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# **Justice Appropriations Subcommittee**

**Monday, March 28, 2011  
12:00 p.m. – 2:45 p.m.  
Morris Hall**

## **ACTION PACKET**

**Dean Cannon  
Speaker**

**Richard Glorioso  
Chair**

**COMMITTEE MEETING REPORT**  
**Justice Appropriations Subcommittee**

**3/28/2011 12:00:00PM**

**Location:** Morris Hall (17 HOB)

**Summary:**

**Justice Appropriations Subcommittee**

*Monday March 28, 2011 12:00 pm*

CS/CS/HB 283 Favorable With Committee Substitute Yeas: 10 Nays: 0

CS/HB 513 Favorable Yeas: 10 Nays: 0

HB 997 Favorable With Committee Substitute Yeas: 11 Nays: 0

**Committee meeting was reported out: Monday, March 28, 2011 3:53:48PM**

**COMMITTEE MEETING REPORT**  
**Justice Appropriations Subcommittee**

**3/28/2011 12:00:00PM**

**Location:** Morris Hall (17 HOB)

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Richard Glorioso (Chair)	X		
Dennis Baxley	X		
Dwight Bullard	X		
Eric Eisnaugle			X
James Grant	X		
Doug Holder	X		
Charles McBurney	X		
Larry Metz	X		
W. Keith Perry	X		
Ray Pilon	X		
Ronald Renuart	X		
Darryl Rouson	X		
Irving Slosberg			X
Darren Soto	X		
Cynthia Stafford	X		
<b>Totals:</b>	<b>13</b>	<b>0</b>	<b>2</b>

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**COMMITTEE MEETING REPORT**  
**Justice Appropriations Subcommittee**

**3/28/2011 12:00:00PM**

**Location:** Morris Hall (17 HOB)

**CS/CS/HB 283 : Seaports**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Dwight Bullard	X				
Eric Eisnaugle			X		
James Grant	X				
Doug Holder				X	
Charles McBurney	X				
Larry Metz				X	
W. Keith Perry	X				
Ray Pilon	X				
Ronald Renuart	X				
Darryl Rouson	X				
Irving Slosberg			X		
Darren Soto				X	
Cynthia Stafford	X				
Richard Glorioso (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 0</b>			

**Appearances:**

Rubin, Michael (Lobbyist) - Proponent  
 Florida Ports Council  
 502 E Jefferson St  
 Tallahassee FL 32301  
 Phone: (850)222-8028

Perdue, Tammy (Lobbyist) - Proponent  
 Associated Industries of Florida  
 516 N. Adams St.  
 Tallahassee FL 32301  
 Phone: 850-224-7173

Ryan West - Proponent  
 Florida Chamber of Commerce  
 136 South Bronough Street  
 Tallahassee FL 32301  
 Phone: 850-521-1251

Cassini, Marty (Lobbyist) - Proponent  
 JM Family  
 205 South Adams Street  
 Tallahassee FL  
 Phone: 954-895-5325

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**Justice Appropriations Subcommittee**

**3/28/2011 12:00:00PM**

**Location:** Morris Hall (17 HOB)

Ericks, Candice (Lobbyist) - Proponent  
Broward County  
205 South Adams Street  
Tallahassee FL 33301  
Phone: 954-648-1204

Pitts, Brian - Proponent  
Trustee-Justice-2-Jesus  
1119 Newton Avenue South  
S. Petersburg Florida 33705  
Phone: 727-897-9291

West, Sally (Lobbyist) (General Public) - Proponent  
Florida Retail Federation  
227 S. Adams Street  
Tallahassee FL 32301  
Phone: (850) 222-4082

Greenstein, Ron (Lobbyist) - Proponent  
Florida Retail Federation  
225 S Adams St  
Tallahassee FL 32301  
Phone: (954)610-7745

Labrador, Edward (Lobbyist) - Proponent  
Broward County  
115 S Andrews Ave  
Ft Lauderdale FL 33301  
Phone: (954)357-7575

Caserta, David (Lobbyist) - Proponent  
Int'L Longshoremen Association Local #1416/1922/1526/1408  
1610 Port Blvd  
Miami FL 33132  
Phone: (305)899-5115

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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	_____	

1 Committee/Subcommittee hearing bill: Justice Appropriations  
 2 Subcommittee

3 Representative Young offered the following:

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

6 Remove lines 462-552 and insert:

7 ~~(9) INSPECTIONS. It is the intent of the Legislature that~~  
 8 ~~the state's seaports adhere to security practices that are~~  
 9 ~~consistent with the risks assigned to each seaport through the~~  
 10 ~~ongoing risk assessment process established in paragraph (3)(a).~~

11 ~~(a) The Department of Law Enforcement, or any entity~~  
 12 ~~designated by the department, shall conduct at least one annual~~  
 13 ~~unannounced inspection of each seaport to determine whether the~~  
 14 ~~seaport is meeting the minimum security standards established~~  
 15 ~~pursuant to subsection (1) and to identify seaport security~~  
 16 ~~changes or improvements needed or otherwise recommended.~~

17 ~~(b) The Department of Law Enforcement, or any entity~~  
 18 ~~designated by the department, may conduct additional announced~~  
 19 ~~or unannounced inspections or operations within or affecting any~~

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20 ~~seaport to test compliance with, or the effectiveness of,~~  
21 ~~security plans and operations at each seaport, to determine~~  
22 ~~compliance with physical facility requirements and standards, or~~  
23 ~~to assist the department in identifying changes or improvements~~  
24 ~~needed to bring a seaport into compliance with minimum security~~  
25 ~~standards.~~

26 ~~(c) Within 30 days after completing the inspection report,~~  
27 ~~the department shall submit a copy of the report to the Domestic~~  
28 ~~Security Oversight Council.~~

29 ~~(d) A seaport may request that the Domestic Security~~  
30 ~~Oversight Council review the findings in the department's report~~  
31 ~~as they relate to the requirements of this section. The council~~  
32 ~~may review only those findings that are in dispute by the~~  
33 ~~seaport. In reviewing the disputed findings, the council may~~  
34 ~~concur in the findings of the department or the seaport or may~~  
35 ~~recommend corrective action to the seaport. The department and~~  
36 ~~the seaport shall give great weight to the council's findings~~  
37 ~~and recommendations.~~

38 ~~(e) All seaports shall allow the Department of Law~~  
39 ~~Enforcement, or an entity designated by the department,~~  
40 ~~unimpeded access to affected areas and facilities for the~~  
41 ~~purpose of plan or compliance inspections or other operations~~  
42 ~~authorized by this section.~~

43 ~~(10) REPORTS. The Department of Law Enforcement, in~~  
44 ~~consultation with the Office of Drug Control, shall annually~~  
45 ~~complete a report indicating the observations and findings of~~  
46 ~~all reviews, inspections, or other operations relating to the~~  
47 ~~seaports conducted during the year and any recommendations~~

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48 ~~resulting from such reviews, inspections, and operations. A copy~~  
49 ~~of the report shall be provided to the Governor, the President~~  
50 ~~of the Senate, the Speaker of the House of Representatives, the~~  
51 ~~governing body of each seaport or seaport authority, and each~~  
52 ~~seaport director. The report must include each director's~~  
53 ~~response indicating what actions, if any, have been taken or are~~  
54 ~~planned to be taken pursuant to the observations, findings, and~~  
55 ~~recommendations reported by the department.~~

56 ~~(11) FUNDING.—~~

57 ~~(a) In making decisions regarding security projects or~~  
58 ~~other funding applicable to each seaport listed in s. 311.09,~~  
59 ~~the Legislature may consider the Department of Law Enforcement's~~  
60 ~~annual report under subsection (10) as authoritative, especially~~  
61 ~~regarding each seaport's degree of substantial compliance with~~  
62 ~~the minimum security standards established in subsection (1).~~

63 ~~(b) The Legislature shall regularly review the ongoing~~  
64 ~~costs of operational security on seaports, the impacts of this~~  
65 ~~section on those costs, mitigating factors that may reduce costs~~  
66 ~~without reducing security, and the methods by which seaports may~~  
67 ~~implement operational security using a combination of sworn law~~  
68 ~~enforcement officers and private security services.~~

69 ~~(c) Subject to the provisions of this chapter and~~  
70 ~~appropriations made for seaport security, state funds may not be~~  
71 ~~expended for security costs without certification of need for~~  
72 ~~such expenditures by the Office of Ports Administrator within~~  
73 ~~the Department of Law Enforcement.~~

74 ~~(d) If funds are appropriated for seaport security, the~~  
75 ~~Office of Drug Control, the Department of Law Enforcement, and~~



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76 ~~the Florida Seaport Transportation and Economic Development~~  
77 ~~Council shall mutually determine the allocation of such funds~~  
78 ~~for security project needs identified in the approved seaport~~  
79 ~~security plans. Any seaport that receives state funds for~~  
80 ~~security projects must enter into a joint participation~~  
81 ~~agreement with the appropriate state entity and use the seaport~~  
82 ~~security plan as the basis for the agreement.~~

83 ~~1. If funds are made available over more than 1 fiscal~~  
84 ~~year, the agreement must reflect the entire scope of the project~~  
85 ~~approved in the security plan and, as practicable, allow for~~  
86 ~~reimbursement for authorized projects over more than 1 year.~~

87 ~~2. The agreement may include specific timeframes for~~  
88 ~~completion of a security project and the applicable funding~~  
89 ~~reimbursement dates. The agreement may also require a~~  
90 ~~contractual penalty of up to \$1,000 per day to be imposed for~~  
91 ~~failure to meet project completion dates if state funding is~~  
92 ~~available. Any such penalty shall be deposited into the State~~  
93 ~~Transportation Trust Fund and used for seaport security~~  
94 ~~operations and capital improvements.~~

95  
96  
97  
98 -----  
99 **T I T L E A M E N D M E N T**

100 Remove lines 27-30 and insert:  
101 circumstances; deleting provisions relating to inspections;  
102 deleting reporting requirements; revising the parties that

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 283 (2011)

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103 | determine the allocation of appropriated funds for security  
104 | project needs; amending ss. 311.121,

Amendment No. 02

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	_____	

1 Committee/Subcommittee hearing bill: Justice Appropriations  
2 Subcommittee

3 Representative Young offered the following:

4

5 **Amendment**

6 Remove lines 576-577 and insert:

7 Development Council, ~~in conjunction with the Department of Law~~  
8 ~~Enforcement and the Office of Drug Control within the Executive~~  
9 ~~Office of the Governor,~~ shall create a maritime domain security

**COMMITTEE MEETING REPORT**  
**Justice Appropriations Subcommittee**

**3/28/2011 12:00:00PM**

**Location:** Morris Hall (17 HOB)

**CS/HB 513 : Missing Adults**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Dwight Bullard	X				
Eric Eisnaugle			X		
James Grant	X				
Doug Holder				X	
Charles McBurney	X				
Larry Metz				X	
W. Keith Perry	X				
Ray Pilon	X				
Ronald Renuart	X				
Darryl Rouson				X	
Irving Slosberg			X		
Darren Soto	X				
Cynthia Stafford	X				
Richard Glorioso (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 0</b>			

**Appearances:**

Duncanson, Carole (Lobbyist) - Proponent  
 Alzheimers Community Care  
 225 S. Adams St. # 250  
 Tallahassee FL 32301  
 Phone: (850)566-9056

**COMMITTEE MEETING REPORT**  
**Justice Appropriations Subcommittee**

**3/28/2011 12:00:00PM**

**Location:** Morris Hall (17 HOB)

**HB 997 : Juvenile Civil Citations**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Dwight Bullard	X				
Eric Eisnaugle			X		
James Grant	X				
Doug Holder				X	
Charles McBurney	X				
Larry Metz				X	
W. Keith Perry	X				
Ray Pilon	X				
Ronald Renuart	X				
Darryl Rouson	X				
Irving Slosberg			X		
Darren Soto	X				
Cynthia Stafford	X				
Richard Glorioso (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

**Appearances:**

Amendment HB 997

Ray Lawton - Proponent

Hillsborough County Sheriff's Office

2008 East 8th Avenue

Tampa FL 33605

Phone: 813-363-0375

Trammell, Robert (Lobbyist) (State Employee) - Proponent

Florida Public Defender Association, Inc

PO Box 11057

Tallahassee FL 32302

Phone: (850)510-2187

Sanchez, Ana (Lobbyist) (State Employee) - Proponent

Department of Juvenile Justice

2737 Centerview Dr

Tallahassee FL 32399

Phone: (850)410-1097

Pitts, Brian - Information Only

Trustee-Justice-2-Jesus

1119 Newton Avenue South

S. Petersburg Florida 33705

Phone: 727-897-9291

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**Justice Appropriations Subcommittee**

**3/28/2011 12:00:00PM**

**Location:** Morris Hall (17 HOB)

Stephanie Glass - Opponent  
FATC  
2707 Bayview Drive  
Eustis FL 32726  
Phone: 352-357-0648

Walters, Wansley (Lobbyist) (State Employee) - Information Only  
Secretary, Department of Juvenile Justice  
2737 Centerview Dr.  
Tallahassee FL 32399  
Phone: 850-413-7313

Katie Self - Information Only  
Florida Association of Teen Courts  
101 S. Washington Boulevard  
Sarasota FL 34236  
Phone: 941-861-8460

Ryan Brannan - Opponent  
FATC - Vice President  
759 Fox Run Circle  
Macclenny FL  
Phone: 904-424-5085

Messersmith, Frank (Lobbyist) - Information Only  
Florida Sheriffs Association  
PO Box 12519  
Tallahassee FL 32317  
Phone: (850)576-5858

**Committee meeting was reported out: Monday, March 28, 2011 3:53:48PM**

Amendment No. 01

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Justice Appropriations  
 2 Subcommittee

3 Representative(s) Pilon offered the following:

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

6 Remove everything after the enacting clause and insert:  
 7 Section 1. Section 985.12, Florida Statutes, is amended to  
 8 read:

9 985.12 Civil citation.—

10 (1) There is established a juvenile civil citation process  
 11 for the purpose of providing an efficient and innovative  
 12 alternative to custody by the Department of Juvenile Justice for  
 13 ~~of~~ children who commit nonserious delinquent acts and to ensure  
 14 swift and appropriate consequences. The department shall  
 15 encourage and assist in the implementation and improvement of  
 16 civil citation programs or other similar diversion programs  
 17 around the state. The civil citation or similar program shall  
 18 ~~may~~ be established at the local level with the concurrence of  
 19 the chief judge of the circuit, state attorney, public defender,

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20 and the head of each local law enforcement agency involved. The  
21 program may be operated by an entity such as a law enforcement  
22 agency, the department, a juvenile assessment center, the county  
23 or municipality, or some other entity selected by the county or  
24 municipality. Whichever entity is selected to operate the civil  
25 citation or similar diversion program shall be done so in  
26 consultation and agreement with the state attorney and local law  
27 enforcement agencies. Under such a juvenile civil citation  
28 program or similar diversion program, any law enforcement  
29 officer, upon making contact with a juvenile who admits having  
30 committed a misdemeanor, may issue a civil citation and assess  
31 assessing not more than 50 community service hours, and ~~may~~  
32 require participation in intervention services as indicated by  
33 an assessment of the ~~appropriate to identified~~ needs of the  
34 juvenile, including family counseling, urinalysis monitoring,  
35 and substance abuse and mental health treatment services. A copy  
36 of each citation issued under this section shall be provided to  
37 the department, and the department shall enter appropriate  
38 information into the juvenile offender information system. Only  
39 first-time misdemeanor offenders are eligible for the civil  
40 citation program or similar diversion program. At the conclusion  
41 of a juvenile's civil citation program or similar diversion  
42 program, the agency operating the program shall report the  
43 outcome to the department. The issuance of a civil citation is  
44 not considered a referral to the department.

45 (2) The department shall develop guidelines for the civil  
46 citation program which include intervention services that are



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47 based upon proven civil citation programs or similar diversion  
48 programs within the state.

49 ~~(3)(2)~~ Upon issuing such citation, the law enforcement  
50 officer shall send a copy to the county sheriff, state attorney,  
51 the appropriate intake office of the department, or the  
52 community service performance monitor designated by the  
53 department, the parent or guardian of the child, and the victim.

54 ~~(4)(3)~~ The child shall report to the community service  
55 performance monitor within 7 working days after the date of  
56 issuance of the citation. The work assignment shall be  
57 accomplished at a rate of not less than 5 hours per week. The  
58 monitor shall advise the intake office immediately upon  
59 reporting by the child to the monitor, that the child has in  
60 fact reported and the expected date upon which completion of the  
61 work assignment will be accomplished.

62 ~~(5)(4)~~ If the child ~~juvenile~~ fails to report timely for a  
63 work assignment, complete a work assignment, or comply with  
64 assigned intervention services within the prescribed time, or if  
65 the juvenile commits a ~~third or~~ subsequent misdemeanor, the law  
66 enforcement officer shall issue a report alleging the child has  
67 committed a delinquent act, at which point a juvenile probation  
68 officer shall process the original delinquent act as a referral  
69 to the department and refer the report to the state attorney for  
70 review ~~perform a preliminary determination as provided under s.~~  
71 ~~985.145.~~

72 ~~(6)(5)~~ At the time of issuance of the citation by the law  
73 enforcement officer, such officer shall advise the child that  
74 the child has the option to refuse the citation and to be

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75 referred to the intake office of the department. That option may  
76 be exercised at any time before ~~prior to~~ completion of the work  
77 assignment.

78 Section 2. This act shall take effect July 1, 2011.  
79  
80

81 -----  
82 **T I T L E A M E N D M E N T**

83 Remove the entire title and insert:

84 A bill to be entitled

85 An act relating to juvenile civil citations; amending  
86 s. 985.12, F.S.; requiring the Department of Juvenile  
87 Justice to encourage and assist in the implementation  
88 and improvement of civil citation and similar  
89 diversionary programs; requiring that a juvenile civil  
90 citation and similar diversion program be established  
91 at the local level with the concurrence of the chief  
92 judge of the circuit and other designated persons;  
93 authorizing a law enforcement agency, the Department  
94 of Juvenile Justice, a juvenile assessment center, the  
95 county or municipality, or an entity selected by the  
96 county or municipality to operate the civil citation  
97 or similar diversion program; requiring the entity  
98 operating the program to do so in consultation with  
99 and agreement by the state attorney and the local law  
100 enforcement agencies; authorizing a law enforcement  
101 officer, upon making contact with a juvenile who  
102 admits to having committed a misdemeanor, to require

## Amendment No. 01

103 participation in intervention services based upon an  
104 assessment of the needs of the juvenile; restricting  
105 eligibility of participants for the civil citation  
106 program to first-time misdemeanor offenders unless the  
107 participation is approved by the state attorney or  
108 assistant state attorney; requiring the agency  
109 operating the program to report on the outcome to the  
110 Department of Juvenile Justice at the conclusion of a  
111 youth's civil citation or similar diversion program;  
112 providing that the issuance of a civil citation is not  
113 considered a referral to the department; requiring the  
114 department to develop guidelines for the civil  
115 citation program which include intervention services  
116 that are based upon proven civil citation and similar  
117 diversionary programs within the state; deleting a  
118 provision requiring that a law enforcement officer  
119 send a copy of a civil citation to the victim of the  
120 offense; requiring a juvenile probation officer to  
121 process the original delinquent act as a referral to  
122 the department in specified circumstances and to refer  
123 certain reports to the state attorney for review;  
124 providing an effective date.

**COMMITTEE MEETING REPORT**  
**Justice Appropriations Subcommittee**

**3/28/2011 12:00:00PM**

**Location:** Morris Hall (17 HOB)

**Other Business Appearance:**

Robert May - Information Only  
MHM Correctional Services, Inc.  
1593 Springhill Road #600  
Vienna VA 22182  
Phone: 404-431-8833

George D. Johns - Information Only  
MHM Correctional Services, Inc.  
1593 Springhill Road #600  
Vienna VA 22182  
Phone: 954-632-6486

Darius Holmes - Information Only  
Wexford Health Services, Inc.  
12758 Skyline Drive  
Plainfield IL 60585  
Phone: 815-436-1310

Emil Dameff, M.D. - Information Only  
Wexford Health Services, Inc.  
3162 Willow Road  
Punta Gorda FL 33982  
Phone: 941-380-6022

John Dallas - Information Only  
Correctional Medical Services  
3232 N. Meridian Suite # 500  
Indianapolis IN 46208  
Phone: 317-319-8383

Michael A. Mitehaff, DO - Information Only  
Correctional Medical Services  
3737 North Meridian  
Indianapolis IN 46208  
Phone: 317-925-9540

Frank Fletcher - Information Only  
Correctional Medical Services  
12647 Olive Boulevard  
St. Louis MO 63141  
Phone: 314-919-9108

Michael Miller - Information Only  
PHS Correctional Healthcare  
434 Regency Boulevard  
Shreveport LA 71106  
Phone: 318-780-4248

**Committee meeting was reported out: Monday, March 28, 2011 3:53:48PM**

**COMMITTEE MEETING REPORT**  
**Justice Appropriations Subcommittee**

**3/28/2011 12:00:00PM**

**Location:** Morris Hall (17 HOB)

Jon Walker - Information Only  
PHS Correctional Healthcare  
105 West Park Drive  
Brentwood TN 37027  
Phone: 615-440-3080

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