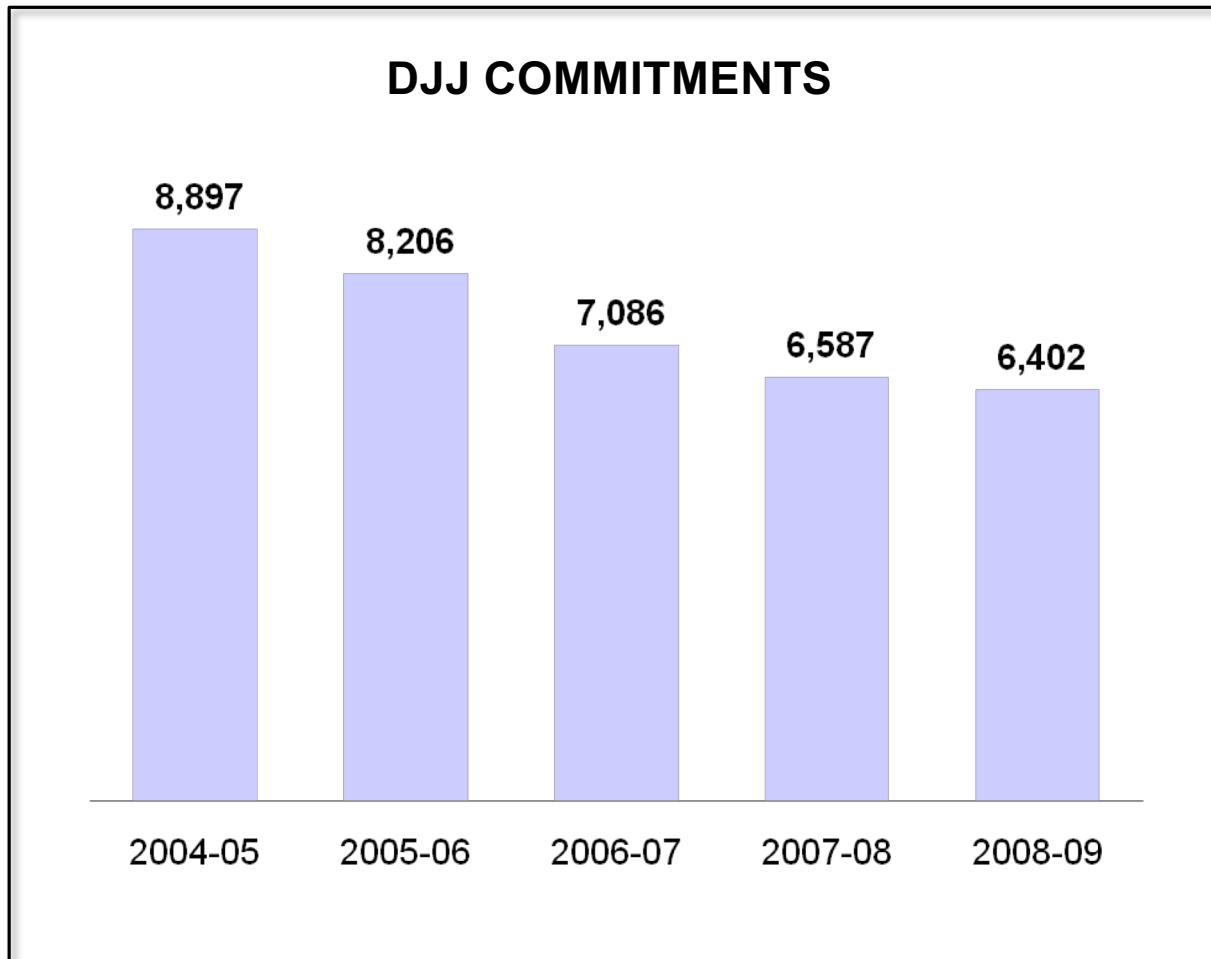


Opportunities to Strengthen Florida's Juvenile Justice System

***Strategies to implement the Blueprint Commission recommendations, based on
an analysis of FY2008-09 admissions to the Florida Dept. of Juvenile Justice***

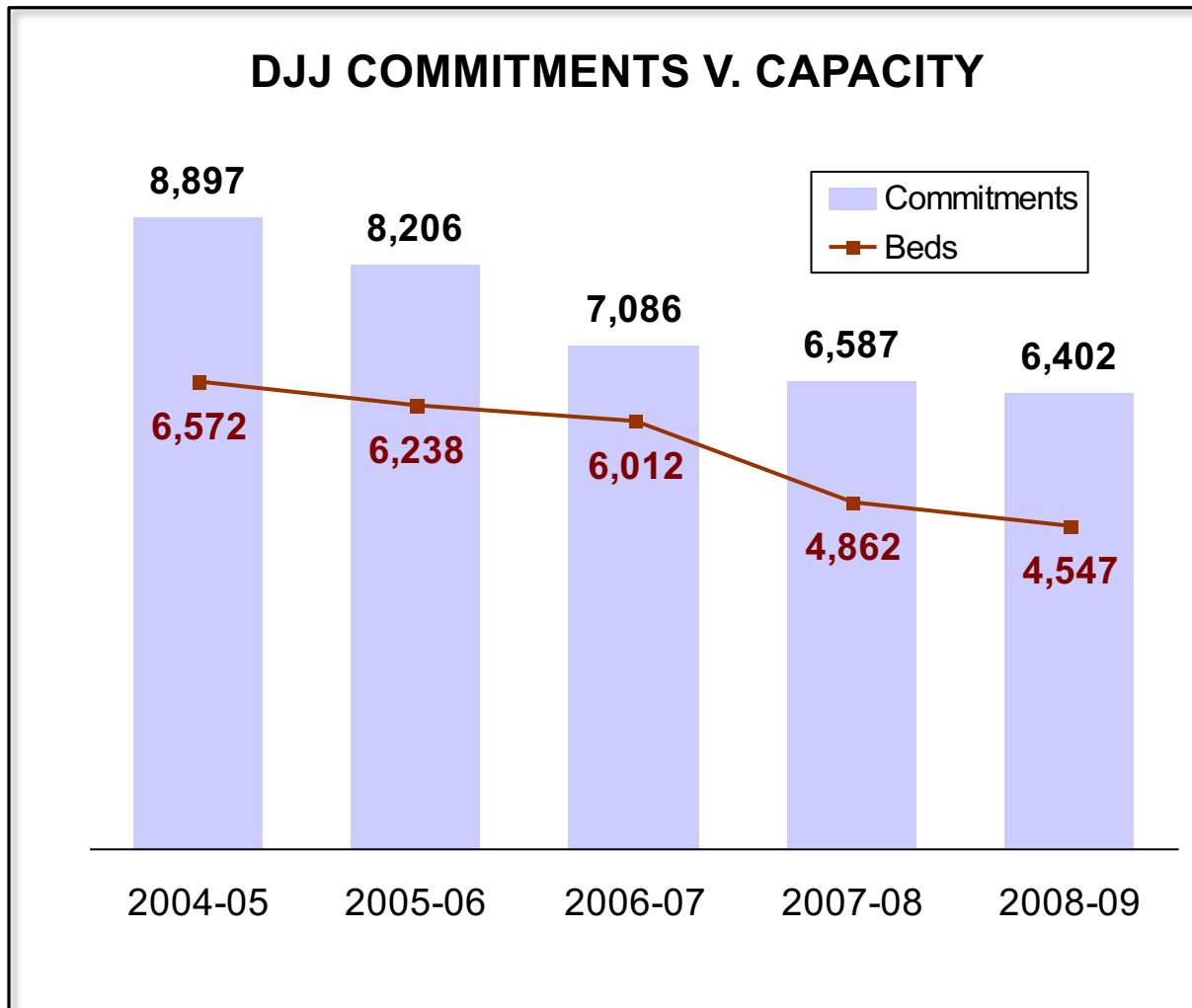
September 17, 2010

Redirection and progressive sanctions policies to reduce VOP commitments to DJJ have resulted in a steady decline in commitments.



**DJJ commitments
fell by 28%
between FY05
and FY09.**

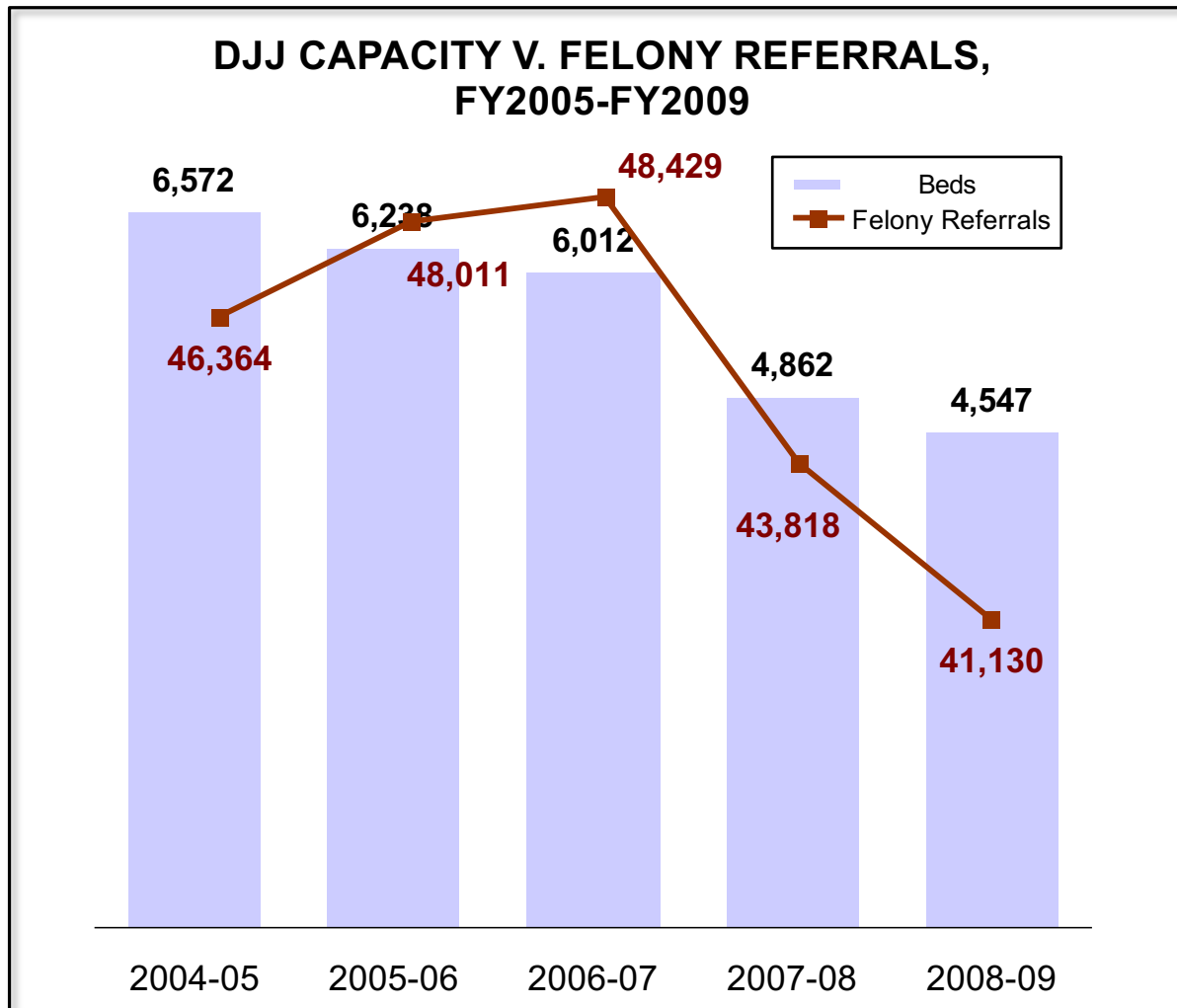
Reduced commitments have allowed DJJ to safely eliminate nearly 1,900 beds – a 28% reduction in residential capacity.



Capacity reductions since FY2004-05 saved over \$85 million in FY2008-09 alone.

Sources: DJJ 2008-09 Delinquency Profile; 2009 capacity computed from DJJ Slot Utilization Reports dated Jan. 28, 2009, through June 24, 2009; per diems from Florida Department of Juvenile Justice, Exhibit D-3A: Expenditures by Issue and Appropriation Category (10/15/2009), available at <http://www.djj.state.fl.us/opengov/documents/2009/Exhibit-D-3A.pdf>. Cost-savings approximation is based on the number of non-secure/secure beds taken offline since FY04-05, multiplied by the appropriate FY2009-10 per diem for (\$97.92 for non-secure, \$141.62 for secure), multiplied by 365 days.

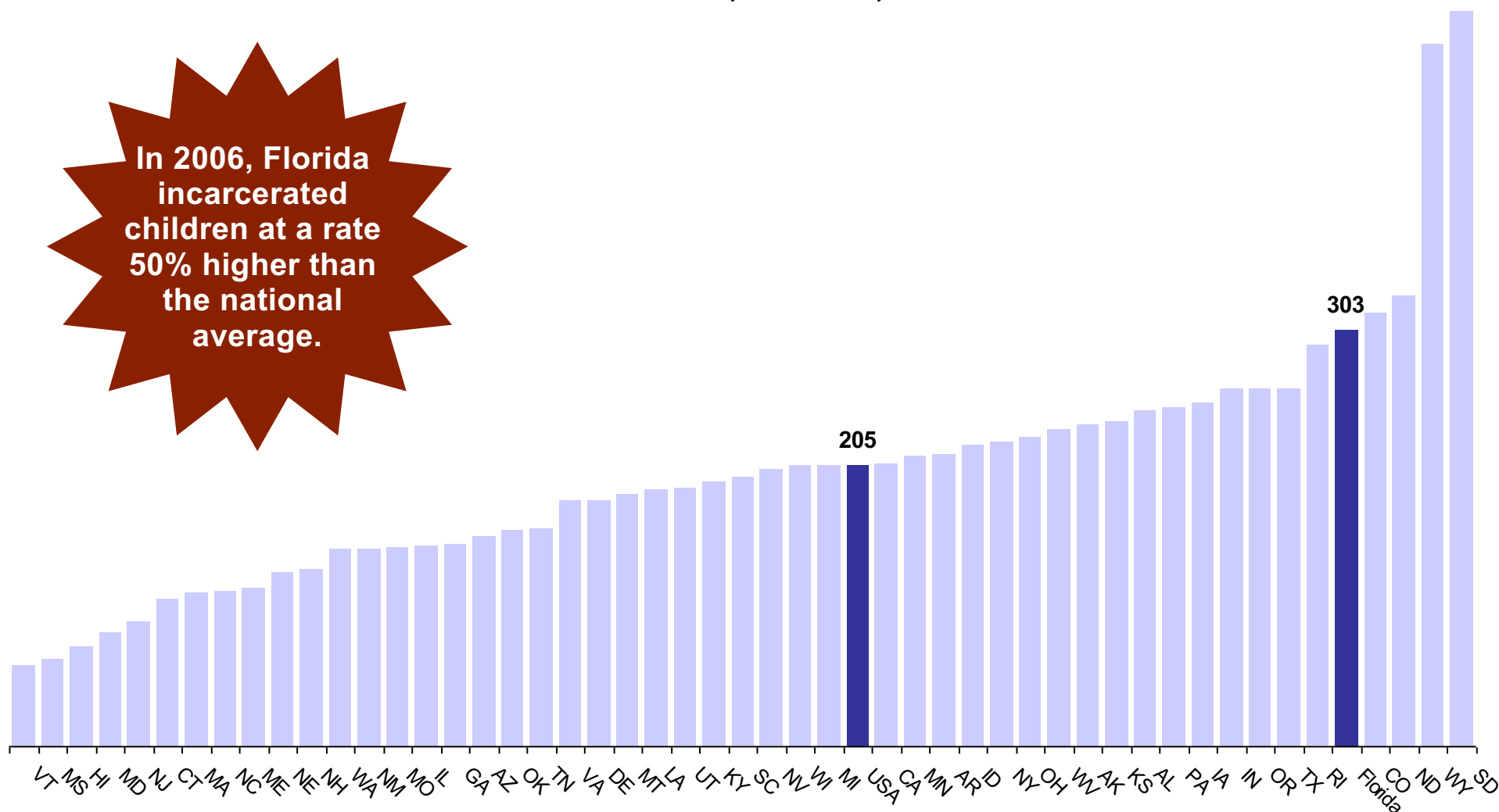
As the number of children in DJJ custody has fallen, so has serious juvenile crime.



Serious juvenile crime has dropped by 15% in the past three years alone.

These outcomes are notable, but reform was long overdue in Florida – which had one of the highest juvenile commitment rates in the country.

CHILDREN COMMITTED TO RESIDENTIAL JUVENILE JUSTICE FACILITIES, PER 100,000 YOUTHS



Source: Snyder, Howard N., and Sickmund, Melissa. 2006. Juvenile Offenders and Victims: 2006 National Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, p. 201. Per 100,000 youths age 10 – upper age of jurisdiction.

In spite of substantial and intentional progress over the past five years, DJJ continues to incarcerate large numbers of relatively low-risk youth.

Key Findings

- ▶ The vast majority of children (71%) admitted to DJJ facilities in FY2008-09 were committed for non-violent misbehavior.
- ▶ Nearly half (44%) of all children admitted to DJJ facilities in FY2008-09 were committed for misdemeanors and violations of probation.
- ▶ Of the 2,500 children admitted to DJJ facilities for misdemeanors and probation violations, more than 1,000 children had **never** committed a felony.
- ▶ Since 2000, the average length of stay in DJJ residential facilities has increased by 30%. Those increases cost the State more than \$18 million in FY2007-08.
- ▶ Commitment practices vary significantly by jurisdiction, suggesting that where children live matters more than what they do.
- ▶ Black children are approximately four times more likely than white children to be committed to DJJ.

Our analysis revealed a number of opportunities for DJJ to continue toward a safer, stronger, and more effective juvenile justice system.

**MAINTAIN
CONTROL
OVER LENGTH
OF STAY**

- ▶ Align DJJ lengths of stay with best practices
- ▶ Restore average lengths of stay from FY00-01
- ▶ Continue ongoing efforts by Division of Residential Services to disallow practices that contribute to excessively long stays in DJJ facilities

**LIMIT
ADMISSIONS**

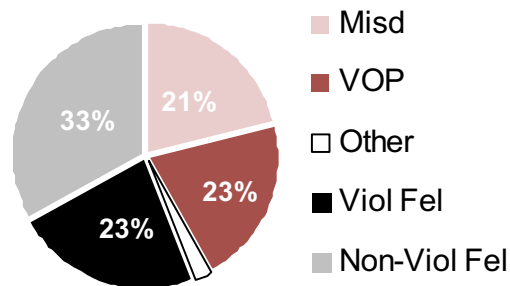
- ▶ Promote detention reform and effective probation practices to protect public safety and reduce unnecessary commitments
- ▶ Support legislation to limit the circumstances under which misdemeanants may be committed to state custody
- ▶ Protect and increase funding for Redirection
- ▶ Create a transparent, accountable, and competitive grant program to incentivize the development of non-residential, community-based services while ensuring fiscal accountability



**Reduced
residential capacity,
sustainable
cost-savings, and
safer communities**

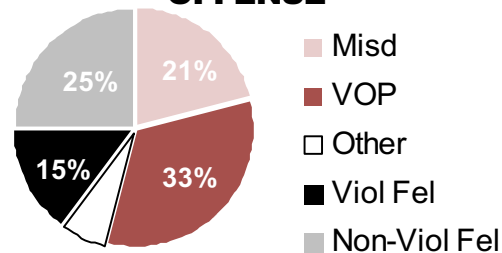
By any measure, a very large share of DJJ admissions are the result of misdemeanors and rule violations.

LEGAL BASIS FOR COMMITMENT



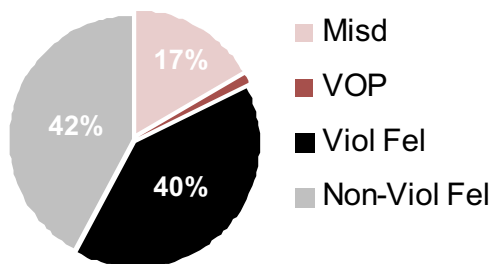
The **Legal Basis for Commitment** is the charge upon which the child's admission to DJJ is premised. Usually the same as the most recent adjudicated offense. Used by most states to describe their juvenile justice population.

MOST RECENT ADJUDICATED OFFENSE



The **Most Recent Adjudicated Offense** is sometimes less serious than the legal basis for commitment. For example, consider a child who is adjudicated on a felony and placed on probation. If that child then returns to court for a curfew violation, Florida law allows the court to reach back in time, re-adjudicate the felony, and commit the child based on that charge. The most recent adjudication is the curfew violation, but the legal basis for commitment is the felony.

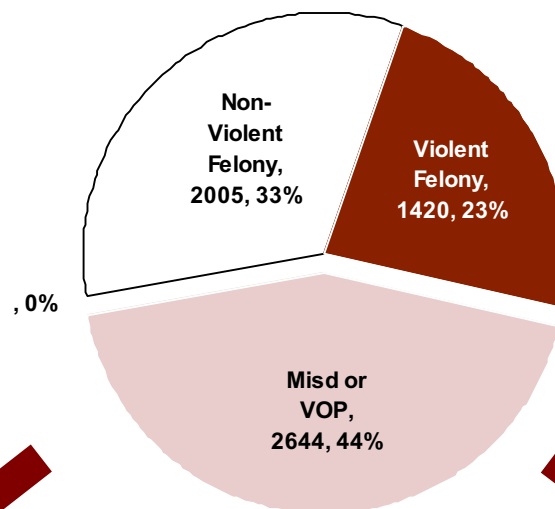
MOST SERIOUS ADJUD. IN HISTORY



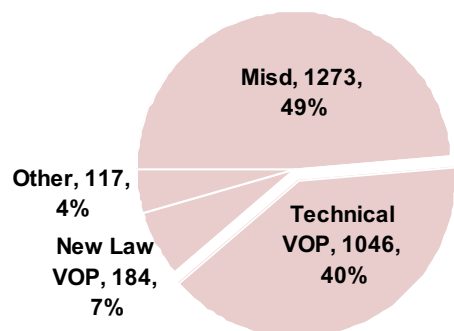
The **Most Serious Adjudication** looks at a child's *entire* DJJ history to find the most serious offense ever resulting in an adjudication or a withheld adjudication. It does not describe the basis for the instant commitment.

More than 2,500 children were admitted to DJJ for a misdemeanor or probation violation in FY2008-09.

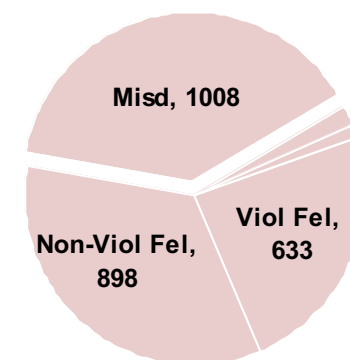
**LEGAL BASIS FOR COMMITMENT,
2008-09 DJJ ADMISSIONS**



**DETAILED COMMITTING
OFFENSE,
OF MISD/VOP CMTS**



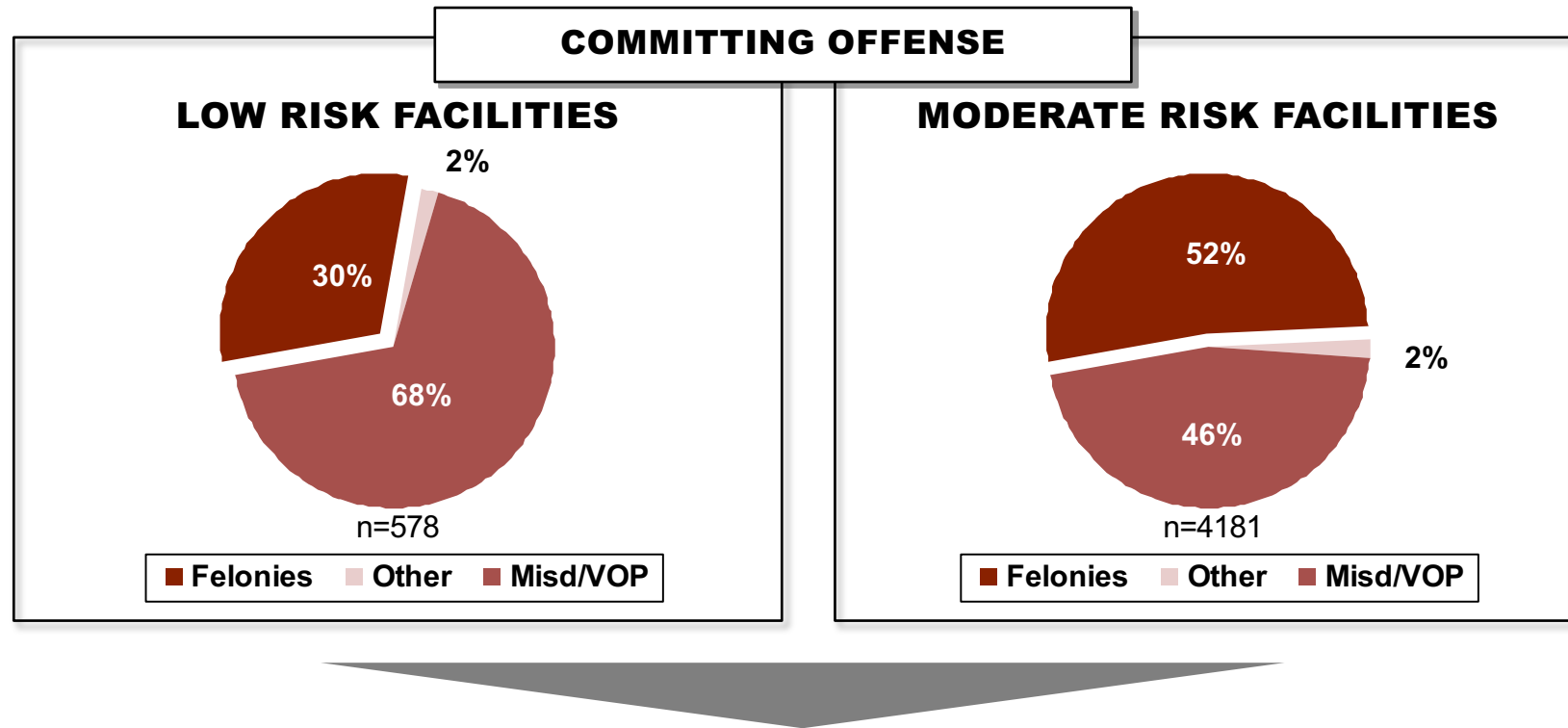
**MOST SERIOUS OFFENSE
IN CHILD'S HISTORY,
OF MISD/VOP CMTS**



More than 1,000 children were committed to DJJ on a technical violation of probation.

More than 1,000 children admitted to DJJ had never committed a felony.

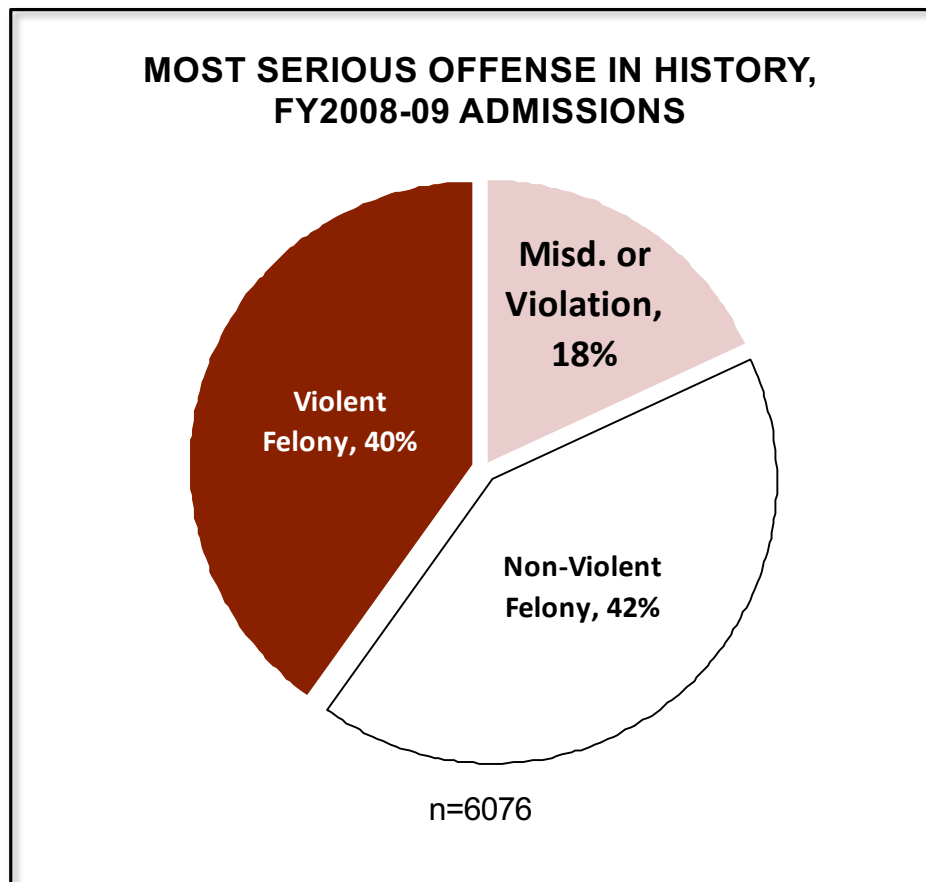
In non-secure facilities alone, this year the State will spend more than \$50 million on children committed on misdemeanors and probation violations.



Of the \$142,860,000 allocated for non-secure beds in DJJ's FY2010-11 budget, approximately **\$50,360,000** will be spent to confine children committed to DJJ for misdemeanors or probation violations.*

* Sources: SPLC analysis of FY2008-09 DJJ Admissions; Florida Department of Juvenile Justice, Exhibit D-3A: Expenditures by Issue and Appropriation Category (10/15/2009), available at <http://www.djj.state.fl.us/opengov/documents/2009/Exhibit-D-3A.pdf>; Florida Department of Juvenile Justice, FY2008-09 Comprehensive Accountability Report. Cost approximations are based on FY2007-09 lengths of stay and per diem rates from the 2010-11 budget request (\$141.62 per day for secure; \$97.92 per day for non-secure). SPLC cost estimates are much more conservative than other methods. Estimates based on actual expenditures by DJJ (instead of projected costs per day) yield a figure of more than \$70 million spent on incarcerating misdemeanants and probation violators.

Florida spends as much as \$40 million per year to incarcerate more than 1,100 children who have **never** committed a felony.



"There are approximately 750 youth annually committed to the Department who have no history of felony adjudications; the annual cost of serving them is approximately \$27 million."

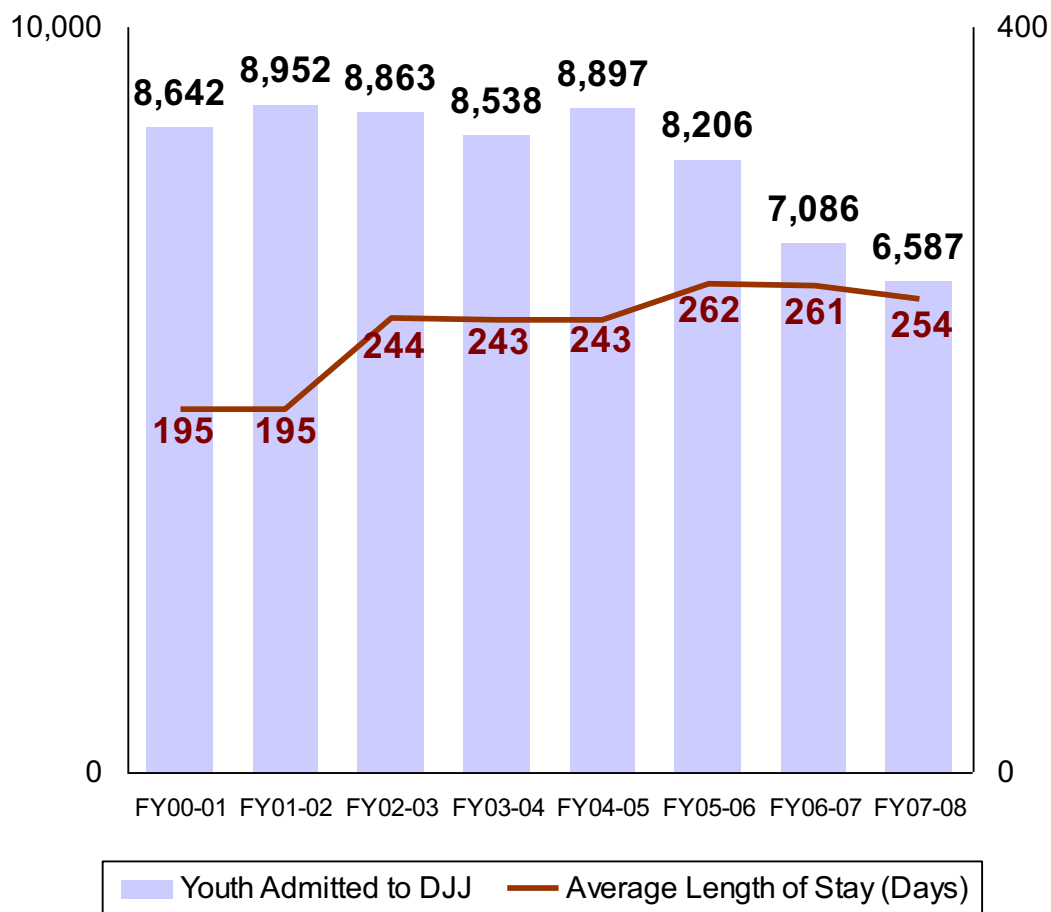


The Blueprint Commission reported that 750 children with no felony history were committed in FY07-08, but recent DJJ admissions data show that **1,106** children with no felony history were admitted to DJJ in FY08-09 – a 47% increase.

If the cost of confining 750 youth is \$27 million, the cost of confining 1,106 youth is \$39.8 million.

The average length of stay in DJJ residential facilities has increased by 30% since FY2000-01.

**DJJ COMMITMENTS V. AVERAGE LENGTH OF STAY,
FY00-01 TO FY07-08**

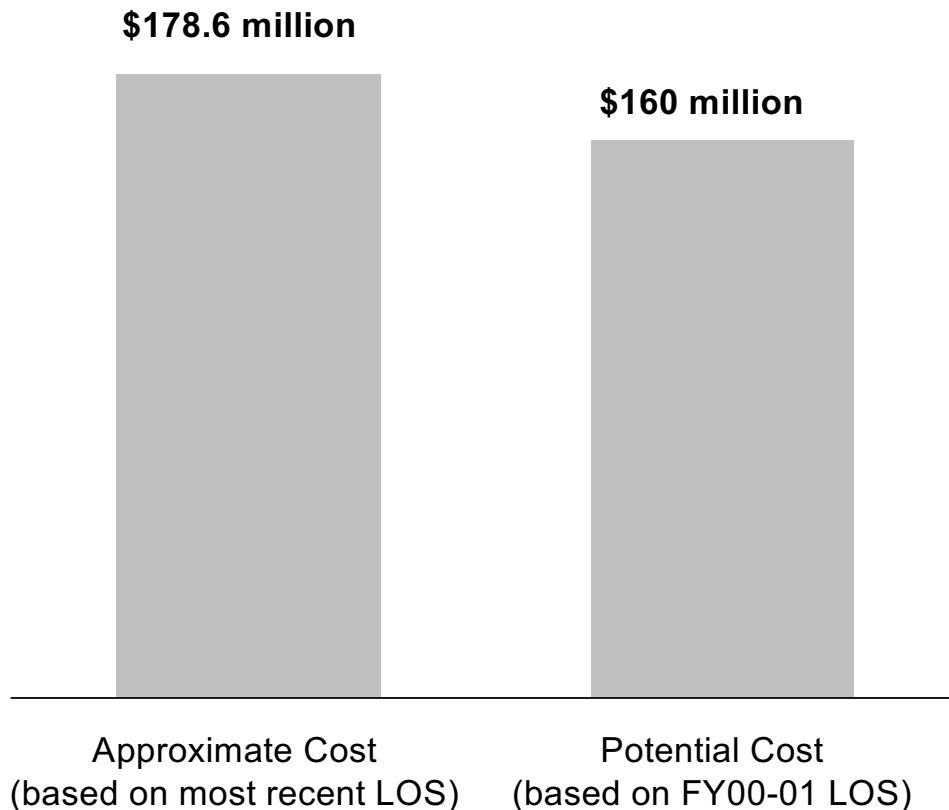


As lengths of stay increased, the cost of each commitment rose, costing the state nearly \$20 million a year.

Sources: Admissions from DJJ Delinquency Profile. Lengths of stay from DJJ Comprehensive Accountability Reports and Outcome Evaluation Reports available at: http://www.djj.state.fl.us/Research/OE/2003/2003_outcome_evaluation.pdf at 175 (FY00-01); http://www.djj.state.fl.us/Research/OE/2004/2004_oe_report_entire.pdf at 223 (FY01-02); http://www.djj.state.fl.us/Research/OE/2005/2005_outcome_evaluation_report.pdf at 107 (LOS for FY02-03); http://www.djj.state.fl.us/Research/OE/2006/2006_Residential.pdf at 133 (FY03-04); <http://www.djj.state.fl.us/OPA/2006car/residentialtables.pdf> at 36 (FY04-05); http://www.djj.state.fl.us/Research/CAR/CAR_2007/CAR_Report_2007.pdf at 106-133 (FY05-06); [http://www.djj.state.fl.us/Research/CAR/CAR_2008/2007-08_CAR_\(All_Residential_Chapters\).pdf](http://www.djj.state.fl.us/Research/CAR/CAR_2008/2007-08_CAR_(All_Residential_Chapters).pdf) at 100-127 (FY06-07); DRAFT Residential Tables-2010 (FY07-08).

Increased lengths of stay not only cost the State more than \$18 million in FY07-08 alone, but probably harmed public safety as well.

**FISCAL IMPACT OF INCREASED LENGTH OF STAY,
DJJ ADMISSIONS IN FY07-08**



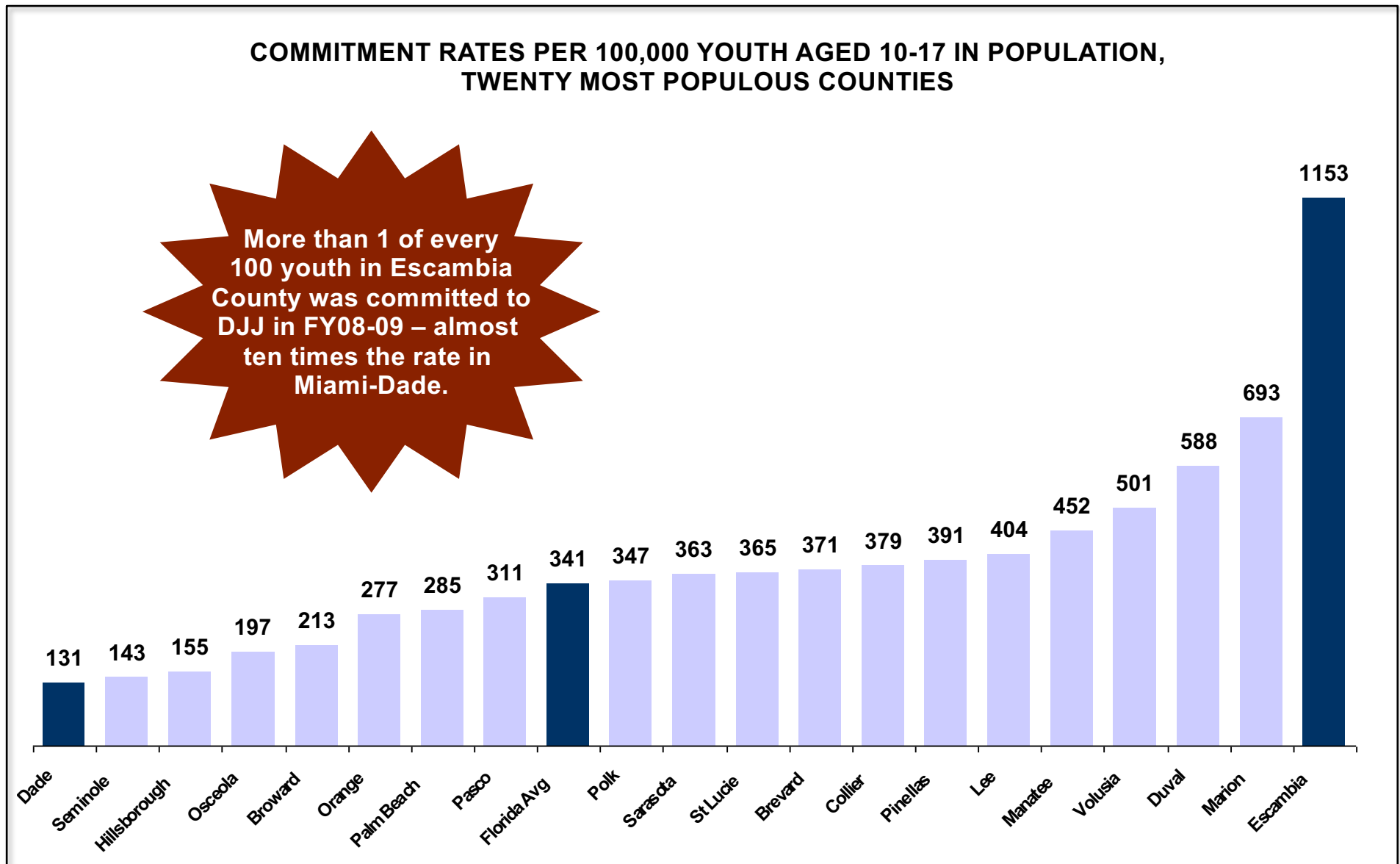
A number of studies have found that longer lengths of stay actually make a child more – not less – likely to reoffend.

*“Youth who are **kept in programs** for prolonged length of stays after treatment goals are achieved often begin to deteriorate and may be **more likely to re-offend** once release is finally achieved.”*

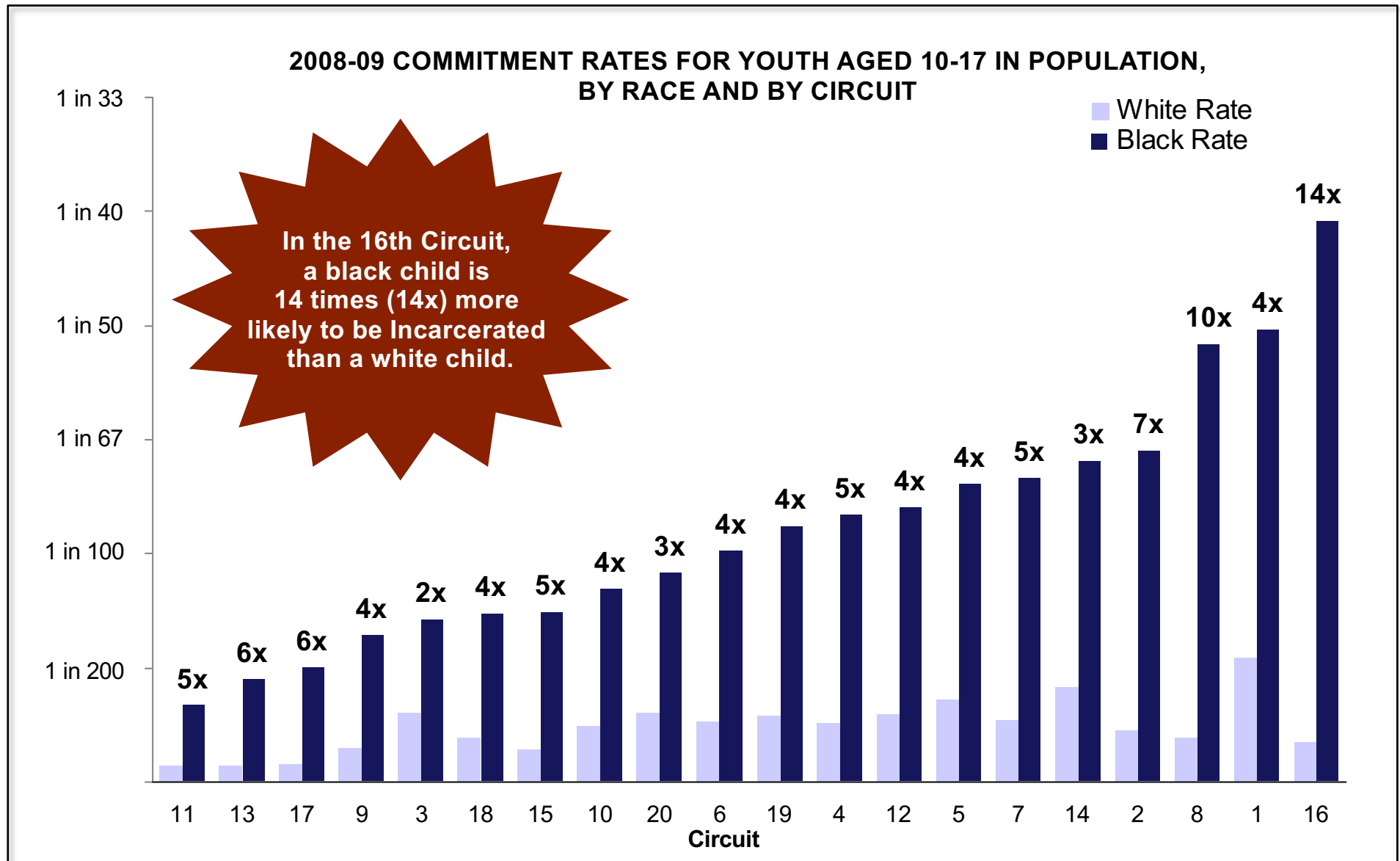


Sources: See, for example, Lowenkamp, C., Latessa, E., and Holsinger, A. 2006. The risk principle in action: What have we learned from 13,676 offenders and 97 correctional programs? *Crime and Delinquency*, Vol 52, No. 1, 77; Myner, J., Santman, J., Cappelletty, G., and Perlumtter, B. 1998. Variables related to recidivism among juvenile offenders, *International Journal of Offender Therapy and Comparative Criminology*, Vol 42, No. 1, 65-80; Katsiyannis, A. and Archwamety, T. 1997. Factors related to recidivism among delinquent youths in a state correctional facility, *Journal of Child and Family Studies*, Vol 6, No. 1, 43-55. SPLC analysis based on DJJ Admissions in FY07-08 and average lengths of stay (LOS) reported by DJJ for FY2007-08 and FY2000-01. See previous slide for LOS-related sources. Cost approximations were calculated using DJJ Admissions in FY07-08, DJJ-reported average LOS figures for FY00-01 or FY07-08 (as appropriate), and per diem rates from DJJ's FY09-10 budget (\$141.62 for secure and \$97.92 for non-secure). For example, the "Potential Cost" of FY07-08 admissions, based on the FY00-01 LOS was calculated as follows: [671 (low risk admissions) X 134 days (average LOS for low risk facilities in FY00-01) X \$97.92 (per diem for non-secure beds)] + [4,569 (moderate risk admissions) X 212 days (average LOS for moderate risk facilities in FY00-01) X \$97.92 (per diem for non-secure beds)] + [1,162 (high risk admissions) X 311 days (average length of stay for high risk facilities in FY00-01) X \$141.62 (per diem for secure beds)] + [72 (max. risk admissions) X 511 days (average length of stay for maximum risk facilities in FY00-01) X \$141.62 (per diem for secure beds)]. Our methodology appears to be more conservative than the method underlying the Blueprint Commission's report.

Commitment rates vary significantly between counties – suggesting that where a child lives matters more than what he or she has done.



State-wide, black children are four times more likely than white children to be committed to DJJ.




DJJ should pursue a combination of strategies to close facilities and redirect savings to more effective and cost-efficient non-residential sanctions.

**MAINTAIN
CONTROL
OVER LENGTH
OF STAY**

- ▶ Align DJJ lengths of stay with best practices
- ▶ Restore average lengths of stay from FY00-01
- ▶ Continue ongoing efforts by Division of Residential Services to disallow practices that contribute to excessively long stays in DJJ facilities

**LIMIT
ADMISSIONS**

- ▶ Promote detention reform and effective probation practices to protect public safety and reduce unnecessary commitments
- ▶ Support legislation to limit the circumstances under which misdemeanants may be committed to state custody
- ▶ Protect and increase funding for Redirection
- ▶ Create a transparent, accountable, and competitive grant program to incentivize the development of non-residential, community-based services while ensuring fiscal accountability



**Reduced capacity,
cost savings, and
opportunities to invest
in better, safer, and
cheaper alternatives
to incarceration.**

Opportunity #1: Modest reductions in the average length of stay would allow DJJ to safely close beds, realize substantial cost-savings, and *redirect* millions of dollars to initiatives like Redirection and a competitive grant program for courts.

Modest adjustments to length of stay would align Department policies with best practices and save millions in taxpayer dollars.

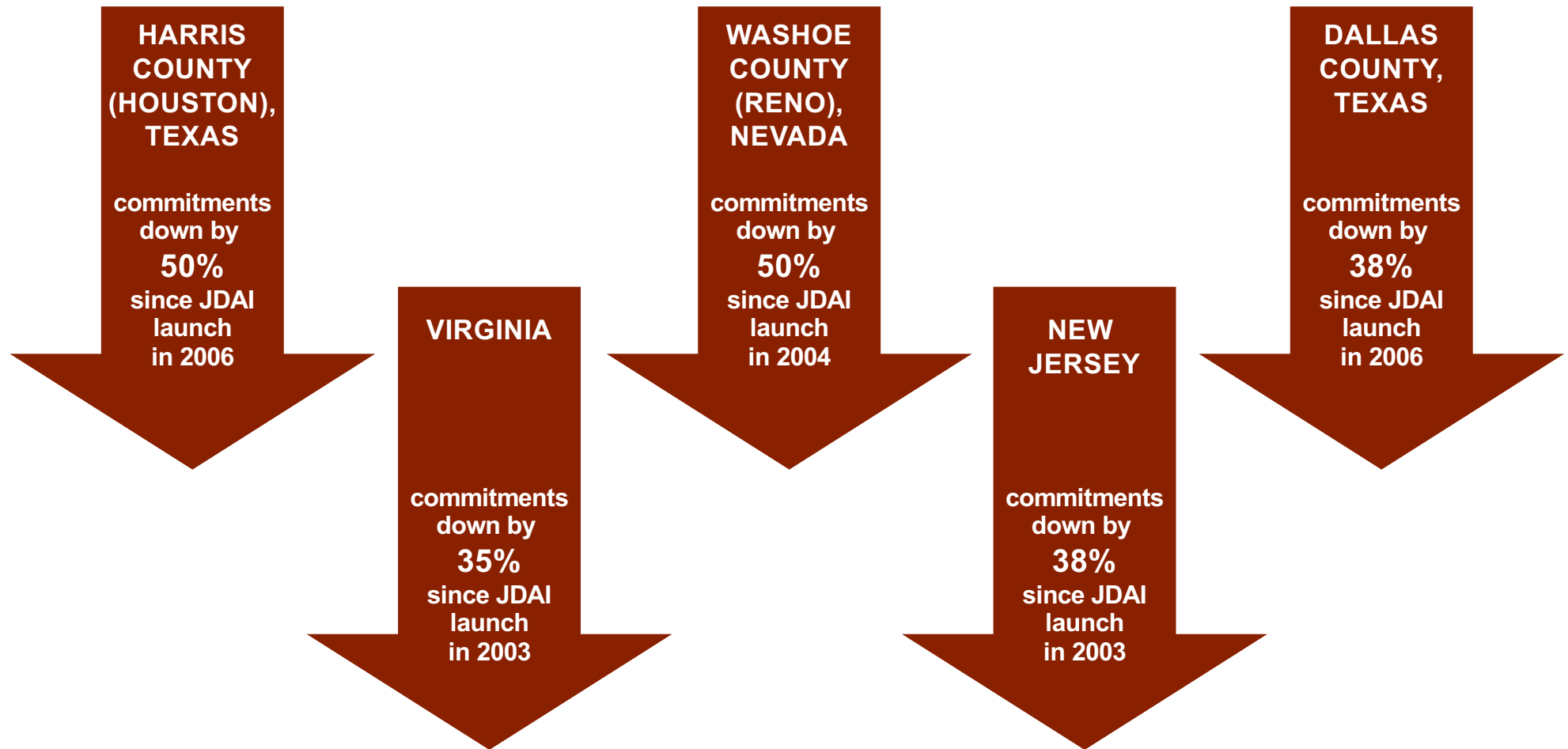
By modifying length of stay, DJJ could.....	cut beds...	& save millions.
▶ Reduce length of stay (LOS) in all facilities by 1 week.	120 <i>96 non-secure 24 secure</i>	\$4,671,708
▶ Restore average LOS from FY02-03 for Moderate and High-Risk facilities.	191 <i>156 non-secure 35 secure</i>	\$7,384,760
▶ Restore average LOS from FY00-01 for Moderate and High-Risk facilities.	483 <i>385 non-secure 99 secure</i>	\$18,877,647
▶ Restore FY00-01 average in High-Risk facilities. Reduce LOS in Moderate-Risk facilities from 8 months to 6 months, bringing DJJ closer to best practices.	868 <i>769 non-secure 99 secure</i>	\$32,602,114
▶ Reduce LOS in Moderate-Risk facilities from 8 months to 6 months and in High-Risk facilities from 11 months to 8 months, bringing DJJ closer to best practices while still imposing longer sentences for high-risk youth.	1,094 <i>769 non-secure 325 secure</i>	\$44,284,348

Opportunity #2: DJJ's comprehensive nature is an important strength, particularly with respect to the Juvenile Detention Alternatives Initiative (JDAI) and the Department's ability to promote effective probation practice at the local level.

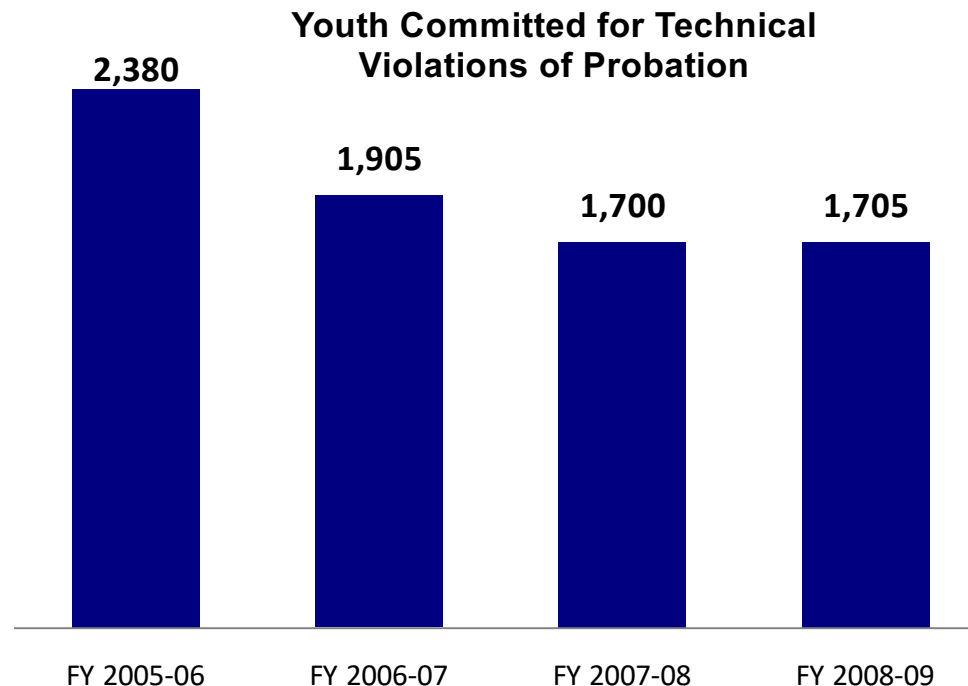
THE JDAI APPROACH TO
PRETRIAL DETENTION:
SECURE CUSTODY FOR
DANGEROUS YOUTH AND
LESS RESTRICTIVE SUPER-
VISION FOR KIDS WHO
POSE LITTLE RISK OF
REOFFENDING OR FLIGHT.



In JDAI sites across the country, detention reform has triggered substantial reductions in the number of youth committed to state custody.



The adoption of progressive response policies has led to a significant drop in the number of technical probation violators committed to DJJ.



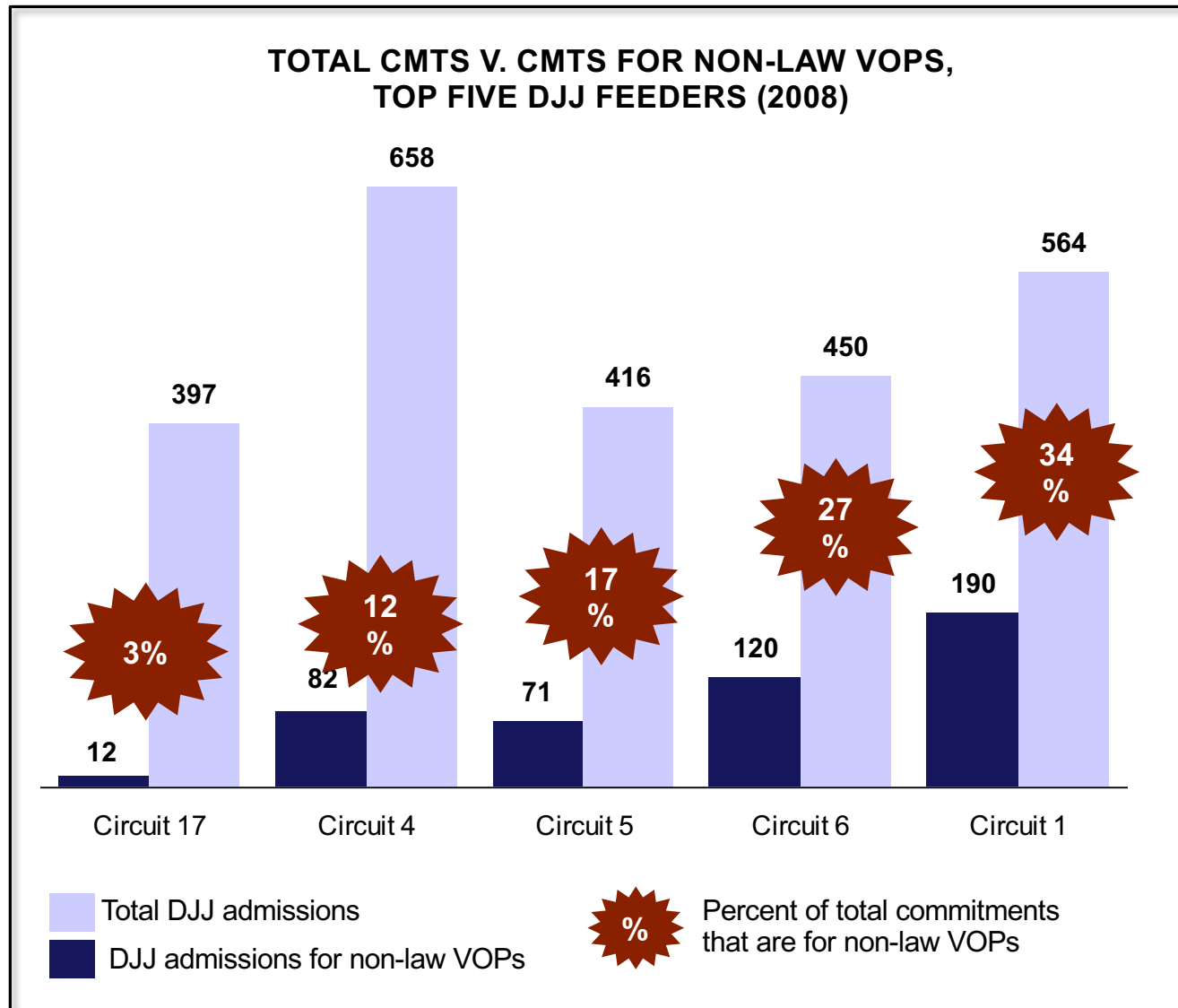
Although probation reform helped lower commitments and save money, it seems to have stalled.

“The Department of Juvenile Justice should review probation practices and the commitment management process with the goal of reducing the incidence of probation violations and allowing for conditional release or transfer of committed youth.”

- Blueprint Commission, *Getting Smart About Juvenile Justice in Florida* (2008)



Drawing on the strengths of the most effective circuits, DJJ can re-start reform and promote good probation practices in other jurisdictions, which will reduce commitments even further.



- ▶ The circuits that send the most children to DJJ appear to include both the strongest and the most challenged juvenile probation offices. While Circuit 17 rarely sends technical violators to DJJ, Circuit 1 has the highest non-law VOP commitment rate in the state.
- ▶ Although some of these disparities are due to issues of culture that can be difficult to replicate, the most effective circuits also have concrete policies that are lacking in some jurisdictions.

Of the circuits with the lowest technical violation commitment rates, four have strong policies that should be replicated statewide.

Circuit	Model Aspects of Progressive Response Policy	Non-Law VOPs* as % of all Cmts
17	<ul style="list-style-type: none"> ▶ In deciding whether technical violation should be referred to court, JPO must ask “Has risk to public safety increased?” as a result of the violation ▶ Requires supervisor approval to file non-law VOP ▶ Prohibits non-law VOPs from being held in secure detention 	3%
2	<ul style="list-style-type: none"> ▶ Guiding principles that non-law violations are expected to occur, can generally be adjusted without formal court action, and are to be filed only when necessary to protect the public or when all other non-judicial alternatives have been exhausted ▶ JPO is responsible for assisting youth in achieving compliance 	11%
3	<ul style="list-style-type: none"> ▶ Guiding principles that non-law violations are expected to occur, can generally be adjusted without formal court action, and are to be filed only when necessary to protect the public or when all other non-judicial alternatives have been exhausted ▶ Explicit policy that “goal is always successful completion of probation and positive changes in youth” 	13%
4	<ul style="list-style-type: none"> ▶ Guiding principles that non-law violations are expected to occur, can generally be adjusted without formal court action, and are to be filed only when necessary to protect the public or when all other non-judicial alternatives have been exhausted 	12%

Opportunity #3: Legislation barring the commitment of misdemeanants to state custody would reduce DJJ admissions by more than 1,000 youth – enabling the State to close enough beds to save at least \$30 million in taxpayer dollars. Similar legislation has produced substantial cost-savings in Texas, Virginia, and North Carolina.

Several states have adopted legislation to keep misdemeanants out of state custody.

STATE	LEGISLATION	IMPACT
TEXAS	Youth adjudicated for misdemeanor offenses cannot be committed to a residential facility unless previously adjudicated for four or more prior offenses.	Commitments to the Texas Youth Commission have fallen by 36% over the past three years, allowing Texas to reduce state-owned beds by 46%.
NORTH CAROLINA	Youths adjudicated for misdemeanor offenses or violations of misdemeanor probation cannot be committed to residential facilities.	Commitments have dropped by 61% over the past ten years, bringing the average daily population down from 925 in 1998 to 469 in 2008.
VIRGINIA	Youth adjudicated for a misdemeanor cannot be committed to a residential facility unless he has previously been adjudicated for a felony or three or more Class 1 misdemeanors on different occasions.	Commitments have dropped by nearly 50% over the past ten years, bringing the average daily population down from 1,462 youth in 1999 to 882 in 2009.

Misdemeanor legislation in FL would allow resources to be redirected to more effective and less expensive community-based services.

- ▶ In Florida, a statute barring the commitment of misdemeanants to state custody would have reduced admissions by 1,273 (21%) in FY 2008-09.

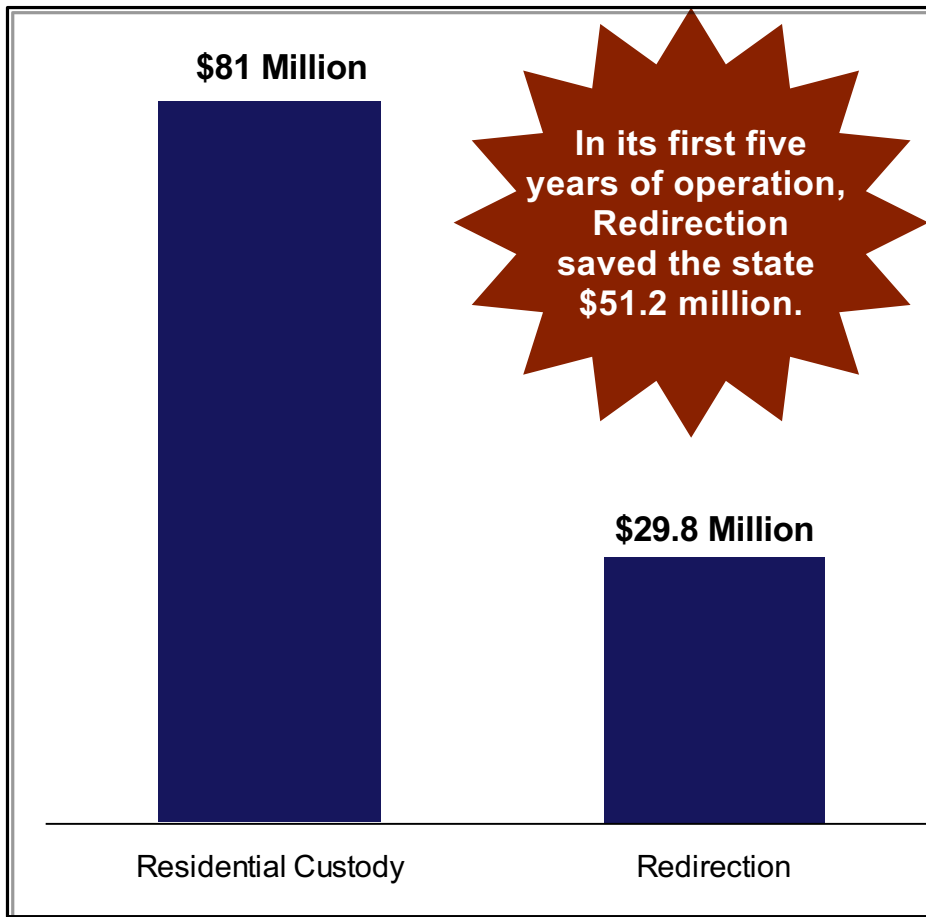
YOUTH	FACILITY TYPE	APPROXIMATE COST
1,183	Non-Secure	\$25,668,000
90	Secure	\$4,421,000

- ▶ Florida may wish to approach this issue by starting out with a more conservative proposal – e.g., legislation that includes an exception for children with four or more prior adjudications.
 - Because most misdemeanants committed to DJJ have limited offense histories, the exception would have only applied to 285 youth committed in FY 2008-09, and the legislation would still reduce commitments nearly 1,000 children.

Opportunity #4: Continue to redirect funding from institutions to communities by –

- Protecting and expanding Redirection
- Creating a competitive grant program to incentivize the development of non-residential community-based sanctions designed to reduce DJJ commitments, and
- Hold all DJJ grantees and contractors accountable for results, including reduced commitments.

The Redirection Initiative provides effective, community-based services that serve as less expensive alternatives to residential commitment.



According to reports from the Office of Program Policy Analysis and Government Accountability:

- ▶ *Redirection youth are significantly less likely to be arrested for a felony or a violent felony than comparable youth completing residential programs.*
- ▶ *Youth completing Redirection are significantly less likely to be adjudicated or convicted for any offense, including VOPs.*
- ▶ *When compared to similar youth released from residential commitment, Redirection youth are significantly less likely to be sentenced to prison.*

In addition to Redirection, DJJ should establish a competitive, transparent, and data-driven grant program to incentivize the development of non-residential, community-based alternatives to DJJ.

Because research has shown that non-residential services are the most cost-effective way to combat juvenile crime, grant funds should be used exclusively for non-residential programs.

Grant applications should be grounded in data about the risk factors and needs common to the children who will be targeted by the new program.

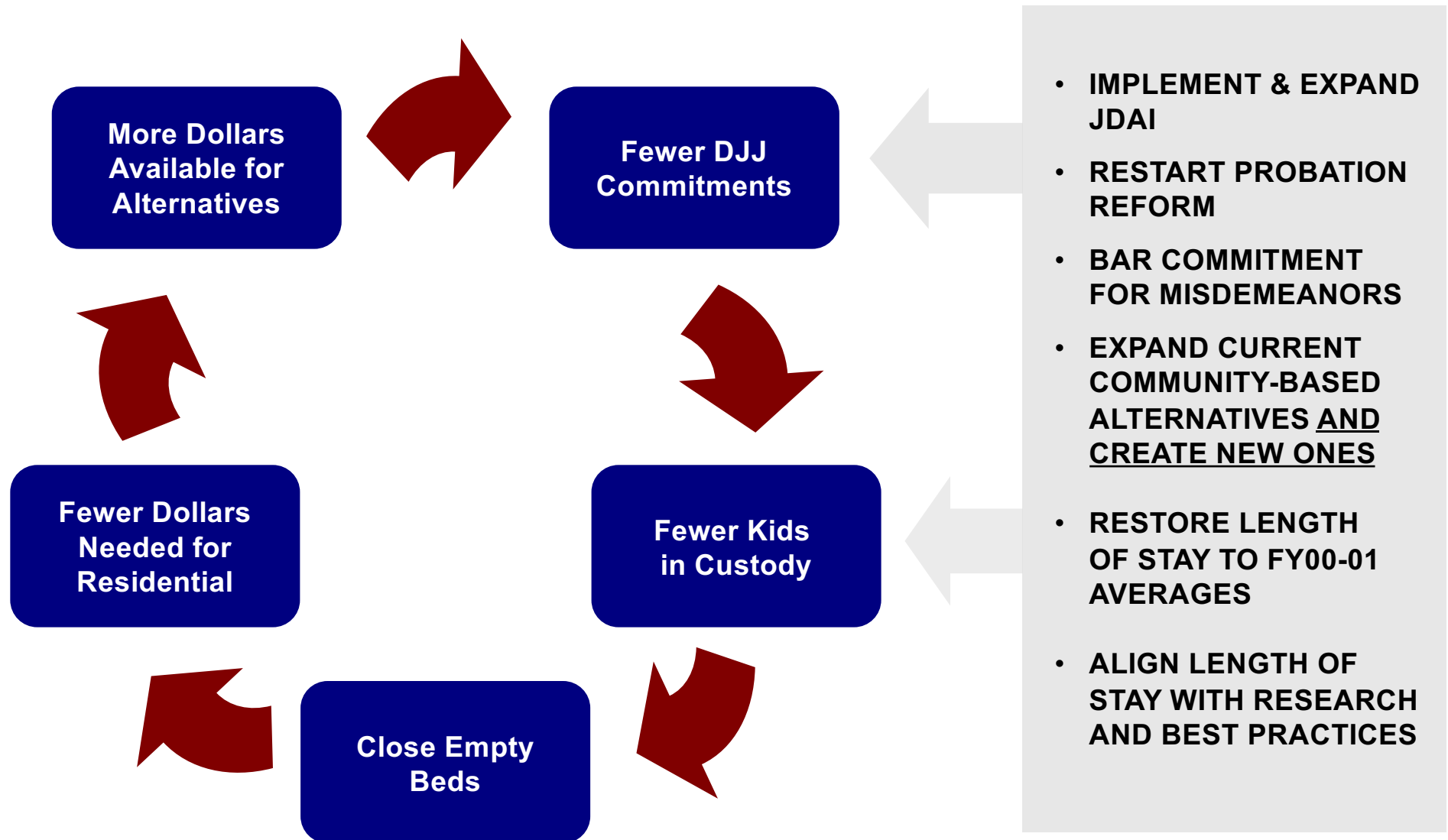
“The state shall provide financial incentives for communities to develop alternative strategies for handling youth who have only committed misdemeanor offenses. In lieu of committing these youth to the department, local communities will receive the funding the state expends to serve these youth in residential commitment programs. These funds would be targeted for the development of community-based alternative services.”



To ensure fiscal accountability, grantees should be required to make regular reports to DJJ concerning the program and the children it serves.

Renewal decisions should be made annually, based on results achieved by the program, including whether the program successfully reduced DJJ commitments.

Each reform would allow Florida to kick-off a self-sustaining cycle: fewer youth in custody → facility closures → redirect institutional funds to community-based services → fewer DJJ commitments → fewer youth in custody . . .



Contact Information

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Appendices

- A. Comparison of Average Length of Stay, by program level, from FY 2000-01 to FY 2007-08.
- B. DJJ Commitment Rates for FY 2007-08 and FY 2008-09, by County.
- C. DJJ Admissions in FY 2007-08 and FY 2008-09, by County.

Average Length of Stay, by Program Level

FY 2000-01 to FY 2007-08

YEAR	OVERALL	LOW RISK	MOD. RISK	HIGH RISK	MAXIMUM RISK
FY 2000-01	195 days	134 days	212 days	311 days	511 days
FY 2001-02	195 days	145 days	214 days	338 days	511 days
FY 2002-03	244 days	127 days	231 days	331 days	434 days
FY 2003-04	243 days	129 days	232 days	332 days	347 days
FY 2004-05	243 days	126 days	239 days	321 days	486 days
FY 2005-06	262 days	134 days	247 days	358 days	560 days
FY 2006-07	261 days	136 days	247 days	357 days	437 days
FY 2007-08	254 days	114 days	244 days	342 days	562 days

DJJ Commitment Rates, by County

(# of DJJ admissions in FY07-08 per 100,000 youth aged 10-17 years old)

COUNTY	07-08	08-09	COUNTY	07-08	08-09	COUNTY	07-08	08-09	COUNTY	07-08	08-09	COUNTY	07-08	08-09
Alachua	933	847	Dixie	149	232	Hillsborough	235	155	Martin	396	427	Santa Rosa	701	647
Baker	262	152	Duval	477	588	Holmes	584	272	Monroe	409	353	Sarasota	384	363
Bay	504	683	Escambia	1,059	1,154	Indian River	574	613	Nassau	754	634	Seminole	215	143
Bradford	311	472	Flagler	443	346	Jackson	521	266	Okaloosa	638	607	Sumter	375	459
Brevard	512	371	Franklin	921	480	Jefferson	325	919	Okeechobee	327	452	Suwannee	791	453
Broward	201	213	Gadsden	852	867	Lafayette	150	0	Orange	217	277	Taylor	415	269
Calhoun	729	326	Gilchrist	468	60	Lake	446	316	Osceola	209	197	Union	841	256
Charlotte	230	228	Glades	584	493	Lee	301	404	Palm Beach	298	285	Volusia	499	501
Citrus	861	602	Gulf	1,074	886	Leon	658	688	Pasco	365	311	Wakulla	478	443
Clay	313	308	Hamilton	151	155	Levy	661	438	Pinellas	526	391	Walton	100	262
Collier	383	379	Hardee	309	378	Liberty	287	583	Polk	463	347	Washington	818	677
Columbia	533	582	Hendry	494	256	Madison	149	103	Putnam	633	485			
Dade	126	131	Hernando	300	268	Manatee	341	453	St. Johns	207	213			
Desoto	207	343	Highlands	552	378	Marion	670	692	St. Lucie	466	365			

DJJ Admissions, by County

(# of admissions to DJJ facilities in FY 2007-08 and FY2008-09)

COUNTY	07- 08	08-09	COUNTY	07-08	08-09	COUNTY	07-08	08-09	COUNTY	07-08	08-09	COUNTY	07-08	08-09
Alachua	184	163	Dixie	2	3	Hillsborough	303	196	Martin	48	50	Santa Rosa	112	102
Baker	7	4	Duval	455	551	Holmes	11	5	Monroe	22	18	Sarasota	109	100
Bay	84	111	Escambia	320	338	Indian River	65	69	Nassau	53	44	Seminole	97	63
Bradford	8	12	Flagler	33	26	Jackson	24	12	Okaloosa	121	111	Sumter	20	25
Brevard	269	188	Franklin	8	4	Jefferson	4	11	Okeechobee	14	19	Suwannee	30	17
Broward	383	397	Gadsden	41	41	Lafayette	1	0	Orange	252	316	Taylor	8	5
Calhoun	9	4	Gilchrist	8	1	Lake	115	81	Osceola	61	58	Union	10	3
Charlotte	28	27	Glades	6	5	Lee	159	210	Palm Beach	362	336	Volusia	229	223
Citrus	98	67	Gulf	14	11	Leon	153	158	Pasco	159	136	Wakulla	14	13
Clay	65	63	Hamilton	2	2	Levy	26	17	Pinellas	434	314	Walton	5	13
Collier	105	101	Hardee	10	12	Liberty	2	4	Polk	281	208	Washington	19	16
Columbia	37	40	Hendry	24	12	Madison	3	2	Putnam	50	37			
Dade	313	317	Hernando	45	40	Manatee	100	130	St. Johns	36	37			
Desoto	7	11	Highlands	46	31	Marion	200	203	St. Lucie	122	95			