

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 333 Community-based Juvenile Justice
SPONSOR(S): Criminal Justice Subcommittee, Corcoran and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 554

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	12 Y, 2 N, As CS	Cunningham	Cunningham
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

SUMMARY ANALYSIS

CS/HB 333 creates s. 985.665, F.S., entitled "Community-Based Juvenile Justice." It requires the Department of Juvenile Justice (DJJ), during FY 2011-2012, to establish community-based juvenile justice pilot programs in the 2nd (Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakulla counties), 6th (Pasco and Pinellas counties), and 11th (Dade county) judicial circuits that will operate for two years.

The bill requires DJJ, by December 1, 2011, to contract, using the competitive bidding requirements in s. 287.057, F.S., with a nonprofit or county government agency to serve as the regional coordinating agency (RCA) for each pilot program. The contract must:

- Require the RCA to provide, or contract with community-based service providers to provide, the full continuum of juvenile justice services in the judicial circuit in which the pilot program is located.
- Require the RCA to administer and manage the full continuum of juvenile justice services in the judicial circuit in which the pilot program is located.
- Require DJJ to transfer all funding associated with the administration and provision of the services described above to the RCA, less those funds DJJ needs to provide and coordinate management of quality assurance and oversight.
- Require the RCA to thoroughly analyze and report to DJJ the complete direct and indirect costs of administering and providing the services described above.

The bill requires a nonprofit or county agency that is seeking to serve as an RCA to meet various requirements. The bill also imposes several requirements on DJJ, including the requirement to:

- In partnership with an objective, competent entity, establish a quality assurance program that must include national standards for each specific component of services that are part of an RCA's continuum of juvenile justice services.
- Establish and operate a comprehensive system to measure and report annually the outcomes and effectiveness of the services that are part of an RCA's continuum of juvenile justice services. DJJ must use these findings in making recommendations to the Governor and the Legislature for future program and funding priorities in the juvenile justice system.
- Retain responsibility for the quality of services that are part of an RCA's juvenile justice service continuum.

The bill requires an RCA to comply with statutory requirements and DJJ regulations in the provision of contractual services and specifies that an RCA must contract with providers that meet current DJJ standards.

The bill has an indeterminate fiscal impact and is effective July 1, 2011. See "Fiscal Comments."

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

History of the Juvenile Justice System

Florida has traditionally managed juveniles under a "rehabilitative" model of justice. This traces back to the time when all "proceedings relating to children" were under the auspices of the Department of Health and Rehabilitative Services, formerly known as HRS. The agency's approach to dependency cases and delinquency cases were the same - provide social services to the child and the family.¹

The first of Florida's gradual efforts to shift the state's juvenile justice system away from a social services model occurred in 1994. That year, the Legislature created the Department of Juvenile Justice (DJJ), providing for the transfer of powers, duties, property, records, personnel, and unexpended balances of related appropriations and other funds from the HRS Juvenile Justice Program Office to the new agency. DJJ was assigned responsibility for juvenile delinquency cases and children and families in need of services (CINS/FINS) cases. Juvenile justice provisions, which were then found in ch. 39, F.S., remained virtually unchanged, and DJJ continued to approach juveniles as children in need of treatment and reform rather than criminals deserving punishment.²

A further distancing of DJJ from its HRS origins occurred in 1997. Although few changes were made to substantive law, two new chapters in the Florida Statutes were created by transferring juvenile justice provisions from ch. 39, F.S., to the newly created ch. 984 and 985, F.S. Chapter 984, F.S., was created to contain provisions relating to CINS/FINS and ch. 985, F.S., was created to contain provisions relating to juvenile delinquency cases.³

In 2000, comprehensive legislation, known as the "Tough Love" plan, provided statutory authority for DJJ to overhaul its organizational structure. As a result, DJJ shifted away from HRS service district structure to a structure that conformed to the boundaries of the 20 judicial circuits. The "Tough Love" legislation also signified the most dramatic policy shift away from the social services model and toward a punitive criminal justice approach. However, even under the "Tough Love" plan, the juvenile justice system continued to be operationally and philosophically distinct from the adult criminal justice system. Florida continues to segregate juveniles from their adult counterparts, and youth continue to be managed under a strategy of redirection and rehabilitation, rather than punishment.⁴

Department of Juvenile Justice - Organization

Currently, DJJ is organized in five programs areas - Administrative Services, Prevention and Victim Services, Probation and Community Intervention, Detention Services, and Residential Services.⁵

Administrative Services

The Administrative Services program area (also referred to as Executive Direction and Support) serves as the administrative support arm of DJJ. It is comprised of the following offices:

- Chief of Staff
- Deputy Secretary
- Office of General Counsel
- Office of the Inspector General
- Administrative Services
- Staff Development and Training
- Program Accountability

¹ *History of the Juvenile Justice System in Florida*, <http://www.djj.state.fl.us/AboutDJJ/history.html> (last accessed February 17, 2011).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

- Legislative Affairs
- Communications⁶

Prevention and Victim Services

DJJ provides delinquency prevention services through the Office of Prevention and Victim Services. Prevention services target at-risk youth who exhibit problem behaviors (such as ungovernability, truancy, running away from home, and other pre-delinquent behaviors) before they result in more serious crimes.⁷ DJJ addresses these problem behaviors by contracting for delinquency prevention services and awarding grants to local providers throughout the state.

The three primary prevention programs are the CINS/FINS program, the PACE Center for Girls, and Outward Bound Discovery. Other prevention programs include State Community Partnership and State Invest in Children, as well as federally funded programs administered by the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention.⁸ On an average day, there are 6,643 youth participating in prevention programs throughout Florida.⁹

Probation and Community Intervention

Every youth under the age of 18 charged with a crime in Florida is referred to DJJ. A referral is similar to an arrest in the adult criminal justice system. Once referred, DJJ assesses the youth¹⁰ and recommends to the state attorney and the court appropriate sanctions and services for the youth. When making a recommendation, DJJ has several options that allow the youth to remain in his or her home community.¹¹

One option is diversion, which uses alternatives to the formal juvenile justice system for youth who have been charged with a minor crime. Diversion programs include Intensive Delinquency Diversion Services (IDDS), Community Arbitration, the Juvenile Alternative Services Program (JASP), Teen Court, Civil Citation, Boy and Girl Scouts, Boys and Girls Clubs, mentoring programs, and alternative schools. These programs employ a variety of non-judicial sanctions, including:

- Restitution (payment) to the victim(s);
- Community service hours;
- Letter of apology to the victim(s);
- Curfew;
- Forfeiture of driver's license;
- Encouragement to avoid contact with co-defendants, friends, or acquaintances who are deemed to be inappropriate associations;
- Referrals to local social service agencies; and
- Substance abuse or mental health counseling.¹²

If the court places a youth on probation, he or she must complete court-ordered sanctions and services (e.g., community service, restitution, curfew, substance abuse or mental health counseling, etc.). Each youth is assigned a juvenile probation officer who monitors compliance and helps the youth connect with service providers. If the youth does not comply with the terms of probation, the youth may be ordered to live in a residential commitment facility for a period of time.¹³

⁶ Florida Department of Juvenile Justice Fiscal year 2009-10 Annual Report, p. 23-25, via <http://www.djj.state.fl.us/AboutDJJ/index.html> (last accessed on February 17, 2011).

⁷ *Id.* at p. 13

⁸ *Id.*

⁹ *Id.*

¹⁰ The primary tool used in assessing youth is the Positive Achievement Change Tool (PACT), an evidenced based comprehensive assessment and case management process that addresses both criminogenic needs and protective factors, from the moment a youth enters the system to the moment they exit.

¹¹ *Probation and Community Intervention*, <http://www.djj.state.fl.us/Probation/index.html> (last accessed February 17, 2011).

¹² *Id.*

¹³ *Id.*

Probation and Community Intervention is also responsible for aftercare services when a youth is released from a commitment facility. When a youth is discharged from a commitment facility, he or she is usually placed on conditional release (similar to parole in the adult criminal justice system). Conditional release is designed to provide monitoring and services to those youth who are transitioning back to the community after being in a residential program. These youth have court-ordered sanctions and services that they must complete.

Detention Services

Detention is the custody status for youth who are held pursuant to a court order, or following arrest for a violation of the law. In Florida, a youth may be detained only when specific statutory criteria, outlined in s. 985.215, F.S., are met. Criteria for detention include current offenses, prior history, legal status, and any aggravating or mitigating factors.¹⁴ Detention screening is performed at Juvenile Assessment Centers (JACs) or by juvenile probation staff using a standardized Detention Risk Assessment Instrument. Juvenile detention consists of two types - secure detention and home detention.¹⁵

Youths placed in secure detention have been assessed as risks to public safety and must remain in a physically secure detention center while awaiting court proceedings. They appear before the court within 24-hours of placement, at which time the judge decides whether there is a need for continued detention. Generally there is a 21-day limit to secure detention, but those charged with serious offenses can be held up to 30 days. Serious juvenile offenders also can be held in secure detention while awaiting placement in a residential corrections facility.¹⁶

Youths on home detention status are released to their parents or guardians. Both youth and parents sign a home detention agreement, which stipulates the conditions of home detention which the youth is required to follow (e.g., mandatory school attendance and curfew).¹⁷

In FY2009-10, DJJ operated 25 juvenile detention centers in 24 counties with a total of 2,007 beds, and employed 1,791 specially trained and certified juvenile detention officers. The detention centers provide custody, supervision, education, and mental health/substance abuse services to juveniles statewide.¹⁸

Detention Center Data for the 2nd, 6th, and 11th Judicial Circuits

- The Leon Regional Detention Center is the only detention center in the 2nd judicial circuit (Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakulla counties). It is a 56-bed center and has 59 employees. This center also serves youth from the western portion of the 3rd judicial circuit. The utilization rate for this center during FY2009-2010 was 47 percent.¹⁹
- There are two detention centers in the 6th judicial circuit (Pasco and Pinellas counties). The Pinellas Regional Detention Center is a 120-bed facility with 104 employees. This center only serves youth from Pinellas County and had a 58 percent utilization rate in FY2009-2010. The Pasco Regional Detention Center is a 57-bed center with 58 employees. This center only serves youth from Pasco County and had a 52 percent utilization rate in FY2009-2010.²⁰
- The Miami-Dade Regional Detention Center is the only detention center in the 11th judicial circuit (Dade County). It is a 226-bed facility with 211 employees. The center only serves youth from Miami-Dade County and had a 52 percent utilization rate in FY2009-2010.²¹

¹⁴ Florida Department of Juvenile Justice Fiscal year 2009-10 Annual Report, p. 14, via <http://www.djj.state.fl.us/AboutDJJ/index.html> (last accessed on February 17, 2011).

¹⁵ Juvenile Justice Detention Services, <http://www.djj.state.fl.us/Detention/index.html> (last accessed February 17, 2011).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Department of Juvenile Justice analysis of HB 333 (on file with Criminal Justice Subcommittee staff).

²⁰ *Id.*

²¹ *Id.*

- All of the detention centers in the 2nd, 6th, and 11th judicial circuits are operated by DJJ. Security, transportation, maintenance, food, and administrative services are provided by DJJ employees. Medical, mental health, psychiatric, and pharmaceutical services are provided by contract employees. Funding for these detention centers comes from General Revenue and trust funds (largely the Shared County/State Juvenile Detention Trust Fund).²²

Residential Services

Delinquent youth in Florida can be ordered by the court to serve time in a juvenile residential or detention facility depending on the severity of his or her crime and behavior. DJJ either contracts for or directly operates more than 116 residential programs with a total of approximately 4,200 beds.²³

DJJ commitment managers conduct multidisciplinary commitment conferences for all youth considered for commitment to DJJ for juvenile or adult court. After a comprehensive evaluation of the youth and receiving input from conference participants, the commitment manager establishes DJJ's commitment recommendation to the court.²⁴ Primary consideration for commitment recommendations is public safety, meeting the individual treatment needs of the youth, and ensuring no other options are viable at a less restrictive level to reduce or eliminate the youth's threat to public safety. Once the court has ordered the youth to a specific restrictiveness level, it is the responsibility of DJJ to determine the most appropriate placement available within that restrictiveness level.²⁵

Consistent with s. 985.03(44), F.S., DJJ's residential commitment programs are grouped into five custody classifications based on the assessed risk to public safety. The restrictiveness levels represent increasing restriction on youths' movement and freedom. The least restrictive, or minimum-risk level, is non-residential and falls under the jurisdiction of Probation and Community Control rather than Residential Services.²⁶ The remaining four restrictiveness levels of commitment are as follows:

- Low-risk residential (may allow youth unsupervised access to the community);
- Moderate-risk residential (may allow youth supervised access to the community);
- High-risk residential (does not allow youth access to the community, except as approved for limited reasons); and
- Maximum-risk residential (does not allow youth to have access to the community).²⁷

Residential programs provide differing levels of programming to address the supervision, custody, care, and treatment needs of committed children.²⁸ In residential programs, delinquent youth receive educational and vocational services and complete an individually designed treatment plan, based on their rehabilitative needs. In addition, all residential programs provide medical, mental health, substance abuse, and developmental disability services.²⁹

Currently, Florida has a budgeted capacity of 4,146 residential commitment beds for juvenile youths with approximately two-thirds of those providing special needs services.³⁰ The current utilization rate hovers around 90 percent of the number of operational beds.³¹ In FY 2008-2009, there were 6,402 new admissions of juveniles to residential programs, representing a 3% reduction from FY 2007-08 (6,587) and a five-year overall reduction of 28 percent (8,897) in new admissions to residential programs.³²

²² *Id.*

²³ *Florida Department of Juvenile Justice Fiscal year 2009-10 Annual Report*, p. 16, via

<http://www.djj.state.fl.us/AboutDJJ/index.html> (last accessed on February 17, 2011).

²⁴ *Juvenile Justice Office of Residential Services*, <http://www.djj.state.fl.us/Residential/index.html> (last accessed February 17, 2011).

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Florida Department of Juvenile Justice Fiscal year 2009-10 Annual Report*, p. 16, via

<http://www.djj.state.fl.us/AboutDJJ/index.html> (last accessed on February 17, 2011).

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Juvenile Justice Office of Residential Services*, <http://www.djj.state.fl.us/Residential/index.html> (last accessed February 17, 2011).

³¹ *Id.*

³² *Id.*

Private providers operate most of the residential facilities for juveniles in Florida under contracts with DJJ. The providers are regularly monitored and evaluated through the DJJ's Quality Assurance program. DJJ's Inspector General investigates incidents at programs involving staff or youth.³³

DJJ provided the following that shows the disposition of youth in the 2nd, 6th, and 11th judicial circuits:

Dispositions for FY 2009-2010 Probation & Community Intervention					
Circuit	Youth Received at Intake	Youth Diverted from Court	Youth Ordered on Probation	Youth Ordered to Residential	Youth Transferred to Adult Court
2	1510	625	552	209	27
6	4656	979	1863	348	282
11	7041	2997	1535	348	269

The Juvenile Court Process

A juvenile who is alleged to have committed a violation of law is formally charged by the filing of a petition for delinquency by the state attorney.³⁴ Because a juvenile may be subject to deprivation of liberty if adjudicated delinquent, federal constitutional law requires that juveniles be afforded many of the same due process safeguards afforded to adult criminal defendants. For example, juveniles are entitled to legal representation by counsel at all stages of any proceeding, and the state must provide free legal representation to juvenile offenders who cannot afford to retain counsel.³⁵

If the juvenile is held in detention or released to home detention, a detention hearing must be held within 24 hours at which the judge orders continued detention or release. If the juvenile is detained, an arraignment hearing must be held within 48 hours of the filing of the petition.³⁶ At the arraignment hearing, the juvenile admits to delinquency, denies delinquency, or does not contest the allegation. If the juvenile denies delinquency, an adjudicatory hearing (trial) is held.³⁷ Circuit court judges preside over juvenile court proceedings and determine all issues of fact and law in such cases.³⁸ At the adjudicatory hearing, the juvenile has the right to compel the attendance of witnesses on his or her behalf, the right to cross-examine state witnesses, and the right to remain silent.³⁹ The state must prove the allegations beyond a reasonable doubt or the case is dismissed and the juvenile is released.⁴⁰ An adjudication of delinquency by a court is not considered a conviction.⁴¹

If a judge finds that a juvenile committed a delinquent act, or if a youth pleads guilty or no contest to a charge, a disposition (sentencing) hearing must be held.⁴² Before making a final disposition, the court must review a pre-disposition report (PDR), which is prepared by a juvenile probation officer.⁴³ The PDR includes a summary of the juvenile's present offense, a statement by the youth, background information regarding the familial and community environment, a narrative explaining the juvenile's employment or school history, psychological data, restitution information, criminal history, risk assessment, and the recommendations of DJJ concerning the disposition of the case.⁴⁴ The judicial dispositions available in juvenile court include judicial warnings, judicial plans, probation, or

³³ *Id.*

³⁴ *History of the Juvenile Justice System in Florida*, <http://www.djj.state.fl.us/AboutDJJ/history.html> (last accessed February 17, 2011).

³⁵ *Id.*

³⁶ *Id.* Also see, s. 985.26, F.S.

³⁷ *History of the Juvenile Justice System in Florida*, <http://www.djj.state.fl.us/AboutDJJ/history.html> (last accessed February 17, 2011).

³⁸ *Id.* Also see, s. 985.35, F.S.

³⁹ s. 985.35, F.S.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² s. 985.433, F.S.

⁴³ s. 985.43, F.S.

⁴⁴ *History of the Juvenile Justice System in Florida*, <http://www.djj.state.fl.us/AboutDJJ/history.html> (last accessed February 17, 2011). Also see, s. 985.43, F.S.

commitment to a non-secure or secure residential program or facility.⁴⁵ In many cases where the court commits a youth to a residential program, youth will also be required to participate in a supervised conditional release program upon completion of the residential component.⁴⁶

A juvenile charged with a violation of law has a state constitutional right to be charged and tried as an adult.⁴⁷ Florida law also specifies several circumstances where the state is required or authorized to initiate the prosecution of a juvenile in the adult criminal system.⁴⁸ These offenders may remain subject to juvenile, rather than adult, sanctions at the discretion of the trial judge.⁴⁹

Effect of the Bill

The bill provides the following “Whereas” clauses:

- Whereas, 94 percent of Florida youth grow up to be productive citizens, but the 6 percent of Florida youth that become delinquent cost the state of Florida an average of \$5,200 per child annually according to 2008 statistics, and
- Whereas, according to national studies, 27 percent of abused or neglected children become delinquent, and
- Whereas, one of the most effective ways to reduce delinquency is to prevent child abuse, abandonment, and neglect, and
- Whereas, Florida's juvenile commitment programs have a 39 percent recidivism rate within 1 year, and
- Whereas, the Department of Juvenile Justice shows that 59 percent of the juveniles being rearrested offend within 120 days after being released, revealing a critical transition period currently not being addressed, and
- Whereas, the State of Washington undertook a study which demonstrated that a significant level of future prison construction can be avoided, taxpayer dollars can be saved, and crime rates can be reduced by a portfolio of evidence-based youth service options, and
- Whereas, it has been proven that at-risk youth benefit from a comprehensive approach through coordination of intensive prevention, diversion, and family services, and
- Whereas, local management fosters all these approaches, ensures stronger relationships between providers and the family, and allows providers to assist in strengthening relationships between the child and the family, and
- Whereas, instead of competing for funding, prevention, diversion, and juvenile justice services should cooperate with the goal of keeping youth out of juvenile detention.

The bill creates s. 985.665, F.S., entitled “Community-Based Juvenile Justice.” It requires DJJ, during FY 2011-2012, to establish community-based juvenile justice pilot programs in the 2nd (Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakulla counties), 6th (Pasco and Pinellas counties), and 11th (Dade county) judicial circuits that will operate for two years. The purpose of the programs is to:

- Provide local communities the flexibility to assess and more readily address juvenile justice needs.
- Provide juveniles a continuum of services that are located in the juveniles’ home communities and managed by a regional coordinating agency.
- Provide enhanced juvenile justice service coordination.
- Promote greater involvement and engagement by a juvenile’s family and community.
- Result in better outcomes for juveniles and provide significant economic and operational efficiencies.

⁴⁵ *History of the Juvenile Justice System in Florida*, <http://www.djj.state.fl.us/AboutDJJ/history.html> (last accessed February 17, 2011).

⁴⁶ *Id.*

⁴⁷ Art. I, s. 15 Fla. Const. *Also see*, s. 985.556, F.S.

⁴⁸ ss. 985.556, 985.557, and 985.56, F.S.

⁴⁹ *History of the Juvenile Justice System in Florida*, <http://www.djj.state.fl.us/AboutDJJ/history.html> (last accessed February 17, 2011). *Also see*, s. 985.565, F.S.

The bill requires DJJ, by December 1, 2011, to contract, using the competitive bidding requirements in s. 287.057, F.S., with a nonprofit or county government agency to serve as the regional coordinating agency (RCA) for each pilot program. The contract must:

- Require the RCA to provide, or contract with community-based service providers to provide, the full continuum of juvenile justice services in the judicial circuit in which the pilot program is located. These services include but are not limited to, prevention services, intervention services, assessment centers, diversion programs, civil citation programs, alternatives to detention, community-based treatment programs, probation services, detention services, home detention, day treatment, independent living, evidence-based programs, and residential programs.
- Require the RCA to administer and manage the full continuum of juvenile justice services in the judicial circuit in which the pilot program is located.
- Require DJJ to transfer all funding associated with the administration and provision of the services described above to the RCA, less those funds DJJ needs to provide and coordinate management of quality assurance and oversight.
- Require the RCA to thoroughly analyze and report to DJJ the complete direct and indirect costs of administering and providing the services described above.

The bill requires a nonprofit or county agency that is seeking to serve as an RCA to:

- Be located within the judicial circuit being served by the pilot program.
- Possess the organizational infrastructure and financial capacity to administer and provide the services described above.
- Ensure continuity of care from entry to exit for all juveniles referred by law enforcement agencies, the court system, or other referral sources.
- Have the ability to contract with local providers to create a network of juvenile justice services.
- Ensure that each individual who provides juvenile justice services has successfully completed any training required by DJJ.
- Be willing to accept accountability for meeting the outcomes and performance standards related to juvenile justice established by the Legislature and the Federal Government.
- Have a board of directors, of which at least 75 percent of the membership is comprised of persons residing within the judicial circuit being served by the pilot program.

The bill specifies its provisions do not impede upon DJJ's right to maintain statewide contracts with providers that are in existence at the time the bill is enacted.

The bill requires DJJ to:

- In partnership with an objective, competent entity, establish a quality assurance program that must include national standards for each specific component of services that are part of an RCA's continuum of juvenile justice services.
- In consultation with the RCA, establish minimum thresholds for each of the services that are part of the RCA's juvenile justice service continuum.
- Ensure that RCAs and the local providers who contract with RCAs deliver services in accordance with applicable federal and state laws and regulations.
- Annually evaluate each RCA using the provisions of the quality assurance program.
- Establish and operate a comprehensive system to measure and report annually the outcomes and effectiveness of the services that are part of an RCA's continuum of juvenile justice services. DJJ must use these findings in making recommendations to the Governor and the Legislature for future program and funding priorities in the juvenile justice system.
- Retain responsibility for the quality of services that are part of an RCA's juvenile justice service continuum.

The bill requires an RCA to comply with statutory requirements and DJJ regulations in the provision of contractual services and specifies that an RCA must contract with providers that meet current DJJ standards.

The bill specifies that with respect to the treatment of juvenile offenders under the pilot programs, RCAs and local providers who contract with RCAs will be treated as the state and its agencies and subdivisions for liability purposes under s. 768.28, F.S.

By January 31 of each year, DJJ must submit a report regarding quality performance, outcome measure attainment, and cost efficiency for each pilot program in operation during the preceding fiscal year. The report must be submitted to the President of the Florida Senate, the Speaker of the Florida House of Representatives, and the Governor.

B. SECTION DIRECTORY:

Section 1. Creates s. 985.665, F.S., relating to community-based juvenile justice.

Section 2. This bill is effective July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See "Fiscal Comments."

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill specifies that a county government agency could serve as an RCA. This bill could have a positive fiscal impact on such entities should they be selected to be an RCA.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have a positive fiscal impact on juvenile justice service providers as well as private nonprofit entities who are selected to serve as an RCA.

D. FISCAL COMMENTS:

The bill requires DJJ to transfer all funding associated with the administration and provision of the services that are part of an RCA's juvenile justice service continuum to the RCA (less those funds DJJ needs to provide and coordinate management of quality assurance and oversight). DJJ provided the following chart that identifies the FTE and funding associated with each pilot site:

Budget Entity										
Circuit	Detention Centers		Probation & Community Corrections		Residential Corrections		Prevention		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
2	59.0	3,499,684	27.0	2,937,058	-	5,343,098	-	2,121,815	86.0	13,901,655
6	163.0	9,481,008	100.0	8,388,165	24.0	9,476,243	1.0	4,795,264	288.0	32,140,680
11	211.0	13,648,702	146.0	12,936,145	-	5,769,631	1.0	3,169,052	358.0	35,523,530
	433.0	26,629,394	273.0	24,261,368	24.0	20,588,972	2.0	10,086,131	732.0	81,565,865

Using the above data, DJJ would be required to transfer \$81,565,865 (less the funds necessary to provide and coordinate management of quality assurance and oversight) to the RCAs. It is unclear what will happen to the FTE currently associated with these services. DJJ will no longer have the funding for these FTE; however, the RCA may elect to hire some or all of them.

DJJ noted in its analysis of the bill that it would have to determine what funds in circuits outside of the pilot circuits apply to youth in the pilot circuits. They would also have to determine what funds in the pilot circuits apply to youth not from the pilot circuits. This would be necessary in order to accurately reflect the costs associated with those youth in the pilot circuits.

Section 985.686, F.S., requires counties to pay the costs of providing detention care for juveniles for the period of time prior to final court disposition. The state is responsible for paying the costs of detention after final court disposition. As noted above, the detention centers in the 2nd, 6th, and 11th judicial circuits are operated by DJJ. Funding for these centers comes from General Revenue and trust funds (largely the Shared County/State Juvenile Detention Trust Fund). In their analysis of the bill, DJJ addressed this "cost-sharing" obligation and noted that the counties would still be required to pay the costs for pre-dispositional youth.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

DJJ noted the following their analysis of the bill:

The three proposed pilot circuits do not currently have a complete continuum of services available within the circuit. The development of community-based and residential programs to meet specific treatment needs of boys and girls within a small geographic area, such as a circuit, will pose a challenge. To further complicate this issue, located within two of the pilot circuits are highly specialized programs, each being the only program of its type, that provide specialized placement for youth from throughout the state. Both of these programs are highly utilized, yet during 2010 only 14% of all placements originated from that home circuit. A mechanism would need to be put into place to allow these specialized programs to continue to be utilized statewide.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 22, 2011, the Criminal Justice Subcommittee adopted a strike-all amendment to the bill and reported the bill favorably as a committee substitute. The amendment reorganizes and clarifies provisions of the original bill and includes a provision specifying that the bill does not impede upon DJJ's right to maintain statewide contracts with providers that are in existence at the time the bill is enacted.

This analysis is drafted to the committee substitute.