



Criminal and Civil Justice Appropriations Committee

Tuesday, November 3, 2009

1:00 PM – 5:00 PM

102 HOB - Reed Hall

Action Packet

**Larry Cretul
Speaker**

**Sandra Adams
Chair**

 COL A11
 SCH VIIIIB-2
 REDUCTIONS
 POS AMOUNT PRIORITY CODES

CORRECTIONS, DEPT OF 70000000

PRIORITY SUMMARY NARRATIVE:

At the outset, the Department of Corrections' task is the same as it is for all Florida state agencies. The department must identify potential budget reductions equaling 10 percent of recurring appropriations.

Department of Corrections' Mission Statement

To protect the public, ensure the safety of department personnel, and provide for the proper care and supervision of all offenders under our jurisdiction, while assisting, as appropriate, their re-entry into society.

The Department of Corrections, like other agencies, bears the long-term risk associated with these proposed cuts. However, Floridians bear the immediate risks. This proposal offers a cost-cutting strategy that is consistent with the objective of cutting the approximate \$225 million. More importantly, this proposal is consistent with the mission of the department and its statutory assignments. The department's cost-cutting proposals must respect public safety and be beneficial to the needs of both victims of crime and the successful re-entry of those who are incarcerated for committing crimes.

SCHEDULE VIIIIB REDUCTIONS -
 OPERATING
 DELAY PHASE-IN BASED ON NEW
 POPULATION PROJECTIONS

33B0000
 33B0550
 1000

408.00-
 21,662,971-
 =====

1

SCH VIIIIB-2 NARR 10-11 NOTES:

Based on the revised population forecast from the September 29 Criminal Justice Estimating Conference, the department is delaying the opening of the following institutions that were partially funded in 2009-10: Franklin Work Camp, Liberty Work Camp, Okeechobee Work Camp, Santa Rosa Work Camp, Mayo Annex and temporary dorm support. Positions reduced in this issue are net of position reductions taken as part of 2009-10 legislative reductions.

OAD transaction used utilized to balance to the original issues.

Activity: Maintaining Security

ELIMINATE PRE-TRIAL INTERVENTION

61.00-
 4,171,893-
 =====

2

33B0010
 1000

GENERAL REVENUE FUND.....

COL A11 SCH VIIIIB-2 REDUCTIONS		PRIORITY	CODES
POS	AMOUNT		

CORRECTIONS, DEPT OF			70000000
SCHEDULE VIIIIB REDUCTIONS -			
OPERATING			33B0000
ELIMINATE PRE-TRIAL INTERVENTION		2	33B0010

SCH VIIIIB-2 NARR 10-11 NOTES:

Would eliminate supervision for; (1) any individual whose offense meets criteria defined in 948.08 is eligible for the pretrial intervention program. Approval of the administrator and the consent of the victim, the state attorney, and the judge hearing the case are required in order to formally accept the offender into the program. If the offender completes the conditions of the program which could include restitution to the victim, counseling and/or community service, then the State Attorney's Office will not prosecute the case, (2) any person charged with a felony of the second or third degree for purchase or possession of a controlled substance under chapter 893, and who has not previously been convicted of a felony, nor been admitted to a pretrial program, is eligible for admission into a pretrial substance abuse education and treatment intervention program approved by the chief judge of the circuit, for a period of not less than one year. At the end of the pretrial intervention period, the Court shall make a decision as to the disposition of the pending charges. The Court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program. Failure to successfully complete the program shall result in the continued prosecution of the case by the State Attorney's Office.

ELIMINATE REGULAR PROBATION SUPERVISION		3	33B0020
GENERAL REVENUE FUND.....	1,131.00- 68,367,796-		1000
	=====		

SCH VIIIIB-2 NARR 10-11 NOTES:

~~This would eliminate supervision of offenders sentenced to a court-ordered term of probation, including felony, misdemeanor and administrative probation, and youthful offenders. Approximately 90 percent of offenders are on felony probation, whose offenses include property related crimes, drugs, and violent offenses. The average length of regular probation supervision is 2.5 years. If eliminated, it is anticipated that affected offenders would be merged into drug offender probation, community control or post-prison release supervision caseloads until completion of supervision period, or go unsupervised. As of July 31, 2009 there were over 79,000 offenders on regular probation active supervision.~~

PERIODIC LUMP SUM GAIN TIME FOR SECURITY OPERATIONS		4	33B0500
GENERAL REVENUE FUND.....	1,400.00- 117,688,780-		1000
	=====		

COL A11 SCH VIIIIB-2 REDUCTIONS			
POS	AMOUNT	PRIORITY	CODES

CORRECTIONS, DEPT OF			70000000
SCHEDULE VIIIIB REDUCTIONS -			
OPERATING			33B0000
PERIODIC LUMP SUM GAIN TIME FOR			
SECURITY OPERATIONS		4	33B0500

SCH VIIIIB-2 NARR 10-11 NOTES:

The department proposes statutory changes to permit the granting of a lump-sum award of 90 days gain time. The award would be made on June 30, 2009. However, at no time would the awarding of gain time allow an inmate's release to conflict with Florida's 85% minimum service law. Sex offenders have been excluded from this proposal, such that those offenders could not receive any of the gain time awards.

Section 944.275, F.S., authorizes the department to grant deductions from sentences in the form of gain time in order to encourage satisfactory prisoner behavior, to provide incentive for prisoners to participate in productive activities, and to reward prisoners who perform outstanding deeds or services. This proposal requires a statutory change, which would be applied retroactively to all offenders in the prison system.

Retroactive application should pose no ex post facto, due process or equal protection concerns. Additionally the purpose of this 90-day gain time award must be clearly stated, so as to distinguish itself from other forms of statutorily created gain time and release mechanisms.

Projected Fiscal Impact
 CJEC Reduction, June 30, 2010 = 5,853
 Adjusted Population, June 30, 2010 = 97,557
 Operational Savings 2010-11 = \$117,688,780

Advantages

1. The proposal remains consistent with Florida's 85% service requirement for all inmates.
2. Sex offenders have been excluded from this proposal. Those offenders could not receive any gain time.
3. Public safety is not affected to any measurable degree, because this proposal results in a minimal change in the release date for inmates. Essentially, inmates are exiting incarceration as much as 90 days earlier.
4. Inmates serving life sentences are not eligible for gain time (during the portion of time these mandatory sentences are in effect).
5. Just as gain time can be awarded, it can be withheld or forfeited.
6. Overall, eligibility for gain time is not difficult to determine.

TOTAL: CORRECTIONS, DEPT OF		70000000
BY FUND TYPE		
GENERAL REVENUE FUND.....	3,000.00- 211,891,440- =====	1000

COMMITTEE MEETING REPORT
Criminal & Civil Justice Appropriations Committee

11/3/2009 1:00:00PM

Location: Reed Hall (102 HOB)

Summary: No Bills Considered

Committee meeting was reported out: Tuesday, November 03, 2009 5:07:33PM

COMMITTEE MEETING REPORT
Criminal & Civil Justice Appropriations Committee

11/3/2009 1:00:00PM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Sandra Adams (Chair)	X		
Eric Eisnaugle	X		
Bill Heller	X		
Doug Holder			X
Paige Kreegel	X		
Charles McBurney	X		
Juan-Carlos Planas	X		
Ari Porth	X		
Darryl Rouson	X		
William Snyder	X		
Darren Soto	X		
Perry Thurston	X		
John Tobia	X		
Juan Zapata	X		
Totals:	13	0	1

Committee meeting was reported out: Tuesday, November 03, 2009 5:07:33PM

COMMITTEE MEETING REPORT
Criminal & Civil Justice Appropriations Committee

11/3/2009 1:00:00PM

Location: Reed Hall (102 HOB)

Other Business Appearance:

Schedule VIIIIB-2

Walter McNeil, Secretary (State Employee) (At Request Of Chair) - Information Only
Department of Corrections
2601 Blair Stone Road
Tallahassee Florida 32399
Phone: 850-488-7436

Schedule VIIIIB-2

Richard Prudom, Budget Director (State Employee) (At Request Of Chair) - Information Only
Department of Corrections
2601 Blair Stone Road
Tallahassee Florida 32399
Phone: 850-488-7436

Schedule VIIIIB-2

Gerald Bailey, Commissioner (State Employee) (At Request Of Chair) - Information Only
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee Florida 32302
Phone: 850-410-7001

Schedule VIIIIB-2

Kenneth J. Tucker, Asst. Commissioner (State Employee) (At Request Of Chair) - Information Only
Florida Department of Law Enforcement
P.O. Box 1489
Tallahassee Florida 32301
Phone: 850-410-7001

Schedule VIIIIB-2

Mark Zadra, Asst. Commissioner (State Employee) (At Request Of Chair) - Information Only
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee Florida 32308
Phone: 850-410-7001

Schedule VIIIIB-2

Frank Peterman, Jr. - Secretary (State Employee) (At Request Of Chair) - Information Only
Department of Juvenile Justice
2737 Centerview Drive
Tallahassee Florida 32399
Phone: 850-413-7313

Schedule VIIIIB-2

Rod Love, Deputy Secretary (State Employee) (At Request Of Chair) - Information Only
Department of Juvenile Justice
2737 Centerview Drive
Tallahassee Florida 32399
Phone: 850-413-7313

Committee meeting was reported out: Tuesday, November 03, 2009 5:07:33PM

COMMITTEE MEETING REPORT
Criminal & Civil Justice Appropriations Committee

11/3/2009 1:00:00PM

Location: Reed Hall (102 HOB)

Schedule VIIIIB-2

Julia Strange, Asst. Secretary of Detention Services (State Employee) (At Request Of Chair) - Information Only
Department of Juvenile Justice
2737 Centerview Drive
Tallahassee Florida 32399
Phone: 850-413-9128

Schedule VIIIIB-2

Fred Dunphy, Chairman (State Employee) (At Request Of Chair) - Information Only
Florida Parole Commission
2601 Blair Stone Road
Tallahassee Florida 32399
Phone: 850-488-0476

Schedule VIIIIB-2

Kimberly Case, Director of Legislative Affairs (State Employee) (At Request Of Chair) - Information Only
Attorney General
The Capitol, PL01
Tallahassee Florida 32399
Phone: 850-266-3464

Schedule VIIIIB-2

Theresa A. Flury, Executive Director (State Employee) (At Request Of Chair) - Information Only
Guardian Ad Litem
Holland Bldg
Tallahassee Florida 32399
Phone: 850-922-7213

Schedule VIIIIB-2

Bill Cervone, State Attorney (State Employee) (At Request Of Chair) - Information Only
State Attorney, 8th Circuit
120 W University Avenue
Gainesville Florida 322601
Phone: 352-374-3686

Schedule VIIIIB-2

Rick Parker (PD#8) (State Employee) (At Request Of Chair) - Information Only
Florida Public Defenders Association, Inc
P. O. Box 2820
Gainesville Florida 32602
Phone: 352-338-7386

Schedule VIIIIB-2

Greg Cowan (State Employee) (At Request Of Chair) - Information Only
Clerks of Court Operations Corporation
2506 Barrington Circle
Tallahassee Florida 32301
Phone: 850-386-2223

Committee meeting was reported out: Tuesday, November 03, 2009 5:07:33PM

COMMITTEE MEETING REPORT
Criminal & Civil Justice Appropriations Committee

11/3/2009 1:00:00PM

Location: Reed Hall (102 HOB)

Schedule VIII B-2

Victoria Montanaro, Executive Director (State Employee) (At Request Of Chair) - Information Only
Justice Administrative Commission
227 N. Bronough Street, #2100
Tallahassee Florida 32301
Phone: 850-488-2415

Schedule VIII B-2

Jackson S. Flyte (State Employee) (At Request Of Chair) - Information Only
Regional Counsel, 2nd Judicial Circuit
626 Polk Street
Bartow Florida 33830
Phone: 863-537-3689

Schedule VIII B-2

Bill Jennings (State Employee) (At Request Of Chair) - Information Only
Capital Collateral Regional Counsel-Middle
3801 Corporex Park Drive
Tampa Florida 33619
Phone: 813-740-3544

Committee meeting was reported out: Tuesday, November 03, 2009 5:07:33PM