

By the Committee on Criminal and Civil Justice Appropriations;  
and Senator Crist

604-03293-10

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1                   A bill to be entitled  
2           An act relating to the Correctional Policy Advisory  
3           Council; amending s. 921.0019, F.S.; requiring the  
4           council to evaluate, among other issues, the  
5           sentencing policies and sentencing practices of the  
6           state, including consideration of the Criminal  
7           Punishment Code, the degree and offense severity level  
8           ranking of offenses, mandatory sentences, enhanced  
9           penalties, felony and misdemeanor reclassifications,  
10          and gain-time and early release mechanisms for the  
11          purpose of making findings and recommendations on  
12          changes to those policies; requiring the council to  
13          meet at least once by a specified date; requiring the  
14          Secretary of Corrections to convene an initial meeting  
15          of the council as soon as practicable after a  
16          specified date; requiring the council to report to the  
17          Governor, the Legislature, and the Supreme Court its  
18          findings and recommendations by answering certain  
19          specified questions; requiring that the council give  
20          priority to answering the questions; requiring the  
21          council to submit preliminary findings and  
22          recommendations if it is unable to answer a question  
23          or questions; amending s. 2 of chapter 2008-54, Laws  
24          of Florida; delaying the date that the council is  
25          abolished; providing an effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

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29          Section 1. Section 921.0019, Florida Statutes, is amended

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30 to read:

31 921.0019 Correctional Policy Advisory Council.—

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

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

56 (3) Any recommended change to sentencing policy, sentencing  
57 practices, correctional policies, justice reinvestment  
58 initiatives, or laws affecting or applicable to corrections must

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

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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  
115 Subcommittee to accomplish the review of the effectiveness of  
116 correctional policies as provided in subsection (2). The

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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  
144 mandatory sentences in some circumstances?

145 (b) Do mandatory sentencing laws conflict with or undermine

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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  
173 preliminary findings and recommendations regarding the  
174 unanswered question or questions and report on the progress the

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175 council is making to answer the unanswered question or  
176 questions.

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

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

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