

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Budget Committee

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BILL: SB 2114 (SPB 7118)

INTRODUCER: Budget Committee

SUBJECT: Juvenile Justice

DATE: April 1, 2011

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sadberry	Meyer, C.		<b>SPB 7118 Favorable</b>
2.				
3.				
4.				
5.				
6.				

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**I. Summary:**

The bill requires the Department of Juvenile Justice (DJJ), beginning in the 2012-2013 fiscal year, to establish a minimum of two pilot sites where a community-based juvenile justice system will be implemented for two years. The pilot sites must be in the following judicial circuits: the Sixth (Pasco and Pinellas counties), and the Ninth (Orange and Osceola counties).

The bill defines the term “regional coordinating agency” (RCA) as a single nonprofit or county government agency with which DJJ must contract for the provision of juvenile justice services in a community that consists of at least one entire county. The bill also sets forth various requirements that an RCA must meet.

The bill requires DJJ, by January 1, 2013, to contract with an RCA for the delivery, administration, and management of the following juvenile justice services: intervention, prevention, assessment centers, diversion programs, civil citation, and home detention, alternatives to detention, community-based services, probation, day treatment, independent living, evidenced-based programs, residential programming, and detention.

DJJ is required to transfer all administrative and operational funding associated with these services to the RCA (less those funds that are necessary to provide and coordinate management of quality assurance and oversight). The bill requires RCAs to contract with providers that meet current DJJ standards and to comply with statutory requirements and agency regulations in providing contractual services.

The bill specifies that DJJ remains responsible for the quality of contracted services and programs and requires DJJ to ensure that such services are delivered in accordance with

applicable federal and state statutes and regulations. The bill specifies that DJJ must coordinate inspections of program offices pursuant to the approval of the applicable RCA.

The bill also requires DJJ to do the following:

- Establish a quality assurance program for community-based juvenile justice.
- Establish and operate a comprehensive system to measure the outcomes and effectiveness of the services that are part of an RCA's community-based juvenile justice service programs.
- Establish minimum thresholds for each component of service.
- Annually evaluate each RCA under the provisions of the quality assurance program and annually submit the evaluation to specified entities, beginning in 2013.

This bill creates section 985.665 of the Florida Statutes.

The bill also amends s. 985.441, F.S., to provide that a juvenile judge may not commit an adjudicated delinquent youth whose underlying offense is a misdemeanor to a restrictiveness level other than minimum-risk nonresidential if the youth is adjudicated with a misdemeanor or probation violation for a misdemeanor, other than a new law violation constituting a felony.

## **II. Present Situation:**

### **Department of Juvenile Justice - Organization**

Currently, DJJ is organized in five program areas - Administrative Services, Prevention and Victim Services, Probation and Community Intervention, Detention Services, and Residential Services.

#### Administrative Services

The Administrative Services program area (also referred to as Executive Direction and Support) serves as the administrative support arm of DJJ. It is comprised of the following offices:

- Chief of Staff
- Deputy Secretary
- Office of General Counsel
- Office of the Inspector General
- Administrative Services
- Staff Development and Training
- Program Accountability
- Legislative Affairs
- Communications

Prevention and Victim Services

DJJ provides delinquency prevention services through the Office of Prevention and Victim Services. Prevention services target at-risk youth who exhibit problem behaviors (such as ungovernability, truancy, running away from home, and other pre-delinquent behaviors) before they result in more serious crimes. DJJ addresses these problem behaviors by contracting for delinquency prevention services and awarding grants to local providers throughout the state.

Probation and Community Intervention

Every youth under the age of 18 charged with a crime in Florida is referred to DJJ. A referral is similar to an arrest in the adult criminal justice system. Once referred, DJJ assesses the youth and recommends to the state attorney and the court appropriate sanctions and services for the youth. When making a recommendation, DJJ has several options that allow the youth to remain in his or her home community.

One option is diversion, which uses alternatives to the formal juvenile justice system for youth who have been charged with a minor crime. Diversion programs include Intensive Delinquency Diversion Services (IDDS), Community Arbitration, the Juvenile Alternative Services Program (JASP), Teen Court, Civil Citation, Boy and Girl Scouts, Boys and Girls Clubs, mentoring programs, and alternative schools. These programs employ a variety of non-judicial sanctions, including:

- Restitution (payment) to the victim(s);
- Community service hours;
- Letter of apology to the victim(s);
- Curfew;
- Forfeiture of driver's license;
- Encouragement to avoid contact with co-defendants, friends, or acquaintances who are deemed to be inappropriate associations;
- Referrals to local social service agencies; and
- Substance abuse or mental health counseling.

If the court places a youth on probation, he or she must complete court-ordered sanctions and services (e.g., community service, restitution, curfew, substance abuse or mental health counseling, etc.). Each youth is assigned a juvenile probation officer who monitors compliance and helps the youth connect with service providers. If the youth does not comply with the terms of probation, the youth may be ordered to live in a residential commitment facility for a period of time. According to DJJ, the redirection program is one of the most important resources for families under supervision. Redirection provides intensive family focused intervention for youth at high risk of reoffending and being placed in more expensive residential commitment facilities.

Probation and Community Intervention is also responsible for aftercare services when a youth is released from a commitment facility. When a youth is discharged from a commitment facility, he or she is usually placed on conditional release (similar to parole in the adult criminal justice system). Conditional release is designed to provide monitoring and services to those youth who are transitioning back to the community after being in a residential program. These youth have court-ordered sanctions and services that they must complete.

### Detention Services

Detention is the custody status for youth who are held pursuant to a court order, or following arrest for a violation of the law. In Florida, a youth may be detained only when specific statutory criteria, outlined in s. 985.215, F.S., are met. Criteria for detention include current offenses, prior history, legal status, and any aggravating or mitigating factors. Detention screening is performed at Juvenile Assessment Centers (JACs) or by juvenile probation staff using a standardized Detention Risk Assessment Instrument. Juvenile detention consists of two types - secure detention and home detention.

### Residential Services

Delinquent youth in Florida can be ordered by the court to serve time in a juvenile residential or detention facility depending on the severity of his or her crime and behavior. DJJ either contracts for or directly operates more than 116 residential programs with a total of approximately 4,200 beds.

DJJ commitment managers conduct multidisciplinary commitment conferences for all youth considered for commitment to DJJ for juvenile or adult court. After a comprehensive evaluation of the youth and receiving input from conference participants, the commitment manager establishes DJJ's commitment recommendation to the court. Primary consideration for commitment recommendations is public safety, meeting the individual treatment needs of the youth, and ensuring no other options are viable at a less restrictive level to reduce or eliminate the youth's threat to public safety. Once the court has ordered the youth to a specific restrictiveness level, it is the responsibility of DJJ to determine the most appropriate placement available within that restrictiveness level.

Consistent with s. 985.03(44), F.S., DJJ's residential commitment programs are grouped into five custody classifications based on the assessed risk to public safety. The restrictiveness levels represent increasing restriction on youths' movement and freedom. The least restrictive, or minimum-risk level, is non-residential and falls under the jurisdiction of Probation and Community Control rather than Residential Services. The remaining four restrictiveness levels of commitment are as follows:

- Low-risk residential (may allow youth unsupervised access to the community);
- Moderate-risk residential (may allow youth supervised access to the community);
- High-risk residential (does not allow youth access to the community, except as approved for limited reasons); and
- Maximum-risk residential (does not allow youth to have access to the community).

Residential programs provide differing levels of programming to address the supervision, custody, care, and treatment needs of committed children. In residential programs, delinquent youth receive educational and vocational services and complete an individually designed treatment plan, based on their rehabilitative needs. In addition, all residential programs provide medical, mental health, substance abuse, and developmental disability services.

Private providers operate most of the residential facilities for juveniles in Florida under contracts with DJJ. The providers are regularly monitored and evaluated through the DJJ's Quality

Assurance program. DJJ's Inspector General investigates incidents at programs involving staff or youth.

Currently, Florida has a budgeted capacity of 4,146 residential commitment beds for juvenile youths with approximately two-thirds of those providing special needs services. The current utilization rate hovers around 90 percent of the number of operational beds. In FY 2008-2009, there were 6,402 new admissions of juveniles to residential programs, representing a 3 percent reduction from FY 2007-08 (6,587) and a five-year overall reduction of 28 percent (8,897) in new admissions to residential programs.

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

The bill creates s. 985.665, F.S., entitled "Community-Based Juvenile Justice." It requires DJJ, beginning in the 2011-2012 fiscal year, to establish a minimum of two pilot sites where a community-based juvenile justice system will be implemented for two years. The pilot sites must be in the following judicial circuits: the Sixth (Pasco and Pinellas counties), and the Ninth (Orange and Osceola counties).

The bill requires DJJ, by January 1, 2013, to contract with a regional coordinating agency (RCA) for the delivery, administration, and management of the following juvenile justice services: intervention, prevention, assessment centers, diversion programs, civil citation, home detention, alternatives to detention, community-based services, probation, day treatment, independent living, evidenced-based programs, residential programming, and detention.

DJJ is required to transfer all administrative and operational funding associated with these services to the RCA (less those funds that are necessary to provide and coordinate management of quality assurance and oversight). RCAs are required to thoroughly analyze and report the complete direct and indirect costs of delivering the above-described services through DJJ and the full cost of community-based juvenile justice, including the cost of monitoring and evaluating the contracted services. The bill specifies that RCAs shall be selected from the request for proposal process, pursuant to s. 287.057(1)(b), F.S., but requires them to be established organizations within the judicial circuit. The bill requires RCAs to contract with providers that meet current DJJ standards and to comply with statutory requirements and agency regulations in providing contractual services.

The bill specifies that DJJ will remain responsible for the quality of contracted services and programs and requires DJJ to ensure that such services are delivered in accordance with applicable federal and state statutes and regulations. The bill specifies that DJJ must coordinate inspections of program offices pursuant to the approval of the applicable RCA.

The bill requires DJJ, in partnership with an objective, competent entity, to establish a quality assurance program for community-based juvenile justice that includes national standards for each specific component of services. The bill also requires DJJ, in consultation with the RCAs, to establish minimum thresholds for each component of service. DJJ, or an objective, competent entity designated by DJJ, must annually evaluate each RCA under the provisions of the quality assurance program. Beginning in 2014, DJJ must annually submit the evaluation regarding quality performance, outcome measure attainment, and cost efficiency to the President of the

Senate, Speaker of the House of Representatives, the minority leaders of the Senate and the House of Representatives, and the Governor.

The bill requires DJJ to establish and operate a comprehensive system to measure the outcomes and effectiveness of the services that are part of the RCAs' community-based juvenile justice service programs. DJJ must use these findings in making recommendations to the Governor and the Legislature for future program and funding priorities.

The bill defines the term "regional coordinating agency" as a single nonprofit or county government agency with which DJJ must contract for the provision of juvenile justice services in a community that consists of at least one entire county. The requirements for an RCA include, but are not limited to:

- The organizational infrastructure and financial capacity to coordinate, integrate, and manage all juvenile justice services in the designated community in cooperation with law enforcement and the judiciary.
- The ability to ensure continuity of care from entry to exit for all juveniles referred to the agency by law enforcement agencies, the court system, and other referral services.
- The ability to contract with providers to create a local network of juvenile justice services.
- The willingness to accept accountability for meeting the outcomes and performance standards related to juvenile justice established by the Legislature and the federal government.
- The capacity and willingness to serve all juveniles referred to the agency by law enforcement agencies and the court system with funding from DJJ.

The bill requires operations of an RCA to be governed by a local board of directors, of which 75 percent of the membership must be comprised of persons residing within the RCA's service area. The bill specifies that with respect to the treatment of juvenile offenders, RCAs and contracted providers will be treated as the state and its agencies and subdivisions for liability purposes under s. 768.28, F.S.

In addition, the bill prohibits a juvenile court judge from committing a juvenile misdemeanor (a youth adjudicated delinquent solely for a misdemeanor or a misdemeanor probation violation) to a restrictiveness level higher than minimum-risk nonresidential, except under certain circumstances. The bill amends s. 985.441, F.S., to provide that a juvenile judge may not commit an adjudicated delinquent youth whose underlying offense is a misdemeanor to a restrictiveness level other than minimum-risk nonresidential if the youth is adjudicated with a misdemeanor or probation violation for a misdemeanor, other than a new law violation constituting a felony.

However, the court may commit the youth to a low-risk or moderate-risk residential placement if the youth:

- Has previously been adjudicated or had adjudication withheld for a felony;
- Has previously been adjudicated or had adjudication withheld for two or more misdemeanors;

- Is before the court for committing the misdemeanor offense of animal cruelty, arson, or exposure of sexual organs;
- Proves to be unsuitable for a nonresidential program because of his or her refusal to follow the court's order, program requirements, or the DJJ's treatment plan.

Furthermore, the bill provides that the court may commit a youth who has previously been committed to a moderate-risk residential program to any restrictiveness level. The bill also specifies that the DJJ may not administratively transfer a youth adjudicated solely for a misdemeanor to a residential program except as provided above.

Finally, the bill adds monitoring for substance abuse and electronic monitoring to the list of statutorily authorized purposes for exercising active control over a youth who is committed to the DJJ.

Sections 3, 4, and 5 are amended to conform cross-references in the bill.

Section 6 provides for an effective date of July 1, 2011.

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

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

None.

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

None.

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

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

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

The bill may have a positive fiscal impact on juvenile justice service providers as well as private entities that are selected to serve as an RCA.

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

The bill requires DJJ to transfer all administrative and operational funding associated with community-based juvenile justice services to the RCA in each pilot site (less those funds that are necessary to provide and coordinate management of quality assurance and oversight).

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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