

By Senator Wise

5-00831-10

20102336__

1 A bill to be entitled
2 An act relating to community corrections; amending s.
3 948.51, F.S.; revising legislative intent; requiring
4 each public safety coordinating council to cooperate
5 with the local offender advisory council when
6 preparing the comprehensive public safety plan;
7 amending s. 948.90, F.S.; requiring the creation of a
8 local offender advisory council in each county or a
9 combination thereof; providing for membership on the
10 council; providing for duties and responsibilities;
11 amending s. 951.26, F.S.; providing for additional
12 members on the public safety coordinating councils;
13 requiring each public safety coordinating council to
14 prepare, develop, and implement a comprehensive public
15 safety plan for the county or the geographic area
16 represented by the county consortium; requiring the
17 public safety coordinating council to convene at least
18 once a year with its juvenile justice circuit boards
19 and county councils and local offender advisory
20 councils to discuss, develop, and coordinate public
21 safety matters; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 948.51, Florida Statutes, is amended to
26 read:

27 948.51 Community corrections program for ~~assistance to~~
28 counties or county consortiums.-

29 (1) LEGISLATIVE INTENT.-There is created in the state a

5-00831-10

20102336

30 community corrections program to be implemented by counties or
31 county consortiums which shall ~~The purpose of this section is~~
32 ~~to:~~

33 (a) Divert nonviolent offenders from the state prison
34 system by punishing such offenders with community-based
35 sanctions, thereby reserving the state prison system for those
36 offenders who are deemed to be most dangerous to the community.

37 (b) Forge a partnership between the state and the
38 correctional and public safety programs and facilities within a
39 county or consortium of counties so that state funds may be
40 effectively contractually disbursed to counties or county
41 consortiums to build and operate corrections and public safety
42 programs.

43 (c) Promote accountability of offenders to their community
44 by requiring financial restitution to victims of crime and by
45 requiring public service to be performed for local governments
46 and community agencies.

47 (d) Make victim restitution a greater priority and provide
48 closer monitoring of offenders to ensure payment to victims.

49 (e) Maintain safe and cost-efficient community correctional
50 programs that also require supervision and counseling, and
51 substance abuse testing, assessment, and treatment of
52 appropriate offenders.

53 (f) Provide sanctions, services, treatment, and alternative
54 punishments that are available to the judge at sentencing and
55 for pretrial intervention.

56 (g) Reduce, for contracting counties and county
57 consortiums, both the percentage of nonviolent felony offenders
58 committed to the state prison system and the percentage of

5-00831-10

20102336

59 nonviolent misdemeanants committed to the county detention
60 system by punishing such offenders within the community or by
61 requiring them to reside within community-based facilities.

62 (h) Require nonviolent offenders to meet their community
63 obligations by maintaining employment, thereby providing
64 resources for their families, service to the community, and
65 payment for their cost of supervision and treatment.

66 (i) Extend the average length of supervision and commitment
67 to a correctional program for those sentenced to community
68 corrections programs beyond the actual time that they would have
69 received at the state level.

70 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A
71 county, or a consortium of two or more counties, may contract
72 with the Department of Corrections for community corrections
73 funds as provided in this section. In order to enter into a
74 community corrections partnership contract, a county or county
75 consortium and ~~must have~~ a public safety coordinating council
76 established under s. 951.26 ~~and~~ must designate a county officer
77 or agency to be responsible for administering community
78 corrections funds received from the state. The public safety
79 coordinating council shall prepare, develop, and implement a
80 comprehensive public safety plan for the county, or the
81 geographic area represented by the county consortium, and shall
82 submit an annual report to the department ~~of Corrections~~
83 concerning the status of the program. In preparing the
84 comprehensive public safety plan, the public safety coordinating
85 council shall cooperate with the juvenile justice circuit board,
86 ~~and~~ the juvenile justice county council, established under s.
87 985.664, and the local offender advisory council, established

5-00831-10

20102336

88 under s. 948.90, in order to include programs and services for
89 juveniles and nonviolent offenders in the plan. To be eligible
90 for community corrections funds under the contract, the initial
91 public safety plan must be approved by the governing board of
92 the county, or the governing board of each county within the
93 consortium, and the Secretary of Corrections based on the
94 requirements of this section. If one or more other counties
95 develop a unified public safety plan, the public safety
96 coordinating council shall submit a single application to the
97 department for funding. Continued contract funding shall be
98 pursuant to subsection (5). The plan for a county or county
99 consortium must cover at least a 5-year period and must include:

100 (a) A description of programs offered for the job placement
101 and treatment of offenders in the community.

102 (b) A specification of community-based intermediate
103 sentencing options to be offered and the types and number of
104 offenders to be included in each program.

105 (c) Specific goals and objectives for reducing the
106 projected percentage of commitments to the state prison system
107 of persons with low total sentencing scores pursuant to the
108 Criminal Punishment Code.

109 (d) Specific evidence of the population status of all
110 programs which are part of the plan, which evidence establishes
111 that such programs do not include offenders who otherwise would
112 have been on a less intensive form of community supervision.

113 (e) The assessment of population status by the public
114 safety coordinating council of all correctional facilities owned
115 or contracted for by the county or by each county within the
116 consortium.

5-00831-10

20102336__

117 (f) The assessment of bed space that is available for
118 substance abuse intervention and treatment programs and the
119 assessment of offenders in need of treatment who are committed
120 to each correctional facility owned or contracted for by the
121 county or by each county within the consortium.

122 (g) A description of program costs and sources of funds for
123 each community corrections program, including community
124 corrections funds, loans, state assistance, and other financial
125 assistance.

126 (3) DEPARTMENTAL RESPONSIBILITIES.—The Department of
127 Corrections shall:

128 (a) Administer this section within the goals and mandates
129 of this legislation.

130 (b) Report by January 1 of each year to the Governor, the
131 President of the Senate, and the Speaker of the House of
132 Representatives on the effectiveness of participating counties
133 and county consortiums in diverting nonviolent offenders from
134 the state prison system.

135 (c) Establish, in cooperation with the governing bodies of
136 counties and municipalities and with school boards, a program to
137 provide technical assistance, education, and training to local
138 governments, nonprofit entities and agencies, and public safety
139 coordinating councils regarding community corrections and the
140 provisions of this section.

141 (d) Develop minimum standards, policies, and administrative
142 rules for the statewide implementation of this section.

143 (e) Develop and implement a community corrections
144 partnership contract process and procedure.

145 (f) Review community public safety plans and provide

5-00831-10

20102336__

146 contract funding.

147 (g) Conduct a review, as often as necessary but not less
148 than annually, of all program measures, to ensure program
149 accountability.

150 (4) PURPOSES OF COMMUNITY CORRECTIONS FUNDS.—

151 (a) The Secretary of Corrections may contract for the
152 issuance of community corrections assistance funds, as
153 appropriated by the Legislature, to an eligible contracting
154 county or county consortium for the purposes of:

155 1. Providing community-based corrections programs within
156 county-owned or county-contracted residential probation
157 programs.

158 2. Providing nonincarcerative diversionary programs,
159 including pretrial release programs, for juvenile offenders or
160 adult offenders who would otherwise be housed in a county
161 detention facility, a state juvenile detention facility, or a
162 state correctional institution.

163 3. Providing community-based drug treatment programs, both
164 outpatient and residential, by licensed providers.

165 4. Funding costs for the enhancement of programs within
166 county detention facilities.

167 5. Funding costs for the enhancement of public safety and
168 crime prevention programs.

169 (b) Programs, services, and facilities that may be funded
170 under this section include, but are not limited to:

171 1. Programs providing pretrial services.

172 2. Specialized divisions within the circuit or county court
173 established for the purpose of hearing specific types of cases,
174 such as drug cases or domestic violence cases.

5-00831-10

20102336

- 175 3. Work camps.
- 176 4. Programs providing intensive probation supervision.
- 177 5. Military-style boot camps.
- 178 6. Work-release facilities.
- 179 7. Centers to which offenders report during the day.
- 180 8. Restitution centers.
- 181 9. Inpatient or outpatient programs for substance abuse
- 182 treatment and counseling.
- 183 10. Vocational and educational programs.
- 184 (c) The application and contract submitted to the
- 185 department by the public safety coordinating council may include
- 186 provisions for funding the anticipated costs of providing health
- 187 care to offenders placed in a program or facility funded under
- 188 this section.
- 189 (d) Upon the award of community corrections assistance
- 190 funds, the department shall disburse one-third of the funds for
- 191 provision of the services described above and shall thereafter
- 192 disburse the remaining funds on a quarterly basis.
- 193 (e) Except as provided in this paragraph, contracting
- 194 counties or county consortiums may not use any community
- 195 corrections assistance funds for any of the following purposes:
- 196 1. Fixed capital outlay in construction, addition,
- 197 renovation, or operation of any adult or juvenile secure
- 198 detention facility;
- 199 2. Construction, addition, renovation, or operation of any
- 200 state facility; or
- 201 3. Salary of any state probation and parole officer.
- 202
- 203 However, community corrections assistance funds may be used to

5-00831-10

20102336__

204 acquire, renovate, and operate county-owned residential
205 probation facilities or programs.

206 (5) CONTINUED CONTRACT FUNDING.—In order to remain eligible
207 for continued contract funding, a contracting county or county
208 consortium must substantially comply with the goals, standards,
209 and objectives set forth in its comprehensive public safety plan
210 and with the standards established in this section. Each
211 contracting county or county consortium shall participate with
212 the department ~~of Corrections~~ in an evaluation of its program
213 effectiveness in a format to be determined by the department,
214 with particular emphasis placed upon attainment of the goals
215 specified in paragraphs (2) (c) and (d). The department is
216 responsible for the costs of performing the evaluation. If the
217 department determines that a county or county consortium, in the
218 course of its regular business and recordkeeping practices, is
219 unable, without additional funds, to comply with the
220 department's request for information necessary to perform an
221 evaluation, the department shall reimburse reasonable additional
222 recordkeeping expenses incurred by the county or county
223 consortium during the evaluation process.

224 (6) NONCOMPLIANCE WITH PLAN.—If the Secretary of
225 Corrections determines that there are reasonable grounds to
226 believe that a contracting county or county consortium is not
227 substantially complying with its plan or with the standards
228 established in this section, the secretary shall give 30 days'
229 written notice to the governing board of the county, or the
230 governing board of each county within the consortium, and the
231 chair of the public safety coordinating council. If the
232 secretary then finds noncompliance by such contracting county or

5-00831-10

20102336__

233 county consortium, the secretary shall require the governing
234 board of the county, or the governing board of each county
235 within the consortium, to provide a written agreement as to how
236 and when the specific deficiencies identified by the secretary
237 will be corrected. If no such agreement is submitted to the
238 secretary within the time limit specified, or if such
239 deficiencies are not corrected within 45 days after such an
240 agreement has been approved by the secretary, the secretary may
241 suspend any part or all of the funding until compliance is
242 achieved.

243 (7) ALLOCATION OF FUNDS.—The department shall allocate the
244 funding for these contracts to counties and county consortiums
245 to the extent authorized in the General Appropriations Act.

246 (8) For the purposes of this section, the term “public
247 safety” does not include the investigative, patrol, or
248 administrative activities of a law enforcement agency.

249 Section 2. Section 948.90, Florida Statutes, is amended to
250 read:

251 948.90 Local offender advisory councils.—

252 (1) A local offender advisory council shall be created in
253 at least one municipality within each county, or within a
254 consortium of ~~It is the intent of the Legislature that cities~~
255 ~~and counties, in order or combinations thereof have the option~~
256 to develop, establish, and maintain community programs to
257 provide the judicial system with community alternatives for
258 certain nonviolent offenders who may require less than
259 institutional custody but more than probation supervision
260 pursuant to this chapter. ~~It is further intended that~~ Such
261 programs shall provide increased opportunities for offenders to

5-00831-10

20102336__

262 make restitution to victims of crime through financial
263 reimbursement or community service, while promoting efficiency
264 and economy in the delivery of correctional services.

265 (2) If established within ~~In the event that~~ a municipality
266 ~~city~~ or county or a combination thereof ~~elects to develop,~~
267 ~~establish, and maintain such community program,~~ the council ~~it~~
268 shall provide support to a local offender advisory council
269 composed of members appointed by the municipal ~~city~~ or county
270 governing body; if a council is established by more than one
271 local government, an equal number of members shall be appointed
272 by each participating governing body. Each council shall also
273 include in its membership two persons appointed by the chief
274 judge of the circuit serving the jurisdiction or jurisdictions
275 participating on the council, ~~committee and~~ one person appointed
276 by the appropriate regional office of the Department of
277 Corrections, and eight public citizens and advocates of the
278 criminal justice system appointed by the chairperson of juvenile
279 justice county councils or boards for a 4-year term.

280 (3) The members of the local offender advisory council
281 shall elect a chairperson from among its members who shall be
282 appointed to a 2-year term. The membership of the council shall
283 be no more than 38 in number, shall serve without compensation,
284 and shall conduct business subject to the most recent edition of
285 Robert's Rules of Order. The council shall meet quarterly.

286 (4) Each local offender advisory ~~such~~ council ~~is~~ ~~shall be~~
287 responsible for:

288 (a) Identifying and developing community services and
289 programs for use by the courts in diverting offenders from state
290 and county correctional institutions and detention facilities.

5-00831-10

20102336__

291 (b) Providing a mechanism whereby all offenders with needs
292 for services will be linked to appropriate agencies and
293 individuals.

294 (c) Upon referral to the council by the circuit court,
295 determining if an appropriate behavioral contract can be
296 developed with an offender in a community program as an
297 alternative to incarceration, and providing findings and
298 recommendations to the referring judge.

299 (d) Convening at least once a year with the area juvenile
300 justice circuit boards and county councils, established under s.
301 985.664, and public safety coordinating council, established
302 under s. 951.26, to discuss, develop, and coordinate public
303 safety matters for the future in accordance with the
304 comprehensive public safety plan.

305 (5) All meetings of a local offender advisory council, as
306 well as its records, books, documents, and papers, are open and
307 available to the public in accordance with ss. 119.07 and
308 286.011.

309 Section 3. Section 951.26, Florida Statutes, is amended to
310 read:

311 951.26 Public safety coordinating councils.—

312 (1) Each board of county commissioners shall establish a
313 county public safety coordinating council for the county or
314 shall join with a consortium of one or more other counties to
315 establish a public safety coordinating council for the
316 geographic area represented by the member counties.

317 (a)1. The public safety coordinating council for a county
318 shall consist of:

319 a. The state attorney, or an assistant state attorney

5-00831-10

20102336__

320 designated by the state attorney.

321 b. The public defender, or an assistant public defender
322 designated by the public defender.

323 c. The chief circuit judge, or another circuit judge
324 designated by the chief circuit judge.

325 d. The chief county judge, or another county judge
326 designated by the chief county judge.

327 e. The chief correctional officer.

328 f. The sheriff, or a member designated by the sheriff, if
329 the sheriff is not the chief correctional officer.

330 g. The state probation circuit administrator, or a member
331 designated by the state probation circuit administrator, to be
332 appointed to a 4-year term.

333 h. The chairperson of the board of county commissioners, or
334 another county commissioner as designee.

335 i. If the county has such program available, the director
336 of any county probation or pretrial intervention program, to be
337 appointed to a 4-year term.

338 j. The director of a local substance abuse treatment
339 program, or a member designated by the director, to be appointed
340 to a 4-year term.

341 k. Representatives from county and state jobs programs and
342 other community groups who work with offenders and victims,
343 appointed by the chairperson of the board of county
344 commissioners to 4-year terms.

345 l. Public citizens and advocates of the criminal justice
346 system, appointed by the chairperson of juvenile justice county
347 councils or boards and local offender advisory councils to a 4-
348 year term.

5-00831-10

20102336

349 2. The members of the public safety coordinating council
350 for a county shall elect a chairperson from among its members
351 who shall be appointed to a 2-year term. ~~The chairperson of the~~
352 ~~board of county commissioners, or another county commissioner as~~
353 ~~designee, shall serve as the chairperson of the council until~~
354 ~~the council elects a chairperson from~~ The membership of the
355 council shall be no more than 21 in number, shall serve without
356 compensation, and shall conduct business subject to the most
357 recent edition of Robert's Rules of Order.

358 (b)1. The public safety coordinating council for a
359 consortium of two or more counties shall consist of the
360 following members, appointed with the approval of each board of
361 county commissioners within the consortium:

362 a. A chief circuit judge, or a circuit judge designated by
363 a chief circuit judge.

364 b. A chief county judge, or a county judge designated by a
365 chief county judge.

366 c. A state attorney, or an assistant state attorney
367 designated by a state attorney.

368 d. A public defender, or an assistant public defender
369 designated by a public defender.

370 e. A state probation circuit administrator, or a member
371 designated by a state probation circuit administrator, to be
372 appointed to a 4-year term.

373 f. A physician who practices in the area of alcohol and
374 substance abuse, to be appointed to a 4-year term.

375 g. A mental health professional who practices in the area
376 of alcohol and substance abuse, to be appointed to a 4-year
377 term.

5-00831-10

20102336

378 h. A sheriff or a jail administrator for a county within
379 the consortium.

380 i. A chief of police for a municipality within the
381 geographic area of the consortium.

382 j. A county commissioner from each member county of the
383 consortium.

384 k. An elected member of the governing body of the most
385 populous municipality within the geographic area of the
386 consortium.

387 l. An elected member of a school board within the
388 geographic area of the consortium.

389 m. Public citizens and advocates of the criminal justice
390 system, appointed by the chairperson of juvenile justice county
391 councils or boards and local offender advisory councils to a 4-
392 year term.

393 2. The members of the public safety coordinating council
394 shall elect a chairperson from among its members who shall be
395 appointed to a 2-year term. The membership of the council shall
396 be no more than 33 in number, shall serve without compensation,
397 and shall conduct business subject to the most recent edition of
398 Robert's Rules of Order.

399 (2) The council shall meet quarterly ~~at the call of the~~
400 ~~chairperson~~ for the purpose of assessing the population status
401 of all detention or correctional facilities owned or contracted
402 by the county, or the county consortium, and formulating
403 recommendations to ensure that the capacities of such facilities
404 are not exceeded; design, review, and reassess its local public
405 safety plan; and design, review, and reassess its comprehensive
406 public safety plan. Such recommendations shall include an

5-00831-10

20102336

407 assessment of the availability of pretrial intervention or
408 probation programs, work-release programs, substance abuse
409 programs, gain-time schedules, applicable bail bond schedules,
410 and the confinement status of the inmates housed within each
411 facility owned or contracted by the county, or the county
412 consortium.

413 (3) (a) The council shall ~~may also~~ develop a local public
414 safety plan for future construction needs. The plan must cover
415 at least a 5-year period. The plan may be submitted for
416 consideration to the local planning agency for the county, or
417 the planning agency for each county within the consortium, at
418 least 120 days before the adoption of or amendment to the
419 comprehensive plan for the county by the local planning agency
420 pursuant to part II of chapter 163.

421 (b) Each public safety coordinating council shall prepare,
422 develop, and implement a comprehensive public safety plan for
423 the county, or the geographic area represented by the county
424 consortium in accordance with s. 948.51(2) (a)-(g) county, or
425 ~~county consortium, that contracts to receive community~~
426 ~~corrections funds for its community corrections programs under~~
427 ~~s. 948.51 shall require the public safety coordinating council~~
428 ~~to develop a comprehensive public safety plan as described~~
429 ~~therein which includes the future public safety construction~~
430 ~~needs as described in paragraph (a).~~

431 (c) The council shall convene at least once a year with its
432 area juvenile justice circuit boards and county councils,
433 established under s. 985.664, and local offender advisory
434 councils, established under s. 948.90, to discuss, develop, and
435 coordinate public safety matters for the future in accordance

5-00831-10

20102336__

436 with the comprehensive public safety plan.

437 (4) All meetings of a public safety coordinating council,
438 as well as its records, books, documents, and papers, are open
439 and available to the public in accordance with ss. 119.07 and
440 286.011.

441 Section 4. This act shall take effect July 1, 2010.