

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – The bill gives counties the discretion to have their probation officers certified by the Criminal Justice Standards and Training Commission.

Maintain Public Security – The bill prohibits probation and parole offices from being located within 1,000 feet of a licensed day care center or school for children in grade 8 or lower.

B. EFFECT OF PROPOSED CHANGES:

Relocating Probation and Parole Offices

The Florida Department of Corrections (Department) currently supervises over 148,000 offenders in the community at approximately 150 accredited¹ probation offices.² These offices conduct interviews, investigations, and drug testing, and provide offenders access for reporting and meeting with their individual probation officers.³ Depending on the level of community supervision, offenders report in for supervision daily, weekly, monthly, or as directed by the releasing authority.

Currently, there is no statutory restriction on where the Department of Corrections may site a probation office. However, if the Department intends to site a probation office within one-quarter mile (1320 feet) of a licensed day care center or school⁴ for children in grade 12 or lower, the Department must publish notice of their intent to do so in the local newspaper and provide written notification to the county or city administrator in the county or city in which the office space is to be located.⁵ In addition to complying with the above statutory requirements, it is the Department's policy to locate probation offices at least 250 feet away from certain locations, such as licensed day care centers and schools.⁶

This bill prohibits probation offices from being located within 1,000 feet of a licensed daycare center or school for children in grade 8 or lower. Offices that do not comply with this requirement by the effective date of this act (July 1, 2006) have until August 1, 2006, or the expiration of its current lease, whichever is earlier, to relocate to a compliant location. The Department will still be required to publish notice if they intent to site a probation office within one-quarter mile (1320 feet) of a licensed day care center or school for children in grade 12 or lower.

The Department reports that 64 probation offices would be required to relocate pursuant to the provisions of this bill. Additionally, the Department reports that locating office space that complies with the bill's provisions may be difficult (i.e. office space in areas outside the 1,000 foot restricted zone may be more costly than space within the zone).

Certification of County Probation Officers

¹ The American Correctional Association and the Commission on Accreditation for Corrections are private, non-profit organizations which administer the only national accreditation program for all components of adult and juvenile corrections.

² <http://www.dc.state.fl.us/facilities/comcor/index.html>

³ *Id.*

⁴ This includes public and private schools.

⁵ s. 945.28, F.S.

⁶ Department Procedure 210.007.

In Florida, the Criminal Justice Standards and Training Commission (CJSTC), housed within the Florida Department of Law Enforcement, establishes uniform minimum standards for the employment and training of full-time, part-time, and auxiliary correctional probation officers (CPOs).⁷ Every prospective CPO must successfully complete a CJSTC-developed Basic Recruit Training Program and pass a statewide certification exam in order to receive their certification.⁸ Because the statutory definition of a CPO only includes state employees, the CJSTC is only responsible for certifying state CPOs, not *county* CPOs (county probationers have generally committed misdemeanors, have sentences of a year or less in length, and are supervised by the county - state probationers have generally committed felonies, have sentences of more than a year in length, and are supervised by the Department of Corrections).⁹ Counties currently have discretion in setting training standards for county CPOs.

This bill gives counties the discretion to have their probation officers certified by the CJSTC¹⁰. The bill also defines "county probation officer" and "part time county probation officer" as a person who is employed full time (or part time) by a county whose primary responsibility is the supervision and monitoring of offenders within the community.

C. SECTION DIRECTORY:

Section 1. Amends s. 945.28, F.S., prohibiting probation and parole offices from being located within 1,000 feet of a licensed day care center facility or a school for children in grade 8 or lower.

Section 2. Providing that probation and parole offices have until August 1, 2006, or the expiration of their current leases, whichever is earlier, to relocate to a location that complies with s. 945.28(2)(a), F.S.

Section 3. Creates s. 943.1301, F.S. providing that counties may require their probation officers to be certified by the Criminal Justice Standards and Training Commission and FDLE.

Section 4. Amends s. 943.10, F.S., providing definitions of "county probation officer" and "part time county probation officer."

Section 5. This act takes effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

⁷ <http://www.fdle.state.fl.us/cjst/commission/index.html>

⁸ *Id.*

⁹ Section 943.10, F.S., defines "correctional probation officer" as "a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community."

¹⁰ The bill's language references the "commission" and the "department." Because the bill amends language in s. 945.28, F.S., the definitions contained in s. 943.10, F.S., apply. Thus, the term "commission" refers to the CJSTC, and the term "department" refers to FDLE.

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Relocating Probation and Parole Offices

The bill prohibits probation and parole offices from being located within 1,000 feet of licensed day care centers and schools for children in grade 8 or lower. In December, 2005, the Department reported that 64 probation offices would be required to relocate pursuant to the provisions of this bill. The Department reports the fiscal impact as follows:

	Year 1
Termination of 64 Existing Offices (Buy-Out)	\$10,317,634.33
Estimated New Leases ¹¹	5,543,478.82
Moving Costs	IND
Relocating Telephones	306,240.00
Computer Cabling & Installation	551,632.00
Total	\$16,718,985.15

Summary	Year 1
Recurring	\$ 5,543,478.82
Non-Recurring	\$11,175,506.33
Total	\$ 16,718,985.15

Notes:

1. There are seven (7) DMS leases that do not require a buy-out requirement. Also, their current lease rate is \$15.86, which is much lower than most of the private lease rates.
2. Circuit 6-Office 67 is housed in a building owned by DOC, the bill will require relocation and possibly lease costs with a private vendor for lease space.

It should be noted that the above fiscal analysis will change over time as new schools and day care centers are built, as new probation offices are opened, etc...

Certification of County Probation Officers

The amount of expenditures would be dependant on the number of counties that choose to require the CJSTC to certify their county CPOs. State government costs may include possible additions to the CPO Basic Recruit Curriculum or developing a Basic Recruit Curriculum for county probation officers.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

¹¹ The Department states that this figure represents the estimated amount that the new lease would exceed the current lease as well as office retrofitting.

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Relocating Probation and Parole Offices

The bill does not address what must occur if a probation and parole office is located, and a daycare center or school is subsequently built/established within 1,000 feet of the office – would the probation office be required to move?

Currently, all of the Department of Corrections' facilities and programs are accredited by the American Correctional Association (ACA).¹² In regards to probation offices, the ACA standards provide that "Field facilities are located in areas with community input that are optimally accessible to offenders' places of residence and employment, to transportation networks and other community agencies." Restricting probation offices from being within 1,000 feet of licensed daycare centers and schools for children in grades 8 or lower may result in probation offices being located in remote areas, thereby making it difficult for some offenders to report to their probation office. This would be contrary to the ACA standards.

Certification of County Probation Officers

FDLE / CJSTC expressed concerns relating to uniformity of certification. Specifically, the certification of county CPOs should be required of all county CPOs throughout the state, rather than give counties the option of requiring such certification.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On February 22, 2006, the Criminal Justice Committee adopted one amendment to the bill and reported the bill favorably with committee substitute. The amendment prohibits probation and parole offices from being located within 1,000 feet (instead of 2,500 feet) of a school for children in grade 8 or lower (instead of grade 12 or lower) or a licensed day care center. The amendment also clarifies that counties may elect to have their CPOs certified by the CJSTC and provides definitions of "county probation officer" and "part time county probation officer."

¹² <http://www.dc.state.fl.us/pub/aca/index.html>. The ACA establishes standards that are considered to be the national benchmark for the effective operation of correctional systems throughout the United States.