

Tab 2	CS/SB 90 by CF, Book ; (Similar to H 00139) Early Childhood Courts					
Tab 3	CS/SB 332 by CJ, Pizzo (CO-INTRODUCERS) Rodriguez, Book, Thurston, Taddeo, Farmer, Brandes, Gibson, Torres, Rouson, Braynon ; (Similar to H 00049) Incarcerated Women					
Tab 4	CS/SB 338 by CJ, Brandes (CO-INTRODUCERS) Perry ; Extension of Confinement					
Tab 5	CS/SB 346 by CJ, Brandes (CO-INTRODUCERS) Perry ; (Similar to H 00607) Conditional Medical Release					
Tab 6	SB 406 by Brandes (CO-INTRODUCERS) Pizzo, Perry ; (Compare to CS/H 00589) Theft					
487646	A	S	RCS	ACJ, Brandes	Delete L.90:	03/08 09:11 AM
141578	A	S	RCS	ACJ, Brandes	btw L.149 - 150:	03/08 09:11 AM
646052	A	S	RCS	ACJ, Brandes	Delete L.154 - 219:	03/08 09:11 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND
CIVIL JUSTICE**

**Senator Brandes, Chair
Senator Bracy, Vice Chair**

MEETING DATE: Wednesday, March 6, 2019

TIME: 2:00—3:45 p.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Brandes, Chair; Senator Bracy, Vice Chair; Senators Gainer, Gruters, Harrell, Perry, Rouson, and Taddeo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Agency Legislative Budget Request Presentation: - Department of Corrections - Department of Juvenile Justice - Department of Law Enforcement - Department of Legal Affairs/Attorney General - Florida Commission on Offender Review - State Courts - Public Defenders - State Attorneys - Regional Conflict Counsels - Statewide Guardian ad Litem - Capital Collateral Regional Counsels - Justice Administrative Commission		Presented
2	CS/SB 90 Children, Families, and Elder Affairs / Book (Similar H 139)	Early Childhood Courts; Authorizing circuit courts to create early childhood court programs; providing requirements and guidelines for the Office of the State Courts Administrator when hiring community coordinators and a statewide training specialist; authorizing the office to provide funding to circuit courts that choose to establish a coordination system in lieu of creating a community coordinator position, etc. CF 01/22/2019 Fav/CS ACJ 03/06/2019 Favorable AP	Favorable Yeas 8 Nays 0
3	CS/SB 332 Criminal Justice / Pizzo (Similar H 49)	Incarcerated Women; Citing this act as the "Dignity for Incarcerated Women Act"; requiring correctional facilities to provide incarcerated women with certain health care products, subject to certain requirements; providing requirements for male correctional facility employees in certain circumstances; requiring documentation of certain incidents involving male correctional facility employees, etc. CJ 02/04/2019 CJ 02/11/2019 Fav/CS ACJ 03/06/2019 Favorable AP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Criminal and Civil Justice
Wednesday, March 6, 2019, 2:00—3:45 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 338 Criminal Justice / Brandes (Compare S 1334)	Extension of Confinement; Authorizing the Department of Corrections to extend the limits of confinement to allow an inmate to participate in supervised community release, subject to certain requirements, as prescribed by the department by rule; requiring the department to administer a risk assessment instrument to appropriately determine an inmate's ability to be released; authorizing a law enforcement or probation officer to arrest an inmate without a warrant under certain circumstances, etc. CJ 02/04/2019 CJ 02/11/2019 Fav/CS ACJ 03/06/2019 Favorable AP	Favorable Yeas 8 Nays 0
5	CS/SB 346 Criminal Justice / Brandes (Similar H 607, Compare S 1334)	Conditional Medical Release; Defining the terms "conditional medical release"; expanding eligibility for conditional medical release to include inmates with debilitating illnesses; defining the term "inmate with a debilitating illness"; redefining the term "terminally ill inmate", etc. CJ 02/04/2019 CJ 02/11/2019 Fav/CS ACJ 03/06/2019 Favorable AP	Favorable Yeas 8 Nays 0
6	SB 406 Brandes (Compare CS/H 589, S 1334)	Theft; Increasing threshold amounts for certain theft offenses; revising the list of items the theft of which constitutes theft of the third degree; providing that the value of taken property is based on fair market value at the time of the taking; revising the circumstances under which an offense of retail theft constitutes a felony of the second degree, etc. CJ 02/11/2019 Favorable ACJ 03/06/2019 Fav/CS AP	Fav/CS Yeas 7 Nays 1

Other Related Meeting Documents

Florida Department of Corrections

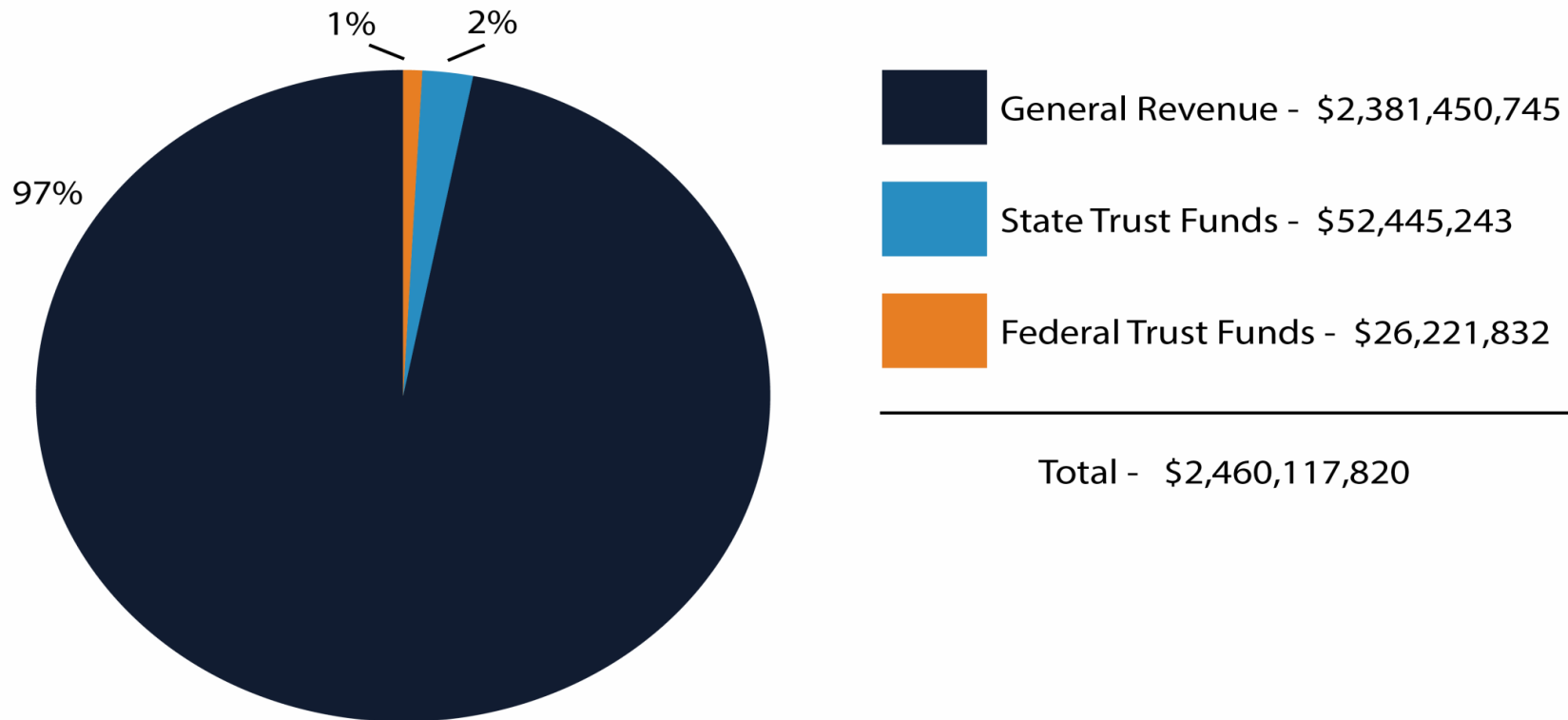


Fiscal Year 2019-20 Legislative Budget Request

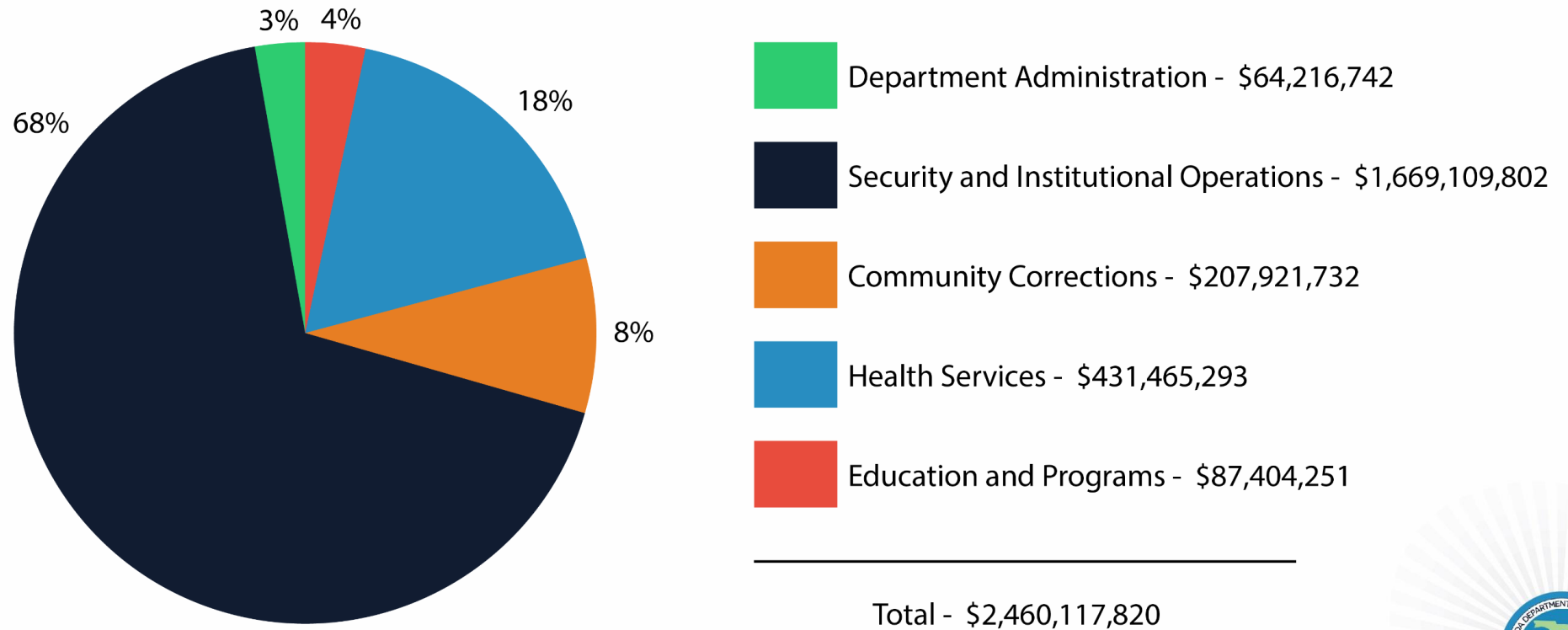
Senate Appropriations Subcommittee on Criminal and Civil Justice

March 6, 2019

FY18-19 Recurring Operating Budget



FY18-19 Recurring Operating Budget by Program



Funding Priorities

Issue	FTE	Total Request
Comprehensive Health Care Contract		86,578,241
Disability Rights Florida - Mental Health	573	40,459,779
Disability Rights Florida - ADA	12	1,715,244
Hepatitis C Treatment		36,975,487
Drugs - Price Level Increase		13,926,254
Electronic Monitoring		3,963,370
Restoration of Reductions		8,902,396
Acquisition of Motor Vehicles		5,487,984
Microsoft Licensing Expansion		480,677
Fixed Capital Outlay - Security Enhancements		8,027,712
Total	585	206,517,144



Thank You

Mark Tallent, Budget Director
Mark.Tallent@fdc.myflorida.com





FLORIDA DEPARTMENT OF JUVENILE JUSTICE

PART OF THE COMMUNITY, PART OF THE SOLUTION

Agency Legislative Budget Request for FY 2019-20

Senate Appropriations Subcommittee on Criminal and
Civil Justice

March 6, 2019

Ron DeSantis, Governor

Simone Marstiller, Secretary



FY 2018 -19 Current Year Budget

Total Appropriation	\$603.0 million
General Revenue	\$420.1 million
Trust Funds	\$182.9 million
Total FTE	3,269.50 FTE



FY 2019 -20 Legislative Budget Request

Total Request	\$602.5 million
General Revenue	\$422.4 million
Trust Funds	\$180.1 million
New Dollars Requested Over Base	\$33.9 million
Total FTE	3,279.50 FTE



Priority Funding Issues

1. Intensive Supervised Release
2. Increased Residential Commitment Capacity
3. Maintain Safe and Healthy Facilities
4. Provide Evidence-Based Services in All Residential Contracts
5. Health, Mental Health, and Substance Abuse Services
6. Improve Oversight for DJJ Programs
7. Continue and Expand Prevention and Early Intervention Programs
8. Network Bandwidth



Funding for Youth on Supervised Release

Funding to provide intensive community-based supervision for youth placed in programs that will serve as alternatives to secure detention.

Total request = \$3,229,200 (GR)



Increased Residential Commitment Bed Capacity

Funding to support an increase of 84 beds for youth adjudicated to non-secure residential commitment programs. 28 of the beds will be intensive mental health.

Total request = \$7,491,260

- \$4,558,120 (GR)
- \$2,933,140 (TF)



Maintain Safe and Healthy Facilities

Funding to address basic repair and maintenance of facilities including: repairing or replacing of roofs, upgrading HVAC systems, upgrading locking systems and other safety related systems, improving plumbing and drainage systems, and updating facility security to meet the demands of new technology.

Total Request = \$6,500,000 (GR)



Provide Evidence-Based Services

Funding to improve staffing levels and evidence-based services in new residential contracts as the current contract dates approach the procurement process.

Total Request = \$4,334,313 (GR)



Health, Mental Health, and Substance Abuse Services

Funding to cover the increased cost for comprehensive evaluations due to the increased utilization of residential commitments over the last three fiscal years and the increased rates proposed from competitive procurements for these evaluations.

Total Request = \$236,350 (GR)



Improved Oversight for DJJ Programs

Funding to provide 10 additional full-time positions to perform monitoring functions for the Bureau of Monitoring & Quality Improvement and 4 OPS positions for the Office of Education to assist the school districts and educational providers in providing services to youth in the custody of DJJ.

Total Request = \$1,147,436 (GR)

- 10 Full-Time Monitoring Positions = \$802,170
- 4 OPS Positions for Education Services = \$345,266



Continuation and Expansion of Prevention and Early Intervention Programs

Funding to support the continuation and expansion of various prevention and early intervention programs such as the Stop Now and Plan Program, the PACE Center for Girls Program, Prodigy Cultural Arts Program, Boys and Girls Clubs, Big Brothers Big Sisters and the Outward Bound Program.

Total Request = \$12,371,291

- \$7,100,000 (GR)
- \$5,271,291 (TF)



Continuation and Expansion of Prevention and Early Intervention Programs

- **\$3,671,291** to continue Stop Now and Plan (SNAP) program funded in FY 2018-19 in 16 judicial circuits in Florida
- **\$1,966,616** to continue PACE Center for Girls programs for middle and high school girls statewide
- **\$1,566,702** to continue PACE Center for Girls programs in Hernando County
- **\$966,682** to continue PACE Center for Girls programs in Citrus and Marion Counties



Continuation and Expansion of Prevention and Early Intervention Programs

- **\$1,500,000** to continue Prodigy Cultural Arts program located in Central West Florida that serves youth who are at-risk for delinquency, academic failure, and school dropout
- **\$1,000,000** to continue Florida Alliance of Boys and Girls Clubs afterschool prevention services
- **\$1,500,000** to continue Big Brothers Big Sisters Association of Florida mentoring programs
- **\$200,000** to continue Outward Bound extended follow-up services for youth completing wilderness expeditions



Network Bandwidth

Funding to upgrade the agency's computer network at most sites to ensure proper amounts of available bandwidth for proper and efficient use of cloud applications.

Total Request = \$443,028 (GR)



Questions?

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Rachel Moscoso, Legislative Affairs Director

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FLORIDA DEPARTMENT OF LAW ENFORCEMENT

Senate Appropriations Subcommittee on
Criminal and Civil Justice

March 6, 2019

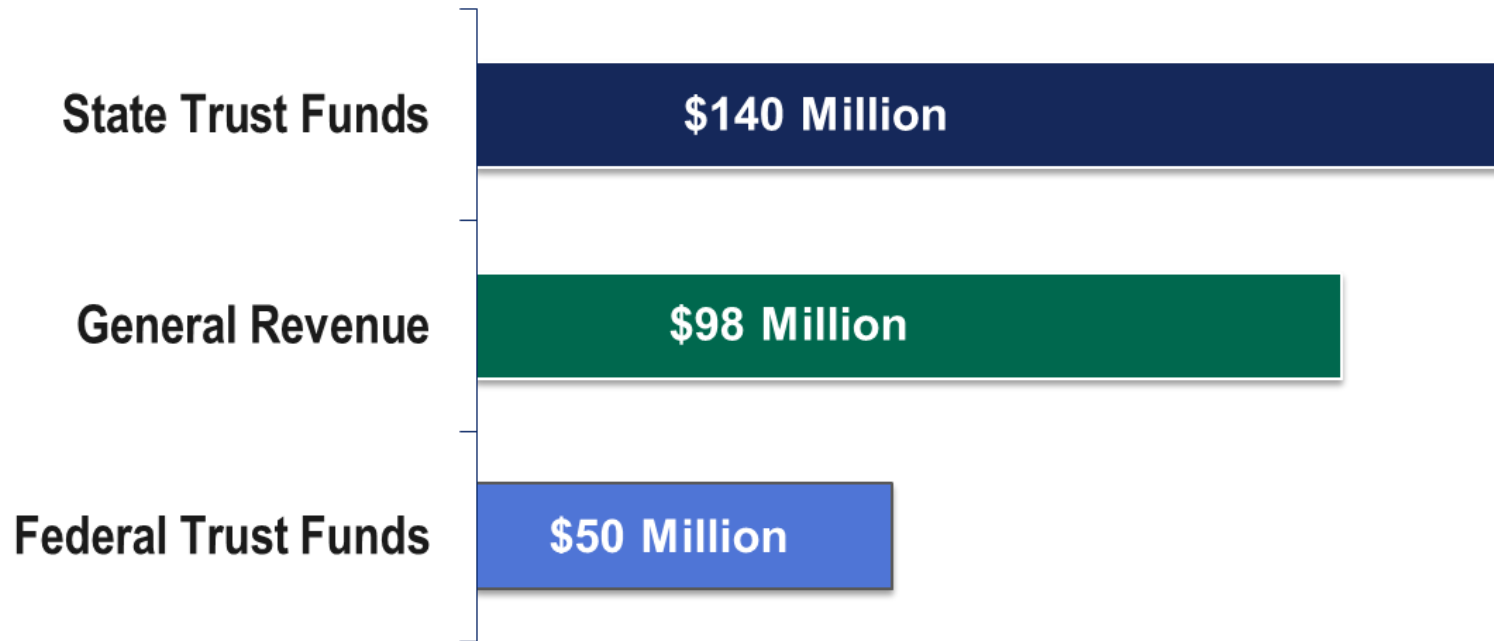


FDLE Programs

Executive Direction/ Support Services	Capitol Police	Investigations & Forensic Science	Criminal Justice Information	Criminal Justice Professionalism
133.5 FTE	88 FTE	1,151 FTE	429 FTE	103.5 FTE
\$46,434,827	\$7,380,284	\$152,349,634	\$57,419,840	\$24,231,220
Total FTE 1905	Total Budget \$287,815,805			



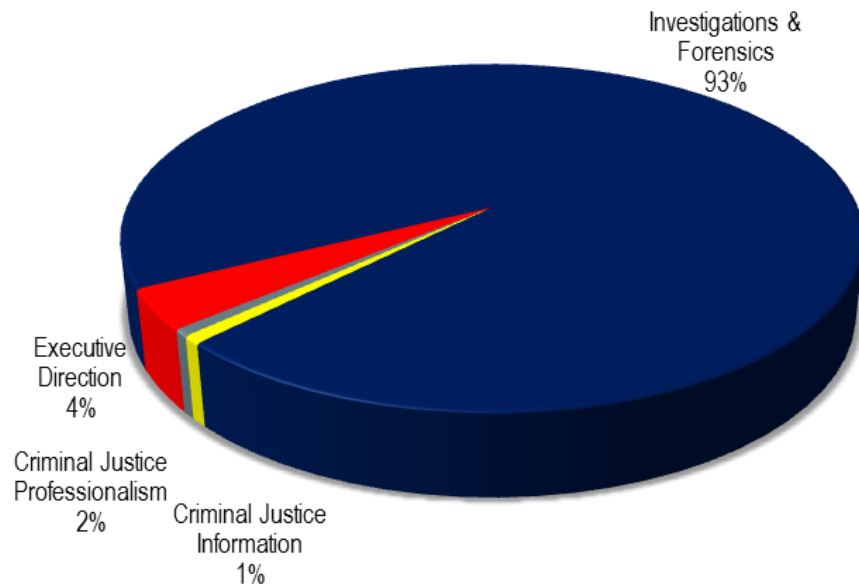
FY 18-19 Recurring Base Budget



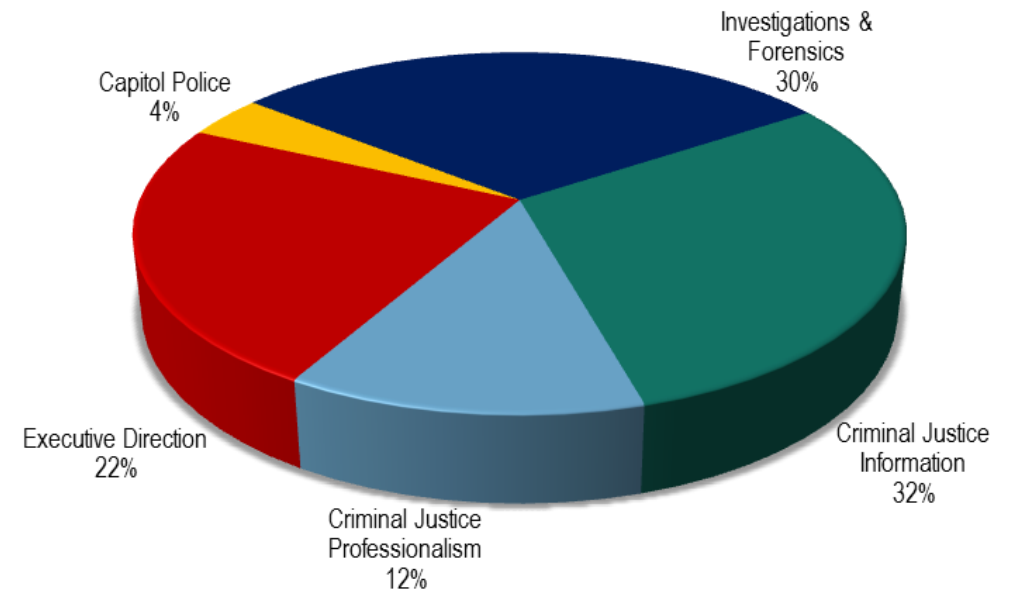


FY 18-19 Program Funding

General Revenue



Trust Funds





Market Based Compensation for Sworn Recruitment
Enhance Infrastructure for Public Safety
Sustain Availability and Accessibility of Agency Operations
Ensure Support to Law Enforcement Partners and the Public
Ensure Agency Efficiency



FY 19-20 Top 10 Priorities

Issue	FTE	GR	TF	Total
Shift Operating Trust Funds to General Revenue		\$30,000,000	(\$30,000,000)	
Special Agent Structured Recruitment and Retention Plan		\$1,599,199		\$1,599,199
Pensacola Regional Operations Center Construction		\$37,804,850		\$37,804,850
Florida Incident-Based Reporting System	18	\$10,423,154	\$1,400,000	\$11,823,154
Modernization to Counter 21 st Century Threats		\$1,000,000		\$1,000,000



FY 19-20 Top 10 Priorities

Issue	FTE	GR	TF	Total
Maintain Investigative Aviation Fleet		\$1,200,000		\$1,200,000
Sustain Investigative Overtime		\$1,500,000		\$1,500,000
Meet Public Records Processing Demands	7	\$479,437		\$479,437
Maintain Investigative Vehicle Fleet		\$900,000		\$900,000
Expand DNA Database to Include All Felons	8	\$1,280,813		\$1,280,813



Amended Budget Request

Issue	FTE	GR	TF	Total
Genetic Genealogy	6	\$875,953		\$875,932
Aviation				



QUESTIONS?

Florida Department of Law Enforcement
FY 19-20 Legislative Budget Request



Issue	FTE	General Revenue	Trust Fund	TOTAL	Recurring
<i>Market-Based Compensation for Sworn Recruitment</i>					
Special Agent Structured Recruitment and Retention Plan		\$1,599,199		\$1,599,199	\$1,599,199
<i>Enhance Infrastructure for Public Safety</i>					
Construction of Pensacola Regional Operations Center		\$37,804,850		\$37,804,850	
Continue Criminal Justice Data Transparency	2	\$1,978,194		\$1,978,194	\$146,852
Florida Incident-Based Reporting System (Year 2 Funding)	18	\$10,423,154	\$1,400,000	\$11,823,154	\$1,218,599
Modernization to Counter 21 st Century Threats		\$1,000,000		\$1,000,000	
Tampa Bay Regional Operations Center - Repairs and Maintenance		\$5,112,922		\$5,112,922	
Improve Sexual Offender and Predator Registry Database (Year 3 Funding)		\$1,542,680		\$1,542,680	
Support eWarrants System		\$288,000		\$288,000	\$219,000
<i>Sustain Availability and Accessibility of Agency Operations</i>					
Maintain Investigative Aviation Fleet		\$1,200,000		\$1,200,000	\$800,000
Sustain Investigative Overtime		\$1,500,000		\$1,500,000	\$1,500,000
Increase Capitol Complex Security Staffing	6		\$599,583	\$599,583	\$466,031
Maintain Investigative Vehicle Fleet		\$900,000		\$900,000	\$900,000
Replace Orlando Regional Operations Center Generator		\$1,051,000		\$1,051,000	
Add Incident Command Vehicles		\$1,200,000		\$1,200,000	
<i>Ensure Support to Law Enforcement Partners and the Public</i>					
Expand DNA Database to Include All Felons	8	\$1,280,813		\$1,280,813	\$1,196,573
Improve Firearm Eligibility Services	11		\$704,174	\$704,174	\$662,869
Meet Public Records Processing Demands	7	\$479,437		\$479,437	\$450,152
Identity Theft and Fraud Grant Program			\$200,000	\$200,000	\$200,000
<i>Ensure Agency Efficiency</i>					
Upgrade Microsoft Office Software		\$1,204,000		\$1,204,000	
Increase Trust Fund Authority for Tenant Broker Commissions			\$55,200	\$55,200	\$5,000
Create Permanent Florida Statistical Analysis Center Positions	3		\$178,142	\$178,142	\$178,142
Increase Trust Fund Authority for Hurricane Irma Response			\$1,300,000	\$1,300,000	
Shift Operating Trust Funds to General Revenue		\$30,000,000	(\$30,000,000)		
TOTAL REQUEST	55	\$98,564,249	(\$25,562,901)	\$73,001,348	\$9,542,417



Special Agent Structured Recruitment and Retention Plan

Issue Code 4003A00

\$1,599,199 General Revenue

Issue. To adequately conduct its mission, FDLE must recruit agents with advanced investigative experience and expertise to conduct complex and long-term criminal investigations - experience that can only be obtained working criminal investigations (not patrol duties) at local or other state investigative agencies. The type of investigations the department conducts demands an advanced level of investigative expertise. Unfortunately, FDLE often encounters difficulties recruiting these types of applicants due to low starting salaries and a lack of scheduled pay increases.

The department conducted a salary survey of seven other state law enforcement agencies and eight Florida local law enforcement agencies. State law enforcement agencies in four other states (New York, Texas, Michigan and California) have higher base salaries than FDLE (see Table 1). Salaries after three years of service are higher in six of the state agencies (New York, Texas, Michigan, Georgia, California and North Carolina) than FDLE (see Table 2). All of the surveyed states offer either step promotional opportunities or a salary progression plan. The eight local agencies that responded to the survey require those promoted into a special agent equivalent position to reach a certain number of years working at their agency in patrol before qualifying to promote (see Table 3).

Table 1

State Agency	Base Salary
New York	\$94,335.00
Texas	\$72,711.00
Michigan	\$71,973.00
California	\$46,224.00
FDLE	\$45,819.54 or \$50,819.54 (Miami)
North Carolina	\$42,667.00
Georgia	\$36,268.00
South Carolina	\$35,160.00

Table 2

State Agency	Comparable Experience
New York	\$94,335.00
Texas	\$72,711.00
Michigan	\$71,973.00
Georgia	\$58,762.00
California	\$55,296.00
North Carolina	\$47,040.37
FDLE	\$45,819.54 or \$50,819.54 (Miami)
South Carolina	\$40,434.00

Table 3

Local Agency	5 Years Experience
Orlando PD	\$59,123.00
Cape Coral PD	\$57,283.20
Tallahassee PD	\$56,317.52
Hillsborough SO	\$54,272.40
City of Miami PD	\$53,081.60
FDLE	\$45,819.54 or \$50,819.54 (Miami)
Jacksonville SO	\$42,456.00
Brevard SO	\$41,974.40
Escambia SO	\$35,595.96

In the last three special agent hiring processes, FDLE received 3,425 applications. Only 22 percent of these applicants met the minimum thresholds for experience and training required to continue additional screening and agility testing. After successfully completing the entire interview process and background investigation, FDLE hired 108 special agent applicants with an average age of 44 years. These statistics illustrate that FDLE's applicant pool largely comprises candidates who have already retired from other law enforcement agencies and are beginning second employment. An

aging recruit pool presents other challenges including agility and health related issues, and impacts FDLE's ability to ensure agency succession due to limited longevity resulting in limited opportunity to promote within our sworn ranks.

The salary comparison study and the statistics from the past three hiring processes highlight the need for FDLE to establish a higher base salary to competitively recruit trained and experienced applicants earlier in their law enforcement investigative career. These types of applicants are necessary to conduct the high level of investigation required by FDLE and to ensure succession within the agency's sworn management ranks.

Resources. The department is requesting \$1,599,199 in recurring general revenue to implement a sworn recruitment plan for special agents and to set their starting salary at \$56,000.

Results. Ability to recruit more experienced and qualified law enforcement investigators who would otherwise remain at their current agencies due to the financial incentive to do so. Maintain an advanced level of investigative expertise required to work more complex and protracted investigations throughout the state and better fulfill the investigative demands of the department.

Risks. Inability to recruit experienced law enforcement investigators. Inability to maintain the level of investigative services Florida's criminal justice community and citizens expect and deserve.

Effective dates. Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to create and sustain vibrant, safe and healthy communities that attract workers, residents, businesses and visitors.



Construction of Pensacola Regional Operations Center

Issue Code 990S000

\$37,804,850 General Revenue

Issue. The 2016 Legislature appropriated \$3 million to initiate design work and to begin the building of a new Pensacola Regional Operations Center (PROC) on state property. FDLE's growth in operations has outgrown the current leased space which is in need of costly renovations. Following an independent market analysis was conducted to evaluate the current property available in Escambia and Santa Rosa counties, new construction was determined to be the most effective option as the analysis indicated available property was not suitable for FDLE's needs. By constructing a new facility the state will realize an overall cost savings and acquire ownership of a real estate asset.

Since receiving the initial funding, the department formed a steering committee which includes representatives from the Department of Management Services (DMS) and operational subject matter experts. Based on work completed by the steering committee in conjunction with an architect/engineer selected by DMS, the current architectural designs estimate the need of an 84,704 square foot facility. The design process included feedback from site visits of current FDLE facilities, state owned office buildings and laboratory facilities.

PROC houses three main operations at its current facility: Investigations and Forensic Science (includes the Regional Crime Laboratory), Criminal Justice Information Services and Criminal Justice Professionalism which serve local, state and federal criminal justice agencies and citizens in 10 counties. The department is anticipating growth in domestic security functions and biology services, and the current location is unable to accommodate expansion and suitable renovations to meet future workloads. Sufficient state space is not currently available within Escambia County and the current lease cost is \$35.88 per square foot, much higher than current DMS rate of \$17.18.

Resources. The department is requesting a continuation of funding for the new Pensacola regional facility in the amount of \$37,804,850 in general revenue for construction costs. The project will be managed by DMS, and upon completion of construction, the facility will be DMS-managed and become part of the Florida Facilities Pool. An additional \$4.8 million FFE will be required for fixtures, furniture and equipment in FY 20-21.

Results. Ensure safe and healthy working conditions for members. Improve and expand services for the benefit of the northwest region.

Risks. Forced to re-sign a new lease agreement with the same owner despite the building condition as there are no suitable leases in the area to accommodate the agency's unique business needs of investigative and crime lab services.

Effective dates: Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to: (1) ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and (2) improve the efficiency and effectiveness of government agencies at all levels.



Continue Criminal Justice Data Transparency

Issue Code 36121CO

\$1,978,194 General Revenue

2 FTEs

Issue. The 2018 Legislature created Section 900.05, FS, to establish the uniform collection of criminal justice data, to require all local and state criminal justice agencies to report complete, accurate and timely data and to make the data available to the public. The new statute requires clerks of court, state attorneys, public defenders, county jail administrators and the Florida Department of Corrections (FDC) to collect specific data elements and transmit them to FDLE. The department will publish this data on its website and make it searchable, at a minimum, by data element, county, circuit and unique identifier. To implement the new law, FDLE will focus on four main elements:

- **Data Collection** – Providing a mechanism for contributing agencies to submit data to FDLE. Whenever possible, existing data collection methods will be leveraged.
- **Data Maintenance** – Creating a new data repository, which FDLE staff will monitor to ensure the integrity of the data.
- **Data Sharing** – Creating a mechanism to allow the extract of bulk data in a machine-readable format that can then be analyzed using software of the recipient's choice.
- **Public Website** – Creating and maintaining a public website, complete with a wide range of search options, to make the information accessible to the public.

Resources. The department is requesting \$1,978,194 in general revenue (\$146,852 recurring) and two criminal justice information consultants II positions to implement the provisions of the law. This includes hardware and software for the state repository and a data warehouse to ensure data availability to the public.

Results. Compliance with state statutes to create uniform collection of data in criminal justice community and ensure public availability of the data.

Risks. Inability to meet the requirements of the law. Lack of uniform criminal justice data in the state of Florida.

Effective Dates. Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to: (1) ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and (2) improve the efficiency and effectiveness of government agencies at all levels.



Florida Incident-Based Reporting System (Year 2 Funding)

Issue Code 36120CO

\$10,423,154 General Revenue / \$1,400,000 Federal Grants Trust Fund
18 FTE

Issue. The FBI's Uniform Crime Reporting (UCR) program is phasing out its summary reporting system in 2021 in favor of incident-based crime reporting. It is necessary for states that only report UCR summary data, such as Florida, to make the transition to incident-based crime reporting to participate in national crime reporting statistics and analytics. To accommodate this type of data, Florida's UCR Program must have a system that is capable of receiving and processing the data, as well as able to report in the National Incident-Based Reporting System (NIBRS) format to the FBI.

In 2018, FDLE was authorized to begin transitioning Florida to an incident-based reporting system (Chapter 2018-127, LOF). To accomplish this, FDLE will create the Florida Incident Based Reporting System (FIBRS), an integrated system and repository that will collect information required for the federal reporting as well as information required by Florida statute, such as domestic violence, hate crime, human trafficking and cargo theft information. By submitting consolidated data through FIBRS, the simplified process will reduce the burden on state and local agencies.

Another component of Florida's transition is addressing the readiness of state and local law enforcement agencies to submit data to the new FIBRS repository. The department plans a two-pronged approach to ensure all law enforcement agencies have the ability to contribute to FIBRS. First, FDLE intends to provide funding to law enforcement agencies that require financial assistance to modify their existing records management system (RMS) for compatibility with FIBRS. Second, for small agencies that have no RMS or a very limited need for maintaining an RMS, FDLE intends to provide a web-based RMS that is procured, housed, and maintained by the department.

To help offset the transition costs, FDLE has applied for federal grant funding through the Bureau of Justice Statistics. The grant will cover a portion of the anticipated cost for establishing the FIBRS repository and the state-provided RMS. It will also provide funding for 32 Florida agencies to upgrade or modify their current RMS to participate in the new incident-based reporting. The total estimated cost to implement incident-based reporting in Florida is \$30 million

Resources. The department is requesting \$10,423,154 in general revenue (\$1,218,599 recurring) and \$1,400,000 in nonrecurring federal grants trust fund authority for year two of the project:

- \$3.5 million for hardware and software and 18 FTE positions to form the remaining transition and implementation teams (Vehicles are requested for members to conduct statewide training efforts).
- \$6.5 million for local agencies to modify RMSs.
- \$1.65 million in federal grant trust fund authority.

Results. Compliance with state statutes to create uniform collection of data in the state of Florida criminal justice community and ensure public availability of the data.

Risks. Inability to meet the requirements of the law. Lack of uniform criminal justice data in the state of Florida.

Effective Dates. Upon receipt of funds.



Modernization to Counter 21st Century Threats

Issue Code 36122CO

\$1,000,000 General Revenue

Issue: Criminal and terrorist organizations are now highly decentralized, globally networked and equipped with advanced information technology and operational capabilities. These organizations routinely engage in transnational operations that pose a direct threat to Florida's domestic security and public safety. Identifying and disrupting illicit operations is a significant challenge to traditional law enforcement practices. Similarly, homegrown violent extremists and lone-actors, like those who recently committed acts of mass murder in Florida, also pose a direct threat to Florida. These complex 21st century threats would be easier to detect and disrupt with improvements to the department's current information technology and operational processes. Florida state law enforcement currently lacks the capacity to efficiently and effectively utilize the growing volume of available data.

Intelligence-led policing (ILP) entails the integration, management and analysis of relevant data to identify trends and derive actionable insights. ILP also streamlines operational law enforcement functions, particularly those driving criminal and intelligence investigations, to improve executive decision-making. It's the department's intention to implement an ILP strategy to enhance collaboration, information analysis and organizational management in coordination with Florida's state law enforcement agencies. This strategy will embody a "whole of government" approach to more efficiently allocate limited operational resources and more effectively counter complex threats to Florida's domestic security and public safety.

FDLE must address the legacy information technology currently supporting its investigative and intelligence missions. First, the department's existing law enforcement records management system is antiquated and overdue for replacement. It lacks adaptability to new operational business processes and is limited in its ability to support complex statewide investigations. Second, the department does not currently have an automated solution for data integration, management and analysis. Instead, the department remains tethered to manual business processes with regard to searching, retrieving and analyzing unstructured data from multiple, disparate databases.

The department anticipates simultaneously procuring modern information technology solutions in a phased approach to replace its outdated law enforcement records management system and provide Florida's state law enforcement agencies the ability to automatically integrate, manage and analyze all relevant data. This multi-year project will increase the operational efficiency and investigative productivity of all partnering state agencies, while enabling future mission success against the various complex threats to Florida's domestic security and public safety. The project is anticipated to cost approximately \$25 million.

Resources: The department is requesting \$1,000,000 in nonrecurring general revenue for year one of this project. Funds will be used to contract for project management, operational business process analysis and systems requirements documentation in preparation for procurement.

Results: Increased security, manageability, and value of the department's criminal investigative and intelligence records, and enhance the operational efficiency and investigative productivity of Florida's state law enforcement agencies.

Risks: Increased risk of system failures and downtime, which will negatively impact the department's ability to manage and exploit its law enforcement records. The department, and Florida state law enforcement, will continue to be operationally challenged to detect and prevent or disrupt complex threats to Florida's domestic security and public safety.

Effective Dates: Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development, which is to: (1) ensure state and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and employees; and (2) improve the efficiency and effectiveness of government agencies at all levels.



**Tampa Bay Regional Operations Center –
Repairs and Maintenance**
Issue Code 990M000
\$5,112,922 General Revenue

Issue. The FDLE-owned Tampa Bay Regional Operations Center (TBROC) facility was constructed in 1991 and consists of 96,753 net square feet. In 2016, a facility condition assessment was conducted to evaluate the site and building, identify issues with the facility and offer recommendations for correction and future maintenance. The resulting report outlined a number of Americans with Disability Act (ADA) compliance issues, facility deficiencies, and preventative maintenance items. Examples of needed work include replacement of damaged and deficient concrete sidewalks, modification of restrooms for ADA compliance and resealing the building exterior to address water intrusion.

The department intends to complete the necessary repairs and maintenance in a multi-phase, multi-year project, with an anticipated overall cost of approximately \$11 million. In FY 18-19, the Legislature appropriated \$500,000 in general revenue to begin architectural and design services.

Resources. The department is requesting \$5,112,922 in nonrecurring general revenue to begin the first phase of correcting deficiencies and code compliance within the TBROC facility.

Results. A more energy efficient, sustainable and code compliance facility.

Risks. Inability to fund critical projects necessary to comply with ADA, address current deficiencies and maintain the agency's capital investment.

Effective dates. Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and improve the efficiency and effectiveness of government agencies at all levels.



Improve Sexual Offender and Predator Registry Database

(Year 3 Funding)

Issue Code 36118C0

\$1,542,680 General Revenue

Issue. The Sexual Offender/Predator Registry is critical for the support, management, and integrity of registration information across the State of Florida. This system and the information it contains contributes to public and law enforcement safety in Florida and across the country. FDLE is responsible for maintaining the registry, which is used by all Florida sheriff's offices and numerous police departments. To comply with their statutory obligations of registering offenders/predators and verifying addresses, these law enforcement agencies rely on the system to be accurate, timely and accessible 24/7. As of June 2018, there were more than 73,000 subjects in the registry.

From November 2015 to February 2016, FDLE hosted numerous meetings with law enforcement stakeholders across the state to identify their needs for the Sex Offender/Predator Registry. Local law enforcement partners identified more than 73 modifications that will improve their ability to be proactive in managing their offender/predator populations, and reduce time and effort tracking registrants. These improvements will become especially important based on the likelihood that the numbers of sexual offenders/predators in Florida communities will continue to grow.

In addition to addressing the needs of Florida's sheriff's, FDLE must address a significant technology issue with the registry. The last major upgrade to the registry was completed in 2006. The products used to develop the application software are still in use today, however, the version used is no longer supported. The new Sex Offender/Predator Registry will provide Florida law enforcement agencies and the public with a number of improvements and will eliminate the use of obsolete technology. The total estimated cost for the project is \$7.1 million.

Resources. The department is requesting \$1,542,680 in nonrecurring general revenue to maintain/hire contract IT staff to continue to work through the third and final year of this project to implement the new system.

Results. Continue providing law enforcement agencies with a statewide system to register and track sex offenders/predators in Florida. Continue to provide electronic notifications to the public regarding sex offenders/predators who reside in their communities. Continue to provide electronic notifications to criminal justice agencies when information about sex offenders/predators changes. Continue providing the public and criminal justice agencies with geocoding and mapping services regarding location of sex offenders/predators. Continue sharing sex offender/predator information with other government agencies and information systems in the state. Provide key improvements in the registry based on input from law enforcement agencies around the state.

Risks. Security, support and business risks increase. Data, functionality and system availability could become compromised. Extended periods of degraded service and downtime. Negatively affect law enforcement agencies' ability to process registrations and update information in the system. Limit the public's ability to access information when needed.

Effective Dates. System redesign and development is scheduled for completion in June 2020.

This issue is consistent with the Florida Strategic Plan for Economic Development to ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and improve the efficiency and effectiveness of government agencies at all levels.



Support eWarrants System

Issue Code 4400200

\$288,000 General Revenue

Issue. Florida's law enforcement community must ensure the entries of arrest warrants and protection orders into the Florida Crime Information Center/National Crime Information Center (FCIC/NCIC) are complete, current and accurate to guarantee both officer and public safety. The warrant process is inconsistent within Florida's 67 counties and across jurisdictional circuits, resulting in warrants that are in local record management systems, but not entered into FCIC/NCIC. Warrants are submitted to the clerk of court in a variety of formats and then forwarded to sheriffs' offices for service and transmission into the state and national warrant files.

Similarly, the statutory requirement (Section 741.30, FS) to enter protection orders into FCIC/NCIC within 24 hours of receipt from the clerk of court has presented challenges. While the orders are consistently entered upon receipt, there are delays between the execution of the order and its transmission to the sheriff for entry. Also, when the temporary order expires prior the final order being received by the sheriff, the final protection order must be reentered into FCIC/NCIC.

FDLE has developed an eWarrants system to automate these processes and reduce duplicate data entry. Agencies can interact via a web site with the centralized eWarrants tracking system, providing information and tracking the progress of an arrest warrant as it moves through the approval process. Protection order functionality is currently being developed and will be integrated during FY 18-19.

The eWarrant website functionality was developed and the necessary hardware and software infrastructure was acquired using federal grant funds. However, eWarrants now requires ongoing support and maintenance which is not covered by federal grant funds. To continue providing this critical bridge for tracking and reporting warrants and protection orders, state funds are required.

Resources. The department is requesting \$288,000 in general revenue (\$219,000 recurring) to support the eWarrants application and infrastructure, including a refresh of hardware purchased at the beginning of the development project.

Results. Continued facilitation of arrest warrant entries into state and national systems in a timely manner.

Risks. Submittal and tracking of arrest warrants and protection orders would revert to a manual and inefficient process.

Effective Dates. Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to: (1) ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and (2) improve the efficiency and effectiveness of government agencies at all levels.



Maintain Investigative Aviation Fleet

Issue Code 4500500

\$1,200,000 General Revenue

Issue. The nature and scope of FDLE's investigative mission requires an aviation fleet to provide aerial support for investigations, to rapidly deploy emergency assistance resources and to securely transport evidence throughout the state. Maintaining an aviation capability requires aircraft that are appropriately equipped and maintained and pilots that are not only trained and certified for aviation but have the appropriate level of training and experience required of special agents.

FDLE's aviation fleet consists of four aircraft: one King Air and three Cessnas. The King Air enhances the departments' aviation capabilities by decreasing response time for missions and providing a long-range covert platform not available with the agency's smaller aircraft. The King Air's current cockpit technology is aging and will reach end of life within three to five years. Instrument failure will result in the plane being taken out of service, potentially for an extended period of time, as parts for the current instruments are increasingly difficult to obtain.

As the demand for aviation missions increases, the cost of operating and maintaining the fleet continues to grow. In FY 17-18, the department conducted 170 missions contributing to the rise of fuel and maintenance costs. The cost of pilot training increased and the pilots are also required to attend annual training to maintain their licenses/certifications. The department's goal is to have all the pilots cross-trained and certified to fly and operate equipment on all aircraft in the fleet. This often requires specialized training, particularly for the larger King Air.

Resources. The department is requesting \$1,200,000 in general revenue (\$800,000 recurring) to upgrade avionics for the King Air to G1000 technology, support the increased cost of operating and maintaining the agency's air fleet and provide continued training for FDLE pilots.

Results. Enhance capability to maintain advanced readiness to assist with surveillance requests, child abduction responses, disaster response, officer involved shooting observation and mapping and the prevention of domestic terrorism. Reduce the number of law enforcement ground assets required during surveillance and tracking missions making detection less likely during covert operations.

Risks. Safety concerns due to the age of the aircraft. Effectiveness on investigative missions will be reduced.

Effective dates. Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to improve the efficiency and effectiveness of government agencies at all levels.



Sustain Investigative Overtime

Issue Code 4500200

\$1,500,000 General Revenue

Issue. Overtime is a necessary component of public safety work. Much of the work is unpredictable and time-sensitive, and the ability to immediately pursue a lead is critical to the successful outcome of the investigation. A delayed response could result in lost suspects or witnesses; diminished recall or altered accounts of the crime. Additionally, external circumstances and events – for example, natural disasters or criminal emergencies such as mass shootings - always impact sworn personnel and the need for overtime. Personnel limitations, case integrity and continuity are additional factors that impact the ability of managers to flex work schedules, distribute work assignments or employ other tools managers typically use to control overtime.

In the past five years, increases in the number of overtime hours worked and the per hour cost of overtime have both contributed to a significant rise in the departments overall overtime costs. The number of hours worked has increased 34 percent from just under 25,000 hours in FY 12-13 to 33,000 hours in FY 17-18. The cost per hour for sworn overtime has increased by 13% (or \$6.33 an hour). Combined, these factors have contributed to an agency overtime cost increase of 51 percent.

Until recently, the department's sworn overtime expenditures have been paid from the federal law enforcement trust fund. The sole source of cash for this trust fund is the agency's share of proceeds from forfeitures directly related to federal investigations in which FDLE participated. Receipts in this trust fund are sporadic at best and have been steadily declining, from an average of \$1.5 million annually six years ago, to approximately \$340,000 in FY 17-18. Due to the decline in revenue, and in combination with a steady operational demand for overtime, the trust fund no longer has sufficient cash to support the department's overtime appropriation.

Resources. The department is requesting \$1,500,000 in recurring general revenue to continue overtime for sworn personnel.

Results. Maintain the current level of crucial investigative activities through the use of overtime for sworn personnel.

Risks. Loss of an estimated 33,000 investigative work hours a year. Delays in the resolution of investigations and allow criminals to remain at large.

Effective dates. Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to create and sustain vibrant, safe and healthy communities that attract workers, residents, businesses and visitors.



Increase Capitol Complex Security Staffing

Issue Code 3000810

\$599,583 Operating Trust Fund

6 FTE

Issue. Capitol Police's mission is to serve the safety and security needs of both the legislative and executive branches of state government. Its primary responsibility is to protect the security of the Governor, the Lt. Governor, the members of the Cabinet, and the members of the Senate and of the House of Representatives and those employees assigned to assist state officials in the performance of their official duties. In addition, the Capitol Police strives to provide a safe environment for the many citizens that visit the Capitol Complex on a daily basis.

During business hours each weekday, Capitol Police officers staff several vehicle and pedestrian checkpoints around the Capitol Complex to screen visitors, vendors and contractual service providers for weapons and hazardous devices. Some of these positions are currently staffed by only one officer. Each position should be staffed by a minimum of two officers to insure an adequate response to potential threats or subjects attempting hostile actions and provide immediate backup. Current staffing levels do not afford the flexibility to provide support during arrests, explosives detection, suspicious activities and hostile acts.

Resources. The department is requesting \$599,583 in operating trust fund authority (\$466,031 recurring) and six law enforcement officer positions, a vehicle and a fully-trained and equipped K-9 to increase staffing at the primary security checkpoints and the Old Capitol to enhance the level of security and response to threats against the facility, employees and elected officials. The additional K-9 resource will expand explosive detection in daily operations while continuing to assist law enforcement entities in a 13-county area with this specialized service. To recruit and retain officers, the department has a new starting base salary of \$37,229 for these positions.

Results. Enhance security at the primary vehicle and employee access points. Increase response capability to threats at the Capitol Complex.

Risks. Less than optimal staffing levels which are sufficient for security of the Capitol Complex.

Effective dates. Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to: (1) ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and (2) improve the efficiency and effectiveness of government agencies at all levels.



Maintain Investigative Vehicle Fleet

Issue Code 4500300

\$900,000 General Revenue

Issue. The department maintains a statewide fleet of 627 conventionally purchased vehicles issued to sworn investigators and other designated positions. For most special agents, their agency-assigned vehicles serve as their daily workplace. Other vehicles in the FDLE fleet include specialty vehicles needed on a periodic basis for crime scene, covert surveillance, emergency response, protective operations and mobile command activities.

According to the Department of Management Services (DMS) guidelines, state vehicles are eligible for surplus when they reach 120,000 miles or are 12 years old. Currently, 203 vehicles (32 percent) of the department's fleet meet the guidelines for replacement but are still in use.

FDLE is unable to replace vehicles at a rate similar to which the fleet is aging, making it necessary for an increasing number of FDLE members to drive vehicles at risk of breaking down and requiring additional maintenance and repairs. Additionally, the number and cost of vehicles to be replaced has increased. When new sworn positions are allocated to the department, a new vehicle is added to the fleet, increasing the number of vehicles placed into replacement rotation. The average cost of replacing a law enforcement vehicle has increased from \$22,000 to \$25,000.

Currently the department is appropriated \$415,000 in recurring general revenue and \$221,000 in recurring operating trust funds (OTF) for vehicle replacement, enough to replace 25 vehicles per year. In recent years, the department has also used \$580,000 in forfeiture funds annually to replace an additional 23 vehicles. Forfeiture funds will be depleted by the end of the fiscal year as contraband seizures and forfeitures have slowed over the past several years. The decreasing OTF balance will also prevent its usage to purchase vehicles in the future.

Resources. The department is requesting \$900,000 in recurring general revenue to be added to its vehicle appropriation to allow the purchase of 36 additional replacement vehicles annually.

Results. Maintain a ready fleet by ensuring the replacement of at least 52 vehicles with general revenue funds each year.

Risks. Risk to officer, member and public safety. Increased number of FDLE fleet vehicles will cross the DMS established thresholds for replacement, resulting in increased repair and maintenance expenses.

Effective dates. Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to improve the efficiency and effectiveness of government agencies at all levels.



Replace Orlando Regional Operations Center Generator

Issue Code 2401110

\$1,051,000 General Revenue

Issue. FDLE's Regional Operations Centers (ROCs) are law enforcement facilities that require a certain level of operability at all times, even during situations where traditional state office buildings are closed. The investigative and forensic mission of FDLE requires that electrical power, beyond the life-safety minimum, be continuously available to select portions of the ROCs.

As part of the department's responsibility under the Florida Mutual Aid Act (Chapter 23, Part I, FS), each FDLE region is responsible for organizing, staffing and activating a Regional Law Enforcement Coordination Team (RLECT) to establish operational command, secure communications and provide executive briefings and law enforcement intelligence capabilities to address concerns during an impending or current incident or event. This is accomplished through the ROCs, which also double as Emergency Operation Centers (EOCs) during natural disasters. Electrical power is necessary to operate computers, phones, satellite and network equipment, as well as provide general lighting and cooling for staff working in the facility. The use of ROC facilities is critical to accomplish FDLE's mission during emergency events.

In addition, six of the ROCs house crime laboratories responsible for the forensic analysis of evidence submitted by law enforcement agencies throughout the state. Not only do these laboratories work with sensitive equipment and reagents, they are also responsible for storing and preserving biological and physical evidence entrusted to the laboratory for analysis. A portion of the agency's equipment is attached to an uninterrupted power source (UPS) to protect the equipment from potentially damaging power surges and to prevent the equipment from stopping mid-run and ruining an analysis. However, many of the laboratories' refrigerators and freezers are not connected to a reliable back-up power supply. Maintaining consistent storage temperatures is critical to avoiding the destruction of evidence that helps solve crime.

In 2017, in conjunction with the Department of Management Services, FDLE contracted with an engineering firm to conduct a statewide study of emergency electrical power and generators at FDLE's ROCs. It recommended potential means to mitigate risks, proposed options to resolve the concerns and provided budgetary cost estimates including replacement of the Orlando Regional Operations Center (OROC) generator. In addition to having a history of repeated repairs, the OROC generator had several documented code violations and has previously failed to function, putting RLECT activation at risk.

Resources. The department is requesting \$1,051,000 in nonrecurring general revenue to purchase and install a 500KW generator with two separated distribution systems (one for life-safety circuits and one for FDLE critical standby circuits) and a cooling unit for the EOC.

Results. Allow for continued support of critical functions during sustained power outages.

Risks. No capacity to direct operations and manage law enforcement assets through the activation of the RLECT within OROC. Perishable forensic evidence and reagents could be destroyed or compromised.

Effective Dates. Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to: (1) ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and (2) improve the efficiency and effectiveness of government agencies at all levels.



Add Incident Command Vehicles

Issue Code 4500400

\$1,200,000 General Revenue

Issue. FDLE currently maintains two mobile command vehicles which allow the department to immediately deploy resources to crime scenes or emergency staging areas for onsite operational command, secure communications, executive briefing, remote surveillance, intelligence and interview capabilities. The command vehicles are also used for law enforcement missions including child abductions, officer-involved shootings (OISs), large scale arrest operations and fugitive manhunts. Consistent with all these events is a need to respond to the scene, establish control, interview witnesses and secure evidence. The vehicles are currently located at the department's Jacksonville and Miami Regional Operations Centers and may be deployed in emergency response situations such as hurricanes, tropical storms or terror incidents.

However, the absence of vehicles in all FDLE's regions limits the department's ability to deploy suitable resources statewide. For example, during the response to the events surrounding the Pulse Nightclub incident June 12, 2016, FDLE command was established using the Orlando Police Department's vehicle. Additionally, FDLE made use of several other agencies' vehicles to command separate mission's specific to the OIS investigation, recovery of victim's vehicles, identification of victims/next of kin notification and protection of elected officials who visited the command center. While the Jacksonville command vehicle was able to respond to the Pulse incident scene, it was not a timely response.

FDLE cannot rely upon local law enforcement to provide mobile command vehicles. Often, the set-up of other agencies vehicles for FDLE-use requires a lengthier period to be fully operational as members need some time to transition to other hardware, software, equipment, etc. This does not allow the efficient and effective deployment of sworn and analytical resources. Multiple mobile command vehicles will not only ensure that a vehicle is in close proximity to any location in Florida, but provide the redundancy required should multiple events occur simultaneously or should an event require the establishment of multiple command locations.

Resources. The department is requesting \$1,200,000 in nonrecurring general revenue to purchase and equip two more command vehicles (\$600,000 each) that would be strategically staged in the Orlando and Tampa Bay regions to ensure redundancy and that vehicles have a maximum three-hour travel window to any call-out. The vehicles would be fully operational within 30 minutes of arriving at a scene and equipped with conference space, multiple workspaces, computer stations, secure internet access, communications equipment, exterior surveillance cameras, multiple TV monitors with satellite capabilities and interview rooms. Using equipment, software and protocols members are familiar with ensures resources can be deployed from any region without loss of capability, providing a fully scalable response anywhere in the state.

Results. Minimize operation ramp-up time, reduce likelihood of data error and maximize compatibility with other resources. Save invaluable time which is critical to public and officer safety and could impact the success of FDLE's mission.

Risks. Decreased efficiency of investigative and intelligence processes. Reliance on availability of other agencies' assets during emergencies, which may not provide sufficient space nor be equipped with systems compatible with FDLE systems, programs and applications.

Effective dates. Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to create and sustain vibrant, safe, and healthy communities that attract workers, residents, businesses and visitors and improve the efficiency and effectiveness of government agencies at all levels.



Expand DNA Database to Include All Felons

Issue Code 30000730

\$1,280,813 General Revenue

8 FTE

Issue: Section 943.325, Florida Statutes, requires the collection of DNA samples from any individual who is arrested for any felony offense, specified misdemeanor offense or an offense committed to benefit a criminal gang. To avoid bottlenecks in DNA sample analysis and processing that would be caused by a sudden shift to arrest-based DNA collection, the Legislature established a controlled expansion to be implemented in phases beginning on January 1, 2011. To date the shift to arrest-based DNA collection has included crimes set forth in Chapters 782 (murder), 784 (assault and battery), 787 (kidnapping, false imprisonment, luring or enticing a child and custody offenses), 790 (weapons and firearms), 794 (sexual battery), 800 (lewd or lascivious acts), 810 (burglary and trespass), 812 (theft, robbery and related crimes) and 893 (drug abuse prevention and control). The final phase of the expansion occurs January 1, 2019, to include all remaining felony offenses.

FDLE's DNA Database currently averages approximately 1,400 candidate matches per month. These matches must be evaluated which ultimately determines whether the match is a 'hit' offering investigative information to an unsolved crime. Each candidate match generates a notification to the state and to the regional crime laboratory that submitted the profile. The FBI requires evaluation of the Combined DNA Index System (CODIS) matches to be completed and documented within 30 days, which places an added burden upon regional crime laboratory analysts and reduces time available for case work.

Additionally, the Rapid DNA Act of 2017 (Public Law 115-50) authorized the FBI Director to "issue standards and procedures for the use of Rapid DNA instruments and resulting DNA analyses." The FBI anticipates beginning testing components in 2019, and integration of Rapid DNA into the booking process will follow shortly thereafter. FDLE will need to update the DNA Database's Sample Tracking System software to accommodate the Rapid DNA systems and to continue successful participation in the CODIS system.

Resources: The department is requesting \$1,280,813 in general revenue (\$1,196,573 recurring) and eight FTE positions to address the increased costs associated with the final phase of the DNA Database expansion:

- DNA Collection and Database Supplies (\$444,360) - Expansion of collections will add 15,870 additional DNA samples to the DNA Database beginning January 1, 2019. Based on DNA Database standards, each sample costs an estimated \$28 to collect, process, and analyze. This includes the cost of DNA collection and STR kits, products consumed in the analysis process, kit distribution, and supplies associated with the analysis and processing of DNA samples.
- Sample Tracking Software Enhancements (\$54,200) - The DNA Database uses a Sample Tracking System and a virtual desktop interface (VDI) to increase production efficiency, as well as reduce the footprint of physical hardware requirements. Updating this system is essential to FDLE's participation and continued success within the CODIS system to include the anticipated Rapid DNA systems.
- Biology Crime Laboratory Analysts and Supervisors (8 FTE) (\$782,253) - To avoid casework backlogs and negatively impacting biology turnaround times, request six additional biology crime laboratory analysts and two crime laboratory analyst supervisors to maintain case work production capacity and respond to the increasing number of CODIS matches. The supervisors are necessary to maintain a reasonable span of control as the number of biology analysts in the lab system increases. To recruit and retain qualified lab employees, the agency hires above the Department of Management Services hiring minimum, \$50,948 and \$72,000, respectively.

Results: Purchase necessary supplies to implement legislative mandate to collect DNA from all arrestees. Enhance sample tracking software and keep up with the ever increasing workload associated with processing CODIS entries and "hits". Allow for the identification of samples processed using Rapid DNA systems at booking to easily identify samples that have been previously uploaded to CODIS through these systems, thus eliminating unnecessary duplication of DNA analysis. Reduce the span of control within biology sections statewide to a more optimum level. Improve output and reduce turnaround time for laboratory contributors.

Risks: Decrease timeliness of service provided to the law enforcement community. Negatively impact investigations and successful prosecutions. Unnecessary duplication of DNA analysis. Create a backlog of DNA samples that will not be entered into CODIS in a timely manner. Inability to maintain a complete DNA Database.

Effective dates: Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to improve the efficiency and effectiveness of government agencies at all levels.



Improve Firearm Eligibility Services

Issue Code 4300100

\$704,174 Operating Trust Fund

11 FTE

Issue. FDLE's Firearm Eligibility Bureau is responsible for ensuring law-abiding citizens and eligible visitors are able to legally obtain firearms while preventing purchases by individuals who are disqualified. Turnaround times are critical in this bureau, and the continual increase in incoming requests threatens to generate unacceptable delays in services. The bureau's two units (Firearm Purchase Program (FPP) Eligibility Research Unit (ERU)) require additional resources to keep up with the workload demands.

FPP operates 363 days per year from 9am to 9pm. The volume of incoming transactions processed has risen 11 percent over the last three years (990,314 transactions in 2017 compared to 885,086 in 2015) and 10 percent growth has been a consistent trend each year the past 10 years. The current service level expectation of an incoming record check transaction is 10 minutes. During peak periods, the time to process a transaction can reach 20 minutes.

Effective July 1, 2018, FPP absorbed work previously conducted by the FBI regarding background checks for firearms eligibility. The department estimates this will add another 25,000 transactions per year. Additionally, as more counties pass ordinances, the number of private sale transactions continues to grow.

The increased FPP transactions results in an increase in the amount of additional research and follow-up. Approximately three percent of all transactions are forwarded to ERU for additional research. The current service level expectation for these requests is three business days, which corresponds to the mandatory firearm purchase waiting period established in 790.0655, F.S. Currently, research packages have as much as a six week backlog.

Resources. The department is requesting \$704,174 in operating trust fund authority (\$662,869 recurring) to add 11 FTE positions to address workload and turnaround times:

- FPP - Three criminal justice information analyst Is to address the workload and keep the processing times within acceptable limits. To recruit and retain employees in this high turnover area, the department hires positions in this unit at 10 percent above the position class base.
- ERU - Six criminal justice information analyst IIs and two criminal justice consultant Is to meet the workload and bring the review and verification process time closer to the three business day expectation.

Results. Meet current demand, provide a faster turnaround time, and improve customer service.

Risks. Timeliness of service provided to internal work units, agencies and the public will decrease, potentially impacting citizen's ability to purchase or retrieve a firearm.

Effective Dates. Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to: (1) ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and (2) improve the efficiency and effectiveness of government agencies at all levels.



Meet Public Records Processing Demands

Issue Code 3000120

\$479,437 General Revenue

7 FTE

Issue. FDLE's Public Records Section is responsible for the intake/docketing, research, retrieval, review, management and timely fulfillment of public records requests pursuant to Article I, Section 24, of the Florida Constitution and Florida's Public Records Law, Chapter 119, FS. The section processes a broad range of subject matter requests from a number of sources including citizens, the media, other state and federal agencies and private industries. The media's urgency to receive records is especially persistent. The number of Chapter 119 requests made upon FDLE is greater than ever before, with a 132 percent increase in these requests between 2012 and 2017 (2,193 requests in 2012 versus 5,091 requests in 2017).

In addition, the nature and volume of FDLE's business records subject to public records requests is dramatically changing due to more economical technological data maintenance and storage resources. Data volume spiked with the inclusion of digital photographs, audio files, video files, emails, text messages, and personal communication device data export records. Because of the changing nature of records, the staff's required skillsets must constantly adapt to technology innovations in order to perform their jobs.

The section is suffering a backlog due to these increases, which is contrary to the department's objective to provide timely access to public records. Over the last year, the number of backlogged public records requests has increased 72 percent and 66 percent of the backlogged requests are more than 60 days old. The backlog exposes FDLE to complaints, legal challenges and expensive litigation costs for failure to comply. Of special note, on April 14, 2016, the Florida Supreme Court ruled that there is no "honest mistake" exception for failing to comply with Chapter 119 and the result is that the prevailing party is entitled to statutory attorney's fees. Without additional staff to process the increasing volume of public records requests, the agency may experience repercussions including litigation, civil or criminal penalties.

Resources. The department is requesting \$479,437 in general revenue (\$450,152 recurring) for six government operations consultant II positions, one distributed computer systems specialist position and software to redact text, digital audio, video and image records.

Results. More efficient, timely and effective compliance with Chapter 119 records requests.

Risks. Failure to comply with statutory responsibility in a reasonable or timely fashion. Subject to complaints, legal action, civil penalty or potential criminal sanctions for unresponsiveness.

Effective Dates. Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to improve the efficiency and effectiveness of government agencies at all levels.



Identity Theft and Fraud Grant Program

Issue Code 4100310

\$200,000 Operating Trust Fund

Issue. The Identity Theft and Fraud Grant program is established in Section 943.0412, FS, to assist local law enforcement agencies in the investigation of personal identification information theft and fraud. This program is supported through criminal fines for qualifying convictions relating to identity theft as provided in Section 817.568(12)(1), FS. Since the authorizing legislation (Chapter 2014-200, LOF) took effect in October 2014, just over \$120,000 in fines has been collected and deposited into FDLE's operating trust fund (OTF) for this program.

With the available cash balance, the department is prepared to initiate the first year of the grant program. A competitive grant process will be conducted in FY 19-20, and local law enforcement agencies will be given the opportunity to apply for funds to address identity theft and fraud in vulnerable populations within their jurisdictions. Applications will be scored based on pre-established criteria that align with the legislative intent of the program.

Resources. The department is requesting \$200,000 in recurring OTF authority to disburse grant awards under the program. The increased authority will establish an upper threshold of total grant awards to be made each year. However, the number and amount of actual awards will be based on cash available at the beginning of each fiscal year.

Results. Develop and implement the grant program successfully as intended by the Legislature.

Risks. Inability to implement this program or award grants to eligible recipients.

Effective Dates. Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to: (1) ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and (2) improve the efficiency and effectiveness of government agencies at all levels.



Upgrade Microsoft Office Software

Issue Code 36201CO

\$1,204,000 General Revenue

Issue. Microsoft Office has been the standard office productivity suite used by FDLE members since the 1990's. Eight years ago, FDLE upgraded the agency's computers to MS Office Pro 2010 and it is nearing the end of its life-cycle. Mainstream support ended in October 2015 and extended support is scheduled to end in October 2020. This means that Microsoft will no longer provide technical support, address errors/defects or issue security patches.

Unsupported software creates risks to organizational operations. The risk of business disruptions increases due to software compatibility issues, application performance issues and computer viruses. The risk of security breaches also increases, as hackers target computers that use older, unsupported software.

FDLE must also consider the risk of non-compliance with sector-specific regulatory frameworks, such as the FBI's Criminal Justice Information Services Security Policy, the Payment Card Industry Data Security Standard or the Health Information Portability Accountability Act. Non-compliance with regulatory frameworks could potentially result in financial penalties and/or loss of access to mission critical resources maintained by third parties.

Resources. The department is requesting \$1,204,000 in general revenue to acquire and deploy approximately 3,500 copies of Microsoft Office Pro 2019 throughout the agency. This count is based on the number of current operational PCs used within FDLE and the Microsoft requirement that one instance of the software is required for each device. The cost of Microsoft Office Pro 2019 is estimated at \$344 per copy (10 percent above Office Pro 2007). Actual cost will be determined when the Department of Management Services negotiates a new state term contract with vendors.

Results. Access to technical support from Microsoft to address and resolve operational and compatibility issues. Ability to receive error correction and security patches. Use of the latest features available in Microsoft's Office suite. Office productivity needs should be met for the next six to eight years.

Risks. Expose FDLE to operational/compatibility issues and security vulnerabilities.

Effective Dates. The distribution of the software is expected to begin in October of 2019.

This issue is consistent with the Florida Strategic Plan for Economic Development to: (1) ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and (2) improve the efficiency and effectiveness of government agencies at all levels.



**Increase Trust Fund Authority for
Tenant Broker Commissions**
Issue Code 4100600
\$55,200 Operating Trust Fund

Issue. State agencies are required to engage a tenant broker to negotiate all private lease agreements for office and storage space in excess of 2,000 square feet. State agencies act as pass-through entities for the associated tenant broker commissions. When a new lease is executed, the landlord remits a check to the agency for the amount of the tenant broker commission. These funds are deposited into the agency operating trust fund and then paid to the tenant broker once services have been completed and invoiced.

The department has two existing private leases that will require a tenant broker to facilitate the lease renewal or re-procurement process in FY19-20:

- Lease 710:0237, FDLE Sarasota Field Office, 2,258 square feet – lease ends 6/30/2020. The estimated tenant broker fee is \$3,200 based on projection of a four-year extension; and
- Lease 710:0258, FDLE Jacksonville Warehouse, 2,000 square feet – lease ends 10/31/2020. The estimated tenant broker fee is \$2,000 based on a projection of a three-year extension.

The department also anticipates engaging a tenant broker to procure a new lease for office space in Tallahassee to accommodate new positions and address overcrowding in the FDLE Headquarters facility. The estimated tenant broker fee is \$50,000.

Resources. The department is requesting \$55,200 in tenant broker commission expenditure authority in the operating trust fund to cover anticipated pass-through obligations associated with the procurement process for private leases in FY 19-20.

Results. Pass-through funds will be timely paid to tenant brokers upon completion of requisite services.

Risks. Inability to meet department obligations when private leases come up for renewal.

Effective dates: Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and improve the efficiency and effectiveness of government agencies at all levels.



Create Permanent Florida Statistical Analysis Center Positions

Issue Code 4700100

\$178,142 Federal Grants Trust Fund

3 FTE

Issue. FDLE's Florida Statistical Analysis Center (FSAC) has employed grant-funded OPS members for over two decades. These positions have been primarily funded through the Bureau of Justice Statistics' State Justice Statistics (SJS) grants awarded to the department to support specific research and capacity projects to ensure Florida's able to provide accurate, timely and relevant reports about crime in Florida. Some projects have significantly increased the FSAC's access to data sources through technical solutions and analytical competency, while others have improved the distribution of publicly available data through presentations, published reports and the Internet. These projects have led to improvements in the quality of data and demonstrated the importance of analyzing criminal justice data for creating policy.

To conduct high-level, complex analysis, the FSAC recruits individuals with specialized skill sets including data analysis, professional writing and Statistical Analysis System (SAS) programming. Retention of these qualified individuals is difficult with some members leaving mid-project for other employment opportunities. While having OPS members to perform the work necessary to develop and expand the FSAC's capacity is clearly beneficial, the OPS status puts the FSAC in a constant flux of training and development as individuals leave for permanent positions elsewhere. The loss of experience and expertise limits the FSAC's ability to fully develop its capacity.

Resources. The department is requesting the establishment of three positions (one criminal justice information analyst I and two criminal justice information consultant Is) and \$178,142 in federal grants trust fund appropriation to convert existing grant-funded OPS positions to grant-funded FTE positions.

Results. Retention of qualified employees.

Risks. Loss of qualified employees, resulting in decrease in productivity.

Effective dates: Upon receipt of funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to: (1) ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and (2) improve the efficiency and effectiveness of government agencies at all levels.



**Increase Trust Fund Authority for
Hurricane Irma Response**
Issue Code 4100420
\$1,300,000 Federal Grants Trust Fund

Issue. In September 2017, in preparation for the arrival of Hurricane Irma, Governor Rick Scott issued an executive order declaring a state of emergency in every county in the State of Florida. Under the Florida Mutual Aid Act, FDLE was responsible for coordinating the law enforcement mutual aid response to the disaster and responding to the disaster in its capacity as a state law enforcement agency. FDLE staffed the state Emergency Operations Center (EOC), county EOCs and the Regional Law Enforcement Coordination Teams for the purpose of coordinating this response. Additionally, FDLE personnel responded to multiple requests for assistance related to evacuation and security missions. Costs for the agency's response were recorded in the FDLE operating trust fund (OTF).

FDLE has submitted a reimbursement request of \$1.3 million to the Federal Emergency Management Agency (FEMA) to recover costs incurred while responding to Hurricane Irma. Funds received from this request will be placed in the federal grants trust fund (FGTF). FDLE does not currently have enough appropriation authority to move the corresponding expenditure charges from the OTF to the FGTF.

Resources. The department is requesting \$1,300,000 in FGTF authority to properly record expenditures and receipts related to the FEMA reimbursement for Hurricane Irma costs.

Results. Proper accounting of federal grant funds that complies with the federal Cash Management Improvement Act (CIMA) requirements.

Risks. Noncompliance with the federal CIMA requirements, negative audit findings, and potential exclusion from future federal funding.

Effective Dates. Upon receipt of federal reimbursement funds.

This issue is consistent with the Florida Strategic Plan for Economic Development to: (1) ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and (2) improve the efficiency and effectiveness of government agencies at all levels.



Shift Operating Trust Funds to General Revenue

Issue Code 3400270 / 3400280

\$30,000,000 General Revenue

Issue. FDLE's operating trust fund (OTF) is sustained primarily with fees for criminal history record services. For a number of years, revenue had been greater than expenditures and the cash in the trust fund grew to a healthy balance. This trust fund supports over 97 percent of the department's Criminal Justice Information Program, including the systems and staff that collect, manage and disseminate criminal history information for the state. Cash balances in the trust fund have also traditionally been used to fund major nonrecurring statewide public safety information technology projects – such as replacement of the Computerized Criminal History system (\$22 million).

In recent years, trust fund utilization has changed. A larger portion of the department's base operations are now supported by the OTF, including the Investigations and Forensic Services (IFS) Program. In FY 13-14, the OTF supported 14 percent (\$14 million) of the IFS budget, compared to 30 percent (\$43 million) in FY 18-19. This includes agents and analysts working cases, intelligence and domestic security operations for the state and crime laboratory analysts analyzing evidence for agencies statewide.

Additionally, \$6 million in cash is transferred annually from the department's OTF to the Criminal Justice Standards and Training Trust Fund (CJSTTF). This cash transfer is necessary to stabilize the CJSTTF, which supports the Criminal Justice Standards and Training Commission, FDLE's Criminal Justice Professionalism Program and the state's 40 criminal justice training centers that train the state's 77,000 certified law enforcement, corrections and correctional probation officers. Over the past 10 years, CJSTTF revenue has declined by 49 percent.

Along with the \$6 million transfer to the CJSTTF, the OTF has also recently been burdened by an additional \$6.5 million recurring fund shift in FY 17-18, a \$4 million recurring fund shift in FY 18-19 and a \$10 million non-recurring fund sweep in FY 18-19. These obligations, in conjunction with slow revenue growth, have resulted in a steady decrease in the trust fund cash balance. In FY 17-18, the department began aggressively identifying and implementing strategies to ensure sufficient cash remains available to pay obligations. The department reduced administrative and training activities, delayed projects (such as information technology equipment replacement) and held positions vacant.

While maintaining this short-term strategy may delay the depletion of the trust fund until early FY 19-20, the operational impact will be felt in the upcoming years. IFS fulfills a core public safety obligation to Florida's citizens and visitors. The protections and services provided in exchange for tax dollars are in danger of being significantly reduced or eliminated if program funding is not returned to a stable source.

Resources. The department is requesting to shift \$30,000,000 of recurring budget from the OTF to general revenue. Approximately \$6,000,000 of the requested amount would return to directly supporting the CJSTTF.

Results. Allow the agency to sustain agency operations. Maintain the \$80 per officer distribution rate to the criminal justice training schools.

Risks. Reduce program services and/or reduce the distribution amounts to the criminal justice training centers. Decrease training and services to Florida's certified criminal justice officers. Negatively affect safety and security of citizens.

Effective Dates. July 1, 2019

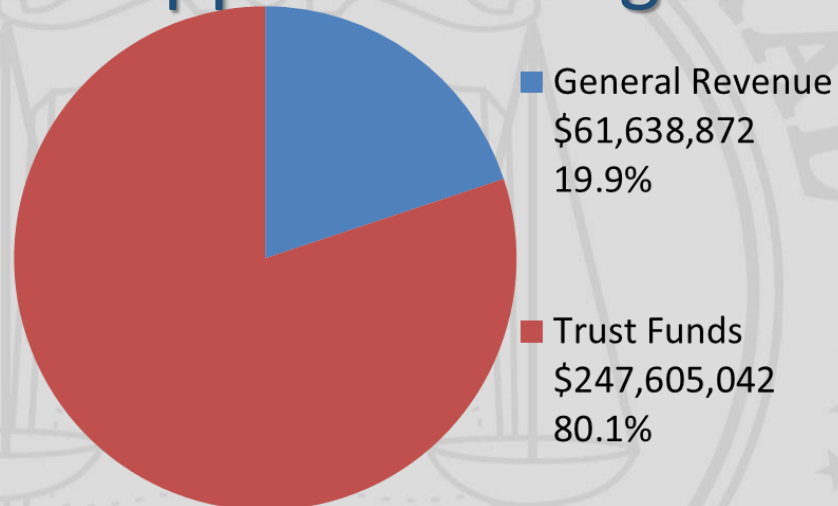
This issue is consistent with the Florida Strategic Plan for Economic Development to: (1) ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and (2) improve the efficiency and effectiveness of government agencies at all levels.

The background of the slide features a large, faint, circular seal of the Attorney General of the State of Florida. The seal contains a central shield with a scale of justice, a banner with the word "LEX", and the words "ATTORNEY GENERAL" and "STATE OF FLORIDA" around the perimeter.

Florida Department of Legal Affairs Office of the Attorney General

Fiscal Year 2019-2020 Legislative Budget Request

Department of Legal Affairs Office of the Attorney General 2018-19 Approved Budget



FY 2018-19 Appropriations by Program Area

	FTE	General Revenue	Trust Funds	Total
Office of the Attorney General	1,217	\$54.8 m	\$244.7 m	\$299.5 m
Statewide Prosecution	70.5	\$6.8 m	\$1.3 m	\$8.1 m
Florida Elections Commission	15		\$1.6 m	\$1.6 m
Total	<u>1,302.5</u>	<u>\$61.6 m</u>	<u>\$247.6 m</u>	<u>\$309.2 m</u>

Department of Legal Affairs

Office of the Attorney General

2019-20 Legislative Budget Request

	FTE	General Revenue	Trust Fund	All Funds (Total)
1. Agency-Wide Information Technology Modernization Program		\$8,499,023		\$8,499,023
2. Additional Staff in Victims Services Advocacy & Grants Management Bureau	2	\$138,645		\$138,645
3. Additional Staff in Victims Services Victims Compensation Bureau	7		\$442,241	\$442,241
4. Additional Audit Staff in Victims Services	2		\$113,943	\$113,943
5. Additional Staff in Statewide Prosecution	2	\$188,337		\$188,337
Total FY19-20 LBR Requests	13	\$8,826,005	\$556,184	\$9,382,189

Department of Legal Affairs Florida Elections Commission 2019-20 Legislative Budget Request

	FTE	General Revenue	Trust Fund	All Funds (Total)
1. Competitive Pay Adjustment			\$50,000	\$50,000
<i>Total FY19-20 LBR Requests</i>			<i>\$50,000</i>	<i>\$50,000</i>

The background of the slide features a large, faint, circular seal. The seal contains a central image of a pair of scales of justice, with a banner below it that reads "LEX". The outer ring of the seal contains the text "ATTORNEY GENERAL" at the top and "STATE OF FLORIDA" at the bottom, separated by several stars.

Florida Department of Legal Affairs Office of the Attorney General



FLORIDA COMMISSION ON OFFENDER REVIEW

SERVING THE CITIZENS OF FLORIDA SINCE 1941

LEGISLATIVE BUDGET REQUEST FISCAL YEAR 2019-20

Senate Appropriations Subcommittee on Criminal and Civil Justice

**Senator Brandes, Chair
Senator Bracy, Vice Chair**



FLORIDA COMMISSION ON OFFENDER REVIEW

(formerly Florida Parole Commission)

SERVING THE CITIZENS OF FLORIDA SINCE 1941

FLORIDA COMMISSION ON OFFENDER REVIEW

A constitutionally authorized (Article IV, Section 8 of the Florida Constitution), quasi-judicial, decision making body created by law (s. 20.32, F.S.), that has been serving and protecting the citizens of Florida since 1941.

MISSION

To ensure public safety and provide victim assistance through the post prison release process.



FLORIDA COMMISSION ON OFFENDER REVIEW

(formerly Florida Parole Commission)

SERVING THE CITIZENS OF FLORIDA SINCE 1941

PROGRAM AND ACTIVITIES

POST INCARCERATION ENFORCEMENT AND VICTIMS' RIGHTS

1. Parole & Conditional Medical Release
2. Victims' Services
3. Conditional Release & Addiction Recovery Release
4. Revocations
5. Clemency



FLORIDA COMMISSION ON OFFENDER REVIEW

SERVING THE CITIZENS OF FLORIDA SINCE 1941

BASE BUDGET

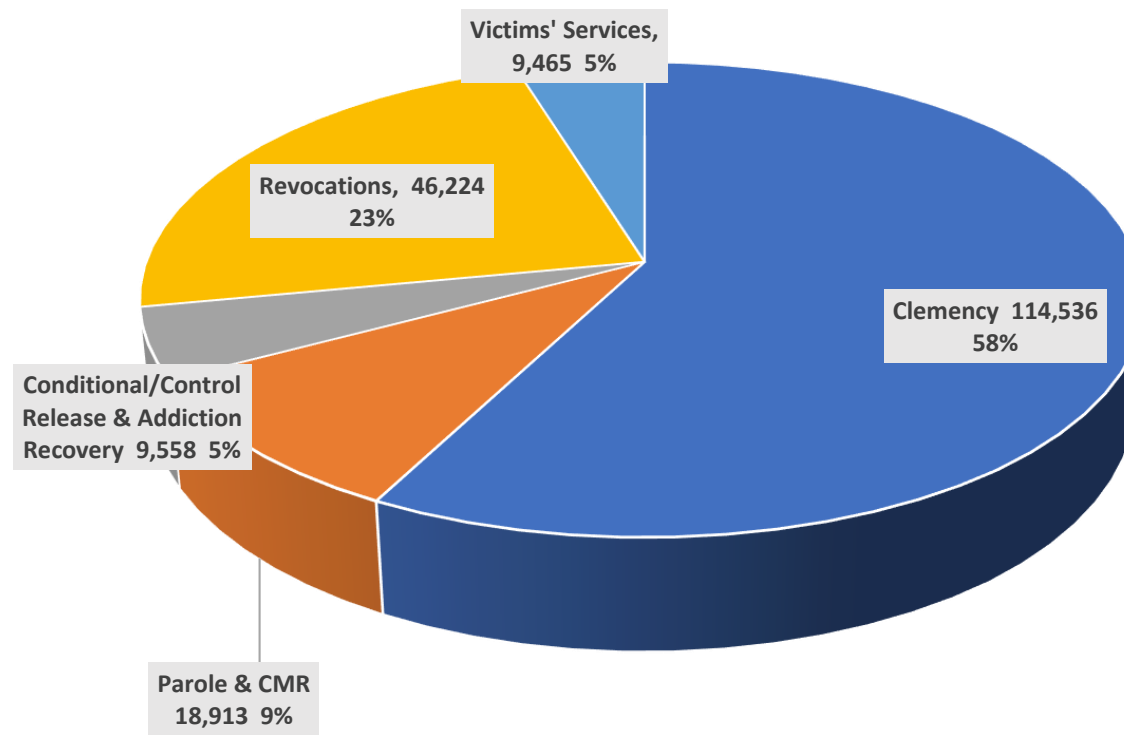
FY 2019-20 BASE BUDGET - GENERAL REVENUE (GR)	\$10,512,953
Salaries and Benefits	\$8,271,848
Other Personal Services	\$514,704
Expenses	\$831,363
Operating Capital Outlay	\$16,771
Contracted Services	\$263,525
Risk Management Insurance	\$87,087
Lease/Purchase/Equipment	\$22,000
TR/DMS/HR SVCS/STW Contract	\$50,133
Data Processing Services/DP Assessment (AST)	\$6,308
Other Data Processing	\$449,214
FY 2019-20 BASE BUDGET - TRUST FUNDS (TF)	\$119,270
Salaries and Benefits	\$59,586
Other Personal Services	\$46,821
Expenses	\$12,863



FLORIDA COMMISSION ON OFFENDER REVIEW

SERVING THE CITIZENS OF FLORIDA SINCE 1941

FISCAL YEAR 2017-18 WORKLOAD HOURS BY BUDGET ACTIVITY





FLORIDA COMMISSION ON OFFENDER REVIEW

SERVING THE CITIZENS OF FLORIDA SINCE 1941

LEGISLATIVE BUDGET PRIORITIES

RECURRING OPS FUNDING FOR CLEMENCY INVESTIGATIONS

\$500,000

- The Commission is requesting \$500,000 in recurring OPS funding to address the clemency workload to complete cases and ensure that accurate eligibility determinations are made in a timely manner.
- Annually, the \$500,000 recurring OPS funding is projected to result in the completion of an additional 1,233 clemency cases.



FLORIDA COMMISSION ON OFFENDER REVIEW

SERVING THE CITIZENS OF FLORIDA SINCE 1941

CONTACT INFORMATION

Melinda Coonrod, Chair
850-487-1980

or

Alec Yarger
Legislative Affairs Director
alecyarger@fcor.state.fl.us
850-728-3548

Florida Commission on Offender Review
4070 Esplanade Way, Tallahassee, Florida 32399

Judicial Branch
FY 2019-20 Legislative Budget Request

Budget Entity/Issues		Issue Funding Total				Issue Funding Detail	
		FTE	General Revenue	Trust	Total GR and Trust	Recurring	Non-Recurring
BRANCH WIDE ISSUE							
1	Staff Pay - To address a wide range of salary issues including recruitment and retention.	0.0	9,790,148	515,823	10,305,971	10,305,971	0
Total		0.0	9,790,148	515,823	10,305,971	10,305,971	0
SUPREME COURT							
2	Generator Docking Station - To facilitate hookup of a standby generator at the Florida Supreme Court building.	0.0	192,397	0	192,397	0	192,397
3	Standby Generator Annual Rental Contract - To allow for the ability to obtain a standby generator when needed.	0.0	52,728	0	52,728	52,728	0
4	Public Information Office Support - 1.0 FTE to assist the Public Information Office with technology advancements and communication coordination to enhance education and outreach efforts.	1.0	94,732	0	94,732	90,932	3,800
Total		1.0	339,857	0	339,857	143,660	196,197
DISTRICT COURTS OF APPEAL							
5	Second District Court of Appeal New Courthouse Site Acquisition, Design, and Construction (partial) - For: (1) the Legislature to select a new courthouse site; (2) the cost to acquire a site or existing building if not already state-owned; (3) the Department of Management Services (DMS) to retain an architect to design a new courthouse for the selected site/bldg; (4) DMS to retain a contractor to estimate the costs of the new courthouse design; and (5) construction, to be applied along with the FY 2020-21 appropriation.	0.0	20,000,000	0	20,000,000	0	20,000,000
6	Fifth District Court of Appeal Storm Windows Upgrade - To allow for replacement of the courthouse's windows with new storm windows in order to mitigate future damages from water intrusion or window breakage due to storms.	0.0	432,804	0	432,804	0	432,804
7	Appellate Court Security - To support 10.0 unfunded FTEs as deputy marshal positions in the District Courts of Appeal budget to address ongoing security concerns.	0.0	676,067	0	676,067	676,067	0
Total		0.0	21,108,871	0	21,108,871	676,067	20,432,804

Judicial Branch
FY 2019-20 Legislative Budget Request

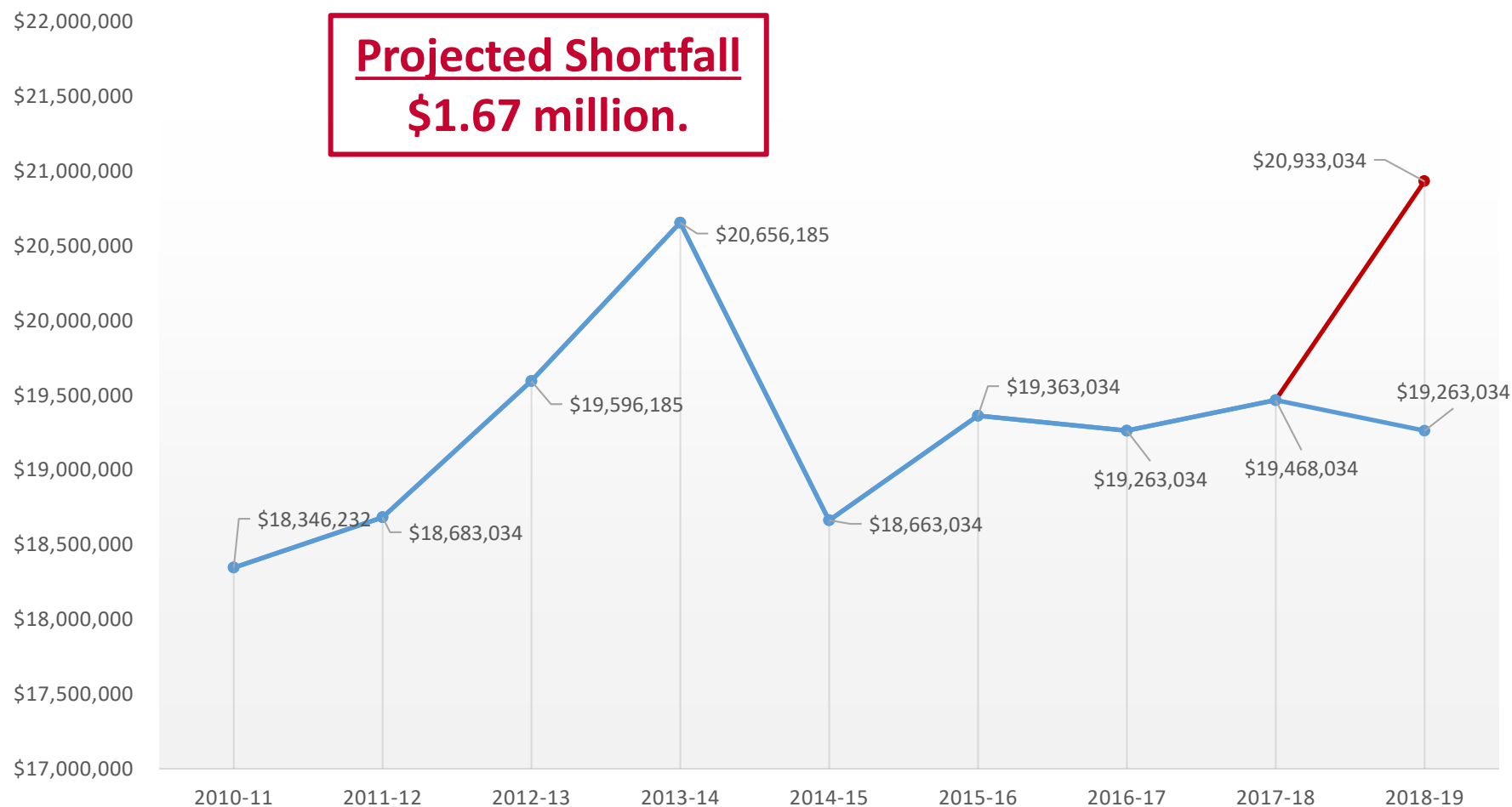
Budget Entity/Issues		Issue Funding Total				Issue Funding Detail	
		FTE	General Revenue	Trust	Total GR and Trust	Recurring	Non-Recurring
OFFICE OF THE STATE COURTS ADMINISTRATOR (OSCA)							
8	Disaster Recovery/Continuity of Operations Plan - To provide solutions that will allow continued operations through unforeseen events that could disrupt normal business operations.	0.0	752,329	0	752,329	220,964	531,365
9	Information Technology Security Assessment and Support - Provides for a third-party Information Technology Security Assessment and Remediation Project in the Supreme Court and each of the five District Courts of Appeal, as part of a cyber-security initiative for the judicial branch. The request also seeks one FTE, which will have the responsibility of providing strategic cyber security leadership for managing risks to ensure judicial information systems and data are properly secured and protected.	1.0	436,749	0	436,749	132,949	303,800
10	Florida's Problem-Solving Courts - To support the increased usage demand and make necessary functional enhancements to the Florida Drug Court Case Management System, and to transition the system in-house to comply with the Criminal Justice Information Services Security Policy.	0.0	315,000	0	315,000	180,000	135,000
11	Access to Justice-Do It Yourself Florida - To provide operational and technical support to meet the needs of underserved self-represented litigants within the State Courts System by providing the ability to create online their own pleadings and other court documents for certain case types.	2.0	193,472	0	193,472	185,872	7,600
12	Family Courts - To provide critical statewide services to Florida's family courts. Specifically, the positions are requested to: (1) have the ability to seamlessly focus on all family court matters irrespective of funding streams; and (2) allow the continuation of ongoing domestic violence projects.	2.0	314,724	0	314,724	307,124	7,600
13	Emergency Management, Security, and Safety Support - To establish a professional position to provide advanced assistance to each trial and appellate court related to statewide emergency preparedness and management, workplace safety, and court and judicial security coordination.	1.0	110,048	0	110,048	106,248	3,800
14	Office of Information Technology On-Call Pay - To provide on-call pay for 15 positions responsible for server, network, application, database, email, backup/recovery, and user support for the State Courts System.	0.0	187,899	0	187,899	187,899	0
Total		6.0	2,310,221	0	2,310,221	1,321,056	989,165

Judicial Branch
FY 2019-20 Legislative Budget Request

Budget Entity/Issues		Issue Funding Total				Issue Funding Detail	
		FTE	General Revenue	Trust	Total GR and Trust	Recurring	Non-Recurring
CERTIFICATION OF NEW JUDGESHIPS							
15	Funding requested for 4 Circuit Judges, 4 County Court Judges, support staff, and Fl. Cases Southern Reporter.	19.0	2,846,812	0	2,846,812	2,801,231	45,581
Total		19.0	2,846,812	0	2,846,812	2,801,231	45,581
Total Legislative Budget Request		26.0	36,395,909	515,823	36,911,732	15,247,985	21,663,747

Public Defender Due Process Appropriations and Expenditures

Last updated: February 13, 2019





Florida Public Defender Association, Inc.

FPDA APPROPRIATIONS PRIORITIES FOR FY 19/20

PUBLIC DEFENDERS

Bruce Miller
First Circuit
Treasurer

Andrew Thomas
Second Circuit

Blair Payne
Third Circuit

Charles Cofer
Fourth Circuit

Mike Graves
Fifth Circuit

Bob H. Dillinger
Sixth Circuit

James S. Purdy
Seventh Circuit

Stacy A. Scott
Eighth Circuit
Secretary

Rex Dimmig
Tenth Circuit
Vice-President

Carlos J. Martinez
Eleventh Circuit

Larry L. Eger
Twelfth Circuit

Julianne M. Holt
Thirteenth Circuit

Mark Sims
Fourteenth Circuit

Carey Haughwout
Fifteenth Circuit
President

Robert Lockwood
Sixteenth Circuit

Howard Finkelstein
Seventeenth Circuit

Blaise Trettis
Eighteenth Circuit

Diamond R. Litty
Nineteenth Circuit

Kathleen A. Smith
Twentieth Circuit

EXECUTIVE DIRECTOR
Kristina Wiggins, MPA

GENERAL COUNSEL
Robert Trammell

LEGISLATIVE CONSULTANT
Nancy Daniels

1. Glitch correction from FY18/19 APD raise

- a. \$242,920 GR: Fund shift from Grants and Donations to GR
- b. Brings all circuits to at least 82% GR funding for raises

2. Critical Needs for specified PD circuits

- a. \$1.2 million in recurring GR (5th, 10th, 18th, 20th circuits)
- b. \$1.5 million in non-recurring GR (17th circuit)

3. Increase in statewide Due Process Fund

- a. Current appropriation is \$19.2 million
- b. Need additional \$1 million recurring GR
- c. Plus \$1 million non-recurring GR for anticipated extraordinary costs this FY

4. Cost of Living increase for non-attorney support staff

- a. Joint request with the State Attorneys
- b. 5% increase statewide = \$2.2 million

5. Circuit Specific Issues per individual circuit LBRs

- a. Per each circuit's individual LBR requests

6. Back of the Bill, Proviso and Other Issues

- a. Funding for Coordination Office (FPDCO)--\$450,000
- b. Authority for the Payment of Florida Bar Dues—Proviso
- c. Realignment of administrative expenditures
- d. Public Defender Due Process Crisis at JAC
 - FY 18/19 projected shortfall of \$1.67 million
 - Driven by death penalty, Hurst and Graham/Miller cases
 - Need back-of-the-bill funding for this fiscal year

Florida Prosecuting Attorneys Association



1

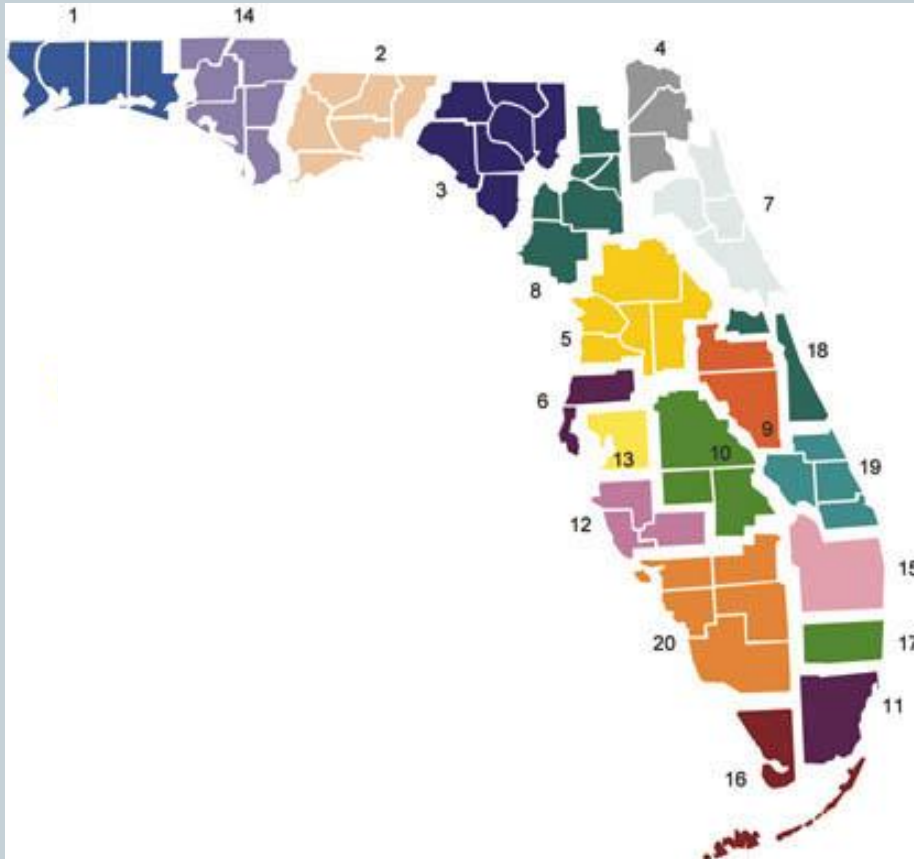
2019-20 Budget Presentation

Senate Appropriations Sub-Committee On Criminal And Civil Justice

March 6, 2019

Florida's Judicial Circuits

2



20 State Attorneys
2029 Assistant State Attorneys
230 Investigators
3121 Support Staff

5400 Total F.T.E.

Responsibilities Of The State Attorney

3

- Investigation And Prosecution Of ALL Phases Of ALL Criminal Matters Excluding DCA Appeals, Including Defendants Who Are Represented By the Public Defender, Regional Conflict Counsel, Appointed Conflict Counsel, Privately Retained Counsel, And Acting Pro Se
- Civil And Quasi-Criminal Proceedings, Including Jimmy Ryce Commitments, Public Records Requests, Bond Validations, Expungements, Baker Acts, Grand Jury Investigations

Reponsibilities (Con't)

4

- Monitor Diversion Programs
- Provide Legal Assistance To Law Enforcement – Search Warrants, Arrest Warrants, Wiretaps, Other Surveillance Applications
- Review And Resolve Citizen Complaints
- Extradition Proceedings
- Clemency, Pardon And Parole Hearings
- Victim Co-ordination And Notification
- School Notification
- And More...

2001 General Appropriations Act

5

5(a) It is the intent of the Legislature that the State Attorneys adjust their pay plan effective January 1, 2002 to provide the following minimum annual salary rates for full-time equivalent positions:

1. Assistant State Attorney \$35,931;
2. Legal Trainee \$30,000.

The funds provided to each circuit shall be used to compensate any person filling a position in the Assistant State Attorney or Legal Trainee classes at no less than the applicable minimum annual salary rate for the respective class.

Proposed Cost of Living Adjustment
Assistant State Attorneys
Starting Salary

6

2001 Proviso: \$35,931.00	2019 Adjusted Figure
American Institute for Economic Research	\$50,273.44
Morgan Friedman	\$50,989.93
US Department of Labor Bureau of Labor Statistics	\$50,218.01
Average COL Projection	\$50,493.79
Current Average Starting Salary	\$42,000.00

Proposed Support Staff Salary Adjustment

7

3,121 SUPPORT STAFF

**5% SALARY INCREASE =
\$6,564,913**

**3% SALARY INCREASE =
\$4,218,511**

Body Camera Workload Projections

8

Office of the State Attorney 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 Judicial Circuit
Please combine multiple county data

	Jan-16 or FY15-16	Jan-17 or FY16-17	Jan-18 or FY17-18
Number of Law Enforcement Agencies with BWC	48	77	102
Number of Law Enforcement Agencies with In Car Cameras	1	1	7
Number of BWC deployed on the street	3,932	6,221	13,269
Number of INCC deployed on the street (<i>In Car Camera</i>)	200	200	350
Number of BWC videos presented to SAO intake	81,762	303,680	436,590
Total Number of BWC Videos Produced	255,471	283,643	270,440
Number of viewable hours to review (approximate)	28,502	102,969	145,725
Number of Public Record Requests for Videos and Redactions	266	419	562
Number of Dash Cam or Other Digital Videos Submitted for SAO Review	60,588	73,398	85,769
Total Number of Dash Cam Videos Produced	58,503	82,877	144,665
Other Digital Evidence of Note			
<i>Combo</i>	13,481	19,548	34,378
<i>Photos</i>	22,018	37,557	106,095
<i>Audio</i>	974	5673	18076
<i>Documents</i>	951,674	1,026,804	850,018
	988,147	1,089,582	1,008,567

SAO 2 - Numbers are all zeros for the 3 year period. They have 3 agencies that have deployed or plan to deploy in the current year.

SAO 14 - Will not be able to comply. Their offices are not operating at 100% yet.

SAO 16 - Don't track this information

Public Records Workload Projections

9

**(DATA COLLECTION PENDING
REVISIONS NECESSITATED BY
AMENDMENT 6 / MARCY'S LAW)**

Individual Circuit LBR Requests

10

- Diversion Programs
- Drug / Mental Health Treatment Programs
- Conviction Integrity Review Programs
- Major Case / Mass Shooting Funding
- Other Circuit Initiatives

FLORIDA OFFICES OF CRIMINAL CONFLICT & CIVIL REGIONAL COUNSEL

FY 19/20 BUDGET

March 6th, 2019



Candice K. Brower
Regional Counsel, First DCA Region



FLORIDAS COURT APPOINTED COUNSEL COSTS, THROUGH THE YEARS

2004-2005 \$48,654,057.84

2005-2006 \$68,218,398.66

2006-2007 \$94,629,151.06

YEAR OF OUR CREATION 2007-2008

\$120,775,287.21

yr. 1 decrease
over \$44 million! →

2008-2009 \$76,178,633.21

2009-2010 \$79,649,103.01

2011-2012 \$76,973,439.49



Offices of Criminal Conflict
& Civil Regional Counsel

ESTIMATED SAVINGS TO THE STATE OF FLORIDA

\$349,956,518



What Types Cases Are Assigned to Our Offices?

Criminal Cases

Felony Cases

Circuit Criminal Appeals

Misdemeanor Cases

Criminal Traffic Cases

County Criminal Appeals

Chapter 316 Cases Punishable by Imprisonment

Ancillary Municipal Ordinances

Juvenile Delinquency and Juvenile Re-Sentencing cases

Primary Municipal Ordinances by Contract

3.850 Post Conviction Motions

3.800 Correction, Modification or Reduction Motions

...all of this, along with Death Penalty Cases,
and Death Penalty Re-sentencing



Offices of Criminal Conflict
& Civil Regional Counsel

What Types Cases Are Assigned to Our Offices?...cont.

Civil Cases

Chapter 39 Dependency Cases

Chapter 39 Termination of Parental Rights Cases

Chapter 744 Guardianship Cases

Chapter 393 Developmental Disability Guardianships

Chapter 397 Involuntary Commitment Cases (Marchman Acts)

Chapter 415 Adult Protective Services Cases

Chapter 743 Removal Minor Nonage Disability Cases

Chapter 743 Removal Minor Nonage Disability Cases

Chapter 392 Tuberculosis Control Cases

Chapter 984 Children and Families in Need of Services Cases

Chapter 63 Adoption Proceedings

Chapter 390 Parental Notice of Abortion Act Cases

“Jimmy Ryce” Act cases

Baker Acts

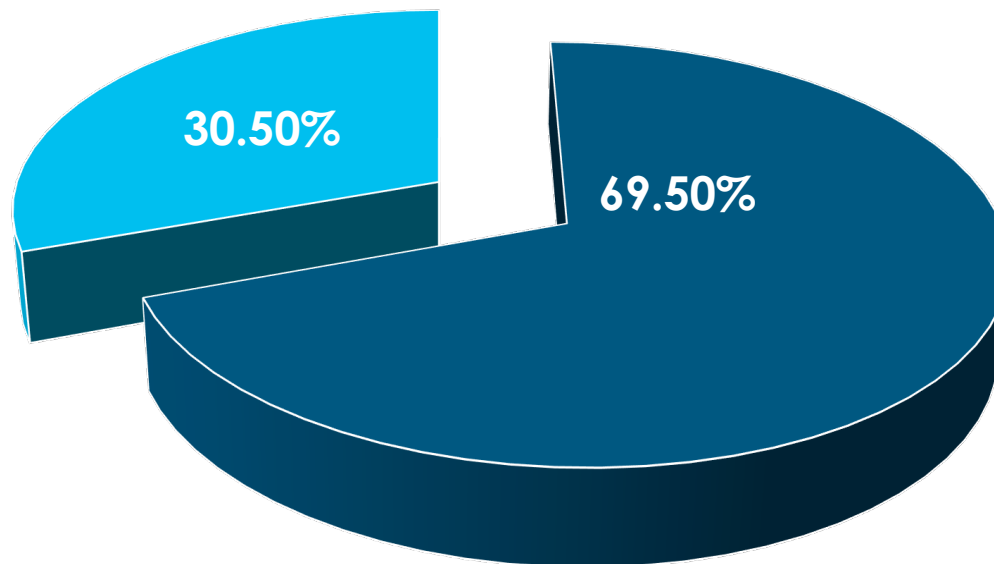
Court Monitors

Appeal Cases Related to All Above Civil Matters



Regional Counsels were appointed to
61,163
cases in 2018

Calendar Year 2018

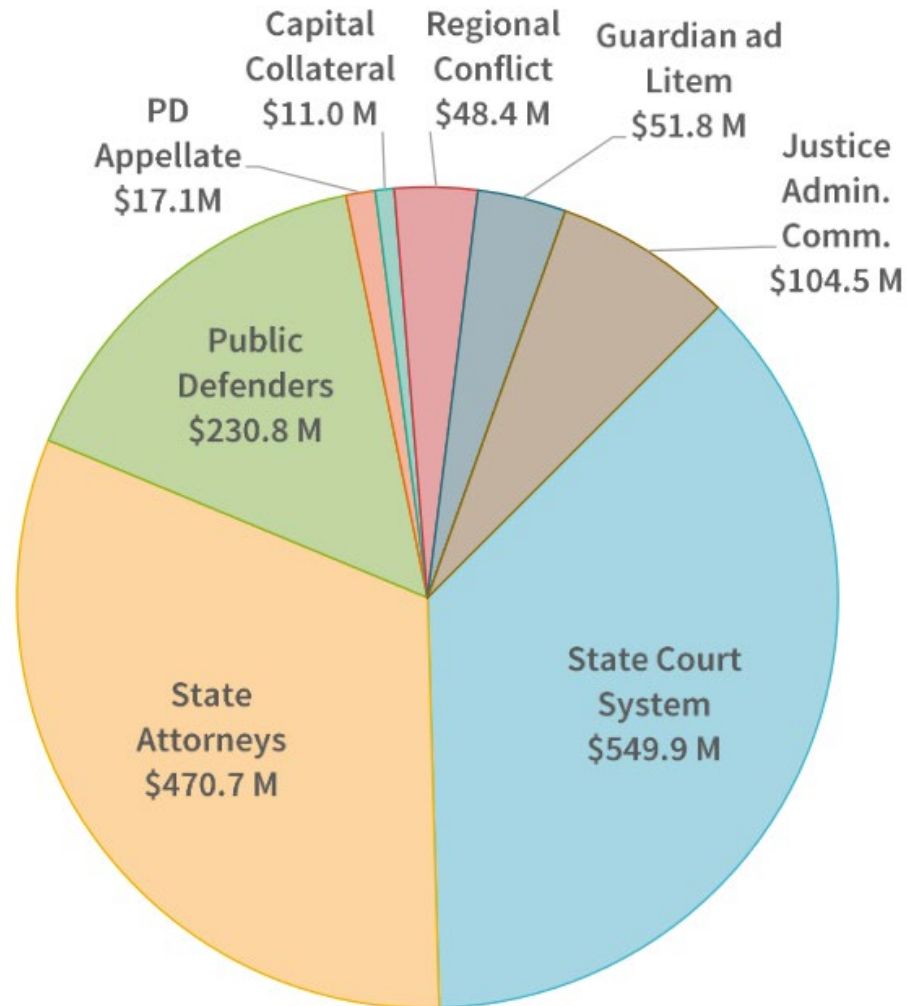


■ Criminal ■ Civil



Offices of Criminal Conflict
& Civil Regional Counsel

REGIONAL COUNSEL BUDGET COMPARED TO OTHER AGENCIES



Source: Senate Criminal & Civil Justice PowerPoint
by Marti Harkness 12/12/2018



Offices of Criminal Conflict
& Civil Regional Counsel

Three Combined Priorities for Fiscal Year 2019 - 2020

1. RETENTION
2. DUE PROCESS NEEDS
3. RENT/FACILITIES INCREASES



#1, Assistant Regional Counsel Retention Increase

Total Request: **\$936,418***

- With benefits, \$1,085,402. Number is subject to minor fluctuation

Calculated the same as last year's raises for assistant public defenders and assistant state attorneys.

Assistant Regional Counsels are an integral part of the same justice system and are public servants that perform the same work as the agencies that received the retention raises FY 18/19 with the added fiscal benefit.

This is a necessity in FY 19/20 for morale and retention, even more so this year than last.



Offices of Criminal Conflict
& Civil Regional Counsel

#2, Due Process (Contracted Services)

Approximately \$3.3 million is needed to avoid shortfalls in necessary due process expenditures.

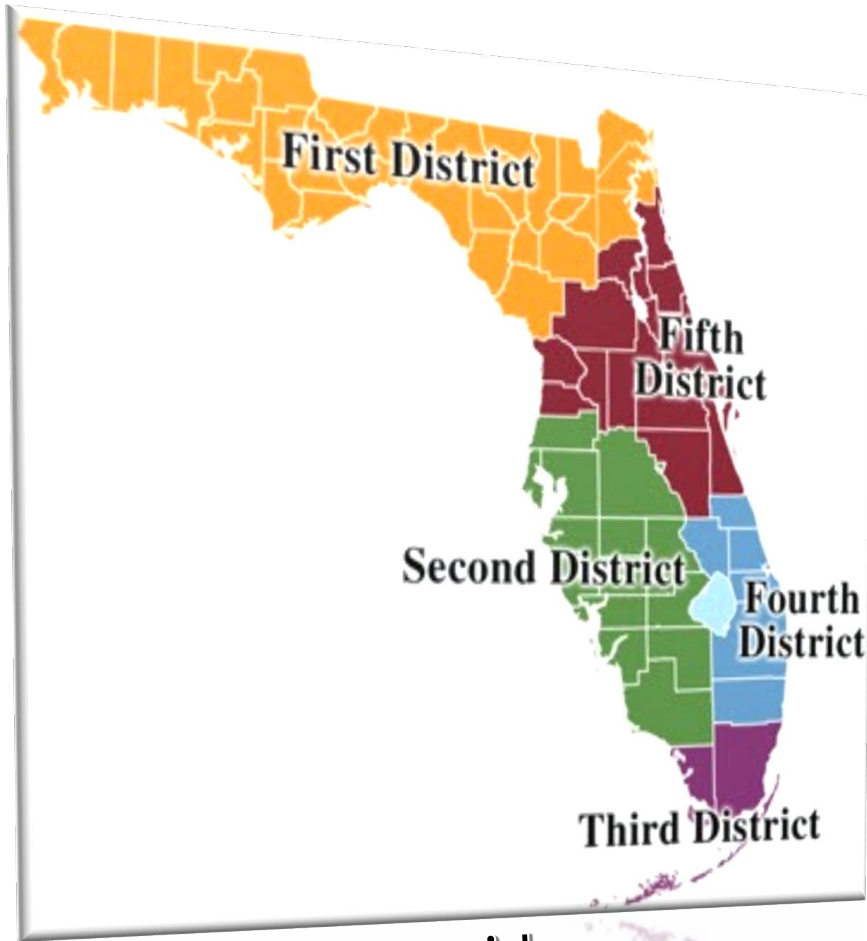
Due Process includes ancillary services:

- Court reporters
- Investigators
- Expert Witnesses
- Interpreters
- Death Penalty Mitigators



#3, Rent & Facilities

3% increases needed for rent statewide



45 Offices, Statewide

- Unlike the Public Defenders and State Attorneys who receive office space from local counties, offices are leased using funds appropriated in Operations
- This cost increases every year but the budgets do not, leading to inevitable shortfalls.
- Most offices lack security



Offices of Criminal Conflict
& Civil Regional Counsel

UNIQUE REGIONAL NEEDS

First Region: \$33,000 / recurring

Internal promotion of 2 attorneys to Death Penalty Attorneys.

Second Region: \$1,987,344 /recurring

Resources for new positions to handle specialty courts and death penalty cases.

Third Region: \$150k realignment/rate authority

RC3 seeks to have its budget realigned for FY 19/20 to reflect the actual outcomes of the FY 18/19 conversion of contractors to FTE's.

Fourth Region: \$215,377 / recurring

Additional Office Space & Utilities

With the addition of "in-house" FTE positions due to IRS audit contractor conversion during FY 18/19, it was necessary for RC4 to lease additional professional space and to incur the corresponding costs for utilities, & maintenance.

Fifth Region: \$18,496 / recurring

RC5 is not in any secured public building. The security safeguards that RC5 is requesting costs for include: keyless entry and swipe cards; automatic door locks; and cameras at public entrances.





“Continue to invest in this legislative success. \$349 million saved and counting...”

THANK YOU



Offices of Criminal Conflict
& Civil Regional Counsel



**GUARDIAN
AD LITEM**

LEGISLATIVE BUDGET REQUEST

Fiscal Year 2019-2020



ADVOCATING FOR CHILDREN'S BEST INTERESTS

As the child's representative, Guardians ad Litem:

- Investigate and examine the facts of the case
- Represent the child's best interests
- Monitor the progress of the case
- Give the child a voice in the proceeding
- Make reports and recommendations to the court
- Promote permanency for children

Florida Statutes require appointment of a Guardian ad Litem in every dependency proceeding. § 39.822, Florida Statutes.



WORKLOAD INCREASE ISSUE



- In certain areas of the state, the number of children entering the child welfare system has increased at an unusually high rate.
- For example, over the past several years current numbers show Circuit 5 (Marion County) had a 74% increase of children in out-of-home care and Circuit 13 (Hillsborough County) is up 41%.
- **Guardian ad Litem is requesting \$3,830,146 in recurring general revenue for an additional 64 FTEs to manage and support Guardian ad Litem Volunteer Child Advocates in circuits where the biggest impacts are occurring.**



CERTIFICATION ISSUE

- Requesting \$358,128 recurring and \$299,342 non-recurring general revenue (total \$657,470) and 3 FTE to implement a program of certification and training for 380 professional child advocate managers.



- Working with Florida Certification Board and FSU Child Welfare Institute, Guardian ad Litem will establish quality and ethical standards, competency testing and professional development requirements to parallel those of Department of Children and Families and Community-Based Care case managers.



VOLUNTEERS' EXTRAORDINARY TRAVEL EXPENSE ISSUE



- 19% of abused and neglected children are placed out of their home circuits and over 36% are placed out of their home counties.
- For Volunteer Child Advocates on fixed incomes, travel costs to visit the children can be a barrier to taking and staying on cases.
- A consistent advocate is vital to the child and the court, particularly in a system with significant turnover, and a child's guardian ad litem is sometimes the only stable adult in his or her life.
- **Guardian ad Litem is requesting \$331,262 be reauthorized this year, and as recurring general revenue, to enable the Guardian ad Litem Program to reimburse Volunteer Child Advocates for extraordinary travel expenses incurred in the best interests of children.**



ADDITIONAL LBR REQUESTS



Budget Realignment
OPS Attorneys to FTE

➤ Revenue Neutral

Align Attorney Benefits
with Select Exempt Service

➤ \$240,513 (recurring)

Voices for Children
Contract Support

➤ \$150,000 (recurring)

Pay Adjustments for
Field Managers

➤ \$457,617 (recurring)



Legislative Budget Request
Fiscal Year 2019-2020

Alan F. Abramowitz, Executive Director

Florida Statewide
Guardian ad Litem Office

600 S. Calhoun Street
The Holland Building
(850) 922.7213

GuardianadLitem.org

Guardian ad Litem - Helping Children Reach Their Way Home.

CAPITAL COLLATERAL REGIONAL COUNSELS

2019-2020 LEGISLATIVE BUDGET REQUEST

Florida Statute 27.702 requires the Capital Collateral Regional Councils (CCRCs) to represent each inmate sentenced to death in the state and federal courts, including the United States Supreme Court, until relief is granted or the sentence of execution is carried out. Cases are assigned by the Florida Supreme Court after direct appeal and are based on the federal court districts.

There are three CCRC offices: North, Middle, and South. The CCRC-North office was recreated by the Legislature in 2013 in the Timely Justice Act. In 2014, the Florida Supreme Court implemented numerous changes to the postconviction death penalty rules, including a substantial increase in the minimum standards for legal counsel in death penalty cases.

All CCRC attorneys must have expertise in the highly complex area of Federal Habeas Corpus, as well as extensive experience in capital cases.

The total budget request for all three CCRC offices combined for the 2019-2020 fiscal year is \$184,324, broken down as follows:

CCRC-NORTH:

- **\$71,458** for IT replacement, broken down as follows:
 - **\$67,800** (non-recurring)
 - **\$ 3,658** (recurring)

CCRC-MIDDLE:

- **\$25,500** for capital attorney training
- **\$10,000** for investigator training
- **\$15,242** for IT replacement

CCRC-SOUTH:

- **\$62,124** for rental increase



The Justice Administrative Commission (JAC) administratively serves 49 judicial-related offices (JROs), as well as provides compliance and financial review of billings for services provided by private court-appointed attorneys representing indigent persons and associated due process vendors.

JAC manages total appropriations of \$934,236,862 with 85 staff, representing .71% of Justice Administration's budget. In the past 5 years, our workload has increased 25% and we have absorbed this by developing and implementing technological developments. However, we cannot continue to provide the exemplary level of service we strive for without additional staff and resource funding.

FY 2018-19 JAC Funding Needs

Court-Appointed Shortfall – **\$15,902,942** (Picked up in Governor's Budget Recs)

FY 2019-20 JAC Funding Needs

Executive Leadership:

- Competitive Pay Adjustments for JAC Employees – **\$239,029**
- Court-Appointed Workload – **\$196,027**
 - Court-Appointed Audit
 - Contracts & Public Records
 - Legal
- Software Refresh – **\$7,625** (Picked up in Governor's Budget Recs)
- Hardware Refresh – **\$365,000** (Picked up in Governor's Budget Recs)

Sub-Total (Executive Leadership) – **\$807,681** (12.12% Increase)

Legal Representation:

- Court-Appointed Due Process Costs Increase – **\$17,316,506** (Ties to Long-Range Financial Outlook)

Total FY 2019-20 JAC Funding Needs – \$18,124,187

THE FLORIDA SENATE
APPEARANCE RECORD

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

03/06/19

Meeting Date

Bill Number (if applicable)

Topic OAG LBR Presentation

Amendment Barcode (if applicable)

Name Ashley Moody & Sarah Nortelus

Job Title Attorney General / Deputy Dir. of

Address Administration Phone 850-414-3300

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Office of the Attorney General

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

March 6, 2019

Meeting Date

Bill Number (if applicable)

Topic Agency Legislative Budget Request Presentation

Amendment Barcode (if applicable)

Name Mark Inch

Job Title Secretary

Address 501 South Calhoun Strett

Phone 850-717-3030

Street

Tallahassee

Florida

32399

Email Mark.Inch@FDC.myflorida.com

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

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

Representing _____

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

March 6, 2019

Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Job Title Budget and Financial Management Chief

Phone 850-717-3434

Street

Tallahassee

Florida

32399

Email Mark.Tallent@FDC.myflorida.com

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

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

Representing

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/6/19

Meeting Date

Bill Number (if applicable)

Topic Budget

Amendment Barcode (if applicable)

Name Simone Marstiller

Job Title Secretary

Address 2737 Centerview Dr.

Phone 850-717-2716

Street

TLH

FL

32308

City

State

Zip

Email rachel.moscoso@

State.FL.

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Department of Juvenile Justice

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

03/06/19

Meeting Date

Bill Number (if applicable)

Topic OAG LBR Presentation

Amendment Barcode (if applicable)

Name Ashley Moody & Sarah Nortelus

Job Title Attorney General / Deputy Dir. of

Address Administration

Phone 850-414-3300

Street

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Office of the Attorney General

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 90

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Book

SUBJECT: Early Childhood Courts

DATE: March 5, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Preston	Hendon	CF	Fav/CS
2. Dale	Jameson	ACJ	Recommend: Favorable
3. _____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

SB 90 creates a new section of the Florida Statutes, to create an Early Childhood Court (ECC) program that addresses cases involving children typically under the age of three and uses specialized dockets, multidisciplinary teams, and a nonadversarial approach. The bill provides legislative intent and requires:

- Specified core components to be considered an early childhood court. Those components include judicial leadership, community coordination, a court team, and a continuum of mental health services.
- The Office of the State Courts Administrator (OSCA), in coordination with the circuit courts, to hire and train a full-time community coordinator at each ECC program site. The OSCA may also hire a statewide community coordinator to implement the program.
- The OSCA to contract with one or more university based centers with an expertise in infant mental health to hire a statewide clinical director.
- The Florida Institute for Child Welfare (FICW), in consultation with other entities, to evaluate the impact of the ECC program on children in the child welfare system, to include an analysis of data collected by the OSCA. The institute is required to submit the results of the evaluation to the Governor, the President of the Senate, and the Speaker of the House by October 1, 2022. Status reports are due by December 1, 2020 and 2021.

The bill is contingent upon an annual appropriation. If implemented, the bill has a fiscal impact on state government and has an effective date of July 1, 2019.

II. Present Situation:

Problem-Solving Courts

In 1989, Florida started problem-solving court initiatives by creating the first drug court in the United States in Miami-Dade County. Other types of problem-solving court dockets subsequently followed using the drug court model and were implemented to assist individuals with a range of problems such as drug addiction, mental illness, domestic violence, and child abuse and neglect.¹

Florida's problem-solving courts address the root causes of an individual's involvement with the justice system through specialized dockets, multidisciplinary teams, and a nonadversarial approach. Offering evidence-based treatment, judicial supervision, and accountability, problem-solving courts provide individualized interventions for participants, thereby reducing recidivism and promoting confidence and satisfaction with the justice system process.²

Early Childhood Courts in Florida

Early childhood courts address child welfare cases involving children typically under the age of three. ECC is considered a "problem-solving court" that is coordinated by the Office of the State Courts Administrator with a goal of improving child safety and well-being, healing trauma and repairing the parent-child relationship, expediting permanency, preventing recurrence of maltreatment, and stopping the intergenerational cycle of abuse/neglect/violence.³

Using the Miami Child Well-Being Court model and the National ZERO TO THREE organization's Safe Babies Court Teams approach, Florida's Early Childhood Court program began a little more than 4 years ago.⁴

The Miami Child Well-Being Court

The development of the Miami Child Well-Being Court (CWBC) model began in the early 1990s out of an atypical collaboration that included a judge, a psychologist, and an early interventionist/education expert. The Miami CWBC model evolved over the course of more than a decade and is now widely recognized as one of the country's leading court improvement efforts, with ties to the National Council for Juvenile and Family Court Judges and Office of Juvenile Justice and Delinquency Prevention Model Courts Project.⁵

¹ The most common problem-solving courts in Florida are drug courts, mental health courts, veterans courts and early childhood courts. Florida Courts, Office of Court Improvement, Problem-Solving Courts, available at: <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts> (last visited January 14, 2019).

² *Id.*

³ Center for Prevention & Early Intervention Policy, Florida State University, Florida's Early Childhood Court Manual, April 2017, available at: <http://cpeip.fsu.edu/babyCourt/resources/Early%20Childhood%20Court%20Manual%204172015.pdf>. (last visited January 14, 2019).

⁴ *Id.*

⁵ The Miami Child Well-Being Court Model, Essential Elements and Implementation Guidance, available at: <http://www.floridaschildrenfirst.org/wp-content/uploads/2013/02/MiamiChild.pdf>. (last visited January 14, 2019).

The Miami CWBC was unique due to the leadership of a judge who insisted that the court process should be informed by the science of early childhood development and who required the court to engage in intensive efforts to heal the child and—if possible—the parent-child relationship. As with the problem-solving approach of drug and mental health courts, such leadership represented a paradigm shift away from the traditional adversarial culture of the court for one in which judges utilize a systems-integration approach to promote healing and recovery from trauma in maltreated young children and to break the intergenerational nature of child abuse and neglect.^{6,7}

The Miami CWBC galvanized the long-term commitment and shared vision of decision-makers across the judiciary, child welfare, child mental health, and other child- and family-serving systems in Miami-Dade to create meaningful, lasting change for court involved children and their families. The Miami CWBC model is anchored by three essential principles:

- The needs of vulnerable children involved in dependency court will be best served through a problem-solving court approach led by a science informed judge. This approach is realized through a court team that is committed to collaboration in the interest of the child's safety and emotional well-being. In addition to the judge, the court team includes the attorney representing the parent, the attorney for the state, the guardian ad litem (GAL) or court-appointed special advocate (CASA), child's attorney, or both; and the child welfare caseworker.
- Young children exposed to maltreatment and other harmful experiences need evidence-based clinical intervention to restore their sense of safety and trust and ameliorate early emotional and behavioral problems. Such intervention must address the child-caregiver relationship and has the potential to catalyze the parent's insight to address the risks to the child's safety and well-being. The intervention employed in the Miami CWBC is Child-Parent Psychotherapy applied to the context of court-ordered treatment.
- The judicial decision-making process is improved when ongoing assessment of the child-parent relationship, the parent's ability to protect and care for the child, and the child's wellbeing is provided by the treating clinician. This is best accomplished by involving the clinician on the court team to collaborate with the other parties usually involved in court proceedings. This unusual role for the clinician in the court process is actively supported by the judge.⁸

Safe Babies Court Teams

ZERO TO THREE was founded in 1977 as the National Center for Clinical Infant Programs by internationally recognized professionals in the fields of medicine, mental health, social science research, child development and community leadership interested in advancing the healthy development of infants, toddlers, and families. ZERO TO THREE has a history of turning the science of early development into helpful resources, practical tools and responsive policies for

⁶ Harvard Law School, Child Advocacy Program, The Miami Child Well Being Court Model, available at: http://cap.law.harvard.edu/wp-content/uploads/2015/07/22_miami-child-well-being-court-model.pdf (last visited January 14, 2019).

⁷ In 1994, Dr. Joy Osofsky began developing a similar court in New Orleans, working through an “infant team” of judges, lawyers, therapists and others to provide interventions for abused and neglected babies. They had two goals: to achieve permanency more quickly, although not necessarily reunification, and to prevent further abuse and neglect.

⁸ The Miami Child Well-Being Court Model, Essential Elements and Implementation Guidance, available at: <http://www.floridaschildrenfirst.org/wp-content/uploads/2013/02/MiamiChild.pdf>. (last visited January 14, 2019).

millions of parents, professionals, and policymakers. The organization houses a number of programs including Safe Babies Court Teams.⁹

In 2003, in partnership with the National Council of Juvenile and Family Court Judges, Court Teams for Maltreated Infants and Toddlers were conceptualized and in 2005, the first court teams were established in Fort Bend, Texas; Hattiesburg, Mississippi; and Des Moines, Iowa. Currently, the initiative operates in multiple sites around the country.¹⁰

Based on the Miami Child Well-Being Court and the New Orleans models,^{11,12} the Safe Babies Court Teams Project is based on developmental science and aims to:

- Increase awareness among those who work with maltreated infants and toddlers about the negative impact of abuse and neglect on very young children; and,
- Change local systems to improve outcomes and prevent future court involvement in the lives of very young children.¹³

This approach is recognized by the California Evidence-Based Clearinghouse for Child Welfare offsite link as being highly relevant to the child welfare system and demonstrating promising research evidence.¹⁴

The following numbers are based on data extracted from the Florida Dependency Court Information System (FDCIS) on December 2018, for children who were removed from their parents' care due to allegations of abandonment, abuse, or neglect. These measures compare groups of children ages 0-3 at the time of removal who were in the Early Childhood Court (ECC) program to children ages 0-3 who were not in the ECC program.¹⁵

Measure	# For Children not in ECC	# For Children in ECC
Median number of days from removal to reunification closure	736.2	477.1
Median number of days from removal to adoption closure	699	687.3
Median number of days from removal to permanent guardianship	683.3	453.1
Average time to overall permanency in days	695	552.9

⁹ ZERO TO THREE, Our History, available at: <https://www.zerotothree.org/about/our-history> (last visited January 14, 2019).

¹⁰ ZERO TO THREE, The Safe Babies Court Team Approach: Championing Children, Encouraging Parents, Engaging Communities, available at: <https://www.zerotothree.org/resources/528-the-safe-babies-court-team-approach-championingchildren-encouraging-parents-engaging-communities>. (last visited January 14, 2019).

¹¹ ACES Too High, In Safe Babies Courts, 99% of kids don't suffer more abuse — but less than 1% of U.S. family courts are Safe Babies Courts. February 23, 2015, available at: <https://acestoohigh.com/2015/02/23/in-safe-babies-courts-99-of-kids-dont-suffer-more-abuse-but-less-than-1-of-u-s-family-courts-are-safe-babies-courts/>. (last visited January 14, 2019).

¹² *Id.* Safe Babies Courts differ from the other models by providing community coordinators who work with court personnel to keep the process on track.

¹³ ZERO TO THREE, Safe Babies Court Teams, available at <https://www.zerotothree.org/our-work/safe-babies-court-team> (last visited January 14, 2019).

¹⁴ The California Evidence-Based Clearinghouse for Child Welfare, available at: <http://www.cebc4cw.org/program/safe-babies-court-teams-project/> (last visited January 14, 2019).

¹⁵ Florida Courts, Office of Court Improvement, Early Childhood Courts, available at: <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts/Early-Childhood-Courts> (last visited January 14, 2019).

Children in ECC had a 40% reduction in recurrence of maltreatment compared to non-ECC children

Shortening the time children spend in out-of-home care should serve as a potential cost savings for the state due to the reduction in out-of-home care cost.

Differences Between Early Childhood Courts and Regular Dependency Courts

Services	Early Childhood Court	“Regular” Dependency Court
Court hearings	Monthly hearings assess progress and solve problems quickly	Only a 6-month judicial review
Community Coordinator	Coordinates monthly parent team meetings to prioritize family services, integrate fast track services to expedite permanency for the child.	No coordinator. Case plans may not address real family needs. Reviewed every 6 months; not fluid to changing family needs that impact permanency. Needed services often delayed or wait listed.
Integrated Multidisciplinary Team approach	Families encouraged and supported by multidisciplinary team including court staff, community-based care case managers, attorneys, GAL staff & volunteers, and clinicians specializing in Child Parent Therapy.	No teams. Piecemeal services. Not integrated. Families struggle to get needed services timely and to complete case plan.
Visitation	Daily contact encouraged (3x week minimum) to strengthen parent child attachment & promote reunification	Only monthly visitation required in statute.
Evidence based Clinical services	Child Parent Therapy offered to all ECC to heal trauma, improve parenting & optimize child/parent relationship. Clinician reports to court to inform decisions toward stable placement.	Therapies and evidence based interventions not usually offered to children younger than 5 and families.
Time to permanency	Spent 112 days less in the system than non-ECC children to reach a permanent stable family (reunification or placed with relative or non-relative) in 2016	Stayed in out-of-home care 112 days longer than ECC children in 2016
Re-entry into child welfare	Only two ECC children re-entered the system in 2016 (3.39% compared to 3.86% for non ECC)	Statewide recurrence is 9.69%

Florida Institute for Child Welfare

In 2014, the Legislature established the Florida Institute for Child Welfare (FICW) at the Florida State University College of Social Work. The purpose of the FICW is to advance the well-being of children and families by improving the performance of child protection and child welfare

services through research, policy analysis, evaluation, and leadership development.¹⁶ The institute is required to:

- Maintain a program of research which contributes to scientific knowledge and informs both policy and practice;
- Advise the department and other organizations participating in the child protection and child welfare system regarding scientific evidence;
- Provide advice regarding management practices and administrative processes used by DCF and other organizations participating in the child protection and child welfare system and recommend improvements; and
- Assess the performance of child protection and child welfare services based on specific outcome measures.¹⁷

III. Effect of Proposed Changes:

Section 1 creates s. 39.01304, F.S., related to the creation of an Early Childhood Court (ECC) program that addresses cases involving children most frequently under the age of three and utilizes specialized dockets, multidisciplinary teams, and a nonadversarial approach. The bill provides legislative findings and intent and core components that are required for a court to be considered an early childhood court, and requires:

- The Office of the State Courts Administrator (OSCA) to hire and train a full-time community coordinator at each ECC program site. The OSCA may also hire a statewide community coordinator to implement the program.
- The OSCA to contract with one or more university based centers with an expertise in infant mental health to hire a statewide clinical consultant.
- The Florida Institute for Child Welfare (FICW), in consultation with other entities, to evaluate the impact of ECC programs on children in the child welfare system, to include an analysis of data collected by the OSCA. The institute is also required to submit interim reports in 2020 and 2021 and the results of the evaluation to the Governor, the President of the Senate, and the Speaker of the House by October 1, 2022.

Section 2 provides an effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁶ Section 1004.615, F.S.

¹⁷ *Id.*

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will have a fiscal impact on the state by requiring specialized staff and support services. Each circuit with an early childhood would need a community coordinator. In addition, the bill would require training for judges, magistrates and staff and a contract with a university based center to hire a clinical consultant. The bill calls for an evaluation of early childhood courts by the Florida Institute for Child Welfare. The Legislature appropriated funds for this evaluation in the 2018 session. The Office of State Courts Administrator estimates the additional costs of the bill as follows:

Position	FTE	Annual Cost
Court community coordinators and oversight positions	21	\$1,557,507
Training requirements		\$100,000
University based clinical consultant	1	\$136,120
Total	21	\$1,793,627

Shortening the time children spend in out-of-home care should serve as a potential cost savings for the state due to the reduction in out-of-home care cost.

A cost savings from the use of ECC may also be realized upon the implementation of the Families First Prevention Services Act in 2021. The ECC and its use of some model of parent-child therapy may be eligible for a federal funding match for prevention services.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates section 39.01304 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

CS by Children, Families, and Elder Affairs on January 22, 2019:

- Adds a domestic violence advocate to the multidisciplinary team.

B. Amendments:

None.

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

By the Committee on Children, Families, and Elder Affairs; and
Senator Book

586-01160-19

201990c1

A bill to be entitled

An act relating to early childhood courts; creating s.
39.01304, F.S.; providing legislative intent;
authorizing circuit courts to create early childhood
court programs; requiring that early childhood court
programs have certain components present; providing
requirements and guidelines for the Office of the
State Courts Administrator when hiring community
coordinators and a statewide training specialist;
authorizing the office to provide funding to circuit
courts that choose to establish a coordination system
in lieu of creating a community coordinator position;
requiring the office to contract with certain
university-based centers; requiring the university-
based centers to hire a clinical director; requiring
the Florida Institute for Child Welfare to submit
certain status reports to the Governor and the
Legislature by specified dates; requiring the
institute, in consultation with the Department of
Children and Families, the office, and the contracted
university-based centers, to conduct an evaluation of
the court programs' impact; requiring the evaluation
to include the analysis of certain data and
recommendations; requiring the institute to submit the
results of its evaluation to the Governor and the
Legislature by a specified date; providing an
effective date.

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

586-01160-19

201990c1

Section 1. Section 39.01304, Florida Statutes, is created to read:

39.01304 Early childhood court programs.—

(1) It is the intent of the Legislature to encourage the department, the Department of Health, the Association of Early Learning Coalitions, and other such agencies, local governments, interested public or private entities, and individuals to support the creation and establishment of early childhood court programs. The purpose of an early childhood court program is to address the root cause of court involvement through specialized dockets, multidisciplinary teams, evidence-based treatment, and the use of a nonadversarial approach. Such programs depend on the leadership of a judge or magistrate who is educated about the science of early childhood development and who requires rigorous efforts to heal children physically and emotionally in the context of a broad collaboration among professionals from different systems working directly in the court as a team, recognizing that the parent-child relationship is the foundation of child well-being.

(2) A circuit court may create an early childhood court program to serve the needs of infants and toddlers in dependency court. An early childhood court program must have all of the following components present:

(a) Therapeutic jurisprudence, which must drive every aspect of judicial practice. The judge or magistrate must support the therapeutic needs of the parent and child in a nonadversarial manner. As used in this paragraph, the term "therapeutic jurisprudence" means the study of how the law may

586-01160-19

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59 be used as a therapeutic agent and focuses on how laws impact
60 emotional and psychological well-being.

61 (b) A procedure for coordinating services and resources for
62 families who have a case on the court docket. To meet this
63 requirement, the court may create and fill at least one
64 community coordinator position pursuant to paragraph (3)(a) or
65 the court may use a coordination system that implements a
66 progression of services.

67 (c) A multidisciplinary team made up of key community
68 stakeholders who commit to work with the judge or magistrate to
69 restructure the way the community responds to the needs of
70 maltreated children. The team may include, but is not limited
71 to, early intervention specialists; mental health and infant
72 mental health professionals; attorneys representing children,
73 parents, and the child welfare system; children's advocates;
74 early learning coalitions and child care providers; substance
75 abuse program providers; primary health care providers; domestic
76 violence advocates; and guardians ad litem. The
77 multidisciplinary team must address the need for children in an
78 early childhood court program to receive medical care in a
79 medical home, a screening for developmental delays conducted by
80 the local agency responsible for complying with part C of the
81 federal Individuals with Disabilities Education Act, and quality
82 child care.

83 (d) A continuum of mental health services that include a
84 focus on the parent-child relationship and that must be
85 appropriate for each child and family served.

86 (3) Contingent upon an annual appropriation by the
87 Legislature, and subject to available resources:

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88 (a) The Office of the State Courts Administrator shall
89 coordinate with each participating circuit court to create and
90 fill at least one community coordinator position for the
91 circuit's early childhood court program unless the court chooses
92 to establish a coordination system in lieu of creating a
93 community coordinator position. Each community coordinator shall
94 provide direct support to the program by providing coordination
95 between the multidisciplinary team and the judiciary,
96 coordinating the responsibilities of the participating agencies
97 and service providers, and managing the collection of data for
98 program evaluation and accountability. If a circuit court
99 establishes a coordination system in lieu of creating a
100 community coordinator position, the Office of the State Courts
101 Administrator may provide funding equivalent in value to a
102 community coordinator position to the court for case
103 coordination functions.

104 (b) The Office of the State Courts Administrator shall
105 contract with one or more university-based centers that have
106 expertise in infant mental health, and such university-based
107 centers shall hire a clinical director charged with ensuring the
108 quality, accountability, and fidelity of the program's evidence-
109 based treatment and ensuring that each center under contract
110 receives training and technical assistance related to clinical
111 services, clinical consultation and guidance for difficult
112 cases, and ongoing clinical training for court teams. In
113 partnership with each center, the Office of the State Courts
114 Administrator may hire a statewide training specialist to
115 provide training to each multidisciplinary team.

116 (c) By December 1 of 2020 and 2021, the Florida Institute

586-01160-19

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117 for Child Welfare shall provide a status report on
118 implementation of the programs to the Governor, the President of
119 the Senate, and the Speaker of the House of Representatives.

120 (d) In consultation with the department, the Office of the
121 State Courts Administrator, and each center, the Florida
122 Institute for Child Welfare shall evaluate the impact of the
123 early childhood court programs on children and families in the
124 state's child welfare system. The evaluation must include the
125 analysis of data collected by the Office of the State Courts
126 Administrator and measurable outcomes, including, but not
127 limited to, the impact of the early childhood court program on
128 the future incidence of maltreatment of children, timely
129 permanency, reunification of families, and incidents of children
130 reentering the child welfare system. The evaluation must provide
131 recommendations as to whether and how the programs should be
132 expanded, the projected costs of any such expansion, and the
133 projected savings to the state resulting from the programs.
134 After providing the status reports pursuant to paragraph (c),
135 and by October 1, 2022, the institute shall provide a report on
136 the results of the evaluation to the Governor, the President of
137 the Senate, and the Speaker of the House of Representatives.

138 Section 2. This act shall take effect July 1, 2019.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Children, Families, and Elder Affairs, *Chair*
Appropriations
Appropriations Subcommittee on Education
Appropriations Subcommittee on Health and Human
Services
Health Policy
Rules

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR LAUREN BOOK

32nd District

March 5th, 2019

Chair Jeff Brandes
Appropriations Subcommittee on Criminal and Civil Justice
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chair Brandes:

I respectfully request that **CS/SB 90—Early Childhood Court** be placed on the agenda for the next Appropriations Subcommittee on Criminal and Civil Justice meeting.

Should you have any questions or concerns, please feel free to contact my office or me. Thank you in advance for your consideration.

Thank you,

A handwritten signature in cursive script that reads "Lauren Book".

Senator Lauren Book
Senate District 32

Cc: PK Jameson, Staff Director
Lisa Roberts, Administrative Assistant

REPLY TO:

- ☐ 967 Nob Hill Road, Plantation, Florida 33324 (954) 424-6674
- ☐ 202 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19
Meeting Date

90
Bill Number (if applicable)

Topic Early Child Care

Amendment Barcode (if applicable)

Name Jeff Starker

Job Title Pres. Capital Alliance Boro

Address 106 E College Ave
Street

Phone 224 1060

24 FL 32301
City State Zip

Email jeffstarker@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing BIO BENEFIT ADVOCATE ASSOCIATION

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3.6.19

Meeting Date

90

Bill Number (if applicable)

Topic Early Childhood Courts

Name Barney Bishop III

Job Title President & CEO

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

State

32308

Zip

Email barney@barneybishop.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19

Meeting Date

90

Bill Number (if applicable)

Topic Early Childhood Courts

Amendment Barcode (if applicable)

Name Senior Judge Lee Haworth

Job Title Senior Judge, 12th Judicial Circuit

Address 2002 Ringling Blvd.

Phone 941-861-7800

Street

Sarasota

FL

34230

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Steering Committee on Families & Children in the Ct

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19

Meeting Date

SB 90

Bill Number (if applicable)

Topic SB 90 Early Childhood Count

Amendment Barcode (if applicable)

Name Dr. Mirri Graham

Job Title Director FSU Center for Prevention

Address 5710 18th 1339 East Lafayette Street

Phone 850 922 1302

Street

Tallahassee FL 32301

City

State

Zip

Email mgraham@fsu.edu

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Early Childhood Count

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19
Meeting Date

SB90
Bill Number (if applicable)

Topic Early Childhood Court

Amendment Barcode (if applicable)

Name Khank-Lien Banks

Job Title Resolutions Chair

Address 1747 Orlando Central Parkway
Street
Orlando FL 32809
City State Zip

Phone 407-855-7604

Email resolutions@floridapla.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/14

Meeting Date

90

Bill Number (if applicable)

Topic EARLY CHILDHOOD COURT

Amendment Barcode (if applicable)

Name ALAN ABRAMOVITZ

Job Title Executive Director

Address 600 J. CAUTION
Street

Phone 850-241-3232

City

Tallahassee

State

FL

Zip

32391

Email ALAN.ABRAMOVITZ@GMAIL.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing GUARDIAN AD LITEM Program

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 332

INTRODUCER: Criminal Justice Committee and Senator Pizzo and others

SUBJECT: Incarcerated Women

DATE: March 5, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cox	Jones	CJ	Fav/CS
2.	Jameson	Jameson	ACJ	Recommend: Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 332, which is cited as the “Dignity for Incarcerated Women Act,” creates new statutory language to address how correctional facilities handle certain procedural and administrative circumstances that are unique to the incarceration of women inmates.

Legislation to ensure access to various health care products has been filed in Congress, as well as in a number of states, to address other health care concerns that have been raised by inmates. Additionally, many correctional facility systems, including the Federal Bureau of Prisons, have promulgated new rules to address these policy concerns.

First, the bill requires all correctional facilities, including county detention facilities and the Department of Juvenile Justice (DJJ) facilities, to make “health care products” available to each incarcerated woman. These items must be available in common housing areas and medical care facilities, at no cost, and in a quantity that is appropriate to the needs of the woman. The Department of Corrections (DOC) and DJJ report that many of these policy concerns are contemplated in current rules.

Over the last several years, various entities throughout the nation have reported about unique challenges that are presented by the incarceration of women and how these circumstances are addressed in correctional facilities across the nation. The Federal Prison Rape Elimination Act of 2003 (PREA) was one of the first attempts in recent years to attempt to address concerns raised by these women. The PREA Act provided standards for cross-gender pat-down searches of

female inmates in adult prisons, jails, and community confinement facilities and prohibited such searches absent exigent circumstances.

Additionally, the bill provides that a male correctional facility employee:

- Is prohibited from conducting a pat-down or body cavity search on an incarcerated woman except in situations where the incarcerated woman is presenting an immediate risk of harm and a female correctional facility employee is not available to do the search;
- Must announce his presence upon entering a housing unit for incarcerated women; and
- With the exception of specified circumstances, must not enter specified areas of the correctional facility in which an incarcerated woman may be in a state of undress or an area where an incarcerated woman in a state of undress may be viewed.

The bill requires male correctional employees to document any incident that violates the above-mentioned provisions within three days. Such documentation must include details of the circumstances that necessitated the employee's actions.

The bill defines several terms to provide clarity to the provisions of the act, including "correctional facility," "correctional facility employee," "health care products," and "state of undress."

To the extent that the bill requires any of the specified facilities to provide additional or different products than are currently being offered, the bill will likely have a positive fiscal impact (i.e., unquantifiable increase in costs) to the correctional facilities. See Section V, Fiscal Impact Statement.

The bill is effective on July 1, 2019.

II. Present Situation:

Over the last several years, various entities throughout the nation have reported about unique challenges that are presented by the incarceration of women and how these circumstances are addressed in correctional facilities across the nation.¹ Many women who have been incarcerated have claimed that access to feminine hygiene products and other hygiene products is inconsistent and sometimes inadequate.²

¹ Vera Institute for Justice, *Overlooked: Women and Jails in an Era of Reform*, August 2016, available at <https://www.vera.org/publications/overlooked-women-and-jails-report> (last visited January 31, 2019); CNN, *Why women in Arizona are sending a state representative pads and tampons*, Amir Vera, February 13, 2018, available at <https://www.cnn.com/2018/02/13/health/women-pads-arizona-state-representative-trnd/index.html> (last visited January 31, 2019); Fox 40, *Movement Focuses on the Mistreatment of Incarcerated Women*, March 10, 2018, available at <https://fox40.com/2018/03/10/movement-focuses-on-the-mistreatment-of-incarcerated-women/> (last visited January 31, 2019); CNN, *The powerful movement for incarcerated women*, Van Jones and Topeka K. Sam, March 10, 2018, available at <https://www.cnn.com/2018/03/09/opinions/justice-for-female-prisoners-jones-sam-opinion/index.html> (last visited January 31, 2019); *The Baltimore Sun*, *Female prisoners deserve dignity*, Nila Bala, June 18, 2018, available at <https://www.baltimoresun.com/news/opinion/oped/bs-ed-op-0619-prisoner-dignity-20180618-story.html> (last visited January 31, 2019); and *The New York Times*, *In Jail, Pads and Tampons as Bargaining Chips*, Zoe Greenberg, April 20, 2017, available at <https://www.nytimes.com/2017/04/20/nyregion/pads-tampons-new-york-womens-prisons.html> (last visited January 31, 2019).

² See *Id.*

In 2017, United States Senators Booker, Warren, Durbin, and Harris introduced a federal “Dignity for Incarcerated Women Act.” The bill, in part, provided access to health care products free of charge to female inmates and restricted Federal Bureau of Prisons (BOP) employees from entering restrooms of incarcerated individuals of the opposite sex except in exigent circumstances. The bill did not become law.³

At the same time that the “Dignity for Incarcerated Women Act” was pending, the BOP issued new policies regarding the access to feminine hygiene products.⁴ Before the policy change, the BOP only broadly required “sanitary products” to be made available for free, and the specific type of products available at no cost varied depending on the BOP facility. The new policy required wardens to ensure inmates were provided with specified products at no cost to the inmates, including:

- Tampons, regular and super-size;
- Maxi pads with wings, regular and super-size; and
- Panty liners, regular.⁵

Additionally, the “First Step Act of 2018,” which became law in December, 2018, in part, requires the Director of BOP to make tampons and sanitary napkins “available to prisoners for free, in a quantity that is appropriate to the healthcare needs of each prisoner.” The Director must also ensure that the quality of these products conform to applicable industry standards.⁶

In addition to federal facilities, many states have evaluated their policies on these issues after reports surfaced about inconsistencies. Several states have made changes either statutorily or through procedural rules changes.⁷

³ United States SB 1524 – 115th Congress (2017-2018), available at <https://www.congress.gov/bill/115th-congress/senate-bill/1524?q=%7B%22search%22%3A%5B%22dignity+for+incarcerated+women%22%5D%7D&s=1&r=3> (last visited January 31, 2019). See also Cory Booker, *Senators Booker, Warren, Durbin, Harris Introduce Landmark Bill to Reform the Way Women Are Treated Behind Bars*, July 11, 2017, available at https://www.booker.senate.gov/?p=press_release&id=629 (last visited January 30, 2019).

⁴ United States Department of Justice, Federal Bureau of Prisons, *Provision of Feminine Hygiene Products*, August 1, 2017, available at https://www.bop.gov/policy/om/001_2017.pdf (last visited January 31, 2019)(hereinafter cited as “BOP Policy”); See also Cory Booker, *Booker Commends New Bureau of Prisons Policy Requiring Certain Feminine Health Care Products to be Provided to Women Free of Charge*, August 16, 2017, available at https://www.booker.senate.gov/?p=press_release&id=654 (last visited January 31, 2019).

⁵ BOP Policy.

⁶ First Step Act of 2018, Pub. L. No. 115-391, s. 611 (2018).

⁷ NPR, *Arizona Department Of Corrections Changes Sanitary Pad Policy Following Backlash*, Amy Held, February 15, 2018, available at <https://www.npr.org/sections/thetwo-way/2018/02/15/586134335/arizona-department-of-corrections-changes-sanitary-pad-policy-following-backlash> (last visited January 31, 2019)(Arizona Department of Corrections modified its policy from limiting female inmates’ access to sanitary napkins from 12 to 36 per month); The Washington Post, *‘They’re as necessary as toilet paper’: New York City Council approves free tampon program*, Katie Mettler, June 23, 2016, available at https://www.washingtonpost.com/news/morning-mix/wp/2016/06/23/menstrual-equity-ny-city-council-approves-giving-away-tampons-to-women-in-schools-prisons-and-homeless-shelters/?utm_term=.b410efb4ff12 (last visited January 31, 2019)(New York City council approved a measure that would give all women in public schools, prisons, and homeless shelters access to feminine hygiene products free of charge).

Prison Rape Elimination Act

The United States Congress passed the “Prison Rape Elimination Act of 2003” (PREA) to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide resources and recommendations to protect individuals from prison rape. In addition to providing resources, funding was provided to all levels of correctional facilities to assist facilities throughout the nation with implementing standards to reduce the occurrence of prison rape.⁸ The statute applies to any confinement facility, including jails, police lockups, and juvenile facilities,⁹ and defines “rape” to include a broad range of unwanted sexual activity.¹⁰

In passing the PREA, Congress noted that the nation was “largely unaware of the epidemic character of prison rape and the day-to-day horror experienced by victimized inmates.”¹¹ The legislation also established a National Prison Rape Elimination Commission (Commission) to perform a comprehensive legal and factual study on various impacts of prison rape in the United States and to recommend to the Attorney General national standards for detecting, preventing, reducing, and punishing prison rape.¹²

The PREA standards adopted by the Commission included a phased-in ban on cross-gender pat-down searches of female inmates in adult prisons, jails, and community confinement facilities absent exigent circumstances.¹³ The PREA standards also:

- Prohibit cross-gender strip searches and visual body cavity searches in all facilities, except in exigent circumstances or when performed by medical practitioners;¹⁴
- Require facilities to implement policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks;
- Require staff of the opposite gender to announce their presence when entering an inmate housing unit; and
- Prohibit cross-gender pat-down searches of both female and male residents in juvenile facilities.¹⁵

Both the Department of Corrections (DOC) and the Department of Juvenile Justice (DJJ) are in compliance with the PREA Guidelines and have adopted zero tolerance policies regarding actions that are prohibited by the PREA standards. Additionally, each agency employs a

⁸ Prison Rape Elimination Act of 2003, Pub. L. No. 108-79 (2003); National PREA Resource Center, *Prison Rape Elimination Act, About Page*, available at <https://www.prearesourcecenter.org/about/prison-rape-elimination-act-prea> (last visited January 31, 2019).

⁹ 42 U.S.C. s. 15609(7).

¹⁰ 42 U.S.C. s. 15609(9).

¹¹ 42 U.S.C. 15601(12). See Department of Justice, *National Standards to Prevent, Detect, and Respond to Prison Rape Executive Summary*, p. 1, May 16, 2012, available at https://ojp.gov/programs/pdfs/prea_executive_summary.pdf (last visited January 30, 2019)(hereinafter cited as “PREA Executive Summary”).

¹² 42 U.S.C. s. 15606(d)(1), (e)(1).

¹³ PREA Executive Summary, p. 5. The PREA standards specifically prohibit compliance with the cross-gender search provision from restricting female inmates’ access to programming and out-of-cell opportunities.

¹⁴ *Id.* If a cross-gender search is conducted in this manner it must be documented.

¹⁵ *Id.*

designated PREA Coordinator responsible for the development, implementation, and oversight of the agency's efforts to comply with the PREA standards.¹⁶ Additionally, s. 901.211, F.S., and the Florida Model Jail Standards (FMJS), provide the minimum standards that Florida's jails must meet and contain similar search standards as the PREA standards.

Policies Related to Florida's Incarcerated Women

Department of Corrections

Section 944.09(1), F.S., provides the DOC with broad rule making authority to implement its statutory responsibilities, including, in part, the:

- Operation and management of the correctional institution or facility and its personnel and functions;
- Conduct of custodial and other personnel; and
- Furnishing of health and comfort items to indigent prisoners.

The DOC has promulgated several rules that address these specific operational areas. Inmate health and comfort items must be provided in accordance with the guidelines in the Inmate Health and Comfort Items – Issuance, Form NI1-071 (Form).¹⁷ The Form addresses, in part, the provision of health care items such as toothbrushes,¹⁸ toothpaste,¹⁹ disposable razors,²⁰ bath soap,²¹ toilet paper,²² and feminine hygiene products.²³ This procedure provides consistency with the issuance of these types of products.

Searches of inmates are to be made with discretion and conducted to control the introduction and movement of contraband and to prevent escapes.²⁴ Clothed searches of female inmates may only be performed by male staff during an emergency situation as determined by the shift supervisor, except for:

- Instances when time and circumstances do not permit the arrival of female staff; or

¹⁶ DOC, PREA, available at <http://www.dc.state.fl.us/PREA/index.html> (last visited January 30, 2019); DJJ, PREA, available at <http://www.djj.state.fl.us/partners/prison-rape-elimination-act-%28prea%29> (last visited January 30, 2019).

¹⁷ Fla. Admin. Code R. 33-602.101(12). Form NI1-071, Inmate Health and Comfort Items – Issuance can be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-09985> (last visited on January 31, 2019).

¹⁸ *Id.* The Form provides that each inmate is provided one tooth brush upon initial arrival. The housing officers/sergeant on the shift designated in the institutional schedule must also issue toothbrushes on a one-for-one exchange basis, once every 30 days.

¹⁹ *Id.* Each inmate is provided one tube upon initial arrival and can be replaced when empty or once every 30 days.

²⁰ *Id.* This provision only applies to female inmates who are part of the general population and provides that one razor is issued upon initial arrival and once every seven days.

²¹ *Supra*, n. 16. Each inmate is provided one bar of soap upon initial arrival, which may be replaced once every seven days. The DOC states that the bath soap provided by the DOC is a soap whose ingredient is to moisturize, but it is called a deodorizing soap. The Department of Corrections, SB 332 Agency Analysis, p. 4, January 23, 2019 (on file with Senate Criminal Justice Staff)(hereinafter cited as “The DOC SB 332 Analysis”).

²² *Id.* Each inmate is provided one roll upon initial arrival and can be provided outside of a seven day interval in certain instances.

²³ *Id.* Each inmate will be issued feminine hygiene products on an as needed basis and in accordance with Fla. Admin. Code R 33-602.101, which requires the inmate to make a medical request.

²⁴ Fla. Admin. Code R. 33-602.204.

- In the event of an imminent threat of physical violence and a search is needed to secure the inmate to prevent injury to staff or inmates, provided there is consultation with the shift supervisor prior to conducting the search.²⁵

Strip searches of inmates must be conducted only by correctional officers who are the same sex as the inmate, except in emergency circumstances. The Rule details specified circumstances when strip searches are appropriate.²⁶ Internal examination of the body orifices, when required, will be made by medical personnel only, as well as examination of any bandages or casts.²⁷

The DOC reports that as of June 30, 2018, there were 6,658 female inmates accounting for 6.9 percent of the overall total inmate population.²⁸

Department of Juvenile Justice

Section 985.64, F.S., provides the DJJ with rulemaking authority to implement all provisions of ch. 985, F.S. All rules and policies must conform to accepted standards of care and treatment.²⁹ Specifically, the DJJ must adopt rules to ensure the effective provision of health services, including ordinary medical care, to youth in facilities or programs operated or contracted by the DJJ.³⁰

The DJJ reports that it provides all female youth with basic health products.³¹ The DJJ is required to provide youth with individual hygiene supplies, including:

- Toothbrush and toothpaste;
- Soap;
- Shampoo;
- Combs or brushes;
- Shaving supplies;
- Body lotion; and
- Feminine hygiene supplies for females.³²

²⁵ Fla. Admin. Code R. 33-602.204(1)(a).

²⁶ Fla. Admin. Code R. 33-602.204(2)(a) and (b). The instances include upon an inmate's arrival at the institution from court, other institutions, or from any other place where they may have come in contact with the public; when an inmate is apprehended after an escape, attempted escape or hideout, they will also be given a strip search. There may be other occasions for a strip search, such as before they are admitted to confinement or at any time when they are suspected of carrying contraband.

²⁷ Fla. Admin. Code R. 33-602.204(2)(e)4.

²⁸ The DOC SB 332 Analysis, p. 2.

²⁹ Section 985.64(1), F.S.

³⁰ Section 985.64(2)(a), F.S.

³¹ The DJJ, HB 49 Agency Analysis, January 16, 2019, p. 2 (on file with the Senate Criminal justice Committee)(hereinafter cited as "The DJJ HB 49 Analysis")(HB 49 is substantially similar to the current bill). The products specifically mentioned in the analysis include body wash, shampoo, maxi pads, deodorant, toothbrushes, toothpaste, hair combs, hair brushes, body lotion, hair ties, and any health products as needed by youth or prescribed by a doctor.

³² Fla. Admin. Code R. 63E-7.007 (residential commitment programs) and Fla. Admin. Code R. 63G-2.025 (detention centers)(This Rule uses the phrase "sanitary napkins" instead of "feminine hygiene supplies."). Additionally, Fla. Admin. Code R. 63E-7.006, requires the residential commitment programs to address the needs of a targeted gender group and that health and hygiene, in part, are key components in providing a gender specific program.

The DJJ also has established rules for both its residential³³ and detention³⁴ youth populations detailing when different types of searches, including frisk,³⁵ strip,³⁶ and cavity searches, are necessary and the appropriate conditions under which such searches can occur. All searches must be documented in designated logs, the Facility Management System³⁷ or a manual logbook used for these recordings, and on the shift report.³⁸ Frisk searches must be conducted during specified times³⁹ and an officer of the same sex as the youth being searched must conduct a frisk search.⁴⁰

Strip searches must be conducted during admission or if there is a reasonable suspicion a youth is harboring contraband. These searches must occur in a private area in the presence of two staff members of the same gender as the youth being searched. However, if two staff of the same gender as the youth are not available, one staff of the same gender as the youth may conduct the strip search while a staff of the opposite gender is positioned to observe the staff person conducting the search. However, in these instances, the cross-gender employee cannot view the youth.⁴¹

Cavity searches must be approved by the Superintendent or designee when it is strongly suspected that a youth has concealed contraband in a body cavity. Trained medical personnel must conduct a cavity search in a hospital setting and detention staff are not authorized to conduct cavity searches.⁴²

The DJJ reports that there were 2,871 female youth served in secure detention and 554 female youths committed to residential programs during FY 2017-18.⁴³

³³ Section 985.43, F.S., provides that upon adjudication of a delinquency case a court may commit a youth to the DJJ for placement in a residential commitment program. Section 985.03(44), F.S., which defines “restrictiveness level,” addresses the different levels of commitment programs, including “minimum-risk nonresidential,” “nonsecure residential,” and “high-risk residential.”

³⁴ Section 985.03(18), F.S., provides “detention care” means the temporary care of a child in secure or nonsecure detention, pending a court adjudication or disposition or execution of a court order. Further, it provides that “Secure detention” means temporary custody of the child while the child is under the physical restriction of a secure detention center or facility pending adjudication, disposition, or placement and “Nonsecure detention” means temporary, nonsecure custody of the child while the child is released to the custody of the parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of the department staff pending adjudication, disposition, or placement.

³⁵ Fla. Admin. Code R. 63G-2.014(32). Frisk searches are defined as a physical search of the person involving the passing of hands over the person’s outer clothing.

³⁶ Fla. Admin. Code R. 63G-2.014(63). Strip searches are defined as a visual check of a youth without clothing. A strip search shall be conducted in a private area with two staff members present, both of the same sex as the youth being searched.

³⁷ Fla. Admin. Code R. 63G-2.014(29). The computer based system used by state-operated juvenile detention centers as the primary source of documentation and reporting for facility operations. Forms and reports generated by the Facility Management System are considered to be both the official and original documentation.

³⁸ Fla. Admin. Code R. 63G-2.019.

³⁹ These include during admission, following activities outside the secure area of the facility, following visitation with a person(s) from outside of the facility (visitation, attorney, clergy, etc.), prior to and after transportation, if there is a reasonable suspicion that a youth is harboring contraband, or prior to being placed in behavioral confinement. Fla. Admin. Code R. 63G-2.019(11)(e)1.-3. *See also* Fla. Admin. Code R. 63E-7.013(10)(b) and (11), for slight variations to these circumstances applicable to residential commitment programs.

⁴⁰ *Id.*

⁴¹ Fla. Admin. Code R. 63G-2.019(11)(e)4. and 5. (detention facilities); Fla. Admin. Code R. 63E-7.004(1)(a) (residential commitment programs).

⁴² Fla. Admin. Code R. 63G-2.019(11)(e)8.; Fla. Admin. Code R. 63E-7.013(10)(c).

⁴³ Email from Rachel Moscoso, Legislative Affairs Director, DJJ, Re: SB 332 (on file with Senate Criminal Justice Committee)(January 30, 2019).

Local Correctional Facilities

Section 901.211, F.S., provides procedures for conducting searches of any person arrested in Florida. A person arrested for a traffic, regulatory, or misdemeanor offense, except in a case which is violent in nature, which involves a weapon, or which involves a controlled substance, cannot be subjected to a strip search⁴⁴ unless:

- There is probable cause to believe that the individual is concealing a weapon, a controlled substance, or stolen property; or
- A judge at first appearance has found that the person arrested cannot be released either on recognizance or bond and therefore shall be incarcerated in the county jail.⁴⁵

Each strip search must be performed by a person of the same gender as the arrested person and on premises where the search cannot be observed by persons not physically conducting or observing the search. A person observing a search must be of the same gender as the arrested person.⁴⁶ Any body cavity search must be performed under sanitary conditions.⁴⁷

Additionally, the Florida Model Jail Standards (FMJS) are minimum standards which jails across Florida must meet to ensure the constitutional rights of those incarcerated are upheld.⁴⁸ The FMJS Committee is required to develop and continually enforce model standards adopted by the group. There are six subcommittees each having distinct missions and objectives, which, in part, include a Medical Subcommittee and a PREA Subcommittee.

As it relates to searches, the FMJS outlines that an inmate must be examined for contraband upon admission and booking.⁴⁹ The FMJS specifies that a body cavity search must only be conducted by licensed medical personnel and a written report documenting such action must be submitted to the Officer-in-Charge or designee. The FMJS requires that inmates be searched by certified staff when being admitted to a detention facility. However, FMJS provides that an inmate being admitted to the facility for traffic, regulatory, or non-violent misdemeanor offenses will be strip searched only for cause. The FMJS specifies that a strip search must be conducted by a person of the same gender as the arrested person and in such a manner that the search cannot be seen by persons not physically conducting or observing the search. Additionally, any person observing the search must be of the same gender as the arrested person. The FMSJ provides that a body cavity search must only be made for cause and be conducted by licensed medical personnel.⁵⁰

⁴⁴ Section 901.211(1), F.S., defines strip search to mean having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual or manual inspection of the genitals; buttocks; anus; breasts, in the case of a female; or undergarments of such person.

⁴⁵ Section 901.211(2), F.S. Additionally, a law enforcement officer must not order a strip search within the agency or facility without obtaining the written authorization of the supervising officer on duty. Section 901.211(5), F.S.

⁴⁶ Section 901.211(3), F.S.

⁴⁷ Section 901.211(4), F.S.

⁴⁸ Florida Sheriff's Association (FSA), *Florida Model Jail Standards, What is FMJS?*, available at <https://www.flsheriffs.org/law-enforcement-programs/training/florida-model-jail-standards> (last visited January 30, 2019) (hereinafter cited as "FMJS Rule").

⁴⁹ FMJS Rule 4.2.

⁵⁰ FMJS Rule 4.3.

It is unclear whether there are consistent rules throughout the Sheriff's entities regarding the manner, type, and frequency of the provision of health care products, including, but not limited to, feminine hygiene products. Statutes and the FMJS are silent on this issue. One example of a local correctional facility's policy has been reported on in response to recent legislation. David Teems, spokesman for the Leon County Sheriff's Office, reports that the feminine hygiene product offered at the Leon County Jail is one that is "more universally used" and "there is no limit to how many are provided to inmates. There is no charge to the inmates for the product."⁵¹

III. Effect of Proposed Changes:

The bill creates new statutory language to address how correctional facilities must handle certain procedural and administrative processes that are unique to the incarceration of women. The bill provides that the act may be cited as the "Dignity for Incarcerated Women Act."

Definitions

The bill defines various terms, including:

- "Correctional facility," which means any part of the correctional system⁵² and any county detention facility,⁵³ juvenile detention center⁵⁴ or facility,⁵⁵ temporary holding center, or other criminal detention facility operated by or on behalf of the state or any political subdivision.
- "Correctional facility employee," which means a correctional officer employed by a correctional facility.
- "Health Care products," which is defined as:
 - Feminine hygiene products, including tampons;
 - Moisturizing soap that is not lye-based;
 - Toothbrushes and toothpaste; and
 - Any other health care product the correctional facility deems appropriate.
- "State of undress," which means not dressed or not fully dressed.

Access to Health Care Products

The bill requires "health care products" to be made available to each incarcerated woman at no cost and in a quantity that is appropriate to the needs of the woman. Additionally, the bill

⁵¹ Tallahassee Democrat, *Florida lawmakers demand 'dignity for incarcerated women'*, James Call, January 26, 2019, available at <https://www.tallahassee.com/story/news/2019/01/26/florida-lawmakers-demand-dignity-incarcerated-women-sanitary-napkins-tampons/2676725002/> (last visited January 30, 2019).

⁵² Sections 944.02(2) and 945.01(1), F.S., provide "correctional system" means all prisons and other state correctional institutions now existing or hereafter created under the jurisdiction of the DOC.

⁵³ Section 951.23(1)(a), F.S., provides that "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.

⁵⁴ Section 985.03(19), F.S., provides that "detention care facility" means a facility used pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure custody. A facility used for the commitment of adjudicated delinquents shall not be considered a detention center or facility.

⁵⁵ *Supra*, n. 33.

requires that health care products be made available in common housing areas and medical care facilities. The bill prohibits a correctional facility from requiring a medical:

- Referral for an inmate to be provided such health care products; or
- Diagnosis for an incarcerated woman to access health care products.

Limitations on Male Correctional Facility Employees

The bill also requires certain conduct to be followed by male correctional facility employees in times when such employees are supervising women inmates. Specifically, the bill provides that a male correctional facility employee:

- Is prohibited from conducting a pat-down or body cavity search on an incarcerated woman except in situations where the incarcerated woman is presenting an immediate risk of harm and a female correctional facility employee is not available to conduct the search; and
- Must announce his presence upon entering a housing unit for incarcerated women.

Additionally, with the exception of specified circumstances, a male correctional facility employee is prohibited from entering an area of the correctional facility in which an incarcerated woman may be in a state of undress or an area where an incarcerated woman in a state of undress may be viewed. The bill provides that such areas include, but are not limited to restrooms, shower areas, and medical treatment areas. The exceptions provided in the bill specific to this provision include when there is a medical emergency or when an incarcerated woman is presenting a danger to herself or others. If one of these limited circumstances is presented, a male correctional facility employee may enter an area where incarcerated women may be in a state of undress, if:

- A female correctional facility employee is unavailable; or
- A female correctional facility employee requires assistance.

A male correctional facility employee must document any incident, including the circumstances that necessitated the employee's actions, where the male employee either performs a search of an incarcerated woman or enters a prohibited area within three days of the incident.

The bill is effective July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill requires all correctional facilities, including local county detention facilities and detention centers, to provide specific health care products. It is possible that the requirements of the bill related to the provision of health care products could result in local fund expenditures. However, because any such local funding resulting from the requirements of the bill will directly relate to the detention and imprisonment of persons who have been arrested or convicted of criminal offenses, under article VII, subsection 18(d) of the Florida Constitution, it appears there is no unfunded mandate.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private companies that currently have contracts with state and local correctional facilities to provide certain health care products that do not meet the criteria laid out in the bill may have a negative fiscal impact (i.e., decrease in profits) if the current contracts have to be cancelled or modified.

Additionally, private companies that can supply products that do meet the criteria of the products defined in this bill could have a positive fiscal impact (i.e., increase in profits) if the bill results in new contracts for such products or modifications to current contracts to offer these additional or different types of products.

C. Government Sector Impact:

The bill requires specified health care products to be provided at no cost to female inmates in all correctional facilities in the state. To the extent that the bill requires any of the specified facilities to provide additional or different products than are currently being offered, the bill will likely have a positive fiscal impact (i.e., unquantifiable increase in costs) to the correctional facilities.

The DOC states that the fiscal impact of the bill is indeterminate at this time.⁵⁶ The DOC is in substantial compliance with the provisions of the bill related to male correctional facility employees and female inmates. However, there will likely be a positive fiscal impact (i.e., unquantifiable increase in costs) if the DOC is required to provide health care products outside of the products it is currently providing through its contracted

⁵⁶ The DOC SB 332 Analysis, p. 4.

vendors. The DOC estimates that the transition to tampons *exclusively* from sanitary napkins will result in a cost increase of 408 percent annually (from \$110,954 annually to \$563,372 annually).⁵⁷ However, the bill does not require correctional facilities to transition exclusively to any particular type of feminine hygiene product.

The DJJ reports that it currently meets all requirements of the proposed bill and therefore the bill will not result in a fiscal impact.⁵⁸

The Florida Sheriff's Association has not submitted an analysis on the impact this bill will have on its members. As mentioned above, it is unclear what types of health care products are currently being offered to female inmates in local correctional facilities. To the extent that this bill requires the facilities to modify the products they are currently offering free of charge to female inmates, the bill will likely result in a positive fiscal impact (i.e., unquantifiable increase in costs).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 944.242 of the Florida Statutes.

IX. Additional Information:

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

CS by Criminal Justice on February 11, 2019:

The Committee Substitute modifies the definitions of:

- “Correctional facility” to include the term county detention center, rather than jail, providing consistency with definitions found in other sections of law;
- “Correctional facility employee” to only apply to correctional officers, rather than all correctional facility staff; and
- “Health care products” to specifically include tampons as a type of feminine hygiene product.

B. Amendments:

None.

⁵⁷ The Department of Corrections, SB 332 Agency Analysis Updated for Amendment 404354, p. 6, February 11, 2019 (on file with Senate Criminal Justice Staff).

⁵⁸ The DJJ HB 49 Analysis, p. 3.

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

By the Committee on Criminal Justice; and Senators Pizzo, Rodriguez, Book, Thurston, Taddeo, Farmer, Brandes, Gibson, and Torres

591-02313-19

2019332c1

A bill to be entitled

An act relating to incarcerated women; providing a short title; creating s. 944.242, F.S.; providing definitions; requiring correctional facilities to provide incarcerated women with certain health care products, subject to certain requirements; requiring a correctional facility to make health care products available in common housing areas and in medical care facilities; providing requirements for male correctional facility employees in certain circumstances; requiring documentation of certain incidents involving male correctional facility employees; requiring the correctional facility to review and retain such documentation; providing an effective date.

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

Section 1. This act may be cited as the "Dignity for Incarcerated Women Act."

Section 2. Section 944.242, Florida Statutes, is created to read:

944.242 Dignity for women in correctional facilities.—

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

(a) "Correctional facility" means any part of the correctional system, any county detention facility, juvenile detention center or residential facility, temporary holding center, or other criminal detention facility operated by or on behalf of the state or any political subdivision.

591-02313-19

2019332c1

30 (b) "Correctional facility employee" means a correctional
31 officer employed by a correctional facility.

32 (c) "Health care products" includes the following:

33 1. Feminine hygiene products, including tampons.

34 2. Moisturizing soap that is not lye-based.

35 3. Toothbrushes.

36 4. Toothpaste.

37 5. Any other health care product the correctional facility
38 deems appropriate.

39 (d) "State of undress" means not dressed or not fully
40 dressed.

41 (2) HEALTH CARE PRODUCTS.—A correctional facility shall
42 make available health care products to each woman incarcerated
43 in the facility at no cost to the woman in a quantity that is
44 appropriate to the needs of the woman without a medical
45 referral. A correctional facility may not require that a woman
46 be diagnosed with an illness in order to access health care
47 products. A correctional facility shall make health care
48 products available in common housing areas and in medical care
49 facilities.

50 (3) MALE CORRECTIONAL FACILITY EMPLOYEES.—

51 (a) A male correctional facility employee may not conduct a
52 pat-down search or body cavity search on an incarcerated woman
53 unless the woman presents an immediate risk of harm to herself
54 or others and a female correctional facility employee is not
55 available to do the search.

56 (b) A male correctional facility employee shall announce
57 his presence upon entering a housing unit for incarcerated
58 women.

591-02313-19

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59 (c) A male correctional facility employee may not enter an
60 area of the correctional facility in which an incarcerated woman
61 may be in a state of undress or an area where an incarcerated
62 woman in a state of undress may be viewed, including, but not
63 limited to, restrooms, shower areas, and medical treatment
64 areas. If a female correctional facility employee is not
65 available or if a female correctional facility employee requires
66 assistance, a male correctional facility employee may enter such
67 area only in the event of a medical emergency or if an
68 incarcerated woman presents an immediate risk of harm to herself
69 or others.

70 (d) If a male correctional facility employee conducts a
71 pat-down search or body cavity search or enters a prohibited
72 area in an emergency situation as provided in paragraph (a) or
73 paragraph (c), the male correctional facility employee shall
74 document the incident, including the circumstances necessitating
75 the male correctional facility employee's actions, no later than
76 3 days after the incident. The correctional facility shall
77 review and retain all documentation.

78 Section 3. This act shall take effect July 1, 2019.



The Florida Senate

Committee Agenda Request

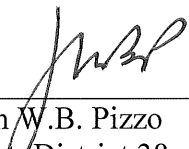
To: Senator Jeff Brandes, Chair
Appropriations Subcommittee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: February 11, 2019

I respectfully request that **Senate Bill #332**, relating to Incarcerated Women, be placed on the:

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



Senator Jason W.B. Pizzo
Florida Senate, District 38

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19

Meeting Date

332

Bill Number (if applicable)

Topic Incarcerated Women

Amendment Barcode (if applicable)

Name Marcus Dixon

Job Title Political Director

Address 5353 SW 125 Avenue

Phone (305) 720-1627

Street

Miramar

FL

33025

City

State

Zip

Email Marcus.Dixon@seiufl.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SEIU Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/2019
Meeting Date

332
Bill Number (if applicable)

Topic Incarcerated Women

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Job Title Public Policy Director

Address 126 N. Mills Ave

Phone 907-376480

Orlando FL 32801
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing New Florida Majority

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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3/6/19

Meeting Date

332

Bill Number (if applicable)

Topic Incarcerated Women

Amendment Barcode (if applicable)

Name Stacy Scott

Job Title Public Defender, 8th Judicial Circuit

Address 151 SW 2nd Ave.

Phone 352-338-7386

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32605

Email scotts@pdo8.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Public Defender Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3.6.19

Meeting Date

332

Bill Number (if applicable)

Topic Incarcerated Women

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title President & CEO

Address 2215 Thomasville Road

Phone 850.510.9922

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FL

32308

Email barney@barneybishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Aliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19

Meeting Date

332

Bill Number (if applicable)

Topic Dignity Act

Amendment Barcode (if applicable)

Name Kara Gross

Job Title Legislative Director & Senior Policy Counsel

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Phone 786-363-4436

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Miami

FL

33134

City

State

Zip

Email kgross@aclufl.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing ACLU of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-16-19

Meeting Date

332

Bill Number (if applicable)

Topic

Dignity for Incarcerated Women

Amendment Barcode (if applicable)

Name

Barbara Devane

Job Title

MS

Address

625 E. Brevard St

Phone

251-4280

Street

City

Tallahassee

State

FL

Zip

32308

Email

barbaradevane1@yahoo.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

FL NOW (National Organization for Women)

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19

Meeting Date

332

Bill Number (if applicable)

Topic CJ Refor

Amendment Barcode (if applicable)

Name Chuse Murphy

Job Title State Marshal Director

Address 605 MIDDLEBROOK CR

Phone _____

Street

PTH

City

FL

State

32303

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Right on Crime

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/6/19

Meeting Date

332

Bill Number (if applicable)

Topic Dignity for Inc. Women

Amendment Barcode (if applicable)

Name Jasmen Rogers-Shaw

Job Title Staff & policy director

Address 745 NW 54th St

Phone 954 261 1380

City Miami

Zip 33127

Email jasmen@theworkerscenter.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Miami Workers Center

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19
Meeting Date

CS/SB 332
Bill Number (if applicable)

Topic Dignity for Incarcerated Women

Amendment Barcode (if applicable)

Name Jon Harris Maurer

Job Title Public Policy Dir.

Address _____
Street

Phone _____

City

State

Zip

Email joharris@equalityflorida.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Equality Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19
Meeting Date

332
Bill Number (if applicable)

Topic DIGNITY

Amendment Barcode (if applicable)

Name CHARO VALEZ

Job Title STATE POLICY

Address 1951 NW 7TH AVE
Street

Phone _____

MIAMI FL 33168
City State Zip

Email CHARO@LATINA

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL LATINA ADVOCACY NETWORK

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 338

INTRODUCER: Criminal Justice Committee and Senators Brandes and Perry

SUBJECT: Extension of Confinement

DATE: March 5, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cox	Jones	CJ	Fav/CS
2.	Jameson	Jameson	ACJ	Recommend: Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 338 amends s. 945.091, F.S., authorizing the Department of Corrections (DOC) to consider an inmate participating in a supervised community release program (Program) up to 180 days before the inmate's tentative release date as an extension of the inmate's confinement. The DOC must also administer a risk assessment tool to determine eligibility for this program. The Program must include active electronic monitoring and community control as defined in s. 948.001, F.S.

An inmate's participation in the Program may be terminated by the DOC if the inmate fails to comply with any of the terms of the Program as proscribed by the rules promulgated under this act. If an inmate is terminated from the supervision, he or she must be recommitted to the DOC.

If there is reasonable grounds to believe that the inmate violated his or her supervised community release, the bill authorizes a law enforcement officer or probation officer to arrest the inmate in accordance with s. 948.06, F.S. An alleged violation of the conditions of the supervised community release program must be reported to the supervising probation office or the DOC's emergency action center for disposition of disciplinary charges as proscribed in the DOC rules.

The bill also reenacts several sections of law to incorporate changes made by the act.

The bill likely has a negative indeterminate fiscal impact (i.e., a decrease in prison beds) on the DOC due to certain eligible participants being released from correctional facilities. In addition,

the DOC will likely see cost savings due to paying the per diem rate for electronic monitoring, rather than the variable per diem rate for a prison bed. The DOC also requests one full-time equivalent position, entitled “Correctional Programs Consultant,” to provide statewide implementation and oversight of the Program. The DOC requests \$69,949 recurring General Revenue funds and \$4,429 nonrecurring General Revenue funds for the position. See Section V. Fiscal Impact Statement.

The bill is effective October 1, 2019.

II. Present Situation:

The Criminal Punishment Code¹ (Code) applies to sentencing for felony offenses committed on or after October 1, 1998.² The permissible sentence (absent a downward departure) for an offense ranges from the calculated lowest permissible sentence as determined by the Code to the statutory maximum for the primary offense. The statutory maximum sentence for a first-degree felony is 30 years, for a second-degree felony is 15 years, and for a third degree felony is five years.³

The sentence imposed by the sentencing judge reflects the length of actual time to be served, lessened only by the application of gain-time, and may not be reduced in an amount that results in the defendant serving less than 85 percent of his or her term of imprisonment.⁴

Extension on the Limits of Confinement

There are a limited number of instances where an inmate who is in the custody of the DOC may continue serving his or her sentence outside the physical walls of a prison. When a reasonable belief exists that an inmate will adhere to conditions placed upon him or her, s. 945.091, F.S., authorizes the DOC to allow an inmate to leave the confines of a physical facility unaccompanied for a specified period of time to:

- Visit a:
 - Dying relative or attend a funeral of a relative;
 - Specified location to arrange for employment or for a suitable residence for use upon release;
 - Specified place to aide in the successful transition back into the community;
 - Specifically designated location for any other compelling reason;⁵
- Work at paid employment;⁶

¹ Sections 921.002-921.0027, F.S. See chs. 97-194 and 98-204, L.O.F.

² Section 921.0022(1), F.S.

³ Section 775.082(3), F.S.

⁴ Section 944.275, F.S., provides for various types of incentive and meritorious gain-time.

⁵ Section 945.091(1)(a), F.S. An inmate released from the custody of a facility under this subsection must return to the same or another facility as designated by the DOC. See also Department of Corrections, *Senate Bill 1206 (2018) Analysis*, at p. 3 (January 8, 2018) (on file with the Senate Committee on Criminal Justice) [hereinafter cited as “The DOC SB 1206 (2018) Analysis”].

⁶ This provision is commonly referred to as “Work Release.” Section 945.091(1)(b), F.S., further provides that this form of release occurs while the inmate continues as an inmate of the institution or facility in which the inmate is confined. The only time in which the inmate is released unaccompanied is during the hours of his or her employment, education, training, or service and traveling to and from such approved activity. An inmate is permitted to travel to and from the place of

- Participate in an educational or training program;⁷
- Voluntarily serve a public or nonprofit agency or faith-based service group in the community;⁸ or
- Participate in a residential or nonresidential rehabilitative program.⁹

The DOC must perform an investigation to determine whether the inmate is suitable for consideration of extension of his or her confinement prior to being approved for one of the provisions described above.¹⁰

Prior to July 1, 1996, a fourth provision, known as the Supervised Community Release Program, existed that allowed inmates to be released on an extension of confinement to participate in a rehabilitative community reentry program on conditional release.¹¹ This release was for a period of no more than 90 days prior to the termination of his or her confinement. The inmate was released and placed on community supervision, but was not considered to be in the custody or care of the DOC or in confinement. If the inmate did not demonstrate sufficient progress with the reentry program, the DOC was able to terminate the inmate's participation and return the inmate to the prior institution or a new facility as designated by the DOC.¹²

Gain-time

Gain-time awards, which result in deductions to the court-ordered sentences of specified eligible inmates, are used to encourage satisfactory prisoner behavior or to provide incentives for prisoners to participate in productive activities while incarcerated.¹³ An inmate is not eligible to earn or receive gain-time in an amount that results in his or her release prior to serving a minimum of 85 percent of the sentence imposed.¹⁴

employment, education, or training by walking, bicycling, or using public transportation or transportation that is provided by a family member or employer.

⁷ *Id.*

⁸ *Id.*

⁹ Section 945.091(1)(c), F.S. The treatment program must be operated by a public or private nonprofit agency, including faith-based service groups, with which the DOC has contracted for the treatment of such inmate. The provisions of ss. 216.311 and 287.057, F.S., must apply to all contracts considered under this provision. The DOC must ensure each agency provides appropriate supervision of inmates participating in such program.

¹⁰ Section 945.091(1), F.S.

¹¹ Section 945.091(1)(d), F.S. (1995). This paragraph was repealed in ch. 96-312, L.O.F.

¹² *Id.*

¹³ Section 944.275(1), F.S. Section 944.275(4)(f), F.S., further provides that an inmate serving a life sentence is not able to earn gain-time. Additionally, an inmate serving the portion of his or her sentence that is included in an imposed mandatory minimum sentence or whose tentative release date is the same date as he or she achieves service of 85 percent of the sentence are not eligible to earn gain-time. Section 944.275(4)(e), F.S., also prohibits inmates committed to the DOC for specified sexual offenses committed on or after October 1, 2014, from earning incentive gain-time.

¹⁴ Section 944.275(4)(f), F.S.

Basic gain-time, which automatically reduced an inmate's sentence by a designated amount each month, was eliminated for offenses committed on or after January 1, 1994.¹⁵ The only forms of gain-time that can currently be earned are:

- Incentive gain-time;¹⁶
- Meritorious gain-time;¹⁷ and
- Educational achievement gain-time.¹⁸

The procedure for applying gain-time awards to an inmate's sentence is dependent upon the calculation of a "maximum sentence expiration date" and a "tentative release date." The tentative release date may not be later than the maximum sentence expiration date.¹⁹ The maximum sentence expiration date represents the date when the sentence or combined sentences imposed on a prisoner will expire. To calculate the maximum sentence expiration date, the DOC reduces the total time to be served by any time lawfully credited.²⁰

The tentative release is the date projected for the prisoner's release from custody after gain-time is granted or forfeited in accordance with s. 944.275, F.S.²¹ Gain-time is applied when granted or restored to make the tentative release date proportionately earlier; and forfeitures of gain-time, when ordered, are applied to make the tentative release date proportionately later.²²

Community Control

Section 948.001(3), F.S., defines "community control" to mean a form of intensive, supervised custody in the community, including surveillance on weekends and holidays, administered by officers with restricted caseloads.²³ The community control program is rigidly structured and designed to accommodate offenders who, in the absence of such a program, will be committed to the custody of the DOC or a county jail.²⁴

A person on community control (controlee) has an individualized program and is restricted to his or her home or noninstitutional residential placement, unless working, attending school,

¹⁵ Chapter 93-406, L.O.F.

¹⁶ Section 944.275(4)(b), F.S., provides incentive gain-time is a total of up to ten days per month that may be awarded to inmates for institutional adjustment, performing work in a diligent manner, and actively participating in training and programs. The amount an inmate can earn is stable throughout the term of imprisonment and is based upon the date an offense was committed.

¹⁷ Section 944.275(4)(c), F.S., provides that meritorious gain-time is awarded to an inmate who commits an outstanding deed or whose performance warrants additional credit, such as saving a life or assisting in recapturing an escaped inmate. The award may range from one day to 60 days and the statute does not prohibit an inmate from earning meritorious gain-time on multiple occasions if warranted.

¹⁸ Section 944.275(4)(d), F.S., provides that educational gain-time is a one-time award of 60 days that is granted to an inmate who receives a General Education Development (GED) diploma or a certificate for completion of a vocational program.

¹⁹ Section 944.275(3)(c), F.S.

²⁰ Section 944.275(2)(a), F.S.

²¹ Section 944.275(3)(a), F.S.

²² *Id.* See also s. 944.275(4)(b), F.S.

²³ Section 948.10(2), F.S., provides that caseloads must be no more than 30 cases per officer.

²⁴ Section 948.10(1), F.S.

performing public service hours, participating in treatment or another special activity that has been approved in advance by his or her parole and probation officer.²⁵

Conditions of community control are determined by the court when the offender is placed on such supervision. However, there are standard conditions of community control that all controlees must comply with, including, but not limited to:

- Specified contact with the parole and probation officer;
- Confinement to an agreed-upon residence during hours away from employment and public service activities;
- Mandatory public service;
- Supervision by the DOC through an electronic monitoring device or system; and
- The standard conditions of probation²⁶ set forth in s. 948.03, F.S.²⁷

A person may be placed on additional terms of supervision as part of his or her community control sentence.²⁸

Violations of Probation or Community Control

If an offender violates the terms of his or her probation or community control, the supervision can be revoked in accordance with s. 948.06, F.S.²⁹ A violation of probation (VOP) or violation of community control (VOCC) can be the result of a new violation of law or a technical violation of the conditions imposed. If reasonable grounds exist to believe that an offender on probation or community control has violated his or her terms of supervision in a material respect, an offender may be arrested without a warrant by a:

- Law enforcement officer who is aware of the inmate's supervised community release status;
- Probation officer; or
- County or municipal law enforcement officer upon request by a probation officer.³⁰

²⁵ *Id.* See also Florida Department of Corrections, *Succeeding on Community Control*, available at <http://www.dc.state.fl.us/cc/ccforms/Succeeding-on-Community-Control.pdf> (last visited on January 30, 2019). A Community Control Offender Schedule and Daily Activity Log must be submitted weekly with a proposed schedule for the week and the parolee's officer reviews such schedule and either approves or denies the schedule. Additionally, a person is required to provide an hourly accounting of his or her whereabouts for the previous week to verify any deviations from the pre-approved schedule.

²⁶ Section 948.001(9), F.S., defines "probation" to mean a form of community supervision requiring specified contacts with parole and probation officers and other terms and conditions as provided in s. 948.03, F.S. Some of the standard conditions of probation provided for in s. 948.03, F.S., include, but are not limited to, for the offender to report to the probation officer as directed, permit the probation officer to visit him or her at his or her home or elsewhere, work at suitable employment, live without violating any law, and make restitution to the aggrieved party for the damage or loss caused by his or her offense as determined by the court.

²⁷ Section 948.101(1), F.S.

²⁸ Section 948.101(2), F.S.

²⁹ Section 948.10(3), F.S.

³⁰ Section 948.06(1)(a), F.S.

The offender must be returned to the court granting such probation or community control.³¹ Additionally, the committing court judge may issue a warrant, upon the facts being made known to him or her by affidavit of one having knowledge of such facts, for the arrest of the offender.³²

Arrest Authority

Section 901.15, F.S., provides that a law enforcement officer may arrest a person without a warrant under specified circumstances, including, but not limited to, when:

- The person has committed a felony or misdemeanor or violated a municipal or county ordinance in the presence of the officer.
- A felony has been committed and the officer reasonably believes that the person committed it.
- The officer reasonably believes that a felony has been or is being committed and that the person to be arrested has committed or is committing it.
- A warrant for the arrest has been issued and is held by another peace officer for execution.
- A violation of ch. 316, F.S. (state uniform traffic control), has been committed in the presence of the officer.
- There is probable cause to believe that the person has violated s. 790.233, F.S. (possession of firearms by a convicted felon), s. 741.31, F.S. (possession of prohibited ammunition), a protective injunction order, or a specified foreign protection order.
- There is probable cause to believe that the person has committed an act of domestic violence or dating violence.

Additionally, a probation officer is authorized to issue an arrest warrant or arrest an offender in limited circumstances. Section 944.405(1), F.S., authorizes the DOC to issue an arrest warrant for a person who has “absconded from a rehabilitative community reentry program before the offender has satisfied his or her sentence or combined sentences.”

Section 948.06(1), F.S., also authorizes probation officers or law enforcement officers to arrest probationers and community controlees without a written warrant based on a reasonable belief the offender has violated terms of supervision in a material respect.

Evidence-Based Risk Assessment Tools

Risk and needs assessment instruments (RAIs) measure a defendant’s criminal risk factors and specific needs that, if addressed, will reduce the likelihood of future criminal activity.³³ RAIs consist of a set of questions that guide interviews with a defendant, intended to evaluate behaviors and attitudes that research shows are related to criminal reoffending. The questioner typically supplements the interview with an official records check, including prior arrests and incarcerations. Responses are statistically weighted, based on research that shows how strongly

³¹ *Id.*

³² Section 948.06(1)(b), F.S. The committing trial court judge may also issue a notice to appear if the offender has never been convicted of committing, and is not currently alleged to have committed, a qualifying offense as enumerated in s. 948.06(8)(c), F.S.

³³ Congressional Research Service, *Risk and Needs Assessment in the Federal Prison System*, Nathan James, p. 3 (July 10, 2018), available at <https://fas.org/sgp/crs/misc/R44087.pdf> (last visited January 28, 2019) (hereinafter cited as CRS Report).

each item correlates with recidivism. The RAI then calculates an overall score that classifies a defendant as being at high, moderate, or low risk for reoffending.³⁴

Research has identified both static and dynamic risk factors that are related to criminal behavior. Static risk factors do not change, while dynamic risk factors can either change on their own or be changed through an intervention. Some examples of static factors considered include age at first arrest, gender, past problems with substance or alcohol abuse, prior mental health problems, or a past history of violating terms of supervision.³⁵ Dynamic risk factors, also called “criminogenic³⁶ needs,” can be affected through interventions and include factors such as current age, education level, or marital status; being currently employed or in substance or alcohol abuse treatment; and having a stable residence.³⁷

The Risk-Needs-Responsivity (RNR) model has become the dominant paradigm in risk and needs assessment. The risk principle states that high-risk offenders need to be placed in programs that provide more intensive treatment and services while low-risk offenders should receive minimal or even no intervention. The need principle states that effective treatment should focus on addressing needs that contribute to criminal behavior. The responsivity principle states that rehabilitative programming should be delivered in a style and mode that is consistent with the ability and learning style of the offender.³⁸

In general, research suggests that the most commonly used assessment instruments can, with a moderate level of accuracy, predict who is at risk for violent recidivism. It also suggests that no single instrument is superior to any other when it comes to predictive validity.³⁹

Use of Risk Assessment Instruments by the Department of Corrections

The DOC has created a RAI, known as Spectrum, which is administered to an inmate at reception through motivational interviewing techniques.⁴⁰ Spectrum, as well as its predecessor, the Corrections Integrated Needs Assessment System, is based on the RNR model and contains responsivity elements.⁴¹ Spectrum has been independently verified through the School of Criminology at the Florida State University.⁴²

³⁴ *Id.*

³⁵ *Id.*

³⁶ “Criminogenic” is commonly understood to mean factors that can contribute to criminal behavior. CRS Report, p. 3, n. 16.

³⁷ CRS Report, p. 3.

³⁸ CRS Report, Summary Page.

³⁹ CRS Report, p. 4.

⁴⁰ DOC, Spectrum Video, available at <https://www.youtube.com/watch?v=F1sQsOE6BgM> (last visited January 28, 2019) (hereinafter cited as “Spectrum Video”); DOC, *Program Information: Compass 100, Spectrum, Academic & Workforce Education/GED* (on file with the Senate Criminal Justice Committee) (hereinafter cited as “DOC Program Information”).

⁴¹ Email from Jared Torres, DOC, Director of Legislative Affairs (January 25, 2018) (on file with Senate Criminal Justice Committee).

⁴² Letter from Dr. William D. Bales and Jennifer M. Brown to DOC Secretary, Julie Jones, (January 19, 2018) (on file with the Senate Criminal Justice Committee). Dr. Bales provides that Spectrum “produces a level of predictive accuracy that is above the conventional threshold of acceptability and is consistent with risk assessment systems used by other correctional systems throughout the United States.”

Spectrum hosts an array of assessments and screenings across multiple disciplines including mental health, substance abuse, academic and workforce education.⁴³ Spectrum calculates an individual's overall risk of returning to prison upon release and identifies those needs within seven criminogenic domains⁴⁴ and three core program areas.⁴⁵

The DOC utilizes the results from the Spectrum assessment to create an evidence-driven performance plan that matches the inmate's needs with services and programming offered in the DOC. Data collected during the administration of Spectrum is also used to assist with transitioning an inmate back into the community upon release through relaying the information to reentry service providers in the local community and community corrections.⁴⁶ Spectrum was completed in September, 2016, and subsequently deployed throughout the state.⁴⁷

III. Effect of Proposed Changes:

The bill amends s. 945.091, F.S., to allow an inmate to participate in a supervised community release program (Program) as an extension of the inmate's confinement, similar to the former Supervised Community Release Program discussed above. The Program release term may begin 180 days before the inmate's provisional or tentative release date and must include active electronic monitoring and community control as defined in s. 948.001, F.S. The bill requires the DOC to administer a RAI to determine an inmate's eligibility for this program. The bill provides that participation in and conditions of the Program will be as proscribed in department rule.

The DOC is authorized to terminate the inmate's participation in the program if he or she fails to comply with any of the terms of the Program as proscribed by rule. If an inmate is terminated from the supervision, he or she must be recommitted to the same institution or another institution designated by the DOC.

The bill allows a law enforcement officer or probation officer to arrest an inmate without a warrant in accordance with s. 948.06(1), F.S., if there are reasonable grounds to believe the inmate violated the terms of the Program. A law enforcement officer that arrests an inmate for a violation of the conditions of the Program is required to report the inmate's alleged violations to the supervising probation office or the DOC's emergency action center for disposition of disciplinary charges as proscribed in the DOC rules.

The bill provides that an inmate released on the Program in accordance with this provision is eligible to earn and lose gain-time as proscribed in law and rule, which includes the prohibition on an inmate earning or receiving gain-time in an amount that results in his or her release prior to

⁴³ DOC Program Information.

⁴⁴ The criminogenic domains include social awareness (antisocial personality); criminal associates; substance abuse history; family and marital relationships; wellness; criminal thinking or attitude; and employment and education history. Spectrum Video.

⁴⁵ The three core program areas include GED, Career & Technical skills (vocation), and substance use treatment and is part of the needs portion of the RNR model as they address criminogenic risk factors. Email from Jared Torres, DOC, Director of Legislative Affairs (January 25, 2018) (on file with the Senate Criminal Justice Committee).

⁴⁶ *Id.*

⁴⁷ See WFSU, *Florida Prison Officials Go Statewide With New Program To Better Help Rehabilitate Inmates*, Sarah Corder, September 23, 2016, available at <http://news.wfsu.org/post/florida-prison-officials-go-statewide-new-program-better-help-rehabilitate-inmates> (last visited January 30, 2019).

serving a minimum of 85 percent of the sentence imposed.⁴⁸ However, the bill provides the inmate is not counted as part of the inmate population and the approved community-based housing in which the inmate lives is not counted in capacity figures for the prison system.

The bill reenacts ss. 944.516, 945.092, and 946.503, F.S., incorporating the changes made by the act.

The DOC reports that as of December 31, 2018, there were approximately 479 inmates that were 180 days out from their release date that had served at least 85 percent of their sentence. Additionally, the DOC reports that there will be about 2,508 additional inmates meeting this criterion within the next 6 months.⁴⁹

The bill is effective October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁴⁸ See s. 944.275(4)(f), F.S.

⁴⁹ The DOC, SB 338 Agency Analysis, p. 4, January 31, 2019 (hereinafter cited as “The DOC SB 338 Analysis”)(on file with the Senate Criminal Justice Committee).

B. Private Sector Impact:

The bill authorizes the DOC to release a specified inmate into the community on supervised release up to 180 days before the end of his or her sentence. This will provide private companies the opportunity to hire an inmate earlier than without the act.

C. Government Sector Impact:

The Criminal Justice Estimating Conference has not reviewed the bill at this time.

The DOC reports that the bill will likely result in a negative indeterminate prison bed impact (i.e., an indeterminate decrease in prison beds). The DOC stated that the number is indeterminate for several reasons, including not being able to quantify how many inmates would be interested in the program and, of those inmates, how many could obtain proper housing placements to warrant release.⁵⁰

The DOC further reports that the fiscal impact of the bill will vary based on the number of released inmates placed on active electronic monitoring, the rate at which electronic monitoring costs are paid, and the type of facility⁵¹ from which Program participants are released. The current per diem rate for inmates placed on electronic monitoring who are assigned to community release centers is \$3.90 per day for contracted facilities and \$5.29 for facilities operated by the DOC. The variable per diem rate is \$20.04, which is associated with the individual inmate care costs such as medical, food, inmate clothing, and personal care items. The DOC reports that the average per diem for community supervision in FY 2017-18 was \$5.47. Therefore, the DOC will likely pay the electronic monitoring per diem rate, rather than the variable per diem rate, for the inmates released to this Program on electronic monitoring.⁵² The electronic monitoring per diem rate would be paid for the designated number of days with which the inmate was out in the community instead of housed in an institution, which could result in a cost savings to the DOC.⁵³

The DOC requests the creation of one full-time equivalent position, entitled a “Correctional Programs Consultant,” to oversee, provide guidance, and coordinate the statewide implementation and administration of the Program.⁵⁴ The DOC projects the funding for the position to be \$69,949 recurring General Revenue, \$4,429 nonrecurring General Revenue funds and salary rate of 45,943.⁵⁵ Finally, the DOC states that there could be a need for additional correctional probation officer positions depending upon the number of participants in the program.⁵⁶

⁵⁰ The DOC SB 338 Analysis, p. 4.

⁵¹ There are different per diems for each type of facility, including community release facilities, major institutions, and work camps, based upon the level of security and services provided at the facility. *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ The DOC SB 338 Analysis, p. 4.

⁵⁵ *Id.*, p. 6.

⁵⁶ *Id.*, p. 4.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 945.091 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 944.516, 945.092, and 946.503.

IX. Additional Information:

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

CS by Criminal Justice on February 11, 2019:

The Committee Substitute provides that any violation of a participant's conditions of the supervised community release program must be reported to the supervising probation office or the DOC emergency action center, ensuring better oversight of any inmates released to the community on the program.

- B. **Amendments:**

None.

By the Committee on Criminal Justice; and Senator Brandes

591-02321-19

2019338c1

A bill to be entitled
An act relating to extension of confinement; amending
s. 945.091, F.S.; authorizing the Department of
Corrections to extend the limits of confinement to
allow an inmate to participate in supervised community
release, subject to certain requirements, as
prescribed by the department by rule; requiring the
department to administer a risk assessment instrument
to appropriately determine an inmate's ability to be
released; authorizing the department to terminate the
inmate's supervised community release and return him
or her to the same or another institution under
certain circumstances; authorizing a law enforcement
or probation officer to arrest an inmate without a
warrant under certain circumstances; requiring the law
enforcement officer to report alleged violations to a
supervising probation office or the department's
emergency action center for disposition of
disciplinary charges as prescribed by the department
by rule; requiring an inmate participating in
supervised community release to remain eligible to
earn or lose gain-time, subject to certain
restrictions; prohibiting the inmate from being
counted in the population of the prison system;
prohibiting the inmate's approved community-based
housing location from being counted in the capacity
figures for the prison system; reenacting ss.
944.516(2), 945.092, and 946.503(2), F.S., relating to
money or other property received for personal use or

591-02321-19

2019338c1

benefit of an inmate, limits on work-release and minimum security custody for persons who have committed the crime of escape, and definitions to be used with respect to correctional work programs, respectively, to incorporate the amendment made to s. 945.091, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraph (d) is added to subsection (1) of section 945.091, Florida Statutes, to read:

945.091 Extension of the limits of confinement; restitution by employed inmates.—

(1) The department may adopt rules permitting the extension of the limits of the place of confinement of an inmate as to whom there is reasonable cause to believe that the inmate will honor his or her trust by authorizing the inmate, under prescribed conditions and following investigation and approval by the secretary, or the secretary's designee, who shall maintain a written record of such action, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to:

(d) Participate in supervised community release as prescribed by the department by rule. The inmate's participation may begin 180 days before his or her provisional or tentative release date. Such supervised community release must include active electronic monitoring and community control as defined in s. 948.001. The department must administer a risk assessment

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instrument to appropriately determine an inmate's ability to be released pursuant to this paragraph.

1. If a participating inmate fails to comply with the conditions prescribed by the department by rule for supervised community release, the department may terminate the inmate's supervised community release and return him or her to the same or another institution designated by the department. A law enforcement officer or a probation officer may arrest the inmate without a warrant in accordance with s. 948.06, if there are reasonable grounds to believe he or she has violated the terms and conditions of supervised community release. The law enforcement officer must report the inmate's alleged violations to the supervising probation office or the department's emergency action center for disposition of disciplinary charges as prescribed by the department by rule.

2. An inmate participating in supervised community release under this paragraph remains eligible to earn or lose gain-time in accordance with s. 944.275 and department rule, but may not receive gain-time or other sentence credit in an amount that would cause his or her sentence to expire, end, or terminate, or that would result in his or her release before serving a minimum of 85 percent of the sentence imposed. The inmate may not be counted in the population of the prison system, and the inmate's approved community-based housing location may not be counted in the capacity figures for the prison system.

Section 2. For the purpose of incorporating the amendment made by this act to section 945.091, Florida Statutes, in a reference thereto, subsection (2) of section 944.516, Florida Statutes, is reenacted to read:

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88 944.516 Money or other property received for personal use
89 or benefit of inmate; deposit; disposition of unclaimed trust
90 funds.—The Department of Corrections shall protect the financial
91 interest of the state with respect to claims which the state may
92 have against inmates in state institutions under its supervision
93 and control and shall administer money and other property
94 received for the personal benefit of such inmates. In carrying
95 out the provisions of this section, the department may delegate
96 any of its enumerated powers and duties affecting inmates of an
97 institution to the warden or regional director who shall
98 personally, or through designated employees of his or her
99 personal staff under his or her direct supervision, exercise
100 such powers or perform such duties.

101 (2) The department shall require documentation through an
102 accounting of receipts for expenditures by inmates placed on
103 extended limits of confinement pursuant to s. 945.091. However,
104 the department may allow such inmates an amount up to \$25 per
105 week which may not require documentation and which may be used
106 for discretionary needs. The \$25 per week may be increased by \$5
107 biennially, beginning in fiscal year 1985-1986, up to a total of
108 \$50.

109 Section 3. For the purpose of incorporating the amendment
110 made by this act to section 945.091, Florida Statutes, in a
111 reference thereto, section 945.092, Florida Statutes, is
112 reenacted to read:

113 945.092 Limits on work-release and minimum security custody
114 for persons who have committed the crime of escape.—A person who
115 has ever been convicted, regardless of adjudication, of the
116 offense of escape, as prohibited by s. 944.40 or its successor,

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117 or as prohibited by a similar law of another state, is not
118 eligible for any work-release program under s. 945.091 or for
119 confinement in minimum security conditions.

120 Section 4. For the purpose of incorporating the amendment
121 made by this act to section 945.091, Florida Statutes, in a
122 reference thereto, subsection (2) of section 946.503, Florida
123 Statutes, is reenacted to read:

124 946.503 Definitions to be used with respect to correctional
125 work programs.—As used in this part, the term:

126 (2) "Correctional work program" means any program presently
127 a part of the prison industries program operated by the
128 department or any other correctional work program carried on at
129 any state correctional facility presently or in the future, but
130 the term does not include any program authorized by s. 945.091
131 or s. 946.40.

132 Section 5. This act shall take effect October 1, 2019.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/16/19.

Meeting Date

338

Bill Number (if applicable)

Topic

CS

Amendment Barcode (if applicable)

Name

Chelsea Murphy

Job Title

State Director

Address

605 Middlebrook Cr

Phone

Street

City

Orlando FL 32303

State

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

Right on Crime

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 346

INTRODUCER: Criminal Justice Committee and Senators Brandes and Perry

SUBJECT: Conditional Medical Release

DATE: March 5, 2019

REVISED: 03/06/19

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cox	Jones	CJ	Fav/CS
2.	Jameson	Jameson	ACJ	Recommend: Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 346 amends the eligibility criteria for conditional medical release (CMR). The bill creates a new CMR designation entitled “inmate with a debilitating illness,” which means an inmate who is determined to be suffering from a significant terminal or nonterminal condition, disease, or syndrome that has rendered the inmate so physically or cognitively impaired, debilitated, or incapacitated as to create a reasonable probability that the inmate does not constitute a danger to herself or himself or others.

The bill also modifies the current designation of “terminally ill inmate” to apply to inmates whose death is expected within 12 months, rather than imminent.

The bill also amends s. 947.005, F.S., adding a new definition for the term “conditional medical release.”

The bill reenacts a number of sections of law to incorporate changes made by the act.

The bill expands CMR by creating a new CMR designation and modifying a current designation, which will likely cause an increased number of inmates to be referred to the Florida Commission on Offender Review (FCOR) for CMR.

The Criminal Justice Impact Conference (CJIC) has not reviewed the bill at this time. However, on February 27, 2019, the CJIC reviewed HB 607, which is similar to the current bill and estimated that the bill would have a “negative significant” prison bed impact.¹

The bill is effective October 1, 2019.

II. Present Situation:

The Criminal Punishment Code² (Code) applies to sentencing for felony offenses committed on or after October 1, 1998.³ The permissible sentence (absent a downward departure) for an offense ranges from the calculated lowest permissible sentence as determined by the Code to the statutory maximum for the primary offense. The statutory maximum sentence for a first-degree felony is 30 years, for a second-degree felony is 15 years, and for a third degree felony is 5 years.⁴

The sentence imposed by the sentencing judge reflects the length of actual time to be served, lessened only by the application of gain-time, and may not be reduced in an amount that results in the defendant serving less than 85 percent of his or her term of imprisonment.⁵

However, there are several exceptions provided in law that allow an inmate to be released from imprisonment prior to the service of 85 percent of his or her sentence, including, but not limited to, control release⁶ and conditional medical release.⁷

Conditional Medical Release

Conditional Medical Release (CMR), which was created by the Florida Legislature in 1992,⁸ is a discretionary release of inmates who are “terminally ill” or “permanently incapacitated” and who are not a danger to themselves or others.⁹ The Florida Commission on Offender Review (FCOR) reviews eligible inmates for release under the CMR program.¹⁰

Eligible inmates include inmates designated by the Department of Corrections (DOC) as a:

- “Permanently incapacitated inmate,” which is an inmate who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the

¹ Criminal Justice Impact Conference (updated through February 27, 2019), available at <http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/CJIC18.xls>.

² Sections 921.002-921.0027, F.S. See chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.

³ Section 921.0022, F.S.

⁴ Section 775.082, F.S.

⁵ Section 944.275, F.S., provides for various types of incentive and meritorious gain-time and establishes the prohibition of serving less than 85 percent of one’s sentence.

⁶ Section 947.146, F.S., provides for the limited authority to release inmates to ensure that the prison bed capacity maintains between 99 and 100 percent of total capacity.

⁷ Section 947.149, F.S.

⁸ Chapter 92-310, L.O.F.

⁹ Florida Commission on Offender Review, *Release Types, Post Release*, <https://www.fcor.state.fl.us/postrelease.shtml#conditionalMedicalRelease> (last visited January 28, 2019).

¹⁰ Section 947.149(3), F.S.

inmate permanently and irreversibly physically incapacitated to the extent that the inmate does not constitute a danger to herself or himself or others; or

- “Terminally ill inmate,” which is an inmate who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate terminally ill to the extent that there can be no recovery and death is imminent, so that the inmate does not constitute a danger to herself or himself or others.¹¹

However, inmates sentenced to death are ineligible for CMR.¹²

The release of an inmate on CMR is for the remainder of the inmate’s sentence and requires periodic medical evaluations at intervals determined by the FCOR at the time of release.¹³

Supervision can be revoked and the offender returned to prison if the FCOR determines:

- That a violation of any condition of the release has occurred; or
- Her or his medical or physical condition improves to the point that the offender no longer meets the CMR criteria.¹⁴

Section 947.141, F.S., provides a hearing process for determining whether a CMR releasee must be recommitted to the DOC for a violation of release conditions or a change in medical status.

The FCOR has approved and released 62 inmates for CMR in the last three fiscal years, including:

- 21 in FY 2017-2018;
- 14 in FY 2016-2017; and
- 27 in FY 2015-2016.¹⁵

The DOC has recommended 124 inmates for release in the past three fiscal years, including:

- 39 in FY 2017-2018;
- 34 in FY 2016-2017; and
- 51 in FY 2015-2016.¹⁶

III. Effect of Proposed Changes:

The bill amends s. 947.149, F.S., creating a new CMR designation entitled “inmate with a debilitating illness.” The designation “inmate with a debilitating illness” applies to an inmate who is determined to be suffering from a significant terminal or nonterminal condition, disease, or syndrome that has rendered the inmate so physically or cognitively impaired, debilitated, or incapacitated as to create a reasonable probability that the inmate does not constitute a danger to herself or himself or others.

¹¹ Section 947.149(1), F.S.

¹² Section 947.149(2), F.S.

¹³ Section 947.149(4), F.S.

¹⁴ Section 947.149(5), F.S.

¹⁵ Email from Alexander Yarger, Legislative Affairs Director, Florida Commission on Offender Review, RE: Conditional Medical Release Data (attachment on file with the Senate Committee on Criminal Justice) (December 15, 2017). *See also* FCOR Annual Report FY 2017-18, p. 8, <https://www.fcor.state.fl.us/docs/reports/Annual%20Report%202018%20WEB.pdf> (last visited January 28, 2019).

¹⁶ *Id.*

Additionally, the current designation of “terminally ill inmate” is amended to apply to inmates whose death is expected within 12 months, rather than imminent. The current designation of permanently incapacitated inmate is not altered.

The bill also amends s. 947.005, F.S., defining a new term, “conditional medical release,” to mean the release from a state correctional institution or facility as provided in this chapter for a medical or physical condition pursuant to s. 947.149, F.S.

The bill reenacts ss. 316.1935, 775.084, 775.087, 784.07, 790.235, 794.0115, 893.135, 921.0024, 944.605, 944.70, 947.13, and 947.141, F.S., incorporating changes made by the act.

The bill is effective October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill expands CMR by creating a new CMR designation and modifying a current designation, which will likely cause an increased number of inmates to be referred to the FCOR for CMR. However, the number of additional inmates who will be eligible for release under the provisions of the bill is unknown. To the extent that the bill increases the number of inmates released on CMR, the bill will likely result in a negative indeterminate prison bed impact (i.e., an unquantifiable decrease in prison beds) and a reduction in the associated inmate healthcare costs. The Criminal Justice Impact Conference (CJIC) has not reviewed the bill at this time. However, on February 27, 2019, the CJIC reviewed HB 607, which is similar to the current bill and estimated that the bill would have a “negative significant” prison bed impact.¹⁷

The FCOR reports a unit cost of \$589.29 for each parole and conditional medical release determination.¹⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 947.005 and 947.149.

This bill reenacts the following sections of the Florida Statutes: 316.1935, 775.084, 775.087, 784.07, 790.235, 794.0115, 893.135, 921.0024, 944.605, 944.70, 947.13, and 947.141.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS by Criminal Justice on February 11, 2019:

The Committee Substitute:

- Deletes an unnecessary definition of “electronic monitoring” from s. 947.005, F.S.;
- Changes the newly created designation of “inmate with a debilitating disease” in s. 947.149, F.S., to:
 - Remove the requirement that the inmate be suffering from a permanent condition, disease, or syndrome; and

¹⁷ Criminal Justice Impact Conference (updated through February 27, 2019), available at <http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/CJIC18.xls>.

¹⁸ FCOR Annual Report FY 2017-18, p. 33, <https://www.fcor.state.fl.us/docs/reports/Annual%202018%20WEB.pdf> (last visited February 26, 2019).

- Permit the condition to be causing impairment, debilitation, or incapacitation of the inmate, rather than just debilitation or incapacitation.

B. Amendments:

None.

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

By the Committee on Criminal Justice; and Senator Brandes

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A bill to be entitled
An act relating to conditional medical release;
amending s. 947.005, F.S.; defining the terms
"conditional medical release"; amending s. 947.149,
F.S.; expanding eligibility for conditional medical
release to include inmates with debilitating
illnesses; defining the term "inmate with a
debilitating illness"; redefining the term "terminally
ill inmate"; reenacting ss. 316.1935(6),
775.084(4)(k), 775.087(2)(b) and (3)(b), 784.07(3),
790.235(1), 794.0115(7), 893.135(1)(b), (c), and (g),
and (3), 921.0024(2), 944.605(7)(b), 944.70(1)(b),
947.13(1)(h), and 947.141(1), (2), and (7), F.S., all
relating to authorized conditional medical release
granted under s. 947.149, F.S., to incorporate the
amendment made to s. 947.149, F.S., in references
thereto; providing an effective date.

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

Section 1. Present subsections (4) through (15) of section
947.005, Florida Statutes, are redesignated as subsections (5)
through (16), respectively, and a new subsection (4) is added to
that section, to read:

947.005 Definitions.—As used in this chapter, unless the
context clearly indicates otherwise:

(4) "Conditional medical release" means the release from a
state correctional institution or facility as provided in this
chapter for a medical or physical condition pursuant to s.

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30 947.149.

31 Section 2. Subsection (1) of section 947.149, Florida
32 Statutes, is amended to read:

33 947.149 Conditional medical release.—

34 (1) The commission shall, in conjunction with the
35 department, establish the conditional medical release program.
36 An inmate is eligible for consideration for release under the
37 conditional medical release program when the inmate, because of
38 an existing medical or physical condition, is determined by the
39 department to be within one of the following designations:

40 (a) "Inmate with a debilitating illness," which means an
41 inmate who is determined to be suffering from a significant
42 terminal or nonterminal condition, disease, or syndrome that has
43 rendered the inmate so physically or cognitively impaired,
44 debilitated, or incapacitated as to create a reasonable
45 probability that the inmate does not constitute a danger to
46 herself or himself or to others.

47 (b)-(a) "Permanently incapacitated inmate," which means an
48 inmate who has a condition caused by injury, disease, or illness
49 which, to a reasonable degree of medical certainty, renders the
50 inmate permanently and irreversibly physically incapacitated to
51 the extent that the inmate does not constitute a danger to
52 herself or himself or to others.

53 (c)-(b) "Terminally ill inmate," which means an inmate who
54 has a condition caused by injury, disease, or illness that
55 which, to a reasonable degree of medical certainty, renders the
56 inmate terminally ill to the extent that there can be no
57 recovery, and death is expected within 12 months is imminent,
58 and so that the inmate does not constitute a danger to herself

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59 or himself or to others.

60 Section 3. For the purpose of incorporating the amendment
61 made by this act to section 947.149, Florida Statutes, in a
62 reference thereto, subsection (6) of section 316.1935, Florida
63 Statutes, is reenacted to read:

64 316.1935 Fleeing or attempting to elude a law enforcement
65 officer; aggravated fleeing or eluding.—

66 (6) Notwithstanding s. 948.01, no court may suspend, defer,
67 or withhold adjudication of guilt or imposition of sentence for
68 any violation of this section. A person convicted and sentenced
69 to a mandatory minimum term of incarceration under paragraph
70 (3)(b) or paragraph (4)(b) is not eligible for statutory gain-
71 time under s. 944.275 or any form of discretionary early
72 release, other than pardon or executive clemency or conditional
73 medical release under s. 947.149, prior to serving the mandatory
74 minimum sentence.

75 Section 4. For the purpose of incorporating the amendment
76 made by this act to section 947.149, Florida Statutes, in a
77 reference thereto, paragraph (k) of subsection (4) of section
78 775.084, Florida Statutes, is reenacted to read:

79 775.084 Violent career criminals; habitual felony offenders
80 and habitual violent felony offenders; three-time violent felony
81 offenders; definitions; procedure; enhanced penalties or
82 mandatory minimum prison terms.—

83 (4)

84 (k)1. A defendant sentenced under this section as a
85 habitual felony offender, a habitual violent felony offender, or
86 a violent career criminal is eligible for gain-time granted by
87 the Department of Corrections as provided in s. 944.275(4)(b).

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2. For an offense committed on or after October 1, 1995, a defendant sentenced under this section as a violent career criminal is not eligible for any form of discretionary early release, other than pardon or executive clemency, or conditional medical release granted pursuant to s. 947.149.

3. For an offense committed on or after July 1, 1999, a defendant sentenced under this section as a three-time violent felony offender shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release.

Section 5. For the purpose of incorporating the amendment made by this act to section 947.149, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) and paragraph (b) of subsection (3) of section 775.087, Florida Statutes, are reenacted to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(2)

(b) Subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3. does not prevent a court from imposing a longer sentence of incarceration as authorized by law in addition to the minimum mandatory sentence, or from imposing a sentence of death pursuant to other applicable law. Subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3. does not authorize a court to impose a lesser sentence than otherwise required by law.

Notwithstanding s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, and

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the defendant is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, prior to serving the minimum sentence.

(3)

(b) Subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3. does not prevent a court from imposing a longer sentence of incarceration as authorized by law in addition to the minimum mandatory sentence, or from imposing a sentence of death pursuant to other applicable law. Subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3. does not authorize a court to impose a lesser sentence than otherwise required by law.

Notwithstanding s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, prior to serving the minimum sentence.

Section 6. For the purpose of incorporating the amendment made by this act to section 947.149, Florida Statutes, in a reference thereto, subsection (3) of section 784.07, Florida Statutes, is reenacted to read:

784.07 Assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers; reclassification of offenses; minimum sentences.—

(3) Any person who is convicted of a battery under

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paragraph (2)(b) and, during the commission of the offense, such person possessed:

(a) A "firearm" or "destructive device" as those terms are defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 3 years.

(b) A semiautomatic firearm and its high-capacity detachable box magazine, as defined in s. 775.087(3), or a machine gun as defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 8 years.

Notwithstanding s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, prior to serving the minimum sentence.

Section 7. For the purpose of incorporating the amendment made by this act to section 947.149, Florida Statutes, in a reference thereto, subsection (1) of section 790.235, Florida Statutes, is reenacted to read:

790.235 Possession of firearm or ammunition by violent career criminal unlawful; penalty.—

(1) Any person who meets the violent career criminal criteria under s. 775.084(1)(d), regardless of whether such person is or has previously been sentenced as a violent career criminal, who owns or has in his or her care, custody, possession, or control any firearm, ammunition, or electric weapon or device, or carries a concealed weapon, including a tear gas gun or chemical weapon or device, commits a felony of

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the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person convicted of a violation of this section shall be sentenced to a mandatory minimum of 15 years' imprisonment; however, if the person would be sentenced to a longer term of imprisonment under s. 775.084(4)(d), the person must be sentenced under that provision. A person convicted of a violation of this section is not eligible for any form of discretionary early release, other than pardon, executive clemency, or conditional medical release under s. 947.149.

Section 8. For the purpose of incorporating the amendment made by this act to section 947.149, Florida Statutes, in a reference thereto, subsection (7) of section 794.0115, Florida Statutes, is reenacted to read:

794.0115 Dangerous sexual felony offender; mandatory sentencing.—

(7) A defendant sentenced to a mandatory minimum term of imprisonment under this section is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, before serving the minimum sentence.

Section 9. For the purpose of incorporating the amendment made by this act to section 947.149, Florida Statutes, in a reference thereto, paragraphs (b), (c), and (g) of subsection (1) and subsection (3) of section 893.135, Florida Statutes, are reenacted to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.—

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(1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of s. 893.13:

(b)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of cocaine, as described in s. 893.03(2)(a)4., or of any mixture containing cocaine, but less than 150 kilograms of cocaine or any such mixture, commits a felony of the first degree, which felony shall be known as "trafficking in cocaine," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 400 grams or more, but less than 150 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$250,000.

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 150 kilograms or more of cocaine, as described in s. 893.03(2)(a)4., commits the first degree felony of trafficking in cocaine. A person who has been convicted of the first degree felony of trafficking in cocaine under this subparagraph shall be punished by life imprisonment

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and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or

b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result,

such person commits the capital felony of trafficking in cocaine, punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

3. Any person who knowingly brings into this state 300 kilograms or more of cocaine, as described in s. 893.03(2)(a)4., and who knows that the probable result of such importation would be the death of any person, commits capital importation of cocaine, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(c)1. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of any morphine, opium, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including

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heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more of any mixture containing any such substance, but less than 30 kilograms of such substance or mixture, commits a felony of the first degree, which felony shall be known as "trafficking in illegal drugs," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

b. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$100,000.

c. Is 28 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$500,000.

2. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 14 grams or more of hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as described in s. 893.03(2)(a)1.g., or any salt thereof, or 14 grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as "trafficking in hydrocodone," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

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b. Is 28 grams or more, but less than 50 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of \$100,000.

c. Is 50 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$500,000.

d. Is 200 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$750,000.

3. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 7 grams or more of oxycodone, as described in s. 893.03(2)(a)1.q., or any salt thereof, or 7 grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as "trafficking in oxycodone," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 7 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

b. Is 14 grams or more, but less than 25 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of \$100,000.

c. Is 25 grams or more, but less than 100 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of

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320 \$500,000.

321 d. Is 100 grams or more, but less than 30 kilograms, such
322 person shall be sentenced to a mandatory minimum term of
323 imprisonment of 25 years and shall be ordered to pay a fine of
324 \$750,000.

325 4.a. A person who knowingly sells, purchases, manufactures,
326 delivers, or brings into this state, or who is knowingly in
327 actual or constructive possession of, 4 grams or more of:

328 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

329 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

330 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

331 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

332 (V) A fentanyl derivative, as described in s.

333 893.03(1)(a)62.;

334 (VI) A controlled substance analog, as described in s.
335 893.0356, of any substance described in sub-sub-subparagraphs
336 (I)-(V); or

337 (VII) A mixture containing any substance described in sub-
338 sub-subparagraphs (I)-(VI),

339
340 commits a felony of the first degree, which felony shall be
341 known as "trafficking in fentanyl," punishable as provided in s.
342 775.082, s. 775.083, or s. 775.084.

343 b. If the quantity involved under sub-subparagraph a.:

344 (I) Is 4 grams or more, but less than 14 grams, such person
345 shall be sentenced to a mandatory minimum term of imprisonment
346 of 3 years, and shall be ordered to pay a fine of \$50,000.

347 (II) Is 14 grams or more, but less than 28 grams, such
348 person shall be sentenced to a mandatory minimum term of

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imprisonment of 15 years, and shall be ordered to pay a fine of \$100,000.

(III) Is 28 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years, and shall be ordered to pay a fine of \$500,000.

5. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 30 kilograms or more of any morphine, opium, oxycodone, hydrocodone, codeine, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture containing any such substance, commits the first degree felony of trafficking in illegal drugs. A person who has been convicted of the first degree felony of trafficking in illegal drugs under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or

b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result,

such person commits the capital felony of trafficking in illegal

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378 drugs, punishable as provided in ss. 775.082 and 921.142. A
379 person sentenced for a capital felony under this paragraph shall
380 also be sentenced to pay the maximum fine provided under
381 subparagraph 1.

382 6. A person who knowingly brings into this state 60
383 kilograms or more of any morphine, opium, oxycodone,
384 hydrocodone, codeine, hydromorphone, or any salt, derivative,
385 isomer, or salt of an isomer thereof, including heroin, as
386 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
387 60 kilograms or more of any mixture containing any such
388 substance, and who knows that the probable result of such
389 importation would be the death of a person, commits capital
390 importation of illegal drugs, a capital felony punishable as
391 provided in ss. 775.082 and 921.142. A person sentenced for a
392 capital felony under this paragraph shall also be sentenced to
393 pay the maximum fine provided under subparagraph 1.

394 (g)1. Any person who knowingly sells, purchases,
395 manufactures, delivers, or brings into this state, or who is
396 knowingly in actual or constructive possession of, 4 grams or
397 more of flunitrazepam or any mixture containing flunitrazepam as
398 described in s. 893.03(1)(a) commits a felony of the first
399 degree, which felony shall be known as "trafficking in
400 flunitrazepam," punishable as provided in s. 775.082, s.
401 775.083, or s. 775.084. If the quantity involved:

402 a. Is 4 grams or more but less than 14 grams, such person
403 shall be sentenced to a mandatory minimum term of imprisonment
404 of 3 years, and the defendant shall be ordered to pay a fine of
405 \$50,000.

406 b. Is 14 grams or more but less than 28 grams, such person

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shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 28 grams or more but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and pay a fine of \$500,000.

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state or who is knowingly in actual or constructive possession of 30 kilograms or more of flunitrazepam or any mixture containing flunitrazepam as described in s. 893.03(1)(a) commits the first degree felony of trafficking in flunitrazepam. A person who has been convicted of the first degree felony of trafficking in flunitrazepam under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or

b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result,

such person commits the capital felony of trafficking in flunitrazepam, punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine

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provided under subparagraph 1.

(3) Notwithstanding the provisions of s. 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for parole prior to serving the mandatory minimum term of imprisonment prescribed by this section. A person sentenced to a mandatory minimum term of imprisonment under this section is not eligible for any form of discretionary early release, except pardon or executive clemency or conditional medical release under s. 947.149, prior to serving the mandatory minimum term of imprisonment.

Section 10. For the purpose of incorporating the amendment made by this act to section 947.149, Florida Statutes, in a reference thereto, subsection (2) of section 921.0024, Florida Statutes, is reenacted to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(2) The lowest permissible sentence is the minimum sentence that may be imposed by the trial court, absent a valid reason for departure. The lowest permissible sentence is any nonstate prison sanction in which the total sentence points equals or is less than 44 points, unless the court determines within its discretion that a prison sentence, which may be up to the statutory maximums for the offenses committed, is appropriate. When the total sentence points exceeds 44 points, the lowest permissible sentence in prison months shall be calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent. The total sentence

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points shall be calculated only as a means of determining the lowest permissible sentence. The permissible range for sentencing shall be the lowest permissible sentence up to and including the statutory maximum, as defined in s. 775.082, for the primary offense and any additional offenses before the court for sentencing. The sentencing court may impose such sentences concurrently or consecutively. However, any sentence to state prison must exceed 1 year. If the lowest permissible sentence under the code exceeds the statutory maximum sentence as provided in s. 775.082, the sentence required by the code must be imposed. If the total sentence points are greater than or equal to 363, the court may sentence the offender to life imprisonment. An offender sentenced to life imprisonment under this section is not eligible for any form of discretionary early release, except executive clemency or conditional medical release under s. 947.149.

Section 11. For the purpose of incorporating the amendment made by this act to section 947.149, Florida Statutes, in a reference thereto, paragraph (b) of subsection (7) of section 944.605, Florida Statutes, is reenacted to read:

944.605 Inmate release; notification; identification card.-
(7)

(b) Paragraph (a) does not apply to inmates who:

1. The department determines have a valid driver license or state identification card, except that the department shall provide these inmates with a replacement state identification card or replacement driver license, if necessary.

2. Have an active detainer, unless the department determines that cancellation of the detainer is likely or that

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the incarceration for which the detainer was issued will be less than 12 months in duration.

3. Are released due to an emergency release or a conditional medical release under s. 947.149.

4. Are not in the physical custody of the department at or within 180 days before release.

5. Are subject to sex offender residency restrictions, and who, upon release under such restrictions, do not have a qualifying address.

Section 12. For the purpose of incorporating the amendment made by this act to section 947.149, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 944.70, Florida Statutes, is reenacted to read:

944.70 Conditions for release from incarceration.—

(1)

(b) A person who is convicted of a crime committed on or after January 1, 1994, may be released from incarceration only:

1. Upon expiration of the person's sentence;

2. Upon expiration of the person's sentence as reduced by accumulated meritorious or incentive gain-time;

3. As directed by an executive order granting clemency;

4. Upon placement in a conditional release program pursuant to s. 947.1405 or a conditional medical release program pursuant to s. 947.149; or

5. Upon the granting of control release, including emergency control release, pursuant to s. 947.146.

Section 13. For the purpose of incorporating the amendment made by this act to section 947.149, Florida Statutes, in a reference thereto, paragraph (h) of subsection (1) of section

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947.13, Florida Statutes, is reenacted to read:

947.13 Powers and duties of commission.—

(1) The commission shall have the powers and perform the duties of:

(h) Determining what persons will be released on conditional medical release under s. 947.149, establishing the conditions of conditional medical release, and determining whether a person has violated the conditions of conditional medical release and taking action with respect to such a violation.

Section 14. For the purpose of incorporating the amendment made by this act to section 947.149, Florida Statutes, in a reference thereto, subsections (1), (2), and (7) of section 947.141, Florida Statutes, are reenacted to read:

947.141 Violations of conditional release, control release, or conditional medical release or addiction-recovery supervision.—

(1) If a member of the commission or a duly authorized representative of the commission has reasonable grounds to believe that an offender who is on release supervision under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated the terms and conditions of the release in a material respect, such member or representative may cause a warrant to be issued for the arrest of the releasee; if the offender was found to be a sexual predator, the warrant must be issued.

(2) Upon the arrest on a felony charge of an offender who is on release supervision under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731, the offender must be detained without bond until the initial appearance of the offender at which a

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judicial determination of probable cause is made. If the trial court judge determines that there was no probable cause for the arrest, the offender may be released. If the trial court judge determines that there was probable cause for the arrest, such determination also constitutes reasonable grounds to believe that the offender violated the conditions of the release. Within 24 hours after the trial court judge's finding of probable cause, the detention facility administrator or designee shall notify the commission and the department of the finding and transmit to each a facsimile copy of the probable cause affidavit or the sworn offense report upon which the trial court judge's probable cause determination is based. The offender must continue to be detained without bond for a period not exceeding 72 hours excluding weekends and holidays after the date of the probable cause determination, pending a decision by the commission whether to issue a warrant charging the offender with violation of the conditions of release. Upon the issuance of the commission's warrant, the offender must continue to be held in custody pending a revocation hearing held in accordance with this section.

(7) If a law enforcement officer has probable cause to believe that an offender who is on release supervision under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated the terms and conditions of his or her release by committing a felony offense, the officer shall arrest the offender without a warrant, and a warrant need not be issued in the case.

Section 15. This act shall take effect October 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19

Meeting Date

SB 346

Bill Number (if applicable)

Topic Conditional Medical Release

Amendment Barcode (if applicable)

Name Scott McCoy

Job Title Senior Policy Counsel

Address P.O. Box 10798

Phone 850-521-3042

Tally FL 32302
City State Zip

Email scott.mccoy@spkcenter.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Southern Poverty Law Center Action Fund

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19
Meeting Date

346
Bill Number (if applicable)

Topic Conditional Medical Release

Amendment Barcode (if applicable)

Name Ingrid Delgado

Job Title Associate for Social Concerns of Respect Life

Address 201 W. Parr Av. Phone _____
Street

Tallahassee FL 32301 Email _____
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/4/19
Meeting Date

346
Bill Number (if applicable)

Topic CJ

Amendment Barcode (if applicable)

Name Chelsea Murphy

Job Title State Director

Address 605 Middlebrook Cir

Phone _____

Street

RAH FL 32303

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Right on Crime

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3.6.19

Meeting Date

346

Bill Number (if applicable)

Topic Conditional Medical Release

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title President & CEO

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email barney@barneybishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/6/19

Meeting Date

SB 346

~~0000000000~~

Bill Number (if applicable)

Topic Conditional Medical Release

Amendment Barcode (if applicable)

Name Nicolette Springer

Job Title Legislative Analyst

Address

Street

Phone 407 484 3656

Email nicolette@LWVFL.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing League of Women Voters of Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19

Meeting Date

346

Bill Number (if applicable)

Topic Conditional Medical Release

Amendment Barcode (if applicable)

Name Kara Gross

Job Title Legislative Director & Senior Policy Counsel

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Phone 786-363-4436

Street

Miami

FL

33134

City

State

Zip

Email kgross@aclufl.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing ACLU of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19

Meeting Date

346

Bill Number (if applicable)

Topic Conditional Medical Release

Amendment Barcode (if applicable)

Name Stacy Scott

Job Title Public Defender, 8th Judicial Circuit

Address 151 SW 2nd Ave

Phone 352 338-7386

Street

Gainesville FL 32601

City

State

Zip

Email scottss@PDO8

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Public Defender Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: PCS/SB 406 (874782)

INTRODUCER: Appropriations Subcommittee on Criminal and Civil Justice; and Senators Brandes, Pizzo, and Perry

SUBJECT: Theft

DATE: March 7, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cox	Jones	CJ	Favorable
2.	Jameson/Forbes	Jameson	ACJ	Recommend: Fav/CS
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 406 amends various provisions related to criminal theft offenses. First, the bill amends sections 812.014 and 812.015, Florida Statutes, increasing the threshold amount for third degree felony theft offenses from \$300 to \$1,500. This provision applies to grand theft and retail theft. The bill also removes a fire extinguisher from the list of property that automatically constitute a third degree grand theft regardless of the value of the property taken.

The bill modifies when specified theft offenses will be reclassified to the next degree higher based on the presence of prior theft convictions in the offender's criminal history. The bill provides that for an offense to be reclassified from:

- First degree misdemeanor petit theft to a third degree felony, the offender must have previously been convicted two or more times as an *adult* for any theft.
- Third degree felony retail theft to a second degree felony, the offender must have previously been convicted of a violation of section 812.015(8), Florida Statutes (retail theft), as an *adult*.

Additionally, for an offense to qualify for reclassification, the most recent theft offense must have occurred within three years from the expiration of the adult offender's sentence for the most recent theft conviction.

The bill also amends sections 812.014 and 812.015, Florida Statutes, providing that the determination of the value of property taken in violation of these sections must be based on the fair market value of the property at the time the taking occurred.

Lastly, the bill amends sections 812.014 and 812.015, Florida Statutes, requiring that the threshold amounts for theft offenses must be adjusted every five years.

The bill amends section 921.0022, Florida Statutes, making conforming changes to the Criminal Punishment Code severity ranking chart to changes made by the bill. A number of sections of law are reenacted by the bill to incorporate the changes made by the bill.

The Criminal Justice Impact Conference (CJIC) has not reviewed the bill at this time. However, on February 27, 2019, the CJIC reviewed HB 589, which is similar to the current bill, and estimated that the bill would have a “negative significant” prison bed impact.¹

The bill is effective October 1, 2019.

II. Present Situation:

Approximately 3,000 people currently are incarcerated in the Department of Corrections (DOC) for felony theft convictions and just over 24,000 people are on state community supervision for a felony theft crime in Florida.² Since 2000, 37 states have increased the threshold dollar amounts for felony theft crimes.³ Such increases ensure that associated “criminal sentences don’t become more severe over time simply because of natural increases in the prices of consumer goods.”⁴

The majority of states (30 states) and the District of Columbia set a \$1,000-or-greater property value threshold for felony grand theft. Fifteen states have thresholds between \$500 and \$950, and five states, including Florida, have thresholds below \$500. Between 2003 and 2015, nine states, including Alabama, Mississippi, and Louisiana, raised their felony thresholds twice.⁵

Property Theft

Section 812.014, F.S., provides that a person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or use, the property of another with intent to, either temporarily or permanently:

¹ Criminal Justice Impact Conference (updated through February 27, 2019), available at <http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/CJIC18.xls>.

² Email from Scotti Vaughan, Department of Corrections, Deputy Legislative Affairs Director, February 6, 2019 (on file with Senate Criminal Justice Committee).

³ Pew Charitable Trusts, *The Effects of Changing State Theft Penalties*, (February 2016), available at http://www.pewtrusts.org/~media/assets/2016/02/the_effects_of_changing_state_theft_penalties.pdf?la=en (last visited February 4, 2019); See also Alison Lawrence, *Making Sense of Sentencing: State Systems and Policies*, National Conference of State Legislatures, (June 2015), available at <http://www.ncsl.org/documents/cj/sentencing.pdf> (last visited February 4, 2019).

⁴ John Gramlich and Katie Zafft, *Updating State Theft Laws Can Bring Less Incarceration – and Less*, Stateline, Pew Charitable Trusts, (March 1, 2016), available at <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/03/31/updating-state-theft-laws-can-bring-less-incarceration-and-less-crime> (last visited February 4, 2019).

⁵ *Id.*

- Deprive the other person of a right to the property or a benefit from the property; or
- Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.⁶

Second degree petit theft, a second degree misdemeanor, is theft of property valued at less than \$100.⁷ First degree petit theft, a first degree misdemeanor, is theft of property valued at \$100 or more but less than \$300.⁸ Second degree petit theft incurs greater penalties if there is a prior theft conviction: it is a first degree misdemeanor if there is one prior conviction,⁹ and a third degree felony if there are two or more prior convictions.¹⁰

Third degree grand theft, a third degree felony,¹¹ is theft of:

- Property valued at \$300 or more, but less than \$20,000.
- Specified property including, but not limited to:
 - A will, codicil, or testamentary instrument;
 - A firearm;
 - Any commercially farmed animal,¹² a bee colony of a registered beekeeper, or aquaculture species raised at a certified aquaculture facility;¹³
 - Any fire extinguisher;
 - Citrus fruit of 2,000 or more individual pieces;
 - Any stop sign;
 - Property taken from a designated, posted construction site;¹⁴ and
- Property from a dwelling or its unenclosed curtilage if the property is valued at \$100 or more, but less than \$300.¹⁵

The last time the Legislature increased the minimum threshold property value for third degree grand theft was in 1986.¹⁶ The third degree grand theft provisions related to property taken from a dwelling or its unenclosed curtilage were added in 1996. The petit theft provisions were also amended, including the thresholds, in 1996.¹⁷

Retail Theft

Section 812.015(1)(d), F.S., defines retail theft as:

⁶ Section 812.014(1), F.S.

⁷ Section 812.014(3)(a), F.S. A second degree misdemeanor is punishable by up to 60 days in jail and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

⁸ Section 812.014(2)(e), F.S. A first degree misdemeanor is punishable by up to one year in jail and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

⁹ Section 812.014(3)(b), F.S.

¹⁰ Section 812.014(3)(c), F.S.

¹¹ A third degree felony is punishable by up to 5 years' incarceration and a fine of up to \$5,000. Sections 775.082 and 775.083, F.S.

¹² This includes any animal of the equine, avian, bovine, or swine class or other grazing animal.

¹³ If the theft is of these types of property, a fine of \$10,000 must be imposed. Section 812.014 (2)(c)7, F.S.

¹⁴ Section 812.014(2)(c), F.S.

¹⁵ Section 812.014(2)(d), F.S.

¹⁶ Chapter 86-161, s. 1, L.O.F.

¹⁷ Chapter 96-388, s. 49, L.O.F.

- The taking possession of or carrying away of merchandise, property, money, or negotiable documents;
- Altering or removing a label, universal product code, or price tag;
- Transferring merchandise from one container to another; or
- Removing a shopping cart, with intent to deprive the merchant of possession, use, benefit, or full retail value.

Retail theft is a third degree felony if the theft involves property valued at \$300 or more and the person:

- Individually, or in concert with one or more other persons, coordinates the activities of one or more individuals in committing the offense;
- Commits theft from more than one location within a 48-hour period;¹⁸
- Acts in concert with one or more other individuals within one or more establishments to distract the merchant, merchant's employee, or law enforcement officer in order to carry out the offense, or acts in other ways to coordinate efforts to carry out the offense; or
- Commits the offense through the purchase of merchandise in a package or box that contains merchandise other than, or in addition to, the merchandise purported to be contained in the package or box.¹⁹

Retail theft is a second degree felony if the person has previously been convicted of third degree felony retail theft or individually, or in concert with one or more other persons, coordinates the activities of one or more persons in committing the offense of retail theft where the stolen property has a value in excess of \$3,000.²⁰ The statute also requires a fine of not less than \$50 and no more than \$1,000 for a second or subsequent conviction for petit theft from a merchant, farmer, or transit agency.²¹

The threshold for a third degree felony retail theft was created and set by the Legislature in 2001.²²

Reclassification of Theft Offenses

Certain theft offenses are reclassified to the next higher degree offense if the person committing the offense has previous theft convictions. A petit theft offense is reclassified to a third degree felony, if the person has two previous convictions of any theft.²³ A third degree felony retail theft offense is reclassified to a second degree felony if the person has a previous retail theft in violation of s. 812.015(8), F.S.²⁴

There are no time limits between theft convictions related to theft crime level and penalty enhancements.

¹⁸ In the first two instances, the amount of each individual theft is aggregated to determine the value of the property stolen. Section 812.015(8)(a) and (b), F.S.

¹⁹ Section 812.015(8), F.S.

²⁰ Section 812.015(9), F.S.

²¹ Section 812.015(2), F.S.

²² Chapter 01-115, s. 3, L.O.F.

²³ Section 812.014(3)(c), F.S.

²⁴ Section 812.015(9)(a), F.S.

Juvenile offenders who are adjudicated delinquent for theft offenses are considered to have been “convicted” of theft and are treated the same as adult offenders for purposes of these penalty enhancements.²⁵

III. Effect of Proposed Changes:

Property Theft

The bill amends s. 812.014(2)(c), F.S., increasing the minimum threshold amounts for a third degree felony grand theft from \$300 to \$1,500. For property taken from a dwelling or enclosed curtilage, the theft threshold amounts are modified from \$100 or more, but less than \$300, to \$1,500 or more, but less than \$5,000. The first degree misdemeanor petit theft threshold amount is modified from \$100 or more, but less than \$300, to \$500 or more, but less than \$1,500.

The bill also deletes a fire extinguisher from the list of property that constitute a third degree grand theft regardless of the value of the property taken.²⁶

Additionally, this bill revises the fine associated with the theft of certain commercially farmed and agriculture animals and aquaculture species from a mandatory fine of \$10,000 to permit imposition of a fine of up to \$10,000.

Lastly, the bill modifies the enhancement statute providing that a first degree petit theft becomes a third degree felony only if:

- The offender has previously been convicted two or more times *as an adult* for any theft; and
- The most recent subsequent petit theft offense occurred within three years of the expiration of the offender’s sentence for the most recent theft conviction.

Retail Theft

The bill amends s. 812.015, F.S., to increase the property value of third degree felony retail theft from \$300 or more, to \$1,500 or more. The bill enhances retail theft to a second degree felony only if:

- The offender has previously been convicted of retail theft *as an adult*; and
- The subsequent retail theft offense occurred within three years of the expiration of the offender’s sentence for the most recent retail theft conviction.

Value and Periodic Threshold Adjustment

The bill amends ss. 812.014 and 812.015, F.S., providing that the determination of the value of property taken in violation of these sections must be based on the fair market value of the property at the time the taking occurred.

²⁵ *T.S.W. v. State*, 489 So. 2d 1146 (Fla. 2d DCA 1986); *R.D.D. v. State*, 493 So. 2d 534 (Fla. 5th DCA 1986).

²⁶ These offenses will now be classified by the property value rather than automatically qualifying as a third degree grand theft.

The bill also amends ss. 812.014 and 812.015, F.S., to require The Office of Program Policy Analysis and Government Accountability (OPPAGA) to perform a study every five years to determine the appropriateness of the revised thresholds in this section. The study's scope must include, but not be limited to, the crime trends related to theft offenses, the theft thresholds of other states in effect at the time of the study, the fiscal impact of any modifications to the state's thresholds, and the effect on economic factors, such as inflation. The study must include options for amending the thresholds if the study finds that the amounts are not consistent with current trends. Directs OPPAGA to consult with the Office of Economic and Demographic Research (EDR) in addition to other interested entities and to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representative by September 1, of each fifth year.

The bill amends s. 921.0022, F.S., to conform the Criminal Punishment Code offense severity ranking chart to changes made by the bill. The bill reenacts ss. 95.18, 373.6055, 400.9935, 409.910, 489.126, 538.09, 538.23, 550.6305, 627.743, 634.319, 634.421, 636.238, 642.038, 705.102, 718.111, 812.015, 812.0155, 812.14, 893.138, 932.701, 943.051, 985.11, and 985.557, F.S., incorporating changes made by the act.

The bill is effective October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference (CJIC) has not reviewed the bill at this time. However, on February 27, 2019, the CJIC reviewed HB 589, which is similar to the current bill, and estimated that the bill would have a “negative significant” prison bed impact.²⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of Florida Statutes: 812.014, 812.015, and 921.0022.

This bill reenacts the following sections of the Florida Statutes: 95.18, 373.6055, 400.9935, 409.910, 489.126, 538.09, 538.23, 550.6305, 627.743, 634.319, 634.421, 636.238, 642.038, 705.102, 718.111, 812.015, 812.0155, 812.14, 893.138, 932.701, 943.051, 985.11, and 985.557.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

Recommended CS by Appropriations Subcommittee on Criminal and Civil Justice on March 6, 2019:

The committee substitute:

- Requires the Office of Program Policy Analysis and Government Accountability to perform a study every five years to determine the appropriateness of the threshold amounts included in the bill.
- Authorizes a fine up to \$10,000 may be imposed, rather than a fine of \$10,000 being required to be imposed for the theft of commercially farmed animals.

B. Amendments:

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

²⁷ Criminal Justice Impact Conference (updated through February 27, 2019), available at <http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/CJIC18.xls>.



487646

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/08/2019	.	
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	.	
	.	

Appropriations Subcommittee on Criminal and Civil Justice
(Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete line 90
and insert:
a fine of up to \$10,000 may ~~fine shall~~ be imposed.

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

And the title is amended as follows:

Delete line 4
and insert:



487646

11 offenses; authorizing the imposition of a fine up to a
12 certain amount, rather than requiring a specified
13 amount, for the theft of certain animals; revising the
14 list of items the theft of



141578

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/08/2019	.	
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	.	

Appropriations Subcommittee on Criminal and Civil Justice
(Brandes) recommended the following:

Senate Amendment

Between lines 149 and 150
insert:

(d)1. Every judgment of guilty or not guilty of a petit theft shall be in writing, signed by the judge, and recorded by the clerk of the circuit court. The judge shall cause to be affixed to every such written judgment of guilty of petit theft, in open court and in the presence of such judge, the fingerprints of the defendant against whom such judgment is



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rendered. Such fingerprints shall be affixed beneath the judge's signature to such judgment. Beneath such fingerprints shall be appended a certificate to the following effect:

"I hereby certify that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant,, and that they were placed thereon by said defendant in my presence, in open court, this the day of, ... (year)...."

Such certificate shall be signed by the judge, whose signature thereto shall be followed by the word "Judge."

2. Any such written judgment of guilty of a petit theft, or a certified copy thereof, is admissible in evidence in the courts of this state as prima facie evidence that the fingerprints appearing thereon and certified by the judge are the fingerprints of the defendant against whom such judgment of guilty of a petit theft was rendered.



646052

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/08/2019	.	
	.	
	.	
	.	

Appropriations Subcommittee on Criminal and Civil Justice
(Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 154 - 219
and insert:

(8) The Office of Program Policy Analysis and Government
Accountability shall perform a study every 5 years to determine
the appropriateness of the threshold amounts included in this
section. The study's scope must include, but need not be limited
to, the crime trends related to theft offenses, the theft
threshold amounts of other states in effect at the time of the



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study, the fiscal impact of any modifications to this state's threshold amounts, and the effect on economic factors, such as inflation. The study must include options for amending the threshold amounts if the study finds that such amounts are inconsistent with current trends. In conducting the study, OPPAGA shall consult with the Office of Economic and Demographic Research in addition to other interested entities. OPPAGA shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 1 of each fifth year.

Section 2. Subsections (8) and (9) of section 812.015, Florida Statutes, are amended, and paragraph (n) of subsection (1) and subsection (10) are added to that section, to read:

812.015 Retail and farm theft; transit fare evasion; mandatory fine; alternative punishment; detention and arrest; exemption from liability for false arrest; resisting arrest; penalties.—

(1) As used in this section:

(n) "Value" means the fair market value of the property taken in violation of this section at the time the taking occurred.

(8) Except as provided in subsection (9), a person who commits retail theft commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is valued at \$1,500 ~~\$300~~ or more, and the person:

(a) Individually, or in concert with one or more other persons, coordinates the activities of one or more individuals in committing the offense, in which case the amount of each



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individual theft is aggregated to determine the value of the property stolen;

(b) Commits theft from more than one location within a 48-hour period, in which case the amount of each individual theft is aggregated to determine the value of the property stolen;

(c) Acts in concert with one or more other individuals within one or more establishments to distract the merchant, merchant's employee, or law enforcement officer in order to carry out the offense, or acts in other ways to coordinate efforts to carry out the offense; or

(d) Commits the offense through the purchase of merchandise in a package or box that contains merchandise other than, or in addition to, the merchandise purported to be contained in the package or box.

(9) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person:

(a) Violates subsection (8) as an adult and has previously been convicted of a violation of subsection (8) within 3 years after the expiration of his or her sentence for the conviction; or

(b) Individually, or in concert with one or more other persons, coordinates the activities of one or more persons in committing the offense of retail theft where the stolen property has a value in excess of \$3,000.

(10) The Office of Program Policy Analysis and Government Accountability shall perform a study every 5 years to determine the appropriateness of the threshold amounts included in this section. The study's scope must include, but need not be limited



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to, the crime trends related to theft offenses, the theft threshold amounts of other states in effect at the time of the study, the fiscal impact of any modifications to this state's threshold amounts, and the effect on economic factors, such as inflation. The study must include options for amending the threshold amounts if the study finds that such amounts are inconsistent with current trends. In conducting the study, OPPAGA shall consult with the Office of Economic and Demographic Research in addition to other interested entities. OPPAGA shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 1 of each fifth year.

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

And the title is amended as follows:

Delete lines 8 - 19
and insert:

Office of Program Policy and Analysis (OPPAGA) to perform a study about certain threshold amounts on a specified schedule; providing study requirements; requiring OPPAGA to consult with the Office of Economic and Demographic Research and other interested entities; requiring OPPAGA to submit a report to the Governor and the Legislature by a certain date and on a specified basis; amending s. 812.015, F.S.; defining the term "value"; increasing threshold amounts for a certain theft offense; revising the circumstances under which an offense of retail theft constitutes a felony of the second degree; requiring the Office of



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98 Program Policy and Analysis (OPPAGA) to perform a
99 study about certain threshold amounts on a specified
100 schedule; providing study requirements; requiring
101 OPPAGA to consult with the Office of Economic and
102 Demographic Research and other interested entities;
103 requiring OPPAGA to submit a report to the Governor
104 and the Legislature by a certain date and on a
105 specified basis; amending s. 921.0022, F.S.;

By Senator Brandes

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A bill to be entitled
An act relating to theft; amending s. 812.014, F.S.;
increasing threshold amounts for certain theft
offenses; revising the list of items the theft of
which constitutes theft of the third degree; providing
that the value of taken property is based on fair
market value at the time of the taking; requiring the
adjustment of certain monetary amounts by the Division
of Law Revision based on certain required periodic
calculations done by the Office of Economic and
Demographic Research; amending s. 812.015, F.S.;
defining the term "value"; increasing threshold
amounts for a certain theft offense; revising the
circumstances under which an offense of retail theft
constitutes a felony of the second degree; requiring
the adjustment of certain monetary amounts by the
Division of Law Revision based on certain required
periodic calculations done by the Office of Economic
and Demographic Research; amending s. 921.0022, F.S.;
conforming provisions to changes made by the act;
conforming a cross-reference; reenacting ss.
95.18(10), 373.6055(3)(c), 400.9935(3),
409.910(17)(g), 489.126(4), 550.6305(10), 627.743(2),
634.319(2), 634.421(2), 636.238(3), 642.038(2),
705.102(4), 718.111(1)(d), 812.015(2), 812.0155(1) and
(2), 812.14(4), (7), and (8), 893.138(3),
932.701(2)(a), 943.051(3)(b), 985.11(1)(b), and
985.557(1)(a) and (2)(c), F.S., relating to adverse
possession without color of title; criminal history

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checks for certain water management district employees and others; clinic responsibilities; responsibility for payments on behalf of Medicaid-eligible persons when other parties are liable; moneys received by contractors; intertrack wagering; payment of third-party claims; diversion or appropriation of certain funds received by sales representatives; diversion or appropriation of certain funds received by sales representatives; penalties for certain violations; diversion or appropriation of certain funds received by sales representatives; reporting lost or abandoned property; condominium associations; retail and farm theft; suspension of driver license following an adjudication of guilt for theft; trespass and larceny with relation to utility fixtures and theft of utility services; local administrative action to abate drug-related, prostitution-related, or stolen-property-related public nuisances and criminal gang activity; the definition of the term "contraband article"; fingerprinting of certain minors; fingerprinting and photographing of certain children; and discretionary and mandatory criteria for the direct filing of an information, respectively, to incorporate the amendment made to s. 812.014, F.S., in references thereto; reenacting s. 538.09(5), F.S., relating to the registration of a secondhand dealer, to incorporate the amendment made to s. 812.015, F.S., in a reference thereto; reenacting ss. 538.23(2) and 812.0155(2), F.S., relating to secondary metals

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recycler violations and penalties and suspension of driver license following an adjudication of guilt for theft, respectively, to incorporate the amendments made to ss. 812.014 and 812.015, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraphs (c), (d), and (e) of subsection (2) and subsection (3) of section 812.014, Florida Statutes, are amended, and subsections (7) and (8) are added to that section, to read:

812.014 Theft.—

(2)

(c) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is:

1. Valued at \$1,500 ~~\$300~~ or more, but less than \$5,000.

2. Valued at \$5,000 or more, but less than \$10,000.

3. Valued at \$10,000 or more, but less than \$20,000.

4. A will, codicil, or other testamentary instrument.

5. A firearm.

6. A motor vehicle, except as provided in paragraph (a).

7. Any commercially farmed animal, including any animal of the equine, avian, bovine, or swine class or other grazing animal; a bee colony of a registered beekeeper; and aquaculture species raised at a certified aquaculture facility. If the property stolen is a commercially farmed animal, including an animal of the equine, avian, bovine, or swine class or other

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88 grazing animal; a bee colony of a registered beekeeper; or an
89 aquaculture species raised at a certified aquaculture facility,
90 a \$10,000 fine shall be imposed.

91 ~~8. Any fire extinguisher.~~

92 8.9. Any amount of citrus fruit consisting of 2,000 or more
93 individual pieces of fruit.

94 9.10. Taken from a designated construction site identified
95 by the posting of a sign as provided for in s. 810.09(2)(d).

96 10.11. Any stop sign.

97 11.12. Anhydrous ammonia.

98 12.13. Any amount of a controlled substance as defined in
99 s. 893.02. Notwithstanding any other law, separate judgments and
100 sentences for theft of a controlled substance under this
101 subparagraph and for any applicable possession of controlled
102 substance offense under s. 893.13 or trafficking in controlled
103 substance offense under s. 893.135 may be imposed when all such
104 offenses involve the same amount or amounts of a controlled
105 substance.

106
107 However, if the property is stolen within a county that is
108 subject to a state of emergency declared by the Governor under
109 chapter 252, the property is stolen after the declaration of
110 emergency is made, and the perpetration of the theft is
111 facilitated by conditions arising from the emergency, the
112 offender commits a felony of the second degree, punishable as
113 provided in s. 775.082, s. 775.083, or s. 775.084, if the
114 property is valued at \$5,000 or more, but less than \$10,000, as
115 provided under subparagraph 2., or if the property is valued at
116 \$10,000 or more, but less than \$20,000, as provided under

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subparagraph 3. As used in this paragraph, the term "conditions arising from the emergency" means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or the response time for first responders or homeland security personnel. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this paragraph is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

(d) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is valued at \$1,500 ~~\$100~~ or more, but less than \$5,000 ~~\$300~~, and is taken from a dwelling as defined in s. 810.011(2) or from the unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

(e) Except as provided in paragraph (d), if the property stolen is valued at \$500 ~~\$100~~ or more, but less than \$1,500 ~~\$300~~, the offender commits petit theft of the first degree, punishable as a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(3)(a) Theft of any property not specified in subsection (2) is petit theft of the second degree and a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and as provided in subsection (5), as applicable.

(b) A person who commits petit theft and who has previously been convicted of any theft commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A person who commits petit theft in the first degree and who has previously been convicted two or more times as an adult of any theft commits a felony of the third degree,

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146 punishable as provided in s. 775.082 or s. 775.083 if the third
147 or subsequent petit theft offense occurred within 3 years after
148 the expiration of his or her sentence for the most recent theft
149 conviction.

150 (7) For purposes of determining the value of property taken
151 in violation of this section, the value must be based on the
152 fair market value of the property at the time the taking
153 occurred.

154 (8) The threshold amounts for offenses specified in this
155 section must be adjusted every 5 years in an amount equal to the
156 total of the annual increases for that 5-year period in the
157 Consumer Price Index for All Urban Consumers, U.S. City Average,
158 All Items. The Office of Economic and Demographic Research shall
159 calculate the thresholds, rounded to the nearest \$50, and
160 publish the amounts, as adjusted, on its website by July 1 of
161 every fifth year, with the amounts to take effect on October 1
162 of that year. The office shall certify the revised amounts to
163 the Division of Law Revision, which is directed to conform the
164 statutes to the revised amounts.

165 Section 2. Paragraph (n) of subsection (1) and subsection
166 (10) are added to section 812.015, Florida Statutes, and
167 subsections (8) and (9) of that section are amended, to read:

168 812.015 Retail and farm theft; transit fare evasion;
169 mandatory fine; alternative punishment; detention and arrest;
170 exemption from liability for false arrest; resisting arrest;
171 penalties.—

172 (1) As used in this section:

173 (n) "Value" means the fair market value of the property
174 taken in violation of this section at the time the taking

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175 occurred.

176 (8) Except as provided in subsection (9), a person who
177 commits retail theft commits a felony of the third degree,
178 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
179 if the property stolen is valued at \$1,500 ~~\$300~~ or more, and the
180 person:

181 (a) Individually, or in concert with one or more other
182 persons, coordinates the activities of one or more individuals
183 in committing the offense, in which case the amount of each
184 individual theft is aggregated to determine the value of the
185 property stolen;

186 (b) Commits theft from more than one location within a 48-
187 hour period, in which case the amount of each individual theft
188 is aggregated to determine the value of the property stolen;

189 (c) Acts in concert with one or more other individuals
190 within one or more establishments to distract the merchant,
191 merchant's employee, or law enforcement officer in order to
192 carry out the offense, or acts in other ways to coordinate
193 efforts to carry out the offense; or

194 (d) Commits the offense through the purchase of merchandise
195 in a package or box that contains merchandise other than, or in
196 addition to, the merchandise purported to be contained in the
197 package or box.

198 (9) A person commits a felony of the second degree,
199 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
200 if the person:

201 (a) Violates subsection (8) as an adult and has previously
202 been convicted of a violation of subsection (8) within 3 years
203 after the expiration of his or her sentence for the conviction;

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or

(b) Individually, or in concert with one or more other persons, coordinates the activities of one or more persons in committing the offense of retail theft where the stolen property has a value in excess of \$3,000.

(10) The threshold amounts for offenses specified in this section must be adjusted every 5 years in an amount equal to the total of the annual increases for that 5-year period in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items. The Office of Economic and Demographic Research shall calculate the thresholds, rounded to the nearest \$50, and publish the amounts, as adjusted, on its website by July 1 of every fifth year, with the amounts to take effect on October 1 of that year. The office shall certify the revised amounts to the Division of Law Revision, which is directed to conform the statutes to the revised amounts.

Section 3. Paragraphs (a), (b), (d), (e), and (f) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

Florida Statute	Felony Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state lottery ticket.

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229

212.054 (2) (b)

3rd

Discretionary sales surtax;
 limitations, administration,
 and collection.

230

212.15 (2) (b)

3rd

Failure to remit sales
 taxes, amount greater than
 \$300 but less than \$20,000.

231

316.1935 (1)

3rd

Fleeing or attempting to
 elude law enforcement
 officer.

232

319.30 (5)

3rd

Sell, exchange, give away
 certificate of title or
 identification number plate.

233

319.35 (1) (a)

3rd

Tamper, adjust, change,
 etc., an odometer.

234

320.26 (1) (a)

3rd

Counterfeit, manufacture, or
 sell registration license
 plates or validation
 stickers.

235

322.212

3rd

(1) (a) - (c)

Possession of forged,
 stolen, counterfeit, or
 unlawfully issued driver
 license; possession of

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simulated identification.

236

322.212 (4)

3rd

Supply or aid in supplying
unauthorized driver license
or identification card.

237

322.212 (5) (a)

3rd

False application for driver
license or identification
card.

238

414.39 (3) (a)

3rd

Fraudulent misappropriation
of public assistance funds
by employee/official, value
more than \$200.

239

443.071 (1)

3rd

False statement or
representation to obtain or
increase reemployment
assistance benefits.

240

509.151 (1)

3rd

Defraud an innkeeper, food
or lodging value greater
than \$300.

241

517.302 (1)

3rd

Violation of the Florida
Securities and Investor
Protection Act.

242

562.27 (1)

3rd

Possess still or still

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apparatus.

243

713.69

3rd

Tenant removes property upon
which lien has accrued,
value more than \$50.

244

812.014 (3) (c)

3rd

Petit theft (3rd or
subsequent adult conviction
within specified period);
theft of any property not
specified in subsection (2).

245

812.081 (2)

3rd

Unlawfully makes or causes
to be made a reproduction of
a trade secret.

246

815.04 (5) (a)

3rd

Offense against intellectual
property (i.e., computer
programs, data).

247

817.52 (2)

3rd

Hiring with intent to
defraud, motor vehicle
services.

248

817.569 (2)

3rd

Use of public record or
public records information
or providing false
information to facilitate
commission of a felony.

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249	826.01	3rd	Bigamy.
250	828.122 (3)	3rd	Fighting or baiting animals.
251	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
252	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
253	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
254	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
255	838.15 (2)	3rd	Commercial bribe receiving.
256	838.16	3rd	Commercial bribery.
257	843.18	3rd	Fleeing by boat to elude a

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law enforcement officer.

847.011 (1) (a)

3rd

Sell, distribute, etc.,
obscene, lewd, etc.,
material (2nd conviction).

849.01

3rd

Keeping gambling house.

849.09 (1) (a) - (d)

3rd

Lottery; set up, promote,
etc., or assist therein,
conduct or advertise drawing
for prizes, or dispose of
property or money by means
of lottery.

849.23

3rd

Gambling-related machines;
"common offender" as to
property rights.

849.25 (2)

3rd

Engaging in bookmaking.

860.08

3rd

Interfere with a railroad
signal.

860.13 (1) (a)

3rd

Operate aircraft while under
the influence.

893.13 (2) (a) 2.

3rd

Purchase of cannabis.

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893.13(6)(a)

3rd

Possession of cannabis (more
than 20 grams).

934.03(1)(a)

3rd

Intercepts, or procures any
other person to intercept,
any wire or oral
communication.

(b) LEVEL 2

Florida
StatuteFelony
Degree

Description

379.2431
(1)(e)3.

3rd

Possession of 11 or
fewer marine turtle eggs
in violation of the
Marine Turtle Protection
Act.379.2431
(1)(e)4.

3rd

Possession of more than
11 marine turtle eggs in
violation of the Marine
Turtle Protection Act.

403.413(6)(c)

3rd

Dumps waste litter
exceeding 500 lbs. in
weight or 100 cubic feet
in volume or any
quantity for commercial

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purposes, or hazardous
waste.

274

517.07(2)

3rd

Failure to furnish a
prospectus meeting
requirements.

275

590.28(1)

3rd

Intentional burning of
lands.

276

784.05(3)

3rd

Storing or leaving a
loaded firearm within
reach of minor who uses
it to inflict injury or
death.

277

787.04(1)

3rd

In violation of court
order, take, entice,
etc., minor beyond state
limits.

278

806.13(1)(b)3.

3rd

Criminal mischief;
damage \$1,000 or more to
public communication or
any other public
service.

279

810.061(2)

3rd

Impairing or impeding
telephone or power to a

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dwelling; facilitating
or furthering burglary.

810.09(2)(e)

3rd

Trespassing on posted
commercial horticulture
property.

812.014(2)(c)1.

3rd

Grand theft, 3rd degree;
\$1,500 ~~\$300~~ or more but
less than \$5,000.

812.014(2)(d)

3rd

Grand theft, 3rd degree;
\$1,500 ~~\$100~~ or more but
less than \$5,000 ~~\$300~~,
taken from unenclosed
curtilage of dwelling.

812.015(7)

3rd

Possession, use, or
attempted use of an
antishoplifting or
inventory control device
countermeasure.

817.234(1)(a)2.

3rd

False statement in
support of insurance
claim.

817.481(3)(a)

3rd

Obtain credit or
purchase with false,

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expired, counterfeit,
etc., credit card, value
over \$300.

286

817.52 (3)

3rd

Failure to redeliver
hired vehicle.

287

817.54

3rd

With intent to defraud,
obtain mortgage note,
etc., by false
representation.

288

817.60 (5)

3rd

Dealing in credit cards
of another.

289

817.60 (6) (a)

3rd

Forgery; purchase goods,
services with false
card.

290

817.61

3rd

Fraudulent use of credit
cards over \$100 or more
within 6 months.

291

826.04

3rd

Knowingly marries or has
sexual intercourse with
person to whom related.

292

831.01

3rd

Forgery.

293

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831.02 3rd Uttering forged
instrument; utters or
publishes alteration
with intent to defraud.

831.07 3rd Forging bank bills,
checks, drafts, or
promissory notes.

831.08 3rd Possessing 10 or more
forged notes, bills,
checks, or drafts.

831.09 3rd Uttering forged notes,
bills, checks, drafts,
or promissory notes.

831.11 3rd Bringing into the state
forged bank bills,
checks, drafts, or
notes.

832.05 (3) (a) 3rd Cashing or depositing
item with intent to
defraud.

843.08 3rd False personation.

893.13 (2) (a) 2. 3rd Purchase of any s.

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893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3.,
 (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9.,
 (2)(c)10., (3), or (4)
 drugs other than
 cannabis.

893.147(2)

3rd

Manufacture or delivery
 of drug paraphernalia.

(d) LEVEL 4

Florida
 Statute

Felony
 Degree

Description

316.1935(3)(a)

2nd

Driving at high speed or
 with wanton disregard
 for safety while fleeing
 or attempting to elude
 law enforcement officer
 who is in a patrol
 vehicle with siren and
 lights activated.

499.0051(1)

3rd

Failure to maintain or
 deliver transaction
 history, transaction
 information, or

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			transaction statements.
307	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
308	517.07 (1)	3rd	Failure to register securities.
309	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
310	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
311	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
312	784.075	3rd	Battery on detention or commitment facility staff.
313	784.078	3rd	Battery of facility

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employee by throwing,
tossing, or expelling
certain fluids or
materials.

314

784.08 (2) (c)

3rd

Battery on a person 65
years of age or older.

315

784.081 (3)

3rd

Battery on specified
official or employee.

316

784.082 (3)

3rd

Battery by detained
person on visitor or
other detainee.

317

784.083 (3)

3rd

Battery on code
inspector.

318

784.085

3rd

Battery of child by
throwing, tossing,
projecting, or expelling
certain fluids or
materials.

319

787.03 (1)

3rd

Interference with
custody; wrongly takes
minor from appointed
guardian.

320

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787.04 (2)

3rd

Take, entice, or remove
child beyond state
limits with criminal
intent pending custody
proceedings.

321

787.04 (3)

3rd

Carrying child beyond
state lines with
criminal intent to avoid
producing child at
custody hearing or
delivering to designated
person.

322

787.07

3rd

Human smuggling.

323

790.115 (1)

3rd

Exhibiting firearm or
weapon within 1,000 feet
of a school.

324

790.115 (2) (b)

3rd

Possessing electric
weapon or device,
destructive device, or
other weapon on school
property.

325

790.115 (2) (c)

3rd

Possessing firearm on
school property.

326

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327	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
328	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
329	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
330	810.06	3rd	Burglary; possession of tools.
331	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
332	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
	<u>812.014</u> <u>(2) (c) 4.-9.</u>	3rd	Grand theft, 3rd degree, a will, firearm, motor

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	812.014		vehicle, livestock, etc.
	(2)(c)4.-10.		
333			
	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
334			
	817.505(4)(a)	3rd	Patient brokering.
335			
	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
336			
	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
337			
	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
338			
	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
339			
	828.125(1)	2nd	Kill, maim, or cause

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great bodily harm or
 permanent breeding
 disability to any
 registered horse or
 cattle.

340

837.02 (1)

3rd

Perjury in official
 proceedings.

341

837.021 (1)

3rd

Make contradictory
 statements in official
 proceedings.

342

838.022

3rd

Official misconduct.

343

839.13 (2) (a)

3rd

Falsifying records of an
 individual in the care
 and custody of a state
 agency.

344

839.13 (2) (c)

3rd

Falsifying records of
 the Department of
 Children and Families.

345

843.021

3rd

Possession of a
 concealed handcuff key
 by a person in custody.

346

843.025

3rd

Deprive law enforcement,

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correctional, or
correctional probation
officer of means of
protection or
communication.

347

843.15 (1) (a)

3rd

Failure to appear while
on bail for felony (bond
estreature or bond
jumping).

348

847.0135 (5) (c)

3rd

Lewd or lascivious
exhibition using
computer; offender less
than 18 years.

349

874.05 (1) (a)

3rd

Encouraging or
recruiting another to
join a criminal gang.

350

893.13 (2) (a) 1.

2nd

Purchase of cocaine (or
other s. 893.03 (1) (a),
(b), or (d), (2) (a),
(2) (b), or (2) (c) 5.
drugs).

351

914.14 (2)

3rd

Witnesses accepting
bribes.

352

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914.22 (1)

3rd

Force, threaten, etc.,
witness, victim, or
informant.

914.23 (2)

3rd

Retaliation against a
witness, victim, or
informant, no bodily
injury.

918.12

3rd

Tampering with jurors.

934.215

3rd

Use of two-way
communications device to
facilitate commission of
a crime.

(e) LEVEL 5

Florida

Felony

Statute

Degree

Description

316.027 (2) (a)

3rd

Accidents involving
personal injuries other
than serious bodily
injury, failure to stop;
leaving scene.

316.1935 (4) (a)

2nd

Aggravated fleeing or

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eluding.

362

316.80 (2)

2nd

Unlawful conveyance of
fuel; obtaining fuel
fraudulently.

363

322.34 (6)

3rd

Careless operation of
motor vehicle with
suspended license,
resulting in death or
serious bodily injury.

364

327.30 (5)

3rd

Vessel accidents
involving personal
injury; leaving scene.

365

379.365 (2) (c) 1.

3rd

Violation of rules
relating to: willful
molestation of stone
crab traps, lines, or
buoys; illegal
bartering, trading, or
sale, conspiring or
aiding in such barter,
trade, or sale, or
supplying, agreeing to
supply, aiding in
supplying, or giving
away stone crab trap

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tags or certificates;
 making, altering,
 forging, counterfeiting,
 or reproducing stone
 crab trap tags;
 possession of forged,
 counterfeit, or
 imitation stone crab
 trap tags; and engaging
 in the commercial
 harvest of stone crabs
 while license is
 suspended or revoked.

366

379.367(4)

3rd

Willful molestation of a
 commercial harvester's
 spiny lobster trap,
 line, or buoy.

367

379.407(5) (b) 3.

3rd

Possession of 100 or
 more undersized spiny
 lobsters.

368

381.0041(11) (b)

3rd

Donate blood, plasma, or
 organs knowing HIV
 positive.

369

440.10(1) (g)

2nd

Failure to obtain
 workers' compensation

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coverage.

440.105 (5)

2nd

Unlawful solicitation
for the purpose of
making workers'
compensation claims.

440.381 (2)

2nd

Submission of false,
misleading, or
incomplete information
with the purpose of
avoiding or reducing
workers' compensation
premiums.

624.401 (4) (b) 2.

2nd

Transacting insurance
without a certificate or
authority; premium
collected \$20,000 or
more but less than
\$100,000.

626.902 (1) (c)

2nd

Representing an
unauthorized insurer;
repeat offender.

790.01 (2)

3rd

Carrying a concealed
firearm.

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790.162

2nd

Threat to throw or
discharge destructive
device.

790.163 (1)

2nd

False report of bomb,
explosive, weapon of
mass destruction, or use
of firearms in violent
manner.

790.221 (1)

2nd

Possession of short-
barreled shotgun or
machine gun.

790.23

2nd

Felons in possession of
firearms, ammunition, or
electronic weapons or
devices.

796.05 (1)

2nd

Live on earnings of a
prostitute; 1st offense.

800.04 (6) (c)

3rd

Lewd or lascivious
conduct; offender less
than 18 years of age.

800.04 (7) (b)

2nd

Lewd or lascivious
exhibition; offender 18
years of age or older.

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382

806.111 (1)

3rd

Possess, manufacture, or
dispense fire bomb with
intent to damage any
structure or property.

383

812.0145 (2) (b)

2nd

Theft from person 65
years of age or older;
\$10,000 or more but less
than \$50,000.

384

812.015 (8)

3rd

Retail theft; property
stolen is valued at
\$1,500 ~~\$300~~ or more and
one or more specified
acts.

385

812.019 (1)

2nd

Stolen property; dealing
in or trafficking in.

386

812.131 (2) (b)

3rd

Robbery by sudden
snatching.

387

812.16 (2)

3rd

Owning, operating, or
conducting a chop shop.

388

817.034 (4) (a) 2.

2nd

Communications fraud,
value \$20,000 to
\$50,000.

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389

817.234 (11) (b)

2nd

Insurance fraud;
property value \$20,000
or more but less than
\$100,000.

390

817.2341 (1) ,
(2) (a) & (3) (a)

3rd

Filing false financial
statements, making false
entries of material fact
or false statements
regarding property
values relating to the
solvency of an insuring
entity.

391

817.568 (2) (b)

2nd

Fraudulent use of
personal identification
information; value of
benefit, services
received, payment
avoided, or amount of
injury or fraud, \$5,000
or more or use of
personal identification
information of 10 or
more persons.

392

817.611 (2) (a)

2nd

Traffic in or possess 5
to 14 counterfeit credit

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cards or related
documents.

393

817.625 (2) (b)

2nd

Second or subsequent
fraudulent use of
scanning device,
skimming device, or
reencoder.

394

825.1025 (4)

3rd

Lewd or lascivious
exhibition in the
presence of an elderly
person or disabled
adult.

395

827.071 (4)

2nd

Possess with intent to
promote any photographic
material, motion
picture, etc., which
includes sexual conduct
by a child.

396

827.071 (5)

3rd

Possess, control, or
intentionally view any
photographic material,
motion picture, etc.,
which includes sexual
conduct by a child.

397

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398	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
399	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
400	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
401	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
402	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a

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minor by electronic
device or equipment.

403

874.05 (1) (b)

2nd

Encouraging or
recruiting another to
join a criminal gang;
second or subsequent
offense.

404

874.05 (2) (a)

2nd

Encouraging or
recruiting person under
13 years of age to join
a criminal gang.

405

893.13 (1) (a) 1.

2nd

Sell, manufacture, or
deliver cocaine (or
other s. 893.03 (1) (a),
(1) (b), (1) (d), (2) (a),
(2) (b), or (2) (c) 5.
drugs).

406

893.13 (1) (c) 2.

2nd

Sell, manufacture, or
deliver cannabis (or
other s. 893.03 (1) (c),
(2) (c) 1., (2) (c) 2.,
(2) (c) 3., (2) (c) 6.,
(2) (c) 7., (2) (c) 8.,
(2) (c) 9., (2) (c) 10.,
(3), or (4) drugs)

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within 1,000 feet of a
child care facility,
school, or state,
county, or municipal
park or publicly owned
recreational facility or
community center.

407

893.13(1)(d)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),
(1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)5.
drugs) within 1,000 feet
of university.

408

893.13(1)(e)2.

2nd

Sell, manufacture, or
deliver cannabis or
other drug prohibited
under s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(3), or (4) within 1,000
feet of property used
for religious services
or a specified business
site.

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409	893.13 (1) (f) 1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), or (2) (a), (2) (b), or (2) (c) 5. drugs) within 1,000 feet of public housing facility.
410	893.13 (4) (b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
411	893.1351 (1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
412	(f) LEVEL 6		
413			
414	Florida	Felony	
	Statute	Degree	Description
415	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
416	316.193 (2) (b)	3rd	Felony DUI, 4th or

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subsequent conviction.

417

400.9935(4)(c)

2nd

Operating a clinic, or
 offering services
 requiring licensure,
 without a license.

418

499.0051(2)

2nd

Knowing forgery of
 transaction history,
 transaction information,
 or transaction
 statement.

419

499.0051(3)

2nd

Knowing purchase or
 receipt of prescription
 drug from unauthorized
 person.

420

499.0051(4)

2nd

Knowing sale or transfer
 of prescription drug to
 unauthorized person.

421

775.0875(1)

3rd

Taking firearm from law
 enforcement officer.

422

784.021(1)(a)

3rd

Aggravated assault;
 deadly weapon without
 intent to kill.

423

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784.021 (1) (b)

3rd

Aggravated assault;
intent to commit felony.

424

784.041

3rd

Felony battery; domestic
battery by
strangulation.

425

784.048 (3)

3rd

Aggravated stalking;
credible threat.

426

784.048 (5)

3rd

Aggravated stalking of
person under 16.

427

784.07 (2) (c)

2nd

Aggravated assault on
law enforcement officer.

428

784.074 (1) (b)

2nd

Aggravated assault on
sexually violent
predators facility
staff.

429

784.08 (2) (b)

2nd

Aggravated assault on a
person 65 years of age
or older.

430

784.081 (2)

2nd

Aggravated assault on
specified official or
employee.

431

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784.082 (2)

2nd

Aggravated assault by
detained person on
visitor or other
detainee.

432

784.083 (2)

2nd

Aggravated assault on
code inspector.

433

787.02 (2)

3rd

False imprisonment;
restraining with purpose
other than those in s.
787.01.

434

790.115 (2) (d)

2nd

Discharging firearm or
weapon on school
property.

435

790.161 (2)

2nd

Make, possess, or throw
destructive device with
intent to do bodily harm
or damage property.

436

790.164 (1)

2nd

False report concerning
bomb, explosive, weapon
of mass destruction, act
of arson or violence to
state property, or use
of firearms in violent
manner.

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437	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
438	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
439	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
440	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
441	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
442	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.

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443

810.02 (3) (c)

2nd

Burglary of occupied
structure; unarmed; no
assault or battery.

444

810.145 (8) (b)

2nd

Video voyeurism; certain
minor victims; 2nd or
subsequent offense.

445

812.014 (2) (b) 1.

2nd

Property stolen \$20,000
or more, but less than
\$100,000, grand theft in
2nd degree.

446

812.014 (6)

2nd

Theft; property stolen
\$3,000 or more;
coordination of others.

447

812.015 (9) (a)

2nd

Retail theft; property
stolen \$1,500 ~~\$300~~ or
more; second or
subsequent adult
conviction within
specified period.

448

812.015 (9) (b)

2nd

Retail theft; property
stolen \$3,000 or more;
coordination of others.

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812.13 (2) (c)

2nd

Robbery, no firearm or
other weapon (strong-arm
robbery).

817.4821 (5)

2nd

Possess cloning
paraphernalia with
intent to create cloned
cellular telephones.

817.505 (4) (b)

2nd

Patient brokering; 10 or
more patients.

825.102 (1)

3rd

Abuse of an elderly
person or disabled
adult.

825.102 (3) (c)

3rd

Neglect of an elderly
person or disabled
adult.

825.1025 (3)

3rd

Lewd or lascivious
molestation of an
elderly person or
disabled adult.

825.103 (3) (c)

3rd

Exploiting an elderly
person or disabled adult
and property is valued
at less than \$10,000.

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456

827.03 (2) (c)

3rd

Abuse of a child.

457

827.03 (2) (d)

3rd

Neglect of a child.

458

827.071 (2) & (3)

2nd

Use or induce a child in
a sexual performance, or
promote or direct such
performance.

459

836.05

2nd

Threats; extortion.

460

836.10

2nd

Written threats to kill,
do bodily injury, or
conduct a mass shooting
or an act of terrorism.

461

843.12

3rd

Aids or assists person
to escape.

462

847.011

3rd

Distributing, offering
to distribute, or
possessing with intent
to distribute obscene
materials depicting
minors.

463

847.012

3rd

Knowingly using a minor
in the production of

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materials harmful to
minors.

464

847.0135(2)

3rd

Facilitates sexual
conduct of or with a
minor or the visual
depiction of such
conduct.

465

914.23

2nd

Retaliation against a
witness, victim, or
informant, with bodily
injury.

466

944.35(3)(a)2.

3rd

Committing malicious
battery upon or
inflicting cruel or
inhuman treatment on an
inmate or offender on
community supervision,
resulting in great
bodily harm.

467

944.40

2nd

Escapes.

468

944.46

3rd

Harboring, concealing,
aiding escaped
prisoners.

469

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944.47(1)(a)5.

2nd

Introduction of
contraband (firearm,
weapon, or explosive)
into correctional
facility.

951.22(1)

3rd

Intoxicating drug,
firearm, or weapon
introduced into county
facility.

Section 4. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (10) of section 95.18, Florida Statutes, is reenacted to read:

95.18 Real property actions; adverse possession without color of title.—

(10) A person who occupies or attempts to occupy a residential structure solely by claim of adverse possession under this section and offers the property for lease to another commits theft under s. 812.014.

Section 5. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, paragraph (c) of subsection (3) of section 373.6055, Florida Statutes, is reenacted to read:

373.6055 Criminal history checks for certain water management district employees and others.—

(3)

(c) In addition to other requirements for employment or

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access established by any water management district pursuant to its water management district's security plan for buildings, facilities, and structures, each water management district's security plan shall provide that:

1. Any person who has within the past 7 years been convicted, regardless of whether adjudication was withheld, for a forcible felony as defined in s. 776.08; an act of terrorism as defined in s. 775.30; planting of a hoax bomb as provided in s. 790.165; any violation involving the manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction or hoax weapon of mass destruction as provided in s. 790.166; dealing in stolen property; any violation of s. 893.135; any violation involving the sale, manufacturing, delivery, or possession with intent to sell, manufacture, or deliver a controlled substance; burglary; robbery; any felony violation of s. 812.014; any violation of s. 790.07; any crime an element of which includes use or possession of a firearm; any conviction for any similar offenses under the laws of another jurisdiction; or conviction for conspiracy to commit any of the listed offenses may not be qualified for initial employment within or authorized regular access to buildings, facilities, or structures defined in the water management district's security plan as restricted access areas.

2. Any person who has at any time been convicted of any of the offenses listed in subparagraph 1. may not be qualified for initial employment within or authorized regular access to buildings, facilities, or structures defined in the water management district's security plan as restricted access areas unless, after release from incarceration and any supervision

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519 imposed as a sentence, the person remained free from a
520 subsequent conviction, regardless of whether adjudication was
521 withheld, for any of the listed offenses for a period of at
522 least 7 years prior to the employment or access date under
523 consideration.

524 Section 6. For the purpose of incorporating the amendment
525 made by this act to section 812.014, Florida Statutes, in a
526 reference thereto, subsection (3) of section 400.9935, Florida
527 Statutes, is reenacted to read:

528 400.9935 Clinic responsibilities.—

529 (3) A charge or reimbursement claim made by or on behalf of
530 a clinic that is required to be licensed under this part but
531 that is not so licensed, or that is otherwise operating in
532 violation of this part, regardless of whether a service is
533 rendered or whether the charge or reimbursement claim is paid,
534 is an unlawful charge and is noncompensable and unenforceable. A
535 person who knowingly makes or causes to be made an unlawful
536 charge commits theft within the meaning of and punishable as
537 provided in s. 812.014.

538 Section 7. For the purpose of incorporating the amendment
539 made by this act to section 812.014, Florida Statutes, in a
540 reference thereto, paragraph (g) of subsection (17) of section
541 409.910, Florida Statutes, is reenacted to read:

542 409.910 Responsibility for payments on behalf of Medicaid-
543 eligible persons when other parties are liable.—

544 (17)

545 (g) The agency may investigate and request appropriate
546 officers or agencies of the state to investigate suspected
547 criminal violations or fraudulent activity related to third-

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party benefits, including, without limitation, ss. 414.39 and 812.014. Such requests may be directed, without limitation, to the Medicaid Fraud Control Unit of the Office of the Attorney General or to any state attorney. Pursuant to s. 409.913, the Attorney General has primary responsibility to investigate and control Medicaid fraud.

Section 8. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (4) of section 489.126, Florida Statutes, is reenacted to read:

489.126 Moneys received by contractors.—

(4) Any person who violates any provision of this section is guilty of theft and shall be prosecuted and punished under s. 812.014.

Section 9. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (10) of section 550.6305, Florida Statutes, is reenacted to read:

550.6305 Intertrack wagering; guest track payments; accounting rules.—

(10) All races or games conducted at a permitholder's facility, all broadcasts of such races or games, and all broadcast rights relating thereto are owned by the permitholder at whose facility such races or games are conducted and constitute the permitholder's property as defined in s. 812.012(4). Transmission, reception of a transmission, exhibition, use, or other appropriation of such races or games, broadcasts of such races or games, or broadcast rights relating thereto without the written consent of the permitholder

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constitutes a theft of such property under s. 812.014; and in addition to the penal sanctions contained in s. 812.014, the permitholder has the right to avail itself of the civil remedies specified in ss. 772.104, 772.11, and 812.035 in addition to any other remedies available under applicable state or federal law.

Section 10. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (2) of section 627.743, Florida Statutes, is reenacted to read:

627.743 Payment of third-party claims.—

(2) When making any payment on a third party claim for damage to an automobile for a partial loss, the insurer shall have printed on the loss estimate, if prepared by the insurer, the following: "Failure to use the insurance proceeds in accordance with the security agreement, if any, could be a violation of s. 812.014, Florida Statutes. If you have any questions, contact your lending institution." However, this subsection does not apply if the insurer does not prepare the loss estimate.

Section 11. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (2) of section 634.319, Florida Statutes, is reenacted to read:

634.319 Reporting and accounting for funds.—

(2) Any sales representative who, not being entitled thereto, diverts or appropriates such funds or any portion thereof to her or his own use is, upon conviction, guilty of theft, punishable as provided in s. 812.014.

Section 12. For the purpose of incorporating the amendment

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made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (2) of section 634.421, Florida Statutes, is reenacted to read:

634.421 Reporting and accounting for funds.—

(2) Any sales representative who, not being entitled thereto, diverts or appropriates funds or any portion thereof to her or his own use commits theft as provided in s. 812.014.

Section 13. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (3) of section 636.238, Florida Statutes, is reenacted to read:

636.238 Penalties for violation of this part.—

(3) A person who collects fees for purported membership in a discount plan but purposefully fails to provide the promised benefits commits a theft, punishable as provided in s. 812.014.

Section 14. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (2) of section 642.038, Florida Statutes, is reenacted to read:

642.038 Reporting and accounting for funds.—

(2) Any sales representative who, not being entitled thereto, diverts or appropriates such funds or any portion thereof to his or her own use commits theft as provided in s. 812.014.

Section 15. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (4) of section 705.102, Florida Statutes, is reenacted to read:

705.102 Reporting lost or abandoned property.—

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(4) Any person who unlawfully appropriates such lost or abandoned property to his or her own use or refuses to deliver such property when required commits theft as defined in s. 812.014, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 16. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, paragraph (d) of subsection (1) of section 718.111, Florida Statutes, is reenacted to read:

718.111 The association.—

(1) CORPORATE ENTITY.—

(d) As required by s. 617.0830, an officer, director, or agent shall discharge his or her duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner he or she reasonably believes to be in the interests of the association. An officer, director, or agent shall be liable for monetary damages as provided in s. 617.0834 if such officer, director, or agent breached or failed to perform his or her duties and the breach of, or failure to perform, his or her duties constitutes a violation of criminal law as provided in s. 617.0834; constitutes a transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or constitutes recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Forgery of a ballot envelope or voting certificate used in a condominium association election is punishable as provided in s. 831.01, the theft or embezzlement of funds of a

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condominium association is punishable as provided in s. 812.014, and the destruction of or the refusal to allow inspection or copying of an official record of a condominium association that is accessible to unit owners within the time periods required by general law in furtherance of any crime is punishable as tampering with physical evidence as provided in s. 918.13 or as obstruction of justice as provided in chapter 843. An officer or director charged by information or indictment with a crime referenced in this paragraph must be removed from office, and the vacancy shall be filled as provided in s. 718.112(2)(d)2. until the end of the officer's or director's period of suspension or the end of his or her term of office, whichever occurs first. If a criminal charge is pending against the officer or director, he or she may not be appointed or elected to a position as an officer or a director of any association and may not have access to the official records of any association, except pursuant to a court order. However, if the charges are resolved without a finding of guilt, the officer or director must be reinstated for the remainder of his or her term of office, if any.

Section 17. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (2) of section 812.015, Florida Statutes, is reenacted to read:

812.015 Retail and farm theft; transit fare evasion; mandatory fine; alternative punishment; detention and arrest; exemption from liability for false arrest; resisting arrest; penalties.—

(2) Upon a second or subsequent conviction for petit theft

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693 from a merchant, farmer, or transit agency, the offender shall
694 be punished as provided in s. 812.014(3), except that the court
695 shall impose a fine of not less than \$50 or more than \$1,000.
696 However, in lieu of such fine, the court may require the
697 offender to perform public services designated by the court. In
698 no event shall any such offender be required to perform fewer
699 than the number of hours of public service necessary to satisfy
700 the fine assessed by the court, as provided by this subsection,
701 at the minimum wage prevailing in the state at the time of
702 sentencing.

703 Section 18. For the purpose of incorporating the amendment
704 made by this act to section 812.014, Florida Statutes, in
705 references thereto, subsections (1) and (2) of section 812.0155,
706 Florida Statutes, are reenacted to read:

707 812.0155 Suspension of driver license following an
708 adjudication of guilt for theft.—

709 (1) Except as provided in subsections (2) and (3), the
710 court may order the suspension of the driver license of each
711 person adjudicated guilty of any misdemeanor violation of s.
712 812.014 or s. 812.015, regardless of the value of the property
713 stolen. Upon ordering the suspension of the driver license of
714 the person adjudicated guilty, the court shall forward the
715 driver license of the person adjudicated guilty to the
716 Department of Highway Safety and Motor Vehicles in accordance
717 with s. 322.25.

718 (a) The first suspension of a driver license under this
719 subsection shall be for a period of up to 6 months.

720 (b) A second or subsequent suspension of a driver license
721 under this subsection shall be for 1 year.

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(2) The court may revoke, suspend, or withhold issuance of a driver license of a person less than 18 years of age who violates s. 812.014 or s. 812.015 as an alternative to sentencing the person to:

(a) Probation as defined in s. 985.03 or commitment to the Department of Juvenile Justice, if the person is adjudicated delinquent for such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.

(b) Probation as defined in s. 985.03, commitment to the Department of Juvenile Justice, probation as defined in chapter 948, community control, or incarceration, if the person is convicted as an adult of such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.

Section 19. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in references thereto, subsections (4), (7), and (8) of section 812.14, Florida Statutes, are reenacted to read:

812.14 Trespass and larceny with relation to utility fixtures; theft of utility services.—

(4) A person who willfully violates subsection (2) commits theft, punishable as provided in s. 812.014.

(7) An owner, lessor, or sublessor who willfully violates subsection (5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Prosecution for a violation of subsection (5) does not preclude prosecution for theft pursuant to subsection (8) or s. 812.014.

(8) Theft of utility services for the purpose of

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facilitating the manufacture of a controlled substance is theft,
punishable as provided in s. 812.014.

Section 20. For the purpose of incorporating the amendment
made by this act to section 812.014, Florida Statutes, in a
reference thereto, subsection (3) of section 893.138, Florida
Statutes, is reenacted to read:

893.138 Local administrative action to abate drug-related,
prostitution-related, or stolen-property-related public
nuisances and criminal gang activity.—

(3) Any pain-management clinic, as described in s. 458.3265
or s. 459.0137, which has been used on more than two occasions
within a 6-month period as the site of a violation of:

(a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
relating to assault and battery;

(b) Section 810.02, relating to burglary;

(c) Section 812.014, relating to theft;

(d) Section 812.131, relating to robbery by sudden
snatching; or

(e) Section 893.13, relating to the unlawful distribution
of controlled substances,

may be declared to be a public nuisance, and such nuisance may
be abated pursuant to the procedures provided in this section.

Section 21. For the purpose of incorporating the amendment
made by this act to section 812.014, Florida Statutes, in a
reference thereto, paragraph (a) of subsection (2) of section
932.701, Florida Statutes, is reenacted to read:

932.701 Short title; definitions.—

(2) As used in the Florida Contraband Forfeiture Act:

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(a) "Contraband article" means:

1. Any controlled substance as defined in chapter 893 or any substance, device, paraphernalia, or currency or other means of exchange that was used, was attempted to be used, or was intended to be used in violation of any provision of chapter 893, if the totality of the facts presented by the state is clearly sufficient to meet the state's burden of establishing probable cause to believe that a nexus exists between the article seized and the narcotics activity, whether or not the use of the contraband article can be traced to a specific narcotics transaction.

2. Any gambling paraphernalia, lottery tickets, money, currency, or other means of exchange which was used, was attempted, or intended to be used in violation of the gambling laws of the state.

3. Any equipment, liquid or solid, which was being used, is being used, was attempted to be used, or intended to be used in violation of the beverage or tobacco laws of the state.

4. Any motor fuel upon which the motor fuel tax has not been paid as required by law.

5. Any personal property, including, but not limited to, any vessel, aircraft, item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, securities, books, records, research, negotiable instruments, or currency, which was used or was attempted to be used as an instrumentality in the commission of, or in aiding or abetting in the commission of, any felony, whether or not comprising an element of the felony, or which is acquired by proceeds obtained as a result of a violation of the Florida Contraband Forfeiture Act.

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6. Any real property, including any right, title, leasehold, or other interest in the whole of any lot or tract of land, which was used, is being used, or was attempted to be used as an instrumentality in the commission of, or in aiding or abetting in the commission of, any felony, or which is acquired by proceeds obtained as a result of a violation of the Florida Contraband Forfeiture Act.

7. Any personal property, including, but not limited to, equipment, money, securities, books, records, research, negotiable instruments, currency, or any vessel, aircraft, item, object, tool, substance, device, weapon, machine, or vehicle of any kind in the possession of or belonging to any person who takes aquaculture products in violation of s. 812.014(2)(c).

8. Any motor vehicle offered for sale in violation of s. 320.28.

9. Any motor vehicle used during the course of committing an offense in violation of s. 322.34(9)(a).

10. Any photograph, film, or other recorded image, including an image recorded on videotape, a compact disc, digital tape, or fixed disk, that is recorded in violation of s. 810.145 and is possessed for the purpose of amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading or abusing another person.

11. Any real property, including any right, title, leasehold, or other interest in the whole of any lot or tract of land, which is acquired by proceeds obtained as a result of Medicaid fraud under s. 409.920 or s. 409.9201; any personal property, including, but not limited to, equipment, money, securities, books, records, research, negotiable instruments, or

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838 currency; or any vessel, aircraft, item, object, tool,
839 substance, device, weapon, machine, or vehicle of any kind in
840 the possession of or belonging to any person which is acquired
841 by proceeds obtained as a result of Medicaid fraud under s.
842 409.920 or s. 409.9201.

843 12. Any personal property, including, but not limited to,
844 any vehicle, item, object, tool, device, weapon, machine, money,
845 security, book, or record, that is used or attempted to be used
846 as an instrumentality in the commission of, or in aiding and
847 abetting in the commission of, a person's third or subsequent
848 violation of s. 509.144, whether or not comprising an element of
849 the offense.

850 Section 22. For the purpose of incorporating the amendment
851 made by this act to section 812.014, Florida Statutes, in a
852 reference thereto, paragraph (b) of subsection (3) of section
853 943.051, Florida Statutes, is reenacted to read:

854 943.051 Criminal justice information; collection and
855 storage; fingerprinting.—

856 (3)

857 (b) A minor who is charged with or found to have committed
858 the following offenses shall be fingerprinted and the
859 fingerprints shall be submitted electronically to the
860 department, unless the minor is issued a civil citation pursuant
861 to s. 985.12:

862 1. Assault, as defined in s. 784.011.

863 2. Battery, as defined in s. 784.03.

864 3. Carrying a concealed weapon, as defined in s. 790.01(1).

865 4. Unlawful use of destructive devices or bombs, as defined
866 in s. 790.1615(1).

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5. Neglect of a child, as defined in s. 827.03(1)(e).

6. Assault or battery on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a) and (b).

7. Open carrying of a weapon, as defined in s. 790.053.

8. Exposure of sexual organs, as defined in s. 800.03.

9. Unlawful possession of a firearm, as defined in s. 790.22(5).

10. Petit theft, as defined in s. 812.014(3).

11. Cruelty to animals, as defined in s. 828.12(1).

12. Arson, as defined in s. 806.031(1).

13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as provided in s. 790.115.

Section 23. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 985.11, Florida Statutes, is reenacted to read:

985.11 Fingerprinting and photographing.—

(1)

(b) Unless the child is issued a civil citation or is participating in a similar diversion program pursuant to s. 985.12, a child who is charged with or found to have committed one of the following offenses shall be fingerprinted, and the fingerprints shall be submitted to the Department of Law Enforcement as provided in s. 943.051(3)(b):

1. Assault, as defined in s. 784.011.

2. Battery, as defined in s. 784.03.

3. Carrying a concealed weapon, as defined in s. 790.01(1).

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896 4. Unlawful use of destructive devices or bombs, as defined
897 in s. 790.1615(1).

898 5. Neglect of a child, as defined in s. 827.03(1)(e).

899 6. Assault on a law enforcement officer, a firefighter, or
900 other specified officers, as defined in s. 784.07(2)(a).

901 7. Open carrying of a weapon, as defined in s. 790.053.

902 8. Exposure of sexual organs, as defined in s. 800.03.

903 9. Unlawful possession of a firearm, as defined in s.
904 790.22(5).

905 10. Petit theft, as defined in s. 812.014.

906 11. Cruelty to animals, as defined in s. 828.12(1).

907 12. Arson, resulting in bodily harm to a firefighter, as
908 defined in s. 806.031(1).

909 13. Unlawful possession or discharge of a weapon or firearm
910 at a school-sponsored event or on school property as defined in
911 s. 790.115.

912
913 A law enforcement agency may fingerprint and photograph a child
914 taken into custody upon probable cause that such child has
915 committed any other violation of law, as the agency deems
916 appropriate. Such fingerprint records and photographs shall be
917 retained by the law enforcement agency in a separate file, and
918 these records and all copies thereof must be marked "Juvenile
919 Confidential." These records are not available for public
920 disclosure and inspection under s. 119.07(1) except as provided
921 in ss. 943.053 and 985.04(2), but shall be available to other
922 law enforcement agencies, criminal justice agencies, state
923 attorneys, the courts, the child, the parents or legal
924 custodians of the child, their attorneys, and any other person

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authorized by the court to have access to such records. In addition, such records may be submitted to the Department of Law Enforcement for inclusion in the state criminal history records and used by criminal justice agencies for criminal justice purposes. These records may, in the discretion of the court, be open to inspection by anyone upon a showing of cause. The fingerprint and photograph records shall be produced in the court whenever directed by the court. Any photograph taken pursuant to this section may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime.

Section 24. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in references thereto, paragraph (a) of subsection (1) and paragraph (c) of subsection (2) of section 985.557, Florida Statutes, are reenacted to read:

985.557 Direct filing of an information; discretionary and mandatory criteria.—

(1) DISCRETIONARY DIRECT FILE.—

(a) With respect to any child who was 14 or 15 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed and when the offense charged is for the commission of, attempt to commit, or conspiracy to commit:

1. Arson;
2. Sexual battery;
3. Robbery;

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- 954 4. Kidnapping;
955 5. Aggravated child abuse;
956 6. Aggravated assault;
957 7. Aggravated stalking;
958 8. Murder;
959 9. Manslaughter;
960 10. Unlawful throwing, placing, or discharging of a
961 destructive device or bomb;
962 11. Armed burglary in violation of s. 810.02(2)(b) or
963 specified burglary of a dwelling or structure in violation of s.
964 810.02(2)(c), or burglary with an assault or battery in
965 violation of s. 810.02(2)(a);
966 12. Aggravated battery;
967 13. Any lewd or lascivious offense committed upon or in the
968 presence of a person less than 16 years of age;
969 14. Carrying, displaying, using, threatening, or attempting
970 to use a weapon or firearm during the commission of a felony;
971 15. Grand theft in violation of s. 812.014(2)(a);
972 16. Possessing or discharging any weapon or firearm on
973 school property in violation of s. 790.115;
974 17. Home invasion robbery;
975 18. Carjacking; or
976 19. Grand theft of a motor vehicle in violation of s.
977 812.014(2)(c)6. or grand theft of a motor vehicle valued at
978 \$20,000 or more in violation of s. 812.014(2)(b) if the child
979 has a previous adjudication for grand theft of a motor vehicle
980 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).
981 (2) MANDATORY DIRECT FILE.—
982 (c) The state attorney must file an information if a child,

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regardless of the child's age at the time the alleged offense was committed, is alleged to have committed an act that would be a violation of law if the child were an adult, that involves stealing a motor vehicle, including, but not limited to, a violation of s. 812.133, relating to carjacking, or s. 812.014(2)(c)6., relating to grand theft of a motor vehicle, and while the child was in possession of the stolen motor vehicle the child caused serious bodily injury to or the death of a person who was not involved in the underlying offense. For purposes of this section, the driver and all willing passengers in the stolen motor vehicle at the time such serious bodily injury or death is inflicted shall also be subject to mandatory transfer to adult court. "Stolen motor vehicle," for the purposes of this section, means a motor vehicle that has been the subject of any criminal wrongful taking. For purposes of this section, "willing passengers" means all willing passengers who have participated in the underlying offense.

Section 25. For the purpose of incorporating the amendment made by this act to section 812.015, Florida Statutes, in a reference thereto, subsection (5) of section 538.09, Florida Statutes, is reenacted to read:

538.09 Registration.—

(5) In addition to the fine provided in subsection (4), registration under this section may be denied or any registration granted may be revoked, restricted, or suspended by the department if the department determines that the applicant or registrant:

(a) Has violated any provision of this chapter or any rule or order made pursuant to this chapter;

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(b) Has made a material false statement in the application for registration;

(c) Has been guilty of a fraudulent act in connection with any purchase or sale or has been or is engaged in or is about to engage in any practice, purchase, or sale which is fraudulent or in violation of the law;

(d) Has made a misrepresentation or false statement to, or concealed any essential or material fact from, any person in making any purchase or sale;

(e) Is making purchases or sales through any business associate not registered in compliance with the provisions of this chapter;

(f) Has, within the preceding 10-year period for new registrants who apply for registration on or after October 1, 2006, been convicted of, or has entered a plea of guilty or nolo contendere to, or had adjudication withheld for, a crime against the laws of this state or any other state or of the United States which relates to registration as a secondhand dealer or which involves theft, larceny, dealing in stolen property, receiving stolen property, burglary, embezzlement, obtaining property by false pretenses, possession of altered property, any felony drug offense, any violation of s. 812.015, or any fraudulent dealing;

(g) Has had a final judgment entered against her or him in a civil action upon grounds of fraud, embezzlement, misrepresentation, or deceit; or

(h) Has failed to pay any sales tax owed to the Department of Revenue.

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1041 In the event the department determines to deny an application or
1042 revoke a registration, it shall enter a final order with its
1043 findings on the register of secondhand dealers and their
1044 business associates, if any; and denial, suspension, or
1045 revocation of the registration of a secondhand dealer shall also
1046 deny, suspend, or revoke the registration of such secondhand
1047 dealer's business associates.

1048 Section 26. For the purpose of incorporating the amendments
1049 made by this act to sections 812.014 and 812.015, Florida
1050 Statutes, in references thereto, subsection (2) of section
1051 538.23, Florida Statutes, is reenacted to read:

1052 538.23 Violations and penalties.—

1053 (2) A secondary metals recycler is presumed to know upon
1054 receipt of stolen regulated metals property in a purchase
1055 transaction that the regulated metals property has been stolen
1056 from another if the secondary metals recycler knowingly and
1057 intentionally fails to maintain the information required in s.
1058 538.19 and shall, upon conviction of a violation of s. 812.015,
1059 be punished as provided in s. 812.014(2) or (3).

1060 Section 27. For the purpose of incorporating the amendments
1061 made by this act to sections 812.014 and 812.015, Florida
1062 Statutes, in references thereto, subsection (2) of section
1063 812.0155, Florida Statutes, is reenacted to read:

1064 812.0155 Suspension of driver license following an
1065 adjudication of guilt for theft.—

1066 (2) The court may revoke, suspend, or withhold issuance of
1067 a driver license of a person less than 18 years of age who
1068 violates s. 812.014 or s. 812.015 as an alternative to
1069 sentencing the person to:

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(a) Probation as defined in s. 985.03 or commitment to the Department of Juvenile Justice, if the person is adjudicated delinquent for such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.

(b) Probation as defined in s. 985.03, commitment to the Department of Juvenile Justice, probation as defined in chapter 948, community control, or incarceration, if the person is convicted as an adult of such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.

Section 28. This act shall take effect October 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19

Meeting Date

SB 406

Bill Number (if applicable)

Topic Theft

Amendment Barcode (if applicable)

Name Scott McCoy

Job Title Senior Policy Counsel

Address P.O. Box 10708

Phone 850-521-3042

Street

Tally FL 32302

City

State

Zip

Email scott.mccoy@spkcenter.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Southern Poverty Law Center Action Fund

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/6/2019
Meeting Date

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

406
Bill Number (if applicable)

Topic Theft

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Job Title Public Policy Director

Address 126 N. Mills

Phone 4073764801

Orlando FL 32801
City State Zip

Email ida.eskamani@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Organize Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19
Meeting Date

SB 406
Bill Number (if applicable)

Topic Theft offenses

Amendment Barcode (if applicable)

Name Christian Minor

Job Title Executive Director

Address 1300 N. Adams St.
Street

Phone (321) 223-4232

Tallahassee FL 32303
City State Zip

Email cmminor@fjja.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Juvenile Justice Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19.
Meeting Date

406
Bill Number (if applicable)

Topic CJ

Amendment Barcode (if applicable)

Name Chelsea Murphy

Job Title State Director

Address 605 Middlebrook Cr.

Phone _____

Street

City

RAH

FL

State

32303

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Right on Crime

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3.6.19

Meeting Date

406

Bill Number (if applicable)

Topic Theft

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title President & CEO

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email barney@barneybishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19

Meeting Date

406

Bill Number (if applicable)

Topic Adjusting Felony Theft

Amendment Barcode (if applicable)

Name Kara Gross

Job Title Legislative Director & Senior Policy Counsel

Address 4343 W. Flagler St., Suite 400

Phone 786-363-4436

Street

Miami

FL

33134

City

State

Zip

Email kgross@aclufl.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing ACLU of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/2019

Meeting Date

SB406

Bill Number (if applicable)

Topic Theft

Amendment Barcode (if applicable)

Name Mrs. Logan Padgett

Job Title Director of Communications

Address 100 N Duval Street

Phone 850-386-3131

Street

Tallahassee

FL

32348

Email lpadgett@jamesmadison.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The James Madison Institute

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/19
Meeting Date

SB 406
Bill Number (if applicable)

Topic Theft

Amendment Barcode (if applicable)

Name Khanh-Lien Brooks

Job Title Resolutions Chair

Address 1747 Orlando Central Parkway
Street
Orlando, FL 32809
City State Zip

Phone 407-855-7604

Email resolutions@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/06/2019

Meeting Date

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

SB 406

Bill Number (if applicable)

Topic THEFT;

Amendment Barcode (if applicable)

Name CESAR GRAJALES

Job Title DIRECTOR OF COALITIONS

Address 200 W COLLEGE AVE

Street

TALLAHASSEE

City

FL

State

32301

Zip

Phone 786.260.9283

Email cgrajales@belibre.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing AMERICANS FOR PROSPERITY

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 406

Bill Number (if applicable)

Meeting Date

Topic

Felony theft

Amendment Barcode (if applicable)

Name

Hon Stacy Scott

Job Title

Public Defender

Address

151 SW 2nd Avenue

Phone

338-352-8000 7386

Street

Gainesville, FL 32601

Email

scott.s@p008

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

Florida Public Defender Association

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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

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

S-001 (10/14/14)

CourtSmart Tag Report

Room: LL 37

Case No.:

Caption: Senate Appropriations Subcommittee on Criminal and Civil Justice

Type:

Judge:

Started: 3/6/2019 2:06:02 PM

Ends: 3/6/2019 3:43:52 PM **Length:** 01:37:51

2:06:14 PM	Call to Order - Sen. Brandes (Chair)
2:06:19 PM	Roll Call
2:06:35 PM	Quorum Present
2:06:57 PM	Tab 2 - SB 90
2:07:04 PM	Sen. Book
2:08:51 PM	Alan Abramowitz, ED, Guardian Ad Litem Program (waive in support)
2:09:02 PM	Khanh-Lien Banko, Resolutions Chair, Florida PTA (waive in support)
2:09:15 PM	Senior Judge Lee Haworth, Senior Judge, 12th Judicial Circuit (waive in support)
2:09:25 PM	Barney Bishop III, President, Florida Smart Justice Alliance (waive in support)
2:09:33 PM	Dr. Mimi Graham, Director, FSU Center for Prevention (waive in support)
2:09:44 PM	Sen. Harrell
2:10:08 PM	Sen. Book (waive Close)
2:10:13 PM	Roll Call SB 90
2:10:37 PM	Favorable
2:10:41 PM	Tab 3 - SB 332
2:11:53 PM	Sen. Pizzo
2:12:04 PM	Sen. Gainer
2:12:34 PM	Sen. Pizzo
2:13:06 PM	Marcus Dixon, Political Director, SEIU (waive in support)
2:13:13 PM	Ida V. Eskamani, Public Policy Director, New Florida Majority (waive in support)
2:13:21 PM	Barney Bishop III, President, Florida Smart Justice Alliance (waive in support)
2:13:26 PM	Kara Gross, Legislative Director & Senior Policy Counsel, ACLU (waive in support)
2:13:31 PM	Barbara Devane, MS, Florida NOW (waive in support)
2:13:37 PM	Chelsea Murphy, State Director, Right on Crime (waive in support)
2:13:40 PM	Jasmen Rogers-Shaw, Staff & Policy Director, Miami Workers Center (waive in support)
2:13:46 PM	Jon Maurer, Public Policy Director, Equality Florida (waive in support)
2:13:50 PM	Charo Valero, State Policy, Florida Latino Advocacy Network (waive in support)
2:14:00 PM	Sen Pizzo
2:14:08 PM	Roll call SB 332
2:14:30 PM	Favorable
2:14:37 PM	Ashley Moody, Attorney General, Department of Legal Affairs
2:18:39 PM	Sen. Rouson
2:19:54 PM	A. Moody
2:20:15 PM	Sen. Harrell
2:21:23 PM	A. Moody
2:22:47 PM	Sen. Harrell
2:23:34 PM	A. Moody
2:24:37 PM	Sen. Gainer
2:25:10 PM	A. Moody
2:25:33 PM	Sen. Bracy (Chair)
2:25:42 PM	Tab 4 - SB 338
2:25:48 PM	Sen. Brandes
2:27:05 PM	Sen. Bracy
2:27:27 PM	Chelsea Murphy, State Director, Right on Crime (waive in support)
2:27:30 PM	Sen. Rouson
2:28:13 PM	Roll Call
2:28:45 PM	Favorable
2:28:47 PM	Tab 5 - SB 346
2:28:54 PM	Sen. Brandes
2:30:01 PM	Sen. Bracy
2:30:06 PM	Sen. Harrell
2:30:20 PM	Sen. Brandes

2:31:24 PM Sen. Harrell
 2:31:52 PM Sen. Brandes
 2:32:32 PM Sen. Gainer
 2:32:48 PM Sen. Brandes
 2:33:11 PM Kara Gross, Legislative Director & Senior Policy Council, ACLU of Florida (waive in support)
 2:33:16 PM Nicolette Springer, Legislative Analyst, League of Women Voters of Florida (waive in support)
 2:33:21 PM Barney Bishop III, President & CEO, Florida Smart Justice Alliance (waive in support)
 2:33:26 PM Chelsea Murphy, State Director, Right on Crime (waive in support)
 2:33:33 PM Ingrid Delgado, Associate for Social Concerns & Respect Life, Florida Conference of Catholic Bishops (waive in support)
 2:33:38 PM Scott McCoy, Senior Policy Counsel, Southern Poverty Law Center Action Fund (waive in support)
 2:33:38 PM Stacy Scott, Public Defender, 8th Judicial Court (waive in support)
 2:33:49 PM Sen. Brandes
 2:34:16 PM Roll Call
 2:34:42 PM Favorable
 2:34:47 PM Tab 6 - SB 406
 2:34:51 PM Sen. Brandes
 2:35:32 PM Sen. Rouson
 2:36:11 PM Sen. Brandes
 2:36:24 PM AM. 141578
 2:36:33 PM Sen. Brandes
 2:36:51 PM Sen. Rouson
 2:36:54 PM Amendment adopted
 2:37:04 PM AM. 646052
 2:37:11 PM Sen. Brandes
 2:37:45 PM Amendment adopted
 2:37:50 PM AM. 487646
 2:37:55 PM Sen. Brandes
 2:38:39 PM Amendment adopted
 2:38:43 PM SB 406 (cont.)
 2:38:53 PM Cesar Grajales, Director of Coalitions, Americans For Prosperity
 2:39:42 PM Khanh-Lien Banko, Resolutions Chair, Florida PTA (waive in support)
 2:39:50 PM Logan Padgett, Director of Communications, The James Madison Institute (waive in support)
 2:39:55 PM Kara Gross, Legislative Director & Senior Policy Counsel, ACLU of Florida (waive in support)
 2:39:59 PM Chelsea Murphy, State Director, Right on Crime (waive in support)
 2:40:03 PM Barney Bishop, President, Florida Smart Justice Alliance
 2:40:41 PM Christian Minor, ED, Florida Juvenile Justice Association (waive in support)
 2:40:48 PM Ida V. Eskamani, Public Policy Director, Organize Florida (waive in support)
 2:40:51 PM Stacy Scott, Public Defender, Florida Public Defender Association (waive in support)
 2:40:51 PM Scott McCoy, Senior Policy Counsel, Southern Poverty Law Center Action Fund (waive in support)
 2:41:02 PM Sen. Gainer
 2:41:35 PM Sen. Rouson
 2:42:17 PM Sen. Harrell
 2:43:16 PM Sen. Bracy
 2:43:31 PM Sen. Brandes
 2:45:27 PM Sen. Bracy
 2:45:30 PM Roll call
 2:45:56 PM Favorable
 2:46:01 PM Sen. Brandes (Chair)
 2:46:10 PM Tab 1 - Agency Legislative Budget Request Presentations
 2:46:20 PM Sen. Rouson
 2:47:06 PM Sen. Brandes
 2:47:19 PM Mark Inch, Secretary, Florida Department of Corrections
 2:49:08 PM Sen. Brandes
 2:49:12 PM Mark Tallent, Budget Director, Florida Department of Corrections
 3:04:23 PM Sen. Brandes
 3:04:27 PM Sen. Harrell
 3:04:40 PM M. Inch
 3:04:58 PM Sen. Harrell
 3:05:21 PM M. Inch
 3:05:31 PM Sen. Harrell
 3:05:38 PM Sen. Brandes

3:05:41 PM	Sen. Harrell
3:05:48 PM	M. Inch
3:06:05 PM	Sen. Brandes
3:06:18 PM	M. Inch
3:06:30 PM	Sen. Brandes
3:09:16 PM	Simone Marstiller, Secretary, Department of Juvenile Justice
3:24:59 PM	Sen. Brandes
3:25:22 PM	Sen. Gainer
3:25:54 PM	S. Marstiller
3:26:03 PM	Sen. Harrell
3:26:33 PM	S. Marstiller
3:27:05 PM	Sen. Harrell
3:27:54 PM	S. Marstiller
3:29:02 PM	Sen. Harrell
3:29:32 PM	S. Marstiller
3:30:34 PM	Sen. Harrell
3:31:27 PM	S. Marstiller
3:32:24 PM	Sen. Brandes
3:32:51 PM	Sarah Nortelus, Budget Manager, Office of the Attorney General
3:40:36 PM	Sen. Brandes
3:40:38 PM	Sen. Gainer
3:41:21 PM	Sen. Brandes
3:41:29 PM	Sen. Harrell
3:42:04 PM	S. Nortelus
3:42:53 PM	Sen. Brandes
3:43:41 PM	Sen. Perry - Move to adjourn
3:43:42 PM	
3:43:42 PM	
3:43:42 PM	
3:43:42 PM	