2012 Legislative Report
May 2, 2012

Wansley Walters
Secretary
May 2, 2012

Dear DJJ Staff, Stakeholders and Partners:

I am pleased to present the Florida Department of Juvenile Justice’s 2012 Legislative and General Budget Report. This report explains legislation that impacts the lives of our youth and the dedicated individuals who support them, and provides an agency budget overview for the new fiscal year beginning July 1.

The 2012 Session began January 10 and concluded March 9, and it was an eventful 60 days. Florida is in the middle of an economic downturn, creating many challenges. For the first time, our state dealt with five consecutive years of budget shortfalls totaling in the billions, resulting in shared adversity throughout all state agencies. DJJ was able to navigate those challenges, and we will continue to be vigilant.

Through successful advocacy by staff both at headquarters and in the field, the 2012 Legislature passed several important initiatives to help Florida’s children. Even with the progress made in this session, there is still more work to be done. We will continue to take decisive steps toward fulfilling our public safety mission and vision.

On behalf of all whom we serve, thank you for your dedicated service to the youth in our care.

Sincerely,

Wansley Walters
Secretary
Table of Contents

Department of Juvenile Justice Priorities

CS/HB 173 Juvenile Justice ................................................................. 2

Substantive Legislation

CS/CB/CS/949 Juvenile Justice Education and Workforce Programs............................... 2
CS/CB/CS/5B 1886 Zero Tolerance for Crimes and Victimization in Schools.......................... 3

Administrative Legislation

CS/CB/CS/CB 1205 Drug-Free Workplace................................................... 3
CS/CB/CS/CB CB 1261 State Employment......................................................... 4
CS/HB 7079 State Retirement ......................................................................... 4

Budget Legislation

HB 5401 Juvenile Detention Centers.................................................................. 4

Other Legislation of Interest

CS/CB/CS/CB 99 Relating to Sexual Exploitation......................................................... 5
CS/CB/CS/CB 1355 Protection of Vulnerable Persons............................................... 5
HB 7049 Human Trafficking............................................................................. 6

Budget Highlights

Budget Comparison FY 2010-2011/ FY 2011-2012.................................................. 7
Detention Services ............................................................................................. 8
Probation and Community Corrections.................................................................. 8
Executive Direction and Support Services............................................................. 9
Residential......................................................................................................... 9
Prevention and Victim Services.......................................................................... 9
The following is an overview of the major bills impacting the Department of Juvenile Justice and the budget passed by the 2012 Florida Legislature

CS/HB 173 — Juvenile Justice by Criminal Justice Subcommittee and Rep. Pilon and others (CS/SB 504 by Criminal Justice Committee and Senator Evers and others)

The bill amends numerous sections of statute in chapters 984 and 985, F.S., to delete references to serious or habitual juvenile offenders and serious or habitual offender programs. In addition, the bill:

- Defines “mother-infant program” and authorizes the Department of Juvenile Justice (DJJ) to develop or contract for mother-infant programs;
- Provides authority for DJJ, at the secretary’s discretion, to pay up to $5,000 towards the basic funeral expenses for a youth who dies while in custody of DJJ and whose parents or guardians are indigent and for which no other funding is available.

Vote: Senate 38-0; House 116-0
Approved by the Governor April 7, 2012, these provisions take effect July 1, 2012

CS/CS/HB 949 — Juvenile Justice Education and Workforce Programs by Criminal Justice Subcommittee, Education Committee, Rep. Baxley and others (CS/CW/SB 834 by Education Pre-K-12, Criminal Justice, Budget Subcommittee on Criminal and Civil Justice Appropriations)

The bill makes changes to the provisions of law that govern the accountability, deliverance, and review process of juvenile justice education programs that provide educational services to students within the DJJ.

The bill creates the Stephen R. Wise Commission for Juvenile Justice Education and Workforce Programs (Commission). The Commission must submit a report by December 31, 2012, that provides specific legislative recommendations relating to:

- A juvenile justice educational program (JJEPC) accountability system.
- Performance standards for JJEP providers and a system for evaluating school districts and providers based upon those standards. Student performance expectations must be based upon length of a student’s stay in a program.
- Requirements for educational services that increase opportunities for juveniles to continue their education and gain employment.
- Identification of effective program practices and resources for students in need of academic remediation, credit recovery, and workforce training.
- Elimination of duplicative processes and reporting requirements.
- Funding mechanism for local, state, and federal funding related to juvenile justice education and workforce programs.

The Commission is comprised of the following members: the Commissioner of Education; the Secretary of Juvenile Justice; two representatives of the business community; and one school district provider and one contract provider of a JJEP.

Additionally, the bill:

- Requires that Department of Education (DOE), in consultation with DJJ, district school boards, and providers, adopt by rule objective and measurable quality assurance standards, a quality assurance review process and schedule, and minimum thresholds for standards used to evaluate the educational component of juvenile justice programs.
- Requires that, as part of the quality assurance review process, DOE and DJJ monitor and report on the educational performance of youth in commitment, day treatment, early delinquency intervention, and detention programs.
- Requires an individual transition plan be developed for each student in a JJEP.
- Provides collaboration between the district school board and the director of the juvenile justice facility for the selection of instructional personnel.
Vote: Senate 40-0; House, died in returning messages
Provisions would have taken effect upon becoming law.

CS/SB 1886 — Zero Tolerance for Crimes and Victimization in Schools by Education Pre-K -12, Criminal Justice and Senator Wise (HB 1445 by Rep. Davis and others)

The bill requires district school boards to adopt a policy for reporting to a law enforcement agency any act that poses a serious threat to school safety that occurs wherever students are within the jurisdiction of the district school board. The zero tolerance policies must also define criteria for reporting misdemeanors that do not pose a serious threat to school safety. These misdemeanors may be handled within the school disciplinary system with victim consent or by law enforcement. Finally, the zero tolerance policies must provide that school officials may not request a law enforcement agency to respond to petty acts of misconduct. These incidents must be handled within the school disciplinary system.

The bill requires that agreements between the district school board and local law enforcement include the role of a school resource officer (SRO) in handling and reporting incidents that pose a serious threat to school safety, the misdemeanor offenses that do not pose a serious threat to school safety that may be handled through alternatives to arrest with the victim's consent, if applicable, and the incidents of petty misconduct that school officials must handle without filing a report with law enforcement.

The bill also requires provisions for training, within existing in service modules, for teachers and administrators on the long-term consequences of a youth arrest record and in-school resources available to address discipline infractions without involving law enforcement. Additionally, schools are required to offer behavior interventions for student offenses when a disciplinary action causes the student to miss instructional time. Finally, the bill requires the school principal to send an incident report to the district school superintendent when a student arrest is based on a serious threat to school safety.

Vote: Senate 39-0; House was not heard
Provisions would have taken effect July 1, 2012.


This bill expands the authorization of state agencies to drug test employees to allow for random drug testing of all employees at specified intervals. It limits the number of employees tested to no more than 10 percent of each agency's workforce every three months.

The bill also revises requirements for the discipline, treatment, and continued employment of a state employee who receives a positive drug test result. In part, such revisions include removal of a prohibition against employment termination of certain employees who receive a first-time positive drug test result.

The bill expands the authorization of state agencies to drug test job applicants to allow for the blanket drug testing of all applicants, regardless of the duties of the position.

The bill requires any drug test conducted under the Drug-Free Workplace Act to be paid for within each state agency's appropriation.

In addition, the bill revises the categories of public job applicants that may be drug tested. It also expands the categories of employers that may qualify for certain insurance discounts due to maintenance of a drug-free workplace program.

The bill amends language pertaining to the authorization for the Department of Corrections to conduct employee drug testing to conform to the expanded drug testing authorization for all state job applicants.

Vote: Senate 26-14; House 79-37
Signed by the Governor on March 19, 2012, these provisions take effect July 1, 2012.
CS/CS/CS/CS/HB 1261 — State Employment
by Government Operations Subcommittee, Rulemaking and Regulation Subcommittee, Appropriations Committee, State Affairs Committee and Rep Mayfield (CS/CS/SB 2084 by Governmental Oversight and Accountability and Budget)

This bill makes the following changes to the statutes governing state employees:
- Revises requirements for fingerprinting conducted as part of a background screening.
- Restructures the administrative annual leave cap for certain disabled veterans from six days to 48 hours.
- Revises the process for the implementation of furloughs.
- Removes the annual hourly cap for other-personal-services employees and revises related agency reporting requirements.
- Transfers administration of the alternative retirement income security program for other-personal-services employees from the Department of Management Services to the Department of Financial Services.
- Revises provisions related to telework. Requires employees to designate a charity when donating to the Florida State Employees’ Charitable Campaign.
- Revises provisions relating to pay additives.
- Removes a career service employee’s ability to carry forward unused compensatory leave when he or she moves to a Selected Exempt Service position.
- Limits a career service employee’s probationary period to no more than 18 months.
- Clarifies provisions relating to employees who have been promoted and are in probationary status.

Vote: Senate 40-0; House 112-0
If approved by the Governor, these provisions take effect July 1, 2012.

CS/HB 7079 — State Retirement
by State Affairs Committee, Government Operations Subcommittee and others (CS/CS/SB 2024 by Governmental Oversight and Accountability and Budget)

The bill corrects drafting errors and makes other conforming and clarifying changes that are necessary as a result of the passage of SB 2100 during the 2011 Legislative Session. The bill:
- Clarifies that the provisions of part I of the Florida Retirement System Act are applicable to parts II and III of the act, provided the provisions are not duplicative or inconsistent.
- Revises the definition of “vesting” and “normal retirement date” to make clarifying changes. Conforms the deferral age for participants of the Deferred Retirement Option Program initially enrolled in the FRS on or after July 1, 2011, to changes made in SB 2100.
- Makes it clear a retiree of the investment plan, SMSOAP, SUSORP, or SCSCSORP, who is reemployed on or after July 1, 2010, is prohibited from being reenrolled as a renewed member of a state-administered retirement system.
- Allows members of the SMSOAP, SUSORP, and SCSCSORP to receive a benefit distribution of up to 10 percent of their account balance one month after termination.
- Clarifies that the current prohibition on hardship loans, for purposes of the SMSOAP, SUSORP, and SCSCSORP, does not apply in certain circumstances.
- Clarifies that members of the SUSORP may receive payment of benefits from either annuity contracts or investment contracts.
- Provides that the term “benefit”, for purposes of the SUSORP, means a distribution taken by the member, or surviving beneficiary, funded in part or in whole by employer and employee contributions. A rollover distribution to another qualified plan qualifies as a distribution.
- Provides that members of the SUSORP may not receive benefits funded by voluntary personal contributions until after termination from employment for three calendar months.

Vote: Senate 39-0; House 108-8
If approved by the Governor, these provisions take effect July 1, 2012.

HB 5401 — Juvenile Detention Centers
by Justice Appropriations Subcommittee (SB 1966 by Budget)

The bill conforms to the Fiscal Year 2012-13 General Appropriations Act and redefines the term “detention care” to include respite beds for juveniles charged with domestic violence.

Vote: Senate 38-1; House 116-0
If approved by the Governor, these provisions take effect upon becoming law.
CS/CS/HB 99 — Relating to Sexual Exploitation by Health and Human Services Access
Subcommittee, Health and Human Services Committee Rep Fresen and others (CS/CS/CS/SB 202 by Children, Families, and Elder Affairs, Budget Subcommittee on Criminal and Civil Justice Appropriations, Budget, Senator Flores and others)

The bill makes amendments to definitions relating to abuse and sexual exploitation of children in Chapter 39, F.S., which could have the effect of considering a child as dependent and sexually exploited when they are engaging in prostitution. The bill also retains law enforcement discretion to arrest and prosecute children for the crime of prostitution.

The bill requires law enforcement to deliver children picked up and alleged to be dependent and sexually exploited to the Department of Children and Families (DCF) for assessment and possible shelter. It provides that DCF may place alleged victims in a safe house, if one is available, and it creates a new section of law related to safe harbor placements which provides process and requirements for services in safe houses.

The bill increases the civil penalty for specified violations of prostitution from $500 to $5,000 and directs that $500 of the civil penalty be used for treatment based drug court programs and the remainder be paid to the DCF to fund safe houses and short-term safe houses.

Vote: Senate 39-0; House 116-0
Approved by the Governor April 16, 2012, these provisions take effect July 1, 2012.


The bill amends current law for mandatory reports of child abuse and requires any person to report known or reasonably suspected abuse of a child by a person other than a parent, legal custodian, caregiver, or other person responsible for the welfare of the child. It also requires any person who knows or has reasonable suspicion that a child is a victim of childhood sexual abuse or is a victim of a juvenile sexual offender to report that knowledge or reasonable suspicion. A report of child abuse required by the bill must be accepted by the Florida Abuse Hotline (hotline), maintained by the Department of Children and Families (DCF), and forwarded to the appropriate sheriff’s office. DCF will continue to only investigate reports of abuse by a parent, legal custodian, caregiver, or other person responsible for the child’s welfare.

The bill requires the DCF to enable the hotline to accept reports of known or suspected child abuse through web-based chat. Also, DCF is directed to conduct a study on the feasibility of adding text and short message service formats as a means for the hotline to accept and process reports of abuse. DCF must also update the web-based reporting form for the hotline to receive appropriate information and allow the DCF to assess need and the appropriate response to the need. The bill requires the DCF to partner with community-based organizations and public service campaigns to promote public awareness of the hotline.

The bill imposes a $1,000,000 fine on public and private colleges, universities and schools whose personnel or law enforcement agencies fail to report certain child abuse taking place on campus or at an event or function sponsored by the college, university, or school. The bill also specifies the entities that will impose the fine, depending on the education institution involved in the failure to report child abuse as required by the bill.

The bill expands the scope of victims who are eligible to receive monetary relocation assistance to include a victim of sexual battery, and appropriates $1.5 million from the General Revenue Fund for that purpose.

The bill increases criminal penalties by reclassifying certain violations involving sexual conduct with minors. It also defines “aggravated child abuse” and “mental injury” for the purpose of criminalizing aggravated child abuse and providing for the prosecution of persons who abuse a child and cause mental injury, without an accompanying physical injury.

Vote: Senate 35-4; House 114-0
If approved by the Governor, these provisions take effect October 1, 2012.
HB 7049 — Human Trafficking by Judiciary Committee, Rep. Snyder and others (CS/SB 1880 by Criminal Justice, Senator Flores and others)

The bill updates and enhances Florida’s human trafficking laws by:
- Combining statutes on involuntary servitude, human trafficking, and sex trafficking into a single statute.
- Enhancing the applicability of these provisions and increasing penalties.
- Providing jurisdiction for human trafficking to the Office of the Statewide Prosecutor and to the statewide grand jury.
- Providing that human trafficking for the purpose of commercial sexual activity is a predicate offense for sex offender and sex predator status.

The bill makes changes to the human trafficking statute to:
- Eliminate the requirement that human trafficking be “for transport.”
- Include within the definition of “commercial sexual activity” prostitution, pornography, and sexually explicit performances.
- Eliminate the requirement that prohibited trafficking of minors for commercial sexual activity be “coerced.”
- Provide an enhanced penalty to those who traffic minors and those who traffic persons who are not legally authorized to work in the United States.

In addition, the bill:
- Increases the penalty for the crime of human smuggling from a first degree misdemeanor to a third degree felony.
- Permits a judge to authorize the interception of wire, oral, or electronic communications when such interception may provide evidence of the commission of the offense of human trafficking.
- Requires an operator of a massage establishment, any employee of a massage establishment and any person performing a massage therein to present valid government identification to an investigator of the Department of Health or law enforcement officer upon request.

Vote: Senate 38-0; House 111-0
Approved by the Governor April 8, 2012, these provisions take effect July 1, 2012.
# DJJ Budget Comparison
## After Governor's Vetoes
### FY 2011-2012 / FY 2012-2013

<table>
<thead>
<tr>
<th></th>
<th>FY 2011-12</th>
<th></th>
<th>FY 2012-13</th>
<th></th>
<th>% Change</th>
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<td></td>
<td>FTE’s</td>
<td>Budget</td>
<td>FTE’s</td>
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<td>FTE</td>
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<td>Detention Centers</td>
<td>1,556.0</td>
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<td>1,479.0</td>
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<td></td>
<td></td>
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<td>Aftercare</td>
<td>24.0</td>
<td>$ 25,896,944</td>
<td>24.0</td>
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<td>Juvenile Probation</td>
<td>1,335.5</td>
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<tr>
<td>Non-Res Delinquency</td>
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<td>$ 18,677,327</td>
<td>0.0</td>
<td>$ 18,677,327</td>
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<td><strong>Office of Secretary/Assistant Secretary for Administrative Services</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive Direction</td>
<td>226.5</td>
<td>$ 21,567,692</td>
<td>226.5</td>
<td>$ 20,749,752</td>
<td>0.0%</td>
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<tr>
<td>Information Tech</td>
<td>59.5</td>
<td>$ 6,244,483</td>
<td>59.5</td>
<td>$ 5,889,311</td>
<td>0.0%</td>
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<tr>
<td><strong>Residential Corrections Program</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Non-Secure</td>
<td>270.0</td>
<td>$106,465,408</td>
<td>122.0</td>
<td>$110,142,197</td>
<td>(54.8%)</td>
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<td>Secure</td>
<td>640.0</td>
<td>$ 92,869,945</td>
<td>237.0</td>
<td>$ 74,857,523</td>
<td>(62.9%)</td>
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<tr>
<td><strong>Prevention and Victim Services</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Prevention</td>
<td>17.0</td>
<td>$ 55,457,378</td>
<td>17.0</td>
<td>$ 61,938,161</td>
<td>0.0%</td>
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</table>

| DJJ Total              | 4,128.5    | $532,909,303 | 3,500.5    | $522,533,765 | (15.2%) | (1.9%) |

### Summary
- $10.3M funding decrease from FY2011-12, an overall decrease of 1.9%.
- **Vetoes:** Total $3.1M (GR) in Aftercare Services/Conditional Release, Non-Secure Residential Commitment, and in the Prevention & Victim Services budget entities.

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1 For the purpose of comparing identical numbers from previous years, the totals from FY 11-12 and FY 12-13 are both **AFTER** the Governor’s Vetoes.
Juvenile Detention Program:

| Juvenile Detention  | FY 12-13 | $102,682,641 | 1,479.0 FTE |

**Highlights**
- **$1.2M (GR)** provided for respite care for youth charged with domestic violence. Funds approximately 43 respite beds.
- **$800,000 (GR)** provided for critical safety, security, maintenance, and repair issues at state-owned Detention and Residential buildings.

**Detention Cost-Share**
- **$3.8M (GR)** provided for fiscally constrained counties for detention center costs. The allocation has been reduced by $748,765, previously appropriated to Highlands and Hardee counties. Highlands and Hardee counties will no longer utilize the state-operated juvenile detention system for pre-adjudicated youth.

**Reductions**
- **$3.2M (TF)** reduction of detention bed capacity by removing youth from secure detention charged with domestic violence and the elimination of 77.0 positions in the Detention budget entity.

Probation and Community Corrections Program:

| Aftercare/Conditional Release | FY 12-13 | $25,847,302 | 24.0 FTE |
| Juvenile Probation | FY 12-13 | $101,749,551 | 1,335.5 FTE |
| Non-Residential Delinquent Rehabilitation | FY 12-13 | $18,677,327 | 0.0 FTE |

**Highlights**
- **$6.0M (GR)** provided to expand the Redirections Program in the Juvenile Probation budget entity.

**Veto**
- **$2.45M (GR)** vetoed to implement a comprehensive transition planning process and provide transition focused case management services in the Aftercare/Conditional Release budget entity.
Office of Secretary/Assistant Secretary for Administrative Services:

<table>
<thead>
<tr>
<th>Executive Direction &amp; Support Services</th>
<th>FY 12-13</th>
<th>$20,749,752</th>
<th>226.5 FTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information Technology</td>
<td>FY 12-13</td>
<td>$ 5,889,311</td>
<td>59.5 FTE</td>
</tr>
</tbody>
</table>

Highlights
- $408,841 (GR) provided for the realignment of budget for the regional data centers.

Residential Corrections Program:

<table>
<thead>
<tr>
<th>Non-Secure Residential Commitment</th>
<th>FY 12-13</th>
<th>$110,142,197</th>
<th>122.0 FTE</th>
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</thead>
<tbody>
<tr>
<td>Secure Residential Commitment</td>
<td>FY 12-13</td>
<td>$ 74,857,523</td>
<td>237.0 FTE</td>
</tr>
</tbody>
</table>

Highlights
- $250,000 (GR) for utility costs (electricity, water) for the DeSoto Facility.

Reductions
- $13.2M (GR) reduction to Non-Secure Residential bed capacity that requires the elimination of approximately 332 non-secure beds.

Technical Issues
- $20.4M/$20.4M(GR) represents the budget realigned in the Residential Corrections program to implement bed reductions during FY 2011-2012. North Florida Youth Development Center and DeSoto facilities were closed and 551.0 positions were eliminated (148.0 in Non-Secure Residential and 403.0 in Secure Residential).

Veto
- $200,000 (GR) vetoed for maintenance and repairs at the Here’s Help Residential Facility in Miami-Dade County.

Prevention and Victim Services:

| Delinquency Prevention                  | FY 12-13 | $61,938,161 | 17.0 FTE  |

Highlights
- $2M (GR) provided for the Florida Boys and Girls Club for gang prevention through targeted outreach programs.
- $1M (GR) provided to construct a Boys and Girls Club in Lacoochee in Pasco County.
Veto

- **$450,000 (GR)** vetoed to fund a virtual (web-based) system that would have addressed life, educational and workforce needs of the students housed in residential and non-residential programs.
Table of Contents

Department of Juvenile Justice Priorities

CS/HB 173 Juvenile Justice .................................................................2

Substantive Legislation

CS/CS/HB 949 Juvenile Justice Education and Workforce Programs.................................2
CS/CS/SB 1886 Zero Tolerance for Crimes and Victimization in Schools.........................3

Administrative Legislation

CS/CS/CS/HB 1205 Drug-Free Workplace......................................................................3
CS/CS/CS/HB 1261 State Employment.........................................................................4
CS/HB 7079 State Retirement ....................................................................................4

Budget Legislation

HB 5401 Juvenile Detention Centers ........................................................................4

Other Legislation of Interest

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Budget Comparison FY 2010-2011/ FY 2011-2012.......................................................7
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