

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 Appropriations Subcommittee on Criminal and Civil Justice

BILL: CS/CS/SB 676

INTRODUCER: Judiciary Committee, Criminal Justice Committee, and Senator Evers

SUBJECT: Juvenile Justice Circuit Advisory Boards and Juvenile Justice County Councils

DATE: March 14, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Favorable
2.	Brown	Cibula	JU	Fav/CS
3.	Sadberry	Sadberry	ACJ	Favorable
4.			AP	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/CS/SB 676 redesignates juvenile justice circuit boards as juvenile justice circuit advisory boards (boards). The boards will exist in each of the 20 judicial circuits.

The bill eliminates statutory authority for juvenile justice county councils. However, except in single-county circuits, a county organization will represent each of the counties in the circuit and report to the board on the juvenile justice needs of the county.

The bill establishes duties and responsibilities of the board, including developing a comprehensive plan for the circuit; facilitating interagency cooperation and information sharing; recommending grants to support the comprehensive plan; making recommendations to the Department of Juvenile Justice (DJJ) on prevention and early intervention grant programs; and providing an annual report to the DJJ on board activities.

This bill will not have a fiscal impact on the DJJ and the State Courts.

The bill removes the cap on the number of board members authorized, which is currently 18, and instead requires a minimum of 16 members. The bill specifies the composition of board members

and quorum requirements and requires a majority vote to approve measures or positions of the board. Provisions of the bill detail how appointments will be made to the initial juvenile justice circuit advisory boards and the method in which future vacancies will be filled.

The DJJ is responsible for:

- Approving the appointment of certain members to a board.
- Developing format and content requirements for the bylaws of a board and approving the bylaws of each board.
- Developing format and content requirements for comprehensive plans prepared by boards.

This bill is effective October 1, 2013.

This bill substantially amends section 985.664 and makes conforming changes to sections 790.22, 938.17, 948.51, 985.48, and 985.676 of the Florida Statutes.

II. Present Situation:

Section 985.664(1), F.S., authorizes the creation of 20 juvenile justice circuit boards, one in each judicial circuit, as well as 67 juvenile justice county councils, one in each county.¹ The purpose of these boards and councils is to provide advice to and work collaboratively with the Department of Juvenile Justice (DJJ) in developing and implementing juvenile justice programs and to improve programs and recommend necessary policy changes. The county councils are tasked with working with the circuit boards in the developing a comprehensive plan for the circuit. The circuit boards must submit an annual report to the DJJ, describing the activities of both the board and the county councils.² Other duties include facilitating interagency cooperation and information sharing, as well as applying for and receiving public or private juvenile justice grants.³

The size of the circuit boards is prescribed as follows: no more than 18 members, unless it is necessary to increase the number of members by three to adequately reflect the diversity of the community.⁴ Members designated by statute include the state attorney, the public defender, and the chief circuit judge.⁵ The other 15 members, appointed by the county councils, may include representatives of:

- School districts;
- County commissions;
- Governing bodies of local municipalities;
- The Department of Children and Family Services (DCF);
- Local law enforcement agencies, including the sheriff;

¹ According to the DJJ, there are currently 20 circuit boards and 44 county councils that are active across the state. Department of Juvenile Justice, *2013 Legislative Session Bill Analysis for SB 676*, on file with the Senate Criminal Justice Committee and the Judiciary Committee.

² Section 985.664(1) through (6), F.S.

³ Section 985.664(2) through (4), F.S.

⁴ Section 985.664(7) and (8), F.S.

⁵ Section 985.664(7), F.S.

- The judicial system;
- The business community;
- Other interested officials, including public or private providers, students, parents, and advocates;
- The faith community;
- Victim-service programs; and
- The Department of Corrections (DOC).⁶

Each circuit board and county council must also develop bylaws, including the process for appointments to the board or council, election or appointment of officers, filling of vacancies, duration of member terms, provisions for voting, meeting attendance requirements, and organization and duties of the executive committee. Each council and board must have an executive committee comprised of no more than 10 members.⁷

III. Effect of Proposed Changes:

CS/CS/SB 676 renames juvenile justice circuit boards as juvenile justice circuit advisory boards (boards). Boards will be organized in each of the 20 judicial circuits.

The bill eliminates statutory authority for juvenile justice county councils. However, except in single-county circuits, a county organization will represent each of the counties in the circuit and report to the board on the juvenile justice needs of the county. Single-county circuits are Miami-Dade (11th), Hillsborough (13th), Palm Beach (15th), Monroe (16th), and Broward County (17th) circuits.⁸

Board Duties and Responsibilities

The bill establishes duties and responsibilities of a board, including:

- Developing a comprehensive plan for the circuit;
- Facilitating interagency cooperation and information sharing;
- Recommending grants to support the comprehensive plan;
- Making recommendations to the Department of Juvenile Justice (DJJ) on prevention and early intervention grant programs; and
- Providing an annual report to the DJJ on activities of the board by August 1 of each year.

Department of Juvenile Justice (DJJ) Duties and Responsibilities

The DJJ is responsible for:

- Approving the appointment of certain members to a board and appointing the chair of the board.

⁶ Section 985.664(10), F.S.

⁷ Section 985.664(11), F.S.

⁸ Information on single-county circuits is provided through an email dated March 7, 2013, from Lisa Hurley, Florida Association of Counties.

- Developing format and content requirements for the bylaws of the board.
- Approving bylaws of a board.
- Developing format and content requirements for comprehensive plans prepared by boards.

Composition, Terms of Service, Initial Appointments, and Voting Requirements of the Board

Composition of the Board

The bill removes the cap on the number of board members authorized, which is currently 18, and instead requires a minimum of 16 members.

Advisory board members requiring DJJ approval include:

- A representative from the Department of Children and Families;
- A representative from workforce organization in each county;
- A representative of the business community;
- A representative of the faith community;
- A representative from a mental health or victim-service program;
- A youth under 21 years of age having juvenile justice experience;
- A parent or family member of a youth involved in the juvenile justice system; and
- Up to five additional members representing community leaders or a youth-serving coalition.

The workforce representative, the youth involved in the system, and a parent of the youth member are not currently specified in s. 985.664, F.S. The bill also deletes a Department of Corrections representative as a member of a board.

Advisory board members not requiring DJJ approval are as follows:

- State attorney or his or her designee;
- Public defender or his or her designee;
- Chief circuit judge or his or her designee;
- The sheriff from each county or his or her designee;
- A police chief from each county or his or her designee;
- A county commissioner from each county or his or her designee; and
- A school superintendent or his or her designee from each district in the circuit.

Under the bill, all prescribed members become members by virtue of the offices they hold. Currently, only the state attorney, public defender, and chief circuit judge are members by virtue of the offices they hold.

Term of Service of the Board

The bill caps terms of service of a board member at two consecutive 2-year terms, except for certain board members. These members are the state attorney, public defender, chief judge,

sheriff, police chief, county commissioner, and the school superintendent. Former members are eligible to serve if they have not served on the board for 2 years.

Appointments to the Board

The bill provides for the DJJ secretary, in consultation with the juvenile justice county councils, to appoint the first chair of each board. The chair will then appoint remaining members within 45 days after appointment, subject to approval by the DJJ. Thereafter, the DJJ secretary will consult with a board regarding future appointments of the chair.

Voting Provisions of the Board

A quorum of a board includes at least half of the voting members of the board. The bill requires the presence of a quorum for the board to take a vote. To pass, measures and positions voted on by the board must be approved by more than 50 percent of the members voting.

This bill takes effect October 1, 2013.

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 Office of State Courts Administrator does not expect any fiscal impact through additional court or judicial resources. Any impact on the counties is indeterminate.

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.)

CS/CS by Judiciary on March 12, 2013:

The committee substitute:

- Clarifies that the DJJ secretary appoints the initial chair of each juvenile justice circuit advisory board in consultation with the juvenile justice county councils. Subsequent appointments of a chair will be made by the DJJ secretary in consultation with the board.
- Requires the presence of a quorum to take a vote on measures or positions.

CS by Criminal Justice on March 4, 2013:

Makes technical and conforming changes to several other sections of law that were affected by the underlying bill.

- B. **Amendments:**

None.