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DATE: March 6, 1997

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL OPERATIONS
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 97

RELATING TO: Selection of Probation and Parole Office Space by Department of Corrections

SPONSOR(S): Committee on Corrections and Representatives Heyman and Meek

STATUTE(S) AFFECTED: s. 945.28

COMPANION BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) CORRECTIONS YEAS 6 NAYS 0
- (2) GOVERNMENTAL OPERATIONS YEAS 4 NAYS 0
- (3)
- (4)
- (5)

I. SUMMARY:

CS/HB 97 requires the Department of Corrections (Department) to provide written notification to the county or municipal administrator 30 days prior to signing a lease or purchasing property for probation or parole office space. Notice is required when probation and parole offices will be located within a quarter mile of a:

- school for children in grades 12 or lower;
- licensed day care center facility;
- park;
- playground;
- nursing home;
- convalescent center;
- hospital;
- association for disabled population;
- mental health center;
- youth center;
- group home for disabled or youth; or
- other place where children or a population especially vulnerable to crime due to age or physical or mental disability regularly congregate.

CS/HB 97 does not appear to have a fiscal impact on state or local governments. However, in lease renewals and new site acquisitions that generate community interest, the Department anticipates possible relocation costs and staff time in communicating with community interest groups. The degree to which this may occur as a result of this legislation is unknown.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

According to the Department of Corrections (Department), there are 173 state probation and parole offices in Florida, a growth of 13 offices from 1995. The majority of the probation and parole offices are located in areas easily accessible to offenders.

The Department is accredited by the American Correctional Association (ACA) and abides by the following standard for adult probation and parole field services which states:

2-3017 Field facilities are located in areas conveniently accessible to offenders' places of residence and employment, to transportation networks and to other community agencies. (Essential)

DISCUSSION: Maximum involvement with the community is vital to the success of field supervision programs. The strategic location and appropriate design of facilities maximize staff performance and service delivery.

The Department solicits office space for probation and parole offices by placing an advertisement in a local newspaper for bids. After bids have been submitted, a bid evaluation committee chooses the lowest bidder. Once the selection has been made, a notice is placed in a local paper for 30 days prior to signing any lease or purchasing any property. This notice is intended to inform the public of a new probation and parole location, the effective date of the office space, and persons to contact regarding any concerns.

Prior to 1995, there were no statutes regarding the siting of probation and parole offices. As a result of a few incidents of community opposition to the placement of offices, the 1995 Legislature passed CS/SBs 2644 & 2206 which required the Department to provide public notice when locating a probation and parole office.

The types of offenders reporting to probation and parole offices within the state vary significantly. The following chart displays, as of October, 1996, the percent of offenders reporting to probation and parole offices within Florida by certain offenses and by type of community supervision received:

Type	Theft, Forgery and Fraud	Drugs	Violent Crimes	Robbery
Probation (106,571)	26.0%	25.3%	13.2%	2.7%
Community Control (14,448)	20.4%	27.5%	14.7%	4.3%
Post-Prison Release (8,298)	12.6%	25.2%	11.8%	16.0%

In 1995, the Department reported, statewide, 128 incidents of violent crimes involving probation and parole staff. These violent crimes included both incidents occurring at the probation and parole office and in the field. The highest number of incidents reported involved threats to officials (75), battery on a law enforcement officer (14), other assaults (14), and battery (13).

B. EFFECT OF PROPOSED CHANGES:

CS/HB 97 requires the Department to provide written notification to the county or municipal administrator before signing a lease or purchasing property for a probation and parole office which is located within a quarter mile of a:

- school for children in grades 12 or lower;
- licensed day care center facility;
- park;
- playground;
- nursing home;
- convalescent center;
- hospital;
- association for disabled population;
- mental health center;
- youth center;
- group home for disabled or youth; or
- other place where children or a population especially vulnerable to crime due to age or physical or mental disability regularly congregate.

The additional notice requirement specified in this committee substitute will potentially allow persons in the community an opportunity to express their public safety concerns before offices are located. Opposition to the siting of probation and parole offices may result in changing office locations and delays in obtaining a lease or purchasing property. The extent to which this committee substitute will impact office locations is unknown, but may result in offices being located in areas inconveniently accessible to offenders.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

This committee substitute requires the Department to notify city and county administrators prior to leasing or purchasing property for a probation and parole office. The committee substitute does not create, increase, or reduce any authority to make rules or adjudicate disputes.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The degree to which this may occur as a result of this legislation is unknown. By notifying the city or county administrator of the probation and parole siting, subsequent actions of other governmental or private organizations or individuals is difficult to predict.

- (3) any entitlement to a government service or benefit?

No.

- b. If an agency or program is eliminated or reduced:

This committee substitute does not eliminate or reduce an agency program.

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

This committee substitute would increase the options of individuals or private organizations/associations to conduct their own affairs by providing a greater opportunity to consent or object to the siting of a probation and parole office in their area.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

This committee substitute neither reduces, eliminates, prohibits, nor creates family empowerment.

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

See Fiscal Comments section.

3. Long Run Effects Other Than Normal Growth:

See Fiscal Comments section.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

According to the Department of Corrections, the specific notice requirement does not have a fiscal impact; however, in lease renewals or new sites that generate community interest, significant, but indeterminate relocation fees and staff costs may occur. The degree to which this may occur as a result of this legislation is unknown.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This committee substitute does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This committee substitute does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This committee substitute does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The proposed committee substitute, passed by the Committee on Corrections on February 11, 1997,

- deletes "contiguous to" referring to where the site of a probation or parole office space is located and specifies the distance to be "within a quarter of a mile of" a place where children or another vulnerable population may congregate;
- inserts "licensed" to describe a day care center facility;
- adds more specific places where children or a certain vulnerable population may congregate (for example, "nursing home; convalescent center; hospital; association for disabled population; mental health center; youth center; and group home for disabled or youth);" and
- requires the department to "provide written notification" to city and county administrators, rather than "advise by letter."

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VII. SIGNATURES:

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