



Justice Appropriations Subcommittee

Action Packet

**April 7, 2015
10:30 am. – 12:30 p.m.
Reed Hall**

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee
4/7/2015 10:30:00AM

Location: Reed Hall (102 HOB)

Summary:

Justice Appropriations Subcommittee

Tuesday April 07, 2015 10:30 am

CS/CS/HB 69	Favorable With Committee Substitute	Yeas: 12	Nays: 0
Amendment 782035	Adopted Without Objection		
CS/HB 287	Temporarily Postponed		
HB 7113	Favorable With Committee Substitute	Yeas: 12	Nays: 0
Amendment 736237	Adopted Without Objection		
HB 7131	Favorable With Committee Substitute	Yeas: 10	Nays: 2
Amendment 150299	Adopted Without Objection		
Amendment 288973	Adopted Without Objection		
Amendment 331389	Adopted Without Objection		
Amendment 931119	Adopted Without Objection		

Committee meeting was reported out: Tuesday, April 07, 2015 12:56:30PM

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee
4/7/2015 10:30:00AM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Larry Metz (Chair)	X		
Larry Ahern	X		
Daniel Burgess, Jr.	X		
Eric Eisnaugle	X		
Chris Latvala	X		
Kionne McGhee	X		
Mike Miller	X		
Kathleen Peters	X		
Sharon Pritchett			X
José Rodríguez	X		
Darryl Rouson	X		
Ross Spano	X		
Carlos Trujillo	X		
Totals:	12	0	1

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee
4/7/2015 10:30:00AM

Location: Reed Hall (102 HOB)

CS/CS/HB 69 : Missing Persons with Special Needs

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Ahern	X				
Daniel Burgess, Jr.	X				
Eric Eisnaugle	X				
Chris Latvala	X				
Kionne McGhee	X				
Mike Miller	X				
Kathleen Peters	X				
Sharon Pritchett			X		
José Rodríguez	X				
Darryl Rouson	X				
Ross Spano	X				
Carlos Trujillo	X				
Larry Metz (Chair)	X				
Total Yeas: 12		Total Nays: 0			

CS/CS/HB 69 Amendments

Amendment 782035

Adopted Without Objection

Appearances:

Stein, Gary (General Public) - Proponent
 FFAST, Inc.
 Director of Public Policy
 3333 W. Pensacola St.
 Tallahassee FL

Smith, Zayne (Lobbyist) - Waive In Support
 AARP
 ASD
 200 W. College Avenue
 Tallahassee FL 32301
 Phone: 850-577-5163

Williams, Buddy (General Public) - Proponent
 Live Oak Police Department
 Chief of Police
 205 SE White Ave
 Live Oak FL 32064
 Phone: 386-362-7463

Committee meeting was reported out: Tuesday, April 07, 2015 12:56:30PM

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee
4/7/2015 10:30:00AM

Location: Reed Hall (102 HOB)

CS/CS/HB 69 : Missing Persons with Special Needs (continued)

Appearances: (continued)

Hooper, Margaret (Lobbyist) - Waive In Support
Florida Development Disabilities Counsel
Public Policy Coordinator
124 Marriottt Drive #203
Tallahassee FL 32301
Phone: 850-921-7263

Committee meeting was reported out: Tuesday, April 07, 2015 12:56:30PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Adopted
4/7/15*

1 Committee/Subcommittee hearing bill: Justice Appropriations
2 Subcommittee

3 Representative Porter offered the following:

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5 **Amendment**

6 Remove lines 25-47 and insert:
7 available funding within the center's existing resources. The
8 project shall be voluntary and free to participants.

9 (3) Under the pilot project, personal devices to aid
10 search-and-rescue efforts that are attachable to clothing or
11 otherwise worn shall be provided by the center to the sheriff's
12 offices of the participating counties. The devices shall be
13 distributed to project participants by the county sheriff's
14 offices in conjunction with the center. The center shall fund
15 any costs associated with monitoring the devices.

16 (4) The center shall submit a preliminary report by
17 December 1, 2015, and a final report by December 15, 2016, to

Amendment No. 1

18 | the Governor, the President of the Senate, and the Speaker of
19 | the House of Representatives describing the implementation and
20 | operation of the pilot project. At a minimum, the report shall
21 | include the criteria used to select participants, the number of
22 | participants, the age of the participants, the nature of the
23 | participants' special needs, the number of participants who
24 | elope, the amount of time taken to rescue such participants
25 | following elopement, and the outcome of any rescue attempts. The
26 | final report shall also provide recommendations for modification
27 | or continued implementation of the project.

28 | (5) The project shall operate to the extent of available
29 | funding within the center's existing resources.

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COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee
4/7/2015 10:30:00AM

Location: Reed Hall (102 HOB)

CS/HB 287 : Controlled Substances

Temporarily Postponed

Appearances:

Pritt, Jennifer (Lobbyist) - Information Only

FDLE

Assistant Commissioner

2331 Phillips Rd

Tallahassee FL 32302

Phone: 850-251-4715

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee
4/7/2015 10:30:00AM

Location: Reed Hall (102 HOB)

HB 7113 : Mental Health Services in the Criminal Justice System

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Daniel Burgess, Jr.	X				
Eric Eisnaugle	X				
Chris Latvala	X				
Kionne McGhee	X				
Mike Miller	X				
Kathleen Peters	X				
Sharon Pritchett			X		
José Rodríguez	X				
Darryl Rouson	X				
Ross Spano	X				
Carlos Trujillo	X				
Larry Metz (Chair)	X				
Total Yeas: 12					
Total Nays: 0					

HB 7113 Amendments

Amendment 736237

Adopted Without Objection

Appearances:

Youmans, Laura (Lobbyist) - Waive In Support
 Florida Association of Counties
 Leg. Advocate
 100 N. Monroe Street
 Tallahassee FL 32301
 Phone: 850-294-1838

Minor, Christian (Lobbyist) - Waive In Support
 The Florida Smart Justice Alliance
 Director of Gov. Affairs
 204 S. Monroe Street St. 201
 Tallahassee FL 32307
 Phone: 321-223-4232

Hendrickson, Dan B (General Public) - Waive In Support
 Big Bend Mental Health Coalition; North Fla Veterans Standdown Legal component; NAMI Tallahassee
 Legislative Liaison
 PO Box 1201 319 E Park Ave
 Tallahassee FL 32302
 Phone: 8505701967

Committee meeting was reported out: Tuesday, April 07, 2015 12:56:30PM

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee

4/7/2015 10:30:00AM

Location: Reed Hall (102 HOB)

HB 7113 : Mental Health Services in the Criminal Justice System (continued)

Appearances: (continued)

Mallinckrodt, George (General Public) - Proponent

PO Box 398374

Miami Beach FLORIDA 33239

Phone: 306-297-6054

Leifman, Steve (General Public) - Information Only

Judge, County Court (11th Circuit); Chair of the Supreme Court, Task Force on Mental Health & Substance Abuse Issues in the Courts

1351 NW 12th St.

Miami FL 33125

Phone: 305-548-5394

Daniels, Nancy (State Employee) - Waive In Support

Florida Public Defender Association

Public Defender, 2nd Circuit

Leon County Courthouse 301 S Monroe Street

Tallahassee FL 32301

Phone: 850-606-1010

Committee meeting was reported out: Tuesday, April 07, 2015 12:56:30PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Justice Appropriations
 2 Subcommittee

3 Representative McBurney offered the following:
 4

5 **Amendment (with title amendment)**

6 Remove lines 297-314 and insert:

7 (a) The department may implement a Forensic Hospital
 8 Diversion Pilot Program modeled after the Miami-Dade Forensic
 9 Alternative Center, taking into account local needs and
 10 resources, in Escambia County, in conjunction with the First
 11 Judicial Circuit in Escambia County; in Hillsborough County, in
 12 conjunction with the Thirteenth Judicial Circuit in Hillsborough
 13 County; and in Miami-Dade County, in conjunction with the
 14 Eleventh Judicial Circuit in Miami-Dade County.

15 (b) If the department elects to create and implement the
 16 program the department shall include a comprehensive continuum
 17 of care and services that use evidence-based practices and best

Amendment No. 1

18 practices to treat offenders who have mental health and co-
19 occurring substance use disorders.

20 (c) The department and the corresponding judicial circuits
21 may implement this section if existing resources are available
22 to do so on a recurring basis. The Department of Children and
23 Families may request budget amendments pursuant to chapter 216,
24 to realign funds between Mental Health Services and Community
25 Substance Abuse and Mental Health Services in order to implement
26 this pilot program.

27
28 -----
29 **T I T L E A M E N D M E N T**

30 Remove lines 22-23 and insert:
31 providing definitions; providing the Department of Children and
32 Families may implement a Forensic Hospital

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee
4/7/2015 10:30:00AM

Location: Reed Hall (102 HOB)

HB 7131 : Corrections

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Daniel Burgess, Jr.	X				
Eric Eisnaugle	X				
Chris Latvala	X				
Kionne McGhee	X				
Mike Miller	X				
Kathleen Peters	X				
Sharon Pritchett			X		
José Rodríguez		X			
Darryl Rouson		X			
Ross Spano	X				
Carlos Trujillo	X				
Larry Metz (Chair)	X				
Total Yeas: 10		Total Nays: 2			

HB 7131 Amendments

Amendment 150299

Adopted Without Objection

Amendment 288973

Adopted Without Objection

Amendment 331389

Adopted Without Objection

Amendment 931119

Adopted Without Objection

Appearances:

Pena, Gemma (General Public) - Information Only
 Self
 35 west 33 street
 Hialeah FL 33012
 Phone: 813-527-5148

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee
4/7/2015 10:30:00AM

Location: Reed Hall (102 HOB)

HB 7131 : Corrections (continued)

Appearances: (continued)

Mallinckrodt, George (General Public) - Opponent
S.P.A.N.
PO Box 398374
Miami Beach FLORIDA 33239
Phone: 306-297-6054

Minor, Christian (Lobbyist) - Waive In Support
The Florida Smart Justice Alliance
Director of Gov. Affairs
204 S. Monroe Street St. 201
Tallahassee FL 32301
Phone: 321-223-4232

DeFoor, Allison (Lobbyist) - Information Only
Project on Accountable Justice-FSU
Chairman
949 Alachua Avenue
Tallahassee FL 32308
Phone: 850-508-9252

Hayes, Fred (General Public) - Opponent
Taxpayers
Retired
8227 Malvern Circle
Tampa FL 33634
Phone: 813-770-7749

Committee meeting was reported out: Tuesday, April 07, 2015 12:56:30PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Adopted
4/7/15*

1 Committee/Subcommittee hearing bill: Justice Appropriations
2 Subcommittee

3 Representative Trujillo offered the following:

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5 **Amendment (with title amendment)**

6 Between lines 36 and 37, insert:

7 Section 1. Subsection (4) of section 20.315, Florida
8 Statutes, is amended to read:

9 20.315 Department of Corrections.—There is created a
10 Department of Corrections.

11 (4) REGIONS.—The department shall plan and administer its
12 program of services for community corrections, ~~security, and~~
13 ~~institutional operations~~ through regions. The department shall
14 plan and administer its program of services for security and
15 institutional operations through five geographical regions. The
16 secretary shall appoint a director for each of the regions.
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Amendment No. 1

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

Remove line 2 and insert:

An act relating to corrections; amending s. 20.315, F.S.;
requiring the department to plan and administer its program of
services for security and institutional operations through five
regions; requiring the secretary to appoint a director for each
of the regions; amending s. 216.136,

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

*Adopted
4/7/15*

1 Committee/Subcommittee hearing bill: Justice Appropriations
2 Subcommittee

3 Representative Trujillo offered the following:

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5 **Amendment to Amendment (150299) by Representative Trujillo**

6 Remove line 6 of the amendment and insert:

7 Between lines 299 and 300 insert:

Amendment No. 2

*Adopted
4/7/15*

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Justice Appropriations
2 Subcommittee

3 Representative Trujillo offered the following:

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

6 Remove line 299 and insert:

7 Section 5. For the 2015-2016 fiscal year, the sum of
8 \$1,258,256 in recurring funds and \$206,388 in nonrecurring funds
9 are appropriated from the General Revenue Fund to the Department
10 of Corrections, and ten full-time equivalent positions with
11 717,800 in salary rate is authorized, for staffing and all
12 operating expenses associated with establishing two additional
13 regional headquarters as required in this act. The Department
14 of Corrections may submit budget amendments pursuant to Chapter
15 216, Florida Statutes, to reallocate existing resources to
16 support the additional regional headquarters.
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Amendment No. 2

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

Remove line 33 and insert:

Circumstances; providing an appropriation; providing an effective date.

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

*Adopted
4/7/15*

1 Committee/Subcommittee hearing bill: Justice Appropriations
 2 Subcommittee
 3 Representative Burgess offered the following:

Amendment (with title amendment)

Between lines 299 and 300, insert:

Section 6. Paragraph (a) of Subsection (2) of section 947.1405, Florida Statutes is amended to read:

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least

Amendment No. 3

17 one prior felony commitment at a state or federal correctional
18 institution, or a sentence of more than 364 days in county jail;
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20 Section 7. Section 950.021, Florida Statutes, is created to
21 read:

22 950.021 Sentencing of offenders to county jail.-

23 (1) Notwithstanding s. 921.0024 or any other provision of
24 law, and effective for offenses committed on or after July 1,
25 2015, a court may sentence an offender to a term in the county
26 jail under the custody of the chief correctional officer in the
27 county where the offense was committed for up to 24 months if
28 the offender meets all of the following criteria:

29 (a) The offender's total sentence points score, as
30 provided in s. 921.0024, is more than 44 points but no more than
31 60 points.

32 (b) The offender's primary offense is not a forcible
33 felony as defined in s. 776.08; however, an offender whose
34 primary offense is a third degree felony under chapter 810 is
35 not ineligible to be sentenced to a county jail under this
36 paragraph.

37 (c) The offender's primary offense is not punishable by a
38 minimum mandatory sentence of more than 24 months.

39 (d) Offenders sentenced under this section must serve a
40 minimum of 85% of the sentence.

41 (2) (a) The court may only sentence an offender to a county
42 jail pursuant to this section if there is a contractual

Amendment No. 3

43 agreement between the chief correctional officer of that county
44 and the Department of Corrections.

45 (b) If the chief correctional officer of a county requests
46 the Department of Corrections to enter into a contract that
47 allows offenders to be sentenced to the county jail pursuant to
48 subsection (1), subject to the restrictions of this paragraph
49 and subsections (3) and (6), the Department of Corrections must
50 enter into such a contract. The contract shall specifically
51 establish the maximum number of beds and the validated per diem
52 rate. The contract shall provide for per diem reimbursement for
53 occupied inmate days based on the contracting county's most
54 recent annual adult male custody or adult female custody per
55 diem rates, not to exceed \$60 per inmate.

56 (3) A contract under this section is contingent upon a
57 specific appropriation in the General Appropriations Act.
58 Contracts shall be awarded by the Department of Corrections on a
59 first-come, first-served basis up to the maximum appropriation
60 allowable in the General Appropriations Act for this purpose.
61 The maximum appropriation allowable consists of funds
62 appropriated in or transferred to the specific appropriation in
63 the Inmates Sentenced to County Jail appropriation category.
64 Prior to any transferred appropriation under this section, the
65 Inmates Sentenced to County Jail appropriation category provides
66 for estimated incremental appropriation for county jail beds
67 contracted under this section in excess of the Department of
68 Corrections' per diem for adult male and female inmates.

Amendment No. 3

69 (4) The Department of Corrections shall transfer funds
70 pursuant to s. 216.177 from other appropriation categories
71 within the Adult Male Custody Operations or Adult and Youthful
72 Offender Female Custody Operations budget entities to the
73 Inmates Sentenced to County Jail appropriation category in an
74 amount necessary to satisfy the requirements of each executed
75 contract, but not to exceed the Department of Corrections'
76 average total per diem published for the preceding fiscal year
77 for adult male custody or adult and youthful offender female
78 custody inmates for each county jail bed contracted.

79 (5) The Department of Corrections shall assume maximum
80 annual value of each contract when determining the full use of
81 funds appropriated and to ensure that the maximum appropriation
82 allowable is not exceeded.

83 (6) All contractual per diem rates under this section as
84 well as the per diem rates used by the Department of Corrections
85 must be validated by the Auditor General before payments are
86 made.

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

91

Remove line 33 and insert:

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Circumstances; creating s. 950.021, F.S.; authorizing a court to

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sentence certain offenders to a county jail for up to 24 months

94

if the county has a contract with the Department of Corrections;

Amendment No. 3

95 providing contractual requirements; requiring specific
96 appropriations; providing for such appropriations; requiring
97 validation of per diem rates; providing an effective date.