

PUBLIC DEFENDER

Budget Summary						FTE Position Summary				
Fund	2022-23	Governor		2023-25 Change Over		2022-23	Governor		2024-25	
	Adjusted Base	2023-24	2024-25	Base Year Doubled	%		2023-24	2024-25	Over 2022-23	
				Amount	%				Number	%
GPR	\$113,150,900	\$133,466,100	\$135,476,100	\$42,640,400	18.8%	614.85	664.85	664.85	50.00	8.1%
FED	0	1,600	1,600	3,200	N.A.	63.00	63.00	0.00	- 63.00	- 100.0
PR	<u>1,505,200</u>	<u>1,479,200</u>	<u>1,478,800</u>	<u>- 52,400</u>	<u>- 1.7</u>	<u>5.00</u>	<u>5.00</u>	<u>5.00</u>	<u>0.00</u>	<u>0.0</u>
TOTAL	\$114,656,100	\$134,946,900	\$136,956,500	\$42,591,200	18.6%	682.85	732.85	669.85	- 13.00	- 1.9%

Budget Change Items

1. STANDARD BUDGET ADJUSTMENTS

Governor: Provide adjustments to the base totaling \$447,500 GPR, \$1,600 FED, and -\$26,000 PR in 2023-24 and \$428,400 GPR, \$1,600 FED, and -\$26,400 PR and -63.0 FED positions in 2024-25. Adjustments are for: (a) full funding of continuing position salaries and fringe benefits (-\$624,300 GPR and -\$34,700 PR annually); (b) overtime (\$219,300 GPR and \$2,900 PR annually); (c) removal of non-continuing elements from the base (-63.0 FED positions in 2024-25); (d) minor transfers within the same appropriation (\$173,600 GPR and 1.0 GPR position would be reallocated within the program operations appropriation from appellate representation to trial representation); and (e) full funding of lease and directed moves (\$852,500 GPR, \$1,600 FED, and \$5,800 PR in 2023-24 and \$833,400 GPR, \$1,600 FED, and \$5,400 PR). The positions removed under non-continuing elements (30 Assistant State Public Defenders (ASPDs), 3 client service specialists, 3 legal secretaries, 23 paralegals, and 4 investigators) were supported with federal ARPA funds. Note that the calculated turnover reduction (\$1,354,900 GPR annually) was restored due to constitutional considerations. Under the Constitution and U.S. Supreme Court case law, the SPD is required to provide representation for all financially eligible individuals accused of a crime. The agency provides that representation through both staff and private bar attorneys. Restoration of the turnover reduction is recommended because, if turnover reductions are taken and staff positions not filled, cases will be handled by private bar attorneys. Since staff handle a higher caseload than private attorneys and generally cost less than private bar attorneys paid at \$70 an hour, not filling staff attorney positions may result in higher costs to provide representation.

	Funding	Positions
GPR	\$875,900	0.00
FED	3,200	- 63.00
PR	<u>- 52,400</u>	<u>0.00</u>
Total	\$826,700	- 63.00

2. PRIVATE BAR ATTORNEY COMPENSATION

GPR	\$21,606,600
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Governor: Provide \$10,803,300 annually and modify current law to increase the rate at

which private bar attorneys are compensated from \$70 per hour to \$100 per hour and from \$25 to \$50 per hour for travel. In addition, grant the SPD authority to modify rules to reflect the changes in the rate. Under current law, private bar attorneys are compensated at a rate of \$70 per hour for time spent related to a case, regardless of the case type. The increase in hourly compensation would apply to cases assigned on or after July 1, 2023.

[Bill Sections: 3381 and 3382]

3. STAFF COMPENSATION

GPR	\$16,054,700
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Governor: Provide \$7,033,500 GPR in 2023-24 and \$9,021,200 GPR in 2024-25 to increase staff compensation and address retention, and recruitment issues that contribute to delays in the provision of constitutionally required representation.

a. *Pay Progression.* Provide \$1,987,700 in 2024-25 to support the pay progression plan. The pay progression plan is merit-based and consists of 17 hourly salary steps, with each step equal to one-seventeenth of the difference between the lowest annual salary (\$56,659 as of January 3, 2023) and the highest annual salary (\$136,781 as of January 3, 2023). The value of one hourly salary step equals \$4,722 annually. Funding is approximately equal to a step.

b. *Salary Adjustments.* Provide \$7,033,500 annually to increase the starting salary of assistant state public defenders from \$27.24 to \$35 an hour and provide any hourly increase of \$7.76 (\$16,140 annually) to all ASPDs.

c. *Non-Statutory Provision.* Create non-statutory language specifying that, notwithstanding statutory provisions establishing maximum annual salary increases in correction with pay progression at no more than 10%, salary increases in 2023-24 and 2024-25 may be more than 10% annually.

[Bill Section: 9101(4)(b)]

4. SUPPORT AND ADMINISTRATIVE STAFF

	Funding	Positions
GPR	\$6,363,200	50.00

Governor: Provide \$2,784,200 in 2023-24 and \$3,579,000 in 2024-25 and 50.0 positions annually to address workload issues for staff assisting State Public Defender attorneys.

a. *Support Staff.* Provide an additional 46.0 support staff positions (18.0 paralegals, 10.0 investigators, 7.0 client services specialists, and 11.0 legal secretaries) in the trial division and 2.0 paralegal support staff positions in the appellate division.

b. *Administrative Staff.* Provide an additional 2.0 administrative office positions to recruit, onboard, and train staff. The positions are intended to lessen turnover rates and assist with administrative duties associated with the additional staff being provided.

5. CHARGING AND SENTENCING ALTERNATIVES

GPR	- \$2,260,000
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Governor: Provide a reduction to funding for private bar appointments of -\$753,300 in 2023-24 and -\$1,506,700 in 2024-25, associated with adoption of the following law changes intended to reduce the number of SPD appointments. [Note that estimated annual savings from the recommended law changes are generally halved in 2023-24 since private bar attorneys generally bill the SPD six months after being assigned a case.]

a. Provide that for the first offense violation of s. 947.01 Disorderly Conduct, if the alleged offender has not previously been convicted of a felony offense and has not been convicted of any similar offense in the previous three years, the prosecutor would be required to offer the alleged offender the opportunity to either complete a diversion program or pay a forfeiture under a stipulated finding of guilt of a non-criminal ordinance violation. The SPD estimates that this law change would affect 2,448 cases and reduce SPD costs by \$1,271,300.

b. Modify current law to legalize the possession and use of marijuana. Cost savings to the SPD associated with this modification are estimated at \$235,400 annually. Note that the estimate is based on the agency's budget request that possession of marijuana be reclassified as an ordinance violation for first- and second-time offenders and a misdemeanor for third-time offenders, provided that there are no allegations that the individual is manufacturing, distributing, or delivering a controlled substance. [See "Marijuana-Related Provisions."]

[Bill Sections: 1174 and 3357]

6. PILOT CHIPS EXTENSION

Governor: Provide an extension of the sunset date on the pilot program to provide counsel for parents of a child subject to a Child in Need of Protection or Services (CHIPS) proceeding in five counties from June 30, 2023 to June 30, 2025. Modify current law to specify that the Department of Children and Families and the State Public Defender submit a report on the program to the Joint Committee on Finance and the Legislature by January 1, 2025, rather than by January 1, 2023.

[Bill Sections: 830 thru 832]

7. TRIAL CASELOAD EXEMPTION

Governor: Amend the statutes to increase the number of trial division attorneys that may be exempted from caseload standards from 10 to 25 to perform other assigned duties beginning July 1, 2023.

[Bill Sections: 3383 and 3384]