

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1900

SPONSOR: Senator Fasano

SUBJECT: Juvenile Sentencing

DATE: March 27, 2003

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>ACJ</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

Senate Bill 1900 allows a judge, when ordering a juvenile to be committed to the Department of Juvenile Justice, to specify a particular program or facility within a residential commitment level. (Currently, a judge may not specify a particular program or facility, only the residential commitment level, which includes low-risk, moderate-risk, high-risk, or maximum-risk, when committing a juvenile.)

This bill substantially amends section 985.231 of the Florida Statutes.

## II. Present Situation:

Section 985.231, F.S., allows a judge to commit a juvenile to the Department of Juvenile Justice (DJJ) and to specify a residential commitment level, including low-risk, moderate-risk, high-risk, or maximum-risk as defined in s. 985.03(45), F.S. A judge is not statutorily authorized to order a juvenile to be placed into a specific commitment program or facility within a commitment level.

In *Department of Juvenile Justice v. J.R.*, 716 So.2d 872 (Fla. 1st DCA 1998), the First District Court of Appeal reviewed a case in which Circuit Judge William J. Gary ordered a juvenile into a particular facility. The DJJ appealed the court order, claiming the judge lacked statutory authority. The First District Court of Appeal agreed and reversed that portion of the order requiring placement in a particular facility. See also *Florida Dep't of Juvenile Justice v. E.W.*, 704 So.2d 1148 (Fla. 4th DCA 1998) (affirming commitment at restrictiveness level 8, but reversing portion of order requiring placement in a specific facility.)

Once a judge issues the commitment order, the case gets referred to the classification and placement staff in the DJJ so they can place the juvenile in an appropriate program within the

specified commitment level. According to the DJJ, this placement decision is based on various assessments of the juvenile, including the predisposition report, any psychological/psychiatric evaluations and any other comprehensive assessments. The DJJ has developed a bed management system which allows the DJJ staff to assess the needs of committed juveniles and place them in appropriate programs in a timely manner. Using this system, the DJJ can evaluate a juvenile's progress in a particular program and transfer him or her to a different program within the same commitment level, if necessary. The DJJ states that this system also reduces the time a juvenile must wait in post-adjudicatory detention before being able to receive commitment services.

### **III. Effect of Proposed Changes:**

Senate Bill 1900 allows a judge, when ordering a juvenile to be committed to the DJJ, to specify a particular program or facility within the residential commitment level. (Currently, a judge may not specify a particular program or facility, only the residential commitment level, which includes low-risk, moderate-risk, high-risk, or maximum-risk, when committing a juvenile.)

### **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:**

None.

#### **B. Private Sector Impact:**

None.

#### **C. Government Sector Impact:**

According to the DJJ, it estimates that the bill could potentially cost \$2,971,100 annually. This is based on 10,804 commitments to the DJJ during FY 2001-02 and the assumption that judges in twenty-five percent of the cases will specify programs as now allowed under the bill, resulting in 2,701 juveniles. The DJJ also assumes that these juveniles will have a 10 day increase in their detention stay while awaiting program placement. (The cost per day to maintain a juvenile in a detention center is \$110.)

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The DJJ states that permitting a judge to place a juvenile within a particular facility will significantly hamper its ability to manage its resources and provide appropriate treatment to juveniles in custody.

**VIII. Amendments:**

None.

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

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