

COMMITTEE MEETING EXPANDED AGENDA

**BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL
JUSTICE APPROPRIATIONS
Senator Fasano, Chair**

MEETING DATE: Tuesday, December 7, 2010
TIME: 12:30 —3:45 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Fasano, Chair

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Introductions and Budget Overview		
	1) Chairman's comments		
	2) Members comments		
	3) Budget Overview presented by Tim Sadberry and Claude Hendon		

Senate Subcommittee on Criminal and Civil Justice Appropriations

Overview

Criminal and Civil Justice Agencies and Analysts Assignments

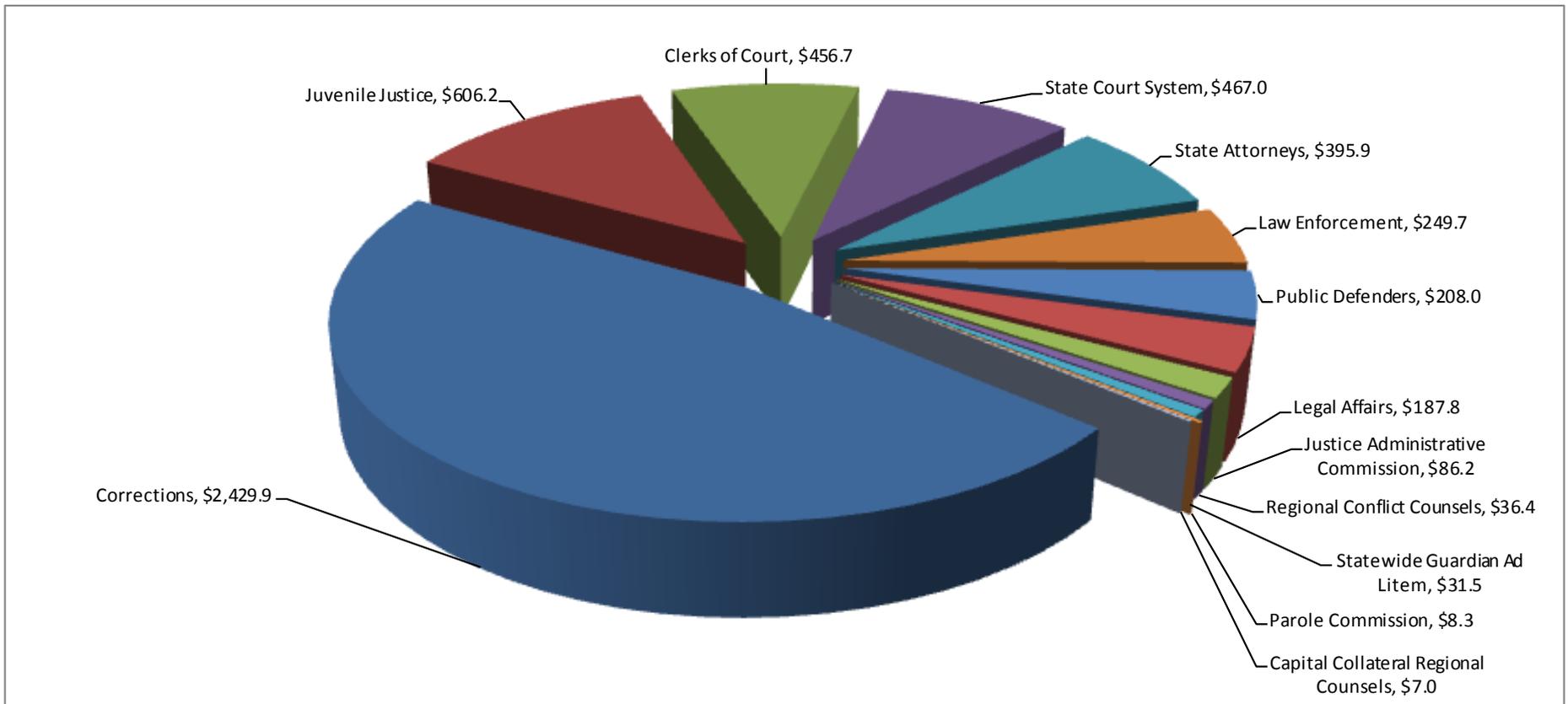
- Department of Legal Affairs – *Diane Sneed*
- Department of Corrections - *Diane Sneed*
- Department of Law Enforcement – *Tim Sadberry*
- Parole Commission - *Diane Sneed*
- Department of Juvenile Justice - *Tim Sadberry*
- State Court System - *Claude Hendon*
- Justice Administrative Commission - *Claude Hendon*
- State Attorneys – *Claude Hendon*
- Public Defenders, Regional Conflict Counsels – *Claude Hendon*
- Capital Collateral Regional Counsels – *Claude Hendon*
- Statewide Guardian Ad Litem – *Claude Hendon*

Subcommittee on Criminal and Civil Justice Appropriations Agencies

FY 2010-11 Appropriations

\$ 5,170.6 million

51,657.25 FTEs



Jurisdictional Overview

Department of Legal Affairs (*also known as the Office of Attorney General*)

\$187.8 Million

1,337.5 FTEs

The Department of Legal Affairs serves as the state's law firm and is led by an elected Attorney General.

The Department:

- Provides legal services on behalf of the state;
- Investigates and prosecutes cybercrimes involving the sexual exploitation of children;
- Investigates and prosecutes multi-jurisdictional crime and antitrust violations;
- Enforces consumer protection, Medicaid fraud, and other antifraud laws; and
- Investigates and reports alleged violations of elections law.

Department of Corrections

\$2,429.9 Million

29,350 FTEs

The Department of Corrections serves as the state's prison system which is one of the largest in the nation, currently there are over 100,000 individuals in prison.

- Programs include:
- Security and Institutional Operations;
- Community Corrections;
- Health Care;
- Education and Programs.

Jurisdictional Overview (continued)

Florida Department of Law Enforcement (FDLE)

\$249.7 Million

1,744 FTEs

The Florida Department of Law Enforcement (FDLE) serves as the state's foremost law enforcement organization.

- The Department:
- Provides services in partnership with local, state, and federal criminal justice agencies to prevent, investigate and solve crimes to protect Florida's citizens and visitors;
- Regulates criminal justice professionals; and
- Provides capitol police services for the Governor, Lt. Governor, Cabinet members, Legislature and capitol complex staff and visitors.

Parole Commission

\$8.3 Million

128 FTEs

The Florida Parole Commission provides public safety and protects the rights of victims through administering effective post-incarceration services.

- The commission:
- Performs investigations and hearings and administers parole and other release programs for all eligible criminal offenders; and
- Performs investigations and makes recommendations for executive clemency and restoration of rights for ex-offenders to the Executive Clemency Board. Clemency Services makes up about 44 percent of the Parole Commission's workload.

Jurisdictional Overview (continued)

Department of Juvenile Justice

\$606.2 Million

4,760 FTEs

The Department of Juvenile Justice protects the public by reducing juvenile crime and delinquency in Florida.

Programs include:

- Prevention and Victim Services;
- Juvenile Detention;
- Residential and Correctional Facilities; and,
- Probation and Community Corrections.

State Court System

\$1,688.9 Million

14,367.75 FTEs

Florida courts protect rights and liberties, uphold and interpret the law, and provide a forum for dispute resolution.

The system consists of the following:

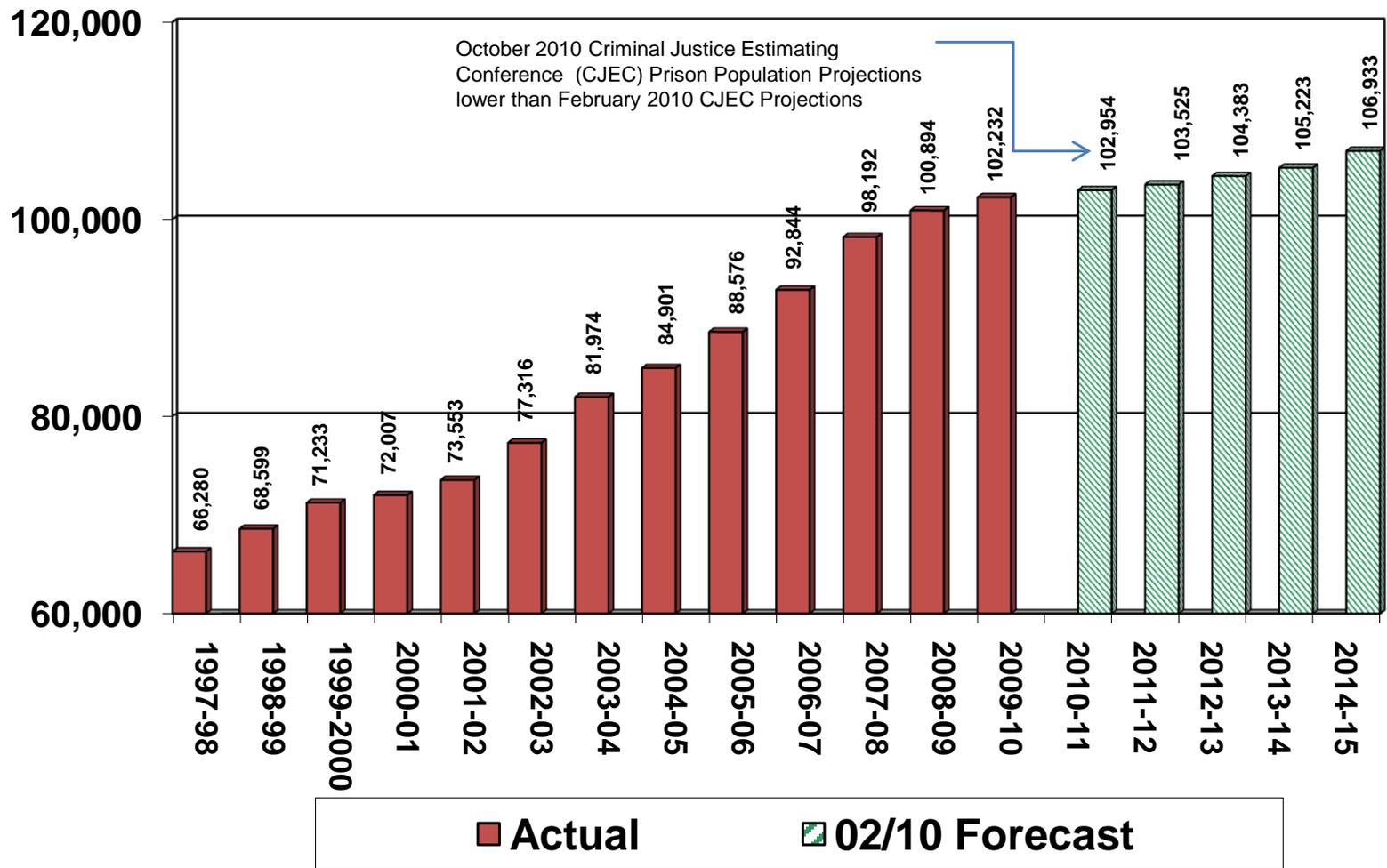
- **Supreme Court** hears appeals, death row appeals, and rules on constitutional amendments before they are placed on the ballot. Judges are appointed by the Governor. The Office of State Courts Administrator provides administrative services to the judicial branch and works with the Legislative committees on information requests and bill analyses.
- **District Courts of Appeal** hear most of the appeals. There are 5 such courts in the state and the judges are appointed by the Governor.

Jurisdictional Overview (continued)

State Court System (continued)

- **Circuit and County Courts** hear criminal and civil matters. There are 20 circuits in the state and judges are either appointed by the Governor or elected.
- **Clerks of Court** are local government entities that serve the administrative needs of the courts. There is one elected in each county and their offices are funded from court filing fees, fines, charges, and costs. Excess fee revenue is used to pay for the judicial branch.
- **State Attorneys** are elected officials that prosecute criminal cases. There are 20 state attorneys, one in each judicial circuit.
- **Public Defenders** are elected officials that defend indigent persons accused of crimes. There are 20 public defenders, one in each judicial circuit.
- **Regional Conflict Counsel** is appointed by the Governor to represent indigent criminal defendants when the public defender has a conflict of interest. Regional conflict counsels also represent indigent parents of children in dependency cases.
- **Capital Collateral Regional Counsels** are appointed by the Governor to represent death row defendants once their direct appeals have been exhausted. There are two counsels in the state. When necessary, private attorneys can be appointed.
- **Guardian ad Litem** is a court-appointed layperson that represents the interests of children in dependency proceedings when the state intervenes in order to place the child in a safer environment.
- **Justice Administrative Commission**, located in Tallahassee, provides administrative support services to State Attorneys, Public Defenders, Capital Collateral Regional Counsels, regional conflict counsels, and the Guardian ad Litem office.

Department of Corrections Prison Population (June 30) Actual and Forecasted

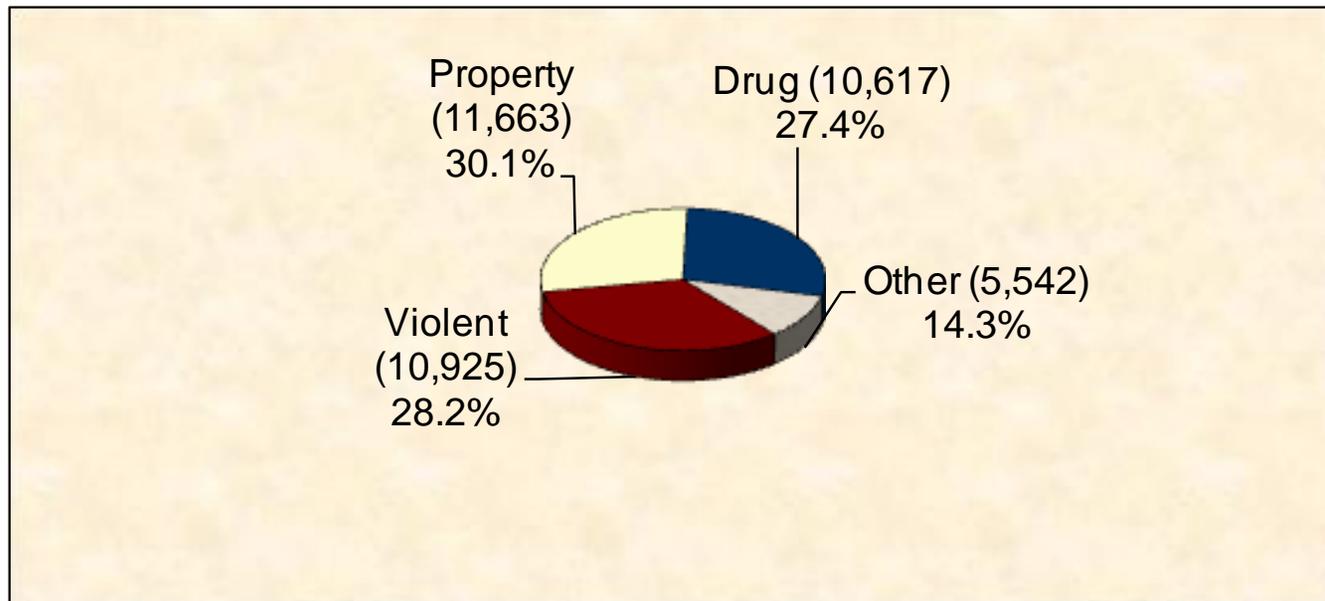


Based on 10/19/10 Criminal Justice Estimating Conference

Department of Corrections

Admissions to Prison

FY 2009-10

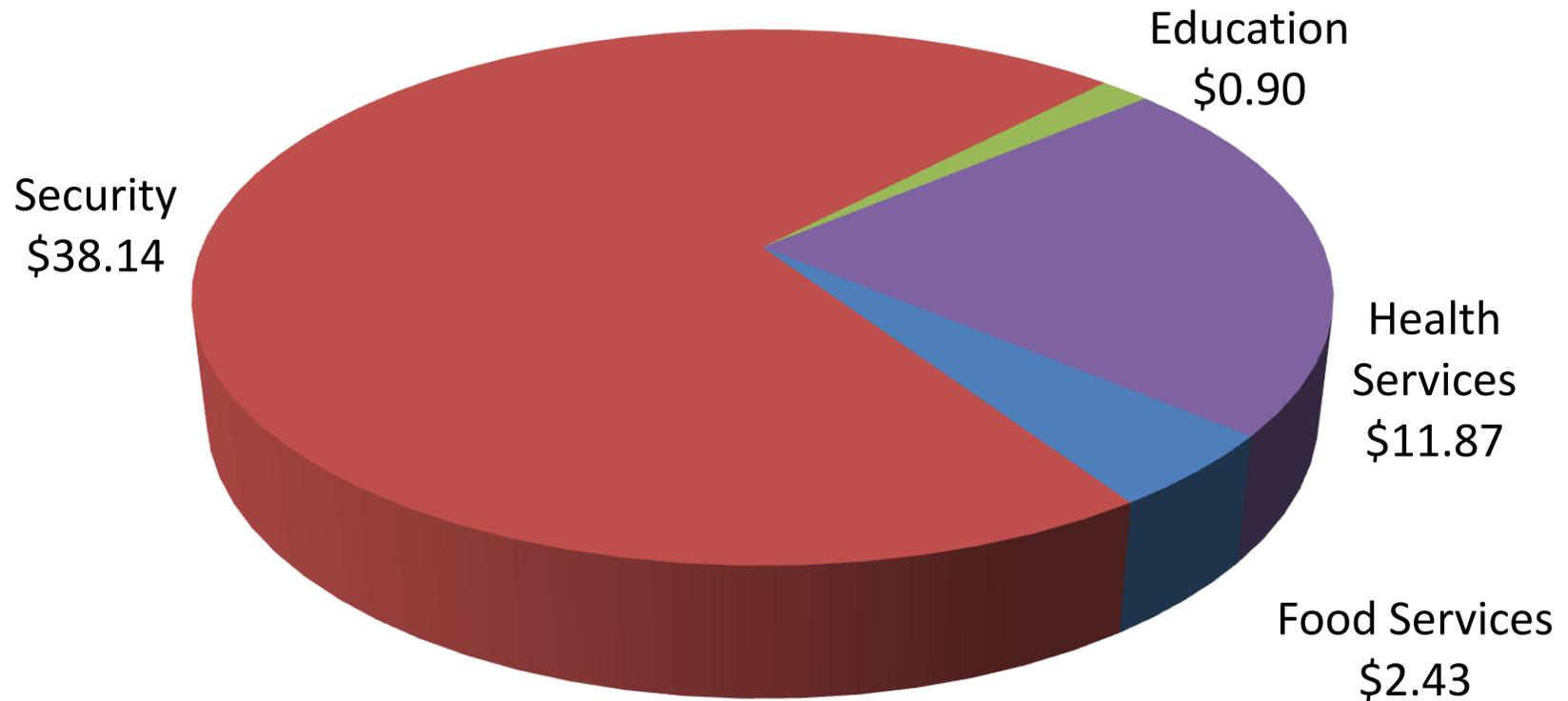


Source: Department of Corrections

Department of Corrections

FY 2010-11 Major Institutions

Inmate Per-diem (Cost Per Day) = \$53.34 or \$19,469 Annually



DEPARTMENT OF CORRECTIONS
Recap of Increased Bed Capacity Funding for FY 2003-04 through FY 2010-11:

	Bed Location:	Expected Opening Date (Mo-Yr):	FY 2003-2004	FY 2003-2004	FY 2004-2005	FY 2005-2006	FY 2006-2007	FY 2007-2008	FY 2008-2009	FY 2009-2010	FY 2010-2011	Total # of Beds
			Special Session A	Special Session D	2004 Session	2005 Session	2006 Session	2007 Session	2008 Session	2009 Session	2010 Session	
			# of Beds	# of Beds	# of Beds	# of Beds	# of Beds	# of Beds	# of Beds	# of Beds	# of Beds	
1	Columbia Annex	Jul-05	1,280									1,280
2	Wakulla Work Camp	May-04	262									262
3	Franklin Correctional Institution	Jan-06	1,520									1,520
4	Private facilities	Feb-05	1,086									1,086
5	Open-bay Dormitories Statewide 14 @ 131	May-04		1,834								1,834
6	Santa Rosa Annex	Jan-06		1,380								1,380
7	Washington Annex ¹	Aug-06		1,380								1,380
8	Secure housing unit and dorm (Lowell)	Jul-05 (156) & Jul-06 (320)			476							476
9	Work camps	Nov-05 (262) & Feb-06 (262)			524							524
10	Work Release Centers ²	Aug-04- Dec-04 @ 200 per mo			800							800
11	Graceville Private prison beds ³	Sep-07			1,280							1,280
12	Santa Rosa SHU					320						320
13	Lowell Work camp	Jan-07				262						262
14	Taylor Work camp	Jan-07				131						131
15	RMC Work Camp	Jun-06				131						131
16	Expand Graceville Private prison beds	Sep-07				220						220
17	Expand Gadsden Private prison beds	Jul-07				384						384
18	Private Beds - 235 Bay and 235 Moorehaven	Jul-07				470						470
19	Wakulla Annex - Fence	Jul-08				2,022						2,022
20	Suwannee CI	Aug-09						1,521				1,521
21	Mayo Annex	Feb-10						1,335				1,335
22	Lowell Annex	Mar-09						228				228
23	Lowell Main	Jan-09						322				322
24	Washington Annex	Apr-09						300				300
25	Columbia Annex	Nov-08						322				322
26	Santa Rosa Annex	Oct-08						151				151
27	Additions to Existing (4 TBD)	Jul-08						528				528
28	Private Prison Expansion Graceville	Mar-09						384				384

DEPARTMENT OF CORRECTIONS

Recap of Increased Bed Capacity Funding for FY 2003-04 through FY 2010-11:

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			Special Session A	Special Session D	2004 Session	2005 Session	2006 Session	2007 Session	2008 Session	2009 Session	2010 Session	
			# of Beds	# of Beds	# of Beds	# of Beds	# of Beds	# of Beds	# of Beds	# of Beds	# of Beds	
29	Community Work Camps	Aug-09						1,296				1,296
30	Work Release Centers ⁴	Jul-07						1,000				1,000
31	Substance Abuse/WR Transition Centers	Jan-08						200				200
32	Suwannee Work Camp	Jul-09						432				432
33	Suwannee Annex	Nov-09							1,335			1,335
34	Lowell Reception Center	Jan-11							1,335			1,335
35	Liberty Work Camp	Jul-10							432			432
36	Franklin Work Camp	Jul-10							288			288
37	Cross City Work Camp	Nov-10							432			432
38	Santa Rosa Work Camp	May-10							288			288
39	Okeechobee Work Camp	May-10							432			432
40	Columbia Annex Expansion (2 OBD)	Jul-09							322			322
41	Lancaster Expansion (1 SHU)	May-10							228			228
42	Expansion of Existing	Feb-09							1,200			1,200
43	Mayo Main (3 OBD)	Apr-09							396			396
44	Quick Build Construction Dorms	Oct-08							1,152			1,152
45	Sago Palm	Jul-08							384			384
46	New Private Prison	Jul-10							2,000			2,000
Grand Total Beds:			<u>4,148</u>	<u>4,594</u>	<u>3,080</u>	<u>3,940</u>	<u>0</u>	<u>8,019</u>	<u>10,224</u>	<u>0</u>	<u>0</u>	<u>34,005</u>

Department of Corrections

Facilities by Type

(As of June 30, 2009)

Facility Summary	Total	Male	Female	Inmate Population	Percentage of Population
Correctional Institutions	62	56	6	85,479	84.7%
Work Release Centers	33	25	8	3,574	3.5%
Road Prisons	5	5	0	402	0.4%
Work Camps, Stand Alone Work/Forestry Camps/Treatment Centers	46	42	4	11,373	11.3%
Total Facilities	146	128	18	100,828	99.9%
Contract Jail Beds				66	0.1%
Population Total				100,894	100.0%

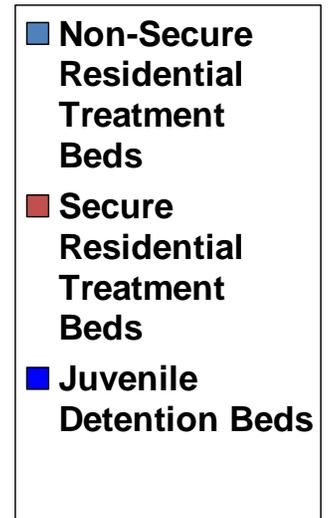
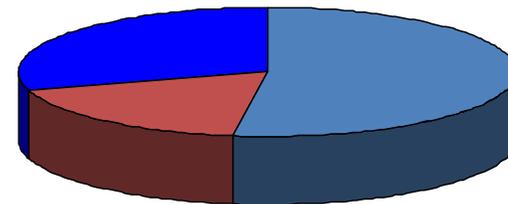
Department of Corrections Community Corrections Panel

June 30, 2009

Original Sentence		
Probation	115,050	73.37%
Drug Offender Probation	17,092	10.90%
Community Control	10,397	6.63%
Pretrial Intervention	9,214	5.88%
Post-Prison Release		
Parole	2,097	1.34%
Conditional Release	2,854	1.82%
Control Release	70	0.04%
Other Post-Prison Release	26	0.02%
Total	156,800	100.00%

Department of Juvenile Justice Bed Capacity (As of September 15, 2010)

- Non-Secure Residential Treatment Beds
(\$109 per-diem per day) 2,983
- Secure Residential Treatment Beds
(\$156 per-diem per day) 1,193
- Juvenile Detention Beds 2,007
- Total 6,183



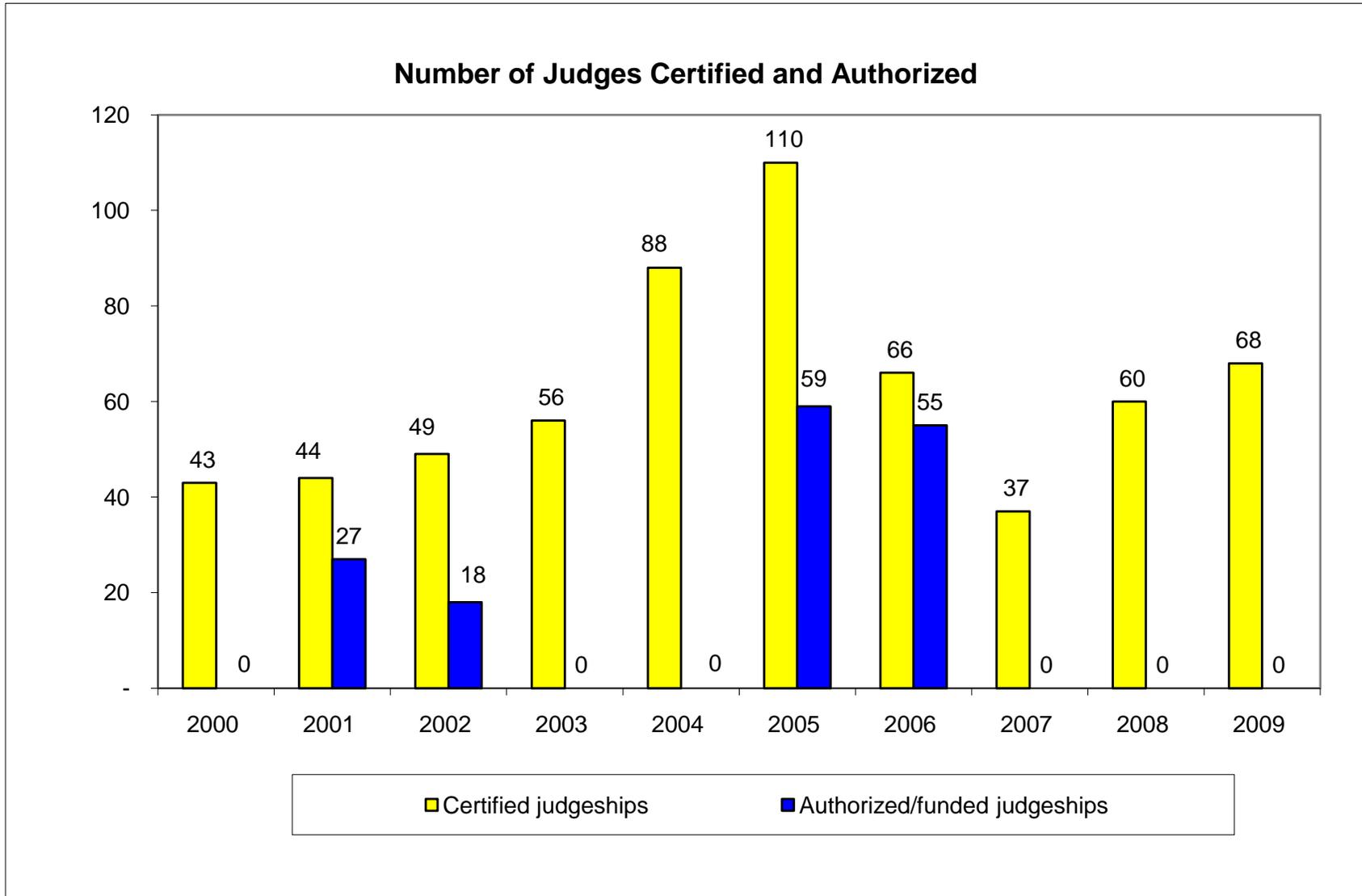
Department of Juvenile Justice
Residential Bed Utilization (As of September 15, 2010)

	Operating Capacity	Current Placements	Vacancies	Percentage of Utilization
Low Risk Residential Beds	232	192	40	82.76%
Moderate Risk Residential Beds	2,751	2,637	114	95.86%
High Risk Residential Beds	1,054	890	164	84.44%
Maximum Risk Residential Beds	139	138	1	99.28%
Total Residential Commitment Beds	4,176	3,857	319	92.36%

Judicial Certification

- The Florida Constitution requires the Supreme Court to certify the number of judges needed each year.
- The Legislature creates and funds new judges. A new judge costs the state approximately \$250,000.
- The Legislature can, and historically has, funded fewer judges than the Supreme Court has certified. New judges can be appointed or elected.
- Counties provide for the facility, computer, and security needs of the new judges.

Judicial Certification History



Recent Developments in the Judicial System

- 67 Clerks of Court now in the state budget
 - Funded at \$454.6 million in trust funds from court fees, fines and costs.
 - Budget pays an established “unit cost” for each new court case received by clerks.
- Increased court fees used to fund judiciary and avoid budget cuts
 - State courts primarily funded by fees deposited in trust funds.
 - Foreclosure filing fees increased in 2009 and used to fund courts and reduce general revenue.
 - Foreclosure and other civil cases dropping and both court and clerk trust funds face deficits.
- Pending litigation
 - Counties sued the state over requirement to pay for office space for 5 regional conflict counsels. Trial court ruled in favor of the counties, state appeal pending before the Supreme Court.
 - Miami-Dade Public Defender sued the state claiming inadequate funding. Trial court ruled in favor of the public defender, appellate court reversed decision, appeal pending before the Supreme Court.
 - Private attorneys sued the state over the deposit of court fees into the General Revenue Fund. Trial court ruled in favor of the plaintiffs, state appealed and Supreme Court ruled in favor of the state.

Subcommittee on Criminal and Civil Justice Appropriations

2010 Budget Session Summary Highlights

- Provides the Department of Corrections \$1.7 million in federal stimulus funding for correctional probation and parole officers.
- Provides the Department of Corrections with \$1 million in recurring general revenue to restore community corrections substance abuse funding.
- Provides \$500,000 for increased electronic monitoring for offenders on probation in the Department of Corrections.
- Provides \$700,000 for a Department of Corrections/Judicial prison diversion program for non-violent offenders. The funding may be used for drug treatment, residential and outpatient programming, day reporting, or other services as an alternative to prison and to reduce recidivism.
- Provides the Department of Corrections with \$300,000 to replace critically needed transport buses and vans.
- Reduces \$45.1 million and 579 FTE positions in the Department of Corrections due to lower prison population projections.
- Reduces Department of Corrections operating costs by \$2.3 million. The department must reduce costs for 863 current work release beds and must transition 600 inmates into newly constructed work release beds which will become operational in January 2011.

Subcommittee on Criminal and Civil Justice Appropriations

2010 Budget Session Summary Highlights

- Eliminates a \$1 million transfer to the Department of Children and Families for Mental Health and Substance Abuse Matching Grants.
- Reduces Department of Corrections vacant positions by \$22.8 million and 447 FTE positions.
- Reduces Department of Corrections prison operational costs by \$1.4 million. The department must reduce operational costs for 1,350 institutional beds.
- Reduces Department of Corrections operational costs by \$1.6 million and 360 positions through opening Blackwater River Correctional Facility (2,224 beds). This represents a \$2.5 million annualized savings.
- Reduces Department of Corrections operating costs by \$19 million due to savings achieved from health services efficiencies.
- Reduces Department of Corrections debt service appropriations by \$2.7 million to match debt service payments.
- Funds the increased workload requirements for criminal history record checks in the Department of Law Enforcement – 4 FTE positions and \$649,290 in trust fund authority.
- Reduces Department of Law Enforcement’s operational positions - \$2.3 million and 39 FTE positions.
- Makes no reductions to the Parole Commission.

Subcommittee on Criminal and Civil Justice Appropriations 2010 Budget Session Summary Highlights

- Provides \$5.5 million for grant funding to small counties for detention services in the Department of Juvenile Justice.
- Makes no reductions to CINS/FINS, PACE Center for Girls, and Associated Marine Institutes in the Department of Juvenile Justice.
- Reduces Department of Juvenile Justice's residential programs by \$7 million – a reduction of approximately 50 secure and 128 non-secure beds.
- Increases funding to the state court system by \$6 million to assist in the backlog of foreclosure cases.
- Provides \$659,000 for fixed capital outlay to make repairs to the Supreme Court and District Courts of Appeal buildings.
- Funds the creation of an Innocence Commission in the state court system to study the causes of wrongful incarceration.
- Makes no reductions to the state court system. Instead, \$88.5 million in general revenue dollars are fund-shifted with trust fund dollars. This was possible due to the surplus in court fees that were raised by the 2009 Legislature.

Subcommittee on Criminal and Civil Justice Appropriations

2010 Budget Session Summary Highlights

- Increases funding for due process services in the Justice Administrative Commission by \$12 million from the General Revenue Fund.
- Continues funding to the courts, the State Attorneys and the Public Defenders to enhance drug courts from federal stimulus funding, in order to divert defendants from state prison.
- Makes no reductions to the State Attorneys, instead, general revenue dollars are fund-shifted with trust fund dollars.
- Makes no reductions to the Public Defenders, instead general revenue dollars are fund-shifted with trust fund dollars.
- Provides the Department of Legal Affairs with \$1.3 million recurring from the General Revenue Fund to restore 19 FTE positions.
- Provides the Department of Legal Affairs with \$1.6 million from the General Revenue Fund and \$3.0 million from trust funds to restore nonrecurring funding from FY 2009-10.
- Provides the Department of Legal Affairs with \$2.0 million from trust funds to enable the Medicaid Fraud Control Unit's Reward for Informants Program.
- Provides \$3.5 million non-recurring from the General Revenue Fund to the Department of Legal Affairs for the Crime Stoppers Program.

Subcommittee on Criminal and Civil Justice Appropriations

Historical Reductions

- Probation Officers
- Substance Abuse Programs
- Residential Bed Capacity in DJJ
- Health Services in DOC
- Investigation Services in FDLE
- Prevention and Intervention Programs in DJJ
- Position Reductions
- Fund Shifts