

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 365 Standards for Correctional Officers

SPONSOR(S): Criminal Justice Subcommittee; Gonzalez

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	12 Y, 0 N, As CS	Bruno	Sumner
2) Judiciary Committee	15 Y, 0 N	Bruno	Poche

SUMMARY ANALYSIS

Correctional officers in Florida are appointed or employed full time by the state or a political subdivision, or by any private entity that has contracted with the state or county, and are tasked with the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution. Section 943.13, F.S., lays out the minimum qualifications for correctional officers, as well as law enforcement officers and correctional probation officers. These minimum qualifications include a requirement that officers be at least 19 years old.

CS/HB 365 decreases the minimum age requirement for a full-time, part-time, or auxiliary correctional officer to 18 years old. The minimum age requirement for all law enforcement and correctional probation officers remains 19 years old. Decreasing the minimum age requirement expands the pool of eligible persons from which the Department of Corrections may recruit to fill its personnel needs. The bill prohibits a correctional officer who is under 19 years old from supervising inmates; however, correctional officers under 19 years old may perform all other duties performed by a full-time, part-time, or auxiliary correctional officer.

The bill does not appear to have a fiscal impact on state or local governments.

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Correctional officers in Florida are appointed or employed full time by the state or a political subdivision, or by any private entity that has contracted with the state or county, and are tasked with the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution.¹ Section 943.13, F.S., lays out the minimum qualifications for correctional officers, as well as law enforcement officers and correctional probation officers. These minimum qualifications include a requirement that officers be at least 19 years old.²

The Florida Department of Corrections (FDC) has experienced growing staffing shortages over the past several years.³ From 2006 to 2015, the number of correctional officers relative to the average daily inmate population significantly decreased.⁴ In June 2006, FDC reported 12,099 filled correctional officer positions and 554 vacancies; in June 2015, FDC reported 10,973 filled correctional officer positions and 720 vacancies.⁵ The inmate population grew over the same time period from 88,576 on June 30, 2006,⁶ to 100,050 on June 30, 2015.⁷ Thus, by June 2015, both the total number of correctional officers and the ratio of correctional officers to inmates had decreased. From the end of 2016 to October 2017, the number of correctional officer vacancies increased by 103%.⁸

A study by the Association of State Correctional Administrators (ASCA)⁹ recommended lowering the applicant eligibility age from 19 to 18 so that FDC could recruit high school seniors and address some of the staffing shortages facing the department.¹⁰ Eighteen year-olds in Florida are currently eligible to begin employment in comparable career paths. For example, a person may join the military at 17 with parental consent or 18 without parental consent,¹¹ and the minimum age qualification for firefighters is 18.¹² Additionally, several other states allow 18 year-olds to be correctional officers, including Georgia,¹³ Texas,¹⁴ and Kansas.¹⁵

¹ S. 943.10(2), F.S.

² S. 943.13(1), F.S.

³ CGL Management Group, *Study of Operations of the Florida Department of Corrections*, at 10, (November 2015) (on file with Judiciary Committee staff).

⁴ *Id.*

⁵ *Id.*

⁶ Florida Department of Corrections, *2005-2006 Annual Report: Inmate Population*, at 38, available at: http://www.dc.state.fl.us/pub/annual/0506/stats/im_pop.html (last visited January 20, 2018).

⁷ Florida Department of Corrections, *2014-2015 Annual Report: Inmate Population*, available at: http://www.dc.state.fl.us/pub/annual/1415/stats/im_pop.html (last visited January 20, 2018).

⁸ Florida Department of Corrections, *Department Institutional Vacancy Reports*, (December 1, 2018) (on file with Judiciary Committee staff).

⁹ FDC contracted ASCA to conduct an independent staffing audit and analysis pursuant to Executive Order 15-134, available at: <https://www.flgov.com/wp-content/uploads/2015/07/DOC-EO.pdf> (last visited January 20, 2018).

¹⁰ *Id.*

¹¹ 10 USC § 505(a).

¹² S. 633.412(1), F.S.

¹³ Georgia Department of Corrections, *How to Become a GDC Correctional Officer*, available at: <http://www.gdcjobs.com/pdf/CorrectionalOfficerBrochure.pdf> (last visited January 20, 2018).

¹⁴ Texas Department of Criminal Justice, *Correctional Officer Eligibility Criteria*, available at: <https://www.tdcj.state.tx.us/divisions/hr/coinfo/emp-co.html> (last visited January 20, 2018).

¹⁵ Kansas Department of Corrections, *Corrections Officers Qualifications*, available at: <https://www.doc.ks.gov/employment/corrections-officer> (last visited January 20, 2018).

Effect of Proposed Changes

CS/HB 365 decreases the minimum age requirement for a full-time, part-time, or auxiliary correctional officer to 18. The minimum age requirement for all law enforcement and correctional probation officers remains 19. Decreasing the minimum age requirement expands the pool of eligible persons from which the Department of Corrections may recruit to fill its personnel needs.

The bill prohibits a correctional officer who is under 19 years old from supervising inmates; however, correctional officers under 19 years old may perform all other duties performed by a full-time, part-time, or auxiliary correctional officer.

The bill provides an effective date of July 1, 2018.

B. SECTION DIRECTORY:

Section 1: Amends s. 943.13, relating to officers' minimum qualifications for employment or appointment.

Section 2: Creates s. 944.145, relating to correctional officers under the age of 19.

Section 3: Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 10, 2018, the Criminal Justice Subcommittee considered one amendment and reported the bill favorably as a committee substitute. The amendment prohibited a correctional officer who is under 19 years old from supervising inmates, but permitted him or her to perform all other duties performed by a full-time, part-time, or auxiliary correctional officer.

This analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.