop and submit an annual plan to the department describing strategies for enhancing services and addressing three to five priority needs in the service area. The plans must be developed with input from consumers and their families, local governments, local law enforcement agencies, and other stakeholders.

DCF is directed to update the crisis stabilization services utilization database, which is renamed the acute care services utilization database. Managing entities are required to collect utilization data from all public receiving facilities situated within its geographical service area and all detoxification and addictions receiving facilities under contract with the managing entity.

The bill allows a crisis stabilization unit, a short-term residential treatment facility, or an integrated adult mental health crisis stabilization and addictions receiving facility that is collocated with a centralized receiving facility to be in a multi-story building and may be authorized on floors other than the ground floor.

HB 439 (McBurney) Relating to Mental Health Services in the Criminal Justice System
Chapter 2016-127, Laws of Florida
Effective Date: July 1, 2016

This bill expands the authority of courts to use treatment-based mental health and substance abuse court programs for defendants who are involved in the criminal justice process at both the preadjudicatory and postadjudicatory level.
The bill expands eligibility criteria for defendants to participate in diversionary programs to include children in dependency court and veterans who were released from military service under a general discharge.

- Authorizes counties to fund and establish mental health court programs under which a child under the jurisdiction of dependency court or a defendant having a mental illness shall be processed in a manner that provides appropriate treatment and services.
- Requires the state courts system, contingent upon appropriations by the Legislature, to establish a mental health coordinator for each county mental health court program.
- Creates the Forensic Hospital Diversion Pilot Program to divert defendants found mentally incompetent to proceed to trial or not guilty by reason of insanity into a residential bed and community treatment setting. The Program authorizes the Department of Children and Families (DCF) to replicate the current model of the Miami-Dade Forensic Alternative Center into 2 additional counties. In addition to Miami-Dade, the DCF would implement the program in Broward and Duval Counties.

The specialized mental health treatment authorized by the bill may help defendants avoid returning to the criminal justice and forensic mental health systems.

**Probation**

**HB 75 (Torres) Relating to Electronic Monitoring Devices**  
*Chapter 2016-15, Laws of Florida*  
*Effective Date: October 1, 2016*

HB 75 repeals subsection 948.11(7), Florida Statutes, relating to altering or tampering with any electronic monitoring equipment and moves its provisions into the newly created section 843.23, Florida Statutes. Section 843.23, Florida Statutes, makes it a third degree felony for a person to intentionally and without authority remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device, or to request, authorize or solicit a person to do so. The bill also amends subsection 948.11(1), Florida Statutes, to clarify that the Department of Corrections may electronically monitor offenders sentenced to community control only when the court has imposed electronic monitoring as a condition of community control.

**HB 1333 (Baxley) Relating to Sexual Offenders**  
*Chapter 2016-104, Laws of Florida*  
*Effective Date: October 1, 2016*

HB 1333 amends numerous provisions of statute pertaining to registration of sexual predators and sexual offenders to align them with the federal Adam Walsh Act.

The bill removes language that currently prevents a parent or guardian from being designated as a sexual predator or sexual offender when convicted of kidnapping, falsely imprisoning, or luring or enticing his or her child if the child is a minor and the offense has a sexual component. Under the bill, such parent or guardian may be designated a sexual predator or offender if he or she commits one of the above-mentioned offenses and the offense had a sexual component.
The bill clarifies the following definitions in Chapter 985, Florida Statutes, to make them identical for all sexual offenders: electronic mail address, permanent residence, temporary residence, transient residence, and professional license.

The bill clarifies that sexual predators and offenders are required to register all e-mail addresses and internet identifiers with FDLE before such addresses or identifiers can be used and expands the definition of internet identifier. The term internet identifier now means: all website uniform resource locators (URLs) and application software, whether mobile or non-mobile, used for Internet communication, including anonymous communication, through electronic mail, chat, instant messages, social networking, social gaming, or other similar programs and all corresponding usernames, logins, screen names, and screen identifiers associated with each URL or application software. Internet identifier does not include a date of birth, Social Security number, or personal identification number (PIN), URL, or application software used for utility, banking, retail, or medical purposes. Voluntary disclosure by a sexual predator or sexual offender of his or her date of birth, Social Security number, or PIN as an Internet identifier waives the disclosure exemption in this paragraph for such personal information.

The bill requires sexual predators and sexual offenders taking online courses at Florida higher education institutions to report such information and for institutions of higher education to be notified of such attendance.

The bill includes the following additional changes:

- Clarifying section 943.0435, Florida Statutes (the “Romeo and Juliet” statute), applies only to consensual acts and removes sexual battery as a qualifying offense;
- Clarifying to which court a sexual offender must petition for removal from registration requirements and removing inoperable language regarding calculation of the registration period;
- Including lewd or lascivious battery upon an elderly or disabled person as an offense that requires sexual offenders to register quarterly and for life;
- Amending various definitions relevant to registration of certain information, primarily to address omissions, and providing consistency among relevant statutes regarding registration requirements;
- Expanding the types of information that can be registered or updated through the Florida Department of Law Enforcement’s online system;
- Clarifying the appropriate entity to which a sexual predator or sexual offender must report;
- Modifying reporting requirements for international travel; and
- Clarifying the obligation to obtain a driver license or identification card.
ADMINISTRATIVE BILLS

Administrative Procedures

HB 183 (Adkins) Relating to Administrative Procedures
Chapter 2016-116, Laws of Florida
Effective Date: July 1, 2016

HB 183 revises the Administrative Procedure Act (APA), which governs agency rulemaking and decision making. The bill amends APA to generally require that an agency commence and complete rulemaking activities within 180 days after it holds a public hearing on a petition to initiate rulemaking activities on an unadopted rule. The bill requires the dissemination of additional notices of agency rulemaking activities on the Florida Administrative Register and through e-mails by an agency to its licensees and other interested persons. HB 183 authorizes a person to challenge agency action by asserting that a rule or unadopted rule used as a basis for the agency’s action is invalid. The bill requires agencies to review their rules to identify rules the violation of which would constitute a minor violation and for which a notice of noncompliance will be the first enforcement action. The bill also makes the APA’s summary hearing procedures applicable to challenges to proposed regulatory permits related to special events, such as a boat show, on sovereign submerged land.

HB 981 (Richardson) Relating to Administrative Procedures
Chapter 2016-232, Laws of Florida
Effective Date: July 1, 2016

HB 981 requires a statement of estimated regulatory costs (SERC) to include the adverse impacts and regulatory costs estimated to occur five years after the effective date of a rule. If a portion of the rule is not fully implemented on the effective date of the rule, the SERC must include the adverse impacts and regulatory costs expected to occur within the first five years after implementation of the unimplemented portion of the rule.

Personnel

HB 1219 (Raburn) Relating to Veterans’ Employment
Chapter 2016-102, Laws of Florida
Effective Date: October 1, 2016

The bill requires each state agency and authorizes each political subdivision of the state to develop and implement a written veterans recruitment plan that establishes annual goals for ensuring the full use of veterans in the agency’s or political subdivision’s workforce. Each veterans’ recruitment plan must apply to veterans and their family members who are entitled to veterans’ preference in appointment and retention in public employment pursuant to subsection 295.07(1), Florida Statutes.

The Department of Management Services must annually collect and publish on its website and include in its annual workforce report statistical data for each state agency on: the number of persons who claim
veterans’ preference; the number of persons who are hired through the veterans’ preference; and the number of persons who are hired as a result of the veterans’ recruitment plan.

HB 5005 (Appropriations Committee) Relating to State-administered Retirement Systems
Chapter 2016-63, Laws of Florida
Effective Date: March 8, 2016

HB 5005 revises the required employer retirement contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2016. These rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liability of the FRS. The bill also increases the assessment paid by employers to offset the costs of administering the FRS investment plan and providing educational services to all members of the FRS.

Public Records Bills

HB 273 (Government Operations Subcommittee) Relating to Public Records
Chapter 2016-20, Laws of Florida
Effective Date: March 8, 2016

Currently, private contractors who act on behalf of a public agency are required to comply with public records laws in the same manner as a public agency. The bill makes changes to the law regarding provisions in a contract for services; possession of public records at the end of a contract for services; and liability in public records lawsuits.

The bill repeals the requirement that each contract for services require the contractor to transfer its public records to the public agency upon termination of the contract. Instead, the contract must address whether the contractor will retain the public records or transfer the public records to the public agency upon completion of the contract. This bill requires contracts for services between a public agency and a contractor that are amended or entered into on or after July 1, 2016, to include the following provisions:

- A statement informing the contractor of the contact information of the public agency’s custodian of public records and instructing the contractor to contact the public agency’s records custodian concerning any questions the contractor may have regarding the contractor’s duties to provide public records relating to the contract;
- Terms requiring a contractor to comply with a public agency’s request for a copy of a public record or to permit inspection of a public record;
- Terms requiring a contractor to prevent disclosure of confidential or exempt information while the contractor has custody of a public record; and,
- Terms requiring a contractor to comply with all applicable public records requirements if the contractor retains public records after the contract for services is completed.

The bill requires a request for public records relating to a contract for services to be made directly to the agency. If the public agency determines that it does not possess the records, it must immediately notify the contractor, and the contractor must provide the records or allow access to the records within a reasonable time. A contractor who fails to provide the records to the agency within a reasonable time may be subject to certain penalties.
The bill provides that if a civil action is filed against a contractor to compel production of public records, the court must assess and award against the contractor the reasonable costs of enforcement, including attorney fees, if:

- The court determines that a contractor unlawfully refused to comply with the public records request within a reasonable time; and,
- The plaintiff provided written notice of the public records request to the public agency and the contractor at least eight business days before filing the civil action.

The bill specifies that a contractor who complies with the public records request within eight business days after the notice is sent is not liable for the reasonable costs of enforcement.

**SB 624 (Hays) Relating to Public Records/State Agency Information Technology Security Programs**

*Chapter 2016-114, Laws of Florida*

*Effective Date: March 25, 2016*

This bill makes confidential and exempt from public disclosure requirements information relating to how an agency detects, investigates or responds to information technology (IT) security incidents if the disclosure of such IT security information would facilitate the unauthorized access, modification, disclosure or destruction of data or IT resources. The bill provides that IT resources include an agency’s networks, computers, software, as well as information related to an agency’s IT systems.

The bill also makes confidential and exempt from public disclosure requirements portions of risk assessments, external audits, evaluations or other reports of a state agency’s IT security program. Such information is confidential and exempt if the information would facilitate unauthorized modification, disclosure or destruction of data or IT resources.

Both exemptions require agencies to release confidential and exempt information to the Auditor General, AST, FDLE, and the Chief Inspector General. Agencies have the discretion to release confidential and exempt information to local governments, state agencies or federal agencies.

These exemptions have retroactive application and will be repealed on October 2, 2021, unless saved from repeal by the Legislature, pursuant to the Open Government Sunset Review Act. Finally, the bill includes legislative findings which provide the public necessity for each exemption.

**SB 752 (Abruzzo) Relating to Public Records/Agency Inspector General Personnel**

*Chapter 2016-164, Laws of Florida*

*Effective Date: March 30, 2016*

This bill exempts from public disclosure requirements certain information relating to the personnel of an agency’s office of inspector general or internal audit department. The exemption applies to personnel whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation or other activities that could lead to criminal or administrative penalties. The bill exempts certain personal identifying and location information of the employee, the employee’s spouse and the employee’s child. The exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2021, unless reenacted by the Legislature. Finally, the bill includes a public necessity statement justifying the exemption.
SB 7022 (Criminal Justice Committee) Relating to Open Government Sunset Review/Depictions or Recordings of the Killing of a Law Enforcement Officer
Chapter 2016-214, Laws of Florida
Effective Date: October 1, 2016

SB 7022 amends the public records exemption in section 406.136, Florida Statutes, which provides that photographs and video and audio recordings that depict or record the killing of any person when held by an agency are confidential and exempt from subsection 119.07(1), Florida Statutes, and Article I, section 24(a), State Constitution, except they are accessible to certain specified family members of the deceased person and public governmental agencies without a court order. Under the bill, the exemption is narrowed to only apply to photographs and video and audio recordings held by an agency that depict or record the killing of a law enforcement officer who was acting in accordance with his or her official duties.

SB 7030 (Governmental Oversight and Accountability Committee) Relating to Open Government Sunset Review/Competitive Solicitation or Negotiation Strategies
Chapter 2016-49, Laws of Florida
Effective Date: October 1, 2016

SB 7030 continues the current public records and public meetings exemptions used by governmental entities during competitive solicitations by removing the October 2, 2016, repeal date in each law. This bill is the result of an Open Government Sunset Review (OGSR) by the Governmental Oversight and Accountability Committee of a public records exemption in paragraph 119.071(1)(b), Florida Statutes, and a public meetings and records exemption in subsection 286.0113(2), Florida Statutes.

Subsection 119.071(1)(b), Florida Statutes, exempts from public disclosure sealed responses to a competitive solicitation. Vendors’ sealed responses are exempt until a governmental entity notices its intended decision or 30 days after the governmental entity unseals the responses. Sealed responses to a competitive solicitation may be exempt under certain circumstances if a competitive solicitation is withdrawn and reissued; however, such records remain exempt for no longer than 12-months after the governmental entity rejects the responses to the initial competitive solicitation.

A governmental entity’s negotiation team’s strategy meetings and its team meetings with vendors may be closed to the public, pursuant to subsection 286.0113(2), Florida Statutes. Transcripts of these meetings and any records presented during such meetings are exempt from public disclosure. All meeting records become public when the governmental entity notices its intended decision or 30 days after the governmental entity unseals the vendors’ responses. If a competitive solicitation is withdrawn and reissued, the meeting records remain exempt under certain circumstances; however, the exemption expires 12 months after the governmental entity rejects the vendors’ responses to the initial competitive solicitation.
Technology

**HB 1033 (Artilles) Relating to Technology Security**

Chapter 2016-38, Laws of Florida

Effective Date: July 1, 2016

This bill revises the duties of the Agency for State Technology (AST). Specifically, the bill directs the AST to develop guidelines, policies and processes for state agencies to:

- Mitigate security risks;
- Allow state agencies to contract with a private sector vendor to complete risk assessments;
- Establish computer security incident response teams;
- Establish information technology security incident reporting processes to respond timely to suspected technology security incidents; and
- Incorporate information obtained through detection and response activities into a state agency’s response plan.

The bill directs state agencies to:

- Establish computer security incident response teams and comply with the applicable guidelines and processes established by the AST;
- Incorporate information learned from incident response activities into future plans;
- Implement risk assessment remediation plans recommended by the AST;
- Provide cybersecurity training to employees within 30 days of employment; and
- Provide incident and breach information to the AST and the Cybercrime Office of the FDLE within certain timeframes.

The bill revises the seven member AST Technology Advisory Council to require at least one member appointed by the Governor to be a cybersecurity expert.

The bill directs the AST, in collaboration with the Department of Management Services (DMS), to:

- Establish an information technology policy for all information technology-related state contracts, including state term contracts for information technology commodities, consultant services, and staff augmentation services;
- Evaluate vendor responses for state term contract solicitations and invitations to negotiate;
- Answer vendor questions on state term contract solicitations; and
- Ensure that the information technology policy developed herein is included in all solicitations and contracts which are administratively executed by the DMS.

The bill provides specified requirements for the information technology policy.
BUDGET INFORMATION

DJJ Conference Budget Comparison AFTER Governor’s Vetoes
FY 2015-2016 / FY 2016-2017

Juvenile Detention Program

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</tr>
<tr>
<td>Detention Centers</td>
<td>1,479.00</td>
<td>$108,880,522</td>
<td>1,479.00</td>
</tr>
</tbody>
</table>

Juvenile Detention Highlights

- $500,000 (GR) provided to purchase vans for detention facilities.
- $6.1M (GR) provided for critical safety, security, maintenance, and repair issues at state-owned buildings.

Probation and Community Corrections Program

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<td>Program Total</td>
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Probation and Community Corrections Highlights

- $1.5M (GR) provided for the AMIkids gender specific program in Clay and Hillsborough counties.
- $1.1M (GR) provided for AMIkids to provide home-based family counseling and intervention.
- $735,840 (GR) provided for continued security services at the Escambia and Bay Juvenile Assessment Centers.
- $400,000 (GR) provided for security services at the Broward County Juvenile Assessment Center.
- $750,000 (GR) provided for Parenting with Love and Limits support teams in North, Central and South Florida.

Office of Secretary/Assistant Secretary for Administrative Services

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</tr>
<tr>
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<td>227.50</td>
<td>$22,298,703</td>
<td>231.50</td>
</tr>
<tr>
<td>Information Technology</td>
<td>59.50</td>
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<td>Program Total</td>
<td>287.00</td>
<td>$28,806,381</td>
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Office of Secretary/ Administrative Services Highlights

- $312,692 (GR) provided to support four (4) new positions for Program Accountability to handle the increased workload for contract monitoring in outsourced programs.
- **$698,193 (GR)** provided to replace 214 aged and failing network switches in DJJ facilities that provide connectivity to the Juvenile Justice Information System and other mission critical applications.
- **$300,000 (TF)** reduction of excess trust fund authority in the Juvenile Justice Training Trust Fund.

**Residential Corrections Program**

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<td>Program Total</td>
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**Residential Correction Highlights**
- **$1.9M (GR)** provided for optimal staffing ratios (1:8 during awake hours and 1:12 during sleep hours) at ten (10) non-secure residential facilities.

**Prevention and Victim Services**

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<tr>
<td>Delinquency Prevention and Diversion</td>
<td>24.00</td>
<td>$ 81,980,003</td>
<td>24.00</td>
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**Prevention and Victim Services Highlights**
- **$9.1M (GR)** transferred to the Department of Education for aftercare and mentoring programs.
- **$2.3M (GR)** provided to expand PACE statewide and the PACE Reach Counseling Program to two additional counties.
- **$1.5M (GR)** provided for front end diversion intervention services for at risk youth, children and families in Brevard County.
- **$620,000 (GR)** provided to Crosswinds Youth Services, Inc. in Brevard County to improve youth services by replacing aging equipment and to repair the facilities operated by the organization.
- **$400,000 (GR)** provided to the Hillsborough County Public Schools to work with Justice Works YouthCare in implementing an Alternative School Pilot Program at two underachieving schools.
- **$375,000 (GR)** provided to Delores Barr Weaver Policy Center for the Continuity of Care Model to prevent girls who do not pose a public safety risk from being committed to costly residential programs.
- **$250,000 (GR)** provided for Breaking the Cycle-Child to Parent Domestic Violence Program. This is a ten (10) week psychoeducational family group pilot program within Seminole County which will address teenage assault and battery toward a parent or caregiver.
- **$250,000 (GR)** provided to the Clay County Youth Alternative (SWEAT) Program for supervised community service opportunities to youth on probation and conditional release.
- **$250,000 (GR)** provided for My Children’s Keeper to target fatherlessness and youth gun violence in St. Petersburg.
$200,000 (GR) provided to the City of West Park for school-aged youths in order to reduce truancy and their involvement in criminal activity.

$150,000 (GR) provided for The Greatest Program to empower teens through education and raise awareness to prevent exploitation.

$100,000 (GR) provided to the Corporation to Develop Communities of Tampa, Inc. for work readiness training, skills training, job placement and mentoring for youth in the Tampa Bay area.

$100,000 (GR) provided for the Wayman Community Development At-Risk Youth Services Program for at-risk youth and their families in the highest juvenile crime areas in Duval County.

**DJJ Totals**

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<td>FTEs</td>
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<td>$540,845,687</td>
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<td>3,265.50</td>
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Summary: $223,570 decrease from FY 2015-16, an overall decrease of .04%.

Vetoes: Total $4,920,000 (GR) in Community Supervision ($1,850,000); Community Interventions & Services ($400,000); and Delinquency Prevention & Diversion ($2,670,000).

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1 For the purpose of comparing identical numbers from previous years, the totals from FY 2015-16 and FY 2016-17 are both AFTER the Governor’s Vetoes.
DJJ Conference Budget Comparison BEFORE Governor’s Vetoes
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If you have questions regarding the information contained within this report, please contact:

**Meredith Brock Stanfield**, Legislative Affairs Director  
(850) 717-2716  
Meredith.Stanfield@djj.state.fl.us

More information on the legislative process and all bills, their final action, legislative staff analyses, floor amendments, bill history and Florida Statutes citations can be accessed from the following legislative websites:

- The Florida House of Representatives  
  [http://www.myfloridahouse.gov](http://www.myfloridahouse.gov)

- The Florida Senate  
  [http://www.flsenate.gov](http://www.flsenate.gov)

- Online Sunshine  
  [http://www.leg.state.fl.us](http://www.leg.state.fl.us)

- Laws of Florida (maintained by the Florida Department of State)  