

| Tab 1 CS/SB 838 by JU, Boyd (CO-INTRODUCERS) Bracy; (Similar to H 00903) Clerks of the Circuit Court | | | | | | | |
|---|---|---|-----|-----------|---------------------|-------|----------|
| 520066 | A | S | RCS | ACJ, Boyd | Delete L.140 - 177: | 03/17 | 04:59 PM |
| 249114 | A | S | RCS | ACJ, Boyd | Delete L.250 - 253: | 03/17 | 04:59 PM |

| Tab 2 CS/SB 1040 by GO, Brodeur; (Similar to CS/CS/CS/H 00515) Duties of the Attorney General | | | | | | | |
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| Tab 3 CS/SB 1166 by CJ, Brandes; (Similar to CS/H 00885) Juvenile Justice | | | | | | | |
|--|---|---|-------|--------------|------------------|-------|----------|
| 429590 | A | S | L RCS | ACJ, Brandes | btw L.201 - 202: | 03/17 | 05:02 PM |

| Tab 4 CS/SB 1192 by CJ, Powell; (Similar to H 00879) Mental Illness Training for Law Enforcement Officers | | | | | | | |
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND
CIVIL JUSTICE
Senator Perry, Chair
Senator Brandes, Vice Chair

MEETING DATE: Wednesday, March 17, 2021
TIME: 3:00—5:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

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

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|--|---|---|-------------------------|
| PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A2 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W PENSACOLA STREET, TALLAHASSEE, FL 32301 | | | |
| 1 | CS/SB 838 Judiciary / Boyd (Similar H 903, Compare H 557, S 356, S 386) | Clerks of the Circuit Court; Clarifying the responsibility of an individual released from incarceration regarding enrolling in a payment plan for any outstanding court obligations; modifying duties of the Florida Clerks of Court Operations Corporation with respect to the funding of clerks' offices; requiring the corporation to establish and manage a contingency reserve within the Clerks of the Court Trust Fund for specified purposes; requiring orders and notifications for certain traffic citations and suspensions to include information regarding payment plans, etc. JU 03/09/2021 Fav/CS ACJ 03/17/2021 Fav/CS AP | Fav/CS Yeas 7 Nays 0 |
| 2 | CS/SB 1040 Governmental Oversight and Accountability / Brodeur (Similar CS/CS/H 515) (If Received) | Duties of the Attorney General; Relieving the Department of Legal Affairs from certain duties associated with specified neighborhood improvement districts; repealing a provision relating to the Safe Neighborhoods Program; repealing a provision relating to funding of neighborhood improvement districts inside enterprise zones; specifying that the Crimes Compensation Trust Fund is exempt from the service charge into the General Revenue Fund; revising provisions to require that the Department of Business and Professional Regulation, instead of the Attorney General, regulate convenience businesses, etc. GO 03/10/2021 Fav/CS AP RC | Not Received |

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Criminal and Civil Justice
Wednesday, March 17, 2021, 3:00—5:00 p.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|---------------------------------|--|--|----------------------------|
| 3 | CS/SB 1166 Criminal Justice / Brandes (Similar CS/H 885, Compare S 164) | Juvenile Justice; Creating the Accountability and Program Support Program within the Department of Juvenile Justice and revising the name of an existing program; authorizing a court to order that a child be taken into custody for failure to appear; repealing a provision relating to the shared county and state financial support responsibility for juvenile detention; requiring the Department of Juvenile Justice to calculate annually by a certain date and provide to each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles its annual percentage share of detention costs, etc. CJ 03/09/2021 Fav/CS ACJ 03/17/2021 Fav/CS AP | Fav/CS Yeas 7 Nays 0 |
| 4 | CS/SB 1192 Criminal Justice / Powell (Similar H 879) | Mental Illness Training for Law Enforcement Officers; Requiring the Department of Law Enforcement to establish a continued employment training component relating to mental illness; requiring that the training component include instruction on the recognition of and appropriate responses to individuals exhibiting certain symptoms or characteristics; authorizing completion of the training to count toward continued employment or appointment instruction requirements, etc. CJ 03/09/2021 Fav/CS ACJ 03/17/2021 Favorable AP | Favorable Yeas 7 Nays 0 |
| Other Related Meeting Documents | | | |

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: PCS/CS/SB 838 (412016)

INTRODUCER: Appropriations Subcommittee on Criminal and Civil Justice; Judiciary Committee; and Senators Boyd and Bracy

SUBJECT: Clerks of the Circuit Court

DATE: March 18, 2021

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-------------|-----------------|------------|--------------------------|
| 1. | <u>Bond</u> | <u>Cibula</u> | <u>JU</u> | <u>Fav/CS</u> |
| 2. | <u>Dale</u> | <u>Harkness</u> | <u>ACJ</u> | <u>Recommend: Fav/CS</u> |
| 3. | _____ | _____ | <u>AP</u> | _____ |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 838 amends laws related to the funding of the clerks of court to:

- Require the Clerk of Courts Operations Corporation to establish and maintain a budget reserve of up to 16 percent of the budget from the previous year.

The bill amends laws related to monies owed to a clerk of court to:

- Specify that fines, costs, service charges, and court costs are due immediately upon assessment.
- Require a person owing monies to the clerk who cannot immediately pay to contact the clerk and set up a payment plan.
- Require an offender to contact the clerk within 30 days after release from incarceration to arrange for payment of any outstanding court obligations.
- Require creation of a statewide uniform payment plan form for monies owed to a clerk.
- Require notice of the availability of payment plans to individuals receiving a traffic infraction or a notice of suspension of driving privilege.

On March 5, 2021, the Office of Economic and Demographic Research (EDR), Revenue Estimating Impact Conference (REC) adopted a positive indeterminate impact for various state and local funds related to the bills changes to payment plans. Additionally, the REC estimates an out year negative indeterminate impact to the General Revenue Fund and a positive indeterminate impact to the clerks under certain circumstances. See Section V.

The portions of the bill related to clerk funding are effective upon becoming a law, the remaining portions of the bill are effective October 1, 2021.

II. Present Situation:

Clerk of the Circuit Court

The clerk of the circuit court is a constitutional officer. Each of Florida's 67 counties are required to elect a clerk of the circuit court¹ to serve as both the clerk of court, completing judiciary functions, and as the “*ex officio*”² clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds.³ In other words, the clerk of the circuit court wears approximately five hats. In wearing the auditor and custodian of county funds hats, the clerk may also be referred to as the comptroller.⁴

Funding for the Clerks' Court-Related Functions

In its capacity as the clerk of the circuit and county courts, the clerk is required to perform various court-related, administrative and ministerial functions. Any court-related function authorized by law or court rule must be funded by the clerk's collection of filing fees, service charges, costs, and fines, including all of the following:

- Case maintenance.
- Records management.
- Court preparation and attendance.
- Processing the assignment, reopening, and reassignment of cases.
- Processing appeals.
- Collection and distribution of fines, fees, service charges, and court costs.
- Data collection and reporting.
- Determinations of indigent status.
- Paying reasonable administrative support costs to enable the clerks to carry out court-related functions.⁵

Court funding is governed by article V, section 14 of the Florida Constitution. For the clerks of the circuit courts, article V, section 14(b) provides that the clerks are self-sustaining and fund their court-related functions through the collection of filing fees, service charges, and other costs. Specifically, article V, section 14(b) states:

¹ FLA. CONST. art. V, s. 16; FLA. CONST. art. VIII, s. 1.

² See BLACK'S LAW DICTIONARY (10th ed. 2014) (“*ex officio*” means “By virtue or because of an office; by virtue of the authority implied by office.”)

³ FLA. CONST. art. V, s. 16. This provision also provides that two officials may split the position, one serving as clerk of court and one serving in the *ex officio* position. Additionally, this provision permits the election of a county clerk of court when authorized by general or special law. *Id.*

⁴ See generally Florida Court Clerks & Comptrollers, *About Us, Clerks Duties & Services*, available at <https://www.flclerks.com/page/ClerksDuties> (last visited Mar. 5, 2021). See also BLACK'S LAW DICTIONARY (10th ed. 2014) (“comptroller” means “An officer of a business or a private, state, or municipal corporation who is charged with duties usu. relating to fiscal affairs, including auditing and examining accounts and reporting the financial status periodically.”)

⁵ Section 28.35(3)(a), F.S. See also Florida Court Clerks & Comptrollers, *About Us, Clerks Duties & Services*, available at <https://www.flclerks.com/page/ClerksDuties> (last visited Mar. 5, 2021).

(b) All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), 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. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the Legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law.⁶

County Funding Referenced in Article V, Section 14(c)

As referenced above, article V, section 14(c) of the Florida Constitution states that while funding for the state courts system, including the clerks of court, will *not* be required by a county or municipality, the counties are responsible to fund certain types of court infrastructure and maintenance, including “the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems and the cost of construction or lease, maintenance, utilities, and security of facilities for . . . the offices of the clerks of the circuit and county courts performing court-related functions.”⁷ Additionally, counties pay “reasonable and necessary salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.”⁸

No-Fee Court Functions

Additionally, as referenced above, there are certain categories of cases and certain types of filings for which the clerks of court cannot charge a filing fee and possibly other service charges or other costs. These types of cases and filings include the following:

- Various services and filings for indigent parties to pending litigation.⁹
- Petitions for Habeas Corpus filed by persons detained as mental health patients.¹⁰
- Filing an ex parte order for involuntary examination (Baker Act).¹¹
- Petitions for involuntary inpatient placement for mental health.¹²

⁶ FLA. CONST. art. V, s. 14(b) (emphasis added).

⁷ FLA. CONST. art. V, s. 14(c).

⁸ *Id.* Additionally, article V, section 14(a) provides that funding for state court systems as well as state attorney’s offices, public defender’s offices, and court-appointed counsel will generally be paid from “state revenues appropriated by general law; and section 14(d) clarifies that the court system has no appropriations authority.

⁹ Sections 57.081 and 57.082, F.S. This does not include prisoners as defined in s. 57.085, F.S.

¹⁰ Section 394.459, F.S.

¹¹ Section 394.463, F.S. *See also Collins v. State*, 125 So. 3d 1046, 1047 (Fla. 4th DCA 2013) (noting s. 394.463, F.S., is also known as the Florida Statutes Florida Mental Health Act or *Baker Act*).

¹² Section 394.467, F.S.

- Appellate filing fees for indigent persons determined to be and involuntarily committed as a sexually violent predator.¹³
- Petitions for involuntary assessment and stabilization for substance abuse impairment.¹⁴
- Petitions for a risk protection order (Marjory Stoneman Douglas High School Public Safety Act).¹⁵
- Petitions for protective injunctions against domestic violence,¹⁶ repeat, dating, or sexual violence,¹⁷ or stalking.¹⁸

History of the Clerks of Court Funding Model

1998 Article V Revision (“Revision 7”) and Implementing Legislation

Article V, section 14, was amended in 1998 to “substantially and significantly revise[] judicial system funding, greatly reducing funding from local governments and placing the responsibility primarily on the state.”¹⁹ The statement of intent accompanying the revision of article V, section 14(b), also known as “Revision 7,” reflects that the proposers intended for the Legislature to adopt procedures: (1) to fund the clerks’ office in the event “filing fees, services charges and costs are insufficient to cover the court-related salaries, costs, and expenses of the offices of the clerks . . . in a given fiscal year”; and (2) for the disposition of excess revenues collected by the clerks’ offices in a given fiscal year.²⁰

Further, the statement of intent clarifies that the purpose for Revision 7 is to require legislative oversight and an independent review of clerk funding and spending practices. The reason for independent oversight is set out as follows:

The drafters of subsection (b) recognize that there currently exists significant disparities among what the various clerks’ offices spend to perform the same functions. The determination by the [L]egislature as to the appropriate level of spending should not entail an acceptance of the current level of spending by the clerks’ offices throughout the state to perform court-related functions. Rather, it is the intent of this proposal that the clerks be held accountable and responsible to a cost standard which is independently established by the [L]egislature.²¹

Revision 7’s 1998 amendment to article V had to be implemented by July 1, 2004.²² In order to implement the 1998 amendment, the Legislature responded “in stages, beginning with passage of

¹³ Section 394.917, F.S.

¹⁴ Section 397.6814, F.S.

¹⁵ Section 790.401, F.S.; Ch. 2018-3, s. 16, Laws of Fla.

¹⁶ Section 741.30, F.S.

¹⁷ Section 784.046, F.S.

¹⁸ Section 784.0485, F.S.

¹⁹ *City of Fort Lauderdale v. Crowder*, 983 So. 2d 37, 39 (Fla. 4th DCA 2008) (“In its Statement of Intent, the Constitution Revision Commission explained: ‘The state’s obligation includes, but is not limited to, funding for all core functions and requirements of the state courts system and all other court-related functions and requirements *which are statewide in nature.*’ [e.s.] 26 Fla. Stat. Ann. (Supp.) 67.”).

²⁰ William A. Buzzett and Deborah K. Kearney, *Commentary <1998 Amendment (1997-1998 Constitution Revision Commission Revision 7)>*, FLA. STAT. ANN., FLA. CONST. art. V, s. 14.

²¹ *Id.*

²² *Office of State Attorney for Eleventh Judicial Circuit v. Polites*, 904 So. 2d 527, 530 (Fla. 3d DCA 2005).

SB 1212 in 2000 (Chapter 200-237, Laws of Florida), followed by additional changes to that law in 2001, and, finally in 2002, through the funding of a study to assist in the final phase of implementation.”²³

The final stage was implemented during the 2003 legislative session. To provide Revision 7’s envisioned oversight, accountability, uniformity, and procedures in funding and budgeting for the clerks of court, the Legislature enacted sections 28.35, 28.36, and 28.37, F.S.²⁴:

- Section 28.35, F.S., created the Florida Clerks of Court Operations Corporation (Corporation)²⁵ which is responsible to provide accountability, procedural review, and oversight to the clerks of court budgeting process throughout the state.
- Section 28.36, F.S., established budget review and approval procedures of individual clerk of court budgets by the Corporation.
- Section 28.37, F.S., ensures that a portion of certain fines, fees, service charges, and costs collected by the clerks of court are remitted to the state to fund other court-related salaries, costs, and expenses.

Post-Article V Revision to Clerk Funding: 2004-2008²⁶

Between 2004 and 2008, the clerks collected and deposited into their local fine and forfeiture funds revenues from court filing fees, service charges, court costs, and fines assessed in civil and criminal proceedings.²⁷ A portion of the revenues in a clerk’s fine and forfeiture fund was retained to finance the clerk’s operations. However, another portion of these revenues were distributed to the General Revenue Fund or other state trust funds to meet other court-related costs. For example, the clerks were required to remit one-third of all fines, fees, service charges, and costs collected to the Department of Revenue for deposit into the Clerk of the Court Trust Fund,²⁸ a fund established to assist the clerks in meeting revenue deficits.

Regarding budget planning, the clerks had discretion to set their individual budgets based on anticipated revenues and expenditures. Each clerk’s proposed budget had to be balanced with estimated revenues equaling or exceeding anticipated expenditures, although the budget could include a 10 percent contingency reserve.²⁹ If a clerk estimated that available funds plus projected revenues were insufficient to meet anticipated expenditures for court-related functions, that clerk could follow the statutory procedure for receiving funds from the Clerks of the Court Trust Fund to address the deficit.³⁰

²³ Florida House of Representatives, *House Bill 113A Staff Analysis*, (May 14, 2003).

²⁴ 2003 Fla. Sess. Law Serv. Ch. 2003-402 (H.B. 113-A). *See also City of Ft. Lauderdale v. Crowder*, 983 So. 2d 37, 39 (Fla. 4th DCA 2008). Note also that the bill seeks to amend each of these provisions.

²⁵ *See supra* note 5, and text. When it was first enacted, section 28.35 the “Clerk of court Operations Conference” which was changed in 2004 to the “Florida Clerks of Court Operations Corporation.” Chapter 2004-265, s. 23, Laws of Fla. All clerks are members of the Corporation.

²⁶ This section adapted or used in its entirety from the Appropriations Committee staff analysis in SB 2506 (2017).

²⁷ Section 142.01, F.S.

²⁸ Section 28.37(2), F.S. (2008).

²⁹ Section 28.36(3)(b), (c), F.S. (2008).

³⁰ Section 28.36(4), F.S. (2008).

Each clerk had to submit its proposed budget to the Corporation for review and certification that the individual budget was complete and complied with budget procedures.³¹ Upon review and certification by the Corporation, revenue exceeding the amount needed to fund each budget was deposited in the General Revenue Fund.³²

During this time, the Legislature's involvement in the clerks' budgets was limited. The Legislative Budget Commission (LBC) had authority to approve increases to the maximum annual budgets approved for individual clerks if the additional funding was necessary to:

- Pay the cost of performing new or additional functions required by changes in law or court rule; or
- Pay the cost of supporting increases in the number of judges or magistrates authorized by the Legislature.³³

Clerks in the General Appropriations Act: 2009-2012³⁴

In an effort to gain greater oversight and accountability for the operations and funding of the clerks of court, the Legislature passed Chapter 2009-204, Laws of Fla., which substantially amended the clerks' statutory budget process and procedures. The new law brought the clerks into the state budget and appropriated their funding in the annual General Appropriations Act.

More specifically, the 2009 law required that all revenues received by the clerks from court-related fees, fines, costs and service charges be remitted to the Department of Revenue for deposit into the Clerks of Court Trust Fund within the Justice Administrative Commission (JAC).³⁵ The law permitted the clerks, however, to deposit 10 percent of all court-related fines in the Public Records Modernization Trust Fund to be used in addition to state appropriations for operational needs.³⁶

By 2009, revenues accruing to the Clerks of Court Trust Fund began to decline due to the downturn in the economy and the reduction in foreclosure filing fees. As a result, the Legislature reinforced the clerks' budgets with additional moneys from the General Revenue Fund. The 2011 Legislature appropriated \$44.2 million from the General Revenue Fund to address FY 2010-2011 revenue deficits and the 2012 Legislature appropriated \$57.6 million to address FY 2011-2012 deficits.

Return to Pre-2009 Funding Model: 2013-2019³⁷

In 2013, the Legislature reversed many of the 2009 funding model changes, but expanded the oversight and accountability in the clerks' budget process. Chapter 2013-44, Laws of Florida, added the following:

³¹ Section 28.36(3), F.S. (2008).

³² Section 28.37(4), F.S. (2008).

³³ Section 28.36(6), F.S. (2008).

³⁴ This section adapted or used in its entirety from the Appropriations Committee staff analysis in SB 2506 (2017).

³⁵ Chapter 2009-204, ss. 5-8, 12, 14, 19, Laws of Fla. The clerks' budgets were appropriated within the JAC budget from 2009-2012. *See also* s. 43.16, F.S. (establishes the Justice Administrative Commission, which administratively serves 49 judicial-related entities, as well as provides compliance and financial review of billings for services provided by private court-appointed attorneys representing indigent citizens and associated due process vendors).

³⁶ Section 28.37(5), F.S.

³⁷ This section adapted or used in its entirety from the Appropriations Committee staff analysis in SB 2506 (2017).

- Monthly accounting: required each clerk to submit all collected revenues exceeding one-twelfth of the clerk's total budget for the prior month to the Department of Revenue for deposit into the Clerks of the Court Trust Fund.
- Annual accounting: required the transfer of revenue exceeding one-twelfth of the clerks' total budget out of the Clerks of Court Trust Fund into the General Revenue Fund each January *unless* the official estimate by the Revenue Estimating Conference projects a trust fund deficit (based on the current budget) in the current or upcoming fiscal year.
- Corporation audits: directed the Corporation to conduct annual base budget reviews, conduct cost-comparisons of similarly situated clerks, report pay and benefit issues, and provide an explanation of any clerk expenditure increases over 3 percent.³⁸
- Corporation budget standard: required the Corporation to use the official Article V Revenue Estimating Conference revenue estimates for the clerks' budget process.³⁹

The 2013 law also enhanced the role and responsibilities of the Legislative Budget Commission (LBC), and directed the LBC to review the budgets of the clerks and either: (1) approve, (2) disapprove, or (3) amend and approve the budgets by October 1 of each year.⁴⁰ In 2017, however, the Legislature removed these duties from the LBC to review the clerks' budgets.⁴¹

Most Recent Changes: 2019 to present

The clerk's budget process was amended again in 2019.⁴² In addition to the total estimated revenues from fees, service charges, costs, and fines for court-related functions available for court-related expenditures as determined by the most recent Revenue Estimating Conference, the combined budget for the clerks of court may also include:

- The unspent budgeted funds for court-related functions carried forward by the clerks of court from the previous county fiscal year; and
- The balance of funds remaining in the Clerks of the Court Trust Fund after the transfer of funds to the General Revenue Fund required pursuant to s. 28.37, F.S.

In 2019, the requirement that the cumulative excess of all fines, fees, service charges, and costs retained by the clerks of court exceeding the amount needed to fund their authorized budgets was transferred to the General Revenue Fund, was changed as follows:

- No later than February 1, 2020, the cumulative excess of all fines, fees, services charges, and costs exceeding \$10 million will be transferred to the General Revenue Fund.
- No later than February 1, 2021, and no later than February 1, 2022, not less than 50 percent of the cumulative excess of all fines, fees, services charges, and costs will be transferred to the General Revenue Fund; provided, however, that the balance remaining in the Clerks of Courts Trust Fund after the transfer may not exceed \$20 million.
- No later than February 1, 2023, and each February 1 thereafter, the cumulative excess of all fines, fees, services charges, and costs will be transferred to the General Revenue Fund.

³⁸ Section 28.35(2)(f), F.S.

³⁹ Section 28.35(2)(f)6., F.S.

⁴⁰ Section 11.90(6)(d), F.S.

⁴¹ Chapter 2017-126, s. 1, Laws of Fla.

⁴² Chapter 2019-58, Laws of Fla.

In that same act, the 2019 Legislature was looking ahead to 2022, and included the following language:

Section 32. Before the 2022 Regular Session of the Legislature, the Legislature shall review and consider the results of the analysis submitted pursuant to Specific Appropriation 2754 of the 2019-2020 General Appropriations Act regarding the review of the Clerk of Court Processes for the purpose of considering the extension or reenactment of provisions in this act relating to clerk funding.⁴³

Specific appropriation 2754 reads in relevant part:

From the funds in Specific Appropriation 2754, the Office of Program Policy Analysis and Government Accountability is directed to contract with an independent third party consulting firm to assist with a review of the Clerk of Court processes including collection and compilation of empirical evidence based on observation of a random sample of clerks' offices employees; comparison of clerks' office work patterns to propose efficiency and productivity standards; and assessment and comparison of organizational arrangements and deployment of personnel resources among all clerks' offices. Sample groups must include a broad number of large and small counties and include entities from all areas of the state. The analysis shall be submitted to the chair of the Senate Appropriations Committee and the chair of the House of Representatives Appropriations Committee by November 15, 2019.

The report contains 26 recommendations for operational efficiency and cost savings in five categories.⁴⁴ It is unknown how many recommendations have been implemented.

Payment Plans

Persons who pay money to the clerk of court for an outstanding fine, penalty, fee, service charge, or court cost are expected to pay in full. Many individuals, however, cannot afford to pay. Section 28.246(4), F.S., authorizes a clerk to accept partial payments and to enter into payment plans with individuals. Monthly payments of no more than 2 percent of the individual's net pay is presumed to be within an individual's ability to pay.⁴⁵

III. Effect of Proposed Changes:

Clerk of Court Budgeting and Finances

The bill amends s. 28.37, F.S., regarding funds collected in the Clerk of the Courts Trust Fund. Currently, if the clerks have a budget surplus at the end of their fiscal year, 50 percent of the surplus must be transferred to General Revenue, with a maximum retainage in the trust fund of

⁴³ Chapter 2019-58, s. 32, Laws of Fla.

⁴⁴ Florida Clerks of Court Study, *Final Report* (November 15, 2019), available at <https://oppaga.fl.gov/Products/ReportDetail?rn=19-CLERKS>

⁴⁵ Using the 2021 Florida minimum wage at full-time employment and subtracting the standard federal payroll deductions, an unmarried individual would pay no more than \$26.80 a month on a clerk's payment plan.

\$20 million. After the county fiscal year 2021-22, 100 percent of the annual surplus with no retainage is to be transferred to General Revenue. The bill repeals the current sweeps and retainage laws and requires instead that 50 percent of the surplus be transferred to the General Revenue Fund. Of the remaining 50 percent, a minimum of 10 percent must be held in reserve in the Clerk of the Courts Trust Fund, and the remainder may be used to increase clerk budgets. The reserve may not exceed 16 percent of the total budget authority of the clerks from the current county fiscal year.⁴⁶

The bill amends s. 28.36, F.S., to allow the Florida Clerks of Court Operations Corporation to create a budget reserve in the Clerks of the Court Trust Fund of up to 16 percent of the total budget authority during the current county fiscal year. The budget reserve will only accrue should the clerks have a budget surplus that is not otherwise subject to being swept by the Department of Revenue. The budget reserve may only be used to:

- Offset a current year deficit caused by a revenue shortfall;
- Provide supplemental funding related to a declared emergency; and
- Provide for a minimum continuation budget where the clerks have projected a deficit and the legislature did not appropriate funds sufficient to create a minimum continuation budget. A minimum continuation budget is the current county fiscal year budget unless the corporation requires a lesser budget.

The bill requires the corporation to request a budget amendment from the Governor in order to access the reserve. This is in line with the requirements for Executive Branch agencies seeking to establish trust fund budget from a reserve.

The bill amends s. 28.36, F.S., to allow a clerk of the court to request, and the Florida Clerks of Court Operations Corporation to approve, an increase in a clerk's budget authority for a financial impact resulting from increases in use of hearing officers and senior judges.

Monies Owed to a Clerk of Court

The bill amends s. 28.246, F.S., to direct the clerks of court to offer a payment plan to every person who owes money to the clerk and cannot immediately pay. The clerk is responsible for setting the terms of individual plans, although the trial court may review the reasonableness of the plan.

The bill amends s. 28.42, F.S., to require the Florida Clerks of Court Operations Corporation to create a uniform payment plan form. The form must be created by October 1, 2021, and must be used by each clerk starting January 1, 2022. The bill amends traffic and licensing laws at ss. 318.15, 318.20, and 322.45, F.S., to require notice of the availability of payment plans through the clerk of court. The notice must be included with a notice of suspension of a license and must be appended to a citation.

⁴⁶ For the latest county fiscal year (FY 2019-20), the total budget authority of the clerks was approximately \$403 million. If this bill were in effect, the maximum reserve would be approximately \$64.5 million.

The bill amends s. 28.246, F.S., to require that an individual released from incarceration contact the clerk within 30 days after release to either pay the outstanding fines and fees in full or set up a payment plan.

The bill amends the criminal fine statute at s. 775.083, F.S., to add that the clerk of the court is the entity that collects fines, fees, service charges, and court costs. This reflects current law. The bill also adds the requirement that an offender must contact the clerk to pay, or set up a payment plan, upon assessment by the court.

The portions of the bill related to budgeting and financial matters of the clerks of court are effective upon becoming law, the remainder of the bill is effective October 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in article VII, section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

On March 5th, 2021, the Office of Economic and Demographic Research (EDR), Revenue Estimating Impact Conference (REC) evaluated SB 838 and its companion HB 903. The conference adopted a positive indeterminate impact for various state and local trust funds, the General Revenue Fund, Clerks of Court Trust Fund, and Clerk's Fine and Forfeiture Funds as it relates to the bill's changes to payment plans.⁴⁷

Currently, if the Article V Estimating Conference forecasts that revenue will exceed the clerks' total budget, 50 percent of the surplus is transferred to General Revenue and the clerks retain the other 50 percent up to a maximum of \$20 million. This procedure is set to expire at the end of County Fiscal Year (CFY) 2021-22 after which time, 100 percent of any surplus revenue will be transferred to the General Revenue Fund. Because the bill permanently codifies the existing revenue split, if clerk revenues surpass the total clerks' budget, the REC estimates there will be an indeterminate negative impact to the General Revenue Fund and a positive indeterminate impact to the clerks.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 28.246, 28.35, 28.36, 28.37, 28.42, 318.15, 318.20, 322.245, and 775.083.

IX. Additional Information:

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

Recommended CS/CS by Appropriations Subcommittee on Criminal and Civil Justice on March 17, 2021:

The committee substitute removed provisions modifying the duties of the Florida Clerks of Court Operations Corporation with respect to the funding of clerks' offices.

CS by Judiciary on March 9, 2021:

The committee substitute removed a provision that would have allowed a clerk of court to request a budget increase due to requirements of the courts, changed the effective date of portions of the bill other than clerk budgeting to October 1, 2021, and made technical corrections and clarifications.

⁴⁷ Office of Economic and Demographic Research, Results of the Revenue Estimating Impact Conference held March 5, 2021, available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2021/_pdf/Impact0305.pdf

B. Amendments:

None.

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



520066

LEGISLATIVE ACTION

| Senate | . | House |
|------------|---|-------|
| Comm: RCS | . | |
| 03/17/2021 | . | |
| | . | |
| | . | |
| | . | |

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

Senate Amendment (with directory and title amendments)

Delete lines 140 - 177
and insert:

For the purposes of this paragraph, the term "unspent budgeted
funds for court-related functions" means undisbursed funds
included in the clerks of the courts budgets for court-related
functions established pursuant to this section and s. 28.36.



520066

11 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

12 And the directory clause is amended as follows:

13 Delete lines 70 - 72

14 and insert:

15 (3) of section 28.35, Florida Statutes, are amended to read:

16

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

18 And the title is amended as follows:

19 Delete lines 10 - 12

20 and insert:

21 conforming provisions to changes made by the act;



249114

LEGISLATIVE ACTION

| | | |
|------------|---|-------|
| Senate | . | House |
| Comm: RCS | . | |
| 03/17/2021 | . | |
| | . | |
| | . | |
| | . | |

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

Senate Amendment

Delete lines 250 - 253
and insert:
3. To provide funds in the

By the Committee on Judiciary; and Senator Boyd

590-02600-21

2021838c1

1 A bill to be entitled
 2 An act relating to clerks of the circuit court;
 3 amending s. 28.246, F.S.; clarifying the
 4 responsibility of an individual released from
 5 incarceration regarding enrolling in a payment plan
 6 for any outstanding court obligations; modifying the
 7 manner of calculating a monthly payment amount under a
 8 payment plan; requiring the clerk to establish all
 9 terms of a payment plan; amending s. 28.35, F.S.;
 10 modifying duties of the Florida Clerks of Court
 11 Operations Corporation with respect to the funding of
 12 clerks' offices; conforming a cross-reference;
 13 amending s. 28.36, F.S.; conforming a cross-reference;
 14 requiring the corporation to establish and manage a
 15 contingency reserve within the Clerks of the Court
 16 Trust Fund for specified purposes; prescribing
 17 reporting requirements; specifying circumstances under
 18 which moneys held in reserve may be used; prescribing
 19 procedures for the release of such funds; amending s.
 20 28.37, F.S.; modifying a provision regarding state
 21 court system funding; defining terms; conforming a
 22 cross-reference; revising provisions governing the
 23 transfer of certain funds from the Clerks of the Court
 24 Trust Fund to the General Revenue Fund by the
 25 Department of Revenue; amending s. 28.42, F.S.;
 26 requiring the clerks to develop a uniform payment plan
 27 form by a specified date; prescribing requirements for
 28 the form; requiring the clerks to use such form by a
 29 specified date; amending ss. 318.15, 318.20, and

Page 1 of 18

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590-02600-21

2021838c1

30 322.245, F.S.; requiring orders and notifications for
 31 certain traffic citations and suspensions to include
 32 information regarding payment plans; amending s.
 33 775.083, F.S.; designating the clerk as the entity
 34 responsible for collecting payment of certain court
 35 obligations; requiring a person ordered to pay such
 36 obligations to contact the clerk in order to pay or
 37 establish a payment plan, unless otherwise provided;
 38 providing effective dates.
 39
 40 Be It Enacted by the Legislature of the State of Florida:
 41
 42 Section 1. Subsection (4) of section 28.246, Florida
 43 Statutes, is amended to read:
 44 28.246 Payment of court-related fines or other monetary
 45 penalties, fees, charges, and costs; partial payments;
 46 distribution of funds.—
 47 (4) (a) Each ~~The~~ clerk of the circuit court shall accept
 48 partial payments for each case type for court-related fees,
 49 service charges, court costs, and fines in accordance with the
 50 terms of an established payment plan developed by the clerk.
 51 (b) An individual seeking to defer payment of fees, service
 52 charges, court costs, or fines imposed by operation of law or
 53 order of the court under any provision of general law shall
 54 apply to the clerk for enrollment in a payment plan. The clerk
 55 shall enter into a payment plan with an individual who the court
 56 determines is indigent for costs. It is the responsibility of an
 57 individual who is released from incarceration and has
 58 outstanding court obligations to contact the clerk within 30

Page 2 of 18

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590-02600-21

2021838c1

59 days after release to pay fees, service charges, court costs,
 60 and fines in full, or to apply for enrollment in a payment plan.
 61 A monthly payment amount, calculated based upon all fees and all
 62 anticipated fees, service charges, court costs, and fines, is
 63 presumed to correspond to the person's ability to pay if the
 64 amount does not exceed 2 percent of the person's annual net
 65 income, as defined in s. 27.52(1), divided by 12. The clerk
 66 shall establish all terms of a payment plan and the court may
 67 review the reasonableness of the payment plan.

68 Section 2. Effective upon this act becoming a law,
 69 paragraph (f) of subsection (2) and paragraph (a) of subsection
 70 (3) of section 28.35, Florida Statutes, are amended, and
 71 paragraphs (i) and (j) are added to subsection (2) of that
 72 section, to read:

73 28.35 Florida Clerks of Court Operations Corporation.—

74 (2) The duties of the corporation shall include the
 75 following:

76 (f) Approving the proposed budgets submitted by clerks of
 77 the court pursuant to s. 28.36. The corporation must ensure that
 78 the total combined budgets of the clerks of the court do not
 79 exceed the total estimated revenues from fees, service charges,
 80 court costs, and fines for court-related functions available for
 81 court-related expenditures as determined by the most recent
 82 Revenue Estimating Conference, plus the total of unspent
 83 budgeted funds for court-related functions carried forward by
 84 the clerks of the court from the previous county fiscal year,
 85 and plus the balance of funds remaining in the Clerks of the
 86 Court Trust Fund after the transfer of funds to the General
 87 Revenue Fund required pursuant to s. 28.37(4)(b), and plus any

Page 3 of 18

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590-02600-21

2021838c1

88 appropriations for court-related functions s. 28.37(3)(b). The
 89 corporation may amend any individual clerk of the court budget
 90 to ensure compliance with this paragraph and must consider
 91 performance measures, workload performance standards, workload
 92 measures, and expense data before modifying the budget. As part
 93 of this process, the corporation shall:

94 1. Calculate the minimum amount of revenue necessary for
 95 each clerk of the court to efficiently perform the list of
 96 court-related functions specified in paragraph (3)(a). The
 97 corporation shall apply the workload measures appropriate for
 98 determining the individual level of review required to fund the
 99 clerk's budget.

100 2. Prepare a cost comparison of similarly situated clerks
 101 of the court, based on county population and numbers of filings,
 102 using the standard list of court-related functions specified in
 103 paragraph (3)(a).

104 3. Conduct an annual base budget review and an annual
 105 budget exercise examining the total budget of each clerk of the
 106 court. The review shall examine revenues from all sources,
 107 expenses of court-related functions, and expenses of noncourt-
 108 related functions as necessary to determine that court-related
 109 revenues are not being used for noncourt-related purposes. The
 110 review and exercise shall identify potential targeted budget
 111 reductions in the percentage amount provided in Schedule VIII-B
 112 of the state's previous year's legislative budget instructions,
 113 as referenced in s. 216.023(3), or an equivalent schedule or
 114 instruction as may be adopted by the Legislature.

115 4. Identify those proposed budgets containing funding for
 116 items not included on the standard list of court-related

Page 4 of 18

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590-02600-21

2021838c1

117 functions specified in paragraph (3) (a) .

118 5. Identify those clerks projected to have court-related
119 revenues insufficient to fund their anticipated court-related
120 expenditures.

121 6. Use revenue estimates based on the official estimate for
122 funds from fees, service charges, court costs, and fines for
123 court-related functions accruing to the clerks of the court made
124 by the Revenue Estimating Conference, as well as any unspent
125 budgeted funds for court-related functions carried forward by
126 the clerks of the court from the previous county fiscal year and
127 the balance of funds remaining in the Clerks of the Court Trust
128 Fund after the transfer of funds to the General Revenue Fund
129 required pursuant to s. 28.37(4) (b), plus any appropriations for
130 the purpose of funding court-related functions ~~s. 28.37(3) (b)~~.

131 7. Identify pay and benefit increases in any proposed clerk
132 budget, including, but not limited to, cost of living increases,
133 merit increases, and bonuses.

134 8. Identify increases in anticipated expenditures in any
135 clerk budget that exceeds the current year budget by more than 3
136 percent.

137 9. Identify the budget of any clerk which exceeds the
138 average budget of similarly situated clerks by more than 10
139 percent.

140 10. Request the Governor to order, pursuant to s.
141 215.18(1), a temporary transfer of moneys from unobligated funds
142 in the State Treasury to the Clerks of the Court Trust Fund in
143 the Department of Revenue to meet temporary deficiencies in that
144 fund.

145 11. Determine if the estimated revenue available for the

590-02600-21

2021838c1

146 upcoming county fiscal year is adequate to fund court-related
147 functions, and certify and submit any aggregate difference to
148 the chairs of the legislative appropriations committees and the
149 Executive Office of the Governor for consideration, at least 30
150 days before the start of the next regular session of the
151 Legislature.

152
153 For the purposes of this paragraph, the term "unspent budgeted
154 funds for court-related functions" means undisbursed funds
155 included in the clerks of the courts budgets for court-related
156 functions established pursuant to this section and s. 28.36.

157 (i) If the corporation determines that the cumulative
158 budget for all clerks will vary by more than 5 percent from the
159 approved cumulative budget for the previous year, certify to the
160 Legislature the specific causes for the variance and how each
161 variance relates to the clerks' responsibilities in performing
162 their court-related functions.

163 (j) Prepare and submit legislative budget requests to the
164 Legislature, consistent with the requirements of s. 216.023.
165 Such requests must be submitted for any fiscal year for which
166 the corporation determines that new duties or financial
167 obligations under s. 28.36(4), beyond those funded in prior
168 fiscal years, have been imposed on the court-related functions
169 of clerks of the court; and for any fiscal year for which the
170 corporation determines that the total estimated revenues
171 available for court-related expenditures as determined by the
172 most recent Revenue Estimating Conference, unspent revenues
173 carried forward from the previous fiscal year, and budget
174 amendments and appropriations made by law for the purpose of

590-02600-21

2021838c1

175 funding court-related functions will be inadequate to provide
 176 funding for court-related functions of clerks of the court at
 177 the current level of operations.

178 (3) (a) The list of court-related functions that clerks may
 179 fund from filing fees, service charges, court costs, and fines
 180 is limited to those functions expressly authorized by law or
 181 court rule. Those functions include the following: case
 182 maintenance; records management; court preparation and
 183 attendance; processing the assignment, reopening, and
 184 reassignment of cases; processing of appeals; collection and
 185 distribution of fines, fees, service charges, and court costs;
 186 processing of bond forfeiture payments; data collection and
 187 reporting; determinations of indigent status; and paying
 188 reasonable administrative support costs to enable the clerk of
 189 the court to carry out these court-related functions.

190 Section 3. Effective upon this act becoming a law, present
 191 subsections (3) and (4) of section 28.36, Florida Statutes, are
 192 redesignated as subsections (4) and (5), a new subsection (3) is
 193 added to that section, and subsection (1), paragraph (b) of
 194 subsection (2), and present subsection (4) of that section are
 195 amended, to read:

196 28.36 Budget procedure.—There is established a budget
 197 procedure for the court-related functions of the clerks of the
 198 court.

199 (1) Only those functions listed in s. 28.35(3) (a) may be
 200 funded from fees, service charges, court costs, and fines
 201 retained by the clerks of the court.

202 (2) Each proposed budget shall further conform to the
 203 following requirements:

590-02600-21

2021838c1

204 (b) The proposed budget must be balanced such that the
 205 total of the estimated revenues available equals or exceeds the
 206 total of the anticipated expenditures. Such revenues include
 207 revenue projected to be received from fees, service charges,
 208 court costs, and fines for court-related functions during the
 209 fiscal period covered by the budget, plus the total of unspent
 210 budgeted funds for court-related functions carried forward by
 211 the clerk of the court from the previous county fiscal year and
 212 plus the portion of the balance of funds remaining in the Clerks
 213 of the Court Trust Fund after the transfer of funds to the
 214 General Revenue Fund required pursuant to s. 28.37(4) (b) ~~s.~~
 215 ~~28.37(3) (b)~~ which has been allocated to each respective clerk of
 216 the court by the Florida Clerks of Court Operations Corporation.
 217 For the purposes of this paragraph, the term "unspent budgeted
 218 funds for court-related functions" means undisbursed funds
 219 included in the clerk of the courts' budget for court related
 220 functions established pursuant to s. 28.35 and this section. The
 221 anticipated expenditures must be itemized as required by the
 222 corporation.

223 (3) (a) The Florida Clerks of Court Operations Corporation
 224 shall establish and manage a reserve for contingencies within
 225 the Clerks of the Court Trust Fund which must consist of an
 226 amount not to exceed 16 percent of the total budget authority
 227 for the clerks of court during the current county fiscal year,
 228 to be carried forward at the end of the fiscal year. Funds to be
 229 held in reserve include transfers of cumulative excess, as
 230 provided in s. 28.37(4) (b), from the Clerks of the Court Trust
 231 Fund and may also include revenues provided by law or moneys
 232 appropriated by the Legislature.

590-02600-21

2021838c1

233 (b) The corporation shall provide a reporting of the
 234 balance and use of these funds during each county fiscal year as
 235 part of the corporation's annual report submitted under s.
 236 28.35(2)(h).

237 (c) The corporation may use the reserve to ensure the
 238 clerks of court can perform the court-related functions as
 239 provided in s. 28.35(3)(a). Moneys in the Clerks of the Court
 240 Trust Fund which are held in reserve may be used by the
 241 corporation under the following circumstances:

242 1. To offset a current deficit between the revenue
 243 available and the original budget authority. A deficit is deemed
 244 to occur when the revenue available to the clerks of court falls
 245 below the original revenue projection for that county fiscal
 246 year.

247 2. To provide funding for an emergency, as defined in s.
 248 252.34(4). The emergency must have been declared by the
 249 Governor, pursuant to s. 252.36, or otherwise declared by law.

250 3. If, after the corporation has notified the Legislature
 251 of a deficit under s. 28.35(2)(f)11., there remains a deficit
 252 between the total revenues available and the total budget from
 253 the current county fiscal year, to provide funds in the
 254 development of the total aggregate budget of the clerks of court
 255 to ensure that a minimum continuation budget is met. For
 256 purposes of this subparagraph, a minimum continuation budget is
 257 the budget approved for the current county fiscal year or some
 258 lesser amount adopted by the corporation.

259 (d) To use the reserve, the corporation must request a
 260 budget amendment pursuant to s. 216.292.

261 (5)(4) The corporation may approve increases or decreases

590-02600-21

2021838c1

262 to the previously authorized budgets approved for ~~individual~~
 263 clerks of the court pursuant to s. 28.35 for court-related
 264 functions, if:

265 (a) The additional budget authority is necessary to pay the
 266 cost of performing new or additional functions required by
 267 changes in law or court rule; or

268 (b) The additional budget authority is necessary to pay the
 269 cost of supporting increases in the number of judges or
 270 magistrates authorized by the Legislature, or for increases in
 271 the use of hearing officers and senior judges assigned by the
 272 courts.

273 Section 4. Effective upon this act becoming a law, section
 274 28.37, Florida Statutes, is amended to read:

275 28.37 Fines, fees, service charges, and costs remitted to
 276 the state.—

277 (1) Pursuant to s. 14(b), Art. V of the State Constitution,
 278 selected salaries, costs, and expenses of the state courts
 279 system and court-related functions shall be funded from a
 280 portion of the revenues derived from statutory fines, fees,
 281 service charges, and court costs collected by the clerks of the
 282 court, and from adequate and appropriate supplemental funding
 283 from state revenues as appropriated by the Legislature.

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

285 (a) "Cumulative excess" means revenues derived from fines,
 286 fees, service charges, and court costs collected by the clerks
 287 of the court which are greater than the original revenue
 288 projection.

289 (b) "Original revenue projection" means the official
 290 estimate, as determined by the Revenue Estimating Conference, of

590-02600-21 2021838c1

291 revenues from fines, fees, service charges, and court costs
 292 available for court-related functions for the county fiscal year
 293 covered by the projection.

294 ~~(3) The Beginning November 1, 2013,~~ that portion of all
 295 fines, fees, service charges, and costs collected by the clerks
 296 of the court for the previous month which is in excess of one-
 297 twelfth of the clerks' total budget for the performance of
 298 court-related functions must ~~shall~~ be remitted to the Department
 299 of Revenue for deposit into the Clerks of the Court Trust Fund.
 300 Such collections do not include funding received for the
 301 operation of the Title IV-D child support collections and
 302 disbursement program. The clerk of the court shall remit the
 303 revenues collected during the previous month due to the state on
 304 or before the 10th day of each month.

305 (4) (a) (3) (a) Each year, no later than January 25, for the
 306 previous county fiscal year, the clerks of court, in
 307 consultation with the Florida Clerks of Court Operations
 308 Corporation, shall remit to the Department of Revenue for
 309 deposit in the Clerks of the Court Trust Fund the cumulative
 310 excess of all fines, fees, service charges, and court costs
 311 retained by the clerks of the court, plus any funds received by
 312 the clerks of the court from the Clerks of the Court Trust Fund
 313 under s. 28.36(4) ~~s. 28.36(3)~~, which exceed the amount needed to
 314 meet their authorized budget amounts established under s. 28.35.

315 (b) No later than February 1, 2022, and each February 1
 316 thereafter, the Department of Revenue shall transfer 50 percent
 317 of the cumulative excess of the original revenue projection from
 318 the Clerks of the Court Trust Fund to the General Revenue Fund.
 319 The remaining 50 percent in the Clerks of the Court Trust Fund

590-02600-21 2021838c1

320 may be used in the development of the total combined budgets of
 321 the clerks of the court as provided in s. 28.35(2)(f)6. However,
 322 a minimum of 10 percent of the clerk-retained portion of the
 323 cumulative excess amount must be held in reserve until such
 324 funds reach an amount equal to at least 16 percent of the total
 325 budget authority from the current county fiscal year, as
 326 provided in s. 28.36(3)(a)

327 ~~1. No later than February 1, 2020, the Department of~~
 328 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~
 329 ~~to the General Revenue Fund the sum of the cumulative excess of~~
 330 ~~all fines, fees, service charges, and costs submitted by the~~
 331 ~~clerks of court pursuant to subsection (2) and the cumulative~~
 332 ~~excess of all fines, fees, service charges, and costs remitted~~
 333 ~~by the clerks of court pursuant to paragraph (a) in excess of~~
 334 ~~\$10 million.~~

335 ~~2. No later than February 1, 2021, the Department of~~
 336 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~
 337 ~~to the General Revenue Fund not less than 50 percent of the sum~~
 338 ~~of the cumulative excess of all fines, fees, service charges,~~
 339 ~~and costs submitted by the clerks of court pursuant to~~
 340 ~~subsection (2) and the cumulative excess of all fines, fees,~~
 341 ~~service charges, and costs remitted by the clerks of court~~
 342 ~~pursuant to paragraph (a); provided however, the balance~~
 343 ~~remaining in the Clerks of Courts Trust Fund after such transfer~~
 344 ~~may not be more than \$20 million.~~

345 ~~3. No later than February 1, 2022, the Department of~~
 346 ~~Revenue shall transfer from the Clerks of the Court Trust Fund~~
 347 ~~to the General Revenue Fund not less than 50 percent of the sum~~
 348 ~~of the cumulative excess of all fines, fees, service charges,~~

590-02600-21 2021838c1

349 and costs submitted by the clerks of court pursuant to
 350 subsection (2) and the cumulative excess of all fines, fees,
 351 service charges, and costs remitted by the clerks of court
 352 pursuant to paragraph (a); provided however, the balance
 353 remaining in the Clerks of Courts Trust Fund after such transfer
 354 may not be more than \$20 million.

355 ~~4. No later than February 1, 2023, and each February 1~~
 356 ~~thereafter, the Department of Revenue shall transfer from the~~
 357 ~~Clerks of the Court Trust Fund to the General Revenue Fund the~~
 358 ~~cumulative excess of all fines, fees, service charges, and costs~~
 359 ~~submitted by the clerks of court pursuant to subsection (2) and~~
 360 ~~the cumulative excess of all fines, fees, service charges, and~~
 361 ~~costs remitted by the clerks of court pursuant to paragraph (a).~~

362 (5)(4) The Department of Revenue shall collect any funds
 363 that the Florida Clerks of Court Operations Corporation
 364 determines upon investigation were due but not remitted to the
 365 Department of Revenue. The corporation shall notify the clerk of
 366 the court and the Department of Revenue of the amount due to the
 367 Department of Revenue. The clerk of the court shall remit the
 368 amount due no later than the 10th day of the month following the
 369 month in which notice is provided by the corporation to the
 370 clerk of the court.

371 (6)(5) Ten percent of all court-related fines collected by
 372 the clerk, except for penalties or fines distributed to counties
 373 or municipalities under s. 316.0083(1)(b)3. or s. 318.18(15)(a),
 374 must shall be deposited into the fine and forfeiture fund to be
 375 used exclusively for clerk court-related functions, as provided
 376 in s. 28.35(3)(a).

377 Section 5. Section 28.42, Florida Statutes, is amended to

590-02600-21 2021838c1

378 read:

379 28.42 Manual of filing fees, charges, costs, and fines;
 380 payment plan form.

381 (1) The clerks of court, through their association and in
 382 consultation with the Office of the State Courts Administrator,
 383 shall prepare and disseminate a manual of filing fees, service
 384 charges, costs, and fines imposed pursuant to state law, for
 385 each type of action and offense, and classified as mandatory or
 386 discretionary. The manual also shall classify the fee, charge,
 387 cost, or fine as court-related revenue or noncourt-related
 388 revenue. The clerks, through their association, shall
 389 disseminate this manual to the chief judge, state attorney,
 390 public defender, and court administrator in each circuit and to
 391 the clerk of the court in each county. The clerks, through their
 392 association and in consultation with the Office of the State
 393 Courts Administrator, shall at a minimum update and disseminate
 394 this manual on July 1 of each year.

395 (2) By October 1, 2021, the clerks of court, through the
 396 Florida Clerks of Court Operations Corporation, shall develop a
 397 uniform payment plan form for use by persons seeking to
 398 establish a payment plan in accordance with s. 28.246(4). The
 399 form must inform the person of the minimum payment due each
 400 month, the term of the plan, acceptable payment methods, and the
 401 circumstances under which a case may be sent to collections for
 402 nonpayment.

403 (3) By January 1, 2022, each clerk of court shall use the
 404 uniform payment plan form developed pursuant to subsection (2)
 405 when establishing payment plans.

406 Section 6. Paragraph (a) of subsection (1) of section

590-02600-21

2021838c1

407 318.15, Florida Statutes, is amended to read:

408 318.15 Failure to comply with civil penalty or to appear;
409 penalty.—

410 (1) (a) If a person fails to comply with the civil penalties
411 provided in s. 318.18 within the time period specified in s.
412 318.14(4), fails to enter into or comply with the terms of a
413 penalty payment plan with the clerk of the court in accordance
414 with ss. 318.14 and 28.246, fails to attend driver improvement
415 school, or fails to appear at a scheduled hearing, the clerk of
416 the court must ~~shall~~ notify the Department of Highway Safety and
417 Motor Vehicles of such failure within 10 days after such
418 failure. Upon receipt of such notice, the department must ~~shall~~
419 immediately issue an order suspending the driver license and
420 privilege to drive of such person effective 20 days after the
421 date the order of suspension is mailed in accordance with s.
422 322.251(1), (2), and (6). The order also must inform the person
423 that he or she may contact the clerk of the court to establish a
424 payment plan pursuant to s. 28.246(4) to make partial payments
425 for court-related fines, fees, service charges, and court costs.
426 Any such suspension of the driving privilege which has not been
427 reinstated, including a similar suspension imposed outside of
428 this state Florida, must ~~shall~~ remain on the records of the
429 department for a period of 7 years from the date imposed and
430 must ~~shall~~ be removed from the records after the expiration of 7
431 years from the date it is imposed. The department may not accept
432 the resubmission of such suspension.

433 Section 7. Section 318.20, Florida Statutes, is amended to
434 read:

435 318.20 Notification; duties of department.—The department

Page 15 of 18

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590-02600-21

2021838c1

436 shall prepare a notification form to be appended to, or
437 incorporated as a part of, the Florida uniform traffic citation
438 issued in accordance with s. 316.650. The notification form must
439 ~~shall~~ contain language informing persons charged with
440 infractions to which this chapter applies of the procedures
441 available to them under this chapter. Such notification form
442 must ~~shall~~ contain a statement that, if the official determines
443 that no infraction has been committed, no costs or penalties may
444 ~~shall~~ be imposed and any costs or penalties that which have been
445 paid will ~~shall~~ be returned. Additionally, the notification form
446 must include information on paying the civil penalty to the
447 clerk of the court and the ability to establish a payment plan
448 pursuant to s. 28.246(4). A uniform traffic citation that is
449 produced electronically must also include the information
450 required by this section.

451 Section 8. Subsections (1) and (3) and paragraph (a) of
452 subsection (5) of section 322.245, Florida Statutes, are amended
453 to read:

454 322.245 Suspension of license upon failure of person
455 charged with specified offense under chapter 316, chapter 320,
456 or this chapter to comply with directives ordered by traffic
457 court or upon failure to pay child support in non-IV-D cases as
458 provided in chapter 61 or failure to pay any financial
459 obligation in any other criminal case.—

460 (1) If a person charged with a violation of any of the
461 criminal offenses enumerated in s. 318.17 or with the commission
462 of any offense constituting a misdemeanor under chapter 320 or
463 this chapter fails to comply with all of the directives of the
464 court within the time allotted by the court, the clerk of the

Page 16 of 18

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

590-02600-21

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465 ~~traffic court must provide shall mail to~~ the person, either
 466 electronically or by mail sent to at the address specified on
 467 the uniform traffic citation, a notice of such failure,
 468 notifying him or her that, if he or she does not comply with the
 469 directives of the court within 30 days after the date of the
 470 notice and pay a delinquency fee of up to \$25 to the clerk, from
 471 which the clerk shall remit \$10 to the Department of Revenue for
 472 deposit into the General Revenue Fund, his or her driver license
 473 will be suspended. The notice ~~must shall~~ be sent mailed no later
 474 than 5 days after such failure. The delinquency fee may be
 475 retained by the office of the clerk to defray the operating
 476 costs of the office.

477 (3) If the person fails to comply with the directives of
 478 the court within the 30-day period, or, in non-IV-D cases, fails
 479 to comply with the requirements of s. 61.13016 within the period
 480 specified in that statute, the depository or the clerk of the
 481 court ~~must shall~~ electronically notify the department of such
 482 failure within 10 days. Upon electronic receipt of the notice,
 483 the department shall immediately issue an order suspending the
 484 person's driver license and privilege to drive effective 20 days
 485 after the date the order of suspension is mailed in accordance
 486 with s. 322.251(1), (2), and (6). The order of suspension must
 487 also contain information specifying that the person may contact
 488 the clerk of the court to establish a payment plan pursuant to
 489 s. 28.246(4) to make partial payments for fines, fees, service
 490 charges, and court costs.

491 (5) (a) When the department receives notice from a clerk of
 492 the court that a person licensed to operate a motor vehicle in
 493 this state under the provisions of this chapter has failed to

590-02600-21

2021838c1

494 pay financial obligations for any criminal offense other than
 495 those specified in subsection (1), in full or in part under a
 496 payment plan pursuant to s. 28.246(4), the department ~~must shall~~
 497 suspend the license of the person named in the notice. The
 498 department shall mail an order of suspension in accordance with
 499 s. 322.251(1), (2), and (6), which must also contain information
 500 specifying that the person may contact the clerk of the court to
 501 establish a payment plan pursuant to s. 28.246(4) to make
 502 partial payments for fines, fees, service charges, and court
 503 costs.

504 Section 9. Present subsection (3) of section 775.083,
 505 Florida Statutes, is redesignated as subsection (4), and a new
 506 subsection (3) is added to that section, to read:

507 775.083 Fines.—

508 (3) The clerk of the court of each county is the entity
 509 responsible for collecting payment of fines, fees, service
 510 charges, and court costs. Unless otherwise designated by the
 511 court, a person who has been ordered to pay court obligations
 512 under this section shall immediately contact the clerk to pay
 513 fines, fees, service charges, and court costs in full, or to
 514 apply for enrollment in a payment plan, pursuant to s.
 515 28.246(4).

516 Section 10. Except as otherwise expressly provided in this
 517 act, and except for this section, which shall take effect upon
 518 this act becoming a law, this act shall take effect October 1,
 519 2021.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Banking and Insurance, *Chair*
Agriculture
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Criminal Justice
Judiciary

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR JIM BOYD

21st District

March 10, 2021

Senator Keith Perry
201 Capitol
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chairman Perry:

I respectfully request that CS/SB 838: Clerks of Circuit Court, be scheduled for a hearing in the Appropriation Subcommittee on Criminal and Civil Justice, at your earliest convenience. CS/SB 838 was received favorably in the Committee on Judiciary.

If I may be of assistance to you on this or any other matter, please do not hesitate to contact me.

Thank you for your consideration of this matter.

Best regards,

A handwritten signature in blue ink that reads "Jim Boyd".

Jim Boyd

cc: Marti Harkness
Hayley Kolich

REPLY TO:

- 717 Manatee Avenue West, Bradenton, Florida 34205 (941) 742-6445
- 312 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

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THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

SB 838

Bill Number (if applicable)

Topic SB 838

Amendment Barcode (if applicable)

Name Angel Colonneso

Job Title Manatee County Clerk of Court & Cor

Address 215 S. Monroe

Phone 8503456835

Street

Tallahassee

FL

32302

City

State

Zip

Email JasonHarrell@Ficlc

Speaking: For Against Information

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

Representing Florida Court Clerks & Comptrollers

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

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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)

3/17/21
Meeting Date

SB 838
Bill Number (if applicable)

Topic CLERKS OF CIRCUIT COURT

Amendment Barcode (if applicable)

Name CHRISTIAN MINOR

Job Title EXECUTIVE DIRECTOR

Address 1300 N ADAMS ST. #2
Street

Phone (321) 223-4232

TALLAHASSEE FL 32303
City State Zip

Email cmminor@fjja.org

Speaking: For Against Information

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

Representing FLORIDA JUVENILE JUSTICE ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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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FL

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32303

Zip

Email minor@fjja.org

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Representing FLORIDA JUVENILE JUSTICE ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021

Meeting Date

838

Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Chelsea Murphy

Job Title Florida State Director

Address 605 Middlebrooks Circle

Phone 954-557-0016

Street

Tallahassee

FL

32312

Email Cmurphy@rightoncrime.com

City

State

Zip

Speaking: For Against Information

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

Representing Right on Crime

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021

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Job Title Florida State Director

Address 605 Middlebrooks Circle

Phone 954-557-0016

Street

Tallahassee

FL

32312

Email Cmurphy@rightoncrime.com

City

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Zip

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

Representing Right on Crime

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 17, 2014
Meeting Date

SB 838
Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Jenna Hodgens

Job Title Senior Director, Government Relation

Address 601 E. Kennedy

Phone 813-415-5708

Street

Tampa

FL

33602

City

State

Zip

Email jenna.hodgens@hill

Speaking: For Against Information

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

Representing Hillsborough County Clerk of Court and Comptroller

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)

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Duplicate

March 17, 201
Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

SB 838
Bill Number (if applicable)

Topic Clerks of the Circuit Court

Amendment Barcode (if applicable)

Name Jenna Hodgens

Job Title Senior Director, Government Relation

Address 601 E. Kennedy

Phone 813-415-5708

Street

Tampa

FL

33602

City

State

Zip

Email jenna.hodgens@hill

Speaking: For Against Information

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

Representing Hillsborough County Clerk of Court and Comptroller

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)

This form is *public*.

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THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

SB 838

Bill Number (if applicable)

Topic SB 838

Amendment Barcode (if applicable)

Name Jason Harrell

Job Title Director of Legislative & Public Affairs

Address 215 S. Monroe

Phone 8503456835

Street

Tallahassee

FL

32302

Email JasonHarrell@Ficle

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/17/21

Meeting Date

SB 838

Bill Number (if applicable)

Topic SB 838

Amendment Barcode (if applicable)

Name Jason Harrell

Job Title Director of Legislative & Public Affairs

Address 215 S. Monroe

Phone 8503456835

Street

Tallahassee

FL

32302

Email JasonHarrell@Flcile

City

State

Zip

Speaking: For Against Information

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

Representing Florida Court Clerks & Comptrollers

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.

Part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/17/2021
Meeting Date

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

CS/SB038
Bill Number (if applicable)

Clarks of Circuit Court
Topic

Amendment Barcode (if applicable)

David Sordani
Name

Retired

STATEWIDE PUBLIC COMMENTARY
Job Title

66 WINTERGREEN DR
Address

352 805 6597
Phone

Street

TRUITLAND PARK FL 34731
City State Zip

goldendome1955@gmail.com
Email

Speaking: For Against Information

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

Self
Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

By the Committee on Governmental Oversight and Accountability;
and Senator Brodeur

585-02678-21

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1 A bill to be entitled
2 An act relating to duties of the Attorney General;
3 repealing s. 16.10, F.S., relating to the receipt of
4 Supreme Court decisions by the Attorney General;
5 repealing s. 16.101, F.S., relating to the Supreme
6 Court reporter; amending s. 163.503, F.S.; revising
7 the definition of "department" to conform to changes
8 made by the act; amending s. 163.504, F.S.; deleting
9 provisions relating to the Safe Neighborhoods Program;
10 amending ss. 163.5055, 163.506, 163.508, and 163.511,
11 F.S.; relieving the Department of Legal Affairs from
12 certain duties associated with specified neighborhood
13 improvement districts; repealing s. 163.517, F.S.,
14 relating to the Safe Neighborhoods Program; repealing
15 s. 163.519, F.S., relating to the duties of the
16 Department of Legal Affairs; repealing s. 163.521,
17 F.S., relating to funding of neighborhood improvement
18 districts inside enterprise zones; repealing s.
19 163.5215, F.S., relating to the construction of the
20 Safe Neighborhoods Act; repealing s. 163.522, F.S.,
21 relating to state redevelopment programs; repealing s.
22 163.523, F.S., relating to the cooperation and
23 involvement of community organizations to create safe
24 neighborhood districts; amending s. 163.524, F.S.;
25 conforming a provision to changes made by the act;
26 amending s. 215.22, F.S.; specifying that the Crimes
27 Compensation Trust Fund is exempt from the service
28 charge into the General Revenue Fund; amending s.
29 376.84, F.S.; conforming a cross-reference; amending

Page 1 of 14

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585-02678-21

20211040c1

30 s. 402.181, F.S.; requiring certain claims for
31 restitution to be filed with specified entities;
32 removing the Department of Legal Affairs as an entity
33 for such filings; authorizing the Department of
34 Children and Families, the Department of Health, the
35 Department of Juvenile Justice, the Department of
36 Corrections, and the Agency for Persons with
37 Disabilities to adopt rules to process specified
38 claims; amending s. 501.160, F.S.; authorizing certain
39 declarations during a state of emergency to be
40 extended for specified days by executive order;
41 amending ss. 775.083 and 812.173, F.S.; conforming a
42 provision to changes made by the act; amending ss.
43 812.174, 812.175, and 812.176, F.S.; revising
44 provisions to require that the Department of Business
45 and Professional Regulation, instead of the Attorney
46 General, regulate convenience businesses; amending
47 chapter 2019-127, Laws of Florida; extending the
48 timeframe for the Attorney General to have access to
49 records from the prescription drug monitoring program
50 when ordered by a court under specified provisions;
51 delaying the scheduled repeal of amendments until a
52 specified date unless reviewed and saved from repeal
53 through reenactment by the Legislature; amending s.
54 960.21, F.S.; deleting a reference to the service
55 charge provided for in ch. 215, F.S., to conform to
56 changes made by the act; providing an effective date.
57
58 Be It Enacted by the Legislature of the State of Florida:

Page 2 of 14

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20211040c1

59

Section 1. Section 16.10, Florida Statutes, is repealed.

60

Section 2. Section 16.101, Florida Statutes, is repealed.

61

Section 3. Subsection (3) of section 163.503, Florida

62

Statutes, is amended to read:

63

163.503 Definitions.—

64

(3) "Department" means the Department of Economic

65

Opportunity Legal Affairs.

66

Section 4. Section 163.504, Florida Statutes, is amended to read:

67

read:

68

163.504 Safe neighborhood improvement districts; planning funds.—

69

~~(1)~~ The governing body of any municipality or county may authorize the formation of safe neighborhood improvement districts through the adoption of a planning ordinance which specifies that such districts may be created by one or more of the methods established in ss. 163.506, 163.508, 163.511, and 163.512. No district may overlap the jurisdictional boundaries of a municipality and the unincorporated area of a county, except by interlocal agreement.

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~~(2) If the governing body of a municipality or county elects to create a safe neighborhood improvement district, it shall be eligible to request a grant from the Safe Neighborhoods Program, created pursuant to s. 163.517 and administered by the Department of Legal Affairs, to prepare a safe neighborhood improvement plan for the district.~~

79

80

81

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~~(3) Municipalities and counties may implement the provisions of this section without planning funds from the Department of Legal Affairs. However, nothing in this section~~

85

86

87

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88

~~shall be construed to exempt any district from the requirements of providing a safe neighborhood improvement plan pursuant to s. 163.516.~~

89

90

Section 5. Subsection (1) of section 163.5055, Florida Statutes, is amended to read:

91

92

163.5055 Registration of district establishment; notice of dissolution.—

93

94

(1) (a) Each neighborhood improvement district authorized and established under this part shall within 30 days thereof register with ~~both~~ the Department of Economic Opportunity ~~and the Department of Legal Affairs~~ by providing the department ~~these departments~~ with the district's name, location, size, and type, and such other information as the department ~~departments~~ may require.

95

96

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101

(b) Each local governing body that authorizes the dissolution of a district shall notify ~~both~~ the Department of Economic Opportunity ~~and the Department of Legal Affairs~~ within 30 days after the dissolution of the district.

102

103

104

105

Section 6. Paragraph (h) of subsection (1) of section 163.506, Florida Statutes, is amended to read:

106

107

163.506 Local government neighborhood improvement districts; creation; advisory council; dissolution.—

108

109

(1) After a local planning ordinance has been adopted authorizing the creation of local government neighborhood improvement districts, the local governing body of a municipality or county may create local government neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

110

111

112

113

114

115

(h) Requires the district to notify the ~~Department of Legal~~

116

585-02678-21 20211040c1

117 ~~Affairs and the~~ Department of Economic Opportunity in writing of
118 its establishment within 30 days thereof pursuant to s.
119 163.5055.

120 Section 7. Paragraph (g) of subsection (1) of section
121 163.508, Florida Statutes, is amended to read:

122 163.508 Property owners' association neighborhood
123 improvement districts; creation; powers and duties; duration.—

124 (1) After a local planning ordinance has been adopted
125 authorizing the creation of property owners' association
126 neighborhood improvement districts, the local governing body of
127 a municipality or county may create property owners' association
128 neighborhood improvement districts by the enactment of a
129 separate ordinance for each district, which ordinance:

130 (g) Requires the district to notify the ~~Department of Legal~~
131 ~~Affairs and the~~ Department of Economic Opportunity in writing of
132 its establishment within 30 days thereof pursuant to s.
133 163.5055.

134 Section 8. Paragraph (i) of subsection (1) of section
135 163.511, Florida Statutes, is amended to read:

136 163.511 Special neighborhood improvement districts;
137 creation; referendum; board of directors; duration; extension.—

138 (1) After a local planning ordinance has been adopted
139 authorizing the creation of special neighborhood improvement
140 districts, the governing body of a municipality or county may
141 declare the need for and create special residential or business
142 neighborhood improvement districts by the enactment of a
143 separate ordinance for each district, which ordinance:

144 (i) Requires the district to notify the ~~Department of Legal~~
145 ~~Affairs and the~~ Department of Economic Opportunity in writing of

585-02678-21 20211040c1

146 its establishment within 30 days thereof pursuant to s.
147 163.5055.

148 Section 9. Section 163.517, Florida Statutes, is repealed.

149 Section 10. Section 163.519, Florida Statutes, is repealed.

150 Section 11. Section 163.521, Florida Statutes, is repealed.

151 Section 12. Section 163.5215, Florida Statutes, is
152 repealed.

153 Section 13. Section 163.522, Florida Statutes, is repealed.

154 Section 14. Section 163.523, Florida Statutes, is repealed.

155 Section 15. Subsection (5) of section 163.524, Florida
156 Statutes, is amended to read:

157 163.524 Neighborhood Preservation and Enhancement Program;
158 participation; creation of Neighborhood Preservation and
159 Enhancement Districts; creation of Neighborhood Councils and
160 Neighborhood Enhancement Plans.—

161 (5) The Neighborhood Council and local government planning
162 agency shall be eligible to receive grants ~~from the Safe~~
163 ~~Neighborhoods Program as provided in s. 163.517.~~

164 Section 16. Paragraph (w) is added to subsection (1) of
165 section 215.22, Florida Statutes, to read:

166 215.22 Certain income and certain trust funds exempt.—

167 (1) The following income of a revenue nature or the
168 following trust funds shall be exempt from the appropriation
169 required by s. 215.20(1):

170 (w) The Crimes Compensation Trust Fund.

171 Section 17. Paragraph (c) of subsection (1) of section
172 376.84, Florida Statutes, is amended to read:

173 376.84 Brownfield redevelopment economic incentives.—It is
174 the intent of the Legislature that brownfield redevelopment

585-02678-21 20211040c1

175 activities be viewed as opportunities to significantly improve
 176 the utilization, general condition, and appearance of these
 177 sites. Different standards than those in place for new
 178 development, as allowed under current state and local laws,
 179 should be used to the fullest extent to encourage the
 180 redevelopment of a brownfield. State and local governments are
 181 encouraged to offer redevelopment incentives for this purpose,
 182 as an ongoing public investment in infrastructure and services,
 183 to help eliminate the public health and environmental hazards,
 184 and to promote the creation of jobs in these areas. Such
 185 incentives may include financial, regulatory, and technical
 186 assistance to persons and businesses involved in the
 187 redevelopment of the brownfield pursuant to this act.

188 (1) Financial incentives and local incentives for
 189 redevelopment may include, but not be limited to:

190 (c) Safe neighborhood improvement districts as provided in
 191 ss. 163.501-163.516 ~~ss. 163.501-163.523~~.

192 Section 18. Subsections (2) and (3) of section 402.181,
 193 Florida Statutes, are amended to read:

194 402.181 State Institutions Claims Program.—

195 (2) Claims for restitution may be filed with the Department
 196 of Children and Families, the Department of Health, the
 197 Department of Juvenile Justice, the Department of Corrections,
 198 or the Agency for Persons with Disabilities. The claim must be
 199 filed with the department or agency responsible for monitoring
 200 the person that caused the medical injury or the property damage
 201 Legal Affairs at its office in accordance with regulations
 202 prescribed by the Department of Legal Affairs. The departments
 203 and agencies ~~Department of Legal Affairs shall have the full~~

585-02678-21 20211040c1

204 power and authority to approve or deny ~~hear, investigate, and~~
 205 ~~determine all questions in respect to such claims and may is~~
 206 ~~authorized,~~ within the limits of current appropriations, ~~to~~ pay
 207 individual claims up to \$1,000 or, with respect to children in
 208 foster care and their families, individual claims up to \$1,500.
 209 Claims in excess of these amounts shall continue to require
 210 legislative approval.

211 (3) ~~(a)~~ The Department of Children and Families, the
 212 Department of Health, the Department of Juvenile Justice, the
 213 Department of Corrections, and the Agency for Persons with
 214 Disabilities shall adopt rules to process claims and to ensure
 215 that eligible claimants receive restitution within a reasonable
 216 time ~~The Department of Legal Affairs shall make or cause to be~~
 217 ~~made such investigations as it considers necessary in respect to~~
 218 ~~such claims. Hearings shall be held in accordance with chapter~~
 219 ~~120.~~

220 ~~(b)~~ The Department of Legal Affairs shall work with the
 221 Department of Children and Families, the Department of Health,
 222 the Department of Juvenile Justice, the Department of
 223 Corrections, and the Agency for Persons with Disabilities to
 224 streamline the process of investigations, hearings, and
 225 determinations with respect to claims under this section, to
 226 ensure that eligible claimants receive restitution within a
 227 reasonable time.

228 Section 19. Subsections (2) and (3) of section 501.160,
 229 Florida Statutes, are amended to read:

230 501.160 Rental or sale of essential commodities during a
 231 declared state of emergency; prohibition against unconscionable
 232 prices.—

585-02678-21

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233 (2) Upon a declaration of a state of emergency by the
 234 Governor, it is unlawful and a violation of s. 501.204 for a
 235 person or her or his agent or employee to rent or sell or offer
 236 to rent or sell at an unconscionable price within the area for
 237 which the state of emergency is declared;~~7~~

238 (a) Any essential commodity including, but not limited to,
 239 supplies, services, provisions, or equipment that is necessary
 240 for consumption or use as a direct result of the emergency.

241 (b) Any dwelling unit or self-storage facility that is
 242 necessary for habitation or use as a direct result of the
 243 emergency.

244

245 This prohibition is effective not to exceed 60 days under the
 246 initial declared state of emergency as defined in s. 252.36(2)
 247 and may be extended an additional 60 days by an executive order
 248 issued by the Governor specifically referencing this section
 249 shall be renewed by statement in any subsequent renewals of the
 250 declared state of emergency by the Governor.

251 ~~(3) It is unlawful and a violation of s. 501.204 for any~~
 252 ~~person to impose unconscionable prices for the rental or lease~~
 253 ~~of any dwelling unit or self-storage facility during a period of~~
 254 ~~declared state of emergency.~~

255 Section 20. Subsection (2) of section 775.083, Florida
 256 Statutes, is amended to read:
 257 775.083 Fines.—

258 (2) In addition to the fines set forth in subsection (1),
 259 court costs shall be assessed and collected in each instance a
 260 defendant pleads nolo contendere to, or is convicted of, or
 261 adjudicated delinquent for, a felony, a misdemeanor, or a

585-02678-21

20211040c1

262 criminal traffic offense under state law, or a violation of any
 263 municipal or county ordinance if the violation constitutes a
 264 misdemeanor under state law. The court costs imposed by this
 265 section shall be \$50 for a felony and \$20 for any other offense
 266 and shall be deposited by the clerk of the court into an
 267 appropriate county account for disbursement for the purposes
 268 provided in this subsection. A county shall account for the
 269 funds separately from other county funds as crime prevention
 270 funds. The county, in consultation with the sheriff, must expend
 271 such funds for crime prevention programs in the county,
 272 ~~including safe neighborhood programs under ss. 163.501-163.523.~~

273 Section 21. Subsections (3) and (5) of section 812.173,
 274 Florida Statutes, are amended to read:

275 812.173 Convenience business security.—

276 (3) Every convenience business shall be equipped with a
 277 silent alarm to law enforcement or a private security agency,
 278 unless application for an exemption is made to and granted by
 279 the Department of Business and Professional Regulation Attorney
 280 ~~General~~. An application for exemption must be in writing and
 281 must be accompanied by an administrative fee of \$25 for each
 282 store for which an exemption would apply.

283 (5) For purposes of this section, any convenience business
 284 that by law implemented any of the security measures set forth
 285 in paragraphs (4) (a)-(e) and has maintained said measures as
 286 required by the Department of Business and Professional
 287 Regulation Legal Affairs ~~Legal Affairs~~ without any occurrence or incidence of
 288 the crimes identified by subsection (4) for a period of no less
 289 than 24 months immediately preceding the filing of a notice of
 290 exemption, may file with the department a notice of exemption

585-02678-21

20211040c1

291 from these enhanced security measures. In no event shall this
 292 exemption be interpreted to preclude full compliance with the
 293 security measures set forth in subsection (4) should any
 294 occurrence or incidence of the crimes identified by subsection
 295 (4) cause subsection (4) to be statutorily applicable. As of
 296 ~~July 1, 2021 the date this act becomes law~~, the Department of
 297 ~~Business and Professional Regulation Legal Affairs~~ will provide
 298 notice to any convenience business to which a subsection (4)
 299 incident has previously occurred. In no event shall the state or
 300 the Department of Business and Professional Regulation ~~Legal~~
 301 ~~Affairs~~ incur any liability for the regulation and enforcement
 302 of this act.

303 Section 22. Section 812.174, Florida Statutes, is amended
 304 to read:

305 812.174 Training of employees.—The owner or principal
 306 operator of a convenience business or convenience businesses
 307 shall provide proper robbery deterrence and safety training by
 308 an approved curriculum to its retail employees within 60 days of
 309 employment. ~~Existing retail employees shall receive training~~
 310 ~~within 6 months of April 8, 1992.~~ A proposed curriculum shall be
 311 submitted in writing to the Department of Business and
 312 Professional Regulation ~~Attorney General~~ with an administrative
 313 fee not to exceed \$100. The Department of Business and
 314 Professional Regulation ~~Attorney General~~ shall review and
 315 approve or disapprove the curriculum in writing within 60 days
 316 after receipt. The state shall have no liability for approving
 317 or disapproving a training curriculum under this section.
 318 Approval shall be given to a curriculum which trains and
 319 familiarizes retail employees with the security principles,

Page 11 of 14

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585-02678-21

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320 devices, and measures required by s. 812.173. Disapproval of a
 321 curriculum shall be subject to the provisions of chapter 120. No
 322 person shall be liable for ordinary negligence due to
 323 implementing an approved curriculum if the training was actually
 324 provided. A curriculum shall be submitted for reapproval
 325 biennially with an administrative fee not to exceed \$100. Any
 326 curriculum approved by the Attorney General ~~between~~ since
 327 September 1990 and June 30, 2021, and any curriculum approved on
 328 or after July 1, 2021, by the Department of Business and
 329 Professional Regulation shall be subject to reapproval 2 years
 330 from the anniversary of initial approval and biennially
 331 thereafter.

332 Section 23. Section 812.175, Florida Statutes, is amended
 333 to read:

334 812.175 Enforcement; civil fine.—

335 (1) The violation of any provision of this act by any owner
 336 or principal operator of a convenience business shall result in
 337 a notice of violation from the Department of Business and
 338 Professional Regulation ~~Attorney General~~. Violators shall have
 339 30 days after receipt of the notice to provide proof of
 340 compliance to the Department of Business and Professional
 341 Regulation ~~Attorney General's~~ office. If the violation continues
 342 after the 30-day period, the Department of Business and
 343 Professional Regulation ~~Attorney General~~ may impose a civil fine
 344 not to exceed \$5,000. The Department of Business and
 345 Professional Regulation ~~Attorney General~~ has the authority to
 346 investigate any alleged violation and may compromise any alleged
 347 violation by accepting from the owner or principal operator an
 348 amount not to exceed \$5,000. The Department of Business and

Page 12 of 14

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585-02678-21

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349 ~~Professional Regulation Attorney General~~ may suspend the
 350 imposition of any fine conditioned upon terms the Department of
 351 Business and Professional Regulation Attorney General's office
 352 in its discretion deems appropriate. Notices of violation and
 353 civil fines shall be subject to the provisions of chapter 120.

354 (2) Moneys received by the Department of Business and
 355 Professional Regulation Attorney General pursuant to this act
 356 shall be deposited in the General Revenue Fund.

357 (3) The Department of Business and Professional Regulation
 358 ~~Attorney General~~ is given full power and authority to petition
 359 for an injunction when it is determined that the health, safety,
 360 and public welfare is threatened by continued operation of a
 361 convenience business in violation of this act. In any action for
 362 injunction, the Department of Business and Professional
 363 Regulation Attorney General may seek a civil penalty not to
 364 exceed \$5,000 per violation, plus attorney's fees and costs.

365 (4) The Department of Business and Professional Regulation
 366 ~~Attorney General~~ may enter into agreements with local
 367 governments to assist in the enforcement of ss. 812.1701-
 368 812.175. Such agreements may include provision for reimbursement
 369 of investigative and enforcement costs incurred by such local
 370 governments.

371 Section 24. Section 812.176, Florida Statutes, is amended
 372 to read:

373 812.176 Rulemaking authority.—The Department of Business
 374 and Professional Regulation ~~may~~ ~~Legal Affairs~~ shall have the
 375 ~~power to~~ adopt rules pursuant to chapter 120 as necessary to
 376 implement the provisions of the Convenience Business Security
 377 Act. The security measures and training provisions of ss.

Page 13 of 14

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585-02678-21

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378 812.173 and 812.174 shall meet the requirements of the
 379 department as set forth by rule.

380 Section 25. Section 3 of chapter 2019-127, Laws of Florida,
 381 is amended to read:

382 Section 3. The amendments to ss. 893.055 and 893.0551,
 383 Florida Statutes, made by this act shall stand repealed on June
 384 30, 2023 ~~June 30, 2021~~, unless reviewed and saved from repeal
 385 through reenactment by the Legislature. If such amendments are
 386 not saved from repeal, the text of ss. 893.055 and 893.0551,
 387 Florida Statutes, shall revert to that in existence on June 30,
 388 2019, except that any amendments to such text other than by this
 389 act shall be preserved and continue to operate to the extent
 390 that such amendments are not dependent upon the portions of text
 391 which expire pursuant to this section.

392 Section 26. Subsection (3) of section 960.21, Florida
 393 Statutes, is amended to read:

394 960.21 Crimes Compensation Trust Fund.—

395 (3) All administrative costs of this chapter ~~and the~~
 396 ~~service charge provided for in chapter 215~~ shall be paid out of
 397 moneys collected under ~~pursuant to~~ this chapter and deposited in
 398 the Crimes Compensation Trust Fund.

399 Section 27. This act shall take effect June 30, 2021.

Page 14 of 14

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The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: March 10, 2021

I respectfully request that **Senate Bill 1040**, relating to Duties of the Attorney General, be placed on the:

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

A handwritten signature in cursive script that reads "Jason Brodeur".

Senator Jason Brodeur
Florida Senate, District 9

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: PCS/CS/SB 1166 (891930)

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

SUBJECT: Juvenile Justice

DATE: March 19, 2021

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------------|-----------------|------------|--------------------------|
| 1. | <u>Stokes</u> | <u>Jones</u> | <u>CJ</u> | <u>Fav/CS</u> |
| 2. | <u>Forbes</u> | <u>Harkness</u> | <u>ACJ</u> | <u>Recommend: Fav/CS</u> |
| 3. | _____ | _____ | <u>AP</u> | _____ |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1166 amends section 20.316, Florida Statutes, to retain the creation of a new program entitled “Accountability and Program Support” and the revision of the name of an existing program, “Prevention and Victim Services” to “Prevention Services” within the Department of Juvenile Justice (DJJ).

This bill amends section 985.101, Florida Statutes, to revise the circumstances under which a child may be taken into custody for a failure to appear by requiring the court to consider whether the child’s nonappearance was willful based on certain factors.

This bill amends section 985.435, Florida Statutes, to require each judicial circuit to jointly develop a plan specifying the alternative consequence component for when a child violates probation.

This bill amends section 985.6865, Florida Statutes, to ensure that only a county that is not fiscally constrained and that does not provide for its own detention care contributes 50 percent of the detention cost.

This bill amends section 1003.52, Florida Statutes, to add a new subsection that authorizes the department in consultation with the Department of Education to evaluate the viability of an

alternative model for providing and funding education services for youth in detention and residential commitment for Fiscal Year 2021-2022.

The DJJ indicates that there will be an indeterminate positive fiscal impact. See Section V. Fiscal Impact Statement.

This bill is effective July 1, 2021.

II. Present Situation:

The DJJ has traditionally managed juveniles under a rehabilitative model of justice.¹ The mission of the DJJ is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.² The secretary of the DJJ is appointed by the Governor and tasked with carrying out programs to help achieve this mission.

Programs within the Department of Juvenile Justice

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

- Accountability and Program Support (OAPS). The OAPS emphasizes the DJJ's commitment to ensuring programs operated or contracted by the DJJ effectively provide for the safety, well-being, and treatment of youth under the state's care.³
- Administration. The Office of Administrative Services is responsible for providing services to department staff, including but not limited to, financial, computer information systems, personnel, and general services.^{4, 5}
- Intake and Detention. Detention is the custody status for youth that are held pursuant to a court order or after being taken into custody for a violation of the law. The DJJ operates 21 secure detention centers in 21 counties.⁶
- Prevention. The Prevention program offers voluntary youth crime prevention programs throughout the state.⁷
- Probation and Community Corrections. When a youth is charged with a crime they may be referred to diversion, court ordered sanctions, or probation. Each youth is assigned a

¹ Learn about the History of the Juvenile Justice System in Florida, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/about-us/history> (last visited March 5, 2021).

² Learn about the Vision, Mission and Guiding Principles of the Department of Juvenile Justice, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/about-us/mission> (last visited March 5, 2021).

³ DJJ, Office of Accountability and Program Support, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/support/OPA> (last visited March 5, 2021).

⁴ DJJ, Office of Administrative Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/support/administration> (last visited March 5, 2021).

⁵ Section 20.316(2), F.S.

⁶ DJJ, Detention Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/detention> (last visited March 5, 2021).

⁷ DJJ, Prevention Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/prevention> (last visited March 5, 2021).

probation officer who monitors compliance and helps the youth connect with service providers.⁸

- Residential and Correctional Facilities. The Office of Residential Services oversees the Department's development, maintenance, and management of facilities and programs that meet the needs of Florida's adjudicated delinquent youths and promote public safety.⁹

In order to carry out his or her duties, the secretary assigns an assistant secretary to administer each program. The OAPS emphasizes the DJJ's commitment to ensuring programs operated or contracted by the DJJ effectively provide for the safety, well-being, and treatment of youth under the state's care.¹⁰

The implementing bill for the General Appropriations Act for FY 2020-21 created the program of the OAPS in s. 20.316, F.S. This allowed the secretary to appoint an assistant secretary to oversee the OAPS. Section 65 of the implementing bill, which provided the changes to s. 20.316, F.S., will expire on July 1, 2021, and revert back to what it was on June 30, 2020.^{11,12} Without such a change, the DJJ will no longer have the OAPS and the Prevention program will revert back to Prevention and Victim Services.

The secretary of the DJJ is responsible for planning, coordinating, and managing the delivery of all programs and services within the DJJ.¹³ The secretary has many duties, including but not limited to:

- Ensuring that programs and services are implemented according to legislative intent; state and federal laws, rules, and regulations; statewide program standards; and performance objectives by reviewing and monitoring regional and circuit program operations and providing technical assistance to those programs.
- Identifying the need for and recommending the funding and implementation of an appropriate mix of programs and services, including prevention, diversion, nonresidential and residential commitment programs, training schools, and conditional release programs and services, with an overlay of educational, vocational, alcohol, drug abuse, and mental health services, where appropriate.
- Establishing program policies and rules and ensuring that those policies and rules encourage cooperation, collaboration, and information sharing with community partners in the juvenile justice system to the extent authorized by law.¹⁴

⁸ DJJ, Probation & Community Intervention, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/probation> (last visited March 5, 2021).

⁹ DJJ, Residential Services, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/residential> (last visited March 5, 2021).

¹⁰ Office of Accountability and Program Support, *The Department of Juvenile Justice*, available at <http://www.djj.state.fl.us/services/support/OPA> (last visited March 5, 2021).

¹¹ Chapter 2020-114 s. 64, Laws of Fla.

¹² Section 20.316, F.S. (2019), established 5 programs within the DJJ. The following DJJ programs have been established by this section: Prevention and Victim Services; Intake and Detention; Residential and Correctional Facilities; Probation and Community Corrections; and Administration.

¹³ Section 20.316(1)(a) and (b), F.S.

¹⁴ Section 20.316(1), F.S.

Detention of Children in Florida

A child may only be taken into custody of the DJJ under certain circumstances. A child may be taken into custody:

- Pursuant to an order of the circuit court issued under ch. 985, F.S., based on sworn testimony, either before or after a petition is filed;
- For a delinquent act or violation of law;
- By a law enforcement officer for failing to appear at a court hearing after being properly noticed; or
- By a law enforcement officer who has probable cause to believe that the child is in violation of the child's probation, supervised release detention, postcommitment probation, or conditional release supervision; has absconded from nonresidential commitment; or has escaped from residential commitment.¹⁵

A child is entitled to a hearing within 24 hours of being taken into custody or placed in detention care. At the hearing, the court may order continued detention care if:

- The result of the risk assessment instrument pursuant to s. 985.245, F.S., indicates secure or supervised release detention.
- The child is alleged to be an escapee from a residential commitment program; or an absconder from a nonresidential commitment program, a probation program, or conditional release supervision; or is alleged to have escaped while being lawfully transported to or from a residential commitment program.
- The child is detained on a judicial order for failure to appear, after proper notice:
 - For an adjudicatory hearing on the same case regardless of the results of the risk assessment instrument; or
 - At two or more court hearings of any nature on the same case regardless of the results of the risk assessment instrument.¹⁶

A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing for any of the above reasons. A child's failure to keep the clerk of court and defense counsel informed of a current mailing address is not an adequate excuse for the child's failure to appear.¹⁷

“Detention care” means “the temporary care of a child in secure, or supervised release detention, pending a court adjudication or disposition or execution of a court order.”¹⁸ There are two types of detention care, including:

- “Secure detention” which is the temporary custody of a child while he or she is under the physical restriction of a secure detention center or facility pending adjudication, disposition, or placement.
- “Supervised release detention” which is the temporary, nonsecure custody of a child while the child is released to the custody of a parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of department staff pending adjudication or

¹⁵ Section 985.101(1)(a)-(d), F.S.

¹⁶ Section 985.255(1), F.S.

¹⁷ *Id.*

¹⁸ Section 985.03(18), F.S.

disposition, through programs that include, but are not limited to, electronic monitoring, day reporting centers, and nonsecure shelters, in addition to other court-imposed requirements.¹⁹

Generally, a child may not be held in detention care for more than 21 days, unless an adjudicatory hearing for the case has been commenced in good faith by the court. The court may extend the length of detention for an additional nine days if the child is charged with certain offenses, and there is good cause shown that the nature of the charge requires additional time for the prosecution or defense of the case. Additionally, a prolific juvenile²⁰ offender must be placed on supervised release detention care with electronic monitoring or in secure detention care under a special detention order.²¹

Juvenile Detention Cost Sharing

Detention cost sharing was previously governed by s. 985.686, F.S., and provided that non-fiscally constrained counties were responsible to pay all the costs of providing preadjudicatory detention care, exclusive of the costs of any nonmedical educational or therapeutic services. Section 985.686, F.S., required the state to pay all detention care costs of fiscally constrained counties.²² This cost-sharing methodology led to litigation between counties and the DJJ.

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

Section 985.6865, F.S., provides that, notwithstanding s. 985.686, F.S., each fiscal year, every county that is not fiscally constrained²³ and that has dismissed any action or claim described in s. 985.6865(2), F.S.,²⁴ must pay 50 percent of the total shared detention cost.²⁵

The DJJ calculates a county's annual percentage share by dividing the total number of detention days for juveniles residing in the non-fiscally constrained county for the most recently completed 12-month period by the total number of detention days for juveniles in all non-fiscally constrained counties. The county must pay 50 percent of the annual percentage share in 12 equal payments, due on the first day of each month.²⁶

¹⁹ *Id.*

²⁰ Section 985.255, F.S., provides that a "prolific juvenile offender" means a child that is charged with a delinquent act that would be a felony if committed by an adult, has a prior adjudication or adjudication withheld for a delinquent act that would be a felony if committed by an adult, and has 5 or more arrests, adjudications, or adjudications withheld, 3 of which must have been felony offenses.

²¹ Section 985.26, F.S.

²² Section 985.686(3) and (4), F.S.

²³ Section 985.6865(3)(b), F.S., defines "fiscally constrained county" as a county within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656, F.S., or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the certified school taxable value certified pursuant to s. 1011.62(4)(a)1.a., F.S., from the previous July 1.

²⁴ Various counties and the DJJ have engaged in a multitude of legal proceedings, including administrative or judicial claims, regarding detention cost sharing for juveniles. Such litigation has largely focused on how the DJJ calculates the detention costs that the counties are responsible for paying, leading to the overbilling of counties for a period of years. Section 985.6865(1) and (2), F.S.

²⁵ Section 985.6865(4), F.S.

²⁶ *Id.*

Counties that are required to pay their share of detention costs must incorporate sufficient funds to pay its share of detention costs into its annual budget.²⁷ Funds paid by the counties to the DJJ under this section must be deposited into the Shared County/State Juvenile Detention Trust Fund.²⁸ The DJJ will determine quarterly whether counties are complying with this section.²⁹

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

- Residing in a fiscally constrained county;
- Residing out of State; or
- Housed in state detention centers from counties that provide their own detention care for juveniles.³⁰

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

Violation of Probation

After a child is found to have committed a delinquent act, the court must hold a disposition hearing.³¹ At the disposition hearing, the court must determine whether the child will be committed to the DJJ or receive community based sanctions. If the court determines not to commit the child to the DJJ, the court must determine what community-based sanctions it will impose in a probation program for the child. Community-based sanctions may include, but are not limited to:

- Participation in substance abuse treatment.
- A day-treatment probation program.
- Restitution in money or in kind.
- A curfew.
- Revocation or suspension of the driver license of the child.
- Community service.
- Appropriate educational programs as determined by the district school board.³²

A probation program for a child adjudicated delinquent must include a penalty component,³³ and a rehabilitative program component.³⁴ A probation program may also include an alternative consequence component to address instances in which a child is noncompliant with technical conditions of his or her probation but has not committed any new law violations. The alternative consequence component is designed to provide swift and appropriate consequences to any noncompliance with technical conditions of probation. If the probation program includes this

²⁷ Section 985.6865(6), F.S.

²⁸ Section 985.6865(7), F.S.

²⁹ Section 985.6865(8), F.S.

³⁰ Section 985.6865(5), F.S.

³¹ Section 985.433, F.S.

³² Section 985.433(8), F.S.

³³ Section 985.435(2), F.S., provides a penalty component that may include restitution, community service, a curfew, revocation or suspension of the driver license, or other nonresidential punishment appropriate to the offense.

³⁴ Section 985.435(3), F.S., provides a rehabilitative component that may include a substance abuse treatment program, or a school or career and technical education program.

component, specific consequences that apply to noncompliance with specific technical conditions of probation must be detailed in the disposition order.³⁵

The state attorney or the DJJ may bring a child before the court on a petition alleging a violation of probation if sanctions are sought.³⁶ A child taken into custody on an alleged violation of probation must be screened and either detained or released based on his or her risk assessment instrument score.³⁷ If the child admits to the violation, or the court finds that the child has violated his or her probation, the court must enter a new disposition order. The court may impose any sanction that the court could have imposed at the original disposition hearing.³⁸ The court may:

- Place the child in supervised release detention with electronic monitoring.
- If the violation of probation is technical in nature and not a new law violation, place the child in an alternative consequence program designed to provide swift and appropriate consequences to any further violations of probation.
 - Alternative consequence programs must be established, within existing resources, at the local level in coordination with law enforcement agencies, the chief judge of the circuit, the state attorney, and the public defender.
 - Alternative consequence programs may be operated by an entity such as a law enforcement agency, the DJJ, a juvenile assessment center, a county or municipality, or another entity selected by the DJJ.
 - Upon placing a child in an alternative consequence program, the court must approve specific consequences for specific violations of the conditions of probation.
- Modify or continue the child’s probation program.
- Revoke probation and commit the child to the DJJ.³⁹

Additionally, the court may order the child submit to random testing to detect the use of alcohol or controlled substances at the time of disposition.⁴⁰

III. Effect of Proposed Changes:

This bill amends s. 20.316, F.S., to retain the program entitled “Accountability and Program Support” within the Department of Juvenile Justice (DJJ). This program was created in statute by the implementing bill for the General Appropriations Act for FY 2020-21.⁴¹ This change will also allow the secretary to keep the assistant secretary that was appointed for the program. The bill also retains the change made to s. 20.316, F.S., by the implementing bill for the General Appropriations Act for FY 2020-21, that revised the name of the existing program, “Prevention and Victim Services,” to “Prevention Services.”⁴² This change is because the DJJ has not provided victim services for numerous years.

³⁵ Section 985.435(4), F.S.

³⁶ Section 985.439(1)(b), F.S.

³⁷ Section 985.439(2), F.S.

³⁸ Section 985.439(4), F.S.

³⁹ Section 985.439(4)(a)-(d), F.S.

⁴⁰ Section 985.439(5), F.S.

⁴¹ Chapter 2020-114 s. 64, Laws of Fla.

⁴² *Id.*

This bill amends s. 985.101, F.S., providing a court may order that a child be taken into custody for a failure to appear. Before the court issues such an order, it must consider all of the following information relating to whether the child's nonappearance was willful:

- Whether notice was sent to the address in the official court record.
- Whether notice was given to the child in any format by anyone.
- Whether counsel, if any, for the child had contact or attempted to have contact with the child.
- Whether a DJJ representative had contact or attempted to have contact with the child.
- Whether the DJJ has any specific information to assist the court in this decision.

This bill amends s. 985.435, F.S., providing that each judicial circuit must develop a written plan specifying the alternative consequence component. These plans must be based upon the principle that sanctions must reflect:

- The seriousness of the violation.
- The assessed criminogenic needs and risks of the child.
- The child's age and maturity level.
- How effective the sanction or incentive will be in moving the child to compliant behavior.

The plan must be made in consultation with the judges, the state attorney, the public defender, the relevant law enforcement agency in the judicial circuit, and the DJJ.

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

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

This bill amends s. 1003.52, F.S., to add a new subsection that authorizes the department in consultation with the Department of Education to evaluate the viability of an alternative model for providing and funding educational services for youth in detention and residential commitment for Fiscal Year 2021-2022. The model is required to provide for assessments and direct educational services, including special education and career and technical educational services, transitional planning; educational program accountability standards; research-based best practices for educating justice-involved youth; and the recruiting, hiring, and training of teachers. This subsection expires on June 1, 2022.

Additionally, for purposes of incorporating the amendments made by this act, this bill reenacts ss. 960.001, 985.439, and 985.565, F.S.

This bill is effective July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DJJ indicates this PCS/CS/SB 1166 will have an indeterminate cost savings. The bill will likely decrease the number of youth held in secure detention for a failure to appear or violation of probation, therefore providing a cost savings for the state and the counties (who share in the cost of detention).⁴³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁴³ Department of Juvenile Justice, *2021 Agency Analysis of SB 1166* (February 22, 2021). On file with the Senate Committee on Criminal Justice.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.316, 985.101, 985.435, 985.6865, and 1003.52.

This bill repeals section 985.686 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 960.001, 985.439, and 985.565.

IX. Additional Information:

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

Recommended CS/CS by Appropriations Subcommittee on Criminal and Civil Justice on March 17, 2021:

The committee substitute:

- Amends s. 1003.52, F.S., to add a new subsection that authorizes the department in consultation with the Department of Education to evaluate the viability of an alternative model for providing and funding education services for youth in detention and residential commitment for Fiscal Year 2021-2022.

CS by Criminal Justice on March 9, 2021:

The committee substitute:

- Amends s. 985.101, F.S., providing that a court may take a child into custody for failing to appear. Prior to issuing such order, the court must consider specified criteria to determine the child's nonappearance was willful.
- Amends s. 985.435, F.S., to provide that each circuit must develop, in consultation with judges, the state attorney, the public defender, relevant law enforcement agencies, and the DJJ, a written plan specifying the alternative sanctions and incentives for noncompliance with probation.
- Reenacts various statutes.

- B. **Amendments:**

None.



429590

LEGISLATIVE ACTION

| Senate | . | House |
|------------|---|-------|
| Comm: RCS | . | |
| 03/17/2021 | . | |
| | . | |
| | . | |
| | . | |

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

Senate Amendment (with title amendment)

Between lines 201 and 202

insert:

Section 6. Subsection (23) is added to section 1003.52,
Florida Statutes, to read:

1003.52 Educational services in Department of Juvenile
Justice programs.—

(23) Notwithstanding this section, during fiscal year 2021-
2022, the Department of Juvenile Justice, in consultation with



429590

11 the Department of Education, is authorized to evaluate the
12 viability of an alternative model for providing and funding
13 education services for youth in detention and residential
14 facilities. This evaluation must include material gathered
15 through a request for information process. Such model must
16 provide for assessments and direct educational services,
17 including, but not limited to, special education and career and
18 technical educational services; transition planning; educational
19 program accountability standards; research-based best practices
20 for educating justice-involved youth; and the recruiting,
21 hiring, and training of teachers. This subsection expires June
22 1, 2022.

23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete line 32

27 and insert:

28 costs; amending s. 1003.52, F.S.; authorizing the
29 Department of Juvenile Justice, in consultation with
30 the Department of Education, to evaluate the viability
31 of an alternative model for providing and funding
32 education services for youth in detention and
33 residential facilities; providing requirements;
34 providing for expiration; reenacting ss. 960.001(1)(b)
35 and 985.439(2),

By the Committee on Criminal Justice; and Senator Brandes

591-02610-21

20211166c1

1 A bill to be entitled
 2 An act relating to juvenile justice; amending s.
 3 20.316, F.S.; creating the Accountability and Program
 4 Support Program within the Department of Juvenile
 5 Justice and revising the name of an existing program;
 6 amending s. 985.101, F.S.; authorizing a court to
 7 order that a child be taken into custody for failure
 8 to appear; requiring a court to consider specified
 9 information before it issues such an order; amending
 10 s. 985.435, F.S.; requiring each judicial circuit to
 11 develop, in consultation with specified persons and
 12 entities, a written plan specifying the alternative
 13 consequence component which must be based upon certain
 14 principles; providing that the alternative consequence
 15 component is designed to provide swift and appropriate
 16 consequences or incentives to a child who is alleged
 17 to be noncompliant with or in violation of probation;
 18 repealing s. 985.686, F.S., relating to the shared
 19 county and state financial support responsibility for
 20 juvenile detention; amending s. 985.6865, F.S.;
 21 deleting provisions relating to legislative findings
 22 and intent; requiring the Department of Juvenile
 23 Justice to calculate annually by a certain date and
 24 provide to each county that is not a fiscally
 25 constrained county and that does not provide its own
 26 detention care for juveniles its annual percentage
 27 share of detention costs; requiring each county that
 28 is not a fiscally constrained county and that does not
 29 provide its own detention care for juveniles to

Page 1 of 12

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

591-02610-21

20211166c1

30 incorporate into its annual county budget sufficient
 31 funds to pay its annual percentage share of detention
 32 costs; reenacting ss. 960.001(1)(b) and 985.439(2),
 33 F.S., relating to guidelines for fair treatment of
 34 victims and witnesses in the criminal justice and
 35 juvenile justice systems and violation of probation or
 36 postcommitment probation, respectively, to incorporate
 37 the amendment made to s. 985.101, F.S., in references
 38 thereto; reenacting s. 985.565(4)(b), F.S., relating
 39 to sentencing alternatives, to incorporate the
 40 amendment made to s. 985.435, F.S., in a reference
 41 thereto; providing an effective date.

42
 43 Be It Enacted by the Legislature of the State of Florida:

44
 45 Section 1. Upon the expiration and reversion of the
 46 amendment made to section 20.316, Florida Statutes, pursuant to
 47 section 65 of chapter 2020-114, Laws of Florida, subsections (2)
 48 and (3) of section 20.316, Florida Statutes, are amended to
 49 read:

50 20.316 Department of Juvenile Justice.—There is created a
 51 Department of Juvenile Justice.

52 (2) DEPARTMENT PROGRAMS.—The following programs are
 53 established within the Department of Juvenile Justice:

54 (a) Accountability and Program Support.

55 (d) ~~(a)~~ Prevention and Victim Services.

56 (c) ~~(b)~~ Intake and Detention.

57 (f) ~~(e)~~ Residential and Correctional Facilities.

58 (e) ~~(d)~~ Probation and Community Corrections.

Page 2 of 12

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

591-02610-21

20211166c1

59 (b)(e) Administration.

60
61 The secretary may establish assistant secretary positions and a
62 chief of staff position as necessary to administer the
63 requirements of this section.

64 (3) JUVENILE JUSTICE OPERATING CIRCUITS.—The department
65 shall plan and administer its programs through a substate
66 structure that conforms to the boundaries of the judicial
67 circuits prescribed in s. 26.021. A county may seek placement in
68 a juvenile justice operating circuit other than as prescribed in
69 s. 26.021 for participation in the Prevention ~~and Victim~~
70 Services Program and the Probation and Community Corrections
71 Program by making a request of the chief circuit judge in each
72 judicial circuit affected by such request. Upon a showing that
73 geographic proximity, community identity, or other legitimate
74 concern for efficiency of operations merits alternative
75 placement, each affected chief circuit judge may authorize the
76 execution of an interagency agreement specifying the alternative
77 juvenile justice operating circuit in which the county is to be
78 placed and the basis for the alternative placement. Upon the
79 execution of said interagency agreement by each affected chief
80 circuit judge, the secretary may administratively place a county
81 in an alternative juvenile justice operating circuit pursuant to
82 the agreement.

83 Section 2. Subsection (5) is added to section 985.101,
84 Florida Statutes, to read:

85 985.101 Taking a child into custody.—

86 (5) A court may order that a child be taken into custody
87 for failure to appear. Before the court issues such an order, it

591-02610-21

20211166c1

88 must consider all of the following information relating to
89 whether the child's nonappearance was willful:

90 (a) Whether notice was sent to the address in the official
91 court record.

92 (b) Whether notice was given to the child in any format by
93 anyone.

94 (c) Whether counsel, if any, for the child had contact or
95 attempted to have contact with the child.

96 (d) Whether a department representative had contact or
97 attempted to have contact with the child.

98 (e) Whether the department has any specific information to
99 assist the court in this decision.

100 Section 3. Subsection (4) of section 985.435, Florida
101 Statutes, is amended to read:

102 985.435 Probation and postcommitment probation; community
103 service.—

104 (4) A probation program may also include an alternative
105 consequence component to address instances in which a child is
106 noncompliant with technical conditions of his or her probation
107 but has not committed any new violations of law. Each circuit
108 shall develop, in consultation with judges, the state attorney,
109 the public defender, relevant law enforcement agencies, and the
110 department, a written plan specifying the alternative
111 consequence component which must be based upon the principle
112 that sanctions must reflect the seriousness of the violation,
113 the assessed criminogenic needs and risks of the child, the
114 child's age and maturity level, and how effective the sanction
115 or incentive will be in moving the child to compliant behavior.

116 The alternative consequence component is designed to provide

591-02610-21 20211166c1

117 swift and appropriate consequences or incentives to a child who
 118 is alleged to be noncompliant with or in violation of ~~to any~~
 119 ~~noncompliance with technical conditions of~~ probation. If the
 120 probation program includes this component, specific consequences
 121 that apply to noncompliance with specific technical conditions
 122 of probation, as well as incentives used to move the child
 123 toward compliant behavior, must be detailed in the disposition
 124 order.

125 Section 4. Section 985.686, Florida Statutes, is repealed.

126 Section 5. Subsections (1) through (6) of section 985.6865,
 127 Florida Statutes, are amended to read:

128 985.6865 Juvenile detention.—

129 ~~(1) The Legislature finds that various counties and the~~
 130 ~~Department of Juvenile Justice have engaged in a multitude of~~
 131 ~~legal proceedings regarding detention cost sharing for~~
 132 ~~juveniles. Such litigation has largely focused on how the~~
 133 ~~Department of Juvenile Justice calculates the detention costs~~
 134 ~~that the counties are responsible for paying, leading to the~~
 135 ~~overbilling of counties for a period of years. Additionally,~~
 136 ~~litigation pending in 2016 is a financial burden on the~~
 137 ~~taxpayers of this state.~~

138 ~~(2) It is the intent of the Legislature that all counties~~
 139 ~~that are not fiscally constrained counties and that have pending~~
 140 ~~administrative or judicial claims or challenges file a notice of~~
 141 ~~voluntary dismissal with prejudice to dismiss all actions~~
 142 ~~pending on or before February 1, 2016, against the state or any~~
 143 ~~state agency related to juvenile detention cost sharing.~~
 144 ~~Furthermore, all counties that are not fiscally constrained~~
 145 ~~shall execute a release and waiver of any existing or future~~

591-02610-21 20211166c1

146 ~~claims and actions arising from detention cost share prior to~~
 147 ~~the 2016-2017 fiscal year. The department may not seek~~
 148 ~~reimbursement from counties complying with this subsection for~~
 149 ~~any underpayment for any cost-sharing requirements before the~~
 150 ~~2016-2017 fiscal year.~~

151 ~~(1)(3)~~ As used in this section, the term:

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

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

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

166 ~~(2)(4) Notwithstanding s. 985.686, for the 2017-2018 fiscal~~
 167 ~~year, and each fiscal year thereafter, each county that is not a~~
 168 ~~fiscally constrained county and that has taken the action~~
 169 ~~fulfilling the intent of this section as described in subsection~~
 170 ~~(2) shall pay its annual percentage share of 50 percent of the~~
 171 ~~total shared detention costs. By Annually by July 15, 2017, and~~
 172 ~~each year thereafter, the department shall calculate and provide~~
 173 ~~to each county that is not a fiscally constrained county and~~
 174 ~~that does not provide its own detention care for juveniles its~~

591-02610-21 20211166c1

175 annual percentage share by dividing the total number of
 176 detention days for juveniles residing in the county for the most
 177 recently completed 12-month period by the total number of
 178 detention days for juveniles in all counties that are not
 179 fiscally constrained counties during the same period. The annual
 180 percentage share of each county that is not a fiscally
 181 constrained county and that does not provide its own detention
 182 care for juveniles must be multiplied by 50 percent of the total
 183 shared detention costs to determine that county's share of
 184 detention costs. Beginning August 1, each such county shall pay
 185 to the department its share of detention costs, which shall be
 186 paid in 12 equal payments due on the first day of each month.
 187 The state shall pay the remaining actual costs of detention
 188 care.

189 (3)(5) The state shall pay all costs of detention care for
 190 juveniles residing in a fiscally constrained county and for
 191 juveniles residing out of state. The state shall pay all costs
 192 of detention care for juveniles housed in state detention
 193 centers from counties that provide their own detention care for
 194 juveniles.

195 (4)(6) Each county that is not a fiscally constrained
 196 county and that does not provide its own detention care for
 197 juveniles ~~has taken the action fulfilling the intent of this~~
 198 ~~section as described in subsection (2)~~ shall incorporate into
 199 its annual county budget sufficient funds to pay its annual
 200 percentage share of the total shared detention costs required by
 201 subsection (2) ~~(4)~~.

202 Section 6. For the purpose of incorporating the amendment
 203 made by this act to section 985.101, Florida Statutes, in

591-02610-21 20211166c1

204 references thereto, paragraph (b) of subsection (1) of section
 205 960.001, Florida Statutes, is reenacted to read:

206 960.001 Guidelines for fair treatment of victims and
 207 witnesses in the criminal justice and juvenile justice systems.—

208 (1) The Department of Legal Affairs, the state attorneys,
 209 the Department of Corrections, the Department of Juvenile
 210 Justice, the Florida Commission on Offender Review, the State
 211 Courts Administrator and circuit court administrators, the
 212 Department of Law Enforcement, and every sheriff's department,
 213 police department, or other law enforcement agency as defined in
 214 s. 943.10(4) shall develop and implement guidelines for the use
 215 of their respective agencies, which guidelines are consistent
 216 with the purposes of this act and s. 16(b), Art. I of the State
 217 Constitution and are designed to implement s. 16(b), Art. I of
 218 the State Constitution and to achieve the following objectives:

219 (b) *Information for purposes of notifying victim or*
 220 *appropriate next of kin of victim or other designated contact of*
 221 *victim.*—In the case of a homicide, pursuant to chapter 782; or a
 222 sexual offense, pursuant to chapter 794; or an attempted murder
 223 or sexual offense, pursuant to chapter 777; or stalking,
 224 pursuant to s. 784.048; or domestic violence, pursuant to s.
 225 25.385:

226 1. The arresting law enforcement officer or personnel of an
 227 organization that provides assistance to a victim or to the
 228 appropriate next of kin of the victim or other designated
 229 contact must request that the victim or appropriate next of kin
 230 of the victim or other designated contact complete a victim
 231 notification card. However, the victim or appropriate next of
 232 kin of the victim or other designated contact may choose not to

591-02610-21 20211166c1

233 complete the victim notification card.

234 2. Unless the victim or the appropriate next of kin of the
235 victim or other designated contact waives the option to complete
236 the victim notification card, a copy of the victim notification
237 card must be filed with the incident report or warrant in the
238 sheriff's office of the jurisdiction in which the incident
239 report or warrant originated. The notification card shall, at a
240 minimum, consist of:

241 a. The name, address, and phone number of the victim; or

242 b. The name, address, and phone number of the appropriate
243 next of kin of the victim; or

244 c. The name, address, and telephone number of a designated
245 contact other than the victim or appropriate next of kin of the
246 victim; and

247 d. Any relevant identification or case numbers assigned to
248 the case.

249 3. The chief administrator, or a person designated by the
250 chief administrator, of a county jail, municipal jail, juvenile
251 detention facility, or residential commitment facility shall
252 make a reasonable attempt to notify the alleged victim or
253 appropriate next of kin of the alleged victim or other
254 designated contact within 4 hours following the release of the
255 defendant on bail or, in the case of a juvenile offender, upon
256 the release from residential detention or commitment. If the
257 chief administrator, or designee, is unable to contact the
258 alleged victim or appropriate next of kin of the alleged victim
259 or other designated contact by telephone, the chief
260 administrator, or designee, must send to the alleged victim or
261 appropriate next of kin of the alleged victim or other

591-02610-21 20211166c1

262 designated contact a written notification of the defendant's
263 release.

264 4. Unless otherwise requested by the victim or the
265 appropriate next of kin of the victim or other designated
266 contact, the information contained on the victim notification
267 card must be sent by the chief administrator, or designee, of
268 the appropriate facility to the subsequent correctional or
269 residential commitment facility following the sentencing and
270 incarceration of the defendant, and unless otherwise requested
271 by the victim or the appropriate next of kin of the victim or
272 other designated contact, he or she must be notified of the
273 release of the defendant from incarceration as provided by law.

274 5. If the defendant was arrested pursuant to a warrant
275 issued or taken into custody pursuant to s. 985.101 in a
276 jurisdiction other than the jurisdiction in which the defendant
277 is being released, and the alleged victim or appropriate next of
278 kin of the alleged victim or other designated contact does not
279 waive the option for notification of release, the chief
280 correctional officer or chief administrator of the facility
281 releasing the defendant shall make a reasonable attempt to
282 immediately notify the chief correctional officer of the
283 jurisdiction in which the warrant was issued or the juvenile was
284 taken into custody pursuant to s. 985.101, and the chief
285 correctional officer of that jurisdiction shall make a
286 reasonable attempt to notify the alleged victim or appropriate
287 next of kin of the alleged victim or other designated contact,
288 as provided in this paragraph, that the defendant has been or
289 will be released.

290 Section 7. For the purpose of incorporating the amendment

591-02610-21 20211166c1

291 made by this act to section 985.101, Florida Statutes, in a
 292 reference thereto, subsection (2) of section 985.439, Florida
 293 Statutes, is reenacted to read:

294 985.439 Violation of probation or postcommitment
 295 probation.-

296 (2) A child taken into custody under s. 985.101 for
 297 violating the conditions of probation shall be screened and
 298 detained or released based on his or her risk assessment
 299 instrument score.

300 Section 8. For the purpose of incorporating the amendment
 301 made by this act to section 985.435, Florida Statutes, in a
 302 reference thereto, paragraph (b) of subsection (4) of section
 303 985.565, Florida Statutes, is reenacted to read:

304 985.565 Sentencing powers; procedures; alternatives for
 305 juveniles prosecuted as adults.-

306 (4) SENTENCING ALTERNATIVES.-

307 (b) *Juvenile sanctions*.-For juveniles transferred to adult
 308 court but who do not qualify for such transfer under s.
 309 985.556(3), the court may impose juvenile sanctions under this
 310 paragraph. If juvenile sentences are imposed, the court shall,
 311 under this paragraph, adjudge the child to have committed a
 312 delinquent act. Adjudication of delinquency may not be deemed a
 313 conviction, nor shall it operate to impose any of the civil
 314 disabilities ordinarily resulting from a conviction. The court
 315 shall impose an adult sanction or a juvenile sanction and may
 316 not sentence the child to a combination of adult and juvenile
 317 punishments. An adult sanction or a juvenile sanction may
 318 include enforcement of an order of restitution or probation
 319 previously ordered in any juvenile proceeding. However, if the

591-02610-21 20211166c1

320 court imposes a juvenile sanction and the department determines
 321 that the sanction is unsuitable for the child, the department
 322 shall return custody of the child to the sentencing court for
 323 further proceedings, including the imposition of adult
 324 sanctions. Upon adjudicating a child delinquent under subsection
 325 (1), the court may:

326 1. Place the child in a probation program under the
 327 supervision of the department for an indeterminate period of
 328 time until the child reaches the age of 19 years or sooner if
 329 discharged by order of the court.

330 2. Commit the child to the department for treatment in an
 331 appropriate program for children for an indeterminate period of
 332 time until the child is 21 or sooner if discharged by the
 333 department. The department shall notify the court of its intent
 334 to discharge no later than 14 days before discharge. Failure of
 335 the court to timely respond to the department's notice shall be
 336 considered approval for discharge.

337 3. Order disposition under ss. 985.435, 985.437, 985.439,
 338 985.441, 985.45, and 985.455 as an alternative to youthful
 339 offender or adult sentencing if the court determines not to
 340 impose youthful offender or adult sanctions.

341
 342 It is the intent of the Legislature that the criteria and
 343 guidelines in this subsection are mandatory and that a
 344 determination of disposition under this subsection is subject to
 345 the right of the child to appellate review under s. 985.534.

346 Section 9. This act shall take effect July 1, 2021.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/21
Meeting Date

SB 1166
Bill Number (if applicable)

Topic Juvenile Justice

Amendment Barcode (if applicable)

Name Laurette Philipsen

Job Title _____

Address 7240 Westwind Drive
Street

352 533-7202
Phone

Port Richey #1 34608
City State Zip

advocate philipson@
Email gmail.com

Speaking: For Against Information

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

Representing myself as an advocate

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)

3/17/2021

Meeting Date

1166

Bill Number (if applicable)

Topic Juvenile Justice

Amendment Barcode (if applicable)

Name Karen Woodall

Job Title Executive Director

Address 579 E. Call St.

Phone 850-321-9386

Street

Tallahassee FL 32301

Email fcfep@yahoo.com

City

State

Zip

Speaking: For Against Information

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

Representing FL Center for Fiscal & Economic Policy

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/21

Meeting Date

SB 1166

Bill Number (if applicable)

Topic JUVENILE JUSTICE

Amendment Barcode (if applicable)

Name CHRISTINA MINOR

Job Title EXECUTIVE DIRECTOR

Address 1300 N. ADAMS ST. #2

Phone (321) 223-4232

Street

TALLAHASSEE

FL

32303

Email CMINOR@fjja.org

City

State

Zip

Speaking: For Against Information

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

Representing FLORIDA JUVENILE JUSTICE ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

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

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021

Meeting Date

1166

Bill Number (if applicable)

429590

Amendment Barcode (if applicable)

Topic Amendment 429590 on SB 1166

Name Sam Kerce

Job Title Deputy Legislative Affairs Director

Address 2737 Centerview Drive

Street

Tallahassee

City

FL

State

32399

Zip

Phone 850-717-2717

Email sam.kerce@djj.state.fl.us

Speaking: For Against Information

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

Representing Florida Department of Juvenile Justice

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

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

THE FLORIDA SENATE

APPEARANCE RECORD

3/17/2021

Meeting Date

1166

Bill Number (if applicable)

Topic SB 1166

Amendment Barcode (if applicable)

Name Sam Kerce

Job Title Deputy Legislative Affairs Director

Address 2737 Centerview Drive

Phone 850-717-2717

Street

Tallahassee

FL

32399

Email sam.kerce@djj.state.fl.us

City

State

Zip

Speaking: For Against Information

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

Representing Florida Department of Juvenile Justice

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1192

INTRODUCER: Criminal Justice Committee and Senator Powell

SUBJECT: Mental Illness Training for Law Enforcement Officers

DATE: March 10, 2021

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1192 requires the Florida Department of Law Enforcement (FDLE) to establish a continued employment training component relating to mental illness. The bill provides a non-exclusive list of subject matter to be included in the training component and specifies that completion of the training component may count toward the 40 hours of required instruction for continued employment or appointment as a law enforcement officer.

The FDLE estimates that the bill will cost the department \$10,267 for course development and implementation, and indicates that this can be accomplished with existing resources.

The bill takes effect July 1, 2022.

II. Present Situation:

Continued Employment Training

The FDLE describes the required instruction for continued employment or appointment as a law enforcement officer.

To maintain their certification, law enforcement officers must satisfy the continuing training and education requirements of s. 943.135, F.S. This statute requires officers, as a condition of continued employment or appointment, to receive continuing training or education at the rate of

40 hours every 4 years. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency, and report completion of the training to the Criminal Justice Standards and Training Commission (CJSTC) through the Automated Training Management System (ATMS).¹

Mental Illness Training for Law Enforcement Agencies

According to the National Alliance on Mental Illness (NAMI), “[t]he lack of mental health crisis services across the U.S. has resulted in law enforcement officers serving as first responders to most crises.”² “Many agencies have determined that because all their officers respond to mental health calls, they need to have the specialized training, knowledge, and skills to respond appropriately.”³

To address this training need, some law enforcement agencies have engaged in Crisis Intervention Team (CIT) Training, which is a training curriculum that “emphasizes understanding of mental illness and incorporates the development of communication skills, practical experience and role-playing. Officers are introduced to mental health professionals, consumers and family members both in the classroom and through site visits.”⁴

Mental illness training may also occur during recruit academy training, in-service training, and roll-call training. The U.S. Department of Justice (DOJ) asserts that “[r]ecruit academy training is not sufficient by itself to prepare a police force to respond appropriately to individuals experiencing a mental health crisis. Recruit academy training must exist alongside a more comprehensive and robust program to be effective.”⁵ Further, DOJ states that “[i]n-service and roll-call training provide law enforcement agencies with the opportunities to convey new policies and tactics to officers, to refresh knowledge, and to reinforce skills learned in previous recruit or specialized training courses.”⁶

The FDLE states that “[c]urrently, post-basic mental illness training is covered by a “Crisis Intervention for School Resource Officers (SROs) course. However, because this course is primarily taken by SROs, many officers do not receive this training.”⁷ Additionally, according to the FDLE, accreditation standards for those law enforcement agencies that are accredited require annual mental illness training.

Law enforcement agencies accredited through the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) must comply with an accreditation standard that requires agencies to have annual training for their law enforcement officers and other agency personnel

¹ 2021 FDLE Legislative Bill Analysis (SB 1192) (Feb. 25, 2021) (on file with the Senate Committee on Criminal Justice).

² *Crisis Intervention Team (CIT) Programs*, National Alliance on Mental Illness, available at [https://www.nami.org/Advocacy/Crisis-Intervention/Crisis-Intervention-Team-\(CIT\)-Programs](https://www.nami.org/Advocacy/Crisis-Intervention/Crisis-Intervention-Team-(CIT)-Programs) (last visited March 3, 2021).

³ *Training/Police-Mental Health Collaboration (PMHC) Toolkit*, U.S. Department of Justice, available at <https://bja.ojp.gov/program/pmhc/training#:~:text=Mental%20Health%20First%20Aid%20for%20Public%20Safety%20is%20an%20eight,effective%20response%20options%20to%20deescalate> (last visited March 3, 2021).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* However, the DOJ also asserts that roll-call training, like recruit academy training, “is not sufficient by itself to prepare a police force to respond appropriately to individuals experiencing a mental health crisis.” *Id.*

⁷ 2021 FDLE Legislative Bill Analysis (SB 1192), *supra*.

who may come into contact with the public in dealing with individuals who suffer from mental illness (CALEA standard 41.2.7).

The standard further directs that the training should be developed in collaboration with mental health professionals and should include access to the court system and applicable case law. The standard indicates that alternatives to arrest, such as citations, summonses, referrals, informal resolutions and warnings, should be considered to ensure the best treatment options are used and to keep those with mental health issues out of the criminal justice system. The training is to be reviewed and updated annually. Currently, 43 states and multiple local law enforcement agencies in Florida are accredited through CALEA.⁸

III. Effect of Proposed Changes:

The bill creates s. 943.17161, F.S., which requires the FDLE to establish a continued employment training component relating to mental illness.

The bill defines “mental illness” as:

an impairment of the mental or emotional processes that exercise conscious control of one’s actions or of the ability to perceive or understand reality, which impairment substantially interferes with the person’s ability to meet the ordinary demands of living.⁹

The bill specifies that the training component must include, but need not be limited to, instruction on the recognition of the symptoms or characteristics of an individual with a mental illness and appropriate responses to an individual exhibiting such symptoms or characteristics. The bill also specifies that completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135, F.S.

The bill takes effect July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

⁸ *Id.*

⁹ The bill essentially mirrors the definition of “mental illness” in s. 394.455(29), F.S., without the exclusions in that definition.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the FDLE, “[t]he bill would require workshops with subject matter experts and staff time and salary. The estimated cost of the course development and implementation is \$10,267 and can be accomplished with existing resources.”¹⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 943.17161 of the Florida Statutes.

IX. Additional Information:

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

CS by Criminal Justice on March 9, 2021:

The committee substitute provides a definition of “mental illness” and changes the effective date of the bill from October 1, 2021, to July 1, 2022.

¹⁰ *Id.*

B. Amendments:

None.

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

By the Committee on Criminal Justice; and Senator Powell

591-02628-21

20211192c1

1 A bill to be entitled
 2 An act relating to mental illness training for law
 3 enforcement officers; creating s. 943.17161, F.S.;
 4 requiring the Department of Law Enforcement to
 5 establish a continued employment training component
 6 relating to mental illness; defining the term "mental
 7 illness"; requiring that the training component
 8 include instruction on the recognition of the symptoms
 9 or characteristics of and appropriate responses to
 10 individuals exhibiting certain symptoms or
 11 characteristics; authorizing completion of the
 12 training to count toward continued employment or
 13 appointment insrements; providing an
 14 effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 943.17161, Florida Statutes, is created
 19 to read:

20 943.17161 Continued employment training relating to mental
 21 illness.-The department shall establish a continued employment
 22 training component relating to mental illness. For purposes of
 23 this section, the term "mental illness" means an impairment of
 24 the mental or emotional processes that exercise conscious
 25 control of one's actions or of the ability to perceive or
 26 understand reality, which impairment substantially interferes
 27 with the person's ability to meet the ordinary demands of
 28 living. The training component must include, but need not be
 29 limited to, instruction on the recognition of the symptoms or

Page 1 of 2

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

591-02628-21

20211192c1

30 characteristics of an individual with a mental illness and
 31 appropriate responses to an individual exhibiting such symptoms
 32 or characteristics. Completion of the training component may
 33 count toward the 40 hours of instruction for continued
 34 employment or appointment as a law enforcement officer required
 35 under s. 943.135.

36 Section 2. This act shall take effect July 1, 2022.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: March 11, 2021

I respectfully request that **Senate Bill #1192**, relating to Mental Illness Training for Law Enforcement Officers, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Bobby Powell".

Senator Bobby Powell
Florida Senate, District 30

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/21
Meeting Date

CS/1192
SB
Bill Number (if applicable)

Topic Mental Illness

Amendment Barcode (if applicable)

Name David Sordani

STATEWIDE
PUBLIC COUNCIL

Job Title Concerned Senior Citizen

Address 66 Wintersgreen Dr

Phone 352 805 6507

Street Fruitland Park Fl 34731

Email goldendave1955@gmail.com

City State Zip

Speaking: For Against Information

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

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

3/17/2021

Meeting Date

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

1192

Bill Number (if applicable)

Topic Mental Illness Training

Amendment Barcode (if applicable)

Name Karen Woodall

Job Title Executive Director

Address 579 E. Call St.

Phone 850-321-9386

Street

Tallahassee

City

State

32301

Zip

Email fcfep@yaleo.com

Speaking: For Against Information

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

Representing FI Center for Fiscal + Economic Policy

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/17/21
Meeting Date

SB1192
Bill Number (if applicable)

Topic Mental illness training for LAW Enforcement Amendment Barcode (if applicable)
officers

Name Laurette Philipson

Job Title _____

Address 7240 Westwind Drive
Street
Fort Lincay FL 34668
City State Zip

352-533-7202
Phone
advocatephilipson@gmail.com
Email

Speaking: For Against Information

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

Representing myself as an advocate

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Criminal and Civil Justice

Judge:

Started: 3/17/2021 3:01:10 PM

Ends: 3/17/2021 3:32:40 PM

Length: 00:31:31

3:01:10 PM Sen. Perry (Chair)
3:01:50 PM S 838
3:02:02 PM Sen. Boyd
3:02:50 PM Am. 520066
3:03:43 PM Am. 249114
3:04:09 PM Sen. Boyd
3:05:33 PM Jason Harrell, Director of Legislative & Public Affairs, Florida Court Clerks & Comptrollers (waives in support)
3:05:41 PM Jenna Hodgens, Senior Director, Hillsborough County Clerk of Court and Comptroller (waives in support)
3:05:48 PM Chelsea Murphy, Florida State Director, Right on Crime (waives in support)
3:06:08 PM Angel Colonnese, Manatee County Clerk of Court, Florida Clerks Court & Comptrollers
3:07:28 PM Christian Minor, Executive Director, Florida Juvenile Justice Association (waives in support)
3:07:41 PM David Serdar, Citizen
3:08:54 PM Sen. Boyd
3:09:30 PM S 1192
3:09:43 PM Sen. Powell
3:11:19 PM Karen Woodall, Executive Director, Florida Center for Fiscal & Economic Policy (waives in support)
3:11:36 PM Laurette Philipsen, Citizen
3:12:45 PM David Serdar, Citizen
3:14:38 PM Sen. Powell
3:15:55 PM S 1166
3:16:02 PM Sen. Brandes
3:17:29 PM Am. 429590
3:17:37 PM Sen. Brandes
3:20:49 PM Sen. Baxley
3:24:02 PM Sen. Gainer
3:25:11 PM Laurette Philipsen, Citizen (waives in support)
3:25:22 PM Karen Woodall, Executive Director, Florida Center for Fiscal & Economic Policy (waives in support)
3:25:26 PM Christian Minor, Executive Director, Florida Juvenile Justice Association (waives in support)
3:25:35 PM Sam Kerce, Deputy of Legislative Affairs Director, Department of Juvenile Justice (waives in support)
3:25:57 PM Sen. Pizzo
3:28:35 PM Sen. Baxley
3:29:26 PM Sen. Perry
3:29:49 PM Sen. Brandes
3:32:01 PM Sen. Rodriguez
3:32:09 PM Sen. Perry
3:32:16 PM Sen. Pizzo
3:32:31 PM Sen. Perry



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations
Appropriations Subcommittee on Criminal and
Civil Justice
Ethics and Elections
Rules
Transportation

SELECT COMMITTEE:

Select Committee on Pandemic
Preparedness and Response, *Vice Chair*

SENATOR RANDOLPH BRACY
11th District

March 17, 2021

The Honorable Keith Perry
Chair, Senate Appropriations Subcommittee on Criminal & Civil Justice
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Perry:

I write to respectfully request that my absence during the March 17th Appropriations Subcommittee on Criminal & Civil Justice hearing be excused due to an unavoidable scheduling conflict that will preclude my attendance. I regret that I cannot be present for the meeting during that day, and appreciate your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Randolph Bracy".

Senator Randolph Bracy

A handwritten signature in cursive script that reads "Keith Perry".

cc: Marti Harkness, Staff Director
Hayley Kolich, Committee Administrative Assistant

REPLY TO:

- 6965 Piazza Grande Avenue, Suite 302, Orlando, Florida 32835 (407) 297-2045 FAX: (888) 263-3814
- 213 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore