

	COL A12	COL A14	COL A15	COL A16	COL A14-A12	
					AGY AMD REQ	
					FY 2021-22	
					OVER(UNDER)	
	AGY FIN REQ	AGY AMD REQ	AGY AMD N/R	AGY AMD ANZ	AGY FIN REQ	
	FY 2021-22	FY 2021-22	FY 2021-22	FY 2021-22	FY 2021-22	
POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	CODES
JUSTICE ADMINISTRATION						21000000
PGM: JUSTICE ADMIN COMM						21300000
<u>EXECUTIVE DIR/SUPPORT SVCS</u>						21300800
PUBLIC PROTECTION						12
<u>LEGAL REPRESENTATION</u>						<u>1203.00.00.00</u>
WORKLOAD						3000000
INCREASE DUE PROCESS FUNDS						3000040
SPECIAL CATEGORIES						100000
PUB DFNDR DUE PROCESS COST						103228
GENERAL REVENUE FUND -STATE	1,000,000	1,250,000	1,000,000		250,000	1000 1
STATE ATTORNEY DUE PROCESS						103541
GENERAL REVENUE FUND -STATE	932,047	1,382,877			450,830	1000 1
TOTAL: INCREASE DUE PROCESS FUNDS						3000040
TOTAL ISSUE.....	1,932,047	2,632,877	1,000,000		700,830	

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AGENCY ISSUE NARRATIVE:

2021-2022 BUDGET YEAR NARRATIVE:

IT COMPONENT? NO

State Attorney's Office, 5th Circuit

To effectively prosecute the expected Capital Felony Cases for fiscal year 20/21, SA05 will require \$432,047 in due process authority. This includes defense experts' time for deposition, transcription costs, records subpoenaed, including medical, school, work, etcetera and, prosecution experts. This also includes travel for three employees, 216 days at a daily cost of \$200, as well as Out-of-State Travel for Victim/Witness (airfare, hotel).

State Attorney's Office, 17th Circuit

The State Attorney's Office, 17th Circuit requests an additional \$500,000 in the Due Process Fund. These funds are needed for the due process costs associated with the Marjory Stoneman Douglas case and other ongoing cases.

Total State Attorney's Due Process requested: \$932,047.

Public Defender's Due Process: \$1,000,000 non-recurring

On February 15, 2018, the Public Defender's Office in the Seventeenth Circuit was appointed to a multi-victim homicide and attempted homicide case. The defendant was indicted for 17 counts of first degree murder and 17 counts of attempted first degree murder. The State filed a Notice of Intent to Seek the Death Penalty. The Defendant filed a Limited Demand

COL A12		COL A14		COL A15		COL A16		COL A14-A12		CODES
AGY FIN REQ FY 2021-22 POS	AMOUNT	AGY AMD REQ FY 2021-22 POS	AMOUNT	AGY AMD N/R FY 2021-22 POS	AMOUNT	AGY AMD ANZ FY 2021-22 POS	AMOUNT	AGY AMD REQ FY 2021-22 OVER(UNDER) AGY FIN REQ FY 2021-22 POS	AMOUNT	
JUSTICE ADMINISTRATION										21000000
PGM: JUSTICE ADMIN COMM										21300000
<u>EXECUTIVE DIR/SUPPORT SVCS</u>										21300800
PUBLIC PROTECTION										12
<u>LEGAL REPRESENTATION</u>										<u>1203.00.00.00</u>
WORKLOAD										3000000
INCREASE DUE PROCESS FUNDS										3000040

for Discovery, excluding from his request photographs, videos and other items depicting the crime scene and victims. The limited discovery submission by the State contained 968 witness and 1,260 documents ranging in length from one page to hundreds of pages. After changes to the public records law which created an exception for mass shootings, this office filed a Discovery Demand for all discovery. Pursuant to the Discovery Demand, we have received video footage from 70 camera for a total of 6.63 terabytes of data or approximately 840 hours of video. We have also received an additional discovery submissions as follows: 3,720 files in 414 folders with 275 GB of data, 14,611 files in 216 folders with 227 GB of data and 9,700 files of discovery that we have not yet evaluated to determine the number of files or GB of information, which could easily be over 20,000 pages of additional discovery.

This is our 4th request since being appointed to this case. Our three prior Legislative Budget Requests (LBR's) have been rejected. We cannot effectively represent our client without additional resources. This request is a critical need in order to properly fund our office so that we are able to provide effective assistance of counsel. Our office is again requesting \$1,000,000 in Due Process funding to meet the demands of this case. This request is critical to our continuing representation of this client as well as our ability to represent other clients facing the death penalty. Without this funding, our office will be forced to move to withdraw from any new death penalty cases as we will be unable to effectively represent those clients. The additional personnel are critical for the effective representation of our clients.

We have offered to resolve this case with a plea to 34 consecutive life sentences, but that offer has so far been rejected by the State. This request is a critical need in order to properly fund our office to enable us to provide effective assistance of counsel.

Amended 2021-22 Narrative after February 10, 2021

Public Defender Due Process Costs: \$250,000  
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State Courts significantly curtailed operations in mid-March 2020 due to the COVID-19 pandemic, effectively closing court facilities to the public. In-person court proceedings still remain limited. This reduction in court operations has created a significant increase in pending and open cases. Pending cases in the system at the time of the shutdown were stalled, while new cases continued to be filed. Consequently, this has resulted in a significant pandemic-generated increase in the number of open pending cases for Public Defenders across the State. This increase in workload is expected to continue to grow as additional case filings, which were held back by State Attorneys due to the court proceedings shut down, are now starting to be filed and are moving forward through the court system. The backlog will continue to compound until Florida vaccination levels have been distributed across the state allowing for a safe return to normal operations.

COL A12		COL A14		COL A15		COL A16		COL A14-A12		CODES
AGY FIN REQ FY 2021-22	AGY AMD REQ FY 2021-22	AGY AMD REQ FY 2021-22	AGY AMD N/R FY 2021-22	AGY AMD ANZ FY 2021-22	AGY AMD ANZ FY 2021-22	AGY FIN REQ FY 2021-22	AGY FIN REQ FY 2021-22	AGY AMD REQ FY 2021-22 OVER(UNDER)	AGY FIN REQ FY 2021-22	
POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	
										21000000
										21300000
										21300800
										12
										<u>1203.00.00.00</u>
										3000000
										3000040

JUSTICE ADMINISTRATION  
 PGM: JUSTICE ADMIN COMM  
EXECUTIVE DIR/SUPPORT SVCS  
 PUBLIC PROTECTION  
LEGAL REPRESENTATION  
 WORKLOAD  
 INCREASE DUE PROCESS FUNDS

Current projections put that immunization window roughly in the fall of 2021.

As the Courts expand operations, criminal trials and juvenile delinquency proceedings are to be given top priority by the courts. The Supreme Court Admin Order AOSC20-23, Section III F, outlines the priority level for utilizing trial court resources and facility space to conduct in-person proceedings (emphasis added):

- Chief judges shall have the discretion to determine how best to utilize available trial court resources and facility space to conduct in-person proceedings, whether criminal or non-criminal, but before making such determination should consider the following priorities listed from highest to lowest: (1) Essential and critical trial court proceedings. (2) Circuit and county criminal trials with an in-custody defendant. (3) Circuit trials for juveniles being tried as an adult. - 16 - (4) Juvenile delinquency trials. (5) Circuit and county criminal trials with an out-of-custody defendant. (6) Termination of parental rights trials. (7) Circuit civil jury trials. (8) County civil jury trials. (9) All other trial court proceedings.

Section III G(2)(b) further provides that chief judges are encouraged to, "Reassign judges and court staff to proceedings having the highest priority."

In sum, criminal cases take priority over civil cases and courts reassign judicial resources to the very cases handled by Public Defenders and State Attorneys. Public Defenders must have the necessary resources to address the pandemic-generated workload increase. This is in addition to the normal high-volume workload handled at any given time. Subsequently, any increase in court funding for additional judges, senior judges or other resources to address caseload backlog due to the COVID 19 pandemic must be coupled with increased funding for Public Defenders, State Attorneys and other criminal justice partners.

Currently, the Public Defender, 13th Judicial Circuit has a total of 117 pending homicide cases (67 capital, 32 non-capital, 18 vehicular homicide, and 4 pending formal charges).

The Public Defender, 13th Circuit is projected to exceed current year allocation of Due Process funding in the amount of \$27,139.36. Therefore, the Public Defender 13th Judicial Circuit is requesting additional Due Process funding in the amount of \$250,000 to appropriately investigate, develop mitigation, and retain expert witnesses in preparation of the 41 pending homicide cases out of the 117 pending homicide cases set for jury trial in 2021. The Public Defender is not requesting FTEs.

Summary: this issue has been amended to include an additional \$250,000 in Public Defender Due Process funds for the Public Defender in the Thirteenth Judicial Circuit.

	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 2021-22	FY 2021-22	FY 2021-22	FY 2021-22	FY 2021-22	
	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT
						CODES
JUSTICE ADMINISTRATION						21000000
PGM: JUSTICE ADMIN COMM						21300000
<u>EXECUTIVE DIR/SUPPORT SVCS</u>						21300800
PUBLIC PROTECTION						12
<u>LEGAL REPRESENTATION</u>						<u>1203.00.00.00</u>
WORKLOAD						3000000
INCREASE DUE PROCESS FUNDS						3000040

Second Amended 2021-22 Narrative after February 10, 2021

State Attorney Due Process Costs - \$950,830

With the expectation that the Marjory Stoneman Douglas High School homicide case will begin FY21-22, the monumental costs of experts and witnesses are increasingly evident. The following are only some of the expected witnesses and experts needed for this case.

- |                          |                               |  |
|--------------------------|-------------------------------|--|
| 3 - Psychologists        | 1 - Firearms Expert           | 1 - Crisis Intervention Expert           |
| 1 - Psychiatrist         | 7 - Forensic Pathologists     | 1 - MSD School Video Surveillance Expert |
| 1 - Medical Examiner     | 13 - Crime Scene Specialists  | 1 - Forensic Video Expert                |
| 1 - Forensic Pathologist | 2 - Blood Splatter Experts    | 1 - Video Game Expert                    |
| 2 - DNA Experts          | 1 - Cellular Forensics Expert | 5 - Multi Media/Electronic Data Analysts |

In addition to expert costs, litigation regarding a change of venue is anticipated. A venue change would require travel expenses including lodging, meals, and mileage for the 20 member trial team, for a period of 6 months. The estimated cost totaling \$450,830. This is an increase over our original request of \$500,000.

TOTAL REQUEST FOR DUE PROCESS:  
 \$950,830 for FY21-22

LINK TO AGENCY ACTIVITIES: Felony, misdemeanor and juvenile prosecution.

Summary: this issue has been amended to include an additional \$450,830 for the State Attorney's Office in the Seventeenth Circuit.

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TOTAL: LEGAL REPRESENTATION						<u>1203.00.00.00</u>
BY FUND TYPE						
GENERAL REVENUE FUND.....	1,932,047	2,632,877	1,000,000		700,830	1000
	=====	=====	=====	=====	=====	

COL A12		COL A14		COL A15		COL A16		COL A14-A12		CODES
AGY FIN REQ FY 2021-22 POS	AMOUNT	AGY AMD REQ FY 2021-22 POS	AMOUNT	AGY AMD N/R FY 2021-22 POS	AMOUNT	AGY AMD ANZ FY 2021-22 POS	AMOUNT	AGY AMD REQ FY 2021-22 OVER(UNDER) AGY FIN REQ FY 2021-22 POS	AMOUNT	
JUSTICE ADMINISTRATION										21000000
PUBLIC DEFENDERS										21600000
<u>PGM: PD-5TH JUD CIRCUIT</u>										21600500
PUBLIC PROTECTION										12
<u>LEGAL REPRESENTATION</u>										<u>1203.00.00.00</u>
WORKLOAD										3000000
TRIAL COURTS PANDEMIC RECOVERY PLAN										3001020
SALARIES AND BENEFITS										010000
GENERAL REVENUE FUND			220,000		220,000				220,000	1000 1

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AGENCY ISSUE NARRATIVE:

2021-2022 BUDGET YEAR NARRATIVE:

IT COMPONENT? NO

Amended 2021-22 Narrative after February 10, 2021

The Florida Public Defender's Association (FPDA) is requesting non-recurring General Revenue funding based on the individual needs of the nineteen (19) circuits that comprise the FPDA. This funding request will be non-recurring over a two-year period to address the significant additional workload backlog that is being created due to the COVID-19 pandemic.

State Courts significantly curtailed operations in mid-March 2020 due to the COVID-19 pandemic, effectively closing court facilities to the public. In-person court proceedings still remain limited. This reduction in court operations has created a significant increase in pending and open cases. Pending cases in the system at the time of the shutdown were stalled, while new cases continued to be filed. Consequently, this has resulted in a significant pandemic-generated increase in the number of open pending cases for Public Defenders across the State. This increase in workload is expected to continue to grow as additional new case filings continue. The backlog will continue to compound until Florida vaccination levels are sufficiently high enough to allow for a safe return to normal court operations. Current projections put that immunization window roughly in the fall of 2021. It is estimated that it will take at least two years to clear out the case backlog.

As the Courts expand operations, criminal trials and juvenile delinquency proceedings are to be given top priority by the courts. The Supreme Court Admin Order AOSC20-23, Section III F, outlines the priority level for utilizing trial court resources and facility space to conduct in-person proceedings (emphasis added):

Chief judges shall have the discretion to determine how best to utilize available trial court resources and facility space to conduct in-person proceedings, whether criminal or non-criminal, but before making such determination should consider the following priorities listed from highest to lowest: (1) Essential and critical trial court proceedings. (2) Circuit and county criminal trials with an in-custody defendant. (3) Circuit trials for juveniles being tried as an adult. (4) Juvenile delinquency trials. (5) Circuit and county criminal trials with an out-of-custody defendant. (6) Termination of parental rights trials. (7) Circuit civil jury trials. (8) County civil jury trials. (9) All other trial court proceedings.

	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 2021-22	FY 2021-22	FY 2021-22	FY 2021-22	FY 2021-22	
	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT
						CODES
JUSTICE ADMINISTRATION						21000000
PUBLIC DEFENDERS						21600000
PGM: PD-5TH JUD CIRCUIT						21600500
PUBLIC PROTECTION						12
LEGAL REPRESENTATION						1203.00.00.00
WORKLOAD						3000000
TRIAL COURTS PANDEMIC RECOVERY PLAN						3001020

Section III G(2)(b) further provides that chief judges are encouraged to, "Reassign judges and court staff to proceedings having the highest priority."

In sum, criminal cases take priority over civil cases and courts reassign judicial resources to the very cases handled by Public Defenders and State Attorneys. Public Defenders must have the necessary resources to address the pandemic-generated workload increase. This is in addition to the normal high-volume workload handled at any given time. Subsequently, any increase in court funding for additional judges, senior judges or other resources to address caseload backlog due to the COVID 19 pandemic must be coupled with increased funding for Public Defenders, State Attorneys and other criminal justice partners.

The 5th Circuit Public Defender has compared the pending case counts from the start of the pandemic shutdown in our circuit March 31, 2020 (6,250) to the pending case counts on February 23, 2021 (10,665) which indicates a 71% increase in pending case numbers. As the courts expand the reopening process, the backlog is expected to continue to grow when the time critical case focus will be on the trials of in custody clients in an attempt to decrease overcrowded jails, consistent with current Administrative Orders. It is anticipated that Senior Judges will be brought in to allow for additional courtroom coverage to handle the trials. Current staffing levels will not be able to handle multiple trials, while still working newly appointed caseloads.

The 5th Judicial Circuit is comprised of five (5) counties encompassing a large geographical area. We are asking for two (2) FTE Assistant Public Defenders (\$50,000 salary each + benefits) and two (2) FTE Assistant Public Defenders (\$57,000 salary each + benefits) including the Operating expenditure budget of \$18,692 as per Modified Standard #3. The increased salary request is required because two (2) of the positions need to be filled with experienced attorneys to handle felony backlog cases.

Two (2) FTE Attorneys at \$50,000 each with benefits package + Operating expense at \$9,346  
 Two (2) FTE Attorneys at \$57,000 each with benefits package + Operating expense at \$9,346

This issue impacts all agency activities.

Summary: this is a new issue.

Second Amended 2021-22 Narrative after February 10, 2021

The 5th Circuit Public Defender has compared the pending case counts from the start of the pandemic shutdown in our

COL A12	COL A14	COL A15	COL A16	COL A14-A12	
AGY FIN REQ FY 2021-22	AGY AMD REQ FY 2021-22	AGY AMD N/R FY 2021-22	AGY AMD ANZ FY 2021-22	AGY AMD REQ FY 2021-22 OVER(UNDER)	AGY FIN REQ FY 2021-22
POS	AMOUNT	POS	AMOUNT	POS	AMOUNT
					CODES
JUSTICE ADMINISTRATION					21000000
PUBLIC DEFENDERS					21600000
<u>PGM: PD-5TH JUD CIRCUIT</u>					21600500
PUBLIC PROTECTION					12
<u>LEGAL REPRESENTATION</u>					<u>1203.00.00.00</u>
WORKLOAD					3000000
TRIAL COURTS PANDEMIC RECOVERY PLAN					3001020

circuit March 31, 2020 (6,250) to the pending case counts on February 23, 2021 (10,665) which indicates a 71% increase in pending case numbers. As the courts expand the reopening process, the backlog is expected to continue to grow when the time critical case focus will be on the trials of in custody clients in an attempt to decrease overcrowded jails, consistent with current Administrative Orders. It is anticipated that Senior Judges will be brought in to allow for additional courtroom coverage to handle the trials. Current staffing levels will not be able to handle multiple trials, while still working newly appointed caseloads.

The 5th Judicial Circuit is comprised of five (5) counties encompassing a large geographical area. We are asking for two (2) FTE Assistant Public Defenders (\$50,000 salary each) and two (2) FTE Assistant Public Defenders (\$60,000 salary each). The increased salary request is required because two (2) of the positions need to be filled with experienced attorneys to handle felony backlog cases. Our agency will utilize current vacant positions and rate for these positions.

This issue impacts all agency activities.

Summary: this issue has been amended to delete the original request for four positions, recurring Salaries and Benefits and Operations funding per Modified Standard #3. The General Revenue request has been reduced by \$151,206, from \$371,206 to a non-recurring \$220,000.

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POSITION DETAIL OF SALARIES AND BENEFITS:

FTE	BASE RATE	ADDITIVES	BENEFITS	SUBTOTAL	LAPSE %	LAPSED SALARIES AND BENEFITS
A14 - AGY AMD REQ FY 2021-22						
CHANGES TO CURRENTLY AUTHORIZED POSITIONS						
OTHER SALARY AMOUNT						
1000 GENERAL REVENUE FUND						220,000
						-----
						220,000
						=====

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COL A12		COL A14		COL A15		COL A16		COL A14-A12		CODES
AGY FIN REQ FY 2021-22	POS AMOUNT	AGY AMD REQ FY 2021-22	POS AMOUNT	AGY AMD N/R FY 2021-22	POS AMOUNT	AGY AMD ANZ FY 2021-22	POS AMOUNT	AGY AMD REQ FY 2021-22 OVER(UNDER)	AGY FIN REQ FY 2021-22	

JUSTICE ADMINISTRATION										21000000
PUBLIC DEFENDERS										21600000
PGM: PD-5TH JUD CIRCUIT										21600500
PUBLIC PROTECTION										12
LEGAL REPRESENTATION										<u>1203.00.00.00</u>
WORKLOAD										3000000
TRIAL COURTS PANDEMIC RECOVERY PLAN										3001020

POSITION DETAIL OF SALARIES AND BENEFITS:

FTE	BASE RATE	ADDITIVES	BENEFITS	SUBTOTAL	LAPSE %	LAPSED SALARIES AND BENEFITS
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A15 - AGY AMD N/R FY 2021-22

CHANGES TO CURRENTLY AUTHORIZED POSITIONS

OTHER SALARY AMOUNT

1000 GENERAL REVENUE FUND

220,000

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 220,000  
 =====

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