

STORAGE NAME: h4295s1z.jj

DATE: May 7, 1998

****FINAL ACTION****

****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
JUVENILE JUSTICE
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 4295 (**PASSED AS CS/CS/SB 2288**) CHAPTER 98-207

RELATING TO: Juvenile Justice Operations

SPONSOR(S): Committee on Juvenile Justice

COMPANION BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) JUVENILE JUSTICE YEAS 6 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

HB 4295 did not pass the Legislative session, but passed in CS/CS/SB 2288. See Comments section for bill history. See Final Bill Research Statement for CS/CS/SB 2288. [Storage Name: s2288z.jj]

II. SUMMARY:

PCB 1 defines the administration and operation of juvenile assessment centers (JACs). It authorizes the Department of Juvenile Justice (DJJ) to use JACs to conduct assessments and evaluations on youth committed to the DJJ and awaiting placement in a residential commitment program.

Only youth meeting secure detention criteria will be placed in such a facility. In addition, a court of jurisdiction could place a child violating community control or aftercare in a residential consequence unit.

Membership on a district juvenile justice board is expanded to three two-year appointments; county juvenile justice councils will be required to enter into interagency agreements with local law enforcement agencies, school authorities and representatives of the DJJ and the Department of Children and Family Services (CFS).

The Quality Assurance (QA) program is expanded to require state-operated programs not meeting minimum threshold requirements to achieve compliance within six months through documented corrective actions which could include DJJ contracting for the program. The PCB requires the DJJ to ensure the reliability and validity of the information contained in the QA report, but not the DJJ's inspector general.

The title of intake counselors and case managers is changed to juvenile probation officers(JPOs). Furthermore, a JPO and JPO supervisor will serve on the Juvenile Justice Standards and Training Commission, replacing two current members.

The DJJ may incur additional expenditures if juvenile assessment centers assume new assessment and evaluation responsibilities for youth committed to the DJJ and awaiting placement in a residential commitment program.

The expiration date for juvenile assignment centers is extended to July 1, 2002.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Juvenile Assessment Centers (JACs) -- JACs are central intake and screening facilities for children referred to the DJJ. Youth receive initial screening for intake and needs assessment, substance abuse screening, physical and mental health screening and diagnostic testing. Section 985.209, Florida Statutes. JACs are created by cooperative agreements between DJJ and local law enforcement agencies, substance abuse facilities, mental health providers, schools, health services providers and any other entities involved with children.

There are fourteen JACs operating within the state of Florida and four under development. Their structure allows and encourages participating agencies to control the operations of the JACs. However, the statutes do not clearly provide operational authority to the DJJ or the participating agencies. This authority is inferred from s. 985.209 F.S., the DJJ Intervention Services Manual, and from other definitions of JACS provided by youth related agencies.

Each JAC uses operational policies and procedures as the basis of a written interagency agreement between the DJJ, local law enforcement agencies and youth services providers. Steering committees oversee and facilitate interagency cooperation and collaboration within the community. The types of services offered in a JAC depend on the number and types of providers participating in the interagency agreement. The services offered include but are not limited to centralized intake of youth, mental health, substance abuse, medical, and detention screening. It also includes comprehensive assessments for mental health and substance abuse treatment. These services are provided to youth at the same availability as they would be to the general public.

Placement in secure detention -- Section 985.216, F.S., directs the court of jurisdiction to punish a youth for direct or indirect contempt of court by ordering an alternative sanction or placement in a secure facility. The court may use secure detention for a youth if alternative sanctions are unavailable or inappropriate or if the youth failed to comply with a previously imposed alternative sanction. Any youth may be held in a secure detention facility for five days for the first contempt offense and 15 days for a second or subsequent contempt offense.

Youth awaiting disposition placement in low or moderate risk residential commitment programs may be placed in secure detention for up to five days but no longer than 15 days unless ordered by the court of jurisdiction.

District Juvenile Justice Boards -- District Juvenile Justice Boards were formed to combat the problem of youth delinquency by designing juvenile justice plans aimed at crime intervention and prevention. Boards perform the following duties and responsibilities:

- advise juvenile justice entities and agencies and other organizations with an interest in juvenile welfare
- develop district interagency cooperation and information sharing agreements

- coordinate board efforts with those of the Governor's Juvenile Justice and Delinquency Prevention Advisory Committee and other public and private entities
- develop funding sources external to DJJ;
- provide reports on juvenile justice matters;
- monitor and make recommendations for the judicial administrative plan;
- educate the community and assist with the community juvenile justice partnership grant program
- assist in information collection and gathering and
- and assist in the decision making process for future juvenile justice legislation.

Boards are composed of 12 members appointed by juvenile justice councils of the appropriate counties. Members serve two, two-year terms. Section 985.413, Florida Statutes.

County Juvenile Justice Councils -- County Juvenile Justice Councils encourage the initiation and support of interagency cooperation and collaboration in addressing juvenile crime(s.985.414, F.S.). They fulfill those duties by developing county juvenile justice plans and interagency agreements to achieve the goals of the county plan. They use public and private grants to administer the county plan, assist local organizations in efforts to curtail juvenile crime, and develop an annual report. The council also designates a county representative to the District board.

The board consists of district school superintendents; chairmen of the boards of county commissioners; one elected official of the governing body of a municipality; the district juvenile justice manager; the district administrator of the Department of Children and Family Services (CFS); and representatives from each local school system, local law enforcement agencies, the judicial system, the business community, and other interested officials, groups or entities.

Community Juvenile Justice Partnership Grants -- Community Juvenile Justice Partnership Grants are provided to encourage the development of county and district juvenile justice plans and the development and implementation of county and district interagency agreements among representatives of DJJ, CFS, law enforcement and school authorities.

Department of Juvenile Justice Quality Assurance Program -- The DJJ's Office of the Inspector General ensures the validity and reliability of its quality assurance program(QA). The program oversees the numerous contracts between DJJ and youth services providers. The QA program evaluates each program operated by providers under contract with DJJ and establishes minimum thresholds for each program component. Section 985.412, Florida Statutes.

Juvenile Assignment Centers -- Juvenile Assignment Centers were created by the 1994 Legislature as physically secure facilities to house youth awaiting placement in moderate, high, or maximum risk commitment programs. The centers ensure public

safety, determine appropriate treatment needs and review assessment to avoid duplication of assessment efforts. Section 985.307, Florida Statutes. An assignment center will be located in each DJJ region should the Legislature appropriate construction and operational funding.

With the enactment of juvenile assignment center legislation, the Manatee County Sheriff's Office opened an assignment center in May 1996. The center closed in December 1997 when DJJ and the Sheriff's office could not negotiate per diem costs. The remaining assignment center funds are being used to operate a new 50 bed assignment center in Panama City.

Confidentiality of Juvenile Records and Information -- A court may seal records maintained by the DJJ for youth found guilty of committing a delinquent act. However, the records may be accessed in cases such as employment screening or by rules of the DJJ. The public may not inspect juvenile records maintained by the DJJ without first receiving an order from the Secretary of DJJ or his authorized agent. The records are not disclosed until sufficient reason is established and the conditions for their use is approved. Section 985.05, Florida Statutes.

Section 985.04, F.S., stipulates that any information collected by the following authorized agents and agencies must remain confidential:

- a judge or employee of the court
- an authorized agent of the DJJ
- the Parole Commission
- the JJAB
- the Department of Corrections
- district juvenile justice boards
- any law enforcement agent or and
- any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile

The information may be disclosed to the authorized personnel of the above mentioned organizations or agencies or persons entitled to receive juvenile information. In addition, the information may be disclosed upon an order of the court.

Unauthorized release from a DJJ facility -- An agent of the DJJ may detain any child believed to be an escapee from a DJJ facility. An escapee is defined as any youth leaving a DJJ facility without proper authorization or while being transported to or from a DJJ facility. The agent may actively detain the youth and return him to the facility or to the nearest detention center. Any local sheriff or other law enforcement officer, following a request by the Secretary of the DJJ or an authorized agent, may detain an escapee and deliver him to an agent of the DJJ.

Intake counselors or case managers -- Section 985.03, F.S. defines case managers or intake counselors ". . . as the authorized agents of the DJJ performing the intake or case management function for a child alleged to be delinquent." The intake counselor makes immediate contact with any child taken into custody when the parents or legal guardian are unavailable. An intake counselor or case manager monitors and oversees the administration of services to juveniles while in the DJJ system. The services are broad

and range from initial screening and medical, psychiatric or substance abuse screening to making recommendations for and facilitating the delivery of services.

B. EFFECT OF PROPOSED CHANGES:

Juvenile Assessment Centers -- PCB 1 codifies the current practices of JACs and more clearly defines the role of juvenile assessment centers. In addition, it authorizes participating agencies to govern JACs through advisory committees and interagency agreements. The provisions of the bill would also allow assessment centers to perform assessments and evaluations on youth under court order to be placed in a residential commitment program. The new use of juvenile assessment centers would permit them to perform functions similar to those currently being performed in juvenile assignment centers.

Placement in secure detention -- Under the provisions of PCB 1 secure detention would be used for youth meeting detention criteria only. Again, there would be little to no effect on the current use of secure detention.

District Juvenile Justice Boards -- Appointments to district juvenile justice boards will be increased to three two-year terms. Board members will gain additional expertise in juvenile justice matters and there will be more time to recruit and train new board members.

County Juvenile Justice Council Agreements -- County juvenile justice councils will be required to enter into interagency agreements with school authorities or representatives, local law enforcement agencies, and local representatives of DJJ and CFS. Presently, councils are not required to enter into interagency agreements with the above mentioned parties.

Community Juvenile Justice Partnership Grants -- Section 985.415, F.S., requires DJJ to consider only grant applications with written interagency agreements between local school authorities, local representatives of DJJ and CFS, and local law enforcement agencies. PCB 1 amends the requirement by allowing DJJ to consider grant applications with written agreements between agencies and programs needed to implement a project or program for which an applicant is applying.

Department of Juvenile Justice Quality Assurance Program -- The responsibility for determining the validity and reliability of the QA data would be removed from the jurisdiction of the Inspector General's office. DJJ will continue its QA requirements through more appropriate means.

The statutory requirements for the QA program would be expanded by PCB 1. Any state-operated program not meeting the minimum thresholds of performance would be required to take corrective action within six months of bring a program up to minimum standards. If a program fails to achieve compliance, the Office and the Governor and the Legislature will be notified of the corrective action taken. That action could include contracting with private providers for services, initiating appropriate disciplinary actions against all employees determined to have contributed to the programs failure and redesigning or realigning a program.

Juvenile Assignment Centers -- The effective date for juvenile assignment centers will expire on July 1, 2002. The new expiration date would allow DJJ to continue operating under the current statutory provisions for assignment centers for an additional four years.

Disposition in delinquency cases -- The PCB directs a court of jurisdiction to place a child violating community control or aftercare in a residential consequence unit. A consequence unit is a secure facility used for youth violating community control or aftercare or a youth found by the court to have violated conditions of community control or aftercare.

Intake Counselors and Case Managers -- PCB 1 would change the title of intake counselors and case managers to juvenile probation officers (JPOs). Their duties and responsibilities would not change. In addition, the composition of the Juvenile Justice Standards and Training Commission would include a JPO and JPO supervisor. The new appointments would replace the community control counselor and the director of a day treatment or aftercare program.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, the bill gives new assessment and evaluation responsibilities to juvenile assessment centers.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

JACs will be operated by service providers and those agencies participating in the juvenile assessment centers.

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1 amends s. 938.17 Florida Statutes, Court Delinquency Prevention - providing a technical change from juvenile justice assessment center to juvenile assessment center.

Section 2 amends s. 938.19, Florida Statutes, Teen Courts - Exempts teen courts from the provisions of s. 318.121, relating to additional fees, surcharges and costs.

Section 3 creates subsection (8) of s. 943.053, Florida Statutes, Dissemination of criminal justice information; fees - authorizing the DJJ or any local or state criminal justice agency to provide copies of the Florida criminal history records for juvenile offenders detained in a contracted juvenile assessment center or detention facility or services in a contracted treatment program and for employees or other persons with access to these facilities to entities under direct contact with the DJJ.

Section 4 transfers and renumbers s. 944.401, Florida Statutes to s. 985.3141, Florida Statutes and amends language relating to escapes from residential commitment facilities - youth being transported to or from any secure detention facility or residential commitment facility will be considered an escapee upon leaving without authorization.

Section 5 amends s. 985.03, Florida Statutes, Definitions - technical language change replacing intake counselor and case manager with juvenile probation officer.

Section 6 amends s. 985.207, Florida Statutes, Taking a child into custody - technical language change replacing intake counselor and case manager with juvenile probation officer.

Section 7 amends s. 985.208, Florida Statutes, Detention of furloughed child or escapee on authority of the department - technical language change replacing intake counselor and case manager with juvenile probation officer.

Section 8 amends s. 985.209 Florida Statutes, Juvenile Assessment Centers - directing the centers to be managed and governed by participating agencies, creating an advisory committee to assist in governing as well as requiring interagency agreements, providing for coordination of information sharing between participating agencies, and utilizing the center to conduct assessments on youth awaiting placement in residential programs. Also, included is a technical language change replacing intake counselor and case manager with juvenile probation officer.

Section 9 amends s. 985.21, Florida Statutes, Intake and case management - technical language change replacing intake counselor and case manager with juvenile probation officer.

Section 10 amends s. 985.211, Florida Statutes, Release or delivery from custody - technical language change replacing intake counselor and case manager with juvenile probation officer.

Section 11 amends s. 985.215, Florida Statutes, Detention - technical language change replacing intake counselor and case manager with juvenile probation officer.

Section 12 amends s. 985.231, Florida Statutes, Powers of disposition in delinquency cases - technical change to statutory reference. Allows the court to place a child in a residential consequence unit.

Section 13 amends s. 985.216, Florida Statutes, Punishment for Contempt of Court; Alternative Sanctions - deletes language which allows a youth held in contempt of court to be placed in a residential commitment facility.

Section 14 amends s. 985.226, Florida Statutes, Criteria for waiver of juvenile court jurisdiction - technical language change replacing intake counselor and case manager with juvenile probation officer.

Section 15 amends s. 985.23, Florida Statutes, Disposition hearing in delinquency cases - technical language change replacing intake counselor and case manager with juvenile probation officer.

Section 16 amends s. 985.301, Florida Statutes, Civil citation - technical language change replacing intake counselor and case manager with juvenile probation officer.

Section 17 amends s. 985.304, Florida Statutes, Community Arbitration - technical language change replacing intake counselor and case manager with juvenile probation officer.

Section 18 amends s. 985.307, Florida Statutes, Juvenile Assignment Centers - changing the expiration date for juvenile assignment centers from July 1, 1998 to July 1, 2002.

Section 19 amends s. 985.31, Florida Statutes, Serious or habitual juvenile offender - technical language change replacing intake counselor and case manager with juvenile probation officer.

Section 20 amends s. 985.311, Florida Statutes, Intensive residential treatment program for offenders less than 13 years of age - technical language change replacing intake counselor and case manager with juvenile probation officer.

Section 21 amends s. 985.406, Florida Statutes, Juvenile Justice Standards and Training Commission - changing the composition of the commission from a community control counselor and a director of a day treatment or aftercare program to a juvenile probation officer supervisor and a juvenile probation officer.

Section 22 amends s. 985.412, Florida Statutes, Quality Assurance -eliminating from the jurisdiction of the Office of the Inspector General, the responsibility for the validity and reliability of data in the Quality Assurance program. The QA program is expanded to require state-operated programs not meeting minimum threshold requirements to achieve compliance within six months through documented corrective actions such as contracting with private providers, initiating appropriate disciplinary action against all employees contributing to the programs failure, and redesigning or realigning the program.

Section 23 reenacts s. 985.315, Florida Statutes, Vocational/work training program - to incorporate the amendment to s. 985.412, Florida Statutes.

Section 24 amending s. 985.404, Florida Statutes, Administering the juvenile justice continuum - directing the DJJ to submit its annual cost report to the Legislature by December 1 of each year. Stipulating that cost data for educational programs will be developed and implemented in collaboration with the Department of Education when preparing the annual report to the Legislature.

Section 25 amends s. 985.413, Florida Statutes, District Juvenile Justice Boards - increasing the term of appointment for board members to three two-year terms.

Section 26 amends s. 985.414, Florida Statutes, County Juvenile Justice Councils - requiring councils to enter into interagency agreements with local school authorities, local law enforcement agencies and local representatives of DJJ and CFS specifying how community entities will cooperate, collaborate and share information to achieve the goals of the county juvenile justice plan.

Section 27 amends s. 985.415, Florida Statutes, Community Juvenile Justice Partnership Grants - requiring DJJ to consider grant applications with written agreements between agencies and programs needed to implement a project or program for which an applicant is applying.

Section 28, the act shall take effect upon becoming a law.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Insignificant/Indeterminate.

2. Recurring Effects:

Insignificant/Indeterminate.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

DJJ may incur increased expenditures if juvenile assessment centers assume additional assessment and evaluation responsibilities for youth committed to the DJJ and awaiting placement in a residential commitment program. The amount is indeterminate.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

VI. COMMENTS:

03/18/98 H Filed; Introduced -HJ 00255

03/23/98 H Referred to Governmental Operations (GRC) -HJ 00310

04/01/98 H On Committee agenda-- Governmental Operations (GRC), 04/07/98, 10:00 am, 413C

04/07/98 H Comm. Action:-Unanimously CS by Governmental Operations (GRC) -HJ 00690

04/16/98 H CS read first time on 04/16/98 -HJ 00687; Pending Consent Calendar -HJ 00690

04/21/98 H Available for Consent Calendar

04/24/98 H Placed on Consent Calendar; Read second time -HJ 01257

04/28/98 H Temporarily postponed, on Third Reading -HJ 01450

04/29/98 H Senate Bill substituted; Laid on Table, Iden./Sim./Compare Bill(s) passed, refer to CS/CS/SB 2288 (Ch. 98-207) -HJ 01625

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

STORAGE NAME: h4295s1z.jj

DATE: May 7, 1998

PAGE 14

VIII. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE:

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