

Tab 2 | **CS/SB 760** by **CJ, Berman**; (Similar to H 00521) Human Trafficking

Tab 3 | **SB 1518** by **Berman (CO-INTRODUCERS) Cruz, Stewart**; (Identical to H 01223) Lactation Space

Tab 1 | **CS/SB 752** by **CJ, Gainer (CO-INTRODUCERS) Pizzo**; (Identical to H 00387) Probationary or Supervision Services for Misdemeanor Offenders

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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND
CIVIL JUSTICE
Senator Perry, Chair
Senator Wright, Vice Chair

MEETING DATE: Wednesday, February 16, 2022

TIME: 1:00—3:00 p.m.

PLACE: *Mallory Horne Committee Room, 37 Senate Building*

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 752 Criminal Justice / Gainer (Identical H 387)	Probationary or Supervision Services for Misdemeanor Offenders; Authorizing the Department of Corrections to supervise certain misdemeanor offenders; deleting a prohibition on private entities providing probationary or supervision services to certain misdemeanor offenders; authorizing a private or public entity to provide probation services and other specified programming to misdemeanor offenders; revising who may approve specified contracts, etc. CJ 01/11/2022 Temporarily Postponed CJ 01/25/2022 Fav/CS ACJ 02/16/2022 Fav/CS AP	Fav/CS Yeas 7 Nays 0
2	CS/SB 760 Criminal Justice / Berman (Similar H 521)	Human Trafficking; Revising the definition of the term "coercion"; prohibiting facilitating or enabling the receiving of persons in any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or facilitating or enabling any person to remain there for such purpose; providing that a person may not procure, facilitate, or entice another to engage in prostitution for specified purposes; providing increased criminal penalties for specified prohibited acts relating to prostitution, lewdness, or assignation; deleting provisions relating to the reclassification of penalties if a massage establishment is used for lewdness, assignation, or prostitution, etc. CJ 01/11/2022 Fav/CS ACJ 02/16/2022 Favorable AP	Favorable Yeas 7 Nays 0
3	SB 1518 Berman (Identical H 1223)	Lactation Space; Requiring at least one lactation space to be provided in each county courthouse; providing requirements for the lactation space; authorizing the use of state or private funds to provide lactation space in appellate courthouses, etc. GO 02/02/2022 Favorable ACJ 02/16/2022 Favorable AP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Criminal and Civil Justice
Wednesday, February 16, 2022, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	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: CS/SB 760

INTRODUCER: Criminal Justice Committee and Senator Berman

SUBJECT: Human Trafficking

DATE: February 15, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stokes	Jones	CJ	Fav/CS
2.	Atchley	Harkness	ACJ	Recommend: Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 760 amends the human trafficking statute, s. 787.06, F.S., to expand the term “coercion.” Currently, s. 787.06, F.S., delineates the offenses of human trafficking between whether the victim is a child under 18 years old, an adult who is believed to be a child under 18 years old, or an adult. The human trafficking offenses against adult victims require the element of “coercion.” This bill amends s. 787.06, F.S., to expand the term “coercion,” in multiple ways.

The bill amends the prostitution statute, s. 796.07, F.S., to make it a second degree felony to knowingly or in reckless disregard of the facts, engage in the soliciting, recruiting, harboring, enticing, purchasing, or procuring of another person for the purpose of prostitution, and to benefit financially or receive anything of value, or intend to benefit financially or receive anything of value by engaging in such acts.

Additionally, the bill amends the prostitution statute to add to the list of prohibited acts. Specifically, the bill makes it unlawful for a person to *facilitate or enable the receiving* of any person into any place, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or to *facilitate, enable,* or permit any person to remain there for such purpose.

This bill also increases the penalties of specified crimes relating to prostitution and removes language relating to the reclassification of owning, establishing, maintaining, or operating any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution because this language becomes obsolete due to the increased penalty provided in the bill.

Additionally, this bill amends ss. 456.074, 480.041, and 943.0433, F.S., to make applicable conforming and cross-reference changes.

This bill may have a positive indeterminate prison bed impact on the Department of Corrections. See Section V. Fiscal Impact Statement.

This bill is effective October 1, 2022.

II. Present Situation:

Human Trafficking

Human trafficking is a form of modern-day slavery.¹ Human trafficking victims are young children, teenagers, and adults who are trafficked domestically within the borders of the United States or smuggled across international borders worldwide.² Many human trafficking victims are induced with false promises of financial or emotional security, but are forced or coerced into commercial sex, domestic servitude, or other types of forced labor.³ Any minor who is younger than 18 years old and who is induced to perform a commercial sex act is a human trafficking victim even if there is no force, fraud or coercion.⁴ Increasingly, criminal organizations, such as gangs, are enticing local school children into commercial sexual exploitation or trafficking.⁵ The average ages of youth who are trafficked are 11-13 years old.⁶

The U.S. Department of Justice reports that every two minutes a child is trafficked for the purpose of sexual exploitation in the United States.⁷ Approximately 24.9 million people are human trafficking victims in the world.⁸ There are approximately 2.5 million victims of human trafficking in the United States.⁹

Congress passed the Victims of Trafficking and Violence Protection Act (Act) of 2000 to combat human trafficking by establishing several methods of prosecuting traffickers, preventing trafficking, and protecting victims.¹⁰ The Act contains penalties and mandates restitution for victims of human trafficking.¹¹

¹ Section 787.06(1)(a), F.S.

² *Id.*

³ The Department of Education, *Healthy Schools – Human Trafficking*, available at <http://www.fldoe.org/schools/healthy-schools/human-trafficking.stml> (last visited January 3, 2022).

⁴ *Id.*

⁵ *Id.*

⁶ The Department of Education, *Presentation to the State Board of Education, Child Trafficking Prevention Education*, p. 3, September 20, 2019, available at <http://www.fldoe.org/core/fileparse.php/5575/urlt/ChildTraffickingPres.pdf> (last visited January 3, 2022).

⁷ The Department of Education, *Healthy Schools – Human Trafficking*, available at <http://www.fldoe.org/schools/healthy-schools/human-trafficking.stml> (last visited January 3, 2022).

⁸ National Human Trafficking Hotline, *What is Human Trafficking?* available at <https://humantraffickinghotline.org/what-human-trafficking> (last visited January 3, 2022).

⁹ The Department of Education, *Healthy Schools – Human Trafficking*, available at <http://www.fldoe.org/schools/healthy-schools/human-trafficking.stml> (last visited January 3, 2022).

¹⁰ 22 U.S.C. s. 7101.

¹¹ *Id.*

Human Trafficking in Florida

Florida is ranked the third highest state of reported human trafficking cases in the United States.¹² Florida law defines “human trafficking” as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining,¹³ purchasing, patronizing, procuring, or obtaining¹⁴ another person for the purpose of exploitation of that person.¹⁵

Any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking:

- For labor¹⁶ or services¹⁷ of any child under the age of 18 or an adult believed by the person to be a child younger than the age of 18 commits a first degree felony;¹⁸
- Using coercion for labor or services of an adult commits a first degree felony;¹⁹
- Using coercion for commercial sexual activity²⁰ of an adult commits a first degree felony;²¹
- For labor or services of any child under the age of 18 or an adult believed by the person to be a child younger than the age of 18 who is an unauthorized alien commits a first degree felony;^{22, 23}
- Using coercion for labor or services of an adult who is an unauthorized alien commits a first degree felony;²⁴
- Using coercion for commercial sexual activity of an adult who is an unauthorized alien commits a first degree felony;²⁵

¹² The Department of Education, *Presentation to the State Board of Education, Child Trafficking Prevention Education*, p. 3, September 20, 2019, available at <http://www.fldoe.org/core/fileparse.php/5575/urlt/ChildTraffickingPres.pdf> (last visited January 3, 2022).

¹³ Section 787.06(2)(f), F.S., provides “maintain” means, in relation to labor or services, to secure or make possible continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type service. Section 787.06(2)(h), F.S., defines “services” as any act committed at the behest of, under the supervision of, or for the benefit of another, including forced marriage, servitude, or the removal of organs.

¹⁴ Section 787.06(2)(g), F.S., provides “obtain” means, in relation to labor or services, to secure performance thereof.

¹⁵ Section 787.06(2)(d), F.S.

¹⁶ Section 787.06(2)(e), F.S., provides “labor” means work of economic or financial value.

¹⁷ Section 787.06(2)(h), F.S., provides “services” means any act committed at the behest of, under the supervision of, or for the benefit of another. The term includes, but is not limited to, forced marriage, servitude, or the removal of organs.

¹⁸ Section 787.06(3)(a)1., F.S. A first degree felony is generally punishable by up to 30 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S. However, when specifically provided by statute, a first degree felony may be punished by imprisonment for a terms of years not exceeding life imprisonment. Section 775.082, F.S.

¹⁹ Section 787.06(3)(a)2., F.S.

²⁰ Section 787.06(2)(b), F.S., defines “commercial sexual activity” as any violation of ch. 796, F.S., or an attempt to commit any such offense, and includes sexually explicit performances and the production of pornography. Section 787.06(2)(i), F.S., defines “sexual explicit performance” as an act or show, whether public or private, that is live, photographed, recorded, or videotaped and intended to arouse or satisfy the sexual desires or appeal to the prurient interest.

²¹ Section 787.06(3)(b), F.S.

²² Section 787.06(2)(j), F.S., defines “unauthorized alien” as an alien who is not authorized under federal law to be employed in the United States, as provided in 8 U.S.C. s. 1324a(h)(3).

²³ Section 787.06(3)(c)1., F.S.

²⁴ Section 787.06(3)(c)2., F.S.

²⁵ Section 787.06(3)(d), F.S.

- For labor or services who does so by the transfer or transport of any child under the age of 18 or an adult believed by the person to be a child younger than the age of 18 from outside the state of Florida to within the state of Florida commits a first degree felony;²⁶
- Using coercion for labor or services who does so by the transfer or transport of an adult from outside the state of Florida to within the state of Florida commits a first degree felony;²⁷
- For commercial sexual activity who does so by the transfer or transport of any child under the age of 18 or an adult believed by the person to be a child younger than the age of 18 from outside of the state of Florida to within the state of Florida commits a first degree felony punishable by imprisonment for a term of years not exceeding life;²⁸
- Using coercion for commercial sexual activity who does so by the transfer or transport of an adult from outside the state of Florida to within the state of Florida commits a first degree felony;²⁹ or
- For commercial sexual activity in which any child under the age of 18 or an adult believed by the person to be a child younger than 18, or in which any person who is mentally defective³⁰ or mentally incapacitated³¹ is involved commits a life felony.³²

“Coercion,” is an element in proving all of the above listed acts of human trafficking of adult victims. Section 787.06(2)(a), F.S., provides that coercion means:

- Using or threatening to use physical force against any person;
- Restraining, isolating, or confining or threatening to restrain, isolate, or confine any person without lawful authority and against her or his will;
- Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or services are not respectively limited and defined;
- Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;
- Causing or threatening to cause financial harm to any person;
- Enticing or luring any person by fraud or deceit; or
- Providing a controlled substance as outlined in Schedule I or Schedule II of s. 893.03, F.S., to any person for the purpose of exploitation of that person.

It is a life felony for any parent, legal guardian, or other person having custody or control of a minor to sell or otherwise transfer custody or control of such minor, or make such an offer, with

²⁶ Section 787.06(3)(e)1., F.S.

²⁷ Section 787.06(3)(e)2., F.S.

²⁸ Section 787.06(3)(f)1., F.S., provides that an offense committed under these circumstances is punishable by a term of imprisonment not exceeding life or as provided in ss. 775.082, 775.083, or 775.084, F.S.

²⁹ Section 787.06(3)(f)2., F.S.

³⁰ Section 794.011(1)(b), F.S., defines “mentally defective” as a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.

³¹ Section 794.011(1)(c), F.S., defines “mentally incapacitated” as temporarily incapable of appraising or controlling a person’s own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.

³² Section 787.06(3)(g), F.S. A life felony is generally punishable by life imprisonment or by a term of imprisonment not exceeding 40 years. Section 775.082, F.S.

knowledge or reckless disregard of the fact that, as a consequence of the sale or transfer, the minor will be subject to human trafficking.³³

Additionally, any person who permanently brands, or directs such branding of a victim for purposes of human trafficking commits a second degree felony.³⁴

The above-mentioned first degree felonies are reclassified as a life felony, and a second degree felony is reclassified to a first degree felony, if a person causes great bodily harm, permanent disability, or permanent disfigurement to another person during the commission of the offense.³⁵ Ignorance of the victim's age, the victim's misrepresentation of his or her age, or a bona fide belief of the victim's age cannot be raised as a defense by a defendant.³⁶

Prostitution and Other Prohibited Acts

Prostitution is prohibited throughout the United States, except in Nevada. While laws relating to prostitution vary across jurisdictions, federal criminal laws address prostitution in the context of human trafficking.³⁷

Prostitution rings are often hidden operations. As a result, police officers go undercover in an effort to conduct prostitution stings. In 2021, officers arrested more than 100 people in an undercover sting targeting human trafficking in central Florida. Thirty-eight people were arrested for prostitution.³⁸

Another tool commonly employed by those engaging in prostitution is the Internet, which is utilized similarly in human trafficking operations. Thus, law enforcement agencies use the Internet to attempt to crack down on prostitution activity. In January 2019, four people were arrested in Tallahassee in conjunction with an undercover prostitution operation that was aimed at reducing street level prostitution in the capital city. After an undercover police officer contacted the suspects through an online advertisement that had indicators of being associated with prostitution activity and met with each suspect individually at an undisclosed hotel, the officer placed each of them under arrest.³⁹

Florida Law defines prostitution as the giving or receiving of the body for sexual activity for hire.⁴⁰ Section 796.07(2)(f), F.S., prohibits the solicitation, inducement, enticement, or

³³ Section 787.06(4)(a), F.S.

³⁴ Section 787.06(4)(b), F.S. A second degree felony is punishable by up to 15 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

³⁵ Section 787.06(8), F.S.

³⁶ Section 787.06(9), F.S.

³⁷ Justia, *Prostitution*, available at <https://www.justia.com/criminal/offenses/sex-crimes/prostitution/> (last visited January 4, 2022).

³⁸ Orlando Sentinel, *102 people arrested in Central Florida county during human trafficking sting*, (October 28, 2021) available at <https://www.orlandosentinel.com/news/florida/os-ne-102-people-arrested-in-florida-county-during-human-trafficking-sting-20211028-nisvj3byrrfhxj47bmoi3zjjn4-story.html> (last visited January 4, 2022).

³⁹ WTXL, *Four arrested in undercover prostitution sting in Tallahassee*, (January 14, 2019) available at http://www.wtxl.com/news/four-arrested-in-undercover-prostitution-sting-in-tallahassee/article_47c5602a-182e-11e9-aa98-0bf1f95703cb.html (last visited January 4, 2022).

⁴⁰ This definition excludes sexual activity between spouses. Section 796.07(1)(a), F.S.

procurement of another to commit prostitution, lewdness, or assignation.⁴¹ Those terms are defined in the following ways:

- “Lewdness” means any indecent or obscene act; and
- “Assignation” means the making of any appointment or engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement.⁴²

A person who violates s. 796.07(2)(f), F.S., commits:

- A misdemeanor of the first degree⁴³ for a first violation;
- A felony of the third degree⁴⁴ for a second violation; and
- A felony of the second degree⁴⁵ for a third or subsequent violation.⁴⁶

Additionally, Florida law provides that it is a second degree misdemeanor:⁴⁷

- To own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution;
- To offer, or to offer or agree to secure, another for the purpose of prostitution or for any other lewd or indecent act.
- To receive, or to offer to agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose;
- To direct, take, or transport, or to offer or agree to direct, take, or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation;
- For a person 18 years of age or older to offer to commit, or to commit, or to engage in, prostitution, lewdness, or assignation;
- To reside in, enter, or remain in, any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness, or assignation;
- To aid, abet, or participate in any of the acts or things listed above; or
- To purchase the services of any person engaged in prostitution.⁴⁸

The above listed second degree misdemeanors are reclassified to a first degree misdemeanor for a second violation, and a third degree felony for any third or subsequent violation.⁴⁹

⁴¹ Section 796.07(2)(f), F.S.

⁴² Section 796.07(1)(b) and (c), F.S.

⁴³ A first degree misdemeanor is punishable by up to a year in county jail and a fine not exceeding \$1,000. Sections 775.082 and 775.083, F.S.

⁴⁴ A third degree felony is punishable by up to five years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

⁴⁵ A second degree felony is punishable by up to 15 years in state prison and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

⁴⁶ Section 796.07(5)(a)1.-3., F.S.

⁴⁷ A second degree misdemeanor is punishable by up to 60 days in county jail and a fine not exceeding \$500. Sections 775.082, and 775.083, F.S.

⁴⁸ Section 796.07(2), F.S.

⁴⁹ Section 796.07(4), F.S.

Additionally, if the place, structure, building, or conveyance that is owned, established, maintained, or operated for the purpose of lewdness, assignation, or prostitution is a massage establishment that is or should be licensed under s. 480.043, F.S., the offense is reclassified as follows:

- A misdemeanor of the first degree for a first violation;
- A felony of the third degree for a second violation; and
- A felony of the second degree for a third or subsequent violation.⁵⁰

III. Effect of Proposed Changes:

Section 787.06, F.S., penalizes the illegal conduct of the perpetrators of human trafficking. Currently, s. 787.06, F.S., delineates the offenses of human trafficking between whether the victim is:

- A child under 18 years old;
- An adult who is believed to be a child under 18 years old; or
- An adult.

The human trafficking offenses against adult victims require the element of “coercion.” This bill amends s. 787.06, F.S., to expand the term “coercion,” in three ways. First, the bill removes the phrase “coercion means” and replaces it with the phrase “coercion includes but is not limited to.” This expands the term coercion to include behaviors not specified in s. 787.06(2)(a), F.S. Next, the bill expands the term “coercion” by including the “withholding earned income from a person” as a behavior that would constitute coercion. Lastly, the current definition of coercion specifies that providing a controlled substance outlined in *Schedule I or Schedule II* of s. 893.03, F.S., to any person for exploitation of that person constitutes coercion. The bill expands this behavior to include the providing of *any* controlled substance in s. 893.03, F.S., *alcohol or any other drug* for the purpose of exploitation of that person.

The bill amends the prostitution statute, s. 796.07, F.S., to make it a second degree felony to knowingly or in reckless disregard of the facts, engage in the soliciting, recruiting, harboring, enticing, purchasing, or procuring of another person for the purpose of prostitution, and to benefit financially or receive anything of value, or intend to benefit financially or receive anything of value by engaging in such acts.

Section 796.07(2)(c), F.S., currently provides that is unlawful to receive, or to offer or agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness or assignation, or to permit any person to remain there for such purpose. The bill amends this paragraph to include the *facilitating or enabling the receiving* of any person into any place, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or the *facilitating, enabling, or permitting* any person to remain there for such purpose.

This bill increases the penalty from a second degree misdemeanor to a second degree felony for a first offense of owning, establishing, maintaining, or operating any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution. The bill removes language

⁵⁰ Section 796.07(7)(a)-(c), F.S.

relating to the reclassification of this offense because this language becomes obsolete due to the increased penalty provided in the bill.

The bill also increases the penalty from a second degree misdemeanor to a second degree felony to direct, take, or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation. A second or subsequent violation of this crime is a first degree felony.

Additionally, this bill amends ss. 456.074, 480.041, and 943.0433, F.S., to make applicable conforming and cross-reference changes.

This bill is effective October 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference, which provides the final, official estimate of prison bed impact, if any, of legislation, has determined that the bill may have a positive indeterminate prison bed impact (unquantifiable increase in prison beds) on the Department of Corrections. This bill creates a new second degree felony and increases the penalties in the prostitution statutes in s. 787.07, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 787.06, 796.07, 456.074, 480.041, and 943.0433.

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 11, 2022:**

The committee substitute:

- Removes the second degree felonies created in the human trafficking statutes and creates a second degree felony in the prostitution statutes that makes it a crime for a person to knowingly, or in reckless disregard of the facts, engage in the soliciting, recruiting, harboring, enticing, purchasing, or procuring of another person for the purpose of prostitution, and to benefit financially or receive anything of value, or intend to benefit financially or receive anything of value, by engaging in such acts.
- Removes language relating to the reclassification of owning, establishing, maintaining, or operating any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution because this language becomes obsolete due to the increased penalty provided in the bill.
- Makes technical conforming and cross-reference changes.

B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Berman

591-01938-22

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1 A bill to be entitled
 2 An act relating to human trafficking; amending s.
 3 787.06, F.S.; revising the definition of the term
 4 "coercion"; amending s. 796.07, F.S.; prohibiting
 5 facilitating or enabling the receiving of persons in
 6 any place, structure, building, or conveyance for the
 7 purpose of prostitution, lewdness, or assignation, or
 8 facilitating or enabling any person to remain there
 9 for such purpose; providing that a person may not
 10 procure, facilitate, or entice another to engage in
 11 prostitution for specified purposes; providing
 12 criminal penalties; providing increased criminal
 13 penalties for specified prohibited acts relating to
 14 prostitution, lewdness, or assignation; deleting
 15 provisions relating to the reclassification of
 16 penalties if a massage establishment is used for
 17 lewdness, assignation, or prostitution; amending ss.
 18 456.074, 480.041, and 943.0433, F.S.: conforming
 19 provisions and cross-references to changes made by the
 20 act; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Subsection (2) of section 787.06, Florida
 25 Statutes, is amended to read:

26 787.06 Human trafficking.—

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

28 (a) "Coercion" includes, but is not limited to ~~means~~:

29 1. Using or threatening to use physical force against any

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

591-01938-22

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30 person;
 31 2. Restraining, isolating, or confining, or threatening to
 32 restrain, isolate, or confine, any person without lawful
 33 authority and against her or his will;
 34 3. Using lending or other credit methods to establish a
 35 debt by any person when labor or services are pledged as a
 36 security for the debt, if the value of the labor or services as
 37 reasonably assessed is not applied toward the liquidation of the
 38 debt, the length and nature of the labor or services are not
 39 respectively limited and defined;
 40 4. Destroying, concealing, removing, confiscating,
 41 withholding, or possessing any actual or purported passport,
 42 visa, or other immigration document, or any other actual or
 43 purported government identification document, of any person;
 44 5. Causing or threatening to cause financial harm to any
 45 person or withholding income from a person which he or she
 46 earned;
 47 6. Enticing or luring any person by fraud or deceit; or
 48 7. Providing a controlled substance ~~as~~ outlined in ~~Schedule~~
 49 ~~I or Schedule II of~~ s. 893.03, alcohol, or any other drug to any
 50 person for the purpose of exploitation of that person.
 51 (b) "Commercial sexual activity" means any violation of
 52 chapter 796 or an attempt to commit any such offense, and
 53 includes sexually explicit performances and the production of
 54 pornography.
 55 (c) "Financial harm" includes extortionate extension of
 56 credit, loan sharking as defined in s. 687.071, or employment
 57 contracts that violate the statute of frauds as provided in s.
 58 725.01.

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59 (d) "Human trafficking" means transporting, soliciting,
60 recruiting, harboring, providing, enticing, maintaining,
61 purchasing, patronizing, procuring, or obtaining another person
62 for the purpose of exploitation of that person.

63 (e) "Labor" means work of economic or financial value.

64 (f) "Maintain" means, in relation to labor or services, to
65 secure or make possible continued performance thereof,
66 regardless of any initial agreement on the part of the victim to
67 perform such type service.

68 (g) "Obtain" means, in relation to labor, commercial sexual
69 activity, or services, to receive, take possession of, or take
70 custody of another person or secure performance thereof.

71 (h) "Services" means any act committed at the behest of,
72 under the supervision of, or for the benefit of another. The
73 term includes, but is not limited to, forced marriage,
74 servitude, or the removal of organs.

75 (i) "Sexually explicit performance" means an act or show,
76 whether public or private, that is live, photographed, recorded,
77 or videotaped and intended to arouse or satisfy ~~the~~ sexual
78 desires or appeal to a ~~the~~ prurient interest.

79 (j) "Unauthorized alien" means an alien who is not
80 authorized under federal law to be employed in the United
81 States, as provided in 8 U.S.C. s. 1324a(h)(3). The term shall
82 be interpreted consistently with that section and any applicable
83 federal rules or regulations.

84 (k) "Venture" means any group of two or more individuals
85 associated in fact, whether or not a legal entity.

86 Section 2. Present subsections (5) and (6) of section
87 796.07, Florida Statutes, are redesignated as subsections (7)

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88 and (8), respectively, new subsections (5) and (6) and
89 subsection (9) are added to that section, and subsections (2)
90 and (4) and present subsection (7) of that section are amended,
91 to read:

92 796.07 Prohibiting prostitution and related acts.—

93 (2) It is unlawful:

94 (a) To own, establish, maintain, or operate any place,
95 structure, building, or conveyance for the purpose of lewdness,
96 assignation, or prostitution.

97 (b) To offer, or to offer or agree to secure, another for
98 the purpose of prostitution or for any other lewd or indecent
99 act.

100 (c) To receive, or to offer or agree to receive, or
101 facilitate or enable the receiving of any person into any place,
102 structure, building, or conveyance for the purpose of
103 prostitution, lewdness, or assignation, or to facilitate,
104 enable, or permit any person to remain there for such purpose.

105 (d) To direct, take, or transport, or to offer or agree to
106 direct, take, or transport, any person to any place, structure,
107 or building, or to any other person, with knowledge or
108 reasonable cause to believe that the purpose of such directing,
109 taking, or transporting is prostitution, lewdness, or
110 assignation.

111 (e) For a person 18 years of age or older to offer to
112 commit, or to commit, or to engage in, prostitution, lewdness,
113 or assignation.

114 (f) To solicit, induce, entice, or procure another to
115 commit prostitution, lewdness, or assignation.

116 (g) To reside in, enter, or remain in, any place,

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117 structure, or building, or to enter or remain in any conveyance,
118 for the purpose of prostitution, lewdness, or assignation.

119 (h) To aid, abet, or participate in any of the acts or
120 things enumerated in this subsection.

121 (i) To purchase the services of any person engaged in
122 prostitution.

123 (j) For a person to knowingly, or in reckless disregard of
124 the facts:

125 1. Engage in the soliciting, recruiting, harboring,
126 enticing, purchasing, or procuring of another person for the
127 purpose of prostitution; and

128 2. Benefit financially or receive anything of value, or
129 intend to benefit financially or receive anything of value, by
130 participating in such soliciting, recruiting, harboring,
131 enticing, purchasing, or procuring, of another person.

132 (4) (a) A person who violates any provision of this section,
133 other than paragraph (2) (a), paragraph (2) (d), paragraph (2) (f),
134 or paragraph (2) (j), ~~paragraph (2) (f),~~ commits:

135 1. A misdemeanor of the second degree for a first
136 violation, punishable as provided in s. 775.082 or s. 775.083.

137 2. A misdemeanor of the first degree for a second
138 violation, punishable as provided in s. 775.082 or s. 775.083.

139 3. A felony of the third degree for a third or subsequent
140 violation, punishable as provided in s. 775.082, s. 775.083, or
141 s. 775.084.

142 (b) A person who is charged with a third or subsequent
143 violation of this section, other than paragraph (2) (a),
144 paragraph (2) (d), paragraph (2) (f), or paragraph (2) (j),
145 ~~paragraph (2) (f),~~ shall be offered admission to a pretrial

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146 intervention program or a substance abuse treatment program as
147 provided in s. 948.08.

148 (5) A person who violates paragraph (2) (a) commits a felony
149 of the second degree, punishable as provided in s. 775.082, s.
150 775.083, or s. 775.084.

151 (6) (a) A person who violates paragraph (2) (d) commits a
152 felony of the second degree for a first violation, punishable as
153 provided in s. 775.082, s. 775.083, or s. 775.084.

154 (b) A person who violates paragraph (2) (d) commits a felony
155 of the first degree for a second or subsequent violation,
156 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

157 (9) A person who violates paragraph (2) (j) commits a felony
158 of the second degree, punishable as provided in s. 775.082, s.
159 775.083, or s. 775.084.

160 ~~(7) If the place, structure, building, or conveyance that~~
161 ~~is owned, established, maintained, or operated in violation of~~
162 ~~paragraph (2) (a) is a massage establishment that is or should be~~
163 ~~licensed under s. 480.043, the offense shall be reclassified to~~
164 ~~the next higher degree as follows:~~

165 ~~(a) A misdemeanor of the second degree for a first~~
166 ~~violation is reclassified as a misdemeanor of the first degree,~~
167 ~~punishable as provided in s. 775.082 or s. 775.083.~~

168 ~~(b) A misdemeanor of the first degree for a second~~
169 ~~violation is reclassified as a felony of the third degree,~~
170 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

171 ~~(c) A felony of the third degree for a third or subsequent~~
172 ~~violation is reclassified as a felony of the second degree,~~
173 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

174 Section 3. Subsection (4) of section 456.074, Florida

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175 Statutes, is amended to read:

176 456.074 Certain health care practitioners; immediate
177 suspension of license.—

178 (4) The department shall issue an emergency order
179 suspending the license of a massage therapist or establishment
180 as defined in chapter 480 upon receipt of information that the
181 massage therapist, a person with an ownership interest in the
182 establishment, or, for a corporation that has more than \$250,000
183 of business assets in this state, the owner, officer, or
184 individual directly involved in the management of the
185 establishment has been convicted or found guilty of, or has
186 entered a plea of guilty or nolo contendere to, regardless of
187 adjudication, a violation of s. 796.07(2) (a) ~~which is~~
188 ~~reclassified under s. 796.07(7)~~ or a felony offense under any of
189 the following provisions of state law or a similar provision in
190 another jurisdiction:

- 191 (a) Section 787.01, relating to kidnapping.
192 (b) Section 787.02, relating to false imprisonment.
193 (c) Section 787.025, relating to luring or enticing a
194 child.
195 (d) Section 787.06, relating to human trafficking.
196 (e) Section 787.07, relating to human smuggling.
197 (f) Section 794.011, relating to sexual battery.
198 (g) Section 794.08, relating to female genital mutilation.
199 (h) Former s. 796.03, relating to procuring a person under
200 the age of 18 for prostitution.
201 (i) Former s. 796.035, relating to the selling or buying of
202 minors into prostitution.
203 (j) Section 796.04, relating to forcing, compelling, or

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204 coercing another to become a prostitute.

205 (k) Section 796.05, relating to deriving support from the
206 proceeds of prostitution.

207 (l) Section 796.07(4) (a)3., relating to a felony of the
208 third degree for a third or subsequent violation of s. 796.07,
209 relating to prohibiting prostitution and related acts.

210 (m) Section 800.04, relating to lewd or lascivious offenses
211 committed upon or in the presence of persons less than 16 years
212 of age.

213 (n) Section 825.1025(2) (b), relating to lewd or lascivious
214 offenses committed upon or in the presence of an elderly or
215 disabled person.

216 (o) Section 827.071, relating to sexual performance by a
217 child.

218 (p) Section 847.0133, relating to the protection of minors.

219 (q) Section 847.0135, relating to computer pornography.

220 (r) Section 847.0138, relating to the transmission of
221 material harmful to minors to a minor by electronic device or
222 equipment.

223 (s) Section 847.0145, relating to the selling or buying of
224 minors.

225 Section 4. Subsection (7) of section 480.041, Florida
226 Statutes, is amended to read:

227 480.041 Massage therapists; qualifications; licensure;
228 endorsement.—

229 (7) The board shall deny an application for a new or
230 renewal license if an applicant has been convicted or found
231 guilty of, or enters a plea of guilty or nolo contendere to,
232 regardless of adjudication, a violation of s. 796.07(2) (a) ~~which~~

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233 ~~is reclassified under s. 796.07(7)~~ or a felony offense under any
 234 of the following provisions of state law or a similar provision
 235 in another jurisdiction:

236 (a) Section 787.01, relating to kidnapping.
 237 (b) Section 787.02, relating to false imprisonment.
 238 (c) Section 787.025, relating to luring or enticing a
 239 child.
 240 (d) Section 787.06, relating to human trafficking.
 241 (e) Section 787.07, relating to human smuggling.
 242 (f) Section 794.011, relating to sexual battery.
 243 (g) Section 794.08, relating to female genital mutilation.
 244 (h) Former s. 796.03, relating to procuring a person under
 245 the age of 18 for prostitution.
 246 (i) Former s. 796.035, relating to the selling or buying of
 247 minors into prostitution.
 248 (j) Section 796.04, relating to forcing, compelling, or
 249 coercing another to become a prostitute.
 250 (k) Section 796.05, relating to deriving support from the
 251 proceeds of prostitution.
 252 (l) Section 796.07(4)(a)3., relating to a felony of the
 253 third degree for a third or subsequent violation of s. 796.07,
 254 relating to prohibiting prostitution and related acts.
 255 (m) Section 800.04, relating to lewd or lascivious offenses
 256 committed upon or in the presence of persons less than 16 years
 257 of age.
 258 (n) Section 825.1025(2)(b), relating to lewd or lascivious
 259 offenses committed upon or in the presence of an elderly or
 260 disabled person.
 261 (o) Section 827.071, relating to sexual performance by a

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262 child.

263 (p) Section 847.0133, relating to the protection of minors.
 264 (q) Section 847.0135, relating to computer pornography.
 265 (r) Section 847.0138, relating to the transmission of
 266 material harmful to minors to a minor by electronic device or
 267 equipment.
 268 (s) Section 847.0145, relating to the selling or buying of
 269 minors.

270 Section 5. Subsection (1) and paragraphs (a) and (b) of
 271 subsection (2) of section 943.0433, Florida Statutes, are
 272 amended to read:

273 943.0433 Soliciting for Prostitution Public Database.—
 274 (1) The department shall create and administer the
 275 Soliciting for Prostitution Public Database. The clerk of the
 276 court shall forward to the department the criminal history
 277 record of a person in accordance with s. 796.07(7)(e) ~~s.~~
 278 ~~796.07(5)(e)~~, and the department shall add the criminal history
 279 record to the database.
 280 (2)(a) The department shall automatically remove the
 281 criminal history record of a person from the database if, after
 282 5 years following the commission of an offense that meets the
 283 criteria set forth in s. 796.07(7)(e) ~~s. 796.07(5)(e)~~, such
 284 person has not subsequently committed a violation that meets
 285 such criteria or any other offense within that time that would
 286 constitute a sexual offense, including, but not limited to,
 287 human trafficking, or an offense that would require registration
 288 as a sexual offender.
 289 (b) The department may not remove a criminal history record
 290 from the database if a person commits a violation that meets the

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291 criteria set forth in s. 796.07(7)(e) ~~s. 796.07(5)(e)~~ a second
292 or subsequent time.

293 Section 6. This act shall take effect October 1, 2022.



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: January 11, 2022

I respectfully request that **Senate Bill #760**, relating to Human Trafficking, be placed on the:

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

A handwritten signature in blue ink that reads "Lori Berman".

Senator Lori Berman
Florida Senate, District 31

cc: Senator Tom Wright, Vice Chair
Marti Harkness, Staff Director

The Florida Senate

APPEARANCE RECORD

2/16/22

Meeting Date

SB 760

Bill Number or Topic

Deliver both copies of this form to

Senate professional staff conducting the meeting

~~Health~~ Human Grim Justice App.

Committee

Amendment Barcode (if applicable)

Name

Carey Haughwout

Phone

561-355-7681

Address

421 3rd St

Email

Street

West Palm Beach FL 33401

City

State

Zip

Speaking:

For



Against

Information

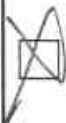
OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flisenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-16-22

Meeting Date

760

Bill Number or Topic

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Appropriations - Civil Crim.

Committee

Amendment Barcode (if applicable)

Name

Judy Byrne Riley

Phone

850-678-1501

Address

1501 Baysboro Dr.

Email

rileyjb1501@gmail.com

Street

Niceville FL 32578

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

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The Florida Senate

APPEARANCE RECORD

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Feb 16, 2022

Meeting Date

SB 760

Bill Number or Topic

Criminal + Civil Justice

Committee

Amendment Barcode (if applicable)

Name Kathryn F. White

Phone 850-862-0416

Address 18 Stewart Circle

Email Kathryn.Pasterwhite@gmail.com

Street

City FT Walton Bch State FL Zip 32547

Speaking: [] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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The Florida Senate

APPEARANCE RECORD

SB 760

Feb. 16, 2022

Meeting Date

Bill Number or Topic

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Amendment Barcode (if applicable)

CCJ Appropriations Subcommittee on Criminal Justice

Name Elisabeth Sandberg

Phone (763) 710-0721

Address 203 Rigdon Ct NW

Email sandberg.umw@gmail.com

Fort Walton Beach, FL 32548

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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The Florida Senate

APPEARANCE RECORD

2/16/2022

Meeting Date

5B 760

Bill Number or Topic

APPROP. Subcte. CCJ

Committee

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Amendment Barcode (if applicable)

Name

JEAN SIEBENALER

Phone

513-532-5408

Address

7502 OLD BAY POINTE RD

Street

Email

j.siebenaler@gmail.com

MILTON

City

FL

State

32583

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/16/22

Meeting Date

760

Bill Number or Topic

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Appropriations Subcom Criminal & Justice
Committee Civil Justice

Amendment Barcode (if applicable)

Name

Cherie Crim

Phone

214-679-8502

Address

11403 Poston Rd

Email

ccrim16@gmail.com

Street

Panama City FL

32402

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/16/22
Meeting Date

SB760
Bill Number or Topic

Criminal civil justice
Committee

Deliver both copies of this form to
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Amendment Barcode (if applicable)

Name Carolynn Taylor

Phone 880-384-8741

Address 2520 Celtic Cir
Street

Email Carolynn177@yahoo.com

Pensacola FL 32503
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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The Florida Senate

APPEARANCE RECORD

2-16-2022

Meeting Date

SB 760 AC

Bill Number or Topic

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Criminal + Civil Justice

Committee

Amendment Barcode (if applicable)

Name Deborah Baker-Riano

Phone 850.499.0198

Address 3926 Balsam Dr

Email deborah.bakerriano@gmail.com

Street

Niceville FL 32578

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1518

INTRODUCER: Senator Berman and others

SUBJECT: Lactation Space

DATE: February 15, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Limones-Borja</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Dale</u>	<u>Harkness</u>	<u>ACJ</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1518 requires each county courthouse to provide, by January 1, 2023, at least one dedicated lactation space outside the confines of a restroom for members of the public to express breast milk or breastfeed in private. The bill requires the lactation space be hygienic, shielded from public view, free from intrusion while occupied, and it must contain an electrical outlet.

The bill authorizes the person responsible for the operation of the facility housing each district court of appeal, to use state-appropriated funds or private funding to provide a dedicated lactation space.

The requirements to provide a dedicated lactation space do not apply to a courthouse if the person who is responsible for the operation of the courthouse determines that the courthouse does not contain a lactation space for employees which may be used by the members of the public or new construction would be required to create the lactation space.

The bill contains a legislative finding that the bill fulfills an important state interest.

Each county and the state may incur costs associated with funding a dedicated lactation space.

This bill takes effect July 1, 2022.

II. Present Situation:

Funding Requirements for Court Related Functions

Article V, Section 14 of the State Constitution requires counties to fund the cost of communication services, existing radio systems, existing multi-agency information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the trial

courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions.¹ Counties are not required to fund the state courts system, state attorney's office, public defenders offices, court-appointed counsel or the offices of the clerks of the circuit performing court related functions.² Section 29.008, F.S., defines the term "facility" to mean reasonable and necessary buildings, office space, equipment, furnishings, structures, real estate, easements, and related interests in real estate.³ The county is responsible for the funding of physical modifications and improvements to all facilities in order to comply with the American with Disabilities Act.

Section 29.004, F.S., provides that the construction or lease of facilities, maintenance, utilities, and security for the district courts of appeal and the Supreme Court are funded through state revenues in the General Appropriations Act.⁴

Courthouse Lactation Room Handbook

The Florida Association of Women Lawyers (FAWL) established guidelines to provide accessibility to lactation rooms for women in the legal field. These guidelines are being used across the state by local governments in order to implement lactation rooms for courthouses. The FAWL handbook establishes best practices for implementing lactation rooms, such as room access, room naming, room specifications, amenities, and ways to fund the room. The implementation of these rooms allows access to women jurors, witnesses, and other actors who partake in the legal process.⁵

According to the Florida Bar, 38 percent of Florida attorneys are women,⁶ and 39 percent of Florida judges are women.⁷ The percentage of women attorneys in the state is expected to rise over the coming years due to women accounting for almost 50 percent of the total number of law school students in Florida.⁸

Breastfeeding in Florida

Florida became one of the first states to pass legislation that supports women breast feeding in any location. Section 383.015, F.S., provides that the breastfeeding of a baby is an important and basic act of nurture which must be encouraged in the interests of maternal and child health and family values. A mother may breastfeed her baby in any location, public or private, regardless of whether the nipple of the mother is uncovered during or incidental to the breastfeeding.⁹ Further, any facility providing maternity services such as breastfeeding can be designated as "baby-friendly."

¹ Section 29.008, F.S.

² Fla. Const. art. V, s. 14

³ Section 29.008(1), F.S.

⁴ Section 29.004(4), F.S.

⁵ *Id.*

⁶ The Florida Bar, *Board Issue Paper – Women in the Law/Gender Bias*, (Feb. 13, 2017), available at <https://www.floridabar.org/news/resources/issue-04/#IV.%20Facts%20and%20Statistics> (last visited January 21, 2022).

⁷ *Id.*

⁸ *Id.*

⁹ Section 383.015, F.S.

Lactation Space in Florida Courthouses

The courthouses that contain a dedicated lactation space include:

- 1st Judicial Circuit Court (Okaloosa County Courthouse);
- 2nd Judicial Circuit Court (Leon County Courthouse);
- 4th Judicial Circuit Court (Duval County Courthouse);
- 5th Judicial Circuit Court (Lake County Courthouse);
- 6th Judicial Circuit Court (St. Petersburg Judicial Building);
- 7th Judicial Circuit Court (St. Johns County Courthouse);
- 8th Judicial Circuit Court (Alachua County Courthouse);
- 9th Judicial Circuit Court (Orange County Courthouse);
- 10th Judicial Circuit Court (Polk County Courthouse);
- 11th Judicial Circuit Courts (including the Coral Gables Courthouse, Dade County Courthouse, Joseph Caleb Center, Lawson E. Courthouse Center, Miami Dade Children's Courthouse, Richard E. Gerstein Justice Building, and the South Dade Justice Center)¹⁰;
- 12th Judicial Circuit Court (Sarasota County Courthouse and Manatee County Judicial Center);
- 13th Judicial Circuit Court (Edgecomb Courthouse);
- 15th Judicial Circuit Court (West Palm Beach Main Courthouse and Delray Beach South County Courthouse);
- 17th Judicial Circuit Court (Broward County Central Courthouse);
- 18th Judicial Circuit Court (Brevard County Courthouse and Seminole County Courthouse);
- 19th Judicial Circuit Court (Martin County Courthouse); and
- 20th Judicial Circuit Court (Lee County Courthouse and Collier County Courthouse).

Counties Designated as Headquarters for District Courts of Appeal

The following is location of the headquarters for each DCA:

- First Appellate District in the Second Judicial Circuit, Tallahassee, Leon County;
- Second Appellate District in the Tenth Judicial Circuit, Lakeland, Polk County;
- Third Appellate District in the Eleventh Judicial Circuit, Miami-Dade County;
- Fourth Appellate District in the Fifteenth Judicial Circuit, Palm Beach County; and
- Fifth Appellate District in the Seventh Judicial Circuit, Daytona Beach, Volusia County.¹¹

A DCA may designate other locations within its district as branch headquarters to conduct the business of the court and as the official headquarters of its officers or employees.¹²

Currently, there is only one DCA that has an established space dedicated to lactation within its courthouse.

¹⁰ Florida's Eleventh Judicial Circuit, *Courthouse Amenities – Lactations Rooms*, available at <https://www.jud11.flcourts.org/About-the-Court/Courthouse-Amenities/Lactation-Rooms>, (last visited January 21, 2022).

¹¹ Section 35.05, F.S.

¹² *Id.*

III. Effect of Proposed Changes:

Section 1 creates s. 29.24, F.S., to require each county courthouse to provide at least one dedicated lactation space outside the confines of a restroom for members of the public to express breast milk or breastfeed in private by January 1, 2023. The dedicated space must be hygienic, shielded from public view, free from intrusion while occupied, and contain an electrical outlet.

This section authorizes the person responsible for the operation of the facility housing each district court of appeal to use state-appropriated funds or private funding to provide a dedicated lactation space.

This section establishes that the requirements to provide a dedicated lactation space do not apply to a courthouse if the person who is responsible for the operation of the courthouse determines that:

- The courthouse does not contain a lactation space for employees which may be used by the members of the public and the courthouse does not have:
 - A space that could be repurposed as a lactation space open to the public; or
 - A space that could be made private at a reasonable cost using portable materials, contingent upon private funding being made available for those costs.
- New construction would be required to create the lactation space.

Section 2 contains a legislative finding that the bill fulfills an important state interest.

Section 3 provides the bill take effect July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the State Constitution provides that:

No county or municipality shall be bound by any general law requiring such county or municipality to spend funds...unless the legislature has determined that such law fulfills an important state interest and unless: ...the law requiring such expenditure is approved by two-thirds of the membership of each house of the legislature....

Counties will incur costs in complying with the space requirements set forth in the bill. As drafted, the bill contains a finding that the bill fulfills an important state interest.

The mandate requirements do not apply to laws having an insignificant impact which, for Fiscal Year 2021-2022, is forecasted to be \$2.2 million.^{13,14,15} The fiscal impact of this bill on cities or counties is indeterminate. If costs imposed by the bill do not exceed \$2.2 million, then the mandate requirements (legislative finding and 2/3 vote) do not apply and the bill will be binding on the counties.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If a county courthouse or a District Court of Appeal (DCA) uses private funding to provide a dedicated lactation space, the private entity providing the funds will incur a negative fiscal impact.

C. Government Sector Impact:

Each county will incur costs associated with providing a dedicated lactation space in its county courthouses. Also, the state may incur costs associated with providing a dedicated lactation space within the DCA courthouses.

¹³ FLA. CONST. art. VII, s. 18(d).

¹⁴ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, Interim Report 2012-115: Insignificant Impact, (Sept. 2011), available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited January 21, 2022).

¹⁵ Based on the Florida Demographic Estimating Conference's November 3, 2020, population forecast for 2021 of 21,830,364. The conference packet is available at: <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf> (last visited January 21, 2022).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 29.24, 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 Berman

31-00056-22

20221518__

A bill to be entitled

An act relating to lactation space; creating s. 29.24, F.S.; requiring at least one lactation space to be provided in each county courthouse; providing requirements for the lactation space; authorizing the use of state or private funds to provide lactation space in appellate courthouses; providing exceptions; declaring that this act fulfills an important state interest; providing an effective date.

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

Section 1. Section 29.24, Florida Statutes, is created to read:

29.24 Lactation space in courthouses.—

(1) Except as otherwise provided in this section, by January 1, 2023, each county courthouse must provide at least one dedicated lactation space outside of the confines of a restroom for members of the public to express breast milk or breastfeed in private. The space must be hygienic, be shielded from public view, be free from intrusion while occupied, and contain an electrical outlet.

(2) The person responsible for the operation of the facility housing each district court of appeal may use state-appropriated funds or private funding to provide a lactation space as set forth in subsection (1).

(3) The requirements of subsection (1) do not apply to a courthouse if the person who is responsible for the operation of the courthouse determines that:

Page 1 of 2

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

31-00056-22

20221518__

(a) The courthouse does not contain a lactation space for employees which may be used by the members of the public and the courthouse does not have:

1. A space that could be repurposed as a lactation space open to the public; or

2. A space that could be made private at a reasonable cost using portable materials, contingent upon private funding being made available for those costs.

(b) New construction would be required to create the lactation space.

Section 2. The Legislature finds that this act fulfills an important state interest.

Section 3. This act shall take effect July 1, 2022.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: February 2, 2022

I respectfully request that **Senate Bill #1518**, relating to Lactation Space, be placed on the:

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

A handwritten signature in black ink, appearing to read "Lori Berman", written over a horizontal line.

Senator Lori Berman
Florida Senate, District 31

Cc: Senator Tom Wright, Vice Chair
Marti Harkness, Staff Director

The Florida Senate

APPEARANCE RECORD

2-16-2022

Meeting Date

SB 1518

Bill Number or Topic

Approp. Criminal + Civil Justice

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Deborah Baker-Rian

Phone

850.499.0128

Address

3926 Balsam Dr.

Street

Email

deborah.bakerrian@gmail.com

Niceville FL 32578

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf flsenate.gov

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

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/16/22 Meeting Date

SB 1518 Bill Number or Topic

App. - Civ & Crim Committee

Legislative Director

Amendment Barcode (if applicable)

Name Thomasina Moore FL Association for Women Lawyers

Phone 866.241.3295

Address PO Box 721264 Street

Email Lobby days @ FAWL.ORG

Orlando FL 32872 City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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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: PCS/CS/SB 752 (barcode)

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

SUBJECT: Probationary or Supervision Services for Misdemeanor Offenders

DATE: February 17, 2022 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Siples</u>	<u>Jones</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 752 removes a statutory prohibition on a private entity providing probationary or supervision services to misdemeanor offenders who are sentenced by a circuit court. Under current law, a private or a public entity may only provide probation services to offenders sentenced by a county court.

Currently, the Department of Corrections (DOC) must supervise felony and misdemeanor offenders who are sentenced to or placed on probation or other supervision by a circuit court. The bill authorizes the DOC to supervise misdemeanor offenders when such supervision is ordered by the circuit court, but retains the requirement that the DOC supervise felony offenders.

The bill transfers the authority to approve a contract with a private entity to provide supervision services for misdemeanor offenders from the county court judge or administrative judge to the chief judge of the circuit.

The bill authorizes probationers or offenders in community control to fulfill the reporting requirements of their terms and conditions of probation by reporting to their probation office *remotely* if approved by the relevant probation officer, county probation authority or entity, or the DOC and if the court has not excluded remote reporting in his or her order of probation. The bill requires the probation officer to schedule meetings required as a condition of probation at

times and locations that accommodate work schedules, family caregiving obligations, and medical care of the probationer, unless it poses a threat to public safety.

The bill requires the DOC to implement the graduated incentives system in a manner that encourages stable employment in addition to promoting compliance with terms of supervision and prioritizing the highest level of supervision for probationers and offenders presenting the greatest risk of recidivism. The DOC must incentivize educational achievement by awarding a 60 day reduction in the term of supervision for a probationer or offender in community control who completes an educational advancement activity, such as obtaining a high school diploma, a high school equivalency degree, an academic degree, or a vocational certificate, during his or her term of supervision. A probationer or offender in community control who commits a subsequent violation of probation may forfeit any reduction awarded for completing an educational advancement activity, at the discretion of his or her probation officer.

The bill will have an indeterminate fiscal impact on the DOC. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2022.

II. Present Situation:

Court Jurisdiction

Florida has a two-tiered trial court system that consists of circuit courts and county courts. The state Constitution requires a circuit court to be established in each judicial circuit established by the Legislature, of which there are twenty.¹

Circuit courts have exclusive original jurisdiction over:

- All actions at law not cognizable by the county courts;
- Proceedings related to settling estates of decedents and minors, granting testamentary letters, guardianship, involuntary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to probate courts;
- All cases in equity including cases related to juveniles, except traffic offenses as provided in chs. 316 and 985, F.S.;
- All felonies and all misdemeanors arising out of the same circumstances as a felony which is also charged;
- All cases involving the legality of any tax assessment or toll or denial of refund, except as provided in s. 72.011, F.S.;
- Ejectment actions; and
- All actions involving the title and boundaries of real property.²

¹ Art. V, ss. 1 and 5, FLA. CONST. A list of judicial circuits can be found at <https://www.flcourts.org/Florida-Courts/Trial-Courts-Circuit> (last visited February 17, 2022).

² Section 26.012(2), F.S.

The state Constitution also establishes a county court in each county.³ County courts have original jurisdiction over:

- Misdemeanor cases not cognizable by the circuit courts;
- Violations of municipal and county ordinances; and
- Actions at law, except those within the exclusive jurisdiction of the circuit courts, in which the matter in controversy does not exceed \$30,000, exclusive of interest, costs, and attorney fees.⁴

Generally, felony offenses are adjudicated by the circuit court and misdemeanor offenses are adjudicated by the county court. However, circuit courts routinely adjudicate misdemeanor charges when:

- A misdemeanor charge arises out of the same circumstances as a felony; or
- A felony charge is reduced or dismissed in circuit court and the court retains jurisdiction over the remaining misdemeanor charge.

Probation and Community Control

Probation is a form of community supervision requiring specified contacts with probation officers and compliance with certain terms and conditions.⁵ The court determines the terms and conditions of probation.⁶ Section 948.03, F.S., provides standard conditions of probation; however, a court may sentence an offender to special terms and conditions at the time of sentencing, such as substance abuse treatment. Additionally, a probationer is required to comply with several standard conditions of probation which may include:

- Reporting to the probation officer as directed.
- Permitting the probation officer to visit the probationer at his or her home.
- Working faithfully at suitable employment, when possible.
- Residing at a specified place.
- Living without violating the law.
- Paying restitution to any aggrieved party for the damage or loss caused by a probationer's offense.
- Being prohibited from possessing, carrying, or owning a firearm or weapon, without the probation officer's consent.
- Being prohibited from using intoxicants to excess or possessing any drugs or narcotics.⁷

Community control is a form of intensive individualized supervision of an offender who remains in the community, but whose freedom is restricted within the home, community, or noninstitutional residential placement and includes specific sanctions and monitoring by probation officers with restricted caseloads.⁸ In addition to the standard conditions which apply

³ Art. V, s. 6, FLA. CONST.

⁴ Section 34.01(1), F.S. The jurisdictional limit for civil actions was \$15,000 prior to January 1, 2020, at which time the jurisdictional limit was raised to \$30,000. The jurisdictional limit is scheduled to rise to \$50,000 on January 1, 2023. The law provides a process by which the jurisdictional limit is to be reviewed and adjusted every 10 years beginning July 1, 2030; however it may not be lower than \$50,000.

⁵ Section 948.01(8), F.S.

⁶ Section 948.03, F.S.

⁷ Section 948.03, F.S.

⁸ Section 948.001(3), F.S.

to normal probationers, an offender on community control must: be confined to an agreed-upon residence during any hours he or she is away from work or public service activities; complete mandatory community services; and be supervised by electronic monitoring.⁹

Education and Learning as a Condition of Probation or Community Control

Section 948.037, F.S., authorizes a court to require an offender who has not obtained a high school diploma or a high school equivalency diploma or who lacks basic or functional literacy skills, to make a good faith effort toward attaining literacy skills or a high school equivalency diploma as a condition of probation or community control.¹⁰ A court may not revoke probation or community control because of an offender's inability to achieve literacy skills or a diploma, but may revoke probation or community control if the offender fails to make a good faith effort towards achieving such skills or diploma.¹¹ A court may grant a probationer or offender in community control early termination of supervision upon his or her successful completion of an approved program.

Reduction or Termination of Term of Probation or Community Control

Generally, once a probationer completes the period of probation, he or she is released from probation and the court no longer retains jurisdiction to sentence the offender for the offense for which probation was allowed. However, if a probationer has performed satisfactorily, has not been found in violation of any terms or conditions of supervision, and has met all financial conditions imposed by the court, including fines, court costs, and restitution, his or her probation officer may recommend early termination of probation to the court at any time before the scheduled termination date.¹²

Early Termination or Conversion to Administrative Probation

Under s. 948.06(4), F.S., upon the probationer's motion,¹³ the court shall order early termination of supervision or convert the supervisory term to administrative probation¹⁴ if all of the following conditions are met:

- The probationer has completed at least half of the term of probation to which he or she was sentenced.
- The probationer has successfully completed all other conditions of probation.
- The court has not found the probationer in violation of probation pursuant to a filed violation of probation affidavit at any point during the current supervisory term.
- The parties did not specifically exclude the possibility of early termination or conversion to administrative probation as part of a negotiated sentence.
- The probationer does not qualify as a violent felony offender of special concern under s. 948.06(8)(b), F.S.¹⁵

⁹ Section 948.101, F.S.

¹⁰ Section 948.037, F.S.

¹¹ *Id.* "Good faith effort" means the offender is enrolled in a program of instruction and is attending and making satisfactory progress toward completion of the requirements.

¹² Section 948.04, F.S.

¹³ This provision only applies to a defendant sentenced on or after October 1, 2019. See s. 948.04(4), F.S.

¹⁴ "Administrative probation" is a form of no contact, nonreporting supervision. A court may order administrative probation, or the DOC may transfer an offender to administrative probation under specified circumstances. Section 948.001(1), F.S.

¹⁵ Section 948.04(4), F.S.

However, a court may decline to early terminate the probationary term or convert the term to administrative probation if it makes written findings that continued reporting probation is necessary to protect the community or the interest of justice.¹⁶ Additionally, an offender on community control is not eligible to motion for mandatory early termination or conversion to administrative probation under s. 948.04, F.S.¹⁷

Graduated Incentives

Section 948.05(2), F.S., requires the DOC to implement a system of graduated incentives to promote compliance with the terms of supervision and prioritize the highest levels of supervision for probationers or offenders presenting the greatest risk of recidivism. As part of the graduated incentives system, the department may offer, without leave of the court, the following incentives to a compliant probationer or offender in community control:

- Up to 25 percent reduction of required community service hours;
- Waiver of supervision fees;
- Reduction in frequency of reporting;
- Permission to report by mail or telephone; or
- Transfer of an eligible offender to administration probation as authorized under s. 948.013, F.S.¹⁸

The DOC may also incentivize positive behavior and compliance by recommending to the court to modify a probationer's terms of supervision, which may include recommending:

- Permission to travel;
- Reduction of supervision type;
- Modification or cessation of curfew;
- Reduction or cessation of substance abuse testing; or
- Early termination of supervision.¹⁹

A probationer or offender in community control may forfeit any previously earned probation incentive if he or she commits a subsequent violation of probation.²⁰ Graduated incentives are currently offered at the discretion of the probation officer or court and a probationer or offender in community control is not entitled to any such graduated incentive.

Educational Attainment Gain Time Award for Inmates

Section 944.275, F.S., authorizes the DOC to grant deductions from prison sentences in the form of gain time to encourage satisfactory behavior and to provide incentives for inmates to participate in productive activities. Specifically, s. 944.275(4)(d), F.S., authorizes the DOC to award an inmate who completes a high school equivalency diploma or vocational certificate a one-time award of 60 days of incentive gain time.²¹

¹⁶ Section 948.04(5), F.S.

¹⁷ Section 948.04(6), F.S.

¹⁸ Section 948.05(2)(a), F.S.

¹⁹ Section 948.05(2)(b), F.S.

²⁰ Section 948.05(2)(c), F.S.

²¹ Section 944.275(4)(d), F.S.

Probationers or offenders in community control are not entitled to a similar reduction of supervision term under the graduated incentives system or any other statutory authority.

Sentence of Probation

County Court Probation

A defendant who is placed on probation after being found guilty of a misdemeanor may not be sentenced to a term of supervision exceeding six months, unless otherwise ordered by the court.²² Any person sentenced to misdemeanor probation by the county court must pay at least \$40 per month, as determined by the court, to the court approved public or private entity providing misdemeanor supervision.²³

A private entity or public entity, including licensed substance abuse education and intervention programs, may provide probation services to offenders sentenced by a county court, when such services are provided under the supervision of the board of county commissioners or the court.²⁴ For example, the Salvation Army provides supervision services including drug testing, job assistance, community service placement, and substance abuse assistance and rehabilitation to misdemeanor probationers in multiple Florida counties.²⁵ Professional Probation Services and its affiliated company, Judicial Correction Services, provide services in a number of Florida counties.²⁶

Any private entity providing supervision services for misdemeanor probationers must contract with the county in which the services will be provided.²⁷ In a county with a population of less than 70,000, the county court judge, or in a county with more than one county court judge, the administrative judge of the county court must approve the contract. The terms of the contract must include, but are not limited to:

- The extent of the services to be rendered by the entity providing supervision and rehabilitation.
- Staff qualifications and criminal record checks of staff.
- Staffing levels.
- The number of face-to-face contacts with probationers.
- Procedures for handling the collection of probationer fees and restitution.
- Procedures for handling indigent probationers that ensure placement irrespective of ability to pay.
- Circumstances under which revocation of a probationer's supervision may be recommended.
- Reporting and record keeping requirements.
- Default and contract termination procedures.

²² Section 948.15(1), F.S.

²³ Section 948.09(1)(b), F.S.

²⁴ Section 948.15(2), F.S.

²⁵ Such misdemeanor probation services are provided in Citrus, Dixie, Duval, Gilchrist, Highlands, and Marion counties. The Salvation Army, *Correctional Services*, available at <https://salvationarmyflorida.org/correctional-services/> (last visited February 17, 2022).

²⁶ See Professional Probation Services, *Our Companies*, available at <https://ppsfamily.com/our-companies/> (last visited February 17, 2022).

²⁷ Section 948.15(3), F.S.

- Procedures that aid probationers with job assistance.
- Procedures for accessing criminal history records of probationers.²⁸

On a quarterly basis, the entity must report to the chief judge a summary of the number of probationers supervised by the private entity, payment of the required contribution under supervision or rehabilitation, and the number of probationers for whom supervision will be terminated. The entity must permit its records to be inspected upon the request of the county, the court, the Auditor General, the Office of Program Policy Analysis and Government Accountability, or any agent thereof.²⁹

A private entity that charges a fee for providing supervision services to probationers must register with the board of county commissioners in the county in which the entity offers services. The entity must provide specified information for each program it operates, including:

- The length of time the program has been operating in the county;
- A list of the staff and a summary of their qualifications;
- A summary of the types of services that are offered under the program; and
- The fees the entity charges for court-ordered services and any procedures for indigent probationers.³⁰

A private entity, including a licensed substance abuse education and intervention program, providing misdemeanor supervision services must comply with all other applicable provisions of law.³¹

Circuit Court Probation

If the circuit court places a defendant on probation for a felony, the DOC must supervise the defendant.³² A defendant who is placed on probation for a misdemeanor may not be placed under the DOC's supervision unless the circuit court was the court of original jurisdiction.³³ The DOC currently supervises more than 164,000 offenders on probation or in community control throughout Florida.³⁴

Any person placed on probation under ch. 948, F.S., must pay the DOC supervision fees equal to the total month or portion of a month of supervision times the court-ordered amount, but such amount cannot exceed the actual per diem cost of supervision.³⁵ The DOC must consider an offender's ability to pay in establishing a written pay plan. Any funds collected from felony

²⁸ *Id.*

²⁹ *Id.*

³⁰ Section 948.15(4), F.S.

³¹ Section 948.15(5), F.S.

³² Section 948.01(1)(a), F.S.

³³ Section 948.01(2), F.S.

³⁴ Florida Department of Corrections, *Probation Services*, available at <http://www.dc.state.fl.us/cc/index.html> (last visited February 17, 2022).

³⁵ Section 948.09(1)(a)1., F.S.

probationers may be used by the DOC to offset the costs associated with community supervision programs.³⁶

Subsections 948.01(1) and (5), F.S., prohibit a private entity from providing probationary or supervision services to felony or misdemeanor offenders sentenced to probation or other supervision by the circuit court. As such, a private entity is authorized to provide supervision services to a misdemeanor offender sentenced by the county court, but cannot provide such services to a misdemeanor offender sentenced by the circuit court.

Remote Reporting in Community Supervision

Smartphones are widely used by the U.S. population. Smartphones are essentially handheld computers that also provide cellular service. They typically integrate a touchscreen interface, internet access, camera, video recorder, GPS navigation, and an operating system capable of running downloaded applications.³⁷ According to a survey conducted by Pew Research, 85 percent of U.S. adults say they own a smartphone.³⁸

Over the past several years, a number of smartphone applications for community supervision have entered the market.³⁹ These applications are essentially case management and monitoring programs designed to run on such a device.⁴⁰

In general, remote monitoring offers advantages and disadvantages. The advantages of remote monitoring include:

- Remote reporting and supervision, which allows the client to remotely submit reports to his or her officer with information related to employment status, living arrangements, contact information, and other important data.
- Calendar event management, which allows reminders to be set for important events, such as court dates, scheduled drug tests, or a reminder to take a prescribed drug at a specified time.
- Positive reinforcement, which allows recognition for positive behaviors, such as meeting curfews, negative drug tests, and timely meeting other obligations. These recognitions may be immediate or automated for delivery at certain times or upon demonstration of certain behaviors.
- Access to resources, which allows clients to access existing resources in real-time or some applications may offer direct support by integrating the delivery of certain services.

³⁶ *Id.* Additionally, a felony probationer must pay a \$2-per-month surcharge to be used by the DOC to pay for correctional probation officers' training and equipment, including radios, and firearms training, firearms, and similar equipment. Section 948.09(1)(a)2., F.S.

³⁷ George Drake and Joe Russo, *The Smart Phone as a Community Corrections Tool*, J. OF OFFENDER MONITORING, (Spring/Summer 2016), pp. 5-8, available at <https://www.civresearchinstitute.com/online/PDF/JOM-2901-01-Drake-Smartphone.pdf> (last visited February 17, 2022).

³⁸ Pew Research Center, *Mobile Fact Sheet*. (Apr. 7, 2021), available at <https://www.pewresearch.org/internet/fact-sheet/mobile/> (last visited February 17, 2022).

³⁹ American Probation and Parole Association, *Issue Paper: Leveraging the Power of Smartphone Applications to Enhance Community Supervision*, (Apr. 7, 2020), available at <https://www.appa-net.org/eweb/docs/APPA/stances/ip-LPSAECs.pdf> (last visited February 17, 2022).

⁴⁰ *Id.*

- Location monitoring and continuous tracking, which allows an officer to determine the location of the device and the client.⁴¹

There are also number of disadvantages to remote monitoring. The most prominent disadvantage is the ability of the client to separate from his or her device. However, some developers have developed tethering systems, which notify the officer when the client is not within a certain distance of his or her device.⁴² There is also the issue of cellular phone coverage if the person is located in or travels to an area with poor service.⁴³ Another issue involves privacy concerns, as the applications may collect biometric data, personal health information, behavioral data, and may impact the client's right to privacy.⁴⁴

The cost of remote reporting may vary depending on the approach used. There are essentially two different approaches to using smartphones for community supervision. The first approach involves a vendor-provided smartphone that comes installed with software, and the second involves installing the software application on the client's phone.⁴⁵ Vendor-provided phones are more expensive; however, they offer greater security and are capable of monitoring all phone activity and restricting access to certain functionalities depending on risk level or compliance with the conditions of supervision. Installing software on client-provided phones is less costly; however, the phones are less secure. For example, a client may remove a SIM card or a battery or put the phone in airplane mode.⁴⁶

III. Effect of Proposed Changes:

The bill repeals the statutory prohibition on a private entity providing probationary or supervision services to misdemeanor offenders who are sentenced by a circuit court. The bill authorizes a private entity to provide probationary or supervision services to any misdemeanor offender who is placed on probation, regardless of whether such sentence is imposed by a county or circuit court. The bill authorizes the DOC to supervise misdemeanor offenders when such supervision is ordered by the circuit court, but retains the requirement that the DOC supervise felony offenders.

The bill transfers the authority to approve a contract with a private entity to provide supervision services for misdemeanor offenders from the county court judge or administrative judge to the chief judge of the circuit.

The bill authorizes probationers or offenders in community control to fulfill the reporting requirements of their terms and conditions of probation by reporting to their probation office remotely if approved by the relevant probation officer, county probation authority or entity, or the DOC and if the court has not excluded remote reporting in his or her order of probation. The

⁴¹ *Id.*, and *supra*, note 37.

⁴² *Supra*, note 39.

⁴³ *Id.*

⁴⁴ *Id.* See also Todd Feathers, "They Track Every Move": How US Parole Apps Created Digital Prisoners, THE GUARDIAN, (Mar. 4, 2021), available at <https://www.theguardian.com/global-development/2021/mar/04/they-track-every-move-how-us-parole-apps-created-digital-prisoners> (last visited February 17, 2022).

⁴⁵ *Supra*, note 39.

⁴⁶ *Id.*

bill requires a probation officer to schedule meetings required as a condition of probation at times and locations that accommodate work schedules, family caregiving obligations, and medical care of the probationer, unless it poses a threat to public safety. The DOC and county probation entities must adopt probation reporting policies that allow for remote reporting and take the above-referenced scheduling conflicts into consideration.

This bill requires the DOC to implement the graduated incentives system for probationers and offenders in community control in a manner that encourages stable employment in addition to promoting compliance with terms of supervision and prioritizing the highest level of supervision for probationers and offenders presenting the greatest risk of recidivism. Under the bill, the DOC must incentivize educational achievement by awarding a 60-day reduction in the term of supervision for a probationer or offender in community control who completes an educational advancement activity during his or her term of supervision.

The bill requires a probationer or offender in community control to be given a 60-day reduction in supervision for each educational advancement activity he or she completes and the award of such a reduction does not require court approval. The bill defines “educational advancement activity” as obtaining a high school diploma, a high school equivalency diploma, an academic degree, or a vocational certificate.

A probationer or offender in community control who commits a subsequent violation of probation may forfeit any supervision term reduction awarded for completing an educational advancement activity, at the discretion of his or her probation officer.

The bill is effective July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill may have an indeterminate impact on county governments that contract with private entities to provide misdemeanor probationary services. However, these provisions relate to the defense, prosecution, or punishment of criminal offenses, and criminal laws are exempt from the requirements of Art. VII, s. 18(d) of the Florida Constitution, relating to unfunded mandates.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. **Other Constitutional Issues:**

None identified.

V. Fiscal Impact Statement:

A. **Tax/Fee Issues:**

None.

B. **Private Sector Impact:**

Private entities who contract to provide probationary services to misdemeanor offenders may experience an increase in workload. If these private entities implement a remote reporting program, it will incur costs related to such program.

Individuals on community supervision may be required to expend costs relating to obtaining a smartphone and maintaining service on the device.

C. **Government Sector Impact:**

The bill may have an indeterminate fiscal impact on those counties that contract with private entities to provide probation and supervision services of misdemeanor offenders, due to a possible increase in probationers.

The bill will have an indeterminate fiscal impact on the DOC, as some probationers may be diverted away from the DOC's supervision.⁴⁷ The DOC may realize a cost savings when probation terms are reduced by 60 days for each educational activity a probationer or offender in community control completes. If the DOC implements a remote reporting program, it will incur costs related to such program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 948.01, 948.03, 948.05, 948.09, and 948.15.

⁴⁷ Department of Corrections, *2022 Agency Legislative Analysis of SB 752*, pg. 3, (Dec. 10, 2021) (on file with the Senate Committee on Criminal Justice).

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 16, 2022:

The committee substitute:

- Allows probationers or offenders in community control to fulfill the reporting requirements of their terms and conditions of probation by reporting to their probation office *remotely* if approved by the relevant probation officer, county probation authority or entity, or the DOC and if the court has not excluded remote reporting in his or her order of probation;
- Requires the DOC to incentivize educational achievement by awarding a 60-day reduction in the term of supervision for a probationer or offender in community control who completes an educational advancement activity; and
- Makes conforming changes.

CS by Criminal Justice on January 25, 2022:

The committee substitute:

- Authorizes the DOC to supervise misdemeanor offenders when ordered to do so by the circuit court;
- Requires the chief judge of the circuit to approve a contract with a private entity to provide supervision services for misdemeanor offenders, rather than the county court judge or administrative judge; and
- Makes conforming changes.

- B. **Amendments:**

None.



319708

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2022	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Between lines 45 and 46

insert:

Section 2. Paragraphs (a) and (d) of subsection (1) of
section 948.03, Florida Statutes, are amended to read:

948.03 Terms and conditions of probation.-

(1) The court shall determine the terms and conditions of
probation. Conditions specified in this section do not require
oral pronouncement at the time of sentencing and may be



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11 considered standard conditions of probation. These conditions
12 may include among them the following, that the probationer or
13 offender in community control shall:

14 (a) Report to the probation officer as directed. Such
15 reporting requirements may be fulfilled through remote reporting
16 if approved by the relevant probation officer, the relevant
17 county probation authority or entity, or the Department of
18 Corrections and if the court has not excluded the possibility of
19 remote reporting by the defendant in his or her order of
20 probation. The probation officer shall schedule meetings
21 required as a condition of probation at times and locations that
22 take into consideration and accommodate the work schedule,
23 family caregiver obligations, and medical care of the
24 probationer unless doing so would cause a threat to public
25 safety. The Department of Corrections and county probation
26 authorities or entities shall adopt and make available probation
27 reporting policies that allow for remote reporting and consider
28 the scheduling conflicts referenced in this paragraph.

29 ~~(d) Remain within a specified place.~~

30 Section 3. Subsection (2) of section 948.05, Florida
31 Statutes, is amended to read:

32 948.05 Court to admonish or commend probationer or offender
33 in community control; graduated incentives.-

34 (2) The department shall implement a system of graduated
35 incentives to promote compliance with the terms of supervision,
36 encourage stable employment, and prioritize the highest levels
37 of supervision for probationers or offenders presenting the
38 greatest risk of recidivism.

39 (a) As part of the graduated incentives system, the



319708

40 department may, without leave of court, offer the following
41 incentives to a compliant probationer or offender in community
42 control:

- 43 1. Up to 25 percent reduction of required community service
44 hours;
- 45 2. Waiver of supervision fees;
- 46 3. Reduction in frequency of reporting;
- 47 4. Permission to report by mail or telephone; or
- 48 5. Transfer of an eligible offender to administrative
49 probation as authorized under s. 948.013.

50 (b) The department may also incentivize positive behavior
51 and compliance with recommendations to the court to modify the
52 terms of supervision, including recommending:

- 53 1. Permission to travel;
- 54 2. Reduction of supervision type;
- 55 3. Modification or cessation of curfew;
- 56 4. Reduction or cessation of substance abuse testing; or
- 57 5. Early termination of supervision.

58 (c) The department shall, without leave of court,
59 incentivize educational achievement by awarding a compliant
60 probationer or offender in community control with a 60-day
61 reduction of his or her term of supervision for each educational
62 advancement activity he or she completes during the term of
63 supervision. As used in this paragraph, the term "educational
64 advancement activity" means a high school equivalency degree, an
65 academic degree, or a vocational certificate.

66 (d) A probationer or offender who commits a subsequent
67 violation of probation may forfeit any previously earned
68 probation incentive, as determined appropriate by his or her



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69 probation officer.

70 Section 4. Subsection (6) of section 948.09, Florida
71 Statutes, is amended to read:

72 948.09 Payment for cost of supervision and other monetary
73 obligations.-

74 (6) The department shall establish a payment plan for all
75 costs ordered by the courts for collection by the department and
76 a priority order for payments, except that victim restitution
77 payments authorized under s. 948.03(1)(e) ~~s. 948.03(1)(f)~~ take
78 precedence over all other court-ordered payments. The department
79 is not required to disburse cumulative amounts of less than \$10
80 to individual payees established on this payment plan.

81
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete line 8

85 and insert:

86 certain misdemeanor offenders; amending s. 948.03,
87 F.S.; authorizing a probationer or offender in
88 community control to report to a probation officer
89 through remote reporting under specified
90 circumstances; requiring a probation officer to take
91 specified circumstances into consideration when
92 scheduling meetings; requiring the Department of
93 Corrections and county probation authorities or
94 entities to adopt and make available certain probation
95 reporting policies; deleting remaining within a
96 specified place as a standard condition of probation;
97 amending s. 948.05, F.S.; requiring the Department of



319708

98 Corrections to reduce a probationer's or offender's
99 supervision term by a specified amount of time for
100 completing an educational advancement activity;
101 defining the term "educational advancement activity";
102 amending s. 948.09, F.S.; conforming a cross-
103 reference; amending s. 948.15,

By the Committee on Criminal Justice; and Senators Gainer and Pizzo

591-02279-22

2022752c1

A bill to be entitled

An act relating to probationary or supervision services for misdemeanor offenders; amending s. 948.01, F.S.; authorizing the Department of Corrections to supervise certain misdemeanor offenders; deleting a prohibition on private entities providing probationary or supervision services to certain misdemeanor offenders; amending s. 948.15, F.S.; authorizing a private or public entity to provide probation services and other specified programming to misdemeanor offenders; revising who may approve specified contracts; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) and subsection (5) of section 948.01, Florida Statutes, are amended to read:
948.01 When court may place defendant on probation or into community control.—

(1) Any state court having original jurisdiction of criminal actions may at a time to be determined by the court, with or without an adjudication of the guilt of the defendant, hear and determine the question of the probation of a defendant in a criminal case, except for an offense punishable by death, who has been found guilty by the verdict of a jury, has entered a plea of guilty or a plea of nolo contendere, or has been found guilty by the court trying the case without a jury.

(a) If the court places the defendant on probation or into

Page 1 of 4

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

591-02279-22

2022752c1

community control for a felony, the department shall provide immediate supervision by an officer employed in compliance with the minimum qualifications for officers as provided in s. 943.13. The department may provide supervision to misdemeanor offenders sentenced or placed on probation by a circuit court when so ordered by the sentencing court. A private entity may not provide probationary or supervision services to felony ~~or~~ ~~misdemeanor~~ offenders sentenced or placed on probation or other supervision ~~by the circuit court.~~

(5) The imposition of sentence may not be suspended and the defendant thereupon placed on probation or into community control unless the defendant is placed under the custody of the department or another public or private entity. A private entity may not provide probationary or supervision services to felony ~~or misdemeanor~~ offenders sentenced or placed on probation or other supervision ~~by the circuit court.~~

Section 2. Subsections (2) and (3) of section 948.15, Florida Statutes, are amended to read:
948.15 Misdemeanor probation services.—

(2) A private entity or public entity, including a licensed substance abuse education and intervention program, under the supervision of the board of county commissioners or the court may provide probation services and licensed substance abuse education and treatment intervention programs for misdemeanor offenders sentenced or placed on probation ~~by the county court.~~

(3) Any private entity, including a licensed substance abuse education and intervention program, providing services for the supervision of misdemeanor probationers must contract with the county in which the services are to be rendered. The chief

Page 2 of 4

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591-02279-22

2022752c1

59 judge ~~In a county having a population of fewer than 70,000, the~~
 60 ~~county court judge, or the administrative judge of the county~~
 61 ~~court in a county that has more than one county court judge,~~
 62 must approve the contract. Terms of the contract must state, but
 63 are not limited to:

- 64 (a) The extent of the services to be rendered by the entity
- 65 providing supervision or rehabilitation.
- 66 (b) Staff qualifications and criminal record checks of
- 67 staff.
- 68 (c) Staffing levels.
- 69 (d) The number of face-to-face contacts with the offender.
- 70 (e) Procedures for handling the collection of all offender
- 71 fees and restitution.
- 72 (f) Procedures for handling indigent offenders which ensure
- 73 placement irrespective of ability to pay.
- 74 (g) Circumstances under which revocation of an offender's
- 75 probation may be recommended.
- 76 (h) Reporting and recordkeeping requirements.
- 77 (i) Default and contract termination procedures.
- 78 (j) Procedures that aid offenders with job assistance.
- 79 (k) Procedures for accessing criminal history records of
- 80 probationers.

81
 82 In addition, the entity shall supply the chief judge's office
 83 with a quarterly report summarizing the number of offenders
 84 supervised by the private entity, payment of the required
 85 contribution under supervision or rehabilitation, and the number
 86 of offenders for whom supervision or rehabilitation will be
 87 terminated. All records of the entity must be open to inspection

Page 3 of 4

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591-02279-22

2022752c1

88 upon the request of the county, the court, the Auditor General,
 89 the Office of Program Policy Analysis and Government
 90 Accountability, or agents thereof.

91 Section 3. This act shall take effect July 1, 2022.

Page 4 of 4

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on
Transportation,
Tourism, and Economic Development,
Chair
Appropriations
Appropriations Subcommittee on Criminal
and Civil Justice
Criminal Justice
Ethics and Elections
Transportation

SENATOR GEORGE B. GAINER
2nd District

January 25, 2022

Re: SB 752

Dear Chair Perry,

I am respectfully requesting Senate Bill 752, related to Probationary or Supervision Services for Misdemeanor Offenders, be placed on the agenda for the next meeting of the 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

REPLY TO:

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

Florida 32578 (850) 747-5454

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

2-16-22

Meeting Date

The Florida Senate APPEARANCE RECORD

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SB 752

Bill Number or Topic

amendment

Committee

Amendment Barcode (if applicable)

Name

Amy McCant

Phone

954/2534928

Address

2911 SE Morningside Blvd

Email

Street

PSL

FL

34952

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2-16-22

Meeting Date

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752

Amend
red

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Denise Hock

Phone

561-855-0833

Address

Florida Cares

Email

denise@Floridacarescharity.org

Street

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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2/16/22
Meeting Date

SB 752
Bill Number or Topic
319708 (Perry)
Amendment Barcode (if applicable)

Committee
Name Katie Bonnett

Phone [Redacted]

Address
Street
City State Zip

Email katie@reformalliance.com

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

REFORM Alliance

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) (flsenate.gov)

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2/16/22

Meeting Date

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SB 752

Bill Number or Topic

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Appropriations Subcommittee on Ground
Committee Justice

Amendment Barcode (if applicable)

Name Nate Schardt (State)

Phone 386-689-8240

Address 1700 N. Monroe St.
Street

Email nate@horizoncommunities.org

Tallahassee
City

FL
State

32303
Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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SB 752

2/16/22

Meeting Date

Bill Number or Topic

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Approves ^{Committee} ~~Subcommittee~~

Committee

Amendment Barcode (if applicable)

Name

Katie Bonnett, ^{State Organizer} ~~PERFORM ALLIANCE~~

Phone

850.339.9599

Address

1173 Seminole Dr

Email

kate@performalliance.com

Street

TLH, FL 32302

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

PERFORM ALLIANCE

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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SB 752

2-16-22

Meeting Date

Bill Number or Topic

O.S. Sub Committee

Committee

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Protection President Florida

Amendment Barcode (if applicable)

Name TAMMY MARCUS - PBA

Phone 954-801-9627

Address 2200 NE 33rd Ave

Street

Email Tammy@fipba.org

Fort Lauderdale, FL 33305

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Police Benevolent Assoc. (PBA)

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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2/16/22

Meeting Date

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SB 752

Bill Number or Topic

Approps Subcomm
Crim & Civil

Committee

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Amendment Barcode (if applicable)

Name

Venessa Gwilliam FRZAP

Phone

407-592-1476

Address

20620 Jonathan Dr

Email

fvrap2021@gmail.com

Street

City

Orlando, FL 32825

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Prison Partners
Return Allied P (FRZAP)

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) [flsenate.gov](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

752

Meeting Date

2/16/22

Bill Number or Topic

Justice Approps

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Committee

Amendment Barcode (if applicable)

Name

Subhash Kateel (Subash)

Phone

347 524 3374

Address

2847 Burwood ave

Email

Street

Orlando

Fl

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

SB752

Meeting Date

2/16/22

Bill Number or Topic

Criminal Justice sub comm

Committee

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Amendment Barcode (if applicable)

Name

Laurette Philipson

Phone

727-484-0237

Address

7240 Westwind Dr

Email

Street

Port Richey FL 34668

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) (flsenate.gov)

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The Florida Senate
APPEARANCE RECORD

752

Meeting Date

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Rayfield Byrd

Phone

941-499-6637

Address

7611 18th E

Email

Street

Mantoloking

FL

34276

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

FRBC

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) ([flsenate.gov](#))

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

The Florida Senate
APPEARANCE RECORD

752

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

TRACEY WASHINGTON

Phone

-

Address

308 14th ST. W.

Email

trccwlp@gmail.com

Street

Palmetto

State

FL

34221

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

FRRC

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/17/22

Meeting Date

752

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Eduterio Suberun Jr.

Phone

941-405-6037

Address

1713 Trailwater Street

Email

Junior.Suberun2019@gmail.com

Street

Ruskin

City

FL

State

33570

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR DENNIS BAXLEY
12th District

COMMITTEES:

Ethics and Elections, *Chair*
Appropriations
Appropriations Subcommittee on Criminal and Civil Justice
Community Affairs
Criminal Justice
Health Policy
Judiciary
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee, *Alternating Chair*

February 16, 2022

The Honorable Senator Keith Perry
406 Senate Office Building
Tallahassee, Florida 32399

Dear Chairman Perry,

I respectfully request excusal from the Appropriations Sub-Committee on Criminal & Civil Justice Committee meeting today, February 16, 2022. I regret I was unable to attend.

Onward & Upward,

A handwritten signature in blue ink that reads "Dennis Baxley".

Senator Dennis Baxley
Senate District 12

A handwritten signature in black ink that reads "Keith Perry".

cc: Marti Harkness, Staff Director

REPLY TO:

- 206 South Hwy 27/441, Lady Lake, Florida 32159 (352) 750-3133
- 315 SE 25th Avenue, Ocala, Florida 34471 (352) 789-6720
- 412 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

Wilton Simpson
President of the Senate

Aaron Bean
President Pro Tempore

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Criminal and Civil Justice

Judge:

Started: 2/16/2022 1:07:01 PM

Ends: 2/16/2022 1:27:01 PM

Length: 00:20:01

1:07:03 PM Sen. Perry (Chair)
1:08:09 PM S 760
1:08:12 PM Sen. Berman
1:10:06 PM Sen. Pizzo
1:10:15 PM Sen. Berman
1:10:18 PM Sen. Pizzo
1:10:34 PM Sen. Berman
1:10:37 PM Sen. Pizzo
1:11:34 PM Sen. Berman
1:12:00 PM Sen. Pizzo
1:12:18 PM Deborah Baker-Rian (waives in support)
1:12:27 PM Carollyn Taylor (waives in support)
1:12:31 PM Jean Siebenaler (waives in support)
1:12:37 PM Cherie Crirr (waives in support)
1:12:43 PM Elisabeth Sandberg (waives in support)
1:12:48 PM Kathryn White (waives in support)
1:12:51 PM Judy Byrne Riley (waives in support)
1:12:54 PM Carey Haughwout
1:15:15 PM Sen. Pizzo
1:16:37 PM Sen. Berman
1:17:40 PM S 1518
1:17:45 PM Sen. Berman
1:18:32 PM Sen. Perry
1:18:37 PM Sen. Berman
1:18:50 PM Thonasina Moore (waives in support)
1:19:01 PM Deborah Baker-Rian (waives in support)
1:19:15 PM Sen. Berman
1:19:40 PM Sen. Wright (Chair)
1:19:47 PM S 752
1:19:57 PM Sen. Pizzo
1:20:35 PM Am. 319708
1:20:43 PM Sen. Perry
1:21:54 PM Amy McCourt (waives in support)
1:21:58 PM Denise Rock (waives in support)
1:22:07 PM Sen. Perry
1:22:42 PM S 752 (cont.)
1:22:51 PM Amy McCourt (waives in support)
1:22:55 PM Denise Rock (waives in support)
1:23:08 PM Katie Boitnett, Reform Alliance (waives in support)
1:23:14 PM Nate Schaidt (waives in support)
1:23:20 PM Katie Bohnett, State Organizer, Reform Alliance (waives in support)
1:23:26 PM Tammy Marcus, Probation President, Florida Police Benevolent Association (waives in support)
1:23:32 PM Venessa Gallon, Florida Prison Reform Allied Partners (waives in support)
1:23:44 PM Laurette Philipsen (waives in support)
1:23:47 PM Subhash Kateel (waives in support)
1:23:49 PM Rayfield Byrd, Florida Rights Restoration Coalition (waives in support)
1:23:54 PM Tracey Washington, Florida Rights Restoration Coalition (waives in support)
1:24:02 PM Eleuterio Salazar, Jr., Florida Rights Restoration Coalition (waives in support)
1:24:14 PM Sen. Pizzo
1:25:10 PM Sen. Perry (Chair)
1:25:23 PM Sen. Bracy
1:26:12 PM Sen. Gainer

1:26:25 PM Sen. Wright
1:26:51 PM Sen. Torres
1:26:52 PM