

Tab 1	CS/SB 1970 by CJ, Pizzo (CO-INTRODUCERS) Rodriguez; (Similar to H 01513) Law Enforcement Reform					
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Tab 2	CS/SB 748 by JU, Brandes; (Similar to CS/H 01197) Courts					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
**APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND
 CIVIL JUSTICE**
Senator Perry, Chair
Senator Brandes, Vice Chair

MEETING DATE: Wednesday, March 24, 2021
TIME: 4:30—6:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Perry, Chair; Senator Brandes, Vice Chair; Senators Baxley, Bracy, Gainer, Pizzo, Rodriguez, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A2 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W PENSACOLA STREET, TALLAHASSEE, FL 32301			
1	CS/SB 1970 Criminal Justice / Pizzo (Similar H 1513)	Law Enforcement Reform; Requiring the Criminal Justice Standards and Training Commission to adopt rules prohibiting law enforcement officers, correctional officers, or correctional probation officers from using specified techniques; providing an exception; requiring the commission to provide specified data regarding final commission orders to the National Decertification Index; requiring the commission to establish and maintain standards for the instruction of officers in specified subjects in order to build upon and improve police-community relations; revising the minimum aspects of law enforcement that the law enforcement accreditation program must address, etc. CJ 03/16/2021 Fav/CS ACJ 03/24/2021 Favorable AP	Favorable Yeas 7 Nays 0
2	CS/SB 748 Judiciary / Brandes (Similar CS/H 1197)	Courts; Deleting the requirement that the Clerk of the Supreme Court physically keep books, records, and other materials in the clerk's office; requiring the clerks of the circuit courts, with specified entities, to prepare a plan to procure or develop a statewide electronic solution to accurately identify all assessments mandated by statute; providing for the periodic inflationary adjustment of the monetary jurisdictional limit applicable to all actions at law in county courts filed on or after a specified date, beginning in 2030; requiring the clerk of a district court of appeal to have an office at the headquarters of the court, etc. JU 03/02/2021 Fav/CS ACJ 03/24/2021 Fav/CS AP	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Criminal and Civil Justice
Wednesday, March 24, 2021, 4:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	Review and Discussion of Fiscal Year 2021-2022 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 Commission		Discussed
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1970

INTRODUCER: Criminal Justice Committee and Senator Pizzo and others

SUBJECT: Law Enforcement Reform

DATE: March 23, 2021

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1970 makes the following changes to training and practices:

- Includes a declaration of an important state interest.
- Limits use of restraint techniques that require the application of pressure to the neck, throat, esophagus, trachea, or carotid arteries alongside the trachea to those situations in which deadly force is authorized.
- Requires the Criminal Justice Standards and Training Commission (CJSTC) to:
 - Provide data to the National Decertification Index on final commission orders regarding revocation or relinquishment of certification of law enforcement officers, correctional officers, and correctional probation officers;
 - Establish and maintain standards for instruction of officers in the subjects of de-escalation techniques, procedural justice training, implicit bias training, and the duty to intervene if another officer uses excessive or unnecessary force;
 - Specify what must be included in the minimum standards for de-escalation training;
 - Provide written guidance to law enforcement agencies on compliance with minimum standards relating to de-escalation training;
 - Create a model written policy on de-escalation training; and
 - Collect data regarding the implementation of training programs and annually report such data to the Legislature (as specified in bill).
- Requires that law enforcement agencies adopt a written policy stating that each of the law enforcement officers in its employ has an affirmative duty to use de-escalation techniques in his or her interactions with citizens whenever possible.

- Requires that de-escalation techniques and other specified aspects of law enforcement be addressed in the state law enforcement accreditation program.
- Requires de-escalation training in basic recruit training and continued employment training.

The bill contains numerous training requirements and other requirements that may impact local law enforcement agencies. These requirements may cause county and municipal governments to spend funds. The impact of the bill on local governments is indeterminate.

The Florida Department of Law Enforcement (FDLE) states that development of the training curricula will cost approximately \$12,648 and the bill will require technological modifications totaling approximately \$37,000. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2022.

II. Present Situation:

“The killing of George Floyd in Minneapolis has prompted police departments around Florida to review their policies, procedures and training.”¹ A 2017 workgroup of the CJSTC noted that “[o]ne of the biggest challenges in law enforcement today involves strengthening the bonds of trust between law enforcement officers and the communities they serve.”² “The relationship between communities and their law enforcement agencies are often characterized by varying degrees of suspicion and mistrust. Over time, that contributes to cynicism in both groups and creates barriers to good faith cooperation.”³

There are numerous measures that police agencies are taking to improve law enforcement-community relations and enhance the effectiveness of policing, including, but not limited to, standards and training on limiting the use of chokeholds and neck restraints, a duty of an officer to intervene when the officer witnesses another officer using excessive force, de-escalation techniques, mental health issues, procedural justice, and implicit bias.

Training Requirements for Florida Law Enforcement Officers

In compliance with s. 943.13, F.S., applicants must complete the 770-hour law enforcement basic recruit training program to meet the qualifications for becoming a certified law enforcement officer. The FDLE provided the following information regarding basic recruit training on subjects addressed in the bill:

The law enforcement basic recruit training curriculum incorporates training on implicit bias, de-escalation, procedural justice, crisis intervention with individuals suffering from

¹ Amy Martinez, Florida police departments review policies, procedures and training (Nov. 25, 2020), Florida Trend, available at <https://www.floridatrend.com/article/30313/florida-police-departments-review-policies-procedures-and-training>

² *Strengthening the Bonds of Trust between Law Enforcement and the Public* (Community Safety Recommendations) (May 11, 2017), Florida Criminal Justice Standards and Training Commission (CJSTC), available at https://www.fdle.state.fl.us/CJSTC/Documents/Publications/Community_Safety_Report_Adopt_May_11_17.aspx (last visited March 10, 2021). This report is further cited as “CJSTC report (May 11, 2017).”

³ As Volusia County Sheriff Mike Chitwood noted, “[w]e’re not the Marines. We’re not at war with our community. The overwhelming majority of the people we come into contact with are law-abiding citizens[.]” See footnote 1, *supra*.

physical or mental disabilities and recognition of individuals with physical and mental disabilities, mental health issues, and substance abuse issues. The training may be threaded through the curriculum as opposed to a specific course within the curriculum.

Currently, most of the training required in the bill is included in the basic recruit training programs (BRTPs), especially law enforcement BRTP. For instance, use of force, de-escalation, diversity and mental health/crisis intervention are covered, but duty to intervene is not. Additionally, the law enforcement BRTP is not broken down by lesson hours. Therefore, it's not possible to pinpoint how many hours are devoted to specific topics, as they are threaded throughout the BRTP and within the scenario-based role play and communication exercises....⁴

According to the FDLE, CJSTC staff surveyed the state's training centers and was provided the following range/breakdown of hours included in the law enforcement BRTP for use of force, de-escalation, diversity and mental health/crisis intervention:

- Use of Force: 26-152 hours.
- De-escalation: 22-90 hours.
- Diversity: 15-101 hours.
- Mental Health/Crisis Intervention: 6-78 hours.⁵

The FDLE also provided the following information on continued employment training:

In addition, in order to maintain their certification, law enforcement officers must satisfy the continuing training and education requirements of s. 943.135, F.S. This statute requires officers, as a condition of continued employment or appointment, to receive continuing training or education at the rate of 40 hours every four years. The employing agency must document continuing training or education is job-related and consistent with the needs of the employing agency and report completion to CJSTC through the Automated Training Management System (ATMS).⁶

Additional information on training is provided in the discussion below of subject matter addressed by the bill.

Chokeholds and Neck Restraints

The case of George Floyd focused national attention on the use of chokeholds and neck restraints and the duty on an officer to intervene when the officer witnesses another officer using excessive force. Mr. Floyd, a resident of Minneapolis, was arrested and restrained by a Minneapolis police officer named Derek Chauvin. According to news reports, for nearly nine minutes and despite Mr. Floyd repeatedly complaining that he could not breathe, Officer Chauvin pinned Mr. Floyd's head to the ground by pressing his knee to the side of Mr. Floyd's neck. It was also reported that three other Minneapolis police officers at the scene who witnessed the neck restraint did not

⁴ 2021 FDLE Legislative Bill Analysis (SB 1970) (March 8, 2021), Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice). This analysis is further cited as "2021 FDLE Legislative Bill Analysis (SB 1970)."

⁵ *Id.* "This information is based on the current 2020 law enforcement BRTP. The 2021 law enforcement BRTP, effective July 1, 2021, includes additional training on these topics." *Id.*

⁶ *Id.*

intervene to stop it. Mr. Floyd's death was assessed to be a homicide and Officer Chauvin and the witnessing officers were charged.⁷

There is a dispute over whether Minneapolis police officers were trained in the knee-to-neck technique used on Mr. Floyd,⁸ but some law enforcement experts consider the technique to be dangerous and unnecessary⁹ and some police departments have banned its use.⁹

The FDLE states that "CJSTC considers excessive use of force as a moral character violation and can discipline an officer's certification for a sustained violation, including the use of any technique if the use of that technique is deemed to be excessive by the officer's employing agency."¹⁰

Use of Force

Section 776.05, F.S., provides that a law enforcement officer need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The officer is justified in the use of any force:

- Which he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest;
- When necessarily committed in retaking felons who have escaped;¹¹ or
- When necessarily committed in arresting felons fleeing from justice. However, this does not constitute a defense in any civil action for damages brought for the wrongful use of deadly force unless the use of deadly force¹² was necessary to prevent the arrest from being defeated by such flight and, when feasible, some warning had been given, and:

⁷ See, e.g., *Timeline: Key events in the month since George Floyd's death* (June 25, 2020), Reuters, available at <https://www.reuters.com/article/us-minneapolis-police-usa-onemonth-timeline-key-events-in-the-month-since-george-floyds-death-idUSKBN23W1NR> (last visited March 10, 2021) and Amir Vera, *Independent autopsy and Minnesota officials say George Floyd's death was homicide* (June 2, 2020), CNN, available at <https://www.cnn.com/2020/06/01/us/george-floyd-independent-autopsy/index.html> (last visited March 10, 2021).

⁸ Gregory Hoyt, *Report: Minneapolis Police Department training materials show knee-to-neck restraint similar to the one used on Floyd* (July 9, 2020), Law Enforcement Today, available at <https://www.lawenforcementtoday.com/former-officer-in-floyd-case-cites-mpd-training-on-neck-restraints/> (last visited March 10, 2021).

⁹ Scottie Andrew, *The move used to restrain George Floyd is discouraged by most police. Here's why* (May 29, 2020), CNN, available at <https://www.cnn.com/2020/05/28/us/george-floyd-knee-to-neck-excessive-force-trnd/index.html> (last visited March 10, 2021).

¹⁰ 2021 FDLE Legislative Bill Analysis (SB 1970), *supra*.

¹¹ See s. 776.07, F.S., which provides that a law enforcement officer or other person who has an arrested person in his or her custody is justified in the use of any force which he or she reasonably believes to be necessary to prevent the escape of the arrested person from custody. The statute further provides that a correctional officer or other law enforcement officer is justified in the use of force, including deadly force, which he or she reasonably believes to be necessary to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

¹² As applied to a law enforcement officer or correctional officer acting in the performance of his or her official duties, the term "deadly force" means force that is likely to cause death or great bodily harm and includes, but is not limited to: the firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and the firing of a firearm at a vehicle in which the person to be arrested is riding. Section 776.06(1), F.S. "Deadly force" does not include the discharge of a firearm by a law enforcement officer or correctional officer during and within the scope of his or her official duties which is loaded with a "less-lethal munition" (a projectile that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body). Section 776.06(2)(a), F.S. A

- The officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officer or others; or
- The officer reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.¹³

An excessive force claim under 42 U.S.C. s. 1983¹⁴ which “arises in the context of an arrest or investigatory stop of a free citizen ... is most properly characterized as one invoking the protections of the Fourth Amendment.”¹⁵ An “objective reasonableness” standard is used, the “proper application” of which “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.”¹⁶ “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”¹⁷ “The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.”¹⁸

According to the FDLE, training on use of force is interwoven into the following curricula:

Basic Recruit Training

- Legal (64-hour course)
 - Contains all of the legal terminology related to use of force;
 - Firearms (80-hour course);
 - Contains a section on making use-of-force decisions;
 - Defensive tactics (80-hour course); and
 - Contains a section on making use-of-force decisions.
- Conducted Electrical Weapon/Dart-Firing Stun Gun (8-hour course)
 - Contains a section on making use-of-force decisions.
- Traffic Stops (30-hour course)
 - Discusses discriminatory profiling and how to interact with drivers.

law enforcement officer is not liable in any civil or criminal action arising out of the use of any less-lethal munition in good faith during and within the scope of his or her official duties. Section 776.06(2)(b), F.S.

¹³ Section 776.05, F.S. Law enforcement officers are also “eligible to assert Stand Your Ground immunity, even when the use of force occurred in the course of making a lawful arrest.” See *State v. Peraza*, 259 So.3d 728, 733 (Fla. 2018), discussing ss. 776.012 and 776.032(1), F.S.

¹⁴ “Section 1983 provides an individual the right to sue state government employees and others acting ‘under color of state law’ for civil rights violations. Section 1983 does not provide civil rights; it is a means to enforce civil rights that already exist.” *Civil Rights in the United States*, Law Library, Univ. of Minn. Law School, available at <https://libguides.law.umn.edu/c.php?g=125765&p=2893387#:~:text=Section%201983%20provides%20an%20individual,civil%20rights%20that%20already%20exist> (last visited March 10, 2021).

¹⁵ *Graham v. Connor*, 490 U.S. 386, 394 (1989).

¹⁶ *Id.* at 396 (citation omitted).

¹⁷ *Id.*

¹⁸ *Id.* at 396-397.

Post-Basic Training

- Defensive Tactics Instructor Course (Instructor course #802) (80-hour course). This course is divided into 6 units:
 - The role of the instructor in teaching use of force;
 - Decision-making;
 - Levels of resistance;
 - De-escalation;
 - Use-of-force guidelines; and
 - Legal issues around use of force.
- Advanced Defensive Tactics Course (Advanced course #1405). This course contains information regarding:
 - The use of reasonable and necessary force when taking a suspect into custody, when working in a correctional environment, or when defending self or others;
 - Objective reasonableness;
 - Authority to use force;
 - Structure of the force guidelines;
 - Subject resistance levels;
 - Officer response options;
 - Factors for deciding to use deadly force; and
 - Totality of circumstances.
- Advanced Report Writing and Review (Advanced course #068). It is estimated that 3 hours of this 40-hour course covers the use of force. This course contains:
 - Writing a use-of-force report;
 - Factors of the *Graham v. Connor* case related to the use of force;
 - Factors that help an officer articulate a reasonable response to resistance;
 - The difference between the use of specific facts and vague conclusions when articulating force;
 - The importance of an accurate use-of-force report; and
 - Writing an accurate and complete use-of-force report.
- Line Supervision (Advanced course #006). It is estimated that 2 hours of this 80-hour course cover the use of force. This course discusses:
 - Officers must follow their department's use-of-force policy;
 - The potential liability associated with use-of-force incidents;
 - An officer's response should be objectively reasonable and necessary based upon the subject's resistance and the totality of the circumstances;
 - Section 776.05, F.S.—Law enforcement officers; use of force in making an arrest;
 - Section 944.35, F.S.—Authorized use of force (corrections); and
 - A review of the CJSTC force guidelines.
- Discipline and Special Confinement Techniques (Advanced course #057). It is estimated that 4 hours of this 40-hour course covers the use-of-force topic. The course discusses:
 - Use of force as legal guidelines regarding the use of force to apprehend a suspect, make an arrest, or defend self or others;
 - Statutes, rules, and policies and procedures which relate to the use of force within county and state correctional facilities;
 - Guidelines for handling violent inmates as per s. 944.35, F.S.; and

- Procedures for reporting use of physical force in state, county, and municipal correctional facilities.¹⁹

Duty to Intervene

Florida law does not specify that a law enforcement officer has a duty to intervene when the officer witnesses another officer using excessive force. However, “an officer who is present at the scene and who fails to take reasonable steps to protect the victim of another officer’s use of excessive force, can be held liable [under 42 U.S.C. s. 1983] for his nonfeasance.”²⁰

According to the FDLE, the duty to intervene is not taught at the basic recruit training level, since the duty is dictated at the agency level by agency policy. At the post-basic training level, a course titled Line Supervision (Advanced course #006):

- Describes federal and state laws that impact supervisory practices and methods for successful interventions. The most common area of liability against a supervisor over the last decade is “failure to intervene,” which applies to any supervisor who fails to stop or intercede in an unconstitutional act;
- Instructs that a supervisor may be held criminally liable if he or she knows that their officers are violating peoples’ constitutional rights and chooses not to intervene; and
- Instructs that if a supervisor knows his or her officers are involved in misconduct and fails to take corrective action, the supervisor may be held liable.²¹

De-escalation Techniques

“The term de-escalation generally refers to the act of moving from a state of high tension to a state of reduced tension[.] In law enforcement, minimizing danger and tension in potentially volatile situations is a daily responsibility.”²² As one commentary notes, “[o]ne of the enduring myths about policing involves the idea that police officers are primarily crime fighters.”²³ The majority of a patrol officer’s duties “are focused on service activities, maintaining peace and order, and problem-solving[.]”²⁴

In an ideal situation, the officer may evaluate the nature of the call by, for example (1) allowing people to give their side of the story; (2) explaining what the officer is doing, what the person can do, and what is going to happen; (3) telling the person why the officer is taking action; and (4) acting with dignity and leaving the person with their dignity. Knowing that even in the most reasonable circumstance, people will not always

¹⁹ *Senate CJ Committee Questions*, 7-24-2020, Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice). This document is further cited as “*Senate CJ Committee Questions*, 7-24-2020.”

²⁰ *Fundiller v. City of Cooper City*, 777 F.2d 1436, 1442 (11th Cir. 1995).

²¹ *Senate CJ Committee Questions*, 7-24-2020, *supra*.

²² Janet R. Oliva, Rhiannon Morgan, and Michael T. Compton, *A Practical Overview of De-Escalation Skills in Law Enforcement: Helping Individuals in Crisis While Reducing Police Liability and Injury*, *Journal of Police Crisis Negotiations*, 10:15–29, 2010, at p. 18, available at <https://de-escalate.org/wp-content/uploads/2019/02/A-Practical-Overview-of-De-Escalation-Skills-in-Law-Enforcement.pdf> (last visited March 10, 2021). This resource is further cited as “Oliva, Morgan, and Romano (2010).”

²³ *Id.* at 15.

²⁴ *Id.*

comply, an officer maintains a set of strategies that consider officer and public safety, and what actions are in the best interest of the public.²⁵

“When police officers de-escalate a crisis, they conduct an intervention that will assist the individual in crisis in regaining control emotionally and resolve or reduce the crisis to a manageable state. This response is similar to other law enforcement strategies that require communication and negotiation skills, knowledge, tactics, and officer-safety techniques.”²⁶ Intervention techniques have often focused on the traditional, linear use of force continuum:

- Officer presence (officer at the scene as deterrence);
- Verbalization (e.g., calm, nonthreatening commands);
- Empty-hand control (e.g., soft restraint techniques like grabbing, holding, and joint locks, and hard restraint techniques like hitting, kicking, or other physical action);
- Less-than-lethal methods of physical force (e.g., chemicals sprays, Tasers, batons, or nonlethal projectiles); and
- Lethal force.²⁷

Some have criticized the use of force continuum as being over simplistic and suggesting that the only response to a conflict is escalating force until the conflict is resolved.²⁸ For example, the Police Executive Research Forum (PERF) has recommended the Critical Decision-Making Model (CDM).²⁹ PERF explains:

The CDM teaches officers to start asking themselves the following types of questions as soon as they get a call:

“What do I know about what is happening at the scene of this call? Is there a history of previous calls at this location? What do we know about the person who made the call? Is there any indication of a mental health issue at this call? Is there a person with a weapon at the scene?”

And then, after arriving at the scene, officers are taught to keep asking questions as they work through a 5-step process:

1. Collect information.
2. Assess the situation, threats, and risks.
3. Consider police powers and agency policy.
4. Identify options and determine best course of action.
5. Act, review, and re-assess.³⁰

According to the FDLE, training on de-escalation is interwoven into the following curricula:

²⁵ CJSTC report (May 11, 2017), *supra*, at p. 11.

²⁶ Oliva, Morgan, and Romano (2010), *supra*, at p. 18.

²⁷ See Oliva, Morgan, and Romano (2010), *supra*, at pp. 18-19 and The Use-of-Force Continuum (Aug. 3, 2009), The National Institute of Justice, available at <https://nij.ojp.gov/topics/articles/use-force-continuum> (last visited March 10, 2021).

²⁸ PERF Daily Critical Issue Report (June 15, 2020), Police Executive Research Forum, available at <https://www.policeforum.org/criticalissuesjune15> (last visited March 10, 2021).

²⁹ *Id.*

³⁰ *Id.*

Basic Recruit Training

- Defensive Tactics (80-hour course)
 - De-escalation is taught in Defensive Tactics from a different standpoint than deescalating through communication. De-escalation in Defensive Tactics teaches the officer to immediately reduce their use of force during an already established use-of-force situation once they gain the subject's compliance.
- Interactions in a Diverse Community (40-hour course)
 - De-escalation of a situation through communication is taught as a part of professional communication and resolving conflicts.

Post-Basic Training

- Defensive Tactics Instructor Course (Instructor course #802). This course is divided into 6 units:
 - The role of the instructor in teaching use of force;
 - Decision-making;
 - Levels of resistance;
 - De-escalation;
 - Use-of-force guidelines; and
 - Legal issues around the use of force.
- Advanced Defensive Tactics Course (course #1405). This course contains a unit on the use of force, including a discussion of escalation, de-escalation, and disengagement.
- Field Training Officer Course (Advanced course #809). This course contains:
 - Use-of-force evaluation: Maintains control without excessive force; applies appropriate force by policy; deescalates force when resistance is overcome; and precedes to apply force with appropriate warnings; and
 - Role-play exercise assesses if the new officer knows how to use interpersonal skills to de-escalate a volatile situation.
- Crisis Intervention for School Resource Officers (Specialized course #1401)
 - De-escalation is one of the primary skills incorporated throughout the course, including:
 - Deescalating students with mental health challenges (e.g., anxiety, autism, aggressive behaviors); and
 - De-escalation techniques to calm students and respond to crisis situations.³¹

Crisis Intervention and Mental Health Issues

According to the National Alliance on Mental Illness (NAMI), “[t]he lack of mental health crisis services across the U.S. has resulted in law enforcement officers serving as first responders to most crises.”³²

While the causes [of a crisis] can vary greatly, anyone can be susceptible to experiencing a crisis. Individuals with serious mental illnesses like psychotic disorders (e.g.,

³¹ Senate CJ Committee Questions, 7-24-2020, *supra*.

³² Crisis Intervention Team (CIT) Programs, National Alliance on Mental Illness, available at [https://www.nami.org/Advocacy/Crisis-Intervention/Crisis-Intervention-Team-\(CIT\)-Programs](https://www.nami.org/Advocacy/Crisis-Intervention/Crisis-Intervention-Team-(CIT)-Programs) (last visited March 10, 2021).

schizophrenia) who are in crisis may have trouble with reality testing, experiencing delusions (fixed false beliefs) or hallucinations (a misperception commonly experienced as hearing voices). These individuals may also be experiencing fear, insecurity, difficulty concentrating, agitation, over-stimulation, and poor judgment. They may become preoccupied, withdrawn, or argumentative. Other crisis events may involve family altercations, intoxicated or chemically dependent individuals, suicide attempts, victims of accidents, physical or sexual assaults, or other taxing situations[.]³³

“Many agencies have determined that because all their officers respond to mental health calls, they need to have the specialized training, knowledge, and skills to respond appropriately.”³⁴

“The task of crisis intervention is that of communicating with people[.] The purpose of crisis intervention is to help individuals in crisis achieve -with assistance of the crisis intervener- equilibrium within themselves so they resume their normal activities[.]”³⁵ To enhance such communication, the officer might learn active listening skills and behaviors to avoid and also engage in role-playing.³⁶

Some law enforcement agencies have addressed crisis intervention by engaging in Crisis Intervention Team (CIT) Training, which is a training curriculum that “emphasizes understanding of mental illness and incorporates the development of communication skills, practical experience and role-playing. Officers are introduced to mental health professionals, consumers and family members both in the classroom and through site visits.”³⁷

Mental illness training may also occur during recruit academy training, in-service training, and roll-call training. The U.S. Department of Justice (DOJ) asserts that “[r]ecruit academy training is not sufficient by itself to prepare a police force to respond appropriately to individuals experiencing a mental health crisis. Recruit academy training must exist alongside a more comprehensive and robust program to be effective.”³⁸ Further, DOJ states that “[i]n-service and roll-call training provide law enforcement agencies with the opportunities to convey new policies and tactics to officers, to refresh knowledge, and to reinforce skills learned in previous recruit or specialized training courses.”³⁹

The FDLE states that “[c]urrently, post-basic mental illness training is covered by a “Crisis Intervention for School Resource Officers (SROs) course. However, because this course is primarily taken by SROs, many officers do not receive this training.”⁴⁰ Additionally, according to the FDLE, accreditation standards for those law enforcement agencies that are accredited require annual mental illness training.

³³ Oliva, Morgan, and Romano (2010), *supra*, at p. 16.

³⁴ *Training/Police-Mental Health Collaboration (PMHC) Toolkit*, U.S. Department of Justice, available at <https://bja.ojp.gov/program/pmhc/training#:~:text=Mental%20Health%20First%20Aid%20for%20Public%20Safety%20is%20an%20eight,effective%20response%20options%20to%20deescalate> (last visited March 10, 2021).

³⁵ Oliva, Morgan, and Romano (2010), *supra*, at p. 19 (citation omitted).

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.* However, the DOJ also asserts that roll-call training, like recruit academy training, “is not sufficient by itself to prepare a police force to respond appropriately to individuals experiencing a mental health crisis.” *Id.*

⁴⁰ *2021 FDLE Legislative Bill Analysis* (SB 1192) (Feb. 25, 2021), Florida Department of Law Enforcement (on file with Senate Committee on Criminal Justice).

Law enforcement agencies accredited through the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) must comply with an accreditation standard that requires agencies to have annual training for their law enforcement officers and other agency personnel who may come into contact with the public in dealing with individuals who suffer from mental illness (CALEA standard 41.2.7). The standard further directs that the training should be developed in collaboration with mental health professionals and should include access to the court system and applicable case law. The standard indicates that alternatives to arrest, such as citations, summonses, referrals, informal resolutions and warnings, should be considered to ensure the best treatment options are used and to keep those with mental health issues out of the criminal justice system. The training is to be reviewed and updated annually. Currently, 43 states and local law enforcement agencies in Florida are accredited through CALEA.⁴¹

Procedural Justice Training

In the context of law enforcement, “procedural justice” has been described as a “practical concept that promotes healthy and reciprocal relations with the community to enhance safety for both officers and the community.”⁴² The CJSTC workgroup noted that in many police encounters that garnered national attention over the last several years, “the officer actions during the encounter had just as much of an effect on public perception as the outcome of the encounter.”⁴³

The CJSTC workgroup explained that procedural justice amounts to four basic actions for police officers: treating people with respect; listening to what they have to say; making fair decisions; and explaining your actions.⁴⁴

Implicit Bias Training

“Implicit bias describes the automatic association people make between groups of people and stereotypes about those groups. Under certain conditions, those automatic associations can influence behavior—making people respond in biased ways even when they are not explicitly prejudiced.”⁴⁵ The 2017 CJSTC workgroup explained the “purpose of providing training on fair, unbiased policing (also known as fair and impartial policing) is to help individuals to be aware of their own biases and learn how to manage them effectively.” This is important because “being self-aware” of these biases aids in communication between law enforcement and the public “whether it is a town hall meeting, traffic stop, or some other interaction.”⁴⁶

⁴¹ *Id.*

⁴² CJSTC report (May 11, 2017), *supra*, at p. 10.

⁴³ *Id.*

⁴⁴ *Id.* at 11.

⁴⁵ *Implicit Bias*, The National Initiative for Building Community Trust and Justice, available at <https://trustandjustice.org/resources/intervention/implicit-bias> (last visited March 10, 2021). “Discussions of implicit bias in policing tend to focus on implicit racial biases; however, implicit bias can be expressed in relation to non-racial factors, including gender, age, religion, or sexual orientation. As with all types of bias, implicit bias can distort one’s perception and subsequent treatment either in favor of or against a given person or group. In policing, this has resulted in widespread practices that focus undeserved suspicion on some groups and presume other groups innocent.” *Id.*

⁴⁶ CJSTC report (May 11, 2017), *supra*, at p. 10. “Studies find that bias, both implicit and explicit, exists in all people. This does not necessarily lead citizens and officers to treat others unfairly, but it makes that more likely.” *Id.* at 7.

According to the FDLE, training on “diversity” is interwoven into the following curricula at the basic recruit training level:

- Introduction to Law Enforcement (10-hour course)
- Interactions in a Diverse Community (40-hour course)
- Calls for Service (36-hour course)
- Traffic Stops (30-hour course)
 - Professional communication, conflict resolution, avoiding bias, and working with diverse groups are woven throughout the basic recruit program. In addition to the textbook content describing these topics, recruits get hands-on practice through communication exercises and role-play scenarios.

Peer Support Programs

Peer support programs are a means to help law enforcement officers and other first responders deal with work-related and family stress. Some law enforcement agencies offer peer support programs during crisis events or through full-time staff. According to the National Sheriffs Association,

[h]aving a Peer Support program in place not only helps to decrease day-to-day stress, but it can also countercheck the emotional strain of critical incidents and prevent the accumulation of emotions that can lead to alcohol abuse, depression, domestic violence, and suicide.

Benefits of developing a Peer Support program include the ability to provide peers with immediate assistance, provide additional support, allow for ventilation and sharing to take place, and works in tandem with the services provided by chaplains and mental health professionals. A successful Peer Support program reduces long-term critical incident stress, turn-over and health insurance costs, worker’s compensation claims, fitness-for-duty evaluations and supports supervisor referrals.⁴⁷

In 2020, legislation was enacted into Florida law to provide confidentiality for peer support communications between a first responder and a first responder peer.⁴⁸ A “first responder” includes a law enforcement officer and a “first responder peer” includes a person who:

- Is not a health care practitioner;
- Has experience working as or with a first responder regarding any physical or emotional conditions or issues associated with the first responder’s employment; and
- Has been designated by the first responder’s employing agency to provide peer support (as provided in the bill) and has received training for this purpose.⁴⁹

⁴⁷ *The Benefits of Developing a Peer Support Program*, National Sheriffs Association, Justice Clearinghouse, available at <https://www.justiceclearinghouse.com/webinar/the-benefits-of-developing-a-peer-support-program/> (last visited March 10, 2021).

⁴⁸ Chapter 2020-104 L.O.F (effective July 1, 2020).

⁴⁹ *Id.* The bill provided four exceptions to such confidentiality: (1) the first responder peer is a defendant in a civil, criminal, administrative, or disciplinary proceeding arising from a complaint filed by the first responder who was a party to the peer support communication, in which case such information may be divulged but is limited to the scope of the proceeding; (2) the first responder who was a party to the peer support communication agrees, in writing, to allow the first responder peer to testify about or divulge information related to the peer support communications; (3) based on the peer support

National Decertification Index

“In July 1999, the International Association of Directors of Law Enforcement Standards and Training (IADLEST) established a database, with funding from the DOJ’s Bureau of Justice Administration (BJA), to track decertified officers across the United States.”⁵⁰ The National Decertification Index (NDI) is intended “to serve as a national registry of certificate or license revocation actions relating to officer misconduct. The records contained in the NDI are provided by participating state government agencies and should be verified with the contributing authority. Inclusion in the database does not necessarily preclude any individual from appointment as an officer.”⁵¹ “The NDI is a pointer system only. There are no records contained in the NDI. Records are housed in participating state government agency databases.....”⁵²

The NDI “contains no information about what the officer did to be decertified; it merely refers the person seeking information about a particular officer to the state POST⁵³ that decertified him or her. POST agencies are permitted to query the NDI, as are hiring departments as long as the POST has granted access for the agency’s pre-hire screening process.” As of March 10, 2020, the NDI contained 29,882 actions reported by 45 certifying agencies.⁵⁴

The FDLE states that “[o]fficer disciplinary actions resulting in revocation or relinquishment of an officer’s certification are currently reported to NDI.”⁵⁵

Accreditation

Section 943.125, F.S., addresses voluntary accreditation of state and local law enforcement agencies, correctional facilities, public agency offices of inspectors general, and certain pretrial diversion programs. Accreditation standards relating to law enforcement and inspectors general used by the accreditation programs established in s. 943.125, F.S., are determined by the Commission for Florida Law Enforcement Accreditation, Inc. (CFA). Accreditation standards

communications, the first responder peer suspects that the first responder who was a party to the peer support communications has committed a criminal act or intends to commit a criminal act; and (4) there are articulable facts or circumstances that would lead a reasonable, prudent person to fear for the safety of the first responder who was a party to the peer support communication, another person, or society, and the first responder peer communicates the information only to a potential victim and law enforcement or other appropriate authorities. *Id.*

⁵⁰ Roger L. Goldman, *NDI: Tracking Interstate Movement of Decertified Police Officers*, The Police Chief, International Association of Chiefs of Police, available at <https://www.policechiefmagazine.org/ndi-tracking-decertified-police-officers/> (last visited March 10, 2021).

⁵¹ *About NDI*, International Association of Directors of Law Enforcement Standards and Training, available at <https://www.iadlest.org/our-services/ndi/about-ndi> (last visited March 10, 2021).

⁵² *Do you really know who you are hiring? (Become better informed through the National Decertification Index (NDI))*, International Association of Directors of Law Enforcement Standards and Training, available at <https://www.iadlest.org/Portals/0/NDI%20brochure%20July%202020.pdf> (last visited March 10, 2021).

⁵³ “POST” is an acronym for Peace Officer Standards and Training Commission.

⁵⁴ *About NDI*, *supra*.

⁵⁵ Section 943.125(6), F.S.

related to corrections functions and pretrial diversion programs are determined by the Florida Corrections Accreditation Commission, Inc. (FCAC).⁵⁶

Section 943.125, F.S., requires that the law enforcement accreditation program address, at a minimum, the following aspects of law enforcement:

- Vehicle pursuits;
- Seizure and forfeiture of contraband articles;
- Recording and processing citizens' complaints;
- Use of force;
- Traffic stops;
- Handling natural and manmade disasters.
- Special operations;
- Prisoner transfer;
- Collection and preservation of evidence;
- Recruitment and selection;
- Officer training;
- Performance evaluations;
- Law enforcement disciplinary procedures and rights; and
- Use of criminal investigative funds.⁵⁷

III. Effect of Proposed Changes:

Providing a Declaration of an Important State Interest

The bill provides the following declaration of an important state interest:

The Legislature finds that effective policing requires that the use of chokeholds and neck restraints be limited; that law enforcement basic recruit training and retraining include deescalation training; that minimum standards of instruction be developed relating to deescalation techniques, procedural justice, implicit bias, and the duty of an officer to intervene if another officer uses excessive or unnecessary force; that the state law enforcement accreditation program address these matters as well as mental health and wellness resources and support available for law enforcement officers; and that written policies incorporate an affirmative duty to use deescalation techniques whenever possible. The Legislature further finds and declares that this act fulfills an important state interest in protecting the safety of both law enforcement officers and the public by ensuring law enforcement officers receive sufficient and similar training to prevent unnecessary or excessive use of force and to develop skills to enhance understanding of and communication with the communities they serve.

⁵⁶ Some agencies are accredited through national accreditation organizations, such as the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) or the Commission on Accreditation for Corrections (ACA), rather than through the state accrediting body.

⁵⁷ Section 943.125(4), F.S.

Limiting Certain Restraint Techniques

The bill amends s. 943.12, F.S., relating to the powers, duties, and functions of the CJSTC, to require the CJSTC to adopt rules prohibiting any law enforcement officer, correctional officer, or correctional probation officer from using any technique that requires the application of pressure to the neck, throat, esophagus, trachea, or carotid arteries alongside the trachea. The use of such a technique by any such officer is prohibited unless deadly force is authorized under the law. The CJSTC must adopt rules requiring employing agencies to report to the CJSTC any use of such technique by such officer employed by that agency. The CJSTC must also cause to be investigated any law enforcement officer, correctional officer, or correctional probation officer who uses such technique in violation of this statute, and set disciplinary guidelines and penalties prescribed in rules applicable to such violation.

Providing Data to the National Decertification Index

The bill further amends s. 943.12, F.S., to require the CJSTC to provide data to the National Decertification Index on final commission orders regarding revocation or relinquishment of certification of law enforcement officers, correctional officers, and correctional probation officers.

Requiring Minimum Standards for De-escalation Training and Other Training Subjects

The bill creates s. 943.121, F.S., to require the CJSTC to establish and maintain standards for instruction of officers in the subjects of de-escalation techniques,⁵⁸ procedural justice training,⁵⁹ implicit bias training,⁶⁰ and the duty to intervene⁶¹ if another officer uses excessive or unnecessary force in order to build upon and improve police community relations.

The bill provides that the following minimum standards for de-escalation training must include all of the following:

- Training on verbal and physical tactics that would help avoid a physical response to resistance with an emphasis on communication, negotiation, de-escalation techniques,

⁵⁸ The bill amends s. 943.10, F.S., relating to definitions in ch. 943, F.S., to define “de-escalation technique” as a method or methods for assessing and managing a situation in order to resolve it with the least response to resistance which is safe and practicable by a law enforcement officer.

⁵⁹ The bill amends s. 943.10, F.S., relating to definitions in ch. 943, F.S., to define “procedural justice training” as a system of law enforcement that prioritizes obtaining citizen compliance with law enforcement direction through fair and respectful two-way communication and, where possible and safe, provides explanation of the rationale behind directions given by law enforcement officers to build trust. This training allows for both community and police to be treated with respect and dignity, thereby cultivating stronger police-community relations.

⁶⁰ The bill amends s. 943.10, F.S., relating to definitions in ch. 943, F.S., to define “implicit bias training” as a program designed to go beyond producing fair and impartial enforcement of the law by bringing awareness to or increasing awareness of, and improving response strategies to, unconscious bias towards diverse communities. Such training should allow law enforcement to serve the community with a deeper understanding of the diversities within the community, thereby mitigating community tension and improving police-community relations.

⁶¹ The bill amends s. 943.10, F.S., relating to definitions in ch. 943, F.S., to define “intervene” as stopping the use of excessive or unnecessary force.

creating and maintaining a reaction gap,⁶² and obtaining the time needed to resolve the incident safely for each individual involved;

- Training officers simultaneously and in teams on de-escalation and appropriate responses to resistance to improve group dynamics and diminish excessive responses to resistance while managing critical incidents;
- Training that intentional chokeholds must never be used, except in deadly force situations;
- Training on the principles of using distance, cover, and time when approaching and managing critical incidents, and the elimination of other techniques in favor of using distance and cover to create and sustain a reaction gap;
- Training on the use of the lowest response to resistance which is a possible and safe response to an identified threat;
- Training on the reevaluation of an identified threat as the management of the critical incident progresses;
- Training on procedural justice training;
- Training on crisis intervention strategies to appropriately identify and respond to individuals suffering from physical or mental disabilities, mental health issues, or substance abuse issues with an emphasis on de-escalation techniques and promoting effective communication with such individuals;
- Training on techniques that provide all officers with awareness and recognition of an individual's physical and mental disabilities, mental health issues, and substance abuse issues with an emphasis on communication strategies;
- Training on other evidence-based approaches found to be appropriate by the CJSTC which enhance deescalation techniques and skills; and
- Training on implicit bias.

The bill also requires the CJSTC to:

- Not later than November 30, 2022, provide written guidance to law enforcement agencies in this state which employ law enforcement officers with regard to compliance with minimum standards relating to de-escalation training;
- Create and publish on its website a model written policy on de-escalation training, which a law enforcement agency may adopt to fulfill written policy requirements under the statute; and
- Collect data regarding the implementation of training programs under the statute and provide by July 1 of each year an annual report to the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the House Minority Leader describing that data.

The bill also requires each law enforcement agency in this state to adopt, not later than January 1, 2023, a written policy stating that each of the law enforcement officers in its employ has an affirmative duty to use de-escalation techniques in his or her interactions with citizens wherever possible.

⁶² The bill amends s. 943.10, F.S., relating to definitions in ch. 943, F.S., to define “reaction gap” as the minimum amount of distance necessary to ensure that a law enforcement officer will have time to be able to react appropriately to a potential threat.

Requiring that De-escalation Techniques and other Specified Aspects of Law Enforcement be Addressed in Law Enforcement Agency Accreditation

The bill amends s. 943.125, F.S., relating, in part, to accreditation of state and local law enforcement agencies, to expand the list of aspects of law enforcement that a law enforcement accreditation program must, at a minimum, address. The bill adds the following aspects of law enforcement:

- Response to resistance (replacing the current to “use of force”);⁶³
- Deescalation techniques;
- Implicit bias training;
- Procedural justice training;
- Mental health and wellness resources and support available for law enforcement officers, including any peer-support teams and sworn or unsworn chaplaincy programs; and
- The duty to intervene if another officer uses excessive or unnecessary force.

Requiring Deescalation Training in Basic Recruit Training and Continued Employment Training.

The bill amends s. 943.1715, F.S., relating to law enforcement training in diverse populations, to mandate that the CJSTC require that every basic skills course include in the curriculum at least 40 hours of de-escalation training.

According to the FDLE, “the current BRTP has a lot of de-escalation training” but “it’s impossible to pinpoint the current number of hours due to the topic being threaded throughout the training. In addition, this topic is covered within role-play and communication exercises. Therefore, it is very difficult to determine the number of hours contributed solely to de-escalation.”⁶⁴

The bill also amends s. 943.1716, F.S., relating to continued employment training in diverse populations, to mandate that the CJSTC require by rule that each officer receive at least 16 hours of de-escalation training, in addition to the 40 hours of required instruction for continued employment or appointment as an officer.

Effective Date

The bill takes effect July 1, 2022.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Article VII, s. 18(a) of the State Constitution provides that: “No county or municipality shall be bound by any general law requiring such county or municipality to spend funds...unless the legislature has determined that such law fulfills an important state

⁶³ The CJSTC uses the term “use of force” throughout all training documents. *2021 FDLE Legislative Bill Analysis* (SB 1970), *supra*.

⁶⁴ *Id.*

interest and unless: ...the law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature....”

The bill contains numerous training requirements and other requirements that may impact local law enforcement agencies. These requirements may cause county and municipal governments to spend funds.

Article VII, section 18(d) of the State Constitution, provides eight exemptions, which, if any single one is met, exempts the law from the limitations on mandates. If the bill does qualify as a mandate, and no exemption applies, in order to be binding on the counties, the bill must include a finding of important state interest and final passage must be approved by two-thirds of the membership of each house of the Legislature.

The bill includes a declaration of an important state interest supporting the requirements of the bill (see “Effect of Proposed Changes” section of this analysis).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill contains numerous training requirements and other requirements that may impact local law enforcement agencies. These requirements may cause county and municipal governments to spend funds. The impact of the bill on local governments is indeterminate.

The FDLE asserts that the bill's provisions will increase training and IT costs. The department's fiscal analysis states that development of the training curricula will cost approximately \$12,648, which includes the design and development of course material, revision costs, and course implementation.⁶⁵ The department also states that the bill will require modifications to the Automated Training Management System (ATMS) (analysis, design, programming and testing) totaling approximately \$37,000. The FDLE estimates these modifications will take three months to complete.⁶⁶ The total cost to FDLE is estimated to be \$49,648 in nonrecurring funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Michigan Senate Bill on Law Enforcement Standards and Training

On June 4, 2020, the Michigan Senate passed a bill⁶⁷ on law enforcement standards.⁶⁸ The bill “would amend the Michigan Commission on Law Enforcement Standards Act to require individuals who are licensed or seeking licensure as law enforcement officers to complete training that includes de-escalation techniques, implicit bias training, procedural justice training, and mental health resources and support for law enforcement officers.”⁶⁹ The bill also “would establish continuing education requirements for all licensed law enforcement officers.”

This bill is similar to the previously-described Michigan Senate bill.

The bill also amends s. 943.1716, F.S., to mandate that the CJSTC require by rule that each officer receive at least 16 hours of de-escalation training, in addition to the 40 hours of required instruction for continued employment or appointment as an officer.

FDLE Comments on Impact of Continued Employment Deescalation Training Requirement

The FDLE states that the requirement relating to continued employment training in de-escalation “will raise the number of continuing training or education required of law enforcement officers from the rate of 40 hours every four years to 56 hours every four years. Staff will also have to amend ATMS and follow up with agencies to document completions”⁷⁰ Further “[A] specialized post-basic 16-hour de-escalation course will be presented for CJSTC approval in May 2021. This

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ Substitute for SB 0945 (S-1) (2020), Michigan Legislature, available at <http://www.legislature.mi.gov/documents/2019-2020/billengrossed/Senate/pdf/2020-SEBS-0945.pdf> (last visited March 10, 2021).

⁶⁸ The legislative history of the bill is available at [http://www.legislature.mi.gov/\(S\(ptinhtqjmnvclwciqd5iy\)\)/milegPrint.aspx?page=BillStatus&objectname=2020-SB-0945](http://www.legislature.mi.gov/(S(ptinhtqjmnvclwciqd5iy))/milegPrint.aspx?page=BillStatus&objectname=2020-SB-0945) (last visited March 10, 2021).

⁶⁹ *Legislative Analysis* (Senate Bill 945 (S-1) as passed by the Senate and proposed substitute H-1) (June 24, 2020), House Fiscal Agency, Michigan Legislature, available at <http://www.legislature.mi.gov/documents/2019-2020/billanalysis/House/pdf/2019-HLA-0945-7595C58A.pdf> (last visited March 10, 2021).

⁷⁰ *Id.*

course will meet the de-escalation training specified in the bill, with the exception of the mandatory requirement.”⁷¹

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 943.10, 943.12, 943.125, 943.1715, and 943.1716.

This bill creates section 943.121 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 March 16, 2021:

The committee substitute:

- Includes a declaration of an important state interest;
- Requires the CJSTC to provide data to the National Decertification Index on final commission orders regarding revocation or relinquishment of certification of law enforcement officers, correctional officers, and correctional probation officers;
- Requires the CJSTC (rather than the Office of the Attorney General) to:
 - Provide written guidance to law enforcement agencies on compliance with minimum standards relating to de-escalation training; and
 - Collect data regarding the implementation of training programs and annually report such data to the Legislature (as specified in bill);
- Moves requirements relating to written guidance and policy on de-escalation training and data collection on training programs from s. 943.125, F.S., to s. 943.121, F.S. (created by the bill); and
- Changes the effective date of the bill from July 1, 2021 to July 1, 2022, and makes conforming changes to other dates relevant to requirements in the bill so that those other dates occur after the bill’s effective date.

B. Amendments:

None.

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

⁷¹ 2021 FDLE Legislative Bill Analysis (SB 1970), *supra*.

By the Committee on Criminal Justice; and Senators Pizzo and Rodriguez

591-02935-21

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1 A bill to be entitled
 2 An act relating to law enforcement reform; providing a
 3 declaration of important state interest; amending s.
 4 943.10, F.S.; defining terms; amending s. 943.12,
 5 F.S.; requiring the Criminal Justice Standards and
 6 Training Commission to adopt rules prohibiting law
 7 enforcement officers, correctional officers, or
 8 correctional probation officers from using specified
 9 techniques; providing an exception; requiring the
 10 commission to adopt rules requiring employing agencies
 11 to report information related to the use of such
 12 techniques; requiring that the commission cause to be
 13 investigated certain officers who use the prohibited
 14 techniques; requiring the commission to provide
 15 specified data regarding final commission orders to
 16 the National Decertification Index; creating s.
 17 943.121, F.S.; requiring the commission to establish
 18 and maintain standards for the instruction of officers
 19 in specified subjects in order to build upon and
 20 improve police-community relations; providing minimum
 21 required standards for deescalation training;
 22 requiring that by a specified date the commission
 23 provide certain guidance to law enforcement agencies;
 24 requiring the commission to create and publish on its
 25 website a model written policy; requiring that by a
 26 specified date each law enforcement agency adopt a
 27 certain written policy; requiring the commission to
 28 collect certain data and annually, by a specified
 29 date, submit a report to the Legislature; amending s.

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30 943.125, F.S.; revising the minimum aspects of law
 31 enforcement that the law enforcement accreditation
 32 program must address; amending s. 943.1715, F.S.;
 33 requiring every basic skills course required for
 34 officers to obtain initial certification to include a
 35 minimum number of hours of deescalation training;
 36 amending s. 943.1716, F.S.; requiring the commission
 37 to adopt rules requiring that every officer receive a
 38 minimum number of hours of deescalation training;
 39 providing an effective date.
 40
 41 Be It Enacted by the Legislature of the State of Florida:
 42
 43 Section 1. The Legislature finds that effective policing
 44 requires that the use of chokeholds and neck restraints be
 45 limited; that law enforcement basic recruit training and
 46 retraining include deescalation training; that minimum standards
 47 of instruction be developed relating to deescalation techniques,
 48 procedural justice, implicit bias, and the duty of an officer to
 49 intervene if another officer uses excessive or unnecessary
 50 force; that the state law enforcement accreditation program
 51 address these matters as well as mental health and wellness
 52 resources and support available for law enforcement officers;
 53 and that written policies incorporate an affirmative duty to use
 54 deescalation techniques whenever possible. The Legislature
 55 further finds and declares that this act fulfills an important
 56 state interest in protecting the safety of both law enforcement
 57 officers and the public by ensuring law enforcement officers
 58 receive sufficient and similar training to prevent unnecessary

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or excessive use of force and to develop skills to enhance understanding of and communication with the communities they serve.

Section 2. Subsections (23) through (27) are added to section 943.10, Florida Statutes, to read:

943.10 Definitions; ss. 943.085-943.255.—The following words and phrases as used in ss. 943.085-943.255 are defined as follows:

(23) “Deescalation technique” means a method or methods for assessing and managing a situation in order to resolve it with the least response to resistance which is safe and practicable by a law enforcement officer.

(24) “Implicit bias training” means a program designed to go beyond producing fair and impartial enforcement of the law by bringing awareness to or increasing awareness of, and improving response strategies to, unconscious bias towards diverse communities. Such training should allow law enforcement to serve the community with a deeper understanding of the diversities within the community, thereby mitigating community tension and improving police-community relations.

(25) “Intervene” means to stop the use of excessive or unnecessary force.

(26) “Procedural justice training” means a system of law enforcement that prioritizes obtaining citizen compliance with law enforcement direction through fair and respectful two-way communication and, where possible and safe, provides explanation of the rationale behind directions given by law enforcement officers to build trust. This training allows for both community and police to be treated with respect and dignity, thereby

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cultivating stronger police-community relations.

(27) “Reaction gap” means the minimum amount of distance necessary to ensure that a law enforcement officer will have time to be able to react appropriately to a potential threat.

Section 3. Present subsection (17) of section 943.12, Florida Statutes, is redesignated as subsection (18), and a new subsection (17) and subsection (19) are added to that section, to read:

943.12 Powers, duties, and functions of the commission.—The commission shall:

(17) Adopt rules prohibiting any law enforcement officer, correctional officer, or correctional probation officer from using any technique that requires the application of pressure to the neck, throat, esophagus, trachea, or carotid arteries alongside the trachea. The use of such a technique by a law enforcement officer, correctional officer, or correctional probation officer is prohibited unless deadly force is authorized under the law. The commission shall adopt rules requiring employing agencies to report to the commission any use of such technique by a law enforcement officer, correctional officer, or correctional probation officer employed by that agency. The commission shall cause to be investigated any law enforcement officer, correctional officer, or correctional probation officer who uses such a technique in violation of this subsection, and shall set disciplinary guidelines and penalties prescribed in rules applicable to such violation.

(19) Provide data to the National Decertification Index on final commission orders regarding revocation or relinquishment of certification of law enforcement officers, correctional

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officers, and correctional probation officers.

Section 4. Section 943.121, Florida Statutes, is created to read:

943.121 Commission standards for instruction of officers in certain subjects; guidance; written policies.-

(1) The commission shall establish and maintain standards for instruction of officers in the subjects of deescalation techniques, procedural justice training, implicit bias training, and the duty to intervene if another officer uses excessive or unnecessary force in order to build upon and improve police-community relations.

(2) The minimum standards for deescalation training must include all of the following:

(a) Training on verbal and physical tactics that would help avoid a physical response to resistance with an emphasis on communication, negotiation, deescalation techniques, creating and maintaining a reaction gap, and obtaining the time needed to resolve the incident safely for each individual involved.

(b) Training officers simultaneously and in teams on deescalation and appropriate responses to resistance to improve group dynamics and diminish excessive responses to resistance while managing critical incidents.

(c) Training that intentional chokeholds must never be used, except in deadly force situations.

(d) Training on the principles of using distance, cover, and time when approaching and managing critical incidents, and the elimination of other techniques in favor of using distance and cover to create and sustain a reaction gap.

(e) Training on the use of the lowest response to

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resistance which is a possible and safe response to an identified threat.

(f) Training on the reevaluation of an identified threat as the management of the critical incident progresses.

(g) Training on procedural justice training.

(h) Training on crisis intervention strategies to appropriately identify and respond to individuals suffering from physical or mental disabilities, mental health issues, or substance abuse issues with an emphasis on deescalation techniques and promoting effective communication with such individuals.

(i) Training on techniques that provide all officers with awareness and recognition of an individual's physical and mental disabilities, mental health issues, and substance abuse issues with an emphasis on communication strategies.

(j) Training on other evidence-based approaches found to be appropriate by the commission which enhance deescalation techniques and skills.

(k) Training on implicit bias.

(3) Not later than November 30, 2022, the commission shall provide written guidance to law enforcement agencies in this state that employ law enforcement officers with regard to compliance with minimum standards under subsection (2).

(4) The commission shall create and publish on its website a model written policy in accordance with subsection (2).

(5) Not later than January 1, 2023, each law enforcement agency in this state shall adopt a written policy stating that each of the law enforcement officers in its employ has an affirmative duty to use deescalation techniques in his or her

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interactions with citizens wherever possible. A law enforcement agency may fulfill its duty under this subsection by adopting the commission's model written policy.

(6) The commission shall collect data regarding the implementation of training programs under this section and shall provide by July 1 of each year an annual report to the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the House Minority Leader describing that data.

Section 5. Section 943.125, Florida Statutes, is amended to read:

943.125 Accreditation of state and local law enforcement agencies, correctional facilities, public agency offices of inspectors general, and certain pretrial diversion programs; intent.—

(1) It is the intent of the Legislature that law enforcement agencies, correctional facilities, public agency offices of inspectors general, and those agencies offering pretrial diversion programs within offices of the state attorneys, county government, or sheriff's offices in the state be upgraded and strengthened through the adoption of meaningful standards of operation for those agencies and their functions.

(2) It is the further intent of the Legislature that these agencies voluntarily adopt standards designed to promote enhanced professionalism:

(a) For law enforcement, to maximize the capability of law enforcement agencies to enforce the law and prevent and control criminal activities.

(b) For correctional facilities, to maintain best practices

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for the care, custody, and control of inmates.

(c) Within public agency offices of inspector general, to promote more effective scrutiny of public agency operations and greater accountability of those serving in those agencies.

(d) In the operation and management of pretrial diversion programs offered by and through the state attorney's offices, county government, or sheriff's offices.

(3) The Legislature also intends to encourage the continuation of a voluntary state accreditation program to facilitate the enhanced professionalism identified in subsection (2). Other than the staff support by the department as authorized in subsection (5), the accreditation program must be independent of any law enforcement agency, the Department of Corrections, the Florida Sheriffs Association, or the Florida Police Chiefs Association.

(4) The law enforcement accreditation program must address, at a minimum, all of the following aspects of law enforcement:

(a) Vehicle pursuits.

(b) Seizure and forfeiture of contraband articles.

(c) Recording and processing citizens' complaints.

(d) Response to resistance ~~Use of force~~.

(e) Traffic stops.

(f) Handling natural and manmade disasters.

(g) Special operations.

(h) Prisoner transfer.

(i) Collection and preservation of evidence.

(j) Recruitment and selection.

(k) Officer training.

(l) Performance evaluations.

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233 (m) Law enforcement disciplinary procedures and rights.
 234 (n) Use of criminal investigative funds.
 235 (o) Deescalation techniques.
 236 (p) Implicit bias training.
 237 (q) Procedural justice training.
 238 (r) Mental health and wellness resources and support
 239 available for law enforcement officers, including any peer-
 240 support teams and sworn or unsworn chaplaincy programs.
 241 (s) The duty to intervene if another officer uses excessive
 242 or unnecessary force.
 243 (5) Subject to available funding, the department shall
 244 employ and assign adequate support staff to the Commission for
 245 Florida Law Enforcement Accreditation, Inc., and the Florida
 246 Corrections Accreditation Commission, Inc., in support of the
 247 accreditation programs established in this section.
 248 (6) Accreditation standards related to law enforcement and
 249 inspectors general used by the accreditation programs
 250 established in this section shall be determined by the
 251 Commission for Florida Law Enforcement Accreditation, Inc.
 252 Accreditation standards related to corrections functions and
 253 pretrial diversion programs shall be determined by the Florida
 254 Corrections Accreditation Commission, Inc.
 255 Section 6. Section 943.1715, Florida Statutes, is amended
 256 to read:
 257 943.1715 Basic skills training relating to diverse
 258 populations and deescalation training.—The commission shall
 259 establish and maintain standards for instruction of officers in
 260 the subject of interpersonal skills relating to diverse
 261 populations, with an emphasis on the awareness of cultural

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262 differences. Every basic skills course required in order for
 263 officers to obtain initial certification must include training
 264 in interpersonal skills with diverse populations. The commission
 265 shall also require that every basic skills course include in the
 266 curriculum at least 40 hours of deescalation training.
 267 Section 7. Section 943.1716, Florida Statutes, is amended
 268 to read:
 269 943.1716 Continued employment training relating to diverse
 270 populations and deescalation training.—The commission shall by
 271 rule require that each officer receive, as part of the 40 hours
 272 of required instruction for continued employment or appointment
 273 as an officer, instruction in the subject of interpersonal
 274 skills relating to diverse populations, with an emphasis on the
 275 awareness of cultural differences. The commission shall also
 276 require by rule that every officer receive at least 16 hours of
 277 deescalation training, in addition to the 40 hours of required
 278 instruction for continued employment or appointment as an
 279 officer.
 280 Section 8. This act shall take effect July 1, 2022.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/24/21
Meeting Date

SB1970
Bill Number (if applicable)

Topic LAW Enforcement Reform

Amendment Barcode (if applicable)

Name Laurette Philipson

Job Title _____

Address 7240 Westwind dr

352-533-7202
Phone

Port Richey FL 34668
City State Zip

advocate.philipson@gmail.com
Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing myself

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

03/24/21

Meeting Date

1970

Bill Number (if applicable)

Topic Law Enforcement Reform

Amendment Barcode (if applicable)

Name Ingrid Delgado

Job Title Associate Director for Social Concerns & Respect Life

Address 201 W Park Ave

Phone 850-339-0075

Street

Tallahassee

Fl

32301

Email idelgado@flaccb.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Reset Form

THE FLORIDA SENATE

APPEARANCE RECORD

3/24/2021

Meeting Date

1970

Bill Number (if applicable)

Topic Law Enforcement Reform

Amendment Barcode (if applicable)

Name Pamela Burch Fort

Job Title

Address 104 South Monroe Street

Phone 850-425-1344

Street

Tallahassee

FL

32301

Email TcgLobby@aol.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing NAACP Florida State Conference

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/24/21

Meeting Date

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

SB 1970

Bill Number (if applicable)

Topic Law enforcement reform

Amendment Barcode (if applicable)

Name Christine Koester

Job Title _____

Address 3313 SE 3rd Street

Phone 954 708 4168

Street

Pompano Beach, FL 33062

City

State

Zip

Email Christine_koester@
yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Self

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

Committee Agenda Request

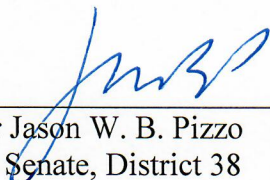
To: Senator Keith Perry, Chair
Appropriations Subcommittee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: March 16, 2021

I respectfully request that **CS/SB 1970**, relating to Law Enforcement Reform, be placed on the:

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



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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: PCS/CS/SB 748 (487484)

INTRODUCER: Appropriations Subcommittee on Criminal and Civil Justice; Judiciary Committee; and Senator Brandes

SUBJECT: Courts

DATE: March 26, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Fav/CS
2.	Forbes	Harkness	ACJ	Recommend: Fav/CS
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 748 revises a broad range of statutes that govern the operation of the court system. Some of the diverse changes are made to accommodate developments in technology, some reflect the impact COVID-19 has had on the court system, and one change recognizes the effect of inflation on the monetary jurisdictional thresholds in the county courts.

- The bill updates provisions controlling the maintenance of appellate court records to allow the electronic storage of court records at a remote location. These provisions are updated to keep pace with electronic technology rather than require the court clerk to keep manual control of the records.
- The clerks of court, working with the Florida Courts Technology Commission, must prepare a plan to procure or develop a statewide electronic solution that identifies all civil and criminal mandatory financial assessments required by statute.
- The jurisdictional amount of county courts will be adjusted beginning in 2030, and every 10 years afterwards, to account for inflation based on changes in the Consumer Price Index.
- The jurisdictional limit must be rounded to the nearest \$5,000, but no lower than \$50,000. The Office of Economic and Demographic Research (EDR) must calculate the adjusted

jurisdictional limit and certify it to the Chief Justice of the Supreme Court beginning January 31, 2030 and every 10 years thereafter.

- The EDR and the Office of the State Courts Administrator (OSCA) must publish the adjusted jurisdictional limit to their websites.
- The bill authorizes a person to postpone for jury service for up to 1 year when a public health emergency or a state of emergency is declared.
- Finally, the bill revises three criminal statutes to authorize the taking and certification of fingerprints when a guilty judgment is entered in a proceeding that is conducted remotely. The fingerprints no longer must be taken in open court and in the judge's presence.

The bill takes effect July 1, 2021.

II. Present Situation:

Responsibilities of the Clerk of the Florida Supreme Court

Chapter 25, F.S., is devoted to the organization and operation of the Florida Supreme Court. Among the provisions in the chapter are two statutes detailing the responsibilities of the Clerk of the Supreme Court. The clerk must keep all books, papers, records, files, and the seal of the Court in the clerk's office in the Supreme Court Building and in his or her custody.¹

Additionally, any decisions and opinions delivered by the Court or any justice must be filed and remain in the clerk's office. These decisions and opinions may not be removed unless ordered by the Court. The clerk is required to furnish certified copies of the decisions and opinions to any person who requests them and pays the necessary fees.² These statutes do not accommodate the developments in technology which allow for digital storage in a remote location.

Mandatory Monetary Assessments

The clerks of the circuit courts were required, by October 1, 2012, to develop a uniform form for the identification and imposition of all assessments mandated by statute. The clerks were required to work with their association and in consultation with the Office of the State Courts Administrator to develop the form. An assessment includes, but is not limited to, a fine or other monetary penalty, fee, service charge, or cost. The clerks are currently required to submit that form by October 1 of each year to the Supreme Court for approval. The form must contain updates to reflect recent changes made in the law. Once a form is approved by the Court, all circuit and county courts must use the form.³

According to information supplied in the *Judicial Branch 2021 Legislative Agenda*, the clerks' association, the Florida Court Clerks and Comptrollers, submitted the initial form matrix as required on October 1, 2012, and updated the form annually. The matrix is a catalogue of

¹ Section 25.221, F.S.

² Section 25.301, F.S.

³ Section 28.2457(1), (2), and (3), F.S.

mandatory and discretionary fines, fees, charges, and costs in many areas, both civil and criminal. It provides the necessary statutory authority for each item with a brief description, states whether the item is mandatory or discretionary, provides the minimum and maximum amounts authorized, and often contains brief comments on the assessment.⁴ *The Judicial Branch 2021 Legislative Agenda* further states that the Supreme Court has never approved the form matrix because of “concerns that it is not a form within the meaning of the statute.” However, the chief justice has provided the document each year to the chief judges of the trial courts for their use as a possible resource.⁵

The Judicial Management Council’s Workgroup on Court Costs and Fines⁶ was established on December 31, 2018, within the Judicial Management Council. Its purpose is to review monetary assessments and identify methods that will reduce the disproportionate impact the assessments have on low income individuals.⁷ In June 2020, the Workgroup finalized its report, *Court Costs and Fines in Florida*, and the report was approved by the Judicial Management Council on August 31, 2020. The Workgroup recommended:

- Removing from statute the requirement for a uniform form for identifying and imposing assessments that the clerks produce; and
- Working in cooperation with the clerks of court to develop reforms, using an electronic system, to standardize the ability to identify and impose assessments and payments.

The Supreme Court approved these recommendations on November 4, 2020, at the Court Conference for consideration by the Legislature.⁸

Jurisdictional Amount of County Courts

A county court is a trial court that has jurisdiction over the following types of cases within its jurisdictional or monetary limits:

- All criminal misdemeanor cases not cognizable by the circuit courts.
- All violations of municipal and county ordinances.
- Disputes occurring in homeowner associations, but this jurisdiction is concurrent with the jurisdiction of the circuit courts.⁹

⁴ Office of Legislative Affairs, Office of the State Courts Administrator, *Judicial Branch 2021 Legislative Agenda*, (January 21, 2021) (on file with the Senate Committee on Judiciary).

⁵ *Id.*, at 13.

⁶ The Judicial Management Councils are described as “high-level management consultants” to the Florida Supreme Court. The first Judicial Management Council was established in 2012 and the current council is the Court’s fifth council. Each council is composed of 15 voting members including the Chief Justice and one other justice, members of each level of the court system, and members from the public. The council meets at least quarterly and is tasked with identifying potential crisis situations for the judiciary and developing strategies to meet those concerns; evaluating information that will improve the effectiveness and performance of the judicial branch; developing and monitoring the judiciary’s long-range planning work; reviewing the charges of the courts and Florida Bar commissions and committees, making revisions and proposing ways to coordinate the work of these groups; and addressing issues that the Supreme Court brings before the council.

<https://www.flcourts.org/Administration-Funding/Judicial-Management-Council>

⁷ Fla. Admin. Order No. AOSC18-77.

⁸ *Judicial Branch Legislative Agenda*, *supra* note 4, at 15.

⁹ Section 34.01(1), F.S.

The statute governing the jurisdiction of county courts was amended in 2018 to increase the maximum jurisdictional amount of county courts in a three-step process. For all actions, except those within the exclusive jurisdiction of the circuit courts, in which the matter in controversy does not exceed, exclusive of interest, costs, and attorney fees, the jurisdictional amount is:

- \$15,000 if filed on or before December 31, 2019.
- \$30,000 if filed on or after January 1, 2020.
- \$50,000 if filed on or after January 1, 2023.¹⁰

When the statute was amended in 2018, an additional provision was included requiring the Office of the State Courts Administrator to submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives by February 1, 2021. The report was to include recommendations regarding the adjustment of county court jurisdiction that considered the claim value of filings in both county and circuit courts, case events, the timeliness in processing cases, as well as any fiscal impact to the state resulting from the adjusted jurisdictional limits. The clerks of the county and circuit courts were tasked with providing data to assist in developing the report. The report was to include a review of fees to ensure that the court system is adequately funded and a review of the appellate jurisdiction of the district and circuit courts, including the use of appellate panels by circuit courts.

The Office of the State Courts Administrator issued its report entitled “Recommendations Regarding the Adjustment of County Court Jurisdiction” on February 1, 2021.¹¹

Maintenance of Appellate Court Records in the District Courts of Appeal

The statutes contain a number of provisions directing how court records are to be stored. Unfortunately, many of these provisions have become outdated and have not kept pace with changes in electronic technology and storage. Section 35.15, F.S., states that all decisions and opinions delivered by the district courts of appeal or one its judges must be filed and remain in the office of the clerk. The decisions and opinions may not be taken from the clerk’s office except by court order. However, the clerk must furnish to anyone who desires certified copies of the opinions and decision upon payment of the appropriate fees.

Section 35.24, F.S., requires each clerk for a district court of appeal to physically keep his or her records at the headquarters of the court. This provision does not envision advancements in technology and electronic storage that would permit a clerk to store records electronically at a remote location.

In a similar manner, s. 35.24, F.S., requires that all books, papers, records, files, and the court seal be kept in the clerk’s office. This also precludes electronic storage of these items at a remote location.

¹⁰ *Id.*; Ch. 2019-58, s. 9, Laws of Fla.

¹¹ Office of the State Courts Administrator, *Recommendations Regarding the Adjustment of County Court Jurisdiction*, (February 1, 2021) (on file with the Senate Committee on Judiciary).

Jury Duty Postponement

The clerks of the court are responsible for summoning prospective jurors at least 14 days before they are to appear in court for jury selection.¹² If a person is summoned to attend as a juror and fails to attend without providing a sufficient excuse, he or she may be required to pay a fine that does not exceed \$100 and may be held in contempt of court.¹³

If someone has been summoned for jury duty, jury service may be postponed for up to 6 months once a written or oral request is made. The request may specify a date or time period to which the service is to be postponed, and if that is stated, he or she will be given consideration for service once the assignment of the postponed date of jury service is made.¹⁴

According to the *Judicial Branch 2021 Legislative Agenda*, jury service in Florida has been postponed since March 2020 because of the COVID-19 pandemic. Once jury service resumes, some people who are summoned may not be able to attend on a particular date due to complications created by the pandemic. The examples are given that the person summoned might recently have returned to work after being unemployed during the pandemic or might be responsible for the care of someone who is at greater risk of health complications if he or she is exposed to COVID-19.¹⁵

Fingerprinting a Defendant upon Conviction

The criminal law statutes detail procedures that must be followed when a judgment is entered in certain misdemeanor and all felony offenses. A judgment of guilty or not guilty for a misdemeanor petit theft offense¹⁶ or a felony offense¹⁷ must contain:

- A written record, signed by the judge, and recorded by the clerk of the circuit court; or
- An electronic record that contains the judge's electronic signature and is recorded by the clerk of the circuit court.

To enter a written or electronic judgment of guilt involving petit theft and all felonies, the judge must, in open court, and in the judge's presence, have the defendant's fingerprints taken either manually or electronically, sign a certificate certifying that the fingerprints on the judgment are the defendant's fingerprints and that they were placed on the certificate in the judge's presence, and for a felony judgment, cause the defendant's social security number to be recorded. It is the opinion of some practitioners that these statutes do not appear to allow for a proceeding to be conducted remotely.

¹² Section 40.23(1), F.S.

¹³ Section 40.23(3), F.S.

¹⁴ Section 40.23(2), F.S.

¹⁵ Office of Legislative Affairs, Office of the State Courts Administrator, *Judicial Branch 2021 Legislative Agenda*, 9 (January 21, 2021) (on file with the Senate Committee on Judiciary.)

¹⁶ Section 812.014(3)(d), F.S.

¹⁷ Section 921.241, F.S.

III. Effect of Proposed Changes:

Responsibilities of the Clerk of the Florida Supreme Court (Sections 1 and 2)

The requirement that the clerk keep all books, papers, records, files, and the seal in his or her office and custody is amended. The revised language reflects developments in technology and electronic storage and requires that those items be “maintained” by the clerk and in the clerk’s “control” as prescribed by the Supreme Court. The clerk is no longer required to physically keep them in the clerk’s office and custody but is permitted to electronically store records at a remote location.

Mandatory Monetary Assessments (Section 3)

Section 28.2457(2), F.S., is amended to delete the requirements that the uniform form developed by the circuit court clerks be updated and submitted annually to the Supreme Court for approval and later distribution. Under the bill, the clerks of the circuit courts must collaborate with the state courts through the Florida Courts Technology Commission¹⁸ to prepare a plan to procure or develop a statewide electronic solution that will accurately identify all civil and criminal assessments required by statute. At a minimum, the plan must address operational, technological, and fiscal considerations involved in implementing the electronic solution. The clerks must submit the plan to the President of the Senate and the Speaker of the House of Representatives by January 1, 2022.

Jurisdiction Amount of County Courts (Section 4)

The statute defining the jurisdiction of the county courts is amended to delete the now obsolete provision requiring the Office of the State Courts Administrator to publish a report by February 1, 2021.

A new provision is added requiring the \$50,000 jurisdictional amount for cases that will be filed on or after January 1, 2023, to be adjusted in accordance with changes in the Consumer Price Index. Effective January 1, 2030, and every 10 years after, the \$50,000 limit will be adjusted by The Office of Economic and Demographic Research (EDR), and certified to the Chief Justice of the Supreme Court. The percentage change must be adjusted and increased by the Consumer Price Index for all Urban Consumers, U.S. Average, All Items 1982-84=100, or successor reports, as initially reported by the United States Department of Labor, Bureau of Labor Statistics. . The jurisdictional limit must be rounded to the nearest \$5,000, but may not be lower than \$50,000. The EDR and the Office of the State Courts Administrator (OSCA) must publish the adjusted jurisdictional limit to their websites.

¹⁸ The Florida Courts Technology Commission was created by the Florida Supreme Court in 2010. The Commission is composed of 25 members who are tasked with the responsibility of “overseeing, managing, and directing the development and use of technology within the judicial branch under the direction of the Court.” The Commission must submit an annual report by April 1 each year.

<https://www.flcourts.org/content/download/579375/file/FCTC%20Operational%20Procedures%20-%20Feb%202020.pdf>.

Maintenance of Appellate Court Records in the District Courts of Appeal (Sections 5, 6, and 7)

Section 35.15, F.S., as amended, no longer requires that decisions and opinions be kept in the physical office of the clerks, but requires them to be kept under the clerk's "maintenance or control." The decisions and opinions, however, may be taken from the clerk's maintenance or control when ordered by the court. These revisions permit the electronic storage of records at a remote location and reflects an adaptation to advancements in technology.

Section 35.23, F.S., is amended to provide that a clerk must no longer "keep his or her records" at the headquarters of the district court of appeal, but rather to "have an office" at the headquarters of the court. This revision permits the use of electronic technology to store records at a remote location in accordance with the revision to s. 35.24, F.S., which no longer requires the clerk to keep the books, papers, records, files, and the seal of the court in his or her office. As amended, these items must be maintained by, and in the control of, the clerk.

Jury Duty Postponement (Section 8)

The bill creates an additional postponement period of up to 12 months for someone who has been summoned for jury service. If the State Health Officer declares a public health emergency pursuant to s. 381.00315, F.S., or the Governor declares a state of emergency pursuant to s. 252.36(2), F.S., a person who has been summoned may have his or her service postponed from for up to 12 months upon a written or oral request. As with the existing 6 month postponement in statute, the request may specify a date or time period to which the service is to be postponed and may be given consideration when an assignment of jury service is made.

Fingerprinting a Defendant upon Conviction (Sections 9, 10, and 11)

The pandemic has significantly limited the number of in-person criminal court proceedings which is creating a backlog of pending cases. The Florida Supreme Court's COVID-19 workgroup has studied options for resolving criminal cases remotely without the requirement of proceedings conducted in court. The Workgroup determined that the Florida Rules of Criminal Procedure could be adopted to authorize a criminal defendant to expressly request and be given approval by the court to either enter a plea of guilty or nolo contendere in a remote proceeding using audio-visual technology. To make this possible, the Workgroup has recommended that several statutes be amended.¹⁹

Because current law requires that a defendant be fingerprinted in open court in the judge's presence, it appears that current laws must be amended to establish a court's authority to take fingerprints at the time a judgment is entered in a remotely conducted proceeding.²⁰

Section 812.014, F.S., relating to petit theft, s. 921.241, F.S., relating to felony judgments, and s. 921.242, F.S., relating to prostitution offenses, are amended to:

¹⁹ Office of Legislative Affairs, Office of the State Courts Administrator, *Judicial Branch 2021 Legislative Agenda*, 10-12 (January 21, 2021) (on file with the Senate Committee on Judiciary).

²⁰ *Id.* at 11.

- Authorize the fingerprinting of a defendant, either manually or electronically, when a guilty judgment is entered in a proceeding that is conducted outside of court or outside of the judge's presence.
- Delete the requirement that a judge must certify that a defendant's fingerprints were taken in open court and in the judge's presence.
- Require that the certification be entered by a court officer, employee of the court, or the employee of a criminal justice agency who captured the fingerprints. If taken manually, the person who took the fingerprints must place his or her written signature on the certification. If taken electronically, he or she must place a written or electronic signature on the certification. The fingerprints and certification must be filed in the case.
- Delete the requirement that a defendant's social security number be taken when his or her fingerprints are taken.

The bill takes effect July 1, 2021.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 25.221, 25.301, 28.2457, 34.01, 35.15, 35.23, 35.24, 40.23, 812.014, 921.241, and 921.242.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

Recommended CS/CS by Appropriations Subcommittee on Criminal and Civil Justice on March 24, 2021:

The committee substitute: Requires the jurisdictional limit be rounded to the nearest \$5,000, but no lower than \$50,000. The Office of Economic and Demographic Research (EDR) must calculate the adjusted jurisdictional limit and certify it to the Chief Justice of the Supreme Court beginning January 31, 2030 and every 10 years thereafter. EDR and the Office of the State Courts Administrator (OSCA) must publish the adjusted jurisdictional limit to their respective websites.

CS by Judiciary Committee on March 2, 2021:

The committee substitute makes changes to the underlying bill in two areas: mandatory monetary assessments and fingerprinting defendants. The clerks of court must work with the Florida Courts Technology Commission to develop a plan for a technology solution that tracks all civil and criminal monetary assessments. The plan must be submitted to legislative leaders by January 1, 2022. The fingerprinting section now permits fingerprints to be taken manually or electronically, regardless of whether the judgment is a written judgment or electronic judgment. The defendant's fingerprints and the certification of the person who took the fingerprints must be filed in the case in which the judgment is entered.

B. Amendments:

None.



478484

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2021	.	
	.	
	.	
	.	

Appropriations Subcommittee on Criminal and Civil Justice
(Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 130 - 137
and insert:
Effective July 1, 2030, and every 10 years thereafter, the
\$50,000 jurisdictional limit in subparagraph 3. must be adjusted
and increased by the percentage change in the Consumer Price
Index for All Urban Consumers, U.S. City Average, All Items
1982-84=100, or successor reports, for the preceding 10 calendar
years as initially reported by the United States Department of



478484

Labor, Bureau of Labor Statistics. The adjusted jurisdictional
limit must be rounded to the nearest \$5,000. However, the
jurisdictional limit may not be lower than \$50,000. The Office
of Economic and Demographic Research must calculate the adjusted
jurisdictional limit and certify the adjusted jurisdictional
limit to the Chief Justice of the Supreme Court beginning
January 31, 2030, and every 10 years thereafter. The Office of
Economic and Demographic Research and the Office of the State
Courts Administrator must publish the adjusted jurisdictional
limit on their websites.

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

And the title is amended as follows:

Delete line 23

and insert:

beginning in 2030; requiring the Office of Economic
and Demographic Research to periodically calculate and
certify such jurisdictional limit to the Chief Justice
of the Supreme Court by a specified date; requiring
specified entities to publish on their websites such
adjusted jurisdictional limit; deleting obsolete
language;

By the Committee on Judiciary; and Senator Brandes

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1 A bill to be entitled
 2 An act relating to courts; amending s. 25.221, F.S.;
 3 deleting the requirement that the Clerk of the Supreme
 4 Court physically keep books, records, and other
 5 materials in the clerk's office; amending s. 25.301,
 6 F.S.; deleting the requirement that Supreme Court
 7 decisions and orders remain in the clerk's office;
 8 amending s. 28.2457, F.S.; requiring the clerks of the
 9 circuit courts, with specified entities, to prepare a
 10 plan to procure or develop a statewide electronic
 11 solution to accurately identify all assessments
 12 mandated by statute; requiring the plan to address
 13 certain considerations relating to the implementation
 14 of the electronic solution; requiring the clerks to
 15 submit the plan to the Legislature by a specified
 16 date; deleting a provision requiring the clerks to
 17 annually submit a uniform form for identification and
 18 imposition of mandated assessments to the Supreme
 19 Court; amending s. 34.01, F.S.; providing for the
 20 periodic inflationary adjustment of the monetary
 21 jurisdictional limit applicable to all actions at law
 22 in county courts filed on or after a specified date,
 23 beginning in 2030; deleting obsolete language;
 24 amending s. 35.15, F.S.; deleting the requirement that
 25 decisions and orders of district courts of appeal
 26 remain in the office of the clerk of any such court;
 27 amending s. 35.23, F.S.; requiring the clerk of a
 28 district court of appeal to have an office at the
 29 headquarters of the court; deleting a requirement that

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 the clerk keep records at the headquarters office;
 31 amending s. 35.24, F.S.; deleting the requirement that
 32 the clerk of a district court of appeal physically
 33 keep books, records, and other materials in the
 34 clerk's office; amending s. 40.23, F.S.; authorizing
 35 any person who has been summoned for jury service to
 36 postpone such service for an additional timeframe in
 37 the event of a declared public health emergency or a
 38 state of emergency; specifying requirements for any
 39 such request; amending s. 812.014, F.S.; removing the
 40 requirement that fingerprints be taken in open court
 41 and in the judge's presence upon a judgment of guilt
 42 of petit theft; authorizing the electronic capture of
 43 fingerprints; requiring the court officer, the
 44 employee of the court, or the employee of a criminal
 45 justice agency who captures fingerprints to sign a
 46 specified certification; amending s. 921.241, F.S.;
 47 removing the requirement that fingerprints be taken in
 48 open court and in the judge's presence upon a judgment
 49 of guilt for a felony; authorizing the electronic
 50 capture of fingerprints; requiring the court officer,
 51 the employee of the court, or the employee of a
 52 criminal justice agency who captures fingerprints to
 53 sign a specified certification; conforming a provision
 54 to changes made by the act; removing the requirement
 55 that a judge obtain a defendant's social security
 56 number at the time of fingerprinting; amending s.
 57 921.242, F.S.; removing the requirement that
 58 fingerprints be taken in open court and in the judge's

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 presence upon a judgment of guilt for an offense under
 60 ch. 796, F.S.; authorizing the electronic capture of
 61 fingerprints; requiring the court officer, the
 62 employee of the court, or the employee of a criminal
 63 justice agency who captures fingerprints to sign a
 64 specified certification; conforming a provision to
 65 changes made by the act; providing an effective date.

66
 67 Be It Enacted by the Legislature of the State of Florida:

68
 69 Section 1. Section 25.221, Florida Statutes, is amended to
 70 read:

71 25.221 Maintenance Custody of books, records, and other
 72 materials etc.—All books, papers, records, files, and the seal
 73 of the Supreme Court must be maintained by ~~shall be kept in the~~
 74 ~~office of the clerk of said court and be in the clerk's control,~~
 75 as prescribed by the Supreme Court custody.

76 Section 2. Section 25.301, Florida Statutes, is amended to
 77 read:

78 25.301 Decisions to be filed; copies to be furnished.—All
 79 decisions and opinions delivered by the Supreme said Court, or
 80 any justice thereof, relating in relation to any action or
 81 proceeding pending in the said court must ~~shall~~ be filed and
 82 ~~remain~~ in the office of the clerk and maintained by the clerk in
 83 the manner prescribed by the Supreme Court. Such decisions or
 84 opinions may, and shall not be taken out from the clerk's
 85 maintenance or control except by order of the court; however,
 86 the but said clerk must ~~shall at all times be required to~~
 87 furnish certified copies of such opinions and decisions to any

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88 person who makes such a request ~~may desire the same certified~~
 89 ~~copies of such opinions and decisions,~~ upon receiving any
 90 required fees ~~his or her fees therefor.~~

91 Section 3. Subsection (2) of section 28.2457, Florida
 92 Statutes, is amended to read:

93 28.2457 Mandatory monetary assessments.—

94 (2) The clerks of the circuit courts shall collaborate with
 95 the state courts through the Florida Courts Technology
 96 Commission to prepare a plan to procure or develop a statewide
 97 electronic solution that will accurately identify all
 98 assessments mandated by statute. The plan must, at a minimum,
 99 address operational, technological, and fiscal considerations
 100 related to the implementation of the electronic solution. The
 101 clerks shall submit the plan to the President of the Senate and
 102 the Speaker of the House of Representatives no later than
 103 January 1, 2022 ~~The clerks of court, through their association~~
 104 ~~and in consultation with the Office of the State Courts~~
 105 ~~Administrator, shall develop by October 1, 2012, a uniform form~~
 106 ~~for the identification and imposition of all assessments~~
 107 ~~mandated by statute. The clerks shall submit the form by that~~
 108 ~~date, and by October 1 every year thereafter if necessary to~~
 109 ~~reflect changes in the law, to the Supreme Court for approval.~~
 110 ~~Upon approval of the form by the Supreme Court, all circuit and~~
 111 ~~county courts shall use the form.~~

112 Section 4. Subsection (1) of section 34.01, Florida
 113 Statutes, is amended to read:

114 34.01 Jurisdiction of county court.—

115 (1) County courts shall have original jurisdiction:

116 (a) In all misdemeanor cases not cognizable by the circuit

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117 courts.

118 (b) Of all violations of municipal and county ordinances.

119 (c) Of all actions at law, except those within the
120 exclusive jurisdiction of the circuit courts, in which the
121 matter in controversy does not exceed, exclusive of interest,
122 costs, and attorney fees:

123 1. If filed on or before December 31, 2019, the sum of
124 \$15,000.

125 2. If filed on or after January 1, 2020, the sum of
126 \$30,000.

127 3. If filed on or after January 1, 2023, the sum of
128 \$50,000.

129
130 The \$50,000 jurisdictional limit in subparagraph 3. shall be
131 adjusted, effective January 1, 2030, and every 10 years
132 thereafter, by the percentage change in the average of the
133 Consumer Price Index issued by the United States Department of
134 Labor for the most recent 12-month period ending on September
135 30, compared to the base year average, which is the average for
136 the 12-month period ending September 30, 2022. The adjusted
137 jurisdictional limit must be rounded to the nearest \$1,000.

138 (d) Of disputes occurring in the homeowners' associations
139 as described in s. 720.311(2)(a), which shall be concurrent with
140 jurisdiction of the circuit courts.

141
142 ~~By February 1, 2021, the Office of the State Courts~~
143 ~~Administrator shall submit a report to the Governor, the~~
144 ~~President of the Senate, and the Speaker of the House of~~
145 ~~Representatives. The report must make recommendations regarding~~

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146 ~~the adjustment of county court jurisdiction, including, but not~~
147 ~~limited to, consideration of the claim value of filings in~~
148 ~~county court and circuit court, case events, timeliness in~~
149 ~~processing cases, and any fiscal impact to the state as a result~~
150 ~~of adjusted jurisdictional limits. The clerks of the circuit~~
151 ~~court and county court shall provide claim value data and~~
152 ~~necessary case event data to the office to be used in~~
153 ~~development of the report. The report must also include a review~~
154 ~~of fees to ensure that the court system is adequately funded and~~
155 ~~a review of the appellate jurisdiction of the district courts~~
156 ~~and the circuit courts, including the use of appellate panels by~~
157 ~~circuit courts.~~

158 Section 5. Section 35.15, Florida Statutes, is amended to
159 read:

160 35.15 Decisions to be filed; copies to be furnished.—All
161 decisions and opinions delivered by the district courts of
162 appeal, or any judge thereof, relating in relation to any action
163 or proceeding pending in such said court must shall be filed and
164 remain in the office of the clerk and maintained in the control
165 of the clerk. Such decisions and opinions may, and shall not be
166 taken from the clerk's maintenance or control therefrom except
167 by order of the court; however, the but said clerk must shall at
168 all times be required to furnish certified copies of such
169 opinions and decisions to any person who makes such a request
170 may desire the same certified copies of such opinions and
171 decisions, upon receiving any required fees his or her fees
172 therefor.

173 Section 6. Section 35.23, Florida Statutes, is amended to
174 read:

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175 35.23 Location of clerk's office.—Each clerk shall have an
 176 office ~~keep his or her records~~ at the headquarters of the
 177 district court of appeal.

178 Section 7. Section 35.24, Florida Statutes, is amended to
 179 read:

180 35.24 Maintenance Custody of books, records, and other
 181 materials etc.—All books, papers, records, files and the seal of
 182 each district court of appeal shall be maintained by, and in the
 183 control of, kept in the office of the clerk of the said court.

184 Section 8. Subsection (2) of section 40.23, Florida
 185 Statutes, is amended to read:

186 40.23 Summoning jurors.—

187 (2) The jury service of any person who has been summoned
 188 may be postponed for a period not to exceed 6 months upon
 189 written or oral request. However, if either a public health
 190 emergency has been declared by the State Health Officer pursuant
 191 to s. 381.00315 or a state of emergency has been declared by the
 192 Governor pursuant to s. 252.36(2), the jury service of any
 193 person who has been summoned may be postponed for a period not
 194 to exceed 12 months upon written or oral request. The request
 195 may specify a date or period of time to which service is to be
 196 postponed and, if so, shall be given consideration when the
 197 assignment of the postponed date of jury service is made.

198 Section 9. Paragraph (d) of subsection (3) of section
 199 812.014, Florida Statutes, is amended to read:

200 812.014 Theft.—

201 (3)

202 (d)1. A judgment of guilty or not guilty of a petit theft
 203 must ~~shall~~ be in:

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204 a. A written record that is signed by the judge and
 205 recorded by the clerk of the circuit court; or

206 b. An electronic record that contains the judge's
 207 electronic signature as defined in s. 933.40 and is recorded by
 208 the clerk of the circuit court.

209 2. ~~A At the time a defendant is found guilty of petit~~
 210 ~~theft, the judge shall cause the following to occur in open~~
 211 ~~court and in the judge's presence:~~

212 a. ~~For a written judgment of guilty, the fingerprints of a~~
 213 ~~the defendant who is found guilty of petit theft to against whom~~
 214 ~~such judgment is rendered shall be manually taken or~~
 215 ~~electronically captured and affixed beneath the judge's~~
 216 ~~signature on the judgment. Beneath~~ Such fingerprints must be
 217 certified and filed in the case in which the judgment of guilty
 218 is entered as provided in s. 921.241(3). ~~shall be appended a~~
 219 ~~certificate to the following effect:~~

220
 221 "I hereby certify that the above and foregoing fingerprints
 222 on this judgment are the fingerprints of the defendant,,
 223 and that they were placed thereon by said defendant in my
 224 presence, in open court, this the day of
 225 ... (year)...."

226
 227 Such certificate shall be signed by the judge, whose signature
 228 thereto shall be followed by the word "Judge."

229 b. ~~For an electronic judgment of guilty, the fingerprints~~
 230 ~~of the defendant must be electronically captured and a~~
 231 ~~certificate must be issued as provided in s. 921.241(3)(b).~~

232 3. A written or an electronic judgment of guilty of a petit

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theft, or a certified copy thereof, is admissible in evidence in the courts of this state as provided in s. 921.241(4).

Section 10. Section 921.241, Florida Statutes, is amended to read:

921.241 Felony judgments ~~and~~ fingerprints ~~and social security number~~ required in record.—

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

(a) "Electronic signature" has the same meaning as in s. 933.40.

(b) "Transaction control number" means the unique identifier comprised of numbers, letters, or other symbols for a digital fingerprint record generated by the device used to electronically capture the fingerprints.

(2) A judgment of guilty or not guilty of a felony must ~~shall~~ be in:

(a) A written record ~~that is~~ signed by the judge and recorded by the clerk of the court; or

(b) An electronic record that contains the judge's electronic signature and is recorded by the clerk of the court.

(3) A ~~At the time a defendant is found guilty of a felony, the judge shall cause the following to occur in open court and in the judge's presence:~~

~~(a) For a written judgment of guilty, the fingerprints of a the defendant who is found guilty of a felony to shall be manually taken or electronically captured. If the fingerprints are:~~

(a) Manually taken, the fingerprints must be filed in the case in which and affixed beneath the judge's signature on the judgment of guilty is entered. Beneath such fingerprints shall

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be appended a certification ~~certificate~~ to the following effect:

"I hereby certify that the above and foregoing fingerprints ~~on this judgment~~ are the fingerprints of the defendant,, and that they were placed thereon by said defendant in my presence, ~~in open court~~, this the day of, ... (year)...."

The court officer, the employee of the court, or the employee of a criminal justice agency who manually took the fingerprints shall place his or her written signature on the certification. Such certificate shall be signed by the judge, whose signature thereto shall be followed by the word "Judge."

(b) ~~For an electronic judgment of guilty, the fingerprints of the defendant shall be~~ Electronically captured, and the following certification must ~~certificate shall be~~ filed in the case in which included in the electronic judgment of guilty is entered:

"I hereby certify that the digital fingerprint record associated with Transaction Control Number contains the fingerprints of the defendant,, which were electronically captured from the defendant in my presence, ~~in open court~~, this the day of, ... (year)...."

The court officer, the employee of the court, or the employee of a criminal justice agency who electronically captured the fingerprints judge shall place his or her written or electronic signature, which shall be followed by the word "Judge," on the

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291 certification ~~certificate~~.

292 (4) A written or electronic judgment of guilty, or a
293 certified copy thereof, ~~is shall be~~ admissible in evidence in
294 the several courts of this state as prima facie evidence that
295 the:

296 (a) Manual fingerprints filed in the case in which the
297 judgment of guilty is entered ~~appearing thereon~~ and certified by
298 ~~the judge~~ as specified in this section ~~aforsaid~~ are the
299 fingerprints of the defendant against whom the judgment of
300 guilty was rendered.

301 (b) Digital fingerprint record associated with the
302 transaction control number specified in the certification
303 required by this section and filed in the case in which the
304 judgment of guilty is entered ~~judge's certificate~~ contains the
305 fingerprints of the defendant against whom the judgment of
306 guilty was rendered.

307 ~~(5) At the time the defendant's fingerprints are manually~~
308 ~~taken or electronically captured, the judge shall also cause the~~
309 ~~defendant's social security number to be taken. The defendant's~~
310 ~~social security number shall be specified in each written or~~
311 ~~electronic judgment of guilty of a felony, in open court, in the~~
312 ~~presence of such judge, and at the time the judgment is~~
313 ~~rendered. If the defendant is unable or unwilling to provide his~~
314 ~~or her social security number, the reason for its absence shall~~
315 ~~be specified in the written or electronic judgment.~~

316 Section 11. Section 921.242, Florida Statutes, is amended
317 to read:

318 921.242 Subsequent offenses under chapter 796; method of
319 proof applicable.-

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320 (1) A judgment of guilty with respect to any offense
321 governed by ~~the provisions of~~ chapter 796 ~~must shall~~ be in:

322 (a) A written record ~~that is~~ signed by the judge and
323 recorded by the clerk of the circuit court; or

324 (b) An electronic record that contains the judge's
325 electronic signature as defined in s. 933.40 and is recorded by
326 the clerk of the circuit court.

327 (2) ~~A At the time a defendant is found guilty, the judge~~
328 ~~shall cause the following to occur in open court and in the~~
329 ~~judge's presence:~~

330 ~~(a) For a written judgment of guilty, the fingerprints of a~~
331 ~~the defendant who is found guilty of any offense governed by~~
332 ~~chapter 796 to against whom such judgment is rendered shall be~~
333 ~~manually taken or electronically captured. and affixed beneath~~
334 ~~the judge's signature on the judgment. Beneath~~ Such fingerprints
335 must be certified and filed in the case in which the judgment of
336 guilty is entered as provided in s. 921.241(3). ~~shall be~~
337 ~~appended a certificate to the following effect:~~

338
339 "I hereby certify that the above and foregoing fingerprints
340 are of the defendant, ...(name)..., and that they were placed
341 thereon by said defendant in my presence, in open court, this
342 the day of, ...(year)...."

343
344 Such certificate shall be signed by the judge, whose signature
345 thereto shall be followed by the word "Judge."

346 ~~(b) For an electronic judgment of guilty, the fingerprints~~
347 ~~of the defendant must be electronically captured, and a~~
348 ~~certificate must be issued as provided in s. 921.241(3)(b).~~

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349 (3) A written or an electronic judgment of guilty, or a
350 certified copy thereof, is ~~shall be~~ admissible in evidence in
351 the several courts of this state as provided in s. 921.241(4).

352 Section 12. This act shall take effect July 1, 2021.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3-24-21

Meeting Date

SB 748

Bill Number (if applicable)

Topic Courts

Amendment Barcode (if applicable)

Name Eric Maclure

Job Title Deputy State Courts Administrator

Address 500 South Duval Street

Phone (850) 414-1048

Street

Tallahassee

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32399

Email macluree@flcourts.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing State Courts System

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

Committee Agenda Request

To: Senator Keith Perry ,Chair
Appropriations Subcommittee on Criminal Justice and Civil Justice

Subject: Committee Agenda Request

Date: March 17, 2021

I respectfully request that **Senate Bill # 748**, relating to Courts, be placed on the:

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

A handwritten signature in black ink, appearing to read "Jeff Brandes", with a long horizontal flourish extending to the right.

Senator Jeff Brandes
Florida Senate, District 24



Senate Appropriations Subcommittee on Criminal and Civil Justice

FY 2021-2022 Subcommittee Budget Proposal

Budget Spreadsheet

Senator Perry, Chair
Senator Brandes, Vice Chair
March 24, 2021

Appropriations Subcommittee on Criminal and Civil Justice

		AGENCY / DEPARTMENT	SUBCOMMITTEE RECOMMENDATIONS							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
1		DEPT OF CORRECTIONS								1
2	1100001	Startup (OPERATING)	25,154.00	1,115,933,707	2,727,283,348		2,727,283,348	60,703,647	2,787,986,995	2
3	1100002	Startup Recurring Fixed Capital Outlay (DEBT SERVICE/OTHER)			53,333,075		53,333,075		53,333,075	3
4	2000100	Transfer Funding from Budget Entity - Add			34,345,344		34,345,344		34,345,344	4
5	2000200	Transfer Funding to Budget Entity - Deduct			(34,345,344)		(34,345,344)		(34,345,344)	5
6	2401610	Replacement of Critical Transport Vehicles			-			1,000,000	1,000,000	6
7	2503080	Direct Billing for Administrative Hearings			(22,917)		(22,917)		(22,917)	7
8	3004310	Staffing to Support Statutory Changes			3,862,403	1,133,163	4,995,566		4,995,566	8
9	33J0030	Outsource Work Release Centers - Deduct			(9,469,560)		(9,469,560)		(9,469,560)	9
10	33J0040	Outsource Work Release Centers - Add			9,469,560		9,469,560		9,469,560	10
11	33V0870	Reduce Administration Statewide	(90.00)	(4,352,787)	(6,598,059)		(6,598,059)	(461,737)	(7,059,796)	11
12	3300800	Consolidate Prison Capacity	(1,500.00)	(52,312,701)	(140,000,000)		(140,000,000)		(140,000,000)	12
13	36306C0	Electronic Health Record			742,000		742,000		742,000	13
14	36308C0	Information Technology Services Provided to the Florida Commission on Offender Review			-			371,000	371,000	14
15	4700370	Enhanced Offender Rehabilitation Program			-			2,961,680	2,961,680	15
16	4700780	Academic Education Expansion	7.00	229,761	416,098	45,003	461,101		461,101	16
17	4700790	Career and Technical Education Expansion			1,000,000		1,000,000		1,000,000	17
18	4800130	Health Services Contract Monitors	5.00		-				-	18
19	5100010	Brevard Reentry Portal			-	250,000	250,000		250,000	19
20	5100030	Nspire Interrupters Program			-	230,000	230,000		230,000	20
21	5100040	Inmate Communications Management and Consulting			-	500,000	500,000		500,000	21
22	5100081	Re-Entry Alliance Pensacola (REAP)- Santa Rosa Re-Entry			-	100,000	100,000		100,000	22
23	5100082	Re-Entry Alliance Pensacola (REAP)- Escambia County Re-Entry			-	300,000	300,000		300,000	23
24	5100110	Shaping Success for Women: a Gender Responsive Reentry Approach			-	250,000	250,000		250,000	24
25	5100120	Restore Reentry Program			-	250,000	250,000		250,000	25
26	5100130	Home Builders Institute (HBI) - Building Careers for Returning Citizens			-	750,000	750,000		750,000	26
27	5100140	Project Clean Slate			-	250,000	250,000		250,000	27
28	5100160	Operation Hew Hope 's Ready4Work Re-Entry			-	250,000	250,000		250,000	28
29	5100183	Westcare Florida Gulfcoast			-	250,000	250,000		250,000	29
30	5100200	Ready4Work Reentry - Hillsborough			-	250,000	250,000		250,000	30
31	5100230	Children of Inmates: Family Strengthening/Reunite			-	500,000	500,000		500,000	31
32	5200500	Per Diem Adjustment for Private Correctional Facilities			4,883,621		4,883,621		4,883,621	32

Appropriations Subcommittee on Criminal and Civil Justice

		AGENCY / DEPARTMENT	SUBCOMMITTEE RECOMMENDATIONS							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
33	080027	Correctional Facilities - Lease Purchase			(281,998)		(281,998)		(281,998)	33
34	083258	Major Repairs, Renovations and Improvements to Major Institutions			-	50,000,000	50,000,000		50,000,000	34
35	Total	DEPT OF CORRECTIONS	23,576.00	1,059,497,980	2,644,617,571	55,308,166	2,699,925,737	64,574,590	2,764,500,327	35
36										36
37		FL COMMISSION ON OFFENDER REVIEW								37
38	1100001	Startup (OPERATING)	132.00	6,296,453	11,924,136		11,924,136	123,311	12,047,447	38
39	3000900	Funding for Litigation Expenses			-	85,050	85,050		85,050	39
40	33V0300	Base Budget Reduction			(336,920)		(336,920)		(336,920)	40
41	36201C0	Information Technology (IT) Services Provided by Department of Corrections			71,000	300,000	371,000		371,000	41
42	Total	FL COMMISSION ON OFFENDER REVIEW	132.00	6,296,453	11,658,216	385,050	12,043,266	123,311	12,166,577	42
43										43
44		DEPT OF JUVENILE JUSTICE								44
45	1100001	Startup (OPERATING)	3,285.50	138,763,659	437,944,183		437,944,183	141,255,007	579,199,190	45
46	1600240	Increased Budget Authority for Federal Grants			-			575,777	575,777	46
47	1600490	Increase Budget Authority In the Grants and Donations Trust Fund			-			225,000	225,000	47
48	2300080	Price Level Increase Residential Programs			-	2,000,000	2,000,000		2,000,000	48
49	24040C0	Information Technology Security Enhancements			223,200		223,200		223,200	49
50	2503080	Direct Billing for Administrative Hearings			(25,605)		(25,605)		(25,605)	50
51	3200100	Reduction of Excess Budget Authority			-			(200,000)	(200,000)	51
52	33V0300	Base Budget Reductions	(69.00)	(2,108,144)	(8,472,415)		(8,472,415)		(8,472,415)	52
53	33V0310	Residential Commitment Capacity			(16,956,666)		(16,956,666)	(5,355,781)	(22,312,447)	53
54	3600PC0	Florida Planning, Accounting, and Ledger Management (PALM) Readiness			-	99,092	99,092		99,092	54
55	5001270	Electronic Monitoring for Misdemeanant Youth			457,232		457,232		457,232	55
56	5001281	Evening Reporting Centers			-	100,000	100,000		100,000	56
57	5001285	Boys and Girls Club			-	500,000	500,000		500,000	57
58	5001399	Prodigy Program			-	250,000	250,000		250,000	58
59	5001406	Parenting with Love and Limits			-	250,000	250,000		250,000	59
60	5001410	City of West Park - Youth Crime Prevention Program			-	200,000	200,000		200,000	60
61	5001432	Tallahassee Tempo Workforce Training			-	250,000	250,000		250,000	61
62	5001472	Wayman Community Development Corporation - at Risk Youth Services			-	150,000	150,000		150,000	62
63	5001473	Clay County Youth Alternative to Secured Detention (SWEAT PROGRAM)			-	250,000	250,000		250,000	63

Appropriations Subcommittee on Criminal and Civil Justice

		AGENCY / DEPARTMENT	SUBCOMMITTEE RECOMMENDATIONS							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
64	5001475	New Horizons - After School and Weekend Rehabilitation Program			-	300,000	300,000		300,000	64
65	5001482	Pinellas County Youth Advocate Program			-	250,000	250,000		250,000	65
66	5001484	Hope Street Diversion Program			-	250,000	250,000		250,000	66
67	5001490	Girl Matters Continuity of Care Program			-	250,000	250,000		250,000	67
68	5001492	Fresh Path - High Risk Intervention Youth Program - Fresh Ministries			-	250,000	250,000		250,000	68
69	5001506	Florida Children 's Initiative			-	250,000	250,000		250,000	69
70	5001887	Amikids Prevention Programs			-	800,000	800,000		800,000	70
71	5001888	Oak Street Home - Delinquency Prevention Program			-	250,000	250,000		250,000	71
72	5010010	Integrated Care and Coordination for Youth			-	250,000	250,000		250,000	72
73	5500140	Re-Procurement of Detention Medical Contract			2,250,000		2,250,000	2,250,000	4,500,000	73
74	080410	Department of Juvenile Justice Maintenance and Repair - State Owned Buildings			-			1,300,000	1,300,000	74
75	080410	Department of Juvenile Justice Maintenance and Repair - State Owned Buildings			-			1,500,000	1,500,000	75
76	080410	Department of Juvenile Justice Maintenance and Repair - State Owned Buildings			-			3,700,000	3,700,000	76
77	140085	Grants and Aids to Local Governments and Nonstate Entities - Fixed Capital Outlay			-	5,250,000	5,250,000		5,250,000	77
78	Total	DEPT OF JUVENILE JUSTICE	3,216.50	136,655,515	415,419,929	12,149,092	427,569,021	145,250,003	572,819,024	78
79										79
80		DEPT OF LEGAL AFFAIRS								80
81	1100001	Startup (OPERATING)	1,384.50	73,459,903	61,704,593		61,704,593	228,349,720	290,054,313	81
82	1700220	Transfer Children 's Legal Services to the Department of Children and Families	(109.00)	(5,006,798)	-			(9,526,169)	(9,526,169)	82
83	2503080	Direct Billing for Administrative Hearings			-			9,573	9,573	83
84	33V0300	Base Budget Reduction	(20.00)		(1,443,112)		(1,443,112)		(1,443,112)	84
85	36210C0	Information Technology Modernization Program Cloud Services Recurring Costs			892,532		892,532	1,097,438	1,989,970	85
86	4000386	Created Gainesville 's Residential Program			-	470,540	470,540		470,540	86
87	4000390	Cuban-American Bar Association			-	250,000	250,000		250,000	87
88	4000391	Virgil Hawkins Florida Chapter Bar Association			-	150,000	150,000		150,000	88
89	4000396	Children 's Advocacy Centers			-	500,000	500,000		500,000	89
90	4002000	Increase Budget Authority for the Federal Victims of Crime Act Assistance Grant Program			-			74,185,707	74,185,707	90

Appropriations Subcommittee on Criminal and Civil Justice

		AGENCY / DEPARTMENT	SUBCOMMITTEE RECOMMENDATIONS							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
91	4002020	Awards to Claimants Reserve General Revenue to Shore Up Victims Assistance Program			1,000,000		1,000,000		1,000,000	91
92	4002030	Increase Authority for Antitrust and Complex Litigation Costs			-			4,000,000	4,000,000	92
93	4002040	Transfer of Positions and Rate Between Budget Entities - Deduct	(5.00)	(252,209)	(462,517)		(462,517)		(462,517)	93
94	4002050	Transfer of Positions and Rate Between Budget Entities - Add	5.00	252,209	462,517		462,517		462,517	94
95	4100223	Selah Freedom Sex Trafficking and Exploitation Victims Program			-	500,000	500,000		500,000	95
96	4100224	Open Doors - Voices for Florida			-	500,000	500,000		500,000	96
97	4100252	Nancy J. Cotterman Center			-	225,000	225,000		225,000	97
98	4100253	Big Brothers Big Sisters Bigs In Blue Mentoring Project			-	250,000	250,000		250,000	98
99	4100254	The No More Foundation Human Trafficking Capacity Expansion In Tampa Bay			-	250,000	250,000		250,000	99
100	Total	DEPT OF LEGAL AFFAIRS	1,255.50	68,453,105	62,154,013	3,095,540	65,249,553	298,116,269	363,365,822	100
101										101
102		DEPT OF LAW ENFORCEMENT								102
103	1100001	Startup (OPERATING)	1,949.00	111,316,600	129,543,242		129,543,242	153,873,256	283,416,498	103
104	2000020	Realignment of Expenditures - Add			-			400,000	400,000	104
105	2000100	Realignment of Expenditures - Deduct			-			(400,000)	(400,000)	105
106	2503080	Direct Billing for Administrative Hearings			-			17,980	17,980	106
107	33V0300	Base Budget Reduction	(3.00)	(178,052)	(1,606,590)		(1,606,590)	(2,250,000)	(3,856,590)	107
108	3301510	Reduce Trust Fund Authority			-			(1,000,000)	(1,000,000)	108
109	3306000	Reduce Excess Budget Authority			-			(2,252,869)	(2,252,869)	109
110	3400010	Fund-Shift General Revenue to Operating Trust Fund - Deduct			(2,250,000)		(2,250,000)		(2,250,000)	110
111	3400011	Fund-Shift General Revenue to Operating Trust Fund - Add			-			2,250,000	2,250,000	111
112	36120C0	Florida Incident Based Reporting System (FIBRS)			-	10,476,038	10,476,038		10,476,038	112
113	4100110	Restructure Appropriation Within the Administrative Trust Fund - Deduct			-			(118,250)	(118,250)	113
114	4100120	Restructure Appropriation Within the Administrative Trust Fund - Add			-			118,250	118,250	114
115	4100130	Restructure Appropriation Within the Forfeiture and Investigative Support Trust Fund - Deduct			-			(609,426)	(609,426)	115
116	4100140	Restructure Appropriation Within the Forfeiture and Investigative Support Trust Fund - Add			-			609,426	609,426	116
117	4100150	Restructure Appropriation Within the Federal Law Enforcement Trust Fund - Deduct			-			(250,000)	(250,000)	117
118	4100160	Restructure Appropriation Within the Federal Law Enforcement Trust Fund - Add			-			250,000	250,000	118

Appropriations Subcommittee on Criminal and Civil Justice

		AGENCY / DEPARTMENT	SUBCOMMITTEE RECOMMENDATIONS							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
119	4100600	Increase Trust Fund Authority for Tenant Broker Commissions			-			109,400	109,400	119
120	4300200	Address Growing Workload for Firearm Eligibility Bureau			-			683,126	683,126	120
121	4500900	Pensacola Regional Operations Center Facility			-			1,400,000	1,400,000	121
122	4700200	Juvenile Diversion Program Expunction	2.00	64,091	117,131	31,840	148,971		148,971	122
123	5010030	Project Cold Case			-	150,000	150,000		150,000	123
124	5010252	Broward County Sheriffs Office - Crime Cases Backlog Reduction			-	114,480	114,480		114,480	124
125	5100210	Community, Cops, Courts & State Attorney Violent Crime Intervention			-	250,000	250,000		250,000	125
126	5100222	Automated License Plate Readers for the City of Jacksonville Beach			-	150,000	150,000		150,000	126
127	5100223	Jefferson County Sheriff 's Office Emergency Communication System			-	800,000	800,000		800,000	127
128	5100224	Hillsborough County Sheriff 's Office Port Tampa Bay Safe Boat			-	350,000	350,000		350,000	128
129	5100225	City of Pembroke Pines License Plate Reader Project			-	250,000	250,000		250,000	129
130	5100226	Port Orange License Plate Readers			-	125,000	125,000		125,000	130
131	080956	Facilities Repairs and Maintenance			-	4,451,201	4,451,201		4,451,201	131
132	140085	Grants and Aids to Local Governments and Nonstate Entities - Fixed Capital Outlay			-	250,000	250,000		250,000	132
133	Total	DEPT OF LAW ENFORCEMENT	1,948.00	111,202,639	125,803,783	17,398,559	143,202,342	152,830,893	296,033,235	133
134										134
135		JUSTICE ADMIN COMMISSION (JAC)								135
136	1100001	Startup (OPERATING)	109.00	4,599,089	118,252,497		118,252,497	1,022,036	119,274,533	136
137	1601A10	Transfer of Salary Rate Between Program Components - Add		100,000	-				-	137
138	1601A20	Transfer of Salary Rate Between Program Components - Deduct		(100,000)	-				-	138
139	3000040	Increase Due Process Funds			-	4,475,593	4,475,593		4,475,593	139
140	3009520	Increase Trust Fund Authority for Title Iv-E Funding			-			5,873,028	5,873,028	140
141	33V0110	Reduce Justice Administrative Commission Funding			(275,634)		(275,634)		(275,634)	141
142	33V0240	Reduce Due Process Funding			(2,925,798)		(2,925,798)		(2,925,798)	142
143	4200220	Transfer Funds for Cross Jurisdictional Death Penalty Program - Deduct			(948,780)	(28,882)	(977,662)		(977,662)	143
144	4304011	Clerks of Court Pandemic Recovery Plan			-	250,000	250,000		250,000	144
145	Total	JUSTICE ADMIN COMMISSION (JAC)	109.00	4,599,089	114,102,285	4,696,711	118,798,996	6,895,064	125,694,060	145
146										146
147		GUARDIAN AD LITEM (GAL)								147
148	1100001	Startup (OPERATING)	747.50	33,418,938	55,350,368		55,350,368	461,741	55,812,109	148

Appropriations Subcommittee on Criminal and Civil Justice

		AGENCY / DEPARTMENT	SUBCOMMITTEE RECOMMENDATIONS							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
149	2000100	Realignment of Administrative Expenditures - Add			4,540,465		4,540,465	220,249	4,760,714	149
150	2000200	Realignment of Administrative Expenditures - Deduct			(4,540,465)		(4,540,465)	(220,249)	(4,760,714)	150
151	33V0115	Reduce Guardian Ad Litem Funding		(24.00)	(862,520)	(1,612,189)	(1,612,189)		(1,612,189)	151
152	Total	GUARDIAN AD LITEM (GAL)	723.50	32,556,418	53,738,179	-	53,738,179	461,741	54,199,920	152
153										153
154		STATE ATTORNEYS								154
155	1100001	Startup (OPERATING)	6,044.00	325,700,402	390,271,690		390,271,690	115,211,798	505,483,488	155
156	1600065	Reapproval of Current Year Budget Amendments Over Base Budget			-			363,659	363,659	156
157	1600170	Reapproval of Prior Year Budget Amendment			-			155,258	155,258	157
158	2000100	Realignment of Administrative Expenditures - Add			152,564		152,564	379,566	532,130	158
159	2000200	Realignment of Administrative Expenditures - Deduct			(152,564)		(152,564)	(379,566)	(532,130)	159
160	2401500	Replacement of Motor Vehicles			-			1,069,580	1,069,580	160
161	2402000	Additional Equipment			-			100,000	100,000	161
162	2503080	Direct Billing for Administrative Hearings			-			(12,955)	(12,955)	162
163	2600170	Annualization of Prior Year Budget Amendment			-			30,453	30,453	163
164	2600210	Annualization of Grant and Donation Trust Fund			-			41,817	41,817	164
165	3000640	Enhanced Other Personal Services			-			221,680	221,680	165
166	3001520	Increase Trust Fund Authority	0.50	33,000	-			59,147	59,147	166
167	3005500	Grants and Donations Trust Fund Authority Adjustment			-			496,249	496,249	167
168	3008A10	Enhanced Salary Incentive Payments			-			1,500	1,500	168
169	3009500	Increased State Attorney Forfeiture and Investigative Support Trust Fund (FIST)			-			27,026	27,026	169
170	3009510	Increase Victims of Crime Act Authority			-			40,000	40,000	170
171	3201510	Reduce Excess Federal Trust Fund Authority			-			(100,000)	(100,000)	171
172	33V0120	Reduce State Attorney Funding	(110.00)	(8,388,659)	(11,597,427)		(11,597,427)		(11,597,427)	172
173	33V1022	Reduce Vacant Positions	(7.00)		-				-	173
174	3301510	Reduce Trust Fund Authority			-			(808,000)	(808,000)	174
175	34F0100	Transfer of Grants and Donations Trust Fund to the State Attorneys Revenue Trust Fund - Add			-			100,000	100,000	175
176	34F0200	Transfer of Grants and Donations Trust Fund to the State Attorneys Revenue Trust Fund - Deduct			-			(100,000)	(100,000)	176
177	3402900	Transfer State Attorneys Revenue Trust Fund Authority to Grants and Donations Trust Fund - Add			-			150,000	150,000	177
178	3402910	Transfer State Attorneys Revenue Trust Fund Authority to Grants and Donations Trust Fund - Delete			-			(150,000)	(150,000)	178

Appropriations Subcommittee on Criminal and Civil Justice

		AGENCY / DEPARTMENT	SUBCOMMITTEE RECOMMENDATIONS							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
179	Total	STATE ATTORNEYS	5,927.50	317,344,743	378,674,263	-	378,674,263	116,897,212	495,571,475	179
180										180
181		PUBLIC DEFENDERS								181
182	1100001	Startup (OPERATING)	2,858.50	167,370,361	214,837,045		214,837,045	37,361,673	252,198,718	182
183	1600065	Reapproval of Current Year Budget Amendments Over Base Budget			-			400,000	400,000	183
184	1605500	Reapproval of Position Transfer	1.00		-				-	184
185	1605510	Reapproval of Position Transfer - Deduct	(1.00)		-				-	185
186	2000100	Realignment of Administrative Expenditures - Add			441,621		441,621	517,011	958,632	186
187	2000200	Realignment of Administrative Expenditures - Deduct			(441,621)		(441,621)	(517,011)	(958,632)	187
188	2401500	Replacement of Motor Vehicles			-			205,000	205,000	188
189	2402000	Additional Equipment			-			37,950	37,950	189
190	3000540	Legal Assistance - Mental Health Care/Baker Act		150,000	-			243,161	243,161	190
191	3000640	Enhanced Other Personal Services			-			44,783	44,783	191
192	3001020	Trial Courts Pandemic Recovery Plan			-			175,422	175,422	192
193	33V0125	Reduce Public Defender Funding	(76.00)	(4,391,526)	(6,360,078)		(6,360,078)		(6,360,078)	193
194	3301510	Reduce Trust Fund Authority			-			(440,507)	(440,507)	194
195	36224C0	County Agreement for Information Technology Personnel Services			-			5,062	5,062	195
196	3800280	Florida Bar Training Requirements for New Assistant Public Defenders			-			26,160	26,160	196
197	4200080	Transfer Appropriations Between Budget Entities - Add			60,000		60,000		60,000	197
198	4200180	Transfer Positions Between Budget Entities - Add	0.50		-				-	198
199	4200190	Transfer Positions Between Budget Entities - Deduct	(0.50)		-				-	199
200	4300200	Maximize Use of Indigent Criminal Defense Trust Funds for Operating Expenditures			-			36,815	36,815	200
201	5008010	Body Camera Evidence Review	2.00	40,596	-			84,300	84,300	201
202	Total	PUBLIC DEFENDERS	2,784.50	163,169,431	208,536,967	-	208,536,967	38,179,819	246,716,786	202
203										203
204		APPELLATE PUBLIC DEFENDERS								204
205	1100001	Startup (OPERATING)	173.00	12,194,593	17,607,575		17,607,575	338,489	17,946,064	205
206	33V0125	Reduce Public Defender Funding	(5.00)	(250,006)	(521,254)		(521,254)		(521,254)	206
207	4200090	Transfer Appropriations Between Budget Entities - Deduct			(60,000)		(60,000)		(60,000)	207
208	Total	APPELLATE PUBLIC DEFENDERS	168.00	11,944,587	17,026,321	-	17,026,321	338,489	17,364,810	208
209										209
210		CAPITAL COLLATERAL REGIONAL COUNSELS								210

Appropriations Subcommittee on Criminal and Civil Justice

		AGENCY / DEPARTMENT	SUBCOMMITTEE RECOMMENDATIONS							
Row #	Issue Code	Issue Title	FTE	Rate	Rec GR	NR GR	Total GR	Trust Funds	All Funds	Row #
211	1100001	Startup (OPERATING)	96.00	6,373,147	11,417,332		11,417,332	1,344,455	12,761,787	211
212	2301900	Building Rental for Privately Owned Office Space			54,514		54,514		54,514	212
213	33V0130	Reduce Capital Collateral Regional Counsel Funding	(3.50)	(136,798)	(340,287)		(340,287)		(340,287)	213
214	Total	CAPITAL COLLATERAL REGIONAL COUNSELS)	92.50	6,236,349	11,131,559	-	11,131,559	1,344,455	12,476,014	214
215										215
216		CRIMINAL CONFLICT AND CIVIL REGIONAL COUNSEL								216
217	1100001	Startup (OPERATING)	532.75	31,698,022	56,359,424		56,359,424	574,973	56,934,397	217
218	2000100	Realignment of Administrative Expenditures - Add			200,000		200,000	75,000	275,000	218
219	2000200	Realignment of Administrative Expenditures - Deduct			(200,000)		(200,000)	(75,000)	(275,000)	219
220	2301900	Building Rental for Privately Owned Office Space			161,078		161,078		161,078	220
221	3009520	Increase Trust Fund Authority for Title Iv-E Funding	47.00	2,650,039	-			4,830,066	4,830,066	221
222	33V0210	Reduce Conflict Counsel	(15.75)	(393,766)	(1,670,783)		(1,670,783)		(1,670,783)	222
223	4200210	Transfer Funds for Cross Jurisdictional Death Penalty Program - Add	7.00	266,395	948,780	28,882	977,662		977,662	223
224	Total	CRIMINAL CONFLICT AND CIVIL REGIONAL COUNSEL	571.00	34,220,690	55,798,499	28,882	55,827,381	5,405,039	61,232,420	224
225										225
226		STATE COURT SYSTEM								226
227	1100001	Startup (OPERATING)	4,398.50	349,403,693	495,302,277		495,302,277	100,110,869	595,413,146	227
228	160F230	Transfer Appropriations to Realign Expenditures - Deduct			(71,072)		(71,072)		(71,072)	228
229	160F240	Transfer Appropriations to Realign Expenditures - Add			71,072		71,072		71,072	229
230	1602400	Increase of Trust Fund Authority- Federal Grants Trust Fund			-			377,000	377,000	230
231	3000420	Senior Judge Support to County Court			-	200,000	200,000		200,000	231
232	3001020	Trial Courts Pandemic Recovery Plan			-			6,274,167	6,274,167	232
233	3009510	Funding for Statutorily Authorized Judgeships	21.00	2,039,638	3,368,134		3,368,134	50,379	3,418,513	233
234	33V3600	Base Budget Reduction	(109.00)	(8,107,517)	(14,641,996)		(14,641,996)		(14,641,996)	234
235	36320C0	Appellate Case Management Solution			610,000		610,000	7,999,668	8,609,668	235
236	5001510	Early Childhood Courts			-	250,000	250,000		250,000	236
237	5001800	Community Court Program			-	88,000	88,000		88,000	237
238	5001910	Seminole County Juvenile Drug Court			-	250,000	250,000		250,000	238
239	080073	Second District Court of Appeal New Courthouse Constructions - Dms Mgd			-	50,000,000	50,000,000		50,000,000	239
240	140700	Fixed Capital Outlay - County Courthouse Facilities			-	750,000	750,000		750,000	240
241	Total	STATE COURT SYSTEM	4,310.50	343,335,814	484,638,415	51,538,000	536,176,415	114,812,083	650,988,498	241
242	Grand Total		44,814.50	2,295,512,813	4,583,300,000	144,600,000	4,727,900,000	945,228,968	5,673,128,968	242

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THE FLORIDA SENATE

APPEARANCE RECORD

3/24/21

Meeting Date

Bill Number (if applicable)

Topic Budget

Amendment Barcode (if applicable)

Name Jason L. Welty

Job Title Budget and Communications Director

Address 2560 Barrington Circle

Phone 850-386-2223

Street

Tallahassee

FL

32308

Email jwelty@flccoc.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Clerks of Court Operations Corporation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/24/21

Meeting Date

Bill Number (if applicable)

Topic Department of Corrections Budget

Amendment Barcode (if applicable)

Name Christine Koester

Job Title _____

Address 3313 SE 3rd Street

Phone 954 708 4168

Street

Pompano Beach, FL 33062

Email Christine_Koester@yahoo.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/24/21

Meeting Date

Bill Number (if applicable)

Topic Department of Corrections Budget

Amendment Barcode (if applicable)

Name Laurette Philipson

Job Title _____

352-533-7202

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Street

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PORT RICHIEY

FL

34608

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City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Criminal and Civil Justice

Judge:

Started: 3/24/2021 4:31:16 PM

Ends: 3/24/2021 5:27:37 PM

Length: 00:56:22

4:32:07 PM	S 748
4:32:11 PM	Sen. Brandes
4:33:20 PM	Am. 478484
4:33:36 PM	Sen. Brandes
4:34:27 PM	Eric Maclure, Deputy State Courts Administrator, State Courts System (waives in support)
4:34:51 PM	Sen. Brandes
4:35:59 PM	S 1970
4:36:11 PM	Sen. Pizzo
4:37:01 PM	Sen. Torres
4:37:16 PM	Sen. Pizzo
4:39:42 PM	Sen. Torres
4:40:01 PM	Sen. Pizzo
4:42:43 PM	Pamela Burch Fort, NAACP Florida State Conference (waives in support)
4:42:50 PM	Ingrid Delgado, Associate Director for Social Concerns & Respect Life, Florida Conference of Catholic Bishops (waives in support)
4:43:03 PM	Laurette Philipsen, Citizen
4:43:28 PM	Christine Koester, Citizen
4:44:04 PM	Sen. Torres
4:44:51 PM	Sen. Pizzo
4:45:29 PM	Tab 3 Review and Discussion of Fiscal Year 2021-2022 Budget Issues
4:45:50 PM	Marti Harkness, Staff Director, Appropriations Subcommittee on Criminal and Civil Justice
4:49:57 PM	Sen. Brandes
4:50:06 PM	M. Harkness
4:50:16 PM	Sen. Brandes
4:50:29 PM	Sen. Perry
4:51:33 PM	Sen. Brandes
4:51:47 PM	Sen. Perry
4:52:06 PM	Sen. Brandes
4:52:16 PM	Sen. Perry
4:52:26 PM	Sen. Brandes
4:54:56 PM	Sen. Perry
4:56:20 PM	Sen. Pizzo
4:58:53 PM	M. Harkness
4:59:41 PM	Sen. Pizzo
5:01:12 PM	Sen. Perry
5:01:52 PM	Sen. Pizzo
5:01:55 PM	Sen. Perry
5:02:05 PM	Sen. Pizzo
5:02:11 PM	Sen. Perry
5:02:41 PM	Sen. Baxley
5:08:59 PM	Laurette Philipsen, Citizen
5:11:44 PM	Jason L. Welty, Budget and Communications Director, Florida Clerks of Court Operations Corporation
5:12:39 PM	Christine Koester, Citizen
5:15:08 PM	Sen. Brandes
5:17:11 PM	Sen. Pizzo
5:17:35 PM	Sen. Perry
5:17:50 PM	Sen. Pizzo
5:24:04 PM	Sen. Rodriguez
5:24:22 PM	Sen. Gainer
5:25:05 PM	Sen. Baxley