

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Education Committee

BILL: SB 168

SPONSOR: Senator Lynn

SUBJECT: Tours of County Correctional Facilities/Juveniles

DATE: January 19, 2005

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Clodfelter	Cannon	CJ	Fav/1 amendment
2. Matthews	O'Farrell	ED	Pre-meeting
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

Please see last section for Summary of Amendments

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Technical amendments were recommended

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Amendments were recommended

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Significant amendments were recommended

I. Summary:

The bill permits district school superintendents or a child study team to refer juveniles for tours of state or county correctional facilities.

This bill substantially amends sections 945.75 and 1003.26, Florida Statutes.

II. Present Situation:

Section 945.75, F.S., requires the Department of Corrections and each county to develop a program by which a judge can order that a juvenile who has committed a delinquent act be allowed to tour a state correctional facility. The department provides for this program in chapter 33-66-602.230, F.A.C., "Institution Visits and Tours and Inmate or Probationer Presentations and Programs for the Public." The juvenile tour program is more specifically addressed in Procedure 601.207, "Juvenile Offender Tour Program." The department has designated 22 institutions, including at least 4 in each region, to host tours. In calendar year 2004, 156 tours were conducted with a total of 822 juvenile participants.

Section 1003.26, F.S., provides a list of interventions that can be used by a child study team to address a student's problems with school attendance. A tour of a correctional facility is not prohibited, but is not specifically listed as an option.

III. Effect of Proposed Changes:

The bill amends s. 945.75, F.S., to allow district school superintendents and child study teams to request that a young person be allowed to tour a state or county correctional facility. It also amends s. 1003.26, F.S., to specifically list a tour of a correctional facility as an alternative intervention to help correct a child's school attendance problem.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact of the expansion of eligibility cannot be determined because it is not known how often school superintendents or child study teams would refer a youth for a tour. There is a potential impact to both the Department of Corrections and sheriffs' departments due to the need for additional staff to schedule and conduct tours and perform such ancillary tasks as conducting background checks of any adults who accompany a tour. In addition, there is a potential increase in liability costs. However, past experience does not lead to an expectation that the program would be utilized so often that it would become a burden to the correctional facilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

Barcode 793856 by Criminal Justice:

The amendment adds a requirement that the referral by a district superintendent or a child study team must be sanctioned by a court. A court-sanctioned referral is not defined for purposes of the amendment. Court sanction may be interpreted as court approval short of a court order. In those instances where the court does not have jurisdiction over the student, the court-sanctioned tour may be unenforceable. However, the district school board may use a student's failure to comply with the tour in determining whether to recommend further action to compel the student's attendance at school.

The amendment also gives the county correctional facility the authority to set the terms and conditions of the county correctional facility tour. The statute currently gives this authority to the Department of Corrections in the case of tours of state correctional facilities.

The amendment provides the courts and the county correctional facilities with more control over youth tour referrals. This reduces the risk that referrals will be made on a routine basis and become an undue burden to the correctional facility.

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