<table>
<thead>
<tr>
<th>Tab 1</th>
<th>SB 146 by Bean (CO-INTRODUCERS) Bradley; (Identical to H 00057) Appointment of Attorneys for Dependent Children with Special Needs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tab 2</td>
<td>CS/SB 152 by JU, Steube (CO-INTRODUCERS) Grimsley; (Identical to CS/H 00055) Sale of Firearms</td>
</tr>
<tr>
<td>Tab 3</td>
<td>SB 222 by Bean; (Identical to H 00275) Guardian Ad Litem Direct-support Organization</td>
</tr>
<tr>
<td>Tab 4</td>
<td>CS/SB 484 by CJ, Bradley; Sentencing</td>
</tr>
</tbody>
</table>

600470 A S RCS ACJ, Brandes Delete L.67 - 123: 12/07 02:43 PM
### COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE**  
Senator Brandes, Chair  
Senator Bracy, Vice Chair

**MEETING DATE:** Thursday, December 7, 2017  
**TIME:** 9:00 a.m.—12:00 noon  
**PLACE:** Mallory Home Committee Room, 37 Senate Office Building  
**MEMBERS:** Senator Brandes, Chair; Senator Bracy, Vice Chair; Senators Baxley, Bean, Flores, Perry, and Rodriguez

<table>
<thead>
<tr>
<th>TAB</th>
<th>BILL NO. and INTRODUCER</th>
<th>BILL DESCRIPTION and SENATE COMMITTEE ACTIONS</th>
<th>COMMITTEE ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SB 146 Bean</td>
<td>Appointment of Attorneys for Dependent Children with Special Needs; Designating this act as the “Pro Bono Matters Act of 2018”; requiring the payment of due process costs of litigation of all pro bono attorneys appointed to represent dependent children with certain special needs, subject to appropriations and review for reasonableness, etc.</td>
<td>Favorable</td>
</tr>
<tr>
<td></td>
<td>(Identical H 57)</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>JU 09/13/2017</td>
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<td>JU 10/24/2017 Favorable</td>
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<td>ACJ 12/07/2017 Favorable</td>
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<td></td>
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<td>AP</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>CS/SB 152 Judiciary / Steube</td>
<td>Sale of Firearms; Requiring Department of Law Enforcement procedures to allow the payment or transmittal of processing fees for criminal history checks of potential firearms buyers by electronic means; providing that criminal history check requests by licensed importers, manufacturers, and dealers to the department may be made by electronic means, etc.</td>
<td>Favorable</td>
</tr>
<tr>
<td></td>
<td>(Identical CS/H 55)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>JU 11/07/2017 Fav/CS</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>ACJ 12/07/2017 Favorable</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>AP</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>SB 222 Bean</td>
<td>Guardian Ad Litem Direct-support Organization; Abrogating the future repeal of provisions related to the guardian ad litem direct-support organization, etc.</td>
<td>Favorable</td>
</tr>
<tr>
<td></td>
<td>(Identical H 275, H 6021)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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<td>CF 10/09/2017 Favorable</td>
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<td>ACJ 12/07/2017 Favorable</td>
<td></td>
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<td></td>
<td></td>
<td>AP</td>
<td></td>
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<tr>
<td>Bill</td>
<td>Number</td>
<td>Introducer</td>
<td>Description</td>
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<td>------</td>
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<td>-------------</td>
</tr>
<tr>
<td>4</td>
<td>CS/SB 484</td>
<td>Criminal Justice / Bradley</td>
<td>Sentencing: Authorizing a court to sentence offenders to a county jail for up to 24 months under certain circumstances for offenses committed after a specified date; prohibiting an offender from receiving gain-time or other sentence credit that would result in the offender serving less than 85 percent of his or her sentence; providing that contracts are contingent upon an appropriation, etc.</td>
</tr>
</tbody>
</table>

5 Presentation of the Policy Recommendations from the Crime and Justice Institute

6 Discussion of the report by the Project on Accountable Justice (Florida State University): "Florida Criminal Justice Reform: Understanding the Challenges and Opportunities"

7 Presentation on Governor's Fiscal Year 2018-2019 Budget Recommendations:
   - The Department of Corrections
   - The Department of Juvenile Justice
   - The Department of Law Enforcement
   - The Department of Legal Affairs/Attorney General
   - The Florida Commission on Offender Review
   - State Courts
   - Public Defenders
   - State Attorneys
   - Regional Conflict Counsels
   - Statewide Guardian Ad Litem
   - Capital Collateral Regional Counsels
   - Justice Administrative Commission

Other Related Meeting Documents
I. **Summary:**

SB 146 authorizes the payment of certain due process costs when a court-appointed pro bono attorney represents a dependent child with special needs. These due process costs are the costs of court reporting and transcriptions, expert witnesses, mental health professionals, reasonable pretrial consultation fees and costs, and certain travel expenses.

Currently, a court-appointed pro bono attorney is not entitled to funds for due process costs. In contrast, a private court-appointed attorney who is paid for his or her services in these cases is permitted to access due process costs. Under the bill, the Justice Administrative Commission will review and pay due process costs for pro bono attorneys as it does for compensated attorneys under current law.

The bill is expected to increase the need for funding for due process costs associated with children with special needs represented by pro bono attorneys. Indirectly, this bill may reduce the need for funding relating to attorney fees if more pro bono attorneys are willing to represent children with special needs when due process costs are borne by the state.

The bill will take effect upon becoming law.

II. **Present Situation:**

**Legal Representation for Dependent Children with Special Needs**

In 2014, the Legislature determined that a dependent child with certain special needs is entitled to legal representation during all phases of a dependency case. This legal representation begins as early as when the child is removed from the home or the initial appointment is made and

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1 Pro bono is from the Latin phrase *pro bono publico* meaning “for the public good” and has come to mean uncompensated legal services performed for the public good. *BLACK’S LAW DICTIONARY* 1220 (10th ed. 2014).
continues through any appellate proceedings. The continuous legal representation permits the attorney to address the child’s medical and related needs and ensures that the appropriate services and supports are obtained for the child to live successfully in the community.²

**Dependent Children with Special Needs³**

Section 39.01305(3), F.S., requires the court to appoint an attorney to represent a dependent child with certain special needs. A child has a qualifying special need if the child:

- Resides in a skilled nursing facility or is being considered for placement in a skilled nursing home;
- Is prescribed, but does not take, a psychotropic medication;
- Is diagnosed with a developmental disability;⁴
- Is being placed or considered for placement in a residential treatment center; or
- Is a victim of human trafficking.⁵

**Procedure for Appointing an Attorney**

The statutes establish priorities for selecting a court-appointed attorney to represent a dependent special needs child. In an effort to minimize expenses to the state, a pro bono attorney must first be sought to represent the child before a paid attorney or organization may be requested.

The court must request initially the Statewide Guardian Ad Litem Office to recommend an attorney who is willing to serve without compensation. If a pro bono attorney is available to serve within 15 days after the court’s request, the court must appoint that attorney, thereby avoiding costs.⁶ However, if the Statewide Guardian Ad Litem office is unable to recommend an attorney within the 15-day period, the court may appoint a compensated attorney within that time period.⁷ Once the court appoints an attorney, the appointment continues until the attorney is permitted to withdraw, is discharged by the court, or the case is dismissed.⁸

An attorney or legal aid organization willing to serve for compensation is selected from a registry of names maintained by the chief judge in the circuit. These attorneys and organizations must be adequately compensated and provided with access to funding for expert witnesses, depositions, and other costs of litigation. The legal fees and compensation for litigation costs are

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² Section 39.01305(1)(a)2., F.S.
³ Staff attempted to determine the current number of children who are classified as a “dependent child with disabilities.” The information is not available from the Department of Children and Families. This number fluctuates regularly as children come in and out of care. However, recent data, collected at various times, has stated that approximately 12 children were in skilled nursing facilities, 265 children were diagnosed with developmental disabilities, and 130 children were in residential treatment centers. Staff was unable to discern how many children were not taking prescribed psychotropic medication or were victims of human trafficking.
⁴ A developmental disability is a disorder or syndrome attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely. s. 393.063(12), F.S.
⁵ Section 787.06(2)(d), F.S., defines human trafficking as the transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person to exploit that person.
⁶ Section 39.01305(4)(a), F.S.
⁷ Id.
⁸ Section 39.01305(4)(b), F.S.
subject to appropriations and subject to review by the Justice Administrative Commission\textsuperscript{9} for reasonableness. The attorney fees may not exceed $1,000 per year per child.\textsuperscript{10} There is no statutory cap on the amount of due process costs that may be expended in a particular case. However, the funds to cover those costs, along with attorney fees, is subject to legislative appropriation expressly for those purposes.\textsuperscript{11}

**Due Process Costs**

These litigation costs are often referred to as “due process costs” and are defined to include the costs of court reporting and transcripts, witnesses, mental health professionals, reasonable pretrial consultation fees and costs, and certain travel expenses.\textsuperscript{12} The attorney who serves for compensation is paid for his or her legal services, and the accompanying due process costs are reviewed and paid by the Justice Administrative Commission. In contrast, there is no statutory authority to pay the due process costs incurred when a pro bono attorney is involved. Accordingly, the pro bono attorney is not paid for his or her legal services, and the attendant costs are not paid by the Justice Administrative Commission.

The Justice Administrative Commission\textsuperscript{13} reports the following fiscal year payments for due process costs and attorney fees for dependent children with special needs:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Due Process Costs</th>
<th>Attorney Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014-2015</td>
<td>$6,402</td>
<td>$761,024</td>
</tr>
<tr>
<td>2015-2016</td>
<td>$3,606</td>
<td>$1,133,682</td>
</tr>
<tr>
<td>2016-2017</td>
<td>$16,998</td>
<td>$1,642,510</td>
</tr>
<tr>
<td>Total</td>
<td>$27,006</td>
<td>$3,537,216</td>
</tr>
</tbody>
</table>

**III. Effect of Proposed Changes:**

SB 146 authorizes a court-appointed pro bono attorney who represents a dependent child with special needs to receive funding for due process costs. Payment of the case-related due process costs is subject to appropriations and review by the Justice Administration Commission.

The bill takes effect upon becoming a law.

\textsuperscript{9} The Justice Administrative Commission administratively serves the offices of the state attorneys, public defenders, and other judicial-related offices. The commission processes accounting, budget, financial, and human resource transactions for these offices. The commission also processes bills for services provided by private court-appointed attorneys who represent indigent defendants as well as for associated due process service vendors such as court reporters, investigators, and expert witnesses. According to commission staff, due process costs in private court-appointed cases may either be paid directly to the due process service provider or paid by the attorney and then reimbursed by the commission.

\textsuperscript{10} Section 39.01305(5), F.S.

\textsuperscript{11} Section 39.01305(9), F.S.

\textsuperscript{12} Section 29.007(3)-(7), F.S.

\textsuperscript{13} Justice Administration Commission, *Children With Special Needs - Cases Appointed and Payment by Fiscal Year as of September 8, 2017* (on file with the Senate Committee on Judiciary).
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:

A pro bono attorney currently paying due process costs from the attorney’s own resources may enjoy savings to the extent such due process costs will now be paid by the Justice Administrative Commission.

C. Government Sector Impact:

The bill is expected to increase the need for funding for due process costs associated with children with special needs represented by pro bono attorneys.

Indirectly, this bill may reduce the need for funding relating to attorney fees if more pro bono attorneys are willing to represent children with special needs when due process costs are borne by the state.\(^\text{14}\)

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 39.01305 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of 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.
A bill to be entitled An act relating to appointment of attorneys for dependent children with special needs; providing a short title; amending s. 39.01305, F.S.; requiring the payment of due process costs of litigation of all pro bono attorneys appointed to represent dependent children with certain special needs, subject to appropriations and review for reasonableness; providing an effective date.

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

Section 1. This act shall be called the "Pro Bono Matters Act of 2018."

Section 2. Subsection (5) of section 39.01305, Florida Statutes, is amended to read:

39.01305 Appointment of an attorney for a dependent child with certain special needs.—
(5) Unless the attorney has agreed to provide pro bono services, an appointed attorney or organization must be adequately compensated. All appointed attorneys and organizations, including pro bono attorneys, must be provided with access to funding for expert witnesses, depositions, and other due process costs of litigation. Payment of attorney fees and case-related due process costs are to an attorney is subject to appropriations and subject to review by the Justice Administrative Commission for reasonableness. The Justice Administrative Commission shall contract with attorneys appointed by the court. Attorney fees may not exceed $1,000 per child per year.

Section 3. This act shall take effect upon becoming a law.
To: Senator Jeff Brandes, Chair
    Appropriations Subcommittee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: November 6, 2017

I respectfully request that Senate Bill #146, relating to Appointment of Attorneys for Dependent Children with Special Needs, be placed on the:

☐ committee agenda at your earliest possible convenience.
☒ next committee agenda.

Senator Aaron Bean
Florida Senate, District 4

File signed original with committee office
THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date: 12-7-17

Bill Number (if applicable): 146 - Pro Bond Matter

222 - 050

Amendment Barcode (if applicable):

Topic: Pro Bond Matters 050

Name: ALAN ABRAMOVITZ

Job Title: Executive Director

Address:

GUS CALITOWN

Tallahassee 32302

City: Tallinn

State: FL

Zip: 32302

Phone: 850-241-5252

Email: Alan.Mowry@Gulfcoast.org

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against

(The Chair will read this information into the record.)

Representing: GUARDIAN AD LITEM PRO SE

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

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

Meeting Date 12-7-2017

Bill Number (if applicable) 146

Amendment Barcode (if applicable)

Topic

Name Brian Pitts

Job Title Trustee

Address 1117 Newton Ave S

Phone 727/877-9291

Email justice2jesus@yahoo.com

City St Petersburg

State FL

Zip 33705

Speaking: ☐ For ☐ Against ☑ Information

Representing Justice 2 Jesus

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

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 (10/14/14)
Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 152 requires the Florida Department of Law Enforcement (FDLE) to provide additional payment options to licensed firearm dealers, importers, and manufacturers when paying for criminal history record checks. Currently, the only payment methods authorized by administrative rule are personal checks, money orders, or cashier’s checks. The bill requires FDLE to establish, by rule, procedures that permit electronic payment or transmittal by debit cards, credit cards, or electronic funds transfers, but the payment methods are not limited solely to those options.

The bill also expands how firearms dealers may submit requests to FDLE for criminal history record checks. Currently, the law allows a licensed importer, manufacturer or dealer to submit requests by a toll-free telephone call. The bill allows a licensed importer, manufacturer or dealer to submit requests to FDLE by electronic means.

The FDLE indicates that it will absorb the costs it incurs implementing the provisions of this bill by diverting existing staff and resources.
II. Present Situation:

Statutory Procedure for Purchasing a Firearm

Before a potential buyer may purchase a firearm from a licensed importer, manufacturer, or dealer in this state, several statutory requirements must be met.

- The potential buyer must first fill out a background check form that is produced by the Federal Bureau of Alcohol, Tobacco, and Firearms.
- When the form is completed, the potential buyer must provide to the dealer a $5 non-refundable processing fee for a criminal history check and also submit a valid government issued form of identification.
- The dealer submits the background information either in a toll-free phone call to an operator at the Florida Department of Law Enforcement Firearm Purchase Program or electronically to the program’s website. The Firearm Purchase Program is operational from 9:00 a.m. to 9:00 p.m. each day of the year except Christmas and New Year’s Day.
- FDLE makes a determination, based upon the criminal history background check, whether the potential buyer is eligible to purchase the firearm. FDLE must issue a transaction identification number to the dealer and a decision on whether the potential buyer is permitted to purchase a weapon. This dealer must then record that information on the buyer’s background check form. Multiple weapons may be transferred in a single transaction. Accordingly, it is not necessary for a potential buyer to submit a separate form and pay an additional processing fee for each firearm transfer if several are made at that same time.

FDLE reports that there are currently 3,761 licensed firearm dealers in its database. Some dealers are large, interstate sporting goods stores, while some are small family businesses.

The $5 Fee for Processing a Criminal History Background Check

FDLE is permitted to collect a fee of no more than $8 from the potential buyer to cover the cost of processing the criminal history check. FDLE currently charges $5 to process a criminal history check. Procedurally, FDLE hand processes and mails each licensed firearm dealer an invoice each month stating how much money is due. The dealer then sends a personal check, money order, or cashier’s check to the Department of Revenue. There is currently no statutory authorization for a licensed dealer to pay these invoices electronically.

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1 Florida Administrative Rule 11C-6.009(1), Sale and Delivery of Firearms, uses the term “federally licensed firearm dealer” to include licensed firearm importers, licensed firearm manufacturers, and licensed firearm dealers. For ease of description in this analysis, the term “dealer” is used to also include importers and manufacturers.
4 Email from Brenda Johnson, FDLE Office of External Affairs (Nov. 1, 2017) (on file with the Senate Committee on Judiciary).
5 Section 790.065(1)(a)2., F.S.
Criminal History Background Checks Performed in Recent Years

FDLE reports that 772,891 background checks were performed between January 2 and October 29, 2017. The table below shows the number of background checks performed in years 2010-2016.

<table>
<thead>
<tr>
<th>Year</th>
<th>Background Checks</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>531,845</td>
</tr>
<tr>
<td>2011</td>
<td>606,655</td>
</tr>
<tr>
<td>2012</td>
<td>797,610</td>
</tr>
<tr>
<td>2013</td>
<td>869,560</td>
</tr>
<tr>
<td>2014</td>
<td>774,363</td>
</tr>
<tr>
<td>2015</td>
<td>885,086</td>
</tr>
<tr>
<td>2016</td>
<td>1,037,483</td>
</tr>
</tbody>
</table>

Invoices Mailed and Revenue Received

The table below shows the number of invoices mailed and the revenue received by the FDLE Firearm Purchase Program for Fiscal Year 2016-2017.

<table>
<thead>
<tr>
<th>Month</th>
<th>Invoices Mailed</th>
<th>Revenue Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>2,071</td>
<td>$520,092</td>
</tr>
<tr>
<td>August</td>
<td>2,050</td>
<td>487,685</td>
</tr>
<tr>
<td>September</td>
<td>2,020</td>
<td>442,541</td>
</tr>
<tr>
<td>October</td>
<td>2,016</td>
<td>376,299</td>
</tr>
<tr>
<td>November</td>
<td>2,069</td>
<td>438,117</td>
</tr>
<tr>
<td>December</td>
<td>2,123</td>
<td>336,219</td>
</tr>
<tr>
<td>January</td>
<td>2,021</td>
<td>376,710</td>
</tr>
<tr>
<td>February</td>
<td>2,043</td>
<td>484,297</td>
</tr>
<tr>
<td>March</td>
<td>2,084</td>
<td>373,384</td>
</tr>
<tr>
<td>April</td>
<td>2,001</td>
<td>390,330</td>
</tr>
<tr>
<td>May</td>
<td>1,999</td>
<td>435,183</td>
</tr>
<tr>
<td>June</td>
<td>1,984</td>
<td>462,313</td>
</tr>
<tr>
<td></td>
<td>24,481</td>
<td>$5,123,170</td>
</tr>
</tbody>
</table>

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7 Email attachment from Brenda Johnson, FDLE Office of External Affairs (Oct. 31, 2017) (on file with the Senate Committee on Judiciary).
8 Email attachment from Brenda Johnson, FDLE Office of External Affairs (Oct. 31, 2017) (on file with the Senate Committee on Judiciary).
III. Effect of Proposed Changes:

This bill authorizes licensed firearm dealers, importers, and manufacturers to electronically submit payments when paying FDLE for criminal history record checks. The payment methods and associated procedures will be established by FDLE rules, but the rules must, at a minimum, allow for payments by debit and credit cards and electronic funds transfers.

The bill also allows firearms dealers to submit requests for criminal history record checks to FDLE by electronic means rather than only by calling the toll-free phone number. FDLE currently accepts the submission of electronic requests, so this statutory authorization essentially ratifies its current practice.

The bill takes effect October 1, 2018.

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:

   By allowing licensed firearm dealers to pay their invoices electronically, the dealers will save postage and paper that are currently used for checks and envelopes.

C. Government Sector Impact:

   The FDLE has indicated that it will cost $420,000 and take 13 months to implement the provisions of this bill. However, FDLE states that it can absorb the costs by diverting existing staff and resources. By reassigning resources, existing agency project timelines will be extended.9

9 Florida Department of Law Enforcement, 2018 FDLE Legislative Bill Analysis, SB 152 (Revised November 9, 2017).
FDLE notes in its bill analysis that it will need additional time to complete the transition to accepting electronic payments and recommends that the effective date of the bill be delayed to April 1, 2019 to accommodate these changes.\textsuperscript{10}

Many credit and debit card companies charge a vendor a specified percentage for completing each electronic transaction. Unless FDLE passes this convenience cost along to the dealers, FDLE may receive less money per transaction than when checks, money orders, and cashier’s checks are used and no merchant fee is charged.

VI. \textbf{Technical Deficiencies:}

None.

VII. \textbf{Related Issues:}

None.

VIII. \textbf{Statutes Affected:}

This bill substantially amends section 790.065 of the Florida Statutes.

IX. \textbf{Additional Information:}

A. \textit{Committee Substitute – Statement of Substantial Changes:}

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

\textbf{CS by Judiciary on November 7, 2017:}

The committee substitute allows firearms dealers to submit requests for criminal history record checks to FDLE by electronic means and delays the effective date of the bill by 3 months to October 1, 2018.

B. \textit{Amendments:}

None.

\textsuperscript{10} \textit{Id.} at 4.
A bill to be entitled
An act relating to the sale of firearms; amending s.
790.065, F.S.; requiring Department of Law Enforcement
procedures to allow the payment or transmittal of
processing fees for criminal history checks of
potential firearms buyers by electronic means;
providing that criminal history check requests by
licensed importers, manufacturers, and dealers to the
department may be made by electronic means; providing
an effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Paragraph (a) of subsection (1) of section
790.065, Florida Statutes, is amended to read:
790.065 Sale and delivery of firearms.—
(1)(a) A licensed importer, licensed manufacturer, or
licensed dealer may not sell or deliver from her or his
inventory at her or his licensed premises any firearm to another
person, other than a licensed importer, licensed manufacturer,
licensed dealer, or licensed collector, until she or he has:
1. Obtained a completed form from the potential buyer or
transferee, which form shall have been promulgated by the
Department of Law Enforcement and provided by the licensed
importer, licensed manufacturer, or licensed dealer, which shall
include the name, date of birth, gender, race, and social
security number or other identification number of such potential
buyer or transferee and has inspected proper identification
including an identification containing a photograph of the

Page 1 of 3
CODING: Words underlined are additions; words stricken are deletions.
may be used for the purpose of purchasing soft body armor for law enforcement officers.

3. Requested, by means of a toll-free telephone call or other electronic means, the Department of Law Enforcement to conduct a check of the information as reported and reflected in the Florida Crime Information Center and National Crime Information Center systems as of the date of the request.

4. Received a unique approval number for that inquiry from the Department of Law Enforcement, and recorded the date and such number on the consent form.

Section 2. This act shall take effect October 1, 2018.
November 7, 2017

The Honorable Jeff Brandes
Florida Senate
416 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Brandes,

I am writing this letter because my bill, SB 152: Sale of Firearms, has been referred to the Senate Appropriations Subcommittee on Criminal and Civil Justice. I am respectfully requesting that you place the bill on your committee’s calendar for the next committee week.

Thank you for your consideration. Please contact me if you have any questions.

Very respectfully yours,

W. Gregory Steube, District 23
THE FLORIDA SENATE

APPEARANCE RECORD

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

12/07/2017

Meeting Date

Topic  Sale of Firearms

Name  Marion P. Hammer

Job Title

Address  PO Box 1387

Street

Tallahassee  FL  32302

City  State  Zip

Phone  850-222-9518

Email

Speaking:  □ For  □ Against  □ Information

Waive Speaking:  □ In Support  □ Against

(The Chair will read this information into the record.)

Representing  National Rifle Association & Unified Sportsmen of Florida

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.
12-7-2017
Meeting Date

Topic

Name BRIAN PITS

Job Title Trustee

Address 1117 Newton Ave S.

Phone 727/897-9291

Email justice2jesus@yahoo.com

Street

City St Petersburg

State FL

Zip 33705

Speaking: □ For □ Against □ Information

Waive Speaking: □ In Support □ Against
(The Chair will read this information into the record.)

Representing Justice2Jesus

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 (10/14/14)
I. Summary:

SB 222 removes the scheduled repeal date for the law governing the Guardian ad Litem Foundation. The Foundation serves as a direct-support organization for the Statewide Guardian ad Litem Office.

The bill has no impact on state revenues or expenditures.

The bill takes effect upon becoming law.

II. Present Situation:

Citizen-Support Organizations and Direct-Support Organizations

Citizen-support organizations (CSOs) and direct-support organizations (DSOs) are statutorily created non-profit organizations¹ authorized to carry out specific tasks in support of public entities or public causes. The function and purpose of a CSO or DSO are prescribed by an enacting statute and a written contract with the agency the CSO or DSO was created to support.²

CSO and DSO Transparency and Reporting Requirements

In 2014, the Legislature created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for CSOs and DSOs.³ Specifically, the law requires each CSO and DSO to annually submit the following information to the appropriate agency by August 1:⁴

¹ Chapter 617, F.S.
³ Section 3, ch. 2014-96, L.O.F
⁴ Section 20.058(1), F.S.
• The name, mailing address, telephone number, and website address of the organization;
• The statutory authority or executive order that created the organization;
• A brief description of the mission of, and results obtained by, the organization;
• A brief description of the organization’s plans for the next three fiscal years;
• A copy of the organization’s code of ethics; and
• A copy of the organization’s most recent Internal Revenue Service (IRS) Form 990.5

Additionally, the information submitted annually by a CSO or DSO must be available on the respective agency’s website along with a link to the CSO or DSO’s website, if one exists.6 Any contract between an agency and a CSO or DSO must be contingent upon the CSO or DSO submitting the required information to the agency and posting the information on the agency’s website.7 The contract must include a provision for ending operations and returning state-issued funds to the state if the authorizing statute is repealed, the contract is terminated, or the organization is dissolved.8 If a CSO or DSO fails to submit the required information to the agency for two consecutive years, the agency head must terminate its contract with the CSO or DSO.9

By August 15 of each year, the agency must report to the Governor, President of the Senate, Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information submitted by each CSO or DSO along with the agency’s recommendation and supporting rationale to continue, terminate, or modify the agency’s association with the CSO or DSO.10

Any law creating, or authorizing the creation of a CSO or DSO must state that the authorization for the organization repeals on October 1 of the 5th year after enactment unless reviewed and reenacted by the Legislature. CSOs and DSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019.11

CSO and DSO Audit Requirements

Section 215.981, F.S., requires each CSO and DSO with annual expenditures in excess of $100,000 to provide for an annual financial audit of its accounts and records.12 The audit must be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General and the state agency that created, approved, or administers the DSO or CSO. The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the CSO or DSO supports. Additionally, the Auditor

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5 The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. 501. 26 C.F.R. 1.6033-2.
6 Section 20.058(2), F.S.
7 Section 20.058(4), F.S.
8 Chapter 2017-75, L.O.F.
9 Section 20.058(4), F.S.
10 Section 20.058(3), F.S.
11 Section 20.058(5), F.S.
12 The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Additionally, the expenditure threshold for an independent audit is $300,000 for a CSO or DSO for the Department of Environmental Protection and the Department of Agriculture and Consumer Services.
General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements of a CSO’s or DSO’s accounts and records.\footnote{Section 11.45(3), F.S.}

\textbf{CSO and DSO Ethics Code Requirement}

Section 112.3251, F.S., requires a CSO or DSO to adopt a code of ethics. The code of ethics must contain the specified standards of conduct and disclosures provided in ss. 112.313 and 112.3143(2), F.S.\footnote{Some of the standards of conduct and disclosures in ss. 112.313 and 112.3143(2), F.S., include misuse of public position, solicitation or acceptance of gifts, unauthorized compensation, and voting conflicts.} A CSO or DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must post its code of ethics on its website.\footnote{Section 112.3251, F.S.}

\textbf{The Guardian ad Litem Program}


Florida Statutes require that a guardian ad litem (GAL) be appointed at the earliest possible time in an abuse or neglect proceeding.\footnote{Section 39.822(1), F.S.} The GAL is required to review all disposition recommendations and changes in placements, and must be present at all critical stages of the dependency proceeding or submit a written report of recommendations to the court.\footnote{Section 39.822(4), F.S.} The GAL Program advocates on behalf of the child and monitors the child’s safety and well-being, as well as significant changes in the parents’ lives that could affect the child’s safety.

Currently, there are more than 10,000 GAL volunteers, 175 CBI attorneys, 350 CAMs, 20 Circuit Directors and GAL staff representing the needs of thousands of dependent children. In the last 35 years, the GAL Program has had over 30,000 volunteers who have represented more than 250,000 children.\footnote{Florida Guardian ad Litem Program, Annual Report, 2016, \textit{A Voice Heard: Visualizing a Hopeful Future, available at http://guardianadlitem.org/wp-content/uploads/2014/08/GAL-Annual-Report-for-Print4.pdf}, (last visited October 2, 2017).}

\textbf{The Guardian ad Litem Foundation}

In 2007, the Legislature authorized the GAL Program to create a direct-support organization for the direct or indirect benefit of the Statewide Guardian ad Litem Office by conduct programs and activities; raising funds; request and receive grants, gifts, and bequests of moneys; and making expenditures to or for the direct or indirect benefit of the Statewide Guardian Ad Litem Office.\footnote{Section 39.8298, F.S.}

The GAL Program established the Florida Guardian ad Litem Foundation (Foundation) as its direct-support organization. The executive director of the Statewide GAL Office appoints the
members of the board of directors. The board of directors serves at the pleasure of the executive
director in carrying out the mission of the DSO to provide additional resources for the GAL
Program, its volunteers, and its affiliated circuit nonprofit organizations\(^{21}\) in order to promote
guardian ad litem representation for abused, neglected and abandoned children in Florida’s
dependency system.\(^{22}\) The DSO is repealed on October 1, 2018 unless reviewed and saved from
repeal by the legislature.\(^{23}\)

According to the Statewide GAL Program, the Foundation continues to provide support to the
GAL Program and serves the critical function of soliciting and receiving grants and resources
from private and philanthropic organizations for the Program and the children it represents. In
addition, the Foundation conducts the following activities that further the Program’s mission:

- Developing statewide partnerships;\(^{24}\)
- Publicizing the Program’s mission to represent the best interests of children;
- Coordinating with and serving as a resource to the twenty non-profit organizations affiliated
  with the local GAL Programs;
- Enhancing opportunities for recruitment and retention of volunteers; and
- Offering supplemental training opportunities for volunteers.

For the tax period beginning July 1, 2016 and ending June 30, 2017, the Foundation reported
total revenue of $178,092 and total expenditures of $153,467.\(^{25}\)

The Statewide Guardian ad Litem Program has stated that without the Foundation, the GAL
Program would have fewer opportunities to educate, advocate, and support the needs of
dependent children and the Program recommends the continuation of the Foundation as its Direct
Support Organization.\(^{26}\)

The Foundation meets all of the statutory requirements.

### III. Effect of Proposed Changes:

The bill removes the scheduled repeal date for the law governing the Guardian ad Litem
Foundation. The Foundation serves as a direct-support organization for the Statewide Guardian
ad Litem Office.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

\(^{21}\) Many of Florida’s judicial circuits have non-profit organizations that raise money and sponsor activities for the local
guardian ad litem program. Those include, but are not limited to, Northwest Guardian ad Litem Foundation, Guardian ad
Litem Foundation – 20th Judicial Circuit, Guardian ad Litem Foundation of Florida’s First Coast, Child Advocates II of
Tallahassee, and Voices for Children.


\(^{23}\) Section 39.8298, F.S.

\(^{24}\) Florida Statewide Guardian ad Litem Program, Annual Report of the Florida Guardian ad Litem foundation, August 10,

\(^{25}\) Internal Revenue Service, Form 990, Return of Organization Exempt From Income Tax, 2016.

\(^{26}\) Id.
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:
      Funding raised through the DSO will further the Guardian ad Litem Program’s mission to represent the best interests of abused, abandoned, and neglected children.
   C. Government Sector Impact:
      None.

VI. Technical Deficiencies:
   None.

VII. Related Issues:
   None.

VIII. Statutes Affected:
   The bill substantially amends section 39.8298 of the Florida Statutes.

IX. Additional Information:
   A. Committee Substitute – Statement of 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 Bean

A bill to be entitled
An act relating to the guardian ad litem direct-support organization; amending s. 39.8298, F.S.; abrogating the future repeal of provisions related to the guardian ad litem direct-support organization; providing an effective date.

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

Section 1. Subsection (8) of section 39.8298, Florida Statutes, is amended, and subsections (1) through (7) of that section are republished, to read:

(1) AUTHORITY.—The Statewide Guardian Ad Litem Office created under s. 39.8296 is authorized to create a direct-support organization.

(a) The direct-support organization must be a Florida corporation not for profit, incorporated under the provisions of chapter 617. The direct-support organization shall be exempt from paying fees under s. 617.0122.

(b) The direct-support organization shall be organized and operated to conduct programs and activities; raise funds; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the Statewide Guardian Ad Litem Office.

(c) If the executive director of the Statewide Guardian Ad Litem Office determines the direct-support organization is operating in a manner that is inconsistent with the goals and purposes of the Statewide Guardian Ad Litem Office or not acting in the best interest of the state, the executive director may terminate the contract and thereafter the organization may not use the name of the Statewide Guardian Ad Litem Office.

(2) CONTRACT.—The direct-support organization shall operate under a written contract with the Statewide Guardian Ad Litem Office. The written contract must, at a minimum, provide for:

(a) Approval of the articles of incorporation and bylaws of the direct-support organization by the executive director of the Statewide Guardian Ad Litem Office.

(b) Submission of an annual budget for the approval by the executive director of the Statewide Guardian Ad Litem Office.

(c) The reversion without penalty to the Statewide Guardian Ad Litem Office, or to the state if the Statewide Guardian Ad Litem Office ceases to exist, of all moneys and property held in trust by the direct-support organization for the Statewide Guardian Ad Litem Office if the direct-support organization ceases to exist or if the contract is terminated.

(d) The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.

(e) The disclosure of material provisions of the contract and the distinction between the Statewide Guardian Ad Litem Office and the direct-support organization to donors of gifts, contributions, or bequests, as well as on all promotional and fundraising publications.

(3) BOARD OF DIRECTORS.—The executive director of the Statewide Guardian Ad Litem Office shall appoint a board of
directors for the direct-support organization. The executive
director may designate employees of the Statewide Guardian Ad
Litem Office to serve on the board of directors. Members of the
board shall serve at the pleasure of the executive director.

(4) USE OF PROPERTY AND SERVICES.—The executive director of
the Statewide Guardian Ad Litem Office:
(a) May authorize the use of facilities and property other
than money that are owned by the Statewide Guardian Ad Litem
Office to be used by the direct-support organization.
(b) May authorize the use of personal services provided by
employees of the Statewide Guardian Ad Litem Office. For the
purposes of this section, the term “personal services” includes
full-time personnel and part-time personnel as well as payroll
processing.
(c) May prescribe the conditions by which the direct-
support organization may use property, facilities, or personal
services of the office.
(d) Shall not authorize the use of property, facilities, or
personal services of the direct-support organization if the
organization does not provide equal employment opportunities to
all persons, regardless of race, color, religion, sex, age, or
national origin.

(5) MONEYS.—Moneys of the direct-support organization may
be held in a separate depository account in the name of the
direct-support organization and subject to the provisions of the
contract with the Statewide Guardian Ad Litem Office.
(6) ANNUAL AUDIT.—The direct-support organization shall
provide for an annual financial audit in accordance with s. 215.981.

(7) LIMITS ON DIRECT-SUPPORT ORGANIZATION.—The direct-
support organization shall not exercise any power under s.
617.0302(12) or (16). No state employee shall receive
compensation from the direct-support organization for service on
the board of directors or for services rendered to the direct-
support organization.

(8) REPEAL. This section is repealed October 1, 2018,
unless reviewed and saved from repeal by the Legislature.

Section 2. This act shall take effect upon becoming a law.
To: Senator Jeff Brandes, Chair  
Appropriations Subcommittee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: October 12, 2017

I respectfully request that Senate Bill # 222, relating to Guardian Ad Litem Direct-support Organization, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Aaron Bean
Florida Senate, District 4
To: Senator Jeff Brandes, Chair
   Appropriations Subcommittee on Criminal and Civil Justice
Subject: Committee Agenda Request
Date: November 15, 2017

I respectfully request that Senate Bill # 222, relating to Guardian Ad Litem Direct-support Organization, be placed on the:

☐ committee agenda at your earliest possible convenience.
☒ next committee agenda.

Senator Aaron Bean
Florida Senate, District 4
THE FLORIDA SENATE
APPEARANCE RECORD
( Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting )

Meeting Date: 12-7-17
Bill Number: 222 - 050

Topic: pro Bono Matters
Amendment Barcode: 146 - Pro Bono

Name: ALAN ABRAMOVITZ
Job Title: Executive Director
Address: GUW CALIFORNIA
Street: TRIBUNE
City: State: CA
Zip: 92632

Phone: 850-241-3252
Email: Alan.Abramovitz@gov

Speaking: ☒ For ☐ Against ☐ Information
Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: GUARDIAN AD LITEM PRO BONO

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.
I. Summary:

PCS/CS/SB 484 authorizes a court to sentence an offender to a term of imprisonment in the county jail, in the county where the offense was committed, for up to twenty-four months. A court can order such a sentence for offenses committed on or after July 1, 2018, if the offender’s:

- Total sentence points score is more than 44 points, but less than or equal to 60 points;
- Primary offense is not a forcible felony, unless the primary offense is a third-degree felony under ch. 810, F.S. (burglary and trespass); and
- Primary offense is not subject to a minimum mandatory sentence of more than 24 months.

The bill authorizes the Department of Corrections (DOC) to transfer an inmate to a county jail if the inmate:

- Has less than 24 months remaining on his or her sentence; or
- Is a terminally ill inmate with less than 12 months to live.

The bill specifies that an inmate housed in a county jail is under the jurisdiction of the DOC and will be transferred to a DOC facility if the contract expires, terminates, or is not renewed. An inmate housed in a county jail can request to be transferred to a DOC facility if he or she is not receiving substantially similar services and programming as provided in a DOC facility.

The bill specifies contractual terms that must be included in a contract to house an inmate in a county jail. The contractual terms include, but are not limited to:
- Establishing the maximum number of beds and validated per diem rate;
- Providing a per diem reimbursement rate for the days an inmate is in the custody of the county jail, not to exceed $60 per inmate;
- Requiring substantially similar services and programming for an inmate housed in a county jail as received by an inmate in a state facility;
- Establishing regular intervals for the county jail and the DOC to communicate information related to an inmate housed in a county jail; and
- Requiring the county jail to provide documentation to verify the expenses related to an inmate sentenced to the county jail.

The bill provides that a contract to house an inmate is contingent upon an appropriation by the legislature for the specific purpose of funding inmates housed in a county jail. Contracts are awarded on a first-come, first-served basis up to the maximum appropriation allowable.

The bill requires the DOC to transfer funds, consistent with the requirements of ch. 216, F.S., each time a contract to house inmates in a county jail is executed or ends. Prior to any transfers, the DOC must estimate the obligations of the contracted county beds to house inmates in a county jail to estimate that amount in which these obligations exceed the DOC per diems. The DOC must assume the maximum annual value of all contracts to house inmates in a county jail when determining the full use of funds.

To the extent the DOC contracts with counties to house inmates in a county jail and the average costs of those contracts exceed the average per diem costs incurred by the DOC to house the inmates in state facilities, the DOC will incur higher costs. Counties contracting with the DOC will experience an indeterminate fiscal impact, with higher revenues based on contract payments and higher costs based on the costs to house the inmates. See Section V. Fiscal Impact Statement.

The bill is effective October 1, 2018.

II. Present Situation:

Criminal Punishment Code

The Criminal Punishment Code\(^1\) applies to sentencing for felony offenses committed on or after October 1, 1998. 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 as determined by the Legislature.\(^2\) If an offense is not listed in the ranking chart, it defaults to a ranking based on the degree of the felony.\(^3\)

A defendant’s sentence is calculated based on points assigned for factors including: the offense for which the defendant is being sentenced; injury to the victim; additional offenses that the

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\(^1\) Sections 921.002-921.0027, F.S. See chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.

\(^2\) Section 921.0022, F.S.

\(^3\) Section 921.0023, F.S.
defendant committed at the time of the primary offense; the defendant’s prior record; and other 
aggravating factors. The points are added in order to determine the “lowest permissible sentence” 
for the offense. A judge cannot impose a sentence below the lowest permissible sentence unless 
the judge makes written findings that there are mitigating “circumstances or factors that 
reasonably justify the downward departure.”

The permissible sentence (absent a downward departure) for an offense ranges from the 
calculated lowest permissible sentence to the statutory maximum for the primary offense. The 
statutory maximum sentence for a first-degree felony is 30 years, for a second-degree felony is 
15 years, and for a third degree felony is 5 years. The lowest permissible sentence in which total 
sentence points equal to or are less than 44 points is any nonstate prison sanction. If total 
sentence points exceed 44 points, the lowest permissible sentence in prison months is calculated 
by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 
percent. The lowest permissible sentence for a person who scores between 45 and 60 points ranges from 
12.75 months to 24 months, respectively.

Placement of State Inmates in Local Detention Facilities

Section 921.188, F.S., permits the court to sentence an offender to a local detention facility as a 
condition of probation or community control for a felony offense if the offender scores between 
40 and 52 points, or if the presumptive sentence is between 366 days and 22 months, and there 
is a contract between the DOC and the chief correctional officer for the applicable county.

Section 921.188, F.S., provides that the contract:
- May include all operational functions or only housing (such as staffing and medical) costs;
- Must include the per diem or partial per diem reimbursement payable by the DOC; and
- Per diem must not exceed the per diem published in the DOC’s most recent annual report.

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4 Section 921.0024, F.S.
5 Section 921.0026, F.S.
6 Section 775.082, F.S.
7 Section 921.0042(2), F.S.
8 Florida Department of Corrections and the Office of State Courts Administrator, Florida Criminal Punishment Code 
(last visited on November 6, 2017).
9 Section 921.188, F.S., went into effect on June 17, 1993, when the revised sentencing guidelines were established, but prior 
to the enactment of the Criminal Punishment Code in 1998. The 1994 revised sentencing guidelines assigned a point score to 
felony offenses and the presumptive sentence was determined by the total number of points. Section 921.188, F.S., authorizes 
a judge to sentence a person convicted of a felony offense, as defined in the former sentencing guidelines categories five 
through nine, to a local detention facility for the period of time equal to the offender’s presumptive sentence.
10 Section 921.188, F.S.
Alternative Sentencing

An offender with a state prison sentence in excess of one year typically serves his or her sentence in a state correctional facility operated by the DOC; however, other options are statutorily authorized and sometimes available. These include placement in a:

- Prison diversion program for offenders who meet certain criteria, including a requirement to have no more than 54 total sentence points;
- Imprisonment in county jail if the total of the prisoner’s cumulative sentences is not more than one year; or
- County work camp operated under a contractual agreement between the county and the state.

Inmates Sentenced to the Department of Corrections

Contracting with Counties to House Inmates

Section 944.171, F.S., authorizes the DOC to contract with counties or other states to house inmates that have been committed to the DOC. Contracts must be competitively procured in accordance with s. 287.057, F.S., and are entered into after the parties mutually agree upon the terms of the contract. The following contract terms must be considered by the county and the DOC include, but are not limited to, a contract termination date, provisions concerning the cost of inmate maintenance and extraordinary medical or dental expenses, provisions related to inmate employment, and waiver of extradition for inmates transferred out of Florida. Inmates placed in a county facility remain under the jurisdiction of the DOC.

The DOC does not currently have any contracts to house inmates with counties.

Services and Programming Provided to Inmates

Chapter 944, F.S., requires the DOC to provide a variety of services and programming to inmates committed to the custody of the DOC, including:

- Substance abuse treatment programs.

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11 Section 921.0024(2), F.S.
12 Section 921.00241, F.S. The court may sentence the offender to a term of probation, community control, or community supervision with mandatory participation in a prison diversion program of the DOC.
13 Section 922.051, F.S.
14 Section 950.002, F.S.
15 Section 944.171(1) and (2), F.S.
16 Section 287.057, F.S., provides for the competitive solicitation processes to be used by the state of Florida in conducting state business. Specifically, s. 287.057(1), F.S., provides for invitations to bid, requests for proposals, and invitations to negotiate.
17 Section 944.171(2)(a), F.S.
18 Florida Department of Corrections, Senate Bill 484 Analysis, at p. 3 (November 8, 2017) (on file with the Senate Committee on Criminal Justice) (hereinafter cited as “The DOC SB 484 Analysis”).
19 Section 944.473(2), F.S., requires each inmate to be assessed to determine if he or she qualifies to receive mandated substance-abuse treatment while incarcerated. The DOC provides four levels of inmate substance abuse programming, including intensive outpatient, residential therapeutic community, program centers, and work release centers. In FY 2015-16, a total of 12,234 inmates participated in some form of substance abuse treatment. See Department of Corrections, Annual...
• Transitional services;\textsuperscript{20}
• Educational and vocational programs;\textsuperscript{21} and
• Faith- and character-based programs.\textsuperscript{22}

These services and programs provide inmates with skills and tools to assist with an inmate’s successful transition into the community upon release.\textsuperscript{23}

**Determining an Inmate’s Classification Level**

Section 944.1905, F.S., requires each inmate placed in the custody of the DOC to be classified or reclassified based upon the inmate’s risk level. An inmate’s initial classification is determined by a number of factors including, but not limited to, length of sentence, criminal history, any history of violence, and escape history.\textsuperscript{24}

Classification levels impact the facility placement and programming that an inmate is eligible to participate in while incarcerated.\textsuperscript{25}

**Conditional Medical Release**

Conditional Medical Release (CMR) is a discretionary release of inmates who are “terminally ill” or “permanently incapacitated” and who are not a danger to others.\textsuperscript{26} The Commission on Offender Review (commission) reviews eligible inmates for release under the CMR program. Eligible inmates include inmates that are designated by the DOC as a:

• “Permanently incapacitated inmate,” which is an inmate who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate permanently and irreversibly physically incapacitated to the extent that the inmate does not constitute a danger to herself or himself or others; or

• “Terminally ill inmate,” which is an inmate who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate terminally ill to

\textsuperscript{20} Sections 944.701-944.708, F.S., provide for a variety of transitional services that are used to increase the likelihood that an inmate will not recidivate upon release from prison. Some of the transitional services include: release orientation programming, including, but not limited to, employment skills, and money management skills; basic support services upon release; a 100-hour transition course that covers job readiness and life management skills; and post release services such as substance abuse counseling, family counseling, and employment support programs.

\textsuperscript{21} Section 944.801, F.S., requires the DOC to operate the Correctional Education Program, which oversees the educational and vocational training for the DOC. In FY 2015-16, the DOC had 24,053 inmates participating in educational programs (18,734 in academic programs and 5,319 in vocational programs); 5,563 inmates were enrolled in General Education Development (GED) classes and 1,312 GED diplomas were awarded. Annual Report, at p. 9.

\textsuperscript{22} Section 944.803, F.S., encourages the DOC to operate faith- and character-based facilities, which emphasize the importance of personal responsibility, meaningful work, education, substance abuse treatment, and peer support.

\textsuperscript{23} Annual Report at p. 21.


\textsuperscript{25} Inmate Handbook at p. 7.

the extent that there can be no recovery and death is imminent, so that the inmate does not constitute a danger to herself or himself or others.\textsuperscript{27}

The release of an inmate on CMR is for the remainder of the inmate’s sentence and requires that periodic medical evaluations at intervals determined by the commission at the time of release.\textsuperscript{28} If an inmate’s medical condition changes improves to the extent that he or she no longer qualifies for CMR, the commission can order that the inmate be transferred back to a DOC facility to serve the remainder of the sentence.\textsuperscript{29}

III. Effect of Proposed Changes:

The bill creates two new provisions that allow inmates that otherwise qualify for placement in a DOC facility to be housed in a county jail.

Sentencing of Specified Felony Offenders to a County Jail under s. 921.188, F.S.

The bill amends s. 921.188, F.S., authorizing a court to sentence an offender to a term of imprisonment in the county jail, in the county where the offense was committed, for up to twenty-four months. A court can order such a sentence for offenses committed on or after July 1, 2018, if the offender’s:

- Total sentence points score is more than 44 points, but less than or equal to 60 points;
- Primary offense is not a forcible felony, unless the primary offense is a third degree felony under ch. 810, F.S. (burglary and trespass); and
- Primary offense is not subject to a minimum mandatory sentence of more than 24 months.

As a condition of the offender’s sentence to a county jail, the court must order that the offender:

- Is placed under the jurisdiction of the DOC while in the county jail;
- Must serve the remainder of his or her sentence in a DOC facility if the contract expires, terminates, or is not renewed; and
- May request to be transferred to a DOC facility if he or she is not receiving services and programming that are substantially similar to those provided in a DOC facility.

The bill also provides that a felony offense for which an inmate is sentenced to a county jail be considered to be a prior felony commitment at a state or federal correctional institution for the purposes of ss. 944.291, 947.1405, and 948.12, F.S.

Transferring of Specified Inmates from the DOC to a County Jails under s. 944.172, F.S.

The bill creates s. 944.172, F.S., authorizing the DOC to transfer an inmate to a county jail if the inmate:

- Has less than 24 months remaining on his or her sentence; or
- Is a terminally ill inmate with less than 12 months to live.

\textsuperscript{27} Section 947.149(1), F.S.
\textsuperscript{28} Section 947.149(4), F.S.
\textsuperscript{29} Section 947.149(5), F.S.
An inmate who has less than 24 months remaining on his or her sentence is eligible to be transferred to a county jail in the county where he or she will reside upon release. A terminally ill inmate can be transferred to a county jail in the county where his or her family resides for the remainder of his or her imprisonment or life, whichever occurs first.

The bill defines “terminally ill inmate” as an inmate who has a condition caused by injury, disease, or illness, which, to a reasonable degree of medical certainty, renders the inmate terminally ill to the extent that there can be no recovery and death is expected within 12 months. A terminally ill inmate transferred to a DOC facility does not have to be reviewed and approved by the commission as required by CMR and regardless of the amount of time remaining on the sentence. A terminally ill inmate that is transferred to a county jail is eligible to be subsequently released on CMR in accordance with s. 947.149, F.S.

The DOC must transfer an inmate if the inmate is eligible under one of the above-listed criteria and qualifies under the contractual agreement between the DOC and the designated county of release. Additionally, an inmate transferred from the DOC to a county jail:

- Remains under the jurisdiction of the DOC;
- Must serve the remainder of his or sentence in a DOC facility if the contract expires, terminates, or is not renewed; and
- May request to be transferred back to a DOC facility if he or she is not receiving services and programming that are substantially similar to those provided in a DOC facility.

The bill provides the DOC with rule making authority to implement s. 944.172, F.S.

Contracts to House Inmates in a County Jail under ss. 921.188 and 944.172, F.S.

The court may only sentence an offender and the DOC may only transfer an inmate to a county jail if there is a contractual agreement between the chief correctional officer of the county and the DOC. The bill requires the DOC to enter into a contract to house inmates in the county jail if the county requests such a contract. A contract entered into between the county and the DOC must include specified contract terms:

- Establishing the maximum number of beds and validated per diem rate;
- Providing a per diem reimbursement rate for the days an inmate is in the custody of the county jail based on specified county annual per diem rates, not to exceed $60 per inmate;
- Requiring substantially similar services and programming for an inmate sentenced to the county jail as received by an inmate in a state facility;
- Specifying the services and programming the county will provide to an inmate;
- Authorizing the county jail to contract with private providers to provide required services and programming;
- Establishing regular intervals for the county jail and the DOC to communicate information related to an inmate, including confinement status and relevant information related to calculating a tentative release date; and
- Requiring the county jail to provide documentation to verify the expenses related to an inmate housed in a county jail.
The bill provides that inmates housed in a county jail are able to earn gain-time and other sentence credit in a substantially similar manner as he or she would in a DOC facility. However, these inmates cannot earn gain-time or other sentence in a manner that would result in his or her release, before serving a minimum of 85 percent of the sentence imposed.

A contract to house an inmate in a county jail is contingent upon an appropriation by the legislature for the specific purpose of funding inmates housed in a county jail. Contracts must be awarded by the DOC on a first-come, first-served basis up to the maximum appropriation allowable. The "maximum appropriation allowable" means the sum of the appropriations made by the legislature to fund inmates housed in a county jail and the net amount of appropriations transferred to or from the State Inmates Housed in County Jail appropriation category for these contracts.

The bill requires the DOC to transfer funds from other appropriation categories within the Adult Male Custody Operations or the Adult and Youthful Offender Female Custody Operations budget entities to the State Inmates Housed in County Jail appropriation category each time the DOC executes a contract to house inmates in a county jail. These transfers must be consistent with the requirements of ch. 216, F.S., and in an amount necessary to satisfy the requirements of each executed contract, but not to exceed the DOC’s average total per diem published for the preceding fiscal year for adult male custody or adult and youthful offender female custody inmates.

Prior to the transfer of any funds, the DOC is required to estimate the appropriation amount that is obligated for the county jail beds contracted under each provision to estimate the amount in which these obligations exceed the DOC’s per diem for adult male and female inmates.

When an executed contract ends, the DOC is required to transfer funds from the State Inmates Housed in County Jail appropriation category to the other appropriation categories within the Adult Male Custody Operations or the Adult and Youthful Offender Female Custody Operations budget entities. These transfers are also prohibited from exceeding the DOC’s average total per diem published for the preceding fiscal year for adult male custody or adult and youthful offender female custody inmates for each county jail bed contracted.

The bill requires the DOC to assume maximum annual value of each executed contract to house inmates in a county jail when determining the full use of funds appropriated to ensure that the maximum appropriation allowable is not exceeded. All contractual per diem rates to house an inmate in a county jail and all per diem rates used by the DOC must be validated by the Auditor General before payments are made.

Additionally, contracts entered into transfer state inmates from the DOC to a county jail must:
- Specify whether the county will accept the transfer of terminally ill inmates;
- Designate the classification levels that the county will accept for transfer; and
- Provide for the delivery and retaking of inmates.

The bill is effective October 1, 2018.
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:

**Local Governments**

It is unknown to what extent county jails have available capacity to house additional inmates. It is also unknown how many counties will elect to contract with the state to house inmates that have sentences greater than 366 days.

To the extent county jails have available capacity and counties elect to contract with the state, the counties will receive funds to house the inmates, potentially resulting in some savings for the counties.

**State Government Expenditures**

To the extent counties contract with the state to provide housing for state inmates and the costs paid under such contracts exceed the DOC per diem rate, the costs incurred by the DOC to incarcerate new inmates will increase due to the higher per diem for community placements. In addition, upon execution of a contract, it is anticipated the funds would be transferred from other appropriation categories within the Adult Male and Adult and Youthful Female budget entities to cover the departmental per diem for these inmates and the difference would be provided through a new appropriation in the, “State Inmates Housed in County Jail” category.

The Criminal Justice Impact Conference (CJIC) met on March 2, 2017 and reviewed SB 1068 (2017), which is similar to this bill, and found that the bill will result in an
unquantifiable decrease in prison beds operated by the DOC.\textsuperscript{30} The CJIC further commented that given the specific provisions of the bill, the budgetary impact (increased costs to house offenders in county jails) will potentially exceed the capital and operating impact costs for the DOC (decreased number of prison beds needed) adopted by the CJIC.\textsuperscript{31}

**State Government Revenues**

- The bill authorizes a county jail to contract with a privately operated community release and transition center to provide the required services to transferred inmates. This should not affect the community release centers’ contracts.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill requires the contract between a county and the DOC to establish a per diem rate not to exceed $60 per inmate. The DOC’s average adult male custody per diem is $48.17 and the average female custody per diem is $58.37.\textsuperscript{32} This “full” per diem includes expenditures for security and other support staff, utilities, maintenance, insurance, medical, and education. However, when changes that impact the inmate population do not require the opening or closure of an additional housing unit, the “variable” per diem rate of $15.91 more accurately reflects the cost associated with housing an inmate.\textsuperscript{33} The variable per diem rate includes costs more directly aligned with individual inmate care such as medical, food, inmate clothing, and personal care items.\textsuperscript{34}

The bill does not provide for the use of these different per diem rates and only allows for a contracted per diem rate that does not exceed $60. Therefore, if the number of inmates housed in a county jail has a minimal impact on state inmate populations, the DOC will be responsible for paying the county jails the contracted per diem rate rather than the “variable” per diem rate of $15.91 it would pay for the inmate to be housed in a state facility. Additionally, the bill requires the DOC to transfer funds to the State Inmates Housed in County Jail appropriation category from other appropriation categories in an amount up to the full per diem rate. If the bill’s prison bed impact does not cause the closure of a dorm or facility, the DOC could be required to transfer the full per diem rate even though the DOC would only be expending the variable or dorm per diem rate with the inmate remaining in a DOC facility.

\textsuperscript{30} See Office of Economic and Demographic Research, [http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/adoptedimpacts.cfm](http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/adoptedimpacts.cfm) (last visited November 8, 2017). The Criminal Justice Impact Conference defines a “negative indeterminate bed impact” to mean an unquantifiable decrease in prison beds.

\textsuperscript{31} Id.

\textsuperscript{32} Id.

\textsuperscript{33} Id. at p. 6.

\textsuperscript{34} Id. at p. 7.
The DOC found, based on FY 2016-17 inmate admissions, that approximately 4,200 inmates would be eligible to be sentenced to a county jail. Of that 4,200 inmates, seven percent are work release inmates. The per diem rate for the DOC-operated community release centers for FY 2015-16 was $34.35.\textsuperscript{35}

\textbf{VIII. Statutes Affected:}

This bill substantially amends the following sections of the Florida Statutes: 921.188 and 947.149.

This bill creates section 944.172 of the Florida Statutes.

\textbf{IX. Additional Information:}

\textbf{A. Committee Substitute – Statement of Substantial Changes:}

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

\textbf{Recommended CS/CS by Appropriations Subcommittee on Criminal and Civil Justice on December 7, 2017:}

The committee substitute:

\begin{itemize}
  \item Creates s. 944.172, F.S., authorizing an inmate with less than 24 months left on his or her sentence or an terminally ill inmate to be transferred a county jail;
  \item Requires an inmate eligible for the transfer to a county jail be transferred if he or she is also eligible under the terms of the contract;
  \item Specifies that an inmate may only be housed in a county jail if there is a contractual agreement between the DOC and the county;
  \item Defines the terms “terminally ill inmate” and “maximum appropriation allowable;”
  \item Excludes terminally ill inmates transferred to a county jail from the requirements of s. 947.149, F.S.;
  \item Specifies that an inmate transferred to a county jail remains under the jurisdiction of the DOC;
  \item Provides an inmate housed in a county jail is eligible to substantially similar opportunities to earn gain time or other sentence credit as an inmate in a state facility;
  \item Permits an inmate housed in a county jail to request to be transferred to a DOC facility if he or she is not receiving substantially similar services as an inmate in a state facility;
  \item Requires an inmate housed in a county jail be transferred to a DOC facility if the contract between the DOC and the county is terminated for any reason;
  \item Specifies that a felony offense for which an offender is sentenced to county jail is considered a prior felony commitment at a state or federal correctional institution for the purposes of ss. 944.291, 947.1405, and 948.12, F.S.;
  \item Requires specific terms in a contract to house inmates in a county jail;
  \item Provides contracts to house inmates in a county jail are contingent upon an appropriation by the legislature;
\end{itemize}

\textsuperscript{35} \textit{Id.}
- Requires the DOC to transfer funds, consistent with the requirements of ch. 216, F.S., each time a contract to house inmates in a county jail is executed or ends;
- Specifies, prior to any transfers, the DOC must estimate the obligations of the contracted county beds to house inmates in a county jail to estimate that amount in which these obligations exceed the DOC per diems; and
- Requires the DOC to assume the maximum annual value of all contracts to house inmates when determining the full use of funds.

**CS by Criminal Justice on November 13, 2017:**
For offenses committed on or after July 1, 2018, the committee substitute amends s. 921.188, F.S.:

- Authorizing a court to sentence an offender to a county jail for up to 24 months if the offender’s:
  - Total sentence points score is more than 44 points, but less than or equal to 60 points;
  - Primary offense is not a forcible felony, unless the primary offense is a third degree felony burglary or trespass; and
  - Primary offense is not subject to a mandatory minimum sentence of more than 24 months.
- Providing that a court may only sentence an offender to a county jail if the DOC and the county have a contractual agreement;
- Requiring an offender to be under the jurisdiction of the DOC as a condition of the sentence;
- Requiring an offender to be transferred to a DOC facility if the contract between the DOC and the county is terminated for any reason prior to the completion of the sentence;
- Requiring the DOC to enter into a contract with the county if the county requests a contract;
- Specifying that the contract must establish the maximum number of beds and the validated per diem rate;
- Creating a new appropriation category and requires funds to be appropriated in or transferred to the category to cover the costs of the contract; and
- Requiring that per diem rates be validated by the Auditor General prior to payments being made.

**B. Amendments:**
None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
Appropriations Subcommittee on Criminal and Civil Justice (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 67 - 123 and insert:

2. Serve the remainder of his or her sentence in a Department of Corrections facility in the event a contract between the chief correctional officer and the Department of Corrections expires, terminates, or is not renewed during an offender’s sentence term; and
3. May request to be transferred to a Department of Corrections facility if he or she is not receiving services and programming that are substantially equivalent to those that are available in a Department of Corrections facility, including, but not limited to, educational programming, vocational training, faith and character based programming, health services, mental health treatment and counseling, substance abuse treatment and counseling, and transitional services.

(c) An offender sentenced to a county jail under this section shall be afforded the same or substantially equivalent opportunity to earn gain-time or other sentence credit, but may not receive gain-time or other sentence credit in an amount that would cause his or her sentence to expire, end, or terminate, or that would result in his or her release, before serving a minimum of 85 percent of the sentence imposed.

(d) A felony offense for which an inmate is sentenced to a county jail under this section is considered to be a prior felony commitment at a state or federal correctional institution for the purposes of ss. 944.291, 947.1405, and 948.12.

(e)1. A court may only sentence an offender to a county jail pursuant to this section if there is a contractual agreement between the chief correctional officer of that county and the Department of Corrections.

2. The Department of Corrections shall enter into a contract that allows offenders to be sentenced to a county jail pursuant to this section if the chief correctional officer of a county requests the department to enter into such contract.

3. The contract must:
   a. Establish the maximum number of beds and the validated
per diem rate;

   b. Provide a per diem reimbursement rate for the days an
   inmate is in the custody of the county jail based on the
   contracting county’s most recent annual adult male custody or
   adult female custody per diem rates, not to exceed $60 per
   inmate;

   c. Require that inmates sentenced to a county jail receive
   substantially equivalent services and programming as are
   provided by the Department of Corrections in accordance with
   chapter 944, including, but not limited to, educational
   programming, vocational training, faith and character based
   programming, health services, mental health treatment and
   counseling, substance abuse treatment and counseling, and
   transitional services;

   d. Specify the services and programming the county will
   provide to the inmates in accordance with sub-subparagraph c.;

   e. Authorize a county jail to contract with a privately
   operated community release and transition center to provide the
   required services and programming to any inmates sentenced to a
   county jail;

   f. Establish regular intervals that the county jail and
   Department of Corrections must share information related to an
   inmate sentenced to a county jail under this section, including,
   but not limited to, an inmate's confinement status and any
   information related to the calculation of a tentative release
   date; and

   g. Require the county jail provide documentation to verify
   the expenses related to an inmate sentenced to a county jail
   under this section, including, but not limited to, the number of
days an inmate is in the custody of the county jail.

(f) A contract executed under this section is contingent upon an appropriation by the legislature for the specific purpose of funding state inmates housed in county facilities. Contracts must be awarded by the Department of Corrections on a first-come, first-served basis up to the maximum appropriation allowable. For purposes of this section, "maximum appropriation allowable" means the sum of the appropriations made by the legislature to fund state inmates housed in county facilities and the net amount of appropriations transferred to or from the State Inmates Housed in County Jail appropriation category for contracts entered into under this section and s. 944.172.

(g) Each time the Department of Corrections executes a contract pursuant to this section, the Department of Corrections shall transfer funds, consistent with the requirements of chapter 216, from other appropriation categories within the Adult Male Custody Operations or the Adult and Youthful Offender Female Custody Operations budget entities to the State Inmates Housed in County Jail appropriation category in an amount necessary to satisfy the requirements of each executed contract, but not to exceed the Department of Corrections’ average total per diem published for the preceding fiscal year for adult male custody or adult and youthful offender female custody inmates for each county jail bed contracted. Before any appropriation is transferred to the State Inmates Housed in County Jail appropriation category, the Department of Corrections shall estimate the appropriation amount that is obligated for the county jail beds contracted under this section and s. 944.172 to estimate the amount in which these obligations exceed the
Department of Corrections' per diem for adult male and female inmates.

(h) Each time a contract executed pursuant to this section ends, the Department of Corrections shall transfer funds, consistent with the requirements of chapter 216, from the State Inmates Housed in County Jail appropriation category to the other appropriation categories within the Adult Male Custody Operations or the Adult and Youthful Offender Female Custody Operations budget entities. Such transfer may not exceed the Department of Corrections' average total per diem published for the preceding fiscal year for adult male custody or adult and youthful offender female custody inmates for each county jail bed contracted.

(i) The Department of Corrections shall assume maximum annual value of each contract entered into under this section and s. 944.172 when determining the full use of funds appropriated to ensure that the maximum appropriation allowable is not exceeded.

(j) All contractual per diem rates under this section and all per diem rates used by the Department of Corrections must be validated by the Auditor General before payments are made.

Section 2. Section 944.172, Florida Statutes, is created to read:

944.172 Housing of an inmate in a county jail.—

(1)(a) An inmate committed to the custody of the department who has less than 24 months remaining on his or her sentence may be transferred for the remainder of the term of imprisonment to a county jail in the county where he or she will reside upon release.
b1. Notwithstanding s. 947.149 and regardless of the length of imprisonment remaining on an inmate's sentence, a terminally ill inmate that has less than 12 months to live may be transferred to a county jail in the county where his or her family resides for the remainder of the term of his or her imprisonment or life, whichever occurs first. For purposes of this section, "terminally ill inmate" means an inmate who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate terminally ill to the extent that there can be no recovery and death is expected within 12 months.

2. A terminally ill inmate transferred to a county jail does not have to be reviewed and approved by the Florida Commission on Offender Review in accordance with s. 947.149. However, an inmate transferred under this paragraph is still eligible to be subsequently released from the county jail on conditional medical release pursuant to s. 947.149.

(c) Any inmate transferred to a county jail under this section remains under the jurisdiction of the department.

(2) Except as provided for in s. 947.149, an inmate transferred to a county jail under this section shall be afforded the same or substantially equivalent opportunity to earn gain-time or other sentence credit, but may not receive gain-time or other sentence credit in an amount that would cause the inmate’s sentence to expire, end, or terminate, or that would result in the inmate’s release, prior to serving a minimum of 85 percent of the sentence imposed.

(3)(a) An inmate may only be transferred to a county jail under this section if there is a contractual agreement between
the chief correctional officer of that county and the
department.

(b) The department shall enter into a contract that allows
inmates to be transferred to a county jail pursuant to this
section if the chief correctional officer of a county requests
the department to enter into such contract.

(c) The contract must:
1. Establish the maximum number of beds and the validated
per diem rate;
2. Provide a per diem reimbursement rate for the days an
inmate is in the custody of the county jail based on the
contracting county’s most recent annual adult male custody or
adult female custody per diem rates, not to exceed $60 per
inmate;
3. Specify whether the county will accept the transfer of a
terminally ill inmate;
4. Designate the categories of inmate classification or
security level that will be accepted for transfer;
5. Provide for the delivery and retaking of inmates;
6. Require that inmates transferred to a county jail
receive substantially equivalent services and programming as are
provided by the department in accordance with chapter 944,
including, but not limited to, educational programming,
vocational training, faith and character based programming,
health services, mental health treatment and counseling,
substance abuse treatment and counseling, and transitional
services;
7. Specify the services and programming the county will
provide to the inmates in accordance with subparagraph 6.
8. Authorize a county jail to contract with a privately operated community release and transition center to provide the required services and programming to any inmates transferred to a county jail;

9. Establish regular intervals that the county jail and the department must share information related to an inmate transferred to a county jail under this section, including, but not limited to, an inmate's confinement status and any information related to the calculation of a tentative release date; and

10. Require the county jail to provide documentation to verify expenses related to an inmate transferred to a county jail under this section, including, but not limited to, the number of days an inmate is in the custody of the county jail.

(4) The department shall transfer any inmate that is eligible under subsection (1) if the inmate also qualifies under the contractual terms mutually agreed to by the department and the designated county of release.

(5) An inmate may request to be transferred back to a department facility if he or she is not receiving the services and programming that are substantially equivalent to those that are available in a department facility, including, but not limited to, educational programming, vocational training, faith and character based programming, health services, mental health treatment and counseling, substance abuse treatment and counseling, and transitional services.

(6) The inmate shall be transferred back to a department facility to serve the remainder of his or her sentence in the event a contract between the chief correctional officer and the
(7)(a) A contract executed under this section is contingent upon an appropriation by the legislature for the specific purpose of funding state inmates housed in county facilities. Contracts must be awarded by the department on a first-come, first-served basis up to the maximum appropriation allowable. For purposes of this section, "maximum appropriation allowable" means the sum of the appropriations made by the legislature to fund state inmates housed in county facilities and the net amount of appropriations transferred to or from the State Inmates Housed in County Jail appropriation category for contracts entered into under this section and s. 921.188.

(b) Each time the department executes a contract pursuant to this section, the department shall transfer funds, consistent with the requirements of chapter 216, from other appropriation categories within the Adult Male Custody Operations or the Adult and Youthful Offender Female Custody Operations budget entities to the State Inmates Housed in County Jail appropriation category in an amount necessary to satisfy the requirements of each executed contract, but not to exceed the department's average total per diem published for the preceding fiscal year for adult male custody or adult and youthful offender female custody inmates for each county jail bed contracted. Before any appropriation is transferred to the State Inmates Housed in County Jail appropriation category, the department shall estimate the appropriation amount that is obligated for the county jail beds contracted under this section and s. 921.188 to estimate the amount in which these obligations exceed the
department's per diem for adult male and female inmates.

(c) Each time a contract executed pursuant to this section ends, the department shall transfer funds, consistent with the requirements of chapter 216, from the State Inmates Housed in County Jail appropriation category to the other appropriation categories within the Adult Male Custody Operations or the Adult and Youthful Offender Female Custody Operations budget entities. Such transfer may not exceed the department's average total per diem published for the preceding fiscal year for adult male custody or adult and youthful offender female custody inmates for each county jail bed contracted.

(d) The department shall assume maximum annual value of each contract entered into under this section and s. 921.188 when determining the full use of funds appropriated to ensure that the maximum appropriation allowable is not exceeded.

(e) All contractual per diem rates under this section and all per diem rates used by the department must be validated by the Auditor General before payments are made.

(8) The department may adopt rules to administer this section.

Section 3. Subsection (6) of section 947.149, Florida Statutes, is renumbered as subsection (7), and a new subsection (6) is added to that section, to read:

(6) An inmate transferred to a county jail pursuant to s. 944.172(1)(b) does not have to be reviewed and approved by the commission in accordance with this section and such transfer does not exclude the inmate from subsequently being released from imprisonment in accordance with this section.

Section 4. This act shall take effect October 1, 2018.
And the title is amended as follows:

Delete lines 2 - 14

and insert:

An act relating to housing of state inmates; amending s. 921.188, F.S.; authorizing a court to sentence offenders to a county jail for up to 24 months under certain circumstances for offenses committed after a specified date; requiring sentencing conditions; prohibiting an offender from receiving gain-time or other sentence credit that would result in the offender serving less than 85 percent of his or her sentence; providing applicability for inmates sentenced to a county jail; providing that contracts are contingent upon an appropriation; providing contractual requirements; requiring specific appropriations; providing for such appropriations; requiring the validation of per diem rates before payments are made; creating s. 944.172, F.S.; requiring the Department of Corrections to transfer state inmates who have less than 24 months remaining on a term of imprisonment to county jail under certain circumstances; defining a terminally ill inmate; requiring the department to transfer a terminally ill inmate to county jail under certain circumstances; ensuring an inmate earns substantially equivalent opportunities for gain-time or sentence credit; prohibiting an inmate from receiving gain-time or
other sentence credit that would result in the inmate serving less than 85 percent of his or her sentence; providing that contracts are contingent upon an appropriation; providing contractual requirements; requiring specific appropriations; providing for such appropriations; requiring the validation of per diem rates before payments are made; amending s. 947.149, F.S.; excluding a terminally ill inmate transferred to a county jail from the review and approval process conducted by the Commission on Offender Review; renumbering sections; providing an effective date.
By the Committee on Criminal Justice; and Senator Bradley

A bill to be entitled

An act relating to sentencing; amending s. 921.188, F.S.; authorizing a court to sentence offenders to a county jail for up to 24 months under certain circumstances for offenses committed after a specified date; requiring sentencing conditions; prohibiting an offender from receiving gain-time or other sentence credit that would result in the offender serving less than 85 percent of his or her sentence; providing that contracts are contingent upon an appropriation; providing contractual requirements; requiring specific appropriations; providing for such appropriations; requiring the validation of per diem rates before payments are made; providing an effective date.

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

Section 1. Section 921.188, Florida Statutes, is amended to read:

921.188 Placement of certain state inmates in local detention facilities.—

(1) For offenses committed on or after Effective June 17, 1993 and before July 1, 2018, notwithstanding the provisions of ss. 775.08, former 921.001, 921.002, 921.187, 944.02, and 951.23, or any other law to the contrary, a person whose presumptive sentence is 1 year and 1 day up to 22 months in a state correctional institution may be placed by the court into the custody of a local detention facility as a condition of probation or community control for a felony offense contained in sentencing guidelines categories five through nine contained in Rules 3.701 and 3.988, Florida Rules of Criminal Procedure, or similar levels described in s. 921.0022, except for such person whose total sentence points are greater than 52 or less than 40.

The court may place such person for the duration of the presumptive sentence. The court may only place a person in a local detention facility pursuant to this section if there is a contractual agreement between the chief correctional officer of that county and the Department of Corrections. The contract may include all operational functions, or only housing wherein the department would provide staffing and medical costs. The agreement must provide for a per diem or partial per diem reimbursement for each person placed under this section, which is payable by the Department of Corrections for the duration of the offender's placement in the facility. The full per diem reimbursement may not exceed the per diem published in the Department of Corrections' most recent annual report for total department facilities. This section does not limit the court's ability to place a person in a local detention facility for less than 1 year.

(2)(a) For offenses committed on or after July 1, 2018, notwithstanding ss. 775.08 and 921.0024 or any other provision of law, a court may sentence an offender to a term in the county jail in the county where the offense was committed for up to 24 months if the offender meets all of the following criteria:

1. The offender’s total sentence points score, as provided in s. 921.0024, is more than 44 points but no more than 60 points.

2. The offender’s primary offense is not a forcible felony
as defined in s. 776.08, except that an offender whose primary
offense is a felony of the third degree under chapter 810 is
eligible to be sentenced to a county jail under this subsection.
1. The offender’s primary offense is not punishable by a
minimum mandatory sentence of more than 24 months.
   (b) As a condition of the sentence, the court shall order
   that the offender:
   1. Be placed under the jurisdiction of the Department of
      Corrections; and
   2. Serve the remainder of his or her sentence in a
      Department of Corrections facility in the event a contract
      between the chief correctional officer and the Department of
      Corrections expires, terminates, or is not renewed during an
      offender’s sentence term.
   (c) An offender sentenced to county jail under this section
   may not receive gain-time or other sentence credit in an amount
   that would cause his or her sentence to expire, end, or
   terminate, or that would result in his or her release, before
   serving a minimum of 85 percent of the sentence imposed.
   (d) A court may only sentence an offender to a county
   jail pursuant to this section if there is a contractual
   agreement between the chief correctional officer of that county
   and the Department of Corrections.
   2. If the chief correctional officer of a county requests
   the Department of Corrections to enter into a contract that
   allows offenders to be sentenced to the county jail pursuant to
   paragraph (a), subject to the restrictions imposed in this
   paragraph and paragraphs (e) and (h), the Department of
   Corrections must enter into such a contract. The contract must

(CODING: Words are deletions; words are additions.)
annual value of each contract when determining the full use of funds appropriated to ensure that the maximum appropriation allowable is not exceeded.

(h) All contractual per diem rates under this section and all per diem rates used by the Department of Corrections must be validated by the Auditor General before payments are made.

Section 2. This act shall take effect July 1, 2018.
To: Senator Jeff Brandes, Chair
   Appropriations Subcommittee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: November 20, 2017

I respectfully request that Senate Bill #484, relating to Sentencing, be placed on the:

☑ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Rob Bradley
Florida Senate, District 5
THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 12/7/17

Bill Number (if applicable) 484

Amendment Barcode (if applicable) 600470

Topic

Name Nancy Daniels

Job Title Legislative Consultant

Address 103 N. Gadsden St

Tallahassee, FL 32301

Street

City State Zip

Phone 850 488-6850

Email ndaniels@flpda.org

Speaking: □ For □ Against □ Information

Waive Speaking: □ In Support □ Against
(The Chair will read this information into the record.)

Representing Florida Public Defender 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.
The Florida Senate

Appearance Record

Meeting Date: 12/7/17

Bill Number: CS/58484

Topic: Sentencing

Name: Phil Archer

Job Title: State Attorney

Address: 2725 Judge Fran Jamieson

City: Viera

State: Fl.

Phone: (321) 637-5575

Email:

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [x] In Support [ ] Against

(The Chair will read this information into the record.)

Representing: State Attorney - 18th Judicial Circuit

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

Lobbyist registered with Legislature: [ ] Yes [x] 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 (10/14/14)
THE FLORIDA Senate

APPEARANCE RECORD

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

Meeting Date: 12-7-2017

Bill Number (if applicable): 484

Amendment Barcode (if applicable):

Topic: 

Name: Brian Pitts

Job Title: Trustee

Address: 1119 Newton Ave S., St Petersburg, FL 33705

Phone: 727/897-9291

Email: justice2jesus@yahoo.com

Zip:

Speaking:  ☑ For  ☐ Against  ☐ Information

Waive Speaking:  ☐ In Support  ☑ Against

(The Chair will read this information into the record.)

Representing: Justice-2-Jesus

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 (10/14/14)
12/7/17
Meeting Date

Topic	Sentencing

Name	Scott McCoy

Job Title	Senior Policy Counsel

Address	P.O. Box 10788
Street
City	Tally	FL	32302
State	Zip

Phone	334-224-4309
Email	Scott McCoy@spclcenter.org

Speaking:

☐ For
☒ Against
☐ Information

Waive Speaking:

☐ In Support
☐ Against
(The Chair will read this information into the record.)

Representing	Southern Poverty Law Center

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 presentation will focus on three areas of Florida’s criminal justice system:

- Sentencing
- Release

Follow-up questions

Data and current policy review

Research on what does and does not work

Examples from other states

Policy options for Florida
Florida’s Prison Population Grew 373% Since 1978
Summary of Changes

July 31, 2013

Revocations Down 39%

Admissions Down 28%

Sentence Lengths Up 22%

Lengths of Stay Up 18%
Florida Prison Population Mostly Steady Over Last Decade


Prison Population

Follow-up Questions

• Offenses committed by over-50 population
• Incarceration rate by county size
• Length of stay by offense degree
• Enhancement use by county
37% of 50+ Population Incarcerated for Non-violent Offenses

50+ Prison Population by Offense Type, 2016

- Violent: 14,018
- Property: 3,898
- Drugs: 2,711
- Other: 1,643
Small Counties Incarcerate at Highest Rate

Prison Admission Rate by County Size, 2016

- Small (Bottom 33%): 29.4
- Medium (Middle 33%): 22.4
- Large (Top 33%): 14.9

Prison Admissions per 1,000 County Population
Length of Stay By Degree of Offense

Average Time Served by Felony Class, 2007-2016

Length of Stay in Months

Felony Class

Capital 1st Degree 2nd Degree 3rd Degree

Length of Stay in Months

Felony Class

Average Time Served by Felony Class, 2007-2016

2007 2012 2016
## Top 10 Counties with Enhancements and MMs

<table>
<thead>
<tr>
<th>Rank</th>
<th>County</th>
<th>2016 Prison Population</th>
<th>% Population with Enhancements or MM斯</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Miami-Dade</td>
<td>7,610</td>
<td>61%</td>
</tr>
<tr>
<td>2</td>
<td>Duval</td>
<td>7,751</td>
<td>51%</td>
</tr>
<tr>
<td>3</td>
<td>Broward</td>
<td>7,235</td>
<td>50%</td>
</tr>
<tr>
<td>4</td>
<td>Lake</td>
<td>1,220</td>
<td>41%</td>
</tr>
<tr>
<td>5</td>
<td>Jefferson</td>
<td>89</td>
<td>40%</td>
</tr>
<tr>
<td>6</td>
<td>Pinellas</td>
<td>5,300</td>
<td>39%</td>
</tr>
<tr>
<td>7</td>
<td>Lee</td>
<td>2,536</td>
<td>38%</td>
</tr>
<tr>
<td>8</td>
<td>Brevard</td>
<td>2,720</td>
<td>36%</td>
</tr>
<tr>
<td>9</td>
<td>Seminole</td>
<td>1,494</td>
<td>36%</td>
</tr>
<tr>
<td>10</td>
<td>Hillsborough</td>
<td>6,444</td>
<td>35%</td>
</tr>
</tbody>
</table>

Note: Across counties, the most common enhancements at prison admission are Felony Habitual Offender and Crime with a Firearm (“10-20-Life”).
Sentencing:
- Nonviolent offenses
- Criminal Punishment Code (CPC)
Sentencing data

• Drug offenses:
  • Drug possession – 3\textsuperscript{rd} degree simple possession is the 2\textsuperscript{nd} most common offense admitted to prison
  • Commercial drug offenses – more than 3,000 people admitted to prison for either drug sale, manufacturing, delivery or drug trafficking in 2016

• Property offenses:
  • Property offenders made up 31% of people admitted to prison in 2016
  • Theft – more than 500 people are in prison for felony petit theft (3\textsuperscript{rd} offense under $300) and nearly 1,000 people were admitted for more than 2 years dealing in stolen property.
<table>
<thead>
<tr>
<th>Offense</th>
<th>2007</th>
<th>2016</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burglary of a Dwelling/Occupied Structure/Conveyance</td>
<td>2,171</td>
<td>2,352</td>
<td>8%</td>
</tr>
<tr>
<td>Possession of Controlled Substance (3rd Degree)</td>
<td>4,417</td>
<td>1,965</td>
<td>-56%</td>
</tr>
<tr>
<td>Sale/Manufacturing/Delivery of Controlled Substance (2nd Degree)</td>
<td>3,842</td>
<td>1,958</td>
<td>-49%</td>
</tr>
<tr>
<td>Traffic In Stolen Property</td>
<td>1,327</td>
<td>1,507</td>
<td>14%</td>
</tr>
<tr>
<td>Felon/Delinquent with Gun/Concealed Weapon/Ammunition</td>
<td>1,037</td>
<td>1,500</td>
<td>45%</td>
</tr>
<tr>
<td>Burglary of an Unoccupied Structure/Conveyance-or Attempted</td>
<td>1,953</td>
<td>1,194</td>
<td>-39%</td>
</tr>
<tr>
<td>Trafficking in Controlled Substance (1st Degree)</td>
<td>1,560</td>
<td>1,190</td>
<td>-24%</td>
</tr>
<tr>
<td>Grand Theft, $300-$5,000</td>
<td>1,389</td>
<td>973</td>
<td>-30%</td>
</tr>
<tr>
<td>Robbery with a Deadly Weapon</td>
<td>986</td>
<td>832</td>
<td>-16%</td>
</tr>
<tr>
<td>Robbery</td>
<td>919</td>
<td>608</td>
<td>-34%</td>
</tr>
</tbody>
</table>
For many lower-level offenders, incarceration can actually increase recidivism.

- **Nieuwbeerta, Nagin, and Blokland (2009)**: Found first-time, imprisoned offenders who served less than 1 year were 1.9 times as likely to be reconvicted within 3 years, compared to offenders sentenced in the community.

- **Spohn and Holleran (2002)**: Found that drug offenders sentenced to prison were 5-6 times more likely than probationers to be rearrested and charged, controlling for offender characteristics.

- **Drake and Aos (2012)**: Found that technical violators of probation serving a period of confinement (jail or prison) had significantly higher recidivism than offenders sanctioned in the community.

- **Mears & Cochran (2017)**: Focusing on first-time felons in Florida, the study found that jail sanctions vs. probation resulted in a higher likelihood of re-offense.
## Current Drug and Property Sentences

<table>
<thead>
<tr>
<th>Offense</th>
<th>Sentence Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug Possession</td>
<td>1- 5 yrs</td>
</tr>
<tr>
<td>Drug Sale/ Manufacture/ Delivery</td>
<td>1-30 yrs for different substances MM 3 years for certain DFZ offenses</td>
</tr>
<tr>
<td>Drug Trafficking</td>
<td>MM 3, 7, 15, 25 yrs, Life or a capitol offense</td>
</tr>
<tr>
<td>Felony Petit Theft</td>
<td>1-5 yrs</td>
</tr>
<tr>
<td>Grand Larceny</td>
<td>1-5 yrs</td>
</tr>
<tr>
<td>Dealing in Stolen Property</td>
<td>1-15 yrs</td>
</tr>
</tbody>
</table>
# Drug-Free Zone Enhancements

<table>
<thead>
<tr>
<th>Location + 1,000 feet</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Care Facility</td>
<td>1&lt;sup&gt;st&lt;/sup&gt; Degree: Schedule I, II&lt;br&gt;Up to 30 years&lt;br&gt;3 year MM for certain locations</td>
</tr>
<tr>
<td>Public or Private School (6am-12am)*</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt; Degree: Schedule III, IV, (and certain Sch I and II substances)&lt;br&gt;Up to 15 years</td>
</tr>
<tr>
<td>Public Park*</td>
<td>Degree difference based on substance</td>
</tr>
<tr>
<td>Community Center*</td>
<td></td>
</tr>
<tr>
<td>Recreation Center*</td>
<td></td>
</tr>
<tr>
<td>College or University</td>
<td></td>
</tr>
<tr>
<td>Place of Worship</td>
<td></td>
</tr>
<tr>
<td>Religious Organization</td>
<td></td>
</tr>
<tr>
<td>Convenience business</td>
<td></td>
</tr>
<tr>
<td>Public Housing Facility</td>
<td></td>
</tr>
<tr>
<td>Assisted Living Facility</td>
<td></td>
</tr>
</tbody>
</table>
## Scoresheet Points

<table>
<thead>
<tr>
<th>Category</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Offense</td>
<td>Level 1-10, points range from 4-116</td>
</tr>
<tr>
<td>Additional Offense</td>
<td>Level 1-10, points range from .2 to 58</td>
</tr>
<tr>
<td>Prior Record</td>
<td>Level 1-10, points range from .2 to 29</td>
</tr>
<tr>
<td>Victim Injury</td>
<td>Points range from 4 to 240</td>
</tr>
<tr>
<td>Legal Status</td>
<td>4 points</td>
</tr>
<tr>
<td>Community Sanction</td>
<td>6 points for a technical violation, 12 points for a new offense</td>
</tr>
<tr>
<td>Prior Serious Felony</td>
<td>30 points (level 8, 9, 10 offenses)</td>
</tr>
<tr>
<td>Firearm</td>
<td>18 or 25 points</td>
</tr>
<tr>
<td>Enhancement</td>
<td>Multiplied by 1.5, 2 or 2.5 if involves domestic violence w. child, law enforcement protection act, gang related, theft of a motor vehicle, drug trafficking offense, or adult on minor sex offense.</td>
</tr>
</tbody>
</table>
Sentence Totals

22 points or less
- Presumption for non-state prison sanction

23-44 points
- Non-state prison sanction

45 points or more
- State prison sanction
<table>
<thead>
<tr>
<th>State</th>
<th>Offense</th>
<th>Class</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Possession of a controlled substance</td>
<td>3rd degree felony</td>
<td>0-5 years in prison</td>
</tr>
<tr>
<td>Utah</td>
<td>Possession of any schedule I or schedule II substances</td>
<td>Class A misdemeanor (for 1st and 2nd offense)</td>
<td>0-1 year in jail</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Possession of any controlled substance</td>
<td>Misdemeanor</td>
<td>0-1 year in jail</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Possession of any controlled substance</td>
<td>Class D felony</td>
<td>Deferred prosecution or presumptive probation = 1st or 2nd offense, up to 3 years for more</td>
</tr>
</tbody>
</table>
### Examples: Drug-free Zone Enhancements

<table>
<thead>
<tr>
<th>State</th>
<th>Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Florida</strong></td>
<td>Prohibits possession and sale of controlled substances within 1,000 feet of enumerated drug free zones including parks, community centers, recreation centers, religious organizations, convenience businesses, public housing facilities, and others.</td>
</tr>
<tr>
<td><strong>South Carolina</strong></td>
<td>In 2010, South Carolina amended its drug free zone (DFZ) law to require evidence of intent such that the defendant intended to engage in commercial drug activity within the DFZ.</td>
</tr>
<tr>
<td><strong>Utah</strong></td>
<td>In 2015, Utah reduced zone from 1,000 to 100 feet, restricted the hours DFZ laws would apply and removed locations such as parks, shopping malls, sports facilities, arenas, and movie theatres that did not sufficiently target a particular population.</td>
</tr>
<tr>
<td><strong>Mississippi</strong></td>
<td>Prohibits selling or possessing with intent to sell a controlled substance within 1,500 feet of specified locations.</td>
</tr>
</tbody>
</table>
## Examples: Property Offenses

<table>
<thead>
<tr>
<th>State</th>
<th>Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Florida</strong></td>
<td>Felony = property valued at more than $300 or more. This value was last increased in 1986, raised from $100 dollars.</td>
</tr>
<tr>
<td><strong>Texas</strong></td>
<td>Felony = property valued at $2,500 or more. Higher felony offenses for property valued at $30,000 or more.</td>
</tr>
<tr>
<td><strong>South Carolina</strong></td>
<td>Felony = property valued at more than $2,000.</td>
</tr>
<tr>
<td><strong>Kansas</strong></td>
<td>Felony = property or services valued more than $1,500.</td>
</tr>
</tbody>
</table>
Examples: Utah Sentencing Guidelines

• Adjusted points for criminal history factors.
• Eliminated double-counting of factors, such as prior supervision, residential placement, and failure to report.
• Imposed a restriction on the look back period to 10 years for prior offenses.
• Reduced sentence ranges in the guidelines grid.
Florida Sentencing Options

• Reclassify drug possession as a misdemeanor to focus on supervision and treatment rather than incarceration and eliminate the “felon” label for this crime

• Revise drug-free zones so sentence enhancements apply to dealers targeting vulnerable populations (children, elderly)

• Raise the felony theft threshold from $300 to $1,500

• Adjust Criminal Punishment Code (CPC) to increase score for prison sentence, cap sentence length and establish minimum score for prison admission

• Establish presumptive probation and a treatment-focused supervision model for low-level, repeat offenders
Release:
- Time served in prison
- Elderly prison population
- Enhanced sentences and mandatory minimums
Time Served Has Increased Across Offense Types

Mean Time Served by Offense Type (4-Group), 2007 vs 2016

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>2007</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent</td>
<td>55.6</td>
<td>62.2</td>
</tr>
<tr>
<td>Property</td>
<td>31.2</td>
<td>33.5</td>
</tr>
<tr>
<td>Drugs</td>
<td>26.4</td>
<td>32.8</td>
</tr>
<tr>
<td>Other</td>
<td>22.6</td>
<td>30.7</td>
</tr>
</tbody>
</table>
29% of Prison Population Has No Current or Prior Violent Crime


- No Current or Prior Violent: 27,212
- Current or Prior Violent: 66,667

CRJ
CRIME AND JUSTICE INSTITUTE
Number of Prisoners Age 50+ Grew 65% in Last Decade

Prisoners Age 50 and Over, Snapshot Population 2007-2016

- 2007: 14,251
- 2016: 23,542

Graph shows an increase in the number of prisoners age 50 and over from 14,251 in 2007 to 23,542 in 2016.
37% of Offenders in Florida’s Prisons Were Sentenced Under a Mandatory Minimum or Enhancement

Prison Population by Enhancement or Mandatory Minimum, 2007 vs 2016

- 2007: 65,033
- 2016: 62,142

- 2007: 30,009
- 2016: 35,728

Enhancement or MM
No Enhancement or MM
Research on Age

• Age is one of the most significant predictors of criminality, with criminal activity peaking in late adolescence and decreasing as a person ages
  
  • Brie Williams & Rita Abraldes (2007): Examined parolee recidivism and found the probability of parole violations decreased with age, with older parolees the least likely group to be re-incarcerated.
  
  • United States Sentencing Commission (2004): Conducted an analysis of people sentenced under federal sentencing guidelines and found that within two years of release the recidivism rate among offenders older than 50 was only 9.5 percent compared with 35.5 percent for offenders under 21.
In general, incarceration is not more effective at reducing recidivism than non-custodial (incarceration) sanctions.

- **Campbell Collaboration (2015) (meta-analysis):** Found incarceration has a null or criminogenic effect on re-arrest and re-conviction rates compared to non-custodial sanctions

- **Nagin & Snodgrass (2013):** Found no significant difference in 1, 2, 5, and 10-year re-arrest rates compared to non-custodial sanctions
Current Release Policies

- Under Florida law, those convicted after 1995 are required to serve 85 percent of their sentence.

- Offenders can earn gain time credits to reduce their sentence, but only up to their 85 percent benchmark.
  - Many offenses are excluded from gain time.
  - Offenders serving a sentence with a mandatory minimum term cannot apply gain time to their mandatory term.

- Florida has limited release options that are largely discretionary.
• Currently Florida has four main alternatives to incarceration:
  • Probation
  • Community Control
  • Drug Probation
  • Specialty Courts

• These are limited to those with very low CPC scores and nonviolent 3rd degree felony charges.
## Sentencing Enhancements

<table>
<thead>
<tr>
<th>Enhancement</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Habitual Felony Offender</td>
<td>Increases to 10, 30, Life</td>
</tr>
<tr>
<td>Habitual Violent Felony Offender</td>
<td>Increases to 10, 30, Life ineligible for release before 5, 10, 15 years</td>
</tr>
<tr>
<td>Three Time Violent Felony Offender</td>
<td>MM of 5, 15, 30, Life MUST SERVE 100%</td>
</tr>
<tr>
<td>Violent Career Criminal</td>
<td>MM of 10, 30, Life</td>
</tr>
<tr>
<td>Prison Releasee Reoffender</td>
<td>MM of 5, 15, 30, Life MUST SERVE 100%</td>
</tr>
<tr>
<td>10-20-Life Enhancement</td>
<td>MM 10, 20</td>
</tr>
</tbody>
</table>
### Examples: Medical/ Geriatric Release

<table>
<thead>
<tr>
<th>State</th>
<th>Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Florida</strong></td>
<td>Inmates who the Department determines are “terminally ill” or “permanently incapacitated” may be issued early release. Such release may be revoked if condition improves.</td>
</tr>
<tr>
<td><strong>Louisiana</strong></td>
<td>If offender is 45 and has served 20 years of at least a 30-year sentence, he or she is eligible for parole.</td>
</tr>
<tr>
<td><strong>Texas</strong></td>
<td>If inmate is elderly, physically disabled, mentally ill, terminally ill, or mentally retarded, or has a condition requiring long-term care, who the Department determines is not a threat to public safety, he or she may be placed on medically recommended intense supervision.</td>
</tr>
<tr>
<td><strong>Virginia</strong></td>
<td>Offenders who are over age 60 who have served at least 10 years, or who are over 65 and have served at least 5 years, are eligible for conditional geriatric release.</td>
</tr>
</tbody>
</table>
## Examples: Mandatory Minimums

<table>
<thead>
<tr>
<th>State</th>
<th>Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>108 mandatory minimum offenses, 47 of which are drug offenses with no judicial safety valve.</td>
</tr>
<tr>
<td>New York</td>
<td>Reduced determinate sentence terms for second felony Class B and Class C drug offenders and created a judicial diversion program for Class B, Class C, and Class D drug offenders.</td>
</tr>
<tr>
<td>Oregon</td>
<td>Removed mandatory minimum sentences for certain drug offenders with multiple convictions.</td>
</tr>
<tr>
<td>Maryland</td>
<td>Eliminated mandatory minimum sentences for all commercial drug offenses except high volume dealers and drug kingpins. Additionally, made third and subsequent commercial drug offenders eligible for parole after serving 50% of their sentence.</td>
</tr>
</tbody>
</table>
### Examples: 85% Requirement

<table>
<thead>
<tr>
<th>State</th>
<th>85% Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>All Offenses</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Violent crimes such as 1\textsuperscript{st} and 2\textsuperscript{nd} degree murder, aggravated assault, rape, robbery, aggravated drug trafficking.</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Offenses that result in death or significant bodily harm such as murder, manslaughter, aggravated manslaughter.</td>
</tr>
<tr>
<td>Iowa</td>
<td>A limited number of violent offenses such as murder in the 2\textsuperscript{nd} degree, attempted murder, and vehicular homicide.</td>
</tr>
</tbody>
</table>
Florida Release Options

• Expand eligibility for low-risk elderly and infirm offenders to be transferred to community-based custody and treatment

• Amend the 85% requirement to focus on violent high-risk offenders

• Expand gain time eligibility to all inmates eligible for release

• Increase gain time awards to incentivize program completion and move offenders to community-based programming earlier

• Require the use of the mandatory minimum safety valve unless the court finds that the mandatory sentence is necessary to protect the public
Thank you

For further information:

• Len Engel
  Crime and Justice Institute
  508-782-5125
  lengel@crj.org

• Maura McNamara
  Crime and Justice Institute
  617-529-3654
  mmcnamara@crj.org
The Florida Senate

Appearance Record

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

Meeting Date: 12/7/17

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Crime and Justice Institute

Name: Len Engel

Job Title: Policy Director

Address: 355 Boylston Street

Street: ____________________________

City: Boston

State: MA

Zip: ____________________________

Phone: ____________________________

Email: len@cj.org

Speaking:  ■ For  □ Against  □ Information

Waive Speaking:  □ In Support  □ Against

(The Chair will read this information into the record.)

Representing: Crime and Justice Institute

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 (10/14/14)
Florida Criminal Justice Reform: Understanding the Challenges and Opportunities

https://accountablejustice.github.io/report/

Deborrah Brodsky, Director
Presentation to the
Florida Senate Subcommittee on Criminal and Civil Justice Appropriations
December 7, 2017
Florida's prison population is the result of a generation of policy decisions --- some at cross purposes and with unintended consequences.

Florida Prison Population by Year

Despite concerns that the prison population was becoming too large, legislators embraced laws and policies that continued to grow the system. At the same time, the state embarked on an unprecedented spending spree to build 46 new prisons and 34 new smaller facilities. In just the last five years of this spree, Florida spent or borrowed $1.5 billion.

In the 1990s, Florida lengthened sentences for most offenses — and eliminated incentives for good behavior.

In 1983, the Legislature abolished parole.

In the late 1980s, the Legislature passed laws to increase sentences for drug offenses.

275 per 100k

Click Here To Re-Start.
The growth of Florida's prison system has been both fast and steady.

A 15% reduction in the state's prison population would undo growth experienced since 2005.

A 30% reduction would return Florida to imprisonment levels last seen in 2000.
A Profile of Florida’s Prison Admissions

Nonviolent offenses drive admissions to prison.

This report uses two methodologies for determining an individual’s offense: “committing” offense and “longest” offense. Both result from an analysis of data provided by the Florida Department of Corrections. By either measure, non-violent offenses account for a significant majority of prison admissions.

Committing Offense

The Committing Offense is the most serious charge for which an individual is sentenced to prison. It prioritizes violent offenses over property, drug, and other offenses. The Committing Offense variable captures violations of probation, parole, and conditional release.\(^1\)

Longest Sentenced Offense

The Longest Sentenced Offense is the offense that carries the longest sentence, regardless of the seriousness of the offense. However, when two offenses carry the same sentence, this variable, like Committing Offense, prioritizes violence. In cases where an individual is admitted to prison for a violation of probation or parole, the Longest Sentenced Offense reveals the underlying charge, not the violation.
Florida Department of Corrections policies make a difference.
FY 2015 Admissions for Violations of Probation, by Circuit

- Rate per 100k Adults
- Number of Admissions

FY 2015 Admissions for Violations of Probation

...But Florida Department of Corrections policies only go so far.
Statewide, blacks are 5.5 times more likely to be incarcerated than whites.
Recommendations:

1. Enhance External Oversight.

2. Build a Robust System of Risk-Based Pretrial Practices.


4. Review and Modernize Sentencing.

5. Encourage Local Solutions.

6. Measure Criminal Justice Success.
Floridians Overwhelmingly Support Criminal Justice Reform

Right on Crime, a conservative advocacy group, has released results from an October 2017 survey of Florida voters that shows tremendous support for criminal justice reform and protecting youth from the existing justice system.

The survey demonstrated that Floridians strongly believe the primary purpose of the criminal justice system is to rehabilitate — not to punish — people:

- What should be the primary purpose of our criminal justice system?
  - All voters: 60% rehabilitate, 29% punish / GOP voters: 47% rehabilitate, 40% punish

Voters across the spectrum — from the most conservative to the most liberal — embrace four proposed reforms:

- Ending the practice of suspending drivers’ licenses for failure to pay court fees or fines when the person can prove an inability to pay and agrees to do community service.
  - All voters: 79% favor, 17% oppose / GOP voters: 77% favor, 19% oppose

- Encouraging counties to create civil citation programs that would allow police officers to give citations that include fines and/or community service instead of making arrests for various misdemeanors.
  - All voters: 75% favor, 16% oppose / GOP voters: 78% favor, 16% oppose

- Allowing judges to cut three and five-year mandatory minimum sentences by up to two-thirds for first-time drug offenders when they believe the mandatory sentence is inappropriate based on the crime committed.
  - All voters: 69% favor, 23% oppose / GOP voters: 65% favor, 26% oppose

- Raising the minimum monetary threshold that qualifies as a felony from $300 to $1,500.
  - All voters: 85% favor, 34% oppose / GOP voters: 84% favor, 36% oppose

When it comes to dealing with youthful offenders, Florida voters side with protecting minors from the existing justice system:

- Should judges or prosecutors decide if a child should be tried as an adult?
  - All voters: 73% judges, 14% prosecutors / GOP voters: 73% judges, 16% prosecutors

- Agree that minors awaiting trial as an adult should still be housed in a juvenile facility.
  - All voters: 86% favor, 12% oppose / GOP voters: 81% favor, 15% oppose

- Minors charged with adult crimes should be housed in a juvenile facility.
  - All voters: 74% favor, 20% oppose / GOP voters: 67% favor, 26% oppose

- Prosecutors should disclose their plea deals with minors.
  - All voters: 81% favor, 13% oppose / GOP voters: 79% favor, 14% oppose

**Voter Group Definitions**

- GOP voters: 600 registered Republican voters who had voted in at least one of the last four statewide GOP primaries (Presidential or gubernatorial). Margin of error is ±4%.
- All voters: 600 registered voters of all parties who had voted in at least one of the last two gubernatorial elections. Margin of error is ±3.86%.

The poll was conducted Oct. 23-29, 2017 by Fabrizio Lee.
# CRIMINAL JUSTICE REFORM IN FLORIDA

## TIME FOR REFORM

A majority of Floridians agree that it’s time for reform. Here are the details.

| 72% | of Floridians agree or strongly agree that it is important to reform the criminal justice system in Florida. |

## COST OF INCARCERATION

Part of this has to do with the cost of incarceration, especially for nonviolent offenders:

| 75% | of Floridians agree or strongly agree that the prison population is costing our country too much money. |
| 64% | believe there are too many nonviolent offenders in prison. |

## CONSISTENT PUNISHMENT

Prison sentences should apply consistently:

| 63% | of Floridians believe that if a mandatory minimum sentence is reduced by law, that reduction should retroactively apply to prisoners currently in jail. |

## JUVENILE JUSTICE

Floridians also have the opportunity to make strides in juvenile justice reform:

| 70% | believe juveniles should be held in a system separate from adult offenders. |

## JOBS AND REHABILITATION

Floridians are also concerned about the collateral consequences of incarceration, like difficulty finding work:

| 72% | of Floridians believe felons should be able to get licenses to work after they finish serving their sentences. |
| 74% | believe prisons should focus more on rehabilitation than punishment. |
The Project on Accountable Justice (PAJ) is a think tank dedicated to advancing public safety through research and evidence.

PAJ is a collaboration of the Florida State University College of Social Sciences and Public Policy, the Institute for the Study of Prosocial Behavior at Baylor University, the Institute for Strategic Policy Solutions at St. Petersburg College and the Florida Public Safety Institute at Tallahassee Community College.

For more information, please visit: log.fsu.edu/paj/

Contact: dbrodsky@fsu.edu
Criminal Justice Reform
Deborah Brodsky
Director, Project on Accountable Justice
1128 Marion Ave
Phone 850/566-1894
Email dbrodsky@fsu.edu

Speaking: ☐ For ☐ Against ☐ Information
Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)
Representing Project on Accountable Justice

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)

Meeting Date: 12-7-2017

Tab 6

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Justice Reform (FSU)

Name: Brian Pitts

Job Title: Trustee

Address: 1119 Newton Ave S, St Petersburg, FL 33705

Phone: 727/897-9291

Email: Justice2Jesus@yahoo.com

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

Waive Speaking: [ ] In Support [ ] Against

(The Chair will read this information into the record.)

Representing: Justice-2-Jesus

 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 (10/14/14)
Governor Rick Scott
Public Safety
Budget Recommendations
FY 2018-2019
Governor Scott’s priorities for Florida’s Future

<table>
<thead>
<tr>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Cuts for Florida Families</td>
</tr>
<tr>
<td>Jobs for Florida Families</td>
</tr>
<tr>
<td>Education for Florida’s Students</td>
</tr>
<tr>
<td>Protecting Florida’s Environment</td>
</tr>
<tr>
<td>Keeping Florida’s Residents and Tourists Safe</td>
</tr>
<tr>
<td>Ensuring a Healthy Future</td>
</tr>
</tbody>
</table>
Lowest Crime Rate in 46 Years

![Graph showing the crime rate per 100,000 population from 1971 to 2016, with the lowest rate in 2016.]
Recidivism Rates over Time

Year Released from Prison

- 2006: 32.5%
- 2007: 30.5%
- 2008: 27.6%
- 2009: 26.3%
- 2010: 25.7%
- 2011: 26.2%
- 2012: 25.2%

- 25-36 Months
- 13-24 Months
- 1-12 Months
Juvenile Arrests

Youth Arrests

<table>
<thead>
<tr>
<th>Year</th>
<th>Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009-10</td>
<td>121,734</td>
</tr>
<tr>
<td>2010-11</td>
<td>110,515</td>
</tr>
<tr>
<td>2011-12</td>
<td>97,152</td>
</tr>
<tr>
<td>2012-13</td>
<td>85,453</td>
</tr>
<tr>
<td>2013-14</td>
<td>78,330</td>
</tr>
<tr>
<td>2014-15</td>
<td>75,066</td>
</tr>
<tr>
<td>2015-16</td>
<td>69,749</td>
</tr>
<tr>
<td>2016-17</td>
<td>64,824</td>
</tr>
</tbody>
</table>
2018-19 Budget Recommendations by Agency
$5.3 Billion

- **Corrections**: $2,643,647,006 (50.0%)
- **Juvenile Justice**: $593,442,568 (11.2%)
- **Law Enforcement**: $297,358,961 (5.6%)
- **Florida Commission on Offender Review**: $10,472,467 (0.2%)
- **Justice Administration**: $908,270,009 (17.2%)
- **State Court System**: $535,141,773 (10.1%)
- **Office of Attorney General/Legal Affairs**: $302,266,302 (5.7%)
### Department of Corrections

<table>
<thead>
<tr>
<th>Major Issues Funded</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enhancing Mental Health Services</td>
<td>$78 Million; 476 FTE</td>
</tr>
<tr>
<td>Improving Services to Disabled Inmates</td>
<td>$6.5 Million; 12 FTE</td>
</tr>
<tr>
<td>Pharmaceuticals</td>
<td>$31.1 Million</td>
</tr>
<tr>
<td>Expanding Workforce Education Programs</td>
<td>$4 Million</td>
</tr>
<tr>
<td>Correctional Facility Maintenance and Repair</td>
<td>$21 Million</td>
</tr>
<tr>
<td>Contraband Interdiction</td>
<td>$2 Million</td>
</tr>
<tr>
<td>Office of the Inspector General</td>
<td>$1.3 Million; 20 FTE</td>
</tr>
<tr>
<td>Desktop Virtualization</td>
<td>$4 Million</td>
</tr>
</tbody>
</table>
# Department of Juvenile Justice

<table>
<thead>
<tr>
<th>Major Issues Funded</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pay Raises for Juvenile Detention and Probation Officers</td>
<td>$8 Million</td>
</tr>
<tr>
<td>Increase Juvenile Residential Capacity</td>
<td>$14.5 Million</td>
</tr>
<tr>
<td>Expand and Maintain Juvenile Prevention Programs</td>
<td>$9.2 Million</td>
</tr>
<tr>
<td>Establish the Office of Youth and Family Advocacy</td>
<td>$317,000; 3 FTE</td>
</tr>
<tr>
<td>Juvenile Facility Maintenance &amp; Repair</td>
<td>$10 Million</td>
</tr>
<tr>
<td>Complete Assessment Tool Enhancements</td>
<td>$804,000</td>
</tr>
</tbody>
</table>
## Other Priority Issues

<table>
<thead>
<tr>
<th>Agency</th>
<th>Major Issues Funded</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple</td>
<td>Pay Raises for Sworn State Law Enforcement Officers</td>
<td>$30.0 Million</td>
</tr>
<tr>
<td>FDLE</td>
<td>Strengthen Counterterrorism Operations</td>
<td>$1.3 Million</td>
</tr>
<tr>
<td>FDLE</td>
<td>Improve Florida’s Crime Databases</td>
<td>$10.5 Million; 10 FTE</td>
</tr>
<tr>
<td>FDLE</td>
<td>Florida Violent Crime and Drug Control Council</td>
<td>$4 Million</td>
</tr>
<tr>
<td>Legal Affairs</td>
<td>IT Modernization</td>
<td>$7.4 Million</td>
</tr>
<tr>
<td>RCC</td>
<td>Dependency Workload</td>
<td>$407,000; 5 FTE</td>
</tr>
<tr>
<td>Courts</td>
<td>Enhance Judicial Databases</td>
<td>$419,000</td>
</tr>
<tr>
<td>State Attorneys &amp; Public Defenders</td>
<td>Workload Proviso</td>
<td>- - - -</td>
</tr>
</tbody>
</table>
Public Safety Unit
Office of Policy and Budget

Katie Cunningham, Policy Coordinator
(850) 717-9512
### FY 2017-18 Appropriations by Program Area

<table>
<thead>
<tr>
<th>Program Area</th>
<th>FTE</th>
<th>General Revenue</th>
<th>Trust Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Attorney General</td>
<td>1,309</td>
<td>$48.2 m</td>
<td>$237 m</td>
<td>$285.3 m</td>
</tr>
<tr>
<td>Statewide Prosecution</td>
<td>72.5</td>
<td>$6.7 m</td>
<td>$1.9 m</td>
<td>$8.6 m</td>
</tr>
<tr>
<td>Florida Elections Commission</td>
<td>15</td>
<td>$1.5 m</td>
<td></td>
<td>$1.5 m</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,381.5</strong></td>
<td><strong>$54.8 m</strong></td>
<td><strong>$240.6 m</strong></td>
<td><strong>$295.5 m</strong></td>
</tr>
</tbody>
</table>

- **General Revenue**: $54,861,571 (18.6%)
- **Trust Funds**: $240,597,012 (81.4%)
## Fiscal Year 2018-19 Legislative Budget Request

<table>
<thead>
<tr>
<th>Description</th>
<th>FTE</th>
<th>General Revenue</th>
<th>Trust Fund</th>
<th>All Funds (Total)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Agency-Wide Information Technology Modernization Program</td>
<td></td>
<td>$7,354,982</td>
<td></td>
<td>$7,354,982</td>
</tr>
<tr>
<td>2. Citizen Services Price Gouging Hotline Position Reclassification</td>
<td></td>
<td>$43,800</td>
<td></td>
<td>$43,800</td>
</tr>
<tr>
<td>3. Citizen Services Workload</td>
<td>5</td>
<td>$314,983</td>
<td></td>
<td>$314,983</td>
</tr>
<tr>
<td><strong>Total FY18-19 LBR Requests</strong></td>
<td>5</td>
<td><strong>$7,713,765</strong></td>
<td></td>
<td><strong>$7,713,765</strong></td>
</tr>
</tbody>
</table>
12/7/17  
Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

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

Bill Number (if applicable)

Topic  Presentation of Governor’s Recommendation

Name  Katie Canningham

Job Title  Policy Coordinator

Address  1801, the Capitol
Street  Tallahassee
City  State  FL
Zip

Phone  850 717 9442
Email ________________

Speaking:  X  For  □  Against  □  Information

Waive Speaking:  □  In Support  □  Against
(The Chair will read this information into the record.)

Representing  office of the Governor

Appearing at request of Chair:  X  Yes  □  No

Lobbyist registered with Legislature:  X  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 (10/14/14)
The Florida Senate

Appearance Record

12/7/17

Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Presentation on Governor's Fiscal Year 2018-2019 Budget Recommendations

Name Julie Jones

Job Title Secretary

Address 501 S Calhoun Street

Street

Tallahassee

FL

32399

City

State

Zip

Phone 850-717-3070

Email Julie.Jones@fdc.myflorida.com

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against
(The Chair will read this information into the record.)

Representing Florida Department of Corrections

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.

S-001 (10/14/14)
12/7/17
Meeting Date

Topic Governor's Rec Budget

Name Christina Daly

Job Title Secretary

Address 2737 Centerview Dr
Street Tallahassee
City FL
State 32308
Zip

Phone 850-717-2717

Email

Speaking: □ For □ Against □ Information

Waive Speaking: □ In Support □ Against
(The Chair will read this information into the record.)

Representing Department 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.

This form is part of the public record for this meeting.
12/7/17

Meeting Date

Department of Legal Affairs

Topic

Andrew Fay

Name

Special Counsel

Job Title

P.O. Box

Address

850-245-0155

Phone

Andrew.Fay@myflorida.com

Email

Department of Legal Affairs

Representing

For

Against

Information

Speaking:

□ In Support  □ Against

Waive Speaking:

(The Chair will read this information into the record.)

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)

12-7-2017
Meeting Date

Tab 7
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic ________________________
Governor's Recommendations

Name ________________________
Brian Pitts

Job Title ________________________
Trustee

Address ________________________
1119 Newton Ave S
St Petersburg, FL 33705
Phone 727/897-9291
Email justice2jesus@yahoo.com

Speaking: □ For □ Against ✓ Information
Waive Speaking: □ In Support □ Against
(The Chair will read this information into the record.)

Representing ________________________
Justice 2 Jesus

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.
November 28, 2017

Senator Jeff Brandes
Appropriations Subcommittee on Criminal and Civil Justice, Chairman
201 The Capitol
404 S. Monroe St.
Tallahassee, FL 32399-1100
Sent via email to brandes.jeff@flsenate.gov

Chairman Brandes,

I respectfully request to be excused from the December 7th, 2017, meeting of the Appropriations Subcommittee on Criminal and Civil Justice. I will be traveling for a previously scheduled event.

Please let me know if you have any questions. Thank you.

Regards,

Senator José Javier Rodríguez
District 37, Miami

CC:  Tim Sadberry, Staff Director
     Lisa Roberts, Committee Administrative Assistant
CourtSmart Tag Report

Room: LL 37  
Case No.:  
Type:  
Caption: Senate Appropriations Subcommittee on Criminal and Civil Justice  
Judge:  

Started: 12/7/2017 9:02:21 AM  
Ends: 12/7/2017 11:59:45 AM  
Length: 02:57:25

9:02:47 AM Sen. Brandes (Chair)  
9:03:00 AM Sen. Brandes  
9:03:03 AM S 146  
9:03:14 AM Sen. Bean  
9:04:59 AM Sen. Baxley  
9:05:25 AM Sen. Bean  
9:06:49 AM Alan Abromowitz, Executive Director, Guardian Ad Litem Provider  
9:07:53 AM Brian Pitts, Trustee, Justice-2-Jesus  
9:10:54 AM Sen. Brandes  
9:11:31 AM S 152  
9:12:05 AM Marion P. Hammer, National Rifle Association and Unified Sportsmen of Florida (waives in support)  
9:12:19 AM B. Pitts  
9:14:13 AM Sen. Baxley  
9:15:03 AM Sen. Brandes  
9:15:21 AM S 222  
9:15:29 AM Sen. Bean  
9:16:05 AM Sen. Brandes  
9:16:52 AM TAB 7 - Presentation on Governor’s Fiscal Year 2018-2019 Budget Recommendations  
9:17:00 AM Katie Cunningham, Policy Coordinator, Office of the Governor  
9:20:41 AM Julie Jones, Secretary, Department of Corrections  
9:29:22 AM Sen. Bracy  
9:30:03 AM J. Jones  
9:30:57 AM Sen. Brandes  
9:31:07 AM Sen. Bracy  
9:31:13 AM J. Jones  
9:31:41 AM Sen. Bracy  
9:32:01 AM J. Jones  
9:32:24 AM Sen. Bracy  
9:32:43 AM J. Jones  
9:33:12 AM Sen. Bracy  
9:33:30 AM Sen. Perry  
9:34:57 AM J. Jones  
9:37:34 AM Sen. Baxley  
9:38:16 AM J. Jones  
9:41:02 AM J. Jones  
9:41:14 AM Sen. Bracy  
9:41:20 AM J. Jones  
9:44:01 AM Sen. Bradley  
9:45:24 AM J. Jones  
9:45:33 AM Sen. Bradley  
9:45:54 AM J. Jones  
9:47:06 AM J. Jones  
9:47:31 AM J. Jones  
9:48:04 AM J. Jones  
9:48:45 AM J. Jones  
9:50:19 AM Sen. Bradley  
9:50:54 AM J. Jones
11:08:07 AM Sen. Baxley
11:10:16 AM Sen. Bracy
11:10:21 AM L. Engel
11:11:14 AM Sen. Bracy
11:11:24 AM L. Engel
11:22:32 AM L. Engel
11:31:46 AM Sen. Perry
11:31:54 AM L. Engel
11:32:55 AM Sen. Perry
11:33:02 AM L. Engel
11:33:24 AM Sen. Brandes
11:33:37 AM Tim Sadberry, Staff Director, Senate Appropriations Subcommittee on Criminal and Civil Justice
11:33:44 AM Sen. Perry
11:34:03 AM T. Sadberry
11:34:40 AM L. Engel
11:34:51 AM Sen. Perry
11:35:08 AM L. Engel
11:38:14 AM TAB 6 - Discussion of the report by the Project on Accountable Justice (Florida State University)
11:39:10 AM Sen Brandes
11:40:31 AM Deborrah Brodsky, Director, Project on Accountable Justice
11:48:29 AM Sen. Perry
11:49:14 AM D. Brodsky
11:54:07 AM D. Brodsky
11:56:08 AM Sen. Bracy
11:57:31 AM D. Brodsky
11:58:21 AM Sen. Bradley
11:59:45 AM