



---

# **Justice Appropriations Subcommittee**

# **Meeting Packet**

**October 6, 2015  
3:30 p.m. – 5:30 p.m.  
Morris Hall**



**The Florida House of Representatives**  
APPROPRIATION COMMITTEE

Justice Appropriations Subcommittee

**Steve Crisafulli**  
Speaker

**Larry Metz**  
Chair

**MEETING AGENDA**

Morris Hall

October 6, 2015

- I. Meeting Called To Order
- II. Opening Remarks by Chair
- III. Agency Legislative Budget Requests
  - Justice Administrative Commission
  - Public Defenders
  - Capital Collateral Regional Councils
  - Regional Conflict Councils
- IV. Closing Remarks
- V. Meeting Adjourned





**JUSTICE ADMINISTRATIVE  
COMMISSION**



---

# **Justice Administrative Commission Budget Priorities and Possible Reductions**

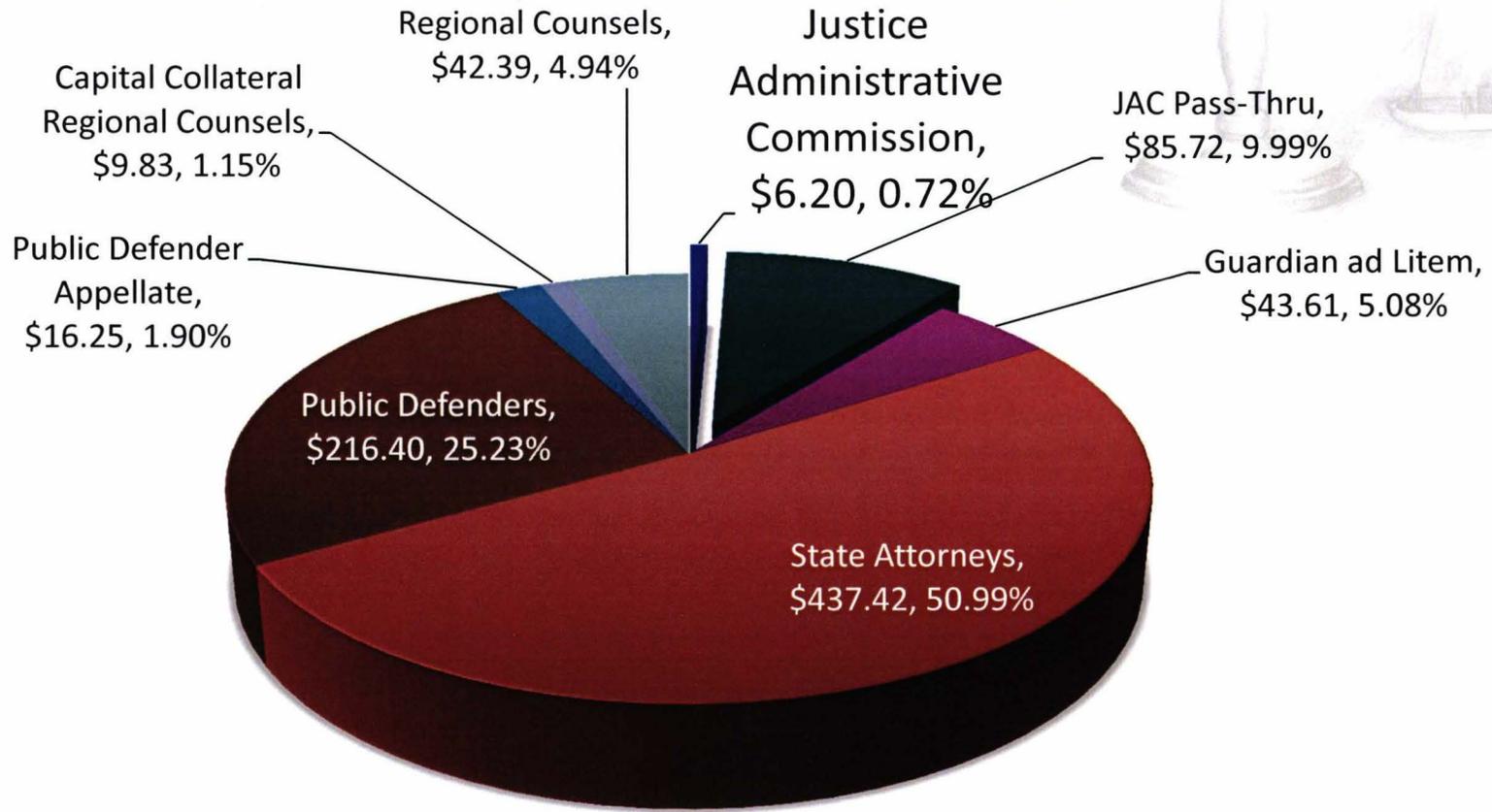
---

**House Justice Appropriations Subcommittee**

**October 6, 2015**

**Alton L. "Rip" Colvin, Jr.  
Executive Director**

# Base Budget FY 2016-17 - \$857.82 Million



Amounts above are reflected in millions.



## Agencies Administratively Served by the Justice Administrative Commission

- 20 Offices of State Attorney
- 20 Offices of Public Defender
- 5 Offices of Criminal Conflict & Civil Regional Counsel
- 3 Offices of Capital Collateral Regional Counsel
- Statewide Guardian ad Litem Program

Accounting

Budget

Financial  
Services

Human  
Resources



# JAC Responsibilities for Private Court Appointed Counsel

Contract with  
1,700 Attorneys  
and 800 Vendors

Audit 50,000+  
Billings for Attorney  
Fees and Costs

Participate in 900+  
Hearings when  
Objecting to Fees  
or Costs

Monitor Budgetary  
Needs for Court  
Appointed Counsel  
Appropriations

Report on Various  
Aspects of this  
Program



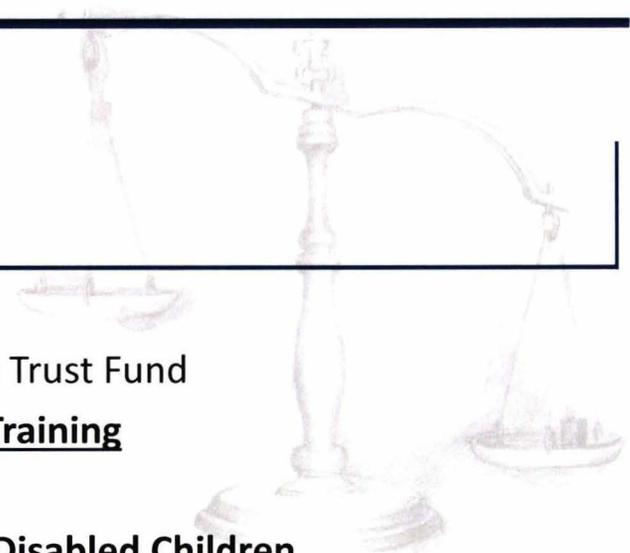
## JAC Budget Priorities – FY 2016-17

1. Public Records Support – 1 FTE – \$54,818
2. Senior Management Retirement Benefits – \$108,766
3. Rent Adjustment – \$16,000 (1/2 year)

TOTAL: \$179,584



## Schedule VIIB-2



**Priority #1: Reduce Foster Care Review Funding**

(\$17,108) General Revenue; (\$53,445) Grants & Donations Trust Fund

**Priority #2: Reduce State Attorney and Public Defender Training**

(\$1,676) General Revenue

**Priority #3: Reduce Attorney Fees for Representation of Disabled Children**

(\$101,125) General Revenue

**Priority #4: Reduce Court Appointed Attorney Fees/Due Process Costs**

(\$2,502,751) General Revenue

**Priority #5: Reduce Public Defender Due Process Costs**

(\$963,152) General Revenue

**Priority #6: Reduce State Attorney Due Process Costs**

(\$513,332) General Revenue

**Priority #7: Reduce JAC Salaries and Benefits**

(\$308,590) General Revenue (6.0) FTEs

***TOTAL : General Revenue (\$4,407,734)***

***Trust Funds (\$53,445)***



## Questions?

Contact Info:

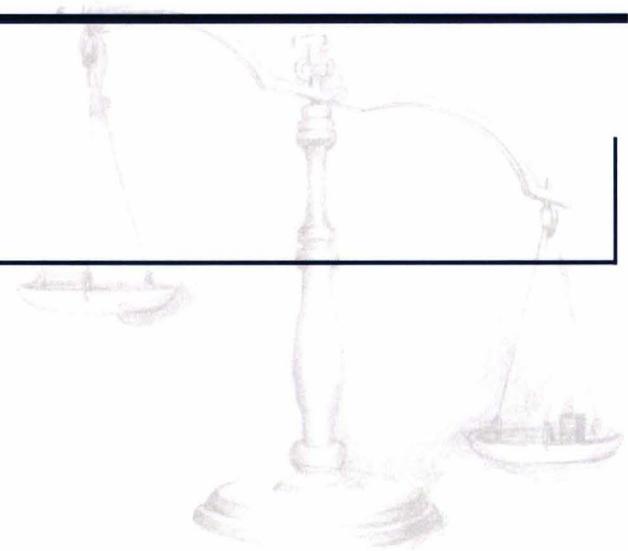
Alton L. "Rip" Colvin, Jr.

Executive Director

[rip.colvin@justiceadmin.org](mailto:rip.colvin@justiceadmin.org)

850-488-2415

JAC Website: [www.justiceadmin.org](http://www.justiceadmin.org)







# Public Defenders

## Legislative Budget Requests 2016/2017

**Julianne Holt, President  
Florida Public Defender Association**

**October 6, 2015**

*Updated: 10/1/2015*

# Agency Legislative Priorities

## “TRIALS” LEGISLATIVE BUDGET ISSUES

1. Rapid Intervention Representation and Circuit Programs – \$ 4.6 million
2. *Graham/Miller* Representation, Mitigation – \$ 3.4 million
3. Equity and Retention Pay (Amended LBR) – \$ 6+ million

## TRUST FUND AND TECHNICAL BUDGET ISSUES

1. Authority Needed – \$ 2.25 million  
Includes issues such as: Maximization of Trust Funds; Motor Vehicles; Enhanced OPS; E-filing; Human Resources Staff; Capital Litigation Attorneys and Mitigation Specialists; Employee Continuing Education; Replacement Equipment
2. Technical Realignment (3 circuits) – \$ 263,802
3. Increase “Rate” (1 circuit) – \$ 36,000

## “BACK OF THE BILL” AND PROVISIO ISSUES

1. Re-appropriation of FPDA Technology Issue – \$ 375,000
2. Funding for Coordination Office (FPDCO) – \$450,000
3. Authority for the Payment of Florida Bar Dues *Proviso*
4. Protection of Employee Benefits *Proviso*



# Rapid Intervention

- Request \$ 4.6 million
- Beginning continuum of critical services for clients
  - Mental health
  - Alcohol & substance abuse
  - Mitigation
  - Early representation
  - Veterans
  - Juveniles charged as adults
- Early engagement
- Reduces costs, increases efficiency



# Graham/Miller Mitigation

- Request \$ 3.4 million
- Resentencing hearings for 357 juveniles sentenced to life or “*de facto* life” without the possibility of parole
- Court decisions before next legislative term expected to address:
  - Additional 341 sentenced before parole abolished
  - Additional 156 sentenced to “life” for 2<sup>nd</sup> degree murder
- Requires experienced staff: ABA guidelines require 2 attorneys, 1 investigator, & 1 mitigation specialist for each case
- Reoccurring sentence review hearings
- Corresponding “Due Process” needs



# Equity and Retention Pay

- Successful 1<sup>st</sup> phase of collaborative efforts achieved critical funding for attorneys
- Recurring funding needed to address a wide range of salary issues affecting Public Defenders
  - Compensation for critical staff
  - Improve or maintain current employee benefits



# Schedule VIII-B Reductions

- Projected total reduction \$10 million
  - Reduce staff by 140+ FTEs, and
  - Withdraw from cases, or not accept new appointments in most offices
  - Effects on offices statewide:
    - Homicide units reduced or eliminated in at least 7 offices
    - Misdemeanor representation significantly reduced in at least 6 offices
    - Inability to represent SVP, Juvenile, or Baker Act cases in at least 3 offices
    - Closure of branch offices in at least 2 circuits
    - Investigative and support functions reduced
    - Permanent across the board pay reduction

# Appeals Legislative Priorities

## “APPEALS” LEGISLATIVE BUDGET ISSUES

1. Critical funding for backlog of capital and non-capital appeals cases to be briefed – 39 FTE, \$ 2.8 million
2. Equity and Retention Pay

## SCHEDULE VIII-B REDUCTION EXERCISE

1. Projected total reduction \$801,546 and 15 FTE
2. Worsen the existing backlog; 60-90 day delay in filings
3. Reduction in staff to handle non-capital appeals



## 2016/17 Budget Needs Recap

- Competitive pay equity for critical staff
- \$ 4.4 million for rapid intervention, defense-specific programs in trial circuits
- \$ 3.27 million for attorneys and mitigation to handle *Graham/Miller*
- \$ 2.8 million for workload funding to address backlog in appeals

Capital Collateral  
Regional Councils

**CAPITAL COLLATERAL REGIONAL COUNSELS**  
**2016-2017 LEGISLATIVE BUDGET REQUEST**

Florida Statute 27.702 requires the Capital Collateral Regional Councils (CCRC's) to represent each inmate sentenced to death in the state and federal courts, including the United States Supreme Court, until relief is granted or the sentence of execution is carried out. Cases are assigned by the Florida Supreme Court after direct appeal and are based upon the federal court districts. There are three CCRC offices. The North office is headquartered in Tallahassee, the Middle in Tampa and the South in Fort Lauderdale.

In 2013, the Florida Legislature passed the Timely Justice Act recreating the CCRC-North office and, for the 2016-2017 fiscal year, the CCRC's again recognize that the North office must be given priority as its office continues to expand. For the 2016-2017 fiscal year the CCRC offices request the following:

**CCRC-NORTH:**

**\$310,230** for four (4) additional positions consisting of one legal team (one lead attorney, one second chair attorney and one investigator) along with one accountant.

**\$91,024 (\$72,707 non-recurring)** for IT infrastructure

**\$32,904** additional building rent to accommodate increased positions

**\$58,092 (\$15,996 non-recurring)** for Operating Expenditures

**\$50,000** increase in current authorized rate

**CCRC-MIDDLE and SOUTH:**

In July 2014, the Florida Supreme Court implemented numerous changes to the post-conviction death penalty rules, including an increase to the minimum standards for legal counsel in death penalty cases. All CCRC attorneys must have expertise in the highly complex area of Federal Habeas Corpus, as well as extensive experience in capital cases. In order to recruit and retain experienced staff and comply with the new requirements set by the Florida Supreme Court, CCRC-Middle and South are requesting the following for the 2016-2017 fiscal year:

**\$171,677** Total for Salaries and Benefits (**\$90,356** CCRC-Middle, **\$81,321** CCRC-South)

**\$31,200** for enhanced OPS for CCRC-Middle

**\$27,323** for IT replacement for CCRC-Middle

**\$39,000 (\$27,000 non-recurring)** for a document management system for CCRC-Middle

**\$24,600** to recreate the OPS category for CCRC-South

**\$17,500** to replace the computer server for CCRC-South

**\$21,600** for legal training for CCRC-South

### **SCHEDULE VIII-B REDUCTIONS**

**CCRC-NORTH: \$82,212, (\$81,212 from Case Related Costs, \$1,000 lease equipment)**

**CCRC-MIDDLE: \$206,158 (\$166,631 from Salaries and Benefits, \$20,527 from Operating Expenditures and \$19,000 from Case Related Costs)**

**CCRC-SOUTH: \$172,469 (\$160,000 from Salaries and Benefits, \$7,469 from Operating Expenditures and \$5,000 from Case Related Costs)**





**Criminal Conflict and Civil Regional Counsel**

# **House Judicial Appropriations Subcommittee**

---

## **Overview of Legislative Priorities 2016 - 2017**

### **Regional Counsels**

**Jeffrey Lewis, Ita Neymotin, Eugene  
Zenobi, Antony Ryan, Jeffrey Deen**



# Who We Are

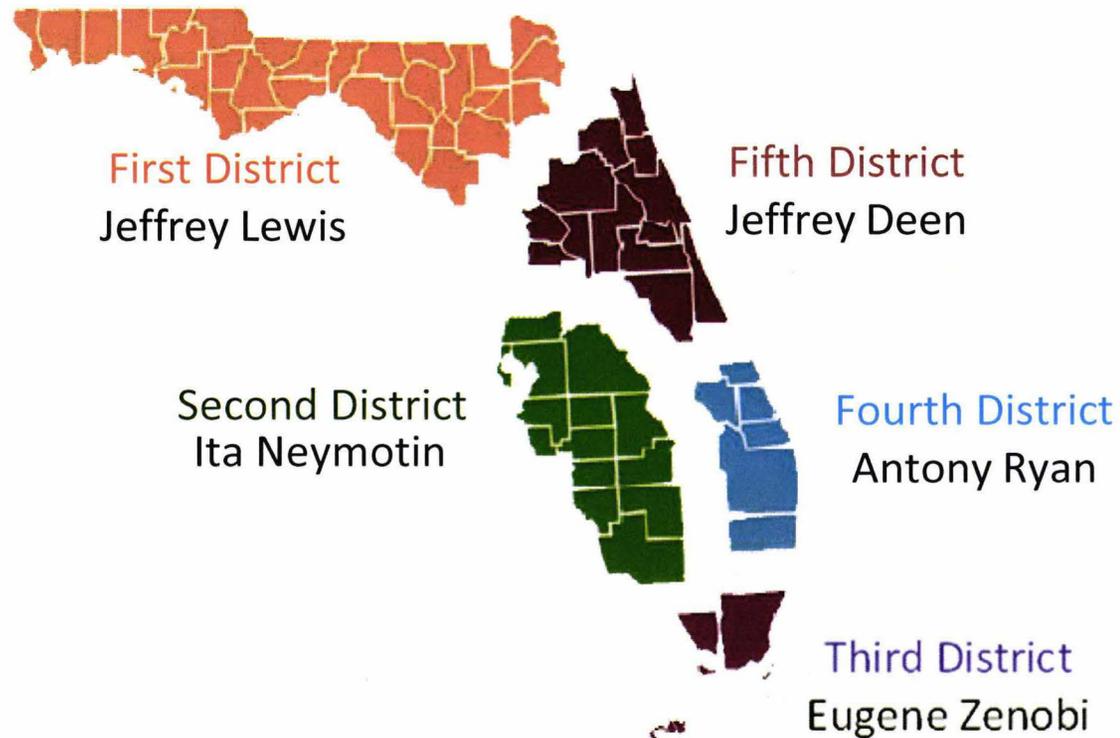
---

The Office of Criminal Conflict and Civil Regional Counsel (RCs) was created by the Legislature (s. 27.511, F.S.) in 2007 to provide legal representation to indigent persons and to control rising costs from the private court appointed registry attorneys. Regional Counsel's main three classes of cases are:

1. Criminal conflict cases that the court grants the Public Defender's motion to withdraw and appoints the RC,
2. Dependency and civil cases, and
3. Certain statutorily authorized civil commitment proceedings. RC also handles appeals and post-conviction motions.



# Offices of Criminal Conflict and Civil Regional Counsel





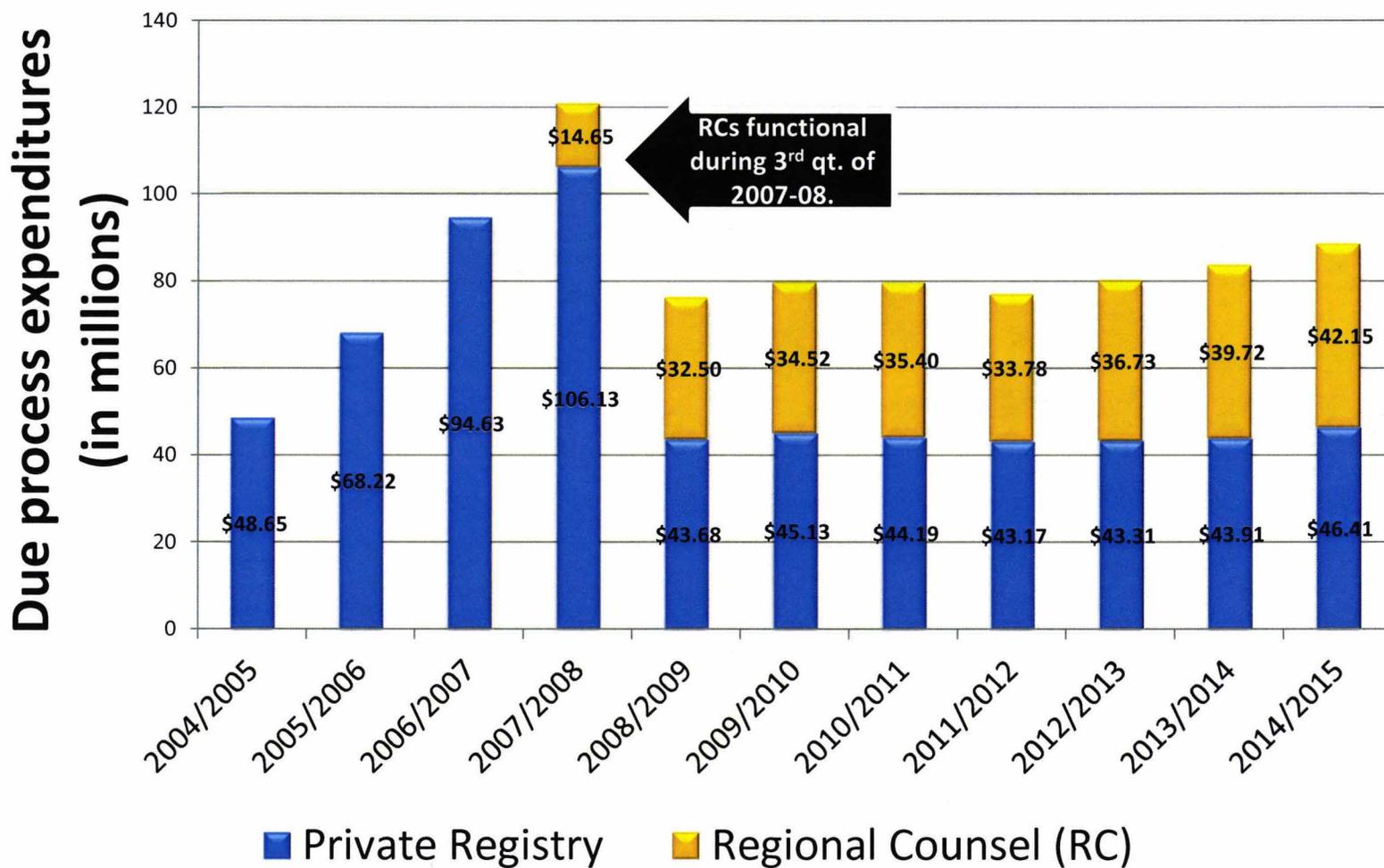
## Regional Counsels Provide Legal Representation with Substantial Cost Savings.

---

- The RCs were created to reduce private court appointed counsel costs when these costs increased from \$49 million to nearly \$95 million dollars in just two years.
- In FY 2007-08, the State expended \$121 million to provide these services. In the 7 years since, total costs have stabilized between \$78 million and \$88 million.
- Despite increased caseloads and a rise in the cost of court fees, the Office of Criminal Conflict and Civil Regional Counsel will stay committed to saving taxpayers money by being a cost effective and budget conscious agency, while still providing quality legal representation.



# Regional Councils vs. Court Appointed Registry





# Regional Counsel Savings in Dependency

---

- During one year 1,901 Child Protective Investigators handled 228,013 Investigations. [1]
- 15,674 of Florida's children entered foster care in one year. [2]
- Minimum yearly cost of a child in licensed foster care = \$5,146.50 (amount paid to a licensed foster parent). [3]

[1] FY 2014-15 Long Range Program Plan, Dept. of Children and Families

[2] Kids Count Data Center, A Project of the Annie E. Casey Foundation

[3] 2012 National Survey of Family Foster Care Provider Classifications and Rates



# Regional Counsel Savings in Death Penalty Trials

---

- Use of Regional Counsel in a Death Penalty Trial in lieu of private attorneys provides significant savings by hourly costs.
- 66% savings over registry counsel.



# Salary Parity

---

- All things being equal, State Attorneys and Public Defenders who are similarly situated -- i.e., years of service, assigned workgroup position -- should receive the same annual salary. Should the legislature undertake to bring about parity in the salaries of Prosecutors and Public Defenders, Regional Counsel Attorneys should be included.
- Regional Counsel Attorneys provide the same constitutionally mandated representation of the indigent in criminal cases as do the Public Defenders. Regional Counsel attorneys are very much the equal of state-employee counterpart State Attorneys and Public Defenders.
- Unlike Public Defenders, Regional Counsel Attorneys also defend Juvenile Dependency cases.



# Workload Requested

---

- 85 FTE positions statewide.
  - 35 staff positions
  - 50 attorney positions
- Salary parity with prosecuting attorneys.



# RC-1 5% Reduction

---

Total Reduction	560,494
-----------------	---------

Any reduction in the contracted services appropriation will severely limit the capacity of the Office of Criminal Conflict and Civil Regional Counsel, First Region to perform its legislative duty to protect the constitutional rights of indigent clients.



# RC-2 5% Reduction

---

Total Reduction	573,224
-----------------	---------

RC2 does not have the salary, benefit or rate to fund FTE attorney positions used to cover heavy caseloads. Therefore, RC2 uses monthly contracted vendors both attorneys and investigators with regular caseloads. RC2 would have to reduce 57% of our contracted vendors (1 investigator and 11 attorneys) that work consistent caseloads. This would be the most harmful fund in which Regional Counsel, District 2, could take a 5% decrease. Cases would be left unattended and could possibly result in ineffective assistance of counsel claims.



# RC-3 5% Reduction

---

Total Reduction	285,315
-----------------	---------

A reduction of this magnitude would adversely affect the already limited resources the Office of Criminal Conflict and Civil Regional Counsel, 3rd Region (RC03) uses to effectively represent the legal needs of the indigent client's whom we represent. A 5% reduction would likely result in an increase in support staff turnover, negatively impacting the time sensitive nature of the work provided by those individuals as legal assistants to the Assistant Regional Counsel's. Additionally, reducing the agency budget will put an insurmountable strain on the contracted services and operations appropriations thus further limiting the practical as well as due process resources which are fundamentally necessary to provide adequate and effective assistance of counsel to the indigent clients we serve.



# RC-4 5% Reduction

---

Total Reduction	428,967
-----------------	---------

Any reduction in the Contracted Services appropriation will severely limit the capacity of the Office of Criminal Conflict and Civil Regional Counsel, 4th District to perform its legislative duty to protect the constitutional rights of indigent clients. A reduction of this magnitude will limit the representation and due process of indigent individuals entitled to court appointed counsel, in criminal proceedings where the Public Defender is unable to provide representation due to a conflict of interest, and in civil cases where a person is entitled to court appointed counsel.



# RC-5 5% Reduction

---

Total Reduction	355,355
-----------------	---------

A 5% reduction in the Office of Criminal Conflict and Civil Regional Counsel's (RC5) appropriation would result in the closure of RC5's Osceola County and Lake County Offices. Seven full time employee attorneys and two staff employees would lose their employment. The closures of these two offices would result in approximately 355 cases in Lake County and 812 cases in Osceola County having to be reassigned to court appointed attorneys to be billed pursuant to the rates established in the Florida Statutes. That these 1,167 cases include both criminal, dependency, probate, and other civil matters. This required shifting of expenses to private court appointed attorneys would create a significant increase in the amount the Justice Administration Commission would have to pay for attorney fees and not calculating any accompanying due process costs.