

STORAGE NAME: h4153z.jj
DATE: May 7, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

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

BILL #: HB 4153 (CHAPTER 98-282)
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
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

HB 4153 passed in the 1998 Legislative session. See Comments section for bill history.

II. SUMMARY:

HB 4153 allows the continuance of local funds to operate boot camps. Boot camps operated by sheriffs will be under the supervisory authority of those sheriffs as determined by a contract between the Department of Juvenile Justice (DJJ) and the local sheriff's department.

Youth eligible for placement in boot camps will be placed in a camp in or nearest to the jurisdictional circuit in which the youth was adjudicated. The placement requirement may be suspended if a youth's best interests are better served in another type of program or a boot camp is unable to accept a youth.

The DJJ will include state-operated boot camps in their quarterly inspections and evaluations. The DJJ can no longer charge a .5 percent monitoring fee. The bill also outlines DJJ authority for state-operated or locally operated boot camps failing inspection. The DJJ may not take injunctive measures against a locally operated camp failing to pass inspection.

The bill includes several line item appropriations: \$1,000,000 non-recurring general revenue to the Eckerd Youth Alternatives program to match private funds on a dollar for dollar basis; and \$1,063,900 non-recurring general revenue for the D-FY-IT Drug Free Youth in Town program and the Miami Love Youth at Risk program.

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

III. 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 for 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:

HB 4153 passed the Legislature with amendments allowing the continuance of local funds to operate boot camps. The provisions requiring local sheriffs to have jurisdictional authority of boot camps funded by local governments in their areas was removed. Local governments may continue to contract with the provider of choice or retain operational authority. However, boot camps operated by sheriffs will be under the supervisory

authority of those sheriffs as determined by a contract between the Department of Juvenile Justice and the local sheriff's department.

Youth eligible for boot camps will be placed in a camp in or nearest to the jurisdictional circuit in which the youth was adjudicated. The placement requirement may be suspended if a youth's best interests are better served in another type of DJJ program or a boot camp is unable to accept a youth.

The DJJ will include state-operated boot camps in their quarterly inspections and evaluations. The DJJ can no longer charge a .5 percent monitoring fee. The bill also outlines DJJ authority for state-operated or locally operated boot camps failing inspection. The DJJ may not take injunctive measures against a locally operated camp failing to pass inspection.

The bill was also amended to include several line item appropriations:

- \$1,000,000 non-recurring general revenue to the Eckerd Youth Alternatives program to match private funds on a dollar for dollar basis;
- \$1,063,900 non-recurring general revenue for the D-FY-IT Drug Free Youth in Town program and the Miami Love Youth at Risk program; and
- \$200,000 non-recurring general revenue for the Department of Elderly Affairs for the provision of essential home health care services to senior citizens in Dade County. This line item appropriation was vetoed by the Governor on May 27, 1998.

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:

(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 Section 985.309, Florida Statutes, allowing boot camps to receive local funding. Local sheriffs will not be required to assume jurisdictional authority of boot camps funded by local governments in their areas. Boot camps operated by sheriffs will be under the supervisory authority of those sheriffs as determined by a contract between the DJJ and the local sheriff's department.

Youth eligible for placement in boot camps will be placed in a camp in or nearest to the jurisdictional circuit in which the youth was adjudicated. The placement requirement may be suspended if a youth's best interests are better served in another type of DJJ program or if a boot camp is unable to accept a youth.

The DJJ will include state-operated boot camps in their quarterly inspections and evaluations but will not charge a .5 percent monitoring fee. Corrective action may be taken against boot camps failing inspection; however, the DJJ may not take injunctive measures against a locally operated camp failing to pass inspection.

Section 2 appropriates \$1,000,000 non-recurring general revenue to the Eckerd Youth Alternatives program to match private funds on a dollar for dollar basis.

Section 3 provides an effective date of October 1, 1998, for sections one and two.

Section 4 appropriates \$1,063,900 non-recurring general revenue for the D-FY-IT Drug Free Youth in Town program and the Miami Love Youth at Risk program.

Section 5 appropriates \$200,000 non-recurring general revenue to the Department of Elderly Affairs for the provision of essential home health care services to senior citizens

in Dade County by United Health Care. This section was vetoed by the Governor on May 27, 1998.

Section 6 provides an effective date of July 1, 1998 for sections three through five.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

\$ 2,063,900 GR

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:

V. 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.

VI. COMMENTS:

03/11/98 H Filed

03/12/98 H Introduced -HJ 00177

**03/17/98 H Referred to Juvenile Justice (JC); Criminal Justice Appropriations
-HJ 00240**

**03/19/98 H On Committee agenda-- Juvenile Justice (JC), 03/25/98, 10:00 am,
317C**

**03/25/98 H Comm. Action: Unanimously Favorable with 1 amendment(s) by Juvenile
Justice (JC) -HJ 00360; Now in Criminal Justice Appropriations
-HJ 00360**

**03/30/98 H On Committee agenda-- Criminal Justice Appropriations, 04/02/98,
11:00 am, 314-HOB**

**04/02/98 H Comm. Action:-Unanimously Favorable by Criminal Justice
Appropriations -HJ 00451**

04/03/98 H Pending Consent Calendar -HJ 00451

04/08/98 H Available for Consent Calendar

**04/16/98 H Placed on Consent Calendar; Read second time -HJ 00663;
Amendment(s) adopted -HJ 00663; Read third time -HJ 00664; Passed
as amended; YEAS 114 NAYS 1 -HJ 00664; Immediately certified**

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-HJ 00677

04/16/98 S In Messages

04/21/98 S Received, referred to Criminal Justice; Community Affairs; Ways and Means -SJ 00755

04/30/98 S Withdrawn from Criminal Justice; Community Affairs; Ways and Means

-SJ 01454; Substituted for CS/SB 1486 -SJ 01454; Read second time

-SJ 01454; Amendment pending -SJ 01454

05/01/98 S Placed on Special Order Calendar -SJ 01522, -SJ 01808; Pending amendment withdrawn -SJ 01633; Amendment(s) adopted -SJ 01633; Read

third time -SJ 01633; Passed as amended; YEAS 40 NAYS 0

-SJ 01633

05/01/98 H In returning messages; Was taken up -HJ 02203; Concurred -HJ 02204;

05/12/98 Signed by Officers and presented to Governor

05/27/98 Governor vetoed specific Line Item(s)

05/28/98 Became Law without Governor's Signature; Chapter No. 98-282

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VIII. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Legislative Research Director:

Bridget Edmond

Kenneth Winker

FINAL RESEARCH PREPARED BY COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Legislative Research Director:

Bridget Edmond

Ken Winker