

**COMMITTEE MEETING EXPANDED AGENDA****BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL  
JUSTICE APPROPRIATIONS****Senator Fasano, Chair**  
**Senator Joyner, Vice Chair****MEETING DATE:** Thursday, March 17, 2011**TIME:** 10:15 a.m.—12:15 p.m.**PLACE:** *Mallory Horne Committee Room, 37 Senate Office Building***MEMBERS:** Senator Fasano, Chair; Senator Joyner, Vice Chair; Senators Bennett, Evers, Smith, Storms, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 170</b> Judiciary / Bennett (Similar H 443)	Electronic Filing and Receipt of Court Documents; Requires each state attorney and public defender to implement a system by which the state attorney and public defender can electronically file court documents with the clerk of the court and receive court documents from the clerk of the court. Provides legislative expectations that the state attorneys and public defenders consult with specified entities. Defines the term "court documents," etc.	
		JU 02/08/2011 Fav/CS BJA 03/17/2011 BC	
2	<b>CS/SB 618</b> Criminal Justice / Evers (Compare H 1233, H 4157, S 1850)	Juvenile Justice; Repeals provisions relating to legislative intent for serious or habitual juvenile offenders in the juvenile justice system, definitions of terms for a training school and the serious or habitual juvenile offender program, the serious or habitual juvenile offender program in the juvenile justice system, the intensive residential treatment program for offenders less than 13 year of age, and the designation of persons holding law enforcement certification within the Office of the Inspector General to act as law enforcement officers, etc.	
		CJ 03/09/2011 Fav/CS BJA 03/17/2011 BC	
3	<b>CS/SB 822</b> Judiciary / Bogdanoff (Similar H 391)	Expert Testimony; Provides that a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion as to the facts at issue in a case under certain circumstances. Requires the courts of this state to interpret and apply the principles of expert testimony in conformity with specified United States Supreme Court decisions, etc.	
		JU 03/09/2011 Fav/CS BJA 03/17/2011 BC	

**COMMITTEE MEETING EXPANDED AGENDA**

Budget Subcommittee on Criminal and Civil Justice Appropriations  
Thursday, March 17, 2011, 10:15 a.m.—12:15 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4		Review Fiscal Year 2011-12 Budget Reductions and Funding Issues	
5		Review Existing Proviso for Fiscal Year 2011-12	
6		Review Proposed New Proviso for Fiscal Year 2011-12	
7		Review Proposed Conforming Bills and Implementing Legislation for Fiscal Year 2011-12	
8		Public Testimony	
9		Budget Work Session	

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**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.)

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

**BILL:** CS/SB 170

**INTRODUCER:** Judiciary Committee and Senator Bennett

**SUBJECT:** Electronic Filing and Receipt of Court Documents

**DATE:** March 14, 2011      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	O'Connor	Maclure	JU	<b>Fav/CS</b>
2.	Hendon	Sadberry	BJA	<b>Pre-meeting</b>
3.			BC	
4.				
5.				
6.				

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

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

This bill requires each state attorney and public defender to implement a process by which the state attorney and public defender can electronically file court documents with the clerk of the court and electronically receive court documents from the clerk of the court. The bill also defines the term “court documents.” The bill further expresses the expectation of the Legislature that the state attorneys and public defenders consult with specified entities in implementing the electronic filing and receipt process. The Florida Prosecuting Attorneys Association and the Florida Public Defender Association are required to report to the President of the Senate and the Speaker of the House of Representatives by March 1, 2012, on the progress made in implementing the electronic filing and receipt system.

This bill creates sections 27.341 and 27.5112, Florida Statutes.

## II. Present Situation:

### Electronic Filing of Court Documents

In 2009, the Legislature passed and the Governor signed into law Senate Bill 1718 (2009 Regular Session).<sup>1</sup> This bill required each clerk of the court to implement a statewide, uniform electronic filing process for court documents using standards to be specified by the Supreme Court.<sup>2</sup> The Legislature's expressed intent for requiring the implementation of electronic filing was "to reduce judicial costs in the office of the clerk and the judiciary, increase timeliness in the processing of cases, and provide the judiciary with case-related information to allow for improved judicial case management."<sup>3</sup>

The federal court system already uses an electronic filing system called PACER (Public Access to Court Electronic Records).<sup>4</sup> Additionally, there are 13 state courts and the District of Columbia using statewide electronic filing systems.<sup>5</sup> Those courts are: Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, New Jersey, New York, North Carolina, North Dakota, Ohio, Texas, and Washington.<sup>6</sup>

### Supreme Court Standards

In response to SB 1718, the Florida Supreme Court promulgated statewide standards for electronic filing on July 1, 2009.<sup>7</sup> The Court specified that electronic filing would be implemented through "a single statewide Internet portal for electronic access to and transmission of court records to and from all Florida courts."<sup>8</sup> All electronic filing systems were required to be compatible with the Florida Courts E-Portal developed by the Florida Courts Technology Commission.<sup>9</sup> The Court specified that electronic court records submitted to the portal must be "capable of being printed as paper, or transferred to archival media, without loss of content or material alteration of appearance"; such records "shall constitute the official record and are equivalent to court records filed in paper."<sup>10</sup>

### Status of Implementation

Proviso language from the fiscal year 2010-11 General Appropriations Act required the state courts system to "accelerate the implementation of the electronic filing requirements ... by implementing five of the ten trial court divisions by January 1, 2011."<sup>11</sup>

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<sup>1</sup> Chapter 2009-61, Laws of Fla.

<sup>2</sup> *Id.* at s. 16.

<sup>3</sup> *Id.*

<sup>4</sup> PACER, *PACER Home*, <http://www.pacer.gov/> (last visited Feb. 4, 2011).

<sup>5</sup> American Bar Association, *Electronic Filing Resource Page*, <http://www.abanet.org/tech/ltrc/research/efiling/home.html> (last visited Feb. 1, 2011).

<sup>6</sup> *Id.*

<sup>7</sup> *In Re: Statewide Standards for Electronic Access to the Courts*, AOSC09-30 (Fla. July 1, 2009).

<sup>8</sup> *Id.* at 3.

<sup>9</sup> *Id.*

<sup>10</sup> Florida Supreme Court, *Standards for Electronic Access to the Courts*, 6 (June 2009).

<sup>11</sup> Chapter 2010-152, s. 7, Laws of Fla., proviso accompany specific appropriation 3238.

The electronic filing system is called the Florida Courts E-Filing Portal and can be found at [www.myflcourtagency.com](http://www.myflcourtagency.com). The portal is currently functional, with nine counties signed on for the initial program.<sup>12</sup> Clerks in these counties are currently working with volunteer attorneys to use the portal on a pilot basis before the portal opens to all attorneys.<sup>13</sup> A second set of counties was recently approved to be added over time.<sup>14</sup> By motion of the Florida E-Filing Authority, an entity made up of eight circuit court clerks and the Clerk of the Supreme Court that provides governance for the e-filing portal,<sup>15</sup> the portal is currently programmed for the following five civil divisions: circuit civil, county civil, family, probate, and juvenile dependency.<sup>16</sup> Although the portal is not yet programmed for electronic filing for criminal divisions, to date 28 counties have been granted approval by the Florida Courts Technology Commission<sup>17</sup> to implement electronic filing in criminal divisions, and an additional six counties have applied and are pending approval.<sup>18</sup> Some of these counties have requested approval for electronic filing in criminal divisions for systems they are currently using on the local level, while others may have requested approval in anticipation of the statewide portal's expansion into all divisions.

### Other Electronic Filing Efforts

Distinct from the statewide portal, there have been other electronic filing efforts in Florida for several years. For example, the Manatee County Clerk of Court received approval from the Supreme Court in 2005 to utilize electronic filing in all cases.<sup>19</sup> Electronic filing is mandatory in Manatee County for foreclosure actions and is encouraged for other actions.<sup>20</sup> On the appellate level, the First District Court of Appeal (First DCA) began implementing an electronic filing program in 2009 at the direction of the Legislature.<sup>21</sup> When the program first began, attorneys had the option of filing documents electronically or in paper. However, effective September 1, 2010, all attorneys were required and non-attorneys were encouraged to file all pleadings

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<sup>12</sup> The nine counties currently signed on to use the e-filing program are: Lake, Columbia, Duval, Gulf, Holmes, Lee, Miami-Dade, Putnam, and Walton. Gary Blankenship, *E-filing open for business: The new service is being phased in slowly*, THE FLORIDA BAR NEWS, Jan. 15, 2011, available at <http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/8c9f13012b96736985256aa900624829/0a29309ae461bfdc85257810006684b5!OpenDocument> (last visited Jan. 31, 2011).

<sup>13</sup> *E-filing is underway*, THE FLORIDA BAR NEWS, Feb. 1, 2011, available at <http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/8c9f13012b96736985256aa900624829/a3867c4f16e4e48c852578220047644a!OpenDocument> (last visited Feb. 1, 2011).

<sup>14</sup> New counties are: Broward, Orange, Marion, Collier, Franklin, Jackson, and Leon. *Id.*

<sup>15</sup> Florida E-Filing Authority, *E-Filing Authority Home*, [http://www.flclerks.com/eFiling\\_authority.html](http://www.flclerks.com/eFiling_authority.html) (last visited Feb. 1, 2011).

<sup>16</sup> Minutes for the Florida E-Filing Authority meeting (Dec. 8, 2010) (on file with the Senate Committee on Judiciary).

<sup>17</sup> The Florida Courts Technology Commission has been tasked with evaluating electronic filing applications "to determine whether they comply with the technology policies established by the supreme court." *In Re: Amendments to the Florida Rules of Judicial Administration—Rule 2.236*, 41 So. 3d 128,133 (Fla. 2010).

<sup>18</sup> Counties granted approval for at least one criminal division: Alachua, Broward, Calhoun, Clay, Dixie, Duval, Flagler, Gadsden, Glades, Gulf, Holmes, Jackson, Lake, Lee, Leon, Manatee, Monroe, Okaloosa, Orange, Palm Beach, Polk, Putnam, Santa Rosa, Sarasota, Seminole, St. Johns, St. Lucie, and Volusia; counties pending approval for at least one criminal division: Bay, Brevard, Citrus, Pinellas, Sumter, and Taylor. Florida State Courts, *Electronic Initiatives as of January 21, 2011*, [http://www.flcourts.org/gen\\_public/technology/bin/efilingchart.pdf](http://www.flcourts.org/gen_public/technology/bin/efilingchart.pdf) (last visited Feb. 2, 2011).

<sup>19</sup> Manatee County Clerk of the Circuit Court, *E-File and E-Case Initiation*, <http://www.manateeclerk.com/Services/EFiling.aspx> (last visited Feb. 2, 2011).

<sup>20</sup> *Id.*

<sup>21</sup> Chapter 2009-61, s. 17, Laws of Fla.

electronically.<sup>22</sup> The Public Defender for the Second Judicial Circuit handles appeals in the jurisdiction of the First DCA;<sup>23</sup> attorneys in the appellate division currently file electronically in accordance with the court's requirements.

### III. Effect of Proposed Changes:

This bill requires offices of the state attorney and the public defender to implement an electronic process to file court documents with the clerk of the court and receive court documents from the clerk of the court. The term "court documents" as defined in the bill includes, but is not limited to, pleadings, motions, briefs, and their respective attachments, orders, judgments, opinions, decrees, and transcripts. The Florida Prosecuting Attorneys Association is required by the bill to file a report with the President of the Senate and the Speaker of the House of Representatives by March 1, 2012, describing the progress that each office has made to implement an electronic filing system. For any office of the state attorney that has not fully implemented an electronic filing system by that date, the report must also include a description of the additional activities that are needed to complete the system and the additional timeframe anticipated. The bill provides identical requirements for the Florida Public Defender Association on behalf of each office of the public defender. The bill expresses the Legislature's intent that offices of the state attorney and public defender consult with each other within the same circuit as well as with clerks of the court serving each office, the Florida Court Technology Commission, and any authority that governs the operation of a statewide portal for the electronic filing and receipt of court documents.

The bill language does not specify whether offices of the state attorney and public defender are being directed to electronically file and receive court documents through the statewide portal or other means, such as filing directly with clerks in their circuits. The bill does not appear to require state attorneys or public defenders to design entirely new systems; rather it directs them to develop the technological capability and implement a process for electronic filing and receipt, which may be possible through revision of their existing data or case management systems. The extent of necessary changes will likely vary among the offices depending on the existing information technology already in place. Consulting with each other and the additional entities specified by the bill will allow offices of the state attorney and public defender to benefit from any existing knowledge those entities are able to provide to facilitate the transition to electronic filing.

This bill provides that it takes effect upon becoming a law.

### IV. Constitutional Issues:

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

Article VII, Section 18(a) of the Florida Constitution states that no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the Legislature has determined that such law fulfills an important state interest and meets one of a number of

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<sup>22</sup> *In Re: Electronic Filing of Pleadings in the First District Court of Appeal*, AO10-3 (Fla. 1st DCA 2010).

<sup>23</sup> Florida State Courts, *Florida's District Courts*, <http://www.flcourts.org/courts/dca/dca.shtml> (last visited Feb. 2, 2011).

enumerated exceptions. If none of the constitutional exceptions apply, and if the bill becomes law, cities and counties are not bound by the law unless the Legislature has determined that the bill fulfills an important state interest and approves the bill by a two-thirds vote of the membership of each house.<sup>24</sup>

Counties are required by Article V, Section 14 of the Florida Constitution to fund the cost of communications services for public defenders' offices and state attorneys' offices. The Legislature by general law has prescribed that communications services include "[a]ll computer networks, systems and equipment."<sup>25</sup> Senate Bill 170 requires that offices of the state attorney and offices of the public defender implement processes to electronically file court documents. Counties would be required to provide any funds associated with implementation of the electronic filing process. However, an expenditure in compliance with this bill does not appear to constitute a mandate because it relates to an existing constitutional duty on the part of the counties.

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

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

This bill requires each state attorney and public defender to implement a process for electronic filing. As referenced in the Municipality/County Mandates Restrictions section of this bill analysis, any funding necessary to implement the process would be provided by the county. The bill expresses the legislative expectation that once electronic filing is implemented, it will reduce costs associated with paper filing, increase timeliness in the processing of cases, and provide the judiciary and the clerk of court with case-related information to allow for improved judicial case management. As noted previously, the extent of necessary updates will vary among offices depending on the existing information technology already in place. If any office is unable to implement electronic filing because the financial burden is too great for a particular county, that fact could be

<sup>24</sup> FLA. CONST. art. VII, s. 18(a).

<sup>25</sup> Section 29.008(2)(f), F.S.

relayed to the Legislature in the progress report due on March 1, 2012, as specified in the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Judiciary on February 8, 2011:**

The committee substitute:

- Replaces legislative intent language for the implementation of electronic filing for offices of the state attorney and public defender with language requiring such implementation;
- Specifies that the required electronic filing process should also have the capability to receive documents from the clerk;
- Replaces the phrase “design and implement a system” with “develop the technological capability and implement a process”;
- Defines the term “court documents”; and
- Includes the legislative expectation that offices of the state attorney and public defender consult with specified entities.

**B. Amendments:**

None.





873152

LEGISLATIVE ACTION

Senate	.	House
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The Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations (Bennett) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 27.341, Florida Statutes, is created to read:

27.341 Electronic filing and receipt of court documents.-

(1) (a) Each office of the state attorney shall electronically file court documents with the clerk of the court and receive court documents from the clerk of the court. It is the expectation of the Legislature that the electronic filing and receipt of court documents will reduce costs for the office



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13 of the state attorney, the clerk of the court, and the  
14 judiciary; will increase timeliness in the processing of cases;  
15 and will provide the judiciary and the clerk of the court with  
16 case-related information to allow for improved judicial case  
17 management.

18 (b) As used in this section, the term "court documents"  
19 includes, but is not limited to, pleadings, motions, briefs, and  
20 their respective attachments, orders, judgments, opinions,  
21 decrees, and transcripts.

22 (2) It is further the expectation of the Legislature that  
23 each office of the state attorney consult with the office of the  
24 public defender for the same circuit served by the office of the  
25 state attorney, the clerks of court for the circuit, the Florida  
26 Court Technology Commission, and any authority that governs the  
27 operation of a statewide portal for the electronic filing and  
28 receipt of court documents.

29 (3) The Florida Prosecuting Attorneys Association shall  
30 file a report with the President of the Senate and the Speaker  
31 of the House of Representatives by March 1, 2012, describing the  
32 progress that each office of the state attorney has made to use  
33 the Florida Courts E-Portal or separate clerks' offices portals  
34 for purposes of electronic filing and documenting receipt of  
35 court documents. For any office of the state attorney that has  
36 not fully implemented an electronic filing and receipt system by  
37 March 1, 2012, the report must also include a description of the  
38 additional activities that are needed to complete the system for  
39 that office and the projected time necessary to complete the  
40 additional activities.

41 Section 2. Section 27.5112, Florida Statutes, is created to



873152

42 read:

43 27.5112 Electronic filing and receipt of court documents.-

44 (1) (a) Each office of the public defender shall  
45 electronically file court documents with the clerk of the court  
46 and receive court documents from the clerk of the court. It is  
47 the expectation of the Legislature that the electronic filing  
48 and receipt of court documents will reduce costs for the office  
49 of the public defender, the clerk of the court, and the  
50 judiciary; will increase timeliness in the processing of cases;  
51 and will provide the judiciary and the clerk of the court with  
52 case-related information to allow for improved judicial case  
53 management.

54 (b) As used in this section, the term "court documents"  
55 includes, but is not limited to, pleadings, motions, briefs, and  
56 their respective attachments, orders, judgments, opinions,  
57 decrees, and transcripts.

58 (2) It is further the expectation of the Legislature that,  
59 in developing the capability and implementing the process, each  
60 office of the public defender consult with the office of the  
61 state attorney for the same circuit served by the office of the  
62 public defender, the clerks of court for the circuit, the  
63 Florida Court Technology Commission, and any authority that  
64 governs the operation of a statewide portal for the electronic  
65 filing and receipt of court documents.

66 (3) The Florida Public Defender Association shall file a  
67 report with the President of the Senate and the Speaker of the  
68 House of Representatives by March 1, 2012, describing the  
69 progress that each office of the public defender has made to use  
70 the Florida Courts E-Portal or separate clerks' offices portals



873152

71 for purposes of electronic filing and documenting receipt of  
72 court documents. For any office of the public defender that has  
73 not fully implemented an electronic filing and receipt system by  
74 March 1, 2012, the report must also include a description of the  
75 additional activities that are needed to complete the system for  
76 that office and the projected time necessary to complete the  
77 additional activities.

78 Section 3. This act shall take effect upon becoming a law.

79  
80 ===== T I T L E A M E N D M E N T =====

81 And the title is amended as follows:

82  
83 Delete everything before the enacting clause  
84 and insert:

85 A bill to be entitled  
86 An act relating to electronic filing and receipt of  
87 court documents; creating ss. 27.341 and 27.5112,  
88 F.S.; requiring each state attorney and public  
89 defender to electronically file court documents with  
90 the clerk of the court and receive court documents  
91 from the clerk of the court; defining the term "court  
92 documents"; providing legislative expectations that  
93 the state attorneys and public defenders consult with  
94 specified entities; requiring the Florida Prosecuting  
95 Attorneys Association and the Florida Public Defender  
96 Association report to the President of the Senate and  
97 the Speaker of the House of Representatives by a  
98 specified date on the progress made to use the Florida  
99 Courts E-Portal system to electronically file and



873152

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receive court documents; providing an effective date.



204016

LEGISLATIVE ACTION

Senate

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House

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The Committee on Budget Subcommittee on Criminal and Civil  
Justice Appropriations (Bennett) recommended the following:

**Senate Amendment to Amendment (873152)**

Delete line 33

and insert:

the Florida Courts E-Portal or, if the case type is not approved  
for the Florida Courts E-Portal, separate clerks' offices  
portals

Delete line 70

and insert:

the Florida Courts E-Portal or, if the case type is not approved  
for the Florida Courts E-Portal, separate clerks' offices



204016

13 portals

14

15 Delete line 78

16 and insert:

17 Section 3. This act shall take effect July 1, 2011.

**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.)

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

**BILL:** CS/SB 618

**INTRODUCER:** Criminal Justice Committee and Senator Evers

**SUBJECT:** Juvenile Justice

**DATE:** March 14, 2011      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Fav/CS
2.	Sadberry	Sadberry	BJA	Pre-meeting
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

The bill repeals numerous sections and provisions containing obsolete language in ch. 985, F.S., to more accurately reflect current practices within the Department of Juvenile Justice (DJJ). The specific provisions which the bill deletes are as follows.

The bill repeals the definition of “serious or habitual juvenile offender program” (SHOP) in s. 985.03(48), F.S., the legislative intent language relating to SHOP in s. 985.02(5), F.S., and the statute implementing this program in s. 985.47, F.S. It repeals two statutes implementing the intensive residential treatment program for offenders under 13 years of age (JR.SHOP) in ss. 985.483 and 985.486, F.S. The definition of “training school” is also repealed in s. 985.02(56), F.S.

References in s. 985.494, F.S., to SHOP, JR. SHOP, the early delinquency intervention program (EDIP), and the sheriff’s training and respect (STAR) programs (formerly known as juvenile boot camps) are also deleted under the bill. Instead of listing these specific prerequisite programs, the bill provides that a child adjudicated delinquent for a felony (or a child who has a



withheld felony adjudication) must complete two different high risk residential commitment programs as a prerequisite to being placed in a maximum risk residential program.

The bill deletes references to the STAR program in s. 985.445, F.S., which authorizes a residential commitment to a STAR program if a child is adjudicated delinquent for committing grand theft auto.

In addition to repealing these obsolete programs, the bill also repeals an unnecessary statute, s. 985.636, F.S., relating to inspectors within the Inspector General's Office being sworn law enforcement officers, if the Secretary of the DJJ deems it necessary to enforce criminal law and conduct criminal investigations relating to state operated facilities.

Finally, the last two sections of the bill repeal obsolete references to the Juvenile Justice Standards and Training Commission (Commission) which provided staff development and training until it expired in 2001 and the DJJ took over those duties. The bill codifies current practice by specifying that the DJJ is responsible for staff development and training.

This bill amends sections 985.494 and 985.66, Florida Statutes. The bill repeals sections 985.02(5), 985.03(48), 985.03(56), 985.445, 985.47, 985.48(8), 985.483, 985.486, 985.636, Florida Statutes. It also makes conforming changes to sections 985.0301, 985.47, and 985.565, Florida Statutes.

## **II. Present Situation:**

There are several statutes relating to the serious or habitual juvenile offender program (SHOP) and the intensive residential treatment program for offenders under 13 years of age (JR. SHOP). Section 985.03(48), F.S., provides a definition of SHOP by citing to the program created in s. 985.47, F.S. The cited section specifies the requirements of a SHOP program. Moreover, legislative intent language relating to SHOP exists in s. 985.02(5), F.S. Similarly, two statutes exist that implement JR.SHOPs in ss. 985.483 and 985.486, F.S.

Section 985.494, F.S., provides that a child adjudicated delinquent for a felony (or a child who has an adjudication of delinquency withheld for a felony) must be committed to a SHOP or a JR. SHOP, if such child has participated in an early delinquency intervention program (EDIP) and has completed a sheriff's training and respect (STAR) program (formerly known as juvenile boot camp).

Additionally, such child must be committed to a maximum risk residential program, if he or she has participated in an EDIP, has completed a STAR program and a SHOP or JR. SHOP. The length of stay in a maximum risk commitment program is for an indeterminate period of time; however, it may not exceed the maximum imprisonment that an adult would serve for that offense.<sup>1</sup>

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<sup>1</sup> Section 985.494(1)(b), F.S.

This section of law also allows the court to consider an equivalent program of similar intensity as being comparable to one of these specified programs when committing a child to an appropriate program under this statute.<sup>2</sup>

The definition of “training school” is contained in s. 985.03(56), F.S., to include the Arthur G. Dozier School and the Eckerd Youth Development Center. According to the DJJ, the training schools no longer exist as a category in the DJJ residential programs. Residential programs are now categorized by restrictiveness levels.<sup>3</sup>

Section 985.445, F.S., provides the court with discretion to place a child adjudicated delinquent for committing a first or second grand theft auto into a STAR program. Upon a third adjudication, however, the court is required to place that child into a STAR program. The statute also requires the court to order such child to complete a specified number of community service hours (at least 50 for a first adjudication, 100 for the second adjudication, and 250 for the third adjudication).

According to the DJJ, there have been no operational STAR programs since 2008. The department also states that the SHOP and JR. SHOPS have been underutilized for the past several years. Because maximum and high risk programs currently serve the most serious offenders, the DJJ states it no longer needs the SHOP and JR. SHOP designations.<sup>4</sup> In 1996, according to the DJJ, the SHOPS were reclassified from maximum risk to high risk programs but the statutory admission criteria remained unchanged. In reviewing the records of children admitted to the SHOPS in FY 07-08, the DJJ found that 12.3 percent of the 24 children admitted did not meet the statutory criteria. Similarly, 10 percent of the 20 children admitted to the JR. SHOPS did not meet that criteria.<sup>5</sup>

Section 985.636, F.S., relating to the Inspector General’s Office, authorizes the Secretary of the DJJ to designate inspectors holding a law enforcement certification as law enforcement officers within the Inspector General’s Office. This designation is only for the purpose of enforcing any criminal law and conducting any investigation involving a state-operated program that falls under the department’s jurisdiction. However, according to the DJJ, this law is unnecessary because the department has never had sworn law enforcement officers.

Section 985.66, F.S., prescribes standards for the juvenile justice training academies, establishes the Juvenile Justice Training Trust Fund, and creates the Juvenile Justice Standards and Training Commission (Commission) under the DJJ. The legislative purpose of the statute is to provide a systematic approach to staff development and training for judges, state attorneys, public defenders, law enforcement officers, school district personnel, and juvenile justice program staff.<sup>6</sup> Section 985.48(8), F.S., also requires the Commission to establish a training program to

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<sup>2</sup> Section 985.494(2), F.S.

<sup>3</sup> Department of Juvenile Justice 2011 Agency Proposal (on file with the Senate Criminal Justice Committee in Tallahassee, Florida.)

<sup>4</sup> 2011 Department of Juvenile Justice Legislative Priority Paper, updated on March 4, 2011 (on file with the Senate Criminal Justice Committee in Tallahassee, Florida.)

<sup>5</sup> Department of Juvenile Justice 2011 Agency Proposal (on file with the Senate Criminal Justice Committee in Tallahassee, Florida.)

<sup>6</sup> Section 985.66(1), F.S.

manage and provide services to juvenile sexual offenders in juvenile sexual offender programs. However, the Commission expired on June 30, 2001 because it was not reenacted by the Legislature.<sup>7</sup> After that, the DJJ took over the training duties of the Commission.<sup>8</sup>

### III. Effect of Proposed Changes:

The bill repeals numerous sections and provisions containing obsolete language in ch. 985, F.S., to more accurately reflect current practices within the Department of Juvenile Justice (DJJ). The specific provisions which the bill deletes are as follows.

The bill repeals the following provisions relating to serious or habitual juvenile offender programs (SHOP): the definition of SHOP in s. 985.03(48), F.S., the SHOP legislative intent language in s. 985.02(5), F.S., and the statute implementing SHOP in s. 985.47, F.S. It repeals two statutes implementing the intensive residential treatment program for offenders under 13 years of age (JR.SHOP) in ss. 985.483 and 985.486, F.S.

The bill deletes references in s. 985.494, F.S., to the SHOPS, JR. SHOPS, EDIPs, and the STAR programs (formerly known as juvenile boot camp). Instead of listing these specific prerequisite programs, the bill provides that a child adjudicated delinquent for committing a felony (or a child who has a withheld felony adjudication) must complete two different high risk residential commitment programs as a prerequisite to being placed in a maximum risk residential program.

The bill also deletes references to the STAR program in s. 985.445, F.S., which authorizes a residential commitment to a STAR program if a child is adjudicated delinquent for committing grand theft auto. The bill accomplishes this by repealing s. 985.445, F.S. Finally, the bill makes conforming changes to several statutes referencing this repealed section of law.

The definition of “training school” is repealed in s. 985.02(56), F.S.

The bill also repeals an unnecessary statute, s. 985.636, F.S., which allows certain inspectors within the DJJ’s Inspector General’s Office to be deemed certified law enforcement officers by the Secretary of the DJJ. (According to the DJJ, the department has never had sworn law enforcement officers.)<sup>9</sup>

Finally, the bill amends s. 985.66, F.S., by deleting obsolete references to the Juvenile Justice Standards and Training Commission (which sunset on June 30, 2001) and authorizing the DJJ to continue providing staff development and training to department program staff. It also amends s. 985.48, F.S., to conform to these changes by deleting references to the provision requiring the Commission to establish a training program to manage juvenile sexual offenders.

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<sup>7</sup> Section 985.66(9), F.S.

<sup>8</sup> Department of Juvenile Justice 2011 Agency Proposal (on file with the Senate Criminal Justice Committee in Tallahassee, Florida.)

<sup>9</sup> *Id.*

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

According to the DJJ, there is no fiscal impact to the department.<sup>10</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. Committee Substitute – Statement of Substantial Changes:  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal Justice on March 9, 2011:**

Incorporates the original bill's "repealer" provisions as well as repeals additional outdated provisions related to the following:

- Serious or habitual juvenile offender programs (SHOPs) and intensive residential treatment programs for offenders under 13 year of age (JR. SHOPs);
- Sheriff's Training and Respect programs;
- Definition of "training schools";

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<sup>10</sup> *Id.*

- Inspectors within the Inspector General's Office being sworn law enforcement officers when deemed necessary by the Secretary of DJJ; and
- Juvenile Justice Standards and Training Commission.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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**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 Budget Subcommittee on Criminal and Civil Justice Appropriations

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BILL: CS/SB 822

INTRODUCER: Judiciary Committee and Senator Bogdanoff

SUBJECT: Expert Testimony

DATE: March 14, 2011      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Maclure	JU	Fav/CS
2.	Hendon	Sadberry	BJA	Pre-meeting
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

The bill revises the standard for Florida courts to admit expert witness testimony so that it is in conformity with Federal Rule of Evidence 702 and the standard articulated in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). The bill provides additional criteria for a court to consider in determining whether an expert witness may testify in the form of an opinion or otherwise in a case:

- The testimony is based on sufficient facts or data;
- The testimony is the product of reliable principles and methods; and
- The witness has applied the principles and methods reliably to the facts of the case.

The bill requires Florida courts to interpret and apply requirements for the admissibility of expert witness testimony and the determination of the basis of an expert’s opinion, in accordance with *Daubert* and subsequent U.S. Supreme Court decisions applying *Daubert*.<sup>1</sup> Currently, Florida courts employ the standard articulated in *Frye v. United States*, 293 F. 1010 (D.C. Cir. 1923), which requires the party who wants to introduce the expert opinion testimony into evidence to

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<sup>1</sup> *General Electric Co. v. Joiner*, 522 U.S. 136 (1997), and *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999).

show that the methodology or principle has sufficient reliability. Under the bill, *Frye* and subsequent Florida decisions applying or implementing *Frye* would no longer apply to a court's determination of the admissibility of expert witness testimony in the form of opinion and a court's determination of the basis of the expert's opinion. The bill would have a fiscal impact on the courts, the state attorneys, the public defenders and regional conflict counsel due to additional hearings and the hiring of additional experts.

The bill provides an effective date of July 1, 2011.

This bill amends sections 90.702 and 90.704, Florida Statutes.

## II. Present Situation:

Expert testimony has been used to assist the trier of fact in both civil and criminal trials for a wide range of subjects, including polygraph examination, battered woman syndrome, child abuse cases, and serum blood alcohol. The Florida Rules of Civil Procedure define "expert witness" as a person duly and regularly engaged in the practice of a profession who holds a professional degree from a university or college and has had special professional training and experience, or one possessed of special knowledge or skill about the subject upon which called to testify.<sup>2</sup> Courts use expert witness testimony when scientific, technical, or other specialized knowledge may assist the trier of fact in understanding evidence or determining facts in issue during litigation. The Florida Evidence Code provides that the facts or data upon which an expert bases an opinion or inference may be those perceived by, or made known to, the expert at or before trial.<sup>3</sup> If the facts or data are of a type reasonably relied upon by experts in the subject to support the opinion expressed, the facts or data need not be admissible in evidence. The Florida Supreme Court has considered the issue of whether experts can testify on direct examination that they relied on the hearsay opinions of other experts in forming their opinions.<sup>4</sup> The Florida Supreme Court has held that an expert is not permitted to testify on direct examination that the expert relied on consultations with colleagues or other experts in reaching his or her opinion because it impermissibly permits the testifying experts to bolster their opinions and creates the danger that the testifying experts will serve as conduits for the opinions of others who are not subject to cross-examination.<sup>5</sup> The Court emphasized that its holding did not preclude experts from relying on facts or data that are not independently admissible if the facts or data are a type reasonably relied upon by experts in the subject.<sup>6</sup>

### *Frye* Standard

To admit scientific testimony into evidence, Florida courts, use the standard governing the admissibility of scientific expert testimony imposed in *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923).<sup>7</sup> If the subject matter involves new or novel scientific evidence, the *Frye* standard requires the party who wants to introduce the expert opinion into evidence to show that the

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<sup>2</sup> Fla. R. Civ. P. 1.390(a).

<sup>3</sup> Section 90.704, F.S.

<sup>4</sup> *Linn v. Fossum*, 946 So. 2d 1032 (Fla. 2006).

<sup>5</sup> *Id.* at 1033.

<sup>6</sup> *Id.*

<sup>7</sup> *Stokes v. State*, 548 So. 2d 188 (Fla. 1989).

methodology or principle has sufficient reliability. In *Frye*, the court held that the “principle or discovery” must be sufficiently established to “have gained general acceptance in the particular field in which it belongs.”<sup>8</sup>

The Florida Supreme Court imposes four steps in its articulation of the *Frye* test:

1. The trial judge must determine whether such expert testimony will assist the jury in understanding the evidence or in determining a fact in issue.
2. The trial judge must decide whether the expert’s testimony is based on a scientific principle or discovery that is “sufficiently established to have gained general acceptance in the particular field in which it belongs.”
3. The trial judge must determine whether a particular witness is qualified as an expert to present opinion testimony on the subject in issue.
4. The judge may then allow the expert to render an opinion on the subject of his or her expertise, and it is then up to the jury to determine the credibility of the expert’s opinion, which it may either accept or reject.<sup>9</sup>

The Florida Supreme Court noted that, under *Frye*, the court’s inquiry focuses only on the general acceptance of the scientific principles and methodologies upon which an expert relies to give his or her opinion.<sup>10</sup> The *Frye* test is satisfied through the court’s finding of proof of general acceptance of the basis of an expert’s opinion.<sup>11</sup> Once the basis or foundation is established for an expert’s opinion, the finder of fact may then assess and weigh the opinion for its value.<sup>12</sup> Florida courts continue to apply the *Frye* standard for determining the admissibility of scientific evidence.

The *Frye* test is not applicable to all expert opinion proffered for admissibility into evidence. If the expert opinion is based solely on the expert’s experience and training, and the opinion does not rely on something that constitutes new or novel scientific tests or procedures, then it may be admissible without meeting the *Frye* standard.<sup>13</sup> By example, Florida courts admit medical expert testimony concerning medical causation when based solely on the expert’s training and experience.<sup>14</sup> One court in determining the admissibility of medical expert testimony noted that *Frye* was not applicable to medical testimony (pure opinion) because the expert relied on his analysis of medical records and differential diagnosis rather than a study, test, procedure, or methodology that constituted new or novel scientific evidence.<sup>15</sup>

### Florida Rules of Evidence

The Florida Evidence Code is codified in chapter 90, F.S. Section 90.102, specifies that the chapter replaces and supersedes existing statutory or common law in conflict with its

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<sup>8</sup> *Frye v. United States*, 293 F. 1013, 1014 (D.C. Cir. 1923).

<sup>9</sup> *Ramirez v. State*, 651 So. 2d 1164, 1166-67 (Fla. 1995).

<sup>10</sup> *Marsh v. Valyou*, 977 So. 2d 543, 548-49 (Fla. 2007).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Marsh*, 977 So. 2d at 548. See also Charles W. Ehrhardt, *Florida Evidence* s. 702.3 (2004 edition).

<sup>14</sup> See, e.g., *Cordoba v. Rodriguez*, 939 So. 2d 319, 322 (Fla. 4th DCA 2006); *Fla. Power & Light Co. v. Tursi*, 729 So. 2d 995, 996 (Fla. 4th DCA 1999).

<sup>15</sup> *Gelsthorpe v. Weinstein*, 897 So. 2d 504, 510-11 (Fla. 2d DCA 2005).



provisions.<sup>16</sup> The Florida Supreme Court regularly adopts amendments to the Evidence Code as rules of court when it is determined that the matter is procedural rather than substantive. The Florida Evidence Code requires an expert to demonstrate knowledge, skill, experience, training, or education in the subject matter to qualify as an expert.<sup>17</sup> In a concurring opinion, one justice has argued that the Florida Supreme Court has “never explained how *Frye* has survived the adoption of the rules of evidence.”<sup>18</sup> Justice Anstead also noted that the Florida Supreme Court has continued to apply *Frye* in determining the admissibility of scientific expert opinion testimony after the adoption of the Florida Rules of Evidence, but has done so without any mention that the rules do not mention *Frye* or the test set out in *Frye*.<sup>19</sup>

### ***Daubert* Standard**

The *Frye* standard was used in federal courts until 1993 when the U.S. Supreme Court issued its opinion in the case of *Daubert*.<sup>20</sup> The United States Supreme Court held that Federal Rule of Evidence 702 had superseded the *Frye* test, and it announced a new standard for determining the admissibility of novel scientific evidence.<sup>21</sup> Under the *Daubert* test, when there is a proffer of expert testimony, the judge as a gatekeeper must make “a preliminary assessment of whether the reasoning or methodology underlying the testimony is scientifically valid and of whether that reasoning or methodology properly can be applied to the facts in issue.”<sup>22</sup> The Court announced other factors that a court may consider as part of its assessment under the *Daubert* test for the admissibility of expert scientific testimony:

- Whether the scientific methodology is susceptible to testing or has been tested;
- Whether the theory or technique has been subjected to peer review and publication;
- Whether in the case of a particular scientific technique, the court ordinarily should consider the known or potential rate of error; and
- The existence and maintenance of standards controlling the technique’s operation.

Federal Rule of Evidence 702 was amended in 2000 to reflect *Daubert* and other decisions applying *Daubert*.<sup>23</sup> In *General Electric Co. v. Joiner*, the U.S. Supreme Court held that abuse of discretion is the appropriate standard of review for an appellate court to apply when reviewing a trial court’s decision to admit or exclude evidence under *Daubert*.<sup>24</sup> In *Kumho Tire Co. v. Carmichael*, the Court held that a trial judge is not bound by the specific factors outlined in *Daubert*, but depending on the circumstances of the particular case at issue, the judge may consider other factors in his or her assessment under *Daubert*.<sup>25</sup> Additionally, the Court in *Kumho Tire Co.* held that the trial judge’s obligation to be a gatekeeper is not limited to scientific testimony but extends to all expert testimony.<sup>26</sup>

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<sup>16</sup> Section 90.102, F.S.

<sup>17</sup> Section 90.702, F.S.

<sup>18</sup> Justice Anstead concurring in *Marsh* 977 So. 2d at 551.

<sup>19</sup> *Id.*

<sup>20</sup> *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 592-93.

<sup>23</sup> Fed. R. Evid. 702, Advisory Committee Notes for 2000 Amendments.

<sup>24</sup> *General Electric Co. v. Joiner*, 522 U.S. 136, 139 (1997).

<sup>25</sup> *Kumho Tire Co. v. Carmichael*, 526 U.S. 137, 147-52 (1999).

<sup>26</sup> *Id.*

The *Weisgram v. Marley Co.* case, a part of the *Daubert* progeny, was a wrongful death action against a manufacturer of heaters in which the plaintiff introduced expert testimony that the alleged heater defect caused a house fire.<sup>27</sup> The Court held that a federal appellate court may direct the entry of judgment as a matter of law when the court determines that evidence was erroneously admitted at trial and the remaining evidence which was properly admitted is insufficient to support the jury verdict.<sup>28</sup> The plaintiffs obtained a jury verdict based on the expert testimony that the heater was defective and that the heater's defect caused the fire.<sup>29</sup> The Supreme Court affirmed the Court of Appeals' reversal of the jury verdict, finding that the expert testimony offered by the plaintiff was speculation under Federal Rule of Evidence 702 as explicated in *Daubert* regarding the defectiveness of the heater.<sup>30</sup> The Court found the plaintiff's fears unconvincing that "allowing [federal] courts of appeals to direct the entry of judgment for defendants will punish plaintiffs who could have shored up their cases by other means had they known their expert testimony would be found inadmissible."<sup>31</sup> The Court stated that *Daubert* put parties on notice regarding the exacting standards of reliability demanded of expert testimony.<sup>32</sup>

Other state courts have used the *Frye*, *Daubert*, and other tests in determining the admissibility of expert testimony regarding scientific, technical, or other specialized knowledge.<sup>33</sup> Advocacy groups and scholars differ on how many states still maintain the *Frye* standard and the number which have moved to the *Daubert* or a similar standard for determining the admissibility of scientific and evidence.<sup>34</sup>

### III. Effect of Proposed Changes:

The bill revises the standard for Florida courts to admit expert witness testimony so that it is in conformity with Federal Rule of Evidence 702 and the standard articulated in *Daubert*. The requirements for a witness qualified as an expert by knowledge, skill, experience, training, or education to testify in the form of an opinion are revised to impose additional criteria for the admissibility of the testimony. The criteria include the following three-part test for a court's consideration to determine whether an expert witness may testify in the form of an opinion or otherwise in a case:

- The testimony is based on sufficient facts or data;
- The testimony is the product of reliable principles and methods; and
- The witness has applied the principles and methods reliably to the facts of the case.

The bill requires Florida courts to interpret and apply requirements for the admissibility of expert witness testimony and the determination of the basis of an expert's opinion, in accordance with

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<sup>27</sup> *Weisgram v. Marley Co.*, 528 U.S. 440 (2000).

<sup>28</sup> *Id.* at 445-46.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.* at 445-47.

<sup>31</sup> *Id.* at 455-56.

<sup>32</sup> *Id.*

<sup>33</sup> Comm. on Judiciary, The Florida Senate, *Analysis of Law Relating to Admissibility of Expert Testimony and Scientific Evidence*, 5 (Issue Brief 2009-331) (Oct. 2008).

<sup>34</sup> *Id.*

*Daubert* and subsequent U.S. Supreme Court decisions applying *Daubert*.<sup>35</sup> *Frye* and subsequent Florida decisions applying or implementing *Frye* would no longer apply to a court's determination of the admissibility of expert witness testimony in the form of opinion and a court's determination of the basis of the expert's opinion.

The bill amends s. 90.704, F.S., to specify that facts or data that are otherwise inadmissible in evidence may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect of the facts or data.<sup>36</sup> With the bill's amendment to s. 90.704, F.S., the language of the section tracks Federal Rule of Evidence 703.

The bill provides an effective date of July 1, 2011.

#### **Other Potential Implications:**

There is a balance between enactments of the Legislature and the Florida Supreme Court on matters relating to evidence. The Legislature has enacted and continues to revise ch. 90, F.S., and the Florida Supreme Court tends to adopt these changes as rules. The Florida Supreme Court regularly adopts amendments to the Evidence Code as rules of court when it is determined that the matter is procedural rather than substantive. If the Florida Supreme Court views the changes in this bill as an infringement upon the Court's authority over practice and procedure, it may refuse to adopt the changes in the bill as a rule.<sup>37</sup>

#### **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>35</sup> *General Electric Co. v. Joiner*, 522 U.S. 136 (1997), and *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999).

<sup>36</sup> *Linn*, 946 So. 2d at 1036-1037 (Florida Supreme Court acknowledging that s. 90.704, F.S., is modeled after Federal Rule of Evidence 703).

<sup>37</sup> See, e.g., *In re Florida Evidence Code*, 782 So. 2d 339 (Fla. 2000) (Florida Supreme Court adopting Evidence Code to the extent it is procedural and rejecting hearsay exception as a rule of court) and compare with *In re Florida Evidence Code*, 372 So.2d 1369 (Fla. 1979) (Florida Supreme Court adopting Florida Evidence Code to the extent it is procedural), clarified, *In re Florida Evidence Code*, 376 So. 2d 1161 (Fla. 1979).

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

None.

**B. Private Sector Impact:**

It is difficult to quantify the fiscal impact of the bill's change in evidentiary standards for the admission of expert opinions. It may result in a need for additional pre-trial hearings depending on the manner in which it is actually implemented by the courts that would increase legal costs to private litigants.

**C. Government Sector Impact:**

The change in standard to admit expert opinions in Florida courts would have a fiscal impact due to increased pre-trial hearings and hiring of expert witnesses. In criminal proceedings, the courts, the state attorneys, the public defenders, and the regional conflict counsels would incur additional costs. Additional hearings would be held to qualify experts requiring additional staff time from these offices. In addition, state attorneys, public defenders, and regional conflict counsel would need to hire experts to testify in hearings to qualify experts.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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

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

**CS by Judiciary on March 9, 2011:**

The committee substitute removes *Weisgram v. Marley Co.*, 528 U.S. 440 (2000), as one of the U.S. Supreme Court decisions that Florida courts must use to interpret and apply requirements for the admissibility of expert witness testimony and the determination of the basis of an expert's opinion. The committee substitute amends s. 90.704, F.S., to specify that facts or data that are otherwise inadmissible in evidence may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect of the facts or data.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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## DRAFT - Judicial Caseload Incentive Plan

**FY 2011-12**

### Performance Goals

<b>Criminal</b>	<b>Circuit 1</b>	<b>Circuit 2</b>	<b>Circuit 3</b>	<b>Circuit 4</b>
Circuit Criminal Dispositions	9,224	4,458	2,558	10,680
Circuit Criminal Reopenings	6,084	2,678	948	910
Circuit Special Proceedings	6,566	2,534	2,256	6,444
<b>Circuit Performance Goal</b>	<b>21,874</b>	<b>9,670</b>	<b>5,762</b>	<b>18,034</b>
County Criminal Dispositions	15,788	7,334	4,104	29,166
County Criminal Reopenings	432	812	182	436
Criminal Traffic Dispositions	12,818	6,940	3,624	32,488
County Special Proceedings	2,640	730	632	802
<b>County Performance Goal</b>	<b>31,678</b>	<b>15,816</b>	<b>8,542</b>	<b>62,892</b>

<b>Civil</b>	<b>Circuit 1</b>	<b>Circuit 2</b>	<b>Circuit 3</b>	<b>Circuit 4</b>
Family Dispositions	16,536	6,210	4,866	24,336
Family Reopenings	13,334	13,008	1,792	11,100
Circuit Civil Dispositions	10,518	5,790	1,800	18,007
Circuit Civil Reopenings	3,678	1,049	286	12,333
Civil Appeals	48	12	6	14
Probate Dispositions	3,810	2,704	1,168	4,732
Probate Reopenings	2,888	960	34	1,692
<b>Circuit Performance Goal</b>	<b>50,813</b>	<b>29,734</b>	<b>9,952</b>	<b>72,214</b>
County Civil Dispositions	14,862	11,768	6,002	27,876
County Civil Reopenings	3,578	3,432	488	8,044
Civil Traffic Dispositions	14,682	24,186	9,154	141,874
<b>County Performance Goal</b>	<b>33,122</b>	<b>39,386</b>	<b>15,644</b>	<b>177,794</b>

## DRAFT - Judicial Caseload Incentive Plan

**FY 2011-12**

### Performance Goals

<b>Criminal</b>	<b>Circuit 5</b>	<b>Circuit 6</b>	<b>Circuit 7</b>	<b>Circuit 8</b>
Circuit Criminal Dispositions	11,198	17,630	9,842	4,294
Circuit Criminal Reopenings	4,430	4,678	1,056	1,014
Circuit Special Proceedings	6,658	30,486	9,096	6,308
<b>Circuit Performance Goal</b>	<b>22,286</b>	<b>52,794</b>	<b>19,994</b>	<b>11,616</b>
County Criminal Dispositions	14,158	33,010	28,422	13,106
County Criminal Reopenings	894	272	378	508
Criminal Traffic Dispositions	14,714	22,482	19,740	7,982
County Special Proceedings	1,628	7,180	2,182	2,096
<b>County Performance Goal</b>	<b>31,394</b>	<b>62,944</b>	<b>50,722</b>	<b>23,692</b>

<b>Civil</b>	<b>Circuit 5</b>	<b>Circuit 6</b>	<b>Circuit 7</b>	<b>Circuit 8</b>
Family Dispositions	19,696	23,938	16,602	8,188
Family Reopenings	14,074	19,622	16,002	7,568
Circuit Civil Dispositions	21,208	31,027	17,288	5,463
Circuit Civil Reopenings	10,575	14,109	8,809	1,960
Civil Appeals	78	50	22	28
Probate Dispositions	6,220	8,422	5,554	2,096
Probate Reopenings	3,108	7,884	2,258	420
<b>Circuit Performance Goal</b>	<b>74,959</b>	<b>105,051</b>	<b>66,534</b>	<b>25,723</b>
County Civil Dispositions	25,360	28,576	16,644	6,396
County Civil Reopenings	6,728	3,328	3,584	2,694
Civil Traffic Dispositions	34,736	46,492	45,656	26,756
<b>County Performance Goal</b>	<b>66,824</b>	<b>78,396</b>	<b>65,884</b>	<b>35,846</b>

## DRAFT - Judicial Caseload Incentive Plan

**FY 2011-12**

### Performance Goals

<b>Criminal</b>	<b>Circuit 9</b>	<b>Circuit 10</b>	<b>Circuit 11</b>	<b>Circuit 12</b>
Circuit Criminal Dispositions	15,530	4,090	23,358	5,654
Circuit Criminal Reopenings	2,214	3,674	6	6,516
Circuit Special Proceedings	6,918	8,166	32,640	6,342
<b>Circuit Performance Goal</b>	<b>24,662</b>	<b>15,930</b>	<b>56,004</b>	<b>18,512</b>
County Criminal Dispositions	29,778	20,632	36,934	9,958
County Criminal Reopenings	882	2,024	0	1,020
Criminal Traffic Dispositions	27,554	15,988	82,584	14,456
County Special Proceedings	280	1,644	1,226	2,040
<b>County Performance Goal</b>	<b>58,494</b>	<b>40,288</b>	<b>120,744</b>	<b>27,474</b>

<b>Civil</b>	<b>Circuit 9</b>	<b>Circuit 10</b>	<b>Circuit 11</b>	<b>Circuit 12</b>
Family Dispositions	29,860	17,322	34,844	12,026
Family Reopenings	38,384	15,388	36,870	12,790
Circuit Civil Dispositions	39,554	13,743	53,178	19,908
Circuit Civil Reopenings	35,026	9,258	52,868	8,138
Civil Appeals	76	10	264	24
Probate Dispositions	5,622	4,262	9,804	6,030
Probate Reopenings	4,692	2,652	17,462	3,280
<b>Circuit Performance Goal</b>	<b>153,214</b>	<b>62,635</b>	<b>205,291</b>	<b>62,196</b>
County Civil Dispositions	42,794	14,538	83,402	11,528
County Civil Reopenings	10,398	3,690	26,716	2,402
Civil Traffic Dispositions	72,248	21,996	693,456	25,796
<b>County Performance Goal</b>	<b>125,440</b>	<b>40,224</b>	<b>803,574</b>	<b>39,726</b>



## DRAFT - Judicial Caseload Incentive Plan

**FY 2011-12**

### Performance Goals

<b>Criminal</b>	<b>Circuit 13</b>	<b>Circuit 14</b>	<b>Circuit 15</b>	<b>Circuit 16</b>
Circuit Criminal Dispositions	18,428	4,132	8,172	906
Circuit Criminal Reopenings	8,742	276	652	52
Circuit Special Proceedings	16,134	3,090	7,600	166
<b>Circuit Performance Goal</b>	<b>43,304</b>	<b>7,498</b>	<b>16,424</b>	<b>1,124</b>
County Criminal Dispositions	27,566	11,684	26,404	2,560
County Criminal Reopenings	3,838	444	420	0
Criminal Traffic Dispositions	36,880	5,998	39,908	624
County Special Proceedings	2,372	848	1,530	0
<b>County Performance Goal</b>	<b>70,656</b>	<b>18,974</b>	<b>68,262</b>	<b>3,184</b>

<b>Civil</b>	<b>Circuit 13</b>	<b>Circuit 14</b>	<b>Circuit 15</b>	<b>Circuit 16</b>
Family Dispositions	28,974	6,348	17,000	1,452
Family Reopenings	24,682	3,494	14,092	430
Circuit Civil Dispositions	25,549	4,809	46,303	1,980
Circuit Civil Reopenings	6,987	1,740	22,887	779
Civil Appeals	62	8	100	2
Probate Dispositions	6,296	1,532	7,748	402
Probate Reopenings	3,836	626	6,006	42
<b>Circuit Performance Goal</b>	<b>96,386</b>	<b>18,557</b>	<b>114,136</b>	<b>5,087</b>
County Civil Dispositions	34,986	5,732	38,006	1,672
County Civil Reopenings	13,040	1,404	5,786	138
Civil Traffic Dispositions	103,514	12,408	174,486	11,738
<b>County Performance Goal</b>	<b>151,540</b>	<b>19,544</b>	<b>218,278</b>	<b>13,548</b>

## DRAFT - Judicial Caseload Incentive Plan

**FY 2011-12**

### Performance Goals

<b>Criminal</b>	<b>Circuit 17</b>	<b>Circuit 18</b>	<b>Circuit 19</b>	<b>Circuit 20</b>
Circuit Criminal Dispositions	13,516	7,868	5,552	7,524
Circuit Criminal Reopenings	5,732	5,294	2,538	1,706
Circuit Special Proceedings	15,900	8,746	4,802	4,714
<b>Circuit Performance Goal</b>	<b>35,148</b>	<b>21,908</b>	<b>12,892</b>	<b>13,944</b>
County Criminal Dispositions	24,316	25,266	12,118	19,032
County Criminal Reopenings	662	3,892	200	600
Criminal Traffic Dispositions	34,180	16,494	9,798	23,564
County Special Proceedings	2,394	3,096	2,166	2,158
<b>County Performance Goal</b>	<b>61,552</b>	<b>48,748</b>	<b>24,282</b>	<b>45,354</b>

<b>Civil</b>	<b>Circuit 17</b>	<b>Circuit 18</b>	<b>Circuit 19</b>	<b>Circuit 20</b>
Family Dispositions	28,666	14,764	10,364	16,780
Family Reopenings	22,278	17,096	8,986	10,758
Circuit Civil Dispositions	49,608	15,013	15,827	45,841
Circuit Civil Reopenings	56,652	8,892	6,851	24,675
Civil Appeals	362	46	10	36
Probate Dispositions	6,504	3,980	4,928	6,454
Probate Reopenings	316	3,128	1,372	3,988
<b>Circuit Performance Goal</b>	<b>164,386</b>	<b>62,919</b>	<b>48,338</b>	<b>108,533</b>
County Civil Dispositions	68,250	17,668	12,278	23,106
County Civil Reopenings	27,988	6,500	3,338	5,620
Civil Traffic Dispositions	254,194	65,376	28,232	48,782
<b>County Performance Goal</b>	<b>350,432</b>	<b>89,544</b>	<b>43,848</b>	<b>77,508</b>

**FY 2011-12 BUDGET ISSUES  
BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS  
Chairman's Proposal**

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS	
1	DEPARTMENT OF LEGAL AFFAIRS							1
2	START-UP 2011-12 (Recurring continuation of current law and policy)		1,337.50	38,410,928	38,410,928		142,545,697	2
3	1601200 INCREASE IN THE VICTIMS OF CRIME ACT (VOCA) FEDERAL GRANT						4,790,000	3
4	1601210 REAPPROVAL OF RESTORATION OF RATE TO COVER SALARIES AND BENEFITS (1,239,590)						(404,272)	4
5	1700500 TRANSFER CYBERCRIME UNIT TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT						(661,523)	5
6	2503080 DIRECT BILLING FOR ADMINISTRATIVE HEARINGS						(73,819)	6
7	33B1120 CRIME PREVENTION PROGRAM REDUCTION			(3,801,192)	(3,801,192)			7
8	33H0100 REDUCE CIVIL ENFORCEMENT			(1,419,936)	(1,419,936)			8
9	330L100 OFFICE AND BUILDING LEASE SAVINGS			(194,098)	(194,098)		(353,131)	9
10	33003C0 REDUCE INFORMATION TECHNOLOGY REFRESH OF EQUIPMENT AND SOFTWARE			(134,590)	(134,590)			10
11	3400810 FUND SHIFT VOCA ADMINISTRATORS FROM CRIMES COMP TO FEDERAL GRANTS TRUST FUND - ADD	8.00					402,454	11
12	3400820 FUND SHIFT VOCA ADMINISTRATORS FROM CRIMES COMP TO FEDERAL GRANTS TRUST FUND - DEDUCT	(8.00)					(402,454)	12
13	40S0300 INCREASE AUTHORITY FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009						106,876	13
14	4000040 CIVIL LEGAL ASSISTANCE			1,000,000	1,000,000			14
15	4009030 RESTORATION OF GENERAL REVENUE FUND SHIFTS FROM NONRECURRING TRUST FUNDS			2,000,000	2,000,000			15
16	4009050 MEDICAID FRAUD CONTROL UNIT - ASSET-SHARING/FORFEITURE PROGRAM						2,000,000	16
17	4100200 INCREASE SERVICES FOR VICTIMS OF SEXUAL ASSAULT			250,000	250,000			17
18								18
19								19

**FY 2011-12 BUDGET ISSUES  
BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS  
Chairman's Proposal**

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					TRUST FUNDS	LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR			
20		<b>TOTAL: DEPARTMENT OF LEGAL AFFAIRS</b>	<b>1,303.50</b>	<b>35,449,589</b>	<b>35,449,589</b>	<b>0</b>	<b>148,611,351</b>	20	
21								21	
22	DEPARTMENT OF CORRECTIONS							22	
23	START-UP 2011-12 (Recurring continuation of current law and policy)		29,350.00	2,339,779,567	2,339,779,567		82,680,681	23	
24	TRANSFER FUNDS FROM APPROPRIATION CATEGORY			683,745	683,745		278,000	24	
25	TRANSFER FUNDS TO APPROPRIATION CATEGORY			(683,745)	(683,745)		(278,000)	25	
26	REPLACE OBSOLETE RADIO COMMUNICATIONS IN PRISONS IN REGION III			250,000		250,000	400,000	26	
27	OFFICER SAFETY - REPLACE BODY ARMOR			275,370		275,370		27	
28	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS			(15,896)	(15,896)			28	
29	CONSOLIDATE EXISTING FACILITIES TO PROMOTE EFFICIENCIES		(199.00)	(10,039,791)	(10,039,791)			29	
30	EVERGLADES RE-ENTRY CENTER		72.00	2,461,459	2,461,459			30	
31	BAKER RE-ENTRY CENTER		74.00	1,713,991	1,713,991			31	
32	EXPAND RE-ENTRY AT EXISTING INSTITUTIONS		21.00	785,658	785,658			32	
33	RESTORE WORK SQUADS		71.00	2,835,426	2,835,426			33	
34	REDUCE FUNDING FOR BLACKWATER PRISON FOR ADJUSTMENT OF CONTRACT BED CAPACITY			(3,433,919)	(3,433,919)			34	
35	FOOD COSTS SAVINGS			(5,304,001)	(5,304,001)			35	
36	REDUCE VACANT COMMUNITY CORRECTIONS POSITIONS		(50.00)	(2,924,109)	(2,924,109)			36	
37	ELIMINATE BOOT CAMPS		(50.00)	(2,702,881)	(2,702,881)			37	
38	SAVINGS THROUGH SECURE CONTRACT RESIDENTIAL SUBSTANCE ABUSE BEDS - DEDUCT		(105.00)	(14,405,882)	(14,405,882)			38	
39	SECURE CONTRACT RESIDENTIAL SUBSTANCE ABUSE BEDS - ADD			11,388,000	11,388,000			39	
40	REDUCE OVERTIME FUNDING (Due to implementation of a swipe card timekeeping system)			(2,500,000)	(2,500,000)			40	
41	SAVINGS FROM SALARY ADJUSTMENTS IN EXECUTIVE DIRECTION			(2,000,000)	(2,000,000)			41	
42	ADDITIONAL RENT SAVINGS FROM RELOCATION OF CENTRAL OFFICE TO STATE LEASE SPACE			(2,298,886)	(2,298,886)			42	

**FY 2011-12 BUDGET ISSUES**  
**BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS**  
**Chairman's Proposal**

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal						LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
43	3300260	CONSOLIDATE PROBATION/PAROLE FIELD OFFICES WITHIN COUNTIES		(3,423,077)	(3,423,077)				43
44	3300270	REDUCE OPERATING COSTS FOR 6,400 PRISON BEDS BY 5 PERCENT		(5,938,075)	(5,938,075)				44
45	3300280	REDUCE REQUIRED BASIC TRAINING CURRICULUM AND INSOURCE TRAINING		(8,300,000)	(8,300,000)				45
46	3300290	REDUCE POSITIONS VACANT OVER 6 MONTHS	(133.00)	(7,403,755)	(7,403,755)				46
47	3300300	REDUCTION IN INFORMATION TECHNOLOGY REFRESH EQUIPMENT AND SOFTWARE		(252,630)	(252,630)				47
48	3300400	REDUCE WARDEN AND ASSISTANT WARDEN SALARIES		(917,134)	(917,134)				48
49	3300500	REDUCE STAFF AT FLORIDA STATE PRISON FROM STUN FENCE INSTALLATION	(27.00)	(591,287)	(591,287)				49
50	3300740	SAVINGS FROM CONSOLIDATING REGIONAL OFFICES	(85.00)	(5,493,893)	(5,493,893)				50
51	3310200	PRIVATIZATION OF INMATE MEDICAL, DENTAL, AND PHARMACY SERVICES (2,406 FTE would be placed in reserve October 1, 2011)		(60,582,282)	(60,582,282)				51
52	3310300	PRIVATIZATION OF INMATE MENTAL HEALTH SERVICES (534 FTE would be placed in reserve October 1, 2011)		(14,417,718)	(14,417,718)				52
53	33V0270	ADJUST CRIMINAL JUSTICE ESTIMATING CONFERENCE FUNDING FOR MOST RECENT CONFERENCE FORECAST	(521.00)	(41,060,332)	(41,060,332)				53
54	4700740	MAINTAIN CURRENT SUBSTANCE ABUSE TREATMENT		1,451,654	1,451,654				54
55	5300200	EXPAND EDIBLE CROPS PROGRAM		1,000,000	1,000,000				55
55A		ONLINE EDUCATION PROGRAMS		500,000	500,000				55A
55B		RESTORE NON-RECURRING FUNDING FOR PRIVATE PRISON CONTRACTS		1,000,000	1,000,000				55B
56	8400010	INCREASE ELECTRONIC MONITORING		500,000	500,000				56
57	9900D100	DEBT SERVICE REDUCTION		(54,664)	(54,664)				57
58	990M000	MAINTENANCE AND REPAIR (install stun fence)		300,000			300,000		58
59									59
60	<b>TOTAL: DEPARTMENT OF CORRECTIONS</b>			<b>28,418,000</b>	<b>2,170,180,913</b>	<b>2,169,355,543</b>	<b>825,370</b>	<b>83,080,681</b>	60
61									61
62	<b>DEPARTMENT OF LAW ENFORCEMENT</b>								62

**FY 2011-12 BUDGET ISSUES  
BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS  
Chairman's Proposal**

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS	
63		<b>START-UP 2011-12 (Recurring continuation of current law and policy)</b>	<b>1,744.00</b>	<b>89,326,682</b>	<b>89,326,682</b>		<b>160,587,012</b>	63
64	160F170	TRANSFER FUNDS WITHIN INVESTIGATIVE SERVICES TO SUPPORT SALARY INCENTIVE - DEDUCT					(20,000)	64
65	160F180	TRANSFER FUNDS WITHIN INVESTIGATIVE SERVICES TO SUPPORT SALARY INCENTIVE - ADD					20,000	65
66	160F190	TRANSFER FUNDS WITHIN INFORMATION PROGRAM FEDERAL GRANTS TRUST FUND - DEDUCT					(126,184)	66
67	160F200	TRANSFER FUNDS WITHIN INFORMATION PROGRAM FEDERAL GRANTS TRUST FUND - ADD					126,184	67
68	1700220	TRANSFER THE PUBLIC ASSISTANCE FRAUD UNIT TO THE DEPARTMENT OF FINANCIAL SERVICES VIA LEGISLATIVE ACTION	(63.00)	(2,348,257)	(2,348,257)		(3,936,802)	68
69	1700510	TRANSFER CYBERCRIME UNIT FROM THE DEPARTMENT OF LEGAL AFFAIRS	15.00	661,523	661,523		404,272	69
70	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS					26,918	70
71	3000730	EXPANSION OF FLORIDA'S DEOXYRIBONUCLEIC ACID (DNA) DATABASE TO INCLUDE FELONY ARRESTS		280,916	280,916			71
72	33B1130	REDUCE CRIMINAL JUSTICE NETWORK (CJNET) EXPENSE AUTHORITY		(100,000)	(100,000)			72
73	33V1620	VACANT POSITION REDUCTIONS	(4.00)	(52,787)	(52,787)		(134,635)	73
74	330F000	ELIMINATE UNFUNDED BUDGET					(2,313,553)	74
75	330L100	OFFICE AND BUILDING LEASE SAVINGS		(175,920)	(175,920)		(43,514)	75
76		REDUCE MIDDLE MANAGEMENT (Increase span of control)	(5.00)	(235,212)	(235,212)		(111,865)	76
77	3304500	REDUCE GRANTS AND DONATIONS TRUST FUND AUTHORITY IN INVESTIGATIVE SERVICES					(119,611)	77
78	3308050	ELIMINATE VIOLENT OFFENDER INCARCERATION TRUTH IN-SENTENCING FEDERAL GRANTS					(5,854,137)	78
79	36112C0	NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM GRANT					4,454,120	79
80	4200000	INCREASE FEDERAL GRANT TRUST FUND AUTHORITY - TOXICOLOGY GRANT					561,695	80

**FY 2011-12 BUDGET ISSUES  
BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS  
Chairman's Proposal**

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS	
81	5000000	ESTABLISH A PILOT PROGRAM IN PASCO COUNTY TO REDUCE THE ABUSE OF PRESCRIPTION DRUGS (Pill mills)		1,750,000	1,750,000			81
82								82
83								83
84		<b>TOTAL: DEPARTMENT OF LAW ENFORCEMENT</b>	<b>1,687.00</b>	<b>89,106,945</b>	<b>89,106,945</b>	<b>0</b>	<b>153,519,900</b>	84
85								85
86		<b>FLORIDA PAROLE COMMISSION</b>						86
87		START-UP 2011-12 (Recurring continuation of current law and policy)	128.00	8,329,584	8,329,584		51,237	87
88	33B0300	MOVE CENTRAL OFFICE TO LESS EXPENSIVE LEASE SPACE		(151,000)	(151,000)			88
89	33G4000	REDUCE VACANT POSITIONS		0				89
90	33V0200	ELIMINATE UNFUNDED POSITIONS	(7.00)					90
91								91
92		<b>TOTAL: FLORIDA PAROLE COMMISSION</b>	<b>121.00</b>	<b>8,178,584</b>	<b>8,178,584</b>	<b>0</b>	<b>51,237</b>	92
93								93
94		<b>DEPARTMENT OF JUVENILE JUSTICE</b>						94
95		START-UP 2011-12 (Recurring continuation of current law and policy)	4,730.00	406,532,479	406,532,479		192,202,959	95
96	160F380	TRANSFER TRUST AUTHORITY BETWEEN APPROPRIATION CATEGORIES - ADD					30,568	96
97	160F390	TRANSFER TRUST AUTHORITY BETWEEN APPROPRIATION CATEGORIES - DEDUCT					(30,568)	97
98	160F420	TRANSFER BUDGET BETWEEN APPROPRIATION CATEGORIES - ADD		700	700			98
99	160F430	TRANSFER BUDGET BETWEEN APPROPRIATION CATEGORIES - DEDUCT		(700)	(700)			99
100	25001C0	COST ADJUSTMENT FOR DATA PROCESSING SERVICES		30,318			30,318	100
101	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS		5,858	5,858			101
102	3002020	ENHANCE INFORMATION SHARING	3.00	198,552	186,858		11,694	102
103	3200100	REDUCTION OF EXCESS BUDGET AUTHORITY		(1,00)			(1,883,077)	103



**FY 2011-12 BUDGET ISSUES  
BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS  
Chairman's Proposal**

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS	
104	33B0170	REDUCE NON-SECURE BED CAPACITY WITHIN THE RESIDENTIAL PROGRAM (96% Utilization)		(8,280,159)	(8,280,159)			104
105	33B0240	REDUCE SECURE BED CAPACITY WITHIN THE RESIDENTIAL PROGRAM (96% Utilization)		(4,579,409)	(4,579,409)			105
106	33B0540	ELIMINATE DETENTION BED CAPACITY AT UNDERUTILIZED FACILITIES	(147.00)	(1,125,141)	(1,125,141)		(5,583,299)	106
107	33G0020	REDUCE REGIONAL MANAGEMENT AND ADMINISTRATION	(65.00)	(3,119,156)	(3,119,156)		(1,510,808)	107
108	33G0030	MIDDLE MANAGEMENT REDUCTION (Reduce span of control)	(25.00)	(252,060)	(252,060)		(1,323,317)	108
109	33V0470	REDUCE DETENTION BED CAPACITY	(305.00)	(4,141,980)	(4,141,980)		(15,825,046)	109
110	33V8020	ELIMINATE RESIDENTIAL CARE FOR MISDEMEANANT YOUTH		(10,000,000)	(10,000,000)			110
111	33V8030	REDUCE FUNDING FOR THE PRODIGY PROGRAM		(5,710,631)	(5,710,631)			111
112	33V8040	REDUCE LENGTH OF STAY IN RESIDENTIAL COMMITMENT	(69.00)	(21,809,483)	(21,809,483)			112
113	33V0000	ELIMINATE FUNDING FOR THE COMMUNITY COALITION PROGRAM		(597,989)	(597,989)			113
114	330F000	ELIMINATE UNFUNDED BUDGET					(1,217,898)	114
115	3309000	REDUCE UNFUNDED GRANTS AND DONATIONS TRUST FUND BUDGET AUTHORITY					(5,000,000)	115
116		EXPAND PROBATION, PREVENTION AND INTERVENTION PROGRAMS TO OFF-SET BED REDUCTIONS		3,642,298	3,642,298			116
117	5001270	ELECTRONIC MONITORING FOR MISDEMEANANT YOUTH		500,000	500,000			117
118		YOUTH VIOLENCE PREVENTION PROGRAM		175,000	175,000			118
119	5500110	GRANTS FOR FISCALLY CONSTRAINED COUNTIES - DETENTION CENTER COSTS		4,632,618			4,632,618	119
120	990M000	MAINTENANCE AND REPAIR		300,000			300,000	120
121								121
122	<b>TOTAL: DEPARTMENT OF JUVENILE JUSTICE</b>		<b>4,121.00</b>	<b>356,401,115</b>	<b>351,426,485</b>	<b>4,974,630</b>	<b>159,859,514</b>	122
123								123
124	<b>SUPREME COURT</b>							124



**FY 2011-12 BUDGET ISSUES**  
**BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS**  
**Chairman's Proposal**

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					TRUST FUNDS	LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR			
125		START-UP 2011-12 (Recurring continuation of current law and policy)	271.50	0	0		31,004,607	125	
126	1602400	INCREASE OF TRUST FUND AUTHORITY - FEDERAL GRANTS TRUST FUND (for Judicial Inquiry System)					48,500	126	
127	160F010	TRANSFER FROM CONTRACTED SERVICES TO EXPENSE - ADD					132,500	127	
128	160F020	TRANSFER FROM CONTRACTED SERVICES TO EXPENSE - DEDUCT					(132,500)	128	
129	3000600	INNOCENCE COMMISSION					247,056	129	
130	3000700	JUDICIAL CASELOAD INCENTIVE PLAN					10,900,000	130	
131	3000800	COURT APPOINTED DUE PROCESS COSTS	1.00	3,000,000	3,000,000			131	
132	3200010	FEDERAL FUNDING REDUCTIONS (American Recovery and Reinvestment Act of 2009)					(92,000)	132	
133	990A000	OFFICE SPACE FCO (Remodel 1st DCA for OSCA)		300,000			300,000	133	
134								134	
135								135	
136		<b>TOTAL: SUPREME COURT</b>	<b>272.50</b>	<b>3,300,000</b>	<b>3,000,000</b>	<b>300,000</b>	<b>42,808,163</b>	136	
137								137	
138		<b>JUDICIAL ADMINISTERED FUNDS</b>						138	
139		START-UP 2011-12 (Recurring continuation of current law and policy)	22.00	0	0		0	139	
140								140	
141								141	
142								142	
143		<b>TOTAL: JUDICIAL ADMINISTERED FUNDS</b>	<b>22.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	143	
144								144	
145		<b>DISTRICT COURTS OF APPEAL</b>						145	
146		START-UP 2011-12 (Recurring continuation of current law and policy)	436.00	0	0		41,961,230	146	
147	1800510	DEDUCT OLD DCA BUDGET ENTITY					(41,961,230)	147	
148	1800520	ADD NEW DCA BUDGET ENTITIES		436.00			41,961,230	148	
149	2000010	TRANSFER BETWEEN APPROPRIATION CATEGORIES TO REALIGN EXPENDITURES - DEDUCT					(47,000)	149	

**FY 2011-12 BUDGET ISSUES  
BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS  
Chairman's Proposal**

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					LINE #	
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
150	2000020	TRANSFER BETWEEN APPROPRIATION CATEGORIES TO REALIGN EXPENDITURES - ADD						47,000	150
151	2403170	CARPET REPLACEMENT AND INTERIOR PAINTING (4th)						27,000	151
152	3000150	APPELLATE COURT SECURITY WORKLOAD (2nd)						43,750	152
153	33V3600	BASE BUDGET REDUCTION (1st DCA)	(5.00)					(590,232)	153
154	4600600	APPELLATE COURT OPERATIONAL INCREASES (3rd - telephone system)						57,250	154
155	7000210	BUILDING FACILITIES MAINTENANCE AND OPERATIONAL UPKEEP (4th - security glazing)						50,000	155
156	7000330	AIR CONDITIONING SYSTEM REMEDIATION (4th)						78,500	156
157									157
158									158
159		<b>TOTAL: DISTRICT COURTS OF APPEAL</b>	<b>431.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>41,627,498</b>	159
160									160
161		<b>TRIAL COURTS</b>							161
162		START-UP 2011-12 (Recurring continuation of current law and policy)	3,591.00	47,589,403	47,589,403			339,574,236	162
163	2000010	TRANSFER BETWEEN APPROPRIATION CATEGORIES TO REALIGN EXPENDITURES - DEDUCT						(20,000)	163
164	2000020	TRANSFER BETWEEN APPROPRIATION CATEGORIES TO REALIGN EXPENDITURES - ADD						20,000	164
165	3200010	FEDERAL FUNDING REDUCTIONS (American Recovery and Reinvestment Act of 2009)						(3,400,000)	165
166	33V3600	BASE BUDGET REDUCTION	(47.00)	(2,855,364)	(2,855,364)				166
167	5402000	COURTHOUSE FURNISHINGS - NON PUBLIC AREAS						1,425,832	167
168	Back of Bill	FUND STATE COURT REVENUE TF DEFICIT (FY 2010-11)		50,200,000					168
169									169
170									170
171		<b>TOTAL: TRIAL COURTS</b>	<b>3,544.00</b>	<b>94,934,039</b>	<b>44,734,039</b>	<b>50,200,000</b>	<b>0</b>	<b>337,600,068</b>	171
172									172
173		<b>JUDICIAL QUALIFICATIONS COMMISSION</b>							173
174		START-UP 2011-12 (Recurring continuation of current law and policy)	5.00	0	0			921,952	174
175									175

**FY 2011-12 BUDGET ISSUES**  
**BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS**  
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LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS	
176								176
177								177
178		<b>TOTAL: JUDICIAL QUALIFICATIONS COMMISSION</b>	<b>5.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>921,952</b>	178
179								179
180		<b>JUSTICE ADMINISTRATIVE COMMISSION</b>						180
181		START-UP 2011-12 (Recurring continuation of current law and policy)	103.00	72,169,908	72,169,908		2,027,609	181
182		33V3600 BASE BUDGET REDUCTION	(5.00)	(4,330,194)	(4,330,194)			182
183		5200030 COURT APPOINTED DUE PROCESS COSTS		14,833,965	14,833,965			183
184								184
185								185
186		<b>TOTAL: JUSTICE ADMINISTRATIVE COMMISSION</b>	<b>98.00</b>	<b>82,673,679</b>	<b>82,673,679</b>	<b>0</b>	<b>2,027,609</b>	186
187								187
188		<b>GUARDIAN AD LITEM</b>						188
189		START-UP 2011-12 (Recurring continuation of current law and policy)	539.00	30,333,289	30,333,289		320,249	189
190								190
191								191
192								192
193		<b>TOTAL: GUARDIAN AD LITEM</b>	<b>539.00</b>	<b>30,333,289</b>	<b>30,333,289</b>	<b>0</b>	<b>320,249</b>	193
194								194
195		<b>CLERKS OF COURT</b>						195
196		START-UP 2011-12 (Recurring continuation of current law and policy)	0.00	0	0		451,380,312	196
197		Back of Bill FUND CLERK OF COURT TF DEFICIT (FY 2010-11)		40,200,000			40,200,000	197
198		33V3600 BASE BUDGET REDUCTION					(6,300,000)	198
199								199
200		<b>TOTAL: CLERKS OF COURT</b>	<b>0.00</b>	<b>40,200,000</b>	<b>0</b>	<b>40,200,000</b>	<b>445,080,312</b>	200
201								201
202		<b>CLERKS OF COURT OPERATIONS CORPORATION</b>						202
203		START-UP 2011-12 (Recurring continuation of current law and policy)	7.00	0	0		1,741,081	203

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LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS	
204	33V3600	BASE BUDGET REDUCTION						204
205								205
206								206
207	<b>TOTAL: CLERKS OF COURT OPERATIONS CORPORATION</b>		<b>7.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,640,119</b>	207
208	STATE ATTORNEYS							208
209								209
210		START-UP 2011-12 (Recurring continuation of current law and policy)	5,997.25	308,047,183	308,047,183	0	88,558,330	210
211	160A010	RATE ADJUSTMENT FOR BUDGET AMENDMENTS (5th and 10th circuits - rate only, no funding)						211
212	160S100	FEDERAL FUND SOURCE IDENTIFIER - DELETE					(236,646)	212
213	160S200	STATE FUND SOURCE IDENTIFIER - ADD					236,646	213
214	1600065	REAPPROVAL OF CURRENT YEAR BUDGET AMENDMENTS OVER BASE BUDGET					439,637	214
215	1600090	ADJUSTMENT FOR VICTIM WITNESS GRANT					59,773	215
216	1600170	REAPPROVAL OF PRIOR YEAR BUDGET AMENDMENT					18,470	216
217	1604030	REAPPROVAL OF VIOLENCE AGAINST WOMEN (VAWA) ACT PROGRAM					36,973	217
218	1605050	REAPPROVAL OF VICTIMS OF CRIME ACT GRANT					213,448	218
219	1605070	REAPPROVAL OF APPROPRIATION REALIGNMENT - DELETE					(121,925)	219
220	1605140	REAPPROVAL OF DRIVING UNDER THE INFLUENCE PROSECUTION GRANT					79,766	220
221	1605170	REAPPROVAL OF GRANTS AND DONATIONS TRUST FUND REALIGNMENT - ADD					2,408,462	221
222	1605180	REAPPROVAL OF GRANTS AND DONATIONS TRUST FUND REALIGNMENT - DELETE					(2,408,462)	222
223	1605770	REAPPROVAL OF APPROPRIATION REALIGNMENT - ADD					121,925	223
224	2600130	ANNUALIZATION OF VICTIMS OF CRIME ACT (VOCA) PROGRAM					91,073	224
225	2600210	ANNUALIZATION OF GRANT AND DONATION TRUST FUND					17,775	225
226	3000640	ENHANCED OPS					4,620,708	226
227	33V3600	BASE BUDGET REDUCTION	(303.00)	(18,482,831)	(18,482,831)			227

**FY 2011-12 BUDGET ISSUES  
BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS  
Chairman's Proposal**

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					TRUST FUNDS	LINE #
			PTE	TOTAL GR	RECUR GR	N/R GR			
228	3406060	PROSECUTION COORDINATION OFFICE FROM GENERAL REVENUE TO TRUST FUND - DEDUCT		(200,000)	(200,000)			228	
229	3406070	PROSECUTION COORDINATION OFFICE FROM GENERAL REVENUE TO TRUST FUND - ADD					200,000	229	
230								230	
231								231	
232		<b>TOTAL: STATE ATTORNEYS</b>	<b>5,694.25</b>	<b>289,364,352</b>	<b>289,364,352</b>	<b>0</b>	<b>94,335,953</b>	232	
233								233	
234		<b>PUBLIC DEFENDERS</b>						234	
235		START-UP 2011-12 (Recurring continuation of current law and policy)	2,759.00	160,704,784	160,704,784	0	33,697,177	235	
236	1600110	REAPPROVAL OF COUNTY INFORMATION TECHNOLOGY GRANT					20,751	236	
237	1600430	REAPPROVAL OF FEDERAL JUSTICE ASSISTANCE GRANT					82,010	237	
238	1600900	REAPPROVAL OF COUNTY AND/OR MUNICIPALITY CONTRACTS FOR SPECIAL LAWS AND ORDINANCE DEFENSE					1,200	238	
239	1605060	REAPPROVAL OF EX-OFFENDER REENTRY PROGRAM					19,164	239	
240	2600340	ANNUALIZATION OF COUNTY INFORMATION TECHNOLOGY AGREEMENT					20,751	240	
241	2600430	ANNUALIZATION OF FEDERAL JUSTICE ASSISTANCE GRANT					61,506	241	
242	3000640	ENHANCED OPS					2,410,572	242	
243	3005600	STAFFING FOR MENTALLY ILL JAIL DIVERSION	4.00	203,524	203,524			243	
244	33V3600	BASE BUDGET REDUCTION	(178.00)	(9,642,287)	(9,642,287)			244	
245	33V5500	PUBLIC DEFENDER REDUCTION FROM 2010 SESSION		(650,000)	(650,000)			245	
246	3406080	PUBLIC DEFENDERS COORDINATION OFFICE FROM GENERAL REVENUE TO TRUST FUND - DEDUCT		(200,000)	(200,000)			246	
247	3406090	PUBLIC DEFENDERS COORDINATION OFFICE TO TRUST FUND FROM GENERAL REVENUE - ADD					200,000	247	
248	40S0120	AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 DRUG COURT IMPROVEMENT - DEDUCT					(27,187)	248	
249								249	



**FY 2011-12 BUDGET ISSUES  
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LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS	
250								250
251		<b>TOTAL: PUBLIC DEFENDERS</b>	<b>2,585.00</b>	<b>150,416,021</b>	<b>150,416,021</b>	<b>0</b>	<b>36,485,944</b>	251
252								252
253		<b>APPELLATE PUBLIC DEFENDERS</b>						253
254		START-UP 2011-12 (Recurring continuation of current law and policy)	178.00	13,642,687	13,642,687	0	301,959	254
255								255
256								256
257								257
258		<b>TOTAL: APPELLATE PUBLIC DEFENDERS</b>	<b>178.00</b>	<b>13,642,687</b>	<b>13,642,687</b>	<b>0</b>	<b>301,959</b>	258
259								259
260		<b>CAPITAL COLLATERAL REGIONAL COUNSELS (MIDDLE, SOUTH)</b>						260
261		START-UP 2011-12 (Recurring continuation of current law and policy)	73.00	6,864,067	6,864,067	0	200,000	261
262		33V3600 BASE BUDGET REDUCTION	(6.00)	(411,844)	(411,844)		200,000	262
263								263
264								264
265		<b>TOTAL: CAPITAL COLLATERAL REGIONAL COUNSELS</b>	<b>67.00</b>	<b>6,452,223</b>	<b>6,452,223</b>	<b>0</b>	<b>400,000</b>	265
266								266
267		<b>REGIONAL CONFLICT COUNSELS</b>						267
268		START-UP 2011-12 (Recurring continuation of current law and policy)	386.00	34,964,429	34,964,429	0	1,124,648	268
269		2000100 REALIGNMENT OF EXPENDITURE CATEGORIES - ADD		846,992	846,992			269
270		2000200 REALIGNMENT OF EXPENDITURE CATEGORIES - DEDUCT		(846,992)	(846,992)			270
271		33V3600 BASE BUDGET REDUCTION	(39.00)	(2,097,865)	(2,097,865)			271
272								272
273								273
274		<b>TOTAL: REGIONAL CONFLICT COUNSELS</b>	<b>347.00</b>	<b>32,866,564</b>	<b>32,866,564</b>	<b>0</b>	<b>1,124,648</b>	274
275								275
276		<b>TOTAL 2011-12/JA COMMITTEE</b>	<b>49,440.25</b>	<b>3,403,500,000</b>	<b>3,307,000,000</b>	<b>96,500,000</b>	<b>1,549,797,157</b>	276

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1	<p>The moneys contained herein are appropriated from the named funds to the Department of Corrections, Justice Administration, Department of Juvenile Justice, Florida Department of Law Enforcement, Department of Legal Affairs/Attorney General, and the Parole Commission as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.</p>	KEEP
2	<p>From the funds in Specific Appropriations 603 through 781, each provider contracting with the Department of Corrections must provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.</p>	KEEP
3	<p>The Department of Corrections shall develop and use a uniform format and uniform methodologies for the purpose of reporting annually to the Governor and to the Legislature on the state prison system. Such reports shall include a comprehensive plan for current facility use and any departures from planned facility use, including opening new facilities, renovating or closing existing facilities, and advancing or delaying the opening of new or renovated facilities. The report shall include the maximum capacity of currently operating facilities and the potential maximum capacity of facilities that the department could make operational within the fiscal year. The report shall also identify appropriate sites for future facilities and provide information to support specified locations, such as availability of personnel in local labor markets. Reports should include updated infrastructure needs for existing or future facilities. Each report should reconcile capacity figures to the immediately preceding report. For the purpose of this paragraph, maximum capacity shall be calculated and displayed pursuant to section 944.023(1)(b), Florida Statutes. The department may provide additional analysis of current and future bed needs based on such factors as deemed necessary by the Secretary. The next report shall be due January 1, 2011.</p>	REVISE

SENATE BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS  
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4	Funds in Specific Appropriations 603 through 781 shall not be used to pay for unoccupied space currently being leased by the Department of Corrections in the event the leases are vacant on or after July 1, 2010, and for which it has been determined by the Secretary of the department that there is no longer a need.	REVISE
5	The Department of Corrections may, subject to all applicable provisions of chapter 216, Florida Statutes, transfer funds and positions and salary rate among budget entities and programs within Specific Appropriations 603 through 781 if necessary, to ensure public safety and avoid adversely affecting current employees due to the elimination of vacant positions and other approved reductions. It is the intent of the Legislature that priority shall be placed on preserving positions in correctional institutions and community corrections.	KEEP
6	Funds in Specific Appropriations 603 through 781 include reductions in full-time equivalent positions and associated salary and benefits. Those reductions in full-time equivalent positions must be from, to the maximum extent feasible, supervisory and managerial positions.	KEEP
7	To minimize the impact of funding reductions within Specific Appropriations 603 through 781, the department shall identify vacant correctional work release and substance abuse programming capacity and has the discretion pursuant to the provisions of Chapter 216, Florida Statutes, to transfer funds to enable the filling of such additional capacity in accordance with the provisions of chapter 945, Florida Statutes.	KEEP
8	From the funds in Specific Appropriations 603 through 781, the Department of Corrections may contract with a provider to implement an evidence-based risk/needs analysis pilot program using established risk assessment tools to analyze the offender at an appropriate site. The risk/needs assessment tool will allow the department to focus resources and treatment on those offenders with the greatest risk to re-offend and will assist the department in determining appropriate programming for offenders that may be better served in day reporting centers or other similar programs. The findings should include an analysis of whether implementing an evidence-based risk analysis across the entire inmate/offender population would reduce state expenditures and recidivism rates. The department shall report its findings to the chairs of the House Full Appropriations Council on General Government and Health Care and Senate Policy and Steering Committee on Ways and Means no later than January 31, 2011.	DELETE



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9	<p>Funds in Specific Appropriation ***** are from reimbursements from the United States Government for incarcerating aliens in Florida's prisons. If total reimbursements exceed \$18,000,000, the department shall submit a budget amendment in accordance with all applicable provisions of Chapter 216, Florida Statutes, requesting additional budget authority to transfer the balance to the General Revenue Fund.</p>	REVISE
10	<p>From the funds in Specific Appropriations 618 through 628 the Department of Corrections shall develop and submit a transition plan by October 1, 2010, to the Executive Office of the Governor and to the chairs of the Full Appropriations Council on General Government &amp; Health Care and the Senate Policy and Steering Committee on Ways and Means for relocation and consolidation of its computing services and associated resources from the Justice Data Center into the Northwood Shared Resource Center (NSRC) by June 30, 2012, pursuant to section 282.201(2)(d)1.e., Florida Statutes.</p>	DELETE
11	<p>The department shall work with the Agency for Enterprise Information Technology (AEIT) and the NSRC in developing the plan, in accordance with the requirements of the AEIT, that shall, at a minimum, include an inventory of all resources, including but not limited to, all computing equipment; a description of resources for computing services proposed to remain in the department; the budget, full time personnel, and contracted services associated with the costs of its current computing services; the necessary budget adjustments required to accomplish the transfer of computing resources; and a timetable with significant milestones for the completion of the relocation. Beginning July 1, 2010, the department shall have one trustee with one vote on the NSRC Board of Trustees in Fiscal Year 2010-11.</p>	DELETE
12	<p>Should the Justice Data Center be required to move from private leased space at Blairstone Road prior to the scheduled consolidation, the department may submit a plan with the necessary budget adjustments for approval by the Legislative Budget Commission.</p>	DELETE

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13	<p>By September 1, 2010, the Department of Corrections shall execute a service level agreement, pursuant to section 282.203(1)(g), Florida Statutes, to specify the services and levels of services it is to receive from the Southwood Shared Resource Center (SSRC). If the department is unable to complete and execute a service level agreement by that date, the department shall submit a report to the Executive Office of the Governor and to the chairs of the Full Appropriations Council on General Government &amp; Health Care and Senate Policy and Steering Committee on Ways and Means within five working days, explaining the specific issues preventing execution and describing the department's plan and schedule for resolving those issues.</p>	DELETE
14	<p>From the funds provided in Specific Appropriations 639, 651 and 663, a total of \$1,074,362 is provided as payment in lieu of ad valorem taxation for distribution to local government taxing authorities. Funding is provided as follows: \$269,324 for the Bay Correctional Facility, \$339,242 for the Moore Haven Correctional Facility, \$275,560 for the South Bay Correctional Facility, \$100,000 for the Gadsden Correctional Facility and \$90,236 for the Lake City Correctional Facility. These funds may not be distributed if there are outstanding claims for ad valorem taxes due on the property at issue and may not be distributed until the property is reclassified on the real property and tangible personal property rolls as Government State property back to the date the finance corporation or other state entity acquired the title thereto. These distributions shall be adjusted, with the respect to any facility, to reimburse the Department of Management Services, and any predecessor agency, for the total amounts expended by the state in resisting the imposition of such ad valorem tax claims, including all attorneys' fees and costs actually incurred by the state's agencies.</p>	REVISE

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15	<p>From the funds in Specific Appropriations 639, 651, and 663, the Department of Management Services must ensure all future private prison contracts have explicit conditions that provide for the flexibility to adjust the percentages of special needs inmates to allow for changes in overall state populations of those inmates. Such percentages must be based on Department of Corrections' special needs inmate population forecasts, so that medical and mental healthcare costs are appropriately shared by both private and state prisons. All future private prison contracts must require each private prison vendor to report the same performance measures for inmate programs in private prisons as reported by the Department of Corrections for its comparable public institutions. As part of the private prisons contracting negotiations process, the Department of Corrections must consult with the Department of Management Services and each private prison vendor to establish high, reasonable, and achievable performance standards. All future private prison contracts must require each private prison vendor to develop inmate visitation policies and telephone rates for the private prisons that are consistent with those policies followed by the state's public prisons and encourage inmate family contact, as directed by Florida Statutes. Finally, the Department of Management Services must require all future private prison contracts to adhere to Department of Management Services' established criteria for awarding Privately Operated Institutions Inmate Welfare Trust Fund monies so that Department of Management Services' staff can verify such funds are being used appropriately.</p>	KEEP
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SENATE BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS  
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16	<p>From the funds in Specific Appropriations 639, 651, and 663, the Department of Management Services is directed to execute private prison contract amendments to each operations and management contract for each correctional facility currently under its supervision in order to provide the contractors the maximum flexibility to address recurring reductions in contract amounts. Such contract amendments shall expire on June 30, 2011. The Department of Management Services and the private prison contractors may amend the provisions of the private prison operating contracts limiting correctional officer overtime and part-time hours to be consistent with the overtime and part-time use as permitted by the Department of Corrections and the American Correctional Association standards. The contract amendments may also eliminate deductions for vacant positions as long as the services associated with the position are being provided through the use of overtime or part-time staff. The Department of Management Services may amend the private prison operating contracts to provide for the payment of costs associated with all inmate academic, vocational, behavioral and substance abuse programs from funds in the Privately Operated Institutions Inmate Welfare Trust Fund. Such contract amendments may not negatively affect the Department of Corrections.</p>	REVISE
17	<p>The Department of Corrections may contract through a request for proposal for innovative and cost effective approaches to the financing, construction and operation of private correctional beds and services which can include any and all operations defined and requested by the department, including but not limited to financing, operations, housing, staffing, security, meals, medical care, transportation, education and substance abuse treatment services. The department may consult with other state agencies on the development of this request for proposal. Any resulting contract shall be funded through existing appropriations, and at a minimum provide for per diem costs at a cost of at least seven percent below that for which the department can incarcerate similar inmates. The department shall not implement this section in a manner that reduces participation in existing reentry programs.</p>	KEEP

SENATE BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS  
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18	From the funds provided in Specific Appropriations 603 through 781, the Department of Corrections shall implement an electronic time and attendance system in all four regions through a contract or contracts resulting from a competitive solicitation process in accordance with Chapter 287, Florida Statutes. The department shall report all implementation costs and cost savings projections related to the implementation of the electronic time and attendance system to the Speaker of the House of Representatives and the President of the Senate by March 1, 2010.	REVISE
19	Specific Appropriations 603 through 781 include a reduction of \$24,251,652 in recurring general revenue to close existing facilities in order to open 2,224 adult male correctional facility beds at Blackwater River Correctional Facility on November 1, 2010.	DELETE
20	The Department of Corrections shall provide a transition plan to the chairs of the Full Appropriations Council on General Government & Health Care and the Senate Policy and Steering Committee on Ways and Means no later than July 1, 2010, which includes the list of the facilities to be closed to populate Blackwater River Correctional Facility.	DELETE
21	From the funds in Specific Appropriations 603 through 781 the department shall identify 1,350 adult male custody beds that are medical grades 1 and 2, and also, psychological grades 1 and 2 with an average daily per-diem of \$45.06 and implement cost efficiencies that will reduce the average daily per-diem to \$42. The department may achieve these cost efficiencies by matching the types of inmates to the lowest cost of incarceration, i.e. prisons, work camps, or work release facilities. The department must contract for the operation of these 1,350 beds if necessary to reach the per-diem rate of \$42.	DELETE
22	From the funds in Specific Appropriations 603 through 781 the department shall develop a plan to reduce the operating costs of an additional 6,400 beds by five percent. This plan may use Department of Corrections beds or privatized beds. The department shall provide this plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2010.	REVISE
23	Funds and positions in Specific Appropriations 603 through 724 and 747 through 781 support the state-wide inmate population increase. These funds and positions are sufficient to provide housing and security for 103,478 inmates when fully annualized. Variable expenses, maintenance, and health services funds are provided for an average daily population of 102,552 inmates.	REVISE

SENATE BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS  
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24	Funds and positions in Specific Appropriations 603 through 724 and 747 through 781 are provided to address security needs for the additional prison populations expected in Fiscal Year 2010-2011 as projected by the Criminal Justice Estimating Conference.	REVISE
25	From the funds in Specific Appropriation *****, \$142,900 from recurring General Revenue is provided to the City of Pahokee as a payment in lieu of taxes for the Sago Palm facility.	KEEP
26	From the funds provided in Specific Appropriation *****, the Department of Corrections may spend up to \$400,000 from the General Revenue Fund for a public awareness campaign describing penalties for "10-20-Life" offenses and other criminal offenses.	KEEP
27	Funds provided in Specific Appropriation ***** include \$22,604,737 for the operation of 2,224 adult male beds at Blackwater River Correctional Facility to be operational on November 1, 2010.	DELETE
28	From the funds in Specific Appropriations 686 through 695, the current work release centers (WRCs) operated through the Central Florida Reception Center (Kissimmee, and Orlando WRCs), the South Florida Reception Center (Hollywood, Miami North, and Opa Locka WRCs), Columbia Correctional Institution (Lake City WRC), and Gainesville Correctional Institution (Santa Fe WRC) shall not exceed the per diem rate of \$22.	KEEP
29	Funds in Specific Appropriations 603 through 681 include reductions in recurring general revenue in the amount of \$2,349,757 to accomplish this per diem for 863 current work release beds at these facilities and a total of 600 new beds which have been constructed at some of these facilities. The department must contract for the operation of these 1,463 beds if necessary to reach the per diem rate of \$22. The Department of Corrections must determine whether to contract for the operation of these beds based on its ability to provide the same services required of community providers currently under contract with the department for work release program beds.	REVISE
30	Funds and positions in Specific Appropriation ***** from the Correctional Work Program Trust Fund are provided for interagency contracted services funded by state agencies or local governments. These positions and funds shall be released as needed upon execution of interagency community service squad contract(s).	KEEP
31	From funds in Specific Appropriation *****, \$1,000,000 in recurring general revenue is provided to continue the victim notification system (VINE).	KEEP

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32	<p>Funds in Specific Appropriation ***** are provided for payments required under the master lease purchase agreement used to secure the certificates of participation issued to finance or refinance the following correctional facilities:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 40px;">Bay Correctional Facility.....</td> <td style="text-align: right; padding-left: 20px;">3,434,883</td> </tr> <tr> <td style="padding-left: 40px;">Moore Haven Correctional Facility (Glades County).....</td> <td style="text-align: right; padding-left: 20px;">3,077,871</td> </tr> <tr> <td style="padding-left: 40px;">South Bay Correctional Facility (Palm Beach County).....</td> <td style="text-align: right; padding-left: 20px;">5,058,610</td> </tr> <tr> <td style="padding-left: 40px;">Graceville Correctional Facility (Jackson County).....</td> <td style="text-align: right; padding-left: 20px;">7,509,929</td> </tr> <tr> <td style="padding-left: 40px;">Okeechobee Correctional Institution.....</td> <td style="text-align: right; padding-left: 20px;">3,457,973</td> </tr> <tr> <td style="padding-left: 40px;">Blackwater River Correctional Facility (Santa Rosa County)</td> <td style="text-align: right; padding-left: 20px;">10,716,469</td> </tr> <tr> <td style="padding-left: 40px;">Gadsden Correctional Facility.....</td> <td style="text-align: right; padding-left: 20px;">3,057,308</td> </tr> <tr> <td style="padding-left: 40px;">Lake City Correctional Facility (Columbia County).....</td> <td style="text-align: right; padding-left: 20px;">2,624,085</td> </tr> <tr> <td style="padding-left: 40px;">Demilly Correctional Institution (Polk County).....</td> <td style="text-align: right; padding-left: 20px;">1,392,875</td> </tr> <tr> <td style="padding-left: 40px;">Sago Palm Work Camp (Palm Beach County).....</td> <td style="text-align: right; padding-left: 20px;">1,479,625</td> </tr> <tr> <td style="padding-left: 40px;">Various DOC Facility Projects - Series 2009 B and C Bonds.</td> <td style="text-align: right; padding-left: 20px;">30,584,420</td> </tr> </table>	Bay Correctional Facility.....	3,434,883	Moore Haven Correctional Facility (Glades County).....	3,077,871	South Bay Correctional Facility (Palm Beach County).....	5,058,610	Graceville Correctional Facility (Jackson County).....	7,509,929	Okeechobee Correctional Institution.....	3,457,973	Blackwater River Correctional Facility (Santa Rosa County)	10,716,469	Gadsden Correctional Facility.....	3,057,308	Lake City Correctional Facility (Columbia County).....	2,624,085	Demilly Correctional Institution (Polk County).....	1,392,875	Sago Palm Work Camp (Palm Beach County).....	1,479,625	Various DOC Facility Projects - Series 2009 B and C Bonds.	30,584,420	REVISE
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33	<p>Series 2009 B and C Bonds include various facility construction projects for the following Department of Corrections facilities:</p> <p>Mayo Annex (Lafayette County), Suwannee Annex (Suwannee County), Lowell Reception Center (Marion County), Lancaster Secure Housing Unit (Gilchrist County), Liberty Work Camp (Liberty County), Franklin Work Camp (Franklin County), Cross City Work Camp (Dixie County), Okeechobee Work Camp (Okeechobee County), New River Work Camp (Bradford County), Santa Rosa Work Camp (Santa Rosa County), Hollywood Work Release Center (Broward County), Kissimmee Work Release Center (Osceola County), Lake City Work Release Center (Columbia County), Santa Fe Work Release Center (Alachua County), Everglades Re-Entry Center (Dade County), Baker Re-Entry Center (Baker County), and Pat Thomas Re-Entry Center (Gadsden County).</p>	KEEP																						

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34	<p>Pursuant to sections 944.012(6)(c), 921.00241 and 775.082(11), Florida Statutes, the Office of State Courts Administrator (OSCA) and the Department of Corrections (DOC) shall jointly develop recommendations to enact a statewide Alternative Sentencing Program for new non-violent offenders who would be sentenced to prison, but could be diverted. An offender would be eligible for the program if, at a minimum, his or her primary offense was a third-degree felony; the offender's total sentence points score is between 22.1 and 44 points; the offender has not been convicted or previously convicted of a forcible felony as defined in section 776.08, F.S., excluding any third-degree felony violation under chapter 810, F.S.; and the offender's primary offense does not require a minimum mandatory sentence. This program would be for new convictions and is not intended to be used as an early release initiative. The Alternative Sentencing Program recommendations will include the use of local law enforcement, day reporting centers, community-based services, DOC community correction supervision and Global Positioning Systems (GPS) to track offenders. The OSCA/DOC shall submit its Alternative Sentencing Program's recommendations, including all related costs and savings, to the President of the Senate and the Speaker of the House of Representatives no later than December 1, 2010.</p>	DELETE
35	<p>Funds in Specific Appropriation ***** are provided to continue rent payments for individual private contracts for rental of office/building space at a rate not to exceed the rate for each contract in effect on June 30, 2010. Price level increases are not provided for rent payments for Department of Corrections' private leases in the 2010-11 fiscal year. No other funds are appropriated or shall be transferred by the department for such increases.</p>	REVISE
36	<p>From the funds in Specific Appropriation *****, \$600,000 in recurring general revenue is provided for the Drug Abuse Comprehensive Coordinating Office, Inc. (DACCO) in Hillsborough County.</p>	KEEP
37	<p>Pursuant to sections 944.012(6)(c), 921.00241 and 775.082(11), Florida Statutes, \$700,143 in recurring general revenue is provided in Specific Appropriation ***** for Judicial/DOC pilot programs for offenders who would be sentenced to prison, but could be diverted to appropriate programs which allow the offender to retain community support, access drug treatment and/or employment opportunities while receiving life-skills assistance in a structured environment. These treatment programs may include drug treatment, residential and outpatient treatment programming, day reporting or other services to reduce recidivism.</p>	KEEP



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38	These pilot programs are to be initiated in communities where the local court and Department of Corrections, in conjunction with community stakeholders, agree to implement evidence-based practices and graduated incentives that will result in a reduction in prison admission for that community.	KEEP
39	From funds in Specific Appropriations 747 through 756, the Department of Corrections shall issue an Invitation to Negotiate for dialysis services for Adult Male Custody Operations. To the maximum extent feasible, the department must ensure that the resulting contract benefits Florida's economy and workforce.	DELETE
40	The Department of Corrections shall conduct a study to examine the current use of the 340B Drug Discount Program, and determine if cost savings can be achieved through expanding the department's participation in the program. The department shall report its findings to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 1, 2010.	DELETE
41	From the funds in Specific Appropriation *****, \$100,000 is provided for Hepatitis B vaccinations for inmates.	KEEP
42	The positions in Specific Appropriation ***** are provided for State Attorneys and Public Defenders to use for grants received from counties during Fiscal Year 2010-2011 for the purpose of prosecution of local ordinance violations pursuant to section 27.34, Florida Statutes, or defense of persons accused of violating local ordinances pursuant to section 27.54, Florida Statutes. Such transfers are contingent upon the Justice Administrative Commission notifying the chair of the Senate Policy and Steering Committee on Ways and Means and the chair of the House Full Appropriations Council on General Government and Health Care and the Governor's Office of Policy and Budget. Such notification is subject to the legislative objection provisions of chapter 216, Florida Statutes. Rate may be established for these positions consistent with the salaries provided for in the grant.	KEEP

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43	<p>Funds in Specific Appropriation ***** are provided for attorney fees and case-related expenses associated with prosecuting and defending sexual predator civil commitment cases. Case-related expenses are limited to expert witness fees, clinical evaluations, court reporter costs, and foreign language interpreters. The maximum amount to be paid by the Justice Administrative Commission for medical experts for sexual predator civil commitment cases is \$200 per hour and all related travel costs must be apportioned to the associated case. The Justice Administrative Commission is authorized to pay up to \$5,000 per case for case-related expenses incurred by the State Attorney, the Public Defender, or the criminal conflict and civil regional counsel, or court appointed counsel where there is an ethical conflict, for a combined maximum of \$10,000 for case-related expenses per case, unless the court orders payment of a greater amount. The Justice Administrative Commission shall submit quarterly reports to the chair of the Senate Policy and Steering Committee on Ways and Means and the chair of the House Full Appropriations Council on General Government and Health Care describing, by judicial circuit: requests for payments of case-related expenses received; court orders received directing payment of such expenses; and actual encumbrances and disbursements from this special appropriations category.</p>	KEEP
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44	<p>Funds in Specific Appropriation ***** are provided for the Public Defenders' due process costs as specified in section 29.006, Florida Statutes. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.</p>	REVISE																																								
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45	<p>From the funds credited for use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>1st Judicial Circuit.....</td><td style="text-align: right;">190,611</td></tr> <tr><td>2nd Judicial Circuit.....</td><td style="text-align: right;">323,698</td></tr> <tr><td>3rd Judicial Circuit.....</td><td style="text-align: right;">52,251</td></tr> <tr><td>6th Judicial Circuit.....</td><td style="text-align: right;">103,493</td></tr> <tr><td>7th Judicial Circuit.....</td><td style="text-align: right;">37,310</td></tr> <tr><td>8th Judicial Circuit.....</td><td style="text-align: right;">83,798</td></tr> <tr><td>9th Judicial Circuit.....</td><td style="text-align: right;">481,878</td></tr> <tr><td>10th Judicial Circuit.....</td><td style="text-align: right;">68,975</td></tr> <tr><td>11th Judicial Circuit.....</td><td style="text-align: right;">121,996</td></tr> <tr><td>12th Judicial Circuit.....</td><td style="text-align: right;">153,205</td></tr> <tr><td>13th Judicial Circuit.....</td><td style="text-align: right;">784,106</td></tr> <tr><td>14th Judicial Circuit.....</td><td style="text-align: right;">134,089</td></tr> <tr><td>15th Judicial Circuit.....</td><td style="text-align: right;">93,646</td></tr> <tr><td>16th Judicial Circuit.....</td><td style="text-align: right;">74,983</td></tr> <tr><td>17th Judicial Circuit.....</td><td style="text-align: right;">60,851</td></tr> </table>	1st Judicial Circuit.....	190,611	2nd Judicial Circuit.....	323,698	3rd Judicial Circuit.....	52,251	6th Judicial Circuit.....	103,493	7th Judicial Circuit.....	37,310	8th Judicial Circuit.....	83,798	9th Judicial Circuit.....	481,878	10th Judicial Circuit.....	68,975	11th Judicial Circuit.....	121,996	12th Judicial Circuit.....	153,205	13th Judicial Circuit.....	784,106	14th Judicial Circuit.....	134,089	15th Judicial Circuit.....	93,646	16th Judicial Circuit.....	74,983	17th Judicial Circuit.....	60,851	KEEP
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46	<p>Funds in Specific Appropriation ***** are provided for case fees and expenses of court-appointed counsel in civil conflict cases and child dependency cases. The Justice Administrative Commission shall submit quarterly reports of these case payments to the chair of the Senate Policy and Steering Committee on Ways and Means and the chair of the House Full Appropriations Council on General Government and Health Care, by judicial circuit, which shall include, but not be limited to: information on requests for payments received; court orders received directing payment; and actual encumbrances and disbursements and performance measures for court appointed counsel including: average time to complete cases by case type; number of bar complaints for state paid cases; percent of initial invoices to the Justice Administrative Commission that are rejected; percent of initial invoices filed with the Justice Administrative Commission within 90 days after closure of the case; number of cases by type; and total cost per case by type from this special appropriations category.</p>	KEEP																														

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47	<p>The maximum flat fee to be paid by the Justice Administrative Commission for attorney fees for the following dependency and civil cases is set as follows:</p>	KEEP																																																															
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 85%;">ADMISSION OF INMATE TO MENTAL HEALTH FACILITY.....</td> <td style="width: 10%; text-align: right;">300</td> <td></td> </tr> <tr> <td>ADULT PROTECTIVE SERVICES ACT - Ch. 415, F.S.....</td> <td style="text-align: right;">500</td> <td></td> </tr> <tr> <td>BAKER ACT/MENTAL HEALTH - Ch. 394, F.S.....</td> <td style="text-align: right;">400</td> <td></td> </tr> <tr> <td>CINS/FINS - Ch. 984, F.S.....</td> <td style="text-align: right;">750</td> <td></td> </tr> <tr> <td>CIVIL APPEALS.....</td> <td style="text-align: right;">400</td> <td></td> </tr> <tr> <td>DEPENDENCY - Up to 1 Year.....</td> <td style="text-align: right;">800</td> <td></td> </tr> <tr> <td>DEPENDENCY - Each Year after 1st Year.....</td> <td style="text-align: right;">200</td> <td></td> </tr> <tr> <td>DEPENDENCY APPEALS.....</td> <td style="text-align: right;">2,000</td> <td></td> </tr> <tr> <td>DEVELOPMENTALLY DISABLED ADULT - Ch. 393, F.S.....</td> <td style="text-align: right;">400</td> <td></td> </tr> <tr> <td>EMANCIPATION - Section 743.015, F.S.....</td> <td style="text-align: right;">400</td> <td></td> </tr> <tr> <td>GUARDIANSHIP - EMERGENCY - Ch. 744, F.S.....</td> <td style="text-align: right;">400</td> <td></td> </tr> <tr> <td>GUARDIANSHIP - Ch. 744, F.S.....</td> <td style="text-align: right;">400</td> <td></td> </tr> <tr> <td>MARCHMAN ACT/SUBSTANCE ABUSE - Ch. 397, F.S.....</td> <td style="text-align: right;">300</td> <td></td> </tr> <tr> <td>MEDICAL PROCEDURES - Section 394.459(3), F.S.....</td> <td style="text-align: right;">400</td> <td></td> </tr> <tr> <td>PARENTAL NOTIFICATION OF ABORTION ACT.....</td> <td style="text-align: right;">400</td> <td></td> </tr> <tr> <td>TERMINATION OF PARENTAL RIGHTS - Ch. 39, F.S. - Up to 1 Year.....</td> <td style="text-align: right; vertical-align: bottom;">1,000</td> <td></td> </tr> <tr> <td>TERMINATION OF PARENTAL RIGHTS - Ch. 39, F.S. - Each Year after 1st Year.....</td> <td style="text-align: right; vertical-align: bottom;">200</td> <td></td> </tr> <tr> <td>TERMINATION OF PARENTAL RIGHTS - Ch. 63, F.S. - Up to 1 year</td> <td style="text-align: right;">1,000</td> <td></td> </tr> <tr> <td>TERMINATION OF PARENTAL RIGHTS - Ch. 63, F.S. - Each Year after 1st Year.....</td> <td style="text-align: right; vertical-align: bottom;">200</td> <td></td> </tr> <tr> <td>TERMINATION OF PARENTAL RIGHTS APPEALS.....</td> <td style="text-align: right;">2,000</td> <td></td> </tr> <tr> <td>TUBERCULOSIS - Ch. 392, F.S.....</td> <td style="text-align: right;">300</td> <td></td> </tr> </table>	ADMISSION OF INMATE TO MENTAL HEALTH FACILITY.....	300		ADULT PROTECTIVE SERVICES ACT - Ch. 415, F.S.....	500		BAKER ACT/MENTAL HEALTH - Ch. 394, F.S.....	400		CINS/FINS - Ch. 984, F.S.....	750		CIVIL APPEALS.....	400		DEPENDENCY - Up to 1 Year.....	800		DEPENDENCY - Each Year after 1st Year.....	200		DEPENDENCY APPEALS.....	2,000		DEVELOPMENTALLY DISABLED ADULT - Ch. 393, F.S.....	400		EMANCIPATION - Section 743.015, F.S.....	400		GUARDIANSHIP - EMERGENCY - Ch. 744, F.S.....	400		GUARDIANSHIP - Ch. 744, F.S.....	400		MARCHMAN ACT/SUBSTANCE ABUSE - Ch. 397, F.S.....	300		MEDICAL PROCEDURES - Section 394.459(3), F.S.....	400		PARENTAL NOTIFICATION OF ABORTION ACT.....	400		TERMINATION OF PARENTAL RIGHTS - Ch. 39, F.S. - Up to 1 Year.....	1,000		TERMINATION OF PARENTAL RIGHTS - Ch. 39, F.S. - Each Year after 1st Year.....	200		TERMINATION OF PARENTAL RIGHTS - Ch. 63, F.S. - Up to 1 year	1,000		TERMINATION OF PARENTAL RIGHTS - Ch. 63, F.S. - Each Year after 1st Year.....	200		TERMINATION OF PARENTAL RIGHTS APPEALS.....	2,000		TUBERCULOSIS - Ch. 392, F.S.....	300		
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48	<p>Funds in Specific Appropriation ***** are provided for case fees as specified in section 27.5304, Florida Statutes, and expenses as specified in section 29.007, Florida Statutes, of court-appointed counsel for indigent criminal defendants and for due process costs for those individuals the court finds indigent for costs. The Justice Administrative Commission shall submit quarterly reports of criminal conflict case payments and performance measures for court-appointed counsel including: average time to complete cases by case type, number of bar complaints for state paid cases, percent of initial invoices to the Justice Administrative Commission that are rejected; percent of initial invoices filed with the Justice Administrative Commission within 90 days after closure of the case; number of cases by type; and total cost per case by type to the chair of the Senate Policy and Steering Committee on Ways and Means and the chair of the House Full Appropriations Council on General Government and Health Care by judicial circuit.</p>	KEEP
49	<p>From the funds in Specific Appropriation *****, a total of \$216,934 shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Courts Administrator on behalf of the circuit courts operating shared court reporting and interpreter services.</p>	KEEP

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50	<p>The maximum flat fee to be paid by the Justice Administrative Commission for attorney fees for criminal conflict cases is set as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">POSTCONVICTION - Sections 3.850 and 3.800, F.S.....</td> <td style="text-align: right; padding-right: 20px;">1,000</td> </tr> <tr> <td style="padding-left: 20px;">CAPITAL - 1ST DEGREE MURDER (LEAD COUNSEL).....</td> <td style="text-align: right; padding-right: 20px;">15,000</td> </tr> <tr> <td style="padding-left: 20px;">CAPITAL - 1ST DEGREE MURDER (CO-COUNSEL).....</td> <td style="text-align: right; padding-right: 20px;">15,000</td> </tr> <tr> <td style="padding-left: 20px;">CAPITAL SEXUAL BATTERY.....</td> <td style="text-align: right; padding-right: 20px;">2,000</td> </tr> <tr> <td style="padding-left: 20px;">CAPITAL APPEALS.....</td> <td style="text-align: right; padding-right: 20px;">2,000</td> </tr> <tr> <td style="padding-left: 20px;">CONTEMPT PROCEEDINGS.....</td> <td style="text-align: right; padding-right: 20px;">400</td> </tr> <tr> <td style="padding-left: 20px;">CRIMINAL TRAFFIC.....</td> <td style="text-align: right; padding-right: 20px;">400</td> </tr> <tr> <td style="padding-left: 20px;">EXTRADITION.....</td> <td style="text-align: right; padding-right: 20px;">500</td> </tr> <tr> <td style="padding-left: 20px;">FELONY - LIFE.....</td> <td style="text-align: right; padding-right: 20px;">2,500</td> </tr> <tr> <td style="padding-left: 20px;">FELONY - PUNISHABLE BY LIFE.....</td> <td style="text-align: right; padding-right: 20px;">2,000</td> </tr> <tr> <td style="padding-left: 20px;">FELONY 1ST DEGREE.....</td> <td style="text-align: right; padding-right: 20px;">1,500</td> </tr> <tr> <td style="padding-left: 20px;">FELONY 2ND DEGREE.....</td> <td style="text-align: right; padding-right: 20px;">1,000</td> </tr> <tr> <td style="padding-left: 20px;">FELONY 3RD DEGREE.....</td> <td style="text-align: right; padding-right: 20px;">750</td> </tr> <tr> <td style="padding-left: 20px;">FELONY APPEALS.....</td> <td style="text-align: right; padding-right: 20px;">1,500</td> </tr> <tr> <td style="padding-left: 20px;">JUVENILE DELINQUENCY - 1ST DEGREE FELONY.....</td> <td style="text-align: right; padding-right: 20px;">600</td> </tr> <tr> <td style="padding-left: 20px;">JUVENILE DELINQUENCY - 2ND DEGREE.....</td> <td style="text-align: right; padding-right: 20px;">400</td> </tr> <tr> <td style="padding-left: 20px;">JUVENILE DELINQUENCY - 3RD DEGREE.....</td> <td style="text-align: right; padding-right: 20px;">300</td> </tr> <tr> <td style="padding-left: 20px;">JUVENILE DELINQUENCY - FELONY LIFE.....</td> <td style="text-align: right; padding-right: 20px;">700</td> </tr> <tr> <td style="padding-left: 20px;">JUVENILE DELINQUENCY - MISDEMEANOR.....</td> <td style="text-align: right; padding-right: 20px;">300</td> </tr> <tr> <td style="padding-left: 20px;">JUVENILE DELINQUENCY APPEALS.....</td> <td style="text-align: right; padding-right: 20px;">1,000</td> </tr> <tr> <td style="padding-left: 20px;">MISDEMEANOR.....</td> <td style="text-align: right; padding-right: 20px;">400</td> </tr> <tr> <td style="padding-left: 20px;">MISDEMEANOR APPEALS.....</td> <td style="text-align: right; padding-right: 20px;">750</td> </tr> <tr> <td style="padding-left: 20px;">VIOLATION OF PROBATION - FELONY (INCLUDES VOCC).....</td> <td style="text-align: right; padding-right: 20px;">500</td> </tr> <tr> <td style="padding-left: 20px;">VIOLATION OF PROBATION - MISDEMEANOR (INCLUDES VOCC).....</td> <td style="text-align: right; padding-right: 20px;">300</td> </tr> <tr> <td style="padding-left: 20px;">VIOLATION OF PROBATION (VOCC) JUVENILE DELINQUENCY.....</td> <td style="text-align: right; padding-right: 20px;">300</td> </tr> </table>	POSTCONVICTION - Sections 3.850 and 3.800, F.S.....	1,000	CAPITAL - 1ST DEGREE MURDER (LEAD COUNSEL).....	15,000	CAPITAL - 1ST DEGREE MURDER (CO-COUNSEL).....	15,000	CAPITAL SEXUAL BATTERY.....	2,000	CAPITAL APPEALS.....	2,000	CONTEMPT PROCEEDINGS.....	400	CRIMINAL TRAFFIC.....	400	EXTRADITION.....	500	FELONY - LIFE.....	2,500	FELONY - PUNISHABLE BY LIFE.....	2,000	FELONY 1ST DEGREE.....	1,500	FELONY 2ND DEGREE.....	1,000	FELONY 3RD DEGREE.....	750	FELONY APPEALS.....	1,500	JUVENILE DELINQUENCY - 1ST DEGREE FELONY.....	600	JUVENILE DELINQUENCY - 2ND DEGREE.....	400	JUVENILE DELINQUENCY - 3RD DEGREE.....	300	JUVENILE DELINQUENCY - FELONY LIFE.....	700	JUVENILE DELINQUENCY - MISDEMEANOR.....	300	JUVENILE DELINQUENCY APPEALS.....	1,000	MISDEMEANOR.....	400	MISDEMEANOR APPEALS.....	750	VIOLATION OF PROBATION - FELONY (INCLUDES VOCC).....	500	VIOLATION OF PROBATION - MISDEMEANOR (INCLUDES VOCC).....	300	VIOLATION OF PROBATION (VOCC) JUVENILE DELINQUENCY.....	300	KEEP
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51	<p>The maximum amount to be paid by the Justice Administrative Commission for non-attorney due process services other than those specified, shall not exceed the rates in effect for the 2007-2008 fiscal year.</p>	KEEP																																																		

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52	<p>The maximum amount to be paid by the Justice Administrative Commission for investigators for criminal conflict cases is \$40 per hour. The maximum amount to be paid for court reporting and transcribing costs for criminal conflict cases is as follows:</p> <ol style="list-style-type: none"><li>1. Depositions Appearance fees: 1st hour: \$50.00; thereafter \$25.00 per hour</li><li>2. Deposition transcript fee (Original &amp; one copy): 10 business day delivery: \$2.95 per page 5 business day delivery: \$5.00 per page 24 hours delivery: \$7.00 per page Additional copies: \$1.00 per page</li><li>3. Appellate/hearing transcript fee (Original &amp; all copies needed with minimum 2): 10 business day delivery: \$3.95 per page 5 business day delivery: \$6.00 per page 24 hours delivery: \$8.00 per page Copies (when original previously ordered): \$1.00 per page.</li><li>4. Transcription from tapes or audio recordings (other than depositions or hearings): Either \$35 per hour listening fee or \$3.00 per page whichever is greater.</li><li>5. Video Services: \$100 per hour per location.</li></ol> <p>When a defense attorney orders a transcript, the court reporter shall bill either the number of pages for the transcript or the applicable appearance or listening fee, whichever is greater.</p>	KEEP
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53	<p>Funds in Specific Appropriation ***** are provided for the State Attorneys' due process costs as specified in section 29.005, Florida Statutes. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.</p>	REVISE																																								
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54	<p>From the funds credited for the use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 80%;">1st Judicial Circuit.....</td><td style="text-align: right;">18,232</td></tr> <tr><td>2nd Judicial Circuit.....</td><td style="text-align: right;">16,650</td></tr> <tr><td>3rd Judicial Circuit.....</td><td style="text-align: right;">10,456</td></tr> <tr><td>6th Judicial Circuit.....</td><td style="text-align: right;">25,443</td></tr> <tr><td>7th Judicial Circuit.....</td><td style="text-align: right;">12,818</td></tr> <tr><td>8th Judicial Circuit.....</td><td style="text-align: right;">21,937</td></tr> <tr><td>9th Judicial Circuit.....</td><td style="text-align: right;">26,007</td></tr> <tr><td>10th Judicial Circuit.....</td><td style="text-align: right;">3,980</td></tr> <tr><td>11th Judicial Circuit.....</td><td style="text-align: right;">426,986</td></tr> <tr><td>12th Judicial Circuit.....</td><td style="text-align: right;">19,650</td></tr> <tr><td>13th Judicial Circuit.....</td><td style="text-align: right;">45,716</td></tr> <tr><td>15th Judicial Circuit.....</td><td style="text-align: right;">61,252</td></tr> <tr><td>16th Judicial Circuit.....</td><td style="text-align: right;">4,315</td></tr> <tr><td>17th Judicial Circuit.....</td><td style="text-align: right;">20,081</td></tr> </table>	1st Judicial Circuit.....	18,232	2nd Judicial Circuit.....	16,650	3rd Judicial Circuit.....	10,456	6th Judicial Circuit.....	25,443	7th Judicial Circuit.....	12,818	8th Judicial Circuit.....	21,937	9th Judicial Circuit.....	26,007	10th Judicial Circuit.....	3,980	11th Judicial Circuit.....	426,986	12th Judicial Circuit.....	19,650	13th Judicial Circuit.....	45,716	15th Judicial Circuit.....	61,252	16th Judicial Circuit.....	4,315	17th Judicial Circuit.....	20,081	KEEP
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55	<p>Funds in Specific Appropriation ***** are provided to pay for criminal conflict, dependency and other civil cases for which appointment was made during Fiscal Years 2004-2005, 2005-2006, and 2006-2007.</p>	KEEP																												
56	<p>From the funds provided in Specific Appropriation *****, the State Attorneys and Public Defenders shall transfer cash from their Grants and Donations Trust Fund, Child Support Enforcement Trust Fund, and Indigent Criminal Defense Trust Fund in proportion to their positions funded from these sources to the Justice Administrative Commission to pay the Human Resources Services contract in the Department of Management Services.</p>	KEEP																												
57	<p>Funds and positions in Specific Appropriations ***** through 812A, shall first be used to represent children involved in dependency proceedings. Once all children in dependency proceedings are represented, the funds may be used to represent children in other proceedings as authorized by law.</p>	KEEP																												

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58	The budget for each clerk of court and the approved unit costs required under section 28.36, F.S., for the state fiscal year 2010-2011 are contained in the document entitled "2010-2011 Clerk of Court Unit Cost Budget" dated April 21, 2010, and on file with the Secretary of the Senate and the Clerk of the House of Representatives. This document is hereby incorporated by reference into the 2010-2011 General Appropriations Act.	REVISE
59	From the funds in Specific Appropriation *****, the clerks of court shall accelerate the implementation of the electronic filing requirements of section 16 of chapter 2009-61, Laws of Florida, by implementing five of the ten trial court divisions by January 1, 2011. The ten divisions are defined pursuant to subsection 28.36, (3), Florida Statutes.	REVISE
60	The Prosecution Coordination Office's budgeting, training, and education needs may be funded by each State Attorney's office within the funds provided in Specific Appropriations 820 through 960. Funding for this office shall not exceed \$200,000 in general revenue and \$200,000 from the Grants and Donations Trust Fund.	REVISE
61	From the funds in Specific Appropriations 820 through 960, the Florida Prosecuting Attorneys Association (FPAA) shall review its funding formula and current recurring funding levels of the 20 state attorneys, including both general revenue and trust funds. The review shall compare the recurring funding levels of each state attorney in the 2010-11 fiscal year, to a model which redistributes this level of funding among the state attorneys using the current criteria in the FPAA formula. The review shall also examine state attorney funding per capita, and per case, and the association shall report the findings and any recommendations necessary to correct any funding inequities should they exist, to the President of the Senate and the Speaker of the House of Representatives by January 1, 2011.	DELETE
62	From the positions and funds provided in Specific Appropriation *****, two full-time equivalent positions with associated rate of 95,646 and \$138,618 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.	KEEP
63	From the positions and funds provided in Specific Appropriation *****, five full-time equivalent positions with associated salary rate of 268,146 and \$388,617 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.	KEEP
64	From the positions and funds provided in Specific Appropriation *****, two full-time equivalent positions with associated salary rate of 97,386 and \$141,134 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.	KEEP

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65	<p>Additionally, four full-time equivalent positions with associated salary rate of 192,169 and \$278,507 from the Grants and Donations Trust Fund are provided solely for prosecution of workers compensation insurance fraud. This transfer authority may not be used to fund attorneys and paralegals that prosecute crimes other than workers compensation insurance fraud.</p>	KEEP
66	<p>From the positions and funds provided in Specific Appropriation *****, two full-time equivalent positions with associated salary rate of 109,446 and \$158,617 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.</p>	KEEP
67	<p>From the positions and funds provided in Specific Appropriation *****, two full-time equivalent positions with associated rate of 95,646 and \$138,618 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.</p>	KEEP
68	<p>From the positions and funds provided in Specific Appropriation *****, two full-time equivalent positions with associated rate of 95,646 and \$138,618 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.</p>	KEEP
69	<p>The Public Defenders Coordination Office's budgeting needs may be funded by each Public Defender's office within the funds provided in Specific Appropriations 961 through 1073. The total funding for this office shall not exceed \$200,000 in general revenue and \$200,000 from the Indigent Criminal Defense Trust Fund.</p>	REVISE
70	<p>From the funds in Specific Appropriations 961 through 1073, the Florida Public Defenders Association (FPDA) shall review its funding formula and current recurring funding levels of the 20 public defenders, including both general revenue and trust funds. The review shall compare the recurring funding levels of each public defender in the 2010-11 fiscal year, to a model which redistributes this level of funding among the public defenders using the current criteria in the FPDA formula. The review shall also examine public defender funding per capita, and per case, and the association shall report the findings and any recommendations necessary to correct any funding inequities should they exist, to the President of the Senate and the Speaker of the House of Representatives by January 1, 2011.</p>	DELETE

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71	<p>From the funds in Specific Appropriations 1118 through 1200, each provider who contracts with the Department of Juvenile Justice shall provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents shall include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.</p>	KEEP
72	<p>From the funds in Specific Appropriations 1118 through 1200, the Department of Juvenile Justice shall establish a performance accountability system for each provider who contracts with the department for the delivery of services to children at-risk of future involvement in the criminal justice system, as determined by the department. The contract shall include both output measures, such as the number of children served, and outcome measures, such as program completion. The contractor shall report performance results annually to the department. The department's inspector general shall summarize performance results from all contracts and report the information annually to the Legislature.</p>	KEEP
73	<p>From the funds in Specific Appropriations 1118 through 1200, the Department of Juvenile Justice is directed to withhold funds from contract payments to any provider if that provider failed to comply with contract requirements that it maintain property insurance and if the failure to do so resulted in uninsured losses. The amount withheld shall not exceed the amount of the uninsured loss and may be reduced by other remedial actions agreed upon by the department and the provider.</p>	KEEP
74	<p>From the funds in Specific Appropriations 1118 through 1200, the Department of Juvenile Justice must before implementing any departmental reorganization plans, submit its proposal to the Governor's Office of Policy and Budget and to the Legislative Budget Commission for approval.</p>	KEEP
75	<p>Funds in Specific Appropriations 1118 through 1200 shall not be used to pay for unoccupied space currently being leased by the Department of Juvenile Justice in the event the leases are vacant on or after July 1, 2010, and for which it has been determined by the Secretary of the department that there is no longer a need.</p>	REVISE

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76	<p>By September 1, 2010, the Department of Juvenile Justice shall execute a service level agreement, pursuant to section 282.203(1)(g), Florida Statutes, to specify the services and levels of services it is to receive from the Northwood Shared Resource Center (NSRC). If the department is unable to complete and execute a service level agreement by that date, the department shall submit a report to the Executive Office of the Governor and to the chairs of the Full Appropriations Council on General Government &amp; Health Care and Senate Policy and Steering Committee on Ways and Means within five working days, explaining the specific issues preventing execution and describing the department's plan and schedule for resolving those issues.</p>	DELETE
77	<p>Beginning July 1, 2010, the department shall have one trustee with one vote on the NSRC Board of Trustees during Fiscal Year 2010-2011.</p>	DELETE
78	<p>From the funds in Specific Appropriations 1118 through 1126, the department may contract for services consistent with the department's Juvenile Detention Alternative Initiative (JDAI) and the Annie E. Casey Foundation to divert youth from secure detention to alternative community based services. These services should be designed using in-home and community advocacy to reduce the need for more expensive restrictive placements, build community capacity to reduce recidivism, create supported work opportunities for youth, and improve community safety.</p>	KEEP
79	<p>From the funds in Specific Appropriation *****, the Department of Juvenile Justice, no earlier than May 15, 2011, shall remit payment for any outstanding food service invoices for services provided after July 1, 2001. The monetary amount of any such payments must be consistent with the amount set forth in the settlement agreement between the Department of Juvenile Justice, the Department of Management Services, the Department of Financial Services, Compass Group USA, Inc., and Trinity Services Group, Inc.; and must be made from the department's excess food products appropriation category from funds that would otherwise revert pursuant to section 216.301, Florida Statutes. The payment of any outstanding food service invoices shall not diminish the quality or quantity of any meals currently being served by the department or private provider.</p>	DELETE

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80	<p>From the funds in Specific Appropriation *****, the Prodigy Program shall include at least two of the four at-risk domains of the Department of Juvenile Justice's risk factors when placing a youth into a prevention, intervention or diversion program. In addition, each youth who enters the program shall be tracked by the department's Juvenile Justice Information System (JJIS) or Prevention Web system. In addition, the Prodigy Program shall contract with a consultant to track arrests or re-arrests for prevention, intervention, and diversion youth for twelve months after completing the program and submit the results to the department semi-annually.</p>	KEEP
81	<p>Funds in Specific Appropriation ***** are provided for the redirection program subject to the requirements and limitations in effect during Fiscal Year 2009-2010. The program may serve youth who are before the court for a non-violent 3rd degree felony and who the judge determines would otherwise require residential commitment. Treatment services shall be evidenced-based family therapy for youth for whom these services are appropriate. Youth at risk of commitment are eligible for evidenced-based family therapy services. These services are to be provided as an alternative to commitment. No child may be served by the redirections program that has ever been adjudicated delinquent, or had adjudication withheld, of any violent crime, except for females adjudicated delinquent for domestic violence, any 1st degree felony or any felony direct-filed in adult court. The department and each participating court shall jointly develop criteria to identify youth appropriate for diversion into this program pursuant to the expanded eligibility criteria provided herein.</p>	REVISE
82	<p>From the funds in Specific Appropriation *****, the Department of Juvenile Justice shall transfer up to \$2,000,000 from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children eligible for specialized mental health services.</p>	REVISE

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83	<p>From the funds in Specific Appropriations 1166 through 1188 , the department shall provide a weekly residential resource utilization report that identifies operating capacity, current placements, vacant placements, number of youth waiting placement and the percent of use for all residential commitment beds. The department may increase or decrease beds or overlay services provided that the change will better serve taxpayers and the youth under its care. Notification and justification of changes will be provided to the Governor's Office of Policy and Budget, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care prior to implementing any change.</p>	KEEP
84	<p>From the funds in Specific Appropriations 1166 through 1188, for determining the most appropriate bed reductions in each level of residential commitments, the department may consider those residential commitment programs, if necessary, which have scored below 72 on the overall program score represented in the Comprehensive Accountability Report. The department may also consider programs that are underutilized, those that provide services for which there is a less critical need and other relevant performance measures in determining which level of residential beds should be reduced. Should reductions involve state-operated programs, the department is authorized to submit a budget amendment in accordance with all applicable provisions of chapter 216, Florida Statutes, to transfer positions and funds as necessary to accomplish the reduction of beds. The department shall apply identical criteria in determining whether bed reductions come from contracted or state-operated beds.</p>	KEEP
85	<p>Prior to any change authorized herein, notification and justification must be provided to the Governor's Office of Policy and Budget, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care.</p>	KEEP



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86	From the funds in Specific Appropriations 1177 through 1187, the Community Advisory Board at the Dozier School for Boys, as established under section 63E-7(11)(a) Florida Administrative Code, with the participation of the Guardian Ad Litem Program in the 14th Judicial Circuit, shall prepare an annual report to the Legislature to be submitted to the Governor, President of the Senate and the Speaker of the House of Representatives by February 1, 2011. The report shall include a summary of all monitoring activities conducted during the review period including the type and scope of each activity, the findings related to each activity, and action taken to correct any deficiencies. The report shall also include a summary of outcomes related to specific performance indicators, as well as an overview of plans, activities and outcomes related to specific program goals and objectives.	DELETE
87	From the funds in Specific Appropriation *****, \$650,415 from recurring general revenue is provided to the PAR Adolescent Intervention Center (PAIC) Pasco.	KEEP
88	From the funds in Specific Appropriation *****, \$1,000,000 from nonrecurring general revenue is provided to develop a pilot program to provide jobs to at-risk youth. The department shall contract with non-profit or faith-based organizations that have experience in providing services to at-risk youth and community involvement in the counties of Pinellas, Hillsborough, Manatee and Sarasota.	DELETE
89	From the funds in Specific Appropriation *****, the Department of Juvenile Justice shall not expend more than \$150,000 in recurring general revenue for physically secure placements for youths being served by the Children-In-Need of Services/Families-In-Need of Services (CINS/FINS) program.	KEEP
90	Additionally, the CINS/FINS provider shall demonstrate that it has considered local, non-traditional, non-residential delinquency prevention service providers including, but not limited to, grassroots organizations, community, and faith-based organizations, to subcontract and deliver non-residential CINS/FINS services to eligible youth as defined in chapters 984 and 1003.27, F.S., to include areas with high ratios of juvenile arrests per youth ages 10 to 17. Such services may be offered throughout the judicial circuit served by the CINS/FINS provider.	KEEP

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91	From the funds in Specific Appropriation *****, the Department of Law Enforcement is authorized to distribute 10,000 rape kits to local law enforcement agencies and rape crisis centers statewide at no cost. In addition, the department is authorized to use additional federal funds and any other available funds contained in Specific Appropriation ***** for the purpose of processing rape kits, including the backlog of non-suspect rape cases.	KEEP
92	From the funds provided in Specific Appropriation ***** from the Forfeiture and Investigative Support Trust Fund, up to \$25,000 per case, but not exceeding \$150,000 in total for all cases, may be expended for rewards leading to the capture of fugitives, if such funds are available.	KEEP
93	From the funds in Specific Appropriations 1318 and 1319, \$223,349 from the Federal Grants Trust Fund is provided for the Child Predator Cybercrime Unit from Internet Crimes Against Children (ICAC) Task Force Program grants funded in the American Recovery and Reinvestment Act of 2009.	DELETE
94	The positions in Specific Appropriation ***** shall be released as necessary to allow the Office of the Attorney General to contract with state agencies to provide legal representation.	KEEP
95	From the funds in Specific Appropriation *****, the department shall consult and contract with, as necessary, outside counsel specializing in impact fee litigation for assistance with Case No. 2010 CA 0478 in the Second Judicial Circuit of Florida.	KEEP
96	From the funds in Specific Appropriation *****, the Attorney General is directed to give priority to the payment of claims for forensic examinations for victims of sexual assault.	KEEP
97	From the funds in Specific Appropriation *****, \$250,000 in nonrecurring general revenue is provided to the Florida Council Against Sexual Violence. At least 95 percent of the funds provided shall be distributed to certified rape crisis centers to provide services statewide for victims of sexual assault.	REVISE
98	From the funds in Specific Appropriation *****, \$50,000 in nonrecurring general revenue is provided for the Cuban American Bar Association Pro Bono Project.	DELETE

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99	<p>From the funds in Specific Appropriation *****, the Parole Commission shall conduct a study and provide the following to the Governor's Office of Policy and Budget, the President of the Senate and the Speaker of the House of Representatives by October 1, 2010:</p> <ol style="list-style-type: none"> <li>1. A valid determination of the exact number of pending Restoration of Civil Rights (RCR) cases existing on July 1, 2010, along with a full explanation of the methodology used to determine the pending number of cases. Data must include total cases received for each of the past five years, the total number of cases processed for each of the past five years, and the total number of cases received or pending but not processed for each of the past five years;</li> <li>2. A continuation plan including measures that continue to simplify application forms and processes by using readily available data from existing automated systems;</li> <li>3. Identification of all existing resources, workload, job descriptions, and internal business procedures for clemency activities. This information must be reported in a manner that allows for isolation of resources allocated to the RCR process. The information must also be sufficient to account for each step in the process to complete the review of RCR without a hearing; and</li> <li>4. Proposed criteria, developed by case type, to use in defining and classifying case backlogs which shall be based upon a reasonable length of time for the normal processing of cases.</li> </ol>	KEEP
100	<p>The moneys contained herein are appropriated from the named funds to the State Courts System as the amounts to be used to pay salaries, other operational expenditures and fixed capital outlay.</p>	KEEP
101	<p>Funds in Specific Appropriation ***** may be spent at the discretion of the Chief Justice to carry out the official duties of the court. These funds shall be disbursed by the Chief Financial Officer upon receipt of vouchers authorized by the Chief Justice.</p>	KEEP

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102	From the funds in Specific Appropriation *****, \$94,579 is provided from the Mediation and Arbitration Trust Fund for the creation of an Innocence Commission to study the causes of wrongful conviction and subsequent incarceration.	REVISE
103	From the funds in Specific Appropriation *****, \$35,905 is provided from the Mediation and Arbitration Trust Fund for the creation of an Innocence Commission to study the causes of wrongful conviction and subsequent incarceration.	KEEP
104	From the funds in Specific Appropriation *****, \$65,138 is provided from the Mediation and Arbitration Trust Fund for the creation of an Innocence Commission to study the causes of wrongful conviction and subsequent incarceration.	REVISE
105	From the funds in Specific Appropriation *****, \$4,000 is provided from the Mediation and Arbitration Trust Fund for the creation of an Innocence Commission to study the causes of wrongful conviction and subsequent incarceration.	REVISE
106	The positions authorized in Specific Appropriation ***** shall be held in reserve as a contingency in the event the state courts determine that some portion of Article V due process services needs to be shifted from a contractual basis to an employee model in one or more judicial circuits. The Chief Justice of the Supreme Court may request transfer of these positions to the salaries and benefits appropriation category within any of the state courts budget entities, consistent with requests for transfers of funds into those same budget entities. Such transfers are subject to the notice, review, and objection provisions of section 216.177, Florida Statutes.	KEEP
107	From the funds in Specific Appropriation *****, the state courts system shall accelerate the implementation of the electronic filing requirements of section 16 of chapter 2009-61, Laws of Florida, by implementing five of the ten trial court divisions by January 1, 2011. The ten divisions are defined pursuant to subsection 28.36 (3), Florida Statutes.	REVISE
108	Funds in Specific Appropriation ***** are provided for transfer for Civil Legal Assistance established pursuant to sections 68.094 through 68.105, Florida Statutes, to assist with foreclosure prevention and assist Florida homeowners to benefit from federal foreclosure prevention programs. Funds shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Department of Community Affairs.	DELETE

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109	<p>Funds in Specific Appropriation ***** are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney's fees, court reporting fees, investigators' fees, and similar charges associated with the adjudicatory process.</p>	KEEP
110	<p>SECTION 123. (a) The sum of \$430,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Justice Administrative Commission for the purpose of paying Sexual Predator Civil Commitment Litigation costs.</p> <p>(b) The sum of \$2,350,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Justice Administrative Commission for the purpose of paying Public Defender Due Process costs.</p> <p>(c) The sum of \$1,300,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Justice Administrative Commission for the purpose of paying Child Dependency and Civil Conflict Case costs.</p> <p>(d) The sum of \$2,600,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Justice Administrative Commission for the purpose of paying Criminal Conflict Case costs.</p> <p>(e) The sum of \$1,200,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Justice Administrative Commission for the purpose of paying State Attorney Due Process costs.</p> <p>(f) The sum of \$1,500,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Justice Administrative Commission for the purpose of paying Criminal Conflict and Dependency Counsel Liability costs.</p> <p>(g) The sum of \$620,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Justice Administrative Commission for the purpose of paying Regional Conflict Counsel Due Process costs.</p> <p>(h) This section shall take effect upon becoming a law.</p>	REVISE

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111	<p>SECTION 128. The unexpended balance from funds appropriated in Specific Appropriation 3320 of chapter 2007-72, Laws of Florida, for the Supreme Court Restroom Renovations, from funds appropriated in Specific Appropriation 3259A of chapter 2006-25, Laws of Florida, for the 3rd District Court of Appeal Architect Services, and from Section 15 of chapter 2007-326, Laws of Florida, for the 3rd District Court of Appeal Roof Repairs is reverted June 30, 2010 and \$59,295 is appropriated for the 2010-11 fiscal year to the 3rd District Court of Appeal for Life Safety Remediation, \$77,000 is appropriated to the 3rd District Court of Appeal for Ceiling Repair, \$91,100 is appropriated to the 2nd District Court of Appeal for Court Security Enhancement, and \$82,293 is appropriated to the 4th District Court of Appeal for AC System Remediation.</p>	REVISE
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## SENATE BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS

### PROPOSED NEW PROVISO FOR FY 2011-12

#### DEPARTMENT OF CORRECTIONS

1. Funds in Specific Appropriations \* through \* include reductions in recurring general revenue in the amount of \$3,017,882 to accomplish the transition of 800 medium or close custody beds at an average per diem of \$53.34 to 800 contract residential substance abuse beds.
2. Funds in Specific Appropriations \* through \* include reductions in recurring general revenue in the amount of \$8,300,000. To implement this reduction, the department shall limit the number of course hours prescribed by the Criminal Justice Standards and Training Commission to 200. In addition, the department shall use, to the extent possible, department employees that are certified by the Criminal Justice Standards and Training Commission as instructors for basic recruit training courses.
3. From the funds in Specific Appropriation \* the Department of Corrections shall competitively procure Global Positions Satellite (GPS) technology services to monitor offender activity in accordance with sentencing requirements. The electronic monitoring service shall be Internet accessible, secure, provide equipment and network support services, and provide continuous 24-hour offender monitoring. To the maximum extent feasible, the department shall give preference to a Florida-based company.
4. From the funds in Specific Appropriations \* through \*, the Department of Corrections shall issue an Invitation to Negotiate (ITN), as defined in section 287.057, F.S, no later than July 15, 2011 for the provision of comprehensive health care services to inmates in the custody of the department, excluding those inmates housed in institutions authorized under the provisions of Chapter 957, Florida Statutes. Comprehensive health care services shall provide for physical health care, dental and pharmacy services, and exclude health and pharmacy services for the treatment of mental health.

From the funds in Specific Appropriation \*, the Department of Corrections shall issue an ITN no later than July 15, 2011 for the provision of mental health care services to inmates in the custody of the department, excluding those inmates housed in institutions authorized under the provisions of Chapter 957, Florida Statutes. Mental health services shall include physical health care and pharmacy services for the treatment of mental health.

The department is authorized to award a bid or bids to one or more private vendors for the provision of services that are compatible to standard Medicaid service levels at a cost of at least 18 percent less than the department's Fiscal Year 2009-2010 health care expenditures. The department may contract for services on a regional basis or may contract for services on a statewide basis to achieve greater efficiencies and cost savings.

The department shall notify the Governor's Office of Policy and Budget and the chairs of the House and Senate Budget Committees by August 15, or as early as practicable, of its intent to award a contract.

## SENATE BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS

### PROPOSED NEW PROVISO FOR FY 2011-12

The contracts shall be effective no later than October 1, 2011, for a term of three years and may be renewed for an additional three years. Contractors shall be responsible for maintaining electronic medical files of each patient's health information and for providing that information to the department upon request. Contractors shall report utilization and encounter data to the department on a quarterly basis in a format that is acceptable to the department.

The department shall submit a budget amendment to the Legislative Budget Commission, as well as a plan for transitioning staff and operations. The budget amendment shall place positions in reserve and transfer funds to the proper appropriation categories in accordance with the provisions of Chapter 216, Florida Statutes. Additional budget amendments may be submitted during the 2011-2012 fiscal year as necessary for the proper alignment of budget and positions.

5. From the funds in Specific Appropriations \* through\*, the Department of Corrections shall, before implementing any departmental reorganizational plans or closure of any prison facilities, submit its proposal to the Governor's Office of Policy and Budget and the Legislative Budget Commission for approval.

#### **STATE COURT SYSTEM**

6. (OSCA) Funds in Specific Appropriation \* are for court ordered payments of private court appointed counsel above the statewide rates established in s. 27.5304, F.S. and the 2011-12 General Appropriations Act.

7. (OSCA) From the funds in Specific Appropriation \*, \$10,900,000 in nonrecurring funds from the State Courts Revenue Trust Fund are provided for payments pursuant to the Judicial Caseload Incentive Plan. The performance goals for the Judicial Caseload Incentive Plan are contained in the document entitled "Judicial Caseload Incentive Plan" dated March 15, 2011, and on file with the Secretary of the Senate. This document is hereby incorporated by reference into the 2011-12 General Appropriations Act.

8. (OSCA) Funds in Specific Appropriation \* are for remodeling of the 1<sup>st</sup> District Court of Appeal courthouse to house employees from the annex of the Office of State Courts Administrator to make the most efficient use of the courthouse.

9. (Circuit Court) From the funds in Specific Appropriation \*, \$678,213 in Expense in nonrecurring funds from the State Courts Revenue Trust Fund are provided for courthouse furnishings in the nonpublic areas of the new courthouse in the 4<sup>th</sup> circuit.

10. (Circuit Court) From the funds in Specific Appropriation \*, \$747,619 in Operating Capital Outlay in nonrecurring funds from the State Courts Revenue Trust Fund are provided for courthouse furnishings in the nonpublic areas of the new courthouse in the 4<sup>th</sup> circuit.



## SENATE BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS

### PROPOSED NEW PROVISO FOR FY 2011-12

#### Back of Bill Provisions

##### **Justice Administrative Commission**

1. SECTION ??? The sum of \$40,200,000 in nonrecurring funds from the General Revenue Fund is transferred to the Clerks of Court Trust Fund within the Justice Administrative Commission. Specific Appropriation 813 of chapter 2010-152, Laws of Florida, is reduced by \$9,900,000. The Office of Planning and Budget shall adjust the appropriations ledger to reflect an appropriation of \$445,080,312 for the Clerks of Court from the Clerks of Court Trust Fund. Specific Appropriation 817 of chapter 2010-152, Laws of Florida, is reduced by \$100,000. This section shall take effect upon becoming law.

##### **State Court System**

2. SECTION ??? The unexpended balance of \$400,000 from the funds provided in Specific Appropriation 2814A of chapter 2008-152, Laws of Florida, for the 1<sup>st</sup> District Court of Appeal courthouse shall revert immediately and is appropriated to the Office of State Courts Administrator for the purpose of remodeling the 1<sup>st</sup> District Court of Appeal courthouse to house employees from the annex of the Office of State Courts Administrator.

3. SECTION ??? The sum of \$50,200,000 in nonrecurring funds from the General Revenue Fund is transferred to the State Courts Revenue Trust Fund within the state court system. This section shall take effect upon becoming law.

## PROPOSED CONFORMING BILLS

### Conforming Bill - An Act Relating to the State Judicial System

No.	Entity	Issue
1	Circuit and County Courts	Creates the Judicial Caseload Incentive Plan whereby judges in a circuit that meets certain performance goals will receive a non-recurring award.
2	Regional Conflict Counsel	Authorizes a direct service organization (DSO) for regional conflict counsel offices.
3	Office of State Court Administrator	Provides that payments for private court appointed counsel above the state rates are to be made from funds appropriated for that purpose in the Office of State Court Administrator.
4	Clerks of Court	Re-directs the deposit of certain fine revenue from the Public Records Modernization Trust Fund to the Clerks of Court Trust Fund.
5	Clerks of Court Operations Corporation	Requires the Clerks of Court Operations Corporation to collect and submit electronically reports from counties on the use of court facility fees.
6		Provides an effective date of July 1, 2011

### Conforming Bill - An Act Relating to Criminal Justice

No.	Entity	Issue
1	Department of Legal Affairs	Transfers the duties and responsibilities of the Cybercrime Office from the Department of Legal Affairs to the Department of Law Enforcement.
2	Department of Legal Affairs	Eliminates the Cybercrime Office and cybercrime investigative functions within the Department of Legal Affairs.
3	Department of Corrections	Eliminates the authority for the Department of Corrections to operate bootcamps.
4	Department of Corrections	The Department of Corrections is limited to paying for up to 360 hours of basic training per Correctional Officer.
5		Provides an effective date of July 1, 2011

### Conforming Bill - An Act Relating to Juvenile Justice

No.	Entity	Issue
1	Department of Juvenile Justice	Creates s. 985.665, F.S., titled "Community-Based Juvenile Justice". Requires DJJ to establish three pilot programs in three judicial circuits (2nd, 6th, and 11th). In addition, requires DJJ to contract with a non-profit or county government agency to serve as the regional coordinating agency (RCA) for each pilot. Requires that each RCA administers and manages the full continuum of juvenile justice services in each circuit.
2		Provides an effective date of July 1, 2011

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1 A bill to be entitled

2 An act relating to the state judicial system; creating  
3 the Judicial Caseload Incentive Plan; prescribing the  
4 purpose of the plan; providing for performance goals  
5 for each judicial circuit; authorizing financial  
6 awards to judges based on the performance of the  
7 circuit in meeting the goals; amending s. 27.511,  
8 F.S.; authorizing each office of criminal conflict and  
9 civil regional counsel to create a direct-support  
10 organization; prescribing requirements related to the  
11 creation and operation of the direct-support  
12 organization; amending s. 27.5304, F.S.; authorizing  
13 the Office of the State Courts Administrator to pay  
14 private court-appointed counsel if a court orders  
15 payment above specified flat-fee amounts; providing  
16 for a portion of such payments to be paid from funds  
17 appropriated to the office for that purpose; amending  
18 s. 28.37, F.S.; deleting a provision requiring clerks  
19 of court to deposit certain fine revenue into the  
20 Public Records Modernization Trust Fund; amending s.  
21 318.18, F.S.; requiring the clerk of court and the  
22 Florida Clerks of Court Operations Corporation to  
23 submit reports on local traffic assessments in an  
24 electronic format; providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. Judicial Caseload Incentive Plan.—

29 (1) PURPOSE.—There is created the Judicial Caseload

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30 Incentive Plan, the purpose of which is to promote the efficient  
31 processing and disposition of cases and reduce costs in the  
32 state courts system by allowing each judge within a judicial  
33 circuit to earn a nonrecurring award based on the circuit  
34 meeting performance goals for the number of cases disposed.

35 (2) PERFORMANCE GOALS.—The Legislature shall prescribe in  
36 the General Appropriations Act four annual performance goals for  
37 each judicial circuit, with one goal for each of the following  
38 categories of activities:

39 (a) Circuit criminal dispositions.—This category includes  
40 circuit criminal dispositions, circuit reopened cases, and  
41 circuit special proceedings.

42 (b) County criminal dispositions.—This category includes  
43 county criminal dispositions, county criminal reopened cases,  
44 traffic criminal cases, and county special proceedings.

45 (c) Circuit civil dispositions.—This category includes  
46 family dispositions, family reopened cases, circuit civil  
47 dispositions, circuit civil reopened cases, county appeals,  
48 probate proceedings, and probate reopened cases.

49 (d) County civil dispositions.—This category includes  
50 county civil dispositions, county civil reopened cases, and  
51 traffic civil dispositions.

52  
53 The Office of the State Courts Administrator shall calculate the  
54 performance of a circuit toward its performance goal by using  
55 the definitions applicable to the state reporting system and  
56 data collected from the clerks of court.

57 (3) AWARDS.—

58 (a) The Office of the State Courts Administrator shall

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59 collect data to determine if a circuit meets all four  
60 performance goals for a quarter. The office:

61 1. Shall evaluate performance within each goal separately;  
62 and

63 2. May not consider performance data from prior quarters.

64 (b)1. If the office determines that a circuit meets all  
65 four performance goals for a quarter, each circuit judge in the  
66 circuit shall receive an award for that quarter equal to \$3,000,  
67 and each county judge in the circuit shall receive an award for  
68 that quarter equal to \$2,820. If a judge takes office during the  
69 quarter for which the circuit meets its quarterly goals, the  
70 office shall prorate the judge's award based on his or her time  
71 in service.

72 2. A circuit or county judge may not receive more than one  
73 full award per quarter.

74 3. An award under this section is contingent upon the  
75 appropriation of, and shall be paid from, funds in the General  
76 Appropriations Act.

77 (4) REPORTS.—Within 30 days after the end of each quarter,  
78 the Office of the State Courts Administrator shall report  
79 electronically to the chairs of the appropriations committees of  
80 the Senate and the House of Representatives the progress for  
81 each circuit in meeting performance goals for the quarter.

82 Section 2. Subsection (10) is added to section 27.511,  
83 Florida Statutes, to read:

84 27.511 Offices of criminal conflict and civil regional  
85 counsel; legislative intent; qualifications; appointment;  
86 duties.—

87 (10) Each office of criminal conflict and civil regional

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88 counsel may create a direct-support organization.

89 (a) The direct-support organization must be registered in  
90 this state as a nonprofit corporation under chapter 617. The  
91 direct-support organization shall be exempt from the filing fees  
92 under s. 617.0122.

93 (b) The direct-support organization shall be organized and  
94 operated to conduct programs and activities; raise funds;  
95 request and receive grants, gifts, and bequests of moneys;  
96 acquire, receive, hold, invest, and administer, in its own name,  
97 securities, funds, objects of value, or other property, real or  
98 personal; and make expenditures to or for the direct or indirect  
99 benefit of the office of criminal conflict and civil regional  
100 counsel.

101 (c) The direct-support organization shall operate under a  
102 written contract with the regional counsel. The written contract  
103 must, at a minimum, provide for:

104 1. Approval of the articles of incorporation and bylaws of  
105 the direct-support organization by the regional counsel.

106 2. Submission of an annual budget for the approval by the  
107 regional counsel.

108 3. The reversion without penalty to the office of criminal  
109 conflict and civil regional counsel, or to the state if the  
110 office ceases to exist, of all moneys and property held in trust  
111 by the direct-support organization for the office if the direct-  
112 support organization ceases to exist or if the contract is  
113 terminated.

114 4. The fiscal year of the direct-support organization,  
115 which must begin July 1 of each year and end June 30 of the  
116 following year.

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117       5. The disclosure of material provisions of the contract  
118 and the distinction between the regional counsel and the direct-  
119 support organization to donors of gifts, contributions, or  
120 bequests, as well as on all promotional and fundraising  
121 publications.

122       (d) If the regional counsel determines that the direct-  
123 support organization is operating in a manner that is  
124 inconsistent with the goals and purposes of the office of  
125 criminal conflict and civil regional counsel or is not acting in  
126 the best interest of the state, the regional counsel may  
127 terminate the contract, and thereafter the organization may not  
128 use the name of the office.

129       (e) The regional counsel shall appoint a board of directors  
130 for the direct-support organization. The regional counsel may  
131 designate employees of the office of criminal conflict and civil  
132 regional counsel to serve on the board of directors. Members of  
133 the board shall serve at the pleasure of the regional counsel.

134       (f) The regional counsel:

135       1. May authorize the use of facilities and property other  
136 than money which are owned by the office of criminal conflict  
137 and civil regional counsel to be used by the direct-support  
138 organization.

139       2. May authorize the use of personnel services provided by  
140 employees of the office.

141       3. May prescribe the conditions by which the direct-support  
142 organization may use property, facilities, or personnel services  
143 of the office.

144       4. May not authorize the use of property, facilities, or  
145 personnel services of the direct-support organization if the

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146 organization does not provide equal employment opportunities to  
147 all persons, regardless of race, color, religion, sex, age, or  
148 national origin.

149  
150 For the purposes of this paragraph, the term "personnel  
151 services" includes full-time personnel and part-time personnel  
152 as well as payroll processing.

153 (g) Moneys of the direct-support organization may be held  
154 in a depository account in the name of the direct-support  
155 organization which is separate from the accounts of the office,  
156 but which is subject to the provisions of the contract with the  
157 regional counsel.

158 (h) The direct-support organization shall provide for an  
159 annual financial audit in accordance with s. 215.981.

160 (i) The direct-support organization may not exercise any  
161 power under s. 617.0302(12) or (16). A state employee may not  
162 receive compensation from the direct-support organization for  
163 service on the board of directors or for services rendered to  
164 the direct-support organization.

165 Section 3. Subsections (1) and (12) of section 27.5304,  
166 Florida Statutes, are amended to read:

167 27.5304 Private court-appointed counsel; compensation.—

168 (1) Private court-appointed counsel shall be compensated by  
169 the Justice Administrative Commission and the Office of the  
170 State Courts Administrator as provided in this section and the  
171 General Appropriations Act. The flat fees prescribed in this  
172 section are limitations on compensation. The specific flat fee  
173 amounts for compensation shall be established annually in the  
174 General Appropriations Act. The attorney also shall be



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175 reimbursed for reasonable and necessary expenses in accordance  
176 with s. 29.007. If the attorney is representing a defendant  
177 charged with more than one offense in the same case, the  
178 attorney shall be compensated at the rate provided for the most  
179 serious offense for which he or she represented the defendant.  
180 This section does not allow stacking of the fee limits  
181 established by this section.

182 (12) The Legislature recognizes that on rare occasions an  
183 attorney may receive a case that requires extraordinary and  
184 unusual effort.

185 (a) If counsel seeks compensation that exceeds the limits  
186 prescribed under this section and the General Appropriations  
187 Act, he or she must file a motion with the chief judge for an  
188 order approving payment of attorney's fees in excess of these  
189 limits.

190 1. Prior to filing the motion, the counsel shall deliver a  
191 copy of the intended billing, together with supporting  
192 affidavits and all other necessary documentation, to the Justice  
193 Administrative Commission.

194 2. The Office of the State Courts Administrator ~~Justice~~  
195 ~~Administrative Commission~~ shall review the billings, affidavit,  
196 and documentation for completeness and compliance with  
197 contractual and statutory requirements. If the State Courts  
198 Administrator ~~Justice Administrative Commission~~ objects to any  
199 portion of the proposed billing, the objection and reasons  
200 therefor shall be communicated in writing to the private court-  
201 appointed counsel. The counsel may thereafter file his or her  
202 motion, which must specify whether the State Courts  
203 Administrator ~~commission~~ objects to any portion of the billing

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204 or the sufficiency of documentation, and shall attach the  
205 ~~commission's~~ letter stating its objection.

206 (b) Following receipt of the motion to exceed the fee  
207 limits, the chief judge or a designee shall hold an evidentiary  
208 hearing.

209 1. At the hearing, the attorney seeking compensation must  
210 prove by competent and substantial evidence that the case  
211 required extraordinary and unusual efforts. The chief judge or  
212 designee shall consider criteria such as the number of  
213 witnesses, the complexity of the factual and legal issues, and  
214 the length of trial. The fact that a trial was conducted in a  
215 case does not, by itself, constitute competent substantial  
216 evidence of an extraordinary and unusual effort. In a criminal  
217 case, relief under this section may not be granted if the number  
218 of work hours does not exceed 75 or the number of the state's  
219 witnesses deposed does not exceed 20.

220 2. The chief judge or designee shall enter a written order  
221 detailing his or her findings and identifying the extraordinary  
222 nature of the time and efforts of the attorney in the case which  
223 warrant exceeding the flat fee established by this section and  
224 the General Appropriations Act.

225 ~~(c) A copy of the motion and attachments shall be served on~~  
226 ~~the Justice Administrative Commission at least 5 business days~~  
227 ~~prior to the date of a hearing. The Justice Administrative~~  
228 ~~Commission shall have standing to appear before the court,~~  
229 ~~including at the hearing under paragraph (b), to contest any~~  
230 ~~motion for an order approving payment of attorney's fees, costs,~~  
231 ~~or related expenses and may participate in a hearing on the~~  
232 ~~motion by use of telephonic or other communication equipment~~

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233 ~~unless ordered otherwise. The Justice Administrative Commission~~  
234 ~~may contract with other public or private entities or~~  
235 ~~individuals to appear before the court for the purpose of~~  
236 ~~contesting any motion for an order approving payment of~~  
237 ~~attorney's fees, costs, or related expenses. The fact that the~~  
238 ~~Justice Administrative Commission has not objected to any~~  
239 ~~portion of the billing or to the sufficiency of the~~  
240 ~~documentation is not binding on the court.~~

241 (c) ~~(d)~~ If the chief judge or designee finds that counsel  
242 has proved by competent and substantial evidence that the case  
243 required extraordinary and unusual efforts, the chief judge or  
244 designee shall order the compensation to be paid to the attorney  
245 at a percentage above the flat fee rate, depending on the extent  
246 of the unusual and extraordinary effort required. The percentage  
247 shall be only the rate necessary to ensure that the fees paid  
248 are not confiscatory under common law. The percentage may not  
249 exceed 200 percent of the established flat fee, absent a  
250 specific finding that 200 percent of the flat fee in the case  
251 would be confiscatory. If the chief judge or designee determines  
252 that 200 percent of the flat fee would be confiscatory, he or  
253 she shall order the amount of compensation using an hourly rate  
254 not to exceed \$75 per hour for a noncapital case and \$100 per  
255 hour for a capital case. However, the compensation calculated by  
256 using the hourly rate shall be only that amount necessary to  
257 ensure that the total fees paid are not confiscatory.

258 (d) ~~(e)~~ Any order granting relief under this subsection must  
259 be attached to the final request for a payment submitted to the  
260 Office of the State Courts Administrator ~~Justice Administrative~~  
261 ~~Commission.~~

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262        ~~(e)-(f)~~ ~~The Justice Administrative Commission shall provide~~  
263 ~~to the Office of the State Courts Administrator data concerning~~  
264 ~~the number of cases approved for compensation in excess of the~~  
265 ~~limitation and the amount of these awards by circuit and by~~  
266 ~~judge.~~ The Office of the State Courts Administrator shall report  
267 the number of cases paid and the amount paid per case by circuit  
268 ~~data~~ quarterly to the President of the Senate, the Speaker of  
269 the House of Representatives, the Chief Justice of the Supreme  
270 Court, and the chief judge of each circuit.

271        (f) The portion of compensation paid to private court-  
272 appointed counsel under this subsection which exceeds the  
273 compensation limits prescribed elsewhere under this section and  
274 the General Appropriations Act shall be paid from funds  
275 appropriated to the Office of the State Courts Administrator for  
276 this purpose.

277        Section 4. Subsection (2) of section 28.37, Florida  
278 Statutes, is amended to read:

279        28.37 Fines, fees, service charges, and costs remitted to  
280 the state.—

281        (2) Except as otherwise provided in ss. 28.241 and 34.041,  
282 all court-related fines, fees, service charges, and costs are  
283 considered state funds and shall be remitted by the clerk to the  
284 Department of Revenue for deposit into the Clerks of the Court  
285 Trust Fund within the Justice Administrative Commission.  
286 ~~However, 10 percent of all court-related fines collected by the~~  
287 ~~clerk shall be deposited into the clerk's Public Records~~  
288 ~~Modernization Trust Fund to be used exclusively for additional~~  
289 ~~clerk court-related operational needs and program enhancements.~~

290        Section 5. Paragraph (b) of subsection (13) of section

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291 318.18, Florida Statutes, is amended to read:

292 318.18 Amount of penalties.—The penalties required for a  
293 noncriminal disposition pursuant to s. 318.14 or a criminal  
294 offense listed in s. 318.17 are as follows:

295 (13)

296 (b) A county may impose a surcharge under subparagraph  
297 (a)1., subparagraph(a)2., or subparagraph(a)3., but may not  
298 impose more than one surcharge under this subsection. A county  
299 may elect to impose a different authorized surcharge but may not  
300 impose more than one surcharge at a time. The clerk of court  
301 shall report, no later than 30 days after the end of the  
302 quarter, the amount of funds collected under this subsection  
303 during each quarter of the fiscal year. The clerk shall submit  
304 the report, in an electronic a format developed by the Florida  
305 Clerks of Court Operations Corporation ~~Office of State Courts~~  
306 ~~Administrator~~, to the chief judge of the circuit and the Florida  
307 Clerks of Court Operations Corporation. The corporation shall  
308 submit the report in an electronic format to, the Governor, the  
309 President of the Senate, the Speaker of the House of  
310 Representatives, and the board of county commissioners.

311 Section 6. This act shall take effect July 1, 2011.

2011 Implementing Bill

Chapter 2010-153 section #	2011 Senate Bill Secion	HISTORY	Description	2011 KEEP/DELETE/ NEW (insert row if new)
<b>Criminal and Civil Justice Appropriations</b>				
4	4	2010-153(4) 2009-82(2), 2008-153(7), 2007-73(6), 2006-26(6), 2005-71(13), 2004-269(23) 2003-399(32) 2002-402(21) 2001-254(27) 2000-171(32) 99-228(21) 98-046(17)	<b>DOC/DJJ/IMPACT COSTS PAID TO LOCAL GOVT.</b> Provides that the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county.	KEEP
5	5	2010-153(5) 2009-82(3), 2008-153(8), 2007-73(7), 2006-26(7), 2005-71(14), 2004-269(24), 2003-399(35), 2002-402(25) 2001-254(28) 2000-171(38)	<b>DOC/CJIC EST./NEW POSITIONS &amp; \$.</b> Amends s. 216.262, F.S. to allow the Executive Office of the Governor (EOG) to request additional positions and appropriations from unallocated general revenue during the 2011-2012 fiscal year for the Department of Corrections (DOC) if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the February 21, 2011 Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month. The additional positions and appropriations may be used for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population, and must be approved by the Legislative Budget Commission.	KEEP
6	6	2010-153(6) 2009-82(5) 2008-153(12)	<b>DLA/PAY SALARIES WITH EXCESS CASH.</b> Authorizes the Department of Legal Affairs to transfer cash remaining after required disbursements from specified Attorney General cases to the Operating Trust Fund to pay salaries and benefits.	KEEP
7	7	2010-153(7) 2009-82(4) 2008-153(9), 2007-73(9), 2006-26(9), 2005-71(18)	<b>DEPARTMENT OF LEGAL AFFAIRS.</b> Authorizes DLA to expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years.	KEEP
8	8	2010-153(8) 2009-82(7), 2008-153(10), 2007-73(10), 2006-26(11), 2005-71(19) 2003-399(37) 2002-402(26)	<b>MUNICIPALITIES/REPAY GEN. FUND.</b> Amends s. 932.7055, F.S. to extend for another year the authorization for a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.	KEEP
11	9	2010-153(11)	<b>DJJ/MEDICARE.</b> Provides limitation on DJJ reimbursements for health care services to 110 percent of Medicare allowable rates.	KEEP
12	10	2010-153(12)	<b>MEDIATION AND ARBITRATION TRUST FUND.</b> Amends s. 44.108, F.S. to authorize trust fund to be used as specified in GAA.	KEEP
	11	2009-10	<b>TRUST FUND LOAN FOR STATE COURTS.</b> Allow the Chief Justice to request a loan from unallocated GR when the revenues received in the State Courts Revenue Trust Fund equal 98% or less than the official revenue estimate.	NEW
	12		<b>JUDGE CASELOAD INCENTIVE PLAN.</b> Creates the Judicial Caseload Incentive Plan whereby judges in a circuit that meets certain performance goals will receive a non-recurring award.	NEW