

## **HOUSE OF REPRESENTATIVES**

### **FINAL BILL ANALYSIS**

**BILL #:** SB 2112

**FINAL HOUSE FLOOR ACTION:**

83 Y's      35 N's

**SPONSOR:** Budget

**GOVERNOR'S ACTION:** Approved

**COMPANION BILLS:** N/A

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### **SUMMARY ANALYSIS**

SB 2112 passed the Senate on May 6, 2011 and subsequently passed the House on May 7, 2011. The bill was signed by the Governor on May 26, 2011, chapter 2011-53, Laws of Florida. The bill amends ss. 985.686 and 984.688, Florida Statutes.

Currently, juvenile detention centers are operated by the Department of Juvenile Justice. Section 985.686, Florida Statute, requires that the state and the counties have a joint obligation to contribute to the financial support of the detention care provided for juveniles. The counties are required to pay for the preadjudicated juvenile detention cost and the state would be responsible for the postadjudicated costs. The department covers the cost for postdispositional days for each youth and the cost for all fiscally constrained counties.

This bill adds a provision that allows any county to operate their own juvenile detention center outside of the review and approval of the Department of Juvenile Justice. It also allows counties to enter into agreements with other counties to provide detention care for pre-adjudicated juveniles for multiple jurisdictions. The bill also identifies a number of provisions with which counties must be in compliance in order to operate their detention facility outside of the jurisdiction of the Department of Juvenile Justice.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

Currently, section 985.686, Florida Statute requires that the state and the counties have a joint obligation to contribute to the financial support of the detention care provided for juveniles. The counties' share of the cost is based on the percentage of total pre-dispositional days for each youth a county detains. The counties are required to pay for the preadjudicated juvenile detention cost and the state would be responsible for the postadjudicated costs. This amount is based on the prior use of secure detention for juveniles who are residents of that county. Each county must pay the estimated costs at the beginning of each month; any difference between the estimated costs and actual costs is reconciled at the end of each fiscal year.

Paragraph 9 of section 985.688, Florida Statutes, currently allows counties to establish and operate a juvenile detention facility, as long as the facility is certified by the department. The department is required to conduct quarterly inspections and evaluations of each juvenile detention center to determine whether the facility complies with the department's rules for continued operation.

This bill adds a provision that allows any county to operate their own detention center outside of the review and approval of the Department of Juvenile Justice. It also allows counties to enter into agreements with other counties to provide detention care for pre-adjudicated juveniles for multiple jurisdictions.

The bill identifies a number of provisions with which counties must be in compliance in order to operate their detention facility outside of the jurisdiction of the Department of Juvenile Justice. They consist of the following:

- 1) Counties must fund the entire cost for pre-adjudication detention for juveniles;
- 2) Counties must authorize the county sheriff, any other county jail operator, or contract provider that is located inside or outside of the county to operate the facility;
- 3) County sheriffs or other county jail operators must be accredited by the Florida Corrections Accreditation Commission or the American Correctional Association;
- 4) Detention facilities must be inspected annually and meet the Florida Model Jail Standards;
- 5) Counties or county sheriffs may form regional detention facilities through interlocal agreements in order to meet the requirements of this section;
- 6) County sheriffs or other county jail operators must follow the federal regulations requiring sight and sound separation of juvenile inmates from adult inmates;
- 7) If counties or county sheriffs comply with the provisions of this new subsection, they will not be subject to any additional training, procedures, or inspections required in Chapter 985, Florida Statutes.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

See "Fiscal Comments" section.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

See "Fiscal Comments" section.

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

None.

### D. FISCAL COMMENTS:

Counties should be able to operate their own pre-adjudicated juvenile detention centers at a lower daily per-diem cost than is currently being charged by the Department of Juvenile Justice. In addition, the Department of Juvenile Justice's operating cost and bed capacity for their detention centers should be reduced as counties start operating their own detention centers.