

**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 Appropriations Subcommittee on Criminal and Civil Justice

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BILL: SB 1144

INTRODUCER: Senator Brandes

SUBJECT: Department of Juvenile Justice

DATE: February 12, 2020

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stokes</u>	<u>Jones</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Forbes</u>	<u>Jameson</u>	<u>ACJ</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>AP</u>	_____

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## I. Summary:

SB 1144 amends section 20.316 Florida Statutes, to establish a new program entitled “Accountability and Program Support” within the Department of Juvenile Justice (DJJ). Creating this program will permit the secretary to appoint an assistant secretary to administer the program, thereby placing a greater focus on the DJJ’s contracting and program oversight efforts. The bill amends the existing program, “Prevention and Victim Services,” to be entitled “Prevention,” because victim services have not been provided in past years.

This bill also amends section 985.6865, Florida Statutes, to ensure that only a county that is not fiscally constrained and that does not provide for its own detention care contributes 50 percent of the detention cost. This bill also removes language related to detention cost-sharing that is no longer relevant.

Additionally, this bill repeals section 985.686, Florida Statutes. Section 985.686, Florida Statutes, formerly provided for a detention cost sharing plan between the DJJ and counties. This cost sharing plan is now governed by section 985.6865, Florida Statutes.

There is no fiscal impact. See Section V. Fiscal Impact Statement.

This bill is effective July 1, 2020.

## II. Present Situation:

The DJJ has traditionally managed juveniles under a rehabilitative model of justice.<sup>1</sup> The mission of the DJJ is to increase public safety by reducing juvenile delinquency through effective

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<sup>1</sup> Learn about the History of the Juvenile Justice System in Florida, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/about-us/history> (last visited January 7, 2020).

prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.<sup>2</sup> The secretary of the DJJ is appointed by the Governor and tasked with carrying out programs to help achieve this mission.

### **Programs within the Department of Juvenile Justice**

Section 20.316, F.S., establishes 5 programs within the DJJ. The secretary of the DJJ appoints an assistant secretary to oversee these programs. The following DJJ programs have been established by this section:

- **Prevention and Victim Services.** The Prevention and Victim Services program offers voluntary youth crime prevention programs throughout the state.<sup>3</sup>
- **Intake and Detention.** Detention is the custody status for youth that are held pursuant to a court order or after being taken into custody for a violation of the law. The DJJ operates 21 secure detention centers in 21 counties.<sup>4</sup>
- **Residential and Correctional Facilities.** The Office of Residential Services oversees the Department's development, maintenance, and management of facilities and programs that meet the needs of Florida's adjudicated delinquent youths and promote public safety.<sup>5</sup>
- **Probation and Community Corrections.** When a youth is charged with a crime they may be referred to diversion, or court ordered sanctions or probation. Each youth is assigned a probation officer who monitors compliance and helps the youth connect with service providers.<sup>6</sup>
- **Administration.** The Office of Administration is responsible for providing services to department staff, including but not limited to, financial, computer information systems, personnel, and general services.<sup>7, 8</sup>

The secretary of the DJJ is responsible for planning, coordinating, and managing the delivery of all programs and services within the DJJ.<sup>9</sup> The secretary has many duties, including but not limited to:

- Ensuring that programs and services are implemented according to legislative intent; state and federal laws, rules, and regulations; statewide program standards; and performance objectives by reviewing and monitoring regional and circuit program operations and providing technical assistance to those programs.
- Identifying the need for and recommending the funding and implementation of an appropriate mix of programs and services, including prevention, diversion, nonresidential

<sup>2</sup> Learn about the Vision, Mission and Guiding Principles of the Department of Juvenile Justice, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/about-us/mission> (last visited January 7, 2020).

<sup>3</sup> Prevention & Victim Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/prevention> (last visited January 15, 2020).

<sup>4</sup> Detention Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/detention> (last visited January 15, 2020).

<sup>5</sup> Residential Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/residential> (last visited January 15, 2020).

<sup>6</sup> Probation & Community Intervention, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/probation> (last visited January 15, 2020).

<sup>7</sup> Office of Administrative Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/support/administration> (last visited January 15, 2020).

<sup>8</sup> Section 20.316(2), F.S.

<sup>9</sup> Sections 20.316(1)(a) and (b), F.S.

and residential commitment programs, training schools, and conditional release programs and services, with an overlay of educational, vocational, alcohol, drug abuse, and mental health services where appropriate.

- Establishing program policies and rules and ensuring that those policies and rules encourage cooperation, collaboration, and information sharing with community partners in the juvenile justice system to the extent authorized by law.<sup>10</sup>

In order to carry out his or her duties, the secretary assigns an assistant secretary to administer each program. Currently, the DJJ has a Program Accountability (OPA) office under its support services. The OPA emphasizes the DJJ's commitment to ensuring programs operated or contracted by the DJJ effectively provide for the safety, well-being, and treatment of youth under the state's care.<sup>11</sup> However, the OPA is not established under statute as an official department program. Because it is not established by statute, it cannot be administered by an assigned assistant secretary.<sup>12</sup>

### **Juvenile Detention Cost Sharing**

Detention cost sharing was previously governed by s. 985.686, F.S., and provided that non-fiscally constrained counties were responsible to pay all the costs of providing preadjudicatory detention care, exclusive of the costs of any nonmedical educational or therapeutic services. Section 985.686, F.S., required the state to pay all detention care costs of fiscally constrained counties.<sup>13</sup> This cost-sharing methodology led to litigation between counties and the DJJ.

In 2016, as a response to the litigation on cost-sharing, the Legislature passed s. 985.6865, F.S., creating a new cost sharing methodology. The passage of s. 985.6865, F.S., has rendered s. 985.686, F.S., obsolete.

Section 985.6865, F.S., provides that, notwithstanding s. 985.686, F.S., each fiscal year, every county that is not fiscally constrained<sup>14</sup> and that has dismissed any action or claim described in s. 985.6865(2), F.S.,<sup>15</sup> must pay 50 percent of the total shared detention cost.<sup>16</sup>

The DJJ calculates a county's annual percentage share by dividing the total number of detention days for juveniles residing in the non-fiscally constrained county for the most recently completed

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<sup>10</sup> Section 20.316(1), F.S.

<sup>11</sup> Office of Program Accountability, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/support/OPA> (last visited January 15, 2020).

<sup>12</sup> Department of Juvenile Justice, *2020 Agency Analysis of SB 1144* (December 19, 2019). On file with the Senate Committee on Criminal Justice.

<sup>13</sup> Sections 985.686(3) and (4), F.S.

<sup>14</sup> Section 985.6865(3)(b), F.S., defines "fiscally constrained county" as a county within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656, F.S., or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the certified school taxable value certified pursuant to s. 1011.62(4)(a)1.a., F.S., from the previous July 1.

<sup>15</sup> Various counties and the DJJ have engaged in a multitude of legal proceedings, including administrative or judicial claims, regarding detention cost sharing for juveniles. Such litigation has largely focused on how the DJJ calculates the detention costs that the counties are responsible for paying, leading to the overbilling of counties for a period of years. Sections 985.6865(1) and (2), F.S.,

<sup>16</sup> Section 985.6865(4), F.S.

12-month period by the total number of detention days for juveniles in all non-fiscally constrained counties. The county must pay 50 percent of the annual percentage share in 12 equal payments, due on the first day of each month.<sup>17</sup>

Counties that are required to pay their share of detention costs must incorporate sufficient funds to pay its share of detention costs into its annual budget.<sup>18</sup> Funds paid by the counties to the DJJ under this section must be deposited into the Shared County/State Juvenile Detention Trust Fund.<sup>19</sup> The DJJ will determine quarterly whether counties are complying with this section.<sup>20</sup>

The State must pay all costs of detention care for juveniles:

- Residing in a fiscally constrained county.
- Residing out of State.
- Housed in state detention centers from counties that provide their own detention care for juveniles.<sup>21</sup>

Section 985.6865, F.S., also contains language that refers back to past litigation arising from s. 985.686, F.S. This language is outdated and has become obsolete.

### III. Effect of Proposed Changes:

This bill amends s. 20.316 F.S., to establish a new program entitled “Accountability and Program Support” within the DJJ. Creating this program will permit the secretary to appoint an assistant secretary to administer the program, thereby placing a greater focus on the DJJ’s contracting and program oversight efforts. The existing program, “Prevention and Victim Services,” is amended to be entitled “Prevention,” because victim services have not been provided in past years.

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Additionally, this bill repeals s. 985.686, F.S. Section 985.686, F.S., formerly provided for a detention cost sharing plan between the DJJ and counties. This cost sharing plan is now governed by s. 985.6865, F.S.

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### IV. Constitutional Issues:

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

None.

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<sup>17</sup> *Id.*

<sup>18</sup> Section 985.6865(6), F.S.

<sup>19</sup> Section 985.6865(7), F.S.

<sup>20</sup> Section 985.6865(8), F.S.

<sup>21</sup> Section 985.6865(5), F.S.

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

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

This bill establishes a new program entitled “Accountability and Program Support” within the DJJ. The DJJ FY 2020-21 Legislative Budget Request includes a reorganization issue that shifts full time equivalent positions and funding from existing programs to the new program, Accountability and Program Support. The DJJ indicates that there is no additional revenue required to support the new program.<sup>22</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 20.316 and 985.6865.

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<sup>22</sup> Department of Juvenile Justice, *2020 Agency Analysis of SB 1144* (December 19, 2019). On file with the Senate Committee on Criminal Justice.

This bill repeals section 985.686 of the Florida Statutes.

**IX. Additional Information:**

A. **Committee Substitute – Statement of 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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