

	COL A12	COL A14	COL A15	COL A16	COL A14-A12	
	AGY FIN REQ	AGY AMD REQ	AGY AMD N/R	AGY AMD ANZ	AGY AMD REQ	
	FY 2017-18	FY 2017-18	FY 2017-18	FY 2017-18	FY 2017-18	
	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT
						CODES
JUSTICE ADMINISTRATION						21000000
PUBLIC DEFENDERS						21600000
PGM: PD-6TH JUD CIRCUIT						21600600
PUBLIC PROTECTION						12
LEGAL REPRESENTATION						1203.00.00.00
WORKLOAD						3000000
GRAHAM/MILLER/ATWELL ETCETERA -						
COURT MANDATED JUVENILE						
RESENTENCING						3009000
SALARY RATE						000000
SALARY RATE.....	92,500	92,500				
SALARIES AND BENEFITS						010000
GENERAL REVENUE FUND -STATE	2.00	139,779	2.00	139,779		1000 1
SPECIAL CATEGORIES						100000
PUBLIC DEFENDER OPERATIONS						103226
GENERAL REVENUE FUND -STATE		8,646		8,646		5,554
TOTAL: GRAHAM/MILLER/ATWELL ETCETERA -						3009000
COURT MANDATED JUVENILE						
RESENTENCING						
TOTAL POSITIONS.....	2.00		2.00			
TOTAL ISSUE.....		148,425		148,425		5,554
TOTAL SALARY RATE.....	92,500	92,500				

AGENCY ISSUE NARRATIVE:

2017-2018 BUDGET YEAR NARRATIVE:

IT COMPONENT? NO

Recent court decisions and the Legislature's enactment of Chapter 2014-220, Laws of Florida, have significantly increased the Public Defender workload for the resentencing of juvenile offenders. In addition to the U.S. Supreme Court cases of Graham v. Florida, 560 US 418(2010), and Miller v. Alabama, 132 SCT 2455 (2012), and the Florida cases making them retroactive (Henry v. State, 160 So.3d 393 (Fla. 2015); Falcon v. State, 162 So.3d 954 (Fla. 2015); Gridine v. State, 175 So.3d 672 (Fla. 2015)), several Florida Supreme Court decisions over the last year have expanded the pool of offenders sentenced as juveniles whose sentences must be reviewed to determine the effect of their background and immaturity on their criminal conduct as well as their prospects for successful re-entry into the community. In Atwell v. State, 2016 WL 3010795 (Fla. May 26, 2016), the Court applied the resentencing and judicial review requirements of Chapter 2014-220, to child offenders eligible for parole but still incarcerated decades after their crimes. In Landrum v. State, 2016 WL 3191099 (Fla. June 9, 2016), the Court extended the pool further, including juvenile offenders sentenced to life in prison for second degree murder.

COL A12	COL A14	COL A15	COL A16	COL A14-A12	
AGY FIN REQ FY 2017-18	AGY AMD REQ FY 2017-18	AGY AMD N/R FY 2017-18	AGY AMD ANZ FY 2017-18	AGY AMD REQ FY 2017-18 OVER(UNDER) AGY FIN REQ FY 2017-18	CODES
POS	AMOUNT	POS	AMOUNT	POS	AMOUNT
JUSTICE ADMINISTRATION					21000000
PUBLIC DEFENDERS					21600000
<u>PGM: PD-6TH JUD CIRCUIT</u>					21600600
<u>PUBLIC PROTECTION</u>					12
<u>LEGAL REPRESENTATION</u>					<u>1203.00.00.00</u>
WORKLOAD					3000000
GRAHAM/MILLER/ATWELL ETCETERA -					
COURT MANDATED JUVENILE					
RESENTENCING					3009000

In the 2016-17 budget request before these decisions, the FPDA reported that DOC had identified up to 1,700 resentencing and judicial review clients. We now expect the Atwell and Landrum decision to mandate resentencing for even more clients statewide. Also, now before the Florida Supreme Court, fully briefed with a decision expected by the end of 2016, is a case with even broader caseload potential. In Kelsey v. State, Fla. Supreme Court No. SCI5-2079, the issue is whether offenders with lengthy sentences short of their life expectancies must have an opportunity to demonstrate under section 921.1402 that they are appropriate to someday be released onto probation. A favorable decision will necessitate major sentence review hearings for juvenile offenders serving sentences longer than the statutory 15-, 20-, or 25-year review periods. We therefore anticipate a large increase in our juvenile resentencing felony caseload, starting almost immediately and continuing indefinitely.

Workload: United States Supreme Court Graham and Miller Mandate

The issue has significant statewide impact for Public Defenders due to the novelty and complexity of the legal and procedural issues. Florida law requires the trial court to look at the following factors in determining the appropriate sentence:

- 1) the nature and circumstances of the offense;
 - 2) the effect of the crime on the victim's family and community;
 - 3) the defendant's age, maturity, intellectual capacity, and emotional health;
 - 4) the defendant's background;
 - 5) the effect of immaturity, impetuosity, or failure to appreciate risks and consequences on defendant's participation in the offense;
 - 6) the extent of defendant's participation in the offense;
 - 7) the effect of familial pressure or peer pressure on the defendant's actions;
 - 8) the nature and extent of defendant's prior criminal history;
 - 9) the effect of characteristics attributable to defendant's youth;
 - and 10) the possibility of rehabilitating the defendant.
- Section 921.1401(2). It is, essentially, a brand new sentencing hearing. This is true even in those cases where the then-juvenile entered a plea to the charge. In order to represent these clients adequately, attorneys, investigators, and mitigation specialists must work together to explore the offender's entire life history. Records must be gathered, evaluations must be conducted, interviews of family and friends undertaken, educational materials obtained, and mental health history explored, and interviews with teachers, neighbors, program caseworkers, correctional staff, and other people who may assist in understanding and presenting the client's life story must be performed thoroughly to present information the court must consider in the re-sentencing hearings. Essentially the same factors apply to the separate, additional sentence review hearings under section 921.1401, necessitating the same painstaking preparation. Interviews must be undertaken, psychological and sociological evaluations conducted, and history of incarceration and potential and extent of rehabilitation reviewed. Release plans also have to be designed and proposed to include housing, employment, and other re-entry services. This is a major new workload for every Public Defender's office in the state.

The Public Defender 6th Circuit has identified at least 38 cases of juveniles whose cases will need resentencing due to the above rulings. This issue is to request 1 felony level assistant public defender and one master's level mitigation

	COL A12	COL A14	COL A15	COL A16	COL A14-A12	
					AGY AMD REQ	
					FY 2017-18	
					OVER(UNDER)	
	AGY FIN REQ	AGY AMD REQ	AGY AMD N/R	AGY AMD ANZ	AGY FIN REQ	
	FY 2017-18	FY 2017-18	FY 2017-18	FY 2017-18	FY 2017-18	
POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	POS
						AMOUNT
						CODES
JUSTICE ADMINISTRATION						21000000
PUBLIC DEFENDERS						21600000
PGM: PD-6TH JUD CIRCUIT						21600600
PUBLIC PROTECTION						12
LEGAL REPRESENTATION						1203.00.00.00
WORKLOAD						3000000
GRAHAM/MILLER/ATWELL ETCETERA -						
COURT MANDATED JUVENILE						
RESENTENCING						3009000

specialist to handle these cases. The salary rates requested for the 1 FTE assistant public defender and 1 FTE mitigation specialist are required to hire employees at the experience level needed.

This issue impacts all agency activities.

Amended 2017-18 Narrative after February 2, 2016

Recent court decisions and the Legislature's enactment of Chapter 2014-220, Laws of Florida, have significantly increased the Public Defender workload for the resentencing of juvenile offenders. In addition to the U.S. Supreme Court cases of Graham v. Florida, 560 US 418(2010), and Miller v. Alabama, 132 Sct 2455 (2012), and the Florida cases making them retroactive (Henry v. State, 160 So.3d 393 (Fla. 2015); Falcon v. State, 162 So.3d 954 (Fla. 2015); Gridine v. State, 175 So.3d 672 (Fla. 2015)), several Florida Supreme Court decisions over the last year have expanded the pool of offenders sentenced as juveniles whose sentences must be reviewed to determine the effect of their background and immaturity on their criminal conduct as well as their prospects for successful re-entry into the community. In Atwell v. State, 2016 WL 3010795 (Fla. May 26, 2016), the Court applied the resentencing and judicial review requirements of Chapter 2014-220, to child offenders eligible for parole but still incarcerated decades after their crimes. In Landrum v. State, 2016 WL 3191099 (Fla. June 9, 2016), the Court extended the pool further, including juvenile offenders sentenced to life in prison for second degree murder.

In the 2016-17 budget request before these decisions, the FPDA reported that DOC had identified up to 1,700 resentencing and judicial review clients. We now expect the Atwell and Landrum decision to mandate resentencing for even more clients statewide. Also, now before the Florida Supreme Court, fully briefed with a decision expected by the end of 2016, is a case with even broader caseload potential. In Kelsey v. State, Fla. Supreme Court No. SCI5-2079, the issue is whether offenders with lengthy sentences short of their life expectancies must have an opportunity to demonstrate under section 921.1402 that they are appropriate to someday be released onto probation. A favorable decision will necessitate major sentence review hearings for juvenile offenders serving sentences longer than the statutory 15-, 20-, or 25-year review periods. We therefore anticipate a large increase in our juvenile resentencing felony caseload, starting almost immediately and continuing indefinitely.

Workload: United States Supreme Court Graham and Miller Mandate
 The issue has significant statewide impact for Public Defenders due to the novelty and complexity of the legal and procedural issues. Florida law requires the trial court to look at the following factors in determining the appropriate sentence:

COL A12		COL A14		COL A15		COL A16		COL A14-A12		CODES
AGY FIN REQ FY 2017-18	AGY AMD REQ FY 2017-18	AGY AMD REQ FY 2017-18	AGY AMD N/R FY 2017-18	AGY AMD ANZ FY 2017-18	AGY AMD ANZ FY 2017-18	AGY AMD ANZ FY 2017-18	AGY AMD ANZ FY 2017-18	AGY FIN REQ FY 2017-18	AGY FIN REQ FY 2017-18	
POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	
JUSTICE ADMINISTRATION										21000000
PUBLIC DEFENDERS										21600000
PGM: PD-6TH JUD CIRCUIT										21600600
PUBLIC PROTECTION										12
LEGAL REPRESENTATION										1203.00.00.00
WORKLOAD										3000000
GRAHAM/MILLER/ATWELL ETCETERA -										
COURT MANDATED JUVENILE										
RESENTENCING										3009000

1) the nature and circumstances of the offense; 2) the effect of the crime on the victim's family and community; 3) the defendant's age, maturity, intellectual capacity, and emotional health, 4) the defendant's background; 5) the effect of immaturity, impetuosity, or failure to appreciate risks and consequences on defendant's participation in the offense; 6) the extent of defendant's participation in the offense 7) the effect of familial pressure or peer pressure on the defendant's actions; 8) the nature and extent of defendant's prior criminal history; 9) the effect of characteristics attributable to defendant's youth; and 10) the possibility of rehabilitating the defendant. Section 921.1401(2). It is, essentially, a brand new sentencing hearing. This is true even in those cases where the then-juvenile entered a plea to the charge. In order to represent these clients adequately, attorneys, investigators, and mitigation specialists must work together to explore the offender's entire life history. Records must be gathered, evaluations must be conducted, interviews of family and friends undertaken, educational materials obtained, and mental health history explored, and interviews with teachers, neighbors, program caseworkers, correctional staff, and other people who may assist in understanding and presenting the client's life story must be performed thoroughly to present information the court must consider in the re-sentencing hearings. Essentially the same factors apply to the separate, additional sentence review hearings under section 921.1401, necessitating the same painstaking preparation. Interviews must be undertaken, psychological and sociological evaluations conducted, and history of incarceration and potential and extent of rehabilitation reviewed. Release plans also have to be designed and proposed to include housing, employment, and other re-entry services. This is a major new workload for every Public Defender's office in the state.

The Public Defender 6th Circuit has identified at least 45 cases of juveniles whose cases will need resentencing due to the above rulings. This issue is to request 1 felony level assistant public defender and one master's level mitigation specialist to handle these cases. The salary rates requested for the 1 FTE assistant public defender and 1 FTE mitigation specialist are required to hire employees at the experience level needed.

This issue impacts all agency activities.

Summary: The above narrative has been revised to reflect a change in the number of cases, from 38 to 45, anticipated to be handled by this office.

Second Amended 2017-18 Narrative after February 22, 2017

Summary: the Public Defender 6th Circuit has identified at least 45 cases of juveniles whose cases will need resentencing

COL A12	COL A14	COL A15	COL A16	COL A14-A12	
AGY FIN REQ FY 2017-18	AGY AMD REQ FY 2017-18	AGY AMD N/R FY 2017-18	AGY AMD ANZ FY 2017-18	AGY AMD REQ FY 2017-18 OVER(UNDER)	AGY FIN REQ FY 2017-18
POS	AMOUNT	POS	AMOUNT	POS	AMOUNT
JUSTICE ADMINISTRATION					21000000
PUBLIC DEFENDERS					21600000
PGM: PD-6TH JUD CIRCUIT					21600600
PUBLIC PROTECTION					12
LEGAL REPRESENTATION					1203.00.00.00
WORKLOAD					3000000
GRAHAM/MILLER/ATWELL ETCETERA -					
COURT MANDATED JUVENILE					
RESENTENCING					3009000

due to the above rulings. 24 of these cases are pending in the judicial system, a number which has been identified as double the amount of any other circuit. This issue is to request one (1) felony level assistant public defender and one master's level mitigation specialist to handle these cases. The salary rates requested for the one (1) FTE assistant public defender and one (1) FTE mitigation specialist are required to hire employees at the experience level needed.

POSITION DETAIL OF SALARIES AND BENEFITS:

	FTE	BASE RATE	ADDITIVES	BENEFITS	SUBTOTAL	LAPSE %	LAPSED SALARIES AND BENEFITS
A12 - AGY FIN REQ FY 2017-18							
NEW POSITIONS							
5642 MITIGATION SPECIALIST N0002 001	1.00	38,500		18,030	56,530	0.00	56,530
5901 ASST PUBLIC DEFENDER N0001 001	1.00	54,000		29,249	83,249	0.00	83,249
TOTALS FOR ISSUE BY FUND							
1000 GENERAL REVENUE FUND							139,779
	2.00	92,500		47,279	139,779		139,779

	COL A12	COL A14	COL A15	COL A16	COL A14-A12	
	AGY FIN REQ	AGY AMD REQ	AGY AMD N/R	AGY AMD ANZ	AGY AMD REQ	
	FY 2017-18	FY 2017-18	FY 2017-18	FY 2017-18	FY 2017-18	
	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT
						CODES
JUSTICE ADMINISTRATION						21000000
PUBLIC DEFENDERS						21600000
PGM: PD-6TH JUD CIRCUIT						21600600
PUBLIC PROTECTION						12
LEGAL REPRESENTATION						<u>1203.00.00.00</u>
WORKLOAD						3000000
GRAHAM/MILLER/ATWELL ETCETERA -						
COURT MANDATED JUVENILE						
RESENTENCING						3009000

POSITION DETAIL OF SALARIES AND BENEFITS:

	FTE	BASE RATE	ADDITIVES	BENEFITS	SUBTOTAL	LAPSE %	LAPSED SALARIES AND BENEFITS
A14 - AGY AMD REQ FY 2017-18							
NEW POSITIONS							
5642 MITIGATION SPECIALIST							
N0002 001	1.00	38,500		18,030	56,530	0.00	56,530
5901 ASST PUBLIC DEFENDER							
N0001 001	1.00	54,000		29,249	83,249	0.00	83,249
TOTALS FOR ISSUE BY FUND							
1000 GENERAL REVENUE FUND							139,779
	2.00	92,500		47,279	139,779		139,779

TOTAL: LEGAL REPRESENTATION							<u>1203.00.00.00</u>
BY FUND TYPE							
GENERAL REVENUE FUND.....	2.00	148,425	2.00	148,425	5,554		1000
SALARY RATE.....	92,500		92,500				

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