

Tab 1	CS/SB 470 by MS, Stargel ; (Similar to CS/H 00333) Minimum Basic Recruit Training Exemptions						
434884	A	S	RCS	ACJ, Brandes	Delete L.63 - 83:	02/09 12:52 PM	

Tab 2	SB 666 by Brandes ; (Identical to H 00531) Noncriminal Traffic Infractions						
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Tab 3	CS/SB 854 by CJ, Brandes ; (Similar to CS/H 00365) Correctional Officers						
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Tab 4	SB 938 by Bracy ; (Similar to H 06059) Department of Corrections' Direct-support Organization						
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Tab 5	CS/SB 942 by CJ, Bracy ; (Compare to CS/H 01417) Department of Juvenile Justice's Direct-support Organization						
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Tab 6	SB 982 by Powell ; (Identical to H 00763) Care for Retired Law Enforcement Dogs						
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Tab 7	SB 1002 by Passidomo (CO-INTRODUCERS) Bean ; (Identical to H 01187) Guardianship						
141506	A	S	RCS	ACJ, Passidomo	Delete L.71 - 72.	02/09 12:58 PM	

Tab 8	SB 1424 by Gainer ; Court-ordered Treatment Programs						
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Tab 9	SB 1440 by Powell ; (Similar to H 00781) Mental Illness Training for Law Enforcement Officers						
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND
CIVIL JUSTICE
Senator Brandes, Chair
Senator Bracy, Vice Chair

MEETING DATE: Thursday, February 8, 2018
TIME: 10:00—11:30 a.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Brandes, Chair; Senator Bracy, Vice Chair; Senators Baxley, Bean, Flores, Perry, and Rodriguez

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 470 Military and Veterans Affairs, Space, and Domestic Security / Stargel (Similar CS/H 333)	Minimum Basic Recruit Training Exemptions; Defining the term "special operations forces"; exempting former special operations forces members who meet certain requirements from the Criminal Justice Standards and Training Commission-approved basic recruit training program; requiring an employing agency, training center, or criminal justice selection center to verify and document that special operations forces applicants meet certain requirements if the applicants seek an exemption from a basic recruit training program approved by the commission, etc. MS 01/18/2018 Fav/CS ACJ 02/08/2018 Fav/CS AP	Fav/CS Yeas 6 Nays 0
2	SB 666 Brandes (Identical H 531)	Noncriminal Traffic Infractions; Requiring a specified reduction for a civil penalty under certain circumstances; requiring a person to pay the clerk of the court the specified percentage previously deducted under certain circumstances, etc. TR 12/05/2017 Favorable ACJ 02/08/2018 Favorable AP	Favorable Yeas 7 Nays 0
3	CS/SB 854 Criminal Justice / Brandes (Similar CS/H 365)	Correctional Officers ; Authorizing a full-time, part-time, or auxiliary correctional officer to be employed at 18 years of age; prohibiting a correctional officer who is under 19 years of age from supervising inmates, etc. CJ 01/09/2018 Fav/CS ACJ 02/08/2018 Favorable AP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Criminal and Civil Justice
 Thursday, February 8, 2018, 10:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 938 Bracy (Similar H 6059)	Department of Corrections' Direct-support Organization; Abrogating the scheduled repeal of provisions governing a direct-support organization that is permitted use of fixed properties and facilities of the state correctional system by the Department of Corrections, etc. CJ 01/22/2018 Favorable ACJ 02/08/2018 Favorable AP	Favorable Yeas 7 Nays 0
5	CS/SB 942 Criminal Justice / Bracy (Compare CS/H 1417)	Department of Juvenile Justice's Direct-support Organization; Requiring the secretary of the Department of Juvenile Justice to appoint board of directors to the department's direct-support organization according to the organization's established bylaws; abrogating the scheduled repeal of provisions governing a direct-support organization established by the department, etc. CJ 01/22/2018 Fav/CS ACJ 02/08/2018 Favorable AP	Favorable Yeas 7 Nays 0
6	SB 982 Powell (Identical H 763)	Care for Retired Law Enforcement Dogs; Designating the "Care for Retired Law Enforcement Dogs Program Act"; requiring the Department of Law Enforcement to contract with a corporation not for profit to administer and manage the program; providing requirements for the disbursement of funds for the veterinary care of eligible retired law enforcement dogs, etc. CJ 01/22/2018 Favorable ACJ 02/08/2018 Favorable AP	Favorable Yeas 7 Nays 0
7	SB 1002 Passidomo (Identical H 1187)	Guardianship; Requiring certain medical, financial, or mental health records or financial audits that are necessary as part of an investigation of a guardian as a result of a complaint filed for certain purposes with a designee of the Office of Public and Professional Guardians to be provided to the Office of Public and Professional Guardians upon that office's request; providing that any such clerk or Office of Public and Professional Guardians investigator has a duty to maintain the confidentiality of such information, etc. JU 01/10/2018 Favorable ACJ 02/08/2018 Fav/CS AP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDAAppropriations Subcommittee on Criminal and Civil Justice
Thursday, February 8, 2018, 10:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1424 Gainer	Court-ordered Treatment Programs; Providing that veterans who were discharged or released under any condition, individuals who are current or former United States Department of Defense contractors, and individuals who are current or former military members of a foreign allied country are eligible in a certain Military Veterans and Servicemembers Court Program, etc. JU 01/25/2018 Favorable ACJ 02/08/2018 Favorable AP	Favorable Yeas 7 Nays 0
9	SB 1440 Powell (Similar H 781)	Mental Illness Training for Law Enforcement Officers; Requiring the Department of Law Enforcement to establish a continued employment training component relating to mental illness, etc. CJ 01/29/2018 Favorable ACJ 02/08/2018 Favorable AP	Favorable Yeas 7 Nays 0
10	Presentations by the Office of Program Policy Analysis and Government Accountability (OPPAGA) on Drug-Free Zones and Elderly Inmates		Presented
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 470 (261158)

INTRODUCER: Appropriations Subcommittee on Criminal and Civil Justice; Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Stargel

SUBJECT: Minimum Basic Recruit Training Exemptions

DATE: February 9, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Forbes</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 470 creates an exemption from a Criminal Justice Standards and Training Commission (Commission)-approved law enforcement, correctional, or correctional probation officer basic recruit training program (BRTP) for an applicant who successfully completed a special operations forces training course and served in the special operations forces for a minimum of 5 years. An applicant's last date of service in the special operations forces must be within 4 years of applying for an exemption from a BRTP.

An applicant who qualifies for an exemption from a BRTP under the bill must complete training required by the Commission, and demonstrate proficiency in high-liability areas and pass the state officer certification exam within one year after receiving an exemption. Prior to employment or appointment the applicant must also meet the minimum qualifications described in s. 943.13(1)-(8), F.S.

The bill defines the term "special operations forces" to mean those active and reserve component forces of the military services designated by the Secretary of Defense and specifically organized, trained, and equipped to conduct and support special operations. The term includes servicemembers of the:

- U.S. Army Special Forces;
- U.S. Army 75th Ranger Regiment;
- U.S. Navy SEALs and Special Warfare Combatant-Craft Crewmen;

- U.S. Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; and
- U.S. Marine Corps Critical Skills Operators.

The term also includes any other component of the United States Special Operations Command approved by the Commission.

Lowers the minimum age for employment as a correctional officer from 19 years of age to 18 years of age. However, a correctional officer who is younger than 19 years of age may not supervise inmates but may perform all other duties performed by a full-time, part-time, or auxiliary correctional officer.

The Florida Department of Law Enforcement and the Department of Corrections expect minimal increases in costs in implementing the provisions of the bill.

The bill takes effect on July 1, 2018.

II. Present Situation:

Criminal Justice Standards and Training Commission

The Criminal Justice Standards and Training Commission (Commission) was created within the Florida Department of Law Enforcement to actively provide statewide leadership in the establishment, implementation, and evaluation of criminal justice standards and training for all law enforcement, correctional, and correctional probation officers.¹ The powers, duties, and functions of the Commission include, but are not limited to:

- Adopting rules for the administration of ss. 943.085-943.255, F.S.;²
- Certifying, and revoking the certification of, officers, instructors, and criminal justice training schools;
- Establishing uniform minimum employment and training standards for the various criminal justice disciplines;
- Establishing minimum curricular requirements for criminal justice training schools;
- Establishing a central repository of records for the proper administration of the Commission's duties, powers, and functions; and³
- Implementing, administering, maintaining, and revising a job-related officer certification examination for each criminal justice discipline.⁴

Criminal Justice Training and Selection Centers

There are 40 training centers, or training schools, certified by the Commission. Training centers are tasked with the delivery of all basic recruit, advanced, and specialized training programs, which are intended to provide job-related training to law enforcement, correctional, and

¹ Sections 943.11(1)(a) and 943.085(3), F.S.

² Sections 943.085-943.255, F.S., govern the administration, development, implementation, and enforcement of training and employment standards in various criminal justice disciplines.

³ The Commission utilizes a system called the Automated Training Management System to secure and store records required by statute and in Commission rules.

⁴ See s. 943.12, F.S.

correctional probation officers.⁵ Attached to the training centers are 15 selection centers responsible for the evaluation of pre-service candidates and in-service officers for all units of the local criminal justice system in a region, thereby establishing a pool of qualified candidates for criminal justice agencies.⁶ Each selection center is under the direction and control of a postsecondary public school or a criminal justice agency within the selection center's region.⁷

Minimum Qualifications for Employment or Appointment

Section 943.13, F.S., specifies the minimum qualifications for any person seeking employment or appointment as a law enforcement, correctional, or correctional probation officer. An applicant must:

- Be at least 19 years of age, a citizen of the U.S., and a high school graduate or its equivalent;⁸
- Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the U.S. Armed Forces;
- Have documentation of his or her processed fingerprints on file with the employing agency or, if a private correctional officer, have documentation of his or her processed fingerprints on file with the Department of Corrections or the Commission;
- Pass a physical examination by a licensed physician, physician assistant, or certified advanced registered nurse practitioner, based on specifications established by the Commission;⁹
- Have a good moral character as determined by a background investigation under procedures established by the Commission;¹⁰
- Execute and submit to the employing agency or, if a private correctional officer, submit to the appropriate governmental entity an affidavit-of-applicant form, adopted by the Commission, attesting to his or her compliance with the aforementioned qualifications;
- Complete a Commission-approved basic recruit training program for the applicable criminal justice discipline, unless exempt under s. 943.13(9), F.S.;
- Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline; and
- Comply with the continuing training or education requirements of s. 943.135, F.S.

Basic Recruit Training Program

The Commission is required to adopt rules to design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for a basic recruit training program (BRTP).¹¹ The Commission must assure that entrance into a BRTP for law enforcement, correctional, and correctional probation officers be limited to those who have

⁵ Rule 11B-35.001(1), F.A.C.

⁶ Sections 943.256(2) and (3), F.S.

⁷ Section 943.256(1), F.S.

⁸ Rule 11B-27.0021(1), F.A.C., defines a high school graduate as an individual who has completed a secondary education program through a public school, private school, an equivalency diploma program, or home education program through an educational provider recognized by a public educational system within the United States or its territories, or received a foreign high school diploma.

⁹ See 11B-27.002(1)(d), F.A.C.

¹⁰ See 11B-27.002(1)(g), F.A.C.

¹¹ Section 943.17, F.S.

passed a Commissioned-approved basic abilities test.¹² After an applicant passes the discipline specific basic abilities test, he or she may enter the appropriate BRTP.¹³ The applicant must successfully complete their program, pass the corresponding state officer certification exam, and gain employment within four years of beginning the BRTP.¹⁴

Basic Recruit Training Program Exemption

Current law provides an exemption from a BRTP for those who:

- Completed a comparable BRTP for the applicable criminal justice discipline in another state or for the federal government; and
- Served as a full-time sworn officer in another state or for the federal government for at least one year provided there is no more than an eight-year break in employment, as measured from the separation date of the most recent qualifying employment to the time a complete application is submitted for an exemption from the BRTP.¹⁵

Additionally, current law provides that a certified Florida officer who has separated from employment and who is not reemployed within four years after the date of separation must meet the requirements of s. 943.13, F.S., but does not have to complete a BRTP.¹⁶ Officers who are not reemployed within eight years after separation must meet the requirements of s. 943.13, F.S., and complete a BRTP.¹⁷

If an applicant is seeking any of these exemptions, the applicant's employing agency or a selection center must verify that the applicant meets the above-described exemption criteria and submit documentation about the applicant's criminal justice experience to the Commission.¹⁸ An applicant who ultimately receives an exemption from a BRTP must still demonstrate proficiency in high-liability areas¹⁹ and pass the state officer certification exam within one year after receiving an exemption. If these requirements are not met within one year, the person must complete a BRTP.²⁰

Equivalency of Training

Employing agencies and selection centers utilize the equivalency of training process to verify that an applicant meets the exemption criteria and is eligible for an exemption from a BRTP. As part of the process, an employing agency or selection center will review the applicant's previous

¹² See s. 493.17(1)(g), F.S., and Rule 11B-35.0011, F.A.C. The basic abilities test assesses written comprehension and expression, information ordering, spatial orientation, memorization, problem sensitivity, and inductive and deductive reasoning. See also Florida Department of Law Enforcement, *Basic Abilities Test (BAT)*, <http://www.fdle.state.fl.us/CJSTC/Officer-Requirements/Basic-Abilities-Test.aspx> (last visited Jan. 16, 2018).

¹³ Rule 11B-35.002(5), F.A.C. There is a separate BRTP for law enforcement, correctional, and correctional probation officers. Each of the three programs consist of multiple courses totaling 770, 420, and 482 hours of course work, respectively.

¹⁴ Rule 11B-35.002(2)(a), F.A.C.

¹⁵ Section 943.13(9), F.S.

¹⁶ Section 943.1395(3), F.S.

¹⁷ Section 943.131(2), F.S.

¹⁸ *Id.*

¹⁹ Rule 11B-35.0021, F.A.C., establishes four high-liability training courses: Criminal Justice Firearms, Law Enforcement Vehicle Operations, Criminal Justice Defensive Tactics, and First Aid for Criminal Justice Officers.

²⁰ *Supra* note 17.

law enforcement,²¹ correctional,²² or correctional probation²³ officer training to determine what, if any, courses are comparable to those of a BRTP.²⁴ According to the Florida Department of Law Enforcement, the curriculum review may determine that additional training is necessary for the applicant and a partial exemption is granted in lieu of the full exemption from a BRTP.²⁵

U.S. Special Operations Forces

Special operations forces are those active and reserve component forces of the U.S. Armed Forces specifically organized, trained, and equipped to conduct and support special operations.²⁶ The Department of Defense's Special Operations Command (SOCOM), headquartered at MacDill Air Force Base in Tampa, trains, equips, and oversees the special operations forces of each military service. SOCOM's components include:

- The U.S. Army Special Operations Command;
- The Naval Special Warfare Command;
- The Air Force Special Operations Command; and
- The Marine Corps Forces Special Operations Command.

Special operations forces are intended to be versatile forces, capable of conducting a wide range of missions, including those that other military units would not be suited to undertake.²⁷ Among their multiple roles, the most important are considered to be direct action, special reconnaissance, foreign internal defense, and security force assistance. The last two activities involve helping friendly governments improve their military capabilities, which requires the largest commitments of special operations forces personnel and time.²⁸

Special operations require unique modes of employment, tactical techniques, equipment, and training. These operations are often conducted in hostile, denied, or politically sensitive environments and are characterized by one or more of the following elements: time sensitive, clandestine, low visibility, conducted with and/or through indigenous forces, requiring regional expertise, and/or a high degree of risk.

²¹ Comparable law enforcement officer training must cover the following topics: Legal, interactions in a diverse community, interviewing and reporting writing, patrol (including fundamentals, calls for service, and critical incidents), criminal investigations (including crime scene and courtroom), traffic stops, traffic crash investigations, and the high-liability subject areas. Rule 11B-.5.009(3)(a), F.A.C.

²² Comparable correctional officer training must cover the following topics: Legal, communications, officer safety, facility and equipment, intake and release, supervising in a correctional facility, supervising special populations, responding to incidents and emergencies, firearms, defensive tactics, and first aid or equivalent. Rule 11B-35.009(3)(b), F.A.C.

²³ Comparable correctional probation officer training must cover the following topics: Legal foundations for correctional probation, communications, intake and orientation, caseload management, supervision of offenders, field supervision, defensive tactics, and first aid or equivalent. Rule 11B-35.009(3)(c), F.A.C.

²⁴ 11B-35.009(3)(a), (b), and (c), F.A.C.

²⁵ Senate Military and Veterans Affairs, Space, and Domestic Security Committee staff telephone conversation with Florida Department of Law Enforcement staff (October 31, 2017).

²⁶ Congressional Research Service, *U.S. Special Operations Forces (SOF): Background and Issues for Congress*, 1 (Jan. 6, 2017), <http://fas.org/sgp/crs/natsec/RS21048.pdf> (last visited on Jan. 16, 2018).

²⁷ Congressional Budget Office, *The U.S. Military's Force Structure: A Primer*, 112 (July 2016), <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/reports/51535-fsprimer.pdf> (last visited Jan. 16, 2018).

²⁸ *Id.*

In fiscal year 2014, there were approximately 62,800 special operations military personnel, which equated to just under 3 percent of the military services' total force levels for that year.²⁹ The Department of Defense plans to field an average of about 60,000 special-operations military personnel over the 2017-2021 period.³⁰ The Army has the largest concentration of special operations forces members of all the military services. In 2014, 54 percent of all special operations forces members were in the Army, 25 percent were in the Air Force, 16 percent were in the Navy, and 5 percent were in the Marine Corps.³¹

Correctional Officer Requirements

The Criminal Justice Standards and Training Commission (Commission), which is housed within the Florida Department of Law Enforcement (FDLE) is, in part, responsible for implementing requirements related to the training, certification, and discipline of full-time, part-time,³² and auxiliary³³ correctional officers.³⁴

Section 943.10(2), F.S., defines “correctional officer” to mean any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term “correctional officer” does not include any secretarial, clerical, or professionally trained personnel.³⁵

Section 943.13, F.S., provides that, to be eligible to be employed as a correctional officer, the person must:

- Be at least 19 years of age;
- Be a citizen of the United States, notwithstanding any law of the state to the contrary;
- Be a high school graduate or its equivalent;³⁶

²⁹ U.S. Government Accountability Office, *Report No. 15-571: Special Operations Forces: Opportunities Exist to Improve Transparency of Funding and Assess Potential to Lesson Some Deployments*, 8-9 (July 2015), <https://www.gao.gov/assets/680/671462.pdf> (last visited Jan. 17, 2018).

³⁰ Supra note 27.

³¹ Supra note 29, at 11.

³² Section 943.10(7), F.S., defines “part-time correctional officer” to mean any person who is employed or appointed less than full time, as defined by the employing or appointing agency, with or without compensation, whose responsibilities include the supervision, protection, care, custody, and control of inmates within a correctional institution.

³³ Section 943.10(9), F.S., defines “auxiliary correctional officer” to mean any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision, protection, care, custody, and control of inmates within a correctional institution or a county or municipal detention facility.

³⁴ Correctional officers are eligible for special risk class benefits in accordance with s. 121.0515, F.S. Special risk class membership awards more retirement credit per year of service than is awarded to other employees due to the increased risk that such employees undertake as a part of their duties. Membership of correctional officers in the special risk class is determined by whether the officer's primary duties and responsibilities involve the custody of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or whether the officer is the supervisor or command officer of a member or members who have such responsibilities. Section 121.0515(1) and (3)(c), F.S.

³⁵ Section 943.10(2), F.S.

³⁶ Section 943.13(3), F.S., provides that the Commission must define the term high school equivalency in rule.

- Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States;³⁷
- Have documentation of his or her processed fingerprints on file with the employing agency or, if a private correctional officer, have documentation of his or her processed fingerprints on file with the Department of Corrections (DOC) or the Commission;³⁸
- Have passed a physical examination by a licensed physician, physician assistant, or certified advanced registered nurse practitioner, based on specifications established by the Commission;
- Have a good moral character as determined by a background investigation by the Commission;
- Execute and submit a sworn affidavit-of-applicant form attesting to his or her compliance with the above-listed requirements to the employing agency or, if a private correctional officer, submit to the appropriate governmental entity;
- Complete a Commission approved basic recruit training program for the applicable criminal justice discipline, unless exempt under law;³⁹ and
- Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline.

If a critical need for officers exists, the employing agency may temporarily employ a person as a correctional officer, if he or she has met all the requirements listed above, even if he or she has not completed basic recruit school or received an acceptable score on the certification examination.⁴⁰ Any person employed as a temporary correctional officer must be supervised by another correctional officer anytime he or she is performing any duties of a correctional officer and must attend the first basic recruit training program offered in the geographic area within 180 consecutive days of employment.⁴¹ A person temporarily employed as a correctional officer is prohibited from being employed in the position for more than 30 months. However, a person that is attending the first available basic recruit training program offered in his or her geographic area may continue to be employed as a temporary correctional officer until he or she:

³⁷ Section 943.13(4), F.S., further specifies that: a. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication; and b. Any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for employment or appointment as an officer.

³⁸ Section 943.13(5), F.S., provides that the FDLE must retain and enter into the statewide automated biometric identification system all fingerprints submitted. Thereafter, the fingerprints must be available for all purposes and uses authorized for arrest fingerprints entered in the statewide automated biometric identification system pursuant to s. 943.051, F.S. The FDLE is also required to search all arrest fingerprints received pursuant to s. 943.051, F.S., against the fingerprints retained in the statewide automated biometric identification system in accordance with s. 943.13, F.S., and report to the employing agency any arrest records that are identified with the retained employee's fingerprints. These fingerprints must be forwarded to the FDLE for processing and retention.

³⁹ Section 943.13(9), F.S., provides an exemption for an applicant to be required to take the basic recruit training program, including that if the applicant has completed a comparable basic recruit training program for the applicable criminal justice discipline in another state or for the Federal Government and served as a full-time sworn officer in another state or for the Federal Government for at least 1 year. For the exemption to be available, the applicant cannot have more than an 8-year break in employment, as measured from the separation date of the most recent qualifying employment to the time a complete application is submitted for the exemption.

⁴⁰ Section 943.131(1)(a), F.S.

⁴¹ Section 943.131(1)(a) and (c), F.S.

- Fails or withdraws from the basic recruit training program; or
- Is separated from employment or appointment by the employing agency.⁴²

Any person employed as a correctional officer, regardless of age, must comply with all the above-described eligibility criteria and any other requirements imposed by the Commission, including such requirements as continuing education requirements proscribed in s. 943.135, F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 943.10, F.S., to define the term “special operations forces” to mean those active and reserve component forces of the military services designated by the Secretary of Defense and specifically organized, trained, and equipped to conduct and support special operations. The term includes service members of the:

- U.S. Army Special Forces;
- U.S. Army 75th Ranger Regiment;
- U.S. Navy SEALs and Special Warfare Combatant-Craft Crewmen;
- U.S. Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; and
- U.S. Marine Corps Critical Skills Operators.

The term also includes any other component of the United States Special Operations Command approved by the Criminal Justice Standards and Training Commission (Commission).

Sections 2 and 3 amend ss. 913.13 and 943.131, F.S., respectively, to reduce the minimum age requirement for correctional officers from 19 years of age to 18 years of age. Create exemptions from a Commission-approved law enforcement, correctional, or correctional probation officer basic recruit training program (BRTP) for an applicant who successfully completed a special operations forces training course and served in the special operations forces for a minimum of 5 years. An applicant’s last date of service in the special operations forces must be within 4 years of applying for an exemption from a BRTP under the bill.

The Commission must adopt rules that establish the criteria and procedures to determine if a special operations forces applicant is exempt from completing a BRTP.

An applicant who qualifies for an exemption from a BRTP under the bill must complete training required by the Commission, and demonstrate proficiency in high-liability areas and pass the state officer certification exam within one year after receiving an exemption. If the demonstration of proficiencies and certification exam requirements are not completed within one year, the applicant must seek an additional exemption. Prior to employment or appointment the applicant must also meet the minimum qualifications described in s. 943.13(1)-(8), F.S.

The bill requires a criminal justice training center, in addition to an employing agency or criminal justice selection center, to verify and document to the Commission that an applicant requesting an exemption from a law enforcement, correctional, or correctional probation officer BRTP satisfies the requirements of the applicable exemption.

⁴² Section 943.131(1)(b), F.S.

Section 4 creates s. 944.145, F.S., to prohibit a correctional officer younger than 19 years of age from supervising inmates. A correctional officer that is younger than 19 years of age may perform all other duties performed by a full-time, part-time, or auxiliary correctional officer.⁴³ Sections 5-9 reenact ss. 943.1395, 943.17296, 626.989, and 943.133, F.S., respectively, for the purpose of incorporating amendments to s. 943.13 and s. 943.131, F.S. The bill takes effect on July 1, 2018.

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:

An applicant who is required by the Criminal Justice Standards and Training Commission to complete additional training is responsible for the cost of tuition. However, in some cases, an employing agency will pay the cost of a trainee's tuition, as authorized in s. 943.16, F.S.

C. Government Sector Impact:

The Automated Training Management System, which serves as the central repository of records for Criminal Justice Standards and Training Commission, must include programming to allow for the entry of individuals who qualify for the special operations forces exemption created in the bill. The Florida Department of Law Enforcement states that this change is minimal and there is no fiscal impact.⁴⁴

The number of individuals this would affect is indeterminate, as the Department of Corrections does not track employees with "special operations forces" experience. Any additional administrative resources in administering this bill is anticipated to be

⁴³ A person employed as a correctional officer who is younger than 19 years of age will not qualify for special risk class benefits because he or she will not be supervising inmates, which is required pursuant to s. 121.0515, F.S.

⁴⁴ Florida Department of Law Enforcement, *Senate Bill 470 Agency Analysis* (Oct. 31, 2017) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

negligible as much of the information required should be contained on documents already provided by applicants in the hiring process.⁴⁵

The bill permits the DOC to hire persons who are between 18 and 19 years of age to perform limited correctional officer functions. To the extent that this bill increases the number of persons the DOC is able to hire, the bill could potentially reduce the current vacancy rate within correctional facilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends sections 943.10, 943.13, and 943.131 of the Florida Statutes.

The bill reenacts sections 626.989, 943.133, 943.1395, and 943.17296, F.S., for the purpose of incorporating the amendments to ss. 943.13 and 943.131, F.S.

IX. Additional Information:

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

Recommended CS by Appropriations Subcommittee on Criminal and Civil Justice on February 8, 2018

The committee substitute: Amends s. 943.13, F.S., expanding the eligibility requirements of a correctional officer to include a person who is 18 years of age, rather than 19 years of age or older. The committee substitute also creates s. 944.145, F.S., prohibiting a correctional officer younger than 19 years of age from supervising inmates.

CS by Military and Veterans Affairs, Space, and Domestic Security:

The committee substitute:

- Changes the title of the bill to more accurately reflect the subject of the bill;
- Changes the definition of “special operations forces” to exclude the military occupational skill numbers;
- Requires an applicant for a basic recruit training program exemption to have served a minimum of 5 years in the special operations forces;
- Requires that an applicant’s last date of service in the special operations forces must be within 4 years of applying for an exemption from a basic recruit training program;

⁴⁵ Florida Department of Corrections, *Senate Bill 470 Agency Analysis* (Oct. 31, 2017).

- Requires an applicant who is exempt from a basic recruit training program to complete training, if required by the Criminal Justice Standards and Training Commission;
- Requires an employing agency, training center, or selection center to verify and document if an applicant qualifies for an exemption from a basic recruit training program; and
- Amends s. 943.13(9), F.S., to reference the special operations forces exemption created by the bill among the existing basic recruit training program exemptions.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2018	.	
	.	
	.	
	.	

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

Senate Amendment (with directory and title amendments)

Delete lines 63 - 83
and insert:

(1) Be at least 19 years of age, except that any person employed as a full-time, part-time, or auxiliary correctional officer may be at least 18 years of age.

(9) Complete a commission-approved basic recruit training program for the applicable criminal justice discipline, unless exempt under this subsection. An applicant who has:



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11 (a) 1. Completed a comparable basic recruit training program
12 for the applicable criminal justice discipline in another state
13 or for the Federal Government; and

14 2. ~~(b)~~ Served as a full-time sworn officer in another state
15 or for the Federal Government for at least 1 year provided there
16 is no more than an 8-year break in employment, as measured from
17 the separation date of the most recent qualifying employment to
18 the time a complete application is submitted for an exemption
19 under this section; or,

20 (b) Successfully completed a special operations forces
21 training course, served in the special operations forces for a
22 minimum of 5 years, and no more than 4 years have passed from
23 the last date of service in the special operations forces to the
24 date that a complete application is submitted for an exemption
25 under this subsection,

26
27 is exempt in accordance with s. 943.131(2) from completing a ~~the~~
28 commission-approved basic recruit training program.

29 Section 3. Section 944.145, Florida Statutes, is created to
30 read:

31 944.145 Correctional officers under the age of 19.—A
32 correctional officer who is under the age of 19 years may not
33 supervise inmates, but may perform all of the other duties
34 performed by a full-time, part-time, or auxiliary correctional
35 officer.

36
37 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

38 And the directory clause is amended as follows:

39 Delete lines 51 - 52



40 and insert:

41 Section 2. Subsections (1) and (9) of section 943.13,
42 Florida Statutes, are amended to read:

43
44 ===== T I T L E A M E N D M E N T =====

45 And the title is amended as follows:

46 Delete lines 2 - 8

47 and insert:

48 An act relating to law enforcement and correctional
49 officers; amending s. 943.10, F.S.; defining the term
50 "special operations forces"; amending s. 943.13, F.S.;
51 authorizing a full-time, part-time, or auxiliary
52 correctional officer to be employed at 18 years of
53 age; exempting former special operations forces
54 members who meet certain requirements from the
55 Criminal Justice Standards and Training Commission-
56 approved basic recruit training program; creating s.
57 944.145, F.S.; prohibiting a correctional officer who
58 is under 19 years of age from supervising inmates;
59 authorizing a correctional officer who is under 19
60 years of age to perform all other tasks performed by a
61 full-time, part-time, or auxiliary correctional
62 officer; amending s.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Stargel

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1 A bill to be entitled
2 An act relating to minimum basic recruit training
3 exemptions; amending s. 943.10, F.S.; defining the
4 term "special operations forces"; amending s. 943.13,
5 F.S.; exempting former special operations forces
6 members who meet certain requirements from the
7 Criminal Justice Standards and Training Commission-
8 approved basic recruit training program; amending s.
9 943.131, F.S.; requiring an employing agency, training
10 center, or criminal justice selection center to verify
11 and document that special operations forces applicants
12 meet certain requirements if the applicants seek an
13 exemption from a basic recruit training program
14 approved by the commission; requiring the employing
15 agency, training center, or criminal justice selection
16 center to submit the documentation to the commission;
17 reenacting ss. 943.1395(3) and 943.17296, F.S.,
18 relating to certification for employment or
19 appointment as an officer and training in identifying
20 and investigating elder abuse and neglect,
21 respectively, to incorporate the amendment made to s.
22 943.13, F.S., in references thereto; reenacting ss.
23 626.989(7), 943.133(1) and (6), and 943.1395(3), (9),
24 and (10), F.S., relating to investigations by the
25 Division of Investigative and Forensic Services, the
26 responsibilities of certain employing entities, and
27 certification for certain employment or appointment,
28 respectively, to incorporate the amendment made to s.
29 943.131, F.S., in references thereto; providing an

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30 effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Subsection (22) is added to section 943.10,
35 Florida Statutes, to read:

36 943.10 Definitions; ss. 943.085-943.255.—The following
37 words and phrases as used in ss. 943.085-943.255 are defined as
38 follows:

39 (22) "Special operations forces" means those active and
40 reserve component forces of the military services designated by
41 the Secretary of Defense and specifically organized, trained,
42 and equipped to conduct and support special operations. The term
43 includes servicemembers of the United States Army Special
44 Forces; the United States Army 75th Ranger Regiment; the United
45 States Navy SEALs and Special Warfare Combatant-Craft Crewmen;
46 the United States Air Force Combat Control, Pararescue, and
47 Tactical Air Control Party specialists; the United States Marine
48 Corps Critical Skills Operators; and any other component of the
49 United States Special Operations Command approved by the
50 commission.

51 Section 2. Subsection (9) of section 943.13, Florida
52 Statutes, is amended to read:

53 943.13 Officers' minimum qualifications for employment or
54 appointment.—On or after October 1, 1984, any person employed or
55 appointed as a full-time, part-time, or auxiliary law
56 enforcement officer or correctional officer; on or after October
57 1, 1986, any person employed as a full-time, part-time, or
58 auxiliary correctional probation officer; and on or after

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59 October 1, 1986, any person employed as a full-time, part-time,
60 or auxiliary correctional officer by a private entity under
61 contract to the Department of Corrections, to a county
62 commission, or to the Department of Management Services shall:

63 (9) Complete a commission-approved basic recruit training
64 program for the applicable criminal justice discipline, unless
65 exempt under this subsection. An applicant who has:

66 (a) 1. Completed a comparable basic recruit training program
67 for the applicable criminal justice discipline in another state
68 or for the Federal Government; and

69 2. ~~(b)~~ Served as a full-time sworn officer in another state
70 or for the Federal Government for at least 1 year provided there
71 is no more than an 8-year break in employment, as measured from
72 the separation date of the most recent qualifying employment to
73 the time a complete application is submitted for an exemption
74 under this section; or

75 (b) Successfully completed a special operations forces
76 training course, served in the special operations forces for a
77 minimum of 5 years, and no more than 4 years have passed from
78 the last date of service in the special operations forces to the
79 date that a complete application is submitted for an exemption
80 under this subsection,

81
82 is exempt in accordance with s. 943.131(2) from completing a ~~the~~
83 commission-approved basic recruit training program.

84 Section 3. Subsection (2) of section 943.131, Florida
85 Statutes, is amended, and paragraph (a) of subsection (1) of
86 that section is republished, to read:

87 943.131 Temporary employment or appointment; minimum basic

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88 recruit training exemptions ~~exemption~~.-

89 (1)(a) An employing agency may temporarily employ or
90 appoint a person who complies with the qualifications for
91 employment in s. 943.13(1)-(8), but has not fulfilled the
92 requirements of s. 943.13(9) and (10), if a critical need exists
93 to employ or appoint the person and such person is or will be
94 enrolled in the next approved basic recruit training program
95 available in the geographic area or that no assigned state
96 training program for state officers is available within a
97 reasonable time. The employing agency must maintain
98 documentation which demonstrates that a critical need exists to
99 employ a person pursuant to this section. Prior to the
100 employment or appointment of any person other than a
101 correctional probation officer under this subsection, the person
102 shall comply with the firearms provisions established pursuant
103 to s. 943.17(1)(a). Any person temporarily employed or appointed
104 as an officer under this subsection must attend the first
105 training program offered in the geographic area, or the first
106 assigned state training program for a state officer, subsequent
107 to his or her employment or appointment. A person temporarily
108 employed or appointed as an officer under this subsection must
109 begin basic recruit training within 180 consecutive days after
110 employment. Such person must fulfill the requirements of s.
111 943.13(9) within 18 months after beginning basic recruit
112 training and must fulfill the certification examination
113 requirements of s. 943.13(10) within 180 consecutive days after
114 completing basic recruit training. A person hired after he or
115 she has commenced basic recruit training or after completion of
116 basic recruit training must fulfill the certification

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117 examination requirements of s. 943.13(10) within 180 consecutive
118 days after completion of basic recruit training or the
119 commencement of employment, whichever occurs later.

120 (2) If an applicant seeks an exemption from completing a
121 commission-approved basic recruit training program, the
122 employing agency, training center, or criminal justice selection
123 center must do one of the following, as appropriate:

124 (a) Verify and document that the applicant has successfully
125 completed a comparable basic recruit training program for the
126 discipline in which the applicant is seeking certification in
127 another state or for the Federal Government or a previous
128 Florida basic recruit training program. Further, the employing
129 agency, training center, or criminal justice selection center
130 must verify and document that the applicant has served as a
131 full-time sworn officer in another state or for the Federal
132 Government for at least 1 year provided there is no more than an
133 8-year break in employment or was a previously certified Florida
134 officer provided there is no more than an 8-year break in
135 employment, as measured from the separation date of the most
136 recent qualifying employment to the time a complete application
137 is submitted for an exemption under this section. ~~When~~ The
138 employing agency, training center, or criminal justice selection
139 center shall submit ~~obtains written~~ documentation of
140 satisfaction of this requirement to the commission ~~regarding the~~
141 ~~applicant's criminal justice experience, the documentation must~~
142 ~~be submitted to the commission. The commission shall adopt rules~~
143 ~~that establish criteria and procedures to determine if the~~
144 ~~applicant is exempt from completing the commission-approved~~
145 ~~basic recruit training program and, upon making a determination,~~

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146 ~~shall notify the employing agency or criminal justice selection~~
147 ~~center. An applicant who is exempt from completing the~~
148 ~~commission-approved basic recruit training program must~~
149 ~~demonstrate proficiency in the high liability areas, as defined~~
150 ~~by commission rule, and must complete the requirements of s.~~
151 ~~943.13(10) within 1 year after receiving an exemption. If the~~
152 ~~proficiencies and requirements of s. 943.13(10) are not met~~
153 ~~within the 1 year, the applicant must seek an additional~~
154 ~~exemption pursuant to the requirements of this subsection.~~
155 ~~Except as provided in subsection (1), before the employing~~
156 ~~agency may employ or appoint the applicant as an officer, the~~
157 ~~applicant must meet the minimum qualifications described in s.~~
158 ~~943.13(1)-(8), and must fulfill the requirements of s.~~
159 ~~943.13(10).~~

160 (b) Verify and document that the applicant has successfully
161 completed a special operations forces training course and served
162 in the special operations forces for a minimum of 5 years.
163 Further, the employing agency, training center, or criminal
164 justice selection center must verify and document that no more
165 than 4 years have passed from the last date of service in the
166 special operations forces to the time a complete application is
167 submitted for an exemption under this section. The employing
168 agency, training center, or criminal justice selection center
169 shall submit documentation of satisfaction of these requirements
170 to the commission.

171
172 The commission shall adopt rules that establish criteria and
173 procedures to determine if the applicant is exempt from
174 completing the commission-approved basic recruit training

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175 program and, upon making a determination, shall notify the
176 employing agency, training center, or criminal justice selection
177 center, as appropriate. An applicant who is exempt under this
178 subsection must complete training required by the commission and
179 demonstrate proficiency in the high-liability areas as defined
180 by commission rule and complete the requirements of s.
181 943.13(10) within 1 year after receiving an exemption.
182 If the proficiencies and requirements of s. 943.13(10) are not
183 met within the 1-year period, the applicant must seek an
184 additional exemption pursuant to the requirements of this
185 subsection. Except as provided in subsection (1), before the
186 employing agency may employ or appoint the applicant as an
187 officer, the applicant must meet the minimum qualifications
188 described in s. 943.13(1)-(8), and must fulfill the requirements
189 of s. 943.13(10).

190 Section 4. For the purpose of incorporating the amendment
191 made by this act to section 943.13, Florida Statutes, in a
192 reference thereto, subsection (3) of section 943.1395, Florida
193 Statutes, is reenacted to read:

194 943.1395 Certification for employment or appointment;
195 concurrent certification; reemployment or reappointment;
196 inactive status; revocation; suspension; investigation.—

197 (3) Any certified officer who has separated from employment
198 or appointment and who is not reemployed or reappointed by an
199 employing agency within 4 years after the date of separation
200 must meet the minimum qualifications described in s. 943.13,
201 except for the requirement found in s. 943.13(9). Further, such
202 officer must complete any training required by the commission by
203 rule in compliance with s. 943.131(2). Any such officer who

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204 fails to comply with the requirements provided in s. 943.131(2)
205 must meet the minimum qualifications described in s. 943.13, to
206 include the requirement of s. 943.13(9).

207 Section 5. For the purpose of incorporating the amendment
208 made by this act to section 943.13, Florida Statutes, in a
209 reference thereto, section 943.17296, Florida Statutes, is
210 reenacted to read:

211 943.17296 Training in identifying and investigating elder
212 abuse and neglect.—Each certified law enforcement officer must
213 successfully complete training on identifying and investigating
214 elder abuse and neglect as a part of the basic recruit training
215 of the officer required in s. 943.13(9) or continuing education
216 under s. 943.135(1) before June 30, 2011. The training shall be
217 developed in consultation with the Department of Elderly Affairs
218 and the Department of Children and Families and must incorporate
219 instruction on the identification of and appropriate responses
220 for persons suffering from dementia and on identifying and
221 investigating elder abuse and neglect. If an officer fails to
222 complete the required training, his or her certification is
223 inactive until the employing agency notifies the commission that
224 the officer has completed the training.

225 Section 6. For the purpose of incorporating the amendment
226 made by this act to section 943.131, Florida Statutes, in a
227 reference thereto, subsection (7) of section 626.989, Florida
228 Statutes, is reenacted to read:

229 626.989 Investigation by department or Division of
230 Investigative and Forensic Services; compliance; immunity;
231 confidential information; reports to division; division
232 investigator's power of arrest.—

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233 (7) Division investigators shall have the power to make
234 arrests for criminal violations established as a result of
235 investigations. Such investigators shall also be considered
236 state law enforcement officers for all purposes and shall have
237 the power to execute arrest warrants and search warrants; to
238 serve subpoenas issued for the examination, investigation, and
239 trial of all offenses; and to arrest upon probable cause without
240 warrant any person found in the act of violating any of the
241 provisions of applicable laws. Investigators empowered to make
242 arrests under this section shall be empowered to bear arms in
243 the performance of their duties. In such a situation, the
244 investigator must be certified in compliance with the provisions
245 of s. 943.1395 or must meet the temporary employment or
246 appointment exemption requirements of s. 943.131 until
247 certified.

248 Section 7. For the purpose of incorporating the amendment
249 made by this act to section 943.131, Florida Statutes, in
250 references thereto, subsections (1) and (6) of section 943.133,
251 Florida Statutes, are reenacted to read:

252 943.133 Responsibilities of employing agency, commission,
253 and program with respect to compliance with employment
254 qualifications and the conduct of background investigations;
255 injunctive relief.—

256 (1) The employing agency is fully responsible for the
257 collection, verification, and maintenance of documentation
258 establishing that an applicant complies with the requirements of
259 ss. 943.13 and 943.131, and any rules adopted pursuant to ss.
260 943.13 and 943.131.

261 (6) If an employing agency employs or appoints an officer

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262 in violation of this section or of s. 943.13, s. 943.131, or s.
263 943.135, or any rules adopted pursuant thereto, the Department
264 of Legal Affairs, at the request of the chair of the commission,
265 shall apply to the circuit court in the county of the employing
266 agency for injunctive relief prohibiting the employment or
267 appointment of the person contrary to this section.

268 Section 8. For the purpose of incorporating the amendment
269 made by this act to section 943.131, Florida Statutes, in
270 references thereto, subsections (3), (9), and (10) of section
271 943.1395, Florida Statutes, are reenacted to read:

272 943.1395 Certification for employment or appointment;
273 concurrent certification; reemployment or reappointment;
274 inactive status; revocation; suspension; investigation.—

275 (3) Any certified officer who has separated from employment
276 or appointment and who is not reemployed or reappointed by an
277 employing agency within 4 years after the date of separation
278 must meet the minimum qualifications described in s. 943.13,
279 except for the requirement found in s. 943.13(9). Further, such
280 officer must complete any training required by the commission by
281 rule in compliance with s. 943.131(2). Any such officer who
282 fails to comply with the requirements provided in s. 943.131(2)
283 must meet the minimum qualifications described in s. 943.13, to
284 include the requirement of s. 943.13(9).

285 (9) Each person employed pursuant to s. 943.131 is subject
286 to discipline by the commission. Persons who have been subject
287 to disciplinary action pursuant to this subsection are
288 ineligible for employment or appointment under s. 943.131.

289 (a) The commission shall cause to be investigated any
290 conduct defined in subsection (6) or subsection (7) by a person

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291 employed under s. 943.131 and shall set disciplinary guidelines
292 and penalties prescribed in rules applicable to such
293 noncertified persons.

294 (b) The disciplinary guidelines and prescribed penalties
295 must be based upon the severity of specific offenses. The
296 guidelines must provide reasonable and meaningful notice to
297 officers and to the public of penalties that may be imposed for
298 prohibited conduct. The penalties must be consistently applied
299 by the commission.

300 (c) In addition, the commission may establish violations
301 and disciplinary penalties for intentional abuse of the
302 employment option provided by s. 943.131 by an individual or
303 employing agency.

304 (10) An officer whose certification has been revoked
305 pursuant to this section shall be ineligible for employment or
306 appointment under s. 943.131.

307 Section 9. This act shall take effect July 1, 2018.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Finance and Tax, *Chair*
Appropriations Subcommittee on Health and Human Services, *Vice Chair*
Appropriations
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Children, Families, and Elder Affairs
Communications, Energy, and Public Utilities
Governmental Oversight and Accountability
Military and Veterans Affairs, Space, and Domestic Security

SENATOR KELLI STARGEL

Deputy Majority Leader
22nd District

January 22, 2018

The Honorable Jeff Brandes
Senate Appropriations Subcommittee on
Criminal and Civil Justice, Chair
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chair Brandes:

I respectfully request that SB 470, related to *Temporary Employment or Appointment of Officers*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel".

Kelli Stargel
State Senator, District 22

Cc: Tim Sadberry/ Staff Director
Lisa Roberts/ AA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803 (863) 668-3028
- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

2.8.18

Meeting Date

470

Bill Number (if applicable)

Topic Basic Recruit Training Exceptions

Amendment Barcode (if applicable)

Name Jennifer Pritt

Job Title Assistant Commissioner

Address 2331 Phillips Road

Phone 850.410.7001

Street

Tall

City

FL

State

32308

Zip

Email jennifer.pritt@flde.state.fl.us

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/8/18

Meeting Date

470

Bill Number (if applicable)

Topic Minimum Basic Recruit Training Exemptions

Amendment Barcode (if applicable)

Name Chase Daniels

Job Title Assistant Executive Director

Address 8700 Citizens Dr

Phone 727-277-6226

Street

New Port Richey

FL

34654

Email cdaniels@pascosheriff.org

City

State

Zip

Speaking: For Against Information

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

Representing Pasco Sheriff's Office

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 666

INTRODUCER: Senator Brandes

SUBJECT: Noncriminal Traffic Infractions

DATE: February 6, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Miller</u>	<u>TR</u>	Favorable
2.	<u>Harkness</u>	<u>Sadberry</u>	<u>ACJ</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 666 reduces by 18 percent the civil penalty imposed for a noncriminal traffic infraction if the person elects to attend a driver improvement course, approved by the Department of Highway Safety and Motor Vehicles (DHSMV). The bill removes language directing 18 percent of the civil penalty to be deposited in the State Courts Revenue Trust Fund.

As a result of the reduction of civil penalties, state revenues are estimated to be reduced by approximately \$3.6 million annually. This includes reductions in revenues of \$3.3 million that will no longer be deposited in the State Courts Revenue Trust Fund and of \$300,000 that will no longer be deposited in the General Revenue Fund.

The bill takes effect July 1, 2018.

II. Present Situation:

A person who commits a noncriminal traffic infraction and is issued a citation may elect to appear before a designated official, pay the citation, or enter into a payment plan with the clerk of court within 30 days after the citation is issued to avoid having his or her driver license suspended.¹ However, s. 318.14(9), F.S., allows a person who does not hold a commercial driver license or commercial learner's permit and who is cited while driving a noncommercial vehicle for a noncriminal traffic infraction, in lieu of a court appearance, to elect to attend a basic driver improvement course approved by the DHSMV.

If the individual completes the course, adjudication is withheld, and no points may be assessed against the individual's license. Additionally, 18 percent of the civil penalty imposed is

¹ Section 318.14, F.S.

deposited into the State Courts Revenue Trust Fund.² Prior to a law change in 2009, an individual who was assessed the civil penalty received an 18 percent discount on the penalty if he or she completed a driver improvement course.³

The option to elect to attend a driver improvement program is not available for violations of:

- Sections 316.183(2), 316.187, or 316.189, F.S., violating the posted speed limit when the driver exceeds the posted speed limit by 30 miles per hour or more;
- Section 320.0605, F.S., not carrying the vehicle's certificate of registration while the vehicle is in use;
- Section 320.07(3)(a) or (b), F.S., operating a motor vehicle with an expired registration;
- Section 322.065, F.S., operating a motor vehicle with a driver license expired for six months or less; and
- Section 322.15(1), F.S., operating a motor vehicle without carrying a driver license.

The option to elect driver improvement school is only available if the person has not made this election in the preceding 12 months, and individuals are limited to no more than five such elections in their lifetime.

According to the DHSMV, in 2016, approximately 253,000 people elected to attend a driver improvement course (of which, 17,279 did not attend).⁴ The cost of driver improvement courses range from \$15 to \$40, depending on the provider.⁵

III. Effect of Proposed Changes:

Section 1 amends s. 318.14, F.S., to reduce by 18 percent the civil penalty assessed, if the person elects a driver improvement course. The bill removes a provision that directs 18 percent of the civil penalty to be deposited in the State Courts Revenue Trust Fund.

Section 2 amends s. 318.15, F.S., to require an individual, who elects but does not attend a driver improvement course within the time specified by the court, to pay the clerk of the court the reduced portion of the civil penalty and a processing fee of up to \$18.

Section 3 provides the bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

² The State Courts Revenue Trust Fund was established in 2009, to be used for funding the activities of the state courts system. See chs. 2009-7 and 2011-19, Laws of Florida

³ See ch. 2009-6, Laws of Florida.

⁴ DHSMV, *2017 Agency Legislative Bill Analysis: SB 488* (Mar. 13, 2017) (on file with the Senate Committee on Transportation).

⁵ *Id.*

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

The bill reduces state revenues by \$3.6 million annually. The Revenue Estimating Committee (REC) reviewed the bill on November 30, 2017, and estimated that the bill will reduce revenue to the State Court Revenue Trust Fund by \$3.3 million and the General Revenue Fund by \$300,000.⁶ Given estimated expenditures for Fiscal Year 2018-19, the Office of the State Court Administrator estimates that the trust fund will have a cash balance of \$3.2 million on June 30, 2019, and therefore the fund cannot support the loss of an additional \$3.3 million in revenue without reducing expenditures.⁷

B. Private Sector Impact:

The bill may have a positive fiscal impact on individuals who elect to attend a driver improvement course by reducing their assessed penalty by 18 percent. The bill may also benefit providers of the driver improvement courses, as the bill incentivizes ticketed drivers to take a driver improvement course.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 318.14 and 318.15.

⁶ Office of Economic and Demographic Research, REC, *Article V Fees – HB 531 and SB 666* (Nov. 30, 2017), available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page147-148.pdf (last visited Dec. 5, 2017).

⁷ State Court System, Schedule I: Trust Funds Available, Fiscal Year 2018-2019.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Brandes

24-00466-18

2018666__

1 A bill to be entitled
2 An act relating to noncriminal traffic infractions;
3 amending s. 318.14, F.S.; requiring a specified
4 reduction for a civil penalty under certain
5 circumstances; deleting the requirement that a
6 specified percentage of the civil penalty be deposited
7 in the State Courts Revenue Trust Fund; amending s.
8 318.15, F.S.; requiring a person to pay the clerk of
9 the court the specified percentage previously deducted
10 under certain circumstances; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (9) of section 318.14, Florida
16 Statutes, is amended to read:

17 318.14 Noncriminal traffic infractions; exception;
18 procedures.—

19 (9) Any person who does not hold a commercial driver
20 license or commercial learner's permit and who is cited while
21 driving a noncommercial motor vehicle for an infraction under
22 this section other than a violation of s. 316.183(2), s.
23 316.187, or s. 316.189 when the driver exceeds the posted limit
24 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or
25 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
26 lieu of a court appearance, elect to attend in the location of
27 his or her choice within this state a basic driver improvement
28 course approved by the Department of Highway Safety and Motor
29 Vehicles. In such a case, adjudication must be withheld; and

24-00466-18

2018666__

30 points, as provided by s. 322.27, may not be assessed; and any
 31 civil penalty that is imposed under s. 318.18(3) must be reduced
 32 by 18 percent. However, a person may not make an election under
 33 this subsection if the person has made an election under this
 34 subsection in the preceding 12 months. A person may not make
 35 more than five elections within his or her lifetime under this
 36 subsection. The requirement for community service under s.
 37 318.18(8) is not waived by a plea of nolo contendere or by the
 38 withholding of adjudication of guilt by a court. ~~If a person~~
 39 ~~makes an election to attend a basic driver improvement course~~
 40 ~~under this subsection, 18 percent of the civil penalty imposed~~
 41 ~~under s. 318.18(3) shall be deposited in the State Courts~~
 42 ~~Revenue Trust Fund; however, that portion is not revenue for~~
 43 ~~purposes of s. 28.36 and may not be used in establishing the~~
 44 ~~budget of the clerk of the court under that section or s. 28.35.~~

45 Section 2. Paragraph (b) of subsection (1) of section
 46 318.15, Florida Statutes, is amended to read:

47 318.15 Failure to comply with civil penalty or to appear;
 48 penalty.—

49 (1)

50 (b) However, a person who elects to attend driver
 51 improvement school and has paid the civil penalty as provided in
 52 s. 318.14(9), but who subsequently fails to attend the driver
 53 improvement school within the time specified by the court shall
 54 be deemed to have admitted the infraction and shall be
 55 adjudicated guilty. In such a case in which there is ~~was~~ an 18-
 56 percent reduction pursuant to s. 318.14(9) ~~as it existed before~~
 57 ~~February 1, 2009~~, the person must pay the clerk of the court
 58 that amount and a processing fee of up to \$18, after which ~~no~~

24-00466-18

2018666__

59 additional penalties, court costs, or surcharges may not ~~shall~~
60 be imposed for the violation. In all other such cases, the
61 person must pay the clerk a processing fee of up to \$18, after
62 which ~~no~~ additional penalties, court costs, or surcharges may
63 not shall be imposed for the violation. The clerk of the court
64 shall notify the department of the person's failure to attend
65 driver improvement school and points shall be assessed pursuant
66 to s. 322.27.

67 Section 3. This act shall take effect July 1, 2018.

APPEARANCE RECORD

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

2/8/18

Meeting Date

666

Bill Number (if applicable)

Topic Noncriminal Traffic Infractions

Amendment Barcode (if applicable)

Name Judge Margaret Steinbeck

Job Title 20th Circuit Judge, Chair of Trial Court Budget Commission

Address 1700 Monroe St.

Phone 239-533-9162

Street

Ft. Myers

City

FL

State

33901

Zip

Email _____

Speaking: For Against Information

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

Representing State Courts System

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 854

INTRODUCER: Criminal Justice Committee and Senator Brandes

SUBJECT: Correctional Officers

DATE: February 6, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cox	Jones	CJ	Fav/CS
2.	Forbes	Sadberry	ACJ	Recommend: Favorable
3.			AP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 854 lowers the minimum age for employment as a correctional officer from 19 years of age to 18 years of age. However, a correctional officer who is younger than 19 years of age may not supervise inmates but may perform all other duties performed by a full-time, part-time, or auxiliary correctional officer.

The bill does not affect state revenues or expenditures.

The bill is effective July 1, 2018.

II. Present Situation:

The Criminal Justice Standards and Training Commission (Commission), which is housed within the Florida Department of Law Enforcement (FDLE) is, in part, responsible for implementing

requirements related to the training, certification, and discipline of full-time, part-time,¹ and auxiliary² correctional officers.³

Section 943.10(2), F.S., defines “correctional officer” to mean any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term “correctional officer” does not include any secretarial, clerical, or professionally trained personnel.⁴

Section 943.13, F.S., provides that, to be eligible to be employed as a correctional officer, the person must:

- Be at least 19 years of age;
- Be a citizen of the United States, notwithstanding any law of the state to the contrary;
- Be a high school graduate or its equivalent;⁵
- Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States;⁶
- Have documentation of his or her processed fingerprints on file with the employing agency or, if a private correctional officer, have documentation of his or her processed fingerprints on file with the Department of Corrections (DOC) or the Commission;⁷

¹ Section 943.10(7), F.S., defines “part-time correctional officer” to mean any person who is employed or appointed less than full time, as defined by the employing or appointing agency, with or without compensation, whose responsibilities include the supervision, protection, care, custody, and control of inmates within a correctional institution.

² Section 943.10(9), F.S., defines “auxiliary correctional officer” to mean any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision, protection, care, custody, and control of inmates within a correctional institution or a county or municipal detention facility.

³ Correctional officers are eligible for special risk class benefits in accordance with s. 121.0515, F.S. Special risk class membership awards more retirement credit per year of service than is awarded to other employees due to the increased risk that such employees undertake as a part of their duties. Membership of correctional officers in the special risk class is determined by whether the officer’s primary duties and responsibilities involve the custody of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or whether the officer is the supervisor or command officer of a member or members who have such responsibilities. Section 121.0515(1) and (3)(c), F.S.

⁴ Section 943.10(2), F.S.

⁵ Section 943.13(3), F.S., provides that the Commission must define the term high school equivalency in rule.

⁶ Section 943.13(4), F.S., further specifies that: a. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication; and b. Any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for employment or appointment as an officer.

⁷ Section 943.13(5), F.S., provides that the FDLE must retain and enter into the statewide automated biometric identification system all fingerprints submitted. Thereafter, the fingerprints must be available for all purposes and uses authorized for arrest fingerprints entered in the statewide automated biometric identification system pursuant to s. 943.051, F.S. The FDLE is also required to search all arrest fingerprints received pursuant to s. 943.051, F.S., against the fingerprints retained in the statewide automated biometric identification system in accordance with s. 943.13, F.S., and report to the employing agency any arrest records that are identified with the retained employee’s fingerprints. These fingerprints must be forwarded to the FDLE for processing and retention.

- Have passed a physical examination by a licensed physician, physician assistant, or certified advanced registered nurse practitioner, based on specifications established by the Commission;
- Have a good moral character as determined by a background investigation by the Commission;
- Execute and submit a sworn affidavit-of-applicant form attesting to his or her compliance with the above-listed requirements to the employing agency or, if a private correctional officer, submit to the appropriate governmental entity;
- Complete a Commission approved basic recruit training program for the applicable criminal justice discipline, unless exempt under law;⁸ and
- Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline.

If a critical need for officers exists, the employing agency may temporarily employ a person as a correctional officer, if he or she has met all the requirements listed above, even if he or she has not completed basic recruit school or received an acceptable score on the certification examination.⁹ Any person employed as a temporary correctional officer must be supervised by another correctional officer anytime he or she is performing any duties of a correctional officer and must attend the first basic recruit training program offered in the geographic area within 180 consecutive days of employment.¹⁰ A person temporarily employed as a correctional officer is prohibited from being employed in the position for more than 30 months. However, a person that is attending the first available basic recruit training program offered in his or her geographic area may continue to be employed as a temporary correctional officer until he or she:

- Fails or withdraws from the basic recruit training program; or
- Is separated from employment or appointment by the employing agency.¹¹

Any person employed as a correctional officer, regardless of age, must comply with all the above-described eligibility criteria and any other requirements imposed by the Commission, including such requirements as continuing education requirements proscribed in s. 943.135, F.S.

The DOC reports that 23 states permit 18 year olds to be employed as correctional officers.¹²

⁸ Section 943.13(9), F.S., provides an exemption for an applicant to be required to take the basic recruit training program, including that if the applicant has completed a comparable basic recruit training program for the applicable criminal justice discipline in another state or for the Federal Government and served as a full-time sworn officer in another state or for the Federal Government for at least 1 year. For the exemption to be available, the applicant cannot have more than an 8-year break in employment, as measured from the separation date of the most recent qualifying employment to the time a complete application is submitted for the exemption.

⁹ Section 943.131(1)(a), F.S.

¹⁰ Section 943.131(1)(a) and (c), F.S.

¹¹ Section 943.131(1)(b), F.S.

¹² These states include Arkansas, Georgia, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Jersey, New Mexico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Florida Department of Corrections, *Senate Bill 854 Analysis*, at p. 2, (September 19, 2017) (on file with the Senate Committee on Criminal Justice).

III. Effect of Proposed Changes:

The bill amends s. 943.13, F.S., to reduce the minimum age requirement for correctional officers from 19 years of age to 18 years of age.

The bill also creates s. 944.145, F.S., to prohibit a correctional officer younger than 19 years of age from supervising inmates. A correctional officer that is younger than 19 years of age may perform all other duties performed by a full-time, part-time, or auxiliary correctional officer.¹³

The bill takes effect July 1, 2018.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill permits the DOC to hire persons who are between 18 and 19 years of age to perform limited correctional officer functions. To the extent that this bill increases the number of persons the DOC is able to hire, the bill could potentially reduce the current vacancy rate within correctional facilities.

VI. Technical Deficiencies:

None.

¹³ A person employed as a correctional officer who is younger than 19 years of age will not qualify for special risk class benefits because he or she will not be supervising inmates, which is required pursuant to s. 121.0515, F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 943.13 of the Florida Statutes.

This bill creates section 944.145 of the Florida Statutes.

IX. Additional Information:

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

CS by Criminal Justice on January 9, 2018:

The committee substitute amends s. 943.13, F.S., expanding the eligibility requirements of a correctional officer to include a person who is 18 years of age, rather than 19 years of age or older. The committee substitute also creates s. 944.145, F.S., prohibiting a correctional officer younger than 19 years of age from supervising inmates.

- B. **Amendments:**

None.

By the Committee on Criminal Justice; and Senator Brandes

591-01944-18

2018854c1

1 A bill to be entitled

2 An act relating to correctional officers; amending s.
3 943.13, F.S.; authorizing a full-time, part-time, or
4 auxiliary correctional officer to be employed at 18
5 years of age; creating s. 944.145, F.S.; prohibiting a
6 correctional officer who is under 19 years of age from
7 supervising inmates; authorizing a correctional
8 officer who is under 19 years of age to perform all
9 other tasks performed by a full-time, part-time, or
10 auxiliary correctional officer; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (1) of section 943.13, Florida
16 Statutes, is amended to read

17 943.13 Officers' minimum qualifications for employment or
18 appointment.—On or after October 1, 1984, any person employed or
19 appointed as a full-time, part-time, or auxiliary law
20 enforcement officer or correctional officer; on or after October
21 1, 1986, any person employed as a full-time, part-time, or
22 auxiliary correctional probation officer; and on or after
23 October 1, 1986, any person employed as a full-time, part-time,
24 or auxiliary correctional officer by a private entity under
25 contract to the Department of Corrections, to a county
26 commission, or to the Department of Management Services shall:

27 (1) Be at least 19 years of age, except that any person
28 employed as a full-time, part-time, or auxiliary correctional
29 officer may be at least 18 years of age.

591-01944-18

2018854c1

30 Section 2. Section 944.145, Florida Statutes, is created to
31 read:

32 944.145 Correctional officers under the age of 19.—A
33 correctional officer who is under the age of 19 years may not
34 supervise inmates, but may perform all of the other duties
35 performed by a full-time, part-time, or auxiliary correctional
36 officer.

37 Section 3. This act shall take effect July 1, 2018.

THE FLORIDA SENATE
APPEARANCE RECORD

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

February 8, 2018

Meeting Date

CS/SB 854

Bill Number (if applicable)

Topic CS/SB 854 Correctional Officers

Amendment Barcode (if applicable)

Name Jared Torres

Job Title Legislative Affairs Director

Address 501 South Calhoun Street

Phone 850-717-3045

Street

Tallahassee

FL

32399

Email Jared.Torres@fdc.myflorida.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Department of Corrections

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2.8.18

Meeting Date

854

Bill Number (if applicable)

Topic Correctional Officers

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street

Phone 510-9922

Street

Tallahassee

FL

32301

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
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 938

INTRODUCER: Senator Bracy

SUBJECT: Department of Corrections' Direct-support Organization

DATE: February 6, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cox	Jones	CJ	Favorable
2.	Forbes	Sadberry	ACJ	Recommend: Favorable
3.			AP	

I. Summary:

SB 938 removes the scheduled repeal date of the law authorizing the Florida Department of Corrections (DOC) to establish a direct-support organization to provide assistance, funding, and promotional support for the DOC or staff within the correctional system in carrying out the core mission. The Corrections Foundation, Inc., is the direct-support organization designated by the DOC to provide assistance, funding, and support for the DOC and its staff.

Staff of the Senate Committee on Criminal Justice finds that the Florida Department of Corrections and the Corrections Foundation, Inc., are in compliance with all statutory requirements relevant to direct-support organizations.

The bill does not affect state revenues or expenditures.

The bill takes effect July 1, 2018.

II. Present Situation:

Florida Department of Corrections

The DOC is the third largest state prison system in the country with a budget of \$2.4 billion,¹ almost 97,000 inmates incarcerated, and another almost 137,000 offenders on active community supervision.² The mission of the DOC is to “provide a continuum of services to meet the needs of those entrusted to our care, creating a safe and professional environment with the outcome of reduced victimization, safer communities and an emphasis on the premium of life.”³

¹ The DOC, *About the Florida DOC*, available at <http://www.dc.state.fl.us/about.html> (last visited January 5, 2018).

² Email from Jared Torres, Director of Legislative Affairs, The DOC, RE: Number of inmates and offenders (January 5, 2018).

³ The DOC, *Our Vision*, available at <http://www.dc.state.fl.us/vision.html> (last visited January 13, 2018).

The DOC has 148 facilities statewide: 50 prisons, seven private partner prisons, 17 prison annexes, 35 work camps, three re-entry centers, 13 state-run community release centers, 19 privately operated community release centers, two road prisons, one forestry camps, and one basic training camp.⁴ Approximately two thirds of its staff of more than 24,000 employees are either certified correctional officers or probation officers.⁵

To successfully achieve its mission, the DOC provides academic, vocational, and substance abuse programs to inmates and offenders, including in such areas as general education development, also known as the GED; adult basic education and mandatory literacy; printing and graphics, carpentry and digital design; and Alcoholics Anonymous and Narcotics Anonymous.⁶

The Corrections Foundation, Inc.

Direct-support organizations (DSOs) are statutorily created private entities that are generally required to be non-profit corporations and are authorized to carry out specific tasks in support of public entities or public causes. The functions and purpose of a DSO are prescribed by its enacting statute and also, for most, by a written contract with the agency the DSO was created to support.⁷

In 1996, the Florida Legislature created s. 944.802, F.S., establishing a DSO for the exclusive benefit of the DOC.⁸ The Corrections Foundation, Inc. (Foundation) initially filed for incorporation as a not-for-profit organization on December 6, 1996.⁹ The Foundation consists of an executive staff and a volunteer board of directors.¹⁰ Membership in the Foundation consists of current and retired employees of the DOC, contractors, and individuals from other state and private agencies.¹¹

The Foundation reports that it supports the DOC and its staff through two main functions, including:

- Accepting donations and grant money from private entities that must be donated through a non-profit entity and cannot be accepted directly by the DOC; and

⁴ The DOC, *About the Florida DOC*, available at <http://www.dc.state.fl.us/about.html> (last visited January 5, 2018).

⁵ During FY 2015-16 there were 17,836 certified employees in institutions or probation/parole offices consisting of: 15,769 certified employees in institutions (10,667 Correctional Officers, 4,092 Sergeants, 440 Lieutenants, 311 Captains, 81 Majors, 43 Colonels, and 135 Correctional Inspectors in the Office of the Inspector General) and 2,067 certified Correctional Probation Officers. Department of Corrections, *Annual Report Fiscal Year 2015-2016*, p. 5, available at http://www.dc.state.fl.us/pub/annual/1516/FDC_AR2015-16.pdf (last visited January 18, 2018).

⁶ *Supra*, n. 1.

⁷ Section 944.802, F.S., is the enacting statute for the DOC's DSO, which requires a written letter of agreement between the DOC and the Foundation, rather than a contract.

⁸ Chapter 96-312, L.O.F.

⁹ Department of State, Division of Corporations, *Corrections Foundation, Inc., Detail by Entity Name*, available at <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=CORRECTIONSFOUNDATION%20N960000062141&aggregateId=domnp-n96000006214-bebf4ba6-69dc-49c7-85e6-5f773e468d97&searchTerm=corrections%20foundation&listNameOrder=CORRECTIONSFOUNDATION%20N960000062141> (last visited January 5, 2018).

¹⁰ Corrections Foundation, *About*, available at <https://www.correctionsfoundation.org/about/> (last visited January 5, 2018).

¹¹ *Id.*

- Providing direct financial support to employees of the DOC in times of death, fire, critical illness, or other tragic circumstances through the Employee Assistance Program (EAP).¹²

Repeal of s. 944.802, F.S., and DSO Compliance Review

Section 20.058(5), F.S., provides that laws creating or authorizing a DSO repeal on October 1 of the fifth year after enactment, unless reviewed and saved from repeal by the Legislature. This subsection further provides that DSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019. Section 944.802(4), F.S., provides that the section is repealed October 1, 2018, unless reviewed and saved from repeal by the Legislature.

Staff of the Senate Committee on Criminal Justice reviewed relevant materials to determine if the DOC and the Foundation comply with the requirements of s. 944.802, F.S., and with other statutory requirements for DSOs: s. 20.058, F.S. (CSO/DSO Transparency and Reporting Requirements); s. 215.981, F.S. (CSO/DSO Audit Requirements); and s. 112.3251, F.S. (CSO/DSO Ethics Code Requirement).

Staff Review of Compliance with s. 944.802, F.S. (DSO to Support the DOC)

Establishment of the DSO

Section 944.802(1), F.S., authorizes the DOC to establish a DSO to provide assistance, funding, and promotional support for activities authorized for the DOC. For purposes of s. 944.802, F.S., “direct support organization” means an organization that is:

- A corporation not for profit that is incorporated under ch. 617, F.S., exempted from filing fees, and approved by the Department of State;
- Organized and operated to conduct programs and activities; initiate developmental projects; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, either real or personal; and make expenditures to or for the direct or indirect benefit of the DOC or individual units of the state correctional system;
- Determined by the DOC to be consistent with the priority issues and objectives of the DOC and in the best interest of the state; and
- Approved in writing, through a letter of agreement, by the Secretary of the DOC to operate for the direct or indirect benefit of the DOC or individual units of the state correctional institution.¹³

The letter of agreement between the DOC and the Foundation provides the following:

- The Foundation is specifically re-authorized to act as the DSO “for the direct and indirect benefit of the Department of Corrections or individual units of the state correctional system”;
- The Foundation’s mission is expressly consistent with the statutory mission of the DOC to support the programs, personnel, and services of the DOC as is required in s. 944.802, F.S.; and

¹² Email from Jared Torres, Director of Legislative Affairs, RE: The Corrections Foundation – FDC’s DSO, *The Corrections Foundation – Background Information* (September 7, 2017) (on file with the Senate Committee on Criminal Justice).

¹³ Section 944.802(1), F.S.

- The DOC will provide support to the Foundation in the form of staffing, office space, access to OIT support, and inclusion of the Foundation’s information in all employee orientation materials.¹⁴

Staff Finding: Compliance. The Foundation meets the definition of “direct support organization.” In 1996, the Foundation was established as a Florida non-profit corporation under ch. 617, F.S., and is approved by the Department of State.¹⁵ “[T]he Corrections Foundation has been able to undertake numerous initiatives that directly benefit the Department.”¹⁶ The Foundation is also in compliance with the “use of property” requirements of s. 944.802, F.S.¹⁷

Activities of the DSO

Section 944.802(1), F.S., provides that the activities of the DSO must be determined by the DOC to be consistent with the goals and mission of the DOC and in the best interests of the state. The approval must be given in a letter of agreement from the DOC.

Some of the projects operated by the Foundation include, but are not limited to:

- Employee Assistance Program, which has provided direct financial support to over 5,700 employees of the DOC in times of need;
- Fallen Officers Fund,¹⁸ which has provided funding to the families of officers that have been killed in the line of duty;
- Florida State Prison Officer Safety Project, which provided funds to install openings within cell doors of higher risk inmates to allow food trays to be passed through the cell door, thereby reducing contact and the risk of injury to officers;
- Flags for Freedom,¹⁹ which has sent care packages to employees of the DOC that are deployed in the military on active duty; and
- Disaster Relief Fund,²⁰ which has raised funds to benefit almost 1,500 employees of the DOC who have been impacted by catastrophic storms or flooding over the last 13 years.²¹

The community donations and grants accepted by the Foundation for the benefit of the DOC have been utilized to enhance operational programs within the DOC, such as the:

¹⁴ Letter of Agreement between the DOC and the Foundation (effective June 15, 2017) (on file with the Senate Committee on Criminal Justice). The letter further states that use of the state e-mail system to notify agency employees must be approved by the Secretary or Chief of Staff on a case-by-case basis.

¹⁵ *Supra*, n. 9.

¹⁶ Letter from the DOC Secretary, Julie L. Jones, to Senate President, Joe Negron, dated August 8, 2017, Corrections Foundation, *2017 Corrections Foundation Report*, p. 1, available at <https://www.correctionsfoundation.org/wp-content/uploads/2011/06/2017-Corrections-Foundation-Report.pdf> (last visited on January 12, 2018) (hereinafter cited as “Foundation Annual Report”).

¹⁷ *Id.*

¹⁸ This project has raised funds for two officers that were killed in the line of duty, Officer Greg Malloy and Sergeant Ruben Thomas. Funds are raised for a period of time and then disbursed to the family in one lump sum. Email from Scotti Vaughan, Deputy Director of Legislative Affairs, RE: FW: The Corrections Foundation – FDC’s DSO (January 16, 2018).

¹⁹ The Corrections Foundation, Inc., reports that more than 400 employees of the DOC have served in the nation’s military since 2001. The deployed employees have received care packages that include items such as gift cards and prepaid phone cards from the Foundation. Foundation Annual Report, p. 4.

²⁰ Email from Scotti Vaughan, Deputy Director of Legislative Affairs, DOC, RE: FW: The Corrections Foundation – FDC’s DSO (January 16, 2018).

²¹ Foundation Annual Report, p. 4.

- Inspector General’s Office K-9 unit;²²
- K-9 tracking units;²³
- Dog obedience prison programs;²⁴
- Farm Worker Housing Initiative; and
- Chaplaincy programs.²⁵

Staff findings: Compliance. The letter of agreement states that the DOC has determined that the provision of services provided by the Foundation is consistent with DOC’s goals and in the best interest of the state.²⁶

Requirements Relating to Use of Services, Property, and Facilities

Section 944.802(2)(a), F.S., authorizes the DOC to allow the Foundation to use fixed property and facilities of the state correctional system, provided the use is for the approved purpose of the DSO and does not interfere with the opportunities for inmates and staff to use the areas for established purposes. The DOC is prohibited from allowing the DSO to use fixed properties or facilities if such DSO does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin as required and specified by appropriate federal and state laws.²⁷

Staff findings: Compliance. The DOC reports that it has not rented any facilities or properties to the Foundation.²⁸ The letter of agreement requires the inclusion of the Foundation’s information in all employees’ orientation materials, thereby ensuring equal membership and employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin as required and specified by appropriate federal and state laws.²⁹ Additionally, the DOC reports that the Foundation provides equal membership and employment opportunities to all persons as required by law.³⁰

Independent Annual Financial Audit

Section 944.802(3), F.S., requires the DSO to provide for an independent annual financial audit in accordance with s. 215.981, F.S.

Section 215.981(1), F.S., generally requires a DSO created or authorized pursuant to law with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts

²² The Foundation has purchased needed supplies such as vehicles, K-9 cell phone and drug detection dogs, and equipment for the K-9 officers. Foundation Annual Report, p. 4.

²³ The Foundation has utilized funds for GPS tracking collars and other equipment for K-9 teams that are used statewide by local law enforcement to locate missing children or elders and inmates that have escaped. Foundation Annual Report at p. 4-5.

²⁴ There are 21 dog obedience training programs operated at various facilities throughout the state. The Foundation has utilized funds to support these programs. Foundation Annual Report, p. 5.

²⁵ Foundation Annual Report, p. 5.

²⁶ *Supra*, n. 14 and 16.

²⁷ Section 944.802(2)(c), F.S.

²⁸ Email from Scotti Vaughan, Deputy Director of Legislative Affairs, DOC, RE: Question (January 16, 2018).

²⁹ *Supra*, n. 14.

³⁰ *Supra*, n. 28.

and records.³¹ The audit must be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General and the state agency that created, approved, or administers the DSO. The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the DSO supports. Additionally, the Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements of a DSO's accounts and records.³²

Staff findings: Compliance. The Foundation has annual expenditures in excess of \$100,000 and is therefore subject to the auditing requirements of s. 215.981, F.S. Records of the independent financial audits from 2007 through 2016 are posted on the Foundation's website and submitted with the annual report.³³

Staff Review of Compliance with s. 20.058, F.S. (CSO/DSO Transparency and Reporting Requirements)

In 2014, the Legislature created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for DSOs.³⁴

Reporting Requirements

Specifically, the law requires each DSO to annually submit, by August 1, the following information to the agency it supports:³⁵

- The DSO's name, mailing address, telephone number, and website address;
- The statutory authority or executive order that created the DSO;
- A brief description of the mission and results obtained by the DSO;
- A brief description of the DSO's plans for the next three fiscal years;
- A copy of the DSO's code of ethics; and
- A copy of the DSO's most recent Internal Revenue Service (IRS) Form 990.³⁶

Staff findings: Compliance. In 2017, the DOC reported all of the information required by s. 20.058(1), F.S. The copy of the IRS Form 990 provided in the 2017 Corrections Foundation Annual Report is for Fiscal Year 2015-16. The Foundation provided in email the IRS 990 form for Fiscal year 2016-17, which ended on June 30, 2017.³⁷

³¹ The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Section 215.981(1), F.S. Additionally, the expenditure threshold for an independent audit is \$300,000 for a CSO or DSO for the Department of Environmental Protection and the Department of Agriculture and Consumer Services. Section 215.981(2), F.S.

³² Section 11.45(3)(d), F.S.

³³ Foundation Annual Report, p. 9-52. *See also* Corrections Foundation, Forms and Publications, Audits, available at <https://www.correctionsfoundation.org/about/forms-and-publications/> (last visited January 16, 2018).

³⁴ Chapter 2014-96, L.O.F.

³⁵ Section 20.058(1), F.S.

³⁶ The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. 501.

³⁷ Email from Scotti Vaughan, Deputy Director of Legislative Affairs, DOC, RE: FW: DSO Review (January 16, 2018), including attachment Corrections Foundation, *IRS 990 Form, Fiscal Year 2016-17* (on file with the Senate Committee on Criminal Justice).

Transparency of Reported CSO or DSO Information

Additionally, the information submitted annually by a DSO must be available on the respective agency's website along with a link to the DSO's website, if one exists.³⁸

Staff findings: Compliance. The DOC website provides a link to the Foundation's website³⁹ and the information described in s. 20.58(1) F.S., is available on the Foundation's website.⁴⁰

Section 20.058(3), F.S., provides that, by August 15 of each year, the agency must report the above required information to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability along with the agency's recommendation to continue, terminate, or modify the agency's association with the DSO.⁴¹

Staff findings: Compliance. The DOC submitted its report by August 15, 2017, and the DOC Secretary, Julie L. Jones, expressed support for the continuation of the Corrections Foundation, Inc.⁴²

Contract Requirements

Section 20.05(4), F.S., provides that any contract between an agency and a DSO must be contingent upon the DSO submitting and posting information pursuant to s. 20.058(1) and (2), F.S. The contract must also include a provision for the orderly cessation of operations and reversion to the state of state funds held in trust by the organization within 30 days after its authorizing statute is repealed, the contract is terminated, or the organization is dissolved. If an organization fails to submit the required information for two consecutive years, the agency head shall terminate any contract between the agency and the organization.

Staff findings: Substantial compliance. The letter of agreement provides that the agreement is written pursuant to the requirements of s. 944.802(1), F.S.⁴³

Staff Review of Compliance with s. 215.981, F.S. (DSO Audit Requirements)

As previously noted, s. 215.981(1), F.S., requires each DSO created or authorized pursuant to law with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts and records. [For a full description of the statute, *see* discussion, *supra*, of s. 944.802(3), F.S. (Independent Annual Financial Audit)].

³⁸ Section 20.058(2), F.S. Further, s. 20.058(4), F.S., requires that any contract between an agency and a DSO must be contingent upon the DSO submitting the required information to the agency and posting the information on the agency's website. If a DSO fails to submit the required information to the agency for two consecutive years, the agency head must terminate its contract with the DSO.

³⁹ DOC, *About Us*, Corrections Foundation Tab, available at <http://www.dc.state.fl.us/index.html> (last visited January 16, 2018). *See also* Corrections Foundation, available at <https://www.correctionsfoundation.org/> (last visited January 18, 2018).

⁴⁰ Corrections Foundation, Forms and Publications, available at <https://www.correctionsfoundation.org/about/forms-and-publications/> (last visited January 16, 2018).

⁴¹ Section 20.058(3), F.S.

⁴² *Supra*, n. 16.

⁴³ *Supra*, n. 14.

Staff findings: Compliance. As previously noted, the Foundation is in full compliance of the auditing requirements of ss. 215.981 and 944.802, F.S.⁴⁴

Staff Review of Compliance with s. 112.3251, F.S. (CSO/DSO Ethics Code Requirement)

Section 112.3251, F.S., requires a DSO created or authorized pursuant to law to adopt its own ethics code. The ethics code must contain the specified standards of conduct and disclosures provided in ss. 112.313 and 112.3143(2), F.S.⁴⁵ A DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must conspicuously post its code of ethics on its website.⁴⁶

Staff findings: Compliance. The Foundation has a code of ethics which is conspicuously posted on its website⁴⁷ and that contains the specified standards of conduct and disclosures.

III. Effect of Proposed Changes:

The bill removes the scheduled repeal date of the law authorizing the Florida Department of Corrections (DOC) to establish a direct-support organization to provide assistance, funding, and promotional support for the DOC or staff within the correctional system in carrying out the core mission. The Corrections Foundation, Inc., currently provides such assistance, funding, and support.

The bill takes effect July 1, 2018.

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.

⁴⁴ *Supra*, n. 33.

⁴⁵ Some of the standards of conduct and disclosures in ss. 112.313 and 112.3143(2), F.S., include misuse of public position, solicitation or acceptance of gifts, unauthorized compensation, and voting conflicts.

⁴⁶ Section 112.3251, F.S.

⁴⁷ See Corrections Foundation, Forms and Publications, Operational and Governing Documents, (“Code of Ethics” tab) available at <https://www.correctionsfoundation.org/about/forms-and-publications/> (last visited on January 16, 2018).

B. Private Sector Impact:

By saving s. 944.802, F.S., from repeal, the DSO may continue to provide assistance, financial support, and other direct and indirect assistance for employees of the state correctional system in addition to the families of such staff.

C. Government Sector Impact:

The bill does not affect state revenues or expenditures. By saving the DSO from repeal, the bill enables the DSO to continue to fund and administer projects and activities such as those described above.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 944.802 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 Bracy

11-00637-18

2018938__

1 A bill to be entitled
2 An act relating to the Department of Corrections'
3 direct-support organization; amending s. 944.802,
4 F.S.; abrogating the scheduled repeal of provisions
5 governing a direct-support organization that is
6 permitted use of fixed properties and facilities of
7 the state correctional system by the Department of
8 Corrections; providing an effective date.

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

11
12 Section 1. Section 944.802, Florida Statutes, is amended to
13 read:

14 944.802 Direct-support organization; definition; use of
15 property; board of directors; audit.—

16 (1) DEFINITION.—For the purpose of this section, the term
17 “direct-support organization” means an organization:

18 (a) That ~~which~~ is a corporation not for profit that is
19 incorporated under ~~the provisions of~~ chapter 617, exempted from
20 filing fees, and approved by the Department of State;

21 (b) Organized and operated to conduct programs and
22 activities; initiate developmental projects; raise funds;
23 request and receive grants, gifts, and bequests of moneys;
24 acquire, receive, hold, invest, and administer, in its own name,
25 securities, funds, objects of value, or other property, real or
26 personal; and make expenditures to or for the direct or indirect
27 benefit of the Department of Corrections or individual units of
28 the state correctional system;

29 (c) Determined by the Department of Corrections to be

11-00637-18

2018938__

30 consistent with the priority issues and objectives of the
31 Department of Corrections and in the best interest of the state;
32 and

33 (d) Approved in writing by the Secretary of Corrections to
34 operate for the direct or indirect benefit of the Department of
35 Corrections or individual units of the state correctional
36 system. Such approval shall be in a letter of agreement from the
37 Department of Corrections.

38 (2) USE OF PROPERTY.—

39 (a) The Department of Corrections may permit, without
40 charge, appropriate use of fixed property and facilities of the
41 state correctional system by a direct-support organization
42 subject to ~~the provisions in~~ this section. Such use must be
43 directly in keeping with the approved purpose of the direct-
44 support organization, and may not be made at times or places
45 that would unreasonably interfere with opportunities for inmates
46 and staff to use the areas for established purposes.

47 (b) The Department of Corrections may prescribe by rule any
48 condition with which a direct-support organization shall comply
49 in order to use fixed property or facilities of the state
50 correctional system.

51 (c) The Department of Corrections may ~~shall~~ not permit the
52 use of any fixed property or facilities of the Department of
53 Corrections by a direct-support organization that does not
54 provide equal membership and employment opportunities to all
55 persons regardless of race, color, religion, sex, age, or
56 national origin.

57 (3) ANNUAL AUDIT.—The direct-support organization shall
58 provide for an annual financial audit in accordance with s.

11-00637-18

2018938__

59 215.981.

60 ~~(4) REPEAL. This section is repealed October 1, 2018,~~

61 ~~unless reviewed and saved from repeal by the Legislature.~~

62 Section 2. This act shall take effect July 1, 2018.



The Florida Senate

Committee Agenda Request

To: Senator Jeff Brandes, Chair
Appropriations Subcommittee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: January 24, 2018

I respectfully request that **Senate Bill #938**, relating to Department of Corrections' Direct Support Organization, be placed on the:

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

A handwritten signature in black ink, appearing to read "Randolph Bracy".

Senator Randolph Bracy
Florida Senate, District 11

THE FLORIDA SENATE
APPEARANCE RECORD

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

February 8, 2018

Meeting Date

SB 938

Bill Number (if applicable)

Topic SB 938 Department of Corrections' Direct-support Organization

Amendment Barcode (if applicable)

Name Jared Torres

Job Title Legislative Affairs Director

Address 501 South Calhoun Street

Phone 850-717-3045

Street

Tallahassee

FL

32399

Email Jared.Torres@fdc.myflorida.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Department of Corrections

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2.8.18

Meeting Date

938

Bill Number (if applicable)

Topic Department of Correctionn DSO

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street

Phone 510-9922

Street

Tallahassee

FL

32301

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 942

INTRODUCER: Criminal Justice Committee and Senator Bracy

SUBJECT: Department of Juvenile Justice’s Direct-support Organization

DATE: February 6, 2018 REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 942 removes the scheduled repeal date of the law authorizing the Florida Department of Juvenile Justice (DJJ) to establish a direct-support organization (DSO) to provide assistance, funding, and support to assist the DJJ in furthering its goals. The Florida Juvenile Justice Foundation, Inc., is the DSO designated by the DJJ to provide assistance, funding, and support for the DJJ.

Staff of the Senate Committee on Criminal Justice finds that the DJJ and the Florida Juvenile Justice Foundation, Inc., are in compliance with most statutory requirements relevant to DSOs.

The bill requires the DJJ to appoint members to the DSO’s board of directors according to the DSO’s established bylaws.

The bill does not affect state revenues or expenditures.

The bill takes effect July 1, 2018.

II. Present Situation:

Florida Department of Juvenile Justice

The DJJ was established in 1994 in an effort to shift the state's juvenile justice system away from a social services model. The Legislature created the DJJ to provide for the transfer of powers, duties, property, records, personnel, and unexpended balances of related appropriations and other funds from the Juvenile Justice Program Office within the Department of Health and Rehabilitative Services. This transition assigned responsibility to the DJJ for cases involving juvenile delinquency and children and families in need of services.¹ The DJJ is tasked with developing and coordinating comprehensive services and programs statewide for the prevention, early intervention, control, and rehabilitative treatment of delinquent behavior.²

Florida Juvenile Justice Foundation, Inc.

Citizen support organizations (CSOs) and direct-support organizations (DSOs) are statutorily-created private entities that are generally required to be non-profit corporations and are authorized to carry out specific tasks in support of public entities or public causes. The purpose and functions of a CSO or DSO are prescribed by its enacting statute and, for most, by a written contract with the agency the CSO or DSO was created to support.

From 1994-1999, the DJJ had an ongoing partnership with the Florida Business Partners for Prevention (FBPP). At the time, the DJJ lacked statutory authority to have a DSO. In 1999, the Legislature created s. 985.672, F.S., authorizing the DJJ to establish a DSO to provide assistance, funding, and support for the DJJ in carrying out its mission.³ In 2000, the FBPP incorporated by the name of Florida Business Partners for Juvenile Justice, Inc., to provide such assistance, funding, and support to the DJJ.⁴ The name was changed to the Florida Juvenile Justice Foundation, Inc. (Foundation) in 2006.⁵

Repeal of s. 985.672, F.S., and DSO Compliance Review

Section 20.058(5), F.S., provides that laws creating or authorizing a CSO or DSO repeal on October 1 of the fifth year after enactment, unless reviewed and saved from repeal by the Legislature. This subsection further provides that CSOs or DSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019. Section 985.672, F.S., provides that the section is repealed October 1, 2018, unless reviewed and saved from repeal by the Legislature.

Staff of the Senate Committee on Criminal Justice reviewed relevant materials to determine if the DJJ and the Foundation comply with the requirements of s. 985.672, F.S., and with other

¹ Florida Department of Juvenile Justice, *History*, available at <http://www.djj.state.fl.us/about-us/history> (last visited January 3, 2018).

² Section 985.02(3), F.S.

³ Section 985.672, F.S., was created in 1999 by ch. 1999-284, L.O.F.

⁴ Articles of Incorporation of Florida Business Partners for Juvenile Justice, Inc. (Approved and filed January 28, 2000) (on file with the Senate Committee on Criminal Justice).

⁵ Articles of Amendment to Articles of Incorporation of Florida Business Partners for Juvenile Justice, Inc. (Filed February 8, 2006) (on file with the Senate Committee on Criminal Justice).

statutory requirements for DSOs: s. 20.058, F.S. (CSO/DSO Transparency and Reporting Requirements); s. 215.981, F.S. (CSO/DSO Audit Requirements); and s. 112.3251, F.S. (CSO/DSO Ethics Code Requirements). Staff finds that the DJJ and the Foundation are in compliance with most of the relevant DSO statutory requirements.

Staff Review of Compliance with s. 985.672, F.S. (DSO to Florida Department of Juvenile Justice)

Establishment of DSO

Section 985.672, F.S., authorizes the DJJ to establish a DSO whose sole purpose is to support the juvenile justice system. For purposes of s. 985.672, F.S., “direct-support organization” means an organization that is:

- A corporation not-for-profit incorporated under ch. 617, F.S., and approved by the Department of State;
- Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the DJJ or the juvenile justice system operated by a county commission or a circuit board; and
- Determined by the DJJ to be consistent with the goals of the juvenile justice system, in the best interest of the state, and in accordance with the adopted goals and mission of the DJJ.⁶

Staff Finding: Compliance. The Foundation meets the definition of “direct-support organization.” In 2000, the Foundation was established.⁷ The Foundation is a Florida non-profit corporation under ch. 617, F.S., and is approved by the Department of State.⁸ The DJJ’s mission is, “to increase public safety by reducing juvenile delinquency through effective prevention, intervention and treatment services that strengthen families and turn around the lives of troubled youth.”⁹ The Foundation works toward advancing the DJJ’s mission by funding programs such as the Youth Investment Award program, which provides financial assistance designed to further the education and employability of juvenile justice-involved youth. Additionally, the Foundation funds back-to-school drives, Youth Success Week, the Human Trafficking Summit, in addition to running a national grant to support the Juvenile Detention Alternatives initiative.¹⁰

Expenditures of the Foundation

Section 985.672(1), F.S., provides that expenditures of the DSO shall be used for the prevention and amelioration of juvenile delinquency and may not be used for the purpose of lobbying as defined in s. 11.045, F.S.

⁶ Section 985.672(1)(a)-(c), F.S.

⁷ *Supra*, n. 4.

⁸ The Foundation’s information is available at <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> by searching Florida Juvenile Justice Foundation, Inc. (last visited January 16, 2018).

⁹ Florida Department of Juvenile Justice, *Mission*, available at <http://www.djj.state.fl.us/about-us/mission> (last visited January 18, 2018).

¹⁰ Transmittal letter dated August 15, 2017, from the DJJ Secretary Christina K. Daly to Senate President Joe Negron, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=16596&DocType=PDF> (last visited on January 16, 2018).

Staff findings: Compliance. The Foundation's IRS Form 990 for 2015-16 shows that the majority of expenditures were for conferences, conventions, meetings, and youth programs. Additionally, the form shows that there were no expenditures made for the purposes of lobbying.¹¹

Contractual Agreement Between the DJJ and the Foundation

Section 985.672(2), F.S., provides that the DSO must operate under a written contract with the DJJ and the contract must include certain provisions.

Approval of the Articles of Incorporation and Bylaws

The contract must provide for approval of the articles of incorporation and bylaws of the DSO by the DJJ.¹²

Staff findings: Compliance. The contract between the DJJ and the Foundation provides for the approval of the Foundation's articles of incorporation and bylaws by the DJJ prior to adoption by the Foundation.¹³

Submission of an Annual Budget

The contract must provide for the DSO to submit an annual budget for the approval of the DJJ.¹⁴

Staff findings: Compliance. The contract between the DJJ and the Foundation provides for the review and approval of the Foundation's annual budget prior to adoption by the Foundation.¹⁵

Certification by the DJJ that the DSO is in Compliance

The contract must provide for certification by the DJJ that the DSO is complying with the terms of the contract and in a manner consistent with the goals and purposes of the DJJ and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the DSO.¹⁶

Staff findings: Not in compliance. The contract between the DJJ and the Foundation provides for such annual certification of the Foundation by the DJJ. However, the contract does not provide for the annual certification to be reported in the official minutes of a meeting of the Foundation and such certification has not been made in the minutes of a meeting as prescribed.¹⁷

¹¹ The IRS Form 990 for 2015-16 is the most recent tax form provided by the DJJ and the Foundation. According to DJJ staff, this is because the deadline for the submission of the tax form is in September, while the deadline to report information pursuant to DSO requirements found in s. 20.058, F.S. (described *infra*) is August. E-mail from DJJ staff to staff of the Senate Committee on Criminal Justice, dated August 17, 2017 (on file with the Senate Committee on Criminal Justice). *See also* IRS Form 990 for the Florida Juvenile Justice Foundation, Inc. (on file with the Senate Committee on Criminal Justice).

¹² Section 985.672(2)(a), F.S.

¹³ Contract between the Florida Department of Juvenile Justice and the Florida Juvenile Justice Foundation, Inc. (executed June 4, 2009) (on file with the Senate Committee on Criminal Justice).

¹⁴ Section 985.672(2)(b), F.S.

¹⁵ *Supra*, n. 13.

¹⁶ Section 985.672(2)(c), F.S.

¹⁷ *Supra*, n. 13. Board meeting minutes of the Florida Juvenile Justice Foundation, Inc. (on file with the Senate Committee on Criminal Justice).

Staff recommendation: The contract between the DJJ and the Foundation should be amended to provide for such annual certification to be reported in the official minutes of a meeting of the Foundation. Subsequently, the board of directors must report such annual certification in the official minutes of a meeting of the Foundation.

Reversion of Moneys and Property

The contract must provide for the reversion of moneys and property held in trust by the DSO for the benefit of the juvenile justice system to the state if the DJJ ceases to exist or to the DJJ if the DSO is no longer approved to operate for the DJJ, a county commission, or a circuit board or if the DSO ceases to exist.¹⁸

Staff findings: Compliance. The contract between the DJJ and the Foundation provides for such reversion of moneys and property.¹⁹

Fiscal Year of the DSO

The contract must provide for the fiscal year of the DSO to begin July 1 of each year and end June 30 of the following year.²⁰

Staff findings: Compliance. The contract between the DJJ and the Foundation provides for such information.²¹

Disclosure Made to Donors

The contract must provide for the disclosure of material provisions of the contract, and the distinction between the DJJ and the DSO, to donors of gifts, contributions, or bequests, including such disclosure on all promotional and fundraising publications.²²

Staff findings: Compliance. The contract provides that the Foundation must distinguish itself as “the 501(c)(3) direct-support organization for the Florida Department of Juvenile Justice” to all donors of gifts, contributions, or bequests, including such disclosure on all promotional and fundraising publications. The contract further provides for the disclosure of material provisions of the contract to donors of gifts, contributions, or bequests.²³

Board of Directors

Section 985.672(3), F.S., requires the Secretary of the DJJ to appoint a board of directors for the DSO. The board’s membership must comprise representatives from businesses, representatives from each of the juvenile justice service districts, and one representative appointed at large.²⁴

¹⁸ Section 985.672(2)(d), F.S.

¹⁹ *Supra*, n. 13.

²⁰ Section 985.672(2)(e), F.S.

²¹ *Supra*, n. 13.

²² Section 985.672(2)(f), F.S.

²³ *Supra*, n. 13.

²⁴ Section 985.672(3), F.S.

Staff findings: Not in compliance. The board's membership is not in compliance with the statute's requirements because the juvenile justice system no longer utilizes service districts. Thus, the membership is not made up of representatives from each district.

Staff recommendation: Section 985.672(3), F.S., should be amended to reflect the current organization of the DJJ in order for the board membership to comply. Alternatively, the statute could be amended to provide the DJJ with broad discretion to appoint members to the board, without regard to specific representation as the statute currently prescribes.

Use of Property

Section 985.672(4), F.S., provides that the DJJ may permit, without charge, appropriate use by the DSO of fixed property, facilities, and personnel services of the juvenile justice system. The DJJ may prescribe any condition with which the DSO must comply in order to use such fixed property or facilities of the juvenile justice system. The DJJ may not permit the use of any fixed property or facilities of the juvenile justice system by the DSO if it does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin. The DJJ must adopt rules prescribing the procedures by which the DSO is governed and any conditions with which a DSO must comply to use property or facilities of the DJJ.²⁵

Staff findings: Compliance. The contract between the DJJ and the Foundation provides permission for the Foundation's use of the DJJ's property, facilities, and personnel services. However, the contract is silent on prohibiting the Foundation's use of the DJJ's property and facilities if the Foundation does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.²⁶ Further, the DJJ adopted rules prescribing the conditions in which the Foundation may use the DJJ's property, facilities, and personnel services.²⁷

Staff recommendation: The contract between the DJJ and the Foundation should be amended to include language that prohibits the Foundation's use of the DJJ's fixed property or facilities if the Foundation does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin. This language is not required to be in the contract, but its inclusion would enable the DJJ and the Foundation to be in compliance with s. 985.672(4)(b), F.S., because it would apply broadly to the required practices of the Foundation.

Deposit of Funds

Section 985.672(5), F.S., provides that money may be held in a separate depository account in the name of the DSO and subject to the provisions of the contract with the DJJ.²⁸

²⁵ Section 985.672(4)(a)-(c), F.S.

²⁶ *Supra*, n. 13.

²⁷ Fla. Admin. Code R. 63J-1.002 (2007).

²⁸ Section 985.672(5), F.S.

Staff findings: Not in compliance. The Foundation has a separate depository account in their name.²⁹ However, the contract between the DJJ and the Foundation does not include any provisions regarding the separate depository account.³⁰

Staff recommendation: The contract between the DJJ and the Foundation should be amended to include provisions addressing the separate depository account.

Annual Financial Audit

Section 985.672(6), F.S., requires the DSO to provide for an annual financial audit in accordance with s. 215.981, F.S.

Staff findings: Not currently applicable. Section 215.981, F.S., requires each CSO and DSO created or authorized pursuant to law with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts and records.³¹ The audit must be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General and the state agency that created, approved, or administers the CSO or DSO. The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the CSO or DSO supports. Additionally, the Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements of a CSO's or DSO's accounts and records.³²

The Foundation does not have annual expenditures in excess of \$100,000.³³ Therefore, the Foundation is not currently subject to the auditing requirements of s. 215.981, F.S.³⁴

Staff Review of Compliance with s. 20.058, F.S. (CSO/DSO Transparency and Reporting Requirements)

Section 20.058, F.S., establishes a comprehensive set of transparency and reporting requirements for CSOs and DSOs.

Reporting Requirements

Section 20.058(1), F.S., requires each CSO and DSO to annually submit, by August 1, the following information to the agency it supports:

- The CSO or DSO's name, mailing address, telephone number, and website address;

²⁹ E-mail from DJJ staff to staff of the Senate Committee on Criminal Justice, dated January 16, 2017 (on file with the Senate Committee on Criminal Justice).

³⁰ *Supra*, n. 13.

³¹ The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Section 215.981(1), F.S. Additionally, the expenditure threshold for an independent audit is \$300,000 for a CSO or DSO for the Department of Environmental Protection and the Department of Agriculture and Consumer Services. Section 215.981(2), F.S.

³² Section 11.45(3)(d), F.S.

³³ Total expenditures for 2015-16 were \$97,254. IRS Form 990 for Florida Juvenile Justice Foundation, Inc. (on file with the Senate Committee on Criminal Justice).

³⁴ While the Foundation's expenditures do not currently exceed \$100,000 and thus, the Foundation is not currently subjected to an annual financial audit pursuant to s. 215.981, F.S., the contract between the DJJ and the Foundation provides that the Foundation must provide a copy of its annual financial audit to the DJJ. *Supra*, n. 13.

- The statutory authority or executive order that created the CSO or DSO;
- A brief description of the mission and results obtained by the CSO or DSO;
- A brief description of the CSO or DSO's plans for the next three fiscal years;
- A copy of the CSO or DSO's code of ethics; and
- A copy of the CSO or DSO's most recent Internal Revenue Service (IRS) Form 990.³⁵

Staff findings: Compliance. In 2017, the Foundation reported all of the information required by s. 20.058(1), F.S.³⁶

Transparency of Reported CSO or DSO Information

Section 20.058(2), F.S., provides that each agency receiving information from a CSO or DSO pursuant to s. 20.058(1), F.S., shall make such information available to the public through the agency's website. If the organization maintains a website, the agency's website must provide a link to the organization's website.

Staff findings: Compliance. The information required in s. 20.058(1), F.S., is available to the public through the DJJ's website.³⁷ Additionally, the DJJ provides a link to the Foundation's website.³⁸

Section 20.058(3), F.S., provides that, by August 15 of each year, each agency shall report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information provided by each CSO and DSO. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate or modify the agency's association with each organization.

Staff findings: Compliance. The DJJ submitted its report by August 15, 2017, and the DJJ Secretary Daly expressed her strong recommendation for the continued collaboration and association between the DJJ and the Foundation. The letter explained that the DJJ and the Foundation share a long history of working together to improve the lives of at-risk children and their families. The Foundation promotes delinquency prevention, intervention, and educational opportunities for youth, in addition to stewarding all funds raised to enhance the activities of the DJJ. "The Foundation is an integral part of the Department of Juvenile Justice and shares a long and collaborative relationship that is rare amongst direct-support organizations."³⁹

³⁵ The IRS Form 990 is the an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. s. 501. The most recent Form 990 provided by the Foundation is from 2015-16 because the deadline for the form is September, while the deadline for the submission of the required information is August.

³⁶ Transmittal letter dated August 1, 2017, from Foundation Executive Director Caroline Ray to the DJJ Secretary Christina K. Daly, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=16596&DocType=PDF> (last visited January 16, 2018).

³⁷ *Supra*, n. 10.

³⁸ Florida Department of Juvenile Justice, "Get Involved" available at <http://www.djj.state.fl.us/fjif/foundation> (last visited January 16, 2018).

³⁹ *Supra*, n. 10.

Contract Requirements

Section 20.058(4), F.S., provides that any contract between an agency and a CSO or DSO must be contingent upon the CSO or DSO submitting and posting information pursuant to s. 20.058(1) and (2), F.S. The contract must also include a provision for the orderly cessation of operations and reversion to the state of state funds held in trust by the organization within 30 days after its authorizing statute is repealed, the contract is terminated, or the organization is dissolved. If an organization fails to submit the required information for two consecutive years, the agency head shall terminate any contract between the agency and the organization.

Staff findings: Not in compliance. The contract between the DJJ and the Foundation is not contingent upon the Foundation's submission and posting of the information pursuant to s. 20.058(1) and (2), F.S. The contract also does not provide for the orderly cessation of operations and reversion to the state of state funds held in trust by the Foundation *within 30 days* after its authorizing statute is repealed, the contract is terminated, or the organization is dissolved. The contract also does not provide for the DJJ Secretary to terminate the contract between the DJJ and the Foundation in the event that the Foundation fails to submit the required information for two consecutive years.⁴⁰

Staff recommendation: The DJJ and the Foundation should execute a revised contract that includes the requirements prescribed by s. 20.058(4), F.S. The contract between the DJJ and the Foundation was executed in 2009, while s. 20.058, F.S., was enacted by the Legislature in 2014.⁴¹ Additionally, the contract provides that, "The parties agree to renegotiate this agreement and any affected agreements if revisions of any applicable laws or regulations make changes in this agreement necessary."⁴²

Staff Review of Compliance with s. 215.981, F.S. (CSO/DSO Audit Requirements)

As previously noted, s. 215.981(1), F.S., requires each CSO and DSO created or authorized pursuant to law with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts and records. (For a full description of the statute, see discussion, *supra*, of s. 985.672(6), F.S. (annual financial audit)).

Staff findings: Not currently applicable. As previously noted, the Foundation does not have annual expenditures in excess of \$100,000. Therefore, the Foundation is not currently subject to the auditing requirements of s. 215.981, F.S.⁴³

Staff Review of Compliance with s. 112.3251, F.S. (CSO/DSO Ethics Code Requirement)

Section 112.3251, F.S., requires a CSO or DSO created or authorized pursuant to law to adopt its own ethics code. The ethics code must contain the specified standards of conduct and disclosures provided in ss. 112.313 and 112.3143(2), F.S.⁴⁴ A CSO or DSO may adopt additional or more

⁴⁰ *Supra*, n. 13.

⁴¹ Section 20.058, F.S., was created in 2014 by ch. 2014-96, L.O.F.

⁴² *Supra*, n. 13.

⁴³ *Supra*, n. 33.

⁴⁴ Some of the standards of conduct and disclosures in ss. 112.313 and 112.3143(2), F.S., include misuse of public position, solicitation or acceptance of gifts, unauthorized compensation, and voting conflicts.

stringent standards of conduct and disclosure requirements and must conspicuously post its code of ethics on its website.⁴⁵

Staff findings: Not in compliance. The Foundation has a code of ethics which is conspicuously posted on its website.⁴⁶ However, the Foundation's code of ethics is not in compliance with s. 112.313(2), (4), (5), and (8), F.S.

Staff recommendation: The Foundation should adopt a revised code of ethics to include requirements prescribed by s. 112.3251, F.S.

III. Effect of Proposed Changes:

The bill removes the scheduled repeal date of the law authorizing the Florida Department of Juvenile Justice (DJJ) to establish a direct-support organization (DSO) to provide assistance, funding, and support to assist the DJJ in furthering its goals.

Current law requires the DSO's board of directors to consist of representatives from businesses, each juvenile justice service district, and one representative appointed at large. The bill amends the requirements relating to the DSO's board representation to permit the DJJ to appoint members to the DSO's board of directors pursuant to the DSO's bylaws.

The bill takes effect July 1, 2018.

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.

⁴⁵ Section 112.3251, F.S.

⁴⁶ Florida Juvenile Justice Foundation, *2017 Annual Report*, available at <http://www.djj.state.fl.us/fjff/resources> (last visited January 16, 2018).

B. Private Sector Impact:

By saving the Foundation from repeal, the bill sustains a source of financial and other direct assistance for advancing the DJJ's mission to increase public safety by reducing juvenile delinquency.

C. Government Sector Impact:

The bill does not affect state revenues or expenditures. By saving s. 985.672, F.S., from repeal, the DSO may continue to provide assistance, funding, and support for activities authorized by the DJJ. If s. 985.672, F.S., is not saved from repeal, the DJJ may need to assume the responsibilities of the DSO or find another entity to assume those responsibilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 985.672 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Criminal Justice on January 22, 2018:**

The committee substitute requires the DJJ to appoint members to the DSO's board of directors according to the bylaws of the DSO.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Bracy

591-02331-18

2018942c1

1 A bill to be entitled
2 An act relating to the Department of Juvenile
3 Justice's direct-support organization; amending s.
4 985.672, F.S.; requiring the secretary of the
5 department to appoint board of directors to the
6 department's direct-support organization according to
7 the organization's established bylaws; abrogating the
8 scheduled repeal of provisions governing a direct-
9 support organization established by the department;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 985.672, Florida Statutes, is amended to
15 read:

16 985.672 Direct-support organization; definition; use of
17 property; board of directors; audit.—

18 (1) DEFINITION.—As used in this section, the term "direct-
19 support organization" means an organization whose sole purpose
20 is to support the juvenile justice system and which is:

21 (a) A corporation not-for-profit incorporated under chapter
22 617 and which is approved by the Department of State;

23 (b) Organized and operated to conduct programs and
24 activities; to raise funds; to request and receive grants,
25 gifts, and bequests of moneys; to acquire, receive, hold,
26 invest, and administer, in its own name, securities, funds,
27 objects of value, or other property, real or personal; and to
28 make expenditures to or for the direct or indirect benefit of
29 the Department of Juvenile Justice or the juvenile justice

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30 system operated by a county commission or a circuit board; and

31 (c) Determined by the Department of Juvenile Justice to be
32 consistent with the goals of the juvenile justice system, in the
33 best interest of the state, and in accordance with the adopted
34 goals and mission of the Department of Juvenile Justice.

35
36 Expenditures of the organization shall be used for the
37 prevention and amelioration of juvenile delinquency. The
38 expenditures of the direct-support organization may not be used
39 for the purpose of lobbying as defined in s. 11.045.

40 (2) CONTRACT.—The direct-support organization shall operate
41 under written contract with the department. The contract must
42 provide for:

43 (a) Approval of the articles of incorporation and bylaws of
44 the direct-support organization by the department.

45 (b) Submission of an annual budget for the approval of the
46 department.

47 (c) Certification by the department that the direct-support
48 organization is complying with the terms of the contract and in
49 a manner consistent with the goals and purposes of the
50 department and in the best interest of the state. Such
51 certification must be made annually and reported in the official
52 minutes of a meeting of the direct-support organization.

53 (d) The reversion of moneys and property held in trust by
54 the direct-support organization for the benefit of the juvenile
55 justice system to the state if the department ceases to exist or
56 to the department if the direct-support organization is no
57 longer approved to operate for the department, a county
58 commission, or a circuit board or if the direct-support

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59 organization ceases to exist.~~†~~

60 (e) The fiscal year of the direct-support organization,
61 which must begin July 1 of each year and end June 30 of the
62 following year.~~†~~

63 (f) The disclosure of material provisions of the contract,
64 and the distinction between the department and the direct-
65 support organization, to donors of gifts, contributions, or
66 bequests, including such disclosure on all promotional and
67 fundraising publications.

68 (3) BOARD OF DIRECTORS.—The Secretary of Juvenile Justice
69 shall appoint a board of directors of the direct-support
70 organization according to the direct-support organization's
71 established bylaws. ~~Members of the organization must include~~
72 ~~representatives from businesses, representatives from each of~~
73 ~~the juvenile justice service districts, and one representative~~
74 ~~appointed at large.~~

75 (4) USE OF PROPERTY.—The department may permit, without
76 charge, appropriate use of fixed property, facilities, and
77 personnel services of the juvenile justice system by the direct-
78 support organization, subject to this section. For the purposes
79 of this subsection, the term "personnel services" includes full-
80 time or part-time personnel, as well as payroll processing
81 services.

82 (a) The department may prescribe any condition with which
83 the direct-support organization must comply in order to use
84 fixed property or facilities of the juvenile justice system.

85 (b) The department may not permit the use of any fixed
86 property or facilities of the juvenile justice system by the
87 direct-support organization if it does not provide equal

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88 membership and employment opportunities to all persons
89 regardless of race, color, religion, sex, age, or national
90 origin.

91 (c) The department shall adopt rules prescribing the
92 procedures by which the direct-support organization is governed
93 and any conditions with which a direct-support organization must
94 comply to use property or facilities of the department.

95 (5) DEPOSIT OF FUNDS.—Any moneys may be held in a separate
96 depository account in the name of the direct-support
97 organization and subject to the provisions of the contract with
98 the department.

99 (6) AUDIT.—The direct-support organization shall provide
100 for an annual financial audit in accordance with s. 215.981.

101 ~~(7) REPEAL. This section is repealed October 1, 2018,~~
102 ~~unless reviewed and saved from repeal by the Legislature.~~

103 Section 2. This act shall take effect July 1, 2018.



The Florida Senate

Committee Agenda Request

To: Senator Jeff Brandes, Chair
Appropriations Subcommittee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: January 24, 2018

I respectfully request that **Senate Bill #942**, relating to Department of Juvenile Justices' Direct Support Organization, be placed on the:

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

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

Senator Randolph Bracy
Florida Senate, District 11

APPEARANCE RECORD

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

2/8/18

Meeting Date

942

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Rachel Moscoso

Job Title Leg. Affairs Director

Address 2737 Centerview Dr

Phone 850 717 2716

Street

TLH

City

FL

State

32399

Zip

Email rachel.moscoso@djj.state.fl.us

Speaking: For Against Information

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

Representing Department of Juvenile Justice

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2.8.18

Meeting Date

942

Bill Number (if applicable)

Topic Department of Juvenile Justice DSO

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street

Phone 510-9922

Street

Tallahassee

FL

32301

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
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 982

INTRODUCER: Senator Powell

SUBJECT: Care for Retired Law Enforcement Dogs

DATE: February 6, 2018

REVISED: _____

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

I. Summary:

SB 982 creates the Care for Retired Law Enforcement Dogs Program. The program will provide reimbursement for up to \$1,500 of annual veterinary costs associated with caring for a retired law enforcement dog by the former handler or adopter who incurs the costs.

The bill provides legislative findings and definitions. The bill requires valid documentation of the dog's retirement from the law enforcement agency the dog served and a valid paid invoice from the veterinarian for veterinary care for reimbursement of costs to occur.

The program will be administered and managed by a not-for-profit corporation in a contractual arrangement with the Florida Department of Law Enforcement (FDLE) after a competitive grant award process.

The bill includes an appropriation of \$300,000 in recurring General Revenue Funds for the purpose of implementing and administering the program.

The bill takes effect July 1, 2018.

II. Present Situation:

Law enforcement dogs have become an integral part of many law enforcement efforts statewide, including suspect apprehension through tracking and searching, evidence location, drug and bomb detection, and search and rescue operations.¹ Law enforcement dogs cannot work forever

¹ Panama City Beach Police Department, *K-9 Patrol*, available at <http://www.pcbgov.com/departments-services/police-department/specialized-units/k-9-patrol> (last visited January 18, 2018); Coral Springs Police Department, *K-9 Unit*, available at <https://www.coralsprings.org/government/other-departments-and-services/police/divisions/k-9> (last visited January 18, 2018); Hillsborough County Sheriff's Office, *K-9 Unit*, available at <http://www.hcso.tampa.fl.us/A-Z-Directory/K/K9-Unit.aspx> (last visited January 18, 2018); Jacksonville Sheriff's Office, *Canine Unit*, available at

and are faced with natural aging conditions and may have sustained injuries in the line of duty. When it is time for a law enforcement dog to retire the dog typically lives with their law enforcement officer partner. However, retired law enforcement dogs can experience costly medical expenses that the owner is unable to handle.²

Just one example of a law enforcement dog's invaluable service is Koda, who worked with the Leon County Sheriff's Office. K-9 Koda was shot and killed in January 2013 as he attempted to immobilize a subject following a vehicle pursuit. Deputies pursued a vehicle several blocks until the vehicle crashed into a ditch. The subject continued to flee on foot and then opened fire on K-9 Koda and the deputies. Two deputies returned fire and wounded the subject before taking him into custody. It was later determined that the subject was wanted on warrants for attempted first degree murder, aggravated battery with a deadly weapon, and discharging a firearm from a vehicle.³

III. Effect of Proposed Changes:

The bill creates the Care for Retired Law Enforcement Dogs Program (program) within the Florida Department of Law Enforcement (FDLE). The program will provide up to \$1,500 annually to any former handler or adopter of a retired law enforcement dog for reimbursement of veterinary care for the dog if the agency from which the dog retired provides verification of the dog's service. The former handler or adopter must submit a valid invoice from a veterinarian for care provided in Florida and proof of payment for reimbursement to occur. When the annual funding for the program is depleted, reimbursements must be discontinued for the remainder of the year.

The program is created within the FDLE to provide a stable funding source for veterinary care for retired law enforcement dogs.

"Retired law enforcement dog" is defined by the bill as a dog who has been in the service of or employed by a law enforcement agency in this state for the purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders. The retired law enforcement dog must have received certification in obedience and apprehension work from a certifying organization, such as the National Police Canine Association, Inc.⁴

The bill defines "law enforcement agency" as a state or local public agency that has primary responsibility for the prevention and detection of crime or the enforcement of the penal, traffic, highway, regulatory, game, immigration, postal, customs, or controlled substance laws.

<http://www.coj.net/departments/sheriffs-office/departments-of-patrol-and-enforcement/patrol-support-division/canine-unit>

(last visited January 18, 2018); Brevard County Sheriff's Office, *K-9 Unit*, available at

<http://www.brevardsheriff.com/home/commands-services/operational-services/k-9-unit/> (last visited January 17, 2018).

² South Florida Fund for Retired Law Enforcement K-9's, *Who We Help*, *The Fund*, available at

<https://soflretiredk9fund.com/about/who-we-help/> (last visited January 18, 2018).

³ Officer Down Memorial Page, United States, Florida, Leon County Sheriff's Office, *K-9 Koda*, available at

<http://www.odmp.org/k9/1497-k9-koda#ixzz2vrveuHYu> (last visited January 17, 2018).

⁴ National Police Canine Association, available at <http://www.npca.net/> (last visited January 18, 2018). The National Police Canine Association is one of many such organizations in the country, including The Florida Law Enforcement Canine Association (FLECA) dedicated to the training and certification of Florida's Law Enforcement Canine Teams. Florida Law Enforcement Canine Association, FLECA, available at <http://www.flecak9.com/> (last visited January 17, 2018).

The bill adopts the term “veterinarian” from s. 474.202, F.S. Section 474.202(11), F.S., defines “veterinarian” as a health care practitioner who is licensed to engage in the practice of veterinary medicine in Florida under the authority of ch. 474, F.S.⁵ The bill defines “veterinary care” as the practice of veterinary medicine as defined in s. 474.202, F.S. Section 474.202(13), F.S., defines “veterinary medicine” to include, with respect to animals, surgery, acupuncture, obstetrics, dentistry, physical therapy, radiology, theriogenology, and other branches or specialties of veterinary medicine. The bill specifies that the term also includes:

- Annual wellness examinations;
- Vaccines;
- Internal and external parasite prevention treatments;
- Testing and treatment of illnesses and diseases;
- Medications;
- Emergency care and surgeries; and
- Care provided in specialties of veterinary medicine such as veterinary oncology, euthanasia, and cremation services.

The FDLE is directed to contract with a not-for-profit corporation, organized under ch. 617, F.S., to administer and manage the program.⁶ The corporation will be selected through a competitive grant award process. The corporation must:

- Be dedicated to the protection or care of retired law enforcement dogs.
- Hold tax-exempt status under the Internal Revenue code as a s. 501(c)(3) organization.⁷
- Have held tax-exempt status for at least five years.
- Agree to be subject to review and audit at the discretion of the Auditor General to ensure accurate accounting and disbursement of state funds.
- Demonstrate the ability to effectively and efficiently disseminate information and assist former handlers and adopters of retired law enforcement dogs in complying with the bill.

The bill provides that, notwithstanding ch. 287, F.S., the FDLE must select a not-for-profit corporation through a competitive grant award process.⁸ The corporation is the disbursing authority for the funds appropriated by the Legislature to the FDLE for the program. The corporation may use up to ten percent of appropriated funds for administrative expenses, including salaries and benefits.

The bill contains legislative findings related to the value of law enforcement dogs to the residents of Florida.

⁵ Section 474.202(9), F.S., defines “practice of veterinary medicine” to mean “diagnosing the medical condition of animals and prescribing, dispensing, or administering drugs, medicine, appliances, applications, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease thereof; performing any manual procedure for the diagnosis of or treatment for pregnancy or fertility or infertility of animals; or representing oneself by the use of titles or words, or undertaking, offering, or holding oneself out, as performing any of these functions. The term includes the determination of the health, fitness, or soundness of an animal.

⁶ Section 617.01401(5), F.S., defines “corporation not for profit” as a corporation no part of the income or profit of which is distributable to its members, directors, or officers, except as otherwise provided under ch. 617, F.S.

⁷ See 26 U.S.C. s. 501(c)(3).

⁸ Chapter 287, F.S., governs public procurement of personal property and services.

The bill includes an appropriation of \$300,000 in recurring funds from the General Revenue Fund for the purpose of implementing the program. The program will be administered and managed by a not-for-profit corporation in a contractual arrangement with the FDLE.

The FDLE is given rulemaking authority to implement the provisions in the bill.

The bill is effective July 1, 2018.

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:

To the extent that the retired K-9's former handler or adopter is reimbursed for the dog's on-going veterinary care, the bill will have a positive fiscal impact for those persons.

C. Government Sector Impact:

The bill includes an appropriation of \$300,000 in recurring funds from the General Revenue Fund for the purpose of implementing the program. The program will be administered and managed by a not-for-profit corporation in a contractual arrangement with the FDLE.

The FDLE does not anticipate incurring any costs associated with implementation of the bill.⁹

VI. Technical Deficiencies:

None.

⁹ Florida Department of Law Enforcement, *2018 Legislative Bill Analysis SB 982*, November 27, 2017 (on file with the Senate Committee on Criminal Justice).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 943.69 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.)

B. Amendments:

None.

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

By Senator Powell

30-00831-18

2018982__

1 A bill to be entitled
2 An act relating to care for retired law enforcement
3 dogs; creating s. 943.69, F.S.; providing a short
4 title; providing legislative findings; defining terms;
5 creating the Care for Retired Law Enforcement Dogs
6 Program within the Department of Law Enforcement;
7 requiring the department to contract with a
8 corporation not for profit to administer and manage
9 the program; providing requirements for the
10 corporation not for profit; providing requirements for
11 the disbursement of funds for the veterinary care of
12 eligible retired law enforcement dogs; placing an
13 annual cap on the amount of funds available for the
14 care of an eligible retired law enforcement dog;
15 prohibiting a former handler or adopter from receiving
16 reimbursement if funds are depleted for the year for
17 which such reimbursement is sought; requiring the
18 department to pay to the corporation not for profit,
19 and authorizing the corporation not for profit to use,
20 up to a certain percentage of appropriated funds for
21 administrative purposes; requiring the department to
22 adopt rules; providing an appropriation; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 943.69, Florida Statutes, is created to
28 read:

29 943.69 Care for Retired Law Enforcement Dogs Program.—

30-00831-18

2018982__

30 (1) SHORT TITLE.—This section may be cited as the “Care for
31 Retired Law Enforcement Dogs Program Act.”

32 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

33 (a) Law enforcement dogs have become an integral part of
34 many law enforcement efforts statewide, including the
35 apprehension of suspects through tracking and searching,
36 evidence location, drug and bomb detection, and search and
37 rescue operations;

38 (b) Law enforcement agencies agree that the use of law
39 enforcement dogs is an extremely cost-effective means of crime
40 control and that these dogs possess skills and abilities that
41 frequently exceed those of existing technology;

42 (c) The service of law enforcement dogs is often dangerous
43 and can expose them to injury at a rate higher than that of
44 nonservice dogs; and

45 (d) Law enforcement dogs provide significant contributions
46 to the residents of this state.

47 (3) DEFINITIONS.—As used in this section, the term:

48 (a) “Law enforcement agency” means a lawfully established
49 state or local public agency having primary responsibility for
50 the prevention and detection of crime or the enforcement of the
51 penal, traffic, highway, regulatory, game, immigration, postal,
52 customs, or controlled substance laws.

53 (b) “Retired law enforcement dog” means a dog that was
54 previously in the service of or employed by a law enforcement
55 agency in this state for the principal purpose of aiding in the
56 detection of criminal activity, enforcement of laws, or
57 apprehension of offenders and that received certification in
58 obedience and apprehension work from a certifying organization

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2018982__

59 such as the National Police Canine Association, Inc., or other
60 certifying organization.

61 (c) "Veterinarian" has the same meaning as provided in s.
62 474.202.

63 (d) "Veterinary care" means the practice of veterinary
64 medicine as defined in s. 474.202 by a veterinarian. The term
65 includes annual wellness examinations, vaccinations, internal
66 and external parasite prevention treatments, testing and
67 treatment of illnesses and diseases, medications, emergency care
68 and surgeries, specialty care such as veterinary oncology,
69 euthanasia, and cremation.

70 (4) ESTABLISHMENT OF PROGRAM.—The Care for Retired Law
71 Enforcement Dogs Program is created within the department to
72 provide a stable funding source for veterinary care that is
73 provided to these dogs.

74 (5) ADMINISTRATION.—The department shall contract with a
75 corporation not for profit organized under chapter 617 to
76 administer and manage the Care for Retired Law Enforcement Dogs
77 Program. Notwithstanding chapter 287, the department shall
78 select the corporation not for profit through a competitive
79 grant award process. The corporation not for profit must meet
80 all of the following criteria:

81 (a) Be dedicated to the protection or care of retired law
82 enforcement dogs.

83 (b) Be exempt from taxation under s. 501(a) of the Internal
84 Revenue Code as an organization described in s. 501(c)(3) of
85 that code.

86 (c) Have maintained such tax-exempt status for at least 5
87 years.

30-00831-18

2018982__

88 (d) Agree to be subject to review and audit at the
89 discretion of the Auditor General in order to ensure accurate
90 accounting and disbursement of state funds.

91 (e) Demonstrate the ability to effectively and efficiently
92 disseminate information and to assist former handlers and
93 adopters of retired law enforcement dogs in complying with this
94 section.

95 (6) FUNDING.—

96 (a) The corporation not for profit shall be the disbursing
97 authority for funds appropriated by the Legislature to the
98 department for the Care for Retired Law Enforcement Dogs
99 Program. These funds shall be disbursed to the former handler or
100 adopter of a retired law enforcement dog upon receipt of:

101 1. Valid documentation from the law enforcement agency from
102 which the dog retired which verifies that the dog was in the
103 service of or employed by such agency; and

104 2. A valid invoice from a veterinarian for veterinary care
105 provided in this state to a retired law enforcement dog and
106 documentation establishing payment of the invoice by the former
107 handler or adopter of a retired law enforcement dog.

108 (b) Annual disbursements to a former handler or adopter to
109 reimburse him or her for the cost of veterinary care provided to
110 a retired law enforcement dog may not exceed \$1,500 per dog. A
111 former handler or adopter of a retired law enforcement dog may
112 not accumulate unused funds from a current year for use in a
113 future year.

114 (c) A former handler or adopter of a retired law
115 enforcement dog who seeks reimbursement for veterinary care may
116 not receive reimbursement if funds appropriated for the Care for

30-00831-18

2018982__

117 Retired Law Enforcement Dogs Program are depleted in the year
118 for which the reimbursement is sought.

119 (7) ADMINISTRATIVE FEES.—The department shall pay to the
120 corporation not for profit, and the corporation not for profit
121 may use, up to 10 percent of appropriated funds for its
122 administrative expenses, including salaries and benefits.

123 (8) RULEMAKING AUTHORITY.—The department shall adopt rules
124 pursuant to ss. 120.536(1) and 120.54 to implement this section.

125 Section 2. For the 2018-2019 fiscal year, and each fiscal
126 year thereafter, the sum of \$300,000 in recurring funds is
127 appropriated from the General Revenue Fund to the Department of
128 Law Enforcement for the purpose of implementing and
129 administering the Care for Retired Law Enforcement Dogs Program.

130 Section 3. This act shall take effect July 1, 2018.



The Florida Senate

Committee Agenda Request

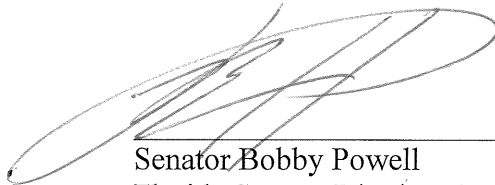
To: Senator Jeff Brandes, Chair
Appropriations Subcommittee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: January 23, 2018

I respectfully request that **Senate Bill #982**, relating to Retired Law Enforcement Dogs, be placed on the:

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



Senator Bobby Powell
Florida Senate, District 30

THE FLORIDA SENATE
APPEARANCE RECORD

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

2.8.18

Meeting Date

982

Bill Number (if applicable)

Topic Care for Retired Law Enforcement Dogs

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street

Phone 510-9922

Street

Tallahassee

FL

32301

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
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/SB 1002 (799584)

INTRODUCER: Senator Passidomo

SUBJECT: Guardianship

DATE: February 9, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Harkness</u>	<u>Sadberry</u>	<u>ACJ</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____

I. Summary:

PCS/SB 1002 identifies several specific actions that circuit court clerks may take when reviewing guardianships. The bill also expressly authorizes designees in the Office of Public and Professional Guardians to receive otherwise confidential documents when investigating guardianships. The circuit court clerks serve as the custodians of guardianship files and must review certain reports to ensure that guardians are correctly performing their responsibilities. The Office of Public and Professional Guardians is authorized to appoint certain types of guardians and investigate and, when appropriate, discipline guardians who violate their statutory duties.

The bill does not affect state revenues or expenditures.

The bill takes effect July 1, 2018.

II. Present Situation:

Guardians

A guardian may be described as someone who has been given the legal duty and authority to care for another person or his or her property because of that person's infancy, disability, or incapacity.¹ Guardianships are trust relationships designed to protect vulnerable members of society who do not have the ability to protect themselves. The person for whom a guardian is appointed is called a "ward."² Once a guardian is appointed by the court, the guardian serves as a

¹ BLACK'S LAW DICTIONARY, 10th edition, 2014.

² Section 744.102(22), F.S.

surrogate decision-maker and makes personal or financial decisions, or both, for the ward.³ In Florida, guardianship matters are governed and controlled exclusively by statute.⁴

Annual Accounting

Each guardian of the property of a ward must file an annual accounting with the court.⁵ The annual accounting must include a full and correct account of the receipts and disbursements of all of the ward's property over which the guardian has control and a statement of the ward's property on hand at the end of the accounting period. However, the requirement for an accounting does not apply to any property or trust of which the ward is a beneficiary but which is not under the control or administration of the guardian.⁶ The guardian must obtain a receipt, cancelled check, or other proof of payment for all expenditures and disbursements made on behalf of the ward. The guardian must preserve all evidence of payment, together with any substantiating papers, for 3 years after his or her discharge as a guardian. These items do not need to be filed with the court but must be made available for inspection and review as the court may order.⁷

Responsibilities of the Clerk of the Court to Review Guardianship Reports

The State Constitution establishes the office of clerk of the circuit court in each county. This provision is contained in Article 5, section 16, the article that establishes the Judiciary. The duties of the clerk may be detailed by special or general law.

In addition to the duty to serve as the custodian of the guardianship files, the clerk must review each initial and annual guardianship report to ensure it contains information about the ward that addresses mental and physical health care, physical and mental health examinations, personal and social services, residential setting, the application of insurance, private and government benefits, and the initial verified inventory or the annual accounting.⁸

The clerk has 30 days after the initial or annual reports are filed to complete a review of the report. He or she has 90 days after the verified inventory and accounts are filed to audit those submissions. The clerk must advise the court of the results of the audit and report to the court when a report is not timely filed.⁹

In 2014, the Legislature expanded the authority and responsibilities of the clerk as auditor of guardianship reports.¹⁰ The statutes now provide that if the clerk believes that a further review is appropriate, he or she may request and review records and documents that reasonably impact the guardianship assets. These records and documents may include but are not limited to, the

³ Section 744.102(9), F.S.

⁴ *Poling v. City Bank & Trust Co. of St. Petersburg*, 189 So. 2d 176, 182 (Fla. 2d DCA 1966); *Hughes v. Bunker*, 76 So. 2d 474, 476 (1954).

⁵ Section 744.3678(1), F.S.

⁶ Section 744.3678(2)(a), F.S.

⁷ Section 744.3678(3), F.S.

⁸ Section 744.368(1), F.S.

⁹ Section 744.368(2), (3), and (4), F.S.

¹⁰ Ch. 2014-124, Laws of Fla.

beginning inventory balance and any fees charged to the guardianship.¹¹ If a guardian does not produce records and documents to the clerk upon request, the clerk may request the court to enter an order by filing an affidavit that identifies the records and documents requested and shows good cause as to why those items requested are needed to complete the audit.¹²

The clerk may, upon application to the court and with a supporting affidavit, issue subpoenas to nonparties to compel the production of books, papers, and other documentary evidence. Before issuing a subpoena by affidavit, the clerk must serve notice on the guardian and the ward, unless the ward is a minor or totally incapacitated, of the intent to serve subpoenas to nonparties.¹³

The Office of Public and Professional Guardians, Investigations, and Specialized Units

The Office of Public and Professional Guardians (OPPG) is situated within the Department of Elder Affairs. It is responsible for appointing local public guardians to provide services to people who do not have enough income or assets to afford a private guardian and no family member or friend is willing to serve. The Office contracts with 17 local offices of public guardians and is responsible for registering and educating professional guardians in the state. In 2016, the Office's responsibilities were increased to include regulating professional guardians which involves investigating, and if appropriate, disciplining guardians who violate the law.¹⁴ As part of its investigative responsibilities, OPPG is authorized to request and be provided records held by an agency, the court and its agencies, or financial audits prepared by a clerk and held by the court which are necessary as part of an investigation when a complaint is filed against a guardian.¹⁵ If confidential or exempt information is provided to OPPG, it continues its status as confidential or exempt.¹⁶

Since OPPG began receiving complaints on October 1, 2017, it has referred 83 legally sufficient complaints for further investigation. In 30 of those cases, letters of concern were issued or discipline was imposed or the cases were determined to be unfounded. The remaining 53 cases are still open and ongoing.¹⁷

Seven clerk offices around the state have specialized units that are trained to provide independent investigative services of professional guardianships. The Office of Public and Professional Guardians has contracted with these accredited units to perform investigations of legally sufficient complaints regarding the conduct of professional guardians. These investigations are performed using professional investigative standards. The clerk investigative units compare professional guardians' conduct to Florida Guardianship Law, the Florida Criminal Code, and Standards of Practice for Professional Guardians. All facts and findings are reported to the OPPG for administrative complaints, and if necessary, a referral to a criminal justice agency. The Palm Beach County Clerk serves as the administrative coordinator and chief investigator. The

¹¹ Section 744.368(5), F.S.

¹² Section 744.368(6), F.S.

¹³ Section 744.368(7), F.S.

¹⁴ Office of Public & Professional Guardians, Department of Elder Affairs, *Office of Public & Professional Guardians: Who We Are* <http://elderaffairs.state.fl.us/doea/spgo.php> (last visited Jan. 6, 2018).

¹⁵ Section 744.2104(1), F.S.

¹⁶ *Id.*

¹⁷ Telephone conversation with Carol Berkowitz, Executive Director of the Office of Public and Professional Guardians, Tallahassee, Fla. (Jan. 4, 2018).

remaining clerk offices are Pinellas County, Polk County, Okaloosa County, Lake County, Lee County, and Sarasota County.

Statistics of the Elderly in Florida

According to statistics compiled for the State of Florida, 3,259,602 Floridians were age 65 and older in 2010. This number is projected to reach 4,390,788 by 2020, and 5,916,832 by 2030. Between 2010 and 2020, Florida's population age 85 and older is expected to increase by 36.1 percent.¹⁸ These numbers indicate that there will likely be a significant increase in guardianships in the coming years.

The Power of a Guardian to Act Without Court Approval

Two types of guardians may act without court approval when dealing with the property of a ward.¹⁹ Those types are a plenary guardian of the property or a limited guardian of the property.²⁰ As specified in statute, the guardian does not need court approval to conduct a list of activities,²¹ including the authority to provide confidential information about a ward to a local or state ombudsman member conducting an investigation involving a long-term care facility.

III. Effect of Proposed Changes:

This bill identifies specific actions that the circuit court clerks may take when reviewing guardianships. The bill also expressly authorizes designees of the Office of Public and Professional Guardians to receive otherwise confidential documents when investigating guardianships.

Section 1 amends s. 744.2104(1), F.S., which addresses the OPPG's ability to access records when a complaint is filed against a guardian and an investigation is initiated. In adding the words "or its designee," the bill clarifies that the seven specialized units that perform investigations of complaints at the direction of the OPPG are authorized to receive records held by the court or its agencies which are necessary as part of an investigation of a guardian.

¹⁸ Florida Demographic Estimating Conference, February 2017 and the University of Florida, Bureau of Economic and Business Research, Florida Population Studies, Bulletin 178, June 2017. Available at http://edr.state.fl.us/Content/population-demographics/data/pop_census_day-2016.pdf and <http://edr.state.fl.us/Content/population-demographics/data/index-floridaproducts.cfm>.

¹⁹ Section 744.444, F.S.

²⁰ A plenary guardian is a person who has been appointed by the court to exercise all delegable legal rights and powers of the ward after the court finds that the ward lacks the capacity to perform all of the necessary tasks to care for his or her person or property. Section 744.102(9)(b), F.S. A limited guardian is a guardian appointed by the court to exercise the legal rights and powers specifically designated by the court after the court finds that the ward lacks the capacity to do some, but not all tasks, necessary to care for his or her person or property, or after he or she voluntarily petitions the court for appointment of a limited guardian.

²¹ Those enumerated activities include the ability to: retain or receive assets, vote or not vote stocks or other securities, insure assets and himself or herself against liability, execute instruments, pay taxes, assessments, certain encumbrances, and reasonable living expenses, elect to dissent from a will, make an election, or assert certain rights, deposit or invest certain assets, pay incidental expenses for the administration of the estate, sell or exercise stock rights and consent to activities of a business enterprise, employ necessary persons to advise or assist in performing the guardian's duties, execute and deliver certain instruments to carry out court order, hold securities, and pay or reimburse costs incurred.

Section 2 amends s. 744.368, F.S., which addresses the responsibilities of the clerk of the circuit court to review guardianship reports. The language added to the statute expressly authorizes clerks, when conducting a further review of inventories and accountings, to conduct audits and cause initial and annual guardianship reports to be audited. The clerk must advise the court of the results of the audit. If a fee or cost is incurred by the guardian when he or she responds to the review or audit, it may not be paid or reimbursed using the ward's assets if the court finds an act of wrongdoing on the part of the guardian.

Section 3 amends s. 744.3701, F.S., which pertains to the disclosure and confidentiality of guardianship inspections and reports. The bill provides that the clerk may disclose confidential information to the Department of Children and Families or law enforcement agencies "for other purposes," as provided by a court order. The confidential information described in s. 744.3701(3), F.S., which may not be disclosed unless specifically authorized, is a court record pertaining to the settlement of a ward's or minor's claim, including a petition for approval of a settlement, a report of a guardian ad litem relating to a pending settlement, or an order approving a settlement on behalf a ward of minor. What the "other purposes" are is not explained in the bill.

Section 4 amends s. 744.444, F.S., which addresses the power of a guardian to act without court approval regarding the property of a ward. The bill expands the authority of a guardian to disclose confidential information about a ward to additional investigative entities. Specifically, the guardian is authorized to provide the confidential information to the court clerk or an investigator with the OPPG for investigations that arise under a review of records and documents involving assets, the beginning inventory balance, and fees charged to the guardianship. The clerk or investigator has a duty to maintain the confidentiality of that disclosed information.

The bill takes effect July 1, 2018.

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:

If the court finds a guardian guilty or wrongdoing in a report or audit, those costs or fees incurred by the guardian in responding must be borne by the guardian. The ward's assets may not be used for payment or reimbursement of the guardian.

C. Government Sector Impact:

The disclosure of confidential information about a ward to additional investigative entities may result in additional costs to those entities. However, the bill has no discernible impact on state expenditures or revenues.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 744.2104, 744.368, 744.3701, and 744.444.

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

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

Recommended CS by Appropriations Subcommittee on Criminal and Civil Justice on February 8, 2018:

The committee substitute removes language that provides that the clerk's advice to the court may not be considered an ex parte communication.

B. Amendments:

None.



141506

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2018	.	
	.	
	.	
	.	

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

Senate Amendment (with directory and title amendments)

Delete lines 71 - 72.

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

And the directory clause is amended as follows:

Delete lines 56 - 57

and insert:

Statutes, is amended to read:



141506

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

12 And the title is amended as follows:

13 Delete lines 18 - 20

14 and insert:

15 finding of wrongdoing by the court; amending s.

16 744.3701, F.S.;

By Senator Passidomo

28-01378-18

20181002__

1 A bill to be entitled
2 An act relating to guardianship; amending s. 744.2104,
3 F.S.; requiring certain medical, financial, or mental
4 health records or financial audits that are necessary
5 as part of an investigation of a guardian as a result
6 of a complaint filed for certain purposes with a
7 designee of the Office of Public and Professional
8 Guardians to be provided to the Office of Public and
9 Professional Guardians upon that office's request;
10 amending s. 744.368, F.S.; authorizing the clerk of
11 the court to conduct audits and cause the initial and
12 annual guardianship reports to be audited under
13 certain circumstances; requiring the clerk to advise
14 the court of the results of any such audit;
15 prohibiting any fee or cost incurred by the guardian
16 in responding to the review or audit from being paid
17 or reimbursed by the ward's assets if there is a
18 finding of wrongdoing by the court; prohibiting the
19 clerk's advice to the court from being considered an
20 ex parte communication; amending s. 744.3701, F.S.;
21 authorizing the clerk to disclose confidential
22 information to the Department of Children and Families
23 or law enforcement agencies for certain purposes as
24 provided by court order; amending s. 744.444, F.S.;
25 authorizing certain guardians of property to provide
26 confidential information about a ward which is related
27 to an investigation arising under specified provisions
28 to a clerk or to an Office of Public and Professional
29 Guardians investigator conducting such an

28-01378-18

20181002__

30 investigation; providing that any such clerk or Office
31 of Public and Professional Guardians investigator has
32 a duty to maintain the confidentiality of such
33 information; providing an effective date.
34

35 Be It Enacted by the Legislature of the State of Florida:
36

37 Section 1. Subsection (1) of section 744.2104, Florida
38 Statutes, is amended to read:

39 744.2104 Access to records by the Office of Public and
40 Professional Guardians; confidentiality.—

41 (1) Notwithstanding any other provision of law to the
42 contrary, any medical, financial, or mental health records held
43 by an agency, or the court and its agencies, or financial audits
44 prepared by the clerk of the court pursuant to s. 744.368 and
45 held by the court, which are necessary as part of an
46 investigation of a guardian as a result of a complaint filed
47 with the Office of Public and Professional Guardians or its
48 designee to evaluate the public guardianship system, to assess
49 the need for additional public guardianship, or to develop
50 required reports, shall be provided to the Office of Public and
51 Professional Guardians upon that office's request. Any
52 confidential or exempt information provided to the Office of
53 Public and Professional Guardians shall continue to be held
54 confidential or exempt as otherwise provided by law.

55 Section 2. Subsection (5) of section 744.368, Florida
56 Statutes, is amended, and subsection (8) is added to that
57 section, to read:

58 744.368 Responsibilities of the clerk of the circuit

28-01378-18

20181002__

59 court.-

60 (5) If the clerk has reason to believe further review is
61 appropriate, the clerk may request and review records and
62 documents that reasonably impact guardianship assets, including,
63 but not limited to, the beginning inventory balance and any fees
64 charged to the guardianship. As a part of this review, the clerk
65 may conduct audits and may cause the initial and annual
66 guardianship reports to be audited. The clerk shall advise the
67 court of the results of any such audit. Any fee or cost incurred
68 by the guardian in responding to the review or audit may not be
69 paid or reimbursed by the ward's assets if there is a finding of
70 wrongdoing by the court.

71 (8) The clerk's advice to the court may not be considered
72 an ex parte communication.

73 Section 3. Subsection (4) is added to section 744.3701,
74 Florida Statutes, to read:

75 744.3701 Confidentiality.-

76 (4) The clerk may disclose confidential information to the
77 Department of Children and Families or law enforcement agencies
78 for other purposes as provided by court order.

79 Section 4. Subsection (17) of section 744.444, Florida
80 Statutes, is amended to read:

81 744.444 Power of guardian without court approval.-Without
82 obtaining court approval, a plenary guardian of the property, or
83 a limited guardian of the property within the powers granted by
84 the order appointing the guardian or an approved annual or
85 amended guardianship report, may:

86 (17) Provide confidential information about a ward which
87 ~~that~~ is related to an investigation arising under s. 744.368 to

28-01378-18

20181002__

88 the clerk, part II of this chapter to an Office of Public and
89 Professional Guardians investigator, or part I of chapter 400 to
90 a local or state ombudsman council member conducting such an
91 investigation. Any such clerk, Office of Public and Professional
92 Guardians investigator, or ombudsman shall have a duty to
93 maintain the confidentiality of such information.

94 Section 5. This act shall take effect July 1, 2018.



The Florida Senate

Committee Agenda Request

To: Senator Jeff Brandes, Chair
Appropriations Subcommittee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: January 10, 2018

I respectfully request that **Senate Bill #1002**, relating to Guardianship, be placed on the:

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

A handwritten signature in black ink, appearing to read "K. Passidomo", with a horizontal line extending to the right.

Senator Kathleen Passidomo
Florida Senate, District 28

THE FLORIDA SENATE
APPEARANCE RECORD

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

February 8, 2018
Meeting Date

1002
Bill Number (if applicable)
141506
Amendment Barcode (if applicable)

Topic _____

Name Brian Jogerst

Job Title _____

Address PO Box 11094
Street

Phone 850-222-0191

Tallahassee FL 32302
City *State* *Zip*

Email brian@bhandassociates.com

Speaking: For Against Information

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

Representing Academy of Florida Elder Law Attorneys and Elder Law Section of the Bar

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)

2/8/18

Meeting Date

1002

Bill Number (if applicable)

Topic Guardianship

Amendment Barcode (if applicable)

Name Greg Pound

Job Title _____

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

2/8/18

Meeting Date

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

SB 1002

Bill Number (if applicable)

Topic Guardianship

Amendment Barcode (if applicable)

Name Fred Baggett

Job Title Chairman - Greenberg Trewing

Address 101 East College Ave.

Phone 850-222-6891

Street

Tallahassee, FL 32301

Email baggettf@gtlaw.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Court Clerks + Comptrollers

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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)

Feb 8, 2018

Meeting Date

SB 1002

Bill Number (if applicable)

Topic Guardianship

Amendment Barcode (if applicable)

Name Dorene Barker

Job Title Associate State Director

Address 200 W. College, Suite 304

Phone 850 228-6387

Street

Jellonice FL 32301

Email dobarker@aarpp.org

City

State

Zip

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

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

Representing AARP FL

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

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2.8.18

Meeting Date

1002

Bill Number (if applicable)

Topic Guardianship

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street

Phone 510-9922

Street

Tallahassee

FL

32301

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
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 1424

INTRODUCER: Senator Gainer

SUBJECT: Court-ordered Treatment Programs

DATE: February 6, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Tulloch</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Harkness</u>	<u>Sadberry</u>	<u>ACJ</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1424 expands the eligibility criteria for individuals who may participate in a military veterans' and servicemembers' court program, more commonly known as veterans' courts. A veterans' court is a problem-solving court providing treatment intervention to military veterans and servicemembers who are charged with or convicted of criminal offenses and who are also suffering military-related injuries, such as post-traumatic stress disorder, traumatic brain injury, or a substance abuse disorder. Currently, individuals who are eligible to participate in the veterans' court include honorably discharged veterans, generally discharged veterans, and active duty servicemembers. The bill expands participation eligibility by eliminating the requirement that a veteran be honorably or generally discharged. Instead, the bill provides that any veteran discharged or released under any condition is eligible to participate in a veteran's court.

Additionally, the bill expands participation eligibility to current or former United States defense contractors and current or former military members of a foreign allied country.

While the bill may increase the number of cases referred to veterans' courts, the bill does not have an impact on state revenues or expenditures.

The bill takes effect on October 1, 2019.

II. Present Situation:

Veterans' Courts for Criminal Offenders

Veterans' courts are problem-solving courts, modeled after drug courts, which are aimed at addressing the root causes of criminal behavior.¹ The purpose of veterans' courts is to divert

¹ Florida Courts, *Problem-Solving Courts*, <http://www.flcourts.org/resources-and-services/court-improvement/problem-solving-courts/> (last visited Jan. 21, 2018).

eligible defendants who are veterans or servicemembers into treatment programs for military-related conditions or war-related trauma, either before trial or at sentencing. Veterans' courts consider whether an individual's military-related condition, such as post-traumatic stress disorder, mental illness, traumatic brain injury, or substance abuse, can be addressed through a program specifically designed to serve the individual's needs.²

Veterans' courts implement the 10 key components required of drug courts³ in Florida:

- Integration of alcohol, drug treatment, and mental health services into justice system case processing;
- Nonadversarial approach;
- Early identification of eligible participants;
- Continuum of services;
- Alcohol and drug testing for abstinence;
- Coordinated strategy for responses to participants' compliance;
- Ongoing judicial interaction;
- Monitoring and evaluation for program effectiveness;
- Interdisciplinary education; and
- Partnerships with stakeholders.⁴

Significantly, veterans' courts involve not only nonadversarial cooperation among "traditional partners found in drug courts, such as the judge, state attorney, public defender, case manager, treatment provider, probation, and law enforcement[.]" but also cooperation with "representatives of the Veterans Health Administration (VHA) and the Veterans Benefit Administration as well as State Departments of Veterans Affairs, Vet Centers, Veterans Service Organizations, Department of Labor, volunteer veteran mentors, and other veterans support groups."⁵ Veterans' courts are also able to "leverage resources available from the U.S. Department of Veterans Affairs" to provide treatment and other services to veterans and servicemembers.⁶

Florida's Veterans' Courts

In 2012, the Florida Legislature passed the "T. Patt Maney Veterans' Treatment Intervention Act."⁷ The Act created the military veterans and servicemembers court program,⁸ better known as veterans' courts.⁹ Specifically, the Act authorizes the chief judge of each judicial circuit to

² Section 394.47891, F.S.

³ Section 397.334(4), F.S.

⁴ See n. 3, *supra*, noting that "[t]he components of veterans courts, from The Ten Key Components of Veterans Treatment Court, Justice for Vets (a division of the National Association of Drug Court Professionals)[.]" See also Justice for Vets, *The Ten Key Components of Veterans Treatment Courts*, <https://justiceforvets.org/wp-content/uploads/2017/02/The-Ten-Key-Components-of-Veterans-Treatment-Courts.pdf> (last visited Jan. 21, 2018).

⁵ See n. 3, *supra*.

⁶ *Id.*

⁷ CS/CS/SB 922 (ch. 2012-159, Laws of Fla.).

⁸ Section 394.47891, F.S.

⁹ Florida Courts, *Veterans' Courts*, <http://www.flcourts.org/resources-and-services/court-improvement/problem-solving-courts/veterans-court.stml> (last visited Jan. 21, 2018).

establish a veterans' court program to serve the special needs of eligible veterans¹⁰ and active duty servicemembers¹¹ who are:

- Suffering a military-related condition, such as mental illness, traumatic brain injury, or substance abuse; and
- Charged with or convicted of a criminal offense.¹²

The Act also added provisions to chapter 948, F.S., providing when veterans and servicemembers may be eligible to participate in the veterans' court program for treatment and services. Eligible individuals may participate after being:

- Charged with a criminal misdemeanor¹³ or certain felony offenses but before being convicted (pretrial intervention);¹⁴ or
- Convicted and sentenced, as a condition of probation or community control.¹⁵

Pretrial Intervention Participation

Prior to placement in a program, a veterans' treatment intervention team must develop an individualized coordinated strategy for the veteran. The team must present the coordinated strategy to the veteran in writing before he or she agrees to enter the program. The strategy is modeled after the ten therapeutic jurisprudence principles and key components for treatment-based drug court programs.¹⁶

During the time that the defendant is allotted participation in the treatment program, the court retains jurisdiction in the case. At the end of the program, the court considers recommendations for disposition by the state attorney and the program administrator. If the veteran successfully completes the treatment program, the court must dismiss the criminal charges. If the court finds that the veteran did not successfully complete the program, the court can either order the veteran to continue in education and treatment or authorize the state attorney to proceed with prosecution.¹⁷

Eligible veterans who successfully complete the diversion program may petition the court to order the expunction of the arrest record and the plea.¹⁸

¹⁰ Section 1.01(14), F.S., defines a veteran as a person who served in active military, naval, or air service who was discharged or released under honorable conditions or who later received an upgraded discharge under honorable conditions.

¹¹ A servicemember is defined as a person serving as a member of the United States Armed Forces on active duty or state active duty and members of the Florida National Guard and United States Reserve Forces. Section 250.01(19), F.S.

¹² See n. 2, *supra*.

¹³ Section 948.16(2)(a), F.S., establishes the misdemeanor pretrial veterans' treatment intervention program.

¹⁴ Section 948.08(7)(a), F.S., authorizes courts to consider veterans charged with non-disqualifying felonies for pretrial veterans' treatment intervention programs. Section 948.08(7), F.S., references the disqualifying felony offenses listed in s. 948.06(8)(c), F.S. Section 948.06(8)(c), F.S., lists 19 disqualifying felony offenses of a serious nature, such as kidnapping, murder, sexual battery, treason, etc.

¹⁵ Section 948.21, F.S.

¹⁶ Section 948.08(7)(b), F.S., requires a coordinated strategy for veterans charged with felonies who are participating in pretrial intervention programs. Section 948.16(2)(b), F.S., requires a coordinated strategy for veterans charged with misdemeanors. Section 397.334(4), F.S., requires treatment based court programs to include therapeutic jurisprudence principles and components recognized by the United States Department of Justice and adopted by the Florida Supreme Court Treatment-based Drug Court Steering Committee.

¹⁷ Section 948.08(7)(b)-(c), F.S.

¹⁸ See n. 14, *supra*.

Participation in Treatment Program while on Probation or Community Control

Veterans and servicemembers on probation or community control who committed a crime on or after July 1, 2012, and suffer from a military-related mental illness, a traumatic brain injury, or a substance abuse disorder may also qualify for treatment programs. A court may impose, as a condition of probation or community control, successful completion of a mental health or substance abuse treatment program.¹⁹

Current Court Statistics

According to the State Court Administrator's Office of Court Improvement, as of April 2017, there were 30 veterans' courts in Florida.²⁰ Additionally, the Office of Court Improvement reports that in 2016, "Florida's veterans' courts admitted 1,090 participants and graduated 640."²¹

Expansion of Participant Eligibility in Florida's Veterans' Courts

Under current law, to be eligible to participate in the veterans' court program, the defendant must allege that he or she is suffering a military-related injury and establish that he or she is:

- An honorably discharged veteran;²²
- A generally discharged veteran;²³ or
- An active duty servicemember.²⁴

By the recommendation of the Task Force on Substance Abuse and Mental Health Issues in the Courts,²⁵ Florida's court system has proposed that eligibility to participate in the veterans' courts be expanded to all veterans of any discharge status and to military-related individuals in the following two categories:

- Current or former United States defense contractors; and
- Current or former military members of a foreign allied country.²⁶

The proposed expansion to include contractors and military members of foreign allied countries is in response to nationwide reports "that a large number of service personnel are being excluded from veterans courts because they do not meet the definition of 'veteran' or 'servicemember'" who have "served our country and would respond well to veterans court interventions."²⁷

¹⁹ Section 948.21, F.S.

²⁰ See n. 3, *supra*.

²¹ *Id.*

²² See n. 10, *supra*.

²³ CS/CS/CS/HB 439 (chapter 2016-127, Laws of Fla.) (expanding eligibility for veterans to include not only those who were honorably discharged but also to those generally discharged).

²⁴ See n. 11, *supra*.

²⁵ The "Task Force on Substance Abuse and Mental Health Issues in the Courts" is the task forced "charged with developing a strategy for ensuring fidelity to nationally accepted key components of veterans courts" pursuant to Florida Supreme Court Administrative Order 14-46. See Judicial Branch 2018 Legislative Agenda, *Expansion of Veterans Court Eligibility*, p. 41 (on file with Senate Judiciary Committee).

²⁶ *Id.* at 42.

²⁷ *Id.* at 41.

III. Effect of Proposed Changes:

Section 1 amends s. 394.47891, F.S., to expand the eligibility criteria for who may participate in the Military Veterans' and Servicemembers' Court Program.

This section eliminates the requirement that a veteran be honorably or generally discharged, providing instead that any veteran discharged or released under any condition is eligible to participate.

The section also expands eligibility beyond veterans and active duty servicemembers to include individuals who are:

- Current or former United States defense contractors; and
- Current or former military members of a foreign allied country.

Section 2 amends s. 948.08, F.S., to make a conforming change to clarify that pretrial intervention programs extend to any person charged with a felony (except the more serious felony offenses listed in s. 948.06(8)(c), F.S.), who is a veteran discharged for any reason, an active duty servicemember, a current or former United States defense contractor, or a current or former military member of a foreign allied country.

Section 3 amends s. 948.16, F.S., to make a conforming change to clarify that misdemeanor pretrial intervention programs extend to any person charged with a misdemeanor who is a veteran discharged for any reason, an active duty servicemember, a current or former United States defense contractor, or a current or former military member of a foreign allied country.

Section 4 amends s. 948.21, F.S., to make a conforming change to clarify that a court may impose a condition of probation or community control requiring participation in a treatment program to any person who is a veteran discharged for any reason, an active duty servicemember, a current or former United States defense contractor, or a current or former military member of a foreign allied country.

Section 5 provides the bill takes effect on October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill's expansion of eligible veterans and other military-related individuals (contractors and allied country military members) for purposes of veterans' courts will increase the number of people eligible to participate in veterans' court programs, which will likely increase the costs associated with these programs. However, such costs will be limited by the amount of state funds appropriated to such programs. Additionally, such costs may be offset to the extent that the need for prison beds is reduced by placement in veterans' court programs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 394.47891, 948.08, 948.16, and 948.21.

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 Gainer

2-01412-18

20181424__

1 A bill to be entitled
2 An act relating to court-ordered treatment programs;
3 amending s. 394.47891, F.S.; providing that veterans
4 who were discharged or released under any condition,
5 individuals who are current or former United States
6 Department of Defense contractors, and individuals who
7 are current or former military members of a foreign
8 allied country are eligible in a certain Military
9 Veterans and Servicemembers Court Program; amending s.
10 948.08, F.S.; authorizing a person who is charged with
11 a certain felony and identified as a veteran who is
12 discharged or released under any condition, an
13 individual who is a current or former United States
14 Department of Defense contractor, or an individual who
15 is a current or former military member of a foreign
16 allied country to be eligible for voluntary admission
17 into a pretrial veterans' treatment intervention
18 program under certain circumstances; amending s.
19 948.16, F.S.; authorizing a veteran who is discharged
20 or released under any condition, an individual who is
21 a current or former United States Department of
22 Defense contractor, or an individual who is a current
23 or former military member of a foreign allied country
24 and who is charged with a misdemeanor to be eligible
25 for voluntary admission into a misdemeanor pretrial
26 veterans' treatment intervention program under certain
27 circumstances; amending s. 948.21, F.S.; authorizing
28 the court to impose a condition requiring a
29 probationer or community controllee who is a veteran

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20181424__

30 discharged or released under any condition, an
31 individual who is a current or former United States
32 Department of Defense contractor, or an individual who
33 is a current or former military member of a foreign
34 allied country to participate in a certain treatment
35 program under certain circumstances; providing an
36 effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Section 394.47891, Florida Statutes, is amended
41 to read:

42 394.47891 Military veterans and servicemembers court
43 programs.—The chief judge of each judicial circuit may establish
44 a Military Veterans and Servicemembers Court Program under which
45 veterans, as defined in s. 1.01;~~including~~ veterans who were
46 discharged or released under any condition; a general discharge,
47 and servicemembers, as defined in s. 250.01; individuals who are
48 current or former United States Department of Defense
49 contractors; and individuals who are current or former military
50 members of a foreign allied country, who are charged or
51 convicted of a criminal offense, and who suffer from a military-
52 related mental illness, traumatic brain injury, substance abuse
53 disorder, or psychological problem can be sentenced in
54 accordance with chapter 921 in a manner that appropriately
55 addresses the severity of the mental illness, traumatic brain
56 injury, substance abuse disorder, or psychological problem
57 through services tailored to the individual needs of the
58 participant. Entry into any Military Veterans and Servicemembers

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20181424__

59 Court Program must be based upon the sentencing court's
60 assessment of the defendant's criminal history, military
61 service, substance abuse treatment needs, mental health
62 treatment needs, amenability to the services of the program, the
63 recommendation of the state attorney and the victim, if any, and
64 the defendant's agreement to enter the program.

65 Section 2. Paragraph (a) of subsection (7) of section
66 948.08, Florida Statutes, is amended to read:

67 948.08 Pretrial intervention program.—

68 (7) (a) Notwithstanding any provision of this section, a
69 person who is charged with a felony, other than a felony listed
70 in s. 948.06(8)(c), and identified as a veteran, as defined in
71 s. 1.01; ~~including~~ a veteran who is discharged or released
72 under any condition; a ~~general discharge~~, or servicemember, as
73 defined in s. 250.01; an individual who is a current or former
74 United States Department of Defense contractor; or an individual
75 who is a current or former military member of a foreign allied
76 country, who suffers from a military service-related mental
77 illness, traumatic brain injury, substance abuse disorder, or
78 psychological problem, ~~is~~ eligible for voluntary admission into
79 a pretrial veterans' treatment intervention program approved by
80 the chief judge of the circuit, upon motion of either party or
81 the court's own motion, except:

82 1. If a defendant was previously offered admission to a
83 pretrial veterans' treatment intervention program at any time
84 before trial and the defendant rejected that offer on the
85 record, the court may deny the defendant's admission to such a
86 program.

87 2. If a defendant previously entered a court-ordered

2-01412-18

20181424__

88 veterans' treatment program, the court may deny the defendant's
89 admission into the pretrial veterans' treatment program.

90 Section 3. Paragraph (a) of subsection (2) of section
91 948.16, Florida Statutes, is amended to read:

92 948.16 Misdemeanor pretrial substance abuse education and
93 treatment intervention program; misdemeanor pretrial veterans'
94 treatment intervention program; misdemeanor pretrial mental
95 health court program.—

96 (2) (a) A veteran, as defined in s. 1.01~~;~~; ~~including a~~
97 ~~veteran who is discharged or released under any condition; a~~
98 ~~general discharge, or servicemember, as defined in s. 250.01; an~~
99 individual who is a current or former United States Department
100 of Defense contractor; or an individual who is a current or
101 former military member of a foreign allied country, who suffers
102 from a military service-related mental illness, traumatic brain
103 injury, substance abuse disorder, or psychological problem, and
104 who is charged with a misdemeanor is eligible for voluntary
105 admission into a misdemeanor pretrial veterans' treatment
106 intervention program approved by the chief judge of the circuit,
107 for a period based on the program's requirements and the
108 treatment plan for the offender, upon motion of either party or
109 the court's own motion. However, the court may deny the
110 defendant admission into a misdemeanor pretrial veterans'
111 treatment intervention program if the defendant has previously
112 entered a court-ordered veterans' treatment program.

113 Section 4. Subsection (2) of section 948.21, Florida
114 Statutes, is amended to read:

115 948.21 Condition of probation or community control;
116 military servicemembers and veterans.—

2-01412-18

20181424__

117 (2) Effective for a probationer or community controllee
118 whose crime is committed on or after July 1, 2016, and who is a
119 veteran, as defined in s. 1.01;~~including~~ a veteran who is
120 discharged or released under any condition; a ~~general discharge,~~
121 ~~or~~ servicemember, as defined in s. 250.01; an individual who is
122 a current or former United States Department of Defense
123 contractor; or an individual who is a current or former military
124 member of a foreign allied country, who suffers from a military
125 service-related mental illness, traumatic brain injury,
126 substance abuse disorder, or psychological problem, the court
127 may, in addition to any other conditions imposed, impose a
128 condition requiring the probationer or community controllee to
129 participate in a treatment program capable of treating the
130 probationer or community controllee's mental illness, traumatic
131 brain injury, substance abuse disorder, or psychological
132 problem.

133 Section 5. This act shall take effect October 1, 2019.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Transportation, *Chair*
Commerce and Tourism, *Vice Chair*
Appropriations
Appropriations Subcommittee on General Government
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Military and Veterans Affairs, Space, and
Domestic Security

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR GEORGE B. GAINER

2nd District

January 25, 2018

Re: SB 1424

Dear Chair Brandes,

I am respectfully requesting Senate Bill 1424, related to Court-ordered Treatment Programs, be placed on the agenda for the next Appropriations Subcommittee on Criminal and Civil Justice.

I appreciate your consideration of this bill. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5002.

Thank you,

A handwritten signature in blue ink that reads "George B. Gainer".

Senator George Gainer

District 2

Cc. Tim Sadberry, Lisa Roberts, Jay Ferrin, Vanessa Thompson, Melissa Meshil

REPLY TO:

- 840 West 11th Street, Panama City, Florida 32401 (850) 747-5454
- Northwest Florida State College, 100 East College Boulevard, Building 330, Room 105 and 112, Niceville, Florida 32578 (850) 803-8395
- 302 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-8-19

Meeting Date

SB 1424

Bill Number (if applicable)

Topic Court ordered treatment programs

Amendment Barcode (if applicable)

Name Don Lamonica

Job Title

Address 105 N. GADSDEN

Street

Phone 850 545-9691

Tallahassee, FL

City

State

Zip

Email dlamonic@comcast.net

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

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

Representing FLA Public Defenders Association

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

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2.8.18

Meeting Date

1424

Bill Number (if applicable)

Topic Court-ordered Treatment Programs

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street

Phone 510-9922

Street

Tallahassee

FL

32301

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

APPEARANCE RECORD

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

2/8/18

Meeting Date

1424

Bill Number (if applicable)

Topic Court-ordered Treatment Programs

Amendment Barcode (if applicable)

Name Judge Augustus Aikens

Job Title County Judge, Second Judicial Circuit

Address 301 S. Monroe St. 265-A

Phone 850-606-4331

Street

Tallahassee

FL

32301

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing COURTS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

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 1440

INTRODUCER: Senator Powell

SUBJECT: Mental Illness Training for Law Enforcement Officers

DATE: February 6, 2018

REVISED: _____

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

I. Summary:

SB 1440 requires the Florida Department of Law Enforcement (FDLE) to establish a continued employment training component relating to mental illness. The bill specifies instructions to be included in the training component. Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer.

The FDLE expects to incur costs of \$11,602 to develop the mental illness training course. See Section V. Fiscal Impact Statement. The department has indicated that such costs can be absorbed within existing resources.

II. Present Situation:

“Mental Illness” and the Baker Act

The Florida Mental Health Act, otherwise known as the Baker Act,¹ authorizes treatment programs for mental, emotional, and behavioral disorders. According to the National Alliance on Mental Illness, “law enforcement agencies have increasingly become de facto first responders to people experiencing mental health crisis.”² The Baker Act requires a law enforcement officer to take a person who appears to meet Baker Act criteria for involuntary examination for mental

¹ Section 394.451, F.S. The act was created by ch. 71-131, L.O.F., and is codified in Part I of ch. 394, F.S. (ss. 394.451-394.47892, F.S.). The Baker Act requires programs to include comprehensive health, social, educational, and rehabilitative services to persons requiring intensive short-term and continued treatment to facilitate recovery. Additionally, the Baker Act provides protections and rights to individuals examined or treated for mental illness. Legal procedures are addressed for mental health examination and treatment, including voluntary admission, involuntary admission, involuntary inpatient treatment, and involuntary outpatient treatment.

² “Law Enforcement and Mental Health,” National Alliance on Mental Illness, available at <https://www.nami.org/Get-Involved/Law-Enforcement-and-Mental-Health> (last visited on Jan. 23, 2018).

illness into custody and deliver the person or have him or her delivered to an appropriate, or the nearest, receiving facility for examination.³

“Mental illness” is defined in s. 394.455(28), F.S., of the Baker Act as an impairment of the mental or emotional processes that exercise conscious control of one’s actions or of the ability to perceive or understand reality, which impairment substantially interferes with the person’s ability to meet the ordinary demands of living. For purposes of the Baker Act, the term does not include a developmental disability as defined in ch. 393, F.S., intoxication, or conditions manifested only by antisocial behavior or substance abuse.

Mental Illness Training Provided by the FDLE

According to the FDLE, mental illness training similar to that proposed by the bill (see discussion of bill, *infra*) “exists in the current Criminal Justice Standards and Training Commission (CJSTC) Law Enforcement Basic Recruit Training Program. CJSTC also maintains post-basic training courses that include training on mental illness: (1) a 32-hour Specialized Training Program Course (#1149 Special Populations) and (2) a 40-hour Advanced Training Program Course (#53 Crisis Intervention).”⁴

Continued Employment Training

Section 943.135(1), F.S., provides that the CJSTC within FDLE shall, by rule,⁵ adopt a program that requires all law enforcement officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. This training or education shall be required at the rate of 40 hours every four years.

III. Effect of Proposed Changes:

The bill requires the FDLE to establish a continued employment training component relating to mental illness as defined in s. 394.455, F.S., of the Baker Act. The training component must include, but need not be limited to, instruction on the recognition of the symptoms and characteristics of an individual with a mental illness and appropriate responses to an individual exhibiting such symptoms and characteristics.

Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135, F.S.

The bill takes effect October 1, 2018.

³ Section 394.463(2)(a)2., F.S.

⁴ 2018 FDLE Legislative Bill Analysis (SB 1440) (Jan. 8, 2018), Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice).

⁵ Rule 11B-27.00212 (Maintenance of Officer Certification), Florida Administrative Code, available at <https://www.flrules.org/gateway/readFile.asp?sid=0&tid=17913104&type=1&file=11B-27.00212.doc> (last visited on Jan. 23, 2018).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE anticipates using existing course material to create a shorter stand-alone course on mental illness in the Specialized Training Program. The FDLE estimates it will cost \$11,602 to develop the mental illness course proposed by the bill.⁶ The department has indicated that they can absorb the fiscal impact with existing resources. Provided is the FDLE’s breakdown of costs:

Mental Illness Training for Law Enforcement Officers⁷	
This course will be developed using research from existing course material and input from subject matter experts	
Development of Post-Basic Course on Mental Illness	Estimated Costs
Task 1 – Preliminary Research, Review, and Planning 1 Research and Training Specialist x 20 hours (1/2 work week) x \$18.59 to identify subject matter experts and retain their services	\$372
Task 2 – Modify existing course material to meet requirements for Mental Illness training for Law Enforcement Officers (One- 4-day Workshop) Salary for 1 Research & Training Specialist x 40 hours x \$18.59/hour for workshop preparation	\$744
Salary for 1 Research & Training Specialist x 120 (3 weeks) x \$18.59/hour to facilitate job analysis workshops, post workshop development, drafting of course	\$2,231

⁶ *Supra*, n. 4.

⁷ *Id.*

Travel, hotel, and per diem for 7 Subject Matter Experts at approximately \$1,073 per SME x 7 x 1 workshop	\$7,511
Task 5- Editing and Final Course Review	
Salary for 1 Research & Training Specialist x 40 hours (1 week) x \$18.59/hour to edit the course and finalize the course	\$744
Total	\$11,602

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the section 943.17161 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Powell

30-01433-18

20181440__

1 A bill to be entitled
2 An act relating to mental illness training for law
3 enforcement officers; creating s. 943.17161, F.S.;
4 requiring the Department of Law Enforcement to
5 establish a continued employment training component
6 relating to mental illness; defining the term "mental
7 illness"; specifying instruction to be included in the
8 training component; providing that completion of the
9 training may count toward continued employment or
10 appointment instruction requirements; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 943.17161, Florida Statutes, is created
16 to read:

17 943.17161 Continued employment training relating to mental
18 illness.—The department shall establish a continued employment
19 training component relating to mental illness as defined in s.
20 394.455. The training component shall include, but need not be
21 limited to, instruction on the recognition of the symptoms and
22 characteristics of an individual with a mental illness and
23 appropriate responses to an individual exhibiting such symptoms
24 and characteristics. Completion of the training component may
25 count toward the 40 hours of instruction for continued
26 employment or appointment as a law enforcement officer required
27 under s. 943.135.

28 Section 2. This act shall take effect October 1, 2018.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2.8.18
Meeting Date

1440
Bill Number (if applicable)

Topic Law Enforcement Mental Illness Training

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street

Phone 510-9922

Street

Tallahassee

FL

32301

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/8/18

Meeting Date

1440

Bill Number (if applicable)

Topic mental illness training for law enforcement officers

Amendment Barcode (if applicable)

Name Daphnee Sainvil

Job Title Policy Advisor

Address 115 S. Andrews Ave

Phone 954-253-7320

Street

Ft. Lauderdale

City

FL

State

33301

Zip

Email dsainvil@broward.org

Speaking: For Against Information

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

Representing Broward County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/8/2018

Meeting Date

SB 1440

Bill Number (if applicable)

Topic Mental Illness Training for Law Enforcement Officers

Amendment Barcode (if applicable)

Name Karla D. Ellis

Job Title Volunteer/National Alliance on Mental Illness - Florida

Address PO Box 961

Phone (850) 671-4445

Street

Tallahassee, FL 32302

Email info@namiflorida.org

City

State

Zip

Speaking: For Against Information

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

Representing National Alliance on Mental Illness - Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

Drug-Free Zones

A Presentation to Senate Appropriations Subcommittee on
Criminal and Civil Justice

Claire K. Mazur

February 8, 2018



Drug-Free Zones



- Drug-free zones were implemented with the intention of reducing drug activity and drug-related crimes within zone boundaries; zones aim to improve public safety, reduce nuisance, and improve quality of life
- Nationwide, zones were often designated in places where children were expected to be such as schools and public parks
- People committing drug offenses within drug-free zones face enhanced penalties

Florida's Drug-Free Zones



Zone Types

Within 1,000 feet of a

- Child care facility
- Public or private elementary, middle, or secondary school
- Park, community center, or recreational facility
- Public or private college or university
- Physical place of worship
- Convenience business
- Public housing facility
- Assisted living facility

Florida's Drug-Free Zones



Offense and Sentencing

s. 893.13, *Florida Statutes*

- Offense: Sale; manufacture; delivery; or possession with intent to sell, manufacture, or deliver a controlled substance
- Penalty: Dependent on scheduling of controlled substance; enhanced by one degree when offense committed in zone
- Mandatory Minimum: Offenses that occur in some zones (school, park, community center, or recreational facility) are subject to a 3-year mandatory prison term

Florida's Drug-Free Zones



Limitations

- Child Care Facility: Law does not apply to crimes committed within 1,000 feet of a child care facility unless the operator conspicuously posts a sign identifying the facility
- Schools: Law only applies to crimes committed within 1,000 feet of a school between the hours of 6:00 a.m. and midnight

Drug-Free Zone Offense Data

Of 96,790 inmates in prison as of October 31, 2017

2,315 inmates (2.4%)

Are serving a sentence for a drug-free zone offense

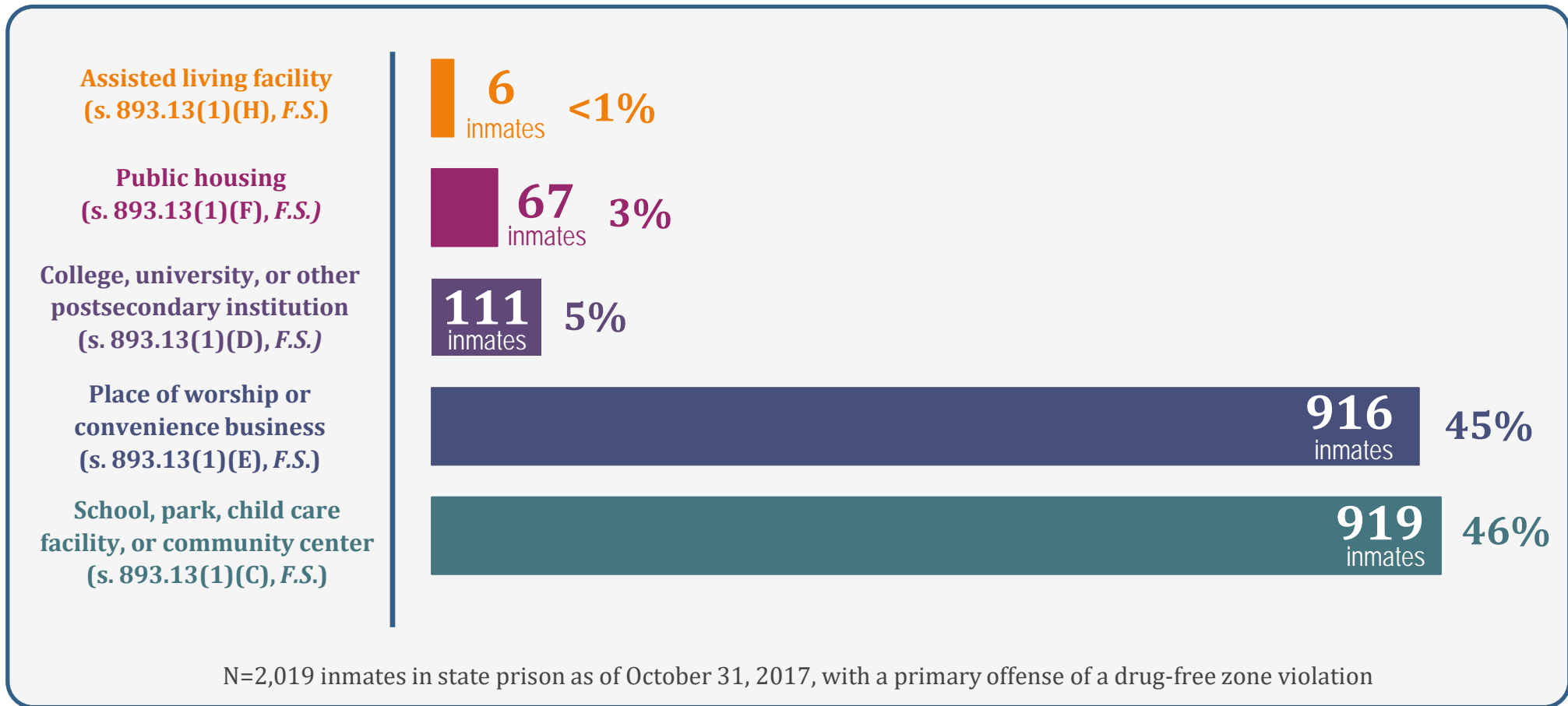
2,019 inmates

Had a drug-free zone crime as their primary
(highest) offense of conviction

868 inmates

Primary offense that would
qualify for a 3-year mandatory
sentence

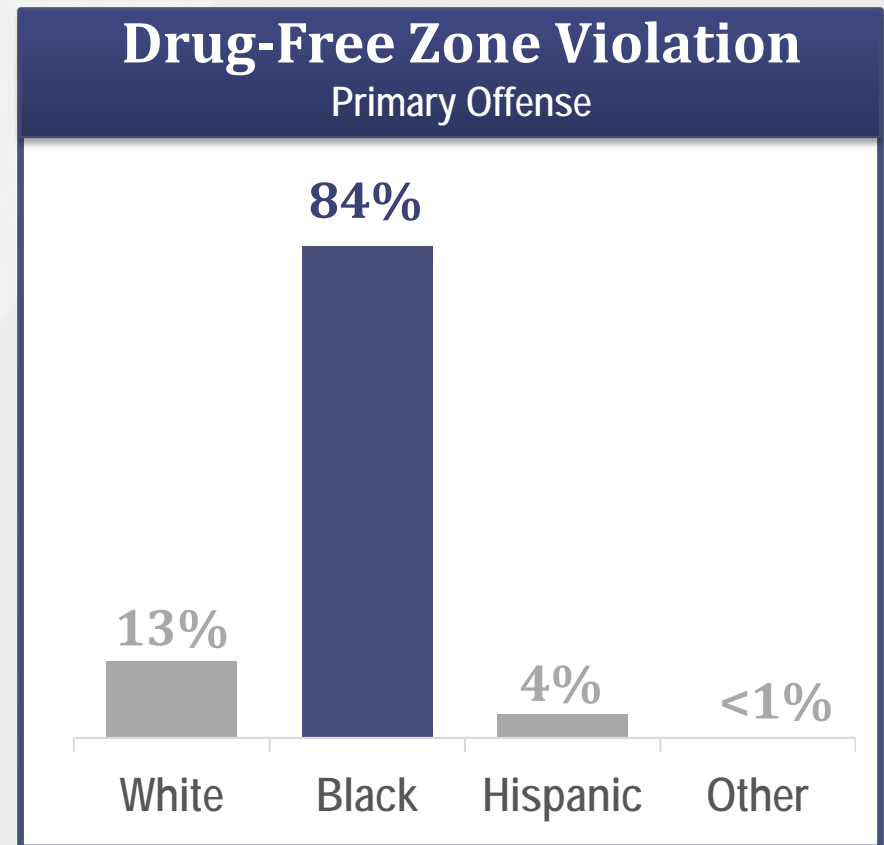
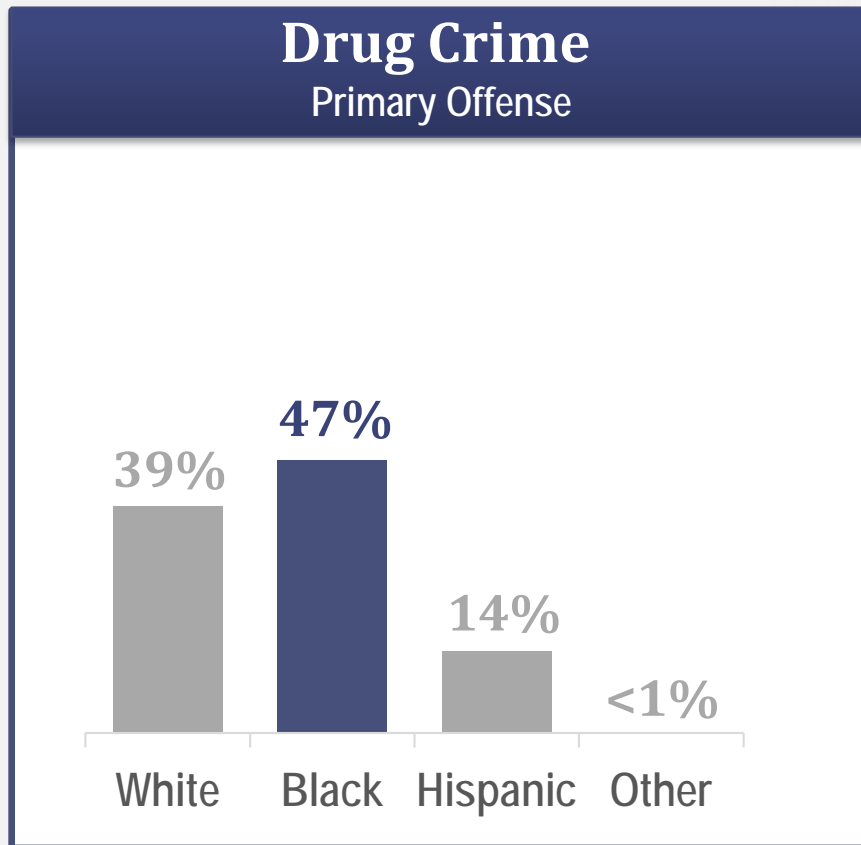
Inmates With Primary Offense of a Drug-Free Zone Violation



Source: OPPAGA analysis of Department of Corrections data.

Demographics of Inmates With Primary Offense of a Drug-Free Zone Violation

Slightly less than one-half of drug offenders in Florida prisons are black, **however they represent a higher proportion of inmates with drug-free zone violations**



Options to Modify Drug-Free Zone Law

Decrease number and type of drug-free zones

- Kansas, Maryland, and New Mexico limit drug-free zones to schools
- Indiana eliminated zones around public housing complexes and youth program centers

Reduce size of drug-free zones

- Indiana, Massachusetts, Minnesota, and Utah have zone sizes of less than 1,000 feet (with zones of 100, 300, and 500 feet)

Options to Modify Drug-Free Zone Law

Exclude possession with intent to sell

- New York, Oregon, and Rhode Island only punish sales or manufacturing and distribution within the zone

Limit application of the zone

- Arizona, Colorado, New York, and Virginia restrict the state's drug-free zones to areas that are accessible to the public; in Georgia and New Jersey it is an affirmative defense if the certain conduct took place entirely within a private residence
- In Indiana it is an affirmative defense and in South Carolina the person cannot be convicted, if the defendant is only present in the zone because law enforcement stopped the defendant there

Options to Modify Drug-Free Zone Law

Require defendant to be a minimum age

- California, Iowa, Nebraska, and West Virginia require the defendant to be at least 18 years of age; Nebraska also requires that the defendant be selling drugs to a person under 18 years of age

Require hours during which the zone applies

- California, Massachusetts, and Nevada impose some form of time restrictions on their drug-free zones so that they apply when children can reasonably be expected to be present; Florida currently has time restrictions that apply only to school drug-free zones

Questions?

THE FLORIDA LEGISLATURE'S
OFFICE OF PROGRAM POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY

OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations.

Contact Information

Claire K. Mazur

(850) 717-0575

mazur.claire@oppaga.fl.gov

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Florida's Elderly Inmates

A Presentation to the Senate Appropriations
Subcommittee on Criminal and Civil Justice

Marina Byrd
Legislative Policy Analyst

February 8, 2018



Overview

Description of Elderly Inmates in Florida

Elderly Inmates' Health Snapshot

Conditional Medical Release

Options

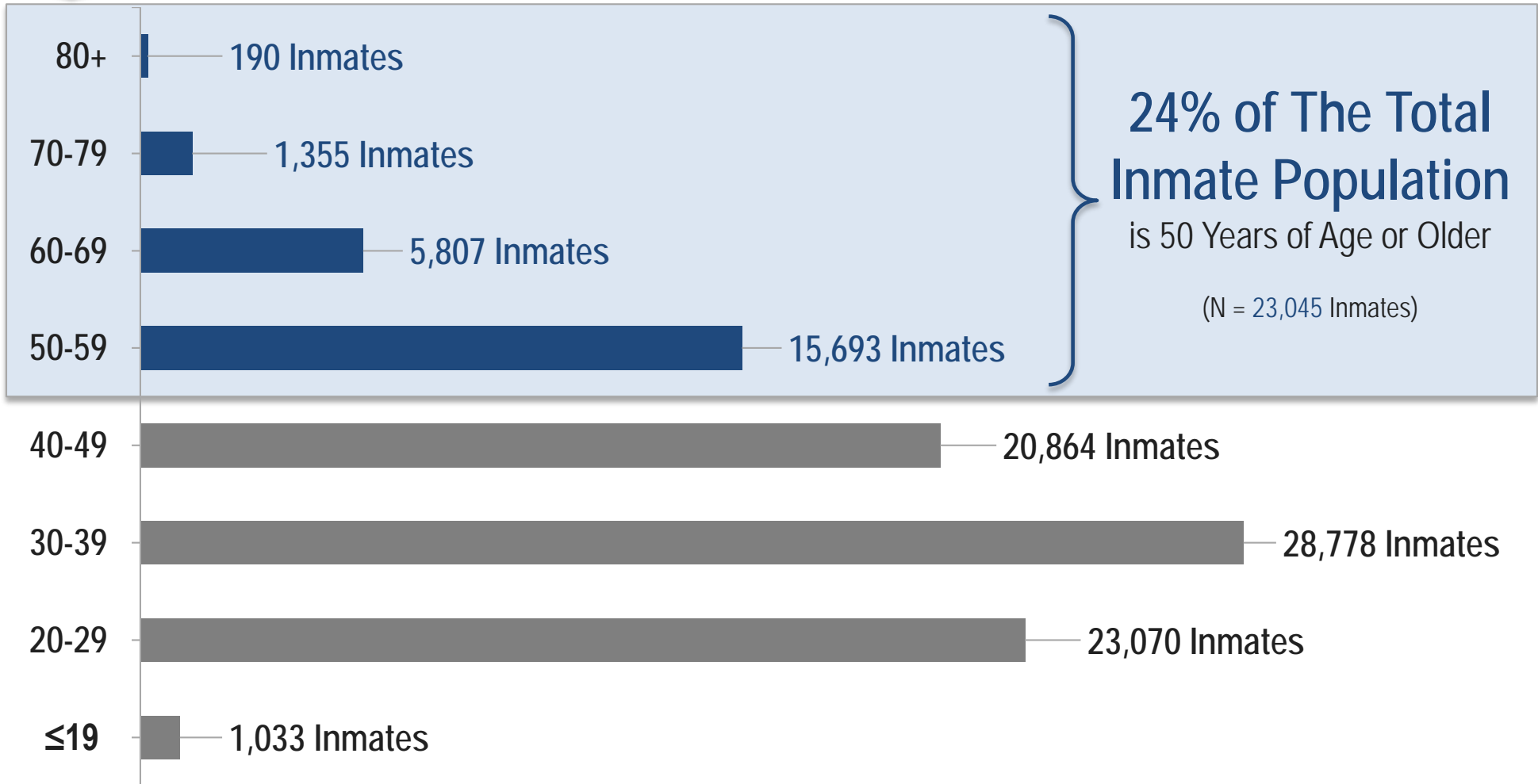


Section 944.02, *F.S.*, defines elderly inmates as prisoners ages 50 or older

Source: All analyses conducted by OPPAGA using Florida Department of Corrections data unless otherwise indicated

Age Distribution of Florida's Inmate Population

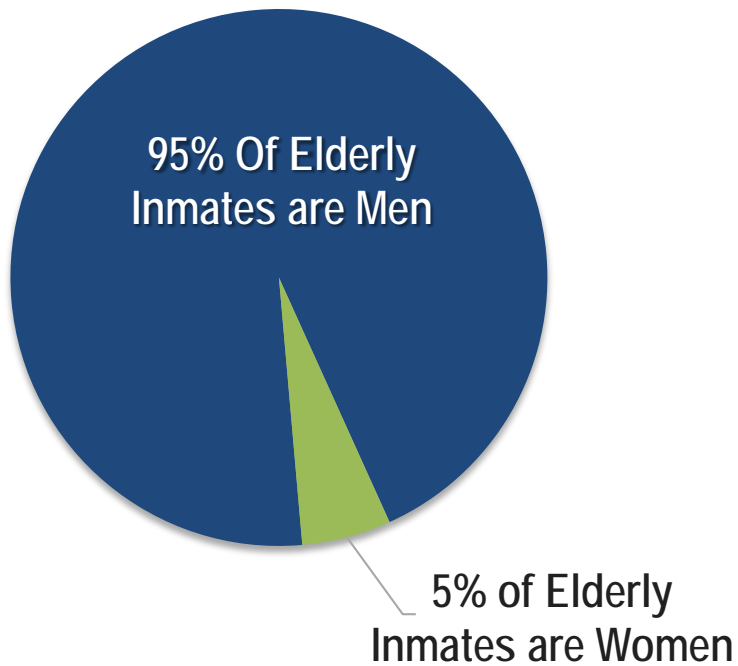
AGES



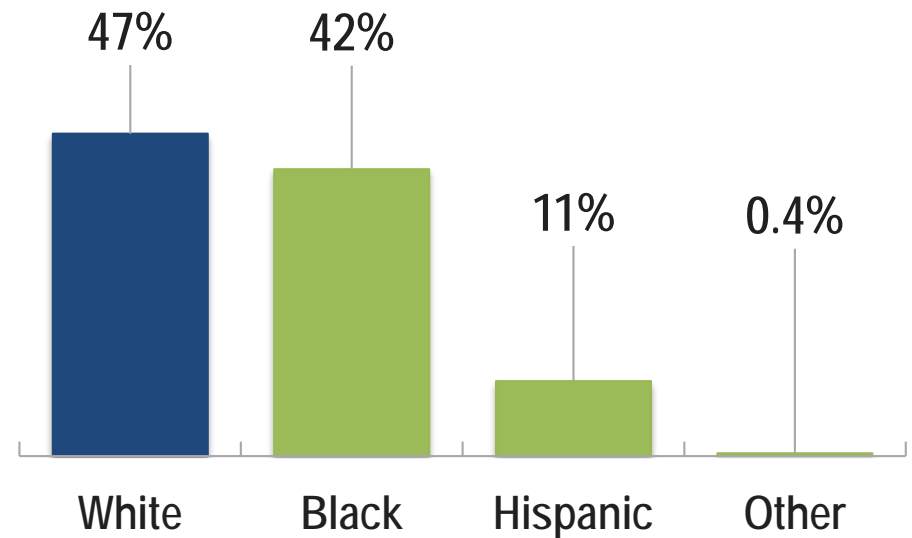
Gender and Race of Elderly Inmates

The majority of inmates are men and whites are the largest proportion

Gender

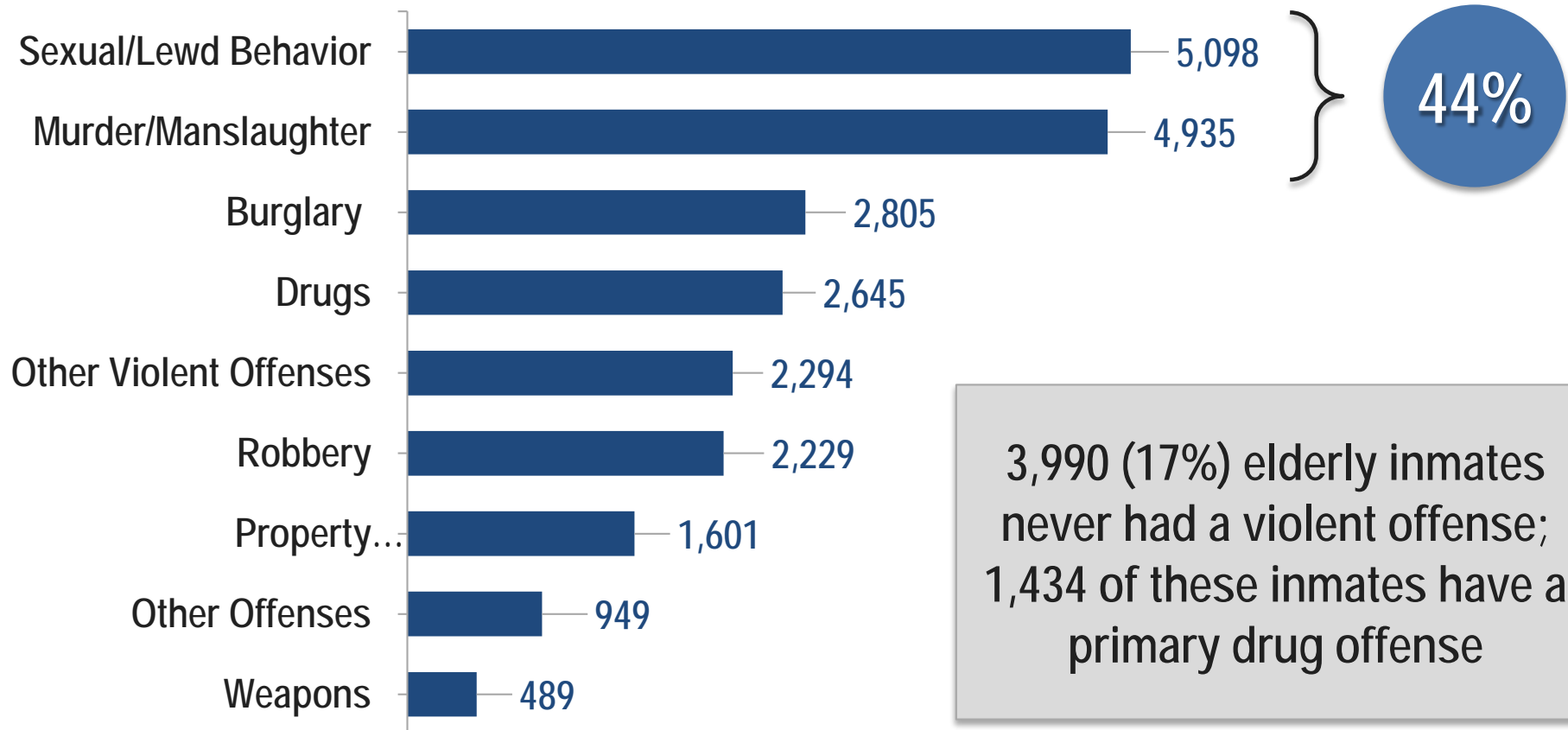


Race

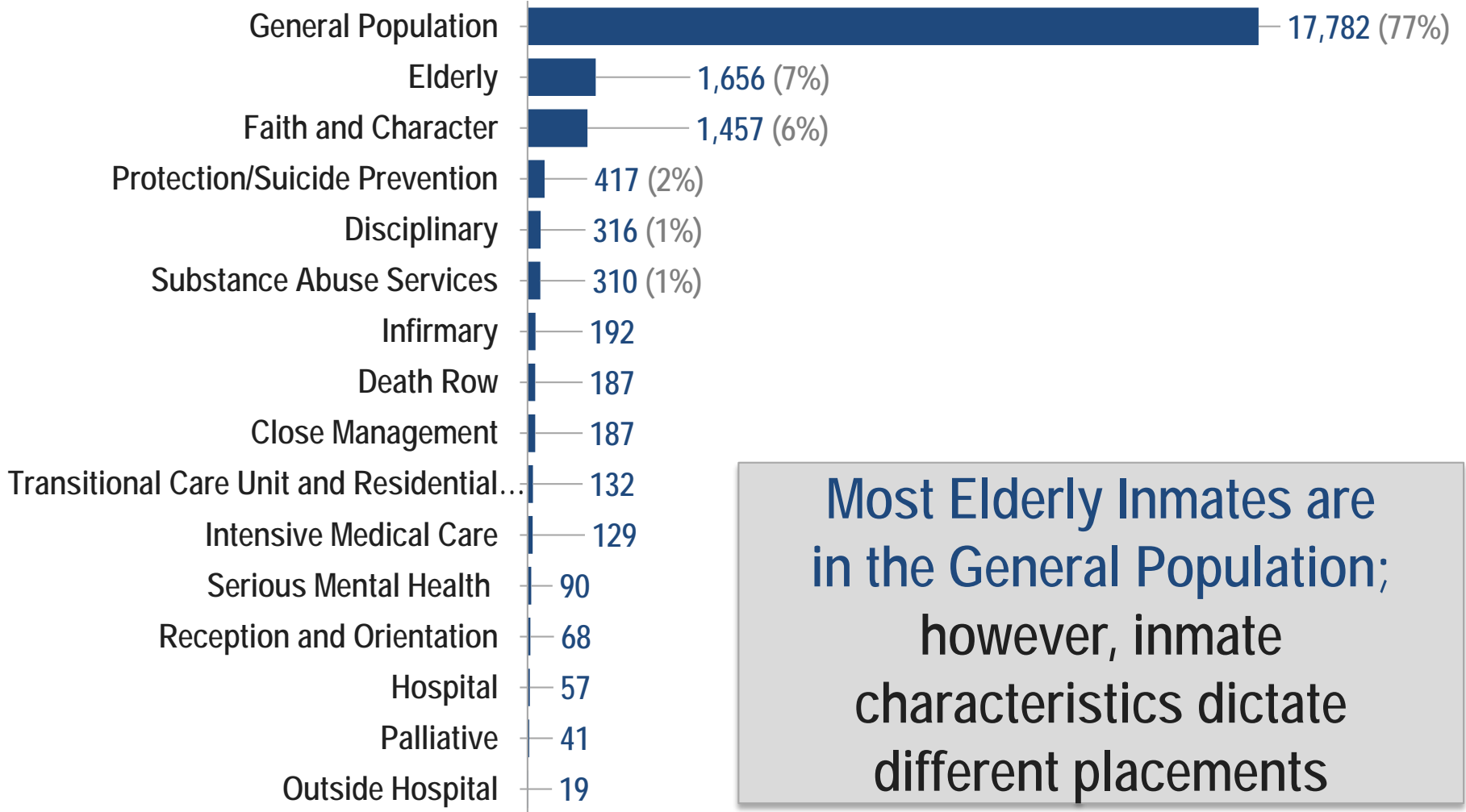


Elderly Inmates' Offense Distribution

Over 40% of all elderly inmates are serving sentences for sexual/lewd behavior or murder/manslaughter



Types of Beds Occupied by Elderly Inmates



Most Elderly Inmates are in the General Population; however, inmate characteristics dictate different placements

¹ Other violent offenses include assault, battery, kidnapping, abuse of elderly adults or children, and other violent offenses.

² Other offenses include escape, DUI, fleeing law enforcement, failing to register as a sexual offender, and other nonviolent offenses.

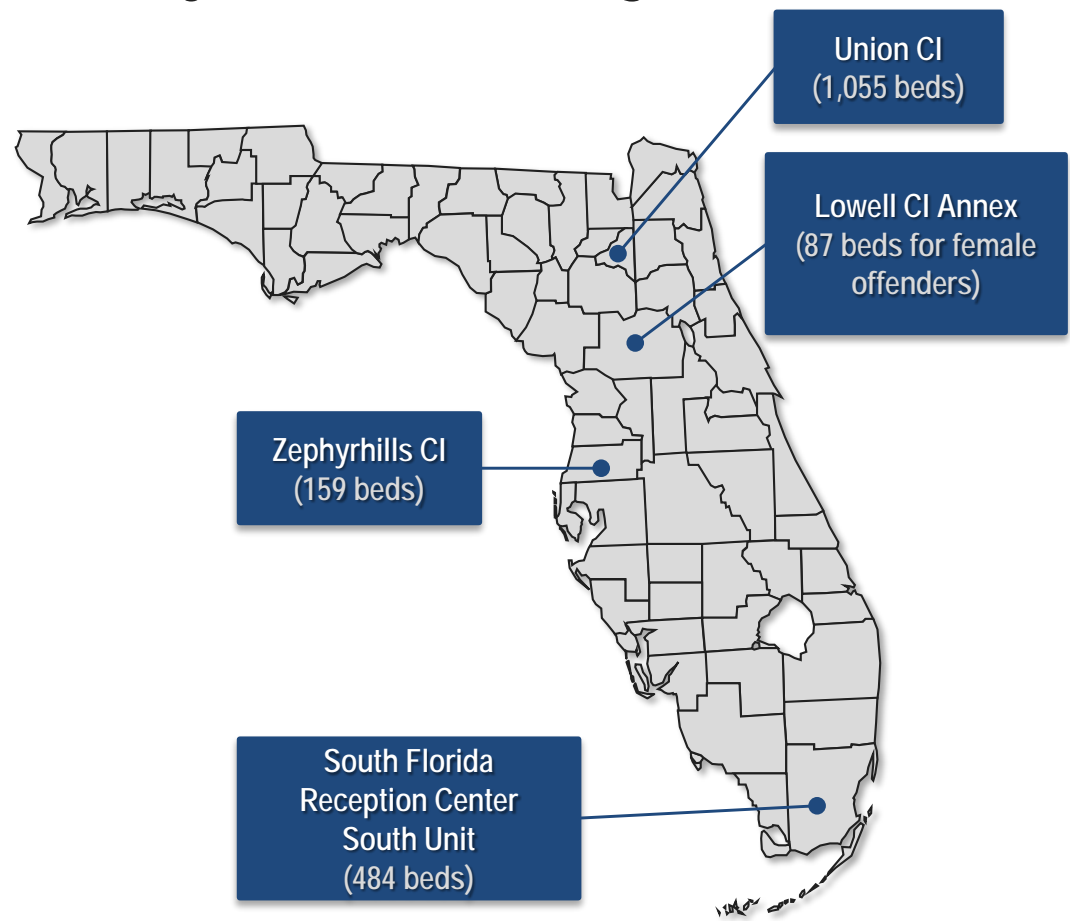
Designated Facilities Serving Elderly Inmates

These facilities serve a relatively large population of elderly inmates at every custody level

Inmates must meet the following criteria for placement

- ✓ Ages 50 and older
- ✓ No violent disciplinary reports in the last three years
- ✓ Not a management or discipline problem

There are a total of 1,785 beds for elderly inmates throughout the state



Estimated Elderly Inmate Growth

Without Accounting for New Admissions, the Number of Older Elderly Inmates is Projected to Grow Substantially

- Without accounting for new admissions, there are estimated to be more inmates in the 70 to 79 age bracket and the 80 and older age bracket than the current number of elderly inmates in those brackets¹



¹This estimate relies on the life expectancy and projected release dates for current inmates provided by the Department of Corrections and does not factor in new inmates who will be admitted during the next 10 years, changes in release dates, or unanticipated deaths.

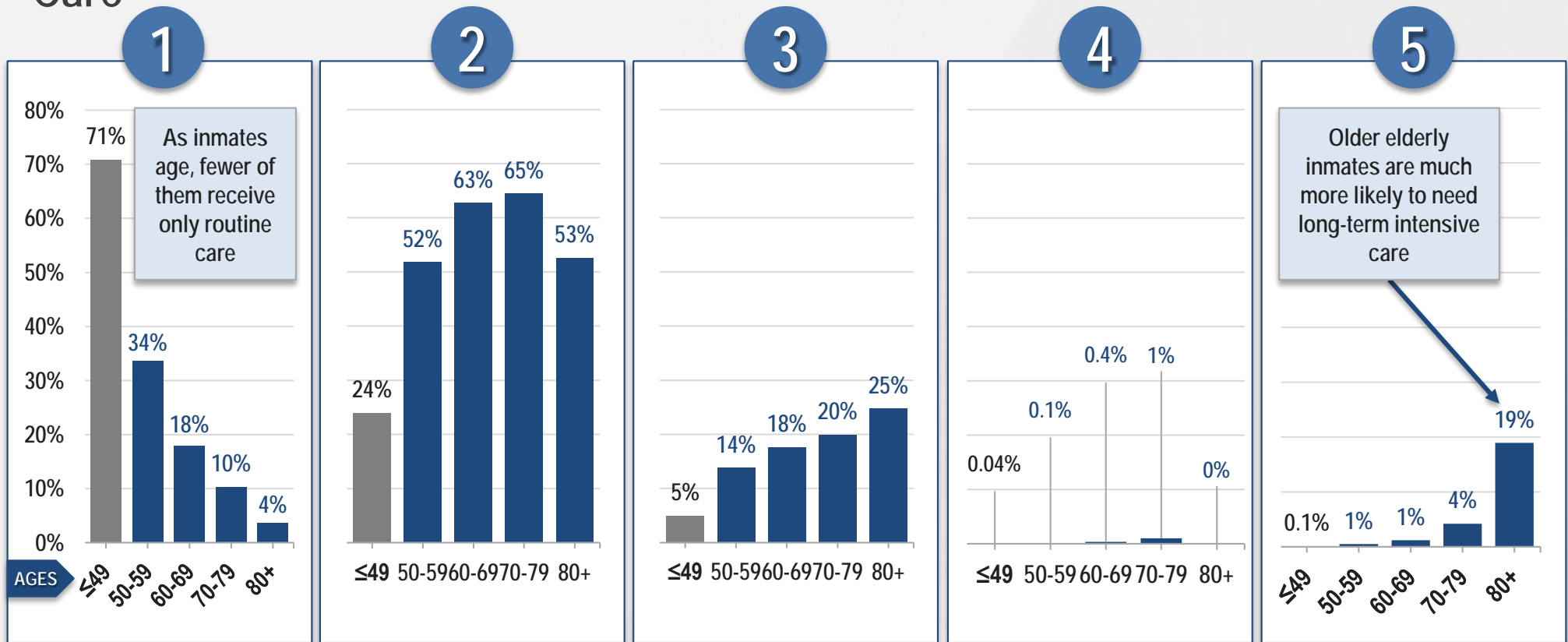
Elderly Inmates' Health Snapshot

Health Care Services Include

- **Periodic Screenings:** Inmates under 50 years of age receive physical examinations and health screenings every five years; elderly inmates receive them annually
- **Sick Calls:** Addresses inmates with acute and non-emergency medical complaints
- **Chronic Illness Clinics:** These clinics are for inmates with chronic health care issues
- **Infirmity Care:** Addresses inmates who require skilled nursing services
- **Hospitalization:** Inmates who require hospitalization can receive care in the department's Reception and Medical Center hospital or in a contracted facility in the community

Medical Grades

Elderly Inmates Are More Likely to Have Conditions That Need More Intensive Care¹



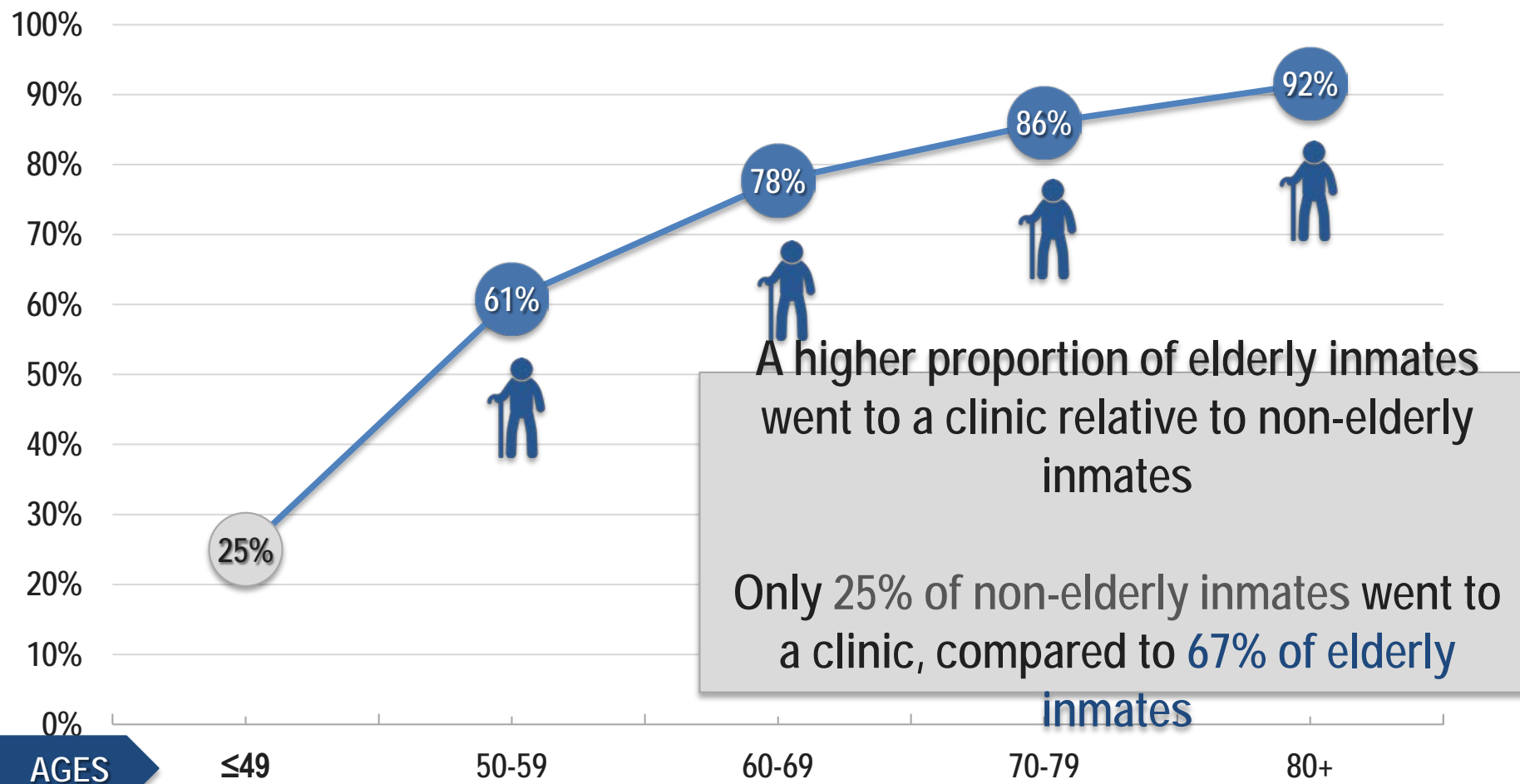
Least Intensive Care

Most Intensive Care

¹ Data does not include medical grades for 14 inmates.

Chronic Illness Clinic Visits

Percentage of Inmates Who Visited Any Chronic Illness Clinic During FY 2016-17



Medical Passes

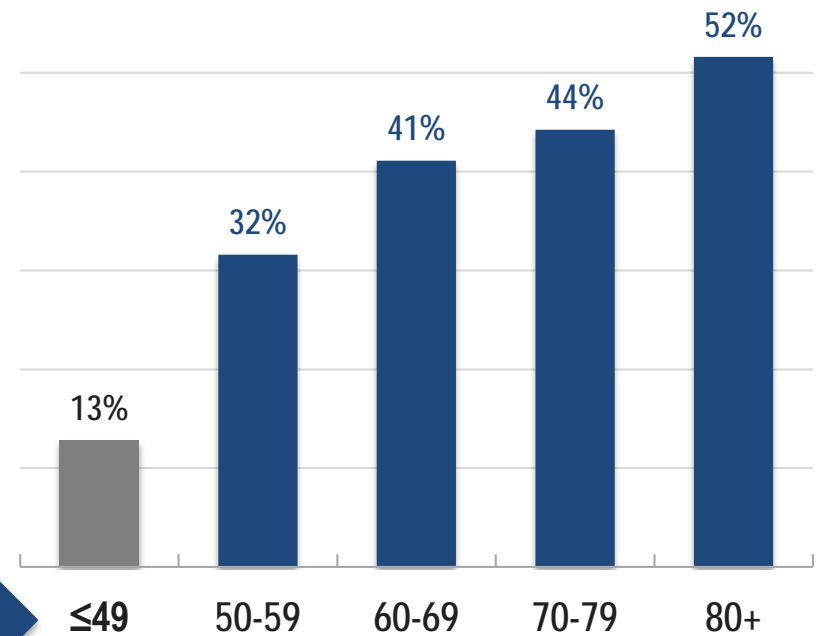


A medical pass is a written authorization from health services to the other institutional offices

that will permit an inmate certain relief from a departmental or institutional requirement that affects a special medical problem. Examples include

- Adaptive devices
- Inmate guide or attendant assigned
- Low bunk pass
- Prescribed special shoes
- Hearing aid

Percentage of Age Group That Had a Medical Pass

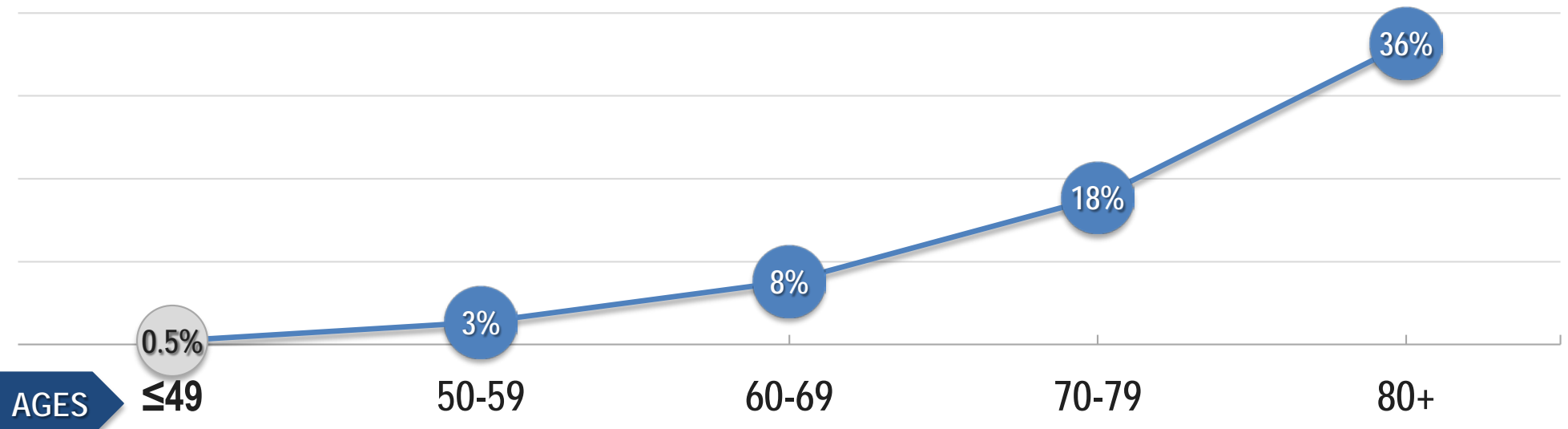


Physical Impairments

Percentage of Inmates Who Had a Permanent Physical Impairment



Permanent physical impairments include loss of limb(s), paraplegia, or quadriplegia and require assignment of an adaptive device such as a cane, walker, or wheelchair



Conditional Medical Release

Conditional Medical Release

- **Conditional Medical Release** is a form of early prison release that may be granted to certain inmates due to their medical conditions. Per s. 947.149, *F.S.*, inmates must either be



- **Permanently Incapacitated:** Inmate has a condition caused by injury, disease, or illness which renders them permanently and irreversibly physically incapacitated to the extent that they do not constitute a danger to self or others
- **Terminally Ill:** Inmate has a condition caused by injury, disease, or illness which renders the inmate terminally ill to the extent that there can be no recovery and death is imminent, so that the inmate does not constitute a danger to self or others

Conditional Medical Release Process

Department of Corrections

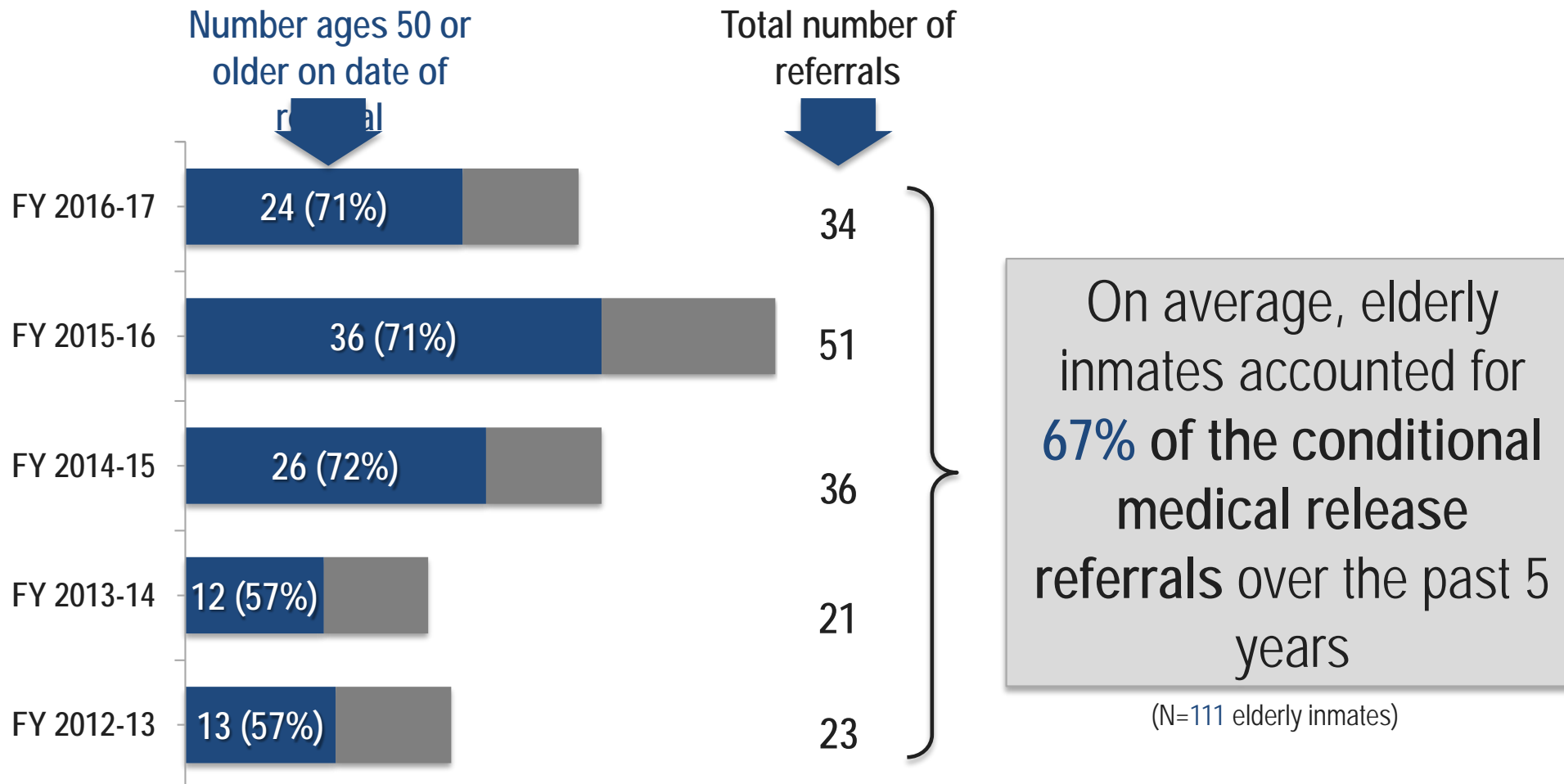


Florida Commission on Offender Review



Conditional Medical Release

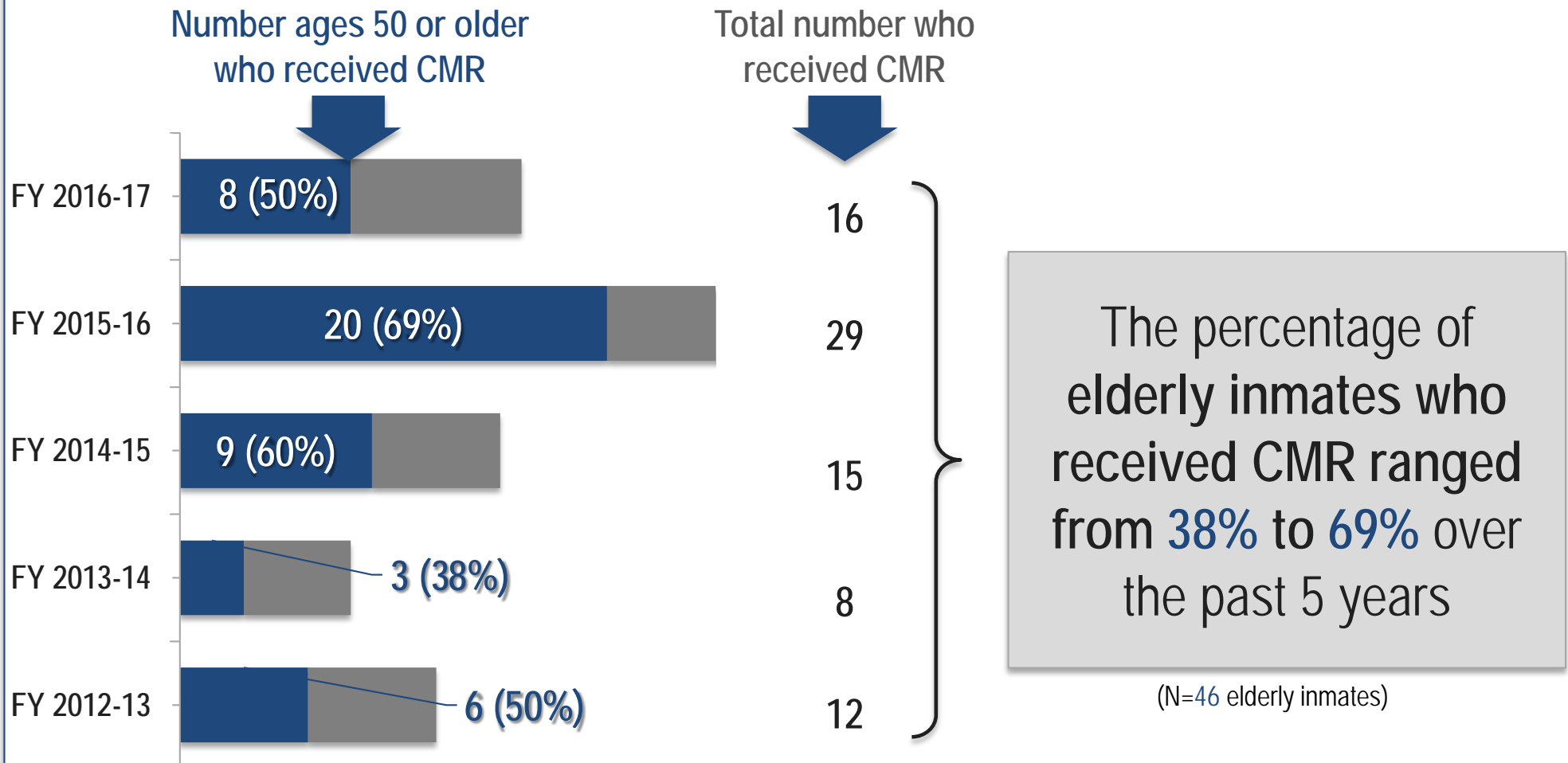
Elderly Inmates Referred for Conditional Medical Release



Source: Florida Commission on Offender Review.

Conditional Medical Release

Elderly Inmates Released Through Conditional Medical Release (CMR)



Source: Florida Commission on Offender Review.

Options

Options

1

- Expand or modify early release programs

2

- Evaluate use of an alternative funding source for some inmate hospitalizations

3

- Diversify programs and services for elderly inmates

Expand or Modify Early Release Programs

Clarify Statutory Definition of Terminally Ill Inmate

- Amend s. 947.149, *F.S.*, to define imminent death as within 12 months to ensure inmates are referred in sufficient time for release

The Florida Department of Corrections Could Coordinate With the Contracted Health Care Services Provider to Ensure Timely Release Referrals

- About half of inmates released on conditional medical release die within three months of referral
- The department, in conjunction with the health care services contractor, should review conditional medical release policies, staff training, and data to help ensure eligible inmates are referred to the Florida Commission on Offender Review and to aid in increasing inmates' length of time in the community before death

Expand or Modify Early Release Programs (cont.)

Consider Adding Authorized Methods for Elderly Inmate Release Programs

- Some states give authority to entities other than their paroling or release authority in release determinations
- Florida could authorize additional methods for approval of the discretionary release of inmates

Consider Expanding Release Programs for Elderly Inmates Through Amending Existing Statute or Creating a Geriatric Release Program

- Amend s. 947.149, *F.S.*, to expand medical criteria to include non-terminal, physically or cognitively debilitated low-risk inmates
- Create a geriatric release program for elderly inmates using criteria such as amount of time served and criminal history

Evaluate Use of an Alternate Funding Source for Some Inmate Hospitalizations

Require the Department of Corrections and the Agency for Health Care Administration to Review the Feasibility of Billing Medicaid for Hospitalizations

- Some other states bill Medicaid for inmate inpatient hospitalizations that exceed 24 hours. Currently, Florida does not use this practice to reduce state payments for inmate hospital costs. The department, their contracted health care services provider, and the agency should determine Florida's potential costs and benefits

Expand Options for Serving Elderly Inmates

Diversify Programs and Services for Elderly Inmates

- In light of the projected growth of elderly inmates, the Department of Corrections should determine the potential cost savings and other benefits of providing a continuum of care to address the specialized needs of elderly inmates. This continuum of care could include expansion of
 - Specialized Programming
 - Elderly Specific Housing
 - Long-Term Care Medical Services

Questions?

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OFFICE OF PROGRAM POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY

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Contact Information

Marina Byrd

Legislative Policy Analyst

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Claire Mazur

Staff Director

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mazur.claire@oppaga.fl.gov

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APPEARANCE RECORD

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

2/8/2018

Meeting Date

Bill Number (if applicable)

Topic Drug-Free Zones

Amendment Barcode (if applicable)

Name Claire K. Mazur

Job Title Staff Director

Address 111 West Madison Street

Phone (850) 717-0575

Street

Tallahassee

FL

State

32399

Zip

Email mazur.claire@oppaga.fl.gov

Speaking: For Against Information

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

Representing OPPAGA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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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)

2/28/18

Meeting Date

Bill Number (if applicable)

Topic Drugs

Amendment Barcode (if applicable)

Name Greyhound

Job Title _____

Address 9166 Sunrise
Street

Phone _____

Largo
City

Fla
State

33773
Zip

Email _____

Speaking: For Against Information

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

Representing Drug-Free Zones

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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APPEARANCE RECORD

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2/8/18

Meeting Date

Bill Number (if applicable)

Topic Elderly Inmates Presentation

Amendment Barcode (if applicable)

Name Marina Byrd

Job Title Legislative Policy Analyst

Address 111 W. Madison St

Phone 717-0545

Tallahassee FL

City

State

Zip

Email byrd.marina@oppa.org

Speaking: For Against Information

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

Representing BPPA GA

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.

CourtSmart Tag Report

Room: LL 37
Caption: Appropriations Subcommittee on Criminal and Civil Justice

Case No.:

Type:
Judge:

Started: 2/8/2018 10:01:37 AM

Ends: 2/8/2018 11:11:26 AM

Length: 01:09:50

10:02:03 AM Sen. Brandes (Chair)
10:02:03 AM Sen. Bracy
10:02:06 AM S 666
10:02:20 AM Sen. Brandes
10:02:30 AM Sen. Bracy
10:03:30 AM S 854
10:03:36 AM Sen. Brandes
10:03:49 AM Sen. Bracy
10:03:55 AM Barney Bishop Chief Executive Officer, Florida Smart Justice Alliance (waives in support)
10:04:01 AM Jared Torres, Legislative Affairs Director, Florida Department of Corrections (waives in support)
10:04:18 AM Sen. Bracy
10:04:39 AM Sen. Brandes
10:04:40 AM Sen. Bracy
10:04:47 AM Sen Brandes
10:04:49 AM S 982
10:04:53 AM Sen. Powell
10:05:41 AM Sen Brandes
10:06:17 AM S 1440
10:06:23 AM Sen. Powell
10:06:36 AM Sen. Perry
10:07:09 AM Sen. Brandes
10:07:14 AM Barney Bishop, Chief Executive Officer, Florida Smart Justice Alliance (waives in support)
10:07:20 AM Darla D. Ellis, Volunteer, National Alliance on Mental Illness - Florida (waives in support)
10:07:24 AM Daphnee Sainvil, Policy Advisor, Broward County (waives in support)
10:07:58 AM Sen. Brandes
10:08:06 AM S 1424
10:08:18 AM Sen. Gainer
10:09:38 AM Sen. Bean
10:10:40 AM Sen. Gainer
10:11:03 AM Judge Augustus Akins, County Judge, Second Judicial Circuit
10:12:02 AM Sen. Brandes
10:12:18 AM Judge Akins
10:12:23 AM Barney Bishop, Chief Financial Officer, Florida Smart Justice Alliance (waives in support)
10:12:36 AM Don Lamonica, Florida Public Defenders Association (waives in support)
10:12:50 AM Sen. Brandes
10:13:16 AM S 1002
10:13:20 AM Sen. Bean
10:14:38 AM Sen. Brandes
10:14:51 AM Am. 141506
10:14:56 AM Sen. Bean
10:15:01 AM S 1002 cont.
10:15:11 AM Brian Jogerst, Academy of Florida Elder Law Attorneys and Elder Law Section of the Bar (waives in support)
10:15:31 AM Barney Bishop, Chief Executive Officer, Florida Smart Justice Alliance (waives in support)
10:15:38 AM Dorene Barker, Associate State Director, AARP Florida (waives in support)
10:15:55 AM Fred Baggett, Chairman, Greenberg Traurig, Florida Court Clerks and Comptrollers (waives in support)
10:15:58 AM Greg Pound
10:17:36 AM Sen. Brandes
10:18:03 AM S 938
10:18:21 AM Sen. Bracy
10:19:03 AM Sen. Brandes
10:19:07 AM Barney Bishop, Chief Executive Officer, Florida Smart Justice Alliance (waives in support)

10:19:11 AM Jared Torres, Legislative Affairs Director, Florida Department of Corrections (waives in support)
10:19:46 AM S 942
10:19:53 AM Sen. Bracy
10:20:22 AM Barney Bishop, Chief Executive Officer, Florida Smart Justice Alliance (waives in support)
10:20:27 AM Rachel Moscoso, Legal Affairs Director, Department of Juvenile Justice (waives in support)
10:21:03 AM Sen. Brandes
10:21:12 AM S 470
10:21:19 AM Sen. Stargel
10:21:55 AM Am. 434884
10:21:56 AM Sen, Bracy
10:22:00 AM Sen. Brandes
10:22:11 AM Sen. Bracy
10:22:42 AM S. 470 (Cont.)
10:22:54 AM Chase Daniels, Assistant Executive Director, Pasco Sheriff's Office (waives in support)
10:23:26 AM Jennifer Pritt, Assistant Commissioner, Florida Department of Law Enforcement (waives in support)
10:23:47 AM Sen. Bracy
10:24:06 AM Sen. Brandes
10:24:44 AM TAB 10 - Presentations by the Office of Program Policy Analysis and Government Accountability on Drug-Free Zones and Elderly Inmates
10:27:52 AM Claire K. Mazur, Staff Director, Office of Program Policy Analysis and Government Accountability
10:30:26 AM Sen. Brandes
10:30:40 AM C. Mazur
10:31:07 AM Sen. Brandes
10:31:17 AM C. Mazur
10:32:23 AM Sen. Brandes
10:32:34 AM C. Mazur
10:32:45 AM Sen. Brandes
10:32:54 AM C. Mazur
10:33:32 AM Sen. Brandes
10:33:36 AM C. Mazur
10:34:15 AM Sen. Bean
10:35:03 AM C. Mazur
10:36:12 AM Sen. Bean
10:37:07 AM Sen. Brandes
10:37:16 AM C. Mazur
10:37:41 AM Sen. Brandes
10:38:02 AM C. Mazur
10:38:28 AM Greg Pound
10:38:34 AM Sen. Bean
10:38:46 AM G. Pound
10:40:41 AM Sen. Brandes
10:40:51 AM Sen. Powell
10:41:15 AM Sen. Brandes
10:44:26 AM Sen. Powell
10:45:04 AM Marina Byrd, Legislative Policy Analyst, Program Policy Analysis and Government Accounti
10:46:35 AM Sen. Brandes
10:46:41 AM M. Byrd
10:47:03 AM Sen. Powell
10:47:11 AM M. Byrd
10:55:02 AM Sen. Brandes
10:55:07 AM M. Byrd
10:55:34 AM Sen. Brandes
10:55:49 AM M. Byrd
10:56:13 AM Sen. Perry
10:56:29 AM M. Byrd
10:56:35 AM Sen. Perry
10:56:40 AM Sen. Brandes
10:56:49 AM M. Byrd
10:57:18 AM Sen. Brandes
10:57:30 AM M. Byrd
10:58:56 AM Sen Powell
10:59:10 AM M. Byrd

10:59:53 AM Sen. Powell
10:59:58 AM M. Byrd
11:06:13 AM Sen. Brandes
11:06:24 AM M. Byrd
11:07:50 AM Sen. Brandes
11:08:06 AM Sen. Perry
11:11:26 AM Adjourn