

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE
Senator Brandes, Chair
Senator Bracy, Vice Chair

MEETING DATE: Wednesday, November 15, 2017
TIME: 1:00—3:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Brandes, Chair; Senator Bracy, Vice Chair; Senators Baxley, Bean, Flores, Perry, and Rodriguez

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Discussion of the Impact of the Opioid Epidemic on the Criminal Justice System		Discussed
2	Presentation on Agencies' Fiscal Year 2018-2019 Budget Recommendations: - State Courts - State Attorneys - Public Defenders - Statewide Guardian Ad Litem - Capital Collateral Regional Counsels - Regional Conflict Counsels - Justice Administrative Commission		Discussed
Other Related Meeting Documents			

FDA-Approved Medications for Substance Use Disorders

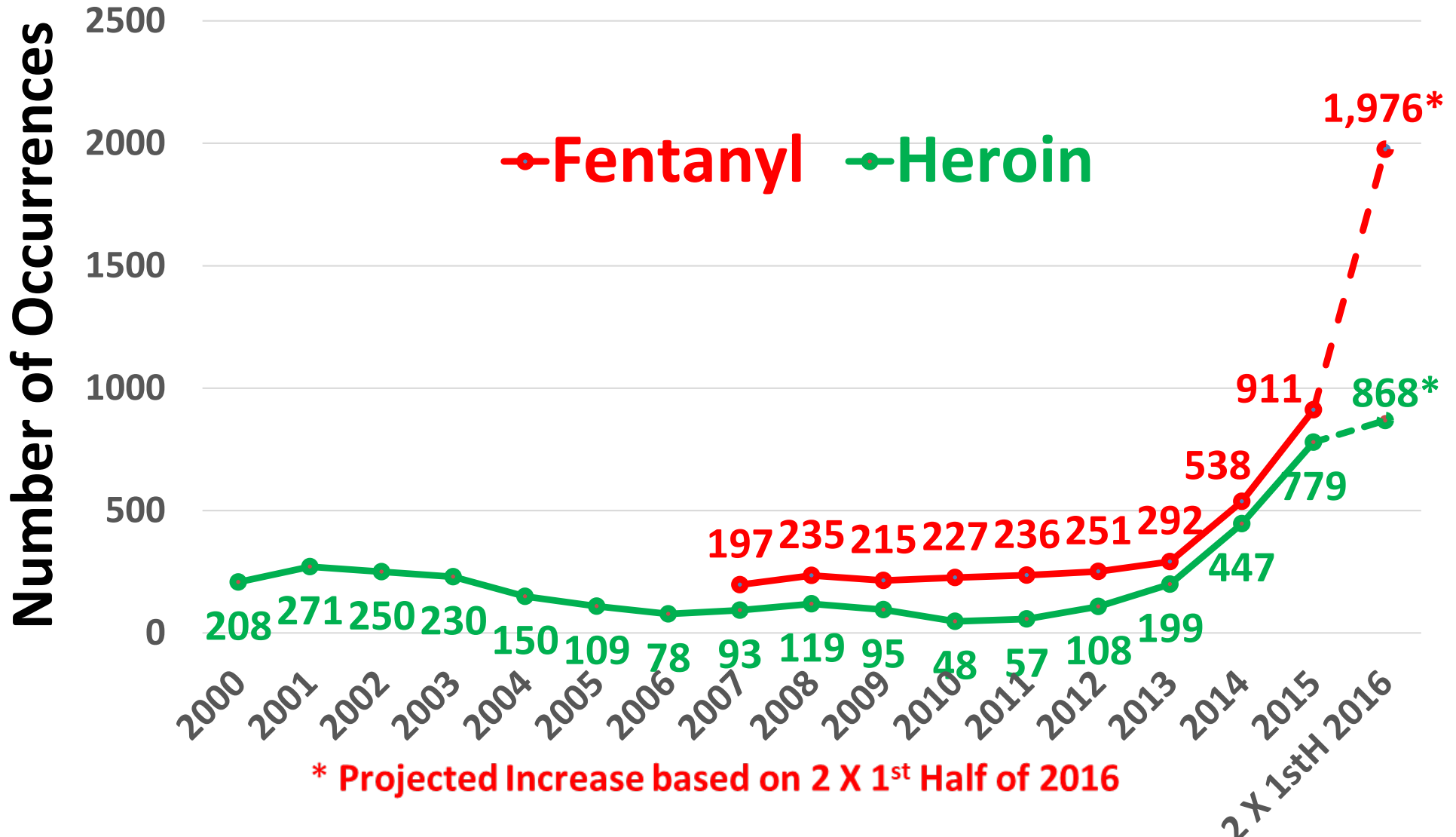
Medication Generic Name	Use	Trade Name	How it works	Abuse Potential	Administration Method	Length of Effects	Appropriate for People:	Special License or Credential	Criteria	Year Approved by FDA	Physician Training Required
Naltrexone	Alcohol and Opioids	ReVia®	Antagonist - By blocking opioid receptors, it blocks cue-triggered craving and decreases the euphoric effects of alcohol.	No	Oral, tablet 1 x day	Oral – 24 to 36 hours.	Motivated to be opioid-free and willing to undergo detox.	No	Detox required before use – 3 to 5 days free of alcohol; 7 to 10 days free of opioids or rapidly detoxed. Screen out if significant liver issues identified through labwork. Cannot be used with pregnant women.	1994 – naltrexone; VIVITROL® - for alcohol 2006, opioids 2010	No
		Depade®			VIVITROL®	VIVITROL® - Injection taken every 30 days	Injection – 30 days.	Leaving rehab or jail/prison opioid-free. Monitored by judicial or other system that does not allow agonist treatment. Shorter duration opioid addiction. Structure and social supports in place.			
Buprenorphine	Opioids	Suboxone®	Partial Agonist - A long-acting partial opioid, it relieves withdrawal, decreases craving, and prevents euphoria if other opioids are used. Combined with Naloxone prevents IV abuse of buprenorphine (Suboxone/Zubsolv).	Yes	Oral, tablet sublingually or sublingual film once daily.	Oral – 24 to 36 hours.	Able to adhere to treatment plan w/o/daily contact or supervision.	Varies by state	Can be used in detox. Induction and maintenance done via prescription lasting few days to few weeks.	2002	Yes – 8 hours of training for physicians; 24 hours of training for ARNPs and PAs (DEA-X No. required)
		Zubsolv®			Transdermal.	Transdermal – 7-day skin patch.	Has structure in daily life and strong support system.				
		Butrans®			Implant.	Implant – 6 months.	Adequate stress management skills. Individuals with cardiac concerns.				
Probuphine®											
Methadone	Opioids	Methadone	Agonist - A long-acting "full" opioid that relieves withdrawal, blocks craving, and prevents euphoria if other opioids are used.	Yes	Oral, liquid solution, 1-2x day	Oral – 24 to 36 hours.	Long history of opioid use of one year or more. IV route of drug administration. Individuals needing daily contact/supervision. Chronic pain problems. Pregnant women. Can handle or needs long-term dosing.	Yes – certification by state and feds	Can be used in detox. Induction and maintenance done via daily "on-site" dosing at specialty clinics meeting federal and state guidelines only. Take-home dosing only after extensive, successful time in maintenance treatment.	1947	No

Sources: SAMHSA, NIATx, D. Gastfriend, MD.

TYPES OF OPIOIDS

- Illegal Heroin
- Legal Prescription Opioid Pain Relievers
(e.g., Oxycodone, Hydrocodone, Methadone, Morphine, Rx Fentanyl, *et al*)
- Illicitly manufactured Opioid Analogues
(e.g., Fentanyl, U-4700, *et al* sold as Heroin or adulterants to Heroin, Cocaine or other drugs, and counterfeit prescription medications)

Number of Heroin and Fentanyl Related-Deaths in Florida: 2000 to 2016*



Source: Florida Medical Examiners Commission Reports

Vivitrol® Services for Opioid-Addicted Individuals Involved in the Criminal Justice System



**Senate Appropriations Subcommittee on Criminal
and Civil Justice**

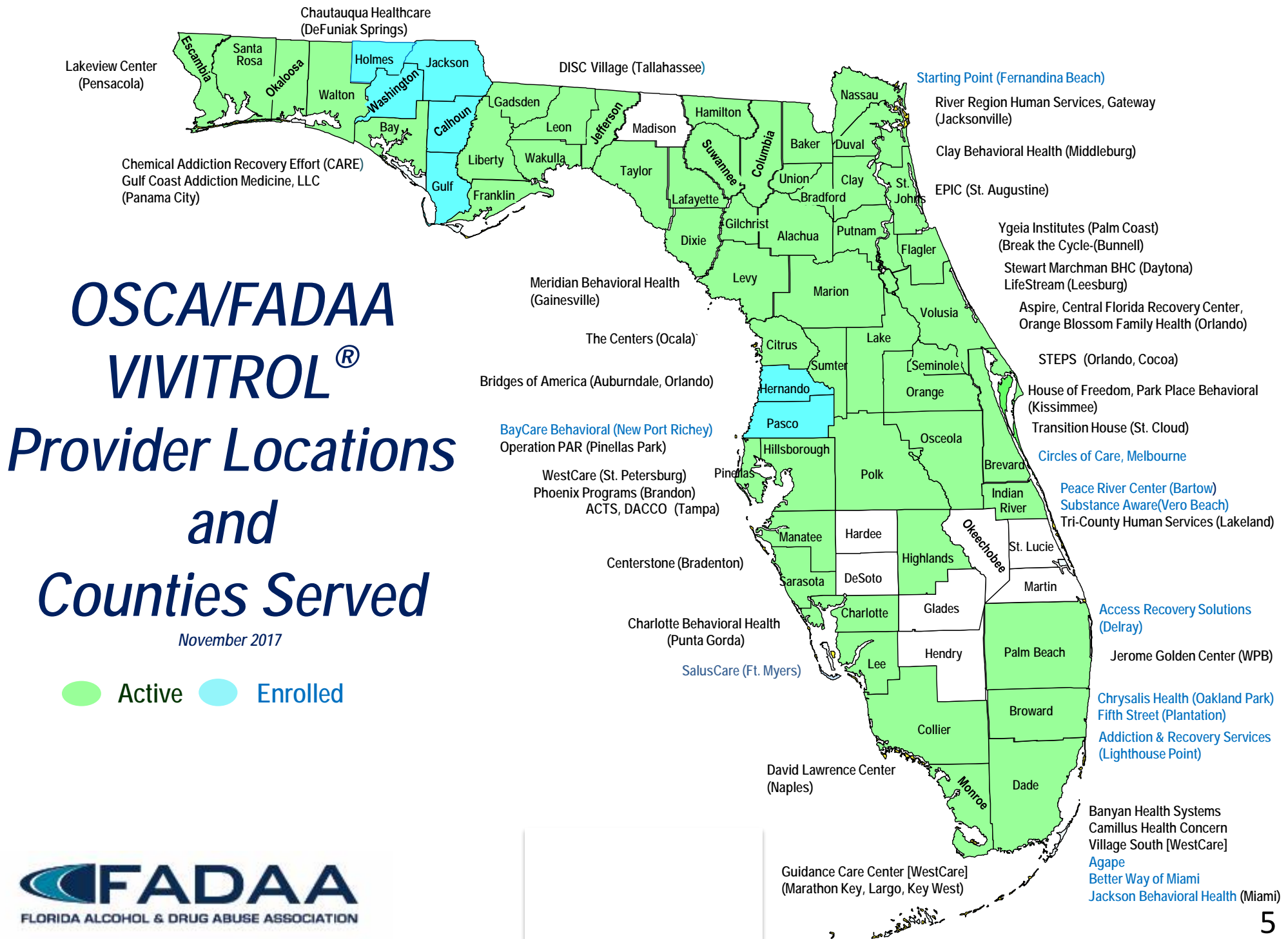
November 15, 2017



OSCA Vivitrol[®] Program Summary

OSCA Vivitrol[®] Program (Feb 1, 2015 – Oct 11, 2017)

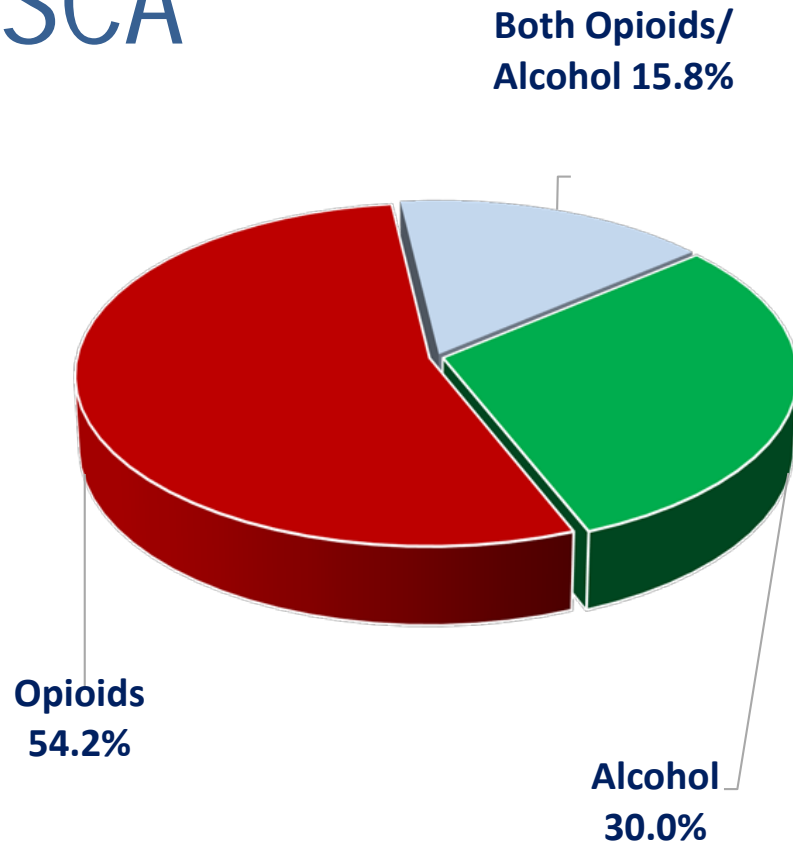
- 4,025 individuals have been screened for the program
- 1,913 patients have received 1 or more injections
- 6,559 injections have been administered



Substance of Abuse

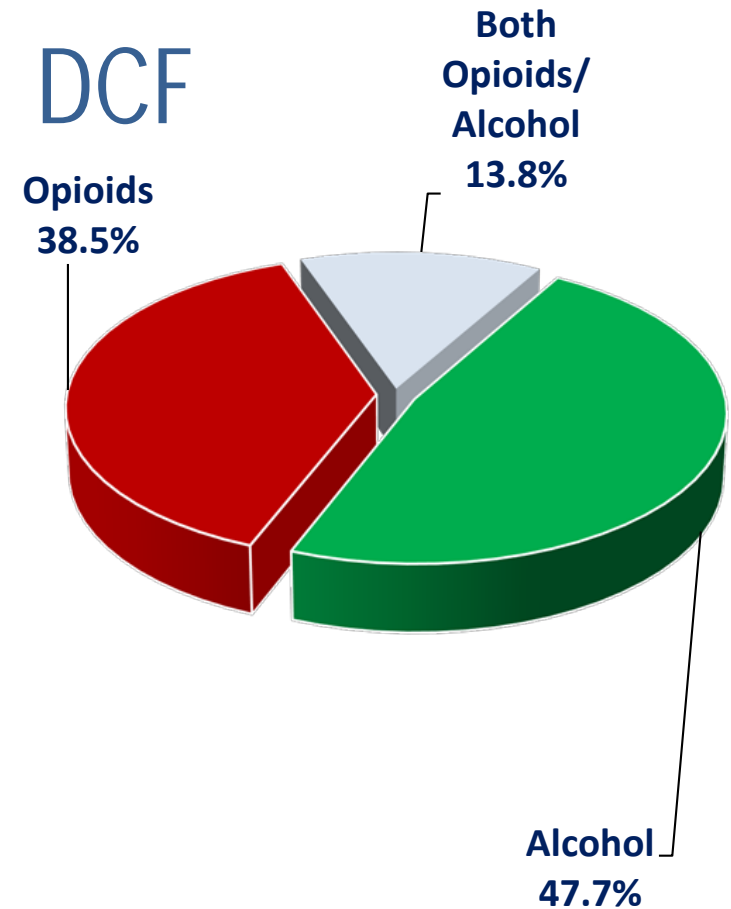
First Quarter of FY 17-18

OSCA



N = 464 Patients

DCF

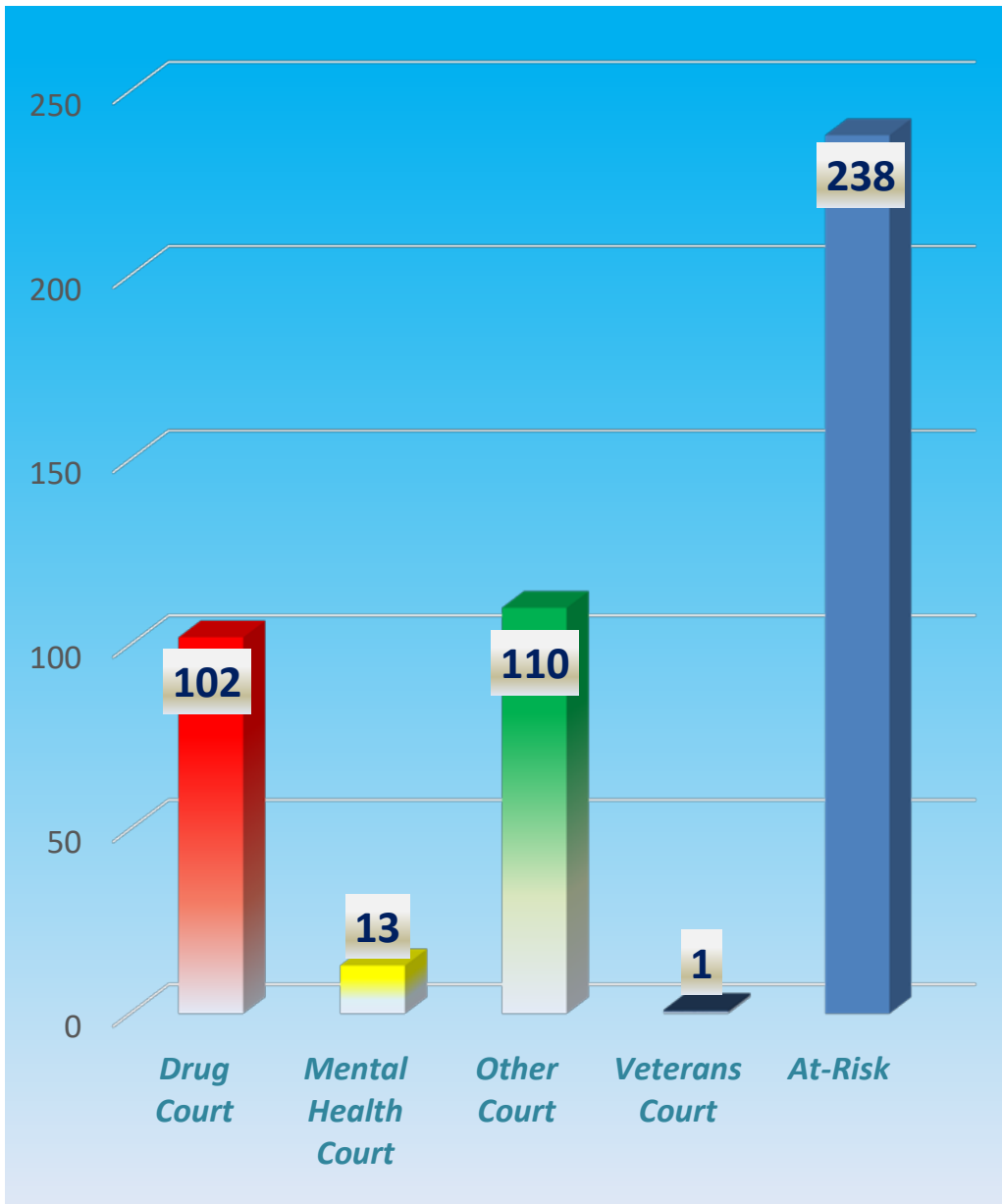


N = 327 Patients

OSCA

Court and Criminal Justice Involvement at Screening

First Quarter – FY 17-18

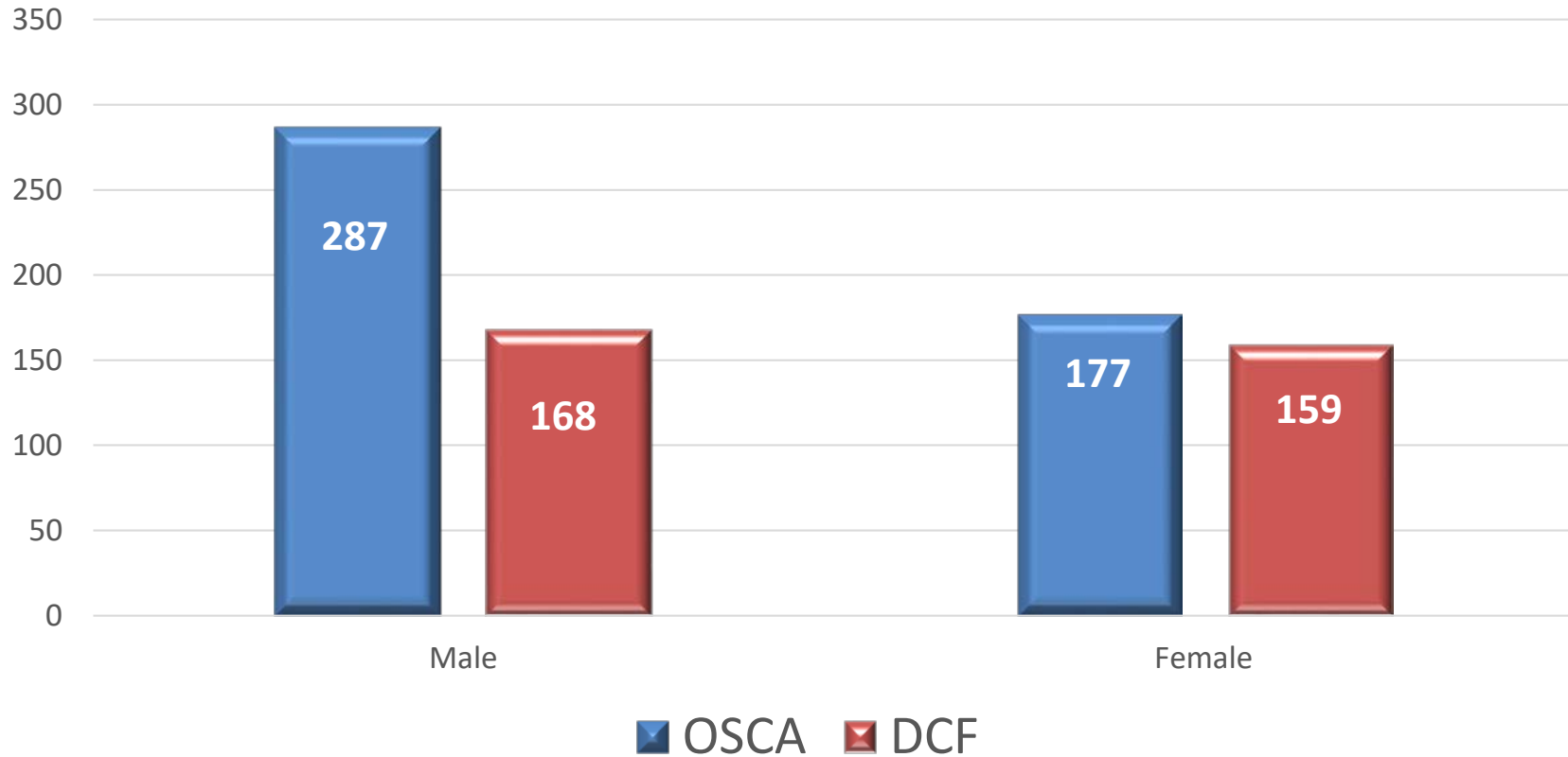


At-Risk or High-Risk includes:

- Recent prison/jail releases
- Traffic Court or DUI Client
- Parents involved in Child Protective Investigation where substance abuse is identified issue
- Court-ordered treatment, civil or criminal, Marchman Act
- Peer environment/behaviors put individual at high risk for arrest
- History of prior court or criminal justice involvement

Patient Gender

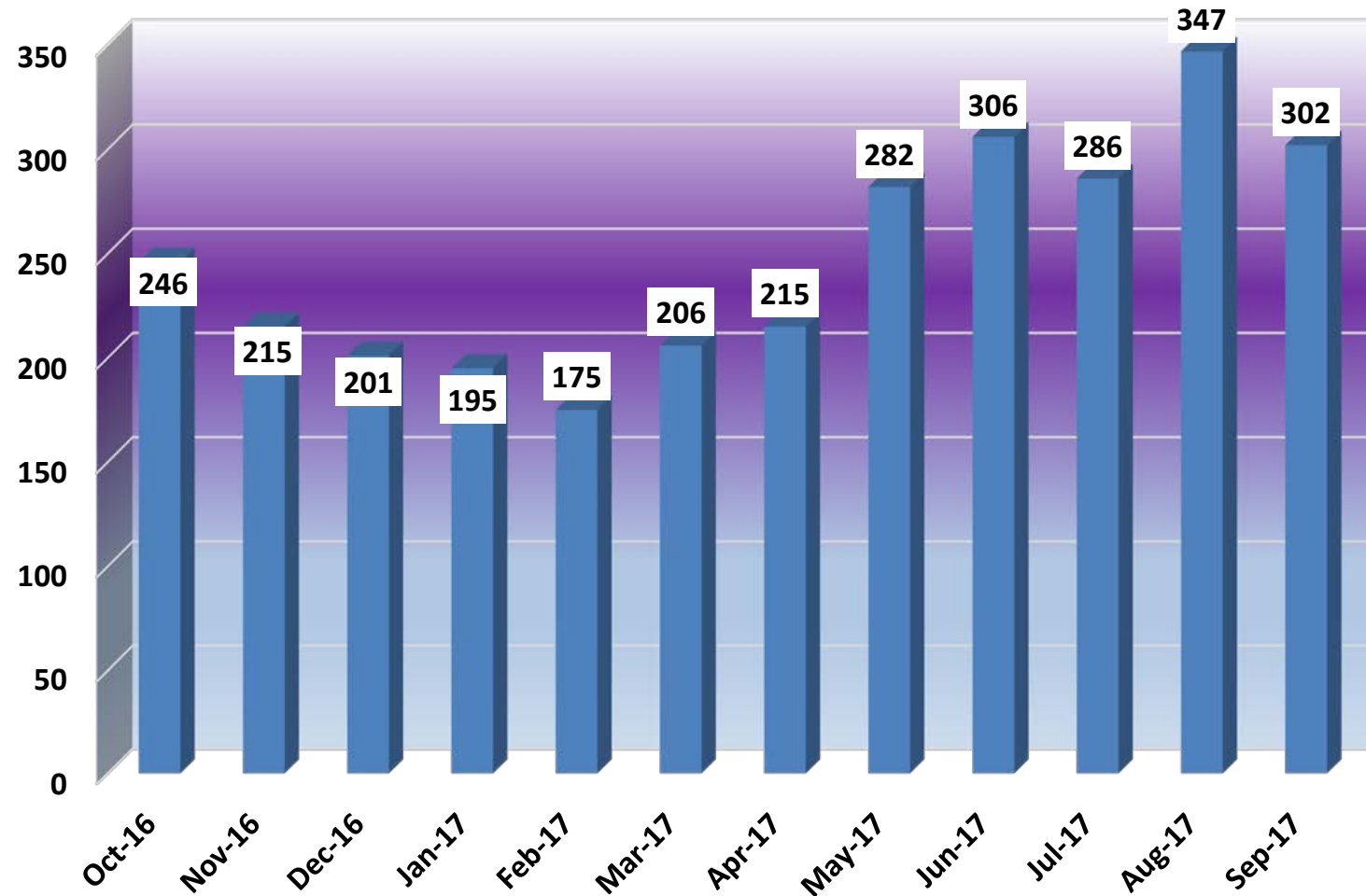
First Quarter of FY 17-18



OSCA Vivitrol[®]

Monthly Injections

October 2016 to September 2017



Vivitrol[®] Success Outcomes

Office of State Courts
Administrator

73%

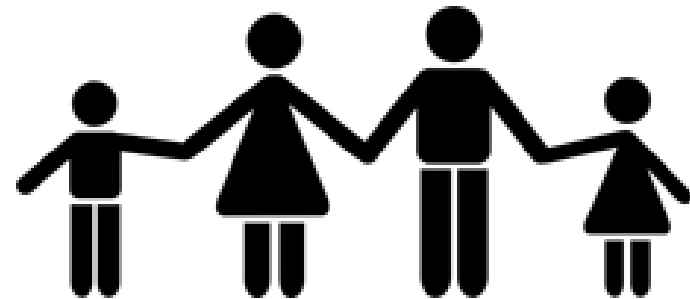
673 out of 922 discharges



Department of Children
and Families

75%

277 out of 367 discharges



Successful outcomes defined as individuals (at time of MAT discharge):

- completing MAT protocol or
- still actively participating in or completed psychosocial treatment and/or
- experiencing no cravings for drug or alcohol use at time of last injection

Active In-Jail Programs

- Duval County Jail – River Region Human Services 2017
- Orange County Jail – Aspire Health Partners, Inc. 2016*
- Bay County Jail – Gulf Coast Addiction Medicine 2017
- Manatee County Jail – Centerstone 2017



Potential In-Jail Programs

- Volusia County Jail – Stewart Marchman Behavioral Health
- Sumter/Lake County Jails – LifeStream Behavioral Center
- Sarasota County Jail – Centerstone
- St. Johns County Jail – EPIC Behavioral Healthcare
- Osceola County Jail – Park Place Behavioral Healthcare
- Seminole County Jail – Aspire Health Partners, Inc.

* Orange Blossom Family Health
also works with jail

RECOMMENDATIONS

- The Commission recommends that ONDCP work with the DOJ, DOL, the National Alliance for Model State Drug Laws, the NCSL, and other stakeholders to develop model state legislation/regulation for states to decouple felony convictions and eligibility for business/occupational licenses, where appropriate.
- The Commission recommends DOJ broadly establish federal drug courts within the federal district court system. States, local units of government, and Indian tribal governments should apply for drug court grants. Individuals with an SUD who violate probation terms with substance use should be diverted into drug court, rather than prison.
- The Commission recommends the National Institute on Corrections (NIC), the Bureau of Justice Assistance (BJA), the Substance Abuse and Mental Health Services Administration (SAMHSA), and other national, state, local, and tribal stakeholders use medication-assisted treatment (MAT) with pre-trial detainees and continuing treatment upon release.

- Promote additional training for law enforcement in recognizing and understanding substance use disorders
- Encourage courts and jails to create pilot programs for the use of MAT.
- Document and replicate efforts between law enforcement and local community groups and/or coalitions that have resulted in a reduction of opioid deaths.
- Ensure Department of Corrections funding for community-based treatment remains intact.
- Support re-entry initiatives that provide evidence-based services, including Substance Use Disorder (SUD) treatment, designed to transition an individual from an inmate to a citizen.
- Provide funding to create first appearance opioid diversion programs/opioid dockets.
- Authorize and encourage implementation of pre-arrest diversion/deflection programs.
- Continue funding the long-acting Naltrexone Program (Vivitrol).

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/15/17
Meeting Date

Bill Number (if applicable)

Topic presentation on Opioids

Amendment Barcode (if applicable)

Name Julie Warren

Job Title State Director for KY → TN

Address 3306 West End Ave, Apt 206
Street

Phone 202-276-1342

Street

Nashville
City

TN
State

37203
Zip

Email jwarren@rightoncrime.com

Speaking: For Against Information

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

Representing Right on Crime

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)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11-15-17

Meeting Date

Bill Number (if applicable)

Topic Discussion of the Impact of the Dpidid Epidemic
Name Carol Burkett on the Criminal Justice System

Amendment Barcode (if applicable)

Job Title Director

Address 109 E. Church St, Ste 405

Phone 407-836-7319

Street

Orlando

FL

32801

City

State

Zip

Email Carol.Burkett@ocfl.net

Speaking: For Against Information

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

Representing Orange County Government

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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THE FLORIDA SENATE
APPEARANCE RECORD

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11/15/17

Meeting Date

Bill Number (if applicable)

Topic Opioids on Criminal Justice

Amendment Barcode (if applicable)

Name Shannon Robinson

Job Title Senior Vice President of Medical Operations

Address 7151 Adams Street

Phone 407.625.1943

Orlando FL 32804
City State Zip

Email Shannon.robinson@aspirehp.org

Speaking: For Against Information

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

Representing Aspire Health Partners

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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THE FLORIDA SENATE
APPEARANCE RECORD

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11.15.2017

Meeting Date

Bill Number (if applicable)

Topic Discussion of the Impact of the Opioid Epidemic on the system

Amendment Barcode (if applicable)

Name DR. Candace Hodgkins

Job Title CEO Gateway

Address 555 Stackton St

Phone 904.387.4661

Jacksonville
City State Zip

Email chodgkins@gatewaycommunity.com

Speaking: For Against Information

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

Representing Gateway

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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THE FLORIDA SENATE

APPEARANCE RECORD

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November 15, 2017

Meeting Date

Bill Number (if applicable)

Topic Impact of the Opioid Epidemic on the Criminal Justice System

Amendment Barcode (if applicable)

Name Mark Fontaine

Job Title Executive Director

Address 2868 Mahan Drive Suite 1

Phone 850-878-2196

Street

Tallahassee

FL

32308

Email mfontaine@myfbha.org

City

State

Zip

Speaking: [] For [] Against [] Information

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

Representing Florida Alcohol and Drug Abuse Association

Appearing at request of Chair: [x] Yes [] No

Lobbyist registered with Legislature: [x] 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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THE FLORIDA SENATE
APPEARANCE RECORD

Did not speak

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

November 15, 2017

Meeting Date

Bill Number (if applicable)

Topic Impact of the Opioid Epidemic on the Criminal Justice System

Amendment Barcode (if applicable)

Name Darren Duchene

Job Title Program Director

Address 2868 Mahan Drive Suite 1

Phone 850-878-2196

Street

Tallahassee

FL

32308

Email dduchene@fadaa.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Alcohol and Drug Abuse 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.

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S-001 (10/14/14)

**Judicial Branch
FY 2018-19 Legislative Budget Request**

Budget Entity/Issues		Issue Funding Total				Issue Funding Detail	
		FTE	General Revenue	Trust	Total GR and Trust	Recurring	Non-Recurring
BRANCH WIDE ISSUES							
1	Staff Pay to Address Equity, Recruitment, and Retention Issues - Phase II	0.0	10,741,597	534,258	11,275,855	11,275,855	0
Total		0.0	10,741,597	534,258	11,275,855	11,275,855	0
SUPREME COURT							
2	Reporter of Decisions Workload - 1.0 FTE to assist with reviewing and publishing decisions of the Supreme Court, facilitating timely release of Court opinions.	1.0	140,046	0	140,046	136,246	3,800
3	Supreme Court Clerk Workload - 1.0 FTE to assist in providing information technology support for justices and staff of the Supreme Court. Current OPS funds would be utilized to offset a portion of this request.	1.0	22,078	0	22,078	22,078	0
Total		2.0	162,124	0	162,124	158,324	3,800
DISTRICT COURTS OF APPEAL							
4	Second District Court of Appeal New Courthouse Site Acquisition and Design - Funding is requested for: (1) the Legislature to select a new consolidated courthouse site; (2) the cost to acquire a site if not already state-owned; (3) the Department of Management Services (DMS) to retain an architect to design a new courthouse on the selected site; and (4) DMS to retain a contractor to estimate the costs of the new courthouse design.	0.0	8,196,359	0	8,196,359	0	8,196,359
Total		0.0	8,196,359	0	8,196,359	0	8,196,359
TRIAL COURTS							
5	Restoration of Base Salary Budget Reduction - To restore the general revenue reduction to the circuit court base salary budget implemented in the FY 2017-18 General Appropriations Act.	0.0	2,000,000	0	2,000,000	2,000,000	0
6	Trial Court Technology Comprehensive Plan ¹ - Resources for a comprehensive strategy for addressing trial court technology needs, including developing and maintaining case management systems, refreshing and maintaining aging court reporting equipment, providing a minimum level of technology infrastructure, and expanding remote interpreting and addressing bandwidth needs.	70.0	25,907,787	0	25,907,787	18,060,045	7,847,742
7	Comprehensive Court Interpreting Resources ^{1,2} - Provides for: 1) expanding the use of remote interpreting and addressing bandwidth needs; 2) additional resources in response to market forces; and 3) interpreter salary dollars to foster recruitment, retention, and equity with other employers.	12.0	8,529,569	0	8,529,569	5,659,171	2,870,398
8	Child Support Hearing Officer Program - Due process services budget authority in the Federal Grants Trust Fund to provide dedicated court interpreting services for Title IV-D child support proceedings in the Eleventh Judicial Circuit.	0.0	0	75,000	75,000	75,000	0
9	Case Management Resources - Funding for 50 FTE Court Program Specialist II positions to assist in the processing and management of cases.	50.0	3,344,075	0	3,344,075	3,224,125	119,950
Total		132.0	39,781,431	75,000	39,856,431	29,018,341	10,838,090

**Judicial Branch
FY 2018-19 Legislative Budget Request**

Budget Entity/Issues		Issue Funding Total			Issue Funding Detail		
		FTE	General Revenue	Trust	Total GR and Trust	Recurring	Non-Recurring
OFFICE OF THE STATE COURTS ADMINISTRATOR (OSCA)							
10	District Courts of Appeal Continuity of Operations Plan and Disaster Recovery - To provide solutions that will allow continued operations through unforeseen events that could disrupt normal business operations.	0.0	617,470	0	617,470	0	617,470
11	Information Technology Security Assessment - Provides for a third-party Information Technology Security Assessment and Remediation Project in the Supreme Court, each of the five district courts of appeal, and the Office of the State Courts Administrator, as part of a cyber-security initiative for the judicial branch.	0.0	350,000	0	350,000	0	350,000
12	Florida's Problem-Solving Courts - To support the increased usage demand and make necessary functional enhancements to the Florida Drug Court Case Management System, and to develop and implement a Florida Adult Problem-Solving Court Best Practice Standards Certification Program.	2.0	265,800	0	265,800	258,200	7,600
13	Access to Justice-Do It Yourself Florida - To provide operational and technical support to meet the needs of underserved self-represented litigants within the State Courts System by providing the ability to create online their own pleadings and other court documents for certain case types.	2.0	244,847	0	244,847	237,247	7,600
14	Online Legal Research - Continued support of the State Courts System's enterprise agreements for online legal research. The request is based on anticipated contractual increases for the next fiscal year.	0.0	22,478	0	22,478	22,478	0
15	Judicial Data Management/Uniform Case Reporting - To improve data management and reporting capabilities of the court system by installing regional servers and taking other steps that will enable the capture of significantly more case-activity information from clerks of court.	0.0	359,100	0	359,100	261,121	97,979
16	Information Technology On-Call Pay - To provide on-call pay for 12 positions responsible for server, network, application, database, email, backup/recovery, and user support for the State Courts System.	0.0	155,334	0	155,334	155,334	0
17	Child Support Hearing Officer Program - Budget authority in the Federal Grants Trust Fund for 1.0 FTE dedicated to providing child support hearing officers with training, technical assistance, and general operational support.	0.0	0	120,380	120,380	116,580	3,800
Total		4.0	2,015,029	120,380	2,135,409	1,050,960	1,084,449

**Judicial Branch
FY 2018-19 Legislative Budget Request**

Budget Entity/Issues		Issue Funding Total			Issue Funding Detail		
		FTE	General Revenue	Trust	Total GR and Trust	Recurring	Non-Recurring
CERTIFICATION OF NEW JUDGESHIPS PLACEHOLDER							
18	Placeholder pending release of the Supreme Court opinion to certify the need for additional judges for Fiscal Year 2018-19. Placeholder is based on Supreme Court Opinion No. SC16-2127, certifying the need for 12 additional circuit court and county court judges for FY 2017-18. Funding requested for 4 circuit court judges, 8 county court judges, support staff, and Fl. Cases Southern 2nd Reporter.	29.0	4,227,750	0	4,227,750	4,158,179	69,571
Total		29.0	4,227,750	0	4,227,750	4,158,179	69,571
Total Legislative Budget Request		167.0	65,124,290	729,638	65,853,928	45,661,659	20,192,269

¹ The remote court interpreting and bandwidth components are part of both the trial court technology comprehensive plan budget request and the comprehensive court interpreting resources request because, together with the human resources elements, remote interpreting technology enables the court system to deliver interpreting services to court users in a holistic manner - deploying the most effective service delivery model to meet the needs of each particular interpreting event. Thus, remote court interpreting and bandwidth are critical components of both budget requests.

² The component of the comprehensive court interpreting resources budget request adjusting the salaries of court interpreter employees is also part of the separate request addressing equity, recruitment, and retention pay issues for State Courts System employees, due to critical challenges in recruiting and retaining certified court interpreters.

FLORIDA PROSECUTING ATTORNEYS ASSOCIATION FY 2018-19 BUDGET PRIORITIES



PRIORITY #1

The Florida Prosecuting Attorneys Association and the Florida Public Defender's Association, in co-operation with and support of each other, jointly request salary enhancement GR funding to address continuing recruitment and retention issues of both agencies.

The proposed mechanism for this is \$4000 for each filled 3+ year ASA/APD FTE and \$2000 for each filled 0-3 year ASA/APD FTE, with each agency head having discretion as to actual distribution.

The approximate total request for this is \$8.4M for ASAs and \$6.2M for APDs, or a total of \$14.6M.

INDIVIDUAL/COMMON LBR ISSUES

1. Hurst Death Penalty Re-sentencing Cases
2. Graham/Miller Juvenile Re-sentencing Cases
3. Diversion And Specialty Court Support
4. Public Records Workload
5. Body Cam Workload
6. Post-conviction Workload

FPDA BUDGET PRIORITIES FY 2018-19

1. SALARY INCREASE FOR RETENTION OF APDs and ASAs

- Public Defenders and State Attorneys jointly seek a competitive pay increase of **\$2000 for all attorneys of 0-3 years' experience and \$4000 for all attorneys of 3 or more years' experience.**
- Retention of experienced attorneys is critically important to ensure that Public Defenders effectively and efficiently meet their constitutional and statutory responsibilities.
- Public Defenders experience an annual turnover rate averaging **18.69%**.
- Recruiting and training new attorneys is costly, creates delays for defendants and victims.
- Many attorneys leave for more lucrative work *in other government agencies*.
- The average salary of Assistant Public Defenders with 3 or more years' experience ranks **26th out of 29 state agencies** who employ attorneys of similar experience.
 - Even with the requested increase, it only brings PDs to 17th of 29 agencies, and still \$3546 under the Statewide Average
 - Source: 2016 Attorney Compensation Study, prepared for the Attorney General
- **For all 20 PD circuits: 1569 Filled APD FTEs (as of June 30, 2017) = GR: \$6.1 million (includes salary and benefits)**

2. RESTORATION OF PRIOR BUDGET CUTS

- In FY 2017-18, **PD budgets statewide were reduced by a total of \$1,871,662 in General Revenue and \$7,475,634 in Trust Funds.**
- This is in addition to cuts from previous fiscal years.
- Cuts resulted in job loss, layoffs, and/or service reductions in many offices.
- Cuts cause delays/disruptions in service and further strain an over-burdened workforce.
- It is not possible to sustain any further cuts without jeopardizing the ability to deliver constitutionally required services to clients.
- **18 Circuits requesting restoration of prior budget cuts**

3. WORKLOAD—CIRCUIT SPECIFIC REQUESTS

GRAHAM/MILLER WORKLOAD

- 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. Additionally, individualized sentencing hearings will be required in all future cases in which a juvenile is facing life or the functional equivalent of life. The nature of these individualized resentencing and future sentencing hearings is akin to capital cases, in that they require presentation of mitigation based on extensive investigation of the child's family, social, educational, and medical history, including expert testimony.
- **16 Circuits requesting Graham/Miller workload funding**

4. HURST IMPACT WORKLOAD

- This is a new mandated and unfunded workload.
- Due to Supreme Court rulings, the death penalty must be vacated and new penalty trials held for defendants whose death sentences became final after the U.S. Supreme Court case of Ring v Arizona, 536 US. 584 (2002)
- Approximately **200** defendants currently on death row are now entitled to de novo penalty trials before a jury. These trials are complex and demanding, requiring each case to be re-investigated and presented in full.
- Existing capital trial staff attorneys, investigators, and mitigation specialists are handling currently pending death cases and cannot handle an influx of past cases at the same time without compromising the constitutional rights of all defendant facing the death penalty.
- **11 Circuits requesting Hurst Impact Workload**

APPELLATE PRIORITIES

1. APPELLATE APD INCREASE PROPORTIONATE WITH INCREASE ATTORNEY GENERAL'S OFFICE RECEIVED LAST SESSION

- Last session competitive pay adjustments were given to various Assistant Attorney General Attorneys, ranging from \$3,000 to \$6,000, based on class code and years of service.
- Appellate APDs perform the same complex work as Assistant AGs

2. APPELLATE WORKLOAD

- Additional staff is needed to deal with backlog of cases which causes a delay in the process and to reduce excessive caseloads of individual attorneys.
- Excessive caseloads negatively affect the ability to deliver constitutionally and statutorily mandated services.

"BACK OF THE BILL" PROVISIO AND OTHER ISSUES

- **Funding for Coordination Office (FPDCO)--\$450,000**
- **Authority for the Payment of Florida Bar Dues—Proviso**
- **Other Circuit Specific Issues per individual circuit LBRs**



Guardian ad Litem Legislative Budget Request

Fiscal Year 2018/2019

Florida Statewide Guardian ad Litem Program

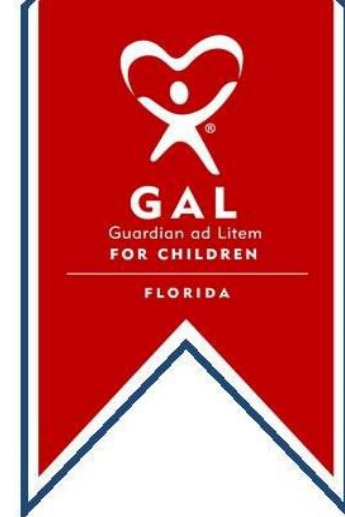
Alan F. Abramowitz, Executive Director

I am for the child®

Reimbursement for Extraordinary Expenses

LBR Priority #1

- 19% of foster children placed out of their home circuits and more than 36% placed out of their home counties.
- For volunteers on fixed incomes, travel costs can be a barrier to taking cases.
- A consistent advocate is vital, and keeping the same volunteer on a case until completion has become a challenge.
- Requesting **\$331,262** in recurring general revenue funds to reimburse Guardian ad Litem volunteers for extraordinary travel expenses when in the best interest of children.



Early Childhood Court Representation

LBR Priority #2

- Babies under age 1 are the largest cohort in out of home care.
- Younger children stay longer in foster care and are less likely to be reunified.
- Almost 2/3 of infants and toddlers found permanent homes with family members, while only 1/3 in the general population did.
- Requesting **\$1.054.142** in recurring general revenue funds to provide targeted advocacy for infants and toddlers aged 0 to 3. 19 FTEs would work with 18 “Baby Courts” statewide, each carrying a reduced caseload in order to increase the frequency and intensity of child and family contact.



Guardian ad Litem Legislative Budget Request

Fiscal Year 2018/2019



Alan F. Abramowitz, Executive Director
Florida Statewide Guardian ad Litem Program
600 S. Calhoun Street, The Holland Building
(850) 922.7213
GuardianadLitem.org

CAPITAL COLLATERAL REGIONAL COUNSELS **2018-2019 LEGISLATIVE BUDGET REQUEST**

Florida Statute 27.702 requires the Capital Collateral Regional Counsel (CCRC) 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. In 2014, the Florida Supreme Court implemented numerous changes to the postconviction death penalty rules, including a substantial increase in 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.

The total budget request for all three CCRC offices combined for the 2018-2019 fiscal year is \$214,616, broken down as follows:

CCRC-NORTH:

- **\$36,501** for salaries and benefits
- **\$41,615** for building rental increase
- **\$35,000** for additional rate

CCRC-MIDDLE:

- **\$72,800** for salaries and benefits

CCRC-SOUTH:

- **\$63,700** for salaries and benefits

For the 2018-2019 fiscal year, the CCRC's request a competitive pay adjustment in order to retain experienced attorneys who must comply with the skill requirements set by the Florida Supreme Court for lead counsel in capital postconviction proceedings. The aggregate pay adjustment for each CCRC office individually is delineated above. The total pay adjustment amount for all three offices is \$173,001.



OFFICES OF CRIMINAL CONFLICT AND CIVIL REGIONAL COUNSEL

PRIORITIES:

- 1- CONVERT OPS AND CONTRACTORS TO FTE = \$2,164,468**
- 2- RENT/COST FOR OVERHEAD TO COVER INCREASES = \$789,507**
- 3- RETENTION PAY INCREASES = \$320,985**
- 4- WORK LOAD/ DUE PROCESS = \$2,233,660**

Regional Counsel has attorneys who do not have benefits. We need to convert those attorneys to FTE in order to keep those attorneys. We invest time and resources into every attorney that we train, and lose those resources when the attorney departs to another state agency, requiring the investment of more time and resources in training a new attorney.

We need rent increases because the counties do not provide Regional Counsel with offices so we have to retain personal office space.

If we are unable to staff Regional Counsel with the proper number of attorneys and thus are unable to handle the cases, they will spill over into the private registry, which ends up costing the taxpayers much more money and so we need pay increases for our attorneys.

Due to the recent Supreme Court decisions of Miller and Graham, Regional Counsel is required to investigate, prepare, and litigate juvenile resentencing cases to the same degree of professionalism and competence expected of death penalty phase investigation. The procurement and organization of case records may require hundreds of hours of work per client, as well as additional due process dollars.

Justice Administrative Commission

Created in 1965, the Justice Administrative Commission (JAC) administratively serves 49 judicial-related offices (JROs), as well as provides compliance and financial review of billings for services provided by private court-appointed attorneys representing indigent citizens and associated due process vendors.

In the most recently completed fiscal year, JAC processed approximately 286,428 accounting transactions, 68,835 court-appointed attorney and due process vendor invoices, 30,250 payroll and human resources related transactions, 13,173 budgetary transactions, and 443 public records requests; attended 1,172 hearings for state payment of state-funded indigent defense costs; and responded to over 10,000 legal motions for payment of state-funded indigent defense costs. This represents a 25% workload increase that was met with 85 staff and a budget of \$6,360,728 through its partnership with the Legislature, systemic cross-training its staff, and constantly developing and updating our processes for increased efficiency, accountability, and customer convenience.

JAC's Legislative Budget Request for the FY 2018-19 for **Executive Leadership** includes:

- Competitive Pay Adjustments for JAC Employees - \$139,840
- Public Records and Help Desk Management Software - \$29,000
- Help Desk Staffing - 1 FTE - \$60,575
- Staffing Increase for Court-Appointed Section - 2 FTE - \$111,559
- Software Maintenance - \$33,100
- Information Technology Infrastructure Replacement - \$20,000
- Information Security Manager - \$60,000

Sub-Total (Executive Leadership) - \$454,074 (7% Increase)

JAC's LBR Request for **Legal Representation** includes:

- Court-Appointed Due Process Costs Increase - \$9,434,000

Total LBR Request for JAC - \$9,888,074

5% Reductions (Schedule VIII B-2):

Across the board for all JAC Appropriations Categories

- General Revenue (\$10,590,817)
- Trust Funds (109,204)
- Total (\$10,700,021)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11-15-17

Meeting Date

Bill Number (if applicable)

Topic LBR

Amendment Barcode (if applicable)

Name PK Jamerson

Job Title State Courts Administrator

Address 500 Duval St

Phone 922-5081

Street

Tallahassee

City

FL
State

32399
Zip

Email jamersonp@flcourts.org

Speaking: For Against Information

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

Representing Courts

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)

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APPEARANCE RECORD

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11-15-17
Meeting Date

Bill Number (if applicable)

Topic STATE ATTORNEY BUDGET

Amendment Barcode (if applicable)

Name Bill Cervone

Job Title STATE ATTORNEY - 8 CIR

Address 120 W UNIVERSITY AVE
Street

Phone 352-374-3686

Gainesville FL 32601
City State Zip

Email cervonew@sa08.org

Speaking: For Against Information

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

Representing FLORIDA PROSECUTING ATTORNEYS ASSOC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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APPEARANCE RECORD

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Meeting Date _____ Bill Number (if applicable) _____
Topic Budget Presentation Public Defender Amendment Barcode (if applicable) _____
Name Hon Stacy Scott
Job Title Public Defender
Address 151 SW 2nd Avenue Phone _____
Street Gainesville FL 32601 Email _____
City State Zip

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

Representing Public Defender Association

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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Nov. 15, 2017

N/A

Meeting Date

Bill Number (if applicable)

Topic Legislative Budget Request - GAL Program

Amendment Barcode (if applicable)

Name Alan Abramowitz

Job Title Executive Director

Address 600 South Calhoun Street

Phone 850.922.7205

Street

Tallahassee

Florida

32399

Email alan.abramowitz@gal.fl.gov

City

State

Zip

Speaking: For Against Information

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

Representing Statewide Guardian ad Litem Program

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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11-15-17
Meeting Date

Bill Number (if applicable)

Topic CCRC LBR PRESENTATION

Amendment Barcode (if applicable)

Name NEAL DUPRAE

Job Title CCRC-SOUTH

Address 1 E. WOODWARD BLVD #444

Phone (954) 713-1284

Street

FORT LAUD.
City

FLA
State

33301
Zip

Email DUPRAE@CCRC.STATE.FL.US

Speaking: For Against Information

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

Representing ALL CCRC'S

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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15 Nov 17
Meeting Date

Bill Number (if applicable)

Topic CRIMINAL CONFLICT AND CIVIL REGIONAL COUNSEL Amendment Barcode (if applicable)

Name ITA NEYMOTIN

Job Title Criminal conflict and civil regional counsel for the Second DCA

Address 2101 McGregor BLVD Suite 101 Phone (239) 963 8174
Street

Fort myers FL 33901 Email Itay motin@FLRC2.org
City State Zip

Speaking: For Against Information

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

Representing Criminal conflict and civil Regional counsel

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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11-15-17
Meeting Date

Bill Number (if applicable)

Topic Budget Presentation - JAC

Amendment Barcode (if applicable)

Name Alton L. "Rip" Colvin, Jr.

Job Title Executive Director

Address 227 N. Bronough St. St. 2100

Phone 488-2415

Tallahassee FL 32309
City State Zip

Email rip.colvin@justiceadmin.com

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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CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Criminal and Civil Justice

Judge:

Started: 11/15/2017 1:04:27 PM

Ends: 11/15/2017 2:52:01 PM

Length: 01:47:35

1:04:26 PM	Sen. Brandes (Chair)
1:04:57 PM	TAB 1 - Discussion of the Impact of the Opioid Epidemic on the Criminal Justice System
1:05:29 PM	Julie Warren, State Director of Tennessee and Kentucky, Right on Crime
1:19:16 PM	Sen. Brandes
1:19:23 PM	J. Warren
1:25:06 PM	Sen. Brandes
1:25:17 PM	J. Warren
1:26:41 PM	Sen. Perry
1:27:28 PM	J. Warren
1:27:53 PM	Sen. Perry
1:28:04 PM	J. Warren
1:28:23 PM	Sen. Brandes
1:29:16 PM	J. Warren
1:29:30 PM	Sen. Baxley
1:29:54 PM	J. Warren
1:31:28 PM	Sen. Baxley
1:31:39 PM	J. Warren
1:31:57 PM	Sen. Baxley
1:32:11 PM	J. Warren
1:32:40 PM	Sen. Brandes
1:32:48 PM	Carol Burkett, Director, Orange County Drug Free Office
1:39:24 PM	Sen. Brandes
1:39:33 PM	C. Burkett
1:40:25 PM	Sen. Perry
1:40:48 PM	C. Burkett
1:41:27 PM	Sen. Perry
1:41:35 PM	C. Burkett
1:42:00 PM	Sen. Brandes
1:42:09 PM	Shannon Robinson, Senior Vice President of Medical Operations, Aspire Health Partners
1:46:01 PM	Sen. Brandes
1:46:09 PM	S. Robinson
1:46:15 PM	Sen. Brandes
1:46:22 PM	S. Robinson
1:46:49 PM	Sen. Brandes
1:47:35 PM	S. Robinson
1:47:58 PM	Sen. Brandes
1:48:15 PM	S. Robinson
1:48:58 PM	Sen. Brandes
1:49:24 PM	S. Robinson
1:50:09 PM	Sen. Brandes
1:50:23 PM	S. Robinson
1:50:45 PM	Sen. Brandes
1:50:52 PM	Candace Hodgkins, Ph.D., LMHC, Chief Executive Officer, Gateway Community Services
1:51:59 PM	Sen. Brandes
1:52:08 PM	Sen. Perry
1:53:08 PM	C. Hodgkins
1:53:18 PM	Sen. Perry
1:53:38 PM	C. Hodgkins
1:54:26 PM	Sen. Brandes
1:54:39 PM	Mark Fontaine, President/CEO, Florida Behavioral Health Association
2:02:59 PM	Sen. Brandes
2:03:39 PM	Sen. Baxley

2:04:53 PM Sen. Brandes
2:05:01 PM TAB 2 - Presentation of Agencies' Fiscal Year 2018-2019 Budget Recommendations
2:05:17 PM PK Jameson, Florida State Courts Administrator
2:10:44 PM Sen. Brandes
2:10:51 PM PK Jameson
2:11:07 PM Sen. Brandes
2:11:13 PM PK Jameson
2:13:55 PM Sen. Brandes
2:14:05 PM The Honorable Bill Cervone, State Attorney, Eighth Judicial Circuit
2:16:15 PM Sen. Brandes
2:16:24 PM B. Cervone
2:23:22 PM The Honorable Stacy Scott, Public Defenders, Eighth Judicial Circuit
2:30:24 PM Sen. Brandes
2:30:37 PM Alan Abramowitz, Executive Director, Statewide Guardian Ad Litem
2:36:58 PM Sen. Bean
2:37:23 PM A. Abramowitz
2:38:08 PM Sen. Brandes
2:38:19 PM Neal Dupree, Capital Collateral Regional Counsels, South Region
2:42:55 PM Sen. Baxley
2:43:25 PM N. Dupree
2:43:43 PM Sen. Brandes
2:43:49 PM Ita Neymotin, Regional Conflict Counsel, Second District
2:47:44 PM Sen. Brandes
2:47:55 PM Rip Colvin, Executive Director, Justice Administrative Commission
2:50:07 PM Sen. Brandes
2:50:12 PM Sen. Baxley
2:50:30 PM R. Colvin
2:51:43 PM Sen. Brandes