

**Tab 1** SB 628 by Richter; (Similar to H 1089) Fees for Records**Tab 2** SB 380 by Abruzzo; (Similar to CS/H 0101) Violation of an Injunction for Protection

528892	A	S	RCS	ACJ, Bradley	Delete L.58 - 141:	01/21 12:14 PM
284190	AA	S L	RCS	ACJ, Bradley	Delete L.5 - 8:	01/21 12:14 PM
212292	AA	S L	RCS	ACJ, Bradley	Delete L.48 - 50:	01/21 12:14 PM
575042	AA	S L	RCS	ACJ, Bradley	Delete L.89 - 92:	01/21 12:14 PM
456582	A	S L	RCS	ACJ, Joyner	btw L.146 - 147:	01/21 12:14 PM

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

**MEETING DATE:** Thursday, January 21, 2016  
**TIME:** 9:00 a.m.—12:00 noon  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Negrón, Chair; Senator Joyner, Vice Chair; Senators Bradley, Evers, Flores, Hutson, and Soto

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 628</b> Richter (Similar H 1089)	Fees for Records; Adding the Agency for Persons with Disabilities to the list of specified state entities and vendors that pay a reduced fee per record for criminal history information for each name submitted, etc.  CF 12/03/2015 Favorable ACJ 01/21/2016 Favorable FP	Favorable Yeas 7 Nays 0
2	<b>SB 380</b> Abruzzo (Similar CS/H 101)	Violation of an Injunction for Protection; Providing enhanced criminal penalties for a third or subsequent violation of an injunction for protection against specified acts of violence or a foreign protection order issued under specified provisions, etc.  CJ 11/17/2015 Favorable ACJ 01/21/2016 Fav/CS FP	Fav/CS Yeas 6 Nays 0
3	<b>Workshop</b> - Discussion and testimony only on the following (no vote to be taken): Clerk of Court		
4	Discussion related to Dependency Cases within the Florida Judicial System		Discussed
Other Related Meeting Documents			

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: SB 628

INTRODUCER: Senator Richter

SUBJECT: Fees for Records

DATE: January 21, 2016

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Crosier</u>	<u>Hendon</u>	<u>CF</u>	<b>Favorable</b>
2.	<u>Sanders</u>	<u>Sadberry</u>	<u>ACJ</u>	<b>Favorable</b>
3.	_____	_____	<u>FP</u>	_____

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**I. Summary:**

SB 628 adds the Agency for Persons with Disabilities to the list of specified state entities and vendors that pay a reduced fee per record for state and national criminal history information for each name submitted to the Florida Department of Law Enforcement (FDLE).<sup>1</sup>

The bill has an effective date of July 1, 2016, and has a minimal fiscal impact.

**II. Present Situation:**

Until May 25, 2015, the Department of Children and Families (DCF) performed background screening services for the Agency for Persons with Disabilities (APD or the agency). The agency's providers, vendors, employers, Consumer Directed Care Plus participants and representatives screening fees for state criminal records checks was \$8.00.

Beginning in May 2015, the agency migrated to the state Provider Background Screening Clearinghouse which required the agency's screenings to be processed separately from the DCF's screenings. Consequently, the agency's providers, vendors, employers, Consumer Directed Care Plus participants and representatives were charged \$24.00 per screening submitted.

**III. Effect of Proposed Changes:**

The bill will add the Agency for Persons with Disabilities to the list of other state agencies that offer vendors and providers reduced cost for background screenings from \$24.00 per screening submitted to \$8.00 per screening submitted.<sup>2</sup>

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<sup>1</sup> Section 943.053(3)(b), F.S.

<sup>2</sup> *Id.* The fee per record for criminal history information provided pursuant to this subsection and s. 943.0542 is \$24 per name submitted, except that the fee for the guardian ad litem program and vendors of the Department of Children and Families, the

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

Under SB 628 the cost of a background screening will decrease from \$24.00 to \$8.00 per name submitted for the agency's providers, vendors, employers, Consumer Directed Care Plus participants and representatives

## C. Government Sector Impact:

The fee paid to the Florida Department of Law Enforcement will decrease from \$24.00 per name submitted to \$8.00 per name submitted for state and national criminal history records checks. The FDLE indicates a projected annual revenue loss of \$115,200 to the Operating Trust Fund.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 943.053 of the Florida Statutes.

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Department of Juvenile Justice, and the Department of Elderly Affairs shall be \$8 for each name submitted; the fee for a state criminal history provided for application processing as required by law to be performed by the Department of Agriculture and Consumer Services shall be \$15 for each name submitted; and the fee for requests under s. 943.0542, which implements the National Child Protection Act, shall be \$18 for each volunteer name submitted. The state offices of the Public Defender shall not be assessed a fee for Florida criminal history information or wanted person information.

This bill reenacts the following sections of the Florida Statutes for the purpose of incorporating the amendment made by this act to sections 943.053, F.S., 110.1127, 435.04, 496.4101 and 943.0542.

**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.

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

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By Senator Richter

23-00543-16

2016628\_\_

1                   A bill to be entitled  
2       An act relating to fees for records; amending s.  
3       943.053, F.S.; adding the Agency for Persons with  
4       Disabilities to the list of specified state entities  
5       and vendors that pay a reduced fee per record for  
6       criminal history information for each name submitted;  
7       reenacting ss. 110.1127(4), 435.04(1)(e),  
8       496.4101(3)(b), and 943.0542(2)(c), F.S., relating to  
9       employee background screenings and investigations,  
10      level 2 screening standards, licensure of professional  
11      solicitors and certain employees thereof, and access  
12      to criminal history information provided by the  
13      Department of Law Enforcement to qualified entities,  
14      respectively, to incorporate the amendment made to s.  
15      943.053, F.S., in references thereto; providing an  
16      effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20       Section 1. Subsection (3) of section 943.053, Florida  
21 Statutes, is amended to read:

22       943.053 Dissemination of criminal justice information;  
23 fees.—

24       (3) (a) Criminal history information, including information  
25 relating to minors, compiled by the Criminal Justice Information  
26 Program from intrastate sources shall be available on a priority  
27 basis to criminal justice agencies for criminal justice purposes  
28 free of charge. After providing the program with all known  
29 personal identifying information, persons in the private sector

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30 and noncriminal justice agencies may be provided criminal  
31 history information upon tender of fees as established in this  
32 subsection and in the manner prescribed by rule of the  
33 Department of Law Enforcement. Any access to criminal history  
34 information by the private sector or noncriminal justice  
35 agencies as provided in this subsection shall be assessed  
36 without regard to the quantity or category of criminal history  
37 record information requested.

38 (b) The fee per record for criminal history information  
39 provided pursuant to this subsection and s. 943.0542 is \$24 per  
40 name submitted, except that the fee for the guardian ad litem  
41 program and vendors of the Department of Children and Families,  
42 the Department of Juvenile Justice, the Agency for Persons with  
43 Disabilities, and the Department of Elderly Affairs shall be \$8  
44 for each name submitted; the fee for a state criminal history  
45 provided for application processing as required by law to be  
46 performed by the Department of Agriculture and Consumer Services  
47 shall be \$15 for each name submitted; and the fee for requests  
48 under s. 943.0542, which implements the National Child  
49 Protection Act, shall be \$18 for each volunteer name submitted.  
50 The state offices of the Public Defender shall not be assessed a  
51 fee for Florida criminal history information or wanted person  
52 information.

53 Section 2. For the purpose of incorporating the amendment  
54 made by this act to section 943.053, Florida Statutes, in a  
55 reference thereto, subsection (4) of section 110.1127, Florida  
56 Statutes, is reenacted to read:

57 110.1127 Employee background screening and investigations.-

58 (4) Background screening and investigations shall be

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59 conducted at the expense of the employing agency. If  
60 fingerprinting is required, the fingerprints shall be taken by  
61 the employing agency, a law enforcement agency, or a vendor as  
62 authorized pursuant to s. 435.04, submitted to the Department of  
63 Law Enforcement for state processing, and forwarded by the  
64 Department of Law Enforcement to the Federal Bureau of  
65 Investigation for national processing. The agency or vendor  
66 shall remit the processing fees required by s. 943.053 to the  
67 Department of Law Enforcement.

68 Section 3. For the purpose of incorporating the amendment  
69 made by this act to section 943.053, Florida Statutes, in a  
70 reference thereto, paragraph (e) of subsection (1) of section  
71 435.04, Florida Statutes, is reenacted to read:

72 435.04 Level 2 screening standards.—

73 (1)

74 (e) Vendors who submit fingerprints on behalf of employers  
75 must:

76 1. Meet the requirements of s. 943.053; and

77 2. Have the ability to communicate electronically with the  
78 state agency accepting screening results from the Department of  
79 Law Enforcement and provide the applicant's full first name,  
80 middle initial, and last name; social security number or  
81 individual taxpayer identification number; date of birth;  
82 mailing address; sex; and race.

83 Section 4. For the purpose of incorporating the amendment  
84 made by this act to section 943.053, Florida Statutes, in a  
85 reference thereto, paragraph (b) of subsection (3) of section  
86 496.4101, Florida Statutes, is reenacted to read:

87 496.4101 Licensure of professional solicitors and certain



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88 employees thereof.-

89 (3)

90 (b) Fees for state and federal fingerprint processing and  
91 fingerprint retention fees shall be borne by the applicant. The  
92 state cost for fingerprint processing is that authorized in s.  
93 943.053(3)(b) for records provided to persons or entities other  
94 than those specified as exceptions therein.

95 Section 5. For the purpose of incorporating the amendment  
96 made by this act to section 943.053, Florida Statutes, in a  
97 reference thereto, paragraph (c) of subsection (2) of section  
98 943.0542, Florida Statutes, is reenacted to read:

99 943.0542 Access to criminal history information provided by  
100 the department to qualified entities.-

101 (2)

102 (c) Each such request must be accompanied by payment of a  
103 fee for a statewide criminal history check by the department  
104 established by s. 943.053, plus the amount currently prescribed  
105 by the Federal Bureau of Investigation for the national criminal  
106 history check in compliance with the National Child Protection  
107 Act of 1993, as amended. Payments must be made in the manner  
108 prescribed by the department by rule.

109 Section 6. This act shall take effect July 1, 2016.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Ethics and Elections, *Chair*  
Banking and Insurance, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Health  
and Human Services  
Commerce and Tourism  
Regulated Industries  
Rules

## SENATOR GARRETT RICHTER

*President Pro Tempore*  
23rd District

December 3, 2015

The Honorable Joe Negron, Chair  
Appropriations Subcommittee on Criminal and Civil Justice  
201 The Capitol  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chairman Negron:

Senate Bill 628 relating to Fees for Records has been referred to your committee. I would appreciate your consideration to place this bill on your committee's agenda at the earliest opportunity.

Sincerely,

A handwritten signature in blue ink, appearing to read "Garrett Richter".

Garrett Richter

cc: Tim Sadberry, Staff Director

REPLY TO:

- 3299 E. Tamiami Trail, Suite 203, Naples, Florida 34112-4961 (239) 417-6205
- 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023
- 25 Homestead Road North, Suite 42 B, Lehigh Acres, Florida 33936 (239) 338-2777

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/21/16

Meeting Date

628

Bill Number (if applicable)

Topic Fees for Records

Amendment Barcode (if applicable)

Name Robert Brown

Job Title Legislative Affairs Director

Address Street

Phone 850 414 5853

Email robert.brown@apdcares.org

City State Zip

Speaking: [X] For [ ] Against [ ] Information

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

Representing Agency for Persons with Disabilities

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: PCS/SB 380 (662912)

INTRODUCER: Appropriations Subcommittee on Criminal and Civil Justice and Senator Abruzzo

SUBJECT: Violation of an Injunction for Protection

DATE: January 22, 2016

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sumner</u>	<u>Cannon</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Clodfelter</u>	<u>Sadberry</u>	<u>ACJ</u>	<b>Recommend: Fav/CS</b>
3.	_____	_____	<u>FP</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/SB 380 amends sections 741.31(4), 784.047, and 784.0487(4), Florida Statutes, to provide that a person who has two or more convictions for violating an injunction for protection or a foreign protection order commits a third degree felony if he or she commits a subsequent violation of any injunction or foreign protective order against the same victim. This increases the penalty from a first degree misdemeanor. A third degree felony is punishable by probation or up to a maximum of five years in prison.

The bill defines “conviction” to mean a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

The Criminal Justice Impact Conference met in October 2015, and estimated that SB 380, as filed, would have a positive indeterminate prison bed impact. This means that there would be an increase in the need for prison beds, but the amount of the increase cannot be determined. PCS/SB 380 likely would have a similar impact.

This bill has an effective date of October 1, 2016.

## II. Present Situation:

### **Injunctions for Protection against Specified Acts of Violence**

#### *Domestic Violence*

Any person who is the victim of domestic violence<sup>1</sup> or who reasonably believes that he or she is in imminent danger of becoming the victim of domestic violence may file a petition for an injunction for protection against domestic violence.<sup>2</sup> The sworn petition must allege the existence of domestic violence and include specific facts and circumstances upon which relief is sought.<sup>3</sup> A hearing must be set at the earliest possible time after a petition is filed and the respondent must be personally served with a copy of the petition.<sup>4</sup> At the hearing, specified injunctive relief may be granted if the court finds that the petitioner is:

- The victim of domestic violence; or
- Has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of domestic violence.<sup>5</sup>

If it appears to the court that an immediate and present danger of domestic violence exists when the petition is filed, the court may grant a temporary injunction *ex parte*.<sup>6</sup> Temporary injunctions are only effective for a fixed period that cannot exceed 15 days.<sup>7</sup> The hearing on the petition must be set for a date on or before the date when the temporary injunction expires.<sup>8</sup>

#### *Repeat, Dating, and Sexual Violence*

Section 784.046, F.S., governs the issuance of injunctions against repeat violence, dating violence, and sexual violence. This statute largely parallels the provisions discussed above regarding domestic violence injunctions. Section 784.046(1)(b)(a), F.S., defines “repeat violence” to mean two incidents of violence or stalking committed by the respondent, one of which must have been within six months of the filing of the petition, which are directed against the petitioner or the petitioner’s immediate family member. Section 784.046(1)(a), F.S., defines “violence” to mean any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, by a person against any other person.

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<sup>1</sup> Section 741.28, F.S., defines “domestic violence” as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

<sup>2</sup> Section 741.30(1), F.S.

<sup>3</sup> Section 741.30(3), F.S.

<sup>4</sup> Section 741.30(4), F.S.

<sup>5</sup> Either party may move the court to modify or dissolve an injunction at any time. s. 741.30(6)(c) and (10), F.S.

<sup>6</sup> Pursuant to s. 741.30(5), F.S., the court may grant such relief as it deems proper, including an injunction restraining the respondent from committing any acts of domestic violence, awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner, and providing the petitioner a temporary parenting plan.

<sup>7</sup> Section 741.30(5)(c), F.S.

<sup>8</sup> Pursuant to s. 741.30(5)(c), F.S., the court may grant a continuance of the hearing for good cause, which may include obtaining service of process. A temporary injunction must be extended, if necessary, during any period of continuance.

Section 784.046(1)(d), F.S., defines “dating violence” to mean violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. Dating violence does not include violence in a casual acquaintanceship or between individuals who have only engaged in ordinary fraternization. The existence of such a relationship is determined by considering the following factors:

- A dating relationship must have existed within the past six months;
- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- The persons involved in the relationship must have been involved over time and on a continuous basis during the course of the relationship.

Section 784.046(1)(c), F.S., defines “sexual violence” to mean any one incident of:

- Sexual battery;
- A lewd or lascivious act committed upon or in the presence of a person younger than 16 years of age;
- Luring or enticing a child;
- Sexual performance by a child; or
- Any other forcible felony wherein a sexual act is committed or attempted.

For purposes of this definition, it does not matter whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.

### ***Stalking and Cyberstalking***

Section 784.0485, F.S., governs the issuance of injunctions against stalking and cyberstalking. This statute largely parallels the provisions discussed above regarding domestic violence injunctions.

### **Violation of an Injunction**

A respondent violates the terms of an injunction for protection against domestic violence, repeat, dating or sexual violence, or stalking or cyberstalking by willfully:

- Refusing to vacate the dwelling that the parties share;<sup>9</sup>
- Going to, or is within 500 feet of, the petitioner’s residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;
- Committing an act of domestic violence against the petitioner;
- Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;
- Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;
- Knowingly and intentionally coming within 100 feet of the petitioner’s motor vehicle, whether or not that vehicle is occupied;
- Defacing or destroying the petitioner’s personal property, including the petitioner’s car; or

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<sup>9</sup> This provision does not apply to injunctions for protection against stalking or cyberstalking. s. 784.0487, F.S.

- Refusing to surrender firearms or ammunition if ordered to do so by the court.<sup>10</sup>

A court can enforce a violation of an injunction for protection through civil or criminal contempt proceedings, or the state attorney may prosecute the violation as a first degree misdemeanor.<sup>11</sup>

Currently, violating an injunction for protection is a first degree misdemeanor, regardless of how many times a person is convicted of this offense.<sup>12</sup>

### **III. Effect of Proposed Changes:**

The bill amends ss. 741.31(4), 784.047 and 784.0487(4) F.S., to provide that a person who has two or more convictions for violating an injunction for protection or a foreign protection order commits a third degree felony if he or she commits a subsequent violation of any injunction or foreign protective order against the same victim. The existing penalty for that offense is a first degree misdemeanor.

The bill defines “conviction” to mean a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

The bill provides an effective date of October 1, 2016.

### **IV. Constitutional Issues:**

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

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

<sup>10</sup> Sections 741.31(4)(a), 784.047, and 784.0487, F.S.

<sup>11</sup> A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. See ss. 775.082, and 775.083, F.S.

<sup>12</sup> Section 741.30, F.S.

**C. Government Sector Impact:**

The Criminal Justice Impact Conference met in October 2015, and estimated that SB 380, as filed, would have a positive indeterminate prison bed impact. This means that the bill will increase the number of inmates incarcerated by the Department of Corrections, but the amount of the increase cannot be determined. PCS/CS 380 likely would have a similar impact.

The FDLE reported that in Fiscal Year 2014-2015, there were 210 convictions for repeat offenders violating s. 741.31, 784.047, or 784.0487, F.S., in Fiscal Year 2014-2015. The number of these convictions that were third or subsequent violations is not known. The incarceration rate for unranked third degree felonies was 10% in Fiscal Year 2014-2015, but it is possible that the nature of this offense and the fact that it must be at least the third conviction may result in a higher than average incarceration rate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 741.31, 784.047 and 784.0487 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.)

**Recommended CS by Appropriations Subcommittee on Criminal and Civil Justice on January 21, 2016:**

- Provides that a third or subsequent violation for which the penalty is elevated to a third degree felony may be for violation of any injunction or foreign protection order against the same victim.
- Republishes s. 741.30(9), F.S., to incorporate amendments made in the bill.

**B. Amendments:**

None.





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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
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Appropriations Subcommittee on Criminal and Civil Justice  
(Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 58 - 141  
and insert:  
violation of an injunction or foreign protection order and who  
commits any third or subsequent violation of the same injunction  
or foreign protection order commits a felony of the third  
degree, punishable as provided in s. 775.082, s. 775.083, or s.  
775.084. For purposes of this paragraph, the term "conviction"  
means a determination of guilt which is the result of a plea or



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11 a trial, regardless of whether adjudication is withheld or a  
12 plea of nolo contendere is entered.

13 Section 2. Section 784.047, Florida Statutes, is amended to  
14 read:

15 784.047 Penalties for violating protective injunction  
16 against violators.—

17 (1) A person who willfully violates an injunction for  
18 protection against repeat violence, sexual violence, or dating  
19 violence, issued pursuant to s. 784.046, or a foreign protection  
20 order accorded full faith and credit pursuant to s. 741.315 by:

21 (a)~~(1)~~ Refusing to vacate the dwelling that the parties  
22 share;

23 (b)~~(2)~~ Going to, or being within 500 feet of, the  
24 petitioner's residence, school, place of employment, or a  
25 specified place frequented regularly by the petitioner and any  
26 named family or household member;

27 (c)~~(3)~~ Committing an act of repeat violence, sexual  
28 violence, or dating violence against the petitioner;

29 (d)~~(4)~~ Committing any other violation of the injunction  
30 through an intentional unlawful threat, word, or act to do  
31 violence to the petitioner;

32 (e)~~(5)~~ Telephoning, contacting, or otherwise communicating  
33 with the petitioner directly or indirectly, unless the  
34 injunction specifically allows indirect contact through a third  
35 party;

36 (f)~~(6)~~ Knowingly and intentionally coming within 100 feet  
37 of the petitioner's motor vehicle, whether or not that vehicle  
38 is occupied;

39 (g)~~(7)~~ Defacing or destroying the petitioner's personal



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40 property, including the petitioner's motor vehicle; or  
41 (h)~~(8)~~ Refusing to surrender firearms or ammunition if  
42 ordered to do so by the court,

43  
44 commits a misdemeanor of the first degree, punishable as  
45 provided in s. 775.082 or s. 775.083, except as provided in  
46 subsection (2).

47 (2) A person who has two or more prior convictions for  
48 violation of an injunction or foreign protection order and who  
49 commits any third or subsequent violation of the same injunction  
50 or foreign protection order commits a felony of the third  
51 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
52 775.084. For purposes of this subsection, the term "conviction"  
53 means a determination of guilt which is the result of a plea or  
54 a trial, regardless of whether adjudication is withheld or a  
55 plea of nolo contendere is entered.

56 Section 3. Subsection (4) of section 784.0487, Florida  
57 Statutes, is amended to read:

58 784.0487 Violation of an injunction for protection against  
59 stalking or cyberstalking.—

60 (4) (a) A person who willfully violates an injunction for  
61 protection against stalking or cyberstalking issued pursuant to  
62 s. 784.0485, or a foreign protection order accorded full faith  
63 and credit pursuant to s. 741.315, by:

64 1.~~(a)~~ Going to, or being within 500 feet of, the  
65 petitioner's residence, school, place of employment, or a  
66 specified place frequented regularly by the petitioner and any  
67 named family members or individuals closely associated with the  
68 petitioner;



528892

69           ~~2.(b)~~ Committing an act of stalking against the petitioner;

70           ~~3.(e)~~ Committing any other violation of the injunction  
71 through an intentional unlawful threat, word, or act to do  
72 violence to the petitioner;

73           ~~4.(d)~~ Telephoning, contacting, or otherwise communicating  
74 with the petitioner, directly or indirectly, unless the  
75 injunction specifically allows indirect contact through a third  
76 party;

77           ~~5.(e)~~ Knowingly and intentionally coming within 100 feet of  
78 the petitioner's motor vehicle, whether or not that vehicle is  
79 occupied;

80           ~~6.(f)~~ Defacing or destroying the petitioner's personal  
81 property, including the petitioner's motor vehicle; or

82           ~~7.(g)~~ Refusing to surrender firearms or ammunition if  
83 ordered to do so by the court,

84  
85 commits a misdemeanor of the first degree, punishable as  
86 provided in s. 775.082 or s. 775.083, except as provided in  
87 paragraph (b).

88           (b) A person who has two or more prior convictions for  
89 violation of an injunction or foreign protection order and who  
90 commits any third or subsequent violation of the same injunction  
91 or foreign protection order commits a felony of the third  
92 degree,

93  
94 ===== T I T L E   A M E N D M E N T =====

95 And the title is amended as follows:

96           Delete lines 5 - 6

97 and insert:



528892

98           for a third or subsequent violation of the same  
99           injunction for protection against specified acts of  
100          violence or the same



284190

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
	.	
	.	
	.	

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

**Senate Amendment to Amendment (528892)**

Delete lines 5 - 8  
and insert:  
violation of an injunction or foreign protection order,  
and who subsequently commits a violation of any injunction or  
foreign protection order against the same victim, commits a  
felony of the third degree, punishable as provided in s.  
775.082, s. 775.083 or s.



212292

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
	.	
	.	
	.	

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

**Senate Amendment to Amendment (528892)**

Delete lines 48 - 50

and insert:

violation of an injunction or foreign protection order,  
and who subsequently commits a violation of any injunction or  
foreign protection order against the same victim, commits a  
felony of the third



575042

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
	.	
	.	
	.	

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

**Senate Amendment to Amendment (528892)**

Delete lines 89 - 92

and insert:

violation of an injunction or foreign protection order,  
and who subsequently commits a violation of any injunction or  
foreign protection order against the same victim, commits a  
felony of the third degree





456582

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
	.	
	.	
	.	

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

**Senate Amendment (with title amendment)**

Between lines 146 and 147

insert:

Section 4. For the purpose of incorporating the amendment made by this act to section 741.31, Florida Statutes, in a reference thereto, subsection (9) of section 741.30, Florida Statutes, is reenacted to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary



456582

11 injunction; issuance of injunction; statewide verification  
12 system; enforcement; public records exemption.—

13 (9) (a) The court may enforce a violation of an injunction  
14 for protection against domestic violence through a civil or  
15 criminal contempt proceeding, or the state attorney may  
16 prosecute it as a criminal violation under s. 741.31. The court  
17 may enforce the respondent's compliance with the injunction  
18 through any appropriate civil and criminal remedies, including,  
19 but not limited to, a monetary assessment or a fine. The clerk  
20 of the court shall collect and receive such assessments or  
21 fines. On a monthly basis, the clerk shall transfer the moneys  
22 collected pursuant to this paragraph to the State Treasury for  
23 deposit in the Domestic Violence Trust Fund established in s.  
24 741.01.

25 (b) If the respondent is arrested by a law enforcement  
26 officer under s. 901.15(6) or for a violation of s. 741.31, the  
27 respondent shall be held in custody until brought before the  
28 court as expeditiously as possible for the purpose of enforcing  
29 the injunction and for admittance to bail in accordance with  
30 chapter 903 and the applicable rules of criminal procedure,  
31 pending a hearing.

32 Section 5. For the purpose of incorporating the amendment  
33 made by this act to sections 741.31, 784.047, and 784.0487,  
34 Florida Statutes, in references thereto, subsection (2) of  
35 section 741.315, Florida Statutes, is reenacted to read:

36 741.315 Recognition of foreign protection orders.—

37 (2) Pursuant to 18 U.S.C. s. 2265, an injunction for  
38 protection against domestic violence issued by a court of a  
39 foreign state must be accorded full faith and credit by the



456582

40 courts of this state and enforced by a law enforcement agency as  
41 if it were the order of a Florida court issued under s. 741.30,  
42 s. 741.31, s. 784.046, s. 784.047, s. 784.0485, or s. 784.0487,  
43 and provided that the court had jurisdiction over the parties  
44 and the matter and that reasonable notice and opportunity to be  
45 heard was given to the person against whom the order is sought  
46 sufficient to protect that person's right to due process. Ex  
47 parte foreign injunctions for protection are not eligible for  
48 enforcement under this section unless notice and opportunity to  
49 be heard have been provided within the time required by the  
50 foreign state or tribal law, and in any event within a  
51 reasonable time after the order is issued, sufficient to protect  
52 the respondent's due process rights.

53 Section 6. For the purpose of incorporating the amendment  
54 made by this act to section 784.0487, Florida Statutes, in a  
55 reference thereto, subsection (9) of section 784.0485, Florida  
56 Statutes, is reenacted to read:

57 784.0485 Stalking; injunction; powers and duties of court  
58 and clerk; petition; notice and hearing; temporary injunction;  
59 issuance of injunction; statewide verification system;  
60 enforcement.—

61 (9) (a) The court may enforce a violation of an injunction  
62 for protection against stalking through a civil or criminal  
63 contempt proceeding, or the state attorney may prosecute it as a  
64 criminal violation under s. 784.0487. Any assessments or fines  
65 ordered by the court enforcing such an injunction shall be  
66 collected by the clerk of the court and transferred on a monthly  
67 basis to the State Treasury for deposit into the Domestic  
68 Violence Trust Fund.



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69 (b) If the respondent is arrested by a law enforcement  
70 officer under s. 901.15(6) or for a violation of s. 784.0487,  
71 the respondent shall be held in custody until brought before the  
72 court as expeditiously as possible for the purpose of enforcing  
73 the injunction and for admittance to bail in accordance with  
74 chapter 903 and the applicable rules of criminal procedure,  
75 pending a hearing.

76 Section 7. For the purpose of incorporating the amendment  
77 made by this act to sections 741.31 and 784.047, Florida  
78 Statutes, in references thereto, subsections (6) and (7) of  
79 section 901.15, Florida Statutes, are reenacted to read:

80 901.15 When arrest by officer without warrant is lawful.—A  
81 law enforcement officer may arrest a person without a warrant  
82 when:

83 (6) There is probable cause to believe that the person has  
84 committed a criminal act according to s. 790.233 or according to  
85 s. 741.31 or s. 784.047 which violates an injunction for  
86 protection entered pursuant to s. 741.30 or s. 784.046, or a  
87 foreign protection order accorded full faith and credit pursuant  
88 to s. 741.315, over the objection of the petitioner, if  
89 necessary.

90 (7) There is probable cause to believe that the person has  
91 committed an act of domestic violence, as defined in s. 741.28,  
92 or dating violence, as provided in s. 784.046. The decision to  
93 arrest shall not require consent of the victim or consideration  
94 of the relationship of the parties. It is the public policy of  
95 this state to strongly discourage arrest and charges of both  
96 parties for domestic violence or dating violence on each other  
97 and to encourage training of law enforcement and prosecutors in



456582

98 these areas. A law enforcement officer who acts in good faith  
99 and exercises due care in making an arrest under this  
100 subsection, under s. 741.31(4) or s. 784.047, or pursuant to a  
101 foreign order of protection accorded full faith and credit  
102 pursuant to s. 741.315, is immune from civil liability that  
103 otherwise might result by reason of his or her action.

104

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

106 And the title is amended as follows:

107 Delete line 8

108 and insert:

109 provisions; reenacting s. 741.30(9), F.S., relating to  
110 injunctions for protection against domestic violence,  
111 to incorporate the amendment made by the act to s.  
112 741.31, F.S., in a reference thereto; reenacting s.  
113 741.315(2), F.S., relating to recognition of foreign  
114 protection orders, to incorporate the amendments made  
115 by the act to ss. 741.31, 784.047, and 784.0487, F.S.,  
116 in references thereto; reenacting s. 784.0485(9),  
117 F.S., relating to injunctions for protection against  
118 stalking, to incorporate the amendment made by the act  
119 to s. 784.0487, F.S., in a reference thereto;  
120 reenacting s. 901.15(6) and (7), F.S., relating to  
121 when arrest by an officer without warrant is lawful,  
122 to incorporate the amendment made by the act to ss.  
123 741.31 and 784.047, F.S., in references thereto;  
124 providing an effective date.

By Senator Abruzzo

25-00301A-16

2016380\_\_

1                                   A bill to be entitled  
2           An act relating to violation of an injunction for  
3           protection; amending ss. 741.31, 784.047, and  
4           784.0487, F.S.; providing enhanced criminal penalties  
5           for a third or subsequent violation of an injunction  
6           for protection against specified acts of violence or a  
7           foreign protection order issued under specified  
8           provisions; providing an effective date.

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

11  
12           Section 1. Subsection (4) of section 741.31, Florida  
13   Statutes, is amended to read:

14           741.31 Violation of an injunction for protection against  
15   domestic violence.—

16           (4) (a) A person who willfully violates an injunction for  
17   protection against domestic violence issued pursuant to s.  
18   741.30, or a foreign protection order accorded full faith and  
19   credit pursuant to s. 741.315, by:

20           1. Refusing to vacate the dwelling that the parties share;

21           2. Going to, or being within 500 feet of, the petitioner's  
22   residence, school, place of employment, or a specified place  
23   frequented regularly by the petitioner and any named family or  
24   household member;

25           3. Committing an act of domestic violence against the  
26   petitioner;

27           4. Committing any other violation of the injunction through  
28   an intentional unlawful threat, word, or act to do violence to  
29   the petitioner;

25-00301A-16

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30 5. Telephoning, contacting, or otherwise communicating with  
31 the petitioner directly or indirectly, unless the injunction  
32 specifically allows indirect contact through a third party;

33 6. Knowingly and intentionally coming within 100 feet of  
34 the petitioner's motor vehicle, whether or not that vehicle is  
35 occupied;

36 7. Defacing or destroying the petitioner's personal  
37 property, including the petitioner's motor vehicle; or

38 8. Refusing to surrender firearms or ammunition if ordered  
39 to do so by the court

40  
41 commits a misdemeanor of the first degree, punishable as  
42 provided in s. 775.082 or s. 775.083, except as provided in  
43 paragraph (c).

44 (b)1. It is a violation of s. 790.233, and a misdemeanor of  
45 the first degree, punishable as provided in s. 775.082 or s.  
46 775.083, for a person to violate a final injunction for  
47 protection against domestic violence by having in his or her  
48 care, custody, possession, or control any firearm or ammunition.

49 2. It is the intent of the Legislature that the  
50 disabilities regarding possession of firearms and ammunition are  
51 consistent with federal law. Accordingly, this paragraph shall  
52 not apply to a state or local officer as defined in s.  
53 943.10(14), holding an active certification, who receives or  
54 possesses a firearm or ammunition for use in performing official  
55 duties on behalf of the officer's employing agency, unless  
56 otherwise prohibited by the employing agency.

57 (c) A person who has two or more prior convictions for  
58 violation of an injunction and who commits any third or

25-00301A-16

2016380\_\_

59 subsequent violation commits a felony of the third degree,  
60 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
61 For purposes of this paragraph, the term "conviction" means a  
62 determination of guilt that is the result of a plea or a trial,  
63 regardless of whether adjudication is withheld or a plea of nolo  
64 contendere is entered.

65 Section 2. Section 784.047, Florida Statutes, is amended to  
66 read:

67 784.047 Penalties for violating protective injunction  
68 against violators.—

69 (1) A person who willfully violates an injunction for  
70 protection against repeat violence, sexual violence, or dating  
71 violence, issued pursuant to s. 784.046, or a foreign protection  
72 order accorded full faith and credit pursuant to s. 741.315 by:

73 (a)~~(1)~~ Refusing to vacate the dwelling that the parties  
74 share;

75 (b)~~(2)~~ Going to, or being within 500 feet of, the  
76 petitioner's residence, school, place of employment, or a  
77 specified place frequented regularly by the petitioner and any  
78 named family or household member;

79 (c)~~(3)~~ Committing an act of repeat violence, sexual  
80 violence, or dating violence against the petitioner;

81 (d)~~(4)~~ Committing any other violation of the injunction  
82 through an intentional unlawful threat, word, or act to do  
83 violence to the petitioner;

84 (e)~~(5)~~ Telephoning, contacting, or otherwise communicating  
85 with the petitioner directly or indirectly, unless the  
86 injunction specifically allows indirect contact through a third  
87 party;



25-00301A-16

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88        (f)~~(6)~~ Knowingly and intentionally coming within 100 feet  
89 of the petitioner's motor vehicle, whether or not that vehicle  
90 is occupied;

91        (g)~~(7)~~ Defacing or destroying the petitioner's personal  
92 property, including the petitioner's motor vehicle; or

93        (h)~~(8)~~ Refusing to surrender firearms or ammunition if  
94 ordered to do so by the court,

95

96 commits a misdemeanor of the first degree, punishable as  
97 provided in s. 775.082 or s. 775.083, except as provided in  
98 subsection (2).

99        (2) A person who has two or more prior convictions for  
100 violation of an injunction and who commits any third or  
101 subsequent violation commits a felony of the third degree,  
102 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
103 For purposes of this subsection, the term "conviction" means a  
104 determination of guilt that is the result of a plea or a trial,  
105 regardless of whether adjudication is withheld or a plea of nolo  
106 contendere is entered.

107        Section 3. Subsection (4) of section 784.0487, Florida  
108 Statutes, is amended to read:

109        784.0487 Violation of an injunction for protection against  
110 stalking or cyberstalking.—

111        (4) (a) A person who willfully violates an injunction for  
112 protection against stalking or cyberstalking issued pursuant to  
113 s. 784.0485, or a foreign protection order accorded full faith  
114 and credit pursuant to s. 741.315, by:

115        1.~~(a)~~ Going to, or being within 500 feet of, the  
116 petitioner's residence, school, place of employment, or a

25-00301A-16

2016380\_\_

117 specified place frequented regularly by the petitioner and any  
118 named family members or individuals closely associated with the  
119 petitioner;

120 2.~~(b)~~ Committing an act of stalking against the petitioner;

121 3.~~(c)~~ Committing any other violation of the injunction  
122 through an intentional unlawful threat, word, or act to do  
123 violence to the petitioner;

124 4.~~(d)~~ Telephoning, contacting, or otherwise communicating  
125 with the petitioner, directly or indirectly, unless the  
126 injunction specifically allows indirect contact through a third  
127 party;

128 5.~~(e)~~ Knowingly and intentionally coming within 100 feet of  
129 the petitioner's motor vehicle, whether or not that vehicle is  
130 occupied;

131 6.~~(f)~~ Defacing or destroying the petitioner's personal  
132 property, including the petitioner's motor vehicle; or

133 7.~~(g)~~ Refusing to surrender firearms or ammunition if  
134 ordered to do so by the court,

135

136 commits a misdemeanor of the first degree, punishable as  
137 provided in s. 775.082 or s. 775.083, except as provided in  
138 paragraph (b).

139 (b) A person who has two or more prior convictions for  
140 violation of an injunction and who commits any third or  
141 subsequent violation commits a felony of the third degree,  
142 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
143 For purposes of this paragraph, the term "conviction" means a  
144 determination of guilt that is the result of a plea or a trial,  
145 regardless of whether adjudication is withheld or a plea of nolo

25-00301A-16

2016380\_\_

146 contendere is entered.

147 Section 4. This act shall take effect October 1, 2016.

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/21/16

Meeting Date

380

Bill Number (if applicable)

528892

Amendment Barcode (if applicable)

Topic Domestic Violence Injunctions

Name Nancy Daniels

Job Title Public Defender, 2nd Circuit

Address 301 S Monroe St. # 301

Phone

Street

Tallahassee

FL

City

State

Zip

Email

Speaking:  For  Against  Information

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

Representing Florida Public Defender Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/21/16

Meeting Date

380

Bill Number (if applicable)

528892

Amendment Barcode (if applicable)

Topic Domestic Violence Injunctions

Name Nancy Daniels

Job Title Public Defender, 2nd Circuit

Address 301 S Monroe St. # 301

Street

Phone \_\_\_\_\_

Tallahassee

FL

City

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Florida Public Defender Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/21/16

Meeting Date

SB 0380

Bill Number (if applicable)

Topic Violation of Injunction

Amendment Barcode (if applicable)

Name James Turner

Job Title Sergeant Volusia County Sheriff's Office

Address 123 W Indiana Ave Phone 386-323-0151

Street

Deland FL 32720 Email \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

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

Representing Florida Sheriff's Assoc

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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



FLORIDA  
**COURT CLERKS &  
COMPTROLLERS**

## SENATE APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE

Hon. Karen Rushing, Sarasota County Clerk of Court  
Chair, Legislative Committee

Hon. Stacy Butterfield, CPA, Polk County Clerk of Court  
Chair, CCOC Budget Committee

Thursday, January 21, 2016

# Background: Clerks of Court Funding

2

- ❑ 2004 Constitutional Revision – Required State to fund the State Courts System. Article V Section 14. (b), Florida Constitution:

“All funding for the offices of the clerks of the circuit and county courts performing court-related functions . . . shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law.”



# Background: Clerks of Court Funding

3

- ❑ 2007-2008: Dramatic and unforeseen increases in foreclosures spiked the fees Clerks collected
- ❑ 2009: Legislature responded by funding Clerks through the General Appropriations Act (GAA) with a 17% reduction
- ❑ While in the State Budget (GAA) some revenues collected by the Clerks were shifted to General Revenue causing:
  - ❑ Insufficient revenues remained to support appropriations for Clerk Budgets
  - ❑ Legislative action – “backfill” the deficit each year
    - ❑ \$150 Million over four years

# Background: Clerks of Court Funding

4

- ❑ 2013 Legislature removes Clerks from GAA
  - ❑ Clerks return to a new fine/fee funded process
  - ❑ LBC directed to approve Clerk budgets annually
  - ❑ Any excess money collected by Clerks would be returned to GR
  
- ❑ 2013 Article V Revenue Estimating Conference (REC)
  - ❑ Recognized that within two years revenues would be insufficient to fund Clerk approved budgets
  - ❑ Since 2013, revenues declined more than projected by REC creating earlier and greater deficits than anticipated

# Background: Clerk of Court Funding

5

- ❑ 2015-2016 Current REC projection of revenue to support Clerks' budget results in a \$42 million revenue deficit

# Clerks' Budget Process

6

- ❑ By June 1 – Clerks submit budgets to the Clerk of Court Operations Corp. (CCOC)
- ❑ By August 1 – CCOC Reviews and Recommends Clerks' budgets to LBC
- ❑ By October 1 – LBC Action
  - ❑ LBC takes action Annually – approves, disapproves, or amends
- ❑ By January 25 – DOR Transfers to GR
  - ❑ Fines, Fees and Costs collected by Clerks in excess of amount needed to fund budgets is transferred to GR

# Workload Analysis Report

7



northhighland.  
WORLDWIDE CONSULTING

## Florida Clerks of Courts Workload Analysis Project Workload Analysis Report

November 20, 2015

Submitted by: North Highland

# Florida Clerks of Court Workload Analysis Project

8

- ❑ Study Performed to Address Legislative Request for Information
  - ❑ Quantify Current workload
  - ❑ Address relationship of declining case load and increase Workload
  - ❑ Identify and Quantify need for additional Financial Resources
  - ❑ Identify and Quantify workload differences in Various Case Types
  - ❑ Identify and Quantify unfunded impacts of new and expanded workload

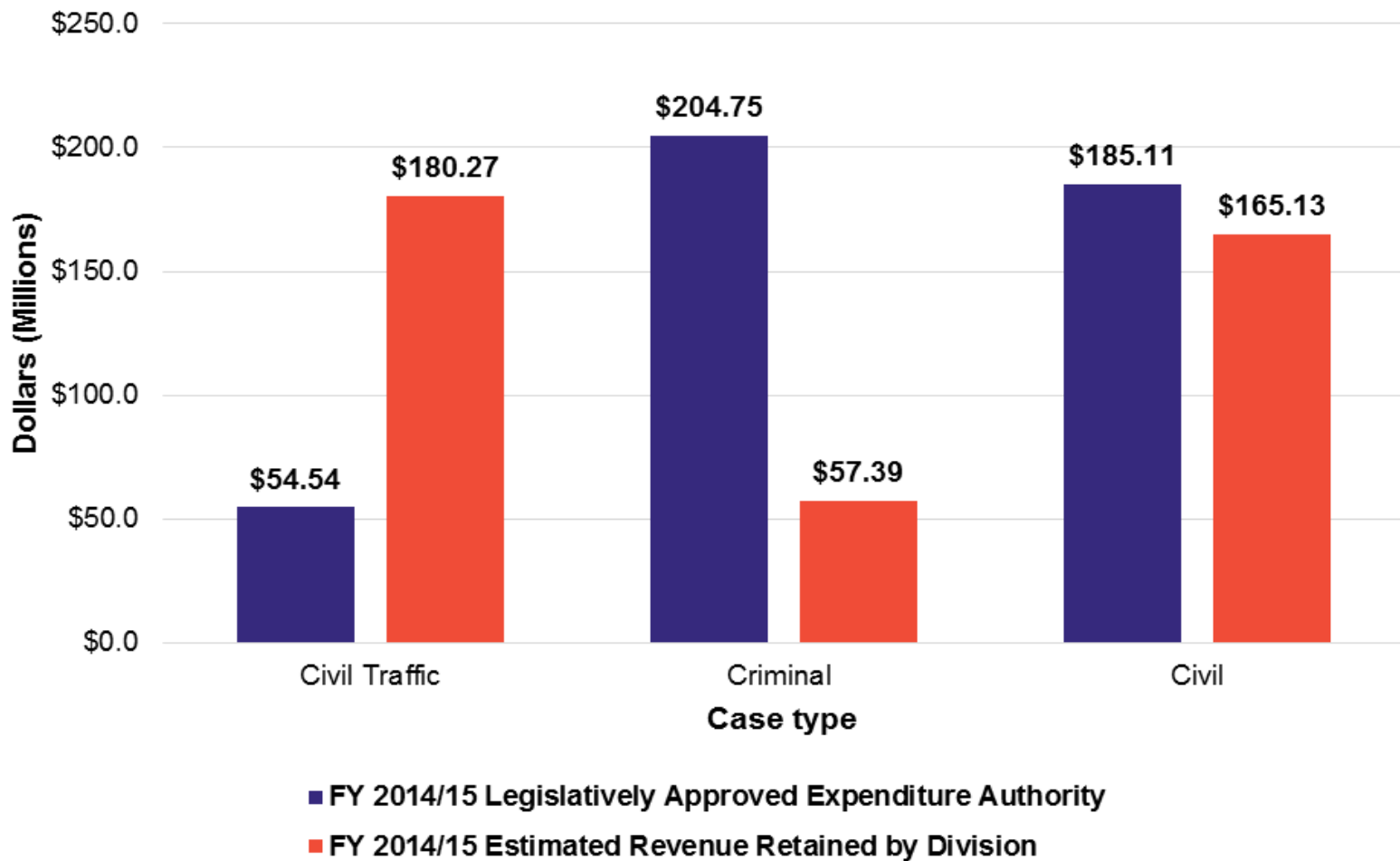
# Consultant's Findings

9

- Case Filings are down, coupled with Increased Workload
- Revenue does not correlate with workload
- New and expanded mandates drive workload and costs
- Clerk budgets are not keeping pace with costs
- Resources are inadequate to meet workload demand

# Consultant Findings

Estimated annual revenues as compared to authorized expenditure for FY14-15





# Consultant's Findings – Revenue Impacts

11

- Civil Traffic cases are a primary determinant of revenue
- Municipalities affect distribution of revenues
- **Depository County** ~ revenue exceeds cost base
  - Higher fraction of Civil Traffic cases in their case filing mix
- **Funded County** ~ receiving money from Clerk's trust fund
  - Higher fraction of Criminal cases in their case mix

# Consultant Findings: Revenue Impacts

12

## A Few Examples ...

- ❑ Local Administrative Orders (AOs)
  - ❑ Court AO ~ Driving While License Suspended Diversion
  - ❑ Community Service in Lieu of Court Costs
  
- ❑ Statutory Relief for Civil Indigent Filings
- ❑ Red Light Camera Violations
- ❑ Toll Violations
- ❑ Civil Re-Open Cases

# Cost Drivers / New & Expanded Duties

13

County Size	Average Impact As Measured in FTEs	Average Workload Impact (%)
Large	55.4	17 %
Medium	20.1	23 %
Small	3.9	20 %

## New/Expanded Duties - Examples

Redaction – Required for electronic access

eFiling, including back-scanning document review and acceptance  
(Some judges still require clerks to print electronic documents)

Payment Plan setup, monitor and maintenance

Technology Systems testing, implementation, upgrades

Pro se activity - indigence assistance, guidance, support

Electronic Records on Appeal

Public Access Online – Technology and Workload

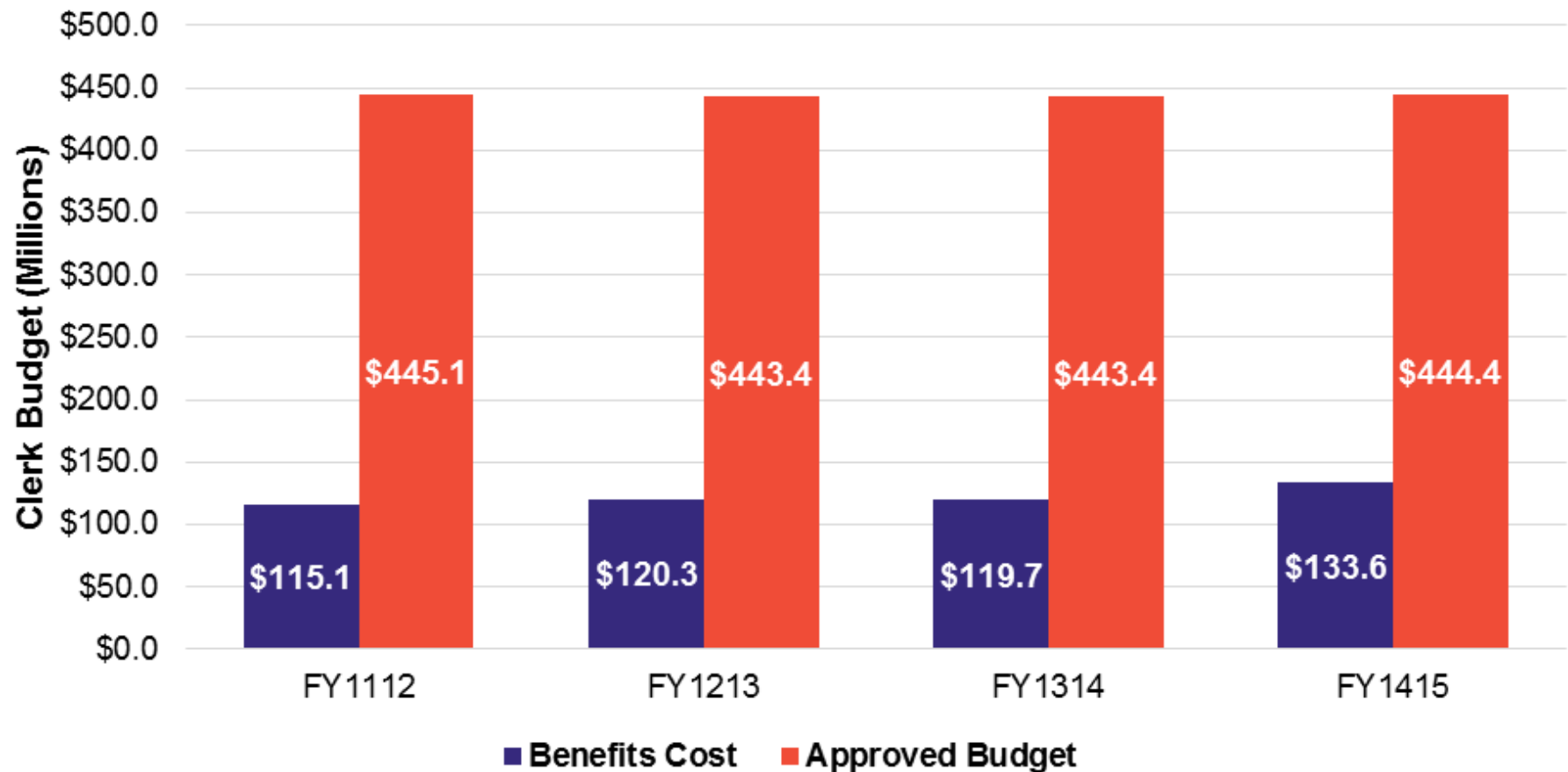
# Consultant Findings: Cost Drivers

14

- ❑ Criminal Cases driven by macroeconomics and socioeconomics
- ❑ Legislative Changes
- ❑ Judiciary Workload
- ❑ Specialty Courts (Veterans, Drug, Mental Health, etc.)
- ❑ Local Administrative Orders – Drive costs and create variances between offices
- ❑ Multiple Court facilities
- ❑ Health Benefit Costs

# Consultant Findings

Employee Health Benefit Increase - four year period - FY11-12 to FY14-15



# Case Processing Analysis

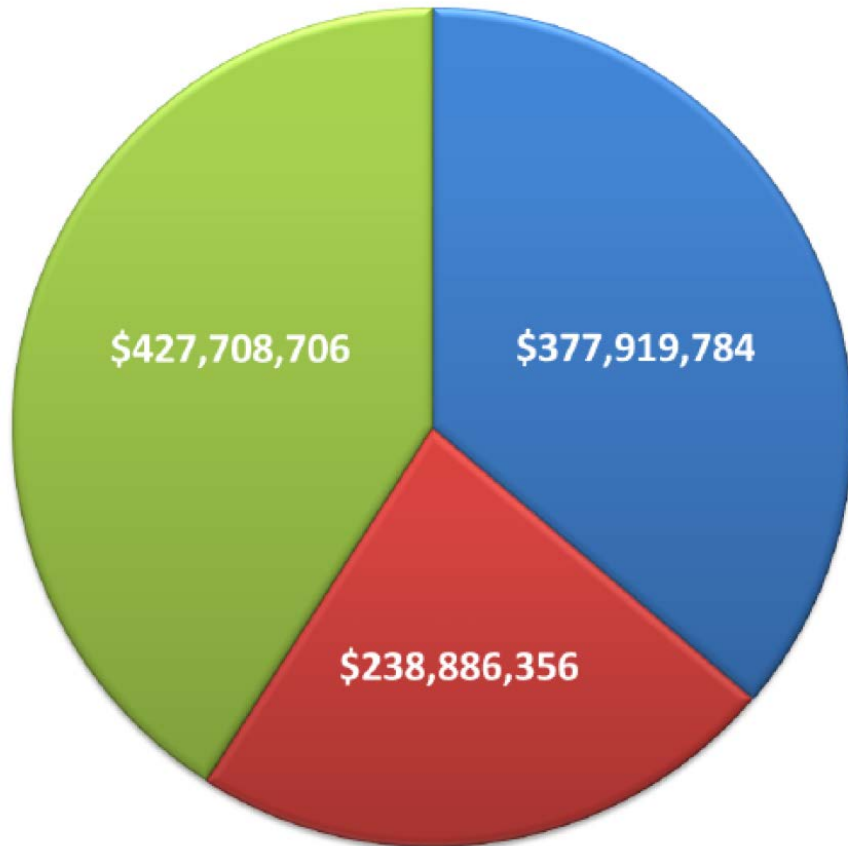
16

- ❑ Conducted workload analysis of case processing
- ❑ Analysis captured data at the sub-case type/activity level
- ❑ Measured work effort in minutes per sub-case type/activity level to complete the work
- ❑ Annualized data to reflect actual work effort in a year
- ❑ Results showed additional effort required to adequately process cases

County Size	Average Shortfall in Resources to Process Cases(%)
Large	20.8%
Medium	21.4%
Small	22.4%

# Distribution of Revenues Collected by Clerks

17



**\$1.045 Billion Collected by Clerks in FY 2014/15**

- To General Revenue
- To State Trust Funds
- Retained in Clerks' Fine & Forfeiture Funds, plus 10% of certain fines to Public Records Modernization TF

# State Trust Funds: Distributions & Statutes

State Trust Funds	Distribution	Statutory Authority
Additional Court Costs - TF	\$10,643,157	318.18(11)(d), 318.21, 327.73(11)(b), 938.01(1)(a)
Agricultural Law Enforcement TF	\$1,219	938.27(7)
Alcoholic Beverage & Tobacco Refunds	\$2,417	938.27(7)
Audit & Warrant Clearing TF	\$1,550,531	318.21(2)(e) & (5), 938.27(7)
Brain & Spinal Cord Injury Program TF	\$9,639,920	316.0083(1)(b)3.b., 318.18(15)(a)1., 318.21(2)(d), 327.35(9), 938.07
Child Welfare Training TF	\$1,973,662	28.101(1)(a), 318.14(10)(b), 318.21(1)
Court Education TF	\$2,609,610	28.2401(3), 28.241(1)(a)1.c. & e., 34.041(1)(b)
Crime Stoppers TF	\$4,297,613	938.06
Crimes Compensation TF	\$16,820,614	316.126, 775.0835(1), 938.03(4), 938.04, 960.17(4), 960.28, 960.293
DFS Admin TF	\$1,961,544	28.2401(3), 28.241(1)1.a., b, c. & e., & 2.d., 34.041(1)(b)
DOH Emergency Medical Service	\$16,023,266	316.061, 316.083(1)(b)3.a. & b., 316.192, 318.14(5), 318.18(3)(h) & (5)(c) & (15)(a)1. & (20), 318.21(2)(b), 938.07
DFS Operating TF	\$76,836	938.27(7)
Displaced Homemaker TF	\$1,894,567	28.101(1)(b) & (d), 741.01(2)
DOE Grants And Donations TF	\$3,254	318.21(4)
Domestic Violence TF	\$8,534,483	28.101(1)(c), 741.01(2), 741.30(9)(a)
Ecosystem Mgmt & Restoration TF	\$751	403.1651(2)(a)
Epilepsy Services TF	\$926,530	318.21(6)
FDLE Operating TF	\$2,293,200	817.568(12)(a), 938.07, 938.055
Forfeiture & Investigative Support TF	\$61,872	938.27(7)
FWC Operating TF	\$38,246	938.27(7)

Grants & Donations TF	\$165,268	938.1
Indigent Civil Defense TF	\$56,971	39.0134(2), 57.082(1)(d)
Indigent Criminal Defense TF	\$16,267,861	27.52(1), 27.562
Inland Protection TF	\$6,475	938.27(7)
JAC Grants And Donations TF	\$1,293	27.52(7)(b), 57.082(7)(b), 501.2101
Juvenile Welfare Training TF	\$1,595,393	318.14(10)(b), 318.21(1)
Law Enforcement Radio System TF	\$4,838,338	318.18(17)
Marine Resources Conservation TF	\$536,382	327.35215(5)(a), 327.73(8), 379.2431, 379.407
Motor Vehicle License Clearing TF	\$23,691,152	318.15, 318.18(8)(a) & (16), 322.20(11), 322.29, 938.27(7)
Nongame Wildlife TF	\$1,504,208	318.21(7), 379.2203(3)
Operations And Maintenance TF	\$175,244	796.07(6)
Planning And Evaluation TF	\$1,120,636	382.023, 741.02
Projects, Contracts & Grants TF	\$16,978	569.11(6), 877.112
Public Defenders Revenue TF	\$3,455,983	318.18(19)(c), 817.568(12)(b)
Rape Crisis Program TF	\$1,603,147	938.085
Solid Waste Management TF	\$53,036	403.413(6)(a)
State Attorneys Revenue TF	\$25,773,558	318.18(19)(b), 817.568(12)(b), 938.27(8)
State Courts Revenue TF	\$78,473,476	28.2401(1), 28.241(1)1.a. & b, & 2.d., 34.041(1)(b), 44.108(1) & (2), 318.14(9), 318.18(19)(a), & 318.21(20)
State Game TF	\$65,266	258.008, 379.403, 775.089
State Transportation TF	\$4,695	316.2065, 318.18(16), 938.27(7)
SWP Grants & Donations TF	\$127,704	938.27(7)
<b>TRUST FUND TOTAL</b>	<b>\$238,886,356</b>	



# Clerks' Projected Revenue Deficits

As projected by the December 2015 REC Article V Estimating Conference, the Clerks' county fiscal year (CFY) revenues are:

<u>County Fiscal Year</u>	<u>Official Revenue Estimate</u>	<u>Based on \$444.4M Historical</u>
2015-16	\$400.1M	(\$44.3M)
2016-17	\$398.4M	(\$46.0M)
2017-18	\$398.2M	(\$46.2M)
2018-19	\$397.8M	(\$46.6M)
2019-20	\$397.2M	(\$47.2M)
2020-21	\$397.2M	(\$47.2M)

# Consultant's Findings

20

- Case Filings are down, coupled with Increased Workload
- Revenue does not correlate with workload
- New and expanded mandates drive workload and costs
- Clerk budgets are not keeping pace with costs
- Resources are inadequate to meet workload demand

# Clerks' Proposed Solution

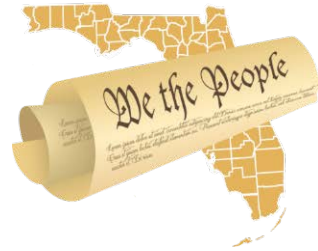
21

- ❑ Retain Sufficient Revenues to Support Adequate Funding For Duties
  - ❑ Retain \$65M of filing fees and costs that were increased by law in 2008 and now are directed to GR
  
- ❑ Authorize automatic appropriation from GR should projected revenues fall below the LBC-approved budget

# Other Potential Revenues

22

- ❑ Reimbursement for Jury related costs
- ❑ Reimburse Clerks for cases with no associated fees
  - ❑ Civil Indigency Cases – Initial and Reopened
  - ❑ Special Services – Mental Health, DV
  - ❑ Criminal Cases
  - ❑ Appeals from County Court



FLORIDA  
**COURT CLERKS &  
COMPTROLLERS**

**THANK  
YOU**

January 21, 2016

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Check Workshop

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic Check Funding

Amendment Barcode (if applicable) \_\_\_\_\_

Name Karen Rushing

Job Title Sec Clerk Sarasota - Leg Chair for H. Clerks.

Address 2000 Main St

Phone 941-861-7605

Sarasota FL 34230  
City State Zip

Email KRushing@scgov.net

Speaking:  For  Against  Information

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

Representing H. Clerks

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

*Clerk Workshop*

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

1/21/2016

Meeting Date

Bill Number (if applicable)

Topic CLERK FUNDING

Amendment Barcode (if applicable)

Name Stacy Butterfield

Job Title Clerk of Courts : Comptroller

Address 200 N. Broadway

Phone 863-534-4522

Street

Bartow, FL 33830

City

State

Zip

Email Stacybutterfield@  
polk-county.net

Speaking:  For  Against  Information

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

Representing CCOC

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Meeting Date \_\_\_\_\_ Bill Number (if applicable) \_\_\_\_\_

Topic CLERA FUNDING Amendment Barcode (if applicable) \_\_\_\_\_

Name COMMISSIONER DOUG SMITH

Job Title COUNTY COMMISSIONER

Address 2401 S.W. MONTEREY RD  
Street

Phone 772-221-0358

STUART FL. 34996  
City State Zip

Email DSMITH@MARTIN.FL.US

Speaking:  For  Against  Information

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

Representing MARTIN COUNTY, F.A.C.

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.





# Child Welfare

Presentation to the Appropriations Subcommittee on Criminal and Civil Justice

January 21, 2016

# How Dependency Process Works

## CALLS TO THE HOTLINE

FY 2013-14: 313,826

FY 2014-15: 305,249



## ASSIGNED TO LOCAL CHILD PROTECTIVE INVESTIGATIONS OFFICE

FY 2013-14: 212,096

FY 2014-15: 215,337



# How Dependency System Works

**CHILD PROTECTIVE INVESTIGATOR  
DETERMINES IF CHILD IS SAFE OR UNSAFE**

**Safe with Risk Factors –  
Referred for Voluntary  
Services**

**Unsafe - Referred to CBC  
providers for case  
management and safety  
management and  
intervention services**



# How Dependency Process Works

CASE MANAGEMENT SERVICES



In-Home or Out-of-home  
*(Licensed/Relative/Non-relative)*

Judicial or Non-Judicial



# How Dependency Process Works

## Judicial Establishment of Permanency

Reunite  
Family

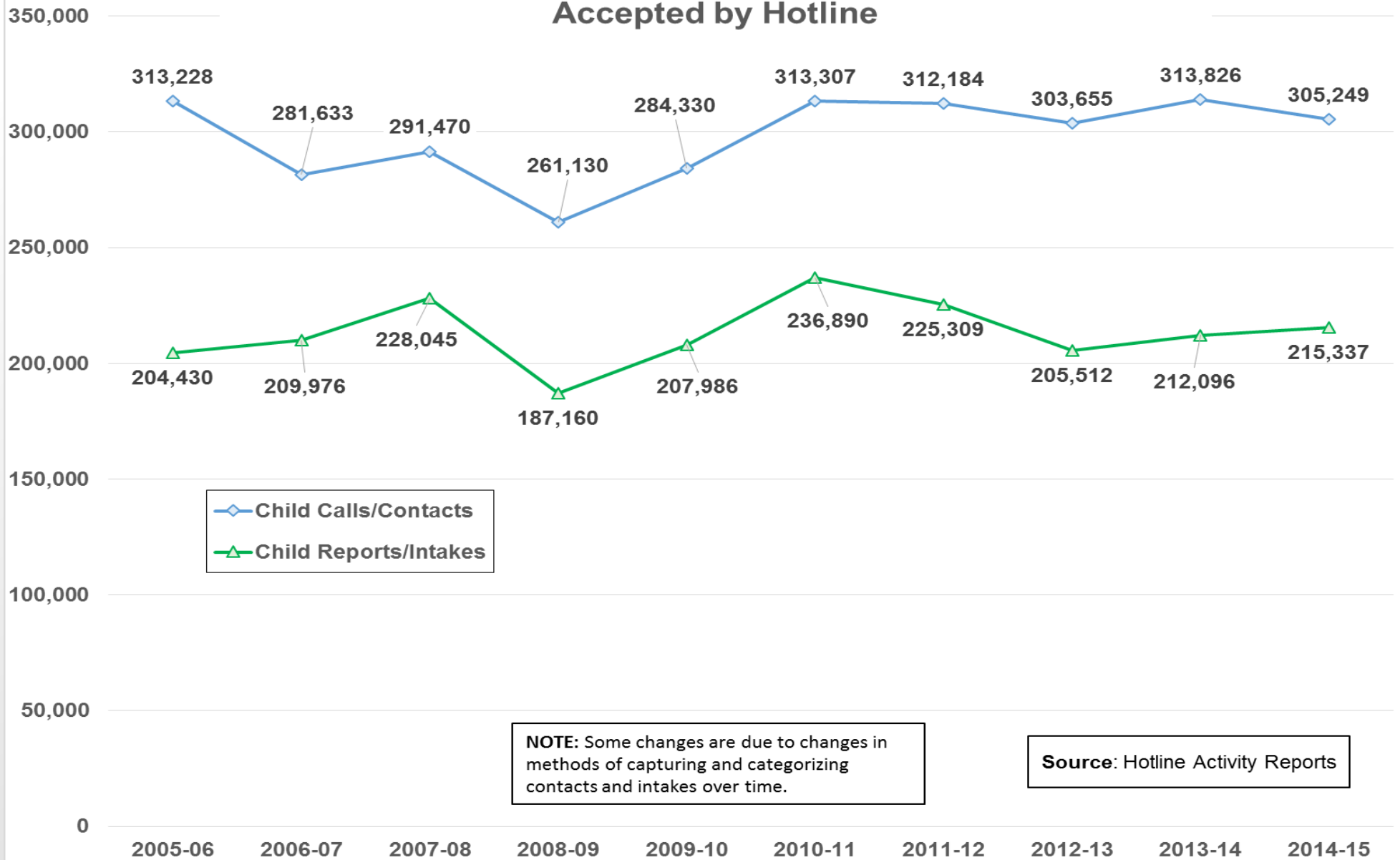
Adoption

Permanent  
Guardianship

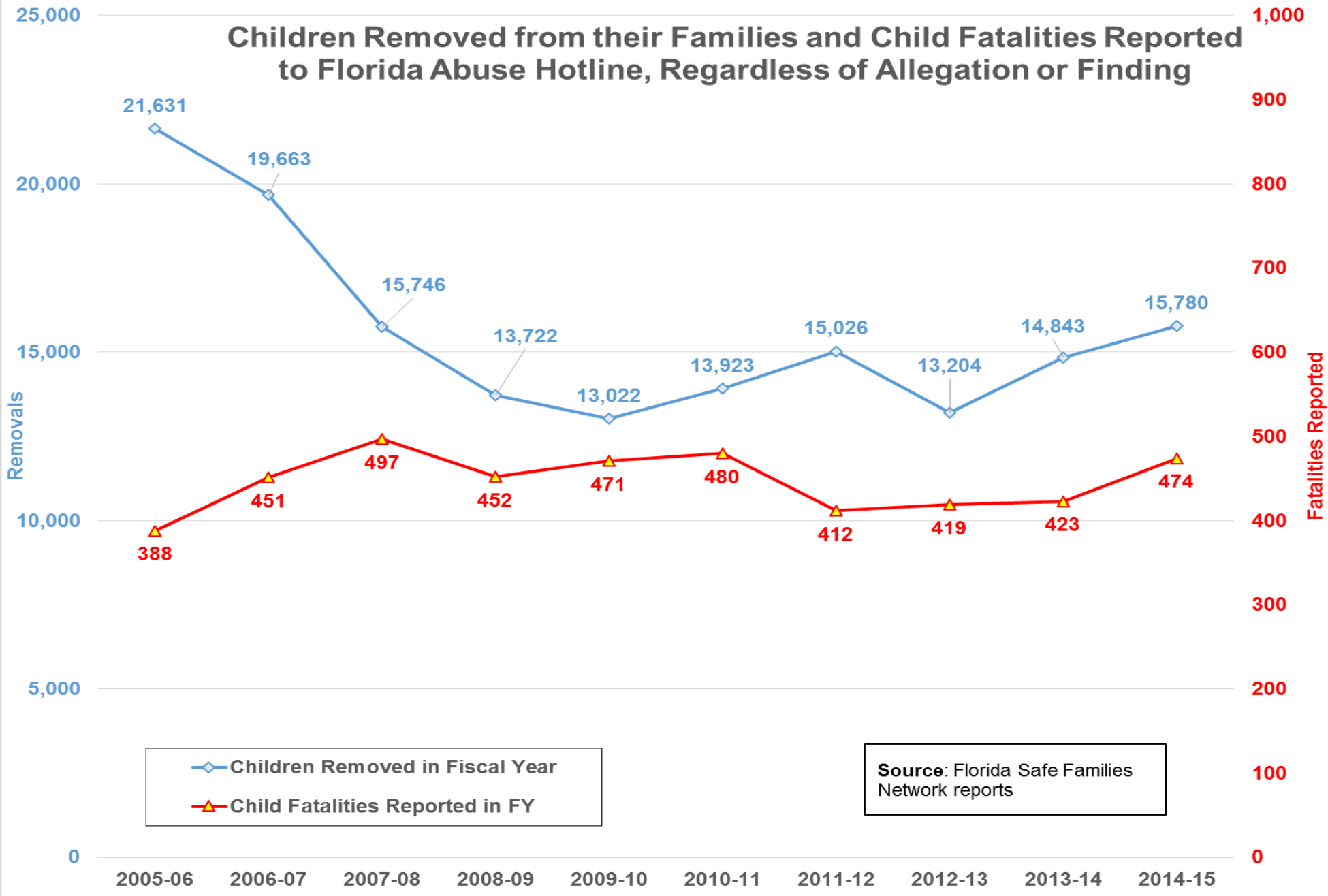
- Relative
- Non-Relative



## Child-Related Contacts (Calls, Fax, Web) Received by Hotline Child Intakes (Maltreatment Reports and Special Conditions) Accepted by Hotline



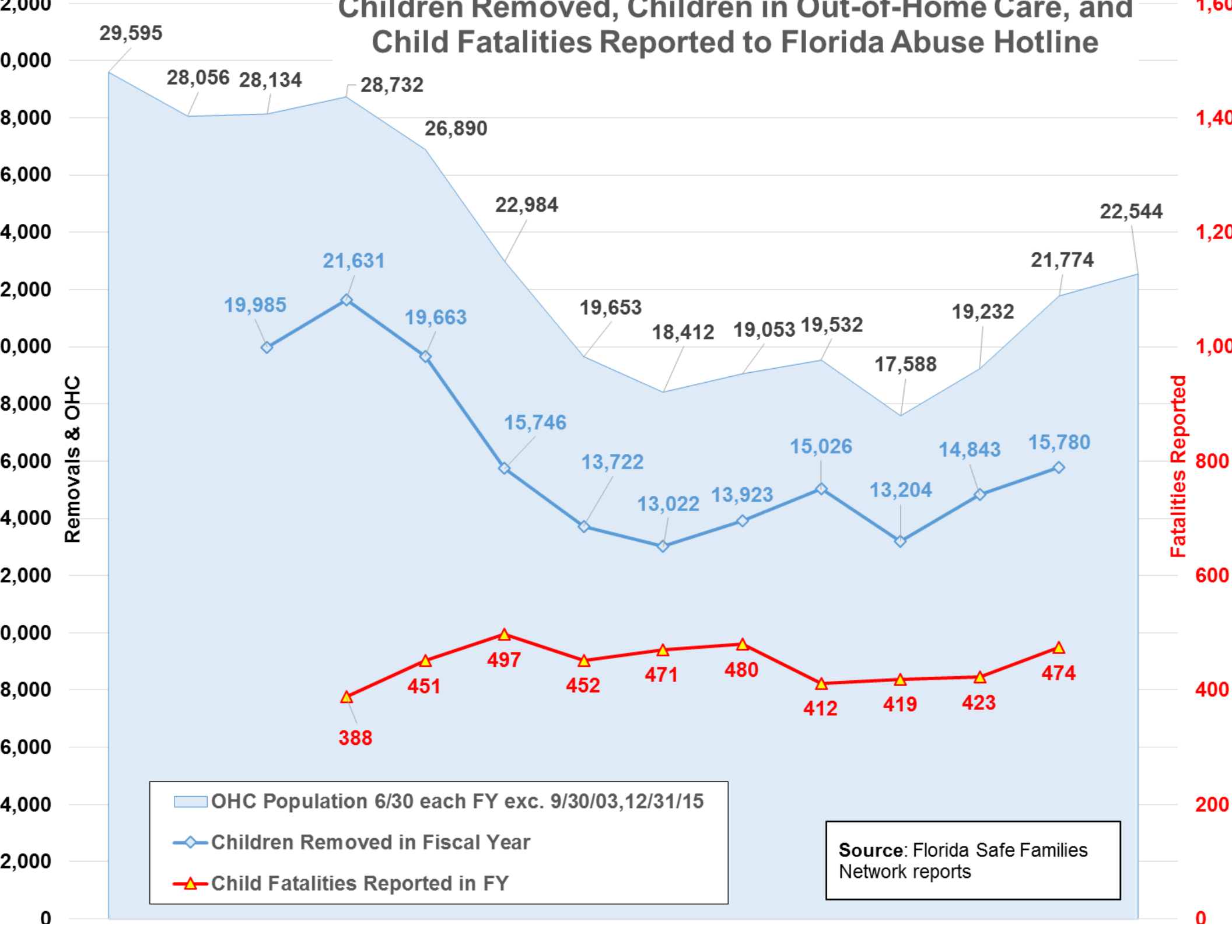
## Children Removed from their Families and Child Fatalities Reported to Florida Abuse Hotline, Regardless of Allegation or Finding



◆ Children Removed in Fiscal Year  
▲ Child Fatalities Reported in FY

**Source:** Florida Safe Families Network reports

# Children Removed, Children in Out-of-Home Care, and Child Fatalities Reported to Florida Abuse Hotline

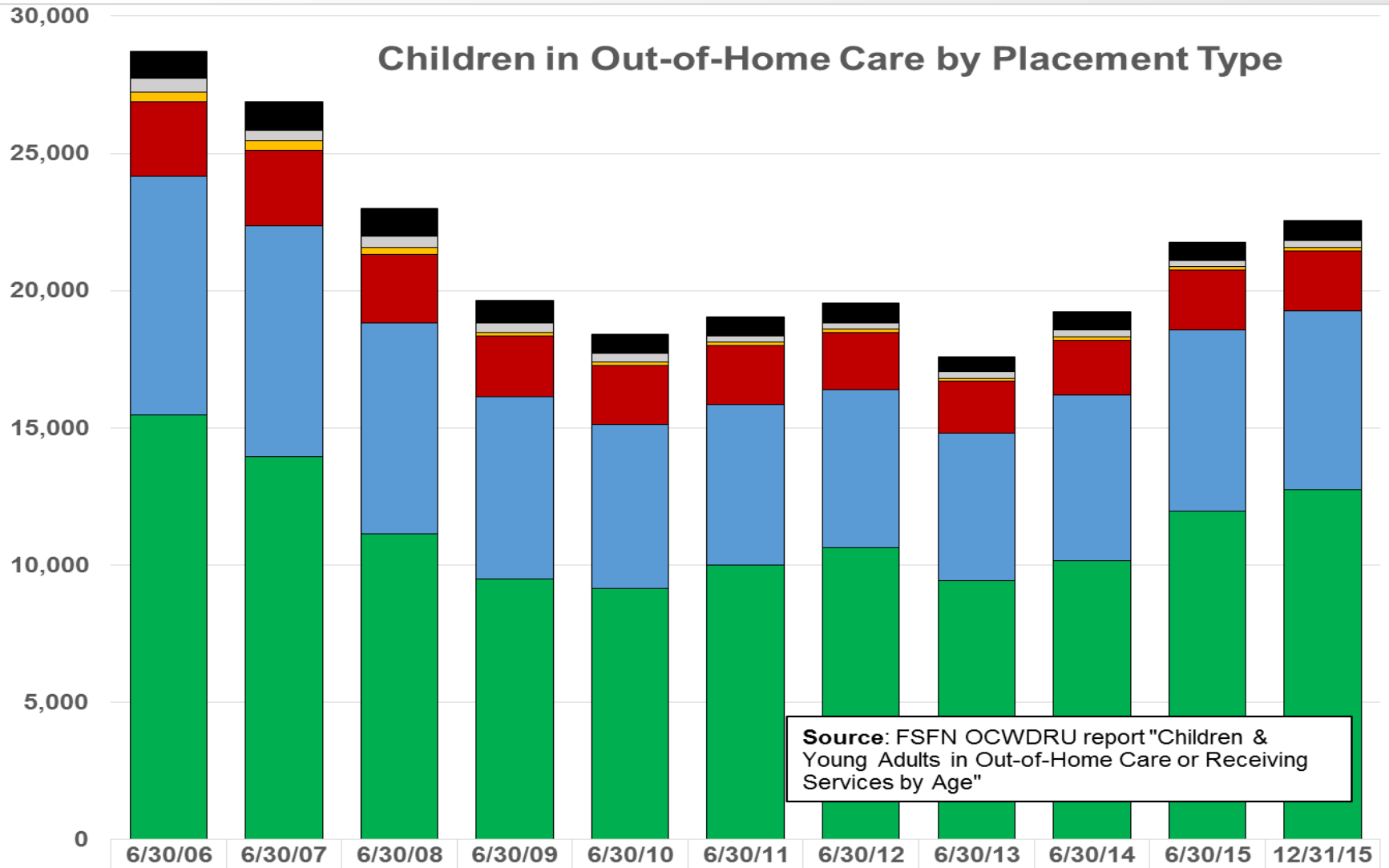


■ OHC Population 6/30 each FY exc. 9/30/03,12/31/15  
◆ Children Removed in Fiscal Year  
▲ Child Fatalities Reported in FY

**Source:** Florida Safe Families Network reports



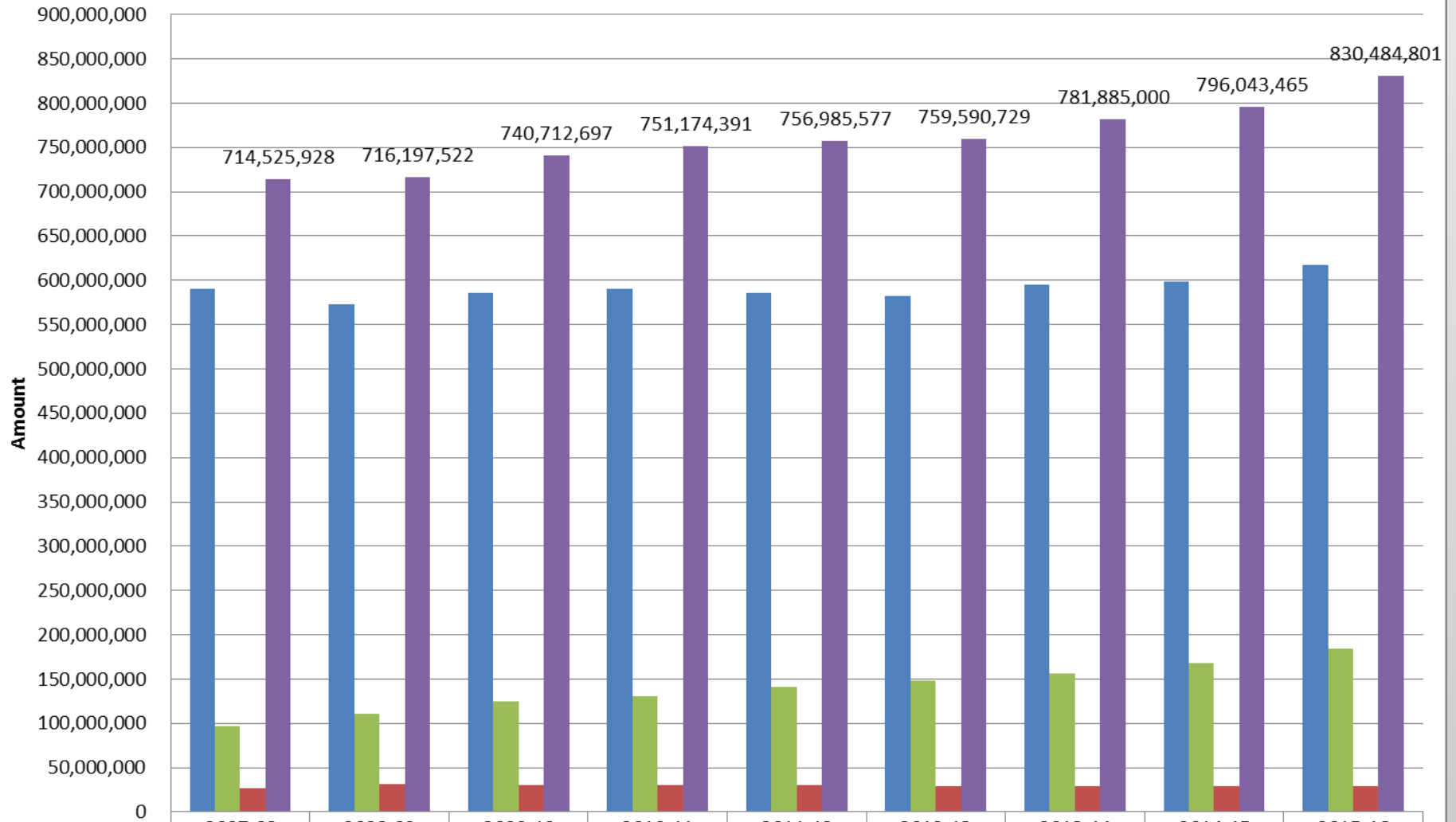
## Children in Out-of-Home Care by Placement Type



	6/30/06	6/30/07	6/30/08	6/30/09	6/30/10	6/30/11	6/30/12	6/30/13	6/30/14	6/30/15	12/31/15
Other OHC Placements	986	1,041	993	835	701	695	720	554	662	665	715
Pre-Adoptive Home	499	396	423	341	313	231	230	235	256	248	254
Residential Treatment	354	331	256	137	119	124	124	95	115	118	122
Group Home	2,715	2,748	2,491	2,222	2,167	2,161	2,071	1,889	2,005	2,182	2,195
Licensed Foster Home	8,719	8,418	7,683	6,645	5,980	5,860	5,751	5,393	6,056	6,615	6,519
Kinship Care	15,459	13,956	11,138	9,473	9,132	9,982	10,636	9,422	10,138	11,946	12,739



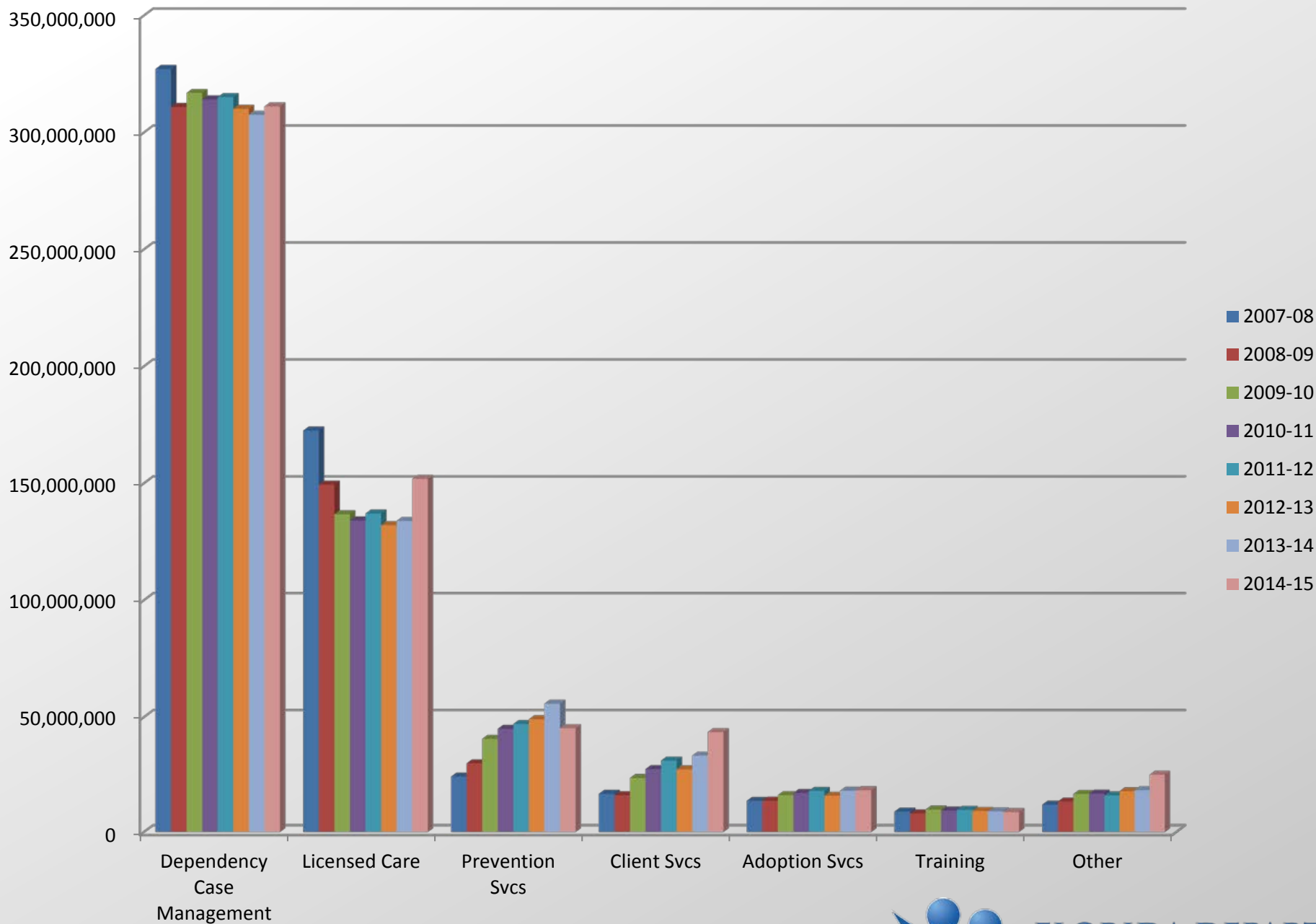
## Community Based Care Appropriations



	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Core Svcs	590,356,311	573,271,216	585,939,198	590,361,314	585,139,686	581,877,180	595,590,440	598,589,817	616,686,395
MAS	97,183,122	111,338,851	124,603,030	130,642,608	141,675,422	148,261,827	156,842,838	168,001,926	184,346,684
IL	26,986,495	31,587,455	30,170,469	30,170,469	30,170,469	29,451,722	29,451,722	29,451,722	29,451,722
Total	714,525,928	716,197,522	740,712,697	751,174,391	756,985,577	759,590,729	781,885,000	796,043,465	830,484,801



# Community Based Care Lead Agency Core Services Expenditures By Type



**Mike Carroll, Secretary**

[mike.carroll@myflfamilies.com](mailto:mike.carroll@myflfamilies.com)

**Janice Thomas, Assistant  
Secretary for Child Welfare**

[janice.thomas@myflfamilies.com](mailto:janice.thomas@myflfamilies.com)





## Better Outcomes for Children & Families

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**Regional Counsel with additional funding and positions can help to achieve quicker and safe reunification, when possible, which will improve the lives of children and families while saving taxpayer dollars in the foster care system.**

### Improving the Lives of Children

- Abuse Counseling and Treatment Inc. (ACT) reports a strong correlation between child foster care and children being trafficked in the human trafficking trade.
- In Florida, it is estimated that 70% of the sex trafficking victims were foster youth.
- In 2012, there were approximately 15,000 children in Foster Care in Florida. In June 2014 there were 19,000 children in Foster Care.
- Florida is 3<sup>rd</sup> in the nation for human trafficking across the U.S. Tampa Bay area, including Pinellas County, is one of the greatest problem areas in the state.
- An estimated 21 million children, women and men are caught in the cycle of trafficking worldwide.

### Effective Advocacy = Better Outcomes for Children & Families

- Parents do not trust Department of Children & Families because they have already taken their children away. They need social workers who will advocate on their behalf to help reunify the family.
- New York Center for Family Representation (CFR) conducted a pilot program by lowering attorney caseloads, adding social workers and parent advocates and found:
  - 1/2 of children in NY CFR pilot program avoided foster care completely.
  - When foster care could not be avoided, the median length of foster care was 2.2 months in CFR pilot program versus 2.5 years in state average.
  - CFR pilot program has a re-entry rate of approximately 1% while state wide foster care re-entry rate is at 15%.
  - One single year of foster care in New York per child is an average of \$47,500.
- Documented results for the Washington State Office of Public Defense (OPD) pilot program:
  - In the OPD pilot program, results showed that days in foster care were decreased by 55 days, from 290 to 235 days.
  - Reunification results showed 56.4% reunification in the pilot versus 36.8% reunification not in the pilot program.
  - In the pilot reunification increased by 19.6% and termination of parental rights decreased by 18.4%.



## Criminal Conflict and Civil Regional Counsel

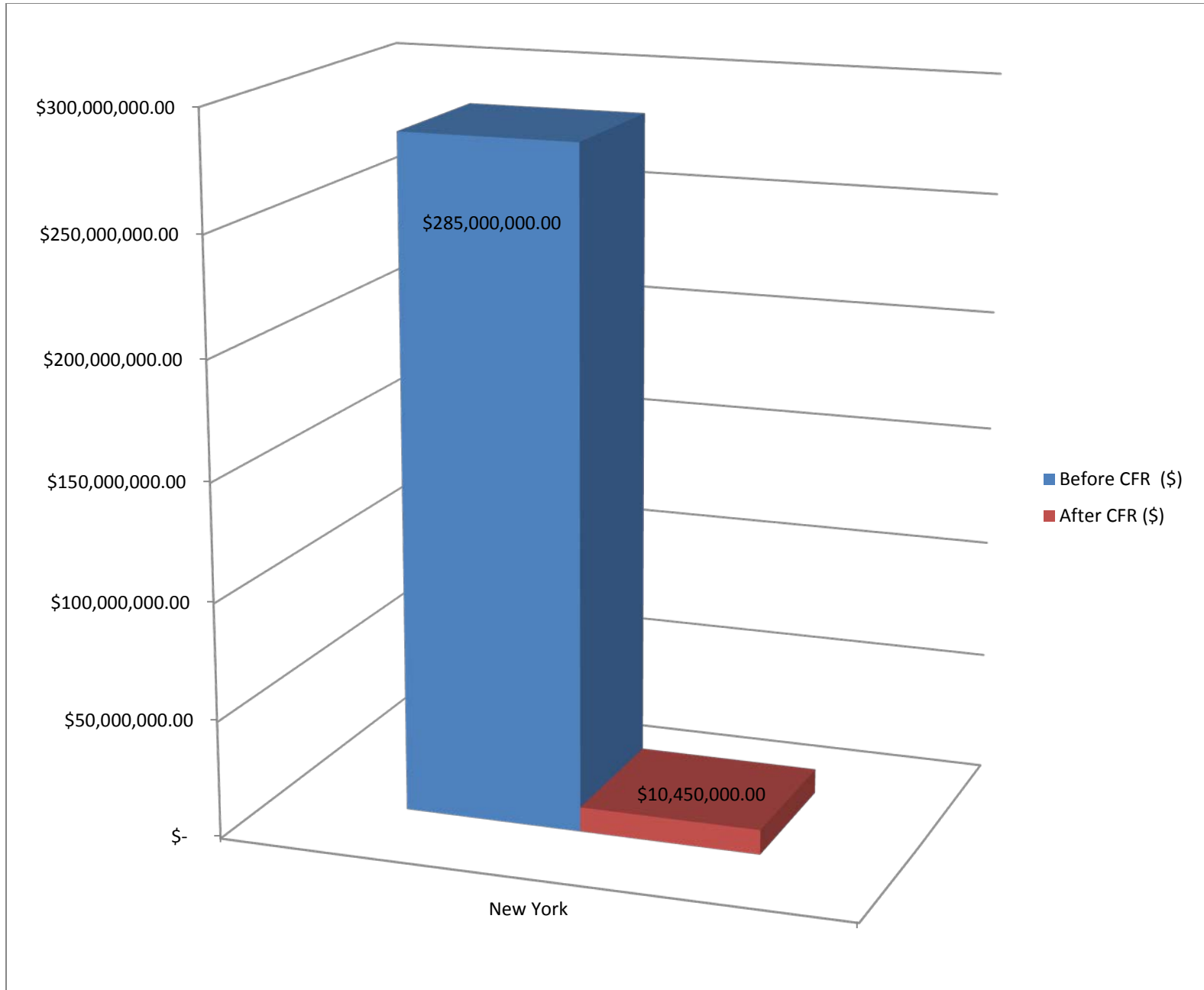
- Parents in pilot sample that had a previous history with the court were 6.9 times more likely to have an outcome of reunification versus those not in the pilot program.
- Increase number of parent's attorneys with a legislative cap of 80- 90 cases per attorney.
- Genesee County Parent Representation pilot program in Michigan:
  - Added social workers and parent advocates to help parent attorneys.
  - Reunification resulted in 9.3 months for blind draw versus 7.7 months for cases in pilot programs.
  - 69% of cases were reunified in the blind draw versus 86% in the pilot program.
  - Termination of parental rights occurred in 35% of blind draw compared to 20% of pilot program.
  - Recidivism occurred in pilot programs 1 out of 46 cases versus 2 out of 29 in blind draw cases.
- MIT research results:
  - MIT researchers looked at 10 years of data on 15,000 children coming into contact with the child welfare system.
  - All 15,000 children involved in the study were "marginal cases" defined as cases where social workers disagree about the necessity of out-of-home placement.
  - The children in marginal cases who remained in the home were compared with outcomes for foster care children and the findings were:
    - Children in foster care are three times more likely to be involved in the Juvenile Justice system.
    - Girls in foster care are more likely to become teen mothers.
    - Children placed in foster care are less likely to hold a job for three months or more.
  - MIT researchers did an additional study of 23,000 adults who were marginal cases in the foster care system as youth and found:
    - The adults who were once placed in foster care had a 2-3 times higher arrest, conviction, and imprisonment rate.
    - Those who "aged out" of foster care suffer from high rates of homelessness, poverty, and incarceration.
    - Children living in large urban communities are more likely to enter foster care and less likely to reunify with their families, than children of non-urban communities.

**By increasing the funding for Regional Counsel, the enhancement of parents' representation has the potential to save increasing millions in state funding on an annualized basis.**



# Criminal Conflict and Civil Regional Counsel

## Results of New York CFR Study





## **Sources:**

Act –live seminar  
[act@actabuse.com](mailto:act@actabuse.com)

Human Trafficking  
<http://www.floridadreamcenter.org/human-trafficking/>

Child Welfare and Human Trafficking, Issue Brief, July 2015, Department of Health and Human Services (HHS) Administration for Children and Families  
<https://www.childwelfare.gov/pubPDFs/trafficking.pdf>

Human Trafficking, Children’s Network of Southwest Florida, LLC  
Children missing from foster care presented by NCMEC webinar, July 17<sup>th</sup>, 2013

Dependency Ratios in the United States: A State and Metropolitan Area Analysis.  
Data from the 2009 American Community Survey.  
Thom File and Robert Kominski

Social, Economic, and Household Statistics Divison (SEHSD) – U.S. Census Bureau

High-Quality Legal Representation for Parents in Child Welfare Cases Results in Improved Outcomes for Families and Potential Cost Savings, Elizabeth Thornton & Betsy Gwin, Published in Family Law Quarterly, Vol. 46, No. 1 (Spring 2012) p. 139–154. © 2012 by the American Bar Association.

Improving Parents’ Representation in Dependency Cases: A Washington State Pilot Program Evaluation © 2003, National Council of Juvenile and Family Court Judges.

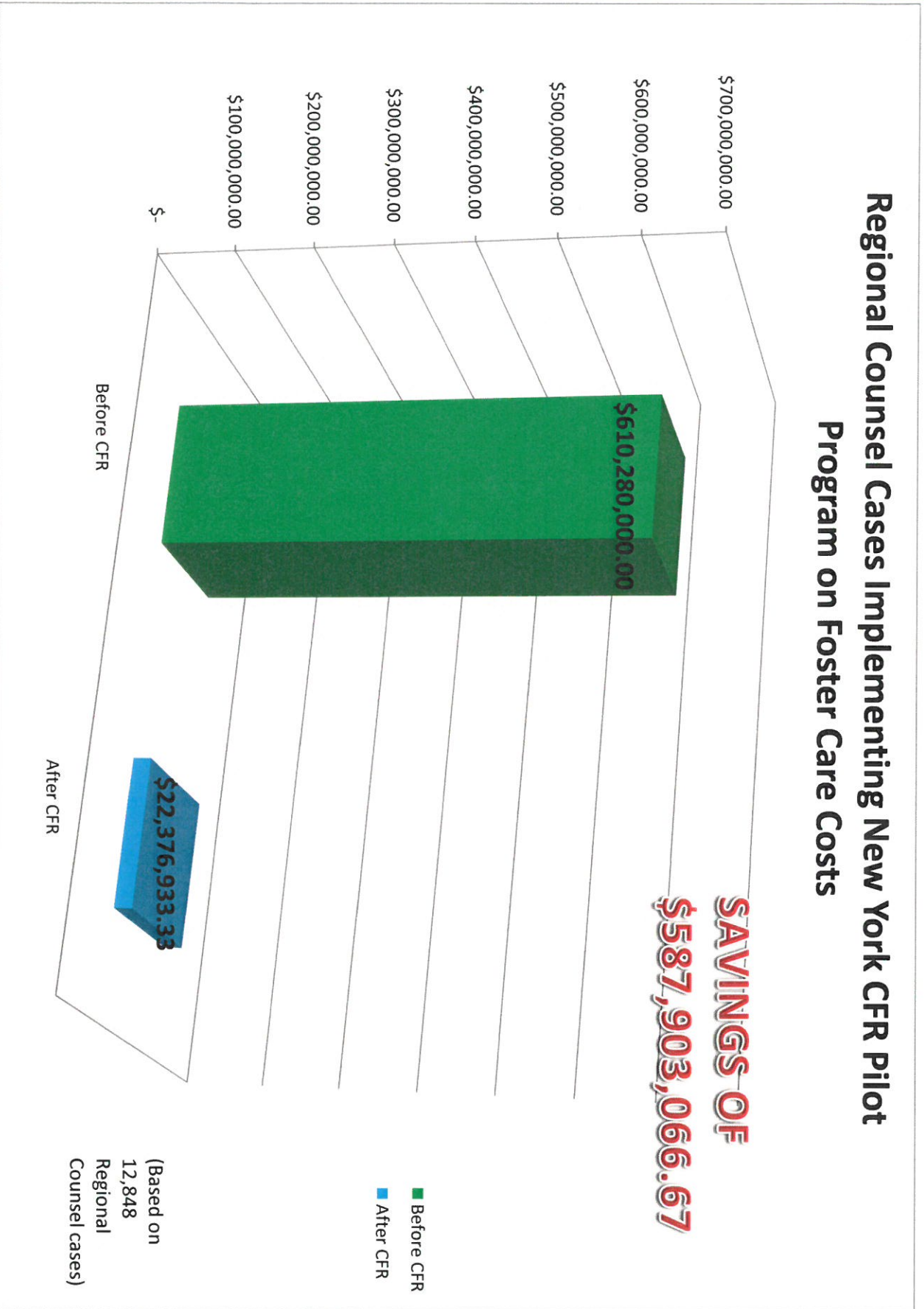
Foundations of Parent Advocacy, Vivek S. Sankaran, Clinical Professor of Law, University of Michigan Law School, Child Advocacy Law Clinic

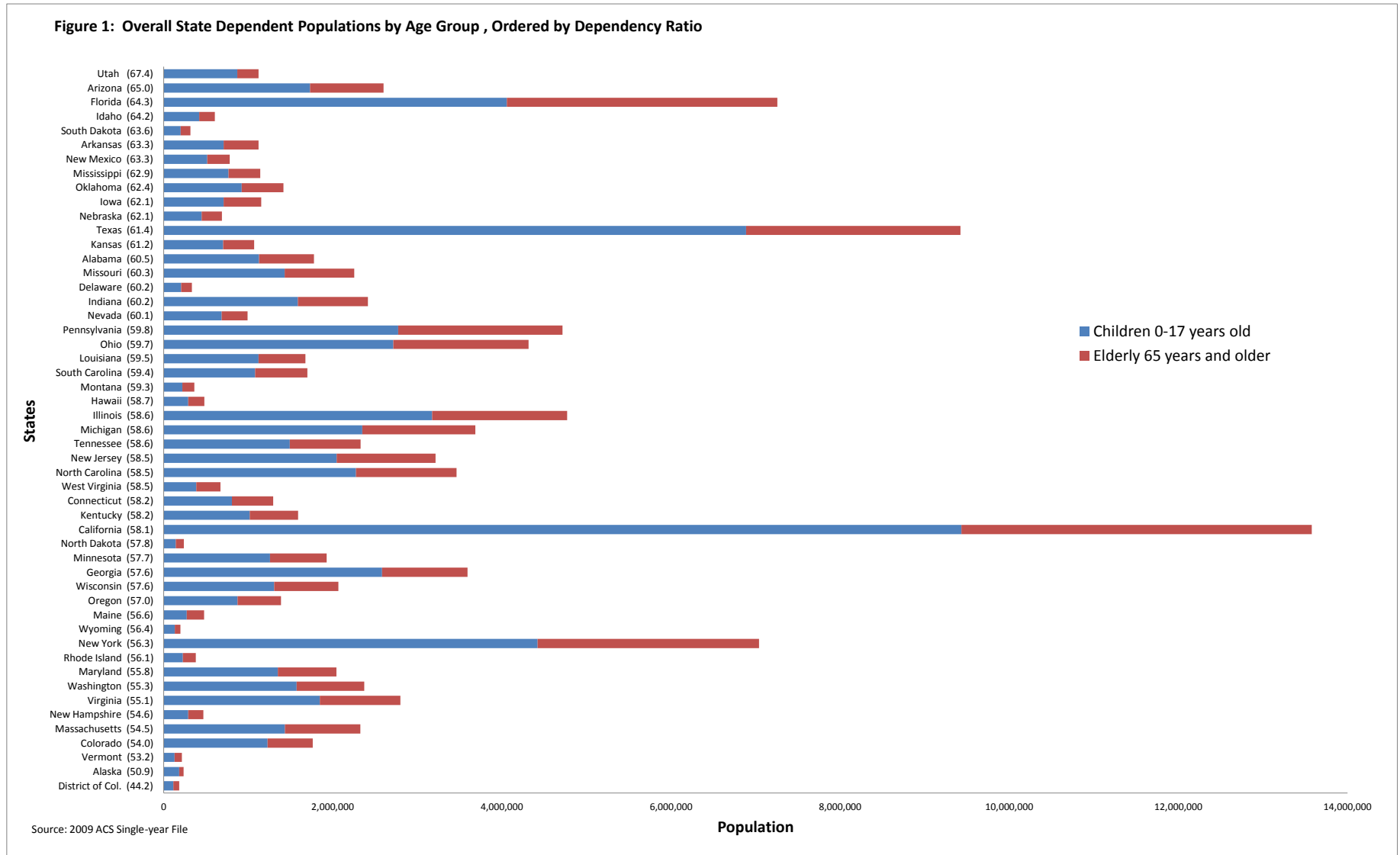


# Criminal Conflict and Civil Regional Counsel

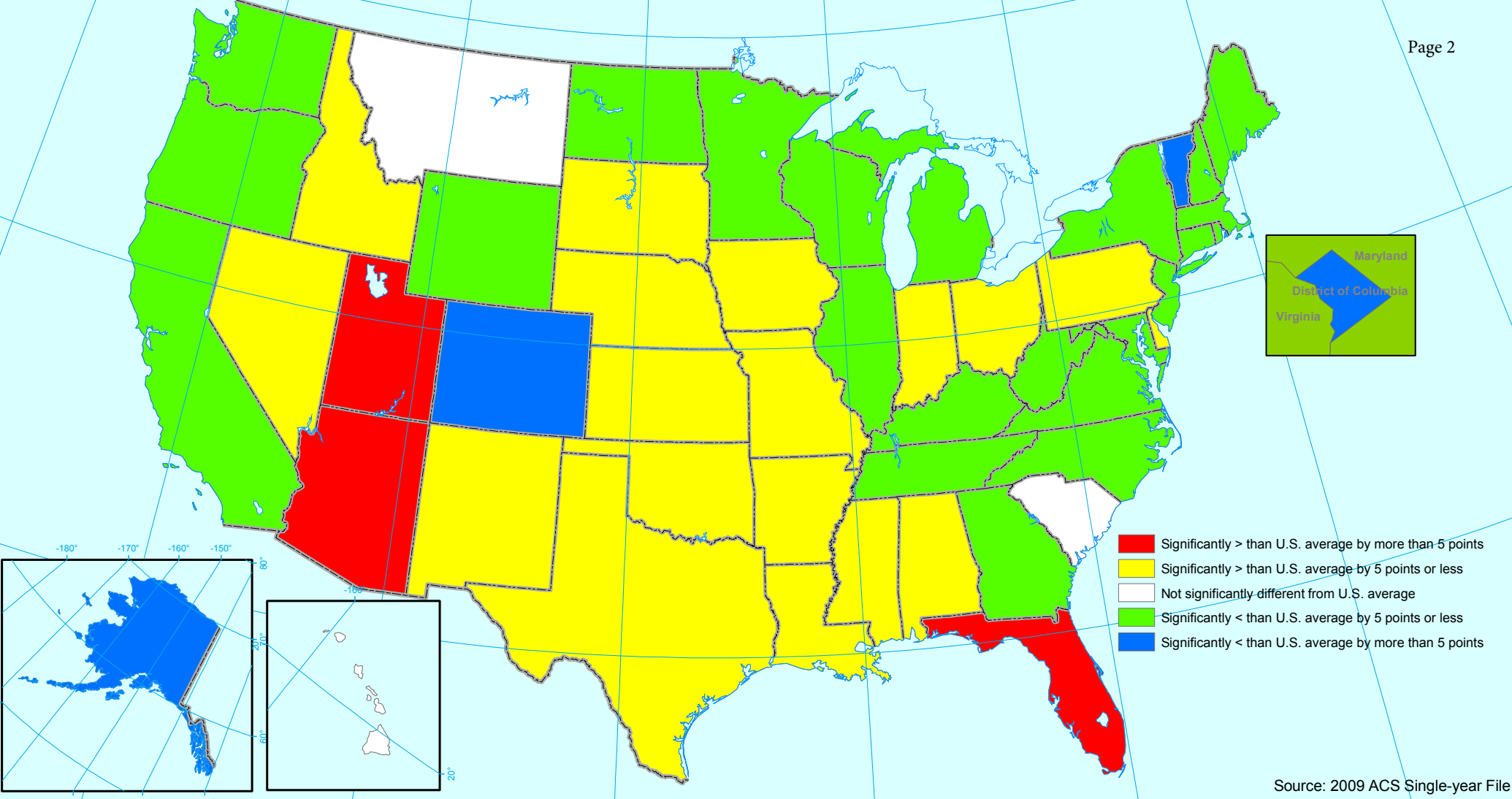


## Regional Counsel Cases Implementing New York CFR Pilot Program on Foster Care Costs





Source: Dependency Ratios in the United States: A State and Metropolitan Area Analysis. Data from the 2009 American Community Survey. Thom File and Robert Kominski  
 Social, Economic, and Household Statistics Division (SEHSD)  
 U.S. Census Bureau



Source: 2009 ACS Single-year File

**Map A: Dependency Ratios by State, Relative to the National Average of 59.1**

# Office of Criminal Conflict and Civil Regional Counsel's Dependency Case Counts

Regional Counsel	Dependency Past Case Counts							
	2008	2009	2010	2011	2012	2013	2014	2015
<b>District 1</b>	2,844	2,341	2,449	2,450	2,188	1,981	1,950	2,038
<b>District 2</b>	4,776	5,171	5,598	6,277	6,264	5,411	5,624	5,513
<b>District 3</b>	1,002	699	769	1,493	683	973	1,555	1,017
<b>District 4</b>	1,955	1,780	1,791	2,039	1,943	2,458	2,279	2,344
<b>District 5</b>	1,723	1,922	1,808	1,944	1,817	1,524	1,465	1,922

TOTALS:	Dependency Past Case Counts							
	2008	2009	2010	2011	2012	2013	2014	2015
<b>Dependency</b>	12,300	11,913	12,415	14,203	12,895	12,347	12,873	12,834

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

21 Jan 2016

Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic Dependency Cases within Florida Judicial System

\_\_\_\_\_  
Amendment Barcode (if applicable)

Name Mike Carroll

Job Title Secretary

Address 1317 Winewood Blvd.

Phone 850 487 1111

Street

Tallahassee

FL

State

32399

Zip

Email mike.carroll@myfl

families.com

Speaking:  For  Against  Information

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

Representing Florida Department of Children & Families

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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21 JAN 16

Meeting Date

Bill Number (if applicable)

Topic Florida Child welfare system

Amendment Barcode (if applicable)

Name Ita Neymotin

Job Title CRIMINAL CONFLICT AND CIVIL REGIONAL COUNSEL for 2nd District court of Appeal

Address 2101 McGregor Blvd  
Street

Phone (239) 980-9577

Fort Myers FL 33901  
City State Zip

Email ineymotin@FLRC2.org

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1.21.16  
Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic Florida Child Welfare System

\_\_\_\_\_  
Amendment Barcode (if applicable)

Name Marisa Gonzalez

Job Title Assistant Regional Counsel - managing dependency attorney

Address 220 E. Madison St. #630  
Street

Phone 813.221.5134

Tampa FL 33602  
City State Zip

Email MGONZALEZ@FLRC2.ORG

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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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 Dependency (workshop discussion) Amendment Barcode (if applicable) \_\_\_\_\_

Name ANTONY RYAN

Job Title Regional Counsel, 4<sup>th</sup> DCA Region ("RC4")

Address 401 S. Dixie Highway Phone 561-837-5156  
Street 561-317-1981 cell

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Email: aryan@rc-4.com

Speaking:  For  Against  Information

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

Representing Ofcs of Criminal Conflict and Civil Regional Counsel

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*but in support of IFA NEYANIN, Regional Counsel 2<sup>ND</sup> DCA*

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. Region



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/21/16  
Meeting Date

380  
Bill Number (if applicable)

Topic ~~Violation of inj. Dependency Cases~~ Dependency Cases  
within Fla.

Amendment Barcode (if applicable)

Name Grey Found

Job Title \_\_\_\_\_

Address 9166 Sunrise Dr.

Phone \_\_\_\_\_

Street

Largo  
City

Fla.  
State

33773  
Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Saving Fla. Families

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/21/16

Meeting Date

n/a

Bill Number (if applicable)

Topic Dependency discussion

Amendment Barcode (if applicable)

Name Judge Jill Walker

Job Title County Judge, Dependency, 2nd Judicial Circuit

Address 3056 Crawfordville Hwy

Phone \_\_\_\_\_

Street

Crawfordville

FL

32327

City

State

Zip

Email \_\_\_\_\_

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Representing \_\_\_\_\_

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S-001 (10/14/14)

# CourtSmart Tag Report

**Room:** LL 37

**Case:**

**Type:**

**Caption:** (Part A)Senate Appropriations Subcommittee on Criminal & Civil Justice

**Judge:**

**Started:** 1/21/2016 3:40:01 PM

**Ends:** 1/21/2016 3:45:49 PM

**Length:** 00:05:49

**3:40:20 PM** Call to order we will stand in an informal recess until we have quorum.  
**3:42:52 PM** Call to order we have quorum.  
**3:43:25 PM** Chairman Negron opening comments.  
**3:44:12 PM** Senator Richter presents SB 628.  
**3:44:35 PM** Senator Joyner recognized in questions.  
**3:45:00 PM** Robert Brown, Legislative Affairs Director, Agency for Persons with Disabilities, waives in support.  
**3:45:38 PM** Favorable - SB 628  
**3:45:48 PM** TAB 2: SB 380 by Senator Abruzzo

# CourtSmart Tag Report

Room: LL 37

Case:

Caption: (Part B)Senate Appropriations Subcommittee on Criminal & Civil Justice

Type:

Judge:

Started: 1/21/2016 9:05:10 AM

Ends: 1/21/2016 11:14:01 AM

Length: 02:08:52

9:05:46 AM SB 380  
9:06:16 AM Chairman Negrón clarifies increases penalties and offenses in the bill.  
9:07:03 AM Amendment barcode 528892  
9:07:20 AM Senator Bradley recognized in questions.  
9:08:18 AM Senator Bradley recognized in questions.  
9:09:07 AM Senator Negrón speaks to legal standard.  
9:09:23 AM Staff responds to Senator Bradley's question.  
9:09:38 AM Senator Bradley for follow up. Need to massage language a little bit.  
9:10:20 AM Chair Negrón let's clarify the issue and frame within a handwritten amendment.  
9:11:04 AM Senator Bradley recognized.  
9:11:33 AM SB 380 temporarily postponed.  
9:12:41 AM Chairman Negrón speaks to Dependency Issue.  
9:14:17 AM Chairman Negrón recognizes Secretary Mike Carroll, Florida Department of Children and Families.  
9:14:40 AM Chair Negrón asks Secretary Mike Carroll about himself and presentation.  
9:16:14 AM Secretary Carroll begins his presentation.  
9:16:51 AM Chairman Negrón asks if there's been an increase in dependency issues.  
9:18:04 AM Chairman Negrón asks questions regarding dependency cases and re-opened cases.  
9:18:43 AM Secretary Carroll responds.  
9:19:27 AM Dialogue continues between Chairman Negrón and Secretary Carroll.  
9:22:07 AM Substance abuse is a factor in dependency cases.  
9:22:19 AM Secretary Carroll responds there are other issues as well, such as mental illness,  
9:22:35 AM domestic violence, poverty, education, untreated trauma.  
9:23:21 AM Chairman Negrón speaks to spectrum in gov't becoming involved in families  
9:25:25 AM Secretary Carroll responds it's a catch 22.  
9:26:48 AM Three strike clause - 3 verified reports and no engagement.  
9:27:48 AM In some cases, it's lack of action on the department's behalf.  
9:28:49 AM Chairman Negrón continues.  
9:29:13 AM Is the situation better, worse or the same?  
9:29:23 AM Secretary Carroll responds - can't fix all social ills.  
9:29:48 AM We're improving with new initiatives.  
9:30:35 AM Chairman Negrón - what do you see in the homes and in families across Florida?  
9:30:58 AM Secretary Carroll says he has no data to show it's worse or better, but there are significant challenges.  
9:31:13 AM Chairman Negrón continues.  
9:32:11 AM Secretary Carroll responds to Senator Negrón.  
9:35:00 AM Policy, media scrutiny, staff drive dependency numbers.  
9:35:26 AM Chairman Negrón continues.  
9:36:48 AM Speaks to difficulty of the job of PIs within dependency system.  
9:37:38 AM Did the past step system and pay increase not encourage people to stay as PI?  
9:37:58 AM Secretary Carroll responds, yes, it was successful. Had to hire 291 positions, so it  
9:38:21 AM created less experience at front line (in terms of training, experience), but over time  
9:38:40 AM should stabilize the system. Workload is heavy - not an 8 to 5 job - which is reason  
9:39:03 AM why people leave this type of job.  
9:39:23 AM Caseloads is huge issue.  
9:39:38 AM Chairman Negrón follows up with Secretary Carroll.  
9:40:05 AM Secretary Carroll responds. It is a difficult job, entry-level, odd-hours, stressful, and thankless job.  
9:41:39 AM He doesn't feel the turn over issue will ever be solved. There will always be some, but a healthy amount.  
9:41:50 AM What needs to be done is provide lower caseloads and support.  
9:42:08 AM Senator Soto recognized.  
9:42:49 AM Are we tougher on enforcement?  
9:42:55 AM Secretary Carroll responds, we're more aggressive.  
9:44:32 AM Unwilling participants do not want to participate in the programs offered and  
9:45:03 AM success rate is not as high as those who do want to participate.

9:45:40 AM Cycle of abuse with parents historically - as they were often abused/in system.

9:46:12 AM Senator Soto responds.

9:46:28 AM Secretary Carroll responds, we have a good balance now with statutory framework,

9:46:36 AM but internally we have work to do with identifying risk factors and what interventions are needed.

9:48:12 AM Need to look at level of issues involving the family and acuity of services.

9:48:55 AM Need to focus on service intervention piece - so that it matches what's needed.

9:49:27 AM Senator Soto asks about tracking system and what's recommended.

9:49:37 AM CINS/FINS system is the official child welfare system.

9:49:48 AM Would like to have consistent information entered around service events - what did

9:50:09 AM each family receive? Map for future and how we fund services/programs.

9:51:19 AM Senator Soto follows up.

9:51:42 AM Secretary Carroll responds.

9:54:12 AM Secretary Carroll speaks of his thanks.

9:54:33 AM Judge Jill Walker, County Judge, Dependency, 2nd Judicial Circuit is recognized.

9:56:07 AM The mandatory reporter law is working.

9:57:06 AM Good for law enforcement to turn over to DCF.

9:57:20 AM Drugs are an issue (designer drugs are vicious).

9:57:49 AM Mental illness is a problem. Need early intervention services.

9:58:16 AM Untreated trauma and this is huge in explaining unexplainable behavior in adults and the children.

9:59:12 AM Being aware of what the law says, 12 months to permanency.

9:59:19 AM If we are not at permanency at 12 months, then we need to be looking at termination or long term guardianship.

9:59:57 AM Only have 12 months to work case.

10:00:04 AM Chairman Negrón comments on the law and situation.

10:02:06 AM Judge Walker makes a final comment regarding moving children from home.

10:03:05 AM Senator Bradley comments, thoughts and goals for what Secretary Carroll and Judge Walker has spoken about.

10:07:31 AM Chairman Negrón speaks of thanks and moves to next area on agenda.

10:08:09 AM Chairman Negrón asked Senator Abruzzo to wait on amendment until we get a bar code.

10:08:25 AM Senator Evers is recognized. He wants record to show that he is voting yes on SB 628.

10:08:32 AM Chairman Negrón show that motion adoption as affirmative.

10:08:43 AM Chairman Negrón states we will come back to Senator Abruzzo as soon as we have a bar code.

10:09:11 AM Senator Flores is recognized. She wanted to also show a motion for voting yes on SB 628.

10:09:12 AM Chairman Negrón show that motion adopted without objection.

10:09:25 AM Chairman Negrón speaks to clerk issue.

10:11:13 AM Chairman Negrón explains who will be speaking about the clerk issue. They will present a power point presentation.

10:11:15 AM Karen Rushing, elected Clerk of Courts from Sarasota County, she's chair of the Legislative Committee.

10:11:20 AM Stacy Butterfield, Clerk of Courts of Polk County, she is the Chair of the CCOC budget committee.

10:11:48 AM They will be giving us a presentation with an overview of how we got here and potential solutions.

10:12:03 AM Chairman Negrón recognizes several individuals who are in attendance to add support.

10:13:06 AM Chairman Negrón recognizes Ms. Rushing and Ms. Butterfield to present their information.

10:13:22 AM We are here today because the Constitution requires us to be funded by fines, fees, and service charges.

10:13:29 AM When those are not adequate then we have to come to you for our funding issues.

10:13:40 AM Background information on how we got to where we are today.

10:15:15 AM Were we are today is with a 42 million dollar deficit.

10:15:45 AM In order to address legislature questions and concerns, they hired a consultant firm North Highland to analyze work load and costs.

10:16:26 AM Clerk Butterfield presents the findings of the consultant firm.

10:18:17 AM Chairman Negrón question how many clerks fall under this.

10:18:38 AM Clerk Butterfield answers and Senator Joyner has a question about revenue.

10:19:31 AM Senator Joyner asked about traffic cases and revenue generated from it.

10:19:43 AM Clerk Butterfield responds.

10:20:12 AM Senator Joyner, why there is such a decline traffic revenue.

10:20:15 AM Clerk Butterfield responds.

10:20:44 AM Senator Joyner, by impacting the volume are you saying that law enforcement are giving fewer violations due to cost.

10:21:17 AM Chairman Negrón addresses Senator Joyner's questions about law enforcement and fees.

10:22:04 AM Senator Bradley comments about his experience with law enforcement.

10:22:22 AM Senator Bradley asks about the fairness of the distribution of funds.

10:22:58 AM Clerk Rushing responds.

10:24:45 AM Senator Bradley responds.

**10:25:59 AM** Senator Soto what are the cases are increasing and what kind of deficit do we deal with in those complex cases.

**10:26:31 AM** Clerk Butterfield responds.

**10:27:12 AM** Last year you took a 5% cut what has been the impact.

**10:27:20 AM** Clerk Butterfield responds.

**10:28:02 AM** Senator Soto what are some of the recommendations.

**10:28:11 AM** Clerk Rushing responds.

**10:29:08 AM** Senator Soto what are the cost of the jury component.

**10:29:14 AM** Clerk Rushing responds.

**10:29:33 AM** Clerk Butterfield continues with presentation.

**10:30:32 AM** Senator Bradley how many clerks have plans outside of their DCC.

**10:30:42 AM** Clerk Butterfield responds.

**10:30:46 AM** Senator Bradley comments about insurance and risk pools.

**10:32:18 AM** Clerk Butterfield asks for a break so that she can get the figures needed to answer question.

**10:32:21 AM** Chairman Negrón address Senator Abruzzo and his amendment.

**10:32:41 AM** SB 380

**10:32:59 AM** We have 3 new amendments for SB 380 which the bill has already been explained.

**10:33:04 AM** Senator Abruzzo recognized to explain the amendment 284190 by Senator Bradley.

**10:34:03 AM** Amendment 528892 and 456582 shown as withdrawn without objection.

**10:34:41 AM** Senator Abruzzo states we are not withdrawing any of the amendments because they are amendments to 528892.

**10:34:58 AM** Show that Amendment 528892 filed by Senator Bradley as adopted.

**10:35:14 AM** Amendment 284190 which is an amendment to amendment. No objection.

**10:35:29 AM** Amendment 212292, amendment to the amendment. Show that amendment adopted without objection.

**10:35:55 AM** Amendment 575042, amendment to amendment. Show that amendment adopted without objection.

**10:36:16 AM** On the bill, as amended.

**10:36:24 AM** Amendment 456582, show adopted without objection.

**10:36:55 AM** Senator Soto recognized. Clarifying the amendments.

**10:37:18 AM** Chairman Negrón responds.

**10:37:25 AM** Public testimony.

**10:37:27 AM** James Turner, Sergeant Volusia County Sheriff's Office, Florida Sheriff's Association, waives in support.

**10:37:30 AM** Nancy Daniels, Public Defender, 2nd Circuit, Florida Public Defender Association, waives in support.

**10:39:05 AM** Chair Rushing, answer to Senator Bradley's question.

**10:41:10 AM** Chairman Negrón would the 3 counties named save money by joining the other counties.

**10:41:19 AM** Chair Rushing is unable to answer. Chairman Negrón requests an answer to that before noon.

**10:42:44 AM** Chairman Negrón recognizes Commissioner Doug Smith for comments.

**10:43:12 AM** Chairman Negrón explains who the Commissioner is.

**10:43:14 AM** Commissioner Doug Smith, County Commissioner, Martin County, F.A.C. comments about the clerks.

**10:45:24 AM** Senator Hutson makes motion to vote favorable for SB 380. Motion adopted.

**10:47:37 AM** Clerks continue presentation.

**10:49:55 AM** Chairman Negrón gives chairmanship to Senator Joyner but asks Clerks to address an issue before he leaves.

**10:50:20 AM** Senator Evers recognized.

**10:51:14 AM** Distribution of trust funds - please explain.

**10:51:35 AM** Clerk Rushing responds its driven by statute.

**10:51:42 AM** Clerk Rushing responds its driven by statute.

**10:52:17 AM** Senator Evers asks follow up question. What's benefit of money clerks collect to the people?

**10:52:47 AM** Clerk Butterfield responds.

**10:52:49 AM** Clerk Butterfield responds.

**10:53:06 AM** What's benefit of clerk's office? - Senator Evers

**10:53:18 AM** Clerk Rushing responds.

**10:53:42 AM** Senator Evers responds - what has to go away in order to operate?

**10:53:59 AM** Clerk Rushing responds.

**10:54:20 AM** Senator Evers for follow up.

**10:54:47 AM** Civil arena takes the shortfall.

**10:54:57 AM** Clerk Rushing responds.

**10:55:05 AM** Senator Evers asks if cost of issuing subpoenas can be increased.

**10:55:17 AM** Clerk Rushing responds authority comes from statute.

**10:56:14 AM** Chair Joyner asks follow up question - what services to public are interrupted?

**10:56:53 AM** Clerk Rushing speaks to strategy of closing offices early.

**10:57:44 AM** Chair Joyner for follow up - how many clerk's offices have closed early and what, if any, flack you've received from public from not being available?

**10:57:59 AM** Clerk Rushing responds that all are in danger of going off the cliff if funding is not

**10:59:45 AM**

11:00:01 AM adequate.

11:00:27 AM Does not have a specific number of clerks who have adjusted hours, but can get it.

11:00:47 AM Chair Joyner for follow up - what's morale of employees?

11:01:05 AM Clerk Rushing responds.

11:01:44 AM Senator Hutson recognized.

11:02:21 AM We want to help the clerks out. Frustration among legislature, will clerks be back again requesting additional monies? Looking at history.

11:02:53 AM Clerk Rushing responds.

11:03:06 AM Clerk Rushing responds.

11:03:20 AM Identify deficit and identify revenue sources and how those dollars can be used.

11:03:43 AM Senator Soto recognized.

11:03:57 AM Are there any outdated mandates in the statute?

11:04:14 AM Clerk Rushing responds.

11:04:26 AM Senator Soto responds.

11:04:33 AM Clerk Rushing says the clerks have not reviewed that probability.

11:04:52 AM Senator Soto speaks to fees related to civil cases.

11:05:16 AM Clerk Rushing responds.

11:05:40 AM Senator Soto regarding indigent affidavits.

11:05:53 AM Clerk Rushing responds.

11:06:57 AM Clerk Butterfield responds to Senator Bradley's earlier question.

11:07:59 AM Clerk Butterfield said the clerk employees would be willing to be a part of state health program to look at savings.

11:08:15 AM Chair Joyner follows up.

11:08:29 AM Chair Joyner follows up.

11:08:36 AM Clerk Butterfield responds - no savings.

11:09:07 AM Senator Hutson recognized.

11:09:20 AM The three counties that are saving money - how much are they saving being outside the plan?

11:09:39 AM Clerk Rushing responds.

11:09:44 AM Clerk Rushing responds.

11:10:23 AM Chair Joyner for follow up.

11:10:38 AM Chair Joyner for comment.

11:13:46 AM Senator Hutson moves we rise.

11:13:50 AM Meeting adjourned.