

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Evers, Chair
Senator Smith, Vice Chair

MEETING DATE: Monday, October 7, 2013
TIME: 4:00 —6:00 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Evers, Chair; Senator Smith, Vice Chair; Senators Altman, Bradley, Dean, Gibson, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation by the Florida Department of Law Enforcement, Florida Department of Children and Families, and the Florida Clerk's Association on the implementation of recent legislation related to the purchase of firearms by mentally ill persons (CS/CS/HB 1355, Chapter Law 2013-249).		Presented
2	Presentation by the Department of Juvenile Justice on the impact of a recent court ruling impacting juvenile detention cost sharing and the implementation of CS/HB 997, Chapter Law 2011-124 relating to juvenile civil citations.		Presented
3	Presentation by the Department of Corrections on excess prison bed capacity and the implementation of SB 524, Chapter Law 2012-41, prohibiting the use of restraints during labor for incarcerated women.		Presented
Other Related Meeting Documents			

CS/CS/HB 1355

Purchase of Firearms by Mentally Ill Persons

LEGISLATIVE UPDATE

Florida Department of Law Enforcement
Criminal Justice Information Services

Florida Department of Children and Families

FIREARM PURCHASE PROGRAM

Background checks are used to identify persons who are ineligible to purchase firearms under federal and state law, and to prevent them from obtaining firearms.

Firearm Purchase Program (FPP)

Brady Handgun Violence
Prevention Act of 1993



MECOM

Federal and state law prohibits the sale or transfer of firearms to any person adjudicated as *mentally defective or committed to a mental institution*.

Mental Competency Database (MECOM)

Established in February 2007, MECOM is an automated database used to receive and store information from the Clerks of Court pertaining to persons adjudicated mentally defective or committed to a mental institution by a court order or a judicial finding of incapacity.

Information is shared with the FBI National Instant Criminal Background Check System (NICS) and other specified agencies for the purpose of determining firearm sale or transfer eligibility.

MECOM STATISTICS

Records in MECOM: 146,339

Individuals in NICS: 103,772

MECOM Submissions

■ *Non-Historical Submissions*
91,934

■ *Historical Submissions*
54,405



All statistics as of September 26, 2013

OVERVIEW

HB 1355 (2013-249 Laws of Florida)

“Relating to Purchase of Firearms by Mentally Ill Persons”

- Involuntary examination (Baker Act)
- Examining physician finds the subject “is an imminent danger to self or others.”
- Written notice of implications and informed consent [as defined by law] before agreeing to voluntary treatment.
- Subject agrees to voluntary treatment.
- Admission to a mental institution or treatment facility; the administrator must file records with the Clerk of the Court within 24 hours.
- The Clerk of Court must present records to a judge or magistrate within 24 hours.
- Upon review and approval, the judge or magistrate must order the record be submitted to FDLE.
- The Clerk of Court is responsible for submitting the record to FDLE within 24 hours.

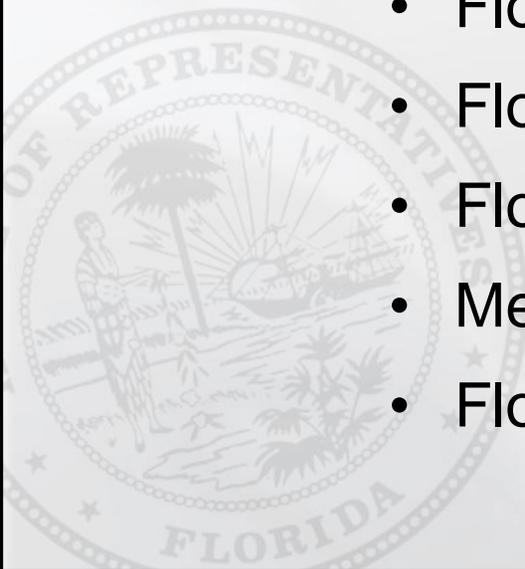
TIMELINE

- House Bill 1355 was passed by the Florida Legislature on April 30, 2013, signed by the Governor on June 28, 2013 and became effective July 1, 2013.
- Upgrades were made to FDLE's Mental Competency Database (MECOM) to allow for entries on July 1st.
- Presentation made at the Clerks Track of the CJIS Symposium on July 10, 2013.
- By the end of July, two counties had submitted mental health records associated with HB 1355.
- FDLE began identifying stakeholders to participate in a workgroup using NICS grant funds.
- Initial workgroup meeting held on August 28, 2013.
- Presentation made at the New Clerks Training Academy on September 18, 2013.
- 2nd workgroup meeting held on September 23, 2013.

HB 1355 IMPLEMENTATION WORKGROUP

HB 1355 Implementation Workgroup Representation

- Department of Children and Families
- Judiciary
- Clerks of the Circuit Court
- Office of State Courts Administrator (OSCA)
- Florida Court Clerks and Comptrollers (FCCC)
- Florida Council for Community Mental Health
- Florida Psychiatric Society
- Mental Health Receiving Facilities
- Florida Department of Law Enforcement



WORKGROUP OUTCOMES

Map Process and Decision Points ✓

Propose Forms for Compliance with Law ✓

Develop a Formal Communication Plan

Implement Formalized Training

HB 1355 Implementation Workgroup met at FDLE on August 28 and September 23, 2013. The next scheduled meeting is on October 28, 2013.

ROLE OF DCF

- Distribute proposed forms to managing entities and receiving facilities
- Make necessary changes to Baker Act Manual
- DCF Role:
 - Update DCF website
 - Continue to communicate with entities and receiving facilities
 - Work with FDLE to implement a training plan
 - Develop a Quality Improvement Plan



CONTACTS

Director Donna Uzzell

Florida Department of Law Enforcement

(850) 410-7100

DonnaUzzell@fdle.state.fl.us

Interim Assistant Secretary Nevin Smith, Ph.D.

Florida Department of Children and Families

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Nevin_Smith@dcf.state.fl.us

Director Randy Long

Florida Court Clerks and Comptrollers

(850) 921-0808

rlong@flclerks.com

Director Eric Maclure

Office of the State Courts Administrator

(850) 922-5692

macluree@flcourts.org

Cover Sheet

Confidential Information

Submission to Clerk of Court of Statutorily Required Documents for Review by Judge or Magistrate Regarding Purchase of Firearms or Applying / Retaining Concealed Weapon or Firearms License By Persons who have a Mental Illness and are Deemed Imminently Dangerous

Attached are the following forms regarding the determination that an individual in this receiving or treatment facility has been found to be an imminent danger to self or others:

- Findings and Certification by an examining Physician that the individual is in an imminent danger to self or others
- Notice to and Acknowledgement by Person (patient)
- Application for Voluntary Admission
- Withdrawal of Petition for Involuntary Placement (if applicable)

Signature of Administrator or Designee

Date

Time

Printed Name of Administrator or Designee

Name of Receiving or Treatment Facility

Printed Name of Patient _____

Gender _____

Date of Birth _____

Race _____

Social Security Number: _____

**Finding and Certification by an Examining Physician
Of Person's Imminent Dangerousness**

I, _____, a physician licensed pursuant to chapter 458 or 459, Florida Statutes, examined _____, a patient in _____ (name of receiving or treatment facility) on _____ (date) at _____ a.m./p.m.

I determined that this individual is an imminent danger to self or others based on the following:

- I certify that if the person had not agreed to voluntary treatment, a petition for involuntary outpatient or inpatient treatment would have been filed, **or**
- I certify that a petition was filed and the person subsequently agreed to voluntary treatment prior to a court hearing on the petition.

I have found that this person has the capacity to make well-reasoned, willful, and knowing decisions concerning his or her medical or mental health treatment and therefore is competent to transfer to voluntary status and to consent to treatment.

Signature of Examining Physician Date Time

Printed Name of Examining Physician License Number

Printed Name of Patient: _____	Gender: _____
Date of Birth: _____	Race: _____
Social Security Number: _____	

Patient's Notice and Acknowledgment

Purchase of Firearms and Apply for or Retain a Concealed Weapon or Firearms License

I, _____ do hereby

(Full printed name of person whose admission is being requested)

confirm that I have received written notice of the finding and certification from an examining physician advising that if I do not agree to voluntary admission, a petition for involuntary outpatient or inpatient treatment will be filed under s. 394.463(2)(i)4, or the examining physician certified that a petition was filed and I have subsequently agreed to voluntary treatment prior to a court hearing on the petition.

I further acknowledge that I understand that the doctor who examined me believes I am an imminent danger to myself or to others. I understand that if I do not agree to voluntary treatment, a petition will be filed in court to require me to receive involuntary treatment. I understand that if that petition is filed, I have the right to contest it. I understand that by agreeing to voluntary treatment in either of these situations, I may be prohibited from purchasing firearms and from applying for, or retaining, a concealed weapons or firearms license until I apply for, and receive, relief from that restriction under Florida law.

Signature of Competent Adult	Printed Name	Date	Time
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Signature of Witness	Printed Name	Date	Time
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Printed Name of Patient: _____

Gender: _____

Date of Birth: _____

Race: _____

Social Security Number: _____

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

IN RE: _____ CASE NO.: _____

**Notification to Court of Withdrawal of Petition
For Hearing on Involuntary Inpatient or involuntary Outpatient Placement**

YOU ARE HEREBY INFORMED THAT _____
Name of Person
at _____
Facility Name and Address

- has made application by express and informed consent for voluntary admission, due to an improvement in his/her condition.
- was discharged on _____ to _____
Date Destination (if known)
- was transferred on _____ to _____
Date Destination (if known)
- was converted to Marchman Act on _____
Date
- Other (specify): _____

Please withdraw my Petition for:

- Involuntary Outpatient Placement Involuntary Inpatient Placement Continued Involuntary Outpatient Placement

The respondent has or has not been determined to be an imminent danger to self or others.

If yes, the record of the finding, certification, notice, and written acknowledgement is attached to this Notification filed on Date: _____. The Petition for Adjudication of Incompetence to Consent to Treatment and Appointment of a Guardian Advocate, if any, is also being withdrawn.

Signature of Administrator or Designee Date Time

Printed Name of Administrator or Designee

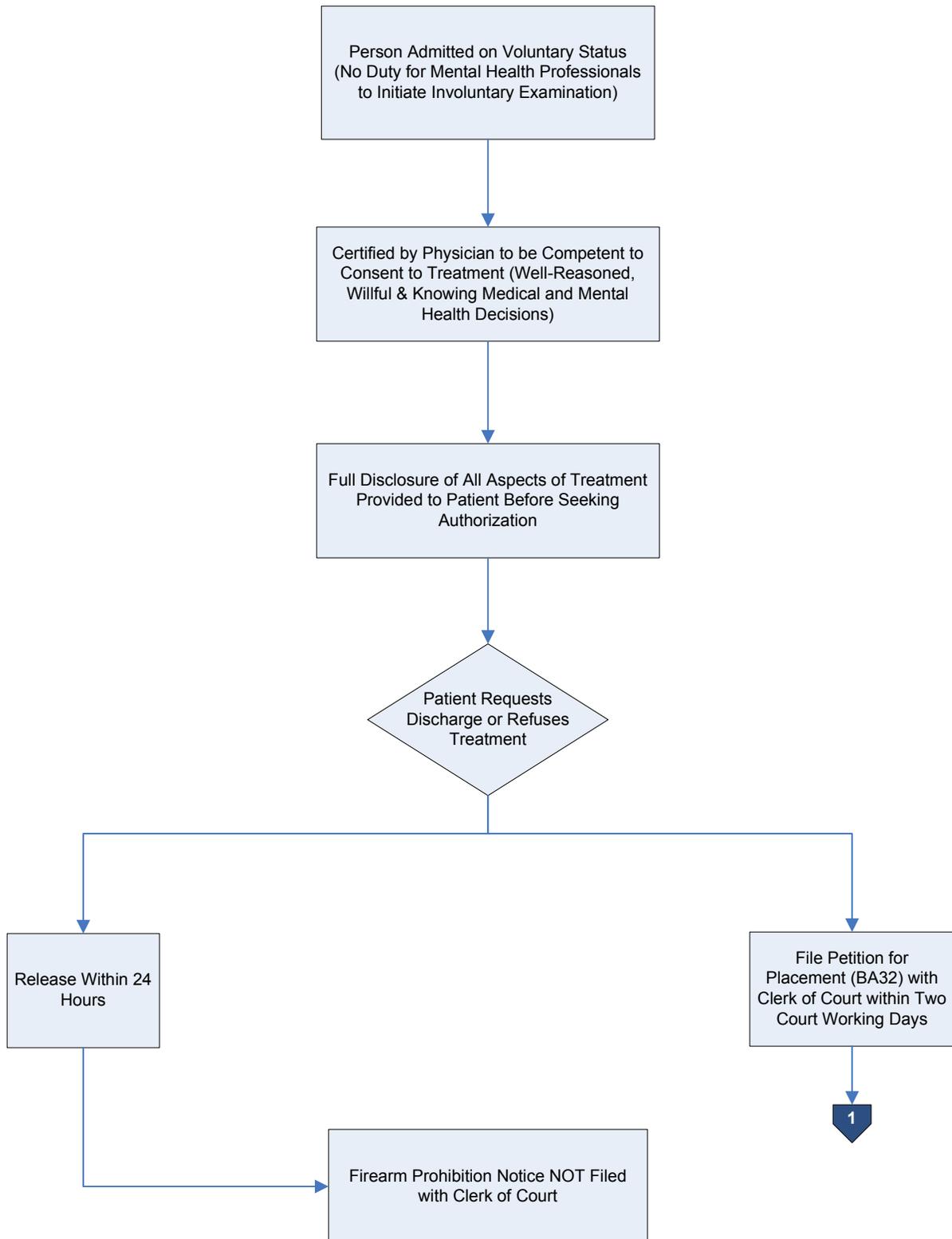
- cc: Clerk of the Court (Probate Division) Person Guardian
 Assistant State Attorney Representative Person's Attorney

When a petition for involuntary placement is withdrawn, the court, state attorney, public defender or other attorney for the person, and guardian or representative must be notified by telephone within one business day of the decision, unless such decision is made within 24 hours prior to the hearing. In such cases, the notification must be made immediately.

Printed Name of Patient: _____ Gender: _____
Date of Birth: _____ Race: _____
Social Security Number: _____

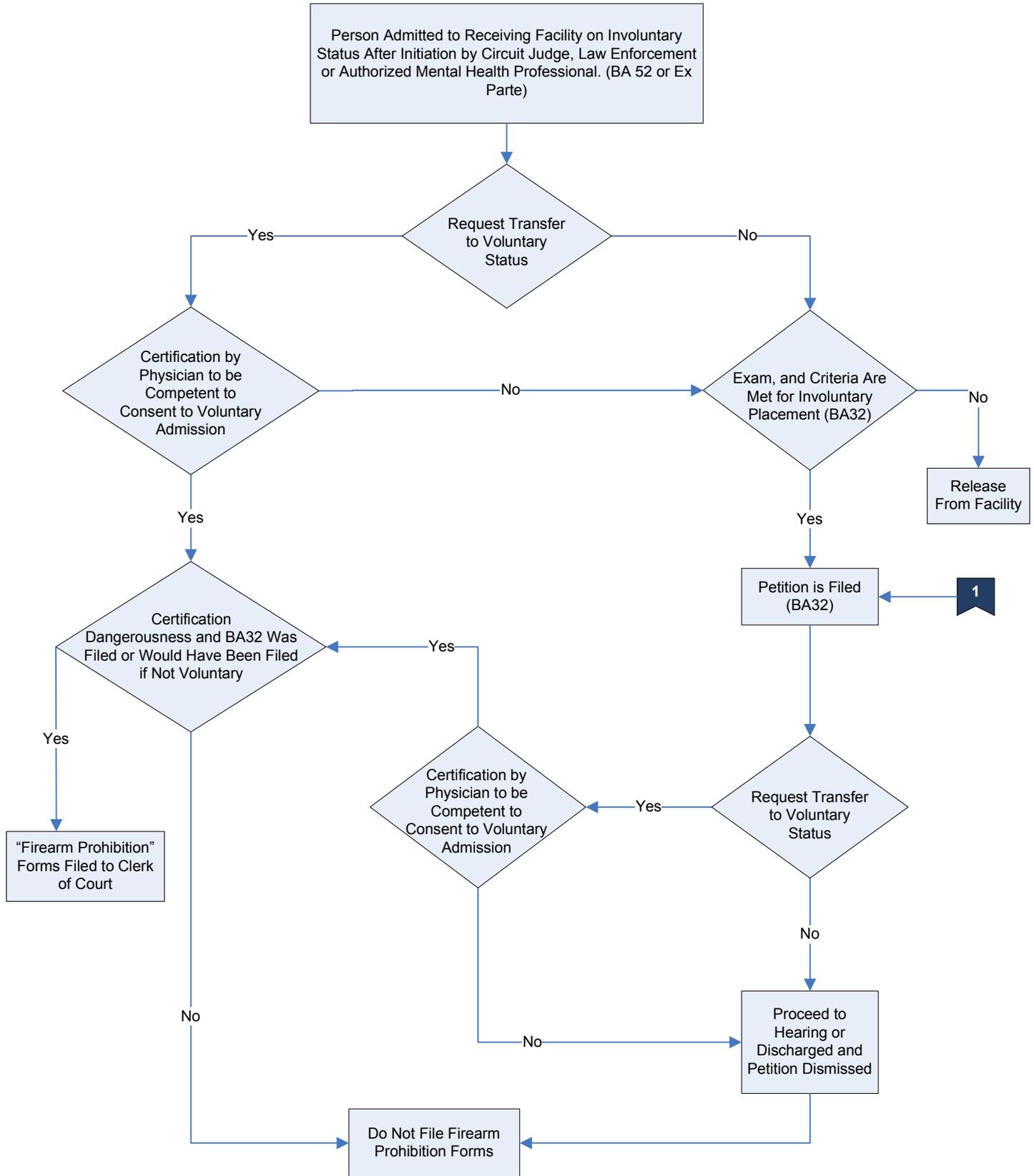
Confidential Information

Admission by Voluntary Status



Revised 09/30/2013

Admission by Involuntary Status

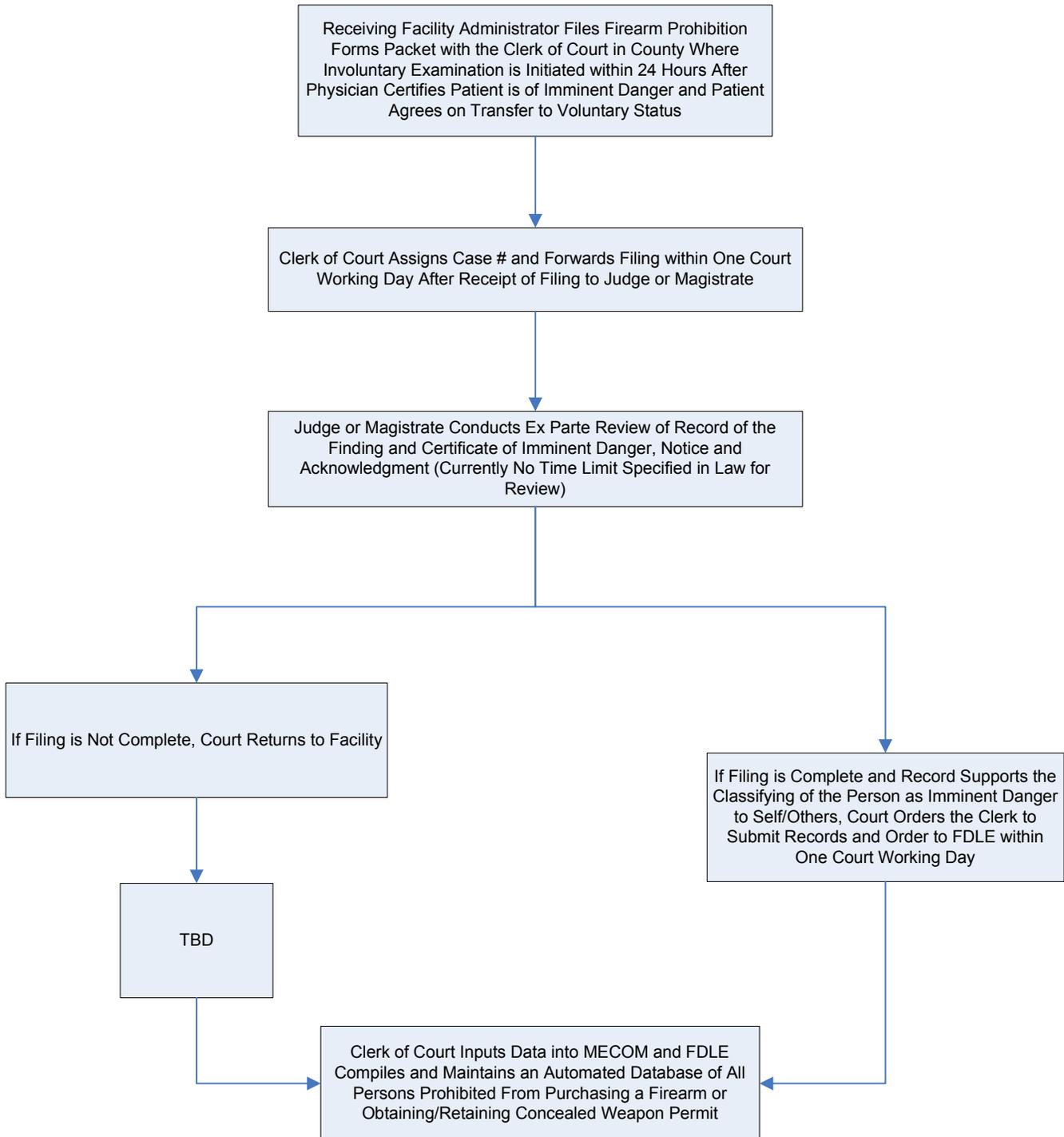


Revised 09/30/2013

HB 1355 IMPLEMENTATION WORKGROUP



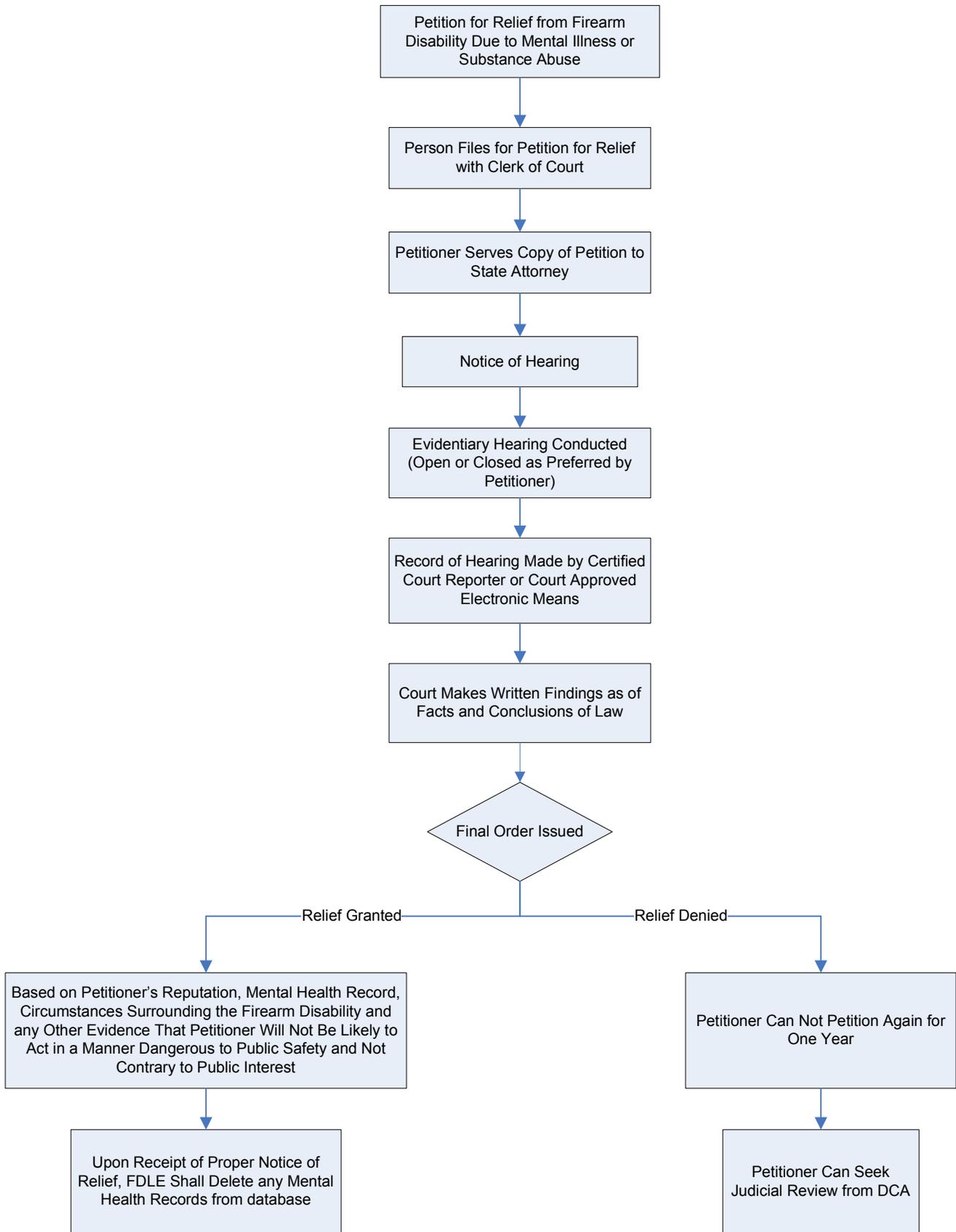
Firearm Prohibition Form



Revised 09/23/2013



Petition for Relief



Revised 09/23/2013



Communications Plan

HB 1355 Implementation Workgroup

Stakeholders

- Clerks of the Circuit Court
- Department of Children and Families (DCF)
- Florida Court Clerks and Comptrollers (FCCC)
- Florida Department of Law Enforcement (FDLE)
- Managing Entities contracted through DCF
- Mental Health Associations
- Mental Health Receiving Facilities (Public and Private)
- Office of the State Courts Administrator (OSCA) and Court Administrators
- Probate Judges and Magistrates
- Psychiatrists
- Short Term Residential Treatment Facilities (SRTs)
- State Attorneys and Public Defenders

Communication Delivery

- Advanced Judicial College (OSCA)
- Association Newsletters, Conferences, Trainings, E-mails and Websites
- Baker Act Trainings (Martha Lenderman)
- Circuit Court Judge Training Conferences (Judge Steve Leifman)
- Department of Children and Families (Adam Wasserman)
- Florida Partners in Crisis (Judge Steve Leifman)
- Formal Workgroup Memorandums (Chairman Steve Leifman)
- Florida Mental Health Institute (John Bryant)
- Frequently Asked Questions Document

Communication Process

- Initial letter from Workgroup (FDLE and Chairman Steve Leifman).
- Draft letters for each stakeholder (FDLE and Representatives).
- Copy the entire workgroup on all communications to ensure consistency of message.
- Forms included with communication to stakeholders, in addition to website links.
- Conference call with DCF and Managing Entities.
- Webinars
- Train the trainer sessions with Managing Entities.
- Inclusion in Baker Act trainings and manual.
- Include FDLE in Supreme Court Task Force

Communication Message

- Must solidify before communicated.
- Should dovetail into discussions on current processes and importance of the information.
- Provide contacts and open lines of communication between all stakeholders.

Committee on Criminal Justice

CS/CS/HB 1355 — Purchase of Firearms by Mentally Ill Persons

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Watson and others
(CS/SB 1000 by Criminal Justice Committee and Senators Gibson, Benacquisto, and Brandes)

Current law prohibits dealers from selling firearms to persons who have been committed to a mental institution. The bill broadens the definition of “committed to a mental institution” to include persons who have had an involuntary examination under the Baker Act and who have then voluntarily admitted themselves for outpatient or inpatient treatment so long as all of the requirements below are satisfied:

- An examining physician found that the person is an imminent danger to himself or herself or others.
- The examining physician certified that if the person did not agree to voluntary treatment, a petition for involuntary outpatient or inpatient treatment would have been filed or the examining physician certified that a petition was filed and the person subsequently agreed to voluntary treatment prior to a court hearing in the petition.
- Before agreeing to voluntary treatment, the person received written notice of that finding and certification, and written notice that as a result of such finding, he or she may be prohibited from purchasing a firearm, and may not be eligible to apply for or retain a concealed weapon or firearms license, and the person acknowledged such notice in writing.
- A judge or a magistrate has reviewed the record classifying the person as an imminent danger to himself or herself or others, and ordered that such record be submitted to the Florida Department of Law Enforcement (FDLE).

Within 24 hours after the person’s agreement to voluntary admission, a record of the finding, certification, notice, and written acknowledgement must be filed by the administrator of the receiving or treatment facility, with the clerk of the court for the county in which the involuntary examination occurred. No fee may be charged for such filing. The clerk must present the record to a judge or magistrate within 24 hours after receipt. The judge or magistrate is required to review the record *ex parte* (in private) and, if he or she determines that the record supports the classifying of the person as an imminent danger to themselves or others, to order that the record be submitted to FDLE. If so ordered, the record must be submitted to FDLE within 24 hours.

The new definition of “committed to a mental institution” and the procedure created for the examining physician, receiving or treatment facility, and the court to follow will allow the court order and records to be transmitted to FDLE to be included in state and federal firearm purchase related databases.

Because the records are a part of the databases, the person will not be able to purchase a firearm or receive a concealed weapons permit, and if he or she possesses a concealed weapons permit, it will be suspended or revoked. The firearm and concealed weapons restrictions will remain

effective until the person is ready to avail him or herself of the process under current law for having these restrictions lifted.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 117-1

CHAPTER 2013-249

Committee Substitute for Committee Substitute for House Bill No. 1355

An act relating to the purchase of firearms by mentally ill persons; amending s. 790.065, F.S.; providing conditions under which a person who has been voluntarily admitted to a mental institution for treatment and has undergone an involuntary examination under the Baker Act may be prohibited from purchasing a firearm; providing requirements for the examining physician; providing for judicial review of certain findings; providing specified notice requirements; providing form and contents of notice; providing requirements with respect to the filing of specified records with the court and presentation of such records to a judge or magistrate; providing lawful authority of a judge or magistrate to review specified records and order that such records be submitted to the Department of Law Enforcement; providing a timeframe for submission of records to the department upon order by a judge or magistrate; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 790.065, Florida Statutes, is amended to read:

790.065 Sale and delivery of firearms.—

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee's call or by return call, forthwith:

(a) Review any records available to determine if the potential buyer or transferee:

1. Has been convicted of a felony and is prohibited from receipt or possession of a firearm pursuant to s. 790.23;

2. Has been convicted of a misdemeanor crime of domestic violence, and therefore is prohibited from purchasing a firearm;

3. Has had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred; or

4. Has been adjudicated mentally defective or has been committed to a mental institution by a court or as provided in sub-sub-subparagraph b.(II), and as a result is prohibited by state or federal law from purchasing a firearm.

a. As used in this subparagraph, “adjudicated mentally defective” means a determination by a court that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease, is a danger to himself or herself or to others or lacks the mental capacity to contract or manage his or her own affairs. The phrase includes a judicial finding of incapacity under s. 744.331(6)(a), an acquittal by reason of insanity of a person charged with a criminal offense, and a judicial finding that a criminal defendant is not competent to stand trial.

b. As used in this subparagraph, “committed to a mental institution” means:

(I) Involuntary commitment, commitment for mental defectiveness or mental illness, and commitment for substance abuse. The phrase includes involuntary inpatient placement as defined in s. 394.467, involuntary outpatient placement as defined in s. 394.4655, involuntary assessment and stabilization under s. 397.6818, and involuntary substance abuse treatment under s. 397.6957, but does not include a person in a mental institution for observation or discharged from a mental institution based upon the initial review by the physician or a voluntary admission to a mental institution; or:

(II) Notwithstanding sub-sub-subparagraph (I), voluntary admission to a mental institution for outpatient or inpatient treatment of a person who had an involuntary examination under s. 394.463, where each of the following conditions have been met:

(A) An examining physician found that the person is an imminent danger to himself or herself or others.

(B) The examining physician certified that if the person did not agree to voluntary treatment, a petition for involuntary outpatient or inpatient treatment would have been filed under s. 394.463(2)(i)4., or the examining physician certified that a petition was filed and the person subsequently agreed to voluntary treatment prior to a court hearing on the petition.

(C) Before agreeing to voluntary treatment, the person received written notice of that finding and certification, and written notice that as a result of such finding, he or she may be prohibited from purchasing a firearm, and may not be eligible to apply for or retain a concealed weapon or firearms license under s. 790.06 and the person acknowledged such notice in writing, in substantially the following form:

“I understand that the doctor who examined me believes I am a danger to myself or to others. I understand that if I do not agree to voluntary treatment, a petition will be filed in court to require me to receive involuntary treatment. I understand that if that petition is filed, I have the right to contest it. In the event a petition has been filed, I understand that I can subsequently agree to voluntary treatment prior to a court hearing. I understand that by agreeing to voluntary treatment in either

of these situations, I may be prohibited from buying firearms and from applying for or retaining a concealed weapons or firearms license until I apply for and receive relief from that restriction under Florida law.”

(D) A judge or a magistrate has, pursuant to sub-sub-subparagraph c.(II), reviewed the record of the finding, certification, notice, and written acknowledgement classifying the person as an imminent danger to himself or herself or others, and ordered that such record be submitted to the department.

c. In order to check for these conditions, the department shall compile and maintain an automated database of persons who are prohibited from purchasing a firearm based on court records of adjudications of mental defectiveness or commitments to mental institutions.

(I) Except as provided in sub-sub-subparagraph (II), clerks of court shall submit these records to the department within 1 month after the rendition of the adjudication or commitment. Reports shall be submitted in an automated format. The reports must, at a minimum, include the name, along with any known alias or former name, the sex, and the date of birth of the subject.

(II) For persons committed to a mental institution pursuant to sub-sub-subparagraph b.(II), within 24 hours after the person’s agreement to voluntary admission, a record of the finding, certification, notice, and written acknowledgement must be filed by the administrator of the receiving or treatment facility, as defined in s. 394.455, with the clerk of the court for the county in which the involuntary examination under s. 394.463 occurred. No fee shall be charged for the filing under this sub-sub-subparagraph. The clerk must present the records to a judge or magistrate within 24 hours after receipt of the records. A judge or magistrate is required and has the lawful authority to review the records ex parte and, if the judge or magistrate determines that the record supports the classifying of the person as an imminent danger to himself or herself or others, to order that the record be submitted to the department. If a judge or magistrate orders the submittal of the record to the department, the record must be submitted to the department within 24 hours.

d. A person who has been adjudicated mentally defective or committed to a mental institution, as those terms are defined in this paragraph, may petition the circuit court that made the adjudication or commitment, or the court that ordered that the record be submitted to the department pursuant to sub-sub-subparagraph c.(II), for relief from the firearm disabilities imposed by such adjudication or commitment. A copy of the petition shall be served on the state attorney for the county in which the person was adjudicated or committed. The state attorney may object to and present evidence relevant to the relief sought by the petition. The hearing on the petition may be open or closed as the petitioner may choose. The petitioner may present evidence and subpoena witnesses to appear at the hearing on the petition. The petitioner may confront and cross-examine witnesses called by the state attorney. A record of the hearing shall be made by a certified

court reporter or by court-approved electronic means. The court shall make written findings of fact and conclusions of law on the issues before it and issue a final order. The court shall grant the relief requested in the petition if the court finds, based on the evidence presented with respect to the petitioner's reputation, the petitioner's mental health record and, if applicable, criminal history record, the circumstances surrounding the firearm disability, and any other evidence in the record, that the petitioner will not be likely to act in a manner that is dangerous to public safety and that granting the relief would not be contrary to the public interest. If the final order denies relief, the petitioner may not petition again for relief from firearm disabilities until 1 year after the date of the final order. The petitioner may seek judicial review of a final order denying relief in the district court of appeal having jurisdiction over the court that issued the order. The review shall be conducted de novo. Relief from a firearm disability granted under this sub-subparagraph has no effect on the loss of civil rights, including firearm rights, for any reason other than the particular adjudication of mental defectiveness or commitment to a mental institution from which relief is granted.

e. Upon receipt of proper notice of relief from firearm disabilities granted under sub-subparagraph d., the department shall delete any mental health record of the person granted relief from the automated database of persons who are prohibited from purchasing a firearm based on court records of adjudications of mental defectiveness or commitments to mental institutions.

f. The department is authorized to disclose data ~~the~~ collected pursuant to this subparagraph ~~data~~ to agencies of the Federal Government and other states for use exclusively in determining the lawfulness of a firearm sale or transfer. The department is also authorized to disclose this ~~any~~ ~~collected~~ data to the Department of Agriculture and Consumer Services for purposes of determining eligibility for issuance of a concealed weapons or concealed firearms license and for determining whether a basis exists for revoking or suspending a previously issued license pursuant to s. 790.06(10). When a potential buyer or transferee appeals a nonapproval based on these records, the clerks of court and mental institutions shall, upon request by the department, provide information to help determine whether the potential buyer or transferee is the same person as the subject of the record. Photographs and any other data that could confirm or negate identity must be made available to the department for such purposes, notwithstanding any other provision of state law to the contrary. Any such information that is made confidential or exempt from disclosure by law shall retain such confidential or exempt status when transferred to the department.

Section 2. This act shall take effect July 1, 2013.

Approved by the Governor June 28, 2013.

Filed in Office Secretary of State June 28, 2013.

CN Agenda

TCS 1

THE FLORIDA SENATE

APPEARANCE RECORD

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

10/7/13

Meeting Date

Topic Presentation on Purchase of Firearms by Mentally Ill Persons

Bill Number 2013 HB 1355

(if applicable)

Name Donna Uzzell

Amendment Barcode _____

(if applicable)

Job Title Director, Criminal Justice Information Services Program

Address 2331 Phillips Road

Phone 850-410-7100

Street

Tallahassee FL 32308

E-mail donnauzzell@fdle.state.fl.us

City

State

Zip

Speaking: For Against Information

Representing Florida Department of Law Enforcement

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)

TCS 21

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic 1355 — Preset Bill Number _____
(if applicable)

Name Nevin Smith, PhD Amendment Barcode _____
(if applicable)

Job Title Asst Secretary Mental Health & Substance Abuse

Address DCF Phone _____
Street

City _____ State _____ Zip _____

Speaking: For Against Information

Representing DCF

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.

Here for information Tab 1

THE FLORIDA SENATE

APPEARANCE RECORD

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

10-7-13
Meeting Date

Topic Implementation of CS/HB 1355 Bill Number 2013-249
(if applicable)

Name John Bryant Amendment Barcode _____
(if applicable)

Job Title Vice President - Fla Council For Community Mental Health

Address 306 East Oak Ave Phone 850-224-1801
Street

Tallahassee _____
City State Zip

E-mail John@fcmh.org

Speaking: For Against Information

Representing Florida Council For Community Mental Health

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)

10/7/13
Meeting Date

Topic H.B. 1355 Implementation

Bill Number _____
(if applicable)

Name Randy Long

Amendment Barcode _____
(if applicable)

Job Title Dir of Security Affairs

Address 3544 MACLAY Blvd
Street

Phone 921-0808

TALLAHASSEE FL 32312
City State Zip

E-mail Rlong@FLcourts.com

Speaking: For Against Information

Representing FL court clerks

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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



Rick Scott,
Governor

Wansley Walters,
Secretary



DEPARTMENT OF JUVENILE JUSTICE

2013-14 OPERATING BUDGET DEFICIT



SENATE CRIMINAL JUSTICE COMMITTEE

October 7, 2013

2013-14 Budget Deficit Issues:



• Detention Cost Share	\$35.5 Million
• Medicaid	<u>\$19.0</u> Million
Total	<u>\$54.5</u> Million

Commitment to Florida's Youth

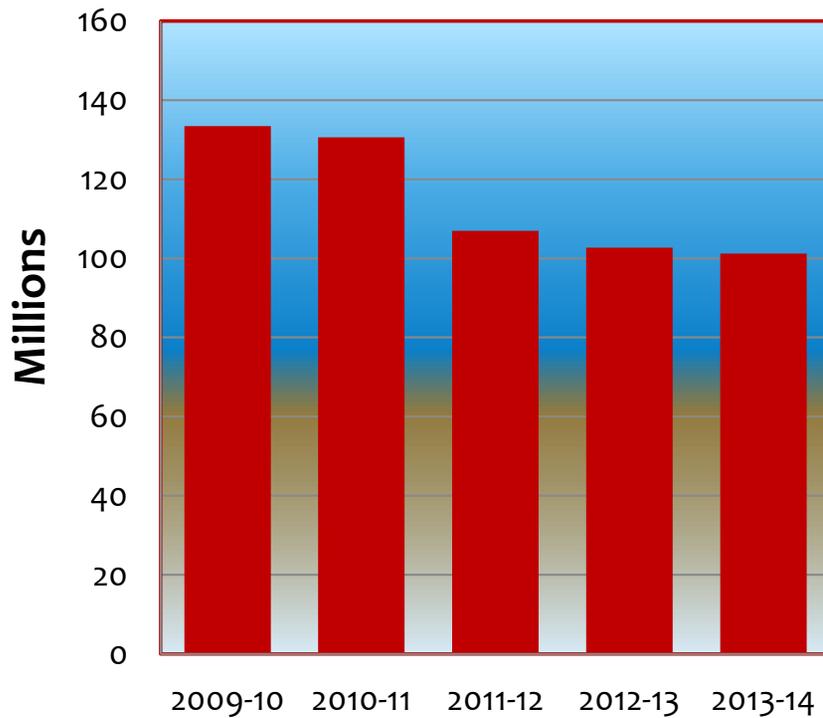


- **Deficit plan is done in concert with DJJ's reform efforts and the Legislature's juvenile justice policies and intent.**
- **Plan is to maintain essential services while continuing this Legislature's increased commitment to prevention and diversion programs.**
- **We need your help to preserve the resources necessary to continue to move forward with Florida's reform efforts. It is critical to ensuring the right youth, receive the right services, at the right time and place.**

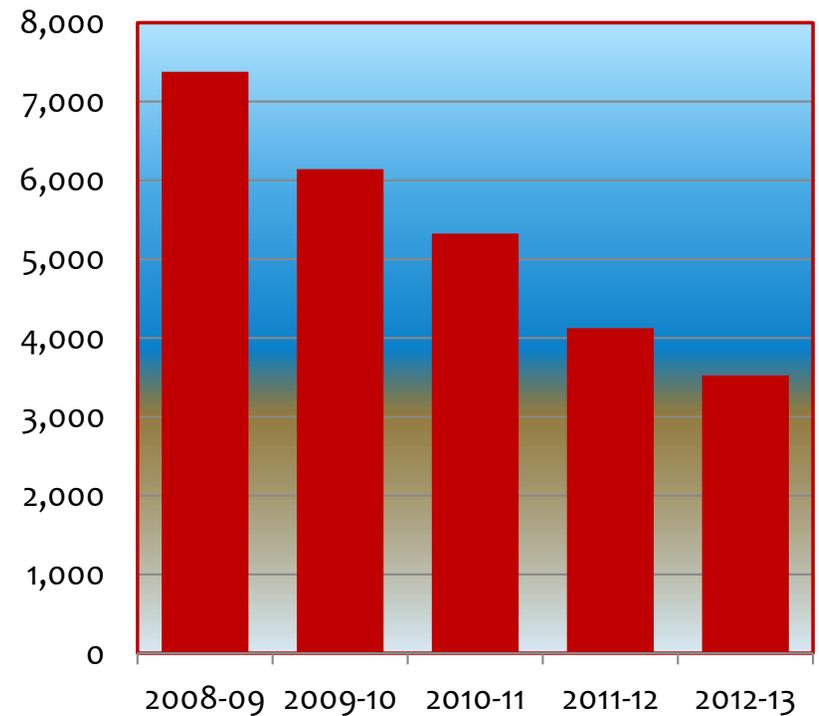
Decline in Juvenile Justice Costs / Needs



Detention Costs



Residential Commitments



Detention Cost Share- Background



- **Concept of sharing detention costs began in 2004 (SB2564). Basis was similar to the adult jail system. Counties challenged the law as an unfunded mandate; corrected by the legislature and implemented in 2005-06.**
- **Chapter 985.686 requires counties to pay costs prior to final court disposition. Funding was based on pre-disposition (county responsibility) being youth prior to commitment to a residential facility.**

Detention Cost Share- Background



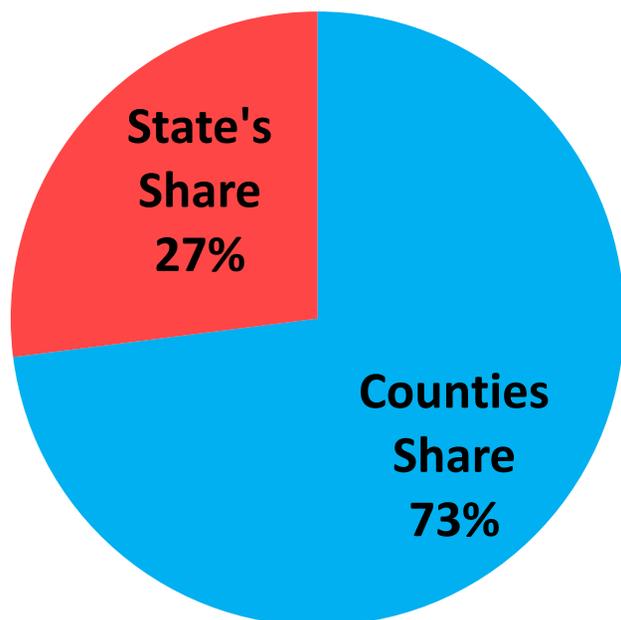
- **Counties have filed numerous legal challenges to the department's rule, billing process, and reconciliation process.**
- **In 2010, Counties filed rule challenge arguing " final court disposition" did not mean just youth awaiting commitment.**
- **In June, 2013 the first DCA ruled in favor of the counties in that the state is responsible for all youth days beyond their original disposition. The assumption is that post disposition now includes other disposition types, the largest being youth on probation, including those with new law violations.**

Impact of Court Order

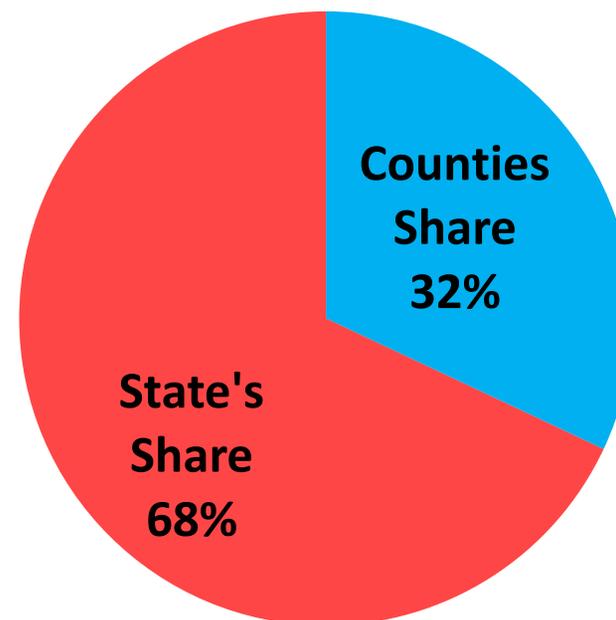


- Increased state's share by \$35.5 Million for 2013-14. Ongoing impact of \$39.3 Million for 2014-15 and beyond.
- By including youth on probation, the State's share increases from 27% to 68% and the counties' share is reduced from 73% to 32%. This was the basis for the new 2013-14 billings sent out in July, 2013.

GAA Split



Split Based on July Billing



Loss of Medicaid Funding



- **June, 2013 decision by the Centers for Medicare & Medicaid Services (CMS) mandates the discontinuation of Medicaid funding for youth in non-secure residential commitment facilities.**
- **These dollars cover behavior mental health services (BHOS), emergency medical care, and other medical health costs.**
- **ACHA estimated the cost impact to DJJ of \$19 Million for 2013-14 based on 2011-12 actual costs.**

Department's Financial Plan



- **August 1, 2013- Secretary Walters sent a letter to the Governor, Chairman McKeel and Negron laying out the problem and a proposed solution.**
- **DJJ will reduce the \$35.5 Million Detention shortfall to \$18.8 Million via**
 - 100% release of general revenue
 - Maximize trust fund balances
 - Savings through delayed implementation of contracts
 - Temporarily charge detention salary costs to other budget entities

Department's Financial Plan



- **Plan is dependent on the above actions and counties continuing to pay into the shared county/state juvenile detention trust fund.**
- **The alternative is a temporary loan under Section 215.18 F.S. or closing detention centers.**
- **Federal share of Medicaid is \$10.6 Million and the state general revenue match \$8.4 Million (in ACHA's 2013-14 base budget).**
- **DJJ plan is to realign funds within residential contracts to cover costs temporarily until the \$19 Million can be addressed during the 2014 Legislative session.**



Rick Scott,
Governor

Wansley Walters,
Secretary



DEPARTMENT OF JUVENILE JUSTICE FLORIDA CIVIL CITATION INITIATIVE UPDATE

SENATE CRIMINAL JUSTICE COMMITTEE

October 7, 2013



Florida Civil Citation Initiative

S. 985.12, Florida Statute As Revised in 2011

- Encourages DJJ to implement civil citation or similar diversion programs throughout the state
- Defines who may operate civil citation: Local law enforcement, local government or DJJ
- Requires youth to admit guilt
- Limits eligibility to first-time, non-serious misdemeanants
- Specifies that a youth assessment must be completed and intervention services received



Florida Civil Citation Initiative

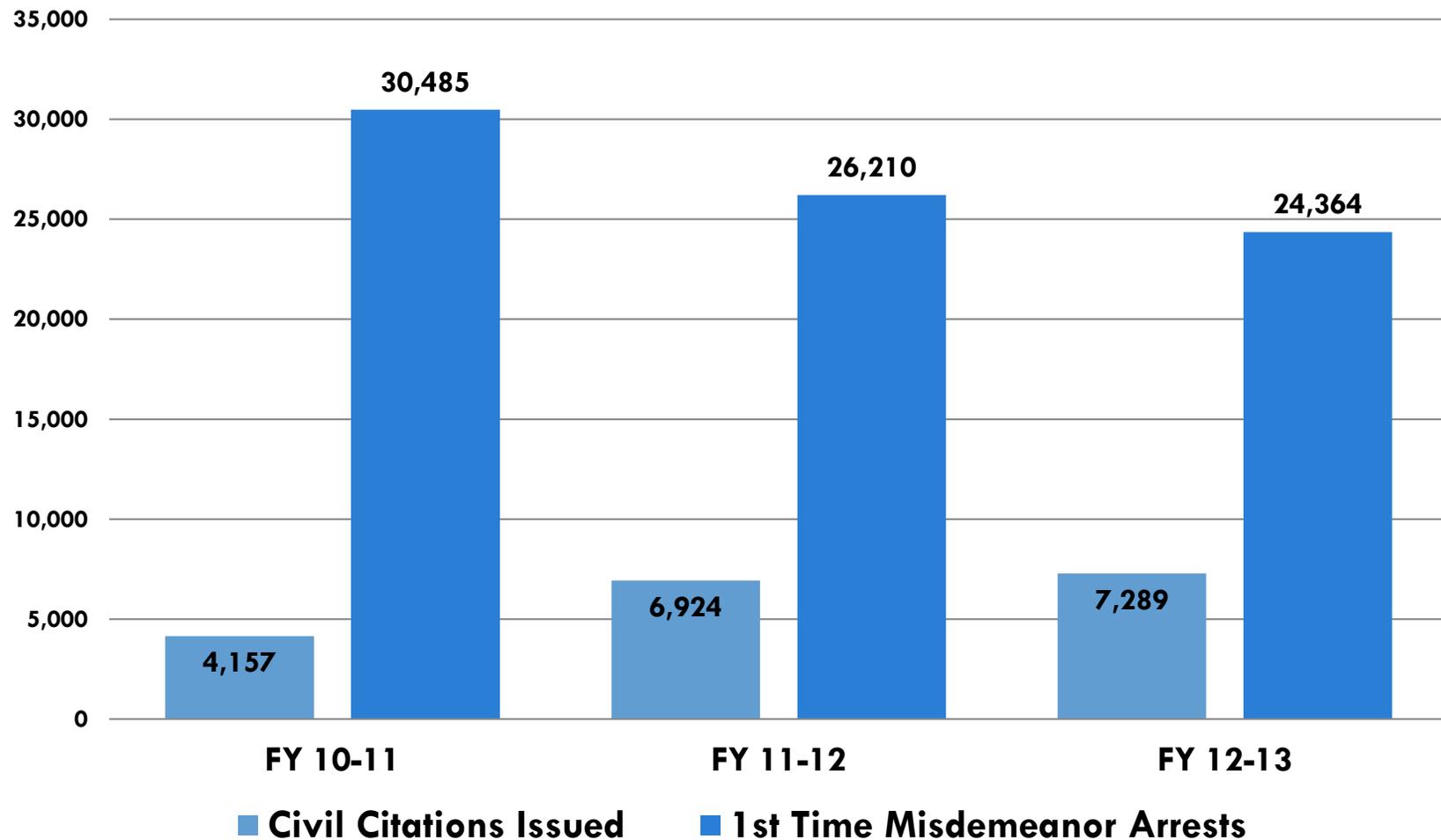
S. 985.12, Florida Statute As Revised in 2011

- Provides that civil citation is not considered a referral (an arrest) to DJJ
- Ensures that youth who do not successfully complete sanctions are referred to the state attorney on the original charge
- Authorizes DJJ to develop guidelines and help implement or improve civil citation or other diversion programs
- Provides that civil citation youth data is maintained by DJJ

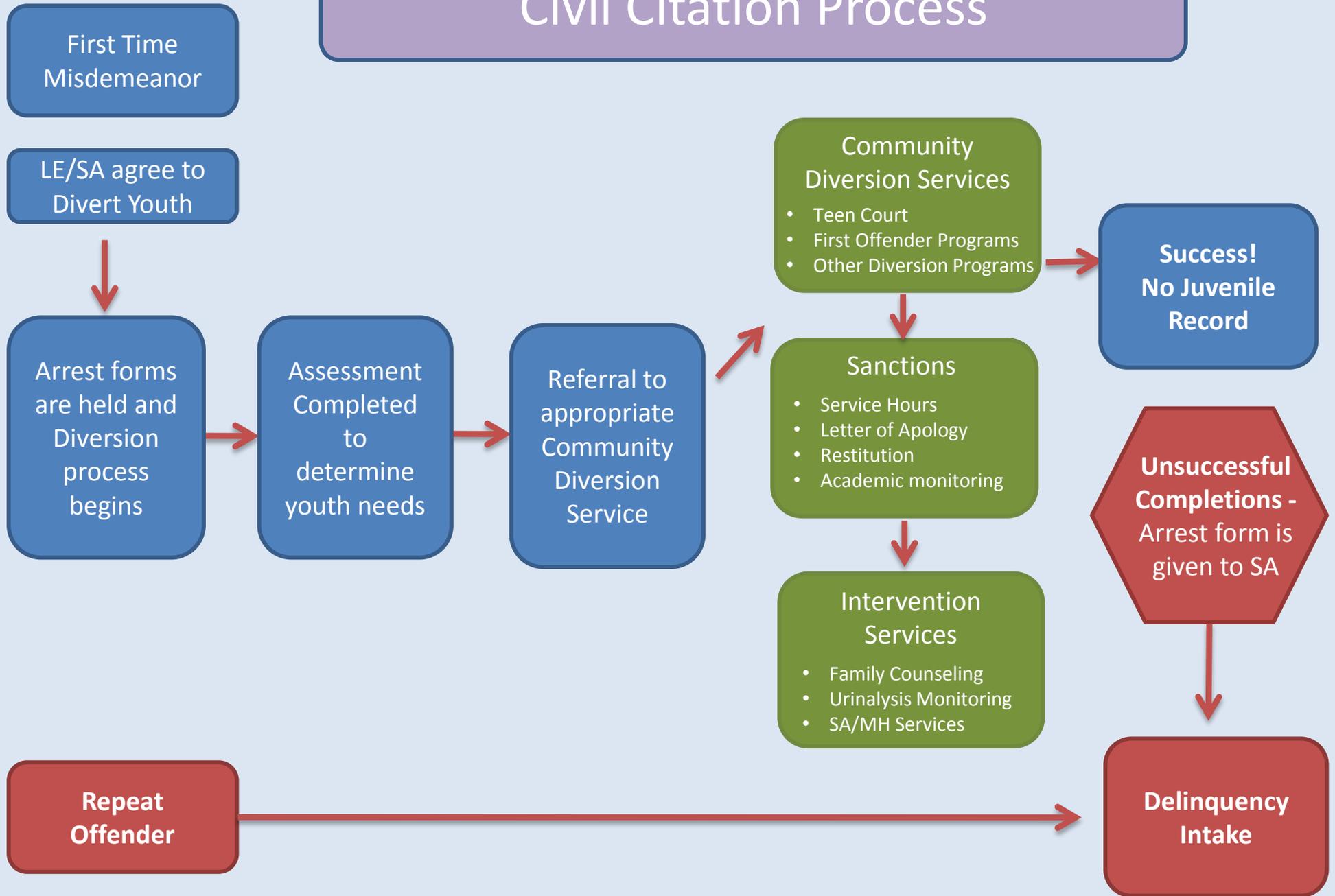


Florida Civil Citation Initiative

Civil Citations and 1st-Time Misdemeanor Arrests in Florida



Civil Citation Process





Florida Civil Citation Initiative

6

- Diverts the youth at the time of arrest
- Holds the youth accountable for delinquent behavior
- Involves the parents in sanctioning the youth
- Provides early intervention and immediate sanctions for misbehavior typical to teens
- Frees up law enforcement resources to focus on more serious crimes
- Helps prevent the youth's further involvement in the juvenile justice system



Florida Civil Citation Initiative

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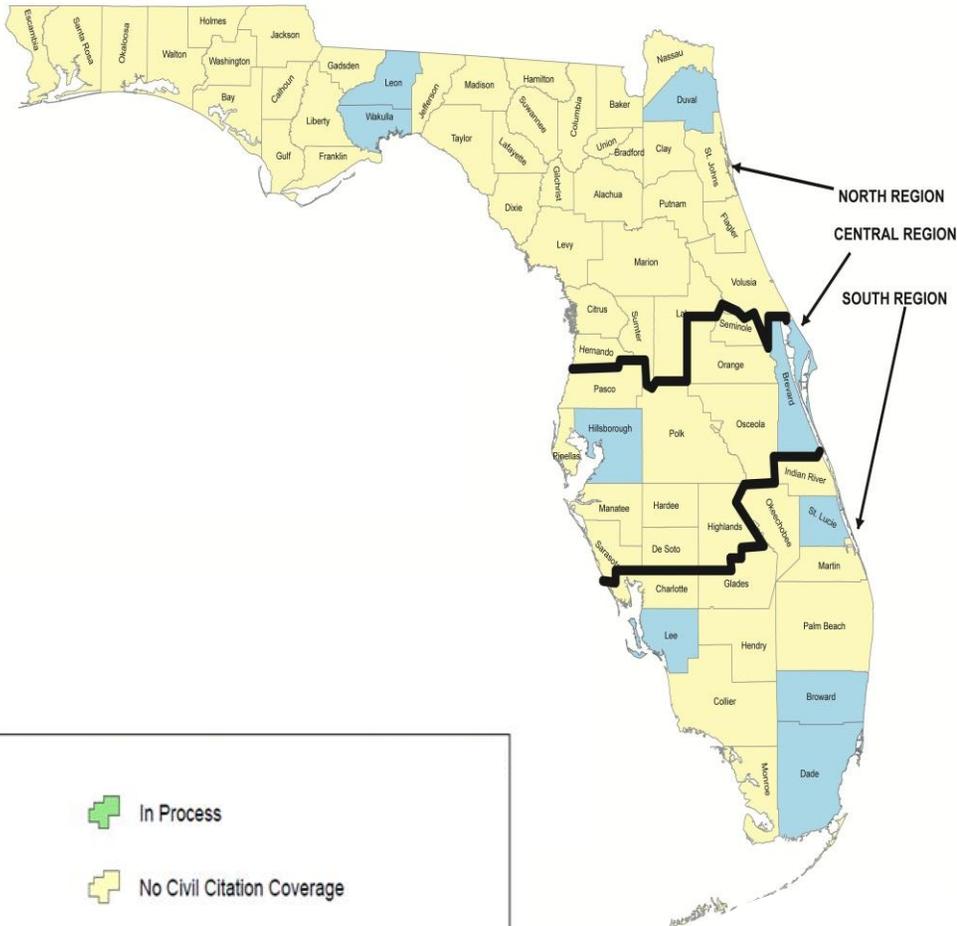
- Allows DJJ to identify youth who are more likely to come back into the system and wrap services around youth and families
- Helps safeguard youth's future in that there is no arrest record to impede military, educational, or employment opportunities for youth who successfully complete civil citation
- When consistently applied across a county, civil citation provides equal justice for youth
- Keeps youth that pose no real threat to public safety out of the juvenile justice system



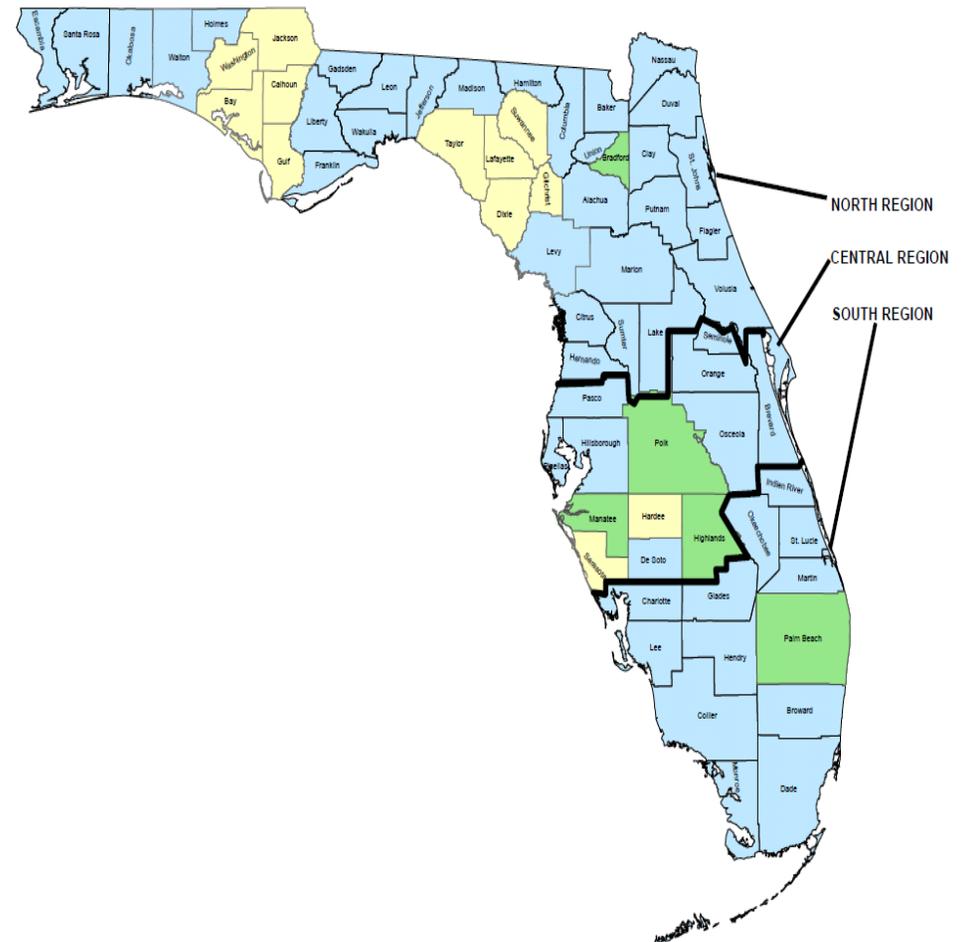
Florida Civil Citation Initiative

From 17 to 51 Counties in Two Years

FY 10-11



FY 12-13



- In Process
- No Civil Citation Coverage
- Active Civil Citation



Florida Civil Citation Initiative

9

Implementation

Resources

- Reinvested residential cost savings to provide services to Civil Citation youth including mental health, substance abuse or family-related services
- Dedicated position to serve as a statewide Civil Citation Coordinator

Collaboration

- Working the Eckerd Family Foundation in three counties with high arrest rates
 - Escambia County - Expand school-based Civil Citation to community-based
 - Duval County - Serve Civil Citation youth through Neighborhood Accountability Boards
 - Orange County - Engage county-wide law enforcement



Florida Civil Citation Initiative

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Implementation

- Presentations to state and local stakeholders
 - Florida Association of Teen Courts
 - Florida Police Chiefs Association training conference
 - National Faith Symposium
 - Florida Association of School Resource Officers
 - Florida Juvenile Justice Association
 - College of Advanced Judicial Studies
 - National Conference on Preventing Crime in the Black Community
 - North Carolina General Assembly Age of Juvenile Offenders Committee
 - Florida Organized Retail Crime Enforcement Working Group
 - Florida Sheriffs Association
 - Juvenile Justice Councils and Boards
 - Local Criminal Justice and Law Enforcement Councils
 - Local Community Meetings

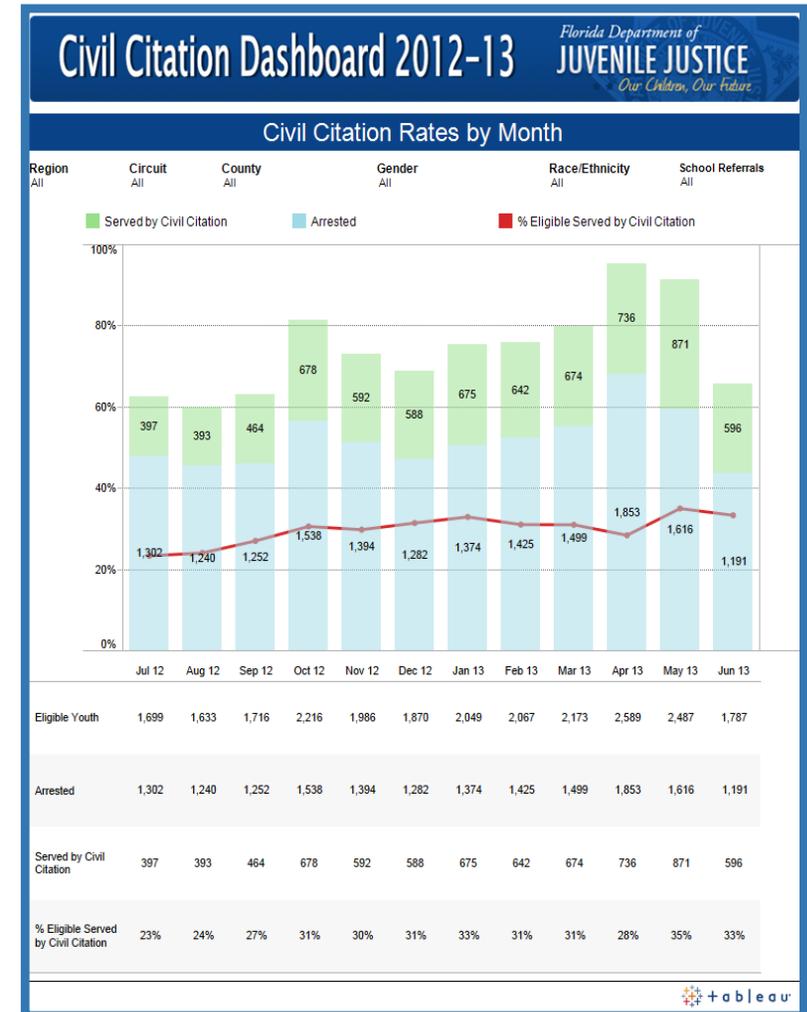


Florida Civil Citation Initiative

Implementation

Data Analysis

- Increased availability of data to the public through the Civil Citation Dashboard
- Utilization at the state, circuit, county level
- Status by race, school and law enforcement agency
- Statistics for offenses, disposition, and reoffenses
- Monitoring utilization by county and intersection between race and gender for similar offenses





Florida Civil Citation Initiative

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Implementation

Training

-  Educated stakeholders on the Civil Citation process
-  Developed training for Law Enforcement Officers
-  Included adolescent brain development
-  Incorporated Civil Citation into presentations and trainings presented by Department program areas
-  Participating on the Florida Department of Law Enforcement's curriculum revision team

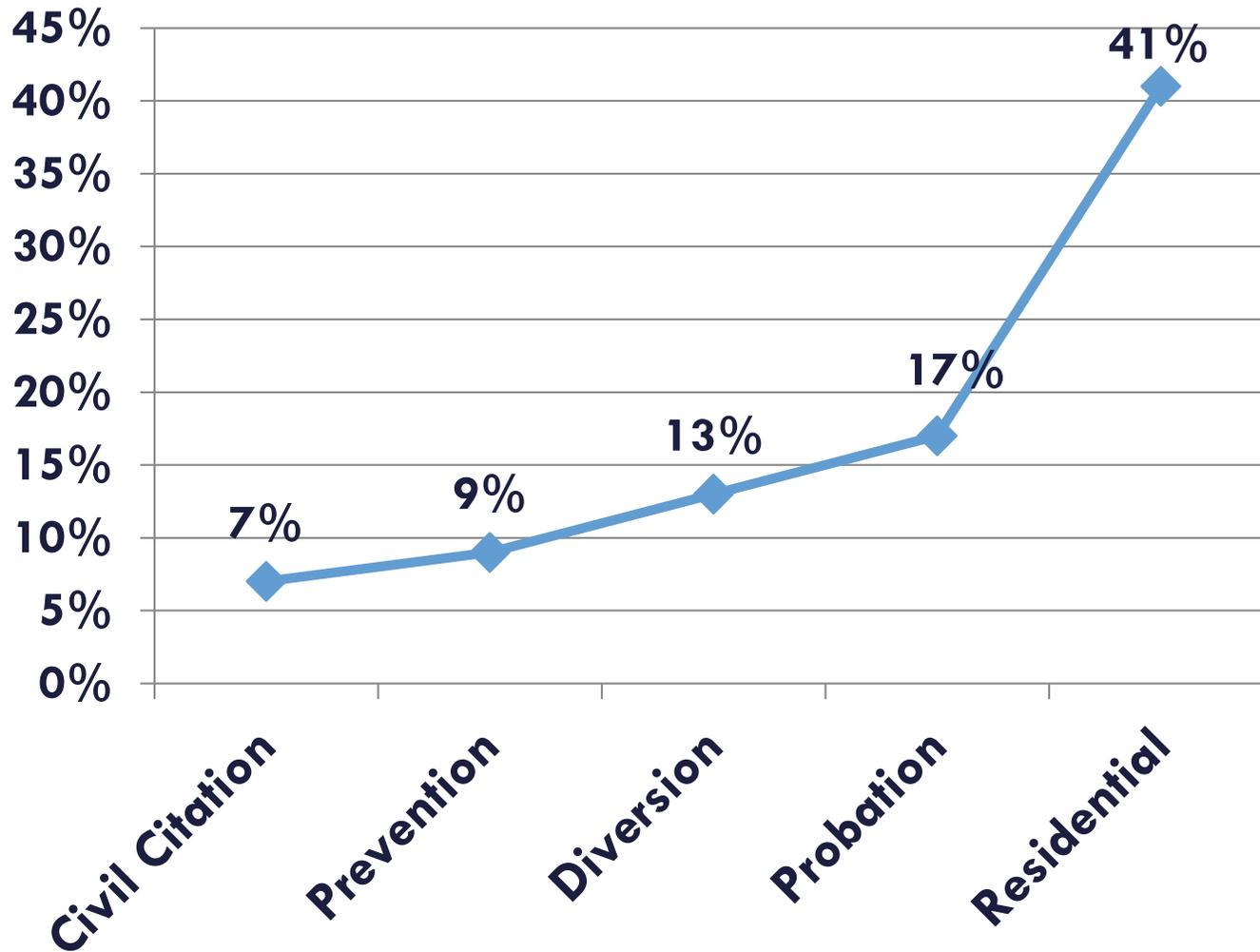
Assessment

-  Developed an assessment tool to specifically identify risk factors for Civil Citation youth



Florida Civil Citation Initiative

FY 2010-11 12-Month Recidivism



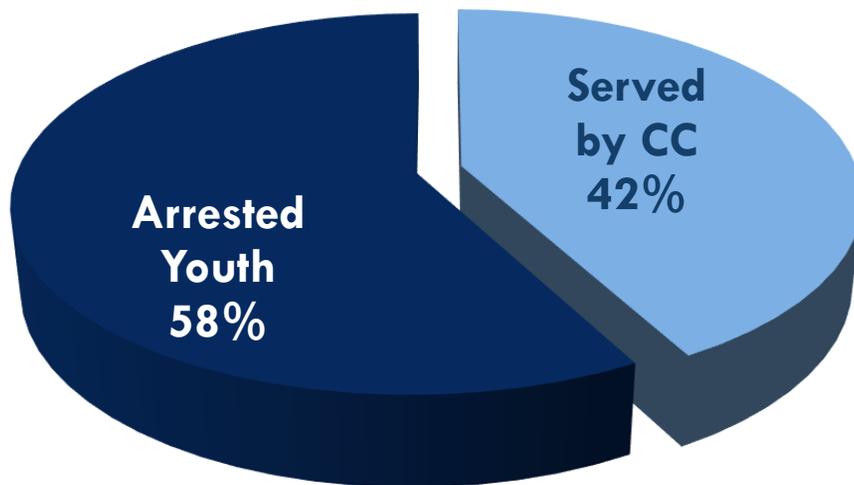
Civil Citation gives youth the best rate of success in the DJJ continuum of services.



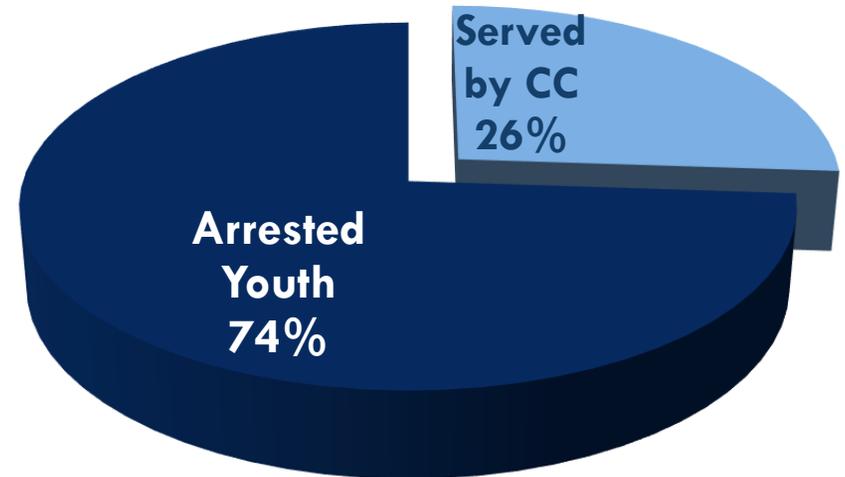
Florida Civil Citation Initiative

14

School referrals



Community Referrals



Statewide Goal: Provide Equal Access to Eligible Youth in the schools and in the community

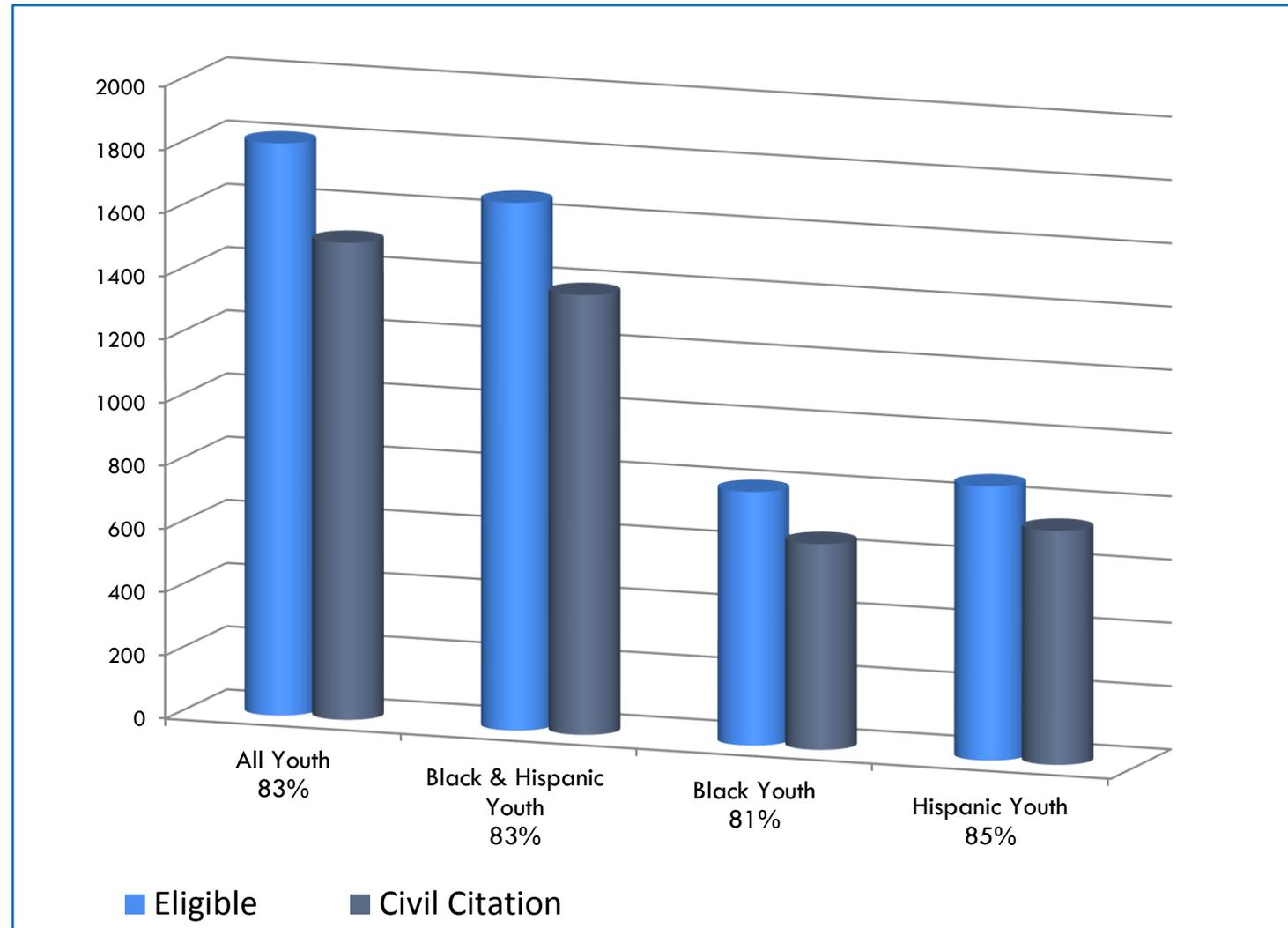


Florida Civil Citation Initiative

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Statewide Goal: Provide Equal Access to Eligible Youth as Achieved in Miami-Dade

Civil Citation
reduces
disproportionate
minority contact
when all youth
have equal
opportunity to
participate





Florida Civil Citation Initiative

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An alternative to arrest that provides swift and appropriate consequences for minor misdemeanor delinquent acts, improves youth outcomes, and saves taxpayer money by providing the right combination of services and sanctions, in the right place, at the right time, to care for each youth and keep the public safe.

Committee on Criminal Justice

CS/HB 997 — Juvenile Civil Citations

by Justice Appropriations Subcommittee and Rep. Pilon and others (CS/SB 1300 by Criminal Justice Committee and Senator Storms)

This bill requires juvenile civil citation programs or other similar diversion programs to be established at the local level. Currently, these local diversion programs are discretionary. The bill specifies that they may be operated by any number of entities, including law enforcement, the Department of Juvenile Justice (DJJ), a juvenile assessment center, the county or city, or an entity selected by the county or city. Unlike current law, only first-time juvenile misdemeanants will be eligible to participate in a civil citation program. (Current law allows second-time juvenile misdemeanants to participate.) The bill also provides that intervention services will be required during the civil citation program if a needs assessment determines such services are necessary.

Finally, the DJJ is required to encourage and assist with the implementation and improvement of civil citation programs or other similar diversion programs around the state. The DJJ must also develop guidelines for the civil citation program which include intervention services. The guidelines must be based on proven civil citation programs or other similar diversion programs within Florida.

If approved by the Governor, these provisions take effect July 1, 2011.

Vote: Senate 38-0; House 119-0

CHAPTER 2011-124

Committee Substitute for House Bill No. 997

An act relating to juvenile civil citations; amending s. 985.12, F.S.; requiring the Department of Juvenile Justice to encourage and assist in the implementation and improvement of civil citation and similar diversion programs; requiring that a juvenile civil citation or similar diversion program be established at the local level with the concurrence of the chief judge of the circuit and other designated persons; authorizing a law enforcement agency, the Department of Juvenile Justice, a juvenile assessment center, the county or municipality, or an entity selected by the county or municipality to operate the civil citation or similar diversion program; requiring the entity operating the program to be selected in consultation and agreement with the state attorney and the local law enforcement agencies; authorizing a law enforcement officer, upon making contact with a juvenile who admits to having committed a misdemeanor, to require participation in intervention services based upon an assessment of the needs of the juvenile; restricting eligibility of participants for the civil citation or similar diversion program to first-time misdemeanor offenders unless the participation is approved by the state attorney or assistant state attorney; requiring the agency operating the program to report on the outcome to the Department of Juvenile Justice at the conclusion of a youth's civil citation or similar diversion program; providing that the issuance of a civil citation is not considered a referral to the department; requiring the department to develop guidelines for the civil citation program which include intervention services that are based upon proven civil citation or similar diversion programs within the state; requiring a juvenile probation officer to process the original delinquent act as a referral to the department in specified circumstances and to refer certain reports to the state attorney for review; providing an effective date.

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

Section 1. Section 985.12, Florida Statutes, is amended to read:

985.12 Civil citation.—

(1) There is established a juvenile civil citation process for the purpose of providing an efficient and innovative alternative to custody by the Department of Juvenile Justice ~~for~~ of children who commit nonserious delinquent acts and to ensure swift and appropriate consequences. The department shall encourage and assist in the implementation and improvement of civil citation programs or other similar diversion programs around the state. ~~The civil citation or similar diversion program shall~~ may be established at the local level with the concurrence of the chief judge of the circuit, state attorney, public defender, and the head of each local law enforcement agency involved. The program may be operated by an entity such as a law enforcement agency, the department, a juvenile assessment center, the

county or municipality, or some other entity selected by the county or municipality. An entity operating the civil citation or similar diversion program must do so in consultation and agreement with the state attorney and local law enforcement agencies. Under such a juvenile civil citation or similar diversion program, any law enforcement officer, upon making contact with a juvenile who admits having committed a misdemeanor, may issue a civil citation and assess ~~assessing~~ not more than 50 community service hours, and ~~may~~ require participation in intervention services as indicated by an assessment of the appropriate to identified needs of the juvenile, including family counseling, urinalysis monitoring, and substance abuse and mental health treatment services. A copy of each citation issued under this section shall be provided to the department, and the department shall enter appropriate information into the juvenile offender information system. Only first-time misdemeanor offenders are eligible for the civil citation or similar diversion program. At the conclusion of a juvenile's civil citation or similar diversion program, the agency operating the program shall report the outcome to the department. The issuance of a civil citation is not considered a referral to the department.

(2) The department shall develop guidelines for the civil citation program which include intervention services that are based upon proven civil citation or similar diversion programs within the state.

~~(3)~~(2) Upon issuing such citation, the law enforcement officer shall send a copy to the county sheriff, state attorney, the appropriate intake office of the department, or the community service performance monitor designated by the department, the parent or guardian of the child, and the victim.

~~(4)~~(3) The child shall report to the community service performance monitor within 7 working days after the date of issuance of the citation. The work assignment shall be accomplished at a rate of not less than 5 hours per week. The monitor shall advise the intake office immediately upon reporting by the child to the monitor, that the child has in fact reported and the expected date upon which completion of the work assignment will be accomplished.

~~(5)~~(4) If the ~~child juvenile~~ fails to report timely for a work assignment, complete a work assignment, or comply with assigned intervention services within the prescribed time, or if the juvenile commits a ~~third or~~ subsequent misdemeanor, the law enforcement officer shall issue a report alleging the child has committed a delinquent act, at which point a juvenile probation officer shall process the original delinquent act as a referral to the department and refer the report to the state attorney for review ~~perform a preliminary determination as provided under s. 985.145.~~

~~(6)~~(5) At the time of issuance of the citation by the law enforcement officer, such officer shall advise the child that the child has the option to refuse the citation and to be referred to the intake office of the department. That option may be exercised at any time before ~~prior to~~ completion of the work assignment.

Section 2. This act shall take effect July 1, 2011.

Approved by the Governor June 2, 2011.

Filed in Office Secretary of State June 2, 2011.

TAB 2

THE FLORIDA SENATE

APPEARANCE RECORD

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

10/7/13

Meeting Date

Topic Crim Justice Costs

Bill Number N/A

Name Wansley Walters, ~~SECRETARY~~

Amendment Barcode N/A
(if applicable)

Job Title SECRETARY

(if applicable)

Address 2737 Centavice Dr Ste. 3207

Phone FD 800-777-2716

Street

City

TLH

FL
State

32344
Zip

E-mail _____

Speaking: For Against Information

Representing DJJ : presenting on Detention Cost Share / Civil Citation Implementation

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.

THE FLORIDA SENATE
APPEARANCE RECORD

DJJ
CIVIL
Citation

TAB 2

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

Meeting Date _____

Topic DJJ Civil Citation

Bill Number _____
(if applicable)

Name Jeanne Howard

Amendment Barcode _____
(if applicable)

Job Title Assistant State Attorney

Address 401 N. Dixie Hwy

Phone 561-355-2272

Street

West Palm Beach, FL 33401

E-mail jhoward@sal5.org

City

State

Zip

Speaking: For Against Information

Representing State Attorney Office

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No
government.

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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Department of Corrections



Capacity

Senate Criminal Justice

October 7, 2013

James Upchurch
Assistant Secretary of Institutions

Capacity



Total Capacity (October 2013)	114,995
Closed Facilities – Not Retained for Reopening	<u>(5,768)</u>
Adjusted Total Capacity	109,227
1% Parole Commission Notification	<u>(1,092)</u>
Net Capacity (October 2013)	108,135

Department of Corrections



Questions

Committee on Criminal Justice

SB 524 — Restraint of Incarcerated Pregnant Women

by Senators Joyner and Bullard

This bill creates the “Healthy Pregnancies for Incarcerated Women Act.” It generally prohibits the use of restraints during labor, delivery, or postpartum recovery on women who are known to be pregnant and who are incarcerated in a state, local, or privately-operated adult or juvenile facility. However, exceptions are allowed on an individual basis as determined to be required by correctional officers or officials for security reasons. The bill also sets standards for restraint of pregnant prisoners during the third trimester of pregnancy. Any restraint must be done in the least restrictive manner necessary to mitigate the possibility of adverse clinical consequences.

The bill includes several administrative provisions:

1. A woman who is restrained in violation of the bill’s provisions can file a grievance with the correctional institution in addition to pursuing any other remedies available under state or federal law for harm caused by the use of restraints;
2. Any exception must be documented in writing and kept on file for a period of 5 years;
3. The Department of Corrections and the Department of Juvenile Justice must adopt rules to administer the new law; and
4. Each correctional institution must inform female prisoners of the rules and post the policies in the institution where they will be seen by female prisoners.

This bill creates an undesignated section of the Florida Statutes.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 114-1

CHAPTER 2012-41

Senate Bill No. 524

An act relating to the restraint of incarcerated pregnant women; providing a short title; defining terms; prohibiting use of restraints on a prisoner known to be pregnant during labor, delivery, and postpartum recovery unless a corrections official makes an individualized determination that the prisoner presents an extraordinary circumstance requiring restraints; authorizing an officer to apply restraints after consulting with medical staff; requiring that any restraint applied must be done in the least restrictive manner necessary; requiring the corrections official to make written findings as to the extraordinary circumstance requiring restraints; restricting the use of certain restraints during the third trimester of pregnancy unless there are significant security concerns documented by the department or correctional institution; requiring that the findings be kept on file by the department or correctional institution for at least 5 years; authorizing any woman who is restrained in violation of the act to file a grievance within a specified period; providing that these remedies do not prevent a woman harmed through the use of restraints from filing a complaint under federal or state law; directing the Department of Corrections and the Department of Juvenile Justice to adopt rules; requiring correctional institutions to inform female prisoners of the rules upon admission, include the policies and practices in the prisoner handbook, and post the policies and practices in the correctional institution; providing an effective date.

WHEREAS, restraining a pregnant prisoner can pose undue health risks and increase the potential for physical harm to the woman and her pregnancy, and

WHEREAS, the vast majority of female prisoners in this state are nonviolent offenders, and

WHEREAS, the impact of such harm to a pregnant woman can negatively affect her pregnancy, and

WHEREAS, freedom from physical restraints is especially critical during labor, delivery, and postpartum recovery after delivery as women often need to move around during labor and recovery, including moving their legs as part of the birthing process, and

WHEREAS, restraints on a pregnant woman can interfere with the medical staff's ability to appropriately assist in childbirth or to conduct sudden emergency procedures, and

WHEREAS, the Federal Bureau of Prisons, the United States Marshals Service, the American Correctional Association, the American College of Obstetricians and Gynecologists, and the American Public Health Association all oppose restraining women during labor, delivery, and postpartum

recovery because it is unnecessary and dangerous to a woman's health and well-being, NOW, THEREFORE

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

Section 1. Shackling of incarcerated pregnant women.—

(1) SHORT TITLE.—This section may be cited as the “Healthy Pregnancies for Incarcerated Women Act.”

(2) DEFINITIONS.—As used in this section, the term:

(a) “Correctional institution” means any facility under the authority of the department or the Department of Juvenile Justice, a county or municipal detention facility, or a detention facility operated by a private entity.

(b) “Corrections official” means the official who is responsible for oversight of a correctional institution, or his or her designee.

(c) “Department” means the Department of Corrections.

(d) “Extraordinary circumstance” means a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the prisoner, the staff of the correctional institution or medical facility, other prisoners, or the public.

(e) “Labor” means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.

(f) “Postpartum recovery” means, as determined by her physician, the period immediately following delivery, including the recovery period when a woman is in the hospital or infirmary following birth, up to 24 hours after delivery unless the physician after consultation with the department or correctional institution recommends a longer period of time.

(g) “Prisoner” means any person incarcerated or detained in any correctional institution who is accused of, convicted of, sentenced for, or adjudicated delinquent for a violation of criminal law or the terms and conditions of parole, probation, community control, pretrial release, or a diversionary program. For purposes of this section, the term includes any woman detained under the immigration laws of the United States at any correctional institution.

(h) “Restraints” means any physical restraint or mechanical device used to control the movement of a prisoner's body or limbs, including, but not limited to, flex cuffs, soft restraints, hard metal handcuffs, a black box, chubb cuffs, leg irons, belly chains, a security or tether chain, or a convex shield.

(3) RESTRAINT OF PRISONERS.—

(a) Restraints may not be used on a prisoner who is known to be pregnant during labor, delivery, and postpartum recovery, unless the corrections official makes an individualized determination that the prisoner presents an extraordinary circumstance, except that:

1. The physician may request that restraints not be used for documentable medical purposes. The correctional officer, correctional institution employee, or other officer accompanying the pregnant prisoner may consult with the medical staff; however, if the officer determines there is an extraordinary public safety risk, the officer is authorized to apply restraints as limited by subparagraph 2.

2. Under no circumstances shall leg, ankle, or waist restraints be used on any pregnant prisoner who is in labor or delivery.

(b) If restraints are used on a pregnant prisoner pursuant to paragraph (a):

1. The type of restraint applied and the application of the restraint must be done in the least restrictive manner necessary; and

2. The corrections official shall make written findings within 10 days after the use of restraints as to the extraordinary circumstance that dictated the use of the restraints. These findings shall be kept on file by the department or correctional institution for at least 5 years.

(c) During the third trimester of pregnancy or when requested by the physician treating a pregnant prisoner, unless there are significant documentable security reasons noted by the department or correctional institution to the contrary that would threaten the safety of the prisoner, the unborn child, or the public in general:

1. Leg, ankle, and waist restraints may not be used; and

2. If wrist restraints are used, they must be applied in the front so the pregnant prisoner is able to protect herself in the event of a forward fall.

(d) In addition to the specific requirements of paragraphs (a)-(c), any restraint of a prisoner who is known to be pregnant must be done in the least restrictive manner necessary in order to mitigate the possibility of adverse clinical consequences.

(4) ENFORCEMENT.—

(a) Notwithstanding any relief or claims afforded by federal or state law, any prisoner who is restrained in violation of this section may file a grievance with the correctional institution, and be granted a 45-day extension if requested in writing pursuant to rules promulgated by the correctional institution.

(b) This section does not prevent a woman harmed through the use of restraints under this section from filing a complaint under any other relevant provision of federal or state law.

(5) NOTICE TO PRISONERS.—

(a) By September 1, 2012, the department and the Department of Juvenile Justice shall adopt rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer this section.

(b) Each correctional institution shall inform female prisoners of the rules developed pursuant to paragraph (a) upon admission to the correctional institution, including the policies and practices in the prisoner handbook, and post the policies and practices in locations in the correctional institution where such notices are commonly posted and will be seen by female prisoners, including common housing areas and medical care facilities.

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

Approved by the Governor April 6, 2012.

Filed in Office Secretary of State April 6, 2012.

Tab 3

THE FLORIDA SENATE
APPEARANCE RECORD

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

10/7/13
Meeting Date

Topic Pregnant Inmates

Bill Number N/A
(if applicable)

Name Mike Crews

Amendment Barcode _____
(if applicable)

Job Title Secretary

Address 501 S. Calhoun St.

Phone 850-717-3046

Tallahassee FL 32399
City State Zip

E-mail crews.mike@mail.dc.state.fl.us

Speaking: For Against Information

Representing Department of Corrections

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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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Tab 3

THE FLORIDA SENATE
APPEARANCE RECORD

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

10/7/13

Meeting Date

Topic Bed Capacity

Bill Number N/A
(if applicable)

Name James Upchurch

Amendment Barcode _____
(if applicable)

Job Title Asst. Secretary of Institutions

Address 501 S. Calhoun St.

Phone 850-717-3046

Tallahassee FL 32399
Street City State Zip

E-mail upchurch.james@
mail.dc.state.fl.us

Speaking: For Against Information

Representing Department of Corrections

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)

CourtSmart Tag Report

Room: LL 37
Caption: Senate Criminal Justice

Case:
Judge:

Type:

Started: 10/7/2013 4:03:50 PM

Ends: 10/7/2013 5:31:53 PM

Length: 01:28:04

4:03:52 PM Quorum present
4:05:31 PM Sec. Crews with DOC - Pregnancy for Incarcerated Women Act - Prohibits use of restraints during delivery, etc.
4:06:42 PM Allows for some discretion if it is necessary - as of now, no instances
4:07:01 PM Posting in institutions so inmates are fully aware of new law relating to restraint devices - 33 pregnancies so far
4:09:11 PM Mr. James Upchurch DOC, Assistant Sec. of Institution - Total Capacity 114, 995 bed space
4:12:57 PM Sen. Evers - How many inmates in the DOC - 100,760 What is the net capacity in excess? approx. 7000 beds
4:14:06 PM How much excess capacity? Furnish members with list of facilities that has not opened (new) and closed facilities
4:15:37 PM How many units that were retained? List of locations and counties for geographical sense were the beds are located
4:16:37 PM What measures are being taken to maintain and secure facilities that are "in moth balls"?
4:18:03 PM Six are fully operational if needed. 120 days if staffing, etc. is needed. In case of Hurricane can open immediately.
4:19:17 PM Do you have more folks that want a faith based and character based prison than you have available?
4:20:19 PM Do you have any idea how many inmates are waiting to move to that type of institution?
4:21:04 PM Senator Dean-Classification and incidence reports determine if they can be put into a faith based and character program
4:23:58 PM Senator Evers-Any issues with regards to capacity to house female inmates? Not at this point
4:24:24 PM Next five years inmate population is estimated to rise? Yes, by Sept. 2015 they would need all of the beds in stock.
4:25:15 PM Breakdown on closed facilities and new facilities on the number of beds requested by Senator Evers.
4:25:54 PM Sen. Evers - Looking to generate revenue. Sec. Crews - Consider staffing pro
4:26:57 PM Sen. Evers - Looking to generate revenue. Sec. Crews - Consider staffing prior to opening closed facilities
4:30:59 PM Sen. Gibson - Anticipated beds the percentage or number would be new inmates coming in or violations coming back
4:33:14 PM Secretary Walters, Dep. of JJ - Detention Cost Share and Medicaid brought us to a deficit.
4:34:14 PM We want to develop a plan in an effort to ensure that the deficit doesn't impact the direction the Leg. wants to move in.
4:37:02 PM Loss of Medicaid Funding - Children in nonsecure places were considered in secure places by Feds harming Medicaid pay
4:38:51 PM Sen. Smith - County is filing several challenges. Is Dept. filing any challenges to that? Trying to work with counties to develop
4:39:36 PM solution and get out of the litigations. How are the negotiations going with the counties?
4:41:41 PM Are you looking on a plan going forward or retroactively? Answer - How to move forward at this point.
4:42:18 PM Senator Gibson - In terms of the savings with the delay of contracts what are they? Major statewide pertaining to aftercare kid
4:43:42 PM Are the kids getting the aftercare services? How much of the deficit is contributable to the deficit? Info to come
4:44:25 PM Are there any children that will not be getting aftercare services? Hopefully not, but, always a possibility.
4:45:43 PM Florida Civil Citation Initiative - First time misdemeanors, locally owned in partnership with DJJ. Flexible as possible.
4:47:02 PM This is in leau of an arrest by a juvenile. 94% children successfully complete and do not repeat.
4:50:19 PM 17 counties use civil citation. Escambia, Duval, Orange are some of the counties.
4:55:42 PM Senator Gibson - The State Attorney does not embrace the use of the Civil Citation. She wants mandatory civil citation
4:56:42 PM for all first time offenders. The Sec. shows caution. However, they are seeing more people taking advantage of this.
4:57:50 PM Senator Smith - compliments the Secretary.

5:00:08 PM Senator Simmons - How extensive is the program and how beneficial is it. 51 counties participating
5:01:08 PM It is making a lot of progress. What about the other counties what is the percentage? The Sec. will get county by county info
5:03:21 PM Senator Gibson - The numbers that we get in the County usage include percentages, etc.
5:04:42 PM Jeanne Howard, Asst. State Attorney - DJJ Civil Citation - WPB Florida
5:07:15 PM Senator Simmons - Do you have any idea of the demographic breakdown on the children?
5:08:36 PM Can you get the racial and economic breakdown of the children? Probably racial not sure of economic.
5:10:55 PM Senator Gibson - In terms how do your kids get referred to the program? Juvenile offender officers does a record check
5:11:58 PM and if they believe that is a case of first offender it gets referred to the program.
5:15:34 PM Donna Uzzell, FDLE, Director of Criminal Justice Information Services - Purchases of Firearms by Mentally Ill persons
5:24:57 PM Firearm Purchase Program. - Discussion of plan since the law became effective on July 1, 2013.
5:28:17 PM Nevin Smith, PHD, Dept. of Children and Families, Asst. Sec. Mental Health and Substance Abuse.
5:29:22 PM John Bryant, Florida Council for Community Mental Health - Thanks everyone for their cooperation implementing the bill
5:30:19 PM Randy Long, Florida Association of Court Clerks and Eric Maclure, Office of the State Cts. are there to answer any questions.
5:31:27 PM Senator Dean moves we rise.