



Criminal and Civil Justice Appropriations Committee

Tuesday, January 19, 2010

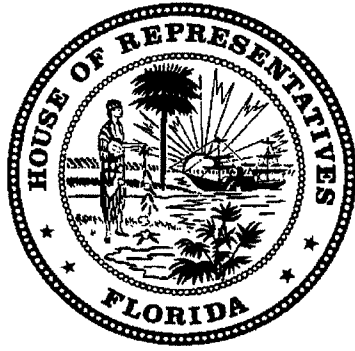
1:00 PM – 5:00 PM

102 HOB - Reed Hall

Meeting Packet

**Larry Cretul
Speaker**

**Sandra Adams
Chair**



AGENDA

Criminal & Civil Justice Appropriations Committee

January 19, 2010

1:00 p.m. – 5:00 p.m.

102 HOB – Reed Hall

- I. Call to order/Roll Call
- II. Opening Remarks
- III. Welcome/Introductions
- IV. Dept of Juvenile Justice: Status Report on Food Service In-Sourcing
Jason Welty, Director of Legislative Affairs
- V. Office of Economic and Demographic Research: Criminal Justice Estimating
Conference and Impact Conference update
Kathy McCharen
- VI. Budget Prioritization Exercise
- VII. Budget Workshop
- VIII. Closing Remarks and Adjournment

Results of the September 29, 2009 Criminal Justice Estimating Conference

Office of Economic and Demographic Research, January 19, 2010

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

Projections are usually based on current law/current administration.

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

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

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

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

CJEC met on April 30th and on September 29th.

April CJEC had projected that FY 09-10 admissions would grow by 4.0% over FY 08-09.

In first two months of the fiscal year, admissions were 6.1% LOWER than in the same period in the last fiscal year.

**August 2009 end-of-month population
was 1,134 LOWER than projected in
April**

**Clearly, the April projections of
admissions and population were too
high.**

September's CJEC projected prison
admissions compared to April CJEC :

- **2,793 for FY 09-10**
- **4,543 for FY 10-11**
- **5,571 for FY 11-12**

FY 09-10 admissions projected to be
39,445

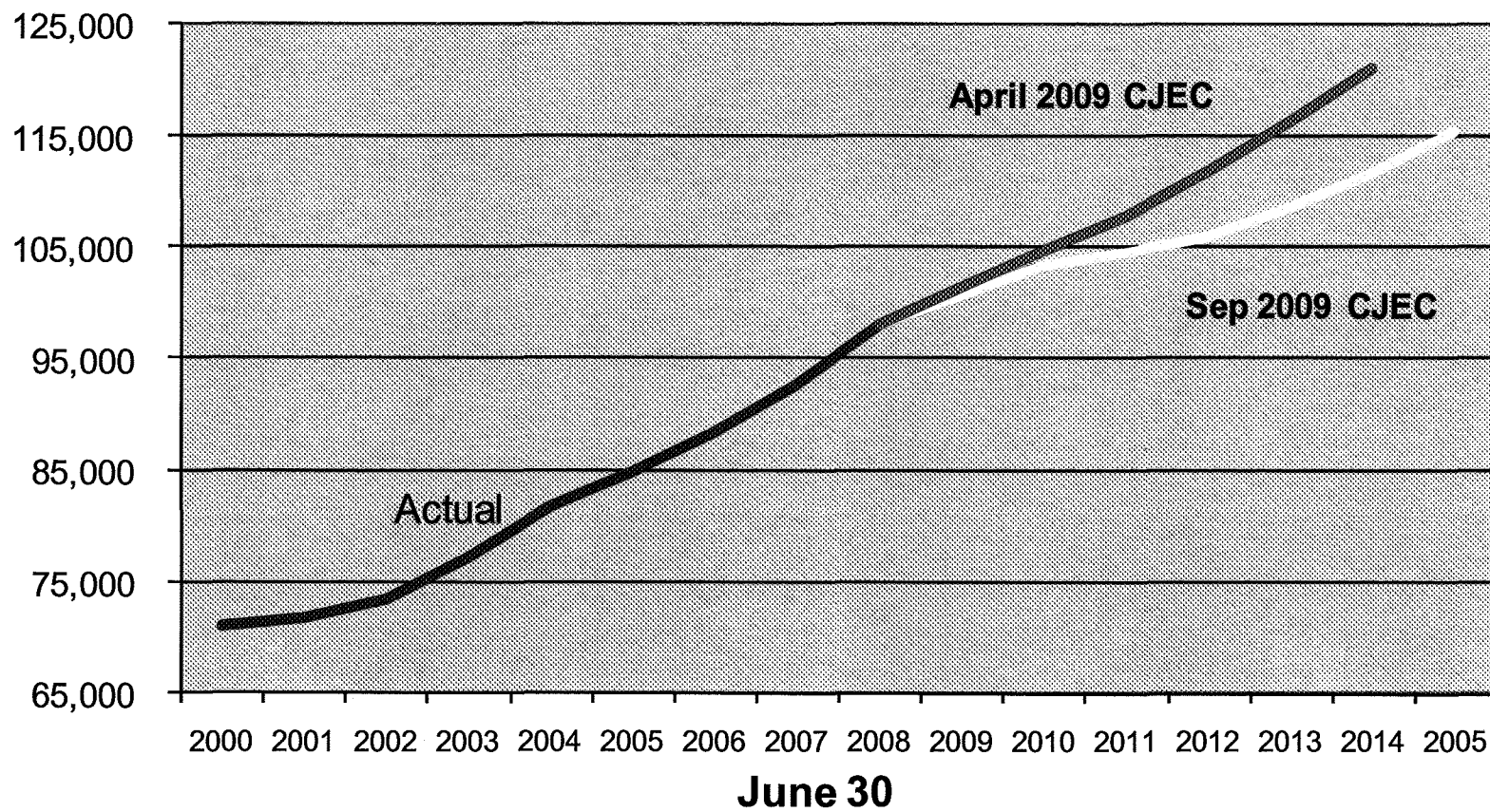
September's CJEC projected prison population compared to April CJEC:

June 30th prison population:

- **1,396 for FY 09-10**
- **3,274 for FY 10-11**
- **5,722 for FY 11-12**

June 30, 2010 prison population projection
103,410

Prison Population on June 30: Actual and Projected-- April 2009 and September 2009 CJECs



Why were projections lowered?

Review of criminal justice indicators suggest that trends first observed in 2008 are continuing.

These trends will result in smaller numbers of new commitments coming to prison than previously anticipated.

- **In addition, legislative changes passed in CS/SB 1722 are expected to result in fewer new commitments:**
- **Criminal Code changes for persons scoring 22 or fewer points**
- **Pilot diversion program**

Indicators

- **Crime Trends**
- **Judicial System Trends**
- **Technical Violators**
- **Year-and-a Day Sentences**

Indicator 1—Crime Trends

Six-Month Uniform Crime Report – January through June

TOTAL INDEX CRIMES

		Change from prior year
2001	439,331	1.2%
2002	442,604	0.7%
2003	436,882	-1.3%
2004	426,702	-2.3%
2005	412,743	-3.3%
2006	411,608	-0.3%
2007	427,646	3.9%
2008	434,563	1.6%
2009	400,067	-7.9%

Crime Trends by Type of Crime

Six Month Uniform Crime Report: January - June

VIOLENT CRIME

		Change from prior year
2001	63,776	2.5%
2002	62,770	-1.6%
2003	61,699	-1.7%
2004	61,345	-0.6%
2005	61,737	0.6%
2006	63,712	3.2%
2007	65,011	2.0%
2008	63,421	-2.4%
2009	57,253	-9.7%

NON-VIOLENT CRIME

		Change from prior year
	375,555	
	379,834	1.1%
	375,183	-1.2%
	365,357	-2.6%
	351,006	-3.9%
	347,896	-0.9%
	362,635	4.2%
	371,142	2.3%
	342,814	-7.6%

Indicator 2

Judicial System Trends

RECENT TRENDS IN FELONY FILINGS AND GUILTY DISPOSITIONS

Felony Filings			Guilty Dispositions		
	Number	Percent Change		Number	Percent Change
2000	186,086			138,884	
2001	184,571	-0.8%		142,907	2.9%
2002	184,295	-0.1%		143,253	0.2%
2003	187,379	1.7%		147,707	3.1%
2004	194,863	4.0%		151,544	2.6%
2005	208,540	7.0%		159,007	4.9%
2006	220,061	5.5%		171,039	7.6%
2007	229,694	4.4%		184,002	7.6%
2008	222,926	-2.9%		186,161	1.2%
Jan-Jun 2008 ¹	118,276			98,430	
Jan-Jun 2009	101,848	-13.9%		83,393	-15.3%

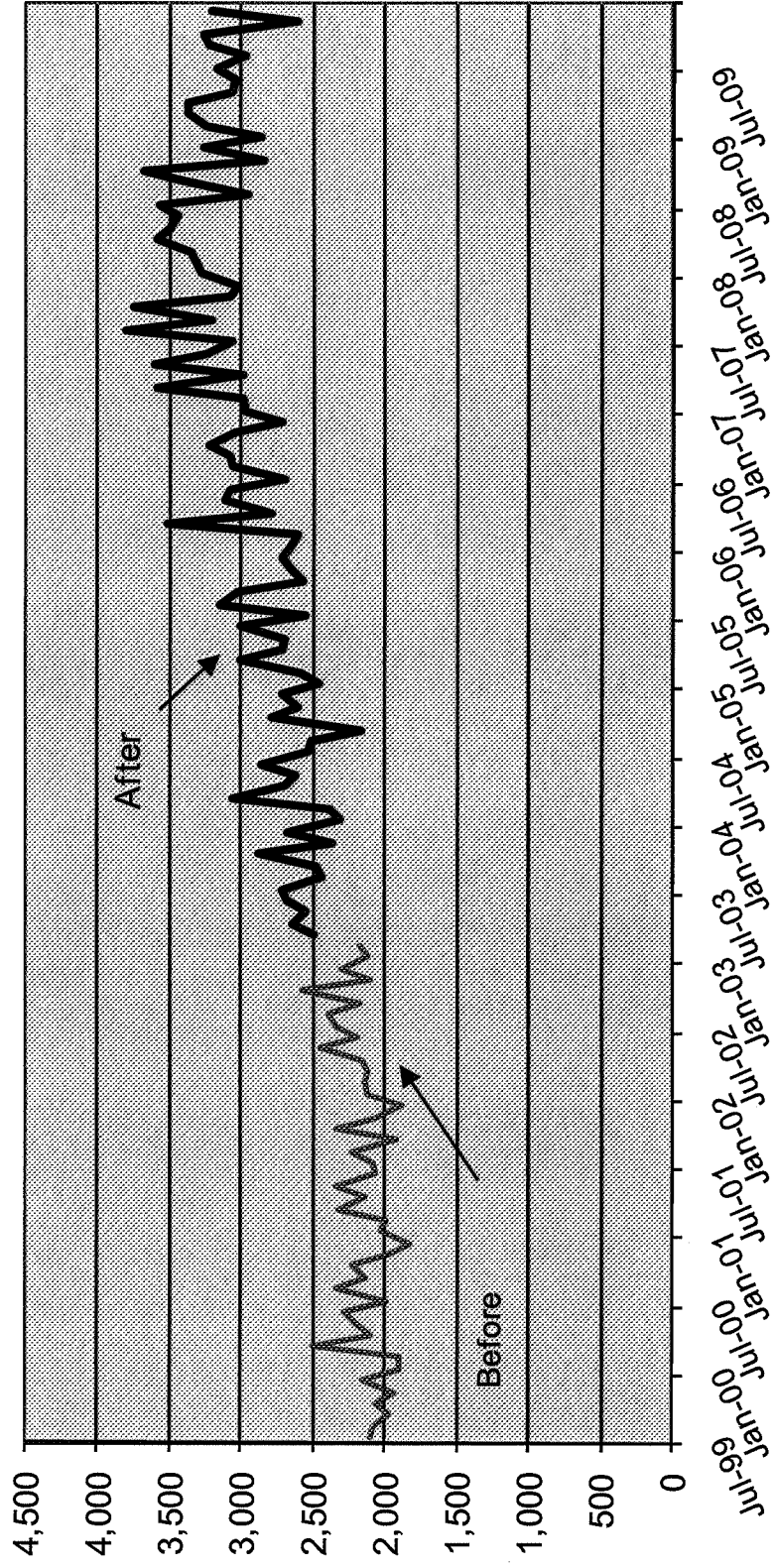
¹ From September 2008 SRS run

Source: State Court Administrator, Summary Reporting System, (last updated with run done September 2009).

Indicator 3

Technical Violators

New Commitments Before and After Zero-Tolerance Implementation



Technical Violators to Prison

		% Change	Technical violators as % of all admissions
FY 02-03	7,898		26.1%
FY 03-04	9,478	20.0%	28.2%
FY 04-05	10,148	7.1%	29.7%
FY 05-06	10,584	4.3%	28.8%
FY 06-07	11,206	5.9%	28.5%
FY 07-08	10,145	-9.5%	24.0%
FY 08-09	8,174	-19.4%	20.4%
Jul - Oct 2008	3,162		22.4%
Jul - Oct 2009	2,562	-19.0%	19.5%

Indicator 4 – Year- and-a-Day Sentences

Year-and-a-Day New Commitments by Fiscal Year

	Total New Commitments	Year-and-a-Day New Commitments (Adjusted)	Change	% Change
FY 00-01	25,525	2,371	396	
FY 01-02	25,854	2,263	(108)	-4.6%
FY 02-03	28,658	2,887	624	27.6%
FY 03-04	31,638	3,667	780	27.0%
FY 04-05	31,964	4,158	491	13.4%
FY 05-06	34,546	5,217	1,059	25.5%
FY 06-07	37,299	6,605	1,388	26.6%
FY 07-08	40,491	6,089	(516)	-7.8%
FY 08-09	38,732	4,777	(1,312)	-21.5%

Year-and-a-Day New Commitments July through December

	Total New Commitments	Year-and-a-Day New Commitments	Change	% Change	Year and day as percent of total
Jul - Dec 2008	19,742	2,548			12.9%
Jul - Dec 2009	18,489	1,903	(645)	-25.3%	10.3%

- **Crime Trends**
- **Judicial System Trends**
- **Technical Violators**
- **Year-and-a Day Sentences**

**MONITORING PRISON ADMISSIONS TO THE DEPARTMENT OF CORRECTIONS
SINCE THE CRIMINAL JUSTICE ESTIMATING CONFERENCE HELD 9/29/2009**

MONTH	ADMISSIONS		MONTHLY	CUMULATIVE
	ESTIMATE	ACTUAL	OVER/ (UNDER)	OVER/ (UNDER)
September 2009	3,272	3,368	96	96
October 2009	3,769	3,379	-390	-294
November 2009	3,010	2,708	-302	-596
December 2009 *	3,201	3,324	123	-473
Total	13,252	12,779	% Error:	-3.6%

*Preliminary

**MONITORING PRISON POPULATION IN THE DEPARTMENT OF CORRECTIONS
SINCE THE CRIMINAL JUSTICE ESTIMATING CONFERENCE HELD 9/29/2009**

MONTH	POPULATION		CUMULATIVE
	ESTIMATE	ACTUAL	OVER/ (UNDER)
September 2009	101,125	101,251	126
October 2009	101,786	101,497	-289
November 2009	101,769	101,247	-522
December 2009	101,855	101,437	-418
	-0.4%	Error	

For Additional Information

Florida Legislature, Office of Economic and Demographic
Research

edr.state.fl.us

Budget Prioritization Exercise

Budget Prioritization Exercise Guidelines

1. Each committee will be presented a listing of its state funded programs or services (federal funds will be excluded). The list will include all state funding equal to the base budget in addition to the funding issues listed in Tier I and II of the Long Range Financial Outlook. The listing will detail:
 - a. A description of each service, program, project or funding issue, if not covered through the course of base budget discussion
 - b. An indicator of whether the funding serves as state match or “maintenance of effort” MOE.
 - c. The amount of GR and total trust funds listed separately
 - d. State FTE

2. **Phase I – Selecting and Ranking the Highest Priorities**
 - a. Each committee member will be assigned “homework” to select **up to ten percent of the total number of programs, services or funding issues on the committee list as his or her top priorities.**
 - b. When selecting priorities, **the total value of selections cannot exceed a cap equaling eighty-five percent of the committee’s base budget state funds.**
 - c. Committee staff will provide hard numbers for caps noted in 2a & 2b.
 - d. If a member’s selection of programs, services or funding issues exceed the dollar value cap provided he or she can fund a percentage of any selection(s) in order to avoid exceeding the cap.
 - e. By a deadline selected by the committee Chair, finalized lists should be provided to committee staff directors who will compile a list of all programs, services or funding issues selected.
 - f. After lists are compiled, the committee will then rank the selections provided from highest to lowest priority. The prioritization may be used to determine funding decisions. However, there may not be sufficient funds to fully or partially fund all the priorities listed.

3. **Phase II- Selecting and Ranking the Lowest Priorities**
 - a. Each committee member will be assigned “homework” to select **no more than fifteen percent of the number of programs, services or funding issues, as his or her lowest priorities.**
 - b. These selections should **equal no less than fifteen percent of the value of the state funds in the base budget.**
 - c. Committee staff will provide hard numbers for caps noted in 3a & 3b.
 - d. If a member’s selections exceed the fifteen percent dollar value, he or she may reduce the value of any selection(s) by percentage(s) necessary to limit the total value of selections to fifteen percent of state funds base budget value.
 - e. By a deadline selected by the committee Chair, finalized lists should be provided to committee staff directors who will compile a list of all selections.
 - f. After lists are compiled, the committee will then rank the selections provided from highest to lowest priority. The prioritization may be used to determine funding reduction decisions.

4. Both phases of the exercise should be complete no later than **Friday, February 19th 2010.**

PRIORITY SELECTIONS and CAPS
\$ 4,242,346,193

**Criminal & Civil Justice Appropriations
Budget Prioritization FY 2010-11**

#	Department/Program/Entity/Category or Activity	FTE	GR	State Trust Funds	Total
1	JUSTICE ADMINISTRATION				
2	Justice Administrative Commission	103.0	10,922,576	874,505	11,797,081
3	Civil Commitment Costs		4,029,194	0	4,029,194
4	Public Defender Due Process Costs		19,645,299	0	19,645,299
5	Child Dependency/Civil Conflict		5,551,694	0	5,551,694
6	Criminal Conflict Case Costs		8,676,095	0	8,676,095
7	State Attorney Due Process		11,280,680	0	11,280,680
8	Conflict Dependency Liability		12,222,388	0	12,222,388
9	Due Process Contingency Fund		952,054	0	952,054
10	Judicial Due Process Costs		12,000,000		12,000,000
11	Guardian Ad Litem	539.0	29,791,830	320,249	30,112,079
12	Clerks of Court	0.0	0	451,380,312	451,380,312
13	Clerks of Court Operations Corporation	7.0	0	1,734,000	1,734,000
14	State Attorneys	5,993.8	309,276,332	53,559,346	362,835,678
15	State Attorney Workload Increase		3,100,000		3,100,000
16	Public Defenders	2,757.0	160,766,711	26,742,190	187,508,901
17	Public Defender Appellate	178.0	13,504,432	0	13,504,432
18	Public Defender Workload Increase		1,600,000		1,600,000
19	Capital Collateral Regional Counsels	73.0	6,808,841	0	6,808,841
20	Regional Conflict Counsels	386.0	34,599,029	1,104,051	35,703,080
21	Regional Conflict Counsel Workload Increase		500,000		500,000
22	Total	10,036.8	645,227,155	535,714,653	1,180,941,808
23	STATE COURTS SYSTEM				
24	Supreme Court	119.0	1,697,028	7,460,501	9,157,529
25	Office of State Courts Administrator	174.5	148,415	17,296,142	17,444,557
26	District Courts of Appeal	436.0	12,787,294	27,133,252	39,920,546
27	Trial Courts	3,591.0	119,896,107	217,815,998	337,712,105
28	State Courts Due Process Costs			21,067,196	21,067,196
29	Workload - New Judges and Support Positions		4,000,000		4,000,000
30	Small Co. Courthouses -Capital Outlay Grants		4,100,000		4,100,000
31	Judicial Qualif Commission	5.0	916,407	0	916,407
32	Total	4,325.5	143,545,251	290,773,089	434,318,340
33	DEPT OF LEGAL AFFAIRS/ATTORNEY GENERAL				
34	Civil Enforcement	601.0	6,003,528	30,994,498	36,998,026

Priority (Maximum of 8) Check Y Assumes 100%	Partial Funding (Insert Total Funding %)	FTE	Total	Base Budget Review Packet Page Number
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		0.00	-	6, 9

PRIORITY SELECTIONS and CAPS
\$ 4,242,346,193

**Criminal & Civil Justice Appropriations
Budget Prioritization FY 2010-11**

#	Department/Program/Entity/Category or Activity	FTE	GR	State Trust Funds	Total
35	Constitutional Legal Services	21.5	2,002,135	96,443	2,098,578
36	Crim/Civil Litigation Defense	400.5	11,083,086	15,827,397	26,910,483
37	Victim Services	90.0	6,270,571	36,036,730	42,307,301
38	Executive Direction and Support Services	129.0	6,172,467	5,015,696	11,188,163
39	Statewide Prosecution	62.5	4,664,159	527,364	5,191,523
40	Florida Elections Commission	14.0	0	1,320,622	1,320,622
41	Total	1,318.5	36,195,946	89,818,750	126,014,696
42	DEPT OF CORRECTIONS				
43	Business Service Centers	298.0	15,093,621	2,246,098	17,339,719
44	Executive Direction and Support Services	263.0	25,620,325	5,396,393	31,016,718
45	Information Technology	173.5	17,713,967	1,148,820	18,862,787
46	Security/Institutional Operations	23,375.0	1,640,704,446	35,389,818	1,676,094,264
47	Community Corrections	3,108.0	203,629,099	0	203,629,099
48	PreTrial Intervention	71.0	4,430,182		4,430,182
49	Adult Substance Abuse Services	0.0	17,704,663		17,704,663
50	Community Facility Operations	0.0	2,816,521		2,816,521
51	Health Services	2,792.5	445,358,165	116,000	445,474,165
52	Adult Substance Abuse Prevention Services	35.0	2,415,039		2,415,039
53	Basic Education Skills	344.0	17,277,607		17,277,607
54	Adult Offender Transition/Rehab Support	62.0	7,910,320		7,910,320
55	Increased Capacity/Planning Site Acquisition		10,000,000		10,000,000
56	Increase in CJEC Prison Population (Operations)		49,500,000		49,500,000
57	Total	30,522.0	2,460,173,955	44,297,129	2,504,471,084
58	DEPT OF LAW ENFORCEMENT				
59	Executive Direction	115.0	2,747,710	7,318,079	10,065,789
60	Capitol Police	88.0	9,991	6,103,018	6,113,009
61	Crime Lab Services	413.0	35,100,786	3,613,778	38,714,564
62	Investigative Services	596.0	48,693,526	15,177,487	63,871,013
63	Mutual Aid/Prevention Services	19.0	1,685,168	31,981	1,717,149
64	Public Assistance Fraud	63.0	2,298,277	95,501	2,393,778
65	Information Network Services	116.0	99,071	23,796,634	23,895,705
66	Prevention/Crime Info Services	281.0	776,862	16,511,784	17,288,646
67	Criminal Justice Professionalism Program	100.0	129,483	16,369,649	16,499,132
68	Total	1,791.0	91,540,874	89,017,911	180,558,785

Priority (Maximum of 8)	Check Y Assumes 100%	Partial Funding (Insert Total Funding %)	FTE	Total	Base Budget Review Packet Page Number
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PRIORITY SELECTIONS and CAPS
\$ 4,242,346,193

**Criminal & Civil Justice Appropriations
 Budget Prioritization FY 2010-11**

#	Department/Program/Entity/Category or Activity	FTE	GR	State Trust Funds	Total
69	PAROLE COMMISSION				
70	Post-Incarceration Enf/Victim Rights	128.0	8,160,229	0	8,160,229
71	Total	128.0	8,160,229	0	8,160,229
72	DEPT OF JUVENILE JUSTICE				
73	Detention	2,103.5	23,599,190	101,355,046	124,954,236
74	Shared Detn Costs-Fiscally Constrained Co.		5,800,000		5,800,000
75	Aftercare Services/Conditional Release	24.0	26,671,113	1,521,813	28,192,926
76	Juvenile Probation	1,406.5	78,261,381	235,556	78,496,937
77	Juvenile Redirections		9,364,831		9,364,831
78	Non-Residential Delinquency Rehab	0.0	18,765,949	18,462	18,784,411
79	Executive Direction/Supp	228.5	16,989,593	4,159,557	21,149,150
80	Information Technology	62.5	6,371,072		6,371,072
81	Non-Secure Residential Commitment	291.0	132,600,158	681,907	133,282,065
82	Secure Residential Commitment	723.0	70,860,772	1,096,455	71,957,227
83	Prevention/ Victim Services	17.0	2,628,823	8,886,359	11,515,182
84	PACE Centers		7,666,517	3,290,514	10,957,031
85	Children/Families In Need of Services		19,127,748	10,277,763	29,405,511
86	Prevention/Intervention Program Increases		6,300,000		6,300,000
87	Total	4,856.0	425,007,147	131,523,432	556,530,579

Priority (Maximum of 8) Check Y Assumes 100%	Partial Funding (Insert Total Funding %)	0.0	0	Base Budget Review Packet Page Number
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KEY BUDGET DRIVERS

Long Range Financial Outlook Issues Summary Adjusted for New Information FY 2010-11 through FY 2012-13

	FY 2010-11			Comments
	Recurring	NR	Total	
1 Increase Due Process Costs for Justice Administrative Commission	-	12.0	12.0	This is the estimated cost of cases served exclusively by private attorneys before the creation of the regional conflict counsels in 2007 (criminal conflict liability). The estimate is the average of the last 3 years of appropriations less \$12 million in base.
2 Increase State Attorney Workload Staffing	3.1	-	3.1	Based on 5 year average of appropriations for workload; i.e., increased caseloads and prosecuting and defending those in the CJ system.
3 Increase Public Defender Workload Staffing	1.6	-	1.6	Based on 5 year average of appropriations for workload; i.e., increased caseloads and prosecuting and defending those in the CJ system.
4 Increase Regional Conflict Counsel Workload Staffing	0.5	-	0.5	Based on 5 year average of appropriations for workload; i.e., increased caseloads and prosecuting and defending those in the CJ system.
5 Court System Workload - New Judges and Support Positions	4.0	-	4.0	Based on 10 year average of 16 judges per year at \$250,000 each.
6 Small County Courthouses - Capital Outlay Grants	-	4.1	4.1	Grant appropriations made available to small counties for renovations/repairs to court facilities. Based on 5 year average of appropriations.
7 Increased Capacity/Planning and Site Acquisition for DOC facilities	-	10.0	10.0	Estimates for construction of new prison beds are based on: 1) CJEC projections for the inmate population, and 2) planned facility capacity reports from the DOC. This \$10M represents planning funds as no bed construction appears necessary under the current CJEC projection.
8 Increase in CJEC Prison System Population	49.5	-	49.5	This issue provides operational funding to accommodate CJEC inmate population projections. The Outlook originally indicated a need for \$84.3M. Based on the declining inmate projection by the Sept CJEC (projected decrease of -1,396), the new need is approximately \$49.5M. This results in a \$34.8M reduction in need.
9 Shared Detention Cost - Fiscally Constrained Counties for the Department of Juvenile Justice	-	5.8	5.8	Provides funding to cover the state's statutory responsibility to cover the cost of pre-dispositional detention care for fiscally constrained counties. Currently, 29 counties are defined as fiscally constrained counties. Based on 5 year average of appropriations.
10 Prevention and Intervention Programs for the Department of Juvenile Justice	6.3	-	6.3	Provides funding for prevention and victim services programs for prevention and diversion programs statewide. Programs are funded through either contract or competitive grants. Based on 5 year average of appropriations.