

STORAGE NAME: h3977.jj

DATE: March 16, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
JUVENILE JUSTICE
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3977

RELATING TO: Orlando Regional Juvenile Detention Center

SPONSOR(S): Representative Sublette

COMPANION BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) JUVENILE JUSTICE
 - (2) CRIMINAL JUSTICE APPROPRIATIONS
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

HB 3977 would prohibit a state agency from expanding the Orlando Regional Detention Center or from building a new detention or commitment center on property contiguous to the existing center. A state agency could not use property contiguous to the existing center to operate a detention center or commitment facility.

The act would become effective on the date of enactment.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Section 985.03, Florida Statutes, defines detention centers as facilities designed for the temporary care of a child alleged or found to have committed a violation of law. Detention centers house youth awaiting an adjudicatory hearing or a post disposition commitment placement.

The DJJ developed a risk assessment instrument to determine whether youth being detained by authorized law enforcement personnel or by authorized DJJ staff are eligible for home, non-secure or secure detention care. A detention hearing is held within 24 hours of detaining a youth to determine the existence of probable cause that a delinquent act was committed and to determine the need for continued detention. A court of jurisdiction may order a child placed in detention care prior to a detention hearing to continue to be held if one or more of the following criteria are met:

- a child is an escapee or an absconder
- a child is wanted for a felony charge in another jurisdiction
- a child requests to be detained for protection from imminent physical threat
- a child is charged with committing a domestic violence offense
- a child is charged with a life, capital or first degree felony or a second degree felony that does not involve a substance abuse violation or a third degree felony that is also a violent crime
- a child is charged with a second or third degree felony involving a substance abuse violation
- a child is charged with a third degree felony that is not a crime of violence and one or more of the following circumstances exists:
 - A record of failure to appear in court
 - A history of law violations prior to court hearings
 - A record of violent conduct resulting in physical injury to others
 - a child is found to have been in possession of a firearm
- a child is alleged to have violated the provisions of community control or aftercare

A youth may not be held for more than 21 days unless an adjudicatory hearing for the case has been commenced by the court of jurisdiction, nor may a youth be held in detention for more than 15 days following the entry of an order of adjudication.

Under the provisions of s. 985.215, Florida Statutes, youth committed to the DJJ and awaiting dispositional placement must be removed from detention care within five days of the original detainment. In addition, a court must place all children adjudicated and awaiting placement in a Level VIII or X commitment program in detention care. The average statewide secure detention population is 2,133 as reported by the Juvenile

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Justice Advisory Board (JJAB) in their 1998 Annual Report and Juvenile Justice Fact Book. This number well exceeds the 1,644 beds available in the 21 detention centers.

In 1997, the DJJ released a report entitled, the State of Detention in Florida. The DJJ reviewed and evaluated each secure detention center and recommended improvements to the current facilities and their functions. The DJJ documented security and safety limitations in the 21 secure detention centers operating in Florida. It cited lack of modern surveillance and monitoring equipment and state-of-the-art security features as obstacles to proper containment.

Furthermore, many centers suffer from lack of adequate maintenance and repair. The DJJ reported a need for major repairs such as roofing, cooling and ventilation systems and kitchen equipment. The need for improved facilities grows even more apparent when comparing the increase in juvenile delinquents to the housing capacity of secure detention centers. Many of the centers built in the 1970s and 1980s have not been upgraded to keep pace with the growing delinquent population. The DJJ reported that from fiscal year 1990-91 to fiscal year 1995-96 there has been a 70% increase in detention admissions.

The DJJ also sited the lack of consistent educational and other programs within secure detention centers. Section 985.213, Florida Statutes stipulates that each child placed in secure detention will receive education commensurate with his grade level and educational ability.

Many of the secure detention centers experience a high turnover rate in detention care staff. The problems most notably attributing to the turnover rate are lack of qualified staff and training programs, little opportunity for upward mobility, minimal pay and inadequate benefits. The DJJ reports staff turnover at approximately 25% in detention centers. Insufficient personnel and limited funds have hindered the ability of detention centers to provide appropriate health services and health facilities for youth. When youth are held in detention centers awaiting a hearing, the person in charge of the detention center may order an initial examination to determine a need for medical treatment. (Section 985.224, Florida Statutes).

The Orlando Regional Detention Center has been plagued by all of the problems reported by the DJJ. The facility has been overcrowded for the last two years even with the completion of a new 52 bed facility in Fall 1997. It has been operating with a detention capacity between 134.6% and 253.0%. (Secure Detention Data Trends, July 1995 - June 1997, the Department of Juvenile Justice). According to the DJJ's March 15, 1998 statistics, 151 beds are available for the 179 youth held at the center. The center is operating at a utilization rate of 119%. The average length of stay for youth is approximately 9 days.

The center was built in 1978 in a residential neighborhood. Neighborhood residential leaders in the detention center debate are concerned over what the size of the center would do to property values, quality of life, and public safety. The DJJ began to meet with the county and surrounding community to work through detention center issues and alleviate future concerns. The DJJ agreed to construct and completed a scenic buffer wall around the detention center.

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The wall, although consistent with department standards, is not constructed to the specifications agreed upon by the DJJ, the county, and affected residents. The original design was for a solid gray block wall standing eight feet high with interior lighting for nighttime security. (Additional information collected from an interview with Joseph Gillespie, Legislative Assistant to Representative Bill Sublette). The Criminal Justice Appropriations Act, HB 4207, would require the DJJ to reconstruct the scenic buffer wall to the original specifications prior to utilizing any funds appropriated for department expenses, if enacted.

B. EFFECT OF PROPOSED CHANGES:

HB 3977 would prohibit a state agency from expanding the Orlando Regional Detention Center or from building a new detention or commitment center on property contiguous to the existing center. It would go even further to prohibit any state agency from using property contiguous to the existing center to operate a detention center or commitment facility. The bill would limit the DJJ's ability to expand the existing center without first obtaining Legislative approval.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

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(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1 defines detention center or other commitment facility as a facility used for intake, supervision, custody, care or treatment of children alleged to be or found to have been delinquent. Including facilities used pending court adjudication or disposition or execution of a court order for temporary care of a child alleged or found to have committed a violation of law. Defines the Orlando Regional Juvenile Detention Center and provides the location of the facility. Defines state agency.

Section 2 prohibits a state agency from expanding the existing Orlando Regional Juvenile Detention Center to include property contiguous to the existing center. No state agency may build a new detention center or other commitment facility on property contiguous to the existing center. No state agency may use property contiguous to the existing center for the purpose of operating a detention center or other commitment facility.

Section 3 states the act would become effective on the date of enactment.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds.

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B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

V. COMMENTS:

The DJJ reports that there are no future plans for constructing or expanding on the site of the Orlando Juvenile Regional Detention Center; therefore, the bill would not impact its plans for future construction or expansion of facilities at or contiguous to the facility.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE:

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