

Tab 1	SB 92 by Simmons; Controlled Substances					
Tab 2	SB 656 by Pizzo; (Identical to H 01379) Arrests					
Tab 3	SB 850 by Pizzo; Exposure of Sexual Organs					
Tab 4	SB 1044 by Pizzo (CO-INTRODUCERS) Stewart, Gruters, Perry, Harrell, Torres, Diaz, Albritton, Farmer, Flores, Powell, Cruz, Book, Hooper, Mayfield, Taddeo, Rodriguez; (Similar to H 00621) Animal Cruelty					
Tab 5	SB 1116 by Brandes (CO-INTRODUCERS) Pizzo; (Identical to H 00869) Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections					
Tab 6	SB 1118 by Brandes (CO-INTRODUCERS) Pizzo; (Identical to H 00871) Inmate Welfare Trust Funds					
703330	A	S	RCS	CJ, Brandes	Delete L.114:	01/21 12:29 PM
Tab 7	SB 1142 by Hooper; (Identical to H 00589) Offenses Against Firefighters					
Tab 8	SB 1144 by Brandes; (Identical to H 01361) Department of Juvenile Justice					
Tab 9	SB 1146 by Brandes; (Compare to H 01175) Special Risk Class of the Florida Retirement System					
916192	A	S	RCS	CJ, Brandes	Delete L.17 - 18:	01/21 12:29 PM
275386	A	S	RCS	CJ, Brandes	Delete L.238 - 246:	01/21 12:29 PM
Tab 10	SB 1304 by Brandes; (Similar to H 01003) Sentencing					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Perry, Chair
Senator Brandes, Vice Chair

MEETING DATE: Tuesday, January 21, 2020

TIME: 10:00—11:30 a.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Perry, Chair; Senator Brandes, Vice Chair; Senators Bracy, Flores, and Pizzo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 92 Simmons	Controlled Substances; Revising age limitations relating to the use and hire of certain persons and the delivery of controlled substances to certain persons; providing for the reclassification of criminal penalties relating to the sale of controlled substances to certain persons; expanding the definition of the term "drug paraphernalia", etc. CJ 01/21/2020 Favorable ACJ AP	Favorable Yeas 3 Nays 2
2	SB 656 Pizzo (Identical H 1379)	Arrests; Authorizing warrantless arrests when a law enforcement officer has probable cause to believe that a person has violated s. 790.22, F.S., etc. CJ 01/21/2020 Favorable JU RC	Favorable Yeas 4 Nays 0
3	SB 850 Pizzo	Exposure of Sexual Organs; Specifying that an exception to the unlawful exposure or exhibition of an individual's sexual organs in certain places includes clothing-optional beaches, etc. CJ 01/21/2020 Favorable CM RC	Favorable Yeas 5 Nays 0
4	SB 1044 Pizzo (Similar H 621)	Animal Cruelty; Citing this act as "Allie's Law"; defining the term "treatment provider"; requiring veterinarians to report suspected animal cruelty in certain circumstances; requiring certain persons to report suspected animal cruelty to a veterinarian; providing immunity from criminal and civil liability for certain persons and entities; specifying that failure of a veterinarian to report suspected animal cruelty is grounds for discipline, etc. CJ 01/21/2020 Favorable JU RC	Favorable Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, January 21, 2020, 10:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1116 Brandes (Identical H 869, Compare H 871, Linked S 1118)	Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections; Creating the State-Operated Institutions Inmate Welfare Trust Fund within the Department of Corrections; providing the purpose of the trust fund; providing for future review and termination or re-creation of the trust fund, etc. CJ 01/21/2020 Favorable ACJ AP	Favorable Yeas 5 Nays 0
6	SB 1118 Brandes (Identical H 871, Compare H 869, Linked S 1116)	Inmate Welfare Trust Funds; Requiring that specified proceeds and funds be deposited into the State-Operated Institutions Inmate Welfare Trust Fund; providing that the trust fund is a trust held by the Department of Corrections for the benefit and welfare of certain inmates; requiring that funds of the trust fund be used exclusively for specified purposes at correctional facilities operated by the department, etc. CJ 01/21/2020 Fav/CS ACJ AP	Fav/CS Yeas 4 Nays 0
7	SB 1142 Hooper (Identical H 589)	Offenses Against Firefighters; Providing enhanced penalties for certain offenses committed against firefighters engaged in the performance of their legal duties, etc. CJ 01/21/2020 Favorable JU AP	Favorable Yeas 3 Nays 0
8	SB 1144 Brandes (Identical H 1361)	Department of Juvenile Justice; Revising the list of programs within the department; repealing a provision relating to shared county and state responsibility for juvenile detention; deleting a provision requiring each county that is not a fiscally constrained county to pay its annual percentage share of the total shared detention costs; requiring the Department of Juvenile Justice to calculate and provide to each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles its annual percentage share, etc. CJ 01/21/2020 Favorable ACJ AP	Favorable Yeas 4 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

Tuesday, January 21, 2020, 10:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	SB 1146 Brandes (Compare H 1175)	Special Risk Class of the Florida Retirement System; Adding juvenile detention officers and juvenile detention officer supervisors employed by the Department of Juvenile Justice who meet certain criteria to the class, etc. CJ 01/21/2020 Fav/CS GO AP	Fav/CS Yeas 4 Nays 0
10	SB 1304 Brandes (Similar H 1003)	Sentencing; Creating conditional sentences for substance use and mental health offenders; providing minimum sentencing requirements; specifying duties of the Department of Corrections; requiring the department to provide written notice to specified parties upon the offender's admission into an in- prison treatment program; requiring that an offender be transitioned to probation upon the completion of an in-prison program, etc. CJ 01/21/2020 Favorable ACJ AP	Favorable Yeas 4 Nays 0

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 Committee on Criminal Justice

BILL: SB 92

INTRODUCER: Senator Simmons

SUBJECT: Controlled Substances

DATE: January 17, 2020

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Erickson	Jones	CJ	Favorable
2. _____	_____	ACJ	_____
3. _____	_____	AP	_____

I. Summary:

SB 92 creates s. 893.1355, F.S., which reclassifies the felony or misdemeanor degree of an offense involving the sale of, or possession with intent to sell, a controlled substance when the sale or intended sale is to a person younger than 21 years of age. The penalties imposed as a result of this reclassification are consistent with penalties currently provided for selling, or possessing with intent to sell, a controlled substance within 1,000 feet of a K-12 school or certain specified facilities or places.

The bill also amends the age elements of an offense in s. 893.13, F.S., which currently prohibits a person 18 years of age or older from delivering any controlled substance to a person younger than 18 years of age. It also prohibits using or hiring a person younger than 18 years of age as an agent or employee in the sale or delivery of such a substance or using or hiring such person to assist in avoiding detection or apprehension for a violation of ch. 893, F.S. The bill changes the age of the violator to 21 years of age or older and the age of the recipient or intended recipient of the controlled substance to younger than 21 years of age.

Finally, the bill adds vapor-generating electronic devices to the list of objects that constitute drug paraphernalia. The devices are only drug paraphernalia if they are used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing a controlled substance into the human body.

The Legislature Office of Economic and Demographic Research preliminarily estimates that the bill will have a “positive indeterminate” prison bed impact (an unquantifiable increase in prison beds).

The bill takes effect October 1, 2020.

II. Present Situation:

Florida's Controlled Substance Schedules

Section 893.03, F.S., classifies controlled substances into five categories or classifications, known as schedules. The schedules regulate the manufacture, distribution, preparation, and dispensing of substances listed in the schedules. The most important factors in determining which schedule may apply to a substance are the “potential for abuse”¹ of the substance and whether there is a currently accepted medical use for the substance. The controlled substance schedules are described as follows:

- Schedule I substances (s. 893.03(1), F.S.) have a high potential for abuse and no currently accepted medical use in treatment in the United States. Use of these substances under medical supervision does not meet accepted safety standards.
- Schedule II substances (s. 893.03(2), F.S.) have a high potential for abuse and a currently accepted but severely restricted medical use in treatment in the United States. Abuse of these substances may lead to severe psychological or physical dependence.
- Schedule III substances (s. 893.03(3), F.S.) have a potential for abuse less than the Schedule I and Schedule II substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to moderate or low physical dependence or high psychological dependence. Abuse of anabolic steroids may lead to physical damage.
- Schedule IV substances (s. 893.03(4), F.S.) have a low potential for abuse relative to Schedule III substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule III substances.
- Schedule V substances (s. 893.03(5), F.S.) have a low potential for abuse relative to Schedule IV substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule IV substances.

Selling a Controlled Substance or Possessing a Controlled Substance with Intent to Sell

Selling a controlled substance or possessing a controlled substance with intent to sell is generally punished in s. 893.13(1), F.S. The penalty assigned by s. 893.13, F.S., depends on the schedule applicable to the controlled substance that is being sold or possessed with intent to sell and, in some instances, the location in which the violation occurs. Section 893.135, F.S., which punishes drug trafficking, addresses knowingly selling specified quantities of *some* Schedule I, II, and III controlled substances.²

¹ Section 893.035(3)(a), F.S., defines “potential for abuse” as a substance that has properties as a central nervous system stimulant or depressant or a hallucinogen that create a substantial likelihood of the substance being: used in amounts that create a hazard to the user’s health or the safety of the community; diverted from legal channels and distributed through illegal channels; or taken on the user’s own initiative rather than on the basis of professional medical advice.

² See generally s. 893.135, F.S. Most drug trafficking offenses are first degree felonies and are subject to a mandatory minimum term of imprisonment and a mandatory fine, which is determined by the weight or quantity of the substance.

Penalties Relating to Schedule I(a), (b), and (d) and Schedule II(a), (b), and (c)5. Controlled Substances

Generally, it is a second degree felony³ to sell or possess with intent to sell these controlled substances.⁴ It is a first degree felony⁵ to sell or possess with intent to sell these substances within 1,000 feet of a K-12 school or certain other specified facilities or places.⁶ If any of these substances are covered by s. 893.135, F.S. (e.g., fentanyl, cocaine, oxycodone, hydrocodone, and heroin), and the sale meets the drug trafficking threshold, the sale is generally punished as a first degree felony.

Examples of controlled substances in these schedules: fentanyl; cocaine; oxycodone; hydrocodone; heroin; synthetic cannabinoids; LSD; and methamphetamine.

Penalties Relating to Schedule I(c); Schedule II(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)c.7., (2)(c)8., (2)(c)9., and (2)(c)10.; Schedule III; and Schedule IV Controlled Substances

Generally, it is a third degree felony⁷ to sell or possess with intent to sell these controlled substances.⁸ It is a second degree felony to sell or possess with intent to sell these substances within 1,000 feet of a K-12 school or other specified facilities or places.⁹ If any of these substances are covered by s. 893.135, F.S. (e.g., cannabis, amphetamine, and methamphetamine) and the sale meets the drug trafficking threshold, the sale is generally punished as a first degree felony.¹⁰

Examples of controlled substances in these schedules: cannabis; anabolic steroids; certain barbiturates; certain amphetamine derivatives; amphetamine; and methamphetamine.

Penalties Relating to Schedule V Controlled Substances

Generally, it is a first degree misdemeanor¹¹ to sell or possess with intent to sell these controlled substances.¹² There is no penalty enhancement for selling or possessing with intent to sell a Schedule V controlled substance within 1,000 feet of a K-12 school or other specified facilities or places, but there is a mandatory \$500 fine and mandatory public service (100 hours).¹³ Section 893.135, F.S., does not apply to a Schedule V controlled substance.

³ A second degree felony is punishable by up to 15 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

⁴ Section 893.13(1)(a)1., F.S.

⁵ A first degree felony is generally punishable by up to 30 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083. However, when specifically provided by statute, a first degree felony may be punished by imprisonment for a term of years not exceeding life imprisonment. Section 775.082, F.S.

⁶ Section 893.13(1)(c)1.-(f)1. and (h)1., F.S.

⁷ A third degree felony is punishable by up to five years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

⁸ Section 893.13(1)(a)2., F.S.

⁹ Section 893.13(1)(c)2.-(f)2. and (h)2., F.S.

¹⁰ See generally s. 893.135, F.S. Section 893.135, F.S., does not apply to a Schedule IV controlled substance.

¹¹ A first degree misdemeanor is punishable by up to a year in county jail and a fine not exceeding \$1,000. Sections 775.082 and 775.083, F.S.

¹² Section 893.13(1)(a)3., F.S.

¹³ Section 893.13(1)(c)3., (f)3., and (h)3., F.S.

Examples of controlled substances in this schedule: certain anticonvulsant drugs and a drug product approved by the U.S. Food and Drug Administration (FDA) that contains cannabidiol and no more than 0.1 percent tetrahydrocannabinol (THC).

Delivery of a Controlled Substance to a Minor and Using or Hiring a Minor for Certain Prohibited Purposes Relating to a Controlled Substance

Section 893.13(4), F.S., prohibits a person 18 years of age or older from delivering any controlled substance to a person younger than 18 years of age. It also prohibits using or hiring a person younger than 18 years of age as an agent or employee in the sale or delivery of such a substance or using or hiring such person to assist in avoiding detection or apprehension for a violation of ch. 893, F.S.¹⁴

Penalties Relating to Schedule I(a), (b), and (d) and Schedule II(a), (b), and (c)5. Controlled Substances

It is a first degree felony to commit a violation of s. 893.13(4), F.S., involving any of these substances (see description, supra, of some of the substances in these schedules).

Penalties Relating to Schedule I(c); Schedule II(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)c.7., (2)(c)8., (2)(c)9., and (2)(c)10.; Schedule III; and Schedule IV Controlled Substances

It is a second degree felony to commit a violation of s. 893.13(4), F.S., involving any of these substances (see description, supra, of some of the substances in these schedules).

Penalties Relating to “Any Other Controlled Substance” (Schedule II(d) and Schedule V Controlled Substances)

It is a third degree felony to commit a violation of s. 893.13(4), F.S., involving “any other controlled substance, except as lawfully sold, manufactured, or delivered.” This category would include a Schedule II(d) and Schedule V controlled substance.

Examples of controlled substances in these schedules: Dronabinol (synthetic THC) in an oral solution in an FDA-approved drug product, anticonvulsant drugs, and an FDA-approved drug product that contains cannabidiol and no more than 0.1 percent THC.

Criminal Punishment Code and Ranking Reclassified Offenses

The Criminal Punishment Code¹⁵ (Code) is Florida’s primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (levels 1-10).¹⁶ Points are assigned and accrue based upon the severity level ranking assigned to the primary offense, additional offenses, and prior offenses. Sentence points escalate as the severity level escalates. Points may also be added or multiplied for other factors such as victim injury or the

¹⁴ Imposition of sentence may not be suspended or deferred, and the person so convicted may not be placed on probation. Section 893.13(4), F.S.

¹⁵ Sections 921.002-921.0027, F.S. See chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.

¹⁶ Offenses are either ranked in the offense severity level ranking chart in s. 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in s. 921.0023, F.S.

commission of certain offenses like a level 7 or 8 drug trafficking offense. The lowest permissible sentence is any nonstate prison sanction in which total sentence points equal or are less than 44 points, unless the court determines that a prison sentence is appropriate. If total sentence points exceed 44 points, the lowest permissible sentence in prison months is calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent.¹⁷ Absent mitigation,¹⁸ the permissible sentencing range under the Code is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S.¹⁹

“... [A] statute that increases ‘a criminal conviction from one degree to a higher degree’ based on certain factual requirements is a reclassification statute....”²⁰ Reclassification of the degree of a felony through application of any statute listed in s. 921.0022(2), F.S., or any other law that provides for a felony penalty enhancement to any offense listed in the Code offense severity ranking chart does not cause the offense to become unlisted and is not subject to a default ranking under s. 921.0023, F.S.²¹ Reclassification statutes may contain directive language indicating that a felony offense that is reclassified under the statute is ranked one level above the ranking of the offense under s. 921.0022, F.S., or s. 921.0023, F.S., and a first degree misdemeanor reclassified to a third degree felony is ranked in level 2 of the Code offense severity ranking chart.²²

Vaping

Regulation

During the 2019 Legislative Session, CS/SB 7012²³ was adopted, to implement Amendment 9 to the State Constitution, which was approved by the voters of Florida on November 6, 2018, to ban the use of vapor-generating electronic devices, such as electronic cigarettes (e-cigarettes), in enclosed indoor workplaces, as part of the Florida Clean Indoor Air Act. The use of e-cigarettes is commonly referred to as vaping.

“Vape” or “vaping” means to inhale or exhale vapor²⁴ produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.²⁵

¹⁷ Section 921.0024, F.S. Unless otherwise noted, information on the Code is from this source.

¹⁸ The court may “mitigate” or “depart downward” from the scored lowest permissible sentence, if the court finds a mitigating circumstance. Section 921.0026, F.S., provides a list of mitigating circumstances.

¹⁹ If the scored lowest permissible sentence exceeds the maximum penalty in s. 775.082, F.S., the sentence required by the Code must be imposed. If total sentence points are greater than or equal to 363 points, the court may sentence the offender to life imprisonment. Section 921.0024(2), F.S.

²⁰ *Walsh v. State*, 198 So.3d 783, 786 (Fla. 2d DCA 2016), quoting *Pethel v. State*, 177 So.3d 631, 637 (Fla. 2d DCA 2015).

²¹ Section 921.0022(2), F.S.

²² See s. 775.0845, s. 775.0875, and s. 775.31, F.S.

²³ See ch. 2019-14, L.O.F. This legislation was approved by the Governor and took effect July 1, 2019.

²⁴ “Vapor” means aerosolized or vaporized nicotine or other aerosolized or vaporized substance produced by a vapor-generating electronic device or exhaled by the person using such a device. Section 386.202(14), F.S.

²⁵ Section 386.203(13), F.S.

A “vapor-generating electronic device” is any product that employs an electronic, a chemical, or a mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of a solution or other substance intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.²⁶

The 2019 legislation permitted the use of vapor-generating electronic devices in the enclosed indoor workplace of a “vapor-generating device retailer” or “retail vape shop,” which is any enclosed indoor workplace dedicated to or predominantly for the retail sale of vapor-generating electronic devices and components, parts, and accessories for such products, in which the sale of other products or services is merely incidental.²⁷ The bill also permitted vaping at the same locations currently authorized to permit tobacco smoking, i.e., private residences whenever not being used for certain commercial purposes, stand-alone bars, designated rooms in hotels and other public lodging establishments, retail tobacco shops, facilities owned or leased by a membership association, smoking cessation programs, medical or scientific research, and smoking rooms in airport in-transit lounges.²⁸

The 2019 legislation also amended the state’s preemption of tobacco smoking regulation in s. 386.209, F.S., to adopt and implement the grant of authority to local governments by Amendment 9 to adopt more restrictive local ordinances on the use of vapor-generating electronic devices. Additionally, school districts may further restrict smoking by persons on school district property.

Prohibition on Minors Vaping Near Schools

It is unlawful for any minor to smoke tobacco or vape in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight.²⁹ A violation is punishable by civil citation. A person issued a citation is deemed to be charged with a civil infraction punishable by a maximum civil penalty not to exceed \$25, or 50 hours of community service or, where available, successful completion of a school-approved anti-tobacco or anti-vaping “alternative to suspension” program.³⁰

²⁶ Section 386.203(15), F.S. Electronic nicotine delivery systems (ENDS) are “noncombustible tobacco products.” “These products use an ‘e-liquid’ that may contain nicotine, as well as varying compositions of flavorings, propylene glycol, vegetable glycerin, and other ingredients. The liquid is heated to create an aerosol that the user inhales.” “ENDS may be manufactured to look like conventional cigarettes, cigars, or pipes. Some resemble pens or USB flash drives. Larger devices, such as tank systems or mods, bear little or no resemblance to cigarettes.” *Vaporizers, E-Cigarettes, and other Electronic Nicotine Delivery Systems (ENDS)*, U.S. Food and Drug Administration, available at <https://www.fda.gov/tobacco-products/products-ingredients-components/vaporizers-e-cigarettes-and-other-electronic-nicotine-delivery-systems-ends> (last visited Jan. 15, 2020).

²⁷ Section 386.203(16), F.S.

²⁸ Section 386.2045, F.S.

²⁹ Section 386.212(1), F.S. This section does not apply to any person occupying a moving vehicle or within a private residence.

³⁰ Section 386.212(3), F.S.

Sale and Possession Offenses Involving a Nicotine Dispensing Device

Florida law prohibits selling a nicotine dispensing device to a minor and prohibits a minor from possessing such device.³¹ A “nicotine dispensing device” is any product that employs an electronic, chemical, or mechanical means to produce vapor from a nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.³²

A person charged with a sales violation has a complete defense if, at the time the nicotine product or nicotine dispensing device was sold, delivered, bartered, furnished, or given:

- The buyer or recipient falsely evidenced that she or he was 18 years of age or older;
- The appearance of the buyer or recipient was such that a prudent person would believe the buyer or recipient to be 18 years of age or older; and
- Such person carefully checked a driver license or an identification card issued by this state or another state of the United States, a passport, or a United States Armed Services identification card presented by the buyer or recipient and acted in good faith and in reliance upon the representation and appearance of the buyer or recipient in the belief that the buyer or recipient was 18 years of age or older.³³

Selling a nicotine dispensing device to a minor is a second degree misdemeanor³⁴ for a first violation and a first degree misdemeanor for a second or subsequent violation.³⁵ Possession by a minor of a nicotine dispensing device is punishable by 16 hours of community service or, instead of community service, a \$25 fine for a first violation and a \$25 fine for a second or subsequent violation within 12 weeks after the first violation. A second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.³⁶

Rates of Youth Vaping

Findings of recent youth tobacco use data reported by the Centers for Disease Control and Prevention (CDC) include:

In 2019, an estimated 53.3% of high school students (8.0 million) and 24.3% of middle school students (2.9 million) reported having ever tried a tobacco product. Current (past 30-day) use of a tobacco product (i.e., electronic cigarettes [e-cigarettes], cigarettes, cigars, smokeless tobacco, hookahs, pipe tobacco, and bidis [small brown cigarettes wrapped in a leaf]) was reported by 31.2% of high school students (4.7 million) and 12.5% of middle school students (1.5 million). E-cigarettes were the most commonly

³¹ Section 877.112(2) and (6), F.S. Unlike the retail sale of tobacco products, which is subject to regulation under ch. 569, F.S., vape product sales are only regulated under the provisions of s. 877.112, F.S.

³² Section 877.112(1)(a), F.S.

³³ Section 877.112(5), F.S.

³⁴ A second degree misdemeanor is punishable by up to 60 days in county jail and a fine not exceeding \$500. Sections 775.082 and 775.083, F.S.

³⁵ Section 877.112(2) and (4), F.S.

³⁶ Section 877.112(6), F.S.

cited tobacco product currently used by 27.5% of high school students (4.1 million) and 10.5% of middle school students (1.2 million), followed in order by cigars, cigarettes, smokeless tobacco, hookahs, and pipe tobacco.³⁷

The findings come a year after the U.S. Surgeon General declared the surge in youth vaping an epidemic.³⁸

Health Issues Relating to Vaping

The findings previously described come at the same time that CDC is conducting an ongoing national investigation of vaping-related lung injuries. The CDC, the FDA state and local health departments, and public health and clinical stakeholders have spent the past several months investigating and monitoring the nationwide illness outbreak. The condition has been labelled as e-cigarette, or vaping, product use-associated lung injury, or EVALI. The latest count from the CDC finds that 2,409 people have been hospitalized, and 52 people have died across 25 states and Washington, D.C., as of December 10, 2019.³⁹ Two of the deaths have occurred in Florida, and 103 cases of vaping-related illness hospitalizations have been documented in Florida as of December 3, 2019.⁴⁰

Vaping Controlled Substances

THC is the main psychoactive constituent of cannabis.⁴¹ According to the CDC, “[a] new study, coupled with previous state based evidence, strengthens the association between EVALI and the use of tetrahydrocannabinol (THC)-containing e-cigarette, or vaping, products obtaining from informal sources.”⁴² “[Eighty-two percent] of hospitalized patients with data on substance use reported using THC-containing products; [thirty-four percent] reported exclusive use of THC-containing products.”

A 2018 review of scientific literature and information posted on illicit drug forums found reported use of vaping devices to deliver controlled substances into the human body. Some of the controlled substances reportedly introduced into the human body by means of a vaping device

³⁷ *Tobacco Product Use and Associated Factors Among Middle and High School Students — United States, 2019*. Morbidity and Mortality Weekly Report (MMWR), Dec. 6, 2019, 68(12); 1-22, Centers for Disease Control and Prevention, available at https://www.cdc.gov/mmwr/volumes/68/ss/ss6812a1.htm?s_cid=ss6812a1_w&deliveryName=USCDC_921-DM14806&utm_source=STAT+Newsletters&utm_campaign=c51db5ca59-MR_COPY_02&utm_medium=email&utm_term=0_8cab1d7961-c51db5ca59-151819933 (last visited Jan. 15, 2020).

³⁸ “Surgeon General Warns Youth Vaping Is Now An ‘Epidemic’” (Dec. 18, 2018), NPR, available at <https://www.npr.org/sections/health-shots/2018/12/18/677755266/surgeon-general-warns-youth-vaping-is-now-an-epidemic> (last visited Jan. 15, 2020).

³⁹ *Characteristics of Patients Experiencing Rehospitalization or Death After Hospital Discharge in a Nationwide Outbreak of E-cigarette, or Vaping, Product Use–Associated Lung Injury — United States, 2019*. Morbidity and Mortality Weekly Report (MMWR), Jan. 3, 2020, 68(5152); 1183-1188, Centers for Disease Control and Prevention, available at https://www.cdc.gov/mmwr/volumes/68/wr/mm685152e1.htm?s_cid=mm685152e1_w (last visited Jan. 15, 2020).

⁴⁰ “Florida reports second vaping death” (Dec. 11, 2019), NPR, available at <http://www.orlandosentinel.com/news/os-ne-florida-reports-second-vaping-death-20191211-dvz3tehxebvpkcvah2jdiepe-story.html> (last visited Jan. 15, 2020).

⁴¹ *Cannabis drug profile*, European Monitoring Centre for Drugs and Drug Addiction, available at <http://www.emcdda.europa.eu/publications/drug-profiles/cannabis> (last visited Jan. 15, 2020).

⁴² *Smoking and Tobacco Use (For the Public)*, Centers for Disease Control and Prevention, available at https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease/need-to-know/index.html (last visited Jan. 15, 2020).

included THC, synthetic cannabinoids, MDMA (“Ecstasy” or “Molly”), synthetic cathinones, cocaine, methamphetamine, and fentanyl and its derivatives.⁴³

Drug Paraphernalia Statutes

Section 893.145, F.S., defines “drug paraphernalia” as all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, transporting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of ch. 893, F.S., or s. 877.111, F.S. (prohibiting inhaling, etc., of certain substances). For example, objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cannabis into the human body are drug paraphernalia. Drug paraphernalia is deemed to be contraband which shall be subject to civil forfeiture.

Some of the items or objects listed in the definition of “drug paraphernalia” include:

- Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls.
- Water pipes.
- Carburetion tubes and devices.
- Smoking and carburetion masks.
- Chamber pipes.
- Carburetor pipes.
- Electric pipes.
- Air-driven pipes.
- Chillums.⁴⁴
- Bongs.
- Ice pipes or chillers.

A court, jury, or other authority, when determining in a criminal case whether an object constitutes drug paraphernalia, must consider specified facts surrounding the connection between the item and the individual arrested for possessing drug paraphernalia. A court or jury is required to consider a number of factors (in addition to all other logically relevant factors) in determining whether an object is drug paraphernalia, such as proximity of the object in time and space to a controlled substance, the existence of residue of controlled substances on the object, and expert testimony concerning its use.⁴⁵

⁴³ Breitbart, A., Morgan, J., and Jones, A. *E-cigarettes—An unintended illicit drug delivery system*. Vol. 192, 1 Nov. 2018, pp. 98-111, Drug and Alcohol Dependence. The review is available at <https://www.sciencedirect.com/science/article/pii/S0376871618305325> (last visited Jan. 15, 2020).

⁴⁴ “Chillums” are “cone-shaped marijuana/hash pipes.” *Drug Paraphernalia Fact Facts*, National Drug Intelligence Center, U.S. Department of Justice, available at <https://www.justice.gov/archive/ndic/pubs6/6445/6445p.pdf> (last visited Jan. 15, 2020).

⁴⁵ Section 893.146, F.S.

It is a first degree misdemeanor to use, or possess with intent to use, drug paraphernalia to produce a controlled substance or introduce a controlled substance into the body,⁴⁶ or to advertise objects in a publication when it is known or reasonable to know that the purpose is to promote the sale of objects designed or intended for use as drug paraphernalia.⁴⁷

It is unlawful to knowingly and willfully sell or offer for sale at retail certain drug paraphernalia (the pipes previously referenced as examples of drug paraphernalia). A first violation is a first degree misdemeanor; a second or subsequent violation is a third degree felony.⁴⁸

It is a third degree felony to:

- Deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia when it is known or reasonable to know that it will be used to produce a controlled substance or introduce a controlled substance into the body.⁴⁹
- Use, possess with the intent to use, or manufacture with the intent to use drug paraphernalia when it is known or reasonable to know that it will be used to transport a controlled substance or contraband as defined in s. 932.701(2)(a)1., F.S.⁵⁰

It is a second degree felony for any person 18 years of age or over to deliver drug paraphernalia to a minor when it is known or reasonable to know that it will be used to produce or introduce into the body a controlled substance.⁵¹

III. Effect of Proposed Changes:

The bill creates s. 893.1355, F.S., which reclassifies the felony or misdemeanor degree of an offense involving the sale of, or possession with intent to sell, a controlled substance under s. 893.13(1)(a), F.S., when the sale or intended sale is to a person younger than 21 years of age. The reclassification occurs in the following manner:

- In the case of a first degree misdemeanor, the offense is reclassified as a third degree felony.
- In the case of a third degree felony, the offense is reclassified as a second degree felony.
- In the case of a second degree felony, the offense is reclassified as a first degree felony.

For purposes of sentencing under the Code, the following offense severity ranking levels apply:

- An offense that is a first degree misdemeanor and that is reclassified under this new section as a third degree felony is ranked in level 2 of the Code offense severity ranking chart.
- A felony offense that is reclassified under this new section is ranked one level above the ranking specified in s. 921.0022, F.S. (the Code offense severity ranking chart), or s. 921.0023, F.S. (default ranking for offenses not ranked in the chart), for the offense committed.

The bill makes reference to s. 893.1355, F.S., in s. 921.002(2), F.S., regarding the ranking of reclassified offenses.

⁴⁶ Section 893.147(1), F.S.

⁴⁷ Section 893.147(5), F.S.

⁴⁸ Section 893.147(6), F.S.

⁴⁹ Section 893.147(2), F.S.

⁵⁰ Section 893.147(4), F.S.

⁵¹ Section 893.147(3), F.S.

The penalties imposed as a result of this reclassification are consistent with penalties currently provided for selling, or possessing with intent to sell, a controlled substance within 1,000 feet of a K-12 school and certain specified facilities or places.⁵²

The bill also amends the age elements of an offense in s. 893.13, F.S., which currently prohibits a person 18 years of age or older from delivering any controlled substance to a person younger than 18 years of age. It also prohibits using or hiring a person younger than 18 years of age as an agent or employee in the sale or delivery of such a substance or using or hiring such person to assist in avoiding detection or apprehension for a violation of ch. 893, F.S. The bill changes the age of the violator to 21 years of age or older and the age of the recipient or intended recipient of the controlled substance to younger than 21 years of age.

Finally, the bill amends s. 893.145, F.S., to add vapor-generating electronic devices to the list of objects that constitute drug paraphernalia. The devices are only drug paraphernalia if they are used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing a controlled substance into the human body.

The bill takes effect October 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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.

⁵² The only real difference in penalties is that the bill does not impose a 3-year mandatory minimum term which is imposed if a person sells certain controlled substances within 1,000 feet of a K-12 school, child care facility, park, community center, or publicly owned recreational facility. *See* s. 893.13(1)(c), F.S.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has not yet reviewed the bill. The Legislature Office of Economic and Demographic Research (EDR) preliminarily estimates that the bill will have a “positive indeterminate” prison bed impact (an unquantifiable increase in prison beds).

The EDR provided the following information relevant to its preliminary estimate:

With the movement of the age threshold to 21 years old, the pool of potential offenders gets pulled in two directions, with those between 18 and 21 years old no longer getting charged under s. 893.13(4), F.S., while those 21 years and older who commit these offenses with those under 21 years old now getting charged for these offenses. Per [Department of Corrections], in FY 18-19, there were 3 new commitments to prison for offenses listed under s. 893.13(4), F.S. Additionally, 95.2% of those admitted to prison with sale/manufacturing/delivering offenses were 21 years old or older, though it is not known how many of the 2,581 admitted committed the offense while involving someone between 18 and 21 years old. Therefore, it is likely that the pull is more upward, especially with the reclassification of felonies, thus leading to an increase in both prison admissions and prison sentences. However, without knowing how many committed these offenses involving someone in the 18 to 21 age group, the impact cannot be quantified.

Also, the addition of vape devices to drug paraphernalia could lead to an increase in prison admissions. Though there is no data available for determining the extent of this impact, there were 3 new commitments for drug paraphernalia offenses in FY 18-19.⁵³

VI. Technical Deficiencies:

None.

⁵³ The EDR estimate is on file with the Senate Committee on Criminal Justice.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 893.13, 893.145, and 921.0022.

This bill creates the section 893.1355 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

By Senator Simmons

9-01651A-20

202092__

A bill to be entitled

An act relating to controlled substances; amending s. 893.13, F.S.; revising age limitations relating to the use and hire of certain persons and the delivery of controlled substances to certain persons; creating s. 893.1355, F.S.; providing for the reclassification of criminal penalties relating to the sale of controlled substances to certain persons; amending s. 893.145, F.S.; expanding the definition of the term "drug paraphernalia"; amending 921.0022, F.S.; providing for application of the severity ranking chart of the Criminal Punishment Code; providing an effective date.

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

Section 1. Subsection (4) of section 893.13, Florida Statutes, is amended to read:

893.13 Prohibited acts; penalties.—

(4) Except as authorized by this chapter, a person 21 ~~18~~ years of age or older may not deliver any controlled substance to a person younger than 21 ~~18~~ years of age, use or hire a person younger than 21 ~~18~~ years of age as an agent or employee in the sale or delivery of such a substance, or use such person to assist in avoiding detection or apprehension for a violation of this chapter. A person who violates this subsection with respect to:

(a) A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. commits a felony of the first degree, punishable as provided in

Page 1 of 4

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

9-01651A-20

202092__

s. 775.082, s. 775.083, or s. 775.084.

(b) A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any other controlled substance, except as lawfully sold, manufactured, or delivered, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Imposition of sentence may not be suspended or deferred, and the person so convicted may not be placed on probation.

Section 2. Section 893.1355, Florida Statutes, is created to read:

893.1355 Sale of a controlled substance to a person younger than 21 years of age; reclassification.—

(1) Whenever a person is charged with committing a violation described in s. 893.13(1)(a) which involves selling, or possessing with intent to sell, a controlled substance to a person younger than 21 years of age, the offense for which the person is charged shall be reclassified as provided in subsection (2).

(2) The offense described in subsection (1) shall be reclassified in the following manner:

(a) In the case of a misdemeanor of the first degree, the offense is reclassified as a felony of the third degree.

(b) In the case of a felony of the third degree, the offense is reclassified as a felony of the second degree.

Page 2 of 4

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9-01651A-20

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(c) In the case of a felony of the second degree, the offense is reclassified as a felony of the first degree.

(3) For purposes of sentencing under chapter 921, the following offense severity ranking levels apply:

(a) An offense that is a misdemeanor of the first degree and that is reclassified under this section as a felony of the third degree is ranked in level 2 of the offense severity ranking chart.

(b) A felony offense that is reclassified under this section is ranked one level above the ranking specified in s. 921.0022 or s. 921.0023 for the offense committed.

Section 3. Paragraph (w) is added to subsection (12) of section 893.145, Florida Statutes, to read:

893.145 "Drug paraphernalia" defined.—The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, transporting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter or s. 877.111. Drug paraphernalia is deemed to be contraband which shall be subject to civil forfeiture. The term includes, but is not limited to:

(12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing controlled substances, as described in s. 893.03, or substances described in s. 877.111(1) into the human body, such as:

Page 3 of 4

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9-01651A-20

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(w) Vapor-generating electronic devices, as that term is defined in s. 386.203.

Section 4. Subsection (2) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(2) The offense severity ranking chart has 10 offense levels, ranked from least severe, which are level 1 offenses, to most severe, which are level 10 offenses, and each felony offense is assigned to a level according to the severity of the offense. For purposes of determining which felony offenses are specifically listed in the offense severity ranking chart and which severity level has been assigned to each of these offenses, the numerical statutory references in the left column of the chart and the felony degree designations in the middle column of the chart are controlling; the language in the right column of the chart is provided solely for descriptive purposes. Reclassification of the degree of the felony through the application of s. 775.0845, s. 775.085, s. 775.0861, s. 775.0862, s. 775.0863, s. 775.087, s. 775.0875, s. 794.023, s. 893.1355, or any other law that provides an enhanced penalty for a felony offense, to any offense listed in the offense severity ranking chart in this section shall not cause the offense to become unlisted and is not subject to the provisions of s. 921.0023.

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

Page 4 of 4

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Job Title

Address

Street

City

State

Zip

Phone

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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)

January 21, 2020

Meeting Date

92

Bill Number (if applicable)

Topic Controlled Substances

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title CEO

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email barney@barneybishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Keith Perry, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 15, 2020

I respectfully request that **Senate Bill 92**, relating to Controlled Substances, be placed on the:

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

A handwritten signature in black ink, appearing to read "David Simmons", is written over a horizontal line.

Senator David Simmons
Florida Senate, District 9

SB 92 – Controlled Substances

This bill amends s. 893.13(4), F.S. Where once 18 years of age was the threshold, it now states that “a person 21 years of age or older may not deliver any controlled substance to a person younger than 21 years of age, use or hire a person younger than 21 years of age as an agent or employee in the sale or delivery of such a substance, or use such person to assist in avoiding detection or apprehension for a violation of this chapter.” It also creates s. 893.1355, F.S., adding that “whenever a person is charged with committing a violation described in s. 893.13(1)(a), F.S. which involves selling, or possessing with intent to sell, a controlled substance to a person younger than 21 years of age, the offense for which the person is charged shall be reclassified” as follows:

- 1st degree misdemeanor reclassified to Level 2, 3rd degree felony
- 3rd degree felony reclassified to 2nd degree felony
- 2nd degree felony reclassified to 1st degree felony

Additionally, “a felony offense that is reclassified under this section is ranked one level above the ranking specified.”

Finally, it amends s. 893.145, F.S., adding “vapor-generating electronic devices” to drug paraphernalia as an object “used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing controlled substances.”

With the movement of the age threshold to 21 years old, the pool of potential offenders gets pulled in two directions, with those between 18 and 21 years old no longer getting charged under s. 893.13(4), F.S., while those 21 years and older who commit these offenses with those under 21 years old now getting charged for these offenses. Per DOC, in FY 18-19, there were 3 new commitments to prison for offenses listed under s. 893.13(4), F.S. Additionally, 95.2% of those admitted to prison with sale/manufacturing/delivering offenses were 21 years old or older, though it is not known how many of the 2,581 admitted committed the offense while involving someone between 18 and 21 years old. Therefore, it is likely that the pull is more upward, especially with the reclassification of felonies, thus leading to an increase in both prison admissions and prison sentences. However, without knowing how many committed these offenses involving someone in the 18 to 21 age group, the impact cannot be quantified.

Also, the addition of vape devices to drug paraphernalia could lead to an increase in prison admissions. Though there is no data available for determining the extent of this impact, there were 3 new commitments for drug paraphernalia offenses in FY 18-19.

EDR PROPOSED ESTIMATE: Positive Indeterminate

Requested by: Senate

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 Committee on Criminal Justice

BILL: SB 656

INTRODUCER: Senator Pizzo

SUBJECT: Arrests

DATE: January 17, 2020

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cellon	Jones	CJ	Favorable
2. _____	_____	JU	_____
3. _____	_____	RC	_____

I. Summary:

SB 656 amends s. 901.15, F.S., to provide that if a law enforcement officer has probable cause to believe that a person has committed a criminal act in violation of s. 790.22, F.S., the officer may make the arrest without a warrant.

Violations of s. 790.22, F.S., focus on juvenile offenders who are in possession of firearms and the adult who is responsible for the juvenile. Section 901.15, F.S., currently contains a list of criminal offenses that a person may be arrested for committing without a warrant.

The bill is effective October 1, 2020.

II. Present Situation:

The news of children and teens being injured or killed with firearms is all too prevalent. Recently, in south Miami-Dade, teens were playing with a firearm when a 15-year-old fired a shot that killed two of his friends with one bullet.¹ In Jacksonville, during a short period of time in 2018, two 7-year-old children died in separate incidents when they were caught in the crossfire of open-air gun battles; a 16-year-old was charged with murder in the point-blank shooting of a 19-year-old after a high school football game; and then a 17-year-old high school student was critically wounded in a drive-by shooting while he waited to catch a school bus.² In a Broward County classroom, someone pointed a handgun at unsuspecting students. The act was captured on video and posted on a 16-year-old boy's social media account with a caption asking

¹ NBC 6 South Florida, *2 Teens Killed by Single Bullet in South Miami-Dade*, November 26, 2019, available at <https://www.nbcmiami.com/news/local/2-teens-killed-by-single-bullet-in-south-miami-dade-police/2129088/> (last visited January 15, 2020).

² David Bauerlein, *The Florida Times-Union*, Jacksonville.com, *Duval County faced again with how to stem a rising tide of crime*, September 29, 2018; available at <https://www.jacksonville.com/news/20180929/duval-county-faced-again-with-how-to-stem-rising-tide-of-crime> (last visited January 15, 2020).

whether to “carry my pistol with me like last year” just before the 2019-20 school year started. He was later arrested.³ Finally, the escalating levels of arrests for violent crime among young offenders has led Leon County prosecutors to seek adult penalties for young repeat offenders.⁴

Section 790.22, F.S.

Section 790.22(3), F.S., prohibits a minor under the age of 18 from possessing a firearm, other than an unloaded firearm at his or her home. The exceptions to this general prohibition are limited to circumstances where:

- The minor is engaged in a lawful hunting activity and is at least 16 years of age; or is under 16 years of age and supervised by an adult;
- The minor is engaged in a lawful marksmanship competition or practice or other lawful recreational shooting activity and is at least 16 years of age; or under 16 years of age and supervised by an adult who is acting with the consent of the minor’s parent or guardian; or
- The firearm is unloaded and is being transported by the minor directly to or from an event described above.⁵

Section 790.22, F.S., as one court has stated, was “designed to get the immediate attention of all juveniles and to issue a ‘wake-up call’ that the state deems their firearm offenses to be serious enough to warrant the automatic deprivation of their liberty for a period of time, even on a first offense. Its intent clearly is to have a deterrent effect to hopefully prevent the juvenile’s escalation into the adult criminal justice system.”⁶ As such, s. 790.22, F.S., contains a continuum of consequences for juveniles within the juvenile justice system, and their parents or guardians potentially in the criminal justice system, tailored to have a deterrent effect.

A minor who violates the prohibition against possession of a firearm commits a misdemeanor of the first degree.⁷ For a first offense, the minor may serve up to 3 days in a Department of Juvenile Justice secure detention facility and will be required to perform 100 hours of community service.⁸ Based upon his or her age and eligibility for a driving license or privilege, or the status of that license or privilege, the court may direct the Department of Highway Safety and Motor Vehicles to delay or withhold the license or privilege for up to one year.⁹

³ Paul Scicchitano, Patch.com, *Florida Teen Arrested After Posting Video Of Gun In Classroom*, August 15, 2019, available at <https://patch.com/florida/miami/amp/28237379/florida-teen-arrested-after-posting-video-of-gun-in-classroom> (last visited January 15, 2020).

⁴ Karl Etters, Tallahassee Democrat, Tallahassee.com, *Guns and teens lead to adult criminal charges*, March 30, 2019, available at <https://www.tallahassee.com/story/news/2019/03/30/guns-and-teens-lead-adult-criminal-charges/3239891002/> (last visited January 15, 2020).

⁵ Section 790.22(3), F.S.

⁶ *T.M. v. State*, 689 So.2d 443, 446 (Fla. 3d DCA, 1997).

⁷ Section 790.22(5)(a), F.S.

⁸ *Id.* A secure detention facility is a facility used pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure custody. Section 985.03, F.S. Community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds. Section 790.22(5)(a), F.S.

⁹ Section 790.22(5)(a), F.S.

Any parent or guardian of a minor, or other adult responsible for the welfare of a minor, who knowingly and willfully permits the minor to possess a firearm under circumstances other than those listed above commits a felony of the third degree.¹⁰

Additionally, any natural parent or adoptive parent, whether custodial or noncustodial, or any legal guardian or legal custodian of a minor, if that minor possesses a firearm under circumstances other than those listed above, may be required by the court to participate in parenting education classes approved by the Department of Juvenile Justice, upon the minor's first conviction. Upon any subsequent conviction of the minor, the court may require the parent to attend further parent education classes or perform community service hours together with the child.¹¹

Any firearm that is possessed or used by a minor in violation of this section shall be promptly seized by a law enforcement officer.¹²

For a second or subsequent offense, the minor commits a felony of the third degree and is required to serve a period of detention of up to 15 days in a secure detention facility and to perform between 100 and 250 hours of community service.¹³ Based upon his or her age and eligibility for a driving license or privilege, or the status of that license or privilege, the court may direct the Department of Highway Safety and Motor Vehicles to delay or withhold the license or privilege for up to two years.¹⁴

If a minor is found to have committed an offense that involves the use or possession of a firearm *including a violation of s. 790.22(3), F.S.*, or any offense during the commission of which the minor possessed a firearm, unless the state attorney authorizes the release of the minor, the minor shall be detained in secure detention and shall be given a hearing within 24 hours after being taken into custody.¹⁵ At the hearing, the court may order that the minor continue to be held in secure detention.¹⁶

If the juvenile offender is found to have committed an offense that involves the use or possession of a firearm *other than a violation of s. 790.22(3), F.S.*, or any offense during the commission of which the minor possessed a firearm:

- For a first offense, the minor shall serve a minimum period of detention of 15 days in a secure detention facility. The minor must perform 100 hours of community service and may

¹⁰ Section 790.22(4)(b), F.S. A felony of the third degree is punishable by up to 5 years' imprisonment and a fine of up to \$5,000. Sections 775.082 and 775.083, F.S.

¹¹ Section 790.22(4)(b), F.S.

¹² Section 790.22(6), F.S. Any firearm that is possessed or used by a minor in violation of this section shall be promptly seized by a law enforcement officer and disposed of in accordance with s. 790.08, F.S.

¹³ Community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds. Section 790.22(5)(b), F.S.

¹⁴ *Id.*

¹⁵ Section 790.22(8), F.S.

¹⁶ In order to keep the minor in secure detention, the juvenile court must make certain findings according to ss. 985.26 and 985.255, F.S., which may also include finding by clear and convincing evidence that the minor is a clear and present danger to himself or herself or the community. Section 790.22(8), F.S.

be placed on community control or in a nonresidential commitment program under the supervision of the Department of Juvenile Justice.¹⁷

- For a second or subsequent offense, the minor shall serve a mandatory period of detention of at least 21 days in a secure detention facility, perform not less than 100 nor more than 250 hours of community service, and he or she may be placed on community control or in a nonresidential commitment program under the supervision of the Department of Juvenile Justice.¹⁸

As with the offenses under s. 790.22(3), F.S., offenses in s. 790.22(9), F.S., contain consequences related to the minor's driver license or privilege.¹⁹

Use of BB guns, Air or Gas-Operated Guns, or Electric Weapons by Minor

Section 790.22(1), F.S., prohibits a minor under the age of 16 from using, for any purpose, a BB gun, air or gas-operated gun, or electric weapon or device unless such use is under the supervision and in the presence of an adult with the consent of the minor's parent.²⁰

Any adult responsible for the welfare of any minor under 16 years of age who knowingly allows the minor to use or have in his or her possession any BB gun, air or gas-operated gun, electric weapon or device, or firearm in violation of the prohibition in s. 790.22(1), F.S., commits a second degree misdemeanor.²¹

Arrest without an Arrest Warrant

Generally, a law enforcement officer may arrest a person without an arrest warrant when:

- The person has committed a felony or misdemeanor or violated a local ordinance in the officer's presence, however the arrest for a misdemeanor or local ordinance must be made immediately or in fresh pursuit;
- A felony has been committed and the officer reasonably believes the person committed it;
- The officer reasonably believes that a felony has been or is being committed and that the person has committed or is committing it; and
- A warrant for the arrest has been issued and is held by another officer for execution.²²

¹⁷ The minor shall not receive credit for time served before adjudication. Community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds. Section 790.22(9), F.S. "Community control" in the juvenile delinquency system is a delinquency program; the definition of minimum risk nonresidential programs can be found in s. 985.03(44), F.S.

¹⁸ *Id.*

¹⁹ Section 790.22(10), F.S.

²⁰ Electric weapon or device means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury. Section 790.001(14), F.S.

²¹ A misdemeanor of the second degree is punishable by up to 60 days in the county jail, 6 months' probation, and a \$500 fine. Sections 775.082 and 775.083, F.S.

²² Section 901.15(1), (2), (3), and (4), F.S. Also, a law enforcement officer who witnesses a violation of ch. 316, F.S. (State Uniform Traffic Control), may relay that information to another officer who can then make the arrest when reasonable and proper identification of the vehicle and the violation has been communicated to the arresting officer. Section 901.15(5), F.S.

However, there are many exceptions to these general rules. A law enforcement officer may make an arrest, where there is probable cause²³ to believe that a person has committed one of the following offenses:

- Violations of injunctions for protection against domestic violence, dating violence, sexual violence, repeat violence, exploitation of a vulnerable adult or a foreign protection order;²⁴
- Acts of domestic violence or dating violence;²⁵
- Child abuse or luring or enticing a child for unlawful purposes;²⁶
- Battery;²⁷
- Criminal mischief or graffiti-related offenses;²⁸
- Violation of a safety zone, security zone, regulated navigation area, or naval vessel protection zone;²⁹
- Racing violation as described in s. 316.191(2), F.S.;³⁰
- An act that violates a condition of pretrial release when the original arrest was for an act of domestic violence or dating violence;³¹
- Trespass in a posted secure area of an airport;³²
- Assault upon a law enforcement officer, a firefighter, an emergency medical care provider, public transit employees or agents, or other officers specified in s. 784.07, F.S., who is engaged in the lawful performance of his or her duties;³³
- Assault or battery upon an employee of a receiving facility as defined in s. 394.455(39), F.S., who is engaged in the lawful performance of his or her duties;³⁴ and
- A criminal act of cyberharassment as described in s. 784.049, F.S.³⁵

III. Effect of Proposed Changes:

The bill amends s. 901.15, F.S., by adding a new subsection (17) providing that a law enforcement officer who has probable cause to believe that a person committed a criminal act in violation of s. 790.22, F.S., may arrest the person without a warrant. This may assist law enforcement to more quickly and effectively arrest minors who have come into possession of firearms and other weapons listed in s. 790.22, F.S.

The bill is effective October 1, 2020.

²³ Probable cause to arrest is not to be equated with the standards of conclusiveness and probability required upon which a conviction must be based. *State v. Outten*, 206 So.2d 392 (Fla.1968); Arrests are made upon probable cause or a reasonable ground for belief, not proof beyond a reasonable doubt. *Hall v. State*, 219 So.2d 757 (Fla. 3d DCA 1969).

²⁴ Section 901.15(6), F.S.

²⁵ Section 901.15(7), F.S.

²⁶ Section 901.15(8), F.S.

²⁷ Section 901.15(9), F.S.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ Section 901.15(13), F.S.

³² Section 901.15(14), F.S.

³³ Section 901.15(15), F.S.

³⁴ *Id.*

³⁵ Section 901.15(16), F.S.

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 section 901.15 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Pizzo

38-00968-20

2020656__

A bill to be entitled

An act relating to arrests; amending s. 901.15, F.S.;
authorizing warrantless arrests when a law enforcement
officer has probable cause to believe that a person
has violated s. 790.22, F.S.; providing an effective
date.

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

Section 1. Subsection (17) is added to section 901.15,
Florida Statutes, to read:

901.15 When arrest by officer without warrant is lawful.—A
law enforcement officer may arrest a person without a warrant
when:

(17) There is probable cause to believe that the person has
committed a criminal act in violation of s. 790.22.

Section 2. This act shall take effect October 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

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

January 21, 2020

Meeting Date

656

Bill Number (if applicable)

Topic Aressts

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title CEO

Address 2215 Thomasville Road

Street

Tallahassee

City

FL

State

32308

Zip

Phone 850.510.9922

Email barney@barneybishop.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

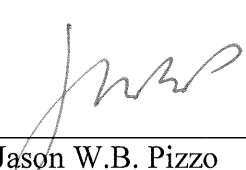
To: Senator Keith Perry, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: November 6, 2019

I respectfully request that **SB 656**, relating to Arrests, be placed on the:

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



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

President:

Al Palacio

Executive Vice President:

Delio Jimenez

1st Vice President:

Orlando Gutierrez

2nd Vice President:

Gregory Williams

3rd Vice President:

Tony Huet

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Maribel Giraldo

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Sergeant at Arms:

Jose Diaz

State Trustee:

David Rodak

Lodge Trustee:

Jose Garciga

General Counsel:

Robert Buschel ESQ.

General Counsel:

Eugene Gibbons ESQ.



SB656

Miami Dade Schools,
Fraternal Order of Police,
Lodge #133
3300 NW 27 Avenue
Miami, FL 33142

Senator Pizzo:

First, I hope you had a great Holiday Season. In a moment of personal privilege, I would like to recognize what a great job you are doing at the state level. I am proud to have chaired the board that got you the FOP endorsement of your candidacy and look forward to doing even more for the men and women of FOP 133. I represent the men and women of the largest scholastic police department in the nation. As such, I would like to address an issue of mutual concern.

As you may know, social media threats have become more prevalent than ever and through the advent of certain smartphone applications, it has become increasingly more difficult to prosecute the creator of said threat. In most cases these threats prey on our most precious of targets, schools.

My members put their lives on the line every day to keep the students, staff, and visiting public safe in every Miami Dade Public School. As such, you can imagine my frustration when my membership can investigate a social media threat, but cannot charge a juvenile with the possession of a weapon while perpetrating the social media threat. This flaw in the law permits these scofflaws who commit these crimes to essentially walk away "Scott Free" with the most disturbing action in the post, which is, possessing a weapon while committing the threat.

I can surmise that you, as a former prosecutor, must share, or at least, empathize with how frustrating this situation can be. I respectfully request your continued support to our cause and allow us even more tools, at your level, to further protect our community.

I thank you in advance for any and all assistance you may provide the Miami Dade Schools, Fraternal Order of Police with this issue. May God bless you and keep while you continue to serve the citizens of Miami Dade County and the State of Florida. Keep up the great work!

Sincerely,

Al Palacio
President

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 Committee on Criminal Justice

BILL: SB 850

INTRODUCER: Senator Pizzo

SUBJECT: Exposure of Sexual Organs

DATE: January 17, 2020

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Stokes	Jones	CJ	Favorable
2. _____	_____	CM	_____
3. _____	_____	RC	_____

I. Summary:

SB 850 amends s. 800.03, F.S., to specifically permit being naked in public while on clothing-optional beaches.

Section 800.03, F.S., provides that it is unlawful for a person to expose or exhibit his or her sexual organs in a vulgar or indecent manner while in public or private view. A mother who is breastfeeding does not violate this section.

This bill is effective July 1, 2020.

II. Present Situation:

Florida has multiple clothing-optional beaches along the east coast. Top clothing-optional locations include Haulover Beach, Blind Creek Beach, Playalinda and Apollo Beaches.¹ While it is permissible to be naked at clothing-optional beaches, it is unlawful to engage in sexual activity. Many of the clothing-optional beaches advise that individuals conducting themselves in a lewd manner will be arrested.²

There are multiple ways in which a beach may be recognized as clothing-optional. For example, St. Lucie County commissioners are expected to vote on a county ordinance to officially

¹ *Top Nude Beaches in Florida*, Visit Florida, Carlos Harrison, available at: <https://www.visitflorida.com/en-us/florida-beaches/nude.html> (last visited January 14, 2020).

² *Frequently Asked Questions*, Haulover Beach, available at: <https://www.hauloverbeach.org/faq/> (last visited January 14, 2020); *Naturist Beach Etiquette for Blind Creek Beach*, Treasure Coast Naturists, available at: <http://www.treasurecoastnaturists.org/beach-etiquette.html> (last visited January 14, 2020).

recognize Blind Creek Beach as a clothing-optional beach.³ According to the American Association for Nude Recreation Florida Region, nude tourism has a \$7.4 billion annual economic impact for Florida.⁴

Exposure of sexual organs

Section 800.03, F.S., provides that it is unlawful for a person to expose or exhibit his or her sexual organs in a vulgar or indecent manner while in public or private view. A mother who is breastfeeding does not violate this section.

Courts have consistently held that being naked alone is not sufficient to violate s. 800.03, F.S. To trigger a violation, there must also be a “lascivious” exhibition of the sexual organs.⁵ Some counties have enacted county ordinances which specifically address public nudity.⁶ Similarly, the Department of Environmental Protection (DEP) has enacted a rule that specifically prohibits nudity in parks.⁷ These local ordinances or rules may further restrict nudity in their respective jurisdictions.

III. Effect of Proposed Changes:

The bill amends s. 800.03, F.S., to specifically permit being naked in public while on clothing-optional beaches.

This bill is effective July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³ St. Lucie County could be a step closer to having official nude beach, Al Pefley, CBS12 News January 7th 2020, available at: <https://cbs12.com/news/local/st-lucie-county-could-be-a-step-closer-to-having-official-nude-beach> (last visited January 9, 2020).

⁴ The Economic Impact of Nude Tourism and Recreation in Florida, *American Association for Nude Recreation Florida Region*, p. i., February 7, 2017. On file with Senate Committee on Criminal Justice.

⁵ See *Hoffman v. Carson*, 250 So. 2d 891 (Fla. 1971); *Goodmakers v. State*, 450 So. 2d 888 (Fla. 2d. DCA, 1984); *Duvallon v. State*, 404 So. 2d 196 (Fla. 1st DCA, 1981).

⁶ Brevard County, Florida, Municipal Code art. II., s. 74-30.

⁷ Rule 62D-2.014(7)(a), F.A.C., states that in every area of a park including bathing areas no individual shall expose the human, male or female genitals, pubic area, the entire buttocks or female breast below the top of the nipple, with less than fully opaque covering.

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 section 800.03 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Pizzo

38-01223-20

2020850__

A bill to be entitled

An act relating to the exposure of sexual organs;
amending s. 800.03, F.S.; specifying that an exception
to the unlawful exposure or exhibition of an
individual's sexual organs in certain places includes
clothing-optional beaches; making technical changes;
providing an effective date.

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

Section 1. Section 800.03, Florida Statutes, is amended to
read:

800.03 Exposure of sexual organs.—

(1) It is unlawful for an individual to expose or exhibit
his or her ~~one's~~ sexual organs in public or on the private
premises of another, or so near thereto as to be seen from such
private premises, in a vulgar or indecent manner, or to be naked
in public except in any place provided or set apart for that
purpose, including, but not limited to, clothing-optional
beaches. A mother breastfeeding her baby does not, under any
circumstances, violate this subsection.

(2) An individual who violates subsection (1) commits
~~Violation of this section is~~ a misdemeanor of the first degree,
punishable as provided in s. 775.082 or s. 775.083. ~~A mother's~~
~~breastfeeding of her baby does not under any circumstance~~
~~violate this section.~~

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

JAN. 21, 2020
Meeting Date

SB 850
Bill Number (if applicable)

Topic SB 850 ~~INDIRECT EXPOSE~~

Amendment Barcode (if applicable)

Name SHIRLEY MASON

Job Title EXECUTIVE DIRECTOR BEACHES FOUNDATION

Address 17000 NE 14 AVE - BLDG 2, STE 112
Street
NO. MIAMI BEACH, FL 33162
City State Zip

Phone 305-318-8821

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing BEACHES FOUNDATION INSTITUTE

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/21/20
Meeting Date

810

Bill Number (if applicable)

Topic EXPOSURE SEXUAL ORGANS

Amendment Barcode (if applicable)

Name RAMON MAURY

Job Title REPRESENTATIVE

Address PO BOX 10245

Phone 810 222 1568

Street TALL HILL State FL Zip 32302

Email RM@RAMONMAURY.COM

Speaking: ☒ For ☐ Against ☐ Information

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

Representing AANR - FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/21/20
Meeting Date

SB 850
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable) _____

Name Amy Cerveto

Job Title Business Owner (Key West, FL)

Address 4661 Cypress Mill Rd.

Phone _____

Street

City

State

Zip

Kissimmee, FL 34746

Email amycerveto@gmail.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
APPEARANCE RECORD

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

11/21/20
Meeting Date

SB 850
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JEFF KOTTKAMP

Job Title _____

Address _____

Phone _____

Street

Tallahassee

City

FL

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing BEACHES FOUNDATION

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)

01/21/2020

Meeting Date

SB-850

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Maryanne L. Rettig

Job Title

Address 1705 Dorothy Blvd

Street

Phone 352-272-0656

Lutz

City

FL

State

33558

Zip

Email maryannerettig@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Tampa Bay Free Beaches - President

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)

01/21/20

Meeting Date

SB-850

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Deborah MARTIN

Job Title

Address

3112 Red Fox Run

Phone

321-474-2425

Street

Kissimmee

FL

34746

Email

debs8.martin@icloud.com

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☒

Against

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

Representing

Cypress Cove Resort

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)

21 JAN 2020
Meeting Date

SB 850
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name MAJ. DEBRA K. HEDDING, USAF, RET.

Job Title _____

Address 1444 BIG MOSS LK. RD
Street
LUTZ, FL 33558
City State Zip

Phone 813-205-3167

Email HEDTAN20@YAHOO.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing NAKE COMMO MILITARY VETERAN'S CORP

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

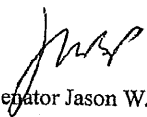
Committee Agenda Request

To: Senator Keith Perry, Chair
Committee on Criminal Justice
Subject: Committee Agenda Request
Date: November 25, 2019

I respectfully request that **SB 850**, relating to Exposure of Sexual Organs, be placed on the:

committee agenda at your earliest possible convenience.

next committee agenda.


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

File signed original with committee office

S-020 (03/2004)

EXECUTIVE SUMMARY – NUDE TOURISM CONTRIBUTES BILLIONS TO FLORIDA

Tourism is a mainstay of Florida's economy with 107 million visitors in 2015 spending an average of \$244 million per day employing over 1.2 million people. Visitors choose Florida for many reasons, but from theme parks to beaches, Florida's temperate year-round climate facilitates a wide spectrum of activities and experiences that makes the state a global tourism leader.

Those investing and promoting Florida tourism continue to cultivate new attractions to broaden the tourism market and to remain competitive. By focusing on niche markets, or Special Interest Tourism [SIT], destinations throughout Florida can realize the economic benefits of tourism, not just mass-market heavyweights such as Orlando, Miami and Tampa. Ft Lauderdale provides a great example as one of the only destinations to begin marketing to the LGBT travel segment some 20 years ago. Now that niche market accounts for over \$1.5 billion in local spending annuallyⁱⁱ and other destinations throughout the country are rushing to catch up with this lucrative SIT market.

Nude tourism is another niche SIT market that holds billion-dollar potential for the Florida economy, particularly in rural destinations. As revealed in this study, today the state boasts an estimated:

34	NUDIST RESORTS
5,100	TOTAL ROOMS AT NUDIST RESORTS
1.2 million	ANNUAL ROOMS SOLD IN 2016
2.2 million	ANNUAL NUDIST VISITORS
22 million	ANNUAL NUDIST VISITOR NIGHTS
\$4.3 billion	ANNUAL NUDIST VISITOR DIRECT EXPENDITURE
\$7.4 billion	ANNUAL TOTAL ECONOMIC IMPACT

Regarding the potential economic impact of public nude recreation, Florida's first officially-sanctioned nude beach - **Haulover Beach in Miami** - receives some 500,000 nudist sunbathers per year earning the city \$980,000 alone just in parking fees. If just half of the sunbathers are non-residents, their total economic impact could be well over \$720 million (using Miami's average expenditure and tourism multiplier). Moreover, in a recent Zogby poll, some 28% of American adults surveyed indicated that they would consider going to a nude beach, revealing a possible untapped market for nude recreation of some **70 million Americans**.

However, **without formal recognition and support** from state, regional and local tourism and government entities, Florida may lose the economic momentum of nude tourism due to the ageing of the baby boomer generation, the current primary market. Additionally, Florida's slow acceptance of new nudist recreational destinations limits the state's attractiveness to nudists, particularly the millennial and international markets. To address these concerns, this report concludes with three recommendations to improve Florida's nudist tourism economic opportunities:

1. **RECOGNITION & EXPANSION:** VisitFlorida, local visitors bureaus and business communities need to embrace the nude tourism concept as an important niche SIT market and become advocates for promotion and expansion of clothing-optional recreation at applicable public sites.
2. **MARKETING:** Similar to recent campaigns addressing the alternative lifestyle market, VisitFlorida needs to create a focused and broad-based marketing campaign highlighting Florida's many clothing-optional opportunities.
3. **RESEARCH:** As revealed in this initial study, there is very little tourism research regarding the composition and potential of Florida's nudist market. Specific questions should be added to VisitFlorida's visitor surveys to determine demographic profile, attitudes, participation, satisfaction and expenditure.

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 Committee on Criminal Justice

BILL: SB 1044

INTRODUCER: Senator Pizzo and others

SUBJECT: Animal Cruelty

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wagoner	Jones	CJ	Favorable
2.			JU	
3.			RC	

I. Summary:

SB 1044 creates “Allie’s Law” to require a licensed veterinarian who knows, or has reasonable cause to suspect, that a dog or cat showing visible signs of animal cruelty, as prohibited under s. 828.12(1), F.S., has been or is being subjected to animal cruelty by its owner or under its owner’s care shall report such knowledge or suspicion to law enforcement or animal control for investigation. A veterinary technician or employee, or volunteer of an animal treatment provider, facility, or shelter who knows or has reason to suspect that a dog or cat is showing visible signs of cruelty must report such to a veterinarian.

The bill provides that a veterinarian, a veterinary technician, or an employee or volunteer of a treatment provider, facility, or shelter practicing in this state shall be held harmless from either criminal or civil liability for any decisions made to report suspected cruelty. Additionally, the bill provides that any such animal treatment provider, facility, or shelter is immune from all civil liability for any decisions made to report suspected cruelty and its cooperation with any related investigation of cruelty to animals.

The bill prohibits a veterinary technician or any employee or volunteer of a veterinary practice, treatment provider, facility, or shelter to knowingly alter or destroy an existing medical record for the purpose of concealing or attempting to conceal cruelty to a dog or cat. Such person would be guilty of a first degree misdemeanor. A second or subsequent violation would constitute a third degree felony.

The bill provides that failure to report suspected animal cruelty to the proper authorities is an act that constitutes grounds for which disciplinary actions may be taken against an applicant for a veterinary license or a veterinarian by the Board of Veterinary Medicine.

The bill may have a positive fiscal impact on law enforcement agencies. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2020.

II. Present Situation:

Animal Cruelty; Generally

Section 828.12(1), F.S., provides that a person commits animal cruelty if he or she unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner. Animal cruelty is a first degree misdemeanor, punishable by up to one year in jail or a fine of up to \$5,000, or both.¹

Identification of animal abuse may play a crucial role in the intervention against other forms of violence in society.² Ample research demonstrates a link between animal abuse in a household and domestic violence and child abuse.³ Therefore, through the identification of animal cruelty, veterinarians are uniquely positioned to bring attention to other forms of interpersonal violence.⁴

Confidentiality of Veterinary Medical Information

Chapter 474, F.S., addresses veterinary medical practice and contains a confidentiality provision that prohibits a veterinarian from discussing a patient's medical condition with anyone except the client and other limited entities.⁵ However, in any criminal action or situation where a veterinarian suspects a criminal violation, a veterinarian may report such violation to a law enforcement officer, an animal control officer, or an appointed animal protection agent without notice to the client.⁶ The report may not include written medical records except upon issuance of a court order.⁷

Further, s. 828.12(4), F.S., provides that a licensed veterinarian shall be held harmless from either criminal or civil liability for any decisions made or services rendered under this section. Therefore, a veterinarian under s. 828.12, F.S., is immune from a lawsuit for his or her part in an investigation of cruelty to animals.

Board of Veterinary Medicine; Discipline

Section 474.204, F.S., creates within the Department of Business and Professional Regulation the Board of Veterinary Medicine ("Board"), tasked with ensuring that every veterinarian

¹ A first degree misdemeanor is punishable by up to one year in jail and a fine of up to \$1,000, or any higher amount specifically authorized by statute. Section 775.082, F.S.

² Stefany Monsalve, Fernando Ferreira and Rita Garcia, "The connection between animal abuse and interpersonal violence: A review from the veterinary perspective," p. 34, *Research in Veterinary Science*, October 1, 2017.

³ *Id.*

⁴ See also, Elizabeth DeViney, Jeffrey Dickert and Randall Lockwood, "The Care of Pets Within Child Abusing Families," *Animal Studies Repository*, 1983. This article provides a survey of families which reported child abuse and animal abuse. This survey found that a majority of these pet owners (60 percent of dog owners and 66 percent of cat owners) utilized veterinary services (p. 325). This survey also found that 88 percent of families with reported child abuse and household pets also reported animal abuse (p. 327).

⁵ Section 474.2165(4), F.S.

⁶ *Id.*

⁷ *Id.*

practicing in this state meets minimum requirements for safe practice. The Board is responsible for disciplining applicants for veterinary licenses and veterinarians found guilty of misconduct as provided in s. 474.214(1), F.S.⁸

Pertaining to record keeping, s. 474.214(1)(d), F.S., provides that making or filing a report or record which the veterinary licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing, is grounds for disciplinary action by the Board. Such reports or records shall include only those which are signed in the capacity of a licensed veterinarian.⁹ Also, s. 474.214(1)(ee), F.S., provides that failure to keep contemporaneously written medical records as required by rule of the Board is grounds for discipline.^{10,11}

Further, s. 474.213, F.S., provides acts by veterinarians which constitute third degree felonies.¹² Such acts include the misuse or misrepresentation of a veterinary license. Additionally, this section prohibits a person from knowingly concealing information relative to violations of ch. 474, F.S.¹³ In addition to criminal charges, violations of this section also provide grounds for disciplinary action by the Board.¹⁴

III. Effect of Proposed Changes:

The bill creates “Allie’s Law” after Allie, a 4-year-old Boston Terrier, whose obvious signs of abuse during veterinary visits went long unreported until she was surrendered and rescued.¹⁵

The bill defines the term “treatment provider” to include any animal care facility, animal hospital, private veterinary practice, animal shelter, veterinary school, specialized veterinary hospital or any place dogs or cats are seen for any kind of treatment.

Currently, the reporting of suspected animal cruelty is within the discretion of veterinarians. The bill provides that a veterinarian licensed to practice in the state who knows, or has reasonable cause to suspect, that a dog or cat showing visible signs of cruelty, as prohibited under s. 828.12(1), F.S., has been or is being subjected to animal cruelty by its owner or under its

⁸ Section 474.214, F.S.

⁹ The usual action of the Board is to impose a penalty of one year suspension followed by one year probation and an administrative fine from \$3,000 to \$5,000 per count or violation. For a second or subsequent offense, the usual action of the Board is to impose a penalty of a two year suspension followed by a two year probation and an administrative fine of \$5,000 to revocation. Chapter 61G18-30.001, F.A.C.

¹⁰ The usual action of the Board is to issue a reprimand and up to one year probation, and an administrative fine of up to \$2,000. Chapter 61G18-30.001, F.A.C.

¹¹ Chapter 61G18-18.002, F.A.C., provides for the maintenance of veterinary medical records. This rule requires that medical records be created as treatment is provided or within 24 hours from the time of treatment and contain specified information, including medical history, results of physical examination, and any present illness or injury.

¹² A third degree felony is punishable by up to five years imprisonment and a fine of up to \$5,000. Sections 775.082 and 775.083, F.S.

¹³ Section 474.213(1)(g), F.S.

¹⁴ Chapter 61G18-30.011, F.A.C. For a violation of s. 474.213(1)(g), F.S., the usual action of the Board is to impose a penalty of six months’ probation and an administrative fine of \$1,000. For a second or subsequent offense, the usual action of the Board is to impose a penalty of up to one year probation and an administrative fine of \$3,000.

¹⁵ “Allie’s Law,” available at <https://allieslaw.org/> (last visited January 14, 2020).

owner's care shall report such knowledge or suspicion within 48 hours after obtaining such knowledge or suspicion to a local law enforcement or animal control agency for investigation.

The bill provides that a veterinary technician or an employee or volunteer of an animal treatment provider, facility, or shelter who during the normal course of care of a dog or cat knows or has reason to suspect that a dog or cat showing visible signs of cruelty, as prohibited under s. 828.12(1), F.S., has been or is being subjected to animal cruelty by its owner or under its owner's care shall report within 24 hours to a veterinarian such knowledge or suspicion, who shall, if the cooperation of the owner or caretaker is obtained, attempt to examine the dog or cat within 24 hours after notification of suspected cruelty. If the owner or caretaker refuses to permit a veterinarian to examine a dog or cat that has been reported to a veterinarian under this subsection as possibly subjected to animal cruelty, or the veterinarian is otherwise unable to examine the animal, then the veterinarian shall report the suspected cruelty to a local law enforcement or animal control agency for investigation.

The bill provides that a veterinarian, a veterinary technician, or an employee or volunteer of a treatment provider, facility, or shelter practicing in this state shall be held harmless from either criminal or civil liability for any decisions made to report suspected cruelty. Any such animal treatment provider, facility, or shelter is immune from all civil liability for any decisions made to report suspected cruelty and its cooperation with any related investigation of cruelty to animals.

The bill prohibits a veterinary technician or any employee or volunteer of a veterinary practice, treatment provider, facility, or shelter to knowingly alter or destroy an existing medical record for the purpose of concealing or attempting to conceal cruelty to a dog or cat. Such violation would constitute a first degree misdemeanor.¹⁶ A second or subsequent violation would constitute a third degree felony.¹⁷

The bill provides that failure to report suspected animal cruelty to the proper authorities is an act that constitutes grounds for which disciplinary actions may be taken against an applicant for a veterinary license or veterinarian by the Board of Veterinary Medicine.

The bill is effective July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁶ A first degree misdemeanor is punishable by up to a year imprisonment and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

¹⁷ A third degree felony is punishable by up to five years imprisonment and a fine of up to \$5,000. Sections 775.082 and 775.083, F.S.

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:

There may be a positive, i.e., increased, fiscal impact for law enforcement agencies to investigate and charge a veterinary technician or any employee or volunteer of a veterinary practice, treatment provider, facility, or shelter with a criminal offense for knowingly altering veterinarian medical records to conceal the abuse of a dog or cat.¹⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 474.214 of the Florida Statutes.

This bill creates section 828.124 of the Florida Statutes.

¹⁸ Department of Agriculture and Consumer Services, *2020 Agency Analysis for SB 1044*, p. 4, December 2, 2019 (on file with the Senate Criminal Justice Committee).

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Pizzo

38-01198-20

20201044__

A bill to be entitled

An act relating to animal cruelty; providing a short title; creating s. 828.124, F.S.; defining the term "treatment provider"; requiring veterinarians to report suspected animal cruelty in certain circumstances; requiring certain persons to report suspected animal cruelty to a veterinarian; providing duties for veterinarians; providing immunity from criminal and civil liability for certain persons and entities; prohibiting the alteration or destruction of certain records; providing criminal penalties; providing enhanced penalties for repeat violations; amending s. 474.214, F.S.; specifying that failure of a veterinarian to report suspected animal cruelty is grounds for discipline; providing an effective date.

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

Section 1. This act may be cited as "Allie's Law."

Section 2. Section 828.124, Florida Statutes, is created to read:

828.124 Reporting animal cruelty; medical records.—

(1) As used in this section, the term "treatment provider" includes any animal care facility, animal hospital, private veterinary practice, animal shelter, veterinary school, specialized veterinary hospital or any place dogs or cats are seen for any kind of treatment.

(2) A veterinarian licensed to practice in the state who knows, or has reasonable cause to suspect, that a dog or cat

Page 1 of 3

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

38-01198-20

20201044__

showing visible signs of cruelty, as prohibited under s. 828.12(1), has been or is being subjected to animal cruelty by its owner or under its owner's care shall report such knowledge or suspicion within 48 hours after obtaining such knowledge or suspicion to a local law enforcement or animal control agency for investigation.

(3) A veterinary technician or an employee or volunteer of an animal treatment provider, facility, or shelter who during the normal course of care of a dog or cat knows or has reason to suspect that a dog or cat showing visible signs of cruelty, as prohibited under s. 828.12(1), has been or is being subjected to animal cruelty by its owner or under its owner's care shall report within 24 hours to a veterinarian such knowledge or suspicion, who shall, if the cooperation of the owner or caretaker is obtained, attempt to examine the dog or cat within 24 hours after notification of suspected cruelty. If the owner or caretaker refuses to permit a veterinarian to examine a dog or cat that has been reported to a veterinarian under this subsection as possibly subjected to animal cruelty, or the veterinarian is otherwise unable to examine the animal, then the veterinarian shall report the suspected cruelty to a local law enforcement or animal control agency for investigation.

(4) A veterinarian, a veterinary technician, or an employee or volunteer of a treatment provider, facility, or shelter practicing in this state shall be held harmless from either criminal or civil liability for any decisions made to report suspected cruelty. Any such animal treatment provider, facility, or shelter is immune from all civil liability for any decisions made to report suspected cruelty and its cooperation with any

Page 2 of 3

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

38-01198-20

20201044__

59 related investigation of cruelty to animals.

60 (5) It is a violation of this section for a veterinary
61 technician or any employee or volunteer of a veterinary
62 practice, treatment provider, facility, or shelter to knowingly
63 alter or destroy an existing medical record for the purpose of
64 concealing or attempting to conceal cruelty to a dog or cat.

65 (6) (a) Except as provided in paragraph (b), a person who
66 violates subsection (5) commits a misdemeanor of the first
67 degree, punishable as provided in s. 775.082 or s. 775.083.

68 (b) A person who commits a second or subsequent violation
69 of subsection (5) commits a felony of the third degree,
70 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

71 Section 3. Paragraph (qq) is added to subsection (1) of
72 section 474.214, Florida Statutes, to read:

73 474.214 Disciplinary proceedings.—

74 (1) The following acts shall constitute grounds for which
75 the disciplinary actions in subsection (2) may be taken:

76 (qq) Failure to report suspected animal cruelty to the
77 proper authorities.

78 Section 4. This act shall take effect July 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

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

January 21, 2020

Meeting Date

1044

Bill Number (if applicable)

Topic Animal Cruelty

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title CEO

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email barney@barneybishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/21/2020

Meeting Date

SB 1044

Bill Number (if applicable)

Topic Allie's Law

Amendment Barcode (if applicable)

Name Dave Heine

Job Title Business Owner

Address 220 Silverglen Lane

Phone 321-231-8926

Street

Altamonte Springs

FL

32714

Email Dave@AlliesLaw.org

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Allie Katehrine Heine "Allie"

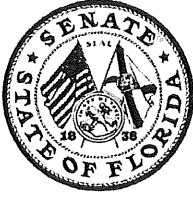
Appearing at request of Chair: ☐ Yes ☒ No

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

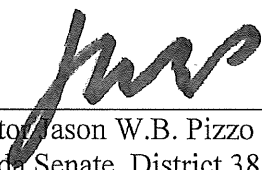
To: Senator Keith Perry, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: December 13, 2019

I respectfully request that **SB 1044**, relating to Animal Cruelty, be placed on the:

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



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



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER NICOLE "NIKKI" FRIED

December 2, 2019

Agency Affected: Dept. of Agriculture and Consumer Services

Telephone: 850-617-7000

Agency Contact: Emily Buckley, Legislative Affairs Director

Telephone: 850-617-7700

Senate Bill Number: 1044

Senate Bill Sponsor: Senator Pizzo

Bill Title: Animal Cruelty

Effective Date: July 1, 2020

Similar Bill(s): Yes ☐ No ☐

Similar Bill(s):

Identical Bill: Yes ☒ No ☐

Identical Bill: HB 621: Animal Cruelty by Reps. Daley and Plakon

1. SUMMARY

This proposed bill defines animal "treatment provider" in Chapter 828, Florida Statutes. The proposed bill requires a licensed veterinarian to report knowledge or suspicion of animal cruelty within 48 hours to a local law enforcement or an animal control agency for investigation. The proposed bill also requires a veterinary technician, or an employee or volunteer of an animal treatment provider, facility or shelter to report reasonable suspicion or visible signs of cruelty within 24 hours to a veterinarian. The veterinarian, veterinary technician, or an employee or volunteer of a treatment provider, facility, or shelter shall be held harmless from either criminal or civil liability for any decisions made to report suspected cruelty to animals. This bill proposes that any veterinary technician or any employee or volunteer of a veterinary practice, treatment provider, facility or shelter who knowingly alters or destroys an existing medical record for the purposes of concealing or attempting to conceal cruelty of a dog or cat, commits a first-degree misdemeanor and commits a third-degree felony for any subsequent violations. The proposed bill adds failure to report suspect animal cruelty to the proper authorities to the grounds for disciplinary proceedings for a veterinary medical practice in Section 474.214, Florida Statutes.

2. PRESENT SITUATION

Currently, there is not an affirmative, statutory duty for veterinarians and treatment providers to report suspected animal cruelty to law enforcement; however, Section 828.12, Florida Statutes, does provide protection to veterinarians from criminal or civil liability for taking part in any investigation of animal cruelty.

It is also not a criminal offense for a person to knowingly alter or destroy a veterinarian record for the purpose of concealing or attempting to conceal cruelty of a dog or cat. Veterinarian medical records are defined in rule 61G18-18.002, Florida Administrative Code, Maintenance of Medical Records, as established by the directive of section 474.2165, Florida Statutes.

3. EFFECT OF PROPOSED CHANGES

The proposed bill makes it a misdemeanor for persons employed at a veterinary practice, treatment provider, or facility to knowingly alter patients' medical records to conceal dog or cat abuse and a felony for subsequent offenses. It also adds the stipulation that veterinarians must report suspicion or knowledge of animal cruelty to the proper authorities or face disciplinary action from the Department of Business & Professional Regulation licensing board. Such failure to report could result in a veterinarian's:

- (a) Denial of certification for examination or licensure.
- (b) Revocation or suspension of a license.
- (c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.
- (d) Issuance of a reprimand.
- (e) Placement of the veterinarian on a probationary period and subject to such conditions as the board may specify, including requiring the veterinarian to attend continuing education courses, or to work under the supervision of another veterinarian.
- (f) Restricting the authorized scope of practice.
- (g) Imposition of costs of the investigation and prosecution.
- (h) Requiring the veterinarian to undergo remedial education.

The bill provides specific protection against criminal and civil liability for any veterinarian or employee of a treatment provider who reports or participates in an investigation of suspected animal cruelty.

4. FISCAL IMPACT ON FDACS

Currently, the proposed bill does not have a fiscal impact on the Florida Department of Agriculture & Consumer Services.

	(FY 20-21) Amount/ FTE	(FY 21-22) Amount/ FTE	(FY 22-23) Amount/ FTE
A. Revenues			
Recurring			
Non-Recurring			
TOTAL REVENUES			
B. Expenditures			
Recurring			
Non-Recurring			
TOTAL EXPENDITURES			
C. NET TOTAL	0	0	0

5. IS THERE AN ESTIMATED FISCAL IMPACT ON LOCAL GOVERNMENT(s)?

Yes, there may be a fiscal cost to investigate and to charge veterinarians, veterinarian technicians, or an employee or volunteer of an animal treatment provider, facility, or shelter with criminal offense for knowingly altering veterinarian medical records to conceal the abuse of a dog or cat.

6. IS THERE AN ESTIMATED FISCAL IMPACT ON THE PRIVATE SECTOR?

No.

7. ARE THERE ESTIMATED TAXES, FEES, OR FINES ASSOCIATED WITH THE PROPOSED BILL? (If yes, please explain the impact in A and/or B below)

A. Does the proposed bill create new or increase existing taxes, fees, or fines? If so, please explain.

Yes, it imposes a misdemeanor (and associated fines), or a felony violation for each subsequent offense, for knowingly altering veterinarian medical records.

B. Does the proposed bill repeal or decrease existing taxes, fees, or fines? If so, please explain.

No.

C. DOES THE BILL DIRECT OR ALLOW THE DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?

- a. Yes: ☐ No: ☒
b. If yes please explain:

8. DOES THE PROPOSED BILL REQUIRE THE DEPARTMENT TO PARTICIPATE IN OR PRODUCE ANY REPORTS OR STUDIES?

- a. Yes: ☐ No: ☒
b. If yes please explain:

9. ARE THERE ANY APPOINTMENTS, CREATION OF, OR CHANGES TO ANY BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. THAT WILL IMPACT THE DEPARTMENT?

- a. Yes: ☐ No: ☒
b. If yes please explain:

LEGAL ISSUES

10. Does the proposed bill conflict with existing federal law or regulations that impact the department? If so, what laws and/or regulations?

No.

11. Does the proposed bill raise significant constitutional concerns under the U.S. or Florida Constitutions (e.g. separation of powers, access to the courts, equal protection, free speech, establishment clause, impairment of contracts) that impacts the department?

No.

12. Is the proposed bill likely to generate litigation for the department and, if so, from what interest groups or parties?

No.

COMMENTS:

While the bill likely does not change what Department veterinarians do in practice, they should be made aware of the reporting requirements for suspected animal cruelty and potential criminal penalties for concealing records that demonstrate animal cruelty if the bill passes.

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 Committee on Criminal Justice

BILL: SB 1116

INTRODUCER: Senator Brandes

SUBJECT: Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cox	Jones	CJ	Favorable
2.			ACJ	
3.			AP	

I. Summary:

SB 1116 creates s. 944.73, F.S., establishing a State-Operated Institutions Inmate Welfare Trust Fund within the Department of Corrections (DOC). The bill states that the purpose of the trust fund is to benefit and provide for the welfare of inmates incarcerated in state-operated correctional facilities. The bill requires money to be deposited into and the expenditures made from the trust fund as provided in s. 945.215, F.S. This trust fund is substantively identical to the Privately Operated Institutions Inmate Welfare Trust Fund (POIWTF).

As with POIWTF, the newly created s. 944.73, F.S., provides that notwithstanding s. 216.301, F.S., and pursuant to s. 216.351, F.S., any balance in the trust fund at the end of any fiscal year must remain in the trust fund at the end of the year and be available for carrying out the purposes of the trust fund.

As required by the Florida Constitution, the bill provides that the State-Operated Institutions Inmate Welfare Trust Fund must be terminated on July 1, 2024, unless terminated sooner or recreated. Additionally, the bill requires the trust fund to be reviewed as provided in s. 215.3206(1) and (2), F.S., before its scheduled termination.

The bill creates a trust fund and requires that specified proceeds and donations be deposited into the trust fund, rather than the General Revenue Fund, which will result in less funds being deposited into the General Revenue Fund. However, the funds deposited into the Inmate Welfare Trust Fund pursuant to the bill must be used to fund services and programming that are required to be provided to inmates. To the extent that the bill transitions the funding of such programming from the General Revenue Fund to the newly created trust fund, the bill will likely have an indeterminate fiscal impact on the DOC and the General Revenue Fund. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2020.

II. Present Situation:

Trust Funds

Establishment of Trust Funds

A trust fund may be created by law only by the Legislature and only if passed by a three-fifths vote of the membership of each house in a separate bill for that purpose only. Except for trust funds being re-created by the Legislature, each trust fund must be created by statutory language that specifies at least the following:

- The name of the trust fund.
- The agency or branch of state government responsible for administering the trust fund.
- The requirements or purposes that the trust fund is established to meet.
- The sources of moneys to be credited to the trust fund or specific sources of receipts to be deposited in the trust fund.¹

Florida Constitution Requirement for Trust Funds

The Florida Constitution requires that state trust funds must terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund.² By law the Legislature may set a shorter time period for which any trust fund is authorized.³

Review of Trust Funds

The Legislature must review all state trust funds at least once every 4 years,⁴ prior to the regular session of the Legislature immediately preceding the date on which any executive or judicial branch trust fund is scheduled to be terminated,⁵ or such earlier date as the Legislature may specify.⁶

The agency responsible for the administration of the trust fund and the Governor, for executive branch trust funds, or the Chief Justice, for judicial branch trust funds, must recommend to the President of the Senate and the Speaker of the House of Representatives whether the trust fund should be allowed to terminate or should be re-created.⁷ Each recommendation must be based on a review of the purpose and use of the trust fund and a determination of whether the trust fund will continue to be necessary.⁸ A recommendation to re-create the trust fund may include suggested modifications to the purpose, sources of receipts, and allowable expenditures for the trust fund.⁹

¹ Section 215.3207, F.S.

² Art. III, s. 19(f)(2), Fla. Const.

³ *Id.*

⁴ Section 215.3208(1), F.S.

⁵ Pursuant to Art. III, s. 19(f), Fla. Const.

⁶ Section 215.3206(1), F.S.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

When the Legislature terminates a trust fund, the agency or branch of state government that administers the trust fund must pay any outstanding debts or obligations of the trust fund as soon as practicable.¹⁰ The Legislature may also provide for the distribution of moneys in that trust fund. If no such distribution is provided, the moneys remaining after all outstanding obligations of the trust fund are met must be deposited in the General Revenue Fund.¹¹

Inmate Welfare

In part, s. 945.215, F.S., requires that certain proceeds from specified revenue streams or donations related to inmates in the DOC be deposited into the General Revenue Fund, including:

- Proceeds from operating inmate canteens, vending machines used primarily by inmates and visitors, hobby shops, and other such facilities.¹²
- Proceeds from contracted telephone commissions.¹³
- Any funds that may be assigned by inmates or donated to the DOC by the general public or an inmate service organization.¹⁴
- All proceeds from the following sources:
 - The confiscation and liquidation of any contraband found upon, or in the possession of, any inmate;
 - Disciplinary fines imposed against inmates;
 - Forfeitures of inmate earnings; and
 - Unexpended balances in individual inmate trust fund accounts of less than \$1.¹⁵

The DOC does not currently have a trust fund to be used for the welfare of inmates incarcerated in state-operated facilities, but one was in operation from 1998 to 2003.¹⁶ The 2003 Legislature passed and the Governor signed SB 954 (2003), which terminated the Inmate Welfare Trust Fund and required all proceeds and donations from inmates in state-operated correctional facilities to be deposited into the General Revenue Fund rather than the Inmate Welfare Trust Fund. The DOC reports that it has deposited the following amount of funds into General Revenue related to canteen commissions, vending commissions, and medical copay:

- FY 2016-17: \$34,150,970;
- FY 2017-18: \$36,569,593; and
- FY 2018-19: \$35,760,957.¹⁷

¹⁰ Section 215.3208(2)(a), F.S.

¹¹ *Id.* at (b).

¹² Section 945.215(1)(a), F.S. Funds necessary to purchase items for resale at inmate canteens and vending machines are required to be deposited into local bank accounts designated by the DOC.

¹³ Section 945.215(1)(b), F.S.

¹⁴ Section 945.215(1)(c), F.S. However, the department shall not accept any donation from, or on behalf of, any individual inmate.

¹⁵ Section 945.215(1)(d), F.S.

¹⁶ Chapter 98-388, L.O.F., created the Inmate Welfare Trust Fund. Chapter 2003-179, L.O.F., terminated the Inmate Welfare Trust Fund.

¹⁷ The DOC, Email from Scotti Vaughan, Deputy Legislative Affairs Director, Re: GR Deposits, January 14, 2020 (on file with Senate Criminal Justice Committee)(hereinafter cited as “The DOC Email”).

Privately-Operated Inmate Welfare Trust Fund

Section 944.72, F.S., establishes the Privately Operated Institutions Inmate Welfare Trust Fund (POIWTF) within the DOC. The purpose of the POIWTF is for the benefit and welfare of inmates incarcerated in private correctional facilities under contract with the DOC pursuant to ch. 944, F.S., or the Department of Management Services (DMS) pursuant to ch. 957, F.S.¹⁸ Moneys are required to be deposited in the trust fund and expenditures made from the POIWTF as provided in s. 945.215, F.S.¹⁹ Further, notwithstanding the provisions of s. 216.301, F.S., and pursuant to s. 216.351, F.S., any balance in the trust fund at the end of any fiscal year must remain in the POIWTF at the end of the year and be available for carrying out the purposes of the POIWTF.²⁰

The net proceeds derived from inmate canteens, vending machines used primarily by inmates, telephone commissions, and similar sources at private correctional facilities must be deposited into the POIWTF. The funds in the POIWTF must be expended only pursuant to legislative appropriation.²¹

The DMS is required to annually compile a report that documents POIWTF receipts and expenditures at each private correctional facility, including to specifically identify receipt sources and expenditures. The DMS is required to compile this report for the prior fiscal year and submit the report by September 1 of each year to the chairs of the appropriate substantive and fiscal committees of the Senate and House of Representatives and to the Executive Office of the Governor.²²

The DOC reports that some of the current uses of the POIWTF include training service dogs for veterans, barbering and cosmetology programs, Commercial Driver's License programs, welding, architectural drafting, wastewater management training, veterinary assistant training, chapel programs, visitation activities, cable television, and wellness equipment.²³ Additionally, the DOC reports that the POIWTF has a cash balance of \$6,916,086 as of January 13, 2020.²⁴

Programming for Inmates in State-Operated Facilities

All major institutions, or prisons, are similar to small towns in that they have their own academic and vocational schools, places of worship, medical services, maintenance facilities, parks (for visiting family), and often their own water supplies. Placement is based on institutional and

¹⁸ Section 945.215(2)(a), F.S.

¹⁹ Section 944.72(1), F.S.

²⁰ Section 944.72(2), F.S. Section 216.301, F.S., specifically addresses an agency's duty to identify any incurred obligations and undisbursed balances at the end of each fiscal year. Section 216.351, F.S., provides that any subsequent inconsistent laws supersedes ch. 251, F.S., only to the extent that they do so by express reference to such chapter.

²¹ Section 945.215(2)(b), F.S.

²² Section 945.215(2)(c), F.S.

²³ The DOC, SB 1116 Agency Analysis, p. 2 (hereinafter cited as "The DOC SB 1116 Agency Analysis")(on file with the Senate Criminal Justice Committee).

²⁴ The DOC Email.

individual need such as programs, education, health, and availability of bed space.²⁵ Chapter 944, F.S., requires the DOC to provide a variety of services and programming to inmates committed to the custody of the DOC, including:

- Substance abuse treatment programs;²⁶
- Transitional services;²⁷
- Educational and vocational programs;²⁸ and
- Faith- and character-based programs.²⁹

For instance, s. 944.473(2), F.S., requires each inmate to be assessed to determine if he or she qualifies to receive mandated substance-abuse treatment while incarcerated. The DOC provides four levels of inmate substance abuse programming, including intensive outpatient, residential therapeutic community, program centers, and work release centers. In FY 2017-18, a total of 10,844 inmates participated in some form of substance abuse treatment.

The above-mentioned services and programs provide inmates with skills and tools to assist with an inmate's successful transition into the community upon release. These services are not offered at all prisons, therefore, services that an inmate needs to best provide rehabilitative programming are paramount to placement decisions.³⁰ The DOC reports that an estimated six percent of the department's spending is being used to pay for all prison programming.³¹

The DOC reports that the creation of a trust fund for the benefit of inmates in state-operated facilities will provide the DOC and its inmates with valuable resources to combat inmate idleness and improve safety within state-operated institutions as well as assist in expanding the above-mentioned programming efforts allowing the DOC to better attain its overall goal of developing, improving, and readying the people in its care to return to their communities. Further, the DOC reports that studies have shown that inmates who are provided with programming and wellness opportunities and other recreational equipment are better suited in an incarcerated environment resulting in far less instances of inmate-on-inmate violence.³²

III. Effect of Proposed Changes:

The bill creates s. 944.73, F.S., establishing a State-Operated Institutions Inmate Welfare Trust Fund within the DOC that is substantively the same as the POIWTF, but with the stated purpose to benefit and provide for the welfare of inmates incarcerated in state-operated correctional

²⁵ The DOC, *Annual Report Fiscal Year 2017-18*, p. 13, available at http://www.dc.state.fl.us/pub/annual/1718/FDC_AR2017-18.pdf (last visited January 14, 2020)(hereinafter cited a "Annual Report").

²⁶ See Annual Report, p. 45.

²⁷ Sections 944.701-944.708, F.S.

²⁸ Section 944.801, F.S. In FY 2017-18, the DOC had 16,630 inmates participating in educational programs, 18,734 in academic programs, and 6,328 in vocational programs. Annual Report, at 33.

²⁹ Section 944.803, F.S., encourages the DOC to operate faith- and character-based facilities, which emphasize the importance of personal responsibility, meaningful work, education, substance abuse treatment, and peer support.

³⁰ Annual Report, at 33.

³¹ The DOC, SB 1118 Agency Analysis, p. 3-4 (hereinafter cited as "The DOC SB 1118 Agency Analysis")(on file with the Senate Criminal Justice Committee).

³² See The DOC SB 1116 Agency Analysis, p. 2 and the DOC SB 1118 Agency Analysis, p. 4.

facilities. Money is required to be deposited into and the expenditures made from the trust fund as provided in s. 945.215, F.S.

As with POIWTF, the newly created s. 944.73, F.S., provides that notwithstanding s. 216.301, F.S., and pursuant to s. 216.351, F.S., any balance in the trust fund at the end of any fiscal year must remain in the trust fund at the end of the year and be available for carrying out the purposes of the trust fund.

As required by the Florida Constitution, the bill provides that the State-Operated Institutions Inmate Welfare Trust Fund must be terminated on July 1, 2024, unless terminated sooner or recreated. Additionally, the bill requires the trust fund to be reviewed as provided in s. 215.3206(1) and (2), F.S., before its scheduled termination.

The bill is effective July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Art. III, s. 19(f)(1) of the Florida Constitution specifies that a trust fund may be created or re-created only by a three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only.

Art. III, s. 19(f)(2) of the Florida Constitution specifies that state trust funds must terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund. By law the Legislature may set a shorter time period for which any trust fund is authorized.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill creates a trust fund and requires that specified proceeds and donations be deposited into the trust fund, rather than the General Revenue Fund, which will result in less funds being deposited into the General Revenue Fund. However, the funds deposited into the Inmate Welfare Trust Fund pursuant to the bill must be used to fund services and programming that are required to be provided to inmates. To the extent that the bill transitions the funding of such programming from the General Revenue Fund to the newly created trust fund, the bill will likely have an indeterminate fiscal impact on the DOC and the General Revenue Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 944.73 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

THE FLORIDA SENATE
APPEARANCE RECORD

January 21, 2020

Meeting Date

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

SB 1116

Bill Number (if applicable)

Topic SB 1116

Amendment Barcode (if applicable)

Name Jared Torres

Job Title Legislative Affairs Director

Address 501 South Calhoun Street

Street

Tallahassee

City

FL

State

32399

Zip

Phone 850-717-3045

Email Jared.Torres@fdc.myflorida.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Department of Corrections

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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)

January 21, 2020

Meeting Date

1116

Bill Number (if applicable)

Topic Trust Funds/Inmate Welfare Trust Fund/Dept. of Corrections

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title CEO

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email barney@barneybishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

January 21, 2020

Meeting Date

SB 1116

Bill Number (if applicable)

Topic SB 1116

Amendment Barcode (if applicable)

Name Deputy Secretary Ricky Dixon

Job Title Deputy Secretary

Address 501 South Calhoun Street

Street

Tallahassee

City

FL

State

32399

Zip

Phone 850-717-3030

Email Ricky.Dixon@fdc.myflorida.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Department of Corrections

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 13, 2019

I respectfully request that **Senate Bill #1116**, relating to **Trust Funds/State-Operated Institutions Inmate Welfare Trust Fund/Department of Corrections**, 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", is written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 24

...70.....20.2.623001.....*****
PROGRAM: CASH-L1 | SELECTED ORG: 70XXXXXXXXX | PARAMETER: | LOGON: N700SLAM | SORT: FUND, GL, GRANT

CASH-L1 AS OF 01/13/20

700000000000

DATE RUN 01/13/20

DEPARTMENT OF CORRECTIONS

COMBINED SCHEDULE OF CASH AND INVESTMENT BALANCES BY GRANT

PAGE 6

PRIVATE INMATE WELFARE TRUST FUND

20 2 623001

JANUARY 13, 2020

GRANT/GRANT TITLE

***** GRANT NOT ON TITLE FILE

MONTH-TO-DATE

8,058.46

QUARTER-TO-DATE

8,058.46

YEAR-TO-DATE

6,916,086.13

*** FUND TOTAL

8,058.46

8,058.46

6,916,086.13

Inmate Welfare Trust Fund

Revenue	FY2016-2017		FY2017-2018	
ITF Balances , \$1.00	\$	615	\$	684
* Canteen Commissions	\$	33,130,334	\$	35,428,670
Vending Commissions	\$	298,639	\$	430,813
Medical Copay	\$	721,382	\$	709,427
	\$	34,150,970	\$	36,569,593

** FDC retains an administrative fee on this program*

FY2018-2019		FY2019-2020	
\$	710	\$	455
\$	34,653,651	\$	17,140,263
\$	388,767	\$	222,800
\$	717,829	\$	381,890
<hr/>		<hr/>	
\$	35,760,957	\$	17,745,408



2020 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Corrections

<u>BILL INFORMATION</u>	
BILL NUMBER:	SB 1116
BILL TITLE:	Trust Funds
BILL SPONSOR:	Senator Brandes
EFFECTIVE DATE:	July 1, 2020

<u>COMMITTEES OF REFERENCE</u>
1) Criminal Justice
2) Appropriations Subcommittee on Criminal and Civil Justice
3) Appropriations
4)
5)

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

<u>CURRENT COMMITTEE</u>

<u>SIMILAR BILLS</u>	
BILL NUMBER:	
SPONSOR:	

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	HB 869
SPONSOR:	Representative Drake

Is this bill part of an agency package?
Yes

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	January 10, 2020
LEAD AGENCY ANALYST:	Mark Tallent
ADDITIONAL ANALYST(S):	Emma Dugger, Lavitta Stanford
LEGAL ANALYST:	Kristen Clemons
FISCAL ANALYST:	Emma Dugger

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

This bill creates s. 944.72, F.S., authorizing the creation of the State-Operated Institutions Inmate Welfare Trust Fund within the Florida Department of Corrections (FDC or Department).

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:**

The Florida Department of Corrections does not currently have a trust fund to be used for the welfare of inmates incarcerated in state-operated facilities.

Chapter 98-388, Laws of Florida, created the Inmate Welfare Trust Fund. However, in 2003 the Inmate Welfare Trust Fund was terminated (ch. 2003-179, LOF). Pursuant to s. 944.72, F.S., Privately operated correctional facilities still have the Privately-Operated Institutions Inmate Welfare Trust Fund (POIWTF). The net proceeds derived from inmate canteens, vending machines used primarily by inmates, telephone commissions and similar sources at private correctional facilities are deposited into the POIWTF pursuant to s. 945.215, F.S. Funds within the POIWTF may only be expended pursuant to legislative appropriation. Some of the current uses of the POIWTF include training service dogs for veterans, barbering/cosmetology programs, Commercial Driver's License programs, welding, architectural drafting, wastewater management training, veterinary assistant training, chapel programs, visitation activities, cable television and wellness equipment.

2. **EFFECT OF THE BILL:**

S. 944.73(1), F.S., is created to authorized establishment of the State-Operated Inmate Welfare Trust fund within the Department. The purpose of the trust fund is to benefit and provide for the welfare of inmates incarcerated in state operated correctional facilities.

S. 944.73(2), F.S., is created stating that funds shall be deposited and expenditures made from the trust fund as provided in s. 945.215, F.S.

S. 944.73(3), F.S, is created directing that notwithstanding s. 216.301, F.S., and pursuant to s. 216.351, F.S., any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

S. 944.73(4), F.S., is establishing a review period and termination date of July 1, 2024 for the trust fund.

This bill will provide the Department with valuable resources to combat inmate idleness and improve safety within state-operated institutions. Studies have shown that inmates who are provided with programming opportunities along with wellness and other recreational equipment are better suited in an incarcerated environment with far less instances of inmate on inmate violence.

3. **DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?** Y ☐ N ☒

If yes, explain:	
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

4. **WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?**

Proponents and summary of position:	
Opponents and summary of position:	

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?Y ☐ N ☒

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?Y ☐ N ☒

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?Y ☐ N ☒

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees? If yes, explain.	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?Y ☐ N ☐

Revenues:	Funds shall be deposited as provided in S. 945.215, F.S.
Expenditures:	Funds shall be expended as provided in S. 945.215, F.S.
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?Y ☐ N ☒

Revenues:	
Expenditures:	
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☐ N ☒

If yes, explain impact.	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.

FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.

ADDITIONAL COMMENTS

N/A

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:

N/A



2020 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Corrections

<u>BILL INFORMATION</u>	
BILL NUMBER:	SB 1118
BILL TITLE:	Inmate Welfare Trust Funds
BILL SPONSOR:	Senator Brandes
EFFECTIVE DATE:	On the same date that SB 1116 or similar legislation takes effect if such legislation is enacted in the same legislative session or an extension thereof and becomes a law

<u>COMMITTEES OF REFERENCE</u>
1) Criminal Justice
2) Appropriations Subcommittee on Criminal and Civil Justice
3) Appropriations
4)
5)

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

<u>CURRENT COMMITTEE</u>

<u>SIMILAR BILLS</u>	
BILL NUMBER:	
SPONSOR:	

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	HB 871
SPONSOR:	Representative Drake

Is this bill part of an agency package?
Yes

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	January 10, 2020
LEAD AGENCY ANALYST:	Mark Tallent
ADDITIONAL ANALYST(S):	Emma Dugger, Lavitta Stanford, Patrick Mahoney and Jennifer Rechichi
LEGAL ANALYST:	Kristen Clemons
FISCAL ANALYST:	Emma Dugger

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill amends s. 945.215, F.S., establishing the State-Operated Institutions Inmate Welfare Trust Fund within the Florida Department of Corrections (FDC or Department) for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the state.

This legislation describes the allocation to the Department of specific proceeds and funds deposited into the State-Operated Institutions Inmate Welfare Trust Fund. The legislative requirement that monies from the trust fund be used exclusively for specified purposes at state-operated institutions will greatly benefit the Department in regards to enhancing and expanding literacy programs, vocational training programs, academic educational programs, library services, and faith and character-based programs.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Currently, the Department does not have a trust fund to be used for the welfare of inmates incarcerated in state-operated facilities.

Chapter 98-388, Laws of Florida, created the Inmate Welfare Trust Fund. However, in 2003 the Inmate Welfare Trust Fund was terminated (ch. 2003-179, LOF). Pursuant to s. 944.72, F.S., Privately operated correctional facilities still have the Privately-Operated Institutions Inmate Welfare Trust Fund (POIWTF). The net proceeds derived from inmate canteens, vending machines used primarily by inmates, telephone commissions and similar sources at private correctional facilities are deposited into the POIWTF pursuant to s. 945.215, F.S. Funds within the POIWTF may only be expended pursuant to legislative appropriation. Some of the current uses of the POIWTF include training service dogs for veterans, barbering/cosmetology programs, Commercial Driver's License programs, welding, architectural drafting, wastewater management training, veterinary assistant training, chapel programs, visitation activities, cable television and wellness equipment.

2. EFFECT OF THE BILL:

Section 1

Amends s. 945.215(1)(a), (b), (c), and (d) F.S., directing that proceeds from operating inmate canteens, vending machines used primarily by inmates and visitors, hobby shops and other such facilities, contracted telephone commissions, certain donations, liquidation of inmate contraband, disciplinary fines imposed against inmates, forfeiture of inmate earnings and unexpended balances in individual inmate trust fund accounts of less than \$1 must be deposited into the State-Operated Institutions Inmate Welfare Trust Fund or, as provided in paragraph (2)(b), into the General Revenue Fund.

Creates s. 945.215(2)(a), F.S., authorizing the State-Operated Institutions Inmate Welfare Trust fund as a trust held by the Department for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the Department.

Creates s. 945.215(2)(b), F.S., directing that deposits into the trust fund may not exceed a total of \$10 million in any fiscal year. Any proceeds or funds that would cause deposits into the trust fund to exceed this limit must be deposited into the General Revenue Fund.

Creates s. 945.215(2)(c), F.S., directing that the trust fund shall be used exclusively to provide for or operate literacy programs, vocational training programs, educational programs, inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, libraries, inmate substance abuse treatment programs, transition and life skills training programs. This section further directs that the trust fund may be used for the purchase, rental, maintenance, or repair of electronic or audiovisual equipment, media, services, and programming used by inmates; recreation and well ness equipment; bicycles used by inmates traveling to and from employment in the work-release program authorized under s.945.091(1)(b).

Creates s. 945.215(2)(d), F.S., directing that the trust fund may be expended only pursuant to legislative appropriation.

Creates s. 945.215(2)(e), F.S., requiring the Department to annually compile a report that documents State-Operated Institutions Inmate Welfare Trust Fund receipts and expenditures. The report must be compiled at both the statewide and institutional levels. The report must be submitted for the previous fiscal year by October 1 of each year.

Section 2

Provides a recurring appropriation of a specified amount, \$10,000,000.

Section 3

Provides effective date of bill.

This bill provides the Department with valuable resources to combat inmate idleness and improve safety within state operated prisons. Studies have shown that inmates who are provided with programming opportunities along with wellness and other recreational equipment are better suited in an incarcerated environment with far less instances of inmate on inmate violence.

Additionally, please note:

Academic Education

On average, it costs \$10,667.00 a year to educate an average high school student. In general, each high school completion is worth approximately, \$42,668.00. A 2001 survey conducted by the Bureau of Justice Statistics stipulated that the average annual operating cost per incarcerated person was \$22,650.00. Due to other fiscal constraints and needs, an estimated 6% of Corrections spending is being used to pay for all prison programming, to include educational programming. A meta-analysis published by the Washington State Institute for Public Policy reveals the following: for every dollar spent on Academic Education there is a \$9.65 return, with a 97% chance the program will produce benefits greater than the cost. Conclusively, research indicates that for every increase in an inmate's grade level, his/her likelihood of recidivism decreases by 4%. A 2013 Rand Corporation study shows that correctional education for incarcerated adults reduces the risk of post-release re-incarceration by 13% and does so cost-effectively, saving an average of \$5 of re-incarceration costs for every dollar spent on correctional education.

Career and Technical Education

Another meta-analysis published by the Washington State Institute for Public Policy revealed that for every dollar spent on Career & Technical Education (workforce development) there is a \$11.95 return, with a 97% chance the program will produce benefits greater than the cost. Additionally, research indicates that post-release employment prospects are improved for returning citizens participating in correctional education. Both the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Department's internal research studies reported similar positive outcomes for CTE program completers with 9.4% and 8% recidivism reduction, respectively.

Wellness Activities

In complement to the academic and workforce development programming offered, the Department's goal to educate and motivate inmates to implement positive lifestyle habits that will improve the quality of life, prolong life, and re-educate inmates regarding the importance of exercise and other health-related topics is essential. Research findings show that negative lifestyle habits such as physical inactivity, poor nutrition, and negative coping techniques are a serious threat to the health of individuals. Inmate Wellness activities decrease health costs and reduce incidents of disciplinary action by reducing inmate idleness. There is a strong body of evidence suggesting that, aside from the well-established psychological and social benefits, the provision of physical activity represents a simple intervention which can ameliorate the negative health effects of a sedentary lifestyle in prison (Meek, 2013).

The Department currently relies on donations of wellness and recreation equipment through volunteers and/or community support, and while beneficial, this results in inconsistency and inequity of what is available to all inmates. This legislation will restore the Department's ability to establish a standardized list of equipment and Wellness programming, and proactively purchase appropriate, security-approved wellness and recreational equipment for the optimal benefit of the Department's Wellness programs.

Faith and Character Based Programming

The Department incorporates provisions to meet the spiritual needs of inmates through faith and character-based programming. The Faith and Character Based Residential Program (FCB) is set in correctional institutions and offers faith and character-based programming in a positive environment to inmates committed to inner transformation. The program's course offerings provide meaningful opportunities to incarcerated individuals by equipping them with competencies conducive to successful social and community reintegration and transition. This program is strictly voluntary and is nonpartisan to any specific religion.

In-Prison Substance Abuse Treatment

Research demonstrates positive net benefits to society and the criminal justice system (as measured by cost-savings) of enhancing in-prison substance abuse treatment. According to several conservative estimates, every dollar invested in addiction treatment programs yields a return between \$4 and \$7 in reduced drug-related crime, criminal justice costs, and theft. When savings related to healthcare are included, total savings can exceed costs by a ratio of 12 to 1. (NIH, 2018). Additionally, a meta-analysis published by the Washington State Institute for Public Policy reveals that for every dollar spent on residential therapeutic communities during incarceration there is a \$4.83 return, with a 63% chance the program will produce benefits greater than the cost. Furthermore, for every dollar spent on intensive outpatient treatment there is a \$10.12 return, with a 98% chance the program will produce benefits greater than the cost. Lastly, for every dollar spent on outpatient treatment there is a \$14.11 return, with a 99% chance the program will produce benefits greater than the costs (WSIPP, 2018).

Transportation at Work Release

The Department seeks to transition inmates from prison to the community as law-abiding citizens. Two common needs related to successful reentry into the community are reliable transportation and gainful employment. The Department utilizes community release programs for paid employment to assist in meeting these needs. Inmates are transitioned to a community-based setting prior to the end of their sentence to begin working and saving funds for release. The ability to provide the community-release population with bicycles for transportation to and from work, religious activities, medical appointments, and various other individual needs will allow participants to be more successful in their community-based placement. This gives individuals the opportunity to slowly integrate back into their communities with the assistance and supervision of the Department.

Additional funding authorized by this proposed legislation will assist in expanding these programming efforts allowing the Department to better attain its overall goal of developing, improving, and readying the people in its care to return to their homes and become productive citizens who are equipped to move forward and not return to prison.

- 3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?** Y ☐ N ☒

If yes, explain:	
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

- 4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?**

Proponents and summary of position:	
Opponents and summary of position:	

- 5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?** Y ☒ N ☐

If yes, provide a description:	The Department is directed to compile a report annually, at both statewide and institutional levels, documenting receipts and expenditures in the trust fund. The Department must submit the report to the Executive Office of the Governor and chairs of the appropriate substantive fiscal committees of the Senate and House of Representatives.
Date Due:	October 1 annually
Bill Section Number(s):	Section 1

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y ☐ N ☒

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ☐ N ☒

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees? If yes, explain.	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☒ N ☐

Revenues:	Deposits into the trust fund from current existing revenue streams shall be restricted to a specified amount, \$10,000,000 in any fiscal year. Funds collected in excess of this limit shall be deposited into the General Revenue Fund.
Expenditures:	Expenditures may only be made pursuant to legislative appropriation and are capped at a specified amount, \$10,000,000 for Fiscal Year 2020-21.
Does the legislation contain a State Government appropriation?	\$10,000,000 recurring appropriation is provided.
If yes, was this appropriated last year?	No

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y ☐ N ☒

Revenues:	
Expenditures:	

Other:	
--------	--

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☐ N ☒

If yes, explain impact.	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.

FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.

ADDITIONAL COMMENTS

N/A

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:

N/A

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 Committee on Criminal Justice

BILL: CS/SB 1118

INTRODUCER: Criminal Justice Committee and Senator Brandes

SUBJECT: Inmate Welfare Trust Funds

DATE: January 21, 2020

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1118, which is linked to the passage of SB 1116, amends s. 945.215, F.S., authorizing up to \$10 million collected from certain proceeds and donations by the Department of Corrections (DOC) relating to inmates to be deposited into the State-Operated Institutions Inmate Welfare Trust Fund, rather than into the General Revenue Fund. Any proceeds or funds above the \$10 million cap must be deposited into the General Revenue Fund. Further, funds in the trust fund may only be expended pursuant to legislative appropriation.

SB 1116, which is linked to this bill, establishes the State-Operated Institutions Inmate Welfare Trust Fund within the DOC to benefit and provide for the welfare of inmates incarcerated in state-operated correctional facilities.

The bill provides that the State-Operated Institutions Inmate Welfare Trust Fund is a trust held by the DOC for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the DOC. Additionally, the bill specifically enumerates the ways that the DOC may use the funds deposited into the State-Operated Institutions Inmate Welfare Trust Fund and requires the funds to be used exclusively to provide for or operate specified programming needs at correctional facilities operated by the DOC.

The bill requires the DOC to compile and submit a report detailing specific information related to the State-Operated Institutions Inmate Welfare Trust Fund to the Executive Office of the

Governor and the chairs of the appropriate substantive and fiscal committees of the Senate and the House of Representatives annually by October 1 of each year.

The bill provides an appropriation of \$10 million in recurring funds for FY 2020-2021 from the State-Operated Institutions Inmate Welfare Trust Fund to the DOC for the purpose of providing for the welfare of inmates incarcerated in correctional facilities operated directly by the DOC pursuant to s. 945.215(2), F.S.

The bill requires that a specified amount of proceeds and donations from certain sources be deposited into the State-Operated Institutions Inmate Welfare Trust Fund, rather than the General Revenue Fund. However, the funds deposited into the State-Operated Institutions Inmate Welfare Trust Fund must be used to fund services and programming for inmates. To the extent that the bill transitions the funding of such programming, the bill will likely have an indeterminate fiscal impact on the DOC and the General Revenue Fund. See Section V. Fiscal Impact Statement.

The bill is effective on the same date that SB 1116 or similar legislation takes effect if such legislation is enacted in the same legislative session or an extension thereof and becomes a law.

II. Present Situation:

Trust Funds

A trust fund may be created by law only by the Legislature and only if passed by a three-fifths vote of the membership of each house in a separate bill for that purpose only.¹ The Florida Constitution requires that state trust funds must terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund.² By law the Legislature may set a shorter time period for which any trust fund is authorized.³ The Legislature must review all state trust funds at least once every 4 years,⁴ prior to the regular session of the Legislature immediately preceding the date on which any executive or judicial branch trust fund is scheduled to be terminated,⁵ or such earlier date as the Legislature may specify⁶ and recommend to the President of the Senate and the Speaker of the House of Representatives whether the trust fund should be allowed to terminate or should be re-created.⁷

SB 1116, which is linked to this bill, establishes the State-Operated Institutions Inmate Welfare Trust Fund within the DOC to benefit and provide for the welfare of inmates incarcerated in state-operated correctional facilities.

¹ Section 215.3207, F.S.

² Art. III, s. 19(f)(2), Fla. Const.

³ *Id.*

⁴ Section 215.3208(1), F.S.

⁵ Pursuant to Art. III, s. 19(f), Fla. Const.

⁶ Section 215.3206(1), F.S.

⁷ *Id.*

Inmate Welfare

In part, s. 945.215, F.S., requires that certain proceeds from specified revenue streams or donations related to inmates in the DOC be deposited into the General Revenue Fund, including:

- Proceeds from operating inmate canteens, vending machines used primarily by inmates and visitors, hobby shops, and other such facilities.⁸
- Proceeds from contracted telephone commissions.⁹
- Any funds that may be assigned by inmates or donated to the DOC by the general public or an inmate service organization.¹⁰
- All proceeds from the following sources:
 - The confiscation and liquidation of any contraband found upon, or in the possession of, any inmate;
 - Disciplinary fines imposed against inmates;
 - Forfeitures of inmate earnings; and
 - Unexpended balances in individual inmate trust fund accounts of less than \$1.¹¹

The DOC does not currently have a trust fund to be used for the welfare of inmates incarcerated in state-operated facilities, but one was in operation from 1998 to 2003.¹² The 2003 Legislature passed and the Governor signed SB 954 (2003), which terminated the Inmate Welfare Trust Fund and required all proceeds and donations from inmates in state-operated correctional facilities to be deposited into the General Revenue Fund rather than the Inmate Welfare Trust Fund. The DOC reports that it has deposited the following amount of funds into General Revenue related to canteen commissions, vending commissions, and medical copay:

- FY 2016-17: \$34,150,970;
- FY 2017-18: \$36,569,593; and
- FY 2018-19: \$35,760,957.¹³

Privately-Operated Inmate Welfare Trust Fund

Section 944.72, F.S., establishes the Privately Operated Institutions Inmate Welfare Trust Fund (POIWTF) within the DOC. The purpose of the POIWTF is for the benefit and welfare of inmates incarcerated in private correctional facilities under contract with the DOC pursuant to ch. 944, F.S., or the Department of Management Services (DMS) pursuant to ch. 957, F.S.¹⁴ Moneys are required to be deposited in the trust fund and expenditures made from the POIWTF as provided in s. 945.215, F.S.¹⁵ Further, notwithstanding the provisions of s. 216.301, F.S., and pursuant to s. 216.351, F.S., any balance in the trust fund at the end of any fiscal year must

⁸ Section 945.215(1)(a), F.S. Funds necessary to purchase items for resale at inmate canteens and vending machines are required to be deposited into local bank accounts designated by the DOC.

⁹ Section 945.215(1)(b), F.S.

¹⁰ Section 945.215(1)(c), F.S. However, the department shall not accept any donation from, or on behalf of, any individual inmate.

¹¹ Section 945.215(1)(d), F.S.

¹² Chapter 98-388, L.O.F., created the Inmate Welfare Trust Fund. Chapter 2003-179, L.O.F., terminated the Inmate Welfare Trust Fund.

¹³ The DOC, Email from Scotti Vaughan, Deputy Legislative Affairs Director, Re: GR Deposits, January 14, 2020 (on file with Senate Criminal Justice Committee)(hereinafter cited as “The DOC Email”).

¹⁴ Section 945.215(2)(a), F.S.

¹⁵ Section 944.72(1), F.S.

remain in the POIWTF at the end of the year and be available for carrying out the purposes of the POIWTF.¹⁶

The net proceeds derived from inmate canteens, vending machines used primarily by inmates, telephone commissions, and similar sources at private correctional facilities must be deposited into the POIWTF. The funds in the POIWTF must be expended only pursuant to legislative appropriation.¹⁷

The DMS is required to annually compile a report that documents POIWTF receipts and expenditures at each private correctional facility, including to specifically identify receipt sources and expenditures. The DMS is required to compile this report for the prior fiscal year and submit the report by September 1 of each year to the chairs of the appropriate substantive and fiscal committees of the Senate and House of Representatives and to the Executive Office of the Governor.¹⁸

Programming for Inmates in State-Operated Facilities

All major institutions, or prisons, are similar to small towns in that they have their own academic and vocational schools, places of worship, medical services, maintenance facilities, parks (for visiting family), and often their own water supplies. Placement is based on institutional and individual need such as programs, education, health, and availability of bed space.¹⁹ Chapter 944, F.S., requires the DOC to provide a variety of services and programming to inmates committed to the custody of the DOC, including:

- Substance abuse treatment programs;²⁰
- Transitional services;²¹
- Educational and vocational programs;²² and
- Faith- and character-based programs.²³

These services and programs provide inmates with skills and tools to assist with an inmate's successful transition into the community upon release. These services are not offered at all prisons, therefore, services that an inmate needs to best provide rehabilitative programming are

¹⁶ Section 944.72(2), F.S. Section 216.301, F.S., specifically addresses an agency's duty to identify any incurred obligations and undisbursed balances at the end of each fiscal year. Section 216.351, F.S., provides that any subsequent inconsistent laws supersedes ch. 251, F.S., only to the extent that they do so by express reference to such chapter.

¹⁷ Section 945.215(2)(b), F.S.

¹⁸ Section 945.215(2)(c), F.S.

¹⁹ The DOC, *Annual Report Fiscal Year 2017-18*, p. 13, available at http://www.dc.state.fl.us/pub/annual/1718/FDC_AR2017-18.pdf (last visited January 14, 2020)(hereinafter cited a "Annual Report").

²⁰ Section 944.473(2), F.S., requires each inmate to be assessed to determine if he or she qualifies to receive mandated substance-abuse treatment while incarcerated. The DOC provides four levels of inmate substance abuse programming, including intensive outpatient, residential therapeutic community, program centers, and work release centers. In FY 2017-18, a total of 10,844 inmates participated in some form of substance abuse treatment. *See* Annual Report, p. 45.

²¹ Sections 944.701-944.708, F.S.

²² Section 944.801, F.S. In FY 2017-18, the DOC had 16,630 inmates participating in educational programs, 18,734 in academic programs, and 6,328 in vocational programs. Annual Report, at 33.

²³ Section 944.803, F.S., encourages the DOC to operate faith- and character-based facilities, which emphasize the importance of personal responsibility, meaningful work, education, substance abuse treatment, and peer support.

paramount to placement decisions.²⁴ The DOC reports that an estimated six percent of the department's spending is being used to pay for all prison programming.²⁵

III. Effect of Proposed Changes:

The bill amends s. 945.215, F.S., authorizing the deposit of up to \$10 million collected from the above-mentioned funds into the State-Operated Institutions Inmate Welfare Trust Fund, created by SB 1116, rather than into the General Revenue Fund, including proceeds and donations collected from the:

- Proceeds from operating inmate canteens, vending machines used primarily by inmates and visitors, hobby shops, and other such facilities.
- Proceeds from contracted telephone commissions.
- Any funds that may be assigned by inmates or donated to the DOC by the general public or an inmate service organization.
- All proceeds from the following sources:
 - The confiscation and liquidation of any contraband found upon, or in the possession of, any inmate;
 - Disciplinary fines imposed against inmates;
 - Forfeitures of inmate earnings; and
 - Unexpended balances in individual inmate trust fund accounts of less than \$1.

The bill requires any proceeds or funds collected in a fiscal year above the \$10 million cap must be deposited into the General Revenue Fund. Further, funds in the trust fund may only be expended pursuant to legislative appropriation.

The bill provides that the State-Operated Institutions Inmate Welfare Trust Fund is a trust held by the DOC for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the DOC.

Additionally, the bill restricts the manner with which the funds deposited into the State-Operated Institutions Inmate Welfare Trust Fund may be expended. The bill provides that the funds must be used exclusively to provide for or operate specified programming needs at correctional facilities operated by the DOC, specifically including:

- Literacy programs, vocational training programs, and educational programs.
- Inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries.
- Inmate substance abuse treatment programs and transition and life skills training programs.
- The purchase, rental, maintenance, or repair of electronic or audiovisual equipment, media, services, and programming used by inmates.
- The purchase, rental, maintenance, or repair of recreation and wellness equipment.
- The purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work-release program authorized under s. 945.091(1)(b), F.S.

²⁴ Annual Report, at 33.

²⁵ The DOC, SB 1118 Agency Analysis, p. 3-4 (hereinafter cited as "The DOC SB 1118 Agency Analysis")(on file with the Senate Criminal Justice Committee).

The bill also requires the DOC to compile and submit a report to the Executive Office of the Governor and the chairs of the appropriate substantive and fiscal committees of the Senate and the House of Representatives annually by October 1 of each year documenting the receipts and expenditures of the State-Operated Institutions Inmate Welfare Trust Fund for the previous fiscal year. The report must be compiled at both the statewide and institutional levels.

The bill provides an appropriation of \$10 million in recurring funds for the 2020-2021 fiscal year from the State-Operated Institutions Inmate Welfare Trust Fund to the DOC for the purpose of providing for the welfare of inmates incarcerated in correctional facilities operated directly by the DOC pursuant to s. 945.215(2), F.S.

The bill is effective on the same date that SB 1116 or similar legislation takes effect if such legislation is enacted in the same legislative session or an extension thereof and becomes a law.

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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill provides an appropriation of \$10 million in recurring funds for the 2020-2021 fiscal year from the State-Operated Institutions Inmate Welfare Trust Fund to the DOC for the purpose of providing for the welfare of inmates incarcerated in correctional facilities operated directly by the DOC pursuant to s. 945.215(2), F.S.

The bill requires that specified proceeds and donations be deposited into the State-Operated Institutions Inmate Welfare Trust Fund, rather than the General Revenue Fund, which will result in less funds being deposited into the General Revenue Fund. However, the funds deposited into the State-Operated Institutions Inmate Welfare Trust Fund pursuant to the bill must be used to fund services and programming that are required to be provided to inmates. To the extent that the bill transitions the funding of such programming from the General Revenue Fund to the newly created State-Operated Institutions Inmate Welfare Trust Fund, the bill will likely have an indeterminate fiscal impact on the DOC and the General Revenue Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 945.215 of the Florida Statutes.

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

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

CS by Criminal Justice on January 21, 2020:

The committee substitute adds the specific linked bill number, SB 1116, to the contingent effective date language.

B. Amendments:

None.



703330

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2020	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Brandes) recommended the following:

Senate Amendment

Delete line 114
and insert:
SB 1116 or similar legislation takes effect if such legislation

By Senator Brandes

24-01049C-20

20201118__

1 A bill to be entitled
 2 An act relating to inmate welfare trust funds;
 3 amending s. 945.215, F.S.; requiring that specified
 4 proceeds and funds be deposited into the State-
 5 Operated Institutions Inmate Welfare Trust Fund;
 6 providing that the trust fund is a trust held by the
 7 Department of Corrections for the benefit and welfare
 8 of certain inmates; prohibiting deposits into the
 9 trust fund from exceeding a specified amount per
 10 fiscal year; requiring that deposits in excess of that
 11 amount be deposited into the General Revenue Fund;
 12 requiring that funds of the trust fund be used
 13 exclusively for specified purposes at correctional
 14 facilities operated by the department; requiring that
 15 funds from the trust fund be expended only pursuant to
 16 legislative appropriation; requiring the department to
 17 annually compile a report documenting trust fund
 18 receipts and expenditures; requiring the department to
 19 submit the report to the Governor and the Legislature
 20 by a specified date each year; providing an
 21 appropriation; providing a contingent effective date.
 22
 23 Be It Enacted by the Legislature of the State of Florida:
 24
 25 Section 1. Present subsections (2) and (3) of section
 26 945.215, Florida Statutes, are redesignated as subsections (3)
 27 and (4), respectively, a new subsection (2) is added to that
 28 section, and paragraphs (a) through (d) of subsection (1) of
 29 that section are amended, to read:

Page 1 of 4

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

24-01049C-20

20201118__

30 945.215 Inmate welfare and employee benefit trust funds.-
 31 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS.-
 32 (a) The net proceeds from operating inmate canteens,
 33 vending machines used primarily by inmates and visitors, hobby
 34 shops, and other such facilities must be deposited into the
 35 State-Operated Institutions Inmate Welfare Trust Fund or, as
 36 provided in paragraph (2)(b), into ~~in~~ the General Revenue Fund;
 37 however, funds necessary to purchase items for resale at inmate
 38 canteens and vending machines must be deposited into local bank
 39 accounts designated by the department.
 40 (b) All proceeds from contracted telephone commissions must
 41 be deposited into the State-Operated Institutions Inmate Welfare
 42 Trust Fund or, as provided in paragraph (2)(b), into ~~in~~ the
 43 General Revenue Fund. The department shall develop and update,
 44 as necessary, administrative procedures to verify that:
 45 1. Contracted telephone companies accurately record and
 46 report all telephone calls made by inmates incarcerated in
 47 correctional facilities under the department's jurisdiction;
 48 2. Persons who accept collect calls from inmates are
 49 charged the contracted rate; and
 50 3. The department receives the contracted telephone
 51 commissions.
 52 (c) Any funds that may be assigned by inmates or donated to
 53 the department by the general public or an inmate service
 54 organization must be deposited into the State-Operated
 55 Institutions Inmate Welfare Trust Fund or, as provided in
 56 paragraph (2)(b), into ~~in~~ the General Revenue Fund; however, the
 57 department shall not accept any donation from, or on behalf of,
 58 any individual inmate.

Page 2 of 4

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

24-01049C-20

20201118__

(d) All proceeds from the following sources must be deposited into the State-Operated Institutions Inmate Welfare Trust Fund or, as provided in paragraph (2)(b), into the ~~in~~ the General Revenue Fund:

1. The confiscation and liquidation of any contraband found upon, or in the possession of, any inmate;
2. Disciplinary fines imposed against inmates;
3. Forfeitures of inmate earnings; and
4. Unexpended balances in individual inmate trust fund accounts of less than \$1.

(2) STATE-OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND.-

(a) The State-Operated Institutions Inmate Welfare Trust Fund constitutes a trust held by the department for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the department.

(b) Deposits into the trust fund may not exceed a total of \$10 million in any fiscal year. Any proceeds or funds that would cause deposits into the trust fund to exceed this limit must be deposited into the General Revenue Fund.

(c) Funds in the trust fund shall be used exclusively to provide for or operate any of the following at correctional facilities operated by the department:

1. Literacy programs, vocational training programs, and educational programs.
2. Inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries.
3. Inmate substance abuse treatment programs and transition and life skills training programs.

24-01049C-20

20201118__

4. The purchase, rental, maintenance, or repair of electronic or audiovisual equipment, media, services, and programming used by inmates.

5. The purchase, rental, maintenance, or repair of recreation and wellness equipment.

6. The purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work-release program authorized under s. 945.091(1)(b).

(d) Funds in the trust fund may be expended only pursuant to legislative appropriation.

(e) The department shall annually compile a report that documents State-Operated Institutions Inmate Welfare Trust Fund receipts and expenditures. This report must be compiled at both the statewide and institutional levels. The department must submit the report for the previous fiscal year by October 1 of each year to the Executive Office of the Governor and the chairs of the appropriate substantive and fiscal committees of the Senate and the House of Representatives.

Section 2. For the 2020-2021 fiscal year, the sum of \$10 million in recurring funds is appropriated from the State-Operated Institutions Inmate Welfare Trust Fund to the Department of Corrections for the purpose of providing for the welfare of inmates incarcerated in correctional facilities operated directly by the department pursuant to s. 945.215(2), Florida Statutes.

Section 3. This act shall take effect on the same date that SB ____ or similar legislation takes effect if such legislation is enacted in the same legislative session or an extension thereof and becomes a law.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-21-20

Meeting Date

1118

Bill Number (if applicable)

Topic Trust Fund

Amendment Barcode (if applicable)

Name Chelsea Murphy

Job Title Fla. Director

Address _____

Street

Tallahassee

City

FL

State

Zip

Phone

954.557.0016

Email

cmurphy@rightoncrime.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Right on Crime

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

January 21, 2020

Meeting Date

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

1118

Bill Number (if applicable)

Topic Inmate Welfare Trsut Funds

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title CEO

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

City

State

Zip

Email barney@barneybishop.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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)

January 21, 2020

Meeting Date

SB 1118

Bill Number (if applicable)

Topic SB 1118

Amendment Barcode (if applicable)

Name Jared Torres

Job Title Legislative Affairs Director

Address 501 South Calhoun Street

Street

Tallahassee

City

FL

State

32399

Zip

Phone 850-717-3045

Email Jared.Torres@fdc.myflorida.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Department of Corrections

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-21-20

Meeting Date

1118

Bill Number (if applicable)

Topic Inmate Trust Funds

Amendment Barcode (if applicable)

Name Greg Newburn

Job Title Fla. Director

Address PO Box 142933

Street

Gainesville

City

FL

State

32614

Zip

Phone 352-682-2542

Email gnewburn@famm.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FAMM

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 13, 2019

I respectfully request that **Senate Bill #1118**, relating to **Inmate Welfare Trust Funds**, 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", written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 24

...70.....20.2.623001.....*****
PROGRAM: CASH-L1 | SELECTED ORG: 70XXXXXXXXX | PARAMETER: | LOGON: N700SLAM | SORT: FUND, GL, GRANT

CASH-L1 AS OF 01/13/20

700000000000

DATE RUN 01/13/20

DEPARTMENT OF CORRECTIONS

COMBINED SCHEDULE OF CASH AND INVESTMENT BALANCES BY GRANT

PAGE 6

PRIVATE INMATE WELFARE TRUST FUND

20 2 623001

JANUARY 13, 2020

GRANT/GRANT TITLE

***** GRANT NOT ON TITLE FILE

MONTH-TO-DATE

8,058.46

QUARTER-TO-DATE

8,058.46

YEAR-TO-DATE

6,916,086.13

*** FUND TOTAL

8,058.46

8,058.46

6,916,086.13

Inmate Welfare Trust Fund

Revenue	FY2016-2017		FY2017-2018	
ITF Balances , \$1.00	\$	615	\$	684
* Canteen Commissions	\$	33,130,334	\$	35,428,670
Vending Commissions	\$	298,639	\$	430,813
Medical Copay	\$	721,382	\$	709,427
	\$	34,150,970	\$	36,569,593

** FDC retains an administrative fee on this program*

FY2018-2019		FY2019-2020	
\$	710	\$	455
\$	34,653,651	\$	17,140,263
\$	388,767	\$	222,800
\$	717,829	\$	381,890
<hr/>		<hr/>	
\$	35,760,957	\$	17,745,408



2020 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Corrections

<u>BILL INFORMATION</u>	
BILL NUMBER:	<u>SB 1118</u>
BILL TITLE:	<u>Inmate Welfare Trust Funds</u>
BILL SPONSOR:	<u>Senator Brandes</u>
EFFECTIVE DATE:	<u>On the same date that SB 1116 or similar legislation takes effect if such legislation is enacted in the same legislative session or an extension thereof and becomes a law</u>

<u>COMMITTEES OF REFERENCE</u>
1) Criminal Justice
2) Appropriations Subcommittee on Criminal and Civil Justice
3) Appropriations
4)
5)

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

<u>CURRENT COMMITTEE</u>

<u>SIMILAR BILLS</u>	
BILL NUMBER:	
SPONSOR:	

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	HB 871
SPONSOR:	Representative Drake

<u>Is this bill part of an agency package?</u>
Yes

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	January 10, 2020
LEAD AGENCY ANALYST:	Mark Tallent
ADDITIONAL ANALYST(S):	Emma Dugger, Lavitta Stanford, Patrick Mahoney and Jennifer Rechichi
LEGAL ANALYST:	Kristen Clemons
FISCAL ANALYST:	Emma Dugger

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill amends s. 945.215, F.S., establishing the State-Operated Institutions Inmate Welfare Trust Fund within the Florida Department of Corrections (FDC or Department) for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the state.

This legislation describes the allocation to the Department of specific proceeds and funds deposited into the State-Operated Institutions Inmate Welfare Trust Fund. The legislative requirement that monies from the trust fund be used exclusively for specified purposes at state-operated institutions will greatly benefit the Department in regards to enhancing and expanding literacy programs, vocational training programs, academic educational programs, library services, and faith and character-based programs.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Currently, the Department does not have a trust fund to be used for the welfare of inmates incarcerated in state-operated facilities.

Chapter 98-388, Laws of Florida, created the Inmate Welfare Trust Fund. However, in 2003 the Inmate Welfare Trust Fund was terminated (ch. 2003-179, LOF). Pursuant to s. 944.72, F.S., Privately operated correctional facilities still have the Privately-Operated Institutions Inmate Welfare Trust Fund (POIWTF). The net proceeds derived from inmate canteens, vending machines used primarily by inmates, telephone commissions and similar sources at private correctional facilities are deposited into the POIWTF pursuant to s. 945.215, F.S. Funds within the POIWTF may only be expended pursuant to legislative appropriation. Some of the current uses of the POIWTF include training service dogs for veterans, barbering/cosmetology programs, Commercial Driver's License programs, welding, architectural drafting, wastewater management training, veterinary assistant training, chapel programs, visitation activities, cable television and wellness equipment.

2. EFFECT OF THE BILL:

Section 1

Amends s. 945.215(1)(a), (b), (c), and (d) F.S., directing that proceeds from operating inmate canteens, vending machines used primarily by inmates and visitors, hobby shops and other such facilities, contracted telephone commissions, certain donations, liquidation of inmate contraband, disciplinary fines imposed against inmates, forfeiture of inmate earnings and unexpended balances in individual inmate trust fund accounts of less than \$1 must be deposited into the State-Operated Institutions Inmate Welfare Trust Fund or, as provided in paragraph (2)(b), into the General Revenue Fund.

Creates s. 945.215(2)(a), F.S., authorizing the State-Operated Institutions Inmate Welfare Trust fund as a trust held by the Department for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the Department.

Creates s. 945.215(2)(b), F.S., directing that deposits into the trust fund may not exceed a total of \$10 million in any fiscal year. Any proceeds or funds that would cause deposits into the trust fund to exceed this limit must be deposited into the General Revenue Fund.

Creates s. 945.215(2)(c), F.S., directing that the trust fund shall be used exclusively to provide for or operate literacy programs, vocational training programs, educational programs, inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, libraries, inmate substance abuse treatment programs, transition and life skills training programs. This section further directs that the trust fund may be used for the purchase, rental, maintenance, or repair of electronic or audiovisual equipment, media, services, and programming used by inmates; recreation and well ness equipment; bicycles used by inmates traveling to and from employment in the work-release program authorized under s.945.091(1)(b).

Creates s. 945.215(2)(d), F.S., directing that the trust fund may be expended only pursuant to legislative appropriation.

Creates s. 945.215(2)(e), F.S., requiring the Department to annually compile a report that documents State-Operated Institutions Inmate Welfare Trust Fund receipts and expenditures. The report must be compiled at both the statewide and institutional levels. The report must be submitted for the previous fiscal year by October 1 of each year.

Section 2

Provides a recurring appropriation of a specified amount, \$10,000,000.

Section 3

Provides effective date of bill.

This bill provides the Department with valuable resources to combat inmate idleness and improve safety within state operated prisons. Studies have shown that inmates who are provided with programming opportunities along with wellness and other recreational equipment are better suited in an incarcerated environment with far less instances of inmate on inmate violence.

Additionally, please note:

Academic Education

On average, it costs \$10,667.00 a year to educate an average high school student. In general, each high school completion is worth approximately, \$42,668.00. A 2001 survey conducted by the Bureau of Justice Statistics stipulated that the average annual operating cost per incarcerated person was \$22,650.00. Due to other fiscal constraints and needs, an estimated 6% of Corrections spending is being used to pay for all prison programming, to include educational programming. A meta-analysis published by the Washington State Institute for Public Policy reveals the following: for every dollar spent on Academic Education there is a \$9.65 return, with a 97% chance the program will produce benefits greater than the cost. Conclusively, research indicates that for every increase in an inmate's grade level, his/her likelihood of recidivism decreases by 4%. A 2013 Rand Corporation study shows that correctional education for incarcerated adults reduces the risk of post-release re-incarceration by 13% and does so cost-effectively, saving an average of \$5 of re-incarceration costs for every dollar spent on correctional education.

Career and Technical Education

Another meta-analysis published by the Washington State Institute for Public Policy revealed that for every dollar spent on Career & Technical Education (workforce development) there is a \$11.95 return, with a 97% chance the program will produce benefits greater than the cost. Additionally, research indicates that post-release employment prospects are improved for returning citizens participating in correctional education. Both the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Department's internal research studies reported similar positive outcomes for CTE program completers with 9.4% and 8% recidivism reduction, respectively.

Wellness Activities

In complement to the academic and workforce development programming offered, the Department's goal to educate and motivate inmates to implement positive lifestyle habits that will improve the quality of life, prolong life, and re-educate inmates regarding the importance of exercise and other health-related topics is essential. Research findings show that negative lifestyle habits such as physical inactivity, poor nutrition, and negative coping techniques are a serious threat to the health of individuals. Inmate Wellness activities decrease health costs and reduce incidents of disciplinary action by reducing inmate idleness. There is a strong body of evidence suggesting that, aside from the well-established psychological and social benefits, the provision of physical activity represents a simple intervention which can ameliorate the negative health effects of a sedentary lifestyle in prison (Meek, 2013).

The Department currently relies on donations of wellness and recreation equipment through volunteers and/or community support, and while beneficial, this results in inconsistency and inequity of what is available to all inmates. This legislation will restore the Department's ability to establish a standardized list of equipment and Wellness programming, and proactively purchase appropriate, security-approved wellness and recreational equipment for the optimal benefit of the Department's Wellness programs.

Faith and Character Based Programming

The Department incorporates provisions to meet the spiritual needs of inmates through faith and character-based programming. The Faith and Character Based Residential Program (FCB) is set in correctional institutions and offers faith and character-based programming in a positive environment to inmates committed to inner transformation. The program's course offerings provide meaningful opportunities to incarcerated individuals by equipping them with competencies conducive to successful social and community reintegration and transition. This program is strictly voluntary and is nonpartisan to any specific religion.

In-Prison Substance Abuse Treatment

Research demonstrates positive net benefits to society and the criminal justice system (as measured by cost-savings) of enhancing in-prison substance abuse treatment. According to several conservative estimates, every dollar invested in addiction treatment programs yields a return between \$4 and \$7 in reduced drug-related crime, criminal justice costs, and theft. When savings related to healthcare are included, total savings can exceed costs by a ratio of 12 to 1. (NIH, 2018). Additionally, a meta-analysis published by the Washington State Institute for Public Policy reveals that for every dollar spent on residential therapeutic communities during incarceration there is a \$4.83 return, with a 63% chance the program will produce benefits greater than the cost. Furthermore, for every dollar spent on intensive outpatient treatment there is a \$10.12 return, with a 98% chance the program will produce benefits greater than the cost. Lastly, for every dollar spent on outpatient treatment there is a \$14.11 return, with a 99% chance the program will produce benefits greater than the costs (WSIPP, 2018).

Transportation at Work Release

The Department seeks to transition inmates from prison to the community as law-abiding citizens. Two common needs related to successful reentry into the community are reliable transportation and gainful employment. The Department utilizes community release programs for paid employment to assist in meeting these needs. Inmates are transitioned to a community-based setting prior to the end of their sentence to begin working and saving funds for release. The ability to provide the community-release population with bicycles for transportation to and from work, religious activities, medical appointments, and various other individual needs will allow participants to be more successful in their community-based placement. This gives individuals the opportunity to slowly integrate back into their communities with the assistance and supervision of the Department.

Additional funding authorized by this proposed legislation will assist in expanding these programming efforts allowing the Department to better attain its overall goal of developing, improving, and readying the people in its care to return to their homes and become productive citizens who are equipped to move forward and not return to prison.

- 3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?** Y ☐ N ☒

If yes, explain:	
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

- 4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?**

Proponents and summary of position:	
Opponents and summary of position:	

- 5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?** Y ☒ N ☐

If yes, provide a description:	The Department is directed to compile a report annually, at both statewide and institutional levels, documenting receipts and expenditures in the trust fund. The Department must submit the report to the Executive Office of the Governor and chairs of the appropriate substantive fiscal committees of the Senate and House of Representatives.
Date Due:	October 1 annually
Bill Section Number(s):	Section 1

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y ☐ N ☒

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ☐ N ☒

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees? If yes, explain.	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☒ N ☐

Revenues:	Deposits into the trust fund from current existing revenue streams shall be restricted to a specified amount, \$10,000,000 in any fiscal year. Funds collected in excess of this limit shall be deposited into the General Revenue Fund.
Expenditures:	Expenditures may only be made pursuant to legislative appropriation and are capped at a specified amount, \$10,000,000 for Fiscal Year 2020-21.
Does the legislation contain a State Government appropriation?	\$10,000,000 recurring appropriation is provided.
If yes, was this appropriated last year?	No

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y ☐ N ☒

Revenues:	
Expenditures:	

Other:	
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4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☐ N ☒

If yes, explain impact.	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.

FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.

ADDITIONAL COMMENTS

N/A

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:

N/A

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 Committee on Criminal Justice

BILL: SB 1142

INTRODUCER: Senator Hooper

SUBJECT: Offenses Against Firefighters

DATE: January 17, 2020

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Erickson	Jones	CJ	Favorable
2. _____	_____	JU	_____
3. _____	_____	AP	_____

I. Summary:

SB 1142 amends s. 782.065, F.S., to require that a defendant be sentenced to life imprisonment without eligibility for release if the victim of the defendant's offense is a firefighter and the offense committed by the defendant is:

- First degree murder and a death sentence was not imposed;
- Second or third degree murder;
- Attempted first degree murder involving "premeditated design";
- Attempted second degree murder involving an "imminently dangerous" act evincing a "depraved mind"; or
- Attempted felony murder in violation of s. 782.051, F.S.

The Legislature's Office of Economic and Demographic Research preliminarily estimates that the bill will have a "positive insignificant" prison bed impact (an increase of 10 or fewer prison beds). See Section V. Fiscal Impact Statement.

The bill takes effect October 1, 2020.

II. Present Situation:

Definition of "Firefighter"

Section 633.102(9), F.S., defines a "firefighter" as an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the State Fire Marshal under s. 633.408, F.S.

Data on On-Duty Firefighter Fatalities from Violent Acts

Data collected and reported by the National Fire Protection Association (NFPA) indicates that during the time period of 2012 through 2018 at least 12 firefighters were shot and killed while on-duty.¹

Life Imprisonment for Murder of a Law Enforcement Officer and other Specified Officers

Section 782.065, F.S., requires that a defendant be sentenced to life imprisonment without eligibility for early release² upon findings by the trier of fact that, beyond a reasonable doubt:

- The defendant committed:
 - Second or third degree murder in violation of s. 782.04(2), (3), or (4), F.S.,
 - Attempted first or second degree murder in violation of s. 782.04(1)(a)1. or (2), F.S., or
 - Attempted felony murder in violation of s. 782.051, F.S.; and
- The victim of any of these described offenses was a law enforcement officer, part-time law enforcement officer, auxiliary law enforcement officer, correctional officer, part-time correctional officer, auxiliary correctional officer, correctional probation officer, part-time correctional probation officer, or auxiliary correctional probation officer engaged in the lawful performance of a legal duty.

First Degree Murder

Section 782.04(1)(a)1., F.S., punishes the unlawful killing of a human being when perpetrated from premeditated design to effect the death of the person killed or any human being.

Section 782.04(1)(a)2., F.S., punishes the unlawful killing of a human being when committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:

- Drug trafficking,
- Arson,
- Sexual battery,
- Robbery,
- Burglary,
- Kidnapping,
- Escape,
- Aggravated child abuse,
- Aggravated abuse of an elderly person or disabled adult,
- Aircraft piracy,
- Unlawful throwing, placing, or discharging of a destructive device or bomb,

¹ Firefighter fatality data were obtained by staff of the Senate Committee on Criminal Justice by reviewing the NFPA's most recent report (2019) on firefighter fatalities and archived reports back to 2012. These reports are available at <https://www.nfpa.org/News-and-Research/Data-research-and-tools/Emergency-Responders/Firefighter-fatalities-in-the-United-States> (last visited on Jan. 14, 2020). According to the relevant reports, all of the 12 fatalities were due to gunshots (suicides were excluded from data reported in this analysis). The NFPA reports do not include state-specific data regarding on-duty firefighter fatalities due to violence, and staff did not find any office or organization that collects and reports Florida-specific data regarding such fatalities.

² Section 944.275(4)(f), F.S., also mandates that prisoners sentenced to life imprisonment be incarcerated for the rest of their natural lives, unless granted pardon or clemency.

- Carjacking,
- Home-invasion robbery,
- Aggravated stalking,
- Murder of another human being,
- Resisting an officer with violence to his or her person,
- Aggravated fleeing or eluding with serious bodily injury or death,
- Felony that is an act of terrorism or is in furtherance of an act of terrorism, or
- Human trafficking.

Section 782.04(1)(a)3., F.S., punishes the unlawful killing of a human being which resulted from the unlawful distribution by a person 18 years of age or older of any Schedule I controlled substance, cocaine, specified opiates or opioids, fentanyl and specified fentanyl derivatives, and analogs of any of these controlled substances.

First degree murder is a capital felony, punishable by death or life imprisonment.³

Second Degree Murder

Section 782.04(2), F.S., punishes the unlawful killing of a human being when perpetrated by any act imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual.

Section 782.04(3), F.S., provides that when a person is killed in the perpetration of, or in the attempt to perpetrate, any of the same felony offenses previously described for first degree murder in violation of s. 782.04(1)(a)2., F.S., excluding human trafficking, by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony commits second degree murder.

Second degree murder is a first degree felony punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.⁴

Third Degree Murder

Section 782.04(4), F.S., punishes the unlawful killing of a human being, when perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, any felony other than any of the same felony offenses previously described for first degree murder in violation of s. 782.04(1)(a)2., F.S., excluding human trafficking.

³ Section 782.082, F.S.

⁴ Generally, a first degree felony is punishable by up to 30 years in state prison and a fine of up to \$10,000. Sections 775.082 and 775.083, F.S. However, when specifically provided by statute, a first degree felony may be punished by a term of years not exceeding life, and a person convicted under s. 782.04, F.S., of a first degree felony punishable by a term of years not exceeding life may be punished by a term equal to life imprisonment if the judge conducts a sentence hearing in accordance with s. 921.1401, F.S., and finds that such sentence is appropriate. Section 775.082, F.S. Section 775.084, F.S., provides enhanced penalties for qualifying repeat offenders.

Third degree murder is a second degree felony punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.⁵

Criminal Attempt

Unless otherwise provided by law, s. 777.04(4)(b)-(d), F.S., determines the felony degree of criminal attempt when the offense attempted is a capital felony, first degree felony, or second degree felony. If the offense attempted is a:

- Capital felony, the offense of criminal attempt is a first degree felony;
- First degree felony, the offense of criminal attempt is a second degree felony; and
- Second degree felony, the offense of criminal attempt is a third degree felony.

Attempted Felony Murder

Section 782.051(1), F.S., provides that any person who perpetrates or attempts to perpetrate any felony enumerated in s. 782.04(3), F.S., and who commits, aids, or abets an intentional act that is not an essential element of the felony and that could, but does not, cause the death of another commits a first degree felony, punishable by imprisonment for a term of years not exceeding life, or as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.⁶

Section 782.051(2), F.S., provides that any person who perpetrates or attempts to perpetrate any felony other than a felony enumerated in s. 782.04(3), F.S., and who commits, aids, or abets an intentional act that is not an essential element of the felony and that could, but does not, cause the death of another commits a first degree felony.⁷

Section 782.051(3), F.S., provides that when a person is injured during the perpetration of or the attempt to perpetrate any felony enumerated in s. 782.04(3), F.S., by a person other than the person engaged in the perpetration of or the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony commits a second degree felony.⁸

III. Effect of Proposed Changes:

The bill amends s. 782.065, F.S., to require that a defendant be sentenced to life imprisonment without eligibility for release if the victim of the defendant's offense is a firefighter and the offense committed by the defendant is:

- First degree murder (s. 782.04(1), F.S.) and a death sentence was not imposed;
- Second or third degree murder (s. 782.04(2), (3), or (4), F.S.);
- Attempted first degree murder involving "premeditated design" (s. 782.04(1)(a)1., F.S.);
- Attempted second degree murder involving an "imminently dangerous" act evincing a "depraved mind" (s. 782.04(2), F.S.); or
- Attempted felony murder (s. 782.051, F.S.).

⁵ A second degree felony is punishable by up to 15 years in state prison and a fine of up to \$10,000. Sections 775.082 and 775.083, F.S. Section 775.084, F.S., provides enhanced penalties for qualifying repeat offenders.

⁶ See footnote 4.

⁷ *Id.*

⁸ See footnote 5.

The bill takes effect October 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has not yet reviewed the bill. The Legislature's Office of Economic and Demographic Research (EDR) preliminarily estimates that the bill will have a "positive insignificant" prison bed impact (an increase of 10 or fewer prison beds).⁹

⁹ The EDR's preliminary estimate is on file with the Senate Committee on Criminal Justice.

The EDR provides the following information relevant to its preliminary estimate:

Per [Department of Corrections], in FY 18-19, 923 offenders were admitted to prison for committing murder. Due to data limitations, the number of offenders in this group who are eligible for such enhancements is not known. Average sentence length was 292.9 months (24.4 years), and one offender was admitted to prison for manslaughter of law enforcement/EMT/firefighter (16 years). Per [Federal Bureau of Investigation], in CY 2018, 4 law enforcement officers were feloniously killed in Florida.

While it is not known how many offenders currently receive this enhanced penalty, nor is it known how many additional offenders would receive this enhancement under the amended bill, the rarity of murder and the long sentences associated with such an offense would likely prevent a significant impact on prison beds from occurring.¹⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 782.065 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

¹⁰ *Id.*

By Senator Hooper

16-01639-20

20201142__

1 A bill to be entitled
 2 An act relating to offenses against firefighters;
 3 amending s. 782.065, F.S.; providing enhanced
 4 penalties for certain offenses committed against
 5 firefighters engaged in the performance of their legal
 6 duties; providing an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Section 782.065, Florida Statutes, is amended to
 11 read:
 12 782.065 Murder; law enforcement officer, correctional
 13 officer, correctional probation officer, firefighter.—
 14 Notwithstanding ss. 775.082, 775.0823, 782.04, 782.051, and
 15 chapter 921, a defendant shall be sentenced to life imprisonment
 16 without eligibility for release upon findings by the trier of
 17 fact that, beyond a reasonable doubt:
 18 (1) The defendant committed murder in the first degree in
 19 violation of s. 782.04(1) and a death sentence was not imposed;
 20 murder in the second or third degree in violation of s.
 21 782.04(2), (3), or (4); attempted murder in the first or second
 22 degree in violation of s. 782.04(1)(a)1. or (2); or attempted
 23 felony murder in violation of s. 782.051; and
 24 (2) The victim of any offense described in subsection (1)
 25 was a law enforcement officer, part-time law enforcement
 26 officer, auxiliary law enforcement officer, correctional
 27 officer, part-time correctional officer, auxiliary correctional
 28 officer, correctional probation officer, part-time correctional
 29 probation officer, or auxiliary correctional probation officer,

Page 1 of 2

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

16-01639-20

20201142__

30 as those terms are defined in s. 943.10, or firefighter, as
 31 defined in s. 633.102, engaged in the lawful performance of a
 32 legal duty.
 33 Section 2. This act shall take effect October 1, 2020.

Page 2 of 2

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/21/2020

Meeting Date

1142

Bill Number (if applicable)

Topic Offenses against Firefighters

Amendment Barcode (if applicable)

Name Rocco Salvatori

Job Title Firefighter

Address 343 W Madison St
Street

Phone 850-224-7333

Tallahassee FL 32301
City State Zip

Email Rocco@fpfp.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Professional Firefighters

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

January 21, 2020

Meeting Date

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

1142

Bill Number (if applicable)

Topic Offewnses Against Firefighters

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title CEO

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

City

State

Zip

Email barney@barneybishop.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ED HOOPER

16th District

COMMITTEES:

Governmental Oversight and Accountability, Chair
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Appropriations Subcommittee on Health and
Human Services
Health Policy
Infrastructure and Security
Joint Select Committee on Collective Bargaining,
Alternating Chair
Joint Administrative Procedures Committee

January 14th, 2020

Honorable Keith Perry, Chair
Committee on Criminal Justice
510 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Perry,

I am writing to request that SB 1142, Offenses Against Firefighters, be placed on the agenda to be heard in the Criminal Justice Committee.

I appreciate your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Hooper", is written over a horizontal line.

Ed Hooper

Cc: Staff Director, Lauren Jones
Administrative Assistant, Sue Arnold

REPLY TO:

- ☐ 3450 East Lake Road, Suite 305, Palm Harbor, Florida 34685-2411 (727) 771-2102
- ☐ 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

SB 1142 – Offenses Against Firefighters (Identical HB 589)

This bill amends s. 782.065, F.S., adding “firefighter, as defined in s. 633.102, F.S.” to the enhanced penalty for murder of a law enforcement officer, correctional officer, or correctional probation officer. The enhanced penalty states that “a defendant shall be sentenced to life imprisonment without eligibility for release upon findings by the trier of fact that, beyond a reasonable doubt” that a murder or attempted murder took place, with a list of victims that would make the offender eligible for such an enhancement.

Per DOC, in FY 18-19, 923 offenders were admitted to prison for committing murder. Due to data limitations, the number of offenders in this group who are eligible for such enhancements is not known. Average sentence length was 292.9 months (24.4 years), and one offender was admitted to prison for manslaughter of law enforcement/EMT/firefighter (16 years). Per FBI, in CY 2018, 4 law enforcement officers were feloniously killed in Florida.

While it is not known how many offenders currently receive this enhanced penalty, nor is it known how many additional offenders would receive this enhancement under the amended bill, the rarity of murder and the long sentences associated with such an offense would likely prevent a significant impact on prison beds from occurring.

EDR PROPOSED ESTIMATE: Positive Insignificant

Requested by: Senate

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 Committee on Criminal Justice

BILL: SB 1144

INTRODUCER: Senator Brandes

SUBJECT: Department of Juvenile Justice

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stokes	Jones	CJ	Favorable
2.			ACJ	
3.			AP	

I. Summary:

SB 1144 amends s. 20.316 F.S., to establish a new program entitled “Accountability and Program Support” within the Department of Juvenile Justice (DJJ). Creating this program will permit the secretary to appoint an assistant secretary to administer the program, thereby placing a greater focus on the DJJ’s contracting and program oversight efforts. The bill amends the existing program, “Prevention and Victim Services,” to be entitled “Prevention,” because victim services have not been provided in past years.

This bill also amends s. 985.6865, F.S., to ensure that only a county that is not fiscally constrained and that does not provide for its own detention care contributes 50 percent of the detention cost. This bill also removes language related to detention cost-sharing that is no longer relevant.

Additionally, this bill repeals s. 985.686, F.S. Section 985.686, F.S., formerly provided for a detention cost sharing plan between the DJJ and counties. This cost sharing plan is now governed by s. 985.6865, F.S.

The DJJ indicates that there will be no fiscal impact. See Section V. Fiscal Impact Statement.

This bill is effective July 1, 2020.

II. Present Situation:

The DJJ has traditionally managed juveniles under a rehabilitative model of justice.¹ The mission of the DJJ is to increase public safety by reducing juvenile delinquency through effective

¹ Learn about the History of the Juvenile Justice System in Florida, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/about-us/history> (last visited January 7, 2020).

prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.² The secretary of the DJJ is appointed by the Governor and tasked with carrying out programs to help achieve this mission.

Programs within the Department of Juvenile Justice

Section 20.316, F.S., establishes 5 programs within the DJJ. The secretary of the DJJ appoints an assistant secretary to oversee these programs. The following DJJ programs have been established by this section:

- Prevention and Victim Services. The Prevention and Victim Services program offers voluntary youth crime prevention programs throughout the state.³
- Intake and Detention. Detention is the custody status for youth that are held pursuant to a court order or after being taken into custody for a violation of the law. The DJJ operates 21 secure detention centers in 21 counties.⁴
- Residential and Correctional Facilities. The Office of Residential Services oversees the Department's development, maintenance, and management of facilities and programs that meet the needs of Florida's adjudicated delinquent youths and promote public safety.⁵
- Probation and Community Corrections. When a youth is charged with a crime they may be referred to diversion, or court ordered sanctions or probation. Each youth is assigned a probation officer who monitors compliance and helps the youth connect with service providers.⁶
- Administration. The Office of Administration is responsible for providing services to department staff, including but not limited to, financial, computer information systems, personnel, and general services.^{7, 8}

The secretary of the DJJ is responsible for planning, coordinating, and managing the delivery of all programs and services within the DJJ.⁹ The secretary has many duties, including but not limited to:

- Ensuring that programs and services are implemented according to legislative intent; state and federal laws, rules, and regulations; statewide program standards; and performance objectives by reviewing and monitoring regional and circuit program operations and providing technical assistance to those programs.
- Identifying the need for and recommending the funding and implementation of an appropriate mix of programs and services, including prevention, diversion, nonresidential

² Learn about the Vision, Mission and Guiding Principles of the Department of Juvenile Justice, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/about-us/mission> (last visited January 7, 2020).

³ Prevention & Victim Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/prevention> (last visited January 15, 2020).

⁴ Detention Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/detention> (last visited January 15, 2020).

⁵ Residential Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/residential> (last visited January 15, 2020).

⁶ Probation & Community Intervention, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/probation> (last visited January 15, 2020).

⁷ Office of Administrative Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/support/administration> (last visited January 15, 2020).

⁸ Section 20.316(2), F.S.

⁹ Sections 20.316(1)(a) and (b), F.S.

and residential commitment programs, training schools, and conditional release programs and services, with an overlay of educational, vocational, alcohol, drug abuse, and mental health services where appropriate.

- Establishing program policies and rules and ensuring that those policies and rules encourage cooperation, collaboration, and information sharing with community partners in the juvenile justice system to the extent authorized by law.¹⁰

In order to carry out his or her duties, the secretary assigns an assistant secretary to administer each program. Currently, the DJJ has a Program Accountability (OPA) office under its support services. The OPA emphasizes the DJJ's commitment to ensuring programs operated or contracted by the DJJ effectively provide for the safety, well-being, and treatment of youth under the state's care.¹¹ However, the OPA is not established under statute as an official department program. Because it is not established by statute, it cannot be administered by an assigned assistant secretary.¹²

Juvenile Detention Cost Sharing

Detention cost sharing was previously governed by s. 985.686, F.S., and provided that non-fiscally constrained counties were responsible to pay all the costs of providing preadjudicatory detention care, exclusive of the costs of any nonmedical educational or therapeutic services. Section 985.686, F.S., required the state to pay all detention care costs of fiscally constrained counties.¹³ This cost-sharing methodology led to litigation between counties and the DJJ.

In 2016, as a response to the litigation on cost-sharing, the Legislature passed s. 985.6865, F.S., creating a new cost sharing methodology. The passage of s. 985.6865, F.S., has rendered s. 985.686, F.S., obsolete.

Section 985.6865, F.S., provides that, notwithstanding s. 985.686, F.S., each fiscal year, every county that is not fiscally constrained¹⁴ and that has dismissed any action or claim described in s. 985.6865(2), F.S.,¹⁵ must pay 50 percent of the total shared detention cost.¹⁶

The DJJ calculates a county's annual percentage share by dividing the total number of detention days for juveniles residing in the non-fiscally constrained county for the most recently completed

¹⁰ Section 20.316(1), F.S.

¹¹ Office of Program Accountability, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/support/OPA> (last visited January 15, 2020).

¹² Department of Juvenile Justice, *2020 Agency Analysis of SB 1144* (December 19, 2019). On file with the Senate Committee on Criminal Justice.

¹³ Sections 985.686(3) and (4), F.S.

¹⁴ Section 985.6865(3)(b), F.S., defines "fiscally constrained county" as a county within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656, F.S., or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the certified school taxable value certified pursuant to s. 1011.62(4)(a)1.a., F.S., from the previous July 1.

¹⁵ Various counties and the DJJ have engaged in a multitude of legal proceedings, including administrative or judicial claims, regarding detention cost sharing for juveniles. Such litigation has largely focused on how the DJJ calculates the detention costs that the counties are responsible for paying, leading to the overbilling of counties for a period of years. Sections 985.6865(1) and (2), F.S.,

¹⁶ Section 985.6865(4), F.S.

12-month period by the total number of detention days for juveniles in all non-fiscally constrained counties. The county must pay 50 percent of the annual percentage share in 12 equal payments, due on the first day of each month.¹⁷

Counties that are required to pay their share of detention costs must incorporate sufficient funds to pay its share of detention costs into its annual budget.¹⁸ Funds paid by the counties to the DJJ under this section must be deposited into the Shared County/State Juvenile Detention Trust Fund.¹⁹ The DJJ will determine quarterly whether counties are complying with this section.²⁰

The State must pay all costs of detention care for juveniles:

- Residing in a fiscally constrained county.
- Residing out of State.
- Housed in state detention centers from counties that provide their own detention care for juveniles.²¹

Section 985.6865, F.S., also contains language that refers back to past litigation arising from s. 985.686, F.S. This language is outdated and has become obsolete.

III. Effect of Proposed Changes:

This bill amends s. 20.316 F.S., to establish a new program entitled “Accountability and Program Support” within the DJJ. Creating this program will permit the secretary to appoint an assistant secretary to administer the program, thereby placing a greater focus on the DJJ’s contracting and program oversight efforts. The existing program, “Prevention and Victim Services,” is amended to be entitled “Prevention,” because victim services have not been provided in past years.

This bill also amends s. 985.6865, F.S., to ensure that only a county that is not fiscally constrained and that does not provide for its own detention care contributes 50 percent of the detention cost. This bill also removes language related to detention cost-sharing that is no longer relevant.

Additionally, this bill repeals s. 985.686, F.S. Section 985.686, F.S., formerly provided for a detention cost sharing plan between the DJJ and counties. This cost sharing plan is now governed by s. 985.6865, F.S.

This bill is effective July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁷ *Id.*

¹⁸ Section 985.6865(6), F.S.

¹⁹ Section 985.6865(7), F.S.

²⁰ Section 985.6865(8), F.S.

²¹ Section 985.6865(5), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill establishes a new program entitled “Accountability and Program Support” within the DJJ. The DJJ FY 2020-21 Legislative Budget Request includes a reorganization issue that shifts full time equivalent positions and funding from existing programs to the new program, Accountability and Program Support. The DJJ indicates that there is no additional revenue required to support the new program.²²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.316 and 985.6865.

²² Department of Juvenile Justice, *2020 Agency Analysis of SB 1144* (December 19, 2019). On file with the Senate Committee on Criminal Justice.

This bill repeals section 985.686 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Brandes

24-01137B-20

20201144__

1 A bill to be entitled
 2 An act relating to the Department of Juvenile Justice;
 3 amending s. 20.316, F.S.; revising the list of
 4 programs within the department; repealing s. 985.686,
 5 F.S., relating to shared county and state
 6 responsibility for juvenile detention; amending s.
 7 985.6865, F.S.; deleting provisions relating to
 8 legislative findings and legislative intent; deleting
 9 a provision requiring each county that is not a
 10 fiscally constrained county to pay its annual
 11 percentage share of the total shared detention costs;
 12 requiring the Department of Juvenile Justice to
 13 calculate and provide to each county that is not a
 14 fiscally constrained county and that does not provide
 15 its own detention care for juveniles its annual
 16 percentage share; requiring each county that is not a
 17 fiscally constrained county and that does not provide
 18 its own detention care for juveniles to incorporate
 19 into its annual budget sufficient funds to pay its
 20 annual percentage share; conforming a provision to
 21 changes made by the act; conforming a cross-reference;
 22 providing an effective date.
 23
 24 Be It Enacted by the Legislature of the State of Florida:
 25
 26 Section 1. Subsection (2) of section 20.316, Florida
 27 Statutes, is amended to read:
 28 20.316 Department of Juvenile Justice.—There is created a
 29 Department of Juvenile Justice.

Page 1 of 4

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

24-01137B-20

20201144__

30 (2) DEPARTMENT PROGRAMS.—The following programs are
 31 established within the Department of Juvenile Justice:
 32 (a) Accountability and Program Support.
 33 ~~(d) (a) Prevention and Victim Services.~~
 34 ~~(c) (b) Intake and Detention.~~
 35 ~~(f) (e) Residential and Correctional Facilities.~~
 36 ~~(e) (d) Probation and Community Corrections.~~
 37 ~~(b) (c) Administration.~~
 38
 39 The secretary may establish assistant secretary positions and a
 40 chief of staff position as necessary to administer the
 41 requirements of this section.
 42 Section 2. Section 985.686, Florida Statutes, is repealed.
 43 Section 3. Subsections (1) through (4) and (6) of section
 44 985.6865, Florida Statutes, are amended to read:
 45 985.6865 Juvenile detention.—
 46 ~~(1) The Legislature finds that various counties and the~~
 47 ~~Department of Juvenile Justice have engaged in a multitude of~~
 48 ~~legal proceedings regarding detention cost sharing for~~
 49 ~~juveniles. Such litigation has largely focused on how the~~
 50 ~~Department of Juvenile Justice calculates the detention costs~~
 51 ~~that the counties are responsible for paying, leading to the~~
 52 ~~overbilling of counties for a period of years. Additionally,~~
 53 ~~litigation pending in 2016 is a financial burden on the~~
 54 ~~taxpayers of this state.~~
 55 ~~(2) It is the intent of the Legislature that all counties~~
 56 ~~that are not fiscally constrained counties and that have pending~~
 57 ~~administrative or judicial claims or challenges file a notice of~~
 58 ~~voluntary dismissal with prejudice to dismiss all actions~~

Page 2 of 4

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24-01137B-20

20201144

pending on or before February 1, 2016, against the state or any state agency related to juvenile detention cost sharing. Furthermore, all counties that are not fiscally constrained shall execute a release and waiver of any existing or future claims and actions arising from detention cost share prior to the 2016-2017 fiscal year. The department may not seek reimbursement from counties complying with this subsection for any underpayment for any cost-sharing requirements before the 2016-2017 fiscal year.

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

(a) "Detention care" means secure detention and respite beds for juveniles charged with a domestic violence crime.

(b) "Fiscally constrained county" means a county within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656 or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the certified school taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1.

(c) "Total shared detention costs" means the amount of funds expended by the department for the costs of detention care for the prior fiscal year. This amount includes the most recent actual certify forward amounts minus any funds it expends on detention care for juveniles residing in fiscally constrained counties or out of state.

(2)(4) Notwithstanding s. 985.686, for the 2017-2018 fiscal year, and each fiscal year thereafter, each county that is not a fiscally constrained county and that has taken the action fulfilling the intent of this section as described in subsection (2) shall pay its annual percentage share of 50 percent of the

24-01137B-20

20201144

~~total shared detention costs.~~ Annually by July 15, 2017, and each year thereafter, the department shall calculate and provide to each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles its annual percentage share by dividing the total number of detention days for juveniles residing in the county for the most recently completed 12-month period by the total number of detention days for juveniles in all counties that are not fiscally constrained counties during the same period. The annual percentage share of each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles must be multiplied by 50 percent of the total shared detention costs to determine that county's share of detention costs. Beginning August 1, each such county shall pay to the department its share of detention costs, which shall be paid in 12 equal payments due on the first day of each month. The state shall pay the remaining actual costs of detention care.

(4)(6) Each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles ~~has taken the action fulfilling the intent of this section as described in subsection (2)~~ shall incorporate into its annual county budget sufficient funds to pay its annual percentage share of the total shared detention costs required by subsection (2) (4).

Section 4. This act shall take effect July 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

January 21, 2020

Meeting Date

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

1144

Bill Number (if applicable)

Topic Department of Juvenile Justice

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title CEO

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email barney@barneybishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/21/20
Meeting Date

SB 1144
Bill Number (if applicable)

Topic Department of Juvenile Justice

Amendment Barcode (if applicable)

Name Christian Minor

Job Title Exec. Director

Address 1360 N Adams St.

Phone 321-223-4232

Street

Tallahassee
City

FL
State

32303
Zip

Email cmminor@fjja.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Juvenile Justice Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/21/2020

Meeting Date

SB1144

Bill Number (if applicable)

Topic Department of Juvenile Justice

Amendment Barcode (if applicable)

Name Simone Morstiller

Job Title Secretary

Address 2737 Centerview Dr.

Phone 717-2716

Street

Tallahassee

FL

32398

City

State

Zip

Email rachel.morstiller@flcourts.gov

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Dept. of Juvenile Justice

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Gayle Harrell
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 13, 2019

I respectfully request that **Senate Bill #1144**, relating to **Department of Juvenile Justice**, 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 line extending to the right.

Senator Jeff Brandes
Florida Senate, District 24



2020 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Juvenile Justice

BILL INFORMATION

BILL NUMBER:	SB 1144
BILL TITLE:	Department of Juvenile Justice
BILL SPONSOR:	Senator Brandes
EFFECTIVE DATE:	July 1, 2020

COMMITTEES OF REFERENCE

1) Criminal Justice
2) Appropriations Sub. on Criminal & Civil Justice
3) Appropriations
4) Click or tap here to enter text.
5) Click or tap here to enter text.

CURRENT COMMITTEE

Criminal Justice

SIMILAR BILLS

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

PREVIOUS LEGISLATION

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

IDENTICAL BILLS

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

Is this bill part of an agency package?

Yes, The Department of Juvenile Justice

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	12/19/19 – For more information please contact Legislative Affairs Director Rachel Moscoso at (850) 717-2716
LEAD AGENCY ANALYST:	Sam Kerce, Deputy Legislative Affairs Director
ADDITIONAL ANALYST(S):	Click or tap here to enter text.
LEGAL ANALYST:	John Mila, Asst. General Counsel
FISCAL ANALYST:	Click or tap here to enter text.

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Creates a new program within the Department of Juvenile Justice. Removes outdated language related to detention cost share with counties.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Florida statute establishes the following programs within the Department of Juvenile Justice: Prevention and Victim Services, Intake and Detention, Residential and Correctional Facilities, Probation and Community Corrections, and Administration. An assistant secretary, appointed by the Department secretary, administers each of these programs. While DJJ does have a Program Accountability office under its support services, this office is not established in current statute as an official department program, and therefore cannot have an assigned assistant secretary to administer it.

Additionally, s. 985.686, F.S., and a portion of s. 985.6865, F.S., are obsolete and should be removed from statute. Furthermore, s. 985.686 F.S. should clearly state that counties that provide their own detention care for juveniles as well as fiscally constrained counties are excluded from detention cost share.

2. EFFECT OF THE BILL:

Section 1:

The bill creates an additional program, Accountability and Program Support, which will allow for the appointment of an assistant secretary to administer it. Elevating this program will place a greater focus on the Department's contracting and program oversight efforts.

The bill further amends s. 20.316, F.S., to remove "Victim Services" from the name of the Prevention and Victim Services Program, as victim services have not been provided for many years.

Section 2:

The bill removes outdated language by repealing s. 985.686 F.S., Shared county and state responsibility for juvenile detention.

Section 3

Amends s. 985.6865, F.S., to remove outdated language and insert language clarifying that only counties who are not fiscally constrained and do not provide their own detention care for juveniles will be billed for their share of detention care.

Section 4:

Provides an effective date of July 1, 2020.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☐ N ☒

If yes, explain:	Click or tap here to enter text.
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	Click or tap here to enter text.

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	The Department of Juvenile Justice
Opponents and summary of position:	Unknown.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?Y ☐ N ☒

If yes, provide a description:	Click or tap here to enter text.
Date Due:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?Y ☐ N ☒

Board:	Click or tap here to enter text.
Board Purpose:	Click or tap here to enter text.
Who Appoints:	Click or tap here to enter text.
Changes:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

FISCAL ANALYSIS**1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?**Y ☐ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Does the legislation increase local taxes or fees? If yes, explain.	Click or tap here to enter text.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	Click or tap here to enter text.

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?Y ☐ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Does the legislation contain a State Government appropriation?	Click or tap here to enter text.
If yes, was this appropriated last year?	Click or tap here to enter text.

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?Y ☐ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Other:	Click or tap here to enter text.

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☐ N ☒

If yes, explain impact.	Click or tap here to enter text.
Bill Section Number:	Click or tap here to enter text.

TECHNOLOGY IMPACT**1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?**Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.	Click or tap here to enter text.
--	----------------------------------

FEDERAL IMPACT**1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?**Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.	Click or tap here to enter text.
--	----------------------------------

ADDITIONAL COMMENTS

The department's FY 2020-21 LBR includes a reorganization issue that shifts full-time equivalent positions and funding from existing programs to the new program, "Accountability and Program Support". No additional revenue is required to support this new program.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	Click or tap here to enter text.
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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 1146

INTRODUCER: Criminal Justice Committee and Senator Brandes

SUBJECT: Special Risk Class of the Florida Retirement System

DATE: January 21, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stokes	Jones	CJ	Fav/CS
2.			GO	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1146 amends s. 121.0515, F.S., to revise criteria for membership in the Special Risk Class of the Florida Retirement System (FRS) to include juvenile justice detention officers I and II and juvenile justice detention supervisors with the Department of Juvenile Justice (DJJ).

Juvenile justice detention officers I and II (JDO) serve as a front-line direct care staff who supervise and manage all youth assigned to a juvenile detention center. JDOs are tasked with ensuring the safety and security of all youth in custody, and that youth are provided their constitutional rights regarding access to legal, medical, and mental health issues.

This bill provides a Legislative finding of an important state interest.

The DJJ and counties will incur higher retirement contributions to fund these enhanced benefits for employees moving from the Regular Class to the Special Risk Class of the Florida Retirement System as specified in this bill. The DJJ requested \$6.2 million in recurring funds for special risk retirement benefits for JDOs and JDO supervisors. Counties will be billed for their half of the increase in cost in accordance with s. 985.6865, F.S. See Section V. Fiscal Impact Statement.

This bill is effective July 1, 2020.

II. Present Situation:

The Florida Retirement System (FRS)

General Background

The FRS was established in 1970.¹ The FRS is a multi-employer, contributory plan, governed by the Florida Retirement System Act in ch. 121, F.S. As of June 30, 2019, the FRS had 647,942 active members, 424,895 annuitants, 15,783 disabled retirees, and 32,670 active participants of the Deferred Retirement Option Program (DROP).² As of June 30, 2019, the FRS consisted of 976 participating employers enrolling new members and 44 participating employers closed to new FRS membership with grandfathered FRS members.³

The membership of the FRS is divided into five membership classes:

- The Regular Class⁴ consists of 554,631 active members and 7,629 in renewed membership;⁵
- The Special Risk Class⁶ includes 74,274 active members and 1,112 in renewed membership;
- The Special Risk Administrative Support Class⁷ has 100 active members;
- The Elected Officers' Class⁸ has 2,088 active members and 112 in renewed membership; and
- The Senior Management Service Class⁹ has 7,767 active members and 214 in renewed membership.¹⁰

Each class is funded separately based upon the costs attributable to the members of that class.

Members of the FRS have two primary plan options available for participation:

- The defined contribution plan, also known as the Investment Plan; and
- The defined benefit plan, also known as the Pension Plan.

¹ Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2019, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems*, p. 35, available at https://www.rol.frs.state.fl.us/forms/2018-19_CAFR.pdf (last visited January 6, 2020).

² *Id.* at 158.

³ *Id.* at 8.

⁴ The Regular Class is for all members who are not assigned to another class. Section 121.021(12), F.S.

⁵ Effective July 1, 2017, retirees of specified defined contribution plans employed in a regularly established position are eligible to be enrolled as renewed members of the defined contribution plan covering the position held except the Senior Management Service Optional Annuity Program that is closed to new members. FRS Pension Plan retirees remain ineligible for renewed membership. Section 121.122, F.S.

⁶ The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics and emergency technicians, among others. Section 121.0515, F.S.

⁷ The Special Risk Administrative Support Class is for a Special Risk Class member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the FRS. Section 121.0515(8), F.S.

⁸ The Elected Officers' Class is for elected state and county officers, and for those elected municipal or special district officers whose governing body has chosen Elected Officers' Class participation for its elected officers. Section 121.052, F.S.

⁹ The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. Section 121.055, F.S.

¹⁰ Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2019, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems*, p. 161, available at https://www.rol.frs.state.fl.us/forms/2018-19_CAFR.pdf (last visited January 6, 2020).

The Special Risk Class of the FRS

The Special Risk Class of the FRS consists of state and local government employees who meet the criteria for special risk membership. The class covers persons employed in law enforcement, firefighting, criminal detention, and emergency and forensic medical care who meet statutory criteria for membership as set forth in s. 121.0515, F.S.

When originally establishing the Special Risk Class of membership in the FRS, the Legislature recognized that persons employed in certain categories of positions:

[A]re required to perform work that is physically demanding or arduous, or work that requires extraordinary agility and mental acuity, and that such persons, because of diminishing physical and mental faculties, may find that they are not able, without risk to the health and safety of themselves, the public, or their coworkers, to continue performing such duties and thus enjoy the full career and retirement benefits enjoyed by persons employed in other membership classes and that, if they find it necessary, due to the physical and mental limitations of their age, to retire at an earlier age and usually with less service, they will suffer an economic deprivation therefrom.¹¹

Compared to Regular Class members, a person who is a member in the Special Risk Class earns a higher annual service accrual rate, may retire at an earlier age and is eligible to receive higher disability and death benefits. As a result, the contribution rates to fund the normal cost of the Special Risk benefits is higher than the contribution rates to fund the normal cost of the Regular Class benefits. Similarly, the contribution rates to fund the unfunded liabilities of the Special Risk Class is higher than the similar type contribution rates for the Regular Class.¹²

Cost Sharing

Cost sharing is governed by s. 985.6865, F.S., which provides, notwithstanding s. 985.686, F.S., each fiscal year, every county that is not fiscally constrained¹³ and that has dismissed any action or claim described in s. 985.6865(2), F.S.,¹⁴ must pay 50 percent of the total shared detention cost.¹⁵

The DJJ calculates a county's annual percentage share by dividing the total number of detention days for juveniles residing in the non-fiscally constrained county for the most recently completed

¹¹ Section 121.0515(1), F.S.

¹² Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2019, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems*, p. 41, available at https://www.rol.frs.state.fl.us/forms/2018-19_CAFR.pdf (last visited January 6, 2020).

¹³ Section 985.6865(3)(b), F.S., defines "fiscally constrained county" as a county within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656, F.S., or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the certified school taxable value certified pursuant to s. 1011.62(4)(a)1.a., F.S., from the previous July 1.

¹⁴ Various counties and the DJJ have engaged in a multitude of legal proceedings, including administrative or judicial claims, regarding detention cost sharing for juveniles. Such litigation has largely focused on how the DJJ calculates the detention costs that the counties are responsible for paying, leading to the overbilling of counties for a period of years. Sections 985.6865(1) and (2), F.S.

¹⁵ Section 985.6865(4), F.S.

12-month period by the total number of detention days for juveniles in all non-fiscally constrained counties. The county must pay 50 percent of the annual percentage share in 12 equal payments, due on the first day of each month.¹⁶

Counties that are required to pay their share of detention costs must incorporate sufficient funds to pay its share of detention costs into its annual budget.¹⁷ Funds paid by the counties to the DJJ under this section must be deposited into the Shared County/State Juvenile Detention Trust Fund.¹⁸ The DJJ will determine quarterly whether counties are complying with this section.¹⁹

The State must pay all costs of detention care for juveniles:

- Residing in a fiscally constrained county.
- Residing out of State.
- Housed in state detention centers from counties that provide their own detention care for juveniles.²⁰

Department of Juvenile Justice

JDOs serve as front-line direct care staff who supervise and manage all youth assigned to juvenile detention centers.²¹ The DJJ operates 21 secure detention centers in 21 counties with a total of 1,243 beds. Youth placed in secure detention have been assessed as risks to public safety and must remain in a physically secure detention center while awaiting court proceedings.²²

Section 985.66, F.S., provides minimum requirements for program staff of the DJJ who deliver direct-care services. These minimum requirements include that the staff must:

- Be at least 19 years of age.
- Be a high school graduate or its equivalent as determined by the DJJ.
- Not have been convicted of any felony or a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States.
- Abide by all of s. 985.644(1), F.S., which provides requirements for fingerprinting and background investigations.
- Execute and submit to the department an affidavit-of-application form, adopted by the DJJ, attesting to his or her compliance with the above requirements.²³

¹⁶ *Id.*

¹⁷ Section 985.6865(6), F.S.

¹⁸ Section 985.6865(7), F.S.

¹⁹ Section 985.6865(8), F.S.

²⁰ Section 985.6865(5), F.S.

²¹ Department of Juvenile Justice, *2020 Agency Analysis of SB 1146* (December 19, 2019). On file with the Senate Committee on Criminal Justice.

²² Department of Juvenile Justice, *Detention Services*, available at <http://www.djj.state.fl.us/services/detention> (last visited January 6, 2020).

²³ Section 985.66(3), F.S.

Section 985.66, F.S., also provides that the DJJ must establish staff development and training, and requires that DJJ staff who provide direct care must complete the DJJ approved program of training pertinent to their areas of responsibility.²⁴

The DJJ had a total of 1,172 JDO direct care worker positions that supervised a total of 12,290 youth during the FY 2018-19. The turnover rate for the entry-level JDO positions was 64 percent for FY 2018-19, and the average vacancy rate was 25 percent. According to the DJJ, this has led to the DJJ spending over \$6 million per year over the last four fiscal years in overtime pay to compensate these vacancies.²⁵

As of July 2019, approximately 51 percent of the detention workforce had less than two years of experience. JDOs rely on hand-to-hand takedowns when a situation escalates to a physical altercation, and they do not carry tasers or pepper spray. The DJJ has a 63 percent higher workers' compensation claim rate than the Florida Department of Corrections. According to the DJJ, in FY 2018-19, 31 per 100 JDOs were injured on the job, 41 were victims of assault by youth, and 135 staff were injured while trying to restrain a youth in an emergency situation.²⁶

JDOs and JDO supervisors are currently not eligible for Special Risk Class retirement.

III. Effect of Proposed Changes:

The bill amends s. 121.0515, F.S., to revise criteria for membership in the Special Risk Class of the FRS to include JDOs and JDO supervisors with the DJJ.

To be eligible for Special Risk Class membership, the employee must:

- Be employed as a JDO or JDO supervisor at the DJJ;
- Be certified or required to be certified in accordance with s. 985.66(3), F.S., which provides minimum requirements for staff and requires the DJJ to establish staff development and training programs;
- Have primary duties and responsibilities that include ensuring the custody, and applying physical restraint when necessary, of detained youth within a juvenile detention facility or while being transported; or
- Be the supervisor or command officer of a member who has such duties and responsibilities.

This bill provides a Legislative finding of an important state interest:

The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and that are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Article X of the State Constitution and part

²⁴ *Id.*

²⁵ Department of Juvenile Justice, *2020 Agency Analysis of SB 1146* (December 19, 2019). On file with the Senate Committee on Criminal Justice.

²⁶ *Id.*

VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

This bill is effective July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, Section 18(a) of the State Constitution provides in part that a county or municipality may not be bound by any general law requiring the county or municipality to spend funds or to take action that requires the expenditure of funds unless certain specified exemptions or exceptions are met.

This bill reclassifies JDOs and JDO supervisors as a Special Risk Class in the FRS. While the bill does not expressly require a county or municipality to expend funds, counties will be responsible for 50 percent of the cost increase associated with the reclassification of county JDOs and JDO supervisors, in accordance with s. 985.6865, F.S., which provides the cost sharing requirements between the DJJ and counties.

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.

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:

This bill reclassifies JDOs and JDO supervisors as Special Risk Class in the FRS. The DJJ and counties will incur higher retirement contributions to fund these enhanced benefits for employees moving from the Regular Class to the Special Risk Class of the FRS as specified in this bill. The DJJ requested \$6.2 million in recurring funds for Special Risk retirement benefits for JDOs and JDO supervisors.²⁷ Counties will be billed for their half of the increase in cost in accordance with s. 985.6865, F.S.²⁸ Non-fiscally constrained counties are required to contribute 50 percent of the total detention costs.²⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 121.0515 of the Florida Statutes.

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

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

CS by Criminal Justice on January 21, 2020:

The committee substitute changes the terms “juvenile detention officer” to “juvenile justice detention officers I and II” and “juvenile detention officer supervisor” to “juvenile justice detention officer supervisor.”

Additionally, the committee substitute provides a statement of an important state interest.

B. Amendments:

None.

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

²⁷ Florida Fiscal Portal, *Agency Legislative Budget Request for Fiscal Year 2020-2021, Exhibit D-3A: Expenditures by Issue and Appropriation Category*, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=19211&DocType=PDF> (last visited January 6, 2020).

²⁸ Department of Juvenile Justice, *2020 Agency Analysis of SB 1146* (December 19, 2019). On file with the Senate Committee on Criminal Justice.

²⁹ Section 985.6865(4), F.S.



916192

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2020	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 17 - 18

and insert:

the Department of Juvenile Justice as a juvenile justice
detention officer I or II or a juvenile justice detention
officer supervisor and meet the

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

And the title is amended as follows:

Delete line 4



916192

11 and insert:
12 adding juvenile justice detention officers I and II
13 and juvenile justice



275386

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2020	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 238 - 246
and insert:
a juvenile justice detention officer I or II or a juvenile
justice detention officer supervisor at the Department of
Juvenile Justice; be certified, in accordance with s. 985.66(3);
and have primary duties and responsibilities that include
ensuring the custody, and applying physical restraint when
necessary, of detained youth within a juvenile detention



275386

11 facility or while being transported, or be the supervisor of a
12 member who has such duties and responsibilities.

13 Section 2. The Legislature finds that a proper and
14 legitimate state purpose is served when employees and retirees
15 of the state and its political subdivisions, and the dependents,
16 survivors, and beneficiaries of such employees and retirees, are
17 extended the basic protections afforded by governmental
18 retirement systems. These persons must be provided benefits that
19 are fair and adequate and that are managed, administered, and
20 funded in an actuarially sound manner, as required by s. 14,
21 Article X of the State Constitution and part VII of chapter 112,
22 Florida Statutes. Therefore, the Legislature determines and
23 declares that this act fulfills an important state interest.

24
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete lines 4 - 7

28 and insert:

29 adding juvenile justice detention officers I and II
30 and juvenile justice detention officer supervisors
31 employed by the Department of Juvenile Justice who
32 meet certain criteria to the class; providing a
33 declaration of important state interest; providing an
34 effective date.

By Senator Brandes

24-01165-20

20201146__

A bill to be entitled

An act relating to the Special Risk Class of the Florida Retirement System; amending s. 121.0515, F.S.; adding juvenile detention officers and juvenile detention officer supervisors employed by the Department of Juvenile Justice who meet certain criteria to the class; providing an effective date.

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

Section 1. Subsection (3) of section 121.0515, Florida Statutes, is amended, and paragraph (i) is added to subsection (2) of that section, to read:

121.0515 Special Risk Class.—

(2) MEMBERSHIP.—

(i) Effective July 1, 2020, the member must be employed by the Department of Juvenile Justice as a juvenile detention officer or a juvenile detention officer supervisor and meet the special criteria set forth in paragraph (3)(k).

(3) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(a) Effective October 1, 1978, the member must be employed as a law enforcement officer and be certified, or required to be certified, in compliance with s. 943.1395, ~~except that, however, sheriffs and elected police chiefs are not required to be certified excluded from meeting the certification requirements of this paragraph.~~ In addition, the member's duties and responsibilities must include the pursuit, apprehension, and arrest of law violators or suspected law violators; or as of

24-01165-20

20201146__

July 1, 1982, the member must be an active member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; or the member must be the supervisor or command officer of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, are not included;

(b) Effective October 1, 1978, the member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.408 and be employed solely within the fire department of a local government employer or an agency of state government with firefighting responsibilities. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires; as of October 1, 2001, fire prevention or firefighter training; as of October 1, 2001, direct supervision of firefighting units, fire prevention, or firefighter training; or as of July 1, 2001, aerial firefighting surveillance performed by fixed-wing aircraft pilots employed by the Florida Forest Service of the Department of Agriculture and Consumer Services; or the member must be the supervisor or command officer of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, are not included. All periods of creditable service in fire prevention or firefighter training, or as the supervisor or command officer of a member or members who have such responsibilities, and for which the employer paid the special

24-01165-20

20201146__

59 risk contribution rate, are included;

60 (c) Effective October 1, 1978, the member must be employed
61 as a correctional officer and be certified, or required to be
62 certified, in compliance with s. 943.1395. In addition, the
63 member's primary duties and responsibilities must be the
64 custody, and physical restraint ~~if when~~ necessary, of prisoners
65 or inmates within a prison, jail, or other criminal detention
66 facility, or while on work detail outside the facility, or while
67 being transported; or as of July 1, 1984, the member must be the
68 supervisor or command officer of a member or members who have
69 such responsibilities. Administrative support personnel,
70 including, but not limited to, those whose primary duties and
71 responsibilities are in accounting, purchasing, legal, and
72 personnel, are not included; however, wardens and assistant
73 wardens, as defined by rule, are included;

74 (d) Effective October 1, 1999, the member must be employed
75 by a licensed Advance Life Support (ALS) or Basic Life Support
76 (BLS) employer as an emergency medical technician or a paramedic
77 and be certified in compliance with s. 401.27. In addition, the
78 member's primary duties and responsibilities must include on-
79 the-scene emergency medical care or as of October 1, 2001,
80 direct supervision of emergency medical technicians or
81 paramedics, or the member must be the supervisor or command
82 officer of one or more members who have such responsibility.
83 Administrative support personnel, including, but not limited to,
84 those whose primary responsibilities are in accounting,
85 purchasing, legal, and personnel, are not included;

86 (e) Effective January 1, 2001, the member must be employed
87 as a community-based correctional probation officer and be

24-01165-20

20201146__

88 certified, or required to be certified, in compliance with s.
89 943.1395. In addition, the member's primary duties and
90 responsibilities must be the supervised custody, surveillance,
91 control, investigation, and counseling of assigned inmates,
92 probationers, parolees, or community controllees within the
93 community; or the member must be the supervisor of a member or
94 members who have such responsibilities. Administrative support
95 personnel, including, but not limited to, those whose primary
96 duties and responsibilities are in accounting, purchasing, legal
97 services, and personnel management, are not included; however,
98 probation and parole circuit and deputy circuit administrators
99 are included;

100 (f) Effective January 1, 2001, the member must be employed
101 in one of the following classes and must spend at least 75
102 percent of his or her time performing duties that ~~which~~ involve
103 contact with patients or inmates in a correctional or forensic
104 facility or institution:

- 105 1. Dietitian (class codes 5203 and 5204);
- 106 2. Public health nutrition consultant (class code 5224);
- 107 3. Psychological specialist (class codes 5230 and 5231);
- 108 4. Psychologist (class code 5234);
- 109 5. Senior psychologist (class codes 5237 and 5238);
- 110 6. Regional mental health consultant (class code 5240);
- 111 7. Psychological Services Director-DCF (class code 5242);
- 112 8. Pharmacist (class codes 5245 and 5246);
- 113 9. Senior pharmacist (class codes 5248 and 5249);
- 114 10. Dentist (class code 5266);
- 115 11. Senior dentist (class code 5269);
- 116 12. Registered nurse (class codes 5290 and 5291);

24-01165-20 20201146__

117 13. Senior registered nurse (class codes 5292 and 5293);
 118 14. Registered nurse specialist (class codes 5294 and
 119 5295);
 120 15. Clinical associate (class codes 5298 and 5299);
 121 16. Advanced practice registered nurse (class codes 5297
 122 and 5300);
 123 17. Advanced practice registered nurse specialist (class
 124 codes 5304 and 5305);
 125 18. Registered nurse supervisor (class codes 5306 and
 126 5307);
 127 19. Senior registered nurse supervisor (class codes 5308
 128 and 5309);
 129 20. Registered nursing consultant (class codes 5312 and
 130 5313);
 131 21. Quality management program supervisor (class code
 132 5314);
 133 22. Executive nursing director (class codes 5320 and 5321);
 134 23. Speech and hearing therapist (class code 5406); or
 135 24. Pharmacy manager (class code 5251);
 136 (g) Effective October 1, 2005, through June 30, 2008, the
 137 member must be employed by a law enforcement agency or medical
 138 examiner's office in a forensic discipline recognized by the
 139 International Association for Identification and must qualify
 140 for active membership in the International Association for
 141 Identification. The member's primary duties and responsibilities
 142 must include the collection, examination, preservation,
 143 documentation, preparation, or analysis of physical evidence or
 144 testimony, or both, or the member must be the direct supervisor,
 145 quality management supervisor, or command officer of one or more

24-01165-20 20201146__

146 individuals with such responsibility. Administrative support
 147 personnel, including, but not limited to, those whose primary
 148 responsibilities are clerical or in accounting, purchasing,
 149 legal, and personnel, are not included;
 150 (h) Effective July 1, 2008, the member must be employed by
 151 the Department of Law Enforcement in the crime laboratory or by
 152 the Division of State Fire Marshal in the forensic laboratory in
 153 one of the following classes:
 154 1. Forensic technologist (class code 8459);
 155 2. Crime laboratory technician (class code 8461);
 156 3. Crime laboratory analyst (class code 8463);
 157 4. Senior crime laboratory analyst (class code 8464);
 158 5. Crime laboratory analyst supervisor (class code 8466);
 159 6. Forensic chief (class code 9602); or
 160 7. Forensic services quality manager (class code 9603);
 161 (i) Effective July 1, 2008, the member must be employed by
 162 a local government law enforcement agency or medical examiner's
 163 office and must spend at least 65 percent of his or her time
 164 performing duties that involve the collection, examination,
 165 preservation, documentation, preparation, or analysis of human
 166 tissues or fluids or physical evidence having potential
 167 biological, chemical, or radiological hazard or contamination,
 168 or use chemicals, processes, or materials that may have
 169 carcinogenic or health-damaging properties in the analysis of
 170 such evidence, or the member must be the direct supervisor of
 171 one or more individuals having such responsibility. If a special
 172 risk member changes to another position within the same agency,
 173 he or she must submit a complete application as provided in
 174 paragraph (4)(a); ~~or~~

24-01165-20

20201146__

(j) The member must have already qualified for and be actively participating in special risk membership under paragraph (a), paragraph (b), or paragraph (c), must have suffered a qualifying injury as defined in this paragraph, must not be receiving disability retirement benefits as provided in s. 121.091(4), and must satisfy the requirements of this paragraph.

1. The ability to qualify for the class of membership defined in paragraph (2)(h) occurs when two licensed medical physicians, one of whom is a primary treating physician of the member, certify the existence of the physical injury and medical condition that constitute a qualifying injury as defined in this paragraph and ~~that~~ the member has reached maximum medical improvement after August 1, 2008. The certifications from the licensed medical physicians must include, at a minimum, that the injury to the special risk member has resulted in a physical loss, or loss of use, of at least two of the following: left arm, right arm, left leg, or right leg; and that:

a. ~~The~~ ~~That this~~ physical loss or loss of use is total and permanent, unless except if the loss of use is due to a physical injury to the member's brain, in which event the loss of use is permanent with at least 75 percent loss of motor function with respect to each arm or leg affected.

b. ~~The~~ ~~That this~~ physical loss or loss of use renders the member physically unable to perform the essential job functions of his or her special risk position.

c. ~~That~~, Notwithstanding this physical loss or loss of use, the individual can perform the essential job functions required by the member's new position, as provided in subparagraph 3.

24-01165-20

20201146__

d. ~~That~~ Use of artificial limbs is not possible or does not alter the member's ability to perform the essential job functions of the member's position.

e. ~~That~~ The physical loss or loss of use is a direct result of a physical injury and not a result of any mental, psychological, or emotional injury.

2. For the purposes of this paragraph, "qualifying injury" means an injury sustained in the line of duty, as certified by the member's employing agency, by a special risk member which ~~that~~ does not result in total and permanent disability as defined in s. 121.091(4)(b). An injury is a qualifying injury if the injury is a physical injury to the member's physical body resulting in a physical loss, or loss of use, of at least two of the following: left arm, right arm, left leg, or right leg. Notwithstanding any other provision of this section, an injury that would otherwise qualify as a qualifying injury is not ~~considered~~ a qualifying injury if and when the member ceases employment with the employer for whom he or she was providing special risk services on the date the injury occurred.

3. The new position, as described in sub-subparagraph 1.c., which ~~that~~ is required for qualification as a special risk member under this paragraph is not required to be a position with essential job functions that entitle an individual to special risk membership. Whether a new position as described in sub-subparagraph 1.c. exists and is available to the special risk member is a decision to be made solely by the employer in accordance with its hiring practices and applicable law.

4. This paragraph does not grant or create additional rights for any individual to continued employment or to be hired

24-01165-20

20201146

or rehired by his or her employer ~~which that~~ are not already
provided by state law ~~within the Florida Statutes~~, the State
Constitution, the Americans with Disabilities Act, if
applicable, or any other ~~applicable state or~~ federal law; ~~or~~
(k) Effective July 1, 2020, the member must be employed as
a juvenile detention officer or a juvenile detention officer
supervisor at the Department of Juvenile Justice; be certified,
or required to be certified, in accordance with s. 985.66(3);
and have primary duties and responsibilities that include
ensuring the custody, and applying physical restraint when
necessary, of detained youth within a juvenile detention
facility or while being transported, or be the supervisor or
command officer of a member who has such duties and
responsibilities.

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

THE FLORIDA SENATE
APPEARANCE RECORD

January 21, 2020

Meeting Date

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

1146

Bill Number (if applicable)

Topic Special Risk Class of Florida Retirement System

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title CEO

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email barney@barneybishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/21/20
Meeting Date

SB 1146
Bill Number (if applicable)

Topic Special Risk Class of FL Reformat System

Amendment Barcode (if applicable)

Name Christian Minor

Job Title Executive Director

Address 1300 N Adams St.

Phone 321-223-4232

Street

Tallahassee
City

FL
State

32363
Zip

Email cmminor@fjjg.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Juvenile Justice Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/21/2020

Meeting Date

SB 1146

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Simone Morstiller

Job Title Secretary

Address 2737 Centerview Dr.

Phone 777-2716

Street

Tallahassee FL 32399

City

State

Zip

Email rachel.morstiller@state.fl.us

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Dept. of Juvenile Justice

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Keith Perry
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 13, 2019

I respectfully request that **Senate Bill #1146**, relating to **Special Risk Class of the Florida Retirement System**, 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 line extending to the right.

Senator Jeff Brandes
Florida Senate, District 24



2020 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Juvenile Justice

BILL INFORMATION

BILL NUMBER:	SB 1146
BILL TITLE:	Special Risk Class of the Florida Retirement System
BILL SPONSOR:	Senator Brandes
EFFECTIVE DATE:	July 1, 2020

COMMITTEES OF REFERENCE

1) Criminal Justice
2) Governmental Oversight and Accountability
3) Appropriations
4) Click or tap here to enter text.
5) Click or tap here to enter text.

CURRENT COMMITTEE

Criminal Justice

SIMILAR BILLS

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

PREVIOUS LEGISLATION

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

IDENTICAL BILLS

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

Is this bill part of an agency package?

Yes, The Department of Juvenile Justice.

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	12/19/19 – For more information please contact Legislative Affairs Director Rachel Moscoso at (850) 717-2716
LEAD AGENCY ANALYST:	Sam Kerce, Deputy Legislative Affairs Director
ADDITIONAL ANALYST(S):	Click or tap here to enter text.
LEGAL ANALYST:	John Mila, Asst. General Counsel
FISCAL ANALYST:	Click or tap here to enter text.

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Adds juvenile detention officers and juvenile detention officer supervisors employed by the Department of Juvenile Justice (department), who meet certain criteria, to the special risk class of the Florida retirement system.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Juvenile Detention Officers (JDO) serve as front-line direct care staff who supervise and manage all youth assigned to juvenile detention centers, playing an integral role in the rehabilitation of delinquent youth. Their work has various health and safety impacts. JDOs are not eligible for special risk retirement, unlike comparable staff in the Florida Department of Corrections (FDC).

As of June 30, 2019, the department had a total of 1,172 JDO direct care worker positions that supervised a total of 12,290 youth during FY 2018-19.

The turnover rate for the entry-level JDO position was 64% for FY 18-19, and the average vacancy rate was 25%. This has led to the Department spending over \$6 million dollars a year over the last four fiscal years in overtime pay to cover for these vacancies.

As of July 2019, approximately 51% percent of the detention workforce had less than two years of experience.

JDOs are also regularly subject to dangerous working conditions without the tools that are available to FDC officers. They do not carry tasers or pepper spray like their FDC counterparts and must rely on hand-to-hand takedowns when a situation escalates to a physical altercation.

The department has a 63% higher workers' compensation claim rate than FDC. In FY 18-19, 31 per 100 JDOs were injured on the job, 41 were victims of assault by youth and 135 staff were injured while trying to restrain a youth in an emergency situation.

2. EFFECT OF THE BILL:

Section 1:

The bill amends s. 121.0515, F.S., to include JDOs in the Special Risk Class of the Florida Retirement System. High turnover among JDOs has led to excessively high vacancy rates as well as a high level of inexperience within staff ranks, which compromises the safety of youth and staff. Exit interviews conducted by the department confirm that many officers resign for other state and local correctional jobs, not just for higher pay but for the attractive benefits package. Including JDOs in the Special Risk Class will create a more stable, career-oriented workforce that delivers consistent quality services to youth in detention centers.

Section 2:

Provides an effective date of July 1, 2020.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☐ N ☒

If yes, explain:	Click or tap here to enter text.
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	Click or tap here to enter text.

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	The Department of Juvenile Justice.
Opponents and summary of position:	Unknown.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?Y ☐ N ☒

If yes, provide a description:	Click or tap here to enter text.
Date Due:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?Y ☐ N ☒

Board:	Click or tap here to enter text.
Board Purpose:	Click or tap here to enter text.
Who Appoints:	Click or tap here to enter text.
Changes:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

FISCAL ANALYSIS**1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?**Y ☒ N ☐

Revenues:	Click or tap here to enter text.
Expenditures:	Yes. Counties will be billed for their half of this increase in detention cost in accordance with s. 985.6865, F.S.
Does the legislation increase local taxes or fees? If yes, explain.	Click or tap here to enter text.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	Click or tap here to enter text.

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?Y ☒ N ☐

Revenues:	Click or tap here to enter text.
Expenditures:	The Department requests \$6.2 million in recurring funds (\$3.1 GR and \$3.1 TF) for special risk retirement benefits for the department's juvenile detention officers.
Does the legislation contain a State Government appropriation?	Click or tap here to enter text.
If yes, was this appropriated last year?	Click or tap here to enter text.

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?Y ☐ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Other:	Click or tap here to enter text.

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☐ N ☒

If yes, explain impact.	Click or tap here to enter text.
Bill Section Number:	Click or tap here to enter text.

TECHNOLOGY IMPACT**1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?**Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.	Click or tap here to enter text.
--	----------------------------------

FEDERAL IMPACT**1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?**Y ☐ N ☐

If yes, describe the anticipated impact including any fiscal impact.	Click or tap here to enter text.
--	----------------------------------

ADDITIONAL COMMENTS

Click or tap here to enter text.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	Click or tap here to enter text.
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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1304

INTRODUCER: Senator Brandes

SUBJECT: Sentencing

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cox	Jones	CJ	Favorable
2.			ACJ	
3.			AP	

I. Summary:

SB 1304 creates a conditional sentence for substance use and mental health offenders. An offender must be a nonviolent offender that is in need of substance use or mental health treatment and does not pose a danger to the community. The bill enumerates specified offenses that deem an offender ineligible for a conditional sentence for substance use and mental health.

The bill requires the following conditions to be part of a conditional sentence for substance use or mental health offenders:

- A term of imprisonment, which must include a custodial treatment program for substance use, mental health, or co-occurring disorders that is a minimum of 90-days of in-custody treatment and is administered by the Department of Corrections (DOC) at a DOC facility;
- A 24 month term of special offender probation that consists of:
 - Either drug offender or mental health probation, as determined by the court at sentencing;
 - Any special conditions of probation ordered by the sentencing court; and
 - Any recommendations made by the DOC in the postrelease treatment plan for substance use or mental health aftercare services.

The bill authorizes the DOC to refuse to place an offender in the custodial treatment program for specified reasons. Following completion of the custodial treatment program, the bill provides that an offender must be immediately transitioned into the community on drug offender or mental health probation for the last 24 months of his or her sentence.

A conditional sentence imposed by a court under the bill does not confer any right to an inmate for release from incarceration and placement on drug offender or mental health offender probation, unless such offender complies with all sentence requirements.

The DOC must develop a computerized system to track data on the recidivism and recommitment of offenders who have received such a sentence and report the findings to the Governor, President of the Senate, and Speaker of the House of Representatives.

The DOC reported that CS/SB 1074 (2019), which is substantially similar to this bill, will have a negative fiscal impact of \$9,749,100 on the department. See Section V. Fiscal Impact Statement.

The bill is effective October 1, 2020.

II. Present Situation:

The Criminal Punishment Code¹ (Code) applies to sentencing for felony offenses committed on or after October 1, 1998.² The permissible sentence (absent a downward departure) for an offense ranges from the calculated lowest permissible sentence as determined by the Code to the statutory maximum for the primary offense. The statutory maximum sentence for a first-degree felony is 30 years not to exceed life, for a second-degree felony is 15 years, and for a third degree felony is five years.³

The sentence imposed by the sentencing judge reflects the length of actual time to be served, lessened only by the application of gain-time,⁴ and may not be reduced in an amount that results in the defendant serving less than 85 percent of his or her term of imprisonment.⁵

Sentencing Options

The Florida Supreme Court has identified six statutory sentencing options in Florida, including a:

- Term of imprisonment, which may be served in jail or prison;
- True split sentence, which consists of a total period of confinement with a portion of the confinement period suspended and the defendant placed on probation for that suspended portion;
- Probationary split sentence, which consists of a period of confinement, none of which is suspended, followed by a period of probation;⁶
- *Villery* sentence, which consists of a period of probation preceded by a period of confinement imposed as a special condition;⁷
- Sentence of supervision, which consists of probation or community control; and
- Reverse split sentence, which consists of a period of probation followed by a period of incarceration.⁸

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

² Section 921.0022, F.S.

³ Section 775.082, F.S.

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

⁵ Section 921.002(1)(e), F.S.

⁶ Section 948.012, F.S., provides the authority for this type of split sentence.

⁷ *Villery v. Florida Parole & Probation Com'n*, 396 So.2d 1107 (Fla. 1980).

⁸ Section 948.012(2), F.S., *Gibson v. Florida Department of Corrections*, 885 So.2d 376, 381 (Fla. 2004).

There are also existing statutes that allow a court to modify a sentence to probation terms for a youthful offender⁹ upon completion of specified custodial programming.¹⁰

After a defendant in a criminal case has been found guilty or has entered a plea of nolo contendere or guilty and prior to a sentencing hearing, any circuit court of the state may order a presentencing investigation (PSI) report in accordance with s. 921.231, F.S. The court may refer the case to the DOC for investigation and recommendation. The PSI report submitted must include specified background information on the defendant.¹¹ All information in the presentence investigation report must be factually presented and verified if reasonably possible by the preparer of the report. The preparer may be examined at the sentencing hearing and bears the burden of explaining why it was not possible to verify the challenged information. Additionally, the nonconfidential portion of the PSI must constitute the basic classification and evaluation document of the DOC and contain a recommendation to the court on the treatment program most appropriate to the diagnosed needs of the offender, based upon the offender's custody classification, rehabilitative requirements, and the utilization of treatment resources in proximity to the offender's home environment.¹²

Substance Abuse Services for Inmates

Chapter 397, F.S., provides comprehensive laws for the provision of substance abuse services to citizens throughout Florida, including licensure of substance abuse service providers and inmate substance abuse programs.

Substance use programming within the DOC institutions seeks to treat participants with histories of dependency by focusing on changing the behaviors that led to the addiction.¹³ The DOC has developed Correctional Substance Abuse Programs at its institutions and community-based sites throughout the state. The programs' principle objectives are to identify substance users, assess the severity of their drug problems, and provide the appropriate services.¹⁴ The Department of Children and Families licenses all custodial substance abuse programs.¹⁵ The Bureau of Readiness and Community Transitions within the DOC is responsible for the coordination and delivery of substance abuse program services for individuals incarcerated in a state correctional facility.¹⁶

⁹ Section 958.04(1), F.S., describes who qualifies to be sentenced as a youthful offender. A youthful offender is a person who is younger than 21 at the time of sentencing, who has not been found guilty or plead to a capital or life felony and has not previously been sentenced as a youthful offender. The court can sentence a person as a youthful offender or the DOC can classify a person as a youthful offender.

¹⁰ See ss. 958.04(2)(d) and 958.045(6), F.S.

¹¹ See s. 921.231(1)(a)-(o), F.S., for a complete list of information included in the report.

¹² Section 921.231(3)-(5), F.S.

¹³ The DOC, *Bureau of Readiness and Community Transition*, available at <http://www.dc.state.fl.us/development/readiness.html> (last visited January 13, 2020).

¹⁴ The DOC, Bureau of Readiness and Community Transition, Inmate Programs, *Substance Use Treatment, Annual Report, Fiscal Year 2016-2017*, p. 1 (hereinafter cited as "Substance Abuse Annual Report")(on file with the Senate Criminal Justice Committee).

¹⁵ Licensure is conducted in accordance with ch. 397, F.S., and Fla. Admin. Code R. 65D-30.003.

¹⁶ Substance Abuse Annual Report at p. 6.

Determining the Appropriate Services for Inmates

All inmates are screened at reception and assessed and placed into programs using the Correctional Integrated Needs Assessment System (CINAS).¹⁷ The CINAS is based on the Risk-Needs-Responsivity Principle (RNR). The RNR principle refers to predicting which inmates have a higher probability of recidivating, and treating the criminogenic needs of those higher risk inmates with appropriate programming and services based on their level of need.¹⁸

The CINAS is administered to inmates again at 42 months from release. Additionally, the DOC conducts updates every six months thereafter to evaluate the inmate's progress and ensure enrollment in needed programs. The DOC's use of the CINAS allows for development and implementation of programs that increase the likelihood of successful transition. The DOC matches factors that influence an inmate's responsiveness to different types of services with programs that are proven to be effective within an inmate population. This involves selecting services that are matched to the offender's learning characteristics and then to the offender's stage of change readiness.¹⁹

Additionally, the CINAS allows for a flow of information between the DOC's Office of Community Corrections and Office of Institutions. For instance, when an inmate is received at a Reception Center, the staff has access to detailed information about prior supervision history. Likewise, if an inmate is released to community supervision, probation officers will have access to an offender's incarceration history and relevant release information. The DOC reports that this information is to be used to better serve the offender and prepare them for successful transition back into the community.²⁰

Drug Offender and Mental Health Probation

Probation is a form of community supervision requiring specified contacts with probation officers and other conditions a court may impose.²¹ Specifically, drug offender probation is a form of intensive supervision that emphasizes treatment of drug offenders in accordance with individualized treatment plans administered by probation officers with reduced caseloads.²² Mental health probation means a form of specialized supervision that emphasizes mental health treatment and working with treatment providers to focus on underlying mental health disorders and compliance with a prescribed psychotropic medication regimen in accordance with individualized treatment plans. Mental health probation is supervised by officers with reduced caseloads who are sensitive to the unique needs of individuals with mental health disorders, and

¹⁷ The DOC, *Agency Analysis for CS/SB 1074 (2019)*, p. 2, April 2, 2019 (on file with the Senate Criminal Justice Committee) (hereinafter cited as "The DOC CS/SB 1074 (2019) Analysis"). This bill is substantially similar to CS/SB 1074 (2019).

¹⁸ The DOC reports that criminogenic needs are those factors that are associated with recidivism that can be changed (e.g. lack of education, substance abuse, criminal thinking, lack of marketable job skills, etc.). Offenders are not higher risk because they have a particular risk factor, but, rather, because they have multiple risk factors. Accordingly, a range of services and interventions are provided that target the specific crime producing needs of offenders who are higher risk. *Id.*

¹⁹ The DOC CS/SB 1074 (2019) Analysis, p. 2.

²⁰ *Id.*

²¹ Section 948.001(8), F.S.

²² Section 948.001(4), F.S.

who will work in tandem with community mental health case managers assigned to the defendant.²³

Gain-time

Gain-time awards, which result in deductions to the court-ordered sentences of specified eligible inmates, are used to encourage satisfactory prisoner behavior or to provide incentives for prisoners to participate in productive activities while incarcerated.²⁴ An inmate is not eligible to earn or receive gain-time in an amount that results in his or her release prior to serving a minimum of 85 percent of the sentence imposed.²⁵

III. Effect of Proposed Changes:

The bill creates a conditional sentence for substance use or mental health offenders.

Eligibility

An offender must be a nonviolent offender that is in need of substance use or mental health treatment and does not pose a danger to the community. The bill defines a “nonviolent offender” to mean an offender that has never been convicted of, or plead guilty or no contest to, the commission of, an attempt to commit, or a conspiracy to commit any of the following:

- Any capital, life, or first degree felony;
- Any second degree or third degree felony offense listed in s. 775.084(1)(c)1., F.S.;²⁶
- Aggravated assault as described in s. 784.021, F.S.;
- Assault or battery of a law enforcement officer and other specified persons as described in s. 784.07, F.S.;
- Abuse, aggravated abuse, and neglect of a child as described in s. 827.03, F.S.;
- Resisting an officer with violence as described in s. 843.01, F.S.;
- Any offense that requires a person to register as a sex offender under s. 943.0435, F.S.;²⁷

²³ Section 948.001(5), F.S.

²⁴ Section 944.275(1), F.S. Section 944.275(4)(f), F.S., further provides that an inmate serving a life sentence is not able to earn gain-time. Additionally, an inmate serving the portion of his or her sentence that is included in an imposed mandatory minimum sentence or whose tentative release date is the same date as he or she achieves service of 85 percent of the sentence are not eligible to earn gain-time. Section 944.275(4)(e), F.S., also prohibits inmates committed to the DOC for specified sexual offenses committed on or after October 1, 2014, from earning incentive gain-time.

²⁵ Section 944.275(4)(f), F.S.

²⁶ The offenses enumerated in s. 775.084(1)(c)1., F.S., include: arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated abuse of an elderly person or disabled adult; aggravated assault with a deadly weapon; murder; manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; unlawful throwing, placing, or discharging of a destructive device or bomb; armed burglary; aggravated battery; aggravated stalking; home invasion/robbery; carjacking; or an offense which is in violation of a law of any other jurisdiction if the elements of the offense are substantially similar to the elements of any felony offense enumerated in s. 775.084(1)(c)1., F.S., or an attempt to commit any such felony offense.

²⁷ Section 943.0435, F.S., includes the following offenses: sexual misconduct by a covered person (s. 393.135(2), F.S.); sexual misconduct by an employee; kidnapping, false imprisonment, or luring or enticing a child, where the victim is a minor; human trafficking; sexual battery, excluding s. 794.011(10), F.S.; unlawful sexual activity with certain minors; former procuring person under age of 18 for prostitution; former selling or buying of minors into prostitution; lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age; video voyeurism; lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person; sexual performance by a child;

- Any offense for which the sentence was enhanced under s. 775.087, F.S.;²⁸ or
- Any offense committed in another jurisdiction which would be an offense described above or would have been enhanced as described above, if committed in this state.

Sentencing Requirements

The bill requires the court to order the following conditions to be part of a conditional sentence for an offender with a substance use or mental health disorder:

- A term of imprisonment, which must include a custodial treatment program for substance use, mental health, or co-occurring disorders that is a minimum of 90-days of in-custody treatment and is administered by the DOC at a DOC facility;
- A 24 month term of special offender probation that consists of:
 - Either drug offender or mental health probation, as determined by the court at sentencing;
 - Any special conditions of probation ordered by the sentencing court; and
 - Any recommendations made by the DOC in the postrelease treatment plan for substance use or mental health aftercare services.

The court must also specify that if the DOC finds that the offender is ineligible or not appropriate for placement in a custodial treatment program for one of the enumerated reasons, or any other reason the DOC deems as good cause, the offender must serve the remainder of his or her imprisonment at a DOC facility. At sentencing, the court must determine the appropriate type of special offender probation based upon the departments' recommendation contained in the presentence investigation report.

The court may order a presentencing investigation report in accordance with s. 921.231, F.S., for any offender that the court believes may be sentenced to a conditional sentence for substance use or mental health. The presentencing report will provide the court with the appropriate information to make a determination at sentencing of whether the offender is better suited for drug offender or mental health probation.

The bill provides that a conditional sentence imposed by a court does not confer any right to an inmate for release from incarceration and placement on drug offender or mental health offender probation, unless such offender complies with all sentence requirements. However, the bill also provides some flexibility to the DOC with regard to determining placement of inmates based on availability and appropriateness of the inmate for the program, which are discussed below.

prohibition of certain acts in connection with obscenity; computer pornography, excluding s. 847.0135(6), F.S.; transmission of pornography by electronic device or equipment prohibited; transmission of material harmful to minors to a minor by electronic device or equipment prohibited; selling or buying of minors; prohibited activities/RICO, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in s. 943.0435(1)(h)1.a.(I), F.S., or at least one offense listed in s. 943.0435(1)(h)1.a.(I), F.S., with sexual intent or motive; sexual misconduct prohibited; or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in s. 943.0435(1)(h)1.a.(I), F.S.

²⁸ Section 775.087, F.S., provides for the reclassification of an offense based on the possession or use of a weapon when such use or possession is not an element of the underlying offense.

The Department of Corrections Duties

The DOC is required to administer the custodial treatment program and provide a special training program for staff members selected to implement the custodial treatment program. The DOC is authorized to enter into performance-based contracts with qualified individuals, agencies, or corporations to supply any or all services provided through the custodial treatment program. The bill prohibits the DOC from entering into a contract or renewing a contract for the purpose of providing services required under the act unless the contract offers a substantial savings to the DOC. Additionally, the DOC may establish a system of incentives within the custodial treatment program to promote participation in rehabilitative programs and the orderly operation of institutions and facilities.

The DOC must give written notification of the offender's admission into the custodial treatment program to the sentencing court, the state attorney, defense counsel, and any victim of the crime committed by the offender. Before an offender completes the custodial treatment program, the DOC must evaluate the offender's needs and develop a postrelease treatment plan that includes substance or mental health aftercare services.

The bill provides rulemaking authority to the DOC to implement the custodial treatment program. The DOC can refuse to place an offender in the custodial treatment program if, after evaluating the offender for custody and classification status, the DOC determines that the offender does not meet the criteria for the custodial treatment program as proscribed by rule. The DOC must notify the sentencing court, the state attorney, and the defense counsel of the inability to place the offender in the program and that the rest of the offender's sentence will be served in a DOC facility.

If, after placement in the custodial treatment program, the offender appears to be unable to participate due to medical or other reasons, he or she must be examined by qualified medical personnel or qualified nonmedical personnel appropriate for the offender's situation. After consultation with the qualified personnel that evaluated the offender, the director of the custodial treatment program must determine if the offender will continue with treatment or if the offender will be discharged from the program. If the offender is discharged from the custodial treatment program, the remaining portion of his or her sentence will be served in a DOC facility and the DOC must immediately notify the court, the state attorney, and the defense counsel that this portion of the sentence is unsuccessfully served.

If an offender, after placement in the custodial treatment program, appears to be unable to participate due to disruptive behavior or violations of any of the rules promulgated by the DOC, the director must determine if the offender will continue in treatment or be discharged from the program. If the offender is discharged from the custodial treatment program, the remaining portion of his or her sentence will be served in a DOC facility and the DOC must immediately notify the court, the state attorney, and the defense counsel that this portion of the sentence is unsuccessfully served.

If an offender violates any rules, the DOC may impose sanctions including the loss of privileges, imposition of restrictions or disciplinary confinement, forfeiture of gain-time or the right to earn gain-time in the future, alteration of release plans, termination from the custodial treatment

program, or other program modifications dependent upon the severity of the violation. Additionally, the bill authorizes the DOC to place a participating offender in administrative or protective confinement, as it deems necessary.

Drug Offender or Mental Health Probation Portion of Sentence

Upon completion of the custodial treatment program, an offender must be transitioned into the community on drug offender or mental health probation for the last 24 months of his or her sentence. An offender on probation is subject to:

- All standard terms of drug offender or mental health probation; and
- Any special condition of supervision ordered by the sentencing court, which may include:
 - Participation in an aftercare substance abuse or mental health program;
 - Residence in a postrelease transitional residential halfway house; or
 - Any other appropriate form of supervision or treatment.

Additionally, an offender placed on drug offender probation who resides in a county that has established a drug court or a postadjudicatory drug court, is required to be monitored by such court as a condition of drug offender probation. Similarly, an offender placed on mental health offender probation who resides in a county that has established a mental health court must be monitored by the court as a condition of mental health offender probation.

The bill requires the DOC to collect the cost of supervision, as appropriate, from the offender. An offender who is determined to be financially able must also pay all costs of substance abuse or mental health treatment. The court may impose on the offender additional conditions such as requiring payment of restitution, court costs, and fines; community service; or compliance with other special conditions.

If an offender violates any condition of probation or order, the court may revoke the offender's probation and impose any sentence authorized by law.

The DOC must develop a computerized system to track data on the recidivism and recommitment of offenders who have been sentenced to a conditional sentence for substance use or mental health.

The bill also requires the department to, on October 1 of every year, beginning on October 1, 2021, submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives of the results of the recidivism and recommitment data collected by the DOC pursuant to the act.

The bill is effective on October 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill authorizes the DOC to contract with qualified individuals, agencies, or corporations to supply any or all services provided for the custodial treatment program. To the extent that this increases revenues of for-profit companies that offer these services, the bill will likely have a positive (i.e. increased) fiscal impact on such entities.

C. Government Sector Impact:

The DOC evaluated CS/SB 1074 (2019), which is substantially similar to this bill, and determined that the estimated fiscal impact of the bill was based on 2,760 inmates who would meet the eligibility criteria in the bill for the custodial treatment program and the technological impacts for creating/adjusting the codes for the new split sentence as of April, 2019. The DOC reported that the estimated fiscal impacts were a total of \$9,911,600.²⁹

The DOC estimation for such fiscal impact was as a result of increased staffing needs to comply with the bill, including staffing for the mental health and substance abuse of co-occurring disorders, including the following specified contracted personnel:

- One (1) Licensed Psychiatrist for every 500 individuals.
- One (1) Licensed Psychologist for every four (4) Master's Levels Practitioners.
- One (1) Master's Level Practitioner for every 15-50 individuals (depending on level of service).
- One (1) Clinical Support for every two (2) Master's Level Practitioners.³⁰

²⁹ The DOC CS/SB 1074 (2019) Analysis, p. 6-8.

³⁰ *Id.*

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 948.0121 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Brandes

24-01476A-20

20201304__

1 A bill to be entitled
 2 An act relating to sentencing; creating s. 948.0121,
 3 F.S.; defining terms; creating conditional sentences
 4 for substance use and mental health offenders;
 5 specifying eligibility requirements; providing minimum
 6 sentencing requirements; providing an exception to a
 7 conditional sentence; authorizing a presentence
 8 investigation report; specifying duties of the
 9 Department of Corrections; authorizing the department
 10 to enter into certain contracts; requiring the
 11 department to provide written notice to specified
 12 parties upon the offender's admission into an in-
 13 prison treatment program; providing that the
 14 department may find that an offender is ineligible for
 15 an in-prison program under certain circumstances;
 16 requiring written notice to certain parties if an
 17 offender is terminated from or prevented from entering
 18 an in-prison program; requiring that an offender be
 19 transitioned to probation upon the completion of an
 20 in-prison program; requiring an offender to comply
 21 with specified terms of probation; requiring the
 22 offender to pay specified costs; providing that
 23 certain violations may result in revocation of
 24 probation and imposition of any authorized sentence;
 25 requiring the department to develop a computerized
 26 tracking system; requiring the department make an
 27 annual report; requiring rulemaking; providing an
 28 effective date.
 29

Page 1 of 8

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

24-01476A-20

20201304__

30 Be It Enacted by the Legislature of the State of Florida:
 31
 32 Section 1. Section 948.0121, Florida Statutes, is created
 33 to read:
 34 948.0121 Conditional sentences for substance use or mental
 35 health offenders.—
 36 (1) DEFINITIONS.—As used in this section, the term:
 37 (a) "Department" means the Department of Corrections.
 38 (b) "Offender" means a person who is convicted of a felony
 39 offense and who receives a conditional sentence for substance
 40 use or a person with a mental health disorder as prescribed in
 41 this section.
 42 (2) CREATION.—A conditional sentence for offenders is
 43 established in accordance with s. 948.012. A court may sentence
 44 an offender to a conditional sentence in accordance with this
 45 section. A conditional sentence imposed by a court under this
 46 section does not confer to the offender any right to release
 47 from incarceration and placement on drug offender or mental
 48 health probation unless the offender complies with all sentence
 49 requirements in accordance with this section.
 50 (3) ELIGIBILITY.—For an offender to receive a conditional
 51 sentence under this section, he or she must be a nonviolent
 52 offender who is in need of substance use or mental health
 53 treatment and who does not pose a danger to the community. As
 54 used in this subsection, the term "nonviolent offender" means an
 55 offender who has never been convicted of, or pled guilty or no
 56 contest to, the commission of, an attempt to commit, or a
 57 conspiracy to commit, any of the following:
 58 (a) A capital, life, or first degree felony.

Page 2 of 8

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24-01476A-20

20201304

(b) A second degree felony or third degree felony listed in s. 775.084(1)(c)1.

(c) A violation of s. 784.021, s. 784.07, s. 827.03, or s. 843.01 or any offense that requires a person to register as a sex offender in accordance with s. 943.0435.

(d) An offense for which the sentence was enhanced under s. 775.087.

(e) An offense in another jurisdiction which would be an offense described in this subsection, or which would have been enhanced under s. 775.087 if the offense had been committed in this state.

(4) SENTENCING REQUIREMENTS.-

(a) As part of a conditional sentence for an offender with a substance use or mental health disorder, a court must order such offender, at a minimum, to:

1. Serve a term of imprisonment which must include an in-prison treatment program for substance use, mental health, or co-occurring disorders which consists of a minimum of 90 days of custodial treatment and is administered by the department at a department facility.

2. Upon successful completion of a custodial treatment program, comply with a term of special offender probation for 24 months, which shall serve as a modification of the remainder of his or her term of imprisonment, and must consist of:

a. Either drug offender or mental health probation, to be determined by the court at the time of sentencing.

b. Any special conditions of probation ordered by the sentencing court.

c. Any recommendations made by the department in a

24-01476A-20

20201304

postrelease treatment plan for substance use or mental health aftercare services.

(b) If the department finds that the offender is ineligible or not appropriate for placement in a custodial treatment program for the reasons prescribed in subsection (7), or for any other reason the department deems as good cause then the offender shall serve the remainder of his or her term of imprisonment in the custody of the department.

(c) The appropriate type of special offender probation shall be determined by the court at the time of sentencing based upon the recommendation by the department in a presentence investigation report.

(5) PRESENTENCE INVESTIGATION REPORT.-The court may order the department to conduct a presentence investigation report in accordance with s. 921.231 for an offender who the court believes may be sentenced under this section to provide the court with appropriate information to make a determination at the time of sentencing of whether drug offender or mental health probation is most appropriate for the offender.

(6) DEPARTMENT DUTIES.-The department:

(a) Shall administer custodial treatment programs that comply with the type of treatment required in this section.

(b) May develop and enter into performance-based contracts with qualified individuals, agencies, or corporations to provide any services necessary for the custodial treatment program. Such contracts may only be entered into or renewed if the contracts offer a substantial savings to the department. The department may establish a system of incentives in a custodial treatment program to promote offender participation in rehabilitative

24-01476A-20

20201304__

117 programs and the orderly operation of institutions and
 118 facilities.

119 (c) Shall provide a special training program for staff
 120 members selected to administer or implement a custodial
 121 treatment program.

122 (d) Shall evaluate the offender's needs and develop a
 123 postrelease treatment plan that includes substance use or mental
 124 health aftercare services.

125 (7) IN-PRISON TREATMENT.-

126 (a) The department shall give written notification of the
 127 offender's admission into an in-prison treatment program portion
 128 of the conditional sentence to the sentencing court, the state
 129 attorney, the defense counsel for the offender, and any victim
 130 of the offense committed by the offender.

131 (b) If, after evaluating an offender for custody and
 132 classification status, the department determines at any point
 133 during the term of imprisonment that an offender sentenced under
 134 this section does not meet the criteria for placement in an in-
 135 prison treatment program portion of the conditional sentence, as
 136 determined in rule by the department, or that space is not
 137 available for the offender's placement in an in-prison treatment
 138 program, the department must immediately notify the court, the
 139 state attorney, and the defense counsel that this portion of the
 140 sentence is unsuccessfully served in accordance with paragraph
 141 (4) (b) .

142 (c) If, after placement in an in-prison treatment program,
 143 an offender is unable to participate due to medical concerns or
 144 other reasons, he or she must be examined by qualified medical
 145 personnel or qualified nonmedical personnel appropriate for the

24-01476A-20

20201304__

146 offender's situation, as determined by the department. The
 147 qualified personnel shall consult with the director of the in-
 148 prison treatment program, and the director shall determine
 149 whether the offender will continue with treatment or be
 150 discharged from the program. If the director discharges the
 151 offender from the treatment program, the department must
 152 immediately notify the court, the state attorney, and the
 153 defense counsel that this portion of the sentence is
 154 unsuccessfully served in accordance with paragraph (4) (b) .

155 (d) If, after placement in an in-prison treatment program,
 156 an offender is unable to participate due to disruptive behavior
 157 or violations of any of the rules the department adopts to
 158 implement this section, the director shall determine whether the
 159 offender will continue with treatment or be discharged from the
 160 program. If the director discharges the offender from the
 161 treatment program, the department must immediately notify the
 162 court, the state attorney, and the defense counsel that this
 163 portion of the sentence is unsuccessfully served in accordance
 164 with paragraph (4) (b) .

165 (e) An offender participating in an in-prison treatment
 166 program portion of his or her sentence must comply with any
 167 additional requirements placed on the participants by the
 168 department in rule. If an offender violates a rule, he or she
 169 may have sanctions imposed, including loss of privileges,
 170 restrictions, disciplinary confinement, forfeiture of gain-time
 171 or the right to earn gain-time in the future, alteration of
 172 release plans, termination from the in-prison treatment program,
 173 or other program modifications in keeping with the nature and
 174 gravity of the rule violation. The department may place an

24-01476A-20

20201304

offender participating in an in-prison treatment program in administrative or protective confinement, as necessary.

(8) DRUG OFFENDER OR MENTAL HEALTH PROBATION.—

(a) Upon completion of the in-prison treatment program ordered by the court, the offender shall be transitioned into the community to begin his or her drug offender or mental health probation for a term of 24 months, as ordered by the court at the time of sentencing in accordance with subsection (4).

(b) An offender on drug offender or mental health probation following a conditional sentence imposed under this section must comply with all standard conditions of his or her probation and any special condition of probation ordered by the sentencing court, including participation in an aftercare substance abuse or mental health program, residence in a postrelease transitional residential halfway house, or any other appropriate form of supervision or treatment.

(c) 1. If an offender placed on drug offender probation resides in a county that has established a drug court or a postadjudicatory drug court, the offender shall be monitored by the court as a condition of drug offender probation.

2. If an offender placed on mental health probation resides in a county that has established a mental health court, the offender shall be monitored by the court as a condition of mental health probation.

(d) While on probation pursuant to this subsection, the offender shall pay all appropriate costs of probation to the department. An offender who is determined to be financially able shall also pay all costs of substance abuse or mental health treatment. The court may impose on the offender additional

24-01476A-20

20201304

conditions requiring payment of restitution, court costs, fines, community service, or compliance with other special conditions.

(e) An offender's violation of any condition or order may result in revocation of probation by the court and imposition of any sentence authorized under the law, with credit given for the time already served in prison.

(9) REPORTING.—The department shall develop a computerized system to track data on the recidivism and recommitment of offenders who have been sentenced to a conditional sentence for substance use or mental health offenders. On October 1, 2021, and on each October 1 thereafter, the department shall submit an annual report of the results of the collected data to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(10) RULEMAKING.—The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

Section 2. This act shall take effect October 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-21-20
Meeting Date

1304
Bill Number (if applicable)

Topic Sentencing

Amendment Barcode (if applicable)

Name Chelsea Murphy

Job Title Fla. Director

Address _____

Phone 954.557.0616

Street

Tallahassee

FL

City

State

Zip

Email cmurphy@rightoncrime.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

This form is part of the public record for this meeting

S-001 (10/11/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/21/2020

Meeting Date

SB 1304

Bill Number (if applicable)

Topic Sentencing

Amendment Barcode (if applicable)

Name Eric Maclure

Job Title Deputy State Courts Administrator

Address 500 South Duval Street

Phone 850-488-3733

Street

Tallahassee

FL

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/Steering Committee on Problem-Solving Courts

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)

January 21, 2020

Meeting Date

1304

Bill Number (if applicable)

Topic Sentencing

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title CEO

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email barney@barneybishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-21-20

Meeting Date

1304

Bill Number (if applicable)

Topic Sentencing

Amendment Barcode (if applicable)

Name Greg Newburn

Job Title Fla. Director

Address PO Box 142933

Street

Gainesville FL 32614

City

State

Zip

Phone 352.682.2542

Email gnewburn@fam.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FAMM

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 13, 2019

I respectfully request that **Senate Bill #1304**, relating to **Sentencing**, 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", is written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 24



**Florida
Department
of
Corrections**

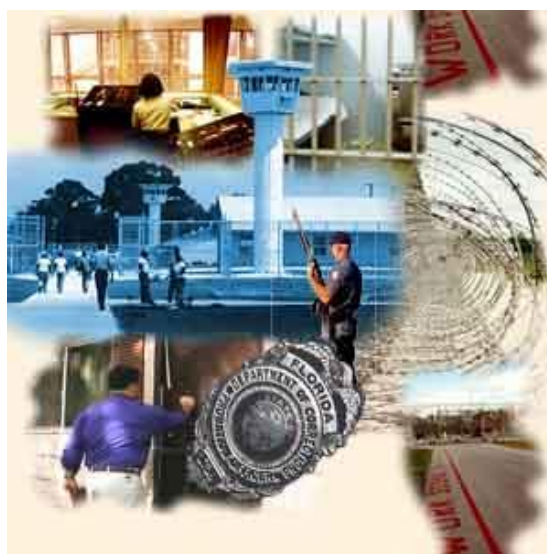


**Bureau of Readiness
& Community Transition**

Inmate Programs

Substance Use Treatment

**Annual Report
Fiscal Year 2016-2017**



**Division of Development:
Improvement and Readiness**

Published March 2018

**IN-PRISON SUBSTANCE USE
ANNUAL REPORT**

FY 2016-17

PUBLISHED MARCH 2018

Prepared by:
Florida Department of Corrections
Bureau of Research and Data Analysis &
Bureau of Readiness and Community Transition
501 South Calhoun Street, Tallahassee, FL 32399-2500

*For Further Information Contact: Patrick R. Mahoney, Chief of Readiness and
Community Transition at Patrick.Mahoney@fdc.myflorida.com or (850) 717-3050.*

TABLE OF CONTENTS

PROGRAM TYPES	1
GLOSSARY OF TERMS	4
DEMOGRAPHICS, OUTCOMES AND RECOMMITMENTS ACROSS PROGRAM TYPES	6
EXECUTIVE SUMMARY	7
GENDER OF NEW ENROLLEES, FY 2016-17 BY PROGRAM TYPE	9
RACE OF NEW ENROLLEES, FY 2016-17 BY PROGRAM TYPE	10
AGE OF NEW ENROLLEES, FY 2016-17 BY PROGRAM TYPE	11
SUCCESS RATES THREE YEARS AFTER INITIAL PROGRAM ENTRY	12
3-YEAR SUCCESS RATES BY PROGRAM TYPE AND AGE AT PROGRAM EXIT	13
2-YEAR RECOMMITMENT RATES FOR PROGRAM COMPLETERS	14
2-YEAR RECOMMITMENT RATES FOR PROGRAM COMPLETERS BY TYPE AND AGE AT RELEASE	15
INTENSIVE OUTPATIENT SERVICES SUBSTANCE USE PROGRAM SERVICES	16
EXECUTIVE SUMMARY	17
PROFILES OF INTENSIVE OUTPATIENT SERVICES PROGRAM FACILITIES	17
WORKLOAD	18
OUTCOMES	18
RECOMMITMENT RATES	19
TABLE 1A, FY 2016-17 PROGRAM ENROLLMENT DATA, BY FISCAL YEAR.....	20
TABLE 1B, FY 2016-17 PROGRAM ENROLLMENT DATA, BY FACILITY	21
TABLE 1C(1), PROGRAM OUTCOMES BY FISCAL YEAR, BY INMATE (3-YEAR FOLLOW-UP)	22
TABLE 1C(2), PROGRAM OUTCOMES BY FISCAL YEAR, BY INMATE (2-YEAR FOLLOW-UP)	22
TABLE 1D, FY 2016-17 EXIT DATA (EVENT-BASED), BY FACILITY	23
TABLE 1E, FY 2014-15 (2-YEAR FOLLOW-UP), RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION	24
TABLE 1F, FY 2013-14 (3-YEAR FOLLOW-UP), RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION	25
RESIDENTIAL THERAPEUTIC COMMUNITY [TC] SERVICES.....	26
SUBSTANCE USE PROGRAM SERVICES	
EXECUTIVE SUMMARY	27
PROFILES OF LONG-TERM, RESIDENTIAL TC SERVICES PROGRAM FACILITIES	27
WORKLOAD	28
OUTCOMES	28
RECOMMITMENT RATES	29
TABLE 2A, FY 2016-17 PROGRAM ENROLLMENT DATA, BY FISCAL YEAR.....	30
TABLE 2B, FY 2016-17 PROGRAM ENROLLMENT DATA, BY FACILITY	31
TABLE 2C(1), PROGRAM OUTCOMES BY FISCAL YEAR, BY INMATE (3-YEAR FOLLOW-UP)	32
TABLE 2C(2), PROGRAM OUTCOMES BY FISCAL YEAR, BY INMATE (2-YEAR FOLLOW-UP)	32
TABLE 2D, FY 2016-17 EXIT DATA (EVENT-BASED), BY FACILITY	33
TABLE 2E, FY 2014-15 (2-YEAR FOLLOW-UP), RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION	34
TABLE 2F, FY 2013-14 (3-YEAR FOLLOW-UP), RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION	35

TABLE OF CONTENTS

(CONTINUED)

SUBSTANCE USE PROGRAM CENTER (CONTINUUM OF SERVICES).....	36
SUBSTANCE USE PROGRAM SERVICES	
EXECUTIVE SUMMARY	37
PROFILES OF SUBSTANCE USE PROGRAM CENTER (CONTINUUM OF SERVICES) PROGRAM FACILITIES	37
WORKLOAD	38
OUTCOMES	39
TABLE 3A, PROGRAM ENROLLMENT DATA, BY FISCAL YEAR	40
TABLE 3B(1), FY 2016-17 PROGRAM ENROLLMENT DATA, BY FACILITY	41
TABLE 3B(2), FY 2016-17 PROGRAM ENROLLMENT DATA, BY FACILITY	41
TABLE 3B(3), FY 2016-17 PROGRAM ENROLLMENT DATA, BY FACILITY	42
TABLE 3B(4), FY 2016-17 PROGRAM ENROLLMENT DATA, BY FACILITY	42
TABLE 3B(5), FY 2016-17 PROGRAM ENROLLMENT DATA, BY FACILITY	43
TABLE 3B(6), FY 2016-17 PROGRAM ENROLLMENT DATA, BY FACILITY	43
TABLE 3B(7), FY 2016-17 PROGRAM ENROLLMENT DATA, BY FACILITY	44
TABLE 3B(8), FY 2016-17 PROGRAM ENROLLMENT DATA, BY FACILITY	44
TABLE 3C(1), PROGRAM OUTCOMES BY FISCAL YEAR, BY INMATES (3-YEAR FOLLOW-UP)	45
TABLE 3C(2), PROGRAM OUTCOMES BY FISCAL YEAR, BY INMATES (2-YEAR FOLLOW-UP)	45
TABLE 3D, FY 2016-17 EXIT DATA (EVENT-BASED), BY FACILITY	46
TABLE 3E, FY 2014-15 (2-YEAR FOLLOW-UP), RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION	47
TABLE 3F, FY 2013-14 (3-YEAR FOLLOW-UP), RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION	48
READINESS GROUP (SUBSTANCE USE PROGRAM SERVICES).....	49
TABLE 4A, FY 2016-17 PROGRAM ENROLLMENT DATA, BY FISCAL YEAR	50
TABLE 4B, FY 2016-17 PROGRAM ENROLLMENT DATA, BY FACILITY	51
INMATE ALUMNI GROUP (SUBSTANCE USE PROGRAM SERVICES).....	52
TABLE 5A, FY 2016-17 PROGRAM ENROLLMENT DATA, BY FISCAL YEAR.....	53
TABLE 5B, FY 2016-17 PROGRAM ENROLLMENT DATA, BY FACILITY	54
POST-RELEASE TRANSITIONAL HOUSING PROGRAMS (PRTH).....	55
SUBSTANCE USE PROGRAM SERVICES	
EXECUTIVE SUMMARY	56
PROFILES OF POST-RELEASE SUBSTANCE USE TRANSITIONAL HOUSING SERVICES (PRTH) PROGRAMS	56
WORKLOAD	58
OUTCOMES	58
RECOMMITMENT.....	59
TABLE 6A, FY 2016-17 PROGRAM ENROLLMENT DATA, BY FISCAL YEAR.....	60
TABLE 6B, FY 2016-17 PROGRAM ENROLLMENT DATA, BY FACILITY	61
TABLE 6C(1), PROGRAM OUTCOMES BY FISCAL YEAR, BY INMATES (3-YEAR FOLLOW-UP)	63
TABLE 6C(2), PROGRAM OUTCOMES BY FISCAL YEAR, BY INMATES (2-YEAR FOLLOW-UP)	63
TABLE 6D, FY 2016-17 EXIT DATA (EVENT-BASED), BY FACILITY	64
TABLE 6E, FY 2014-15 (2-YEAR FOLLOW-UP) RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION	66
TABLE 6F, FY 2013-14 (3-YEAR FOLLOW-UP) RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION	67

TABLE OF CONTENTS (CONTINUED)

DEPARTMENT OPERATED WORK RELEASE CENTERS	68
WITH CONTRACTED SUBSTANCE USE/RE-ENTRY COUNSELORS	
EXECUTIVE SUMMARY	69
PROFILES OF COUNSELORS AT DEPARTMENT OPERATED WORK RELEASE PROGRAM FACILITIES.....	69
WORKLOAD.....	70
OUTCOMES.....	70
TABLE 7A, PROGRAM ENROLLMENT DATA, BY FISCAL YEAR.....	71
TABLE 7B, FY 2016-17 PROGRAM ENROLLMENT DATA, BY FACILITY.....	72
TABLE 7C, FY 2016-17 EXIT DATA (EVENT-BASED), BY FACILITY.....	73
RE-ENTRY CENTERS	74
EXECUTIVE SUMMARY	75
PROFILES OF RE-ENTRY CENTERS PROGRAM FACILITIES.....	75
WORKLOAD.....	76
OUTCOMES.....	76
TABLE 8A, PROGRAM ENROLLMENT DATA, BY FISCAL YEAR.....	77
TABLE 8B, FY 2014-15 PROGRAM ENROLLMENT DATA, BY FACILITY.....	78
TABLE 8C, FY 2016-17 EXIT DATA (EVENT-BASED), BY FACILITY.....	79

PROGRAM TYPES

The Florida Department of Corrections has developed Correctional Substance Use Programs at Institutional and Community-Based sites throughout the state. These programs serve inmates with substance involvement, use, dependence or related problems. The Department of Children and Families in accordance with Chapter 397 Florida Statutes and Chapter 65D-30 Florida Administrative Code license all in-prison substance use programs. The programs' principle objectives are to identify substance users, assess the severity of their drug problems, and provide the appropriate services.

All inmates are screened at reception, and those inmates identified as being in need of treatment or services become Mandated Program Participants (MPP's) and are placed on the department's centralized statewide automated priority list for placement in a program. Inmates screened as being in need of services are either referred to a substance use program or placed on a waiting list pending availability of such programming. The Bureau of Readiness and Community Transitions is responsible for the coordination and delivery of substance use program services for individuals incarcerated in a state correction facility.

- **Prevention** services are offered on a limited basis and do not meet the requirements of a mandatory substance use program participation. Prevention services include activities and strategies that would increase awareness and knowledge of the risks of substance use, improve life skills, and responsible behavior. Generally, a substance use counselor provides these services in a group setting.
- **Intensive Outpatient (IOP)** services have a variable length of stay based on the individual's progress. The typical length of stay is four (4) months and may be extended up to six (6) months. A minimum of twelve (12) counselor-supervised hours of program activities occurs per week per inmate, a minimum of four (4) days per week.
- **Residential Therapeutic Community (TC)** services provide inmates participating in the program with housing together in an existing dormitory at the respective institution and separated from the general inmate population to the fullest extent possible. The length of stay will vary based on the individual's progress in the program. The typical length of stay is nine (9) months and may be extended up to twelve (12) months.

Residential Therapeutic Community encompasses a diverse curriculum that encourages participants who have similar problems of chemical use or dependency to live and work together to change their lives. The TC model emphasizes structure, responsibility, credibility, accountability, discipline, consistency, peer-to-peer interaction, and consequences/limit setting. Residential Therapeutic Community services are dedicated to facilitating change, growth, and improved self-worth for each member of the community.

PROGRAM TYPES

(CONTINUED)

Clinical staff are available to provide and supervise activities a minimum of six (6) days per week, for a minimum of sixty (60) structured program hours per week. Program services attempt to instill educational, vocational and other work and social skills necessary for the inmates' successful re-entry into society.

- **Substance Use Transition Re-Entry Program** offers a continuum of substance use services including prevention, outpatient, intensive outpatient, and aftercare services as well as education/vocational services. The focus is on teaching, developing and practicing re-entry/transitional skills necessary for a successful drug-free re-entry into the community upon release from prison. Inmates residing in a program center will receive the appropriate level of substance use services in addition to groups focusing on criminal thinking, family development, anger management, domestic violence, victim awareness as well as other appropriate topics. The following services are available to inmates at the Program Center:
 - ***Prevention*** services include family development, anger management, domestic violence, victim awareness, criminal conduct and other appropriate modules. Inmates in this course are not substance use MPP's.
 - ***Outpatient*** services provide all the prevention modules in addition to substance use specific groups/modules. Inmates generally need to spend at least 4 months in the outpatient track (this is considered intensive outpatient). Inmates in this course are substance use MPP's who have not completed an Intensive Outpatient or Residential Therapeutic Community program prior to entering the program. These inmates will also have a ranking score.
 - ***Aftercare*** services are focused on relapse prevention-modules. Inmates in this track receive or have received all the prevention modules in addition to intensive substance use services.
- **Pre-Program Motivation/Readiness Classes** are didactic in nature and focus on denial, addiction, recovery principles, program motivation, self and mutual help concepts and other related substance use topics. These groups are open-ended, with no completion requirements and no clinical documentation required. Generally, they are held on a weekly basis. Inmates are directly admitted from these groups to either **Intensive Outpatient or Residential Therapeutic Community** at the earliest available date.

PROGRAM TYPES

(CONTINUED)

- **Alumni Groups** are held weekly for inmates who have completed Intensive Outpatient or Residential Therapeutic Community programs. Inmates who complete Intensive Outpatient or Residential Therapeutic Community are required to participate in the on-going Alumni groups, as long as they are at a facility offering them. Alumni groups may lead by peers, although a counselor is to be present when the group is conducted. Alumni groups serve as a support group. They are open-ended with no completion requirements.
- **Recovery and Support Groups** are available for both substance use program participants and for designated inmates in the institution's/facility's general population, and are coordinated by substance use staff at facilities that have substance use programs. Support groups are utilized as adjuncts to primary substance use programming.
- **Post-Release Substance Use Transitional Housing Programs** assist released offenders by providing substance use re-entry and relapse prevention services, transitional housing, and other support services. The program provides housing, three meals a day, electricity, access to local phone service, job placement assistance, and other transitional services. The target population for this program is recently released inmates with histories of substance use problems, particularly those who have completed a Department in-prison or community-based drug treatment program, and are in need of transitional housing and services upon their release from incarceration. Program participants do not have to be under Department supervision to participate. Enrollment in the program is strictly voluntary, however, all enrolled program participants are required to participate in program activities and abide by program rules. Program participants may not be discharged for failure to participate in post-release components of the program.
- **Department Operated Work Release Centers with Contracted Counselors**
These programs offer a continuum of licensed services including intervention, outpatient and aftercare. Services are provided based on inmate's individualized needs. Outpatient services are a minimum of four months and Aftercare/alumni services are provided until the inmate is released. Intervention services are provided to inmates with less than 4 months to serve. The counselor to client ratio is 1:50

GLOSSARY OF TERMS

ENROLLMENT TERMS	
Number of New Enrollment Events in the Program During the Year	This is a count of the total number of new enrollment events in the program during the fiscal year. It may include duplicate observations per inmate.
Number of New Inmates Enrolled in the Program During the Year	This is a count of the total number of new inmates who entered the program during the fiscal year. This number is unduplicated by inmate within program type.
Number of Different Inmates Enrolled in the Program During the Year	This is a count of the total number of inmates who participated in the program at any given time during the fiscal year. It is computed by taking the population enrolled in the program on July 1 st and adding to it any inmates who enrolled during the fiscal year. This number is unduplicated by inmate within program type.
Number of Inmates Enrolled in the Program on June 30 th	Also referred to as a status population, this is the number of inmates enrolled in the program on the last day of the fiscal year. This number is unduplicated by inmate within program type.
EXIT TERMS	
All Program Exits	Successful Exits + Unsuccessful Exits + Administrative Exits
Successful Outcome/Exit	A type of program outcome, denoting compliance with program requirements resulting in program completion.
Unsuccessful Outcome/Exit	A type of program outcome denoting noncompliance with program requirements resulting in termination from the program and non-completion.
Administrative Outcome/Exit	A type of program outcome denoting neither success nor failure in the program, and not counted when calculating program success rates.
Program Completers	Successful Exits; i.e., completed the program
Program Non-Completers	Unsuccessful Exits + Administrative Exits
Success Rate	Successful Exits/(Successful Exits + Unsuccessful Exits)
PROGRAM TERMS	
PREVENTION	Education/prevention program
READINESS GROUP	Pre-program motivation groups

GLOSSARY OF TERMS

(CONTINUED)

PROGRAM TERMS (Continued)	
IOP	Intensive outpatient services program. Formerly the TIER2 and Modality 1 Programs.
TC	Long term residential therapeutic community (TC) services program. Formerly the TIER3/4 and Modality 2 Programs.
PROGRAM CENTER	A continuum of substance use services including prevention, outpatient, intensive outpatient, and aftercare services as well as education/vocational services.
ALUMNI GROUP	Weekly continuing care groups for inmates who have completed the IOP or TC.
POST-RELEASE SUBSTANCE USE TRANSITIONAL HOUSING	Transitional housing programs providing substance use relapse prevention services using a cognitive-behavioral or Twelve-Step model and other transition services.
WORK RELEASE CENTER	These programs offer a continuum of licensed services including intervention, outpatient and aftercare for inmates once they move into a work release center.
RE-ENTRY CENTER	A continuum of substance use services behind-the-fence including prevention, outpatient, intensive outpatient, and aftercare services as well as education/vocational services for inmates within 50 months of release and returning to the area immediately surrounding the center.
OTHER TERMS	
RECOMMITMENT	The percentage of program releases who return to the department within a given time period. It includes returns to prison and community supervision for either a new offense or a technical violation.
WORKLOAD	The enrollment data for a particular program during a given time period.

**DEMOGRAPHICS, OUTCOMES, AND
RECOMMITMENTS ACROSS PROGRAM TYPES**

EXECUTIVE SUMMARY

This report covers the time period from July 1, 2016 - June 30, 2017. Data are reported in sections by program type. Each major section includes an Executive Summary and sub-sections on Providers (as of 6/30/2016), Workload, Outcomes, and Recombitment Rates (where appropriate).

There is a companion report, titled Substance Use Annual Report - Community Programs that uses the same format to detail substance use programs for offenders on community supervision.

Salient points concerning the demographic break down by gender, race, and age for new enrollees in FY 2016-17 are as follows:

- The highest rate of male participants was in READINESS (98.7%).
- RESIDENTIAL THERAPEUTIC COMMUNITY programs were utilized more by males (86.6%) than females (13.4%).

The highest percentage of new participants for each program by age group was:

- INTENSIVE OUTPATIENT (age 45+ [23.2%]);
- RESIDENTIAL THERAPEUTIC COMMUNITY (age 45+ [21.4%]);
- PROGRAM CENTER (age 45+ [26.4%]);
- READINESS (age 45+ [25.1%]);
- ALUMNI (age 45+ [30.6%]);
- WR SAP (age 30-34 [23.5%]); and
- POST-RELEASE TRANSITIONAL HOUSING (age 45+ [49.4%]).

Success rates (excluding administrative exits) for all inmates who entered the program during FY 2013-14 based on exit data within three years after program entry, by applicable program type (from highest to lowest) were:

- INTENSIVE OUTPATIENT (93.0% out of 2,498);
- PROGRAM CENTER (74.5% out of 674).
- RESIDENTIAL THERAPEUTIC COMMUNITY (67.2% out of 2,071);

EXECUTIVE SUMMARY

(CONTINUED)

Older inmates were more successful than younger inmates, with INTENSIVE OUTPATIENT participants having a relatively high success rate among all age groups. The highest success rates (excluding administrative exits) three (3) years after program entry for FY 2013-14, by program type and age were:

- INTENSIVE OUTPATIENT (age 45+, 97.4% [670 out of 688])*;
- RESIDENTIAL THERAPEUTIC COMMUNITY (age 45+, 78.7% [311 out of 395]).
- PROGRAM CENTER (age 45+, 87.5% [161 out of 184]).

**PERCENTAGES ARE NOT PROVIDED FOR CATEGORIES WITH LESS THAN TWENTY-FIVE (25) PARTICIPANTS BECAUSE ANY CONCLUSIONS DRAWN FROM THIS SMALL POPULATION MAY BE MISLEADING.*

By program type, two-year recommitment rates for program completers released from prison in FY 2014-15, and who completed a substance use treatment program sometime during their incarceration (from lowest to highest) were:

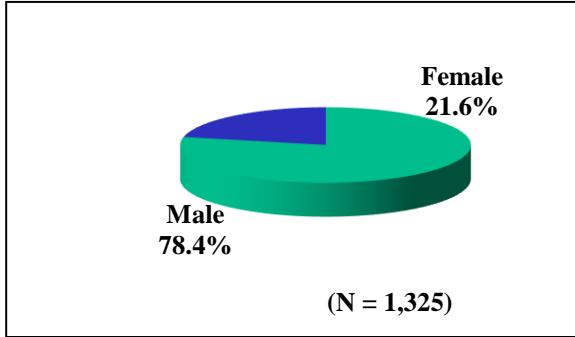
- PROGRAM CENTER (14.6% of 459);
- RESIDENTIAL THERAPEUTIC COMMUNITY (19.0% of 1,229); and
- INTENSIVE OUTPATIENT (21.6% of 2,285).

By program type and age, the lowest two-year recommitment rates for successful program completers released from prison in FY 2014-15, and who completed a substance use treatment program sometime during their incarceration, were as follows:

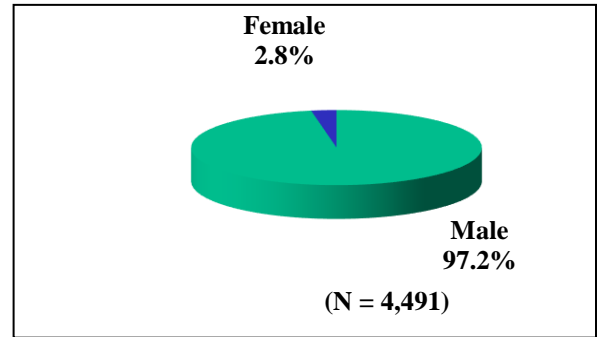
- INTENSIVE OUTPATIENT (age 25-29, 15.7% [61 out of 388]);
- RESIDENTIAL THERAPEUTIC COMMUNITY (age 45+, 15.7% [49 out of 313]).

**GENDER OF NEW ENROLLEES, FY 2016-17 BY PROGRAM TYPE
(NON-DUPLICATED PROGRAM ENROLLEES)**

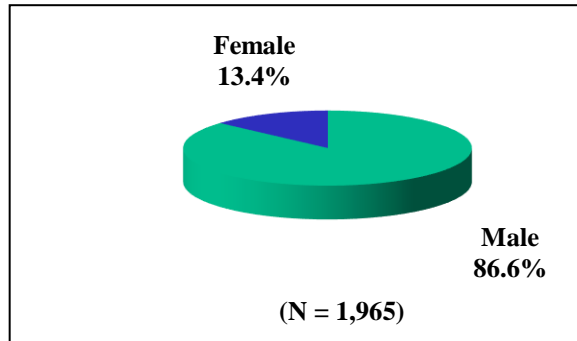
WR SAP



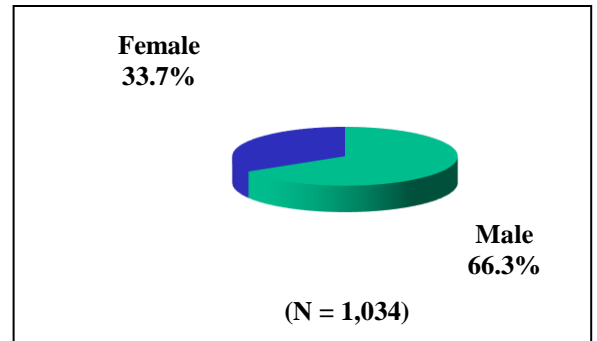
INTENSIVE OUTPATIENT



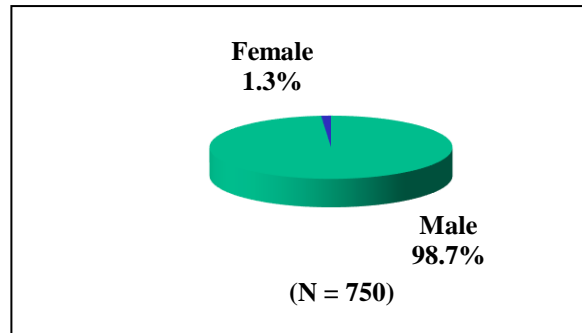
**RESIDENTIAL THERAPEUTIC
COMMUNITY**



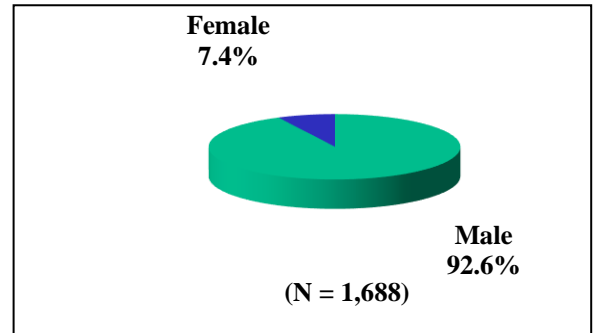
PROGRAM CENTER



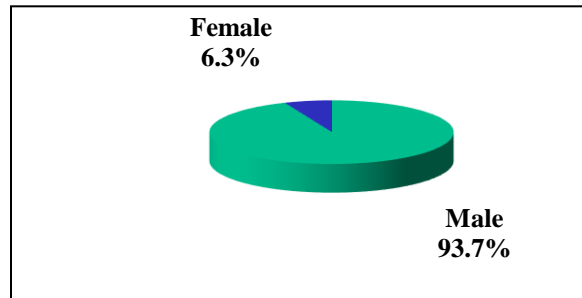
READINESS (TIERRD)



ALUMNI (IALUM)

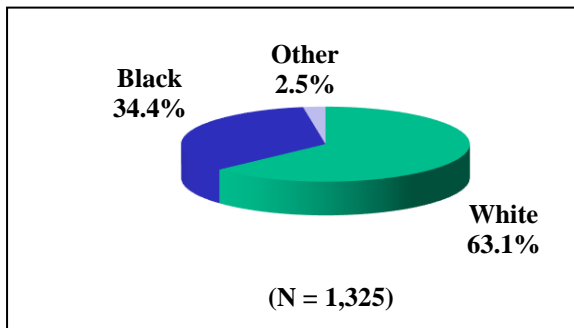


**POST-RELEASE
TRANSITIONAL HOUSING**

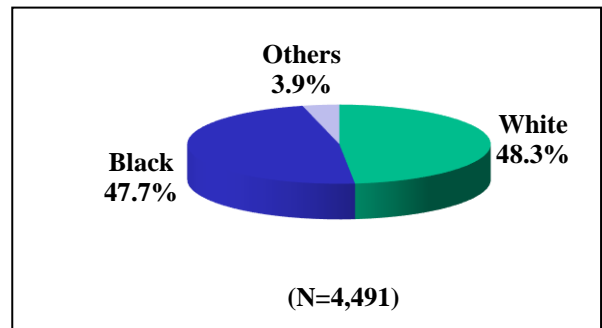


RACE OF NEW ENROLLEES, FY 2016-17 BY PROGRAM TYPE **(NON-DUPICATED PROGRAM ENROLLEES)**

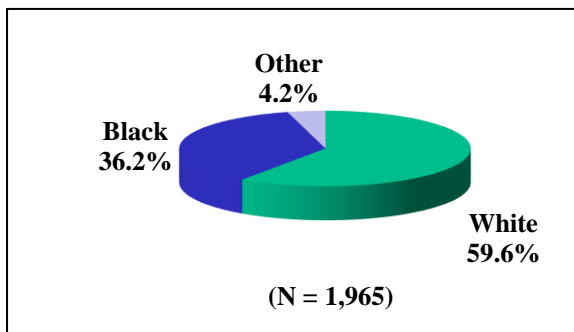
WR SAP



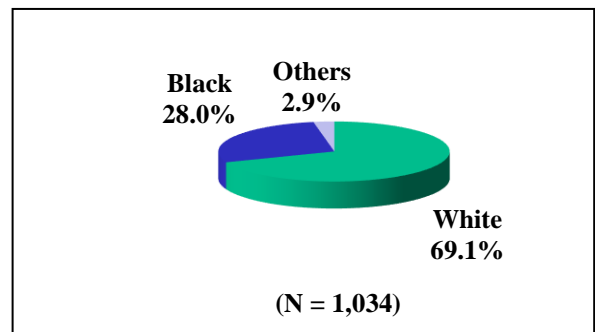
INTENSIVE OUTPATIENT



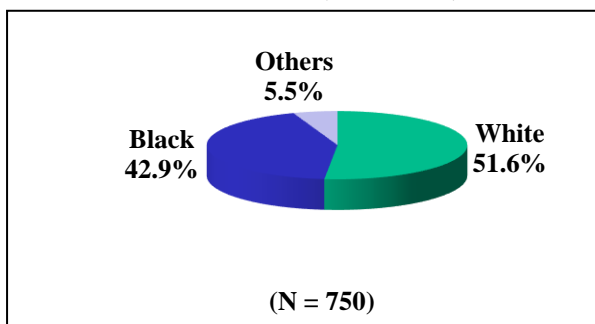
RESIDENTIAL THERAPEUTIC COMMUNITY



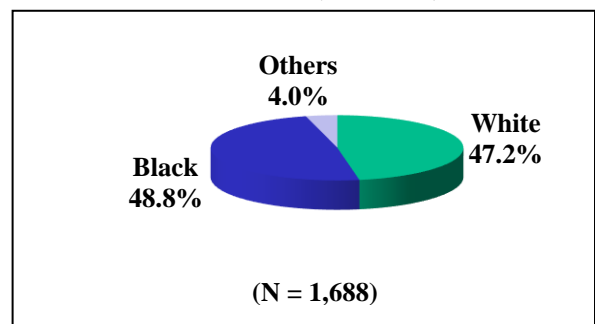
PROGRAM CENTER



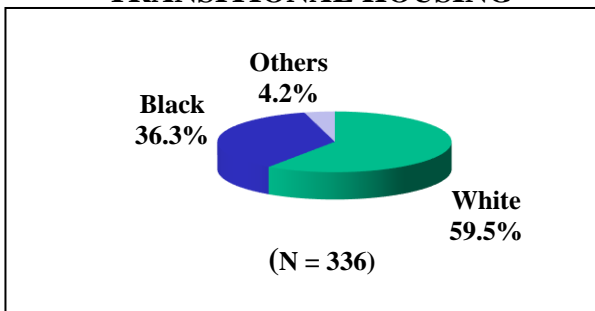
READINESS (TIERRD)



ALUMNI (IALUM)



POST-RELEASE TRANSITIONAL HOUSING



AGE OF NEW ENROLLEES, FY 2016-17 BY PROGRAM TYPE
(NON-DUPLICATED PROGRAM ENROLLEES)

AGE GROUP	PROGRAM TYPE												TOTAL	
	WR SAP		INTENSIVE OUTPATIENT		RESIDENTIAL THERAPEUTIC COMMUNITY		PROGRAM CENTER		READINESS		ALUMNI			
	N	%*	N	%*	N	%*	N	%*	N	%*	N	%*	N	%**
Under 18	0	0.0	0	0.0	0	0.0	0	0.0	0	0	0	0.0	0	0.0
18 – 24	106	8.0	488	10.9	213	10.8	77	7.5	104	13.9	112	6.6	1,100	9.8
25 – 29	264	19.9	882	19.6	388	19.8	180	17.4	144	19.2	273	16.2	2,131	19.0
30 – 34	312	23.5	848	18.9	412	21.0	219	21.2	125	16.7	293	17.4	2,209	19.6
35 – 39	248	18.7	754	16.8	313	15.9	170	16.4	107	14.2	279	16.5	1,871	16.6
40 – 44	153	11.6	476	10.6	219	11.1	115	11.1	82	10.9	215	12.7	1,260	11.2
45+	242	18.3	1,043	23.2	420	21.4	273	26.4	188	25.1	516	30.6	2,682	23.8
TOTAL	1,325	100.0	4,491	100.0	1,965	100.0	1,034	100.0	750	100.0	1,688	100.0	11,253	100.0

AGE OF NEW ENROLLEES, FY 2016-17 POST-RELEASE TRANSITIONAL HOUSING

AGE GROUP	N	%
Under 18	0	0.0%
18 – 24	23	6.9%
25 – 29	37	11.0%
30 – 34	33	9.8%
35 – 39	41	12.2%
40 – 44	36	10.7%
45 or older	166	49.4%
TOTAL	336	100.0%

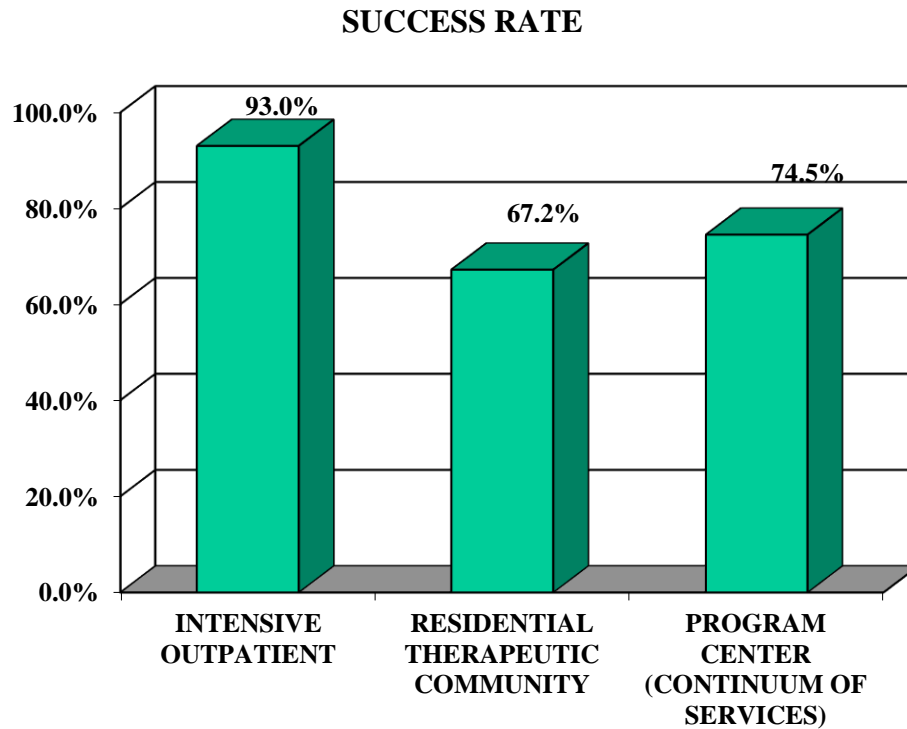
N = NUMBER OF ENROLLEES BY AGE

* PERCENT OF ENROLLEES FOR EACH PROGRAM TYPE

** PERCENT OF ENROLLEES FOR ALL PROGRAM TYPES

SUCCESS RATES*

THREE YEARS AFTER INITIAL PROGRAM ENTRY, FY 2013-14
USE PROGRAM TABLE C FOR THESE NUMBERS**



Success Rate = Successful Exits Divided By
(Successful Exits + Unsuccessful Exits)

Intensive Outpatient: Successful Exits + Unsuccessful Exits = 2,498

Residential Therapeutic Community: Successful Exits + Unsuccessful Exits = 2,071

Program Center: Successful Exits + Unsuccessful Exits = 674

SUCCESS RATES*

THREE YEARS AFTER INITIAL PROGRAM ENTRY, FY 2013-14 BY PROGRAM TYPE AND AGE (AT PROGRAM EXIT)

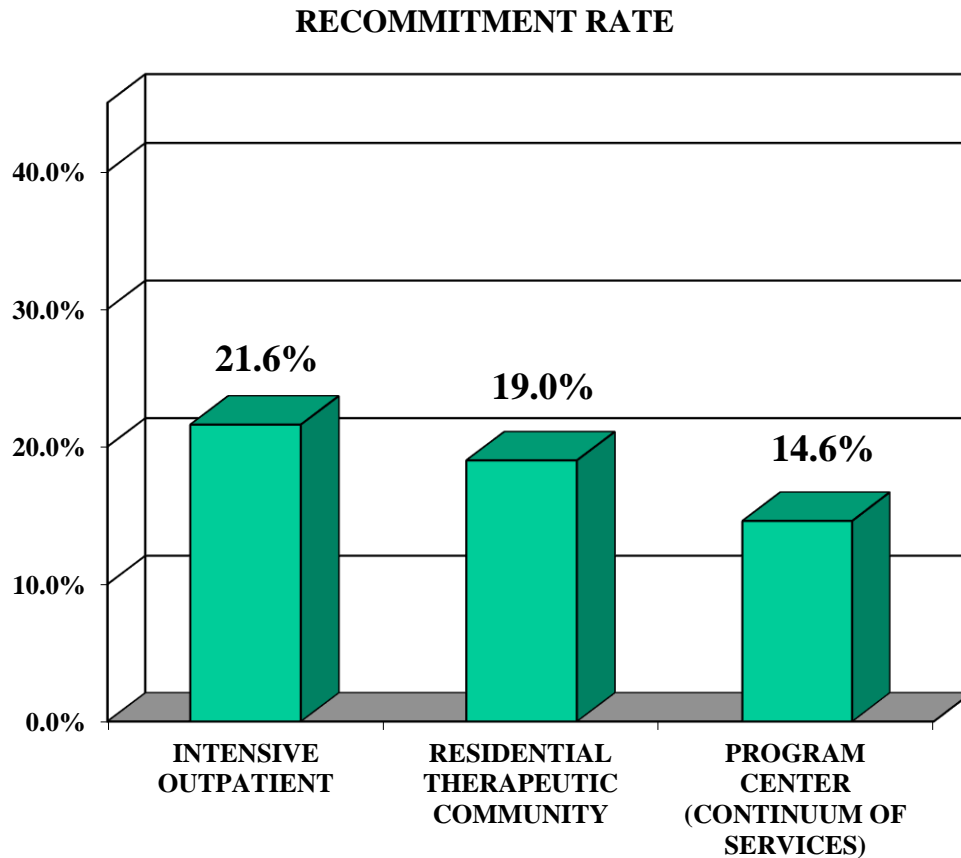
AGE GROUP	PROGRAM TYPE					
	INTENSIVE OUTPATIENT (M1)		RESIDENTIAL THERAPEUTIC COMMUNITY (M2)		PROGRAM CENTER (CONTINUUM OF SERVICES)	
	Total Exits (N)**	Success (%)	Total Exits (N)**	Success (%)	Total Exits (N)**	Success (%)
Under 18	1	-	0	-	0	-
18 – 24	262	82.1	238	47.9	61	39.3
25 – 29	415	88.9	443	57.7	107	66.4
30 – 34	490	93.5	450	66.7	125	73.6
35 – 39	339	94.1	343	74.3	107	71.0
40 – 44	303	96.4	202	74.8	90	86.7
45+	688	97.4	395	78.7	184	87.5
TOTAL	2,498	93.0	2,071	67.2	674	74.5

* Success Rate = Successful Exits Divided By (Successful Exits + Unsuccessful Exits)

** Total Exits = Successful Exits + Unsuccessful Exits.

- PERCENTAGES ARE NOT PROVIDED FOR CATEGORIES WITH LESS THAN TWENTY-FIVE (25) PARTICIPANTS BECAUSE ANY CONCLUSIONS DRAWN FROM THIS SMALL POPULATION MAY BE MISLEADING.

**2-YEAR RECOMMITMENT RATES
FOR PROGRAM COMPLETERS (RELEASED IN FY 2014-15)**



Intensive Outpatient Completers = 2,285
 Residential Therapeutic Community Completers = 1,229
 Program Center Completers = 459

* As reflected in TABLE "E" of each respective section.

**2-YEAR RECOMMITMENT RATES FOR PROGRAM COMPLETERS
BY PROGRAM TYPE AND AGE (AT RELEASE IN FY 2014-15)**

AGE GROUP	PROGRAM TYPE								
	INTENSIVE OUTPATIENT			RESIDENTIAL THERAPEUTIC COMMUNITY			PROGRAM CENTER (CONTINUUM OF SERVICES)		
	N	Recommitments	%	N	Recommitments	%	N	Recommitments	%
Under 18	1	0	-	0	0	-	0	0	-
18 – 24	156	31	19.9	75	20	26.7	32	5	15.6
25 – 29	388	61	15.7	205	43	21.0	64	8	12.5
30 – 34	395	93	23.5	245	39	15.9	84	12	14.3
35 – 39	352	81	23.0	215	42	19.5	71	6	8.5
40 – 44	302	79	26.2	176	41	23.3	76	13	17.1
45+	691	159	23.0	313	49	15.7	132	23	17.4
TOTAL	2285	504	22.1	1,229	234	19.0	459	67	14.6

N = Successful Completers

**INTENSIVE OUTPATIENT SERVICES
SUBSTANCE USE PROGRAM SERVICES**

EXECUTIVE SUMMARY

INTENSIVE OUTPATIENT SERVICES

Intensive Outpatient services are designed to be four (4) to six (6) months in length and delivers structured substance use program services to inmates with a history of addictions while still allowing participants to live, work and be maintained in general population. This program requires a minimum of 12 hours of face-to-face contact with counselor per week per inmate and is generally considered either an AM, PM or evening job/program assignment.

Profiles of Intensive Outpatient Services Program Facilities <i>On June 30, 2017</i>		
Facility	Provider	Number of Program Seats
AVON PARK CI	UNLIMITED PATH	85
LAKE CI	UNLIMITED PATH	85
EVERGLADES CI	GEO GROUP	110
GULF CI-ANNEX	UNLIMITED PATH, INC.	110
HERNANDO CI	GEO GROUP	60
SAGO PALM REENTRY CTR	GEO GROUP	110
LOWELL CI	DEPARTMENT OF CORRECTIONS	50
MADISON CI	GEO GROUP	85
MAYO CI-ANNEX	GEO GROUP	110
LAWTEY CI	GEO GROUP	85
OKEECHOBEE CI	GEO GROUP	110
TAYLOR CI	GEO GROUP	85
NWFRM MAIN UNIT	UNLIMITED PATH, INC.	85
BAKER CI	UNLIMITED PATH, INC.	160
POLK CI	UNLIMITED PATH, INC.	136
SANTA ROSA WC	UNLIMITED PATH, INC.	60
CROSS CITY EAST UNIT	UNLIMITED PATH, INC.	60
TOTAL		1,586

WORKLOAD

TABLE 1A: INTENSIVE OUTPATIENT PROGRAM ENROLLMENT DATA, BY FISCAL YEAR

- During the 14-year period covered by this report, 51,776 different inmates participated in IOP programming.
- On June 30, 2017, there were 1,356 inmates enrolled in IOP programming.
- Data for the last few fiscal years reflect the allocation of additional dollars to IOP Programming.

TABLE 1B: FY 2016-17 INTENSIVE OUTPATIENT PROGRAM ENROLLMENT DATA, BY FACILITY

- In FY 2016-17, 4,864 different inmates (by location) participated in IOP programming.
- Baker CI had the greatest number (547) of different inmates enrolled in IOP programming. Lowell CI had the smallest number (50). These figures are reflective of the seat capacity of each program respectively (160 vs. 50).

OUTCOMES

TABLE 1C (1): INTENSIVE OUTPATIENT PROGRAM OUTCOMES BY FISCAL YEAR, BY INMATE (3-YEAR FOLLOW-UP)

- Based on a 3-year follow-up after initial program entry, there were 30,605 program exits.
- During the 13-year period covered in this table, there were seven times as many successful exits as unsuccessful exits (22,912 vs. 3,214).

TABLE 1C (2): INTENSIVE OUTPATIENT PROGRAM OUTCOMES BY FISCAL YEAR, BY INMATE (2-YEAR FOLLOW-UP)

- For FY 2014-15 (2-Year Follow-up), the success rate was 93.1%

TABLE 1D: FY 2016-17 INTENSIVE OUTPATIENT EXIT DATA (EVENT-BASED), BY FACILITY

- The overall SUCCESS RATE across facilities for FY 2016-17 was 90.9%.
- For FY 2016-17 the majority of outcome events were successful (56.8%).

RECOMMITMENT RATES¹

TABLE 1E: FY 2014-15 (2-YEAR FOLLOW-UP) INTENSIVE OUTPATIENT RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION

- For a 2-year follow-up on participation for inmates released during FY 2014-15, program completers were less likely to be recommitted to prison or supervision than program non-completers (21.6% vs. 25.3%).

TABLE 1F: FY 2013-14 (3-YEAR FOLLOW-UP) INTENSIVE OUTPATIENT RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION

- For a 3-year follow-up on participation for inmates released during FY 2013-14, program completers were less likely to be recommitted to prison or supervision than program non-completers (31.0% vs. 34.5%).

¹ Based on year released from prison. Program completion occurred sometime during the incarceration period.

TABLE 1A
FY 2016-17 INTENSIVE OUTPATIENT
PROGRAM ENROLLMENT DATA, BY FISCAL YEAR

FISCAL YEAR	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30
2003-04	2,330	2,158	2,373	1,019
2004-05	4,015	3,772	4,722	1,353
2005-06	4,177	3,867	5,148	1,362
2006-07	3,584	3,302	4,572	1,211
2007-08	2,669	2,483	3,623	730
2008-09	2,008	1,847	2,492	777
2009-10	2,266	2,123	2,423	792
2010-11	2,507	2,293	3,023	923
2011-12	3,355	3,116	4,050	1,081
2012-13	3,845	3,482	4,476	1,135
2013-14	3,829	3,390	4,611	1,339
2014-15	3,782	3,351	4,500	1,279
2015-16	5,415	4,495	5,763	1,855
2016-17	4,123	3,676*	4,864*	1,356
TOTAL	47,905	39,679	51,776	16,212
AVERAGE	3,422	2,834	3,698	1,158

TABLE 1B

**FY 2016-17 INTENSIVE OUTPATIENT
PROGRAM ENROLLMENT DATA, BY FACILITY**

FACILITY	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
AVON PARK CI	258	216	291	83
BAKER CI	457	430	547	162
CROSS CITY EAST UNIT	236	213	266	60
EVERGLADES CI	243	206	264	90
GULF CI - ANNEX	302	286	385	92
HERNANDO CI	101	76	106	27
LAKE CI	239	199	261	66
LAWTEY CI	218	205	283	84
LOWELL CI	52	50	50	21
MADISON CI	254	219	292	79
MAYO CI ANNEX	287	264	353	88
NWFRC MAIN UNIT	211	192	249	76
OKEECHOBEE CI	190	172	224	64
POLK C.I.	352	301	423	132
SAGO PALM RE-ENTRY	247	216	301	89
SANTA ROSA WC	206	187	244	59
TAYLOR CI	270	244	325	84
TOTAL	4,123	3,676*	4,864*	1,356

*Total in these columns may not match the corresponding columns' total in TABLE 1A since an inmate may be enrolled in the same program at different facilities during the year.

TABLE 1C (1)
INTENSIVE OUTPATIENT
PROGRAM OUTCOMES/EXIT DATA BY FISCAL YEAR*, BY INMATE
(OUTCOMES BASED ON 3-YEAR FOLLOW-UP AFTER INITIAL PROGRAM ENTRY)**

FISCAL YEAR	*** Success Rate	SUCCESSFUL		UNSUCCESSFUL		ADMINISTRATIVE		TOTAL
		Number	Percent	Number	Percent	Number	Percent	
2003-04	87.8%	1,624	77.1%	225	10.7%	256	12.2%	2,105
2004-05	86.1%	2,819	78.6%	454	12.7%	313	8.7%	3,586
2005-06	84.5%	2,758	75.1%	504	13.7%	411	11.2%	3,673
2006-07	86.8%	2,389	76.7%	363	11.7%	363	11.7%	3,115
2007-08	90.1%	1,638	70.6%	179	7.7%	504	21.7%	2,321
2008-09	88.2%	1,380	74.3%	185	10.0%	291	15.7%	1,856
2009-10	87.9%	1,646	74.5%	226	10.2%	337	15.3%	2,209
2010-11	86.0%	1,786	75.4%	291	12.3%	291	12.3%	2,368
2011-12	85.6%	2,094	71.7%	351	12.0%	477	16.3%	2,922
2012-13	90.4%	2,454	74.3%	262	7.9%	586	17.8%	3,302
2013-14	90.3%	2,324	73.8%	174	5.5%	650	20.7%	3,148
TOTAL	87.7%	22,912	74.9%	3214	10.5%	4479	14.6%	30,605

TABLE 1C (2)
INTENSIVE OUTPATIENT
PROGRAM OUTCOMES/EXIT DATA BY FISCAL YEAR*, BY INMATE
(OUTCOMES BASED ON 2-YEAR FOLLOW-UP AFTER INITIAL PROGRAM ENTRY)**

FISCAL YEAR	*** Success Rate	SUCCESSFUL		UNSUCCESSFUL		ADMINISTRATIVE		TOTAL
		Number	Percent	Number	Percent	Number	Percent	
2006-07	87.0%	2,383	76.7%	356	11.5%	367	11.8%	3,106
2007-08	90.0%	1,631	70.3	181	7.8%	509	21.9	2,321
2008-09	88.2%	1,336	77.3%	178	10.3%	215	12.4%	1,729
2009-10	87.8%	1,639	74.2%	227	10.3%	343	15.5%	2,209
2010-11	86.1%	1,786	75.4%	289	12.2%	294	12.4%	2,369
2011-12	85.7%	2,096	71.7%	350	12.0%	477	16.3%	2,923
2012-13	90.4%	2,455	74.4%	261	7.9%	586	17.7%	3,302
2013-14	93.0%	2,325	73.9%	175	5.6%	648	20.6%	3,148
2014-15	93.1%	2,458	70.9%	182	5.2%	830	23.9%	3,470

* Fiscal year is determined by fiscal year of first enrollment.

** Unduplicated by inmates per fiscal year, using only first-time enrollments and a specified follow-up period, and using the last exit code during this period.

*** Success Rate = Successful Exits Divided By (Successful Exits + Unsuccessful Exits).

TABLE 1D

**FY 2016-17 INTENSIVE OUTPATIENT
PROGRAM OUTCOMES/EXIT DATA (EVENT-BASED*), BY FACILITY**

FACILITY	*** Success Rate	SUCCESSFUL		UNSUCCESSFUL		ADMINISTRATIVE		TOTAL
		Number	Percent	Number	Percent	Number	Percent	
AVON PARK CI	89.1%	155	60.0%	19	7.4%	84	32.6%	258
BAKER CI	90.9%	269	62.7%	27	6.3%	133	31.0%	429
CROSS CITY EAST UNIT	91.9%	113	47.9%	10	4.2%	113	47.9%	236
EVERGLADES CI	94.8%	128	57.7%	7	3.1%	87	39.2%	222
GULF CI – ANNEX	87.2%	157	49.7%	23	7.3%	136	43.0%	316
HERNANDO CI	97.4%	74	69.8%	2	1.9%	30	28.3%	106
LAKE CI	88.8%	127	52.3%	16	6.6%	100	41.1%	243
LANCASTER CI	42.9%	6	28.6%	8	38.1%	7	33.3%	21
LAWTEY CI	94.6%	157	70.4%	9	4.0%	57	25.6%	223
LOWELL CI	96.2%	25	80.7%	1	3.2%	5	16.1%	31
MADISON CI	99.3%	150	58.1%	1	0.4%	107	41.5%	258
MAYO CI ANNEX	92.6%	162	53.3%	13	4.3%	129	42.4%	304
NWERC MAIN UNIT	82.8%	77	39.5%	16	8.2%	102	52.3%	195
OKEECHOBEE CI	95.7%	88	47.8%	4	2.2%	92	50.0%	184
POLK CI	91.1%	226	63.7%	22	6.2%	107	30.1%	355
SAGO PALM RE-ENTRY	90.5%	152	59.6%	16	6.3%	87	34.1%	255
SANTA ROSA WC	77.0%	117	56.3%	35	16.8%	56	26.9%	208
TAYLOR CI	97.5%	157	57.3%	4	1.5%	113	41.2%	274
TOTAL FY 2016-17	90.9%	2,340	56.8%	233	5.7%	1,545	37.5%	4,118
TOTAL FY 2015-16	93.8%	3,135	61.1%	209	4.1%	1,788	34.8%	5,132
TOTAL FY 2014-15	91.7%	2,220	59.3%	200	5.3%	1,326	35.4%	3,746
TOTAL FY 2013-14	91.7%	2,393	62.9%	218	5.7%	1,195	31.4%	3,806
TOTAL FY 2012-13	87.9%	2,218	61.9%	305	8.5%	1,062	29.6%	3,585
TOTAL FY 2011-12	83.4%	2,113	63.9%	420	12.7%	772	23.4%	3,305
TOTAL FY 2010-11	84.5%	1,555	65.0%	286	12.0%	550	23.0%	2,391

* Includes any exit events within the fiscal year for this program.

** Success Rate = Successful Exits Divided By (Successful Exits + Unsuccessful Exits).

TABLE 1E
FY 2014-15² (2-Year Follow-Up),
INTENSIVE OUTPATIENT
RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION

	ALL PROGRAM EXITS* (N=3,105)		PROGRAM COMPLETERS** (N=2,285)		PROGRAM NON-COMPLETERS*** (N=820)	
	Recommitments		Recommitments		Recommitments	
CATEGORY OF RECOMMITMENT TYPE	Number	Percent	Number	Percent	Number	Percent
1. Admission to Prison, New Offense	311	10.0%	212	9.3%	99	12.1%
2. Return to Prison, Technical Violation	292	9.4%	218	9.5%	74	9.0%
3. Admission to Supervision, New Offense	92	3.0%	58	2.5%	34	4.1%
4. Return to Supervision, Technical Violation	7	0.2%	6	0.3%	1	0.1%
TOTAL RECOMMITMENTS	702	22.6%	494	21.6%	208	25.3%
REASON FOR ADMISSION OR RETURN						
5. Admission to Prison or Community Supervision, For New Offense (1 & 3 Combined)	403	13.0%	270	11.8%	133	16.2%
6. Return to Prison or Community Supervision, For Technical Violation (2 & 4 Combined)	299	9.6%	224	9.8%	75	9.1%
WHERE ADMITTED/RETURNED, FOR EITHER REASON						
7. Admission/Return to Prison, For New Offense or Technical Violation (1 & 2 Combined)	603	19.4%	430	18.8%	173	21.1%
8. Admission/Return to Community Supervision, for New Offense or Technical Violation (3 & 4 Combined)	99	3.2%	64	2.8%	35	4.2%

- * ALL PROGRAM EXITS = Successful Exits + Unsuccessful Exits + Administrative Exits.
 ** PROGRAM COMPLETERS = Successful Exits.
 *** PROGRAM NON-COMPLETERS = Unsuccessful Exits + Administrative Exits.

² Based on year released from prison. Program completion occurred sometime during the incarceration period.

TABLE 1F
FY 2013-14³ (3-Year Follow-Up)
INTENSIVE OUTPATIENT
RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION

	ALL PROGRAM EXITS* (N=3,343)		PROGRAM COMPLETERS** (N=2,398)		PROGRAM NON-COMPLETERS*** (N=945)	
	Recommitments		Recommitments		Recommitments	
CATEGORY OF RECOMMITMENT TYPE	Number	Percent	Number	Percent	Number	Percent
1. Admission to Prison, New Offense	621	18.6%	421	17.6%	200	21.2%
2. Return to Prison, Technical Violation	276	8.3%	202	8.4%	74	7.8%
3. Admission to Supervision, New Offense	164	4.9%	115	4.8%	49	5.2%
4. Return to Supervision, Technical Violation	8	0.2%	5	0.2%	3	0.3%
TOTAL RECOMMITMENTS	1,069	32.0%	743	31.0%	326	34.5%
REASON FOR ADMISSION OR RETURN						
5. Admission to Prison or Community Supervision, For New Offense (1 & 3 Combined)	785	23.5%	536	22.4%	249	26.4%
6. Return to Prison or Community Supervision, For Technical Violation (2 & 4 Combined)	284	8.5%	207	8.6%	77	8.1%
WHERE ADMITTED/RETURNED, FOR EITHER REASON						
7. Admission/Return to Prison, For New Offense or Technical Violation (1 & 2 Combined)	897	26.9%	623	26.0%	274	29.0%
8. Admission/Return to Community Supervision, For New Offense or Technical Violation (3 & 4 Combined)	172	5.1%	120	5.0%	52	5.5%

- * ALL PROGRAM EXITS = Successful Exits + Unsuccessful Exits + Administrative Exits.
 ** PROGRAM COMPLETERS = Successful Exits.
 *** PROGRAM NON-COMPLETERS = Unsuccessful Exits + Administrative Exits.

³ Based on year released from prison. Program completion occurred sometime during the incarceration period.

**RESIDENTIAL THERAPEUTIC COMMUNITY
[TC] SERVICES
SUBSTANCE USE PROGRAM SERVICES**

EXECUTIVE SUMMARY

RESIDENTIAL TC SERVICES

Residential Therapeutic Community (TC) is a nine (9) to twelve (12) month residential therapeutic community program divided into four phases. Inmates are housed together, separate from other inmates. Inmates spend at least 20 hours per week in programming in a positive environment wherein participants have similar problems of chemical use and criminal thinking. They live and work together to change their lives residing in the therapeutic community. Clinical staff are available to provide and supervise activities a minimum of six (6) days per week, for a minimum of sixty (60) structured program hours per week.

Profiles of Residential TC Services Program Facilities <i>On June 30, 2017</i>		
Facility	Provider	Number of Program Seats
CENTURY CI	UNLIMITED PATH, INC.	136
JEFFERSON CI	UNLIMITED PATH, INC.	68
REALITY HOUSE	SMA BEHAVIORAL HEALTH SERVICES, INC.	85
LOWELL ANNEX	UNLIMITED PATH, INC.	165
NWFRC ANNEX	UNLIMITED PATH, INC.	136
JACKSON CI	UNLIMITED PATH, INC.	68
MARION CI	UNLIMITED PATH, INC.	266
LOWELL WORK CAMP	DEPARTMENT OF CORRECTIONS	30
FRANKLIN CI	UNLIMITED PATH, INC.	85
TOMOKA CRC	SMA BEHAVIORAL HEALTH SERVICES, INC.	60
JACKSONVILLE BRIDGE	BRIDGES OF AMERICA	165
TOTAL		1,264

WORKLOAD

TABLE 2A: RESIDENTIAL TC SERVICES PROGRAM ENROLLMENT DATA, BY FISCAL YEAR

- During the 14-year period of this report, 25,314 different inmates have been enrolled in TC programming.
- On June 30, 2017, there were 1,168 inmates enrolled in TC programming.

TABLE 2B: FY 2016-17 RESIDENTIAL TC SERVICES PROGRAM ENROLLMENT DATA, BY FACILITY

- In FY 2016-17, 3,020 different inmates participated in TC programming.
- In FY 2016-17, Marion CI had the greatest number (589) of different inmates enrolled in TC programming.

OUTCOMES

TABLE 2C (1): RESIDENTIAL TC SERVICES PROGRAM OUTCOMES BY FISCAL YEAR, BY INMATE (3-YEAR FOLLOW-UP)

- For the most recent outcome period, 58.0% (1,391) of the outcomes were successful, helping to achieve a success rate of 67.2%.
- Based on a 3-year follow-up after initial program entry, for the 13-year period covered by this report, the 13,915 program exits included 8,007 (57.5%) that were successful; 3,420 (24.6%) that were unsuccessful; and 2,488 (17.9%) that were administrative.
- The TOTAL SUCCESS RATE for the 13-year period covered by this report is 70.1%.
- Most of the exits for the 13-year period covered by this report (57.5%) were successful.

TABLE 2C (2): RESIDENTIAL TC SERVICES PROGRAM OUTCOMES BY FISCAL YEAR, BY INMATE (2-YEAR FOLLOW-UP)

- For FY 2014-15, the SUCCESS RATE was 63.5%.

TABLE 2D: FY 2016-17 RESIDENTIAL TC SERVICES EXIT DATA (EVENT-BASED), BY FACILITY

- The overall SUCCESS RATE across facilities for FY 2016-17 was 64.0%.
- For FY 2016-17, for TC programs with at least 75 exits. Tomoka CRC-285 had the highest success rate at 88.5%.

RECOMMITMENT RATES⁴

TABLE 2E: FY 2014-15 (2-YEAR FOLLOW-UP) RESIDENTIAL TC SERVICES RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION

- For a 2-year follow-up on TC participants released during FY 2014-15 program completers were less likely to be recommitted to prison or community supervision than program non-completers (19.0% vs. 24.8%).

TABLE 2F: FY 2013-14 (3-YEAR FOLLOW-UP) RESIDENTIAL TC SERVICES RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION

- For a 3-year follow-up on TC participants released during FY 2013-14, program completers were less likely to be recommitted to prison or community supervision than program non-completers (26.6% vs. 37.0%).

⁴ Year released from prison. Program completion occurred sometime during the period of incarceration.

TABLE 2A
FY 2016-17 RESIDENTIAL TC SERVICES
PROGRAM ENROLLMENT DATA, BY FISCAL YEAR

FISCAL YEAR	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
2003-04	1,569	1,346	2,042	455
2004-05	839	755	1,168	464
2005-06	937	832	1,251	448
2006-07	816	726	1,134	454
2007-08	635	601	1,031	332
2008-09	406	381	806	329
2009-10	523	510	820	332
2010-11	994	943	811	338
2011-12	945	900	1,484	412
2012-13	1,962	1,804	2,189	1,091
2013-14	2,693	2,516	3,537	1,358
2014-15	2,180	2,001	3,018	1,083
2015-16	2,122	1,942	3,018	1,101
2016-17	2,102	1,965	3,005	1,168
TOTAL	18,723	17,222	25,314	9,365
AVERAGE	1,337	1,230	1,808	669

TABLE 2B
FY 2016-17 RESIDENTIAL TC SERVICES
PROGRAM ENROLLMENT DATA, BY FACILITY

FACILITY	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
CENTURY CI	269	250	360	132
FRANKLIN CI	173	162	218	67
JACKSON CI	117	112	176	70
JACKSONVILLE BRIDGE	244	242	382	141
JEFFERSON CI	178	158	214	66
LOWELL ANNEX	255	239	383	160
LOWELL WORK CAMP	30	28	44	16
MARION CI	405	388	589	248
NWFRM ANNEX	225	201	313	123
REALITY HOUSE	112	111	194	85
TOMOKA CRC-298	94	91	147	60
TOTAL	2,102	1,978*	3,020*	1,168

*Total in these columns may not match the corresponding columns' total in TABLE 2A since an inmate may be enrolled in the same program at different facilities during the year.

TABLE 2C (1)
RESIDENTIAL TC SERVICES
PROGRAM OUTCOMES/EXIT DATA BY FISCAL YEAR*, BY INMATE
(OUTCOMES BASED ON 3-YEAR FOLLOW-UP AFTER INITIAL PROGRAM ENTRY)**

FISCAL YEAR	*** Success Rate	SUCCESSFUL		UNSUCCESSFUL		ADMINISTRATIVE		TOTAL
		Number	Percent	Number	Percent	Number	Percent	
2001-02	61.4%	801	39.2%	503	24.6%	740	36.2%	2,044
2002-03	71.6%	776	62.2%	308	24.7%	163	13.1%	1,247
2003-04	69.4%	631	54.8%	278	24.2%	242	21.0%	1,151
2004-05	76.2%	442	70.0%	138	21.9%	51	8.1%	631
2005-06	68.8%	454	60.5%	206	27.5%	90	12.0%	750
2006-07	78.1%	446	67.6%	125	18.9%	89	13.5%	660
2007-08	80.3%	351	64.4%	86	15.8%	108	19.8%	545
2008-09	85.0%	351	75.8%	62	13.4%	50	10.8%	463
2009-10	84.3%	371	77.0%	69	14.3%	42	8.7%	482
2010-11	71.6%	551	59.8%	219	23.8%	151	16.4%	921
2011-12	70.0%	453	52.2%	194	22.4%	220	25.4%	867
2012-13	64.2%	989	56.3%	552	31.4%	216	12.3%	1,757
2013-14	67.2%	1,391	58.0%	680	28.4%	326	13.6%	2,397
TOTAL	70.1%	8,007	57.5%	3,420	24.6%	2,488	17.9%	13,915

TABLE 2C (2)
RESIDENTIAL TC SERVICES
PROGRAM OUTCOMES/EXIT DATA BY FISCAL YEAR*, BY INMATE
(OUTCOMES BASED ON 2-YEAR FOLLOW-UP AFTER INITIAL PROGRAM ENTRY)**

FISCAL YEAR	*** Success Rate	SUCCESSFUL		UNSUCCESSFUL		ADMINISTRATIVE		TOTAL
		Number	Percent	Number	Percent	Number	Percent	
2006-07	77.9%	445	67.4%	126	19.1%	89	13.5%	660
2007-08	80.3%	351	64.4%	86	15.8%	108	19.8%	545
2008-09	85.0%	352	76.0%	62	13.4%	49	10.6%	463
2009-10	84.1%	370	76.8%	70	14.5%	42	8.7%	482
2010-11	71.4%	550	59.7%	220	23.9%	151	16.4%	921
2011-12	70.0%	453	52.2%	194	22.4%	220	25.4%	867
2012-13	64.2%	988	56.2%	552	31.4%	217	12.4%	1,757
2013-14	67.1%	1,389	57.9%	681	28.4%	327	13.6%	2,397
2014-15	63.5%	1,075	51.8%	617	29.7%	385	18.5%	2,077

* Fiscal year is determined by fiscal year of first enrollment.

** Unduplicated by inmates per fiscal year, using only first-time enrollments and a specified follow-up period, and using the last exit code during this period.

*** Success Rate = Successful Exits Divided By (Successful Exits + Unsuccessful Exits).

TABLE 2D
FY 2016-17 RESIDENTIAL TC SERVICES
PROGRAM OUTCOMES/EXIT DATA (EVENT-BASED*), BY FACILITY

FACILITY	*** Success Rate	SUCCESSFUL		UNSUCCESSFUL		ADMINISTRATIVE		TOTAL
		Number	Percent	Number	Percent	Number	Percent	
CENTURY CI	60.7%	116	45.1%	75	29.2%	66	25.7.7%	257
EVERGLADES REENTRY								
FRANKLIN CI	44.7%	55	32.0%	68	39.5%	49	28.5%	172
JACKSON CI	51.6%	47	42.0%	44	39.3%	21	18.7%	112
JACKSONVILLE BDG	67.9%	159	65.2%	75	30.7%	10	4.1%	244
JEFFERSON CI	49.5%	53	30.3%	54	30.8%	68	38.9%	175
LOWELL ANNEX	73.5%	150	60.0%	54	21.6%	46	18.4%	250
LOWELL WC	84.2%	16	53.3%	3	10.0%	11	36.7%	30
MARION CI	56.8%	188	51.2%	143	39.0%	36	9.8%	367
NWFRC ANNEX	67.1%	106	46.5%	52	22.8%	70	30.7%	228
TOMOKA CRC-285	88.5%	92	82.9%	12	10.8%	7	6.3%	111
TOMOKA CRC-298	84.5%	71	78.9%	13	14.4%	6	6.7%	90
TOTAL FY 2016-17	64.0%	1,053	51.7%	593	29.1%	390	19.2%	2,036
TOTAL FY 2015-16	57.5%	1,025	42.2%	759	34.9%	388	17.9%	2172
TOTAL FY 2014-15	62.1%	1,053	49.6%	644	30.3%	426	20.1%	2123
TOTAL FY 2013-14	63.6%	1,240	50.9%	707	29.2%	470	19.9%	2,417
TOTAL FY 2012-13	65.9%	402	53.5%	208	27.6%	142	18.9%	752
TOTAL FY 2011-12	72.1%	608	53.6%	235	20.7%	292	25.7%	1,135
TOTAL FY 2010-11	64.0%	357	49.6%	201	27.9%	162	22.5%	720
TOTAL FY 2009-10	80.0%	359	68.9%	90	17.3%	72	13.8%	521

* Includes any exit events within the fiscal year for this program.

** Success Rate = Successful Exits Divided By (Successful Exits + Unsuccessful Exits).

“Successful” means “Completed”.

“Unsuccessful” means “Not Completed” for some reason other than an administrative exit.

TABLE 2E

FY 2014-15⁵ (2-Year Follow-Up)
RESIDENTIAL TC SERVICES
RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION

	ALL PROGRAM EXITS* (N=2,100)		PROGRAM COMPLETERS** (N=1,229)		PROGRAM NON-COMPLETERS*** (N=871)	
	Recommitments		Recommitments		Recommitments	
CATEGORY OF RECOMMITMENT TYPE	Number	Percent	Number	Percent	Number	Percent
1. Admission to Prison, New Offense	216	10.3%	114	9.3%	102	11.7%
2. Return to Prison, Technical Violation	141	6.7%	75	6.1%	66	7.6%
3. Admission to Supervision, New Offense	88	4.2%	41	3.3%	47	5.4%
4. Return to Supervision, Technical Violation	5	0.2%	4	0.3%	1	0.1%
TOTAL RECOMMITMENTS	450	21.4%	234	19.0%	216	24.8%
REASON FOR ADMISSION OR RETURN						
5. Admission to Prison or Community Supervision, For New Offense (1 & 3 Combined)	304	14.5%	155	12.6%	149	17.1%
6. Return to Prison or Community Supervision, For Technical Violation (2 & 4 Combined)	146	6.9%	79	6.4%	67	7.7%
WHERE ADMITTED/RETURNED, FOR EITHER REASON						
7. Admission/Return to Prison, For New Offense or Technical Violation (1 & 2 Combined)	357	17.0%	189	15.4%	168	19.3%
8. Admission/Return to Community Supervision, for New Offense or Technical Violation (3 & 4 Combined)	93	4.4%	45	3.6%	48	5.5%

- * ALL PROGRAM EXITS = Successful Exits + Unsuccessful Exits + Administrative Exits.
 ** PROGRAM COMPLETERS = Successful Exits.
 *** PROGRAM NON-COMPLETERS = Unsuccessful Exits + Administrative Exits

⁵ Based on year released from prison. Program completion occurred sometime during the incarceration period.

TABLE 2F
FY 2013-14⁶ (3-Year Follow-Up)
RESIDENTIAL TC SERVICES
RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION

	ALL PROGRAM EXITS* (N=1,673)		PROGRAM COMPLETERS** (N=942)		PROGRAM NON-COMPLETERS*** (N=731)	
	Recommitments		Recommitments		Recommitments	
CATEGORY OF RECOMMITMENT TYPE	Number	Percent	Number	Percent	Number	Percent
1. Admission to Prison, New Offense	302	18.1%	140	14.9%	162	22.2%
2. Return to Prison, Technical Violation	121	7.2%	63	6.7%	58	7.9%
3. Admission to Supervision, New Offense	95	5.7%	45	4.8%	50	6.8%
4. Return to Supervision, Technical Violation	3	0.2%	2	0.2%	1	0.1%
TOTAL RECOMMITMENTS	521	31.2%	250	26.6%	271	37.0%
REASON FOR ADMISSION OR RETURN						
5. Admission to Prison or Community Supervision, For New Offense (1 & 3 Combined)	397	23.8%	185	19.7%	212	29.0%
6. Return to Prison or Community Supervision, For Technical Violation (2 & 4 Combined)	124	7.4%	65	6.9%	59	8.0%
WHERE ADMITTED/RETURNED, FOR EITHER REASON						
7. Admission/Return to Prison, For New Offense or Technical Violation (1 & 2 Combined)	423	25.3%	203	21.6%	220	30.1%
8. Admission/Return to Community Supervision, for New Offense or Technical Violation (3 & 4 Combined)	98	5.9%	47	5.0%	51	6.9%

- * ALL PROGRAM EXITS = Successful Exits + Unsuccessful Exits + Administrative Exits.
 ** PROGRAM COMPLETERS = Successful Exits.
 *** PROGRAM NON-COMPLETERS = Unsuccessful Exits + Administrative Exits

⁶ Based on year released from prison. Program completion occurred sometime during the incarceration period.

**SUBSTANCE USE PROGRAM CENTER
(CONTINUUM OF SERVICES)
SUBSTANCE USE PROGRAM SERVICES**

EXECUTIVE SUMMARY

SUBSTANCE USE PROGRAM CENTER (CONTINUUM OF SERVICES)

Substance Use Program Center (Continuum of Services) offers a continuum of substance use services including prevention, outpatient, intensive outpatient, and aftercare services as well as education/vocational services. The focus is on teaching, developing, and practicing re-entry/transitional skills necessary for a successful drug-free re-entry into the community upon release from prison. Inmates residing in a program center will receive the appropriate level of substance use services in addition to groups focusing on criminal thinking, family development, anger management, domestic violence, victim awareness as well as other appropriate topics.

Profiles of Substance Use Program Center (Continuum of Services) Program Facilities On June 30, 2017		
Facility	Provider	Number of Program Slots
BRADENTON TRANSITION CENTER	BRIDGES OF AMERICA	120
COLUMBIA CI ANNEX	SMA BEHAVIORAL HEALTH SERVICES, INC.	118
HOLLYWOOD WORK RELEASE CENTER	COMMUNITY EDUCATION CENTERS	156
POMPANO TRANSITION CENTER	BRIDGES OF AMERICA	136
THE TRANSITION HOUSE	TRANSITION HOUSE	150
SHISA HOUSE EAST	SHISA, INC.	15
REALITY HOUSE (Work Release Component Only – Aftercare)	SMA BEHAVIORAL HEALTH SERVICES, INC.	28
TOTAL		723

*The 136 bed program at The Orlando Transition Center was converted to all paid employment on January 1, 2017

WORKLOAD

TABLE 3A: FY 2016-17 SUBSTANCE USE PROGRAM CENTER (CONTINUUM OF SERVICES) PROGRAM ENROLLMENT DATA

- In FY 2016-17, 1,365 different inmates had enrolled in the PROGRAM CENTER.

TABLE 3B (1): FY 2016-17 BRADENTON TRANSITION PROGRAM CENTER (CONTINUUM OF SERVICES) PROGRAM ENROLLMENT DATA

- In FY 2016-17, 3 different inmates received Prevention services, 164 inmates received Outpatient services and 172 inmates received Aftercare services, with a total of 339 inmates receiving these types of services.

TABLE 3B (2): FY 2016-17 TURNING POINT CRC (CONTINUUM OF SERVICES) PROGRAM ENROLLMENT DATA

- In FY 2016-17, 1 inmate received Prevention services, 139 inmates received Outpatient services and 41 inmates received Aftercare services, with a total of 181 inmates receiving these types of services.

TABLE 3B (3): FY 2016-17 COLUMBIA CI ANNEX (CONTINUUM OF SERVICES) PROGRAM ENROLLMENT DATA

- In FY 2016-17, 249 different inmates received Outpatient services, and 130 inmates received Aftercare services, with a total of 379 inmates receiving these types of services.

TABLE 3B (4): FY 2016-17 HOLLYWOOD WRC (CONTINUUM OF SERVICES) PROGRAM ENROLLMENT DATA

- In FY 2016-17, 145 inmates received Outpatient services and 232 inmates received Aftercare services, with a total of 377 inmates receiving these types of services.

TABLE 3B (5): FY 2016-17 ORLANDO BRIDGE (CONTINUUM OF SERVICES) PROGRAM ENROLLMENT DATA

- In FY 2016-17, 93 inmates received Outpatient services and 90 inmates received Aftercare services, with a total of 183 inmates receiving these types of services.

TABLE 3B (6): FY 2016-17 SHISA HOUSE EAST (CONTINUUM OF SERVICES) PROGRAM ENROLLMENT DATA

- In FY 2016-17, 10 inmates received Outpatient services and 21 inmates received Aftercare services, with a total of 31 inmates receiving these types of services.

TABLE 3B (7): FY 2016-17 TOMOKA CRC-285 (CONTINUUM OF SERVICES) PROGRAM ENROLLMENT DATA

- In FY 2016-17, 66 inmates received Aftercare services.

TABLE 3B (8): FY 2016-17 TTH OF KISSIMMEE (WORK RELEASE COMPONENT ONLY-AFTERCARE) PROGRAM ENROLLMENT DATA

- In FY 2016-17, 189 inmates received Outpatient services and 275 inmates received Aftercare services, with a total of 464 inmates receiving these types of services.

OUTCOMES

TABLE 3C (1): FY 2013-14 SUBSTANCE USE PROGRAM CENTER (CONTINUUM OF SERVICES) OUTCOMES, BY FISCAL YEAR, BY INMATE (3-YEAR FOLLOW-UP AFTER INITIAL PROGRAM ENTRY)*

- For FY 2013-14, the SUCCESS RATE was 74.5%.

TABLE 3C (2): FY 2014-15 SUBSTANCE USE PROGRAM CENTER (CONTINUUM OF SERVICES) OUTCOMES, BY FISCAL YEAR, BY INMATE (2-YEAR FOLLOW-UP AFTER INITIAL PROGRAM ENTRY)*

- For FY 2014-15, the SUCCESS RATE was 76.9%.

TABLE 3D: FY 2016-17 SUBSTANCE USE PROGRAM CENTER (CONTINUUM OF SERVICES) EXIT DATA (EVENT-BASED), BY FACILITY

- The SUCCESS RATE of the Program Center for Community Based for FY 2016-17 was 85.5%.
- There was a decrease in the Program Center success rate for Community Based from FY 2015-16 (87.8%) to FY 2016-17 (85.5%).

TABLE 3E: FY 2014-15 (2-YEAR FOLLOW-UP) PROGRAM CENTER RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION

- For a 2-year follow-up on PROGRAM CENTER participants released in FY 2014-15, program completers were less likely to be recommitted to prison or community supervision than non-completers (12.2% vs. 20.0%).

TABLE 3F: FY 2013-14 (3-YEAR FOLLOW-UP) PROGRAM CENTER RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION

- For a 3-year follow-up on PROGRAM CENTER participants released in FY 2013-14, program completers were less likely to be recommitted to prison or community supervision than non-completers (18.9% vs. 28.4%).

TABLE 3A

**SUBSTANCE USE PROGRAM CENTER (CONTINUUM OF CARE)
ENROLLMENT DATA, BY FISCAL YEAR**

FISCAL YEAR	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
2003-04	168	124	213	112
2004-05	384	351	434	321
2005-06	798	628	821	434
2006-07	1,059	803	1,066	544
2007-08	1,093	878	1,247	732
2008-09	1,381	1,100	1,512	755
2009-10	1,783	1,718	1,881	954
2010-11	1,972	1,524	2,022	1,003
2011-12	1,886	1,339	1,787	805
2012-13	2,033	1,371	1,768	815
2013-14	1,767	1,322	1,706	862
2014-15	1,957	1,369	1,748	862
2015-16	1,806	1,253	1,649	660
2016-17	1,408	1,034	1,365	571
TOTAL	19,495	14,814	19,219	9,430
AVERAGE	1,393	1,058	1,373	674

TABLE 3B (1)

**FY 2016-17 SUBSTANCE USE PROGRAM CENTER
BRADENTON BRIDGE
(CONTINUUM OF SERVICES)
ENROLLMENT DATA**

PROGRAM TYPE	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
PREVENTION	3	0	3	3
OUTPATIENT	96	93	164	52
AFTERCARE	131	130	172	55
TOTAL	230	226	339	110

TABLE 3B (2)

**FY 2016-17 SUBSTANCE USE PROGRAM CENTER
TURNING POINT CRC
(CONTINUUM OF SERVICES)
ENROLLMENT DATA**

PROGRAM TYPE	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
PREVENTION	1	1	1	1
OUTPATIENT	141	139	139	72
AFTERCARE	41	41	41	16
TOTAL	183	181	181	89

TABLE 3B (3)

**FY 2016-17 SUBSTANCE USE PROGRAM CENTER
COLUMBIA ANNEX
(CONTINUUM OF SERVICES)
ENROLLMENT DATA**

PROGRAM TYPE	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
PREVENTION	0	0	0	0
OUTPATIENT	187	177	249	77
AFTERCARE	113	108	130	33
TOTAL	300	285	379	110

TABLE 3B (4)

**FY 2016-17 SUBSTANCE USE PROGRAM CENTER
HOLLYWOOD CRC
(CONTINUUM OF SERVICES)
ENROLLMENT DATA**

PROGRAM TYPE	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
PREVENTION	0	0	0	0
OUTPATIENT	102	100	145	48
AFTERCARE	157	155	232	42
TOTAL	259	255	377	90

TABLE 3B (5)

**FY 2016-17 SUBSTANCE USE PROGRAM CENTER
ORLANDO BRIDGE
(CONTINUUM OF SERVICES)
ENROLLMENT DATA**

PROGRAM TYPE	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
PREVENTION	0	0	0	0
OUTPATIENT	16	16	93	0
AFTERCARE	36	36	90	0
TOTAL	52	52	183	0

TABLE 3B (6)

**FY 2016-17 SUBSTANCE USE PROGRAM CENTER
SHISA HOUSE EAST
(CONTINUUM OF SERVICES)
ENROLLMENT DATA**

PROGRAM TYPE	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
PREVENTION	0	0	0	0
OUTPATIENT	9	9	10	0
AFTERCARE	18	18	21	0
TOTAL	27	27	31	0

TABLE 3B (7)

**FY 2016-17 SUBSTANCE USE PROGRAM CENTER
TOMOKA CRC - 285
(CONTINUUM OF SERVICES)
ENROLLMENT DATA**

PROGRAM TYPE	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
PREVENTION	0	0	0	0
OUTPATIENT	0	0	0	0
AFTERCARE	39	39	66	26
TOTAL	39	39	66	26

TABLE 3B (8)

**FY 2016-17 SUBSTANCE USE PROGRAM CENTER
TTH OF KISSIMMEE
(WORK RELEASE COMPONENT ONLY –AFTERCARE)
ENROLLMENT DATA**

PROGRAM TYPE	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
PREVENTION	0	0	0	0
OUTPATIENT	115	113	189	68
AFTERCARE	203	201	275	78
TOTAL	318	314	464	146

TABLE 3C (1)
SUBSTANCE USE PROGRAM CENTER (CONTINUUM OF SERVICES)
OUTCOMES BY FISCAL YEAR*, BY INMATE
(OUTCOMES BASED ON 3-YEAR FOLLOW-UP AFTER INITIAL PROGRAM ENTRY)**

FISCAL YEAR	*** SUCCESS RATE	SUCCESSFUL		UNSUCCESSFUL		ADMINISTRATIVE		TOTAL
		Number	Percent	Number	Percent	Number	Percent	
2003-04	86.5%	77	76.2%	12	11.9%	12	11.9%	101
2004-05	71.5%	204	64.8%	81	25.7%	30	9.5%	315
2005-06	70.5%	315	62.3%	132	26.1%	59	11.7%	506
2006-07	65.4%	382	60.2%	202	31.8%	51	8.0%	635
2007-08	67.9%	456	64.4%	216	30.5%	36	5.1%	708
2008-09	66.2%	473	60.6%	242	31.0%	66	8.4%	781
2009-10	69.3%	529	60.7%	234	26.9%	108	12.4%	871
2010-11	70.8%	559	64.3%	230	26.4%	81	9.3%	870
2011-12	68.1%	537	60.1%	252	28.2%	104	11.7%	893
2012-13	65.4%	507	53.0%	268	28.0%	181	18.9%	956
2013-14	74.5%	502	57.5%	172	19.7%	199	22.8%	873
TOTAL	68.8%	4,541	62.1%	2,041	27.9%	728	10.0%	7310

TABLE 3C (2)
SUBSTANCE USE PROGRAM CENTER (CONTINUUM OF SERVICES) OUTCOMES BY
FISCAL YEAR*, BY INMATE
(OUTCOMES BASED ON 2-YEAR FOLLOW-UP AFTER INITIAL PROGRAM ENTRY)**

FISCAL YEAR	***** SUCCESS RATE	SUCCESSFUL		UNSUCCESSFUL		ADMINISTRATIVE		TOTAL
		Number	Percent	Number	Percent	Number	Percent	
2006-07	65.1%	377	59.7%	202	32.0%	53	8.4%	632
2007-08	68.4%	456	64.6%	211	29.9%	39	5.5%	706
2008-09	67.5%	516	56.9%	249	27.4%	142	15.7%	907
2009-10	69.2%	526	60.5%	234	26.9%	109	12.5%	869
2010-11	71.0%	560	64.4%	229	26.3%	81	9.3%	870
2011-12	68.2%	538	60.2%	252	28.2%	103	11.5%	893
2012-13	65.5%	506	52.9%	267	27.9%	183	19.2%	956
2013-14	74.6%	503	57.6%	171	19.6%	199	22.8%	873
2014-15	76.9%	485	54.7%	146	16.5%	255	28.8%	886

* Fiscal year is determined by fiscal year of first enrollment.

** Unduplicated by inmates per fiscal year, using only first-time enrollments and a specified follow-up period, and using the last exit code during this period.

*** Success Rate = Successful Exits Divided By (Successful Exits + Unsuccessful Exits).

TABLE 3D
FY 2016-17 SUBSTANCE USE PROGRAM CENTER
(CONTINUUM OF SERVICES)
PROGRAM OUTCOMES/EXIT DATA (EVENT-BASED*), BY FACILITY

FACILITY	*** Success Rate	SUCCESSFUL		UNSUCCESSFUL		ADMINISTRATIVE		TOTAL
		Number	Percent	Number	Percent	Number	Percent	
BRADENTON BRIDGE	90.0%	81	73.6%	9	8.2%	20	18.2%	110
BROWARD BRIDGE	100.0%	1	100.0%	0	0.0%	0	0.0%	1
***COLUMBIA ANNEX	84.4%	114	69.9%	21	12.9%	28	17.2%	163
HOLLYWOOD WRC	81.2%	108	75.5%	25	17.5%	10	7.0%	143
ORLANDO BRIDGE	93.2%	96	65.3%	7	4.8%	44	29.9%	147
SHISA HOUSE EAST	100.0%	13	59.1%	0	0.0%	9	40.9%	22
TOMOKA CRC-285	85.7%	30	75.0%	5	12.5%	5	12.5%	40
TTH OF KISSIMMEE	89.3%	117	83.6%	14	10.0%	9	6.4%	140
TURNING POINT CRC	66.2%	45	57.7%	23	29.5%	10	12.8%	78
TOTAL Behind the Fence FY 2016-17	84.4%	114	69.9%	21	12.9%	28	17.2%	163
TOTAL Community Based FY 2016-17	85.5%	491	72.1%	83	12.2%	107	15.7%	681
TOTAL Behind the Fence FY 2015-16	81.7%	125	65.4%	28	14.7%	38	19.9%	191
TOTAL Community Based FY 2015-16	87.8%	671	73.3%	93	10.2%	151	16.5%	915
TOTAL Behind the Fence FY 2014-15	90.2%	119	62.0%	13	6.8%	60	31.3%	192
TOTAL Community-based FY 2014-15	83.8%	595	73.8%	115	14.3%	96	11.9%	806
TOTAL Behind the Fence FY 2013-14	78.3%	126	67.8%	35	18.8%	25	13.4	186
TOTAL Community-based FY 2013-14	80.4%	683	70.0%	167	17.1%	126	12.9%	976
TOTAL Behind the Fence FY 2012-13	74.7%	130	65.3%	44	22.1%	25	12.6%	199
TOTAL Community-based FY 2012-13	77.4%	601	69.3%	175	20.2%	91	10.5%	867
TOTAL Behind the Fence FY 2011-12	69.8%	118	56.5%	51	24.4%	40	19.1%	209
TOTAL Community-based FY 2011-12	84.7%	740	77.6%	134	14.0%	80	8.4%	954
TOTAL FY 2010-11	76.6%	838	65.7%	256	20.0%	182	14.3%	1,276
TOTAL FY 2009-10	76.1%	984	69.5%	309	21.8%	122	8.6%	1,415

* Includes any exit events within the Fiscal Year for this program.

** Success Rate = Successful Exits Divided by (Successful Exits + Unsuccessful Exits).
“Successful” means “Completed”.

“Unsuccessful” means “Not Completed” for some reason other than an administrative exit.

*** The program at Columbia CI Annex is a “Behind the Fence” model provided to inmates who are recently released from Close Custody and are a more difficult population.

TABLE 3E

**FY 2014-15 (2-YEAR FOLLOW-UP), PROGRAM CENTER
RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION**

	ALL PROGRAM EXITS* (N=887)		PROGRAM COMPLETERS** (N=459)		PROGRAM NON-COMPLETERS*** (N=428)	
	Recommitments		Recommitments		Recommitments	
CATEGORY OF RECOMMITMENT TYPE	Number	Percent	Number	Percent	Number	Percent
1. Admission to Prison, New Offense	60	6.8%	28	6.1%	32	7.5%
2. Return to Prison, Technical Violation	68	7.7%	28	6.1%	40	9.3%
3. Admission to Supervision, New Offense	22	2.5%	10	2.2%	12	2.8%
4. Return to Supervision, Technical Violation	1	0.1%	1	0.2%	0	0.0%
TOTAL RECOMMITMENTS	151	17.1%	67	14.6%	84	19.6%
REASON FOR ADMISSION OR RETURN						
5. Admission to Prison or Community Supervision, For New Offense (1 & 3 Combined)	82	9.3%	38	8.3%	44	10.7%
6. Return to Prison or Community Supervision, For Technical Violation (2 & 4 Combined)	69	7.8%	29	6.3%	40	9.3%
WHERE ADMITTED/RETURNED, FOR EITHER REASON						
7. Admission/Return to Prison, For New Offense or Technical Violation (1 & 2 Combined)	128	14.5%	56	12.2%	72	16.8%
8. Admission/Return to Community Supervision, for New Offense or Technical Violation (3 & 4 Combined)	23	2.6%	11	2.4%	12	3.2%

- * ALL PROGRAM EXITS = Successful Exits + Unsuccessful Exits + Administrative Exits.
 ** PROGRAM COMPLETERS = Successful Exits.
 *** PROGRAM NON-COMPLETERS = Unsuccessful Exits + Administrative Exits.

TABLE 3F

**FY 2013-14 (3-YEAR FOLLOW-UP), PROGRAM CENTER
RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION**

	ALL PROGRAM EXITS* (N=922)		PROGRAM COMPLETERS** (N=545)		PROGRAM NON-COMPLETERS*** (N=377)	
	Recommitments		Recommitments		Recommitments	
CATEGORY OF RECOMMITMENT TYPE	Number	Percent	Number	Percent	Number	Percent
1. Admission to Prison, New Offense	90	9.8%	50	9.2%	40	10.6%
2. Return to Prison, Technical Violation	76	8.2%	35	6.4%	41	10.9%
3. Admission to Supervision, New Offense	44	4.8%	18	3.3%	26	6.9%
4. Return to Supervision, Technical Violation	0	0.0%	0	0.0%	0	0.0%
TOTAL RECOMMITMENTS	210	22.8%	103	18.9%	107	28.4%
REASON FOR ADMISSION OR RETURN						
5. Admission to Prison or Community Supervision, For New Offense (1 & 3 Combined)	134	14.6%	68	12.5%	66	17.5%
6. Return to Prison or Community Supervision, For Technical Violation (2 & 4 Combined)	76	8.2%	35	6.4%	41	10.9%
WHERE ADMITTED/RETURNED, FOR EITHER REASON						
7. Admission/Return to Prison, For New Offense or Technical Violation (1 & 2 Combined)	166	18.0%	85	15.6%	81	21.5%
8. Admission/Return to Community Supervision, for New Offense or Technical Violation (3 & 4 Combined)	44	4.8%	18	3.3%	26	6.9%

- * ALL PROGRAM EXITS = Successful Exits + Unsuccessful Exits + Administrative Exits.
 ** PROGRAM COMPLETERS = Successful Exits.
 *** PROGRAM NON-COMPLETERS = Unsuccessful Exits + Administrative Exits.

**READINESS GROUP
SUBSTANCE USE PROGRAM SERVICES**

TABLE 4A
FY 2016-17 READINESS GROUP
ENROLLMENT DATA, BY FISCAL YEAR

FISCAL YEAR	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30TH
2002-03	944	873	966	157
2003-04	1,670	1,559	1,701	311
2004-05	2,957	2,771	3,074	572
2005-06	3,473	3,213	3,718	553
2006-07	3,491	3,301	3,797	511
2007-08	2,471	2,345	2,828	341
2008-09	1,752	1,698	2,016	754
2009-10	1,699	1,654	1,997	338
2010-11	1,685	1,660	1,987	352
2011-12	1,928	1,871	2,194	314
2012-13	1,955	1,912	2,218	338
2013-14	1,876	1,825	2,149	322
2014-15	1,524	1,012	1,314	133
2015-16	1,024	991	1,113	123
2016-17	773	750	862	143
TOTAL	29,222	27,435	31,934	5262
AVERAGE	1,948	1,829	2,129	351

TABLE 4B

**FY 2016-17 READINESS GROUP
ENROLLMENT DATA, BY FACILITY**

FACILITY	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
AVON PARK CI	192	179	192	4
BAKER CI	138	135	156	22
CENTURY CI	52	52	52	8
CROSS CITY EAST UNIT	81	79	79	14
FRANKLIN CI	0	0	5	0
GULF CI - ANNEX	49	49	54	13
JEFFERSON	19	19	19	13
LAKE CI	47	46	48	0
LOWELL ANNEX	10	10	11	6
MADISON CI	35	35	46	24
MAYO CI ANNEX	0	0	21	1
MAYO WORK CAMP	4	4	4	0
NWFRM MAIN UNI	29	29	32	0
SAGO PALM R C	19	19	22	1
SANTA ROSA WC	52	52	61	19
TAYLOR CI	46	44	62	18
TOTAL	773	752*	864*	143

*Total in these columns may not match the corresponding columns' total in TABLE 4A since an inmate may be enrolled in the same program at different facilities during the year.

**INMATE ALUMNI GROUP
SUBSTANCE USE PROGRAM SERVICES**

TABLE 5A
FY 2016-17 ALUMNI GROUP
ENROLLMENT DATA, BY FISCAL YEAR

FISCAL YEAR	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30TH
2002-03	862	836	1,348	465
2003-04	1,180	1,148	1,617	651
2004-05	2,136	2,107	2,879	1,147
2005-06	2,392	2,352	3,504	1,075
2006-07	2,123	2,098	3,146	1,042
2007-08	1,643	1,612	2,633	655
2008-09	1,102	1,086	1,717	686
2009-10	1,072	1,050	1,713	545
2010-11	1,093	1,080	1,584	504
2011-12	1,216	1,213	1,711	526
2012-13	1,109	1,098	1,623	522
2013-14	1,452	1,437	1,957	625
2014-15	1,524	1,514	2,184	661
2015-16	1,605	1,592	2,294	717
2016-17	1,710	1,688	2,404	827
TOTAL	22,219	21,911	32,314	10,648
AVERAGE	1,481	1,461	2,154	710

TABLE 5B
FY 2016-17 ALUMNI GROUP
ENROLLMENT DATA, BY FACILITY

	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
AVON PARK CI	119	119	155	31
BAKER CI	109	106	132	43
BAKER RE-ENTRY CTR	51	50	50	37
CENTURY CI	69	69	87	18
CROSS CITY EAST U	86	85	85	11
EVERGLADES CI	107	107	208	106
FRANKLIN CI	36	35	47	7
GADSDEN REENTRY	19	19	19	14
GULF CI ANNEX	76	76	104	31
HERNANDO CI	73	71	162	80
JACKSON CI	32	32	37	12
JEFFERSON CI	39	39	62	23
LAKE CI	95	94	135	32
LOWELL ANNEX	53	53	79	24
MADISON CI	64	64	121	34
MARION CI	145	145	170	32
MAYO CI ANNEX	28	28	47	15
NWERC ANNEX	70	70	103	32
NWERC MAIN UNIT	54	53	73	28
OKEECHOBEE CI	0	0	31	11
ORLANDO BRIDGE	23	23	23	23
POLK CI	81	81	97	28
SAGO PALM REENTRY	134	129	192	93
SANTA ROSA WC	40	39	61	16
TAYLOR CI	78	78	97	35
TAYLOR WORK CAMP	2	2	2	0
TOMOKA CRC-290	30	29	35	11
TOTAL	1,713	1,696*	2,414*	827

* Total in this column may not match the corresponding column total in TABLE 5A since an inmate may be enrolled in the same programs at different facilities during the year.

**POST-RELEASE TRANSITIONAL HOUSING
PROGRAMS
SUBSTANCE USE PROGRAM SERVICES**

EXECUTIVE SUMMARY

POST-RELEASE SUBSTANCE USE TRANSITIONAL HOUSING PROGRAMS

Post-Release Substance Use Transitional Housing Programs assist released inmates by providing substance use re-entry and relapse prevention services, transitional housing, and other support services. The program also provides housing, three meals a day, electricity, access to local telephone service, job placement assistance, and other transitional services. The target population for this program is recently released inmates with histories of substance use problems, particularly those who have completed a Department in-prison or community-based drug treatment program, and are in need of transitional housing and services upon their release from incarceration. Program participants do not have to be under Department supervision to participate. Enrollment in the program is strictly voluntary, however, all enrolled program participants are required to participate in program activities and abide by program rules. Program participants may not be discharged for failure to participate in post-release components of the program.

Profiles of Post-Release Substance Use Transitional Housing Programs <i>On June 30, 2017</i>				
Facility	Population	Number of Program Seats		
		Male	Female	Non-gender Specific
THE TRANSITION HOUSE	MALE / FEMALE	20	0	0
FRESH START MINISTRIES OF CENTRAL FLORIDA	MALE	8	0	0
GOOD NEWS FOSTER HOME	MALE	6	0	0
HARBOR HOUSE GROUP	MALE	3	0	0

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EXECUTIVE SUMMARY

POST-RELEASE SUBSTANCE USE TRANSITIONAL HOUSING PROGRAMS (CONTINUED)

Profiles of Post-Release Substance Use Transitional Housing Programs <i>On June 30, 2017</i>				
Facility	Population	Number of Program Seats		
		Male	Female	Non-gender Specific
NOAH COMMUNITY OUTREACH, INC.	MALE / FEMALE	23	5	0
PRISONERS OF CHRIST	MALE	15	0	0
SALVATION ARMY (BRADENTON)	MALE	6	0	0
SALVATION ARMY (ST. PETERSBURG)	MALE / FEMALE	7	3	0
SALVATION ARMY (DAYTONA)	MALE	4	0	0
SANCTUARY MISSION	MALE / FEMALE	0	0	3
FLORIDA CROWN WORK FORCE/ON EAGLES	MALE / FEMALE	5	3	0
HARVEST TABERNACLE	MALE	5	0	0
JESUS AND YOU OUTREACH MINISTRIES	MALE	10	0	0
TOTAL		112	11	3

WORKLOAD

TABLE 6A: POST-RELEASE TRANSITIONAL HOUSING PROGRAM ENROLLMENT DATA BY FISCAL YEAR

- There were 146 offenders in the programs on June 30, 2017.
- Since FY 2002-03, 11,333 different offenders have received services.

TABLE 6B: FY 2016-17 POST-RELEASE TRANSITIONAL PROGRAM ENROLLMENT DATA BY FACILITY

- Five programs had 30 or more new enrollment events during FY 2016-17.
- In the FY 2016-17, the program had 450 different offenders enrolled in the program during the year.

OUTCOMES

TABLE 6C (1): POST-RELEASE TRANSITIONAL HOUSING PROGRAM OUTCOMES, BY FISCAL YEAR, BY INMATE (3-YEAR FOLLOW-UP AFTER INITIAL PROGRAM ENTRY)*

- This table shows outcomes based on a three year follow-up after the offender first entered a program of this type. For FY 2013-14, transitional housing programs had a 60.0% success rate (successful exits divided by successful and unsuccessful exits.)

TABLE 6C (2): POST-RELEASE TRANSITIONAL HOUSING PROGRAM OUTCOMES, BY FISCAL YEAR, BY INMATE (2-YEAR FOLLOW-UP AFTER INITIAL PROGRAM ENTRY)

- This table shows outcomes based on a two year follow-up after the offender first entered a program of this type. For FY 2014-15, post-release transitional housing programs had a 54.8% success rate (successful exits divided by successful and unsuccessful exits).

RECOMMITMENT

TABLE 6E: FY 2014-15 (2-YEAR FOLLOW-UP) POST-RELEASE TRANSITIONAL RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION

- For a 2-year follow-up on post-release participants released in FY 2014-15, program completers were less likely to be recommitted to prison or community supervision than non-completers (16.5% vs. 30.1%).

TABLE 6F: FY 2013-14 (3-YEAR FOLLOW-UP) POST-RELEASE TRANSITIONAL RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION

- For a 3-year follow-up on post-release participants released in FY 2013-14, program completers were less likely to be recommitted to prison or community supervision than non-completers (22.1% vs. 44.7%).

TABLE 6A

**FY 2016-17 POST-RELEASE TRANSITIONAL PROGRAMS
TREATMENT PROGRAM ENROLLMENT DATA, BY FISCAL YEAR**

FISCAL YEAR	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW OFFENDERS ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT OFFENDERS ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF OFFENDERS ENROLLED IN THE PROGRAM ON JUNE 30TH
2002-03	737	705	747	174
2003-04	658	624	785	150
2004-05	675	644	786	174
2005-06	820	775	870	213
2006-07	996	963	1,073	247
2007-08	877	854	1,021	164
2008-09	647	611	704	177
2009-10	641	619	705	197
2010-11	650	622	804	170
2011-12	624	589	723	217
2012-13	566	545	741	219
2013-14	522	494	685	190
2014-15	481	471	622	195
2015-16	381	371	565	204
2016-17	341	336	502	146
TOTAL	9,616	9,223	11,333	2,837
AVERAGE	641	615	756	189

TABLE 6B**FY 2016-17 POST-RELEASE TRANSITIONAL PROGRAMS
TREATMENT PROGRAM ENROLLMENT DATA, BY FACILITY**

FACILITY	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW OFFENDERS ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT OFFENDERS ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF OFFENDERS ENROLLED IN THE PROGRAM ON JUNE 30, 2017
FLORIDA CROWN WORK FORCE/ON EAGLES	21	21	24	6
FRESH START MINISTRIES OF CENTRAL FLORIDA	40	40	65	25
GOOD NEWS FOSTER HOME	13	13	15	3
HARBOR HOUSE GROUP	3	3	4	3
HARVEST TABERNACLE	10	10	28	13
JESUS & YOU OUTREACH	13	13	19	3
LAMB OF GOD MIN-POMPANO	4	4	7	1

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**TABLE 6B
(CONTINUED)**

**FY 2016-17 POST-RELEASE TRANSITIONAL PROGRAMS
TREATMENT PROGRAM ENROLLMENT DATA, BY FACILITY**

FACILITY	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW OFFENDERS ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT OFFENDERS ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES OFFENDERS IN THE PROGRAM ON JUNE 30, 2017
NOAH COMMUNITY OUTREACH	55	54	79	28
PRISONERS OF CHRIST	34	34	43	12
SALVATION ARMY (ST. PETE)	30	29	36	9
SALVATION ARMY (BRADENTON)	22	22	26	6
SALVATION ARMY DAYTONA	20	20	27	8
SANCTUARY MISSION	10	10	13	4
THE TRANSITION HOUSE	40	40	64	19
TOTAL	315	313	450	140

* Total in this column may not match the corresponding column total in TABLE 6A since an inmate may be enrolled in the same programs at different facilities during the year.

TABLE 6C (1)
POST-RELEASE TRANSITIONAL PROGRAMS OUTCOMES
BY FISCAL YEAR*, BY PARTICIPANT
(OUTCOMES BASED ON 3-YEAR FOLLOW-UP AFTER INITIAL PROGRAM ENTRY)**

Fiscal Year	Success Rate***	Successful		Unsuccessful		Administrative		Total
		Number	Percent	Number	Percent	Number	Percent	
2006-07	53.8%	458	51.6%	393	44.3%	36	4.1%	887
2007-08	53.7%	404	50.8%	349	43.9%	42	5.3%	795
2008-09	60.0%	317	57.1%	211	38.0%	27	4.9%	555
2009-10	58.7%	314	55.6%	221	39.1%	30	5.3%	565
2010-11	59.9%	344	56.0%	230	37.5%	40	6.5%	614
2011-12	61.0%	317	57.3%	203	36.7%	33	6.0%	553
2012-13	61.9%	288	55.7%	177	34.2%	52	10.1%	517
2013-14	60.0%	258	56.1%	172	37.4%	30	6.5%	460
TOTAL	58.0%	2700	54.6%	1956	39.5%	290	5.9%	4,946

TABLE 6C (2)
POST-RELEASE TRANSITIONAL PROGRAMS OUTCOMES
BY FISCAL YEAR*, BY PARTICIPANT
(OUTCOMES BASED ON 2-YEAR FOLLOW-UP AFTER INITIAL PROGRAM ENTRY)**

Fiscal Year	Success Rate***	Successful		Unsuccessful		Administrative		Total
		Number	Percent	Number	Percent	Number	Percent	
2006-07	53.5%	456	51.4%	397	44.7%	35	3.9%	888
2007-08	54.1%	398	51.2%	338	43.5%	41	5.3%	777
2008-09	59.0%	317	56.4%	220	39.1%	25	4.4%	562
2009-10	58.9%	315	55.8%	220	38.9%	30	5.3%	565
2010-11	60.5%	317	56.9%	207	37.2%	33	5.9%	557
2011-12	61.3%	319	57.7%	201	36.3%	33	6.0%	553
2012-13	61.6%	286	55.4%	178	34.5%	52	10.1%	516
2013-14	60.1%	259	56.3%	172	37.4%	29	6.3%	460
2014-15	54.8%	218	51.1%	180	42.2%	29	6.8%	427
TOTAL	57.7%	2,885	54.4%	2113	39.8%	307	5.8%	5,305

* Fiscal year is determined by fiscal year of first enrollment.

** Unduplicated by inmates per fiscal year, using only first-time enrollments and a specified follow-up period, and using the last exit code during this period.

*** Success Rate = Successful Exits Divided By (Successful Exits + Unsuccessful Exits).

TABLE 6D

**FY 2016-17 POST-RELEASE TRANSITIONAL PROGRAMS
PROGRAM OUTCOMES/EXIT DATA (EVENT-BASED*), BY FACILITY**

FACILITY	*** Success Rate	SUCCESSFUL		UNSUCCESSFUL		ADMINISTRATIVE		TOTAL
		Number	Percent	Number	Percent	Number	Percent	
FLORIDA CROWN WORKFORCE	57.9%	11	57.9%	8	42.1%	0	0.0%	19
FRESH START MINISTRIES	43.6%	17	41.5%	22	53.7%	2	4.8%	41
GOOD NEWS FOSTER HOME	53.8%	7	53.8%	6	46.2%	0	0.0%	13
HARBOR HOUSE GROUP	50.0%	1	50.0%	1	50.0%	0	0.0%	2
HARVEST TABERNACLE	78.6%	11	73.3%	3	20.0%	1	6.7%	15
JESUS & YOU OUTREACH	46.2%	6	37.5%	7	43.8%	3	18.8%	16
LAMB OF GOD MINIST-POMPANO	20.0%	1	16.7%	4	66.7%	1	16.7%	6
NOAH COMM OUTREACH	59.6%	31	58.5%	21	39.6%	1	1.9%	53
PRISONERS OF CHRIST	71.0%	22	71.0%	9	29.0%	0	0.0%	31
SALVATION ARMY BRADENTON-	35.%	6	30.0%	11	55.0%	3	15.0%	20
SALVATION ARMY ST. PETE	25.9%	7	25.0%	20	71.4%	1	3.6%	28
SALVATION ARMY - DAYTONA	56.3%	9	47.4%	7	36.8%	3	15.8%	19
SANCTUARY MISSION	44.4%	4	44.4%	5	55.6%	0	0.0%	9
THE TRANSITION HOUSE	73.8%	31	66.0%	11	23.4%	5	10.6%	47

TABLE 6D
(CONTINUED)

FY 2016-17 POST-RELEASE TRANSITIONAL PROGRAMS
PROGRAM OUTCOMES/EXIT DATA (EVENT-BASED*), BY FACILITY

TOTAL FY 2016-17	54.8%	164	51.4%	135	42.3%	20	6.3%	319
TOTAL FY 2015-16	63.2%	151	57.2%	88	33.3%	25	9.5%	264
TOTAL FY 2014-15	53.6%	225	50.2%	195	43.5%	28	6.2%	448
TOTAL FY 2013-14	61.1%	298	56.5%	190	36.1%	39	7.4%	527
TOTAL FY 2012-13	59.8%	300	54.3%	201	36.4%	51	9.3%	552
TOTAL FY 2011-12	60.50%	299	52.5%	195	34.2%	76	13.3%	570
TOTAL FY 2010-11	58.9%	371	54.8%	259	38.3%	47	6.9%	677
TOTAL FY 2009-10	56.6%	333	53.2%	255	40.7%	38	6.1%	626
TOTAL FY 2008-09	54.9%	315	50.6%	259	41.6%	48	7.7%	622

* Includes any exit events within the fiscal year for this program.

** Success Rate = Successful Exits Divided By (Successful Exits + Unsuccessful Exits).

“Successful” means “Completed”.

“Unsuccessful” means “Not Completed” for some reason other than an administrative exit.

TABLE 6E

**FY 2014-15 (2-YEAR FOLLOW-UP), POST-RELEASE TRANSITIONAL HOUSING
RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION**

	ALL PROGRAM EXITS* (N=453)		PROGRAM COMPLETERS** (N=224)		PROGRAM NON-COMPLETERS*** (N=229)	
	Recommitments		Recommitments		Recommitments	
CATEGORY OF RECOMMITMENT TYPE	Number	Percent	Number	Percent	Number	Percent
1. Admission to Prison, New Offense	26	5.7%	6	2.7%	20	8.7%
2. Return to Prison, Technical Violation	53	11.7%	15	6.7%	38	16.6%
3. Admission to Supervision, New Offense	26	5.7%	15	6.7%	11	4.8%
4. Return to Supervision, Technical Violation	1	0.2%	1	0.4%	0	0.0%
TOTAL RECOMMITMENTS	106	23.4%	37	16.5%	69	30.1%
REASON FOR ADMISSION OR RETURN						
5. Admission to Prison or Community Supervision, For New Offense (1 & 3 Combined)	52	11.5%	21	9.4%	31	13.5%
6. Return to Prison or Community Supervision, For Technical Violation (2 & 4 Combined)	54	11.9%	16	7.1%	38	16.6%
WHERE ADMITTED/RETURNED, FOR EITHER REASON						
7. Admission/Return to Prison, For New Offense or Technical Violation (1 & 2 Combined)	79	17.4%	21	9.4%	58	25.3%
8. Admission/Return to Community Supervision, For New Offense or Technical Violation (3 & 4 Combined)	27	6.0%	16	7.1%	11	4.8%

* ALL PROGRAM EXITS = Successful Exits + Unsuccessful Exits + Administrative Exits.

** PROGRAM COMPLETERS = Successful Exits.

*** PROGRAM NON-COMPLETERS = Unsuccessful Exits + Administrative Exits.

TABLE 6F

**FY 2013-14 (3-YEAR FOLLOW-UP), POST-RELEASE TRANSITIONAL HOUSING
RECOMMITMENT DATA, BY LEVEL OF PARTICIPATION**

	ALL PROGRAM EXITS* (N=474)		PROGRAM COMPLETERS** (N=268)		PROGRAM NON-COMPLETERS*** (N=206)	
	Recommitments		Recommitments		Recommitments	
CATEGORY OF RECOMMITMENT TYPE	Number	Percent	Number	Percent	Number	Percent
1. Admission to Prison, New Offense	70	14.8%	22	8.2%	48	23.3%
2. Return to Prison, Technical Violation	58	12.2%	24	9.0%	34	16.5%
3. Admission to Supervision, New Offense	22	4.6%	12	4.5%	10	4.9%
4. Return to Supervision, Technical Violation	1	0.2%	1	0.4%	0	0.0%
7TOTAL RECOMMITMENTS	151	31.9%	59	22.1%	92	44.7%
REASON FOR ADMISSION OR RETURN						
5. Admission to Prison or Community Supervision, For New Offense (1 & 3 Combined)	92	19.4%	34	12.7%	58	28.2%
6. Return to Prison or Community Supervision, For Technical Violation (2 & 4 Combined)	59	12.4%	25	9.4%	34	16.5%
WHERE ADMITTED/RETURNED, FOR EITHER REASON						
7. Admission/Return to Prison, For New Offense or Technical Violation (1 & 2 Combined)	128	27.0%	46	17.2%	82	39.8%
8. Admission/Return to Community Supervision, for New Offense or Technical Violation (3 & 4 Combined)	23	4.9%	13	4.9%	10	4.9%

* ALL PROGRAM EXITS = Successful Exits + Unsuccessful Exits + Administrative Exits.

** PROGRAM COMPLETERS = Successful Exits.

*** PROGRAM NON-COMPLETERS = Unsuccessful Exits + Administrative Exits

**DEPARTMENT OPERATED WORK RELEASE
CENTERS WITH CONTRACTED SUBSTANCE
USE/RE-ENTRY COUNSELORS**

EXECUTIVE SUMMARY

DEPARTMENT OPERATED WORK RELEASE CENTERS WITH CONTRACTED COUNSELORS

Contracted counselors at Department Operated Work Release Centers offers a continuum of licensed services including intervention, outpatient and aftercare. Services are provided based on inmate's individualized needs. Outpatient services are a minimum of four months and Aftercare/alumni services are provided until the inmate is released. Intervention services are provided to inmates with less than 4 months to serve. The counselor to client ratio is 1:50.

Profiles of Counselors at Department Operated Work Release Centers Program Facilities <i>On June 30, 2017</i>		
FACILITY	PROVIDER	NUMBER OF PROGRAM SEATS
ATLANTIC WRC	BRIDGES OF AMERICA	50
FORT PIERCE WRC	BRIDGES OF AMERICA	50
KISSIMMEE WRC	UNLIMITED PATH	50
MIAMI NORTH WRC	WESTCARE	100
OPA LOCKA WRC	BRIDGES OF AMERICA	50
ORLANDO WRC	BRIDGES OF AMERICA	50
PANAMA CITY WRC	UNLIMITED PATH	50
PENSACOLA WRC	UNLIMITED PATH	50
PINELLAS WRC	UNLIMITED PATH	50

EXECUTIVE SUMMARY
DEPARTMENT OPERATED WORK RELEASE CENTERS
WITH CONTRACTED COUNSELORS
(CONTINUED)

ST. PETE WRC	UNLIMITED PATH	50
TALLAHASSEE WRC	UNLIMITED PATH	50
WEST PALM BEACH WRC	BRIDGES OF AMERICA	50
TOTAL		650

WORKLOAD

TABLE 7A: FY 2016-17 WR HOUSING PROGRAM ENROLLMENT DATA BY FISCAL YEAR

- There were 491 offenders in the programs on June 30, 2017.
- 1,801 different inmates received services during the year.

TABLE 7B: FY 2016-17 WR PROGRAM ENROLLMENT DATA BY FACILITY

- Eleven programs had 100 or more new enrollment events during FY 2016-17.

OUTCOMES

TABLE 7C: FY 2016-17 WR TREATMENT EXIT DATA (EVENT-BASED) BY FACILITY

- For the FY 2016-17 the overall success rate was 87.1%.

TABLE 7A

**DEPARTMENT OPERATED WORK RELEASE CENTERS
WITH CONTRACTED COUNSELORS
ENROLLMENT DATA, BY FISCAL YEAR**

FISCAL YEAR	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30TH
2011-12	854	819	819	677
2012-13	2,793	2,434	2,952	939
2013-14	2,253	1,989	2,721	594
2014-15	1,414	1,315*	1,799*	548
2015-16	1,424	1,327	1,804	561
2016-17	1,428	1,325	1,801	491

TABLE 7B

**FY 2016-17 DEPARTMENT OPERATED WORK RELEASE CENTERS
WITH CONTRACTED COUNSELORS
ENROLLMENT DATA, BY FACILITY**

FACILITY	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
ATLANTIC CRC	100	81	105	31
FORT PIERCE CRC	104	94	129	38
KISSIMMEE CRC	115	112	159	49
MIAMI NORTH CRC	117	112	192	42
OPA LOCKA CRC	92	87	126	40
ORLANDO CRC	132	123	168	50
PANAMA CITY CRC	115	114	162	36
PENSACOLA CRC	118	106	148	40
PINELLAS CRC	102	82	108	33
ST. PETE CRC	132	132	153	42
TALLAHASSEE CRC	183	177	214	49
W. PALM BEACH CRC	118	108	143	41
TOTAL	1,428	1,328*	1,807*	491

*Total in these columns may not match the corresponding columns' total in TABLE 7A since an inmate may be enrolled in the same program at different facilities during the year

TABLE 7C

**FY 2016-17 DEPARTMENT OPERATED WORK RELEASE CENTERS
WITH CONTRACTED COUNSELORS
PROGRAM OUTCOMES/EXIT DATA (EVENT-BASED*), BY FACILITY**

FACILITY	*** Success Rate	SUCCESSFUL		UNSUCCESSFUL		ADMINISTRATIVE		TOTAL
		Number	Percent	Number	Percent	Number	Percent	
ATLANTIC CRC	94.0%	63	60.6%	4	3.8%	37	35.6%	104
FORT PIERCE CRC	86.2%	75	67.0%	12	10.7%	25	22.3%	112
KISSIMMEE CRC	90.7%	78	69.0%	8	7.1%	27	23.9%	113
MIAMI NORTH CRC	82.4%	98	59.8%	21	12.8%	45	27.4%	164
OPA LOCKA CRC	81.7%	67	69.1%	15	15.5%	15	15.4%	97
ORLANDO CRC	93.4%	99	75.6%	7	5.3%	25	19.1%	131
PANAMA CITY CRC	76.4%	68	53.1%	21	16.4%	39	30.5%	128
PENSACOLA CRC	100.0%	95	74.2%	0	0.0%	33	25.8%	128
PINELLAS CRC	94.9%	75	74.3%	4	3.9%	22	21.8%	101
ST. PETE CRC	87.7%	93	78.2%	13	10.9%	13	10.9%	119
TALLAHASSEE CRC	79.6%	117	65.7%	30	16.9%	31	17.4%	178
WEST PALM BEACH CRC	84.7%	83	69.8%	15	12.6%	21	17.6%	119
TOTAL FY 2016-17	87.1%	1,011	67.7%	150	10.0%	333	22.3%	1,494

** These programs began April 1, 2014.

RE-ENTRY CENTERS

EXECUTIVE SUMMARY

Re-Entry Centers

Re-Entry Centers offer a continuum of substance use services including prevention, outpatient, and aftercare services as well as education/vocational services. The focus is on teaching, developing, and practicing re-entry/transitional skills necessary for a successful drug-free re-entry into the community upon release from prison. Inmates residing in a program center will receive the appropriate level of substance use services in addition to groups focusing on criminal thinking, family development, anger management, domestic violence, victim awareness as well as other appropriate topics.

Profiles of Re-Entry Centers Program Facilities <i>On June 30, 2017</i>		
FACILITY	PROVIDER	NUMBER OF PROGRAM SEATS
GADSDEN RE-ENTRY CENTER	UNLIMITED PATH, INC.	432
BAKER RE-ENTRY CENTER	UNLIMITED PATH, INC	432
EVERGLADES RE-ENTRY CENTER	COMMUNITY EDUCATION CENTERS	432
TOTAL		1,296

WORKLOAD

TABLE 8A: FY 2016-17 RE-ENTRY CENTER PROGRAM ENROLLMENT DATA BY FISCAL YEAR

- There were 387 offenders in the programs on June 30, 2017.
- 1,165 different inmates received services during the year.

TABLE 8B: FY 2014-15 RE-ENTRY CENTER PROGRAM ENROLLMENT DATA BY FACILITY

- In the FY 2016-17, the program had 1,165 different inmates enrolled in the program during the year.

OUTCOMES

TABLE 8C: FY 2014-15 RE-ENTRY CENTER TREATMENT EXIT DATA (EVENT-BASED) BY FACILITY

- For the FY 2014-15 the overall success rate for GADSDEN RE-ENTRY CENTER was 89.8%.

TABLE 8A
RE-ENTRY CENTERS
ENROLLMENT DATA, BY FISCAL YEAR

FISCAL YEAR	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30TH
2016-17	1075	859	1165	387

TABLE 8B**FY 2014-15 RE-ENTRY CENTERS
ENROLLMENT DATA, BY FACILITY**

FACILITY	NUMBER OF NEW ENROLLMENT EVENTS IN THE PROGRAM DURING THE YEAR	NUMBER OF NEW INMATES ENROLLED IN THE PROGRAM DURING THE YEAR	NUMBER OF DIFFERENT INMATES ENROLLED IN PROGRAM DURING THE YEAR	NUMBER OF INMATES ENROLLED IN THE PROGRAM ON JUNE 30, 2017
BAKER RE-ENTRY	423	346	482	173
EVERGLADES RE-ENTRY	249	192	254	34
GADSDEN RE-ENTRY	403	321	429	180
TOTAL	1075	859	1165	387

*Total in these columns may not match the corresponding columns' total in TABLE 8A since an inmate may be enrolled in the same program at different facilities during the year

TABLE 8C

**FY 2016-17 RE-ENTRY CENTERS - OUTPATIENT
PROGRAM OUTCOMES/EXIT DATA (EVENT-BASED*), BY FACILITY**

FACILITY	*** Success Rate	SUCCESSFUL		UNSUCCESSFUL		ADMINISTRATIVE		TOTAL
		Number	Percent	Number	Percent	Number	Percent	
BAKER REENTRY	94.0%	358	72.5%	23	4.7%	113	22.8%	494
GADSDEN REENTRY	93.9%	295	68.9%	19	4.4%	114	26.7%	428

* Includes any exit events within the fiscal year for this program.

** Success Rate = Successful Exits Divided By (Successful Exits + Unsuccessful Exits).

*** Data for Everglades Re-Entry Center are not included in this table as the program changed significantly in the 4th quarter of FY16/17, resulting in a number of data changes.



2019 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Corrections

<u>BILL INFORMATION</u>	
BILL NUMBER:	CS/SB 1074
BILL TITLE:	Sentencing
BILL SPONSOR:	Senator Brandes
EFFECTIVE DATE:	October 1, 2019

<u>COMMITTEES OF REFERENCE</u>
1) Criminal Justice
2) Appropriations Subcommittee on Criminal and Civil Justice
3) Appropriations
4)
5)

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

<u>CURRENT COMMITTEE</u>

<u>SIMILAR BILLS</u>	
BILL NUMBER:	
SPONSOR:	

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	
SPONSOR:	

Is this bill part of an agency package?
No

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	April 5, 2019
LEAD AGENCY ANALYST:	Patrick Mahoney and Jennifer Rechichi
ADDITIONAL ANALYST(S):	Maggie Agerton, Jamie Dunsford, Shana Lasseter, Rusty McLaughlin, Michelle Palmer, Kim Riley, Greg Roberts and Sibyle Walker
LEGAL ANALYST:	Daniel Burke
FISCAL ANALYST:	Greg Holcomb and Emma Dugger

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

This bill creates a new sentencing option which includes elements of several of the existing options outlined in the present situation section below but is not identical to any of them. Specifically, the bill creates a probationary split sentence designed to focus on nonviolent offenders' substance use or mental health needs imposed by the court. The bill stipulates that a term of imprisonment, which includes an in-prison treatment program for substance use or mental health or co-occurring disorders for at least 90 days and a term of probation of 24 months.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

The FSC in *Gibson v FDC*, 885 So.2d 376 (Fla. 2004), identified 6 statutory sentencing options in Florida: (1) a period of confinement (jail or prison); (2) a "true split sentence" consisting of a total period of confinement with a portion of the confinement period suspended and the defendant placed on probation for that suspended portion; (3) a "probationary split sentence" consisting of a period of confinement, none of which is suspended, followed by a period of probation; (4) a Vallery sentence, consisting of a period of probation preceded by a period of confinement imposed as a special condition; and (5) straight probation; (6) a "reverse split sentence", a period of probation followed by a period of incarceration.

There are also existing statutes that allow courts to modify sentences to probation terms upon completion of in-prison programming. Both involve youthful offenders: s.958.045 (completion of basic training program, "boot camp") and s.958.04(2)(d) (completion of youthful offender program). Each of these options require a court order to bring to an end the prison term and initiate probation. The term of supervision and the conditions are specified by the court. In addition, we can extend the limits of an inmate's confinement to allow a sentence to continue being served outside of a prison setting (s.945.091).

The Florida Department of Corrections (FDC or Department) places inmates in substance use treatment programs based on the results of a risk and needs assessment known as the Corrections Integrated Needs Assessment System (CINAS) and a priority ranking determination through the Automated Inmate Ranking System (AIRS). Presently, the Department does not place inmates in substance use treatment with consideration of mental health treatment needs.

CINAS is a validated, actuarial risk and needs assessment system based on the Risk-Needs-Responsivity Principle (RNR). The RNR principle refers to predicting which inmates have a higher probability of recidivating and treating the criminogenic needs of those higher risk inmates with appropriate programming and services based on their level of need. Criminogenic needs are those factors that are associated with recidivism that can be changed (e.g., lack of education, substance use, criminal thinking, lack of marketable job skills).

CINAS is administered twice during an inmate's incarceration depending on sentence length once when they are received at their initial permanent institution and again at 42 months prior to release (final assessment). Updates are conducted every 6 months after the final assessment to evaluate the inmate's progress and ensure enrollment in needed programs.

The AIRS calculates the need, time remaining to serve, risk to recidivate, and other relevant factors for each inmate against the population and sets a priority ranking for placement in substance use treatment services. Inmates are then placed in substance use programs based on who is next on the priority ranking list. This system allows for exceptions based on review by substance use program staff. The priority ranking list updates hourly.

Presently, the Department provides inmates with comprehensive health care services including mental health care and substance use treatment through separate contracts with different service providers. S. 948.012 authorizes the courts to impose a "split sentence", consisting of a period of incarceration followed by a term of probation. Drug Offender and Mental Health Probation is defined in s. 948.001 (5), F. S., as "Mental health probation" a form of specialized supervision that emphasizes mental health treatment and working with treatment providers to focus on underlying mental health disorders and compliance with a prescribed psychotropic medication regimen in accordance with individualized treatment plans. Mental health probation shall be supervised by officers with restricted caseloads who are sensitive to the unique needs of individuals with mental health disorders, and who will work in tandem with community mental health case managers assigned to the defendant. Caseloads of such officers should be restricted to a maximum of 50 cases per officer in order to ensure an adequate level of staffing and supervision."

2. EFFECT OF THE BILL:

The bill creates a new sentencing option which includes elements of several of the existing options outlined in the present situation section above; however, is not identical to any of them.

(Lines 56-64) The bill creates probationary split sentence specifically designed to focus on nonviolent offenders' substance use, mental health, or co-occurring needs. The program would provide an individual with a period of incarceration and treatment followed by drug offender probation with a minimum sentence of 24 months. It is difficult to project how often the court will recommend offenders that are subsequently approved by the Department.

(Lines 65-84) For fiscal year 2017-2018, there were approximately 2,760 inmates that would likely meet the eligibility criteria providing the inmate is approved by the Department for the in-prison treatment program, based on a need for substance use or mental health treatment, identified as a non-violent offenders in need of substance use or mental health treatment, and not posing a danger to the community. The type of inmate targeted for placement into this program conflicts with the type of inmate targeted for current program placements. As stated in the present situation, the Department currently targets inmates who are moderate to high risk of reoffending for programming. Inmates that meet the criteria for this reentry program fall outside the targeted moderate to high risk inmates currently prioritized for programming.

(Lines 89-93) The bill sets forth a minimum time limit necessary to complete the program, 90 days, but does not otherwise define successful completion. Currently, the Department's intensive substance use treatment ranges from 120 to 180 days' dependent upon the individual inmates needs and progress in the program. Presently, the Department provides inmates with comprehensive health care services including mental health care and substance use treatment through separate contracts with different service providers. While the Department does have mental health, mental health aftercare, and substance use treatment services separately, there is not currently an integrated program for co-occurring disorders in prison for inmates. Evidence-based practices for a co-occurring treatment programs include *integrated* services – one clinical chart, one treatment plan that addresses both mental health and substance use needs and one professional specializing in both areas working with the client. Presently, the Department does not have a program like this and implementing one would require additional resources in addition to new procurement and/or modification of current health care contracts. The in-prison treatment program consists of at least 90 days of participation in an in-prison treatment program for substance use, mental health, or co-occurring disorders, followed by a community-based aftercare treatment program. In-prison treatment may be operated in secure areas within or adjacent to an adult institution, a community residential facility, or a work release center." There is no defined or stated size for this in-prison treatment program. The bill does not state that it will be held at a specific number of facilities nor are there a specific number of slots mandated.

(Lines 94-101) This bill will increase the number of offenders on drug offender and mental health probation. Pursuant to s. 948.001(5) and (6), F.S., drug offender-mental health probation caseloads should be restricted to a maximum of 50 per cases per officer to ensure an adequate level of staffing and supervision. Presently, the Department is unable to determine the potential impact for additional drug offender-mental health probation officers due to the variables requiring judiciary recommendation, order modification, and the availability of in-prison program treatment slots. However, there will likely be a need for additional drug and mental health probation officers.

(Lines 134-136) Directs the Department to provide "a special training program for staff members selected to administer or implement the in-custody treatment program." Clarification may be needed on what kind of special training the bill is requiring. Treatment staff are usually hired with training and specializations in behavioral health. These staff are required to complete continuing education annually. In the past when the Department had a more stable staffing pattern with correctional officers (one officer assigned to a program) treatment staff would provide cross-training regarding treatment concepts and therapeutic interventions.

(Lines 129-133) Overall, there would be an increase in work load for the Department's Bureau of Admission and Release, classification officers, institutional release officers, and probation officers. The impact would depend on the number of inmates reviewed for participation and the number of program participants granted sentence modification by the courts. Additionally, paragraph (7) will create a relatively minor increase in work-load as the court, state attorney and defense attorney must be notified if the inmate is admitted into or removed from the in-prison treatment program. Currently, the Department is unable to determine the potential need for additional substance use and mental health counselors due to the variables requiring judiciary recommendation and the availability of in-prison substance use slots and mental health program services. Additionally, the bill may increase the amount of court ordered referrals to Department funded community based residential and outpatient programs. The Department has limited funding for community-based treatment programs and the waiting lists for these

programs may increase depending on the number of inmates whose sentence is modified with conditions of supervision that include program participation.

The court must be notified of an inmate's admission into the program, along with counsel and the victim (**lines 140-145**); however, there is no provision to allow the court or other parties hold a veto over participation.

(Lines 180-190) The bill requires offenders sentenced to a split sentence to comply with all standard conditions of drug offender or mental health probation. Currently, there are no established standard conditions of mental health probation. Establishment of standard conditions would be required. Offenders that meets the eligibility to a probationary split sentence under the bill usually gets some form of supervision, therefore, there does not appear to be a major impact for Community Corrections.

(Lines 192-197) While successful completion of in-custody treatment program is a trigger for modification of sentence to begin service of the special offender probation, there is no provision to immediately trigger the end of sentence and release of the offender from the prison portion of the sentence. The language states the inmate will "transition" into the community to begin the supervision. With bootcamp offenders, (which are similar in a sense that successful completion of a program and a modification of sentence takes place), the court is notified of the offender's successful completion of the program and the court issues an order of modification. Absent any direction in statute, the Department will be required to create rules/policies/procedures to ensure the timely release of the offender upon successful completion of said treatment.

(Lines 192-202) The bill requires offenders sentenced to a split sentence to comply with all standard conditions of drug offender or mental health probation. Currently, there are no established standard conditions of mental health probation. Establishment of standard conditions would be required. Offenders that meets the eligibility to a probationary split sentence under the bill usually gets some form of supervision, therefore, there does not appear to be a major impact for Community Corrections.

(Lines 226-233) The Department would likely not be able to report on recidivism and recommitment of program participants until at least October 2022, given the length of time it would take a participant to complete the in-prison and community-based components of the program. This will necessitate the creation of a data base code to differentiate split sentences imposed under the bill's provisions from other split sentences, so the inmates involved can be tracked and their performance reported on.

Like a probationary split sentence probation follows prison and a revocation exposes the inmate to whatever sanction was available to the court at the outset of the case (**lines 222-225**). Like a boot camp, Youthful Offender (YO) modification early release to supervision is based on program completion in prison. Unlike these options, the bill's probation term is self-executing upon program completion, based on the up-front order of the court to be in the program.

It should be noted that some offenders who receive a conditional sentence may also be required to served Addiction Recovery Supervision pursuant to s.944.4731. This would require the offender to serve the time not physically served in prison on supervision. This time must be served prior to the offender starting the court ordered probation. The court ordered supervision is required to be served consecutively.

Also noteworthy is the fact that a form of post release supervision entitled Conditional Release Supervision already exists pursuant to s. 947.1405, F.S. To avoid confusion, it is recommended this be given consideration when designating the name of the post release supervision this bill creates.

Overall, there would be an increase in work load for the Bureau of Admission and Release, the Bureau of Classification Management, institutional classification officers, institutional release officers, and probation officers. At a minimum, the Bureau of Classification Management would require three additional FTEs (1 Correctional Program Administrator and 2 Correctional Services Consultants) to oversee the tracking of these cases, timely notifications to the court and coordination of transferring inmates to institutions with appropriate programming. The impact would depend on the number of inmates reviewed for participation, and the number of program participants granted sentence modification by the courts.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☒ N ☐

If yes, explain:	Yes, lines 214-216 states that the Department shall adopt rules pursuant to ss. 120.536, F. S.
------------------	--

Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?Y ☐ N ☐

If yes, provide a description:	Lines 206-213: The Department is required to submit an annual report of the results collected to the Governor, the President of the Senate, and the Speaker of the House of Representatives.
Date Due:	October 1, 2020 and on each October 1st, thereafter.
Bill Section Number(s):	Lines 206-213

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?Y ☐ N ☒

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?Y ☐ N ☐

Revenues:	Unknown
Expenditures:	Unknown
Does the legislation increase local taxes or fees? If yes, explain.	No.
If yes, does the legislation provide for a local referendum or local governing body public vote	

prior to implementation of
the tax or fee increase?

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?

Y ☒ N ☐

Revenues:	N/A.																																																																			
Expenditures:	<p>The estimated fiscal impact to the Department is based on the 2,760 inmates who would likely meet the eligibility criteria as provided in the bill providing the inmate is approved by the Department for the in-prison treatment program, based on those in need of substance use or mental health treatment, non-violent offenders in need of substance use or mental health needs, and does not pose a danger to the community.</p> <p>Staffing for the mental health and substance abuse portion of the treatment is based on:</p> <ul style="list-style-type: none"> • 1 Licensed Psychiatrist for every 500 individuals • 1 Licensed Psychologist for every 4 Master's Levels Practitioners • 1 Master's Level Practitioner for every 15-50 individuals (depending on level of service) • 1 Clinical Support for every 2 Master's Level Practitioners. <table border="1"> <thead> <tr> <th>Class Title</th> <th>Contracted Services</th> <th>FT E #</th> <th>Year 1 Annual Costs</th> </tr> </thead> <tbody> <tr> <td>Licensed Psychiatrist</td> <td>358,500</td> <td>6</td> <td>\$2,151,000</td> </tr> <tr> <td>Licensed Psychologist</td> <td>142,600</td> <td>14</td> <td>\$1,996,400</td> </tr> <tr> <td>Master's Level Practitioner (assuming 50)</td> <td>81,250</td> <td>55</td> <td>\$4,468,750</td> </tr> <tr> <td>Clinical Support</td> <td>38,200</td> <td>28</td> <td>\$1,069,600</td> </tr> <tr> <td>Total Mental Health and Substance Use Estimated Impact</td> <td></td> <td>103</td> <td>\$9,685,750</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Class Title</th> <th>Class Code</th> <th>Salary & Benefits</th> <th>FTE</th> <th>FY 19-20 Annual Costs</th> </tr> </thead> <tbody> <tr> <td>Correctional Program Administrator</td> <td>8094</td> <td>\$ 63,832</td> <td>1</td> <td>\$ 63,832</td> </tr> <tr> <td>Correctional Services Consultant</td> <td>8058</td> <td>\$ 57,930</td> <td>2</td> <td>115,860</td> </tr> <tr> <td>Total salaries & benefits</td> <td></td> <td></td> <td>3</td> <td>\$ 179,692</td> </tr> <tr> <td>Recurring expense - Professional</td> <td></td> <td>\$ 3,378</td> <td></td> <td>10,134</td> </tr> <tr> <td>Non-recurring expense - Professional</td> <td></td> <td>\$ 4,429</td> <td></td> <td>13,287</td> </tr> <tr> <td>Total expenses</td> <td></td> <td></td> <td></td> <td>\$ 23,421</td> </tr> <tr> <td>Human Resource Services</td> <td></td> <td>\$ 329</td> <td></td> <td>\$ 987</td> </tr> </tbody> </table>				Class Title	Contracted Services	FT E #	Year 1 Annual Costs	Licensed Psychiatrist	358,500	6	\$2,151,000	Licensed Psychologist	142,600	14	\$1,996,400	Master's Level Practitioner (assuming 50)	81,250	55	\$4,468,750	Clinical Support	38,200	28	\$1,069,600	Total Mental Health and Substance Use Estimated Impact		103	\$9,685,750	Class Title	Class Code	Salary & Benefits	FTE	FY 19-20 Annual Costs	Correctional Program Administrator	8094	\$ 63,832	1	\$ 63,832	Correctional Services Consultant	8058	\$ 57,930	2	115,860	Total salaries & benefits			3	\$ 179,692	Recurring expense - Professional		\$ 3,378		10,134	Non-recurring expense - Professional		\$ 4,429		13,287	Total expenses				\$ 23,421	Human Resource Services		\$ 329		\$ 987
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Does the legislation contain a State Government appropriation?																																	
If yes, was this appropriated last year?																																	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?Y ☐ N ☒

Revenues:	
Expenditures:	
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☐ N ☒

If yes, explain impact.	
-------------------------	--

Bill Section Number:	
----------------------	--

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y ☒ N ☐

If yes, describe the anticipated impact to the agency including any fiscal impact.	There will be a significant technology impact due to updates to current codes and additional new codes for the split sentence impact. The estimated cost of the technology impact is \$21,750
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FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☐

If yes, describe the anticipated impact including any fiscal impact.	
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ADDITIONAL COMMENTS

N/A.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	<p>Section 1. [creating 948.0121]</p> <p>The creation of section 948.0121 –under Probation and Community Control for substance use treatment and/or mental health offenders. The proposed statute is a new sentencing option referred to as a “conditional sentence”. Although it is a potential split sentence as defined in 948.012, it may also convert to a term of only incarceration if an inmate is not suitable for treatment.</p> <p>This “conditional sentence” does not confer to an offender any right to release from incarceration to placement on probation unless an offender complies with all sentence requirements of this section. (Lines 59-64)</p> <p>Eligibility (commencing at Line 65) appears straight forward but the list of exclusions is lengthy so that most likely the largest category of offenders eligible would be non-violent felony drug offenders. Also under Eligibility, (3)(e) precludes participation by offenders who committed any of the disqualifying offenses in another jurisdiction which would be an offense described in the same subsection (see Lines 81-84). In other statutes, the more forgiving phrase “or substantially similar” has been used, but that phrase is not used here.</p>
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As to Sentencing Requirements **(starting at Line 85)** a court must order an offender to serve this unique sentence. Beyond that there is broad discretion afforded to the Department as to eligibility, program availability, medical, behavioral or any other disqualifier from participation. (4)(a)1 indicates that the minimum term of imprisonment must include a treatment program that is a minimum of 90 days treatment **(Lines 89-93)**. (4)(a)2 requires successful completion by an inmate of the in-custody treatment program in order to qualify for a 24-month term of special offender probation **(Lines 94-97)**. The new statute would automatically modify any remaining term of imprisonment to a 2-year term of probation when an inmate so sentenced successfully completes this in-custody treatment program. **(Lines 94-97)**

Criminal courts around the state are likely going to want to know at the time of sentencing whether the Department, in fact, has treatment programs available for defendants who may negotiating voluntary plea agreements. Otherwise, there would be no reason to sentence an offender using this statute, and a defendant led to believe he or she might be out of prison after 90 days of treatment, may have a basis to seek postconviction relief if no treatment is available, notwithstanding that no rights are conferred to an offender for release from incarceration under this section **(Lines 18-23)**. 948.0121(5) seems to confirm that the court would obtain this information of availability via a Presentence Investigation Report (PSI) by the Department which the court can order. **(Lines 59-64)**

The probation term associated with this statute that follows the incarceration is a fixed 2-year term **(Lines 94-97, 196)**. Sections (4)(a)2.a.-c. state what the term of probation must include. **(Lines 98-104)**. Among those requirements are any recommendations of the Department in a post-release treatment plan for substance use or mental health aftercare.

Subsection (7) requires the Department to send written notice of an offender's admission into in-prison treatment to victims, State Attorney, the defense attorney, and the court. Likewise, the Department must also send notice to the attorneys and the court (not the victim) if the inmate does not qualify after classification/evaluation of the offender or for whatever reason the inmate no longer meets the criteria for in-prison treatment **(Lines 140-179)**. There is a potential conflict between the Department and the sentencing court in the event a judge is convinced an inmate sentenced under this statute needs a treatment program. Overall, the statute requires the Department to stray away from carrying out its ministerial functions of administering a sentence. The statute requires a great deal of Department discretion in carrying out the programs. The "director of the in-prison treatment program" **(Lines 162-165)** makes the ultimate decision of participation. Inmates who perceive a denial of treatment or who feel wrongly excluded may grieve the issue or seek relief in court. Additionally, inmates who have Chapter 39 dependency cases as to their children, may also seek or need participation in a program to satisfy their requirements of a DCF case plan and DCF will want to know an offender's participation status.

(7)(c) gives medical and non-medical Department personnel input into the "director's" decision if an offender is unable to continue to participate in the treatment program, and again, notice to the court and the attorneys that the offender will be serving out the sentence in accordance with (4)(b) without participation in a treatment program.

In (7)(d) the director can oust an inmate from the treatment program for behavior issues and notice again required to court and attorneys. **(Lines 170-179)**

	<p>(7)(e) authorizes the Department to impose sanctions, including forfeiture of earned and future gain-time, if an offender violates the rules of the treatment program. (Lines 180-191)</p> <p>Section (8) addresses the 24-month probation portion of the statute. Subsection (8)(c) requires participation in drug and mental health court in those counties that have such a program established. (8)(d) requires an offender to pay all appropriate costs of probation. In addition, those offenders who are financially able must also pay the costs of substance abuse or mental health treatment.</p> <p>Subsection (9) requires the Department to develop a computerized system to track data on recidivism and recommitment and an annual report every October 1st to the Governor, etc.</p> <p>Subsection (10) gives Rulemaking authority to implement.</p> <p>Section 2. This Bill would take effect on October 1, 2019.</p>
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CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Criminal Justice Committee

Judge:

Started: 1/21/2020 10:00:22 AM

Ends: 1/21/2020 10:50:35 AM

Length: 00:50:14

10:00:21 AM Meeting called to order by Chair Perry
10:00:22 AM Roll call by AA Sue Arnold
10:00:33 AM Quorum present
10:00:36 AM Comments from Chair Perry
10:00:41 AM Introduction of Tab 1 by Chair Perry
10:00:47 AM Explanation of SB 92, Controlled Substances by Senator Simmons
10:03:13 AM Question from Senator Bracy
10:03:19 AM Response from Senator Simmons
10:03:30 AM Follow-up question from Senator Bracy
10:03:44 AM Response from Senator Simmons
10:03:49 AM Question from Senator Brandes
10:03:54 AM Response from Senator Simmons
10:05:33 AM Follow-up question from Senator Brandes
10:05:42 AM Response from Senator Simmons
10:06:42 AM Additional question from Senator Brandes
10:06:53 AM Response from Senator Simmons
10:07:10 AM Additional question from Senator Brandes
10:07:13 AM Response from Senator Simmons
10:08:06 AM Comment from Chair Perry
10:08:20 AM Response from Senator Simmons
10:08:29 AM Question from Senator Brandes
10:08:34 AM Response from Mike Erickson
10:09:34 AM Follow-up question from Senator Brandes
10:09:42 AM Response from Mike Erickson
10:09:48 AM Question from Senator Bracy
10:09:59 AM Response from Senator Simmons
10:10:49 AM Barney Bishop, CEO, Florida Smart Justice Alliance waives in support
10:10:55 AM Robert Trammell, General Counsel, Florida Public Defender Association waives in support
10:11:07 AM Senator Brandes in debate
10:13:29 AM Chair Perry in debate
10:14:40 AM Senator Simmons in closure
10:16:23 AM Roll call by AA
10:16:28 AM SB 92 reported favorably
10:16:38 AM Introduction of Tab 2 by Chair Perry
10:16:46 AM Explanation of SB 656, Arrests by Senator Pizzo
10:23:59 AM Question from Senator Bracy
10:24:06 AM Response from Senator Pizzo
10:25:54 AM Follow-up question from Senator Bracy
10:26:03 AM Response from Senator Pizzo
10:26:14 AM Barney Bishop, CEO, Florida Smart Justice Alliance waives in support
10:26:23 AM Comments from Chair Perry
10:26:34 AM Senator Pizzo in closure
10:26:48 AM Roll call by AA
10:27:16 AM SB 656 reported favorably
10:27:27 AM Introduction of Tab 3 by Chair Perry
10:27:42 AM Explanation of SB 850, Exposure of Sexual Organs by Senator Pizzo
10:29:16 AM Major Debra Hedding, USAF, Ret., Lake Como Military Veteran's Corp. waives in support
10:29:28 AM Deborah Martin, Cypress Cove Resort waives in support
10:29:34 AM Maryann Rettig, Tampa Bay Free Beaches, President in support
10:29:39 AM Jeff Kottkamp, Beaches Foundation waives in support
10:29:43 AM Amy Cerreto in support
10:29:49 AM Ramal Maury, AANR-Florida waives in support

10:29:54 AM Shirley Mason, Executive Director, Beaches Foundation Institute waives in support
10:30:06 AM Closure waived
10:30:09 AM Roll call by AA
10:30:13 AM SB 850 reported favorably
10:30:20 AM Introduction of Tab 4 by Chair Perry
10:30:28 AM Explanation of SB 1044, Animal Cruelty by Senator Pizzo
10:31:20 AM Speaker David Heine, Business Owner, Allie Katherine Heine in support
10:36:53 AM Barney Bishop, CEO, Florida Smart Justice Alliance waives in support
10:37:03 AM Senator Pizzo in closure
10:37:13 AM Roll call by AA
10:37:17 AM SB 1044 reported favorably
10:37:23 AM Introduction of Tab 5 by Chair Perry
10:37:30 AM Explanation of 1116, Trust Funds/State Operated Institutions Inmate Welfare Trust Fund/Department of Corrections by Senator Brandes
10:38:40 AM Speaking Ricky Dixon, Deputy Secretary, Florida Department of Corrections in support
10:41:18 AM Barney Bishop, CEO, Florida Smart Justice Alliance waives in support
10:41:23 AM Jared Torres, Legislative Affairs Director, Florida Department of Corrections waives in support
10:41:31 AM Senator Bracy in debate
10:41:52 AM Closure waived
10:41:54 AM Roll call by AA
10:41:59 AM SB 1116 reported favorably
10:42:05 AM Introduction of Tab 6 by Chair Perry
10:42:13 AM Explanation of SB 1118, Inmate Welfare Trust Funds by Senator Brandes
10:42:38 AM Introduction of Amendment Barcode No. 703330 (Sen. Brandes) by Chair Perry
10:42:42 AM Explanation of Amendment by Senator Brandes
10:42:55 AM Amendment adopted
10:43:02 AM Greg Newburn, Florida Director, FAMM waives in support
10:43:08 AM Jared Torres, Legislative Affairs Director, Florida Department of Corrections
10:43:11 AM Barney Bishop, CEO, Florida Smart Justice Alliance waives in support
10:43:13 AM Chelsea Murphy, Florida Director, Right on Crime waives in support
10:43:23 AM Closure waived
10:43:26 AM Roll call by AA
10:43:29 AM CS/SB 1118 reported favorably
10:43:39 AM Introduction of Tab 8 by Chair Perry
10:43:49 AM Explanation of SB 1144, Department of Juvenile Justice by Senator Brandes
10:44:25 AM Simone Morstiller, Secretary, Department of Juvenile Justice waives in support
10:44:32 AM Christian Minor, Executive Director, Florida Juvenile Justice Association waives in support
10:44:39 AM Barney Bishop, CEO, Florida Smart Justice Alliance waives in support
10:44:43 AM Closure waived
10:44:46 AM Roll call by AA
10:44:53 AM SB 1144 reported favorably
10:45:03 AM Introduction of Tab 9
10:45:07 AM Explanation of SB 1146, Special Risk Class of the Florida Retirement System by Senator Brandes
10:46:19 AM Introduction of Amendment Barcode No. 916192 (Sen. Brandes) by Chair Perry
10:46:25 AM Amendment adopted
10:46:30 AM Introduction of Amendment Barcode No. 275386 (Sen. Brandes) by Chair Perry
10:46:44 AM Amendment adopted
10:46:52 AM Simone Morstiller, Secretary, Department of Juvenile Justice waives in support
10:46:57 AM Christian Minor, Executive Director, Florida Juvenile Justice Association waives in support
10:47:02 AM Barney Bishop, CEO, Florida Smart Justice Alliance waives in support
10:47:10 AM Closure waived
10:47:13 AM Roll call by AA
10:47:17 AM CS/SB 1146 reported favorably
10:47:26 AM Introduction of Tab 10 by Chair Perry
10:47:35 AM Explanation of SB 1304, Sentencing by Senator Brandes
10:48:18 AM Greg Newburn, Florida Director, FAMM waives in support
10:48:22 AM Barney Bishop, CEO, Florida Smart Justice Alliance waives in support
10:48:25 AM Eric Maclure, Deputy State Courts Administrator waives in support
10:48:29 AM Chelsea Murphy, Florida Director waives in support
10:48:39 AM Roll call by AA
10:48:45 AM SB 1304 reported favorably
10:48:53 AM Introduction of Tab 7 by Chair Perry

10:49:08 AM Explanation of SB 1142, Offenses Against Firefighters by Senator Hooper
10:49:41 AM Barney Bishop, CEO, Florida Smart Justice Alliance waives in support
10:49:46 AM Rocco Salvatori, Firefighter, Florida Professional Firefighters waives in support
10:49:54 AM Closure waived
10:49:57 AM Roll call by AA
10:50:06 AM SB 1142 reported favorably
10:50:14 AM Comments from Chair Perry
10:50:18 AM Senator Brandes moved to adjourn, meeting adjourned