#### The Florida Senate

### **COMMITTEE MEETING EXPANDED AGENDA**

# APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE Senator Bean, Chair Senator Bracy, Vice Chair

MEETING DATE: Wednesday, January 25, 2017
TIME: 10:00 a.m.—12:00 noon

PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Bean, Chair; Senator Bracy, Vice Chair; Senators Baxley, Clemens, and Perry

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Introduction of Agency Heads/Commis	ssioners and Brief Discussion of Priority Initiatives	Presented
2	Presentation on the State Court System's Technology Comprehensive Plan		Presented
3	Update on the Backlog of Processing Sexual Assault Kits		Presented
	Other Related Meeting Documents		

## FLORIDA PROSECUTING ATTORNEYS ASSOCIATION

## **FY2017-18 Budget Request Summary**

# Senate Appropriations Subcommittee On Criminal And Civil Justice January 25, 2017

20 State Attorneys 2100 Assistant State Attorneys Nearly 1,200,000 Criminal Arrests

Florida's Prosecutors Handle Virtually 100% Of Criminal Cases, Referrals That Do Not Become Cases, And Related Matters

Florida's Prosecutors Do So Against Public Defenders, Regional Conflict Counsel, Capital Collateral Counsel, The Private Bar, And Pro Se Litigants

## **PRIORITY NEEDS**

- 1. Salary Enhancement To Improve Retention
- 2. Dedicated Positions To Handle Public Records
- 3. Dedicated Positions To Handle Problem Solving Courts
- 4. Additional resources To Handle Capital And Juvenile Re-Sentencing Proceedings

Estimated Total GR To Meet All Needs: \$28M

Total FPAA Request for FY 2017-18: \$7M

# FLORIDA PUBLIC DEFENDER ASSOCIATION BUDGET PRIORITIES FY 2017/18

### 1. ASSISTANT PD SALARY PARITY WITH ASSISTANT SAs (ALL Circuits, Trial/Appellate)

- APDs earn an average of \$4030 less per year than ASAs doing the same work
- Disparity increases with years of service (ex. 11-15 years disparity = \$11,217)
- \$4030 (salary increase) + \$1,185 (fringe benefits) = \$5215
- \$5215 x 1544 (filled APD FTEs as of June 30, 2016)= \$8,051,960 GR
- GR is requested because ICDTF and PD Revenue Trust Funds do <u>not</u> have the recurring cash necessary to fund this issue

### 2. GRAHAM/MILLER WORKLOAD—CIRCUIT SPECIFIC (17 Circuits requesting)

- Recent court decisions and legislation have significantly increased PD workload by requiring resentencing of
  juvenile offenders who were sentenced to life or the functional equivalent of life. Over 1000 cases statewide
  already identified as requiring resentencing pursuant to all the court decisions (Miller/Graham/Atwell/Kelsey)
- Additionally, following the rationale in the case law, similar sentencing hearings will be required in all <u>future</u> cases in which a juvenile is facing life or the functional equivalent of life (and potentially, depending on court rulings, if facing any mandatory sentence).
- These resentencing and future sentencing hearings are akin to capital cases, in that they require presentation of extensive mitigation based on investigation of the child's family, social, educational, institutional and medical history, review of transcripts of prior hearings/trial and will include the need for expert testimony.
- <u>Experienced</u> staff is required in these cases. ABA Guidelines: 2 attorneys, 1 investigator, 1 mitigation specialist assigned to each case.
- FTEs = 59 GR: \$4,480,187 TRUST: \$447,717 = \$4,927,904
  - Due Process costs associated with cases appear in JAC budget—approx.\$10-15K per case

#### 3. MENTAL HEALTH WORKLOAD-CIRCUIT SPECIFIC (16 Circuits requesting)

- PDs are experiencing increased workload in the area of specialty courts including Mental Health/Substance
  Abuse Courts, Veterans Courts, and in the area of Baker Acts and Civil Commitments due to intellectual
  disability. Specialized and experienced APDs/staff are needed to give effective representation.
  - Ex: PD8 30% increase in Baker Acts
- 16 Circuits FTE: 38.50 GR: \$3,088,947 TRUST: \$638,097 = \$3,727,044

#### 4. <u>5% SALARY INCREASE FOR ALL PD EMPLOYEES</u> (ALL Circuits, Trial/Appellate)

- No across the board pay increases since 2006 and 3% decrease due to contribution to retirement
- GR: \$8,270,315

## **APPEALS LEGISLATIVE PRIORITIES (5 Appellate offices-Circuits 2,7,10,11,15)**

- Issues #1 (Salary Parity) and #4 (5% salary increase), above
- Appellate Workload-Circuit Specific:
  - 4 Circuits requesting FTE: 33 GR: \$2,403,926
  - o Additional APDs/staff needed to deal with the backlog of cases which causes delay in the process
  - Reduce caseloads of individual attorneys, which at 38 appeals/year per APD over last 2 years exceeds national standards of 25 appeals/year per APD ( 32% above national standards)
- E-Filing Mandate—Circuit Specific
  - o GR: \$57,789 FTE: 1
  - Staff and equipment to print paper copy of record on appeal
  - Supreme Court mandates records on appeal be provide electronically by clerks
  - o PD must provide client with record on appeal at conclusion of appeal
    - Paper record printed because DOC will not permit electronic viewing
    - Idea: DOC should allow electronic access or be responsible for printing paper copy
- Reauthorization of non-recurring funding--Circuit Specific:
  - o 3 Circuits requesting GR: \$311,250
  - o Requesting that **non-recurring** GR appropriated in FY 16/17 be re-appropriated as **recurring** GR to continue to reduce backlog of case, prevent future backlog and to maintain current staffing levels

## "BACK OF THE BILL", PROVISO AND OTHER ISSUES

- Re-appropriation of FPDA Technology Issue—\$313,691
- Funding for Coordination Office (FPDCO)--\$450,000
- Authority for the Payment of Florida Bar Dues—Proviso
- Circuit Specific Issues per individual circuit LBRs

# State Courts System Trial Court Technology FY 2017-18

The judicial branch requests **\$25.4 million** in fiscal year 2017-18 to address the statewide technology needs of the trial courts, including:

- Hardware and Software to Receive and Manage Case Files Electronically
  - Functional Digital Court Reporting Systems
    - Remote Court Interpreting Equipment
      - Staff to Support Technology
        - Sufficient Bandwidth
- A Minimum Level of Technology Services in Communities Across the State

This request is not designed to supplant county funding of court technology. It addresses funding gaps and provides a minimum level of technology services in each county.

# I. Secure Case Management and Processing System Funding Request: \$6,351,312

The Court Application Processing System (CAPS) provides judges and court staff electronic case file information needed to perform their adjudicatory function.

**Current Environment:** Judges and court staff face challenges using multiple systems to access electronic case files in real-time in order to address the specific case processing and resource management needs of the trial courts. Servers in use are well past recommended usable lifespan. The requested funding will build on the \$9 million investment in CAPS, purchased with resources from the National Mortgage Settlement. In addition, refresh and maintenance are needed to support the technology.

### **Benefits of Proposed Solution:**

- Provides consistent access to and availability of court case file data across counties and judicial circuits.
- Allows courts to maximize the benefits of the statewide E-filing system.
- o Provides complete, accurate, real-time information from multiple sources to judges, allowing for improved efficiency in judicial decision-making and reducing file movement between the clerk and court.
- Ensures judges can securely transmit court orders and other documents among clerks and litigants.
- Provides courts with disaster recovery systems to ensure continuity of operations.

# II. Digital Court Reporting System Funding Request: \$5,814,193

The Digital Court Reporting System includes audio and video hardware and software to support service delivery of recording the official court record.

**Current Environment:** Courts utilize outdated hardware and software to create a digital record of the proceedings, presenting the risk of system failure. Many circuits report that equipment and parts are no longer available and that manufacturers have ended technical support for models purchased over 10 years ago. This mission-critical equipment is in use 365 days a year, sometimes for over 8 hours per day.

### **Benefits of Proposed Solution:**

- o Provides continued capability to create the official court record.
- o Allows for further expansion of digital court reporting equipment in courtrooms and hearing rooms.
- Improves access to court reporting services and allows for more timely access to transcripts and official records.

# III. Remote Court Interpreting Technology and Bandwidth Funding Request: \$3,627,691

Remote interpreting technology provides access to qualified interpreters remotely over a broader geographical area using audio/video technology, which allows pooling of limited resources for certified interpreters and provides a more consistent level of interpreting services across the state.

**Current Environment:** Nine circuits are participating in a regional pilot to assess the viability of remote interpreting technology for improving efficiencies as well as minimizing the rising cost of providing interpretation services in the trial courts. Expansion from the pilot stage to statewide implementation would occur over a three-year phased-in approach to ensure implementation success.

### **Benefits of Proposed Solution:**

- Allows circuits to maximize existing resources across a single county with multiple courthouses, using localized remote interpreting.
- Allows for cost containment in interpreter staff and contractor expenses.
- Creates the potential for expansion to utilize this technology platform in expert witness testimony.
- Allows for additional bandwidth needed to accommodate remote interpreting, as well as e-filing, increased web-based services, and increased digital traffic.

# IV. Support for Minimum Level of Technology Funding Request: \$9,680,543

Support for a minimum level of technology services includes core function capabilities for smaller counties, and skilled staff to support court-specific systems in all counties and judicial circuits.

**Current Environment:** Technology services vary across counties and circuits based on the county's ability to provide funding for needed services. Multi-county circuits have difficulty sharing resources across county boundaries and many technology initiatives require dedicated staff support. Circuits must often pay costly outside vendors to support audio equipment. Citizens in different counties may not have comparable access to core services.

#### **Benefits of Proposed Solution:**

- Ensures citizens receive access to a consistent level of minimum court technology services, regardless of geography.
- o Provides courts with dedicated technology staff to perform circuit-wide support on state-owned hardware and software, resulting in cost savings.
- Allows court staff to maintain a skill set that keeps pace with evolving technology and ensures technology investment is wholly supported throughout the full life cycle.



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# Critical Trial Court Technology 2017-18 Budget Needs

# Senate Criminal and Civil Justice Appropriations Subcommittee January 25, 2017



# Trial Court Technology Strategic Plan 2015-2019

Today, technology is no longer a 'luxury' or 'add-on' to existing resources; it is inherent and inextricably connected to the daily operations of the judiciary.



# **Elements of Trial Court Technology LBRs**

- Case management and processing allows judges and staff to view and process cases electronically
- Digital court reporting creation and preservation of the official court record
- Minimum technology level provides critical-need technology and staff to maintain court operations
- Remote court interpreting technology to allow interpreters to provide service remotely



# Case Management System Gives More Judges Access To Efficiencies and Promotes Accountability

Judge Robert Roundtree Jr.

8<sup>th</sup> Judicial Circuit
Alachua, Baker, Bradford, Gilchrist, Levy
and Union Counties



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# Digital Court Reporting Protects an Essential Function, Contains Costs of Aging Systems

Chief Judge Jonathan Sjostrom

2<sup>nd</sup> Judicial Circuit

Franklin, Gadsden, Jefferson, Leon,
Liberty and Wakulla Counties





# Provides a Minimum Level of Technology Across All Counties

Chief Judge Elijah Smiley

14<sup>th</sup> Judicial Circuit

Bay, Calhoun, Gulf, Holmes, Jackson and
Washington Counties





# Remote Technology Makes Interpreters Available Everywhere, Anytime

9<sup>th</sup> Judicial Circuit Orange and Osceola Counties Pilot Program



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# Technology is Integral to Trial Court Operations on a Daily Basis

Circuit Judge James Martz 15<sup>th</sup> Judicial Circuit Palm Beach County





# Trial Court Technology Helps Access to Justice, Cost Containment

- Effective and secure management of cases to promote timely resolution of disputes
- Accurate recording of official court proceedings
- Core technology services made available regardless of where a person lives
- Ready access to court interpreting services for non-English speakers
- Performance and court activity data for use in funding and policy decisions



# **Questions?**

Patricia (PK) Jameson State Courts Administrator

jamesonp@flcourts.org

850-922-5081



## Florida Department of Law Enforcement Update on the Backlog of Processing Sexual Assault Kits

### Previously Untested SAK

- o FDLE has completed 2,156 of the cases that had previously untested SAKs.
  - 1,228 completed by in-house
  - 928 completed by private vendor
  - 506 CODIS hits.

### SAK 120 day compliance July 1-December 31, 2016

- o FDLE received 1,132 SAK cases with an offense date after 7/1/2016
  - 559 completed by FDLE
  - 77 day average analysis time
    - 99.7% compliance with 120 day requirement
  - 17 day average submission time to lab
    - 92% compliance with 30 day requirement

## **CourtSmart Tag Report**

Case No.: Room: LL 37 Type: Caption: Senate Appropriations Subcommittee on Criminal and Civil Justice Judge: Started: 1/25/2017 10:00:37 AM Ends: 1/25/2017 11:53:01 AM Length: 01:52:25 10:00:36 AM Sen. Bean (Chair) 10:04:09 AM TAB 1 - Introduction of Agency Heads/Commissioners and Brief Discussion of Priority Initiatives 10:04:17 AM Pam Bondi, Attorney General, Dept. of Legal Affairs 10:07:12 AM Sen. Bean P. Bondi 10:08:17 AM 10:08:44 AM Sen. Bean P. Bondi 10:09:56 AM Sen. Clemens 10:10:08 AM P. Bondi 10:10:35 AM Sen. Clemens 10:11:36 AM 10:12:19 AM Sen. Bean P. Bondi 10:13:00 AM Sen. Clemens 10:14:13 AM 10:14:24 AM P. Bondi 10:14:45 AM Sen. Bean 10:15:00 AM P. Bondi 10:15:50 AM Jorge Labarga, Cheif Justice, Florida Supreme Court Sen. Bean 10:19:37 AM J. Labarga 10:19:45 AM 10:20:40 AM Sen. Bean 10:20:45 AM J. Labarga 10:21:49 AM Sen. Bean 10:21:57 AM J. Labarga 10:27:11 AM Sen. Bean Sen. Perry 10:27:17 AM 10:27:52 AM J. Labarga 10:28:00 AM Sen. Perry 10:28:15 AM J. Labarga 10:28:23 AM Sen. Perry 10:28:52 AM J. Labarga 10:29:43 AM Sen. Bean 10:29:47 AM Sen. Perry 10:30:10 AM J. Labarga Sen. Bean 10:30:32 AM 10:30:35 AM Sen. Baxley 10:31:05 AM J. Labarga 10:31:54 AM Sen. Bean 10:32:05 AM J. Labarga 10:32:12 AM Sen. Bean 10:32:42 AM Christina Daly, Agency Secretary, Dept. of Juvenile Justice 10:33:30 AM Sen. Bean 10:33:46 AM C. Daly 10:37:48 AM Sen. Bean 10:38:33 AM Sen. Baxley 10:38:52 AM C. Daly 10:39:31 AM Sen. Baxley 10:40:09 AM C. Daly 10:40:28 AM Sen. Bean

10:40:32 AM

10:41:10 AM

10:41:48 AM 10:41:59 AM Sen. Bracy (Vice Chair)

William "Bill" Cervone, State Attorney, 8th Judicial Circuit

C. Daly Sen. Bean

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Sen. Bean
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              Sen. Bean
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              Sen. Bean
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              Stacy Scott, Public Defender, 8th Judicial Circuit
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              S. Scott
              Sen. Bracy
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              Sen. Bean
              Melinda Coonrod, Commissioner, Florida Commission on Offender Review
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              TAB 2 - Presentation on the State Court System's Technology Comprehensive Plan
11:19:09 AM
              P.K. Jameson, Florida State Courts Administrator, Florida State Courts
11:19:12 AM
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              Sen. Bean
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              Tab 3 - Update on the Backlog of Processing Sexual Assault Kits
11:40:44 AM
              David Coffman, Forensic Services Director, FL Dept. of Law Enforcement
11:41:06 AM
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              Sen. Bean
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              D. Coffman
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              D. Coffman
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              Sen. Bean
11:49:44 AM
              Closing remarks by the Chair - Senator Bean
              Sen. Baxley
11:50:12 AM
              Sen. Bean
11:51:37 AM
              Sen. Perry
11:51:48 AM
              Buddy Jacobs, General Counsel, Florida Prosecuting Attorney's Assoc.
11:52:03 AM
11:52:38 AM
              Sen. Bean
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11:52:44 AM

Meeting Adjourned

# **APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/25/15	sional Staff conducting the meeting)		
Meeting Date	Bill Number (if applicable)		
Topic Agency Budget Request  Name Pam Bondi	Amendment Barcode (if applicable)		
Job Title Attorney General			
Address PL-01 The Capital	Phone 4/4-3300		
Tallahassee FL 32399 City State Zip	9 Email		
Speaking: For Against Information Waive Speaking: In Support Against (The Chair will read this information into the record.)			
Representing Office of the Attorney	General		
Appearing at request of Chair: Yes No Lobbyist re	egistered with Legislature:  Yes  No		
While it is a Senate tradition to encourage public testimony, time may not permodering. Those who do speak may be asked to limit their remarks so that as r	mit all persons wishing to speak to be heard at this many persons as possible can be heard.		

This form is part of the public record for this meeting.

S-001 (10/14/14)

# **APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)			
Meeting Date	Bill Number (if applicable)		
Topic Judicians	Amendment Barcode (if applicable)		
Name Chief Justice Cabarage	_		
Job Title Chiny Justice			
Address 500 S. Duval St.	Phone 922-508/		
Tallahassu, FC 32399 City State Zip	Email		
Speaking: For Against Information Waive Speaking: In Support Against (The Chair will read this information into the record.)			
Representing State Couch			
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No			
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.			
This form is part of the public record for this meeting.  S-001 (10/14/14)			

# **APPEARANCE RECORD**

[-25-17 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)			
Meeting Date	Bill Number (if applicable)		
Topic Agency Goals	Amendment Barcode (if applicable)		
Name Christina K. Daly	<del></del>		
Job Title Agency Secretary			
Address 2787 Centervien Dr.	Phone 413-7313		
Tallahassee Fu	32309 Email Christy. daly @djj.		
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)		
Representing Department of Juvenile Justice			
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No			
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.			

S-001 (10/14/14)

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# **APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-25-17			nar stan solidasing the meeting)
Meeting Date			Bill Number (if applicable)
Topic Sings ATTORN	-	:7	Amendment Barcode (if applicable)
Name Bill Ceruon	9		
Job Title STATE ATTOON	eg- 8 cm	2	
Address 120 w onlose Street	12/79 he	······································	Phone <u>352- 374-3686</u>
City City		3260) Zip	Email ceruone e Esas 8. 019
Speaking: For Against Information Waive Speaking: In Support Against  (The Chair will read this information into the record.)			
Representing — <del>FLORIDA</del>	nossevinx 1	ATTORNEY A	SSOCIATION
Appearing at request of Chair: [	Yes Mo	Lobbyist reg	istered with Legislature: Yes No
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S-001 (10/14/14)

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

January 25, 2017

varidary 20, 2011			
Meeting Date			Bill Number (if applicable)
Topic FY 17-18 Budget Priority Initiatives			Amendment Barcode (if applicable)
Name Hon. Stacy Scott			
Job Title Public Defender, 8th J	udicial Circuit		
Address 151 SW 2nd Ave.			Phone 352-338-7370
Gainesville	FL	32601	Email scotts@pdo8.org
City  Speaking: For Against	State Information		peaking: In Support Against ir will read this information into the record.)
Representing Florida Public	Defender Association	on	
Appearing at request of Chair:	Yes No	Lobbyist regist	ered with Legislature: Yes No
While it is a Senate tradition to encour meeting. Those who do speak may be	age public testimony, tim asked to limit their rema	e may not permit all	persons wishing to speak to be heard at this
This form is part of the public record	d for this meeting.		S-001 (10/14/14)

## **APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

January 25, 2017			
Meeting Date			Bill Number (if applicable)
Topic Overview of Agency			Amendment Barcode (if applicable)
Name Melinda Coonrod			
Job Title Chair/Commissioner of the	e Florida Commission o	on Offender Review	
Address 4070 Esplanade Way Street	·		Phone (850) 487-1980
Tallahassee	FL	32399-2450	Email melindacoonrod@fcor.state.fl.us
City	State	Zip	·
Speaking: For Against	Information	Waive Sp (The Chai	peaking: In Support Against will read this information into the record.)
Representing Florida Comm	ission on Offender Rev	view	
Appearing at request of Chair:	✓ Yes No	Lobbyist registe	ered with Legislature: Yes No
While it is a Senate tradition to encour meeting. Those who do speak may be	age public testimony, tin asked to limit their rema	ne may not permit all parks so that as many p	persons wishing to speak to be heard at this persons as possible can be heard.
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S-001 (10/14/14)

# **APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senat	or or Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic State Court Systems Technology Compri	ehensive Plan Amendment Barcode (if applicable)
Name P.K. Jameson	
Job Title Florida State Courts Administrator	
Address	Phone
	Email
Speaking: For Against Information	Zip  Waive Speaking: In Support Against  (The Chair will read this information into the record.)
Representing Florida Stocke Courts	
Appearing at request of Chair: Ves No	Lobbyist registered with Legislature: Yes No
While it is a Senate tradition to encourage public testimony, timeeting. Those who do speak may be asked to limit their rema	ne may not permit all persons wishing to speak to be heard at this arks so that as many persons as possible can be heard.
This form is part of the public record for this meeting.	S-001 (10/14/14)

## APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 1/25/2017 Meeting Date Bill Number (if applicable) Topic Sexual Assault Kit Upoate Amendment Barcode (if applicable) Name David Coffman Job Title Forensic Services Director Address 2331 Tallahassee, FL. 32308 State **Against** Information Speaking: For Waive Speaking: | In Support (The Chair will read this information into the record.) Representing Florida Dept. of Law Enforcement Appearing at request of Chair: Yes Lobbyist registered with Legislature: While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. This form is part of the public record for this meeting.

S-001 (10/14/14)