

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 Criminal Justice Committee

BILL: SB 504

INTRODUCER: Senator Evers

SUBJECT: Juvenile Justice

DATE: November 9, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Pre-meeting
2.	_____	_____	JU	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 504 authorizes the court to commit an adjudicated delinquent mother or expectant mother to the Department of Juvenile Justice (DJJ) for placement in a mother-infant residential commitment program, by amending s. 985.441, F.S. The mother-infant program must be licensed as a childcare facility under s. 402.308, F.S.

The bill also amends s. 985.601, F.S., to allow the DJJ to pay up to \$5,000 toward basic funeral expenses for a youth who dies in the department's custody, if the parents or guardians are indigent and unable to pay and there is no other funding source available to pay these expenses. This decision to pay funeral expenses will be made at the discretion of the secretary of the department.

Finally, the bill deletes provisions in s. 985.441, F.S. and s. 985.0301, F.S., referencing serious or habitual juvenile offenders and the serious or habitual juvenile offender programs (SHOPs). This change conforms the statutes to the repeals made by legislation passed during the 2011 Legislative Session.

The bill substantially amends the following sections of the Florida Statutes: 985.441, 985.601, and 985.0301.

II. Present Situation:

Mother-Infant Commitment Program

Section 985.441, F.S., provides various juvenile commitment options for the court. The court may commit an adjudicated delinquent youth as follows: to a licensed child-caring agency willing to receive the youth; to the DJJ for placement in a program at a restrictiveness level defined in s. 985.03, F.S.; to the DJJ for placement in a program for serious or habitual juvenile offenders; or to the DJJ for placement in a program for juvenile sexual offenders.

Currently, the DJJ operates a 20-bed mother/infant program in Miami-Dade County; however, there is no statutory provision for programs designed for pregnant girls or mothers with infants. Women in Need of Greater Strength (WINGS) for Life was established in 2001 as a residential commitment program for females in an educational environment. On July 1, 2006, WINGS became a residential commitment treatment program for 20 pregnant or postpartum females and their babies. The mission of the WINGS for Life program is to be committed to celebrating diversity and womanhood by working to enhance the quality of life for the young woman and her child.¹

The objectives of the program are to provide a structured and supervised transition from residential placement to the community and to closely monitor the youth to ensure public safety. The goal is to return these youth back into the mainstream of their communities with the skills to lead productive lives and successfully parent their children. The WINGS for Life program currently has the capacity to serve 20 women ages 14 – 19.²

Funeral Expenses for Juveniles in the Custody of the DJJ

A youth died while in the custody of the DJJ at the juvenile detention center in West Palm Beach in July of this year. The DJJ tried to pay some of the funeral expenses, relying on its internal policy authorizing the department to pay up to a maximum of \$5,000 for funeral expenses when a youth dies in its custody and his or her parents are indigent and unable to pay. The Department of Financial Services denied the department's payment because of the lack of express statutory authority allowing the DJJ to take such action.³

According to the DJJ, when a state agency is responsible for the safety of a youth and that youth dies in the agency's custody, it may be beneficial to all concerned in some circumstances to offer financial assistance to parents who are unable to pay the youth's funeral expenses.⁴

Serious or Habitual Juvenile Offenders

The Legislature in 2011 passed legislation repealing numerous provisions relating to serious or habitual juvenile offenders and the SHOPS.⁵ According to the DJJ, the SHOPS had a long history

¹ Department of Juvenile Justice, WINGS website, available at http://www.djj.state.fl.us/Residential/Facilities/south_facilities/WINGS_FOR_LIFE.html (last visited November 10, 2011).

² *Id.*

³ Florida financial chief won't pay for funeral of teen who died in lockup. The Miami Herald. July 29, 2011. http://www.miamiherald.com/2011/07/29/2337038/florida_finance_chief_wont_pay.html#storylink=misearch (last visited on November 10, 2011). See also, the Department of Juvenile Justice, 2012 Legislative Analysis SB 504 (on file with the Senate Criminal Justice Committee).

⁴ Department of Juvenile Justice, 2012 Legislative Analysis SB 504 (on file with the Senate Criminal Justice Committee).

⁵ CS/SB 618, ch. 2011-70, L.O.F.

of being underutilized and the changes made by the 2011 Legislature more accurately reflected the practices of the DJJ.⁶

III. Effect of Proposed Changes:

Senate Bill 504 authorizes the court to commit an adjudicated delinquent mother or expectant mother to the DJJ for placement in a mother-infant residential commitment program, by amending s. 985.441, F.S. The mother-infant program must be licensed as a childcare facility under s. 402.308, F.S. It must also provide the necessary services and support to help the committed mother provide for her child's needs. If the mother agrees, the child may come with the mother into the program. This change will give express legislative authority for the current mother-infant program operating in Miami-Dade county and for any other future mother-infant programs.

The bill also amends s. 985.601, F.S., allowing the DJJ to pay up to \$5,000 toward basic funeral expenses for a youth who dies in the department's custody, if the parents or guardians are indigent and unable to pay and there is no other funding source available to pay these expenses. The decision to pay funeral costs will be at the discretion of the secretary of the department. This change will codify the DJJ's internal policy of paying funeral expenses under certain circumstances.

Finally, the bill deletes provisions in s. 985.441, F.S., and s. 985.0301, F.S., referencing serious or habitual juvenile offenders and the SHOPs. This change conforms the statutes with the repeals made by legislation passed during the 2011 Legislative Session.

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.

⁶ 2011 Department of Juvenile Justice Legislative Priority Paper, updated March 4, 2011 (on file with the Senate Criminal Justice Committee).

B. Private Sector Impact:

Under certain circumstances, SB 504 will help parents or guardians defray up to \$5,000 in funeral costs for youth who die in the DJJ's custody.

C. Government Sector Impact:

According to the DJJ, there will be no fiscal impact upon the department because of the bill.

VI. Technical Deficiencies:

There is a reference in the body of the bill to the Secretary of the DOC rather than the Secretary of the DJJ that needs to be changed. (The title of the bill references the Secretary of the DJJ.) Also, to be consistent with changes made during the 2011 session, there are several other statutory references to serious or habitual juvenile offenders and SHOPs that need to be deleted if the intent of the Legislature is to remove all such references.

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.