

<b>Tab 1</b>	<b>CS/SB 440</b> by <b>CJ, Abruzzo</b> ; (Similar to CS/H 0217) Care for Retired Law Enforcement Dogs
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**  
**APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND**  
**CIVIL JUSTICE**  
**Senator Negrón, Chair**  
**Senator Joyner, Vice Chair**

**MEETING DATE:** Wednesday, January 13, 2016  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Negrón, Chair; Senator Joyner, Vice Chair; Senators Bradley, Evers, Flores, Hutson, and Soto

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 440</b> Criminal Justice / Abruzzo (Similar CS/H 217)	Care for Retired Law Enforcement Dogs; Citing this act as the "Care for Retired Law Enforcement Dogs Program Act"; creating the Care for Retired Law Enforcement Dogs Program within the Department of Law Enforcement; requiring the department to contract with a corporation not for profit to administer and manage the program; placing an annual cap on the amount of funds available for the care of an eligible retired law enforcement dog, etc.  CJ 11/17/2015 Fav/CS ACJ 01/13/2016 Favorable AP	Favorable Yeas 5 Nays 0
2	Presentation on Governor's Fiscal Year 2016-2017 Budget Recommendations:  -State Attorneys -Public Defenders -Regional Conflict Counsels -Statewide Guardian Ad Litem -Capital Collateral Regional Counsels -Justice Administrative Commission		Presented
3	Update from The Florida Department of Law Enforcement regarding the Sexual Assault Kits Assessment		Discussed
Other Related Meeting Documents			

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

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BILL: CS/SB 440

INTRODUCER: Criminal Justice Committee and Senator Abruzzo

SUBJECT: Care for Retired Law Enforcement Dogs

DATE: January 13, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<b>Fav/CS</b>
2.	<u>Clodfelter</u>	<u>Sadberry</u>	<u>ACJ</u>	<b>Favorable</b>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 440 creates the Care for Retired Law Enforcement Dogs Program. The program will provide reimbursement for up to \$1,500 of annual veterinary costs associated with caring for a retired law enforcement dog by the former handler or adopter who incurs the costs. The program will be administered and managed by a not-for-profit corporation in a contractual arrangement with the Florida Department of Law Enforcement (FDLE).

The bill includes an appropriation of \$300,000 in recurring general revenue funds for the purpose of implementing the program.

The bill provides an effective date of July 1, 2016.

**II. Present Situation:**

Law enforcement dogs have become an integral part of many law enforcement efforts statewide, including suspect apprehension through tracking and searching, evidence location, drug and bomb detection, and search and rescue operations. Law enforcement agencies agree that the use of law enforcement dogs is an extremely cost-effective means for crime control and that these dogs possess skills and abilities that frequently exceed that of existing technology.<sup>1</sup>

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<sup>1</sup> <http://www.brevardsheriff.com/home/commands-services/operational-services/k-9-unit/> (last visited December 21, 2015); [www.softretiredk9fund.com](http://www.softretiredk9fund.com) and <http://www.wsvn.com/story/27320793/student-launches-retired-k-9-donation-fund> (last visited November 4, 2015).

Just one example of a law enforcement dog's invaluable service is Koda, who worked with the Leon County Sheriff's Office. K-9 Koda was shot and killed in January 2013 as he attempted to immobilize a subject following a vehicle pursuit. Deputies pursued a vehicle several blocks until the vehicle crashed into a ditch. The subject continued to flee on foot and then opened fire on K-9 Koda and the deputies. Two deputies returned fire and wounded the subject before taking him into custody. It was later determined that the subject was wanted on warrants for attempted first degree murder, aggravated battery with a deadly weapon, and discharging a firearm from a vehicle.<sup>2</sup>

### III. Effect of Proposed Changes:

The bill creates the Care for Retired Law Enforcement Dogs Program (program) within the Florida Department of Law Enforcement (FDLE or department). The program will provide up to \$1,500 annually to any former handler or adopter of a retired law enforcement dog for reimbursement of veterinary care for the dog if the agency from which the dog retired provides verification of the dog's service. The former handler or adopter must submit a valid invoice from a veterinarian for care provided in Florida and proof of payment for reimbursement to occur. When the annual funding for the program is depleted, reimbursements must be discontinued for the remainder of the year.

"Retired law enforcement dog" is defined by the bill as a dog that has received certification in obedience and apprehension work from a certifying organization, such as the National Police Canine Association.<sup>3</sup> The dog must have been in the service of or employed by a law enforcement agency in this state for the purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

The bill defines "law enforcement agency" as a state or local public agency that has primary responsibility for the prevention and detection of crime or the enforcement of the penal, traffic, highway, regulatory, game, immigration, postal, customs, or controlled substance laws.

The bill adopts the term "veterinarian" from s. 474.202, F.S. Subsection (11) of s. 474.202, F.S., defines "veterinarian" as a health care practitioner who is licensed to engage in the practice of veterinary medicine in Florida under the authority of ch. 474, F.S.<sup>4</sup> The bill defines "veterinary care" as the practice of veterinary medicine as defined in s. 474.202, F.S., by a veterinarian. The definition of "veterinary care" includes:

- Annual wellness examinations,

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<sup>2</sup> Read more: <http://www.odmp.org/k9/1497-k9-koda#ixzz2vrveuHYu>

<sup>3</sup> [www.npca.net](http://www.npca.net) (last visited November 4, 2015). The National Police Canine Association is one of many such organizations in the country, including The Florida Law Enforcement Canine Association (FLECA) which is a 501(c)(3) non-profit organization dedicated to the training and certification of Florida's Law Enforcement Canine Teams according to the website, <http://www.flecak9.com/>. Additionally, the department provides a 400 hour K-9 Team training course and proficiency exam.

<sup>4</sup> Section 474.202(9), F.S., defines "practice of veterinary medicine" to mean "diagnosing the medical condition of animals and prescribing, dispensing, or administering drugs, medicine, appliances, applications, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease thereof; performing any manual procedure for the diagnosis of or treatment for pregnancy or fertility or infertility of animals; or representing oneself by the use of titles or words, or undertaking, offering, or holding oneself out, as performing any of these functions. The term includes the determination of the health, fitness, or soundness of an animal."

- Vaccines,
- Internal and external parasite prevention treatments,
- Testing and treatment of illnesses and diseases,
- Medications,
- Emergency care and surgeries,
- Care provided in specialties of veterinary medicine such as veterinary oncology, and
- Euthanasia and cremation services.

The department is directed to contract with a corporation not-for-profit, organized under ch. 617, F.S., to administer and manage the program.<sup>5</sup> The corporation will be selected through a competitive grant award process. The corporation must:

- Be dedicated to the protection and care of retired law enforcement dogs.
- Hold tax-exempt status under the Internal Revenue code as a s. 501(c)(3) organization.<sup>6</sup>
- Have held tax-exempt status for at least five years.
- Agree to be subject to review and audit at the discretion of the Auditor General to ensure accurate accounting and disbursement of state funds.
- Demonstrate the ability to effectively and efficiently disseminate information and assist former handlers and adopters of retired law enforcement dogs in complying with the bill.
- Receive administrative fees, including salaries and benefits, not to exceed 10 percent of appropriated funds.

The bill contains legislative findings related to the value of law enforcement dogs to the residents of Florida.

The department is given rulemaking authority to implement the provisions in the bill.

The bill provides an effective date of July 1, 2016.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

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<sup>5</sup> Section 617.01401(5), F.S., defines “corporation not for profit” to be a corporation no part of the income or profit of which is distributable to its members, directors, or officers, except as otherwise provided under this chapter.

<sup>6</sup> See 26 U.S.C.A. s. 501(c)(3).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

To the extent that the retired K-9's former handler or adopter is reimbursed for the dog's on-going veterinary care, CS/SB 440 will have a positive financial impact for those persons.

**C. Government Sector Impact:**

The bill includes an appropriation of \$300,000 in recurring general revenue funds for the purpose of implementing the program. The program will be administered and managed by a not-for-profit corporation in a contractual arrangement with the FDLE.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 943.69 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal Justice on November 17, 2015:**

- Contains a new definition of “veterinary care.”
- Requires that the retired law enforcement dog's former handler or adopter must show proof of payment of the veterinary services for which he or she seeks reimbursement.
- Specifies that the selection process for the corporation not-for-profit to administer the program will be accomplished through a competitive grant award process.

**B. Amendments:**

None.

By the Committee on Criminal Justice; and Senator Abruzzo

591-01282-16

2016440c1

1                   A bill to be entitled  
2           An act relating to care for retired law enforcement  
3           dogs; creating s. 943.69, F.S.; providing a short  
4           title; defining terms; providing legislative findings;  
5           creating the Care for Retired Law Enforcement Dogs  
6           Program within the Department of Law Enforcement;  
7           requiring the department to contract with a  
8           corporation not for profit to administer and manage  
9           the program; providing requirements for the  
10          corporation not for profit; providing requirements for  
11          the disbursement of funds for the veterinary care of  
12          eligible retired law enforcement dogs; placing an  
13          annual cap on the amount of funds available for the  
14          care of an eligible retired law enforcement dog;  
15          prohibiting a former handler or adopter from receiving  
16          reimbursement if funds are depleted for the year for  
17          which such reimbursement is sought; providing for  
18          administrative fees; requiring the department to adopt  
19          rules; providing an appropriation; providing an  
20          effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Section 943.69, Florida Statutes, is created to  
25 read:

26           943.69 Care for Retired Law Enforcement Dogs Program.-

27           (1) SHORT TITLE.-This section may be cited as the "Care for  
28 Retired Law Enforcement Dogs Program Act."

29           (2) DEFINITIONS.-As used in this section, the term:

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30       (a) "Law enforcement agency" means a lawfully established  
31 state or local public agency having primary responsibility for  
32 the prevention and detection of crime or the enforcement of the  
33 penal, traffic, highway, regulatory, game, immigration, postal,  
34 customs, or controlled substance laws.

35       (b) "Retired law enforcement dog" means a dog that was  
36 previously in the service of or employed by a law enforcement  
37 agency in this state for the principal purpose of aiding in the  
38 detection of criminal activity, enforcement of laws, or  
39 apprehension of offenders and that received certification in  
40 obedience and apprehension work from a certifying organization  
41 such as the National Police Canine Association or other  
42 certifying organization.

43       (c) "Veterinarian" has the same meaning as provided in s.  
44 474.202.

45       (d) "Veterinary care" means the practice of veterinary  
46 medicine as defined in s. 474.202 by a veterinarian. The term  
47 includes annual wellness examinations, vaccines, internal and  
48 external parasite prevention treatments, testing and treatment  
49 of illnesses and diseases, medications, emergency care and  
50 surgeries, specialty care such as veterinary oncology,  
51 euthanasia, and cremation.

52       (3) LEGISLATIVE FINDINGS.—The Legislature finds that:

53       (a) Law enforcement dogs have become an integral part of  
54 many law enforcement efforts statewide, including the  
55 apprehension of suspects through tracking and searching,  
56 evidence location, drug and bomb detection, and search and  
57 rescue operations;

58       (b) Law enforcement agencies agree that the use of law



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59 enforcement dogs is an extremely cost-effective means of crime  
60 control and that these dogs possess skills and abilities that  
61 frequently exceed those of existing technology;

62 (c) The service of law enforcement dogs is often dangerous  
63 and can expose them to injury at a rate higher than that of  
64 nonservice dogs; and

65 (d) Law enforcement dogs provide significant contributions  
66 to the residents of this state.

67 (4) ESTABLISHMENT OF PROGRAM.—The Care for Retired Law  
68 Enforcement Dogs Program is created within the department to  
69 provide a stable funding source for veterinary care provided to  
70 these dogs.

71 (5) ADMINISTRATION.—The department shall contract with a  
72 corporation not for profit organized under chapter 617 to  
73 administer and manage the Care for Retired Law Enforcement Dogs  
74 Program. Notwithstanding chapter 287, the department shall  
75 select a corporation not for profit through a competitive grant  
76 award process which:

77 (a) Is dedicated to the protection or care of retired law  
78 enforcement dogs;

79 (b) Is exempt from taxation under s. 501(a) of the Internal  
80 Revenue Code as an organization described in s. 501(c)(3) of  
81 that code;

82 (c) Has maintained such tax-exempt status for at least 5  
83 years;

84 (d) Agrees to be subject to review and audit at the  
85 discretion of the Auditor General in order to ensure accurate  
86 accounting and disbursement of state funds; and

87 (e) Demonstrates the ability to effectively and efficiently

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88 disseminate information and to assist former handlers and  
89 adopters of retired law enforcement dogs in complying with this  
90 section.

91 (6) FUNDING.—

92 (a) The corporation not for profit shall be the disbursing  
93 authority for funds appropriated by the Legislature to the  
94 department for the Care for Retired Law Enforcement Dogs  
95 Program. These funds shall be disbursed to the former handler or  
96 adopter of a retired law enforcement dog upon receipt of:

97 1. Valid documentation from the law enforcement agency from  
98 which the dog retired which verifies that the dog was in the  
99 service of or employed by such agency; and

100 2. A valid invoice from a veterinarian for veterinary care  
101 provided in this state to a retired law enforcement dog and  
102 documentation establishing payment of the invoice by the former  
103 handler or adopter of a retired law enforcement dog.

104 (b) Annual disbursements to a former handler or adopter to  
105 reimburse him or her for the cost of veterinary care provided to  
106 a retired law enforcement dog may not exceed \$1,500 per dog. A  
107 former handler or adopter of a retired law enforcement dog may  
108 not accumulate unused funds from a current year for use in a  
109 future year.

110 (c) A former handler or adopter of a retired law  
111 enforcement dog who seeks reimbursement for veterinary care may  
112 not receive reimbursement if funds appropriated for the Care for  
113 Retired Law Enforcement Dogs Program are depleted in the year  
114 for which the reimbursement is sought.

115 (7) ADMINISTRATIVE FEES.—The corporation not for profit  
116 must receive administrative fees, including salaries and

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117 benefits, of up to 10 percent of appropriated funds.

118 (8) RULEMAKING AUTHORITY.-The department shall adopt rules  
119 pursuant to ss. 120.536(1) and 120.54 to implement this section.

120 Section 2. For the 2016-2017 fiscal year, and each fiscal  
121 year thereafter, the sum of \$300,000 in recurring funds is  
122 appropriated from the General Revenue Fund to the Department of  
123 Law Enforcement for the purpose of implementing the Care for  
124 Retired Law Enforcement Dogs Program.

125 Section 3. This act shall take effect July 1, 2016.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

440

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic K9 retirement

Amendment Barcode (if applicable) \_\_\_\_\_

Name Michael Kelley

Job Title DIRECTOR FL FRATERNAL ORDER OF POLICE

Address \_\_\_\_\_ Phone \_\_\_\_\_

Street

City

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FRATERNAL ORDER OF POLICE

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.**

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

440

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic CARE FOR RETIRED LAW ENFORCEMENT K-9'S

Amendment Barcode (if applicable) \_\_\_\_\_

Name MICK McHALE

Job Title \_\_\_\_\_

Address 300 E BREVARD STREET

Phone \_\_\_\_\_

Street

Tallahassee

FL

32301

Email FYRMICK@MSN.COM

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA POLICE BENEVOLENT ASSOC.

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.

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1-13-16  
Meeting Date

440  
Bill Number (if applicable)

Topic Care for Retired Law Enforcement Dogs

Amendment Barcode (if applicable)

Name Matt Dunagan

Job Title Deputy Director

Address 2617 Mahan Drive

Phone 850 274 3599

Tallahassee FL  
City State Zip

Email mdunagan@flsheriffs.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Sheriffs Association

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.**

**STATE ATTORNEYS**  
**Fiscal Year 2016-2017**  
**SUMMARY OF LBR ISSUES**

All 20 circuits' most critical need is competitive pay increases for Assistant State Attorneys to attract and retain experience in the offices. \$8.4 million

Additional funding for sex predator cases, public records responses, sworn investigators, enhanced training and problem solving courts is an additional concern for multiple circuits. \$11 million

Individual circuit needs addressing local concerns are addressed in each LBR.

# FLORIDA PUBLIC DEFENDER ASSOCIATION LEGISLATIVE PRIORITIES FY 2016/17

## SENATE CRIMINAL JUSTICE APPROPRIATIONS PRESENTATION 1/13/2016



### POINTS OF SIGNIFICANCE

#### **95% of Public Defender budgets are dedicated to personnel**

- Total filled positions in trial and appellate offices: 2685.25
- Attorneys: 60% of total employees
- Support staff includes investigators, mitigation specialists, witness interviewers, paralegals, legal assistants, and other non-lawyer assistants

#### **There is a critical need to retain experienced attorneys**

- In the trial offices, 60% of attorneys have less than 6 years experience in their office
- 19% of APDs in trial offices have 6-10 years
- 21% of APDs in trial offices have 10+ years
- In appellate offices, 26% of attorneys have less than 6 years
- Average statewide turnover rate total employees: 16.5%
- There are high costs associated with turnover, including recruitment and training, as experienced attorneys are needed to handle complex cases and complex sentencing schemes.

#### **Public Defender Output Measures**

- Appointed Criminal Cases: 650,798
- Appointed Civil Cases: 32,281
- Appointed Appellate Cases: 4,683
- 479 Trial Cases per APD
- 44 Appeals cases per APD

### LEGISLATIVE PRIORITIES

#### **TRIALS LEGISLATIVE BUDGET ISSUES**

- **Rapid Intervention Representation and Circuit Programs – \$ 4.6 million**
  - Immediate identification of critical services: Mental health, Alcohol & substance abuse, Mitigation, Veterans, Juveniles charged as adults
  - Early engagement improves service, reduces costs, increases efficiency
- **Graham/Miller Representation, Mitigation – \$ 3.4 million**
  - Resentencing hearings for 350+ juveniles sentenced to life or “de facto life” without the possibility of parole
  - Court decisions before next legislative term are expected to address: Additional 340+ sentenced before parole abolished, and 150+ sentenced to “life” for 2<sup>nd</sup> degree murder (*Landrum, Atwell*)
  - Requires experienced staff; ABA guidelines: 2 attorneys, 1 investigator, 1 mitigation specialist for each case
  - Reoccurring sentence review hearings requiring appointment of the public defender
  - Corresponding due process funding needs (estimated at least \$5,000 per case)



# FLORIDA PUBLIC DEFENDER ASSOCIATION LEGISLATIVE PRIORITIES FY 2016/17 (PRESENTATION 1/13/16, CONT.)

## TRIALS LEGISLATIVE BUDGET ISSUES

- **Retention Pay – \$ 6+ million**
  - Successful 1<sup>st</sup> phase of collaborative efforts achieved critical funding for attorneys (FY 2013/14)
  - Recurring funding needed to address a wide range of salary issues affecting Public Defenders
    - Compensation for critical staff
    - Improve or maintain current employee benefits

## APPEALS LEGISLATIVE BUDGET ISSUES

- **Capital and non-capital appeals cases to be briefed – 39 FTE, \$ 2.8 million**
- **Production of physical records on appeal – 1.5 FTE, \$ 56,773**
  - Estimate 2.3+ million pages per year printed from electronic copy, collated, and shipped to clients.
  - Costs include operations expenses for paper and printing supplies as well as employees to handle increased workload in two appellate offices.
- **Graham/Miller Appeals**
  - As a result of post-conviction review hearings and resentencing hearings scheduled throughout the state, the appellate offices expect growth in appeals in this area.
  - The 2<sup>nd</sup> Circuit appellate office has 20 appeals currently pending and expects more as a significant number of cases work their way through the 32 counties of the First District Court of Appeal. As these figures become available for other appellate offices, LBRs will be amended as needed to include the appellate needs for related to Graham/Miller Representation.
  - There are corresponding due process funding needs (estimated at least \$1,500 per case)

## TECHNICAL, “BACK OF THE BILL” AND PROVISIO ISSUES

- **Trust Authority Needed – \$ 2.25 million**
  - Maximization of Trust Funds
  - Capital Litigation Attorneys and Mitigation Specialists
  - Human Resources staff
  - Replace or acquire motor vehicles or office equipment
  - Enhanced OPS
  - Full implantation of all aspects of e-filing and e-service
  - Employee Continuing Education
- **Technical Realignment of Funds (3 circuits) – \$ 263,802**
- **Increase “Rate” (1 circuit) – \$ 36,000**
- **Re-appropriation of FPDA Technology Issue – \$ 375,000**
- **Funding for Coordination Office (FPDCO) – \$450,000**
- **Authority for the Payment of Florida Bar Dues – Proviso**
- **Protection of Employee Benefits (i.e., senior management, health insurance)**

The Offices of

# CRIMINAL CONFLICT and CIVIL REGIONAL COUNSEL

## FY 2016-17 Priorities



### The Regional Councils:

Jeffrey Lewis, Region 1  
Ita Neymotin, Region 2  
Eugene Zenobi, Region 3  
Antony Ryan, Region 4  
Jeffrey Deen, Region 5

### ***Reinvest in a Legislative Success***

The Offices of Regional Counsel are a legislative success. Since their creation by the legislature in 2007 and the legislature's investment in the RCs' initial base budgets, the RCs have saved the State of Florida, on average, over \$40 million per year and over \$280 million total, to date. Yet, the initial base budgets of the RCs have only increased incrementally since 2007. With rising caseloads over time now becoming excessive, and with originally unfunded obligations now causing budgetary shortfalls, it is time to for the legislature to reinvest in the RCs' success.

### ***Workload***

- 85 FTE positions, \$6,179,830 general revenue (salaries & benefits)

The RCs continue to require positions for originally unfunded, unallocated workload obligations for capital and appellate litigation, and there is a critical need for dependency positions due to a dramatic increase in funding to DCF and due to DCF's recent reforms which have led to sharp increases in the removal of children and a corresponding rise in dependency court caseloads. Additionally, there is an over reliance by the RCs on contracts and OPS in order to make up for the shortage of allocated full-time positions, the unfortunate result being that many full-time employees of the RCs work without full state benefits.

### ***Due Process and Operations Funding***

- \$2,000,000 general revenue

Capital/death penalty litigation and the costs of appeals were unfunded in the initial base budgets of the RCs. It is necessary that due process funds be increased to reflect the work the RCs actually perform and which representation yields significant savings to the State. There is a 66% savings for the RCs to defend a death penalty case over the costs of court-appointed, private registry counsel. Moreover, increases in operations funding are needed to match rental increases in the RCs' long term leases of professional office space, and funding is needed for technologies related to e-filing and for continuing legal education and staff trainings.

### ***Salary Parity***

The same pay disparity that exists between assistant state attorneys and assistant public defenders also exists regarding assistant regional counsel attorneys assigned to criminal caseloads. Assistant regional counsel attorneys are the functional, state-employee equivalent of assistant public defenders and the RCs should be included in any increase to salaries which may be made for salary parity.

### ***Additional Savings are Possible, Along with Better Outcomes for Children & Families***

In the three years prior the RCs' creation, the costs of court-appointed "private registry" counsel were skyrocketing. The legislature's creation of the RCs and its investment in an "in-house," state-agency model to satisfy the State's obligation to provide counsel to the indigent stabilized those costs and has provided over \$280 million in savings to date. When the RCs' role in dependency court is considered, additional savings are possible. The RCs represent the parents in dependency court whose children have been removed from them and are placed in out-of-home ("foster") care. While most children are eventually reunited with their parents, the rising caseloads in dependency courts and the rising caseloads for assistant regional counsel attorneys, in particular, contribute to the delay in reunification. Allocating to the RCs more attorney positions and positions for social workers dedicated to helping parents will shorten the time children are in foster care and will provide still more savings to the State.

~ The Offices of Criminal Conflict and Civil Regional Counsel ~

**-- Reinvest in Success: Fully fund the RCs! --**

# Florida Guardian ad Litem Program

## Represent Children in Out-of-Home Care



1

This issue requests ***\$1,068,099 in General Revenue Funding for 19 new FTEs*** to handle workload for the increased numbers of children in out of home care. Current funding does not provide capacity to reach the dramatic growth in children removed from their homes.



## Represent Children 0 to 3 in In-Home Care

2

The Guardian ad Litem Program requests ***\$ 1,360,344 in General Revenue Funds for 25.5 new FTEs*** to represent children ages 0 to 3 years who are under court supervision in their own homes, with a safety plan. This is consistent with ***the Children's Cabinet First 1,000 Days initiative.***

## Professional Training and Certification

3

This issue requests ***\$576,460 and 2 FTEs*** to implement a program of professional training and certification through the Florida Certification Board.



# **CAPITAL COLLATERAL REGIONAL COUNSELS**

## **2016-2017 LEGISLATIVE BUDGET REQUEST**

Florida Statute 27.702 requires the Capital Collateral Regional Councils (CCRC's) to represent each inmate sentenced to death in the state and federal courts, including the United States Supreme Court, until relief is granted or the sentence of execution is carried out. Cases are assigned by the Florida Supreme Court after direct appeal and are based on the federal court districts.

There are three CCRC offices: North, Middle, and South. The CCRC-North office was recreated by the Legislature in 2013 in the Timely Justice Act.

For the 2016-2017 fiscal year, the CCRC's again recognize that the North office must be given priority as its office continues to expand. For the 2016-2017 fiscal year the CCRC offices request the following:

### **CCRC-NORTH:**

- **\$310,230** for four (4) additional positions
  - One legal team: one lead attorney, one second chair attorney and one investigator
  - One accountant
- **\$91,024 (\$72,707 non-recurring)** for IT infrastructure
- **\$32,904** additional building rent to accommodate increased positions
- **\$58,092 (\$15,996 non-recurring)** for Operating Expenditures
- **\$50,000** increase in current authorized rate

### **CCRC-MIDDLE and SOUTH:**

In July 2014, the Florida Supreme Court implemented numerous changes to the post-conviction death penalty rules, including an increase to the minimum standards for legal counsel in death penalty cases. All CCRC attorneys must have expertise in the highly complex area of Federal Habeas Corpus, as well as extensive experience in capital cases.

In order to recruit and retain experienced staff and comply with the new requirements set by the Florida Supreme Court, CCRC-Middle and South request the following for the 2016-2017 fiscal year:

- **\$171,677** Total for Salaries and Benefits
  - **\$90,356** CCRC-Middle
  - **\$81,321** CCRC-South
- **\$31,200** for enhanced OPS for CCRC-Middle
- **\$27,323** for IT replacement for CCRC-Middle
- **\$39,000 (\$27,000 non-recurring)** for a document management system for CCRC-Middle
- **\$20,000** for legal education training for CCRC-Middle
- **\$24,600** to recreate the OPS category for CCRC-South
- **\$17,500** to replace the computer server for CCRC-South
- **\$21,600** for legal training for CCRC-South



THE FLORIDA SENATE

APPEARANCE RECORD

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

1/13/16  
Meeting Date

Bill Number (if applicable)

Topic State Attorneys Budget

Amendment Barcode (if applicable)

Name Bill Levone

Job Title State Attorney 8th Circuit

Address 120 W. Univ. Ave

Phone 352 374 3686

Street

Gainesville

FL

32601

City

State

Zip

Email levonew@SA08.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing State Attorneys

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.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

1/13/16

*Meeting Date*

*Bill Number (if applicable)*

Topic Public Defender Budget Presentation

*Amendment Barcode (if applicable)*

Name Honorable Julianne Holt

Job Title Public Defender, 13th Judicial Circuit

Address 700 East Twiggs Street

Phone 813.272.5980

*Street*

Tampa

Florida

33672

Email holtj@pd13.state.fl.us

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Florida Public Defender Association, Inc.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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13 JAN 16

Meeting Date

Bill Number (if applicable)

Topic Regional Counsel Legislative Priorities

Amendment Barcode (if applicable)

Name <sup>OFF</sup> Ita M. Neymotin

Job Title Criminal Conflict and Civil Regional Counsel for the Second DCA

Address 2101 McGregor Street suite 101

Phone 352(239) 980 9877

Street

Fort Myers

City

FL

State

33901

Zip

Email ineymotin@FLRC2.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing ALL FIVE CCRC's

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1-13-16

Meeting Date

Bill Number (if applicable)

Topic GUARDIAN AD LITEM BUDGET PRIORITIES

Amendment Barcode (if applicable)

Name ALAN ABRA MOWITZ

Job Title GUARDIAN AD LITEM PROGRAM

Address 800 S. CALHOUN

Phone 850-241-3232

Street

City

Tallahassee

FL

State

32399

Zip

Email Alan.Abramowitz@gal.fl.gov

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/13/14  
Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic Budget Request

\_\_\_\_\_  
Amendment Barcode (if applicable)

Name Suzanne Keffer

Job Title Chief Assistant CCRC - South

Address 1 E Broward Blvd Ste 444

Phone 954 713 1284

Street

Ft. Lauderdale FL 33301

City

State

Zip

Email keffers@ccsr.state.fl.us

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Capital/Collateral/Regional Counsels

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1-13-16

Meeting Date

Bill Number (if applicable)

Topic LBR of the Justice Administrative Commission

Amendment Barcode (if applicable)

Name Rip Colvin

Job Title Executive Director

Address 227 N. Bronough St., Suite 2100

Phone 850-488-2415

Tallahassee  
City

FL  
State

32301  
Zip

Email rip.colvin@justiceadmin.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Justice Administrative Commission

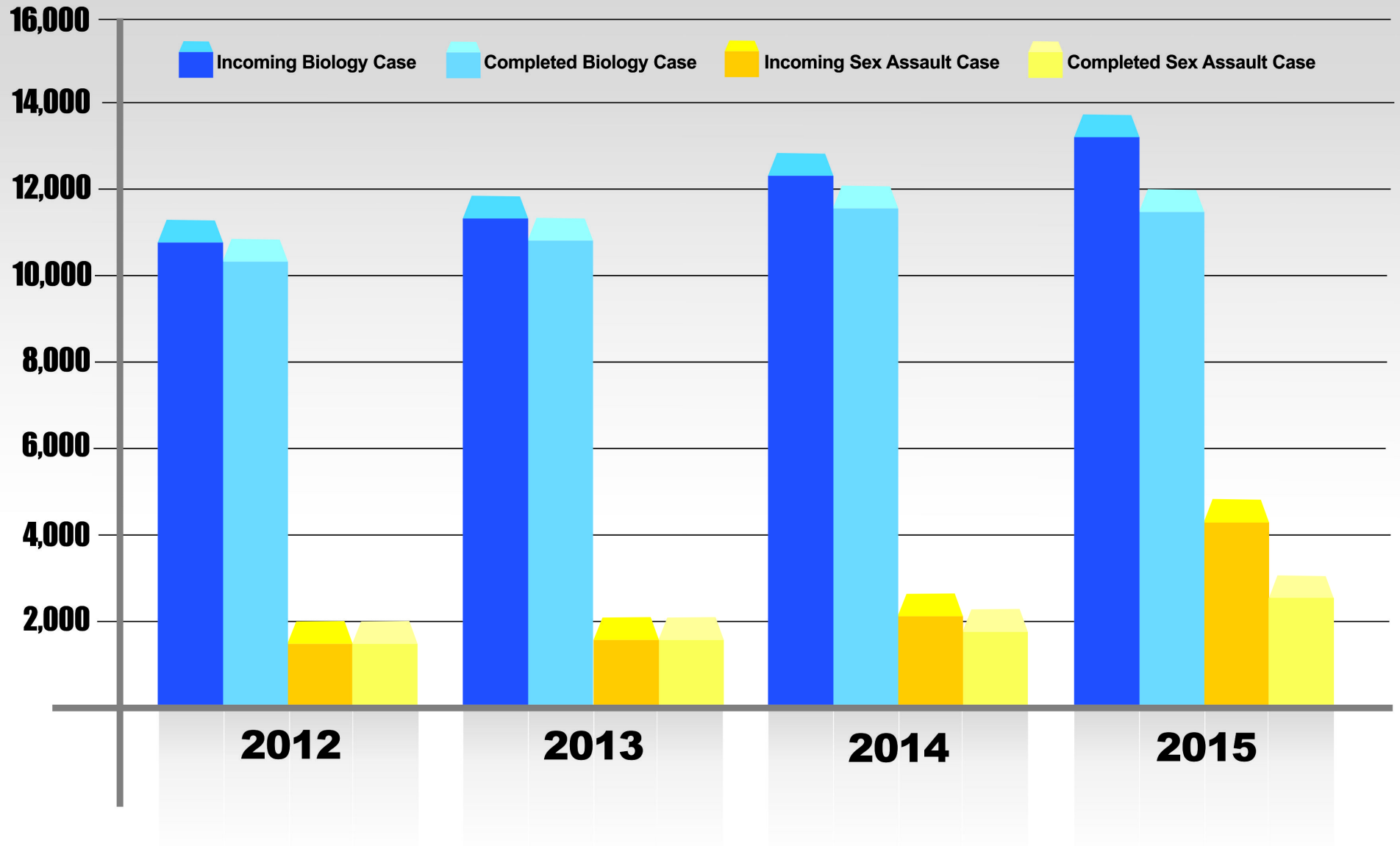
Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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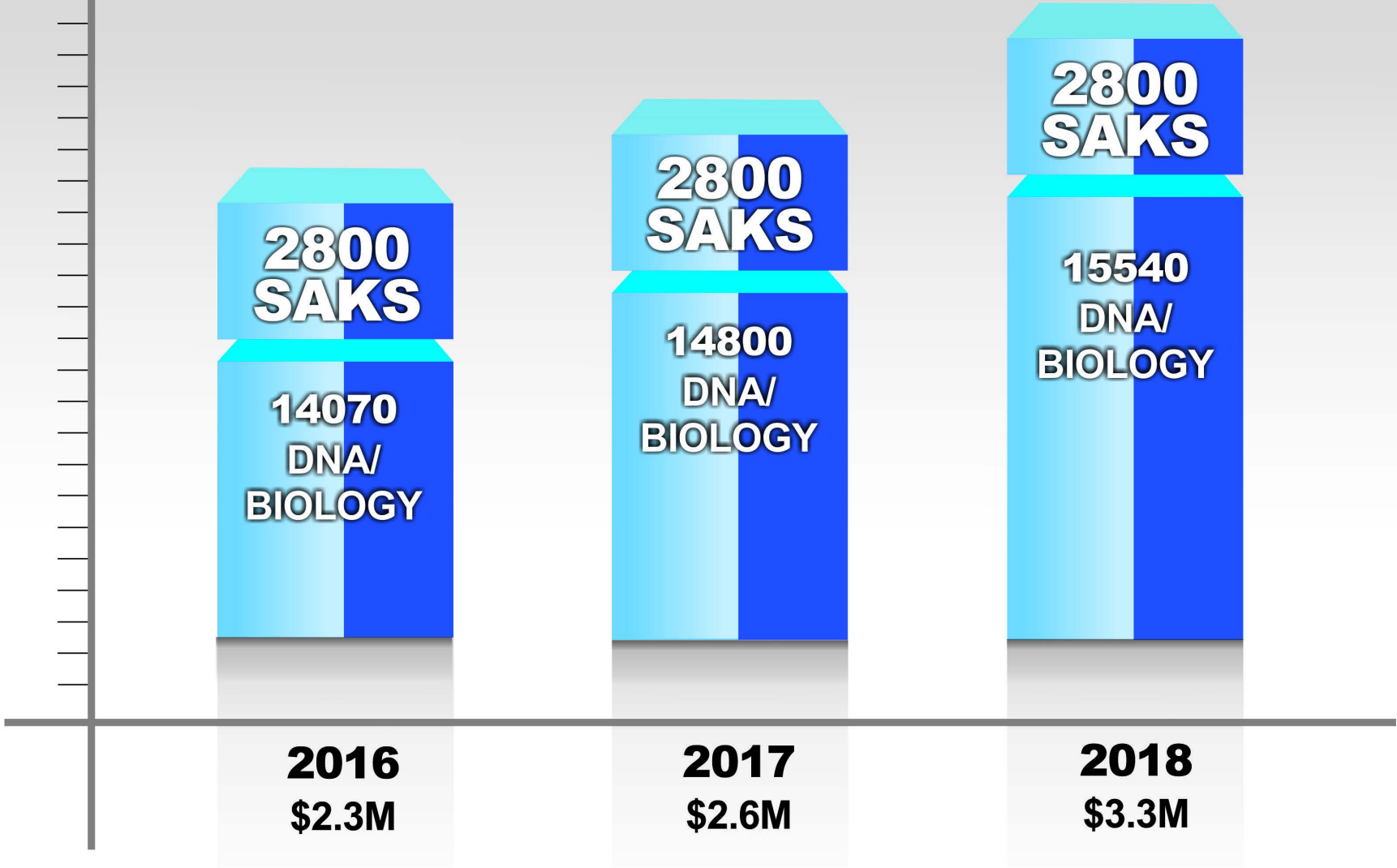
This form is part of the public record for this meeting.

# FDLE BIOLOGY AND SEXUAL ASSAULT CASES



# SAK REDUCTION PLAN

\$8.2M (8600 SAKS)



# CourtSmart Tag Report

**Room:** LL 37  
**Caption:** Criminal & Civil Justice Appropriations Subcommittee

**Case:**

**Type:**  
**Judge:**

**Started:** 1/13/2016 1:29:50 PM  
**Ends:** 1/13/2016 3:32:13 PM  
**Length:** 02:02:24

1:29:48 PM Meeting called to order  
1:29:57 PM Informal recess until quorum is present  
1:30:25 PM Recording Paused  
1:31:56 PM Recording Resumed  
1:32:09 PM Quorum present  
1:33:10 PM Chair given to Senator Joyner  
1:33:28 PM Roll call  
1:33:33 PM Quorum present  
1:33:45 PM Senator Abruzzo recognized to present CS/SB 440  
1:34:37 PM Senator Evers recognized with question  
1:35:00 PM Senator Abruzzo's responses  
1:35:03 PM Matt Dunagan with the FL Sheriff's Assoc. waives in support  
1:35:29 PM Mick McHale with the FL Police Benevolent Assoc waives in support  
1:35:45 PM Michael Kelly with Fraternal Order of Police waives in support  
1:35:59 PM Senator Abruzzo recognized to close on CS/SB 440  
1:36:11 PM Roll call on CS/SB 440  
1:36:17 PM CS/SB 440 reported favorably  
1:36:28 PM Bill Cervone, 8th Circuit State Attorney recognized  
1:40:07 PM Senator Joyner interjects with a question for Bill Cervone  
1:41:10 PM Bill Cervone response to Senator Joyner  
1:44:42 PM Senator Soto with a question for Bill Cervone  
1:45:43 PM Bill Cervone with response  
1:45:49 PM Senator Soto with follow-up question  
1:46:15 PM Bill Cervone response  
1:53:12 PM Senator Soto with a question  
1:54:11 PM Bill Cervone with response to Senator Soto  
1:54:40 PM Senator Joyner with question for Bill Cervone  
1:55:39 PM Bill Cervone response  
1:55:45 PM Senator Joyner with follow-up question for Bill Cervone  
1:56:37 PM Bill Cervone response  
1:57:39 PM Senator Soto with question for Bill Cervone  
1:57:46 PM Bill Cervone with response to Senator Soto's question  
1:58:01 PM Senator Joyner with follow-up question  
1:58:29 PM Bill Cervone with response  
1:58:34 PM Senator Joyner with follow-up  
1:58:51 PM Bill Cervone response  
1:59:10 PM Senator Soto with another question  
1:59:39 PM Bill Cervone with a response to Senator Soto's question  
1:59:55 PM Honorable Julianne Holt with the Florida Public Defender Association recognized  
2:12:21 PM Senator Bradley recognized with a question  
2:13:20 PM Julianne Holt with a response to Senator Bradley's question  
2:15:32 PM Senator Bradley with a follow-up question for Julianne Holt  
2:16:31 PM Julianne Holt with a response for Senator Bradley  
2:17:02 PM Senator Bradley with a follow-up question  
2:18:50 PM Julianne Holt with response to Senator Bradley  
2:21:51 PM Senator Bradley with question  
2:23:03 PM Julianne Holt with a response  
2:24:03 PM Senator Soto recognized  
2:24:41 PM Ita Neymotin with the Regional Conflict Counsel, 2nd DCA recognized to present  
2:31:47 PM Senator Negron with question  
2:32:52 PM Ita Neymotin with response to Senator Negron  
2:33:04 PM Senator Negron with follow-up question

2:33:10 PM Ita Neymotin with response  
2:33:14 PM Senator Negron with follow-up  
2:33:19 PM Ita Neymotin with responses  
2:33:22 PM Senator Negron with follow-up  
2:34:52 PM Ita Neymotin with response  
2:37:31 PM Rip Colvin, Executive Director of JAC recognized to present  
2:39:30 PM Alan Abramowitz, Executive Director of the Guardian Ad Litem program recognized  
2:45:20 PM Senator Soto with a question for Alan Abramowitz  
2:46:19 PM Alan Abramowitz with response for Senator Soto  
2:46:28 PM Senator Joyner with question  
2:47:20 PM Alan Abramowitz with response for Senator Joyner  
2:47:42 PM Senator Joyner with follow-up  
2:48:11 PM Alan Abramowitz with response  
2:48:17 PM Senator Joyner with clarification  
2:49:13 PM Alan Abramowitz with responses  
2:49:20 PM Senator Joyner with follow-up  
2:49:29 PM Alan Abramowitz with response  
2:49:50 PM Suzanne Keffer, Chief Assistant of CCRC, South Region recognized to present  
2:52:50 PM Senator Negron with question  
2:53:51 PM Suzanne Keffer with response  
2:53:54 PM Senator Bradley recognized with a comment  
2:55:09 PM Senator Soto recognized with a question  
2:56:08 PM Suzanne Keffer with response  
2:56:16 PM Senator Soto with follow-up  
2:57:04 PM Suzanne Keffer with response  
2:57:28 PM Senator Soto with another follow-up question  
2:58:05 PM Suzanne Keffer with response  
2:58:14 PM Senator Negron with comments  
3:02:55 PM Senator Bradley recognized with comments  
3:05:24 PM Senator Negron with response, comments  
3:07:25 PM Jennifer Pritt, Deputy Commissioner with the FL Dept. of LE recognized to present  
3:09:43 PM Senator Negron continuing comments on the Sexual Assault Kits issue  
3:10:43 PM Jennifer Pritt recognized  
3:11:38 PM Jennifer Pritt presenting  
3:17:24 PM Senator Bradley recognized with a question  
3:18:23 PM Senator Negron with comments  
3:18:35 PM Jennifer Pritt with comments  
3:19:11 PM Senator Negron with question  
3:19:15 PM Jennifer Pritt with response  
3:19:20 PM Senator Negron with follow-up  
3:19:25 PM Jennifer Pritt with response  
3:19:29 PM Senator Negron with clarification, question  
3:19:36 PM Jennifer Pritt with response  
3:19:41 PM Senator Negron with follow-up  
3:19:49 PM Jennifer Pritt with response  
3:19:54 PM Senator Negron with follow-up  
3:20:03 PM Jennifer Pritt with response  
3:20:20 PM Senator Negron with follow-up  
3:21:13 PM Jennifer Pritt with response  
3:21:32 PM Senator Negron with follow-up question  
3:21:54 PM Jennifer Pritt with response  
3:22:10 PM Senator Bradley with question  
3:23:35 PM Senator Negron with comments  
3:24:49 PM Jennifer Pritt with response  
3:26:03 PM Senator Negron with comments  
3:27:05 PM Jennifer Pritt with response  
3:28:04 PM Senator Negron with comments  
3:28:39 PM Jennifer Pritt with response  
3:28:49 PM Senator Negron with comments  
3:29:07 PM Jennifer Pritt with response  
3:29:32 PM Senator Negron with comments  
3:29:46 PM Senator Negron with question

**3:30:34 PM** Jennifer Pritt with response  
**3:30:38 PM** Senator Negron with follow-up  
**3:31:02 PM** Jennifer Pritt with response  
**3:31:07 PM** Senator Negron with series of questions and responses with Jennifer Pritt  
**3:31:39 PM** Senator Negron comments  
**3:32:03 PM** Meeting adjourned