The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

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

MEETING DATE: Wednesday, April 13, 2011
TIME: 9:15 —10:45 a.m.
PLACE: *Mallory Horne Committee Room,* 37 Senate Office Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**CS/SB 490** Health Regulation / Jones (Similar CS/CS/H 257)	Medical Expense/Pretrial Detainee/Sentenced Inmate; Provides that the responsibility for paying the expenses of medical care, treatment, hospitalization, and transportation for a person who is ill, wounded, or otherwise injured during or as a result of an arrest for a violation of a state law or a county or municipal ordinance is the responsibility of the person receiving the medical care, treatment, hospitalization, or transportation. Removes provisions establishing the order by which medical providers receive reimbursement for the expenses incurred in providing the medical services or transportation, etc. CA 02/21/2011 Favorable HR 03/09/2011 Fav/CS BJA 04/13/2011 BC	
2	**CS/SB 524** Transportation / Latvala (Similar CS/CS/CS/CS/H 283, Compare H 755, H 5015, H 7097, S 436, CS/CS/S 768, S 932, CS/S 1180, S 1966, S 2104, S 2152)	Seaports; Deletes provisions relating to statewide minimum standards for seaport security. Deletes provisions authorizing the Department of Law Enforcement to exempt all or part of a seaport from specified requirements in certain circumstances. Prohibits a seaport from charging any fee for administration or production of access control credentials that require or are associated with a fingerprint-based background check, in addition to the fee for the federal TWIC, etc. MS 03/10/2011 Favorable TR 03/16/2011 Fav/CS BJA 04/13/2011 BC	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	**SB 1390** Dockery (Compare CS/S 1334)	Supervised Reentry Programs for Inmates; Provides legislative intent to encourage the Department of Corrections, to the extent possible, to place inmates in the community to perform paid employment for community work. Provides that an inmate may leave the confinement of prison to participate in a supervised reentry program in which the inmate is housed in the community while working at paid employment or participating in other programs that are approved by the department. Requires the inmate to live at a department-approved residence while participating in the supervised reentry program, etc. CJ 03/28/2011 Favorable BJA 04/13/2011 BC RC	
4	**CS/SB 734** Communications, Energy, and Public Utilities / Wise (Similar H 15)	Assault or Battery on Utility Workers; Defines the term "utility worker." Provides for reclassification of certain offenses against utility workers, etc. CU 03/07/2011 Fav/CS CJ 03/28/2011 Favorable BJA 04/13/2011 BC	
5	**CS/SB 664** Judiciary / Benacquisto (Similar CS/H 513)	Missing Person Investigations/Silver Alert; Provides that certain specified persons are immune from civil liability for damages for complying with the request to release Silver Alert information to appropriate agencies. Authorizes only the law enforcement agency having jurisdiction over a case to request that the Missing Endangered Persons Information Clearinghouse activate a state Silver Alert involving a missing adult who is suspected by a law enforcement agency of meeting the criteria for activation of the Silver Alert Plan, etc. CJ 03/09/2011 Fav/1 Amendment JU 03/28/2011 Fav/CS BJA 04/13/2011 BC	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	**SB 608** Evers (Similar H 403)	Traffic Offenses; Provides criminal penalties for a person who commits a moving violation that causes serious bodily injury to, or causes or contributes to the death of, a person operating or riding in a motor vehicle or operating or riding on a motorcycle. Requires that the person pay a specified fine, serve a minimum period of incarceration, and attend a driver improvement course. Requires the court to revoke the person's driver's license for a specified period, etc. TR 03/09/2011 Favorable CJ 03/22/2011 Favorable BJA 04/13/2011 BC	
7	**SB 1494** Evers (Similar H 1029)	Interstate Compact for Juveniles; Reenacts provisions which expired by operation of law on August 26, 2010. Provides purpose of the compact. Provides for an Interstate Commission for Juveniles. Provides for the activities of the Interstate Commission to be financed by an annual assessment from each compacting state. Provides for judicial enforcement. Provides for dissolution of the compact. Reenacts provisions which expired by operation of law on August 26, 2010. Creates the State Council for Interstate Juvenile Offender Supervision to oversee state participation in the compact, etc. CJ 03/22/2011 Favorable BJA 04/13/2011 BC RC	

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LEGISLATIVE ACTION

Senate . House

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The Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations (Thrasher) recommended the following:

Senate Amendment

Delete lines 167 - 178
and insert:
(5) Absent a written agreement between the third-party provider and the governmental body, the remuneration made pursuant to subsection (4) must be paid by the governmental body at a rate not to exceed the following:
(a) For emergency services and care, unrelated to an admission, provided by a hospital licensed under chapter 395, 75

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percent of the hospital's billed charges;

(b) For hospital inpatient services, other than emergency services and care, 110 percent of the Medicare Part A prospective payment applicable to the specific hospital providing the inpatient services;

(c) For hospital outpatient services, other than emergency services and care, 110 percent of the Medicare Part A Ambulatory Payment Classification for the specific hospital providing the outpatient services; and

(d) For hospitals reporting a negative operating margin for the previous year to the Agency for Health Care Administration through hospital-audited financial data, the payments in paragraphs (b) and (c) shall be 125 percent of the applicable Medicare prospective payment.

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LEGISLATIVE ACTION

Senate . House

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The Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations (Thrasher) recommended the following:

Senate Amendment

Delete lines 167 - 178
and insert:

(5) Absent a written agreement between the third-party provider and the governmental body, the remuneration made pursuant to subsection (4) must be paid by the governmental body at a rate not to exceed the following:

(a) For emergency services and care resulting in a discharge from the emergency room, and unrelated to an admission, provided by a hospital licensed under chapter 395, 75

percent of the hospital's billed charges;

(b) For hospital inpatient services, 110 percent of the Medicare Part A prospective payment applicable to the specific hospital providing the inpatient services;

(c) For all other outpatient services, 110 percent of the Medicare Part A Ambulatory Payment Classification or Part B for the specific provider of the outpatient services; and

(d) For hospitals reporting a negative operating margin for the previous year to the Agency for Health Care Administration through hospital-audited financial data, the payments in paragraphs (b) and (c) shall be 125 percent of the applicable Medicare prospective payment.

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LEGISLATIVE ACTION

Senate . House

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The Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations (Smith) recommended the following:

Senate Amendment (with title amendment)

Between lines 204 and 205
insert:

Section 3. This act does not apply to a charter county that has a population of more than 1.7 million as of the most recent decennial census. A charter county that has two hospital districts within its geographical boundaries is not obligated to reimburse any third-party provider of medical care, treatment, hospitalization, or transportation for an in-custody pretrial detainee or sentenced inmate of a county detention facility at a rate exceeding the rate paid, as of July 1, 2011, for similar

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medical costs to such hospital districts, regardless of whether such reimbursement rate has been established and implemented by policy or practice or through a contractual arrangement. A charter county that has a county public hospital is not obligated to reimburse any third-party provider of medical care, treatment, hospitalization, or transportation for an in-custody pretrial detainee or sentenced inmate of a county detention facility at a rate exceeding the rate paid, as of July 1, 2011, for similar medical costs to private or not-for-profit hospitals located within the charter county, regardless of whether such reimbursement rate has been established and implemented by policy or practice or through a contractual arrangement.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete line 43

and insert:

custody pretrial detainees or sentenced inmates; providing that the act does not apply to certain counties; providing that certain charter counties are not obligated to reimburse any third-party provider of medical care, treatment, hospitalization, or transportation for an in-custody pretrial detainee or sentenced inmate of a county detention facility at a rate exceeding a particular rate for certain transportation or medical costs;

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Criminal and Civil Justice Appropriations

BILL:	CS/SB 490
INTRODUCER:	Health Regulation Committee and Senator Jones
SUBJECT:	Medical Expenses of Pretrial Detainees or Sentenced Inmates
DATE:	April 9, 2011 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wolfgang	Yeatman	CA	**Favorable**
2.	Brown	Stovall	HR	**Fav/CS**
3.	Sneed	Sadberry	BJA	**Pre-meeting**
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

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

I. Summary:

SB 490 limits county or municipal medical costs of an in-custody pretrial detainee or sentenced inmate to 110 percent of the Medicare allowable rate (not to exceed 125 percent of the Medicare rate if the third-party provider has reported a negative operating margin to the Agency for Health Care Administration) if no formal written agreement exists between the county or municipality and the third-party medical care provider. The bill exempts amounts billed and paid for physicians providing emergency services within a hospital emergency department from the maximum allowable rate.

The bill requires that before a third-party provider can seek reimbursement from a county or municipal general fund, it must show that a "good faith effort" was made to collect payment for medical care expenses from an in-custody pretrial detainee or sentenced inmate.

The bill specifies responsibility of the governmental body for payment of any in-custody medical costs ceases upon release of the in-custody pretrial detainee or sentenced inmate.

The bill also changes the language that states that the responsibility of paying for an injury that occurred as a result of arrest is on the person receiving care (current law uses the language "at the time of arrest").

The bill defines the term "in-custody pretrial detainees or sentenced inmates" and specifies that law enforcement or the county or municipal detention facility is responsible for restricting the personal freedom of in-custody pretrial detainees or sentenced inmates receiving medical treatment or services from third-party providers.

This bill substantially amends sections 901.35 and 951.032 of the Florida Statutes.

II. Present Situation:

Financial Responsibility for Medical Expenses

Pre-trial detainees have a constitutional right to "reasonable and adequate nourishment and medical care,"[1] but the cost of the medical care is the primary responsibility of the person receiving the medical care.[2] A medical services provider shall recover the expenses of medical care, treatment, hospitalization, and transportation (hereinafter referred to simply as "medical care") for a person ill, wounded, or otherwise injured during or at the time of arrest for any violation of state law or a county or municipal ordinance from the following sources in the following order:

(1) Insurance of the person receiving the medical care;

(2) The person receiving medical care; and

(3) A financial settlement for the medical care.[3]

When reimbursement from these sources is unavailable, the cost of medical care shall be paid from the general fund of the county in which the person was arrested. If the arrest was for violation of a municipal ordinance then the municipality shall pay the medical service provider.[4] Section 951.032, F.S., articulates the local government's rights to reimbursement from the person seeking medical attention.[5]

The injury or illness need not be caused by the arrest.[6] The responsibility for payment of medical costs exists until the arrested person is released from the custody of the arresting agency. The

[1] *Williams v. Ergle*, 698 So. 2d 1294 (Fla. 5th DCA 1997).
[2] Section 901.35, F.S.
[3] *Id.*
[4] *Id.*
[5] *See Williams v. Ergle*, 698 So. 2d 1294, (Fla. 5th DCA 1997) (stating that pretrial detainees are prisoners for the purposes of state statutes allowing recovery of certain medical expenses from prisoners).
[6] *See North Brevard County Hospital District v. Brevard County Bd. of County Commissioners*, 899 So. 2d 1200, 1202-03 (Fla. 5th DCA 2005) ("One cannot fault Brevard County or the trial court in its attempt to circumvent s. 901.35, F.S. The implications of the statute can be financially devastating to a local government in view of the ever increasing cost of medical care, especially when the Legislature has not placed a cap on the liability of government.") (citing Joseph G. Jarret, *The High Cost of Arrestee Medical Treatment: The Effects of F.S. § 901.35 on Local Government Coffers*, 78 FLA. B.J. 46 (Nov. 2004)); Fla. Atty. Gen. Op. 85-6, (Feb. 4, 1985).

rates medical service providers can charge local governments are not capped.[7] At least one Florida appellate court has held that the costs of medical services are not among the costs covered by the constitutional provision that prohibits compelling persons charged with a crime to pay costs before a judgment of conviction has become final.[8]

A county detention facility or municipal detention facility incurring expenses for providing medical care may seek reimbursement for the expenses incurred in the following order:

- From the prisoner or person receiving care, including authorizing a lien against a prisoner's cash account for medical care by deducting the cost from the prisoner's cash account; and
- From an insurance company, health care corporation, or other source if the prisoner or person is covered by an insurance policy or subscribes to a health care corporation or other source for those expenses.[9]

Section 951.23, F.S., provides the following relevant definitions:

"County prisoner" means a person who is detained in a county detention facility by reason of being charged with or convicted of either a felony or misdemeanor[10];

"Municipal prisoner" means a person who is detained in a municipal detention facility by reason of being charged with or convicted of violation of municipal law or ordinance;

"County detention facility" means a county jail, a county stockade, a county work camp, a county residential probation center, and any other place except a municipal detention facility used by a county or county officer for the detention of persons charged with or convicted of either a felony or misdemeanor; and

"Municipal detention facility" means a city jail, a city stockade, a city prison camp, and any other place except a county detention facility used by a municipality or municipal officer for the detention of persons charged with or convicted of violation of municipal laws or ordinances.

Medicare Rates

The Social Security Act, 42 U.S.C. § 1395, addresses Medicare. Medicare is federal health insurance for people age 65 or older, people under age 65 with certain disabilities, and people of any age with End-Stage Renal Disease (ESRD) (permanent kidney failure requiring dialysis or a kidney transplant). Medicare consists of Part A (hospital insurance), Part B (medical insurance), and Part D (prescription drug coverage).

Medicare reimburses providers based on the type of service they provide. The Federal Centers for Medicare and Medicaid Services (CMS) develops annual fee schedules for physicians,

[7] Joseph G. Jarret, *The High Cost of Arrestee Medical Treatment: The Effects of F.S. § 901.35 on Local Government Coffers*, 78 FLA. B.J. 46 (Nov. 2004).
[8] *Williams v. Ergle*, 698 So.2d 1294 (Fla. 5th DCA 1997) (citing Art. I, s. 19, Fla. Const.).
[9] Section 951.23, F.S.
[10] Note that case law has held that pretrial detainees are "prisoners" for purposes of state statutes allowing recovery of subsistence costs and certain medical expenses from prisoners. *Williams v. Ergle*, 698 So. 2d 1294 (Fla. 5th DCA 1997).

ambulance services, clinical laboratory services, and durable medical equipment, prosthetics, orthotics, and supplies. Other Medicare providers are paid via a prospective payment system (PPS). The PPS is a method of reimbursement in which Medicare payment is made based on a predetermined, fixed amount. The payment amount for a particular service is derived based on the classification system of that service (for example, diagnosis-related groups for inpatient hospital services). The CMS uses separate PPSs for reimbursement to acute inpatient hospitals, home health agencies, hospices, hospital outpatient departments, inpatient psychiatric facilities, inpatient rehabilitation facilities, long-term care hospitals, and skilled nursing facilities.

Medicare rates are generally higher than Medicaid rates, but could be lower than rates charged by a medical services provider. In 2008, the General Appropriations Implementing Bill, chapter 2008-153, Laws of Florida, capped medical payment rates the Department of Corrections (DOC) could pay to a hospital, or a health care provider providing services at a hospital. Payments were capped at 110 percent of the Medicare allowable rate for inmate medical care when no contract existed between the department and a hospital, or a health care provider providing services at a hospital. However, the DOC was allowed to pay a hospital up to 125 percent of the Medicare allowable rate if the hospital had reported a negative operating margin to the Agency for Health Care Administration for the previous year.

In 2009, s. 945.6041, F.S., created by chapter 2009-63, Laws of Florida, codified the payment caps. Section 945.6041, F.S., also made other medical service providers, defined in s. 766.105, F.S., and medical transportation services subject to the medical payment cap. The DOC has saved $20 million in the year after payment caps were implemented.[11] The DOC expenditures from the Inmate Health Services appropriation category, from which hospital and physician services are paid, totaled $170 million in FY 2008-09.

Indigent Health Care

Federal[12] and state law, as well as hospital collection policies, manage the way that medical care providers handle indigent patients. The Florida Health Care Responsibility Act[13] places the ultimate financial obligation for the out-of-county hospital care of qualified indigent patients on the county in which the indigent patient resides.[14] This part of ch. 154, F.S., defines "qualified indigent person" or "qualified indigent patient" as:

> a person who has been determined pursuant to s. 154.308 to have an average family income, for the 12 months preceding the determination, which is below 100 percent of the federal nonfarm poverty level; who is not eligible to participate in any other government program that provides hospital care; who has no private insurance or has inadequate private insurance; and who does not reside in a public institution as defined under the medical assistance program for the needy under Title XIX of the Social Security Act, as amended.[15]

[11] Senate Policy and Steering Committee on Ways and Means, *CS/CS/CS/SB 218 Bill Analysis* (April 8, 2010).
[12] Title XIX of the Social Security Act, 42 U.S.C §§ 1396 et seq.
[13] Sections 154.301-154.331, F.S.
[14] Section 154.302, F.S.
[15] Section 154.304, F.S.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 901.35(1), F.S., to specify that except as provided in s. 951.032, F.S., a person is responsible for paying any medical care expenses if he or she is ill, wounded, or otherwise injured during or *as a result of* an arrest for any state law or county or municipal ordinance. This specification, "as a result of an arrest," replaces current language, "at the time of an arrest." The bill removes all language regarding how a medical care provider can recover medical care expenses from arrestees from s. 901.35(2), F.S., and adds it to s. 951.032, F.S., (which relates to how county and municipal detention facilities recover medical costs from prisoners).

Section 2 of the bill amends s. 951.032, F.S., by replacing each use of the term "prisoner" with the term "in-custody pretrial detainee or sentenced inmate." However, the process by which county and municipal facilities recover medical care expenses from such persons remains unchanged.

The bill defines an "in-custody pretrial detainee or sentenced inmate" as a person whose physical freedom is restricted by a certified law enforcement officer or certified correctional officer pending disposition of an arrest or completion of a county court sentence. The term also includes a person who is furloughed by a criminal court for the express purpose of receiving medical treatment if a condition of the furlough is the immediate return to the custody of a county or municipal detention facility following completion of such treatment.

The bill moves language regarding how a medical care service provider can recover medical care expenses from s. 901.35, F.S., to s. 951.032, F.S. This language specifies that a third-party provider shall recover the expenses of medical care from an in-custody pretrial detainee or sentenced inmate from the following sources in the following order:

(1) Insurance of the person receiving the medical care;

(2) The person receiving medical care;

(3) A financial settlement for the medical care; or

(4) The general fund of the county or municipality.

The bill requires the third-party provider to make a "good faith effort" to recover the payment before it can seek reimbursement from the general fund of a county or municipality in which a person was arrested. A "good faith effort" is described as one that is consistent with that provider's usual policies and procedures related to the collection of fees from indigent patients who are not in the custody of a county or municipal detention facility.

The bill requires that, in the absence of a written agreement, remuneration made from county or municipal general funds for an in-custody pretrial detainee or sentenced inmate's medical care, must be billed and paid at 110 percent of the Medicare allowable rate. The bill provides that compensation may not exceed 125 percent of the Medicare allowable rate if the third-party provider has reported a negative operating margin for the previous year to the Agency of Health Care Administration through hospital-audited financial data. However, the bill does not apply the maximum to amounts billed and paid for medical physicians or osteopathic physicians licensed

under ch. 458, F.S., or ch. 459, F.S., respectively, for emergency services provided within a hospital emergency department.

The bill specifies that the responsibility of a governmental body (a county or municipality) for payment of medical costs ceases upon release of the in-custody pretrial detainee or sentenced inmate.[16]

The bill requires an in-custody pretrial detainee or sentenced inmate who has health insurance, subscribes to a health care corporation, or receives health care benefits from any other source to assign such benefits to the health care provider.

The bill specifies that law enforcement or the county or municipal detention facility is responsible for restricting the personal freedom of in-custody pretrial detainees or sentenced inmates receiving medical treatment or services from third-party providers.

Section 3 of the bill provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of the bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

With the exception of certain physician services provided within hospital emergency departments, providers of medical care will be limited regarding the rates they are allowed to charge for services provided to arrested parties when: (1) the person receiving the services cannot provide for payment of the costs and (2) the provider does not have a

[16] This applies even if those costs were incurred while the pretrial detainee or sentenced inmate was in custody. *See Jones v. Jenne*, 2008 WL 2323890 (S.D. Fla. 2008) (interpreting similar language in s. 901.35, F.S.).

formal written agreement with the county or municipality in which the person was arrested. To the extent such providers are currently charging and being paid more than 110 percent of Medicare rates or more than 125 percent of Medicare rates under certain conditions, the bill could result in decreased revenue for providers.

C. Government Sector Impact:

To the extent counties and municipalities are currently paying more than 110 percent of Medicare rates or more than 125 percent of Medicare rates under certain conditions for medical services, not including certain physician services provided within hospital emergency departments, that are provided to persons ill, wounded, or otherwise injured during or at the time of arrest, the bill could result in cost savings for counties and municipalities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill's language regarding maximum payment at a percentage of the Medicare allowable rate is similar to the provisions of s. 945.6041, F.S., regarding payments by the DOC to a third-party health care provider for medical services provided to inmates if the health care provider does not have a contract for such services with the DOC or a private correctional facility that houses the inmate.

However, the bill's language differs from the DOC requirements in the following ways:

- The bill requires that remuneration must be *billed and paid* at a rate not to exceed 110 percent of Medicare, while s. 945.6041, F.S., requires only that compensation may not exceed 110 percent of Medicare rates. The bill and s. 945.6041, F.S., contain virtually identical provisions that compensation paid to hospitals may not exceed 125 percent of Medicare rates under certain conditions.
- The bill contains an exception to this maximum payment for amounts billed and paid for physicians licensed under ch. 458 or ch. 459, F.S., for emergency services provided within a hospital emergency department. Section 945.6041, F.S., contains no such exception. It is not clear if this exception within the bill applies only to payments made directly to physicians by the governmental body or whether the exception also applies to payments made to hospitals by the governmental body for services provided by physicians at the hospital.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Regulation on March 9, 2011:
The CS makes three changes when compared to the bill as filed:

- The CS makes a technical correction to a statutory reference;

- The CS provides a definition of "in-custody pretrial detainees or sentenced inmates;" and
- The CS specifies that law enforcement or the county or municipal detention facility is responsible for restricting the personal freedom of in-custody pretrial detainees or sentenced inmates receiving medical treatment or services from third-party providers.

B. Amendments:

None.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Criminal and Civil Justice Appropriations

BILL:	CS/SB 524
INTRODUCER:	Transportation Committee and Senator Latvala
SUBJECT:	Seaport Security
DATE:	April 9, 2011 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fleming	Carter	MS	**Favorable**
2.	Eichin	Spalla	TR	**Fav/CS**
3.	Sadberry	Sadberry	BJA	**Pre-meeting**
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

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

I. Summary:

This bill makes several significant changes to the seaport security standards established in s. 311.12, F.S. Specifically, this bill:

- deletes the statewide minimum security standards;
- removes the authority for FDLE to exempt all or part of a seaport from any requirements of s. 311.12, F.S., if FDLE determines the seaport is not vulnerable to criminal activity or terrorism;
- deletes the requirement for FDLE to administer the Access Eligibility Reporting System;
- prohibits a seaport from charging a fee for the administration or production of an access control credential that requires a fingerprint-based background check, in addition to the fee for the federal Transportation Worker Identification Credential (TWIC);
- authorizes a seaport to issue its own seaport-specific access credential and to charge a fee that is no greater that the actual administrative costs for the production and issuance of the credential;
- deletes the requirement for a TWIC holder to execute an affidavit when seeking authorization for unescorted access to secure and restricted areas of a seaport;

- deletes the requirement for seaport employee applicants, current employees, and other authorized persons to submit to a fingerprint-based state criminal history check; and
- includes Port Citrus in various sections of Florida Statute establishing, controlling, or affecting the state's designated deepwater ports.

This bill substantially amends the following sections of the Florida Statutes: 310.002,311.09, 311.12, 311.121, 311.123, 311.124, 374.976, 403.021, 403.061, 403.813, and 403.816,. This bill also repeals section 311.115 of the Florida Statutes.

This bill takes effect upon becoming law.

II. Present Situation:

Florida's seaports represent an important component of the state's economic infrastructure. The Florida Ports Council estimates that waterborne international trade moving through Florida's seaports was valued at $56.9 billion in 2009, which represented 55 percent of Florida's $103 billion total international trade.[1] Because of the ports' importance to the economy of Florida, the level of security that protects against acts of terrorism, trafficking in illicit drugs, cargo theft, and money laundering operations is considered essential.

Florida law requires public seaports to conform to state security standards. Through inspections, the Florida Department of Law Enforcement (FDLE) has the primary responsibility for determining whether each seaport is in conformity with these standards. Additionally, federal law requires seaports to comply with security plans which are reviewed and approved by the United States Coast Guard (USCG).

Security requirements for Florida's fourteen deepwater public ports are regulated under chapter 311, F.S. For purposes of protection against acts of terrorism, these ports are also regulated by federal law under the Maritime Transportation Security Act of 2002 (MTSA),[2] the Security and Accountability of Every Port Act (SAFE Port Act),[3] and the Code of Federal Regulations (CFR).[4] In addition, provisions of international treaties such as the Safety of Life at Sea (SOLAS), which protects merchant ships, have been incorporated within the CFR in fulfillment of treaty obligations that affect seaport security at U.S. and foreign ports.

Statewide Minimum Seaport Security Standards

Concern over the impact of illicit drugs and drug trafficking came to the forefront in Florida during the mid to late 1990's. According to a Senate Interim Project Summary report at the time, in 1997 there were more cocaine-related deaths in Florida than murders. During 1996, more than 32 tons of cocaine and more than 42 tons of marijuana were seized in Florida.[5] In the 1999-2000 timeframe, a legislative task force examined the issue of money laundering in Florida related to illicit drug trafficking and found that Florida was attractive to drug traffickers due to a number of

[1] Florida Department of Transportation and Florida Ports Council, "Florida Seaport Fast Facts," October 1, 2011. Available at: http://www.flaports.org/Assets/10-1-10%20FastFacts%20Seaports%20njl%20revised%5B1%5D.pdf
[2] Public Law (P.L.) 107-295, 116 Stat. 2064 (2002).
[3] P.L. 109-347, 120 Stat. 1884 (2006).
[4] Principally 33 CFR, Parts 101 – 106 as they relate to various aspects of vessel and port security.
[5] Florida Senate, Interim Report 98-13, Developing a Comprehensive Drug Control Strategy for Florida (Nov., 1998).

factors including Florida's strategic position near drug source countries and numerous international airports and deep water seaports.[6] The Office of Drug Control in the Executive Office of the Governor, commissioned a Statewide Security Assessment of Florida Seaports in 2000.[7] The report, which came to be known as the Camber Report, concluded that there was no supervisory agency over all the seaports of the state, no federal or state security standards that governed the seaports' operation, and only limited background checks were conducted on employees at the docks, thus allowing convicted felons, some with arrests for drug-related charges, to work at the seaports.

Section 311.12, F.S., was amended during the 2001 Legislative Session to incorporate, by reference, the seaport security standards proposed in the Camber Report. These standards form the basis for FDLE's current seaport security inspection program. The statewide minimum security standards proposed in the Camber Report include prescriptive regulations on ID badges, access gates and gate houses, designated parking, fencing, lighting, signage, locks and keys, law enforcement presence, cargo processing, storage of loose cargo, high value cargo, and cruise operations security.

Post-9/11 Federal Seaport Security Standards

Prior to 9/11, there was no comprehensive federal law relating to seaport security. The MTSA was enacted in November 2002[8] and the USCG subsequently adopted regulations to implement the provisions of MTSA.[9] The MTSA laid out the federal structure for defending U.S. ports against acts of terrorism. In passing the MTSA, Congress set forth direction for anti-terrorism activities but also recognized in its finding that crime on ports in the late 1990's including, drug smuggling, illegal car smuggling, fraud, and cargo theft had been a problem. In laying out a maritime security framework, the MTSA established a requirement for development and implementation of national and area maritime transportation security plans, vessel and facility security plans, and a transportation security card. Additional requirements call for vulnerability assessments for port facilities and vessels, and the establishment of a process to assess foreign ports, from which vessels depart on voyages to the United States.

Title 33 CFR provides for review and approval of Facility Security Plans[10] by the Captain of the Port responsible for each seaport area. The USCG also acknowledged Presidential Executive Order 13132 regarding the principle of Federalism and preemption of state law in drafting MTSA rules.[11] Under this provision, Florida has the right to exercise authority over its public seaports that are also regulated by federal authority when there is no conflict between state and federal regulations.[12]

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[6] Legislative Task Force on Illicit Money Laundering, "Money Laundering in Florida: Report of the Legislative Task Force", November 1999.

[7] Camber Corporation for the Office of Drug Control, Executive Office of the Governor, "Statewide Security Assessment of Florida Seaports," September 2000.

[8] The Maritime Transportation Security Act of 2002 (P.L. 107-295 of November 25, 2002).

[9] MTSA is implemented by Title 33 CFR, Parts 101-106 which are administered by the USCG.

[10] Title 33 CFR, Subpart 101.105 defines a facility as any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the U.S. and used, operated, or maintained by a public or private entity, including any contiguous or adjoining property under common ownership or operation. A seaport may be considered a facility by itself or in the case of large seaports may include multiple facilities with the port boundaries.

[11] Federal Register, Vol. 68, No. 204, Wednesday, October 22, 2003, p. 60468.

[12] Presidential Executive Order 13132, "Federalism," August 4, 1999.

Port Access Identification Credentials
When the MTSA was established in 2002, it called for the adoption of a nationwide transportation security card. In response, federal efforts led to the development of the Transportation Worker Identification Credential (TWIC). The purpose of the TWIC program is to provide port workers a single nationwide transportation industry access credential that, after completion of a screening process including a criminal background check to federal standards, authorizes unescorted access to secure areas of regulated port facilities and vessels. The fee to obtain a TWIC is $132.50 and the credential is valid for 5 years.[13]

The state of Florida does not issue any type of port access credential. The TWIC is the only access control credential required by the state.[14] However, most Florida seaports issue a local port access card that grants various permissions to move about the port. In most cases, local port access cards are not recognized by other ports. Thus, persons seeking access to multiple ports must obtain a TWIC card and multiple local cards, each with a separate cost paid by the applicant or the applicant's employer. The Port of Palm Beach is the only port in Florida that has adopted the TWIC as its sole access credential.

Criminal History Checks
The 2000 Legislature passed CS/CS/CS/SB 1258,[15] which established the requirement for a fingerprint-based criminal history check of current employees and future applicants for employment at Florida's seaports. This law was further amended during the 2001 Legislative Session to disqualify persons who have been convicted of certain offenses within the previous seven years from gaining initial employment within or regular access to a seaport or port restricted access area. Current disqualifying offenses relate to terrorism, distribution or smuggling of illicit drugs, felony theft and robbery, money laundering, and felony use of weapons or firearms.

After the enactment of the MTSA, the requirement was established for seaport employees and other persons seeking unescorted access to Florida's seaport to obtain a TWIC. The TWIC requires the applicant to be fingerprinted and a background check to be performed by the FBI prior to its issuance.

A 2010 assessment of seaport security in Florida noted that Florida is believed to be the only state that requires both a federal and a state background check.[16]

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[13] Transportation Security Administration, "Frequently Asked Questions, Transportation Worker Identification Credential (TWIC)." Available at: http://www.tsa.gov/what_we_do/layers/twic/twic_faqs.shtm#twic_cost

[14] The Florida Uniform Port Access Credential (FUPAC) was eliminated in 2009. Although never implemented, the FUPAC was intended to serve as a single seaport access card with biometric capabilities that could be used statewide and replace all of the locally issued access cards.

[15] Ch. 2000-360, Laws of Florida (L.O.F.)

[16] TranSystems Corporation for the Office of Drug Control, Executive Office of the Governor, "TranSystems Florida Seaport Security Assessment 2010". February 2010. Available at: http://www.fdle.state.fl.us/Content/getdoc/2902b533-5d31-4876-9ad6-1cb2a01a2c65/100409_Florida_Seaports_SecurityAssessment_Report.aspx

Seaport Access Eligibility Reporting System

In 2009, the Florida Legislature appropriated $1 million in federal stimulus funding to FDLE to develop the Seaport Eligibility System (SES) required by Chapter 2009-171, L.O.F. The SES became operational on July 12, 2010 and now allows seaports to share the results of a criminal history check and the current status of state eligibility for access to secure and restricted areas of each port. FDLE asserts that the use of the SES has substantially reduced the costs to seaport workers by eliminating duplicative criminal history fees for workers that apply for access at more than one port. Previously, the applicants had to undergo separate background checks for access to each of the ports. The system also allows for retention of fingerprints and arrest notifications to the ports, therefore, eliminating the need for annual state criminal history checks.[17]

According to FDLE, there are approximately 36,865 port workers enrolled in the Seaport Eligibility System, and of those, approximately 24,486 are TWIC holders. The remaining 12,379 workers do not have a TWIC and are not subject to a federal background check under MTSA rules.[18]

TranSystems Report

In October 2009, the Florida Office of Drug Control contracted with TranSystems Corporation to provide an analysis of Florida's seaport security, and potential conflicts that exist between regulatory obligations mandated by the state through s. 311.12, F.S., and the federal government through the Maritime Transportation Security Act (MTSA) of 2002.[19] The final report was released in February 2010 and included 11 key findings. Although the report expressed that s. 311.12, F.S., was a necessary and important step in addressing identified threats to Florida's seaports and it built a strong foundation for later compliance with the MTSA, TranSystems' findings focused largely on the observation that the federal government has since created regulations that have rendered much of s. 311.12, F.S., obsolete. Additionally, the report noted that the existence of dual regulations has created confusion, duplication of effort, and wasted financial and human resources.

Florida's Current Seaport Security Laws: Section 311.12, Florida Statutes

The Statewide Minimum Security Standards

The statewide minimum security standards that were incorporated by reference from the 2000 Camber Report commissioned by the Governor's Office of Drug Control are provided in subsection (1). Such minimums include seaport security plans, security training, fencing, lighting, access controls, and other security measures. This subsection also allows a seaport to implement security measures that are more stringent, more extensive, or supplemental to the minimum security standards.

[17] Florida Department of Law Enforcement, "Frequently Asked Questions: Seaport Security." January 2011.
[18] Correspondence with FDLE, March 8, 2011. (On file in Military Affairs, Space, and Domestic Security Committee.)
[19] TranSystems Corporation for the Office of Drug Control, Executive Office of the Governor, "TranSystems Florida Seaport Security Assessment 2010". February 2010. Available at: http://www.fdle.state.fl.us/Content/getdoc/2902b533-5d31-4876-9ad6-1cb2a01a2c65/100409_Florida_Seaports_SecurityAssessment_Report.aspx

Exemption from Security Requirements
Subsection (2) allows FDLE to exempt all or part of a seaport from the requirements of s. 311.12, F.S., if FDLE determines that activity associated with the use of the seaport is not vulnerable to criminal activity or terrorism.

Security Plans
Security plans are outlined in subsection (3) and require that each seaport must adopt and maintain a security plan, which must be revised every 5 years to ensure compliance with the minimum security standards. The law further provides that each adopted or revised security plan must be reviewed and approved by the Office of Drug Control and FDLE to ensure compliance with the applicable federal security assessment requirements and must jointly submit a written review to the U.S. Coast Guard, the Regional Domestic Security Task Force, and the Domestic Security Oversight Council.

Secure and Restricted Areas
Subsection (4) requires each seaport to clearly designate in seaport security plans and clearly identify with markers on the premises of a seaport all secure and restricted areas as defined by the U.S. Department of Homeland Security. Further, certain areas of a seaport are required to be protected from the most probable and credible terrorist threat to human life.

Access Eligibility Reporting System
The requirement for FDLE to implement and administer a seaport access eligibility reporting system is outlined in subsection (5). The law identifies minimum capabilities the system must employ, which include:

- A centralized, secure method of collecting and maintaining finger-prints, other bio-metric data, or other means of confirming the identity of persons authorized to enter a secure or restricted area of a seaport;
- A methodology for receiving from and transmitting information to each seaport regarding a person's authority to enter a secure or restricted area of the seaport;
- A means for receiving prompt notification from a seaport when a person's authorization to enter a secure or restricted area of a seaport has been suspended or revoked; and
- A means to communicate to seaports when a person's authorization to enter a secure or restricted area of a seaport has been suspended or revoked.

Each seaport is responsible for granting, modifying, restricting, or denying access to secure and restricted areas to seaport employees and others. Based upon an individual's criminal history check, each seaport may determine specific access eligibility to be granted to that person. Upon determining that a person is eligible to enter a secure and restricted area of a port, the seaport shall, within 3 business days, report the determination to FDLE for inclusion in the system.

FDLE is authorized to collect a $50 fee to cover the initial costs for entering an individual into the system and an additional $50 fee every 5 years thereafter to coincide with the issuance of the TWIC.[20]

[20] FDLE does not currently collect the fees authorized for the administration of the Access Eligibility Reporting System.

Access to Secure and Restricted Areas on Seaports
Subsection (6) requires that a person seeking authorization for unescorted access to secure and restricted areas of a seaport must possess a TWIC and also execute an affidavit that indicates the following:

- The TWIC is currently valid and in full force and effect;
- The TWIC was not received through the waiver process for disqualifying criminal history allowed by Federal law; and
- The applicant has not been convicted of the state-designated disqualifying felony offenses.

FDLE must establish a waiver process for a person who does not have a TWIC, who obtained a TWIC through the federal waiver process, or who is found to be unqualified due to state disqualifying offenses and thus has been denied employment by a seaport or denied unescorted access to secure or restricted areas.

Criminal History Checks
Subsection (7) provides that a fingerprint-based criminal history check must be performed on employee applicants, current employees, and other persons authorized to regularly enter a secure or restricted area. This subsection also includes a list of disqualifying offenses that would preclude an individual from gaining employment or unescorted access.

Waiver from Security Requirements
Subsection (8) permits the Office of Drug Control and FDLE to modify or waive any physical facility requirement contained in the minimum security standards upon a determination that the purpose of the standards have been reasonably met or exceeded at a specific seaport.

Inspections
Subsection (9) requires FDLE to conduct at least one annual unannounced inspection of each seaport to determine whether the seaport is meeting the statewide minimum security standards and to identify seaport security changes or improvements needed, and requires FDLE to submit the inspection report to the Domestic Security Oversight Council.

Reports
Subsection (10) requires FDLE and the Office of Drug Control to annually complete a report indicating the observations and finding of all reviews, inspections, or other operations relating to the seaports conducted for the year.

Funding
Subsection (11) authorizes the Office of Drug Control, FDLE, and the Florida Seaport Transportation and Economic Development Council to mutually determine the allocation of funding for security project needs.

Seaport Security Advisory Council
Section 311.115, F.S., creates the Seaport Security Standards Advisory Council (council) under the Office of Drug Control. The council consists of 14 unpaid council members who represent a wide range of interests as it relates to the security of Florida's seaports. The council convenes at

least every 4 years to review the minimum security standards referenced in s. 311.12(1), F.S., for applicability to and effectiveness in combating current narcotics and terrorism threats to Florida's seaports. The recommendations and findings of the council must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

III. Effect of Proposed Changes:

Section 1 amends s. 311.12, F.S., to:

- delete the statewide minimum security standards and authorizes a seaport to implement security measures that are more stringent, more extensive, or supplemental to the applicable federal security regulations;
- remove the authority for FDLE to exempt all or part of a seaport from any requirements of s. 311.12, F.S., if FDLE determines the seaport is not vulnerable to criminal activity or terrorism;
- delete the requirement for each seaport to update and revise its security plan every five years, and instead requires periodic revisions to the security plan to ensure compliance with applicable federal security regulations;
- delete the requirement for certain entities to review an adopted or revised security plan;
- delete the requirement for a seaport's security plan to require criminal history checks on persons who have access to secure and restricted areas of a seaport;
- delete requirement for certain areas of a seaport, including cruise terminals and other areas with potential occupancies of 50 or more persons, to be protected from the most probable and credible terrorist threat to human life;
- delete the authority of FDLE or the port security director to designate the status of "high terrorist threat level. The Department of Homeland Security retains the authority to designate this status;
- delete the requirement for FLDE to administer the Access Eligibility Reporting System;
- prohibit a seaport from charging a fee for the administration or production of an access control credential that requires a fingerprint-based background check, in addition to the fee for the federal TWIC;
- authorize a seaport to issue its own seaport-specific access credential and to charge a fee that is no greater that the actual administrative costs for the production and issuance of the credential;
- delete the requirement for a TWIC holder to execute an affidavit when seeking authorization for unescorted access to secure and restricted areas of a seaport;

- delete the requirement for a seaport that grants a person access to secure and restricted areas to report the grant of access to FDLE for inclusion in the access eligibility reporting system;

- delete the requirement for seaport employee applicants, current employees, and other authorized persons to submit to a fingerprint-based state criminal history check;

- remove the authority for FDLE and each seaport to establish waiver procedures or to grant immediate temporary waivers to allow unescorted access to a seaport;

- remove the authority of FDLE and the Office of Drug Control to waive a physical facility requirement or other requirements contained in the minimum security standards upon a determination that the purposes of the standards have been reasonably met or exceeded by the seaport requesting the waiver;

- delete the requirement for FDLE to conduct a predetermined number (five) of inspections, and grants FDLE the authority to conduct an undefined number of unannounced inspections to determine whether a seaport is meeting applicable federal seaport security regulations;

- delete a provision requiring the Office of Drug Control to annually complete a report with FDLE; and

- remove the Office of Drug Control as an entity that participates in determining the allocation of funding for security project needs.

Sections 2 – 4 make conforming changes.

Section 5 repeals s. 311.115, F.S., which established the Seaport Security Standards Advisory Council.

Section 6 provides for the inclusion of Port Citrus in the definition of "port" in s. 310.002, F.S.

Section 7 provides for the inclusion of the port director of Port Citrus in the Florida Seaport Transportation and Economic Development Council created in s. 311.09, F.S.

Section 8 includes Port Citrus in the waterways which may receive assistance from inland navigation districts under s. 374.96, F.S.

Section 9 includes Port Citrus in the legislative declaration of intent regarding preserving and maintaining Florida's deepwater ports in s. 403.021, F.S.

Section 10 amends s. 403.61, F.S., to include Port Citrus in the ports over which the Department of Environmental Protection has the duty to control and prohibit water and air pollution.

Sections 11 and 12 include Port Citrus in the list of seaports for which certain dredging permits may be issued under ss. 403.813 and 403.816, F.S.

Section 13 provides the bill becomes effective upon becoming law.

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:

This bill would possibly save each port worker hundreds of dollars depending on their individual employment conditions. The table below displays the fees that are currently authorized to be charged to persons seeking regular or unescorted access to Florida's seaports. Under this bill, port workers would only be liable for the local port access credential fee, a fee that may not be more than the administrative costs needed to produce and administer the credential.

Financial Impact of Florida Seaport Security Laws[21]

Individuals who hold (and already paid for) a valid TWIC* not obtained through a Transportation Security Administration (TSA) waiver:	
• FDLE State of Florida criminal history check	**$24**
• Fingerprint retention and FDLE seaport access eligibility reporting system	**$50**
• Local port fees (approximate/varies)	**$35**
Approximate Total	**$110**
Individuals who hold a valid TWIC* (obtained through a TSA waiver) or are not required to obtain a TWIC under federal law	
• FDLE State of Florida criminal history check	**$24**

[21] Florida Ports Council, Memorandum to Florida House Transportation and Highway Safety Subcommittee, Seaport Security Workshop Information. February 22, 2011.

• FBI national criminal history check	**$19.25**
• Fingerprint retention and FDLE seaport access eligibility reporting system	**$50**
• Local port fees (approximate/varies)	**$35**
Approximate Total	**$130**

C. Government Sector Impact:

According to FDLE, the bill will result in a negative recurring fiscal impact to the department of $521,880 due to the elimination of the FDLE criminal history check (21,745 persons x $24).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 16, 2011 – The CS:

- corrected a reference to federal regulations in s. 311.12, F.S.;
- deleted the authority of FDLE or the port security director to designate the status of "high terrorist threat level";
- inserted a provision prohibiting a seaport from charging certain fees for credentials after July 1, 2013;
- corrected a cross-reference;
- include Port Citrus in various sections of Florida Statute establishing, controlling, or affecting the state's designated deepwater ports; and
- revised the bill's effective date to "upon becoming a law."

B. Amendments:

None.

798556

LEGISLATIVE ACTION

Senate . House

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The Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations (Joyner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 105 - 197

and insert:

2. Supervised reentry program participants must comply with reporting, drug testing, and other requirements established by the department.

3. An inmate who fails to abide by the conditions set forth in the supervised reentry program is subject to removal from the program and to disciplinary action.

4. An inmate in the supervised reentry program may travel to and from his or her department-approved activities only by

means of transportation approved by the department.

5. The inmate must pay the department for the cost of his or her supervision in accordance with rules set forth by the department. The inmate shall also pay the cost of any treatment program in which he or she is participating.

6. An inmate is subject to the rules of conduct established by the department and, after a violation, may have sanctions imposed against him or her, including loss of privileges, restrictions, disciplinary confinement, forfeiture of gain-time or the right to earn gain-time in the future, and program termination.

7. An inmate participating in the supervised reentry program may not be included in the bed count for purposes of determining total capacity as defined in s. 944.023(1).

8. The department shall adopt rules for the operation of the supervised reentry program.

(2) Each inmate who demonstrates college-level aptitudes by satisfactory evidence of successful completion of college-level academic coursework may be provided the opportunity to participate in college-level academic programs that ~~which~~ may be offered at community colleges or universities. The inmate is personally responsible for the payment of all student fees incurred.

(3) The department may adopt regulations as to the eligibility of inmates for the extension of confinement, the disbursement of any earnings of these inmates, or the entering into of agreements between itself and any city or county or federal agency for the housing of these inmates in a local place of confinement. However, a ~~no~~ person convicted of sexual battery


798556

pursuant to s. 794.011 is not eligible for any extension of the limits of confinement under this section.

(4) The willful failure of an inmate to remain within the extended limits of his or her confinement or to return within the time prescribed to the place of confinement designated by the department is ~~shall be deemed as~~ an escape from the custody of the department and is ~~shall be~~ punishable as prescribed by law.

(5) ~~The provisions of~~ This section does ~~shall~~ not ~~be deemed to~~ authorize any inmate who has been convicted of any murder, manslaughter, sexual battery, robbery, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, or aircraft piracy, or any attempt to commit the aforementioned crimes, to attend any classes at any state community college or any university that ~~which~~ is a part of the State University System.

(6)(a) The department shall require inmates working at paid employment as provided in paragraph (1)(b) or paragraph (1)(d) to use a portion of the employment proceeds to provide restitution to the aggrieved party for the damage or loss caused by the offense of the inmate, in an amount to be determined by the department, unless the department finds clear and compelling reasons not to order such restitution. If restitution or partial restitution is not ordered, the department shall state on the record in detail the reasons therefor.

(b) An offender who is required to provide restitution or reparation may petition the circuit court to amend the amount of restitution or reparation required or to revise the schedule of repayment established by the department or the Parole

798556

Commission.

(7) The department shall document and account for all forms for disciplinary reports for inmates placed on extended limits of confinement, which shall include, but are not ~~be~~ limited to, all violations of rules of conduct, the rule or rules violated, the nature of punishment administered, the authority ordering such punishment, and the duration of time during which the inmate was subjected to confinement.

(8)(a) The department may ~~is authorized to~~ levy fines only through disciplinary reports and only against inmates placed on extended limits of confinement. Major and minor infractions and their respective punishments for inmates placed on extended limits of confinement shall be defined by the rules of the department, provided that a ~~any~~ fine may ~~shall~~ not exceed $50 for each infraction deemed to be minor and $100 for each infraction deemed to be major. Such fines shall be deposited in the General Revenue Fund, and a receipt shall be given to the inmate.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete lines 17 - 21

and insert:

operate the supervised reentry program; providing an effective date.

498704

LEGISLATIVE ACTION

Senate . House

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The Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations (Joyner) recommended the following:

Senate Amendment to Amendment (798556)

Delete lines 8 - 28
and insert:

3. An inmate in the supervised reentry program may travel to and from his or her department-approved activities only by means of transportation approved by the department.

4. The inmate must pay the department for the cost of his or her supervision in accordance with rules set forth by the department. The inmate shall also pay the cost of any treatment program in which he or she is participating.


498704

5. An inmate participating in the supervised reentry program may not be included in the bed count for purposes of determining total capacity as defined in s. 944.023(1).

6. The department shall adopt rules for the operation of the supervised reentry program.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Criminal and Civil Justice Appropriations

BILL:	SB 1390
INTRODUCER:	Senator Dockery
SUBJECT:	Supervised Reentry Programs for Inmates
DATE:	April 9, 2011
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	**Favorable**
2.	Sneed	Sadberry	BJA	**Pre-meeting**
3.				
4.				
5.				
6.				

I. Summary:

This bill expands the scope of the current community work release program administered by the Department of Corrections (department) to create a supervised reentry program. It would allow the department to place an inmate in paid employment, or in suitable programs approved by the department, while he or she lives in a department-approved residence within the community. The bill also expresses the Legislature's intent that eligible inmates enter this program at least six months before their sentence expires.

This bill substantially amends section 945.091 of the Florida Statutes.

II. Present Situation:

Extension of the Limits of Confinement

Section 945.091, F.S., gives the department authority to extend the limits of an inmate's confinement for certain purposes. The department makes the determination of whether it is appropriate to extend the limits of confinement for a particular inmate. Extension may be granted to:

- Allow a trusted inmate to go to a specifically designated place or places for a specified period of time for the purpose of: (1) visiting a dying relative or attending a relative's funeral; (2) arranging for post-release employment or residence; (3) aiding the inmate's rehabilitation and successful transition back into the community; or (4) another compelling reason in the public interest (s. 945.091(1)(a), F.S.);
- Allow an inmate to work at paid employment, participate in an education or training program, or volunteer with a public or nonprofit agency or faith-based service group in the

community while still being confined by the department when not involved in any of the activities (s. 945.091(1)(b), F.S.);
- Allow an inmate to participate in a residential or nonresidential rehabilitative program operated by a public or private nonprofit agency, including faith-based service groups, with which the department has contracted (s. 945.091(1)(c), F.S.); and
- Allow an inmate with college-level aptitude to attend classes at a local community college or university (s. 945.091(2), F.S.).

There are three statutory disqualifications from participation in extension of the limits of confinement: (1) an inmate who has been convicted of sexual battery under s. 794.011, F.S., is ineligible for any type of extension of limits of confinement[1]; (2) an inmate who has been convicted of escape under s. 944.40, F.S., is ineligible for any work release program[2]; and (3) an inmate who has been convicted of committing or attempting to commit murder, manslaughter, sexual battery, robbery, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, aircraft piracy, is ineligible to attend classes at any state community college or university that is part of the State University System.[3]

Work Release

As of February 28, 2011, the department had 33 community work release facilities ranging in size from 15 inmates at Shisa House East to 271 inmates at the Largo Residential Re-Entry Center.[4] These facilities are located in areas where the inmate will have access to places of employment. They do not have secure perimeters, but inmates are required to remain at the facility except when they are working or traveling to or from their place of employment. There are additional reasons for which an inmate may be allowed to leave the facility for a limited time to go to a designated place, such as participating in an Alcoholics Anonymous meeting.

Inmates have participated in some form of work release since the inception of community corrections centers in 1971. The table below reflects that while the number of participants in work release programs has grown, the percentage of participants relative to the total inmate population has shrunk. It can also be seen that both the number of participant and the participation ratio have increased in recent years.[5]

[1] Section 945.091(3), F.S.
[2] Section 945.092, F.S.
[3] Section 945.091(5), F.S. Florida Senate Interim Project Report 2004-127, January 2004, "A Review of the Department of Corrections' Inmate Work Release Law"
[4] "End-of-Month Florida Prison Populations by Facility, February 2011," http://www.dc.state.fl.us/pub/pop/facility/index.html , last viewed on March 23, 2011. One of the 33 centers, the Suncoast Work Release Center for male inmates, has not housed inmates in recent months.
[5] The table reflects the total inmate population and the number of inmates in community correctional centers/work release centers as of June 30 of the cited year, except as noted. Inmates who work at a facility in a support capacity but do not participate in a work release program are included. The data was compiled from Department of Corrections' Annual Reports and the department's end-of-month population figures.

DATE	INMATES IN WORK RELEASE FACILITIES	TOTAL INMATE POPULATION	PERCENTAGE IN WORK RELEASE FACILITIES
1974	1168	11205	10.4%
1976	1819	16716	10.9%
1980	1831	19617	9.3%
1995	2616	61478	4.3%
2000	2309	71233	3.2%
2005	2630	84901	3.1%
2010	3857	102232	3.8%
28 Feb 2011	3729	101833	3.7%

The department has adopted additional eligibility requirements for program participation as permitted by s. 945.091(3), F.S. These requirements include further disqualifying criteria, such as having been terminated from community work release, a center work assignment, or a transition program for disciplinary reasons during the current confinement.[6] An inmate must be in the department's custody for at least 60 days prior to placement in paid employment, and participation by most inmates is limited to the last 14 months of confinement.[7]

Department personnel help the community work release inmate establish a plan for disbursement of earnings based upon the inmates needs, responsibilities, and financial obligations. Key components of the earnings disbursement plan include the following based upon the inmate's net income:

- At least 10 percent must be placed in savings to be disbursed upon release;
- At least 10 percent must go toward support of any dependents;
- At least 10 percent must go toward any victim restitution; and
- 55 percent must be paid to the department for subsistence, but the amount may not exceed the actual cost of the inmate's incarceration.[8]

Expansion of work release programs is one of the measures recommended in the Report and Recommendation of the Florida TaxWatch Government Cost Savings Task Force for Fiscal Year 2011-12.[9]

III. Effect of Proposed Changes:

This bill is based upon a proposal for legislation that was advanced by then-Secretary of Corrections McDonough at two separate hearings of the Criminal and Civil Justice Appropriations Committee on August 28, 2007 and December 13, 2007. A substantively identical bill (SB 1990) was passed by the Criminal Justice Committee in 2008.

[6] The disqualifiers are set forth in Rule 33-601.602(2)(a), F.A.C.
[7] Rule 33-601.602(2)(b), F.A.C. Section 945.091(b)(1), F.S., requires that an inmate be within the last 36 months of his or her confinement to participate in a work release program.
[8] The full criteria for disposition of earnings are set forth in Rule 33-601.602(11), F.A.C.
[9] http://www.floridataxwatch.org/resources/pdf/12082010GCTSF.pdf , (last viewed on March 23, 2011).

The bill creates a supervised reentry program that would allow approved inmates to be housed at a department-approved residence in the community while working at paid employment or participating in other activities approved by the department. An inmate would be eligible to participate in the supervised reentry program only after residing at a work release center for at least 6 months, and participation would be limited to the last 14 months of the inmate's confinement. The bill encourages placement of an eligible inmate in the supervised release program not less than 6 months prior to release.[10]

Inmates in the supervised release program will be required to comply with reporting, drug testing, and other requirements established by the department. An inmate who violates the program's conditions can face disciplinary action, removal from the program, or both. The department's rules allow the department to apply more subjective criteria for removal from a community release program, including: (1) the receipt of information concerning the inmate that will have an adverse impact on the safety and security of the inmate, the department, or the community; and (2) having reason to believe the inmate will honor the department's trust.[11]

The bill requires inmates in the supervised reentry program to go to and from approved activities by means of transportation that is approved by the department. This allows the department the leeway to approve means of transportation other than "walking, bicycling, or using public transportation or transportation that is provided by a family member or employer" as is required of inmates on community work release.[12]

Inmates in the supervised reentry program would be required to pay the department for the costs of supervision in accordance with department rules, and to pay for the cost of any treatment programs in which he or she is participating.

The bill provides that inmates in the supervised reentry program will not be included in the bed count for purposes of determining total capacity of the state correctional system as defined in s. 944.023(1), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

[10] Because department rule limits most inmates from beginning community work release before the last 14 months of confinement, the requirement to reside at a work release center for at least 6 months prior to entering a supervised reentry program will effectively limit participation to the last 8 months of confinement unless the inmate had been assigned to the work release center in a support capacity.
[11] Rule 33-601.602(13), F.A.C.
[12] Section 945.021(1)(b), F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Inmates will be given the opportunity to work with employers who may serve as future employers or business references when inmates return to the community after serving their sentence. This may allow inmates to find employment more easily after incarceration.

C. Government Sector Impact:

Placement in the supervised reentry program would free up beds at a work release center, which could be filled by an inmate in prison who is eligible for community work release. Therefore, the supervised reentry program would result in moving inmates from a high-cost bed in a correctional institution to a much less costly assignment.

The department did not provide an analysis of the bill or information as to its fiscal impact. However, it identified 417 inmates in work release centers who currently meet the timelines for participation in the supervised reentry program. With this number as a baseline, the table below reflects the savings that could be achieved by implementing the program:

Eligible Inmates Who Find Department-Approved Housing	Number of Inmates	Per Diem Savings for Each Inmate[13]	Annual Savings
100%	417	$33.26	$5,062,338
75%	313	$33.26	$3,799,789
50%	208	$33.26	$2,525,099
25%	104	$33.26	$1,262,550

No cost is attributed to the supervised reentry program because the bill requires inmates in the program to pay the costs of their own supervision. It is likely, though, that there would be a small cost that would be unaccounted for by the inmate's contribution. Of course, any savings would also be reduced by any lag time for replacement as inmates leave the program.

[13] In its analysis of Senate Bill 144, the department indicated that $33.26 is the per diem savings for reducing the prison population by a number of inmates that is enough to support closing a dormitory but not enough to close a facility. *See* Department of Corrections Analysis of Senate Bill 144, p. 9.

VI. Technical Deficiencies:

It is unclear whether the bill's specific provisions for removing an inmate from the supervised reentry program would prevent the department from applying more subjective criteria that it currently applies for removal from a community release program.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Criminal and Civil Justice Appropriations

BILL:	CS/SB 734
INTRODUCER:	Communications, Energy, and Public Utilities and Senator Wise
SUBJECT:	Assault or Battery on Utility Workers
DATE:	April 9, 2011 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Carter	CU	**Fav/CS**
2.	Erickson	Cannon	CJ	**Favorable**
3.	Sadberry	Sadberry	BJA	**Pre-meeting**
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

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

I. Summary:

Currently, s. 784.07, F.S., provides for the reclassification of the misdemeanor or felony degree of specified assault and battery offenses when those offenses are knowingly committed against law enforcement officers, firefighters, and other specified persons engaged in the lawful performance of their duties. The effect of this reclassification is that the maximum penalty increases. The bill adds utility workers, a term defined in the bill, to the list of specified persons. Therefore, the felony or misdemeanor degree of certain assault and battery offenses would be reclassified if committed against a utility worker engaged in the lawful performance of his or her duties in the same manner as if those offenses were committed against a law enforcement officer or firefighter engaged in the lawful performance of his or her duties.

The bill takes effect July 1, 2011.

This bill substantially amends section 784.07 of the Florida Statutes.

II. Present Situation:

Section 784.07, F.S., enhances the penalties for assault or battery on the following types of employees or persons:

- A law enforcement officer;
- A firefighter;
- An emergency medical care provider;
- A traffic accident investigation officer;
- A nonsworn law enforcement agency employee who is certified as an agency inspector;
- A blood alcohol analyst or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI;
- A law enforcement explorer;
- A traffic infraction enforcement officer;
- A parking enforcement specialist;
- A public transit employee or agent;
- A person licensed as a security officer and wearing a uniform that bears at least one patch or emblem that is visible at all times that clearly identifies the employing agency and that clearly identifies the person as a licensed security officer; and
- A security officer employed by the board of trustees of a community college.

Section 784.07, F.S., applies whenever any person is charged with knowingly committing an assault or battery upon one of these persons while that person is engaged in the lawful performance of his or her duties. The reclassification of degree of the offense depends on the assault or battery offense charged:

- In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree;
- In the case of battery, from a misdemeanor of the first degree to a felony of the third degree;
- In the case of aggravated assault, from a felony of the third degree to a felony of the second degree; and
- In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

Reclassifying an offense has the effect of increasing the maximum sentence that can be imposed for an offense. The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony. The maximum sentence for a second degree misdemeanor is 60 days in a county jail; for a first degree misdemeanor, it is 1 year in a county jail; for a third degree felony, it is 5-years state imprisonment; for a second degree felony, it is 15-years state imprisonment; and for a first degree felony, it is generally 30-years state imprisonment.[1] Fines may also be imposed, and these fines escalate based on the degree of the offense.[2] The offense severity ranking level of applicable reclassified felony offenses is as

[1] s. 775.082, F.S.
[2] s. 775.083, F.S.

follows: reclassified battery: Level 4; reclassified aggravated assault: Level 6; and reclassified aggravated battery: Level 7.[3]

Additionally, s. 784.07, F.S., provides that, when a person is found guilty under the statute, adjudication of guilt or imposition of sentence cannot be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release prior to serving the minimum sentence.

III. Effect of Proposed Changes:

Currently, s. 784.07, F.S., provides for the reclassification of the misdemeanor or felony degree of specified assault and battery offenses when those offenses are knowingly committed against law enforcement officers, firefighters, and other specified persons engaged in the lawful performance of their duties. The effect of this reclassification is that the maximum penalty increases.

Section 1 of the bill amends s. 784.07, F.S., to add utility workers to the list of specified persons. Therefore, the felony or misdemeanor degree of certain assault and battery offenses would be reclassified if committed against a utility worker engaged in the lawful performance of his or her duties in the same manner as if those offenses were committed against a law enforcement officer or firefighter engaged in the lawful performance of his or her duties.

The reclassification occurs as follows:

- In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree;
- In the case of battery, from a misdemeanor of the first degree to a felony of the third degree;
- In the case of aggravated assault, from a felony of the third degree to a felony of the second degree; and
- In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

The bill defines the term "utility worker" to mean "any person employed by an entity that owns, operates, leases, or controls any plant, property, or facility for the generation, transmission, manufacture, production, supply, distribution, sale, storage, conveyance, delivery, or furnishing to or for the public of electricity, natural or manufactured gas, water, steam, sewage, or telephone service, including two or more utilities rendering joint service."

Section 2 makes conforming changes to s. 921.0022, F.S., the offense severity ranking chart of the Criminal Punishment Code.

Section 3 provides that the bill takes effect July 1, 2011.

[3] s. 921.0022(3)(d), (f), and (g), F.S. Sentence points accrue based upon the ranking of a non-capital felony offense with higher-level offenses accruing more sentence points than lower-ranking offenses. These points along with points accrued for additional and prior offenses and other factors are entered into a statutorily-derived mathematical calculation to determine the lowest permissible sentence.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, estimates that the bill will have an insignificant prison bed impact (low volume).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Communications, Energy, and Public Utilities on March 7, 2011:
Makes a technical change to the definition to include all types of communications utilities.

B. Amendments:

None.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Criminal and Civil Justice Appropriations

BILL:	CS/SB 664
INTRODUCER:	Judiciary Committee; and Senator Benacquisto and others
SUBJECT:	Missing Person Investigations/Silver Alert
DATE:	April 9, 2011 REVISED:

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

Please see Section VIII. for Additional Information:

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

I. Summary:

The bill provides that the Florida Department of Law Enforcement (FDLE), other agencies, and specified entities and persons who are responsible for complying with a request to release Silver Alert information are immune from civil liability for damages for complying in good faith with the request and are presumed to have acted in good faith in recording, reporting, transmitting, displaying, or releasing Silver Alert information pertaining to the missing person.

The bill adds specific reference to a missing adult who meets the criteria for activation of the Silver Alert Plan to the definition of "missing endangered person" and adds reference to the Silver Alert Plan to several statutory provisions relevant to reporting information on missing endangered persons.

The bill also specifies that only a law enforcement agency having jurisdiction over the case may make a request to the Missing Endangered Persons Information Clearinghouse for the activation of a state Silver Alert involving a missing adult if circumstances regarding the disappearance have met the criteria for activation.

This bill substantially amends the following sections of the Florida Statutes: 937.0201, 937.021, and 937.022.

II. Present Situation:

Silver Alert

Florida's Silver Alert Plan was created by Executive Order Number 08-211, effective October 8, 2008.[1] The Florida Department of Law Enforcement (FDLE), the Department of Transportation, the Department of Highway Safety and Motor Vehicles' Highway Patrol, local law enforcement agencies, other agencies and entities, and the media collaborate on a standardized and coordinated response to implement the system, which is intended to aid local law enforcement in the rescue or recovery of a missing elderly person who suffers from irreversible deterioration of intellectual faculties.[2] The plan recognizes that the most effective response to a missing senior citizen leverages community resources for the search to augment the investigative response by the local law enforcement agency. The plan further acknowledges Silver Alerts should be activated through the investigating local law enforcement agency, which is in the best position to notify the media and disseminate the information through avenues such as neighborhood telephone alerts and other technologies the agency may have to communicate with its citizens.[3]

Under current law, the FDLE considers a person who meets the criteria for a state Silver Alert to be a "missing endangered adult," as defined in s. 937.021, F.S.,[4] though the definition does not specifically mention persons who meet Silver Alert criteria. The criteria for a Silver Alert are as follows:

- The missing person must be age 60 or older and present a clear indication that the individual has an irreversible deterioration of intellectual faculties, or under extraordinary circumstances when a person age 18 to 59 has irreversible deterioration of intellectual faculties and law enforcement has determined the individual lacks the capacity to consent, and that the use of dynamic message signs may be the only possible way to rescue the missing person;
- Local law enforcement has already activated a local or regional alert by contacting media outlets;
- The law enforcement agency's investigation has concluded that the disappearance poses a credible threat to the person's safety;
- A description of the vehicle and a tag number is available and has been verified by local law enforcement; and

[1] Press Release, Governor Charlie Crist, *Governor Crist Signs Executive Order Creating 'Silver Alert'* (Oct. 8, 2008), *available at* http://elderaffairs.state.fl.us/english/notices/Oct08/govsilveralert.pdf (last visited Mar. 23, 2011).
[2] Florida Missing Children's Day Foundation, Inc., *Foundation History*, *available at* http://www.fmcdf.org/foundation-history.htm (last visited Mar. 23, 2011).
[3] Except as otherwise indicated, most of the information regarding Silver Alert is from the following resources on the FDLE's website: http://www.fdle.state.fl.us/MCICSearch/SilverAlerts.asp, http://www.fdle.state.fl.us/Content/News/October-2008/Governor-Crist-Signs-Executive-Order-Creating-Silv.aspx, and http://www.fdle.state.fl.us/MCICSearch/Documents/SilverAlertFAQ.pdf (last visited Mar. 23, 2011).
[4] Florida Department of Law Enforcement, *Senate Bill 664 Analysis* (Mar. 4, 2011) (on file with the Senate Committee on Judiciary).

- The local law enforcement agency has entered the missing person into the Florida Crime Information Center and issued a statewide "Be On the Look Out" (BOLO) to other law enforcement/911 centers.

Only a law enforcement agency may activate a Silver Alert. Local law enforcement will take a report of a missing person, issue a Silver Alert if the criteria are met, and notify the FDLE if the person is driving a vehicle. The local law enforcement agency determines how long a Silver Alert remains activated.

Dynamic message signs are activated regionally or statewide when criteria are met. If road signs are used, they remain activated for a maximum of 6 hours, unless the missing elderly person is rescued or the Department of Transportation is otherwise instructed. To maintain integrity of the system and not dilute its effectiveness, the road signs will be used primarily for persons with irreversible deterioration of intellectual faculties 60 years and older. However, road signs may be used in rare instances when that is the only viable method to locate a missing person under the age of 60 who otherwise meets criteria.

The Emergency Alert System (EAS) is not used for Silver Alerts. The EAS is restricted to child abductions, and is not used for any other cases involving missing children. However, just like with Missing Child Alerts, television and radio stations are notified and the information can be broadcasted to the viewing or listening public. The local law enforcement agency is responsible for contacting local and regional media outlets. Media outlets have the option of whether or not to broadcast Silver Alert information.

According to the FDLE, since the program's inception, the department has issued 283 Silver Alerts with 42 direct recoveries as a result of the alerts.[5]

Missing Person Investigations/Chapter 937, F.S.

Chapter 937, F.S., covers missing person investigations. Terminology relevant to the chapter is defined in s. 937.0201, F.S. Section 937.021, F.S., addresses a number of matters relating to missing persons investigations such as requirements for written policies, filing and acceptance of reports, civil immunity from damages for good faith compliance with alert requests, etc. Section 937.022, F.S., creates a Missing Endangered Persons Information Clearinghouse and specifies its organization and duties, who may submit information, and type of information submitted. Other sections of the chapter deal with birth records, student records, fingerprints, and dental records of missing children.[6]

Section 937.0201(4), F.S., defines a "missing endangered person" as a missing child,[7] a missing adult[8] younger than 26 years of age, or a missing adult 26 years of age or older who is suspected

[5] E-mail from FDLE staff to staff of the Senate Committee on Criminal Justice, dated March 2, 2011.
[6] Respectively, ss. 937.024, 936.025, 937.028, and 937.071, F.S.
[7] A "missing child" is a person younger than 18 years of age whose temporary or permanent residence is in, or is believed to be in, this state, whose location has not been determined, and who has been reported as missing to a law enforcement agency. Section 937.021(3), F.S.

by a law enforcement agency of being endangered or the victim of criminal activity. The term has relevance to a "missing endangered person report," which is a report prepared on a form prescribed by the Florida Department of Law Enforcement (FDLE) by rule for use by the public and law enforcement agencies in reporting information to the Missing Endangered Persons Information Clearinghouse about a missing endangered person.[9] The definition of "missing endangered person" does not specifically mention a person who meets the criteria for activation of the Silver Alert Plan.

Section 937.021(5)(a), F.S., provides that, upon receiving a request to record, report, transmit, display, or release Amber Alert or Missing Child Alert information from a law enforcement agency having jurisdiction over the missing child, the FDLE as the state Amber Alert coordinator, any state or local law enforcement agency, and the personnel of these agencies; any media outlet; any dealer of communications services; or any agency, employee, individual, or entity is immune from civil liability for damages for complying in good faith with the request. There is a presumption of good faith in recording, reporting, transmitting, displaying, or releasing Amber Alert or Missing Child Alert information.

Section 937.021(5)(b), F.S., contains an immunity provision that is almost identical to s. 937.021(5)(a), F.S., but pertains to complying with a request to provide information on a missing adult. Compliance with a request to release Silver Alert information is not specifically mentioned in any immunity provision.

Section 937.021(5)(c), F.S., provides that the presumption of good faith in releasing information for an Amber Alert, Missing Child Alert, or missing adult, is not overcome if there is a technical or clerical mistake made by any agency, employee, individual, or entity acting at the request of the local law enforcement agency having jurisdiction. The presumption also remains intact if the information is incomplete or incorrect because the information received from the local law enforcement agency was incomplete or incorrect. Silver Alert information is not specifically referenced in paragraph (5)(c).

Section 937.021(5)(d), F.S., provides that there is no duty on the part of the agency, employee, individual, or entity to record, report, transmit, display, or release the Amber Alert, Missing Child Alert, or missing adult information received from local law enforcement. The decision to record, report, transmit, display, or release information is discretionary with the entity receiving the information. Silver Alert information is not specifically referenced in paragraph (5)(d).

III. Effect of Proposed Changes:

The bill amends the definition of "missing endangered person" in s. 937.0201, F.S., to specifically include within this definition a missing adult who meets the criteria for activation of a Silver Alert.[10]

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[8] A "missing adult" is a person 18 years of age or older whose temporary or permanent residence is in, or is believed to be in, this state, whose location has not been determined, and who has been reported as missing to a law enforcement agency. Section 937.021(2), F.S.

[9] Section 937.021(5), F.S.

[10] The FDLE states that, "[w]hile the Department considers those who meet the criteria for activation of a Silver Alert covered under provisions for missing endangered adults as defined in [s. 937.0201(4)(c), F.S.], there is no objection to

The bill amends s. 937.021, F.S., to do the following:

- Provide that, upon receiving a request to record, report, transmit, display, or release Silver Alert information from the law enforcement agency having jurisdiction over the missing adult, the FDLE as the state Silver Alert coordinator, any state or local law enforcement agency, and the personnel of these agencies; any radio or television network, broadcaster, or other media representative; any dealer of communications services as defined in s. 202.11, F.S.; or any agency, employee, individual, or entity is immune from civil liability for damages for complying in good faith with the request and is presumed to have acted in good faith in recording, reporting, transmitting, displaying, or releasing Silver Alert information pertaining to the missing adult;
- Provide that the presumption of good faith is not overcome if a technical or clerical error is made by any agency, employee, individual, or entity acting at the request of the local law enforcement agency having jurisdiction, or if the Silver Alert information is incomplete or incorrect because the information received from the local law enforcement agency was incomplete or incorrect; and
- Provide that no provision of law creates a duty of the agency, employee, individual, or entity to record, report, transmit, display, or release the Silver Alert information received from the local law enforcement agency having jurisdiction. The decision to record, report, transmit, display, or release information is discretionary with the agency, employee, individual, or entity receiving the information.

The bill also amends s. 937.022, F.S., to provide that only the law enforcement agency having jurisdiction over the case may make a request to the Missing Endangered Persons Information Clearinghouse for the activation of a state Silver Alert involving a missing adult if circumstances regarding the disappearance have met the criteria for activation.

The bill provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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specific inclusion of these persons as an identified subset as proposed in SB 664. The Department has been named state Silver Alert coordinator (lines 66-67) and while appropriate, it should be noted that if federal legislation is passed that defines a Silver Alert coordinator, there may be additional responsibilities that the clearinghouse would have to take on to fulfill this role." Florida Department of Law Enforcement, *Senate Bill 664 Analysis* (Mar. 4, 2011) (on file with the Senate Committee on Judiciary).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Since there is already an existing Silver Alert program, it appears unlikely that the bill would have any additional impact on private entities involved in the alert, such as television and radio stations broadcasting the alert.

C. Government Sector Impact:

According to the Florida Department of Law Enforcement (FDLE), "[t]he proposed legislation would have little impact on the Department as statewide Silver Alerts have been issued since 2008," and will not impact state agencies for the same reason.[11]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on March 28, 2011:
The committee substitute provides that only a law enforcement agency having jurisdiction over the case may make a request to the Missing Endangered Persons Information Clearinghouse for activation of Silver Alert if criteria for activation are met.

B. Amendments:

None.

[11] Florida Department of Law Enforcement, *Senate Bill 664 Analysis* (Mar. 4, 2011) (on file with the Senate Committee on Judiciary).

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Criminal and Civil Justice Appropriations

BILL:	SB 608
INTRODUCER:	Senator Evers
SUBJECT:	Traffic Offenses
DATE:	April 9, 2011
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Spalla	TR	**Favorable**
2.	Dugger	Cannon	CJ	**Favorable**
3.	Sadberry	Sadberry	BJA	**Pre-meeting**
4.				
5.				
6.				

I. Summary:

The bill creates criminal penalties for operators of motor vehicles who commit moving traffic violations that cause serious bodily injury or death to a person riding in or on a motor vehicle or motorcycle.

A person who commits a moving violation that results in the serious bodily injury of a person riding in or on a motor vehicle or motorcycle is guilty of a second degree misdemeanor. In such cases, the bill requires the offender to pay a minimum of $500, serve a minimum of 30 days in jail, attend a driver improvement course, and have his or her driver's license suspended for a minimum of 30 days.

A person who commits a moving violation that results in the death of a person riding in or on a motor vehicle or motorcycle is guilty of a first degree misdemeanor. The bill requires these offenders to pay a minimum of $1,000, serve a minimum of 90 days in jail, attend an advanced driver improvement course, and have his or her driver's license suspended for a minimum of 1 year.

This bill creates section 318.195 of the Florida Statutes.

II. Present Situation:

Moving Violations, Generally

Under chapters 316 and 318, F.S., all moving violations are considered non-criminal infractions and are generally punishable by a fine as provided by s. 318.18, F.S. Moving violations include such offenses as speeding, failure to stop at a stop sign or traffic control device, and improper lane change.[1] This section provides a baseline fine of $60 for all moving violations,[2] although county-by-county fees and surcharges raise the total amount paid. The section also provides tiered fines from $25 to $250 for moving violations involving excessive speed.[3]

Moving violations also typically result in points assessed against an operator's driver's license pursuant to s. 322.27(3)(d), F.S.

Penalties for Causing Death or Injury

Non-Criminal Violations
A mandatory hearing before the court is required for any infraction or criminal violation of chapter 316, F.S., which caused serious bodily injury or death.[4] Any person committing a traffic infraction causing death may be directed by a judge to perform 120 community service hours in a trauma center, pursuant to s. 316.027(4), F.S.[5]

For any traffic infraction or criminal offense causing death, injury, or property damage, the Department of Highway Safety and Motor Vehicles (DHSMV) may require re-examination of the offender's ability to drive. DHSMV may subsequently suspend the offender's license.[6] DHSMV may suspend an offender's license if the person refuses to submit to a re-examination. Refusal to submit to retesting is grounds to suspend the offender's license.[7] The court may suspend the driver's license for any criminal violation.[8]

Criminal Violations
For any criminal traffic offense causing death or an injury sufficient to require medical transport, the department shall mandate a driver-improvement course (in addition to any other applicable penalties). Failure to attend a driver improvement course results in cancellation of the offender's license until the course is completed.[9] If the criminal offense is murder, manslaughter, or a

[1] *See generally* ch. 316, F.S.
[2] s. 318.18(3)(a), F.S.
[3] s. 318.18(3)(b), F.S.
[4] s. 318.19(1)-(2), F.S.
[5] The permissive 120 hours of community service are referenced twice in chapter 318, F.S.:
> **318.14(1), F.S.:** "If another person dies as a result of the noncriminal infraction, the person cited may be required to perform 120 community service hours under s. 316.027(4), in addition to any other penalties."
> **318.18(8)(c), F.S.:** "If the noncriminal infraction has caused or resulted in the death of another, the person who committed the infraction may perform 120 community service hours under s. 316.027(4), in addition to any other penalties."

[6] s. 322.221(2)(a), F.S.
[7] s. 322.221(3), F.S.
[8] s. 316.655(2), F.S.
[9] s. 322.0261(2), F.S.

second DUI manslaughter conviction, the DHSMV shall revoke the offender's license.[10] License suspension for a manslaughter conviction may not be lifted unless the offender has completed a driver improvement or substance abuse program.[11]

A person who commits the offense of reckless driving causing injury commits a third-degree felony, punishable separately from fines related to reckless driving.[12] If the court reasonably believes alcohol was involved, the court shall order the offender to attend a substance abuse program.[13]

An impaired driver who causes an accident involving injury or death commits a third-degree felony, punishable separately from the potential fine and/or incarceration related to the DUI.[14]

A person driving without a valid license who negligently causes an accident involving death or serious bodily injury is guilty of a third-degree felony.[15]

III. Effect of Proposed Changes:

The bill creates s. 318.195, F.S., providing enhanced penalties for committing certain moving traffic violations.

A person who commits a moving violation resulting in the serious bodily injury of a person riding in or on a motor vehicle or motorcycle is guilty of a second degree misdemeanor. In such cases, the bill requires the offender to pay a minimum of $500, serve a minimum of 30 days in jail, attend a driver improvement course, and have his or her driver's license suspended for a minimum of 30 days.

A person who commits a moving violation resulting in the death of a person riding in or on a motor vehicle or motorcycle is guilty of a first degree misdemeanor. The bill requires these offenders to pay a minimum of $1000, serve a mandatory minimum of 90 days in jail, attend an advanced driver improvement course, and have his or her driver's license suspended for a minimum of 1 year.

The bill states s. 318.195, F.S., does not prohibit a person from being charged with, convicted of, or punished for any other violation of the law.

The bill shall take effect July 1, 2011.

[10] s. 322.26, F.S.(1)(a)-(b), F.S.
[11] s. 322.291(1)(a)3., F.S.
[12] s. 316.192(3)(c)2., F.S.
[13] s. 316.192(5), F.S.
[14] s. 316.193(3)(c)2., F.S.
[15] s. 322.34(6)(a)-(b), F.S. In a related offense, if a person knowingly loans a vehicle to a person whose license is suspended, and the borrower causes death or injury, the owner's license is suspended for one year (s. 322.36, F.S.).

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:

Drivers who commit a moving traffic violation resulting in the serious bodily injury or death of a person riding in or on a motor vehicle or motorcycle will be subject to the sanctions outlined in s. 318.195, F.S.

Criminalizing previously non criminal conduct would likely invoke application of criminal protections afforded citizens, including the right to counsel, formal arraignment, sentencing by a judge as opposed to a magistrate, and increased involvement of state prosecutors. The fiscal impact of these factors is unknown.

C. Government Sector Impact:

The bill may generate an indeterminate amount of revenue from fines for the behaviors criminalized by the bill.

Criminalizing previously non criminal conduct would likely invoke application of criminal protections afforded citizens, including the right to counsel, formal arraignment, sentencing by a judge as opposed to a magistrate, and increased involvement of state prosecutors. The fiscal impact of these factors is unknown.

The bill also may have an impact on local jail populations.

According to DHSMV, programming modifications of approximately 150 hours will be required in order to implement the provisions of this bill; however, this cost will be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill criminalizes moving violations that result in an injury or death to persons in or on other motor vehicles and motorcycles, but does not criminalize identical behavior resulting in the injury or death of pedestrians, bicyclists, or persons on other means of conveyance. Punishment is based upon the particular classification of the victim as opposed to the conduct or intent of the violator. This lack of uniformity could result in challenges to the validity of the bill.

Regardless of potential mitigating circumstances, absence of the violator's culpability or contributory actions on the part of the victim, the bill does not allow any discretion in the judiciary by its imposition of a mandatory jail sentence on the violator.

The bill also deviates from the normal practice of not imposing criminal penalties for non criminal civil moving violations alone without additional showing of willful or wanton recklessness or intent to violate the law. (Such as driving under the influence, reckless driving, and fleeing law enforcement.)

The DHSMV has expressed concerns about the effective date of the bill allowing sufficient time for implementation to make necessary programming modifications. The DHSMV suggests an effective date of October 1, 2011.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Criminal and Civil Justice Appropriations

BILL:	SB 1494
INTRODUCER:	Senator Evers
SUBJECT:	Interstate Compact for Juveniles
DATE:	April 9, 2011
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	**Favorable**
2.	Sadberry	Sadberry	BJA	**Pre-meeting**
3.				
4.				
5.				
6.				

I. Summary:

This bill reenacts the statutes relating to the Interstate Compact for Juveniles (compact) and the State Council for Interstate Juvenile Offender Supervision (council) that expired by operation of law on August 26, 2010. The compact governs interstate movement of juveniles on probation and parole as well as extradition across state lines of runaways, escapees, absconders and juveniles charged as delinquent. The compact became effective in August 2008. However, there was also a two year sunset provision that began running when the compact became effective and it caused the compact to expire in August 2010. In order to reinstate the compact, Florida must reenact the laws governing the compact. As such, the bill reenacts the compact to do the following:

- Create the Interstate Commission for Juveniles (Interstate Commission), which is an independent compact administrative agency with the authority to administer ongoing compact activity;
- Provide rule making authority for the Interstate Commission;
- Establish a mechanism for all states to collect standardized information and information systems;
- Provide for sanctions against states that do not follow compact rules and regulations;
- Provide for gubernatorial appointments of representatives from member states to the Interstate Commission;
- Provide a mandatory funding mechanism sufficient to support essential compact operations;
- Provide for coordination and cooperation with other interstate compacts; and
- Require the creation of a state council.

This bill reenacts sections 985.802 and 985.5025 of the Florida Statutes.

II. Present Situation:

In 2005, the Legislature passed legislation[1] that revised and updated provisions of the Interstate Compact on Juveniles (compact), which provided for cooperation among states in supervising and returning juveniles who have run away or escaped from detention across state boundaries.[2] The revised compact did the following:

- Created the Interstate Commission, which is an independent compact administrative agency with the authority to administer ongoing compact activity;
- Required the Interstate Commission to establish an executive committee to oversee the day-to-day activities of the administration of the compact and to act on behalf of the Interstate Commission when it is not in session;
- Mandated that the Interstate Commission meet at least annually to attend to general business, rule-making, and enforcement procedures and that each member-state must appoint one voting commissioner to represent that state's interests on the Interstate Commission;
- Delegated rule-making authority to the Interstate Commission and made provisions for sanctions to administer and enforce the operation of the compact;
- Provided a mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, and training/education);
- Provided for collection of standardized information and information sharing systems;
- Provided for the coordination and cooperation with other interstate compacts which have "overlapping" jurisdiction (for example, the Interstate Compact on the Placement of Children and the Interstate Compact for Adult Offender Supervision); and
- Mandated states create a State Council for Interstate Juvenile Offender Supervision (council) comprised of a compact administrator, a representative from each of the three branches of government, a victim's advocate, and a parent of a youth not in the juvenile justice system, to oversee state participation in the activities of the Interstate Commission.

Additionally, this legislation created the State Council for Interstate Juvenile Offender Supervision (council)[3] to comply with the requirements of Article IX of the compact as follows:

- Required that the council consist of seven members comprised of the Secretary of the Department of Juvenile Justice (DJJ), the compact administrator or his or her designee, the Executive Director of the Department of Law Enforcement (FDLE) or his or her designee, and four remaining members to be appointed by the Governor, who may delegate this appointment power to the Secretary of DJJ in writing on an individual basis;
- Provided that appointees may include one victim's advocate, employees of the Department of Children and Family Services (DCF), employees of the FDLE who work with missing or exploited children, and a parent;

[1] HB 577, ch. 2005-80, L.O.F., s. 985.502, F.S.
[2] In FY 2009-10, Florida provided cooperative supervision for 2,828 juveniles. It also returned 427 absconders, escapees, failed placements, and delinquent juveniles to other states, according to the DJJ's 2011 Agency Proposal re Interstate Compact for Juveniles (on file with the Senate Criminal Justice Committee in Tallahassee, Florida).
[3] Section 985.5025, F.S., HB 577, ch. 2005-80, L.O.F.

- Applied provisions of public records/open meetings requirements to the council's proceedings and records;
- Supplied terms of office, record storage, property transfer, and reimbursement for travel and per diem expenses; and
- Created additional duties and responsibilities for the compact administrator.

The legislation provided that the compact was to become effective on July 1, 2005, or upon ratification of the thirty-fifth state, whichever occurred later. The compact became effective in August 2008 after the thirty-fifth state joined.[4] However, there was also a two year sunset provision that began to run when the compact became effective and it caused the compact to expire in August 2010. In order to reinstate the compact, Florida must reenact the laws governing the compact.[5]

III. Effect of Proposed Changes:

The bill reenacts the statutes relating to the Interstate Compact for Juveniles (compact) and the State Council for Interstate Juvenile Offender Supervision (council) that expired by operation of law on August 26, 2010.[6] The compact governs interstate movement of juveniles on probation and parole as well as extradition across state lines of runaways, escapees, absconders and juveniles charged as delinquent. The bill reenacts the compact to do the following:

- Create the Interstate Commission, which is an independent compact administrative agency with the authority to administer ongoing compact activity;
- Provide rule making authority for the Interstate Commission;
- Establish a mechanism for all states to collect standardized information and information systems;
- Provide for sanctions against states that do not follow compact rules and regulations;
- Provide for gubernatorial appointments of representatives from member states to the Interstate Commission;
- Provide a mandatory funding mechanism sufficient to support essential compact operations;
- Provide for coordination and cooperation with other interstate compacts; and
- Require the creation of state councils.

The bill also reenacts the Interstate Juvenile Offender Supervision Council (council) to do the following:

- Require that the council consist of seven members comprised of the Secretary of the DJJ, the compact administrator or his or her designee, the Executive Director of the FDLE or his or her designee, and four remaining members to be appointed by the Governor, who may delegate this appointment power to the Secretary of DJJ in writing on an individual basis;
- Provide that appointees may include one victim's advocate, employees of the DCF, employees of the FDLE who work with missing or exploited children, and a parent;

[4] The DJJ 2011 Agency Proposal re Interstate Compact for Juveniles (on file with the Senate Criminal Justice Committee in Tallahassee, Florida).
[5] *Id.*
[6] *Id.*

- Apply provisions of public records/open meetings requirements to the council's proceedings and records;
- Supply terms of office, record storage, property transfer, and reimbursement for travel and per diem expenses; and
- Create additional duties and responsibilities for the compact administrator.

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:

Florida's annual dues for participation in the State Council for Interstate Juvenile Offender Supervision is $37,000. The aggregated annual assessment is allocated based on a formula determined by the commission. Florida, along with California and Texas, is one of the top three states by size.[7]

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to the DJJ, this bill is necessary because it reenacts a crucial tool ensuring public safety and preserving child welfare within the State. With the compact currently repealed, the

[7] *Id.*

mechanism by which Florida manages the interstate movement of juvenile offenders and status offenders no longer exists.[8]

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

[8] The DJJ 2011 Agency Proposal re Interstate Compact for Juveniles (on file with the Senate Criminal Justice Committee in Tallahassee, Florida).