

SB 338 by **Simpson**; (Identical to H 0191) Theft of Utility Services

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

MEETING DATE: Wednesday, March 6, 2013
TIME: 8:00 —10:00 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	SB 338 Simpson (Identical H 191)	Theft of Utility Services; Providing additional criminal penalties for utility services wrongfully taken; providing that the person who unlawfully took utility services is liable to the utility for an increased civil penalty subject to the amount of the utility services unlawfully obtained, etc. CU 02/05/2013 Favorable CJ 02/19/2013 Favorable ACJ 03/06/2013 AP	
2	Post-adjudicatory Drug Court: - OSCA Update on drug court implementation, funding issues - OPPAGA presentation on Report 11-21, Expansion Drug Courts Serving More Prison-Bound Offenders, but Will Not Fully Expand Federal Funds		
3	Review Agencies Schedule VIII B Reduction Proposals		
4	Update on Foreclosure Activity in Florida		
5	Review Potential Expansion of Faith and Character Programs in the Department of Corrections		
6	Update on Department of Juvenile Justice's Roadmap Proposal		
7	Other Related Meeting Documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

BILL: SB 338

INTRODUCER: Senator Simpson

SUBJECT: Theft of Utility Services

DATE: March 4, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	CU	Favorable
2.	Erickson	Cannon	CJ	Favorable
3.	Cantral	Sadberry	ACJ	Favorable
4.			AP	
5.				
6.				

I. Summary:

SB 338 amends s. 812.14, F.S., to provide that thefts of utility services are punishable as theft under s. 812.014, F.S., the general theft statute. As a result of this change, a person who commits theft of utility services will not necessarily commit a first degree misdemeanor (the current degree of offenses under s. 812.14, F.S.). Under s. 812.014, F.S., the offense degree and penalties relevant to a theft depend upon the value of the property (which includes services) stolen and other factors, if relevant, such as whether the theft is a first offense (relevant to petit theft).

The bill also increases the civil penalty for a person found in a civil action to have violated the statute on utility theft from the current three times the amount of services stolen or \$1,000, whichever is greater, to three times the amount stolen or \$3,000, whichever is greater.

SB 338 will have an insignificant fiscal impact because it will have an insignificant prison bed impact.

The bill takes effect October 1, 2013.

This bill substantially amends section 812.14 of the Florida Statutes.

II. Present Situation:

Utility Theft

Section 812.14, F.S., prohibits and punishes theft of utility services. The term “utility” is defined to include any person, firm, corporation, association, or political subdivision, whether private, municipal, county, or cooperative, which is engaged in the sale, generation, provision, or delivery of gas, electricity, heat, water, oil, sewer service, telephone service, telegraph service, radio service, or telecommunication service.

Section 812.14, F.S., provides that it is unlawful to:

- Willfully alter, tamper with, injure, or knowingly suffer to be injured any meter, meter seal, pipe, conduit, wire, line, cable, transformer, amplifier, or other apparatus or device belonging to a utility line service in such a manner as to cause loss or damage or to prevent any meter installed for registering electricity, gas, or water from registering the quantity which otherwise would pass through the same; to alter the index or break the seal of any such meter; in any way hinder or interfere with the proper action or just registration of any such meter or device; or knowingly use, waste, or suffer the waste, by any means, of electricity or gas or water passing through any such meter, wire, pipe, or fitting, or other appliance or appurtenance connected with or belonging to any such utility, after such meter, wire, pipe or fitting, or other appliance or appurtenance has been tampered with, injured, or altered.
- Make or cause to be made any connection with any wire, main, service pipe or other pipes, appliance, or appurtenance in such manner as to use, without the consent of the utility, any service or any electricity, gas, or water, or to cause to be supplied any service or electricity, gas, or water from a utility to any person, firm, or corporation or any lamp, burner, orifice, faucet, or other outlet whatsoever, without such service being reported for payment or such electricity, gas, or water passing through a meter provided by the utility and used for measuring and registering the quantity of electricity, gas, or water passing through the same.
- Use or receive the direct benefit from the use of a utility knowing, or under such circumstances as would induce a reasonable person to believe, that such direct benefits have resulted from any tampering with, altering of, or injury to any connection, wire, conductor, meter, pipe, conduit, line, cable, transformer, amplifier, or other apparatus or device owned, operated, or controlled by such utility, for the purpose of avoiding payment.¹

Section 812.14(4), F.S., provides that a willful violation of s. 812.14(2)(a), (b), or (c), F.S., is a first degree misdemeanor.

¹ Section 812.14(4), F.S. A first degree misdemeanor is punishable by up to a year in jail, a fine of up to \$1,000, or both. Sections 775.082 and 775.083, F.S.

Section 812.14(5), F.S., provides that it is unlawful for a person or entity that owns, leases, or subleases a property to permit a tenant or occupant to use utility services knowing, or under such circumstances as would induce a reasonable person to believe, that such utility services have been connected in violation of s. 812.14(2)(a), (b), or (c), F.S. A willful violation of s. 812.14(5), F.S., is a first degree misdemeanor.² Prosecution for a violation of s. 812.14(5), F.S., does not preclude prosecution for theft under s. 812.14(8), F.S. (described, *supra*) or s. 812.014, F.S.:

- A first degree misdemeanor to commit theft of utility services for the purpose of facilitating the manufacture of a controlled substance.
- Any person found in a civil action to have violated the provisions of s. 812.14, F.S., is liable to the utility involved in an amount equal to three times the amount of services unlawfully obtained or \$1,000, whichever is greater.³

General Theft

Section 812.014, F.S., is the general theft statute. The offense degree of theft depends upon the value of the property (which includes services) stolen and other factors, if relevant, such as whether the theft is a first offense (relevant to petit theft). As offense degree increases, so do the range and severity of penalties. The statute provides, in part, that it is:

- A first degree felony if the property stolen is valued at \$100,000 or more (grand theft in the first degree).⁴
- A second degree felony if the property stolen is valued at \$20,000 or more, but less than \$100,000 (grand theft in the second degree).⁵
- A third degree felony if the property stolen is valued at \$300 or more, but less than \$20,000 (grand theft of the first degree).⁶
- A third degree felony if the property stolen is valued at \$100 or more, but less than \$300, and is taken from a dwelling or from the unenclosed curtilage of a dwelling (grand theft of the third degree).⁷
- Excluding third degree felony theft involving a dwelling, a first degree misdemeanor if the property stolen is valued at \$100 or more, but less than \$300 (petit theft of the first degree).⁸
- A second degree misdemeanor if theft of property does not involve any of the other thefts described (petit theft of the second degree).⁹

² Section 812.14(7), F.S.

³ Section 812.14(10), F.S.

⁴ Section 812.014(2)(a)1., F.S. A first degree felony is generally punishable by up to 30 years in state prison, a fine of up to \$10,000, or both. Sections 775.082 and 775.083, F.S.

⁵ Section 812.014(2)(b)1., F.S. A second degree felony is punishable by up to 15 years in state prison, a fine of up to \$10,000, or both. Sections 775.082 and 775.083, F.S.

⁶ Section 812.014(2)(c)1.-3., F.S. Theft is a third degree felony if the property stolen is valued at \$3000 or more, but less than \$5,000; 5,000 or more, but less than \$10,000; or \$10,000 or more but less than \$20,000. What distinguishes these thefts is not their offense degree but their ranking in the offense severity ranking chart of the Criminal Punishment Code (s. 921.0022, F.S.). A third degree felony is punishable by up to 5 years in state prison, a fine of up to \$5,000, or both. Sections 775.082 and 775.083, F.S. However, if total sentence points scored under the Criminal Punishment Code are 22 points or fewer, the court must impose a nonstate prison sanction, unless the court makes written findings that this sanction could present a danger to the public. Section 775.082(10), F.S.

⁷ Section 812.014(2)(d), F.S.

⁸ Section 812.014(2)(e), F.S.

- A first degree misdemeanor if a person who commits petit theft has previously been convicted of any theft.¹⁰
- A first degree misdemeanor if a person who commits petit theft has previously been convicted two or more times of any theft.¹¹
- A second degree felony if a person individually, or in concert with one or more other persons, coordinates the activities of one or more persons in committing theft under s. 812.014, F.S., where the stolen property has a value in excess of \$3,000.¹²

III. Effect of Proposed Changes:

The bill amends s. 812.14, F.S., to provide that thefts of utility services are punishable as theft under s. 812.014, F.S., the general theft statute. As a result of this change, a person who commits theft of utility services will not necessarily commit a first degree misdemeanor (the current degree of offenses under s. 812.14, F.S.) By providing that utility theft is punishable under s. 812.014, F.S., the general theft statute, the offense degree and penalties relevant to the theft depend upon the value of the property (which includes services) stolen and other factors, if relevant, such as whether the theft is a first offense (relevant to petit theft.)

For those utility theft cases that constitute a felony, repeat offender sanctions under ss. 775.082 and 775.084, F.S., may be available if the offender has a qualifying prior conviction or convictions.

The bill does not amend s. 812.14 (5) and (7), F.S. Section 812.14(5), F.S., provides that it is unlawful for a person or entity that owns, leases, or subleases a property to permit a tenant or occupant to use utility services knowing, or under such circumstances as would induce a reasonable person to believe, that such utility services have been connected in violation of s. 812.14(2)(a), (b), or (c), F.S.

Section 812.14(7), F.S., provides that a willful violation of s. 812.14(5), F.S., is a first degree misdemeanor. Prosecution for a violation of s. 812.14(5), F.S., does not preclude prosecution for theft under s. 812.14(8), F.S. (which the bill provides is punishable under s. 812.014, F.S.) or s. 812.014, F.S. Consequently, under the bill, if a person is convicted of a violation of s. 812.014(5), F.S., the person commits a first degree misdemeanor but prosecution under this subsection does not preclude prosecution under s. 812.14(8), F.S., or s. 812.014, F.S., which has the potential for greater punishment.

The bill also increases the civil penalty for a person found in a civil action to have violated the statute on utility theft from the current three times the amount of services stolen or \$1,000, whichever is greater, to three times the amount stolen or \$3,000, whichever is greater.

The bill takes effect October 1, 2013.

⁹ Section 812.014(3)(a), F.S. A second degree misdemeanor is punishable by up to 60 days in jail, a fine of up to \$500, or both. Sections 775.082 and 775.083, F.S.

¹⁰ Section 812.014(3)(b), F.S.

¹¹ Section 812.014(3)(c), F.S.

¹² Section 812.014(6), F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not impact municipalities and counties under the requirements of Article VII, Section 18, of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The bill does not raise public records or open meetings issues under the requirements of Article I, Section 24(a) and (b), of the Florida Constitution.

C. Trust Funds Restrictions:

The bill does not impact trust fund restrictions under the requirements of Article III, Section 19(f), of the Florida Constitution.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

By linking utility theft under s. 812.14, F.S., to the punishments provided for theft under s. 812.014, F.S., the punishment for the utility theft may be greater than provided under s. 812.14, F.S. (first degree misdemeanor), depending upon the facts and circumstances of the case (most importantly, the value of the property stolen.) This change to the law may dissuade some persons from engaging in theft of utility services from private utility service providers. Also, the increased civil penalty should better compensate these providers and their customers for the losses to theft than the current civil penalty.

C. Government Sector Impact:

The changes the bill makes to punish utility theft may dissuade some persons from engaging in theft of utility services from government-owned utility service providers. Also, the increased civil penalty should better compensate these providers and their customers for the losses to theft than the current civil penalty.

The Criminal Justice Impact Conference (CJIC) determined on February 27, 2013, that the prison bed impact of the bill is insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Simpson

18-00219-13

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1 A bill to be entitled
 2 An act relating to theft of utility services; amending
 3 s. 812.14, F.S.; providing additional criminal
 4 penalties for utility services wrongfully taken;
 5 providing that the person who unlawfully took utility
 6 services is liable to the utility for an increased
 7 civil penalty subject to the amount of the utility
 8 services unlawfully obtained; providing an effective
 9 date.

10

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

12

13 Section 1. Subsections (4), (7), (8), and (10) of section
 14 812.14, Florida Statutes, are amended to read:

15 812.14 Trespass and larceny with relation to utility
 16 fixtures; theft of utility services.—

17 (4) A ~~Any~~ person who willfully violates paragraph (2) (a),
 18 paragraph (2) (b), or paragraph (2) (c) commits theft a
 19 ~~misdemeanor of the first degree~~, punishable as provided in s.
 20 812.014 ~~s. 775.082 or s. 775.083~~.

21 (7) A person who willfully violates subsection (5) commits
 22 a misdemeanor of the first degree, punishable as provided in s.
 23 775.082 or s. 775.083. Prosecution for a violation of subsection
 24 (5) does not preclude prosecution for theft pursuant to ~~under~~
 25 subsection (8) or s. 812.014.

26 (8) Theft of utility services for the purpose of
 27 facilitating the manufacture of a controlled substance is theft
 28 ~~a misdemeanor of the first degree~~, punishable as provided in s.
 29 812.014 ~~s. 775.082 or s. 775.083~~.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

18-00219-13

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30 (10) Whoever is found in a civil action to have violated
 31 ~~the provisions of~~ this section is liable to the utility involved
 32 in an amount equal to 3 times the amount of services unlawfully
 33 obtained or \$3,000 ~~\$1,000~~, whichever is greater.

34

Section 2. This act shall take effect October 1, 2013.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Senate Appropriations Subcommittee on Criminal and Civil Justice



FLORIDA STATE COURTS

Adult Post-Adjudicatory Drug Court
Expansion Program Update
March 6, 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**

March 6, 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

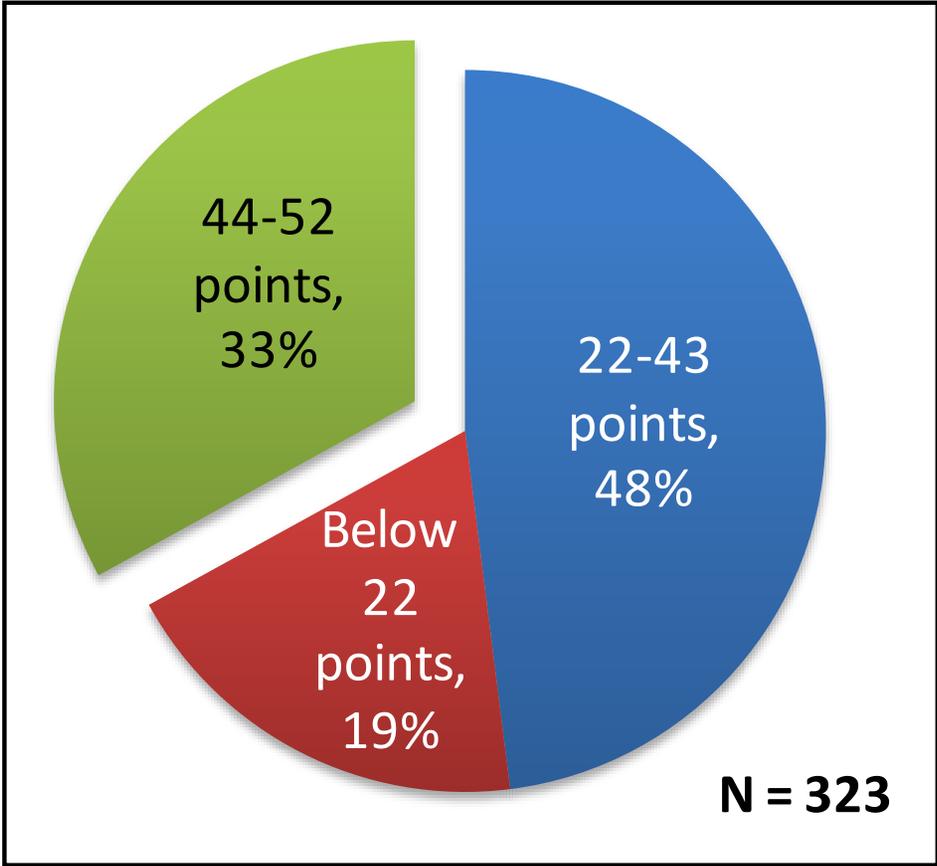
- A total of 2,114 offenders have been admitted to expansion drug courts¹

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

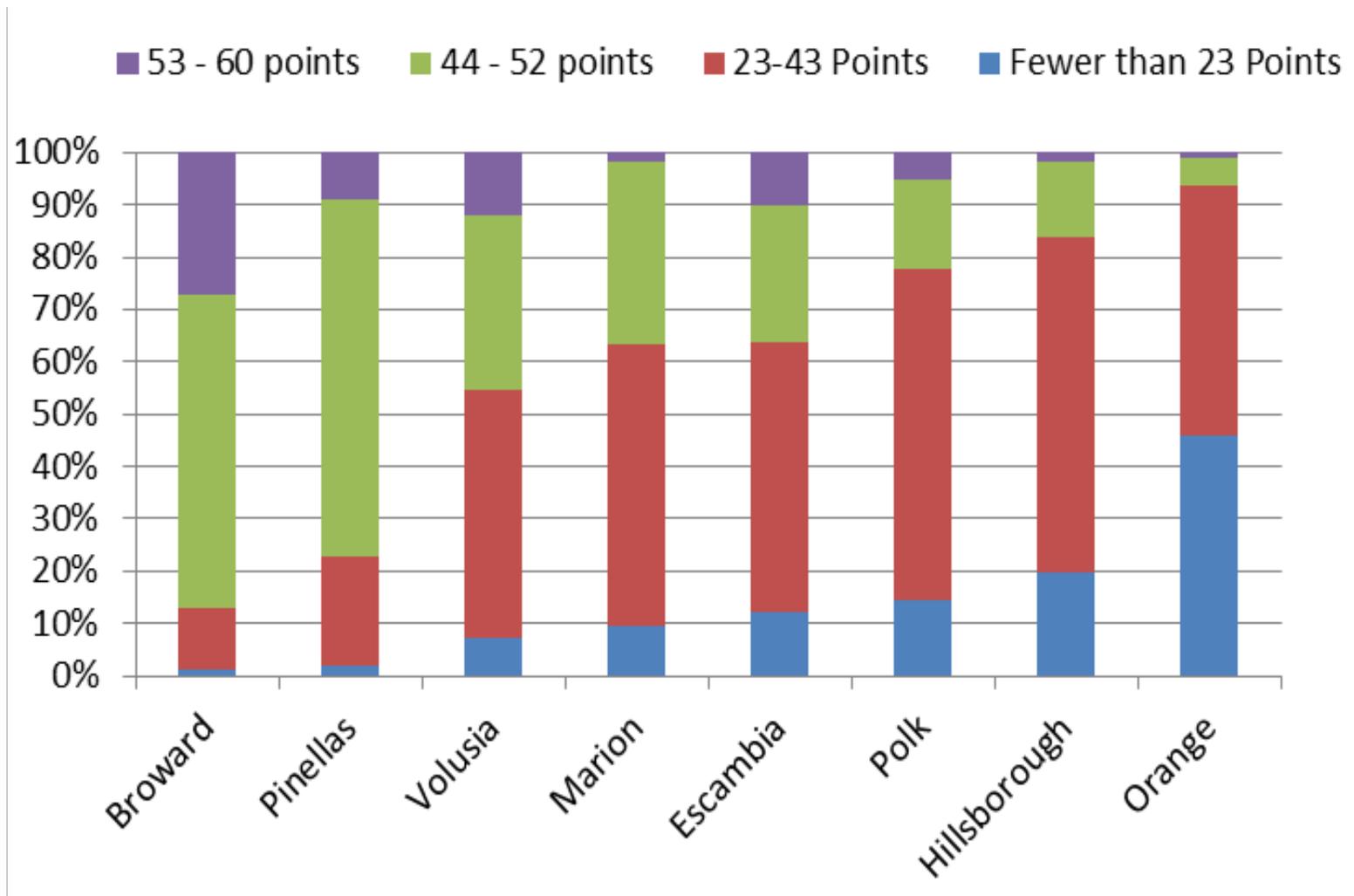
- with a sentencing score of 52 points or fewer
- before the court for a non-violent 3rd degree felony or
- a violation of probation solely for a failed drug test

2011 Legislature Expanded the Eligibility Criteria

Changed requirements to allow the courts to serve offenders

- with a sentencing score of 60 points or fewer
- 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

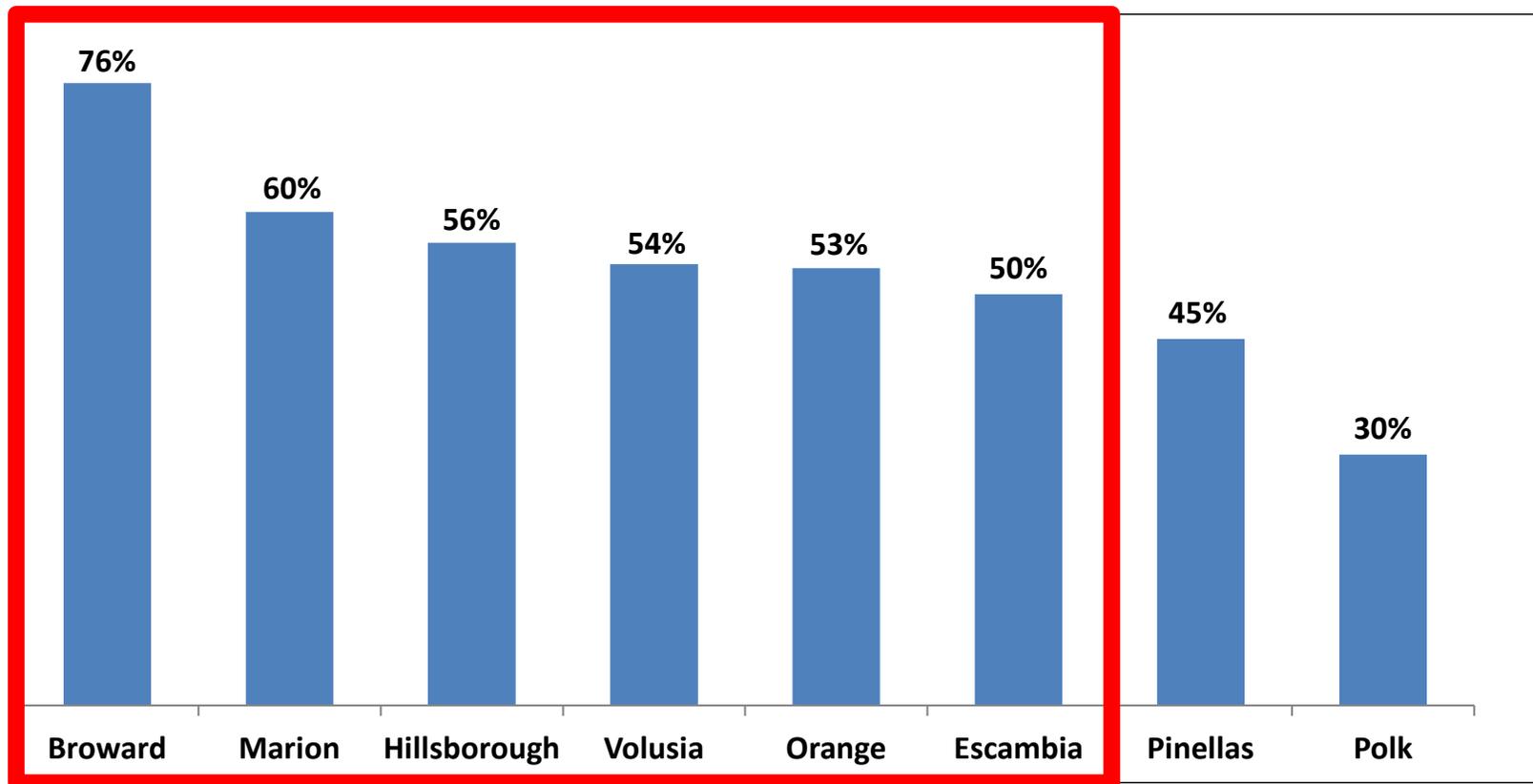
Sentencing Scores of Participants	2010	2011	2012
1 – 22	19%	14%	11%
23 – 43	47%	34%	34%
44 – 52	34%	40%	33%
53 – 60 ¹	NA	12%	22%
Total Number of Participants	727	663	646

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 6 counties, half or more of participants successfully completed the program



Most Unsuccessful Terminations Were Not Because of a New Offense

Those who did not successfully complete the program failed for these reasons:

- 79% for non-compliance with program requirements
- 12% for medical reasons or death
- 6% for absconding
- 3% for committing a new offense

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.

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)



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

**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)

State Courts System FY 2013-2014 Schedule VIII-B Impact of 5% Target Reductions

	General Revenue	Administrative Trust Fund	State Courts Revenue Trust Fund	Court Education Trust Fund	TOTAL
FY 12-13 Appropriation¹	\$317,819,696	\$3,349,635	\$86,379,386	\$3,281,216	\$410,829,933
TARGET in Dollars²	\$15,890,985	\$167,482	\$4,318,969	\$164,061	\$20,541,497

Total Staff FTE Reduction	362.50 FTE or 12%
----------------------------------	----------------------------------

Budget Entity	Current Staff FTE ³	Reduction to meet Target
Supreme Court	88.00	7.00
OSCA	152.50	13.50
DCA	343.5	31.00
Circuit	2,140.00	236.50
County	322.00	74.00
JQC	5.00	.50
Total	3,051.00	362.50

¹Source for FY 12-13 Appropriation is Column G64 less statewide exclusions for Schedule VIII-B Target Reductions (non-recurring funds, federal funds FSI 3 and FSI 9, Risk Management and HR Services categories). Additionally, Grants and Donations Trust Fund is excluded as these funds are restricted by the grantors.

²The Grants and Donations Trust Fund prorated share of \$15,967 has been removed from the trust target reduction as these funds are restricted by the grantors.

³To calculate percentage of staff reduction, constitutional positions (judges, appellate clerks, appellate marshals) and federally funded staff positions were not included.

**MEETING
MATERIALS
NOT AVAILABLE**

**MEETING
MATERIALS
NOT AVAILABLE**

**MEETING
MATERIALS
NOT AVAILABLE**

- Total recurring budget = \$30,177,177**
- 99% is General Revenue**
- 5% reduction target = \$1,492,947**
- Salaries and benefits are 85% of GAL budget, at \$25,484,928**
- Next highest categories:**
 - Special Categories, Contracted Services, at \$1,583,393
 - Expenses at \$1,378,500
 - Grants & Aids at \$892,656
 - All other costs, such as Other Personal Services, Operating Capitol Outlay, Lease Costs, Data Processing and Risk Management.

- Reduction spread equally across categories to minimize the impact on any one category**
- Impact would be threefold:**
 1. Eliminate 27 FTEs (\$1,274,245 in General Revenue)
 2. “Discharge” 1,500 children, or 7% of the children served statewide, leaving an additional 10,600+ children un-represented across Florida.
 3. Reduce travel and other infrastructure costs in an already-limited budget (loss of \$218,702)

**MEETING
MATERIALS
NOT AVAILABLE**

**MEETING
MATERIALS
NOT AVAILABLE**



**JUSTICE ADMINISTRATIVE
COMMISSION**



Justice Administrative Commission Agency VIII B Reduction Proposal

March 6, 2013

Alton L. "Rip" Colvin, Jr.
Executive Director

Executive Direction & Support Services



<i>Reduction</i>	<i>6 FTE</i>
<i>Salaries and Benefits</i>	
<i>General Revenue</i>	<i>\$266,828</i>
<i>Salary Rate</i>	<i>\$182,374</i>

Significant impact to our ability to provide administrative services to 55 budget entities, as well as process payments for court appointed counsel and related costs.

Legal Representation

Foster Care Citizen Review Panel – GR \$4,607, TF \$36,415

Audit of Clerks Budgets – GR \$3,373

Capital Collateral Registry – GR \$88,300

State Attorney & Public Defender Training – GR \$1,676

Public Defender Due Process Costs – GR \$933,152

State Attorney Due Process Costs – GR \$535,832

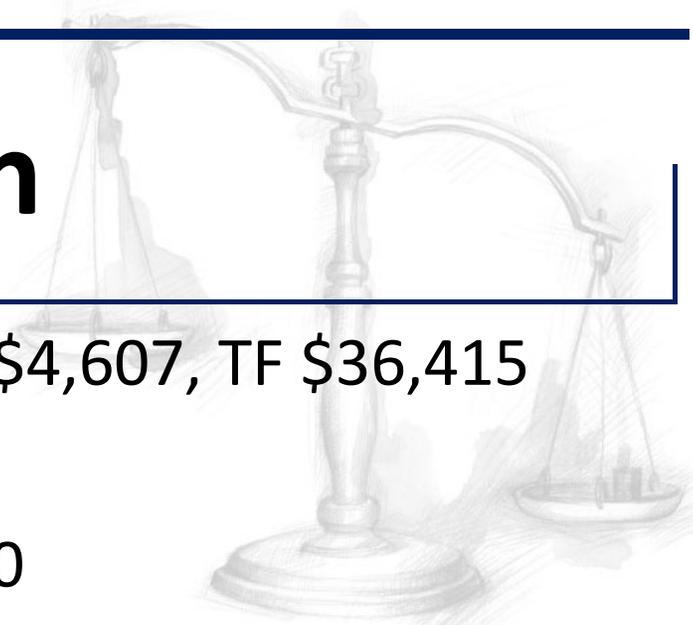
Court Appointed Counsel Case Costs – GR \$2,169,669

Sexual Predator/Civil Commitment – GR \$169,880

Total Legal Representation Reduction

General Revenue \$3,906,489

Trust Fund \$36,415



Total Reduction

Justice Administrative Commission

Executive Direction and Support Services

General Revenue \$ 266,828

Salary Rate (\$182,374)

6 FTE

Legal Representation

General Revenue \$3,906,489

Trust Fund \$ 36,415

TOTAL REDUCTION ***\$4,209,732***



Questions?

Contact Info:

Alton L. “Rip” Colvin, Jr.

rip.colvin@justiceadmin.org

850-488-2415



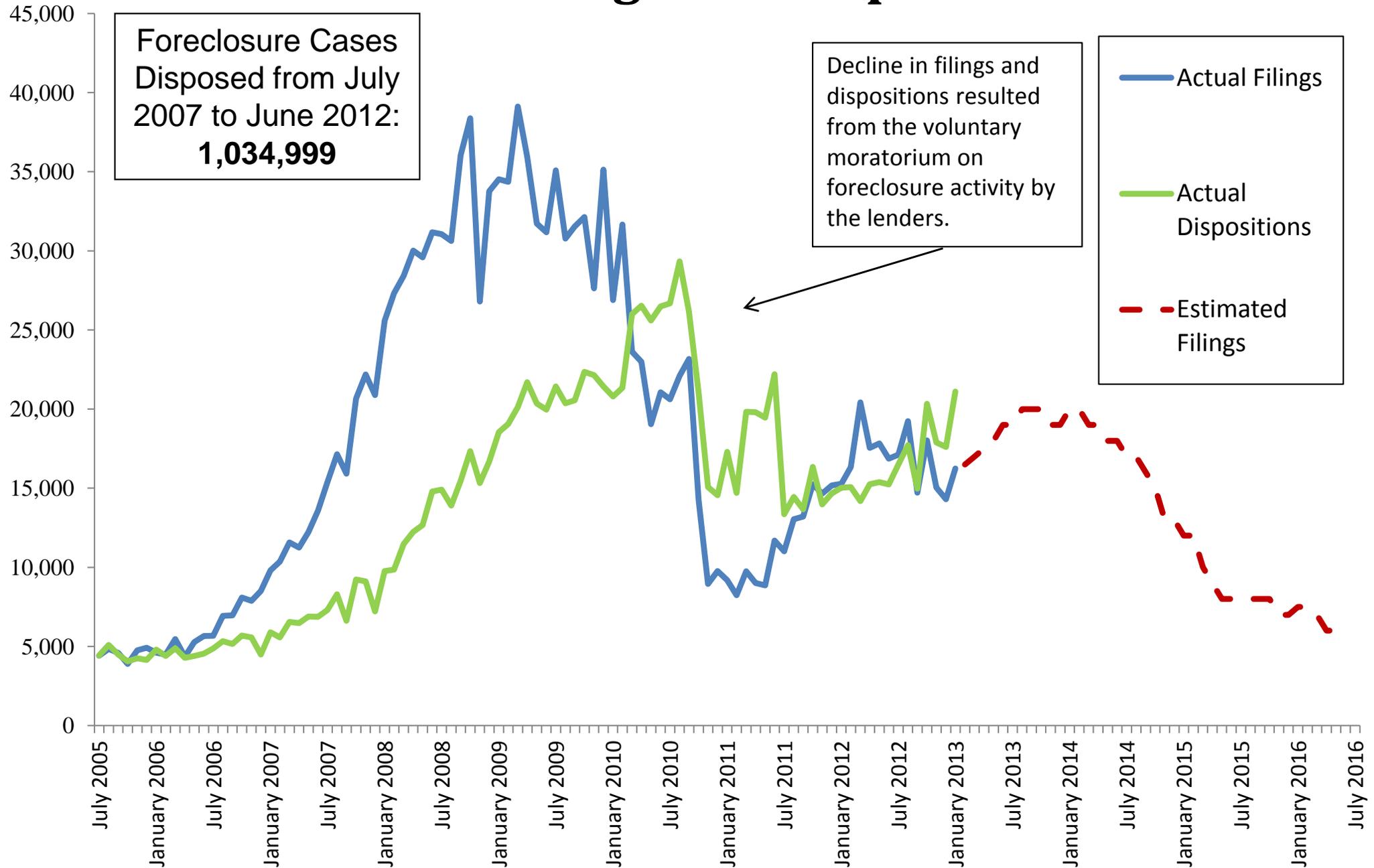
Status Report on Mortgage Foreclosure Cases



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

March 6, 2013

Real Property/Mortgage Foreclosures Case Filings and Dispositions



Legislative Support

- \$6 Million in nonrecurring dollars in FY 2010-11 GAA for Foreclosure and Economic Recovery Initiative
- \$4 Million in nonrecurring dollars in FY 2012-13 GAA for Foreclosure Backlog Reduction Initiative
 - Being used primarily for senior judges and case managers

Legislative Support

Approximately \$5 Million in nonrecurring dollars from the National Mortgage Settlement:

- \$1.3 million for senior judges and case managers
- \$3.7 million for technology

- “Judges and lawyers have a professional obligation to conclude litigation as soon as it is reasonably and justly possible....” Rule 2.545(a).
- Courts must always ensure that the rights of parties are protected and the integrity of the process is maintained.

Court System's Action Plan: FY 2013/14 - FY 2015/16

1. Request additional funding from Legislature to further reduce the backlog.
2. Identify current and potential barriers to case resolution and implement strategies to address those barriers.
3. Expand case management practices that are working most effectively.

Funding Proposals

FY 2013/14 Legislative Budget Request

Judicial and Case Management Resources	\$9,918,812
Technology: Hardware, Software, Electronic Storage, and Programming/ Integration Costs	<u>\$5,262,579</u>
TOTAL REQUESTED FOR FY 2013/14	\$15,181,391

FY 2014/15: Judicial and Case Management Resources	\$9,918,812
FY 2015/16: Judicial and Case Management Resources	\$9,918,812

Performance Indicators

1. Time to Disposition
2. Age of Pending Cases
3. Calendar Clearance Rate

Questions?

**MEETING
MATERIALS
NOT AVAILABLE**



Rick Scott,
Governor

Wansley Walters,
Secretary



DEPARTMENT OF JUVENILE JUSTICE ROADMAP TO SYSTEM EXCELLENCE

PUTTING FLORIDA FAMILIES FIRST

PRESENTED TO THE FLORIDA SENATE
APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND
CIVIL JUSTICE

March 6, 2013

Roadmap Goals

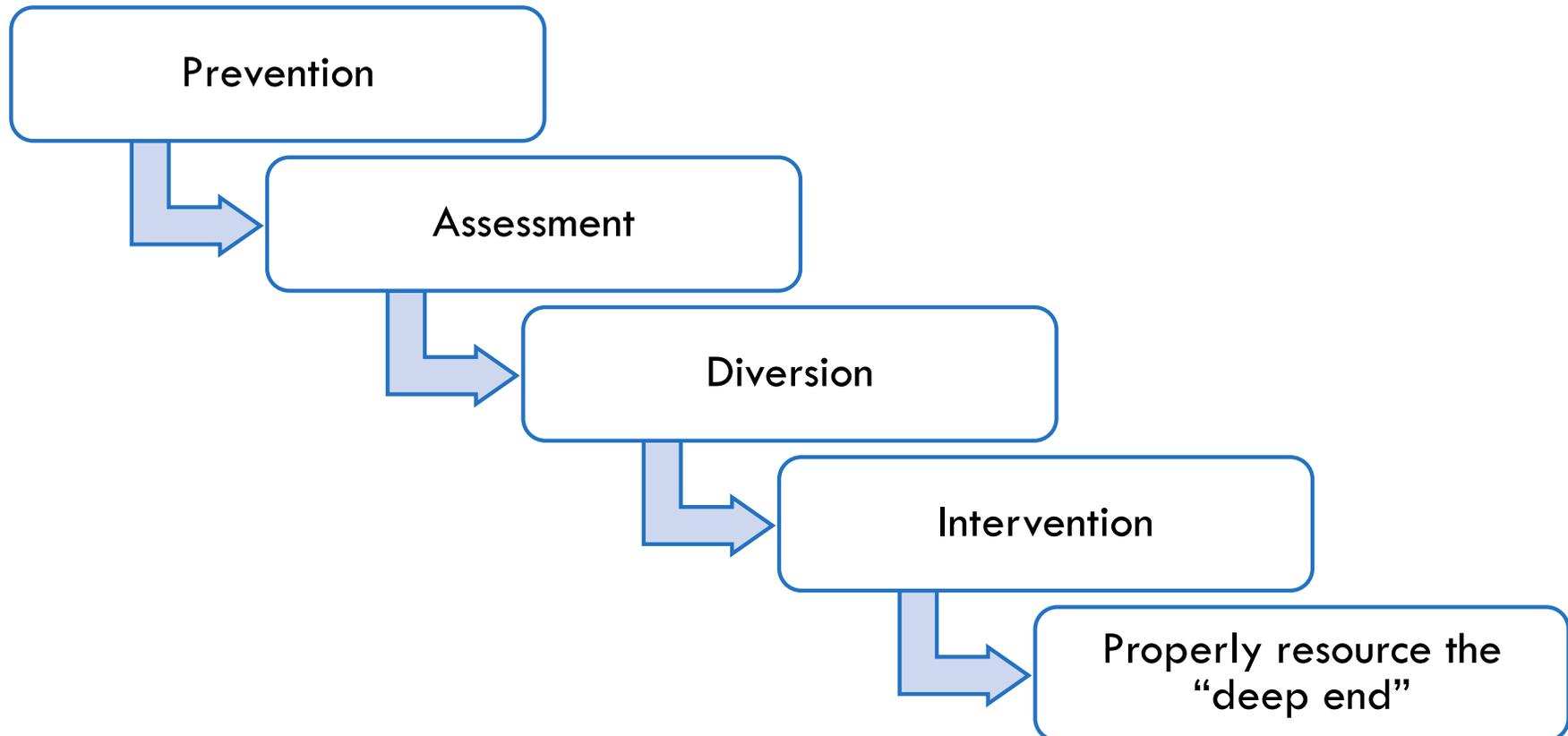
- In order to put Florida Families First, DJJ has and will continue to provide the right services in the right place at the right time to best meet the needs of youth, families and communities.
- ▣ Serious sanctions should be reserved for youth who pose the greatest risk to public safety.

Roadmap Commitments

- The Roadmap codifies DJJ's commitment to put Florida Families First by:
 - Working with juvenile justice stakeholders to increase the availability of community-based prevention and diversion services available to at-risk youth.
 - Keeping youth out of the deeper end of the juvenile justice system while not compromising public safety.
 - Using data and metrics to measure the effectiveness and outcomes of services.

Roadmap Strategies

- Utilize effective prevention services and assessment tools.



Roadmap Strategies

- Identify and implement alternatives.
 - ▣ Civil citation, utilizing diversion programs like teen court, substance abuse and behavioral health services;
 - ▣ Electronic Monitoring;
 - ▣ Home Detention;
 - ▣ Respite Care;
 - ▣ Assist in transporting youth to court; and
 - ▣ Auto-dialers to remind youth & families of court.

Roadmap Strategies

- The Governor's Florida Families First Budget redirects savings from under-utilized residential beds into front-end services:
 - \$1.5 million to expand CINS/FINS to prevent and divert more youth from entering the juvenile justice system;
 - \$619,000 for educational services for at-risk girls in Miami-Dade (PACE);
 - \$145,000 for youth psychiatric consultant services and contract clinical specialists; and
 - \$55,000 for internet-based GED testing.

Roadmap Strategies

- Realign existing resources to increase the availability of transitional services, such as services for vocational programming, employment, education, family support, transitional housing, and transportation.
- The Department recently released an Invitation to Negotiate (ITN) to better align Aftercare services with the goal of transitioning youth back into the community; and remove redundancies with Probation.

Roadmap Strategies

- Strengthen procurement, contracting monitoring and quality improvement processes, including:
 - ▣ Shifted to use of Invitation to Negotiate (ITN);
 - ▣ Established performance measures to maintain services levels for life of contract;
 - ▣ Developed contract management and monitoring training;
 - ▣ Rolling-out use of automated data system for contract management and monitoring;
 - ▣ Standardizing and simplifying procurement, contract management, and provider management systems; and
 - ▣ Implementing a provider management shared services model, a department-wide provider management risk assessment, and a performance and management dashboard.

Roadmap on the Road

How?

- Editorial board meetings;
- Stakeholder meetings with statutory partners; and
- Town hall meetings

Where?

- Leon County (11/15/12)
- Alachua County (11/27/12)
- Orange County (12/3/12)
- Hillsborough County (12/4/12)
- Pinellas County (12/5/12)
- Palm Beach County (12/18/12)
- Broward County (12/19/12)
- Miami-Dade County (12/20/12)
- Bay County (1/30/13)
- Escambia County (1/31-2/1/13)
- Duval County (2/27-28/13)
- Lee County (TBD)

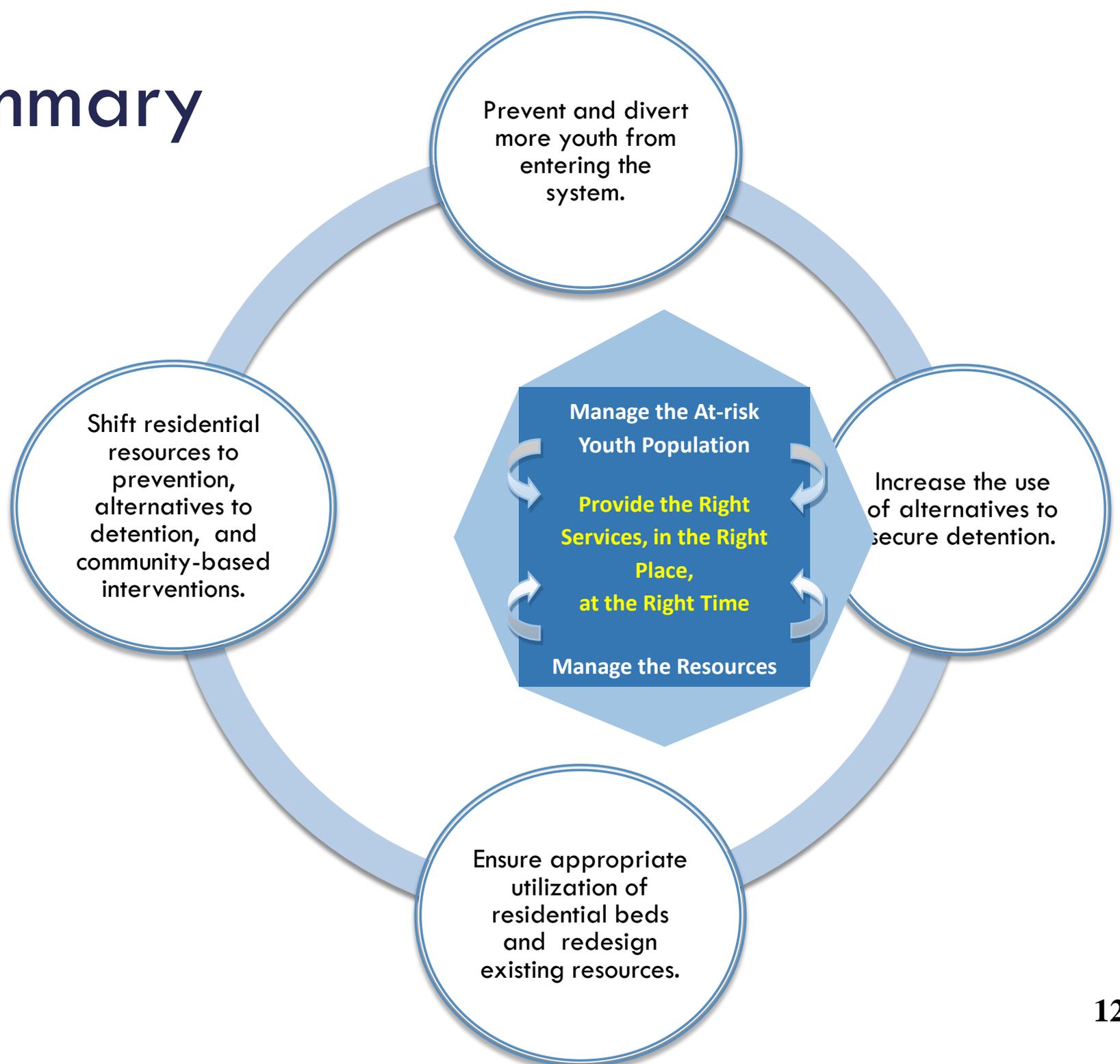
Endorsements

- Florida Network of Youth and Family Services
- Florida Guardian Ad Litem Program
- Home Builders Institute
- Urban League of Greater Miami, Inc.
- David Lawrence Jr., The Early Childhood Initiative Foundation
- The (DJJ) State Advisory Group
- Juvenile Court Judge Orlando Prescott (in Miami Herald)
- Stephen Bardy, Children's Home Society of Florida (in Palm Beach Post)
- Alan J. Levy, Great American Farms, Inc. (in South Florida Sun Sentinel)
- Retired Juvenile Court Judge Irene Sullivan (in Tampa Bay Times)
- Florida Department of Children and Families
- Florida Department of Corrections
- Center for Smart Justice Advisory Board
- Florida TaxWatch Board of Trustees
- *...and numerous favorable editorials and columns in newspapers throughout Florida.*

Public Input Thus Far

- Floridians have consistently stated:
 - ▣ The juvenile justice system must partner with the educational system;
 - ▣ Barriers to employment for youth can be lessened with programs like civil citation, vocational training, and transitional services;
 - ▣ DJJ must become the expert in engaging with Florida's families in order to prevent youth from continually cycling in and out of social service systems.
 - ▣ Disparities – like services for rural communities, children with disabilities, and Disproportionate Minority Contact (DMC) – require a multi-faceted approach; and
 - ▣ Better communication amongst stakeholders is necessary to best allocate appropriate resources and services to youth.

Summary



THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/13
Meeting Date

Topic Utility Theft

Bill Number 338
(if applicable)

Name Barry Moline

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 417 E. College Ave

Phone 850-224-3314

Tallahassee FL 32301
City State Zip

E-mail bmoline@publicpower.com

Speaking: For Against Information

Representing Florida Municipal Electric 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)

THE FLORIDA SENATE
APPEARANCE RECORD

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

6-Mar-13
Meeting Date

Topic Utility Theft

Bill Number 338
(if applicable)

Name Greg Smith

Amendment Barcode _____
(if applicable)

Job Title Gov. Affairs

Address 215 S. Monroe St. Suite 618

Phone 850-444-6864

Tallahassee FL 32301
City State Zip

E-mail gsmith@southco.com

Speaking: For Against Information

Representing Gulf Power Co.

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)

6 MARCH 13
Meeting Date

Topic THEFT OF UTILITY SERVICES
Name MIKE BJORKLUND
Job Title DIR. OF LEGISLATIVE AFFAIRS

Bill Number 338
(if applicable)
Amendment Barcode _____
(if applicable)

Address 2916 APALACHES PKWY
Street
TALL FL 32301
City State Zip

Phone 877-6146
E-mail _____

Speaking: For Against Information

Representing FL ELECTRIC COOPERATIVES ASSC. (FECA)

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)

3/6/13
Meeting Date

Topic Utility Theft
Name John Holley
Job Title _____

Bill Number 338
(if applicable)
Amendment Barcode _____
(if applicable)

Address _____
Street

City State Zip

Phone _____
E-mail _____

Speaking: For Against Information

Representing Florida Power & Light

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)

3-6-2013

Meeting Date

Topic Utility Theft

Bill Number 338 (if applicable)

Name Donna Simmons

Amendment Barcode (if applicable)

Job Title Dir, State Govt Relations

Address 106 E College Ave

Phone 681 6785

Tallahassee FL 32301

E-mail

Speaking: [X] For [] Against [] Information (Waive in support)

Representing TECO Energy

Appearing at request of Chair: [] Yes [X] No Lobbyist registered with Legislature: [X] 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)

3/6/13

Meeting Date

Topic Theft of Utility Services

Bill Number 338 (if applicable)

Name Cameron Cooper

Amendment Barcode (if applicable)

Job Title Director of Public Affairs

Address 106 E. College Ave #800

Phone 850-222-8738

Tallahassee FL 32301

E-mail cameron.cooper@pgh mail.com

Speaking: [X] For [] Against [] Information

Representing Progress Energy Florida

Appearing at request of Chair: [] Yes [X] No Lobbyist registered with Legislature: [X] 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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/13
Meeting Date

Topic Theft of Utility Services Bill Number SB 338
(if applicable)

Name Suzanne Goss Amendment Barcode _____
(if applicable)

Job Title Government Relations Specialist

Address 21 W. Church St Phone 904 665-8331
Street

Jacksonville FL 32202 E-mail gossSE@jea.com
City State Zip

Speaking: For Against Information

Representing JEA (electric, water + sewer)

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)

3-6-13
Meeting Date

Topic Theft of Utility Bill Number 338
(if applicable)

Name Lee Killinger Amendment Barcode _____
(if applicable)

Job Title _____

Address 324 E. Virginia St Phone 851-322-8907
Street

Tallahassee FL 32301 E-mail lee@anfieldfl.com
City State Zip

Speaking: For Against Information

Representing Florida Section, American Water Works 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.

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Tab 2

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic Post-Adjudicatory Drug Court Expansion Program Bill Number _____ (if applicable)

Name Jennifer Grandal Amendment Barcode _____ (if applicable)

Job Title Sr. Court Operations Consultant

Address 500 South Duval Phone 922-5101

Street

Tallahassee FL 32399

City

State

Zip

E-mail grandalj@flcourts.org

Speaking: For Against Information

Representing Office of the State Courts Administrator

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)

TAB 2

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/2013

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 Suite 312 Phone (850) 717-0575

Street

Tallahassee, FL 32399

City

State

Zip

E-mail walker-fraser.lucyann@oppaga.h.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.

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

S-001 (10/20/11)

TCD 2

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/13
Meeting Date

Topic Drug Courts Bill Number _____ (if applicable)
Name John Stargel Amendment Barcode _____ (if applicable)
Job Title Circuit Judge
Address _____ Phone _____
City _____ State _____ Zip _____ E-mail _____

Speaking: For Against Information - Answer Questions if needed.

Representing Trial 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.

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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)

3/6/13
Meeting Date

Topic Post Adjudicatory Drug Court Expansion Bill Number _____ (if applicable)
Name Barney T. Bishop III Amendment Barcode _____ (if applicable)
Job Title President & CEO
Address 209 South Monroe Street Suite 201 Phone 850-907-3436
City Tallahassee State FL Zip 32301 E-mail barney@barneybishop.com

Speaking: For Against Information

Representing Florida Smart Justice Alliance

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)

3/6/2013

Meeting Date

Topic 55 Roadmap

Bill Number _____ (if applicable)

Name Jim DeBeaugre

Amendment Barcode _____ (if applicable)

Job Title CEO - ICFJ Govt. Consultants

Address 201 S. Monroe, Ste 301

Phone 850-508-9968

Street
Tallahassee FL 32301
City State Zip

E-mail jim-debeaugre@comcast.net

Speaking: For Against Information

Representing Fla. Network of Youth & Family Svcs.

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)

Tab 6

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/2013

Meeting Date

Topic Roadmap Update

Bill Number _____ (if applicable)

Name Wansley Walters

Amendment Barcode _____ (if applicable)

Job Title Secretary

Address 2737 CenterView Dr.

Phone 850-413-7313

Street
Tallahassee, FL 32399
City State Zip

E-mail wansley.walters@dij.state.fl.us

Speaking: For Against Information

Representing DSS

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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Topic DJS Reorganization Bill Number _____ (if applicable)

Name BETH LABASKY Amendment Barcode _____ (if applicable)

Job Title Dir Govt Relations

Address 13211 Boney Rd Phone 850-3227335
Street
Jacksonville Fla 32226 E-mail bethlabasky@aol.com
City State Zip

Speaking: For Against Information

Representing Informed Families of Florida

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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Topic DJS Bill Number DJS (if applicable)

Name Bob Dillinger Amendment Barcode _____ (if applicable)

Job Title Public Defender

Address Crim Justice Center Phone _____
Street
Clearway E-mail _____
City State Zip

Speaking: For Against Information

Representing PD Assoc

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.

Tab 3

THE FLORIDA SENATE
APPEARANCE RECORD

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

03/06/13
Meeting Date

Topic Agency Schedule VIII B Reduction Proposal Bill Number _____
(if applicable)

Name Mark Zadra Amendment Barcode _____
(if applicable)

Job Title Assistant Commissioner

Address 2331 Phillips Road Phone 850-410-7001
Street

Tallahassee FL 32308
City State Zip

E-mail markzadra@fdle.state.fl.us

Speaking: For Against Information

Representing Florida Department 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 3

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-6-13
Meeting Date

Topic Schedule VIII B Bill Number _____
(if applicable)

Name Kevin Reilly Amendment Barcode _____
(if applicable)

Job Title LEGISLATIVE AFFAIRS DIRECTOR

Address 4070 ESPERANZA WAY Phone 850-728-3548
Street

Tallahassee FL 32371
City State Zip

E-mail Kevin.Reilly@FLC.state.fl.us

Speaking: For Against Information

Representing Florida Public Commission

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)

Tab 3

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Topic Court Budget / Foreclosures Bill Number _____ (if applicable)

Name Lisa Gardner Amendment Barcode _____ (if applicable)

Job Title State Cts Administrator

Address 500 S Duval St Phone _____

Tallahassee FL 32399 E-mail _____

City State Zip

Speaking: For Against Information

Representing State Courts

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

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Tab 3

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-6-13

Meeting Date

Topic Budget - STATE ATTORNEYS Bill Number _____ (if applicable)

Name BILL CERVONE Amendment Barcode _____ (if applicable)

Job Title STATE ATTORNEY - 8 CIR

Address 120 W UNIVERSITY AVE Phone 352 374-3686

Gainesville FL 32601 E-mail cervoneb@sa08.org

City State Zip

Speaking: For Against Information

Representing FLORIDA PROSECUTING ATTORNEYS 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.

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1203

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-6-13
Meeting Date

Topic Schedule VIII B
Name Sulianne Holt
Job Title Public Defender

Bill Number _____ (if applicable)
Amendment Barcode _____ (if applicable)

Address POB 172417
TPA FL 33672
Street City State Zip

Phone 813 302 4000
E-mail sholt@pd13.state.fl.us

Speaking: For Against Information

Representing Public Defender Assoc

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)

Tab 3

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/13
Meeting Date

Topic schedule VIII-B reductions
Name ALAN ABRAMOWITZ
Job Title Executive Director

Bill Number N/A (if applicable)
Amendment Barcode N/A (if applicable)

Address 600 S. CALHOUN STREET
TALLAHASSEE FL 32344
Street City State Zip

Phone 241.3232
E-mail Alan.Abramowitz@gal.fl.gov

Speaking: For Against Information

Representing GUARDIAN AD LITEM Program

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 Sch VIII B 2 Reductions

Bill Number _____ (if applicable)

Name Bill Jennings

Amendment Barcode _____ (if applicable)

Job Title CCRC - Middle

Address 3800 Corporate Park Dr. Suite 210

Phone 813 740-3544

Tampa FL 33619
City State Zip

E-mail jennings.b@ccmr.state.fl.us

Speaking: For Against Information

Representing Capital Collateral Regional Counsel Middle Region

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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CourtSmart Tag Report

Room: LL 37

Case:

Type:

Caption: Senate Subcommittee on Criminal Justice Appropriations Committee

Judge:

Started: 3/6/2013 8:04:00 AM

Ends: 3/6/2013 9:58:42 AM Length: 01:54:43

8:04:00 AM Meeting called to order.
8:04:02 AM Chairman Bradley opens.
8:05:01 AM TAB 1- Presentation of SB 338 by Senator Simpson- Theft of Utility Services
8:05:12 AM Senator Simpson, recognized.
8:05:56 AM Chairman Bradley asks for questions.
8:06:04 AM Senator Joyner asks a question about the penalty imposed by the bill.
8:06:47 AM Senator Simpson responds.
8:07:12 AM Senator Joyner asks a follow up question.
8:07:38 AM Senator Simpson responds.
8:08:04 AM Senator Joyner expresses her support for the bill.
8:09:04 AM Senator Braynon asks if they are talking about grow houses.
8:09:13 AM Senator Simpson responds.
8:09:25 AM Chairman Bradley asks for additional questions.
8:09:56 AM Barry Moline , Executive Director, Florida Municipal Electric Association, waives in support.
8:10:05 AM Greg Smith, Government Affairs, Gulf Power Co., waives in support.
8:10:14 AM Mike Bjorklund, Director of Legislative Affairs, Florida Electrical Cooperatives Association, waives in support.
8:10:18 AM John Holley, Florida Power & Light, waives in support.
8:10:21 AM Donna Simmons, Director - State Government Relations, TECO Energy, waives in support.
8:10:29 AM Cameron Cooper, Director of Public Affairs, Progress Energy, waives in support.
8:10:35 AM Suzanne Goss, Government Relations Specialist, JEA, waives in support.
8:10:59 AM Lee Killinger, Florida Section - American Water Works Association, waives in support.
8:11:11 AM Senator Smith comments on the investigatory effect of creating a felony.
8:11:54 AM Chairman Bradley asks for any comments or debate.
8:11:59 AM Senator Simpson waives close.
8:12:48 AM TAB 2- Post-Adjudicatory Drug Court
8:13:33 AM Chairman Bradley comments on drug court funding.
8:14:03 AM Jennifer Grandal, Sr. Court Operations Consultant, Office of State Court Administrator, recognized.
8:16:05 AM Chairman Bradley asks why Duval County dropped out.
8:17:05 AM Ms. Grandal responds that there weren't enough enrollees.
8:18:21 AM Senator Dean asks what happens to individuals who do not complete the program.
8:18:50 AM Ms. Grandal responds.
8:18:54 AM Senator Hays asks about reasons for the low success rate.
8:19:39 AM Ms. Grandal responds that they need to complete a comprehensive analysis of the program.
8:20:02 AM Senator Bradley asks how we define success.
8:20:11 AM Ms. Grandal responds that it means successfully completing the requirements of the drug court program.
8:20:33 AM Senator Diaz de la Portilla asks about the eligibility criteria for drug court.
8:21:05 AM Ms. Grandal responds that any non-violent offender with no more than 60 points on the score sheet qualifies, as well as any VOP.
8:22:19 AM Senator Dean asks about judicial discretion as it applies to eligibility.
8:23:05 AM Ms. Grandal responds that there is some discretion.
8:23:34 AM Chairman Bradley asks about the cost of incarceration per inmate.
8:24:02 AM Senator Soto asks about violent offenses.
8:24:44 AM Ms. Grandal responds that they are not aware of any violent offenses being committed.
8:25:08 AM Chairman Bradley asks if an inmate would be eligible if they had been charged with a violent offense.
8:25:10 AM Ms. Grandal responds that they would not.
8:25:13 AM Senator Braynon asks if a prior violent offense would disqualify an offender.
8:25:44 AM Ms. Grandal responds that there is judicial discretion and continues her presentation.
8:26:51 AM Senator Dean asks how much the participants must pay.
8:27:26 AM Ms. Grandal responds that most offenders do have to contribute.
8:31:31 AM Chairman Bradley asks if the expansion drug courts operate differently than the previously existing drug courts.

8:32:32 AM Ms. Grandal responds that they do.

8:32:45 AM Senator Dean asks about success numbers in pre-trial.

8:33:34 AM Ms. Grandal responds that it is generally the same, about 60%, looking at all drug courts.

8:33:53 AM Senator Dean asks if that is all pre-trial.

8:34:13 AM Ms. Grandal responds that it is not.

8:34:22 AM Chairman Bradley asks if there is a statistical difference in success rates.

8:34:32 AM Ms. Grandal responds that there is not and continues her presentation.

8:35:15 AM LucyAnn Walker-Fraser, Senior Legislative Analyst, OPPAGA, recognized.

8:40:32 AM Senator Hays asks if there is an inconsistency in scoring.

8:41:36 AM Bill Cervone, State Attorney, explains the scoring structure.

8:42:36 AM Chairman Bradley explains that the scoring is objective.

8:42:58 AM Senator Hays asks if the data shows that there are differences between counties.

8:43:17 AM Chairman Bradley says that it doesn't.

8:44:11 AM Ms. Walker-Fraser resumes her presentation.

8:45:05 AM Chairman Bradley asks about Broward County's completion rate.

8:45:47 AM Ms. Walker-Fraser responds that they think there needs to be more evaluation.

8:47:27 AM Senator Soto asks if we have any analyses about Pinellas' low completion rate.

8:47:45 AM Ms. Walker-Fraser responds.

8:49:15 AM Senator Braynon asks if failing a drug test is non-compliance, but not a new offense.

8:49:33 AM Ms. Walker-Fraser says that is correct.

8:50:31 AM Chairman Bradley asks if they have studied the correlation between successful completion and residential programs.

8:51:13 AM Ms. Walker-Fraser responds that they have not looked at it beyond the interview data.

8:51:37 AM Chairman Bradley says he would like a comprehensive report.

8:51:54 AM Senator Diaz de la Portilla comments on the residential beds.

8:52:22 AM Senator Soto says that we want to look at which models are working and standardize a successful model.

8:52:55 AM Chairman Bradley agrees.

8:53:26 AM Senator Clemens asks if OPPAGA looked at the ramifications and savings of expanding this program.

8:53:55 AM Ms. Walker-Fraser says they chose the counties based on the amount of offenders there who could qualify for the program.

8:54:23 AM Senator Clemens says that he is interested in expanding this to other counties.

8:54:30 AM Judge John Stargel, Circuit Judge, recognized.

8:54:49 AM Chairman Bradley says that they need to decide exactly what to ask OPPAGA to study about these programs.

8:55:47 AM Senator Soto asks for recommendations from Polk County about what to ask OPPAGA.

8:56:47 AM Judge Stargel responds.

8:57:03 AM Chairman Bradley asks Judge Stargel to provide some background.

8:57:20 AM Judge Stargel provides his experience with the drug court, and says that the offenders' drug of choice and the length of the program are important considerations.

9:00:31 AM Chairman Bradley comments on the ethical concerns that attorneys may have, and that the criminal bar needs to address this.

9:01:42 AM Judge Stargel discusses the lifestyle changes that occur.

9:02:41 AM Senator Braynon asks if it is a good idea to expand drug court to work with people who abuse prescription drugs.

9:03:11 AM Judge Stargel says that the programs are open to everyone with a drug program.

9:04:04 AM Senator Altman thanks Judge Stargel for his statements.

9:04:33 AM Senator Soto thanks Judge Stargel for coming today.

9:04:56 AM Chairman Bradley comments on OPPAGA.

9:05:09 AM Senator Dean thanks Judge Stargel for being tough on crime.

9:05:30 AM Barney T. Bishop III, President, Florida Smart Justice Alliance, recognized.

9:08:24 AM TAB 6- Update on Department of Juvenile Justice's Roadmap Proposal

9:09:07 AM Secretary Wansley Walters, Department of Juvenile Justice, recognized.

9:13:43 AM Senator Hays asks if the DJJ only utilizes DJJ prevention programs, or if they also utilize other organizations like the Boys & Girls Club.

9:14:26 AM Secretary Walters responds that they do work with community based programs.

9:17:44 AM Chairman Bradley comments on the lack of consistency regarding child services across the state.

9:20:38 AM Senator Dean asks how many juvenile lock up facilities are on line.

9:21:28 AM Secretary Walters responds that they are just shy of 2800 beds and are at 88% capacity.

9:22:23 AM Senator Dean asks a follow up question.

9:23:18 AM Secretary Walters responds that they have been focusing on North Florida.

9:25:26 AM Senator Dean asks for a list of preferred alternatives.

9:25:47 AM Chairman Bradley comments on his and Senator Dean's area of the state.

9:26:45 AM Senator Garcia asks if the families of the children in the system are assessed and then helped.

9:27:37 AM Secretary Walters says that they are, and that they recognize the value of programs like family therapy.

9:30:21 AM Senator Garcia says that he appreciates the willingness of DJJ to work with DCF.

9:31:40 AM Chairman Bradley says that he agrees with Senator Garcia.

9:32:25 AM Senator Braynon comments on the FFT program in Miami.

9:33:03 AM Secretary Walters resumes her presentation.

9:34:05 AM Chairman Bradley asks if the DJJ has the proper statutory authority necessary for a successful program.

9:34:30 AM Secretary Walters says she will get back to the committee on that.

9:36:38 AM Chairman Bradley thanks Secretary Walters.

9:37:09 AM Beth Labasky, Director of Government Relations, Informed Families of Florida, recognized.

9:38:49 AM Jim DeBeaugring, Florida Network of Youth and Family Services, recognized.

9:40:28 AM Bob Dillinger, Public Defender, recognized.

9:42:03 AM Chairman Bradley asks if the other circuits do this.

9:42:13 AM Mr. Dillinger responds that they were the only circuit funded.

9:42:27 AM TAB 4- Update on Foreclosure Activity in Florida

9:42:43 AM Lisa Goodner, State Courts Administrator, Office of State Courts, recognized.

9:48:56 AM Chairman Bradley asks if there has been discussion about setting these foreclosures for trial.

9:49:21 AM Ms. Goodner responds that that is one case management strategy.

9:51:23 AM Chairman Bradley asks a question.

9:51:28 AM Ms. Goodner responds.

9:53:37 AM Chairman Bradley asks for questions.

9:53:51 AM Senator Soto asks what the backlog was when the legislature was funding foreclosure activity.

9:54:51 AM Ms. Goodner says they cleared a substantial number above average at that point.

9:55:02 AM Senator Soto asks about the backlog that they got through with less funding.

9:55:14 AM Ms. Goodner responds that it was about a 110% clearance rate.

9:55:46 AM Senator Soto asks a follow up about requested funding.

9:56:13 AM Ms. Goodner responds that this is a three year plan.

9:57:04 AM Senator Soto comments that this is one of the best investments the state can make right now.

9:57:53 AM Chairman Bradley asks Senator Soto to provide him with more info on a three year program.

9:58:33 AM Meeting adjourned.