

**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.)

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: SB 170

INTRODUCER: Senator Joyner

SUBJECT: Administration of County and Municipal Delinquency Programs and Facilities

DATE: March 21, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	<b>Favorable</b>
2.			CF	
3.			CA	

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**I. Summary:**

SB 170 requires a county or municipal government operating a juvenile detention facility to be certified by the Department of Juvenile Justice (DJJ) that it is in compliance with the department's rules prescribing the standards and requirements for operating a secure juvenile detention facility under s. 985.688, F.S. It will no longer be authorized under the bill for such entities to operate a juvenile detention facility by complying with the Florida Model Jail Standards and being inspected annually.

**II. Present Situation:**

A county or municipal government is authorized under s. 985.688, F.S., to establish and operate a juvenile detention facility if it is operated in compliance with this section.<sup>1</sup> Prior to July 1, 2011, subsection (9) of this section required such facility to be certified by the DJJ to be in compliance with the department's rules prescribing the standards and requirements for operating a secure juvenile detention facility.<sup>2</sup> The rules for certification of locally operated detention facilities were required to be consistent with the rules for certification of secure juvenile detention facilities operated by the department. Additionally, quarterly inspections and evaluations were required under the statute.<sup>3</sup>

During the 2011 Legislative Session, the Legislature passed a bill authorizing counties to establish and operate a secure juvenile detention facility for preadjudicated youth with no oversight by the DJJ.<sup>4</sup> Instead, the legislation required counties to do the following to be in compliance with the statute:

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<sup>1</sup> Section 985.688(9), F.S.

<sup>2</sup> Fla. Admin. Code R. 63G-2 (2006).

<sup>3</sup> Section 985.688(9)(a) and (b), F.S.

<sup>4</sup> Chapter 2011-53, Laws of Florida. (Senate Bill 2112 originated as a committee bill by Budget, SPB 7124.)

- Provide for the full cost of preadjudication detention for juveniles;
- Authorize the county sheriff, any other county jail operator, or contracted provider to provide preadjudication detention care for juveniles;
- Ensure that the county sheriff or other county jail operator is accredited by the Florida Corrections Accreditation Commission or American Correctional Association;
- Ensure that the facility is inspected annually and meets the Florida Model Jail Standards; and
- Ensure that the county sheriff or other county jail operator follows the federal regulations requiring sight and sound separation of juveniles from adult inmates.<sup>5</sup>

The bill also provided that a county or county sheriff that is in compliance with the new subsection is not subject to any additional training, procedures, or inspections required under ch. 985, F.S.<sup>6</sup>

There are three counties currently operating their own secure juvenile detention facilities. Marion County uses the DJJ standards. Polk and Seminole Counties use the Florida Model Jail Standards.<sup>7</sup>

### **III. Effect of Proposed Changes:**

The bill requires a county or municipal government operating a juvenile detention facility to be certified by the DJJ that it is in compliance with the department's rules prescribing the standards and requirements for operating a secure juvenile detention facility under s. 985.688, F.S. It requires quarterly inspections and evaluation for compliance with the department's standards in order to continue operating a facility.

No longer will it be authorized under the bill for such entities to operate a juvenile detention facility by complying with the Florida Model Jail Standards and being inspected annually. (The bill essentially changes the law to how it existed prior to July 1, 2011, before the Florida Model Jail Standards became the measurement for compliance.)

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>5</sup> *Id.* These provisions were codified in s. 985.688(11)(a) and (c), F.S.

<sup>6</sup> *Id.* This provision was codified in s. 985.688(11)(d), F.S.

<sup>7</sup> Department of Juvenile Justice, *2014 Legislative Session Bill Analysis for Senate Bill 170*, September 26, 2013 (on file with the Senate Committee on Criminal Justice).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

According to the DJJ, this bill does not result in any fiscal impact to the department.<sup>8</sup>

It may, however, have an impact upon those counties operating their own juvenile detention facility because they will have to pay a monitoring fee equal to 0.5 percent of the direct operating costs of the program.<sup>9</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 985.688 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>8</sup>*Id.*

<sup>9</sup> *See* s. 985.688(9)(b), F.S.