

STORAGE NAME: h9013z.jj
DATE: June 26, 1998

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

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

BILL #: HR 9013

RELATING TO: Local Public Facilities/Juveniles

SPONSOR(S): Representative Wasserman-Schultz

STATUTE(S) AFFECTED:

COMPANION BILL(S):

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

- (1) JUVENILE JUSTICE YEAS 5 NAYS 0
- (2) Rules, Resolutions and Ethics
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

House Resolution 9013 did not pass the 1998 Legislative session. See Comments section for bill history.

II. SUMMARY:

This house resolution is designed to encourage local governments, including school districts to expand the use of public facilities for the operation of juvenile programs.

The resolution addresses the Florida League of Cities, the Florida Association of Counties, the Florida School Boards Association, and the Florida Association of District School Superintendents, and states each association is to receive a copy of the resolution.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

COMMUNITIES AND JUVENILE JUSTICE

Provisions for district juvenile justice boards are within the Community Juvenile Justice Act under s. 39.025, F.S.. The intent of the Legislature in enacting this section recognizes the economic cost of crime, the limited resources available, and "... encourage(s) each of the counties of the state to establish a comprehensive juvenile justice plan ...", includes the school system, judiciary, and law enforcement representatives in the planning, and specifies "... that willingness of the parties to cooperate and collaborate in implementing the plan be explicitly stated ...," [s. 39.025(3), F.S.].

COMPREHENSIVE PLAN

Comprehensive planning requirements to local governments contains a capital improvement element which includes "...standards to ensure the availability of public facilities, and the adequacy of those facilities...", [s. 163.3177, F.S.]. Other provisions in the comprehensive plan clearly encourage efficiency in the use and availability of public facilities within the community.

LOCAL GOVERNMENT FACILITIES

Many local school districts allow for school facilities to be used for local community activities including: speeches, community organizations, boy scouts, girl scouts, after school care programs, day care programs, local service organization events and meetings, as well as a broad variety of other activities and programs.

Local government facilities including: fairgrounds, civic centers, parks, galleries, and many other facilities depending upon the needs of the local community may be available for use by the public for community organization meetings and events.

DEPARTMENT OF JUVENILE JUSTICE

As the Department of Juvenile Justice (DJJ) is responsible for planning, coordinating and managing juvenile justice programs within the 'juvenile justice continuum', they are also responsible to see that ample facilities are available for programs. Programs within the continuum range from prevention, early intervention, and diversion programs to detention, commitment and after-care programs. In FY 95/96, 171,100 youth were referred to the juvenile justice system in Florida. The Juvenile Justice Estimating Conference projects 1.6 million children between the ages of 10 and 17 may be at risk and a portion of these youth may require DJJ services by the year 2004, *JJAB Advisory Board 1997 Fact Book*.

ASSOCIATIONS

The Florida League of Cities has a legislative policy for the association that cities be encouraged to facilitate, permit, and create "incentives for local governments to use

existing public facilities, including school district facilities to operate juvenile and after-school programs.”

The Florida Association of District School Superintendents reports that most school districts currently allow other agencies and organizations such as churches, retirement groups, theater groups, and other community groups within the community to use local government facilities. The association reports that most school boards change for electricity and cleanup, expect organizations to provide and show proof of insurance coverage, and expect the groups to be responsible for damages.

The Florida School Boards Association reports that school districts are currently allowing programs to operate in facilities.

B. EFFECT OF PROPOSED CHANGES:

This resolution encourages the use of local government public facilities for juvenile programs. Therefore, it has no significant effect upon the Florida Statutes, local governments or municipalities.

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?

This does not apply.

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

This does not apply.

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

This does not apply.

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?

This does not apply.

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

This does not apply.

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

This does not apply.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

This does not apply.

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

This does not apply.

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

This does not apply.

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

This does not apply.

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

This does not apply.

3. Personal Responsibility:

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

This does not apply.

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

This does not apply.

4. Individual Freedom:

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

This does not apply.

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

This does not apply.

5. Family Empowerment:

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

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

This does not apply.

- (2) Who makes the decisions?

This does not apply.

- (3) Are private alternatives permitted?

This does not apply.

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

This does not apply.

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

This does not apply.

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

This does not apply.

- 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:

This does not apply.

(1) parents and guardians?

This does not apply.

(2) service providers?

This does not apply.

(3) government employees/agencies?

This does not apply.

D. SECTION-BY-SECTION RESEARCH:

See present situation and effects of proposed changes sections.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

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

To the extent public facilities are utilized in lieu of private facilities, there may be a corresponding effect upon private enterprise.

D. **FISCAL COMMENTS:**

None.

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

A. **APPLICABILITY OF THE MANDATES PROVISION:**

This is a resolution and does not amend the Florida Statutes, therefore the mandates provision is inapplicable.

B. **REDUCTION OF REVENUE RAISING AUTHORITY:**

This resolution does not effect the revenue raising authority of local governments.

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

This resolution does not effect the state tax shared with counties and municipalities.

VI. COMMENTS:

The Florida League of Cities supports encouragement of public facilities for juvenile programs.

The Florida Association of District School Superintendents supports the resolution and clarifies that most school districts currently allow other agencies and organizations within the community to use local government facilities.

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The Florida Association of Counties points out there may be an ancillary costs associated with operation of the programs such as utility, security, and maintenance costs.

02/13/97 H Prefiled

03/04/97 H Introduced -HJ 00107

04/01/97 H Referred to Juvenile Justice (JC); Rules, Resolutions, & Ethics (PC) -HJ 00372

04/04/97 H On Committee agenda-- Juvenile Justice (JC), 04/10/97, 2:45 pm, 314-HOB

04/10/97 H Comm. Action: Unanimously Favorable by Juvenile Justice (JC) -HJ 00560

04/14/97 H Now in Rules, Resolutions, & Ethics (PC) -HJ 00560

05/02/97 H Carried over to 1998 Session pursuant to House Rule 96, In House Committee on Rules, Resolutions, & Ethics (PC)

03/03/98 H CARRIED OVER; Referred to Rules, Resolutions, & Ethics (PC)

03/31/98 H Withdrawn from Rules, Resolutions, & Ethics (PC) -HJ 00365; In Justice Council, pending ranking -HJ 00365

04/09/98 H Placed on Justice Council Calendar -HJ 00521

05/01/98 H Died on Justice Council Calendar

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VIII. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE:

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