

## **SB 314 – Juvenile Justice**

Amends s. 985.557, F.S., eliminating mandatory direct file, removing several acts within the discretionary direct file, and determining certain age groups (14-15, 16-17) where a discretionary direct file can apply for certain crime. It also amends s. 985.56, F.S., removing those under 14 from indictment. Furthermore, it allows for the use of a reverse waiver, where any child over whom the adult court has obtained original jurisdiction may request, in writing, a hearing to determine whether the child must remain in adult court. The adult court shall consider several criteria in determining whether public safety would best be served by retaining jurisdiction. This act would go into effect on July 1<sup>st</sup>, 2016, impacting those committing their offenses after this date.

In FY 14-15, 14 offenders under 14 years of age at the time of their offense were admitted to prison.

Given the existence of the discretionary involuntary waiver allowing the state attorney to file a motion requesting the court to transfer a child for criminal prosecution (14 or older), and without data on how many juveniles are sentenced to prison through each channel (direct file/indictment/waiver), it is not possible to determine the impact that this bill as a whole would have on prison beds.

**See Handout for a subset of the effect of removing offenders under 14 from prison admissions.**

**CONFERENCE ADOPTED ESTIMATE: Negative Indeterminate**

**Requested by: Senate**

# SB 314

## Juvenile Justice

July 1, 2016 Effective Date

The Criminal Justice Estimating Conference met on 1/5/2016 and estimated the following net impact on the inmate population over the next five years:

a	b	c	FUNDS REQUIRED			
Fiscal Year	Projected Cumulative Prison Beds Required	Projected Additional Annual Prison Beds Required	Annual Operating Costs	Annual Fixed Capital Outlay Costs	TOTAL Annual Funds	TOTAL Cumulative Funds
2016-2017	-9	-9	(\$87,390)	(\$1,546,475)	(\$1,633,865)	(\$1,633,865)
2017-2018	-25	-16	(\$338,725)	(\$575,658)	(\$914,383)	(\$2,548,248)
2018-2019	-34	-9	(\$601,299)	(\$396,054)	(\$997,353)	(\$3,545,601)
2019-2020	-40	-6	(\$772,301)	(\$339,615)	(\$1,111,916)	(\$4,657,517)
2020-2021	-45	-5	(\$909,245)	(\$279,028)	(\$1,188,273)	(\$5,845,790)
<b>Total</b>	<b>-45</b>	<b>-45</b>	<b>(\$2,708,960)</b>	<b>(\$3,136,830)</b>	<b>(\$5,845,790)</b>	<b>(\$5,845,790)</b>

Prepared by Florida Legislature, Office of Economic and Demographic Research, December 14, 2015

FY 2014-15 operating costs per inmate were obtained from DOC. The \$51.65 per diem (\$18,852 annual cost) is for all department facilities (excluding private institutions and approximately 150 beds in PRCs) and includes operations, health services, and education services. It does not include debt service costs. It also does not include indirect and administrative costs of \$3.34 per inmate (state facilities). Operating costs in future years were increased by the change in the CPI from the National Economic Estimating Conference.

FY 2006-07 capital costs per bed were based on Department of Corrections cost to build Suwanee CI (\$94,000,000 for 2,003 lawful capacity beds) as reported at the Criminal Justice Impact Conference held February 23, 2010. Capital costs in later years were increased by the change in the chained price index for state and local construction spending obtained from Global Insight, Inc.

**Note: This impact statement is not intended to represent the direct appropriations impact of this bill. Rather, it provides a stand-alone estimate of the prison bed need of this particular bill. Cost data are included to allow a comparison of the impact of this bill with other proposed legislation. The actual appropriation associated with passage of this bill will differ depending on a number of factors including the existing inventory of prison beds.**