

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1589 w/CS  
**SPONSOR(S):** Rep. Bogdanoff  
**TIED BILLS:**

Juvenile Justice System

**IDEN./SIM. BILLS:** SB 2732

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Juvenile Justice (Sub)	5 Y, 0 N	Maynard	De La Paz
2) Public Safety & Crime Prevention	14 Y, 0 N w/CS	Maynard	De La Paz
3) Appropriations			
4)			
5)			

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### SUMMARY ANALYSIS

The Department of Juvenile Justice administers programs for youths of both genders. In current law, there is no specific provision that programs administered by the Department of Juvenile Justice provide gender-specific program models and services, although the department currently mandates such programming in contracts with program providers.

HB 1589 w/CS would provide a statutory requirement that DJJ commitment programs provide gender-specific programming. In addition, the bill requires OPPAGA to conduct an analysis of programs for females to determine if existing programs meet gender specific needs. The analysis must also determine the cost of providing such programming, and if females charged with status or probation violation offenses could be better served by less costly community-based programs. Finally, the analysis will include a study of the administration of psychotropic medication to committed youths in the care of the Department of Juvenile Justice. The study is to include the number of committed youths currently receiving psychotropic medication, the types of medications, and the purpose for their administration.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1589c.ps.doc  
**DATE:** March 25, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

The Department of Juvenile Justice administers programs for youths of both genders. In current law, there is no specific provision that programs administered by the Department of Juvenile Justice provide gender-specific program models and services.

According to the Department of Juvenile Justice, new contracts for residential services reference the need for the provider to deliver gender-specific services and programs to committed youth. As contracts are renewed gender-specific programming language is inserted into the contract. Residential program monitors and contract managers currently review compliance with the contractual issues, such as gender-specific programming, to ensure providers are maintaining service level designated by the contract. When deficiencies are found corrective action plans are put into place to correct concerns or problems.

Recently, a program provider contracted with the Department of Juvenile Justice to manage the Florida Institute of Girls (FIG) has come under increased public scrutiny after allegations surfaced of sexual interaction between guards and inmates and violence. A grand jury was convened and the report released in January of this year found FIG to be a “nightmarish place . . . beset by violence: at least three detainees suffered broken arms – two in “take downs by staff” – and others were raped or assaulted by guards who were not supposed to be alone with the girls.”<sup>1</sup> The grand jury credited the problems at the program in part to the fact that the program at FIG has been modeled on programs for males.

“Premier accepted this contract for approximately five (5) million dollars a year to incarcerate and treat female juvenile offenders with mental health issues. *Over the last three (3) years, the behavioral management systems that have been tried were modeled after male commitment programs with fewer mental health issues.* Each year this portion of the facility was rated as failing. Many times the girls were out of control and the staff did not have the tools to effectively manage behavior that was often violent, manipulative, or hopeless. Girls with little or no mental health issues were constantly mixed with those who has serious mental health issues.” [emphasis added] <sup>2</sup>

HB 1589 w/CS would provide a statutory requirement that DJJ commitment programs provide gender-specific programming. In addition, the bill requires OPPAGA to conduct an analysis of programs for females to determine if existing programs meet gender specific needs. The analysis must also

<sup>1</sup> Miller, Carol Marbin “Report: Sex and Violence Plague Prison for Girls” *Miami Herald*, Feb. 24, 2004

<sup>2</sup> *Final Report of the Palm Beach Grand Jury Investigation of Florida Institute for Girls, Fall Term A.D., 2003*, January 29, 2004, 5-6.

determine the cost of providing such programming, and if females charged with status or probation violation offenses could be better served by less costly community-based programs.

Finally, the analysis will include a study of the administration of psychotropic medication to committed youths in the care of the Department of Juvenile Justice. The study is to include the number of committed youths currently receiving psychotropic medication, the types of medications, and the purpose for their administration.

C. SECTION DIRECTORY:

Section 1. amends s. 985.02, F.S.

Section 2. reenacts s. 985.3045, F.S. for the purpose of incorporation by reference.

Section 3. provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

OPPAGA has been contacted and does not anticipate any significant cost associated with the analysis required by the bill. Otherwise, because the Department of Juvenile Justice already provides gender-specific programming through contracts with program providers, there should be no fiscal impact. The Department of Juvenile Justice has indicated that the provision in the bill which requires a study of the administration of psychotropic medications will cost DJJ \$20,000 for the collection of data associated with the study.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not: require the counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On March 17, 2004, the Juvenile Justice Subcommittee voted to favorably recommend the bill with one amendment. The amendment expands the OPPAGA report to include a study of the administration of psychotropic medication to committed youths in the care of the Department of Juvenile Justice. The study is to include the number of committed youths currently receiving psychotropic medication, the types of medications, and the purpose for their administration.

On March 25, 2004, the Committee on Public Safety & Crime Prevention passed the HB 1589 with a committee substitute. The committee substitute incorporated the amendment described above.