



Justice Appropriations Subcommittee

Wednesday, January 26, 2011
9:00 a.m. – 12:00 p.m.
17 House Office Building
Morris Hall

MEETING PACKET

Dean Cannon
Speaker

Richard Glorioso
Chair



The Florida House of Representatives

Justice Appropriations Subcommittee

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AGENDA

Wednesday, January 26, 2011

9:00 a.m. - 12:00 p.m.

Morris Hall (17 HOB)

- I. Call to Order/Roll Call
- II. Agencies' Schedule VIII-B Presentations
 - Department of Corrections
Rick Davison, Deputy Secretary
Richard Prudom, Director of Financial Management
 - State Courts System
Lisa Goodner, State Courts Administrator
 - Department of Juvenile Justice
Fred Schuknecht, Director of Administration
 - Parole Commission
Tena Pate, Chair of the Parole Commission
 - Department of Legal Affairs/Office of the Attorney General
John Hamilton, Director of Administration
 - Florida Department of Law Enforcement
Gerald M. Bailey, Commissioner
 - Justice Administrative Commission
Rip Colvin, Executive Director
 - Guardian Ad Litem
Alan Abramowitz, Executive Director
 - Clerks of Court Operations Corporation
John Dew, Executive Director
 - Clerks of Court
Bob Inzer, Finance & Budget Committee Chair and Clerk of Leon County

- State Attorneys
Bill Cervone, State Attorney 8th Judicial Circuit
- Regional Conflict Counsels
Philip Massa, Regional Counsel 4th District
- Capital Collateral Regional Counsels
Neal Dupree, South Regional Counsel

III. Adjournment



Presentation of Schedule VIII B-2

FY 2011-2012

**January 26th, 2011
House 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**

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



FLORIDA DEPARTMENT OF JUVENILE JUSTICE
Possible Budget Reductions (Schedule VIII B-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>



The Florida Parole Commission

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

THE FLORIDA HOUSE OF REPRESENTATIVES
House Justice Appropriations Subcommittee
January 26, 2011

Representative Rich Glorioso, Chair
Representative Charles McBurney, Vice Chair

Presented by
Tena M. Pate, Chair

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To ensure Public Safety and provide Victim Assistance through the post prison release process



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)

Department of Legal Affairs Schedule VIII-B-2

Trust Fund Reduction Crimes Compensation \$13,757,224

Revenue for the Crimes Compensation Trust Fund is derived from the collection of state and federal 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. The current spending authority for awards to claimants is \$24,842,082. A reduction of \$13.8 million in awards to claimants would decrease funds to approximately \$11.1 million, or 55 percent.

The bulk of these awards go to medical/dental organizations/facilities that provide treatment for victims of crime. The legislative intent for the victim compensation program acknowledges that:

The Legislature recognizes that many innocent persons suffer personal injury or death as a direct result of adult and juvenile criminal acts or in their efforts to prevent crime or apprehend persons committing or attempting to commit adult and juvenile crimes. Such persons or their dependents may thereby suffer disabilities, incur financial hardships, or become dependent upon public assistance. The Legislature finds and determines that there is a need for government financial assistance for such victims of adult and juvenile crime. Accordingly, it is the intent of the Legislature that aid, care, and support be provided by the state, as a matter of moral responsibility, for such victims of adult and juvenile crime. It is the express intent of the Legislature that all state departments and agencies cooperate with the Department of Legal Affairs in carrying out the provisions of this chapter. (Section 960.02, F.S.)

Crime victims served by this program include victims of assault, battery, homicide, sexual offenses, domestic violence, driving while intoxicated, hit and run, stalking, robbery, terrorism, kidnapping, arson, and all other violent crimes. Eligible expenses paid by the victim compensation program include medical/dental, mental health treatment, crime scene cleanup, funeral/burial, wage loss, loss of support, disability, forensic sexual assault examinations, property loss (for elderly and disabled adults only), and relocation expenses (only for victims of domestic violence).

The Florida Victim Compensation program has a national reputation for the ethical and speedy resolution of victim compensation claims. Victims who seek compensation for crime related expenses include persons who are elderly, disabled, adults and children, men and women, boys and girls--anyone who has the unfortunate experience of becoming a victim of crime. During FY 2008-09, the number of claims received increased by 2.6 percent (27,794 compared to 27,085 received during FY 2007-08), and the average processing time from receipt of a claim through initial payment totaled 27.3 days. Payments in awards to claimants totaled \$31,264,870. Since FY 2005-06, the claims workload has increased by 19.3 percent and dollars paid increased by 40 percent.

In establishing this program, the Legislature recognized a moral and social obligation to assist victims of crime. Reducing the amount of compensation benefits would affect the citizens of Florida who have no other means of assistance. Most offenders are not apprehended or are not identifiable, which inhibits restitution from being ordered and enforced. Law enforcement and the courts will be severely hindered in arrests and prosecutions when their victims are not in a position to seek treatment due to financial reasons. Continued funding of this program will aid their recovery and enhancing their ability to participate in the criminal justice process. These crime victims need the assistance that only this program can provide. Partial payments are simply not acceptable, as they would further victimize these individuals and cause their faith in the system to be minimized.

Crime Prevention Programs \$5,678,755

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. These programs described below provide community based services in selected communities. The community minority crime prevention programs in the Department of Legal Affairs comprise 16.6% of \$6,315,490 of the recurring General Revenue Budget of the agency. The programs should continue to be funded as they provide valuable services. However, if a 15% 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. They include:

University Area Community Development Corporation (\$1,146,635)

University Area Community Development Corporation is funded with \$1,350,364 recurring General Revenue. The University Area Community Development Corporation (UACDC) is a Coordinated Community Anti-Crime Initiative Program, targeting the university area communities in Pinellas County, to reduce the incidence of crime through collaboration and relationship-building that foster ownership of and commitment to the community. This includes research, evaluation, workshops and development of a community handbook.

The UACDC touches thousands in the community through programs and services. The UACDC works with a variety of partners to breathe a new and desirable quality of life into the community. From major anti-crime initiatives such as child abuse prevention to social entrepreneurship projects to affordable housing initiatives and business development, the corporation brings together the people and resources needed to make a positive impact. In the area of education and recreation, the program offers many classroom and tutorial opens for children, teenagers and adults everything from Head Start to Emergency Medical Technician Training. In the arts & culture, the corporation is setting the stage for giving children the life skills needed to succeed through personal expression and the giving of themselves that performance, written and visual arts require. All programs are offered in a model campus conducive to success. Programs offered include Prodigy, Positive Spin, Even Start, Teen Council, and Crime Prevention Project.

Failure to fund this program would result in the loss of at least 35 critical training opportunities in the university area community in Pinellas County. Training workshops that would be lost include Rape Aggression Defense (RAD) physical defense classes, Self-Defense Awareness and Familiarization Exchange personal safety classes, Crime Watch, Regional Symposia to educate communities on strategies for safe and sustainable communities, Grassroots Leadership Development, Train the Youth Trainer Leadership Development, Kingian Non-violence, Empowering Communities and many more. The funds are also used to plan, coordinate and implement three regional symposia to educate communities on strategies for safe and sustainable communities.

The UACDC is supported in part by donations from individuals, corporations, and foundations as well as the state appropriation. This valuable program has been funded for at least five years in the budget of the Attorney General and should continue to be funded.

Adults Mankind Organization, Inc. (\$959,986)

The Adults Mankind Organization, Inc. is funded for \$959,986 recurring General Revenue. Adults Mankind is a Minority Crime Prevention Program that is designed to serve and assist at-risk youths,

targeting low-income neighborhoods, in comprehensive life skills/employability and on-the-job training, and job placement. This program is an early prevention and intervention/diversionary program that operates by providing job training and placement, vocational training and job shadowing to youth. The youth targeted for this program are considered to be at low risk of entering the juvenile justice system or who are diverted for non-judicial handling. Participation in the program is voluntary and youth typically have experienced a history of low grades or have dropped out of school.

Failure to fund this program would result in 510 at-risk youths between the ages of 15 and 21 not receiving life skills and employability skills training. This training has demonstrated that at least 85 percent of the participants improve social values and increase their personal pre-employment skills when measured by a pre-test and post-test. Failure to fund this program will also mean that 233 at-risk youths won't be placed in employment and another 175 at-risk youths won't receive work experience.

Adults Mankind has been funded in the budget of the Attorney General and providing services in Miami since fiscal year 2004-05 and should continue to be funded.

Community Coalition Inc. (\$959,986)

The Community Coalition Inc. is funded for \$959,986 recurring General Revenue. Community Coalition is also a Minority Crime Prevention Program that is designed to assist at risk youths with tutoring, employability skills and on-the-job training, and direct job placement. They also assist by offering study courses for individuals who have not attained their high school diploma. This program provides services to target the needs of youth who are involved in the juvenile justice system or are at risk of becoming involved due to various high risk criteria. The focus of the program is to reduce juvenile crime by training the youth for the world of work. The program provides a pre-vocational assessment in order to determine the level of need of each participant, and then helps the youth focus on their futures through counseling and training in employment skills. This program services the Miami area.

Failure to fund this program will result in 400 at-risk or minority youths between the ages of 16 and 21 not receiving employability skills training. Measured by a pre-test and post-test, this training has shown that at least 70 percent of the participants improve their employability skills. The training also results in 70 percent of the participants remaining crime-free while in the program and 80 percent remaining in school while in the program. Failure to fund this program will result in 90 at-risk or minority youths not being placed in paid apprenticeships in the private industry and 176 participants not completing 100 hours of work. It will also result in 220 at-risk or minority youths not being placed in a paid work experience program.

The Community Coalition Inc. has been funded in the budget of the Attorney General and providing services in Miami since fiscal year 2004-05 and should continue to be funded.

The Urban League Consortium (\$2,612,149)

The Urban League Consortium is funded for \$3,012,677 recurring General Revenue. These are nonprofit social service organizations that assist African Americans and others who are in need to achieve social and economic equality. The consortium implements crime prevention programs in the Black community and coordinates these activities with local law enforcement agencies. They also implement a statewide crime prevention and intervention program which is targeted at young crime victims and their families, first offenders, at risk youth and school drop outs. The consortium

consists of the following Urban League organizations: Tallahassee, Metro Orlando, Greater Miami, Tampa-Hillsborough, Jacksonville, Broward County, Palm Beach County and West Palm Beach.

Failure to fund this program will result in almost 2,000 youths not receiving direct contact in areas such as personal and community empowerment, academic tutoring, employability skills, behavior modification, social responsibility and character building, and gang resistance. At least 80 parents of at-risk adolescents will also not receive training on how to raise their children free of non-productive behaviors leading to drug and alcohol abuse and other delinquent issues. Failure to fund will also result in the loss of 80 workshops that bring together a diverse group of advocates charged with implementation of youth crime prevention strategies.

The Urban League Consortium has been funded at some level within the budget of the Attorney General for at least 24 year and should continue to be funded.

Florida Department of Law Enforcement

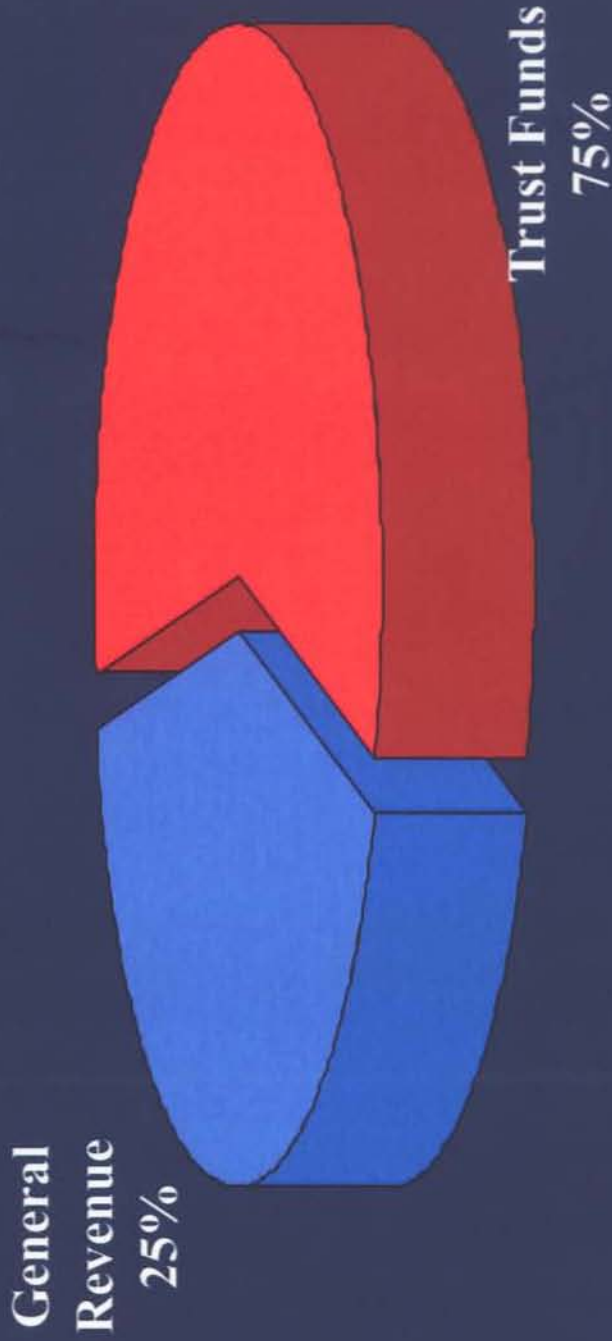


House Justice Appropriations Subcommittee

January 26, 2011

FDLE Budget

*\$295 million**

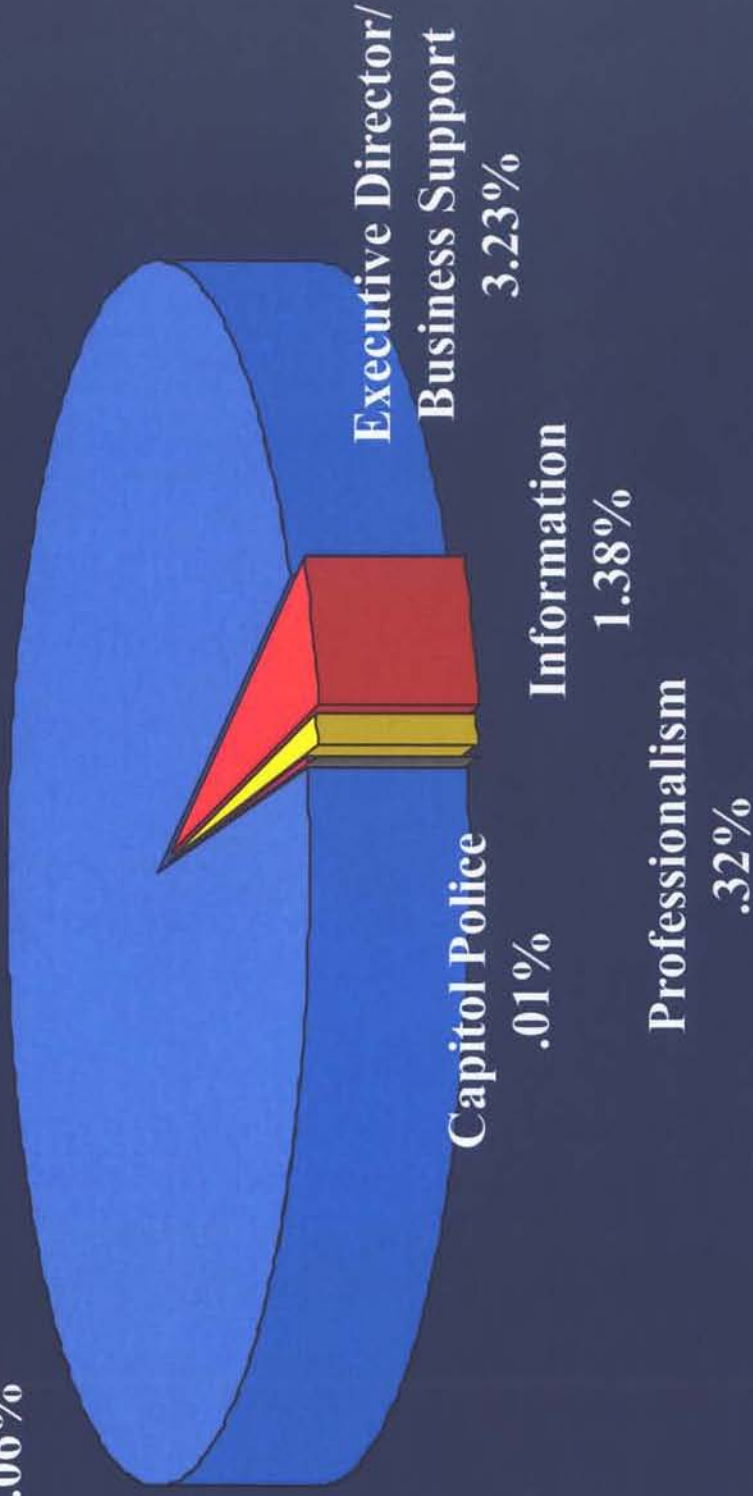


*Excludes Public Assistance Fraud and non-recurring stimulus pass through funds

FDLE Budget

General Revenue

Investigations
and Forensics
95.06%



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**



Service ★ Integrity ★ Respect ★ Quality



JUSTICE ADMINISTRATIVE COMMISSION



Justice Administrative Commission LBR - Schedule VIII B-2 Reductions

January 26, 2011

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



Executive Direction JAC Operations

Salaries - \$521,973 - 9 FTE

Expense - \$288,000

OCO - \$49,164

Total Reduction - \$859,137

Legal Representation

Court Appointed Counsel & Pass Through Funds

Reductions to Pass Through Funds

- **SA and PD Training Funding, - \$5,029**
Impacts training to enhance skills of state prosecution and defense attorneys.
- **Capital Collateral Registry Attorneys, - \$280,568**
Impacts ability to pay court ordered registry attorney fees and costs.
- **Transfer to DFS for Audits of Clerks Budgets, - \$10,417**
- **Miami-Dade Foster Care Citizen Review Panel, - \$59,274**
- **JAC Expenses Funding Trust Fund, - \$64,262**
The revenue to support this *budget comes from employee payroll withholdings that cannot be used for any other purpose*. This reduction would impact 660 employees in 13 offices served by JAC.



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