

Justice Appropriations Subcommittee

Wednesday, March 9, 2011
8:00 a.m. – 10:30 a.m.
Morris Hall

MEETING PACKET

Dean Cannon
Speaker

Richard Glorioso
Chair



The Florida House of Representatives

Justice Appropriations Subcommittee

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AGENDA

Wednesday, March 9, 2011
8:00 a.m. - 10:30 a.m.
Morris Hall (17 HOB)

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. **Consideration of the following bills:**
 - HB 101 Violations of Injunctions for Protection by Cruz
 - CS/HB 39 Controlled Substances by Criminal Justice Subcommittee, Adkins, Rouson
- Consideration of the following proposed committee bill(s):**
 - PCB JUAS 11-01 -- State Courts Revenue Trust Fund/SCS
 - PCB JUAS 11-02 -- State Attorneys Revenue Trust Fund/JAC
 - PCB JUAS 11-03 -- Public Defenders Revenue Trust Fund/JAC
 - PCB JUAS 11-04 -- Indigent Civil Defense Trust Fund/JAC
 - PCB JUAS 11-05 -- Federal Grants Trust Fund/DJJ
 - PCB JUAS 11-06 -- Operating Trust Fund/DLA
 - PCB JUAS 11-07 -- Federal Grants Trust Fund/DLA
- IV. Department of Juvenile Justice on Governor's Recommended Budget on Eliminating Misdemeanant Youth in Residential Programs and the Implementation of Local Citation Program
- V. Budget Balancing Exercise
- VI. Closing Remarks/Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 101 Violations of Injunctions for Protection

SPONSOR(S): Cruz

TIED BILLS: **IDEN./SIM. BILLS:** SB 240

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	12 Y, 0 N	Williams	Cunningham
2) Justice Appropriations Subcommittee		McAuliffe <i>M</i>	Jones Darity <i>J. Darity</i>
3) Judiciary Committee			

SUMMARY ANALYSIS

Currently, a person commits a first degree misdemeanor if the person willfully violates an injunction for protection against repeat violence, sexual violence, or dating violence. This bill adds the following to the list of ways in which a person could violate such injunctions for protection:

- Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;
- Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or
- Refusing to surrender firearms or ammunition if ordered to do so by the court.

The bill also adds the following to the existing list of ways in which a person could violate an injunction for protection against repeat violence, sexual violence, or dating violence:

- Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member.

The bill would make the list of ways in which a person could violate an injunction for protection against repeat violence, sexual violence, or dating violence identical to the list of ways a person could violate an injunction for protection against domestic violence.

The bill provides additional ways in which a person can violate an injunction for protection, and that such violations are first degree misdemeanors. Therefore, this bill could have an impact on county jails. The bill is effective July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 784.046, F.S., relates to the issuance of injunctions for protection against repeat violence¹, dating violence², and sexual violence³. The statute specifies the following:

- Petitions for injunctions for protection must allege the incidents of repeat violence, sexual violence, or dating violence and must include the specific facts and circumstances that form the basis upon which relief is sought.
- Upon the filing of the petition, the court must set a hearing to be held at the earliest possible time. The respondent must be personally served with a copy of the petition, notice of hearing, and temporary injunction, if any, prior to the hearing.
- When it appears to the court that an immediate and present danger of violence exists, the court may grant a temporary injunction which may be granted in an ex parte hearing, pending a full hearing, and may grant such relief as the court deems proper.
- The court must enforce, through a civil or criminal contempt proceeding, a violation of an injunction for protection.⁴
- The petitioner or the respondent may move the court to modify or dissolve an injunction at any time.⁵

Section 784.047, F.S., provides criminal penalties for violating a temporary or permanent injunction for protection against repeat violence, sexual violence, or dating violence. The statute specifies that a person commits a first degree misdemeanor⁶ if they willfully violate an injunction for protection against repeat violence, sexual violence, or dating violence by:

- Refusing to vacate the dwelling that the parties share;
- Going to the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;
- Committing an act of repeat violence, sexual violence, or dating violence against the petitioner;
- Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner; or
- Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party.⁷

¹ "Repeat violence" is defined as, "two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member." Section 784.046(1), F.S.

² "Dating violence" is defined as, "violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors: a dating relationship must have existed within the past 6 months; the nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and the frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship. The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context." *Id.*

³ "Sexual violence" is defined as, "any one incident of sexual battery, as defined in chapter 794; a lewd or lascivious act, as defined in chapter 800, committed upon or in the presence of a person younger than 16 years of age; luring or enticing a child, as described in chapter 787; sexual performance by a child, as described in chapter 827; or any other forcible felony wherein a sexual act is committed or attempted; regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney." *Id.*

⁴ The court may impose monetary fines for noncompliance of a violation of injunction. Criminal penalties are imposed pursuant to s 784.047, F.S.

⁵ s. 784.046(7)(c), F.S.

⁶ A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a \$1,000 fine. *See* ss. 775.082 and 775.083.

⁷ Section 784.047(5), F.S.

Effect of the Bill

The bill adds the following to the above list of ways in which a person could violate an injunction for protection against repeat violence, sexual violence, or dating violence:

- Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;
- Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle;
- Refusing to surrender firearms or ammunition if ordered to do so by the court.

The bill also adds the following to the existing list of ways in which a person could violate an injunction for protection against repeat violence, sexual violence, or dating violence:

- Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member.

It should be noted that s. 741.31, F.S., which provides penalties for violating an injunction for protection against domestic violence,⁸ contains the same provisions as those added by the bill.

B. SECTION DIRECTORY:

Section 1. Amends s. 784.047, F.S., relating to penalties for violating protective injunction against violators.

Section 2. Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See "Fiscal Comments."

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill provides additional ways in which a person can violate an injunction for protection, and that such violations are first degree misdemeanors. Therefore, this bill could have an impact on county jails.

⁸ Section 741.28, F.S., defines "domestic violence" as "any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member."

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Currently, the bill is effective July 1, 2011. Generally, bills that impose criminal penalties are effective on October 1 so as to give adequate notice to the public, state attorneys, public defenders, and other interested parties.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HB 101

2011

1 A bill to be entitled
 2 An act relating to violations of injunctions for
 3 protection; amending s. 784.047, F.S.; adding
 4 circumstances that violate an injunction for protection
 5 against repeat violence, sexual violence, or dating
 6 violence; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Section 784.047, Florida Statutes, is amended
 11 to read:

12 784.047 Penalties for violating protective injunction
 13 against violators.—A person who willfully violates an injunction
 14 for protection against repeat violence, sexual violence, or
 15 dating violence, issued pursuant to s. 784.046, or a foreign
 16 protection order accorded full faith and credit pursuant to s.
 17 741.315 by:

18 (1) Refusing to vacate the dwelling that the parties
 19 share;

20 (2) Going to, or being within 500 feet of, the
 21 petitioner's residence, school, place of employment, or a
 22 specified place frequented regularly by the petitioner and any
 23 named family or household member;

24 (3) Committing an act of repeat violence, sexual violence,
 25 or dating violence against the petitioner;

26 (4) Committing any other violation of the injunction
 27 through an intentional unlawful threat, word, or act to do
 28 violence to the petitioner; ~~or~~

HB 101

2011

29 (5) Telephoning, contacting, or otherwise communicating
30 with the petitioner directly or indirectly, unless the
31 injunction specifically allows indirect contact through a third
32 party;

33 (6) Knowingly and intentionally coming within 100 feet of
34 the petitioner's motor vehicle, whether or not that vehicle is
35 occupied;

36 (7) Defacing or destroying the petitioner's personal
37 property, including the petitioner's motor vehicle; or

38 (8) Refusing to surrender firearms or ammunition if
39 ordered to do so by the court,

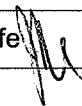
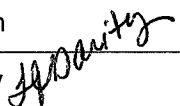
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41 commits a misdemeanor of the first degree, punishable as
42 provided in s. 775.082 or s. 775.083.

43 Section 2. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 39 Controlled Substances
SPONSOR(S): Criminal Justice Subcommittee, Adkins and others
TIED BILLS: IDEN./SIM. BILLS: CS/SB 204

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	11 Y, 4 N, As CS	Williams	Cunningham
2) Justice Appropriations Subcommittee		McAuliffe 	Jones Darity 
3) Judiciary Committee			

SUMMARY ANALYSIS

Synthetic cannabinoids are chemically engineered substances containing one or more synthetic compounds that behave similarly to the primary psychoactive constituent of marijuana. The compound most commonly found in these products is the chemical JWH-018. In recent years, synthetic cannabinoids often referred to as "K2" or "Spice," have begun to be used as recreational drugs. Florida does not currently regulate the sale, purchase, possession, or manufacture of synthetic cannabinoids.

Chapter 893, F.S., sets forth the Florida Comprehensive Drug Abuse Prevention and Control Act and classifies controlled substances into five categories, known as schedules. These schedules are used to regulate the manufacture, distribution, preparation and dispensing of the substances. Schedule I substances have a high potential for abuse and have no currently accepted medical use in the United States.

CS/HB 39 adds the following synthetic cannabinoids and synthetic cannabinoid-mimicking compounds to Schedule I:

- 2-[(1R, 3S) -3-hydroxycyclohexyl] -5- (2-methyloctan-2-yl) phenol, also known as CP 47, 497 and its dimethyloctyl (C8) homologue.
- (6aR, 10aR) -9- (hydroxymethyl) -6, 6-dimethyl-3- (2-methyloctan-2-yl) -6a, 7, 10, 10a-tetrahydrobenzo [c] chromen-1-ol, also known as HU-210.
- 1-Pentyl-3- (1-naphthoyl) indole, also known as JWH-018.
- 1-Butyl-3- (1-naphthoyl) indole, also known as JWH-073.
- 1-[2-(4-morpholinyl)ethyl]-3-(1- naphthoyl) indole, also known as JWH-200.

This will make possession of synthetic cannabinoids a third degree felony in conformity with other Schedule I hallucinogens. This offense will be ranked in Level 3 of the offense severity ranking chart. The offense of sale, manufacture or delivery or possession with intent to sell, manufacture or deliver synthetic cannabinoids will be a third degree felony and will be ranked in Level 3 of the offense severity ranking chart. The offense of purchase of synthetic cannabinoids will be a third degree felony and will be ranked in Level 2 of the offense severity ranking chart.

The United States Drug Enforcement Administration recently indicated its intent to temporarily place several synthetic cannabinoids into Schedule I of the federal controlled substance schedules. If a final order is issued, the manufacture, distribution, possession, importation, and exportation of synthetic cannabinoids would be a federal crime. Likewise, the effect of Florida scheduling is that arrests and prosecutions under Florida law may be made for possession, sale, manufacture, delivery, and purchase of these substances.

The Criminal Justice Impact Conference met March 2, 2011 and determined this bill will have an insignificant fiscal impact on state prison beds.

The effective date of the bill is July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Synthetic cannabinoids: Synthetic cannabinoids (also known as “K2” or “Spice”) are chemically engineered substances, similar to tetrahydrocannabinol (THC)—the active ingredient in marijuana—that, when smoked or ingested, can produce a high similar to marijuana.¹ Synthetic cannabinoids have been developed over the last 30 years for research purposes to investigate the cannabinoid system. No legitimate non-research uses have been identified for synthetic cannabinoids and they have not been approved by the U.S. Food and Drug Administration for human consumption.²

The active compounds found in Spice and K2 include the synthetic cannabinoids JWH-018 (developed in a Clemson University lab by researcher John W. Huffman, PhD.), JWH-073, HU-210 and/or CP 47,497.³ It is believed that manufacturers used Huffman’s research in order to reproduce chemicals to produce these synthetic cannabinoids and market them for commercial distribution.

Substance Abuse: In recent years, synthetic cannabinoids have begun to be used as recreational drugs. The most common route of administration of synthetic cannabinoids is by smoking, using a pipe, water pipe, or rolling the drug-spiked plant material in cigarette papers. The primary abusers of synthetic cannabinoids are youth, who purchase these substances from internet websites, gas stations, convenient stores, tobacco shops and head shops.⁴

The United States Drug Enforcement Administration (DEA) stated that “products containing these THC-like synthetic cannabinoids are marketed as ‘legal’ alternatives to marijuana and are being sold over the Internet and in tobacco and smoke shops, drug paraphernalia shops, and convenience stores.”⁵ Further, “a number of the products and synthetic cannabinoids appear to originate from foreign sources and are manufactured in the absence of quality controls and devoid of regulatory oversight.”⁶ “The marketing of products that contain one or more of these synthetic cannabinoids is geared towards teens and young adults. Despite disclaimers that the products are not intended for human consumption, retailers promote that routine urinalysis tests will not typically detect the presence of these synthetic cannabinoids.”⁷

The DEA stated abuse of synthetic cannabinoids or products containing these substances “has been characterized by both acute and long term public health and safety problems.”⁸

- Synthetic cannabinoids alone or spiked on plant material have the potential to be extremely harmful due to their method of manufacture and high pharmacological potency. The DEA has been made aware that smoking synthetic cannabinoids for the purpose of achieving intoxication

¹ “Synthetic Cannabinoids (K2),” National Conference of State Legislatures, updated November 23, 2010 (<http://www.ncsl.org/?tabid=21398>) (last accessed on January 18, 2011).

² “Schedules of Controlled Substances: Temporary Placement of Five Synthetic Cannabinoids Into Schedule I,” Federal Register, The Daily Journal of the United States Government, November 24, 2010 (<http://www.federalregister.gov/articles/2010/11/24/2010-29600/schedules-of-controlled-substances-temporary-placement-of-five-synthetic-cannabinoids-into-schedule>) (last accessed on January 25, 2011).

³ “Comprehensive Drug Information on Spice and K2 (Synthetic Cannabinoids),” Hunterdon Drug Awareness Program, (<http://www.hdap.org/spice.html>) (last accessed on January 18, 2011).

⁴ “Drugs and Chemicals of Concern,” U.S. Dept. of Justice Drug Enforcement Administration, Office of Diversion Control, November 2010. (http://www.dea.gov/diversion_control/drugs_concern/spice/spice_jwh018.htm) (last accessed on January 18, 2011).

⁵ “Schedules of Controlled Substances: Temporary Placement of Five Synthetic Cannabinoids Into Schedule I,” Federal Register, The Daily Journal of the United States Government, November 24, 2010 (<http://www.federalregister.gov/articles/2010/11/24/2010-29600/schedules-of-controlled-substances-temporary-placement-of-five-synthetic-cannabinoids-into-schedule>) (last accessed on January 25, 2011).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

and experiencing the psychoactive effects is identified as a reason for emergency room visits and calls to poison control centers.⁹

- Health warnings have been issued by numerous state public health departments and poison control centers describing the adverse health effects associated with synthetic cannabinoids and their related products including agitation, anxiety, vomiting, tachycardia, elevated blood pressure, seizures, hallucinations and non-responsiveness. Case reports describe psychotic episodes, withdrawal, and dependence associated with use of synthetic cannabinoids, similar to syndromes observed in cannabis abuse. Emergency room physicians have reported admissions connected to the abuse of synthetic cannabinoids. Additionally, when responding to incidents involving individuals who have reportedly smoked synthetic cannabinoids, first responders report that these individuals suffer from intense hallucinations. Detailed chemical analysis by the DEA and other investigators has found synthetic cannabinoids spiked on plant material in products marketed to the general public. The risk of adverse health effects is further increased by the fact that similar products vary in the composition and concentration of synthetic cannabinoid(s) spiked on the plant material.¹⁰

Marilyn Huestis, Chief of Chemistry and Drug Metabolism at the National Institute on Drug Abuse, stated during an interview conducted by The Washington Post, that "these different, synthetic compounds are up to 100 times more potent than THC and have not been tested on humans. When people take it, they don't know how much they're taking or what it is they're taking."¹¹

Drug schedules: Chapter 893, F.S., sets forth the Florida Comprehensive Drug Abuse Prevention and Control Act and classifies controlled substances into five categories, known as schedules. These schedules are used to regulate the manufacture, distribution, preparation and dispensing of the substances.

The distinguishing factors between the different drug schedules are the "potential for abuse"¹² of the substance contained therein and whether there is a currently accepted medical use for the substance. Schedule I substances have a high potential for abuse and have no currently accepted medical use in the United States.¹³ Cannabis and heroin are examples of Schedule I drugs.

Florida law: Currently, synthetic cannabinoids are not listed in any of the controlled substances schedules in ch.893, F.S. As such, Florida does not currently regulate the sale, purchase, or possession of synthetic cannabinoids.¹⁴

Other State Actions: According to the National Conference of State Legislatures, as of January 11, 2011, the following 11 state legislatures passed laws banning synthetic cannabinoids:

- In 2010, Alabama passed HB 697, which prohibits persons from possessing synthetic cannabinoids. The offense is punishable as a misdemeanor if the possession was for personal use, and a felony if the possession was for non-personal use.¹⁵
- In 2010, Georgia passed HB 1309, which prohibits the purchase, possession, manufacture, distribution, or sale of synthetic cannabinoids. These offenses are all punishable as felonies.¹⁶

⁹ *Id.*

¹⁰ *Id.*

¹¹ "The growing buzz on 'spice' -- the marijuana alternative," *The Washington Post*, July 10, 2010. (last accessed on January 18, 2011). (<http://www.washingtonpost.com/wp-dyn/content/article/2010/07/09/AR2010070903554.html?sid=ST2010071000029>)

¹² *See* s. 893.02(19), F.S.

¹³ *See* s. 893.03, F.S.

¹⁴ The Polk County Sheriff's Office recently arrested several retailers who sold synthetic cannabinoids for violating Florida's imitation controlled substance statute, s. 817.564, F.S. Curtis, Henry Pierson, "Imitation marijuana: More than dozen arrested in Polk County for selling 'legal weed'," *Orlando Sentinel*, November 18, 2010 (http://articles.orlandosentinel.com/2010-11-18/news/os-fake-pot-arrests-polk-county-20101118_1_synthetic-marijuana-small-gasoline-stations-legal-weed) (last accessed on January 18, 2011).

¹⁵ Ala. Code ss. 13A-12-212, 13A-12-213, 13A-5-6, 13A-5-7.

¹⁶ Ga. Code. Ann. ss. 16-13-25, 16-13-30.

- In 2010, Illinois passed HB 6459, which makes it a felony for a person to buy, sell, or possess synthetic cannabinoids.¹⁷
- In 2010, Kansas passed HB 2411, which prohibits the manufacture, distribution, cultivation, or possession of synthetic cannabinoids. Manufacture, distribution and cultivation offenses are all punishable as felonies and possession is punishable as a misdemeanor.¹⁸
- In 2010, Kentucky passed HB 265, which prohibits the trafficking, manufacture, and possession of synthetic cannabinoids. These offenses are punishable as misdemeanors.¹⁹
- In 2010, Louisiana passed HB 121, HB 173 and SB 37, which prohibits the manufacture, distribution, and possession of synthetic cannabinoids. These offenses are all punishable as felonies.²⁰
- In 2010, Michigan passed HB 6038, which prohibits the possession and use of synthetic cannabinoids. These offenses are punishable as misdemeanors. The bill also prohibited a person from manufacturing, delivering, or possessing with intent to deliver synthetic cannabinoids. These offenses are all punishable as felonies.²¹
- In 2010, Mississippi passed SB 2004, which prohibits a person from selling, bartering, transferring, manufacturing, distributing dispensing, and trafficking of synthetic cannabinoids. These offenses are punishable as felonies. The bill also prohibits a person from possessing synthetic cannabinoids. This offense is generally punishable as a felony.²²
- In 2010, Missouri passed HB 1472, which prohibits a person from distributing, delivering, manufacturing, or producing synthetic cannabinoids. These offenses are punishable as felonies. The bill also prohibits persons from possessing synthetic cannabinoids. The offense is punishable as a misdemeanor for possession of 35 grams or less, and a felony for possession of 35 grams or more.²³
- In 2010, Oklahoma passed HB 3241, which makes it a felony for a person to possess, purchase, distribute, dispense, transport with intent to distribute or dispense, possess with intent to manufacture, distribute, or dispense synthetic cannabinoids.²⁴
- In 2010, Tennessee passed SB 2982, which prohibits the manufacture, distribution, or possession of synthetic cannabinoids. These offenses are punishable as misdemeanors.²⁵

Federal Actions: On November 24, 2010, the DEA announced a Notice of Intent to Temporarily Control synthetic cannabinoids. The temporary control, which adds these substances to the list of Schedule I substances in the Federal Controlled Substances Act, will go into effect upon the issuance of a final order.²⁶ If the final order is issued, the manufacture, distribution, possession, importation, and exportation of synthetic cannabinoids will be punishable as felonies.²⁷

Effect of bill: CS/HB 39 amends s. 893.02, F.S., the definitions section of ch. 893, F.S., to define the term "homologue" as "a chemical compound in a series in which each compound differs by one or more alkyl functional groups on an alkyl side chain." The term "homologue" appears in the scheduling nomenclature of one of the substances scheduled by the bill.

¹⁷ "Synthetic Marijuana, Illegal in Illinois." <http://www.24-7pressrelease.com/press-release/synthetic-marijuana-illegal-in-illinois-191395.php> (last accessed on January 25, 2011). See also, 720 ILCS 570-204.

¹⁸ K.S.A. ss. 65-4105, 21-36a03, 21-36a05, 21-36a06.

¹⁹ KRS 218A.1426, 218A.1427, and 218A 1428.

²⁰ La. Rev. Stat. Ann. 40:964, 40:966, 40:989.2.

²¹ Michigan House of Representatives Legislative Analysis of HB 6038. <http://www.legislature.mi.gov/documents/2009-2010/billanalysis/House/htm/2009-HLA-6038-3.htm> (last accessed January 25, 2011). Also see, MCL ss. 333.7212, 333.7403, 333.7404, and 333.7401.

²² Miss. Code Ann. ss. 41-29-113, 41-29-139.

²³ Mo. Ann. Stat. ss. 195.017, 195.202, 195.211

²⁴ Okla. State. Ann. tit. 63, s. 2-401, s. 2-402.

²⁵ Tenn. Code Ann. s.39-17-438.

²⁶ "Schedules of Controlled Substances: Temporary Placement of Five Synthetic Cannabinoids Into Schedule I," Federal Register, The Daily Journal of the United States Government, November 24, 2010 (<http://www.federalregister.gov/articles/2010/11/24/2010-29600/schedules-of-controlled-substances-temporary-placement-of-five-synthetic-cannabinoids-into-schedule>) (last accessed on January 25, 2011).

²⁷ 21 USC Sec. 841

The bill amends s. 893.03, F.S., to add the following synthetic cannabinoids or synthetic cannabinoid-mimicking compounds to Schedule I of Florida's controlled substance schedules:

- 2-[(1R, 3S) -3-hydroxycyclohexyl] -5- (2-methyloctan-2-yl) phenol, also known as CP 47, 497 and its dimethyloctyl (C8) homologue.
- (6aR, 10aR) -9- (hydroxymethyl) -6, 6-dimethyl-3- (2-methyloctan-2-yl) -6a, 7, 10, 10a-tetrahydrobenzo [c] chromen-1-ol, also known as HU-210.
- 1-Pentyl-3- (1-naphthoyl) indole, also known as JWH-018.
- 1-Butyl-3- (1-naphthoyl) indole, also known as JWH-073.
- 1-[2-(4-morpholinyl)ethyl]-3-(1- naphthoyl) indole, also known as JWH-200

This will make possession of synthetic cannabinoids a third degree felony in conformity with other Schedule I hallucinogens such as LSD and peyote.²⁸ This offense will be ranked in Level 3 of the offense severity ranking chart. The offense of sale, manufacture or delivery or possession with intent to sell, manufacture or deliver synthetic cannabinoids will be a third degree felony and will be ranked in Level 3 of the offense severity ranking chart.²⁹ The purchase of synthetic cannabinoids will be a third degree felony and will be ranked in Level 2 of the offense severity ranking chart.³⁰

The bill also reenacts ss. 893.13(1), (2), (4), and (5), 893.135(1)(I), and 921.0022(3)(b), (c), and (e), F.S., to incorporate changes made by the bill.

B. SECTION DIRECTORY:

Section 1: Amends s. 893.02, F.S., relating to definitions.

Section 2: Amends s. 893.03, F.S., relating to standards and schedules.

Section 3: Reenacts s. 893.13, F.S., relating to prohibited acts; penalties.

Section 4: Reenacts s. 893.135, F.S., relating to trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.

Section 5: Reenacts s. 921.0022, F.S., relating to Criminal Punishment Code; offense severity ranking chart.

Section 6: Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See "Fiscal Comments."

²⁸ s. 893.13(6)(a), F.S. Possession of less than 20 grams of cannabis is a first degree misdemeanor. s. 893.13(6)(b), F.S.

²⁹ s. 893.13(1)(a)2., F.S and s. 921.0022, F.S. Section 893.13, F.S. provides for enhanced penalties if the sale occurs within close proximity to certain locations such as a church or school.

³⁰ s. 893.13(2)(a)2., F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See "Fiscal Comments."

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill would make it illegal to sell synthetic cannabinoids, which are currently sold over the Internet and in tobacco and smoke shops, drug paraphernalia shops, and convenience stores. Therefore, the bill could have a negative fiscal impact on such entities.

D. FISCAL COMMENTS:

The Criminal Justice Impact Conference met March 2, 2011 and determined this bill will have an insignificant fiscal impact on state prison beds.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 25, 2011, the Criminal Justice Subcommittee adopted one amendment to the bill and reported the bill favorably as a Committee Substitute. The amendment added the following synthetic cannabinoid to Schedule I of Florida's controlled substance schedules.

- 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole (JWH-200)

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A bill to be entitled
 An act relating to controlled substances; amending s.
 893.02, F.S.; defining the term "homologue" for purposes
 of the Florida Comprehensive Drug Abuse Prevention and
 Control Act; amending s. 893.03, F.S.; including certain
 hallucinogenic substances on the list of controlled
 substances in Schedule I; reenacting ss. 893.13(1), (2),
 (4) and (5), 893.135(1)(1), and 921.0022(3)(b), (c), and
 (e), F.S., relating to prohibited acts and penalties
 regarding controlled substances and the offense severity
 chart of the Criminal Punishment Code, to incorporate the
 amendment to s. 893.03, F.S., in references thereto;
 providing an effective date.

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

Section 1. Present subsections (11) through (22) of
 section 893.02, Florida Statutes, are redesignated as
 subsections (12) through (23), respectively, and a new
 subsection (11) is added to that section, to read:

893.02 Definitions.—The following words and phrases as
 used in this chapter shall have the following meanings, unless
 the context otherwise requires:

(11) "Homologue" means a chemical compound in a series in
 which each compound differs by one or more alkyl functional
 groups on an alkyl side chain.

Section 2. Paragraph (c) of subsection (1) of section
 893.03, Florida Statutes, is amended to read:

CS/HB 39

2011

29 | 893.03 Standards and schedules.—The substances enumerated
30 | in this section are controlled by this chapter. The controlled
31 | substances listed or to be listed in Schedules I, II, III, IV,
32 | and V are included by whatever official, common, usual,
33 | chemical, or trade name designated. The provisions of this
34 | section shall not be construed to include within any of the
35 | schedules contained in this section any excluded drugs listed
36 | within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
37 | Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
38 | Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
39 | Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
40 | Anabolic Steroid Products."

41 | (1) SCHEDULE I.—A substance in Schedule I has a high
42 | potential for abuse and has no currently accepted medical use in
43 | treatment in the United States and in its use under medical
44 | supervision does not meet accepted safety standards. The
45 | following substances are controlled in Schedule I:

46 | (c) Unless specifically excepted or unless listed in
47 | another schedule, any material, compound, mixture, or
48 | preparation which contains any quantity of the following
49 | hallucinogenic substances or which contains any of their salts,
50 | isomers, and salts of isomers, whenever the existence of such
51 | salts, isomers, and salts of isomers is possible within the
52 | specific chemical designation:

- 53 | 1. Alpha-ethyltryptamine.
- 54 | 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
55 | methylaminorex).
- 56 | 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).

CS/HB 39

2011

- 57 | 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 58 | 5. 4-Bromo-2, 5-dimethoxyphenethylamine.
- 59 | 6. Bufotenine.
- 60 | 7. Cannabis.
- 61 | 8. Cathinone.
- 62 | 9. Diethyltryptamine.
- 63 | 10. 2,5-Dimethoxyamphetamine.
- 64 | 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 65 | 12. Dimethyltryptamine.
- 66 | 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
- 67 | analog of phencyclidine).
- 68 | 14. N-Ethyl-3-piperidyl benzilate.
- 69 | 15. N-ethylamphetamine.
- 70 | 16. Fenethylamine.
- 71 | 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 72 | 18. Ibogaine.
- 73 | 19. Lysergic acid diethylamide (LSD).
- 74 | 20. Mescaline.
- 75 | 21. Methcathinone.
- 76 | 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 77 | 23. 4-methoxyamphetamine.
- 78 | 24. 4-methoxymethamphetamine.
- 79 | 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 80 | 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 81 | 27. 3,4-Methylenedioxyamphetamine.
- 82 | 28. N-Methyl-3-piperidyl benzilate.
- 83 | 29. N,N-dimethylamphetamine.
- 84 | 30. Parahexyl.

CS/HB 39

2011

- 85 | 31. Peyote.
- 86 | 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
87 | analog of phencyclidine).
- 88 | 33. Psilocybin.
- 89 | 34. Psilocyn.
- 90 | 35. Salvia divinorum, except for any drug product approved
91 | by the United States Food and Drug Administration which contains
92 | Salvia divinorum or its isomers, esters, ethers, salts, and
93 | salts of isomers, esters, and ethers, whenever the existence of
94 | such isomers, esters, ethers, and salts is possible within the
95 | specific chemical designation.
- 96 | 36. Salvinorin A, except for any drug product approved by
97 | the United States Food and Drug Administration which contains
98 | Salvinorin A or its isomers, esters, ethers, salts, and salts of
99 | isomers, esters, and ethers, whenever the existence of such
100 | isomers, esters, ethers, and salts is possible within the
101 | specific chemical designation.
- 102 | 37. Tetrahydrocannabinols.
- 103 | 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
104 | (Thiophene analog of phencyclidine).
- 105 | 39. 3,4,5-Trimethoxyamphetamine.
- 106 | 40. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
107 | yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
108 | homologue.
- 109 | 41. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
110 | methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
111 | also known as HU-210.
- 112 | 42. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.

113 43. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.

114 44. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole,
 115 also known as JWH-200.

116 Section 3. For the purpose of incorporating the amendment
 117 made by this act to section 893.03, Florida Statutes, in
 118 references thereto, subsections (1), (2), (4), and (5) of
 119 section 893.13, Florida Statutes, are reenacted to read:

120 893.13 Prohibited acts; penalties.—

121 (1) (a) Except as authorized by this chapter and chapter
 122 499, it is unlawful for any person to sell, manufacture, or
 123 deliver, or possess with intent to sell, manufacture, or
 124 deliver, a controlled substance. Any person who violates this
 125 provision with respect to:

126 1. A controlled substance named or described in s.
 127 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 128 commits a felony of the second degree, punishable as provided in
 129 s. 775.082, s. 775.083, or s. 775.084.

130 2. A controlled substance named or described in s.
 131 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 132 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 133 the third degree, punishable as provided in s. 775.082, s.
 134 775.083, or s. 775.084.

135 3. A controlled substance named or described in s.
 136 893.03(5) commits a misdemeanor of the first degree, punishable
 137 as provided in s. 775.082 or s. 775.083.

138 (b) Except as provided in this chapter, it is unlawful to
 139 sell or deliver in excess of 10 grams of any substance named or
 140 described in s. 893.03(1)(a) or (1)(b), or any combination

CS/HB 39

2011

141 | thereof, or any mixture containing any such substance. Any
 142 | person who violates this paragraph commits a felony of the first
 143 | degree, punishable as provided in s. 775.082, s. 775.083, or s.
 144 | 775.084.

145 | (c) Except as authorized by this chapter, it is unlawful
 146 | for any person to sell, manufacture, or deliver, or possess with
 147 | intent to sell, manufacture, or deliver, a controlled substance
 148 | in, on, or within 1,000 feet of the real property comprising a
 149 | child care facility as defined in s. 402.302 or a public or
 150 | private elementary, middle, or secondary school between the
 151 | hours of 6 a.m. and 12 midnight, or at any time in, on, or
 152 | within 1,000 feet of real property comprising a state, county,
 153 | or municipal park, a community center, or a publicly owned
 154 | recreational facility. For the purposes of this paragraph, the
 155 | term "community center" means a facility operated by a nonprofit
 156 | community-based organization for the provision of recreational,
 157 | social, or educational services to the public. Any person who
 158 | violates this paragraph with respect to:

159 | 1. A controlled substance named or described in s.
 160 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 161 | commits a felony of the first degree, punishable as provided in
 162 | s. 775.082, s. 775.083, or s. 775.084. The defendant must be
 163 | sentenced to a minimum term of imprisonment of 3 calendar years
 164 | unless the offense was committed within 1,000 feet of the real
 165 | property comprising a child care facility as defined in s.
 166 | 402.302.

167 | 2. A controlled substance named or described in s.
 168 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,

CS/HB 39

2011

169 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 170 the second degree, punishable as provided in s. 775.082, s.
 171 775.083, or s. 775.084.

172 3. Any other controlled substance, except as lawfully
 173 sold, manufactured, or delivered, must be sentenced to pay a
 174 \$500 fine and to serve 100 hours of public service in addition
 175 to any other penalty prescribed by law.

176
 177 This paragraph does not apply to a child care facility unless
 178 the owner or operator of the facility posts a sign that is not
 179 less than 2 square feet in size with a word legend identifying
 180 the facility as a licensed child care facility and that is
 181 posted on the property of the child care facility in a
 182 conspicuous place where the sign is reasonably visible to the
 183 public.

184 (d) Except as authorized by this chapter, it is unlawful
 185 for any person to sell, manufacture, or deliver, or possess with
 186 intent to sell, manufacture, or deliver, a controlled substance
 187 in, on, or within 1,000 feet of the real property comprising a
 188 public or private college, university, or other postsecondary
 189 educational institution. Any person who violates this paragraph
 190 with respect to:

191 1. A controlled substance named or described in s.
 192 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 193 commits a felony of the first degree, punishable as provided in
 194 s. 775.082, s. 775.083, or s. 775.084.

195 2. A controlled substance named or described in s.
 196 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,

CS/HB 39

2011

197 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 198 the second degree, punishable as provided in s. 775.082, s.
 199 775.083, or s. 775.084.

200 3. Any other controlled substance, except as lawfully
 201 sold, manufactured, or delivered, must be sentenced to pay a
 202 \$500 fine and to serve 100 hours of public service in addition
 203 to any other penalty prescribed by law.

204 (e) Except as authorized by this chapter, it is unlawful
 205 for any person to sell, manufacture, or deliver, or possess with
 206 intent to sell, manufacture, or deliver, a controlled substance
 207 not authorized by law in, on, or within 1,000 feet of a physical
 208 place for worship at which a church or religious organization
 209 regularly conducts religious services or within 1,000 feet of a
 210 convenience business as defined in s. 812.171. Any person who
 211 violates this paragraph with respect to:

212 1. A controlled substance named or described in s.
 213 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 214 commits a felony of the first degree, punishable as provided in
 215 s. 775.082, s. 775.083, or s. 775.084.

216 2. A controlled substance named or described in s.
 217 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 218 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 219 the second degree, punishable as provided in s. 775.082, s.
 220 775.083, or s. 775.084.

221 3. Any other controlled substance, except as lawfully
 222 sold, manufactured, or delivered, must be sentenced to pay a
 223 \$500 fine and to serve 100 hours of public service in addition
 224 to any other penalty prescribed by law.

CS/HB 39

2011

225 (f) Except as authorized by this chapter, it is unlawful
226 for any person to sell, manufacture, or deliver, or possess with
227 intent to sell, manufacture, or deliver, a controlled substance
228 in, on, or within 1,000 feet of the real property comprising a
229 public housing facility at any time. For purposes of this
230 section, the term "real property comprising a public housing
231 facility" means real property, as defined in s. 421.03(12), of a
232 public corporation created as a housing authority pursuant to
233 part I of chapter 421. Any person who violates this paragraph
234 with respect to:

235 1. A controlled substance named or described in s.
236 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
237 commits a felony of the first degree, punishable as provided in
238 s. 775.082, s. 775.083, or s. 775.084.

239 2. A controlled substance named or described in s.
240 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
241 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
242 the second degree, punishable as provided in s. 775.082, s.
243 775.083, or s. 775.084.

244 3. Any other controlled substance, except as lawfully
245 sold, manufactured, or delivered, must be sentenced to pay a
246 \$500 fine and to serve 100 hours of public service in addition
247 to any other penalty prescribed by law.

248 (g) Except as authorized by this chapter, it is unlawful
249 for any person to manufacture methamphetamine or phencyclidine,
250 or possess any listed chemical as defined in s. 893.033 in
251 violation of s. 893.149 and with intent to manufacture
252 methamphetamine or phencyclidine. If any person violates this

253 paragraph and:

254 1. The commission or attempted commission of the crime
 255 occurs in a structure or conveyance where any child under 16
 256 years of age is present, the person commits a felony of the
 257 first degree, punishable as provided in s. 775.082, s. 775.083,
 258 or s. 775.084. In addition, the defendant must be sentenced to a
 259 minimum term of imprisonment of 5 calendar years.

260 2. The commission of the crime causes any child under 16
 261 years of age to suffer great bodily harm, the person commits a
 262 felony of the first degree, punishable as provided in s.
 263 775.082, s. 775.083, or s. 775.084. In addition, the defendant
 264 must be sentenced to a minimum term of imprisonment of 10
 265 calendar years.

266 (h) Except as authorized by this chapter, it is unlawful
 267 for any person to sell, manufacture, or deliver, or possess with
 268 intent to sell, manufacture, or deliver, a controlled substance
 269 in, on, or within 1,000 feet of the real property comprising an
 270 assisted living facility, as that term is used in chapter 429.
 271 Any person who violates this paragraph with respect to:

272 1. A controlled substance named or described in s.
 273 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 274 commits a felony of the first degree, punishable as provided in
 275 s. 775.082, s. 775.083, or s. 775.084.

276 2. A controlled substance named or described in s.
 277 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 278 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 279 the second degree, punishable as provided in s. 775.082, s.
 280 775.083, or s. 775.084.

CS/HB 39

2011

281 (2)(a) Except as authorized by this chapter and chapter
 282 499, it is unlawful for any person to purchase, or possess with
 283 intent to purchase, a controlled substance. Any person who
 284 violates this provision with respect to:

285 1. A controlled substance named or described in s.
 286 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 287 commits a felony of the second degree, punishable as provided in
 288 s. 775.082, s. 775.083, or s. 775.084.

289 2. A controlled substance named or described in s.
 290 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 291 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 292 the third degree, punishable as provided in s. 775.082, s.
 293 775.083, or s. 775.084.

294 3. A controlled substance named or described in s.
 295 893.03(5) commits a misdemeanor of the first degree, punishable
 296 as provided in s. 775.082 or s. 775.083.

297 (b) Except as provided in this chapter, it is unlawful to
 298 purchase in excess of 10 grams of any substance named or
 299 described in s. 893.03(1)(a) or (1)(b), or any combination
 300 thereof, or any mixture containing any such substance. Any
 301 person who violates this paragraph commits a felony of the first
 302 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 303 775.084.

304 (4) Except as authorized by this chapter, it is unlawful
 305 for any person 18 years of age or older to deliver any
 306 controlled substance to a person under the age of 18 years, or
 307 to use or hire a person under the age of 18 years as an agent or
 308 employee in the sale or delivery of such a substance, or to use

CS/HB 39

2011

309 such person to assist in avoiding detection or apprehension for
 310 a violation of this chapter. Any person who violates this
 311 provision with respect to:

312 (a) A controlled substance named or described in s.
 313 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 314 commits a felony of the first degree, punishable as provided in
 315 s. 775.082, s. 775.083, or s. 775.084.

316 (b) A controlled substance named or described in s.
 317 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 318 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 319 the second degree, punishable as provided in s. 775.082, s.
 320 775.083, or s. 775.084.

321
 322 Imposition of sentence may not be suspended or deferred, nor
 323 shall the person so convicted be placed on probation.

324 (5) It is unlawful for any person to bring into this state
 325 any controlled substance unless the possession of such
 326 controlled substance is authorized by this chapter or unless
 327 such person is licensed to do so by the appropriate federal
 328 agency. Any person who violates this provision with respect to:

329 (a) A controlled substance named or described in s.
 330 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 331 commits a felony of the second degree, punishable as provided in
 332 s. 775.082, s. 775.083, or s. 775.084.

333 (b) A controlled substance named or described in s.
 334 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 335 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 336 the third degree, punishable as provided in s. 775.082, s.

CS/HB 39

2011

337 775.083, or s. 775.084.

338 (c) A controlled substance named or described in s.
 339 893.03(5) commits a misdemeanor of the first degree, punishable
 340 as provided in s. 775.082 or s. 775.083.

341 Section 4. For the purpose of incorporating the amendment
 342 made by this act to section 893.03, Florida Statutes, in
 343 references thereto, paragraph (1) of subsection (1) of section
 344 893.135, Florida Statutes, is reenacted to read:

345 893.135 Trafficking; mandatory sentences; suspension or
 346 reduction of sentences; conspiracy to engage in trafficking.—

347 (1) Except as authorized in this chapter or in chapter 499
 348 and notwithstanding the provisions of s. 893.13:

349 (1)1. Any person who knowingly sells, purchases,
 350 manufactures, delivers, or brings into this state, or who is
 351 knowingly in actual or constructive possession of, 1 gram or
 352 more of lysergic acid diethylamide (LSD) as described in s.
 353 893.03(1)(c), or of any mixture containing lysergic acid
 354 diethylamide (LSD), commits a felony of the first degree, which
 355 felony shall be known as "trafficking in lysergic acid
 356 diethylamide (LSD)," punishable as provided in s. 775.082, s.
 357 775.083, or s. 775.084. If the quantity involved:

358 a. Is 1 gram or more, but less than 5 grams, such person
 359 shall be sentenced to a mandatory minimum term of imprisonment
 360 of 3 years, and the defendant shall be ordered to pay a fine of
 361 \$50,000.

362 b. Is 5 grams or more, but less than 7 grams, such person
 363 shall be sentenced to a mandatory minimum term of imprisonment
 364 of 7 years, and the defendant shall be ordered to pay a fine of

CS/HB 39

2011

365 | \$100,000.

366 | c. Is 7 grams or more, such person shall be sentenced to a
367 | mandatory minimum term of imprisonment of 15 calendar years and
368 | pay a fine of \$500,000.

369 | 2. Any person who knowingly manufactures or brings into
370 | this state 7 grams or more of lysergic acid diethylamide (LSD)
371 | as described in s. 893.03(1)(c), or any mixture containing
372 | lysergic acid diethylamide (LSD), and who knows that the
373 | probable result of such manufacture or importation would be the
374 | death of any person commits capital manufacture or importation
375 | of lysergic acid diethylamide (LSD), a capital felony punishable
376 | as provided in ss. 775.082 and 921.142. Any person sentenced for
377 | a capital felony under this paragraph shall also be sentenced to
378 | pay the maximum fine provided under subparagraph 1.

379 | Section 5. For the purpose of incorporating the amendment
380 | made by this act to section 893.03, Florida Statutes, in
381 | references thereto, paragraphs (b), (c), and (e) of subsection
382 | (3) of section 921.0022, Florida Statutes, are reenacted to
383 | read:

384 | 921.0022 Criminal Punishment Code; offense severity
385 | ranking chart.—

386 | (3) OFFENSE SEVERITY RANKING CHART

387 | (b) LEVEL 2

388 |

Florida	Felony	
Statute	Degree	Description

389 |

CS/HB 39

2011

390	379.2431(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
391	379.2431(1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
392	403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
393	517.07	3rd	Registration of securities and furnishing of prospectus required.
394	590.28(1)	3rd	Intentional burning of lands.
395	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
396	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other

CS/HB 39

2011

397			public service.
398	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
399	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
400	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
401	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
402	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
403	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
404	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

CS/HB 39

2011

405	817.52 (3)	3rd	Failure to redeliver hired vehicle.
406	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
407	817.60 (5)	3rd	Dealing in credit cards of another.
408	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
409	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
410	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
411	831.01	3rd	Forgery.
412	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
413	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
414	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.

CS/HB 39

2011

415	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
416	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
417	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
418	843.08	3rd	Falsely impersonating an officer.
419	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.
420	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
421	(c)	LEVEL 3	
422	Florida	Felony	
423	Statute	Degree	Description
424	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.

CS/HB 39

2011

425	316.066 (4) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
426	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
427	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
428	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
429	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
430	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
431	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
432	327.35 (2) (b)	3rd	Felony BUI.
433	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

CS/HB 39

2011

- 434 328.07(4) 3rd Manufacture, exchange, or possess vessel
with counterfeit or wrong ID number.
- 435 376.302(5) 3rd Fraud related to reimbursement for
cleanup expenses under the Inland
Protection Trust Fund.
- 436 379.2431(1)(e)5. 3rd Taking, disturbing, mutilating,
destroying, causing to be destroyed,
transferring, selling, offering to sell,
molesting, or harassing marine turtles,
marine turtle eggs, or marine turtle
nests in violation of the Marine Turtle
Protection Act.
- 437 379.2431(1)(e)6. 3rd Soliciting to commit or conspiring to
commit a violation of the Marine Turtle
Protection Act.
- 438 400.9935(4) 3rd Operating a clinic without a license or
filing false license application or
other required information.
- 439 440.1051(3) 3rd False report of workers' compensation
fraud or retaliation for making such a
report.

CS/HB 39

2011

440	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
441	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
442	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
443	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
444	697.08	3rd	Equity skimming.
445	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
446	796.05(1)	3rd	Live on earnings of a prostitute.
447	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
448	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.

CS/HB 39

2011

449	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
450	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
451	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
452	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
453	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
454	817.233	3rd	Burning to defraud insurer.
455	817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
456	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
	817.236	3rd	Filing a false motor vehicle insurance

CS/HB 39

2011

			application.
457	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
458	817.413(2)	3rd	Sale of used goods as new.
459	817.505(4)	3rd	Patient brokering.
460	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
461	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
462	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
463	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
464	843.19	3rd	Injure, disable, or kill police dog or horse.
465			

CS/HB 39

2011

466	860.15(3)	3rd	Overcharging for repairs and parts.
467	870.01(2)	3rd	Riot; inciting or encouraging.
468	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
469	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
470	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
471	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.

CS/HB 39

2011

- 472 893.13(7)(a)8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
- 473 893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
- 474 893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.
- 475 893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.
- 476 893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
- 477 893.13(8)(a)2. 3rd Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

CS/HB 39

2011

478	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
479	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
480	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
481	944.47(1)(a)1.- 2.	3rd	Introduce contraband to correctional facility.
482	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
483	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
484	(e) LEVEL 5		
485	Florida	Felony	
486	Statute	Degree	Description

CS/HB 39

2011

487	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
488	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
489	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
490	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
491	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
492	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
493	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
494	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
	624.401(4)(b)2.	2nd	Transacting insurance without a

CS/HB 39

2011

495			certificate or authority; premium collected \$20,000 or more but less than \$100,000.
496	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
497	790.01 (2)	3rd	Carrying a concealed firearm.
498	790.162	2nd	Threat to throw or discharge destructive device.
499	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
500	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
501	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
502	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
503	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.

CS/HB 39

2011

504	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
505	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
506	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
507	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
508	812.131(2)(b)	3rd	Robbery by sudden snatching.
509	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
510	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
511	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
	817.2341(1),	3rd	Filing false financial statements,

CS/HB 39

2011

	(2) (a) & (3) (a)		making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
512	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
513	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
514	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
515	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
516	827.071 (5)	3rd	Possess any photographic material, motion picture, etc., which includes

CS/HB 39

2011

517			sexual conduct by a child.
518	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
519	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
520	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
521	847.0137(2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
522	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
523	874.05(2)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
524	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

CS/HB 39

2011

- 525 893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis
(or other s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9., (3), or
(4) drugs) within 1,000 feet of a child
care facility, school, or state, county,
or municipal park or publicly owned
recreational facility or community
center.
- 526 893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or (2)(c)4.
drugs) within 1,000 feet of university.
- 527 893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis
or other drug prohibited under s.
893.03(1)(c), (2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3), or (4) within
1,000 feet of property used for
religious services or a specified
business site.
- 893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),
(1)(d), or (2)(a), (2)(b), or (2)(c)4.

CS/HB 39

2011

drugs) within 1,000 feet of public housing facility.

528

893.13(4)(b) 2nd Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

529

893.1351(1) 3rd Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.


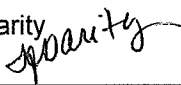
530

531

Section 6. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

BILL #: PCB JUAS 11-01 State Courts Revenue Trust Fund/SCS
SPONSOR(S): Justice Appropriations Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:** SB 1018

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Justice Appropriations Subcommittee		Toms 	Jones Darity 

I. SUMMARY

The State Courts Revenue Trust Fund, FLAIR number 22-2-057, is administered by the State Courts System. This fund was created effective February 1, 2009, by chapter 2009-7, Laws of Florida. This legislation re-creates the State Courts Revenue Trust Fund without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

II. SUBSTANTIVE ANALYSIS

A. PRESENT SITUATION:

1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 19(f), Article III of the State Constitution requires that every trust fund be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating that trust fund. The Constitution also provides that all newly created trust funds terminate not more than four years after the initial creation unless re-created. The State Courts Revenue Trust Fund was created in the State Courts System effective February 1, 2009, by chapter 2009-7, Laws of Florida, in section 29.22, Florida Statutes and is scheduled to terminate on July 1, 2012.

2. BRIEF DESCRIPTION OF THE FUND'S USES OR PURPOSES:

This trust fund is used for the operational expenditures related to the State Courts System.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Moneys in the trust fund consist of collections from service charges and filing fees in probate matters, filing fees for trial and appellate proceedings, a portion (\$5) of a \$10 assessment for all noncriminal moving and nonmoving traffic violations and from penalties imposed on certain speeding violations.

4. TOTAL PROJECTED RECEIPTS INTO THE FUND AND CURRENT YEAR APPROPRIATIONS FROM THE FUND:

The total projected receipts into this fund for the current year are \$312.4 million and current year appropriations from the fund are \$370.4 million.

B. EFFECT OF PROPOSED CHANGES:

This legislation re-creates the State Courts Revenue Trust Fund without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

IV. COMMENTS

None.

V. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

PCB JUAS 11-01

ORIGINAL

2011

1 A bill to be entitled
 2 An act relating to trust funds; re-creating the State
 3 Courts Revenue Trust Fund within the State Courts System
 4 without modification; repealing s. 29.22(2), F.S.;
 5 abrogating provisions relating to the termination of the
 6 trust fund, to conform; providing an effective date.

7
 8 WHEREAS, the Legislature wishes to extend the life of
 9 the State Courts Revenue Trust Fund within the State Courts
 10 System, which is otherwise scheduled to be terminated
 11 pursuant to constitutional mandate, and

12 WHEREAS, the Legislature has reviewed the trust fund
 13 before its scheduled termination date and has found that it
 14 continues to meet an important public purpose, and

15 WHEREAS, the Legislature has found that existing
 16 public policy concerning the trust fund sets adequate
 17 parameters for its use, NOW, THEREFORE,

18

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

20

21 Section 1. The State Courts Revenue Trust Fund within the
 22 State Courts System, FLAIR number 22-2-057, which is to be
 23 terminated pursuant to Section 19(f), Article III of the State
 24 Constitution on July 1, 2012, is re-created.

25 Section 2. Subsection (2) of section 29.22, Florida
 26 Statutes, is repealed.

27 Section 3. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

BILL #: PCB JUAS 11-02 State Attorneys Revenue Trust Fund/JAC
SPONSOR(S): Justice Appropriations Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:** SB 1020

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Justice Appropriations Subcommittee		Toms <i>ST</i>	Jones Darity <i>J.Darity</i>

I. SUMMARY

The State Attorneys Revenue Trust Fund, FLAIR number 21-2-058, is administered by the Justice Administrative Commission. This fund was created effective February 1, 2009, by chapter 2009-8, Laws of Florida. This legislation re-creates the State Attorneys Revenue Trust Fund without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

II. SUBSTANTIVE ANALYSIS

A. PRESENT SITUATION:

1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 19(f), Article III of the State Constitution requires that every trust fund be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating that trust fund. The Constitution also provides that all newly created trust funds terminate not more than four years after the initial creation unless re-created. The State Attorneys Revenue Trust Fund was created in the Justice Administrative Commission effective February 1, 2009, by chapter 2009-8, Laws of Florida, in section 27.367, Florida Statutes and is scheduled to terminate on July 1, 2012.

2. BRIEF DESCRIPTION OF THE FUND'S USES OR PURPOSES:

This trust fund is used for the operational expenditures related to the State Attorneys.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Moneys in the trust fund consist of certain court costs for criminal convictions, worthless check diversion program fees, costs of prosecution fees, Article V funds and a portion of the assessment for all noncriminal moving and nonmoving traffic violations.

4. TOTAL PROJECTED RECEIPTS INTO THE FUND AND CURRENT YEAR APPROPRIATIONS FROM THE FUND:

The total projected receipts into this fund for the current year are \$ 32.1 million and current year appropriations from the fund are \$ 33.2 million.

B. EFFECT OF PROPOSED CHANGES:

This legislation re-creates the State Attorneys Revenue Trust Fund without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

IV. COMMENTS

None.

V. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

PCB JUAS 11-02

ORIGINAL

2011

1 A bill to be entitled
 2 An act relating to trust funds; re-creating the State
 3 Attorneys Revenue Trust Fund within the Justice
 4 Administrative Commission without modification; repealing
 5 s. 27.367(2), F.S.; abrogating provisions relating to the
 6 termination of the trust fund, to conform; providing an
 7 effective date.

8
 9 WHEREAS, the Legislature wishes to extend the life of
 10 the State Attorneys Revenue Trust Fund within the Justice
 11 Administrative Commission, which is otherwise scheduled to
 12 be terminated pursuant to constitutional mandate, and

13 WHEREAS, the Legislature has reviewed the trust fund
 14 before its scheduled termination date and has found that it
 15 continues to meet an important public purpose, and

16 WHEREAS, the Legislature has found that existing
 17 public policy concerning the trust fund sets adequate
 18 parameters for its use, NOW, THEREFORE,

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. The State Attorneys Revenue Trust Fund within
 23 the Justice Administrative Commission, FLAIR number 21-2-058,
 24 which is to be terminated pursuant to 19(f), Article III of the
 25 State Constitution on July 1, 2012, is re-created.

26 Section 2. Subsection (2) of section 27.367, Florida
 27 Statutes, is repealed.

28 Section 3. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

BILL #: PCB JUAS 11-03 Public Defenders Revenue Trust Fund/JAC
SPONSOR(S): Justice Appropriations Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:** SB 1014

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Justice Appropriations Subcommittee		Toms <i>ST</i>	Jones Darity <i>J.Darity</i>

I. SUMMARY

The Public Defenders Revenue Trust Fund, FLAIR number 21-2-059, is administered by the Justice Administrative Commission. This fund was created effective February 1, 2009, by chapter 2009-9, Laws of Florida. This legislation re-creates the Public Defenders Revenue Trust Fund without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

II. SUBSTANTIVE ANALYSIS

A. PRESENT SITUATION:

1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 19(f), Article III of the State Constitution requires that every trust fund be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating that trust fund. The Constitution also provides that all newly created trust funds terminate not more than four years after the initial creation unless re-created. The Public Defenders Revenue Trust Fund was created in the Justice Administrative Commission effective February 1, 2009, by chapter 2009-9, Laws of Florida, in section 27.61, Florida Statutes and is scheduled to terminate on July 1, 2012.

2. BRIEF DESCRIPTION OF THE FUND'S USES OR PURPOSES:

This trust fund is used for the operational expenditures related to the Public Defenders.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Moneys in the trust fund consist of a portion of an assessment for all noncriminal moving and nonmoving traffic violations.

4. TOTAL PROJECTED RECEIPTS INTO THE FUND AND CURRENT YEAR APPROPRIATIONS FROM THE FUND:

The total projected receipts into this fund for the current year are \$4.2 million and current year appropriations from the fund are \$4.8 million.

B. EFFECT OF PROPOSED CHANGES:

This legislation re-creates the Public Defenders Revenue Trust Fund without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

IV. COMMENTS

None.

V. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

PCB JUAS 11-03

ORIGINAL

2011

1 A bill to be entitled
 2 An act relating to trust funds; re-creating the Public
 3 Defenders Revenue Trust Fund within the Justice
 4 Administrative Commission without modification; repealing
 5 s. 27.61(2), F.S.; abrogating provisions relating to the
 6 termination of the trust fund, to conform; providing an
 7 effective date.

8
 9 WHEREAS, the Legislature wishes to extend the life of
 10 the Public Defenders Revenue Trust Fund within the Justice
 11 Administrative Commission, which is otherwise scheduled to
 12 be terminated pursuant to constitutional mandate, and

13 WHEREAS, the Legislature has reviewed the trust fund
 14 before its scheduled termination date and has found that it
 15 continues to meet an important public purpose, and

16 WHEREAS, the Legislature has found that existing
 17 public policy concerning the trust fund sets adequate
 18 parameters for its use, NOW, THEREFORE,

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. The Public Defenders Revenue Trust Fund within
 23 the Justice Administrative Commission, FLAIR number 21-2-059,
 24 which is to be terminated pursuant to Section 19(f), Article III
 25 of the State Constitution on July 1, 2012, is re-created.

26 Section 2. Subsection (2) of section 27.61, Florida
 27 Statutes, is repealed.

28 Section 3. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

BILL #: PCB JUAS 11-04 Indigent Civil Defense Trust Fund/JAC
SPONSOR(S): Justice Appropriations Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:** SB 1016

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Justice Appropriations Subcommittee		Toms <i>ST</i>	Jones Darity <i>J.Darity</i>

I. SUMMARY

The Indigent Civil Defense Trust Fund, FLAIR number 21-2-976, is administered by the Justice Administrative Commission. This fund was created effective July 1, 2008, by chapter 2008-110, Laws of Florida. This legislation re-creates the Indigent Civil Defense Trust Fund without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

II. SUBSTANTIVE ANALYSIS

A. PRESENT SITUATION:

1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 19(f), Article III of the State Constitution requires that every trust fund be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating that trust fund. The Constitution also provides that all newly created trust funds terminate not more than four years after the initial creation unless re-created. The Indigent Civil Defense Trust Fund was created in the Justice Administrative Commission effective July 1, 2008, by chapter 2008-110, Laws of Florida, in section 27.5111, Florida Statutes and is scheduled to terminate on July 1, 2012.

2. BRIEF DESCRIPTION OF THE FUND'S USES OR PURPOSES:

This trust fund is used for the operational expenditures related to the Criminal and Civil Conflict Regional Counsels.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Moneys in the trust fund consist of application fees paid by individuals who obtain a court ordered attorney in a proceeding under chapter 39.

4. TOTAL PROJECTED RECEIPTS INTO THE FUND AND CURRENT YEAR APPROPRIATIONS FROM THE FUND:

The total projected receipts into this fund for the current year are \$110,044 and current year appropriations from the fund are \$871,975.

B. EFFECT OF PROPOSED CHANGES:

This legislation re-creates the Indigent Civil Defense Revenue Trust Fund without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

IV. COMMENTS

None.

V. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

PCB JUAS 11-04

ORIGINAL

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A bill to be entitled
An act relating to trust funds; re-creating the Indigent Civil Defense Trust Fund within the Justice Administrative Commission without modification; repealing s. 27.5111(2), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

WHEREAS, the Legislature wishes to extend the life of the Indigent Civil Defense Trust Fund within the Justice Administrative Commission, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the trust fund before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the trust fund sets adequate parameters for its use, NOW, THEREFORE,

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

Section 1. The Indigent Civil Defense Trust Fund within the Justice Administrative Commission, FLAIR number 21-2-976, which is to be terminated pursuant to Section 19(f), Article III of the State Constitution on July 1, 2012, is re-created.

Section 2. Subsection (2) of section 27.5111, Florida Statutes, is repealed.

Section 3. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

BILL #: PCB JUAS 11-05 Federal Grants Trust Fund/DJJ
SPONSOR(S): Justice Appropriations Subcommittee
TIED BILLS: IDEN./SIM. BILLS: SB 1024

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Justice Appropriations Subcommittee		Toms <i>ST</i>	Jones Darity <i>J.Darity</i>

I. SUMMARY

The Federal Grants Trust Fund, FLAIR number 80-2-261, is administered by the Department of Juvenile Justice. This fund was created effective July 1, 2008, by chapter 2007-12, Laws of Florida. This legislation re-creates the Federal Grants Trust Fund without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

II. SUBSTANTIVE ANALYSIS

A. PRESENT SITUATION:

1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 19(f), Article III of the State Constitution requires that every trust fund be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating that trust fund. The Constitution also provides that all newly created trust funds terminate not more than four years after the initial creation unless re-created. The Federal Grants Trust Fund was created in the Department of Juvenile Justice effective July 1, 2008, by chapter 2007-12, Laws of Florida, in section 20.3161, Florida Statutes and is scheduled to terminate on July 1, 2012.

2. BRIEF DESCRIPTION OF THE FUND'S USES OR PURPOSES:

This trust fund is used as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Moneys in the trust fund consist of grants and funding from the Federal Government.

4. TOTAL PROJECTED RECEIPTS INTO THE FUND AND CURRENT YEAR APPROPRIATIONS FROM THE FUND:

The total projected receipts into this fund for the current year are \$ 8.2 million and current year appropriations from the fund are \$ 11.9 million.

B. EFFECT OF PROPOSED CHANGES:

This legislation re-creates the Federal Grants Trust Fund without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

IV. COMMENTS

None.

V. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

PCB JUAS 11-05

ORIGINAL

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A bill to be entitled
An act relating to trust funds; re-creating the Federal Grants Trust Fund within the Department of Juvenile Justice without modification; repealing s. 20.3161(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

WHEREAS, the Legislature wishes to extend the life of the Federal Grants Trust Fund within the Department of Juvenile Justice, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the trust fund before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the trust fund sets adequate parameters for its use, NOW, THEREFORE,

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


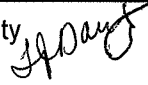
Section 1. The Federal Grants Trust Fund within the Department of Juvenile Justice, FLAIR number 80-2-261, which is to be terminated pursuant to Section 19(f), Article III of the State Constitution on July 1, 2012, is re-created.

Section 2. Subsection (3) of section 20.3161, Florida Statutes, is repealed.

Section 3. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

BILL #: PCB JUAS 11-06 Operating Trust Fund/DLA
SPONSOR(S): Justice Appropriations Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:** SB 1022

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Justice Appropriations Subcommittee		Toms 	Jones Darity 

I. SUMMARY

The Operating Trust Fund, FLAIR number 41-2-510, is administered by the Department of Legal Affairs. This fund was created effective July 1, 2008, by chapter 2007-10, Laws of Florida. This legislation re-creates the Operating Trust Fund without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

II. SUBSTANTIVE ANALYSIS

A. PRESENT SITUATION:

1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 19(f), Article III of the State Constitution requires that every trust fund be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating that trust fund. The Constitution also provides that all newly created trust funds terminate not more than four years after the initial creation unless re-created. The Operating Trust Fund was created in the Department of Legal Affairs effective July 1, 2008, by chapter 2007-10, Laws of Florida, in section 20.111, Florida Statutes and is scheduled to terminate on July 1, 2012.

2. BRIEF DESCRIPTION OF THE FUND'S USES OR PURPOSES:

This trust fund is used as a depository for funds to be used for program operations funded by program revenues.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Sources include state funds transferred in and other transferred funds that specifically support the program activities of the Office of Statewide Prosecution and the Medicaid Fraud Control Unit.

4. TOTAL PROJECTED RECEIPTS INTO THE FUND AND CURRENT YEAR APPROPRIATIONS FROM THE FUND:

The total projected receipts into this fund for the current year are \$4.8 million and current year appropriations from the fund are \$5.7 million.

B. EFFECT OF PROPOSED CHANGES:

This legislation re-creates the Operating Trust Fund without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

IV. COMMENTS

None.

V. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to trust funds; re-creating the Operating
 3 Trust Fund within the Department of Legal Affairs without
 4 modification; repealing s. 20.111(3), F.S.; abrogating
 5 provisions relating to the termination of the trust fund,
 6 to conform; providing an effective date.

7
 8 WHEREAS, the Legislature wishes to extend the life of
 9 the Operating Trust Fund within the Department of Legal
 10 Affairs, which is otherwise scheduled to be terminated
 11 pursuant to constitutional mandate, and

12 WHEREAS, the Legislature has reviewed the trust fund
 13 before its scheduled termination date and has found that it
 14 continues to meet an important public purpose, and

15 WHEREAS, the Legislature has found that existing
 16 public policy concerning the trust fund sets adequate
 17 parameters for its use, NOW, THEREFORE,

18

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

20

21 Section 1. The Operating Trust Fund within the Department
 22 of Legal Affairs, FLAIR number 41-2-510, which is to be
 23 terminated pursuant to Section 19(f), Article III of the State
 24 Constitution on July 1, 2012, is re-created.

25 Section 2. Subsection (3) of section 20.111, Florida
 26 Statutes, is repealed.

27 Section 3. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

BILL #: PCB JUAS 11-07 Federal Grants Trust Fund/DLA
SPONSOR(S): Justice Appropriations Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:** SB 1020

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Justice Appropriations Subcommittee		Toms <i>ST</i>	Jones Darity <i>J.Darity</i>

I. SUMMARY

The Federal Grants Trust Fund, FLAIR number 41-2-261, is administered by the Department of Legal Affairs. This fund was created effective July 1, 2008, by chapter 2007-11, Laws of Florida. This legislation re-creates the Federal Grants Trust Fund without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

II. SUBSTANTIVE ANALYSIS

A. PRESENT SITUATION:

1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 19(f), Article III of the State Constitution requires that every trust fund be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating that trust fund. The Constitution also provides that all newly created trust funds terminate not more than four years after the initial creation unless re-created. The Federal Grants Trust Fund was created in the Department of Legal Affairs effective July 1, 2008, by chapter 2007-11, Laws of Florida, in section 20.112, Florida Statutes and is scheduled to terminate on July 1, 2012.

2. BRIEF DESCRIPTION OF THE FUND'S USES OR PURPOSES:

The trust fund is used as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Sources include federal grant funds, which are currently obtained directly from the Department of Justice and the Department of Health and Human Services.

4. TOTAL PROJECTED RECEIPTS INTO THE FUND AND CURRENT YEAR APPROPRIATIONS FROM THE FUND:

The total projected receipts into this fund for the current year are \$50.7 million and current year appropriations from the fund are \$52.6 million.

B. EFFECT OF PROPOSED CHANGES:

This legislation re-creates the Federal Grants Trust Fund within the Department of Legal Affairs without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

IV. COMMENTS

None.

V. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

PCB JUAS 11-07

ORIGINAL

2011

1 A bill to be entitled
 2 An act relating to trust funds; re-creating the Federal
 3 Grants Trust Fund within the Department of Legal Affairs
 4 without modification; repealing s. 20.112(3), F.S.;
 5 abrogating provisions relating to the termination of the
 6 trust fund, to conform; providing an effective date.

7
 8 WHEREAS, the Legislature wishes to extend the life of
 9 the Federal Grants Trust Fund within the Department of
 10 Legal Affairs, which is otherwise scheduled to be
 11 terminated pursuant to constitutional mandate, and

12 WHEREAS, the Legislature has reviewed the trust fund
 13 before its scheduled termination date and has found that it
 14 continues to meet an important public purpose, and

15 WHEREAS, the Legislature has found that existing
 16 public policy concerning the trust fund sets adequate
 17 parameters for its use, NOW, THEREFORE,

18

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

20

21 Section 1. The Federal Grants Trust Fund within the
 22 Department of Legal Affairs, FLAIR number 41-2-261, which is to
 23 be terminated pursuant to Section 19(f), Article III of the
 24 State Constitution on July 1, 2012, is re-created.

25 Section 2. Subsection (3) of section 20.112, Florida
 26 Statutes, is repealed.

27 Section 3. This act shall take effect July 1, 2011.

Department of Juvenile Justice



Implementation of Local Civil Citation Programs

House Justice
Appropriations Subcommittee

March 9, 2011



Delivering Excellence Every Day

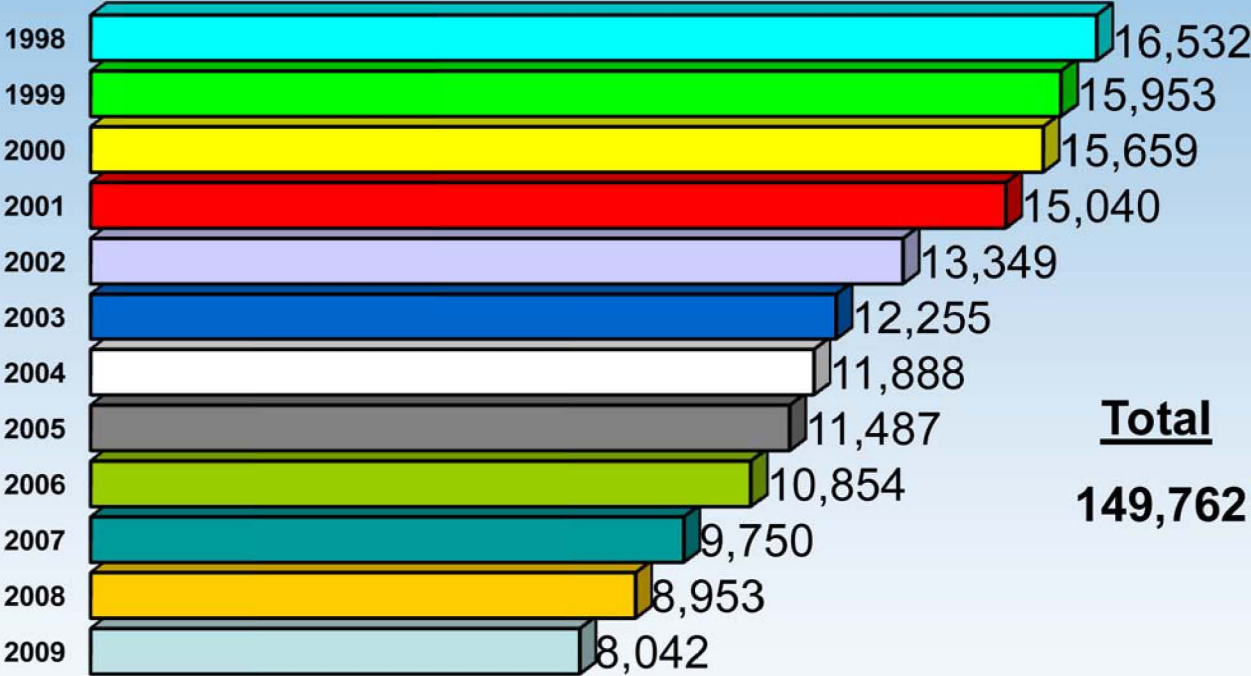
Overview of Accomplishments (1998-2009)

- Reduced juvenile arrests by 51%
(from 16,532 in 1998 to 8,042 in 2009)
- Reduced the number of first time offenders that repeat each year by 80%
 - 1998- 67% of arrested juveniles were repeat offenders
 - 2008- 27% of arrested juveniles were repeat offenders
- Reduced juvenile detention population from 300 a day to less than 100 per day
- Generate a \$33 million dollar gross systemic savings each year, and a \$20.2 million dollar net savings each year



Miami-Dade Juvenile Services Department

Total Arrests
1998 - 2009



Data Source: Miami-Dade Juvenile Services Department/Data Warehouse

All reported statistics are subject to a 2% margin of error.

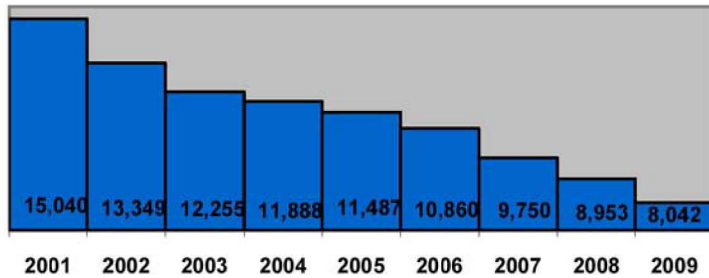


Delivering Excellence Every Day

National Juvenile Arrests

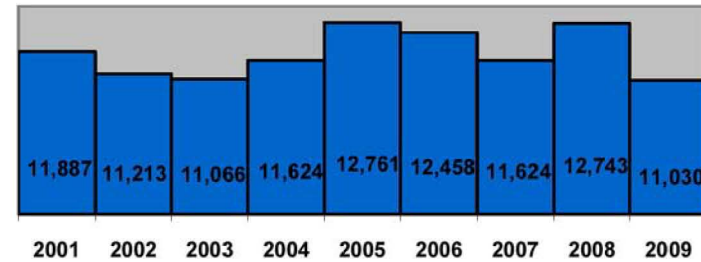
Miami-Dade Juvenile Services Department

Miami-Dade County
Total Juvenile Arrests
2001-2009



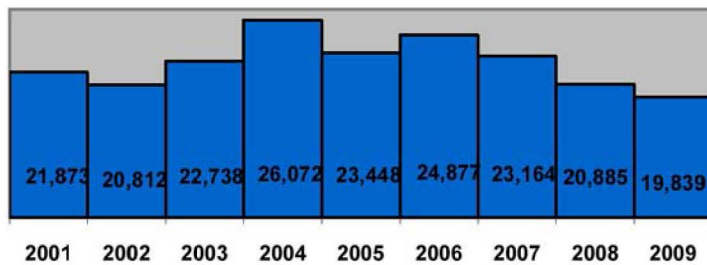
2001-2009 -47%

Los Angeles County Sheriff's Department
Total Juvenile Arrests
2001-2009



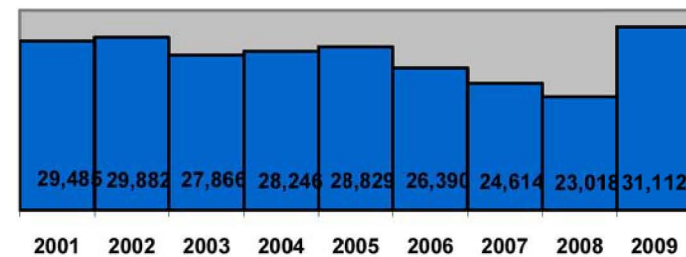
2001-2009 -7%

Harris County JPD (Houston)
Total Juvenile Arrests
2001-2009



2001-2008 -9%

Chicago Police Department
Total Juvenile Arrests
2001-2009

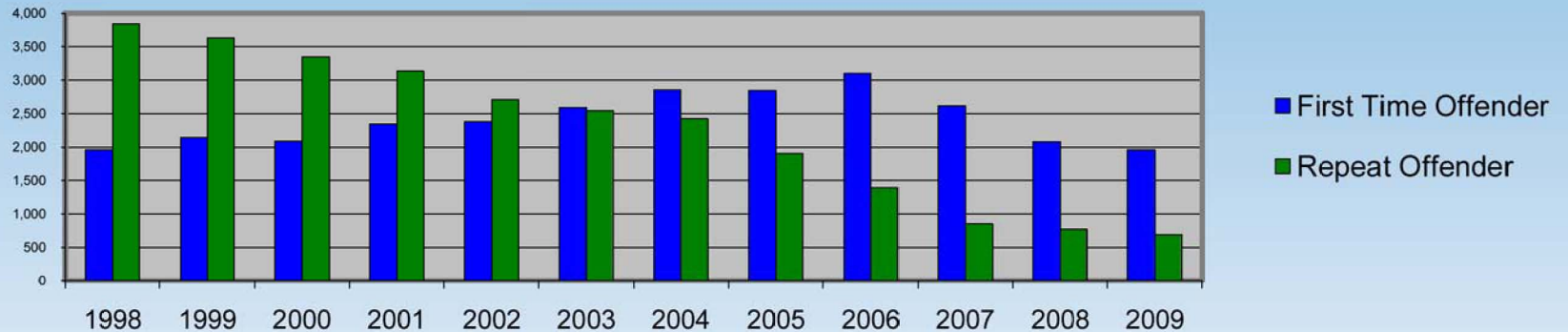


2001-2009 +6%



Delivering Excellence Every Day

First-Time Offenders that Repeat 1998-2009



First Time Offenders that Repeat each year ↓80% (1998-2009)

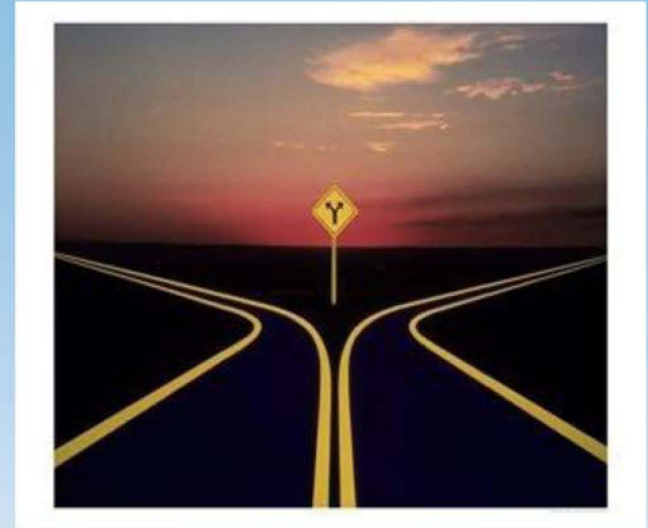
- 1998- 67% of first-time juveniles later repeated
- 2009- 26% of first-time juveniles later repeated

Civil Citation Initiative

Miami-Dade Juvenile Services Department

Represents true systemic change

- No arrest record
- Addresses Issues
 - Assessment, service referrals, case management
- Participation from all 37 arresting agencies



RESULTS

- Over 8,000 participants since April 2007
- Reduced Arrests 21%
- 95% of participants are minorities
- 82% Successful Completion Rate
- 3% Recidivism (April 2007 – July 2008)
- 29% Offsite Referrals (15% increase since inception)



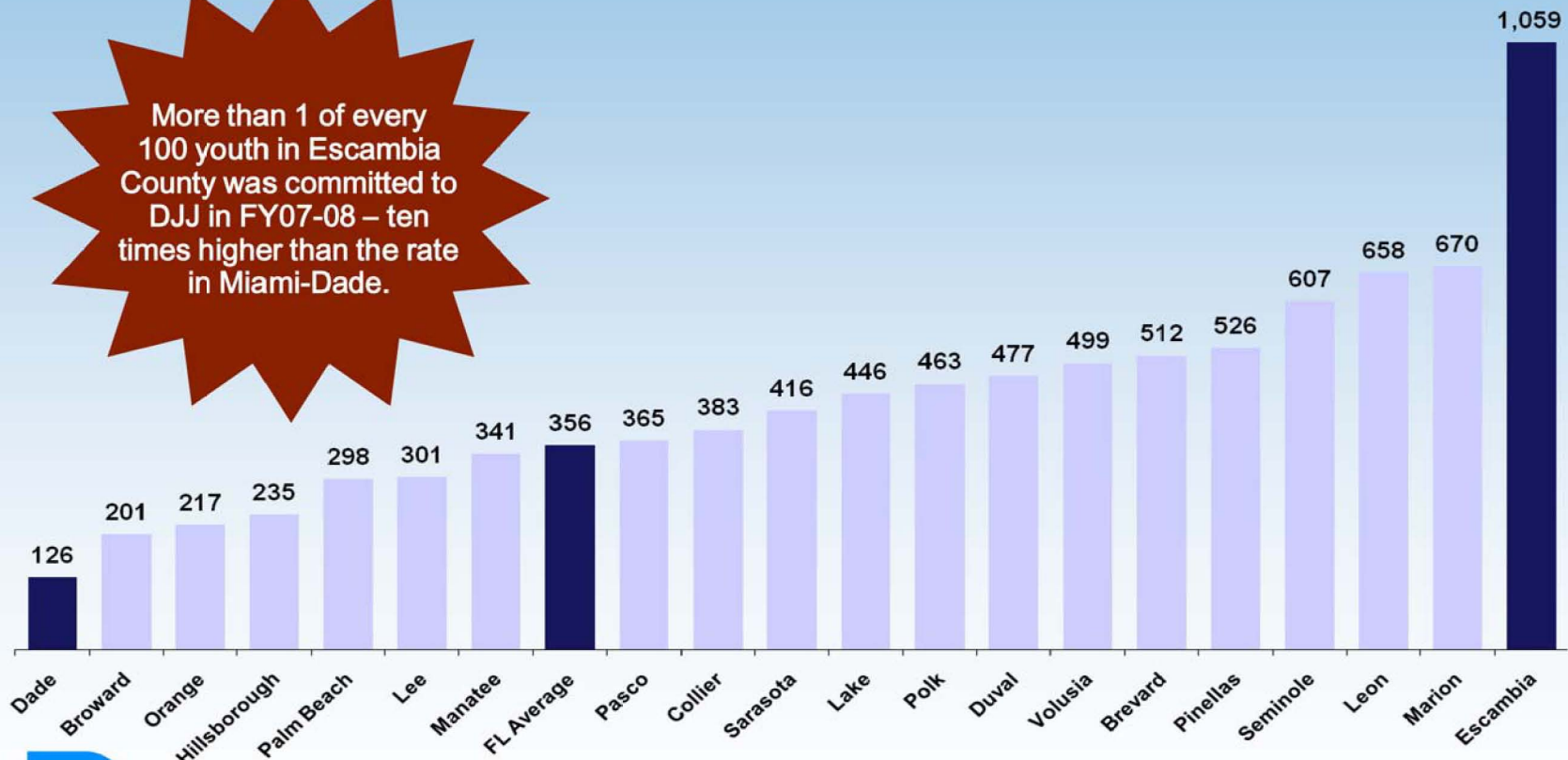
Delivering Excellence Every Day

Miami-Dade Juvenile Services Department

Commitment rates vary significantly between counties – suggesting that where a child lives matters more than what he or she has done.

COMMITMENT RATES PER 100,000 YOUTH AGED 10-17 IN POPULATION, TWENTY MOST POPULOUS COUNTIES

More than 1 of every 100 youth in Escambia County was committed to DJJ in FY07-08 – ten times higher than the rate in Miami-Dade.



A	B	C	D	E	F	G	H
Budget Balancing Exercise FY 2011-2012 Justice Appropriations Subcommittee	INSTRUCTIONS: (1) Total Base Budget is \$4,912,147,805 (state funds only - all federal funds have been removed). The Base Budget for this exercise also contains the Key Budget Drivers (Tiers 1 & 2) of the Long Range Financial Outlook.(LRFO) Amounts below for Key Budget Drivers may differ from the LRFO due to updated estimates. (2) Target Budget is \$4,175,325,634 or 85% of the Base Budget. (3) Reductions of \$736,822,171 (15% of the Base Budget) will be entered in Column E. Enter the percentage of reduction desired for programs chosen for reduction in Column E until total funding is equal or less than the total Target Budget. Values in column F Adjusted Total State Funds will automatically calculate as will the running total and difference when percentages are entered in column E. (4) Program/Department activities blocked out in Column E cannot be reduced as the issue is an obligation of the state or affects a statewide policy issue not in the jurisdiction of this subcommittee.						
Program / Department Activity	FY 2011-2012 Base Budget (State Funds Only) 4,912,147,805			Target Budget = 4,175,325,634 Running Total = 4,174,425,757 Difference = 899,877			
	FTE	Total State Funds	MOE/MATCH or Revenue Generating	Average Percent of Proposed Reduction	Adjusted State Funds Total	Adjusted Reduction (under) Total State Funds	Comments
1	JUSTICE ADMINISTRATION						
2	Justice Administrative Commission						
3	103.00	8,541,524		12%	7,499,458	(1,042,066)	
3		3,576,411		11%	3,175,853	(400,558)	
4		19,645,299		11%	17,523,607	(2,121,692)	
5		5,551,694		10%	5,018,731	(532,963)	
6		8,676,095		11%	7,747,753	(928,342)	
7		11,280,680		10%	10,107,489	(1,173,191)	
8		12,222,388			12,222,388		Funds used to pay for legal representation for indigent persons in criminal cases appropriated prior to July 1, 2007.
9		952,054		9%	868,273	(83,781)	
10	539.00	30,092,431		10%	26,977,864	(3,114,567)	
11	Clerks of Court						
12		451,380,312		22%	352,528,024	(98,852,288)	
12	7.00	1,739,345		20%	1,394,955	(344,390)	
13	State Attorneys						
13	5,997.25	367,563,048		9%	336,136,407	(31,426,641)	
14	Public Defenders						
14	2,759.00	192,699,604		9%	174,874,891	(17,824,713)	
15	Public Defender Appellate						
15	178.00	13,944,646		10%	12,487,430	(1,457,216)	
16	Capital Collateral Regional Counsels						
16	73.00	6,846,219		10%	6,137,635	(708,584)	

**Budget Balancing Exercise
FY 2011-2012
Justice Appropriations Subcommittee**

INSTRUCTIONS:
 (1) Total Base Budget is \$4,912,147,805 (state funds only - all federal funds have been removed). The Base Budget for this exercise also contains the Key Budget Drivers (Tiers 1 & 2) of the Long Range Financial Outlook.(LRFO) Amounts below for Key Budget Drivers may differ from the LRFO due to updated estimates.
 (2) Target Budget is \$4,175,325,634 or 85% of the Base Budget.
 (3) Reductions of \$736,822,171 (15% of the Base Budget) will be entered in Column E. Enter the percentage of reduction desired for programs chosen for reduction in Column E until total funding is equal or less than the total Target Budget. Values in column F Adjusted Total State Funds will automatically calculate as will the running total and difference when percentages are entered in column E.
 (4) Program/Department activities blocked out in Column E cannot be reduced as the issue is an obligation of the state or affects a statewide policy issue not in the jurisdiction of this subcommittee.

Program / Department Activity		FY 2011-2012 Base Budget (State Funds Only) 4,912,147,805			Target Budget = 4,175,325,634 Running Total = 4,174,425,757 Difference = 899,877			Comments
		FTE	Total State Funds	MOE/MATCH or Revenue Generating	Average Percent of Proposed Reduction	Adjusted State Funds Total	Adjusted Reduction (under) Total State Funds	
17	Regional Conflict Counsels	386.00	35,886,905		11%	31,957,289	(3,929,616)	
18	Risk Mgt Ins./HR Contract/DOAH		6,743,696			6,743,696		Funding for these issues are not in the jurisdiction of this subcommittee.
19	Key Budget Driver - LRFO (Tier 1) Provide Judicial Due Process Costs		17,900,000		8%	16,468,000	(1,432,000)	
20	Key Budget Driver - LRFO (Tier 2) State Attorney Workload		700,000		37%	438,900	(261,100)	
21	Key Budget Driver - LRFO (Tier 2) Public Defenders Workload		300,000		38%	187,200	(112,800)	
22	Key Budget Driver - LRFO (Tier 2) Regional Conflict Counsels Workload		100,000		38%	62,500	(37,500)	
23								
24	Justice Administration Total	10,042.25	1,196,342,351		16%	1,030,558,344	(165,784,007)	
25							-13.9%	
26	State Courts System							
27	Supreme Court	119.00	9,118,043		11%	8,101,381	(1,016,662)	
28	Office of State Courts Administrator	174.50	17,599,640		11%	15,690,079	(1,909,561)	
29	District Courts of Appeal	436.00	41,768,210		11%	37,027,518	(4,740,692)	
30	Trial Courts							
31	Circuit Courts	2,947.00	282,482,223		9%	256,635,100	(25,847,123)	
32	County Courts	644.00	78,526,723		8%	72,205,322	(6,321,401)	
33	Judicial Qualif Commission	5.00	919,100		11%	821,216	(97,884)	
34	Risk Mgt Ins./HR Contract/DOAH		2,582,967			2,582,967		Funding for these issues are not in the jurisdiction of this subcommittee.
35	Key Budget Driver - LRFO (Tier 2) Maintenance and Repairs		1,600,000		39%	972,800	(627,200)	
36								
37	State Courts System Total	4,325.50	434,596,906		13%	394,036,383	(40,560,523)	
38							-9%	

**Budget Balancing Exercise
FY 2011-2012
Justice Appropriations Subcommittee**

INSTRUCTIONS:

(1) Total Base Budget is \$4,912,147,805 (state funds only - all federal funds have been removed). The Base Budget for this exercise also contains the Key Budget Drivers (Tiers 1 & 2) of the Long Range Financial Outlook.(LRFO) Amounts below for Key Budget Drivers may differ from the LRFO due to updated estimates.
 (2) Target Budget is \$4,175,325,634 or 85% of the Base Budget.
 (3) Reductions of \$736,822,171 (15% of the Base Budget) will be entered in Column E. Enter the percentage of reduction desired for programs chosen for reduction in Column E until total funding is equal or less than the total Target Budget. Values in column F Adjusted Total State Funds will automatically calculate as will the running total and difference when percentages are entered in column E.
 (4) Program/Department activities blocked out in Column E cannot be reduced as the issue is an obligation of the state or affects a statewide policy issue not in the jurisdiction of this subcommittee.

Program / Department Activity		FY 2011-2012 Base Budget (State Funds Only)			Target Budget = 4,175,325,634 Running Total = 4,174,425,757 Difference = 899,877			
		FTE	Total State Funds	MOE/MATCH or Revenue Generating	Average Percent of Proposed Reduction	Adjusted State Funds Total	Adjusted Reduction (under) Total State Funds	Comments
39	Dept of Legal Affairs/Attorney General							
40	Civil Enforcement	568.00	37,639,985	M	6%	35,381,586	(2,258,399)	\$4.9M used as State Match for investigating Medicaid Fraud.
41	Cybercrime Unit	37.00	2,535,107		34%	1,675,706	(859,401)	
42	Constitutional Legal Services	4.50	891,479		12%	783,610	(107,869)	
43	Solicitor General	18.00	1,315,212		30%	915,388	(399,824)	
44	Crim/Civil Litigation Defense	407.50	27,864,931		12%	24,409,680	(3,455,251)	
45	Victim Services	90.00	35,982,247		15%	30,656,874	(5,325,373)	
46	Legislative Projects (Crime Prevention Programs)		6,315,490		48%	3,315,632	(2,999,858)	
47	Executive Direction and Support Services	133.00	11,454,768		18%	9,427,274	(2,027,494)	
48	Statewide Prosecution	65.50	5,397,584		17%	4,506,983	(890,601)	
49	Florida Elections Commission	14.00	1,302,297		21%	1,023,605	(278,692)	
50	Risk Mgt Ins./HR Contract/DOAH		1,238,836			1,238,836		Funding for these issues are not in the jurisdiction of this subcommittee.
51	Dept of Legal Affairs/Attorney General Total	1,337.50	131,937,936		21%	113,335,174	(18,602,762)	
52							-14%	

**Budget Balancing Exercise
FY 2011-2012
Justice Appropriations Subcommittee**

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 (2) Target Budget is \$4,175,325,634 or 85% of the Base Budget.
 (3) Reductions of \$736,822,171 (15% of the Base Budget) will be entered in Column E. Enter the percentage of reduction desired for programs chosen for reduction in Column E until total funding is equal or less than the total Target Budget. Values in column F Adjusted Total State Funds will automatically calculate as will the running total and difference when percentages are entered in column E.
 (4) Program/Department activities blocked out in Column E cannot be reduced as the issue is an obligation of the state or affects a statewide policy issue not in the jurisdiction of this subcommittee.

Program / Department Activity		FY 2011-2012 Base Budget (State Funds Only)			Target Budget = 4,175,325,634 Running Total = 4,174,425,757 Difference = 899,877			
		FTE	Total State Funds	MOE/MATCH or Revenue Generating	Average Percent of Proposed Reduction	Adjusted State Funds Total	Adjusted Reduction (under) Total State Funds	Comments
53	Department of Corrections							
54	Business Service Centers	298.00	17,443,264		18%	14,390,693	(3,052,571)	
55	Executive Direction and Support Services	263.00	18,083,545		16%	15,208,261	(2,875,284)	
56	Information Technology	172.50	18,908,407		15%	16,072,146	(2,836,261)	
57	Security/Institutional Operations	22,042.00	1,369,112,501		17%	1,137,636,650	(231,475,851)	
58	Debt Service		72,394,048		0%	72,394,048		Obligation of the state.
59	Private Prison Operations		169,119,183		15%	143,074,829	(26,044,354)	
60	Community Corrections	3,108.00	204,592,579		14%	175,745,025	(28,847,554)	
61	PreTrial Intervention	71.00	4,269,953		39%	2,617,481	(1,652,472)	
62	Adult Substance Abuse Services	0.00	18,704,663		16%	15,786,736	(2,917,927)	
63	Community Facility Operations	0.00	3,516,664		12%	3,101,698	(414,966)	
64	Health Services	2,951.50	406,344,735		21%	322,637,720	(83,707,015)	
65	Adult Substance Abuse Prevention Services	35.00	2,430,124	M	9%	2,211,413	(218,711)	\$650K used as State Match for \$1.9M Federal In-Prison Substance Abuse Treatment
66	Basic Education Skills	348.00	17,243,610		21%	13,587,965	(3,655,645)	
67	Adult Offender Transition/Rehab Support	61.00	7,890,548	M	8%	7,259,304	(631,244)	\$1M used as State Match for \$1.5M Federal In-Prison Transition Grants.
68	Risk Mgt Ins./HR Contract/DOAH		55,218,310			55,218,310		Funding for these issues are not in the jurisdiction of this subcommittee.
69	<i>Key Budget Driver - LRFO (Tier 1) Prison System Population - Operations</i>		25,400,000		36%	16,332,200	(9,067,800)	Amount revised to reflect changes made by the Criminal Justice Estimating Conference, Oct 2010.
70	<i>Key Budget Driver - LRFO (Tier 2) Maintenance and Repairs</i>		3,000,000		39%	1,830,000	(1,170,000)	
71	Department of Corrections Total	29,350.00	2,413,672,134		18%	2,015,104,478	(398,567,656)	
72							-17%	

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73	Department of Law Enforcement							
74	Executive Direction	120.50	10,394,521		13%	9,095,206	(1,299,315)	
75	Capitol Police	90.00	6,098,044		16%	5,128,455	(969,589)	
76	Crime Lab Services	406.00	38,495,734		10%	34,569,169	(3,926,565)	
77	Investigative Services	554.00	60,960,191		12%	53,888,809	(7,071,382)	
78	Mutual Aid/Prevention Services	18.00	1,672,698		12%	1,480,338	(192,360)	
79	Public Assistance Fraud	63.00	2,378,330			2,378,330	Transferred to DFS, Jan 2011.	
80	Information Network Services	119.00	24,008,668	M	16%	20,095,255	(3,913,413)	\$150K State Match for National Criminal History Improvement Project (\$600K grant).
81	Prevention/Crime Info Services	278.00	17,736,965		13%	15,413,423	(2,323,542)	
82	Criminal Justice Professionalism Program/Standards Compliance	48.00	9,911,373		23%	7,631,757	(2,279,616)	
83	Criminal Justice Professionalism Program/Training/Certification	47.50	6,315,350		22%	4,957,550	(1,357,800)	
84	Risk Mgt Ins./HR Contract/DOAH		1,872,354			1,872,354	Funding for these issues are not in the jurisdiction of this subcommittee.	
85								
86	Department of Law Enforcement Total	1,744.00	179,844,228		15%	156,510,645	(23,333,583)	
87							-13%	
88	Parole Commission							
89	Post-Incarceration Enf/Victim Rights							
90	Conditional Release	14.00	583,071		9%	529,428	(53,643)	
91	Offender Revocation	39.00	2,582,171		8%	2,385,926	(196,245)	
92	Clemency Services	58.00	3,609,006		26%	2,685,100	(923,906)	
93	Parole Determination	17.00	1,332,733		18%	1,098,172	(234,561)	
94	Risk Mgt Ins./HR Contract/DOAH		222,603			222,603	Funding for these issues are not in the jurisdiction of this subcommittee.	
95								
96	Parole Commission Total	128.00	8,329,584		15%	6,921,230	(1,408,354)	
97							-17%	

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Program / Department Activity		FY 2011-2012 Base Budget (State Funds Only) 4,912,147,805			Target Budget = 4,175,325,634 Running Total = 4,174,425,757 Difference = 899,877			Comments
		FTE	Total State Funds	MOE/MATCH or Revenue Generating	Average Percent of Proposed Reduction	Adjusted State Funds Total	Adjusted Reduction (under) Total State Funds	
98	Department of Juvenile Justice							
99	Detention	2,042.50	107,025,998		18%	87,868,344	(19,157,654)	
100	Contracted Services		11,694,363		12%	10,326,123	(1,368,240)	
101	Detention Services Legislative Projects		179,110		28%	129,855	(49,255)	
102	Aftercare Services/Conditional Release	24.00	1,229,700		11%	1,099,352	(130,348)	
103	Contracted Services		19,805,981		15%	16,894,502	(2,911,479)	
104	Aftercare Services/Conditional Release Legislative Projects		451,630		29%	322,464	(129,166)	
105	Prodigy		6,710,631		50%	3,348,605	(3,362,026)	
106	Juvenile Probation	1,384.50	68,839,649		15%	58,307,183	(10,532,466)	
107	Juvenile Redirections		9,364,831		14%	8,016,295	(1,348,536)	
108	Contracted Services		8,259,428		5%	7,821,678	(437,750)	
109	Non-Residential Delinquency Rehab				2%			
110	Contracted Services		18,412,007	M	14%	15,834,326	(2,577,681)	\$581K used as State Match for Juvenile Accountability Block Grants. \$5.2M in Federal Match.
111	Non-Residential Delinquency Rehab Legislative Projec		184,317		29%	130,681	(53,636)	
112	Executive Direction/Support Services	226.50	20,725,484	M	10%	18,652,936	(2,072,548)	\$283K used as State Match for Title II Federal Grants (oversight of prevention grants).
113	Information Technology	59.50	6,207,508		13%	5,400,532	(806,976)	
114	Non-Secure Residential Commitment	291.00	12,283,738		15%	10,453,461	(1,830,277)	
115	Contracted Services		115,418,845		21%	91,642,563	(23,776,282)	
116	Secure Residential Commitment	685.00	38,093,179		13%	33,102,973	(4,990,206)	
117	Contracted Services		30,564,288		18%	24,971,023	(5,593,265)	
118	Prevention/ Victim Services	17.00	2,488,523	M	4%	2,388,982	(99,541)	\$551K used as State Match for Title II Federal Grants. \$8.1M in Federal Match (includes Federal Match for Exec Dir and Support Services).
119	PACE Centers		10,957,031		10%	9,894,199	(1,062,832)	
120	Children/Families In Need of Services		29,405,511		12%	25,788,633	(3,616,878)	

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		4,912,147,805			Average Percent of Proposed Reduction	Adjusted State Funds Total	Adjusted Reduction (under) Total State Funds	
FTE	Total State Funds	MOE/MATCH or Revenue Generating	Average Percent of Proposed Reduction	Adjusted State Funds Total	Adjusted Reduction (under) Total State Funds	Comments		
121	Contracted Services		8,201,824	M	7%	7,627,696	(574,128)	\$436K used as State Match for Florida Youth Challenge Academy Grant with the Department of Military Affairs. \$2.8M in Federal Match.
122	Prevention/Victim Services Legislative Project		827,920		41%	490,129	(337,791)	
123	Risk Mgt Ins./HR Contract/DOAH		9,493,170			9,493,170		Funding for these issues are not in the jurisdiction of this subcommittee.
124	Key Budget Driver - LRFO (Tier 2) Shared Detention Cost - Fiscally Constrained Counties		5,900,000		15%	5,038,600	(861,400)	
125	Key Budget Driver - LRFO (Tier 2) Maintenance and Repairs		400,000		40%	241,200	(158,800)	
126	Key Budget Driver - LRFO (Tier 2) Prevention and Intervention Programs		2,700,000		38%	1,674,000	(1,026,000)	
127	Key Budget Driver - LRFO (Tier 2) Prevention and Intervention Redirection Program		1,600,000		38%	1,000,000	(600,000)	
128	Department of Juvenile Justice Total	4,730.00	547,424,666		19%	457,959,504	(89,465,162)	
129							-16%	
130								
131	Justice Appropriations Subcommittee Total	51,657.25	4,912,147,805			4,174,425,757	(737,722,048)	
							-15%	