

1987

Session Law 87-058

Florida Senate & House of Representatives

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Cannon <i>awc</i>	Wilson <i>PW</i>	1. COR _____	_____
2. _____	Smith	2. AP _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Youthful Offenders Basic Training Program

BILL NO. AND SPONSOR:

SB 124 by Senators Hill and Hollingsworth

I. SUMMARY:

A. Present Situation:

Currently youthful offenders pursuant to Section 958, Florida Statutes, are sentenced to a period of incarceration much like adult offenders with the exception of certain time restrictions. Youthful offenders cannot be sentenced to a period of incarceration greater than six years or to a split sentence when the period of community supervision and incarceration combined together is greater than six years.

The legislative intent, as set forth in s. 958.021, Florida Statutes, seeks to improve the chances of correction and successful return to the community of youthful offenders by providing them with vocational and educational opportunities and by preventing their association with older and more experienced offenders. The theme of rehabilitation and separation is consistent throughout Florida's Youthful Offender Act.

B. Effect of Proposed Changes:

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This bill amends s. 958.04, Florida Statutes and requires the Department of Corrections to develop and implement a basic training program for select youthful offenders. The program design is patterned after the Special Alternative Incarceration Program (SAIP) at Dodge Correctional Institute in Georgia. The three-pronged goal of the proposed program is to: first, shock the offender with a short period of incarceration; second, impose a military type disciplined schedule of work and exercise; and third, minimize the negative effects of institutionalization. This proposed program involves marching drills, callisthenics, a dress code, manual labor work assignments, physical training with obstacle courses and training in decisionmaking and personal development. Offenders with physical limitations or a previous commitment in an adult correctional facility are not eligible for the program.

To be admitted to the program, the committing judge may recommend placement. After medical screening the Department shall place offenders into the program on a space available basis. The average length of stay is intended to be between 90 to 120 days. If the offender has successfully completed the program the Department of Corrections shall notify the committing judge and the judge shall issue an order placing the offender on probation. If the offender violates while under community supervision, the offender may be returned to prison to serve the remainder of the original sentence.

The creation of this new program within Florida's Youthful Offender Act is a slight deviation from the general theme of providing youthful offenders educational, vocational, counseling and public service opportunities. The proposed boot

camp program does not aim to rehabilitate through educational or vocational opportunities but rather rehabilitate through a rigorous period of short incarceration.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

According to the Department of Corrections the initial program will cost \$225,435 the first year of operation. This would include \$3,000 for fencing, \$20,000 for two vans and the remainder for 13 positions and training expenses. These cost figures assume a program for about 40 offenders with the program location on the grounds of the Lancaster Correctional Institution with food service, laundry, and other support services supplied by the existing institutional staff.

Plans for expansion to other youthful offender facilities are currently being discussed and expansion would be relatively easy if the demand for the program grows.

Since the proposed program mandates split sentences (a period of incarceration followed by a period of probation or community control) this bill will most likely have the effect of increasing the number of split sentences imposed. If the judiciary recommends offenders for the basic training program who otherwise would have been placed on some form of community supervision then the proposed bill could have the effect of enhanced supervision at a higher cost. If the judiciary recommends offenders who otherwise would have been given a lengthy period of incarceration then the proposed program may well provide a substantial cost savings.

III. COMMENTS:

The shock incarceration program in Georgia has been evaluated and several problem areas arose that can possibly be avoided in the Florida application. Three major problems hamper the Georgia program. First, there is a severe backlog of cases. Second, many inmates have been admitted who had to be discharged early due to medical or physical difficulties despite a medical screening process. Third, there was some initial difficulty in locating sufficient work assignments to keep the offenders vigorously working while at the same time separated in restricted access areas.

The Special Alternative Incarceration Program in Georgia was designed to serve young, first time offenders. The program operates as a condition of probation unlike this proposed design which mandates the program as part of a split sentence structure. Under the proposed operation, if an offender is sentenced to a two year term with a two year period of probation supervision, the offender can complete the 90 to 120 day boot camp and be released from prison and placed on probation. If the offender violates the conditions of probation, like parole, the offender may be required to return to prison to serve the remainder of the sentence. This increased exposure to additional prison time is not present in the Georgia program where the boot camp program is a condition of probation.

The proposed bill states that the committing judge may recommend an offender for placement in the program. The Department of Corrections has the discretion to place or not place those offenders recommended by the court. This may result in the misplacement of offenders in either the regular youthful offender program or the proposed boot camp program.

REVISED: _____

BILL NO. SB 124

DATE: February 16, 1987

Page 3

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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1. Cannon <i>AWC</i>	Wilson <i>EW</i>	1. COR	CS
2. _____	Smith	2. AP	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

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BILL NO. AND SPONSOR:

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IV. AMENDMENTS:

None.



OFFICE OF

CHARLES E MINER, JR.

CIRCUIT JUDGE, SECOND JUDICIAL CIRCUIT

COURTHOUSE BUILDING

TALLAHASSEE FLORIDA 32301

TELEPHONE
(904) 468 6525

SB 129

February 24, 1987

Honorable Bob Martinez
Governor
The Capitol
Tallahassee, FL 32304

RE: Prison Overcrowding and the Youthful Offender: The
"Earn Out" Concept

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Dear Governor Martinez:

The purpose of this letter is to suggest what I believe to be both a common sense and a politically attractive approach to addressing the problem of prison overcrowding and inmate rehabilitation in Florida.

By way of background, the undersigned has served on the circuit bench for 11 years, most of which time has been spent handling criminal matters and those cases involving state agencies which raise state and federal constitutional issues. For several years, I served the State's criminal court judges as Chairman of the Criminal Justice Section and a member of the Executive Committee of the Florida Conference of Circuit Judges.

In 1982, I chaired a group comprised of persons representative of the several constituencies involved in the criminal justice system in a re-examination of Florida's Youthful Offender Statute. We dismantled and then completely revamped the then existing law and presented the fruits of our labors to the Legislature. After much debate and numerous revisions, a version of what we proposed finally passed both Houses of the Legislature and is now the law of this State. Although a number of what I believed at the time to be desirable features of our initial proposal did not survive the legislative process for one reason or another, the overriding principle upon which the proposal was based remains intact.

Before I call your attention to this provision, however, it is perhaps appropriate to familiarize you at least superficially with the Youthful Offender Program.

Governor Bob Martinez

Under Chap. 958, Florida Statutes, any offender who is (1) between the ages of 18 and 21, (2) who has not previously been designated a youthful offender and (3) who is found guilty of a crime other than a capital or life felony, is eligible to be sentenced as a youthful offender.

Once sentenced under Chap. 958 by the Court, the youthful offender must be assigned to one of five designated institutions within the state penal system where he will be provided with "vocational, educational, counselling and public service opportunities" to improve his chances for correction and successful re-integration into the community.

Under the current statute, the Department of Corrections is directed to screen the several non-youthful offender institutions for inmates not sentenced by courts under Chap. 958 but who otherwise meet the eligibility requirements of the statute. These inmates, too, may be assigned by the Department to youthful offender institutions.

As this letter is being written, approximately 10% of the male inmates in the state prison system are serving their sentences in youthful offender institutions. Of these, some 800 have been sentenced under Chap. 958 and 2200 have been classified and assigned by the Department of Corrections to these institutions.

Directing your attention, now, to the provision of Chap. 958 to which I alluded earlier, you will find in Sec. 958.04(2)(d) the following language

Successful participation in the Youthful Offender Program may result in a recommendation to the Court, by the Department, for a modification or early termination of probation, community control, or sentence at any time prior to the expiration of such term. (Emphasis supplied.)

For lack of a more descriptive term, I call this language the "earn out" provision. A sentenced youthful offender who obeys institutional rules and takes advantage of the rehabilitation programs available to him may literally earn his way out of prison just as he earned his way in by his disregard for the law.

Governor Bob Martinez

In my years on the criminal bench, I have sentenced several thousand offenders. Typically, these miscreants are young, poorly educated, without salable skills and with little, if any, family or other support in the community. Unfortunately, after a stint in the penitentiary, they more often than not return to us no more equipped to cope or make their way in free society than they were when they were incarcerated. Some of these individuals I have seen two and three times in 11 years. It is for this reason that I have advocated over the years and commend to you now the "earn out" concept. With very little fine tuning of existing law, I believe that Florida can assume the point position in dealing with the criminal offender who is most likely to respond to rehabilitation efforts. Moreover, it seems to me that the public will be much more amenable to the orderly, structured release from incarceration of offenders who have earned their way out rather than a system forced to release inmates because some arbitrary, mathematical population cap has been reached.

What I propose, Governor, is that a partnership be forged between the executive branch of government and Florida's 275 or so sentencing circuit judges. Specifically, I recommend the following:

- (1) The upper age of eligibility for youthful offender treatment should be increased to age 24. This would place into the eligibility "pot" an additional 7000 or 8000 inmates in the current population.
- (2) Judges should be encouraged by you and the Legislature to use youthful offender sentencing whenever possible.
- (3) Sentence review by judges should be extended to all inmates in youthful offender institutions regardless of whether they were sentenced under Chap. 958 or classified and assigned as youthful offenders by the Department of Corrections. Such a change in the law would permit immediate department/judicial evaluation of the progress of some 2200 inmates.
- (4) Chap. 921, F.S., the Sentencing Guidelines Statute, should be amended to once again provide that sentencing guidelines do not apply to inmates sentenced under Chap. 958. The reasons for this are:
 - (a) Unlike other inmates, youthful offenders are

Governor Bob Martinez

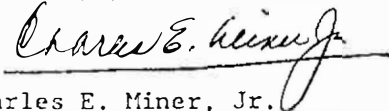
entitled to early release consideration if they do something to merit that consideration. They are entitled to be considered for judicial parole, if you will.

- (b) It makes little sense from a correctional or rehabilitation standpoint to enroll an inmate in, say, a vocational or G.E.D. program only to have him released by overly generous gaintime calculated on an already overly lenient guideline sentence before he can derive the benefit of that program. In such a situation, he comes back to us no better than he was when he was put into the system and almost a lead pipe cinch to return to his unlawful ways and further incarceration.
- (5) Money for bricks and mortar should be re-directed, at least in part, to the enhancement of rehabilitation program quality in youthful offender institutions. By this, I do not mean that we should not be building hard-time prison beds. What I offer is that the hardtime beds now in existence may well prove to be adequate if the partnership I envision can succeed in addressing both short and long term issues of prison overcrowding and inmate rehabilitation.

I respectfully suggest that the "earn out" program I propose deserves a chance. It seems patently clear to me that we cannot solve the problems that beset the criminal justice system by simply throwing money at them. Now, I suggest, is the time for thoughtful and imaginative initiatives.

I stand ready to meet with you or your designees at any time to elaborate further on the foregoing.

Sincerely yours,



Charles E. Miner, Jr.
Circuit Judge

CEMjr/jp

Date: April 8, 1987
Revised: May 4, 1987
Final: June 29, 1987

copy

HOUSE OF REPRESENTATIVES
COMMITTEE ON CORRECTIONS, PROBATION & PAROLE
FINAL STAFF ANALYSIS

BILL #: HB 1249 *19 1626*
RELATING TO: Youthful Offender Discipline Program (Boot Camp)
SPONSOR(S): Committee on Corrections, Probation & Parole; Kelly
EFFECTIVE DATE: July 1, 1987, or Upon Becoming Law, whichever occurs later
COMPANION BILL(S): CS/SB 124
OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2) _____

I. SUMMARY:

HB 1249 would require the Department of Corrections (DOC) to develop and implement a basic training (boot camp) program for youthful offenders. The bill would give authority to the Department of Corrections to promulgate rules requiring basic training participants to complete a rigid disciplinary program emphasizing the development of self esteem through completion of strenuous work programs, including participation in physical training.

HB 1249 would grant the Department of Corrections the authority to screen and recommend to the sentencing court youthful offenders for placement in the boot camp program. The department could recommend both sentenced and DOC classified youthful offenders for placement in the boot camp program.

After an inmate is screened, the department would be required to submit a request for court approval to place the offender in the boot camp program. In order to expedite placement, the sentencing court would be required to respond within 10 days to the department's request for placement.

The Department of Corrections would be required to submit a performance report to the sentencing court upon completion of the boot camp program. The court would be required to place on probation those offenders that have successfully completed the boot camp program.

The bill would provide for legislative intent that construction of a boot camp facility is necessary to aid an emergency situation allowing the Department of General Services the authority to select a contractor by negotiation.

HB 1249 would amend s. 958.04(2)(c), Florida Statutes, to clearly provide that the boot camp is not an option in split sentencing.

This bill would also amend s. 958.04(d), Florida Statutes, to provide that both sentenced youthful offenders and those youthful offenders selected by the Department of Corrections are eligible for sentence modification upon recommendation to the court by the department. The Department of Corrections current legal position is that youthful offenders selected by the department (as opposed to recommended by the court) are ineligible for sentence modification.

HB 1249 would further provide that the basic training facility may be housed in an adult institution rather than a youthful offender institution. Georgia, Oklahoma and Mississippi currently house their basic training facilities in adult institutions.

II. ECONOMIC IMPACT:

A. Public:

None.

B. Government:

The initial cost of a boot camp facility will depend on the option chosen for implementation.

A. Placement in or near a major adult institution

Boot camps in other states are placed in fenced-off areas of major adult institutions. Program operators in Oklahoma and Georgia feel that exposure to adult felons and a more secure prison environment operates as a management tool and will deter young offenders from future criminal activity.

Building a boot camp facility at a major institution could be completed in ten months from date of appropriation according to the Department of General Services (DGS). DGS recommends either a "Tee Dormitory" or a "Quad" type dormitory for use as a boot camp program.

Historical costs are available for using a "Tee Dormitory" facility or a "Quad" type dormitory. Both of these designs would house offenders in individual cells.

Tee Dormitory

84 cells, 112 beds

Cost per bed \$22,885

Cost per cell (84) \$30,573

Quad Dormitory 84 cell, 112 beds

Cost per bed \$25,664

Cost per cell (84) \$34,220

B. Occupation of an existing wing of a major institution

A secure wing of a major institution could be used for operation of a boot camp program. The Department of Corrections estimate that an additional appropriations of \$150,000 would be necessary to add needed support facilities. Selection of this option would further limit the existing close custody space for the current department population.

C. Placement at Lancaster Correctional Institution

The Department of Corrections initially recommended establishing a boot camp at Lancaster Correctional Institution. This youthful offender facility is located near Trenton, Florida and serves as the reception center for the department's youthful offender programs. Existing dining and support facilities would be used for boot camp participants. Inmates are planned to be housed in an existing 37-man dormitory facility. Since existing housing and support facilities will be used, little capital improvements would be needed to start the program. The department is budgeting \$3,000 for fencing-off the boot camp area. However, the department's current position is that the boot camp should be placed in a major institution.

In addition to the fixed capital outlay expense, the department has budgeted \$641,328 for the operation of a basic training camp detailed on the next page.

The Georgia boot camp is staffed with sixteen positions. Perhaps eighteen positions would be an appropriate staffing level (approximate reduction of 42,000 over the Department of Corrections budget request) for Florida's boot camp in order to increase program activities and compensate for more favorable relief factors present in the Georgia Penal System.

D. 1987 Appropriations

Twenty staff positions for an annualized cost of \$398,456 were authorized this year for operation of the boot camp. \$250,000 was appropriated to convert existing housing at a major institution into a boot camp facility.

DEPARTMENT OF CORRECTIONS
Budget Request
Basic Training Program

A. <u>Salaries</u>	<u>\$ 499,426</u>
1 Correctional Officer Chief I	
1 Correctional Probation Officer I	
5 Correctional Officers II	
10 Correctional Officers I (5 five-day posts and 5 seven-day posts)	
2 Human Services Counselor III	
<u>1</u> Secretary Specialist	
20 Positions	

NOTE: All benefits and OCO package included in this figure.

B. <u>Expenses</u>	<u>\$ 96,900</u>
Uniforms - 147 x 400 =	\$ 58,800
Boots - 30 x 400 =	12,000
Miscellaneous Tools	600
Additional staff training 20 x 500 =	10,000
Printing of Program Description	500
Audio-visual & printed program material	4,000
Fencing and misc. minor renovations	10,000
Obstacle course	1,000
C. <u>Operating Capital Outlay</u>	<u>\$ 45,002</u>
Vans, 15 passenger 3 x 13,434 =	\$40,302
Personal Computer with printer	4,700
TOTAL:	<u>\$ 641,218</u>

Implementation of the basic training program could actually avoid cost for the state over the long run. Reduction in the recidivism rate and shorter periods of incarceration for offenders, who would have received longer sentences without the boot camp option, will save the state prison space and per diem expenses over time.

Possible cost avoidance to the state can be examined by assuming a modest 5% improvement in the normal recidivism rate for boot camp participants. For example, if four groups of 100 basic training inmates are sent through the program a year, the state could possibly divert an additional 20 inmates that would normally have engaged in future criminal activity. Suppose that these 20 inmates would have received an average sentence of six years and with a deduction of gain-time allowances served four years on a subsequent conviction. Diverting this group from future criminal activity would generate a possible cost avoidance in future per diem expenses of \$949,000 = (20 diverted group) x 4 (subsequent years served on a future conviction x 365 days) x \$32.50 current per diem expense. Of course, if the prison system continues to operate at capacity, these per diem savings will not reduce future DOC operating expenses. However, diverting young offenders would continue to free-up scarce prison beds for career criminals. The state could possibly reduce the demand to build prison beds at \$40,000 per bed in future years for each diverted offender.

These cost avoidance figures do not include the cost of prosecution, court time, and the cost to society of criminal activity.

III. STATE COMPREHENSIVE PLAN IMPACT:

HB 1249 relates to the provision of s. 187.201(7)(a)(b)(1), Florida Statutes, by attempting to lower the recidivism rate, as well as making the prison system more cost effective.

IV. COMMENTS:

Boot camp programs in Oklahoma, Georgia and Mississippi have generated favorable publicity from citizens, correctional officers and the judiciary.

Currently, most states are placing housing facilities in fenced-off areas of major institutions in an effort to give the young offender a real prison experience without prolonged exposure to career criminals.

Since most of these programs originated in 1982, little empirical data is available to assess the long-term deterrent benefit of these programs. Mississippi is reporting a 3% recidivism, Oklahoma a 15% rate, while Georgia is experiencing a 21% return to prison rate for boot camp participants. However, due to the lack of long-term

LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess. Law # <i>87-58</i>	Sec. #	LOF cite
Prime Bill # <i>8 24</i>	Comp./Sim. Bills <i>4 24</i>	
JLMC Hist. Cites	Senate	Comms. of Ref.
	House	
		Senate <i>Corrections</i>
		House <i>Corrections</i>

COMMITTEE RECORDS					
H/S	Committee	Year	Record Series: Folder title, etc.	Loc. Cite	✓
<i>11</i>	<i>Corrections</i>	<i>1958</i>	<i>Bill files, HR 17</i>	<i>17/0.8</i>	<input checked="" type="checkbox"/>
<i>5</i>	<i>Corrections</i>	<i>1958</i>	<i>House</i>	<i>17/0.8</i>	<input checked="" type="checkbox"/>
			<input type="checkbox"/> continued on reverse		

Senate/House Journals					
Page #	?	Date	Page #	?	Date

Committee/Floor Tapes					
H/S	c/f	Committee/subcommittee name	Date	#	Location Cite

Other Documentation	
Record Series Title, folder title, etc.	Location Cite

By the Committee on Corrections, Probation and Parole and
Senators Hill and Hollingsworth

This publication was produced at an average cost of 1.5 cents per page for the information of members of the legislature and the public.

1 A bill to be entitled

2 An act relating to youthful offenders; amending

3 s. 958.04, F.S.; creating a basic training

4 program for certain youthful offenders;

5 providing for the adoption of rules; requiring

6 a report; providing an effective date.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Section 958.04, Florida Statutes, is

11 amended to read:

12 958.04 Judicial disposition of youthful offenders.--

13 (1) The court may sentence as a youthful offender any

14 person:

15 (a) Who is at least 18 years of age or who has been

16 transferred for prosecution to the criminal division of the

17 circuit court pursuant to chapter 39;

18 (b) Who is found guilty of or who has tendered, and

19 the court has accepted, a plea of nolo contendere or guilty to

20 a crime which is, under the laws of this state, a felony if

21 such crime was committed before the defendant's 21st birthday;

22 and

23 (c) Who has not previously been classified as a

24 youthful offender under the provisions of this act; however,

25 no person who has been found guilty of a capital or life

26 felony may be sentenced as a youthful offender under this act.

27 (2) In lieu of other criminal penalties authorized by

28 law and notwithstanding any imposition of consecutive

29 sentences, the court shall dispose of the criminal case as

30 follows:

31

1 (a) The court may place a youthful offender under
 2 supervision on probation or in a community control program,
 3 with or without an adjudication of guilt, under such
 4 conditions as the court may lawfully impose for a period of
 5 not more than 6 years. Such period of supervisions shall not
 6 exceed the maximum sentence for the offense for which the
 7 youthful offender was found guilty.

8 (b) The court may impose a period of incarceration as
 9 a condition of probation or community control, which period of
 10 incarceration shall be served in either a county facility, a
 11 department probation and restitution center, or a community
 12 residential facility which is owned and operated by any public
 13 or private entity providing such services. No youthful
 14 offender may be required to serve a period of incarceration in
 15 a community correctional center as defined in s. 944.026.
 16 Admission to a department facility or center shall be
 17 contingent upon the availability of bed space and shall take
 18 into account the purpose and function of such facility or
 19 center. Placement in such a facility or center shall not
 20 exceed 364 days.

21 (c) The court may impose a split sentence whereby the
 22 youthful offender is to be placed on probation or community
 23 control upon completion of any specified period of
 24 incarceration; however, if the incarceration period is to be
 25 served in a department facility other than a probation and
 26 restitution center or community residential facility, such
 27 period shall be for not less than 1 year or more than 4 years.
 28 The period of probation or community control shall commence
 29 immediately upon the release of the youthful offender from
 30 incarceration. The period of incarceration imposed or served
 31

1 and the period of probation or community control
 2 together, shall not exceed 6 years.

3 (d) The court may commit the youthful
 4 custody of the department for a period of not
 5 years, provided that any such commitment shall
 6 maximum sentence for the offense for which the
 7 offender has been convicted. Successful parti
 8 youthful offender program, by an offender who
 9 a youthful offender by the court pursuant to t
 10 is classified as such by the department, may r
 11 recommendation to the court, by the department
 12 modification or early termination of probation
 13 control, or sentence at any time prior to the :
 14 expiration of such term.

15 (3) The provisions of this section sha
 16 to impose a greater sentence than the maximum :
 17 range as established by statewide sentencing gu
 18 pursuant to s. 921.001 unless clear and convinc
 19 explained in writing by the trial court judge.
 20 imposed outside of such guidelines shall be sub
 21 by the defendant pursuant to s. 924.06.

22 (4) The department shall develop and im
 23 training program for select youthful offenders
 24 pursuant to this section. The program shall in
 25 drills, calisthenics, a rigid dress code, manua
 26 assignments, physical training with obstacle co
 27 training in decisionmaking and personal develop
 28 department shall adopt rules implementing the pr
 29 Offenders who are sentenced pursuant to this sec
 30 recommended by the court for placement in the pr
 31 offenders sentenced pursuant to this section and

1 by 987.
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By Senators Hill and Hollingsworth

33-203-87

1 which would preclude participation in strenuous activity, must
 2 not be impaired, and must not have been previously
 3 incarcerated in a state or federal correctional facility. The
 4 program shall provide a short incarceration period of rigorous
 5 training to offenders who require a greater degree of
 6 supervision than community control or probation provides. The
 7 program is not intended to divert offenders away from
 8 probation or community control but to divert them from long
 9 periods of incarceration when a short "shock" incarceration
 10 could produce the same deterrent effect. If an offender in
 11 the basic training program becomes unmanageable, the
 12 department may place him in the general population to complete
 13 the remainder of his sentence. Upon an offender's completion
 14 of the basic training program, the department shall submit a
 15 report to the court that describes the offender's performance.
 16 If his performance has been satisfactory, the court shall
 17 issue an order placing him on probation. If he violates the
 18 conditions of his probation, he may be returned to prison to
 19 serve the remainder of his original sentence.

20 Section 2. This act shall take effect July 1, 1987, or
 21 upon becoming a law, whichever occurs later.

22 *****

23
 24
 25 SENATE SUMMARY

26 Establishes a basic training program as an alternative to
 27 incarceration, for certain youthful offenders.
 28
 29
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This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

1 A bill to be entitled
 2 An act relating to youthful offenders; amending
 3 s. 958.04, F.S.; creating a basic training
 4 program for certain youthful offenders;
 5 providing for the adoption of rules; requiring
 6 a report; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Section 958.04, Florida Statutes, is
 11 amended to read:

12 958.04 Judicial disposition of youthful offenders.--

13 (1) The court may sentence as a youthful offender any
 14 person:

15 (a) Who is at least 18 years of age or who has been
 16 transferred for prosecution to the criminal division of the
 17 circuit court pursuant to chapter 39;

18 (b) Who is found guilty of or who has tendered, and
 19 the court has accepted, a plea of nolo contendere or guilty to
 20 a crime which is, under the laws of this state, a felony if
 21 such crime was committed before the defendant's 21st birthday;
 22 and

23 (c) Who has not previously been classified as a
 24 youthful offender under the provisions of this act; however,
 25 no person who has been found guilty of a capital or life
 26 felony may be sentenced as a youthful offender under this act.

27 (2) In lieu of other criminal penalties authorized by
 28 law and notwithstanding any imposition of consecutive
 29 sentences, the court shall dispose of the criminal case as
 30 follows:
 31

1 (a) The court may place a youthful offender under
 2 supervision on probation or in a community control program,
 3 with or without an adjudication of guilt, under such
 4 conditions as the court may lawfully impose for a period of
 5 not more than 6 years. Such period of supervisions shall not
 6 exceed the maximum sentence for the offense for which the
 7 youthful offender was found guilty.

8 (b) The court may impose a period of incarceration as
 9 a condition of probation or community control, which period of
 10 incarceration shall be served in either a county facility, a
 11 department probation and restitution center, or a community
 12 residential facility which is owned and operated by any public
 13 or private entity providing such services. No youthful
 14 offender may be required to serve a period of incarceration in
 15 a community correctional center as defined in s. 944.026.
 16 Admission to a department facility or center shall be
 17 contingent upon the availability of bed space and shall take
 18 into account the purpose and function of such facility or
 19 center. Placement in such a facility or center shall not
 20 exceed 364 days.

21 (c) The court may impose a split sentence whereby the
 22 youthful offender is to be placed on probation or community
 23 control upon completion of any specified period of
 24 incarceration; however, if the incarceration period is to be
 25 served in a department facility other than a probation and
 26 restitution center or community residential facility, such
 27 period shall be for not less than 1 year or more than 4 years
 28 The period of probation or community control shall commence
 29 immediately upon the release of the youthful offender from
 30 incarceration. The period of incarceration imposed or served
 31

1 and the period of probation or community control, when added
 2 together, shall not exceed 6 years.

3 (d) The court may commit the youthful offender to the
 4 custody of the department for a period of not more than 6
 5 years, provided that any such commitment shall not exceed the
 6 maximum sentence for the offense for which the youthful
 7 offender has been convicted. Successful participation in the
 8 youthful offender program, by an offender who is sentenced as
 9 a youthful offender by the court pursuant to this section or
 10 is classified as such by the department, may result in a
 11 recommendation to the court, by the department, for a
 12 modification or early termination of probation, community
 13 control, or sentence at any time prior to the scheduled
 14 expiration of such term.

15 (3) The provisions of this section shall not be used
 16 to impose a greater sentence than the maximum recommended
 17 range as established by statewide sentencing guidelines
 18 pursuant to s. 921.001 unless clear and convincing reasons are
 19 explained in writing by the trial court judge. A sentence
 20 imposed outside of such guidelines shall be subject to appeal
 21 by the defendant pursuant to s. 924.06.

22 (4) The department shall develop and implement a basic
 23 training program for youthful offenders sentenced pursuant to
 24 this section. The program shall include marching drills,
 25 calisthenics, a rigid dress code, manual labor work
 26 assignments, physical training with obstacle courses, and
 27 training in decisionmaking and personal development. The
 28 department shall adopt rules implementing the program
 29 offenders who are sentenced pursuant to this section may be
 30 recommended by the court for placement in the program. To
 31 participate, an offender must have no physical limitation

By the Committee on Corrections, Probation & Parole and Representatives Kelly, Martinez, Rochlin, Irvine, Ogden, Hawkins, Mackey, Holland, Hanson, Titone, Sample, Locke, Smith

100-207-4-7

1 violates the conditions of his probation, he may be returned
 2 to prison to serve the remainder of his original sentence. 1.69
 3 (5) Due to severe prison overcrowding, the Legislature 1.70
 4 declares that construction of a basic training program
 5 facility is necessary to aid in alleviating an emergency 1.71
 6 situation.
 7 Section 2. This act shall take effect July 1, 1987, or 1.72
 8 upon becoming a law, whichever occurs later. 1.73

HOUSE SUMMARY

Creates a basic training program for certain youthful offenders. Provides components of program and procedure for placement. Provides for adoption of rules by the Department of Corrections. Requires reports to the sentencing court as to offender performances. Declares facility construction necessary due to overcrowding.

This publication was produced at an average cost of 15 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

1 A bill to be entitled
 2 An act relating to youthful offenders; amending
 3 s. 958.04, F.S.; creating a basic training
 4 program for certain youthful offenders;
 5 providing for the adoption of rules by the
 6 Department of Corrections; requiring reports to
 7 the court as to offender performances;
 8 declaring facility construction necessary due
 9 to the overcrowding emergency; providing an
 10 effective date.
 11
 12 Be It Enacted by the Legislature of the State of Florida:
 13
 14 Section 1. Paragraphs (c) and (d) of subsection (2) of
 15 section 958.04, Florida Statutes, are amended, and subsections
 16 (4) and (5) are added to said section, to read:
 17 958.04 Judicial disposition of youthful offenders.--
 18 (2) In lieu of other criminal penalties authorized by
 19 law and notwithstanding any imposition of consecutive
 20 sentences, the court shall dispose of the criminal case as
 21 follows:
 22 (c) The court may impose a split sentence whereby the
 23 youthful offender is to be placed on probation or community
 24 control upon completion of any specified period of
 25 incarceration not including a basic training facility;
 26 however, if the incarceration period is to be served in a
 27 department facility other than a probation and restitution
 28 center or community residential facility, such period shall
 29 not be for ~~not~~ less than 1 year or more than 4 years. The
 30 period of probation or community control shall commence
 31 immediately upon the release of the youthful offender from

1 incarceration. The period of incarceration imposed or served 1.21
 2 and the period of probation or community control, when added 1.22
 3 together, shall not exceed 6 years.
 4 (d) The court may commit the youthful offender to the 1.23
 5 custody of the department for a period of not more than 6 1.24
 6 years, provided that any such commitment shall not exceed the 1.26
 7 maximum sentence for the offense for which the youthful 1.27
 8 offender has been convicted. Successful participation in the 1.28
 9 youthful offender program, by an offender who is sentenced as 1.28
 10 a youthful offender by the court pursuant to this section or
 11 is classified as such by the department, may result in a 1.29
 12 recommendation to the court, by the department, for a 1.30
 13 modification or early termination of probation, community 1.31
 14 control, or sentence at any time prior to the scheduled
 15 expiration of such term.
 16 (4) The department shall develop and implement a basic 1.1us
 17 training program for youthful offenders sentenced or 1.33
 18 classified by the department as youthful offenders pursuant to
 19 this section. The program shall include marching drills, 1.35
 20 calisthenics, a rigid dress code, manual labor assignments, 1.36
 21 physical training with obstacle courses, and training in
 22 decisionmaking and personal development. The department shall 1.38
 23 adopt rules requiring that basic training participants
 24 complete a structured disciplinary program, and allowing for a 1.39
 25 restriction on general inmate population privileges. Upon 1.40
 26 receipt of youthful offenders, the department shall screen
 27 offenders for the basic training program. To participate, an 1.42
 28 offender must have no physical limitations which would
 29 preclude participation in strenuous activity, must not be 1.43
 30 impaired, and must not have been previously incarcerated in a
 31 state or federal correctional facility. In screening 1.45

1 offenders for the basic training program, the department shall
 2 consider the offender's criminal history and the possible 1.46
 3 rehabilitative benefits of "shock" incarceration. If an 1.47
 4 offender meets the specified criteria, the department shall
 5 request, in writing from the sentencing court, approval to 1.48
 6 participate in the basic training program. If the sentencing 1.49
 7 court notifies the department in writing of placement
 8 approval, the offender shall be placed in the basic training 1.50
 9 program. The sentencing court shall notify the department 1.51
 10 within 10 days of receipt of the department's request for 1.52
 11 placement of the youthful offender in the boot camp program.
 12 Failure to notify the department within 10 days shall be 1.53
 13 considered an approval by the sentencing court for placing the 1.55
 14 youthful offender in the basic training program. The program 1.56
 15 shall provide a short incarceration period of rigorous
 16 training to offenders who require a greater degree of 1.57
 17 supervision than community control or probation provides.
 18 Basic training programs may be operated in secure areas in or 1.58
 19 adjacent to adult institutions notwithstanding the provisions 1.59
 20 of s. 958.11. The program is not intended to divert offenders 1.60
 21 away from probation or community control but to divert them 1.61
 22 from long periods of incarceration when a short "shock"
 23 incarceration could produce the same deterrent effect. If an 1.63
 24 offender in the basic training program becomes unmanageable,
 25 the department may place him in the general population to 1.64
 26 complete the remainder of his sentence. Upon an offender's 1.65
 27 completion of the basic training program, the department shall
 28 submit a report to the court that describes the offender's 1.66
 29 performance. If his performance has been satisfactory, the 1.67
 30 court shall issue an order placing him on probation. If he 1.68
 31

BILL ACTION REPORT

(C3-75: File with Secretary of Senate)

(S) (M) BILL NO. 124

COMMITTEE ON Corrections, Probation & Parole

DATE March 3, 1987

Date Reported 3/3/87

TIME 9:00-12:00 A.M.

FINAL ACTION:

PLACE Committee Room B

 Favorably with amendments

OTHER COMMITTEE REFERENCES:
(In order shown)

XX Favorably with Committee Substitute

 Appropriations

 Unfavorably

OTHER: Temporarily Passed

 Reconsidered

THE VOTE WAS:

 Not Considered

FINAL BILL VOTE		SENATORS	AMENDMENT ONE	AMENDMENT TWO	AMENDMENT THREE	AMENDMENT FOUR	AMENDMENT FIVE	
Aye	Nay		McPherson	McPherson	McPherson	McPherson	Malchon	
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay
X		HOLLINGSWORTH, WAYNE	WITHOUT OBJECTION	WITHOUT OBJECTION	WITHOUT OBJECTION	WITHOUT OBJECTION	WITHOUT OBJECTION	
X		MALCHON, JEANNE						
X		MCPHERSON, TOM						
X		PETERSON, CURTIS						
X		STUART, GEORGE						
X		WOODSON, MARLENE						
X		HILL, JOHN						
7	0	TOTAL						
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay

(Attach additional page if necessary)

Please Complete: The key sponsor appeared ()
 A Senator appeared ()
 Sponsor's aide appeared ()
 Other appearance ()

18
156

SENATE COMMITTEE AMENDMENT

SB 124

No. 1
(reported favorably)

HB _____

The Committee on.....Corrections.....recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Senate Amendment

On page3....., line23....., strike
all of said line

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No <u>-</u>
			Yes

and insert:

training program for select youthful offenders sentenced
pursuant to

CODING: Words stricken are deletions; words underlined are additions.

 * Amendment No. 1, taken up by committee: Adopted *
 * Offered by _____ Failed *

 (Amendment No. Adopted Failed Date / /)

SENATE COMMITTEE AMENDMENT

SB 124

No. 2
(reported favorably)

HB _____

The Committee on.....Corrections.....recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Senate Amendment

On page3....., line30....., strike all of said line

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No	Yes
			<input type="checkbox"/>	<input type="checkbox"/>

and insert:

recommended by the court for placement in the program. Only offenders sentenced pursuant to this section and recommended by the court for placement in the basic training program may be placed in the basic training program. In recommending offenders for the basic training program, the court shall consider the offender's physical condition, the offender's criminal maturity and the possible rehabilitative benefits of "shock" incarceration. To

CODING: Words stricken are deletions; words underlined are additions.

 * Amendment No. 2, taken up by committee: Adopted *
 * Offered by _____ Failed *

 (Amendment No. _____ Adopted Failed Date / /)

SENATE COMMITTEE AMENDMENT

SB 124

No. 3
(reported favorably)

HB _____

The Committee on.....Corrections.....recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Senate Amendment

On page4....., line10....., after the word effect

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No <input type="checkbox"/>
			Yes <input type="checkbox"/>

insert:

The basic training program is also not intended to divert offenders away from the long term rehabilitative effects and educational opportunities available through the regular youthful offender program.

CODING: Words stricken are deletions; words underlined are additions.

 * Amendment No. 3, taken up by committee: Adopted *
 * Offered by _____ Failed *

 (Amendment No. ____ Adopted ____ Failed ____ Date __/__/__)

SENATE COMMITTEE AMENDMENT

SB 124

No. 4

(reported favorably)

HB _____

The Committee on.....Corrections.....recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Senate Amendment

On page4....., line20....., strike
July 1

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No	Yes
				-

and insert:

October 1

CODING: Words stricken are deletions; words underlined are additions.

* Amendment No. 4, taken up by committee: Adopted _ *

* Offered by _____ Failed _ *

(Amendment No. _____ Adopted ___ Failed ___ Date __/__/__)

SB 127

SENATE COMMITTEE AMENDMENT

No. 5
(favorably)

HB _____

The Committee on _____ recommended the following amendment which was moved by Senator McLACHLIN and adopted. and failed:

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Amendment

On page 4 AFTER 19, strike line

and insert:

(5) THE DEPARTMENT SHALL PROVIDE A SPECIAL TRAINING PROGRAM FOR STAFF SENIORS FOR THIS PROGRAM.

CODING: Words in ~~stuck through~~ type are deletions from existing law, words underlined are additions.

* Amendment No. _____ taken up by committee: Adopted *
* Offered by _____ Failed *

(Amendment No. _____ Adopted _____ Failed _____ Date ___/___/___)