

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 Criminal Justice Committee

BILL: SB 618

INTRODUCER: Senator Evers

SUBJECT: Juvenile Justice

DATE: March 3, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Pre-meeting
2.			BC	
3.				
4.				
5.				
6.				

I. Summary:

The bill deletes references in s. 985.494, F.S., to the serious or habitual juvenile offender program (SHOP), the intensive residential treatment program for offenders under 13 years of age (JR. SHOP), the early delinquency intervention program (EDIP), and the sheriff's training and respect (STAR) programs. Since these references are deleted, the bill adds a comparable requirement that a child adjudicated delinquent for a felony (or a child who has a withheld 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.

This bill substantially amends section 985.494 and repeals section 985.445 of the Florida Statutes. It also makes conforming changes to the following sections: 985.0301, 985.47, 985.483, and 985.565, F.S.

II. Present Situation:

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 serious or habitual juvenile offender program (SHOP) or an intensive residential treatment program for offenders under 13 years of age (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

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. 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 the criteria.³

III. Effect of Proposed Changes:

The bill deletes references in s. 985.494, F.S., to the SHOPS, JR. SHOPS, EDIPs, and the STAR programs. Since these references are deleted, the bill adds a comparable requirement that a child adjudicated delinquent for committing a felony (or a child who has a withheld adjudication) must complete two different high risk residential commitment programs as a prerequisite to being placed in a maximum risk residential program. (The current law specifies the prerequisite programs to be an EDIP, a SHOP or JR. SHOP, and a STAR 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 by deleting the reference to s. 985.445, F.S.

¹ Section 985.494(1)(b), F.S.

² Section 985.494(2), F.S.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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.⁴

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.)

None.

B. Amendments:

None.

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

⁴ *Id.*