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# Justice Appropriations Subcommittee

Friday, January 19, 2024  
4:00 PM – 6:00 PM  
17 HOB (Morris Hall)

**MEETING PACKET**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Justice Appropriations Subcommittee

**Start Date and Time:** Friday, January 19, 2024 04:00 pm  
**End Date and Time:** Friday, January 19, 2024 06:00 pm  
**Location:** Morris Hall (17 HOB)  
**Duration:** 2.00 hrs

**Consideration of the following bill(s):**

HB 353 Alternative Headquarters for District Court Judges by Maney  
HB 713 Battery Offenses by Porras, Alvarez

KPMG and Department of Corrections – Presentation on the Multi-Year Facilities Master Plan Study

To submit an electronic appearance form, and for information about attending or testifying at a committee meeting, please see the "Visiting the House" tab at [www.myfloridahouse.gov](http://www.myfloridahouse.gov).

**NOTICE FINALIZED on 01/17/2024 4:00PM by RSD**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 353 Alternative Headquarters for District Court Judges

**SPONSOR(S):** Maney

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 570

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	17 Y, 0 N	Mathews	Jones
2) Justice Appropriations Subcommittee		Smith	Keith
3) Judiciary Committee			

### SUMMARY ANALYSIS

Florida's court system consists of two trial-level courts and two appellate-level courts. The trial-level courts consist of 67 county courts and 20 circuit courts. The appellate-level courts consist of the Supreme Court and six district courts of appeal (DCAs).

The DCAs decide most appeals from circuit court cases and many administrative law appeals from actions by the executive branch. DCAs must also review county court decisions invalidating a provision of Florida's constitution or statutes, and may hear decisions of a county court that are certified by the county court to be of great public importance.

Each DCA has one main headquarters located within its jurisdictional district. Additionally, s. 35.05(2), F.S., provides that a DCA may designate other locations within the district as branch headquarters. Under s. 35.051, F.S., a DCA judge who lives more than 50 miles from his or her DCA courthouse or designated branch DCA location is eligible to have a personal headquarters within his or her county of residence and to be reimbursed for trips between such personal headquarters and the DCA location.

HB 353 amends s. 35.051, F.S., to authorize a DCA judge that would otherwise be eligible to establish an alternate headquarters to choose to establish an alternate headquarters in a county adjacent to his or her county of residence. Under the bill, reimbursement is limited to the lesser of:

- The amount for travel between the judge's official headquarters and the DCA, or
- The amount that would be authorized for travel between an official headquarters in the judge's county of residence and the DCA.

The bill may have an insignificant, yet indeterminate fiscal impact to state expenditures due to the expanded option for the location of an alternate headquarters.

The bill provides an effective date of July 1, 2024.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Florida Court System Structure

Florida's court system consists of two trial-level courts and two appellate-level courts. The trial-level courts consist of 67 county courts and 20 circuit courts.<sup>1</sup> The appellate-level courts consist of the Supreme Court and six district courts of appeal.<sup>2</sup> Each of Florida's 67 counties has at least one county court judge.<sup>3</sup> County courts hear violations of municipal and county ordinances, traffic offenses, landlord-tenant disputes, misdemeanor criminal matters, simplified dissolution of marriage cases, and monetary disputes involving an amount in controversy up to and including \$50,000.<sup>4</sup> Circuit courts hear all criminal and civil matters not within the jurisdiction of the county court, including family law, dependency, juvenile delinquency, mental health, probate, guardianship matters, and civil matters involving an amount in controversy exceeding \$50,000.<sup>5</sup>

The majority of trial court decisions that are appealed are reviewed by the district courts of appeal (DCAs). The DCAs also review many administrative law appeals from actions by the executive branch. DCAs must also review county court decisions invalidating a provision of Florida's constitution or statutes<sup>6</sup> and may hear decisions of a county court that are certified by the county court to be of great public importance.<sup>7</sup> The Supreme Court is the highest court in Florida and has mandatory jurisdiction over all death penalty cases, district court decisions declaring a state statute or provision of the state constitution invalid, bond validations, rules of court procedure, and statewide agency actions relating to public utilities.<sup>8</sup>

The current appellate districts are organized as follows:<sup>9</sup>

Appellate District	Circuits Within the DCA
First DCA	1, 2, 3, 8, 14
Second DCA	6, 12, 13
Third DCA	11, 16
Fourth DCA	15, 17, 19
Fifth DCA	4, 5, 7, 18
Sixth DCA	9, 10, 20

<sup>1</sup> Art. V, ss. 5 and 6, Fla. Const.

<sup>2</sup> The Supreme Court of Florida, *2020-2021 Florida State Courts Annual Report*, <https://www.flcourts.gov/Publications-Statistics/Publications/Annual-Reports/2020-21-Annual-Report> (last visited Jan. 16, 2024); Office of the State Court Administrator, District Courts of Appeal, <https://www.flcourts.gov/Florida-Courts/District-Courts-of-Appeal> (last visited Jan 16, 2024).

<sup>3</sup> Art. V, s. 6(a), Fla. Const.

<sup>4</sup> Art. V, s. 6(b), Fla. Const.; s. 34.01, F.S.

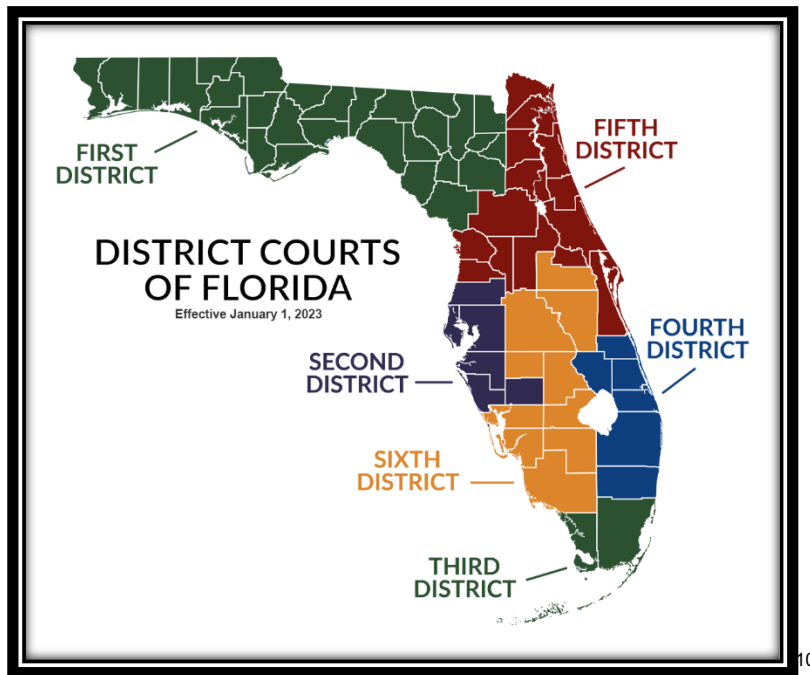
<sup>5</sup> Art. V, s. 5(b), Fla. Const.; s. 26.012, F.S.

<sup>6</sup> S. 35.065, F.S.

<sup>7</sup> *Id.*

<sup>8</sup> Art. V, s. 3(b), Fla. Const.

<sup>9</sup> Ss. 35.01-35.044, F.S.



### Supreme Court Headquarters

The Florida Supreme Court is located in Tallahassee, Leon County, Florida.<sup>11</sup> Pursuant to s. 25.025, F.S., a Supreme Court justice who permanently resides outside of Leon County is eligible for the designation of his or her personal headquarters, which may only serve as the justice's private chambers.<sup>12</sup> The justice may designate a DCA courthouse, a county courthouse, or another appropriate facility in his or her district of residence as his or her personal headquarters.<sup>13</sup>

A justice who chooses to designate an official headquarters in his or her district of residence is eligible for subsistence payment to be prescribed by the Chief Justice as well as reimbursement for travel expenses between the justice's official headquarters and the headquarters of the Supreme Court.<sup>14</sup>

### DCA Headquarters

Section 35.05(1), F.S., designates the following official headquarters for the six DCAs:<sup>15</sup>

- First DCA: Second Judicial Circuit, Tallahassee, Leon County.
- Second DCA: Sixth Judicial Circuit, Pinellas County.
- Third DCA: Eleventh Judicial Circuit, Miami-Dade County.
- Fourth DCA: Fifteenth Judicial Circuit, Palm Beach County.
- Fifth DCA: Seventh Judicial Circuit, Daytona Beach, Volusia County.
- Sixth DCA: Tenth Judicial Circuit, Lakeland, Polk County.

<sup>10</sup> Fla. 4th DCA, *District Court Boundary Changes Effective January 1, 2023* (Jan. 16, 2024), <https://4dca.flcourts.gov/About-the-Court/Court-News/District-Court-Boundary-Changes-Effective-January-1-2023> (last visited Jan. 16, 2024).

<sup>11</sup> Art. II, s. 2, Fla. Const.

<sup>12</sup> S. 25.025(1)(a), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> S. 25.025(1)(b), F.S.

<sup>15</sup> S. 35.05(1), F.S. Prior to the 2022 legislative session, Florida's DCAs were divided into five appellate districts and employed 64 appellate judges throughout the state. In 2022, in response to a certification of need by the Florida Supreme Court to the Legislature, the Florida Legislature passed HB 7027, which created a sixth DCA.

Additionally, s. 35.05(2), F.S., provides that a DCA may designate other locations within the district as branch headquarters. Under s. 35.051, F.S., a DCA judge who lives more than 50 miles from his or her DCA courthouse or designated branch DCA location is eligible to have a personal headquarters and to be reimbursed for trips between such personal headquarters and the DCA location in a manner similar to Supreme Court justices.<sup>16</sup>

The personal headquarters, which may serve only as judicial chambers and must be used for official judicial business, may be in any appropriate facility, including a county courthouse.<sup>17</sup> However, no county is required to provide space to a DCA judge for his or her personal headquarters.<sup>18</sup> The DCA may contract with a county regarding the use of courthouse space, but state funds may not be used to lease the space.<sup>19</sup>

### **Effect of Proposed Changes**

HB 353 amends s. 35.051, F.S., to provide that a DCA judge has the additional option to designate an alternative headquarters in a county adjacent to the judge's county of residence within the district he or she serves. As such, a DCA judge would have the ability to designate as an alternate headquarters a county courthouse or other facility in his or her county of residence or within a county adjacent to his or her county of residence, within the district he or she serves.

The bill amends provisions relating to reimbursement for travel expenses to include travel to an alternate headquarters in a county adjacent to judge's county of residence and within the district the judge serves. The reimbursement for travel is limited to the lesser of:

- The amount for travel between the judge's official headquarters and the DCA headquarters or designated branch headquarters; or
- The amount that would otherwise be authorized for travel between an official headquarters maintained in the judge's county of residence and the DCA headquarters or designated branch headquarters.

The bill provides an effective date of July 1, 2024.

#### **B. SECTION DIRECTORY:**

**Section 1:** Amends s. 35.051(1), F.S., relating to subsistence and travel reimbursement for judges with alternate headquarters.

**Section 2:** Provides an effective date of July 1, 2024.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

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<sup>16</sup> S. 35.051(1), F.S.

<sup>17</sup> S. 35.051(1)(a), F.S.

<sup>18</sup> S. 35.051(3)(a), F.S.

<sup>19</sup> S. 35.051(3)(b), F.S.

2. Expenditures:

The bill may have an insignificant, yet indeterminate fiscal impact on state expenditures. Depending on the location selected by the judge as his or her personal headquarters, and the location of an alternate official headquarters he or she would have selected within his or her county of residence pursuant to current law, travel costs and reimbursements may vary.

However, under the bill, travel reimbursements are limited to the lesser amount for travel between an official headquarters and the DCA location, or the amount for travel if an official headquarters had been designated in the judge's county of residence. This may result in cost savings if a shorter travel distance is achieved by designation of alternate official headquarters in an adjacent county.<sup>20</sup>

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:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

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<sup>20</sup> Office of the State Courts Administrator, Agency Analysis of 2024 House Bill 353, p.2 (Dec. 13, 2023).



1                                   A bill to be entitled  
 2           An act relating to alternative headquarters for  
 3           district court judges; amending s. 35.051, F.S.;  
 4           authorizing a district court judge to have an  
 5           appropriate facility in an adjacent county to his or  
 6           her county of residence as the judge's official  
 7           headquarters; authorizing subsistence and travel  
 8           reimbursement for such locations; providing an  
 9           effective date.

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

12  
 13           Section 1. Subsection (1) of section 35.051, Florida  
 14   Statutes, is amended to read:

15           35.051 Subsistence and travel reimbursement for judges  
 16   with alternate headquarters.—

17           (1)(a) A district court of appeal judge is eligible for  
 18   the designation of a county courthouse or another appropriate  
 19   facility in his or her county of residence, or an adjacent  
 20   county within the district, as his or her official headquarters  
 21   for purposes of s. 112.061 if the judge permanently resides more  
 22   than 50 miles from:

23           1. The appellate district's headquarters as prescribed  
 24   under s. 35.05(1), if the judge is assigned to such  
 25   headquarters; or

26           2. The appellate district's branch headquarters  
 27 established under s. 35.05(2), if the judge is assigned to such  
 28 branch headquarters.

29  
 30 The official headquarters may serve only as the judge's private  
 31 chambers.

32           (b)1. A district court of appeal judge for whom an  
 33 official headquarters is designated under paragraph (a) ~~in his~~  
 34 ~~or her county of residence under this subsection~~ is eligible for  
 35 subsistence at a rate to be established by the Chief Justice for  
 36 each day or partial day that the judge is at the headquarters or  
 37 branch headquarters of his or her appellate district to conduct  
 38 court business, as authorized by the chief judge of that  
 39 district court of appeal. The Chief Justice may authorize a  
 40 judge to choose between subsistence based on lodging at a  
 41 single-occupancy rate and meal reimbursement as provided in s.  
 42 112.061 and subsistence at a fixed rate prescribed by the Chief  
 43 Justice.

44           2. In addition to subsistence, a district court of appeal  
 45 judge is eligible for reimbursement for travel expenses as  
 46 provided in s. 112.061(7) and (8) for travel between the judge's  
 47 official headquarters and the headquarters or branch  
 48 headquarters of the appellate district to conduct court  
 49 business. If the judge's official headquarters designated under  
 50 paragraph (a) is located in a county adjacent to the judge's

51 county of residence, such reimbursement is limited to the lesser  
 52 of:

53 a. The amount for travel between the judge's official  
 54 headquarters and the headquarters or branch headquarters of the  
 55 appellate district; or

56 b. The amount that would be authorized for travel between  
 57 an official headquarters maintained in the judge's county of  
 58 residence and the headquarters or branch headquarters of the  
 59 appellate district.

60 (c) Payment of subsistence and reimbursement for travel  
 61 expenses between the judge's official headquarters and the  
 62 headquarters or branch headquarters of his or her appellate  
 63 district shall be made to the extent that appropriated funds are  
 64 available, as determined by the Chief Justice.

65 Section 2. This act shall take effect July 1, 2024.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 713 Battery Offenses  
**SPONSOR(S):** Porras and others  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	16 Y, 1 N	Butcher	Hall
2) Justice Appropriations Subcommittee		Smith	Keith
3) Judiciary Committee			

### SUMMARY ANALYSIS

Under s. 784.03, F.S., a person commits a battery offense if he or she actually and intentionally touches or strikes another person against the will of the other or intentionally causes bodily harm to another person. Generally, a battery is punishable as a first degree misdemeanor. Under s. 784.041, F.S., a person commits felony battery if he or she actually and intentionally touches or strikes another person against the will of the other and causes great bodily harm, permanent disability, or permanent disfigurement. A felony battery is punishable as a third degree felony. Additionally, if a person with a prior conviction for battery, aggravated battery, or felony battery commits a second or subsequent offense, the second or subsequent offense is punishable as a third-degree felony.

Florida law also enhances other specific types of battery offenses to third degree felonies, based on the offender's conduct or the victim's characteristics, including, but not limited to:

- Battery by strangulation under s. 784.031, F.S.;
- Battery on a law enforcement officer or other specified personnel under s. 784.07(2)(b), F.S.;
- Battery of a facility employee by throwing, tossing, or expelling certain fluids or materials under s. 784.078, F.S.; and
- Battery on a person 65 years of age or older under s. 784.08(2)(c), F.S.

Additionally, under s. 784.085, F.S., a person 18 years of age or older commits a third degree felony if he or she knowingly causes or attempts to cause *a child* to come into contact with blood, seminal fluid, or urine or feces by throwing, tossing, projecting, or expelling such fluid or material. Section 784.085, F.S., defines a "child" as a person under 18 years of age.

HB 713 amends s. 784.085, F.S., to generally prohibit a person 18 years of age or older from knowingly causing or attempting to cause *a person* to come into contact with blood, seminal fluid, or urine or feces by throwing, tossing, or expelling such fluids or materials, regardless of the victim's age.

The bill may have a positive indeterminate impact on jail and prison beds by expanding the scope of the prohibition under s. 784.085, F.S., to apply when any person is a victim of the offense, rather than only when a child under 18 years of age is the victim, which may result in increased jail and prison admissions.

The bill provides an effective date of October 1, 2024.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

##### Battery

Generally, under s. 784.03, F.S., a person commits a battery if he or she:

- Actually and intentionally touches or strikes another person against the will of the other; or
- Intentionally causes bodily harm to another person.

A battery is generally punishable as a first degree misdemeanor.<sup>1</sup>

Under s. 784.041, F.S., a person commits a felony battery if he or she:

- Actually and intentionally touches or strikes another person against the will of the other; and
- Causes great bodily harm, permanent disability, or permanent disfigurement.

A felony battery is punishable as a third degree felony.<sup>2</sup>

Additionally, if a person with a prior conviction for battery, aggravated battery, or felony battery commits a second or subsequent battery offense, the second or subsequent battery offense is punishable as a third degree felony.<sup>3</sup>

Florida law also enhances other specific types of battery offenses to third degree felonies, based on the offender's conduct or the victim's characteristics, including, but not limited to:

- Battery by strangulation under s. 784.031, F.S.;<sup>4</sup>
- Battery on a law enforcement officer or other specified personnel under s. 784.07(2)(b), F.S.;
- Battery of a facility employee by throwing, tossing, or expelling certain fluids or materials under s. 784.078, F.S.;<sup>5</sup> and
- Battery on a person 65 years of age or older under s. 784.08(2)(c), F.S.

##### Battery of a Child by Throwing, Tossing, Projecting, or Expelling Certain Fluids or Materials

Under s. 784.085, F.S., a person 18 years of age or older commits a third degree felony if he or she knowingly causes or attempts to cause a *child* to come into contact with blood, seminal fluid, or urine or feces by throwing, tossing, projecting, or expelling such fluid or material.

Section 784.085, F.S., defines a child as a person under 18 years of age. Because a child is the only person who can be a victim under this section, the law does not cover an adult offender who knowingly

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<sup>1</sup> A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. Ss. 775.082 and 775.083, F.S.

<sup>2</sup> A third degree felony is punishable by up to five years in prison and a \$5,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

<sup>3</sup> S. 784.03(2), F.S.

<sup>4</sup> A person commits battery by strangulation if he or she knowingly and intentionally, against the will of another person, impedes the normal breathing or circulation of the blood of that person so as to create a risk of or cause great bodily harm by applying pressure on the throat or neck of the other person or by blocking the nose or mouth of the other person. S. 784.031, F.S.

<sup>5</sup> A person commits battery of a facility employee throwing, tossing, or expelling certain fluids or materials if he or she:

- Is being detained in a facility;
- Has the intent to harass, annoy, threaten, or alarm a person in a facility whom he or she knows or reasonably should know to be an employee of such facility; and
- Causes or attempts to cause such employee to come into contact with blood, masticated food, regurgitated food, saliva, seminal fluid, or urine or feces, by throwing, tossing, or expelling such fluid or material.

The term "facility" means a state correctional institution defined in s. 944.02(8); a private correctional facility defined in s. 944.710 or under chapter 957; a county, municipal, or regional jail or other detention facility of local government under chapter 950 or chapter 951; or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice. S. 784.078, F.S.

causes or attempts to cause *another adult* to come into contact with blood, seminal fluid, or urine or feces by throwing, tossing, projecting, or expelling such fluid or material.

### Criminal Punishment Code

Felony offenses which are subject to the Criminal Punishment Code<sup>6</sup> are listed in a single offense severity ranking chart (OSRC),<sup>7</sup> which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.<sup>8,9</sup> A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense.<sup>10,11</sup> The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.<sup>12</sup>

A violation of s. 784.085, F.S., for battery of a child by throwing, tossing, projecting, or expelling certain fluids or materials is ranked as a Level 4 offense on the OSRC.

### **Effect of Proposed Changes**

HB 713 amends s. 784.085, F.S., to generally prohibit a person 18 years of age or older from knowingly causing or attempting to cause *a person* to come into contact with blood, seminal fluid, or urine or feces by throwing, tossing, or expelling such fluids or materials, regardless of the victim's age.

Under the bill, battery by throwing, tossing, projecting, or expelling certain fluids or materials remains a Level 4 offense on the OSRC. As such, if a person with no criminal history commits the offense, he or she would not be eligible to be sentenced to state prison.

As in current law, the bill continues to require that a person be 18 years of age or older in order to commit the offense and to be subject to the enhanced battery penalty.

The bill provides an effective date of October 1, 2024.

### **B. SECTION DIRECTORY:**

**Section 1:** Amends s. 784.085, F.S., battery of a child by throwing, tossing, projecting, or expelling certain fluids or materials.

**Section 2:** Amends s. 921.0022, F.S., Criminal Punishment Code; offense severity ranking chart.

**Section 3:** Provides an effective date of October 1, 2024.

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<sup>6</sup> All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code. S. 921.002, F.S.

<sup>7</sup> S. 921.0022, F.S.

<sup>8</sup> S. 921.0022(2), F.S.

<sup>9</sup> Felony offenses that are not listed in the OSRC default to statutorily assigned levels, as follows: an unlisted third-degree felony defaults to a level 1; an unlisted second-degree felony defaults to a level 4; an unlisted first-degree felony defaults to a level 7; an unlisted first-degree felony punishable by life defaults to a level 9; and an unlisted life felony defaults to a level 10. S. 921.0023, F.S.

<sup>10</sup> Ss. 921.0022 and 921.0024, F.S.

<sup>11</sup> A person may also accumulate points for factors such as victim injury points, community sanction violation points, and certain sentencing multipliers. S. 921.0024(1), F.S.

<sup>12</sup> If a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control. S. 921.0024(2), F.S.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The bill may have a positive indeterminate impact on jail and prison beds by expanding the scope of the prohibition under s. 784.085, F.S., to apply when any person is a victim of the offense, rather than only when a child under 18 years of age is the victim, which may result in increased jail and prison admissions.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES



HB713

2024

1                                   A bill to be entitled  
 2           An act relating to battery offenses; amending s.  
 3           784.085, F.S.; expanding the coverage prohibitions on  
 4           battery involving contact with bodily substances;  
 5           providing criminal penalties; amending s. 921.0022,  
 6           F.S.; conforming provisions to changes made by the  
 7           act; providing an effective date.

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

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11           Section 1.   Section 784.085, Florida Statutes, is amended  
 12           to read:

13           784.085   Battery ~~of child~~ by throwing, tossing, projecting,  
 14           or expelling certain fluids or materials.—

15           (1)   It is unlawful for any person, except a child as  
 16           defined in this section, to knowingly cause or attempt to cause  
 17           a person ~~child~~ to come into contact with blood, seminal fluid,  
 18           or urine or feces by throwing, tossing, projecting, or expelling  
 19           such fluid or material.

20           (2)   Any person, except a child as defined in this section,  
 21           who violates this section commits ~~battery of a child~~, a felony  
 22           of the third degree, punishable as provided in s. 775.082, s.  
 23           775.083, or s. 775.084.

24           (3)   As used in this section, the term "child" means a  
 25           person under 18 years of age.

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26  
 27 Section 2. Paragraph (d) of subsection (3) of section  
 28 921.0022, Florida Statutes, is amended to read:

29 921.0022 Criminal Punishment Code; offense severity  
 30 ranking chart.—

31 (3) OFFENSE SEVERITY RANKING CHART

32 (d) LEVEL 4

33

Florida Statute	Felony Degree	Description
316.1935(3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell,

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			contraband prescription drugs.
37			
	517.07(1)	3rd	Failure to register securities.
38			
	517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
39			
	784.031	3rd	Battery by strangulation.
40			
	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
41			
	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
42			
	784.075	3rd	Battery on detention or commitment facility staff.
43			
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
44			
	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.

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51

784.081 (3)	3rd	Battery on specified official or employee.
784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
784.083 (3)	3rd	Battery on code inspector.
784.085	3rd	Battery <del>of child</del> by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to

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2024

			avoid producing child at custody hearing or delivering to designated person.
52			
	787.07	3rd	Human smuggling.
53			
	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
54			
	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
55			
	790.115 (2) (c)	3rd	Possessing firearm on school property.
56			
	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
57			
	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
58			
	806.135	2nd	Destroying or demolishing a memorial or historic property.

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59	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
60	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
61	810.06	3rd	Burglary; possession of tools.
62	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
63	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
64	812.014 (2)(c)4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
65	812.0195(2)	3rd	Dealing in stolen property by

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2024

			use of the Internet; property stolen \$300 or more.
66	817.505 (4) (a)	3rd	Patient brokering.
67	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
68	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
69	817.5695 (3) (c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
70	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
71	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
72	828.125 (1)	2nd	Kill, maim, or cause great

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2024

			bodily harm or permanent breeding disability to any registered horse or cattle.
73	836.14(2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
74	836.14(3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
75	837.02(1)	3rd	Perjury in official proceedings.
76	837.021(1)	3rd	Make contradictory statements in official proceedings.
77	838.022	3rd	Official misconduct.
78	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
79			



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2024

80	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
81	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
82	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
83	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
84	843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
85	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.

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86	870.01(3)	2nd	Aggravated rioting.
87	870.01(5)	2nd	Aggravated inciting a riot.
88	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
89	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
90	914.14(2)	3rd	Witnesses accepting bribes.
91	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
92	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
	916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.

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2024

93	918.12	3rd	Tampering with jurors.
94	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
95	944.47(1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
96	951.22(1) (h) , (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.
97			
98	Section 3. This act shall take effect October 1, 2024.		





# Charting a Path to a Safer, More Efficient Correctional System







**State of Florida, Department of Management Services**

**Multi-Year Department of Corrections Master Plan**

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January 2024

# Introductions & agenda

KPMG		Meridium
		
Bill Zizic	Chad Poppel	Darren Fancher
		HOK
		
Lawrence Spinetta	Julie Walburn	Alex Rodriguez

## Agenda

01 | Scope and Methodology

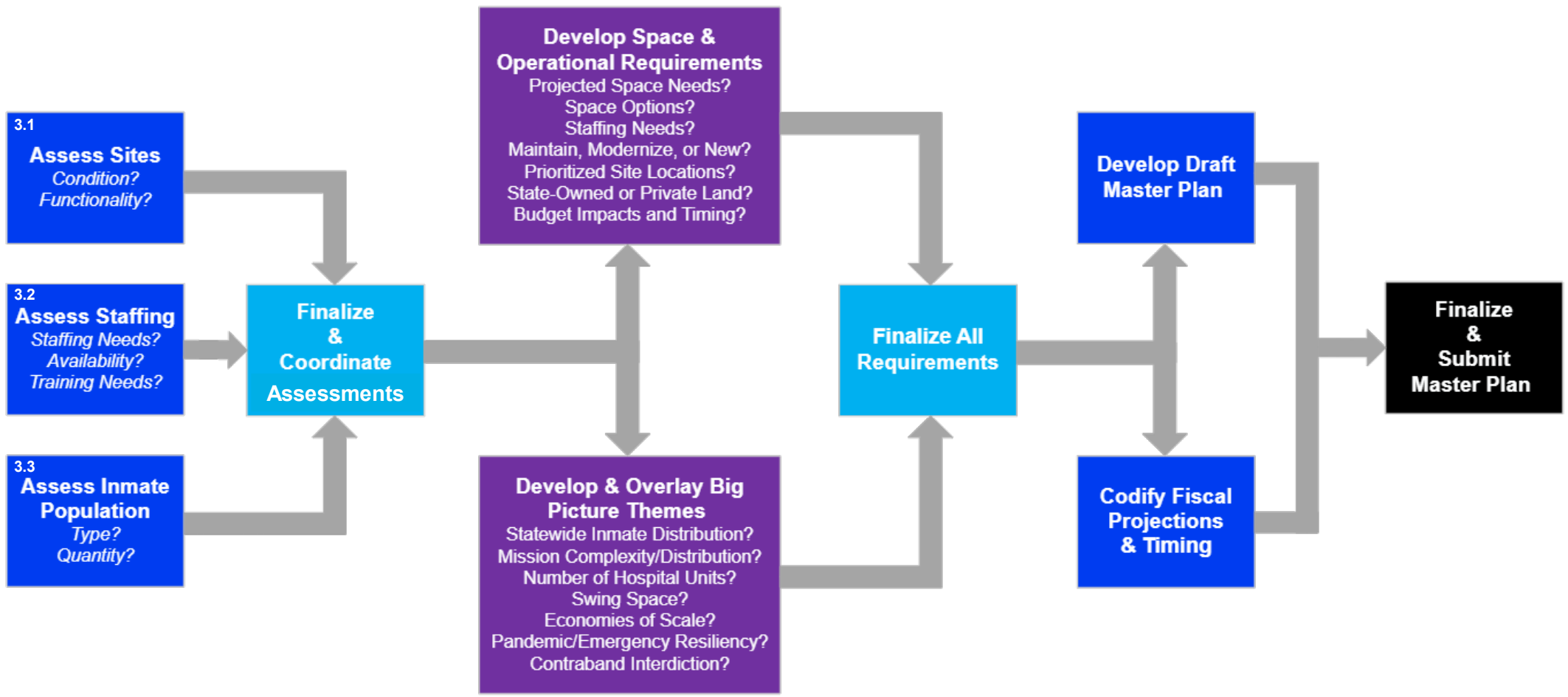
02 | Assessment Highlights

03 | Strategic Options

04 | Cost Estimates

05 | Summary & Next Steps

# The project approach was organized into three key workstreams



# Interviews, Site Visits, & Data Analyzed

60+

Meetings and interviews with FDC and DMS professionals

153

Correctional facility assessments completed

1,500+

Data files received for analysis

Major Facility	Type	Sub-Level Facility	Sub-Level Square Footage	Sub-Level Total Capital Maintenance Cost Projection (Across 75 Years)	Sub-Level Rating	Sub-Level Housing Unit Rating	E&U	Routine Maintenance Unit Non-Contractual
APALACHEE	SPECIALTY INSTITUTIONS	Apalachee CI East Unit	714,114	\$ 109,778,085.00	3.34	3.42	\$ 743,590.86	\$ 142,401.90
		Apalachee CI West Unit	466,360	\$ 58,977,391.84	3.25	3.45		
AVON PARK	ADULT MALE CUSTODY	Avon Park CI	523,250	\$ 73,527,321.34	3.42	3.58	\$ 309,974.32	\$ 77,605.32
		Avon Park Work Camp	149,938	\$ 18,424,162.98	3.35	3.19		

Facility	Academic Programs	Core and Technical Education (CTE)	Substance Use Treatment	Criminogenic	Other						
	Domain Programming	Behaviorment	Chaplaincy Services	Credentialed Programs	Elective	Higher Education	Prosocial	Special	Veterans Dormitory Programming	Wellness	
LANCASTER W.C.	3	0	0	2	0	0	0	3	2	0	0
LARGO R.P.	0	0	0	1	1	0	0	0	3	0	0
LAWTEY C.I.	3	3	0	2	7	3	0	1	1	5	0

Major Facility	Type	Performances +/ -	Inmate Pop (Jan 2023)	YO Vacancy Rate (Jul 2023)	Inmate per CO Filled Position (2023)	FY 2023/2023 Potential Labor Pool within 45 Miles of Detention	Number of Filled Jobs in the Area	Mental Health Close Management	Youthful Offender Path & Character Incentives	Affordability	Location Incentives	
EPF	SPECIALTY INSTITUTIONS	23	1,293	32%	3.0	43,390	20,470	No	No	No	\$ 87,431	
HONKLEAD	ADULT MALE CUSTODY	41	561	3%	3.2	30,097	142,702	No	No	No	\$ 176,944	
IRAK	SPECIALTY INSTITUTIONS	42	2,953	2%	4.1	31,949	93,729	No	No	No	\$ 181,617	
APALACHEE	SPECIALTY INSTITUTIONS	44	1,623	4%	4.0	4,980	20,980	No	No	No	\$ 104,660	
HAMILTON	ADULT MALE CUSTODY	45	1,770	3%	6.0	8,302	39,880	No	No	No	\$ 107,383	
DEKLEBER	ADULT MALE CUSTODY	45	232	3%	6.7	12,550	78,502	No	No	Yes	\$ 120,593	
SUMTER	ADULT MALE CUSTODY	45	1,640	3%	4.3	88,989	528,667	No	No	Yes	No	\$ 28,582

Summary	Proposed Capaci	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
Running Total	4,880	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Severe Cell	1,109	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Open Cell	1,700	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mental Inpatient	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medical Inpatient	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Select an option:  Medical IP  Apply 1% FOCR Reduction

**Medical IP: Inmate Forecast vs. Total Capacity**

Year	2022	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042
Inmates Lower Bound	376	410	446	467	489	511	533	555	577	600	622	644	667	689	712	734	757	779	802	825
Inmates Upper Bound	376	410	454	479	504	530	557	584	611	639	668	697	726	756	786	817	849	881	913	946
Total Capacity	-	457	457	457	457	457	457	457	457	457	457	457	457	457	457	457	457	457	457	457
New Build	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Recovery	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Closure	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Difference	-	81	47	11	-10	-32	-54	-76	-98	-120	-143	-165	-187	-210	-232	-255	-277	-300	-322	-345
	-	21.4%	11.4%	2.5%	-2.2%	-6.6%	-10.6%	-14.3%	-17.7%	-20.9%	-23.8%	-26.5%	-29.1%	-31.5%	-33.7%	-35.8%	-37.7%	-39.6%	-41.4%	-43.0%

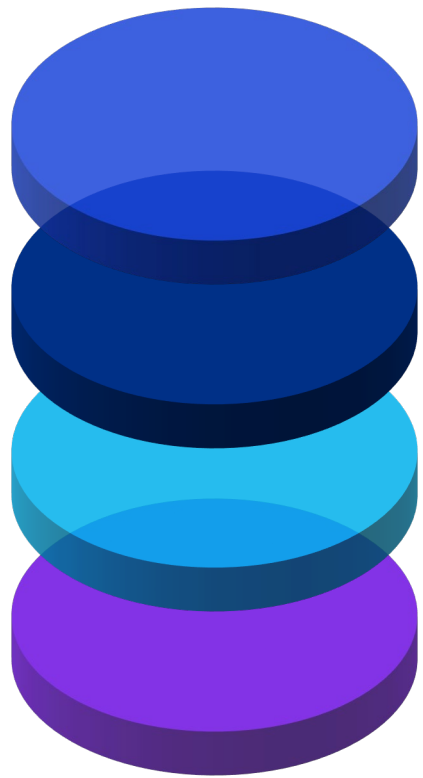
  

	Year	2022	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042
Inmates	Lower Bound	376	410	446	467	489	511	533	555	577	600	622	644	667	689	712	734	757	779	802	825
	Upper Bound	376	410	454	479	504	530	557	584	611	639	668	697	726	756	786	817	849	881	913	946
Total Capacity		-	457	457	457	457	457	457	457	457	457	457	457	457	457	457	457	457	457	457	457
New Build		-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Recovery		-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Closure		-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Difference		-	81	47	11	-10	-32	-54	-76	-98	-120	-143	-165	-187	-210	-232	-255	-277	-300	-322	-345
		-	21.4%	11.4%	2.5%	-2.2%	-6.6%	-10.6%	-14.3%	-17.7%	-20.9%	-23.8%	-26.5%	-29.1%	-31.5%	-33.7%	-35.8%	-37.7%	-39.6%	-41.4%	-43.0%





# Current Path



**01**

**Forecasted inmate population is growing**

**02**

**Immediate modernization needs are present**

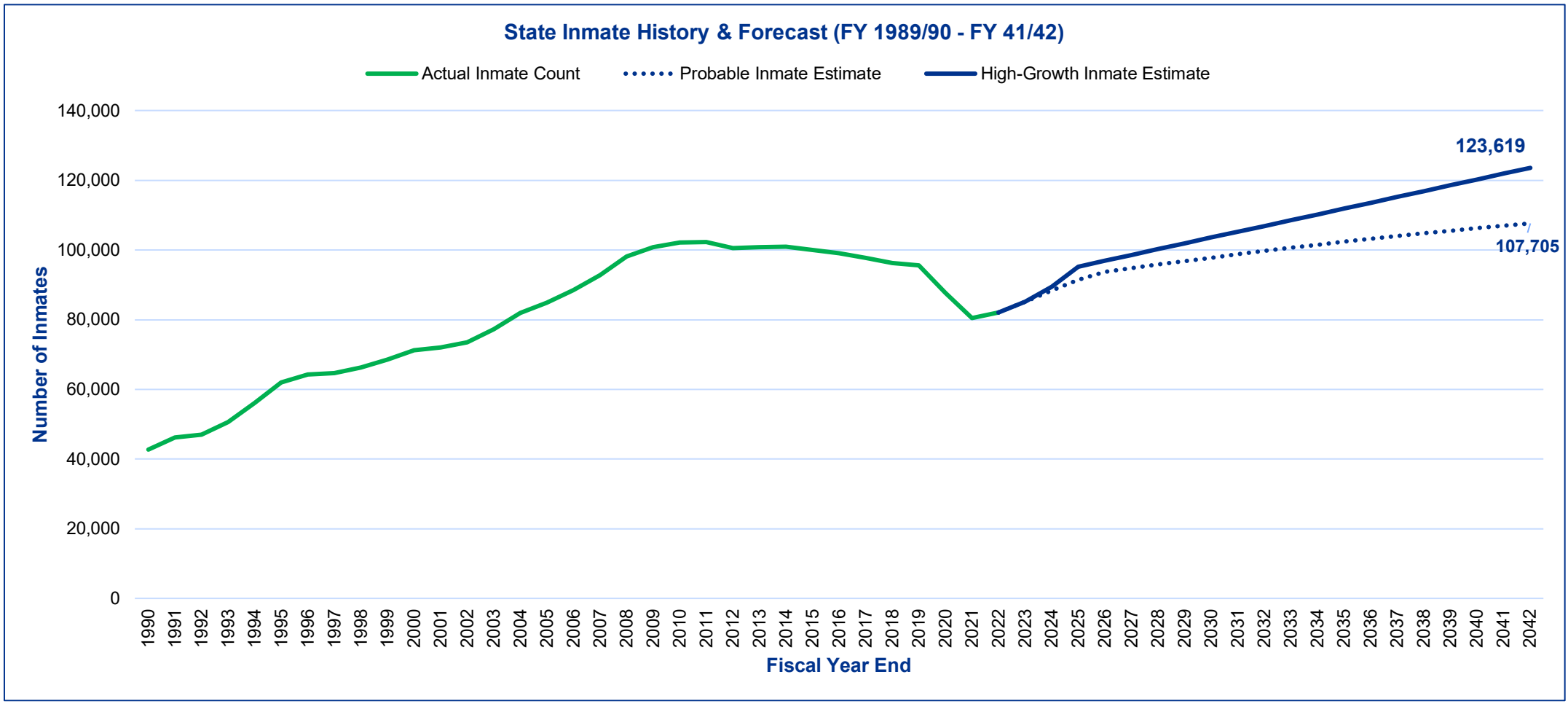
**03**

**Persistent staff vacancy and turnover**

**04**

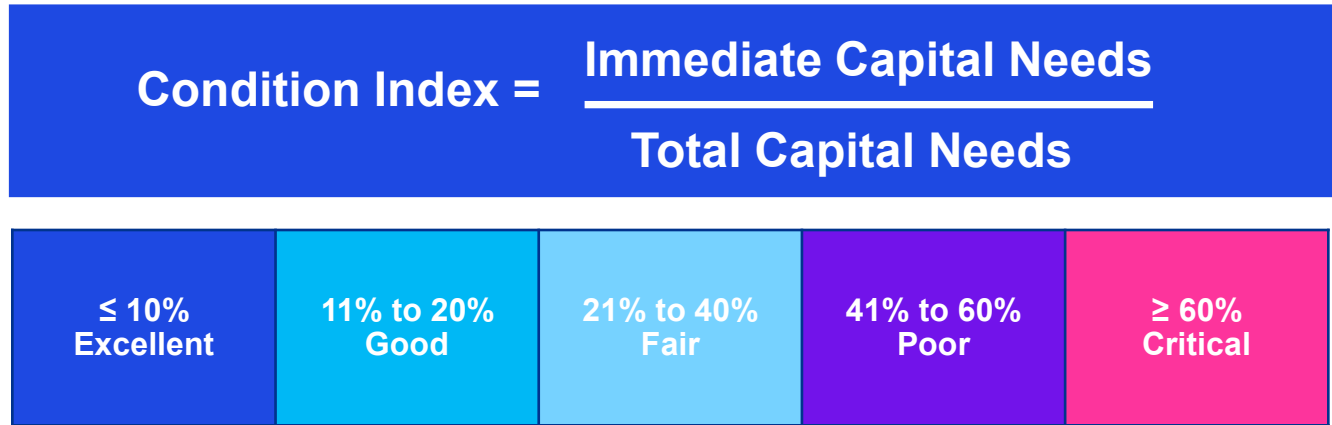
**Security and safety risks**

# The forecasted inmate population is growing



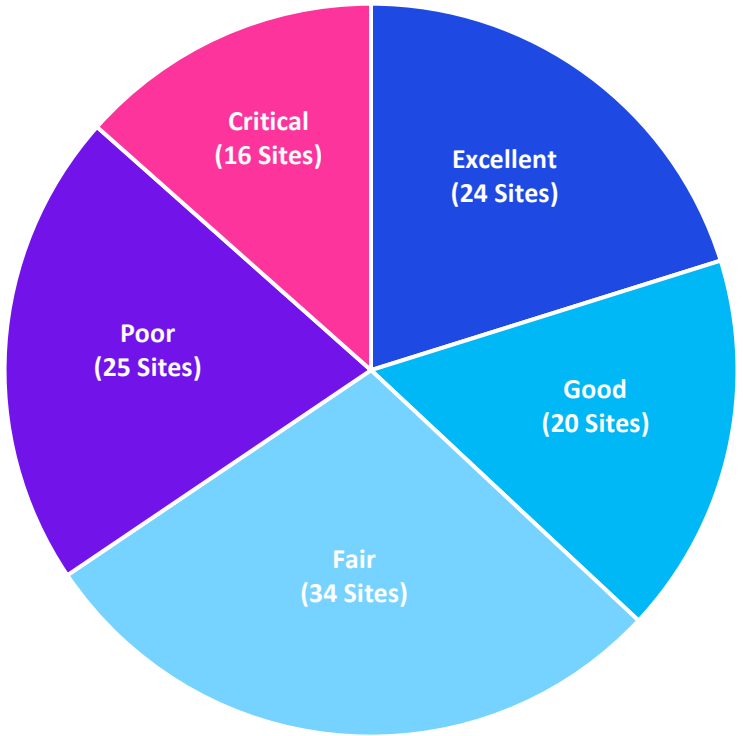
# Facility assessment methodology

- Unit costs were applied to all assessed systems and components. The capital costs for all items with a rating of 4 (poor) or 5 (failure) are considered immediate needs.
- All other capital costs are applied over the 20-year planning horizon based on the remaining useful life per Building Owners & Managers Association (BOMA) and American Society of Heating, Refrigerating & Air-Conditioning Engineers (ASHRAE).
- The condition index for each site is the ratio of immediate to total capital needs. Sites were organized into the standard convention of condition index groups.

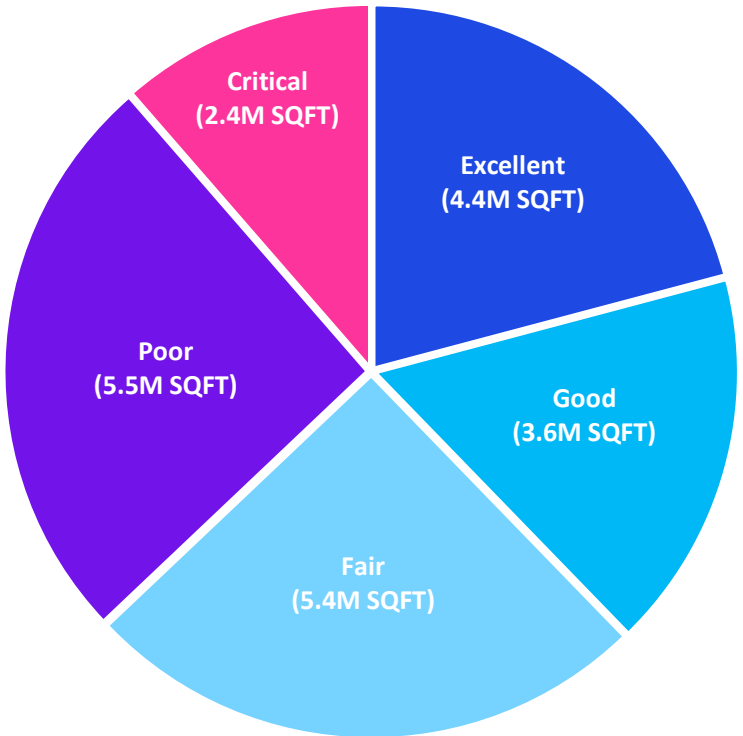


# Condition index distribution

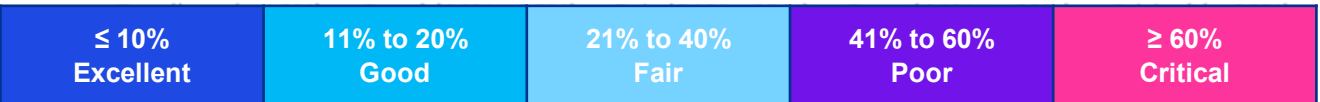
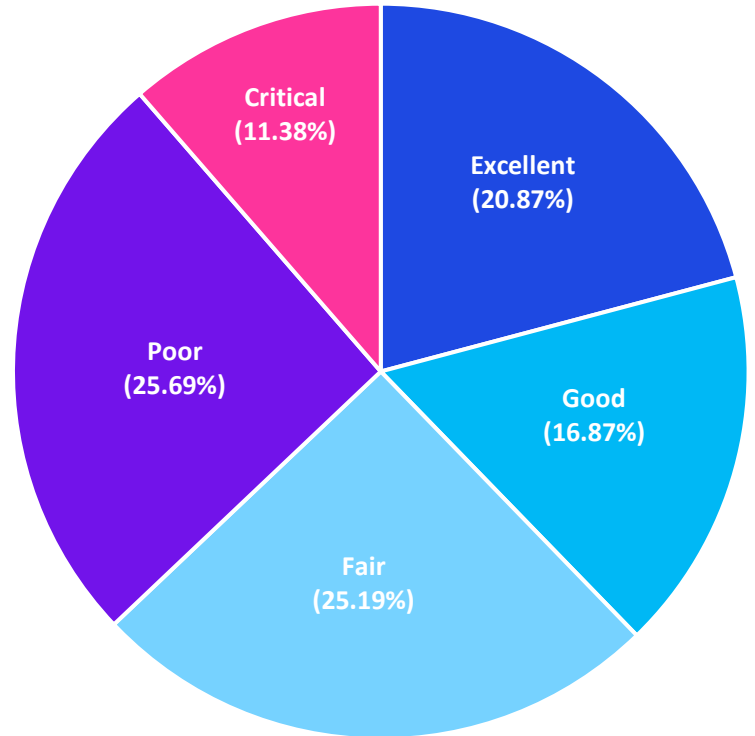
By Number of Sites



By Square Footage



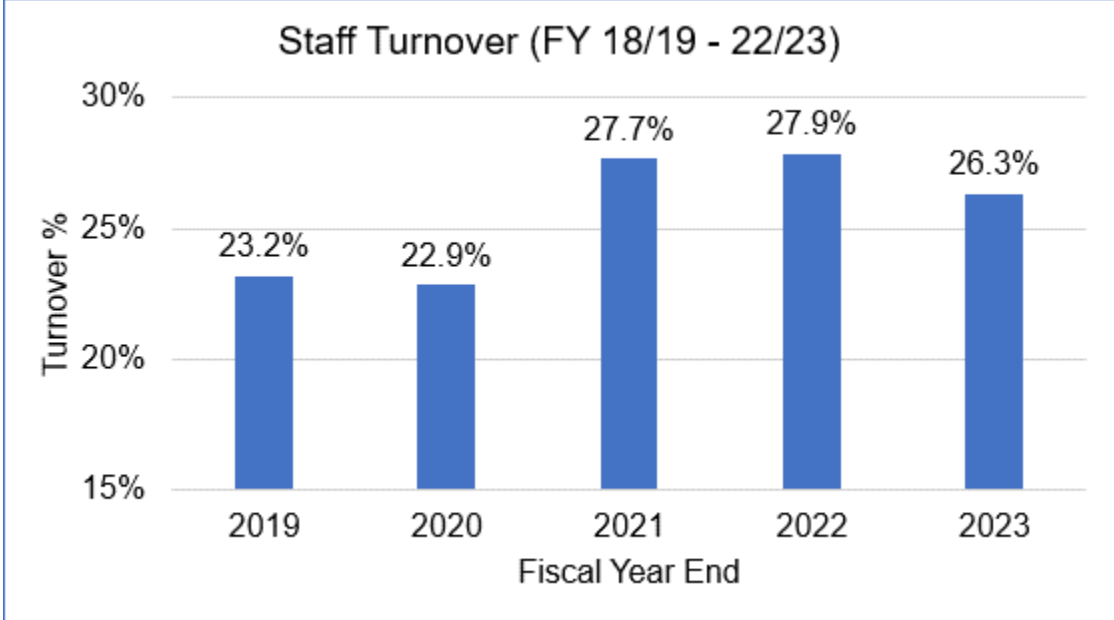
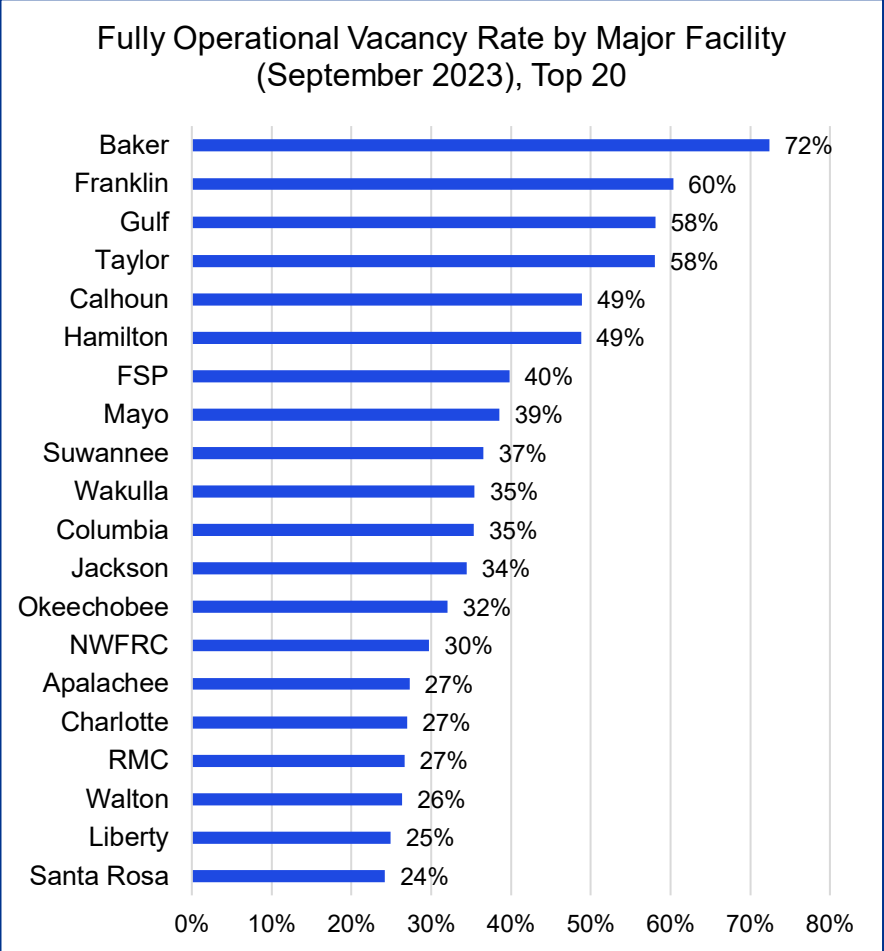
By % of Square Footage



# Illustrative conditions



# Operational vacancy rates for the bottom 20 facilities



# Strategic Options

## Challenges of the Current Path

- Inmate population is growing
- Immediate modernization needs are present
- Persistent staff vacancy and turnover
- Security and safety risks

## Strategic Options:

1. **Modernize**
2. **Manage**
3. **Mitigate**

**01** Open Closed Capacity

**02** Modernize Key Enablers

**03** Build New Capacity

**04** Close Aging Facilities

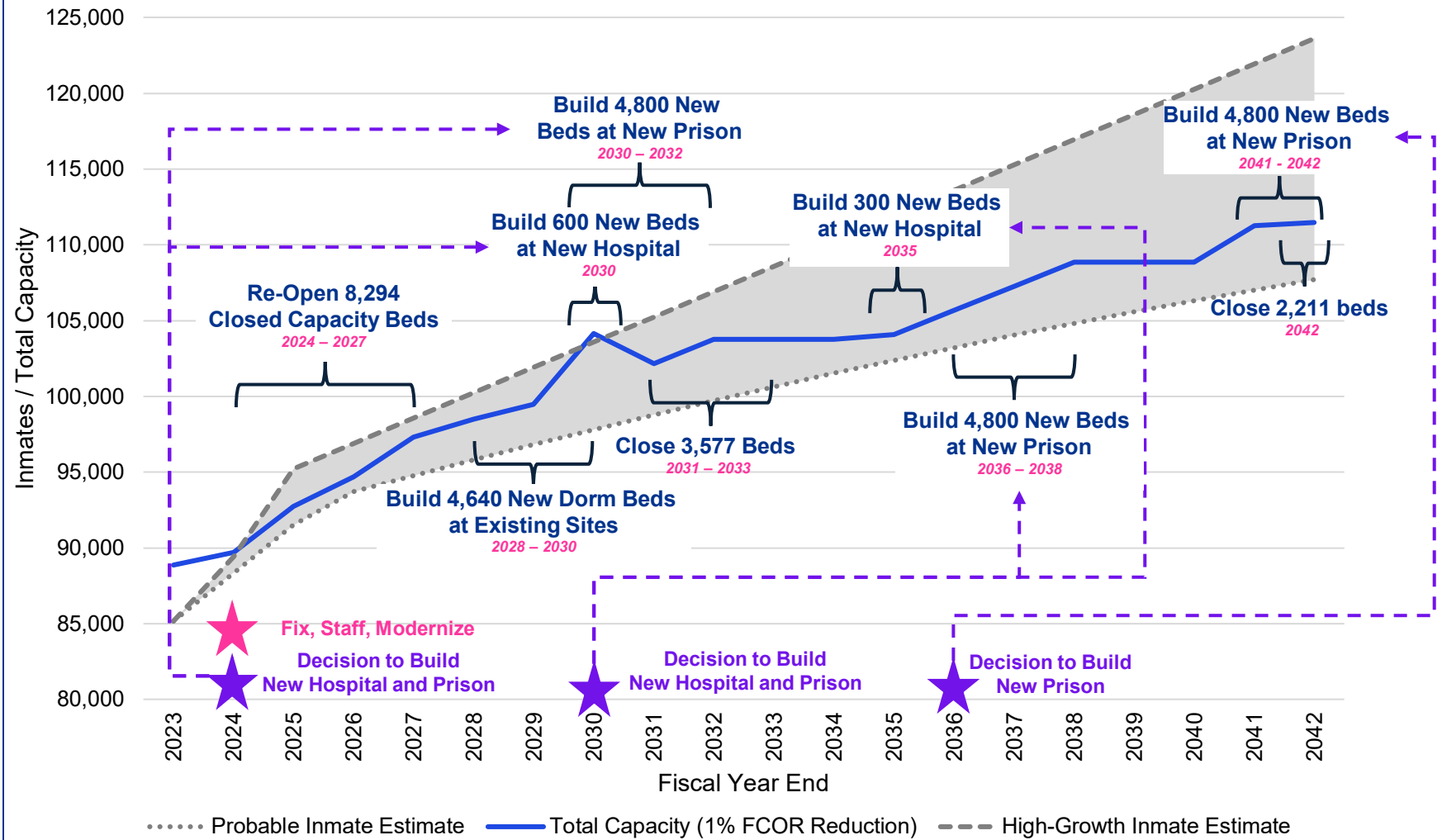
# Strategic Option #1 Modernize

## Objectives:

- Construct three prisons and two hospitals over a 20-year period.
- Close four maintenance-intensive facility prisons within the next 20 years.
- Reopen 8,294 beds across 16 prisons in the upcoming four years.
- Build 4,640 new dorm beds at existing sites across 18 prisons by 2030.

## Outcomes:

- Maintains safety and integrity while by managing inmate capacity.
- Mitigates risk of potential lawsuits.
- Better resource allocation, cost reduction.
- Enhances staff safety, job satisfaction.
- Offers a lower-cost alternative and facility flexibility.
- Accelerates innovative, effective system.
- Flexibility to close (or extend) sites.





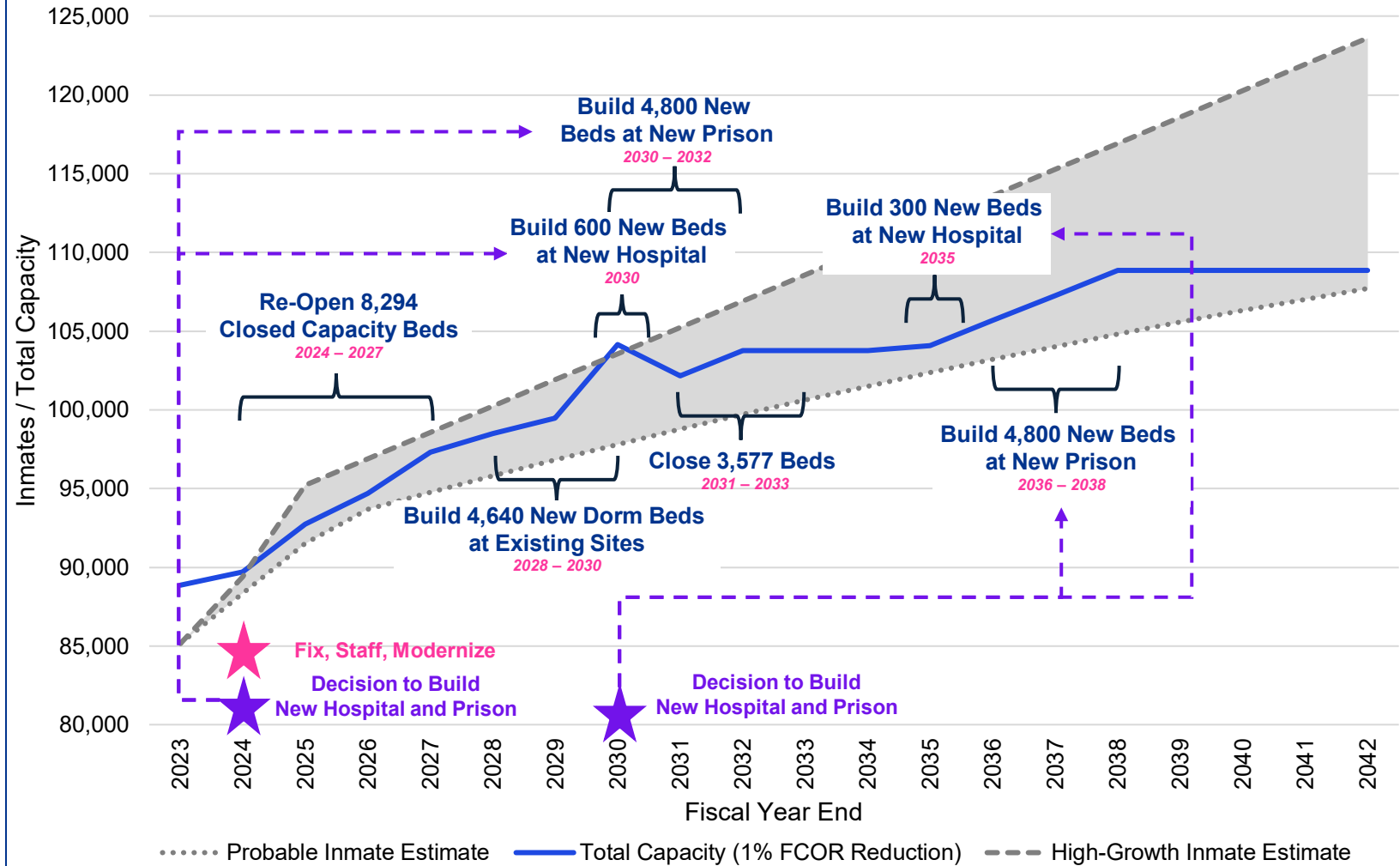
# Strategic Option #2 Manage

## Objectives:

- Construct two prisons and two hospitals over a 20-year period.
- Close three maintenance-intensive facility prisons within the next 20 years.
- Reopen 8,294 beds across 16 prisons in the upcoming four years.
- Build 4,640 new dorm beds at existing sites across 18 prisons by 2030.

## Outcomes:

- Maintains safety and integrity by managing inmate capacity.
- Mitigates the risk of lawsuits associated with overcrowding and inadequate facilities.
- Incremental infrastructure, better resource allocation.
- Lower-cost alternative.
- Some avoidance of deferred backlog.
- Less flexibility to close (or extend) sites.
- Accelerates new campus benefits.



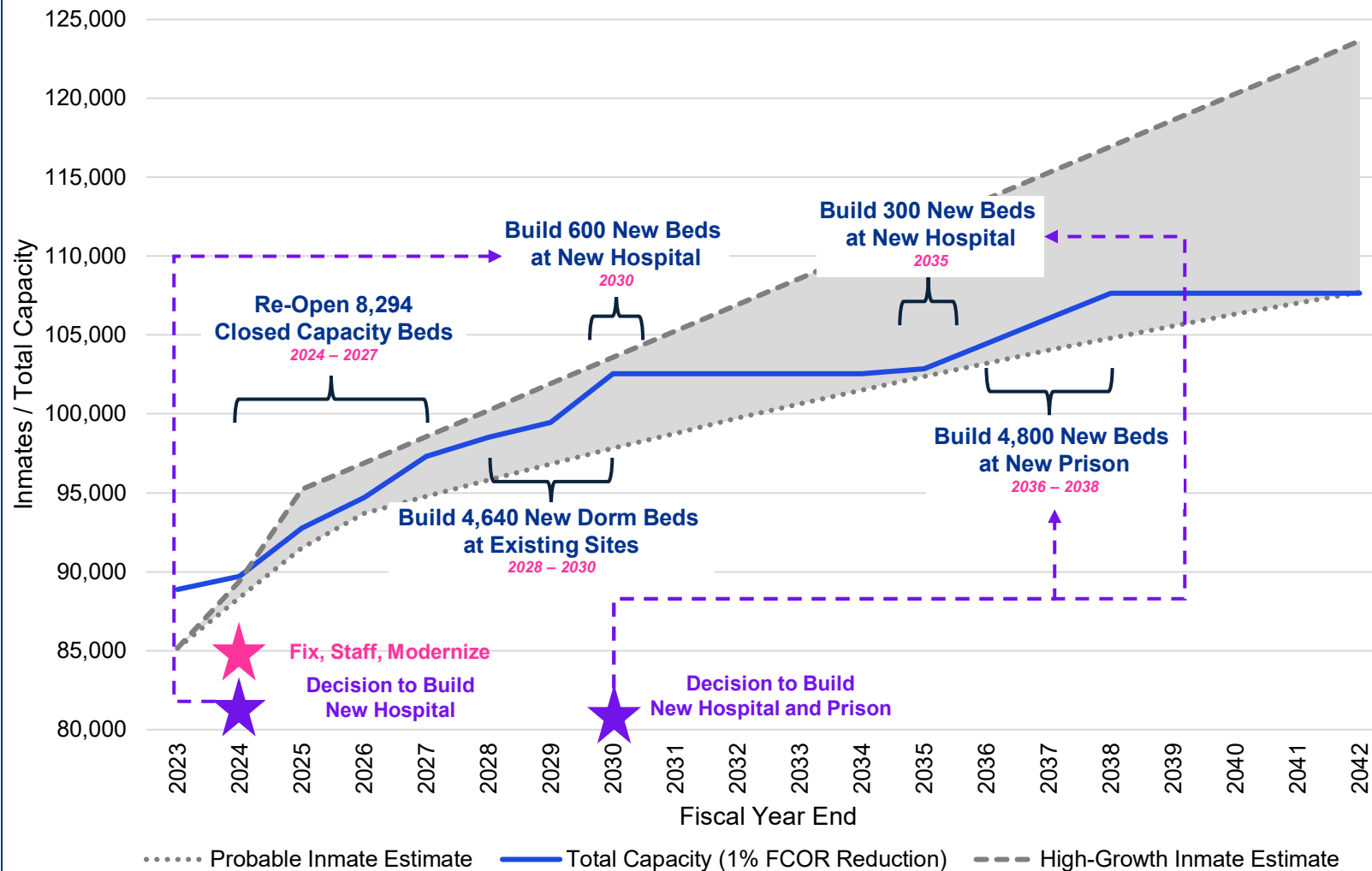
# Strategic Option #3 Mitigate

## Objectives:

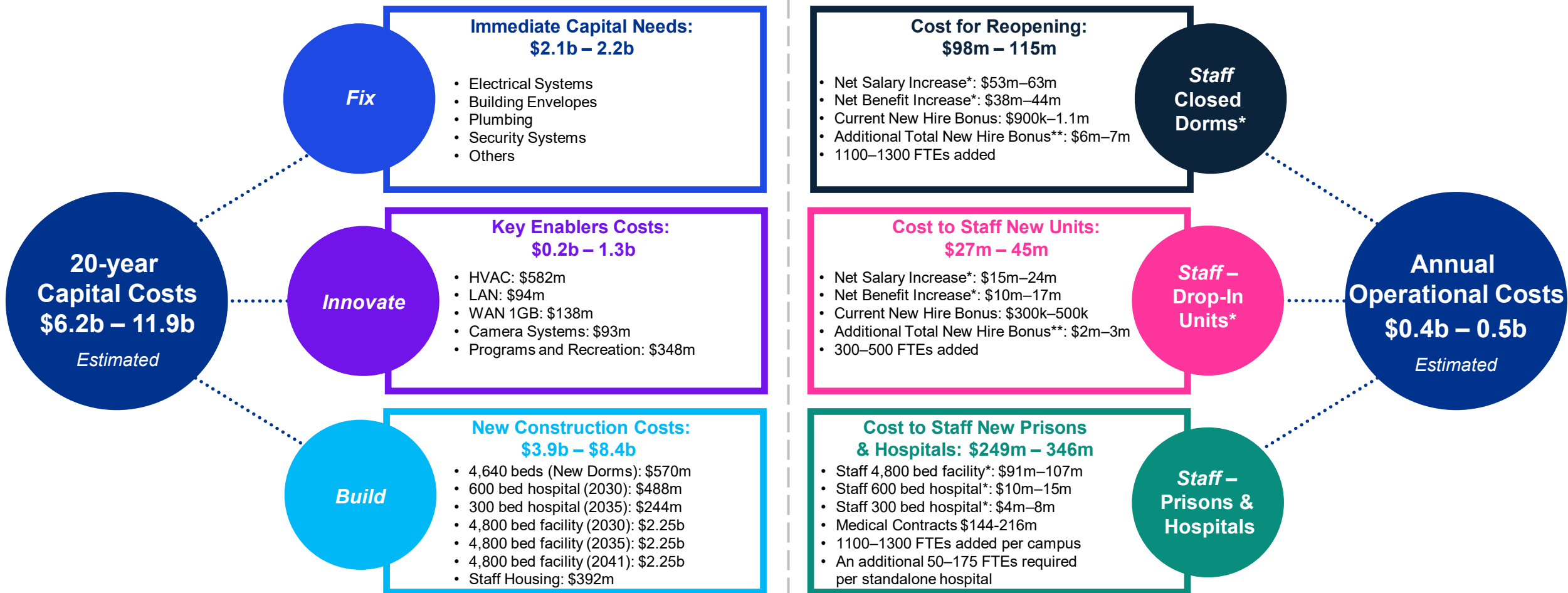
- Construct one prison and two hospitals over a 20-year period.
- Reopen 8,294 beds across 16 prisons in the upcoming four years.
- Build 4,640 new dorm beds at existing sites across 18 prisons by 2030.

## Outcomes:

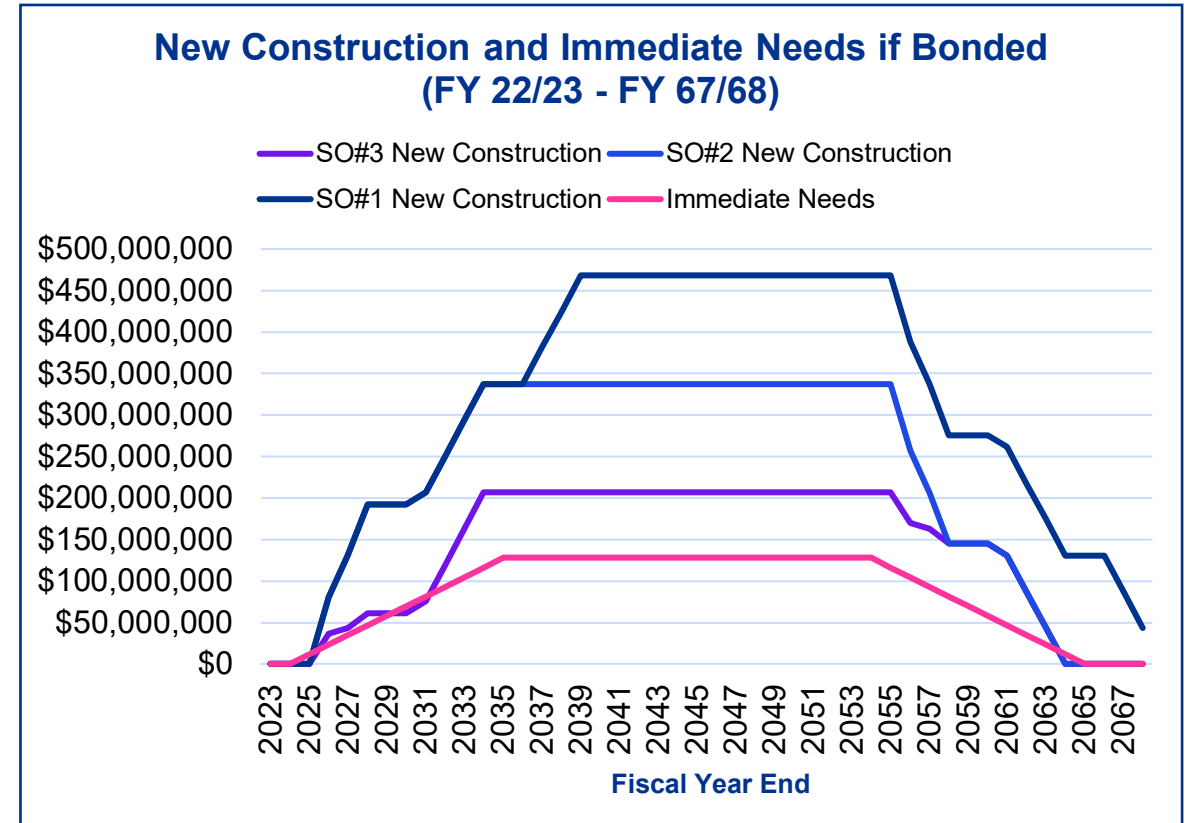
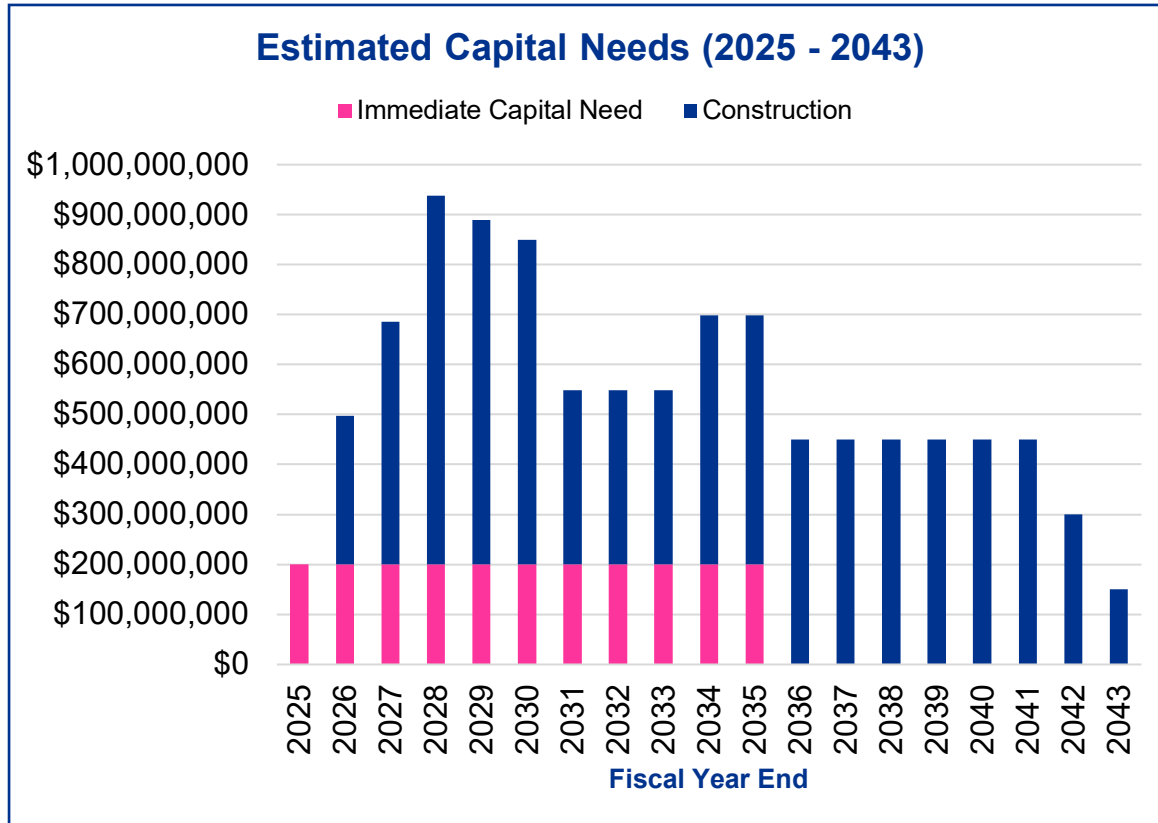
- Minimum path to allow for sufficient inmate capacity.
- Path to potentially mitigate lawsuit risk.
- Ability to build/adjust incrementally.
- Better access to inmate services.
- Lower cost viable option.
- Continued operation of less efficient sites.
- No flexibility to close higher risk facilities.
- Delays new prototype campus benefits.
- Limited flex capacity in outer years.



# Estimated Costs in 2023 dollars



# Estimated capital need and annual debt service forecasts



# Estimated investment by option in 2023 dollars

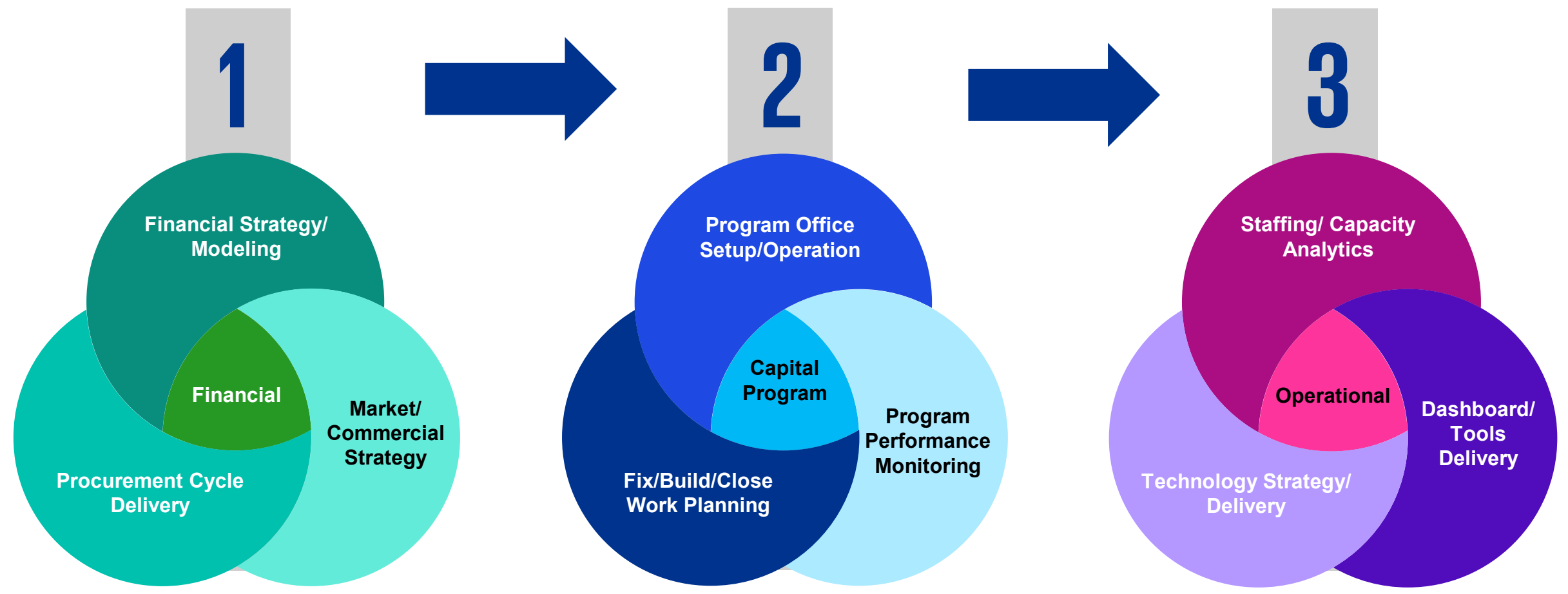
20-Year Capital Investments	Strategic Option #1 <i>Modernize</i>	Strategic Option #2 <i>Manage</i>	Strategic Option #3 <i>Mitigate</i>
Fix	\$2.1b	\$2.1b	\$2.2b
Innovate	\$1.3b	\$0.7b	\$0.2b
Build	\$8.4b	\$6.2b	\$3.9b
<b>Total Capital Investment</b>	<b>\$11.9b</b>	<b>\$9.0b</b>	<b>\$6.3b</b>

<i>Staff Cost (Per Year)</i>	<i>\$0.1-0.4b</i>	<i>\$0.1-0.3b</i>	<i>\$0.1-0.2b</i>
<i>Medical Cost (Per Year)</i>	<i>\$0.1-0.2b</i>	<i>\$0.1-0.2b</i>	<i>\$0.1-0.2b</i>

<b>2024-2028 5-Year Costs</b>	<b>\$3.9b</b>	<b>\$3.3b</b>	<b>\$1.9b</b>
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<b>Total 40-year Avoided Spending</b>	<b>\$6.7b</b>	<b>\$5.1b</b>	<b>\$0</b>
Capital Improvements	\$1.0b	\$0.7b	\$0
Energy & Utilities	\$0.2b	\$0.2b	\$0
Salary & Benefits	\$5.5b	\$4.2b	\$0

# Path Ahead To Operationalize The Plan





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