

STORAGE NAME: h2203a.go

DATE: April 12, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL OPERATIONS
ANALYSIS**

BILL #: HB 2203 (PCB JJ 00-05A)

RELATING TO: Reorganization of Department of Juvenile Justice

SPONSOR(S): Committee on Juvenile Justice and Representative Merchant

TIED BILL(S):

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

- (1) JUVENILE JUSTICE YEAS 12 NAY 1
 - (2) GOVERNMENTAL OPERATIONS YEAS 4 NAYS 0
 - (3) CRIMINAL JUSTICE APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

The bill allows the Department of Juvenile Justice (DJJ) to reorganize. It eliminates two DJJ senior management positions (Assistant Secretary of Programming and Planning and Deputy Secretary for Operations) and establishes newly formed program areas within the department. These program areas 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 bill eliminates the 15 current service districts and five commitment regions and instead, requires DJJ to administer its programs through a structure that conforms to the boundaries of the 20 judicial circuits. The bill also realigns and renames the 15 district boards as circuit boards.

The Executive Office of the Governor is authorized to provide budget flexibility in salary rates and to establish positions in excess of 10% above the minimum salary rate, subject to available funds under the bill. This provision is anticipated to cover any costs associated with DJJ's reorganization pursuant to this bill.

The bill changes the terms "aftercare" and "community control", to "conditional release" and "probation," respectively, throughout ch. 985, F.S.

The bill substantially amends 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.

The bill has an effective date of July 1, 2000.

There appears to be no material net fiscal impact on state and local governments associated with the bill.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Introduction

The Department of Juvenile Justice (DJJ) was created by the Legislature in 1994 to administer the continuum of juvenile justice services in Florida. Previously, this role had been filled by the Department of Health and Rehabilitative Services (HRS).

According to Senate Criminal Justice Committee Interim Project Report 2000-28, DJJ was formed as a criminal justice agency. Administratively, however, DJJ retained the same 15 service districts that had been established under HRS. Due to the fact that DJJ was taking over the responsibilities formerly handled by HRS, the decision to utilize the same district service structure was made to facilitate a smooth transition from one agency to another. In assuming responsibility for the delinquency services formerly provided by HRS, DJJ also adopted many of the same terms and definitions utilized by HRS to describe dependency services.

The Senate Criminal Justice Committee Interim Project Report 2000-28 (hereinafter, Senate Report) evaluated DJJ's district boundaries and the sufficiency of authority provided to district managers. The Senate Report noted administrative confusion and delays in the implementation process of certain management decisions at the local level. DJJ has cited this factor as one motivator for its administrative reorganization plans. The Senate Report also revealed that in some areas of the state, administrative delays are coupled with a lack of alignment between judicial circuit and DJJ district boundaries. This lack of alignment has presented difficulty in coordinating the efforts of DJJ managers, judges, prosecutors, public defenders, and other court-related personnel. Some DJJ districts have multiple judicial circuits nested within their boundaries. Some judicial circuits are served by multiple DJJ districts. Some areas of the state experience both difficulties.

DJJ acknowledges many of the organizational obstacles identified in the Senate Report. The priority issues reported by DJJ are administrative reorganization and realignment of districts/services areas. Statutory requirements limit DJJ's ability to reorganize its operations by constraining the administrative flexibility of the Secretary and by specifying statewide service districts.

Administrative Organization

Section 20.316, F.S., provides DJJ with its administrative organizational structure. In its current structure, DJJ has 90% of its 6,000 employees under the management of a single administrator, the Deputy Secretary for Operations. The remaining 600 employees report to 6 different senior management employees. This significant imbalance has led to managerial and administrative difficulties.

Under the current DJJ administrative structure, the authority of district managers to operate and manage local juvenile justice programs is limited to the extent that certain management decisions must be approved by DJJ administrators in Tallahassee. Due to this centralization of management authority, delays in implementing management decisions at the local level have occurred. Concerns have been raised regarding the sufficiency of the district managers' authority.

Alignment of Service Districts

When DJJ was created, the agency retained the same 15 service districts that had been established under HRS. Section 20.316 (4),(5), F.S., specifies DJJ organizational boundaries for its "service districts" and its "commitment regions". The same district structure was adopted to facilitate a smooth transition from one agency to another.

Subsequently, HRS was divided into several agencies, including the Department of Children and Family Services (DCFS). During the 1999 Regular Session, legislation passed requiring the DCFS to submit a reorganization plan to the Governor and the Legislature by January 1, 2000. The plan was required to include a proposal to realign DCFS's 15 service districts to conform with the boundaries of the 20 judicial circuits. An amendment to make this legislation applicable to DJJ was adopted by the Senate, but failed to pass in the House of Representatives.

The Senate Committee on Criminal Justice directed its staff to complete an interim study on the feasibility and effectiveness of DJJ following the 1998 legislative session. By surveying interested stakeholders, Senate staff found logistical coordination problems among DJJ managers, judges, prosecutors, public defenders, and other court-related personnel within districts that have multiple judicial circuits nested within them and also within judicial circuits that contain multiple DJJ districts. Although the juvenile justice system has been functioning within this structure since its inception, the Senate study found this system to be undesirable for the efficient and effective operation and administration of the juvenile justice system. According to the Senate Report, juvenile justice stakeholders experience confusion and operations are disjointed where inconsistent boundaries exist among judicial circuits and DJJ districts. Under the current configuration of 15 juvenile justice districts there are logistical problems because of the different boundaries of the 20 judicial circuits. There are several instances where DJJ districts cross existing judicial circuits, resulting in circuit court judges, state attorneys, and public defenders having to coordinate with several DJJ district managers.

The Senate Report identified the main obstacle to realigning DJJ with the judicial circuits to be potential future problems coordinating social services with DCFS. Juvenile justice stakeholders acknowledged that DJJ and DCFS districts should be similarly aligned in order to facilitate effective administrations of services. However, forced to choose between judicial circuit alignment and DCFS alignment, the majority of juvenile justice stakeholders

expressed a belief that it was more important and beneficial to be aligned with the judicial circuits.

C. EFFECT OF PROPOSED CHANGES:

Introduction

DJJ has developed a reorganizational plan designed to facilitate efficient and effective administration and operation. The bill addresses two major organizational issues. The first relates to the administrative organizational structure of DJJ. The second organizational issue relates to the realignment of service areas with judicial circuit boundaries.

The bill revises the administrative organizational structure of DJJ. It deletes several statutory references to specific positions required in the administrative structure of the agency. The bill gives the Secretary greater flexibility with regard to the administrative formation of the agency. DJJ currently has 90% of its 6,000 employees under the management of a single Deputy of Operations. The remaining 600 report to 6 different senior management employees.

The bill allows for a more even distribution of employees and responsibilities throughout the agency. The bill attempts to minimize managerial hurdles. DJJ reports that it is granting more authority and responsibility to "circuit managers". DJJ anticipates this decision will promote rapid management responses at the local level and assist in the implementation of executive management decisions.

The second organizational issue regards the realignment of DJJ operating areas with judicial circuit areas. When DJJ was created by the Legislature in 1994, it retained the same 15 service districts that were originally established for HRS. It was proposed that since DJJ was taking over the responsibilities formerly handled by HRS, the decision to utilize the same district structure to provide services would assist in making a smooth transition from one agency to another.

Administrative Reorganization

DJJ approached the House Committee on Juvenile Justice with a legislative proposal to reorganize its operations. DJJ asserts its reorganization plans will make the agency more efficient and effective in the delivery of services to youth in the juvenile justice system. DJJ's reorganization plan is a stakeholder product. It represents the consensus of approximately 60 DJJ staff as to how the agency could improve its operations.

DJJ proposes a major administrative reorganization based upon the department's four primary areas of responsibility: *prevention, detention, residential/correctional facilities, and probation and community corrections.*

The reorganizational plan proposed by DJJ administratively reorganizes the agency by eliminating several sections of statutory language. Currently, s. 20.316, F.S., dictates the administrative organizational structure of DJJ. Under subsections (2) and (3), the requirements for several deputy secretaries and their respective program focuses are stated. The bill deletes these subsections. Upon the recommendation of the Department of Management Services, statutory authority is provided for the Secretary to establish assistant secretary and chief of staff positions as necessary to effect operations.

The bill amends current law, establishing the following programs within the agency:

- Administration
- Prevention & Victim Services
- Intake & Detention
- Residential & Correctional Facilities
- Probation & Community Corrections

This amendment provides the Secretary with administrative flexibility over agency operations. This change should facilitate a more balanced distribution of supervisory responsibilities.

Currently, the "Juvenile Justice Accountability Board" provides the Governor, Legislature and DJJ with assistance in an advisory capacity. The Accountability Board will continue to serve in this capacity under the name of the "Juvenile Justice Advisory Board".

Realignment of Operating Circuits

Currently, subsections (4) and (5) of s. 20.316, F.S., identify service districts and commitment regions for DJJ. The bill revises subsection (4) and renames "service districts" as "juvenile justice service circuits".

The Senate Report, which included the viewpoints of a broad cross section of interested parties, raised concerns about organizational difficulties associated with alignment. By surveying interested stakeholders, Senate staff found logistical coordination problems among DJJ managers, judges, prosecutors, public defenders and, other court-related personnel. This was especially problematic in DJJ districts that have multiple judicial circuits nested within their boundaries and in judicial circuits containing multiple DJJ districts. Some areas of the state experience both difficulties.

Although the juvenile justice system has been functioning within this structure since its inception, the Senate Report revealed that DJJ is not operating in an efficient manner. The Senate Report revealed that many juvenile justice stakeholders found the existing structure to be undesirable for the efficient and effective operation and administration of the juvenile justice system. The current system experiences confusion and inefficiency where inconsistent boundaries exist among judicial circuits and DJJ districts. Under the current configuration of 15 juvenile justice districts, there are logistical problems because of the different boundaries of the 20 judicial circuits. There are several instances where DJJ districts cross existing judicial circuits, resulting in circuit court judges, state attorneys, and public defenders having to coordinate with several DJJ district managers.

Under the bill, the existing 15 districts would be eliminated. Instead, DJJ would have 3 regions in North, Central and South Florida. The reorganization plan includes 20 DJJ circuit managers to administer and implement local concerns, primarily in the areas of probation and community corrections services and prevention. These managers would be responsible for geographical areas that would be consistent with the 20 judicial circuit boundaries.

Definitions

The definitions for Chapter 985, F.S., are found within s. 985.03, F.S. The bill redefines or eliminates several subsections of s. 985.03, F.S. Notably, the bill changes “aftercare” and “community control” to “conditional release” and “probation,” respectively, throughout ch. 985, F.S. It is DJJ’s position that these revised terms provide clarity and create a separate identity within the juvenile justice system apart from the prior system operated by HRS.

The bill renames the current definition of “aftercare” presently found s. 985.03(4), F.S., as “conditional release.” Under the bill, “conditional release” means the care, treatment, help, and supervision provided to a juvenile released from a residential commitment program. The bill renames the current definition of “community control” presently found in s. 985.03(16), F.S., as “probation”. Under the bill, “probation” now means the legal status of probation created by law and court order in cases involving a child who has committed a delinquent act. The bill deletes the definition of “district” presently found in s. 985.03(23), F.S. The bill deletes the definition of “district juvenile justice manager” presently found in s. 985.03(24), F.S. These deletions are consistent with DJJ’s structural realignment with the 20 judicial circuits throughout the state.

Boards and Councils

The bill states that a “juvenile justice circuit board” is authorized for each of the 20 judicial circuits. These circuit boards shall provide DJJ with assistance in an advisory capacity. Each circuit board shall provide an annual report to DJJ describing the activities of the circuit board and each of the county councils contained within its circuit. The bill provides membership requirements for the circuit board. At the request of the current local boards and councils, separate procedures and membership requirements are provided when the judicial circuit consists of a single county.

The bill states that a “juvenile justice county council” is authorized for each of the 67 counties. These county councils shall develop a juvenile justice prevention and early intervention plan for the county and shall collaborate with the circuit board and other county councils assigned to that circuit in the development of a comprehensive plan for the circuit. The bill provides membership requirements for the county council.

D. SECTION-BY-SECTION ANALYSIS:

Please refer to paragraph II-B (Present Situation) and paragraph II-C (Effect of Proposed Changes).

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Please refer to “Fiscal Comments” at Paragraph III-D, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill provides authorization for the Executive Office of the Governor relating to budget flexibility in salary rate to establish positions in excess of 10% above the minimum, subject to available funds. DJJ maintains that this flexibility is necessary to facilitate the movement of staff from headquarters to the newly created circuits and to allow movement of staff from districts to the new circuit organizational structure. This budget flexibility is limited to one year, and when coupled with anticipated net savings realized through reorganizing positions, there should be no material fiscal impact. DJJ expects to complete reorganization efforts within that time.

DJJ has expressed its intent to undertake the reorganizational effort within existing resources. The reorganization is not designed to produce a cost savings, but to accomplish additional activities and services with the same resources. DJJ anticipates virtually no costs from physically moving staff from one geographic area to another. No construction costs are expected.

DJJ reports the following services to be added or enhanced: victim services, volunteer recruitment and coordination, medical planning and policy development, educational planning and policy development. Lastly, DJJ reports the bill is also designed to improve management and accountability and to focus attention on areas which have not received attention under the previous management structure.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority of municipalities or counties to raise revenues in the aggregate.

STORAGE NAME: h2203a.go

DATE: April 12, 2000

PAGE 8

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

The bill would not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

The bill would not reduce the percentage of a state tax shared with counties or municipalities, so it would not create issues relative to Article VII, Section 18 of the Florida Constitution.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE:

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