



Criminal & Civil Justice Policy Council

Monday, April 12, 2010

1:00 PM

404 HOB

Council Actions

**Larry Cretul
Speaker**

**William Snyder
Chair**

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

Summary:

Criminal & Civil Justice Policy Council

Monday April 12, 2010 01:00 pm

CS/HB 59	Favorable	Yeas: 14	Nays: 0
CS/HB 187	Favorable With Council Substitute	Yeas: 14	Nays: 0
CS/HB 203	Favorable With Council Substitute	Yeas: 13	Nays: 0
CS/HB 277	Favorable	Yeas: 12	Nays: 1
HB 369	Not Considered		
CS/CS/HB 409	Favorable With Council Substitute	Yeas: 14	Nays: 0
CS/HB 445	Favorable With Council Substitute	Yeas: 10	Nays: 5
CS/CS/HB 621	Favorable With Council Substitute	Yeas: 14	Nays: 1
HB 833	Not Considered		
CS/HB 907	Favorable	Yeas: 14	Nays: 0
HB 1179	Favorable	Yeas: 14	Nays: 0
HB 1383	Favorable With Council Substitute	Yeas: 12	Nays: 2
CS/HB 1493	Favorable	Yeas: 14	Nays: 0
CS/CS/HB 1523	Not Considered		
HJR 1553	Favorable	Yeas: 13	Nays: 0
HB 7125	Favorable	Yeas: 15	Nays: 0
HB 7181	Favorable With Council Substitute	Yeas: 14	Nays: 0

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
William Snyder (Chair)	X		
Sandra Adams	X		
Kevin Ambler	X		
Carl Domino	X		
Eric Eisnaugle	X		
Adam M. Fetterman	X		
Luis Garcia			X
Audrey Gibson	X		
Eduardo Gonzalez	X		
Tom Grady	X		
Doug Holder	X		
Julio Robaina	X		
Robert Schenck	X		
Perry Thurston	X		
James Waldman	X		
Michael Weinstein	X		
Totals:	15	0	1

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

CS/HB 59 : Athletic Coaches

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle			X		
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

CS/HB 187 : Retail Sales of Smoking Pipes and Smoking Devices

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle			X		
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 187 Retail Sales of Smoking Pipes and Smoking Devices
 Christine Franzetti, Policy Coordinator (Lobbyist) - Proponent
 Florida Alcohol & Drug Abuse Association
 2868 Mahan Dr, Suite 1
 Tallahassee FL 32308
 Phone: 850-878-2196

HB 187 Retail Sales of Smoking Pipes and Smoking Devices
 Gary Bradford (Lobbyist) - Proponent
 Florida Police Benevolent Assn
 300 E Brevard St
 Tallahassee FL
 Phone: 800-733-3722

HB 187 Retail Sales of Smoking Pipes and Smoking Devices
 Jeffrey Cece, Program Analyst (State Employee) - Proponent
 Executive Office of the Governor, Office of Drug Control
 2105 Capitol
 Tallahassee FL 32399
 Phone: 850-413-8157

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

*favorable
4-12-10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy
 2 Council
 3 Representative Thurston offered the following:

Amendment

Remove lines 22-28 and insert:

7 (2); and

8 (b)1. Derives at least 75 percent of its annual gross
 9 revenues from the retail sale of cigarettes, cigars, and other
 10 tobacco products; or

11 2. Derives no more than 25 percent of its annual gross
 12 revenues from the retail sale of the items listed in subsection
 13 (2).

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

CS/HB 203 : Community Corrections Assistance to Counties or County Consortiums

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle				X	
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck			X		
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 13 Total Nays: 0					

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 203 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*favourable
4.12.10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy
2 Council

3 Representative(s) Reed offered the following:
4

5 **Amendment**

6 Remove line 31 and insert:

7 11. Rehabilitative community reentry programs that provide
8 services which assist offenders in successfully reentering the
9 community. Such services may include, but are not limited to,
10 assistance with housing, healthcare, education, substance abuse
11 treatment, and employment.

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

CS/HB 277 : Alimony

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler			X		
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck				X	
Perry Thurston	X				
James Waldman		X			
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 12		Total Nays: 1			

Appearances:

HB 277 Alimony
 Thomas Duggar (General Public) - Proponent
 Family Law Section of the Florida Bar
 1391 Timberlane Rd
 Tallahassee FL
 Phone: 850-386-6124

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

HB 369 : Murder

Not Considered

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

CS/CS/HB 409 : Garnishment

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle			X		
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 409 Garnishment

Deborah Lawson (Lobbyist) - Opponent

NACM Improved Construction Practices Committee

4125 Pecan Branch

Tallahassee FL 32309

Phone: 850-878-1606

HB 409 Garnishment

Alice Vickers (Lobbyist) - Proponent

Florida Legal Services

2425 Torreya Drive

Tallahassee FL 32303

Phone: 850-385-7900

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM



HOUSE OF REPRESENTATIVES

favorable
4-12-10

Council/Committee on Criminal & Civil Justice Policy

Date 4-12-2010 Action _____

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY
(may be used in Council/Committee, but **not** on House Floor)

Amendment No. 1 Bill No. 409

(For filing with the Clerk, Council, Committee and Member Amendments **must** be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Council/Committee on _____

Eisenau

offered the following amendment: _____

Amendment:

on page 5, line(s) 112,

Remove that line or insert

1. Be written in the same language as the contract or agreement to

Copy to Council/Committee Administrative Assistant

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

CS/HB 445 : Pretrial Detention and Release

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson		X			
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina		X			
Robert Schenck	X				
Perry Thurston		X			
James Waldman		X			
Michael Weinstein		X			
William Snyder (Chair)	X				
Total Yeas: 10		Total Nays: 5			

Appearances:

HB 445 Pretrial Detention and Release
 Sarrah Carroll, Legislative Advocate (Lobbyist) - Opponent
 Florida Association of Counties
 P O Box 549
 Tallahassee FL 32309
 Phone: 850-922-4300

HB 445 Pretrial Detention and Release
 Walt smith, Court Administrator (Lobbyist) (State Employee) - Opponent
 12th Circuit Court
 2002 Ringling Blvd
 Sarasota FL 34237
 Phone: 941-861-7800

HB 445 Pretrial Detention and Release
 Gerie Crawford, Pretrial Services Manager (General Public) - Opponent
 Association Pretrial Professionals of Florida
 14 NE 1st Street
 Gainesville FL 32602
 Phone: 352-338-7348

HB 445 Pretrial Detention and Release
 Robert Trammell, General Counsel (Lobbyist) (State Employee) - Opponent
 Florida Public Defender Association
 P O Box 1799
 Tallahassee FL 32302
 Phone: 850-510-2187

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

HB 445 Pretrial Detention and Release

Jeff Kilpatrick, Pretrial Services Supervisor (General Public) - Opponent

Alachua County

14 NE 1st Street

Gainesville FL 32601

Phone: 352-338-7338

HB 445 Pretrial Detention and Release

Sherry Munroe, Pretrial Supervisor (General Public) - Opponent

Administrative Office of the Courts

350 E Marion Avenue

Punta Gorda FL 33950

Phone: 941-505-4796

HB 445 Pretrial Detention and Release

Colonel Albert Frost (General Public) - Opponent

Hillsborough County Sheriffs Office

1238 Tech Blvd

Tampa FL 33619

Phone: 813-363-0375

HB 445 Pretrial Detention and Release

Courtenay Strickland, Director of Public Policy (Lobbyist) - Opponent

ACLU of Florida

4500 Biscayne Blvd, #340

Miami FL 33137

Phone: 305-457-5422

HB 445 Pretrial Detention and Release

Lee Haworth, Chief Judge (State Employee) - Opponent

12th Circuit and Chair, Criminal Justice Commission Sarasota County

2002 Ringling Blvd

Sarasota FL

Phone: 941-861-7950

HB 445 Pretrial Detention and Release

Don Bjoring, Community Corrections Manager (General Public) - Opponent

Orange County

3723 Vision Blvd

Orlando FL 32839

Phone: 407-836-0382

HB 445 Pretrial Detention and Release

Frank Messersmith (Lobbyist) - Opponent

Florida Sheriff's Association

Tallahassee FL

Phone: 850-576-5858

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

HB 445 Pretrial Detention and Release
Cari Roth (Lobbyist) - Opponent
Sarasota County, Manatee County
101 N Monroe Street, Suite 900
Tallahassee FL 32303
Phone: 850-222-8611

HB 445 Pretrial Detention and Release
John Bryant, Vice President (Lobbyist) - Opponent
Florida Council for Behavioral Health Care
316 E Park Ave
Tallahassee FL 32301
Phone: 850-224-1801

HB 445 Pretrial Detention and Release
Jim Brainerd (Lobbyist) - Opponent
Polk County
2814 Rabbit Hill Rd
Tallahassee FL 32308
Phone: 850-508-6716

HB 445 Pretrial Detention and Release
Debbie Jallad (General Public) - Proponent
518 Genius Dr
Winter Park FL 32789

HB 445 Pretrial Detention and Release
Jim Coats, Sheriff (General Public) - Opponent
Pinellas County

HB 445 Pretrial Detention and Release
Dennis Williams, Consultant (General Public) - Proponent
Accredited Casualty & Surety
121 W Lakeview Ave
Pensacola FL 32501
Phone: 850-375-1248

HB 445 Pretrial Detention and Release
Rick Watson, Legal Counsel (Lobbyist) - Proponent
Florida Surety Association
P O Box 10038
Tallahassee FL 32302
Phone: 850-222-0000

HB 445 Pretrial Detention and Release
Dan Amato (General Public) - Proponent
American Surety Company
6421 St. Partin Place
Orlando FL 32812
Phone: 407-850-2528

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

HB 445 Pretrial Detention and Release

Jess McCarty, Assistant County Attorney (Lobbyist) - Opponent

Miami-Dade County

111 NW 1st Street

Miami FL 33138

Phone: 305-979-7110

HB 445 Pretrial Detention and Release

Johnny Jallad (General Public) - Proponent

518 Genius Dr

Winter Park FL 32789

HB 445 Pretrial Detention and Release

Wayne Spath, Bail Bond Agent (General Public) - Proponent

Brandy Bail Bonds

916 S Andrews Ave

Ft. Lauderdale FL

Phone: 954-463-4333

HB 445 Pretrial Detention and Release

Eddy Labrador, Legislative Counsel (Lobbyist) - Opponent

Broward County

115 S Andrews Avenue, Suite 427

Ft. Lauderdale FL 33301

Phone: 954-826-1155

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

*Favorable
4-12-10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy
2 Council

3 Representative Fetterman offered the following:

4
5 **Amendment**

6 Remove lines 46-59 and insert:

7 (b) Every pretrial release program shall provide the first
8 appearance court all pertinent information about the defendant,
9 including the defendant's ability to pay for a surety appearance
10 bond, so that the court may determine the defendant's conditions
11 of release. A defendant is eligible to participate in a pretrial
12 release program by order of the court only if the court finds
13 that the defendant does not have the ability to pay or arrange
14 for the posting of a surety appearance bond, and if the
15 defendant:

16 1. Is not charged with a capital, life, or first degree
17 felony.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 445 (2010)

Amendment No. 1

18 2. Subject to the limitations of s. 903.046(2)(d), has not
19 failed to appear at any court proceedings within the preceding
20 12 months of the current arrest;

21 3. Is not, at the time of the arrest, on probation for
22 another charge and is not facing charges for another crime in
23 this state;

24 4. Has no prior convictions involving violence; and

25 5. Satisfies any other limitation upon eligibility for
26 release which is in addition to those in this subsection,
27 whether established by the board of county commissioners or the
28 court.



Pretrial Release Programs' Compliance With New Reporting Requirements Is Mixed

at a glance

Pretrial release is an alternative to incarceration that allows arrested defendants to be released from jail while they await disposition of their criminal charges. Florida has 28 pretrial release programs, which are primarily locally funded. These programs supervise defendants charged with a wide range of crimes.

Most pretrial release programs have complied with requirements to provide annual reports and maintain weekly registers of information on the defendants in their programs. However, many programs' annual reports do not contain outcome data as required by statute. Further, the programs that have reported this data used different methods to compute those outcomes. As a result, statewide data are not available to compare outcomes across programs or to compare defendants in these programs to those released on bond or on their own recognizance.

Most programs report using best practices suggested by literature to help ensure that defendants appear in court and are not rearrested.

The Legislature could consider streamlining some reporting requirements to improve clarity and reduce administrative burdens on pretrial release programs.

Scope

Section 907.044, *Florida Statutes*, directs OPPAGA to annually evaluate Florida's pretrial release programs. This report assesses the programs' compliance with statutory reporting requirements

and the current status of issues identified in our initial report, published in December 2008.¹

This report answers five questions.

- How are Florida's pretrial release programs funded?
- What is the nature of criminal charges of defendants in pretrial release programs?
- How many defendants served by pretrial release programs missed court appearances, were rearrested, or had warrants issued for their arrest?
- Are pretrial release programs complying with reporting requirements of s. 907.043, *Florida Statutes*?
- Have pretrial release programs implemented best practices to help ensure that defendants appear in court and are not rearrested?

Background

Pretrial release is an alternative to incarceration that allows arrested defendants to be released from jail while they await disposition of their criminal charges. Pretrial release is a constitutional right for most people arrested for a crime.² Generally, pretrial release can be granted in one of three ways.

¹ *Pretrial Release Programs Vary Across the State; New Reporting Requirements Pose Challenges*, OPPAGA Report No. 08-75, December 2008.

² Article I, Section 14, *Florida Constitution*, provides that unless

Release on recognizance allows defendants to be released from jail based on their promise to return for mandatory court appearances.³ Defendants released on recognizance are not required to post a bond and are not supervised.

Posting bond is a monetary requirement to ensure that defendants appear in court when required. A defendant whom the court approves for this release must post a cash bond to the court or arrange for a surety bond through a private bondsman. Defendants typically pay a nonrefundable fee to the bondsman of 10% of the bond required by the court for release. If the defendant does not appear, the bondsman is responsible for paying the entire amount. Bondsmen are not required to supervise defendants but have a vested interest in ensuring that their clients keep their court dates and do not abscond.

Pretrial release programs actively supervise approved defendants. The programs do so through phone contacts, visits, and/or electronic monitoring until the defendants' cases are disposed or their supervision is revoked. Defendants may be selected for participation by the program or assigned to the program by a judge. Defendants generally are released into a pretrial release program without paying a bond; however, judges in some circuits may require them to post bond.

Florida has 28 pretrial release programs, which are primarily administered on a county basis by sheriffs, jails, or county government divisions.⁴

charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. Further, s. 907.041, *F.S.*, states that it is the intent of the Legislature to create a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with a dangerous crime. Dangerous crimes are described in s. 907.041(4), *F.S.*, and include offenses such as arson, aggravated assault, aggravated battery, child abuse, abuse of an elderly person or disabled adult, kidnapping, homicide, manslaughter, sexual battery and other sex offenses, robbery, carjacking, stalking, and domestic violence.

³ Some defendants also can be released at the time of arrest with a notice to appear in court.

⁴ In 2008, there were 29 pretrial release programs, but Pasco County's pretrial release program ceased operation in 2009 due to budget cuts.

Section 907.043, *Florida Statutes*, requires these programs to provide a weekly register and an annual report on program outcomes and the characteristics of participants to the clerk of court. Appendix A describes the characteristics of the 24 pretrial release programs that complied with these requirements.

The law became effective July 1, 2008; therefore, the data in this report primarily reflects the time period of July 1 to December 31, 2008. Programs reported budget information for varying periods—some programs' budgets are based on the calendar year, while some are based on varying fiscal years. OPPAGA will analyze the programs' calendar year 2009 outcomes in a later report.

Questions and Answers —

How are Florida's pretrial release programs funded?

Most pretrial release programs (21 of the 26 programs that provided data) were funded solely by local funds.⁵ As shown in Appendix A, the amount of funds provided by local governments to the programs ranged from \$65,000 in Bay County to \$5.2 million in Broward County. However, two programs reported receiving state funds—Escambia reported receiving \$95,280 and Okaloosa County reported receiving \$46,181 in state funding.

Some programs are also funded through fees charged to participating defendants.⁶ Programs most commonly charged fees for electronic monitoring. A few counties charge monthly supervision fees to defendants. For example, the Leon County and Palm Beach County programs charged \$40 per month.

The programs' budgets varied due to differences in their caseloads and responsibilities. For example, the Miami-Dade County pretrial release

⁵ Twenty-four programs submitted annual reports. The four that did not submit reports were Citrus, Jackson, Monroe, and Polk. Twenty-four programs responded to our survey for additional information. The four that did not respond were Hillsborough, Jackson, Monroe, and Seminole.

⁶ Some programs charge fees as directed by the courts. Other programs automatically charge fees unless waived by the courts.

program had a budget of \$4.8 million in 2008. During that year, its employees conducted 15,480 interviews and attended all first appearance hearings to provide information to judges.⁷ In contrast, the Highlands County pretrial release program had a budget of \$103,644 in 2008. Its employees interviewed and assessed 176 defendants and did not attend first appearance hearings.

What is the nature of criminal charges of defendants in pretrial release programs?

Most pretrial release programs restrict eligibility to defendants with less serious criminal charges. However, judges have broad discretion to place defendants in pretrial release programs, including those with more serious charges and criminal histories. Therefore, some defendants with violent offense histories or charges, such as aggravated assault and battery, have been placed into pretrial release programs. As a result, these programs serve defendants with varying levels of risk to public safety. For example, 37% of the defendants served by Collier County's program were charged with driving under the influence; 37% were charged with domestic violence; and 26% were charged with other crimes such as drugs, traffic, and fraud/theft.

In some jurisdictions, judges have the discretion to assign a bond and require supervision by pretrial release programs for an extra layer of accountability. For example, 26% of defendants in Orange County's program paid a bond, and 55% of defendants in Leon County's program paid a bond.

How many defendants served by pretrial release programs missed court appearances, were rearrested, or had warrants issued for their arrest?

When defendants are released from jail before their criminal cases have been resolved, they agree to abide by court requirements to attend all court proceedings and not commit new offenses that would result in their rearrest. Pretrial release

programs are required to report the name and case number of defendants granted nonsecured release who failed to attend a scheduled court appearance, were issued a warrant for failing to appear, or were arrested for any offense while in the program. These outcomes are important public safety indicators that can be used to analyze the effectiveness of pretrial release programs.

However, about half of the programs did not report data on these outcomes. Only 16 programs reported the number of defendants they served that failed to attend court hearings, the number that had arrest warrants issued for failing to appear in court, and the number that were arrested for other offenses while in the pretrial release program. Further, only 11 of those programs reported the number of defendants they served that were granted nonsecured release after the program recommended nonsecured release. Programs reported various reasons for not reporting these data, such as their information systems did not capture the information and that they did not have enough time and resources to collect and report the data. The programs' failure to report outcome data limited our ability to determine the statewide percentage of defendants served by the programs that violated the terms of their release.

Exhibit 1 shows the outcomes reported by the 16 programs that provided these data.⁸ Although outcomes varied among programs, relatively few clients violated pretrial release conditions by failing to appear in court, being rearrested for additional crimes, or having warrants issued for their arrest. For example, in Volusia County, 5.6% of the 466 defendants granted nonsecured release after the program recommended nonsecured release failed to attend a scheduled court hearing, compared to 1% of the 84 defendants granted nonsecured release in Charlotte County.

See Appendix A for the available data on each of the 28 pretrial release programs.

⁷The program seeks to interview all defendants charged with a felony offense before their first appearance court hearings.

⁸ Programs may have served more defendants than the number listed in Exhibit 1; for example, judges may place defendants in the programs without a recommendation, and defendants in the program may have paid a bond as a condition of release (secured release).

**Exhibit 1
Relatively Few Defendants Served by Pretrial Release Programs Violated Program Requirements in 2008, Although Data Are Incomplete**

County	Defendants			
	Granted Nonsecured Release After Program Recommended Nonsecured Release ¹	Granted Nonsecured Release Who Failed to Attend a Scheduled Court Appearance	Granted Nonsecured Release Who Were Issued a Warrant for Failing to Appear in Court	Granted Nonsecured Release Who Were Arrested for Any Offense While in the Program
Alachua	133	14	14	10
Brevard	1,674	107	107	132
Broward	1,269	211	185	354
Charlotte	84	1	1	5
Duval	N/A	3	3	1
Escambia	N/A	50	50	25
Hillsborough	115	10	10	23
Lee	924	54	54	59
Leon	348	28	27	13
Miami-Dade	6,213	983	983	71
Okaloosa	271	20	20	17
Osceola	N/A	86	86	36
Palm Beach	5,247	147	147	397
Pinellas	DNR ²	85	85	126
Santa Rosa	199	4	4	125
Sarasota	N/A	73	73	61
St. Lucie	N/A	0	0	0
Volusia	466	26	26	60

¹ N/A denotes that the program does not make recommendations either regarding whether defendants should participate in the program or whether their release should be secured or unsecured. It should be noted that some programs may have served more defendants than listed in the table, as judges may place defendants in the programs without a program recommendation, and some defendants in the program may have paid a bond as a condition of release and thus be classified as secured releases.

² DNR denotes that the program did not report that information.

Source: Programs' annual reports and survey responses.

These reported outcomes should be interpreted with caution due to the large number of programs that failed to report data and differences among the programs in how they classified failure to appear rates. Also, these outcomes only reflect defendants who were granted nonsecured release and not all defendants who participated in the programs. Further, some programs counted any missed court appearance as a failure to appear while others did not count a missed court appearance as a failure to appear until the court issued a bench warrant for that failure to appear. Some programs computed failure to appear rates as the total number of scheduled court appearances divided by the total number of missed court appearances while others computed

this rate by dividing the total number of defendants by the number who missed at least one court appearance.

The data necessary to compare the outcomes of defendants in pretrial release programs to those released on bond or on their own recognizance is not collected statewide. However, Miami-Dade County does track failure to appear rates for the three release methods. As shown in Exhibit 2, these rates generally were comparable for the different release methods with defendants served by the pretrial release program being slightly more likely to fail to appear than those released on bond or released on their own recognizance and related mechanisms.

**Exhibit 2
Miami-Dade County’s Failure to Appear Rates Were Slightly Higher for Defendants Released Through the Pretrial Release Program Than Those Released on Bond in 2008**

Release Type	Court Appearances	Percentage by All Release Types	Failure to Appear	Percentage Failure to Appear
Pretrial release program	39,583	16.2%	2,106	5.3%
Surety bond	185,003	75.8%	7,954	4.3%
Cash bond	4,345	1.8%	216	5.0%
Release on recognizance ¹	15,008	6.2%	329	2.2%
Total	243,939	100%	10,605	4.3%

¹ Includes defendants who were arrested but not incarcerated, such as defendants with notices to appear.

Source: OPPAGA analysis of the Miami-Dade Corrections and Rehabilitation Department’s 2008 Failure to Appear Statistical Report.

Are pretrial release programs complying with the reporting requirements of s. 907.043, Florida Statutes?

Most (24) of Florida’s 28 pretrial release programs submitted an annual report and maintain a weekly register of program data and outcomes and defendant information as required by s. 907.043, *Florida Statutes*. Most (24) also responded to our survey that requested additional information about their services.⁹ However, half of Florida’s programs did not report all of the outcomes in their annual reports and weekly registers as required by statute. For example, 12 programs did not report defendants’ prior convictions, typically because their data systems did not capture this information.¹⁰ Also, as previously noted, programs used different methods to compute their failure to appear rates,

⁹ Of the programs that did not provide either annual reports or surveys, some stated that they would submit the documents but had not done so by the completion of this report. Other programs indicated that they did not do so for varying reasons, including not being aware of the reporting requirements, delays in compiling the required data, limited time and resources to respond, and an inability to provide information until their information system can capture the data.

¹⁰ There are no statutory penalties for programs that fail to meet reporting requirements.

which hinders the state’s ability to compare outcomes across the programs.

The Legislature could revise reporting requirements to improve data consistency and reduce reporting costs. For example, the Legislature could require programs to report data on a monthly rather than weekly basis, which would be less burdensome, but still enable the state to evaluate outcomes and identify program trends. Further, to ensure that programs report comparable and consistent data, the Legislature could require programs to report outcomes by the type of release (i.e., secured and nonsecured). Current requirements only require programs to report failure to appear, arrest, and warrant data for defendants granted nonsecured release. This data does not allow comprehensive analysis of program effectiveness. Appendix B outlines our specific recommendations for revising program reporting requirements.

Have pretrial release programs implemented best practices to help ensure that defendants appear in court and are not rearrested?

Our December 2008 report identified five nationally recognized best practices for supervising defendants and reporting information to the courts.¹¹ Our survey of Florida’s pretrial release programs found that most are following these best practices.¹²

Best Practice: Programs should provide information to the court regarding the risk of the defendant. It is important for pretrial release programs to present information to judges relating to the assessed risk that a defendant may fail to appear in court or commit another crime, and develop feasible release recommendations relative to that risk. This information increases the likelihood that those who pose a low risk will be properly and timely released, and those who pose a high risk of failing to appear or reoffending

¹¹ These best practices were identified by the American Bar Association and the National Association of Pretrial Services Agencies.

¹² We surveyed all 28 pretrial release programs and received responses from 24 of them. All 29 pretrial release programs that were in operation in 2008 responded to the survey used in our prior report.

will be detained or required to pay an appropriate bond.

The 24 programs that responded to our survey indicated that they take actions consistent with this best practice. All programs interview defendants and collect information to assist the judge in making a release determination. Eighteen programs reported that they always have a representative present at first appearance hearings. However, only 14 of the 24 programs reported that they make recommendations to judges regarding which defendants should be allowed to participate in the program; the other 10 programs provide information to judges, but do not make recommendations or do so only when requested.

Best Practice: Programs should effectively supervise defendants. It is also important that pretrial release programs provide appropriate and effective supervision of persons assigned to their programs. This supervision is a key tool to ensure that defendants are held accountable for their behavior while awaiting trial.

Twenty-three of the 24 responding programs reported that they require defendants to report in person or by telephone on a regular basis. Most also use additional methods to monitor defendants as ordered by the court. For example, 20 programs reported they conduct drug and alcohol testing, and 16 reported they electronically monitor defendants to track their whereabouts.

Best Practice: Programs should remind defendants of their court dates. To reduce the likelihood of defendants failing to appear in court, it is important that pretrial release programs remind defendants of their court dates. According to the literature, many defendants simply forget to show up to court or are confused about their court date.

Twenty-three of the 24 programs responding to our survey reported that they review court dates with defendants following their initial court appearance or during regular supervision contacts.

Best Practice: Programs should inform the court of violations. Programs should promptly inform

the court when defendants violate pretrial release conditions or are arrested, and should recommend appropriate and feasible modifications of release conditions. Informing the court when a defendant violates release conditions helps ensure public safety and maintains the integrity of the pretrial release process.

All 24 programs that responded to our survey reported that they take some form of action when defendants fail to comply with release conditions. Most programs stated that they report violations to the court with a request for the court to take action. Three programs also reported that they arrest defendants who violate release conditions.

Best Practice: Programs should establish and report performance measures that directly relate to program effectiveness. The primary purpose of pretrial release programs is to ensure that defendants make their court appearances and remain crime-free while under their supervision. Accordingly, it is important that programs collect and report measures, such as failure to appear and rearrest rates, to enable stakeholders to assess how effective the programs are fulfilling that purpose.

Section 907.043, *Florida Statutes*, requires all programs to collect data on failures to appear and rearrests. Twenty-four of the 28 programs published annual reports that contained program outputs and outcomes.

Recommendations

To streamline program reporting and thereby maximize the resources available to screen and supervise defendants, we recommend that the Legislature consider amending s. 907.043, *Florida Statutes*, to clarify program reporting requirements. Specifically, we recommend that the Legislature

- require programs to report data on a monthly instead of weekly basis;
- clarify requirements to assist in the consistent interpretation and application of the law; and

- modify or eliminate reporting requirements that do not directly relate to program effectiveness or cost-efficiency.

Appendix B lists specific suggested revisions to those requirements.

Agency Comments —————

In accordance with the provisions of s. 11.51(5), *Florida Statutes*, a draft of our report was submitted to the pretrial release programs and to the Office of State Courts Administrator to review. While the programs were not required to respond to the report, several provided comments and feedback, which were considered in the final version of the report.

Appendix A

Twenty-Four of Florida's 28 Pretrial Release Programs Published Annual Reports as Required by Law

Section 907.043, *Florida Statutes*, requires pretrial release programs to maintain and update a weekly register containing information about the defendants released to the program. The law also provides that, no later than March 31 of each year, each program must submit an annual report to the governing body and to the clerk of court in the county where the program is located. Table 1-A describes which programs complied with the annual reporting requirements.

This information should be interpreted and compared with caution because it does not reflect all of the programs' activities, outcomes, and costs. For example, St. Lucie County's program has a budget of \$1.1 million; the data indicates that it only interviewed and assessed 18 defendants because it primarily receives cases by court order from judges at first appearance or bond hearings. Also, some budgets include other activities and costs, such as Broward County's program, whose budget includes electronic monitoring activities. Further, outcomes only reflect defendants who were granted nonsecured release as required by law, but do not reflect all defendants who participated in the programs.

The law became effective July 1, 2008; therefore, the data and budget information in this report primarily reflects the time period of July 1 to December 31, 2008. In addition, some programs reported budget information for varying periods—some programs' budgets are based on the calendar year, while some are based on varying fiscal years. OPPAGA will analyze the program's calendar year 2009 outcomes in a later report.

Twenty-four pretrial release programs submitted annual reports. The four that did not were Citrus, Jackson, Monroe, and Polk. Twenty-four programs responded to our survey for additional information. The four that did not were Hillsborough, Jackson, Monroe, and Seminole. We followed up with several phone calls and emails to program managers in these counties.

Table A-1
Pretrial Release Programs' Annual Report Requirements

	County	Budget	Assessed and Interviewed for Pretrial Release	Recommended for Pretrial Release	Defendants				
					Granted Nonsecured Release After the Pretrial Release Program Recommended Nonsecured Release	Assessed and Interviewed for Pretrial Release Who Were Declared Indigent by the Court	Granted Nonsecured Release Who Failed to Attend a Scheduled Court Appearance	Granted Nonsecured Release Who Were Issued a Warrant for Failing to Appear in Court	Granted Nonsecured Release Who Were Arrested for Any Offense While in the Program
1	Alachua	\$893,149	4,787	189	133	4,251	14	14	10
2	Bay	\$65,000	DNR ¹	DNR ¹	637	216	2	41	DNR ¹
3	Brevard	\$800,635	12,145	1,662	1,674	555	107	107	132
4	Broward	\$5,200,000	19,543	2,070	1,269	DNR ¹	211	185	354
5	Charlotte	\$394,986	2,900	96	84	1,714	1	1	5
6	Citrus	\$77,296	No annual report						
7	Collier	\$85,000	DNR ³	DNR ³	DNR ³	DNR ³	DNR ³	DNR ³	DNR ³
8	Duval	\$557,262	983	748	N/A ²	825	3	3	1
9	Escambia	\$595,063	8,375	1,012	N/A ²	6,907	50	50	25
10	Highlands	\$103,644	176	128	DNR ¹	107	6	DNR ¹	2
11	Hillsborough	DNR ¹	2,085	262	115	N/A ²	10	10	23
12	Jackson	No annual report							
13	Lee	\$1,835,181	22,337	3,105	924	14,633	54	54	59
14	Leon	\$326,972	2,689	N/A ²	348	N/A ²	28	27	13
15	Manatee	\$423,922	2,700	1,505	DNR ¹	DNR ¹	26	DNR ¹	33
16	Miami-Dade	\$4,826,119	15,480	4,752	6,213	5,658	983	983	71
17	Monroe	No annual report							
18	Okaloosa	\$360,358	531	522	271	DNR ¹	20	20	17
19	Orange	\$1,590,824	4,563	N/A ²	N/A ²	DNR ¹	DNR ¹	DNR ¹	DNR ¹
20	Osceola	\$560,393	5,608	N/A ²	N/A ²	N/A ²	86	86	36
21	Palm Beach	\$1,500,676	23,334	N/A ²	5,247	17,662	147	147	397
22	Pinellas	\$1,406,105	3,380	2,169	DNR ¹	650	85	85	126
23	Polk	\$960,000	No annual report						
24	Santa Rosa	\$90,319	1,230	295	199	188	4	4	125
25	Sarasota	\$1,406,259	5,475	N/A ²	N/A ²	2,122	73	73	61
26	Seminole	N/A ²	N/A ²	N/A ²	6	5	0	0	DNR ¹
27	St. Lucie	\$1,146,978	18 ⁴	N/A ²	N/A ²	14	0	0	0
28	Volusia	\$1,376,322	2,072	666	466	2,007	26	26	60

¹ DNR denotes that the program 'did not report' that information. Programs reported various reasons for not reporting information, typically because their data systems did not capture the required information or they lacked the time and resources necessary to compile the information.

² N/A denotes that the program reported that the requirement does not apply. For example, several pretrial release programs reported that they do not make recommendations.

³ Collier County's program did not report the information in its annual report as required by law. However, the annual report included information such as percentage of releases by offense categories, total number of participants and court appearances, and trends.

⁴ St. Lucie County's program generally does not interview and assess defendants, but primarily receives its cases by court order from judges at first appearance or bond hearings.

Source: Programs' annual reports.

Appendix B

Suggested Revisions to Reporting Requirements

The Legislature could consider modifying the reporting requirements specified by s. 907.043, *Florida Statutes*, to clarify terms, streamline reporting to focus on key indicators of program activity and outcomes, and reduce program costs.

The table below contains recommended changes to statutory reporting requirements based on input from local programs and national measures for pretrial release programs.

Recommended Pretrial Release Program Reporting Requirements

Weekly Register Reporting Requirement
Name, location, and funding source of the pretrial release program
Number of defendants assessed and/or interviewed for pretrial release
Number of indigent defendants assessed and/or interviewed for pretrial release
Names and number of defendants accepted into the pretrial release program
Names and number of indigent defendants accepted into the pretrial release program
Specific c-Charges filed against and the case numbers of defendants accepted into the pretrial release program
The type of release (secured/nonsecured) for each defendant accepted into the pretrial release program
Nature of any The number of prior criminal convictions by felony/misdemeanor and the most serious prior criminal conviction(s) of a defendant accepted into the pretrial release program
The total number of c Court appearances required of defendants accepted into the pretrial release program and the total number of failures to appear for each defendant
Date of each defendant's failure to appear for a scheduled court appearance
Number of warrants, if any, which have been issued for a defendant's arrest for failing to appear at a scheduled required court appearance
Number and type of program noncompliance infractions committed by a defendant in the pretrial release program and whether the pretrial release program recommended that the court revoke the defendant's release
Annual Report Reporting Requirement
Name, location, and funding sources of the pretrial release program, including the amount of public funds, if any, received by the pretrial release program
Operating and capital budget of each pretrial release program and percentage of budget supported by local, state, and federal funds receiving public funds
Percentage of the pretrial release program's total budget representing receipt of public funds
Percentage of the total budget which is allocated to assisting defendants obtain release through a nonpublicly funded program
Fee structure for Amount of fees paid by defendants to in the pretrial release program and amount collected from these fees
Number of persons employed by the pretrial release program
Number of defendants assessed and/or interviewed for pretrial release
Number of defendants recommended for pretrial release
Number of defendants for whom the pretrial release program recommended against nonsecured release
Number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release
Number of defendants assessed and/or interviewed for pretrial release who were declared indigent by the court
Name and case number of each person defendants in the pretrial release program granted nonsecured release who failed to attend a scheduled required court appearance by secured/nonsecured release
Name and case number of each person defendants in the pretrial release program granted nonsecured release who was issued a warrant for failing to appear by secured/nonsecured release
Name and case number of each person defendants granted nonsecured release who was arrested for any offense while on release through in the pretrial release program
Any additional information deemed necessary by the governing body to assess the performance and cost-efficiency of the pretrial release program

Source: OPPAGA analysis of reporting requirements in s. 907.043, *F.S.*

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

CS/CS/HB 621 : Fraudulently Taking or Using a Credit Card

Favorable With Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston		X			
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 1			

Appearances:

HB 621 Fraudulently Taking or Using a Credit Card

John Rogers, Senior Vice President and General Counsel (Lobbyist) - Proponent

Florida Retail Federation

P O Box 10024

Tallahassee FL 32302

Phone: 850-222-4082

HB 621 Fraudulently Taking or Using a Credit Card

Jack Gee, Detective (General Public) - Proponent

Florida Law Enforcement and Property Recovery Unit

4528 NW 6th court

Deerfield Beach FL 33442

Phone: 954-557-1227

HB 621 Fraudulently Taking or Using a Credit Card

Nick Iarossi (Lobbyist) - Proponent

Visa

101 E College Ave

Tallahassee FL 32311

Phone: 850-222-9075

HB 621 Fraudulently Taking or Using a Credit Card

Frank Messersmith (Lobbyist) - Proponent

MasterCard

2901 Lake Bradford

Tallahassee FL

Phone: 850-576-5858

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Favorable
4-12-10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy
2 Council
3 Representative(s) Brandenburg offered the following:

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

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 501.0117, Florida Statutes, is amended
8 to read:

9 501.0117 Credit cards and debit cards; transactions in
10 which seller or lessor prohibited from imposing surcharge;
11 penalty.—

12 (1) A seller or lessor in a sales or lease transaction may
13 not impose a surcharge on the buyer or lessee for electing to
14 use a credit card or debit card in lieu of payment by cash,
15 check, or similar means, if the seller or lessor accepts payment
16 by credit card or debit card. A surcharge is any additional
17 amount imposed at the time of a sale or lease transaction by the
18 seller or lessor that increases the charge to the buyer or
19 lessee for the privilege of using a credit card or debit card to

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 621 (2010)

Amendment No. 1

20 make payment. Charges imposed pursuant to approved state or
21 federal tariffs are not considered to be a surcharge, and
22 charges made under such tariffs are exempt from this section.
23 The term "credit card" includes those cards for which unpaid
24 balances are payable on demand. The term "debit card" means a
25 card, code, or other device, other than a check, draft, or
26 similar paper instrument, by the use of which a person may
27 order, instruct, or authorize a financial institution to debit a
28 demand deposit, savings deposit, or other asset account. Debit
29 card also includes a prepaid card or other means of access to
30 prepaid funds that may be used to initiate electronic funds
31 transfers and may be used without unique identifying information
32 such as a personal identification number to initiate access to
33 prepaid funds. This section does not apply to the offering of a
34 discount for the purpose of inducing payment by cash, check, or
35 other means not involving the use of a credit card or debit
36 card, if the discount is offered to all prospective customers.

37 (2) A person who violates the provisions of subsection (1)
38 is guilty of a misdemeanor of the second degree, punishable as
39 provided in s. 775.082 or s. 775.083.

40 Section 2. Subsection (8) is added to section 817.60,
41 Florida Statutes, to read:

42 817.60 Theft; obtaining credit card through fraudulent
43 means.-

44 (8) UNLAWFUL POSSESSION OF A STOLEN CREDIT OR DEBIT CARD.-
45 A person who knowingly possesses, receives, or retains custody
46 of a credit or debit card that has been taken from the
47 possession, custody, or control of another without the

Amendment No. 1

48 cardholder's consent and with the intent to impede the recovery
49 of the credit or debit card by the cardholder commits unlawful
50 possession of a stolen credit or debit card and is subject to
51 the penalties set forth in s. 817.67(2). A retailer who in good
52 faith takes, accepts, retains, or possesses a stolen credit or
53 debit card without knowledge that the card is stolen does not
54 commit a violation of this subsection.

55 Section 3. This act shall take effect October 1, 2010.
56

57 -----
58 **T I T L E A M E N D M E N T**

59 Remove the entire title and insert:

60 A bill to be entitled

61 An act relating to credit and debit card crimes; amending s.
62 501.0117, F.S.; providing that a seller or lessor prohibited
63 from imposing surcharge on debit card transactions; defining
64 "debit card;" providing that it is not prohibited to offer of a
65 discount for the purpose of inducing payment by cash, check, or
66 other means not involving the use of a credit card or debit
67 card; amending s. 817.60, F.S.; creating a new crime for
68 possession of a stolen credit or debit card; providing
69 penalties; providing that a retailer who in good faith takes,
70 accepts, retains, or possesses a stolen credit or debit card
71 without knowledge that the card is stolen does not commit a
72 violation; providing an effective date.
73

Amendment No.

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Favorable
4.12.10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy
2 Council
3 Representative(s) Fetterman offered the following:

4
5 **Amendment to Amendment (1) by Representative Brandenburg**
6 **(with title amendment)**

7 Remove lines 51-54 and insert:
8 the penalties set forth in s. 817.67(2). A retailer who takes,
9 accepts, retains, or possesses a stolen credit or debit card
10 without knowledge that the card is stolen and is authorized to
11 process transactions by the company issuing the credit or debit
12 card does not commit a violation of this subsection.

13
14
15 -----
16 **T I T L E A M E N D M E N T**

17 Remove lines 69-72 and insert:
18 penalties; providing that a retailer who takes, accepts,
19 retains, or possesses a stolen credit or debit card without

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/CS/HB 621 (2010)

Amendment No.

20 | knowledge that the card is stolen and is authorized to process
21 | transactions by the company issuing the credit or debit card
22 | does not commit a violation; providing an effective date.

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

HB 833 : Reports and Functions of the Department of Juvenile Justice

Not Considered

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

CS/HB 907 : Child Support Guidelines

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle			X		
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 907 Child Support Guidelines
 Thomas Duggar (General Public) - Proponent
 Family Law Section of the Florida Bar
 1391 Timberlane Rd
 Tallahassee FL 32312
 Phone: 850-386-6124

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

*Withdrawn
4-12-10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy
2 Council

3 Representative(s) Flores offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Effective October 1, 2010, paragraph (a) of
8 subsection (1) of section 61.13, Florida Statutes, is amended to
9 read:

10 61.13 Support of children; parenting and time-sharing;
11 powers of court.—

12 (1)(a) In a proceeding under this chapter, the court may
13 at any time order either or both parents who owe a duty of
14 support to a child to pay support to the other parent or, in the
15 case of both parents, to a third party who has ~~the person with~~
16 custody in accordance with the child support guidelines schedule
17 in s. 61.30.

18 1. All child support orders and income deduction orders
19 entered on or after October 1, 2010, must provide:

Amendment No. 1

20 a. For child support to terminate on a child's 18th
21 birthday unless the court finds or previously found that s.
22 743.07(2) applies, or is otherwise agreed to by the parties;

23 b. A schedule, based on the record existing at the time of
24 the order, stating the amount of the monthly child support
25 obligation for all the minor children at the time of the order
26 and the amount of child support that will be owed for any
27 remaining children after one or more of the children is no
28 longer entitled to receive child support; and

29 c. The month, day, and year that the reduction or
30 termination of child support becomes effective.

31 2. The court initially entering an order requiring one or
32 both parents to make child support payments has continuing
33 jurisdiction after the entry of the initial order to modify the
34 amount and terms and conditions of the child support payments ~~if~~
35 ~~when~~ the modification is found ~~necessary~~ by the court to be in
36 the best interests of the child; ~~if~~ when the child reaches
37 majority; ~~if~~ ~~when~~ there is a substantial change in the
38 circumstances of the parties; ~~if~~ ~~when~~ s. 743.07(2) applies; ~~if~~ or
39 when a child is emancipated, marries, joins the armed services,
40 or dies. The court initially entering a child support order has
41 continuing jurisdiction to require the obligee to report to the
42 court on terms prescribed by the court regarding the disposition
43 of the child support payments.

44 Section 2. Section 61.29, Florida Statutes, is created to
45 read:

Amendment No. 1

46 61.29 Child support guidelines; principles.-The following
47 principles establish the public policy of the State of Florida
48 in the creation of the child support guidelines:

49 (1) Each parent has a fundamental obligation to support
50 his or her minor or legally dependent child.

51 (2) The guidelines schedule is based on the parent's
52 combined net income estimated to have been allocated to the
53 child as if the parents and children were living in an intact
54 household.

55 (3) The guidelines encourage fair and efficient settlement
56 of support issues between parents and minimizes the need for
57 litigation.

58 Section 3. Paragraph (b) of subsection (2) and subsections
59 (6), (7), and (11) of section 61.30, Florida Statutes, are
60 amended to read:

61 61.30 Child support guidelines; retroactive child
62 support.--

63 (2) Income shall be determined on a monthly basis for each
64 parent as follows:

65 (b) Monthly income ~~on a monthly basis~~ shall be imputed to
66 an unemployed or underemployed parent if ~~when~~ such unemployment
67 ~~employment~~ or underemployment is found by the court to be
68 voluntary on that parent's part, absent a finding of fact by the
69 court of physical or mental incapacity or other circumstances
70 over which the parent has no control. In the event of such
71 voluntary unemployment or underemployment, the employment
72 potential and probable earnings level of the parent shall be
73 determined based upon his or her recent work history,

Amendment No. 1

74 occupational qualifications, and prevailing earnings level in
75 the community if such information is available. If the
76 information concerning a parent's income is unavailable, a
77 parent fails to participate in a child support proceeding, or a
78 parent fails to supply adequate financial information in a child
79 support proceeding, income shall be automatically imputed to the
80 parent and there is a rebuttable presumption that the parent has
81 income equivalent to the median income of year-round full-time
82 workers as derived from current population reports or
83 replacement reports published by the United States Bureau of the
84 Census. ~~as provided in this paragraph;~~ However, the court may
85 refuse to impute income to a parent if the court finds it
86 necessary for ~~that~~ the parent to stay home with the child who is
87 the subject of a child support calculation or as set forth
88 below:-

89 1. In order for the court to impute income at an amount
90 other than the median income of year-round full-time workers as
91 derived from current population reports or replacement reports
92 published by the United States Bureau of the Census, the court
93 must make specific findings of fact consistent with the
94 requirements of this paragraph. The party seeking to impute
95 income has the burden to present competent, substantial evidence
96 that:

97 a. The unemployment or underemployment is voluntary; and
98 b. Identifies the amount and source of the imputed income,
99 through evidence of income from available employment for which
100 the party is suitably qualified by education, experience,
101 current licensure, or geographic location, with due

Amendment No. 1

102 consideration being given to the parties' time-sharing schedule
 103 and their historical exercise of the time-sharing provided in
 104 the parenting plan or relevant order.

105 2. Except as set forth in subparagraph 1., income may not
 106 be imputed based upon:

107 a. Income records that are more than 5 years old at the
 108 time of the hearing or trial at which imputation is sought; or

109 b. Income at a level that a party has never earned in the
 110 past, unless recently degreed, licensed, certified, relicensed,
 111 or recertified and thus qualified for, subject to geographic
 112 location, with due consideration of the parties' existing time-
 113 sharing schedule and their historical exercise of the time-
 114 sharing provided in the parenting plan or relevant order.

115 (6) The following guidelines schedule shall be applied to
 116 the combined net income to determine the minimum child support
 117 need:

Combined Monthly

Net Income	Child or Children					
	One	Two	Three	Four	Five	Six
650.00	74	75	75	76	77	78
700.00	119	120	121	123	124	125
750.00	164	166	167	169	171	173

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 907 (2010)

	Amendment No. 1						
124	800.00	190	211	213	216	218	220
125	850.00	202	257	259	262	265	268
126	900.00	213	302	305	309	312	315
127	950.00	224	347	351	355	359	363
128	1000.00	235	365	397	402	406	410
129	1050.00	246	382	443	448	453	458
130	1100.00	258	400	489	495	500	505
131	1150.00	269	417	522	541	547	553
132	1200.00	280	435	544	588	594	600
133	1250.00	290	451	565	634	641	648
134	1300.00	300	467	584	659	688	695
135	1350.00	310	482	603	681	735	743
136	1400.00	320	498	623	702	765	790
137	1450.00	330	513	642	724	789	838

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 907 (2010)

	Amendment No. 1						
138	1500.00	340	529	662	746	813	869
	1550.00	350	544	681	768	836	895
139							
	1600.00	360	560	701	790	860	920
140							
	1650.00	370	575	720	812	884	945
141							
	1700.00	380	591	740	833	907	971
142							
	1750.00	390	606	759	855	931	996
143							
	1800.00	400	622	779	877	955	1022
144							
	1850.00	410	638	798	900	979	1048
145							
	1900.00	421	654	818	923	1004	1074
146							
	1950.00	431	670	839	946	1029	1101
147							
	2000.00	442	686	859	968	1054	1128
148							
	2050.00	452	702	879	991	1079	1154
149							
	2100.00	463	718	899	1014	1104	1181
150							
	2150.00	473	734	919	1037	1129	1207
151							

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 907 (2010)

	Amendment No. 1						
152	2200.00	484	751	940	1060	1154	1234
153	2250.00	494	767	960	1082	1179	1261
154	2300.00	505	783	980	1105	1204	1287
155	2350.00	515	799	1000	1128	1229	1314
156	2400.00	526	815	1020	1151	1254	1340
157	2450.00	536	831	1041	1174	1279	1367
158	2500.00	547	847	1061	1196	1304	1394
159	2550.00	557	864	1081	1219	1329	1420
160	2600.00	568	880	1101	1242	1354	1447
161	2650.00	578	896	1121	1265	1379	1473
162	2700.00	588	912	1141	1287	1403	1500
163	2750.00	597	927	1160	1308	1426	1524
164	2800.00	607	941	1178	1328	1448	1549
165	2850.00	616	956	1197	1349	1471	1573

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 907 (2010)

	Amendment	No. 1					
166	2900.00	626	971	1215	1370	1494	1598
167	2950.00	635	986	1234	1391	1517	1622
168	3000.00	644	1001	1252	1412	1540	1647
169	3050.00	654	1016	1271	1433	1563	1671
170	3100.00	663	1031	1289	1453	1586	1695
171	3150.00	673	1045	1308	1474	1608	1720
172	3200.00	682	1060	1327	1495	1631	1744
173	3250.00	691	1075	1345	1516	1654	1769
174	3300.00	701	1090	1364	1537	1677	1793
175	3350.00	710	1105	1382	1558	1700	1818
176	3400.00	720	1120	1401	1579	1723	1842
177	3450.00	729	1135	1419	1599	1745	1867
178	3500.00	738	1149	1438	1620	1768	1891
179	3550.00	748	1164	1456	1641	1791	1915

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 907 (2010)

	Amendment	No. 1					
180	3600.00	757	1179	1475	1662	1814	1940
181	3650.00	767	1194	1493	1683	1837	1964
182	3700.00	776	1208	1503	1702	1857	1987
183	3750.00	784	1221	1520	1721	1878	2009
184	3800.00	793	1234	1536	1740	1899	2031
185	3850.00	802	1248	1553	1759	1920	2053
186	3900.00	811	1261	1570	1778	1940	2075
187	3950.00	819	1275	1587	1797	1961	2097
188	4000.00	828	1288	1603	1816	1982	2119
189	4050.00	837	1302	1620	1835	2002	2141
190	4100.00	846	1315	1637	1854	2023	2163
191	4150.00	854	1329	1654	1873	2044	2185
192	4200.00	863	1342	1670	1892	2064	2207
193	4250.00	872	1355	1687	1911	2085	2229

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 907 (2010)

	Amendment	No. 1					
194	4300.00	881	1369	1704	1930	2106	2251
195	4350.00	889	1382	1721	1949	2127	2273
196	4400.00	898	1396	1737	1968	2147	2295
197	4450.00	907	1409	1754	1987	2168	2317
198	4500.00	916	1423	1771	2006	2189	2339
199	4550.00	924	1436	1788	2024	2209	2361
200	4600.00	933	1450	1804	2043	2230	2384
201	4650.00	942	1463	1821	2062	2251	2406
202	4700.00	951	1477	1838	2081	2271	2428
203	4750.00	959	1490	1855	2100	2292	2450
204	4800.00	968	1503	1871	2119	2313	2472
205	4850.00	977	1517	1888	2138	2334	2494
206	4900.00	986	1530	1905	2157	2354	2516
207	4950.00	993	1542	1927	2174	2372	2535

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 907 (2010)

	Amendment	No. 1					
208	5000.00	1000	1551	1939	2188	2387	2551
209	5050.00	1006	1561	1952	2202	2402	2567
210	5100.00	1013	1571	1964	2215	2417	2583
211	5150.00	1019	1580	1976	2229	2432	2599
212	5200.00	1025	1590	1988	2243	2447	2615
213	5250.00	1032	1599	2000	2256	2462	2631
214	5300.00	1038	1609	2012	2270	2477	2647
215	5350.00	1045	1619	2024	2283	2492	2663
216	5400.00	1051	1628	2037	2297	2507	2679
217	5450.00	1057	1638	2049	2311	2522	2695
218	5500.00	1064	1647	2061	2324	2537	2711
219	5550.00	1070	1657	2073	2338	2552	2727
220	5600.00	1077	1667	2085	2352	2567	2743
221	5650.00	1083	1676	2097	2365	2582	2759

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 907 (2010)

	Amendment No. 1						
222	5700.00	1089	1686	2109	2379	2597	2775
223	5750.00	1096	1695	2122	2393	2612	2791
224	5800.00	1102	1705	2134	2406	2627	2807
225	5850.00	1107	1713	2144	2418	2639	2820
226	5900.00	1111	1721	2155	2429	2651	2833
227	5950.00	1116	1729	2165	2440	2663	2847
228	6000.00	1121	1737	2175	2451	2676	2860
229	6050.00	1126	1746	2185	2462	2688	2874
230	6100.00	1131	1754	2196	2473	2700	2887
231	6150.00	1136	1762	2206	2484	2712	2900
232	6200.00	1141	1770	2216	2495	2724	2914
233	6250.00	1145	1778	2227	2506	2737	2927
234	6300.00	1150	1786	2237	2517	2749	2941
235	6350.00	1155	1795	2247	2529	2761	2954

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 907 (2010)

	Amendment No. 1						
236	6400.00	1160	1803	2258	2540	2773	2967
237	6450.00	1165	1811	2268	2551	2785	2981
238	6500.00	1170	1819	2278	2562	2798	2994
239	6550.00	1175	1827	2288	2573	2810	3008
240	6600.00	1179	1835	2299	2584	2822	3021
241	6650.00	1184	1843	2309	2595	2834	3034
242	6700.00	1189	1850	2317	2604	2845	3045
243	6750.00	1193	1856	2325	2613	2854	3055
244	6800.00	1196	1862	2332	2621	2863	3064
245	6850.00	1200	1868	2340	2630	2872	3074
246	6900.00	1204	1873	2347	2639	2882	3084
247	6950.00	1208	1879	2355	2647	2891	3094
248	7000.00	1212	1885	2362	2656	2900	3103
249	7050.00	1216	1891	2370	2664	2909	3113

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 907 (2010)

	Amendment	No. 1					
250	7100.00	1220	1897	2378	2673	2919	3123
251	7150.00	1224	1903	2385	2681	2928	3133
252	7200.00	1228	1909	2393	2690	2937	3142
253	7250.00	1232	1915	2400	2698	2946	3152
254	7300.00	1235	1921	2408	2707	2956	3162
255	7350.00	1239	1927	2415	2716	2965	3172
256	7400.00	1243	1933	2423	2724	2974	3181
257	7450.00	1247	1939	2430	2733	2983	3191
258	7500.00	1251	1945	2438	2741	2993	3201
259	7550.00	1255	1951	2446	2750	3002	3211
260	7600.00	1259	1957	2453	2758	3011	3220
261	7650.00	1263	1963	2461	2767	3020	3230
262	7700.00	1267	1969	2468	2775	3030	3240
263	7750.00	1271	1975	2476	2784	3039	3250

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 907 (2010)

	Amendment	No. 1					
264	7800.00	1274	1981	2483	2792	3048	3259
265	7850.00	1278	1987	2491	2801	3057	3269
266	7900.00	1282	1992	2498	2810	3067	3279
267	7950.00	1286	1998	2506	2818	3076	3289
268	8000.00	1290	2004	2513	2827	3085	3298
269	8050.00	1294	2010	2521	2835	3094	3308
270	8100.00	1298	2016	2529	2844	3104	3318
271	8150.00	1302	2022	2536	2852	3113	3328
272	8200.00	1306	2028	2544	2861	3122	3337
273	8250.00	1310	2034	2551	2869	3131	3347
274	8300.00	1313	2040	2559	2878	3141	3357
275	8350.00	1317	2046	2566	2887	3150	3367
276	8400.00	1321	2052	2574	2895	3159	3376
277	8450.00	1325	2058	2581	2904	3168	3386

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 907 (2010)

	Amendment	No. 1					
278	8500.00	1329	2064	2589	2912	3178	3396
279	8550.00	1333	2070	2597	2921	3187	3406
280	8600.00	1337	2076	2604	2929	3196	3415
281	8650.00	1341	2082	2612	2938	3205	3425
282	8700.00	1345	2088	2619	2946	3215	3435
283	8750.00	1349	2094	2627	2955	3224	3445
284	8800.00	1352	2100	2634	2963	3233	3454
285	8850.00	1356	2106	2642	2972	3242	3464
286	8900.00	1360	2111	2649	2981	3252	3474
287	8950.00	1364	2117	2657	2989	3261	3484
288	9000.00	1368	2123	2664	2998	3270	3493
289	9050.00	1372	2129	2672	3006	3279	3503
290	9100.00	1376	2135	2680	3015	3289	3513
291	9150.00	1380	2141	2687	3023	3298	3523

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 907 (2010)

	Amendment No. 1						
292	9200.00	1384	2147	2695	3032	3307	3532
	9250.00	1388	2153	2702	3040	3316	3542
293							
	9300.00	1391	2159	2710	3049	3326	3552
294							
	9350.00	1395	2165	2717	3058	3335	3562
295							
	9400.00	1399	2171	2725	3066	3344	3571
296							
	9450.00	1403	2177	2732	3075	3353	3581
297							
	9500.00	1407	2183	2740	3083	3363	3591
298							
	9550.00	1411	2189	2748	3092	3372	3601
299							
	9600.00	1415	2195	2755	3100	3381	3610
300							
	9650.00	1419	2201	2763	3109	3390	3620
301							
	9700.00	1422	2206	2767	3115	3396	3628
302							
	9750.00	1425	2210	2772	3121	3402	3634
303							
	9800.00	1427	2213	2776	3126	3408	3641
304							
	9850.00	1430	2217	2781	3132	3414	3647
305							

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 907 (2010)

Amendment No. 1

9900.00 1432 2221 2786 3137 3420 3653

306

9950.00 1435 2225 2791 3143 3426 3659

307

10000.00 1437 2228 2795 3148 3432 3666

308

309 (a) If the obligor parent's ~~For combined monthly net~~
 310 ~~income is~~ less than the amount in ~~set out on~~ the above
 311 guidelines schedule:7

312 1. The parent should be ordered to pay a child support
 313 amount, determined on a case-by-case basis, to establish the
 314 principle of payment and lay the basis for increased support
 315 orders should the parent's income increase ~~in the future.~~

316 2. The obligor parent's child support payment shall be the
 317 lesser of the obligor parent's actual dollar share of the total
 318 minimum child support amount, as determined in subparagraph 1.,
 319 and 90 percent of the difference between the obligor parent's
 320 monthly net income and the current poverty guidelines as
 321 periodically updated in the Federal Register by the United
 322 States Department of Health and Human Services pursuant to 42
 323 U.S.C. s. 9902(2) for a single individual living alone.

324 (b) For combined monthly net income greater than the
 325 amount ~~set out~~ in the ~~above~~ guidelines schedule, the obligation
 326 is ~~shall be~~ the minimum amount of support provided by the
 327 guidelines schedule plus the following percentages multiplied by
 328 the amount of income over \$10,000:

329

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 907 (2010)

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Child or Children

330	One	Two	Three	Four	Five	Six
331	5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

332

333 (7) Child care costs incurred ~~on behalf of the children~~

334 due to employment, job search, or education calculated to result

335 in employment or to enhance income of current employment of

336 either parent ~~shall be reduced by 25 percent and then shall be~~

337 added to the basic obligation. After the ~~adjusted~~ child care

338 costs are added ~~to the basic obligation~~, any moneys prepaid by a

339 parent for child care costs for the child or children of this

340 action shall be deducted from that parent's child support

341 obligation for that child or those children. Child care costs

342 may ~~shall~~ not exceed the level required to provide quality care

343 from a licensed source ~~for the children~~.

344 (11) (a) The court may adjust the total minimum child

345 support award, or either or both parents' share of the total

346 minimum child support award, based upon the following deviation

347 factors:

- 348 1. Extraordinary medical, psychological, educational, or
- 349 dental expenses.
- 350 2. Independent income of the child, not to include moneys
- 351 received by a child from supplemental security income.
- 352 3. The payment of support for a parent which ~~regularly~~ has
- 353 been regularly paid and for which there is a demonstrated need.

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354 4. Seasonal variations in one or both parents' incomes or
355 expenses.

356 5. The age of the child, taking into account the greater
357 needs of older children.

358 6. Special needs, such as costs that may be associated
359 with the disability of a child, that have traditionally been met
360 within the family budget even though ~~the~~ fulfilling ~~of~~ those
361 needs will cause the support to exceed the presumptive amount
362 established by the guidelines.

363 7. Total available assets of the obligee, obligor, and the
364 child.

365 8. The impact of the Internal Revenue Service Child &
366 Dependent Care Tax Credit, Earned Income Tax Credit, and
367 dependency exemption and waiver of that exemption. The court may
368 order a parent to execute a waiver of the Internal Revenue
369 Service dependency exemption if the paying parent is current in
370 support payments.

371 9. An ~~When~~ application of the child support guidelines
372 schedule that requires a person to pay another person more than
373 55 percent of his or her gross income for a child support
374 obligation for current support resulting from a single support
375 order.

376 10. The particular parenting plan, such as where the child
377 spends a significant amount of time, but less than 20 ~~40~~ percent
378 of the overnights, with one parent, thereby reducing the
379 financial expenditures incurred by the other parent; or the
380 refusal of a parent to become involved in the activities of the
381 child.

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382 11. Any other adjustment that ~~which~~ is needed to achieve
383 an equitable result which may include, but not be limited to, a
384 reasonable and necessary existing expense or debt. Such expense
385 or debt may include, but is not limited to, a reasonable and
386 necessary expense or debt that ~~which~~ the parties jointly
387 incurred during the marriage.

388 (b) Whenever a particular parenting plan provides that
389 each child spend a substantial amount of time with each parent,
390 the court shall adjust any award of child support, as follows:

391 1. In accordance with subsections (9) and (10), calculate
392 the amount of support obligation apportioned to each parent
393 without including day care and health insurance costs in the
394 calculation and multiply the amount by 1.5.

395 2. Calculate the percentage of overnight stays the child
396 spends with each parent.

397 3. Multiply each parent's support obligation as calculated
398 in subparagraph 1. by the percentage of the other parent's
399 overnight stays with the child as calculated in subparagraph 2.

400 4. The difference between the amounts calculated in
401 subparagraph 3. shall be the monetary transfer necessary between
402 the parents for the care of the child, subject to an adjustment
403 for day care and health insurance expenses.

404 5. Pursuant to subsections (7) and (8), calculate the net
405 amounts owed by each parent for the expenses incurred for day
406 care and health insurance coverage for the child. ~~Day care shall~~
407 ~~be calculated without regard to the 25-percent reduction applied~~
408 ~~by subsection (7).~~

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409 6. Adjust the support obligation owed by each parent
410 pursuant to subparagraph 4. by crediting or debiting the amount
411 calculated in subparagraph 5. This amount represents the child
412 support which must be exchanged between the parents.

413 7. The court may deviate from the child support amount
414 calculated pursuant to subparagraph 6. based upon the deviation
415 factors in paragraph (a), as well as the obligee parent's low
416 income and ability to maintain the basic necessities of the home
417 for the child, the likelihood that either parent will actually
418 exercise the time-sharing schedule set forth in the parenting
419 plan granted by the court, and whether all of the children are
420 exercising the same time-sharing schedule.

421 8. For purposes of adjusting any award of child support
422 under this paragraph, "substantial amount of time" means that a
423 parent exercises time-sharing ~~visitation~~ at least 20 ~~40~~ percent
424 of the overnights of the year.

425 (c) A parent's failure to regularly exercise the court-
426 ordered or agreed time-sharing schedule not caused by the other
427 parent which resulted in the adjustment of the amount of child
428 support pursuant to subparagraph (a)10. or paragraph (b) shall
429 be deemed a substantial change of circumstances for purposes of
430 modifying the child support award. A modification pursuant to
431 this paragraph is ~~shall be~~ retroactive to the date the
432 noncustodial parent first failed to regularly exercise the
433 court-ordered or agreed time-sharing schedule.

434 Section 4. Except as otherwise expressly provided in this
435 act and except for this section, which shall take effect October
436 1, 2010, this act shall take effect January 1, 2011.

Amendment No. 1

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

Remove the entire title and insert:

An act relating to child support guidelines; amending s. 61.13, F.S.; requiring all child support orders after a certain date to contain certain provisions; creating s. 61.29, F.S.; providing principles for implementing the support guidelines schedule; amending s. 61.30, F.S.; creating a rebuttable presumption of census-level wages if information about earnings level is not provided; providing that the burden of proof is on the party seeking to impute income to the other party; prohibiting imputation of income for out-of-date records or unprecedented earnings; removing the first three combined monthly net income amounts on the guidelines schedule; providing for the calculation of the obligor parent's child support payment under certain circumstances; revising the deviation factors that a court may consider when adjusting a parent's share of the child support award; providing effective dates.

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

HB 1179 : Electronic Documents Recorded in the Official Records

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle			X		
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 1179 Electronic Documents Recorded in the Official Records
 Martha Edenfield (Lobbyist) - Proponent
 Real Property Probate and Trust Law Section of the Florida Bar
 P O Box 10095
 Tallahassee FL 32302
 Phone: 850-222-3533

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

HB 1383 : Pregnant Children and Youth in Out-of-Home Care

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman		X			
Luis Garcia			X		
Audrey Gibson		X			
Eduardo Gonzalez			X		
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 12		Total Nays: 2			

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

Amendment No. |

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Jarrable
4-12-10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy
2 Council
3 Representative(s) Waldman offered the following:

4
5 **Amendment**

6 Between lines 66 and 67, insert:

7 (2) The Specialty Guardian Ad Litem Pilot Program shall be
8 reviewed and evaluated upon completion of the 3-year initial
9 Pilot Program by the Statewide Guardian Ad Litem Office. The
10 review and evaluation shall be written and presented to the
11 President of the Senate and the Speaker of the House of
12 Representatives.

13 (3) The Specialty Guardian Ad Litem Pilot Program shall
14 not expand to other judicial circuits until the 3-year pilot
15 program is complete, and has been reviewed and evaluated.

Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

*Withdrawn
4.12.10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy
 2 Council
 3 Representative(s) Waldman offered the following:

Amendment

Remove lines 85-87 and insert:

7 (c) The availability of pregnancy counseling services from
 8 a qualified service provider. For purposes of this paragraph,
 9 the term "qualified service provider" means an entity that
 10 provides all options counseling with regards to an unplanned
 11 pregnancy. A qualified service provider shall provide all
 12 materials and information that is medically accurate, with
 13 reference sources for any and all statements of a medical
 14 nature. Sources may include, but are not limited to, entities
 15 such as the Centers for disease control, the American College of
 16 Obstetricians and Gynecologists, and peer-reviewed health
 17 science journals, such as the Journal of the American Medical
 18 Association.

Amendment No. **3**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Withdrawn
4.12.10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy
2 Council

3 Representative(s) Waldman offered the following:

4

5 **Amendment**

6 Between lines 118 and 119, insert:

7 (7) The Specialty Guardian Ad Litem shall not be assigned
8 to any minor pursuant to proceedings under s. 390.01114(4)
9 unless the minor is in foster care or in out-of-home care.

Amendment No. 4

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

*favorable
4-12-10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy
2 Council

3 Representative(s) Waldman offered the following:

4
5 **Amendment**

6 Remove lines 126-129 and insert:

7 litem and shall represent the child or youth's wishes. The
8 Specialty Guardian Ad Litem shall not supersede the minor's
9 decision to seek a judicial bypass pursuant to s. 390.01114(4),
10 nor supersede a court appointed attorney in a judicial bypass
11 pursuant to s. 390.01114(4).

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

CS/HB 1493 : Career Offenders

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle			X		
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 1493 Career Offenders

Lisa Henning, Director, Legislative Affairs (Lobbyist) - Proponent

Fraternal Order of Police

242 Office Plaza Drive

Tallahassee FL 32301

Phone: 850-656-9881

HB 1493 Career Offenders

Gary Bradford (Lobbyist) - Proponent

Florida Police Benevolent Assn

300 E Brevard St

Tallahassee FL

Phone: 800-733-3722

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

CS/CS/HB 1523 : Homeowner Relief

Not Considered

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

HJR 1553 : Basic Rights

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino				X	
Eric Eisnaugle			X		
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

HJR 1553 Basic Rights

Fely Curva (Lobbyist) - Proponent

Big Bend Filipino Association of Florida

1212 Piedmont Dr

Tallahassee FL 32312

Phone: 850-508-2256

HJR 1553 Basic Rights

Aurora Hansen, Board of Directors (General Public) - Proponent

Asian Coalition of Tallahassee

921 Maplewood Avenue

Tallahassee FL 32303

Phone: 850-321-1114

HJR 1553 Basic Rights

Junwei Lu (General Public) - Proponent

Asian Coalition of Tallahassee and Asian American Federation of Florida

9556 Apalachee Parkway

Tallahassee FL 32311

Phone: 850-510-5132

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

HB 7125 : Criminal Penalties for Violations of Tax Statutes

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

4/12/2010 1:00:00PM

Location: 404 HOB

HB 7181 : Juvenile Justice

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle			X		
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck	X				
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 7181 Juvenile Justice

Jason Welty, Legislative Director (Lobbyist) (State Employee) - Proponent

Florida Department of Juvenile Justice

2737 Centerview Dr

Tallahassee FL 32399-3100

Phone: 850-921-3097

HB 7181 Juvenile Justice

Cathy Cray-Myers, Executive Director (Lobbyist) - Proponent

Florida Juvenile Justice Association

Phone: 850-671-3442

Committee meeting was reported out: Monday, April 12, 2010 7:03:11PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7181 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Favorable
4.12.10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy
2 Council
3 Representative(s) Adams offered the following:

Amendment

Between lines 511 and 512, insert:

7 (c) Evaluate programs, whether operated by the department
8 or by a provider under contract with the department, in the same
9 manner and using the same standards, and take comparable actions
10 as a result of such evaluations.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7181 (2010)

Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

*Yamable
4-12-10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy
2 Council

3 Representative Ambler offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 351-358

7

8

9

10 -----

11 **T I T L E A M E N D M E N T**

12 Remove lines 40-41 and insert:

13 amending s. 985.255, F.S.; providing that a

Amendment No. 3

COUNCIL/COMMITTEE ACTION

- ADOPTED _____ (Y/N)
- ADOPTED AS AMENDED _____ (Y/N)
- ADOPTED W/O OBJECTION _____ (Y/N)
- FAILED TO ADOPT _____ (Y/N)
- WITHDRAWN _____ (Y/N)
- OTHER _____

*favorable
4.12.10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy
 2 Council
 3 Representative Ambler offered the following:

Amendment (with title amendment)

6 Remove lines 247-249 and insert:
 7 postarrest diversion program. Youth who are taken into custody
 8 for first-time misdemeanor offenses or offenders who are 9 years
 9 of age or younger should be given an opportunity to participate
 10 in a prearrest or postarrest diversion program.

13 -----
 14 **T I T L E A M E N D M E N T**

15 Remove line 24 and insert:
 16 programs for youth; providing that youth who are taken into
 17 custody for first-time misdemeanor offenses or who are 9 years
 18 of age or younger should have the opportunity to participate in
 19 such programs;