

BUDGET ENTITY	D3A ISSUE CODE	COLUMN NUMBERS	CODE	ERROR MESSAGE	PAGE
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THERE WERE 0 ERRORS DETECTED

	COL A12		COL A14		COL A15		COL A16		COL A14-A12		
	AGY FIN REQ FY 2014-15		AGY AMD REQ FY 2014-15		AGY AMD N/R FY 2014-15		AGY AMD ANZ FY 2014-15		AGY AMD REQ FY 2014-15 OVER(UNDER) AGY FIN REQ FY 2014-15		CODES
	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	
LEGAL AFFAIRS/ATTY GENERAL											41000000
PGM: OFF/ATTORNEY GENERAL											41100000
<u>CRIMINAL/CIVIL LITIGATION</u>											41101000
PUBLIC PROTECTION											12
<u>LEGAL REPRESENTATION</u>											<u>1203.00.00.00</u>
WORKLOAD											3000000
CRIMINAL APPEALS WORKLOAD											3005600
SALARY RATE											000000
SALARY RATE.....		259,130		583,045						323,915	
		=====		=====						=====	
SALARIES AND BENEFITS											010000
GENERAL REVENUE FUND	5.00		10.00						5.00		
-STATE		388,769		859,167						470,398	1000 1
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EXPENSES											040000
GENERAL REVENUE FUND		50,170		137,493		37,730				87,323	1000 1
-STATE		=====		=====		=====				=====	
SPECIAL CATEGORIES											100000
TR/DMS/HR SVCS/STW CONTRCT											107040
GENERAL REVENUE FUND		1,670		3,340						1,670	1000 1
-STATE		=====		=====		=====				=====	
TOTAL: CRIMINAL APPEALS WORKLOAD											3005600
TOTAL POSITIONS.....	5.00		10.00						5.00		
TOTAL ISSUE.....		440,609		1,000,000		37,730				559,391	
TOTAL SALARY RATE.....		259,130		583,045						323,915	
		=====		=====		=====				=====	

AGENCY ISSUE NARRATIVE:

2014-2015 BUDGET YEAR NARRATIVE: IT COMPONENT? NO
 Legislative Budget Request FY 2014-2015
 Budget Entity: Criminal and Civil Litigation
 Issue Title: Criminal Appeals Workload

Issue Summary:

The Attorney General is requesting \$440,609 in General Revenue to fund five Assistant Attorney General positions in the Criminal and Capital Appeals Division.

Reference to Long-Range Program Plan:

COL A12		COL A14		COL A15		COL A16		COL A14-A12		CODES
AGY FIN REQ FY 2014-15	POS AMOUNT	AGY AMD REQ FY 2014-15	POS AMOUNT	AGY AMD N/R FY 2014-15	POS AMOUNT	AGY AMD ANZ FY 2014-15	POS AMOUNT	AGY AMD REQ FY 2014-15 OVER(UNDER)	AGY FIN REQ FY 2014-15	
LEGAL AFFAIRS/ATTY GENERAL										41000000
PGM: OFF/ATTORNEY GENERAL										41100000
<u>CRIMINAL/CIVIL LITIGATION</u>										41101000
PUBLIC PROTECTION										12
<u>LEGAL REPRESENTATION</u>										<u>1203.00.00.00</u>
WORKLOAD										3000000
CRIMINAL APPEALS WORKLOAD										3005600

This issue directly supports the first goal in the Department's Long-Range Program Plan to improve the quality of legal services provided on behalf of the State of Florida. The issue will directly impact the performance measure: Number of capital cases briefs/state and federal responses/oral arguments and; Number of noncapital cases briefs/state and federal responses/oral arguments

Issue Description/Need:

The Criminal and Capital Appellate Division consists of the five (5) regional Criminal Appeals Bureaus and one (1) statewide Capital Appeals Bureau which comprise Florida's appellate prosecution component of the State's criminal justice system. Each Bureau is governed by the core mission of the Attorney General's Office, 16.01(4),(6) Fla. Stat., specifically mandating the defense of all state statutes under attack; defending the Constitution of the State of Florida and the United States Constitution; defending the judgments and sentences of the state trial courts; handling state appeals and all extraordinary writs in state and federal courts. This Division is also assigned duties which include: drafting, reviewing and analyzing legislation; defending all litigation arising from the Jimmy Ryce cases; providing legal advice to the State Attorneys' Offices and informing and protecting the rights of all victims of crime, as set forth in the Declaration of Rights found in Article I, Section 16, Constitution of the State of Florida.

Each of the criminal appellate and capital appeals bureaus continues to handle larger caseloads than state attorneys' and public defenders' offices with their respective districts. In spite of the welcomed infusion of funds provided by the legislature over the last two years, cases continue to take longer to prosecute on appeal because of the sheer volume of cases being opened. It is also noteworthy that the cases opened are outside the control of this division; specifically the cases are initiated by defendants who file appeals, based upon their constitutional right to do so, in both the state and federal courts because of criminal convictions and sentences imposed by the courts.

Currently the five (5) criminal and one (1) capital bureaus have authorized 175 FTEs. Of the 175.5 FTEs, there are 125.5 criminal/capital Assistant Attorney Generals (AAGs) and 48 support staff, plus a Criminal Director for the Division and a Clemency Aide assigned to this division. In order to meet the challenges that face the Criminal and Capital Appellate Division, additional funds are necessary to the five requested FTEs. Attorney FTEs are critical to meeting the core mission of this agency.

Criminal Appeals Bureaus

The Attorney General's Criminal Appeals Bureaus, comprised of five regional criminal bureaus, are located in close proximity to the District Courts of Appeal (DCA), in Tallahassee (1st DCA), Tampa (2nd DCA), Miami (3rd DCA), West Palm Beach (4th DCA) and Daytona Beach (5th DCA). Each bureau is assigned to the state attorneys' offices within the districts and handles all appeals emanating from the counties comprising those districts. Their main responsibility is

COL A12		COL A14		COL A15		COL A16		COL A14-A12		CODES
AGY FIN REQ FY 2014-15	AGY AMD REQ FY 2014-15	AGY AMD N/R FY 2014-15	AGY AMD ANZ FY 2014-15	AGY AMD REQ FY 2014-15	AGY FIN REQ FY 2014-15	AGY AMD REQ FY 2014-15	AGY AMD N/R FY 2014-15	AGY AMD ANZ FY 2014-15	AGY AMD REQ FY 2014-15	
POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	
										41000000
										41100000
										41101000
										12
										<u>1203.00.00.00</u>
										3000000
										3005600

LEGAL AFFAIRS/ATTY GENERAL
 PGM: OFF/ATTORNEY GENERAL
CRIMINAL/CIVIL LITIGATION
 PUBLIC PROTECTION
LEGAL REPRESENTATION
 WORKLOAD
 CRIMINAL APPEALS WORKLOAD

to defend all judgments and sentences that are appealed to the appellate courts and litigate all state cases that have been filed in the federal district courts and Eleventh Circuit Court of Appeals seeking federal constitutional relief. Authority is derived from Article IV, Section 4(b), Constitution, State of Florida, which provides that the Attorney General shall be the chief state legal officer and, Chapter 16 Florida Statutes, specifically, Section 16.01 (4), (5) and (6), Florida Statutes, which specifically sets forth that authority.

Although the Criminal Bureaus exceed the approved standard caseload each year opening 18,802 new cases in FY 2012-13; the actual workloads handled during this period far exceed that number when the current open cases are added to the number of cases opened to comprise the actual caseloads, totaling approximately 27,628 cases. These numbers continue to increase and will continue to far exceed work load standards being assigned and handled by the attorneys in each of the criminal bureaus. This is particularly significant since the state's criminal appellate attorneys in this division must defend the judgments and sentences entered by the Florida courts not only against the statewide appellate public defenders' offices but also specially appointed public defenders from the private sector, the statewide CCRs (Criminal Conflict and Civil Regional Counsel), privately employed defense counsels, pro se defendants and appointed counsel in federal court litigation.

The shortage in the number of Criminal AAGs handling cases has caused most appellate cases to be delayed in briefing. These cases are requiring additional time or extensions of time within which to file a responsive pleading. For example in 2012, 6,862 extensions were sought. This year through September 2013, 4,629 have been requested. The reality is that in order to handle the existing caseloads delays in processing cases occur and the practice of seeking additional time to work on cases has become an unfortunate norm. Because finite resources can only be stretched so far, without the infusion of funds for unfunded vacant positions, the delays in appellate litigation likely will only worsen. (For example, in many cases where summary denials are entered by the trial courts to post-conviction motions, those cases are sent to the appellate courts' panels without responsive briefing by the state.)

Below is a statewide snapshot --breakdown on October 2, 2013, of cases due in the next 90 days in each bureau:

Bureau (DCA served)	No. of AAGs	No. of staff	Work due next 90	Work last 30
Tallahassee (1DCA)	21	8	376	431
Tampa (2DCA)	26	7	453	479
Miami (3DCA)	18	7	225	214
WPB (4DCA)	12	7	333	176
Daytona (5DCA)	19	9	247	382
Totals	105	38	1634*	1682*

The asterisks represent the work currently projected in the next 90 days of 1634 cases -- which will continue to grow with new cases docketed daily; the second asterisk of 1682 are the number of pleadings and motions, hearings and other matters that were handled during the last 30 days.

	COL A12	COL A14	COL A15	COL A16	COL A14-A12	
					AGY AMD REQ	
					FY 2014-15	
					OVER(UNDER)	
	AGY FIN REQ	AGY AMD REQ	AGY AMD N/R	AGY AMD ANZ	AGY FIN REQ	
	FY 2014-15	FY 2014-15	FY 2014-15	FY 2014-15	FY 2014-15	
	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT
						CODES
LEGAL AFFAIRS/ATTY GENERAL						41000000
PGM: OFF/ATTORNEY GENERAL						41100000
<u>CRIMINAL/CIVIL LITIGATION</u>						41101000
<u>PUBLIC PROTECTION</u>						12
<u>LEGAL REPRESENTATION</u>						<u>1203.00.00.00</u>
WORKLOAD						3000000
CRIMINAL APPEALS WORKLOAD						3005600

The Criminal Appellate Bureaus are presently involved in the latest litigation resulting from the United States Supreme Courts' opinion in Miller v. Alabama, Miller v. Alabama, 567 U.S., 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012), wherein the Court held that persons under the age of 18 who commit first-degree murder may not be sentenced to life without the possibility of parole. This case has required the harnessing of extensive resources to ascertain what impact and what remedies may be available under the Florida sentencing scheme. This case and the ramifications it might have is a good example of the kind of litigation that occurs routinely in the State's appellate prosecution in defense of the constitutionality of Florida's statutes --as applied and on facial attacks.

Capital Appeals

The Capital Appeals Bureau is a statewide bureau handling capital murder appeals from every state jurisdiction to the Florida Supreme Court. This Bureau litigates all cases following the completion of the original trial and imposition of a death sentence. Pursuant to Section 16.01 (6), Florida Statutes, this Bureau is also co-counsel in all state post-conviction litigation in the trial courts, and prosecutes all litigation, culminating in the executing of a death warrant, through the state and federal courts.

The statewide Capital Appeals Bureau also exceeds the approved standard each year -- opening 200 cases. This year the Bureau opened 1800 cases for FY 2011-2012, which far exceeds work load standards. Due in part to the Bureau's handling of a number of active death warrants during this reporting period. While the number of inmates on death row hover at the 400 mark, because a named defendant will potentially litigate in a variety of courts contemporaneously. Thus, there is no correlation between the number of individuals sentenced to death and the plethora of litigation each individual will generate.

There are presently 15.5 capital attorneys assigned statewide to handle these complex cases in the state and federal courts.

Capital cases are cases with huge records and even larger pleadings. Not only is the correctness of the trial under scrutiny, but once a conviction obtains another trial occurs to determine whether the death penalty is justified. By most standards these case are some of the most complex, constitutionally challenging cases the courts will address. All convictions and sentences will be appealed to the Florida Supreme Court and very likely challenged and reviewed in the United States Supreme Court more than once. These cases, because of their high profile and the magnitude of the sentence, also provide case law that impacts almost all other criminal cases. Capital cases resolve all sort of significant criminal claims become the seminal cases from which a ground swell of important case law emanates. The critical work performed by the capital attorneys is immeasurable.

The Capital Appellate Bureau is spread out throughout the state and co-located with the Criminal Bureaus. Below is a snapshot--breakdown of the work load assigned this statewide bureau for the next 90 days as of October 2, 2013:

COL A12		COL A14		COL A15		COL A16		COL A14-A12		CODES
AGY FIN REQ FY 2014-15	POS	AGY AMD REQ FY 2014-15	POS	AGY AMD N/R FY 2014-15	POS	AGY AMD ANZ FY 2014-15	POS	AGY AMD REQ FY 2014-15 OVER(UNDER)	AGY FIN REQ FY 2014-15	
AMOUNT		AMOUNT		AMOUNT		AMOUNT		AMOUNT	AMOUNT	
									41000000	
									41100000	
									41101000	
									12	
									<u>1203.00.00.00</u>	
									3000000	
									3005600	

LEGAL AFFAIRS/ATTY GENERAL
 PGM: OFF/ATTORNEY GENERAL
CRIMINAL/CIVIL LITIGATION
 PUBLIC PROTECTION
LEGAL REPRESENTATION
 WORKLOAD
 CRIMINAL APPEALS WORKLOAD

Capital Bureau	No. Of AAGs	No. of staff	Work due next 90	Work last 30
Tallahassee	4	3*	23	25
Tampa	5.5*	2	53	49
Miami	2	1	5	14
WPB	3	1	7	12
Daytona	3	2	25	16
Totals	17.5	9	113	116

The asterisks* noted-above are explained as follows: in Tallahassee--all three of the staff support work on other projects besides handling work for the 3 capital attorneys, and also provide staff support for the Division Director, a fourth capital attorney is in the hiring stage for Tallahassee capital because of the workload; in Tampa - the main Capital Appellate Bureau is located in this office and has the greatest number of attorneys for the central portion of the state; Daytona has a new attorney hired which makes three, however the senior most capital attorney has resigned effective mid-November 2013, and a replacement has not been identified, and in WPB- the Criminal Bureau Chief also handles capital cases and we transferred one of the criminal attorneys into capital.

In summary, the numbers cited demonstrate actual work handled yearly, which clearly reflects that the Criminal and Capital Appellate Division provides unparalleled service in defending, as the State's appellate prosecutors, their discrete role in the State's criminal justice model. Today these State appellate prosecutors are still operating at levels which far exceed norms and/or the work done by the public defenders, the private defense lawyers, and pro se litigants collectively. They continue to be overextended and require additional manpower to carry out the huge tasks assigned.

Detail of Costs:

General Revenue Fund Category	Amount	Non-recurring
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Amended 2014-15 Narrative After January 31, 2014

Legislative Budget Request FY 2014-2015
 Budget Entity: Criminal and Civil Litigation
 Issue Title: Criminal Appeals Workload

Amended Issue Description:

	COL A12	COL A14	COL A15	COL A16	COL A14-A12	
					AGY AMD REQ	
					FY 2014-15	
					OVER(UNDER)	
	AGY FIN REQ	AGY AMD REQ	AGY AMD N/R	AGY AMD ANZ	AGY FIN REQ	
	FY 2014-15	FY 2014-15	FY 2014-15	FY 2014-15	FY 2014-15	
	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT
						CODES
LEGAL AFFAIRS/ATTY GENERAL						41000000
PGM: OFF/ATTORNEY GENERAL						41100000
<u>CRIMINAL/CIVIL LITIGATION</u>						41101000
<u>PUBLIC PROTECTION</u>						12
<u>LEGAL REPRESENTATION</u>						<u>1203.00.00.00</u>
WORKLOAD						3000000
CRIMINAL APPEALS WORKLOAD						3005600

The Attorney General is requesting \$1,000,000 in General Revenue to fund five Assistant Attorney General positions and five Senior Assistant Attorney General positions in the Criminal and Capital Appeals Division.

Amended Issue Summary:

In order to meet the challenges that face the Criminal and Capital Appellate Division, the Office of the Attorney General has increased the original Legislative Budget request to include an additional five Senior Assistant Attorney General positions. These attorney FTEs are critical to meeting the core mission of this agency and will further help reduce the number of extensions and delays in appellate cases.

Detail of Costs:

General Revenue Fund Category	Amount	Non-recurring
5 Assistant Attorney General positions		
Salary \$51,826		
@ \$77,754 Salaries and Benefits	\$388,769	
5 Senior Assistant Attorney General positions		
Salary \$64,783		
@ 94,079 Salaries and Benefits	\$470,398	
Expenses	\$137,493	\$ 37,730
HR Services	\$ 3,340	
Total	\$1,000,000	\$ 37,730

COL A12		COL A14		COL A15		COL A16		COL A14-A12		CODES
AGY FIN REQ FY 2014-15	POS AMOUNT	AGY AMD REQ FY 2014-15	POS AMOUNT	AGY AMD N/R FY 2014-15	POS AMOUNT	AGY AMD ANZ FY 2014-15	POS AMOUNT	AGY AMD REQ FY 2014-15 OVER(UNDER)	AGY FIN REQ FY 2014-15	

LEGAL AFFAIRS/ATTY GENERAL										41000000
PGM: OFF/ATTORNEY GENERAL										41100000
CRIMINAL/CIVIL LITIGATION										41101000
PUBLIC PROTECTION										12
LEGAL REPRESENTATION										1203.00.00.00
WORKLOAD										3000000
CRIMINAL APPEALS WORKLOAD										3005600

POSITION DETAIL OF SALARIES AND BENEFITS:

	FTE	BASE RATE	ADDITIVES	BENEFITS	SUBTOTAL	LAPSE %	LAPSED SALARIES AND BENEFITS
A12 - AGY FIN REQ FY 2014-15							
NEW POSITIONS							
7746 ASSISTANT ATTORNEY GENERAL-DLA N0011 002	5.00	259,130		129,639	388,769	0.00	388,769
TOTALS FOR ISSUE BY FUND							
1000 GENERAL REVENUE FUND							388,769
	5.00	259,130		129,639	388,769		388,769

A14 - AGY AMD REQ FY 2014-15

NEW POSITIONS							
7746 ASSISTANT ATTORNEY GENERAL-DLA N0011 002	5.00	259,130		129,639	388,769	0.00	388,769
7747 SENIOR ASSISTANT ATTORNEY GENERAL-DLA N0009 002	5.00	323,915		146,483	470,398	0.00	470,398
TOTALS FOR ISSUE BY FUND							
1000 GENERAL REVENUE FUND							859,167
	10.00	583,045		276,122	859,167		859,167


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* BUDGET PERIOD: 2004-2015                EXHIBIT A, D AND D-3A LIST REQUEST                SJN 41 SP *
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* CALCULATE DIFFERENCE ONLY (Y/N): N THAT EXCEED: _____
* INCLUDE (Y/N) FTE: Y      SALARY RATE: Y POSITION DATA: Y
* REPORT TOTAL:
* REPORT: NO TOTAL
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* 8-14: -      -      -      -      -      -      -      -
* 15-21: -      -      -      -      -      -      -      -
* 22-27: -      -      -      -      -      -      -      -
* EXCLUDE: _____
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* BUDGET ENTITY TOTALS:
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* LEVEL 1: NO TOTAL
* LEVEL 2: NO TOTAL
* LEVEL 3: NO TOTAL
* LOWEST LEVEL: BY FUND TYPE
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* PROGRAM COMPONENT TOTAL:
* POLICY AREA: NO TOTAL
* PROGRAM COMPONENT: BY FUND TYPE
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* ISSUE TOTAL:
* SUMMARY: NO TOTAL
* DETAIL: LINE TOTAL
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* APPROPRIATION CATEGORY OR GROUP/ACCUMULATION LEVEL (1=MAJOR, 2=MINOR, 0=MERGED):
* 2
* INCLUDE FCO (Y/N): Y APPROPRIATION CATEGORY TITLE (S=SHORT, L=LONG): S
* APPROPRIATION CATEGORY TOTAL:
* MAJOR: NO TOTAL
* MINOR: BY DETAIL FUND
* =====
* ITEMIZATION OF EXPENDITURE: _____
* ACCUMULATION LEVEL (1=OPE/FCO, 2=IOE, 0=MERGE): 0
* ITEMIZATION OF EXPENDITURE TOTAL:
* ITEMIZATION OF EXPENDITURE: NO TOTAL
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* NEADLP01                                STATISTICAL INFORMATION                                02/03/2014 15:14 *
* BUDGET PERIOD: 2004-2015                EXHIBIT A, D AND D-3A LIST REQUEST                SJN 41 SP *
*                                                                                                     PAGE: 2 *
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* FUND GROUPS SET: _____ OR FUND: _____ *
* FUNDING SOURCE IDENTIFIER: _ _ _ _ _ *
* REPORT BY FSI (Y/N): Y *
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* DEPARTMENT NARRATIVE SET: _____ *
* BUDGET ENTITY NARRATIVE SET: _____ *
* ISSUE/ACTIVITY NARRATIVE SET: A1 _ _ _ _ _ *
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* INCLUDE PROGRAM COMPONENT NARRATIVE (Y/N): N *
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* REPORT HEADING: EXHIBIT D-3A *
* EXPENDITURES BY *
* ISSUE AND APPROPRIATION CATEGORY *
* ===== *
* PAGE BREAKS: LOWEST LEVEL PRC *
* (LEVEL 1, LEVEL 2, LEVEL 3, LOWEST LEVEL, *
* IOE, GRP, PRC, SIS, ISC) *
* ===== *
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* PROGRAM COMPONENT (C=CODE, T=TITLE): C *
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* TOTAL RECORDS READ FROM BEN: 0 *
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* TOTAL RECORDS IN ERROR: 0 *
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* NEADLP01                               STATISTICAL INFORMATION           02/03/2014 15:14 *
* BUDGET PERIOD: 2004-2015                EXHIBIT A, D AND D-3A LIST REQUEST       SJN 41   SP   *
*                                                                                   PAGE:      3 *
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*
* BUDGET ENTITIES SELECTED:
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*  19-27: _____  _____  _____  _____  _____  _____  _____  _____  _____
*
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