

STORAGE NAME: h4153a.cj

DATE: April 2, 1998

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
CRIMINAL JUSTICE APPROPRIATIONS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 4153

RELATING TO: Juveniles/Boot Camps

SPONSOR(S): Representative Flanagan and Others

COMPANION BILL(S): SB 1486

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

- (1) JUVENILE JUSTICE YEAS 6 NAYS 0
 - (2) CRIMINAL JUSTICE APPROPRIATIONS YEAS 8 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill provides that county or municipal governments may implement and operate boot camps contingent upon a specific state appropriation. It places boot camps implemented by county and municipal governments under the supervision of the sheriff of the county in which the camp is located. Youth awaiting placement in a boot camp program would be placed in a program located in the same circuit in which adjudication occurred.

Conditions of eligibility for boot camps are increased to include felony offenses for possessing or discharging weapons or firearms on school property and possessing and distributing controlled substances near schools or child care agencies. Misdemeanor and felony offenses for driving under the influence of a controlled substance and assault and battery on certain public employees or officers and parents, custodians or legal guardians would also be conditions for commitment to a boot camp. Commitment would be mandatory (if bed space is available) and not subject to plea negotiations.

Section 2 provides an effective date of October 1 of the year enacted.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Boot camps were created to provide intensive educational and physical training and rehabilitation for appropriate youth. Section 985.309, Florida Statutes, reserves boot camp programs for youth 14-18 years of age at the time of adjudication. In addition, these youth must have committed an offense that would be a felony if committed by an adult. Life, capital or first degree violent felony offenses are excluded from eligibility in boot camps.

The first boot camp was started in 1993 in Manatee County. Currently there are eight boot camps operating in Florida. They are located in Bay, Collier, Leon, Manatee, Martin, Pinellas, Polk and Orange counties. There are two other boot camp style programs in operation, the Youth Development Academy in Hendry County and the Forestry Youth Academy in Levy County. (Juvenile Justice Advisory Board 1998 Annual Report and Juvenile Justice Fact Book).

The Department of Juvenile Justice (DJJ), counties or municipalities operating boot camps screen each child to determine eligibility for admission. Only those youth whose medical and psychological profiles are conducive to successfully completing the program are accepted into the boot camp. Extensive screening for youth is necessary due to the intensity of boot camps. Youth in any boot camp becoming unmanageable, or medically or psychologically ineligible must be removed from the program. Section 985.309 (10), Florida Statutes.

Youth committed to low-risk residential programs spend at least two months in a boot camp component and two months in aftercare. Youth committed to moderate-risk residential programs spend at least four months in a boot camp component and four months in aftercare. (Section 985.309, Florida Statutes). The average length of stay is six to eight months in the residential component. Approximately 30 youth are committed to each boot camp program.

Program designs are typically a military style with several basic components¹:

- marching drills
- calisthenics
- rigid dress code
- physical training
- manual labor
- general education
- vocational training
- substance abuse program
- rehabilitation training
- decision making and personal development
- values counseling

¹Status Report on Boot Camps in Florida Administered by the Department of Corrections and Department of Juvenile Justice, 1995. The Office of Program Policy Analysis and Government Accountability.

Several boot camps use a transitional component (transition phase) for intensive pre-release planning and preparation.

Subsections (7) through (9) of s. 985.309, Florida Statutes directs the DJJ to adopt rules for county, municipal or state operated boot camp programs. The rules provide disciplinary sanctions and restrictions for youth in the program. The DJJ also conducts quarterly inspections of each boot camp program. County or municipal boot camps failing to pass quarterly inspections could have their boot camp closed if the deficiency causing the failure is material and the program does not correct the deficiency by the next scheduled inspection.

The DJJ records and monitors the criminal activity, educational progress and employment placement of all youth committed to a boot camp program. The DJJ must publish an outcome evaluation study of each boot camp program within 18 months after the fourth platoon is graduated. Section 985.309, Florida Statutes.

The DJJ reports on the accountability of commitment programs in its February 1998 Program Accountability measures for Juvenile Justice Commitment Programs FY 1996-97.

District	County	Program Expenditures	
		State	County
2	Bay Boot Camp	711,750	109,500
2	Leon Boot Camp	1,533,000*	484,000
5	Pinellas Boot Camp	711,750	432,296
6	Manatee Boot Camp	711,750	551,130
14	Orange Boot Camp	711,750	607,754
14	Polk Boot Camp	4,639,150**	in-kind contribution
15	Martin Boot Camp	1,423,500*	211,196

No data available for Collier County

Program expenditures or FY 1996-97 supplied by the DJJ

* Funding includes a boot camp transition program

** Funding provides for a male boot camp, a female boot camp, transitions program and a youth academy

B. EFFECT OF PROPOSED CHANGES:

The bill makes county or municipal implementation and operation of a boot camp contingent upon specific state appropriation. It does not address the issue of whether local funding for boot camps could still be provided to supplement state appropriations. The bill does, however, remove the requirement in current law that local funding must be provided in order for a local jurisdiction to operate a boot camp. In addition, county or

municipal government boot camps would be under the supervisory jurisdiction and authority of the sheriff of the county in which the camp is located.

Youth meeting commitment criteria would be placed in a boot camp located in the circuit in which the adjudication occurred. Conditions of eligibility for boot camps are increased to include felony offenses for possessing or discharging weapons or firearms on school property and possessing and distributing controlled substances near schools or child care agencies. All felony offenses excluding capital, life and first degree violent offenses are already included in current language.

Misdemeanor and felony offenses for driving under the influence of a controlled substance and assault on certain public employees or officers and parents, custodians or legal guardians would also be conditions for commitment to a boot camp. The first three offenses for driving under the influence are misdemeanor offenses, the fourth is a felony offense. The bill does not specify whether a youth would be eligible for a boot camp for the first or subsequent offenses for driving under the influence. Youth adjudicated for felony and misdemeanor offenses would be placed in the same type of program, in effect placing more serious offenders with less serious ones.

Commitment to a boot camp would be mandatory (if placement is available) and not subject to plea negotiations. Currently, the DJJ, courts and boot camp programs have the discretion to place a child in a boot camp program or in another type of commitment program. This provision would remove that discretion.

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:

- (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:

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(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 985.309, Florida Statutes

E. SECTION-BY-SECTION RESEARCH:

Section 1 amends subsections (2) and (3) of sections 985.309, Florida Statutes - provides that any county or municipal government may implement and operate a boot camp contingent upon specific state appropriations. Does not specifically prohibit local funding for boot camps but removes contingency language which requires local funding. Places boot camps under the supervision of the sheriff of the county in which the camp is located. Requires a youth to be placed in a boot camp program located in the same circuit in which adjudication occurred. Conditions of eligibility for boot camps are increased to include felony offenses for possessing or discharging weapons or firearms on school property and possessing and distributing controlled substances near schools or child care agencies. Misdemeanor and felony offenses for driving under the influence of a controlled substance and assault and battery on certain public employees or officers and parents, custodians or legal guardians would also be conditions for commitment to a boot camp. Commitment would be mandatory (if placement is available) and not subject to plea negotiations.

Section 2 provides an effective date of October 1 of the year enacted.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

Indeterminate. See fiscal comments.

3. Long Run Effects Other Than Normal Growth:

Indeterminate. See fiscal comments.

4. Total Revenues and Expenditures:

Indeterminate. See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

Indeterminate. See fiscal comments.

3. Long Run Effects Other Than Normal Growth:

Indeterminate. See fiscal comments.

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:

A local funding commitment would no longer be required for a county or municipality to operate a boot camp. To the extent that local governments withdraw their financial support for boot camps, the state would have to decide whether to cover the difference or reduce or eliminate these services. Covering the costs now incurred by local governments would be a direct cost to the state. Reducing or eliminating these services would place greater demands on other components of the juvenile justice system.

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.

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:

HB 4153 would not prohibit the use of county or municipal government funding of boot camp programs. It simply removes the requirement for local funding contained in current law and makes local operation of a boot camp contingent upon a specific state appropriation. It would not necessarily require the sheriff in the county of a locally run program to directly operate the boot camp, but would require that the program be under the supervisory jurisdiction and authority of the county sheriff. All youth committing a felony offense, excluding capital, life or first degree violent felony offenses, and certain misdemeanor offenses would be committed to a boot camp program in the circuit of adjudication if bed space is available.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A strike all amendment was unanimously adopted to HB 4153. It changes current funding language for boot camps by providing that a program can be operated contingent upon local, state or a combination of local and state funding. The amendment also maintains the current eligibility requirements for boot camps.

Youth eligible for boot camp would be placed in the boot camp in or nearest to the judicial circuit in which the youth was adjudicated unless the placement is not in the youth's best interest or the boot camp is unable to accept the youth.

The amendment to HB 4153 stipulates that boot camps operated by sheriffs would be under the supervisory jurisdiction and authority as determined by a contract between the DJJ and the sheriffs.

County, municipal and state operated boot camps would be subject to quarterly inspections and evaluations. However, county and municipal boot camps would not be assessed a monitoring fee of 0.5% of the direct operating costs. Should county or municipal government

operated boot camps fail to pass inspection, the DJJ would be required to terminate those programs unless the boot camps comply with DJJ rules within three months or unless extenuating circumstances are documented. If DJJ operated boot camps fail the quarterly inspections and evaluations, the DJJ must achieve compliance within three months or document extenuating circumstances. The Legislature and the Office of the Governor would be notified of any corrective action taken for state-operated boot camps failing to comply.

Language authorizing DJJ to commence injunctive proceedings against a locally operated boot camp violating the provisions of s. 985.309, F.S. relating to boot camps or DJJ rules and regulations is stricken. Language allowing the department to initiate proceedings to terminate the operation of a boot camp for the following reasons is stricken:

- failing to take corrective action or abide by any order of DJJ pursuant to the s.985.309, F.S.;
- committing any violation of the s. 985.309, F.S. resulting in an emergency requiring immediate action by the DJJ
- willfully and knowingly refusing to comply with screening requirements for boot camp staff or
- refusing to dismiss boot camp staff found to be in noncompliance with the requirement for good moral character

VII. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Legislative Research Director:

Bridget Edmond

Kenneth Winker

AS REVISED BY THE COMMITTEE ON CRIMINAL JUSTICE APPROPRIATIONS:

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