

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: CS/SB 2218

INTRODUCER: Criminal Justice Committee and Senator Wise

SUBJECT: Juvenile Justice

DATE: March 30, 2009 REVISED: 04/01/09

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Fav/CS
2.	Toman	Walsh	CF	Fav/2 amendments
3.			ED	
4.			GO	
5.			Wpsc	
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input checked="" type="checkbox"/> | Significant amendments were recommended |

I. Summary:

In July 2007, Governor Crist authorized the creation of the Blueprint Commission on Juvenile Justice (the Commission) for the purpose of developing recommendations to reform Florida’s juvenile justice system. The Commission met throughout the second half of 2007 and issued its report, entitled “Getting Smart About Juvenile Justice in Florida,” in January 2008. The CS/SB 2218 implements many of the Commission’s 52 recommendations, including the following:

- Creates a Juvenile Justice Policy Research Institute within the Department of Juvenile Justice (DJJ) to provide technical assistance, best practices, and research assistance to the DJJ policymakers;
- Requires the public defender to provide legal representation to alleged delinquent youth at all stages of any delinquency court proceedings;
- Includes children 9 years of age or younger who are referred for a delinquent act in the definitions of “child or adolescent at risk of emotional disturbance” and “child in need of services;”
- Requires that a youth committed to a high or maximum risk facility remain eligible for Medicaid;

- Requires the state to fund community-based substance abuse intervention, evaluation, and treatment services in each judicial circuit for the purpose of diverting first-time misdemeanor drug offenders;
- Requires the DJJ risk assessment tool to be validated and updated;
- Allows for the commitment of a youth who is pregnant, or a mother with an infant, to a mother-infant program;
- Requires the availability of a transition planning team responsible for facilitating a comprehensive, multiagency reintegration of each youth into the community;
- Requires the DJJ to provide gender-specific aftercare services to girls exiting residential programs;
- Requires vocational education to be offered in all residential programs, as well as in all day treatment programs;
- Requires the DJJ to conduct “outcome-based contracting” demonstration projects;
- Allows the DJJ to hire an offender who was formerly in the juvenile justice system after 5 (rather than 7) years of being crime-free;
- Allows for the conditional hiring of an employee after a preliminary background screening;
- Requires the juvenile justice boards and councils to receive local discretionary grant funding, subject to appropriation;
- Adds juvenile justice programs to the formula for allocation of the Florida Education Finance Program, if the Legislature does not specifically determine the allocation;
- Requires the DJJ to create a disproportionate minority contact task force and pilot project;
- Requires the DJJ to identify service areas that provide a full continuum of services in each service area and to submit a report with legislative recommendations;
- Requires the Governor to establish a task force to make recommendations to modify the current competency restoration process;
- Requires the Governor to establish a task force to do a DJJ role-delineation study; and
- Requires the DJJ and the Department of Children and Family Services (the department or DCF) to select and work with a state university to calculate the return on investment on crime reduction through prevention and intervention programs with the goal of implementing cost-saving strategies.

The bill provides an effective date of July 1, 2009.

This bill substantially amends the following sections of the Florida Statutes: 20.316; 27.51; 394.492; 984.03; 985.03; 409.9025; 985.125; 985.245; 985.441; 985.622; 985.644; 435.04; 985.664; and 1011.62.

The bill creates the following sections of the Florida Statutes: 985.165; 985.461; 985.495.

II. Present Situation:

DJJ Research Division

Section 20.316, F.S., creates the DJJ. The DJJ's Office of Program Accountability (OPA) serves as the research and planning division of the agency, and also provides program technical assistance and quality assurance. The OPA reports directly to the Secretary of the DJJ.¹

Legal Representation

Pursuant to s. 27.51(1)(c), F.S., the public defender is required to represent an indigent youth, when the youth is alleged to be delinquent in a petition filed before the circuit court.

Section 985.033(1), F.S., provides that a youth shall be represented by legal counsel at all stages of any delinquency court proceedings, unless the right to counsel has been freely, knowingly, and intelligently waived by the youth. Legal counsel representing a youth who exercises the right to counsel must be allowed to provide advice and counsel to the youth at any time after the youth's arrest, including prior to a detention hearing, when the youth is in secure detention.

Children at Risk

Section 394.492(4), F.S., defines a "child or adolescent at risk of emotional disturbance" as a person under 18 years of age who has an increased likelihood of becoming emotionally disturbed because of certain specified risk factors. The department utilizes children's mental health general revenue funds to serve this and other target populations of children, although the limited available funds are prioritized to serve children and youth with severe mental health needs.²

Although not identified as a risk factor, in FY 2007-08, there were 578 individual youth, ages nine and younger, who generated 696 referrals to the department.³

Child In Need of Services (CINS)/Families In Need of Services (FINS):

CINS is an adjudication status for a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; and no current supervision by the DJJ or DCF for an adjudication of dependency or delinquency. The court must also find the child:

- To have persistently run away; and/or
- To be habitually truant from school; and/or
- To have persistently disobeyed the reasonable and lawful demands of the child's parents or legal custodian.⁴

FINS refers to a family that has a child for whom there is no pending investigation of abuse, neglect, or abandonment and no court-ordered supervision by the DJJ or DCF for an adjudication of dependency or delinquency. The child must also have been referred to a contracted agency of the DJJ for:

¹ Department of Juvenile Justice, *2009 Legislative Session Bill Analysis*, SB 2218 (March 16, 2009).

² Department of Children and Families, *Staff Analysis and Economic Impact, Senate Bill Number 2218* (March 6, 2009).

³ DJJ, *supra* note 1.

⁴ Section 984.03(9) and 985.03(7), F.S.

- Running away or threatening to run away; and/or
- Disobeying the reasonable and lawful demands of parents or legal guardian or custodian; and/or
- Truancy.⁵

CINS/FINS shelters provide short-term services such as crisis intervention, case management, counseling, clothing, food, and shelter on a 24-hour basis. The CINS/FINS definitions exclude a youth who has an active referral to the DJJ for a delinquent act from being served by the CINS/FINS network, resulting in the CINS/FINS shelters being unavailable to these youth.

Medicaid Eligibility

Section 409.9025, F.S., requires Medicaid eligibility to be suspended (not terminated) for any individual who is an inmate in the state's correctional system, county detention facility, or a municipal detention facility, and who was eligible for and received Medicaid benefits immediately prior to being incarcerated. Upon release from incarceration, an individual continues to be eligible for Medicaid benefits until such time as the person is determined to no longer be eligible. To the extent permitted under federal law, the time during which a person is an inmate cannot be included in any calculation of when the person must recertify his or her eligibility for medical assistance in accordance with this chapter.

Section 409.9025, F.S., also provides that Medicaid benefits may not be used to pay for medical care, services, or supplies provided during the inmate's incarceration, but clarifies that nothing prevents the inmate from receiving medical assistance for inpatient hospital services outside the correctional institution, to the extent that federal financial participation is available for the cost of such services.

Diversion Programs

Section 985.125, F.S., allows a law enforcement agency or a school district, in cooperation with the state attorney, to create pre-arrest or post-arrest diversion programs.

Diversion programs are alternatives to the formal juvenile justice system for youth who have been charged with a minor crime. These individuals share certain high-risk factors, including first offense at the age 15 or younger, poor school performance and truancy, lack of parental supervision, substance abuse problems, or gang affiliation. Other diversion programs include Community Arbitration, 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:⁶

- Restitution (payment) to the victim(s);
- Community service hours;
- Letter of apology to the victim(s);
- Curfew;
- Forfeiture of driver's license;

⁵ Section 984.03 (25) and 985.03 (23), F.S.

⁶ DJJ, Probation and Community Intervention website, available at <http://www.djj.state.fl.us/Probation/index.html> (last visited March 27, 2009).

- 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.

Detention Risk Assessment Instrument

Section 985.245, F.S., requires a detention risk assessment instrument to be developed by the DJJ in agreement with representatives of various associations, including the state attorneys, public defenders, sheriffs, police chiefs, and circuit judges. All determinations and court orders regarding detention placements must be based on a risk assessment of the youth, except in the case of a youth charged with domestic violence. According to the DJJ, the current risk assessment instrument has been used since 1992, and it is currently being validated.⁷

Mother/Infant Commitment Program

Section 985.441, F.S., governs the operation of juvenile commitment facilities. 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.⁸

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 – 19.⁹

Post-Residential Supervision

Post-residential supervision is the name given to programs, services, and strategies intended to assure a juvenile's successful transition from residential placement to life in the community. The DJJ provides three types of post-residential supervision: post-commitment probation, independent living, and community based supervision. Community-based supervision, commonly called aftercare, encompasses two kinds of service delivery: facility-based day treatment and community supervision.

Vocational Education

Section 985.622, F.S., requires the DJJ and the Department of Education, in consultation with the statewide Workforce Development Youth Council, school districts, providers, and others, to

⁷ DJJ, *supra* note 1.

⁸ Department of Juvenile Justice, WINGS website, available at

http://www.djj.state.fl.us/Residential/Facilities/south_facilities/WINGS_FOR_LIFE.html (last visited March 27, 2009).

⁹ *Id.*

develop a multiagency plan for vocational education in juvenile commitment facilities. According to the DJJ, vocational education in the juvenile justice programs is administered through the school districts.

Outcome-Based Contracting

“Outcome-based” programming refers to “programs designed with the desired outcome in mind.”¹⁰ In its report, the Commission recommended that the DJJ conduct demonstration projects emphasizing the benefits of outcome-based contracting as opposed to compliance-based contracts.¹¹

Background Screening

Section 985.644, F.S., requires level 2 background screening by the DJJ for providers, employees, volunteers, owners, and operators.

Section 435.04, F.S., prescribes level 2 background screening standards. Section 435.04(3), F.S., precludes the DJJ from providing an exemption for a period of seven years to a person who is disqualified from employment based upon the results of his or her background screening. After seven years, the DJJ may grant an exemption hearing.

Juvenile Justice Boards and Councils

Section 985.664, F.S., authorizes the creation of a juvenile justice circuit board in each of the 20 judicial circuits, and a juvenile justice county council in each of the 67 counties. The county councils and circuit boards serve as advisors to the DJJ, assisting in evaluating and awarding prevention and early intervention grant programs, including the community juvenile justice partnership grant program established in s. 985.676, F.S., and the proceeds from the Invest in Children license plate annual fees.

Florida Educational Finance Program (FEFP)

Section 1011.62, F.S., provides a funding formula for FEFP in the event that the Legislature does not make the funding allocations in the annual appropriations act or the implementing appropriations bill.

Disproportionate Minority Contact

Minority over-representation means the number of minority youth detained or confined in secure detention facilities, secure correctional facilities, or jails exceeds the proportion such groups represent in the general population. According to the Commission, “the disproportionate representation of minorities exists for both males and females in Florida’s juvenile justice system . . . at every point in the juvenile justice system.”¹² In addition, “in nine of the 20 circuits, more than 40% of the youth referred to the juvenile justice system are black . . . [and] [i]n seven circuits, more than 60% of youth incarcerated are black.”¹³

¹⁰ Blueprint Commission on Juvenile Justice, *Getting Smart About Juvenile Justice in Florida, Report of the Blueprint Commission* 46 (January 2008) (hereinafter, “Commission Report”).

¹¹ *Id.*

¹² *Id.* at 34.

¹³ *Id.*

According to the DJJ, it is currently implementing a coordinated Disproportionate Minority Contact (DMC) strategy through the creation of a DMC Task Force, which will work toward ensuring equal and fair treatment for every youth, regardless of their racial or ethnic background. The DMC Task Force is a volunteer group of juvenile justice stakeholders who will assist the department in bringing awareness and solutions to the issue of minority overrepresentation in the juvenile justice system.¹⁴

Competency Restoration Process

Section 985.19, F.S., governs the process of determining a youth's competency to proceed in a juvenile delinquency case. A youth who commits a delinquent act or violation of law that would be a felony if committed by an adult, and who is deemed incompetent to proceed as a result of mental illness or mental retardation, must be committed to DCF for treatment and training. The youth will be placed in a secure facility if he or she meets specified criteria.

Often youth are assigned to secure detention pending placement in an incompetent to proceed (ITP) program. While detention may provide a secure setting in which to hold the youth, detention centers are not designed or equipped for long-term housing. They do not provide treatment programs, they do not allow for ongoing educational programs, and they do not provide the acute interventions most likely needed by a youth who is incompetent to proceed.

Once the youth has completed the ITP program and his or her competency is restored, the youth is sent back to court to proceed with the delinquency hearing. The court may then return the youth to a juvenile justice residential facility to participate in a delinquency program. So, a youth deemed ITP quite likely faces extended time in multiple programs, often in a detention center with no access to treatment.

III. Effect of Proposed Changes:

The CS/SB 2218 implements many of the Commission's recommendations, as follows:

Section 1 – DJJ Research Division: The bill amends s. 20.316, F.S., to create a Juvenile Justice Policy Research Institute within the DJJ to provide technical assistance, best practices, and research assistance. (According to the DJJ, as a practical matter, this provision will result in renaming the current Office of Program Accountability to the Juvenile Justice Policy Research Institute.¹⁵)

Section 2 – Legal Representation: The bill changes the timing of when the public defender is required to represent an indigent youth from the time the youth is "alleged to be a delinquent child pursuant to a petition filed before a circuit court" to "at all stages of any delinquency court proceedings." This change requires the public defender to represent an indigent youth at any time after he or she has been arrested, including before a detention hearing.

Section 3 – Children at Risk: The bill amends the definition of "child or adolescent at risk of emotional disturbance" in s. 394.492, F.S., the Comprehensive Child and Adolescent Mental

¹⁴ DJJ, *supra* note 1.

¹⁵ *Id.*

Health Services Act, to include the additional risk factor of “being 9 years of age or younger at the time of referral for a delinquent act.” (According to the DJJ, this amendment will allow those youth who qualify to receive treatment services through DCF’s community based care network.¹⁶)

Section 4 – CINS/FINS: The bill amends the definition of “child in need of services” in the CINS/FINS statute, s. 984.03(9), F.S., to include youth who are 9 years of age or younger who have a delinquency referral. As a result, these youth will be able to receive CINS/FINS services even though an active referral to the DJJ exists.

Section 5 – The bill makes no changes to current law in this section.

Section 6 – Medicaid Eligibility: The bill amends s. 409.9025, F.S., relating to inmate Medicaid eligibility, to include juveniles who are committed to high-risk residential or maximum-risk residential programs. Thus, Medicaid eligibility will be suspended (but not terminated) for these juveniles, and Medicaid-eligible youth who are in secure residential programs will be able to access Medicaid benefits for inpatient hospitalization while they are still committed. (Typically, the DJJ must pay for 100 percent of such inpatient hospitalization stays.¹⁷)

Section 7 – Diversion Programs: The bill adds the DJJ, counties, and municipalities to the list of qualified entities that may establish pre-arrest and post-arrest diversion programs by amending s. 985.125, F.S. It also encourages the use of pre-arrest and post-arrest diversion programs.

Section 8 - Substance Abuse Program: The bill creates s. 985.165, F.S., requiring the state to provide community-based substance abuse intervention, evaluation, and treatment services in each judicial circuit. The bill provides that a youth whose first offense is a misdemeanor drug offense must be diverted to a substance abuse service program. (In FY 2007-08, the DJJ had 4,305 youth whose first offense was a misdemeanor drug offense.¹⁸)

Currently, DCF provides community-based substance abuse treatment services through its community-based care providers, but the bill does not specify the entity responsible for providing the services proposed in this section.

Section 9 – Detention Risk Assessment Instrument: The bill requires the DJJ to have the risk assessment instrument independently validated, as well as evaluated to determine if it contributes to disproportionate minority contact. Additionally, the bill revises the reviewing committee to include two new representatives from child advocacy organizations appointed by the DJJ Secretary.

Section 10 – Mother/Infant Commitment Program: The bill authorizes the court to commit a juvenile mother or expectant juvenile mother to the DJJ for placement in a mother-infant

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

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., and the DJJ must adopt rules to govern such programs.

Section 11 – Transition Planning: The bill creates s. 985.461, F.S, to require the availability of a community-based interagency transition planning team for each youth leaving a residential commitment program. (According to the DJJ, it already provides for community-based supervision of youth, although it does not include the concept of interagency teams.¹⁹)

Section 12 – Aftercare Services for Girls: The bill creates s. 985.495, F.S., making it mandatory for the DJJ to have a gender-specific aftercare system for girls exiting residential programs. (According to the DJJ, in FY 2006-07, there were 1,320 girls released from residential programs. Because of the small numbers, this provision may be difficult to implement, especially in the rural areas.²⁰)

Section 13 – Vocational Education: The bill amends s. 985.622, F.S, to require vocational training that provides educational credits or nationally recognized certification be made available in all juvenile justice day treatment programs and residential commitment programs.

Section 14 – Outcome Based Contracting: The bill amends s. 985.644, F.S., to require the DJJ to conduct demonstration projects emphasizing the benefits of outcome-based contracting with critical interim performance standard requirements, in lieu of compliance-based contracts. These projects are to be completed by December 31, 2010.

Section 15 – Background Screening: The bill amends s. 435.04, F.S., to authorize the DJJ to grant an exemption from employment disqualification for a youth who has successfully completed a DJJ program after being crime-free for five (rather than seven) years.

Section 16 – Background Screening: The bill amends s. 985.644, F.S., to authorize the DJJ to conditionally hire a juvenile justice employee after successfully completing a preliminary background screening, but before completing the full background check, providing there is no direct contact with youth.

Section 17 – Juvenile Justice Boards and Councils: The bill amends s. 985.664, F.S., to provide that, subject to specific appropriation, juvenile justice circuit boards and juvenile justice county councils will receive local discretionary grant prevention funds that they may allocate to meet their local communities' specific needs.

Section 18 – FEFP: The bill amends s. 1011.62, F.S., to include juvenile justice programs in the statutory funding formula for FEFP.

Section 19 – Disproportionate Minority Contact Task Force: The bill creates a new section of law requiring the DJJ to create a Disproportionate Minority Contact task force, specifying numerous duties. The task force must submit a report to the Governor, Senate, and House of Representatives by July 1, 2010. It also requires the DJJ to create pilot projects to reduce DMC

¹⁹ *Id.*

²⁰ *Id.*

within the juvenile justice system in each of eight selected counties over three years. The final report concerning the pilot projects is due January 1, 2012.

Section 20 – DJJ Service Areas Study: The bill creates a new section of law requiring the DJJ to identify service areas that promote the concept of community-based programs and recommend implementation to the Legislature. The bill suggests that a full continuum of services in each service area includes, but is not limited to, prevention, early intervention, supervision, and support services in the family, probation, residential, and aftercare. The DJJ must submit a report to the Governor, the Senate, and the House of Representatives by January 1, 2010.

Section 21 – Competency Restoration Task Force: The bill creates a new section of law requiring the Governor to establish a task force to make recommendations to modify the current competency restoration process. The task force is required to submit a report to the Governor, Senate, and House of Representatives by January 1, 2010.

Section 22 – DJJ Role-Delineation Task Force: The bill creates a new section of law requiring the Governor to establish a task force to conduct a role-delineation study and to make recommendations regarding core competencies, professional curriculum, base rates of pay, and special risk retirement in the DJJ. The task force is required to submit a report to the Governor, Senate, and House of Representatives by January 1, 2010.

Section 23 – Crime Reduction/Prevention Study: The bill creates a new section of law requiring the DJJ, the Department of Corrections and DCF to select and work with a state university to calculate the return on investment of crime reduction through prevention and intervention programs, with the goal of implementing cost-saving strategies. The selected university is required to submit its report to each of the three agencies, the Governor, Senate, and House of Representatives by June 30, 2010.

Section 24 - The bill provides an effective date of July 1, 2009.

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:

Indeterminate.

C. Government Sector Impact:**Section 2 – Legal Representation:**

The Public Defenders may be impacted because of an increase in workload. Some circuits may be greatly affected and others less so. According to the Florida Public Defenders Association, in large circuits like the Fourth (Jacksonville), the Eleventh (Miami), the Thirteenth (Tampa), and the Seventeenth (Broward), there will probably be no impact because the common practice there is to appoint a public defender to almost all indigent youth. Other circuits that do not do this as a matter of course may have a significant increase in caseloads. However, this potential fiscal impact should be balanced against the likelihood that reversals on appeal in which a youth has not received legal counsel may decrease if the bill is passed.

Section 6 – Medicaid Eligibility:

The bill will provide for continuity of Medicaid eligibility for juveniles, so that there will be no gap in re-enrollment after release from juvenile justice settings. The time gap between release from DJJ and re-enrollment in Medicaid is normally about two months. Continuous Medicaid eligibility would result in a slight increase in the number of months of eligibility by youths who access these services and additional costs for services received during that period would be incurred. The total fiscal impact in FY 2009-10 is estimated at **\$9,215,826**, with General Revenue expenditures being \$4,148,965 and the Medical Care Trust Fund being \$5,066,861. For FY 2010-11, allowing for a 5% increase, the total fiscal is estimated at **\$9,676,618**, with General Revenue being \$4,356,413 and the Medical Care Trust Fund being \$5,320,205.²¹

²¹ E-mail correspondence from James McFaddin, Legislative Program Director, Agency for Healthcare Administration (Sun 3/29/2009 11:56 AM) (on file with the Senate Committee on Children, Families, and Elder Affairs).

Section 8 – First-time Drug Offender Diversion:

According to the DJJ, in FY 2007-2008, there were 5,763 first time offenders involved with the DJJ for drug related offenses. The average cost to the state for substance abuse treatment services for youth is \$2,100. Pursuant to the proposed changes to s. 985.165, F.S., diversion of these youth from the justice system to treatment would result in an **annual cost of \$12,102,300** (\$2,100 x 5,763 juvenile offenders). For FY 2009-2010, the projected budget needs of \$9,076,725 are based on 9 months to allow for implementation of expanded services through DCF substance abuse services contracts statewide (beginning October 1, 2009), with an annualized impact of \$3,025,575.²²

Section 11 – Multi-agency Transition Planning Teams:

According to the Commission, the cost to fund community-based interagency transition planning teams is \$1,000 per youth. In FY 2006-07, the DJJ released 7,117 youth from residential commitment programs. The recurring cost for this service is approximately **\$7.1 million**.²³

Section 13 – Vocational Education:

Requiring vocational training in all juvenile justice day treatment programs and residential commitment programs will likely have a **significant impact** on school districts.

Section 19 – Disproportionate Minority Contact Task Force and Pilot Projects:

According to the Commission, the cost to fund eight DMC pilot sites is **\$3.6 million**. There is no additional cost to create the task force according to the DJJ, as it is currently operational and funded through the State Advisory Group.²⁴

Section 20 – DJJ Service Area Study:

If the purpose of this section is to direct the DJJ to study the fiscal and policy impacts of having a full continuum of services in each judicial circuit, this will have a minimal fiscal impact. However, if the purpose of this language is to direct the DJJ to begin creating the full continuum of services in each judicial circuit, this will have a significant fiscal impact on the DJJ. According to the DJJ, to be able to fund a full continuum of services in each judicial circuit will require a significant capital outlay as well as a restructuring of the DJJ's internal operations.²⁵

Section 21 – Competency Restoration Task Force:

According to the DJJ, due to budget reductions, it will not be able to absorb the cost of the per diem for task force members. The calculation below assumes nine members, meeting once per month, at a rate of \$650 per meeting for each member. (On April 2, 2007, House staff wrote an analysis of the Governor's Illicit Drug Lab Task

²² DJJ, *supra* note 1.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

Force and assumed a \$650 per diem for each member for each meeting.) The total cost is estimated at **\$35,100.**²⁶

Section 22 – DJJ Role-Delineation Task Force:

According to the DJJ, due to budget reductions, it will not be able to absorb the cost of the per diem for task force members. The calculation below assumes nine members, meeting once per month, at a rate of \$650 per meeting for each member. (On April 2, 2007, House staff wrote an analysis of the Governor’s Illicit Drug Lab Task Force and assumed a \$650 per diem for each member for each meeting.) The total cost is estimated at **\$35,100.**²⁷

VI. Technical Deficiencies:

Section 5 of the CS/SB 2218 does not make any amendments to current law, nor does it create a new section of law.

VII. Related Issues:

The CS/SB 2218 requires DJJ to adopt rules relating to the operation of the mother-infant program authorized by the bill. The bill also requires that such programs must be licensed as child care facilities. Child care facilities are licensed by DCF,²⁸ and by Brevard, Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota counties, which have elected to regulate those facilities by ordinance.²⁹ It will be incumbent upon DJJ to work closely with all child care licensing entities when promulgating rules for the mother-infant program.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Barcode 483354 by Children, Families, and Elder Affairs on April 1, 2009:

The amendment makes a technical correction, amending the definition of “children in need of services” in the second place it is defined in the juvenile justice statute (WITH TITLE AMENDMENT).

Barcode 967652 by Children, Families, and Elder Affairs on April 1, 2009:

Adds members to the task force created by the bill, to include individuals who receive or received services in the juvenile justice system, the Agency for Persons with Disabilities, providers of developmental disability services and advocacy organizations.

CS by Criminal Justice on March 25, 2009:

- Deletes provisions relating to zero-tolerance policies.
- Deletes provisions relating to criminal history records.
- Deletes provisions relating to juvenile parole.

²⁶ *Id.*

²⁷ *Id.*

²⁸ Chapters 65C-20, 65C-22 and 65C-25, F.A.C.

²⁹ Local regulation is provided in s. 402.306, F.S.

- Amends the definition of CINS/FINS to include youth 9 and under who have been referred to the DJJ.
- Includes the DJJ, counties, and cities as entities encouraged to start diversion programs.
- Requires a mother-infant program to be licensed as a child care facility.
- Adds two child advocates to the detention risk assessment workgroup and requires the risk assessment instrument to be reevaluated every seven years.

B. Amendments:

None.

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