

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 Committee on Judiciary

BILL: CS/SB 672

INTRODUCER: Criminal Justice Committee and Senator Evers

SUBJECT: Juvenile Justice/Youth Custody Officers & Correctional Facility Tours

DATE: April 5, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Fav/CS
2.	Shankle	Cibula	JU	Pre-meeting
3.			ACJ	
4.			AP	
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:

CS/SB 672 repeals s. 985.105, F.S., which created the youth custody officer position within the Department of Juvenile Justice (DJJ). The DJJ no longer employs youth custody officers. Similarly, the bill deletes language in s. 121.0515, F.S., classifying these positions as special risk positions for purposes of the Florida Retirement System.

The bill also repeals s. 945.75, F.S., authorizing tours by juveniles of state and county correctional facilities so that the DJJ can continue receiving federal funds by remaining in compliance with the federal Juvenile Justice and Delinquency Prevention Act.

The bill repeals sections 985.105 and 945.75, Florida Statutes.

The bill substantially amends section 121.0515, Florida Statutes.

II. Present Situation:

Youth Custody Officers

Section 0 985.105, F.S., created the youth custody officer position within the Department of Juvenile Justice (DJJ). Youth custody officers were responsible for taking a youth into custody if the officer had probable cause to believe that the youth:

- Violated the conditions of probation, home detention, conditional release, or postcommitment probation; or
- Failed to appear in court after being properly noticed.

These youth custody officers were also responsible for informing local law enforcement agencies when they took anyone into custody under this section.

Youth custody officers were required to meet the minimum qualifications for employment or appointment, become certified under ch. 943, F.S., and comply with the mandates for continued employment as provided by s. 943.135, F.S.¹ Additionally, s. 121.0515, F.S., designated youth custody officers as a “special risk class” for purposes of the Florida Retirement System.²

According to the DJJ, it eliminated these youth custody officer positions on July 1, 2010, as a way to cut its budget.³ The duties of the youth custody officers were either distributed among existing employees or are no longer performed by the DJJ.⁴

Jail and Prison Tours

Section 945.75, F.S., requires the Department of Corrections (DOC) to develop programs under which a judge may order that a juvenile who has committed a delinquent act be allowed to tour state correctional facilities under the terms and conditions established by DOC. The statute requires counties to develop similar programs involving county jails. These tour programs are commonly referred to as “scared straight programs.”⁵ Scared straight programs generally involve adult inmates describing the conditions associated with jail or prison incarceration to delinquent at-risk youth in a secure setting.⁶ The goal of these programs is to modify the behavior of the

¹ Section 985.105(2), F.S.

² Section 121.0515, F.S., creates a “special risk class” of state employees for purposes of the Florida Retirement System that earn more retirement credit per year of service. This increased credit is in recognition that they may be unable to “enjoy the full career and retirement benefits enjoyed by other membership classes” as a result of the physically demanding and high risk functions required by their jobs.

³ See Department of Juvenile Justice, *2013 Agency Proposal, Juvenile Justice Reform, Youth Custody Officer Analysis* (2013) (on file with the Senate Committee on Judiciary).

⁴ *Id.*

⁵ Virginia Department of Criminal Services, *Scared Straight Programs*, <http://www.dcjs.virginia.gov/juvenile/compliance/scaredStraight.pdf> (last visited on April 3, 2013); See also Department of Juvenile Justice, *Scared Straight Programs: Jail and Detention Tours*, www.djj.state.fl.us/docs/research2/scared_straight_booklet_version (last visited on April 3, 2013).

⁶ *Id.*

juveniles by shocking, scaring, and thus deterring them from engaging in further delinquent activity.⁷

The DJJ reports that because it complies with the Federal Juvenile Justice and Delinquency Prevention Act of 2002 (the act),⁸ it receives between \$2 million and \$8 million in federal funding.⁹ The act provides funds for states which comply with the protections it proscribes for juvenile offenders.¹⁰ The scared straight programs may violate several provisions of the act including the prohibition on contact between juvenile and adult offenders.¹¹ The DJJ states that it will lose two-thirds of its federal funding because of these violations of the act.¹²

III. Effect of Proposed Changes:

This bill repeals s. 985.105, F.S., which created youth custody officer positions within the DJJ. This section of law is no longer needed because these positions have not been filled since 2010. Likewise, the bill deletes language in s. 121.0515, F.S., classifying these positions as special risk positions for purposes of state retirement.

The bill also repeals s. 945.75, F.S., authorizing prison and jail tours, so that the DJJ can continue receiving federal funds by remaining in compliance with the federal Juvenile Justice and Delinquency Prevention Act.

The bill takes effect July 1, 2013.

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.

⁷ *Id.*

⁸ 42 U.S.C. Chapters 72.

⁹ See Department of Juvenile Justice, *2013 Agency Proposal, Juvenile Justice Reform, Jail Tour Analysis* (2013) (on file with the Senate Committee on Judiciary).

¹⁰ 42 U.S.C. § 5633(a).

¹¹ 42 U.S.C. § 5633(a)(12).

¹² Department of Juvenile Justice, *2013 Agency Proposal, Juvenile Justice Reform, Jail Tour Analysis*, *supra* note 9.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the DJJ, there is no fiscal impact as a result of this bill.

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 11, 2013:

Adds a provision repealing the statute that authorizes jail and prison tours by juveniles so that the DJJ can remain in compliance with federal law and continue receiving federal prevention funds.

B. Amendments:

None.