

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Committee

BILL: SPB 7124

INTRODUCER: For consideration by the Budget Committee

SUBJECT: Juvenile Detention Facilities

DATE: March 29, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sadberry	Meyer, C.		Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

This bill amends the following sections 985.686 and 985.688, *Florida Statutes*, allowing counties to operate their own detention facility if they cover the financial cost of detention care for pre-adjudicated juveniles and providing that a county is exempt from the provisions of these sections of Florida Statutes if they are in compliance with specific provisions.

II. Present Situation:

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.

In the 2004 session the legislature enacted SB 2564, creating s. 985.2155, F.S., requiring joint financial participation of the state and counties in the provision of secure juvenile detention. The bill required the counties to pay for pre-adjudicated juvenile detention cost and the state would be responsible for the post-adjudicated cost.

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. 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.

III. Effect of Proposed Changes:

Section 1 amends s. 985.686, F.S., adding a provision that allows any counties that covers the financial cost of detention care for pre-adjudicated juveniles 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.

Section 2 amends s. 985.688, F.S., identifying 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.

Section 3 provides for an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The 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.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.