



Criminal and Civil Justice Appropriations Committee

Wednesday, March 10, 2010

3:00 PM – 6:00 PM

102 HOB - Reed Hall

Meeting Packet

**Larry Cretul
Speaker**

**Sandra Adams
Chair**



AGENDA

Criminal & Civil Justice Appropriations Committee

March 10, 2010

3:00 p.m. – 6:00 p.m.

102 HOB – Reed Hall

- I. Call to order/Roll Call
- II. Opening Remarks
- III. Welcome/Introductions
- IV. Consideration of the following bill(s):
 - HB 259 Capital Felonies by Weinstein
 - CS/HB 297 Vehicle Crashes Involving Death by Public Safety & Domestic Security Policy Committee, Planas
 - CS/HB 317 Threats by Public Safety & Domestic Security Policy Committee, Adkins
- V. Presentation on Automating Time and Attendance in Department of Corrections by Tammy Parker and Karla Wilkins
- VI. Presentation on Dozier School by the Department of Juvenile Justice Rod Love, Deputy Secretary
- VII. Budget workshop
- VIII. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 259 Capital Felonies

SPONSOR(S): Weinstein

TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Public Safety & Domestic Security Policy Committee	12 Y, 0 N	Kramer	Cunningham
2)	Criminal & Civil Justice Appropriations Committee		McAuliffe	Davis
3)	Criminal & Civil Justice Policy Council			
4)				
5)				

SUMMARY ANALYSIS

When a defendant is convicted of capital murder, a separate sentencing proceeding is conducted before the trial jury to determine whether the defendant should be sentenced to death or to life imprisonment. After hearing evidence, the jury renders an advisory sentence to the judge based on whether sufficient aggravating circumstances exist, whether sufficient mitigating circumstances exist which outweigh the aggravating circumstances found to exist; and based on these considerations, whether the defendant should be sentenced to life imprisonment or death. The judge is not required to sentence a defendant as recommended by the jury. If the judge sentences a person to death, the judge must make written findings that there are sufficient aggravating circumstances and insufficient mitigating circumstances to outweigh the aggravating circumstances.

The bill adds to the list of aggravating circumstances that can be considered by the jury and judge in the sentencing phase of a capital case that the capital felony was committed by a person subject to an injunction for protection against repeat violence, sexual violence or dating violence or a foreign domestic violence injunction, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

The Criminal Justice Impact Conference met February 23, 2010, and found the bill would have no prison bed impact.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Capital sentencing: Section 921.141, F.S., is Florida's death penalty statute. When a defendant is convicted of capital murder, a separate sentencing proceeding is conducted before the trial jury to determine whether the defendant should be sentenced to death or to life imprisonment.¹ After hearing evidence, the jury renders an advisory sentence to the judge based on the following factors:

- Whether sufficient aggravating circumstances exist;
- Whether sufficient mitigating circumstances exist which outweigh the aggravating circumstances found to exist; and
- Based on these considerations, whether the defendant should be sentenced to life imprisonment or death.²

The judge is not required to sentence a defendant as recommended by the jury. If the judge sentences a person to death, the judge must make written findings that there are sufficient aggravating circumstances and insufficient mitigating circumstances to outweigh the aggravating circumstances.³

The aggravating factors that may be considered are limited by statute. Section 921.141(5), F.S., provides:

(5) AGGRAVATING CIRCUMSTANCES.--Aggravating circumstances shall be limited to the following:

- The capital felony was committed by a person previously convicted of a felony and under sentence of imprisonment or placed on community control or on felony probation.
- The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person.
- The defendant knowingly created a great risk of death to many persons.
- The capital felony was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit,

¹ s. 921.141(1), F.S.

² s. 921.141(2), F.S.

³ s. 921.141(3), F.S.

any: robbery; sexual battery; aggravated child abuse; abuse of an elderly person or disabled adult resulting in great bodily harm, permanent disability, or permanent disfigurement; arson; burglary; kidnapping; aircraft piracy; or unlawful throwing, placing, or discharging of a destructive device or bomb.

- The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.
- The capital felony was committed for pecuniary gain.
- The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.
- The capital felony was especially heinous, atrocious, or cruel.
- The capital felony was a homicide and was committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification.
- The victim of the capital felony was a law enforcement officer engaged in the performance of his or her official duties.
- The victim of the capital felony was an elected or appointed public official engaged in the performance of his or her official duties if the motive for the capital felony was related, in whole or in part, to the victim's official capacity.
- The victim of the capital felony was a person less than 12 years of age.
- The victim of the capital felony was particularly vulnerable due to advanced age or disability, or because the defendant stood in a position of familial or custodial authority over the victim.
- The capital felony was committed by a criminal gang member, as defined in s. 874.03, F.S.
- The capital felony was committed by a person designated as a sexual predator pursuant to s. 775.21, F.S., or a person previously designated as a sexual predator who had the sexual predator designation removed.

Mitigating factors are not limited by statute but may include:

- The defendant has no significant history of prior criminal activity.
- The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.
- The victim was a participant in the defendant's conduct or consented to the act.
- The defendant was an accomplice in the capital felony committed by another person and his or her participation was relatively minor.
- The defendant acted under extreme duress or under the substantial domination of another person.
- The capacity of the defendant to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired.
- The age of the defendant at the time of the crime.

- The existence of any other factors in the defendant's background that would mitigate against imposition of the death penalty.⁴

Protective injunctions: Section 784.046, F.S. provides criteria for the issuance by a judge of an injunction for protection against repeat violence,⁵ sexual violence⁶ or dating violence⁷ upon the filing of a petition by the victim. When it appears to the court that an immediate and present danger of violence exists, the court may issue a temporary injunction which may be granted without the respondent being present.⁸ The temporary injunction is effective for not more than 15 days unless the judge finds that there is good cause to continue the injunction. A full hearing must be held before the temporary injunction expires. Any final injunction issued after the full hearing remains in effect until it is modified or dissolved by the judge.⁹

Section 741.315, F.S. provides that an injunction for protection against domestic violence issued by a court of a foreign state must be accorded full faith and credit by the courts of this state and enforced by a law enforcement agency as if it were the order of a Florida court.

Changes made by bill: The bill amends s. 921.141, F.S. to include an additional aggravating circumstance that can be considered by the jury and judge in the sentencing phase of a capital case when the capital felony was committed by a person subject to an injunction issued pursuant to s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

B. SECTION DIRECTORY:

Section 1: Amends s. 921.141, F.S. relating to sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.

Section 2: Provides effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

⁴ s. 91.141(6), F.S.

⁵ "Repeat violence" is defined to mean two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member.

⁶ "Sexual violence" is defined to mean any one incident of:

1. Sexual battery, as defined in chapter 794, F.S.;
2. A lewd or lascivious act, as defined in chapter 800, F.S., committed upon or in the presence of a person younger than 16 years of age;
3. Luring or enticing a child, as described in chapter 787, F.S.;
4. Sexual performance by a child, as described in chapter 827, F.S.; or
5. Any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.

⁷ "Dating violence" is defined to mean violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A dating relationship must have existed within the past 6 months;
2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

⁸ s. 784.046(6), F.S.

⁹ s. 784.046(7)(c), F.S.

1. Revenues:

None.

2. Expenditures:

The State Attorneys have reported that the additional aggravating factor created by the bill would not create any significant workload or constitutional issue of concern. Similarly, according to the Office of the State Court Administrator, such workload increases will likely be minimal. The Public Defenders, however, state the bill would have an indeterminate impact on their workload.

The Criminal Justice Impact Conference met on February 23, 2010, and found the bill would have no prison bed impact.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

As drafted the bill adds an aggravating factor to the death penalty statute when the capital felony was committed by a person subject to an injunction issued pursuant to s. 784.046, F.S. Section 784.046, F.S. relates generally to a petition for protection from repeat violence, sexual violence, or dating violence. *Domestic violence* injunctions are referenced in chapter 741. The bill refers to section 741.315, F.S. which relates to protective orders issued in other states but not in this state. If the intent was to create an aggravating circumstance for a person who was the subject of a domestic violence injunction issued in this state, a reference to section 741.30 should be included in the bill.

The bill has an effective date of July 1, 2010. It may be preferable to have a later effective date to provide sufficient time to train judges, prosecutors and defense counsel on the changes made by the bill.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to capital felonies; amending s. 921.141,
3 F.S.; providing that it shall be an aggravating
4 circumstance for the purpose of determining sentence if a
5 capital felony was committed by a person subject to an
6 injunction or protection order against the petitioner who
7 obtained that injunction or order or any of certain
8 related persons; providing an effective date.

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

11
12 Section 1. Paragraph (p) is added to subsection (5) of
13 section 921.141, Florida Statutes, to read:

14 921.141 Sentence of death or life imprisonment for capital
15 felonies; further proceedings to determine sentence.--

16 (5) AGGRAVATING CIRCUMSTANCES.--Aggravating circumstances
17 shall be limited to the following:

18 (p) The capital felony was committed by a person subject
19 to an injunction issued pursuant to s. 784.046, or a foreign
20 protection order accorded full faith and credit pursuant to s.
21 741.315, and was committed against the petitioner who obtained
22 the injunction or protection order or any spouse, child,
23 sibling, or parent of the petitioner.

24 Section 2. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 297 Vehicle Crashes Involving Death
SPONSOR(S): Public Safety & Domestic Security Policy Committee: Planas
TIED BILLS: IDEN./SIM. BILLS:

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Rows include committees like Public Safety & Domestic Security Policy Committee, Policy Council, Criminal & Civil Justice Appropriations Committee, and Criminal & Civil Justice Policy Council.

SUMMARY ANALYSIS

Statutory law requires the driver of any vehicle involved in a crash that results in a person's death or injury to immediately stop at the scene and remain there until fulfilling certain statutory duties, including assisting the injured and, insofar as possible, providing vehicular and personal identifying information.

The CS/HB 297 provides that a person arrested for failure to stop a vehicle at the scene of an accident involving the death of any person and who has previously been convicted of leaving the scene of an accident, racing on highways, reckless driving, driving under the influence, or driving while license suspended, revoked, canceled, or disqualified must be held in custody until first appearance for a determination of bail.

The bill appears to have a minimal fiscal impact on local jail beds.

The bill provides an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Law

Section 316.027(b), F.S., provides that the driver of any vehicle involved in a crash occurring on public or private property that results in the death of any person must immediately stop the vehicle at the scene of the crash, or as close thereto as possible, and must remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062¹. Any person who willfully violates this subsection commits a first degree felony².

Section 901.02, F.S., provides that a law enforcement officer may arrest a person who commits a crime if the officer obtains an arrest warrant signed by a judge. At the time of the issuance of the warrant, the judge may set a bond amount³ or, in some circumstances⁴, require the arrestee be held until first appearance⁵ for determination of a bond amount⁶. A person arrested on a warrant with a

¹ Section 316.062, F.S. provides that a driver of a vehicle involved in a crash resulting in death or serious bodily injury or damage to any vehicle or other property driven or attended by any person must provide his or her name, address, and the registration number of the vehicle he or she is driving, and must provide a driver's license to a police officer or other person involved in the crash. Section 316.062, F.S. provides the driver of any vehicle involved in a crash must report the incident to the nearest police department.

² A first degree felony is punishable by imprisonment for up to 30 years and a maximum \$10,000 fine. Sections 775.082, 775.083, F.S.

³ A bond amount can also include the amount of "no bond." A defendant is held with no bond if warrant is issued for an offense where the defendant has committed a dangerous crime, there is a substantial probability the defendant committed the crime, the facts of the crime indicate the defendant has a disregard for the safety of the community, and the defendant poses such a harm to the community that no conditions of release can reasonably protect the community (e.g. homicide, robbery, sexual battery, etc.). 907.041(4)(c)5, F.S.

⁴ Section 741.2901(3), F.S. provides that a defendant arrested for domestic violence shall be held in custody until brought before the court for admittance to bail under Chapter 903. At first appearance the court must consider the safety of the victim if the defendant is released.

⁵ Florida Rule of Criminal Procedure 3.130 requires the state to bring an arrestee before a judge for a first appearance within 24 hours of arrest. At first appearance, a judge determines if there is probable cause to hold the arrestee, provides the arrestee notice of the charges against them, and advises the arrestee of his or her rights. If an arrestee is eligible for bail, the judge conducts a hearing in accordance with s. 903.046, F.S.

⁶ Section 903.046, F.S. provides criteria a judge may consider in determining a bail amount.

predetermined bond amount may immediately bond out of jail following an arrest by posting the bond amount.

A law enforcement officer may arrest a person who commits a felony without a warrant if the officer reasonably believes a felony has been committed.⁷ In this case, the arrestee is generally held until first appearance for a determination of probable cause and bail amount. In some jurisdictions, a bond schedule with predetermined bond amounts for certain offenses is agreed to and provided by judicial officers to the county detention facility. If an arrestee meets the requirements of the bond schedule, the arrestee may bond out of jail for the predetermined bond amount. This eliminates the need for an arrestee to make a first appearance before a judge.

Proposed Changes

The CS/HB 297 requires a person who has been arrested for failure to stop a vehicle at the scene of an accident involving death to be held in custody for the court to set bail at first appearance if the person has previously been convicted of leaving the scene of an accident, racing on highways, reckless driving, driving under the influence (DUI), or driving while license suspended, revoked, canceled, or disqualified.⁸ This would prevent judges who issue warrants for failure to stop a vehicle at the scene of an accident involving death from setting a predetermined bond amount in an arrest warrant. The CS would also prevent local jurisdictions from placing the offense on a bond schedule with predetermined bond amounts.

B. SECTION DIRECTORY:

Section 1. Amends s. 316.027, relating to crashes involving death or personal injury.

Section 2. Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

There could be a potential jail bed impact since defendants arrested under the provisions of the CS/HB 297 would be required to remain in jail until first appearance. Since first appearance must occur within 24 hours of arrest, the impact is likely to be minimal.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

⁷ Section 901.15

⁸ Leaving accident scene (ss. 316.027 & 316.061, F.S.); racing on highways (s. 316.191, F.S.) reckless driving (s. 316.192, F.S.); DUI (s. 316.193, F.S.); driving while license suspended, revoked, etc. (s. 322.34, F.S.)

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On January 12, 2010, the Public Safety & Domestic Security Policy Committee adopted a strike-all amendment which limited the scope of the persons affected by the bill to persons who have been previously convicted of leaving the scene of an accident, racing on highways, reckless driving, driving under the influence, or driving while license suspended, revoked, canceled, or disqualified.

The bill was reported favorably as a Committee Substitute. The analysis reflects the Committee Substitute.

1 A bill to be entitled
 2 An act relating to vehicle crashes involving death;
 3 amending s. 316.027, F.S.; requiring that a defendant
 4 arrested for leaving the scene of a crash involving death
 5 must be held in custody until brought before a judge for
 6 admittance to bail in certain circumstances; providing an
 7 effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Paragraph (b) of subsection (1) of section
 12 316.027, Florida Statutes, is amended to read:

13 316.027 Crash involving death or personal injuries.—

14 (1)

15 (b) The driver of any vehicle involved in a crash
 16 occurring on public or private property that results in the
 17 death of any person must immediately stop the vehicle at the
 18 scene of the crash, or as close thereto as possible, and must
 19 remain at the scene of the crash until he or she has fulfilled
 20 the requirements of s. 316.062. A person who is arrested for a
 21 violation of this paragraph and who has previously been
 22 convicted of a violation of s. 316.027, s. 316.061, s. 316.191,
 23 s. 316.192, s. 316.193, or s. 322.34 shall be held in custody
 24 until brought before the court for admittance to bail in
 25 accordance with chapter 903. Any person who willfully violates
 26 this paragraph commits a felony of the first degree, punishable
 27 as provided in s. 775.082, s. 775.083, or s. 775.084. Any person
 28 who willfully commits such a violation ~~violates this paragraph~~

CS/HB 297

2010

29 | while driving under the influence as set forth in s. 316.193(1)
30 | shall be sentenced to a mandatory minimum term of imprisonment
31 | of 2 years.

32 | Section 2. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 317 Threats

SPONSOR(S): Adkins and others

TIED BILLS: IDEN./SIM. BILLS: SB 860

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Public Safety & Domestic Security Policy Committee	12 Y, 0 N, As CS	Krol	Cunningham
2) Criminal & Civil Justice Appropriations Committee		McAuliffe	Davis
3) Criminal & Civil Justice Policy Council			
4)			
5)			

SUMMARY ANALYSIS

Section 836.10, F.S., provides that a person commits a second degree felony if the person writes and sends a letter or inscribed communication containing a threat to injure or kill the person to whom the letter or communication is addressed, or a family member of the person to whom the letter or communication is sent. The letter may be signed or sent anonymously. The statute does not specifically include letters or communications written, composed, or sent by *electronic* means.

The bill adds "electronic communication" to the existing statute. Any threats sent in this manner would be punishable by a second degree felony.

The Criminal Justice Impact Conference met February 23, 2010, and could not determine the prison bed impact of this bill because the number of persons that will make electronic threats of death or injury cannot be quantified. However, there were only six people sentenced to state prison in 2008-09 under the current law.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Section 836.10, F.S., provides that a person commits a second degree felony¹ if the person writes and sends a letter or inscribed communication containing a threat to injure or kill the person to whom the letter or communication is addressed, or a family member of the person to whom the letter or communication is sent. The letter or communication may be signed or sent anonymously.

The statute does not specifically include letters or communications written, composed, or sent by *electronic* means.

Proposed Changes

The bill amends s. 836.10, F.S., to add "electronic communication" to the existing statute. Any threats sent in this manner would be punishable by a second degree felony.

B. SECTION DIRECTORY:

Section 1: Amends s. 836.10, F.S., relating to written threats to kill or do bodily injury; punishment.

Section 2: Provides an effective date of October 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Criminal Justice Impact Conference met February 23, 2010, and could not determine the prison bed impact of this bill because the number of persons that will make electronic threats of death or

¹ A second degree felony is punishable by up to 15 years imprisonment and a maximum \$10,000 fine. Sections 775.082, 775.083, 775.084, F.S.

injury cannot be quantified. However, there were only six people sentenced to state prison in 2008-09 under the current law.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

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A bill to be entitled
 An act relating to threats; amending s. 836.10, F.S.;
 revising provisions relating to the sending of or
 procuring the sending of letters or inscribed
 communications containing certain threats of death or
 bodily injury; including electronic communications in
 provisions; providing an effective date.

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

Section 1. Section 836.10, Florida Statutes, is amended to
 read:

836.10 Written threats to kill or do bodily injury;
 punishment.—~~If~~ Any person who writes or composes and also sends
 or procures the sending of any letter, or ~~or~~ inscribed
 communication, or electronic communication, ~~so written or~~
~~composed~~, whether such letter or communication be signed or
 anonymous, to any person, containing a threat to kill or to do
 bodily injury to the person to whom such letter or communication
 is sent, or a threat to kill or do bodily injury to any member
 of the family of the person to whom such letter or communication
 is sent commits, ~~the person so writing or composing and so~~
~~sending or procuring the sending of such letter or~~
~~communication~~, shall be guilty of a felony of the second degree,
 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect October 1, 2010.

Program Efficiencies and Alternatives for Cost Savings: Automated Time & Attendance

TIME & ATTENDANCE

SCHEDULING

ABSENCE MANAGEMENT

HR & PAYROLL

HIRING

LABOR ANALYTICS



Presented by
Tammy Parker & Karla Wilkins, Kronos, Inc.

Why Automated Time & Attendance?

1. Reduced payroll errors

Plus

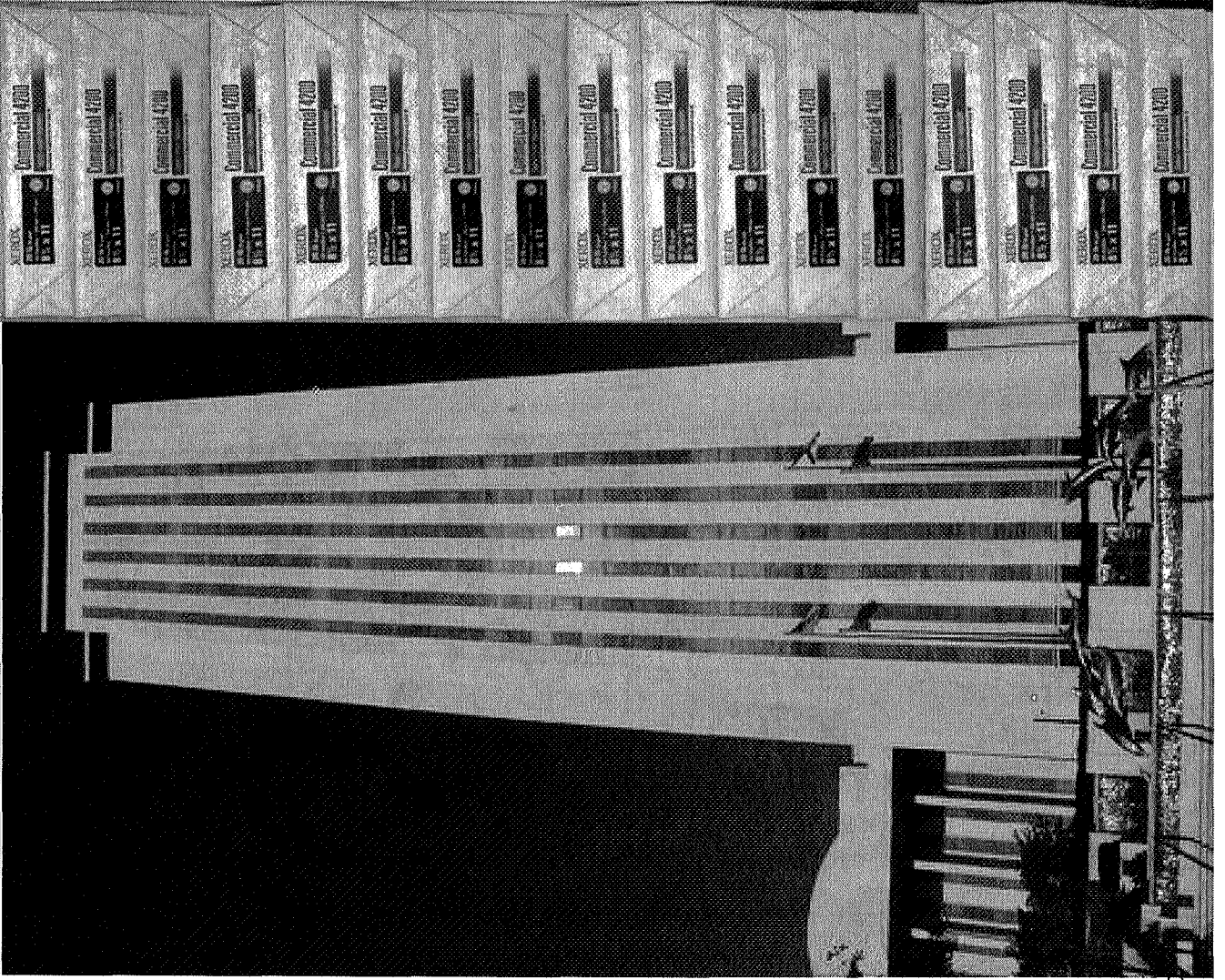
2. Reduced overtime & enhanced scheduling

Plus

3. Improved administrative efficiency by eliminating tens of thousands of paper time sheets & reduced processing time

Equals

Hard Cost Savings





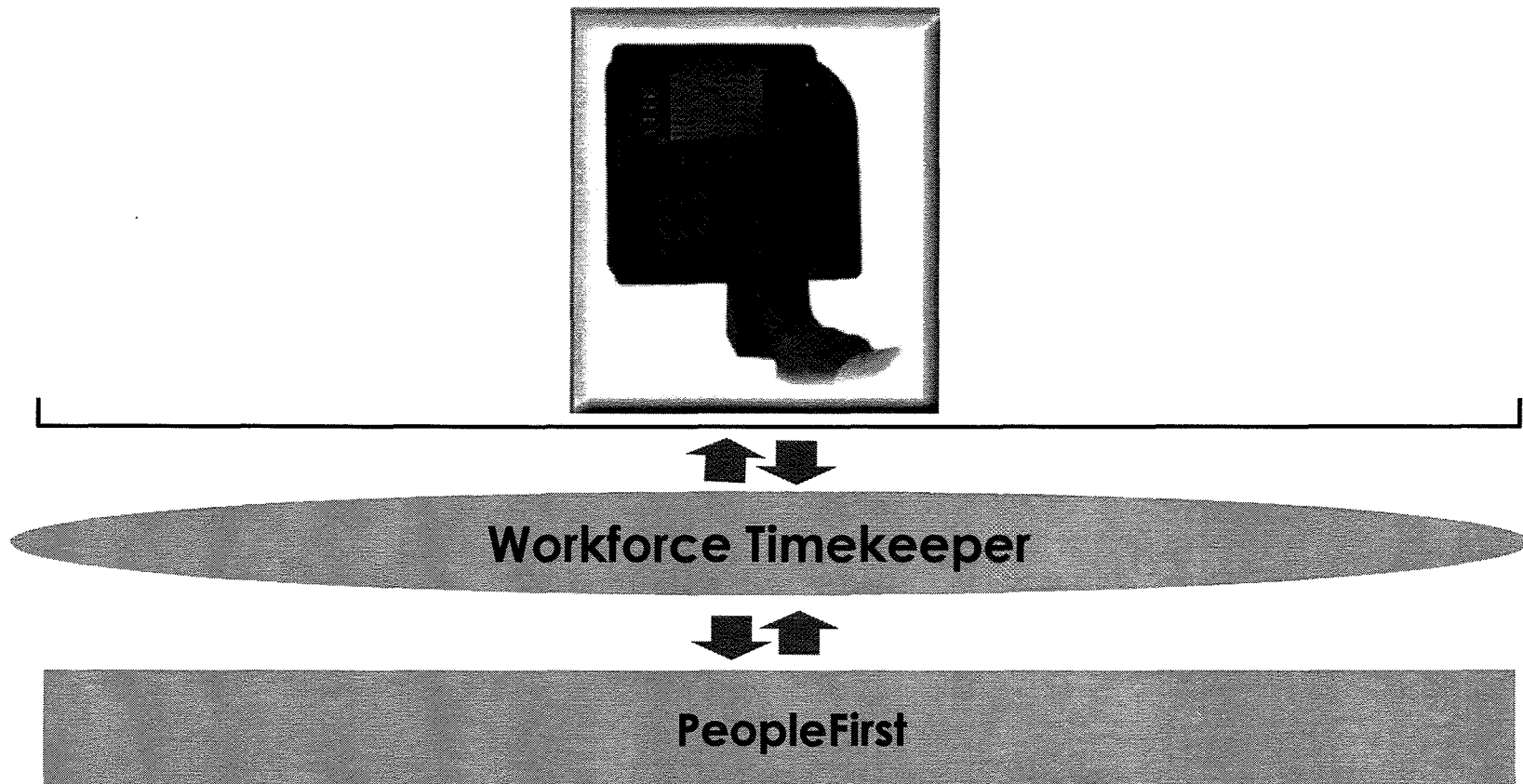
Some Organizations That Have Already Automated Time and Attendance

- Alabama Department of Corrections
- Mississippi Department of Corrections
- Georgia Department of Juvenile Justice
- Ohio Department of Corrections
- The Geo Group
- Corrections Corporation of America
- Cornell Companies
- State of Florida-Department of Children and Families- North Florida Evaluation and Treatment Center
- Orange County Florida & Hillsborough County Sheriff's Office

Business Impact of Deployment

- Department of Corrections Feasibility Study – 2005
 - Detailed feasibility study projected cost savings of **\$8.5 million** each year (recurring)
 - Reduction in payroll errors
 - Data entry cost savings
 - Productivity savings- 52,000 hours can be returned to the core mission
 - Reduced overtime and improved scheduling

How Does It Work?



Seamless Integration with visibility to real-time, actionable data

Options for Implementation

- Automated Time & Attendance is now offered under state term contract through the U.S. Communities Contract – Ease of procurement
- Under this state term contract, agencies can cost-effectively lease equipment and pay for it on a monthly or quarterly basis - No upfront appropriation needed.
- Agencies pay for Automated Time & Attendance System from the savings derived from:
 - reduced payroll errors, reduced overtime costs, and administrative efficiencies achieved by eliminating paper/labor intensive timesheet processing.

FL Dept of Corrections

Cost Savings Example- Single Region of 3000 Employees

Product/Service	Quantity	Unit	Assumptions:
Kronos Workforce Timekeeper Software	3000	Licenses	
Kronos Workforce Managers Software	300	Licenses	
Kronos Workforce Employee Software	1500	Licenses	1. Estimated region headcount of 3,000 and payroll of \$150,000,000
Kronos Workforce Record Manager Software	3000	Licenses	2. Estimated savings (error rate reduction ONLY) of \$1,800,000 (1.2% of total payroll) annually *
Kronos Workforce Connect Unlimited Software	3000	Licenses	3. Savings begin 90 days following system acceptance, then are \$150,000 per month
Kronos Biometric T&A Clocks	65	Devices	4. First payment is due 90 days after acceptance
Kronos Implementation & Integration Services	1500	Hours	
Kronos Year 4 Upgrade Services	500	Hours	
Kronos User & Management Training Services	1	Services	
GTSI Wiring & Cabling Services for Clocks	65	Locations	
GTSI Application Servers	3	Devices	
GTSI PS Server Implementation Services	40	Hours	
GTSI Project Management Services	96	Hours	
Annual Solution Support Services	6	Years	

Payment Plan & ROI Summary	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16	Totals
Monthly Payment Amount	\$ 38,150	\$ 38,150	\$ 38,150	\$ 9,585	\$ 9,585	\$ 9,585	
Annual Solution Cost (TCO)	\$ 457,800	\$ 457,800	\$ 457,800	\$ 115,020	\$ 115,020	\$ 115,020	\$ 1,718,460
Payroll Error Reduction Savings	\$ 1,800,000	\$ 1,800,000	\$ 1,800,000	\$ 1,800,000	\$ 1,800,000	\$ 1,800,000	\$ 10,800,000
Net Agency Savings	\$ 1,342,200	\$ 1,342,200	\$ 1,342,200	\$ 1,684,980	\$ 1,684,980	\$ 1,684,980	\$ 9,081,540

Total Estimated DOC Savings if Time and Attendance solution is implemented in all 4 regions = \$36,326,160

* The expected return from Payroll Error Rate reduction associated with a Kronos deployment was identified in a study by Nucleus Research, Inc. Nucleus is the leading global research firm in analyzing the return on investment resulting from Technology solutions.

Closing Thoughts & Recommendations

- DOC has a bid out right now for a nurse-scheduling solution. Scheduling is a sub-set of automated Time and Attendance.
- The same exact concept DOC is planning to implement for nurse scheduling system Plus Automated Time & Attendance can be implemented now and be done quickly for all DOC correctional facility operations to reduce costs.
- Automated Time & Attendance can be deployed in FY 2010-11 **and** generate savings in FY 2010-11.



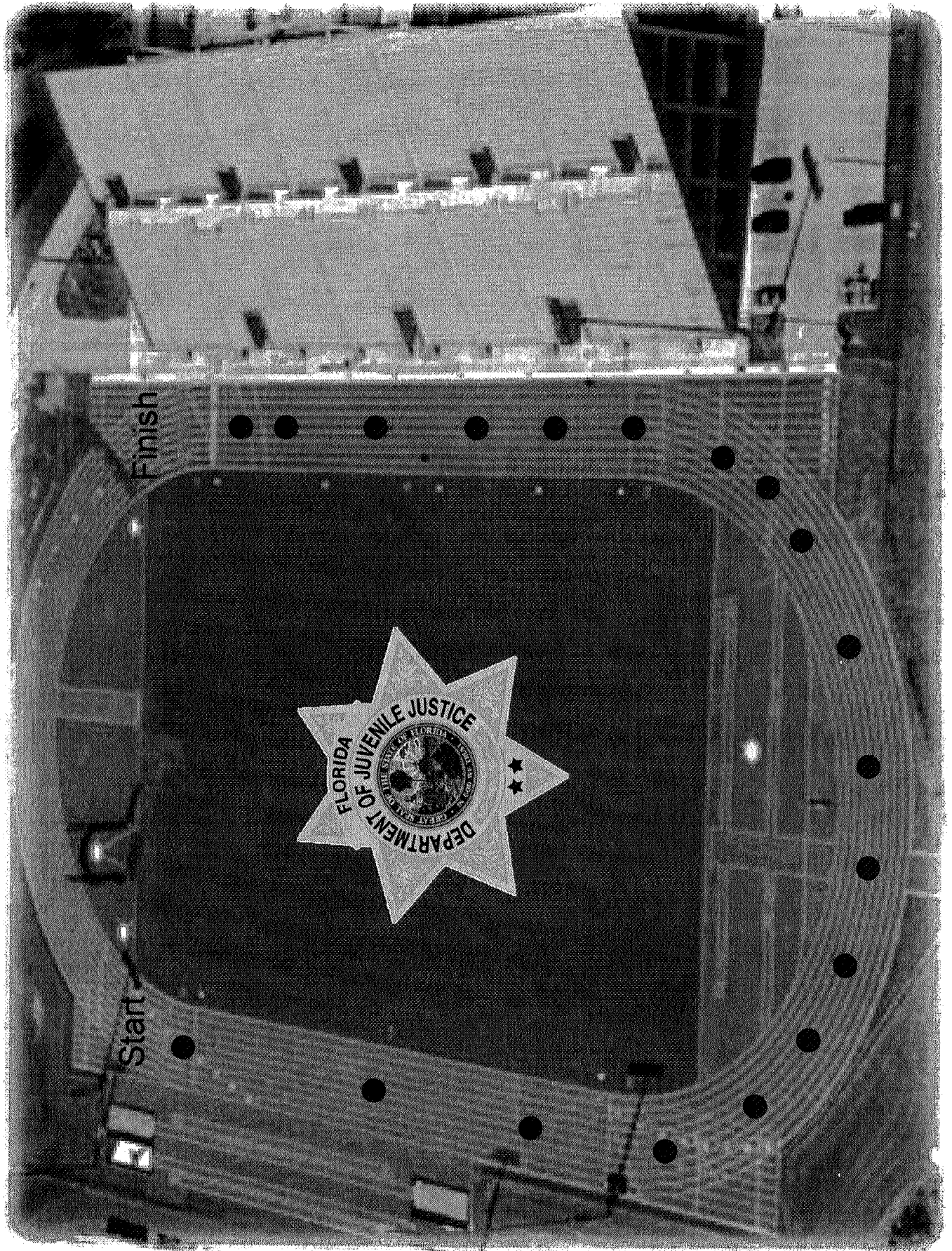
Dozier Update
House Criminal and Civil Justice
Appropriations Committee

Chairwoman Sandy Adams

March 9, 2010

Charlie Crist, Governor

Frank Peterman, Jr., Secretary





● **Oct. 13-16, 2009**
Dozier Security Audit

● **Oct. 27-29, 2009**
Quality Assurance
Review-Failed Health,
Safety & Security

● **Nov. 10, 2009**
Reduced Bed Capacity

● **Dec. 4, 2009**
Designated Health
Authority vacancy filled

● **Dec. 21, 2009**
Superintendent Requests
Demotion



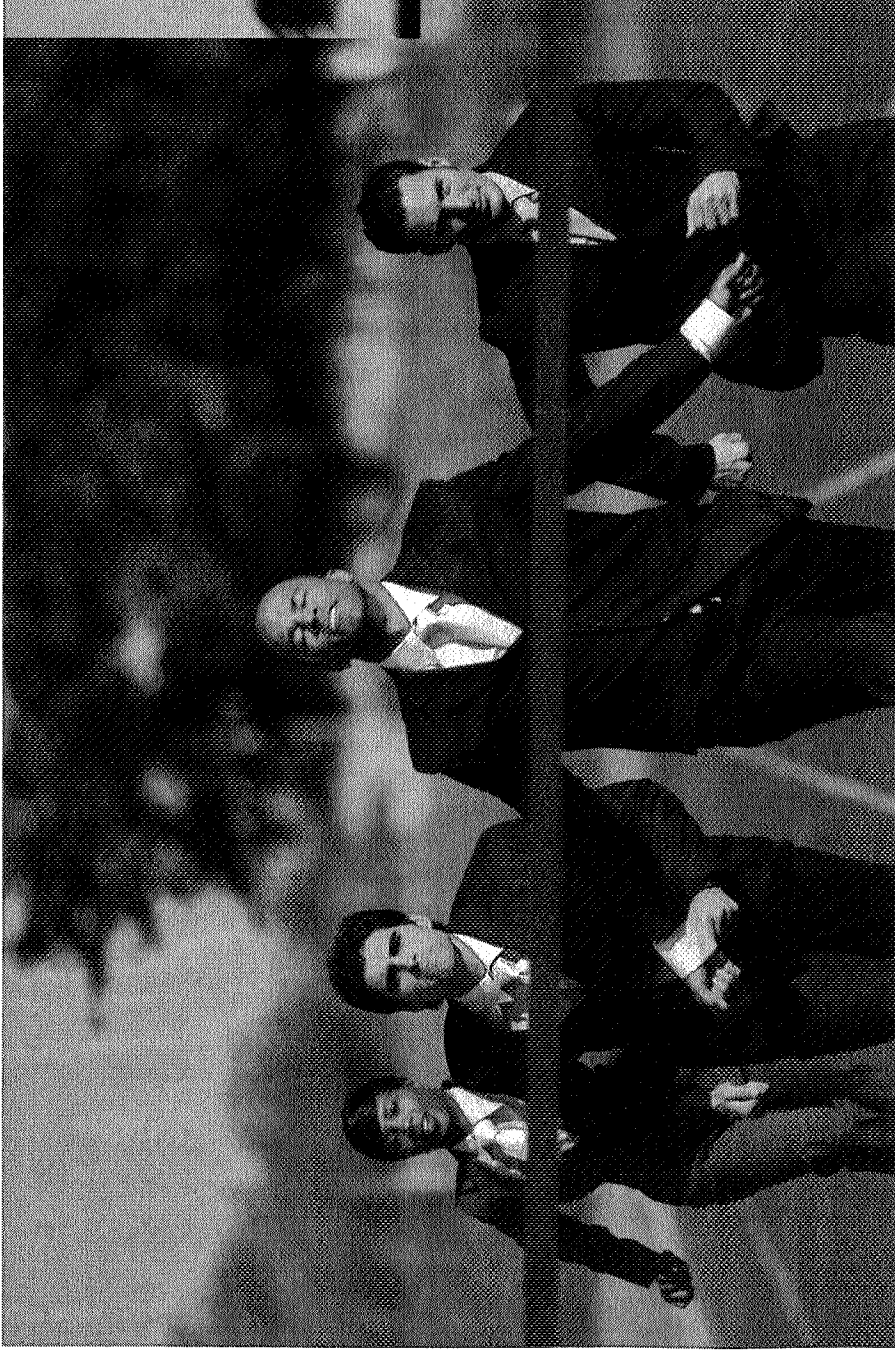
- **Jan. 4, 2010**
Complex Superintendent Replaced
- **Jan. 12, 2010**
Presentation to House Criminal and Civil Justice Appropriations
- **Jan. 15, 2010**
Seven new members added to Community Advisory Board
- **Jan. 14-16, 2010**
National consultant on-site performing assessment
- **Jan. 15, 2010**
“Direct Dial” Abuse Registry Pilot Project started
- **Jan. 15, 2010**
New key control system implemented
- **Jan. 15, 2010**
Program Support Team On-Site
- **Jan. 21, 2010**
Senate Criminal and Civil Justice Appropriations



- **Feb. 4, 2010**
First meeting of community support group
- **Feb. 15, 2010**
Behavior Management Workgroup started
- **Feb. 22-24, 2010**
Regional Monitoring Conducted
- **Feb. 22-24, 2010**
Program found in compliance w/Health care standards. DHA and Nursing Positions remain filled
- **March. 10, 2010**
Meeting to establish 501(c)3 to preserve and improve Dozier
- **March. 10, 2010**
Community Advisory Board meeting with Deputy Secretary and leadership team

Quality Assurance Review

By April, 2010



Criminal and Civil Justice Appropriations Committee

Broad GR Budget Reduction Options FY 2010-11*						
Number	D3A Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	ALL TRUST FUNDS	ALL FUNDS
1	<u>Corrections</u>					
2	Eliminate Substance Abuse Programs		(17,704,663)			(17,704,663)
3	Delay Bed Phase-In based on CJEC	(408.00)	(21,529,363)			(21,529,363)
4	Reduce Debt Service		(2,000,000)			(2,000,000)
5	Reduce Health Services Drug Repackaging Expenses		(1,500,000)			(1,500,000)
6	Reduce Health Services for program efficiencies		(20,000,000)			(20,000,000)
7	Eliminate Pre-Trial Intervention	(61.00)	(4,171,893)			(4,171,893)
8	Reduce Community Corrections Staff	(450.00)	(27,008,262)			(27,008,262)
9	Corrections	(919.00)	(93,914,181)	0	0	(93,914,181)
10						
11	<u>Justice Administrative Comm</u>					
12	Workload Reduction 5%		(290,454)			(290,454)
13	Reduce Transfer to Registry Attorneys Due to Reversions		(359,004)			(359,004)
14	Justice Administrative Comm	0.00	(649,458)	0	0	(649,458)
15						
16	<u>Guardian Ad Litem</u>					
17	Workload Reduction 5%	(33.00)	(1,489,592)			(1,489,592)
18	Guardian Ad Litem	(33.00)	(1,489,592)	0	0	(1,489,592)
19						
20	<u>State Attorneys</u>					
21	Workload Reduction 5%	(257.00)	(15,463,817)			(15,463,817)
22						0
23	State Attorneys	(257.00)	(15,463,817)	0	0	(15,463,817)
24						
25	<u>Public Defenders</u>					
26	PD Workload Reduction 5%	(133.00)	(8,038,336)			(8,038,336)
27	PDA Workload Reduction 5%	(11.00)	(675,222)			(675,222)
28	Public Defenders	(144.00)	(8,713,557)	0	0	(8,713,557)

Criminal and Civil Justice Appropriations Committee

Broad GR Budget Reduction Options FY 2010-11*						
Number	D3A Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	ALL TRUST FUNDS	ALL FUNDS
29						
30	<u>Capital Collateral Reg Counsels</u>					
31						
32	Workload Reduction 5%	(4.00)	(340,442)			(340,442)
33	CCRC	(4.00)	(340,442)	0	0	(340,442)
34						
35	<u>Regional Conflict Counsels</u>					
36	Workload Reduction 5%	(20.00)	(1,729,951)			(1,729,951)
37	Regional Conflict Counsels	(20.00)	(1,729,951)	0	0	(1,729,951)
38						
39	<u>Juvenile Justice</u>					
40	Eliminate Responsibility For Misdemeanant Probation Supervision	(425.00)	(22,786,603)			(22,786,603)
41	Eliminate Detention Capacity at Underutilized Facilities	(123.00)	(1,417,519)		(5,390,337)	(6,807,856)
42	Reduce Vocational Training, independent living and respite bed services		(131,548)			(131,548)
43	Reduce Contract Mental Health Services and sexual offender services in Probation		(6,735,621)			(6,735,621)
44	Eliminate Juvenile Assessment Centers		(3,739,613)			(3,739,613)
45	Reduce PACE Centers for Girls 5%		(383,326)			(383,326)
46	Reduce CINS/FINS 5%		(956,387)			(956,387)
47	Reduce Redirection Program 5%		(468,242)			(468,242)
48	Reduce Non Secure Residential Commitment		(4,415,040)			(4,415,040)
49	Reduce Secure Residential Commitment		(2,398,780)			(2,398,780)

Criminal and Civil Justice Appropriations Committee

Broad GR Budget Reduction Options FY 2010-11*						
Number	D3A Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	ALL TRUST FUNDS	ALL FUNDS
50	Reduce Prodigy Program 5%		(335,532)			(335,532)
51	Reduce Contract payments for conditional release		(1,981,638)			(1,981,638)
52	Reduce Wireless Services		(492,174)			(492,174)
53	Juvenile Justice	(548.00)	(46,242,022)	0	(5,390,337)	(51,632,359)
54						
55	Law Enforcement					
56						0
57	Eliminate Grants/Aid for A Child Is Missing		(232,461)			
58	Eliminate FDLE Accreditation (CALEA)	(2.00)	(128,012)			(128,012)
59	Reduce Statewide Investigative Resources (Special Agents Tier 1)	(15.00)	(930,146)		(66,439)	(996,585)
60	Reduce Executive Investigations	(2.00)	(104,977)			(104,977)
61	Reduce Regional Information Delivery Assistance/Training to Local Govt	(4.00)	(213,403)			(213,403)
62	Reduce Regional Fiscal Accountability Resources	(9.00)	(351,778)			(351,778)
63	Reduce Investigative Analytical Support	(12.00)	(418,166)		(118,166)	(536,332)
64	Reduce Crime Lab Services (Forensic Technologists)	(9.00)	(396,505)			(396,505)
65	Eliminate Toxicology Services	(19.00)	(1,101,037)			(1,101,037)
66	Eliminate Crime Scene Metro Areas	(4.00)	(244,920)			(244,920)
67	Reduce Drug Chemistry Analysts	(11.00)	(653,121)			(653,121)

Criminal and Civil Justice Appropriations Committee

Broad GR Budget Reduction Options FY 2010-11*						
Number	D3A Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	ALL TRUST FUNDS	ALL FUNDS
68	Eliminate Crime Lab Photographers	(4.00)	(170,195)			
69	Reduce Crime Lab Fingerprint Analysts	(13.00)	(771,870)			(771,870)
70	Eliminate Financial Crimes Analysis Center	(5.00)	(265,309)			(265,309)
71	Law Enforcement	(109.00)	(5,981,900)	0	(184,605)	(6,166,505)
72						
73	Legal Affairs					
74						
75	Reduce Attorney General Workload 5%	(65.00)	(1,809,797)	0		(1,809,797)
76	Legal Affairs	(65.00)	(1,809,797)	0	0	(1,809,797)
77						
78	Parole Commission					
80	Workload Reduction 5%	(7.00)	(408,011)			(408,011)
81						
82	Parole Commission	(7.00)	(408,011)	0	0	(408,011)
83						
84	State Court System					
85	Workload Reduction 5%		(6,772,263)			(6,772,263)
86	Reduce District Court of Appeals (DCA) Judicial Assistants by one-half	(32.00)	(2,139,645)			(2,139,645)
87	Reduce Supreme Court Law Clerks (staff attorneys) to a 2:1 clerk/justice ratio	(16.00)	(1,305,360)			(1,305,360)
88						
89	State Court System	(48.00)	(10,217,268)	0	0	(10,217,268)
90	Safety and Security	(2,154.00)	(186,959,996)	0	(5,574,942)	(192,534,938)

***NOTE: This is not a Draft Budget Recommendation, but a collection of possible reduction options for discussion.**