

<b>Tab 1</b>	<b>CS/SB 554</b> by <b>CJ, Brandes (CO-INTRODUCERS) Perry</b> ; Sentencing
<b>Tab 2</b>	<b>CS/SB 700</b> by <b>CJ, Perry (CO-INTRODUCERS) Pizzo, Braynon, Harrell, Gruters, Brandes, Bracy</b> ; (Similar to H 00615) Juvenile Diversion Program Expunction
<b>Tab 3</b>	<b>CS/SB 846</b> by <b>CJ, Simmons</b> ; (Identical to CS/H 00461) Costs of Prosecution and Investigation
<b>Tab 4</b>	<b>SB 1002</b> by <b>Rodriguez</b> ; (Identical to CS/H 00103) Subpoenas

The Florida Senate  
**COMMITTEE MEETING EXPANDED AGENDA**  
**APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND  
 CIVIL JUSTICE**  
**Senator Brandes, Chair**  
**Senator Bracy, Vice Chair**

**MEETING DATE:** Tuesday, January 28, 2020  
**TIME:** 8:30—10:30 a.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	<b>CS/SB 554</b> Criminal Justice / Brandes	Sentencing; Revising the mitigating circumstances under which a departure from the lowest permissible sentence is reasonably justified, etc.  CJ 12/10/2019 Fav/CS ACJ 01/28/2020 Favorable AP	Favorable Yeas 6 Nays 0
2	<b>CS/SB 700</b> Criminal Justice / Perry (Similar H 615, Compare H 1173, Linked S 1292)	Juvenile Diversion Program Expunction; Deleting a requirement that limits diversion program expunction to programs for misdemeanor offenses, etc.  CJ 01/14/2020 Fav/CS ACJ 01/28/2020 Favorable AP	Favorable Yeas 6 Nays 0
3	<b>CS/SB 846</b> Criminal Justice / Simmons (Identical CS/H 461)	Costs of Prosecution and Investigation; Prohibiting the inclusion in negotiated plea agreements of costs for the state attorney which are greater than the minimum required, etc.  CJ 01/14/2020 Fav/CS ACJ 01/28/2020 Temporarily Postponed AP	Temporarily Postponed
4	<b>SB 1002</b> Rodriguez (Identical CS/H 103)	Subpoenas; Revising the definition of “properly served”; authorizing an applicant to petition a court to compel compliance with a subpoena; authorizing a court to address noncompliance as indirect criminal contempt and impose a daily fine for a specified amount of time, etc.  JU 01/15/2020 Favorable ACJ 01/28/2020 Favorable AP	Favorable Yeas 6 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on Criminal and Civil Justice  
Tuesday, January 28, 2020, 8:30—10:30 a.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	Review and Discussion of Fiscal Year 2020-2021 Budget Issues Relating to: 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 Commissions		Presented

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Other Related Meeting Documents

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**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.)

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

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BILL: CS/SB 554

INTRODUCER: Criminal Justice Committee; and Senators Brandes and Perry

SUBJECT: Sentencing

DATE: January 27, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Jones</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Jameson</u>	<u>Jameson</u>	<u>ACJ</u>	<u>Recommend: Favorable</u>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 554 creates two new circumstances for mitigating (reducing) a sentence under the Criminal Punishment Code:

- For defendants sentenced on or after October 1, 2020, the defendant requires specialized treatment for substance abuse or addiction, a mental disorder, or a physical disability.
- The defendant's offense is a nonviolent felony, total sentence points are 60 points or fewer, and the defendant is sentenced for the offense on or after October 1, 2020.

The new mitigating circumstance relating to specialized treatment for substance abuse or addiction, a mental disorder, or a physical disability is substituted for two current mitigating circumstances:

- The defendant's offense is a nonviolent felony, the defendant's total sentence points are 60 points or fewer, and the defendant is amenable to and qualified to participate in a post-adjudicatory treatment-based drug court program.
- The defendant requires specialized treatment for a mental disorder unrelated to substance abuse or addiction or for a physical disability.

The bill also removes language that restricts mitigation based upon substance abuse or addiction, including intoxication at the time of the offense.

The Legislature's Office of Economic and Demographic Research preliminarily estimates that the bill will have a "negative significant" prison bed impact (a decrease of more than 25 prison beds). See Section V.

The effective date of the bill is October 1, 2020.

## II. Present Situation:

### Criminal Punishment Code

In 1997, the Legislature enacted the Criminal Punishment Code<sup>1</sup> (Code) as "Florida's primary sentencing policy."<sup>2</sup> Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).<sup>3</sup> Points are assigned and accrue based upon the level ranking assigned to the primary offense, additional offenses, and prior offenses.<sup>4</sup> Sentence points escalate as the level escalates. Points may also be added or multiplied for other factors such as victim injury. The lowest permissible sentence is any nonstate prison sanction in which total sentence points equal or are less than 44 points, unless the court determines that a prison sentence is appropriate. If total sentence points exceed 44 points, the lowest permissible sentence in prison months is calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent.

Absent mitigation (see discussion, *supra*), the permissible sentencing range under the Code is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S.<sup>5</sup> However, if the offender's offense has a mandatory minimum term that is greater than the scored lowest permissible sentence, the mandatory minimum term supersedes the lowest permissible sentence scored.<sup>6</sup> Further, some offenders may qualify for prison diversion under various sections of the Florida Statutes.<sup>7</sup>

### Sentence Mitigating Circumstances

As previously noted, the permissible sentencing range under the Code is generally the scored lowest permissible sentence up to and including the maximum penalty provided under s. 775.082, F.S. However, the court may "depart downward" from the scored lowest permissible

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<sup>1</sup> 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.

<sup>2</sup> *Florida's Criminal Punishment Code: A Comparative Assessment* (September 2018), Florida Department of Corrections, available at [http://www.dc.state.fl.us/pub/scoresheet/cpc\\_code.pdf](http://www.dc.state.fl.us/pub/scoresheet/cpc_code.pdf) (last visited on Nov. 6, 2019).

<sup>3</sup> Offenses are either ranked in the offense severity level ranking chart in s. 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in s. 921.0023, F.S.

<sup>4</sup> Section 921.0024, F.S. Unless otherwise noted, information on the Code is from this source.

<sup>5</sup> If the scored lowest permissible sentence exceeds the maximum penalty in s. 775.082, F.S., the sentence required by the Code must be imposed. If total sentence points are greater than or equal to 363 points, the court may sentence the offender to life imprisonment.

<sup>6</sup> Fla. R. Crim. P. 3.704(d)(26).

<sup>7</sup> See e.g., s. 775.082(10), F.S. (prison diversion for an offender whose offense is a nonviolent third degree felony and whose total sentence points are 22 points or fewer); s. 921.00241, F.S. (diversion into a Department of Corrections' prison diversion program for certain nonviolent third degree felony offenders); and s. 948.01, F.S. (diversion into a postadjudicatory treatment-based drug court program for certain nonviolent felony offenders).

sentence if the court finds there is a mitigating circumstance. Section 921.0026, F.S., provides a list of mitigating circumstances.<sup>8</sup>

Relevant to the bill, pre-Code sentencing guidelines provided for the following mitigating circumstance: “The defendant requires specialized treatment for addiction, mental disorder, or physical disability, and the defendant is amenable to treatment.”<sup>9</sup>

With the enactment of the Code, this mitigating circumstance was modified.<sup>10</sup> As modified, the mitigating circumstance read: “The defendant requires specialized treatment for a mental disorder that is unrelated to substance abuse or addiction or for a physical disability, and the defendant is amenable to treatment.”<sup>11</sup> The Code also specified that the defendant’s “substance abuse or addiction, including intoxication,<sup>12</sup> at the time of the offense” was not a mitigating factor and did “not, under any circumstance, justify a downward departure from the permissible sentencing range.”<sup>13</sup>

In 2009, the Legislature created a mitigating circumstance in which substance abuse or addiction could be considered: “The defendant’s offense is a nonviolent felony, the defendant’s Criminal Punishment Code scoresheet total sentence points under s. 921.0024 are 52 points or fewer, and the court determines that the defendant is amenable to the services of a postadjudicatory treatment-based drug court program and is otherwise qualified to participate in the program as part of the sentence.”<sup>14</sup> The only subsequent change to this mitigating circumstance occurred in 2011 when the Legislature increased total sentence points from 52 points to 60 points.<sup>15</sup> Further, since the 2009 change, the law specifies that, except for this mitigating circumstance, the defendant’s substance abuse or addiction, including intoxication, is not a mitigating factor.<sup>16</sup>

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<sup>8</sup> Section 921.0026(4)(d), F.S., specifies that mitigating circumstances include, but are not limited to, the mitigating circumstances specified in that section.

<sup>9</sup> Section 921.0016, F.S. (1996). In 1993, the Legislature codified this mitigating factor which was created by the Florida Supreme Court in 1987. Chapter 93-406, s. 13, L.O.F.; *Barbera v. State*, 505 So.2d 413 (Fla. 1987). In *Barbera*, the court was persuaded that intoxication and drug dependency could mitigate a sentence because the defense of intoxication could be used by a jury to justify convicting a defendant of a lesser offense. In 1999, the Legislature eliminated the voluntary intoxication defense. Chapter 99-174, L.O.F.; s. 775.051, F.S.

<sup>10</sup> Chapter 97-194, s. 8, L.O.F.

<sup>11</sup> Section 921.0026(2)(d), F.S. (1997).

<sup>12</sup> While s. 775.051, F.S., provides that voluntary intoxication resulting from the consumption, injection, or other use of alcohol or other controlled substances (except those legally prescribed) is not a defense to any offense, this does not necessarily preclude the Legislature from addressing substance abuse or addiction, including intoxication, as a mitigating circumstance. For example, while a defendant may not raise as a defense that the victim was a willing participant in the crime, the Legislature has authorized mitigation of a Code sentence based on this circumstance. Section 921.0026(2)(f), F.S.; *State v. Rife*, 789 So.2d 288 (Fla. 2001).

<sup>13</sup> Section 921.0026(3), F.S. (1997).

<sup>14</sup> Section 921.0026(2)(m) and (3), F.S.; ch. 2009-64, s. 2, L.O.F. The term “nonviolent felony” has the same meaning as provided in s. 948.08(6), F.S., which defines “nonviolent felony” as a third degree felony violation of ch. 810, F.S., or any other felony offense that is not a forcible felony as defined in s. 776.08, F.S.

<sup>15</sup> Chapter 2011-33, s. 2, L.O.F.

<sup>16</sup> Section 921.0026(3), F.S. Further, while current law provides for a mitigating circumstance based on the defendant requiring specialized treatment for a mental disorder if the defendant is amenable to treatment, that mental disorder cannot be related to substance abuse or addiction or for a physical disability. Section 921.0026(2)(d), F.S.

### III. Effect of Proposed Changes:

The bill amends s. 921.0026, F.S., relating to circumstances for mitigating (reducing) a Code sentence, to create two new circumstances for mitigating (reducing) a sentence under the Criminal Punishment Code:

- For defendants sentenced on or after October 1, 2020, the defendant requires specialized treatment for substance abuse or addiction, a mental disorder, or a physical disability.
- The defendant's offense is a nonviolent felony, total sentence points are 60 points or fewer, and the defendant is sentenced for the offense on or after October 1, 2020.

The new mitigating circumstance relating to specialized treatment for substance abuse or addiction, a mental disorder, or a physical disability is substituted for two current mitigating circumstances:

- The defendant's offense is a nonviolent felony, the defendant's total sentence points are 60 points or fewer, and the defendant is amenable to and qualified to participate in a post-adjudicatory treatment-based drug court program.
- The defendant requires specialized treatment for a mental disorder unrelated to substance abuse or addiction or for a physical disability.

The bill also removes language that restricts mitigation based upon substance abuse or addiction, including intoxication at the time of the offense.

The bill also reenacts ss. 775.08435, 921.002, and 921.00265, F.S., all relating to mitigating circumstances, to incorporate amendments made to s. 921.0026, F.S.

The effective date of the bill is October 1, 2020.

### 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, which provides the final, official estimate of the prison bed impact, if any, of legislation has not yet reviewed the bill. The Legislature's Office of Economic and Demographic Research (EDR) preliminarily estimates that the bill will have a "negative significant" prison bed impact (a decrease of more than 25 prison beds). The EDR provided the following information regarding its estimate:

... [S]pecialized treatment for substance abuse and addiction as a mitigating factor can apply to an expanded pool of offenders while having committed a nonviolent felony with total sentence points that are 60 or fewer can be used as a mitigating circumstance as well. These changes would permit a larger number of downward departures for inmates eligible under these criteria.

Per the DOC, on June 30th, 2019, roughly 60% of the inmate population had a substance abuse problem. It is not known how many of these people fit the criteria for mitigating circumstances. With FY 18-19 data unavailable, FY 17-18 data show that there were 92,033 (adj.) offenders sentenced for nonviolent offenses with 60 or fewer sentence points, and 12,163 (adj.) were sentenced to prison (mean sentence length=25.1 m, incarceration rate: 13.2% adj.-13.2% unadj.). While it is not known how many of these also had drug abuse problems, the inclusion of drug offenses in the nonviolent category likely creates significant overlap, and perhaps a higher percentage [for] those with substance abuse problems than the general population. Furthermore, although it is not known how often judges will use these new opportunities for mitigating circumstances, nor is it known who is eligible within the population receiving prison that had not received a downward departure for other mitigating circumstances, this pool is very large, so this bill would be expected to have a significant impact on both prison sentences and the length of prison sentences.<sup>17</sup>

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<sup>17</sup> The preliminary EDR estimate is on file with the Senate Committee on Criminal Justice.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 921.0026 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 775.08435, 921.002, and 921.00265.

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

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

**CS by Criminal Justice on December 10, 2019:**

The committee substitute substitutes the word “defendants” for the word “offenders.”

**B. Amendments:**

None.

By the Committee on Criminal Justice; and Senators Brandes and Perry

591-02024-20

2020554c1

1                   A bill to be entitled  
2       An act relating to sentencing; amending s. 921.0026,  
3       F.S.; revising the mitigating circumstances under  
4       which a departure from the lowest permissible sentence  
5       is reasonably justified; conforming a provision to  
6       changes made by the act; reenacting ss.  
7       775.08435(1)(b), (c), and (d), 921.002(3), and  
8       921.00265(1), F.S., all relating to mitigating  
9       circumstances, to incorporate the amendment made to s.  
10      921.0026, F.S., in references thereto; providing an  
11      effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15       Section 1. Section 921.0026, Florida Statutes, is amended  
16      to read:

17       921.0026 Mitigating circumstances.—This section applies to  
18      any felony offense, except any capital felony, committed on or  
19      after October 1, 1998.

20       (1) A downward departure from the lowest permissible  
21      sentence, as calculated according to the total sentence points  
22      pursuant to s. 921.0024, is prohibited unless there are  
23      circumstances or factors that reasonably justify the downward  
24      departure. Mitigating factors to be considered include, but are  
25      not limited to, those listed in subsection (2). The imposition  
26      of a sentence below the lowest permissible sentence is subject  
27      to appellate review under chapter 924, but the extent of  
28      downward departure is not subject to appellate review.

29       (2) Mitigating circumstances under which a departure from

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30 the lowest permissible sentence is reasonably justified include,  
31 but are not limited to:

32 (a) The departure results from a legitimate, uncoerced plea  
33 bargain.

34 (b) The defendant was an accomplice to the offense and was  
35 a relatively minor participant in the criminal conduct.

36 (c) The capacity of the defendant to appreciate the  
37 criminal nature of the conduct or to conform that conduct to the  
38 requirements of law was substantially impaired.

39 (d) For defendants sentenced on or after October 1, 2020,  
40 the defendant requires specialized treatment for substance abuse  
41 or addiction, a mental disorder, or a physical disability ~~The~~  
42 ~~defendant requires specialized treatment for a mental disorder~~  
43 ~~that is unrelated to substance abuse or addiction or for a~~  
44 ~~physical disability,~~ and the defendant is amenable to treatment.

45 (e) The need for payment of restitution to the victim  
46 outweighs the need for a prison sentence.

47 (f) The victim was an initiator, willing participant,  
48 aggressor, or provoker of the incident.

49 (g) The defendant acted under extreme duress or under the  
50 domination of another person.

51 (h) Before the identity of the defendant was determined,  
52 the victim was substantially compensated.

53 (i) The defendant cooperated with the state to resolve the  
54 current offense or any other offense.

55 (j) The offense was committed in an unsophisticated manner  
56 and was an isolated incident for which the defendant has shown  
57 remorse.

58 (k) At the time of the offense the defendant was too young

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59 to appreciate the consequences of the offense.

60 (l) The defendant is to be sentenced as a youthful  
61 offender.

62 (m) The defendant's offense is a nonviolent felony, the  
63 defendant's Criminal Punishment Code scoresheet total sentence  
64 points under s. 921.0024 are 60 points or fewer, and the  
65 defendant is sentenced for the offense on or after October 1,  
66 2020 ~~the court determines that the defendant is amenable to the~~  
67 ~~services of a postadjudicatory treatment-based drug court~~  
68 ~~program and is otherwise qualified to participate in the program~~  
69 ~~as part of the sentence.~~ For purposes of this paragraph, the  
70 term "nonviolent felony" has the same meaning as provided in s.  
71 948.08(6).

72 (n) The defendant was making a good faith effort to obtain  
73 or provide medical assistance for an individual experiencing a  
74 drug-related overdose.

75 ~~(3) Except as provided in paragraph (2)(m), the defendant's~~  
76 ~~substance abuse or addiction, including intoxication at the time~~  
77 ~~of the offense, is not a mitigating factor under subsection (2)~~  
78 ~~and does not, under any circumstances, justify a downward~~  
79 ~~departure from the permissible sentencing range.~~

80 Section 2. For the purpose of incorporating the amendment  
81 made by this act to section 921.0026, Florida Statutes, in  
82 references thereto, paragraphs (b), (c), and (d) of subsection  
83 (1) of section 775.08435, Florida Statutes, are reenacted to  
84 read:

85 775.08435 Prohibition on withholding adjudication in felony  
86 cases.—

87 (1) Notwithstanding the provisions of s. 948.01, the court

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88 may not withhold adjudication of guilt upon the defendant for:

89 (b) A second degree felony offense unless:

90 1. The state attorney requests in writing that adjudication  
91 be withheld; or

92 2. The court makes written findings that the withholding of  
93 adjudication is reasonably justified based on circumstances or  
94 factors in accordance with those set forth in s. 921.0026.

95

96 Notwithstanding any provision of this section, no adjudication  
97 of guilt shall be withheld for a second degree felony offense if  
98 the defendant has a prior withholding of adjudication for a  
99 felony that did not arise from the same transaction as the  
100 current felony offense.

101 (c) A third degree felony that is a crime of domestic  
102 violence as defined in s. 741.28, unless:

103 1. The state attorney requests in writing that adjudication  
104 be withheld; or

105 2. The court makes written findings that the withholding of  
106 adjudication is reasonably justified based on circumstances or  
107 factors in accordance with s. 921.0026.

108 (d) A third degree felony offense if the defendant has a  
109 prior withholding of adjudication for a felony offense that did  
110 not arise from the same transaction as the current felony  
111 offense unless:

112 1. The state attorney requests in writing that adjudication  
113 be withheld; or

114 2. The court makes written findings that the withholding of  
115 adjudication is reasonably justified based on circumstances or  
116 factors in accordance with those set forth in s. 921.0026.

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117

118 Notwithstanding any provision of this section, no adjudication  
119 of guilt shall be withheld for a third degree felony offense if  
120 the defendant has two or more prior withholdings of adjudication  
121 for a felony that did not arise from the same transaction as the  
122 current felony offense.

123 Section 3. For the purpose of incorporating the amendment  
124 made by this act to section 921.0026, Florida Statutes, in a  
125 reference thereto, subsection (3) of section 921.002, Florida  
126 Statutes, is reenacted to read:

127 921.002 The Criminal Punishment Code.—The Criminal  
128 Punishment Code shall apply to all felony offenses, except  
129 capital felonies, committed on or after October 1, 1998.

130 (3) A court may impose a departure below the lowest  
131 permissible sentence based upon circumstances or factors that  
132 reasonably justify the mitigation of the sentence in accordance  
133 with s. 921.0026. The level of proof necessary to establish  
134 facts supporting the mitigation of a sentence is a preponderance  
135 of the evidence. When multiple reasons exist to support the  
136 mitigation, the mitigation shall be upheld when at least one  
137 circumstance or factor justifies the mitigation regardless of  
138 the presence of other circumstances or factors found not to  
139 justify mitigation. Any sentence imposed below the lowest  
140 permissible sentence must be explained in writing by the trial  
141 court judge.

142 Section 4. For the purpose of incorporating the amendment  
143 made by this act to section 921.0026, Florida Statutes, in a  
144 reference thereto, subsection (1) of section 921.00265, Florida  
145 Statutes, is reenacted to read:

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146           921.00265 Recommended sentences; departure sentences;  
147 mandatory minimum sentences.—This section applies to any felony  
148 offense, except any capital felony, committed on or after  
149 October 1, 1998.

150           (1) The lowest permissible sentence provided by  
151 calculations from the total sentence points pursuant to s.  
152 921.0024(2) is assumed to be the lowest appropriate sentence for  
153 the offender being sentenced. A departure sentence is prohibited  
154 unless there are mitigating circumstances or factors present as  
155 provided in s. 921.0026 which reasonably justify a departure.

156           Section 5. This act shall take effect October 1, 2020.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

1/28/20

*Meeting Date*

554

*Bill Number (if applicable)*

Topic Sentencing

*Amendment Barcode (if applicable)*

Name Hon. Stacy Scott

Job Title 8th Circuit Public Defender

Address 151 SW 2nd Avenue

Phone 352-338-7370

*Street*

Gainesville

FL

32601

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.*

***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)

1-28-20

Meeting Date

0534

Bill Number (if applicable)

Topic SENATE

Amendment Barcode (if applicable)

Name Sal Nuzzo

Job Title Vice President of Policy

Address 100 N Duval Street

Phone 850-322-9941

Street

Tallahassee

FL

32301

Email snuzzo@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

*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)

1/28/20  
Meeting Date

SB 554  
Bill Number (if applicable)

Topic Seatracing

Amendment Barcode (if applicable)

Name Christian Wynn

Job Title Exec Director

Address 1300 N Adams St.  
Street

Phone 321-223-4232

TLH 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 Florida Juvenile Justice Assoc.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1-28-20  
Meeting Date

534  
Bill Number (if applicable)

Topic CT

Amendment Barcode (if applicable)

Name GREG NEWBURN

Job Title NAT. DIRECTOR

Address \_\_\_\_\_  
Street

Phone \_\_\_\_\_

City

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing FAMM

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/28/2020  
Meeting Date

554  
Bill Number (if applicable)

Topic Sentencing

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Job Title Public Policy

Address 126 N Mills  
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Phone 407 376 4801

Orlando FL 32801  
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Speaking:  For  Against  Information

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

Representing Organize Florida + 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.

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

**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.)

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

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**BILL:** CS/SB 700

**INTRODUCER:** Criminal Justice Committee; and Senators Perry, Pizzo, Braynon, and others

**SUBJECT:** Juvenile Diversion Program Expunction

**DATE:** January 27, 2020      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stokes	Jones	CJ	<b>Fav/CS</b>
2.	Dale	Jameson	ACJ	<b>Recommend: Favorable</b>
3.			AP	

**Please see Section IX. for Additional Information:**  
COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 700 amends section 943.0582, Florida Statutes, to permit juvenile diversion expunction for any offense, including felony offenses. This expands the current law, which only permits juvenile diversion expunction for a misdemeanor offense.

Additionally, this bill amends section 985.126, Florida Statutes, to permit a juvenile who completes a diversion program for any offense, including a felony or subsequent offense, to lawfully deny or fail to acknowledge his or her participation in the program. This expands the current law, which only permits a juvenile who completes diversion for a first-time misdemeanor offense to lawfully deny or fail to acknowledge his or her participation in the program.

This bill may have a negative fiscal impact on the Florida Department of Law Enforcement (FDLE). See Section V. Fiscal Impact Statement.

This bill is effective on the same date that SB 1292 or similar legislation takes effect.

## II. Present Situation:

### Juvenile Criminal History Records

In contrast to adult criminal history records,<sup>1</sup> which are generally accessible to the public, Florida law treats juvenile offender records that are in the jurisdiction of juvenile courts differently, making such records confidential and exempt from public disclosure.<sup>2</sup>

Such records that are confidential and exempt information may be disclosed only to:

- Authorized personnel of the court;
- The Department of Juvenile Justice (DJJ) and its designees;
- The Department of Corrections;
- The Florida Commission on Offender Review;
- Law enforcement agents;
- School superintendents and their designees;
- Any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile; and
- Others entitled under ch. 985, F.S., to receive that information, or upon order of the court.<sup>3</sup>

However, the following exceptions apply:

- The name, photograph, address, and crime or arrest report of a juvenile is not considered confidential and exempt if the juvenile has been:
  - Taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;
  - Charged with a violation of law which, if committed by an adult, would be a felony;
  - Found to have committed an offense which, if committed by an adult, would be a felony;or
  - Transferred to adult court pursuant to part X of ch. 985, F.S.;
- A law enforcement agency may release a copy of the juvenile offense report to the victim of the offense;<sup>4</sup>
- A law enforcement agency must notify the superintendent of schools that a juvenile is alleged to have committed a delinquent act when a juvenile of any age is taken into custody for an offense that would have been a felony if committed by an adult, or a crime of violence;<sup>5</sup>

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<sup>1</sup> “Criminal history record” means any nonjudicial record maintained by a criminal justice agency containing criminal history information. Section 943.045(6), F.S.

<sup>2</sup> Section 985.04(1)(a), F.S. Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.

<sup>3</sup> Section 985.04(1)(b), F.S.

<sup>4</sup> Information gained by the victim pursuant to ch. 985, F.S., including the next of kin of a homicide victim, regarding any case handled in juvenile court, must not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies. Section 985.04(3), F.S.

<sup>5</sup> When a juvenile of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult, the state attorney must notify the superintendent of the juvenile’s school that the juvenile has been charged with such felony or delinquent act. The information obtained by the superintendent of schools must be released within 48 hours after receipt to appropriate school personnel, including the principal of the school of the juvenile and the director of transportation. The principal must immediately notify the juvenile’s classroom teachers, the juvenile’s assigned bus driver, and any other school personnel whose duties include direct supervision of the juvenile. Section 985.04(4)(b), F.S.

- Records maintained by the DJJ, including copies of records maintained by the court, which pertain to a juvenile found to have committed a delinquent act which, if committed by an adult, would be a crime specified in s. 435.04, F.S., may not be destroyed for 25 years after the juvenile's final referral to the DJJ, except in cases of the death of the juvenile; and
- Records in the custody of the DJJ may be inspected only upon order of the Secretary or his or her authorized agent by persons who have sufficient reason and upon such conditions for their use and disposition as the secretary or his or her authorized agent deems proper.<sup>6</sup>

In these instances, the criminal history information<sup>7</sup> of a juvenile will be available to:

- A criminal justice agency for criminal justice purposes on a priority basis and free of charge;
- The person to whom the record relates, or his or her attorney;
- The parent, guardian, or legal custodian of the person to whom the record relates, provided such person has not reached the age of majority, been emancipated by a court, or been legally married; or
- An agency or entity specified in ss. 943.0585(4) or 943.059(4), F.S., for the purposes specified therein, and to any person within such agency or entity who has direct responsibility for employment, access authorization, or licensure decisions.<sup>8</sup>

Records pertaining to juveniles committed to or supervised by the DJJ are retained until a juvenile reaches the age of 24 years or 26 years in the case of a serious or habitual delinquent child, and the destruction of such records are governed by ch. 943, F.S.<sup>9</sup>

### **Juvenile Diversion Program Expunction**

The exceptions to accessibility of a criminal history record do not apply if the record has been sealed<sup>10</sup> or expunged.<sup>11</sup> The expunction of a criminal history record is the court-ordered physical destruction or obliteration of a record or portion of a record by any criminal justice agency having custody of the record.<sup>12</sup> The following are authorized expungement processes for the criminal history record of a juvenile:

- Juvenile diversion;<sup>13</sup>
- Automatic juvenile;<sup>14</sup> and

<sup>6</sup> Section 985.04, F.S.

<sup>7</sup> "Criminal history information" means information collected by criminal justice agencies on persons, which information consists of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges and the disposition thereof. The term does not include identification information, such as biometric records, if the information does not indicate involvement of the person in the criminal justice system. Section 943.045(5), F.S.

<sup>8</sup> Section 943.053(3)(c)1.a.-d., F.S.

<sup>9</sup> Section 985.04(7)(b), F.S.

<sup>10</sup> "Sealing of a criminal history record" means the preservation of a record under such circumstances that it is secure and inaccessible to any person not having a legal right of access to the record or the information contained and preserved therein. Section 943.045(19), F.S.

<sup>11</sup> Section 943.053(3)(b), F.S.

<sup>12</sup> Criminal history records in the custody of the FDLE must be retained in all cases for purposes of evaluating subsequent requests by the subject of the record for sealing or expunction, or for purposes of recreating the record in the event an order to expunge is vacated by a court of competent jurisdiction. Section 943.045(16), F.S.

<sup>13</sup> Section 943.0582, F.S.

<sup>14</sup> Section 943.0515, F.S.

- Early juvenile.<sup>15</sup>

Diversion refers to a program that is designed to keep a juvenile from entering the juvenile justice system through the legal process.<sup>16</sup> The term diversion has been broadly used over the years, but typically refers to the placement of an individual on a track that is less restrictive and affords more opportunities for rehabilitation and restoration. Whether it is a prearrest or postarrest diversion program, the goal of the program is to maximize the opportunity for success and minimize the likelihood of recidivism.<sup>17</sup>

There are certain enumerated diversion programs eligible for diversion expunction under s. 943.0582, F.S. The following programs are eligible:

- Civil citation or similar pre-arrest diversion (s. 985.12, F.S.).
- Pre-arrest or post-arrest diversion programs (s. 985.125, F.S.).
- Neighborhood restorative justice programs (s. 985.155, F.S.).
- Community arbitration programs (s. 985.16, F.S.).
- Another program to which a referral is made by the state attorney (s. 985.15, F.S.).

The decision to refer a juvenile to a diversion program is at the discretion of either the law enforcement officer that confronted the juvenile at the time of the incident or the state attorney that has been referred the case. While participation in a diversion program may be restricted to misdemeanor offenses, there are some programs that enable a juvenile who has committed a felony to participate. In FY 2018-19, 4,965 juveniles were referred to post arrest diversion programs for felony offenses.<sup>18</sup>

After completing an eligible diversion program, a juvenile seeking to have his or her nonjudicial arrest record expunged must:

- Submit an application for diversion expunction to the FDLE.
- Submit, with the application, an official written statement from the state attorney for the county in which the arrest occurred certifying that:
  - He or she has completed the diversion program;
  - The arrest was for a misdemeanor; and
  - He or she has not otherwise been charged by the state attorney with or have been found to have committed, any criminal offense or comparable ordinance violation.
- Have not, before the application for expunction, been charged by the state attorney with, or found to have committed, any criminal offense or comparable ordinance violation.<sup>19</sup>

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<sup>15</sup> Section 943.0515(1)(b)2., F.S.

<sup>16</sup> Florida Department of Juvenile Justice, *Glossary*, available at <http://www.djj.state.fl.us/youth-families/glossary> (last accessed January 17, 2020).

<sup>17</sup> Center for Health & Justice at TASC, *A National Survey of Criminal Justice Diversion Programs and Initiatives*, pg. 6, (December 2013), available at [http://www2.centerforhealthandjustice.org/sites/www2.centerforhealthandjustice.org/files/publications/CHJ%20Diversion%20Report\\_web.pdf](http://www2.centerforhealthandjustice.org/sites/www2.centerforhealthandjustice.org/files/publications/CHJ%20Diversion%20Report_web.pdf) (last accessed January 17, 2020).

<sup>18</sup> Florida Department of Juvenile Justice, *Delinquency Profile 2018, Statewide Diversion – Felony Arrests*, (September 13, 2019), available at <http://www.djj.state.fl.us/research/reports/reports-and-data/interactive-data-reports/delinquency-profile/delinquency-profile-dashboard> (last visited January 17, 2020).

<sup>19</sup> Section 943.0582(3), F.S.

If the juvenile meets such criteria and submits the appropriate documentation, the FDLE must expunge the nonjudicial arrest record of the juvenile.<sup>20</sup>

A criminal history record that is expunged under this section is only available to criminal justice agencies for the purpose of determining eligibility for diversion programs, a criminal investigation, or making a prosecutorial decision. Records that are eligible for expunction under this section must be sealed.<sup>21</sup> A juvenile who successfully completes a diversion program for a first time misdemeanor offense may lawfully deny or fail to acknowledge his or her participation in the program and the expunction of the nonjudicial arrest record, unless the inquiry is made by a criminal justice agency<sup>22</sup> for one of the purposes stated above.<sup>23</sup>

A juvenile who receives an expunction under this section is not prevented from petitioning for the expunction or sealing of a later criminal history record for human trafficking victim expunction,<sup>24</sup> court ordered expunction,<sup>25</sup> or court ordered sealing,<sup>26</sup> if the juvenile is otherwise eligible for relief under those sections.<sup>27</sup>

### III. Effect of Proposed Changes:

This bill amends s. 943.0582, F.S., to permit juvenile diversion expunction for any offense, including *felony offenses*. This expands the current law, which only permits juvenile diversion expunction for a misdemeanor offense.

Additionally, this bill amends s. 985.126, F.S., to permit a juvenile who completes a diversion program for any offense, including a *felony or subsequent offense*, to lawfully deny or fail to acknowledge his or her participation in the program. This expands the current law, which only permits a juvenile who completes diversion for a *first-time misdemeanor offense* to lawfully deny or fail to acknowledge his or her participation in the program.

This bill is effective on the same date that SB 1292 or similar legislation takes effect.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

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<sup>20</sup> Section 943.0582(3), F.S.

<sup>21</sup> Section 943.0582(2)(b), F.S.

<sup>22</sup> “Criminal justice agency” means: a court; the FDLE; the DJJ; the protective investigations component of the Department of Children and Families, which investigates the crimes of abuse and neglect; and any other governmental agency or subunit thereof that performs the administration of criminal justice pursuant to a statute or rule of court and that allocates a substantial part of its annual budget to the administration of criminal justice. Section 942.045(11), F.S.

<sup>23</sup> Section 985.126(5), F.S.

<sup>24</sup> Section 943.0583, F.S.

<sup>25</sup> Section 943.0585, F.S.

<sup>26</sup> Section 943.059, F.S.

<sup>27</sup> Section 943.0582, F.S.

**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 FDLE may see an increase in applications for diversion expunction from juveniles who have completed diversion for a felony offense. The FDLE reports that there are currently 21,773 minors with 53,294 juvenile felony arrest charges with or without disposition that may qualify for juvenile diversion expunction. The FDLE estimates it needs \$24,050 to make programmatic changes to its technology systems.<sup>28</sup> Therefore, this bill may have a negative indeterminate fiscal impact on the FDLE.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 943.0582 and 985.126.

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<sup>28</sup> Florida Department of Law Enforcement, *2020 Agency Analysis of SB 700* (November 22, 2019), at 4. On file with Senate Committee on Criminal Justice.

**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 January 14, 2020:**

The committee substitute ensures that this bill will take effect at the same time that linked bill SB 1292 takes effect.

- B. **Amendments:**

None.

By the Committee on Criminal Justice; and Senators Perry, Pizzo, Braynon, Harrell, and Gruters

591-02252-20

2020700c1

1 A bill to be entitled  
2 An act relating to juvenile diversion program  
3 expunction; amending s. 943.0582, F.S.; deleting a  
4 requirement that limits diversion program expunction  
5 to programs for misdemeanor offenses; amending s.  
6 985.126, F.S.; conforming a provision to changes made  
7 by the act; providing a contingent effective date.  
8

9 Be It Enacted by the Legislature of the State of Florida:  
10

11 Section 1. Subsection (1) and paragraph (b) of subsection  
12 (3) of section 943.0582, Florida Statutes, are amended to read:  
13 943.0582 Diversion program expunction.—

14 (1) Notwithstanding any law dealing generally with the  
15 preservation and destruction of public records, the department  
16 shall adopt rules to provide for the expunction of a nonjudicial  
17 record of the arrest of a minor who has successfully completed a  
18 diversion program ~~for a misdemeanor offense.~~

19 (3) The department shall expunge the nonjudicial arrest  
20 record of a minor who has successfully completed a diversion  
21 program if that minor:

22 (b) Submits to the department, with the application, an  
23 official written statement from the state attorney for the  
24 county in which the arrest occurred certifying that he or she  
25 has successfully completed that county's diversion program, ~~that~~  
26 ~~his or her participation in the program was based on an arrest~~  
27 ~~for a misdemeanor,~~ and that he or she has not otherwise been  
28 charged by the state attorney with, or found to have committed,  
29 any criminal offense or comparable ordinance violation.

591-02252-20

2020700c1

30 Section 2. Subsection (5) of section 985.126, Florida  
31 Statutes, is amended to read:

32 985.126 Diversion programs; data collection; denial of  
33 participation or expunged record.—

34 (5) A minor who successfully completes a diversion program  
35 ~~for a first-time misdemeanor offense~~ may lawfully deny or fail  
36 to acknowledge his or her participation in the program and an  
37 expunction of a nonjudicial arrest record under s. 943.0582,  
38 unless the inquiry is made by a criminal justice agency, as  
39 defined in s. 943.045, for a purpose described in s.  
40 943.0582(2)(b)1.

41 Section 3. This act shall take effect on the same date that  
42 SB 1292 or similar legislation takes effect, if such legislation  
43 is adopted in the same legislative session or an extension  
44 thereof and becomes law.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

1/28/20

700

*Meeting Date*

*Bill Number (if applicable)*

Topic Juvenile Diversion Program Expunction

*Amendment Barcode (if applicable)*

Name Hon. Stacy Scott

Job Title 8th Circuit Public Defender

Address 151 SW 2nd Avenue

Phone 352-338-7370

*Street*

Gainesville

FL

32601

Email scott@s@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.*

***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)

1/28/2020  
Meeting Date

700  
Bill Number (if applicable)

Topic Juvenile Diversion Program Expansion Amendment Barcode (if applicable)

Name Candice Brower

Job Title Regional Counsel

Address 227 N. Bronough St.

Phone 352-681-0293

Tallahassee FL  
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 Criminal Conflict - Civil Reg. Counsel 1<sup>st</sup>

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

1/28/2020

Meeting Date

700

Bill Number (if applicable)

Topic Juvenile Diversion Program Expunction

Amendment Barcode (if applicable)

Name Daphnee Sainvil

Job Title Legislative Policy Advisor

Address 100 S. Andrews Ave. 8<sup>th</sup> Floor

Phone 954-253-7320

Street

Ft. Lauderdale FL 33301

Email dsainvil@broward.org

City

State

Zip

Speaking:  For  Against  Information

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

Representing Broward County Bd. of County Cmsrs.

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)

1-28-20  
Meeting Date

0700  
Bill Number (if applicable)

Topic EXPERIMENT

Amendment Barcode (if applicable)

Name Sal Nuzzo

Job Title Vice President of Policy

Address 100 N Duval Street

Phone 850-322-9941

Street

Tallahassee

FL

32301

Email snuzzo@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

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)

1/28/ Meeting Date

Bill Number (if applicable) 700

Topic MV-Div. Program Expunc.

Amendment Barcode (if applicable)

Name Chelsea Murphy

Job Title Florida State Director

Address 605 Middlebrooks Circle

Phone 954-557-0016

Street

Tallahassee

FL

32312

City

State

Zip

Email cmurphy@rightoncrime.com

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [x] 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: [x] Yes [ ] No

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

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)

1/28/20

Meeting Date

SB 700

Bill Number (if applicable)

Topic Juvenile Diversion Program Expansion

Amendment Barcode (if applicable)

Name Christian Minor

Job Title Executive Director

Address 1300 N. Adams St.

Phone (321) 223-4232

Street

Tallahassee

FL

32305

Email cmminor@fjja.org

City

State

Zip

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

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.)

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

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BILL: CS/SB 846

INTRODUCER: Criminal Justice Committee and Senator Simmons

SUBJECT: Costs of Prosecution and Investigation

DATE: January 27, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Jones</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Dale</u>	<u>Jameson</u>	<u>ACJ</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 846 amends section 938.27, Florida Statutes, to prohibit the state attorney and defense counsel from presenting a negotiated plea agreement for the court's consideration which contains amounts greater than the current statutory minimum of \$50 (assessed in misdemeanor or criminal traffic cases) or \$100 (felony cases) costs for the state attorney.

The bill also reenacts section 985.032(2), Florida Statutes, related to costs of prosecution in juvenile delinquency cases to incorporate changes made by this bill.

This bill may have a negative indeterminate fiscal impact on some state attorney's offices if the state attorney is unable to make a sufficient showing to the court that higher costs were incurred in investigating or prosecuting the case.

The bill takes effect July 1, 2020.

**II. Present Situation:**

**Plea Agreements**

The Florida Rules of Criminal Procedure recognize that most criminal cases are disposed of by pleas arrived at by negotiations between the prosecutor and defense counsel.<sup>1</sup> In fact, Rule 3.171

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<sup>1</sup> Rule 3.171, Fla.R.Crim.P., Committee Notes, 1972 Amendment.

states that the prosecuting attorney and the defense attorney, or the defendant when representing himself or herself, are encouraged to discuss and to agree on pleas that may be entered by a defendant.<sup>2</sup> A plea agreement is essentially a contract between the State and the defendant and may include details such as that charges are being dropped by the State in exchange for the plea, that a certain sentence will be recommended to the court, and that fines, fees, and costs will be made part of the recommended sentence.<sup>3</sup> The court has the ultimate responsibility for determining the proper sentence in a case and can accept or reject the plea agreement.<sup>4</sup>

### **Costs of Prosecution/Investigation and Costs for the State Attorney**

A person who is convicted of a criminal offense, including in violation of probation cases and violation of community control cases, is statutorily liable for the payment of costs for the state attorney and costs of prosecution.<sup>5</sup> Costs of prosecution includes investigative costs incurred by law enforcement agencies, by fire departments for arson investigations, and by investigations of the Department of Financial Services or the Office of Financial Regulation of the Financial Services Commission, if requested by such agencies.<sup>6</sup>

However, even if the defendant agrees to pay these statutory costs as part of a plea agreement it does not alleviate the court's obligation to impose the costs as the statutory procedures require.<sup>7</sup> For example, s. 938.27(1), F.S., requires a law enforcement agency or other listed agency to *request* the payment of investigative costs and provide supporting documentation.<sup>8</sup>

Section 938.27(8), F.S., provides that costs for the state attorney must be set in all cases at no less than \$50 per case for a misdemeanor or criminal traffic offense and no less than \$100 per case for a felony offense. The costs are also assessable in a proceeding in which the underlying offense is a violation of probation or community control. The court may set a higher amount upon a showing of sufficient proof of higher costs incurred.<sup>9</sup>

Costs recovered on behalf of the state attorney must be deposited into the State Attorneys Revenue Trust Fund to be used during the fiscal year in which the funds are collected, or in any subsequent fiscal year, for actual expenses incurred in investigating and prosecuting criminal

<sup>2</sup> Rule 3.171(a), Fla.R.Crim.P.

<sup>3</sup> *Churchill v. State*, 219 So.3d 14, 18 (Fla. 2017) (citing *Garcia v. State*, 722 So.2d 905, 907 (Fla. 3d DCA 1998)).

<sup>4</sup> Rule 3.171(a), Fla.R.Crim.P.

<sup>5</sup> Section 938.27(1), (8), F.S. For purposes of this section, "convicted" means a determination of guilt, or of violation of probation or community control, which is a result of a plea, trial, or violation proceeding, regardless of whether adjudication is withheld. Additionally, s. 985.032, F.S., provides that a juvenile who has been adjudicated delinquent or has had adjudication of delinquency withheld must have costs of prosecution assessed as provided in s. 938.27, F.S.

<sup>6</sup> Section 938.27(1), F.S. Costs of prosecution, as defined in s. 938.27, F.S., does not include "state attorney's fees." *Weeks v. State*, 659 So.2d 695 (Fla. 4th DCA 1995), rev. den., 666 So. 2d 145 (Fla. 1995); *Mickler v. State*, 682 So.2d 607 (Fla. 2d DCA, 1996). Note that when the Office of the State Attorney incurs purely investigative costs in a particular case, those costs may be ordered to be paid by the defendant, as costs of prosecution, if requested.

<sup>7</sup> *Tolbert v. State*, 698 So.2d 1288 (1997).

<sup>8</sup> Any dispute as to the proper amount or type of costs shall be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of costs incurred is on the state attorney. The burden of demonstrating the financial resources of the defendant and the financial needs of the defendant is on the defendant. The burden of demonstrating such other matters as the court deems appropriate is upon the party designated by the court as justice requires. Section 938.27(4), F.S.

<sup>9</sup> Section 938.27(8), F.S.

cases, which may include the salaries of permanent employees, or for any other purpose authorized by the Legislature.<sup>10</sup>

### III. Effect of Proposed Changes:

The bill amends s. 938.27, F.S., by creating a new subsection (2) and renumbering other subsections in that section of law. The new subsection (2) retains part of the language from the current subsection (8) which:

- Requires costs for the state attorney be set at no less than \$50 per case for a misdemeanor or criminal traffic offense;
- Requires costs for the state attorney be set at no less than \$100 per case for a felony offense;
- Requires that the court set such minimum costs in proceedings in which the underlying offense is a violation of probation or community control; and
- Provides that the court may set such costs at a higher amount if sufficient proof shows that higher costs were incurred by the state attorney.

The bill amends the new subsection (2) of s. 938.27, F.S., to prohibit the state attorney and the defense counsel from presenting a negotiated plea agreement to the court containing costs for the state attorney in amounts greater than the current minimum. These costs are \$50 in misdemeanor or criminal traffic cases and \$100 in felony cases. This provision would likely discourage, or eliminate altogether, using costs in excess of the minimum for the state attorney as a bargaining chip by either party during plea negotiations.

The bill creates a new subsection (9) of s. 938.27, F.S., which contains the remainder of the existing language in current subsection (8). This language provides that the costs recovered on behalf of the state attorney must be deposited into the State Attorneys Revenue Trust Fund and designates how the funds may be spent.

Current subsections (2) through (8) of s. 938.27, F.S., are redesignated by the bill as subsections (3) through (9).

Section 985.032(2), F.S., which provides for the assessment of costs of prosecution in juvenile delinquency cases is reenacted to incorporate the amendment to s. 938.27, F.S.

The bill takes effect July 1, 2020.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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<sup>10</sup> *Id.*

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:

This bill may have a negative indeterminate fiscal impact on some state attorney's offices if the state attorney is unable to make a sufficient showing to the court that higher costs were incurred in investigating or prosecuting the case.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 938.27 of the Florida Statutes.

The bill reenacts section 985.032 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 January 14, 2020:**

The committee substitute removes the phrase “that amount” from the bill and replaces it

with a more specific reference to the statutory minimum costs for the state attorney as set forth in s. 938.27(8), F.S.

B. Amendments:

None.

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

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By the Committee on Criminal Justice; and Senator Simmons

591-02251-20

2020846c1

1                   A bill to be entitled  
2       An act relating to costs of prosecution and  
3       investigation; amending s. 938.27, F.S.; prohibiting  
4       the inclusion in negotiated plea agreements of costs  
5       for the state attorney which are greater than the  
6       minimum required; reenacting s. 985.032(2), F.S.,  
7       relating to assessing costs of prosecution to a  
8       juvenile, to incorporate the amendment made to s.  
9       938.27, F.S., in a reference thereto; providing an  
10      effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14       Section 1. Present subsections (2) through (8) of section  
15       938.27, Florida Statutes, are redesignated as subsections (3)  
16       through (9), respectively, a new subsection (2) is added to that  
17       section, and present subsection (8) of that section is amended,  
18       to read:

19       938.27 Judgment for costs of prosecution and  
20       investigation.—

21       (2) Costs for the state attorney must be set in all cases  
22       at no less than \$50 per case when a misdemeanor or criminal  
23       traffic offense is charged and no less than \$100 per case when a  
24       felony offense is charged, including a proceeding in which the  
25       underlying offense is a violation of probation or community  
26       control. The court may set a higher amount upon a showing of  
27       sufficient proof of higher costs incurred; however, any amount  
28       exceeding the statutory minimum misdemeanor, criminal traffic,  
29       or felony costs may not be included as part of a negotiated plea

591-02251-20

2020846c1

30 agreement submitted to the court for consideration.

31 ~~(9)(8) Costs for the state attorney must be set in all~~  
32 ~~cases at no less than \$50 per case when a misdemeanor or~~  
33 ~~criminal traffic offense is charged and no less than \$100 per~~  
34 ~~case when a felony offense is charged, including a proceeding in~~  
35 ~~which the underlying offense is a violation of probation or~~  
36 ~~community control. The court may set a higher amount upon a~~  
37 ~~showing of sufficient proof of higher costs incurred. Costs~~  
38 recovered on behalf of the state attorney under this section  
39 must be deposited into the State Attorneys Revenue Trust Fund to  
40 be used during the fiscal year in which the funds are collected,  
41 or in any subsequent fiscal year, for actual expenses incurred  
42 in investigating and prosecuting criminal cases, which may  
43 include the salaries of permanent employees, or for any other  
44 purpose authorized by the Legislature.

45 Section 2. For the purpose of incorporating the amendment  
46 made by this act to section 938.27, Florida Statutes, in a  
47 reference thereto, subsection (2) of section 985.032, Florida  
48 Statutes, is reenacted to read:

49 985.032 Legal representation for delinquency cases.—

50 (2) A juvenile who has been adjudicated delinquent or has  
51 adjudication of delinquency withheld shall be assessed costs of  
52 prosecution as provided in s. 938.27.

53 Section 3. This act shall take effect July 1, 2020.

**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.)

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

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BILL: SB 1002

INTRODUCER: Senator Rodriguez

SUBJECT: Subpoenas

DATE: January 27, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Elsesser</u>	<u>Cibula</u>	<u>JU</u>	<b>Favorable</b>
2.	<u>Dale</u>	<u>Jameson</u>	<u>ACJ</u>	<b>Recommend: Favorable</b>
3.	_____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 1002 expands the methods by which a law enforcement officer may effect service of an investigative subpoena, court order, or search warrant on an out-of-state corporation that provides electronic communication services or remote computing services. As expanded, service of the documents may be had on the corporation's registered agent under the laws of the state in which service will be effected. The bill also states that out-of-state corporations doing business in Florida through the Internet may be served at any location where the corporation regularly accepts service.

The bill also specifies the means to enforce a subpoena on an in-state or out-of-state corporation that provides electronic communication services or remote computing services. If a corporation fails to comply with a properly-served subpoena, the bill allows a court, upon petition from the authority seeking the subpoena, to hold the non-complying corporation in indirect criminal contempt, and subject the entity to fines.

The bill does not direct the deposit of the fine in any particular manner. As such, when a clerk of the circuit court collects the fine, it would be deposited into the clerk's local Fine and Forfeiture Fund, as directed by section 142.01(g), Florida Statutes. The revenue impact and any increased workload to the clerks of court is unknown as the data needed to quantifiably predict the results of failure to accept service of process and the resultant court actions is unavailable.

The bill takes effect on July 1, 2020.

## II. Present Situation:

A subpoena is a written order to compel an individual to give testimony on a particular subject, often before a court, but sometimes in other proceedings.<sup>1</sup> A subpoena duces tecum is a type of subpoena that requires the witness to produce a document or documents pertinent to a proceeding.<sup>2</sup> Section 27.04, F.S., “allows the state attorney to issue subpoenas duces tecum for records as part of an ongoing investigation.”<sup>3</sup> The state does not need to establish the relevance and materiality of the information sought through an investigative subpoena,<sup>4</sup> but the subject matter of the investigation must be confined to violations of criminal law.<sup>5</sup>

Section 92.605(2), F.S., describes subpoenas, court orders, and warrants issued in compliance with the Electronic Communications and Privacy Act.<sup>6</sup> The federal act and its Florida counterpart, s. 934.23, F.S., authorize a law enforcement officer, state attorney, or judge to subpoena the records of an out-of-state corporation that provides electronic communication services or remote computing services to the public.

Upon service of a subpoena, court order, or warrant issued in compliance with s. 92.605, F.S. (and by extension with the Electronic Communications and Privacy Act), a corporation must comply within 20 days after receipt of the subpoena. However, if the recipient cannot comply within that time period, it must notify the law enforcement officer who sought the subpoena within the 20-day time period that the records cannot be provided and comply as soon as possible.<sup>7</sup> An “out-of-state corporation,” i.e., any corporation qualified to do business in Florida under s. 607.1501, F.S.,<sup>8</sup> is “properly served,” by subpoena or otherwise, when service is effected on that corporation’s registered agent.<sup>9</sup>

Section 92.605, F.S., does not expressly provide a law enforcement officer with a remedy when an out-of-state corporation fails to comply with a subpoena issued under that section.

## III. Effect of Proposed Changes:

The bill expands the avenues for service on an out-state corporation, allowing a law enforcement officer to effect service on an out-of-state corporation through its registered agent in Florida or pursuant to the laws of the state where process is to be served. The bill also states that service on an out-of-state corporation doing business in Florida “through the Internet” may also be made at any location where the corporation routinely accepts service.

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<sup>1</sup> *Subpoena*, Legal Information Institute (available at <https://www.law.cornell.edu/wex/subpoena>).

<sup>2</sup> *Subpoena duces tecum*, Legal Information Institute, (available at [https://www.law.cornell.edu/wex/subpoena\\_duces\\_tecum](https://www.law.cornell.edu/wex/subpoena_duces_tecum)).

<sup>3</sup> *State v. Investigation*, 802 So. 2d 1141, 1144 (Fla. 2d DCA 2001).

<sup>4</sup> *Id.*

<sup>5</sup> *Morgan v. State*, 309 So. 2d 552, 553 (Fla. 1975).

<sup>6</sup> 18 U.S.C. § 2701 et seq.

<sup>7</sup> Section 92.605(2)(b), F.S. If the entity seeking the subpoena shows and the court finds that failure to produce the requested records would produce an “adverse result,” i.e., physical harm, flight from prosecution, destruction of evidence, intimidation of witnesses, or jeopardy to the investigation, the court may order the records be produced earlier than 20 days. Section 92.605(c), (1)(a), F.S. The court may also extend the time to comply with a subpoena if doing so will not cause an adverse result.

<sup>8</sup> Section 92.605(1)(e), F.S.

<sup>9</sup> Section 92.605(1)(h), F.S. Per s. 607.0505, F.S., a foreign corporation doing business in Florida must have a registered agent, and per s. 607.1507, F.S., such agent must be located in or authorized to transact business in Florida.

If a corporation that provides electronic communication services or remote computing services fails to comply with a properly served subpoena the applicant seeking the subpoena may petition a court to compel compliance. The court may compel compliance by holding the entity in indirect criminal contempt<sup>10</sup> and may punish the entity by a fine of not less than \$100 and not more than \$1,000 per day for a maximum of 60 days.

The bill does not define what activities constitute “transacting business in this state through the Internet.” Section 607.1501(2), F.S., provides a non-exhaustive list of activities that *do not* constitute “transacting business,” a list which includes “transacting business through interstate commerce.” If intended, it may be useful to clarify s. 92.605(2), F.S., to state that transacting business through interstate commerce through the Internet subjects a company to the new service procedures in s. 92.605(1)(h).

The bill takes effect on July 1, 2020.

#### **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.

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<sup>10</sup> Section 38.22, F.S., authorizes every court to “punish contempts against it whether such contempts be direct, indirect, or constructive.” As a common law crime, contempt may be punished “by fine or imprisonment, but the fine shall not exceed \$500, nor the imprisonment 12 months,” Section 775.02, F.S.

**B. Private Sector Impact:**

The bill authorizes the imposition of fines and may cause subpoenaed corporations to incur costs to comply with the subpoenas.

**C. Government Sector Impact:**

The bill authorizes the imposition of a fine but does not direct the fine in any particular manner. As such, when the clerk of the circuit court collects the fine, it would be deposited into the clerk's local Fine and Forfeiture Fund, as directed by s. 142.01(g), F.S. The revenue impact and any increased workload is unknown as the data needed to quantifiably predict the results of failure to accept service of process and the resultant court actions is unavailable.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 92.605, Florida Statutes.

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

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

None.

**B. Amendments:**

None.

By Senator Rodriguez

37-00540A-20

20201002\_\_

1                   A bill to be entitled  
2           An act relating to subpoenas; amending s. 92.605,  
3           F.S.; revising the definition of "properly served";  
4           authorizing an applicant to petition a court to compel  
5           compliance with a subpoena; authorizing a court to  
6           address noncompliance as indirect criminal contempt  
7           and impose a daily fine for a specified amount of  
8           time; providing an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Paragraph (h) of subsection (1) of section  
13   92.605, Florida Statutes, is amended, and subsection (10) is  
14   added to that section, to read:

15           92.605 Production of certain records by Florida businesses  
16   and out-of-state corporations.—

17           (1) For the purposes of this section, the term:

18           (h) "Properly served" means delivery by hand or in a manner  
19   reasonably allowing for proof of delivery if delivered by United  
20   States mail, overnight delivery service, or facsimile to a  
21   person or entity properly registered to do business in any  
22   state. In order for an out-of-state corporation to be properly  
23   served, the service described in this paragraph must be effected  
24   on the corporation's registered agent in this state or as  
25   authorized under the laws of the state where process is to be  
26   served. Service on an out-of-state corporation doing business in  
27   this state through the Internet may also be made at any location  
28   where the corporation routinely accepts service.

29           (10) If a Florida business or an out-of-state corporation

37-00540A-20

20201002\_\_

30 refuses to comply with a properly served subpoena or does not  
31 comply with the requirements of subsection (2) or subsection  
32 (3), the applicant who sought the subpoena may petition a court  
33 of competent jurisdiction to compel compliance. The court may  
34 address the matter as indirect criminal contempt and may punish  
35 a business or corporation by a fine of not less than \$100 and  
36 not more than \$1,000 per day for a maximum of 60 days.

37 Section 2. This act shall take effect July 1, 2020.

## Appropriations Subcommittee on Criminal and Civil Justice Proposed Budget

		Agency / Department	CHAIRMAN'S PROPOSAL							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
1		<b>DEPT OF CORRECTIONS</b>								1
2	1100001	Startup (OPERATING)	24,856.00	1,042,135,530	2,598,654,666		2,598,654,666	64,527,944	2,663,182,610	2
3	1100002	Startup Recurring Fixed Capital Outlay (DEBT SERVICE/OTHER)			40,976,376		40,976,376		40,976,376	3
4	1800800	Transfer Funds to New Budget Entity Structure - Security and Institutional Operations	(3,614.00)	(128,193,373)	(232,607,177)		(232,607,177)	(3,140)	(232,610,317)	4
5	1800810	Transfer Funds from Current Budget Entity Structure - Security and Institutional Operations	3,614.00	128,193,373	232,607,177		232,607,177	3,140	232,610,317	5
6	2300040	Leases			2,997,241		2,997,241		2,997,241	6
7	2401300	Security Enhancement Equipment			1,500,000		1,500,000		1,500,000	7
8	2401500	Replacement of Motor Vehicles			700,000	1,903,500	2,603,500		2,603,500	8
9	2503080	Direct Billing for Administrative Hearings			5,759		5,759		5,759	9
10	3000770	Inspector General - Inspectors	20.00	751,520	1,384,378	88,580	1,472,958		1,472,958	10
11	3306000	Reduce Excess Budget Authority			-			(14,567,219)	(14,567,219)	11
12	36306C0	Electronic Health Record			-	2,500,000	2,500,000		2,500,000	12
13	4300140	8.5 Hour Shift	292.00	9,994,055	28,407,015	649,700	29,056,715		29,056,715	13
14	4300150	Security Threat Group	34.00	1,114,656	2,064,831	152,150	2,216,981		2,216,981	14
15	4700050	Brevard County Reentry Portal (Senate Form 1497)			-	500,000	500,000		500,000	15
16	4700370	Enhanced Offender Rehabilitation Program (Senate Form 1275)			-	2,961,680	2,961,680		2,961,680	16
17	4700770	Wellness Specialists	34.00	1,057,572	1,753,924	123,726	1,877,650		1,877,650	17
18	4700780	Academic Education Expansion	17.00	557,991	1,264,765	109,293	1,374,058		1,374,058	18
19	4700790	Career and Technical Education Expansion			4,000,000		4,000,000		4,000,000	19
20	4700810	University Medical School Inmate Health Care Plan			-	500,000	500,000		500,000	20
21	4800110	Infectious Disease Drug Treatment			21,000,000	7,000,000	28,000,000		28,000,000	21
22	5100179	Operation New Hope Re-Entry Initiative Program (Senate Form 2386)			-	1,000,000	1,000,000		1,000,000	22
23	54R0010	Casualty Insurance Premium Readjustment			(1,629,304)		(1,629,304)	(36,853)	(1,666,157)	23
24	54R0020	Casualty Insurance Premium Distribution Modification			3,958,615		3,958,615	89,540	4,048,155	24
25	080027	Correctional Facilities - Lease Purchase			10,540,750		10,540,750		10,540,750	25
26	083258	Major Repairs, Renovations and Improvements to Major Institutions			-	8,065,883	8,065,883		8,065,883	26
27	088189	Repair - Renovation and Improvement of Mental Health Facilities Statewide			-	5,960,690	5,960,690		5,960,690	27
28	088190	Mental Health Facility			-	1,400,000	1,400,000		1,400,000	28
29	<b>Total</b>	<b>DEPT OF CORRECTIONS</b>	<b>25,253.00</b>	<b>1,055,611,324</b>	<b>2,717,579,016</b>	<b>32,915,202</b>	<b>2,750,494,218</b>	<b>50,013,412</b>	<b>2,800,507,630</b>	29

## Appropriations Subcommittee on Criminal and Civil Justice Proposed Budget

		Agency / Department	CHAIRMAN'S PROPOSAL							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
30										30
31		<b>FL COMMISSION ON OFFENDER REVIEW</b>								31
32	<b>1100001</b>	<b>Startup (OPERATING)</b>	<b>132.00</b>	<b>6,110,752</b>	<b>11,355,208</b>		<b>11,355,208</b>	<b>120,234</b>	<b>11,475,442</b>	32
33	2401500	Replacement of Motor Vehicles			-	24,821	24,821		24,821	33
34	36201C0	Information Technology (IT) Services Provided by Department of Corrections			76,500	299,750	376,250		376,250	34
35	54R0010	Casualty Insurance Premium Readjustment			(7,347)		(7,347)		(7,347)	35
36	54R0020	Casualty Insurance Premium Distribution Modification			11,691		11,691		11,691	36
37	<b>Total</b>	<b>FL COMMISSION ON OFFENDER REVIEW</b>	<b>132.00</b>	<b>6,110,752</b>	<b>11,436,052</b>	<b>324,571</b>	<b>11,760,623</b>	<b>120,234</b>	<b>11,880,857</b>	37
38										38
39		<b>DEPT OF JUVENILE JUSTICE</b>								39
40	<b>1100001</b>	<b>Startup (OPERATING)</b>	<b>3,279.50</b>	<b>134,187,594</b>	<b>414,081,243</b>		<b>414,081,243</b>	<b>161,714,283</b>	<b>575,795,526</b>	40
41	160F400	Transfer General Revenue Budget Between Budget Entities - Add			115,000		115,000		115,000	41
42	160F410	Transfer General Revenue Budget Between Budget Entities - Deduct			(115,000)		(115,000)		(115,000)	42
43	1600250	Transfer Positions and Rate Between Budget Entities - Add	1.00	77,768	-				-	43
44	1600260	Transfer Positions and Rate Between Budget Entities - Deduct	(1.00)	(77,768)	-				-	44
45	1801300	Creation of New Program: Accountability and Program Support - Add	123.50	5,589,666	8,657,424		8,657,424		8,657,424	45
46	1801400	Creation of New Program: Accountability and Program Support - Deduct	(123.50)	(5,589,666)	(8,657,424)		(8,657,424)		(8,657,424)	46
47	2000130	Realignment of Expenditures Between Appropriation Categories - Add			3,143,455		3,143,455	3,143,455	6,286,910	47
48	2000140	Realignment of Expenditures Between Appropriation Categories - Deduct			(3,143,455)		(3,143,455)	(3,143,455)	(6,286,910)	48
49	2300080	Price Level Increase Residential Programs			-	2,000,000	2,000,000		2,000,000	49
50	24040C0	Information Technology Security Enhancements			53,783	162,736	216,519		216,519	50
51	2503080	Direct Billing for Administrative Hearings			27,429		27,429		27,429	51
52	3300401	Reduce Trust Fund Authority			-			(15,994,348)	(15,994,348)	52
53	3400240	Fund Shift from Trust Funds to General Revenue - Add General Revenue			13,858,650		13,858,650		13,858,650	53
54	3400350	Fund Shift from Trust Funds to General Revenue - Deduct Trust Fund Authority			-			(13,858,650)	(13,858,650)	54
55	4A03000	Enhance Oversight of Medical Services In Residential Programs	6.00	319,198	584,625	23,370	607,995		607,995	55

## Appropriations Subcommittee on Criminal and Civil Justice Proposed Budget

		Agency / Department	CHAIRMAN'S PROPOSAL							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
56	5000010	Children of Inmates (Senate Form 2334)			-			250,000	250,000	56
57	5000020	Filter Family Solutions (Senate Form 1413) (See Line 74)			-			50,000	50,000	57
58	5001110	Provide Evidence Based Services - Residential Contracts			4,237,019		4,237,019		4,237,019	58
59	5001473	Clay County Youth Alternative to Secured Detention (SWEAT PROGRAM) (Senate Form 2455)			-	250,000	250,000		250,000	59
60	5001475	New Horizons - After School and Weekend Rehabilitation Program (Senate Form 1388)			-			250,000	250,000	60
61	5001483	One More Child - Hope Street Project (Senate Form 1997)			-			250,000	250,000	61
62	5001506	Florida Children 's Initiative (Senate Form 1301)			-	250,000	250,000		250,000	62
63	5001886	Pace Center for Girls - Citrus County (Senate Form 1902)			-			250,000	250,000	63
64	5010010	Integrated Care and Coordination for Youth (Senate Form 1123)			-			250,000	250,000	64
65	5010163	Expansion of Pace Centers for Girls (Senate Form 1776)			-			250,000	250,000	65
66	5103750	Comprehensive Evaluations			222,421		222,421		222,421	66
67	5202110	Continuation and Expansion of Prevention and Early Intervention Programs			2,346,983		2,346,983		2,346,983	67
68	54R0010	Casualty Insurance Premium Readjustment			123,826		123,826	94,381	218,207	68
69	54R0020	Casualty Insurance Premium Distribution Modification			31,779		31,779	29,013	60,792	69
70	080410	Department of Juvenile Justice Maintenance and Repair - State Owned Buildings			-			1,300,000	1,300,000	70
71	080410	Department of Juvenile Justice Maintenance and Repair - State Owned Buildings			-			5,000,000	5,000,000	71
72	140085	PACE Building (Senate Form 1875)			-	2,500,000	2,500,000	-	2,500,000	72
73	140085	Camp Deep Pond (Senate Form 1696)			-	500,000	500,000	-	500,000	73
74	140085	Filter Family Solutions (Senate Form 1413) (See Line 57)			-	-	-	200,000	200,000	74
75	140110	Alachua County CINS/FINS Youth Shelter Replacement (Senate Form 1107)			-			250,000	250,000	75
76	<b>Total</b>	<b>DEPT OF JUVENILE JUSTICE</b>	<b>3,285.50</b>	<b>134,506,792</b>	<b>435,567,758</b>	<b>5,686,106</b>	<b>441,253,864</b>	<b>140,284,679</b>	<b>581,538,543</b>	76
77										77
78		<b>DEPT OF LEGAL AFFAIRS</b>								78
79	<b>1100001</b>	<b>Startup (OPERATING)</b>	<b>1,365.50</b>	<b>69,765,278</b>	<b>57,429,479</b>		<b>57,429,479</b>	<b>228,048,515</b>	<b>285,477,994</b>	79
80	2503080	Direct Billing for Administrative Hearings			-			(6,411)	(6,411)	80
81	3000900	Statewide Prosecution - Workload			400,000		400,000		400,000	81
82	3005900	Criminal Justice Programs Workload Increase			-			103,800	103,800	82
83	33V0020	Reduce Task Force Funding			(93,251)		(93,251)		(93,251)	83
84	3306000	Reduce Excess Budget Authority			-			(5,197,892)	(5,197,892)	84

## Appropriations Subcommittee on Criminal and Civil Justice Proposed Budget

		Agency / Department	CHAIRMAN'S PROPOSAL							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
85	36209C0	Agency Wide Information Technology Modernization Program			-	5,580,979	5,580,979	1,000,000	6,580,979	85
86	4000330	Increased Operating Costs			1,245,015		1,245,015	969,869	2,214,884	86
87	4000387	Legal Center of Florida P.A. (Senate Form 2503)			-	985,000	985,000		985,000	87
88	4000388	Floridians for Puerto Rico Inc. (Senate Form 2502)			-	750,000	750,000		750,000	88
89	4000389	Legal Services Clinic of the Puerto Rican Community, Inc. (Senate Form 2510)			-	1,200,000	1,200,000		1,200,000	89
90	4000391	Virgil Hawkins Florida Chapter Bar Association (Senate Form 1104)			-	150,000	150,000		150,000	90
91	4000398	Spanish American League Against Discrimination (SALAD) Pro Bono Legal Assistance Project (Senate Form 1163)			-	150,000	150,000		150,000	91
92	4000530	Crime Victims Compensation Payments			-	2,000,000	2,000,000		2,000,000	92
93	4100560	End Human Trafficking, Inc. (Senate Form 1408)			-	250,000	250,000		250,000	93
94	51R2000	Solicitor General Criminal Appellate Attorney Rate		250,000	-				-	94
95	54R0010	Casualty Insurance Premium Readjustment			34,781		34,781	66,823	101,604	95
96	54R0020	Casualty Insurance Premium Distribution Modification			(25,186)		(25,186)	(43,595)	(68,781)	96
97	<b>Total</b>	<b>DEPT OF LEGAL AFFAIRS</b>	<b>1,365.50</b>	<b>70,015,278</b>	<b>58,990,838</b>	<b>11,065,979</b>	<b>70,056,817</b>	<b>224,941,109</b>	<b>294,997,926</b>	97
98										98
99		<b>DEPT OF LAW ENFORCEMENT</b>								99
100	<b>1100001</b>	<b>Startup (OPERATING)</b>	<b>1,933.00</b>	<b>107,181,492</b>	<b>116,043,451</b>		<b>116,043,451</b>	<b>159,719,231</b>	<b>275,762,682</b>	100
101	2000020	Realignment of Expenditures - Add	4.50	168,599	-			988,856	988,856	101
102	2000100	Realignment of Expenditures - Deduct	(4.50)	(168,599)	-			(988,856)	(988,856)	102
103	2503080	Direct Billing for Administrative Hearings			-			41,854	41,854	103
104	3000810	Increase Capitol Complex Security Staffing	5.00	186,860	-			862,722	862,722	104
105	3400270	Fund Shift Operating Trust Fund to General Revenue - Deduct			-			(2,000,000)	(2,000,000)	105
106	3400280	Fund Shift Operating Trust Fund to General Revenue - Add			2,000,000		2,000,000		2,000,000	106
107	3400330	Fund Shift Human Resources Service Charge - Deduct			-			(14,728)	(14,728)	107
108	3400340	Fund Shift Human Resources Service Charge - Add			-			14,728	14,728	108
109	3400410	Transfer Criminal Justice Standards and Training Trust Fund to General Revenue - Deduct			-			(3,915,619)	(3,915,619)	109
110	3400420	Transfer Criminal Justice Standards and Training Trust Fund to General Revenue - Add			3,915,619		3,915,619		3,915,619	110
111	36119C0	Computerized Criminal History Record System Maintenance			1,900,000		1,900,000		1,900,000	111
112	36120C0	Florida Incident Based Reporting System (FIBRS)			-	2,574,489	2,574,489		2,574,489	112
113	36122C0	Modernize to Counter 21St Century Threats			100,000		100,000		100,000	113

## Appropriations Subcommittee on Criminal and Civil Justice Proposed Budget

		Agency / Department	CHAIRMAN'S PROPOSAL							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
114	4100430	Increase Federal Grants Trust Fund Authority for Project Safe Neighborhood Grant Program			-			1,500,000	1,500,000	114
115	4100600	Increase Trust Fund Authority for Tenant Broker Commissions			-			200,000	200,000	115
116	4500600	Genetic Genealogy Program	6.00	286,343	768,689	23,370	792,059		792,059	116
117	4500800	Statewide Behavioral Threat Assessment Management Strategy			1,000,000		1,000,000		1,000,000	117
118	5010030	Project Cold Case (Senate Form 1670)			-	150,000	150,000		150,000	118
119	5010255	City of Cape Coral - Real-Time Crime Center (Senate Form 1615)			-	250,000	250,000		250,000	119
120	5100217	Pinellas County Sheriff 's Office Eckerd College Search and Rescue (EC-SAR) Program (Senate Form 2346)			-	250,000	250,000		250,000	120
121	5100221	Tampa Police Department Bomb Response Vehicle (Senate Form 1152)			-	250,000	250,000		250,000	121
122	54R0010	Casualty Insurance Premium Readjustment			-			(263,331)	(263,331)	122
123	54R0020	Casualty Insurance Premium Distribution Modification			103,351		103,351	232,864	336,215	123
124	080956	Facilities Repairs and Maintenance			-	2,712,119	2,712,119		2,712,119	124
125	<b>Total</b>	<b>DEPT OF LAW ENFORCEMENT</b>	<b>1,944.00</b>	<b>107,654,695</b>	<b>125,831,110</b>	<b>6,209,978</b>	<b>132,041,088</b>	<b>156,377,721</b>	<b>288,418,809</b>	125
126										126
127		<b>JUSTICE ADMIN COMMISSION (JAC)</b>								127
128	<b>1100001</b>	<b>Startup (OPERATING)</b>	<b>106.00</b>	<b>4,150,824</b>	<b>117,540,993</b>		<b>117,540,993</b>	<b>1,022,036</b>	<b>118,563,029</b>	128
129	1806050	Realign Grants and Donations Trust Fund Expenses Appropriation Between Program Components - Deduct			-			(15,900)	(15,900)	129
130	1806060	Realign Grants and Donations Trust Fund Expenses Appropriation Between Program Components - Add			-			15,900	15,900	130
131	2000100	Realignment of Administrative Expenditures - Add			659,252		659,252		659,252	131
132	2000200	Realignment of Administrative Expenditures - Deduct			(659,252)		(659,252)		(659,252)	132
133	3002340	Staffing Increase for Court- Appointed Section	1.00	35,000	61,149	2,267	63,416		63,416	133
134	36201C0	Information Technology Critical Needs			32,000	285,000	317,000		317,000	134
135	4A00020	Establish Internal Audit Section at the Justice Administrative Commission	2.00	125,000	195,735	5,784	201,519		201,519	135
136	51R0100	Increase Current Authorized Rate		100,000	-				-	136
137	54R0010	Casualty Insurance Premium Readjustment			(302)		(302)		(302)	137
138	54R0020	Casualty Insurance Premium Distribution Modification			1,119		1,119		1,119	138
139	<b>Total</b>	<b>JUSTICE ADMIN COMMISSION (JAC)</b>	<b>109.00</b>	<b>4,410,824</b>	<b>117,830,694</b>	<b>293,051</b>	<b>118,123,745</b>	<b>1,022,036</b>	<b>119,145,781</b>	139
140										140
141		<b>GUARDIAN AD LITEM (GAL)</b>								141

## Appropriations Subcommittee on Criminal and Civil Justice Proposed Budget

		Agency / Department	CHAIRMAN'S PROPOSAL							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
142	<b>1100001</b>	<b>Startup (OPERATING)</b>	<b>747.50</b>	<b>32,437,146</b>	<b>52,685,854</b>		<b>52,685,854</b>	<b>458,004</b>	<b>53,143,858</b>	142
143	2000100	Realignment of Administrative Expenditures - Add			4,483,408		4,483,408	220,249	4,703,657	143
144	2000200	Realignment of Administrative Expenditures - Deduct			(4,483,408)		(4,483,408)	(220,249)	(4,703,657)	144
145	54R0010	Casualty Insurance Premium Readjustment			20,485		20,485		20,485	145
146	54R0020	Casualty Insurance Premium Distribution Modification			15,058		15,058		15,058	146
147	<b>Total</b>	<b>GUARDIAN AD LITEM (GAL)</b>	<b>747.50</b>	<b>32,437,146</b>	<b>52,721,397</b>	<b>-</b>	<b>52,721,397</b>	<b>458,004</b>	<b>53,179,401</b>	147
148										148
149		<b>STATE ATTORNEYS</b>								149
150	<b>1100001</b>	<b>Startup (OPERATING)</b>	<b>6,048.00</b>	<b>311,929,532</b>	<b>368,359,043</b>		<b>368,359,043</b>	<b>107,949,474</b>	<b>476,308,517</b>	150
151	160F010	Transfer Funds Between Categories - Add			-			100,000	100,000	151
152	160F020	Transfer Funds Between Categories - Deduct			-			(100,000)	(100,000)	152
153	1600170	Reapproval of Prior Year Budget Amendment			-			666,985	666,985	153
154	1600270	Reapproval of County Information Technology Agreement			-			899,912	899,912	154
155	1600990	Distribution of Fiscal Year 2019-20 Assistant State Attorney and Assistant Public Defender Pay Increase - Effective 10/1/2019		3,679,368	2,894,193		2,894,193	746,766	3,640,959	155
156	1605050	Reapproval of Victims of Crime Act Grant			-			94,340	94,340	156
157	2000100	Realignment of Administrative Expenditures - Add			507,098		507,098	702,620	1,209,718	157
158	2000200	Realignment of Administrative Expenditures - Deduct			(507,098)		(507,098)	(702,620)	(1,209,718)	158
159	2401500	Replacement of Motor Vehicles			-			485,900	485,900	159
160	2402000	Additional Equipment			-			120,000	120,000	160
161	2402400	Additional Equipment - Motor Vehicles			-			38,000	38,000	161
162	2503080	Direct Billing for Administrative Hearings			-			12,955	12,955	162
163	2600130	Annualization of Victims of Crime Act (VOCA) Program			-			31,446	31,446	163
164	2600210	Annualization of Grant and Donation Trust Fund			-			15,375	15,375	164
165	2600340	Annualization of County Information Technology Agreement			-			299,970	299,970	165
166	2600990	Annualization of Assistant State Attorney and Assistant Public Defender Fy 2019-20 Pay Increase - 3 Months Annualization			964,730		964,730	248,919	1,213,649	166
167	3001250	State Attorney Workload			1,000,000		1,000,000		1,000,000	167
168	3001520	Increase Trust Fund Authority			-			610,137	610,137	168
169	3005500	Grants and Donations Trust Fund Authority Adjustment			-			256,053	256,053	169
170	3009500	Increased State Attorney Forfeiture and Investigative Support Trust Fund (FIST)			-			100,000	100,000	170
171	3009510	Increase Victims of Crime Act Authority	3.00	102,960	-			172,864	172,864	171
172	33V6200	Eliminate Unfunded Positions		(11.00)	(539,940)					-
173	3301510	Reduce Trust Fund Authority			-			(324,508)	(324,508)	173

## Appropriations Subcommittee on Criminal and Civil Justice Proposed Budget

		Agency / Department	CHAIRMAN'S PROPOSAL							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
174	3402900	Transfer State Attorneys Revenue Trust Fund Authority to Grants and Donations Trust Fund - Add			-			300,000	300,000	174
175	3402910	Transfer State Attorneys Revenue Trust Fund Authority to Grants and Donations Trust Fund - Delete			-			(300,000)	(300,000)	175
176	3402920	Transfer Grants and Donations Trust Fund Authority to the State Attorneys Revenue Trust Fund - Add			-			11,003	11,003	176
177	3402930	Transfer Grants and Donations Trust Fund Authority to the State Attorneys Revenue Trust Fund - Deduct			-			(11,003)	(11,003)	177
178	4200270	Adjustment to Grant and Donations Trust Fund Authority			-			50,000	50,000	178
179	4201700	Rental Space Requirements			-			229,957	229,957	179
180	4300250	Maximize Use of Trust Fund Revenues for Operating Expenditures			-			71,500	71,500	180
181	51R0100	Increase Current Authorized Rate		50,000	-					181
182	54R0010	Casualty Insurance Premium Readjustment			-			282,102	282,102	182
183	54R0020	Casualty Insurance Premium Distribution Modification			(7,407)		(7,407)	(161,672)	(169,079)	183
184	<b>Total</b>	<b>STATE ATTORNEYS</b>	<b>6,040.00</b>	<b>315,221,920</b>	<b>373,210,559</b>	<b>-</b>	<b>373,210,559</b>	<b>112,896,475</b>	<b>486,107,034</b>	184
185										185
186		<b>PUBLIC DEFENDERS</b>								186
187	<b>1100001</b>	<b>Startup (OPERATING)</b>	<b>2,818.00</b>	<b>159,227,318</b>	<b>199,158,623</b>		<b>199,158,623</b>	<b>35,593,141</b>	<b>234,751,764</b>	187
188	1600170	Reapproval of Prior Year Budget Amendment			-			42,711	42,711	188
189	1600990	Distribution of Fiscal Year 2019-20 Assistant State Attorney and Assistant Public Defender Pay Increase - Effective 10/1/2019		2,006,134	1,723,490		1,723,490	261,295	1,984,785	189
190	2000100	Realignment of Administrative Expenditures - Add			510,864		510,864	672,935	1,183,799	190
191	2000200	Realignment of Administrative Expenditures - Deduct			(510,864)		(510,864)	(672,935)	(1,183,799)	191
192	2401500	Replacement of Motor Vehicles			-			123,000	123,000	192
193	2600210	Annualization of Grant and Donation Trust Fund			-			9,237	9,237	193
194	2600990	Annualization of Assistant State Attorney and Assistant Public Defender Fy 2019-20 Pay Increase - 3 Months Annualization			574,498		574,498	87,099	661,597	194
195	3000160	Rapid Intervention	2.00	40,910	77,284	4,822	82,106		82,106	195
196	3000190	Substance Abuse and Mental Health Rapid Response Team	9.00	365,000	603,216	23,895	627,111		627,111	196
197	3000310	Implementation of Juvenile Direct File	2.00	85,000	140,623	5,188	145,811		145,811	197
198	3001350	Public Defender Workload			1,000,000		1,000,000		1,000,000	198
199	3001510	Additional Criminal Court Divisions		89,836	108,020		108,020		108,020	199
200	3005500	Grants and Donations Trust Fund Authority Adjustment			-			232,000	232,000	200
201	3301510	Reduce Trust Fund Authority			-			(109,509)	(109,509)	201

## Appropriations Subcommittee on Criminal and Civil Justice Proposed Budget

		Agency / Department	CHAIRMAN'S PROPOSAL							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
202	3402840	Transfer Grants and Donations Trust Fund to Indigent Criminal Defense Trust Fund - Add			-			3,327	3,327	202
203	3402850	Transfer Grants and Donations Trust Fund to Indigent Criminal Defense Trust Fund - Deduct			-			(3,327)	(3,327)	203
204	36224C0	County Agreement for Information Technology Personnel Services			-			85,140	85,140	204
205	4200080	Transfer Appropriations Between Budget Entities - Add			25,000		25,000		25,000	205
206	4200330	Mental Health Diversion Program	6.50	279,066	-				-	206
207	4200350	Mental Health, Veterans and Drug Court Staffing	26.00	832,056	2,709,760	70,738	2,780,498		2,780,498	207
208	4300200	Maximize Use of Indigent Criminal Defense Trust Funds for Operating Expenditures			-			30,000	30,000	208
209	51R0200	Reduce Excess Authorized Rate		(300,000)	-				-	209
210	54R0010	Casualty Insurance Premium Readjustment			-			(21,299)	(21,299)	210
211	54R0020	Casualty Insurance Premium Distribution Modification			-			57,407	57,407	211
212	<b>Total</b>	<b>PUBLIC DEFENDERS</b>	<b>2,863.50</b>	<b>162,625,320</b>	<b>206,120,514</b>	<b>104,643</b>	<b>206,225,157</b>	<b>36,390,222</b>	<b>242,615,379</b>	212
213										213
214		<b>APPELLATE PUBLIC DEFENDERS</b>								214
215	<b>1100001</b>	<b>Startup (OPERATING)</b>	<b>173.00</b>	<b>11,749,910</b>	<b>16,672,942</b>		<b>16,672,942</b>	<b>331,439</b>	<b>17,004,381</b>	215
216	1600990	Distribution of Fiscal Year 2019-20 Assistant State Attorney and Assistant Public Defender Pay Increase - Effective 10/1/2019		82,900	81,910		81,910		81,910	216
217	2600990	Annualization of Assistant State Attorney and Assistant Public Defender Fy 2019-20 Pay Increase - 3 Months Annualization			27,303		27,303		27,303	217
218	4200090	Transfer Appropriations Between Budget Entities - Deduct			(25,000)		(25,000)		(25,000)	218
219	<b>Total</b>	<b>APPELLATE PUBLIC DEFENDERS</b>	<b>173.00</b>	<b>11,832,810</b>	<b>16,757,155</b>	<b>-</b>	<b>16,757,155</b>	<b>331,439</b>	<b>17,088,594</b>	219
220										220
221		<b>CAPITAL COLLATERAL REGIONAL COUNSELS)</b>								221
222	<b>1100001</b>	<b>Startup (OPERATING)</b>	<b>92.00</b>	<b>5,876,598</b>	<b>10,332,051</b>		<b>10,332,051</b>	<b>940,137</b>	<b>11,272,188</b>	222
223	2301900	Building Rental for Privately Owned Office Space			30,000		30,000		30,000	223
224	24010C0	Information Technology Infrastructure Replacement			-	68,958	68,958		68,958	224
225	3000130	Additional Collateral Caseload Resources Request	1.00	54,000	93,291	3,895	97,186		97,186	225
226	36201C0	Information Technology Critical Needs			9,763	3,013	12,776		12,776	226
227	51R0100	Increase Current Authorized Rate		50,000	-				-	227
228	54R0010	Casualty Insurance Premium Readjustment			(1,187)		(1,187)	5,258	4,071	228
229	54R0020	Casualty Insurance Premium Distribution Modification			(183)		(183)	(2,445)	(2,628)	229
230	<b>Total</b>	<b>CAPITAL COLLATERAL REGIONAL COUNSELS)</b>	<b>93.00</b>	<b>5,980,598</b>	<b>10,463,735</b>	<b>75,866</b>	<b>10,539,601</b>	<b>942,950</b>	<b>11,482,551</b>	230

## Appropriations Subcommittee on Criminal and Civil Justice Proposed Budget

		Agency / Department	CHAIRMAN'S PROPOSAL							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
231										231
232		<b>CRIMINAL CONFLICT AND CIVIL REGIONAL COUNSEL</b>								232
233	<b>1100001</b>	<b>Startup (OPERATING)</b>	<b>501.75</b>	<b>29,245,041</b>	<b>52,653,054</b>		<b>52,653,054</b>	<b>571,648</b>	<b>53,224,702</b>	233
234	2000100	Realignment of Administrative Expenditures - Add			197,449		197,449	135,980	333,429	234
235	2000200	Realignment of Administrative Expenditures - Deduct			(197,449)		(197,449)	(135,980)	(333,429)	235
236	2301900	Building Rental for Privately Owned Office Space			106,560		106,560		106,560	236
237	3001340	Operational Support for the Regional Conflict Counsels	3.00	135,000	702		702		702	237
238	3001360	Criminal Conflict and Civil Regional Counsel Workload			250,000		250,000		250,000	238
239	3005190	Forensic Social Workers for Dependency Court			250,000		250,000		250,000	239
240	4201760	Swipe Card Access for Building Security			-	8,541	8,541		8,541	240
241	4204020	Florida Bar Dues			23,000		23,000		23,000	241
242	5005020	Cross Jurisdictional Death Penalty Program	7.00	307,500	1,000,000		1,000,000		1,000,000	242
243	51R0100	Increase Current Authorized Rate		150,000	-				-	243
244	54R0010	Casualty Insurance Premium Readjustment			20,878		20,878		20,878	244
245	54R0020	Casualty Insurance Premium Distribution Modification			(5,701)		(5,701)		(5,701)	245
246	<b>Total</b>	<b>CRIMINAL CONFLICT AND CIVIL REGIONAL COUNSEL</b>	<b>511.75</b>	<b>29,837,541</b>	<b>54,298,493</b>	<b>8,541</b>	<b>54,307,034</b>	<b>571,648</b>	<b>54,878,682</b>	246
247										247
248		<b>STATE COURT SYSTEM</b>								248
249	<b>1100001</b>	<b>Startup (OPERATING)</b>	<b>4,314.00</b>	<b>325,700,368</b>	<b>462,353,357</b>		<b>462,353,357</b>	<b>94,288,735</b>	<b>556,642,092</b>	249
250	1600590	Distribution of Fiscal Year 2019-20 Judicial Branch Pay Increase		8,875,276	9,790,235		9,790,235	515,736	10,305,971	250
251	1604240	Approved Budget Amendment			57,355		57,355		57,355	251
252	1604250	Approved Budget Amendment			(57,355)		(57,355)		(57,355)	252
253	3000135	Problem Solving Courts Funding	2.00	125,918	300,662		300,662	7,880	308,542	253
254	3003050	Family Court Operational Support	2.00	147,795	309,566		309,566	7,880	317,446	254
255	3009310	Certification of Additional Judgeships	15.00	1,293,701	2,103,780		2,103,780	35,310	2,139,090	255
256	3306000	Reduce Excess Budget Authority			-			(352,378)	(352,378)	256
257	36315C0	Judicial Data Management			-			448,696	448,696	257
258	4600620	Appellate Judiciary Travel			125,000		125,000		125,000	258
259	5200400	Timely Resolution of Cases	64.00	2,880,601	4,721,353		4,721,353	328,716	5,050,069	259
260	5303100	Court Interpreting Resources	37.50	1,986,998	4,600,961		4,600,961	404,395	5,005,356	260
261	54R0010	Casualty Insurance Premium Readjustment			(379,950)		(379,950)		(379,950)	261
262	54R0020	Casualty Insurance Premium Distribution Modification			476,440		476,440		476,440	262
263	5402000	Courthouse Furnishings - Nonpublic Areas			-			297,313	297,313	263
264	5500020	Fort Lauderdale Community Court (Senate Form 1292)			-			136,387	136,387	264

## Appropriations Subcommittee on Criminal and Civil Justice Proposed Budget

		Agency / Department	CHAIRMAN'S PROPOSAL							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
265	5500030	Union County Courthouse and Jail (Senate Form 2430) (See Line 270)			-			125,000	125,000	265
266	5500050	Juvenile Drug Court (Senate Form 1954)			-			260,000	260,000	266
267	6800000	Appellate Court Security			503,678		503,678	12,461	516,139	267
268	080073	Second District Court of Appeal New Courthouse Constructions - Dms Mgd			-	20,000,000	20,000,000		20,000,000	268
269	140700	Union County Courthouse and Jail (Senate Form 2430) (See Line 265)			-			275,000	275,000	269
270	140700	Nassau County Courthouse Annex Completion Project (Senate Form 1680)			-			250,000	250,000	270
271	140700	Taylor County Courthouse Improvements(Senate Form 1457)			-			250,000	250,000	271
272	140708	Improvements - Liberty County Courthouse(Senate Form 1451)			-			250,000	250,000	272
273	<b>Total</b>	<b>STATE COURT SYSTEM</b>	<b>4,434.50</b>	<b>341,010,657</b>	<b>484,905,082</b>	<b>20,000,000</b>	<b>504,905,082</b>	<b>97,541,131</b>	<b>602,446,213</b>	273

# CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Criminal and Civil Justice

Judge:

Started: 1/28/2020 8:39:09 AM

Ends: 1/28/2020 9:29:14 AM

Length: 00:50:06

8:39:18 AM Sen. Brandes (Chair)  
8:40:00 AM S 846 is Temporarily Postponed  
8:40:11 AM S 1002  
8:40:14 AM Sen. Rodriguez  
8:41:24 AM Sen. Rouson (Chair)  
8:41:41 AM S 554  
8:41:50 AM Sen. Brandes  
8:43:03 AM Stacy Scott, Public Defender, Florida Public Defender Association (waives in support)  
8:43:16 AM Sal Nuzzo, Vice President of Policy, The James Madison Institute (waives in support)  
8:43:31 AM Christian Minor, Executive Director, Florida Juvenile Justice Association (waives in support)  
8:43:40 AM Greg Newburn, National Director, FAMM (waives in support)  
8:43:57 AM Ida Eskamani, Public Policy, Organize Florida and New Florida Majority (waives in support)  
8:44:13 AM Chelsea Murphy, Florida State Director, Right on Crime (waives in support)  
8:44:19 AM Sen. Brandes  
8:46:38 AM S 700  
8:46:50 AM Sen. Brandes  
8:47:24 AM Sen. Harrell  
8:48:04 AM Sen. Brandes  
8:48:19 AM Sen. Harrell  
8:49:02 AM Sen. Brandes  
8:49:06 AM Abram Dale, Analyst, Appropriations Subcommittee on Criminal and Civil Justice  
8:49:11 AM Sen. Brandes  
8:49:30 AM Stacy Scott, Public Defender, Florida Public Defender Association  
8:50:23 AM S. Scott (waives in support)  
8:50:29 AM Candice Brower, Regional Counsel, Office of Criminal Conflict (waives in support)  
8:50:36 AM Daphnee Sainvil, Legislative Policy Advisor, Broward County Board of County Commissioners (waives in support)  
8:50:53 AM Sal Nuzzo, Vice President of Policy, The James Madison Institute (waives in support)  
8:51:02 AM Christian Minor, Executive Director, Florida Juvenile Justice Association (waives in support)  
8:51:13 AM Chelsea Murphy, Florida State Director, Right on Crime (waives in support)  
8:51:26 AM Sen. Harrell  
8:52:34 AM Sen. Rouson  
8:53:17 AM Sen. Brandes  
8:53:48 AM Sen. Brandes (Chair)  
8:53:57 AM Tab 5 - Review and Discussion of Fiscal Year 2020-2021 Budget Issues  
8:54:22 AM PK Jameson, Staff Director, Appropriations Subcommittee on Criminal and Civil Justice  
8:58:00 AM Sen. Harrell  
8:58:09 AM Sen. Brandes  
8:58:12 AM Sen. Harrell  
8:58:25 AM Sen. Brandes  
8:58:47 AM Sen. Harrell  
8:58:52 AM Sen. Brandes  
8:59:01 AM Sen. Rouson  
8:59:11 AM Sen. Brandes  
9:00:08 AM Sen. Rouson  
9:00:15 AM Sen. Brandes  
9:03:38 AM Sen. Harrell  
9:04:26 AM Sen. Brandes  
9:04:58 AM Sen. Harrell  
9:05:28 AM Sen. Brandes  
9:05:44 AM PK Jameson  
9:06:24 AM Sen. Rouson

9:06:43 AM Sen. Brandes  
9:07:23 AM Sen. Rouson  
9:07:29 AM Sen. Brandes  
9:07:42 AM PK Jameson  
9:09:55 AM Sen. Brandes  
9:10:22 AM Sen. Bracy  
9:10:31 AM PK Jameson  
9:10:38 AM Sen. Rouson  
9:11:33 AM Sen. Brandes  
9:11:36 AM PK Jameson  
9:13:03 AM Sen. Brandes  
9:13:08 AM PK Jameson  
9:15:10 AM Sen. Harrell  
9:15:15 AM Sen. Brandes  
9:15:56 AM Sen. Harrell  
9:16:17 AM Sen. Brandes  
9:16:47 AM Sen. Harrell  
9:17:04 AM Sen. Brandes  
9:17:12 AM PK Jameson  
9:18:53 AM Sen. Harrell  
9:19:07 AM PK Jameson  
9:19:31 AM Sen. Gainer  
9:19:35 AM PK Jameson  
9:21:09 AM Sen. Harrell  
9:21:28 AM PK Jameson  
9:23:35 AM Sen. Harrell  
9:23:56 AM Abram Dale, Analyst, Appropriations Subcommittee on Criminal and Civil Justice  
9:24:28 AM Sen. Harrell  
9:24:31 AM A. Dale  
9:24:44 AM Sen. Harrell  
9:24:50 AM PK Jameson  
9:25:43 AM Sen. Bracy  
9:25:50 AM PK Jameson  
9:27:21 AM Sen. Bracy  
9:27:43 AM PK Jameson  
9:27:59 AM Sen. Brandes  
9:28:40 AM Sen. Taddeo  
9:28:57 AM Sen. Brandes  
9:29:07 AM Sen. Bracy