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# **Criminal and Civil Justice Appropriations Committee**

**Tuesday, November 3, 2009**

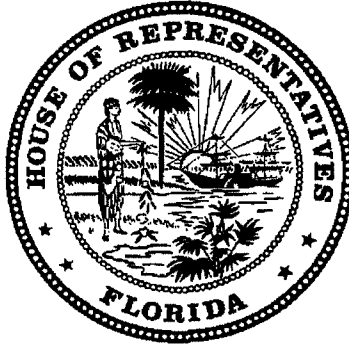
**1:00 PM – 5:00 PM**

**102 HOB - Reed Hall**

**Meeting Packet**

**Larry Cretul  
Speaker**

**Sandra Adams  
Chair**



## AGENDA

### Criminal & Civil Justice Appropriations Committee

November 3, 2009

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. Department Corrections – Status report on Food Services In-sourcing by Secretary Walt McNeil
- V. Agencies' Schedule VIII B-Priority Listing of Agency Budget Issues for Possible Reduction for Legislative Budget Request FY 2010-11
  - Justice Administrative Commission by Victoria Montanaro, Executive Director
  - Guardian Ad Litem by Theresa Flury, Executive Director
  - State Attorneys
  - Public Defenders by Hon. Richard C. Parker, 8th Circuit
  - Capital Collateral Regional Counsel by Neal Dupree-South Region  
Bill Jennings-Middle Region
  - Regional Conflict Counsel by Jack Flyte, Second District
  - Clerks of Court Operations Corporation by Greg Cowan, Budget Manager
  - State Courts System by Lisa Goodner, State Courts Administrator
  - Legal Affairs/Attorney General by Kimberly Case, Dir. of Legislative Affairs
  - Department of Corrections by Secretary Walt McNeil
  - Department of Law Enforcement by Commissioner Gerald Bailey
  - Parole Commission by Fred Dunphy, Chairman
  - Dept of Juvenile Justice by Rod Love, Deputy Secretary
- VI. Closing Remarks and Adjournment



**DEPARTMENT OF CORRECTIONS**

**FOOD SERVICE ANALYSIS**

**October, 2009**

Average Daily Population	91,208		
	<b><u>Expenditures</u></b>		<b><u>Per Diem</u></b>
<b><u>Staffing</u></b>			
Salaries for 326 FTE	982,948		
OPS for 350 staff	<u>609,830</u>		
		\$ 1,592,778	\$ 0.56
<b><u>Food products</u></b>		4,846,384	1.71
<b><u>Other costs</u></b>			
Grease traps	17,235		
Swill removal	31,526		
Caustics (cleaning supplies)	56,513		
Food service supplies*	<u>120,703</u>		
		225,977	0.08
<b>Total</b>		<b>\$ 6,665,139</b>	<b>\$ 2.35</b>

\* Food Services supplies includes pots, pans, small wares, aprons, cook hats, trays, food wrap, pot scrubbers, gloves, napkins, paper bags, paper towels, trash cans, storage bins, janitorial supplies, office supplies and DOH permits.



**STATEWIDE GUARDIAN AD LITEM PROGRAM**  
**Schedule VIII-B Budget Reduction Priority Listing**  
**November 3, 2009**

<b>Issue</b>	<b>General Revenue</b>
1. Information Technology Equipment (Operating Capital Outlay) These funds purchase server & data storage equipment – will stretch current configuration as far as possible.	(4,000)
2. Reduce Data Processing Services The Program’s obligation to the State Court System is reduced.	(16,000)
3. Reduce Contracted Services Funding The Program will reduce contractual obligations in all contract areas.	(75,000)
4. Reduce Other Personal Services Funding The Program will reduce the amount of hours of temporary help.	(20,000)
5. Reduce Expense Funding The Program will reduce expenses in relation to the staff reductions taking place.	(50,000)
6. Reduce FTE Staff Representing Children (Salaries and Benefits) 67 FTE layoffs – lose representation to more than 2,000 children.	(2,754,593)
<b>Total Reduction Amount</b>	<b><u>(2,919,593)</u></b>

**Impact of 10% Reduction**

- ❖ Approximately 67 full-time employees will be terminated.
- ❖ Over 2,000 children will no longer have their best interest advocacy being represented. This representation is provided by a GAL team which is comprised of a Certified Volunteer, Volunteer Supervisor and Program Attorney.



**Department of Legal Affairs  
Schedule VIII-B**

**SUMMARY**

VIII B Reduction: (\$ 2,935,991)

Criminal Appeals	18 FTE
Medicaid Fraud	31 FTE
Solicitor General	1 FTE
Statewide Prosecution	5 FTE
Executive :	13 FTE
○ Executive Staff	
○ Cabinet Affairs	
○ Opinions	
○ General Counsel	
○ Civil Rights	
○ Legislative Affairs	
○ Public Information (Press)	
○ Inspector General	
○ Citizen's Services consumer fraud hotline	
○ Commission on the Status of Women	
○ Attorney General Law Library	
○ Administrative staff and Information technology staff	

Florida's Attorney General is the chief state legal officer. A number of constitutional and statutory duties of the Attorney General must be funded with General Revenue as there are no other funds available to provide these functions. The Office of the Attorney General (OAG) units funded with trust funds do not have sufficient revenues and are prohibited from covering the cost of General Revenue functions. The General Revenue in the OAG is primarily used to fund the attorneys and staff necessary to provide legal counsel for Constitutional and Cabinet issues required of the Attorney General, and cases in support of the Governor and Legislature of the State of Florida. The General Revenue provides for staff salaries and benefits and operations. 68.8% of the general revenue or \$24.96 million is used to pay for positions and \$4.8 million (13.3%,) is used to operate the agency and \$6.5 million or 18.0% provides for Local Grants.

To make up the ten percent target required on the Schedule VIII-B, the OAG calculates that thirty seven (37) positions would have to be cut from the units funded with General Revenue. This is more than 10% of the GR funded positions in the agency. In order to meet the cuts already required of the agency, the OAG has already cut over forty (40) positions through attrition or layoffs. In addition to meet the 10% target, thirty one (31) positions would have to be cut from the Medicaid Fraud division. Cutting 31 of the Medicaid fraud positions would eliminate over \$1.3 million in Federal funding and severely reduce the ability of this unit to bring General Revenue to Florida. These positions are all from units that are top priorities of the Attorney General and are critical to maintain at full strength to meet the goals of the OAG. These General Revenue units include the following:

The Attorney General serves as an elected member of the Florida Cabinet sitting as head of the State Board of Education, the Administration Commission, Board of Executive Clemency, Florida Department of Law Enforcement, Department of Highway Safety, Department of Revenue, Division of Bond Finance,



Board of Trustees of the Internal Improvement Trust Fund, and other boards and commissions. The Executive staff is already holding 11 positions vacant.

The Attorney General provides legal opinions to members of the legislature, state officers and agency heads, local government officials, or other units of government as defined by statute.

The Attorney General provides for the Office Statewide Prosecution. The OAG includes the statewide prosecutor who has concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law. The Office Statewide Prosecution is already holding six positions vacant to meet the cuts.

The Attorney General provides an Office of Civil Rights to enforce the Florida Civil Rights Act designed to protect against racial, religious, age, gender and disability discrimination.

The Attorney General provides a Child Predator CyberCrime Unit to investigate and prosecute computer related crimes against children. The Unit works cooperatively with law enforcement agencies around the state, executes search warrants, arrests and prosecutes defendants and educates adults and children on Internet Safety. The Unit has established partnerships with the Florida Department of Law Enforcement (FDLE), the Internet Crimes Against Children Task Force (ICAC) of North Florida; the L.E.A.C.H (Law Enforcement Against Child Harm) ICAC Task Force of South Florida, and the FBI CyberCrime Task Force based in Jacksonville, Florida. Law enforcement intelligence has shown that Florida ranks fourth in the Nation in the number of individuals distributing and promoting images depicting children being sexually abused. The Child Predator Cyber Crime unit has already been reduced by 26 General Revenue positions (60% of the positions funded.)

The Attorney General provides for an Office of Solicitor General with the highest quality legal expertise in federal and state constitutional law to defend Florida's Constitution and Florida's Statutes in the U.S. and Florida Supreme Courts; and advising the Attorney General on constitutional legal and policy issues affecting the State of Florida. The Solicitor General's office has been reduced by three positions.

The Attorney General provides for Criminal/Civil Litigation Defense through the General Legal Division and the Criminal Division. The General Legal Division is charged by s. 16.01, F. S. to provide legal representation at the trial and appellate levels in state and federal courts on behalf of the state, its agencies, officers, employees and agents. The Criminal Division consists of the Criminal Appeals and Capital Appeals units. Criminal Appeals defends the judgments and sentences entered in criminal cases statewide as well as challenges to the constitutionality of the Jimmy Ryce Act. Capital Appeals handles appeals in all capital murder cases in which the death penalty has been imposed by the trial court; and represents the State in challenges to the death penalty. The Appeals Division currently is holding 32 positions vacant to address the reductions. This has caused case loads to increase for all Appeals attorneys and can cause delays in court.

In addition, General Revenue is required for the Medicaid Fraud Control Unit. The Medicaid Fraud Control Unit is funded with one quarter a General Revenue to match three quarters funding from federal trust funds. The Medicaid Fraud Control Unit is currently holding over 30 positions vacant positions to meet the reductions.

**TRUST FUND VICTIMS SERVICES CRIMES COMPENSATION PROGRAM REDUCTION-  
(\$8,891,107) Crimes Compensation Trust Fund**

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 \$8.9 million in awards to claimants would decrease funds to approximately \$15.9 million, or 36 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 division received 27,794 claims for victim compensation, domestic violence relocation, property loss, and forensic sexual battery examinations. This was an increase of 2.6 percent over the prior year.

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.

#### **POSITION REDUCTIONS- (\$2,935,992 and 68 FTE)**

Eliminating any additional positions in the Office of the Attorney General (OAG) will severely hamper the ability to meet the constitutional and statutory requirements of the agency. The General Revenue in the Office of the Attorney General is primarily used to fund the attorneys and staff necessary to provide legal counsel for Constitutional and Cabinet issues required of the Attorney General and cases in support

of the Governor and Legislature of the State of Florida. The Department has lost over 29% of its General Revenue through legislative reductions or fund shifts to non-recurring sources over the last three years.

To make up the ten percent target required on the Schedule VIII-B, the OAG calculates that thirty seven (37) positions would have to be cut from the units funded with General Revenue and thirty one (31) positions would have to be cut from the Medicaid Fraud division.

### Criminal Division

The Criminal Division, which consists of Criminal Appeals and Capital Appeals, is funded through general revenue dollars. In order to meet the VIII-B reduction requirement the OAG calculates that the Criminal Division will have to be reduced by approximately 18 positions. In the past two legislative cycles, in order to meet the mandated reductions based on funding shortfalls, the OAG Criminal Division has been required to maintain 32 positions vacant.

The Florida's Attorney General's Criminal and Capital Appellate Division is the State's appellate prosecutor assigned to defend the judgments and sentences imposed by the trial court, in the state courts of appeal and federal habeas courts. Every appeal, emanating from any of the 20 judicial circuits, filed by a criminal defendant challenging his conviction or length of sentence, is processed through this division. Each appellate case is docketed, assigned a case number, and then, distributed and prosecuted by attorneys specializing in this appellate discipline. The Criminal and Capital Appellate Division litigates against the statewide appellate public defenders, the three Capital Collateral Regional Councils, assigned conflict counsels in every judicial circuit, federal public defenders from the three federal districts and all private attorneys hired to do criminal appellate defense work, as well as defendants handling their pro se appeals, in state and federal courts.

The Criminal and Capital Appellate Division received a permanent 4% cut in the FTEs in September, 2008 and an additional two positions were cut in the General Appropriations Act in May 2009. This initial cut resulted in the layoffs of eight (8) positions, four (4) attorney and four (4) staff positions. In 2009, two additional staff positions were laid off to meet further shortfalls from the 2009 legislative session. There has been hiring freezes from January 2007, all of 2008, and most of 2009, of attorneys and staff, with few exceptions for positions with absolute critical need. These additional hiring frozen positions/vacancies, which remained unfilled, were based on uncontrolled variables—meaning that offices like WPB and Miami suffered significant losses in attorney manpower, when attorneys' resigned for other positions outside the agency, yet there has been no means by which to balance the attorney numbers from other criminal bureaus (because of similar case overloads). The caseloads have continued to grow larger per attorney yet there is no means to slow down the number of cases being filed in those bureaus, based on the case filings in the appellate courts.

To date, the additional deletions in the attorney ranks has reduced the number of attorneys working on approximately 28,634 opened and current criminal cases and 895 opened and active capital cases--in 2008-2009 fiscal year, from 110 criminal attorneys and 16 capital attorneys in 2007-- to 85 criminal attorneys and 13.5 capital attorneys, in 2009, respectively. Besides the 4 attorneys that were laid off, the hiring freeze has resulted in an increase of 26 vacant attorney positions from the 14 vacancies last reported, and 9 staff losses up from 6. Two were laid off and one resigned.

The OAG criminal division has faced pressures from the state and federal courts to speed up the handling of backlogged cases. Calls for handling cases more expeditiously, has been impossible --due to the sheer number of cases per attorney caseloads. Unfortunately, this office has neither benefitted from the "lesser reductions in funding" legislatively mandated for the State judiciary nor does the OAG have the ability to retrieve attorney fees for litigation in federal court when prevailing in federal habeas litigation and

ensuing appeals there from in the federal appellate courts. Without adequate funding from any quarter, and faced with continuing budget shortfalls from general revenue dollars, it would not appear likely that reduced backlogs of cases and shorter litigation time will occur without an infusion of necessary general revenue dollars with which to fill current-existing vacancies.

In 2009, the average caseloads for currently remaining/filled FTEs are:

	Criminal (85 Atty.) Caseloads per atty.	Capital (13.5 Atty.) Caseloads per atty.
FY 2009	337	69

The depletion of the criminal appellate attorney ranks in this office has resulted in further delays in the processing of appellate cases, has strained the ability of the state to address complex legal issues, and brings into question whether appellate review is meaningful. The excessive case loads have challenged even the most seasoned appellate attorneys' abilities to competently process caseloads, thus placing unimaginable pressures on this office's ability to retain criminal appellate attorneys and their expertise, as well as meet the demands of the criminal justice system.

#### Statewide Prosecution

In order to meet the reduction requirement the OAG calculates that the Office of Statewide Prosecution (OSP) would have to be reduced by 5 additional positions which would severely reduce its effectiveness. The unit currently has nine vacant positions, at least eight of which must remain vacant the entire fiscal year in order to meet our previous cuts. Two of these nine vacancies are critical Bureau Chief positions that need to be filled with senior attorneys. The unfilled vacancies currently leave one attorney to cover over 20 counties throughout North Florida and another Bureau staffed with only one prosecutor who is responsible for covering Southwest Florida. These current staffing levels do not allow us to meet our constitutional mission in those geographic areas.

The Office of Statewide Prosecution is focusing on two main priorities: gang violence and mortgage fraud. In the last three years we have made tremendous progress in both areas but there remains work to be done.

While violent crime is down in our key impact areas, it is still a threatening problem in parts of our state. Our success has been measured by the neighborhoods we have changed through arrests and successful prosecution and also through the awards earned by our investigative partners - gang units of the year for the last two years for OSP cases.

Mortgage fraud is the biggest threat to our state's economy and overall fiscal well being. In the last two years we have prosecuted dozens of defendants in RICO cases resulting in convictions through trial and plea. The success we have garnered is measured by the lengthy prison terms handed down to our defendants and by the widespread tentacles to these schemes that we have uncovered in the mortgage, banking, appraisal, and real estate industries.

On top of these two priorities that we have tackled given the threats they pose to our state, OSP continues to handle complex criminal cases in our traditional areas of white collar crime and narcotics. Any further cuts to Statewide Prosecution would very likely have to result in the closing of offices and additional layoffs beyond the two people we had to layoff this year.

Solicitor General

In order to meet the reduction requirement, the OAG calculates that the Solicitor General's office would have to be reduced by one additional position. They are currently holding two positions vacant. The primary responsibility of the Office of the Solicitor General (OSG) is to represent the State of Florida in significant litigation affecting the powers, duties, and responsibilities of all branches of state government and serve as the primary civil appellate attorney for the State. The OSG defends constitutional challenges to laws passed by this Legislature and represents the State in cases of constitutional importance before the United States Supreme Court and the Florida Supreme Court, oversees complex civil litigation cases of statewide impact, prepares amicus briefs in support of State policy goals in state and federal appellate court cases, advises the Attorney General on legal and policy issues affecting the State and advises other divisions within the OAG who are litigating on behalf of state agencies.

Some examples of cases include the successful defense of the Sexual Predator Act when a convicted child molester and rapist challenged the constitutionality of the registration and notification requirements in statute for sexual predators. In addition, the OSG successfully defended a constitutional challenge from Wiccan regarding the Florida Statute that gives tax-exempt status to religious publications such as the bible or the torah.

The vital role of defending the constitutionality of Florida statutes and handling complex litigation with statewide impact would be severely jeopardized with this reduction.

#### Executive Direction and Support Services Staff:

In order to meet the reduction requirement, the OAG calculates that Executive Direction and Support Services staff positions would have to be reduced by approximately 10 positions. The executive direction is already having to hold vacant 17 critical positions (over 12 percent of the positions in the entity) and cannot take further reductions and still allow the Attorney General to meet his core duties.

The Attorney General is required to provide official written opinions to state and local officials, boards, agencies, and their attorneys in response to questions regarding their official duties. In addition, the Attorney General is authorized provide legal advice to the state attorneys and to Florida's representatives in Congress. The Attorney General's opinion process provides a direct means for inexpensive dispute resolution. The strategic objective is to resolve requests for opinions in a timely manner.

A reduction in Opinions staff would decrease productivity and cause governmental entities to incur substantial legal fees from litigation. In addition, misinterpretation or varying interpretations of statutes could result in violations of statutes including, but not limited to, Sunshine and/or public records law. A centralized legal resource for Department of Legal Affairs and other governmental entities could be lost.

In addition to his duties as the state's chief legal officer, the Attorney General serves as a member of the Florida Cabinet. He is also regularly called upon by the Florida Legislature to discuss and provide advice on relevant issues and pending legislation. The Cabinet Affairs staff advises the Attorney General on all matters pertaining to his constitutional and statutory role as a member of the Florida Cabinet. The Governor and Cabinet, as a collegial body, sit as the head of the following: State Board of Executive Clemency; Division of Bond Finance; Department of Veterans' Affairs; Department of Highway Safety & Motor Vehicles; Department of Law Enforcement; Department of Revenue; Administration Commission; Florida Land & Water Adjudicatory Commission; Electrical Power Plant & Transmission Line Siting Board; Board of Trustees of the Internal Improvement Fund; and Financial Services Commission. The Governor, Attorney General and Chief Financial Officer sit as the head of the State Board of Administration. The Cabinet Affairs staff regularly meets with interested parties and private citizens and responds to inquiries from the public relating to factual, policy, and legal issues related to the areas of jurisdiction of the Governor and Cabinet.

Cabinet Affairs is staffed with the minimal number of personnel necessary to carry out its duties and responsibilities to the public and the Attorney General. Any reductions would significantly hamper the Attorney General's ability to carry out his constitutional duty as a member of the Florida Cabinet.

The Office of Civil Rights uses aggressive investigative and litigation strategies to prosecute civil rights violations in state and federal courts throughout Florida. Such violations include racial and religious bias and discrimination faced by women, seniors, and those with physical and mental disabilities. This unit also works with the Florida Commission on Human Relations to enforce the provisions of the Florida Fair Housing Act. It also develops and administers various education and outreach programs for law enforcement officers, community leaders, and children concerning civil rights issues. For nearly a decade, the Office has conducted hate crime training for law enforcement officers throughout the state and prepared the State's Annual Hate Crime Report. The Office has developed hate crimes training programs for presentation at the elementary, middle and high school levels as well as brochures and other education materials regarding civil rights.

Administrative staff, Information technology staff, Citizens Services staff are also located in this entity.

#### Medicaid Fraud Control Unit

The Medicaid Fraud Control Unit collected \$168 million in total recoveries, and collected \$15.2 million in General Revenue for FY 08-09 for the State. This revenue more than paid for the cost of the unit to the State of Florida. However, as the unit is included in the 10% reduction calculations, the OAG must make cuts in the unit to meet the requirements. In order to meet the reduction requirement, the OAG calculates that the Medicaid Fraud staff positions would have to be reduced by approximately 31 positions. Since these positions are funded with approximately 25% General Revenue and 75% federal funding, the actual cut would be a reduction of \$1.7 million (\$375,023 GR and \$1.3 million in Federal Grants Trust Fund) in this critical function. Fifteen positions were cut and thirty positions are currently being held vacant to meet the 10% General Revenue reduction for FY 09-10. An additional 10% reduction to this program would further jeopardize future General Revenue collections in the 2010-2011 Fiscal Year.

The federal funding received by the Medicaid Fraud Control Unit (MFCU) carries with it certain performance standards, imposed by 42 CFR 1007.13. These include a requirement that the unit be staffed sufficiently to carry out its duties in an effective and efficient manner. Given that the Florida Medicaid program has not contracted in size and funding, further drastic staff reductions may imperil the MFCU's compliance with the stated performance standard. This may adversely affect the MFCU's certification by the U.S. Dept. of Health & Human Services, which may in turn affect Florida's continuing eligibility for receipt of its Federal share of funding for the Medicaid program.

The Medicaid Fraud Control Unit (MFCU) investigates the business practices of doctors, dentists, clinics, and other health care providers who bill for services never performed or who charge more than authorized for services rendered. The unit also investigates the abuse, neglect, and exploitation of residents of long-term care facilities who are elderly, ill, and/or mentally or physically disabled.

Health care fraud is an immense societal problem, both nationally and within Florida's \$16 billion-a-year Medicaid program. The MFCU is responsible for policing the Medicaid Program, as well as investigating corruption and fraud in the program's administration.

The MFCU is also responsible for investigating the physical abuse, neglect, and financial exploitation of patients residing in long-term care facilities such as nursing homes, facilities for mentally and physically disabled persons, and assisted care living facilities. The quality of care being provided to Florida's ill, elderly, and disabled citizens is an issue of great concern and a priority within the MFCU.

The MFCU provides a Patient Abuse, Neglect and Exploitation (PANE) Project consisting of a collaborative effort among several agencies to address the abuse and exploitation of patients in long term care facilities and results have been very positive. The MFCU also continued its leadership role in a multi-state/federal investigation into pharmaceutical pricing. This investigation, which began in Florida, revealed that several generic drug manufacturers have been artificially inflating the prices of their drugs which are reported to the government in a scheme that has cost Medicare and Medicaid hundreds of millions of dollars. This ongoing investigation has already resulted in multi-million dollar settlements with several major drug companies and ongoing litigation involving other pharmaceutical manufacturers should result in additional recoveries.





**Florida Department of Corrections**  
**Schedule VIII B-2**  
**(Required 10% Reduction Target)**

**FY 2010-2011**

**House Criminal & Civil Justice Appropriations**  
**November 3, 2009**

*Secretary Walter A. McNeil*

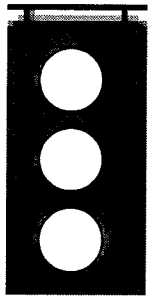
*We Never Walk Alone*

# **Department of Corrections'** **FY 2009-10 Base Budget**

<b>Security and Institutional Ops.</b>	<b>\$ 1.5</b>	<b>Billion</b>
<b>Health Services</b>	<b>\$ 439.2</b>	<b>Million</b>
<b>Community Corrections</b>	<b>\$ 229.7</b>	<b>Million</b>
<b>Administration</b>	<b>\$ 57.9</b>	<b>Million</b>
<b>Education &amp; Programs</b>	<b>\$ 26.1</b>	<b>Million</b>
<hr/>		
<b>2009-2010 Base Budget</b>	<b>\$ 2.3</b>	<b>Billion</b>

**10% Reduction Target**  
**Required for All Agencies Per**  
**Legislative Budget Instructions**

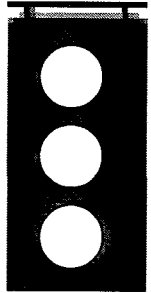
**10% GR Target = \$ 224,599,017**



# **Reduce Administrative Service Expense - Central Office Lease**

**\$ 1,034,776**

To avoid negative impact, the reduction would be contingent on a re-negotiation of the current lease or a move from private space on Blairstone to DMS state-owned space (Carlton Bldg and Southwood)

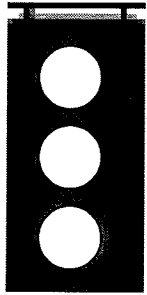


## **Delay Phase-In of Prison Beds**

**\$ 21,529,363**

**408 FTE**

This reduction is based on the revised population forecast from the Criminal Justice Estimating Conference and is contingent on projections continuing to show decline in prison admissions.

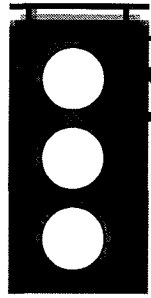


## **Reduce Health Contract Services**

**\$ 10 million**

Anticipate saving \$10 million as a result of the 110% Medicare cap on hospital and medical provider costs established by the Legislature.

*Caution: This is a projected surplus and assumes no unforeseen medical crises that may spike Health costs.*

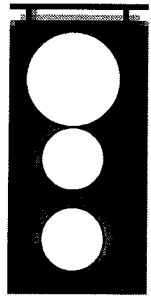


## Reduce Health Services Drug Expenses

**\$ 1,500,000**

This is an estimated savings resulting from insourcing drug repackaging with the Department of Health.

*Caution: This is a projected savings that would only be realized if the department continues its agreement with DOH to provide repackaging.*



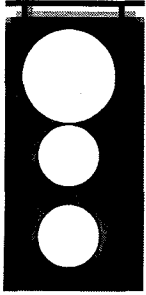
## **Reduce Private Prisons by 10%**

**\$ 13,814,592**

Because the budget for private prisons is in the Department's budget, this issue assumes a 10% for those contracts. This reduction would likely have a significant impact on programming and security.

*This issue is not recommended – May have officer safety and public safety implications*





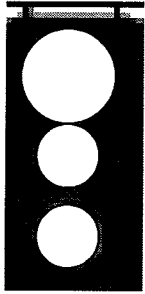
## **Eliminate Pre-Trial Intervention**

**\$ 4,171,893      61 FTE**

PTI is a diversion program providing alternatives for non-violent offenders committing misdemeanors or 3<sup>rd</sup> degree felonies. Most are drug offenders.

Would increase offenders on regular felony supervision by 9,000 per year.

*This issue is not recommended – May have public safety implications.*



## **Periodic Gain Time Award**

**\$117,688,780**

**1,400 FTE**

Would require a statutory change to permit the department to grant a 90-day gain time award to eligible inmates on June 30, 2010. 5,853 inmates would be eligible for release.

Consistent with the 85% law - Sex offenders and inmates with life sentences would *not* be eligible. Minimal change in the release date for inmates.

*This issue is not recommended – may have public safety implications.*



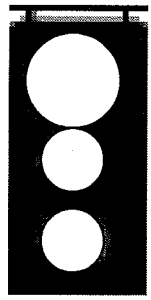
# Eliminate Community Substance Abuse & PRC Programs

**\$20,521,184**

Last year > 31,000 offenders received treatment services in the community through outpatient and residential programs.

Eliminating these programs would likely result in increased crime through recidivism.

*This issue is not recommended – May have public safety implications.*

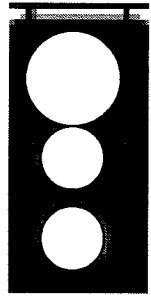


# Eliminate Education Basic Skills

**\$15,175,033      285 FTE**

Eliminates all remaining Basic Education programs (Academic, Vocational, Special Ed, Literacy, GED, Wellness, Library services)

*This issue is not recommended. Negative impact on (1) officer safety; (2) Florida's receipt of Perkins, IDEA, Title I Grants; (3) public safety thru increased recidivism.*



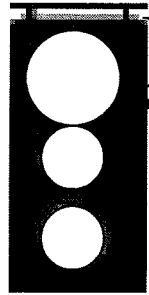
## **Eliminate Transition Services**

**\$7,509,394**

**58 FTE**

Eliminates chaplaincy, betterment, transition programs, faith based transitional housing.

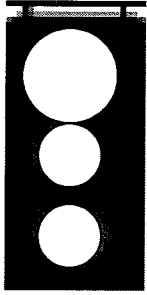
*Elimination of these programs would increase inmate idleness placing officers at risk. Increased likelihood of recidivism. This issue is not recommended.*



# **Eliminate Administrative Services**

**\$1,285,225      27 FTE**

This reduction would only occur should the above programs be eliminated. This reduction would eliminate the support staff to those programs (e.g., contract monitors, financial personnel, program administrators).



## **Close Three Prisons**

**\$11,123,652**

**193 FTE**

Assumes CJEC projections decrease further. Facilities would be closed and approx. 4,670 inmates would be transferred to other facilities throughout the state.

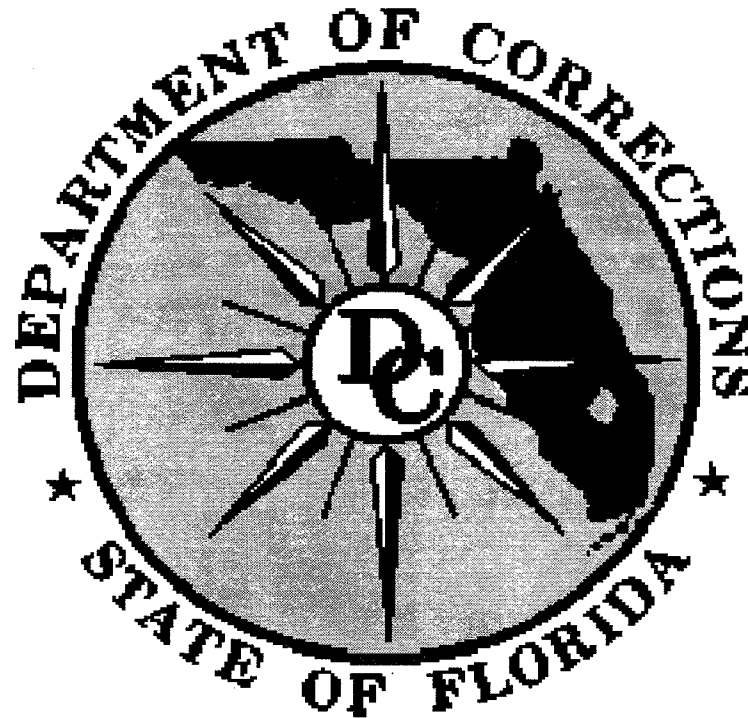
*This issue is not recommended; may result in unconstitutional conditions of confinement or early release.*

10 % reduction to GR = \$224,599,017

DOC Total Issues = \$225,353,892

Over / (Under) Target = \$ 754,875





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

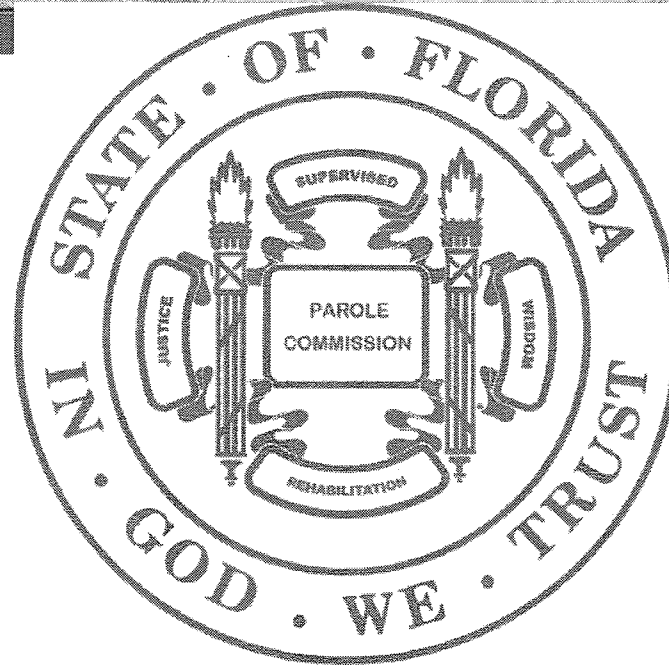


**FLORIDA DEPARTMENT OF LAW ENFORCEMENT**  
**FY10-11 Schedule VIII-B**

11/2/2009 12:01

Priority	Issue	FTE	Gen Rev	Trust Fund	Total
1	Eliminate Aid to Local Governments - Local Laboratories			(2,379,702)	(2,379,702)
2	Eliminate Pass-Through Funding for A Child is Missing		(232,461)		(232,461)
3	Eliminate Remaining Witness Protection Funding			(100,000)	(100,000)
4	Reduce Capitol Police	(3.0)		(138,678)	(138,678)
5	Reduce Statistical Research Component of Statistical Analysis Center	(1.0)		(50,325)	(50,325)
6	Eliminate FDLE Accreditation (CALEA)	(2.0)	(128,012)		(128,012)
7	Eliminate State Accreditation Office	(4.0)		(441,384)	(441,384)
8	Eliminate Career Offender Unit	(1.0)		(205,204)	(205,204)
9	Reduce FL Criminal Justice Executive Institute/Leadership Center	(6.0)		(658,278)	(658,278)
10	Reduce Sworn - Tier One	(15.0)	(930,146)	(66,439)	(996,585)
11	Eliminate Alcohol Testing Program	(10.0)	(24,018)	(735,678)	(759,696)
12	Reduce Audit Functions of the Office of Inspector General	(1.0)		(64,006)	(64,006)
13	Reduce Executive Investigations	(2.0)	(104,977)		(104,977)
14	Reduce Regional Information Delivery Assistance and Training to Local Law Enforcement	(4.0)	(213,403)		(213,403)
15	Reduce Regional Fiscal Accountability Resources	(9.0)	(351,778)		(351,778)
16	Reduce Investigative Analytical Resources	(12.0)	(418,166)	(118,166)	(536,332)
17	Reduce Crime Lab Services (Forensic Technologists)	(9.0)	(396,505)		(396,505)
18	Eliminate State Law Enforcement and Corrections/Probation Certification Exams	(6.0)		(528,832)	(528,832)
19	Eliminate Criminal Justice Standards & Training Commission Planning & Support	(3.0)		(399,448)	(399,448)
20	Eliminate Toxicology Services	(19.0)	(1,101,037)		(1,101,037)
21	Eliminate Crime Scene in Major Metro Areas	(4.0)	(244,920)		(244,920)
22	Reduce Drug Chemistry Analysts	(11.0)	(653,121)		(653,121)
23	Eliminate Forensic Photographers (Forensic Technologists)	(4.0)	(170,195)		(170,195)
24	Reduce Fingerprint Analysis Positions (Crime Laboratory Analysts)	(13.0)	(771,870)		(771,870)
25	Eliminate Missing and Endangered Persons Information Clearinghouse (MEPIC)	(15.0)		(918,772)	(918,772)
26	Eliminate Financial Crimes Analysis Center	(5.0)	(265,309)		(265,309)
27	Reduce Sworn - Tier Two	(16.0)	(1,063,024)		(1,063,024)
28	Eliminate Sexual Predator Unit and Florida Registry	(25.0)	(941,135)	(785,512)	(1,726,647)
29	Reduce Sworn - Tier Three	(16.0)	(996,585)	(66,439)	(1,063,024)
	<b>Total</b>	<b>(216.0)</b>	<b>(9,006,662)</b>	<b>(7,656,863)</b>	<b>(16,663,525)</b>





**Florida Parole Commission  
10% Budget Reduction Plan FY 2010-11  
House Criminal & Civil Justice Appropriations Committee  
November 3, 2009  
Frederick B. Dunphy, Chairman**



**PROGRAM:**

**POST INCARCERATION ENFORCEMENT & VICTIMS'  
RIGHTS**

Current Appropriation	\$ 8,160,229
10% Reduction	<u>\$ 796,240</u>
Estimated New Appropriation	\$ 7,363,989

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**BUDGET ACTIVITIES:**

1. Conditional Release	\$ 571,216
2. Offender Revocations	\$ 2,448,068
3. Parole	\$ 1,305,637
4. Clemency Services	\$ 3,835,308
10% reduction	<u>-\$ 796,240</u>
	\$ 3,039,068



## FLORIDA PAROLE COMMISSION: REDUCTIONS

<b>CATEGORY</b>	<b>FY 10-11 Base Funding</b>	<b>FPC Proposed reduction</b>
Salaries	\$6,845,402	\$796,240
OPS Category	\$77,514	
Expenses	\$879,935	
OCO	\$16,771	
Risk Management	\$84,982	
HR Services	\$61,175	
Data Processing Services	\$194,450	
<b>Total</b>	<b>\$8,160,229</b>	<b>\$796,240</b>



## **FLORIDA PAROLE COMMISSION: REDUCTIONS**

- **10% cut for 2010-2011 will result in the loss of an additional 18 FTEs**
- **18 FTE is based upon an average salary, average leave payout and unemployment**

**Note: Currently the Commission has seven (7) unfunded positions**





## **FLORIDA PAROLE COMMISSION:**

### **Effects of Reductions:**

- **Prioritize staff workload to focus on public safety**
- **Commission is required to meet statutorily mandated time frames**
- **Clemency case workload placed on hold; no time frame mandates**
- **Process clemency cases for 4 quarterly Clemency Board meetings**

DJJ

FLORIDA DEPARTMENT OF JUVENILE JUSTICE  
Possible Budget Reductions for 2010-11 (Schedule VIII B)

Methodology: In order to develop sufficient proposed reductions to generate \$40.5 million in general revenue, the department utilized a balanced approach that prioritizes its public safety mission while limiting as much as possible, cuts to prevention and intervention programs. The order of our priorities reflects this goal.

<u>Priority</u>	<u>Issue</u>	<u>Gen Rev</u>	<u>Trust Funds</u>	<u>FTEs</u>
1	Eliminate Detention bed capacity at underutilized centers in Osceola, East Hillsborough, and Monroe - 115 beds. These centers average a 64% fill rate. Youth would be reassigned to other centers. Would increase transportation costs and make it more difficult for local stakeholders.	\$1,417,519	\$5,390,337	123.00
2 - 3	Eliminate youth apprehension officers and reduce administrative staff. Five of eleven YCO's eliminated in FY 2009.	\$429,528		8.00
4 - 6	Reduce vocational training, independent living and respite bed services.	\$131,548		
7	Reduce funding for high and low volume JACS.	\$379,419		
8 - 10	Reduce contract mental health services, and sexual offender services in Juvenile Probation. Includes elimination of JASP (juvenile alternatives services program) and intensive delinquency diversion services.	\$6,735,621		
11 - 12	Reduce funding for intake, screening, and comprehensive evaluations.	\$588,342		
13 - 14	Reduce contract services for conditional releasees. 660 youth would not receive these services out of 4,500.	\$2,169,725		
15 - 16	Reduce day treatment and redirections services. Would result in 407 youth not being served out of the current 3,653.	\$2,828,741		
17	Reduce positions in executive direction activity (15) and (54) secure supervision staffing throughout detention centers statewide. Based on the elimination of the three centers listed under Priority #1.	\$488,433	\$2,687,107	69.00
18	Reduce community based prevention grants.		\$436,724	
19 - 20	Reduce CINS/FINS and PACE prevention programs. Number of youth not served by CINS/FINS would be 3,900 out of 21,000 and reduce PACE slots by 41 from the current 828.	\$1,320,763	\$706,418	
21 - 22	Reduce 243 secure and 460 non-secure residential beds. Current capacity is 1,256 secure and 3,267 non-secure beds.	\$24,062,968	\$4,933,711	
<b>TOTAL</b>		<b>\$40,552,607</b>	<b>\$14,154,297</b>	<b>200.00</b>