

SB 1464 by **Lee**; (Similar to H 1147) Office of the Attorney General

SB 1330 by **Latvala**; (Identical to H 0875) Licensed Security Officers

CS/CS/SB 676 by **JU, CJ, Evers**; (Similar to CS/H 0617) Juvenile Justice Circuit Advisory Boards and Juvenile Justice County Councils

CS/SB 504 by **CJ, Brandes (CO-INTRODUCERS) Gardiner, Lee**; (Similar to CS/H 0851) Animal Cruelty

SB 788 by **Abruzzo**; (Similar to H 0407) Criminal Gang Prevention

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND
CIVIL JUSTICE
Senator Bradley, Chair
Senator Joyner, Vice Chair

MEETING DATE: Wednesday, March 27, 2013
TIME: 9:30 a.m.—12:00 noon
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Bradley, Chair; Senator Joyner, Vice Chair; Senators Altman, Braynon, Clemens, Dean, Diaz de la Portilla, Flores, Garcia, Grimsley, Hays, Smith, and Soto

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1464 Lee (Similar H 1147)	Office of the Attorney General; Revising the Legal Affairs Revolving Trust Fund with regard to which funds are required to be transferred to the General Revenue Fund unallocated; providing that rewards for reporting Medicaid fraud shall be paid from the Operating Trust Fund; revising duties of the Department of Legal Affairs relating to manufacturer certification of dispute-settlement procedures; authorizing, rather than requiring, the office to bring an action for complaints involving discriminatory housing practices, etc. JU 03/18/2013 Favorable ACJ 03/27/2013 Favorable AP	Favorable Yeas 12 Nays 0
2	SB 1330 Latvala (Identical H 875)	Licensed Security Officers; Providing penalties for an unlicensed person who engages in an activity for which ch. 493, F.S., requires a license; providing penalties if a person commits a felony while impersonating a security officer, private investigator, recovery agent, or other person required to have a license under ch. 493, F.S.; authorizing a licensed security officer or licensed security agency manager to detain a person on the premises of a critical infrastructure facility in certain circumstances, etc. CJ 03/18/2013 Favorable ACJ 03/27/2013 Favorable AP	Favorable Yeas 12 Nays 0
3	CS/CS/SB 676 Judiciary / Criminal Justice / Evers (Similar CS/H 617)	Juvenile Justice Circuit Advisory Boards and Juvenile Justice County Councils; Redesignating juvenile justice circuit boards as juvenile justice circuit advisory boards; requiring each board to have a county organization representing each county in the circuit; requiring submission of circuit plans by specified dates; revising membership of boards; providing for quorums and for passage of measures or positions, etc. CJ 03/04/2013 Fav/CS JU 03/12/2013 Fav/CS ACJ 03/27/2013 Favorable AP	Favorable Yeas 12 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Criminal and Civil Justice
Wednesday, March 27, 2013, 9:30 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 504 Criminal Justice / Brandes (Similar CS/H 851)	Animal Cruelty; Specifying that a person who commits multiple acts of animal cruelty against one animal or acts of animal cruelty against multiple animals may be charged with a separate offense for each such act of animal cruelty; including illegal animal fighting or baiting as an offense within the definition of the term "racketeering activity" for purposes of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, etc. CJ 03/18/2013 Fav/CS ACJ 03/27/2013 Favorable AP	Favorable Yeas 12 Nays 0
5	SB 788 Abruzzo (Similar H 407)	Criminal Gang Prevention; Providing enhanced criminal penalties for certain trespassing offenses in school safety zones by a person convicted of certain gang-related offenses and for a person who intentionally causes, encourages, solicits, or recruits another person under a specified age to become a criminal gang member in certain circumstances; revising the criteria for application of the sentencing multiplier for offenses related to criminal gangs, etc. CJ 03/11/2013 Favorable CA 03/20/2013 Favorable ACJ 03/27/2013 Favorable AP	Favorable Yeas 12 Nays 0
6	Review and Discussion of Fiscal Year 2013-14 Budget Issues relating to: Department of Legal Affairs Department of Corrections Department of Law Enforcement Parole Commission Department of Juvenile Justice Supreme Court District Court of Appeal Trial Courts Judicial Qualifications Commission Justice Administrative Commission Guardian Ad Litem Clerks of Court State Attorneys Public Defenders Appellate Public Defenders Capital Collateral Regional Counsel Regional Conflict Counsels		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 Appropriations Subcommittee on Criminal and Civil Justice

BILL: SB 1464

INTRODUCER: Senator Lee

SUBJECT: Office of the Attorney General

DATE: March 19, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shankle	Cibula	JU	Favorable
2.	Cantral	Sadberry	ACJ	Favorable
3.			AP	
4.				
5.				
6.				

I. Summary:

SB 1464 makes changes to laws enforced by or governing the Office of the Attorney General, also known as the Department of Legal Affairs.

The bill has an insignificant fiscal impact.

The changes in the bill:

- Clarify how much money in the Legal Affairs Revolving Trust Fund will be transferred to the General Revenue Fund at the end of a fiscal year;
- Correct a discrepancy in statute and specify that rewards for reporting Medicaid fraud to the Florida Department of Law Enforcement be paid from the Operating Trust Fund;
- Incorporate current federal consumer protection laws and regulations of the Federal Trade Commission, by reference, into Florida’s Deceptive and Unfair Trade Practices Act, effectively specifying additional, deceptive and unfair trade practices;
- Allow final written notification of the need to repair a vehicle that does not conform to the manufacturer’s warranty to be made by any method providing a delivery confirmation.
- Require the Department of Legal Affairs, upon receipt from a manufacturer of a procedure for handling consumer complaints, to notify the manufacturer of any deficiencies in those procedures, certify the procedures for a period not to exceed 1 year, or deny certification of the manufacturer’s procedures and state the reasons for the denial.
- Allow notices sent by the Department of Legal Affairs rejecting arbitration for a motor vehicle dispute to be sent by any method and deleting a requirement that such notices be sent by registered mail.

- Allow the Attorney General discretion as to whether to file an action based on a complaint involving discriminatory housing practices.

This bill makes technical and procedural changes.

This bill has an effective date of July 1, 2013.

This bill substantially amends the following sections of the Florida Statutes: 16.53, 409.9203, 501.203, 501.204, 681.102, 681.104, 681.108, 681.109, and 760.34.

II. Present Situation:

Legal Affairs Revolving Trust Fund

Section 16.53, F.S., creates the Legal Affairs Revolving Trust Fund from which the Legislature may appropriate funds for the purpose of enforcement by the Attorney General of the Racketeer Influenced and Corrupt Organization Act, the Florida Deceptive and Unfair Trade Practices Act, the Florida False Claims Act, or state or federal antitrust laws.¹ The fund acquires money from a portion of the money recovered by the Attorney General enforcing the state's antitrust and racketeering laws and the Florida False Claims Act.²

Currently, at the end of the fiscal year, any money remaining in the fund in excess of three times the budgets of the antitrust and racketeering sections of the Attorney General's office are transferred to the General Revenue fund.³

Medicaid Fraud

Currently s. 409.9203(3), F.S., requires that rewards for reporting Medicaid fraud to the Florida Department of Law Enforcement be paid from the Legal Affairs Revolving Trust Fund pursuant to s. 68.085, F.S. However, s. 68.085(4), F.S., states that such rewards will be paid from the Operating Trust Fund, leading to confusion in the statutes as to which fund should be used to pay awards.

Nonconformity of Motor Vehicles

Under s. 681.104, F.S., a manufacturer of an automobile notified of a defect in the vehicle by the consumer within 24 months of the delivery of the vehicle to the consumer, must make repairs to the vehicle so that it conforms to the warranty on the vehicle. After three attempts to repair the nonconformity, the consumer must give written notice by certified or express mail to the manufacturer, allowing the manufacturer one final chance to repair the vehicle.⁴

If the manufacturer cannot repair the vehicle to conform to the warranty after this final attempt, the manufacturer, within 40 days, must either repurchase the vehicle and refund the full purchase

¹ Section 16.53(1), F.S.

² Sections 16.53(2), 16.53(3), 16.53(4), and 16.53(5), F.S.

³ Section 16.53(7), F.S.

⁴ Section 681.104(1), F.S.

price to the consumer, less a reasonable offset for use, or if the consumer pays a reasonable offset for use, replace the vehicle with a vehicle acceptable to the consumer.⁵

Reasonable offset for use is defined in s. 681.102(19), F.S., as “the number of miles attributable to a consumer up to the date of a settlement agreement or arbitration hearing, whichever occurs first, multiplied by the purchase price of the vehicle and divided by 120,000, except in the case of a recreational vehicle, in which event it shall be divided by 60,000.”

However, under s. 601.108(1), F.S., if a manufacturer establishes a procedure that the Department of Legal Affairs (DLA) certifies as complying with the informal dispute settlement procedures in the Code of Federal Regulations,⁶ and informs the consumer how to file a claim, the consumer must follow that procedure before he or she can either receive a refund or a replacement vehicle.

In order to have such a procedure certified, the manufacturer must submit the procedure to the DLA which must either certify the procedure or notify the manufacturer of any deficiencies in the application or the procedure.⁷ The DLA is required to review each certified procedure annually.

If a manufacturer has a certified procedure and the consumer and manufacturer cannot reach a decision on a dispute by use of the certified procedure, within 40 days after filing, the consumer may apply to the DLA to have the dispute removed to the Florida New Motor Vehicle Board for arbitration.⁸ If the DLA determines that it does not have sufficient evidence to resolve the dispute after providing the consumer with an opportunity to present additional evidence, the DLA may reject arbitration of the matter. If a dispute is rejected, the DLA must, by registered mail, notify the consumer and manufacturer and provide a brief explanation as to why.⁹

Discriminating Housing Practices

Section 760.34, F.S., requires that when a complaint of discriminatory housing practices has been filed and the Florida Commission on Human Relations finds there is reasonable cause to believe that discrimination has occurred, the Attorney general must bring an action to enforce the Florida Fair Housing Act¹⁰ and prevent the discrimination.

III. Effect of Proposed Changes:

Legal Affairs Revolving Trust Fund (Section 1)

The bill amends s. 16.53(7), F.S., to clarify how much money in the Legal Affairs Revolving Trust Fund will be transferred to the General Revenue Fund at the end of a fiscal year. Current

⁵ Section 681.104(2)(a), F.S.

⁶ See 16 C.F.R. part 703.

⁷ Section 681.108(2), F.S.

⁸ Section 681.109(1), F.S.

⁹ Section 681.109(8), F.S.

¹⁰ Sections 760.20-760.37, F.S.

law specifies the amount which will be transferred as the excess of three times the amount of the combined budgets of the antitrust and racketeering sections of the Attorney General's office for the forthcoming fiscal year. Both of those sections of the office, however, are supported by the fund, and one of those sections has been renamed. The change in the statute provides that the budgets of the sections of the Attorney General's Office supported by the fund will be used to determine the amount of funds that will be transferred to the General Revenue Fund at the end of each fiscal year.

Medicaid Fraud (Section 2)

The bill amends s. 409.9203(3), F.S., to require that rewards for reporting Medicaid fraud to the Florida Department of Law Enforcement be paid from the Operating Trust Fund, removing the inconsistency between ss. 409.9203(3) and 68.085(4), F.S.

Incorporation of Current Federal Laws and Regulations (Sections 3 and 4)

The bill amends ss. 501.203 and 501.204, F.S., to incorporate current federal consumer protection laws and regulations of the Federal Trade Commission into Florida's Deceptive and Unfair Trade Practices Act, effectively specifying additional deceptive and unfair trade practices.

Nonconformity of Motor Vehicles (Sections 5, 6, 7, and 8)

The bill amends s. 681.104, F.S., to allow final written notification of the need to repair a vehicle not conforming to the manufacturer's warranty to be made by any method providing a delivery confirmation as opposed to only registered or express mail.

The bill amends s. 681.102(14), F.S., to redefine the term "reasonable offset for use" as:

the number of miles attributable to a consumer up to the date of a settlement agreement or arbitration hearing, whichever occurs first, multiplied by the base selling or sale purchase price of the vehicle as reflected on the purchase invoice, exclusive of taxes, government fees, and dealer fees, or in the case of a lease, the agreed upon value as reflected in the lease agreement and divided by 120,000, except in the case of a recreational vehicle, in which event it shall be divided by 60,000.

The difference between the definition in existing law and in the bill is the revised definition excludes government or dealer fees in calculating the reasonable offset for use. This will result in a slightly lower offset that manufacturers will be allowed to withhold when refunding the price of a vehicle that does not conform to its warranty.

The bill amends s. 681.108(2), F.S., to require upon receipt from a manufacturer of a procedure for handling consumer complaints the DLA shall:

- Notify the manufacturer of any deficiencies in the procedure;
- Certify the procedure for a period not to exceed 1 year; or
- Deny the certification and state why.

The bill requires that a manufacturer seeking recertification of a procedure for handling consumer complaints to notify the DLA at least 60 days before the one year certification period ends so that the department may review and decide whether to recertify the manufacturer's procedure. This will allow the DLA to only review those procedures that manufacturers wish to have recertified.

The bill amends s. 681.109(6), F.S., which governs disputes overseen by the Florida New Motor Vehicle Board, to allow the DLA flexibility in providing notice to the consumer and manufacturer of a rejection of a dispute. The bill removes the requirement that notice must be sent by registered mail. The legislature may wish to consider a requirement that the notice be in writing and mailed to the consumer and manufacturer.

Discriminating Housing Practices (Section 9)

The bill amends s. 760.34(4), F.S., to allow the Attorney General discretion as to whether to file an action based on a complaint involving discriminatory housing practices.

The bill takes effect July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill changes the way reasonable offset for use is calculated for purpose of motor vehicle warranties and defects. This will result in a slightly lower offset that manufacturers will be allowed to withhold when refunding the price of a vehicle that does not conform to its warranty.

C. Government Sector Impact:

The bill's changes to the Legal Affairs Revolving Trust Fund and the Operating Trust Fund are technical in nature and will not have a financial impact. The changes to the statutes concerning nonconforming motor vehicles may result in a small increase in caseload for the Department of Legal Affairs. The increased discretion for the Attorney General as to whether to file an action for a complaint involving discriminatory housing practices will potentially reduce the number of cases filed and result in a minor positive fiscal impact.

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.)

None.

B. Amendments:

None.

By Senator Lee

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1 A bill to be entitled
 2 An act relating to the Office of the Attorney General;
 3 amending s. 16.53, F.S.; revising the Legal Affairs
 4 Revolving Trust Fund with regard to which funds are
 5 required to be transferred to the General Revenue Fund
 6 unallocated; amending s. 409.9203, F.S.; providing
 7 that rewards for reporting Medicaid fraud shall be
 8 paid from the Operating Trust Fund; amending ss.
 9 501.203 and 501.204, F.S.; revising obsolete dates;
 10 amending s. 681.102, F.S.; revising definitions;
 11 amending s. 681.104, F.S.; revising notice
 12 requirements; amending s. 681.108, F.S.; revising
 13 duties of the Department of Legal Affairs relating to
 14 manufacturer certification of dispute-settlement
 15 procedures; providing notice requirements for certain
 16 manufacturers seeking recertification of a procedure
 17 or ceasing operation of a certified procedure;
 18 amending s. 681.109, F.S.; revising notice
 19 requirements relating to the rejection of a dispute by
 20 the department; amending s. 760.34, F.S.; authorizing,
 21 rather than requiring, the office to bring an action
 22 for complaints involving discriminatory housing
 23 practices; providing an effective date.

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

25 Section 1. Subsection (7) of section 16.53, Florida
 26 Statutes, is amended to read:
 27 16.53 Legal Affairs Revolving Trust Fund.—
 28
 29

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30 (7) Any moneys remaining in the fund at the end of any
 31 fiscal year in excess of 3 times the amount of the combined
 32 budgets for the ~~antitrust and racketeering~~ sections of the
 33 Attorney General's office supported by the fund for the
 34 forthcoming fiscal year shall be transferred to the General
 35 Revenue Fund unallocated.

36 Section 2. Subsection (3) of section 409.9203, Florida
 37 Statutes, is amended to read:

38 409.9203 Rewards for reporting Medicaid fraud.—

39 (3) The reward shall be paid from the Operating Legal
 40 ~~Affairs Revolving~~ Trust Fund from moneys collected pursuant to
 41 s. 68.085.

42 Section 3. Subsection (3) of section 501.203, Florida
 43 Statutes, is amended to read:

44 501.203 Definitions.—As used in this chapter, unless the
 45 context otherwise requires, the term:

46 (3) "Violation of this part" means any violation of this
 47 act or the rules adopted under this act and may be based upon
 48 any of the following as of July 1, 2013 ~~2006~~:

49 (a) Any rules promulgated pursuant to the Federal Trade
 50 Commission Act, 15 U.S.C. ss. 41 et seq.;

51 (b) The standards of unfairness and deception set forth and
 52 interpreted by the Federal Trade Commission or the federal
 53 courts;

54 (c) Any law, statute, rule, regulation, or ordinance which
 55 proscribes unfair methods of competition, or unfair, deceptive,
 56 or unconscionable acts or practices.

57 Section 4. Subsection (2) of section 501.204, Florida
 58 Statutes, is amended to read:

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59 501.204 Unlawful acts and practices.-

60 (2) It is the intent of the Legislature that, in construing
61 subsection (1), due consideration and great weight shall be
62 given to the interpretations of the Federal Trade Commission and
63 the federal courts relating to s. 5(a)(1) of the Federal Trade
64 Commission Act, 15 U.S.C. s. 45(a)(1) as of July 1, 2013 ~~2006~~.

65 Section 5. Subsections (14) and (19) of section 681.102,
66 Florida Statutes, are amended to read:

67 681.102 Definitions.-As used in this chapter, the term:

68 (14) "Motor vehicle" means a new vehicle, propelled by
69 power other than muscular power, which is sold or registered in
70 this state to transport persons or property, and includes a
71 recreational vehicle or a vehicle used as a demonstrator or
72 leased vehicle if a manufacturer's warranty was issued as a
73 condition of sale, or the lessee is responsible for repairs, but
74 does not include vehicles run only upon tracks, off-road
75 vehicles, trucks over 10,000 pounds gross vehicle weight,
76 motorcycles, mopeds, or the living facilities of recreational
77 vehicles. "Living facilities of recreational vehicles" are those
78 portions designed, used, or maintained primarily as living
79 quarters and include, but are not limited to, the flooring,
80 plumbing system and fixtures, roof air conditioner, furnace,
81 generator, electrical systems other than automotive circuits,
82 the side entrance door, exterior compartments, and windows other
83 than the windshield and driver and front passenger windows.

84 (19) "Reasonable offset for use" means the number of miles
85 attributable to a consumer up to the date of a settlement
86 agreement or arbitration hearing, whichever occurs first,
87 multiplied by the base selling or sale ~~purchase~~ price of the

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88 vehicle as reflected on the purchase invoice, exclusive of
89 taxes, government fees, and dealer fees, or in the case of a
90 lease, the agreed upon value as reflected in the lease agreement
91 and divided by 120,000, except in the case of a recreational
92 vehicle, in which event it shall be divided by 60,000.

93 Section 6. Subsection (1) of section 681.104, Florida
94 Statutes, is amended to read:

95 681.104 Nonconformity of motor vehicles.-

96 (1) (a) After three attempts have been made to repair the
97 same nonconformity, the consumer shall give written
98 notification, ~~by registered or express mail~~ to the manufacturer,
99 by any method providing a delivery confirmation, of the need to
100 repair the nonconformity to allow the manufacturer a final
101 attempt to cure the nonconformity. The manufacturer shall have
102 10 days, commencing upon receipt of such notification, to
103 respond and give the consumer the opportunity to have the motor
104 vehicle repaired at a reasonably accessible repair facility
105 within a reasonable time after the consumer's receipt of the
106 response. The manufacturer shall have 10 days, except in the
107 case of a recreational vehicle, in which event the manufacturer
108 shall have 45 days, commencing upon the delivery of the motor
109 vehicle to the designated repair facility by the consumer, to
110 conform the motor vehicle to the warranty. If the manufacturer
111 fails to respond to the consumer and give the consumer the
112 opportunity to have the motor vehicle repaired at a reasonably
113 accessible repair facility or perform the repairs within the
114 time periods prescribed in this subsection, the requirement that
115 the manufacturer be given a final attempt to cure the
116 nonconformity does not apply.

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117 (b) If the motor vehicle is out of service by reason of
 118 repair of one or more nonconformities by the manufacturer or its
 119 authorized service agent for a cumulative total of 15 or more
 120 days, exclusive of downtime for routine maintenance prescribed
 121 by the owner's manual, the consumer shall so notify the
 122 manufacturer in writing by any method providing a delivery
 123 confirmation ~~registered or express mail~~ to give the manufacturer
 124 or its authorized service agent an opportunity to inspect or
 125 repair the vehicle.

126 Section 7. Section 681.108, Florida Statutes, is amended to
 127 read:

128 681.108 Dispute-settlement procedures.—

129 (1) If a manufacturer has established a procedure that the
 130 department has certified as substantially complying with the
 131 provisions of 16 C.F.R. part 703, in effect October 1, 1983, as
 132 amended, and with the provisions of this chapter and the rules
 133 adopted under this chapter, and has informed the consumer how
 134 and where to file a claim with such procedure pursuant to s.
 135 681.103(3), the provisions of s. 681.104(2) apply to the
 136 consumer only if the consumer has first resorted to such
 137 procedure. The decisionmakers for a certified procedure shall,
 138 in rendering decisions, take into account all legal and
 139 equitable factors germane to a fair and just decision,
 140 including, but not limited to, the warranty; the rights and
 141 remedies conferred under 16 C.F.R. part 703, in effect October
 142 1, 1983, as amended; the provisions of this chapter; and any
 143 other equitable considerations appropriate under the
 144 circumstances. Decisionmakers and staff for a procedure shall be
 145 trained in the provisions of this chapter and in 16 C.F.R. part

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146 703, in effect October 1, 1983, as amended. In an action brought
 147 by a consumer concerning an alleged nonconformity, the decision
 148 that results from a certified procedure is admissible in
 149 evidence.

150 (2) A manufacturer may apply to the department for
 151 certification of its procedure. After receipt and evaluation of
 152 the application, the department shall:

153 ~~(a) certify the procedure or~~ Notify the manufacturer of any
 154 deficiencies in the application or the procedure;

155 (b) Certify the procedure as substantially complying with
 156 the provisions of 16 C.F.R. part 703, in effect October 1, 1983,
 157 as amended, and with the provisions of this chapter and rules
 158 adopted under this chapter, for a period not to exceed 1 year;
 159 or

160 (c) Deny certification of the procedure and state the
 161 reason for such denial.

162 (3) A certified procedure or a procedure of an applicant
 163 seeking certification shall submit to the department a copy of
 164 each settlement approved by the procedure or decision made by a
 165 decisionmaker within 30 days after the settlement is reached or
 166 the decision is rendered. The decision or settlement must
 167 contain at a minimum the:

168 (a) Name and address of the consumer;

169 (b) Name of the manufacturer and address of the dealership
 170 from which the motor vehicle was purchased;

171 (c) Date the claim was received and the location of the
 172 procedure office that handled the claim;

173 (d) Relief requested by the consumer;

174 (e) Name of each decisionmaker rendering the decision or

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175 person approving the settlement;

176 (f) Statement of the terms of the settlement or decision;

177 (g) Date of the settlement or decision; and

178 (h) Statement of whether the decision was accepted or
179 rejected by the consumer.

180 (4) Any manufacturer establishing or applying to establish
181 a certified procedure must file with the department a copy of
182 the annual audit required under the provisions of 16 C.F.R. part
183 703, in effect October 1, 1983, as amended, together with any
184 additional information required for purposes of certification,
185 including the number of refunds and replacements made in this
186 state pursuant to the provisions of this chapter by the
187 manufacturer during the period audited.

188 (5) The department shall review each certified procedure at
189 least annually to determine if the procedure should be
190 recertified. A manufacturer seeking recertification of its
191 procedure shall notify the department in writing at least 60
192 days before the end of the 1-year certification period. Upon
193 review, the department shall: ~~prepare an annual report~~
194 ~~evaluating the operation of certified procedures established by~~
195 ~~motor vehicle manufacturers and procedures of applicants seeking~~
196 ~~certification, and, for a period not to exceed 1 year, shall~~
197 ~~grant certification to, or~~

198 (a) Renew certification of the procedure for a period not
199 to exceed 1 year if the procedure is found to, ~~those~~
200 ~~manufacturers whose procedures~~ substantially comply with the
201 provisions of 16 C.F.R. part 703, in effect October 1, 1983, as
202 amended, and with the provisions of this chapter and rules
203 adopted under this chapter;

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204 (b) Notify the manufacturer of any deficiencies in the
205 procedure; or

206 (c) Decline to renew certification of the procedure. If
207 certification is declined ~~revoked or denied~~, the department
208 shall state the reasons for such action. ~~The reports and records~~
209 ~~of actions taken with respect to certification shall be public~~
210 ~~records.~~

211 (6) If a manufacturer ceases operation of a certified
212 procedure, the manufacturer shall notify the department
213 immediately in writing, and upon receipt of such notification,
214 the department shall revoke certification for that procedure,
215 effective the date the certified procedure ceased.

216 (7) ~~(6)~~ A manufacturer whose certification is declined
217 ~~denied or revoked~~ is entitled to a hearing pursuant to chapter
218 120.

219 (8) ~~(7)~~ If federal preemption of state authority to regulate
220 procedures occurs, the provisions of subsection (1) concerning
221 prior resort do not apply.

222 (9) ~~(8)~~ The department may adopt rules to administer this
223 section.

224 Section 8. Subsection (6) of section 681.109, Florida
225 Statutes, is amended to read:

226 681.109 Florida New Motor Vehicle Arbitration Board;
227 dispute eligibility.—

228 (6) The department may reject a dispute that it determines
229 to be fraudulent or outside the scope of the board's authority.
230 Any dispute deemed by the department to be ineligible for
231 arbitration by the board due to insufficient evidence may be
232 reconsidered upon the submission of new information regarding

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233 the dispute. The department after a second review, may reject a
234 dispute if the evidence is clearly insufficient to qualify for
235 relief. If the department rejects a dispute, it must provide
236 notice of the rejection and a brief explanation of the reason
237 for rejection to the consumer and to the manufacturer ~~If a~~
238 ~~dispute is rejected by the department, the department shall send~~
239 ~~by registered mail to the consumer and the manufacturer a brief~~
240 ~~explanation as to the reason for rejection.~~

241 Section 9. Subsection (4) of section 760.34, Florida
242 Statutes, is amended to read:

243 760.34 Enforcement.—

244 (4) If, within 180 days after a complaint is filed with the
245 commission or within 180 days after expiration of any period of
246 reference under subsection (3), the commission has been unable
247 to obtain voluntary compliance with ss. 760.20-760.37, the
248 person aggrieved may commence a civil action in any appropriate
249 court against the respondent named in the complaint or petition
250 for an administrative determination pursuant to s. 760.35 to
251 enforce the rights granted or protected by ss. 760.20-760.37.
252 If, as a result of its investigation under subsection (1), the
253 commission finds there is reasonable cause to believe that a
254 discriminatory housing practice has occurred, at the request of
255 the person aggrieved, the Attorney General may ~~shall~~ bring an
256 action in the name of the state on behalf of the aggrieved
257 person to enforce the provisions of ss. 760.20-760.37.

258 Section 10. This act shall take effect July 1, 2013.

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 Appropriations Subcommittee on Criminal and Civil Justice

BILL: SB 1330

INTRODUCER: Senator Latvala

SUBJECT: Licensed Security Officers

DATE: March 19, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Favorable
2.	Cantral	Sadberry	ACJ	Favorable
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 1330 amends chapter 493, Florida Statutes, as it relates to security officers, security agency managers, and others.

This bill has an insignificant fiscal impact.

The bill:

- Authorizes a licensed security officer or licensed security agency manager, in uniform and on the premises of a critical infrastructure facility, who has probable cause to believe that a person has committed or is committing a crime against the client operating the premises or the client’s patron, to temporarily detain the person to ascertain the person’s identity and the circumstances of the person’s activity. The bill provides procedures for notifying law enforcement and transferring the detained person.
- Authorizes the licensed security officer or licensed security agency manager, while temporarily detaining the person, to search the detainee or the detainee’s belongings if the officer or manager observes that the person is armed with a firearm, concealed weapon, or destructive device that poses a threat to the safety of the officer, manager, or any person for whom the officer or manager is responsible for providing protection, or if the detainee admits to having a weapon in his or her possession. The search may only be to the extent necessary to disclose the presence of the weapon. The bill provides procedures for seizure and transfer of the weapon.
- Makes it a first degree misdemeanor for a person to engage in any activity for which chapter 493, Florida Statutes, requires a license if the person does not hold the required

license, if this is the offender's first violation. A second or subsequent violation is a third degree felony and the Department of Agriculture and Consumer Services may seek the imposition of a civil penalty not to exceed \$10,000. This offense does not apply if the person engages in unlicensed activity within 90 days after the expiration date of the person's license.

- Makes it a third degree felony for a person, while impersonating a security officer, private investigator, recovery agent, or other person required to have a license under chapter 493, Florida Statutes, to knowingly and intentionally force another person to assist the impersonator in an activity within the scope of duty of a professional licensed under chapter 493, Florida Statutes. However, it is a second degree felony if a person commits this violation during the course of committing a felony, and a first degree felony if a person commits this violation during the course of committing a felony that results in death or serious bodily injury to another human being.
- Specifies uniform and badge or patch requirements for a security officer or security agency manager who possess a valid Class "G" license performing duties regulated under section 493.631, Florida Statutes, which is created by the bill.
- Provides that a law enforcement officer, security officer, or security agency manager is not criminally or civilly liable for false arrest, false imprisonment, or unlawful detention due to his or her custody and detention of a person, if done in compliance with section 493.631, Florida Statutes.

This bill has an effective date of July 1, 2013.

This bill substantially amends section 493.6120 of the Florida Statutes. The bill creates section 493.631, Florida Statutes.

II. Present Situation:

The Division of Licensing within the Department of Agriculture and Consumer Services (department) is responsible for the regulation and licensing of private security, private investigative, and recovery services.¹ Section 493.6101(19), F.S., defines a "security officer" as:

any individual who, for consideration, advertises as providing or performs bodyguard services or otherwise guards persons or property; attempts to prevent theft or unlawful taking of goods, wares, and merchandise; or attempts to prevent the misappropriation or concealment of goods, wares or merchandise, money, bonds, stocks, choses in action, notes, or other documents, papers, and articles of value or procurement of the return thereof. The term also includes armored car personnel and those personnel engaged in the transportation of prisoners.

Section 493.6101(16), F.S., defines a "private investigator" as "any individual who, for consideration, advertises as providing or performs private investigation." Private investigation is defined as an investigation to obtain information on any of the following matters:

¹ The responsibility for regulating private investigative, private security, and recovery industries was assigned to the Department of State in 1965. In 2002, the Division of Licensing of the Department of State was transferred to the Department of Agriculture and Consumer Services, including the Concealed Weapons Permit Program. See ss. 1, 3-10, ch. 2002-295, L.O.F.

- Crime or wrongs done or threatened against the United States or any state or territory of the United States, when operating under express written authority of the governmental official responsible for authorizing such investigation.
- The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.
- The credibility of witnesses or other persons.
- The whereabouts of missing persons, owners of unclaimed property or escheated property, or heirs to estates.
- The location or recovery of lost or stolen property.
- The causes and origin of, or responsibility for, fires, libels, slanders, losses, accidents, damage, or injuries to real or personal property.
- The business of securing evidence to be used before investigating committees or boards of award or arbitration or in the trial of civil or criminal cases and the preparation therefore.²

Section 493.6101(21), F.S., defines a “recovery agent” as “any individual who, for consideration, advertises as providing or performs repossessions.” Section 493.6101(20), F.S., defines “recovery agency” as “any person who, for consideration, advertises as providing or is engaged in the business of performing repossessions.” Section 493.6101(22), F.S., defines “repossession” as recovery of motor vehicles, motor boats, airplanes, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment, “by an individual who is authorized by the legal owner, lienholder, or lessor to recover, or to collect money payment in lieu of recovery of, that which has been sold or leased under a security agreement that contains a repossession clause.”

Certain individuals are exempt from the licensing requirements for private security and private investigative services. These individuals include, but are not limited to: local, state, and federal law enforcement officers, licensed insurance investigators or adjusters; individuals solely, exclusively, and regularly employed as unarmed investigators and security officers “in connection with the business of his or her employer, when there exists an employer-employee relationship”; and any unarmed individual engaged in security services who is employed exclusively to work on the premises of her or his employer, or “in connection with the business of her or his employer, when there exists an employer-employee relationship.”³

Section 493.6106(1), F.S, establishes criteria for granting licenses for security, private investigative, and repossession services. Individuals seeking a license must clear a criminal background check as well as meet specific training and experience requirements, which vary by the type of license. In addition, the applicant must meet the following criteria:

- Be at least 18 years of age.
- Be of good moral character.
- Not have been adjudicated incapacitated, unless capacity has been judicially restored.
- Not have been involuntarily placed in a treatment facility for the mentally ill, unless competency has been judicially restored.

² Section 493.6101(17), F.S.

³ Section 493.6102(1)-(4), F.S.

- Not have been diagnosed as having an incapacitating mental illness, unless a psychologist or psychiatrist licensed in this state certifies that she or he does not currently suffer from the mental illness.
- Not be a chronic and habitual user of alcoholic beverages to the extent that her or his normal faculties are impaired.
- Not have been committed under ch. 397, F.S., former ch. 396, F.S., or a similar law in any other state.
- Not have been found to be a habitual offender under s. 856.011(3), F.S., or a similar law in any other state.
- Not have had two or more convictions under s. 316.193, F.S., or a similar law in any other state within the 3-year period immediately preceding the date the application was filed, unless the individual establishes that she or he is not currently impaired and has successfully completed a rehabilitation course.
- Not have been committed for controlled substance abuse or have been found guilty of a crime under ch. 893, F.S., or a similar law relating to controlled substances in any other state within a 3-year period immediately preceding the date the application was filed, unless the individual establishes that she or he is not currently abusing any controlled substance and has successfully completed a rehabilitation course.
- Be a citizen or permanent legal resident alien of the United States or have appropriate authorization issued by the United States Citizenship and Immigration Services of the United States Department of Homeland Security.

License Classifications

Chapter 493, F.S., provides for numerous classifications of licenses within the three general categories of licenses, as follows:⁴

PRIVATE INVESTIGATION	
Agency	Class "A"
Private Investigator	Class "C"
Armed Private Investigator	Class "C" & Class "G"
Branch Office	Class "AA"
Manager	Class "C" or Class "MA" or Class "M"
Intern	Class "CC"
PRIVATE SECURITY	
Agency	Class "B"
Security Officer	Class "D"
Armed Security Officer	Class "D" & Class "G"
Branch Office	Class "BB"
Manager	Class "MB" or Class "M"
REPOSSESSION ACTIVITY	
Agency	Class "R"
Recovery Agent	Class "E"
Branch Office	Class "RR"
Manager	Class "MR" or Class "E"
Intern	Class "EE"
COMBINED PRIVATE INVESTIGATION AND SECURITY	
Agency	Class "A" & Class "B"

⁴ See 5N-1.116(1), F.A.C.

Branch Office Manager	Class "AB" Class "M"
SCHOOLS	
Security Officer School or Training Facility	Class "DS"
Security Officer Instructor	Class "DI"
Recovery Agent School or Training Facility	Class "RS"
Recovery Agent Instructor	Class "RI"
FIREARMS	
Instructor	Class "K"
Statewide Firearm License	Class "G"
MANAGERS	
Private Investigative Agency or Branch	Class "C", "MA", or "M"
Private Security Agency or Branch	Class "MB" or "M"
Recovery Agency or Branch	Class "E" or "MR"
Armed Manager	Appropriate Manager's License and Class "G"

D, MB, and G Licenses

An applicant for a Class "D" security officer license must complete a minimum of 40 hours of professional training at a school or training facility licensed by the department, which establishes by rule the general content of the training course and the number of hours of each subject area to be taught. An agency providing security services must also be licensed by the department, and, with certain exceptions, the person managing that agency must have a Class "MB" security agency manager license. If a licensed security officer is required to carry a firearm while on duty and performing regulated services, he must obtain a Class "G" Statewide Firearm License. An applicant for the Class "G" license must complete 28 hours of specialized firearms training, which includes both classroom instruction and range time.⁵

Detention by Certified Seaport Security Officers

The seaport security officer designation is not required for an individual to be employed at a seaport as a security officer. The department (through its licensing division) began issuing security officer licenses with the seaport security officer designation in March of 2012. To date, only 34 security officers have submitted proof of training which is required under s. 311.121, F.S., in order to receive the seaport security officer designation.⁶

The statutorily-specified certification curriculum for the seaport security officer training program includes no less than 218 hours of initial certification training that conforms to or exceeds model courses approved by the Federal Maritime Act under Section 109 of the Federal Maritime Transportation Security Act of 2002 for facility personnel with specific security duties.⁷

Pursuant to s. 311.124, F.S., any Class D or Class G seaport security officer certified under the federal Maritime Transportation Security Act of 2002 guidelines or any employee of the seaport security force certified under the federal Maritime Transportation Security Act of 2002 guidelines has the power to detain persons in a reasonable manner for a reasonable period of time

⁵ Information provided via e-mail on March 13, 2013, by staff of the Department of Agriculture and Consumer Services.

⁶ *Id.*

⁷ *Id.*

pending arrival of a law enforcement officer if they have “probable cause to believe that a person is trespassing ... in a designated restricted area....”⁸ In addition, this action does not “render the security officer criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.” Furthermore, the seaport security officer must, upon detaining a person for trespass, immediately call a certified law enforcement officer to the scene.

Impersonating a Licensee

Section 493.6118(1), F.S., authorizes the department to “take disciplinary action” against “any unlicensed person engaged in activities regulated” in ch. 493, F.S., related to private security, private investigative, and recovery services. Grounds for such disciplinary action include, but are not limited to:

- Conducting activities regulated under ch. 493, F.S., without a license or with a revoked or suspended license.
- Impersonating, or permitting or aiding and abetting an employee to impersonate, a law enforcement officer.
- Knowingly violating, advising, encouraging, or assisting the violation of any statute, court order, capias, warrant, injunction, or cease and desist order, in the course of business regulated under ch. 493, F.S.
- Violating any provision of ch. 493, F.S.

When the department finds any of the above violations, it may impose an administrative fine not to exceed \$1,000 for every count or separate offense.⁹ Section 493.6120, F.S., provides that any person who violates any provision of ch. 493, F.S., with one exception, commits a first degree misdemeanor.^{10, 11} The department is authorized to institute judicial proceedings in the appropriate circuit court seeking enforcement of ch. 493, F.S., or any rule or order of the department.¹²

The Power to Detain and Search

Section 901.151(2)-(5), F.S., provides:

- Whenever any law enforcement officer of this state encounters any person under circumstances which reasonably indicate that such person has committed, is committing, or is about to commit a violation of the criminal laws of this state or the criminal ordinances of any municipality or county, the officer may temporarily detain such person for the purpose of ascertaining the identity of the person temporarily detained and the circumstances

⁸ “Restricted area” is defined by 33 C.F.R. part 105. See also s. 311.12, F.S.

⁹ Section 493.6118(2)(c), F.S.

¹⁰ The exception is in s. 493.6405, F.S. This section deals with the sale of motor vehicles, mobile homes, motorboats, aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment by a recovery agent or intern, and provides that a violation is a third degree felony.

¹¹ A first degree misdemeanor is punishable by up to 1 year in a county jail, a fine of up to \$1,000, or both a jail sentence and fine. See ss. 775.082 and 775.083, F.S.

¹² Section 493.6121(6), F.S.

surrounding the person's presence abroad which led the officer to believe that the person had committed, was committing, or was about to commit a criminal offense.¹³

- No person shall be temporarily detained [under the provisions of s. 901.151(2), F.S.] longer than is reasonably necessary to effect the purposes of that subsection. Such temporary detention shall not extend beyond the place where it was first effected or the immediate vicinity thereof.
- If at any time after the onset of the temporary detention authorized by s. 901.151(2), F.S., probable cause for arrest of the person shall appear, the person shall be arrested. If, after an inquiry into the circumstances which prompted the temporary detention, no probable cause for the arrest of the person shall appear, the person shall be released.
- Whenever any law enforcement officer authorized to detain temporarily any person under the provisions of s. 901.151(2), F.S., has probable cause to believe that any person whom the officer has temporarily detained, or is about to detain temporarily, is armed with a dangerous weapon and therefore offers a threat to the safety of the officer or any other person, the officer may search such person so temporarily detained only to the extent necessary to disclose, and for the purpose of disclosing, the presence of such weapon. If such a search discloses such a weapon or any evidence of a criminal offense it may be seized.

Section 812.015(3)(a), F.S., authorizes a law enforcement officer, a merchant, a farmer, or a transit agency's employee or agent, who has probable cause to believe that a retail theft, farm theft, a transit fare evasion, or trespass, or unlawful use or attempted use of any antishoplifting or inventory control device countermeasure, has been committed by a person and, in the case of retail or farm theft, that the property can be recovered by taking the offender into custody may, for the purpose of attempting to effect such recovery or for prosecution, take the offender into custody and detain the offender in a reasonable manner for a reasonable length of time. In the event the merchant, merchant's employee, farmer, or a transit agency's employee or agent takes the person into custody, a law enforcement officer shall be called to the scene immediately after the person has been taken into custody.

Section 509.143, F.S., authorizes innkeepers and food service establishment operators to "take a person into custody and detain that person in a reasonable manner and for a reasonable period of time" if there is probable cause to believe the person is engaging in disorderly conduct which threatens the life or safety of the person or others. In these situations, a law enforcement agency must be immediately contacted after detaining the person.

"Citizen's Arrest"

A citizen has a common law right to make a "citizen's arrest" for a felony or a breach of the peace committed in his presence. The citizen may make such an arrest and justify his failure to obtain a warrant by proving the person's guilt.¹⁴

¹³ "This standard is consonant with the holding in *Terry v. Ohio*, 392 U.S. 1, 21, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968), which requires 'specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.' For reasonable suspicion justifying a detention to exist, 'the detaining officers must have a particularized and objective basis for suspecting the particular person stopped of criminal activity.' *United States v. Cortez*, 449 U.S. 411, 417-18, 101 S.Ct. 690, 66 L.Ed.2d 621 (1981)." *Tillman v. State*, 934 So.2d 1263, 1273 (Fla.2006).

¹⁴ *Phoenix v. State*, 455 So.2d 1024 (Fla.1984).

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 493.6120, F.S., to make it a first degree misdemeanor for a person to engage in any activity for which ch. 493, F.S., requires a license if the person does not hold the required license, if the violation is the person's first violation. A second or subsequent violation is a third degree felony¹⁵ and the department may seek the imposition of a civil penalty not to exceed \$10,000. This offense does not apply if the person engages in unlicensed activity within 90 days after the expiration date of the person's license.

This statute is also amended to make it a third degree felony for a person, while impersonating a security officer, private investigator, recovery agent, or other person required to have a license under ch. 493, F.S., to knowingly and intentionally force another person to assist the impersonator in an activity within the scope of duty of a professional licensed under ch. 493, F.S. However, it is a second degree felony if a person commits this violation during the course of committing a felony, and a first degree felony if a person commits this violation during the course of committing a felony that results in death or serious bodily injury to another human being.^{16, 17}

Section 2 of the bill creates s. 493.631, F.S., which authorizes a licensed security officer or licensed security agency manager, in uniform and on the premises of a critical infrastructure facility, who has probable cause to believe that a person has committed or is committing a crime against the client operating the premises or the client's patron, to temporarily detain the person to ascertain the person's identity and the circumstances of the person's activity.

When temporarily detaining a person, the security officer or security agency manager must notify the appropriate law enforcement agency of the detention as soon as reasonably possible. A security officer or security agency manager may temporarily detain a person only until a law enforcement officer arrives at the premises of the client and is in the presence of the detainee. Upon arrival of the law enforcement officer, the security officer or security agency manager must immediately transfer custody of a person being temporarily detained to the responding law enforcement officer.

A security officer or security agency manager may not detain a person under this section after the arrival of a law enforcement officer unless the law enforcement officer requests that the security officer or security agency manager continue detaining the person. The authority of the security officer or security agency manager to continue detaining a person after the arrival of a law enforcement officer does not extend beyond the place where the person was first detained or in the immediate vicinity of that place.

A security officer or security agency manager may not temporarily detain a person under this section longer than is reasonably necessary to affect the purposes of this section.

¹⁵ A third degree felony is punishable by up to 5 years in state prison, a fine of up to \$5,000, or both. See ss. 775.082 and 775.083, F.S.

¹⁶ A second degree felony is punishable by up to 15 years in state prison, a fine of up to \$10,000, or both. See ss. 775.082 and 775.083, F.S.

¹⁷ A first degree felony is generally punishable by up to 30 years in state prison, a fine of up to \$10,000, or both. See ss. 775.082 and 775.083, F.S.

While detaining a person under this section, if a security officer or security agency manager observes that the person temporarily detained is armed with a firearm, concealed weapon, or destructive device that poses a threat to the safety of the security officer, the security agency manager, or any person for whom the security officer or security agency manager is responsible for providing protection, or if the detainee admits to having a weapon in his or her possession, the security officer or security agency manager may conduct a search of the person and his or her belongings only to the extent necessary to disclose the presence of a weapon. If the security officer or security agency manager finds a weapon during the search, he or she shall seize and transfer the weapon to the responding law enforcement officer.

A security officer or security agency manager who possesses a valid Class “G” license shall perform duties regulated under this section in a uniform with at least one patch or emblem visible at all times clearly identifying the agency employing the security officer or security agency manager.

A law enforcement officer, security officer, or security agency manager is not criminally or civilly liable for false arrest, false imprisonment, or unlawful detention due to his or her custody and detention of a person if done in compliance with this section.

The term “critical infrastructure facility” means any one of the following, *if* it employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized persons:

- A chemical manufacturing facility.
- A refinery.
- An electrical power plant as defined in s. 403.031, F.S., including a substation, switching station, electrical control center, or electric transmission or distribution facility.
- A water intake structure, water treatment facility, wastewater treatment plant, or pump station.
- A natural gas transmission compressor station.
- A liquid natural gas terminal or storage facility.
- A telecommunications central switching office.
- A deep water port or railroad switching yard.
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.

“Security officer” and “security agency manager” mean a security officer or security agency manager who possesses a valid Class “D” or Class “MB” license pursuant to s. 493.6301, F.S., and a valid Class “G” license pursuant to s. 493.6115, F.S.

Section 3 provides that the bill would take effect on July 1, 2013.

Other Potential Implications:

While a person may know that physical barriers and signage indicate that trespassing may be unlawful, they may be unaware that they are in a “critical infrastructure facility” where security

personnel would have the lawful authority to detain and search them, if otherwise warranted. The designation of “critical infrastructure facility” is not necessarily public information.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

It is unclear at this point whether the limited searches and seizures which security officers and security agency managers are authorized to make under the bill would raise any Fourth Amendment issues. Since the bill is not law and current law does not specifically provide such search and seizure authorization (e.g., s. 311.124, F.S., which is relevant to seaport security officers, only authorizes temporary *detention* of a person in certain circumstances), there is no relevant and controlling Fourth Amendment case regarding searches and seizures by security officers or security agency managers. However, security officers and security agency managers should be aware that any evidence they seize may be later used as evidence in a criminal case and should be handled accordingly.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference (CJIC) has not yet reviewed this bill. However, in 2012 the CJIC estimated that a very similar bill (CS/SB 154) would have an insignificant prison bed impact. The Office of Economic and Demographic Research has reviewed the bill and has indicated to staff that it will recommend to the CJIC that the bill will have an insignificant prison bed impact.¹⁸

¹⁸ E-mail from EDR staff to Senate Committee on Criminal Justice staff, dated March 7, 2013.

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.)

None.

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 Senator Latvala

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1 A bill to be entitled
 2 An act relating to licensed security officers;
 3 amending s. 493.6120, F.S.; providing penalties for an
 4 unlicensed person who engages in an activity for which
 5 ch. 493, F.S., requires a license; providing an
 6 exception; providing penalties if a person commits a
 7 felony while impersonating a security officer, private
 8 investigator, recovery agent, or other person required
 9 to have a license under ch. 493, F.S.; creating s.
 10 493.631, F.S.; defining terms; authorizing a licensed
 11 security officer or licensed security agency manager
 12 to detain a person on the premises of a critical
 13 infrastructure facility in certain circumstances;
 14 providing procedures and requirements with respect
 15 thereto; authorizing the security officer or security
 16 agency manager to search the person detained under
 17 certain circumstances; providing identification
 18 requirements for certain licensed security officers
 19 and security agency managers; providing immunity to
 20 law enforcement officers, licensed security officers,
 21 and licensed security agency managers under certain
 22 circumstances; providing an effective date.

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

26 Section 1. Section 493.6120, Florida Statutes, is amended
 27 to read:

28 493.6120 Violations; penalty.—

29 (1)(a) Except as provided in paragraph (b), a person who

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30 engages in any activity for which this chapter requires a
 31 license and who does not hold the required license commits:

32 1. For a first violation, a misdemeanor of the first
 33 degree, punishable as provided in s. 775.082 or s. 775.083.

34 2. For a second or subsequent violation, a felony of the
 35 third degree, punishable as provided in s. 775.082, s. 775.083,
 36 or s. 775.084, and the department may seek the imposition of a
 37 civil penalty not to exceed \$10,000.

38 (b) Paragraph (a) does not apply if the person engages in
 39 unlicensed activity within 90 days after the date of the
 40 expiration of his or her license.

41 (2)(a) A person who, while impersonating a security
 42 officer, private investigator, recovery agent, or other person
 43 required to have a license under this chapter, knowingly and
 44 intentionally forces another person to assist the impersonator
 45 in an activity within the scope of duty of a professional
 46 licensed under this chapter commits a felony of the third
 47 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 48 775.084.

49 (b) A person who violates paragraph (a) during the course
 50 of committing a felony commits a felony of the second degree,
 51 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

52 (c) A person who violates paragraph (a) during the course
 53 of committing a felony resulting in death or serious bodily
 54 injury to another human being commits a felony of the first
 55 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 56 775.084.

57 (3)(4) Except as otherwise provided in this chapter, a Any
 58 person who violates any provision of this chapter ~~except s.~~

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59 ~~493.6405~~ commits a misdemeanor of the first degree, punishable
60 as provided in s. 775.082 or s. 775.083.

61 ~~(4)(2)~~ A Any person who is convicted of any violation of
62 this chapter ~~is shall~~ not be eligible for licensure for a period
63 of 5 years.

64 ~~(5)(3)~~ A Any person who violates or disregards ~~a any~~ cease
65 and desist order issued by the department commits a misdemeanor
66 of the first degree, punishable as provided in s. 775.082 or s.
67 775.083. In addition, the department may seek the imposition of
68 a civil penalty not to exceed \$5,000.

69 ~~(6)(4)~~ A person who was an owner, officer, partner, or
70 manager of a licensed agency or a Class "DS" or "RS" school or
71 training facility at the time of any activity that is the basis
72 for revocation of the agency or branch office license or the
73 school or training facility license and who knew or should have
74 known of the activity, ~~shall~~ have his or her personal licenses
75 or approval suspended for 3 years and may not have any financial
76 interest in or be employed in any capacity by a licensed agency
77 or a school or training facility during the period of
78 suspension.

79 Section 2. Section 493.631, Florida Statutes, is created to
80 read:

81 493.631 Temporary detention by a licensed security officer
82 or licensed security agency manager at critical infrastructure
83 facilities.—

84 (1) As used in this section, the term "critical
85 infrastructure facility" means any of the following, if it
86 employs measures such as fences, barriers, or guard posts that
87 are designed to exclude unauthorized persons:

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88 (a) A chemical manufacturing facility.

89 (b) A refinery.

90 (c) An electrical power plant as defined in s. 403.031,
91 including a substation, switching station, electrical control
92 center, or electric transmission or distribution facility.

93 (d) A water intake structure, water treatment facility,
94 wastewater treatment plant, or pump station.

95 (e) A natural gas transmission compressor station.

96 (f) A liquid natural gas terminal or storage facility.

97 (g) A telecommunications central switching office.

98 (h) A deepwater port or railroad switching yard.

99 (i) A gas processing plant, including a plant used in the
100 processing, treatment, or fractionation of natural gas.

101 (2) As used in this section, the terms "security officer"
102 and "security agency manager" mean a security officer or
103 security agency manager who possesses a valid Class "D" or Class
104 "MB" license pursuant to s. 493.6301 and a valid Class "G"
105 license pursuant to s. 493.6115.

106 (3) A security officer or security agency manager who is on
107 duty, in uniform, and on the premises of a critical
108 infrastructure facility, and who has probable cause to believe
109 that a person has committed or is committing a crime against the
110 client operating the premises or the client's patron may
111 temporarily detain the person to ascertain his or her identity
112 and the circumstances of the person's activity.

113 (4) When temporarily detaining a person, the security
114 officer or security agency manager shall notify the appropriate
115 law enforcement agency of the detention as soon as reasonably
116 possible. A security officer or security agency manager may

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 117 temporarily detain a person only until a law enforcement officer
 118 arrives at the premises of the client and is in the presence of
 119 the detainee. Upon arrival of the law enforcement officer, the
 120 security officer or security agency manager shall immediately
 121 transfer custody of a person being temporarily detained to the
 122 responding law enforcement officer.

123 (5) A security officer or security agency manager may not
 124 detain a person under this section after the arrival of a law
 125 enforcement officer unless the law enforcement officer requests
 126 that the security officer or security agency manager continue
 127 detaining the person. The authority of the security officer or
 128 security agency manager to continue detaining a person after the
 129 arrival of a law enforcement officer under this subsection does
 130 not extend beyond the place where the person was first detained
 131 or in the immediate vicinity of that place.

132 (6) A security officer or security agency manager may not
 133 temporarily detain a person under this section longer than is
 134 reasonably necessary to affect the purposes of this section.

135 (7) While detaining a person under this section, if a
 136 security officer or security agency manager observes that the
 137 person temporarily detained is armed with a firearm, concealed
 138 weapon, or destructive device that poses a threat to the safety
 139 of the security officer, the security agency manager, or any
 140 person for whom the security officer or security agency manager
 141 is responsible for providing protection, or if the detainee
 142 admits to having a weapon in his or her possession, the security
 143 officer or security agency manager may conduct a search of the
 144 person and his or her belongings only to the extent necessary to
 145 disclose the presence of a weapon. If the security officer or

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 146 security agency manager finds a weapon during the search, he or
 147 she shall seize and transfer the weapon to the responding law
 148 enforcement officer.

149 (8) A security officer or security agency manager who
 150 possesses a valid Class "G" license shall perform duties
 151 regulated under this section in a uniform with at least one
 152 patch or emblem visible at all times clearly identifying the
 153 agency employing the security officer or security agency
 154 manager.

155 (9) A law enforcement officer, security officer, or
 156 security agency manager is not criminally or civilly liable for
 157 false arrest, false imprisonment, or unlawful detention due to
 158 his or her custody and detention of a person if done in
 159 compliance with this section.

160 Section 3. This act shall take effect July 1, 2013.

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 Appropriations Subcommittee on Criminal and Civil Justice

BILL: CS/CS/SB 676

INTRODUCER: Judiciary Committee, Criminal Justice Committee, and Senator Evers

SUBJECT: Juvenile Justice Circuit Advisory Boards and Juvenile Justice County Councils

DATE: March 14, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Favorable
2.	Brown	Cibula	JU	Fav/CS
3.	Sadberry	Sadberry	ACJ	Favorable
4.			AP	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/CS/SB 676 redesignates juvenile justice circuit boards as juvenile justice circuit advisory boards (boards). The boards will exist in each of the 20 judicial circuits.

The bill eliminates statutory authority for juvenile justice county councils. However, except in single-county circuits, a county organization will represent each of the counties in the circuit and report to the board on the juvenile justice needs of the county.

The bill establishes duties and responsibilities of the board, including developing a comprehensive plan for the circuit; facilitating interagency cooperation and information sharing; recommending grants to support the comprehensive plan; making recommendations to the Department of Juvenile Justice (DJJ) on prevention and early intervention grant programs; and providing an annual report to the DJJ on board activities.

This bill will not have a fiscal impact on the DJJ and the State Courts.

The bill removes the cap on the number of board members authorized, which is currently 18, and instead requires a minimum of 16 members. The bill specifies the composition of board members

and quorum requirements and requires a majority vote to approve measures or positions of the board. Provisions of the bill detail how appointments will be made to the initial juvenile justice circuit advisory boards and the method in which future vacancies will be filled.

The DJJ is responsible for:

- Approving the appointment of certain members to a board.
- Developing format and content requirements for the bylaws of a board and approving the bylaws of each board.
- Developing format and content requirements for comprehensive plans prepared by boards.

This bill is effective October 1, 2013.

This bill substantially amends section 985.664 and makes conforming changes to sections 790.22, 938.17, 948.51, 985.48, and 985.676 of the Florida Statutes.

II. Present Situation:

Section 985.664(1), F.S., authorizes the creation of 20 juvenile justice circuit boards, one in each judicial circuit, as well as 67 juvenile justice county councils, one in each county.¹ The purpose of these boards and councils is to provide advice to and work collaboratively with the Department of Juvenile Justice (DJJ) in developing and implementing juvenile justice programs and to improve programs and recommend necessary policy changes. The county councils are tasked with working with the circuit boards in the developing a comprehensive plan for the circuit. The circuit boards must submit an annual report to the DJJ, describing the activities of both the board and the county councils.² Other duties include facilitating interagency cooperation and information sharing, as well as applying for and receiving public or private juvenile justice grants.³

The size of the circuit boards is prescribed as follows: no more than 18 members, unless it is necessary to increase the number of members by three to adequately reflect the diversity of the community.⁴ Members designated by statute include the state attorney, the public defender, and the chief circuit judge.⁵ The other 15 members, appointed by the county councils, may include representatives of:

- School districts;
- County commissions;
- Governing bodies of local municipalities;
- The Department of Children and Family Services (DCF);
- Local law enforcement agencies, including the sheriff;

¹ According to the DJJ, there are currently 20 circuit boards and 44 county councils that are active across the state. Department of Juvenile Justice, *2013 Legislative Session Bill Analysis for SB 676*, on file with the Senate Criminal Justice Committee and the Judiciary Committee.

² Section 985.664(1) through (6), F.S.

³ Section 985.664(2) through (4), F.S.

⁴ Section 985.664(7) and (8), F.S.

⁵ Section 985.664(7), F.S.

- The judicial system;
- The business community;
- Other interested officials, including public or private providers, students, parents, and advocates;
- The faith community;
- Victim-service programs; and
- The Department of Corrections (DOC).⁶

Each circuit board and county council must also develop bylaws, including the process for appointments to the board or council, election or appointment of officers, filling of vacancies, duration of member terms, provisions for voting, meeting attendance requirements, and organization and duties of the executive committee. Each council and board must have an executive committee comprised of no more than 10 members.⁷

III. Effect of Proposed Changes:

CS/CS/SB 676 renames juvenile justice circuit boards as juvenile justice circuit advisory boards (boards). Boards will be organized in each of the 20 judicial circuits.

The bill eliminates statutory authority for juvenile justice county councils. However, except in single-county circuits, a county organization will represent each of the counties in the circuit and report to the board on the juvenile justice needs of the county. Single-county circuits are Miami-Dade (11th), Hillsborough (13th), Palm Beach (15th), Monroe (16th), and Broward County (17th) circuits.⁸

Board Duties and Responsibilities

The bill establishes duties and responsibilities of a board, including:

- Developing a comprehensive plan for the circuit;
- Facilitating interagency cooperation and information sharing;
- Recommending grants to support the comprehensive plan;
- Making recommendations to the Department of Juvenile Justice (DJJ) on prevention and early intervention grant programs; and
- Providing an annual report to the DJJ on activities of the board by August 1 of each year.

Department of Juvenile Justice (DJJ) Duties and Responsibilities

The DJJ is responsible for:

- Approving the appointment of certain members to a board and appointing the chair of the board.

⁶ Section 985.664(10), F.S.

⁷ Section 985.664(11), F.S.

⁸ Information on single-county circuits is provided through an email dated March 7, 2013, from Lisa Hurley, Florida Association of Counties.

- Developing format and content requirements for the bylaws of the board.
- Approving bylaws of a board.
- Developing format and content requirements for comprehensive plans prepared by boards.

Composition, Terms of Service, Initial Appointments, and Voting Requirements of the Board

Composition of the Board

The bill removes the cap on the number of board members authorized, which is currently 18, and instead requires a minimum of 16 members.

Advisory board members requiring DJJ approval include:

- A representative from the Department of Children and Families;
- A representative from workforce organization in each county;
- A representative of the business community;
- A representative of the faith community;
- A representative from a mental health or victim-service program;
- A youth under 21 years of age having juvenile justice experience;
- A parent or family member of a youth involved in the juvenile justice system; and
- Up to five additional members representing community leaders or a youth-serving coalition.

The workforce representative, the youth involved in the system, and a parent of the youth member are not currently specified in s. 985.664, F.S. The bill also deletes a Department of Corrections representative as a member of a board.

Advisory board members not requiring DJJ approval are as follows:

- State attorney or his or her designee;
- Public defender or his or her designee;
- Chief circuit judge or his or her designee;
- The sheriff from each county or his or her designee;
- A police chief from each county or his or her designee;
- A county commissioner from each county or his or her designee; and
- A school superintendent or his or her designee from each district in the circuit.

Under the bill, all prescribed members become members by virtue of the offices they hold. Currently, only the state attorney, public defender, and chief circuit judge are members by virtue of the offices they hold.

Term of Service of the Board

The bill caps terms of service of a board member at two consecutive 2-year terms, except for certain board members. These members are the state attorney, public defender, chief judge,

sheriff, police chief, county commissioner, and the school superintendent. Former members are eligible to serve if they have not served on the board for 2 years.

Appointments to the Board

The bill provides for the DJJ secretary, in consultation with the juvenile justice county councils, to appoint the first chair of each board. The chair will then appoint remaining members within 45 days after appointment, subject to approval by the DJJ. Thereafter, the DJJ secretary will consult with a board regarding future appointments of the chair.

Voting Provisions of the Board

A quorum of a board includes at least half of the voting members of the board. The bill requires the presence of a quorum for the board to take a vote. To pass, measures and positions voted on by the board must be approved by more than 50 percent of the members voting.

This bill takes effect October 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Office of State Courts Administrator does not expect any fiscal impact through additional court or judicial resources. Any impact on the counties is indeterminate.

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/CS by Judiciary on March 12, 2013:

The committee substitute:

- Clarifies that the DJJ secretary appoints the initial chair of each juvenile justice circuit advisory board in consultation with the juvenile justice county councils. Subsequent appointments of a chair will be made by the DJJ secretary in consultation with the board.
- Requires the presence of a quorum to take a vote on measures or positions.

CS by Criminal Justice on March 4, 2013:

Makes technical and conforming changes to several other sections of law that were affected by the underlying bill.

- B. **Amendments:**

None.

By the Committees on Judiciary; and Criminal Justice; and
Senator Evers

590-02286-13

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A bill to be entitled

An act relating to juvenile justice circuit advisory boards and juvenile justice county councils; amending s. 985.664, F.S.; redesignating juvenile justice circuit boards as juvenile justice circuit advisory boards; requiring each board to have a county organization representing each county in the circuit; providing an exception for single-county circuits; deleting provisions providing for juvenile justice county councils; revising provisions relating to duties and responsibilities of boards; requiring submission of circuit plans by specified dates; revising membership of boards; providing for appointment and terms of members; providing for quorums and for passage of measures or positions; revising provisions relating to bylaws; amending ss. 790.22, 938.17, 948.51, 985.48, and 985.676, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 985.664, Florida Statutes, is amended to read:

985.664 Juvenile justice circuit advisory boards ~~and juvenile justice county councils.~~

(1) There is authorized a juvenile justice circuit advisory board to be established in each of the 20 judicial circuits ~~and a juvenile justice county council to be established in each of~~

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~~the 67 counties. Except in single-county circuits, each juvenile justice circuit advisory board shall have a county organization representing each of the counties in the circuit. The county organization shall report directly to the juvenile justice circuit advisory board on the juvenile justice needs of the county.~~ The purpose of each juvenile justice circuit advisory board ~~and each juvenile justice county council~~ is to provide advice and direction to the department in the development and implementation of juvenile justice programs and to work collaboratively with the department in seeking program improvements and policy changes to address the emerging and changing needs of Florida's youth who are at risk of delinquency.

(2) The duties and responsibilities of a juvenile justice circuit advisory board include, but are not limited to:

(a) Developing Each juvenile justice county council shall develop a juvenile justice prevention and early intervention plan for the county and shall collaborate with the circuit board and other county councils assigned to that circuit in the development of a comprehensive plan for the circuit. The initial circuit plan shall be submitted to the department no later than December 31, 2014, and no later than June 30 every 3 years thereafter. The department shall prescribe a format and content requirements for the submission of the comprehensive plan.

~~(b)(3) Participating in the facilitation of Juvenile justice circuit boards and county councils shall also participate in facilitating interagency cooperation and information sharing.~~

(c)(4) Providing recommendations Juvenile justice circuit

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59 ~~boards and county councils may apply for and receive public or~~
 60 private grants to be administered by one of the community
 61 partners that support one or more components of the
 62 comprehensive county or circuit plan.

63 ~~(d)(5) Providing recommendations to Juvenile justice~~
 64 ~~circuit boards and county councils shall advise and assist the~~
 65 department in the evaluation ~~and award~~ of prevention and early
 66 intervention grant programs, including the Community Juvenile
 67 Justice Partnership Grant program established in s. 985.676 and
 68 proceeds from the Invest in Children license plate annual use
 69 fees.

70 ~~(e)(6) Providing Each juvenile justice circuit board shall~~
 71 ~~provide~~ an annual report to the department describing the
 72 board's activities of the circuit board and each of the county
 73 councils contained within its circuit. The department shall may
 74 prescribe a format and content requirements for submission of
 75 annual reports. The annual report must be submitted to the
 76 department no later than August 1 of each year.

77 ~~(3)(7) Each Membership of the juvenile justice circuit~~
 78 ~~advisory board shall have a minimum of 16 may not exceed 18~~
 79 ~~members, except as provided in subsections (8) and (9). The~~
 80 ~~membership of each Members must include the state attorney, the~~
 81 ~~public defender, and the chief judge of the circuit, or their~~
 82 ~~respective designees. The remaining 15 members of the board must~~
 83 ~~be appointed by the county councils within that circuit. The~~
 84 ~~board must include at least one representative from each county~~
 85 ~~council within the circuit. In appointing members to the circuit~~
 86 ~~board, the county councils must reflect:~~

87 (a) The circuit's geography and population distribution.

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88 ~~(b) Juvenile justice partners, including, but not limited~~
 89 ~~to, representatives of law enforcement, the school system, and~~
 90 ~~the Department of Children and Family Services.~~

91 ~~(b)(e) Diversity in the judicial circuit.~~

92 ~~(8) At any time after the adoption of initial bylaws~~
 93 ~~pursuant to subsection (12), a juvenile justice circuit board~~
 94 ~~may revise the bylaws to increase the number of members by not~~
 95 ~~more than three in order to adequately reflect the diversity of~~
 96 ~~the population and community organizations or agencies in the~~
 97 ~~circuit.~~

98 ~~(9) If county councils are not formed within a circuit, the~~
 99 ~~circuit board may establish its membership in accordance with~~
 100 ~~subsection (10). For juvenile justice circuit boards organized~~
 101 ~~pursuant to this subsection, the state attorney, public~~
 102 ~~defender, and chief circuit judge, or their respective~~
 103 ~~designees, shall be members of the circuit board.~~

104 ~~(4)(10) Each member of the juvenile justice circuit~~
 105 ~~advisory board must be approved by the secretary of the~~
 106 ~~department, except those members listed in paragraphs (a), (b),~~
 107 ~~(c), (e), (f), (g), and (h). Membership of The juvenile justice~~
 108 ~~county councils, or juvenile justice circuit advisory boards~~
 109 ~~established under subsection (1) must (9), may include as~~
 110 ~~members representatives from the following entities:~~

111 ~~(a) The state attorney or his or her designee~~
 112 ~~Representatives from the school district, which may include~~
 113 ~~elected school board officials, the school superintendent,~~
 114 ~~school or district administrators, teachers, and counselors.~~

115 ~~(b) The public defender or his or her designee~~
 116 ~~Representatives of the board of county commissioners.~~

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- 117 (c) The chief judge or his or her designee ~~Representatives~~
 118 ~~of the governing bodies of local municipalities within the~~
 119 ~~county.~~
- 120 (d) A representative of the corresponding circuit or
 121 regional entity of the Department of Children and Families
 122 ~~Family Services.~~
- 123 ~~(e) Representatives of local law enforcement agencies,~~
 124 ~~including~~ The sheriff or the sheriff's designee from each county
 125 in the circuit.
- 126 (f) A police chief or his or her designee from each county
 127 in the circuit ~~Representatives of the judicial system.~~
- 128 (g) A county commissioner or his or her designee from each
 129 county in the circuit.
- 130 (h) The superintendent of each school district in the
 131 circuit or his or her designee.
- 132 (i) A representative from the workforce organization of
 133 each county in the circuit.
- 134 ~~(j)(g) A representative~~ ~~Representatives~~ of the business
 135 community.
- 136 (k) A youth representative who has had an experience with
 137 the juvenile justice system and is not older than 21 years of
 138 age.
- 139 ~~(h) Representatives of other interested officials, groups,~~
 140 ~~or entities, including, but not limited to, a children's~~
 141 ~~services council, public or private providers of juvenile~~
 142 ~~justice programs and services, students, parents, and advocates.~~
 143 ~~Private providers of juvenile justice programs may not exceed~~
 144 ~~one third of the voting membership.~~
- 145 ~~(l)(i) A representative~~ ~~representatives~~ of the faith

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- 146 community.
- 147 ~~(m)(j) A health services representative who specializes in~~
 148 ~~mental health care,~~ ~~Representatives of~~ victim-service programs,
 149 ~~or~~ ~~and~~ victims of crimes.
- 150 ~~(k) Representatives of the Department of Corrections.~~
- 151 (n) A parent or family member of a youth who has been
 152 involved with the juvenile justice system.
- 153 (o) Up to five representatives from any of the following
 154 who are not otherwise represented in this subsection:
- 155 1. Community leaders.
- 156 2. Youth-serving coalitions.
- 157 (5) (a) To form the initial juvenile justice circuit
 158 advisory board, the secretary of the department, in consultation
 159 with the juvenile justice county councils in existence on
 160 October 1, 2013, shall appoint the chair of the board, who must
 161 meet the board membership requirements in subsection (4). Within
 162 45 days after being appointed, the chair shall appoint the
 163 remaining members to the juvenile justice advisory board and
 164 submit the appointments to the department for approval.
- 165 (b) Thereafter, when a vacancy of the chair occurs, the
 166 secretary of the department, in consultation with the juvenile
 167 justice circuit advisory board, shall appoint a new chair, who
 168 must meet the board membership requirements in subsection (4).
 169 The chair shall appoint members to vacant seats within 45 days
 170 of the vacancy and submit the appointments to the department for
 171 approval.
- 172 (6) A member may not serve more than two consecutive 2-year
 173 terms, except those members listed in paragraphs (4) (a), (b),
 174 (c), (e), (f), (g), and (h). A former member who has not served

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175 on the juvenile justice circuit advisory board for 2 years is
 176 eligible to serve on the juvenile justice circuit advisory board
 177 again.

178 (7) At least half of the voting members of the juvenile
 179 justice circuit advisory board constitutes a quorum. A quorum
 180 must be present for the board to vote on a measure or position.

181 (8) In order for a juvenile justice circuit advisory board
 182 measure or position to pass, it must receive more than 50
 183 percent of the vote.

184 (9)(11) Each juvenile justice county council, or juvenile
 185 justice circuit advisory board established under subsection (9),
 186 must provide for the establishment of an executive committee of
 187 not more than 10 members. The duties and authority of the
 188 executive committee must be addressed in the bylaws.

189 (10)(12) Each juvenile justice circuit advisory board and
 190 county council shall have develop bylaws that provide for
 191 officers and committees as the board or council deems necessary
 192 and shall specify the qualifications, method of selection, and
 193 term for each office created. The department shall prescribe a
 194 format and content requirements for the bylaws. All bylaws must
 195 be approved by the department. The bylaws shall address at least
 196 the following issues: process for appointments to the board or
 197 council, election or appointment of officers; filling of vacant
 198 positions; duration of member terms; provisions for voting;
 199 meeting attendance requirements; and the establishment and
 200 duties of an executive committee, if required under subsection
 201 (11).

202 (11)(13) Members of juvenile justice circuit advisory
 203 boards and county councils are subject to the provisions of part

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204 III of chapter 112.

205 Section 2. Paragraph (c) of subsection (4) of section
 206 790.22, Florida Statutes, is amended to read:

207 790.22 Use of BB guns, air or gas-operated guns, or
 208 electric weapons or devices by minor under 16; limitation;
 209 possession of firearms by minor under 18 prohibited; penalties.-

210 (4)

211 (c) The juvenile justice circuit advisory boards ~~or~~
 212 ~~juvenile justice county councils~~ or the Department of Juvenile
 213 Justice shall establish appropriate community service programs
 214 to be available to the alternative sanctions coordinators of the
 215 circuit courts in implementing this subsection. The boards ~~or~~
 216 ~~councils~~ or department shall propose the implementation of a
 217 community service program in each circuit, and may submit a
 218 circuit plan, to be implemented upon approval of the circuit
 219 alternative sanctions coordinator.

220 Section 3. Subsection (4) of section 938.17, Florida
 221 Statutes, is amended to read:

222 938.17 County delinquency prevention; juvenile assessment
 223 centers and school board suspension programs.-

224 (4) A sheriff's office that receives proceeds pursuant to
 225 s. 939.185 shall account for all funds annually by August 1 in a
 226 written report to the juvenile justice circuit advisory board
 227 ~~county council~~ if funds are used for assessment centers, and to
 228 the district school board if funds are used for suspension
 229 programs.

230 Section 4. Subsection (2) of section 948.51, Florida
 231 Statutes, is amended to read:

232 948.51 Community corrections assistance to counties or

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233 county consortiums.-

234 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A
 235 county, or a consortium of two or more counties, may contract
 236 with the Department of Corrections for community corrections
 237 funds as provided in this section. In order to enter into a
 238 community corrections partnership contract, a county or county
 239 consortium must have a public safety coordinating council
 240 established under s. 951.26 and must designate a county officer
 241 or agency to be responsible for administering community
 242 corrections funds received from the state. The public safety
 243 coordinating council shall prepare, develop, and implement a
 244 comprehensive public safety plan for the county, or the
 245 geographic area represented by the county consortium, and shall
 246 submit an annual report to the Department of Corrections
 247 concerning the status of the program. In preparing the
 248 comprehensive public safety plan, the public safety coordinating
 249 council shall cooperate with the juvenile justice circuit
 250 advisory board ~~and the juvenile justice county council,~~
 251 established under s. 985.664~~7~~, in order to include programs and
 252 services for juveniles in the plan. To be eligible for community
 253 corrections funds under the contract, the initial public safety
 254 plan must be approved by the governing board of the county, or
 255 the governing board of each county within the consortium, and
 256 the Secretary of Corrections based on the requirements of this
 257 section. If one or more other counties develop a unified public
 258 safety plan, the public safety coordinating council shall submit
 259 a single application to the department for funding. Continued
 260 contract funding shall be pursuant to subsection (5). The plan
 261 for a county or county consortium must cover at least a 5-year

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262 period and must include:

- 263 (a) A description of programs offered for the job placement
 264 and treatment of offenders in the community.
 265 (b) A specification of community-based intermediate
 266 sentencing options to be offered and the types and number of
 267 offenders to be included in each program.
 268 (c) Specific goals and objectives for reducing the
 269 projected percentage of commitments to the state prison system
 270 of persons with low total sentencing scores pursuant to the
 271 Criminal Punishment Code.
 272 (d) Specific evidence of the population status of all
 273 programs which are part of the plan, which evidence establishes
 274 that such programs do not include offenders who otherwise would
 275 have been on a less intensive form of community supervision.
 276 (e) The assessment of population status by the public
 277 safety coordinating council of all correctional facilities owned
 278 or contracted for by the county or by each county within the
 279 consortium.
 280 (f) The assessment of bed space that is available for
 281 substance abuse intervention and treatment programs and the
 282 assessment of offenders in need of treatment who are committed
 283 to each correctional facility owned or contracted for by the
 284 county or by each county within the consortium.
 285 (g) A description of program costs and sources of funds for
 286 each community corrections program, including community
 287 corrections funds, loans, state assistance, and other financial
 288 assistance.
 289 Section 5. Subsection (13) of section 985.48, Florida
 290 Statutes, is amended to read:

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291 985.48 Juvenile sexual offender commitment programs; sexual
292 abuse intervention networks.-

293 (13) Subject to specific appropriation, availability of
294 funds, or receipt of appropriate grant funds, the Office of the
295 Attorney General, the Department of Children and ~~Families Family~~
296 ~~Services, or the Department of Juvenile Justice, or local~~
297 ~~juvenile justice councils~~ shall award grants to sexual abuse
298 intervention networks that apply for such grants. The grants may
299 be used for training, treatment, conditional release,
300 evaluation, public awareness, and other specified community
301 needs that are identified by the network. A grant shall be
302 awarded based on the applicant's level of local funding, level
303 of collaboration, number of juvenile sexual offenders to be
304 served, number of victims to be served, and level of unmet
305 needs.

306 Section 6. Paragraph (a) of subsection (1) and paragraphs
307 (b) and (e) of subsection (2) of section 985.676, Florida
308 Statutes, are amended to read:

309 985.676 Community juvenile justice partnership grants.-

310 (1) GRANTS; CRITERIA.-

311 (a) In order to encourage the development of a county and
312 circuit juvenile justice plan plans and the development and
313 implementation of ~~county and~~ circuit interagency agreements
314 under s. 985.664, the community juvenile justice partnership
315 grant program is established and shall be administered by the
316 department.

317 (2) GRANT APPLICATION PROCEDURES.-

318 (b) The department shall consider ~~the following in awarding~~
319 ~~such grants:~~

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320 ~~1. The recommendations of the juvenile justice county~~
321 ~~council as to the priority that should be given to proposals~~
322 ~~submitted by entities within a county.~~

323 ~~2.~~ the recommendations of the juvenile justice circuit
324 advisory board as to the priority that should be given to
325 proposals submitted by entities within a circuit in awarding
326 such grants.

327 (e) Each entity that is awarded a grant as provided for in
328 this section shall submit an annual evaluation report to the
329 department, the circuit juvenile justice manager, and the
330 juvenile justice circuit advisory board, ~~and the juvenile~~
331 ~~justice county council~~, by a date subsequent to the end of the
332 contract period established by the department, documenting the
333 extent to which the program objectives have been met, the effect
334 of the program on the juvenile arrest rate, and any other
335 information required by the department. The department shall
336 coordinate and incorporate all such annual evaluation reports
337 with s. 985.632. Each entity is also subject to a financial
338 audit and a performance audit.

339 Section 7. This act shall take effect October 1, 2013.

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

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 Appropriations Subcommittee on Criminal and Civil Justice

BILL: CS/SB 504

INTRODUCER: Criminal Justice Committee, Senator Brandes, and others

SUBJECT: Animal Cruelty

DATE: March 25, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Favorable
2.	Cantral	Sadberry	ACJ	Favorable
3.			AP	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

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

I. Summary:

CS/SB 504 clarifies that a person who commits multiple acts of animal cruelty or aggravated animal cruelty against one animal may be charged with a separate offense for each act. The bill also clarifies that a person who commits animal cruelty or aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal such cruelty was committed upon.

The bill designates misdemeanor cruelty to animals as “animal cruelty” and designates felony cruelty to animals as “aggravated animal cruelty.”

Finally, the bill amends the definition of “racketeering activity” to include violations of s. 828.122, F.S., relating to animal fighting and baiting in s. 895.02, F.S.

The Criminal Justice Impact Conference met on March 21, 2013, and determined that the bill will have an insignificant fiscal impact.

This bill has an effective date of July 1, 2013.

This bill substantially amends sections 828.12 and 895.02, Florida Statutes.

II. Present Situation:

Cruelty to Animals

Section 828.12(1) and (2), F.S., provides the following:

(1) A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, is guilty of a first degree misdemeanor or by a fine of not more than \$5,000, or both.

(2) A person who intentionally commits an act to any animal which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, is guilty of a third degree felony or by a fine of not more than \$10,000, or both.

A circuit judge in the First Judicial Circuit recently held that, “a single act of cruelty injuring multiple animals will be insufficient to establish a basis for multiple convictions.” The court also stated, “the confinement of animals without sufficient food, water, or exercise charges are not distinguishable into separate acts merely because of an allegation that individual animals are kept in separate pens.”¹ Based upon the court’s ruling, acts of animal cruelty committed upon more than one animal would have to be prosecuted in the First Circuit as one act despite the fact that more than one animal suffered the cruelty. There is no similar judicial precedent at the circuit or appellate level. The trial court ruling makes the First Circuit the only circuit in the state with this particular interpretation of current law.

Animal Fighting or Baiting

Section 828.122(3), F.S., makes it a third degree felony for a person to:

- (3)(a) Bait, breed, train, transport, sell, own, possess, or use any wild or domestic animal for the purpose of animal fighting or baiting;
- (b) Own, possess, or sell equipment for use in any activity in paragraph (a).
- (c) Owning, leasing, managing, operating, or having control of any property kept or used for any activity described in paragraph (a) or paragraph (b);
- (d) Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals;
- (e) Performing any service or act to facilitate animal fighting or baiting, including, but not limited to, providing security, refereeing, or handling or transporting animals or being a stakeholder of any money wagered on animal fighting or baiting;
- (f) Removing or facilitating the removal of any animal impounded under this section from an agency where the animal is impounded or from a

¹ State v. Kervin, Sr. Case No. 000887A, (Fla. 1st Cir. Ct., 2012).

location designated by the court under subsection (4), subsection (5), or subsection (7), without the prior authorization of the court;

(g) Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or

(h) Attending the fighting or baiting of animals.

Notwithstanding any provision of this subsection to the contrary, possession of the animal alone does not constitute a violation of this section. ...

(9) This section shall not apply to:

(a) Any person simulating a fight for the purpose of using the simulated fight as part of a motion picture which will be used on television or in a motion picture, provided s. 828.12 is not violated.

(b) Any person using animals to pursue or take wildlife or to participate in any hunting regulated or subject to being regulated by the rules and regulations of the Fish and Wildlife Conservation Commission.

(c) Any person using animals to work livestock for agricultural purposes.

(d) Any person violating s. 828.121.

(e) Any person using dogs to hunt wild hogs or to retrieve domestic hogs pursuant to customary hunting or agricultural practices.

(10) This section shall not prohibit, impede, or otherwise interfere with recognized animal husbandry and training techniques or practices not otherwise specifically prohibited by law.

Racketeer Influenced and Corrupt Organization (RICO) Act

It is a first degree felony, ranked in Level 8 of the Criminal Punishment Code offense severity ranking chart, to violate Florida's RICO statute for a person:²

- Who has with criminal intent received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise;
- Through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property;
- Who is employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt; or
- To conspire or endeavor to violate any of the above-described provisions.

Section 895.02, F.S., defines the term "racketeering activity," in part, to mean to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit any crimes that are chargeable by indictment or information that are specifically listed in s. 895.02(1)(a), F.S.

² Section 921.0022, F.S.

There are over 50 crimes currently listed in s. 895.02(1)(a), F.S., ranging from evasion of payment of cigarette taxes to homicide. Violations of the RICO Act may be investigated and prosecuted by the Office of Statewide Prosecution.³

III. Effect of Proposed Changes:

The bill designates a violation of s. 828.12(1), F.S., as “animal cruelty,” and a violation of s. 828.12(2), F.S., as “aggravated animal cruelty.”

The bill adds a new subsection (3) to s. 828.12, F.S., specifying that a person who commits multiple acts of animal cruelty or aggravated animal cruelty against one animal may be charged with a separate offense for each act. Similarly, the bill provides that a person who commits animal cruelty or aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal such cruelty was committed upon. This provision brings the First Judicial Circuit back in line with the rest of the state after a court ruling in a particular case in that circuit had ruled otherwise.⁴

Finally, the bill amends the definition of “racketeering activity” to include violations of s. 828.122, F.S., relating to animal fighting and baiting in s. 895.02, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³ Section 16.56, F.S., reads, in part,
16.56 Office of Statewide Prosecution.—

(1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate “budget entity” as that term is defined in chapter 216. The office may:

(a) Investigate and prosecute the offenses of:

3. Any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(1)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason.

⁴ State v. Kervin, Sr. Case No.000887A, (Fla. 1st Cir. Ct., 2012).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Corrections reports that there have been no admissions to prison under s. 828.12, F.S., during the last three fiscal years. However, it is uncertain if the modifications made in the bill will lead to prison admissions. The following chart reflects the number of admissions to community supervision during the last three fiscal years.

Primary Offense Description	Supervision Admission Years		
	FY 09/10	FY 10/11	FY 11/12
Tortures Animals w/Intent	73	53	89

On March 21, 2013, the Criminal Justice Impact Conference determined the bill will have an insignificant fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on March 18, 2013:

Deleted section 2 of the bill relating to evidentiary matters regarding baiting and fighting animals.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senators Brandes,
Gardiner, and Lee

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A bill to be entitled

An act relating to animal cruelty; amending s. 828.12, F.S.; specifying that a person who commits multiple acts of animal cruelty against one animal or acts of animal cruelty against multiple animals may be charged with a separate offense for each such act of animal cruelty; amending s. 895.02, F.S.; including illegal animal fighting or baiting as an offense within the definition of the term "racketeering activity" for purposes of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; providing an effective date.

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

Section 1. Section 828.12, Florida Statutes, is amended to read:

828.12 Cruelty to animals.—

(1) A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, commits animal cruelty, ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or both.

(2) A person who intentionally commits an act to any animal which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same

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to be done, commits aggravated animal cruelty, ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082 or by a fine of not more than \$10,000, or both.

(a) A person convicted of a violation of this subsection, where the finder of fact determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, shall be ordered to pay a minimum mandatory fine of \$2,500 and undergo psychological counseling or complete an anger management treatment program.

(b) A ~~Any~~ person convicted of a second or subsequent violation of this subsection shall be required to pay a minimum mandatory fine of \$5,000 and serve a minimum mandatory period of incarceration of 6 months. In addition, the person shall be released only upon expiration of sentence, is ~~shall not be~~ eligible for parole, control release, or any form of early release, and must serve 100 percent of the court-imposed sentence. Any plea of nolo contendere shall be considered a conviction for purposes of this subsection.

(3) A person who commits multiple acts of animal cruelty or aggravated animal cruelty against an animal may be charged with a separate offense for each such act. A person who commits animal cruelty or aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal such cruelty was committed upon.

(4) ~~(3)~~ A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this section. Such a veterinarian is, therefore, under this subsection, immune from a lawsuit for his or her part in an

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59 investigation of cruelty to animals.

60 (5)~~(4)~~ A person who intentionally trips, fells, ropes, or
61 lassos the legs of a horse by any means for the purpose of
62 entertainment or sport shall be guilty of a third degree felony,
63 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
64 As used in this subsection, "trip" means any act that consists
65 of the use of any wire, pole, stick, rope, or other apparatus to
66 cause a horse to fall or lose its balance, and "horse" means any
67 animal of any registered breed of the genus *Equus*, or any
68 recognized hybrid thereof. The provisions of this subsection
69 shall not apply when tripping is used:

70 (a) To control a horse that is posing an immediate threat
71 to other livestock or human beings;

72 (b) For the purpose of identifying ownership of the horse
73 when its ownership is unknown; or

74 (c) For the purpose of administering veterinary care to the
75 horse.

76 Section 2. Paragraph (a) of subsection (1) of section
77 895.02, Florida Statutes, is amended to read:

78 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

79 (1) "Racketeering activity" means to commit, to attempt to
80 commit, to conspire to commit, or to solicit, coerce, or
81 intimidate another person to commit:

82 (a) Any crime that is chargeable by petition, indictment,
83 or information under the following provisions of the Florida
84 Statutes:

85 1. Section 210.18, relating to evasion of payment of
86 cigarette taxes.

87 2. Section 316.1935, relating to fleeing or attempting to

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88 elude a law enforcement officer and aggravated fleeing or
89 eluding.

90 3. Section 403.727(3)(b), relating to environmental
91 control.

92 4. Section 409.920 or s. 409.9201, relating to Medicaid
93 fraud.

94 5. Section 414.39, relating to public assistance fraud.

95 6. Section 440.105 or s. 440.106, relating to workers'
96 compensation.

97 7. Section 443.071(4), relating to creation of a fictitious
98 employer scheme to commit reemployment assistance fraud.

99 8. Section 465.0161, relating to distribution of medicinal
100 drugs without a permit as an Internet pharmacy.

101 9. Section 499.0051, relating to crimes involving
102 contraband and adulterated drugs.

103 10. Part IV of chapter 501, relating to telemarketing.

104 11. Chapter 517, relating to sale of securities and
105 investor protection.

106 12. Section 550.235 or s. 550.3551, relating to dogracing
107 and horseracing.

108 13. Chapter 550, relating to jai alai frontons.

109 14. Section 551.109, relating to slot machine gaming.

110 15. Chapter 552, relating to the manufacture, distribution,
111 and use of explosives.

112 16. Chapter 560, relating to money transmitters, if the
113 violation is punishable as a felony.

114 17. Chapter 562, relating to beverage law enforcement.

115 18. Section 624.401, relating to transacting insurance
116 without a certificate of authority, s. 624.437(4)(c)1., relating

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117 to operating an unauthorized multiple-employer welfare
118 arrangement, or s. 626.902(1)(b), relating to representing or
119 aiding an unauthorized insurer.

120 19. Section 655.50, relating to reports of currency
121 transactions, when such violation is punishable as a felony.

122 20. Chapter 687, relating to interest and usurious
123 practices.

124 21. Section 721.08, s. 721.09, or s. 721.13, relating to
125 real estate timeshare plans.

126 22. Section 775.13(5)(b), relating to registration of
127 persons found to have committed any offense for the purpose of
128 benefiting, promoting, or furthering the interests of a criminal
129 gang.

130 23. Section 777.03, relating to commission of crimes by
131 accessories after the fact.

132 24. Chapter 782, relating to homicide.

133 25. Chapter 784, relating to assault and battery.

134 26. Chapter 787, relating to kidnapping or human
135 trafficking.

136 27. Chapter 790, relating to weapons and firearms.

137 28. Chapter 794, relating to sexual battery, but only if
138 such crime was committed with the intent to benefit, promote, or
139 further the interests of a criminal gang, or for the purpose of
140 increasing a criminal gang member's own standing or position
141 within a criminal gang.

142 29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or s.
143 796.07, relating to prostitution and sex trafficking.

144 30. Chapter 806, relating to arson and criminal mischief.

145 31. Chapter 810, relating to burglary and trespass.

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146 32. Chapter 812, relating to theft, robbery, and related
147 crimes.

148 33. Chapter 815, relating to computer-related crimes.

149 34. Chapter 817, relating to fraudulent practices, false
150 pretenses, fraud generally, and credit card crimes.

151 35. Chapter 825, relating to abuse, neglect, or
152 exploitation of an elderly person or disabled adult.

153 36. Section 827.071, relating to commercial sexual
154 exploitation of children.

155 37. Section 828.122, relating to fighting or baiting
156 animals.

157 ~~38.37.~~ Chapter 831, relating to forgery and counterfeiting.

158 ~~39.38.~~ Chapter 832, relating to issuance of worthless
159 checks and drafts.

160 ~~40.39.~~ Section 836.05, relating to extortion.

161 ~~41.40.~~ Chapter 837, relating to perjury.

162 ~~42.41.~~ Chapter 838, relating to bribery and misuse of
163 public office.

164 ~~43.42.~~ Chapter 843, relating to obstruction of justice.

165 ~~44.43.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
166 or s. 847.07, relating to obscene literature and profanity.

167 ~~45.44.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
168 s. 849.25, relating to gambling.

169 ~~46.45.~~ Chapter 874, relating to criminal gangs.

170 ~~47.46.~~ Chapter 893, relating to drug abuse prevention and
171 control.

172 ~~48.47.~~ Chapter 896, relating to offenses related to
173 financial transactions.

174 ~~49.48.~~ Sections 914.22 and 914.23, relating to tampering

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175 with or harassing a witness, victim, or informant, and
176 retaliation against a witness, victim, or informant.

177 ~~50.49.~~ Sections 918.12 and 918.13, relating to tampering
178 with jurors and evidence.

179 Section 3. This act shall take effect July 1, 2013.

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 Appropriations Subcommittee on Criminal and Civil Justice

BILL: SB 788

INTRODUCER: Senator Abruzzo

SUBJECT: Criminal Gang Prevention

DATE: March 21, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Favorable
2.	Anderson	Yeatman	CA	Favorable
3.	Cantral	Sadberry	ACJ	Favorable
4.			AP	
5.				
6.				

I. Summary:

SB 788 does the following to enhance criminal gang intervention and prevention:

- Increases the misdemeanor criminal penalties for specified trespassing offenses in school safety zones by a person convicted of gang-related offenses (becomes a first instead of a second degree misdemeanor);
- Increases the felony criminal penalties for intentionally causing, encouraging, soliciting, or recruiting a person under 13 years of age to become a gang member (becomes a second instead of a third degree felony, except if it is a second or subsequent recruiting conviction, it becomes a first degree felony);
- Authorizes a county or municipal detention facility to designate a person to be responsible for assessing whether an inmate is a criminal gang member or associate and if so, report it to the arresting law enforcement agency;
- Amends the criminal gang multiplier in s. 921.0024, F.S., so that the multiplier will be able to be applied with a finding by the judge (rather than the jury) that the defendant committed the offense for the purpose of benefitting, promoting, or furthering the interests of a criminal gang in instances where the lowest permissible sentence does not exceed the statutory maximum sentence for the offense; and
- Makes technical and conforming changes.

The Criminal Justice Impact Conference met on February 27, 2013 and determined the bill has an insignificant fiscal impact.

This bill has an effective date of July 1, 2013.

This bill substantially amends the following sections of the Florida Statutes: 810.0975, 874.05, 951.23, and 921.0024. Sections 435.04 and 921.0022, Florida Statutes, are amended to conform to changes made by the bill.

II. Present Situation:

School Safety Zones

A “school safety zone” is defined as being in, on, or within 500 feet of real property owned by or leased to any public or private elementary, middle, or high school or school board which is used for elementary, middle, or high school education.¹ Principals are required to notify law enforcement to prohibit persons who have no legitimate business or any other authorization from loitering in a school safety zone.²

Section 810.0975, F.S., criminalizes trespassing within a school safety zone or remaining there with no legitimate business between a certain time period as a misdemeanor offense. It is a second degree misdemeanor,³ during the school session and one hour before and after the school session, for a person to trespass within a school safety zone or to remain there when the person does not have legitimate business to conduct or any other authorization to be in the school safety zone.⁴

It is also a second degree misdemeanor for a person, with no legitimate business to conduct or having no other authorization within a school safety zone, to willfully fail to leave when requested to do so by the principal who has a reasonable belief that the person is going to commit a crime or intimidate or harass students within the school safety zone.⁵

Criminal Gang Enforcement and Prevention

Chapter 874, F.S., governs criminal gang enforcement and prevention, including in part, statutes that do the following: set forth definitions of criminal gangs, criminal gang-related activities, criminal gang member, and criminal gang associate; establishes a statewide criminal gang database within the Florida Department of Law Enforcement (FDLE)⁶; provides enhanced penalties for gang-related offenses; and proscribes encouraging, soliciting, or recruiting criminal gang membership.⁷

¹ Section 810.0975(1), F.S.

² Section 810.0975(2)(a), F.S.

³ A second degree misdemeanor is punishable by potentially serving up to 60 days in county jail and paying up to \$500 in fines. Sections 775.082 and 775.083, F.S.

⁴ Section 810.0975(2)(b), F.S.

⁵ Section 810.0975(2)(c), F.S.

⁶ Pursuant to s. 874.09, F.S., the Florida Department of Law Enforcement manages a statewide criminal gang database where gang intelligence information is shared among all law enforcement agencies statewide. Information is entered into the database by local law enforcement agencies who, after carrying out any arrest of any individual whom they believe is a member or associate of a criminal gang, may create or update that individual’s electronic file within the database.

⁷ Sections 874.03, 874.09, 874.04, and 874.05, F.S.

Currently, it is a third degree felony⁸ for committing a first offense of intentionally causing, encouraging, soliciting, or recruiting another person to become a gang member if membership is dependent upon the commission or continued commission of any crime.⁹ This offense is ranked in Level 4 (22 sentencing points) on the offense severity ranking chart (ranking chart).¹⁰ However, the commission of this crime a second or subsequent time results in a second degree felony penalty,¹¹ ranked in Level 5 (28 sentencing points) of the ranking chart.

County and Municipal Detention Facilities

Section 951.23, F.S., includes the following as it relates to county and municipal detention facilities: definitions; authorization for an inmate commissary and welfare fund; prohibitions against violating jail rules; and model standards and requirements for sheriffs and chief correctional officers operating county and municipal detention facilities.¹² There is currently no statutory provision addressing gang prevention in a county or municipal detention facility.

Criminal Gang Offenses and the Sentencing Multiplier

Criminal offenses are ranked in the ranking chart from level one (least severe) to level ten (most severe) and are assigned points based on the severity of the offense. A defendant's sentence is calculated based on points, which are assigned for factors such as: the offense for which the defendant is being sentenced; victim injury; the defendant's prior record and other aggravating factors. The points are added in order to determine the "lowest permissible sentence" for the offense. The Criminal Punishment Code worksheet, found in s. 921.0024, F.S., is used to compute a defendant's total sentence points.

The Criminal Punishment Code worksheet contains a variety of sentencing multipliers that act to multiply a defendant's sentencing points by a certain number, thereby increasing the defendant's lowest permissible sentence. The worksheet currently contains a criminal gang multiplier that multiplies a defendant's sentence points by 1.5 if the defendant committed the offense for the purpose of benefitting, promoting, or furthering the interests of a criminal gang as prohibited under s. 874.04, F.S.

Section 874.04, F.S., provides that upon a finding by the factfinder that a defendant committed the charged offense for the purpose of benefitting, promoting, or furthering the interests of a criminal gang, the penalty for such offense can be enhanced. The statute specifies the extent to

⁸ A third degree felony is punishable by potentially serving up to five years in prison and paying up to \$5,000 in fines. Sections 775.082 and 775.083, F.S.

⁹ Section 874.05(1), F.S.

¹⁰ Criminal offenses are ranked in the "offense severity ranking chart" from level one (least severe) to level ten (most severe) and are assigned points based on the severity of the offense. A defendant's sentence is calculated based on points, which are assigned for factors including: the offense for which the defendant is being sentenced; victim injury; the defendant's prior record and other aggravating factors. The points are added in order to determine the "lowest permissible sentence" for the offense. If the total sentence points equals or is less than 44 points, the lowest permissible sentence is a non-state prison sanction (i.e., jail). If the total sentence points exceed 44 points, a prison sentence is the lowest permissible sentence.

¹¹ Section 874.05(2), F.S. A second degree felony is punishable by potentially serving up to 15 years in prison and paying up to \$10,000 in fines. Sections 775.082 and 775.083, F.S.

¹² Section 951.23(1), (4), (9), (10), F.S.

which such enhancement can be made and mandates each of the findings required as a basis for such enhancement to be found beyond a reasonable doubt.

As noted above, the criminal gang multiplier in the worksheet multiplies a defendant's sentence points by 1.5 if the defendant committed the offense for the purpose of benefitting, promoting, or furthering the interests of a criminal gang *as prohibited under s. 874.04, F.S.* Section 874.04, F.S., requires the factfinder (i.e., the jury) to find that a defendant committed the offense for such purposes. This limits the instances in which the criminal gang multiplier can be used to those instances in which the jury has made the required finding. If the reference to s. 874.04, F.S., were removed from the multiplier, a *judge* could make the required finding so long as the lowest permissible sentence does not exceed the statutory maximum sentence for the charged offense.¹³

III. Effect of Proposed Changes:

School Safety Zones (Section 1)

The bill enhances criminal penalties from a second degree misdemeanor to a first degree misdemeanor¹⁴ if a person trespasses or remains with no legitimate business to conduct or willfully fails to leave when requested to do so by the principal within a school safety zone and such person has previously been convicted of a gang-related offense under s. 874, F.S.

Criminal Gang Enforcement and Prevention (Section 2)

The bill also enhances criminal penalties for intentionally causing, encouraging, soliciting, or recruiting a person younger than 13 years of age to become a gang member. The penalty goes from a third degree felony to a second degree felony,¹⁵ unless it is the second or subsequent violation. If it is a second or subsequent violation of recruiting a gang member, it becomes a first degree felony¹⁶ rather than a second degree felony under the bill.

County and Municipal Detention Facilities (Section 3)

The bill adds a subsection to s. 951.23, F.S., authorizing a county or municipal detention facility to designate a person to be responsible for assessing whether an inmate is a criminal gang member or associate by using the criteria found in s. 874.03, F.S. (The criteria defines a criminal gang member, a criminal gang associate, and criminal gang-related activity.) The bill also provides that such designated person should at least once every two weeks transmit information on inmates believed to be gang members or associates to the arresting law enforcement agency.

Criminal Gang-Related Offenses and Sentencing Multipliers (Section 6)

The bill amends the criminal gang multiplier in s. 921.0024, F.S., to specify that a defendant's sentence points are multiplied by 1.5 if the defendant committed the offense for the purpose of

¹³ See *Mathew v. State*, 837 So. 2d 1167 (Fla. 4th DCA 2003); *Apprendi v. New Jersey*, 530 U.S. 466 (2000).

¹⁴ A first degree misdemeanor is punishable by potentially serving up to one year in jail and paying up to \$1,000 in fines. Sections 775.082 and 775.083, F.S.

¹⁵ See *supra* note 11.

¹⁶ A first degree felony is punishable by potentially serving up to 30 years in prison and paying up to \$10,000 in fines. Sections 775.082 and 775.083, F.S.

benefitting, promoting, or furthering the interests of a criminal gang *as defined in s. 874.03, F.S.* As a result, the multiplier will be able to be applied without a finding by the jury that the defendant committed the offense for the purposes of benefitting, promoting, or furthering the interests of a criminal gang so long as the lowest permissible sentence does not exceed the statutory maximum sentence for the offense.

Miscellaneous

Section 4 and 5 makes some technical and conforming changes by revising the level 2 screening standards in s. 435.04, F.S., and the Criminal Punishment Code in s. 921.0975, F.S.

Section 7 provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill appears to be exempt from the requirements of Art. VII, s. 18, State Constitution, as it is 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:

Persons who trespass or remain with no legitimate business within a school safety zone and have a prior conviction for a gang-related offense are subject to a first degree misdemeanor penalty (serving up to potentially one year in jail and paying up to \$1,000 in fines).^{17,18}

Persons who intentionally recruit someone younger than 13 to become a gang member are subject to a second degree felony (serving up to potentially 15 years in prison and paying up to \$10,000 in fines), unless it is a second or subsequent offense. If it is a

¹⁷ s. 775.082(4)(a), F.S.

¹⁸ s. 775.083(1)(d), F.S.

second or subsequent offense, it becomes a first degree felony, punishable by serving up to potentially 30 years in prison and paying up to \$10,000 in fines.^{19,20}

C. Government Sector Impact:

The Criminal Justice Impact Conference met on February 27, 2013, and found that this bill will have an insignificant impact on prison beds.

Enhancing the misdemeanor penalty from a second to a first degree misdemeanor may result in a fiscal impact upon local jails because of increased incarceration.

A local law enforcement agency choosing to designate a person within its county or municipal detention facility to assess gang members may incur some additional expenses, but the bill does not mandate this requirement on any agency.

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.)

None.

B. Amendments:

None.

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

¹⁹ s. 775.082(3)(b), F.S.

²⁰ s. 775.083(1)(b), F.S.

By Senator Abruzzo

25-01301-13

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1 A bill to be entitled
 2 An act relating to criminal gang prevention; amending
 3 s. 810.0975, F.S.; providing enhanced criminal
 4 penalties for certain trespassing offenses in school
 5 safety zones by a person convicted of certain gang-
 6 related offenses; amending s. 874.05, F.S.; providing
 7 enhanced criminal penalties for a person who
 8 intentionally causes, encourages, solicits, or
 9 recruits another person under a specified age to
 10 become a criminal gang member in certain
 11 circumstances; amending s. 951.23, F.S.; authorizing
 12 county and municipal detention facilities to designate
 13 an individual to be responsible for assessing whether
 14 each inmate is a criminal gang member or associate;
 15 providing duties of such individuals; amending ss.
 16 435.04 and 921.0022, F.S.; conforming cross-references
 17 and assigning offense severity rankings for violations
 18 of s. 874.05, F.S.; amending s. 921.0024, F.S.;
 19 revising the criteria for application of the
 20 sentencing multiplier for offenses related to criminal
 21 gangs; limiting application of the multiplier if
 22 application would result in the lowest permissible
 23 sentence exceeding the statutory maximum sentence;
 24 providing an effective date.

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

27 Section 1. Section 810.0975, Florida Statutes, is amended
 28 to read:
 29

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30 810.0975 School safety zones; definition; trespass
 31 prohibited; penalty.-

32 (1) For the purposes of this section, the term "school
 33 safety zone" means in, on, or within 500 feet of any real
 34 property owned by or leased to any public or private elementary,
 35 middle, or high school or school board and used for elementary,
 36 middle, or high school education.

37 (2) (a) Each principal or designee of each public or private
 38 school in this state shall notify the appropriate law
 39 enforcement agency to prohibit any person from loitering in the
 40 school safety zone who does not have legitimate business in the
 41 school safety zone or any other authorization, or license to
 42 enter or remain in the school safety zone or does not otherwise
 43 have invitee status in the designated safety zone.

44 (b) 1. During the period from 1 hour prior to the start of a
 45 school session until 1 hour after the conclusion of a school
 46 session, it is unlawful for any person to enter the premises or
 47 trespass within a school safety zone or to remain on such
 48 premises or within such school safety zone when that person does
 49 not have legitimate business in the school safety zone or any
 50 other authorization, license, or invitation to enter or remain
 51 in the school safety zone.

52 2.a. Except as provided in sub-subparagraph b., a Any
 53 person who violates this subsection commits a misdemeanor of the
 54 second degree, punishable as provided in s. 775.082 or s.
 55 775.083.

56 b. A person who violates this subsection and who has been
 57 previously convicted of any offense contained in chapter 874
 58 commits a misdemeanor of the first degree, punishable as

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59 provided in s. 775.082 or s. 775.083.

60 (c)1. Except as provided in subparagraph 2., a Any person
61 who does not have legitimate business in the school safety zone
62 or any other authorization, license, or invitation to enter or
63 remain in the school safety zone who shall willfully fail to
64 remove himself or herself from the school safety zone after the
65 principal or designee, having a reasonable belief that he or she
66 will commit a crime or is engaged in harassment or intimidation
67 of students entering or leaving school property, requests him or
68 her to leave the school safety zone commits a misdemeanor of the
69 second degree, punishable as provided in s. 775.082 or s.
70 775.083.

71 2. A person who violates subparagraph 1. and who has been
72 previously convicted of any offense contained in chapter 874
73 commits a misdemeanor of the first degree, punishable as
74 provided in s. 775.082 or s. 775.083.

75 (3) Nothing in This section does not shall be construed to
76 abridge or infringe upon the right of any person to peaceably
77 assemble and protest.

78 (4)(3) This section does not apply to residents or persons
79 engaged in the operation of a licensed commercial business
80 within the school safety zone.

81 Section 2. Section 874.05, Florida Statutes, is amended to
82 read:

83 874.05 Causing, encouraging, soliciting, or recruiting
84 criminal gang membership.—

85 (1) (a) Except as provided in paragraph (b) subsection (2),
86 a person who intentionally causes, encourages, solicits, or
87 recruits another person to become a criminal gang member where a

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88 condition of membership or continued membership is the
89 commission of any crime commits a felony of the third degree,
90 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

91 (b)(2) A person who commits a second or subsequent
92 violation of this subsection commits a felony of the second
93 degree, punishable as provided in s. 775.082, s. 775.083, or s.
94 775.084.

95 (2) (a) Except as provided in paragraph (b), a person who
96 intentionally causes, encourages, solicits, or recruits another
97 person under 13 years of age to become a criminal gang member
98 where a condition of membership or continued membership is the
99 commission of any crime commits a felony of the second degree,
100 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

101 (b) A person who commits a second or subsequent violation
102 of this subsection commits a felony of the first degree,
103 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

104 Section 3. Subsection (11) is added to section 951.23,
105 Florida Statutes, to read:

106 951.23 County and municipal detention facilities;
107 definitions; administration; standards and requirements.—

108 (11) GANG STATUS OF INMATES.—A county or municipal
109 detention facility may designate an individual to be responsible
110 for assessing whether each current inmate is a criminal gang
111 member or associate using the criteria in s. 874.03. The
112 individual should at least once biweekly transmit information on
113 inmates believed to be criminal gang members or associates to
114 the arresting law enforcement agency.

115 Section 4. Paragraph (qq) of subsection (2) of section
116 435.04, Florida Statutes, is amended to read:

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117 435.04 Level 2 screening standards.-

118 (2) The security background investigations under this

119 section must ensure that no persons subject to the provisions of

120 this section have been arrested for and are awaiting final

121 disposition of, have been found guilty of, regardless of

122 adjudication, or entered a plea of nolo contendere or guilty to,

123 or have been adjudicated delinquent and the record has not been

124 sealed or expunged for, any offense prohibited under any of the

125 following provisions of state law or similar law of another

126 jurisdiction:

127 (qq) Section 874.05(~~1~~), relating to encouraging or

128 recruiting another to join a criminal gang.

129 Section 5. Paragraphs (d), (e), and (g) of subsection (3)

130 of section 921.0022, Florida Statutes, are amended to read:

131 921.0022 Criminal Punishment Code; offense severity ranking

132 chart.-

133 (3) OFFENSE SEVERITY RANKING CHART

134 (d) LEVEL 4

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver pedigree

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138 papers.

139 499.0051(2) 3rd Failure to authenticate pedigree papers.

140 499.0051(6) 2nd Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

141 517.07(1) 3rd Failure to register securities.

142 517.12(1) 3rd Failure of dealer, associated person, or issuer of securities to register.

143 784.07(2)(b) 3rd Battery of law enforcement officer, firefighter, etc.

144 784.074(1)(c) 3rd Battery of sexually violent predators facility staff.

145 784.075 3rd Battery on detention or commitment facility staff.

146 784.078 3rd Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

147 784.08(2)(c) 3rd Battery on a person 65 years of age or older.

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148 784.081(3) 3rd Battery on specified official or
employee.

149 784.082(3) 3rd Battery by detained person on visitor or
other detainee.

150 784.083(3) 3rd Battery on code inspector.

151 784.085 3rd Battery of child by throwing, tossing,
projecting, or expelling certain fluids
or materials.

152 787.03(1) 3rd Interference with custody; wrongly takes
minor from appointed guardian.

153 787.04(2) 3rd Take, entice, or remove child beyond
state limits with criminal intent
pending custody proceedings.

154 787.04(3) 3rd Carrying child beyond state lines with
criminal intent to avoid producing child
at custody hearing or delivering to
designated person.

155 787.07 3rd Human smuggling.

156 790.115(1) 3rd Exhibiting firearm or weapon within
1,000 feet of a school.

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157 790.115(2)(b) 3rd Possessing electric weapon or device,
destructive device, or other weapon on
school property.

158 790.115(2)(c) 3rd Possessing firearm on school property.

159 800.04(7)(c) 3rd Lewd or lascivious exhibition; offender
less than 18 years.

160 810.02(4)(a) 3rd Burglary, or attempted burglary, of an
unoccupied structure; unarmed; no
assault or battery.

161 810.02(4)(b) 3rd Burglary, or attempted burglary, of an
unoccupied conveyance; unarmed; no
assault or battery.

162 810.06 3rd Burglary; possession of tools.

163 810.08(2)(c) 3rd Trespass on property, armed with firearm
or dangerous weapon.

164 812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000 or more
but less than \$20,000.

165 812.014 3rd Grand theft, 3rd degree, a will,
(2)(c)4.-10. firearm, motor vehicle, livestock, etc.

812.0195(2) 3rd Dealing in stolen property by use of the

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 166 Internet; property stolen \$300 or more.
 817.563(1) 3rd Sell or deliver substance other than
 167 controlled substance agreed upon,
 817.568(2)(a) 3rd Fraudulent use of personal
 168 identification information.
 817.625(2)(a) 3rd Fraudulent use of scanning device or
 169 reencoder.
 828.125(1) 2nd Kill, maim, or cause great bodily harm
 170 or permanent breeding disability to any
 837.02(1) 3rd Perjury in official proceedings.
 171 837.021(1) 3rd Make contradictory statements in
 172 official proceedings.
 838.022 3rd Official misconduct.
 173 839.13(2)(a) 3rd Falsifying records of an individual in
 174 the care and custody of a state agency.
 839.13(2)(c) 3rd Falsifying records of the Department of
 175 Children and Family Services.

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 843.021 3rd Possession of a concealed handcuff key
 176 by a person in custody.
 843.025 3rd Deprive law enforcement, correctional,
 177 or correctional probation officer of
 843.15(1)(a) 3rd Failure to appear while on bail for
 178 felony (bond estreatment or bond
 847.0135(5)(c) 3rd Lewd or lascivious exhibition using
 179 computer; offender less than 18 years.
 874.05(1)(a) 3rd Encouraging or recruiting another to
 180 join a criminal gang.
 893.13(2)(a)1. 2nd Purchase of cocaine (or other s.
 181 893.03(1)(a), (b), or (d), (2)(a),
 914.14(2) 3rd Witnesses accepting bribes.
 182 914.22(1) 3rd Force, threaten, etc., witness, victim,
 183 or informant.
 914.23(2) 3rd Retaliation against a witness, victim,
 184 or informant, no bodily injury.

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185	918.12	3rd	Tampering with jurors.
186	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
187	(e) LEVEL 5		
188	Florida	Felony	
	Statute	Degree	Description
189	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
190	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
191	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
192	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
193	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
194	379.3671(2)(c)3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another

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195			harvester.
	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
196	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
197	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
198	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
199	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
200	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
201	790.01(2)	3rd	Carrying a concealed firearm.
202	790.162	2nd	Threat to throw or discharge destructive device.
203			

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	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
204			
	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
205			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
206			
	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
207			
	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
208			
	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
209			
	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
210			
	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
211			
	812.019(1)	2nd	Stolen property; dealing in or

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			trafficking in.
212			
	812.131(2)(b)	3rd	Robbery by sudden snatching.
213			
	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
214			
	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
215			
	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
216			
	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
217			
	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
218			
	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.

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 825.1025(4) 3rd Lewd or lascivious exhibition in the
 presence of an elderly person or
 disabled adult.
 220 827.071(4) 2nd Possess with intent to promote any
 photographic material, motion picture,
 etc., which includes sexual conduct by
 a child.
 221 827.071(5) 3rd Possess, control, or intentionally view
 any photographic material, motion
 picture, etc., which includes sexual
 conduct by a child.
 222 839.13(2)(b) 2nd Falsifying records of an individual in
 the care and custody of a state agency
 involving great bodily harm or death.
 223 843.01 3rd Resist officer with violence to person;
 resist arrest with violence.
 224 847.0135(5)(b) 2nd Lewd or lascivious exhibition using
 computer; offender 18 years or older.
 225 847.0137 3rd Transmission of pornography by
 (2) & (3) electronic device or equipment.
 226 847.0138 3rd Transmission of material harmful to

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 (2) & (3) minors to a minor by electronic device
 or equipment.
 227 874.05(1)(b) 2nd Encouraging or recruiting another to
~~874.05(2)~~ join a criminal gang; second or
 subsequent offense.
 228 874.05(2)(a) 2nd Encouraging or recruiting a person
under 13 years of age to join a
criminal gang.
 229 893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine
 (or other s. 893.03(1)(a), (1)(b),
 (1)(d), (2)(a), (2)(b), or (2)(c)4.
 drugs).
 230
 231 893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis
 (or other s. 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 (2)(c)7., (2)(c)8., (2)(c)9., (3), or
 (4) drugs) within 1,000 feet of a child
 care facility, school, or state,
 county, or municipal park or publicly
 owned recreational facility or
 community center.
 232 893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine
 (or other s. 893.03(1)(a), (1)(b),

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 (1) (d), (2) (a), (2) (b), or (2) (c) 4.
 drugs) within 1,000 feet of university.
 233 893.13(1) (e)2. 2nd Sell, manufacture, or deliver cannabis
 or other drug prohibited under s.
 893.03(1) (c), (2) (c)1., (2) (c)2.,
 (2) (c)3., (2) (c)5., (2) (c)6., (2) (c)7.,
 (2) (c)8., (2) (c)9., (3), or (4) within
 1,000 feet of property used for
 religious services or a specified
 business site.
 234 893.13(1) (f)1. 1st Sell, manufacture, or deliver cocaine
 (or other s. 893.03(1) (a), (1) (b),
 (1) (d), or (2) (a), (2) (b), or (2) (c) 4.
 drugs) within 1,000 feet of public
 housing facility.
 235 893.13(4) (b) 2nd Deliver to minor cannabis (or other s.
 893.03(1) (c), (2) (c)1., (2) (c)2.,
 (2) (c)3., (2) (c)5., (2) (c)6., (2) (c)7.,
 (2) (c)8., (2) (c)9., (3), or (4) drugs).
 236 893.1351(1) 3rd Ownership, lease, or rental for
 trafficking in or manufacturing of
 controlled substance.
 237 (g) LEVEL 7
 238
 239

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 Florida Felony
 Statute Degree Description
 240 316.027(1) (b) 1st Accident involving death, failure to
 stop; leaving scene.
 241 316.193(3) (c)2. 3rd DUI resulting in serious bodily injury.
 242 316.1935(3) (b) 1st Causing serious bodily injury or death
 to another person; driving at high
 speed or with wanton disregard for
 safety while fleeing or attempting to
 elude law enforcement officer who is in
 a patrol vehicle with siren and lights
 activated.
 243 327.35(3) (c)2. 3rd Vessel BUI resulting in serious bodily
 injury.
 244 402.319(2) 2nd Misrepresentation and negligence or
 intentional act resulting in great
 bodily harm, permanent disfiguration,
 permanent disability, or death.
 245 409.920 3rd Medicaid provider fraud; \$10,000 or
 (2) (b)1.a. less.
 246 409.920 2nd Medicaid provider fraud; more than
 (2) (b)1.b. \$10,000, but less than \$50,000.

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247 456.065(2) 3rd Practicing a health care profession
without a license.

248 456.065(2) 2nd Practicing a health care profession
without a license which results in
serious bodily injury.

249 458.327(1) 3rd Practicing medicine without a license.

250 459.013(1) 3rd Practicing osteopathic medicine without
a license.

251 460.411(1) 3rd Practicing chiropractic medicine
without a license.

252 461.012(1) 3rd Practicing podiatric medicine without a
license.

253 462.17 3rd Practicing naturopathy without a
license.

254 463.015(1) 3rd Practicing optometry without a license.

255 464.016(1) 3rd Practicing nursing without a license.

256 465.015(2) 3rd Practicing pharmacy without a license.

257 466.026(1) 3rd Practicing dentistry or dental hygiene

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258 without a license.

467.201 3rd Practicing midwifery without a license.

259 468.366 3rd Delivering respiratory care services
without a license.

260 483.828(1) 3rd Practicing as clinical laboratory
personnel without a license.

261 483.901(9) 3rd Practicing medical physics without a
license.

262 484.013(1)(c) 3rd Preparing or dispensing optical devices
without a prescription.

263 484.053 3rd Dispensing hearing aids without a
license.

264 494.0018(2) 1st Conviction of any violation of ss.
494.001-494.0077 in which the total
money and property unlawfully obtained
exceeded \$50,000 and there were five or
more victims.

265 560.123(8)(b)1. 3rd Failure to report currency or payment
instruments exceeding \$300 but less
than \$20,000 by a money services
business.

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266	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	
267	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	
268	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.	
269	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.	
270	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.	
271	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	
272	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	
273				

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	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).	
274	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	
275	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.	
276	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.	
277	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.	
278	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.	
279	784.048(7)	3rd	Aggravated stalking; violation of court order.	
280	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.	
281	784.074(1)(a)	1st	Aggravated battery on sexually violent	

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 predators facility staff.
 282 784.08 (2) (a) 1st Aggravated battery on a person 65 years
 of age or older.
 283 784.081 (1) 1st Aggravated battery on specified
 official or employee.
 284 784.082 (1) 1st Aggravated battery by detained person
 on visitor or other detainee.
 285 784.083 (1) 1st Aggravated battery on code inspector.
 286 787.06 (3) (a) 1st Human trafficking using coercion for
 labor and services.
 287 787.06 (3) (e) 1st Human trafficking using coercion for
 labor and services by the transfer or
 transport of any individual from
 outside Florida to within the state.
 288 790.07 (4) 1st Specified weapons violation subsequent
 to previous conviction of s. 790.07 (1)
 or (2).
 289 790.16 (1) 1st Discharge of a machine gun under
 specified circumstances.
 290 790.165 (2) 2nd Manufacture, sell, possess, or deliver

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 hoax bomb.
 291 790.165 (3) 2nd Possessing, displaying, or threatening
 to use any hoax bomb while committing
 or attempting to commit a felony.
 292 790.166 (3) 2nd Possessing, selling, using, or
 attempting to use a hoax weapon of mass
 destruction.
 293 790.166 (4) 2nd Possessing, displaying, or threatening
 to use a hoax weapon of mass
 destruction while committing or
 attempting to commit a felony.
 294 790.23 1st,PBL Possession of a firearm by a person who
 qualifies for the penalty enhancements
 provided for in s. 874.04.
 295 794.08 (4) 3rd Female genital mutilation; consent by a
 parent, guardian, or a person in
 custodial authority to a victim younger
 than 18 years of age.
 296 796.03 2nd Procuring any person under 16 years for
 prostitution.
 297 800.04 (5) (c) 1. 2nd Lewd or lascivious molestation; victim
 less than 12 years of age; offender

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298 less than 18 years.

800.04 (5) (c) 2. 2nd Lewd or lascivious molestation; victim
12 years of age or older but less than
16 years; offender 18 years or older.

299 806.01 (2) 2nd Maliciously damage structure by fire or
explosive.

300 810.02 (3) (a) 2nd Burglary of occupied dwelling; unarmed;
no assault or battery.

301 810.02 (3) (b) 2nd Burglary of unoccupied dwelling;
unarmed; no assault or battery.

302 810.02 (3) (d) 2nd Burglary of occupied conveyance;
unarmed; no assault or battery.

303 810.02 (3) (e) 2nd Burglary of authorized emergency
vehicle.

304 812.014 (2) (a) 1. 1st Property stolen, valued at \$100,000 or
more or a semitrailer deployed by a law
enforcement officer; property stolen
while causing other property damage;
1st degree grand theft.

305 812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less
than \$50,000, grand theft in 2nd

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306 degree.

812.014 (2) (b) 3. 2nd Property stolen, emergency medical
equipment; 2nd degree grand theft.

307 812.014 (2) (b) 4. 2nd Property stolen, law enforcement
equipment from authorized emergency
vehicle.

308 812.0145 (2) (a) 1st Theft from person 65 years of age or
older; \$50,000 or more.

309 812.019 (2) 1st Stolen property; initiates, organizes,
plans, etc., the theft of property and
traffics in stolen property.

310 812.131 (2) (a) 2nd Robbery by sudden snatching.

311 812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon,
or other weapon.

312 817.234 (8) (a) 2nd Solicitation of motor vehicle accident
victims with intent to defraud.

313 817.234 (9) 2nd Organizing, planning, or participating
in an intentional motor vehicle
collision.

314 817.234 (11) (c) 1st Insurance fraud; property value

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 315 \$100,000 or more.
 817.2341 1st Making false entries of material fact
 (2) (b) & or false statements regarding property
 (3) (b) values relating to the solvency of an
 insuring entity which are a significant
 cause of the insolvency of that entity.
 316 825.102(3) (b) 2nd Neglecting an elderly person or
 disabled adult causing great bodily
 harm, disability, or disfigurement.
 317 825.103(2) (b) 2nd Exploiting an elderly person or
 disabled adult and property is valued
 at \$20,000 or more, but less than
 \$100,000.
 318 827.03(2) (b) 2nd Neglect of a child causing great bodily
 harm, disability, or disfigurement.
 319 827.04(3) 3rd Impregnation of a child under 16 years
 of age by person 21 years of age or
 older.
 320 837.05(2) 3rd Giving false information about alleged
 capital felony to a law enforcement
 officer.
 321 838.015 2nd Bribery.

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 322 838.016 2nd Unlawful compensation or reward for
 official behavior.
 323 838.021(3) (a) 2nd Unlawful harm to a public servant.
 324 838.22 2nd Bid tampering.
 325 847.0135(3) 3rd Solicitation of a child, via a computer
 service, to commit an unlawful sex act.
 326 847.0135(4) 2nd Traveling to meet a minor to commit an
 unlawful sex act.
 327 872.06 2nd Abuse of a dead human body.
 328 874.05(2) (b) 1st Encouraging or recruiting a person
under 13 years of age to join a
criminal gang; second or subsequent
offense.
 329 874.10 1st,PBL Knowingly initiates, organizes, plans,
 finances, directs, manages, or
 supervises criminal gang-related
 activity.
 330
 331 893.13(1) (c)1. 1st Sell, manufacture, or deliver cocaine
 (or other drug prohibited under s.

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893.03(1)(a), (1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)4.) within 1,000 feet
of a child care facility, school, or
state, county, or municipal park or
publicly owned recreational facility or
community center.

332 893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine
or other drug prohibited under s.
893.03(1)(a), (1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)4., within 1,000 feet
of property used for religious services
or a specified business site.

333 893.13(4)(a) 1st Deliver to minor cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)4. drugs).

334 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25
lbs., less than 2,000 lbs.

335 893.135 1st Trafficking in cocaine, more than 28
(1)(b)1.a. grams, less than 200 grams.

336 893.135 1st Trafficking in illegal drugs, more than
(1)(c)1.a. 4 grams, less than 14 grams.

337 893.135(1)(d)1. 1st Trafficking in phencyclidine, more than
28 grams, less than 200 grams.

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338 893.135(1)(e)1. 1st Trafficking in methaqualone, more than
200 grams, less than 5 kilograms.

339 893.135(1)(f)1. 1st Trafficking in amphetamine, more than
14 grams, less than 28 grams.

340 893.135 1st Trafficking in flunitrazepam, 4 grams
(1)(g)1.a. or more, less than 14 grams.

341 893.135 1st Trafficking in gamma-hydroxybutyric
(1)(h)1.a. acid (GHB), 1 kilogram or more, less
than 5 kilograms.

342 893.135 1st Trafficking in 1,4-Butanediol, 1
(1)(j)1.a. kilogram or more, less than 5
kilograms.

343 893.135 1st Trafficking in Phenethylamines, 10
(1)(k)2.a. grams or more, less than 200 grams.

344 893.1351(2) 2nd Possession of place for trafficking in
or manufacturing of controlled
substance.

345 896.101(5)(a) 3rd Money laundering, financial
transactions exceeding \$300 but less
than \$20,000.

346

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 896.104(4)(a)1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
 347
 943.0435(4)(c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.
 348
 943.0435(8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
 349
 943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.
 350
 943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
 351
 943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.
 352
 944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.
 353
 944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

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 354 944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
 355
 944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.
 356
 985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.
 357
 985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
 358
 985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.
 359
 360
 361 Section 6. Paragraph (b) of subsection (1) of section
 362 921.0024, Florida Statutes, is amended to read:
 363 921.0024 Criminal Punishment Code; worksheet computations;
 364 scoresheets.—
 365 (1)
 366 (b) WORKSHEET KEY:
 367
 368 Legal status points are assessed when any form of legal status

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369 existed at the time the offender committed an offense before the
370 court for sentencing. Four (4) sentence points are assessed for
371 an offender's legal status.

372
373 Community sanction violation points are assessed when a
374 community sanction violation is before the court for sentencing.
375 Six (6) sentence points are assessed for each community sanction
376 violation and each successive community sanction violation,
377 unless any of the following apply:

378 1. If the community sanction violation includes a new
379 felony conviction before the sentencing court, twelve (12)
380 community sanction violation points are assessed for the
381 violation, and for each successive community sanction violation
382 involving a new felony conviction.

383 2. If the community sanction violation is committed by a
384 violent felony offender of special concern as defined in s.
385 948.06:

386 a. Twelve (12) community sanction violation points are
387 assessed for the violation and for each successive violation of
388 felony probation or community control where:

389 (I) The violation does not include a new felony conviction;
390 and

391 (II) The community sanction violation is not based solely
392 on the probationer or offender's failure to pay costs or fines
393 or make restitution payments.

394 b. Twenty-four (24) community sanction violation points are
395 assessed for the violation and for each successive violation of
396 felony probation or community control where the violation
397 includes a new felony conviction.

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398
399 Multiple counts of community sanction violations before the
400 sentencing court shall not be a basis for multiplying the
401 assessment of community sanction violation points.

402
403 Prior serious felony points: If the offender has a primary
404 offense or any additional offense ranked in level 8, level 9, or
405 level 10, and one or more prior serious felonies, a single
406 assessment of thirty (30) points shall be added. For purposes of
407 this section, a prior serious felony is an offense in the
408 offender's prior record that is ranked in level 8, level 9, or
409 level 10 under s. 921.0022 or s. 921.0023 and for which the
410 offender is serving a sentence of confinement, supervision, or
411 other sanction or for which the offender's date of release from
412 confinement, supervision, or other sanction, whichever is later,
413 is within 3 years before the date the primary offense or any
414 additional offense was committed.

415
416 Prior capital felony points: If the offender has one or more
417 prior capital felonies in the offender's criminal record, points
418 shall be added to the subtotal sentence points of the offender
419 equal to twice the number of points the offender receives for
420 the primary offense and any additional offense. A prior capital
421 felony in the offender's criminal record is a previous capital
422 felony offense for which the offender has entered a plea of nolo
423 contendere or guilty or has been found guilty; or a felony in
424 another jurisdiction which is a capital felony in that
425 jurisdiction, or would be a capital felony if the offense were
426 committed in this state.

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427 Possession of a firearm, semiautomatic firearm, or machine gun:
 428 If the offender is convicted of committing or attempting to
 429 commit any felony other than those enumerated in s. 775.087(2)
 430 while having in his or her possession: a firearm as defined in
 431 s. 790.001(6), an additional eighteen (18) sentence points are
 432 assessed; or if the offender is convicted of committing or
 433 attempting to commit any felony other than those enumerated in
 434 s. 775.087(3) while having in his or her possession a
 435 semiautomatic firearm as defined in s. 775.087(3) or a machine
 436 gun as defined in s. 790.001(9), an additional twenty-five (25)
 437 sentence points are assessed.
 438

439 Sentencing multipliers:

441 Drug trafficking: If the primary offense is drug trafficking
 442 under s. 893.135, the subtotal sentence points are multiplied,
 443 at the discretion of the court, for a level 7 or level 8
 444 offense, by 1.5. The state attorney may move the sentencing
 445 court to reduce or suspend the sentence of a person convicted of
 446 a level 7 or level 8 offense, if the offender provides
 447 substantial assistance as described in s. 893.135(4).
 448

449 Law enforcement protection: If the primary offense is a
 450 violation of the Law Enforcement Protection Act under s.
 451 775.0823(2), (3), or (4), the subtotal sentence points are
 452 multiplied by 2.5. If the primary offense is a violation of s.
 453 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
 454 are multiplied by 2.0. If the primary offense is a violation of
 455

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456 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
 457 Protection Act under s. 775.0823(10) or (11), the subtotal
 458 sentence points are multiplied by 1.5.
 459

460 Grand theft of a motor vehicle: If the primary offense is grand
 461 theft of the third degree involving a motor vehicle and in the
 462 offender's prior record, there are three or more grand thefts of
 463 the third degree involving a motor vehicle, the subtotal
 464 sentence points are multiplied by 1.5.
 465

466 Offense related to a criminal gang: If the offender is convicted
 467 of the primary offense and committed that offense for the
 468 purpose of benefiting, promoting, or furthering the interests of
 469 a criminal gang as defined in s. 874.03 ~~prohibited under s.~~
 470 ~~874.04~~, the subtotal sentence points are multiplied by 1.5. If
 471 applying the multiplier results in the lowest permissible
 472 sentence exceeding the statutory maximum sentence for the
 473 primary offense under chapter 775, the court may not apply the
 474 multiplier and must sentence the defendant to the statutory
 475 maximum sentence.
 476

477 Domestic violence in the presence of a child: If the offender is
 478 convicted of the primary offense and the primary offense is a
 479 crime of domestic violence, as defined in s. 741.28, which was
 480 committed in the presence of a child under 16 years of age who
 481 is a family or household member as defined in s. 741.28(3) with
 482 the victim or perpetrator, the subtotal sentence points are
 483 multiplied by 1.5.
 484

Section 7. This act shall take effect July 1, 2013.

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	PROVISO	KEEP/DELETE/REVISE
1.	<p><u>DEPARTMENT OF CORRECTIONS</u> From the funds in Specific Appropriations 625 through 815, each provider contracting with the Department of Corrections must provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.</p>	KEEP
2.	<p>The Department of Corrections shall develop and use a uniform format and uniform methodologies for the purpose of reporting annually to the Governor and to the Legislature on the state prison system. Such reports shall include a comprehensive plan for current facility use and any departures from planned facility use, including opening new facilities, renovating or closing existing facilities, and advancing or delaying the opening of new or renovated facilities. The report shall include the maximum capacity of currently operating facilities and the potential maximum capacity of facilities that the department could make operational within the fiscal year. The report shall also identify appropriate sites for future facilities and provide information to support specified locations, such as availability of personnel in local labor markets. Reports should include updated infrastructure needs for existing or future facilities. Each report should reconcile capacity figures to the immediately preceding report. For the purpose of this paragraph, maximum capacity shall be calculated and displayed pursuant to section 944.023(1)(b), Florida Statutes. The department may provide additional analysis of current and future bed needs based on such factors as deemed necessary by the Secretary. The next report shall be due January 1, 2014.</p>	KEEP
3.	<p>From the funds in Specific Appropriations XXX through XXX, the Department of Corrections shall, before closing, substantially reducing the use of, or changing the purpose of any state correctional institution as defined in section 944.02, Florida Statutes, submit its proposal to the Governor’s Office of Policy and Budget and the chairs of the Senate Budget Committee and the House Appropriations Committee for review.</p>	KEEP
4.	<p>Funds in Specific Appropriation 625 through 815 shall not be used to pay for unoccupied space currently being leased by the Department of Corrections in the event the leases are vacant on or after July 1, 2013, and for which it has been determined by the Secretary of the department that there is no longer a need.</p>	KEEP
5.	<p>From the funds in Specific Appropriation XXX, \$1,000,000 of general revenue funds shall be placed in reserve. After the Department of Corrections’ successful statewide implementation of the electronic time and attendance system identified in chapters 2010-152 and 2011-69, Laws of Florida, the department may submit a budget amendment in accordance with all applicable provisions of chapter 216, Florida Statutes, requesting release of the funds.</p>	DELETE

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6.	Funds in Specific Appropriation XXX are from reimbursements from the U. S. Government for incarcerating aliens in Florida's prisons. If total reimbursements exceed \$13,900,000, the department shall submit a budget amendment in accordance with all applicable provisions of chapter 216, Florida Statutes, requesting additional budget authority to transfer the balance to the General Revenue Fund.	KEEP
7.	From the funds in Specific Appropriations XXX, XXX, and XXX a total of \$1,074,362 is provided as payment in lieu of ad valorem taxation for distribution to local government taxing authorities. Funding is provided as follows: \$269,324 for the Bay Correctional Facility, \$339,242 for the Moore Haven Correctional Facility, \$275,560 for the South Bay Correctional Facility, \$100,000 for the Gadsden Correctional Facility and \$90,236 for the Lake City Correctional Facility. These funds may not be distributed if there are outstanding claims for ad valorem taxes due on the property at issue and may not be distributed until the property is reclassified on the real property and tangible personal property rolls as State Government property back to the date the finance corporation or other state entity acquired the title thereto. These distributions shall be adjusted, with respect to any facility, to reimburse the Department of Corrections for the total amounts expended by the state in resisting the imposition of such ad valorem tax claims, including all attorneys' fees and costs actually incurred by the state's agencies.	REVISE
8.	Funds and positions in Specific Appropriations XXX through XXX and XXX through XXX support the state's inmate population. These funds and positions are sufficient to provide housing and security for 98,885 inmates when fully annualized. Variable expenses, maintenance, and health services funds are provided for an average daily population of 99,257 inmates.	REVISE
9.	Funds and positions in Specific Appropriations XXX through XXX and XXX through XXX are provided to address security needs for the prison population expected in Fiscal Year 2012-2013, as projected by the Criminal Justice Estimating Conference.	KEEP
10.	From the funds in Specific Appropriation XXX, \$142,900 from recurring general revenue funds is provided to the City of Pahokee as a payment in lieu of taxes for the Sago Palm facility.	DELETE
11.	Funds and positions in Specific Appropriation XXX from the Correctional Work Program Trust Fund are provided for interagency contracted services funded by state agencies or local governments. These positions and funds shall be released as needed upon execution of interagency community service squad contracts.	KEEP
12.	From funds in Specific Appropriation XXX, \$1,000,000 in recurring general revenue funds is provided to continue the victim notification system (VINE).	KEEP
13.	From funds in Specific Appropriation XXX, \$250,000 in nonrecurring general revenue funds is appropriated to maintain Department of Corrections' facilities that have been closed due to prison consolidation.	REVISE
14.	Funds in Specific Appropriation XXX are provided for payments required under the master lease purchase agreement used to secure the certificates of participation issued to finance or refinance the following correctional facilities: Bay Correctional Facility..... .. 3,419,078	REVISE

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	<p>Moore Haven Correctional Facility (Glades County)..... 3,059,759 South Bay Correctional Facility (Palm Beach County)..... . 5,046,757 Graceville Correctional Facility (Jackson County)..... . 7,513,941 Okeechobee Correctional Institution..... 3,448,894 Blackwater River Correctional Facility (Santa Rosa County).. 10,716,494 Gadsden Correctional Facility..... .. 3,043,688 Lake City Correctional Facility (Columbia County)..... .. 2,621,618 Demilly Correctional Institution (Polk County)..... .. 1,386,375 Sago Palm Work Camp (Palm Beach County)..... .. 1,473,625 Various DOC Facility Projects - Series 2009 B and C Bonds.. . 30,588,895</p> <p>Series 2009 B and C Bonds include various facility construction projects for the following Department of Corrections facilities:</p> <p>Mayo Annex (Lafayette County), Suwannee Annex (Suwannee County), Lowell Reception Center (Marion County), Lancaster Secure Housing Unit (Gilchrist County), Liberty Work Camp (Liberty County), Franklin Work Camp (Franklin County), Cross City Work Camp (Dixie County), Okeechobee Work Camp (Okeechobee County), New River Work Camp (Bradford County), Santa Rosa Work Camp (Santa Rosa County), Hollywood Work Release Center (Broward County), Kissimmee Work Release Center (Osceola County), Lake City Work Release Center (Columbia County), Santa Fe Work Release Center (Alachua County), Everglades Re-Entry Center (Dade County), Baker Re-Entry Center (Baker County), and Pat Thomas Re-Entry Center (Gadsden County).</p>	REVISE
15.	Funds in Specific Appropriation XXX are provided to continue rent payments for individual private contracts for rental of office/building space at a rate not to exceed the rate for each contract in effect on June 30, 2012. Price level increases are not provided for rent payments for Department of Corrections' private leases in the 2012-2013 fiscal year. No other funds are appropriated or shall be transferred by the department for such increases.	KEEP
16.	Funds in Specific Appropriation XXX are provided from nonrecurring general revenue funds for the Operation New Hope re-entry initiative, a program that provides case management, life-coaching, job training and job placement services to assist offenders on community supervision transition back into the community and workforce.	DELETE
17.	From the funds in Specific Appropriation XXX, \$600,000 in recurring general revenue funds are provided for the Drug Abuse Comprehensive Coordinating Office, Inc. (DACCO) in Hillsborough County.	KEEP

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18.	<p>Pursuant to sections 944.012(6)(c), 921.00241 and 775.082(10), Florida Statutes, \$700,143 in recurring general revenue funds are provided in Specific Appropriation XXX to continue Judicial/DOC pilot programs for offenders who would be sentenced to prison, but could be diverted to appropriate programs that allow the offender to retain community support, access drug treatment and/or employment opportunities while receiving life-skills assistance in a structured environment. These treatment programs may include drug treatment, residential and outpatient treatment programming, day reporting or other services to reduce recidivism.</p> <p>These pilot programs shall continue to use evidence-based practices and graduated incentives that are anticipated to result in a reduction in prison admissions for that community.</p>	KEEP
19.	<p>From the funds in Specific Appropriation XXX, \$100,000 in recurring general revenue funds is provided for Hepatitis B vaccinations for inmates.</p> <p>From Specific Appropriation XXX, up to \$41,405,554 in recurring general revenue funds is provided for the contracting of health services in the Southern Florida Region (formerly known as Region IV). If a contract is not executed, the Department of Corrections is authorized to submit a budget amendment in accordance with chapter 216, Florida Statutes, to move funds between categories of appropriation to continue to provide inmate health services.</p>	KEEP DELETE
20.	<p>From funds in Specific Appropriation XXX, \$600,000 of nonrecurring general revenue funds is appropriated to provide substance abuse treatment to inmates who have been sentenced to state prison for 24 months or less.</p>	DELETE
21.	<p>From funds in Specific Appropriation XXX, \$500,000 from recurring general revenue funds is provided to issue a request for proposal, as defined in section 287.057(1)(b), F.S., to establish a pilot online career education program to serve up to 400 inmates through an Advanced/SACS accredited online school district that offers career-based online high school diplomas designed to prepare adults for transition into the workplace. The department may use federal funds provided to educate inmates to expand this pilot beyond 400 inmates. The department shall provide an initial report regarding the progress of the inmates in the online diploma and career certificate programs to the chairs of the Senate Budget Committee and the House Appropriations Committee by December 31, 2013.</p>	KEEP
22.	<p>From Specific Appropriation XXX, \$125,000 in nonrecurring general revenue funds is provided for the Hillsborough Reentry Center operated by the Hillsborough County Sheriff's Office, to support ex-offenders released to the Hillsborough Reentry Center from the Department of Corrections, for the purpose of providing continued substance abuse and mental health services.</p>	DELETE

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22.	From the funds in Specific Appropriation XXX, \$200,000 in recurring general revenue funds may be used to expand Horizon volunteer faith and character peer-to-peer program activities at Wakulla Correctional Institution and up to 7 additional prisons, including Computer Lab, Quest and Realizing Educational Emotional and Finance Smarts (REEFS) transition programs.	KEEP
23.	JUSTICE ADMINISTRATIVE COMMISSION The Justice Administrative Commission, in coordination with the Public Defenders, State Attorneys and Supreme Court, shall develop a plan to transfer court reporting services from the Justice Administrative Commission to the State Court System. The Justice Administrative Commission shall submit this plan to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee by November 1, 2012.	DELETE
24.	The positions in Specific Appropriation XXX are provided for State Attorneys and Public Defenders to use for grants received from counties during Fiscal Year 2012-2013 for the purpose of prosecution of local ordinance violations pursuant to section 27.34, Florida Statutes, or defense of persons accused of violating local ordinances pursuant to section 27.54, Florida Statutes. Such transfers are contingent upon the Justice Administrative Commission notifying the chair of the Senate Budget Committee and the chair of the House Appropriations Committee and the Governor's Office of Policy and Budget. Such notification is subject to the legislative review and objection provisions of chapter 216, Florida Statutes. Rate may be established for these positions consistent with the salaries provided for in the grant.	KEEP
25.	Funds in Specific Appropriation XXX are provided for attorney fees and case-related expenses associated with prosecuting and defending sexual predator civil commitment cases. Case-related expenses are limited to expert witness fees, clinical evaluations, court reporter costs, and foreign language interpreters. The maximum amount to be paid by the Justice Administrative Commission for medical experts for sexual predator civil commitment cases is \$200 per hour and all related travel costs must be apportioned to the associated case. The Justice Administrative Commission is authorized to pay up to \$5,000 per case for case-related expenses incurred by the State Attorney, the Public Defender, or the Criminal Conflict and Civil Regional Counsel, or court appointed counsel where there is an ethical conflict, for a combined maximum of \$10,000 for case-related expenses per case, unless the court orders payment of a greater amount. The Justice Administrative Commission shall submit quarterly reports, in an electronic format, to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee describing, by judicial circuit: requests for payments of case-related expenses received; court orders received directing payment of such expenses; and actual encumbrances and disbursements from this special appropriations category.	KEEP

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26.	<p>Funds in Specific Appropriation XXX are provided for the Public Defenders’ due process costs as specified in section 29.006, Florida Statutes. The Justice Administrative Commission shall submit quarterly reports of expenditures by circuit in an electronic format to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.</p> <p>1st Judicial Circuit..... 823,448 2nd Judicial Circuit..... 656,793 3rd Judicial Circuit..... 147,619 4th Judicial Circuit..... 1,273,749 5th Judicial Circuit..... 871,658 6th Judicial Circuit..... 1,189,457 7th Judicial Circuit..... 675,912 8th Judicial Circuit..... 479,128 9th Judicial Circuit..... 1,151,167 10th Judicial Circuit..... 757,431 11th Judicial Circuit..... 3,319,357 12th Judicial Circuit..... 647,744 13th Judicial Circuit..... 1,890,561 14th Judicial Circuit..... 328,641 15th Judicial Circuit..... 837,310 16th Judicial Circuit..... 114,835 17th Judicial Circuit..... 1,374,773 18th Judicial Circuit..... 644,172 19th Judicial Circuit..... 601,795 20th Judicial Circuit..... 877,484</p>	REVISE
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27.	<p>From the funds credited for use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:</p> <p>1st Judicial Circuit..... 190,611 2nd Judicial Circuit..... 323,698 3rd Judicial Circuit..... 52,251 6th Judicial Circuit..... 103,493 7th Judicial Circuit..... 37,310 8th Judicial Circuit..... 83,798 9th Judicial Circuit..... 481,878 10th Judicial Circuit..... 68,975 11th Judicial Circuit..... 121,996 12th Judicial Circuit..... 153,205 13th Judicial Circuit..... 784,106 14th Judicial Circuit..... 134,089 15th Judicial Circuit..... 93,646 16th Judicial Circuit..... 74,983 17th Judicial Circuit..... 60,851</p>	REVISE
28.	<p>Funds in Specific Appropriation XXX are provided for case fees and expenses of court-appointed counsel in civil conflict cases and child dependency cases. The Justice Administrative Commission shall submit quarterly reports, in an electronic format, of these case payments to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee by judicial circuit, which shall include, but not be limited to: information on requests for payments received; court orders received directing payment; and actual encumbrances and Disbursements and performance measures for court appointed counsel including: average time to complete cases by case type; number of bar complaints for state paid cases; percent of initial invoices to the Justice Administrative Commission that are rejected; percent of initial invoices filed with the Justice Administrative Commission within 90 days after closure of the case; number of cases by type; and total cost per case by type from this special appropriations category.</p> <p>The maximum flat fee to be paid by the Justice Administrative Commission for attorney fees for the following dependency and civil cases is set as follows:</p> <p>ADMISSION OF INMATE TO MENTAL HEALTH FACILITY.... 300</p>	KEEP

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	<p>ADULT PROTECTIVE SERVICES ACT - Ch. 415, F.S..... 500</p> <p>BAKER ACT/MENTAL HEALTH - Ch. 394, F.S..... 400</p> <p>CINS/FINS - Ch. 984, F.S..... 750</p> <p>CIVIL APPEALS..... 400</p> <p>DEPENDENCY - Up to 1 Year..... 800</p> <p>DEPENDENCY - Each Year after 1st Year..... 200</p> <p>DEPENDENCY - No Petition Filed or Dismissed at Shelter.. 200</p> <p>DEPENDENCY APPEALS..... 1,000</p> <p>DEVELOPMENTALLY DISABLED ADULT - Ch. 393, F.S..... 400</p> <p>EMANCIPATION - Section 743.015, F.S..... 400</p> <p>GUARDIANSHIP - EMERGENCY - Ch. 744, F.S..... 400</p> <p>GUARDIANSHIP - Ch. 744, F.S..... 400</p> <p>MARCHMAN ACT/SUBSTANCE ABUSE - Ch. 397, F.S... 300</p> <p>MEDICAL PROCEDURES - Section 394.459(3), F.S..... 400</p> <p>PARENTAL NOTIFICATION OF ABORTION ACT..... 400</p> <p>TERMINATION OF PARENTAL RIGHTS - Ch. 39, F.S. - Up to 1 Year..... 1,000</p> <p>TERMINATION OF PARENTAL RIGHTS - Ch. 39, F.S. - Each Year after 1st Year..... 200</p> <p>TERMINATION OF PARENTAL RIGHTS - Ch. 63, F.S. - Up to 1 year 1,000</p> <p>TERMINATION OF PARENTAL RIGHTS - Ch. 63, F.S. - Each Year after 1st Year..... 200</p> <p>TERMINATION OF PARENTAL RIGHTS APPEALS..... 2,000</p> <p>TUBERCULOSIS - Ch. 392, F.S..... 300</p>	KEEP
29.	<p>Funds in Specific Appropriation XXX are provided for court ordered payments for attorney fees in criminal conflict cases in excess of the flat fee established in law. Pursuant to section 27.5304 (12), Florida Statutes, if funds in this category are insufficient to pay the amounts ordered by the court above the flat fees, the amounts ordered above the flat fees shall be paid from the due process funds or other funds, as necessary, appropriated to the state court system in the General Appropriations Act. The Office of the State Courts Administrator (OSCA) shall conduct a study of the adequacy and reasonableness of the current statutory flat fee limits and the statutory hourly rates listed in section 27.5304 (12) for criminal cases in which conflict counsel is appointed. The Justice Administrative Commission shall assist the Office by providing all data, documents, and information in its possession requested by OSCA to complete the study. OSCA shall submit a report of the study to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee by January 15, 2013.</p>	REVISE

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30.	<p>Funds in Specific Appropriation XXX are provided for case fees as specified in section 27.5304, Florida Statutes, and expenses as specified in section 29.007, Florida Statutes, of court-appointed counsel for indigent criminal defendants and for due process costs for those individuals the court finds indigent for costs.</p> <p>The Justice Administrative Commission shall submit quarterly reports, in an electronic format, of criminal conflict case payments and performance measures for court-appointed counsel including: average time to complete cases by case type, number of bar complaints for state paid cases, percent of initial invoices to the Justice Administrative Commission that are rejected; percent of initial invoices filed with the Justice Administrative Commission within 90 days after closure of the case; number of cases by type; and total cost per case by type to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee by judicial circuit.</p> <p>From the funds in Specific Appropriation XXX, a total of \$216,934 shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Courts Administrator on behalf of the circuit courts operating shared court reporting and interpreter services.</p> <p>The maximum flat fee to be paid by the Justice Administrative Commission for attorney fees for criminal conflict cases is set as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>POSTCONVICTION - Rules 3.850 and 3.800, Fla.R.Crim. Proc....</td><td style="text-align: right;">1,000</td></tr> <tr><td>CAPITAL - 1ST DEGREE MURDER (LEAD COUNSEL).....</td><td style="text-align: right;">15,000</td></tr> <tr><td>CAPITAL - 1ST DEGREE MURDER (CO-COUNSEL).....</td><td style="text-align: right;">15,000</td></tr> <tr><td>CAPITAL - 1ST DEGREE MURDER (NON-DEATH)....</td><td style="text-align: right;">2,500</td></tr> <tr><td>CAPITAL SEXUAL BATTERY.....</td><td style="text-align: right;">2,000</td></tr> <tr><td>CAPITAL APPEALS.....</td><td style="text-align: right;">2,000</td></tr> <tr><td>CONTEMPT PROCEEDINGS.....</td><td style="text-align: right;">400</td></tr> <tr><td>CRIMINAL TRAFFIC.....</td><td style="text-align: right;">400</td></tr> <tr><td>EXTRADITION.....</td><td style="text-align: right;">500</td></tr> <tr><td>FELONY - LIFE.....</td><td style="text-align: right;">2,500</td></tr> <tr><td>FELONY - PUNISHABLE BY LIFE.....</td><td style="text-align: right;">2,000</td></tr> <tr><td>FELONY 1ST DEGREE.....</td><td style="text-align: right;">1,500</td></tr> <tr><td>FELONY 2ND DEGREE.....</td><td style="text-align: right;">1,000</td></tr> <tr><td>FELONY 3RD DEGREE.....</td><td style="text-align: right;">750</td></tr> <tr><td>FELONY OR MISDEMEANOR - NO INFORMATION FILED....</td><td style="text-align: right;">400</td></tr> <tr><td>FELONY APPEALS.....</td><td style="text-align: right;">1,500</td></tr> </table>	POSTCONVICTION - Rules 3.850 and 3.800, Fla.R.Crim. Proc....	1,000	CAPITAL - 1ST DEGREE MURDER (LEAD COUNSEL).....	15,000	CAPITAL - 1ST DEGREE MURDER (CO-COUNSEL).....	15,000	CAPITAL - 1ST DEGREE MURDER (NON-DEATH)....	2,500	CAPITAL SEXUAL BATTERY.....	2,000	CAPITAL APPEALS.....	2,000	CONTEMPT PROCEEDINGS.....	400	CRIMINAL TRAFFIC.....	400	EXTRADITION.....	500	FELONY - LIFE.....	2,500	FELONY - PUNISHABLE BY LIFE.....	2,000	FELONY 1ST DEGREE.....	1,500	FELONY 2ND DEGREE.....	1,000	FELONY 3RD DEGREE.....	750	FELONY OR MISDEMEANOR - NO INFORMATION FILED....	400	FELONY APPEALS.....	1,500	REVISE
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<p>JUVENILE DELINQUENCY - 1ST DEGREE FELONY..... .. 600 JUVENILE DELINQUENCY - 2ND DEGREE..... .. 400 JUVENILE DELINQUENCY - 3RD DEGREE..... .. 300 JUVENILE DELINQUENCY - FELONY LIFE..... .. 700 JUVENILE DELINQUENCY - MISDEMEANOR..... .. 300 JUVENILE DELINQUENCY - DIRECT FILE OR NO PETITION FILED.. .. 300 JUVENILE DELINQUENCY APPEALS..... .. 1,000 MISDEMEANOR..... .. 400 MISDEMEANOR APPEALS..... .. 750 VIOLATION OF PROBATION - FELONY (INCLUDES VOCC).. .. 500 VIOLATION OF PROBATION - MISDEMEANOR (INCLUDES VOCC)..... 300 VIOLATION OF PROBATION (VOCC) JUVENILE DELINQUENCY..... .. 300</p> <p>Funds for costs and related expenses to be paid through Specific Appropriations 826, 829, and 831 shall be subject to the following:</p> <p>The hourly rate for mitigation specialists in capital death cases shall not exceed \$75.00 per hour.</p> <p>The maximum amount to be paid by the Justice Administrative Commission for non-attorney due process services other than those specified, shall not exceed the rates in effect for the 2007-2008 fiscal year.</p> <p>The maximum amount to be paid by the Justice Administrative Commission for investigators is \$40 per hour. The maximum amount to be paid for court reporting and transcribing costs is as follows:</p> <ol style="list-style-type: none"> 1. Depositions Appearance fees: 1st hour: \$50.00; thereafter \$25.00 per hour. The fee is to be paid to the court reporter whether or not a transcript is ordered. 2. Deposition transcript fee (Original & one copy): 10 business day delivery: \$4.00 per page 5 business day delivery: \$5.50 per page 24 hours delivery: \$7.50 per page Additional copies: \$0.50 per page 3. Appellate/hearing/trial transcript fee (Original & all copies needed with a minimum of 2 copies): 10 business day delivery: \$5.00 per page 	<p>REVISE</p>
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	<p>5 business day delivery: \$6.50 per page 24 hours delivery: \$8.50 per page Copies (when original previously ordered): \$0.50 per page. 4. Transcription from tapes or audio recordings (other than depositions or hearings): Either \$35 per hour listening fee or \$3.00 per page whichever is greater. 5. Video Services: \$100 per hour per location with two-hour minimum.</p>	REVISE																																																				
31.	<p>Funds in Specific Appropriation XXX are provided for the State Attorneys' due process costs as specified in section 29.005, Florida Statutes. The Justice Administrative Commission shall submit quarterly reports of expenditures by circuit in an electronic format to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.</p> <table border="0"> <tr><td>1st Judicial Circuit.....</td><td>634,159</td></tr> <tr><td>2nd Judicial Circuit.....</td><td>337,221</td></tr> <tr><td>3rd Judicial Circuit.....</td><td>125,409</td></tr> <tr><td>4th Judicial Circuit.....</td><td>463,191</td></tr> <tr><td>5th Judicial Circuit.....</td><td>348,398</td></tr> <tr><td>6th Judicial Circuit.....</td><td>627,470</td></tr> <tr><td>7th Judicial Circuit.....</td><td>472,150</td></tr> <tr><td>8th Judicial Circuit.....</td><td>237,452</td></tr> <tr><td>9th Judicial Circuit.....</td><td>497,258</td></tr> <tr><td>10th Judicial Circuit.....</td><td>309,424</td></tr> <tr><td>11th Judicial Circuit.....</td><td>2,215,903</td></tr> <tr><td>12th Judicial Circuit.....</td><td>279,656</td></tr> <tr><td>13th Judicial Circuit.....</td><td>596,529</td></tr> <tr><td>14th Judicial Circuit.....</td><td>118,189</td></tr> <tr><td>15th Judicial Circuit.....</td><td>742,928</td></tr> <tr><td>16th Judicial Circuit.....</td><td>91,817</td></tr> <tr><td>17th Judicial Circuit.....</td><td>1,324,813</td></tr> <tr><td>18th Judicial Circuit.....</td><td>378,029</td></tr> <tr><td>19th Judicial Circuit.....</td><td>271,206</td></tr> <tr><td>20th Judicial Circuit.....</td><td>645,444</td></tr> </table> <p>From the funds credited for the use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:</p> <table border="0"> <tr><td>1st Judicial Circuit.....</td><td>18,232</td></tr> <tr><td>2nd Judicial Circuit.....</td><td>16,650</td></tr> <tr><td>3rd Judicial Circuit.....</td><td>10,456</td></tr> <tr><td>6th Judicial Circuit.....</td><td>25,443</td></tr> <tr><td>7th Judicial Circuit.....</td><td>12,818</td></tr> <tr><td>8th Judicial Circuit.....</td><td>21,937</td></tr> </table>	1st Judicial Circuit.....	634,159	2nd Judicial Circuit.....	337,221	3rd Judicial Circuit.....	125,409	4th Judicial Circuit.....	463,191	5th Judicial Circuit.....	348,398	6th Judicial Circuit.....	627,470	7th Judicial Circuit.....	472,150	8th Judicial Circuit.....	237,452	9th Judicial Circuit.....	497,258	10th Judicial Circuit.....	309,424	11th Judicial Circuit.....	2,215,903	12th Judicial Circuit.....	279,656	13th Judicial Circuit.....	596,529	14th Judicial Circuit.....	118,189	15th Judicial Circuit.....	742,928	16th Judicial Circuit.....	91,817	17th Judicial Circuit.....	1,324,813	18th Judicial Circuit.....	378,029	19th Judicial Circuit.....	271,206	20th Judicial Circuit.....	645,444	1st Judicial Circuit.....	18,232	2nd Judicial Circuit.....	16,650	3rd Judicial Circuit.....	10,456	6th Judicial Circuit.....	25,443	7th Judicial Circuit.....	12,818	8th Judicial Circuit.....	21,937	KEEP
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	<p>9th Judicial Circuit..... 26,007 10th Judicial Circuit..... 3,980 11th Judicial Circuit..... 426,986 12th Judicial Circuit..... 19,650 13th Judicial Circuit..... 45,716 15th Judicial Circuit..... 61,252 16th Judicial Circuit..... 4,315 17th Judicial Circuit..... 20,081</p>	KEEP
32.	<p>Funds in Specific Appropriation XXX are provided to pay for criminal conflict, dependency and other civil cases for which appointment was made during Fiscal Years 2004-2005, 2005-2006, and 2006-2007. The Justice Administrative Commission shall submit quarterly reports of expenditures by circuit in an electronic format to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee.</p>	KEEP
33.	<p>From the funds provided in Specific Appropriation XXX, the State Attorneys and Public Defenders shall transfer cash from their Grants and Donations Trust Fund, Child Support Enforcement Trust Fund, State Attorney Revenue Trust Fund, Public Defender Revenue Trust Fund, and Indigent Criminal Defense Trust Fund in proportion to their positions funded from these sources to the Justice Administrative Commission to pay the Human Resources Services contract in the Department of Management Services.</p>	KEEP
34.	<p>Funds and positions in Specific Appropriations XXX through XXX, shall first be used to represent children involved in dependency proceedings. Once all children in dependency proceedings are represented, the funds may be used to represent children in other proceedings as authorized by law.</p>	KEEP
35.	<p>From the funds in Specific Appropriation 844, \$300,000 in nonrecurring general revenue funds is provided for the Guardian Ad Litem Program within the Orange County Bar Association.</p>	DELETE
36.	<p>The funds provided in Specific Appropriation XXX, shall not be utilized for any costs related to the potential expansion of floor space operated and managed by the Northwest Regional Data Center.</p>	DELETE
37.	<p><u>JUSTICE ADMINISTRATION</u> The budget for each clerk of court and the approved unit costs required under section 28.36, Florida Statutes, for Fiscal Year 2012-2013 are contained in the document entitled "Fiscal Year 2011-2012 and Fiscal Year 2012-2013 Clerk of Court Unit Cost Budgets" dated March 6, 2012, and on file with the Clerk of the House of Representatives. This document is hereby incorporated by reference into the Fiscal Year 2012-2013 General Appropriations Act.</p> <p>From the funds in Specific Appropriation XXX, \$2,000,000 in nonrecurring general revenue funds is provided to assist with the backlog of foreclosure cases.</p>	DELETE

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38.	From funds in Specific Appropriation 854, the Clerks of Court Operations Corporation (CCOC) shall conduct a study identifying and assessing the effectiveness of collection methods for court-related fines and fees owed to the state. As part of the study, the CCOC shall assess of the feasibility of participating in the Treasury Offset Program, pursuant to 31 U.S.C. s. 3716. The study shall, at a minimum, identify the benefits and obstacles to participating in the program, the costs associated with participating in the program, and the estimated additional collections revenue the state could reasonably generate associated with participation in the program. The CCOC shall provide the study to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee no later than December 1, 2012.	DELETE
39.	The Prosecution Coordination Office's budgeting, legal, training and education needs may be funded by each State Attorney's office within the funds provided in Specific Appropriations XXX through XXX. Funding for this office shall not exceed \$400,000 from the State Attorney's Revenue Trust Fund.	KEEP
40.	From the positions and funds provided in Specific Appropriation XXX, two full-time equivalent positions with associated rate of 93,225 and \$135,109 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.	REVISE
41.	From the positions and funds provided in Specific Appropriation XXX, five full-time equivalent positions with associated salary rate of 267,173 and \$387,207 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.	KEEP
42.	From the positions and funds provided in Specific Appropriation XXX, two full-time equivalent positions with associated salary rate of 188,047 and \$272,532 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud. Additionally, two full-time equivalent positions with associated salary rate of 91,981 and \$133,307 from the Grants and Donations Trust Fund are provided solely for prosecution of workers compensation insurance fraud.	REVISE
43.	From the positions and funds provided in Specific Appropriation XXX, two full-time equivalent positions with associated salary rate of 94,177 and \$136,488 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud. Additionally, two full-time equivalent positions with associated salary rate of 85,834 and \$124,398 from the Grants and Donations Trust Fund are provided solely for prosecution of workers compensation insurance fraud.	REVISE
44.	From the positions and funds provided in Specific Appropriation XXX, two full-time equivalent positions with associated salary rate of 90,283 and \$130,845 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.	KEEP
45.	From the positions and funds provided in Specific Appropriation XXX, two full-time equivalent positions with associated salary rate of 92,905 and \$134,646 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.	KEEP

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46.	<p>The Public Defenders Coordination Office’s budgeting, legal, training and education needs may be funded by each Public Defender’s office within the funds provided in Specific Appropriations XXX through XXX. Funding for this office shall not exceed \$400,000 from the Indigent Criminal Defense Trust Fund. In addition, each Public Defender Office must submit on a monthly basis the caseload report developed by the FPDA.</p>	KEEP
47.	<p><u>JUVENILE JUSTICE</u></p> <p>From the funds in Specific Appropriations XXX through XXX, each provider who contracts with the Department of Juvenile Justice shall provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents shall include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.</p> <p>From the funds in Specific Appropriations XXX through XXX, the Department of Juvenile Justice shall establish a performance accountability system for each provider who contracts with the department for the delivery of services to children at-risk of future involvement in the criminal justice system, as determined by the department. The contract shall include both output measures, such as the number of children served, and outcome measures, such as program completion. The contractor shall report performance results annually to the department. The department’s Office of Program Accountability shall summarize performance results from all contracts and report the information annually to the Legislature.</p> <p>From the funds in Specific Appropriations XXX through XXX, the Department of Juvenile Justice is directed to withhold funds from contract payments to any provider if that provider failed to comply with contract requirements that it maintain property insurance and if the failure to do so resulted in uninsured losses. The amount withheld shall not exceed the amount of the uninsured loss and may be reduced by other remedial actions agreed upon by the department and the provider.</p> <p>From the funds in Specific Appropriations XXX through XXX, the Department of Juvenile Justice must, before implementing any departmental reorganization plans, submit its proposal to the Governor’s Office of Policy and Budget and to the Legislative Budget Commission for approval.</p> <p>Funds in Specific Appropriations XXX through XXX shall not be used to pay for unoccupied space currently being leased by the Department of Juvenile Justice in the event the leases are vacant on or after July 1, 2012, and for which it has been determined by the Secretary of the department that there is no longer a need.</p>	KEEP

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48.	From the funds in Specific Appropriations XXX through XXX, the department may contract for services consistent with the department's Juvenile Detention Alternative Initiative (JDAI) and the Annie E. Casey Foundation to divert youth from secure detention to alternative community based services. These services should be designed using in-home and community advocacy to reduce the need for more expensive restrictive placements, build community capacity to reduce recidivism, create supported work opportunities for youth, and improve community safety.	KEEP
49.	From the funds in Specific Appropriation XXX, the Prodigy Program shall include at least two of the four at-risk domains of the Department of Juvenile Justice's risk factors when placing a youth into a prevention, intervention or diversion program. In addition, each youth who enters the program shall be tracked by the department's Juvenile Justice Information System (JJIS) or Prevention Web system. In addition, the Prodigy Program shall contract with a consultant to track arrests or re-arrests for prevention, intervention, and diversion youth for 12 months after completing the program and submit the results to the department semi-annually.	KEEP
50.	<p>Funds in Specific Appropriation XXX, are provided for services to youth at risk of commitment, which are eligible to be placed in evidence-based and other alternative programs for family therapy services. These services shall be provided as an alternative to commitment. The Department of Juvenile Justice and each participating court may jointly develop criteria to identify youth appropriate for diversion into the Redirections Program.</p> <p>From the funds in Specific Appropriation 1209, the Department of Juvenile Justice may transfer up to \$2,000,000 from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children eligible for specialized mental health services.</p>	KEEP KEEP
51.	The funds provided in Specific Appropriation XXX, shall not be utilized for any costs related to the potential expansion of floor space operated and managed by the Northwest Regional Data Center.	DELETE
52.	<p>From the funds in Specific Appropriations XXX through XXX, the department shall provide a weekly residential resource utilization report that identifies operating capacity, current placements, vacant placements, number of youth waiting placement and the percent of use for all residential commitment beds. The department may increase or decrease beds or overlay services provided that the change will better serve taxpayers and the youth under its care. Notification and justification of changes will be provided to the Governor's Office of Policy and Budget, the chair of the Senate Budget Committee and the chair of the House Appropriations Committee prior to implementing any change.</p> <p>From the funds in Specific Appropriations 1238 through 1261, the Department of Juvenile Justice shall first make residential bed reductions in both non-secure and secure beds that are operated by the department before reducing privately operated non-secure or secure residential beds. Should the department need to make additional residential bed reductions in order to meet the reduction in Specific Appropriations 1238 through 1261, per diem cost shall be given primary consideration.</p>	KEEP DELETE

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53.	From the funds in Specific Appropriation XXX, \$650,415 from recurring general revenue funds is provided to the PAR Adolescent Intervention Center (PAIC) Pasco.	KEEP
54.	From the funds in Specific Appropriation 1270, \$2,000,000 in nonrecurring general revenue funds is provided for the Florida Alliance of Boys and Girls Clubs.	KEEP
55.	From the funds in Specific Appropriation XXX, the Department of Juvenile Justice shall not expend more than \$150,000 in recurring general revenue funds for physically secure placements for youths being served by the Children-In-Need of Services/Families-In-Need of Services (CINS/FINS) program. Additionally, the CINS/FINS provider shall demonstrate that it has considered local, non-traditional, non-residential delinquency prevention service providers including, but not limited to, grassroots organizations, community, and faith-based organizations, to subcontract and deliver non-residential CINS/FINS services to eligible youth as defined in chapter 984 and section 1003.27, Florida Statutes, to include areas with high ratios of juvenile arrests per youth 10 to 17 years of age. Such services may be offered throughout the judicial circuit served by the CINS/FINS provider.	KEEP
56.	The funds in Specific Appropriation 1274A are appropriated as nonrecurring for the construction of a Boys and Girls Club facility in Lacochee, Florida to provide a location for the delivery of programs and activities that prevent juvenile crime.	DELETE
57.	<u>FLORIDA DEPARTMENT OF LAW ENFORCEMENT</u> From the funds in Specific Appropriation XXX, the Department of Law Enforcement is authorized to distribute 10,000 rape kits to local law enforcement agencies and rape crisis centers statewide at no cost. In addition, the department is authorized to use additional federal funds and any other available funds contained in Specific Appropriation 1292B for the purpose of processing rape kits, including the backlog of non-suspect rape cases.	KEEP
58.	From the funds provided in Specific Appropriation XXX from the Forfeiture and Investigative Support Trust Fund, up to \$25,000 per case, but not exceeding \$150,000 in total for all cases, may be expended for rewards leading to the capture of fugitives, if such funds are available.	KEEP
59.	From the funds in Specific Appropriation XXX, \$232,461 in recurring general revenue funds is provided for A Child Is Missing Program.	KEEP
60.	<u>DEPARTMENT OF LEGAL AFFAIRS/ATTORNEY GENERAL</u> Funds in Specific Appropriations XXX through XXX shall not be used to pay for the use of property leased by the Department of Legal Affairs or the Office of the Attorney General pursuant to Lease Number 410:0114, relating to 700 Central Office Building in St. Petersburg, after October 31, 2012.	DELETE

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2012-118 GAA Proviso Review

61.	The recurring funds in Specific Appropriation XXX are provided to the Florida Council Against Sexual Violence. At least 95 percent of the funds provided shall be distributed to certified rape crisis centers to provide services statewide for victims of sexual assault.	KEEP
62.	From the funds in Specific Appropriation XXX, \$100,000 from nonrecurring general revenue funds is provided to the Council on the Social Status of Black Men and Boys.	DELETE
63.	From the funds in Specific Appropriation XXX, \$50,000 in nonrecurring general revenue funds is provided for the Cuban American Bar Association Pro Bono Project.	DELETE
64.	The positions in Specific Appropriation XXX shall be released as necessary to allow the Office of the Attorney General to contract with state agencies to provide legal representation.	KEEP
65.	The funds provided in Specific Appropriation XXX, shall not be utilized for any costs related to the potential expansion of the floor space operated and managed by the Northwest Regional Data Center.	DELETE
66.	<u>STATE COURT SYSTEM</u> The funds in Specific Appropriation XXX may be spent at the discretion of the Chief Justice to carry out the official duties of the court. These funds shall be disbursed by the Chief Financial Officer upon receipt of vouchers authorized by the Chief Justice.	KEEP
67.	The positions authorized in Specific Appropriation 3203 shall be held in reserve as a contingency in the event the state courts determine that some portion of Article V due process services needs to be shifted from a contractual basis to an employee model in one or more judicial circuits. The Chief Justice of the Supreme Court may request transfer of these positions to the salaries and benefits appropriation category within any of the state courts budget entities, consistent with requests for transfers of funds into those same budget entities. Such transfers are subject to the notice, review, and objection provisions of section 216.177, Florida Statutes.	KEEP
68.	The budget for each judicial circuit and the approved unit costs for the state Fiscal Year 2012-13 are contained in the document entitled "Fiscal Year 2011-12 and Fiscal Year 2012-13 Trial Courts Unit Cost Budgets" dated March 6, 2012 and on file with the Clerk of the House of Representatives. This document is hereby incorporated by reference in the Fiscal Year 2012-13 General Appropriations Act.	DELETE
69.	The funds in Specific Appropriation 3218A are appropriated in nonrecurring general revenue funds to assist with the backlog of foreclosure cases.	DELETE

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70.	From the funds in Specific Appropriation 3220, \$3,200,000 in nonrecurring general revenue funds shall be distributed to the 25 Children's Advocacy Centers throughout Florida based on the proportion of children served by each center during calendar year 2010.	REVISE
71.	From the funds in Specific Appropriation 3222A, \$948,720 in nonrecurring general revenue funds is distributed to the First Judicial Circuit (\$316,000), the Ninth Judicial Circuit (\$316,720), the Tenth Judicial Circuit (\$316,000), and \$316,000 in recurring general revenue funds is distributed to the Eighteenth Judicial Circuit to implement 4 pilot projects using Active Global Positioning Satellite (GPS) technology to protect victims of domestic violence. The courts shall issue a report on the benefits and limitations of the pilot projects to the chair of the Senate Budget Committee and the chair of the House Appropriation Committee by June 30, 2013.	REVISE
72.	Funds in Specific Appropriation 3244 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney's fees, court reporting fees, investigators' fees, and similar charges associated with the adjudicatory process.	KEEP

Senate Subcommittee on Criminal and Civil Justice Appropriations
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	BACK OF BILL PROVISIONS	KEEP/DELETE/REVISE
1.	The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2012-0303 as submitted on January 25, 2012, by the Governor on behalf of the Department of Corrections for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2011-2012 consistent with the amendment. This section is effective upon becoming law.	DELETE
2.	The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2012-0344 as submitted on January 25, 2012, by the Governor on behalf of the Department of Corrections for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2011-2012 consistent with the amendment. This section is effective upon becoming law.	DELETE
3.	The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2012-0380 as submitted on February 3, 2012, by the Governor on behalf of the Department of Corrections for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2011-2012 consistent with the amendment. This section is effective upon becoming law.	DELETE
4.	Unless Budget Amendment EOG #B2012-0238 is approved by the Legislative Budget Commission prior to this act becoming law, the Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2012-0238 as submitted on January 25, 2012, by the Governor on behalf of the Department of Corrections for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2011-2012 consistent with the amendment. This section is effective upon becoming law.	DELETE
5.	The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2012-0245 as submitted on January 25, 2012, by the Governor on behalf of the Department of Juvenile Justice for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2011-2012 consistent with the amendment. This section is effective upon becoming law.	DELETE
6.	The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2012-0253 as submitted on January 25, 2012, by the Governor on behalf of the Department of Juvenile Justice for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2011-2012 consistent with the amendment. This section is effective upon becoming law.	DELETE

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7.	The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2012-0287 as submitted on January 25, 2012, by the Governor on behalf of the Department of Juvenile Justice for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2011-2012 consistent with the amendment. This section is effective upon becoming law.	DELETE
8.	The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2012-0288 as submitted on January 25, 2012, by the Governor on behalf of the Department of Law Enforcement for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2011-2012 consistent with the amendment. This section is effective upon becoming law.	DELETE
9.	From the unexpended balance of funds provided to the Department of Corrections in Specific Appropriation 688 of chapter 2011-69, Laws of Florida, \$5,800,000 shall revert immediately and is hereby appropriated for Fiscal Year 2011-2012 to the Department of Corrections to address the projected current year operational deficits. This section is effective upon becoming law.	DELETE
10.	The sum of \$10,878,004 from nonrecurring general revenue funds is hereby appropriated to the Department of Corrections for Fiscal Year 2011-2012 to address the operational deficits due to savings associated with privatization efforts in Region IV not being realized. This section is effective upon becoming law.	REVISE
11.	From the unexpended balance of funds provided to the Department of Corrections in Specific Appropriation 760 of chapter 2008-152, Laws of Florida, \$4,210,000 for land acquisition, planning, development and permitting of future prison sites; \$50,000 for Sago Palm renovations, \$2,614,000 for environmental and water deficiencies at Martin Correctional Institution; and \$1,306,000 for construction of open bay dormitories at Mayo Correctional Institution shall revert immediately.	DELETE
12.	The sum of \$57,600,000 in nonrecurring funds from the General Revenue Fund is appropriated to the Clerks of Court Trust Fund within the Justice Administrative Commission to cover Fiscal Year 2011-12 trust fund deficits. The Clerk of Court approved unit costs required under section 28.36, Florida Statutes, for Fiscal Year 2012-13 are contained in the document entitled "Fiscal Year 2011-2012 and Fiscal Year 2012-2013 Clerk of Court Unit Cost Budgets" dated February 10, 2012, and on file with the Secretary of the Senate. This document is hereby incorporated by reference into the Fiscal Year 2012-13 General Appropriations Act. This section is effective upon becoming law.	DELETE
13.	The sum of \$121,700,000 in nonrecurring funds from the General Revenue Fund is appropriated to the State Courts Revenue Trust Fund within the state court system to cover Fiscal Year 2011-12 trust fund deficits. This section is effective upon becoming law. The State Courts approved unit costs for Fiscal Year 2012-13 are contained in the document entitled "Fiscal Year 2011-2012 and Fiscal Year 2012-2013 Trial Court Unit Cost Budgets" dated February 10, 2012, and on file with the Secretary of the Senate. This document is hereby incorporated by reference into the Fiscal Year 2012-13 General Appropriations Act. This section is effective upon becoming law.	DELETE

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14.	Specific Appropriation 774 of chapter 2011-69, Laws of Florida, is reduced by \$6,662,794. Specific Appropriation 776 of chapter 2011-69, Laws of Florida, is reduced by \$904,451. Specific Appropriation 766 of chapter 2011-69, Laws of Florida, is reduced by \$907,633. Specific Appropriation 778 of chapter 2011-69, Laws of Florida, is reduced by \$100,000. Specific Appropriation 1057 of chapter 2011-69, is reduced by \$37,197. The sum of \$3,867,135 in general revenue is appropriated to the Justice Administration Commission for Attorney Payments Over Flat Fee in Fiscal Year 2011-2012. The sum of \$1,686,783 in general revenue is appropriated to the Justice Administrative Commission for Child Dependency and Civil Conflict Case Costs in Fiscal Year 2011-2012. The sum of \$1,804,834 in general revenue is appropriated to the Justice Administrative	DELETE
14 A.	Commission for Criminal Conflict Case Costs in Fiscal Year 2011-2012. The sum of \$276,317 in general revenue is appropriated to the Regional Conflict Counsel - First for contracted services in Fiscal Year 2011-2012. The sum of \$144,400 in general revenue is appropriated to the Regional Conflict Counsel - Second for contracted service in Fiscal Year 2011-2012. The sum of \$134,850 in general revenue is appropriated to the Regional Conflict Counsel – Third for salaries and benefits for Fiscal Year 2011-2012. The sum of \$326,244 in general revenue is appropriated to the Regional Conflict Counsel - Third for contracted services in Fiscal Year 2011-2012. The sum of \$371,512 in general revenue is appropriated to the Regional Conflict Counsel - Fourth for contracted services in Fiscal Year 2011-2012. This section is effective upon becoming law.	DELETE
15.	The unexpended balance of funds appropriated for domestic security and American Recovery and Reinvestment Act of 2009 issues in sections 103 and 104 of chapter 2011-69, Laws of Florida, and subsequently distributed to the Department of Law Enforcement pursuant to EOG #B2011-0005, is hereby reverted and reappropriated for Fiscal Year 2012-2013 for the purpose of the original appropriation within the Department of Law Enforcement. This section is effective upon becoming law.	DELETE
16.	The unexpended balance of funds provided to the Department of Law Enforcement for domestic security issues in Specific Appropriation 1978C of chapter 2011-69, Laws of Florida, and subsequently distributed to the Department of Law Enforcement pursuant to budget amendment EOG #B2011-0014, is hereby reverted and reappropriated for Fiscal Year 2012-2013 for the purpose of the original appropriation within the Department of Law Enforcement. This section is effective upon becoming law.	DELETE
17.	The sum of \$121,700,000 in nonrecurring funds from the General Revenue Fund is appropriated to the State Courts Revenue Trust Fund within the state court system to cover Fiscal Year 2011-2012 trust fund deficits. The State Courts approved unit costs for Fiscal Year 2012-2013 are contained in the document entitled "2011-2012 and 2012-2013 Trial Court Unit Cost Budgets" dated March 6, 2012, and on file with the Clerk of the House of Representatives. This document is hereby incorporated by reference into the 2012-2013 General Appropriations Act. This section is effective upon becoming law.	DELETE

Senate Subcommittee on Criminal and Civil Justice Appropriations
NEW Proviso and Back of Bill Language

	PROVISO	APPROVED Yes / No
1.	<p><u>DEPARTMENT OF CORRECTIONS</u></p> <p>From the funds in Specific Appropriations 632 through 686 and 713 through 736, the Department of Corrections shall open the 432-bed Gadsden Re-Entry Center as a substance abuse transition center serving inmates within three years of release from prison. The Department of Corrections will issue a competitive solicitation for program services for inmates at the Gadsden Re-Entry Center. The program will be performance-based to maximize the number of inmates receiving treatment. In addition, an advisory group for the re-entry program will be established by the Department of Corrections to provide accountability through oversight in program planning, design and evaluation to ensure that the re-entry program provides the optimal performance.</p>	
2.	<p>From the funds provided in Specific Appropriation *****, \$7,560,245 is provided for the Department of Corrections to provide electronic monitoring for inmates while in the community under work release assignment.</p>	
3.	<p><u>JUVENILE JUSTICE</u></p> <p>From the funds in Specific Appropriations ***** through *****, when procuring residential bed contracts the department shall use economies of scale in each judicial circuit, in order to maximize the number of filled beds and reduce the number of vacant beds in their programs statewide. In making these determinations, the department may consider type of program and level of commitment.</p>	
4.	<p><u>STATE COURT SYSTEM</u></p> <p>Funds in Specific Appropriation ***** any funds expended for the maintenance and repair of state-owned district court of appeal facilities shall be allocated according to a distribution plan approved by the Chief Justice.</p>	
5.	<p>From the funds in Specific Appropriation *****, the state courts shall expend \$600,000 in nonrecurring general revenue funds to create, pursuant to ss. 948.08(7)(a) and 948.16 (2)(a), F.S., felony and/or misdemeanor pretrial veterans' treatment intervention programs in Okaloosa, Pasco, Pinellas and Clay counties to address the substance abuse and mental health treatment needs of veterans and service members charged with criminal offenses.</p>	
6.	<p>The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall evaluate the effectiveness of Florida's post-adjudicatory drug courts. The review shall assess performance based on program output metrics (e.g., program completion), cost metrics (e.g., cost per successful completion), and outcome metrics (e.g., re-arrest and re-incarceration rates of program participants). The report shall also compare program performance across the 8 post-adjudicatory drug court programs and identify reasons that performance may vary across programs. The report shall include recommendations for improving the effectiveness of these programs. OPPAGA shall report its findings and recommendations to the Speaker of the House of Representatives and the President of the Senate by January 13, 2014.</p>	
7.	<p>From the funds in Specific Appropriation *****, \$50,000 is appropriated to the state courts to contract for an architectural and engineering study of the 4th District Court of Appeal facility to address ADA compliance and court security issues.</p>	

Senate Subcommittee on Criminal and Civil Justice Appropriations
NEW Proviso and Back of Bill Language

	BACK OF BILL PROVISIONS	APPROVED Yes / No
1.	Specific Appropriation 831 of chapter 2012-118, Laws of Florida, is reduced by \$350,000. The sum of \$350,000 in general revenue is appropriated to the Criminal Conflict and Civil Regional Counsel – First for salaries and benefits in Fiscal Year 2012-13.	
2.	The sum of \$8,328,934 from nonrecurring General Revenue is hereby appropriated to the Department of Corrections for Fiscal Year 2012-13 due to the revised Criminal Justice Estimating Conference prison population forecast that increased the average daily population from 99,257 to 100,137. This section is effective upon becoming law.	
3.	The sum of \$10,878,804 from nonrecurring General Revenue is hereby appropriated to the Department of Corrections for Fiscal Year 2012-13 to restore funding associated with privatization efforts in Region IV that did not occur. This section is effective upon becoming law.	
4.	The sum of \$14,077,646 from nonrecurring General Revenue is hereby appropriated to the Department of Corrections for Fiscal Year 2012-13 to restore savings associated with healthcare privatization efforts not being realized. This section is effective upon becoming a law.	
5.	From the funds appropriated in Specific Appropriation 758 of Chapter 2012-118, Laws of Florida, excess debt service proceeds in the amount of \$30,500,000 placed in reserve (EOG #B2013-0101) shall revert to the General Revenue Fund. This section is effective upon becoming law.	
6.	The sum of \$693,912 in non-recurring trust fund authority is appropriated to the <i>State Courts Revenue Trust Fund</i> in the State Courts Due Process Cost category within the State Court System. Funds shall be used for Fiscal Year 2012-2013 court ordered payments for attorney fees in criminal conflict cases in excess of the flat fee established in law as specified in line item 828 of the Fiscal Year 2012-13 General Appropriations Act. This section is effective upon becoming law.	

Capital Collateral Representation Conforming Bill

- The Capital Collateral Regional Councils (CCRC) provide postconviction representation to inmates sentenced to death in Florida. There are three CCRC regions. Two regions – the Middle and South regions - are staffed by state employees. Since 2003, the cases in the North region have been represented by private attorneys selected from a registry.
- This conforming bill re-creates the Capital Collateral Regional Counsel – North region by eliminating the statutory language in ss. 27.710 and 27.711, F.S., which sets up the registry of private attorneys in the North region.
- The Supreme Court has recommended the re-establishment of the North region.
- The bill also transfers contracting and billing responsibilities for registry attorneys from the Chief Financial Officer to the Justice Administrative Commission.

Court-appointed Counsel Conforming Bill

- This conforming bill makes two changes to law:
 - It eliminates the language from SB 1960 (2012) that permitted the chief judge in each circuit to establish a limited registry of court-appointed attorneys to represent indigent clients. The limited registry was comprised of attorneys willing to accept, as full payment, the prescribed flat fees set in the GAA (except for RICO and capital cases) and was designed to reduce due process expenditures.
 - It increases the flat fee statutory caps for life felonies, capital cases, and appeals cases. This change will permit the legislature to increase the flat fee rates for these cases, which is set yearly in the GAA.

Clerks of the Court Conforming Bill

This conforming bill:

- Removes the Clerks and the Clerks of Court Operations Corporation (Corporation) from the annual appropriation process.
- Expands the role of the Legislative Budget Commission (LBC) by creating oversight and accountability in the clerks' budget process. Authorizes the LBC to review, approve, and amend the clerks' and Corporation's budget.
- Redirects filing fees from general revenue to the Clerks of the Court Trust Fund to ensure budgetary stability.

2012-2013 Implementing Bill (Ch. 2012-119)

Ch. 2012-119 LOF, section #	Description	Ch. 2012-119 LOF: Specific Appropriation(s) Implemented	PCB ####: Specific Appropriations Implemented	History	F.S. Cited	KEEP, DELETE and NEW
	Criminal and Civil Justice / Justice					
1	DOC / CJEC BUDGET AMENDMENT. Amends s. 216.262, F.S. to allow the Executive Office of the Governor (EOG) to request additional positions and appropriations from unallocated general revenue during the 2012-2013 fiscal year for the Department of Corrections (DOC) if the actual inmate population of the DOC exceeds certain Criminal Justice Estimating Conference forecasts. The additional positions and appropriations may be used for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population, and are subject to LBC review and approval.	625 through 758 and 778 through 815		2012-119(12) 2011-47(15) 2010-153(5) 2009-82(3), 2008-153(8), 2007-73(7), 2006-26(7), 2005-71(14), 2004-269(24), 2003-399(35), 2002-402(25) 2001-254(28) 2000-171(38)	216.262(4), F.S.	Keep
2	DEPARTMENT OF LEGAL AFFAIRS. Authorizes DLA to expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years.	1333 and 1334		2012-119 (14) 2011-47(17) 2010-153(7) 2009-82(4) 2008-153(9), 2007-73(9), 2006-26(9), 2005-71(18)	None	Keep
3	MUNICIPALITIES / REPAY GEN. FUND. Amends s. 932.7055, F.S. relating to the disbursement of proceeds from the sale of forfeited property to extend for another year the authorization for a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.	1297B and 1299		2012-119(15) 2011-47(18) 2010-153(8) 2009-82(7), 2008-153(10), 2007-73(10), 2006-26(11), 2005-71(19) 2003-399(37) 2002-402(26)	932.7055(4), F.S.	Keep
4	DJJ / MEDICARE RATES. Provides limitation on DJJ reimbursements for health care services to 110 percent of Medicare allowable rates.	1187, 1188, 1193, 1194, 1239, 1240, 1244, 1245, 1247, 1251, 1252, 1255, 1256, 1257, 1267, and 1272		2012-119(16) 2011-47(19) 2010-153(11)	None	Keep

2012-2013 Implementing Bill (Ch. 2012-119)

Ch. 2012-119 LOF, section #	Description	Ch. 2012-119 LOF: Specific Appropriation(s) Implemented	PCB ####: Specific Appropriations Implemented	History	F.S. Cited	KEEP, DELETE and NEW
5	STATE COURTS REVENUE TF / LOAN REQUEST. Amends s. 215.18, F.S. to authorize Chief Justice to request trust fund loan.	Section 7		2012-119(17) 2011-47(21)	215.18, F.S.	Keep
6	CLERK TRUST FUND. Notwithstanding section 28.2455, F.S., any funds remaining in the Clerks of Court Trust Fund shall not be transferred to the General Revenue Fund and are available for clerks of court for fiscal year 2012-2013 expenditures.	850		2012-119(18) 2011-47(22)	28.2455, F.S.	Keep
7	UNIT COSTS/CLERKS OF COURT AND STATE COURTS. Provides that the calculation of unit costs for the clerks of court and state trial courts are contained in documents that are incorporated by reference.	850 and 3215 through 3238		2012-119(19)	28.36, F.S.	Delete
8	COUNTY ARTICLE V REQUIREMENTS. Amends s. 29.008, F.S. to notwithstand provision requiring counties to spend 1.5% more on county funded court system obligations.	Section 7		2012-119(20) 2011-47(23) 2010-153(23)	29.008(4)(c), F.S.	Keep
9	DEPARTMENT OF CORRECTIONS BENCHMARK REQUIREMENTS. Establishes performance measures and benchmarks for the Florida Department of Corrections for the purpose of monitoring department progress in areas including, but not limited to, implementation of proviso, procurement, cost containment, and work release and re-entry initiatives.					New

FY 2013-14 BUDGET ISSUES
BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					Comments	LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
1	DEPARTMENT OF LEGAL AFFAIRS								1
2		START-UP 2013-14 (Recurring continuation of current law and policy)	1,292.50	37,353,183	37,353,183		146,223,146		2
3	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS					(2,615)	Allocates the agency's payments to the Division of Administration Hearings. The amount is based on the actual number of hearing hours utilized by the agency in FY 2011-12	3
4	30011C0	DECREASED WORKLOAD FOR A PRIMARY DATA CENTER TO SUPPORT AN AGENCY		(1,346)	(1,346)			Technical adjustment to adjust shared resource center workload figure	4
5	330B010	ELIMINATE FUNDING FOR THE ADULT MANKIND PROGRAM						Eliminates funding for Miami-based early intervention program targeting at-risk youth aged 15-21	5
6	330B020	ELIMINATE FUNDING FOR THE COMMUNITY COALITION PROGRAM		(950,000)	(950,000)			Eliminates funding for Miami-based early intervention program targeting at-risk youth aged 15-21	6
7	3000000	RESTORE NONRECURRING GENERAL REVENUE FOR THE COMMUNITY COALITION PROGRAM		950,000		950,000		Restores funding for Community Coalition from nonrecurring funds	7
8	4000310	CRIMINAL APPEALS WORKLOAD		1,162,712	1,106,714	55,998		Provides funding for 15 currently authorized positions (13 Asst. Attorney and 2 Sr. Legal Assistants)	8
9	4000040	CIVIL LEGAL ASSISTANCE		2,000,000	1,000,000	1,000,000		Improves access to justice system	9
10	4001400	TELEPHONE SYSTEM REPLACEMENT					657,655	Replaces aging phone system (agency priority, funded from trust funds)	10
11	4001510	STATEWIDE PROSECUTION PILL MILL UNIT	2.00	189,548	182,024	7,524		Provides two Assistant Statewide Prosecutor positions to prosecute pain management clinics	11
12	4100210	CLAY COUNTY VICTIM ADVOCACY PROGRAM		250,000		250,000			12
13	.....								13
14	TOTAL: DEPARTMENT OF LEGAL AFFAIRS		1,294.50	40,954,097	38,690,575	2,263,522	146,878,186		14
15	.....								15
16	DEPARTMENT OF CORRECTIONS								16
17		START-UP 2013-14 (Recurring continuation of current law and policy)	25,424.00	2,014,221,958	2,014,221,958		75,174,807		17
18	160P010	PROGRAM COMPONENT TECHNICAL CORRECTIONS - ADD	24.00	8,461,201	8,461,201			Technical adjustment to correct substance abuse coding	18
19	160P020	PROGRAM COMPONENT TECHNICAL CORRECTION - DEDUCT	(24.00)	(8,461,201)	(8,461,201)			Technical adjustment to correct substance abuse coding	19
20	160S110	TRANSFER FUNDS FROM INCORRECT FUNDING SOURCE IDENTIFIER					5,200,000	Technical adjustment to identify direct federal grant funding	20
21	160S120	TRANSFER FUNDS TO CORRECT FUNDING SOURCE IDENTIFIER					(5,200,000)	Technical adjustment to identify direct federal grant funding	21
22	1800010	CONSOLIDATE SUBSTANCE ABUSE PROGRAMS - DEDUCT		(23,962,538)	(23,962,538)		(550,000)	Technical adjustment to provide consistent coding of substance abuse funding	22
23	1800020	CONSOLIDATE SUBSTANCE ABUSE PROGRAMS - ADD		23,962,538	23,962,538		550,000	Technical adjustment to provide consistent coding of substance abuse funding	23
24	2000030	APPROPRIATION CATEGORY TECHNICAL CORRECTION - ADD		1,226,004	1,226,004			Technical adjustment to correct category	24
25	2000040	APPROPRIATION CATEGORY TECHNICAL ADJUSTMENT - DEDUCT		(1,226,004)	(1,226,004)			Technical adjustment to correct category	25

FY 2013-14 BUDGET ISSUES
BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					Comments	LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
26	2300070	HEALTH SERVICES		4,841,036	4,841,036			Addresses remainder of projected health services deficit based on DOC estimate	26
27	2401510	REPLACE PRISONER TRANSPORT BUSES AND VANS		500,000		500,000		Replaces inmate transport buses (\$191K ea.) & vans (\$28K ea.) with more than 250,000 miles. DOC has 50 vehicles which meet this criteria.	27
28	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS		80,192	80,192			Allocates the agency's payments to the Division of Administration Hearings. The amount is based on the actual number of hearing hours utilized by the agency in FY 2011-12.	28
29	3000150	INCREASE IN CRIMINAL JUSTICE ESTIMATING CONFERENCE INMATE POPULATION	140.00	11,052,213	10,944,287	107,926		Funds CJEC estimate of 2/19/2013 at 771 inmates (average daily population) over current funding	29
30	3000270	ELECTRONIC MONITORING FOR WORK RELEASE CENTERS		7,560,245	7,560,245			Provides funding to amend contracts with work release providers as well as DOC operated beds (\$5.50/day for 3,766 inmates in 33 work release centers)	30
31	3000710	RE-ENTRY CENTER	59.00	2,902,581	2,499,594	402,987		Opens new 432-bed re-entry center with DOC security staffing and contracted substance abuse treatment component.	31
32	3200010	REDUCE FEDERAL FUNDING					(3,900,000)	Technical adjustment to reduce excess trust fund authority in the Federal Grants Trust Fund for the State Criminal Alien Assistance Program.	32
33	33J0010	OUTSOURCE HEALTH SERVICES - DEDUCT	(2,355.00)	(155,386,756)	(155,386,756)			Implements statewide outsourcing of health services	33
34	33J0020	OUTSOURCE HEALTH SERVICES - ADD		155,386,756	155,386,756			Implements statewide outsourcing of health services	34
35	33P0020	ELIMINATE PAYMENT IN LIEU OF TAXES		(878,020)	(878,020)			Eliminates payment in lieu of taxes to local governments for Bay, Gadsden, Lake City, and Sago Palm correctional facilities	35
36	330C100	VENDOR MANAGEMENT INITIATIVE SAVINGS		(3,770,461)	(3,770,461)			Savings from 4 DMS renegotiated private contracts in 2012-13 (South Bay, Blackwater River, Lake City, Gadsden)	36
37	3300100	REDUCE TRUST FUND AUTHORITY					(452,817)	Reduces excess trust-fund authority in the Administrative Trust Fund (indirect cost, admin processing fees)	37
38	3400320	TRANSFER DRUG COURT EXPANSION - ADD		761,817	761,817			Replaces expired federal grant that funded 13 probation officers supervising offenders in post-adjudicatory drug court counties (Broward, Hillsborough, Orange, Pinellas, Polk, and Volusia).	38
39	3400330	TRANSFER DRUG COURT EXPANSION - DEDUCT					(761,817)	Replaces expired federal grant that funded 13 probation officers supervising offenders in post-adjudicatory drug court counties (Broward, Hillsborough, Orange, Pinellas, Polk, and Volusia).	39
40	4300040	RESTORE CRITICAL SALARY LAPSE REDUCTIONS		12,450,912	8,040,162	4,410,750		Restores several high-risk facilities to 5% salary lapse for certified officers (currently ranging from 6 to 15%); fill approximately 247 positions.	40
41	4700740	MAINTAIN CURRENT SUBSTANCE ABUSE TREATMENT		1,822,504	1,822,504			Replaces residential substance abuse treatment beds funded with nonrecurring appropriation and expiring grants	41
42	4001080	IMPLEMENT TIME AND ATTENDANCE SYSTEM - ADD		2,500,000	2,500,000			Implements electronic time and attendance system	42

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			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
43	4001090	IMPLEMENT TIME AND ATTENDANCE SYSTEM - DEDUCT		(2,500,000)	(2,500,000)			Implements electronic time and attendance system	43
44	30010C0	ADDITIONAL RESOURCES REQUIRED TO SUPPORT CONSOLIDATION OF TECHNOLOGY SERVICES		4,682,995	4,682,995			Technical adjustment to adequately fund the Southwood Shared Resource Center (consolidated technology services)	44
44A	5100020	WESTCARE SUBSTANCE ABUSE TREATMENT PROGRAM - PINELLAS COUNTY		150,000		150,000		Funds Pinellas County substance abuse treatment and mental health overlay services	44A
45	5100179	OPERATION NEW HOPE RE-ENTRY INITIATIVE		850,000		850,000		Provides \$850,000 for Operation New Hope re-entry initiative in Duval County	45
46	5100180	READY4WORK PROGRAM		250,000		250,000		Provides \$250,000 for Ready4Work program in Hillsborough County	46
47	6800030	RESTORE FUNDING FOR REGION IV PRIVATIZATION INITIATIVE		10,878,804	10,878,804			Restores anticipated savings from Region IV privatization in FY 2011-12 which did not occur	47
48	990D000	DEBT SERVICE		(27,000,000)		(27,000,000)		Reduces debt service appropriation due to a favorable construction economy (bond proceeds from Series 2009B&C exceed construction costs and are applied to debt service)	48
49	990M000	MAINTENANCE AND REPAIR		7,191,853		7,191,853		Addresses critical maintenance issues in DOC's 23M square feet including roof replacement, electrical upgrades, and wastewater treatment repairs	49
50	.....								50
51	TOTAL: DEPARTMENT OF CORRECTIONS		23,268.00	2,048,548,629	2,061,685,113	(13,136,484)	70,060,173		51
52	.....								52
53	DEPARTMENT OF LAW ENFORCEMENT								53
54		START-UP 2013-14 (Recurring continuation of current law and policy)	1,684.00	84,772,439	84,772,439		154,242,070		54
55	160S080	CORRECT FUNDING SOURCE IDENTIFIER - DEDUCT					(405,923)	Technical adjustment to correct funding source identifier	55
56	160S090	CORRECT FUNDING SOURCE IDENTIFIER - ADD					405,923	Technical adjustment to correct funding source identifier	56
57	2000400	FIREARM PURCHASE PROGRAM - REPLACE CONTRACT WORKERS WITH FULL TIME EMPLOYEES	6.00					Transfers funds from contracted services to salaries and benefits in order to establish FTEs. The department states that it is hard to find qualified candidates that can meet the minimum requirements for the contract positions	57
58	24010C0	INFORMATION TECHNOLOGY INFRASTRUCTURE REPLACEMENT					23,560	Provides funds for the department to move forward on phase two of the capacity expansion of their Biometric Identification System	58
59	2401950	UPGRADE AND REPLACE FORENSIC EQUIPMENT		1,151,500		1,151,500		Funds the agency's request to replace Genetic Analyzers, which are used to process DNA evidence. The department is using federal funds to replace 7 of the 14 analyzers and will use these funds to replace the other seven.	59
60	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS					24,399	Allocates the agency's payments to the Division of Administration Hearings. The amount is based on the actual number of hearing hours utilized by the agency in FY 2011-12.	60

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			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
61	3000240	NATIONAL INSTANT CRIMINAL HISTORY BACKGROUND CHECK SYSTEM WORKLOAD	2.00				123,618	Provides FDLE the ability to review the National Instant Criminal Background Check System (NICS) information on behalf of the Department of Agriculture and Consumer Services' Division of Licensing. FDLE will process all NICS requests and review results then provide them to the Division of Licensing	61
62	3004100	EXPAND DEOXYRIBONUCLEIC ACID (DNA) CASEWORK CAPACITY	12.00	850,541	805,397	45,144		Provides funds for additional staff to keep pace with increasing request for DNA evidence analysis and reduces the current backlog of pending analyses	62
63	3004300	MANAGE INCREASED WORKLOAD OF AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM/BUSINESS INFORMATION SYSTEM	6.00	353,783	331,211	22,572		Funds six additional fingerprint analysts in the Tallahassee Automated Fingerprint Identification/Biometric Identification System (AFIS/BIS) Section to address increasing workload	63
64	3208150	ELIMINATE COMMUNITY AND STATE DRUG ABUSE PROGRAM GRANT					(4,497,908)	Eliminates excess Federal Grants Trust Fund authority based on the expiration of the Community and State Drug Abuse Grant Program previously funded through the U.S. Department of Education.	64
65	33V3400	ELIMINATE EXCESS CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND AUTHORITY					(2,850,000)	Reduces excess authority in the Criminal Justice Standards and Training Trust Fund unsupported by revenues	65
66	3400410	TRANSFER CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND TO GENERAL REVENUE - DEDUCT					(500,000)	Reduces unfunded authority in the Criminal Justice Standards and Training Trust Fund and replaces it with nonrecurring general revenue in order to continue to support law enforcement training courses	66
67	3400420	TRANSFER CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND TO GENERAL REVENUE - ADD		500,000		500,000		Reduces unfunded authority in the Criminal Justice Standards and Training Trust Fund and replaces it with nonrecurring general revenue in order to continue to support law enforcement training courses	67
68	5100190	FLAGLER COUNTY RE-ENTRY TRAINING PROGRAM		150,000		150,000			68
69	5100191	PROVIDES START-UP FUNDS FOR THE NASSAU COUNTY SHERIFF'S ADMINISTRATIVE BUILDING		500,000		500,000		Provides start-up funding for the Nassau County Sheriff's administrative building	69
70	5100192	PROVIDES FUNDS FOR THE REPLACEMENT OF LIBERTY COUNTY SHERIFF'S ADMINISTRATION BUILDING		100,000		100,000		Provides funds for the replacement of the Liberty County Sheriff's administration building	70
70A		FUNDS THE VIOLENCE PREVENTION UNIT IN PALM BEACH COUNTY		50,000		50,000		Provides funds for mobile crisis teams for 24/7 response to any calls involving potentially violent individuals.	70A
71	4100300	INCREASE FUNDING FOR THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE)-LED TASK FORCES					425,000	Funds additional Federal Law Enforcement Trust Fund authority to use federal forfeiture funds to encourage local agency participation in FDLE's led task forces, including Electronic Surveillance Support Teams and Cybercrime teams.	71
72	.....								72
73	TOTAL: DEPARTMENT OF LAW ENFORCEMENT		1,710.00	88,428,263	85,909,047	2,519,216	146,990,739		73
74									74
75	FLORIDA PAROLE COMMISSION								75

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LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					Comments	LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
76		START-UP 2013-14 (Recurring continuation of current law and policy)	122.00	8,238,488	8,238,488		50,130		76
77	1600200	INCREASE FEDERAL GRANTS AUTHORITY					1,058	Increases budget authority for approved Federal grant	77
78	3000300	TAMPA REGIONAL OFFICE RENT		38,500	38,500			Provides rent for Tampa regional office at state-owned facility (former space lost with closure of DOC Hillsborough facility)	78
79	3000400	STATEWIDE COMMISSION HEARINGS		15,000	15,000			Funds travel expenses for additional hearings throughout the state (funds 3 hearings outside Leon County)	79
80									80
81		TOTAL: FLORIDA PAROLE COMMISSION	122.00	8,291,988	8,291,988	0	51,188		81
82									82
83		FLORIDA DEPARTMENT OF JUVENILE JUSTICE							83
84		START-UP 2013-14 (Recurring continuation of current law and policy)	3,500.50	354,436,653	354,436,653		166,481,784		84
85	160F130	TRANSFER GRANTS AND DONATIONS TRUST FUND BUDGET FROM EXPENSES TO OTHER PERSONAL SERVICES - DEDUCT					(34,000)	Technical adjustment to transfer funding across appropriation categories	85
86	160F230	TRANSFER GRANTS AND DONATIONS TRUST FUND BUDGET FROM EXPENSES TO OTHER PERSONAL SERVICES - ADD					34,000	Technical adjustment to transfer funding across appropriation categories	86
87	1802400	BUDGET RECAST OF PROBATION AND COMMUNITY CORRECTIONS - ADD COMMUNITY INTERVENTIONS AND SERVICES	505.00	38,718,039	38,718,039		3,021,442	Realigns the department's budget in order to make services more easily identifiable and also gives DJJ the ability to better track performance goals and unit costs	87
88	1802500	BUDGET RECAST OF PROBATION AND COMMUNITY CORRECTIONS - ADD COMMUNITY SUPERVISION	849.50	92,701,492	92,701,492		6,937,702	Realigns DJJ's prevention programs and probation/ community corrections to better serve youth in the department's care	88
89	1802600	BUDGET RECAST OF PROBATION AND COMMUNITY CORRECTIONS - DELETE CURRENT BUDGET ENTITIES	(1,354.50)	(131,419,531)	(131,419,531)		(9,959,144)	Realigns DJJ's prevention programs and probation/ community corrections to better serve youth in the department's care	89
90	2000110	REALIGNMENT OF EXPENDITURES BETWEEN BUDGET ENTITIES - ADD	7.00	5,761,204	5,761,204		144,139	Realigns DJJ's prevention programs and probation/ community corrections to better serve youth in the department's care	90
91	2000120	REALIGNMENT OF EXPENDITURES BETWEEN BUDGET ENTITIES - DEDUCT	(7.00)	(5,761,204)	(5,761,204)		(144,139)	Realigns DJJ's prevention programs and probation/ community corrections to better serve youth in the department's care	91
92	2000130	REALIGNMENT OF EXPENDITURES BETWEEN APPROPRIATION CATEGORIES - ADD		90,000	90,000			Additional budget authority is needed in the Contracted Services appropriations category to enable the department to secure the services of contracted information technology for FY 2013-14.	92
93	2000140	REALIGNMENT OF EXPENDITURES BETWEEN APPROPRIATION CATEGORIES - DEDUCT		(90,000)	(90,000)			Additional budget authority is needed in the Contracted Services appropriations category to enable the department to secure the services of contracted information technology for FY 2013-14.	93

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			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
94	2000210	REALIGNMENT OF BUDGET TO CAPTURE HUMAN RESOURCES EXPENDITURES - ADD		144,716	144,716		1,900	Realigns DJJ's prevention programs and probation/ community corrections to better serve youth in the department's care	94
95	2000220	REALIGNMENT OF BUDGET TO CAPTURE HUMAN RESOURCES EXPENDITURES - DEDUCT		(144,716)	(144,716)		(1,900)	Realigns DJJ's prevention programs and probation/ community corrections to better serve youth in the department's care	95
96	2000000	REALIGNMENT OF EXPENDITURES BETWEEN BUDGET ENTITIES FOR PACE CENTERS - ADD		628,720	628,720			Technical adjustment to realign budget between budget entities	96
97	2000000	REALIGNMENT OF EXPENDITURES BETWEEN BUDGET ENTITIES FOR PACE CENTERS - DEDUCT		(628,720)	(628,720)			Technical adjustment to realign budget between budget entities	97
98	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS		50,763	50,763			Allocates the agency's payments to the Division of Administration Hearings. The amount is based on the actual number of hearing hours utilized by the agency in FY 2011-12	98
99	6102830	ADDITIONAL STAFFING FOR THE BUREAU OF CONTRACTS	3.00	219,110	207,824	11,286		Funds additional staff in the contract section in order to improve quality assurance (approximately 65% of the department's budget is outsourced)	99
100	330B810	REDUCE FUNDING FOR THE REDIRECTION PROGRAM		(8,900,000)	(8,900,000)			Reduces funding for the Redirection program	100
101	330B820	ELIMINATE FUNDING FOR THE GIRLS GAP PROGRAM		(150,000)	(150,000)			Eliminates funding for the Girls GAP program	101
102	330B830	ELIMINATE FUNDING FOR THE NEW HORIZONS COMMUNITY MENTAL HEALTH SERVICES		(184,317)	(184,317)			Eliminates funding for the New Horizons Community Mental Health program	102
103	330B850	ELIMINATE FUNDING FOR THE COMMUNITY COALITION PROGRAM		(574,080)	(574,080)			Eliminates funding for the Community Coalition Program.	103
104	33V0470	REDUCE DETENTION BED CAPACITY					(2,730,998)	Reduces counties' predisposition costs due to the decrease in secure detention admissions.	104
105	33V6020	REDUCE STAFFING IN THE RESIDENTIAL SERVICES REGIONAL OFFICES	(7.00)	(663,696)	(663,696)			Eliminates staff in regional offices associated with residential services (as of June 30, 2013, DJJ will not operate any residential beds)	105
106	3300310	REDUCE NON-SECURE BED CAPACITY WITHIN THE RESIDENTIAL PROGRAM	(14.00)	(5,830,907)	(5,830,907)			Reduces 133 non-secure beds from DJJ's Residential Program based on lower residential bed utilization	106
107	5001397	FUNDS THE DOCUMENTATION AND ANALYSIS OF THE CEMETERY AT THE ARTHUR G. DOZIER SCHOOL		200,000		200,000		Provides funds for the department to contract with the University of South Florida for the remaining documentation and analysis of the cemetery at the former Dozier School for Boys	107
108	5001395	FLORIDA ALLIANCE OF BOYS AND GIRLS CLUBS		2,000,000		2,000,000		Provides additional funding to the Florida Alliance of Boys and Girls Clubs	108
108A	5001396	BIG BROTHERS BIG SISTERS ASSOCIATION OF FLORIDA		50,000		50,000		Provides funds to the Big Brothers Big Sisters that will increase prevention and intervention services in DJJ.	108A
109	5001860	TELEPHONIC PSYCHIATRIC CONSULTATION		37,200	37,200			Funds the department's budget request for a telephonic psychiatric consultation hotline	109
110	5001870	CONTRACTED CHILD AND ADOLESCENT PSYCHIATRIST		108,160	108,160			Funds a contracted child and adolescent psychiatrist to develop policies, protocols, and training to address the health and mental health needs of youth in the juvenile justice system	110

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			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
111	5001880	EXPAND PACE CENTER FOR GIRLS PROGRAM		776,598	776,598			Creates a PACE Center for Girls Program in Miami-Dade and additional six slots for the Jacksonville PACE Center	111
112	5100010	INTERNET GENERAL EQUIVALENCY DIPLOMA (GED) TESTING		55,000	55,000			Funds transition of GED testing from paper to web-based system (by January 2014, the American Council on Education will require the GED testing only be available as a computer based exam)	112
113	5203590	EXPAND CHILDREN IN NEED OF SERVICES AND FAMILIES IN NEED OF SERVICES		1,501,605	1,501,605			Expands CINS/FINS services in the underserved areas of the state	113
114	5001416	WEB-BASED EARLY INTERVENTION PROGRAM		250,000		250,000			114
115	5001417	FUNDS THE INFORMED FAMILIES OF FLORIDA PROGRAM		200,000		200,000			115
116	5001418	EXPAND FLORIDA YOUTH CHALLENGE ACADEMY		500,000	500,000			Provides additional funds for the federal match requirement in the Department of Military Affairs (DMA) in order to increase the number of youth served at the Florida Youth Challenge Academy. The department currently transfers \$435,696 the DMA for the federal match.	116
117	30010C0	INCREASED WORKLOAD FOR PRIMARY DATA CENTER TO SUPPORT AN AGENCY		22,588	22,588			Technical adjustment to fund the department's increased data center cost at the Northwood Shared Resource Center	117
118	30011C0	DECREASED WORKLOAD FOR PRIMARY DATA CENTER TO SUPPORT AN AGENCY		(2,126)	(2,126)			Technical adjustment to adjust shared resource center workload figure	118
119	990M000	MAINTENANCE AND REPAIR		7,801,868		7,801,868		Funds the department's fixed capital outlay, repair and maintenance requirements.	119
120	.....								120
121	TOTAL: FLORIDA DEPARTMENT OF JUVENILE JUSTICE		3,482.50	351,904,419	341,391,265	10,513,154	163,750,786		121
122									122
123	SUPREME COURT								123
124		START-UP 2013-14 (Recurring continuation of current law and policy)	271.50	11,542,277	11,542,277	-	18,754,282		124
125	24010C0	INFORMATION TECHNOLOGY INFRASTRUCTURE REPLACEMENT		90,508		90,508		Replaces system firewall replacement and network fiber core	125
126	3200010	AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009					(874,304)	Technical adjustment to reduce trust fund authority associated with expired grant	126
127	35005C0	JUDICIAL INQUIRY SYSTEM		375,000	125,000	250,000		Funds rewrite of JIS, the web-based system that enables judges, judicial staff, and other governmental entities to access multiple data sources through one point of entry	127
128	36313C0	FLORIDA APPELLATE COURTS TECHNOLOGY SOLUTION (EFACTS) TECHNICAL SUPPORT		658,326	140,921	517,405		Funds scanning and indexing of trial court paper documents received by the appellate courts	128
129	5406010	POST-ADJUDICATORY DRUG COURT		297,429	297,429			Continues post-adjudicatory drug court in eight counties (funds OPS staff, expenses, and on-going data processing costs)	129
130	990M000	MAINTENANCE AND REPAIR		4,864,229		4,864,229		Funds Supreme Court repairs, including the roof, exterior waterproofing, ADA upgrades, lightning protection replacement, and bollard installation	130
131									131

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LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					Comments	LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
132									132
133		TOTAL: SUPREME COURT	271.50	17,827,769	12,105,627	5,722,142	17,879,978		133
134									134
135		JUDICIAL ADMINISTERED FUNDS							135
136		START-UP 2013-14 (Recurring continuation of current law and policy)	19.00	0	0	0	0		136
137	1600230	TRANSFER FULL TIME EQUIVALENT (1 FTE) FROM DUE PROCESS CONTINGENCY FUND	(1.00)					Technical adjustment to realign the court interpreting model within the Fifth Judicial Circuit	137
138									138
139									139
140		TOTAL: JUDICIAL ADMINISTERED FUNDS	18.00	0	0	0	0		140
141									141
142		DISTRICT COURTS OF APPEAL							142
143		START-UP 2013-14 (Recurring continuation of current law and policy)	433.00	23,659,463	23,659,463	-	16,357,811		143
144	160F090	TRANSFER OF CONTRACTED SERVICES TO LEASE/ LEASE PURCHASE EQUIPMENT - DEDUCT		(1,000)	(1,000)			Technical adjustment to realign funding across appropriation categories	144
145	160F100	TRANSFER OF CONTRACTED SERVICES TO LEASE/ LEASE PURCHASE EQUIPMENT - ADD		1,000	1,000			Technical adjustment to realign funding across appropriation categories	145
146	7000210	BUILDING, FACILITIES MAINTENANCE, AND OPERATIONAL UPKEEP		400,000	400,000			Funds recurring GR to address on-going maintenance issues and emergency expenditures	146
147	9900000	MAINTENANCE AND REPAIR		1,367,462		1,367,462		Funds specific repairs to 2nd, 3rd, and 5th DCAs, including driveway expansion, HVAC renovations, skylight replacement, exterior building sealant, and an air handler replacement. Also funds studies to address ADA, security, and facility issues.	147
148									148
149		TOTAL: DISTRICT COURTS OF APPEAL	433.00	25,426,925	24,059,463	1,367,462	16,357,811		149
150									150
151		TRIAL COURTS							151
152		START-UP 2013-14 (Recurring continuation of current law and policy)	3,594.00	286,227,344	286,227,344	-	80,864,050		152
153	160F170	TRANSFER TO SALARIES AND BENEFITS - DEDUCT		(56,739)	(56,739)			Technical adjustment to transfer funding across appropriation categories	153
154	160F180	TRANSFER TO SALARIES AND BENEFITS - ADD		56,739	56,739			Technical adjustment to transfer funding across appropriation categories	154
155	1600240	TRANSFER FULL TIME EQUIVALENT (1 FTE) FROM DUE PROCESS CONTINGENCY FUND	1.00					Technical adjustment to realign the court interpreting model within the Fifth Judicial Circuit	155
156	2000030	REALIGN APPROPRIATIONS FOR TRAFFIC INFRACTION HEARING OFFICERS - DEDUCT		(783,990)	(783,990)			Technical adjustment to transfer funding across appropriation categories	156
157	2000040	REALIGN APPROPRIATIONS FOR TRAFFIC INFRACTION HEARING OFFICERS - ADD		783,990	783,990			Technical adjustment to transfer funding across appropriation categories	157
158	3005010	FORECLOSURE AND ECONOMIC RECOVERY FUNDING PROPOSAL						Funds staffing and information technology to address the foreclosure backlog (amount to be decided later based on Foreclosure Settlement Agreement)	158

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			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
159	3000115	FUND CHILD ADVOCACY CENTERS WITH RECURRING GENERAL REVENUE		3,500,000	3,500,000			Provides funding to 25 Children's Advocacy Centers (community-based, child-focused facilities where victims of abuse and neglect are interviewed and receive services) with recurring GR (funding is non-recurring in the current year)	159
159B	3000420	FUNDS SENIOR JUDGE TO ASSIST WITH COUNTY JUDGE WORKLOAD IN CITRUS COUNTY		88,415		88,415		Funds senior judge hours to assist the county judge in Citrus County	159B
160	3200010	AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009					(11,897,681)	Technical adjustment to reduce trust fund authority associated with expired grant	160
161	3304000	REDUCE EXCESS TRUST					(75,000)	Technical adjustment to reduce excess trust	161
161A	36305C0	FINANCIAL ASSISTANCE TO COUNTIES FOR COURT RELATED TECHNOLOGY RESPONSIBILITIES		44,150		44,150		Funds update for criminal justice information services system for Village of Virginia Gardens	161A
162	5303000	FUND COURT INTERPRETING PILOT		100,000		100,000		Funds regional court interpreting pilots	162
163	5406010	POST-ADJUDICATORY DRUG COURT		5,543,957	5,543,957			Continues post-adjudicatory drug court in eight counties (funds treatment costs)	163
164	5000000	FUNDS VETERANS COURTS IN 4 COUNTIES		600,000		600,000		Funds Veterans' Courts in Clay, Pasco, Okaloosa, and Pinellas counties	164
165	TOTAL: TRIAL COURTS								165
166			3,595.00	296,103,866	295,271,301	832,565	68,891,369		166
167	JUDICIAL QUALIFICATIONS COMMISSION								167
168		START-UP 2013-14 (Recurring continuation of current law and policy)	5.00	908,534	908,534	-	-		168
169									169
170	TOTAL: JUDICIAL QUALIFICATIONS COMMISSION								170
171			5.00	908,534	908,534	0	0		171
172	JUSTICE ADMINISTRATIVE COMMISSION								172
173		START-UP 2013-14 (Recurring continuation of current law and policy)	94.00	85,908,092	85,908,092	-	898,230		173
174									174
175	1800120	TRANSFER DUE PROCESS COSTS BETWEEN JUSTICE ADMINISTRATIVE COMMISSION ENTITIES - DEDUCT		(350,000)	(350,000)			Transfers \$350,000 from JAC's due process category to the Regional Conflict Counsel - First Region to cover cost of cases taken by RC1 in Okaloosa, Walton, and Gadsden Counties	175
176	20010C0	TRANSFER DIRECT COST FROM SOUTHWOOD SHARED RESOURCE CENTER - DEDUCT		(7,907)	(7,907)			Technical adjustment to transfer funding from SSRC to agencies	176
177	20020C0	TRANSFER DIRECT COST FROM SOUTHWOOD SHARED RESOURCE CENTER - ADD		7,907	7,907			Technical adjustment to transfer funding from SSRC to agencies	177
178	30011C0	DECREASED WORKLOAD FOR A PRIMARY DATA CENTER TO SUPPORT AN AGENCY		(1,849)	(1,849)			Technical adjustment to adjust shared resource center workload figure	178
179	3002150	FINANCIAL ANALYST STAFFING		63,324	62,127	1,197		Funds rate and salaries and benefits to support a financial analyst to improve accuracy and timeliness of financial reports to stakeholders	179
180	36260C0	AGENCY-WIDE INFORMATION TECHNOLOGY COMPUTER PROGRAMMING STAFFING		133,189	130,795	2,394		Funds rate and salaries and benefits for two IT staff to enhance existing applications, replace legacy applications, and enhance help desk support	180
181									181

FY 2013-14 BUDGET ISSUES
BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					Comments	LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
182	5200030	INCREASE FLAT FEE RATES FOR 8 CASE TYPES		2,000,000	2,000,000			Funds the increase in the flat fee for 8 case types per the OSCA report	182
183									183
184	TOTAL: JUSTICE ADMINISTRATIVE COMMISSION		94.00	87,752,756	87,749,165	3,591	898,230		184
185									185
186	GUARDIAN AD LITEM								186
187		START-UP 2013-14 (Recurring continuation of current law and policy)	539.00	30,337,056	30,337,056	-	320,249		187
188	20010C0	TRANSFER DIRECT COST FROM SOUTHWOOD SHARED RESOURCE CENTER - DEDUCT		(13,703)	(13,703)			Technical adjustment to transfer funding from SSRC to agencies	188
189	20020C0	TRANSFER DIRECT COST FROM SOUTHWOOD SHARED RESOURCE CENTER - ADD		13,703	13,703			Technical adjustment to transfer funding from SSRC to agencies	189
190	33010C0	INCREASED WORDLOAD FOR PRIMARY DATA CENTER TO SUPPORT AN AGENCY		50,059	50,059			Technical adjustment to fund the agency's increased data center cost at the Northwood Shared Resource Center	190
191	30011C0	DECREASED WORKLOAD FOR A PRIMARY DATA CENTER TO SUPPORT AN AGENCY		(50,116)	(50,116)			Technical adjustment to fund the agency's decreased data center cost at the Northwood Shared Resource Center	191
192	4200110	VOLUNTEER RECRUITMENT	71.50	5,400,000	5,400,000			Funds expansion of GAL volunteer model to serve all children in dependency system based on a three-year plan	192
193									193
194	TOTAL: GUARDIAN AD LITEM		610.50	35,736,999	35,736,999	0	320,249		194
195									195
196	CLERKS								196
197		START-UP 2013-14 (Recurring continuation of current law and policy)	0.00	25,000,000	25,000,000	-	418,380,312		197
198	3001560	CLERK FUNDING FOR BACKLOG OF FORECLOSURE CASES						Funds staffing and information technology to address the foreclosure backlog (amount to be decided later based on Foreclosure Settlement Agreement)	198
199	3401460	CLERK OF THE COURT TRUST FUND TO GENERAL REVENUE - DEDUCT TRUST FUND AUTHORITY					(31,700,000)	Addresses clerks projected trust fund deficit based on Article V Revenue Estimating Conference	199
200	3401470	CLERK OF THE COURT TRUST FUND TO GENERAL REVENUE - ADD GENERAL REVENUE		31,700,000	31,700,000			Addresses clerks projected trust fund deficit based on Article V Revenue Estimating Conference	200
201									201
202	TOTAL: CLERKS		0.00	56,700,000	56,700,000	0	386,680,312		202
203									203
204	CLERKS OF COURT OPERATIONS CORPORATION								204
205		START-UP 2013-14 (Recurring continuation of current law and policy)	7.00	0	0	0	1,621,648		205
206									206
207	TOTAL: CLERKS OF COURT OPERATIONS CORPORATION		7.00	0	0	0	1,621,648		207
208									208
209	STATE ATTORNEYS								209
210		START-UP 2013-14 (Recurring continuation of current law and policy)	6,059.25	298,115,769	298,115,769	-	88,017,833		210

FY 2013-14 BUDGET ISSUES
BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
Chairman's Proposal

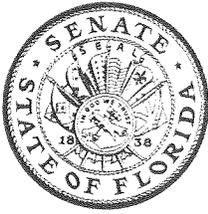
LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					Comments	LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
211	160S300	FUNDING SOURCE IDENTIFIER CORRECTION - ADD					1,339,874	Technical adjustment to correct funding source identifier	211
212	160S400	FUNDING SOURCE IDENTIFIER CORRECTION - DEDUCT					(1,339,874)	Technical adjustment to correct funding source identifier	212
213	1600170	REPPROVAL OF PRIOR YEAR BUDGET AMENDMENT					51,500	Technical adjustment to reapprove prior year budget amendment	213
214	2000100	REALIGNMENT OF ADMINISTRATIVE EXPENDITURES - ADD		20,000	20,000		350,569	Technical adjustment to realign administrative expenses	214
215	2000200	REALIGNMENT OF ADMINISTRATIVE EXPENDITURES - DELETE		(20,000)	(20,000)		(350,569)	Technical adjustment to realign administrative expenses	215
216	2301900	BUILDING RENTAL FOR PRIVATELY OWNED OFFICE SPACE					129,844	Provides 11th Circuit State Attorney with budget authority to meet lease payments for the Child Support Enforcement office that houses 400 employees.	216
217	2401500	REPLACEMENT OF MOTOR VEHICLES					1,246,661	Fund 58 vehicles in 15 State Attorney offices with cash in their trust fund. Vehicles must meet the DMS criteria for replacement.	217
218	3000150	SUBSTANCE ABUSE INTERVENTION PROGRAM					500,000	Funds Drug Court Intervention Diversion program in 10th Circuit	218
219	34F0100	TRANSFER OF GRANTS AND DONATIONS TRUST FUND TO THE STATE ATTORNEYS REVENUE TRUST FUND - ADD						Technical adjustment to transfer funding across trust funds	219
220	34F0200	TRANSFER OF GRANTS AND DONATIONS TRUST FUND TO THE STATE ATTORNEYS REVENUE TRUST FUND - DEDUCT						Technical adjustment to transfer funding across trust funds	220
221	340C100	FUND SHIFT TRANSFER TO GENERAL REVENUE - DEDUCT					(27,335)	Technical adjustment to transfer funding across fund types	221
222	340C200	FUND SHIFT TRANSFER FROM TRUST FUND - ADD		27,355	27,355			Technical adjustment to transfer funding across fund types	222
223	3402720	TRANSFER FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND TO STATE ATTORNEYS REVENUE TRUST FUND - ADD					302,178	Technical adjustment to transfer funding across trust funds	223
224	3402730	TRANSFER FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND TO STATE ATTORNEYS REVENUE TRUST FUND - DEDUCT					(302,178)	Technical adjustment to transfer funding across trust funds	224
225	36240C0	NETWORK PORT FEE FOR NEW CHILD SUPPORT ENFORCEMENT FACILITY					84,000	Funds network port access fee for Child Support Enforcement office in 11th Circuit	225
226	40S0140	EXPIRATION OF AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) GRANT FUNDING					(2,593,435)	Technical adjustment to reduce of trust fund authority associated with expired grant	226
227	4200360	DRUG COURT REIMBURSEMENT FROM COUNTIES					131,823	Provides trust fund authority to allow counties to reimburse 12th Circuit State Attorney for salaries and benefits for two staff	227
228	4202020	DECREASE POSITIONS FROM EXPIRED GRANTS AND CONTRACTS	(1.00)					Technical adjustment to eliminate FTE associated with expired grant	228
229	4300100	EXCESS TRUST FUND AUTHORITY					(889,121)	Technical adjustment to reduce excess trust fund authority	229
230	4300600	DELETION OF UNFUNDED GRANTS AND DONATIONS TRUST FUND AUTHORITY	(2.00)				(250,926)	Technical adjustment to reduce of trust fund authority associated with expired grant	230

FY 2013-14 BUDGET ISSUES
BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					Comments	LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
231	51R0100	ADDITIONAL SALARY RATE OF \$685,000 FOR STATE ATTORNEYS						Provides additional salary rate for 5 State Attorneys to aid in retaining staff	231
232									232
233									233
234	TOTAL: STATE ATTORNEYS		6,056.25	298,143,124	298,143,124	0	86,400,844		234
235									235
236	PUBLIC DEFENDERS								236
237		START-UP 2013-14 (Recurring continuation of current law and policy)	2,796.00	154,617,324	154,617,324	-	32,018,271		237
238	2401500	REPLACEMENT OF MOTOR VEHICLES					164,678	Funds 7 vehicles in 3 Public Defender offices using cash from their trust funds. Vehicles must meet the DMS criteria for replacement.	238
239	330B210	ELIMINATE FUNDING FOR PUBLIC DEFENDER PILOT PROGRAM	(3.00)	(355,000)	(355,000)			Eliminates funding for the Baker Act pilot program in the 6th Circuit	239
240	3402460	TRANSFER INDIGENT CRIMINAL DEFENSE TRUST FUND AUTHORITY TO GRANTS AND DONATIONS TRUST FUND - ADD					25,000	Technical adjustment to transfer funding across trust funds	240
241	3402470	TRANSFER INDIGENT CRIMINAL DEFENSE TRUST FUND AUTHORITY TO GRANTS AND DONATIONS TRUST FUND - DEDUCT					(25,000)	Technical adjustment to transfer funding across trust funds	241
242	40S0120	AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 DRUG COURT IMPROVEMENT - DEDUCT					(132,187)	Technical adjustment to reduce trust fund authority associated with expired grant	242
243	40S0140	EXPIRATION OF AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) GRANT FUNDING					(67,501)	Technical adjustment to reduce trust fund authority associated with expired grant	243
244	4300100	EXCESS TRUST FUND AUTHORITY					(6,000)	Technical adjustment to reduce excess trust authority	244
245	4300200	MAXIMIZE USE OF INDIGENT CRIMINAL DEFENSE TRUST FUNDS FOR OPERATING EXPENDITURES	3.00				328,048	Increases trust fund authority to fund specific issues in the 3rd, 12th, 14th, 20th Circuit Public Defender offices	245
246	4300250	MAXIMIZE USE OF TRUST FUND REVENUES FOR OPERATING EXPENDITURES					167,806	Provides additional trust fund authority in 20th Circuit Public Defender to fund OPS positions	246
247	4300600	DELETION OF UNFUNDED GRANTS AND DONATIONS TRUST FUND AUTHORITY					(143,516)	Technical adjustment to reduce excess trust fund authority	247
248	51R0100	ADDITIONAL SALARY RATE OF \$550,000 FOR PUBLIC DEFENDERS						Provides additional rate to two Public Defender offices to aid in retaining staff	248
249									249
250									250
251	TOTAL: PUBLIC DEFENDERS		2,796.00	154,262,324	154,262,324	0	32,329,599		251
252									252
253	APPELLATE PUBLIC DEFENDERS								253
254		START-UP 2013-14 (Recurring continuation of current law and policy)	178.00	12,988,575	12,988,575	-	151,176		254
255									255
256									256
257	TOTAL: APPELLATE PUBLIC DEFENDERS		178.00	12,988,575	12,988,575	0	151,176		257
258									258
259	CAPITAL COLLATERAL REGIONAL COUNSELS								259

FY 2013-14 BUDGET ISSUES
BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					Comments	LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
260		START-UP 2013-14 (Recurring continuation of current law and policy)	73.00	6,620,537	6,620,537	-	400,000		260
261	3000450	CAPITAL COLLATERAL CASE STATUS WORKLOAD		150,000	150,000			Provides funding to address increase in workload for Middle and South regions	261
262	3001000	RE-CREATE THE CCRC-NORTH OFFICE	4.00	327,962	313,130	14,832		Provides funding to re-establish the CCRC-North office	262
263	51R0100	ADDITIONAL SALARY RATE OF \$53,314 FOR CCRC-MIDDLE AND SOUTH OFFICES						Provides additional rate to Middle and South regions to aid in retaining staff	263
264	.....								264
265	TOTAL: CAPITAL COLLATERAL REGIONAL COUNSELS		77.00	7,098,499	7,083,667	14,832	400,000		265
266	.....								266
267	REGIONAL CONFLICT COUNSEL								267
268		START-UP 2013-14 (Recurring continuation of current law and policy)	389.00	36,141,438	36,141,438	-	1,122,950		268
269	1800110	TRANSFER DUE PROCESS COSTS BETWEEN JUSTICE ADMINISTRATIVE COMMISSION ENTITIES - ADD		350,000	350,000			Provides funding to support workload for RC1 from JAC's due process category (companion issue to 1800120)	269
270	3001360	FUNDING FOR APPELLATE WORKLOAD	4.00	331,795	331,795			Funds positions in RC1, RC2, RC3, and RC4 to support increased appellate conflict case workload.	270
271	4200620	REALIGNMENT OF BUDGET AUTHORITY TO FUND NEW POSITIONS - ADD	11.00	893,718	893,718			Realigns funding from OPS and Contracted Services to Salaries and Benefits (cost neutral)	271
272	4200630	REALIGNMENT OF BUDGET AUTHORITY TO FUND NEW POSITIONS - DEDUCT		(893,718)	(893,718)			Realigns funding from OPS and Contracted Services to Salaries and Benefits (cost neutral)	272
273	5300250	INCREASED DUE PROCESS COSTS FOR APPELLATE CASES		100,000	100,000			Funds due process costs for RC5, which have not been funded since the creation of the regional councils	273
274	.....								274
275	TOTAL: REGIONAL CONFLICT COUNSEL		404.00	36,923,233	36,923,233	0	1,122,950		275
276	.....								276
277	TOTAL JA COMMITTEE FY 2013-14		44,422.25	3,568,000,000	3,557,900,000	10,100,000	1,140,785,238		277



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Criminal and Civil Justice
Appropriations Subcommittee on Finance and Tax
Banking and Insurance
Children, Families, and Elder Affairs
Ethics and Elections
Rules
Transportation

JOINT COMMITTEE:
Joint Committee on Administrative Procedures

SENATOR MIGUEL DIAZ de la PORTILLA
40th District

March 25, 2013

The Honorable Don Gaetz
President of the Florida Senate
409 The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

By Delivery

Dear President Gaetz:

I respectfully request that I be excused from Legislative business on Wednesday, March 27, 2013, including Session and Committee Meetings. I have a previously-scheduled hearing for my law firm that requires my presence in Miami on that date.

Your consideration is greatly appreciated.

Sincerely,

Miguel Diaz de la Portilla
State Senator, District 40

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 812 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

2013 MAR 26 A 9:13

RECEIVED
THE FLORIDA SENATE
OFFICE OF THE SECRETARY

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/27/2013
Meeting Date

Topic Licensed Security Officers Bill Number 1330
Name Lori Weems Amendment Barcode _____
Job Title Attorney
Address 216 S. Monroe Phone 850-668-5379
Tallahassee FL 32301 E-mail loriweems@m.com
City State Zip
Speaking: For Against Information
Representing National Rifle Ass'n

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.
*But I am pro
buna for NRA
so not on this
bill.*
This form is part of the public record for this meeting. 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)

3/27/13
Meeting Date

Topic Licensed Security Officers Bill Number 1330
Name Grace Lovett Amendment Barcode _____
Job Title Dir. of Legislative Affairs
Address PL10 The Capitol Phone 850 617 7700
Tallahassee FL 32399 E-mail grace.lovett@freshfromflorida.com
City State Zip
Speaking: For Against Information
Representing Dept. of Agriculture & Consumer Services

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

Mar 27, 13
Meeting Date

Topic Lic Security Ofc

Bill Number 1330
(if applicable)

Name Ken Kopczynski

Amendment Barcode _____
(if applicable)

Job Title lobbyist

Address 300 East Brevard St

Phone 222-3329

Tallahassee FL 32301
City State Zip

E-mail _____

Speaking: For Against Information

Representing Fla PBA Inc

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)

3-27-13

Meeting Date

Topic _____ Bill Number _____ (if applicable)
Name Robin Smith Amendment Barcode _____ (if applicable)
Job Title Warden-Howell Reception
Address 501 S. Calhoun St Phone 850-717-3030
Street
Tallahassee FL 32399 E-mail _____
City State Zip

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

3-27-13

Meeting Date

Topic _____ Bill Number _____ (if applicable)
Name Alex Taylor Amendment Barcode _____ (if applicable)
Job Title Chaplain
Address 501 S. Calhoun St Phone 850-717-3030
Street
Tallahassee FL 32399 E-mail _____
City State Zip

Speaking: For Against Information

Representing Dept. of Corrections

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic _____ Bill Number _____ (if applicable)
Name Michael D. Crews Amendment Barcode _____ (if applicable)
Job Title Secretary
Address 501 S. Calhoun St Phone 850-717-3030
Tallahassee FL 32399 E-mail Mike.Crews@mail.de.state.fl.us
City State Zip

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)

3/27/13
Meeting Date

Topic Senate Crim/civ Justice Approps. Bill Number SB 676 (if applicable)
Name Jon Menendez Amendment Barcode _____ (if applicable)
Job Title Legislative Affairs
Address _____ Phone 904-322-9572
City State Zip

Speaking: For Against Information

Representing FL Dept of Juvenile Justice

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)

3/27/13

Meeting Date

Topic Criminal Gang Prevention

Bill Number 788
(if applicable)

Name KRISTOPHER BROWNING

Amendment Barcode _____
(if applicable)

Job Title Associate

Address 204 South Monroe Street, Suite 201

Phone (850) 907-3436

Street

Tallahassee

FL

32301

City

State

Zip

E-mail Kristopher@bameybishop.com

Speaking: For Against Information

Representing Florida Smart Justice Alliance

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)

3/27/13

Meeting Date

Topic 2013-14 Budget

Bill Number _____
(if applicable)

Name Fred Schuknecht

Amendment Barcode _____
(if applicable)

Job Title Dir. of Administration

Address 2937 Centerview Dr

Phone 717-2303

Street

Tall

FL

32301

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing Dept. of Juvenile Justice

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)

3/21/2012

Meeting Date

Topic JS Boards & Councils

Bill Number SB 676
(if applicable)

Name Cathy Cray Myers

Amendment Barcode _____
(if applicable)

Job Title Ex Dir

Address 1207 Nays St

Phone 676 3442

Tal Fl
City State Zip

E-mail Cathy@fjss.org

Speaking: For Against Information

Representing Fl Juvenile Justice Association

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.

This form is part of the public record for this meeting. 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)

3/27/2013

Meeting Date

Topic Animal Cruelty

Bill Number 504
(if applicable)

Name Lori Weems

Amendment Barcode _____
(if applicable)

Job Title Attorney

Address 112 E Jefferson 3165 Monroe

Phone 850-668-5377

LH, FL 32201
City State Zip

E-mail _____

Speaking: For Against Information

Representing National Rifle Ass'n

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.

This form is part of the public record for this meeting. S-001 (10/20/11)

CourtSmart Tag Report

Room: LL 37

Case:

Type:

Caption: Senate Appropriations Subcommittee on Criminal and Civil Justice

Judge:

Started: 3/27/2013 9:38:09 AM

Ends: 3/27/2013 10:35:49 AM

Length: 00:57:41

9:38:12 AM Meeting called to order.
9:38:18 AM Chairman Bradley opens.
9:39:26 AM Senator Clemens makes a comment.
9:39:40 AM Chairman Bradley makes a comment.
9:40:45 AM TAB 1- SB 1464
9:40:57 AM Cori Cuttler, Legislative Assistant for Senator Lee, recognized.
9:42:10 AM Senator Dean asks about procedure.
9:42:54 AM Tim Sadberry, Staff Director, Senate Appropriations Subcommittee on Criminal and Civil Justice, recognized to respond.
9:43:15 AM Senator Dean responds.
9:43:41 AM Ms. Cuttler waives close.
9:44:00 AM By committee vote, the bill is recommended favorably.
9:44:11 AM TAB 2- SB 1330
9:44:24 AM Senator Smith expresses his support for SB 1464.
9:44:37 AM Senator Joyner expresses her support for SB 1464.
9:45:08 AM Jennifer Wilson, Legislative Assistant for Senator Latvala, recognized.
9:45:44 AM Ken Kopczynski, Lobbyist, Florida PBA Inc., waives in support.
9:45:56 AM Grace Lovett, Director of Legislative Affairs, Department of Agriculture and Consumer Services, waives in support.
9:46:08 AM Lori Weems, Attorney, National Rifle Association, waives in support.
9:46:54 AM Ms. Wilson waives close.
9:47:32 AM By committee vote, the bill is recommended favorably.
9:47:43 AM Senator Flores comments.
9:47:58 AM TAB 5- SB 788
9:48:13 AM Senator Abruzzo, recognized.
9:48:49 AM Kristopher Browning, Associate, Florida Smart Justice Alliance, waives in support.
9:49:08 AM Senator Abruzzo waives close.
9:49:41 AM By committee vote, the bill is recommended favorably.
9:49:56 AM TAB 3- CS/CS/SB 676
9:50:19 AM Molly Caddell, Legislative Assistant for Senator Evers, recognized.
9:51:00 AM Senator Dean asks if the board will be the advisory board for juvenile justice in that circuit or county.
9:51:29 AM Ms. Caddell responds that it would represent the overall circuit.
9:52:02 AM Cathy Crail Myers, Executive Director, Florida Juvenile Justice Association, waives in support.
9:52:09 AM Jon Menendez, Legislative Affairs, Florida Department of Juvenile Justice, waives in support.
9:52:31 AM Ms. Caddell waives close.
9:52:57 AM By committee vote, the bill is recommended favorably.
9:53:11 AM TAB 4- CS/SB 504
9:53:28 AM Chris Spencer, Legislative Assistant to Senator Brandes, recognized.
9:53:53 AM Senator Garcia asks if it is a separate charge for each count.
9:54:05 AM Mr. Spencer responds that there would be a separate charge for each animal.
9:54:23 AM Lori Weems, Attorney, National Rifle Association, waives in support.
9:54:46 AM Senator Joyner asks if there is a penalty increase in the bill.
9:55:10 AM Mr. Spencer responds that the purpose of the bill is to make the first district apply the law in the same way as the other districts.
9:56:02 AM Senator Joyner asks what the rationale is for creating individual charges for each animal.
9:56:20 AM Mr. Spencer responds that the first district was not doing this while all other districts were.
9:56:35 AM Mr. Spencer waives close.
9:56:50 AM By committee vote, the bill is recommended favorably.
9:57:14 AM TAB 6- Review and Discussion of Fiscal Year 2013-14 Budget Issues
9:58:05 AM Mr. Sadberry is recognized to present a summary of the budget information.
10:01:09 AM Senator Clemens thanks Chairman Bradley.
10:02:09 AM Chairman Bradley responds.

10:02:18 AM Mr. Sadberry resumes his presentation.

10:04:26 AM Senator Smith asks for an explanation of the GED program.

10:04:48 AM Mr. Sadberry responds that the funding is to update the system.

10:06:10 AM Fred Schuknecht, Director of Administration, Department of Juvenile Justice, is recognized and responds that there is a new federal requirement that GED testing must be online.

10:07:22 AM Mr. Sadberry resumes his presentation.

10:09:14 AM Senator Soto asks if the north office is under litigation right now.

10:09:32 AM Mr. Sadberry responds that it is a question of representation, not a question of litigation.

10:09:54 AM Chairman Bradley responds that it is a issue of uniform representation of capital cases.

10:10:27 AM Senator Soto asks about the National Foreclosure Settlement Fund and how the House intends to use it.

10:11:44 AM Chairman Bradley responds that the use of those funds will be an ongoing discussion.

10:11:55 AM Senator Clemens asks a question about payment in leui of taxes.

10:12:07 AM Mr. Sadberry responds.

10:12:40 AM Chairman Bradley responds.

10:13:47 AM Senator Clemens asks a follow up question about the historical reasons for this.

10:14:13 AM Chairman Bradley responds that he didn't ask for specific historical records from the counties, and instead took a general philosophical approach.

10:15:27 AM Senator Dean asks for a breakdown by county.

10:15:39 AM Chairman Bradley says that this information will be provided to the members.

10:15:57 AM Senator Soto asks about the failure rate of electronic monitoring on the state level.

10:16:39 AM Chairman Bradley responds.

10:17:51 AM Senator Smith makes a comment.

10:18:24 AM Chairman Bradley makes a comment.

10:20:17 AM Michael Crews, Secretary, Department of Corrections, recognized.

10:25:11 AM Robin Smith, Warden, Lowell Reception, Department of Corrections, recognized.

10:26:05 AM Senator Joyner asks about the specific allegations made by Janet Smith last week.

10:27:06 AM Sec. Crews responds that there are strict policies and procedures regarding volunteers, and Ms. Smith violated one of those policies.

10:28:24 AM Senator Joyner asks if DOC has a policy in place for volunteer appeals.

10:28:57 AM Alex Smith, Chaplain, Department of Corrections, is recognized to explain the review process.

10:30:34 AM Senator Joyner responds that there should be a definite timeline in place.

10:32:21 AM Senator Dean commends the warden on doing a good job.

10:33:28 AM Senator Soto asks about the failure rate of electronic monitoring on the state level.

10:34:06 AM Sec. Crews responds that they are getting the information.

10:35:06 AM Chairman Bradley comments on spending for safety.

10:35:38 AM Meeting adjourned.