

Department of Juvenile Justice

*Office of
Legislative Affairs*



2006 Legislative Final Report

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Secretary

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Summary of Substantive Legislation

House Bill 605, Senate Bill 1320
Relating To DJJ/Personal ID Information/Personnel
Sponsors: Representative Planas and Senator Crist

- This bill creates an exemption to public records requirements as to personal identifying information contained in agency held records for specific positions within the Department. Specifically, the exemption is applicable to current or former Juvenile Probation Officers, Juvenile Probation Supervisors, Detention Superintendents, Assistant Detention Superintendents, Juvenile Detention Officers, Senior Juvenile Detention Officers, Juvenile Detention Officer Supervisors, House Parents I & II, House Parent Supervisors, Group Treatment Leaders, Group Treatment Leader Supervisors, Rehabilitation Therapists, and Social Services Counselors.
- The bill makes the following information exempt from public records requirements:
 - The home addresses, telephone numbers, and photographs of the specified DJJ personnel
 - The names, home addresses, telephone numbers, and places of employment of the spouse and children of the specified DJJ personnel
 - The names and locations of schools and day care facilities attended by any children of the specified DJJ personnel
- The bill demonstrates that the role and responsibility of directly supervising troubled youth is a critical undertaking, and that the personal information held by the department of those who perform this function warrants protection. If this information is not held confidential, the possibility exists that the employee or his/her family could be harmed by a juvenile defendant or by a friend or family member of a juvenile defendant. This bill benefits the workers in the juvenile justice system serving in the highest risk areas.

Effective: October 1, 2006

House Bill 5019
Relating to The Martin Lee Anderson Act of 2006
Sponsor: The House Criminal Justice Appropriations Committee

- This bill includes specified law enforcement officers in the definition of "other person responsible for a child's welfare" for purposes of abuse investigations.
- This bill revises the definition of the term "fiscally constrained county" for purposes of determining state payment of the cost of pre-disposition juvenile detention care.
- This bill repeals s. 985.309, F.S., eliminating authority for juvenile Boot Camps and creates s. 985.3091, F.S., authorizing the creation of Sheriff's Training and Respect (STAR) programs. The bill provides the eligibility requirements for juveniles placed in the programs; specifies required program offerings; specifies program participation time frames; requires the department to adopt rules and maintain specific records as to the programs; provides for quarterly evaluations of the programs during the first year of their operation and for contract cancellation under specified circumstances. The bill also specifies staff training requirements, requires the department to adopt training rules, prohibits the provision of direct care by staff who have not complied with the training requirements, prohibits the operation of a STAR program until department rules are adopted and the department verifies program compliance with those rules, and authorizes the adoption of emergency rules (if necessary) to allow for the operation of a STAR program beginning July 1, 2006.
- This bill creates s. 985.4055, F.S., requiring the department to adopt rules establishing a protective action response policy. The bill specifies when verbal and physical intervention techniques may be used and prohibits the use of mechanical restraints, aerosol agents, and chemical agents. The bill further requires the department to adopt rules establishing protection action response training curriculums and certification procedures. The bill also requires the certification of department and provider employees in the protective action response policy prior to the assumption of direct care responsibilities.
- This bill creates the cost of supervision and care waiver pilot program in the Fourth and Eleventh Judicial Circuits. This pilot allows for the waiver of fees imposed under s. 985.2311, F.S., upon the successful completion of specified parenting classes. The bill also provides for review of the pilot program and reporting by the Office of Program Policy and Government Accountability.

Effective: July 1, 2006

House Bill 175, Senate Bill 114, Senate Bill 444
Relating to Drug Court Programs
Sponsors: Representative Adams, Senator Lynn, and Senator
Campbell

The term “drug court” refers to a process by which substance abusers entering the court system are placed into a treatment program and are actively monitored by the Court and a team of justice system and treatment professionals. This bill modifies laws regarding drug court programs in dependency, criminal, and delinquency proceedings. As it relates to delinquency proceedings, section 10 of the bill amends s. 985.306, F.S., as follows:

- The bill provides that a child who has not previously been adjudicated for a felony, or charged with a felony of the second or third degree for the purchase or possession of a controlled substance, tampering with evidence, solicitation for purchase of a controlled substance, or obtaining a prescription by fraud is eligible for voluntary admission into a drug court program. The bill removes the requirement that the youth have no prior admittance to a delinquency pretrial intervention program.
- The bill changes the required time of participation in a program from a minimum of one year to a level of participation based on program requirements and treatment services deemed necessary for the child.
- The bill adds subsection (2) to s.985.306, F.S., which subjects the youth to a coordinated strategy developed by a drug court team while the youth is in a delinquency pretrial intervention program. The strategy may include sanctions for failure to abide by program requirements, to include placement in a secure licensed clinical facility or placement in a secure detention facility as a result of program non-compliance. A written copy of the coordinated strategy must be provided to the child before the child agrees to enter the pretrial intervention program.
- The bill provides that if a youth in a drug court program violates the terms of the program, a judge may order a period of secure detention as part of the coordinated sanctions. If a violation occurs, the judge may find the youth in contempt of court and impose secure detention for five days (first offense) and up to fifteen days for a second offense (provided that no other sanctions are available). If a youth is placed on probation or on conditional release and violates the conditions of the drug court treatment program, the youth can be held in detention for up to 24 hours awaiting a detention hearing. If it is determined that the youth is eligible for detention, a youth may be held for up to 21 days.

Effective Upon Becoming Law

Senate Bill 1748, House Bill 7029
Relating to Juvenile Justice
Sponsors: Senator Wise and Juvenile Justice Committee

- This bill reorganizes ch. 985, F.S., to provide a chronological presentation of the delinquency proceeding from the introduction of the child into the system to the case outcome. It divides the chapter into 13 parts, and divides larger sections within chapter 985 into smaller parts that are given more meaningful section and subheading names to better describe and organize the chapter's contents.
- This bill is strictly a technical rewrite of chapter 985, with no substantive changes to the law.

Effective: January 1, 2007

Senate Bill 256
Relating to Scholarship Program Accountability
Sponsor: Senator King

Pertaining to the department, SB 256 amends s. 1002.39 F.S., as follows:

- Redefining the criteria for students who are eligible to participate in the McKay scholarship program, including providing for the eligibility of students from the Florida School for the Deaf and the Blind and students who participated in Department of Juvenile Justice commitment programs during the previous year
- Students who are enrolled in a school that provides educational services in department commitment programs are not eligible for a McKay scholarship. Residential commitment programs include low, moderate, high, and maximum risk programs.

Effective: July 1, 2006

Summary of Administrative Legislation

Senate Bill 428, House Bill 6001
Relating to Travel Expenses/Reimbursement
Sponsors: Senator Lawson, Representative Ausley, and Representative Coley

The bill amends s. 112.061, F.S., in order to specify uniform travel reimbursement ranges for state and out-of-state travelers.

- The per diem rate for travelers will be increased from \$50 to \$80.
- Travelers will be allowed \$6 for breakfast, \$11 for lunch, and \$19 for dinner.
- Travelers are entitled to 44.5 cents per mile for travel in a privately owned vehicle or common carrier fare if determined by the agency head to be more economical.

Effective: July 1, 2006

House Bill 1123, Senate Bill 2460
Relating to Florida Government Accountability Act
Sponsors: Representative Sansom and Senator Posey

HB 1123 creates the “Florida Government Accountability Act” and provides a rationale for and an analytical review of the agencies of Florida government on a periodic basis. It creates the Legislative Sunset Advisory Committee, charged with conducting hearings and developing criteria for the continuation, modification, or abolition of named state agencies and advisory bodies.

- The bill establishes the Legislative Sunset Advisory Committee, providing the membership and organization of the Committee.
- The bill creates a schedule to abolish state agencies and advisory committees. Additionally, it requires reports and assistance from the various agencies, the Auditor General, and the Office of Program Policy Analysis and Government Accountability.
- The bill sets criteria for agency review, provides responsibilities for the Legislative Sunset Advisory Committee, authorizes subpoenas, provides for abolition/continuation of agencies, creates procedures after termination, requires review and monitoring, and provides a savings clause.
- The bill provides additional requirements for agency legislative budget requests including a recommended cost-allocation methodology.

Effective: July 1, 2006

Senate Bill 2548, House Bill 7189
Relating to State Financial Matters
Sponsors: Senator Carlton and Representative Brummer

SB 2548 amends several sections of Florida Statutes, providing planning and budgeting guidelines for state government for the purpose of expanding accountability. The bill also provides procedures for both spending and the overall budgetary process. The bill:

- Provides legislative oversight in inter-fund transfers when a deficiency exists in a trust fund.
- Changes the process for performance budgeting.
- Clarifies the notice and review procedures used in the budgetary process to allow differing periods of notice.
- Requires a detailed plan prior to the distribution of a lump sum appropriation.
- Prohibits an agency from granting general salary increases without specific legislative authorization.
- Modifies the certification forward process.

Effective: July 1, 2006

House Bill 293, Senate Bill 1612
Relating to Fiscally Constrained Counties
Sponsors: Representative Pickens and Senator Baker

- This bill amends s. 985.2155(2), F.S., to redefine the term “fiscally constrained counties” as a county in which a one mill property tax rate will raise no more than \$5 million in revenue annually.
- The section provides for state funds to be used to pay the costs of pre-disposition juvenile detention in fiscally constrained counties.
- Under the new definition, a county is fiscally constrained if a one mill property tax rate will raise no more than \$5 million. The new definition does not require a county to be classified as a “rural area of critical economic concern.” Thirty counties qualify as a “fiscally constrained county” under this definition.

Effective: July 1, 2006

Senate Bill 2518, House Bill 7185
Relating to Contractual Services/State Agency
Sponsors: Senator Argenziano and Representative Rivera

SB 2518 creates the Council for Government Efficiency to review and establish policy for state agency contracting projects. The bill puts the burden on the state agency to prove the value and efficiency of a proposed vendor project and instills value accountability for how taxpayer dollars are used. The bill:

- Requires that an agency develop a detailed business case to outsource before a service or activity may be outsourced, and requires that an agency submit the business case to outsource to the council, the Governor, and the Legislature, before releasing the solicitation or executing the contract. This applies to contracts exceeding \$1 million in a fiscal year.
- For proposals to outsource exceeding more than \$10 million in a fiscal year, the council must conduct an analysis and provide it to the agency proposing the outsourcing, the Governor, and the Legislature. This analysis must be provided before the agency releases the solicitation for the proposed outsourcing.
- Provides that a contract may not prohibit lobbying by a contractor of the executive or legislative branch concerning the contract during the contract term.

Effective: July 1, 2006

Senate Bill 1716, House Bill 7181
Relating to Contractual Services/State Agency
Sponsors: Senator Atwater and Representative Berfield

SB 1716 will provide additional oversight responsibilities to the Legislative Budget Commission. Under this bill, the Legislature will develop a long-range plan to integrate agency planning and the budget process. The bill also creates a Government Efficiency Task Force to identify ways to improve government efficiency and reduce costs. The bill:

- Amends s. 216.065, F.S., to require that the commission and legislative appropriations committees be provided a fiscal impact statement that details the effect of any action taken by the Governor, Governor and Cabinet, state agency, or statutorily authorized entity, that will affect revenues, require a request for an increased or new appropriation in the following 3 fiscal years, or transfer current year funds, before such action is taken.
- This bill will be effective upon the effective date of the amendment to the State Constitution contained in Senate Joint Resolution No. 2144

BUDGET HIGHLIGHTS

Detention Services:

Detention Centers	\$131,385,844	2098.5 FTE
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Budget Enhancements

- Provides \$1,518,860 (GR) to upgrade the closed-circuit security television systems in the 10 largest detention centers throughout the state, providing increased protection for both youth and staff.
- Provides \$1.5M (GR) for enhanced specialized treatment services to improve the health care for youth in detention centers.
- Provides \$6.5M (GR) for maintenance and repair of state owned buildings.
- Provides \$254,180 (GR/TF) for increased cost of fuel and utilities.
- Provides competitive pay adjustment of 5% for frontline workers (class codes: 5711, 5712, & 5713), effective October 1, 2006 to help recruit and retain qualified staff and reduce staff turnover.

Detention Cost Share

- \$93.7M for the local government's share of the funding responsibility for pre-disposition detention. This amount does not include the salary increases and competitive pay adjustments for direct care workers that will be effective October 1, 2006.
- Provides \$5,306,166 (GR) for fiscally constrained counties for detention center costs.
- Provides an additional \$2,442,456 (GR) for state's share of secure detention costs.

Other Issues

- Provides \$2,380,455 (GR/TF) to outsource operations of the Palm Beach Detention Center to begin January 1, 2007.

Probation and Community Corrections:

Juvenile Probation	\$95,633,282	1,529.5 FTE
Aftercare /Conditional Release	\$32,268,867	25 FTE
Non-Residential Delinquent Rehab	\$22,361,544	0 FTE

Budget Enhancements

- Provides \$3,020,000 (GR) additional funding to expand community-based redirection services to 360 youth, at least 50 of whom must be female.
- Provides \$813,722 (GR) for the Street Smarts program located at the Avon Park Youth Academy.
- Provides \$500,000 (GR) for aftercare/conditional release slots.
- Provides \$45,389 (GR) for increased cost of fuel and utilities.
- Provides competitive pay adjustment of 5% for frontline workers (class codes: 5965, 5966, & 5967) effective October 1, 2006 to help recruit and retain qualified staff and reduce staff turnover.
- Price Level Increase for Private Providers (the specific funding to be allocated to each of these budget categories has yet to be determined)
 - Aftercare/Conditional Release
 - Probation
 - Non-Residential Delinquency Rehab

Budget Reductions

- Eliminates \$1,689,109 (GR) for Early Delinquency Intervention Program (EDIP).
- Reduces \$1M (GR) from contracted probation services. Programs to be reduced include those that target misdemeanor offenders and administrative contracts.

Prevention & Victim Services:

Delinquency Prevention	\$63,014,369	17 FTE
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Budget Enhancements

- Price Level Increase for Private Providers (the specific funding to be allocated to each of these budget categories has yet to be determined):
 - Pace Centers
 - CINS/FINS
- Provides \$600,000 (GR) for gender-specific programs to incorporate research based delinquency prevention programs.
- Provides \$1.4M (GR) for the expansion of PACE Center for Girls programs.
- Provides \$2.5M (GR) for statewide funding increase for CINS/FINS programs.

Budget Reductions

- Reduces unfunded budget authority in the Juvenile Crime Prevention/Early Intervention Trust Fund Aid to Local Government – Invest In Children Trust Fund in the amount of \$1,000,000.

Residential and Correctional Facilities:

Non-Secure Res. Commitment	\$191,422,268	295 FTE
Secure Res. Commitment	\$140,326,434	747 FTE

Budget Enhancements

- \$2.1M (GR) will be used to improve medical services in residential programs.
- Provides \$10,557,625 (GR) for Sheriffs' Training and Respect (STAR) programs. Funds are provided for 260 residential commitment beds and at least 65 aftercare slots.
- Provides \$500,000 (GR) for Protective Action Response (PAR) training for employees who have direct care responsibilities as required by the Martin Lee Anderson Act of 2006.
- Provides \$3.9M (GR) for substance abuse overlay services in Residential programs.
- Provides \$1.5M (GR) for intensive mental health services at the Milton Girls Juvenile facility and replacement programs for FIG.
- Provides \$154,324 (GR) for increased cost of fuel and utilities.
- Provides competitive pay adjustment of 5% for frontline workers (class codes: 5721, 5722, 5725, 5726, 5727, & 5953) effective October 1, 2006 to help recruit and retain qualified staff and reduce staff turnover.
- Price Level Increase for Private Providers (the specific funding to be allocated to each of these budget categories has yet to be determined):
 - Non-Secure Residential
 - Secure Residential
- Provides \$1M (GR) for juvenile justice initiatives to reduce and prevent crime.
- Provides \$14.3M (GR) for maintenance and repair of state owned buildings, replacement of classroom portables, and hurricane repairs for Eckerd Youth Development Center and Okeechobee facility.

Budget Reductions

- Reduces unfunded budget authority in the Grants and Donations Trust Fund in the amount of \$800,000.

Executive Direction & Support Services:

Information Technology	\$6,636,703	64.5 FTE
Executive Dir & Support Services	\$21,207,628	228.5 FTE

Budget Enhancements

- Provides \$288,939 (GR) for the revision of entry-level certification curricula and additional specialized training for supervisors and other leaders in the department.
- Provides \$47,960 (GR) for an additional FTE for the Background Screening Unit.
- Provides \$48,915 (GR) for enhanced immigration background screening checks.

Budget Reductions

- Reduces unfunded budget authority in the Grants and Donations Trust Fund in the amount of \$200,000

Other Budget Issues of Note:

- Provides 3% salary increase for staff effective October 1, 2006.
- Provides sufficient funding such that there will be no increase in staff health insurance costs.
- Although the specific allocations have yet to be determined, the price level increase for contract service providers is \$21,000,000 (the department may utilize up to \$2,100,000 of these funds for improved medical services in residential programs)

Special Member Projects

	PROJECT NAME	LINE ITEM #	SPONSORS	CBIR #	CONFERENCE AGREEMENT
	DETENTION CENTERS				
1	Girls Advocacy Project - G.A.P. Statewide	1105	Diaz de la Portilla/ Barreiro	2912/1965	775,000
2	Girls' Advocacy Project - G.A.P. Miami-Dade (Recurring)	1105			150,000
	AFTERCARE SERVICES - CONDITIONAL RELEASE				
3	Southwest Florida Marine Institute - Contracted Conditional Release	1115	Aronberg/Kottkamp	1624/1403	273,750
	NON-SECURE RESIDENTIAL COMMITMENT				
4	Project Craft	1151A			300,000
5	Peace River Outward Bound Repair and Maintenance	1151A	Bennett/Smith	2695/3157	200,000
6	Escambia River Outward Bound Repair and Maintenance	1151A	Peaden/Evers	2336/2333	75,000
7	Eckerd Youth Alternative Facility in Christmas	1153			500,000
8	Increase Mental Health Services at the Department of Juvenile Justice's Milton Girls Facility	1153			50,000
	DELINQUENCY PREVENTION & DIVERSION				
9	PAR Adolescent Intervention Center (PAIC) Pasco County (Recurring)	1178	Fasano/Legg/Bilirakis/ Russell	404/1867	725,000
10	Youth Advocate Programs, Inc	1178	Argenziano/Ambler	835/2138	300,000
11	Putnam County Sheriff's Work Ethics and Training (SWEAT) Program	1178	Lynn/Pickens	194/202	75,000
12	Seminole County Juvenile Drug Court	1178	Baker/Simmons	701/484	280,000
13	Creating Long Lasting Family Connections - Putnam County Juvenile Diversion/Intervention Program	1178	Lynn	554	50,000
14	Mental Health and Family Counseling Services for Juvenile Offenders	1178	Aronberg/Kottkamp	1622/1338	268,000
15	Domestic Violence Juvenile Offender Diversion	1178	Aronberg/Williams	2154/1970	100,000
16	Children's Advocacy Council - Trauma Counseling for Victimized Youth	1178	Aronberg/Kottkamp	1625/1412	50,000
	Total				\$4,171,750

Budget Comparison FY 2005-2006 / FY 2006-2007

	<i>FY 2005-06</i>		<i>FY 2006-07</i>	
	<u>FTEs</u>	<u>Budget</u>	<u>FTEs</u>	<u>Budget</u>
Juvenile Detention				
Detention Centers	2,098.50	\$115,683,231	2,098.50	\$131,385,844
Home Detention	-0-	\$ 0		
Probation/Community Corrections				
Aftercare	25.00	\$ 28,590,693	25.00	\$ 32,268,867
Juvenile Probation	1,529.50	\$ 90,735,116	1,529.50	\$ 95,633,282
Non-Res Del	-0-	\$ 24,864,375	-0-	\$ 22,361,544
Prevention	17.00	\$ 60,164,982	17.00	\$ 63,014,369
Residential				
Non-Secure	297.00	\$165,939,949	295.00	\$191,422,268
Secure	747.00	\$125,930,186	747.00	\$140,326,434
Executive Direction				
Executive Dir	243.50	\$ 21,661,237	228.50	\$ 21,207,628
Information Tech	64.50	\$ 6,468,040	64.50	\$ 6,636,703
Back of the Bill				\$ 4,656,905
DJJ Total	<u>5,022.00</u>	<u>\$640,037,809</u>	<u>5,005.00</u>	<u>\$708,913,844</u>

This comparison of the FY 2005-2006 to the FY 2006-2007 is a comparison of the budgets after the Governor's vetoes and prior to any adjustments made throughout the fiscal year