

**SCHEDULE VIII B-2  
PRIORITY LISTING OF AGENCY BUDGET ISSUES FOR POSSIBLE REDUCTION  
FISCAL YEAR 2009-2010**

**Issue Code: 33B1000**  
**Issue Title: State Attorney Reductions**

**State Attorney, First Judicial Circuit Priority #1**

General Revenue Reduction:	-\$1,278,208
<u>Trust Fund Reduction:</u>	<u>-\$ 177,790</u>
Total Reduction:	-\$1,455,998

Impact of Reduction: Salaries and Benefits would be reduced by holding 33\*\* positions vacant for 12 months. Other Personal Services would be reduced by cutting the number of students hired for special projects. Operations would be reduced by postponing the purchase of furniture and equipment and by reducing supplies and travel. With already high average caseloads, a reduction in our office's number of filled positions would be detrimental to our ability to effectively carry out our mission.

\*\*33 positions are based upon our agency's average salary per position of \$43,956 plus benefits.

**State Attorney, Second Judicial Circuit Priority #1**

General Revenue Reduction:	-\$722,920
<u>Trust Fund Reduction:</u>	<u>-\$ 87,024</u>
Total Reduction:	-\$809,944

Impact of Reduction: Because 95% of our total budget is in Salaries and Benefits, to achieve an \$809,944 reduction, we would be required to create and hold 13 additional vacant positions through attrition and lay-offs. This is calculated on an average salary of \$45,194 together with benefits expense for a total of \$60,108 per position. This would be over and above whatever similar actions that may have to be taken if an additional 4% is withheld from this year's appropriation. Together, these cuts could amount to a 15 to 20% reduction in force.

Meanwhile, case referrals and re-opened cases are increasing. A 15 to 20% reduction in force would translate into a corresponding increase in workload for the remaining staff. This will significantly increase case processing time and affect the nature of case dispositions and outcomes. It has the potential to be a public safety issue of significant proportion.

**State Attorney, Third Judicial Circuit Priority #1**

General Revenue Reduction:	-\$421,431
<u>Trust Fund Reduction:</u>	<u>-\$ 41,988</u>
Total Reduction:	-\$463,419

Impact of Reduction: In the event of a Fiscal Year 2009-2010 revenue shortfall, the State Attorney's Office will reduce its budget by the amount required.

**State Attorney, Fourth Judicial Circuit Priority #1**

General Revenue Reduction:	-\$2,000,255
<u>Trust Fund Reduction:</u>	<u>-\$ 325,114</u>
Total Reduction:	-\$2,354,449

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**State Attorney, Fourth Judicial Circuit**

Impact of Reduction: Because 91% of our total budget is in Salaries and Benefits, to achieve a \$2,354,449 target reduction, we would be required to create 39 additional vacant positions through attrition and lay-offs. (This is calculated on an average salary of \$45,194 at a cost of \$60,108.  $\$60,108 \times 39 = \$2,344,212$ ).

We lost 14.50 positions in the Fiscal Year 2008-09 budget and we are presently carrying 13 vacant positions to compensate for cuts which have already been taken. We must achieve another 10 vacant positions in the current (FY 2008-09) budget year in order to compensate for the 4% hold-back presently in place. Another 39 positions would bring our total vacancies up to 117 ( $14.50+13+10+39 = 76.50$ ). This represents a 22% reduction in the number of positions we had as of June 30, 2008 (383.50 positions to 307 positions).

Our caseload remains the same. A 22% reduction in our work force would translate into a 22% increase in workload for the remaining staff. This will result in a significant degradation in the quality of many prosecutions, which in turn, negatively impacts public safety.

**State Attorney, Fifth Judicial Circuit**

**Priority #1**

General Revenue Reduction:	-\$1,363,858
<u>Trust Fund Reduction:</u>	<u>-\$ 54,621</u>
Total Reduction:	-\$1,418,479

Impact of Reduction: Because 96% of our total budget is in Salaries and Benefits, to achieve a \$1,148,479 target reduction, we would be required to create 10 additional vacant positions through attrition and lay-offs, in addition to the 14.5 vacancies we have now. We lost seven General Revenue positions in the Fiscal Year 2008-09 budget and were given four trust fund positions for Cost of Prosecution. We are presently carrying 14.5 vacant positions to compensate for cuts which have already been taken. Another 10 positions would bring our total vacancies up to 24.5. We will take the remainder of the cut from Operations.

Our caseload remains the same. This reduction will result in a significant degradation in the quality of many prosecutions, which in turn, negatively impacts public safety.

**State Attorney, Sixth Judicial Circuit**

**Priority #1**

General Revenue Reduction:	-\$2,539,168
<u>Trust Fund Reduction:</u>	<u>-\$ 567,886</u>
Total Reduction:	-\$3,107,054

Impact of Reduction: Because 95% of our total budget is in Salaries and Benefits, to achieve a \$3,107,054 target reduction, we would be required to create 51 additional vacant positions through attrition and lay-offs. (This is calculated on an average salary of \$45,194 at a cost of \$60,108.  $\$60,108 \times 51 = \$3,065,508$ ).

We lost six positions in the Fiscal Year 2008-09 budget and we are presently carrying over 50 vacant

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positions to compensate for cuts which have already been taken. We must achieve another 10 vacant positions in the current (FY 2008-09) budget year in order to compensate for the 4% hold-back presently in place. Another 51 positions would bring our total vacancies up to 117 (6+50+10+51=117). This represents a 24% reduction in the number of positions we had as of June 30, 2008 (487 positions to 370 positions).

Our caseload remains the same. A 24% reduction in our work force would translate into a 24% increase in workload for the remaining staff. This will result in a significant degradation in the quality of many prosecutions, which in turn, negatively impacts public safety.

**State Attorney, Seventh Judicial Circuit**

**Priority #1**

General Revenue Reduction:	-\$1,367,686
Trust Fund Reduction:	-\$ 224,612
Total Reduction:	-\$1,592,298

Impact of Reduction: The Office of the State Attorney, 7<sup>th</sup> Judicial Circuit has only one program, prosecution. Approximately 93% of our total budget is in Salaries and Benefits, in order to achieve a \$1,592,298 target reduction; we would be required to create an additional 34 vacant positions through attrition and lay-off. (This is calculated on an average salary of \$46,359 x 34 = \$1,576,206).

Attrition has resulted in a current vacant rate of 31.75. Additional cuts will cripple our ability to prosecute on behalf of the State all cases presented to our office. Further budget cuts would result in approximately 11 days of unpaid leave for employees due to office closure.

**State Attorney, Eighth Judicial Circuit**

**Priority #1**

General Revenue Reduction:	-\$792,499
Trust Fund Reduction:	-\$ 53,487
Total Reduction:	-\$845,985

Impact of Reduction: Because 95% of our total budget is in Salaries and Benefits, to achieve an \$845,985 target reduction, we would be required to create 14 additional vacant positions through attrition and lay-offs. (This is calculated on an average salary of \$45,194 at a cost of \$60,108. \$60,108 x 14 = \$841,512).

We lost nine General Revenue positions in the Fiscal Year 2008-09 budget and were given four trust fund positions for Cost of Prosecution. We are presently carrying 12.5 vacant positions to compensate for cuts which have already been taken. We must achieve another six vacant positions in the current (FY 2008-09) budget year in order to compensate for the 4% hold-back presently in place. Another 14 positions would bring our total vacancies up to 37.5 (9-4+12.5+6+14= 37.5). This represents a 25.68% reduction in the number of positions we had as of June 30, 2008 (146 positions to 103.5 positions). Our caseload remains the same. A 25.68% reduction in our workforce would translate into a 25.68% increase in workload for the remaining staff. This will result in a significant degradation in the quality of many prosecutions, which in turn, negatively impacts public safety.

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**State Attorney, Ninth Judicial Circuit**

**Priority #1**

General Revenue Reduction:	-\$2,004,280
Trust Fund Reduction:	-\$ 105,516
<b>Total Reduction:</b>	<b>-\$2,109,796</b>

Impact of Reduction:

- Continue to implement a hiring freeze of support staff and attorney positions.
- Do more layoffs of our personnel.
- Continue to have unpaid leave as during this fiscal year, all employees will have to take 10 days leave without pay. All support staff that make in the low \$20,000 will definitely be impacted.
- We have created a volunteer program asking the community to assist prosecutors in seeking justice for victims and protecting the community. Currently, we have around 20 and are pleading for 100 more.

Leaving positions open will create a greater workload on remaining staff, therefore delaying prosecution. **“Justice delayed is Justice denied”**. This circuit has the least funding per capita; the impact on us has been the greatest. This could reduce the confidence of the citizens of Florida and visitors, thereby effecting future revenues collected through the tourist industry. Tallahassee receives the 2<sup>nd</sup> largest tax revenue dollars from Central Florida and this area is already experiencing an all time high of violent crimes which impacts tourism. This will ultimately reduce the sales tax to all of Florida. It will have a significantly negative impact on PUBLIC SAFETY, one of the Governor’s stated priorities.

The State Attorneys’ priorities are to pursue justice through prosecution effectively, efficiently and in a timely manner for all criminal cases presented to the State Attorney. In addition, to represent the State of Florida efficiently and effectively in all civil court suits, applications, motions or actions assigned to the State Attorney. The State Attorneys are charged with the responsibility of reviewing, investigating and/or prosecuting every allegation of criminal activity brought to them from law enforcement, state, county or municipal agencies or the public.

Over the last ten years, Florida’s index crime rate has consistently been approximately 150% of the nation’s crime rate. During this time state, county and municipal government continues to add law enforcement officers in an effort to impact the crime problem in Florida. This increase in officers, as well as the general increase in state population, has led to a general increase in arrests and investigated cases, which directly impacts State Attorneys’ workloads.

The Legislature has required specialized domestic violence prosecution units as well as units for career criminal prosecutions and sexual predator civil commitments. There have also been responsibilities given to the State Attorneys regarding victim/witness notification and assistance which have dramatically affected the workloads of State Attorney’s staff.

Approximately 60% of the lawyers employed by the State Attorneys have less than five years

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experience as lawyers. This retention issue has occurred in large part due to the large disparity between the salaries of Assistant State Attorneys and lawyers in private practice. These internal factors of turnover and large specialized caseloads are a serious concern to State Attorneys in being able to deliver quality legal services to the citizens of Florida.

First, it must be understood that approximately 95% of the budget of the State Attorneys is in salaries and benefits. The other 5% of the budget is in operation expenses. Most of the funds would necessarily have to be taken from Salaries and Benefits to meet this target reduction. Reduction in salaries would lead to further increases in turnover, as reduced salaries will be even less competitive with the private market. This turnover will cause a further increase in caseload per employee (both attorney and support positions). The work of the State Attorneys cannot be "privatized" or contract due to the constitutional responsibilities of the State Attorneys and the particular legal and sovereign immunity issues of public prosecutors.

The only appropriate method of reducing the State Attorneys' budgets or positions would be for the Legislature to remove a corresponding amount of responsibilities from State Attorneys. The policy decision to reduce budgets will need to be balanced by a thorough review of the State Attorneys' statutory duties or the crimes prosecuted to reduce the responsibilities or activities that are classified as crimes.

The true test of any agency will be to meet the goals and objectives within the constraints of the current economic conditions. This weakened economy will have an adverse impact on crime. Crime will increase during these trying times, correspondingly increasing an already overburdened prosecution workload. This factor in conjunction with the budget constraints will have a negative effect on all aspects of management of the State Attorney's Office by increasing workload, increasing employee turnover and reducing staff numbers which continues this spiraling cycle. Obviously, attaining agency goals will be very difficult. A reduction in staffing will equate to an increase in the allocation for case resolution and a reduction in the efficiency by which prosecution can be carried out.

Simply put, there is a direct correlation between public safety concerns and a reduction of budget appropriations to the State Attorneys. Crime will increase and citizens of the state will feel and be less safe in the comfort of their homes and in the economies of their businesses. At this time of heightened security and responsibility nation-wide, Florida should not shirk its responsibility as a leader by failing to protect its citizens.

**State Attorney, Tenth Judicial Circuit**

**Priority #1**

General Revenue Reduction:	-\$1,185,290
Trust Fund Reduction:	-\$ 164,233
<hr/> Total Reduction:	<hr/> -\$1,349,523

Impact of Reduction: Because 94% of our total budget is in Salaries and Benefits to achieve a \$1,349,523 target reduction, we would be required to lose 22 attorneys currently on staff. (This is

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calculated on an average salary of \$45,194 at a cost of \$60,108.  $\$60,108 \times 22 = \$1,322,376.$ )

We lost 9.9 positions in the Fiscal Year 2008-09 budget and we are presently carrying 31.87 vacant positions to compensate for cuts which have already been taken. We must achieve another seven vacant positions in the current (FY 2008-09) budget year in order to compensate for the 4% hold-back presently in place. Another 22 positions would bring our total vacancies up to 70.77 ( $9.9+31.87+7+22=70.77$ ). This represents a 31% reduction in the number of positions we had as June 30, 2008 (228.9 positions to 158.13 positions).

Our caseload remains the same. A 31% reduction in our workforce would translate into a 31% increase in workload for the remaining staff. This will result in a significant degradation in the quality of many prosecutions, which in turn, negatively impacts public safety, one of the Governor's stated priorities.

**State Attorney, Eleventh Judicial Circuit**

**Priority #1**

General Revenue Reduction:	-\$4,674,623
Grants and Donations Trust Fund Reduction:	-\$ 518,820
Child Support Enforcement Trust Fund Reduction:	-\$ 751,153
<u>Total Reduction:</u>	<u>-\$5,944,598</u>

Impact of Reduction: The State Attorney's Office for the Eleventh Circuit has experienced an 11% budget cut in just over a one year period. Fifty-three (53) positions and \$5,600,000 were cut from our budget in 2008-09. Since 98% of our budget is for salaries and benefits, these cuts overwhelmingly impacted staffing. The cuts have resulted in many unfilled positions remaining vacant, which in turn, has increased the caseload per Assistant State Attorney and significantly increased the workload of our support staff. Positions in Excess were authorized in 2008-2009 in part to offset some of the cuts in General Revenue, however, funding for these positions depended on revenue accumulated over time in trust funds. There is no assurance the excess positions can be sustained into the future, further impacting already depleted staffing. An additional 10% reduction will result in substantial employee layoffs and affect our ability to perform the mandated Constitutional responsibilities of this office.

Funding for the State Attorney, 11<sup>th</sup> Circuit's Child Support Enforcement Trust Fund is received through a cost reimbursable contract with the Department of Revenue to provide child support enforcement services in Miami-Dade County. Child Support Enforcement is a Title VD program where the Federal government provides 66% matching funds to the State's 34%. A reduction of state funding will result in a two-thirds greater loss to the program and significantly impact the State's ability to provide quality child support services to our community. Staff reductions will result in a decline in the number of child support orders issued and enforced, and could ultimately result in greater costs to the State to provide public assistance in cases where there is insufficient staff to enforce compliance with child support obligations.

**State Attorney, Twelfth Judicial Circuit**

**Priority #1**

General Revenue Reduction:	-\$1,118,643
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**State Attorney, Twelfth Judicial Circuit**

Trust Fund Reduction: -\$ 25,089

Total Reduction: -\$1,143,732

Impact of Reduction: Because 95% of our total budget is in Salaries and Benefits, to achieve a \$1,143,732 target reduction, we would be required to create 19 additional vacant positions through attrition and lay-offs. (This is calculated on an average salary of \$45,194 at a cost of \$60,108.  $\$60,108 \times 19 = \$1,142,052$ ).

We were cut 9.25 positions in the Fiscal Year 2008-09 budget and we are presently carrying 20.30 vacant positions to compensate for cuts which have already been taken. We must achieve another eight vacant positions in the current FY 2008-09 budget year in order to compensate for the 4% hold-back presently in place. A loss of another 19 positions would bring our total vacancies up to 61.55 ( $9.25 + 20.30 + 8 + 19 = 56.55$ ). This represents a 29.26% reduction in the number of positions we had as of June 30, 2008 ( $193.25$  positions minus  $56.55 = 136.70$  positions).

Our caseload remains the same. A 29.26% reduction in our workforce would translate into a 29.26% increase in workload for the remaining staff. This will result in a significant degradation in the quality of many prosecutions, which in turn, negatively impacts public safety.

**State Attorney, Thirteenth Judicial Circuit**

**Priority #1**

General Revenue Reduction: -\$2,025,513

Trust Fund Reduction: -\$ 180,439

Total Reduction: -\$2,205,952

Impact of Reduction: Because 95% of our total budget is in Salaries and Benefits, to achieve a \$2,205,513 target reduction, we would be required to create 37 additional vacant positions through attrition and lay-offs. (This is calculated on an average salary of \$48,017 at a cost of \$60,550.  $\$60,550 \times 37$  positions = \$2,240,350).

We lost 2.95 positions in the Fiscal Year 2008-09 budget and we are presently carrying 58.8 vacant positions to compensate for cuts which have already been taken. We must achieve another 12.75 vacant positions in the current (FY 2008-09) budget year in order to compensate for the 4% hold-back presently in place. Another 37 positions would bring our total vacancies up to 111.5 ( $2.95 + 58.8 + 12.75 + 37 = 111.5$ ). This represents a 31% reduction in the number of positions we had as of June 30, 2008 ( $359.95$  positions to  $248.45$  positions).

Our caseload remains the same. A 31% reduction in our work force would translate into a 31% increase in workload for the remaining staff. This will result in a significant degradation in the quality of many prosecutions, which in turn, negatively impacts public safety. Also, in conjunction with the increased workload, we can expect to see a significant increase in our personnel turnover rate, which in turn, leads to less experienced prosecutors filling positions, which compounds the degradation in the quality of prosecutions. This reduction will have a negative downward spiral effect, from which it will take a

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**State Attorney, Thirteenth Judicial Circuit**  
 significant amount of time to recover.

**State Attorney, Fourteenth Judicial Circuit**

**Priority #1**

General Revenue Reduction:	-\$ 736,196
<u>Trust Fund Reduction:</u>	<u>-\$ 48,269</u>
Total Reduction:	-\$ 784,465

Impact of Reduction: Because 95% of our total budget is in Salaries and Benefits, to achieve a \$784,465 target reduction, we would be required to create 13 additional vacant positions through attrition and lay-offs. (This is calculated on an average salary of \$45,194 at a cost of \$60,108.  $\$60,108 \times 13 = \$781,404$ ).

We lost 6.9 positions in the Fiscal Year 2008-09 budget and are presently carrying four vacant positions to compensate for cuts which have already been taken. We will also have an additional two vacant positions by December 2008 due to retirement and an Assistant State Attorney leaving for a judgeship. We must achieve another five vacant positions in the current (FY 2008-09) budget year in order to compensate for the 4% hold-back presently in place. Another 13 positions would bring our total vacancies up to 30.9 (6.9 + 4 + 2 + 5 + 13). This represents a 24% reduction in the number of positions we had as of June 30, 2008 (131.9 positions to 101 positions).

Our caseload remains the same. A 24% reduction in our workforce would translate into a 24% increase in workload for the remaining staff. This will result in a significant degradation in the quality of many prosecutions, which in turn, negatively impacts public safety.

**State Attorney, Fifteenth Judicial Circuit**

**Priority #1**

General Revenue Reduction:	-\$1,957,472
<u>Trust Fund Reduction:</u>	<u>-\$ 128,755</u>
Total Reduction:	-\$2,086,227

Impact of Reduction: In the event of a Fiscal Year 2009-2010 revenue shortfall, the State Attorney's Office will reduce its budget by the amount required.

**State Attorney, Sixteenth Judicial Circuit**

**Priority #1**

Total Reduction:	-\$ 443,503
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Impact of Reduction: Almost all of our budget is in salaries, so a reduction of this magnitude would result in approximately nine employees being laid off above and beyond the vacant positions we now have to absorb the past cuts. The result would be a reduction in quality and quantity of services to the citizens of the State of Florida and a workforce which would be overworked. That would increase the turnover, which would result in an even greater loss of quality and quantity of services which always occurs with an inexperienced and inefficient staff.

**State Attorney, Seventeenth Judicial Circuit**

**Priority #1**

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<b>State Attorney, Seventeenth Judicial Circuit</b>	<b>Appropriation</b>	<b>10% Target</b>
General Revenue (GR) Appropriation	30,405,958	3,040,596
GR Appropriation after 1% Release Hold-back	30,101,898	3,010,190
GR Appropriation after 4% Release Hold-back	29,189,720	2,918,972
Trust Fund Authority	2,276,600	227,660
Trust Fund Authority after 1% Release Hold-back	2,253,834	225,383
Trust Fund Authority after 4% Release Hold-back	2,185,536	218,554
Total GR and TF	32,682,558	3,268,256
Total GR and TF after 1% Release Hold-back	32,355,732	3,235,573
Total GR and TF after 4% Release Hold-back	31,375,256	3,137,526

The budget of the Office of the State Attorney, 17<sup>th</sup> Judicial Circuit was reduced by \$3,028,127 from Fiscal Year 2007-08 to 08-09. This amounts to almost 10% of our total budget for that fiscal year. Since 96% of this office's budget is in the salaries and benefits of our employees, the budget reduction overwhelmingly impacted staffing.

To avoid furloughs and layoffs we were authorized increased trust fund authority to utilize grants and donations to cover payrolls. Twenty-nine positions remained vacant for the entire fiscal year. Sixteen additional employees (Victim Advocates, Witness Liaisons, Word Processors, Legal Secretaries, Clerks, Paralegals and Fiscal staff) who either resigned or retired were not replaced. Attorney vacancies were prioritized and filled at a slower pace to make up for some of the financial shortfall. As a result, we had 45 vacancies on June 30, 2008.

We began Fiscal Year 2008-09 with a two million dollar deficit in our Salaries and Benefits appropriation, a rate loss of 402,568, and a position loss of 9.25. Although trust fund authority had been increased to help offset this deficit, revenues were not yet collected.

The projected impact of another 10% reduction would further cripple this agency in being able to perform the essential functions of its Constitutional and statutory mandates, specifically, representing the State of Florida effectively in Court. A 10% reduction of our original appropriation would result in the loss of an additional 50 employees.

We have approximately 13,942 pending felony cases. These are cases filed and waiting for trial or other disposition. This does not include those cases which have been filed and then diverted to PTI or Drug Court, and it does not include Violation of Probation or Community Control cases. 3,618 of these cases are assigned to specialized units due to statutory mandates (Firearms, Career Criminals...) or sophistication and sensitivity of the prosecution (Sexual Batteries, Child Abuse, Domestic Violence, Capital Homicide...). This results in approximately 10,324 pending felony cases prosecuted by 42 Felony Trial Division Prosecutors (246 cases per prosecutor).

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**State Attorney, Seventeenth Judicial Circuit**

In addition, the 17<sup>th</sup> Circuit Courts also established a new full-time magistrate division that required the State Attorney to staff it with an additional prosecutor. We will simply not be able to perform our Constitutional and statutory mandates which threatens the public safety of our community.

**State Attorney, Eighteenth Judicial Circuit**

**Priority #1**

General Revenue Reduction:	-\$ 792,499
<u>Trust Fund Reduction:</u>	<u>-\$ 53,487</u>
Total Reduction:	-\$ 845,986

Impact of Reduction: This office has only one Program prosecution. An additional 10% cut would cripple the office. The office experienced 9.32% cut in the last two fiscal years and a current hold back of 4% in the current year funding, which has resulted in a hiring freeze in September 2007. Attrition has resulted in an excess of thirty-seven vacant positions that were previously occupied. Any additional cuts in this area would severely limit the ability to prosecute on behalf of the state all cases presented to this circuit. To avoid additional layoffs, if the agency budget is reduced, would require our office to close a minimum of 15 days, and place all employees on unpaid leave these days, in the fiscal year 2009-2010.

**State Attorney, Nineteenth Judicial Circuit**

**Priority #1**

General Revenue Reduction:	-\$ 923,880
<u>Trust Fund Reduction:</u>	<u>-\$ 143,424</u>
Total Reduction:	-\$1,067,305

Impact of Reduction: General Revenue – With this amount of reduction, we would have to hold 12 positions vacant for minimum of 12 months; we would eliminate the use of all temporary services; we would reduce all purchases of office supplies and equipment, reduce all travel (training and otherwise) and not replace any obsolete furniture or equipment. Salary Incentive payments would be reduced as Investigator positions would not be filled.  
Grants and Donations Trust Fund – A reduction will prevent us from maximizing our trust fund monies, and have a devastating impact on our General Revenue salary account, as we would be forced to use existing funds for Leave Liability payments, etc.

**State Attorney, Twentieth Judicial Circuit**

**Priority #1**

General Revenue Reduction:	-\$1,619,228
<u>Trust Fund Reduction:</u>	<u>-\$ 207,313</u>
Total Reduction:	-\$1,826,542

Impact of Reduction: The State Attorneys are charged with the responsibility of reviewing, investigating, and/or prosecuting every allegation of criminal activity brought to them from law enforcement, state, county, or municipal agencies or the public. Unlike other state agencies, the State Attorneys have a constitutional responsibility of reviewing, investigating, and prosecuting all cases with no possibility of referring them to another agency. The cases of the Public Defenders, maybe given to the conflict counsel or to private attorneys, the State Attorneys don't have that option. The State Attorneys have the distinction of being the only agency within the court system that represents the victims of crimes.

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**State Attorney, Twentieth Judicial Circuit**

In reviewing the external and internal factors that affect the operation of the State Attorneys' offices, it is clear that over the last fifteen years, the State Attorneys have faced increasing caseloads, as well as, ever-increasing responsibilities and duties. Over the last ten years, Florida's index crime rate has consistently been approximately 150% of the nation's crime rate, with Florida consistently leading over other states in index crime rate. During this time, state, county, and municipal government has continued to add law enforcement officers in an effort to impact the crime problem in Florida. This increase in officers, as well as the general increase in state population, has led to a general increase in arrests and investigated cases, which directly impacts State Attorney workloads.

These external indicators clearly show that there will not be any reduction in the workload of the State Attorneys in the next one to five years. In addition to the general increase in caseloads, the Legislature of Florida has consistently made policy decisions that increase the workloads of State Attorneys, whose assistants carry some of the highest caseloads in the nation. The Legislature has required specialized domestic violence prosecution units, as well as, units for career criminal prosecutions and sexual predator civil commitments. The Legislature has also enacted several mandatory minimum sentencing requirements that have resulted in additional workload for State Attorneys in seeking these sentences. There have also been responsibilities given to State Attorneys regarding victim/witness notification and assistance, which have dramatically affected the workloads of State Attorneys' staff.

While trying to implement all of these new policy decisions within the State Attorneys' offices, the State Attorneys have, over the past years, also been consistently fighting a losing battle in the competition to retain trained attorneys to handle the very heavy and specialized caseloads which the crime rate and Legislature policies have produced. Approximately 60% of the lawyers employed by the State Attorneys have less than five years experience as lawyers. This retention issue has occurred in large part due to the large disparity between the salaries of Assistant State Attorneys and lawyers in private practice. These internal factors of turnover and large specialized caseloads are a serious concern to State Attorneys in being able to deliver quality legal services to the citizens of Florida.

After having reviewed the issues facing the State Attorneys of Florida, it was determined by the State Attorneys that they could not, in good conscience, recommend or agree to any reduction in funding. First, it must be understood that approximately 95% of the budget of the State Attorneys is in salaries and benefits. The other 5% of the budget is in operating expenses or capital outlay for office equipment. A 1.5% reduction would necessarily have to be taken from salaries and benefits. For our agency, this equates to a target reduction of \$1,847,867. We would be required to create 31 additional vacant positions through attrition and lay-offs. (This is calculated on an average salary of \$45,194 at a cost of \$60,108.  $\$60,108 \times 30.7 = \$1,845,316$ ). Our agency lost 11.5 positions in the Fiscal Year 2008-09 budget and we are presently carrying 31.25 vacant positions to compensate for cuts that have already been taken. We must achieve another 10 vacant positions in the current (FY 2008-09) budget year in order to compensate for the 4% holdback presently in place. Another 30.7 positions would bring our total vacancies up to 83.4 ( $11.5 + 31.25 + 10 + 30.7 = 83.4$ ). This represents a 26.6% reduction in the number of positions we had as of June 30, 2008 (313.50 positions to 230 positions).

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**State Attorney, Twentieth Judicial Circuit**

This reduction will cause a further increase in caseload per employee (both attorney and support positions). A 26.6% reduction in our work force would translate into a 26.6% increase in workload for the remaining staff. This will result in a significant degradation in the quality of many prosecutions in turn, negatively impacting public safety. Turnover increases would lead to less experienced attorneys handling cases and realistically more cases being handled per employee since there is a significant period required for the hiring/training process. If positions are left vacant or are deleted in order to comply with the reductions, the caseload per employee will also increase which will likely result in turnover due to staff burnout coupled with higher private industry salaries. A reduction in full-time employee positions would have a disastrous effect on public safety in Florida. A reduction in positions, even assuming no growth in workloads, would result in significant workload increases per employee.

The work of State Attorneys cannot be “privatized” or contracted due to the constitutional responsibilities of the State Attorneys and the particular legal and sovereign immunity issues of public prosecutors. The only appropriate method of reducing the State Attorneys’ budgets or positions would be for the Legislature to remove a corresponding amount of responsibilities from State Attorneys. The policy decision to reduce budgets will need to be balanced by a thorough review of the State Attorneys’ duties or the crimes prosecuted to reduce the responsibilities or activities that are classified as crimes.

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**Issue Code: 33B2000**  
**Issue Title: Public Defender Reductions**

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<b>Public Defender, First through Twentieth Judicial Circuits</b>	<b>Priority #1</b>
General Revenue Reduction:	-\$16,577,579
Trust Fund Reduction:	-\$ 2,338,296
Total Reduction:	-\$18,915,875

Impact of Reduction: Individual Public Defenders have completed budget reduction exercises as requested by the Office of the Governor and by the House and the Senate. At least two reduction exercises have addressed the 4% “holdback” issue.

No definitive or final decision has been made regarding the budget holdbacks , and there is no way for Public Defenders to anticipate what will happen in the regular 2009 Florida Legislature, much less what might happen should a Special Legislative Session become necessary to address further revenue shortfalls.

Public Defenders have, over the past two fiscal years, sustained cuts that threaten the performance of their constitutional duty to provide effective representation to indigent clients. Litigation is ongoing in the Supreme Court of Florida that may have a direct bearing on this issue.

Public Defenders in general do not have state-funded ancillary programs. Delivery of legal services is the total program, and the various offices have more than 95% of their budgets dedicated to salaries and

**SCHEDULE VIII B-2**  
**PRIORITY LISTING OF AGENCY BUDGET ISSUES FOR POSSIBLE REDUCTION**  
**FISCAL YEAR 2009-2010**

**Public Defender, First through Twentieth Judicial Circuits**

benefits. Furloughs, terminations, operating with reduced staffs by attrition and pay cuts have already been implemented in some offices.

Given all of the above, it is simply not possible to identify further budget cuts. Should additional budget reductions be imposed on Public Defenders during this fiscal year, the delivery of constitutionally-mandated services will be further eroded, and the consequences will have an impact on every aspect of justice in the State of Florida.

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**Issue Code: 33B3000**

**Issue Title: Capital Collateral Regional Counsel Reductions**

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**Capital Collateral Regional Counsel, Middle Region**

Priority #1

Appropriation Category: 030000 Other Personal Services

Reduction Amount: -\$10,010

Fund: General Revenue

Impact of Reduction: Reducing the Other Personal Services (OPS) category only further inhibits the Capital Collateral Regional Counsel's (CCRC's) ability to hire OPS staff to scan the voluminous documents into Application Extender (program that allows CCRC-Middle attorneys to access all related material electronically) that are received and generated in a death case. This allows the CCRC-Middle attorneys to be highly efficient, which saves the state General Revenue dollars.

Appropriation Category: 103230 Operating Expenditures

Priority #2

Reduction Amount: -\$44,000

Fund: General Revenue

Impact of Reduction: This fund reduction would impact CCRC's ability to run the office on a day to day basis, since this fund is used to pay office expenses, including rent and utilities. Due to previous reductions and fixed operational costs, this fund is projected to utilize all dollars appropriated.

Therefore, the reduction could cause CCRC to temporarily close its offices in order to stay within the budget.

Appropriation Category: 100648 Case Related Costs

Priority #3

Reduction Amount: -\$130,775

Fund: General Revenue

Impact of Reduction: Case related cost reductions would have a debilitating effect on CCRC's ability to provide effective legal representation on behalf of the clients. This 26% reduction from the Fiscal Year 2008-2009 appropriation would cause CCRC's to turn down cases assigned by the Florida Supreme Court, and would cause a substantial delay in CCRC's ability to investigate and timely file the required pleadings. This reduction further inhibits CCRC's ability to hire expert witnesses for their cases. Expert witnesses are crucial to providing competent legal representation to death sentenced inmates, many of whom have severe mental issues including retardation, schizophrenia, dementia, and drug and alcohol

**SCHEDULE VIII B-2  
PRIORITY LISTING OF AGENCY BUDGET ISSUES FOR POSSIBLE REDUCTION  
FISCAL YEAR 2009-2010**

**Capital Collateral Regional Counsel, Middle Region**

related disorders. Expert witnesses are typically retained by the CCRC in order to assist CCRC in investigating issues to be included in the initial pleading (3.851), as well as testifying at the evidentiary hearing stage of the proceedings. A reduction in funding jeopardizes competent legal representation at both of these critical stages of the proceedings. These reductions would also negatively impact CCRC's ability to pay the costs of death warrants signed by the Governor. This reduction would result in the slowdown of death cases at all stages.

Appropriation Category: 010000 Salaries and Benefits Priority #4

Reduction Amount: -\$210,000

Fund: General Revenue

Impact of Reduction: CCRC has already lost three experienced individuals within the past year due to budget restrictions. Additionally, CCRC has terminated two individuals (one of which had been an attorney with CCRC for the past eight years) in the past week because of the 4% hold back on top of the 10% reduction of funds in the last calendar year. This reduction would have the catastrophic effect of causing CCRC to eliminate another three attorney positions, which would result in CCRC having to refuse new cases, as well as withdrawing from as many as 20 additional cases. This would result in a substantial delay in all cases effected, since new attorneys (still paid for by state funds) would have to be appointed and they would take anywhere from six months to a year to familiarize themselves with the 25 to 40 boxes of documents on each death row client. CCRC presently exceeds all performance measure standards. This reduction in staffing levels would tremendously affect CCRC's ability to meet current performance standards and could cause substantial delays in the preparation of cases at CCRC.

**Capital Collateral Regional Counsel, Middle Region Total Reduction: -\$394,785**

**Capital Collateral Regional Counsel, Southern Region**

Priority #1

Appropriation Category: 030000 Other Personal Services

Reduction Amount: -\$5,808

Fund: General Revenue

Impact of Reduction: Reducing the already under-funded Other Personal Services (OPS) category only further inhibits the Capital Collateral Regional Counsel's (CCRC's) ability to hire expert witnesses for their cases. Expert witnesses are crucial to providing competent legal representation to death sentenced inmates, many of whom have severe mental issues including retardation, schizophrenia, dementia, and drug and alcohol related disorders. Expert witnesses are typically retained by the CCRC's in order to testify at the evidentiary hearing stage of the proceedings. A reduction in funding jeopardizes competent legal representation at this critical stage of the proceedings.

Appropriation Category: 103230 Operating Expenditures Priority #2

Reduction Amount: -\$48,216.60

Fund: General Revenue

Impact of Reduction: This fund reduction would impact CCRC's ability to run the office on a day to day basis. This fund is used to pay office expenses, including rent, and is already close to running in the

**SCHEDULE VIII B-2**  
**PRIORITY LISTING OF AGENCY BUDGET ISSUES FOR POSSIBLE REDUCTION**  
**FISCAL YEAR 2009-2010**

**Capital Collateral Regional Counsel, Southern Region**

negative. This reduction could cause CCRC to temporarily close its offices in order to stay within the budget.

Appropriation Category: 100648 Case Related Costs Priority #3  
Reduction Amount: -\$153,341.75  
Fund: General Revenue

Impact of Reduction: Current law requires the CCRC's to file a 3.851 pleading within one year. Coupled with the reduced funding in the Salaries and Benefits category, this 25% reduction in Case Related Costs over current year funding would cause CCRC's to turn down cases assigned by the Florida Supreme Court; and/or substantially delay filings because of the time and experience necessary to investigate and file the required pleading on these complex cases within the period allowed by law. CCRC presently exceeds all performance measures for timeliness set by the Legislature. A reduction in the Case Related Costs category would delay cases and affect competent representation.

Appropriation Category: 010000 Salaries and Benefits Priority #4  
Reduction Amount: -\$124,199.65  
Fund: General Revenue

Impact of Reduction: CCRC has already lost five experienced attorneys within the past nine months due to budget restrictions. CCRC has hired one second chair and one part-time lead to replace them. This substantial reduction would cause CCRC to eliminate another position, and would result in CCRC having to refuse new cases, cause substantial delay in processing existing cases or withdraw from current case assignments. ABA guidelines recommend that capital attorneys carry no more than four to five cases at one time, and Registry attorneys are limited to five by statute. CCRC lead attorneys currently carry 11.6 cases. Further staff reductions would cause CCRC lead attorneys to be responsible for 13 cases which causes delays in filing, as well as delays in case progress.

**Capital Collateral Regional Counsel, Southern Region Total Reduction: -\$331,566**

**Issue Code: 33B3000**  
**Issue Title: Capital Collateral Regional Counsel Reductions**  
**Total Reduction: -\$726,351**

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**Issue Code: 33B4000**  
**Issue Title: Guardian ad Litem Reductions**

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**Statewide Guardian ad Litem**

Appropriation Category: 060000 Operating Capital Outlay Priority #1  
Reduction Amount: -\$8,000  
Fund: General Revenue

Impact of Reduction: The agency will make few information technology purchases during this year.

**SCHEDULE VIII B-2**  
**PRIORITY LISTING OF AGENCY BUDGET ISSUES FOR POSSIBLE REDUCTION**  
**FISCAL YEAR 2009-2010**

**Statewide Guardian ad Litem**

Appropriation Category: 100777 Contracted Services

Priority #2

Reduction Amount: -\$75,000

Fund: General Revenue

Impact of Reduction: This agency will eliminate and reduce contractual services agreements including those with other organizations representing children. This will impact our ability to represent all children.

Appropriation Category: 030000 Other Personal Services

Priority #3

Reduction Amount: -\$100,000

Fund: General Revenue

Impact of Reduction: This agency utilizes Other Personal Services (OPS) in a manner similar to regular positions. We believe regular positions (FTE) provide a more stable workforce that assures needed continuity in the lives of abused and neglected children. Accordingly, we are offering up 20% of our OPS funding to minimize the impact on FTE funding. Based on historical employee separations, this would equal three OPS positions with 1.5 of the FTE being Case Coordinators. If this pattern holds, our representation would drop by 95 children.

Appropriation Category: 040000 Expenses

Priority #4

Reduction Amount: -\$50,000

Fund: General Revenue

Impact of Reduction: With a reduction in staffing, the agency will be able to reduce expenses. This reduction will be taken across the board in our recurring expense category.

Appropriation Category: 010000 Salaries and Benefits

Priority #5

Reduction Amount: -\$3,037,057

Fund: General Revenue

Impact of Reduction: The Salaries and Benefits category is over 86% of the agency's operating budget. Although this reduction will reduce our capability and efforts in achieving our mission, it must be made in order to meet the required budget reductions. This reduction will require the lay-off of approximately 63 filled positions. This will significantly impact our ability to represent children. Based on historical employee separations, this would equal 32.75 Case Coordinator positions. If this pattern holds, our representation would drop by 2,064 children.

**Issue Code: 33B4000**

**Issue Title: Guardian ad Litem Reductions**

**Total Reduction: -\$3,270,057**

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**Issue Code: 33B5000**

**Issue Title: Justice Administrative Commission Reductions**

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**SCHEDULE VIII B-2  
PRIORITY LISTING OF AGENCY BUDGET ISSUES FOR POSSIBLE REDUCTION  
FISCAL YEAR 2009-2010**

**Justice Administrative Commission**

Appropriation Category: 103228      Public Defender Due Process Costs

Reduction Amount:    -\$1,964,530

Impact of Reduction: Inability to pay invoices for Public Defenders' due process costs.

Appropriation Category: 010000      Salaries and Benefits

Reduction Amount:    -\$220,000

Impact of Reduction: This reflects termination of eight positions.

Appropriation Category: 100534      Sexual Predator Civil Commitment Litigation Costs

Reduction Amount:    -\$402,920

Impact of Reduction: Inability to pay invoices for attorney fees and due process costs.

Appropriation Category: 103605      State Attorney and Public Defender Training

Reduction Amount:    -\$21,971

Impact of Reduction: Pass-thru funds, may impact State Attorneys and Public Defenders

Appropriation Category: 103541      State Attorney Due Process Costs

Reduction Amount:    -\$1,128,068

Impact of Reduction: Inability to pay invoices for State Attorney's due process costs.

Appropriation Category: 100786      Transfer to Department of Financial Services – Audits of Clerk  
Budgets

Reduction Amount:    -\$6,699

Impact of Reduction: Pass-thru funds, may impact Department of Financial Services

Appropriation Category: 108650      Transfer to the Department of Financial Services for the Post-  
conviction Capital Collateral Cases – Registry Attorneys

Reduction Amount:    -\$212,500

**Issue Code: 33B5000                      Issue Title: Justice Administrative Commission Reductions**  
**Total Reduction:    -\$7,125,755**

**Issue Code: 33B6000**  
**Issue Title: Regional Conflict Counsel Reductions**

**Offices of Criminal and Civil Regional Counsel, First through Fifth Regions                      Priority #1**

General Revenue Reduction:	-\$ 3,430,182
Trust Fund Reduction:	-\$ 87,198
<b>Total Reduction:</b>	<b>-\$ 3,517,379</b>

**SCHEDULE VIII B-2**  
**PRIORITY LISTING OF AGENCY BUDGET ISSUES FOR POSSIBLE REDUCTION**  
**FISCAL YEAR 2009-2010**

**Offices of Criminal and Civil Regional Counsel, First through Fifth Regions**

Impact of Reduction: In the event of a Fiscal Year 2009-2010 revenue shortfall, the Offices of the Regional Counsel will reduce their budgets by the amount required.

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**Issue Code: 33B7000**

**Issue Title: Public Defender Appellate Reductions**

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**Public Defender Appellate, 2<sup>nd</sup> , 7<sup>th</sup> , 10<sup>th</sup> , 11<sup>th</sup> and 15<sup>th</sup> Circuits**

**Priority #1**

General Revenue Reduction: -\$ 1,365,295

Impact of Reduction: Individual Public Defenders have completed budget reduction exercises as requested by the Office of the Governor and by the House and the Senate. At least two reduction exercises have addressed the 4% "holdback" issue.

No definitive or final decision has been made regarding the budget holdbacks, and there is no way for Public Defenders to anticipate what will happen in the regular 2009 Florida Legislature, much less what might happen should a Special Legislative Session become necessary to address further revenue shortfalls.

Public Defenders have, over the past two fiscal years, sustained cuts that threaten the performance of their constitutional duty to provide effective representation to indigent clients. Litigation is ongoing in the Supreme Court of Florida that may have a direct bearing on this issue.

Public Defenders in general do not have state-funded ancillary programs. Delivery of legal services is the total program, and the various offices have more than 95% of their budgets dedicated to salaries and benefits. Furloughs, terminations, operating with reduced staffs by attrition and pay cuts have already been implemented in some offices.

Given all of the above, it is simply not possible to identify further budget cuts. Should additional budget reductions be imposed on Public Defenders during this fiscal year, the delivery of constitutionally-mandated services will be further eroded, and the consequences will have an impact on every aspect of justice in the State of Florida.