

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND
CIVIL JUSTICE
Senator Bradley, Chair
Senator Joyner, Vice Chair

MEETING DATE: Wednesday, February 20, 2013

TIME: 9:00 —11:00 a.m.

PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Bradley, Chair; Senator Joyner, Vice Chair; Senators Altman, Braynon, Clemens, Dean, Diaz de la Portilla, Flores, Garcia, Grimsley, Hays, Smith, and Soto

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Office of State Court Administrator (OSCA) Presentation of A Study of the Compensation of Private Court-Appointed Conflict Counsel in Criminal Cases in Florida		Presented
2	Update on the Clerks of Court Trust Fund deficits		Presented
3	Post-adjudicatory Drug Court: - OSCA Update on drug court implementation, including funding issues - OPPAGA presentation on Report 11-21, Expansion Drug Courts Serving More Prison-Bound Offenders, but Will Not Fully Expand Federal Funds		Not Considered
4	Update on the Department of Corrections Financial Outlook		Presented
5	Office of Economic & Demographic Research, Criminal Justice Estimating Conference Update		Presented
6	Review Agencies Schedule VIII B Reduction Proposals		Not Considered
7	Other Related Meeting Documents		

Senate Appropriations Subcommittee on Criminal and Civil Justice



FLORIDA STATE COURTS

Study of the Compensation of Private Court-Appointed Conflict Counsel in Criminal Cases in Florida

February 20, 2013

Study of the Compensation of Private Court-Appointed Conflict Counsel in Criminal Cases in Florida

- *...The Office of the State Courts Administrator (OSCA) shall conduct a study of the **adequacy and reasonableness** of the current statutory flat fee limits and the statutory hourly rates listed in section 27.5304 (12) for criminal cases in which conflict counsel is appointed.*

SIXTH AMENDMENT RIGHT TO COUNSEL IN CRIMINAL CASES

- **Florida Supreme Court - “the right to effective assistance of counsel encompasses the right to representation free from actual conflict.”**

REPRESENTATION OF INDIGENT DEFENDANTS

- Office of the Public Defender
- Office of Criminal Conflict and Civil Regional Counsel
- **Registry of private attorneys**

GAA SCHEDULE OF FEES

Private court-appointed attorneys are compensated according to a schedule of flat fees. Many of these fees are less than the statutory limits set out in Section 27.5304(5), Florida Statutes.

**GAA Specific Flat Fees for Court-Appointed Conflict Counsel
FY 2012-2013**

CATEGORY	2012-2013 <i>in dollars</i>
POSTCONVICTION - Rules 3.850 and 3.800, Fla.R.Crim. Proc	1,000
CAPITAL - 1ST DEGREE MURDER (LEAD COUNSEL	15,000
CAPITAL - 1ST DEGREE MURDER (CO-COUNSEL	15,000
CAPITAL - 1ST DEGREE MURDER (NON-DEATH)	2,500
CAPITAL SEXUAL BATTERY	2,000
CAPITAL APPEALS	2,000
CONTEMPT PROCEEDINGS	400
CRIMINAL TRAFFIC	400
EXTRADITION.	500
FELONY - LIFE	2,500
FELONY - PUNISHABLE BY LIFE.	2,000
FELONY 1ST DEGREE.	1,500
FELONY 2ND DEGREE.	1,000
FELONY 3RD DEGRE	750
FELONY OR MISDEMEANOR - NO INFORMATION FILED.	400
FELONY APPEALS	1,500
JUVENILE DELINQUENCY - 1ST DEGREE FELONY	600
JUVENILE DELINQUENCY - 2ND DEGREE	400
JUVENILE DELINQUENCY - 3RD DEGREE.	300
JUVENILE DELINQUENCY - FELONY LIFE	700
JUVENILE DELINQUENCY - MISDEMEANOR	300
JUVENILE DELINQUENCY-DIRECT FILE OR NO PETITION FILED.	300
JUVENILE DELINQUENCY APPEALS	1,000
MISDEMEANOR	400
MISDEMEANOR APPEALS	750
VIOLATION OF PROBATION - FELONY (INCLUDES VOCC)	500
VIOLATION OF PROBATION - MISDEMEANOR (INCLUDES VOCC)	300
VIOLATION OF PROBATION (VOCC) JUVENILE DELINQUENCY	300

Section 27.5304(5), Florida Statutes

(5) The compensation for representation in a criminal proceeding shall not exceed the following:

- (a)1. For misdemeanors and juveniles represented at the trial level: \$1,000.**
- 2. For noncapital, nonlife felonies represented at the trial level: \$2,500.**
- 3. For life felonies represented at the trial level: \$3,000.**
- 4. For capital cases represented at the trial level: \$15,000. For purposes of this subparagraph, a “capital case” is any offense for which the potential sentence is death and the state has not waived seeking the death penalty.**
- 5. For representation on appeal: \$2,000.**

1981 RATES

The statutory maximum fees have remained the same for the past 30 years. With one exception, for capital cases, the maximum fees have not been raised since 1981.

Current flat fees have not changed since 1981, with the exception of capital cases.

Compensation of Court-Appointed Conflict Counsel - Criminal
Florida Statutory Maximum Fee Limits, 1979 – 2012

CATEGORY	1979	1981	2003	2006	2007	2012
Misdemeanors and juveniles represented at the trial level	\$500	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Noncapital, nonlife felonies represented at the trial level	\$1,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500
Life felonies represented at the trial level	\$2,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000
Capital cases represented at the trial level	\$2,500	\$3,500	\$3,500	\$3,500	\$15,000	\$15,000
Representation on appeal	\$1,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000

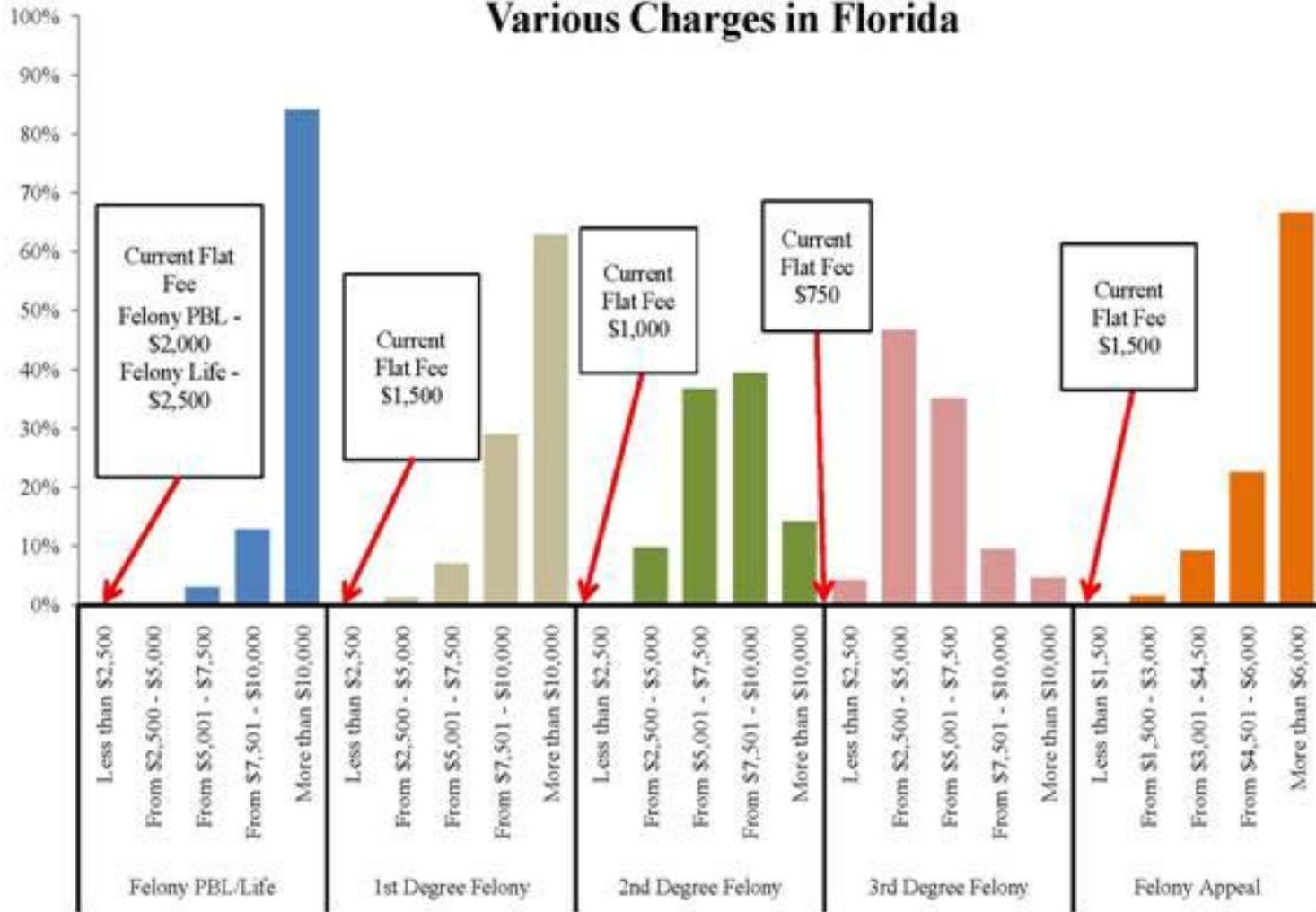
SURVEY OF CRIMINAL DEFENSE BAR

- **Florida Association of Criminal Defense Lawyers and The Florida Bar's Criminal Law Section**

SURVEY OF CRIMINAL DEFENSE BAR

- **Survey responses reveal that the flat fees are far below market rates and may discourage attorney participation on court registries for conflict counsel representing indigent defendants.**

Fees Charged by Private Criminal Defense Attorneys for Various Charges in Florida



Fees Charged by Private Criminal Defense Attorneys

COMPLAINTS CONCERNING THE FLAT FEES

- **Florida Innocence Commission**
- **Recommended a review of the funding for private court-appointed counsel.**
- **Testimony from members of the Florida Association of Criminal Defense Lawyers regarding the inadequacy of the flat fees in cases with multiple defendants or co-defendants and cases involving multiple jurisdictions.**

Cases Generally Paid Over the Flat Fee

- Survey of Florida's 20 Judicial Circuits.
- Excess fees were awarded primarily in cases involving **capital cases, 1st and 2nd degree murder, life felony, RICO cases**, multiple defendants and charges, and complex legal and factual issues.

State Appropriation for Criminal Conflict Attorney Fees - Appropriation FY 2012-13

- **Flat Fee - Approximately \$12.9 million (of all Criminal Conflict case appropriation).**
- **Over the Flat Fee - \$3.0 million to JAC**
 - **As of January 7, 2013, the \$3.0 million appropriation was exhausted and remaining costs must be paid from State Courts System budget.**

Methodology and Conclusions

Comparative analysis of the flat fees based on four different methodologies:

- 1) Actual historical data on payments made at and over the flat fee by case type;**
- 2) Consumer Price Index;**
- 3) Bureau of Labor Statistics growth rate in earnings for attorneys from 1981 to 2010**
- 4) Survey responses**

Methodology and Conclusions

- All of the criminal case types should be reviewed and considered for an upward adjustment.
- Critical areas should be the first priority: Capital, 1st degree murder, life felony, Capital Sexual Battery, and RICO cases, which tend to involve more complex legal and factual issues.

Methodology and Conclusions

Case Type	Current Flat Fee	Proposed Flat Fee
Capital- 1 st Degree Murder (lead/Co-Counsel)	\$15,000	\$25,000
Capital- 1 st Degree Murder- Death penalty waived	\$2,500	\$9,000
Felony Life	\$2,500	\$5,000
Felony Life - RICO	\$2,500	\$9,000
Capital Appeals	\$2,000	\$9,000
Capital Sexual Battery	\$2,000	\$4,000
Felony PBL - RICO	\$2,000	\$6,000
Felony 1 st Degree RICO	\$1,500	\$5,000

FISCAL IMPACT

FY 2013-14

- **Proposed Flat Fees:**
 - a) Increases amount needed for cases at the flat fee \$3.1 million additional.
 - b) Decreases amount needed for cases over the flat fee \$1.1 million less.

	Impact of Proposed Fee Increases ¹	
	Amount Paid at the Flat Fee	Amount Paid Over the Flat Fee
FY 2013-14 Estimate	\$12,889,323	\$7,404,984
Impact of Proposed Change Based on Flat Fee Increases	\$3,097,699	(\$1,126,253)
Total	\$15,987,022	\$6,278,731

¹ Based on FY 2011/12 expenditure data.

Impact to SCS FY 2013-14 LBR

State Courts System FY 2013/14 LBR for Payment of Criminal Conflict Cases Paid Over the Flat Fee
\$4,404,984
(\$1,126,253)
\$3,278,731

Total Appropriation Needed FY 2013-14

Amount Paid At the Flat Fee - JAC	Amount Paid Over the Flat Fee - JAC	Amount Paid Over the Flat Fee - SCS
\$15,987,022	\$3,000,000	\$3,278,731

Full study available at:

[http://www.flcourts.org/gen_public/pubs
/bin/StudyConflictCounselFees.pdf](http://www.flcourts.org/gen_public/pubs/bin/StudyConflictCounselFees.pdf)

Questions?

Office of the State Courts Administrator
(850) 922-5081



FLORIDA
**COURT CLERKS &
COMPTROLLERS**

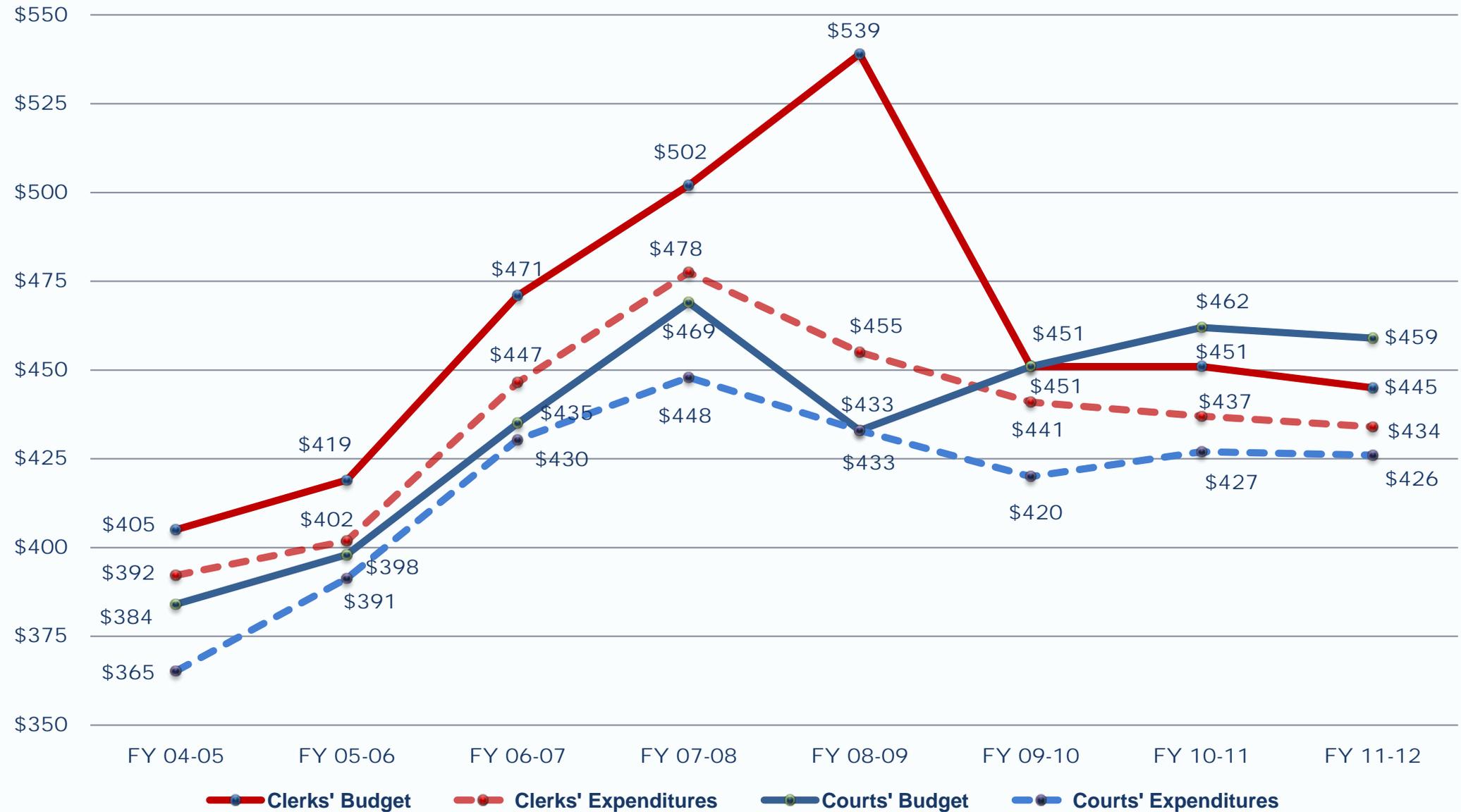
**Senate Appropriations
Subcommittee on Criminal and
Civil Justice**

Wednesday, February 20, 2013

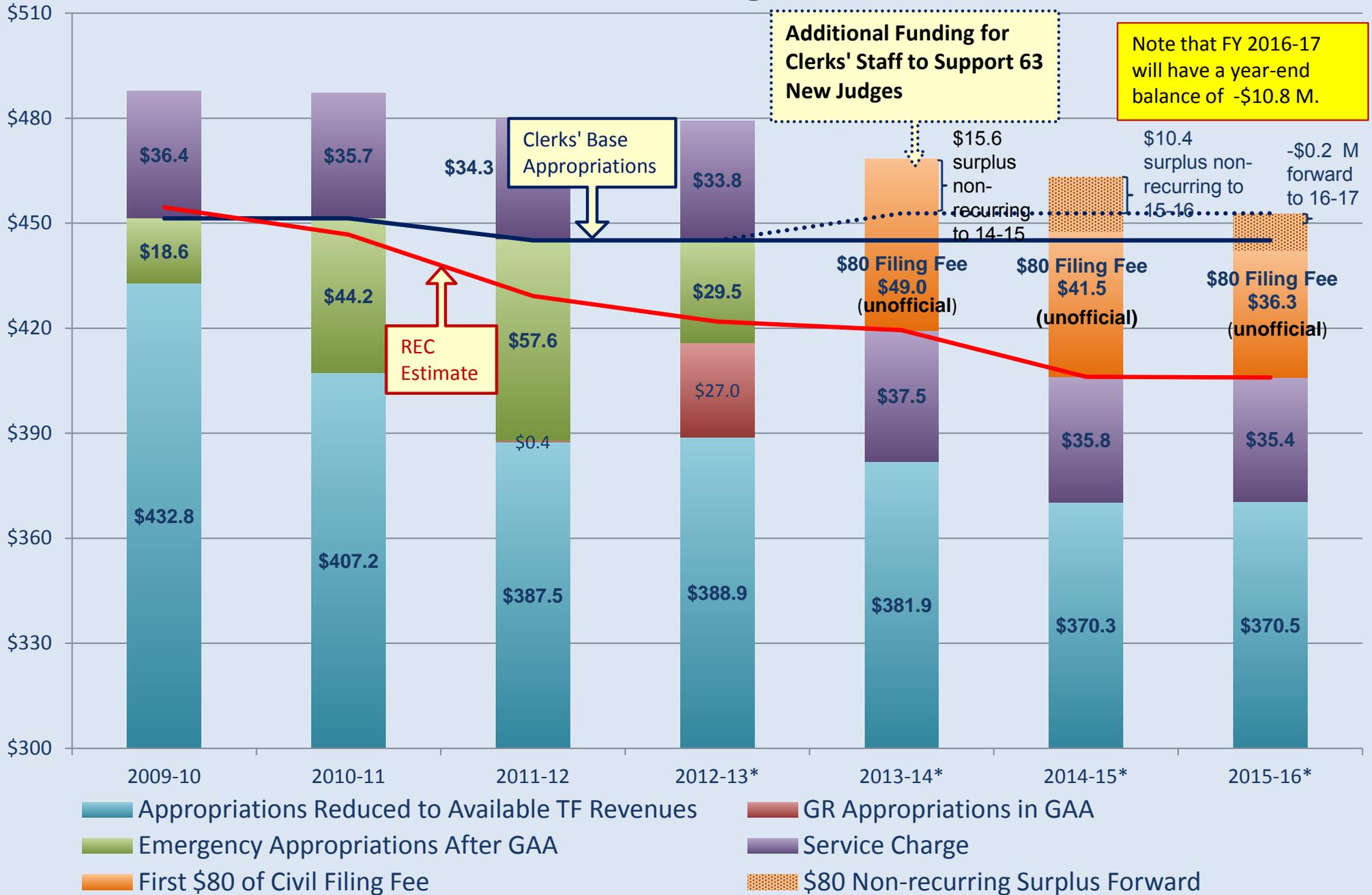
Karen E. Rushing, Sarasota County Clerk of Court
Chair, Florida Court Clerks & Comptrollers Legislative Committee

Clerks' & Courts' Budget & Expenditure Trends

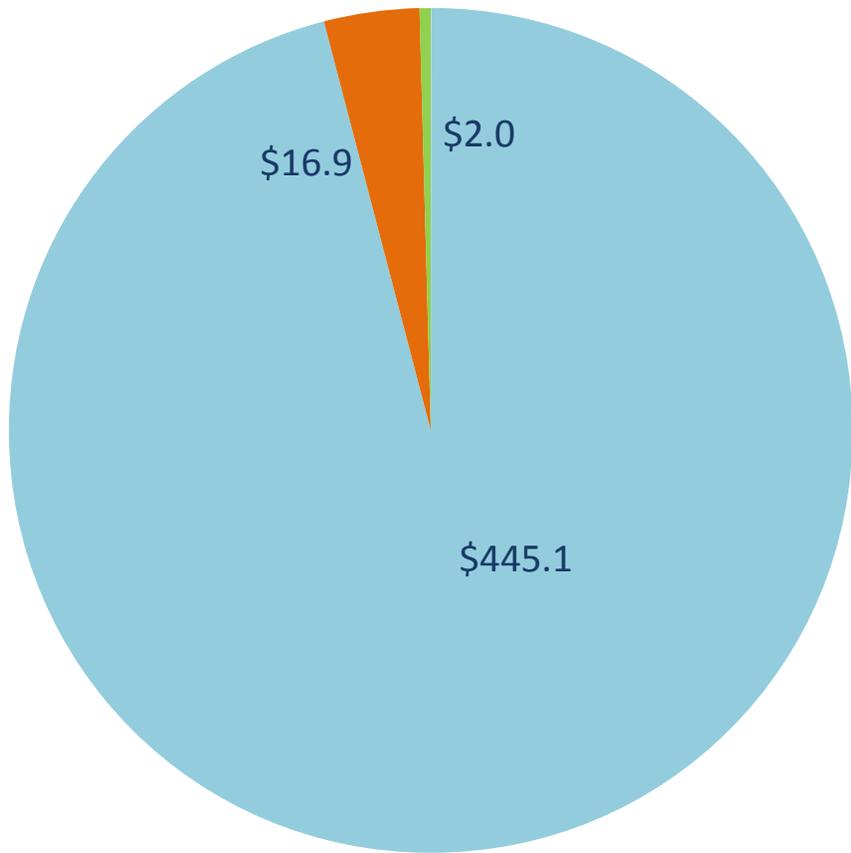
FY 04-05 to FY 11-12



Clerks' Funding Picture

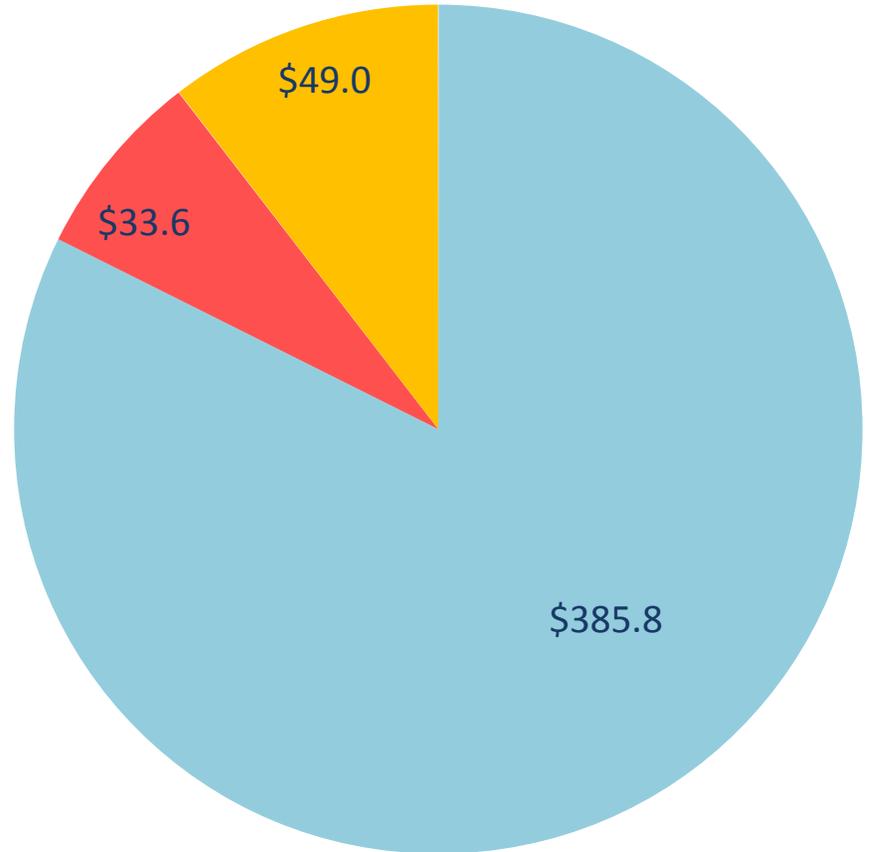


Going Forward - 2013-14 Clerk Expenditures Up To \$464M*



* Does not include new clerk staff to support new judges that may be funded based on the Supreme Court certification.

Going Forward - 2013-14 Clerk Recurring Revenues Up To \$468.4M*



* Would leave several million in excess of authorized expenditures that could be transferred to GR or retained for currently projected future year Trust Fund deficits.

- 2011-12 and 2012-13 Base Funding
- \$16.9M CCOC Legislative Budget Request
- \$2M Foreclosure Initiative (begun 2012-13)

- Trust Fund Deposits Available to Clerks (REC \$419.4M - service charge)
- Exempt the Trust Fund from the Service Charge so \$\$ Remain Available
- Allow Clerks to Retain First \$80 of Civil Filing Fee

Senate Appropriations Subcommittee on Criminal and Civil Justice



FLORIDA STATE COURTS

Adult Post-Adjudicatory Drug Court
Expansion Program Update
February 20, 2013

Program History

- OPPAGA released study in March 2009 on post-adjudicatory drug courts
 - Drug court graduates 80% less likely to go to prison than comparison group
 - Study provided specific recommendations for how to expand to target more prison-bound offenders
- 2009 Legislature expanded eligibility criteria for post-adjudicatory drug courts

Program History

- 2009 Legislature appropriated \$18.6 million in federal funds from the Edward Byrne Memorial Justice Assistance Grant to expand post-adjudicatory drug courts specifically for prison diversion
- \$1 million of these funds appropriated to develop a statewide data system for drug courts

Program History

- Grant funding effective October 2009
- Funding supports:
 - Staff (Court Case Managers and DOC Probation Officers)
 - Treatment
 - Drug Testing
 - Ancillary Services (such as transportation, housing, education, job readiness/placement)

Eight Expansion Drug Courts In Operation

Escambia

Broward
Escambia
Hillsborough
Marion
Orange
Pinellas
Polk
Volusia

Hillsborough

Marion

Volusia

Orange

Pinellas

Polk

Broward

Program Statistics

- **2,114 admissions** (as February 13, 2013)
 - 610 successful completions
 - 631 unsuccessful completions
 - 82 administrative discharges
- **791 active participants still in program**
 - 260 active participants more than a year into the program

Program Statistics

- Average length of time for successful completion is 442 days (or 15 months)
- Average participant age is 34 (youngest is 18 and oldest is 67)

Program Costs

- Post-Adjudicatory Drug Court Expansion - Average cost is currently \$20 per person per day
- Prison - Average cost for FY 11-12 is \$49.24 per person/day
- \$14 million for prison compared to \$5.4 million for drug court
- Costs avoided to the state could be as high as \$18 million

Program Expenditures

- \$12.5 million in expenditures reported to FDLE through December 2012
- OSCA is currently projecting \$500,000-\$750,000 in unspent funds at the end of the grant (June 30, 2013)

Challenges

- Original target population estimates overstated
- Quick implementation time frame
- State and federal reporting requirements
- More difficult population to treat
- OPS court staff turnover
- A program outcome and cost analysis should be conducted

Benefits

- 20.5 percent decrease in new prison drug commitments in eight expansion counties compared to a 10.8 percent decrease in non-expansion counties for FY 11-12 compared to FY 10-11 (Office of Economic and Demographic Research)
- Expansion drug courts reporting that they are seeing the positive impact of the program and believe program operations should continue
- Client-level data is being collected and reported by all expansion drug courts to allow for program monitoring and evaluation

Funding Status

- Federal grant funding ends June 30, 2013
- State Court System has requested state \$5.8 million in continuation funding for FY 2013-2014
- DOC has made a separate funding request to fund the 13 probation officers currently funded under the grant
- Governor's budget recommends full continuation funding for both the State Courts System and DOC

Questions?

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Florida's Expansion Drug Courts

*Presentation to the Senate Appropriations
Subcommittee on Criminal and Civil Justice*

**LucyAnn Walker-Fraser,
Senior Legislative Analyst**

February 20, 2013

OPPAGA Reports on Expansion Drug Courts

- **Report No. 10-54 October 2010**
Without Changes, Expansion Drug Courts Unlikely to Realize Expected Cost Savings
- **Report No. 11-21 November 2011**
Expansion Drug Courts Serving More Prison-Bound Offenders, but Will Not Fully Expend Federal Funds
- **Updated Data from the OSCA**
(as of February 13, 2013)

Expansion Drug Courts Have Served Roughly 600 – 700 Offenders per Year

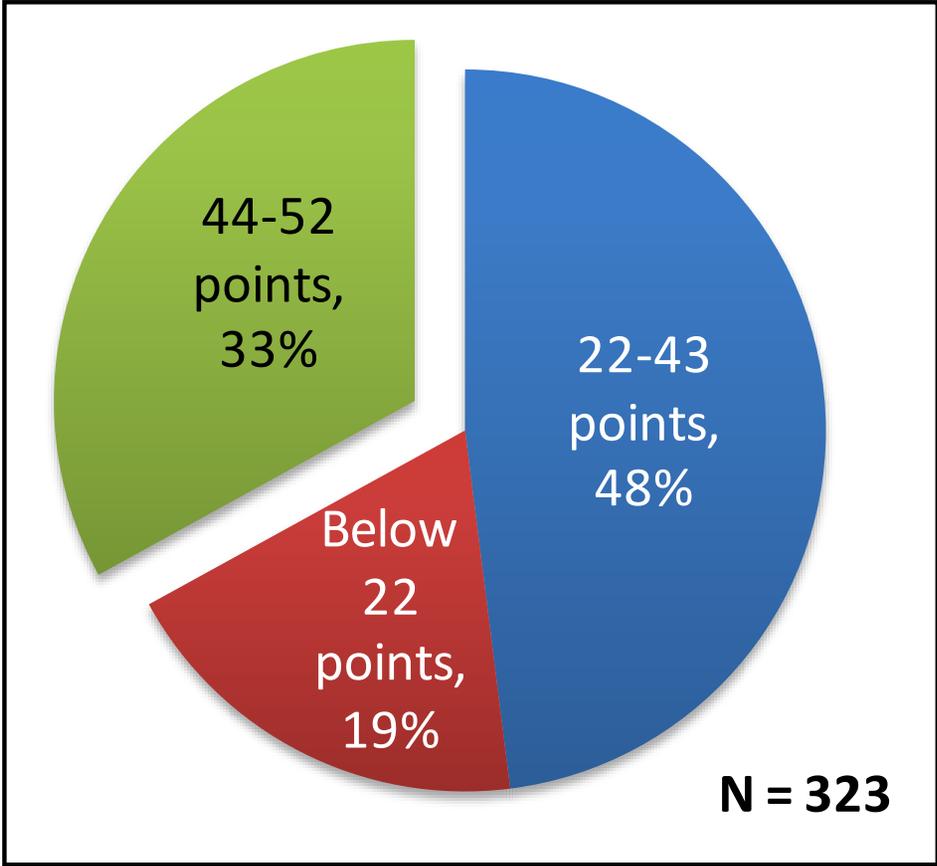
- A total of 2,114 offenders have been admitted to expansion drug courts¹

County	Calendar Year		
	2010	2011	2012
Broward	123	254	206
Orange	111	124	112
Polk	128	68	73
Hillsborough	158	45	53
Pinellas	99	75	73
Escambia	47	30	76
Volusia	44	46	32
Marion	18	27	22
Total	728	669	647

Source: Office of the State Courts Administrator

¹ Total of 2,114 includes offenders admitted to expansion drug courts in 2013 through February 13, as well as a few offenders admitted in 2009.

Initially, Most Expansion Drug Court Offenders Had Low Sentencing Scores



Initial Eligibility Criteria for Expansion Drug Courts

The statute initially authorized drug courts to serve prison-bound offenders

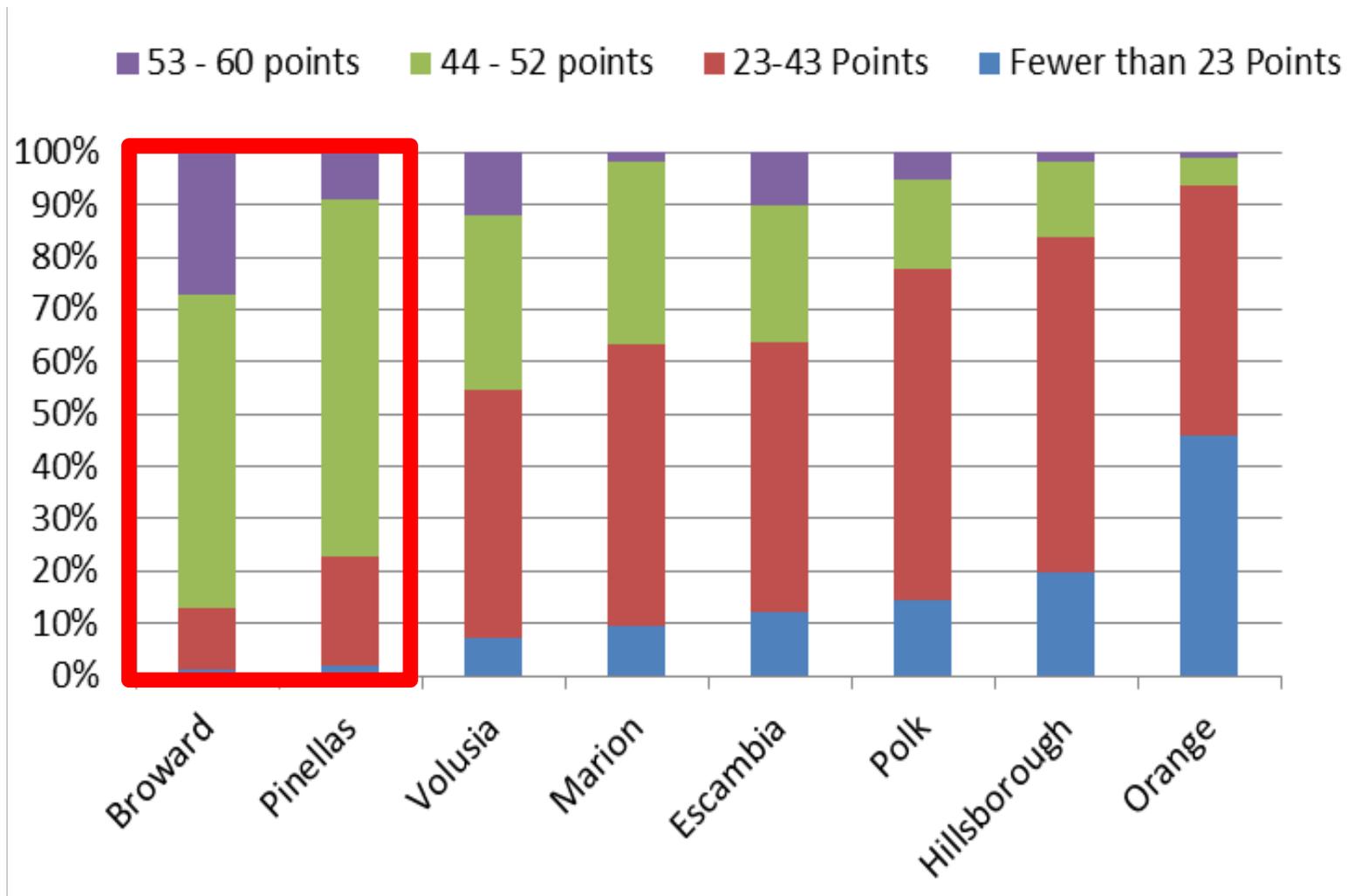
- with a sentencing score of 52 points or fewer
- before the court for a non-violent 3rd degree felony or
- a violation of probation solely for a failed drug test

2011 Legislature Expanded the Eligibility Criteria

Changed requirements to allow the courts to serve offenders

- with a sentencing score of 60 points or fewer
- those who violate probation for reasons other than a failed drug test

Sentencing Scores Varied Among Drug Courts



The Percentage of Admissions for Prison-bound Offenders Has Increased

Sentencing Scores of Participants	2010	2011	2012
1 – 22	19%	14%	11%
23 – 43	47%	34%	34%
44 – 52	34%	40%	33%
53 – 60 ¹	NA	12%	22%
Total Number of Participants	727	663	646

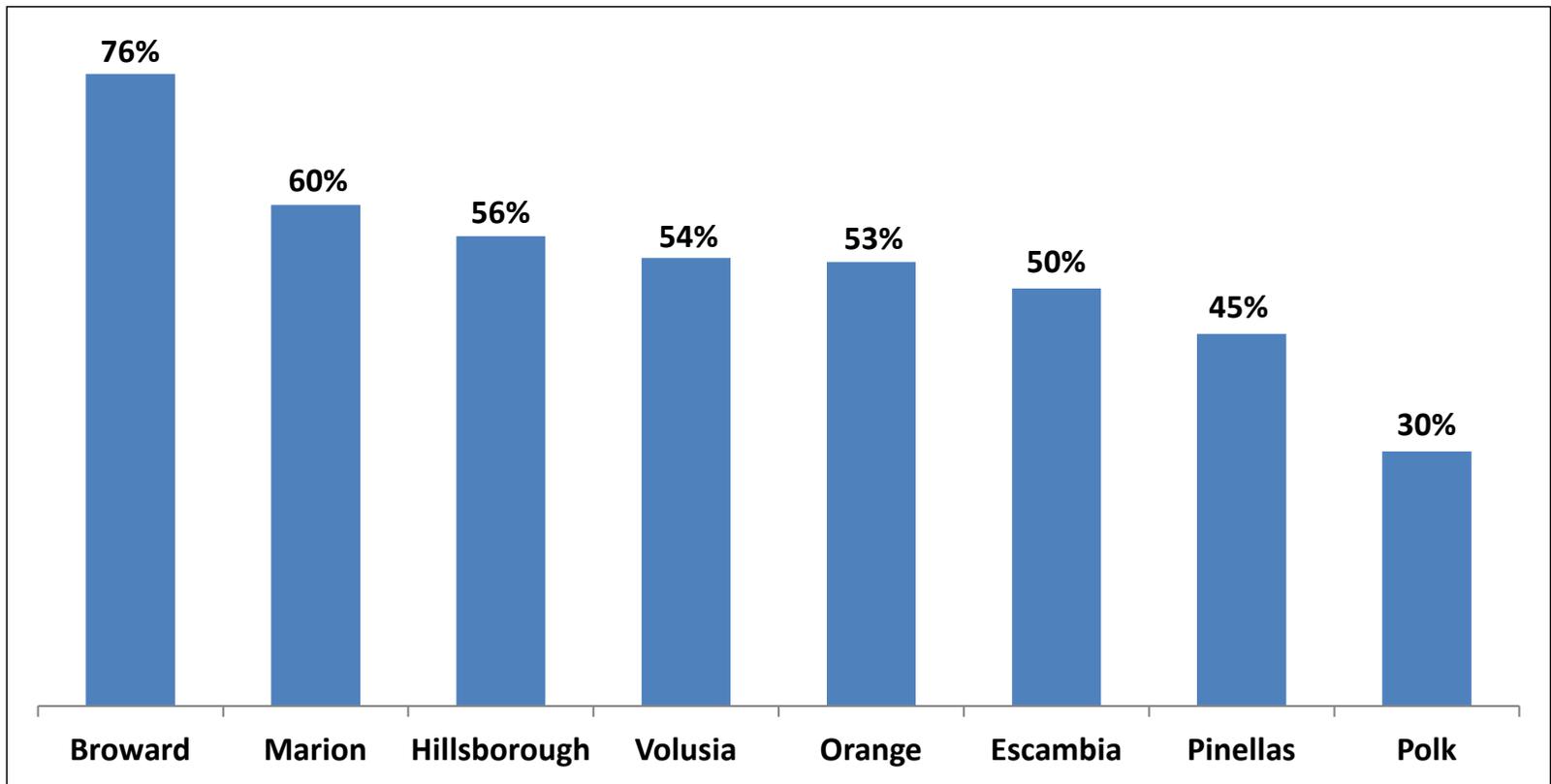
} 52%
} 55%

¹ Offenders with sentencing scores of 53 to 60 were not eligible for drug court prior to July 1, 2011.

Source: OPPAGA analysis of data from the Office of the State Courts Administrator for offenders with sentencing scores available.

Successful Completion Rates Ranged from 30% to 76%

- In expansion drug courts in 5 counties, over half of participants successfully completed the program



Factors Associated with Higher Successful Completion Rates

Availability of alternatives to prison for non-compliant offenders

- in-jail treatment
- residential treatment programs, and
- work release programs

In Summary

- The admissions rate has remained around 600 to 700 offenders per year for the 8 expansion drug courts
- Expansion drug courts are increasingly serving prison-bound offenders
- Completion rates for 6 expansion drug courts exceed completion rates found in similar post-adjudicatory courts

Questions?

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oppaga

THE FLORIDA LEGISLATURE'S OFFICE OF PROGRAM POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY

OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations.

Department of Corrections



FY 2012-13 Operating Deficit

**Senate Appropriations Subcommittee
on Criminal and Civil Justice**

February 20, 2013

Michael D. Crews, Secretary

***Mark Tallent, Director of Budget and Financial
Management***

FY 2012-13 Projected Deficit



As of January 2013

Security Operations	(42,534,187)
Community Corrections	(3,563,174)
Health Services	(50,074,698)
<u>Education and Programs</u>	<u>977,465</u>
Total Projected Deficit	(95,194,594)

FY 2011-12 Carry Forward



- Delay in Closure – Glades CI
- Privatization of State Operated Facilities
- Delay 340B Implementation
- Health Services Vacancy Rate / Increase in Contract Providers
- Total FY 2011-12 Carry Forward
\$36,131,706

FY 2012-13 Operating Deficit



FY 2011-12 Carry Forward	\$36,131,706
Privatization of State Operated Facilities	\$10,878,801
Privatize Health Services	\$14,077,646
CJEC Population	\$ 8,328,934
Maintaining Closed Facilities	\$ 1,512,216
Additional Consolidation Staffing	\$13,285,876
Repair and Maintenance	\$ 1,500,000
Security Expense Allocation	<u>\$ 9,479,415</u>
	\$95,194,594
Health Services Vacancy Rate	

Actions Taken



- Hiring Restrictions
 - Freeze for non-certified positions
 - Lapse for certified positions
- Community Corrections Vehicle Pilot
- Travel Restrictions
- Consolidation of Community Corrections Leases
- Reduction in Institutions Expense Spending
 - Re-procured and consolidated products
 - In-house pest control
- Enhanced Medical Oversight
- Expansion of 340B Specialty Care Program
- Improved Formulary and Medication Management

Plan of Action FY 2012-13



Governor's Recommendation

Restore Privatization of State Operated Facilities	\$10.9M
Increase in CJEC Projections	\$ 8.3M
Restore Privatization of Health Services Operations	\$14.1M
Projected Health Care Shortfall	<u>\$41.5M</u>
	\$74.8M

Plan of Action FY 2013-14



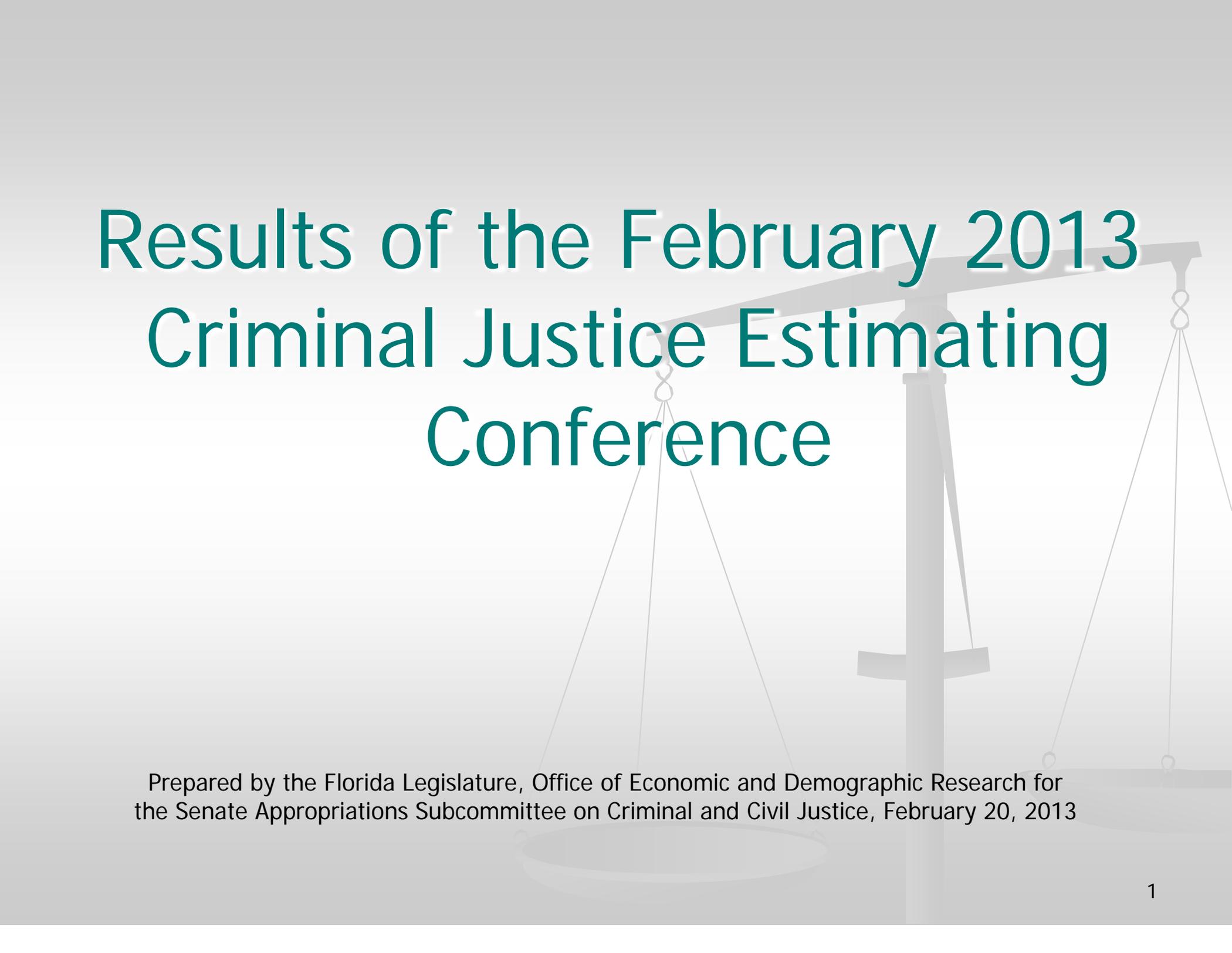
Governor's Recommendation

- Certified Security Staff – \$12.5M
- Transport Vehicle Replacement - \$500,000
- Health Services Operations – \$4.8M
- Restore Privatization of State Operated Facilities – \$10.9M
- Restore Staff Reduction (N/R) – \$6.7M
- Re-Entry Center Opening – \$5.4M
- Maintain Residential Substance Abuse - \$1.3M
- Increase in CJEC Population – \$11.1M
- Repair and Maintenance FCO – \$3M
- Privatize 14 Remaining DC Operated WRC – **(\$4.4M)**
- Electronic Monitoring – Work Release - \$7.6M
- Employee Bonuses - \$21.2M

Department of Corrections

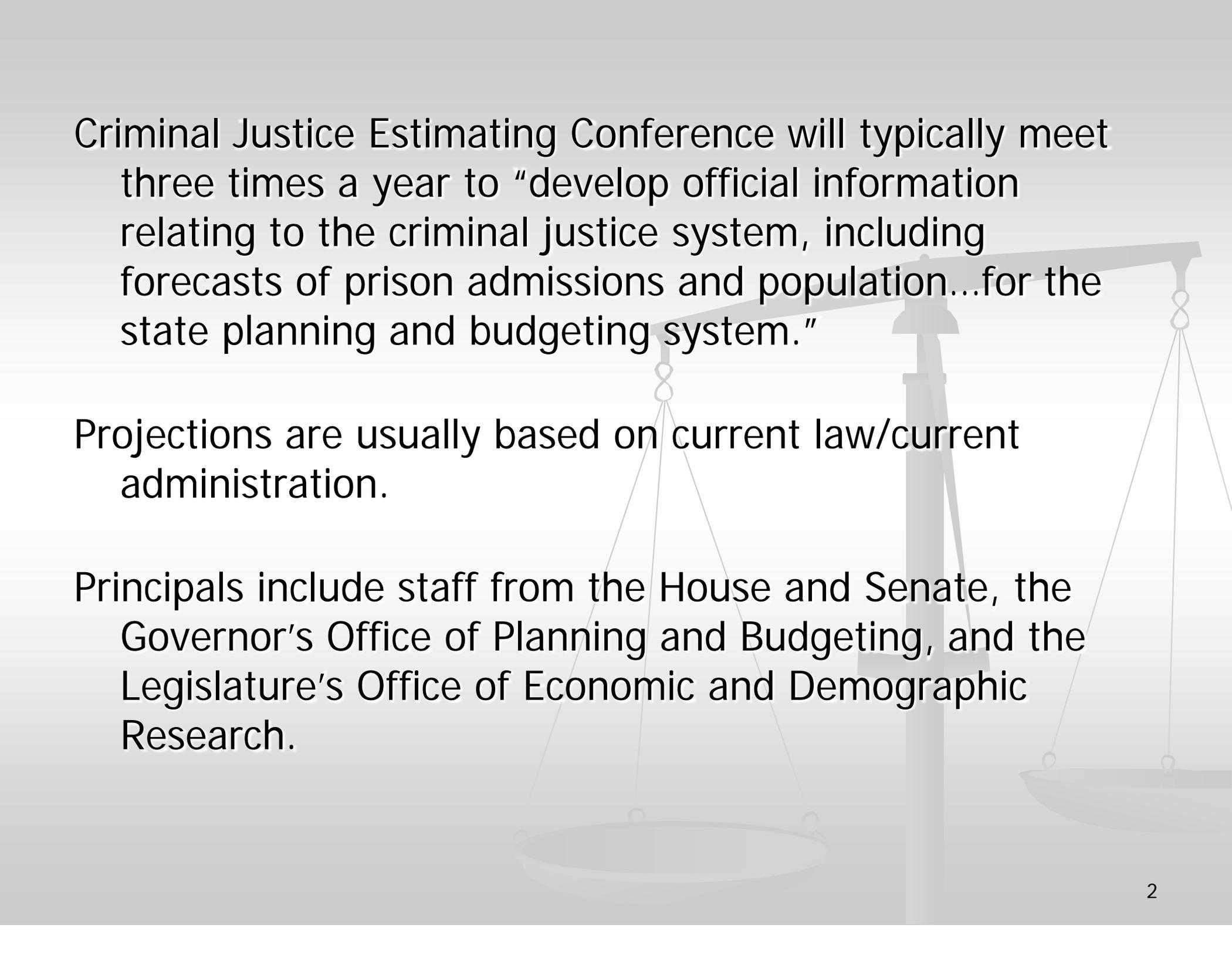


Questions



Results of the February 2013 Criminal Justice Estimating Conference

Prepared by the Florida Legislature, Office of Economic and Demographic Research for
the Senate Appropriations Subcommittee on Criminal and Civil Justice, February 20, 2013



Criminal Justice Estimating Conference will typically meet three times a year to “develop official information relating to the criminal justice system, including forecasts of prison admissions and population...for the state planning and budgeting system.”

Projections are usually based on current law/current administration.

Principals include staff from the House and Senate, the Governor’s Office of Planning and Budgeting, and the Legislature’s Office of Economic and Demographic Research.

In addition, the Criminal Justice Impact Conference meets to determine the prison bed impact of proposed legislation.

Proposed legislation which creates new felony offenses or increases the penalty for existing offenses may impact the number of prison beds that are needed.

Alternatively, proposed legislation which creates diversion programs or reduces the penalty for existing offenses may impact the number of prison beds that are needed (fewer beds).

CJEC met on July 26, 2012 and on November 19, 2012.

In July, CJEC had projected that FY 12-13 prison admissions would decline by 2.3% from FY 11-12 but in the first four months of FY 12-13, admissions were 2.8% higher than in FY 11-12.

This resulted in a higher forecast in November than in July.

**MONITORING PRISON ADMISSIONS TO THE DEPARTMENT OF CORRECTIONS
SINCE THE CRIMINAL JUSTICE ESTIMATING CONFERENCE HELD 11/19/2012**

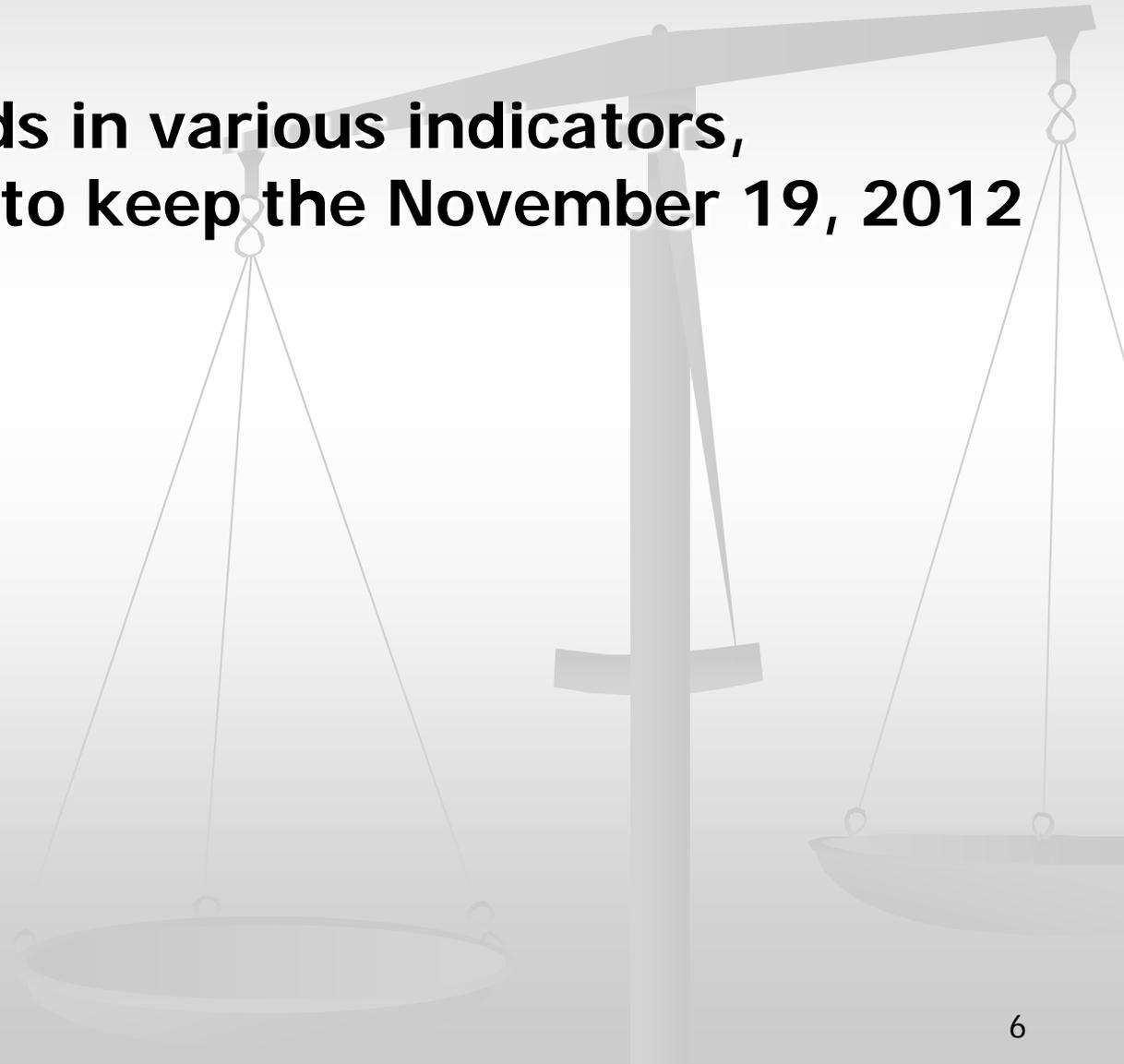
MONTH	ADMISSIONS ESTIMATE	ACTUAL	MONTHLY OVER/ (UNDER)	CUMULATIVE OVER/ (UNDER)
November 2012	2,602	2,469	-133	-133
December 2012	2,603	2,494	-109	-242
January 2013	2,452	2,859	407	165
Total	7,657	7,822	% Error:	2.2%

**MONITORING PRISON POPULATION IN THE DEPARTMENT OF CORRECTIONS
SINCE THE CRIMINAL JUSTICE ESTIMATING CONFERENCE HELD 11/19/2012**

MONTH	POPULATION ESTIMATE	ACTUAL	CUMULATIVE OVER/ (UNDER)
November 2012	100,189	100,064	-125
December 2012	100,031	99,835	-196
January 2013	99,711	99,831	120
	0.1%	Error	

CJEC met again on February 19, 2013--

**After reviewing trends in various indicators,
principals decided to keep the November 19, 2012
forecast.**



Three-Year Declines

■ Crime Trends

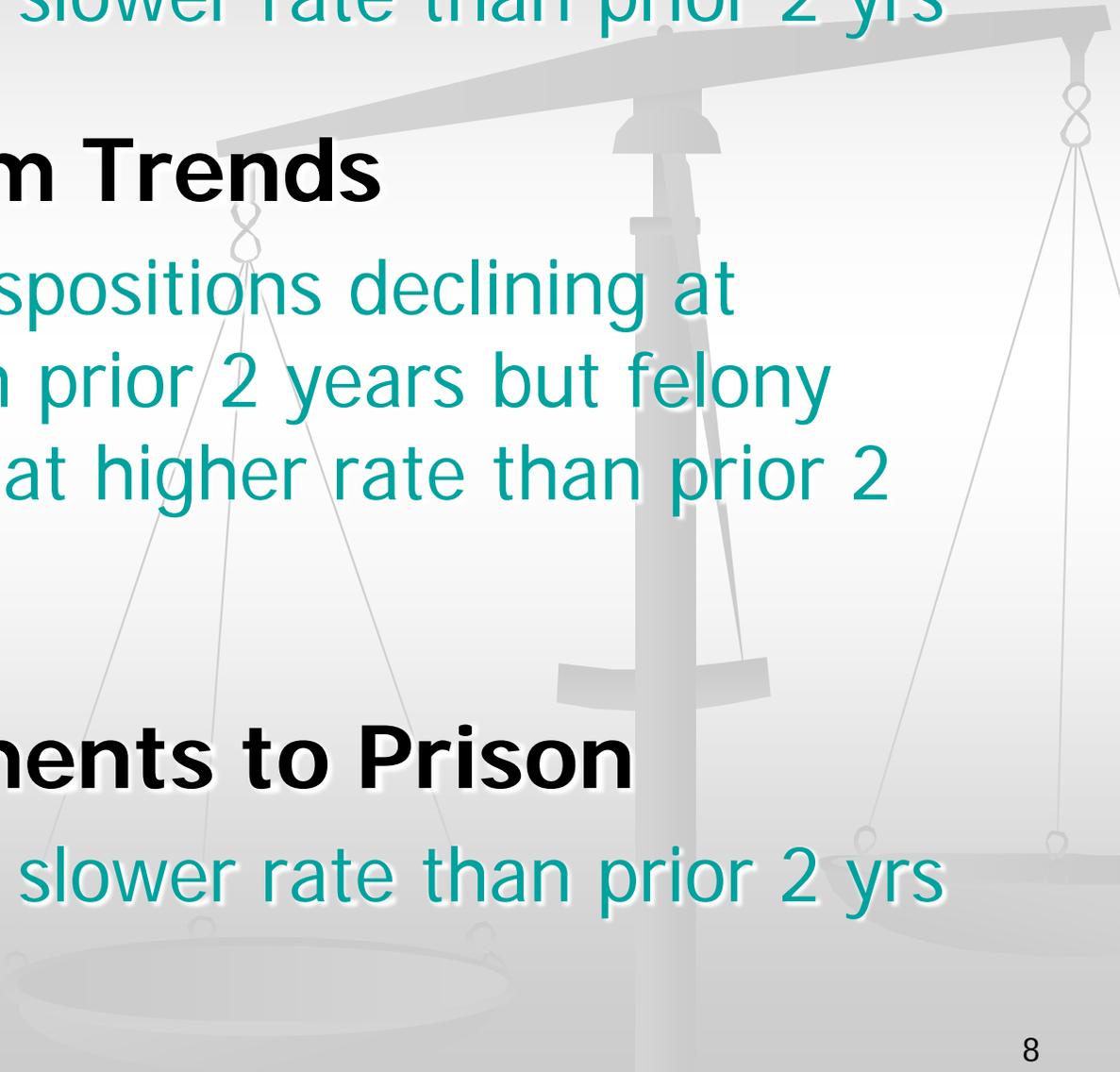
- Index crimes
- Crime rate
- Arrests

■ Judicial System Trends

- Felony filings
- Guilty dispositions

■ New Commitments to Prison





■ Crime Trends

- Declining but at slower rate than prior 2 yrs

■ Judicial System Trends

- Mixed--Guilty dispositions declining at slower rate than prior 2 years but felony filings declining at higher rate than prior 2 years.

■ New Commitments to Prison

- Declining but at slower rate than prior 2 yrs

Current CJEC projected prison **admissions** compared to July 2012 CJEC:

- + 797 for FY 12-13**
- + 981 for FY 13-14**
- + 1,014 for FY 14-15**

FY 12-13 admissions now projected to be
32,555 -- 0.2% above FY 11-12

Current CJEC projected prison population compared to July's CJEC:

June 30th prison population:

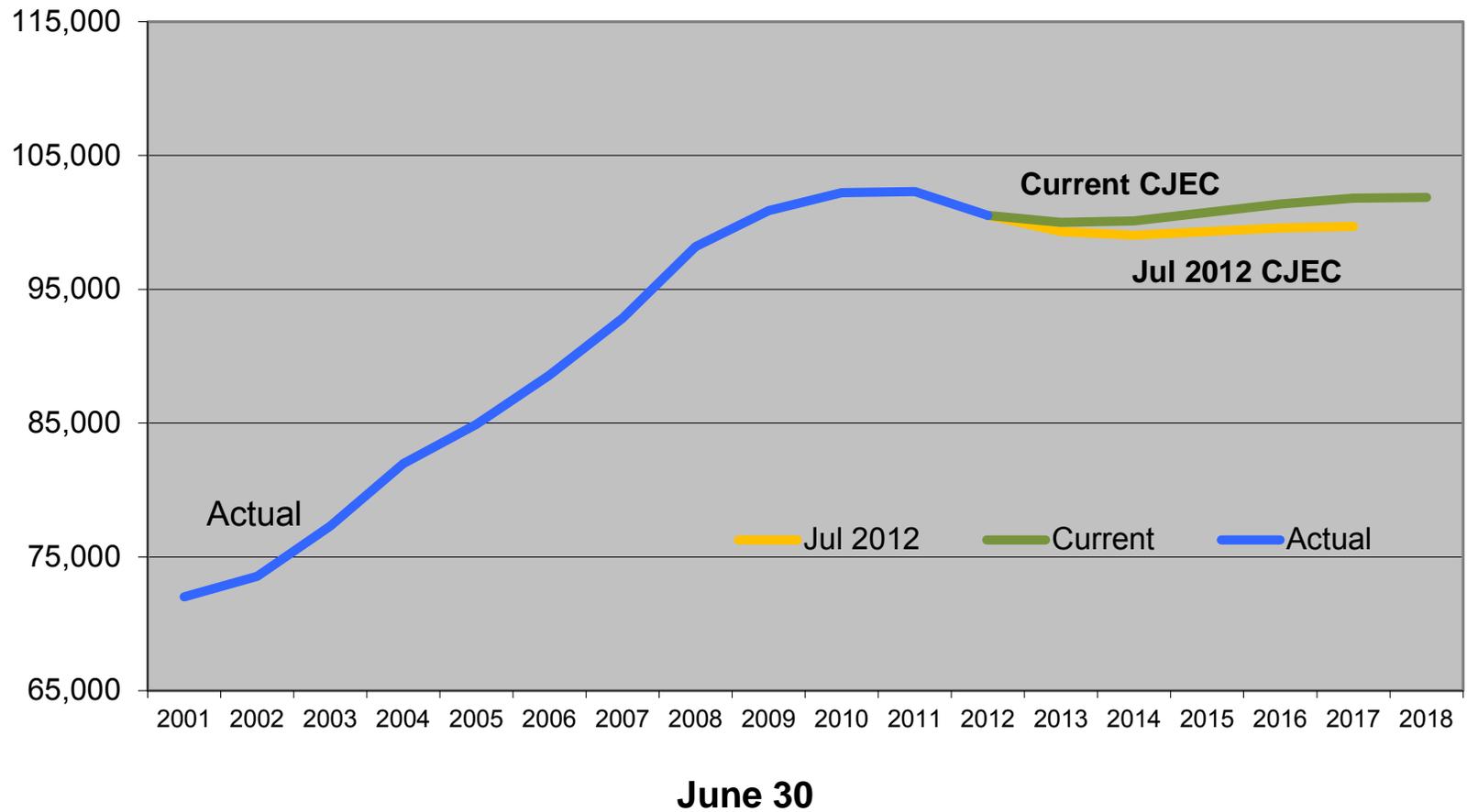
+ **704 for FY 12-13**

+ **1,080 for FY 13-14**

+ **1,442 for FY 14-15**

June 30, 2013 prison population projection
100,009

Prison Population on June 30: Actual and Projected-- July 2012 and Current CJECs



For Additional Information

Florida Legislature, Office of Economic and Demographic
Research

edr.state.fl.us

Florida Department of Law Enforcement



Senate Appropriations Subcommittee on Criminal and Civil Justice

February 20, 2013

Potential Reductions
FY 2013-14 Schedule VIII-B

	Issue	FTE	GR	TF	Total
1	Eliminate Pass-Through Funding for A Child is Missing		(\$232,461)		(\$232,461)
2	Eliminate Pass-Through Funding to Local Laboratories			(\$2,379,702)	(\$2,379,702)
3	Eliminate Missing & Endangered Persons Information Clearinghouse	(17)	(145,178)	(\$935,680)	(\$1,080,858)
4	Eliminate Alcohol Testing Program	(10)	(\$24,428)	(\$744,555)	(\$768,983)
5	Eliminate Latent Print Examiners in Tampa and Orlando	(14)	(\$809,382)		(\$809,382)
6	Eliminate Crime Scene	(13)	(\$797,176)		(\$797,176)
	Total	(54)	(2,008,625)	(4,059,937)	(6,068,562)

Department of Juvenile Justice
Priority Listing for Possible Reductions for FY 2013-2014
Schedule VIII B-2

Total Reduction = (\$94,381,656)

GR – (\$17,302,529)

TF – (\$77,079,127)

(1) Detention Centers Re-Design – Eliminate Pre-Dispositional Detention Services (\$74.6M TF)

- Closes seventeen (17) detention centers that provide pre-disposition services and retains four (4) detention centers to process post-disposition youth. The four remaining centers will experience increased health and transportation costs due to having only post-dispositional youth and additional transportation demands due to the greater distance between centers.

(2) Reduce Non-Secure Bed Capacity within the Residential Program (\$4.8M GR & \$2.5M TF)

- Reduces 166 beds in the non-secure residential budget entity. The non-secure bed capacity totals 1,869 and the proposed reduction represents a 9% reduction. The Department has requested that these funds be re-invested into the front end of the continuum (prevention and diversion services).

(3) Eliminate Funding for Life Skills Workshops and Tutorial Services (\$0.6M GR)

- Eliminates funding that was previously used to purchase life skills workshops and tutoring services that focused on values, drug use, self-esteem, and job placement to at-risk youth in targeted zip codes in Miami-Dade County.

(4) Reduce Funding for Non-Residential Delinquency Rehab Services (\$4.5M GR)

- Reduces funding for intensive delinquency diversion services provided to youth who are placed on conditional release or post-commitment probation status from residential commitment facilities and services for those youth who are under non-secure custody, care, treatment and supervision until released by the Court. Approximately 2,190 youth will no longer receive these services (based on average length of stay x slots).

(5) Reduce Funding for Services in the Aftercare Svcs/Conditional Release Budget Entity (\$3.0M GR)

- Reduces conditional release and community-based intervention services for youth who have returned to the community after residential placement and are on conditional release or post-commitment probation status. Approximately 812 youth will no longer receive these services (based on average length of stay x number of slots). Additionally, the department's effort to redirect some of these funds to strengthen transitional services for youth coming from residential would be negatively impacted.

(6) Eliminate Funding for the Prodigy Cultural Arts Demonstration Project (\$4.4M GR)

- Eliminates funding for the Prodigy Cultural Arts Program that provides a prevention/diversion forum for at-risk youth ages 7 to 17 to learn communication, problem solving and conflict resolution skills through visual and performing arts. Approximately 840 at-risk youth will no longer be served in seven (7) counties in Central Florida (Hillsborough, Manatee, Pasco, Pinellas, Polk, Sarasota and Orange).

Department of Legal Affairs Schedule VIIIIB Reductions

Crimes Compensation Trust Fund Reduction \$4,574,473

Schedule VIIIIB instructions stipulate that trust fund reductions:

- Must provide cash savings so that funds are made available to be redirected to general revenue funds for the use of other purposes.
- The trust fund reduction cannot cause the elimination of the funds commensurate revenue source.

In the Department of Legal Affairs only the Crimes Compensation Trust Fund would meet the criteria.

Revenue for the Crimes Compensation Trust Fund is derived from the collection of state criminal assessments. A reduction will do a grave disservice to victims of crime and the facilities and organizations that serve victims through medical/dental treatment, funeral/burial, mental health and other forms of direct assistance. Fiscal Year 2011-12 expenditures for the trust fund were \$15,734,071. A reduction of \$4,574,473 million would decrease funding to victims of crime by 29 percent.

Crime Prevention Programs \$1,832,205 General Revenue

The recurring General Revenue in the Attorney General's budget is primarily used to fund agency positions. The only remaining areas in the budget funded by General Revenue are the minority crime prevention programs. These programs provide community based services in selected communities. The community minority crime prevention programs in the Department of Legal Affairs comprise 12% or \$4,389,055 of the recurring General Revenue Budget of the agency. If a 5% reduction is required from the Department of Legal Affairs, the constitutional and statutory duties of the office will be least impacted with the reduction in these programs.

The specific contracts included to reach the 5% include:

- Adults Mankind Organization, Inc. (\$396,576)
- Community Coalition Inc. (\$396,576)
- The Urban League Consortium (\$1,039,053)

**Department of Corrections
FY 2013-14 Schedule VIII-B**

Priority	Issues	Reduction			Notes
		FTE	Gen Rev	Trust	
1	Reduce Administrative Trust Fund Authority			\$ (452,817)	Excess authority.
2	Reduce Federal Trust Fund Authority			\$ (1,579,445)	Excess authority.
3	Remaining Sentence One Year or More		\$ (76,557,680)		Requires statutory change so that DC receives persons with 1 year or more left to serve on their sentence, rather than those sentenced to 1 year or more. All inmates must go through the same resource and time intensive reception and release processes, regardless of the amount of time on their sentence. Sometimes, the two overlap. This issue is not recommended by the agency nor supported by the Governor's Office.
4	Eliminate Pre-Trial Intervention	(47)	\$ (2,342,499)		Unless counties with PTI type programs are willing to assume supervision, current offenders would be absorbed into the caseload of other DC probation officers until supervision ends or they are returned to court for further prosecution due to violations.
5	Reduce Private Prison Funding		\$ (8,210,254)		Proposes that private prison contracts be amended to achieve 5% reduction. Currently, there are 7 privately operated prisons.
6	Privatization of State Operated Prisons		\$ (6,417,718)		In an effort to maximize the state's resources during difficult economic times, the Department proposes privatizing additional facilities.
		(47)	\$ (93,528,151)	\$ (2,032,262)	

Target \$ (93,528,151) \$ (2,032,262)



FLORIDA PAROLE COMMISSION

SERVING THE CITIZENS OF FLORIDA SINCE 1941

Schedule VIII B: Priority Budget Reduction Exercise FY 2013-14

**Senate Appropriations Subcommittee on
Criminal and Civil Justice**

**Senator Bradley, Chair
Senator Joyner, Vice Chair**

**Florida Parole Commission
Tena M. Pate, Chair**



FLORIDA PAROLE COMMISSION

SERVING THE CITIZENS OF FLORIDA SINCE 1941

PROGRAM:

POST INCARCERATION ENFORCEMENT AND VICTIMS' RIGHTS

FY 2013-14 Base Budget (GR)	\$8,238,488
FY 2013-14 Base Budget (Trust Fund)	\$51,188
Total FY 2013-14 Base Budget	\$8,289,676
5% Reduction	\$402,706
Estimated Reduced Base	\$7,886,970



FLORIDA PAROLE COMMISSION

SERVING THE CITIZENS OF FLORIDA SINCE 1941

Category	FY13-14 Base Funding	Proposed Reduction
===== Salaries	\$6,803,486	\$402,706
OPS Category	\$427,514	
Expenses	\$713,680	
OCO	\$16,771	
Risk Management	\$67,893	
HR Services	\$46,082	
Lease Equipment	\$19,800	
Data Processing Services	\$194,450	
Total	\$8,289,676	\$7,886,970



FLORIDA PAROLE COMMISSION

SERVING THE CITIZENS OF FLORIDA SINCE 1941

Clemency is 40% of the Commission's workload

All Commission programs have statutorily mandated timeframes, except for Clemency

5% Reduction in Clemency Salaries \$402,706

Reduction of 10 Clemency FTEs

8 positions deleted from the budget

2 staff laid off to pay for the leave payouts and unemployment

The reduction of 10 FTEs will result in 3,635 Restoration of Civil Rights without a hearing investigations not being completed and a decrease in services to the Clemency Board.



FLORIDA PAROLE COMMISSION

SERVING THE CITIZENS OF FLORIDA SINCE 1941

Questions?

Contact:

Tena M. Pate, Chair
Florida Parole Commission
4070 Esplanade Way
Tallahassee, Florida 32399-2450
850-487-1980

or

Kevin Reilly
Legislative Affairs Director
kevinreilly@fpc.state.fl.us
850-921-2804



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Criminal and Civil Justice
Appropriations Subcommittee on Finance and Tax
Banking and Insurance
Children, Families, and Elder Affairs
Ethics and Elections
Rules
Transportation

JOINT COMMITTEE:

Joint Committee on Administrative Procedures

SENATOR MIGUEL DIAZ de la PORTILLA

40th District

February 20, 2013

The Honorable Rob Bradley
Chairman
Senate Appropriations Subcommittee on
Criminal and Civil Justice

Via Email & Delivery

Dear Chairman Bradley:

I will be unable to attend the Committee meeting this morning of the Senate Appropriations Subcommittee on Criminal and Civil Justice.

I respectfully request that I be excused. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Miguel Diaz de la Portilla" with a stylized flourish and the number "40" at the end.

Miguel Diaz de la Portilla
State Senator, District 40

Cc: Mr. Tim Sadberry, Staff Director
Ms. Michelle Sanders, Committee Administrative Assistant

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 312 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

Tab 1

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic Conflict Counsel Study Fees

Bill Number _____ (if applicable)

Name LISA Goodner

Amendment Barcode _____ (if applicable)

Job Title State Courts Administrator

Address 588 S Duval St

Phone 922-5081

Tallahassee FL 32399
City State Zip

E-mail goodnerl@flcourts.org

Speaking: For Against Information

Representing State Courts

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

Tab 1

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-20-13
Meeting Date

Topic Compensation of Conflict Counsel Study

Bill Number _____ (if applicable)

Name SUSAN Dawson

Amendment Barcode _____ (if applicable)

Job Title Senior Attorney

Address FL Supreme Ct - OSCA

Phone 487-9383

500 S Duval Street
City State Zip

E-mail dawson.s@flcourts.org

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic Tab 1 - Conflict Counsel Bill Number STUDY
Name D Todd Doss Amendment Barcode _____ (if applicable)
Job Title Attorney
Address 1197 Gulfstar Dr. Phone 386-965-7232
Winter Springs, FL 32708 E-mail dosslaw@comcast.net
City State Zip

Speaking: For Against Information

Representing FL ASSOC. of Criminal Defense Lawyers

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic Check of Court Budget Bill Number _____ (if applicable)
Name Karen Rushing Amendment Barcode _____ (if applicable)
Job Title Check of Court Sarasota County
Address P.O. Box 3079 Phone 941-861-7605
Sarasota, FL 34230 E-mail krushing@scgov.net
City State Zip

Speaking: For Against Information

Representing Check of Court

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-20-13

Meeting Date

Topic DOE

Bill Number _____ (if applicable)

Name Michael Crews

Amendment Barcode _____ (if applicable)

Job Title Secretary

Address 501 S. Calhoun St

Phone 717-3030

Tallahassee FL 32399
City State Zip

E-mail _____

Speaking: For Against Information

Representing Dept. of Corrections

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-20-13

Meeting Date

Topic DOE

Bill Number _____ (if applicable)

Name Mart Tallent

Amendment Barcode _____ (if applicable)

Job Title Budget Director

Address 501 S. Calhoun St.

Phone 717-3030

Tallahassee FL 32399
City State Zip

E-mail _____

Speaking: For Against Information

Representing Dept. of Corrections

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/20/13
Meeting Date

Topic CJEC update

Bill Number NA
(if applicable)

Name Kathy McCharen

Amendment Barcode _____
(if applicable)

Job Title Economist

Address 111 W. Madison St Suite 574

Phone 717-0467

Street
Tallahassee FL 32399
City *State* *Zip*

E-mail mccharen.kathy@

Speaking: For Against Information

leg.state.fl.us

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/20/13
Meeting Date

Topic Post-Adjudicatory Drug Court Expansion

Bill Number _____
(if applicable)

Name Jennifer Grandal

Amendment Barcode _____
(if applicable)

Job Title Sr. Court Operations Consultant

Address 500 S. Duval St.

Phone 902-5101

Tall FL 32399
City State Zip

E-mail grandalj@flocuas.org

Speaking: For Against Information

Representing OSCA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/20/2013
Meeting Date

Topic Drug Courts

Bill Number _____
(if applicable)

Name LucyAnn Walker-Fraser

Amendment Barcode _____
(if applicable)

Job Title Senior Legislative Analyst

Address 111 West Madison Street - 312

Phone (850) 717-0514

Tallahassee FL 32312
City State Zip

E-mail walker-fraser.lucyann@oppaga.fl.gov

Speaking: For Against Information

Representing OPPAGA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Drug Courts Bill Number _____ (if applicable)

Name Judge John Stargel Amendment Barcode _____ (if applicable)

Job Title Circuit Judge -- 10th Circuit Drug Court

Address _____ Phone _____
Street

City _____ State _____ Zip _____

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/20/13

Meeting Date

Topic Schedule VIII B Reductions

Bill Number _____ (if applicable)

Name Mark Zada

Amendment Barcode _____ (if applicable)

Job Title Assistant Commissioner

Address P.O. Box 1489

Phone 850-410-7001

Tallahassee, FL 32302
Street City State Zip

E-mail markzada@flde.state.fl.us

Speaking: For Against Information

Representing Florida Dept. of Law Enforcement

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

Tab 6

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/20/13

Meeting Date

Topic DOC VIII (B) Reduction - DOC Cost-shift to counties

Bill Number _____ (if applicable)

Name Electra Bustle

Amendment Barcode _____ (if applicable)

Job Title _____

Address 123 S. Adams St.

Phone 850 671-4401

Street City State Zip

E-mail _____

Speaking: For Against Information

Representing Florida Sheriffs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

CourtSmart Tag Report

Room: LL 37

Case:

Type:

Caption: Senate Subcommittee on Criminal and Civil Justice Appropriations

Judge:

Started: 2/20/2013 9:03:50 AM

Ends: 2/20/2013 10:43:47 AM

Length: 01:39:58

9:03:55 AM Meeting called to order.

9:04:08 AM Chairman Bradley opens.

9:04:55 AM TAB 1- Office of State Court Administrator (OSCA) Presentation of A Study of the Compensation of Private Court-Appointed Conflict Counsel in Criminal Cases in Florida

9:05:43 AM Lisa Goodner, State Courts Administrator, recognized.

9:05:55 AM Susan Dawson, Sr. Attorney, Office of State Court Administrator, recognized.

9:07:24 AM Chairman Bradley comments that the current flat fee schedule makes no sense and needs to be rectified.

9:07:43 AM Ms. Dawson continues her presentation.

9:11:31 AM Chairman Bradley asks who conducted the study.

9:11:38 AM Ms. Dawson responds that her office did.

9:11:50 AM Chairman Bradley asks about methodology.

9:11:57 AM Ms. Dawson describes the methodology used.

9:13:54 AM Chairman Bradley makes a comment.

9:14:03 AM Ms. Dawson responds.

9:14:26 AM Chairman Bradley asks how much this would cost taxpayers.

9:14:43 AM Ms. Goodner responds.

9:15:23 AM Chairman Bradley asks a question about the excess fee issue.

9:15:40 AM Ms. Goodner responds.

9:16:12 AM Chairman Bradley asks if the flat fee increase would cost \$2 million.

9:16:31 AM Ms. Goodner responds that the proposal would actually cost about \$3.1 million.

9:17:21 AM Senator Dean asks a question about extra money for overruns.

9:18:15 AM Ms. Goodner responds that the courts would have to come up with money from another source.

9:19:14 AM Senator Dean asks a follow up question.

9:19:33 AM Ms. Goodner responds.

9:20:07 AM Senator Joyner asks about misdemeanor and juvenile cases at the trial level.

9:20:26 AM Ms. Goodner says that those cases were not identified as the priority.

9:20:57 AM Senator Joyner asks a follow up question about increasing the flat fees for misdemeanors and juvenile cases as well.

9:22:47 AM Ms. Goodner responds that all the fees do need to be reviewed.

9:23:10 AM Senator Joyner makes a comment.

9:24:03 AM Chairman Bradley responds to Senator Joyner's comments.

9:24:55 AM Todd Doss, Florida Association of Criminal Defense Lawyers, recognized.

9:28:26 AM Chairman Bradley asks Mr. Doss to work with Ms. Goodner to address his concerns next session.

9:28:55 AM Mr. Doss responds.

9:30:01 AM Senator Hays asks if there could be a way to recapture money paid to attorneys who provided ineffective representation.

9:31:20 AM Mr. Doss responds that this would be better addressed on the front end.

9:32:45 AM Senator Hays asks if just any lawyer can get their name on the list or if there are qualifications.

9:33:08 AM Mr. Doss responds that there are qualifications, but it is not hard to meet the qualifications and get on the list.

9:33:33 AM Senator Hays makes a comment.

9:33:51 AM Chairman Bradley responds and comments that the administration of justice is better when the criminal defense attorney provides adequate representation.

9:34:44 AM Senator Soto says that the Florida Bar does receive complaints on ineffective assistance of counsel, so there is at least some level of quality control.

9:35:40 AM Mr. Doss responds that criminal defense lawyers deal with a lot of Bar complaints.

9:35:53 AM Senator Hays comments.

9:35:58 AM Senator Joyner comments that in Hillsborough county they have had success with a committee that approves attorneys on the list.

9:36:46 AM TAB 2- Update on the Clerk of Court Trust Fund Deficits

9:37:00 AM Honorable Karen Rushing, Clerk of the Court, Sarasota County, recognized.

9:41:39 AM Senator Dean asks if they are having trouble making payroll.

9:42:14 AM Ms. Rushing responds that they are.

9:42:44 AM Senator Dean asks if this proposed budget will fix this problem.

9:43:16 AM Ms. Rushing responds that it will.

9:43:45 AM Senator Dean asks if parity and fairness between small counties and large counties has been addressed.

9:44:19 AM Ms. Rushing says that they know there are special needs in smaller counties and this needs to be addressed as a system.

9:44:51 AM Senator Soto asks about the feasibility of redirecting funding from the foreclosure settlement to address some of these funding gaps in the short term.

9:45:45 AM Ms. Rushing responds that dedicated revenue sources are accounted in that manner and not used elsewhere.

9:45:59 AM Senator Soto asks how much of the budget goes to foreclosures.

9:46:08 AM Ms. Rushing responds that \$2 million goes to foreclosures.

9:47:08 AM Chairman Bradley comments.

9:47:21 AM TAB 4- Update on the Department of Corrections Financial Outlook

9:48:10 AM Mike Crews, Secretary, Department of Corrections, recognized.

9:50:17 AM Senator Hays asks if Secretary Crews was in charge when the deficit was accrued.

9:50:21 AM Sec. Crews responds that he has been the secretary since December 17, 2012.

9:51:07 AM Chairman Bradley asks how many secretaries there have been in the last 7 years.

9:51:11 AM Sec. Crews responds that there have been 6 in 7 years.

9:51:24 AM Senator Joyner asks when Sec. Crews first became employed by the department, and in what capacity.

9:51:30 AM Sec. Crews responds that he was first employed as the deputy secretary about a year ago.

9:51:57 AM Chairman Bradley comments.

9:52:13 AM Mark Tallent, Director, Budget and Financial Management, recognized.

9:57:31 AM Chairman Bradley asks what was the cause of the delay in privatizing health services that are not subject to court dispute.

9:57:50 AM Mr. Tallent responds that they did not get a ruling from the courts until December 14th.

9:59:03 AM Senator Dean asks a question about the cutback in the privatization efforts.

9:59:30 AM Mr. Tallent responds.

9:59:36 AM Chairman Bradley asks a question.

9:59:47 AM Mr. Tallent responds.

10:00:51 AM Chairman Bradley asks if the department got it wrong or if the legislature wouldn't give the full amount asked for.

10:01:47 AM Mr. Tallent responds that no one knew what it would cost at the time.

10:02:20 AM Chairman Bradley says that he is trying to figure out how we got to this point, and that we should know how much it costs to close a facility.

10:03:17 AM Mr. Tallent responds that he does not know.

10:04:50 AM Senator Dean asks if this is the first time we closed this many DOC facilities.

10:05:15 AM Mr. Tallent responds that it was a large undertaking.

10:05:30 AM Senator Joyner says that it looks like data was not used to reach a reasonable figure.

10:06:27 AM Chairman Bradley agrees with Senator Joyner.

10:06:36 AM Sec. Crews comments that 268 positions were underestimated when the closures were made.

10:08:05 AM Senator Joyner asks what methodology is being used to evaluate cost so that we can get realistic numbers.

10:08:59 AM Sec. Crews responds that there are particular maintenance standards that must be met under DMS.

10:09:28 AM Chairman Bradley comments that DOC needs someone who knows how to maintain buildings, because the budget needs to be accurate.

10:11:46 AM Senator Clemens comments that the legislature is letting ideology trump data and that it needs to be more realistic.

10:12:46 AM Chairman Bradley responds.

10:13:03 AM Mr. Tallent resumes his presentation.

10:15:54 AM Senator Joyner asks a question about the security expense allocation deficit.

10:16:30 AM Mr. Tallent responds that they give the wardens an expense allocation plan but they are allowed some flexibility.

10:17:24 AM Senator Joyner asks a follow up question.

10:18:25 AM Mr. Tallent responds.

10:20:12 AM Senator Dean comments that this deficit has been building for a long time and they need to face reality.

10:21:50 AM Chairman Bradley agrees with Senator Dean.

10:22:58 AM Senator Soto comments that the numbers show how some of the issues were created by the legislature.

10:25:44 AM Chairman Bradley comments that they need to focus on 2013 going forward and not make ideological statements.

10:27:00 AM Mr. Tallent continues his presentation.

10:30:18 AM Sec. Crews recognized.

10:31:55 AM Chairman Bradley makes a clarification.
10:32:21 AM Sec. Crews resumes his presentation.
10:35:58 AM Senator Joyner asks who qualifies for the proposed employee bonuses.
10:36:15 AM Sec. Crews responds that there are some qualifications.
10:36:31 AM Chairman Bradley comments.
10:37:30 AM TAB 5- Office of Economic & Demographic Research, Criminal Justice Estimating Conference Update
10:37:50 AM Kathy McCharen, Office of Economic & Demographic Research, recognized.
10:43:25 AM Chairman Bradley asks for questions.
10:43:37 AM Meeting adjourned.