



668688

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: FAV	.	
4/2/2008	.	
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1 The Committee on Criminal and Civil Justice Appropriations  
2 (Crist) recommended the following **amendment**:

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4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
6 and insert:

7 Section 1. Section 921.0019, Florida Statutes, is created  
8 to read:

9 921.0019 Sentencing Policy Advisory Council.--

10 (1) The Sentencing Policy Advisory Council is created  
11 within the Legislature for the purpose of evaluating sentencing  
12 policy, sentencing practices, correctional policies, justice  
13 reinvestment initiatives, and laws affecting or applicable to  
14 sentencing or punishment, including, but not limited to, the  
15 Criminal Punishment Code, the degree and offense severity level  
16 ranking of offenses, mandatory sentences, enhanced penalties,  
17 felony and misdemeanor reclassifications, and gain-time and early



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18 release mechanisms, and for the purpose of making findings and  
19 recommendations on a continuing basis regarding changes to such  
20 policy, practices, and laws. The council shall serve in an  
21 advisory capacity to the Legislature, the Governor, and the  
22 Supreme Court.

23 (2) A Justice Reinvestment Subcommittee within the  
24 Sentencing Policy Advisory Council is created to review the  
25 effectiveness of correctional policies, including but not limited  
26 to, the review of the availability of sanctions options for low  
27 level drug and property offenders; the effectiveness of mental  
28 health and substance abuse diversion programs; the effectiveness  
29 of prison re-entry practices; the feasibility of implementing a  
30 progressive sanctions system for probationers; the impact of jail  
31 overcrowding on the effectiveness of local alternative programs  
32 and sanctions; the effectiveness of supervision strategies; and  
33 the delivery of supervision and programs in neighborhoods with a  
34 high proportion of supervised offenders.

35 (3) Any recommended change to sentencing policy, sentencing  
36 practices, correctional policies, justice reinvestment  
37 initiatives, or laws affecting or applicable to sentencing or  
38 punishment must be consistent with the following goals:

39 (a) Protecting public safety, including, but not limited  
40 to, ensuring the incarceration of violent criminal offenders and  
41 nonviolent criminal offenders who commit repeated acts of  
42 criminal behavior and who have demonstrated an inability to  
43 comply with less restrictive penalties previously imposed for  
44 nonviolent criminal acts; and

45 (b) Providing for the most cost-effective and efficient use  
46 of correctional resources to the extent that such use is not in  
47 conflict with paragraph (a).



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48       (4) (a) The council shall be composed of 15 members,  
49 consisting of: two members of the Senate appointed by the  
50 President of the Senate; two members of the House of  
51 Representatives appointed by the Speaker of the House of  
52 Representatives; the Chief Justice of the Supreme Court or a  
53 member of the Supreme Court designated by the Chief Justice;  
54 three circuit court judges, one county court judge, and one  
55 representative of the victim advocacy profession, appointed by  
56 the Chief Justice of the Supreme Court; the Attorney General or  
57 her or his designee; and the Secretary of the Department of  
58 Corrections or her or his designee. The following members shall  
59 be appointed by the Governor: one state attorney from a list of  
60 three nominees recommended by the Florida Prosecuting Attorneys  
61 Association; one public defender from a list of three nominees  
62 recommended by the Public Defenders Association; and one private  
63 attorney from a list of three nominees recommended by the  
64 President of The Florida Bar. The membership of the council shall  
65 reflect the geographic and ethnic diversity of the state. The  
66 chair of the council shall be selected by the members for a term  
67 of 1 year.

68       (b) The chair of the council shall appoint members of the  
69 council to serve in a Justice Reinvestment Subcommittee to carry  
70 out the duties provided in subsection (2) and designate ex  
71 officio members from state or local agencies to serve as  
72 technical assistance advisors to the subcommittee.

73       (c) The members of the council shall be appointed to serve  
74 4-year terms, except that a legislative member's term expires  
75 upon leaving office as a member of the Senate or the House of  
76 Representatives.



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77       (d) The council shall meet at least quarterly and other  
78 meetings may be called by the chair upon giving 7 days' notice to  
79 the public. The council may take public testimony.

80       (e) Members of the council shall serve without  
81 compensation, but are entitled to reimbursement for per diem and  
82 travel expenses, which shall be paid by the appointing entity.

83       (f) The Office of Legislative Services shall provide  
84 administrative staff support for the council. The Legislature's  
85 Office of Economic and Demographic Research shall provide  
86 technical and substantive staff support. The council staff  
87 members shall consist of an executive director and any other  
88 staff member determined to be necessary to the completion of the  
89 council's duties, subject to appropriations. Upon request of the  
90 chair of the council or the executive director, the Office of  
91 Program Policy Analysis and Government Accountability, the  
92 Department of Corrections and any other state agency or  
93 department, and the Office of the State Courts Administrator  
94 shall assist the council in providing necessary data collection,  
95 analysis, and research.

96       (g) The chair of the council shall develop a technical  
97 assistance agreement with the Justice Center of the Council of  
98 State Governments to work with the Justice Reinvestment  
99 Subcommittee to accomplish the review of the effectiveness of  
100 correctional policies as provided in subsection (2). The  
101 agreement shall include, but not be limited to, procedures for  
102 the Justice Center of the Council of State Governments to access  
103 the data collection, analysis and research capabilities of the  
104 agencies and offices listed in paragraph (f) of this subsection.

105       (5) On or before January 15 of each year, the council shall  
106 provide a report of its findings and recommendations to the



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107 Governor, the President of the Senate, the Speaker of the House  
108 of Representatives, and the Chief Justice of the Supreme Court.  
109 The council may provide the Legislature, the Governor, and the  
110 Supreme Court with additional reports of findings and  
111 recommendations at any time it deems appropriate. The council may  
112 integrate the recommendations of the Justice Reinvestment  
113 Subcommittee in its report or may issue a separate report  
114 reflecting the findings of the subcommittee.

115 (6) The President of the Senate or the Speaker of the House  
116 may also direct the council to report by a certain date the  
117 council's findings and recommendations regarding an issue  
118 pertinent to sentencing policy, sentencing practice, correctional  
119 policies, justice reinvestment initiatives, or laws affecting or  
120 applicable to sentencing or punishment.

121 Section 2. (1) The Sentencing Policy Advisory Council shall  
122 report to the Governor, the President of the Senate, the Speaker  
123 of the House of Representatives, and the Supreme Court its  
124 preliminary findings and recommendations regarding the following  
125 questions:

126 (a) Should the Legislature repeal any laws providing for a  
127 mandatory minimum sentence or modify such laws to provide for  
128 presumptive mandatory minimum sentences or exceptions to  
129 mandatory sentences in some circumstances?

130 (b) Do mandatory sentencing laws conflict with or undermine  
131 the purpose of the Criminal Punishment Code?

132 (c) Are particular criminal acts punished as more than one  
133 specific offense and, if so, has this resulted in duplication,  
134 confusion, or inconsistent penalties?



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135 (d) Are the penalties for particular felony or misdemeanor  
136 offenses disproportionate to those for other felonies or  
137 misdemeanor offenses of a similar nature or severity?

138 (e) Do current enhanced penalties or felony and misdemeanor  
139 reclassifications for repeat offenders result in duplication,  
140 confusion, or inconsistent penalties?

141 (f) Should the Legislature preclude the courts from  
142 sentencing to prison defendants convicted of third-degree  
143 felonies who score fewer than 44 total sentence points?

144 (g) Should the Legislature change the current "Truth in  
145 Sentencing" gain-time restrictions specified in s.  
146 944.275(4)(b)3., Florida Statutes, to more closely align with the  
147 federal minimum requirements?

148 (h) Should the Legislature authorize correctional probation  
149 officers to apply a continuum of administrative sanctions for  
150 technical probation violations that do not affect public safety?

151 (2) The council shall give priority to answering the  
152 questions provided in subsection (1) over other questions,  
153 issues, or matters that the council might consider relevant to  
154 its review of sentencing policy, sentencing practice, and  
155 sentencing laws as provided in s. 921.0019. If the council is  
156 unable to answer any question prior to the report of its findings  
157 and recommendations as required by s. 921.0019(4), the council  
158 shall either provide preliminary findings and recommendations  
159 regarding the question or report the council's progress in  
160 answering the question.

161 Section 3. This act shall take effect July 1, 2008.

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

164 And the title is amended as follows:



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165 Delete everything before the enacting clause  
166 and insert:

167 A bill to be entitled  
168 An act relating to sentencing and the development of more  
169 effective justice and correctional policies; creating s.  
170 921.0019, F.S.; creating the Sentencing Policy Advisory  
171 Council within the Legislature and a Justice Reinvestment  
172 Subcommittee within the Sentencing Policy Advisory  
173 Council; requiring the council to evaluate sentencing  
174 policy, sentencing practices, correctional policies,  
175 justice reinvestment initiatives, and laws affecting or  
176 applicable to sentencing or punishment; requiring the  
177 subcommittee to review the effectiveness of correctional  
178 policies, including sanctioning programs for low level  
179 drug and property offenders, mental health and substance  
180 abuse interventions, and reinvestment strategies to  
181 enhance the long-term effectiveness of correctional  
182 policies by reducing cost without negatively impacting  
183 public safety; requiring that recommendations be  
184 consistent with specified goals; providing membership of  
185 the council; providing for selection of the chair of the  
186 council; providing for an executive director and  
187 additional staff for the council, subject to  
188 appropriations; providing that members of the council  
189 serve without compensation, but are entitled to be  
190 reimbursed for per diem and travel expenses; requiring  
191 meetings and reports of findings and recommendations to  
192 the Governor, the Legislature, and the Florida Supreme  
193 Court; requiring the council to report its findings and



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194 | recommendations regarding specified questions by a  
195 | specified date; providing an effective date.