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604-02474B-10

Proposed Committee Substitute by the Committee on Criminal and
Civil Justice Appropriations

A bill to be entitled

An act relating to the Correctional Policy Advisory
Council; amending s. 921.0019, F.S.; requiring the
council to evaluate, among other issues, the
sentencing policies and sentencing practices of the
state, including consideration of the Criminal
Punishment Code, the degree and offense severity level
ranking of offenses, mandatory sentences, enhanced
penalties, felony and misdemeanor reclassifications,
and gain-time and early release mechanisms for the
purpose of making findings and recommendations on
changes to those policies; requiring the council to
meet at least once by a specified date; requiring the
Secretary of Corrections to convene an initial meeting
of the council as soon as practicable after the
specified date; requiring the council to report to the
Governor, the Legislature, and the Supreme Court its
findings and recommendations by answering certain
specified questions; requiring the council to give
priority to answering the specified questions;
requiring the council to submit preliminary findings
and recommendations if it is unable to answer a
question or questions; amending s. 2 of chapter 2008-
54, Laws of Florida; delaying the date that the
council is abolished; providing an effective date.

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



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Section 1. Section 921.0019, Florida Statutes, is amended to read:

921.0019 Correctional Policy Advisory Council.—

(1) The Correctional Policy Advisory Council is created within the Legislature for the purpose of evaluating sentencing policy, sentencing practices, correctional policies, justice reinvestment initiatives, and laws affecting or applicable to corrections, sentencing or punishment, including, but not limited to, the Criminal Punishment Code, the degree and offense severity level ranking of offenses, mandatory sentences, enhanced penalties, felony and misdemeanor reclassifications, and gain-time and early release mechanisms and for the purpose of making findings and recommendations on changes to such policy, reinvestment initiatives, and laws. The council shall serve in an advisory capacity to the Legislature and the Governor.

(2) A Justice Reinvestment Subcommittee within the Correctional Policy Advisory Council is created to review the availability of alternative sanctions for low-level drug and property offenders; the effectiveness of mental health and substance abuse diversion programs; the effectiveness of prison reentry practices; the feasibility of implementing a progressive sanctions system for probationers; the impact of jail overcrowding on the effectiveness of local alternative programs and sanctions; the effectiveness of supervision strategies; and the delivery of supervision and programs in neighborhoods that have a high proportion of supervised offenders.

(3) Any recommended change to sentencing policy, sentencing



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57 practices, correctional policies, justice reinvestment
58 initiatives, or laws affecting or applicable to corrections must
59 be consistent with the following goals:

60 (a) Protecting public safety, including, but not limited
61 to, ensuring the incarceration of violent criminal offenders and
62 nonviolent criminal offenders who commit repeated acts of
63 criminal behavior and who have demonstrated an inability to
64 comply with less restrictive penalties previously imposed for
65 nonviolent criminal acts; and

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

69 (4) (a) The council shall be composed of 10 members,
70 consisting of two members of the Senate appointed by the
71 President of the Senate; two members of the House of
72 Representatives appointed by the Speaker of the House of
73 Representatives; one representative of the victim advocacy
74 profession appointed by the Attorney General; the Attorney
75 General or her or his designee; and the Secretary of Corrections
76 or her or his designee. The following members shall be appointed
77 by the Governor: one state attorney from a list of three
78 nominees recommended by the Florida Prosecuting Attorneys
79 Association; one public defender from a list of three nominees
80 recommended by the Public Defenders Association; and one private
81 attorney from a list of three nominees recommended by the
82 President of The Florida Bar. The chair of the council shall be
83 selected by the members for a term of 1 year.

84 (b) The chair of the council shall appoint members of the
85 council to serve in a Justice Reinvestment Subcommittee to carry



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86 out the duties provided in subsection (2) and designate ex
87 officio members from state or local agencies to serve as
88 technical assistance advisors to the subcommittee.

89 (c) The council shall meet at least quarterly, and other
90 meetings may be called by the chair upon giving 7 days' notice
91 to the public. The council may take public testimony. However,
92 if the council has not convened at least once by September 1,
93 2010, the Secretary of Corrections shall organize an initial
94 meeting of the council as soon as practicable thereafter whether
95 or not all of the appointments are current and available.

96 (d) Members of the council shall serve without
97 compensation, but are entitled to reimbursement for per diem and
98 travel expenses, which shall be paid by the appointing entity.

99 (e) The Office of Legislative Services shall provide
100 administrative staff support for the council. The Legislature's
101 Office of Economic and Demographic Research shall provide
102 technical and substantive staff support. The council staff
103 members shall consist of an executive director and any other
104 staff member determined to be necessary to the completion of the
105 council's duties, subject to appropriations. Upon request of the
106 chair of the council or the executive director, the Office of
107 Program Policy Analysis and Government Accountability, the
108 Department of Corrections and any other state agency or
109 department, and the Office of the State Courts Administrator
110 shall assist the council in providing necessary data collection,
111 analysis, and research.

112 (f) The chair of the council shall develop a technical
113 assistance agreement with the Justice Center of the Council of
114 State Governments to work with the Justice Reinvestment



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115 Subcommittee to accomplish the review of the effectiveness of
116 correctional policies as provided in subsection (2). The
117 agreement shall include, but not be limited to, procedures for
118 the Justice Center of the Council of State Governments to access
119 the data collection, analysis, and research capabilities of the
120 agencies and offices listed in paragraph (e).

121 (5) On or before January 15 of each year, the council shall
122 provide a report of its findings and recommendations to the
123 Governor, the President of the Senate, and the Speaker of the
124 House of Representatives. The council may provide the
125 Legislature and the Governor with additional reports of findings
126 and recommendations at any time it deems appropriate. The
127 council may integrate the recommendations of the Justice
128 Reinvestment Subcommittee in its report or may issue a separate
129 report reflecting the findings of the subcommittee.

130 (6) The President of the Senate or the Speaker of the House
131 of Representatives may also direct the council to report by a
132 certain date the council's findings and recommendations
133 regarding an issue pertinent to sentencing policy, sentencing
134 practices, correctional policies, justice reinvestment
135 initiatives, or laws affecting or applicable to corrections.

136 (7) The Correctional Policy Advisory Council shall submit a
137 report to the Governor, the President of the Senate, the Speaker
138 of the House of Representatives, and the Supreme Court
139 containing its findings and recommendations regarding the
140 following questions:

141 (a) Should the Legislature repeal any laws providing for a
142 mandatory minimum sentence or modify such laws to provide for
143 presumptive mandatory minimum sentences or exceptions to



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144 mandatory sentences in some circumstances?

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

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

150 (d) Are the penalties for particular felony or misdemeanor
151 offenses disproportionate to those for other felonies or
152 misdemeanor offenses of a similar nature or severity?

153 (e) Do current enhanced penalties or felony and misdemeanor
154 reclassifications for repeat offenders result in duplication,
155 confusion, or inconsistent penalties?

156 (f) Should the Legislature preclude the courts from
157 sentencing to prison defendants who are convicted of third-
158 degree felonies and who score fewer than 44 total sentence
159 points?

160 (g) Should the Legislature change the current "Truth in
161 Sentencing" gain-time restrictions specified in s.
162 944.275(4)(b)3. to more closely align with the federal minimum
163 requirements?

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

167 (8) The council shall give priority to answering the
168 questions provided in subsection (7) over other questions,
169 issues, or matters that the council might consider relevant to
170 its review of sentencing policy, sentencing practice, and
171 sentencing laws. If the council is unable to answer a question
172 before submitting its report, the council shall provide



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173 preliminary findings and recommendations on the unanswered
174 question or questions and report on the progress the council is
175 making to answer the unanswered question or questions.

176 Section 2. Section 2 of chapter 2008-54, Laws of Florida,
177 is amended to read:

178 Section 2. The Correctional Policy Advisory Council shall
179 be abolished on July 1, 2012 ~~2011~~.

180 Section 3. This act shall take effect July 1, 2010.