

Tab 1	CS/SB 196 by CJ, Flores (CO-INTRODUCERS) Bracy, Garcia, Baxley, Gibson, Steube, Rodriguez, Perry, Rouson, Powell, Rader; (Similar to H 00213) Juvenile Civil Citation and Similar Diversion Programs				
595926	D	S	RCS	ACJ, Flores	Delete everything after 03/08 11:53 AM

Tab 2	SB 350 by Clemens; (Similar to CS/H 00345) Criminal Justice Standards and Training Commission				
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND
CIVIL JUSTICE
Senator Bean, Chair
Senator Bracy, Vice Chair

MEETING DATE: Wednesday, March 8, 2017
TIME: 9:30—11:30 a.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Bean, Chair; Senator Bracy, Vice Chair; Senators Baxley, Clemens, and Perry

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 196 Criminal Justice / Flores (Similar H 205, H 213)	Juvenile Civil Citation and Similar Diversion Programs; Requiring the establishment of civil citation or similar diversion programs for juveniles, etc. CJ 01/23/2017 Fav/CS ACJ 03/08/2017 Fav/CS AP	Fav/CS Yeas 5 Nays 0
2	SB 350 Clemens (Similar CS/H 345)	Criminal Justice Standards and Training Commission; Requiring the Criminal Justice Standards and Training Commission to implement, administer, maintain, and revise a basic abilities examination by a specified date; requiring that examination fees be deposited in the Criminal Justice Standards and Training Trust Fund; reenacting provisions relating to examinations, administration, and materials not being public records, to incorporate the amendment made to provisions in a reference thereto, etc. CJ 02/21/2017 Favorable ACJ 03/08/2017 Favorable AP	Favorable Yeas 5 Nays 0
3	Update on the Expansion of the Florida Department of Law Enforcement's Counterterrorism Unit		Presented
4	Chair's Proposed Budget Reductions for Fiscal Year 2017-2018		Discussed
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: PCS/CS/SB 196 (918062)

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

SUBJECT: Juvenile Civil Citation and Similar Diversion Programs

DATE: March 8, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Hrdlicka</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Sadberry</u>	<u>Sadberry</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 196 requires a law enforcement officer to issue a civil citation or require the juvenile's participation in a similar diversion program when the juvenile admits to committing one of the following first-time misdemeanor offenses:

- Possession of alcoholic beverages by a person under age 21 (s. 562.111, F.S.);
- Battery (s. 784.03(1), F.S.);
- Criminal Mischief (s. 806.13, F.S.);
- Trespass (ss. 810.08, and 810.09, F.S.);
- Theft (ss. 812.04(2)(e) and (3)(a), F.S.);
- Retail and farm theft (s. 812.015(2), F.S.);
- Loitering and prowling (s. 856.021, F.S.);
- Affrays and riots (s. 870.01(1), F.S.);
- Disorderly conduct (s. 877.03, F.S.);
- Possession of 20 grams or less of cannabis (s. 893.13(6)(b), F.S.);
- Use, possession, manufacture, delivery, transportation, advertisement, or retail sale of drug paraphernalia (s. 893.147, F.S.); or
- Resisting an officer without violence (s. 843.02, F.S.).

The bill permits a law enforcement officer to issue a civil citation or require the juvenile's participation in a similar diversion program when the juvenile admits to committing:

- A misdemeanor offense not enumerated in the bill;
- A misdemeanor offense not enumerated in the bill and the juvenile has one or two prior misdemeanors from a separate criminal episode; or
- A misdemeanor offense not enumerated in the bill and the juvenile is currently alleged to have committed, or is currently charged with, a felony.

A law enforcement officer must provide written documentation articulating why an arrest is warranted when he or she has the discretion to issue a civil citation but instead chooses to arrest the juvenile.

The bill specifies that the option of the issuance of a civil citation or referral to a similar diversion program does not apply to a misdemeanor offense arising out of an episode in which the juvenile is also alleged to have committed a felony.

The bill may have a positive fiscal impact to state and local governments because an increase in civil citation or similar diversion programs may result in juveniles being diverted from the Department of Juvenile Justice's more costly residential program. It also may reduce the cost to state and local governments for housing youth in juvenile detention, which is currently at a 50/50 cost share.

The bill is effective July 1, 2017.

II. Present Situation:

Section 985.12, F.S., establishes a civil citation process that provides law enforcement an alternative to arresting juveniles for nonserious delinquent acts. The Department of Juvenile Justice (DJJ) is required to assist in the implementation of civil citation or other similar diversion programs. The DJJ must also develop guidelines for these programs that include intervention services based upon proven civil citation or similar diversion programs within the state.¹

These civil citation or similar diversion programs are discretionary and are established at the local level in concurrence with the chief judge, state attorney, public defender, and head of each local law enforcement agency. The program may be operated by law enforcement, the DJJ, a juvenile assessment center, a county or municipality, or an entity selected by the county or municipality.

Currently, if a juvenile admits to committing a misdemeanor² a law enforcement officer has the discretion to:

- Issue a warning or inform the juvenile's parent of the child's infraction;
- Issue a civil citation or require participation in a similar diversion program; or
- Arrest the juvenile.³

¹ Section 985.12(1) and (2), F.S.

² Misdemeanors involving sexual or firearm offenses are currently ineligible for civil citation programs under the DJJ Civil Citation Model Plan. *2017 Bill Analysis for SB 196*, Department of Juvenile Justice, (January 18, 2017) (on file with the Senate Criminal Justice Committee).

³ Section 985.12(1), F.S.

A law enforcement officer can issue a civil citation to any juvenile who admits to committing a first-time, second-time, or third-time misdemeanor.⁴ When issuing a civil citation the law enforcement officer must advise the juvenile that he or she has the option of refusing the civil citation and of being referred to the DJJ.⁵ If an arrest is made, the law enforcement officer must provide written documentation as to why an arrest was warranted.⁶

A juvenile issued a civil citation or required to participate in a similar diversion program may be assessed up to 50 hours of community service and must participate in intervention services as indicated by a needs assessment. Intervention services include family counseling, urinalysis monitoring, and substance abuse and mental health treatment services.

A juvenile is required to report to a community service performance monitor within seven working days after the civil citation has been issued and complete at least five community service hours per week. The monitor also reports information regarding the juvenile's service hour completion and the expected completion date to the DJJ.⁷

If a juvenile fails to timely report or complete a work assignment, fails to timely comply with assigned intervention services, or commits a subsequent misdemeanor, the law enforcement officer must issue a report to the DJJ alleging that the juvenile has committed a delinquent act, thereby initiating formal judicial processing.⁸

Sixty counties have implemented a civil citation or similar program in Florida. Taylor and Polk counties are in the process of implementing programs. Bradford, Calhoun, Gulf, Hardee, and Washington counties have not established civil citation programs; however, these counties do utilize a different type of diversion program.⁹

For Fiscal Year 2015-16, 19,386 juveniles were eligible for a civil citation, and only 9,636 eligible juveniles were issued a civil citation. The recidivism rate for the juveniles who completed a civil citation program in Fiscal Year 2014-15 was 3.8 percent.¹⁰

III. Effect of Proposed Changes:

Section 985.12, F.S., is amended to require the establishment of one or more civil citation or similar diversion programs in each county. At least one program must be applicable countywide. Any additional programs must complement the countywide program. Programs can work with any other programs in the state to best serve the juveniles in the jurisdiction.

⁴ *Id.*

⁵ Section 985.12(6), F.S. A juvenile may refuse the civil citation at any time before completion of the work assignment.

⁶ Section 985.12(1), F.S.

⁷ Section 985.12(4), F.S.

⁸ Section 985.12(5), F.S.

⁹ *2017 Bill Analysis for SB 196*, Department of Juvenile Justice, (January 18, 2017) (on file with the Senate Criminal Justice Committee).

¹⁰ *Id.*

The bill requires a law enforcement officer¹¹ to issue a civil citation or require the juvenile's participation in a similar diversion program when the juvenile admits to committing one of the following first-time misdemeanor offenses:¹²

- Possession of alcoholic beverages by a person under age 21 (s. 562.111, F.S.);
- Battery (s. 784.03(1), F.S.);
- Criminal Mischief (s. 806.13, F.S.);
- Trespass (ss. 810.08 and 810.09, F.S.);
- Theft (ss. 812.04(2)(e) and (3)(a), F.S.);
- Retail and farm theft (s. 812.015(2), F.S.);
- Loitering and prowling (s. 853.021, F.S.);
- Affrays and riots (s. 870.01(1), F.S.);
- Disorderly conduct (s. 877.03, F.S.);
- Possession of 20 grams or less of cannabis (s. 893.13(6)(b), F.S.);
- Use, possession, manufacture, delivery, transportation, advertisement, or retail sale of drug paraphernalia (s. 893.147, F.S.); or
- Resisting an officer without violence (s. 843.02, F.S.).

The bill permits a law enforcement officer to issue a civil citation or require the juvenile's participation in a similar diversion program when the juvenile admits to committing:

- A misdemeanor offense not enumerated in the bill;
- A misdemeanor offense not enumerated in the bill and the juvenile has one or two prior misdemeanors from a separate criminal episode; or
- A misdemeanor offense not enumerated in the bill and the juvenile is currently alleged to have committed, or is currently charged with, a felony.

As in current law, a law enforcement officer can choose to issue a simple warning or inform the child's guardian or parent of the child's infraction.

A law enforcement officer must provide written documentation articulating why an arrest is warranted when he or she has the discretion to issue a civil citation but instead chooses to arrest the juvenile.

The bill specifies that the option for receiving a civil citation or referral to a similar diversion program does not apply to a misdemeanor offense arising out of an episode in which the juvenile is also alleged to have committed a felony.

¹¹ The bill defines "law enforcement officer" to have the same meaning as in s. 943.10, F.S. Section 943.10, F.S., defines the term to mean any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

¹² A "misdemeanor offense" is defined as one or more violations of law arising out of the same criminal episode, act, or transaction.

If a juvenile fails to timely report for a community service assignment, complete such assignment, or comply with assigned intervention services within a prescribed time, the entity operating the program must notify the law enforcement officer. The law enforcement officer then must determine if there is a good cause to arrest the juvenile for the original misdemeanor offense and refer the case to the state attorney or to allow the juvenile to continue in the program.

If the juvenile commits a subsequent delinquent act, the entity operating the program must notify the law enforcement officer and the law enforcement officer shall arrest of the juvenile for the original misdemeanor offense and refer the case to the state attorney.

The bill requires the department to annually report on the best practices of the programs.

The bill retains current statutory provisions relating to:

- The program requirements placed upon juveniles participating in a civil citation program, including community service hours, intervention services, and time frames to complete the program;
- The ability of juveniles to refuse participation in a civil citation or similar diversion program;
- The requirement of law enforcement officers to forward civil citations to specified parties;
- The requirement for civil citation or similar diversion programs to report the juveniles' outcomes to the DJJ and law enforcement officers; and
- Participation in a civil citation or similar diversion program not being considered a referral to the DJJ.

The bill extends the time period in which a juvenile is required to report to a community service performance monitor from seven to ten working days after the civil citation or documentation for a similar diversion program has been issued.

The bill amends ss. 943.051 and 985.11, F.S., to make conforming changes.

The bill is effective October 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

Expanding the use of civil citation or similar diversion programs could result in more juveniles having future opportunities for employment since these juveniles will not have the hurdle of an arrest record.

C. Government Sector Impact:

The bill could have positive fiscal impacts to state and local governments because an increase in civil citation or similar diversion programs could lead to juveniles being diverted from the DJJ's more costly residential program. This bill should have the impact of reducing the number of residential beds in the DJJ.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 985.12 of the Florida Statutes.

This bill makes conforming technical changes to sections 943.051 and 985.11 of the Florida Statutes.

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

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

Recommended CS/CS by Appropriations Subcommittee on Criminal and Civil Justice on March 8, 2017:

The committee substitute:

- Provides discretion for a law enforcement officer to issue a civil citation if a juvenile has a pending felony charge;
- Allows a law enforcement officer to determine if there is good cause to arrest a juvenile who has failed to comply with program requirements or allow the juvenile to continue in the program;
- Specifies that at least one program must be countywide and that counties can work together;

- Requires the DJJ to report annually on the best practices of the programs; and
- Makes technical and stylistic changes.

CS by Criminal Justice on January 23, 2017:

The committee substitute:

- Adds the second degree misdemeanor of loitering and prowling to the list of qualifying offenses for a civil citation;
- Specifies that at least one program must be operated by the county;
- Clarifies program requirements; and
- Makes technical changes recommended by the DJJ.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/08/2017	.	
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	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 985.12, Florida Statutes, is amended to
read:

985.12 Civil citation and similar diversion programs.-

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

(a) "Law enforcement officer" has the same meaning as
provided in s. 943.10.



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11 (b) "Misdemeanor offense" means one misdemeanor violation
12 of law.

13 (2) (a) ~~(1)~~ There is established a process for the use of
14 juvenile civil citation and similar diversion programs to
15 provide process for the purpose of providing an efficient and
16 innovative alternative to custody by the department of Juvenile
17 Justice for juveniles children who commit nonserious delinquent
18 acts and to ensure swift and appropriate consequences. The
19 department shall encourage and assist in the implementation and
20 improvement of civil citation and programs or other similar
21 diversion programs in around the state.

22 (b) One or more ~~The~~ civil citation or similar diversion
23 programs ~~program~~ shall be established in each county to serve
24 juveniles who commit misdemeanor offenses as provided in this
25 section. Such programs must meet the requirements of this
26 section and be established at the local level with the
27 concurrence of the chief judge of the circuit, state attorney,
28 public defender, and the head of each local law enforcement
29 agency involved. At least one program must be applicable
30 countywide. The countywide program may be established by a
31 county or by interlocal agreement pursuant to s. 163.01 by a
32 county working jointly with any municipalities or other entities
33 within the county's boundaries or contiguous counties and any
34 municipalities or other entities within the counties'
35 boundaries. The program may be operated by an entity such as a
36 law enforcement agency, the department, a juvenile assessment
37 center, the county or municipality, or another entity selected
38 by the county or municipality. Any additional programs shall
39 complement the countywide program. Any program may work with any



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40 other program in the state to best serve the juveniles in the
41 jurisdiction. An entity operating ~~such a the civil citation or~~
42 ~~similar diversion~~ program must do so in consultation and
43 agreement with the state attorney and local law enforcement
44 agencies.

45 (3) Under ~~such~~ a juvenile civil citation or similar
46 diversion program, a law enforcement officer ~~who makes, upon~~
47 ~~making~~ contact with a juvenile who admits having committed a
48 ~~misdemeanor~~ offense for the first time ~~misdemeanor~~, may:

49 (a) Choose to issue a simple warning or inform the child's
50 guardian or parent of the child's infraction; ~~or may~~

51 (b) Issue a civil citation to the juvenile or require the
52 juvenile's participation in a similar diversion program, as
53 follows:

54 1. The officer shall issue the citation if the violation of
55 law is a misdemeanor offense and is one of the following:

56 a. Section 562.111, relating to possession of alcoholic
57 beverages by persons under age 21;

58 b. Section 784.03(1), relating to battery;

59 c. Section 806.13, relating to criminal mischief;

60 d. Section 810.08 or s. 810.09, relating to trespass;

61 e. Section 812.014(2)(e) or s. 812.014(3)(a), relating to
62 theft;

63 f. Section 812.015(2), relating to retail and farm theft;

64 g. Section 856.021, relating to loitering or prowling;

65 h. Section 870.01(1), relating to affrays and riots;

66 i. Section 877.03, relating to disorderly conduct;

67 j. Section 893.13(6)(b), relating to possession of certain
68 amounts of cannabis;



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69 k. Section 893.147, relating to use, possession,
70 manufacture, delivery, transportation, advertisement, or retail
71 sale of drug paraphernalia; or

72 1. Section 843.02, relating to resisting an officer without
73 violence.

74 2. The officer may issue a civil citation to the juvenile
75 or require the juvenile's participation in a similar diversion
76 program if the violation of law is a misdemeanor not enumerated
77 in subparagraph 1.

78 (4) Under a juvenile civil citation or similar diversion
79 program, a law enforcement officer who makes contact with a
80 juvenile who admits to having committed a misdemeanor offense
81 and has one or two prior misdemeanors from a separate criminal
82 episode may issue a civil citation to the juvenile or require
83 the juvenile's participation in a similar diversion program,
84 regardless of whether the violations of law are enumerated in
85 subparagraph (3) (b)1.

86 (5) Under a juvenile civil citation or similar diversion
87 program, a law enforcement officer who makes contact with a
88 juvenile who admits to having committed a misdemeanor offense
89 and is currently alleged to have committed, or is currently
90 charged with and awaiting final disposition, of an offense that
91 would be a felony, may issue a civil citation to the juvenile or
92 require the juvenile's participation in a similar diversion
93 program, regardless of whether the violations of law are
94 enumerated in subparagraph (3) (b)1.

95 (6) If an arrest is made for a misdemeanor offense subject
96 to paragraph (3) (b)2., subsection (4), or subsection (5) a law
97 enforcement officer must provide written documentation as to why



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98 the arrest was warranted.

99 (7) A law enforcement officer shall advise a juvenile
100 eligible to receive a civil citation under subsection (3), (4),
101 or (5) that he or she has the option to refuse the civil
102 citation or other similar diversion program and be referred to
103 the department. This option may be exercised at any time before
104 completion of the community service assignment required under
105 subsection (9). Participation in a civil citation or similar
106 diversion program is not considered a referral to the
107 department.

108 (8) Upon issuance of the civil citation or documentation
109 requiring a similar diversion program, the law enforcement
110 officer shall send a copy to the county sheriff, the state
111 attorney, the department or the entity operating the program as
112 designated by the department, the parent or guardian of the
113 juvenile, and the victim. The entity operating the program shall
114 enter such information into the juvenile justice information
115 system.

116 (9) A juvenile who elects to participate in a civil
117 citation or similar diversion program shall complete, and assess
118 up to 50 community service hours, and participate require
119 participation in intervention services as indicated by an
120 assessment of the needs of the juvenile, including family
121 counseling, urinalysis monitoring, and substance abuse and
122 mental health treatment services.

123 (a) The juvenile shall report to the entity operating the
124 program within 10 business days after the date of issuance of
125 the civil citation or documentation for a similar diversion
126 program. The juvenile shall spend a minimum of 5 hours per week



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127 completing the community service assignment. The entity
128 operating the program shall immediately notify the department
129 through the juvenile justice information system that a juvenile
130 has reported to the entity operating the program and the
131 expected date on which the juvenile will complete the community
132 service assignment ~~A copy of each citation issued under this~~
133 ~~section shall be provided to the department, and the department~~
134 ~~shall enter appropriate information into the juvenile offender~~
135 ~~information system. Use of the civil citation or similar~~
136 ~~diversion program is not limited to first-time misdemeanors and~~
137 ~~may be used in up to two subsequent misdemeanors. If an arrest~~
138 ~~is made, a law enforcement officer must provide written~~
139 ~~documentation as to why an arrest was warranted.~~

140 (b) At the conclusion of a juvenile's civil citation
141 program or similar diversion program, the entity agency
142 operating the program shall report the outcome of the program to
143 the department.

144 (c) If the juvenile fails to timely report for a community
145 service assignment, complete such assignment, or comply with
146 assigned intervention services within the prescribed time, the
147 entity operating the program shall notify the law enforcement
148 officer. The law enforcement officer shall determine if there is
149 good cause to arrest juvenile for the original misdemeanor
150 offense and refer the case to the state attorney or allow the
151 juvenile to continue in the program.

152 (d) If the juvenile commits a subsequent delinquent act
153 then the entity operating the program shall notify the law
154 enforcement officer and the law enforcement officer shall arrest
155 the juvenile for the original misdemeanor offense and refer the



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156 ~~case to the state attorney. The issuance of a civil citation is~~
157 ~~not considered a referral to the department.~~

158 ~~(10)(2) The department shall develop guidelines for the~~
159 ~~civil citation and similar diversion programs program which~~
160 ~~include intervention services that are based on upon proven~~
161 ~~civil citation or similar diversion programs in within the~~
162 ~~state. The department shall report annually on best practices of~~
163 ~~the programs.~~

164 ~~(11) This section does not apply to:~~

165 ~~(a) A juvenile who has entered a plea of nolo contendere or~~
166 ~~guilty to, or has been found to have committed, an offense that~~
167 ~~would be a felony if committed by an adult.~~

168 ~~(b) A misdemeanor offense arising out of a criminal episode~~
169 ~~in which the juvenile is also alleged to have committed an~~
170 ~~offense that would be a felony if committed by an adult.~~

171 ~~(3) Upon issuing such citation, the law enforcement officer~~
172 ~~shall send a copy to the county sheriff, state attorney, the~~
173 ~~appropriate intake office of the department, or the community~~
174 ~~service performance monitor designated by the department, the~~
175 ~~parent or guardian of the child, and the victim.~~

176 ~~(4) The child shall report to the community service~~
177 ~~performance monitor within 7 working days after the date of~~
178 ~~issuance of the citation. The work assignment shall be~~
179 ~~accomplished at a rate of not less than 5 hours per week. The~~
180 ~~monitor shall advise the intake office immediately upon~~
181 ~~reporting by the child to the monitor, that the child has in~~
182 ~~fact reported and the expected date upon which completion of the~~
183 ~~work assignment will be accomplished.~~

184 ~~(5) If the child fails to report timely for a work~~



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185 ~~assignment, complete a work assignment, or comply with assigned~~
186 ~~intervention services within the prescribed time, or if the~~
187 ~~juvenile commits a subsequent misdemeanor, the law enforcement~~
188 ~~officer shall issue a report alleging the child has committed a~~
189 ~~delinquent act, at which point a juvenile probation officer~~
190 ~~shall process the original delinquent act as a referral to the~~
191 ~~department and refer the report to the state attorney for~~
192 ~~review.~~

193 ~~(6) At the time of issuance of the citation by the law~~
194 ~~enforcement officer, such officer shall advise the child that~~
195 ~~the child has the option to refuse the citation and to be~~
196 ~~referred to the intake office of the department. That option may~~
197 ~~be exercised at any time before completion of the work~~
198 ~~assignment.~~

199 Section 2. Paragraph (b) of subsection (3) of section
200 943.051, Florida Statutes, is amended to read:

201 943.051 Criminal justice information; collection and
202 storage; fingerprinting.—

203 (3)

204 (b) A minor who is charged with or found to have committed
205 the following offenses shall be fingerprinted and the
206 fingerprints shall be submitted electronically to the
207 department, unless the minor participates in ~~is issued~~ a civil
208 citation or similar diversion program pursuant to s. 985.12:

- 209 1. Assault, as defined in s. 784.011.
- 210 2. Battery, as defined in s. 784.03.
- 211 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 212 4. Unlawful use of destructive devices or bombs, as defined
213 in s. 790.1615(1).



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- 214 5. Neglect of a child, as defined in s. 827.03(1)(e).
215 6. Assault or battery on a law enforcement officer, a
216 firefighter, or other specified officers, as defined in s.
217 784.07(2)(a) and (b).
218 7. Open carrying of a weapon, as defined in s. 790.053.
219 8. Exposure of sexual organs, as defined in s. 800.03.
220 9. Unlawful possession of a firearm, as defined in s.
221 790.22(5).
222 10. Petit theft, as defined in s. 812.014(3).
223 11. Cruelty to animals, as defined in s. 828.12(1).
224 12. Arson, as defined in s. 806.031(1).
225 13. Unlawful possession or discharge of a weapon or firearm
226 at a school-sponsored event or on school property, as provided
227 in s. 790.115.
- 228 Section 3. Paragraph (b) of subsection (1) of section
229 985.11, Florida Statutes, is amended to read:
230 985.11 Fingerprinting and photographing.—
231 (1)
232 (b) Unless the child is participating in ~~is issued~~ a civil
233 citation or ~~is participating in a~~ similar diversion program
234 pursuant to s. 985.12, a child who is charged with or found to
235 have committed one of the following offenses shall be
236 fingerprinted, and the fingerprints shall be submitted to the
237 Department of Law Enforcement as provided in s. 943.051(3)(b):
238 1. Assault, as defined in s. 784.011.
239 2. Battery, as defined in s. 784.03.
240 3. Carrying a concealed weapon, as defined in s. 790.01(1).
241 4. Unlawful use of destructive devices or bombs, as defined
242 in s. 790.1615(1).



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- 243 5. Neglect of a child, as defined in s. 827.03(1)(e).
244 6. Assault on a law enforcement officer, a firefighter, or
245 other specified officers, as defined in s. 784.07(2)(a).
246 7. Open carrying of a weapon, as defined in s. 790.053.
247 8. Exposure of sexual organs, as defined in s. 800.03.
248 9. Unlawful possession of a firearm, as defined in s.
249 790.22(5).
250 10. Petit theft, as defined in s. 812.014.
251 11. Cruelty to animals, as defined in s. 828.12(1).
252 12. Arson, resulting in bodily harm to a firefighter, as
253 defined in s. 806.031(1).
254 13. Unlawful possession or discharge of a weapon or firearm
255 at a school-sponsored event or on school property as defined in
256 s. 790.115.
257
258 A law enforcement agency may fingerprint and photograph a child
259 taken into custody upon probable cause that such child has
260 committed any other violation of law, as the agency deems
261 appropriate. Such fingerprint records and photographs shall be
262 retained by the law enforcement agency in a separate file, and
263 these records and all copies thereof must be marked "Juvenile
264 Confidential." These records are not available for public
265 disclosure and inspection under s. 119.07(1) except as provided
266 in ss. 943.053 and 985.04(2), but shall be available to other
267 law enforcement agencies, criminal justice agencies, state
268 attorneys, the courts, the child, the parents or legal
269 custodians of the child, their attorneys, and any other person
270 authorized by the court to have access to such records. In
271 addition, such records may be submitted to the Department of Law



595926

272 Enforcement for inclusion in the state criminal history records
273 and used by criminal justice agencies for criminal justice
274 purposes. These records may, in the discretion of the court, be
275 open to inspection by anyone upon a showing of cause. The
276 fingerprint and photograph records shall be produced in the
277 court whenever directed by the court. Any photograph taken
278 pursuant to this section may be shown by a law enforcement
279 officer to any victim or witness of a crime for the purpose of
280 identifying the person who committed such crime.

281 Section 4. This act shall take effect October 1, 2017.

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

283 And the title is amended as follows:

284 Delete everything before the enacting clause
285 and insert:

286 A bill to be entitled
287 An act relating to juvenile civil citation and similar
288 diversion programs; amending s. 985.12, F.S.;
289 requiring the establishment of civil citation or
290 similar diversion programs for juveniles; providing
291 definitions; specifying program eligibility,
292 participation, and implementation requirements;
293 providing exceptions; providing applicability;
294 amending ss. 943.051 and 985.11, F.S.; conforming
295 provisions to changes made by the act; providing an
296 effective date.

By the Committee on Criminal Justice; and Senators Flores,
Bracy, Garcia, and Baxley

591-00895B-17

2017196c1

A bill to be entitled

An act relating to juvenile civil citation and similar diversion programs; amending s. 985.12, F.S.; requiring the establishment of civil citation or similar diversion programs for juveniles; providing definitions; specifying program eligibility, participation, and implementation requirements; providing exceptions; providing applicability; amending ss. 943.051 and 985.11, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 985.12, Florida Statutes, is amended to read:

985.12 Civil citation and similar diversion programs.-

(1) (a) There is established a process for the use of juvenile civil citation and similar diversion programs to provide process for the purpose of providing an efficient and innovative alternative to custody by the department ~~of Juvenile Justice~~ for juveniles children who commit nonserious delinquent acts and to ensure swift and appropriate consequences. The department shall encourage and assist in the implementation and improvement of civil citation and programs or other similar diversion programs in around the state.

(b) One or more ~~The~~ civil citation or similar diversion programs ~~program~~ shall be established in each county which must individually or collectively serve all juveniles who are alleged to have committed a violation of law which would be a misdemeanor offense if committed by an adult. Such programs must

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meet the requirements of this section and be established at the local level with the concurrence of the chief judge of the circuit, state attorney, public defender, and the head of each local law enforcement agency involved. At least one program must be operated by the county. Additional programs ~~The program~~ may be operated by an entity such as a law enforcement agency, the department, a juvenile assessment center, the county or municipality, or another entity selected by the county or municipality. Any additional programs shall complement the established county program. An entity operating such a the civil citation or similar diversion program must do so in consultation and agreement with the state attorney and local law enforcement agencies.

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

(a) "Law enforcement officer" has the same meaning as provided in s. 943.10.

(b) "Misdemeanor offense" means one or more misdemeanor violations of law arising out of the same criminal episode, act, or transaction.

(3) Under ~~such~~ a juvenile civil citation or similar diversion program, a law enforcement officer ~~who makes, upon making~~ contact with a juvenile who admits having committed a first-time misdemeanor offense: misdemeanor, may choose to issue a simple warning or inform the child's guardian or parent of the child's infraction, or may

(a) Shall issue a civil citation to the juvenile or require the juvenile's participation in a similar diversion program if each violation of law is a misdemeanor offense and is one of the following:

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61 1. Section 562.111, relating to possession of alcoholic
 62 beverages by persons under age 21;

63 2. Section 784.03(1), relating to battery;

64 3. Section 806.13, relating to criminal mischief;

65 4. Section 810.08 or s. 810.09, relating to trespass;

66 5. Section 812.014(2)(e) or s. 812.014(3)(a), relating to
 67 theft;

68 6. Section 812.015(2), relating to retail and farm theft;

69 7. Section 856.021, relating to loitering or prowling;

70 8. Section 870.01(1), relating to affrays and riots;

71 9. Section 877.03, relating to disorderly conduct;

72 10. Section 893.13(6)(b), relating to possession of certain
 73 amounts of cannabis or controlled substances;

74 11. Section 893.147, relating to use, possession,
 75 manufacture, delivery, transportation, advertisement, or retail
 76 sale of drug paraphernalia; or

77 12. Section 843.02, relating to resisting an officer
 78 without violence.

79 (b) May issue a civil citation to the juvenile or require
 80 the juvenile's participation in a similar diversion program if
 81 the violations of law are misdemeanors not enumerated in
 82 paragraph (a).

83 (4) Under a juvenile civil citation or similar diversion
 84 program, a law enforcement officer who makes contact with a
 85 juvenile who admits having committed a second-time or third-time
 86 misdemeanor offense may issue a civil citation to the juvenile
 87 or require the juvenile's participation in a similar diversion
 88 program, regardless of whether the violations of law are
 89 enumerated in paragraph (3)(a).

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90 (5) If an arrest is made for a misdemeanor offense subject
 91 to paragraph (3)(b) or subsection (4), a law enforcement officer
 92 must provide written documentation as to why the arrest was
 93 warranted.

94 (6) A law enforcement officer shall advise a juvenile who
 95 is subject to subsection (3) or subsection (4) that the juvenile
 96 has the option to refuse the civil citation or other similar
 97 diversion program and be referred to the department. This option
 98 may be exercised at any time before completion of the community
 99 service assignment required under subsection (8). Participation
 100 in a civil citation or similar diversion program is not
 101 considered a referral to the department.

102 (7) Upon issuance of the civil citation or documentation
 103 requiring a similar diversion program, the law enforcement
 104 officer shall send a copy to the county sheriff, the state
 105 attorney, the department or the entity operating the program as
 106 designated by the department, the parent or guardian of the
 107 juvenile, and the victim. The entity operating the program shall
 108 enter such information into the juvenile justice information
 109 system.

110 (8) A juvenile who elects to participate in a civil
 111 citation or similar diversion program shall complete, ~~and assess~~
 112 up to 50 community service hours, and ~~participate~~ ~~require~~
 113 ~~participation~~ in intervention services as indicated by an
 114 assessment of the needs of the juvenile, including family
 115 counseling, urinalysis monitoring, and substance abuse and
 116 mental health treatment services.

117 (a) The juvenile shall report to the entity operating the
 118 program within 10 business days after the date of issuance of

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119 the civil citation or documentation for a similar diversion
 120 program. The juvenile shall spend a minimum of 5 hours per week
 121 completing the community service assignment. The entity
 122 operating the program shall immediately notify the department
 123 through the juvenile justice information system that a juvenile
 124 has reported to the entity operating the program and the
 125 expected date on which the juvenile will complete the community
 126 service assignment. A copy of each citation issued under this
 127 section shall be provided to the department, and the department
 128 shall enter appropriate information into the juvenile offender
 129 information system. Use of the civil citation or similar
 130 diversion program is not limited to first time misdemeanors and
 131 may be used in up to two subsequent misdemeanors. If an arrest
 132 is made, a law enforcement officer must provide written
 133 documentation as to why an arrest was warranted.

134 (b) At the conclusion of a juvenile's civil citation
 135 program or similar diversion program, the entity agency
 136 operating the program shall report the outcome of the program to
 137 the department.

138 (c) If the juvenile fails to timely report for a community
 139 service assignment, complete such assignment, or comply with
 140 assigned intervention services within the prescribed time, the
 141 entity operating the program shall notify the law enforcement
 142 officer and the law enforcement officer shall proceed with an
 143 arrest of the juvenile.

144 (d) If the juvenile commits a subsequent delinquent act
 145 then the entity operating the program shall notify the law
 146 enforcement officer and the law enforcement officer shall
 147 proceed with an arrest of the juvenile. The issuance of a civil

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148 ~~citation is not considered a referral to the department.~~
 149 ~~(9)(2)~~ The department shall develop guidelines for the
 150 civil citation and similar diversion programs program which
 151 include intervention services that are based ~~on upon~~ proven
 152 civil citation or similar diversion programs in within the
 153 state.

154 (10) This section does not apply to:

155 (a) A juvenile who is currently alleged to have committed,
 156 or is currently charged with, and awaiting final disposition of
 157 an offense that would be a felony if committed by an adult.

158 (b) A juvenile who has entered a plea of nolo contendere or
 159 guilty to, or has been found to have committed, an offense that
 160 would be a felony if committed by an adult.

161 (c) A misdemeanor offense arising out of an episode in
 162 which the juvenile is also alleged to have committed an offense
 163 that would be a felony if committed by an adult.

164 (11) This section does not modify the authority of a law
 165 enforcement officer who comes into contact with a juvenile who
 166 is alleged to have committed a misdemeanor offense to issue only
 167 a simple warning to the juvenile or notice to a juvenile's
 168 parent or guardian of the alleged offense.

169 ~~(3) Upon issuing such citation, the law enforcement officer~~
 170 ~~shall send a copy to the county sheriff, state attorney, the~~
 171 ~~appropriate intake office of the department, or the community~~
 172 ~~service performance monitor designated by the department, the~~
 173 ~~parent or guardian of the child, and the victim.~~

174 ~~(4) The child shall report to the community service~~
 175 ~~performance monitor within 7 working days after the date of~~
 176 ~~issuance of the citation. The work assignment shall be~~

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177 ~~accomplished at a rate of not less than 5 hours per week. The~~
 178 ~~monitor shall advise the intake office immediately upon~~
 179 ~~reporting by the child to the monitor, that the child has in~~
 180 ~~fact reported and the expected date upon which completion of the~~
 181 ~~work assignment will be accomplished.~~

182 ~~(5) If the child fails to report timely for a work~~
 183 ~~assignment, complete a work assignment, or comply with assigned~~
 184 ~~intervention services within the prescribed time, or if the~~
 185 ~~juvenile commits a subsequent misdemeanor, the law enforcement~~
 186 ~~officer shall issue a report alleging the child has committed a~~
 187 ~~delinquent act, at which point a juvenile probation officer~~
 188 ~~shall process the original delinquent act as a referral to the~~
 189 ~~department and refer the report to the state attorney for~~
 190 ~~review.~~

191 ~~(6) At the time of issuance of the citation by the law~~
 192 ~~enforcement officer, such officer shall advise the child that~~
 193 ~~the child has the option to refuse the citation and to be~~
 194 ~~referred to the intake office of the department. That option may~~
 195 ~~be exercised at any time before completion of the work~~
 196 ~~assignment.~~

197 Section 2. Paragraph (b) of subsection (3) of section
 198 943.051, Florida Statutes, is amended to read:

199 943.051 Criminal justice information; collection and
 200 storage; fingerprinting.—

201 (3)

202 (b) A minor who is charged with or found to have committed
 203 the following offenses shall be fingerprinted and the
 204 fingerprints shall be submitted electronically to the
 205 department, unless the minor participates in ~~is issued~~ a civil

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206 citation or similar diversion program pursuant to s. 985.12:

- 207 1. Assault, as defined in s. 784.011.
 208 2. Battery, as defined in s. 784.03.
 209 3. Carrying a concealed weapon, as defined in s. 790.01(1).
 210 4. Unlawful use of destructive devices or bombs, as defined
 211 in s. 790.1615(1).
 212 5. Neglect of a child, as defined in s. 827.03(1)(e).
 213 6. Assault or battery on a law enforcement officer, a
 214 firefighter, or other specified officers, as defined in s.
 215 784.07(2)(a) and (b).
 216 7. Open carrying of a weapon, as defined in s. 790.053.
 217 8. Exposure of sexual organs, as defined in s. 800.03.
 218 9. Unlawful possession of a firearm, as defined in s.
 219 790.22(5).
 220 10. Petit theft, as defined in s. 812.014(3).
 221 11. Cruelty to animals, as defined in s. 828.12(1).
 222 12. Arson, as defined in s. 806.031(1).
 223 13. Unlawful possession or discharge of a weapon or firearm
 224 at a school-sponsored event or on school property, as provided
 225 in s. 790.115.
- 226 Section 3. Paragraph (b) of subsection (1) of section
 227 985.11, Florida Statutes, is amended to read:
 228 985.11 Fingerprinting and photographing.—
 229 (1)
 230 (b) Unless the child is participating in ~~is issued~~ a civil
 231 citation or ~~is participating in~~ a similar diversion program
 232 pursuant to s. 985.12, a child who is charged with or found to
 233 have committed one of the following offenses shall be
 234 fingerprinted, and the fingerprints shall be submitted to the

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235 Department of Law Enforcement as provided in s. 943.051(3)(b):

236 1. Assault, as defined in s. 784.011.

237 2. Battery, as defined in s. 784.03.

238 3. Carrying a concealed weapon, as defined in s. 790.01(1).

239 4. Unlawful use of destructive devices or bombs, as defined

240 in s. 790.1615(1).

241 5. Neglect of a child, as defined in s. 827.03(1)(e).

242 6. Assault on a law enforcement officer, a firefighter, or

243 other specified officers, as defined in s. 784.07(2)(a).

244 7. Open carrying of a weapon, as defined in s. 790.053.

245 8. Exposure of sexual organs, as defined in s. 800.03.

246 9. Unlawful possession of a firearm, as defined in s.

247 790.22(5).

248 10. Petit theft, as defined in s. 812.014.

249 11. Cruelty to animals, as defined in s. 828.12(1).

250 12. Arson, resulting in bodily harm to a firefighter, as

251 defined in s. 806.031(1).

252 13. Unlawful possession or discharge of a weapon or firearm

253 at a school-sponsored event or on school property as defined in

254 s. 790.115.

255

256 A law enforcement agency may fingerprint and photograph a child

257 taken into custody upon probable cause that such child has

258 committed any other violation of law, as the agency deems

259 appropriate. Such fingerprint records and photographs shall be

260 retained by the law enforcement agency in a separate file, and

261 these records and all copies thereof must be marked "Juvenile

262 Confidential." These records are not available for public

263 disclosure and inspection under s. 119.07(1) except as provided

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264 in ss. 943.053 and 985.04(2), but shall be available to other

265 law enforcement agencies, criminal justice agencies, state

266 attorneys, the courts, the child, the parents or legal

267 custodians of the child, their attorneys, and any other person

268 authorized by the court to have access to such records. In

269 addition, such records may be submitted to the Department of Law

270 Enforcement for inclusion in the state criminal history records

271 and used by criminal justice agencies for criminal justice

272 purposes. These records may, in the discretion of the court, be

273 open to inspection by anyone upon a showing of cause. The

274 fingerprint and photograph records shall be produced in the

275 court whenever directed by the court. Any photograph taken

276 pursuant to this section may be shown by a law enforcement

277 officer to any victim or witness of a crime for the purpose of

278 identifying the person who committed such crime.

279 Section 4. This act shall take effect July 1, 2017.



The Florida Senate

Committee Agenda Request

To: Senator Aaron Bean, Chair
Appropriations Subcommittee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: February 13, 2017

I respectfully request that **Senate Bill #196**, relating to juvenile civil citation and similar diversion programs, be placed on the:

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

Anitere Flores

Senator Anitere Flores
Florida Senate, District 39

THE FLORIDA SENATE
APPEARANCE RECORD

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

8 March 17

Meeting Date

196

Bill Number (if applicable)

Topic Juvenile Civil Citations

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title Pres & CEO

Address 204 S. Monroe

Phone 850.510.9922

Street

Tall

City

FL

State

3230

Zip

Email

Speaking: For Against Information

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

Representing Fla. Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

03/8/17
Meeting Date

SB 196
Bill Number (if applicable)

Topic Civil Citation Bill

Amendment Barcode (if applicable)

Name Kevin Dalia

Job Title _____

Address 11300 NE 2nd Ave

Phone 309 8427725

Miami Shores FL 33161
City State Zip

Email Kevin.Dalia@gmail.com

Speaking: For Against Information

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

Representing Barry University

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/8/17

Meeting Date

196

Bill Number (if applicable)

Topic Juvenile Civil Citation Justice

Amendment Barcode (if applicable)

Name Melissa Ramba

Job Title VP of Government Affairs

Address 2275 Adams St.

Phone _____

Street

Tallahassee

FL

32311

City

State

Zip

Email _____

Speaking: For ~~Against~~ Information

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

Representing Florida Retail Federation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/8/2017

SB196

Meeting Date

Bill Number (if applicable)

Topic Civil Citation

Amendment Barcode (if applicable)

Name Geneva Pittman

Job Title Retired

Address 2460 W. 25th Street

Phone (904) 355-0295

Jacksonville, Florida
City State Zip

Email eamco300@yahoo.com

Speaking: For Against Information

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

Representing ICARE, St. Paul AME

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/8/17

Meeting Date

CS/SB 196

Bill Number (if applicable)

Topic JUVENILE CIVIL CITATION

Amendment Barcode (if applicable)

Name KARA GROSS

Job Title LEGISLATIVE COUNSEL

Address 4500 BISCAYNE BLVD
Street

Phone 786-363-4436

MIAMI FL
City State Zip

Email KGROSS@ACLUFL.ORG

Speaking: For Against Information

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

Representing ACLU OF FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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)

3/8/2017

SB196

Meeting Date

Bill Number (if applicable)

Topic Civil Citation

Amendment Barcode (if applicable)

Name Velonda Hope

Job Title Minister / Retired Educator

Address 8420 N. Sherman Circle # 6406 Phone 954-625-5561
Street
Miramar, FL 33025 Email velonda.hope@aol.com
City State Zip

Speaking: For Against Information

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

Representing PACT = Antioch Missionary Baptist Church
Miami Gardens FL

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/8/17

Meeting Date

196

Bill Number (if applicable)

Topic Juvenile Civil Atation

Amendment Barcode (if applicable)

Name Lisa Hurley

Job Title _____

Address 311 E Park Ave

Phone 850.824.5081

Street

Email Lhurley@quintana.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Association of Counties

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)

3/8/17
Meeting Date

196
Bill Number (if applicable)

Topic Civil Citations

Amendment Barcode (if applicable)

Name Ingrid Dolgado

Job Title Associate for Social Concerns & Respect Life

Address 201 W Park Phone _____

Tallahassee FL _____
City State Zip Email

Speaking: For Against Information

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

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

3/8/17
Meeting Date

196
Bill Number (if applicable)

Topic Juvenile Civil Citations

Amendment Barcode (if applicable)

Name Nancy Daniels

Job Title Legislative Consultant

Address 103 N Gadsden St

Phone 850 488-6850

Street

Tallahassee FL 32301

Email nancyandaniels@gmail.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Public Defender Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-8-17
Meeting Date

SB 196
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jasmayne Henderson

Job Title Attorney

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing _____

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.

APPEARANCE RECORD

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

March 8, 2017

Meeting Date

SB 196

Bill Number (if applicable)

Topic Juvenile Civil Citation & Similar Diversion Programs

Amendment Barcode (if applicable)

Name Shane Bennett

Job Title Chief of Police

Address 2793 Lake Street

Phone 904-782-3751

Lawtey FL 32058
City State Zip

Email lawtey04lepd@flcjin.net

Speaking: For Against Information

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

Representing The Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/8

Meeting Date

196

Bill Number (if applicable)

Topic Juvenile Civil Citation

Amendment Barcode (if applicable)

Name Matt Dunagan

Job Title Deputy Director

Address 2617 Mahan Dr.

Phone 850-877-2162

Street

Tallahassee FL 32308

City

State

Zip

Email mdunagan@flsheriffs.org

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

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

Representing Florida Sheriffs Association

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

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

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 350

INTRODUCER: Senator Clemens

SUBJECT: Criminal Justice Standards and Training Commission

DATE: February 23, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Hrdlicka</u>	<u>CJ</u>	Favorable
2.	<u>McAuliffe</u>	<u>Sadberry</u>	<u>ACJ</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 350 requires the Criminal Justice Standards and Training Commission (CJSTC) to implement, administer, maintain, and revise a basic abilities examination for all applicants for basic recruit training in law enforcement and corrections. This examination is formally referred to as the Basic Abilities Test (BAT). The CJSTC must also establish by rule procedures for administering the BAT and standards for acceptable performance on the BAT.

The CJSTC must set a nonrefundable fee, not to exceed \$50, for the BAT. Funds collected from the examination fee must be deposited in the Criminal Justice Standards and Training Commission Trust Fund. The fee does not take effect until implementation of the revised BAT, which must occur on or before January 1, 2019. Current fees range from \$18 to \$75 with a statewide average of \$45.60.

The FDLE proposed the provisions of the bill in a recent report on the BAT. If the bill becomes law, the FDLE will develop and maintain the BAT and contract with Miami Dade College to administer the BAT statewide.

The Florida Department of Law Enforcement (FDLE) estimates that the bill will result in an additional \$800,000 to the Criminal Justice Standards and Training Trust Fund. Of that amount, \$400,000 will be used to contract with Miami-Dade College for the administration of the BAT. The FDLE will absorb the costs of data transfer modifications using current FDLE staff and resources.

The bill takes effect July 1, 2017.

II. Present Situation:

The Criminal Justice Standards and Training Commission

The 19-member Criminal Justice Standards and Training Commission (CJSTC) is established pursuant to s. 943.11, F.S.¹ The CJSTC has a number of responsibilities relating to the training, certification, and discipline of full-time, part-time, and auxiliary law enforcement officers, correctional officers, and correctional probation officers. Relevant to training responsibilities, s. 943.12, F.S., requires the CJSTC to:

- Adopt rules for the administration of ss. 943.085-943.255, F.S. (relating to officer standards, employment, training, certification, and discipline);
- Certify and revoke the certification of officers, instructors, including agency in-service training instructors, and criminal justice training schools;²
- Establish uniform minimum training standards for the training of officers in the various criminal justice disciplines;
- Consult and cooperate with municipalities or the state or any political subdivision of the state and with universities, colleges, community colleges, and other educational institutions concerning the development of criminal justice training schools and programs or courses of instruction, including education and training in the areas of criminal justice administration and all allied and supporting disciplines;
- Conduct official inquiries or require criminal justice training schools to conduct official inquiries of criminal justice training instructors who are certified by the CJSTC;
- Establish minimum curricular requirements for criminal justice training schools;
- Make, publish, or encourage studies on any aspect of criminal justice education and training or recruitment, including the development of defensible and job-related psychological, selection, and performance evaluation tests;
- With the approval of the FDLE Commissioner, make and enter into contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as the CJSTC determines are necessary, expedient, or incidental to the performance of its duties or the execution of its powers; and
- Adopt rules for the certification, maintenance, and discipline of officers who engage in those specialized areas found to present a high risk of harm to the officer or the public at large and which would in turn increase the potential liability of an employing agency.³

Additionally, s. 943.17, F.S., requires the CJSTC to assure that entrance into the basic recruit training program for law enforcement and correctional officers is limited to those who have

¹ The 19 members include: the Secretary of the Department of Corrections (DOC) or a designated assistant; the Attorney General or a designee; the Director of the Division of the Florida Highway Patrol; and 16 members appointed by the Governor. The Governor's appointees include: three sheriffs; three police chiefs; five law enforcement officers who are of the rank of sergeant or below within the employing agency; two correctional officers, one of whom is an administrator of a state correctional institution and one of whom is of the rank of sergeant or below within the employing agency; one training center director; one person who is in charge of a county correctional institution; and one resident of the state who falls into none of the foregoing classifications. Prior to appointment, the sheriff, police chief, law enforcement officer, and correctional officer members must have had at least four years' experience as law enforcement officers or correctional officers.

² Section 943.10(16), F.S., defines "criminal justice training school" as any private or public criminal justice training school certified by the CJSTC.

³ This responsibility includes adopting rules relating to firearms proficiency by law enforcement officers.

passed a basic skills examination and assessment instrument, based on a job task analysis in each discipline and adopted by the CJSTC.⁴ This examination is formally referred to as the Basic Abilities Test (BAT). The BAT predicts the likelihood for success in basic recruit training and the State Officer Certification Examination (SOCE).⁵ The BAT assesses written comprehension and expression, information ordering, spatial orientation, memorization, problem sensitivity, and inductive and deductive reasoning.⁶ The BATs is administered in Florida and tailored to the applicable discipline for which the recruit is seeking program admission.⁷

2017 FDLE Report on the BAT

Proviso language in the 2016-17 General Appropriations Act required the FDLE, on or before January 1, 2017, to report to the Governor and the Legislature “on the status of development of the basic abilities test for all applicants for basic recruit training in law enforcement and corrections. The report shall include recommendations regarding statutory language necessary for implementation of the basic abilities test, including establishment of a standardized fee structure that does not deter low-income and middle-income persons from taking the test.”⁸

The FDLE submitted its report to the Governor and the Legislature on December 30, 2016.⁹ The report, which is discussed in detail in this section of the analysis, includes but is not limited to, a brief legislative history regarding the basic skills examination; a discussion of the current system of developing and administering the BAT test and its fee structure; problems the FDLE identified with the current system; and the FDLE’s proposed changes to the current system, including proposed statutory language.

Current Status of the BAT and Problems Identified by the FDLE

The CJSTC, through the FDLE, contracted with three providers to develop and administer the BAT. Two of the providers, I/O Solutions and Morris & McDaniel, are out-of-state vendors. The third provider is Miami Dade College. The providers follow basic contractual requirements established by the FDLE.

The FDLE stated that the goal of the contract is to standardize testing between providers; however, the exam development process does not lend itself to extensive regulation and contract requirements are limited. The contract:

⁴ See Rule 11B-35.0011, F.A.C. This requirement does not apply to correctional probation officers. Correctional probation officers must have a bachelor’s degree. See “Officer Requirements,” Florida Department of Law Enforcement, available at <http://www.fdle.state.fl.us/cms/CJSTC/Officer-Requirements/How-to-Become-an-Officer.aspx> (last visited on February 3, 2017).

⁵ “Basic Abilities Test (BAT),” Florida Department of Law Enforcement, available at <http://www.fdle.state.fl.us/cms/CJSTC/Officer-Requirements/Basic-Abilities-Test.aspx> (last visited on February 3, 2017).

⁶ *Id.*

⁷ See Rule 11B-35.0011, F.A.C.

⁸ Proviso for specific appropriations 1267-1276, ch. 2016-66, L.O.F.

⁹ *Report on the Status of Development of the Basic Abilities Test*, Florida Department of Law Enforcement, and report transmittal letters to the Governor, President of the Senate, and Speaker of the House of Representatives (December 30, 2017) (on file with the Senate Committee on Criminal Justice). Unless otherwise indicated, all information in this section of the analysis is from this report.

- Specifies that the providers must develop and maintain a test that will measure minimum competency of individuals seeking enrollment in an academy or employment in Florida's criminal justice system;
- Requires that the test specifically assess an applicant's written comprehension and expression, as well as abilities in organizing information, spatial orientation, memorization, problem sensitivity, and inductive and deductive reasoning; and
- Specifies that items on the test must be based on a Florida job task analysis adopted by the CJSTC.

Although the FDLE provides the job task analysis to each provider, the department does not play a role in designing, administering, or delivering the BAT or the selection of exam site locations. This is the responsibility of the providers. The FDLE assists the CJSTC by providing oversight of the BAT providers to ensure compliance with the basic contractual requirements for development and delivery of the BAT. The FDLE also collects required data from each provider to ensure entry of examination results into the officer records system and correct errors in the data.¹⁰

The FDLE identified three problems with providers developing and administering the BAT:

- Three unique tests, each with their own level of difficulty cause confusing and unnecessary problems for the schools and agencies that administer the test, the test takers, and the employing agencies;
- Disparate testing standards and procedures result from training and selection centers having the discretion to choose which test to administer or endorse; and
- Because of these disparities and miscommunication, test centers and applicants often misunderstand the process, and these misunderstandings are time-consuming to resolve and unduly complicate the program.¹¹

Although the tests are developed and defended by the three providers, there are occasions when the FDLE can be held accountable for the providers' actions. The FDLE stated that this problem has been most pronounced in its interaction with the Department of Justice, Office for Civil Rights (OCR). On June 23, 2015, the OCR sent a letter to the FDLE requesting data concerning test results for the BAT. The OCR subsequently raised a concern that I/O Solutions' test exhibited a higher degree of adverse impact¹² compared to those of Morris & McDaniel and

¹⁰ When applicants register to take the BAT, they contact the school or agency that administers the test. The provider is responsible for providing applicant information and test results to the FDLE, including demographic information that is entered into the FDLE's Automated Training Management System. This produces the initial record of the applicant in the CJSTC officer records system and follows the applicant throughout his or her entire law enforcement or corrections career. Before manually uploading this key information, the FDLE must review the applicant information in detail to ensure its accuracy. The FDLE is required to troubleshoot any discrepancies in the data and respond to inquiries regarding test results. Any errors created by the provider must be resolved by the FDLE.

¹¹ The FDLE stated that it has conducted workshops and distributed memorandums to make the testing process more clear; however, in spite of explaining that a passing score from any of the providers qualifies the applicant to enter an academy, some academies are still hesitant to enroll the recruit unless he or she can show a passing score from a particular provider. Similarly, some agencies are reluctant to hire applicants unless they can show a passing score from a preferred provider.

¹² Federal Uniform Guidelines on employee selection procedures define "adverse impact" as "[a] selection rate for any race, sex, or ethnic group which is less than four-fifths (4/5) (or eighty percent) of the rate for the group with the highest rate will generally be regarded by the Federal enforcement agencies as evidence of adverse impact, while a greater than four-fifths rate

Miami Dade College. The OCR recommended that the FDLE discontinue using I/O Solutions; however, this would have left a large void in service throughout the state. After several communications with the OCR and I/O Solutions, the parties agreed that I/O Solutions would change its test and lower the passing rate. The FDLE also agreed to retroactively apply the new passing rate to applicants who had taken the test during the previous five years.¹³

Because the providers are responsible for the entire development and delivery of the BAT, they establish and collect all examination fees. The FDLE does not recover any costs; the providers and test sites retain all revenue. The FDLE and the CJSTC do not currently have statutory authority to collect funds generated from the BAT or direct those funds to the Criminal Justice Standards and Training Commission Trust Fund.

The FDLE stated that the BAT fees are generally inconsistent, and in most cases, based on what the market can bear.¹⁴ The fees range from \$18 to \$75 and the statewide average is \$46. Two of the providers, I/O Solutions and Morris & McDaniel, rely on CJSTC-certified training schools and agencies to administer the test. Miami Dade College administers the BAT on campus but relies on CJSTC-certified training schools and agencies to administer the BAT at other locations. The training schools and agencies often apply a surcharge fee to administer the test. While this surcharge is also inconsistent statewide, a majority of test sites charge \$25. The DOC charges the lowest BAT fee, \$18, at test sites for its applicants. The DOC does not include an administrative surcharge.

FDLE's Proposed Changes

Based on the problems the FDLE identified, it concluded that the best alternative is to establish a single test developed and maintained by the FDLE,¹⁵ thereby eliminating a role of third-party providers in developing and maintaining the BAT. The FDLE would develop and maintain the BAT and contract for administrative services with a single provider.¹⁶

The FDLE's role in developing the BAT would include:

- Evaluating each question's validity based on the performance of the test takers;

will generally not be regarded by Federal enforcement agencies as evidence of adverse impact.” 29 CFR 1607.4 (Information on Impact).

¹³ The FDLE stated that the OCR is aware of the proposal to develop a single test and sees this as a major part of the solution to address adverse impact. The OCR will continue to monitor the situation.

¹⁴ The FDLE stated that the fees and administrative charges are comparable to other similar exams. Examples cited by the FDLE include: the Test of Essential Academic Skills (TEAS), an assessment of entry-level skills and abilities required to enter a nursing program (standardized fee of \$55 and surcharges ranging from \$10 to \$55); the National Criminal Justice Officer Selection Inventory (NCJOSI), a cognitive abilities exam designed to measure minimum competency of people attempting to enter the field of criminal justice (fees ranging from \$50 to \$75); and the ACT and SAT, college-readiness exams (fees of \$43 and \$45, respectively, and substantial additional fees for scores, phone registration, test date changes, location changes, etc.).

¹⁵ Based on its prior experience in delivering both paper-and-pencil testing and computer-based testing, the FDLE determined computer-based testing is the best option.

¹⁶ As previously noted, the FDLE, through the CJSTC, already has oversight of the development and administration of the BAT and the contractual agreement with the vendors currently administering the examinations. This change would move FDLE's responsibility from contract monitoring for compliance to development and administration of the examinations. The CJSTC currently is responsible for the development and administration of the SOCE, so this added responsibility would be an extension of existing functions.

- Ensuring that test questions meet the rules and requirements in Florida Statutes and administrative rules;
- Reviewing the content on a regular basis to ensure the validity and applicability of the test questions to standardize the content and difficulty level of the BAT;
- Eliminating much of the confusion that now exists between stakeholders; and
- Having direct control over the management of adverse impact, which would make the FDLE better positioned to address any legal challenges to the test.

The FDLE's role in maintaining the BAT would include:

- Item development;
- Standards setting;
- Validation studies;
- Statistical analysis;
- Legal defensibility;
- Customer service to examinees;
- The processing of all public records requests; and
- Oversight and maintenance of the BAT results in the Automated Training Management System.

The FDLE determined that contracting with Miami Dade College, a current provider, would be the best option to administer to the BAT statewide.¹⁷ Miami Dade College would be responsible for registration and administration of the test; directing and managing the work efforts of subcontractor personnel and ensuring the quality of their work; and ensuring the security of the test items during testing. The FDLE stated that the existence of a single examination administrator would reduce execution errors; help prevent mistakes in the collection and dissemination of testing data; and increase the efficiency, expediency, and consistency of the testing process. If, for any reason, the FDLE is unable to finalize an agreement with Miami Dade College, it would seek an alternative vendor.

The FDLE proposed to cap the test fee for applicants at \$50, which includes an allowance for up to \$10 for the administrative surcharge. The fee is structured to allow all parties responsible for the development and administration of the BAT to recover some, if not all, of their costs. The fee is based on expected costs for both Miami Dade College¹⁸ and the FDLE.¹⁹ Miami Dade College proposed a fee of \$20 per test to cover their costs and the FDLE estimated its costs will also be covered by receiving \$20 per test.

III. Effect of Proposed Changes:

This bill adopts the proposed statutory language in the 2017 FDLE report on the BAT. The bill amends s. 943.12, F.S., to require the Criminal Justice Standards and Training Commission

¹⁷ The FDLE has been in formal discussion with college representatives and has a tentative agreement with them through a proposed memorandum of understanding. Under the agreement, Miami Dade College will assume sole responsibility for administration of the BAT and will ensure the test is consistently and fairly administered. As with any test proctoring, Miami Dade College will be responsible for ensuring security of the test items during testing.

¹⁸ Further details are provided in the "Private Sector Impact" statement in this analysis.

¹⁹ Further details are provided in the "Government Sector Impact" statement in this analysis.

(CJSTC) to implement, administer, maintain, and revise the BAT. The CJSTC must also establish by rule procedures for administering the BAT and standards for acceptable performance on the BAT.

The bill also amends s.943.17, F.S., to require the CJSTC to set a nonrefundable fee, not to exceed \$50, for the BAT. Funds collected from the examination fee must be deposited in the Criminal Justice Standards and Training Commission Trust Fund. The fee does not take effect until implementation of the revised BAT, which must occur on or before January 1, 2019.

The bill also amends s. 943.25, F.S., relating to criminal justice trust funds, to correct a reference to conform to changes made to s. 943.12, F.S., and reenacts s. 943.173(3), F.S.

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The FDLE reports that the bill will not have any impact on local government revenues or expenditures.²⁰ BAT fees are paid by the individuals taking the test.

B. Private Sector Impact:

The FDLE will contract for administrative services with Miami Dade College. Miami Dade College will be responsible for registration and administration of the test, as well as managing the relationship with all subcontractor organizations. Costs of administering the examinations will be borne by Miami-Dade College.

The two out-of-state vendors currently used, I/O Solutions and Morris & McDaniel, will no longer administer their tests for entrance into a basic recruit training program, which may impact their revenue from Florida.

²⁰ 2017 FDLE Legislative Bill Analysis (SB 350) (January 20, 2017) (on file with the Senate Committee on Criminal Justice). All information in this section of the analysis is from this document.

C. Government Sector Impact:

The bill caps the test fee for applicants at \$50, which includes an allowance for up to \$10 for the administrative surcharge. According to the FDLE, the fee is structured to allow all parties responsible for the development and administration of the BAT to recover some, if not all, of their costs. The fee is based on expected costs for both Miami Dade College and the FDLE. Miami Dade College proposes a fee of \$20 per test to cover their costs and the FDLE estimates its costs will also be covered by receiving \$20 per test. Current fees range from \$18 to \$75 with a state-wide average of \$45.60.

The FDLE estimates that the bill will result in an additional \$800,000 to the Criminal Justice Standards and Training Trust Fund, assuming 20,000 examinees per year with an aggregate \$40 fee. From this sum, roughly \$400,000 will be used to contract with Miami-Dade College, and the remainder will be retained in the trust fund.

The FDLE will absorb the costs of data transfer modifications using current FDLE staff and resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 943.12, 943.17, and 943.25.

This bill also reenacts section 943.173 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Clemens

31-00362A-17

2017350__

1 A bill to be entitled
 2 An act relating to the Criminal Justice Standards and
 3 Training Commission; amending s. 943.12, F.S.;
 4 requiring the Criminal Justice Standards and Training
 5 Commission to implement, administer, maintain, and
 6 revise a basic abilities examination by a specified
 7 date; requiring the commission to establish specified
 8 procedures and standards; amending s. 943.17, F.S.;
 9 requiring the commission to set a fee for the basic
 10 abilities examination; requiring a nonrefundable fee
 11 for each examination attempt; requiring that
 12 examination fees be deposited in the Criminal Justice
 13 Standards and Training Trust Fund; providing a
 14 condition for when the examination fee takes effect;
 15 reenacting s. 943.173(3), F.S., relating to
 16 examinations, administration, and materials not being
 17 public records, to incorporate the amendment made to
 18 s. 943.17, F.S., in a reference thereto; reenacting
 19 and amending s. 943.25(2), F.S., relating to criminal
 20 justice trust funds; conforming a provision to changes
 21 made by the act; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Subsection (18) is added to section 943.12,
 26 Florida Statutes, to read:
 27 943.12 Powers, duties, and functions of the commission.—The
 28 commission shall:
 29 (18) On or before January 1, 2019, implement, administer,
 30 maintain, and revise a basic abilities examination for all
 31 applicants for basic recruit training in law enforcement and
 32 corrections. The commission shall establish by rule procedures

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

31-00362A-17

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33 for the administration of the basic abilities examination. The
 34 commission shall also establish standards for acceptable
 35 performance on the examination.

36 Section 2. Paragraph (g) of subsection (1) of section
 37 943.17, Florida Statutes, is amended, and paragraph (h) is added
 38 to that subsection, to read:

39 943.17 Basic recruit, advanced, and career development
 40 training programs; participation; cost; evaluation.—The
 41 commission shall, by rule, design, implement, maintain,
 42 evaluate, and revise entry requirements and job-related
 43 curricula and performance standards for basic recruit, advanced,
 44 and career development training programs and courses. The rules
 45 shall include, but are not limited to, a methodology to assess
 46 relevance of the subject matter to the job, student performance,
 47 and instructor competency.

48 (1) The commission shall:

49 (g) Assure that entrance into the basic recruit training
 50 program for law enforcement and correctional officers be limited
 51 to those who have passed a basic abilities ~~skills~~ examination
 52 ~~and assessment instrument~~, based on a job task analysis in each
 53 discipline and adopted by the commission.

54 (h) Set a fee, not to exceed \$50, for the basic abilities
 55 examination. The fee applies to one scheduled examination
 56 attempt and is not refundable. Fees collected pursuant to this
 57 paragraph shall be deposited in the Criminal Justice Standards
 58 and Training Trust Fund. This paragraph shall take effect upon
 59 the implementation of the revised basic abilities examination on
 60 or before January 1, 2019, as specified in s. 943.12(18).

61 Section 3. For the purpose of incorporating the amendment

Page 2 of 4

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62 made by this act to section 943.17, Florida Statutes, in a
 63 reference thereto, subsection (3) of section 943.173, Florida
 64 Statutes, is reenacted to read:

65 943.173 Examinations; administration; materials not public
 66 records; disposal of materials.—

67 (3) All examinations, assessments, and instruments and the
 68 results of examinations, other than test scores on officer
 69 certification examinations, including developmental materials
 70 and workpapers directly related thereto, prepared, prescribed,
 71 or administered pursuant to ss. 943.13(9) or (10) and 943.17 are
 72 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
 73 of the State Constitution. Provisions governing access to,
 74 maintenance of, and destruction of relevant documents pursuant
 75 to this section shall be prescribed by rules adopted by the
 76 commission.

77 Section 4. Subsection (2) of section 943.25, Florida
 78 Statutes, is reenacted and amended to read:

79 943.25 Criminal justice trust funds; source of funds; use
 80 of funds.—

81 (2) There is created, within the Department of Law
 82 Enforcement, the Criminal Justice Standards and Training Trust
 83 Fund for the purpose of providing for the payment of necessary
 84 and proper expenses incurred by the operation of the commission
 85 and the Criminal Justice Professionalism Program and providing
 86 commission-approved criminal justice advanced and specialized
 87 training and criminal justice training school enhancements and
 88 of establishing the provisions of s. 943.17 and developing the
 89 specific tests provided under s. 943.12 ~~s. 943.12(9)~~. The
 90 program shall administer the Criminal Justice Standards and

Page 3 of 4

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31-00362A-17

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91 Training Trust Fund and shall report the status of the fund at
 92 each regularly scheduled commission meeting.

93 Section 5. This act shall take effect July 1, 2017.

Page 4 of 4

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Community Affairs, *Vice Chair*
Appropriations Subcommittee on Criminal and
Civil Justice
Appropriations Subcommittee on Higher Education
Communications, Energy, and Public Utilities
Criminal Justice

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR JEFF CLEMENS

Democratic Whip
31st District

February 21, 2017

Senator Aaron Bean, Chair
Senate Appropriations Subcommittee
on Criminal and Civil Justice
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chair Bean:

I respectfully request that SB 350 – Criminal Justice Standards and Training Commission be added to the agenda for the next Senate Appropriations Subcommittee on Criminal and Civil Justice meeting.

SB 350, at the request of the Florida Department of Law Enforcement, authorizes the department to implement, administer, maintain and revise a basic abilities examination for all applicants for basic recruit training in law enforcement and corrections as required by law.

Please feel free to contact me with any questions. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeff Clemens".

Senator Jeff Clemens
Florida Senate District 31

REPLY TO:

- 508 Lake Avenue, Unit C, Lake Worth, Florida 33460 (561) 540-1140 FAX: (561) 540-1143
- 210 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5031

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

ACJ

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-8-17

Meeting Date

350

Bill Number (if applicable)

Topic Criminal Justice Standard

Amendment Barcode (if applicable)

Name Matt Dunagan

Job Title Deputy Director

Address 2617 Mahan Dr.

Phone _____

Street

Tallahassee FL

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Florida Sheriffs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

March 8, 2017
Meeting Date

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

SB 350
Bill Number (if applicable)

Topic Criminal Justice Standards + Training Commission Amendment Barcode (if applicable)

Name Shane Bennett

Job Title Chief of Police

Address 2793 Lake Street

Phone 904-782-3757

Lawtey FL 32058
City State Zip

Email lawtey.policepd@flcjs.net

Speaking: For Against Information

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

Representing The Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/8/17

Meeting Date

Bill Number (if applicable)

Topic TERRORISM

Amendment Barcode (if applicable)

Name RICK SWARINGEN

Job Title COMMISSIONER FDLE

Address 2331 PHILLIPS RD.
Street

Phone 850-410-7011

TALLAHASSEE FL
City State Zip

Email _____

Speaking: For Against Information

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

Representing FDLE

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.

**CHAIRMAN'S PROPOSED BUDGET REDUCTIONS FOR FY 2017-18
SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS**

LINE #	AGENCY	ISSUE TITLE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		LINE #
1		ACJ BUDGET REDUCTIONS						1
2	FDLE	Fund-shift Criminal Justice Standards & Training budget from general revenue to FDLE's Operating Trust Fund	(4,800,000)	(4,800,000)		4,800,000	Fund-shifts \$4.8 million in general revenue to FDLE's Operating Trust Fund to fund statewide local law enforcement training. This issue was recommended in the Governor's budget.	2
3	FDLE	Fund-shift FDLE's operating budget from general revenue to their Operating Trust Fund	(6,500,000)	(6,500,000)		6,500,000	Fund-shifts \$6.5 million in general revenue that is used to fund FDLE's operations to their Operating Trust Fund.	3
4	DJJ	Reduce Funding for the Juvenile Redirection Program	(3,216,000)	(3,216,000)			Reduces Redirection Program funding in DJJ's Community Supervision program. With declining numbers of youth in community supervision, the department should be able to absorb most of this reduction.	4
5	FCOR	Reorganization of the Florida Commission on Offender Review	(1,000,000)	(1,000,000)			Reorganizes the commission by moving clemency activities to the Governor's Office and parole activities to the Department of Corrections.	5
6	SA	Fund-shift State Attorney salaries and benefits from general revenue to the State Attorney Revenue Trust Fund	(5,429,733)	(5,429,733)		5,429,733	Fund-shifts the State Attorney's general revenue in exchange for trust fund authority. Shift represents less than 2% of salaries and benefits.	6
7	PD	Fund-shift Public Defender salaries and benefits from general revenue to the Indigent Criminal Defense Trust Fund	(2,682,868)	(2,682,868)		2,682,869	Fund-shifts the Public Defender's general revenue in exchange for trust fund authority. Shift represents less than 2% of salaries and benefits.	7
8	SCS	Increase Salary Lapse in the State Court's Budget	(2,000,000)	(2,000,000)			Reduces excess salary and benefits budget in the trial courts by \$2.0 million in general revenue. This represents 0.6% of the trial court's total S&B. As of 2/7/17, courts had 130 vacant positions.	8
9	DOC	Adjust Criminal Justice Estimating Conference for most recent conference results	(18,315,517)	(18,315,517)			Based on the latest CJEC, prison population is expected to decrease in FY 2017-18 by 1,575 inmates from current year population funding. At the dorm per diem of \$31.86, this would represent a cost savings of \$18.3 million in general revenue.	9
10	DOC	Reduce Debit Service Requirement	(1,555,882)	(1,555,882)			Reduces debt service payments in DOC. The department is overfunded in its debit service payments for FY 2017-18. This issue was recommended in the Governor's budget.	10
11	SA	Eliminate Local Funding Initiatives	(500,000)	(500,000)			Eliminates funding for the <i>It's Time to Be A Parent Again</i> Program funded in the State Attorney's Office in the 18th Circuit.	11
12		ACJ TOTAL BUDGET REDUCTIONS:	(46,000,000)	(46,000,000)	0	19,412,602		12

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Criminal and Civil Justice

Judge:

Started: 3/8/2017 9:30:48 AM

Ends: 3/8/2017 10:51:29 AM

Length: 01:20:42

9:30:59 AM Sen. Bean (Chair)
9:33:19 AM S 196
9:33:37 AM Sen. Flores
9:34:07 AM Am. 595926
9:35:23 AM Sen. Bean
9:35:30 AM Sen. Clemens
9:35:40 AM Sen. Flores
9:36:12 AM Sen. Bean
9:37:15 AM Matt Dunagan, Deputy Director, Florida Sheriffs Association
9:38:25 AM Sen. Perry
9:38:40 AM M. Dunagan
9:39:50 AM Sen. Perry
9:40:21 AM M. Dunagan
9:40:28 AM Sen. Perry
9:40:57 AM M. Dunagan
9:41:15 AM Sen. Bean
9:41:53 AM M. Dunagan
9:42:13 AM Sen. Bean
9:42:27 AM Shane Bennett, Chief of Police, The Florida Police Chiefs Association
9:42:43 AM S. Bennett
9:44:26 AM Sen. Bean
9:45:29 AM Sen. Bracy
9:45:37 AM S. Bennett
9:46:27 AM Sen. Bean
9:46:31 AM S. Bennett
9:46:33 AM Sen. Bean
9:46:54 AM Jasmyne Henderson, Attorney, (waives in support)
9:47:00 AM Nancy Daniels, Legislative Consultant, Florida Public Defender Association (waives in support)
9:47:10 AM Ingrid Delgado, Associate, Florida Conference of Catholic Bishops (waives in support)
9:47:19 AM Lisa Hurley, Florida Association of Countries (waives in support)
9:47:30 AM Sen. Bean
9:48:03 AM Velonda Hope, Minister, Antioch Missionary Baptist Church (waives in support)
9:48:14 AM V. Hope
9:49:24 AM Sen. Bean
9:49:33 AM Kara Gross, Legislative Counsel, American Civil Liberties Union of Florida (waives in support)
9:49:56 AM Geneva Pittman, Retiree, ICARE St. Paul AME
9:52:20 AM Sen. Bean
9:52:35 AM Melissa Ramba, Vice President of Government Affairs, Florida Retail Federation
9:53:01 AM Kevin Dalia, Barry University (waives in support)
9:53:23 AM Barney Bishop, President, Florida Smart Justice Alliance
9:58:23 AM Sen. Bean
9:58:32 AM Sen. Clemens
9:58:41 AM B. Bishop
9:59:10 AM Sen. Clemens
9:59:17 AM B.Bishop
9:59:57 AM Sen. Clemens
10:00:09 AM Sen. Bean
10:00:27 AM Sen. Clemens
10:01:32 AM Sen. Baxley
10:05:02 AM Sen. Bean
10:05:04 AM Sen. Bracy
10:06:00 AM Sen. Perry

10:06:09 AM Sen. Bean
10:06:20 AM Sen. Flores
10:12:01 AM Sen. Bean
10:12:37 AM S 350
10:12:48 AM Sen. Clemens
10:13:25 AM Sen. Bean
10:13:34 AM Shane Bennett, Chief of Police, The Florida Police Chiefs Association (waives in support)
10:13:43 AM Matt Dunagan, Deputy Director, Florida Sheriffs Associations (waives in support)
10:13:52 AM Ron Draa, Director, Florida Department of Law Enforcement (waives in support)
10:14:31 AM Sen. Clemens
10:14:34 AM Sen. Bean
10:15:16 AM Tab 3 - Update on the Expansion of the Florida Department of Law Enforcement's Counterterrorism Unit
10:15:29 AM Rick Swearingen, Commissioner, Florida Department of Law Enforcement
10:18:24 AM Sen. Bean
10:18:46 AM R. Swearingen
10:30:49 AM Sen. Bean
10:30:58 AM Sen. Baxley
10:31:33 AM R. Swearingen
10:32:40 AM Sen. Baxley
10:32:49 AM R. Swearingen
10:33:31 AM Sen. Baxley
10:33:54 AM R. Swearingen
10:35:08 AM Sen. Baxley
10:35:20 AM R. Swearingen
10:36:22 AM Sen. Baxley
10:37:35 AM R. Swearingen
10:38:23 AM Sen. Bean
10:39:01 AM Tab 4 - Chair's Proposed Budget Reductions for Fiscal Year 2017- 2018
10:45:56 AM Sen. Clemens
10:47:21 AM Sen. Bean
10:49:32 AM Sen. Baxley
10:51:16 AM Sen. Bean
10:51:24 AM Meeting Adjourned