CS/SB 186 by **JU, Ring (CO-INTRODUCERS) Bogdanoff, Joyner**; (Similar to CS/H 0183) Misdemeanor Pretrial Substance Abuse Programs

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
Senator Fasano, Chair
Senator Joyner, Vice Chair

MEETING DATE: Tuesday, November 15, 2011
TIME: 10:45 a.m.—12:45 p.m.
PLACE: *Mallory Horne Committee Room,* 37 Senate Office Building

MEMBERS: Senator Fasano, Chair; Senator Joyner, Vice Chair; Senators Bennett, Evers, Smith, Storms, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**CS/SB 186** Judiciary / Ring (Similar CS/H 183)	Misdemeanor Pretrial Substance Abuse Programs; Providing that a person who is charged with a nonviolent, nontraffic-related misdemeanor and identified as having a substance abuse problem or who is charged with certain other designated misdemeanor offenses, and who has not previously been convicted of a felony, may qualify for participation in a misdemeanor pretrial substance abuse program, etc. CJ 10/04/2011 Fav/1 Amendment JU 10/18/2011 Fav/CS BJA 11/15/2011 Favorable BC	Favorable Yeas 5 Nays 0
2	Update on State Courts and Clerks Revenue Stabilization Study		Presented
3	Update on Substance Abuse and Mental Health Services in the Department of Juvenile Justice and the Department of Corrections -		Presented
4	Update on Department of Corrections's Risk Assessment Tool		Presented
5	Presentation by WestCare Foundation		Presented
6	Update from the Criminal Justice Estimating Conference		Presented
	Other Related Meeting Documents		

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 Budget Subcommittee on Criminal and Civil Justice Appropriations

BILL: CS/SB 186

INTRODUCER: Judiciary Committee and Senators Ring and Bogdanoff

SUBJECT: Misdemeanor Pretrial Substance Abuse Programs

DATE: November 14, 2011 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	**Fav/1 amendment**
2.	Maclure	Maclure	JU	**Fav/CS**
3.	Sneed	Sadberry	BJA	**Pre-meeting**
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

The bill expands the pool of people who are eligible for admission into a misdemeanor pretrial substance abuse education and treatment intervention program. It does so by making the following changes to current law:

- Removing the requirement that a person not have previously been admitted to a pretrial program in order to participate in a misdemeanor pretrial substance abuse education and treatment intervention program.
- Eliminating the current restriction that only a person charged with misdemeanor drug or paraphernalia possession under ch. 893, F.S., may participate in a program. The bill retains that offense as an eligible category for participation, but it also adds that a person may participate if he or she is charged with a misdemeanor for:
  - A nonviolent, nontraffic-related offense and it is shown that the person has a substance abuse problem;
  - Prostitution;
  - Underage possession of alcohol; or
  - Possession of certain controlled substances without a valid prescription.

This bill may have a positive fiscal impact on local governments since persons who successfully complete the pretrial intervention programs have their criminal charges dismissed and are not sentenced to jail. However, some counties may need to expend additional funds to expand their programs if it results in a significant increase in the number of participants.

This bill substantially amends section 948.16, Florida Statutes.

It has an effective date of July 1, 2012.

II. Present Situation:

Misdemeanor Pretrial Substance Abuse Education and Treatment Intervention

Misdemeanor possession of controlled substances under ch. 893, F.S., is the possession of 20 or fewer grams of cannabis.[1] Possession of drug paraphernalia for the purposes set forth in s. 893.147, F.S., is also a misdemeanor offense. The specified purposes include such things as possessing the paraphernalia in order to harvest or manufacture a controlled substance.[2]

Section 948.16, F.S., specifies that a person who is charged with a misdemeanor for possession of a controlled substance or drug paraphernalia under ch. 893, F.S., and who has not previously been convicted of a felony nor been admitted to a pretrial program, is eligible for voluntary admission into a misdemeanor pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program, for a period based on the program requirements and the treatment plan for the offender.

Admission may be based upon motion of either party or the court except, if the state attorney believes the facts and circumstances of the case suggest the defendant is involved in dealing and selling controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in dealing or selling controlled substances, the court shall deny the defendant's admission into the pretrial intervention program.[3]

Participants in the program are subject to a coordinated strategy developed by a drug court team under s. 397.334(4), F.S., which may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court.[4]

At the end of the pretrial intervention period, the court must:

- Consider the recommendation of the treatment program;
- Consider the recommendation of the state attorney as to disposition of the pending charges; and

[1] Section 893.13(6)(b), F.S. The offense is a misdemeanor of the first degree. *Id*.
[2] Section 893.147(1), F.S. The offense is a misdemeanor of the first degree. *Id*.
[3] Section 948.16(1)(a), F.S.
[4] Section 948.16(1)(b), F.S.

- Determine, by written finding, whether the defendant successfully completed the pretrial intervention program.

If the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment or return the charges to the criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant has successfully completed the pretrial intervention program.[5]

Felony Pretrial Intervention

The Department of Corrections operates a felony pretrial intervention program under s. 948.08, F.S. As a component of that statute, a person who is charged with a nonviolent felony and is identified as having a substance abuse problem or who is charged with a specified second- or third-degree felony, and who has not previously been convicted of a felony, is eligible for voluntary admission into a pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program, for a period of not less than one year.[6] At the end of the pretrial intervention period, the court shall make a decision as to the disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program.[7] In 2009, the Legislature eliminated from the statute a requirement that, in order to participate, the individual not have previously been admitted to a felony pretrial program under the statute.[8]

Pretrial Diversion Programs in General

Research indicates that pretrial diversion programs have proved to be effective alternatives to traditional case proceedings. A study conducted by the National Association of Pretrial Services Agencies[9] found that, although data on recidivism rates for these programs was sparse, the available data indicated low rates (between 1 percent and 12 percent depending on the type of crime) of recidivism for offenders that complete pretrial diversion programs.[10] The low rate of recidivism for offenders in these programs may be due to the nature of the programs. The Pretrial Justice Institute[11] states that pretrial diversion programs "operate under the theory that if the underlying problems are addressed the individual is less likely to recidivate. This, in turn, will

[5] Section 948.16(2), F.S.
[6] Section 948.08(6), F.S. The specified second- or third-degree felonies are: purchase or possession of a control substance, prostitution, tampering with evidence, solicitation for purchase of a controlled substance, or obtaining a prescription by fraud. In addition, the person must not have been charged with a crime involving violence. *Id*.
[7] *Id*.
[8] Chapter 2009-64, s. 5, Laws of Fla.
[9] Incorporated in 1973 as a not-for-profit corporation, the National Association of Pretrial Services Agencies (NAPSA) is the national professional association for the pretrial release and pretrial diversion fields. More information can be found at http://www.napsa.org/mission.htm (last visited Oct. 13, 2011).
[10] Spurgeon Kennedy et al. *Promising Practices in Pretrial Diversion*, 16, *available at* http://www.pretrial.org/Docs/Documents/PromisingPracticeFinal.pdf (last visited Oct. 13, 2011).
[11] In 1976 the U.S. Department of Justice funded the Pretrial Justice Institute at the request of NAPSA, and it is the nation's only not-for-profit organization dedicated to ensuring informed pretrial decision-making for safe communities. More information can be found at http://www.pretrial.org/AboutPJI/Pages/default.aspx (last visited Oct. 13, 2011).

lead to less crime and less future costs to the criminal justice system."[12] Since their beginnings in the 1960's, pretrial diversion programs have been continually expanded. In an article published by the National Association of Pretrial Services Agencies, the author states:

> In 1972, ... fund [from the Law Enforcement Assistance Administration of the U.S. Department of Justice] led to the start-up of the Metropolitan Dade County Pretrial Intervention Project, in Miami, FL. The consistent record of accomplishment of Dade County Pretrial Intervention from that time forward led not only to the proliferation of diversion programs in the State of Florida – far in excess of the number anywhere else in the south – but to the adoption of a state diversion statute and to state-level standards and goals for diversion promulgated by a governor's crime commission.[13]

III. Effect of Proposed Changes:

Under current law only a person who has been charged with a misdemeanor for possession of a controlled substance or drug paraphernalia under ch. 893, F.S., and who has not previously been convicted of a felony nor been admitted to a pretrial program, is eligible for voluntary admission into a misdemeanor pretrial substance abuse education and treatment intervention program.

The bill expands the pool of people who are eligible for admission into a misdemeanor pretrial substance abuse education and treatment intervention program. It does so by removing the condition that, in order to participate in the substance abuse education and treatment intervention program, a person must not have been previously admitted to a pretrial program.

Additionally, the bill expands the pool of potential participants in the pretrial program to include persons who are charged with misdemeanor prostitution or underage possession of alcohol. Prostitution is defined by s. 796.07, F.S. The first violation is a second-degree misdemeanor, and a second offense is punishable as a first-degree misdemeanor.[14] Possession of alcohol by a person under the age of 21 is prohibited by s. 562.111, F.S. The first offense is punishable as a second-degree misdemeanor while the second offense is a first-degree misdemeanor.[15] The bill also provides that persons who are charged with misdemeanor possession of certain controlled substances without a valid prescription may be admitted to the program.[16]

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[12] John Clark, Pretrial Justice Institute, *The Role of Traditional Pretrial Diversion in the Age of Specialty Treatment Courts: Expanding the Range of Problem-Solving Options at the Pretrial Stage*, 7 (October 2007), *available at* http://www.pretrial.org/Reports/PJI%20Reports/Forms/DispForm.aspx?ID=25 (last visited Oct. 13, 2011).

[13] John P. Bellassai, *A Short History of the Pretrial Diversion of Adult Defendants from Traditional Criminal Justice Processing Part One: The Early Years*, 5, *available at* http://www.napsa.org/publications/diversionhistory.pdf (last visited Oct. 13, 2011).

[14] Section 796.07(4), F.S.

[15] Section 562.111(1), F.S.

[16] The bill cites s. 499.03, F.S., which punishes as a second-degree misdemeanor the possession of "any habit-forming, toxic, harmful, or new drug subject to s. 499.003(33), or prescription drug as defined in s. 499.003(43), unless the possession of the drug has been obtained by a valid prescription." These drugs include "new drugs" (s. 499.003(33), F.S.), prescription drugs (s. 499.003(43), F.S.), medicinal drugs (s. 465.003(8), F.S.), misbranded drugs (s. 499.007(13), F.S.), compressed medical gas (s. 499.003(11), F.S.), prescription medical oxygen (s. 499.003(46), F.S.), and veterinary prescription drugs (s. 499.003(53), F.S.).

Finally, the bill provides that a person charged with a nonviolent, nontraffic-related misdemeanor offense[17] who is identified as having a substance abuse problem also is eligible for admission into a misdemeanor pretrial substance abuse education and treatment intervention program.

The bill retains the requirement that a person eligible to participate in a misdemeanor pretrial substance abuse education and treatment intervention program must not have previously been convicted of a felony.

The bill provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill appears to be exempt from the requirements of article VII, section 18 of the Florida Constitution because it involves a criminal law.

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:

The number of potential participants in county-funded misdemeanor pretrial substance abuse education and treatment intervention programs could increase under the bill. Although no potential fiscal impact has been brought to the attention of professional staff of the committee, it is conceivable that the counties may decide to increase program capacity, which would result in increased expenditures. To the extent that persons who successfully complete programs have their criminal charges dismissed and are not sentenced to time in local jails, local governments may see positive fiscal effects.

[17] These offenses would include certain trespass, theft, criminal-mischief, and worthless-check offenses to name a few.

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 Judiciary on October 18, 2011:
The committee substitute:

- Clarifies that eligibility to participate in a misdemeanor pretrial substance abuse education and treatment intervention program applies to a person who may be charged with one of several different types of misdemeanor offenses prescribed in the bill and clarifies that the prohibition against having a prior felony conviction applies in the case of each prescribed offense.
- Corrects the statutory citation (to s. 499.03, F.S.) for possession of a controlled substance without a valid prescription; and
- Adds the statutory citation for possession of alcohol while under 21 years of age (s. 562.111, F.S.) for continuity with the other specific offenses addressed in the bill, which include statutory citations.

B. Amendments:

None.

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

By the Committee on Judiciary; and Senators Ring and Bogdanoff

590-00673-12 2012186c1

A bill to be entitled

An act relating to misdemeanor pretrial substance abuse programs; amending s. 948.16, F.S.; providing that a person who is charged with a nonviolent, nontraffic-related misdemeanor and identified as having a substance abuse problem or who is charged with certain other designated misdemeanor offenses, and who has not previously been convicted of a felony, may qualify for participation in a misdemeanor pretrial substance abuse program; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 948.16, Florida Statutes, is amended to read:

948.16 Misdemeanor pretrial substance abuse education and treatment intervention program.—

(1)(a) A person who is charged with a nonviolent, nontraffic-related misdemeanor and identified as having a substance abuse problem or who is charged with a misdemeanor for possession of a controlled substance or drug paraphernalia under chapter 893, prostitution under s. 796.07, possession of alcohol while under 21 years of age under s. 562.111, or possession of a controlled substance without a valid prescription under s. 499.03, and who has not previously been convicted of a felony ~~nor been admitted to a pretrial program~~, is eligible for voluntary admission into a misdemeanor pretrial substance abuse education and treatment intervention program, including a

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

590-00673-12 2012186c1

treatment-based drug court program established pursuant to s. 397.334, approved by the chief judge of the circuit, for a period based on the program requirements and the treatment plan for the offender, upon motion of either party or the court's own motion, except, if the state attorney believes the facts and circumstances of the case suggest the defendant is involved in dealing and selling controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in dealing or selling controlled substances, the court shall deny the defendant's admission into the pretrial intervention program.

Section 2. This act shall take effect July 1, 2012.

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

STABILIZING REVENUES FOR THE STATE COURTS SYSTEM AND CLERKS OF COURT

Senate Criminal and Civil Justice Appropriations Subcommittee

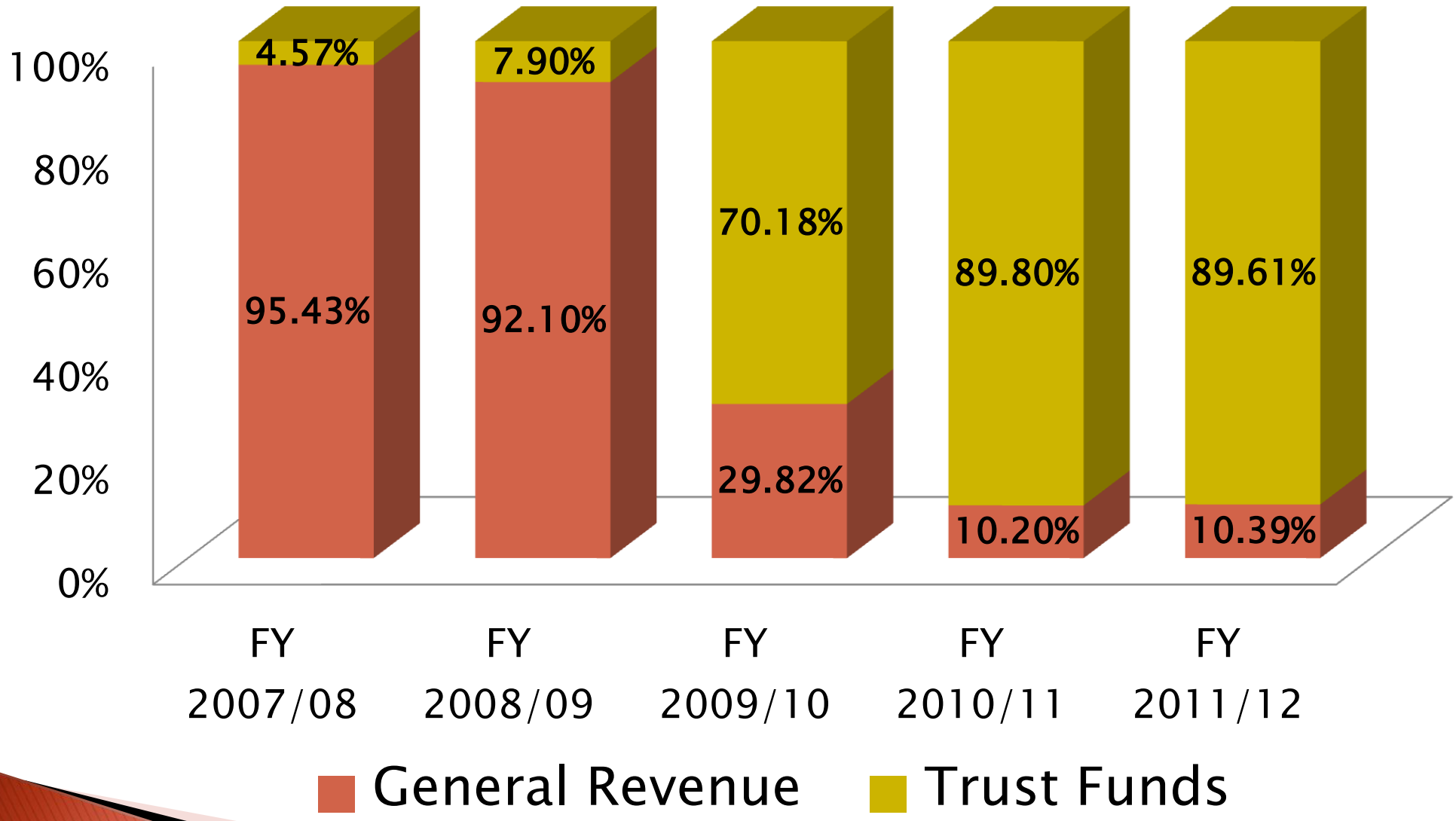
November 15, 2011

The State Courts Revenue Trust Fund

2009 Legislative Session

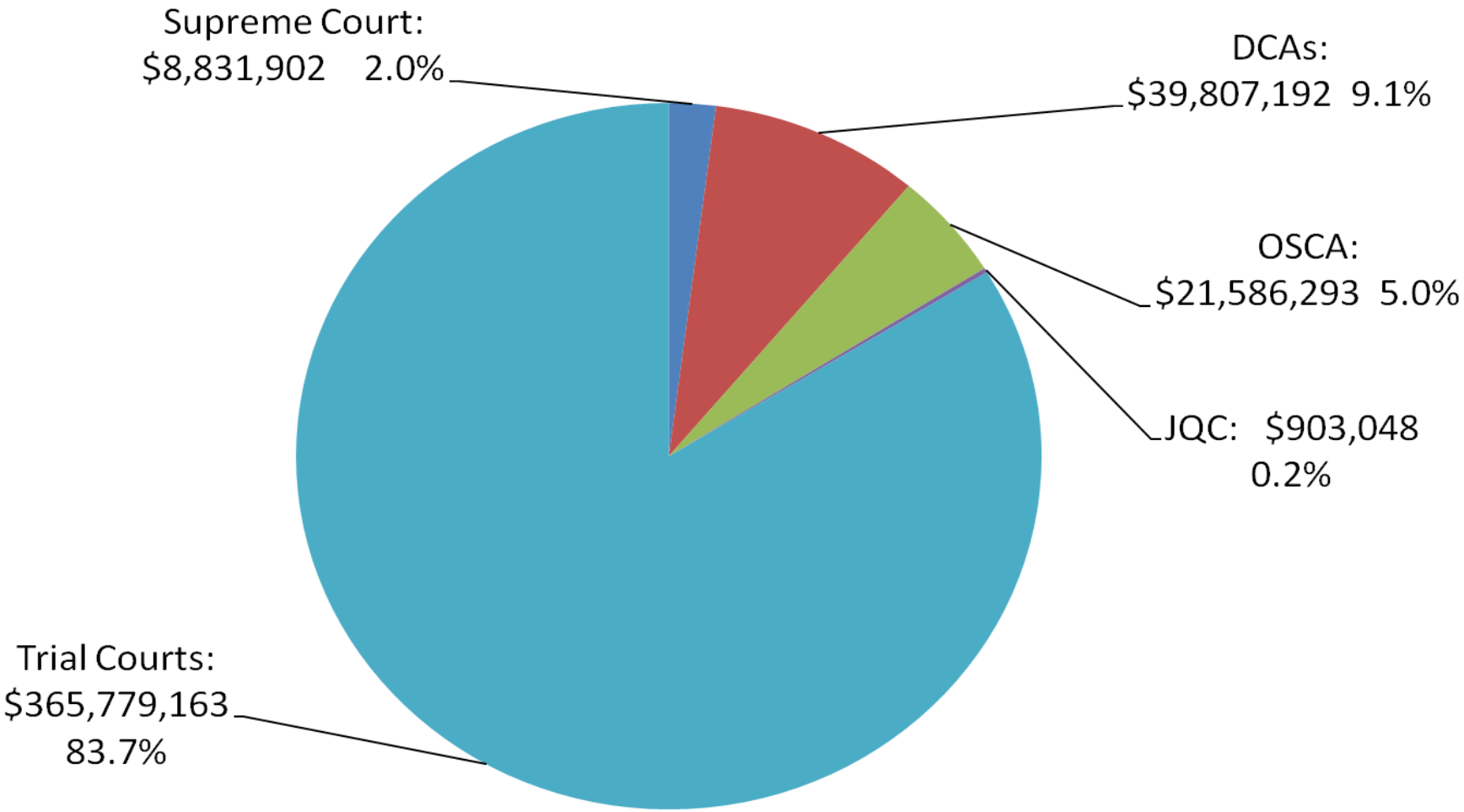
- All court-related revenue was brought into legislative appropriations process
- The State Courts Revenue Trust Fund was created
  - To be used "for the purpose of funding the state courts system"
  - Filing fees and fines increased and revenue earmarked for the courts are directed to the trust fund

Florida State Courts System Funding Sources General Revenue vs. Trust Funds



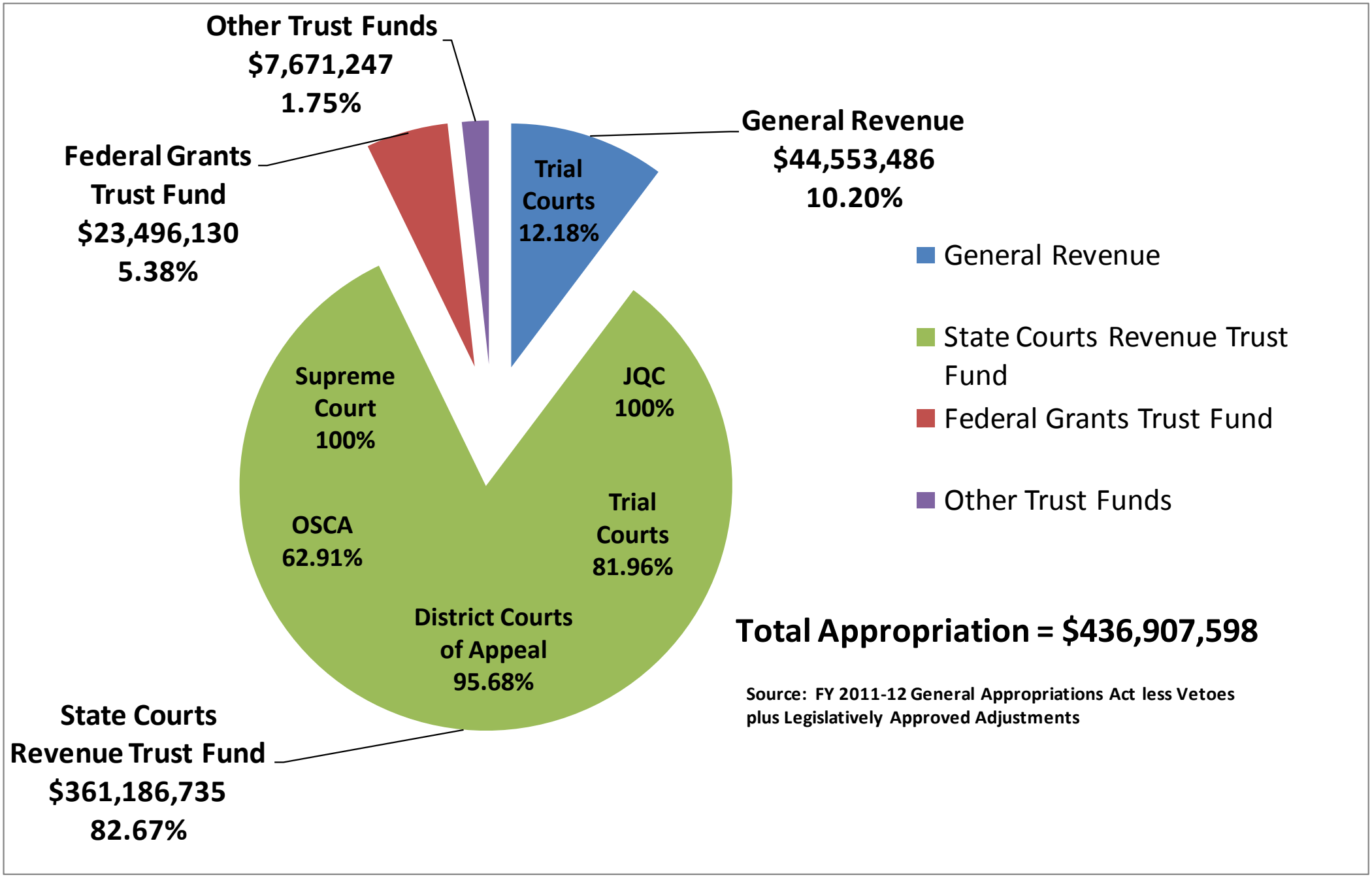
State Courts System's Budget
FY 2011-12

Total Funding: $436,907,598



Source: FY 2011-12 General Appropriations Act less vetoes plus legislatively approved adjustments

State Courts System FY 2011-12 Budget by Funding Source



Clerk of Court Trust Fund

Clerk of Court Trust Fund

- In 1998, Revision 7 to Article V of the State Constitution required clerks' court-related duties to be funded by "adequate and appropriate filing fees, for judicial proceedings and service charges and costs for performing court-related functions"

- Legislature implemented Revision 7 in 2004 and required the clerks' base budget to be initially founded on the previous year's collected revenues and adjusted annually based on the increase or decrease of revenues collected by the clerk

Clerk of Court Trust Fund

- In 2007-2008, the dramatic increase in foreclosures spiked collections and resulted in an unrealistic increase in the clerks' allowed maximum budgets
- Legislature responded in the 2009 Session by eliminating the existing budget process for clerks, based on upon revenue collections, and, instead, put clerks in the state's General Appropriations Act at a fixed amount

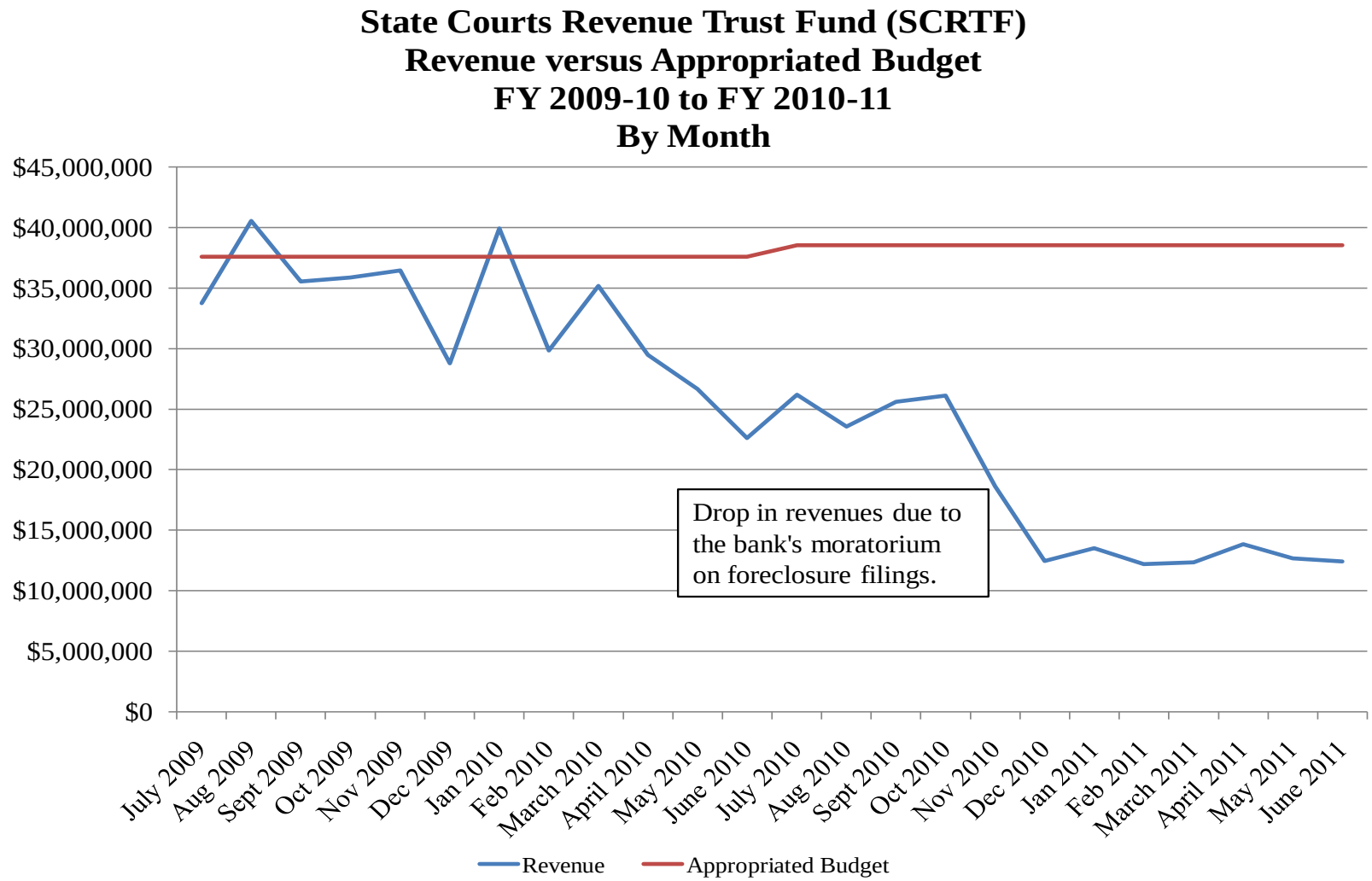
Clerk of Court Trust Fund

- Legislature in 2009 also created the Clerk of Court Trust Fund and directed a portion of revenues collected by clerks to be deposited in the Trust Fund to fund clerk budgets
- Since its creation, the Clerk of Court Trust Fund has operated at an annual deficit insufficient to fund clerk budgets as appropriated by the Legislature

Courts' and Clerks' Revenue Challenges

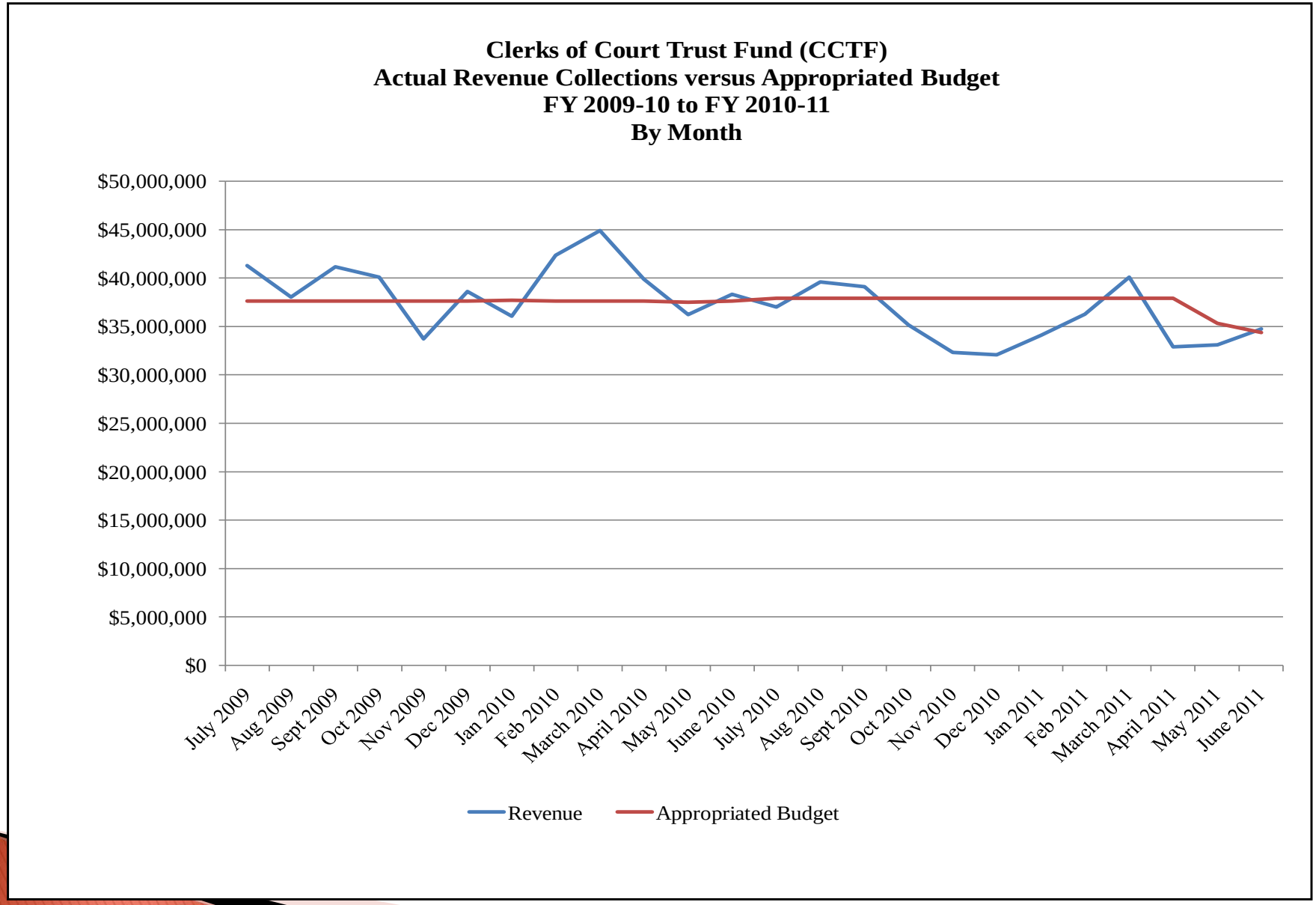
- Insufficient Revenues to Fund Clerks' and Courts' Appropriated Budgets
- Insufficient Start-Up Funds at the Beginning of Each Fiscal Year
- Volatility of Monthly Revenue in Relation to a Constant Expenditure Need
- Courts Overly Dependent on Foreclosure Filings

Insufficient Revenues to Fund Courts' Appropriated Budget



Note: Revenues as reported in the Department of Revenue Consolidation Report, OSCA, Finance and Accounting, and OSCA, Budget. Revenues do not include other transactions such as loans, transfers, and refunds. Appropriated Budget as reported in the General Appropriations Act. For illustrative purposes the Appropriated Budget represents 1/12 of the annual amount.

Insufficient Revenues to Fund Clerks' Appropriated Budget



Funds Needed to Support Court Appropriations

- Fiscal Year 2010/11
  - ✓ $14.3 Million from Other State Court Trust Funds
  - ✓ $19.5 Million from Other State Funds
  - ✓ $19.4 Million Supplemental Appropriation

  $53 Million to Support Appropriated Budget

- Fiscal Year 2011/12
  - ✓ $54.0 Million Loan Authorized by Legislature
  - ✓ $45.6 Million from Other State Funds

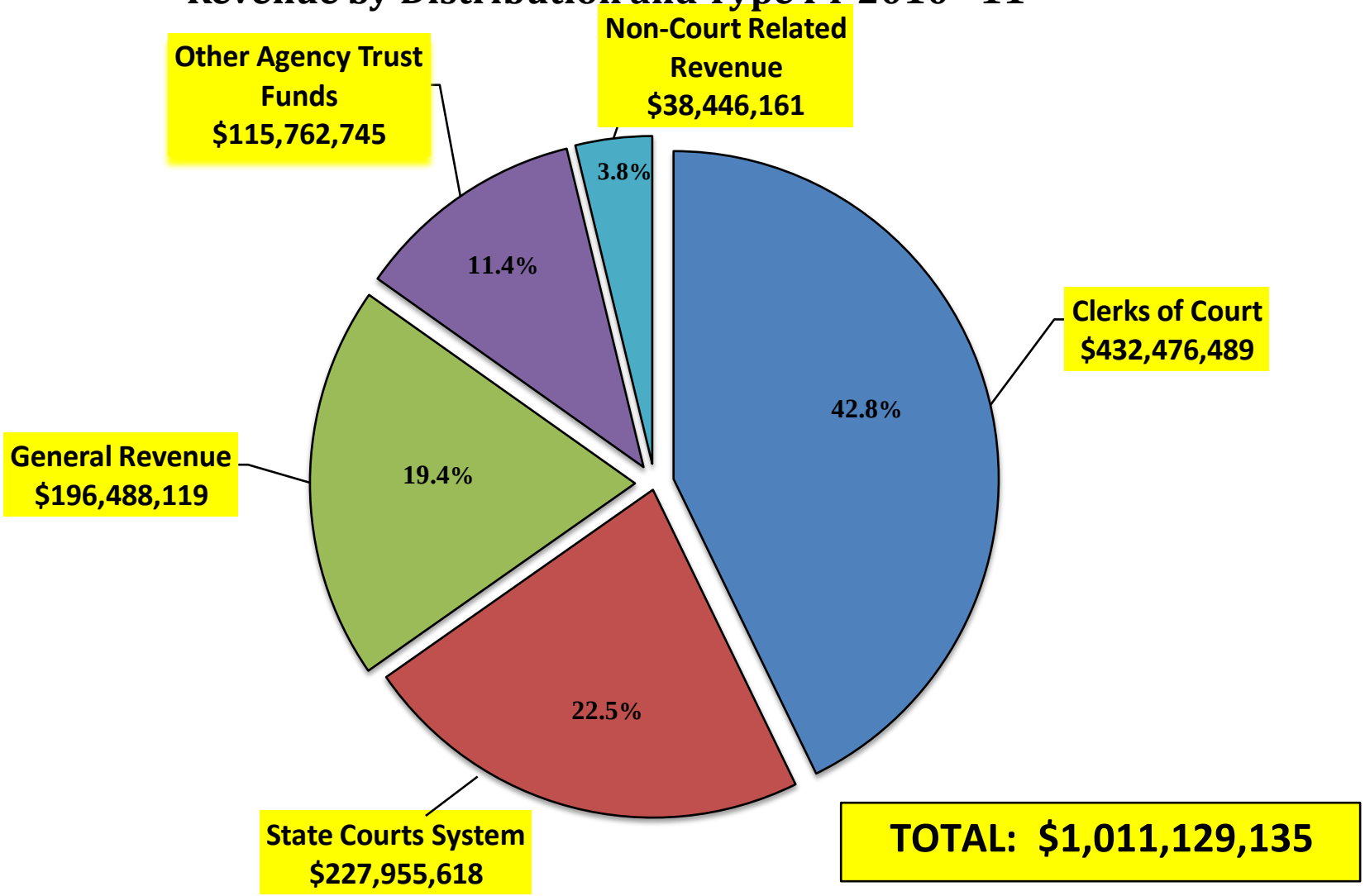
  $99.6 Million to Get Through March 2012

Funds Needed to Support Clerk Appropriations

- Fiscal Year 2009/10
  - ✓ **$18.6 Million** Transfer from State Courts Revenue Trust Fund
- Fiscal Year 2010/11
  - ✓ **$44.2 Million** Supplemental Appropriation
- Fiscal Year 2011/12
  - ✓ **$36.0 Million** Request for Transfer Pending, **to Get Through March 2012**

Article V Revenue

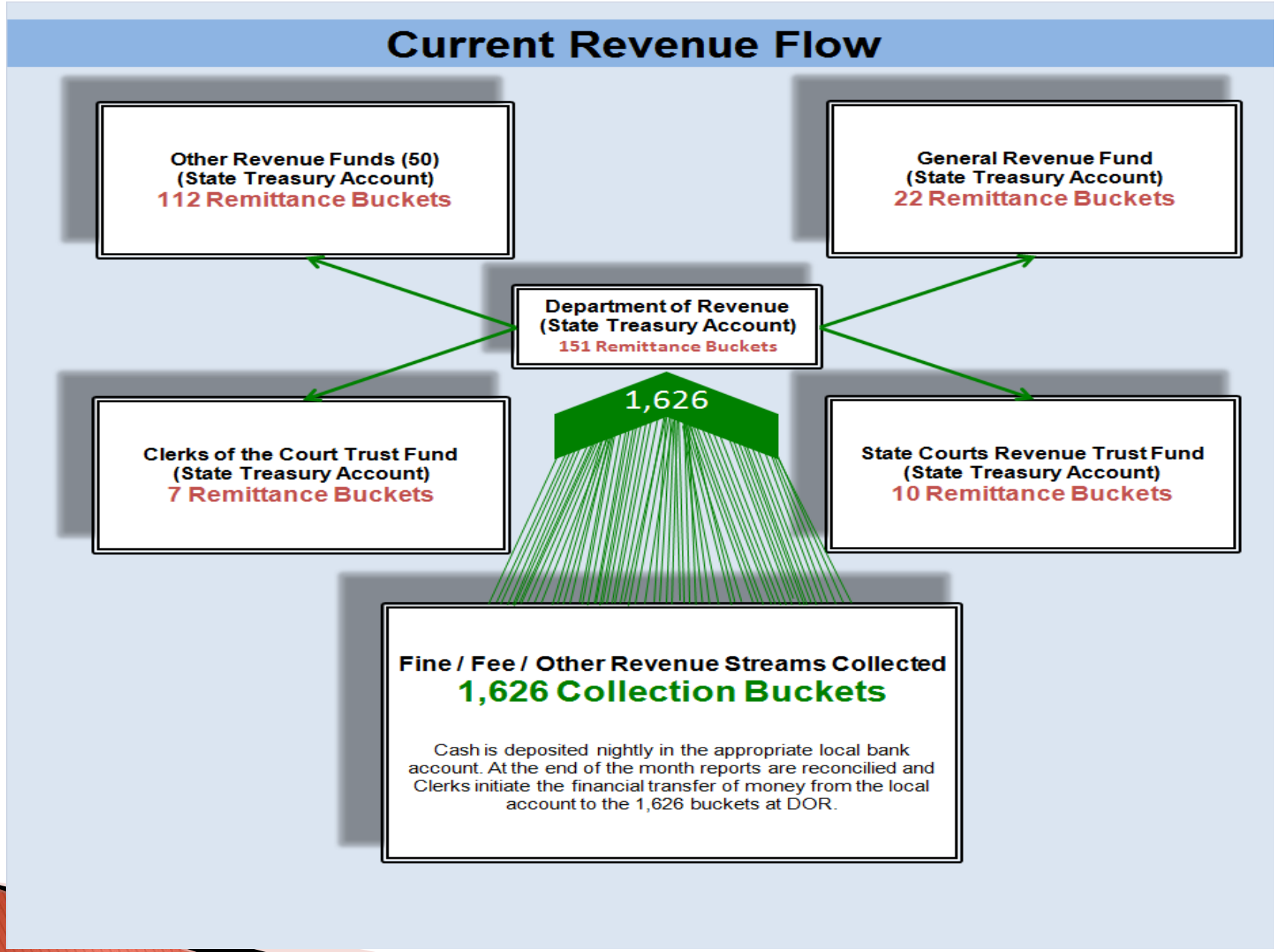
Collected by the Clerks of Court and Remitted to Department of Revenue by Distribution and Type FY 2010 - 11



*Totals may not be exact due to rounding.

Note: Court Related Revenue remitted to the Clerks of Court does not include revenues remitted to DOR under 142.01(2) from unexpended budget and early remittance of June collections. Total amount remitted to DOR under 142.01(2) is $442,824,942. This chart does not reflect appropriated budgets.

Complexity of Revenue Structure



Recommendation 1: Proposed Core Court System

The work of the Courts and Clerks is inter-related, and each entity depends on the other to provide justice to the people.

The two entities should be considered the Core Court System for funding purposes.

Recommendation 2:
General Revenue Support for the Courts

Certain court costs, such as salaries for judges, court reporters and interpreters should remain a general obligation of state government and should be paid from the general revenue fund rather than from court user fees and costs.

Recommendation 3: Proposed Revenue Structure

Court related revenue should be distributed to the Courts and Clerks in an amount sufficient to support their authorized budgets before distributions are made to other government programs and services.

Recommendation 4: Proposed Operating Reserve

An operating reserve for the Courts and Clerks should be established to address monthly cash flow problems.

Recommendation 5: Redirect Appellate Court Filing Fees and Service Charges and Mediator Certification and Licensure Fees to the SCRTF

There are filing fees and service charges in the supreme court and district courts of appeal that should be redirected from the general revenue fund to the Courts' trust funds.

Results

- ✓ Implementation of these recommendations will stabilize Court and Clerk funding so that revenues will be in place to support the budgets authorized by the Legislature.
- ✓ Recommendations do not address the adequacy of current funding for the Courts or Clerks.
- ✓ This recommended revenue structure proposes a trade off: In exchange for stable funding for Courts and Clerks on a month to month basis, any windfalls in court generated revenues will go to the state budget to be used as directed by the Legislature.

Florida Department of Corrections

Office of Re-Entry &
Office of Health Services

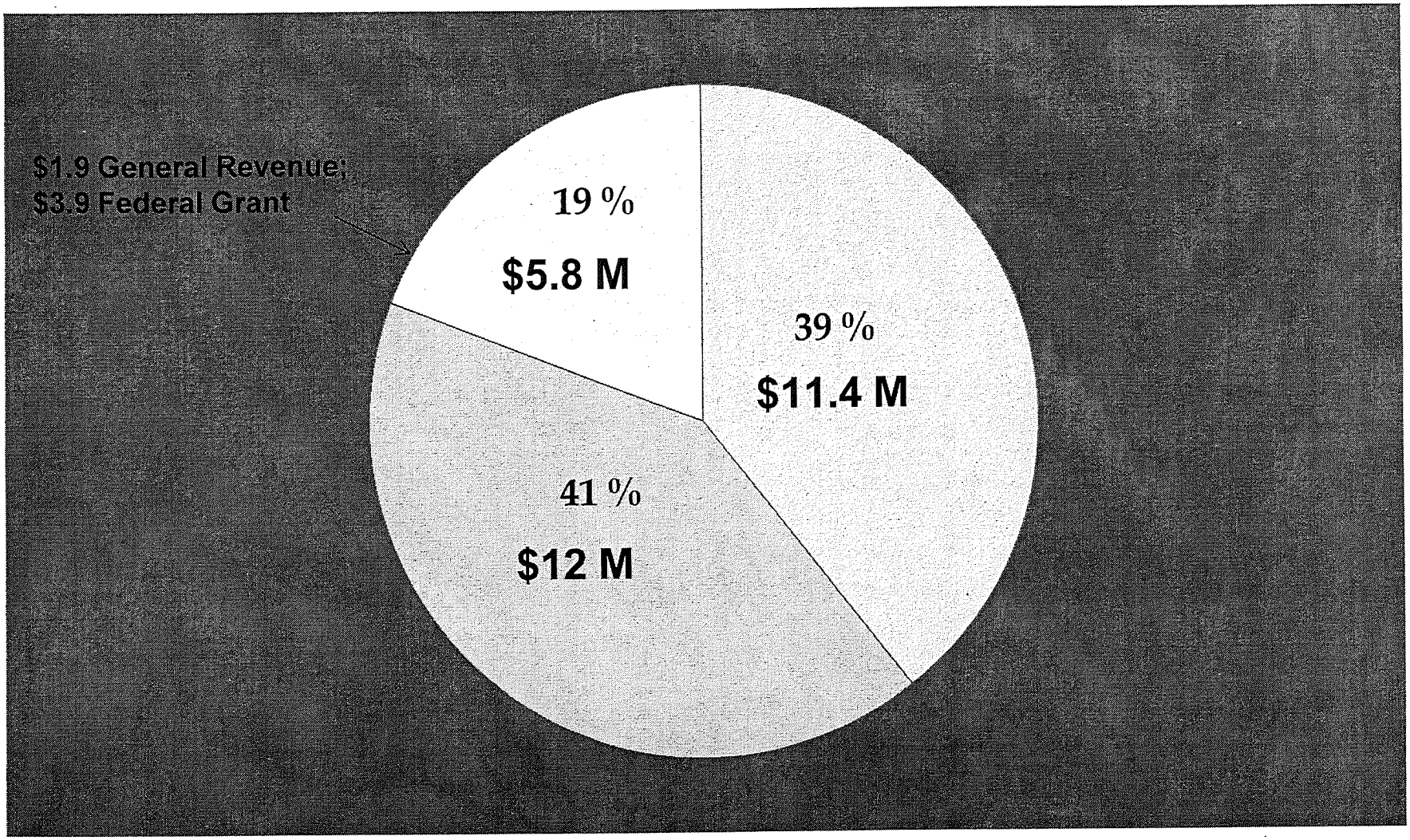
Thomas Reimers
Acting Director of Health Services
Administration

William Carr
Assistant Secretary of Re-Entry

BUREAU OF SUBSTANCE ABUSE AND TREATMENT SERVICES CONTRACTS

- $50 Million in Contracts
- 99 Contracts
- Over 44,000 Inmates and Offenders Served

$29.2 Million In-Prison Substance Abuse Treatment Contracts



Department of Corrections
In-Prison Substance Abuse Treatment Contracts

Residential Therapeutic Community (RTC): 9-12 Months & Intensive Outpatient (IOP): 4-6 Months

- 1,423 Intensive Outpatient Slots
- 702 Residential Therapeutic Community Slots
- 20 Facilities (19 Behind the Fence and 1 RTC in Community)
- In FY 2010-2011 Intensive Outpatient Slots Served 3,363 Inmates.
- In FY 2010-2011 Residential Therapeutic Community Slots Served 1,265 inmates.

Department of Corrections
In-Prison Substance Abuse Treatment Contracts

Community-Based Inmate Substance Abuse Transitional Re-entry Programs

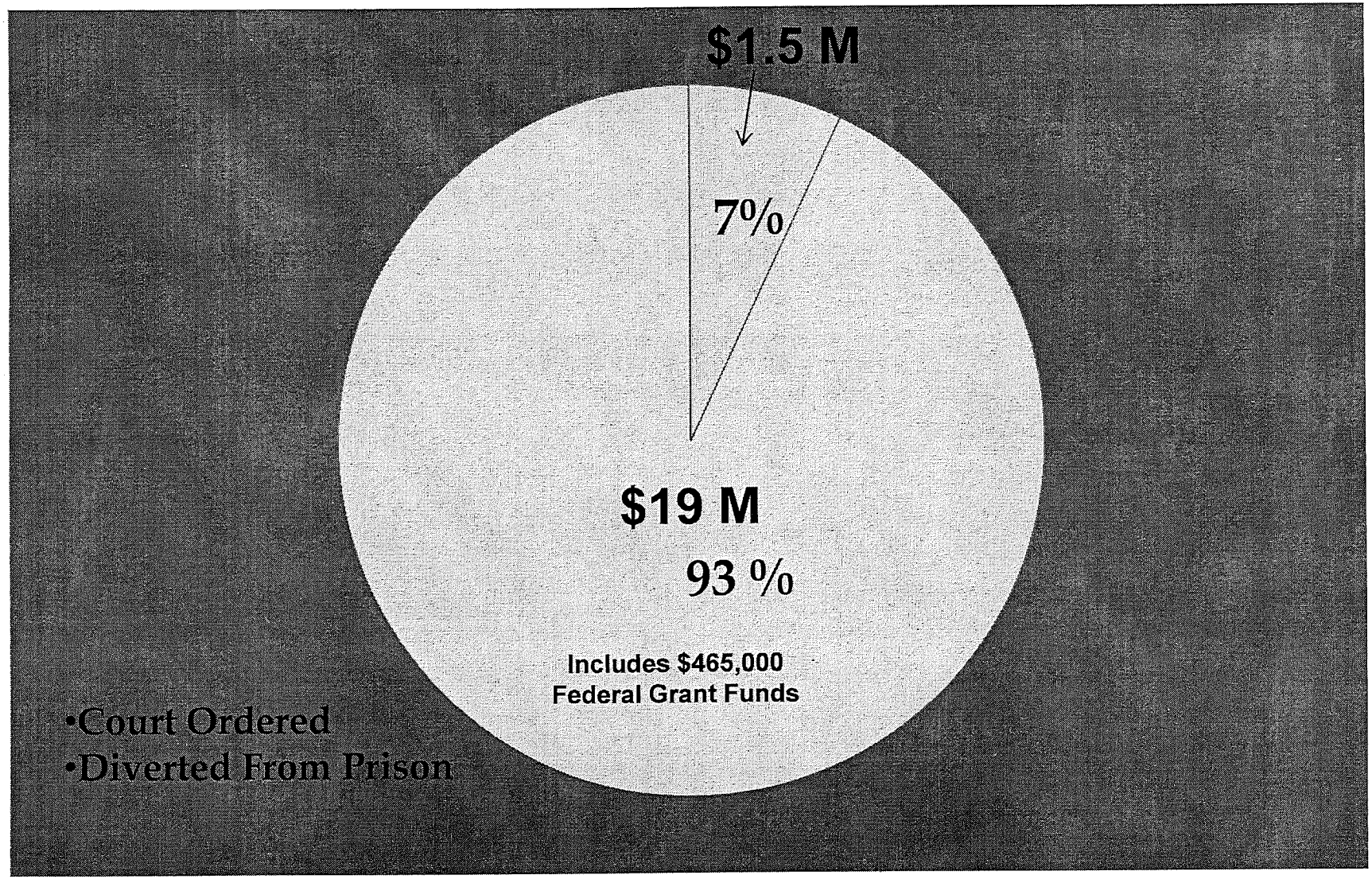
- Two Components: 9-12 months Intensive Programming and minimum 6 months Work Component
- 759 Slots (256 female and 503 male)
- 6 Facilities (Pre-Release Community-Based)
- Served 1,492 Inmates in FY2010-2011

Department of Corrections

Current In-Prison Substance Abuse Contract Per Diems

In-Prison (Behind Fence)	Average Cost Per Treatment Slot
Therapeutic Community	$12.40
Intensive Outpatient	$7.95
In-Prison (Community Based)	**Average Per Diem**
Therapeutic Community - Program	$53.33
Transitional Re-Entry -Program	$55.29
Transitional Re-Entry - Work Release	$21.54

$20.8 Million Community Corrections Substance Abuse Treatment Contracts



- Court Ordered
- Diverted From Prison

Department of Corrections
Current Community Corrections
Substance Abuse Contracts

Residential Substance Abuse Treatment Beds

Short-Term: 6 month program

- 775 Beds
- 16 Circuits
- 21 Contracts
- Average Statewide Per Diem: $48.62
- Served 3,160 Offenders in FY 2010-2011

Department of Corrections

Current Community Corrections Substance Abuse Contracts

Residential Substance Abuse Treatment Beds

Long-Term: up to 18 months

- 286 Beds
- 5 Circuits
- 5 Contracts
- Average Statewide Per Diem: $52.41
- Served 898 Offenders in FY2010-2011

Department of Corrections
Current Community Corrections
Substance Abuse Contracts

Outpatient Substance Abuse Treatment

- 20 Circuits
- 37 Contracts
- Served over 34,000 Offenders in FY2010-2011

Department of Corrections
Current Community Corrections
Substance Abuse Contracts

Outpatient Mental Health Treatment

- 16 Circuits
- 21 Contracts
  - All Contractual Agreements are under $50,000

Department of Corrections

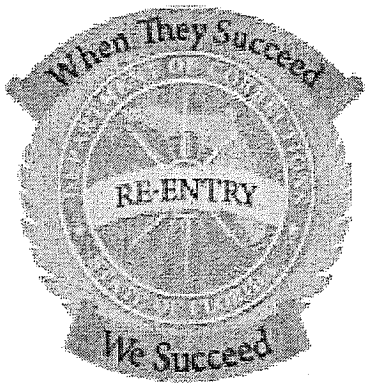
Current Community Corrections Outpatient Service Cost

OUTPATIENT SERVICES	STATEWIDE AVERAGE
Substance Abuse	AVG.
Intake Screening	$49.70
Treatment Plan Review	$23.42
Individual Counseling	$39.47
Group Counseling	$20.56
Mental Health	AVG.
Mental Health Assessment	$80.66
Psychological Evaluation	$218.70
Individual Counseling	$55.45
Group Counseling	$25.52

Department of Corrections
Mental Health Services

- Regions I-III – Mental Health Services are provided by state employees. DOC uses contracted staffing agencies to fill vacancies as needed.

- Region IV – DOC has agreements with two vendors to ensure access to necessary mental health services



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Testimony Before The Senate Budget Subcommittee on Criminal And Civil Justice Appropriations

Senator Mike Fasano, Chair

John Petrila, J.D., LL.M.
Professor
University of South Florida
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November 15, 2011

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What is Risk Assessment?

- It is a process that attempts to identify those things about the person
  - That *increase* the probability that the person will re-offend, and
  - That may *reduce* the probability that the person will re-offend

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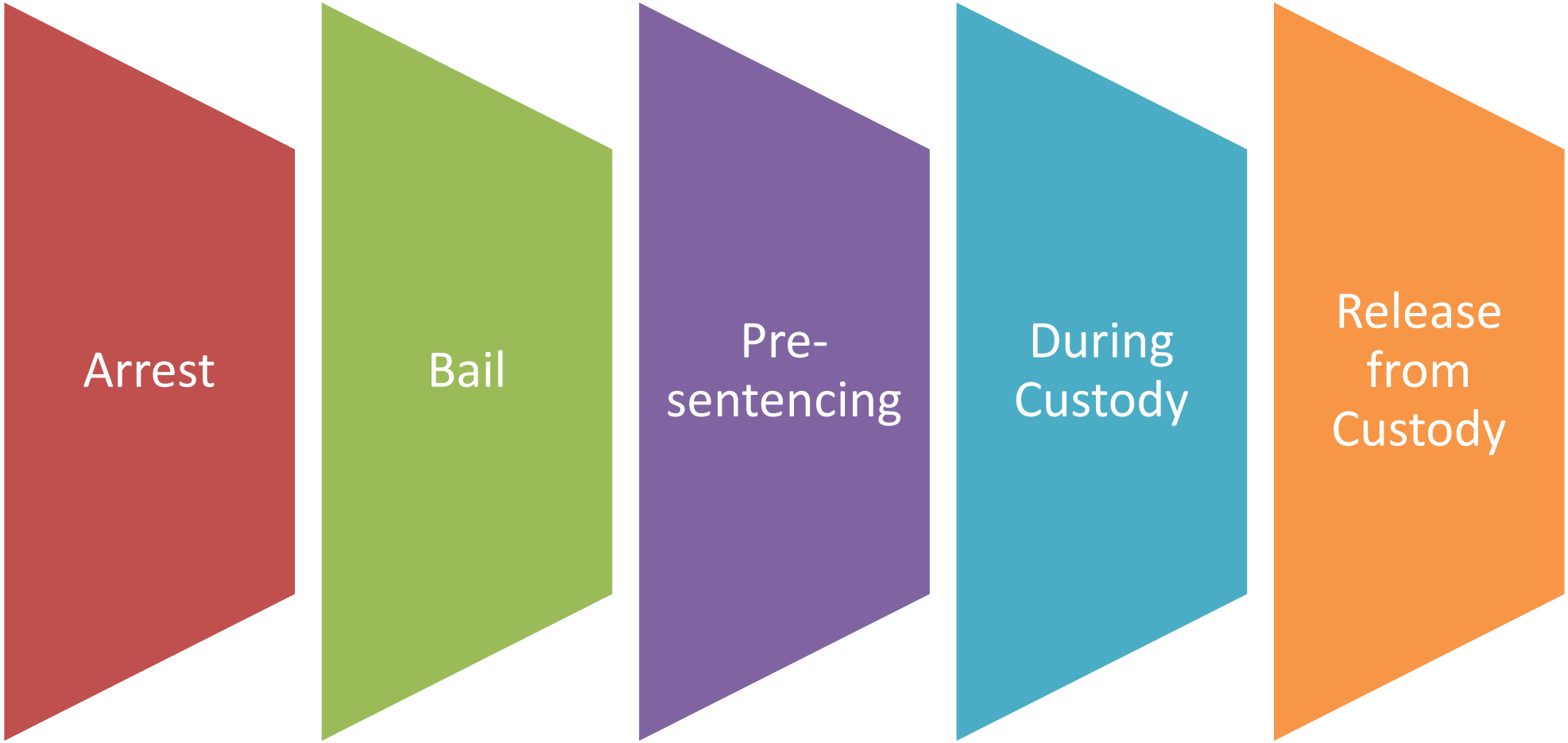
Risk Assessment and Public Safety:
Points of Contact



Major Risk Factors for Future Offending: Static (fixed) or Dynamic (changeable)

Risk Factor	Static or Dynamic?
Criminal History	Static
Age (under 32)	Static
Male Gender	Static
Antisocial Personality	Dynamic
Antisocial Friends	Dynamic
Employment (yes/no)	Dynamic
Substance abuse	Dynamic
Marital status	Dynamic

Essential Elements of Risk Assessment

- Static *and* dynamic factors are captured
- It is as comprehensive as time allows
- It is repeated over time
- It assesses special factors such as mental illness
- It relies on the best available knowledge
- Limits on its utility are acknowledged

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How Is Risk Assessment Done?

- History: (self-report, family, criminal records, clinical records)
- Check accuracy
- Use a risk assessment instrument that
  - Is tied to what we know about future risk
  - Assesses both static and dynamic risk and protective factors
  - Is administered in a consistent way by trained people
  - Is scored in a consistent way

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What Do We Do With It?

- It should shape selection of programs and interventions
- Changes in dynamic risk factors *good or bad* should constantly be incorporated
- It should be a core element in communicating about the person across systems

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Examining Criminal Justice Reform

Discussion Draft - November, 2011

Status Quo Needs to Evolve

Florida's criminal justice system today needs systemic change from sentencing to work release. The Smart Justice Council of Associated Industries of Florida agrees that some tough on crime measures in the past had a positive impact at improving public safety, which clearly is priority number one. But over recent years it is apparent those measures include some significant downsides.

Prison is the answer for most lawbreakers but public safety and taxpayer's money could be better served by targeting specific types of offenders for other alternatives that will reduce expenditures and lower recidivism. Most significantly this approach impacts those with substance abuse problems and mental illness.

First Things First - The Near Term Focus

Risk Assessment & Cost Analysis - No need for reform is greater than developing the country's best system to determine just exactly who is in correction's custody. A system must be developed that begins with those arrested and provides information on the accused and fiscal considerations to be considered by the sentencing court.

A pre-sentencing risk assessment\cost analysis capability for judges would be a dynamic tool providing information regarding the offender's potential for community programing and also the comparison between that cost and the cost of incarceration in state prison.

Inmates entering prison must be evaluated at the beginning of their sentence and information needs to be updated as circumstances change for that prisoner. Evidence based methods of risk assessment better insure public safety when classifications are assigned to determined eligibility for transitional programs and work release.

Proper evaluations can also identify significant problem conditions prior to incarceration, especially mental illness and serious substance abuse. Diverting appropriate individuals from jail cells into community-based alternatives like the mental health and substance abuse grant programs, is a direct savings complimented by a 100% match by local government. Funding for Criminal Justice Reinvestment Grants should continue.

Diversion beds - There are no diversion beds available in the state of Florida. Hundreds of people are on the waiting lists of various facilities around the state. However, the vast majority of counties have no such facilities. Almost all the year and a month offenders clogging state prisons would be in a diversion bed if it had been available. Diversion beds cost much less and have more than an 80% success rate in eliminating recidivism.

Even with the success of diversion beds the Florida Legislature has too often cut beds. In 2003, there were 1,967 beds statewide. Today there are 1,061. The objective this session should be to restore the lost beds.

The long term objective should be to preclude judges from using year and a month sentences and require that all such offenders be placed in the appropriate community based programs.

Transition and Work Release Programs - Work release is an available tool that prepares an inmate for a successful return to society while cutting the daily cost per day to the state by more than half. Successful participants also contribute to victim restitution, child support and other legal obligations.

Previous to this year, the Florida Department of Corrections required that the state fund an empty prison bed for every inmate placed into a work release program. That meant an inmate in work release was calculated to cost the state around $55 per day for the prison bed, plus an additional $22 for being involved is a work release program. In the thirty year history of work release programs there has never been evidence that is a necessary requirement. The proper cost calculation for an inmate sent to work release should be that it saves the state more than $30 per day.

A final but paramount consideration of all programs that end with the release of inmates back into the community, is proper identification that is a predicate to employment and can be used to verify their eligibility for various appropriate government programs.

Privatization of Work Release
The most achievable short term impact to reduce expenditures and recidivism is the privatization of twenty-one state operated work release centers. FDOC data substantiates the success of community based work release centers by contrast to those operated by the department.

Allowing providers to contract for the operation of the state centers would improve outcomes, but it should also include a major expansion of those facilities.

Juvenile Justice Citations - Youths arrested and drawn into lengthy involvement with the Juvenile Justice system have become a feeder system for Florida prisons. When arrests in schools climb to over 11,000 changes are needed to ameliorate the immediate impacts, but more importantly to break the cycle of graduation of youths into state inmates and a lifetime of state custody. A start would be to mandate the use of civil citations for first offenses.

Oversight - Initiatives proven to reduce recidivism and save dollars are obviously most important. However, beginning at the beginning, it is also extremely important to establish oversight of the Departments of Corrections and Juvenile Justice. There needs to be transparency in the operations and program implementation of both departments, to insure programming success and the accurate analysis of results.

A lack of oversight combined with the turnover of department leadership has produced a lack of consistency and a failure to comply with the successful implementation of legislative directives. In addition, the impact of laws and policies needs a comprehensive analysis.

In addition to oversight of governance, there is the issue of oversight of direction. Other southern states have concluded that a stem to stern review of the entire justice system is called for after decades of add-on, incremental, often uncoordinated accretions. States taking this approach include Georgia, Mississippi, and South Carolina. Such review commissions are properly drawn from the entire spectrum of effected interests.

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John Petrila, J.D., LL.M.

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- Email: petrila@usf.edu
- Phone: 813-974-9301
- Office: MHC 2738
- Vita: View Vita

John Petrila is a professor in the Department of Mental Health Law & Policy and in the USF College of Public Health. He is also the Director of the FMHI Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center. He is currently a visiting Professor at Maastricht University in the Netherlands.

He served as Chair of MHLP from 1992-2004. He received his law degree and an advanced degree in mental health law from the University of Virginia School of Law. He was General Counsel to the New York State Office of Mental Health and the first Director of Forensic Services in the Missouri Department of Mental Hygiene. He is co-author of Psychological Evaluations for the Courts: A Handbook for Mental Health Professionals and Lawyers (3rd edition, 2007, Guilford Press), which is considered the leading text on forensic evaluations in the United States and Canada). He is also coeditor of Mental Health Services: A Public Health Perspective (Oxford University Press, 3rd edition, 2010). He has published frequently on mental health law and policy issues. He is a member of the MacArthur Foundation Research Network on Mandated Community Care, Past-President of the International Association of Forensic Mental Health Services, and co-editor of Behavioral Sciences and the Law. He received the University of South Florida President's Award for Faculty Excellence in 2003 and a Fulbright Scholar's Award in 2010.

EDUCATION

- J.D., University of Virginia School of Law
- LL.M., University of Virginia School of Law

RESEARCH INTERESTS

- Therapeutic courts
- The use of coercion and leverage in community care settings
- Financing of behavioral health care
- Ethical and legal issues in health care

RESEARCH PROJECTS

- AHCA - Medicaid Use of Arrested Populations
- AHCA Study - Analysis of Service Use and Costs among Arrestees
- Costs of Persons with Serious Mental Illness that Become Involved in the Criminal Justice System
- Evaluation of the Sarasota County Mental Health Court and Juvenile Assessment Center
- Florida Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center (JEHT Foundation)
- Mandated Community Treatment of the Mentally Ill
- Rockit Advocacy Project

TRAININGS

- Confidentiality and Privacy of Health Care Information
- Sequential Intercept Mapping
- Legal Issues for Mental Health and Substance Abuse Providers

NEWS

- John Petrila co-authors Information Sharing in Criminal Justice-Mental Health Collaborations: Working with HIPAA and Other Privacy Laws
- Article by John Petrila and Dr. Norman Poythress Reviewed in "Science"
- Professor John Petrila Receives Fulbright Scholar Award

RECENT PUBLICATIONS

In press

Stiles, P., & Petrila, J. (in press). Research and confidentiality: Legal issues and risk management strategies. *Psychology, Public Policy, and Law.*

2011

Petrila, J., Haynes, D., Guo, J., Fisher, W., Dion, C., & Springer, N. Medicaid enrollment rates among individuals arrested in the State of Florida prior to and at the time of arrest. *Psychiatric Services, 62,* 93-96.

2010

Petrila, J., & Swanson, J. (2010). Law, mental illness, and a public health law research agenda. Robert Wood Johnson Foundation Public Health Law Research Project. Available at http://www.publichealthlawresearch.org/theory-practice-and-evidence/law-mental-illness-and-public-health-law-research-agenda.

Fanniff, A., Otto, R.K., & Petrila, J. (2010). Competence to proceed in SVP commitment hearings: Irrelevant or fundamental due process right? *Behavioral Sciences and Law, 28,* 648-670.

Constantine, R., Petrila, J., Andel, R., Givens, E., Becker, M., Robst, J., Van Dorn, R., Boaz, T., Teague, G., Haynes, D., & Howe, A. (2010). Arrest trajectories of adults with a serious mental illness who become involved in the criminal justice system. *Psychology, Public Policy, and Law, 16,* 319-339.

Petrila, J., Andell, R., Constantine, R., Robst, J. (2010). Public expenditures related to the criminal justice system and to services for arrestees with a serious mental illness. *Psychiatric Services, 61,* 516-519.

Petrila, J. (2010). Rights-based legalism and the limits of mental health law: The United States experience. *In* McSherry, B., & Weller, P. (eds). *Rethinking rights-based mental health laws.* Oxford: Hart.

Constantine RJ, Petrila J, Andel R, Becker M, Robst J, Boaz T, Teague G, Haynes D, Howe A (2010). Characteristics and experiences of adults with a serious mental illness who were involved in the criminal justice system. *Psychiatric Services, 61,* 451-457.

Poythress, N., Petrila, J. (2010). PCL-R Psychopathy: Threats to sue, peer review, and potential implications for science and law. A commentary. *International Journal of Forensic Mental Health Services, 9,* 3-10.

Levin, B., Hennessey, K., and Petrila, J.(eds) (2010). *Mental Health Services: A Public Health Perspective* (3rd edition, Oxford).

Petrila, J., & Levin, B. (2010). Law, services delivery, and policy. *In* Levin, B., Hennessey, K., and Petrila, J.(eds) (2010). *Mental Health Services: A Public Health Perspective* (3rd edition, Oxford), pp. 43-66.

Petrila, J. & Fader, H. (2010). Information sharing in criminal justice-mental health collaborations. Council of State Governments, Justice Center, available at http://consensusproject.org/jc_publications/info-sharing/Information_Sharing_in_Criminal_Justice-Mental_Health_Collaborations.pdf

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Demonstration Project

Accountable Alternatives to Incarceration

Non - Violent Drug Offenders

Overview

- In fiscal year 08-09, 5,145 offenders that scored between 22.1 and 44 points on the State Sentencing Guidelines Score Sheet were incarcerated.

- Sentencing for non-violent drug offenses represented 1,729 individuals in that population (33.61%). According to data from the Florida Department of Corrections, the total annualized cost to the state for incarceration of these offenders was $32,816,420.

- With more effective monitoring and community intervention methods, a percentage of this population of offenders can be safely diverted from incarceration to community supervision and treatment - with significant cost savings, improved outcomes and decreased recidivism.

- Use of Global Positioning Devices has been proven to be a highly effective method in the surveillance, supervision and treatment of adults severely at-risk of violating the terms their probation.

Corrections/Treatment

WESTCARE

Currently WestCare operates treatment programs for the corrections population:

The largest dedicated drug treatment prison in the USA 1650 inmates – Sheridan Correctional Illinois.

Outpatient and Residential Care in Florida and 12 other States.

Substance Abuse Service Coordination Agency (SASCA) aftercare coordination for 33 counties.

Five county in-jail treatment programs in three states.

Drug court provider in Florida and five other states.

Proposal

- WestCare will create a pilot program with 3M Electronic Surveillance, The Florida Department of Corrections and other community treatment and employment assistance organizations.
- Eligibility Criteria will be established in collaboration with Judges, Sherriff's, State Attorney's and DOC in counties being served.
- The program will target non-violent drug offenders facing sentence to prison who voluntarily select to enter treatment under intensive community supervision. Judges will have ultimate discretion in final sentencing and eligibility.
- 1,000 offenders will be targeted state-wide for participation in year 1.

Program

A public safety treatment team is wrapped around each offender and will include:

- Dedicated Probation Officer
- GPS Monitoring
- Licensed Therapist
- Recovery Coach

Treatment Elements:

- Day Reporting Model
- Employment Coaching
- Drug Treatment
- Family Reunification and Counseling
- Community Service

Cost

- According to the Florida Department of Corrections, the per diem cost for incarceration is $52 per day versus a cost of $5 per day for community control supervision.

- Based on the national average for treatment services and similar case management and/or day reporting systems (such as California's SASCA), the cost of community care is estimated to be $13 per day.

- The estimated cost of 24/7 actively monitored GPS tracking for offenders participating in the program is estimated to be $6 per day.

- Estimated total annual cost for 1,000 offenders (as modeled)- $8,820,000

Basic Program Cost Comparison

	Alternative Sentencing Program	Incarceration
Community Control Supervision	$5 per offender /day	
GPS 24/7 Monitoring	$8 per offender /day	
Treatment/Case Management	$11 per offender /day	
Total Maximum Per Diem Cost	$24	$52 per inmate
Total Annual Cost	$8,820,000*	$18,980,000
Estimated Cost Savings Year 1		$10, 160,000

*Includes Evaluation Year 1

Outcomes

Offender outcomes will be targeted and evaluated to achieve the following:

- Reduce recidivism
- Increase employment
- Ensure stable sober living environment
- Improve parenting skills and encourage family re-unification
- Follow through on individual goals set upon release from the institution

Sources

WESTCARE

Assessment of the Effectiveness of Electronic Monitoring on Supervision and Post-Supervision Outcomes – Florida State University Department of Criminology February 2011

Florida's Criminal Punishment Code: A Comparative Assessment – Walter A. McNeil, Secretary - September 2009

Florida Department of Correction Annual Report - Fiscal Year 2008-2009

Florida Department of Corrections, Research and Data Analysis Report - March 30, 2010

Florida Gang Reduction, Coordinating Council on Gang Reduction Strategies, Report of Progress, 2007- 2009 - February 2010

Florida Parole Commission, Sentencing Proposal, "Safely Saving Florida Tax Dollars" - January 2010

Florida Tax Watch, Report and Recommendations of the Florida Tax Watch Cost Savings Task Force to Save More than $3 Billion – March 2010

Intermediate Sanction for Probation and Parole Violators, American Correctional Association, 1993

Office of Program Policy Analysis & Government Accountability, Intermediate Sanctions for Non-Violent Offenders Could Produce Savings - March 2010, Report No. 10-27

Sentencing Scoresheet Compliance Report, Walter A McNeil, Secretary - September 2009

Results of the September 2011 Criminal Justice Estimating Conference

Prepared by the Florida Legislature, Office of Economic and Demographic Research for the Senate Budget Committee, Subcommittee on Criminal and Civil Justice Appropriations, November 15, 2011

CJEC met on February 21, 2011 and again on September 15, 2011.

In February, CJEC had projected that FY 10-11 admissions would decline by 6.2% from FY 09-10.

For the FY 10-11 fiscal year, admissions were 5.8% lower than in FY 09-10.

Going into the September CJEC, it appeared that admissions needed to be adjusted downward from the February CJEC.

September's CJEC projected prison **admissions** compared to February 2011 CJEC :

- 1,252 for FY 11-12

- 1,707 for FY 12-13

- 2,008 for FY 13-14

FY 11-12 admissions now projected to be **32,907 -- 7.6% below FY 10-11**

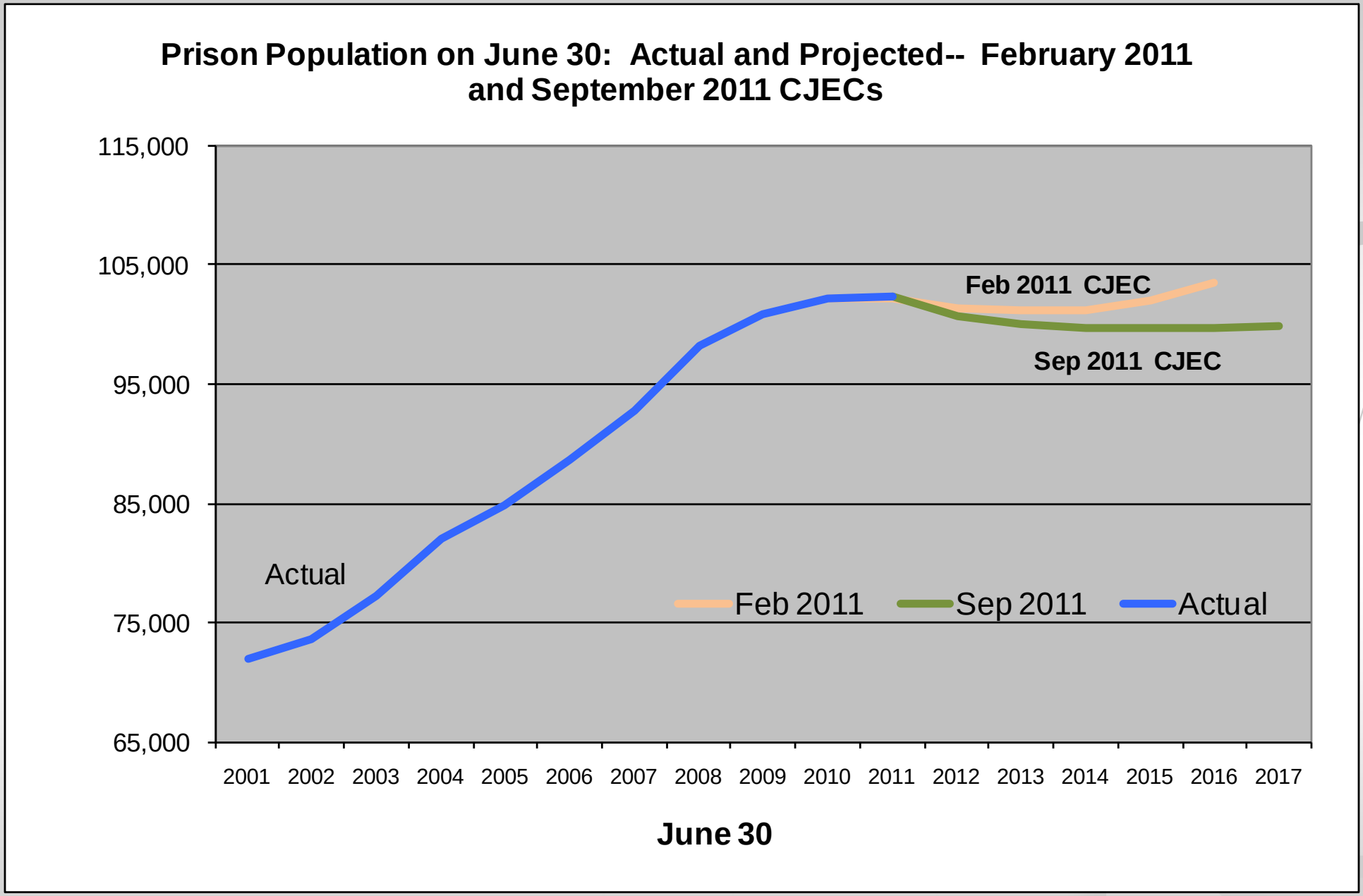
September's CJEC projected prison population compared to February's CJEC:

June 30th prison population:

- **616 for FY 11-12**
- **1,138 for FY 12-13**
- **1,591 for FY 13-14**

June 30, 2012 prison population projection

100,753


Prison Population on June 30: Actual and Projected-- February 2011 and September 2011 CJECs
115,000
105,000
95,000
85,000
75,000
65,000
Feb 2011 CJEC
Sep 2011 CJEC
Actual
Feb 2011
Sep 2011
Actual
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
June 30

Why were projections lowered in September?

Review of criminal justice indicators suggest that trends first observed in 2008 are continuing.

These trends will result in smaller numbers of new commitments coming to prison than previously anticipated.

Two-Year Declines

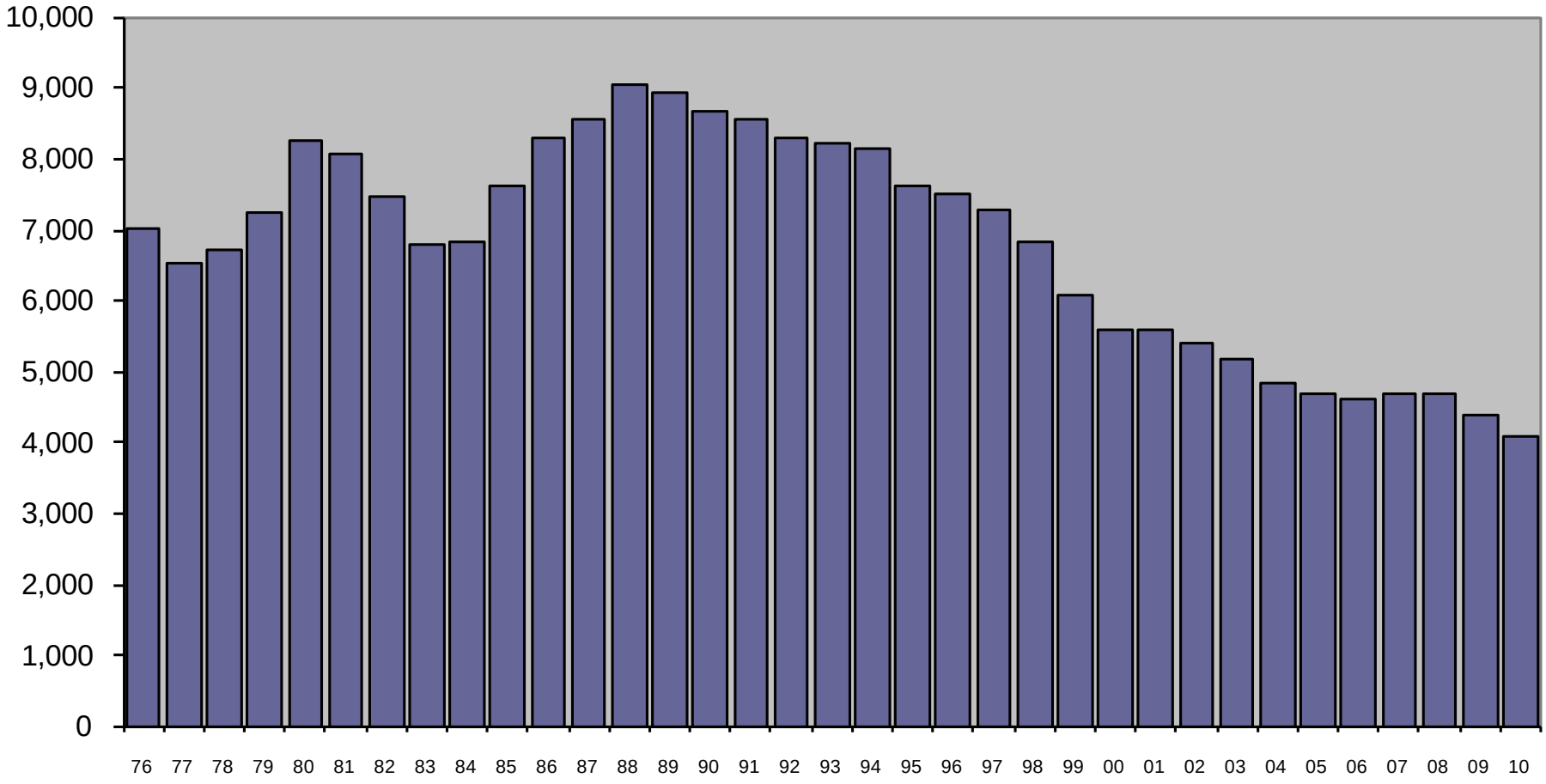
- **Crime Trends**
  - Index crimes
  - Crime rate
  - Arrests
- **Judicial System Trends**
  - Felony filings
  - Guilty dispositions
- **New Commitments to Prison**
- **Year-and-a Day Sentences**

TOTAL INDEX CRIMES

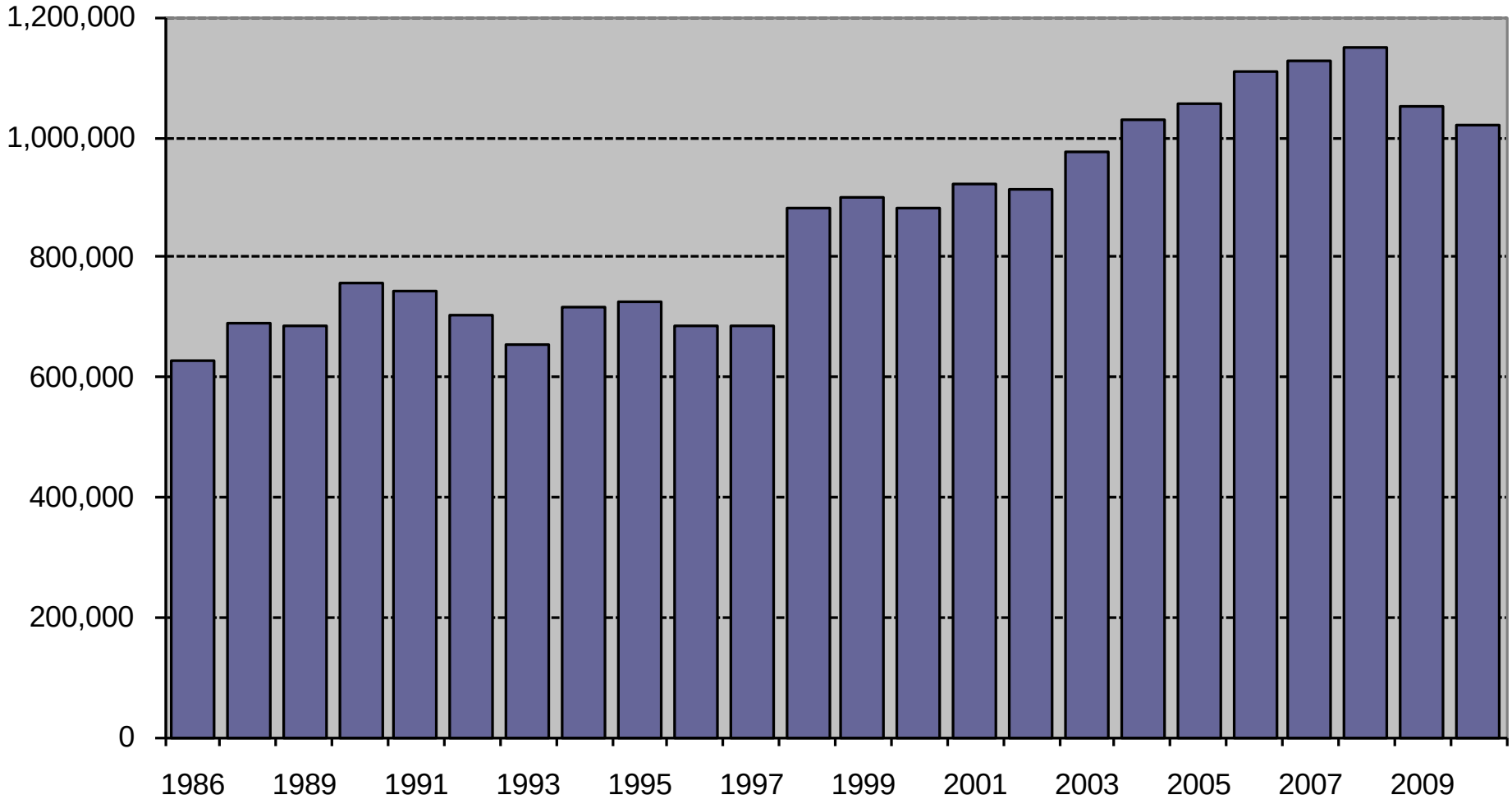
		Change from prior year
2001	911,292	1.7%
2002	900,155	-1.2%
2003	881,615	-2.1%
2004	850,490	-3.5%
2005	838,063	-1.5%
2006	849,926	1.4%
2007	876,981	3.2%
2008	883,905	0.8%
2009	824,559	-6.7%
2010	770,518	-6.6%

CRIME RATE

Index Crimes per 100,000 Population



TOTAL ARRESTS

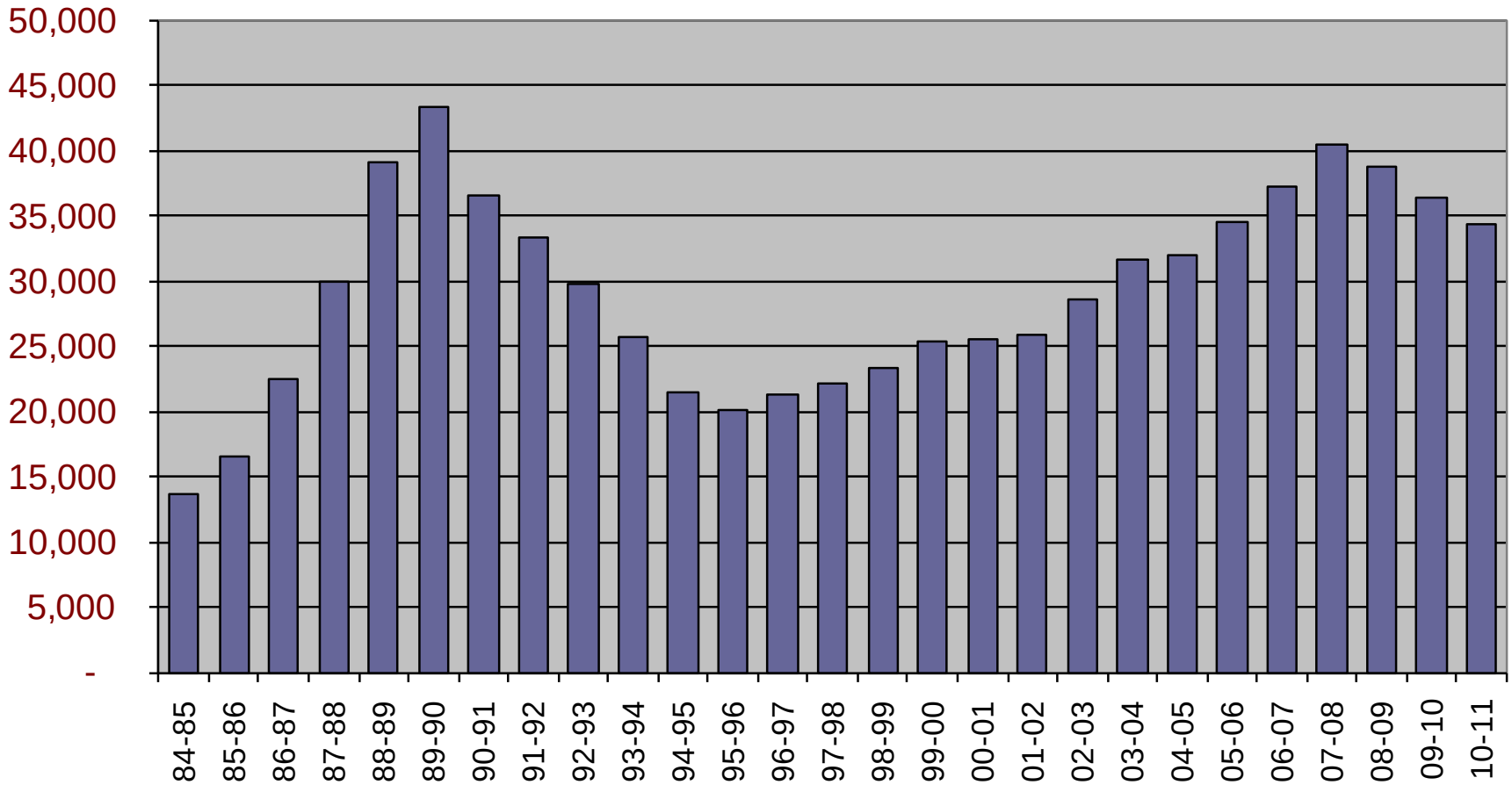


Source of data changed in 1996 to fingerprint cards and in 1998 to aggregate reports from Law Enforcement Agencies. Arrest data are not available for 1988.

RECENT TRENDS IN FELONY FILINGS AND GUILTY DISPOSITIONS

	Felony Filings		Guilty Dispositions	
	Number	Percent Change	Number	Percent Change
2001	184,571	-0.8%	142,907	2.9%
2002	184,295	-0.1%	143,253	0.2%
2003	187,379	1.7%	147,707	3.1%
2004	194,863	4.0%	151,544	2.6%
2005	208,540	7.0%	159,008	4.9%
2006	220,757	5.9%	171,087	7.6%
2007	230,822	4.6%	183,993	7.5%
2008	224,420	-2.8%	185,950	1.1%
2009	204,479	-8.9%	159,764	-14.1%
2010	197,826	-3.3%	146,384	-8.4%
Jan-Jun 2010 [1]	98,124		75,677	
Jan-Jun 2011 [2]	98,833	0.7%	73,335	-3.1%

New Commitments



Year-and-a-Day New Commitments to Prison

	Year-and-a-Day New Commitments	Change	% Change
FY 01-02	2,263	(108)	-4.6%
FY 02-03	2,887	624	27.6%
FY 03-04	3,667	780	27.0%
FY 04-05	4,157	490	13.4%
FY 05-06	5,217	1,060	25.5%
FY 06-07	6,605	1,388	26.6%
FY 07-08	6,089	(516)	-7.8%
FY 08-09	4,777	(1,311)	-21.5%
FY 09-10	3,601	(1,176)	-24.6%
FY 10-11	2,878	(723)	-20.1%

For Additional Information

Florida Legislature, Office of Economic and Demographic Research

edr.state.fl.us

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
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Budget - Subcommittee on Transportation, Tourism, and Economic Development Appropriations
Communications, Energy, and Public Utilities
Reapportionment
Rules - Subcommittee on Ethics and Elections

SENATOR GREG EVERS
2nd District

November 15, 2011

The Honorable Mike Fasano, Chair
Budget Subcommittee on Criminal and Civil Justice Appropriations
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

Senator Fasano,

Please excuse my absence from the Budget Subcommittee on Criminal and Civil Justice Appropriations meeting scheduled for 10:45am on Tuesday November 15, 2011. I have a personal issue that requires my attention.

Sincerely,

Greg Evers

Greg Evers

Cc: Tim Sadberry

REPLY TO:
- 598 North Ferdon Boulevard, Crestview, Florida 32536 (850) 689-0556
- 5224 Willing Street, Milton, Florida 32570 (850) 983-5550
- 24 North Tarragona, Pensacola, Florida 32502 (850) 595-0213
- 308 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5000

Senate's Website: *www.flsenate.gov*

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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SENATOR RONDA STORMS
10th District

November 15, 2011

The Honorable Mike Fasano, Chair
Senate Budget Subcommittee on
Criminal and Civil Justice Appropriations
406 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Fasano:

Please excuse my absence to the Senate Budget Subcommittee on Criminal and Civil Justice Appropriations meeting this morning, Tuesday, November 15, 2011. Due to medical necessity, I will not be in attendance.

Thank you in advance for your understanding.

Sincerely,

Ronda Storms
Florida Senate
District 10

RRS/tlp

CC: Tim Sadberry, Staff Director

SENATE APPROPRIATIONS
11 NOV 15 AM 8:26
STAFF DIR._____ STAFF _____

REPLY TO:
☐ Lithia Oaks Business Center, 421 Lithia Pinecrest Road, Brandon, Florida 33511 (813) 651-2189 FAX: (813) 651-2188
☐ 413 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5072
Internet Address: storms.ronda.web@flsenate.gov

Senate's Website: *www.flsenate.gov*

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

CourtSmart Tag Report

Room: LL 37 **Case:** - **Type:** -
Caption: Budget Subcommittee on Criminal and Civil Justice Appropriations **Judge:** -

Started: 11/15/2011 10:47:21 AM
Ends: 11/15/2011 12:35:06 PM Length: 01:47:46

10:47:29 AM Meeting called to order.
10:47:45 AM Roll call.
10:48:28 AM Presentation of CS/SB 186 by Joel Ramos, legislative aide to Senator Ring.
10:50:36 AM Update on State Courts and Clerks Revenue Stabilization Study
10:50:59 AM Circuit Judge John Laurent and Karen Rushing, Clerk of Court, Sarasota County recognized to present
11:02:15 AM Senator Thrasher recognized to ask question.
11:03:07 AM Judge Laurent responds.
11:03:42 AM Senator Thrasher asks follow up question.
11:03:54 AM Judge Laurent responds.
11:04:15 AM Chairman Fasano poses question.
11:04:25 AM Judge Laurents responds.
11:05:50 AM Senator Bennett poses question.
11:07:34 AM Judge Laurent responds.
11:07:58 AM Continued questioning by senators to Judge Laurent.
11:14:59 AM Senator Bennett asks follow up question regarding trust funds.
11:15:14 AM Karen Rushing responds.
11:16:12 AM Steve Metz, Florida Bar, waives in support.
11:16:26 AM Bob Harris, Trial Lawyers Section of Florida Bar, waives in support.
11:16:54 AM Paul Jess, Florida Justice Association, waives in support.
11:17:07 AM Josh Aubuchon waives in support.
11:17:34 AM Update from Criminal Justice Estimating Conference - Kathy McCharen recognized to present.
11:18:02 AM Senator Thrasher recognized Judge Perry (Orlando).
11:18:52 AM Kathy McCharen begins presentation.
11:28:55 AM Presentation by John M. Sheehan, WestCare Foundation
11:39:00 AM John Petrila, Professor, recognized to present tab 4.
11:39:28 AM Mark Flynn, Executive Director, AIF - Smart Justice Council, recognized for opening remarks.
11:42:03 AM John Petrila begins presentation on DOC's risk assessment tool.
11:54:18 AM Rusty McLaughlin, Bureau Chief, Classification, Dept. of Correction recognized to answer Sen. Bennett's question
11:55:28 AM Mr. McLaughlin responds to series of questions from members.
12:02:08 PM Maggie Agerton, OMC Manager, Dept. of Corrections, recognized to answer Senator Bennett's question.
12:03:35 PM Senator Joynes poses question regarding youthful offenders and risk assessment.
12:04:24 PM Mr. McLaughlin responds.
12:05:38 PM Chairman Fasano makes statement.
12:05:54 PM Senator Thrasher poses series of questions to Mr. McLaughlin.
12:07:07 PM Senator Fasano question regarding requirements and benchmarks.
12:07:33 PM Mr. McLaughlin responds.
12:08:09 PM Senator Joyner poses question regarding disciplinary actions and time served.
12:09:56 PM Mr. McLaughlin responds to Senator Joyner's question.
12:11:10 PM Chairman Fasano makes statement regarding gain time.
12:11:28 PM Professor Petrila responds to question posed by senator.
12:12:36 PM Senator Bennett asks if risk assessment records are available to prospective employers.
12:13:00 PM DOC responds to Senator Bennett's question.
12:13:54 PM Mark Flynn makes final statement regarding Tax Watch's involvement.
12:14:16 PM Bill Carr, Assistant Secretary, Department of Corrections, recognized to present on substance abuse and mental health services.
12:15:16 PM Bill Carr begins presentation.
12:22:56 PM Tom Reimers, Acting Director, Health Services Admin., Dept. of Corrections recognized to present.
12:27:59 PM Amy Johnson, Director, Program Evaluation Office, Dept. of Juvenile Justice recognized to present.
12:31:56 PM Chairman Fasano posed question to DOC and DJJ regarding price escalator contracts.
12:33:19 PM Mark Tallant responds to private prisons escalator contracts by stating DMS negotiates those contracts.
12:33:58 PM Chairman Fasano makes closing comments.

12:34:27 PM Meeting adjourned.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic: Rev. Stabilization

Bill Number: (if applicable)

Name: Karen Rushing

Amendment Barcode: (if applicable)

Job Title: Clerk of Court

Address: 2000 Main St.
Street

Sarasota
City, State, Zip

Phone:

E-mail: krushing@scgov.net

Speaking: ☐ For ☐ Against ☒ Information

Representing:

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11-15-2011
Meeting Date

Topic: Revenue Stabilization

Bill Number: (if applicable)

Name: John F Laurent

Amendment Barcode: (if applicable)

Job Title: TCBC Chair

Address: PO Box 1010
Street

Bartow, FL 33831
City, State, Zip

Phone: 863-533-1720

E-mail:

Speaking: ☒ For ☐ Against ☐ Information

Representing: State Court

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/15/11
Meeting Date

Topic: Update on State Courts and Clerks Revenue

Bill Number: _____ (if applicable)

Name: Josh Aubuchon

Amendment Barcode: _____ (if applicable)

Job Title: attorney

Address: 215 S. Monroe St., Suite 200
Street

Tallahassee, FL 32301
City, State, Zip

Phone: 222-3533

E-mail: josh@penningtonlaw.com

Speaking: [✓] For [ ] Against [ ] Information

Representing: Florida Justice Reform Institute

Appearing at request of Chair: [ ] Yes [✓] No

Lobbyist registered with Legislature: [✓] Yes [ ] No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

15 NOV 2011
Meeting Date

Topic: COURT FUNDING

Bill Number: _____ (if applicable)

Name: PAUL JESS

Amendment Barcode: _____ (if applicable)

Job Title: GENERA COUNSEL

Address: 218 S MONROE
Street

TALLAHASSEE FL 32301
City, State, Zip

Phone: 224-9403

E-mail: _____

Speaking: [ ] For [ ] Against [ ] Information

SUPPORT THE COURTS/CLERKS FUNDING PROPOSAL

Representing: FLORIDA JUSTICE ASSOCIATION

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11-15-11
Meeting Date

Topic: Court-Clerk Funding

Bill Number: _____ *(if applicable)*

Name: Bob Harris

Amendment Barcode: _____ *(if applicable)*

Job Title: _____

Address: 2618 Centennial Place
Street

Tallahassee FL 32308
City *State* *Zip*

Phone: 222-0720

E-mail: bharris@lawfla.com

Speaking: ☐ For ☐ Against ☑ Information

Representing: Trial Lawyers Section of the Florida Bar

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11-15-2011
Meeting Date

Topic: Court + Clerk Funding

Bill Number: Court + Clerk Revenue Stabilization *(if applicable)*

Name: Steve Metz

Amendment Barcode: _____ *(if applicable)*

Job Title: _____

Address: 215 S Monroe St.
Street

_____
City *State* *Zip*

Phone: 2059000

E-mail: swm@metzlaw.com

Speaking: ☑ For ☐ Against ☐ Information

Representing: Florida Bar

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/15/2011
Meeting Date

Topic _____ Bill Number _____ (if applicable)

Name Amy Johnson Amendment Barcode _____ (if applicable)

Job Title Director of Program Accountability

Address 2737 Centerview Drive Phone 850-410-1097
Street

Tallahassee FL 32399 E-mail _____
City State Zip

Speaking: ☐ For ☐ Against ☒ Information

Representing DJJ Update on Substance Abuse + Mental Health Services

Appearing at request of Chair: ☒ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

_____
Meeting Date

Topic Contracts Bill Number _____ (if applicable)

Name MARK TALLENT Amendment Barcode _____ (if applicable)

Job Title Budget Director

Address 501 S Calhoun Street Phone _____
Street

Tallahassee E-mail _____
City State Zip

Speaking: ☐ For ☐ Against ☑ Information

Representing Dept. Corrections

Appearing at request of Chair: ☑ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11-15-2011
Meeting Date

Topic: Corrections Substance Abuse Presentation

Bill Number: _____ *(if applicable)*

Name: William Carr

Amendment Barcode: _____ *(if applicable)*

Job Title: Assistant Secretary for Re-entry

Address: 501 S. Calhoun Street
Street

Tallahassee, FL 32399
City, State, Zip

Phone: 850-717-3540

E-mail: carr.william@mail.dc.state.fl.us

Speaking: ☐ For ☐ Against ☑ Information

Representing: Florida Department of Corrections

Appearing at request of Chair: ☑ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

November 15, 2011
Meeting Date

Topic: Mental Health Contracts - Department of Corrections

Bill Number: _____ *(if applicable)*

Name: Tom Reimers

Amendment Barcode: _____ *(if applicable)*

Job Title: Acting Director of Health Services Administration

Address: 501 South Calhoun
Street

Tallahassee, FL 32399
City, State, Zip

Phone: 850-717-3266

E-mail: reimers.thomas@mail.dc.state.fl.us

Speaking: ☐ For ☐ Against ☑ Information

Representing: Department of Corrections

Appearing at request of Chair: ☑ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/15/11
Meeting Date

Topic: Risk Assessments

Bill Number: N/A (if applicable)

Name: Maggie Agerton

Amendment Barcode: N/A (if applicable)

Job Title: OMC Manager - FDC

Address: 501 S. Calhoun St
Street

Tallahassee, FL 32399
City, State, Zip

Phone: 717-3174

E-mail: agerton.maggie@mail.dc.state.fl.us

Speaking: ☐ For ☐ Against ☑ Information

Representing: Dept. of Corrections

Appearing at request of Chair: ☑ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/15/11
Meeting Date

Topic: Risk Assessment

Bill Number: (if applicable)

Name: Rusty McLaughlin

Amendment Barcode: (if applicable)

Job Title: Bureau Chief - Classification Dept of Corrections

Address: 501 S Calhoun
Street

Tallahassee FLA 32312
City, State, Zip

Phone: 717-3558

E-mail: McLaughlin.Rusty@mail.dc.state.fl.us

Speaking: ☐ For ☐ Against ☑ Information

Representing:

Appearing at request of Chair: ☑ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/15/2011
Meeting Date

Topic: Risk Assessment

Bill Number: _____ *(if applicable)*

Name: Mark Flynn

Amendment Barcode: _____ *(if applicable)*

Job Title: Executive Director

Address: 516 North Adams Street
Street

Tallahassee, Florida 32301
City, State, Zip

Phone: 850-224-7173

E-mail: mflynn@aif.com

Speaking: ☐ For ☐ Against ☑ Information

Representing: Associated Industries of Florida - Smart Justice Council

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/15/2011
Meeting Date

Topic: Risk Assessment

Bill Number: _____ *(if applicable)*

Name: John Petrila

Amendment Barcode: _____ *(if applicable)*

Job Title: Professor & Director

Address: 13301 Bruce B. Downs Blvd.
Street

Tampa, Florida 33612
City, State, Zip

Phone: 813-874-9301

E-mail: petrila@usf.edu

Speaking: ☐ For ☐ Against ☑ Information

Representing: U S F - Criminal Justice, Mental Health & Substance Abuse Technical Assistance Center

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic: WestCare Demonstration Project

Bill Number: (if applicable)

Name: John Sheehan

Amendment Barcode: (if applicable)

Job Title: Health Systems Consultant

Address: 1700 50th Street North
Street

St Petersburg, FL 33710
City, State, Zip

Phone:

E-mail:

Speaking: ☐ For ☐ Against ☑ Information

Representing: WestCare Foundation

Appearing at request of Chair: ☑ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

November 15, 2011
Meeting Date

Topic: Results of the September 2011 CJEC

Bill Number: _____ *(if applicable)*

Name: Kathy McCharen

Amendment Barcode: _____ *(if applicable)*

Job Title: Economist

Address: 111 W. Madison St. Suite 574
Street

Tallahassee, FL 32399
City, State, Zip

Phone: 850-487-8273

E-mail: mccharen.kathy@leg.state.fl.us

Speaking: ☐ For ☐ Against ☑ Information

Representing: _____

Appearing at request of Chair: ☑ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)