

## **HOUSE OF REPRESENTATIVES**

### **FINAL BILL ANALYSIS**

**BILL #:** SB 2118

**FINAL HOUSE FLOOR ACTION:**

92 Y's 26 N's

**SPONSOR:** Budget

**GOVERNOR'S ACTION:** Vetoed

**COMPANION BILLS:** N/A

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### **SUMMARY ANALYSIS**

SB 2118 was passed by the House and Senate on May 6, 2011 and was vetoed by the Governor on May 26, 2011. The bill:

- Removes permissive language to require a judge to assess the defendant convicted of a crime the current \$100 crime lab services fee if state or county crime lab services were performed in the investigation of the crime, and applies that fee to all criminal offenses;
- Eliminates the Department of Correction's authority to operate the Basic Training Program for youthful offenders ("boot camps");
- Transfers all powers, duties and responsibilities relating to the operation of private correctional facilities (Private Prison Monitoring Bureau) from the Department of Management Services to the Department of Corrections.

Local county-operated crime laboratories should see an increase in revenue due to the expansion of the lab fee provided in this bill. The bill does not create a new fee or fine; however, it does remove permissive language, thereby making it a requirement for the courts to assess defendant's the prescribed fee for any crime lab services provided. All fines collected will continue to be deposited into FDLE's Operating Trust Fund and used to reimburse local county-operated crime laboratories.

The elimination of the Basic Training Program (BTP) represents a savings to the General Revenue Fund of \$2.7 million.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

This bill amends ch. 957, F.S., transferring all statutory powers and duties from the Bureau of Private Prison Monitoring within the Department of Management Services to the Department of Corrections. The bill will make the Department of Corrections responsible for overseeing the operational contracts of the seven existing private institutions in Florida, and authorizes the department to enter into, and monitor any new private prison contracts authorized by the Legislature. This transfers \$1,236,746 in general revenue and 14 positions from DMS to DOC.

#### **Basic Training Program**

The bill also eliminates the Basic Training Program within the Department of Corrections. The department operates a male and female Basic Training Program (BTP) for youthful offenders, age 24 and under:

- The female BTP is a 28-bed facility located at Lowell Correctional Institution in Lowell, Florida. Currently there are only four inmates housed at this BTP being supervised by a staff of 14.
- The male BTP is a 112-bed facility located at Sumter Correctional Institution in Bushnell, Florida. Currently there are only 77 inmates housed at this BTP that are supervised by a staff of 36.

This bill eliminates BTP. Youthful offenders currently enrolled in BTP will be transferred to another department program for youthful offenders called the Extended Day Program (EDP.)

Section 958.04, F.S., authorizes the department to petition sentencing judges to modify youthful offenders' sentences for admission into EDP for qualified youthful offenders.

#### **Department of Law Enforcement (FDLE) Statewide Crime Lab Fee**

Section 938.25, Florida Statutes, allows the courts to assess a \$100 fee to any defendant who pleads guilty or nolo contendere to, or who is convicted of, violating certain specified offenses, if the investigation included services provided by any of the state or county-operated criminal analysis laboratories that operate throughout the state. The proceeds from the assessment are deposited into the Operating Trust Fund within FDLE and used by FDLE to reimburse the local county-operated crime lab that provided the service.

The bill amends s. 938.25, F.S. by removing the permissive language and making it a requirement for the courts to assess a \$100 lab fee to all persons convicted of a crime when criminal analysis lab services are used in connection with the investigation or prosecution of actions relating to chapters 775-896, Florida Statutes. It also renumbers the section to 938.055, Florida Statutes.

## 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:

Local county-operated crime laboratories should see an increase in revenue due to the expansion of the lab fee provided in this bill. The bill does not create a new fee or fine; however, it does remove permissive language, thereby making it a requirement for the courts to assess defendant's the prescribed fee for any crime lab services provided, and applies that fee to all criminal offenses. All fines collected will continue to be deposited into FDLE's Operating Trust Fund and used to reimburse local county-operated crime laboratories.

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The elimination of the Basic Training Program (BTP) represents a savings to the General Revenue Fund of \$2.7 million.

However, successful completion of BTP allows a youthful offender to have the remainder of his or her sentence modified. Every youthful offender that does not serve his or her entire sentence with the Department of Corrections results in cost savings to the state. In order for these cost savings to be realized, the department must petition the court to modify the sentences of qualified EDP participants.