

COMMITTEE MEETING EXPANDED AGENDA

**BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL
JUSTICE APPROPRIATIONS**

Senator Fasano, Chair
Senator Joyner, Vice Chair

MEETING DATE: Wednesday, January 26, 2011

TIME: 1:45 —3:45 p.m.

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

MEMBERS: Senator Fasano, Chair; Senator Joyner, Vice Chair; Senators Bennett, Evers, Smith, Storms, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Budget Work Session		

Department of Legal Affairs
Schedule VIII-B2 Narrative Summary for Fiscal Year 2011-12

The Trust Fund target for the Department of Legal Affairs Schedule VIII B reduction is \$13,757,224

- The Department of Legal Affairs has very few trust funds that can be considered and only one that could generate 15% transfer to General Revenue.
- The Legal Affairs Trust Fund Reduction would have to come from the Crimes Compensation Trust Fund. \$13,757,224
- This trust fund receives funding from a mandatory \$50 court cost on criminal offenses, a 5% surcharge on criminal fines, offense fines and restitution.
- The bulk of these funds are awarded to medical/dental organizations/facilities that provide treatment for victims of crime and directly to the victims of crime.
- 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.

The General Revenue target for the Department of Legal Affairs Schedule VIII B reduction is \$5,678,755

- Over the last four years, the Department of Legal Affairs has had reductions of 18.9% of its recurring General Revenue (\$9.1 million)
- The Department will have great difficulty in continuing its constitutional and statutory functions with further reductions to General Revenue positions.
- Outside of agency positions, the only area remaining in the budget of the Attorney General funded with recurring General Revenue are the minority crime prevention programs.
- The programs provide valuable services in targeted areas of the state.
- The specific contracts included to reach the 15% are:
 - University Area Community Development Corporation in Tampa (\$1,146,635)
 - Adults Mankind Organization, Inc. in Miami (\$959,986)
 - Community Coalition Inc. in Miami (\$959,986)
 - The Urban League Consortium (\$2,612,149)



Presentation of Schedule VIII B-2

FY 2011-2012

January 26th, 2011

**Senate Criminal and Civil Justice Appropriations
Subcommittee**

**Walter A. McNeil, Interim Secretary
Department of Corrections**

Department of Corrections Budget

FY 2010-2011 Budget	\$ 2.27	Billion
Security and Institutional Ops.	\$ 1.54	Billion
Health Services	\$ 412.2	Million
Community Corrections	\$ 234.8	Million
Administration	\$ 55.8	Million
Education & Programs	\$ 27.6	Million

The Big Picture

15 % reduction to GR = \$ 331,924,619

Issue #1: \$ 3,529,560

Medicaid eligibility for inmates in hospital

- Section 409.9025 F.S. provides eligibility for those persons who were Medicaid eligible prior to incarceration.
- Working with AHCA to implement

Issue #2: \$1,493,773
10% Reduction in Leases

- Reduce funding for private office lease space held by probation offices statewide by 10%.

Issue #3: \$ 15,700,296 Non-Certified Staff Furlough

- Implement a furlough for all non-certified employees (7,180) for 12 days during FY 2011-2012
- Correctional officer and correctional probation officer series employees will be unaffected.

Issue #4: \$4,000,000 Expand 340B Program

- Currently, DOC has agreements with Alachua and Jackson County Health Departments whereby the Department of Health's physicians treat and prescribe drugs for HIV inmates at nine (9) institutions.
- As a result the department is entitled to receive federal 340B pricing for HIV drugs
- The department proposes expanding the agreement to include four more County Health Departments which will cover twenty (20) additional institutions.

Issue #5: \$ 153,587 and 2 FTE Eliminate ACA Statewide Coordination

- Eliminate funding associated with accreditation by the American Correctional Association (ACA) and the nationally recognized support provided by that body for prison operations.
- Currently, 100% of all department of Corrections prison facilities are accredited.

Issue #6: \$ 500,000
Prescription Drug Co-Payment

- Implement a \$3 charge to inmates for prescription drugs.

Issue #7: \$4,000,000

Reduce Medical Payments to 90% of Medicare

- Section 945.6041, F.S., states compensation to a health care provider to provide inmate medical services may not exceed 110 percent of the Medicare allowable rate if the health care provider does not have a contract to provide services
- This issue would require the department to reduce such payments to 90 percent for one fiscal year.

Issue #8: \$ 9,765,238

Reduce Health Services

- Reduce funding for inmate health care through additional efficiencies.

Issue #9: \$ 5,000,000

Expand Conditional Medical Release

- Revisit the definition for Conditional Medical Release under Section 947.149(1) (a), F.S., which allows for release of permanently incapacitated inmates, upon approval of the Florida Parole Commission
- The department estimates 250 inmates would be immediately eligible for release under this provision

Issue #10 - \$ 25,053,876

Reduce Private Prisons by 15%

- The budget for private prisons is housed within the Department of Corrections. It is therefore appropriate that these contracts be considered in this reduction exercise.

Issue #11 - \$ 4,188,182 60 FTE

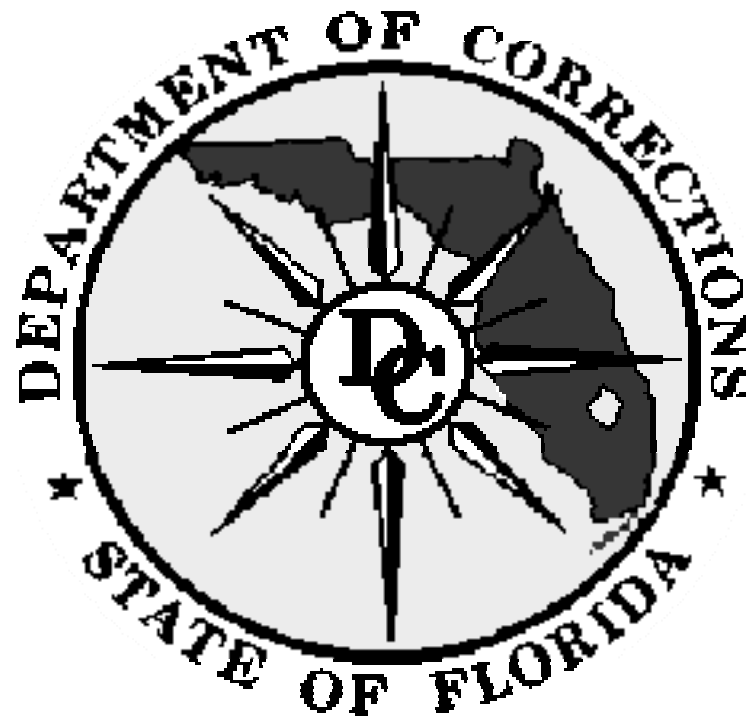
Eliminate Pre-Trial Intervention

- PTI is designed for first time offenders or persons previously convicted of not more than one nonviolent misdemeanor, charged with misdemeanor or felony of the 3rd degree
- Majority of the 9,000 offenders are drug offenders
- While elimination might result in some increase in offenders-it is anticipated the programs would be picked up by counties, private providers, or the State Attorney

Issue #12: \$ 258,540,107 3,254 FTE

Lump Sum Gain Time Award

- Requires a change in law to permit the department to grant a 170-day gain time award to eligible inmates
- 13,282 inmates would be eligible for release
- 10 prisons would close
- Points to consider:
 - Consistent with the 85% law
 - Only amounts to a minimal change in the release date for inmates



**Walter A. McNeil, Interim Secretary
Department of Corrections**

Florida Department of Law Enforcement



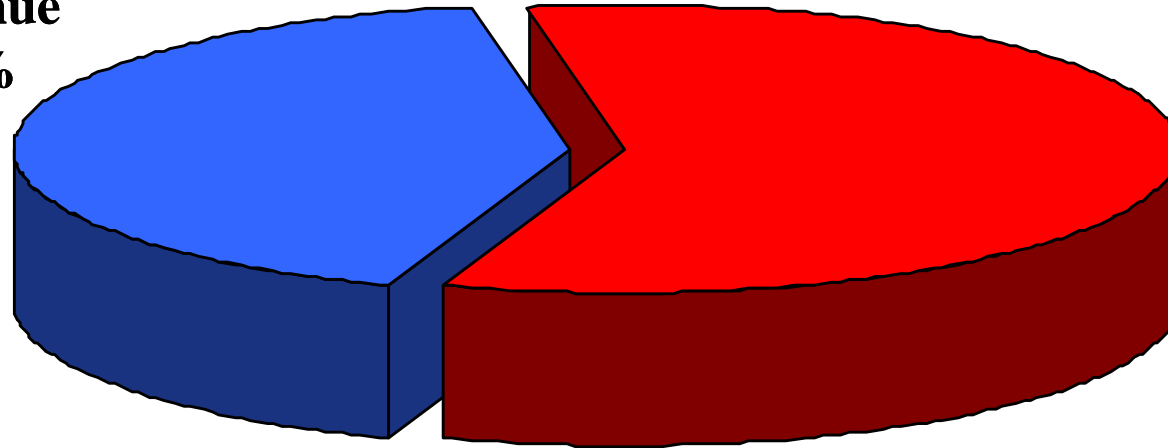
Senate Budget Subcommittee Criminal and Civil Justice Appropriations

January 26, 2011

FDLE Budget

\$295 million*

**General
Revenue
25%**



**Trust Funds
75%**

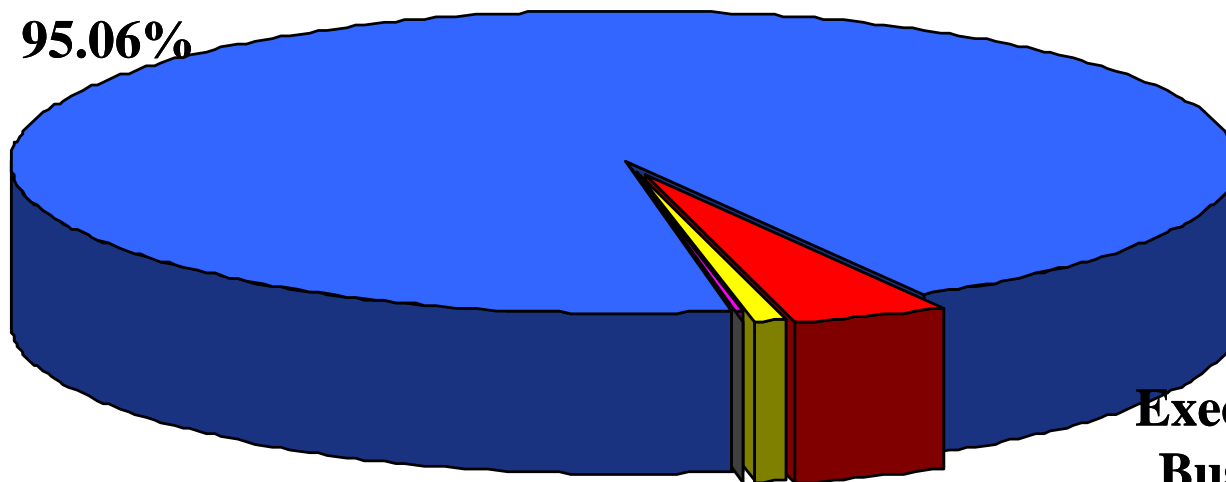
***Excludes Public Assistance Fraud and non-recurring stimulus pass through funds**

FDLE Budget

General Revenue

**Investigations
and Forensics**

95.06%



**Executive Director/
Business Support**

3.23%

Capitol Police

.01%

Information

1.38%

Professionalism

.32%

Schedule VIII-B Reductions by Program Area

Program Area	Total
Office of Executive Director/Business Support	\$303,721
Capitol Police	\$858,622
Investigations and Forensic Services	\$16,231,732
Criminal Justice Information	\$3,039,586
Criminal Justice Professionalism	\$3,371,170
Total	\$23,804,831

Potential Reductions FY 2011-12

- Florida Criminal Justice Executive Institute
- Missing and Endangered Persons Clearinghouse
- Staffing for State Accreditation
- Alcohol Testing Program
- Sexual Offender/Predator Registry
- Prescription Drug Diversion/Meth Investigations
- Illegal Drug Investigations
- Gang Investigations
- Use of Force/In Custody Deaths
- Organized Retail and ID thefts
- Mortgage Fraud
- Eliminating Latent Print Examiners
- Reducing Chemistry Staffing; and
- Eliminating Trace Evidence, Toxicology, and Digital Evidence Recovery





The Florida Parole Commission

Schedule VIII B-2:
Priority Budget Reduction Exercise FY 2011-12

THE FLORIDA SENATE
Budget Subcommittee
on Criminal and Civil Justice Appropriations
January 26, 2011

Senator Mike Fasano, Chair
Senator Arthenia Joyner, Vice Chair

Presented by
Tena M. Pate, Chair



The Florida Parole Commission

PROGRAM:

POST INCARCERATION ENFORCEMENT AND VICTIMS' RIGHTS

FY 2011-12 Base Budget (GR)	\$8,329,584
FY 2011-12 Base Budget (Trust Fund)	<u>51,237</u>
Total FY 2011-12 Base Budget	\$8,380,821
15% Reduction	<u>1,212,173</u>
Estimated Reduced Base Budget	\$7,168,648



The Florida Parole Commission

PRIORITY RANKING IN DESCENDING ORDER:

1.	Conditional Release*	\$ 583,070.88
2.	Offender Revocations*	\$2,582,171.04
3.	Parole Determinations*	\$1,332,733.44
4.	Clemency Services	\$3,882,845.64
	15% Reduction	<u>1,212,173.00</u>
		\$2,670,672.64

*Functions with statutorily mandated timeframes



The Florida Parole Commission

EFFECTS OF 15% REDUCTION:

- Will result in a reduction of **28.5** FTE's.
(This is based upon an average salary, average leave payout, and unemployment.)
- Will significantly decrease the number of clemency cases processed.
 - Levels I and II clemency cases will not be processed.
(Levels I and II cases processed in FY 2009-10 totaled 36,946)
 - Only death row cases, seaport security/employment waivers, commutation of sentence cases, and cases for the Clemency Board's quarterly meetings will be processed. *(Approximately 150 cases)*

NOTE: RCR Cases pending on January 1, 2011 (97,491)
RCR Cases received annually (approx. 60,000)



Florida Parole Commission

Questions?

Contact:

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FLORIDA DEPARTMENT OF JUVENILE JUSTICE **Possible Budget Reductions (Schedule VIIIB-2)** **FY 2011 - 2012**

<u>Priority</u>		<u>General Revenue</u>	<u>Trust Funds</u>	<u>Total Reduction</u>	<u>FTEs</u>
1	Elimination of Funding for Special Initiatives and Programs To Reduce Juvenile Crime	(8,109,035)		(8,109,035)	
2	Elimination of Funding for Temporary Employees	(35,826)		(35,826)	
3	Elimination of Funding to Support the Children and Youth Cabinet Data Sharing System	(50,116)		(50,116)	
4	Elimination of Bed Capacity at Underutilized Detention Centers	(2,415,722)	(11,364,081)	(13,779,803)	(278.00)
5 - 10	Reduction to Probation and Community Corrections Services	(13,625,222)		(13,625,222)	(31.00)
11-12	Reduction to CINS/FINS and Pace Prevention Programs	(3,281,133)	(253,326)	(3,534,459)	
13 - 14	Reduction to Residential Bed Capacity	(29,440,471)		(29,440,471)	
15	Reduction of Administrative and Program Support Positions Directly Linked to Closures and Program Reductions	(2,937,878)	(507,105)	(3,444,983)	(62.50)
		<u>\$ (59,895,403)</u>	<u>\$ (12,124,512)</u>	<u>\$ (72,019,915)</u>	<u>(371.50)</u>

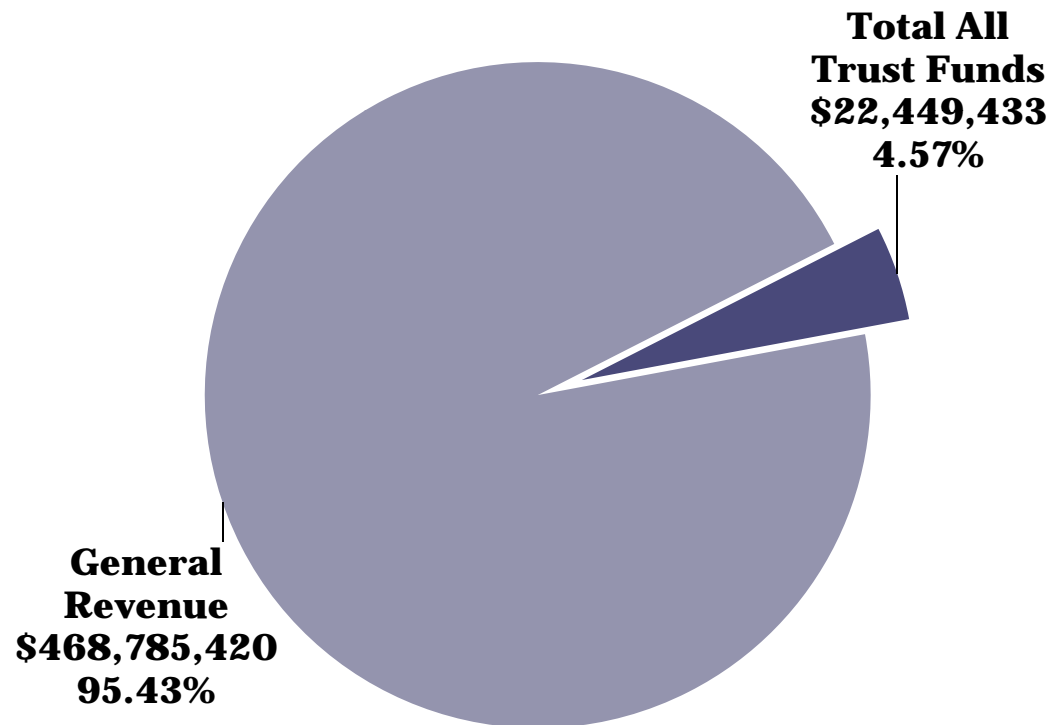
Impact of 15% Schedule VIII B Reduction for Fiscal Year 2011-2012

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

January 26, 2011

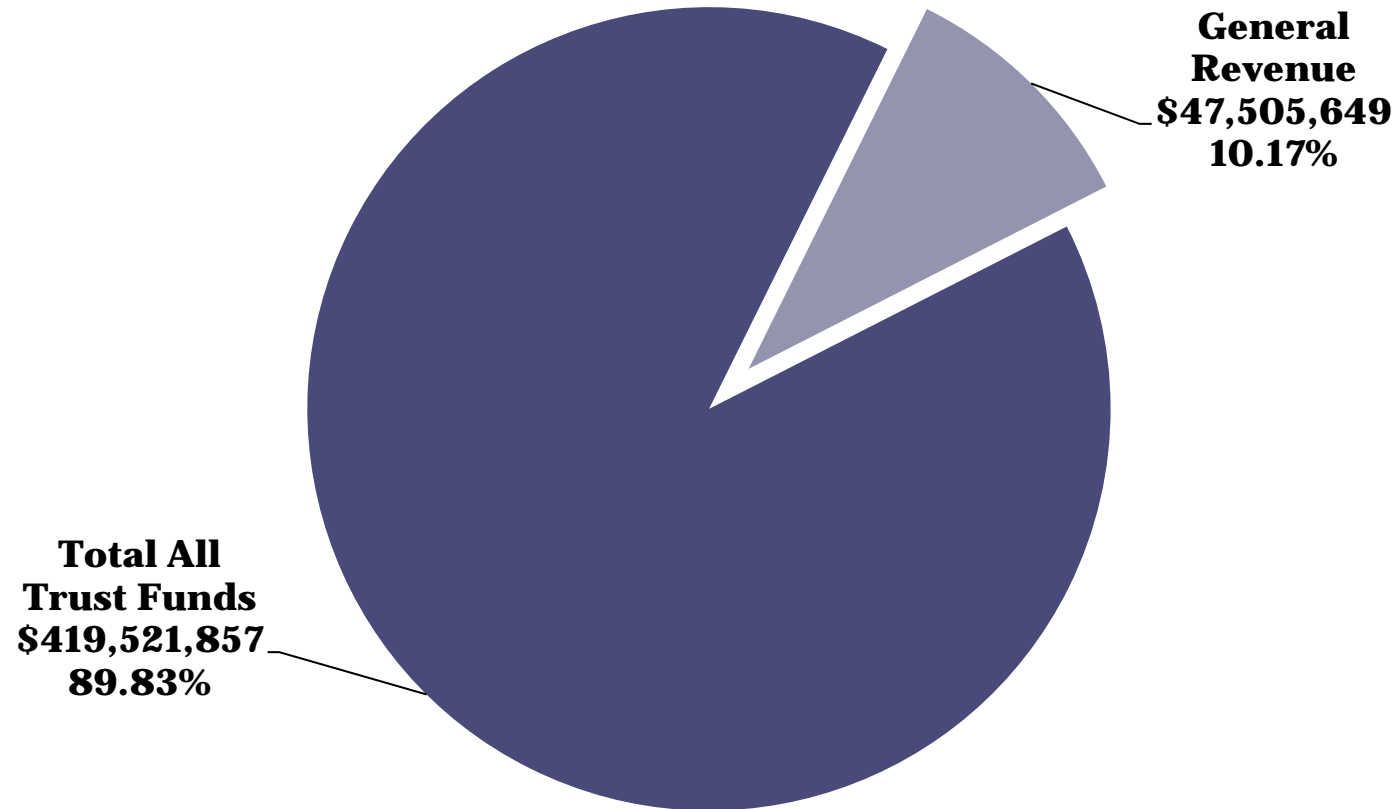


State Courts System Fiscal Year 2007-2008 General Revenue and Trust Comparison



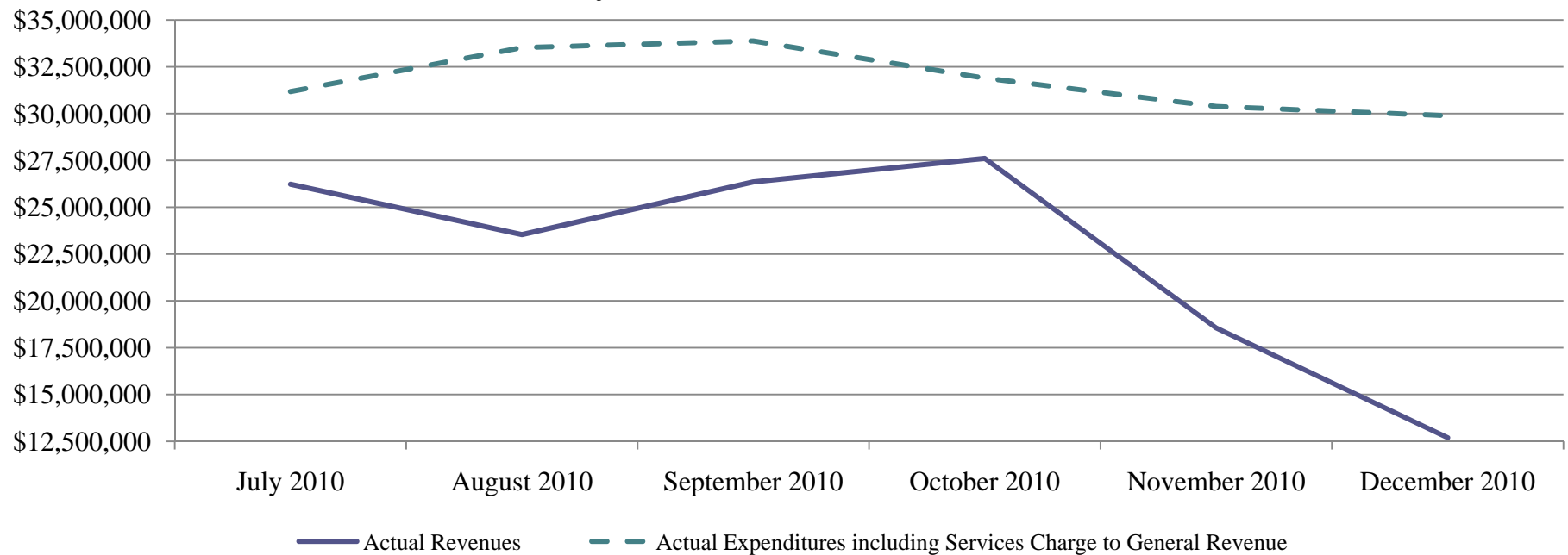


State Courts System Fiscal Year 2010-2011 General Revenue and Trust Fund Comparison





State Courts Revenue Trust Fund Actual Revenues and Actual Expenditures July 2010 to December 2010



	July 2010	August 2010	September 2010	October 2010	November 2010	December 2010
Beginning Cash Balances	\$107,025,229	\$102,075,114	\$92,092,765	\$84,568,939	\$80,278,693	\$68,454,484
Actual Revenues	\$26,226,581	\$23,540,956	\$26,356,224	\$27,605,792	\$18,553,594	\$12,693,183
Actual Expenditures	\$28,999,774	\$31,569,303	\$31,692,366	\$29,071,531	\$28,479,477	\$28,586,119
Actual Service Charge to GR*	\$2,176,922	\$1,954,003	\$2,187,683	\$2,824,507	\$1,898,326	\$1,298,713
Ending Cash Balance	\$102,075,114	\$92,092,765	\$84,568,939	\$80,278,693	\$68,454,484	\$51,262,835

*Prorated by month

Article V General Revenues Contributions
FY 2007/08 to FY 2010/11
(in millions)

General Revenue Reductions	\$41.3
Fund Shift General Revenue to Trust Funds	\$329.4
New Article V Revenues to General Revenue	\$373.0
Service Charges to General Revenue	\$139.7
Non-Recurring Cash to General Revenue	\$11.1
Total	\$894.5

Historical Budget Reductions from FY 07-08 to FY 09-10 General Revenue and State Courts Revenue Trust Fund

FY 07-08 Recurring	FY 09-10 Recurring	Total Reduction	% of Reduction
445,529,974	398,249,758	(47,280,216)	(10.61%)

Source: Column G64 and B84 which includes the Beginning GAA and any vetoes, supplemental or salary adjustments.

Historical FTE Reductions From FY 07-08 to FY 09-10 General Revenue and State Courts Revenue Trust Fund

FY 07-08	FY 09-10	Total Reduction	% of Reduction
4,403.50	4,113.00	(290.50)	(6.6%)

State Courts System Impact of 15% Target Reductions FY 2011 -2012

	General Revenue	Administrative Trust Fund	State Courts Revenue Trust Fund	Court Education Trust Fund	Mediation Arbitration Trust Fund	TOTAL
FY 10-11 Appropriation	47,505,649	4,375,922	370,415,242	3,331,496	14,032,089	439,660,398
TARGET in Dollars	7,125,847	544,839	54,203,910	499,033	1,924,494	64,298,123

Source for FY 10-11 Appropriation is Column G64. The Grants and Donations Trust Fund prorated share of \$30,674 has been removed from the trust target reduction as these funds are restricted by the grantors.

Total SCS Staff FTE Reductions Summary by Budget Entity for All Funds FY 11-12 15% Target Reductions

Total Staff FTE Reduction	1,084.75 35.75%
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Budget Entity	Current Staff FTE	Reduction to meet Target
Supreme Court	90.00	20.50
OSCA	153.50	40.75
DCA	354.50	90.00
Circuit	2,110.50	704.75
County	322.00	226.00
JQC	5.00	2.75
Total	3,035.50	1,084.75

FY2011-12
Statewide Guardian ad Litem Program
Schedule VIII-B-2
Budget Reduction Priority Listing

Priority	Issue	Description	# FTE	Amount (From Gen. Rev.)
1	Reduce Operating Capital Outlay by 50%	Reduces our ability to pay for replacement IT equipment that is outdated.		\$ 12,000
2	Reduce Expenses by 15%	Eliminates the program's ability to pay for operating expenses needed to oversee 3,250 children.		143,906
3	Reduce Contracted Services by 8%	Greatly reduces our ability to pay for court reporters, contract attorneys, volunteer fingerprint/background checks, and software to maintain our case tracking system.		117,026
4	Reduce G/A Contract System Services (Voices for Children) by 15%	Reduces the grant to Miami-Dade County Voices for Children Foundation and reduces the number of children they will be able to support.		133,898
5	Reduce workforce by 15%, which eliminates 85 FTE.	Results in the elimination of 85 FTE positions and discharges over 3,250 children from the GAL program.	85	4,079,352
TOTAL 15% REDUCTION AMOUNT				\$4,486,182



LAW OFFICES OF THE
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THIRD REGION OF FLORIDA

Serving Miami-Dade and Monroe Counties

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January 21, 2011

RC3's 15% POSSIBLE BUDGET REDUCTION PRESENTATION FOR
SUBCOMMITTEE ON JUSTICE APPROPRIATIONS MEETING IN
TALLAHASSEE, WEDNESDAY, JANUARY 26, 2011

1. RC3 covers Miami-Dade and Monroe Counties with a total population of 2.6 Million and is budgeted at \$4.8 Million Dollars.
2. RC3's 15% possible budget reduction can be taken directly from its 2011-2012 Legislative Budget Request (LBR) Schedule VIII-B2 and amounts to a roughly \$735,000.00 reduction. RC3 would need to cancel fifteen (15) attorney contracts that cover 15 criminal court divisions.
3. By comparison, the Florida Association of Counties pending lawsuit (presently on appeal before the Florida Supreme Court) against the Senate President, House Speaker and the five Regional Counsel is about the Counties not wanting to follow Senate Bill 1088 (2007) and contribute roughly 15% of this agency's funding. In effect, the County's lack of support and funding, including any trust fund sharing per F.S. 28.24(12)(e)1., has undermined this agency's operation since its 2007 inception.
4. Minimum Savings: The below numbers reflect minimum cost savings against private court-appointed counsel flat fees, and do not include the additional savings attributable to due process costs per case. But for the creation of the offices of regional counsel, the flat fee system would not have been the success it has been.

Fiscal Year 2007 – 2008	=	\$1,000,000.00*
Fiscal Year 2008 – 2009	=	\$2,100,000.00*
Fiscal Year 2009 – 2010	=	\$ <u>500,000.00</u> *
Total	=	\$3,600,000.00

* Rounded to nearest hundred thousand.

IDEAS FOR IMPROVEMENT

5. IMPROVE THE COLLECTION OF RC's TRUST FUNDS.

A. THE “INDIGENT CIVIL DEFENSE TRUST FUND” UNDER SECTION 57.082(1)(D), FLORIDA STATUTES FOR CHAPTER 39 DEPENDENCY CASES. RC3's spending authority granted for \$86,000.00, but only \$2,000.00 collected by Clerks of Court since inception.

6. COMPEL DISTRIBUTION OF A SHARE OF THE “TECHNOLOGY TRUST FUND” UNDER SECTION 28.24(12)(e)1., FLORIDA STATUTES (2007).

IN MIAMI-DADE COUNTY ALONE FIFTEEN MILLION (\$15,000,000.00) DOLLARS HAS BEEN COLLECTED BY THE COUNTY CLERK AND TRANSFERRED TO THE COUNTY COMMISSION. ALL REQUESTS BY THIS OFFICE FOR A SHARE TO BOTH COUNTIES HAVE GONE UNANSWERED.

7. CREATE A “DIRECT SERVICE ORGANIZATION (“DSO”)” BY STATUTE TO SUPPLEMENT AND SUPPORT EACH REGION. THE CONCEPT IS THE SAME AS THE DOZEN EXISTING DSO'S.

A DRAFT DSO STATUTE IS ATTACHED FOR REVIEW.



**STATE OF FLORIDA
OFFICE OF CRIMINAL CONFLICT
AND CIVIL REGIONAL COUNSEL
FOURTH DISTRICT**

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PHILIP J. MASSA
REGIONAL COUNSEL

OTHER LOCATIONS:

Broward County

Indian River County

Martin County

Okeechobee County

Saint Lucie County

Fact List for Regional Counsel (RC) 4th District:

Covers: Broward County, Palm Beach County, Okeechobee County, Martin County, Indian River County, and St. Lucie County. Approximate population base of 3.6 million people. The agency covers approximately 105 courtrooms per day in six (6) counties and three (3) Judicial Circuits.

Budget: 7.0 million

Case Types: Covers all required cases pursuant to F.S. 27.511(6)(a), including death penalty cases and appeals.

Minimum Savings: Numbers reflect savings for attorney's fees, and does not include the savings attributable to due process costs per case.

Fiscal Year 2007 - 2008 - \$4.0 million*

Fiscal Year 2008 - 2009 - \$3.5 million*

Fiscal Year 2009 - 2010 - \$2.9 million*

Case Volume:

01/08 – 10/10 = 27,166 cases.

Agency Awards/Honorable Mentions:

Prudential - Davis Productivity Award, Award of Distinction, 2010

* Rounded to the hundred thousands



Office of Criminal Conflict and
Civil Regional Counsel – Fifth District

Jeffrey D. Deen
Regional Counsel

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15% Budget Cutting Exercise:

1. This office was established in 2007. It was the intent of the legislature to have all facilities funded by the counties.
2. In 2008, the Florida Association of Counties sued the State (Jeffrey Lewis, et al vs. Leon County, et al) and to date has prevailed. The result is that this agency receives **NO FUNDING WHATSOEVER FOR FACILITIES**. The budget we have supports 8 offices in 13 counties. This is a budget cut. **We receive no extra money for facilities**, therefore this amounts to an unplanned budget cut.

Total amount unfunded for facilities **\$405,515.64**.
3. From the beginning this office was designated by the legislature to be a participant in the trust fund designated in F.S. 28.24, for its technology needs. As a result of the Florida Association of Counties lawsuit, to date, with one minor exception we have been totally excluded and receive no funds for the technology needs of this agency.
4. Technology costs for 2011/2012 **\$213,558.00**. **This cost is supported solely by the existing budget we have now. This is also a budget cut since the budget we have must absorb these costs.** Therefore, because of the Florida Association of Counties suit we are unfunded for facilities and technology and receive no extra money for these budget items:

Facilities	\$405,515
Technology	<u>\$213,558</u>
	\$619,073

Or 10.35% of the 5th District's \$5,979,953 budget.

5. To reach 15% would require the contraction of offices. Our office must be in every criminal and civil dependency courtroom in 13 counties on a daily basis. Contraction would seriously effect our ability to fulfill our constitutional responsibilities which are to provide attorneys for the indigent pursuant to F.S. 27.511.
6. If the premise that we have already absorbed a 10.35% budget cut due to unfunded facilities and technology is not accepted then our previously submitted Schedule VIIIB-1 outlines the drastic measures this office would be required to undertake for the 5th district.

We would close at least 3 offices and would have to lay off at least 21 employees (mostly lawyers) while still having to cope with our constitutional & statutory obligations to represent the indigent pursuant to F.S. 27.511.

7. This agency's trust funds are virtually non-existent so trust fund authority was excluded in budget calculations.
8. This office has undertaken a stringent system of procedures to control spending and to live within the **budget as it exists at present**. Any further cuts will seriously compromise our ability to meet our mission and our statutory mandate.

Respectfully Submitted,



Jeffrey D. Deen, Regional Counsel

LEGISLATIVE BUDGET REQUEST FY 2011-2012
SCHEDULE VIII-B-1

Regional Counsel, Fifth Region

Page 1 of 1

Issue Code: 33B6XXX

Issue Title:

Regional Conflict Counsel Reductions

People (to generate Salaries and Benefits):			
# of Positions	Class Code	Position Title	Salary Rate or Default

Dollars (FY 2011-2012):				
Appropriation Category Title / Code	Fund Title	FSI	Total Request	Total Non-Recurring
Contracted Services	1000	1	\$ 128,675	
Salaries	1000	1	\$ 756,800	
Indigent Civil Trust Fund			\$ 32,232	

Priority # 1

Office of Criminal Conflict and Civil Regional Counsel, Fifth District will be forced to close its Osceola , Lake, and Marion County offices.

Priority #2

Office of Criminal Conflict and Civil Regional Counsel, Fifth District will be forced to lay off 21 employees and withdraw from cases in Osceola, Lake, Marion , Citrus and Hernando Counties.