

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Committee

BILL: CS/SB 618

INTRODUCER: Criminal Justice Committee and Senator Evers

SUBJECT: Juvenile Justice

DATE: March 17, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Fav/CS
2.	Sadberry	Sadberry	BJA	Favorable
3.	Sadberry	Meyer, C.	BC	Pre-meeting
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|-----------------------------------------|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill repeals numerous sections and provisions containing obsolete language in ch. 985, F.S., to more accurately reflect current practices within the Department of Juvenile Justice (DJJ). The specific provisions which the bill deletes are as follows.

The bill repeals the definition of “serious or habitual juvenile offender program” (SHOP) in s. 985.03(48), F.S., the legislative intent language relating to SHOP in s. 985.02(5), F.S., and the statute implementing this program in s. 985.47, F.S. It repeals two statutes implementing the intensive residential treatment program for offenders under 13 years of age (JR.SHOP) in ss. 985.483 and 985.486, F.S. The definition of “training school” is also repealed in s. 985.02(56), F.S.

References in s. 985.494, F.S., to SHOP, JR. SHOP, the early delinquency intervention program (EDIP), and the sheriff’s training and respect (STAR) programs (formerly known as juvenile boot camps) are also deleted under the bill. Instead of listing these specific prerequisite programs, the bill provides that a child adjudicated delinquent for a felony (or a child who has a withheld felony adjudication) must complete two different high risk residential commitment programs as a prerequisite to being placed in a maximum risk residential program.

The bill deletes references to the STAR program in s. 985.445, F.S., which authorizes a residential commitment to a STAR program if a child is adjudicated delinquent for committing grand theft auto.

In addition to repealing these obsolete programs, the bill also repeals an unnecessary statute, s. 985.636, F.S., relating to inspectors within the Inspector General's Office being sworn law enforcement officers, if the Secretary of the DJJ deems it necessary to enforce criminal law and conduct criminal investigations relating to state operated facilities.

Finally, the last two sections of the bill repeal obsolete references to the Juvenile Justice Standards and Training Commission (Commission) which provided staff development and training until it expired in 2001 and the DJJ took over those duties. The bill codifies current practice by specifying that the DJJ is responsible for staff development and training.

This bill amends sections 985.494 and 985.66, Florida Statutes. The bill repeals sections 985.02(5), 985.03(48), 985.03(56), 985.445, 985.47, 985.48(8), 985.483, 985.486, 985.636, Florida Statutes. It also makes conforming changes to sections 985.0301, 985.47, and 985.565, Florida Statutes.

II. Present Situation:

There are several statutes relating to the serious or habitual juvenile offender program (SHOP) and the intensive residential treatment program for offenders under 13 years of age (JR. SHOP). Section 985.03(48), F.S., provides a definition of SHOP by citing to the program created in s. 985.47, F.S. The cited section specifies the requirements of a SHOP program. Moreover, legislative intent language relating to SHOP exists in s. 985.02(5), F.S. Similarly, two statutes exist that implement JR.SHOPs in ss. 985.483 and 985.486, F.S.

Section 985.494, F.S., provides that a child adjudicated delinquent for a felony (or a child who has an adjudication of delinquency withheld for a felony) must be committed to a SHOP or a JR. SHOP, if such child has participated in an early delinquency intervention program (EDIP) and has completed a sheriff's training and respect (STAR) program (formerly known as juvenile boot camp).

Additionally, such child must be committed to a maximum risk residential program, if he or she has participated in an EDIP, has completed a STAR program and a SHOP or JR. SHOP. The length of stay in a maximum risk commitment program is for an indeterminate period of time; however, it may not exceed the maximum imprisonment that an adult would serve for that offense.¹

This section of law also allows the court to consider an equivalent program of similar intensity as being comparable to one of these specified programs when committing a child to an appropriate program under this statute.²

¹ Section 985.494(1)(b), F.S.

² Section 985.494(2), F.S.

The definition of “training school” is contained in s. 985.03(56), F.S., to include the Arthur G. Dozier School and the Eckerd Youth Development Center. According to the DJJ, the training schools no longer exist as a category in the DJJ residential programs. Residential programs are now categorized by restrictiveness levels.³

Section 985.445, F.S., provides the court with discretion to place a child adjudicated delinquent for committing a first or second grand theft auto into a STAR program. Upon a third adjudication, however, the court is required to place that child into a STAR program. The statute also requires the court to order such child to complete a specified number of community service hours (at least 50 for a first adjudication, 100 for the second adjudication, and 250 for the third adjudication).

According to the DJJ, there have been no operational STAR programs since 2008. The department also states that the SHOP and JR. SHOPS have been underutilized for the past several years. Because maximum and high risk programs currently serve the most serious offenders, the DJJ states it no longer needs the SHOP and JR. SHOP designations.⁴ In 1996, according to the DJJ, the SHOPS were reclassified from maximum risk to high risk programs but the statutory admission criteria remained unchanged. In reviewing the records of children admitted to the SHOPS in FY 07-08, the DJJ found that 12.3 percent of the 24 children admitted did not meet the statutory criteria. Similarly, 10 percent of the 20 children admitted to the JR. SHOPS did not meet that criteria.⁵

Section 985.636, F.S., relating to the Inspector General’s Office, authorizes the Secretary of the DJJ to designate inspectors holding a law enforcement certification as law enforcement officers within the Inspector General’s Office. This designation is only for the purpose of enforcing any criminal law and conducting any investigation involving a state-operated program that falls under the department’s jurisdiction. However, according to the DJJ, this law is unnecessary because the department has never had sworn law enforcement officers.

Section 985.66, F.S., prescribes standards for the juvenile justice training academies, establishes the Juvenile Justice Training Trust Fund, and creates the Juvenile Justice Standards and Training Commission (Commission) under the DJJ. The legislative purpose of the statute is to provide a systematic approach to staff development and training for judges, state attorneys, public defenders, law enforcement officers, school district personnel, and juvenile justice program staff.⁶ Section 985.48(8), F.S., also requires the Commission to establish a training program to manage and provide services to juvenile sexual offenders in juvenile sexual offender programs. However, the Commission expired on June 30, 2001 because it was not reenacted by the Legislature.⁷ After that, the DJJ took over the training duties of the Commission.⁸

³ Department of Juvenile Justice 2011 Agency Proposal (on file with the Senate Criminal Justice Committee in Tallahassee, Florida.)

⁴ 2011 Department of Juvenile Justice Legislative Priority Paper, updated on March 4, 2011 (on file with the Senate Criminal Justice Committee in Tallahassee, Florida.)

⁵ Department of Juvenile Justice 2011 Agency Proposal (on file with the Senate Criminal Justice Committee in Tallahassee, Florida.)

⁶ Section 985.66(1), F.S.

⁷ Section 985.66(9), F.S.

III. Effect of Proposed Changes:

The bill repeals numerous sections and provisions containing obsolete language in ch. 985, F.S., to more accurately reflect current practices within the Department of Juvenile Justice (DJJ). The specific provisions which the bill deletes are as follows.

The bill repeals the following provisions relating to serious or habitual juvenile offender programs (SHOP): the definition of SHOP in s. 985.03(48), F.S., the SHOP legislative intent language in s. 985.02(5), F.S., and the statute implementing SHOP in s. 985.47, F.S. It repeals two statutes implementing the intensive residential treatment program for offenders under 13 years of age (JR.SHOP) in ss. 985.483 and 985.486, F.S.

The bill deletes references in s. 985.494, F.S., to the SHOPS, JR. SHOPS, EDIPs, and the STAR programs (formerly known as juvenile boot camp). Instead of listing these specific prerequisite programs, the bill provides that a child adjudicated delinquent for committing a felony (or a child who has a withheld felony adjudication) must complete two different high risk residential commitment programs as a prerequisite to being placed in a maximum risk residential program.

The bill also deletes references to the STAR program in s. 985.445, F.S., which authorizes a residential commitment to a STAR program if a child is adjudicated delinquent for committing grand theft auto. The bill accomplishes this by repealing s. 985.445, F.S. Finally, the bill makes conforming changes to several statutes referencing this repealed section of law.

The definition of “training school” is repealed in s. 985.02(56), F.S.

The bill also repeals an unnecessary statute, s. 985.636, F.S., which allows certain inspectors within the DJJ’s Inspector General’s Office to be deemed certified law enforcement officers by the Secretary of the DJJ. (According to the DJJ, the department has never had sworn law enforcement officers.)⁹

Finally, the bill amends s. 985.66, F.S., by deleting obsolete references to the Juvenile Justice Standards and Training Commission (which sunset on June 30, 2001) and authorizing the DJJ to continue providing staff development and training to department program staff. It also amends s. 985.48, F.S., to conform to these changes by deleting references to the provision requiring the Commission to establish a training program to manage juvenile sexual offenders.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁸ Department of Juvenile Justice 2011 Agency Proposal (on file with the Senate Criminal Justice Committee in Tallahassee, Florida.)

⁹ *Id.*

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the DJJ, there is no fiscal impact to the department.¹⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on March 9, 2011:

Incorporates the original bill's "repealer" provisions as well as repeals additional outdated provisions related to the following:

- Serious or habitual juvenile offender programs (SHOPs) and intensive residential treatment programs for offenders under 13 year of age (JR. SHOPs);
- Sheriff's Training and Respect programs;
- Definition of "training schools";
- Inspectors within the Inspector General's Office being sworn law enforcement officers when deemed necessary by the Secretary of DJJ; and
- Juvenile Justice Standards and Training Commission.

¹⁰ *Id.*

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
