
 COL All
 SCH VIIIB-2
 REDUCTIONS
 POS AMOUNT PRIORITY CODES

CORRECTIONS, DEPT OF 70000000

PRIORITY SUMMARY NARRATIVE:

At the outset, the Department of Corrections' task is the same as it is for all Florida state agencies. The department must identify potential budget reductions equaling 10 percent of recurring appropriations.

Department of Corrections' Mission Statement

To protect the public, ensure the safety of department personnel, and provide for the proper care and supervision of all offenders under our jurisdiction, while assisting, as appropriate, their re-entry into society.

The Department of Corrections, like other agencies, bears the long-term risk associated with these proposed cuts. However, Floridians bear the immediate risks. This proposal offers a cost-cutting strategy that is consistent with the objective of cutting the approximate \$225 million. More importantly, this proposal is consistent with the mission of the department and its statutory assignments. The department's cost-cutting proposals must respect public safety and be beneficial to the needs of both victims of crime and the successful re-entry of those who are incarcerated for committing crimes.

SCHEDULE VIIIB REDUCTIONS -
 OPERATING
 DELAY PHASE-IN BASED ON NEW
 POPULATION PROJECTIONS

		1	33B0550
GENERAL REVENUE FUND.....	408.00- 21,662,971-		1000
	=====		

SCH VIIIB-2 NARR 10-11 NOTES:

Based on the revised population forecast from the September 29 Criminal Justice Estimating Conference, the department is delaying the opening of the following institutions that were partially funded in 2009-10: Franklin Work Camp, Liberty Work Camp, Okeechobee Work Camp, Santa Rosa Work Camp, Mayo Annex and temporary dorm support. Positions reduced in this issue are net of position reductions taken as part of 2009-10 legislative reductions.

OAD transaction used utilized to balance to the original issues.

Activity: Maintaining Security

ELIMINATE PRE-TRIAL INTERVENTION		2	33B0010
GENERAL REVENUE FUND.....	61.00- 4,171,893-		1000
	=====		

 COL All
 SCH VIIIIB-2
 REDUCTIONS
 POS AMOUNT PRIORITY CODES

CORRECTIONS, DEPT OF 70000000
 SCHEDULE VIIIIB REDUCTIONS -
 OPERATING 33B0000
 ELIMINATE PRE-TRIAL INTERVENTION 2 33B0010

SCH VIIIIB-2 NARR 10-11 NOTES:

Would eliminate supervision for; (1) any individual whose offense meets criteria defined in 948.08 is eligible for the pretrial intervention program. Approval of the administrator and the consent of the victim, the state attorney, and the judge hearing the case are required in order to formally accept the offender into the program. If the offender completes the conditions of the program which could include restitution to the victim, counseling and/or community service, then the State Attorney's Office will not prosecute the case, (2) any person charged with a felony of the second or third degree for purchase or possession of a controlled substance under chapter 893, and who has not previously been convicted of a felony, nor been admitted to a pretrial program, is eligible for admission into a pretrial substance abuse education and treatment intervention program approved by the chief judge of the circuit, for a period of not less than one year. At the end of the pretrial intervention period, the Court shall make a decision as to the disposition of the pending charges. The Court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program. Failure to successfully complete the program shall result in the continued prosecution of the case by the State Attorney's Office.

ELIMINATE REGULAR PROBATION 3 33B0020
 SUPERVISION
 GENERAL REVENUE FUND..... 1,131.00-
 68,367,796- 1000
 =====

SCH VIIIIB-2 NARR 10-11 NOTES:

This would eliminate supervision of offenders sentenced to a court-ordered term of probation; including felony, misdemeanor and administrative probation, and youthful offenders. Approximately 90 percent of offenders are on felony probation, whose offenses include property related crimes, drugs, and violent offenses. The average length of regular probation supervision is 2.5 years. If eliminated, it is anticipated that affected offenders would be merged into drug offender probation, community control or post-prison release supervision caseloads until completion of supervision period, or go unsupervised. As of July 31, 2009 there were over 79,000 offenders on regular probation active supervision.

PERIODIC LUMP SUM GAIN TIME FOR 4 33B0500
 SECURITY OPERATIONS
 GENERAL REVENUE FUND..... 1,400.00-
 117,688,780- 1000
 =====

COL All			
SCH VIIIIB-2			
REDUCTIONS			
POS	AMOUNT	PRIORITY	CODES

CORRECTIONS, DEPT OF			70000000
SCHEDULE VIIIIB REDUCTIONS -			
OPERATING			33B0000
PERIODIC LUMP SUM GAIN TIME FOR			
SECURITY OPERATIONS		4	33B0500

SCH VIIIIB-2 NARR 10-11 NOTES:

The department proposes statutory changes to permit the granting of a lump-sum award of 90 days gain time. The award would be made on June 30, 2009. However, at no time would the awarding of gain time allow an inmate's release to conflict with Florida's 85% minimum service law. Sex offenders have been excluded from this proposal, such that those offenders could not receive any of the gain time awards.

Section 944.275, F.S., authorizes the department to grant deductions from sentences in the form of gain time in order to encourage satisfactory prisoner behavior, to provide incentive for prisoners to participate in productive activities, and to reward prisoners who perform outstanding deeds or services. This proposal requires a statutory change, which would be applied retroactively to all offenders in the prison system.

Retroactive application should pose no ex post facto, due process or equal protection concerns. Additionally the purpose of this 90-day gain time award must be clearly stated, so as to distinguish itself from other forms of statutorily created gain time and release mechanisms.

Projected Fiscal Impact

CJEC Reduction, June 30, 2010 = 5,853
 Adjusted Population, June 30, 2010 = 97,557
 Operational Savings 2010-11 = \$117,688,780

Advantages

1. The proposal remains consistent with Florida's 85% service requirement for all inmates.
2. Sex offenders have been excluded from this proposal. Those offenders could not receive any gain time.
3. Public safety is not affected to any measurable degree, because this proposal results in a minimal change in the release date for inmates. Essentially, inmates are exiting incarceration as much as 90 days earlier.
4. Inmates serving life sentences are not eligible for gain time (during the portion of time these mandatory sentences are in effect).
5. Just as gain time can be awarded, it can be withheld or forfeited.
6. Overall, eligibility for gain time is not difficult to determine.

TOTAL: CORRECTIONS, DEPT OF			70000000
BY FUND TYPE			
GENERAL REVENUE FUND.....	3,000.00-		
	211,891,440-		1000
	=====		