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Intergovernmental Impacts of the 1994 Juvenile Justice Reform Bill

Initial Draft Report
By:

The Florida Advisory Council on Intergovernmental Relations

May 25, 1994

Prepared and distributed for review and comment. A workshop is scheduled on June 16, 1994 at 9:00 - 11:00 a.m. in room 415, House Office Building

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Intergovernmental Impacts of the 1994 Juvenile Justice Reform Bill

(Conference Committee Report on CS/CS/SB 68 & CS/SB 2016)

I. Direction for the Study

Section 110 of CS/CS/SB 68 requires the Advisory Council on Intergovernmental Relations to conduct a study of the impact of the Juvenile Justice Reform Act on local governments. The bill states that the study must include, but is not limited to, an analysis of the:

(1) Increase in numbers of juveniles held in county jails in sight and sound separation pending trial.

(2) Increase in costs of administering due process rights of juveniles.

(3) Increase in costs for counties to house juvenile DUI offenders.

(4) Need for and anticipated costs of juvenile bail.

During a meeting on May 16, 1994, the ACIR reviewed this legislative direction for an ACIR interim project in conjunction with an overview provided by staff. It was agreed by the ACIR members that the scope of the project should include intergovernmental impacts beyond those specified in the legislation. The extension of the project scope encompasses cities, schools, and other officials participating in the juvenile justice system.

ACIR staff has commenced studying the juvenile justice bill impacts on local governments. Some major impacts have been identified in our initial review of the legislation and are provided in this summary report. All of the proposed changes and additions to Chapter 39, *Florida Statutes*, are deemed positive insofar as they:

1. Work toward a greater societal and community goal of increased public safety.

2. Increase accountability of delinquents and parents of delinquents to the court system/criminal justice system and the community/society.

3. Increase the impact of the juvenile justice system may have on rehabilitating the juvenile and decreasing future recidivism rates.

Despite these positive impacts, however, there are other impacts that may be deemed

"negative" or "financially burdensome" on local governments as they attempt to deal with the changes and mandates placed upon them through this bill (act).

Many of the impacts, both positive and negative, may be too complex to be able to determine the necessary financial detail within the time allotted for the report as required by section 110 of the Juvenile Justice Reform Bill, CS/CS/SB 68 (November 1, 1995). An example of this might be the overall reduction in criminal justice and correctional costs because of a reduction in recidivism. Many argue that a reduction in recidivism will be realized from a "get tough" or "no nonsense" stance in juvenile justice which many argue is reflected in this new reform bill. Other impacts are indeterminable because they require the implementation of programs or services that are either new and will not been implemented by the time the report will be published or will only have been implemented for a short time prior to the completion of the project. Using available resources and relying on cooperation of appropriate officials, the ACIR will identify all the intergovernmental impacts of the reform legislation. There will also be an attempt to "estimate" the financial cost when these estimates can be derived with a reasonable level of accuracy and reliability.

II. Organizational Structure Changes:

District Juvenile Justice Boards

This section delineates membership of the District Juvenile Justice Boards by specifying how many members should be on each District Board and exactly how many members are appointed from counties located within each district. There is also an additional responsibility of the District Board created which requires the board to provide periodic reports to the health and human services board in the appropriate district of the Department of Health and Rehabilitative Services. These reports must contain, at a minimum, data about the clients served by the juvenile justice programs and services in the district, as well as data concerning the unmet needs of juveniles within the district. (Section 22: Amending F. S. §39.025 (b) & (d) 11) **October 1, 1994.**

County Juvenile Justice Councils

This section of the bill addresses the membership of the County Juvenile Justice Councils by adding several new members. Members from the local level of government that *must* be on this council are the district school superintendent, or his designee; the chairman of the board of county commissioners, or his designee; an elected official of

the governing body of a municipality within the county; and also the clerk of the circuit court. (This is a mandate because the language says "must" include such representatives.) The purpose of the Council is expanded to include "assisting and directing the efforts of local community support organizations and volunteer groups in providing enrichment programs and other support services for clients of local juvenile detention centers. (Section 22: Amending F. S. §39.025 (5)) **October 1, 1994.**

The bill *requires* specifically the participation of the chairman of the board of county commissioners and an elected official of the governing body of a municipality within the county on the county juvenile justice council.

This is a change that should have a positive impact on local governments because it requires the membership and participation of both a county and municipal official. Previously, the membership was structured to be deliberately open to who ever was interested in being a member of the county J.J. Council. However, under such a format, the membership, interest, coordination, and cooperation of the county and city governing bodies was not emphasized. In addition, local governments are benefited by the district school superintendent (or their designee) being named as a required member of the council.

Alternative Sanction Coordinators

The position of alternative sanctions coordinator is created within each judicial circuit. Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division of the circuit court and is funded through the Office of the State Courts Administrator, which is, in turn, under the administration of the Supreme Court. The alternative sanctions coordinator shall act as the liaison between the judiciary and the county juvenile justice councils, the local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including non-secure detention programs, community service projects, and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22 (4) (c). (Section 14: Creating §39.0145 (5)) **Effective July 1, 1995.**

The alternative sanctions coordinator is charged with the responsibility of coordinating and maintaining a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with section 790.22 (4) (c), *Florida Statutes*. The bill appears to require that the alternative contempt sanctions be established by local industry or by any nonprofit organization or any public or private business or service entity pursuant to a contract with the Department of Juvenile Justice. Through such

contracts with the department, such contractees will act as an agents of the state.

Although the function of coordination and oversight to avoid duplication can be a positive impact for counties, the existence of the coordinator under the direction of a circuit-oriented official could result in a degree of indifference on the monetary concerns of the county. Additionally, the bill is not clear as to who funds these alternative sanction coordinators. Despite the fact that the appropriations bill shows that the positions (and positions only) are funded through the Office of the State Courts Administrator (a judicial circuit-oriented administrative office of the courts), there is concern about whether these positions will be funded, in-full, based on budgetary divisions within the state court administrator's office and whether the per position appropriation amount is adequate. (* Note - The positions were funded at $750,000 for fiscal year 1994-95; this appropriation yields only $37,500 per judicial circuit.) If the amount is inadequate, there may be cause for concern that the counties may have to provide partial funding for the position salaries and full funding for related costs, such as, support personnel, operating costs, equipment and supplies, and housing for the offices.

Juvenile Justice Assessment Centers

The bill provides that in each departmental service district, the Department of Juvenile Justice must work cooperatively with substance abuse facilities, mental health providers, law enforcement agencies, schools, health service providers, and other entities involved with children to establish assessment centers in each district to serve as the central intake and screening for children referred to the department. (Section 36) **October 1, 1994.**

This bill section requires the cooperation and assistance of municipal and county law enforcement agencies. These officials will be impacted by the extent that there participation and cooperation is required in their service district. This section appears to intend that these centers would serve as the location where law enforcement officers could immediately place a child to be screened. If this is the case, they would not have to place such children in local jails or other city or county facilities, such as police agency holding cells, to await departmental screening. This should alleviate impacts on local governments. It is unclear whether the authorized uses of these facilities would include holding juvenile DUI arrestees.

It is uncertain if there is enough money appropriated to fund the creation of these centers. If not, counties may be impacted if they have to pay part or all of the capital or operational costs for these centers. The state funding to establish these centers in this year's appropriations is $2.0 million; the appropriation yields $133,333.33 per facility in

each departmental service district if the money was distributed evenly. As a note, there are some counties that are funding or are receiving funding to currently operate juvenile assessment centers. For example, Hillsborough County established such a center in 1993, but the current funding is with federal funding the county receives through the Federal Anti-Drug Abuse Act.

Another noteworthy aspect in this section of the bill is that intake officers have an increased power over the parents of juveniles. Before the filing of a delinquency petition (the formal juvenile criminal charging document issued by the state attorney), an intake officer may request one or both parents to receive parental assistance. Such assistance may involve the attendance to an instructional parenting skills course, training in conflict resolution, and the practice of nonviolence, to accept counseling, or to receive other assistance from any community agency that notifies the court clerk of its available services. In determining whether to request of the state attorney that a delinquency petition be filed, the intake officer may take into consideration the willingness of the parent or guardian to comply with their request. (Section 35: Amending F. S. §39.047 (5)).

III. Educational Programs and Issues

Pre-Kindergarten Early Intervention Program

This program already exists, however, the new bill clarifies that one of the members of the district interagency coordinating council on early childhood services must be a member who represents the county public health unit. This district interagency coordinating council must work in cooperation with each school district to develop a plan on early childhood services to submit to the Commissioner of Education for funding. This guarantees county representation on the coordinating council through this county public heath care representative. It should be beneficial for the counties to have some representation on these councils. (Section 120: Amending F. S. §230.2305 (10) (b) 6). **July 1, 1994.**

As part of the responsibilities of the interagency coordinating council, which was established to advise the Department of Heath and Rehabilitation Services and the Department of Education and other state agencies and develop a joint strategic plan, there is a new responsibility added. This responsibility provides that, subject to appropriation, there is to be developed and implemented parenting workshops to assist and counsel the parents or guardians of students having disciplinary problems. The department may provide these services directly or may enter into contracts with school

districts for the provision of these services. If this program receives a continued appropriation, the school districts would benefit from entering in to such authorized contracts with the department. (Section 121: Amending F. S. §411.222 (2) (b) 5) **July 1, 1994.**

Drop-Out Prevention Program

In disciplinary programs for students that have a history of disruptive behavior, which warrants suspension or expulsion from school, a school can currently provide programs, such as, in-school suspension, alternatives to expulsion, counseling centers, and crisis intervention centers. The bill adds language which authorizes such programs to be planned and operated in collaboration with local law enforcement or other community agencies. This is not a mandate but allows participation from these groups. (Section 126 Amending F. S. §230.2316(4) (c) 2) **July 1, 1994.**

If a student is in a youth services program, such as participating in a detention, commitment, or rehabilitation program provided under Chapter 39, *Florida Statutes*, current law allows a school district to contract with a private nonprofit entity for the provision of educational programs to clients. This bill authorizes a school district to contract with a state or local government agency for the provision of educational programs. Thus, this allows local government the option of providing educational services to such youth. (Section 126: Amending F. S. §230.2316 (4) (d)7) **July 1, 1994.**

After-School Programs

The legislative intent of this new law is to authorize and encourage each community in cooperation with its district school board to establish comprehensive, after-school programs for young adolescents. This does not mandate that local communities have such programs. However, $37 million dollars is appropriated for this program, creating a financial incentive for a community to set up such programs. (Section 141: Creating F. S. §232.258) **July 1, 1994.**

IV. Direct Filings and Waivers of Juveniles to Adult Court

There is an expansion of the power of the state attorney to directly file informations (also known as "direct file") in certain circumstances to prosecute juveniles in adult court

or to request, through a waiver hearing, that the court waive juvenile circuit court jurisdiction in order to transfer and certify some children to adult court jurisdiction. (An "information" is the formal charging document prepared and filed by the state attorney in the adult court system.) The state attorney's power is expanded by reducing the age by which a state attorney may direct file an information in certain circumstances to 14 and 15 year olds. The circumstances by which a state attorney may request a waiver hearing have also been expanded. As a result, the number of juveniles being "direct filed" or waived into adult court will increase.

Intake and Case Management of Juvenile Cases

There are changes concerning the intake and case management of juvenile cases by the state attorney with regard to prosecution as an adult. Mainly, the state attorney *may*, in *all* cases, take action independent of the action of the intake counselor or case manager, and shall determine the action which is in the best interest of the public and the child. If the child meets the criteria requiring prosecution as an adult, the state attorney shall request that the court transfer and certify the child for prosecution as an adult or shall provide written reasons for not making such a request. In all other cases, the state attorney may, among other options, direct file an information (formal adult court criminal charging document) pursuant to s. 39. 0587, F. S.

The requirement that a state attorney provide written reasons why the child should not be prosecuted as an adult if the child meets the criteria for adult prosecution may have a chilling effect on the prosecutorial discretion that may at times choose to hold a juvenile in juvenile circuit court rather than bumping the juvenile up to adult court. If such a requirement discourages holding an "adult prosecution eligible juvenile" in the juvenile justice system, then it may have an impact on the adult criminal justice system and local governments by increasing Article V costs. This requirement means that the state attorney must affirmatively do something in either case. With added paperwork for the state attorney, this means added work for the clerk of the court and the court, which would mean a financial impact on the county. (Section 35) **January 1, 1995.**

"Direct Filings"

The new bill changes the former s. 39.047 (4) (e) 5, *Florida Statutes*, to reduce the age of directly filing an information (an adult court criminal charging document) by the state attorney to the ages of 14 and 15 if the delinquency case meets the previously set standard of being in the best interest of the public to prosecute as an adult, with adult sanctions considered or imposed, and the current charge against said child is one of the offenses listed in the new bill statute section. The offenses listed in the new bill section

parallel the crimes listed in the habitual violent felony offender statute, but with the addition of lewd and lascivious assault or act in the presence of a child and carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony. (*See,* § 775.084 (1) (b) 1., *Florida Statutes* (1993))

For children who were 16 and 17 years of age at the time the alleged offense was committed, in the best interest of the public, the state attorney *may* directly file an information (formal adult court criminal charging document) to prosecute said child as an adult, with adult sanctions considered or imposed, for any offense except a misdemeanor, unless the child has two previous adjudications (or withholds of adjudication - "withholds") for delinquent acts with one being classified as a felony. The state attorney *shall* directly file an information for children of ages 16 or 17 if the child has a previous adjudication for some statutorily-named violent felonies against a person, such as, murder, sexual battery, and carjacking, and is currently charged with a 2nd or subsequent violent "persons" crime. Regardless of a child's age at the time the alleged offense was committed, the state attorney *must* file an information for *any* child previously adjudicated for 3 separate felonies which resulted in 3 separate commitments.

The number of cases entering the adult criminal justice system from the juvenile system will increase. At this time, with much of the criteria being changed, it is difficult to determine the amount of increase. Previously, the age eligibility for "direct file" was 16 years of age or older along with more confining circumstances by which a state attorney could file a direct information on such a child. With the changes, the impact on counties will be reflected in the increase of Article V funding by the increased case load at the adult level for the clerk's office and the judges hearing the cases in adult court. There may also be an impact on the state attorney's office and the public defender's office from the shift of cases from juvenile to adult court which invokes additional constitutional rights that were not recognized in juveniie court (i.e. right to a trial by jury). This would not only increase the number of court hearings, it would increase the number of cases being tried by a jury with most associated costs being the financial responsibility of the counties.

There will also be an impact on the counties for the sentencing of these juveniles added to the adult system. These juveniles in the juvenile system were generally considered the correctional responsibility of the state. However, depending on the crimes alleged and the resulting sentencing, they may become the correctional responsibility of the county. In addition, a perpetual impact is made on the local adult criminal justice and corrections systems (not to mention the state corrections system) because once these children are being sentenced in adult court to adult sanctions, they will thereafter be the correctional responsibility of the county for misdemeanors and felonies that have county-funded sanctions imposed upon sentencing. (Section 50) **January 1, 1995.**

Waivers of Juvenile Jurisdiction to go to Adult Court

The state attorney may request a waiver hearing in the same manner that the state did previously for juveniles 14 or older pursuant to section 39.052 (2), *Florida Statutes* (1993). A waiver hearing may also be requested by the state attorney for juveniles who are 14 or older and are accused of commission of a 4th or subsequent alleged felony offense, and the child was previously adjudicated delinquent or had adjudication withheld for or was found to have committed 3 felony offenses, and one or more such felony offenses involved the use or possession of a firearm or violence against a person. If, under such circumstances, the state attorney does not request the waiver of a juvenile to adult court, the state attorney must provide written reasons therefor or proceed under the direct file provisions in the reform bill.

The state attorney is mandated or required to request waiver hearings for certain juvenile offenders. If they do not, then they are required to provide written reasons for not requesting a waiver hearing. This puts pressure on prosecutors to request a waiver and transfer of jurisdiction to the adult system for all "eligible" juveniles, rather than have to put their reasons for not doing so in writing. The effects of more cases in the adult system were previously mentioned above under "direct filings". A requirement to put reasons in writing has chilling effects because it means more work for the assistant state attorneys handling the cases that fall into these circumstances (written reasons for *not* doing something). Assistant state attorneys will always have the incentive to request a "waiver" into adult court for every juvenile that is eligible. (Section 50) **January 1, 1995.**

With indirect incentives to always request waiver hearings for "eligible juveniles" by the state attorney, the number of court proceedings is likely to increase from the present number. Again, accurate estimates of the increased number of transfers to adult court jurisdiction is not yet available. The impacts upon all of the components of the system are: the clerk of the court (by sending out notices to all participants, scheduling court time, and being present in court - adds to their work load); the judges (by scheduling these waiver hearings to the detriment of other cases on the docket and having more court cases on their docket); assistant state attorneys (their workload is increased by preparing and filing the waiver motions, preparing for the hearings, being present in court for the hearings, or preparing written reasons why they are not requesting a waiver for an eligible juvenile); and assistant public defenders handing the cases for juveniles that are subject of a waiver hearing (preparing arguments against a waiver and being present in the court hearing - adding to their caseload and increasing the risk of conflict of interest overload which would require the county to fund court appointed outside counsel). All of these impacts result in increases in Article V costs. Other local government impacts would be the same as those named under the direct filings.

V. Due Process

a. As It Relates to Placement in Detention

Before placing any child into detention, the child needs to be provided "due process" rights, which involves the assurance that children and others receive the right to a fair hearing and representation. It is not clear just how much the statutory change in Chapter 39, *Florida Statutes*, would increase the due process requirement for children and others. However, if this intent acts to increase the responsibilities of actors in the criminal justice process, then this provision could definitely impact local governments. (eg. Counties would have to pay for court appointed attorneys unless the Legislature funds additional positions to off-set the increased workload of the public defenders.).

Section 39.001, *Florida Statutes*, is amended to include language that one of the purposes of Chapter 39, *Florida Statutes*, is to "assure due process" through which children and other interested parties are assured fair hearings "by a respe ul and respected court or other tribunal..." Moreover, a new section added to the legislative purposes and intent reads, "To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process." (Section 9) **October 1, 1994.**

b. As It Relates to Indirect Contempt of Court

The applicable language in the bill is:

> If a child is charged with indirect contempt of court, the court must hold a hearing within 24 hours to determine whether the child committed indirect contempt of a valid court order. At the hearing, the following due process rights must be provided to the child:
>
> 1. Right to a copy of the petition requesting the contempt sentence.
>
> 2. Right to an explanation of the nature and the consequences of the proceedings.
>
> 3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 39. 041.

4. Right to confront witnesses.

5. Right to present witnesses.

6. Right to have a transcript of record of the proceeding.

7. Right to appeal to an appropriate court. (Section 14: Creating F. S. §39.0145 (4) (b)) **October 1, 1994.**

A Hearing Within 24 Hours Requirement

The requirement that a hearing for indirect criminal be held within 24 hours may have a significant impact on counties. Currently, the procedural practice of indirect criminal contempt of juveniles does not involve a time limitation within which a hearing must occur. By placing a time limitation of 24 hours from the time a child is charged with indirect criminal contempt, courts are impacted in many different ways.

First, this poses a problem for the clerks of court because they must be able to immediately identify when a charge or petition for indirect contempt has been filed and immediately and successfully notify the judge, the prosecutor, if desired by the judge, and the defendant when the defendant is charged with indirect criminal contempt. The clerk must not only make the notice immediate, she must be able to show that the notification was proper.

Secondly, counties are adversely impacted because the notice or summons would also involve the sheriff's office in order to notify the defendant immediately and properly. Currently, the law (rules) requires that when an order to show cause (the charging document for a juvenile accused of indirect criminal contempt issued by the judge) is issued, it must specify the time and place of the hearing, with a *reasonable* time allowed for the preparation of a defense after service (of process) of the order on the accused juvenile. *See, Rules of Juvenile Procedure*, Rule 8.160 (b) (1). The Rules of Juvenile Procedure require that the order to show cause shall be served in the same manner as a summons. It would be a practical impossibility to serve a juvenile with the order to show cause and set and have the hearing, both to occur within 24 hours. It would be difficult to argue that this is a *reasonable time* for any person involved in the criminal/juvenile delinquency process. This would certainly be true of counsel representing the juvenile, which will be addressed later.

Thirdly, the clerk must be able to set the hearing within that 24 hour period - enabling the appearance of the judge. Setting the hearing within 24 hours will greatly affect the running docket of that judge. Basically this 24 hour requirement forces the judge to

postpone everything that the judge is set to do on the court calendar in order to have the indirect contempt hearing within the 24 hour required time. This would have a significant impact on the efficiency of the court system and thus a significant impact on the county judicial costs (Article V costs).

The Charging Document for Indirect Contempt of Court

Moving to the specific due process rights enumerated in the bill, there are many problems affecting efficiency and increasing cost to the counties. Among the foremost problems are the right to a copy of the "petition" requesting the contempt sentence, the right to legal counsel coupled with the right to a hearing within 24 hours, and a right to have a transcript or record of the proceeding.

The new juvenile justice reform bill changed the previous wording related to contempt of court to specify that the charging document for contempt of court is a "petition". The right to receive a copy of the petition requesting the contempt sentence is problematic because it is unclear *what* is the "charging document" and exactly *who* is supposed to file this the charging document. Traditionally, because the authority to charge a juvenile with indirect criminal contempt already exists, the *court* on its own motion or upon the affidavit of any person having knowledge of the facts, may issue and sign *an order* directed to the juvenile accused of contempt. *See Rules of Juvenile Procedure*, Rule 8.160(b) (1) (1994). Up until the new reform bill, the charging document for indirect contempt charges (upon the motion of the court or upon the affidavit of any person having knowledge of the facts) was an "order to show cause" which alleges the substantive facts that consist of the indirect criminal contempt charge(s) and seek to determine why the juvenile should not be held in contempt of court.

The new law, however, states that a copy of the "petition" requesting the contempt sentence must be provided to the juvenile. This language is confusing because the term "petition" is the formal charging document that is prepared, verified, and filed by the state attorney in order to initiate delinquency proceedings (there are other types of petitions, such as a detention petition). Therefore, this seems to indicate that the formal charging document for indirect criminal contempt is a "petition". If this is the case, a significant difficulty arises along with added demands on the judicial system.

The term "petition", as used in this area of the bill, could be interpreted several different ways. First, it is possible that the term means that the state attorney is responsible for the filing of a petition charging indirect contempt of court. *See, Florida Rules of Juvenile Procedure*, Rules 8.030 & 8.035 (a), (b). The problem with this procedure is two-fold. First, the filing of a petition to charge a juvenile with indirect contempt would be improper according to the law. Generally, it has been held through case law that

contempt of court is not a crime, therefore, no criminal prosecution is involved. *See, Florida Rules of Criminal Procedure,* Rule 3.840(4) (committee notes) (1994); *Neering v. State*, 155 So.2d 874 (Fla. 1963); *State ex rel. Saunders v. Boyer*, 166 So.2d. 694 (Fla. 2d DCA 1964); *Ballengee v. State*, 144 So.2d. 68 (Fla. 2d DCA 1962). Therefore, it is arguable that a petition is not the proper way in which to accuse a juvenile with indirect contempt of court. Notwithstanding this fact, it is not clear when or how the communication will take place between the state attorney's office and the person(s) having knowledge of the contemptible act or facts. Is there a time limit on this? And if there is no time limit in which a juvenile is to be "charged" with indirect contempt, what significance does the "within 24 hours there will be a hearing" requirement have?

It may be possible that this bill reference is to a detention petition. If such is the case, it is unclear. Further, if the reference is to a detention petition, the same argument against the criminality of conduct holds true (not criminal conduct). Yet again, this would not be the "proper" or lawful way to proceed against a juvenile for indirect contempt of court. In addition to, again, placing the burdens named above on the assistant state attorney to file a petition (and the clerk's office and judge), a detention petition is only for the purpose of requesting that a juvenile, after remaining in custody for the length of time allowed by law, remains (stays longer) in detention. The state attorney would file a detention petition in order to have a detention hearing and request an order from the court that the juvenile is to remain in custody. Therefore, this requirement in the enumerated " due process requirements" for indirect criminal contempt does not appear appropriate, and with such confusion, could cost counties money.

The second problem that arises with the petition being the charging document for indirect contempt is that the burden is placed on the individual assistant state attorneys to file petitions for each indirect contempt situation. This would be a significant burden on prosecutors because up to the present, prosecutors have not had to get involved with indirect contempt of court charges. Up to the present, prosecutors did not have the burden of filing the charging document and, in most cases, the prosecutor was not required to be present at indirect contempt of court (order to show cause) hearings unless the individual judges wished to have the prosecutor present at the hearing. With this new requirement, a prosecutor's workload will increase significantly.

Furthermore, the efforts of the clerk's office and the individual judges will increase dramatically. They will need to have streamlined communications with each other and the state attorney's offices in order to supply the prosecutors with the information and documentation necessary to "charge" a juvenile with indirect contempt of court and serve a proper summons on the juvenile. The *Florida Rules of Juvenile Procedure* indicate that the summons requiring the juvenile to appear in court upon the filing of a petition shall contain a time for the hearing "not less than 24 hours after the service of the summons". *See,* Rule 8.040(a) (1), *Florida Rules of Juvenile Procedure.* The change in the juvenile

justice reform bill seems to be in direct conflict with this rule requirement, which is based on a "reasonableness standard". All changes considered, there would be an added financial burden on counties because of the added workloads and extra efforts for rapid and continuous communications of the above-named participants in the process. Formerly, *Florida Statutes* said that children had the right to have "the charges against the child served within a reasonable time before the hearing." There was no reference to any "petition" or charging document to contravene with the current practice of utilizing an "order to show cause" as the "charging document."

The Right to Legal Counsel

The specific right to legal counsel, or counsel appointed if the juvenile is deemed indigent, is another due process right that is provided in the bill as it relates to indirect contempt of court. The right to counsel at all stages of any proceedings for juvenile delinquency is provided in section 39.041, *Florida Statutes*, and specifically for indirect contempt of court under the soon-to-be deleted section 39.044 (10). This right is also currently provided in the *Rules of Juvenile Procedure* (Rules 8.165 & 8.150(4) (1994)). Therefore, this requirement alone should not be an added stress to the counties financially.

However, the fact that there is a right to legal representation of delinquents during indirect criminal contempt proceedings could interfere with the legislative intent behind the hearing within 24 hours requirement. It will be extremely difficult for an attorney to be prepared for and competently defend a juvenile accused of indirect criminal contempt within 24 hours of the order to show cause or "petition" being filed. With this being said, the defense counsel will most likely move to continue the contempt hearing until the attorney can better prepare to defend the juvenile. His continuance motion will certainly be on the basis of not being given a *reasonable time* to prepare. Thus, the court efficiency is compromised by these inevitable continuances.

One may argue that such obstacles in the efficient movement of cases through the juvenile court system cost counties too much money through their portion of court funding responsibilities. (i.e. for court time/hearings which only result in a request and granting of continuances, the need for quick rescheduling of other cases to make room on the daily calendar in the event of "24 hour hearings", and postponement of other cases on the docket because of the added stress of these "24 hour hearings") Therefore, such large costs to the county through numerous continuances and expanded proceedings, increasing the number of proceedings, and compromise to the other cases and proceedings on the judge's dockets makes such a time limitation problematic and ineffectual. Minimum due process rights would not be violated if this time limitation is removed in lieu of the present requirement of within "a reasonable time." The present

standard (until the new juvenile reform bill becomes effective) pursuant to the Rules of Juvenile Procedure Rule 8.150 is that the juvenile shall have a hearing within a reasonable time to allow the attorney time for preparation. Section 39. 044 (10) (a), *Florida Statutes*, also required that the charges against the child in must be provided in writing within a reasonable time before the hearing.

Another effect that the 24 hour requirement could have indirectly on the financial burden of counties is that it will likely increase the workload on public defender offices. Therefore, the chances of caseload (overload) conflict in the public defender offices increases. If the number of court proceedings increases, which it will if the number of continuances and rescheduling increases, then the demands on the assistant public defenders increases. When the demands on public defenders increases, so does the likelihood that the public defenders office will have to claim "conflict of interest" in many instances. When this occurs, counties must supply a court appointed outside counsel to the juvenile facing an indirect contempt charge at county expense.

The Right to Have a Transcript or Record of the Proceeding

Although this was a previously granted due process right under the former §39.044 (10) (f), *Florida Statutes*, this requirement is not easily understood, given the fact that the charge arises out of nonperformance by the juvenile of a duty imposed by a judicial order or violating a forbearance pursuant to a judicial order that occurred outside of the presence of the court. Therefore, there is no transcript or readable record of the "violation" or conduct that constituted the indirect contempt. In addition, there is no transcript of the proceeding.

It is also impractical to provide a readable record or transcript of the determination hearing. Even if there was a record or transcript of the proceeding, the bill states that the sentencing will take place at the determination hearing or proceeding. There is no practical way that a transcript can be provided to the juvenile when the bill authorizes the sentencing therefor at the end of the determination hearing. Even if it was somehow possible that a record or transcript could be provided to the juvenile, it would be at a very large cost to the county to pay a court reporter to transcribe the record of the hearing.

Judge Must Review Detention Placement Every 72 Hours

The requirement that a judge review the placement of a juvenile for indirect contempt every 72 hours to determine if detention is still appropriate may have a negative local impact. The negative impact would be the additional time that a judge would have to

spend reviewing the detention of a juvenile. This would have an impact on the county Article V costs of additional judicial time and hearings. The other side to this would be that if the juvenile was, for some reason, placed in a county jail as the place of detention for indirect contempt, then this periodic review process would probably act as a mitigant for the county costs of holding the juvenile in jail.

VI. Contempt of Court

Punishment of a Juvenile for Contempt of Court

A delinquent child who has been held in direct or indirect contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense, or alternately in a secure residential commitment facility. (Section 14: creating §39.0145 (2)(a)) **October 1, 1994.**

An adverse local impact could occur if a secure detention facility is interpreted as a county jail with the sight and sound requirements present (or at more cost if these requirements have not been met by the county in its jail yet). If jails are identified as secure detention facilities for contempt of court findings then this would increase the number of persons held in the county jail. This would then increase costs for the county. Further, the county is financially impacted if the county jail does not, at least in part, meet the "out of sight and sound requirements" to house juvenile offenders. In such situations, the county must make structural adjustments to their jails to meet those requirements.

Immediacy of Imposing a Sanction for Contempt of Court

If a child is charged with direct contempt of court, the court may impose an authorized sanction immediately. (Section 14: creating §39.0145 (4)(a)) **October 1, 1994.**

This "immediacy" may pose an adverse impact on counties from the standpoint that because of the compressed time period, the easiest and most available place to "punish" a juvenile for contempt is the county jail. This brings about the same problems discussed above.

Due Process Rights of Juveniles Held in Contempt of Court

These rights and their impacts are discussed in this analysis in Part V (b) above. (Section 14: creating §39.0145 (4)) **October 1, 1994.**

Custody and Detention of Minors for Contempt of Court in Traffic Court For Failure to Appear

The relevant bill language states that a minor who willfully fails to appear before any court or judicial officer, as required by written notice to appear, is guilty of contempt of court. Upon a finding by a court, after notice and a hearing, that a minor is in contempt of court for willful failure to appear, the court may, for a first offense order the minor to serve up to 5 days in a staff secure shelter, or if space is unavailable there, in a secure juvenile detention center. For a second or subsequent offense, the minor may be ordered to serve up to 15 days in a staff-secure shelter, or if space is unavailable there, in a secure juvenile detention center. This provision is an expansion of the contempt powers of the adult court judiciary. (Section 64: Amending F. S. §316.635 (4)) **October 1, 1994.**

With this new provision, local governments are fiscally impacted by an increase in Article V costs incurred from added hearings for orders to show cause (or petitions filed) when the juvenile is accused of willful failure to appear. This impacts the judge's time by adding to their caseload and court time, the clerk's office by having to send out a notice of the order to show cause hearing and to be present in the contempt hearing, and the cost for the presence of a court reporter which is required in all court hearings.

This contempt sentencing authority for detention in and of itself should not impact local governments because the new statute subsection is explicit as to the type of facility that the juvenile would serve their sentence - a departmental facility. Therefore, juveniles should not be placed in county jails as a result.

Penalties for Juveniles Found Guilty of Contempt of Court in Traffic Court for Failure to Comply with Court Imposed Sanctions and the Inability to Imprison Juveniles in an Adult Detention Facility

If a juvenile fails to comply with the sanctions imposed for a violation of Chapter 316, F.S., pursuant to §316.655 (5) (a), they are in contempt of court. Upon a finding by the court, after notice and a hearing, that a minor is in contempt of court for failure to comply with court-ordered sanctions, the court may, for a first offense, order the minor to serve up to 5 days in a secure shelter, or if no space is available there, in a secure

juvenile detention center For a second or subsequent offense, the juvenile may be ordered to serve up to 15 days. A minor *may not* be imprisoned in an adult detention facility. (Section 65: Amending F. S. §316.655 (5) (b) & (c)) **October 1, 1994.**

Courts have now been given a more substantial penalty for contempt of court for juveniles accused of a traffic violation when a juvenile willfully fails to comply with court-ordered sanctions. The reform bill authorizes the "adult court" county or circuit court judge to impose detention in a staff secure shelter or a juvenile detention center for juveniles who willfully fail to comply with court-ordered sanctions. With this provision, the fiscal impact on local governments refers to county Article V impacts with added hearings for orders to show cause when the juvenile is accused of willful non-compliance with a court-ordered sanction. This impacts the judge's time by adding to their caseload and court time, the clerk's office to send out a notice of the order to show cause hearing and to be present in the contempt hearing, and the cost for the presence of a court reporter which is required in all court hearings.

The authority to sentence a juvenile to detention for contempt of court should not impact county governments as to the county-funded detention centers in the adult criminal justice system. The new statute subsection is explicit that the type of facility that the juvenile would serve their sentence is a Department of Juvenile Justice facility, not a county jail.

Ability of Courts to Charge Parents of Certain Juveniles with Contempt of Court For Failure to Appear

If a parent, custodian, or guardian of the child fails to obey a summons, the court may, by endorsement upon the summons and after the entry of an order in which valid reasons are specified, order the parent, custodian, or guardian to be taken into custody immediately to show cause why said person should not be held in contempt for failing to obey a summons. (Section 39: Amending F. S. §39.049 (6)) **October 1, 1994.**

Impact on the jails is an inevitable result of this provision in the juvenile justice bill. This is specific authority that it is permissible for *juvenile circuit court* judges to issue a capias or bench warrant for the parent's arrest for failing to obey a summons. Pursuant to a warrant, said parent will be "booked" into the jail and, therefore, serves to impact jail capacity.

Efforts of county and municipal law enforcement are increased by the added number of warrants to arrest the parent, custodian, or guardian that fails to appear pursuant to a summons for a hearing of a juvenile. These warrants entail being logged on the county and statewide computer and remain outstanding until they are served either through a

special effort of law enforcement to serve the warrant or through an incidental serving of the warrant because of police contact with that parent for a different reason. In either scenario, it is additional work for law enforcement agencies.

This provision in the new juvenile justice bill also means added court proceedings which have an impact on the Article V costs through an added workload of the clerk's office, judges, and court reporters, and possibly state attorneys. Thus, there is a financial impact on counties.

Powers of a Juvenile Circuit Judge to Sentence Parents as a Result of Their Child's Delinquent Act

The court may order the natural parents or legal custodian or guardian of a child who is found to have committed a delinquent act to participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the child or to enhance their ability to provide the child with adequate support, guidance, and supervision. The court may also order that the parent, custodian, or guardian support the child and participate with the child in fulfilling a court-imposed sanction. (Section 43: Amending F. S. §39. 054 (5)) **October 1, 1994.**

With the juvenile circuit court being given the powers to impose sanctions against a parent whose child has committed a delinquent act, and having contempt of court powers, it may serve to increase the number of proceedings in court. If parents must be in court in order to have a sanction imposed against them, then there may be an increased amount of proceedings as a result of a parent not being able to attend a proceeding and requesting that the court reschedule (continue) the hearing at a time that the parent can attend. This may occur several times before the court will not allow any more continuances. This is all at the expense of the counties through the Article V funding, without the case being disposed of and taken off the judge's docket. (For increased powers over parents, *see also*, Juvenile Assessment Centers under Part II of this analysis, which refers to Section 35: Amending F. S. §39.047 (5)).

Contempt Powers of a Juvenile Circuit Judge Over the Parents of a Juvenile

In addition, the court may use its contempt powers to enforce a court-imposed sanction. The county may also suffer a financial impact from this provision because the court's contempt power is preserved or recognized in this provision. Therefore, the number of hearings may also increase because of an increasing number of indirect contempt or "order to show cause" hearings as a result of parents not obeying the orders or sanction imposed by the juvenile circuit court judge.

This power potentially increases the Article V funding impact of the counties because of the added number of contempt hearings, the increased work loads of the clerk's office, judge, law enforcement agencies if there is a capias (bench warrant) issued pursuant to the order to show cause, and possibly state attorneys and public defenders. Furthermore, it appears that the court could sentence a parent or legal custodian or guardian to a county jail for contempt under this provision of the new bill. This would also result in a financial impact on counties. (Section 43: Amending F. S. §39. 054 (5)) **October 1, 1994.**

VII. Traffic Cases

(Sections similar to those in earlier Section V, Due Process, and Section VI, Contempt of Court)

Granting Powers to County Court Judges Relating to the Custody and Detention of Minors for Contempt of Court for Failure to Appear

A minor who willfully fails to appear before any court or judicial officer, as required by written notice to appear, is guilty of contempt of court. Upon a finding by a court, after notice and a hearing, that a minor is in contempt of court for willful failure to appear, the court may: for a first offense order the minor to serve up to 5 days in a staff secure shelter, or if space is unavailable there, in a secure juvenile detention center; for a second or subsequent offense, the minor may be ordered to serve up to 15 days in a staff-secure shelter, or if space is unavailable there, in a secure juvenile detention center. (Section 64: Amending F. S. §316.635 (4)) **October 1, 1994.**

This provision expands the contempt powers of the county court judiciary by authorizing the ability of county court judges to sentence juveniles before them on traffic offenses to secure shelters of juvenile detention centers when found in contempt of court for willful failure to appear. Previously, it was arguable that county court judges did not have this authority. Thus, with this authority, county court judges have a sanction to hold over the heads of minors before them on traffic offenses.

The fiscal impact on local governments with this provision refers to county Article V impacts with added hearings for orders to show cause when the juvenile is accused of willful non-compliance with a court-ordered sanction. This impacts the judge's time by adding to their caseload and court time, the clerk's office to send out a notice of the order to show cause hearing and to be present in the contempt hearing, and the cost for the presence of a court reporter which is required in all court hearings. There is also an impact on the caseload and time of public defenders that are representing any minors for a traffic offense, increasing the risk of conflict of interest overload. In such cases, the

county where this occurs is required to pay for "overload conflict counsel" or additional funding to provide more assistant public defenders (as in Dade County). The assistant state attorneys workload may be also burdened if the individual judges require a prosecutor to be present in the contempt proceedings.

This contempt sentencing authority for detention in and of itself should not impact local governments because the new statute subsection is explicit as to the type of facility that the juvenile would serve their sentence - a departmental facility. Therefore, juveniles should not be placed in county jails as a result.

Penalties for Juveniles Found Guilty of Contempt of Court for Failure to Comply with Court Ordered Sanctions

If a juvenile fails to comply with the sanctions imposed for a violation of Chapter 316, *Florida Statutes*, pursuant to §316.655 (5) (a), they are in contempt of court. Upon a finding by the court, after notice and a hearing, that a minor is in contempt of court for failure to comply with court-ordered sanctions, the court may: for a first offense, order the minor to serve up to 5 days in a secure shelter, or if no space is available there, in a secure juvenile detention center; for a second or subsequent offense, up to 15 days. A minor *may* not be imprisoned in an adult detention facility. (Section 65: Amending F. S. 316.655 (5) (b)& (c)) **October 1, 1994.**

The fiscal impacts for this section will be the same as those listed above for juveniles found guilty of contempt of court for failure to appear. Courts have now been given a more substantial penalty for contempt of court for juveniles accused of a traffic violation when a juvenile willfully fails to comply with court-ordered sanctions. The new reform bill authorizes the "adult court" county or circuit court judge to impose detention in a staff secure shelter or a juvenile detention center for juveniles that willfully fails to comply with court-ordered sanctions. The fiscal impact on local governments with this provision is county Article V impacts with added hearings for orders to show cause when the juvenile is accused of willful non-compliance with a court-ordered sanction. This impacts the judge's time by adding to their caseload and court time, the clerk's office to send out a notice of the order to show cause hearing and to be present in the contempt hearing, and the cost for the presence of a court reporter which is required in all court hearings.

This contempt sentencing authority for detention in and of itself should not impact local governments because the new statute subsection is explicit as to the type of facility that the juvenile would serve their sentence - a departmental facility. Therefore, juveniles should not be placed in county jails as a result this contempt authority to place a minor in detention.

However, as a caveat, the bill also changed wording of the prohibition against detention of juveniles in adult facilities except those found guilty of § 316.027, *Florida Statutes,* (leaving the scene of an accident with injuries or death). The bill changed language from "*shall not* be imprisoned...", to "*may not* be imprisoned in an adult detention facility..." With such an intentional change, it could be argued then, that it is permissive guidance, rather than mandatory, that juveniles not be placed in an adult detention facility for criminal traffic offenses other than "leaving the scene of an accident with injury or death". In other words, this language may be interpreted to authorize judges to use their discretion to place juveniles in adult detention facilities for convictions of other criminal traffic violations. If such is the case, then this would have a fiscal impact on local governments. If county and circuit court judges having jurisdiction over criminal traffic offenses exercise their discretion that appears to be authorized by this change, the impact will be on county governments for placement of juveniles into county jails for pre-trial custody and punishment sentencing for criminal traffic offenses when deemed appropriate by the judges. It is currently authorized to incarcerate a juvenile in an adult detention facility for a conviction of § 316.027, *Florida Statutes,* (leaving the scene of an accident with injuries or death). Of course, to imprison for a conviction (as well as holding a juvenile for any other reason), the "sight and sound separation from adults" requirement must be met. Again, this aspect of juvenile detention in adult facilities has an impact on county governments through the capital and operating costs of their detention facilities (jails).

The Custody of Juveniles Arrested for DUI

A minor that is arrested for DUI may not be released from custody until the later of the following events occur: he is no longer under the influence of alcoholic beverages, any statutorily prohibited chemical substance, or any controlled substance and affected to the extent that his normal faculties are impaired; his blood alcohol level is less that 0.05%; or 8 hours have elapsed from the time the juvenile is arrested. (Section 65: Amending F. S. 316.655 (5) (e)) **October 1, 1994.**

The DUI arrestee holding provision of the juvenile justice reform bill could have a significant impact on both the county and local governments depending on various situations. The requirement to hold the juvenile offender arrested for DUI until certain circumstances occur is a mandate on local law enforcement agencies. Just *who* suffers the financial impact remains to be seen based on the local law enforcement practices for juvenile DUI arrests. In some jurisdictions, the financial impact may not be felt if the local law enforcement officers routinely drop off juveniles to the custody of the Dept. of HRS (department) (soon to be Dept. of Juvenile Justice) upon completion of paperwork processing. This leaves the department with responsibility of releasing the juvenile upon the occurrence of the proper condition(s) of release. This practice is with little, if any,

added effort or financial expenditure of the arresting local law enforcement agency.

However, it is just as likely that other practices of law enforcement officers will affect the local financial expenditures (increase) for juveniles arrested of DUI, depending on the availability of departmental staff and facilities that can intake juveniles recently arrested for DUI to hold in custody until the latest release condition has been met. By making a reference to the "later" of the conditions occurring, it appears that juveniles must be held in custody for a minimum of 8 hours. If departmental resources (secure facilities) are not available to "drop the juvenile off", then local law enforcement will have to hold the child in custody. When the local agency "holds" a juvenile in custody, that is when the local governments may expend additional funds. And, if there is no departmental facility to drop off the juvenile, and a municipal law enforcement agency does not wish to hold the juvenile, it is likely that the county jail will be the last stop for a juvenile after a recent DUI arrest.

A municipal law enforcement agency that arrests a juvenile may hold that juvenile until the release conditions have been met, however, the municipality would have to meet statutory juvenile detention criteria. This means that a municipal police department would have to have at least one holding cell that meet the "out of sight and sound of adults" criteria.

Therefore, it is foreseeable that such municipal law enforcement agencies may transport juvenile DUI arrestees to the county jail to be held for a period of time until a release condition has been met. The county jail will then have to meet the requirements of the detention criteria through county expenditures, while additionally paying the operational cost for the period of time that a juvenile is held in the county facility. Therefore, it is arguable that counties will absorb most of the fiscal impact of this mandate.

VIII. Detention

a. Juvenile Detention System

The concern with detention as it relates to local government impacts is an overcrowding of juvenile detention centers as a result of increased authorized uses of detention. Already stressed by current detention demands, the overcrowding of juvenile detention centers by increased uses could have a spillover effect into the adult local detention centers. For instance, currently the capacity for secure detention beds during fiscal years 1992-93 and 1993-94 is 1, 306 beds. For fiscal year 1992-93, the average daily population was 1, 274 or 97.6% of the bed capacity. For the period covering July, 1993, through

February, 1994, the average daily population was 1,340, which is *over* the bed capacity of secure detention. Moreover, the average length of stay was approximately 12 and one-half days. Thus, the bed turnover was approximately was three times per month, per bed.

The standard for detention has also been lowered to "clear and convincing evidence" from the former "clear and compelling evidence" that the child presents a risk for failure to appear or substantial risk of inflicting bodily harm on others, or has a history of committing a serious property offense prior to departmental or judicial action, or request protection from imminent bodily harm, or has acted in direct or indirect contempt of court. By lowering the threshold, the number of juveniles placed in secure detention is likely to increase. It may also be argued that the average length of stay will also be increased, thereby causing an additional demand on secure detention beds. Although prohibited, detention of juveniles in an adult detention facility that meets the "sight and sound separation from adults" requirement is foreseeable in desperate situations. In addition, if situations become bad enough, it is foreseeable that counties may be forced to create adequate detention facilities to meet the juvenile detention demands in their counties if state funding of detention centers is inadequate.

Contempt of Court

Judges are now authorized in both juvenile circuit court and adult traffic court to sentence a juvenile to secure detention for up to 5 days for the first violation and up to 15 days for the second violation for direct or indirect contempt of court. Detention is also authorized for direct contempt of court. Specifically for indirect contempt of court, upon finding the juvenile in contempt of court, the judge may place the juvenile in a staff-secure shelter. If there is no space available in the shelter, then the juvenile is to be placed in a secure detention center.

For direct contempt of court, the sentence may be imposed immediately. However, as previously discussed, for indirect contempt of court, the juvenile is entitled to certain due process rights which involve a separate hearing for a indirect contempt of court charge. In the event of finding a juvenile guilty of contempt, the penalty of detention may be imposed for juveniles guilty of willful failure to appear and guilty of not complying with a court imposed sanction. (Section 14: Creating §39.0145; Section 29: Amending F. S. §39.042 (d); Section 64: Amending §316.635 (4); Section 65: Amending §316.655 (5) (b) & (c)) **October 1, 1994.**

In order to impose the penalty of detention for contempt of court, there will have to be court hearings to determine the juvenile guilty of such. The local government impacts of this are discussed earlier in the contempt of court (Part VI)and the traffic (Part VII)

sections of this analysis. It is speculated at this time that there will be a definite impact on the assistant state attorneys as well as all the other impacts that were previously mentioned. The assistant state attorney's presence is likely to always be required by the judge because of the possible penalty of secure detention. In adult court, the presence of the assistant state attorney is usually required by the judge when there is a possibility of the defendant being placed in jail as a penalty if found guilty of contempt.

Expansion of the Authorized Uses of Detention for All Property Crimes

The new bill widens the uses of detention to specifically include those juveniles that have committed property crimes. Formerly, the statutes required that the juvenile had to commit a "serious" property crime in order to place the juvenile in detention. (Section 29: Amending F. S. §39.042 (c)) **October 1, 1994.**

Juveniles Accused of Committing an Offense of Domestic Violence

Extends the uses of detention to specifically include juveniles accused of committing an offense of domestic violence and does not meet the detention criteria with a continuous 48 hour check by the court by holding a court hearing in which the department or the state attorney may recommend to the court that the child continue to be held in secure detention. (Section 29: Amending F. S. §39.042 (2) (b) 3) **October 1, 1994.**

This has an impact on county Article V costs because it increases the authorized uses of detention and it requires that the court hold extra hearings (every 48 hours) for juveniles accused of domestic violence to continue to hold that juvenile in secure detention for more than 48 hours. Additional hearings or proceedings adds stress to the workload of all previously mention persons involved in the criminal justice/judicial system and to the entire court system thereby costing counties more to operate the court system.

b. Adult Local Jail System

DUI Cases

As previously discussed in Part VII of this analysis, juveniles that are arrested for committing a DUI traffic offense must be detained in custody and may not be released from custody until the later of the following events occur: he is no longer under the influence of alcoholic beverages, any statutorily prohibited chemical substance, or any controlled substance and affected to the extent that his normal faculties are impaired; his

blood alcohol level is less that 0.05%; or 8 hours have elapsed from the time the juvenile is arrested. (Section 65: Amending F. S. 316.655 (5) (e)) **October 1, 1994.**

This will have a fiscal impact on municipalities and counties. The impact will be as a result of the law enforcement involved in holding the juvenile in custody until the "later" of the three criteria is met. Another fiscal impact will come from the holding cell or facilities in which a law enforcement officer will hold the juvenile in custody. There is a "out of sight and sound of adults" requirement that must be met in order to hold a juvenile in custody at the municipal police department or the county jail. Meeting this requirement involves a modification or construction of an adequate holding cell to hold juveniles in a DUI arrest circumstance.

Direct Filing of Informations or Waivers of Juveniles into the Adult Criminal Justice (and Corrections) Systems

The Legislature has increased or widened the circumstances by which a juvenile is subject to being prosecuted and sentenced to the adult system through filing direct informations and requesting waiver hearings. These changes and the impacts were discussed in detail in Part IV of this analysis.

The impact of "direct files" and waivers into the adult system will be significant. The adult criminal justice system will experience an increase in the number of juveniles being prosecuted in the system now that the criteria for both have been widened. All persons involved in the criminal justice system will be affected (i.e. judges, clerks, assistant state attorneys, and assistant public defenders).

There will also be a significant impact on the adult corrections system. Specifically, the local jails will be impacted by the increased number of juveniles being "direct filed" or waived into the adult system. However, accurate numbers reflecting this increase are not available at this time. The local jails will suffer a large impact of holding juveniles prosecuted as adults in pretrial detention. In addition, there is the potential that many juveniles, as first time "adult offenders", will be sentenced to a jail sentence rather than sentencing them to a state prison. This potential exists even though the juvenile offenders in the adult system are felony offenders. There is nothing to keep a juvenile offender in the adult system from being sentenced to jail time rather than state prison time (unless the court deemed the offender as a "youthful offender" to place them in a special correctional category under the state system). Therefore, the correctional/financial impact on local jails is potentially substantial.

Local Jail Tour Programs

Each county must develop a program by which a judge may order juveniles that have committed a delinquent act to tour the county jails. The Department of Corrections is required to develop such a correctional facilities tour as well. (Section 109) **October 1, 1994.**

This is a mandate on county governments to organize such programs. Some counties already have such programs organized. However, jail tour programs will monetarily cost county governments in order to operate. County personnel (likely to be the sheriff's office in most counties) will be needed to create, organize, and conduct the tour.

IX. Commitment Programs

Boot Camps

The new juvenile justice reform bill changes the types of offenders that are eligible for the boot camps; requires that the boot camps include certain types of counseling; and requires that the boot camps operated by the department, counties, or municipalities must provide for certain minimum periods of participation in the boot camp program and the aftercare components of the program at different levels of risk; and requires that staff of such boot camps are to successfully complete a minimum of 120 or 200 hours of commission-approved training. (Section 46: Amending F. S. §39.057) **October 1, 1994.**

This section of the bill allows for a changing of the types of juvenile offenders that are eligible to be sentenced to a juvenile boot camp; it in essence broadens the types of offenders. This could act to increase the number of juveniles being sentenced to the boot camps. This, in turn, would increase the costs of operations for counties or municipalities that are paying for such boot camps in their jurisdictions, including those which have placed a cap on their admissions but have not met their population cap.

There is a mandate for locally funded and operated boot camps to provide certain statutorily-named types of counseling. This may mean required additional local funding for these types of counseling if they were not already provided and funded in the current county or municipal boot camp programs.

There is also a mandate in this bill section which requires counties or municipalities that are operating such boot camps to provide minimum time periods of participation in the programs for the different components of boot camps. This may require some locally

funded and operated boot camps to increase the length of stay for some offenders in the boot camps; thus, higher operational costs for those localities. It may also require some locally funded and operated boot camps to add an aftercare component to their boot camps which did not previously exist; thus, higher operational costs can be anticipated for localities.

This bill section also mandates that boot camp staff personnel complete 120 hours of minimum training for administrative staff or 200 hours of minimum training for staff with direct contact with children. The bill states that a person may not have direct contact with a child in the boot camp program until he has successfully completed the training requirements specified in this bill section, unless that staff person is under the direct supervision of a certified drill instructor or camp commander. This requirement and restriction on staff will mean increased costs of operation for localities that fund and operate a boot camp. It appears that the requirement and restriction will not only be applied to newly hired staff, but also for current boot camp staff personnel that do not meet these minimum training hours requirement.

Corrections Privatization Commission

The Correctional Privatization Commission is given additional power to enter into contracts in fiscal year 1994-95 for the three youthful offender facilities of up to 350 beds each to be operated by private providers. The Commission shall specify where each facility will be located, however this section provides that such facilities shall be located in or near different metropolitan areas of the state. There may be a potential impact upon local governments because it is not apparent how counties and municipalities are allowed input in this process. (Section 107) **October 1, 1994.**

Dispute Resolution of Siting of Juvenile Facilities

For disputes between the local governments and the Department of Juvenile Justice concerning the siting or modification of facilities, a dispute resolution process, is required to be initiated or invoked either by the local government that denies the department's request or the department which may last up to 180 days for the process, unless the parties agree to extend the process. The bill lists various steps that must be followed by the department in order to establish procedures for dispute resolution if the regional planning council did not establish a dispute resolution process. (Section 56: Amending F. S. §39.074)

This mandates that local governments must use a dispute resolution process that they were not previously required to use, with required steps and appeals involved in this

process. In addition, the process is likely to involve more time as the previous dispute relief took because of the added steps. This additional time can be viewed as either positive or negative depending on the particular circumstances. The local governments may want additional time to come to a resolution. However, the required steps and appeals in the process named can be a long, costly process for local governments involved in a dispute. This bill section will have a financial impact on the localities that are involved in a dispute with the department about the siting or modification of a facility. The extent of the impact is undetermined at this time. This provision allows more time to reach agreement before involving the Administration Commission which may be positive for local governments.

X. Juvenile Records, Photographing, Identification, and Fingerprinting

The Ability of Law Enforcement Agencies to Check Criminal Histories of Persons Requesting a Juvenile Be Released to Them

The bill increases the power of local law enforcement by providing that prior to releasing the child to a responsible adult, other than the parent, guardian, or legal custodian, the person that took the child into custody may conduct a criminal history background check of the person to whom the child is to be released. If the person has a prior felony conviction, or a conviction for child abuse, drug trafficking, or prostitution, that person is not a responsible adult for the purposes of this section. (Section 27: Amending F. S. §39.038 (b)) **October 1, 1994.**

This provision in the reform bill has an impact on local governments because it provides an option for local law enforcement agencies; it broadens their powers. It allows (does not mandate) these law enforcement agencies to do a background check on certain people who attempt to obtain release of a juvenile into their custody. This is a safety measure and is not because the person attempting to effect a release of the juvenile is suspected of criminal activity. However, such checks could ultimately be more costly for local governments because of possible delays in the release of a juvenile to conduct the check and the costs involved in conducting the actual background check.

The Dissemination of Copies of a Juvenile's Fingerprints, Photo and Personal I. D. Information

The bill requires that the clerk of the court, after disposition of the case, shall forward duplicate copies of the fingerprints and photographs, together with the child's name,

address, date of birth, age, and sex, to: ...a news media office or a news organization that specifically requests the information for a particular child. (Section 28: Amending F. S. §39.039 (2) (d)) **October 1, 1994.**

This requirement for the clerk to provide this information and these items to news media that asks for it has an impact on county governments. It adds to the Article V costs of a county. The costs of duplicating photos and fingerprints and time involved will come at an increased cost to counties.

Records and Confidential Information Kept By Court Clerks

The bill requires the clerk of the court to keep records of juvenile delinquency proceedings for five (5) years longer than previously required. Records are to be retained until a child is 24 years (previously 19), or until a serious or habitual delinquent child reaches the age of 26 years (previously 21). (Section 33: Amending F.S. §39.045 (2) & (11)) **October 1, 1994.**

This has a fiscal impact on Article V funding related to the clerk's office. This requires the clerk's office to keep the records of juvenile delinquents for 5 years longer than previously required. Keeping records longer means a higher cost to the counties. (i.e. storage of the files, more computer capacity, increased ability to reference files for a longer period of time)

Interagency Agreements Between Law Enforcement and Schools for Information Sharing About Juvenile Offenders

The bill states that within each county, the sheriff, the chiefs of police, the district superintendent, and the Department of Juvenile Justice must enter into an agreement for the purpose of information sharing about juvenile offenders among all parties. With compliance to some named statutory sections, the agreement must specify the conditions under which summary criminal justice information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate dept. personnel. (Section 33: Amending F.S. §39.045 (5)) **October 1, 1994.**

This mandates that in every county there must be agreements executed that provide a concurrence as to the manner and conditions by which such information is shared among the named parties. Because this is a requirement that such action occur in each county, it has an impact on counties. Recognizing there might be benefits realized from this coordination, it costs money for counties and municipalities to have their law enforcement agencies to come together to reach an agreement as to the conditions by

which juvenile offender and school record information will be exchanged between the parties. Further, it is likely that this requirement will be a continuous cost to county and municipal governments to have their law enforcement agencies enter information into an information system or to continuously provide information to the school officials on certain offenders or certain types of offenders, regardless what conditions the parties agree upon.

Records and Confidential Information to be Provided to Schools

The bill requires that law enforcement, upon taking a child into custody for a felony crime, or a crime of violence - regardless of the category of crime, must notify the superintendent of schools that the child is alleged to have committed the delinquent act. Upon notification, the principal is authorized to commence discipline proceedings. The district school superintendent must release the information received within 48 hours to the appropriate school personnel, including the school principal. That principal must then immediately notify the child's immediate classroom teachers. (Section 33: Creating F. S. §39.045 (11)) **October 1, 1994.** (*See also* Section 26: Amending F. S. §39.037 (1) (b))

This has a fiscal impact on county and municipal law enforcement because it requires the law enforcement officers to perform an additional duty when it comes to the arrest of juvenile offenders: they must notify (although it is not articulated how that is to be done: in writing or verbally) the superintendent of the schools that the alleged juvenile attends. This added procedure for law enforcement will undoubtedly take more time and effort on behalf of the officer.

XI. Curfews

Curfews: Minors Prohibited in Public Places and Establishments During Certain Hours

Pursuant to a local ordinance that is properly enacted by a county or municipality, curfews for minors may be invoked. (*See*, Section 87 of the bill, creating F. S. §877.25) A minor may not be or remain in a public place or establishment between the hours of 11:00 pm and 5:00 am of the following day, Sunday through Thursday. A minor may not be or remain in a public place or establishment between the hours of 12:01 am and 6:00 am on Saturdays, Sundays, and legal holidays. Penalties are also authorized for minors that have been suspended or expelled from school may not remain in a public place within 1,000 ft. of a school between 9:00 am and 2:00 pm during any school day.

Counties and municipalities which enact such an ordinance are not precluded from imposing more stringent or less stringent curfew restrictions than those named above.

A violation of this section after receiving a prior written warning is guilty of a civil infraction and must pay a fine of $50 for each violation. If a minor violates this section and is taken into custody, the minor must be transported immediately to a police station or to a facility operated by a religious, charitable, or civic organization that conducts a curfew program in cooperation with a local law enforcement agency. After recording the pertinent information about the minor, the law enforcement agency shall attempt to contact the parent or the minor and, if successful, shall release the minor to the parent. If the law enforcement agency is not able to contact the minor's parent within 2 hours after the minor is taken into custody, or if the parent refuses to take custody of the minor, the law enforcement agency may transport the minor to his residence or proceed as authorized under part III of Chapter 39 (Dependency) of the *Florida Statutes*. (Section 84-87: Creating F. S. §877.22 through .28).

A positive impact occurs on local governments with regard to this provision if they desire to set curfews in their localities. This provision allows localities to control the delinquent actions of juveniles to a certain extent because it curbs the amount of time that a juvenile can be out and about in public. This should, in turn, reduce the incidence of juvenile crime.

Under this provision in the bill, there could be a fiscal impact on cities and counties. There is an impact on local law enforcement agencies that take a juvenile curfew violator into custody. The bill section states that upon taking one into custody, the minor shall be transported immediately to a police station or an appropriate private facility with a curfew program. This immediate transportation is mandatory. Within 2 hours of taking the minor into custody, the law enforcement officer is then required to attempt contact with the minor's parent and request that the parent take custody of the minor and release the minor thereupon. If parental contact is unsuccessful or the parent refuses to take custody of the minor, law enforcement may transport the minor to his residence or proceed under the Dependency Cases Part of Chapter 39, *Florida Statutes*.

Fiscal impacts on local government will occur because the new bill requires certain action of the law enforcement officer that takes a minor into custody for a curfew violation. These actions add to the workload of the local law enforcement officers. Additionally, counties and municipalities are impacted by the transportation costs involved and the cost of "holding" the juvenile in custody. Again, there is an "out of sight and sound of adults" requirement in order to hold a juvenile in custody. The potential local government costs associated with meeting this requirement were discussed in more detail earlier in this analysis.

XII. Funding and Revenue Issues

a. New Sources of Juvenile Justice Funding

New Surcharge on License Plate Tax

The bill authorizes a surcharge of $.50 cents which will be imposed on each license tax levied under section 320.08, *Florida Statutes,* for the operation of motor vehicles, motorcycles, etc., except those set forth in subsection 320.08 (11), F. S., (mobile homes). Of the proceeds of the license tax surcharge, 80% shall be deposited into the General Revenue Fund and 20% shall be deposited into the Florida Motor Vehicle Theft Prevention Trust Fund. (Section 66: Creating F. S. §320.08046) **Oct. 1, 1994**

There is a positive impact on local governments under this provision in the new bill. Local governments benefit from increases in the Motor Vehicle Theft Prevention Trust Fund. This is a trust fund that provides the funding to local governments and other non-profit private agencies that seek state funding for juvenile programs through the Community Juvenile Justice Partnership Act of 1993 under Chapter 860, *Florida Statutes.* These programs must provide cost-effective services to meet the goals of the district juvenile justice plan, reduce the truancy and in-school and out-of-school suspensions and expulsions, and enhance school safety. The programs must target at-risk juveniles, high juvenile crime neighborhoods, and those public schools serving juveniles from high crime neighborhoods.

In addition, there is a positive impact on local government because the amount of money available through the grant program is increased by the new bill. (an additional $1.4 million) Section 73 of the bill provides that not less than 70% of the funds placed in the Motor Vehicle Theft Prevention Trust Fund shall be made available each year to fund qualified grants under the community juvenile justice partnership program described below. Formerly, the statute read that "not less than two-thirds" of the money will be made available through grants. This 70% clarifies and increases the amount, benefitting local governments seeking grant funding. The projected estimates show that approximately $6.0 million will be dedicated to the grant program. (Section 73: Amending F. S. §860.158 (2) (c)) **October 1, 1994**

Save the Children License Plates

The beneficiaries of this newly authorized license plate is the Department of Highway Safety, the Department of Juvenile Justice, and the County Juvenile Justice Councils.

Based on the recommendations of the County Councils, the Department of Juvenile Justice will use the revenues to fund programs and services that are designed to prevent juvenile delinquency. Revenues will be distributed to counties based on the number of tags sold in that county. (See CS/SB 2016).

The amount that will be collected from this license tag is indeterminate at this time. Twenty dollars ($20) will be charged for purchasing this license plate annually.

b. Grants

Community Juvenile Justice Partnership Grants

The application for state funding through the community juvenile justice grant program must include, among other things, a program budget. The applicant must make their own contribution to the program that is at least equal to 20% of the amount of the grant sought and received, and of that minimum 20% contribution, at least 50% of it must be in cash. (Section 22: Amending F. S. §39.025 (9)) **October 1, 1994.**

In fiscal year 1993-94, $2.0 million was available as grants through the Community Juvenile Justice Partnership Grant Program. Projected funding for the next fiscal year is over $7.0 million. As originally written, in order to receive a grant through the Motor Vehicle Theft Prevention Authority (through the Office of the Attorney General), there was *not* a requirement that the entity seeking the funding was required to contribute funding to the project or program for which the grant funding would be used. Among others, municipalities and counties are entities that could seek funding through this mechanism. These local governmental entities are adversely affected or impacted by the added requirement that they must contribute at least 20% of the grant sought and that at least 50% of that must be in cash. This requirement did not previously exist. However, this matching requirement could ultimately result in funding for a larger number of cities and counties.

Criteria for determining the award of grants is changed to include recommendations from both the County Juvenile Justice Council and the District Juvenile Justice Board for which programs should be given funding priority. The date for entities wanting to apply for an annual community juvenile justice partnership grant is moved from September to March 1st of each year. It is unknown whether this would impact local governments in their budget making process. (Section 22: Amending F. S. §39.025 (9) (b) (6) & (7)) **October 1, 1994.**

This could be a negative or adverse impact on local governments because it requires the

Motor Vehicle Theft Prevention Authority to give heavy consideration to the opinion of the county councils or district boards as to the award of grants to an entity, which may be a municipality or county. Therefore, a council that is dominated by persons other than municipal or county governing officials may always make recommendations inconsistent with the desires of the city or county in which the program(s) would reside or be based.

Innovation Zones

The department shall encourage each of the district juvenile justice boards to propose to the Secretary of the Department of Juvenile Justice at least one innovation zone within the district for the purpose of implementing any experimental, pilot, or demonstration project that furthers the legislatively established goals of the department. An innovation zone is a defined geographic area such as a district, commitment region, county, municipality, service delivery area, school campus, or neighborhood providing a laboratory for the research, development, and testing of the applicability and efficacy of model programs, policy options, and new technologies for the department. (Section 22: Amending F. S. §39.025 (11)).

This new provision could mean a positive impact on local governments because it *appears* that it will provide state funding to entities, such as local governments, for innovative projects and programs. This means that such local governments could attempt to meet some of their juvenile needs through this project with some state funding.

However, this provision could also have a negative impact on local governments because the state sets the basis for determining where the innovation zone will be located. The new statute section also does not address what input, encouragement, or protest the relevant local governmental entities have with regard to the placement or the type of innovation zone program(s) that will be implemented. Another local concern is whether available funding will continue so that the governmental entity in which the innovation zone lies will not be supplementing funding or providing services, supplies, or housing for such projects.

c. Funding and Funding Programs

1994 Appropriation Amounts

See Charts in the Appendix which provides the appropriations.

Task Force for the Optimization of Federal Funding

The Task Force, which only provides that membership must include the secretary of the Department of HRS, the Commissioner of Education, and the Secretary of the Department of Labor and Employment Security, but does not disallow other members, is to review the reports from the "local simulated matching programs" authorized in this section and analyze opportunities for increasing state participation in federal funding programs. A report is due by January 1, 1995. "Simulated matching programs" are authorized in each of the following counties: Alachua, Broward, Dade, Duval, Flagler, Gadsden, Highlands, Hillsborough, Lee, Marion, Martin, Palm Beach, Pinellas, Santa Rosa, and Seminole.

The bill sets out requirements for simulated matching programs. One such requirement is that each state agency, district school board, or local governmental entity that simulates a match of federal funds from certain sources in excess of the amount of federal funds which is appropriated by the Legislature to that agency, board, or entity in fiscal year 1994-95, must create a plan for investing the amount of the new or additional funds to improve or expand services provided for children and families. (See paragraph (4) (a) of this bill section).

Each such district school board or local governmental entity shall establish a collaborative planning process for the use of the funds consistent with the intent of subsection (1). The county commission and district school board shall designate an interagency collaborative planning body that must include, among others named, representatives of the public schools, county, and municipal governments. There are legislatively required functions of the collaborative planning body, including writing a report to the task force for optimization of federal funding participation and the Senate and House appropriation committees by November 1, 1994. (See paragraph (4) (b) of this bill section).

For purposes of the simulated matching programs, each state agency that receives federal funds under Title IV-A, Emergency Assistance and Child Care; Title IV-E; or Title XIX of the Social Security Act or other federal programs that serve children and families to be matched by the agency shall set guidelines and standards for other state agencies, district school boards, and local governmental entities to use in submitting claims for federal reimbursement consistent with federal and state laws and regulations. (See paragraph (4) (c) of this bill section).

The Department of HRS shall establish procedures that would permit a state agency, district school board, or local governmental entity to retain the non-federal matching share and permit the passing through of such federal reimbursements to the agency, board, or entity. (See paragraph (4) (d) of this bill section).

Each state agency that improves its process of matching federal funds under those assistance programs in (4) (c) by fiscal year 1994-95 must report to each county conducting a simulated matching program the amount of new federal funds which was received through an improved matching process in programs in that county. (See paragraph (4) (e) of this bill section).

If the Legislature authorizes local matching of federal dollars as a state policy, those counties conducting simulated matching programs under this act shall be the first counties authorized to implement the policy. (See paragraph (5) of this bill section).

Along with these matching programs the county commission and the district school board shall designate an interagency collaborative planning board. This board is required to submit a report to Task Force and the appropriations committees of the Senate and the House by November 1, 1994.

Much of the language referring to these simulated matching programs is unclear. It is apparent that there will be some kind of impact because local governments are eligible entities to be involved in simulated matching programs and county commissions must be involved in the interagency collaborative planning body. In addition, counties are to be the first entities that are conducting simulated matching programs to implement the state policy of authorizing local matching of federal dollars as a state policy, if adopted. It is unclear whether local governments would have to spend their own money on developing a simulated matching program. Counties and municipalities would be fiscally impacted if they had to tap their own financial and technical expertise resources to participate in the simulated matching program. (Section 112) **Upon Becoming Law** (expires July 1, 1996).

APPENDIX

PROVISIONS IN THE JUVENILE JUSTICE LEGISLATION

A

SERVICE AND PROCESS THAT WILL BE IMPACTED

Alternative Sanction Coordinators (s. 14)
"Direct Filings" and "Waivers" of Juvenile Jurisdiction to Certify to Adult Court (s. 50) 1)Increases the # of juveniles sent to the adult system. 2) Increases the # of court hearings and workloads. 3) Increases the due process rights when in adult system. (ie, right to a jury trial)
Due Process as it Relates to Detention (s. 9)
Due Process as it Relates to Indirect Contempt of Court (s. 14)
Traffic Cases - Adult Court Judiciary May Sentence Juveniles to Detention for Failure to Appear (Contempt) (s. 64)
Traffic Cases - Adult Court Judiciary May Sentence Juveniles to Detention for Failure to Comply with Court Imposed Sanctions (Contempt) (s.65)
Powers of a Juvenile Circuit Judge to Sentence Parents as a Result of their Child's Delinquent Act and Use Their Contempt Powers to Enforce a Sanction Against a Parent (s. 43)
Juveniles Accused of Committing a Crime of Domestic Violence (s. 29)
Dissemination of Copies of a Juvenile's Fingerprints, Photo, and Personal I.D. Information (s. 28)
Records and Confidential Information to be Kept by Court Clerks (s. 33)

COUNTY ARTICLE V FUNDING

(Examples: housing & utilities for courtrooms and all other criminal justice offices, salaries for many judicial-related personnel, witness fees, court reporting fees and costs, all court-related equipment and supplies)

Note: Chart used in presentation to Florida ACIR members at meeting in Ft. Myers on May 16, 1994.

B

PROVISIONS IN THE JUVENILE JUSTICE LEGISLATION	FACILITY THAT WILL BE IMPACTED
"Direct Filings" and "Waivers" of Juvenile Jurisdiction to Certify as Adults (s. 50) 1) Increase # of pretrial detainees. 2) Increase # of sentenced defendants to jails.	LOCAL JAILS
Juvenile Contempt of Court Punishment (s. 14)	
Immediacy of Punishment for Direct Contempt (s. 14)	
Contempt Powers of a Juvenile Circuit Judge Over the Parents of a Juvenile (s. 43)	
Juveniles Arrested for DUI (s. 65) (Appears that juveniles must be held in custody for at least 8 hours)	
Expanded Authorized Uses of Detention for Juveniles Accused of: a) Contempt of Court (ss. 14, 29, 64, & 65) b) All property crimes (s. 29) c) An offense of Domestic Violence (s. 29) (Possible spillover to local jails)	
Jail Tours by Juveniles (s. 109)	

Note: Chart used in presentation to Florida ACIR members at meeting in Ft. Myers on May 16, 1994.

C

PROVISIONS IN THE JUVENILE JUSTICE LEGISLATION	SERVICE THAT WILL BE IMPACTED
Juvenile Justice Assessment Centers (s. 36) - Law Enforcement Cooperation with Departmental Service District Center	LAW ENFORCEMENT
Drop-Out Prevention Program (s. 126)	
Arrest & Custody of Juvenile DUI Arrestees (s. 65) (Appears that juveniles must be held in custody for at least 8 hours)	
Law Enforcement Agencies Can Check Criminal Histories of Persons Requesting a Juvenile be Released to Them (s. 27)	
Interagency Agreements Between Law Enforcement and Schools for Information Sharing About Juvenile Offenders (s. 33)	
Records and Confidential Information to be Provided to Schools by Law Enforcement (s. 33)	
Curfews (ss. 84-87) a) Law Enforcement must transport violators to a police station or an appropriate facility named in the section. b) Law Enforcement must contact the parents and release to parents c) If Law Enforcement cannot contact parents within 2 hours after taken into custody, or parents refuse, Law Enforcement may transport to minor's residence or proceed under Part III, Ch. 39., F.S.	

Note: Chart used in presentation to Florida ACIR members at meeting in Ft. Myers on May 16, 1994.

D

PROVISIONS IN THE JUVENILE JUSTICE LEGISLATION	SERVICE AND PROGRAMS THAT WILL BE IMPACTED
County Juvenile Justice Council Membership (s. 22)	
Juvenile Justice Assessment Centers Cooperation (s. 36)	
Drop-Out Prevention Program (s. 126)	
After-School Programs (s. 141)	SCHOOLS
Interagency Agreements Between Law Enforcement and Schools for Information Sharing About Juvenile Offenders (s. 33)	
Records and Confidential Information to be Provided to Schools by Law Enforcement (s. 33)	
Innovation Zones (s. 22)	
Community Juvenile Justice Partnership Grants (s. 22)	
New Surcharge on License Plate Tax (s. 73)	
Task Force for the Optimization of Federal Funding (s. 112) (Dist. School Board must collaborate with the County Commission to designate an interagency collaborative planning body to include reps. of public schools and county and municipal governments. A District School Board may create a simulated matching program. Unclear who pays for its creation.)	

Note: Chart used in presentation to Florida ACIR members at meeting in Ft. Myers on May 16, 1994.

PROVISIONS IN THE JUVENILE JUSTICE LEGISLATION

E

ENTITIES THAT WILL BE IMPACTED

County Juvenile Justice Council Membership (s. 22)

Juvenile Assessment Centers (s. 36)
(Adequate State Funding is questionable.)

Pre-Kindergarten Early Intervention Program (s. 120)

After-School Programs (s. 141)

Boot Camps (s. 46)

Corrections Privatization Commission (s. 107)

Dispute Resolution of Siting of Juvenile Facilities (s. 56)

Curfews (ss. 84 - 87)
a) Broadens powers if enact ordinance
b) Places requirements on Law Enforcement. In order to enforce the ordinance:
1) Hold the juvenile
2) Contact the parents
3) Transport the juvenile

Community Juvenile Justice Partnership Grants (s. 22)
a) Requires a local match of 20%
b) Criteria for determining awards is changed to include recommendations from both the county Juvenile Justice Council and District Juvenile Justice Board to determine priority.

Innovation Zones (s. 22)

New Surcharge on License Plate Tax (s. 73)

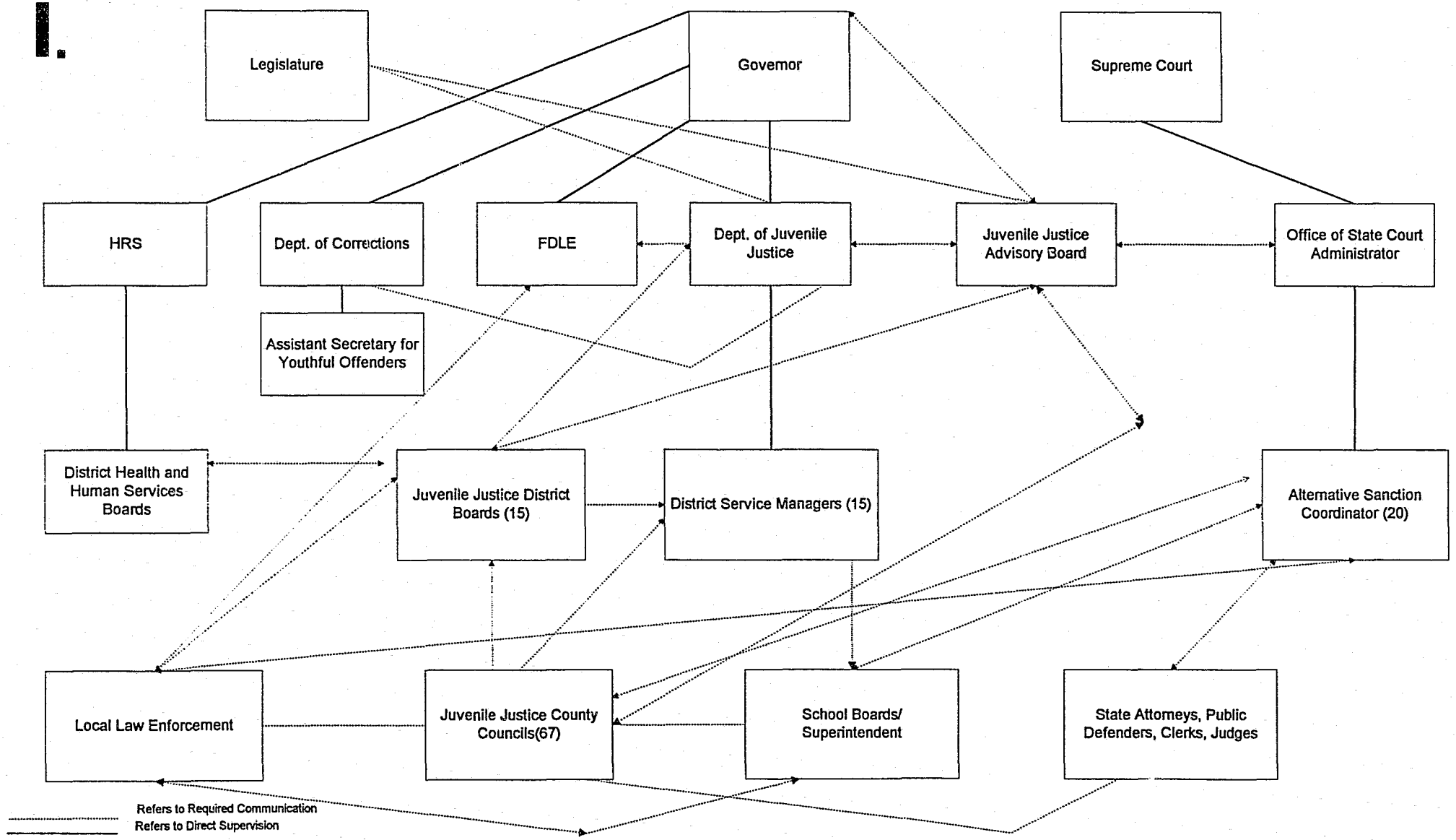
Task Force for the Optimization of Federal Funding (s. 112)
(County Commission must collaborate w/Dist. School Bd. to designate an interagency collaborative planning body to include reps. of public schools and county and municipal govts. A city or county may create a simulated matching program. Unclear who pays for its creation. Counties will be first to implement state policy, if adopted.)

LOCAL GOVERNMENTS (GENERALLY)

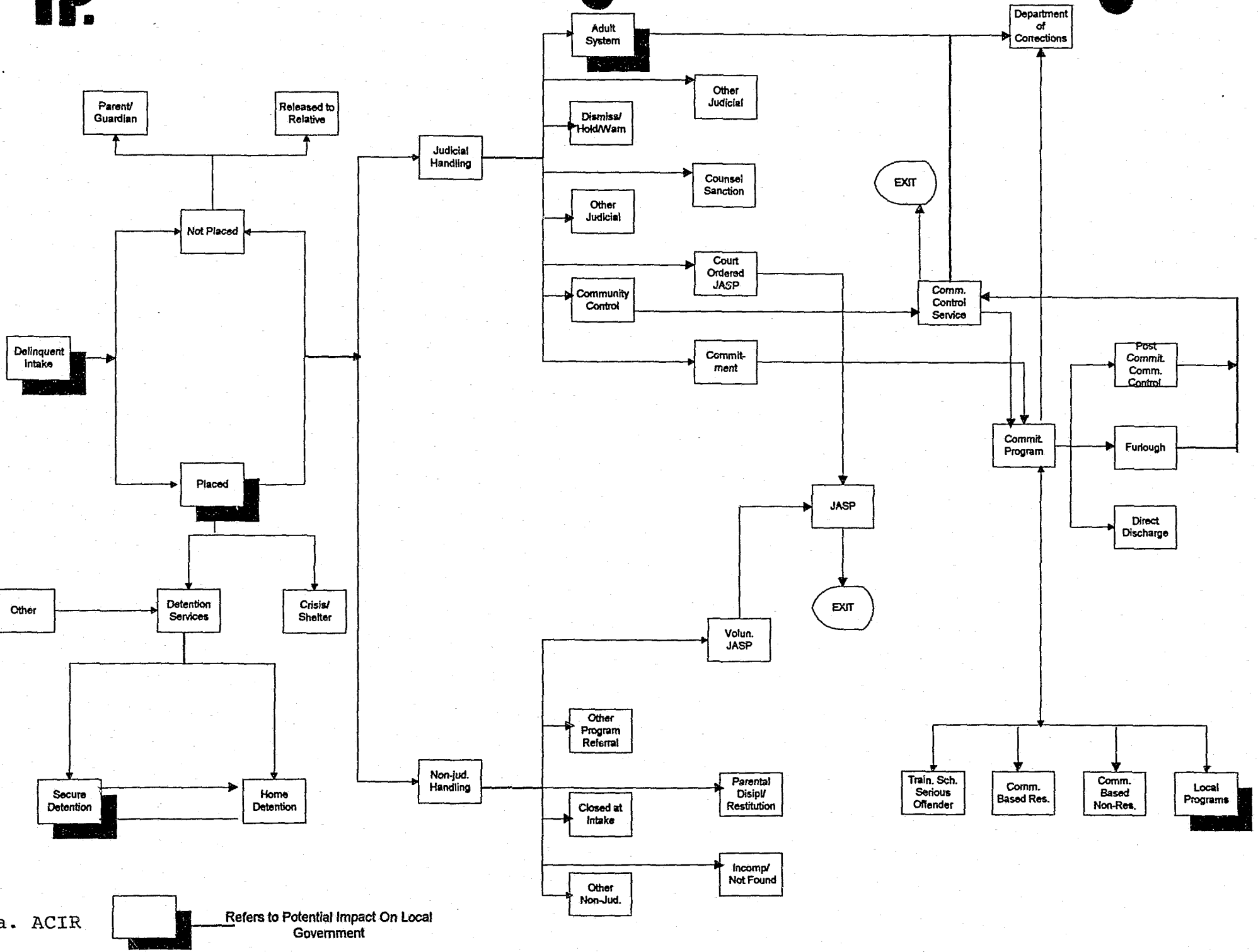
Note: Chart used in presentation to Florida ACIR members at meeting in Ft. Myers on May 16, 1994.

Organizational Chart of Juvenile Justice Continuum

Produced by ACIR: 5/6/94



FLOW OF CHILDREN THROUGH THE JUVENILE JUSTICE SYSTEM



Fla. ACIR

Refers to Potential Impact On Local Government

NEW AND POTENTIAL REVENUE SOURCES
JUVENILE JUSTICE SYSTEM

Revenue Source (1994 - 95)	Government Entity Administering or Receiving Revenues	Authorized Use or Purpose (1994 - 95)
$.50 surcharge on license CS/CS/SB 68 -Section 66 Projected revenues of over $6 million	Department of HRS Department of Legal Affairs County Juvenile Justice Councils	$3.5 million for Addictions Receiving Centers; 1.5 million for Crisis Stabilization Units $1.4 million for the Community Partnership Grant Program
Judge Can Order Parents to pay for Cost of Children in a Licensed Child-Caring Agency of the DJJ. CS/CS/SB 68- Section 43 Revenues Indeterminate	Department of Juvenile Justice Licensed Child-Caring Agency	This will fund the holding of juveniles in DJJ and licensed child-care agency facilities.
"Save the Children" License Plates: $20 annual cost per plate CS/SB 2016 Amount to be collected is indeterminate	Dept. of Highway Safety Department of Juvenile Justice County Juvenile Justice Councils	Based on the recommendations of the County Councils, the DJJ will use the revenues to fund programs and services that are designed to prevent juvenile delinquency. Revenues will be distributed to counties based on the number of tags sold in that county.
Potential Revenues from the Federal Government through matching grants CS/CS/SB 68- Section 112 Potential revenues indeterminate	State of Florida District School Boards Local Governmental Entitites	A study shall be conducted involving 15 counties to volunteer to develop a simulated matching program for potential federal funding.