

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 617 Juvenile Justice Circuit Advisory Boards and Juvenile Justice County Councils

SPONSOR(S): Criminal Justice Subcommittee, Pilon

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 676

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	13 Y, 0 N, As CS	Cox	Cunningham
2) Local & Federal Affairs Committee	15 Y, 0 N	Lukis	Rojas
3) Judiciary Committee			

SUMMARY ANALYSIS

Section 985.664, F.S., authorizes the establishment of 20 juvenile justice circuit boards (circuit board) and 67 juvenile justice county councils (county council). The purpose of these entities is to advise the Department of Juvenile Justice (DJJ) in the development and implementation of juvenile justice programs and policies related to at-risk youth. DJJ reports that currently there are 20 circuit boards, 44 active county councils across the state, and 23 disbanded county councils that have opted to connect with local coalition groups for various reasons.

The bill substantially amends s. 985.664, F.S., to remove all references to county councils and rename the circuit boards as "juvenile justice circuit advisory boards" (advisory boards). The purpose of the advisory boards would be similar to that of circuit boards and county councils--that is, to advise the DJJ in the development and implementation of juvenile justice programs and policies related to at-risk youth.

The bill requires multi-county circuits to have a county organization representing each of the counties in the circuit. These county organizations must report directly to the advisory board on the juvenile justice needs of their county. Single county circuits will only have an advisory board. By such reorganization, the bill, in part aims to improve communication between local organizations and the DJJ.

The bill provides that the duties of the advisory boards include the following:

- developing and submitting to DJJ a comprehensive plan for the circuit no later than December 31, 2014, and resubmitting such plan to DJJ every three years thereafter;
- participating in the facilitation of interagency cooperation and information sharing;
- providing recommendations for public or private grants to be administered by a community partner that support the comprehensive plan;
- providing recommendations to DJJ in the evaluation of prevention and early intervention grant programs; and
- providing an annual report to DJJ by August 1 of each year describing the board's activities.

The bill also:

- requires an advisory board to have a minimum of 16 members, some of which have to be certain named professionals;
- specifies how a chair and board members are appointed, when a quorum is met, and the percentage of the quorum that is required to pass a measure or position; and
- requires advisory boards to have bylaws, contains requirements for the bylaws, and requires the DJJ to prescribe the bylaws' format and content requirements.

DJJ reports that the bill does not have any impact on state or local revenues or expenditures.

The bill provides an effective date of October 1, 2013.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0617c.LFAC

DATE: 3/27/2013

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 985.664, F.S., authorizes the establishment of 20 juvenile justice circuit boards (circuit board) and 67 juvenile justice county councils (county council). The purpose of these entities is to advise the Department of Juvenile Justice (DJJ) in the development and implementation of juvenile justice programs and policies related to at-risk youth. DJJ reports that there are currently 20 circuit boards, 44 active county councils across the state, and 23 disbanded county councils that have opted to connect with local coalition groups for various reasons.¹

Each county council is required to develop a “juvenile justice prevention and early intervention plan” for the county and collaborate with the circuit board and other county councils to develop a comprehensive plan for the circuit.² The circuit boards and county councils must also participate in facilitating interagency cooperation and information sharing,³ and advise and assist DJJ in evaluating and awarding prevention and early intervention grant programs.⁴ The circuit boards must provide an annual report to DJJ detailing their activities, and the activities of the county councils in their jurisdiction, for the year.⁵

The membership of the circuit boards is limited to 18 members,⁶ and must include the state attorney, the public defender, and the chief judge of the circuit, or their respective designees. The remaining 15 members must be appointed by the county councils within that circuit.⁷ A circuit board must include at least one representative from each of the county councils.

The membership of the county councils is not limited, and may include representatives from the following entities:

- school districts;⁸
- board of county commissioners;
- governing bodies of local municipalities within the county;
- corresponding circuit or regional entity of the Department of Children and Family Services;
- local law enforcement agencies, including the sheriff or the sheriff’s designee;
- the judicial system;
- the business community;
- other interested officials, groups, or entities, including, but not limited to, a children’s services council, public or private providers of juvenile justice programs and services, students, parents, and advocates;
- the faith community;
- victim-service programs and victims of crimes; and
- the Department of Corrections.⁹

¹ Department of Juvenile Justice, 2013 Agency Proposal (on file with Criminal Justice Subcommittee).

² Section 985.664(2), F.S. Circuit board and county councils are authorized to apply for and receive public or private grants to be administered by community partners to implement the circuit’s comprehensive plan. Section 985.664(4), F.S.

³ Section 985.664(3), F.S.

⁴ Section 985.664(4), F.S.

⁵ Section 985.664(6), F.S. DJJ may prescribe a format and content requirements for submission of annual reports.

⁶ There are two exceptions to this limitation: 1) Section 985.664(8), F.S., states that any time after the initial bylaws are adopted a board may revise the bylaws to increase the membership by three people in order to adequately reflect the diversity of the population and community organizations or agencies in the circuit; and 2) Section 985.664(9), F.S., states that if councils are not developed within a circuit, the board may establish its membership in the same manner as the councils.

⁷ Section 985.664(7), F.S., states that in appointing members to the circuit board, the county councils must reflect the circuit’s geography and population distribution; juvenile justice partners, including, but not limited to, representatives of law enforcement, the school system, and the Department of Children and Family Services; and the judicial circuit’s diversity.

⁸ This may include elected school board officials, the school superintendent, school or district administrators, teachers, and counselors. Section 985.664(10), F.S.

Each circuit board and county council must develop bylaws that provide for officers and committees, as the board or council deems necessary, and that specify the qualifications, method of selection, and terms for each office created. The bylaws must also address the process for appointments to the board or council, election or appointment of officers, filling of vacant position, duration of member terms, meeting attendance requirements, and the establishment and duties of an executive committee, if required.¹⁰

DJJ reports that when the county councils were created, local youth-related coalitions, task forces, and community groups did not exist. Today, many counties have a coalition, task force, and/or community organization addressing youth-related issues.¹¹ The duplication of efforts has caused many county councils to disband and join with local coalitions, thus becoming disconnected with DJJ and limiting DJJ's partnerships with local communities.¹²

Effect of the Bill

The bill substantially amends s. 985.664, F.S., to remove all references to county councils and rename the circuit boards as "juvenile justice circuit advisory boards" (advisory boards). The purpose of the advisory boards is to advise the DJJ in the development and implementation of juvenile justice programs and policies related to at-risk youth.

The bill requires multi-county circuits to have a county organization representing each of the counties in the circuit. These county organizations must report directly to the advisory board on the juvenile justice needs of their county. Single county circuits will only have an advisory board. DJJ reports that this will maximize communication between DJJ, the community, juvenile justice advocates, and the Legislature.¹³

The duties of the advisory boards remain similar to those of the circuit boards and county councils, and include the following:

- developing and submitting to DJJ a comprehensive plan for the circuit no later than December 31, 2014, and resubmitting such plan to DJJ every three years thereafter;¹⁴
- participating in the facilitation of interagency cooperation and information sharing;
- providing recommendations for public or private grants to be administered by a community partner that support the comprehensive plan;
- providing recommendations to DJJ in the evaluation of prevention and early intervention grant programs; and
- providing an annual report to DJJ by August 1 of each year describing the board's activities.¹⁵

The advisory board must have a minimum of 16 members that reflect the circuit's geography and population distribution and diversity. The following members are required to be on the advisory board, do not have any term limitations, and do not require approval of the Secretary of DJJ:

- the State attorney or designee;
- the Public defender or designee;
- the Chief judge or designee;
- the Sheriff or designee from each county in the circuit;
- the Police chief or designee from each county in the circuit;
- a County commissioner from each county in the circuit; and
- a Superintendent of each school district in the circuit.

⁹ Private providers of juvenile justice programs may not exceed one-third of the voting membership of a county council. Section 985.664(10), F.S.

¹⁰ Section 985.664(12), F.S.

¹¹ *Supra* note 1.

¹² *Supra* note 1.

¹³ *Supra* note 1.

¹⁴ DJJ must prescribe the format and content requirements of the comprehensive plan.

¹⁵ DJJ must prescribe the format and content requirements of the annual report.

The following members are required to be on the advisory board, but must be approved by the Secretary of DJJ before serving and are limited to two consecutive, two year terms:¹⁶

- representatives from the:
 - Department of Children and Families;
 - workforce organization of each county in the circuit;
 - business community;
 - faith community;
- a youth representative who has experience with the juvenile justice system and is not older than 21 years of age;
- a health services representative who specializes in mental health care, victim service programs, or victims of crimes;
- a parent or family member of a youth who has been involved with the juvenile justice system; and
- up to five representatives chosen from community leaders and youth-serving coalitions.

To select the initial advisory board chair, the Secretary of DJJ, in consultation with the county councils in existence on October 1, 2013, must appoint the chair. Within 45 days of the chair's appointment, the advisory board chair must appoint the remaining members of the advisory board and submit the appointments to the Secretary of DJJ for approval. Thereafter, if a vacancy of the chair occurs, the Secretary of DJJ, in consultation with the advisory board, must appoint a new chair. The chair shall appoint members to vacant seats within 45 days of the vacancy and submit the appointments to the Secretary of DJJ for approval.

The bill adds to s. 985.664, F.S., that a quorum is met with at least half of the voting members of the advisory board and that a quorum must be present for the advisory board to vote on a measure or position. A measure or position must pass with more than 50 percent of the vote.

The bill requires advisory boards to have bylaws and requires DJJ to prescribe the bylaws' format and content requirements. The bylaws must address the election or appointment of officers; filling of vacant positions; meeting attendance requirements; and the establishment and duties of an executive committee.

The bill makes confirming changes to ss. 790.22, 938.17, 948.51, 985.48, and 985.676, F.S., to correct terminology and statutory cites.

B. SECTION DIRECTORY:

Section 1: Amends s. 985.664, F.S., relating to juvenile justice circuit boards and juvenile justice county councils.

Section 2: Amends s. 790.22, F.S., relating to use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.

Section 3: Amends s. 938.17, F.S., relating to county delinquency prevention; juvenile assessment centers and school board suspension programs.

Section 4: Amends s. 948.51, F.S., relating to community corrections assistance to counties or county consortiums.

Section 5: Amends s. 985.48, F.S., relating to juvenile sexual offender commitment programs; sexual abuse intervention networks.

Section 6: Amends s. 985.676, F.S., relating to community juvenile justice partnership grants.

Section 7: Provides an effective date of October 1, 2013.

¹⁶ A former member may become eligible again to serve on an advisory board after not serving for one term.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

DJJ reports that the bill does not appear to have any impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

DJJ reports that the bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. The bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

1. Line 31 states that in single-county circuits, the advisory boards must "have" a county organization. This does not clearly define the role of the advisory board in relation to the county organization.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 12, 2013, the Criminal Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- adds language related to the appointment of the initial advisory board chair and members and to the appointment of the advisory board chair and members thereafter;
- specifies how vacancies to the chair or member seats shall be handled; and
- adds language specifying that a measure or policy cannot be voted on unless a quorum is present at the meeting.

This analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.