

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 14, 1998 Revised: _____

Subject: Juveniles/Boot Camp

| | <u>Analyst</u> | <u>Staff Director</u> | <u>Reference</u> | <u>Action</u> |
|----|----------------|-----------------------|------------------|---------------------|
| 1. | <u>Dugger</u> | <u>Miller</u> | <u>CJ</u> | <u>Favorable/CS</u> |
| 2. | _____ | _____ | <u>CA</u> | _____ |
| 3. | _____ | _____ | <u>WM</u> | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |

I. Summary:

The CS/SB 1486 amends s. 985.309, F.S., by providing that boot camps may be either state or locally funded, or funded by a combination of state and local funding. It also expressly provides that a youth who is committed to a boot camp is to be placed in the boot camp in or nearest to the judicial circuit in which the youth is adjudicated, unless the placement is not in the youth's best interest or the boot camp is unable to accept the youth.

County and municipal boot camps will be subject to quarterly inspections and evaluations by the Department of Juvenile Justice (DJJ), as will state operated boot camps. However, county and municipal boot camps will not be assessed a monitoring fee of 0.5 percent of the boot camp's direct operating costs.

If the county or municipal government operated boot camp fails to pass inspection, the DJJ is authorized to terminate the program unless the boot camp complies with the DJJ rules within three months or unless there are documented extenuating circumstances. Under CS/SB 1486, however, the DJJ cannot initiate injunctive proceedings against a county or municipality to enforce the statutory provisions, rules, or regulations relating to boot camps or terminate the operation of a locally funded and operated boot camp.

This CS substantially amends section 985.309 of the Florida Statutes.

II. Present Situation:

Section 985.309, F.S., authorizes the DJJ, contingent upon state appropriations, and counties and municipalities, contingent upon local funding, to operate juvenile boot camp programs which are required to provide intensive educational and physical training, as well as rehabilitative programs

for appropriately screened youths. A youth is eligible to be placed in a boot camp if he has been committed to the DJJ, is between the ages of 14 and 18 years at the time of adjudication, and has committed any offense that would be a felony if committed by an adult, except a capital felony, a life felony, or a violent first-degree felony.

The statute requires a minimum length of stay in a boot camp as follows: at least two months in the boot camp component of the program and two months in the aftercare component if the youth is in a low-risk residential commitment program; and at least four months in the boot camp component of the program and four months in the aftercare component if the youth is in a moderate-risk residential commitment program. Most of the boot camp participants are classified as moderate-risk.

Currently, there are eight juvenile boot camps operating around the state in the following counties: Leon, Bay, Pinellas, Manatee, Polk, Orange, Martin, and Collier. All of them are operated through contract, primarily with the respective local sheriff's office. Another boot camp is under development in Monroe County and will be operational later this year.

Section 985.309, F.S., requires the DJJ to conduct quarterly inspections and evaluations of each county or municipal boot camp program to ensure that the program meets the department's operational standards. A program failing to meet these standards is required to be terminated if a material deficiency is not corrected by the next quarterly inspection. The DJJ is authorized to charge a monitoring fee of 0.5 percent of the boot camp's direct operating costs. The DJJ is required to publish an outcome evaluation study of each boot camp program within 18 months after the fourth platoon has graduated from a program.

The DJJ has the authority under s. 985.309, F.S., to initiate injunctive proceedings against a county or municipality to enforce these statutory provisions or to terminate the operation of a facility. The statute enumerates the specific conditions under which the DJJ can exercise this authority.

III. Effect of Proposed Changes:

The CS/SB 1486 amends s. 985.309, F.S., by providing that boot camps may be either state or locally funded, or funded by a combination of state and local funding. The CS also specifies that a boot camp operated by a sheriff will be under his or her supervisory jurisdiction and authority as determined by a contract between the DJJ and the sheriff.

The CS/SB 1486 does not change the current eligibility requirements for boot camps. However, the CS expressly provides that a youth who is committed to a boot camp is to be placed in the boot camp in or nearest to the judicial circuit in which the youth is adjudicated, unless the placement is not in the youth's best interest or the boot camp is unable to accept the youth.

County and municipal boot camps will be subject to quarterly inspections and evaluations by the DJJ. However, county and municipal boot camps will not be assessed a monitoring fee of 0.5

percent of the boot camp's direct operating costs. If the county or municipal government operated boot camp fails to pass inspection, the DJJ is authorized to terminate the program unless the boot camp complies with the DJJ rules within three months or unless there are documented extenuating circumstances. Under the CS/SB 1486, however, the DJJ cannot initiate injunctive proceedings against a county or municipality to enforce the statutory provisions, rules, or regulations relating to boot camps or terminate the operation of a locally funded and operated boot camp.

The CS also requires any DJJ operated boot camp to be inspected and evaluated. If a DJJ operated boot camp fails the quarterly inspections and evaluations, the DJJ must achieve compliance within three months or document any extenuating circumstances. The Legislature and the Office of the Governor are required to be notified of any corrective action taken for a state operated boot camp that fails to comply. The CS provides examples of what constitutes appropriate corrective action.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

The CS eliminates the 0.5 percent monitoring fee currently assessed against local boot camps by the DJJ.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the DJJ, there will be no significant fiscal impact upon the department. The CS/SB 1486 deletes the provisions which resulted in the Criminal Justice Estimating Conference projecting a significant prison bed impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
