

# 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: CS/ SB 2564

SPONSOR: Appropriations Committee and Senator Crist

SUBJECT: Juvenile Justice

DATE: March 25, 2004 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sadberry</u>	<u>Sadberry</u>	<u>ACJ</u>	<u>Withdrawn</u>
2.	<u>Sadberry</u>	<u>Coburn</u>	<u>AP</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill requires joint financial participation of the state and counties in the provision of juvenile detention. Costs allocated to counties will be associated with the time juveniles from those counties spend in detention before being adjudicated. Costs allocated to the state will be associated with the time spent in detention by juveniles who have no known residence, whose residence is out of state, or who have been adjudicated.

## II. Present Situation:

Individuals under the age of 18 arrested by law enforcement are evaluated immediately by the Florida Department of Juvenile Justice to determine whether the individual is a threat to the public. Evaluations are conducted by either the Juvenile Assessment Center in that area or by local probation staff in order to determine a possible threat using a standardized Detention Risk Assessment Instrument. In Florida, juvenile detention does not exceed a maximum of thirty days. Individuals with convictions other than minor crimes which require greater penalties are put into residential or non-residential correctional programs. Two types of detention are available: secure detention and home detention.

Juveniles assessed as being a threat to the public are placed within a secured detention center where they await a court hearing. Within 24 hours, a judge will decide whether on-going detention is necessary. Serious offenders may be held up to 30 days, though most individuals are released within 21 days.

Home detention is an alternative for those juveniles not deemed a public threat. There are two types of electronic monitoring devices used with juveniles. The Radio Frequency System is an

anklet, which activates an alarm if the individual leaves the home. The Voice Recognition System makes random calls to the juvenile's domicile. If the juvenile's voice is not matched to a prior record or the individual fails to answer, an alert will sound. These calls are made arbitrarily by the system to enhance efficiency. Both monitoring devices are quite advanced and decrease the necessity for additional detention centers, therefore decreasing expenditures of the state.

The Florida Department of Juvenile Justice's budget for FY 2003-04 is \$618.8 million, including \$59.8 million for prevention; \$107.1 million for detention which also includes home detention; \$134.8 for probation and community corrections, and \$291.4 million for residential and correctional facilities.

Florida has 33 fewer juvenile felony arrests per day than it did in the mid-1990s when juvenile felony crime and victimization of citizens peaked. Transfers of juveniles to the adult system are down 61 percent from 1996, the year that transfers peaked. For FY 2003-04 the department is projected to serve 67,000 youth in prevention and early intervention programs.

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

Section 1. Creates s. 985.2155, F.S., to increase the fiscal responsibility of counties for public safety issues related to juvenile detention services.

Instead of the state, specifically the Department of Juvenile Justice, bearing all fiscal responsibilities for detention of juveniles, this bill requires each county to budget for the costs of pre-adjudication detention of juveniles who reside in that county. Each county will be responsible for setting aside these costs at the beginning of each fiscal year to be paid monthly to the state. Counties may collaborate with the state when calculating these expenses by considering the previous fiscal year's cost. Coordinating with the counties, the Department of Juvenile Justice will publish the costs for which each county will be responsible. The state will deposit revenues received from the counties into the Department of Juvenile Justice's Grants and Donations Trust Fund. Reconciliation of costs will occur at the end of the fiscal year between each county and the department to account for differences between the estimated and actual numbers of juveniles detained. Quarterly, funding from the counties will be examined by the Department of Juvenile Justice to ensure each county is fulfilling its responsibility for these costs. If a county fails to transfer funds, the Chief Financial Officer is required to withhold state funding to that county, equal to the amount the county has neglected to pay.

In the event that a juvenile who is not a Florida resident is detained, the state will coordinate with the resident state for the collection of detention costs for the period of time prior to final court disposition. If residency of a juvenile in detention cannot be established, the state will bear financial responsibility for the costs of detention prior to adjudication.

The bill recognizes that it places a burden on certain counties unable to account for such costs, and such counties are defined as "fiscally constrained counties." A "fiscally constrained county" is defined as a rural area of critical economic concern under s. 288.0656, F.S., for which the value of a mill in the county is no more than \$3 million, based on the property valuations and tax data annually published by the Department of Revenue under s.195.052, F.S. Under these

economic conditions, and subject to appropriation, the state will provide grant funding to these counties.

The Department of Juvenile Justice is required to produce a cost measurement system to forecast the financial responsibility of each county regarded as “fiscally constrained.” This system must take into account essential moneys not just for juvenile pre-trial detention but for the total cost of juvenile detention for all “fiscally constrained” counties.

Currently, 27 of the 67 Florida counties meet the bill's definition of “fiscally constrained” and will not be deemed capable of such a financial commitment. According to a detention disposition analysis, conducted by the Department of Juvenile Justice, the following counties meet the distinction of a fiscally constrained county: Baker, Bradford, Calhoun, Columbia, Desoto, Dixie, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Okeechobee, Putnam, Suwannee, Taylor, Union, and Washington. The state will continue to directly fund the cost of juvenile detention for these counties.

Section 2. This section states that the Legislature has determined and declares that this act fulfills an important state interest.

Section 3. Provides an effective date of October 1, 2004.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

This legislation may be a mandate pursuant to the provisions of Article VII, section 18 of the Florida Constitution. Counties would now be financially responsible for the costs of detention before juveniles who reside in those counties are adjudicated. Any law requiring counties or municipalities to spend money must be approved by 2/3 vote of each house of the legislature unless the law meets one of the constitutional exemptions or exceptions. One exception to the 2/3 vote requirement is for laws that require all similarly situated persons to comply when the Legislature determines that such laws fulfill an important state interest. This bill requires such compliance by the state, other states of residence, and the counties.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

D. Other Constitutional Issues:

None.

**V. Economic Impact and Fiscal Note:**

E. Tax/Fee Issues:

None.

F. Private Sector Impact:

None.

G. Government Sector Impact:

This legislation for FY 2004-05 could potentially generate approximately \$68,646,936 in state revenue and additional \$22,882,312 for FY 2005-06 to enhance public safety.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**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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