

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.)

BILL: CS/SB 1196

SPONSOR: Senator Brown-Waite

SUBJECT: Juvenile Justice

DATE: March 23, 2000

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------------|----------------|-----------|------------------------|
| 1. | <u>Dugger</u> | <u>Cannon</u> | <u>CJ</u> | <u>Fav/1 amendment</u> |
| 2. | <u>Mannelli</u> | <u>Hadi</u> | <u>FP</u> | <u>Favorable CS</u> |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |

I. Summary:

The Committee Substitute for Senate Bill 1196 would allow the Department of Juvenile Justice (DJJ) to reorganize. It would eliminate two DJJ senior management positions (Assistant Secretary of Programming and Planning and Deputy Secretary for Operations) and would instead authorize the Secretary of the DJJ to appoint a chief of staff and an assistant secretary for each of the newly formed program areas within the department. These program areas would coincide more closely with the department's major services (prevention and victim services, detention, residential and correctional facilities, probation and community corrections, and administration).

The CS would also eliminate the 15 current service districts and five commitment regions and instead, would require the DJJ to administer its programs through a structure that conforms to the boundaries of the 20 judicial circuits. The CS also realigns and renames the 15 district boards as circuit boards.

The Juvenile Justice Standards and Training Commission would be terminated on June 30, 2001, after review by the Legislature. The DJJ reports that it will work with the Department of Law Enforcement to develop a plan to integrate the functions of this commission with the existing Standards and Training Commission.

The Executive Office of the Governor would be authorized to provide budget flexibility in salary rates and to establish positions in excess of ten percent above the minimum salary rate, subject to available funds under the CS.

The CS would also change "aftercare" and "community control" to "conditional release" and "probation," respectively, throughout ch. 985, F.S.

This CS would substantially amend the following sections of the Florida Statutes: 20.316, 984.09, 985.216, 985.03, 985.04, 985.207, 985.215, 985.226, 985.228, 985.23, 985.231, 985.233, 985.305, 985.308, 985.309, 985.31, 985.311, 985.316, 985.404, 985.406, 985.411, 985.413,

985.414, 985.415, and 985.417. It would repeal s. 985.413 and s. 985.414, F.S., and would create s. 985.4135, F.S.

II. Present Situation:

The Department of Juvenile Justice (DJJ) was created by the Legislature in 1994 to administer the continuum of juvenile justice services in Florida. This role had previously been filled by the Department of Health and Rehabilitative Services (DHRS). Although the DJJ was formed as a criminal justice agency, administratively, it retained the same 15 service districts that had been established under the social service agency. Using the same district structure to provide services helped in making a smooth transition from one agency to the other since the DJJ was taking over responsibilities formerly handled by the DHRS.

However, using this current configuration of 15 juvenile justice districts has not been without logistical problems because the boundaries of the 15 districts are not contiguous with the boundaries of the 20 judicial circuits. The judicial circuits provide the geographical framework for operating the criminal justice system. There are several instances in which the DJJ districts cut across an existing judicial circuit, resulting in circuit court judges, state attorneys, and public defenders having to coordinate with several district managers. Similarly, when there are several circuits nested within a juvenile district, the DJJ district managers must coordinate with two or three sets of circuit courts, state attorneys, and public defenders.

Chapter 20.316, F.S., requires the Secretary of the DJJ to appoint a Deputy Secretary for Operations who supervises 15 service districts and an Assistant Secretary for Programming and Planning. The assistant secretary heads the Division of Prevention and Intervention and the Division of Detention and Commitment. According to the DJJ, approximately 5,100 (91 percent) out of 5,600 positions report to the Deputy Secretary for Operations, which results in management difficulties in the nature of disparate workloads and uneven levels of control.

Section 985.413, F.S., creates a district juvenile justice board in each of the 15 districts to advise the district juvenile justice manager and the district administrator on the need for and the availability of juvenile justice programs and services in the district, among other duties.

Section 985.414, F.S., authorizes a county juvenile justice council in each county for the purpose of encouraging the initiation of interagency cooperation in addressing juvenile crime. Members of the council serve on the district board for continuity purposes.

Section 985.406, F.S., authorizes the creation of a Juvenile Justice Standards and Training Commission with related training academies and a training trust fund. The Commission's purpose is to establish a certifiable training program for juvenile justice program staff and providers who deliver direct care services to juveniles.

Section 943.11, F.S., creates a Criminal Justice Standards and Training Commission within the Department of Law Enforcement. The Commission develops training programs, certification and minimum employee standards for law enforcement and correctional officers. The Commission is also authorized to operate training schools.

Last year, the Department of Management Services reviewed boards, councils, commissions, and task forces authorized by statute. The department recommended that the DJJ merge the Juvenile Justice Standards and Training Commission with the Criminal Justice Standards and Training Commission. It also recommended eliminating the juvenile justice county councils and allowing them instead to become a subset of the district boards.

Section 985.31, F.S., establishes criteria for the Serious or Habitual Juvenile Offender program and s. 985.311, F.S., establishes the criteria for intensive residential treatment programs for offenders less than 13 years of age. The length of stay in these programs is a minimum of 9 to 12 months, which is currently a shorter time period than other less restrictive programs.

Section 985.03, F.S., defines “aftercare” and s. 985.04, F.S., defines “community control.” These terms are found throughout chapter 985, F.S.

III. Effect of Proposed Changes:

The Committee Substitute for Senate Bill 1196 would amend s. 20.316, F.S., to eliminate two DJJ senior management positions (Assistant Secretary of Programming and Planning and Deputy Secretary for Operations) and would instead authorize the Secretary of the DJJ to appoint a chief of staff and an assistant secretary for each of the newly formed program areas within the department. These program areas would coincide more closely with the department’s major services, including the following: prevention and victim services, detention, residential and correctional facilities, probation and community corrections, and administration.

The CS would also eliminate the 15 current service districts and five commitment regions and instead, would administer its programs through a structure that conforms to the boundaries of the 20 judicial circuits prescribed in s. 26.021, F.S. A county could be administratively placed in an alternative juvenile justice operation circuit for prevention and victim services, and probation and community corrections, if the chief circuit judge agreed and authorized the execution of an interagency agreement and the Secretary approved of the agreement.

The CS would also realign and rename the district juvenile justice boards as circuit boards. It would repeal the existing district board and county council statutes and replace them with a new section which would authorize the creation of circuit boards and county councils. Duplicative duties would be eliminated and planning functions would be integrated among the boards and councils.

The Juvenile Justice Standards and Training Commission would be terminated on June 30, 2001, after review by the Legislature. The DJJ reports that it will work with the Department of Law Enforcement to develop a plan to integrate the functions of this commission with the existing Standards and Training Commission.

Section 985.31, F.S., and s. 985.311, F.S., would be amended to remove restrictions on the length of stay in a serious or habitual offender or intensive residential treatment program for offenders younger than 13 years so that they could stay beyond one year if necessary. In addition, the specific time periods for participating in aftercare after completing these programs, as well as boot camp, would be eliminated and determined upon assessment of the youth.

The Executive Office of the Governor would be authorized to provide budget flexibility in salary rates and to establish positions in excess of ten percent above the minimum salary rate, subject to available funds. According to the DJJ, this flexibility is necessary to facilitate the movement of staff from headquarters to the districts and to allow staff to move from districts to the new geographical circuit structure.

Finally, the CS would change “aftercare” and “community control” to “conditional release” and “probation,” respectively, throughout chapter 985, F.S., to be more reflective of the criminal justice system according to the DJJ. Conforming changes are made throughout the statutes.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There will be no adverse fiscal impact as a result of the Department of Juvenile Justice reorganization embodied in CS/SB 1196. The reorganization will allow the department to make more efficient use of current funds and to provide additional activities and services (e.g., victim services, volunteer recruitment and coordination, medical planning and policy development, and educational planning) within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to the DJJ, the CS is designed to improve management and accountability and to focus attention on areas which have not received attention under the previous organizational structure.

VIII. Amendments:

None.

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