

	COL A12	COL A14	COL A15	COL A16	COL A14-A12	
					AGY AMD REQ	
					FY 2023-24	
					OVER(UNDER)	
	AGY FIN REQ	AGY AMD REQ	AGY AMD N/R	AGY AMD ANZ	AGY FIN REQ	
	FY 2023-24	FY 2023-24	FY 2023-24	FY 2023-24	FY 2023-24	
POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	CODES
FL <u>COMMISN/OFFENDER REVIEW</u>						78000000
PGM: <u>PST-INCAR ENF/VIC RTS</u>						78010000
<u>PUBLIC PROTECTION</u>						12
<u>ADULT PRISONS</u>						<u>1206.00.00.00</u>
WORKLOAD						3000000
FUNDING FOR LITIGATION EXPENSES						3000900
SPECIAL CATEGORIES						100000
CONTRACTED SERVICES						100777
GENERAL REVENUE FUND -STATE		130,081	130,081		130,081	1000 1

AGENCY ISSUE NARRATIVE:

2023-2024 BUDGET YEAR NARRATIVE:

IT COMPONENT? NO

"Amended 2023-24 Narrative after February 8, 2023"

The Commission requests \$130,081 in nonrecurring funding in General Revenue for litigation expenses, to defend, as necessary, an appeal arising from or related to Commission duties and responsibilities. On February 17, 2023, Commissioner Defendants, who were sued in their official capacities, were granted relief by summary judgment in a civil rights action, filed pursuant to 42 U.S.C. 1983 in the United States District Court for the Middle District of Florida. The class action alleged that Florida's parole system was unconstitutional as it applied to certain offenders who committed their parole eligible offenses as juveniles. The Commissioner Defendants were represented by the Complex Civil Litigation Bureau, Office of the Attorney General, at the trial level.

As the Commission has no recurring funding for litigation expenses, the Commission is required to seek nonrecurring funding each time significant litigation expenses arise or are expected to arise. Based on representations of the Office of the Attorney General, it is expected that Plaintiffs will file a notice of appeal. Plaintiffs have thirty (30) days from the date of the February 17, 2023, order granting Commissioner Defendants summary judgment to do so. As of the date of this submission, Plaintiffs have not yet submitted their notice of appeal. Additionally, according to the Office of the Attorney General, upon receipt of the notice of appeal, the Office of Solicitor General intends to represent the Commission on appeal.

Although there are many unknowns at this point as to specific costs to the Office of the Solicitor General for attorney and support staff hours associated with the imminent appeal, the Commission estimates that the costs associated with prosecuting the appeal will total approximately the same amount estimated and received in FY 22/23 for the expenses to defend the matter at the trial level: \$130,081. The Commission bases this estimate on the fact that although there are not likely to be the same expenses associated with the appeal as there were with the trial, e.g., no new depositions will be taken, no new expert witnesses will be retained, etc., the costs are still likely to remain the same because of the costs of retaining the Office of the Solicitor General to defend the appeal. The Solicitor General is the State's chief appellate attorney and the Office of the Solicitor General is responsible for handling the State's most sensitive and complex litigation and appeals in the Florida Supreme Court, the Eleventh Circuit Court of Appeals, and the United States Supreme Court. Commensurate with the experience and expertise of the Office of the Solicitor General, it is expected that the attorney costs associated with retaining that office will be significantly more than the attorney costs associated with retaining the Office of the Attorney General for the trial work.

COL A12		COL A14		COL A15		COL A16		COL A14-A12		CODES
AGY FIN REQ FY 2023-24	POS AMOUNT	AGY AMD REQ FY 2023-24	POS AMOUNT	AGY AMD N/R FY 2023-24	POS AMOUNT	AGY AMD ANZ FY 2023-24	POS AMOUNT	AGY AMD REQ FY 2023-24 OVER(UNDER)	AGY FIN REQ FY 2023-24	
										78000000
										78010000
										12
										<u>1206.00.00.00</u>
										3000000
										3000900

FL COMMISN/OFFENDER REVIEW
 PGM: PST-INCAR ENF/VIC RTS
PUBLIC PROTECTION
ADULT PRISONS
 WORKLOAD
 FUNDING FOR LITIGATION EXPENSES

78000000
 78010000
 12
1206.00.00.00
 3000000
 3000900

While the Office of the Solicitor General will not be required to generate and respond to discovery, prepare witness for deposition and trial, and purchase additional transcripts, the Office of the Solicitor General will, among other things, be required to review the entire record, including all discovery, deposition transcripts, motions and orders, statutes, rules, and applicable case law, and to consult, correspond, and confer with Commissioner Defendants. The Commission submits that the significantly higher hourly rate or other retention rate and costs associated with retaining the Office of the Solicitor General to defend this appeal will require an allocation of nonrecurring funds in the amount of \$130,081.

At the time the Commission submitted its FY23/24 legislative budget request, the matter was set for trial and the Commission had no information that it would prevail on its motion for summary judgment and that the matter would then proceed as an appeal under the direction of the Office of the Solicitor General. In order to secure the required funding, the Commission submits this amendment to its legislative budget request.

This request is also consistent with the Governor's priority to ensure public safety and to develop and implement comprehensive threat assessment strategies to identify and prevent threats to the public. This funding request aligns with the following strategies contained in Florida's Strategic Plan for Economic Development 2018 2023: Section 6.1 Quality of Life and Quality Places Create and sustain vibrant, safe, healthy, and resilient communities that attract workers, residents, businesses, and visitors.

"Summary: This is a new issue."
