

Florida Department of Juvenile Justice

*Office of
Legislative Affairs*



2009 Legislative and General Budget Report

Amended July 7, 2009

Governor Charlie Crist

Secretary Frank Peterman, Jr.

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FLORIDA DEPARTMENT OF JUVENILE JUSTICE

Charlie Crist, Governor

Frank Peterman, Jr., Secretary

July 1, 2009

To Department of Juvenile Justice Staff, Stakeholders and Partners:

I am pleased to present the Florida Department of Juvenile Justice's *2009 Legislative and General Budget Report*. This report details both legislation that impacts the lives of Florida's children in the juvenile justice system and the dedicated individuals who support them, and provides a budget overview.

The 2009 Session began on March 3 and ended on May 8, and it was an eventful 67 days. Florida is in the middle of an economic downturn, causing many challenges. For the first time, our state dealt with two consecutive budget-year shortfalls totaling in the billions, resulting in shared adversity throughout all state agencies. DJJ has been able to navigate those challenges and will continue to be vigilant.

The 2009 Legislature passed several important pieces of legislation to help Florida's children. Even with the important strides made in the 2009 Legislative Session, there is still more work to do in the 2010 session. I know that with the commitment and assistance of our many stakeholders, advocates and partners, we will continue to make solid steps toward fulfilling our mission and vision. Our team is preparing now for legislative committee weeks just weeks from now.

This report outlines the outstanding work the Department was able to achieve through successful advocacy of the 2009 Florida Legislature, and I thank all involved.

Thank you,

Frank Peterman, Jr.
Secretary

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The mission of the Department of Juvenile Justice is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.

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Department of Juvenile Justice Priority Legislation



From Left to Right: Senator Stephen Wise, Principal Denise Hall, Governor Charlie Crist, Secretary Frank Peterman Jr., Representative Jennifer Carroll and Commissioner Eric Smith

SB 1540 – Zero Tolerance Policies

Sponsors: Senator Stephen Wise & Representative Jennifer Carroll

This bill requires district school boards to revise their zero-tolerance policies to:

- Define petty misconduct and offenses that pose a serious threat to school safety;
- Clarifies that zero-tolerance policies do not require the reporting of petty misconduct and certain misdemeanors to a law enforcement agency;
- Provide for a review of the disciplinary action taken against a student pursuant to s. 1006.07, F.S.;
- Consider the particular circumstances surrounding the student's misbehavior in any disciplinary or prosecutorial action.

The bill also requires cooperative agreements to specify guidelines for offenses that pose a serious threat to school safety and report them to law enforcement.

Finally, the bill requires a district school board having a policy authorizing corporal punishment to review such policy every three years during a public school board meeting. If the meeting does not occur, the corporal punishment policy expires.

This bill was signed into law on May 27, 2009 (Ch. 09-53 L.O.F.). The effective date of this bill is July 1, 2009.

SB 2094 / HB 1475 – Juvenile Justice
Sponsors: Senator Victor Crist & Representative Darryl Rouson

This bill would have made amendments in Chapter 985 to improve the quality of service delivery to youth in the juvenile justice system. Specifically the bill:

- Provides rulemaking authority to govern the procedure for ordinary medical care, mental health, substance abuse and developmental disability services;
- Authorizes the Department to establish residential programs and adopt rule provisions for juvenile mothers committed to the Department, making provisions for their infants to reside in the programs with them;
- Transfers training responsibility from the defunct Juvenile Justice Standards and Training Commission to the Department of Juvenile Justice;
- Encourages the use of CINS/FINS as a diversion option for youth age nine and younger.

Senate Bill 2094 was referenced to four Senate committees. It passed three committees, but failed to be scheduled for the Senate floor. The House referenced HB 1475 to four committees; it passed out of two committees, and it was not heard on the House floor.

SB 2128 / HB 1211 – Juvenile Justice
Sponsors: Senator Victor Crist & Representative Luis Garcia

This bill would have continued the implementation of the Blueprint Commission Recommendations, as published in January 2008. Specifically, the bill:

- Encourages the diversion of youth 9 years old or younger, provides changes to the Child in Need of Services (CINS) definition to allow these youth to be served by the CINS/FINS network;
- Creates a victim impact statement designed to increase awareness and support of the victim throughout the juvenile justice process;
- Recommends focusing on prevention and diversion efforts to reduce the Over-representation of Minorities within the juvenile justice system;
- Encourages the creation of pre-arrest or post-arrest diversion programs for youth 9 years of age or younger and youth who are first time misdemeanor offenders.
- Requires the validation of the Detention Risk Assessment Instrument (DRAI) determine the effectiveness of the instrument's ability for measuring the risk of new offending and failure to appear for court proceedings;
- Adds two child advocates to the DRAI committee;
- Increases the allowable number of members on the Juvenile Justice Circuit Boards to promote increased diversity among the members of the Circuit Boards.

House Bill 1211 was referenced to four House committees. HB 1211 passed all four committees and passed the House floor 117 to 0. The Senate referenced SB 2128 to three committees; it passed two committees, and it was not heard on the Senate floor.

Summary of Substantive Legislation

CS/HB 115 – Sexual Offenders and Predators

Sponsor: Representative Martin Kiar (Senator Jeremy Ring)

This bill requires that a sexual predator's or sexual offender's home telephone number and any cellular telephone number be provided as part of the process of registering and re-registering sexual predators and sexual offenders. Failure to provide this information as part of the registration and re-registration process would result in a third degree felony.

The bill also provides that a person who has been convicted of a violation of s. 847.0135(4), F.S. relating to traveling to meet a minor for the purpose of engaging in unlawful sexual activity will be required to register as a sexual predator or offender.

This bill was signed into law on June 16, 2009 (Ch. 09-194 L.O.F.). The effective date of this bill is July 1, 2009.

CS/CS/SB 126 – Children and Confidential Records

Sponsor: Senator Paula Dockery (Representative Peter Nehr)

This bill requires that a case record for a child under the supervision of, or in the custody of, the Department of Children and Families (DCF) be maintained in a complete and accurate manner, and be made available for inspection and copying, upon the request of, and at no cost to, the child and the child's guardian ad litem, attorney, or caregiver.

Additionally, the bill authorizes the sharing of confidential and exempt information among all state and local agencies and programs that provide services to children or are responsible for children's safety, if the information is reasonably necessary to assure access to services or the safety of the child. The bill provides that records or information made confidential by federal law may not be shared.

This bill was signed into law on May 14, 2009 (Ch. 09-34 L.O.F.). The effective date of this bill is July 1, 2009.

HB 381 – Care of Children

Sponsor: Representative Nick Thompson (Senator Ronda Storms)

This bill makes a number of changes to chapter 39, Florida Statutes, relating to grandparents and other relatives caring for children. This bill provides, in part, the following:

- The Florida Department of Children and Families quality assurance program must analyze unaccepted reports to the abuse hotline by identified relatives as part of its review of screened out hotline calls;
- A relative may request to receive notification of all proceedings and hearings related to a child and the attorney for the department must provide such notification to a relative who requests it;
- Legislative intent relating to the relative caregiver program regarding procedures and protocols to acknowledge the value of care provided by grandparents and other relatives;

- Authority to develop liaison functions under the relative caregiver program for relatives who care for children;
- The attorney for the department must notify a relative who has requested such notification of the next judicial review hearing;
- Physicians and mental health professionals engaged in the care or treatment of a child may have access to reports and records in cases of child abuse or neglect and specified medical records must be preserved in permanent form by the department; and
- A reporter of abuse, abandonment or neglect must be provided with the name and other contact information of the protective investigator.

In addition, the bill designates the first Sunday after Labor Day as “Grandparents’ and Family Caregivers’ Day.” This bill may be cited as the “Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act.”

This bill was signed into law on May 20, 2009 (Ch. 09-43 L.O.F.). The effective date of this bill is July 1, 2009.

CS/CS/SB 2276 – DNA Database

Sponsor: Senator Steve Oelrich (Representative William Snyder)

This bill requires that persons who are arrested for or charged with any felony offense submit a DNA sample at the time they are booked into a jail, correctional facility, or juvenile facility. This requirement will occur, as funding is provided, over the next 10 years. The first phase will begin on January 1, 2011, and will require the DNA sample from persons arrested for felony crimes set forth in chapters 782 (murder), 784 (assault and battery), 794 (sexual battery), and 800 (lewd or lascivious acts), F.S.

The bill also provides new misdemeanor offenses, which upon conviction will require that a DNA sample be provided. The new misdemeanors include:

- Unnatural or lascivious act, s. 800.02, F.S.
- Exposure of sexual organs, s. 800.03, F.S.
- Luring or enticing a child, s. 787.025, F.S.
- Duty to report sexual battery, s. 794.027, F.S.

This bill was signed into law on June 16, 2009 (Ch. 09-190 L.O.F.). The effective date of this bill is July 1, 2009.

CS/CS/SB 918 – Florida KidCare Program
Sponsor: Senator Nan Rich (Representative Jimmy Patronis)

This bill makes several changes to the Florida KidCare program. The bill streamlines the KidCare application process by requiring the family income of applicants to be verified electronically. The bill removes administrative barriers to the KidCare program by:

- Decreasing the period of time that a child is disenrolled from the KidCare program for nonpayment of premiums from 60 to 30 days;
- Reducing the waiting period from 6 months to 60 days for KidCare eligibility for families that have voluntarily cancelled their employer-sponsored or private health insurance coverage; and
- Increasing the number of good cause reasons that families can use to voluntarily cancel their health insurance coverage and be immediately eligible for KidCare coverage without a waiting period.

The bill also adds a representative of the Department of Children and Family Services to the board of directors of the Florida Healthy Kids Corporation.

This bill was signed into law on June 2, 2009 (Ch. 09-113 L.O.F.). The effective date of this bill is July 1, 2009.

CS/SB 1018 – Guardians Ad Litem
Sponsor: Senator Arthenia Joyner (Representative Kelli Stargel)

This bill authorizes a person certified by a not-for-profit legal aid organization to serve as a guardian ad litem in a dissolution of marriage proceeding that does not involve child abuse, abandonment, or neglect. Provides that such organization has the sole discretion in determining whether to certify a person based on his or her security background investigation, etc.

The bill also makes it a first-degree misdemeanor for an applicant to willfully, knowingly, or intentionally fail to disclose any material fact relating to his or her qualifications to be a Guardian Ad Litem.

This bill was signed into law on June 2, 2009 (Ch. 09-114 L.O.F.) The effective date of this bill is July 1, 2009.

Summary of Administrative Legislation

CS/CS/SB 1778 – Department of Highway Safety and Motor Vehicles Sponsor: Senator Mike Fasano (Budget Conference Issue)

This bill increases the taxes, fees, and charges provided in Chapters 318, 319, 320, and 322, F.S. Specifically relating to the area of juvenile justice, the bill increases the surcharge on the license tax from \$1 to \$5.50, from which the Department of Juvenile Justice will receive \$1 to fund prevention initiatives, increasing the previous amount by 58 cents.

This bill was signed into law on May 27, 2009 (Ch. 09-71 L.O.F.). The effective date of this bill is September 1, 2009.

CS/SB 2574 – Information Technology Sponsor: Senator Mike Haridopolos (Budget Conference Issue)

This bill clarifies a number of existing statutes that address the duties of the Agency for Enterprise Information Technology.

The bill establishes a state enterprise e-mail service at Southwood Shared Resource Center (SSRC). SSRC will centrally host, manage, and operate the e-mail system. This change can impact how DJJ manages access to our customers since we integrate access to e-mail through the account set up for access to the network.

Each agency will be required to develop an estimated associated with electronic mail costs for the fiscal year 2009-2010.

Each agency will be required to submit an Information Security (IS) Strategic plan to the Agency for Enterprise Information Technology (AEIT).

This bill was signed into law on May 27, 2009 (Ch. 09-80 L.O.F.). These provisions take effect upon becoming law.

CS/CS/SB 1796 – Governmental Financial Information
Sponsor: Senator JD Alexander (Budget Conference Issue)

This bill provides public access to information on appropriations and the expenditures made with legislative appropriations.

- Requires that a website be established for public access to government entity financial information
- Initial phase will include appropriations data and expenditure data for all branches of government.
- Joint Legislative Auditing Committee will oversee the website and will provide a proposal by March 1, 2010, to Legislative leadership.
- The website will provide all information available in FLAIR, LASPB and some Treasury accounts and link to audits or reports and programs related to appropriations or expenditures.
- It will require executive branch agencies to post allotments in FLAIR by August 31 of each year.

This bill was signed into law on May 27, 2009 (Ch. 09-74 L.O.F.). These provisions take effect upon becoming law.

CS/HB 7051 – Social Security Numbers
Sponsor: Representative Clay Ford ([Senate Govt. Oversight and Acct. Committee](#))

This bill makes the Social Security Number (SSN) of current and former agency employees confidential and exempt from public records requirements, raising the standard from merely exempt. As such, the repeal date is extended to October 2, 2014, and a public necessity statement is included.

Under previous law, current or former agency employees may file a written notice with a non-employing agency to notify them that the employee's SSN is exempt from public records requirements. This law simplifies what employees must do by removing that process.

Under previous law, there is a general exemption that provides a limited exception to the public record exemption and grants access to a commercial entity that performs a commercial activity such as a health insurance company. It also amends the definition of "commercial activity" by including permissible uses established under federal law and to clarify that a commercial activity is for the **verification of the accuracy** of personal information received by the commercial entity.

This bill was signed into law on June 24, 2009 (Ch. 09-237 L.O.F.). The effective date of this bill is October 1, 2009.

CS/SB 2188 – Administrative Procedures

Sponsor: Senator Arthenia Joyner (Representative Robert Schenck)

This bill makes adjustments to the Administrative Procedure Act, by requiring that agencies, for example:

- Give notice of meetings, hearings, and workshops on the agency’s website;
- Post meeting agendas and materials on the agency’s website;
- Make staff available to explain agency rule proposals at public hearings;
- Consider information submitted within certain timeframes in rulemaking; and
- Specify the effective date of a rule in the notice of rulemaking;

This bill was signed into law on June 16, 2009 (Ch. 09-187 L.O.F.). The effective date of this bill is July 1, 2009.

CS/CS/HB 479 – Retirement

Sponsor: Representative Robert Schenck (Senator Mike Fasano)

This bill makes several changes to the Florida Retirement System (FRS):

- Increases the length of time an FRS retiree must be off payroll before being re-employed by an FRS employer from 30 days to 12 months.
- Increases the length of time an FRS retiree must wait to receive both retirement benefits and salary/compensation if they become re-employed by an FRS employer after being off the payroll for 12 months:
- Eliminates renewed membership in the FRS system for anyone retiring on or after the effective date of the bill; grandfathers in anyone currently drawing retirement and re-employed with FRS system.

This bill was signed into law on June 18, 2009 (Ch. 09-209 L.O.F.). The effective date of this bill is July 1, 2009.

SB 1282 – Florida Statutes

Sponsor: Senator J. Alex Villalobos (Representative Bill Galvano)

This bill amends and repeals provisions that have become inoperative by noncurrent repeal or expiration and may be omitted from the 2009 Florida Statutes only through a reviser's bill duly enacted by the Legislature.

Sections 985.803, 985.804, 985.805, 985.806, and 985.807, Florida Statutes, are repealed. The cited sections relate to specific duties associated with the Interstate Compact on Juveniles, were repealed “effective July 1, 2005, or upon enactment of the compact into law by the 35th compacting state, whichever date occurs later,” pursuant to s. 5, Ch. 2005-80, Laws of Florida. The replacement compact pursuant to Ch. 2005-80 L.O.F., was enacted by the 35th state, Illinois, on August 26, 2008, which renders the current sections obsolete.

This bill was signed into law on March 17, 2009 (Ch. 09-20 L.O.F.). The effective date of this bill is July 7, 2009.

CS/CS/SB 2612 – Substance Abuse and Mental Health Services
Sponsor: Senator Stephen Wise (Representative Hazelle Rogers)

This bill makes numerous technical and conforming changes to statutes relating to substance abuse and mental health services:

- Sets client eligibility for substance abuse and mental health services by establishing priority populations to receive these services;
- Revises legislative intent for the substance abuse services program;
- Makes substantial changes to the definitions in Ch. 397, F.S., related to substance abuse services;
- Makes substantial changes to the licensure process for substance abuse programs and requires licenses to be issued by service component, rather than issuing a license by facility;
- Requires DCF to coordinate licensure inspections with other state agencies;
- Provides a process for medication assisted treatment services for substance-use disorders other than opiate dependence;
- Adds physician assistants and advanced registered nurse practitioners (ARNPs) who have a specialty in psychiatry to the list of qualified professionals who may provide substance abuse services, and physician assistants to the group of licensed medical professionals who may provide certain substance abuse services;
- Substitutes the term “client” with “individual” and “service district” with “substate entity” in Ch. 397, F.S., related to substance abuse services; and
- Authorizes DCF to establish a medical review committee for quality assurance of substance abuse, mental health, and forensic programs and provides immunity from liability to the committee.

This bill was signed into law on June 10, 2009 (Ch. 09-132 L.O.F.). The effective date of this bill is July 1, 2009.

DJJ Budget Comparison

After Governor's Vetoes

FY 2008-2009 / FY 2009-2010

	<i>FY 2008-09</i>		<i>FY 2009-10</i>	
	<u>FTEs</u>	<u>Budget</u>	<u>FTEs</u>	<u>Budget</u>
Juvenile Detention Program				
Detention Centers	2,026.50	\$133,723,343	2,103.5	\$ 133,400,954
Probation and Community Corrections Program				
Aftercare	25.00	\$ 32,938,051	24.00	\$ 28,183,064
Juvenile Probation	1,522.5	\$103,698,605	1,406.50	\$ 98,823,632
Non-Res Delinquency	-0-	\$ 19,647,619	-0-	\$ 18,865,414
Office of the Secretary / Assistant Secretary for Administrative Services				
Executive Direction	232.50	\$21,853,749	228.50	\$ 21,203,106
Information Tech	64.50	\$6,727,283	62.50	\$ 6,394,734
Residential Corrections Program				
Non-Secure	295.00	\$150,032,477	291.00	\$ 143,049,182
Secure	745.00	\$115,166,028	723.00	\$ 110,574,329
Prevention and Victim Services				
Prevention	17.00	\$ 59,053,487	17.00	\$ 58,702,235
<hr/>				
¹ DJJ Totals	4,928.00	\$642,840,642	4,856.00	\$ 619,196,610

¹ For the purpose of comparing identical numbers from previous years, the totals from FY 08-09 and FY 09-10 are both After the Governor's Vetoes.

Juvenile Detention Program:

<u>Juvenile Detention</u>			
FY 08-09	\$133,723,343	2,026.50	FTE
FY 09-10	\$133,400,954	2,103.50	FTE

Highlights

- **\$200,000 (GR)** provided for critical safety, security, maintenance, and repair issues at state-owned buildings (Detention, Probation and Residential Facilities).
- **137 FTEs** to in-source food services in Detention and Residential Services (\$4.6 million shifted between categories)
- **\$800,000 (TF)** provided for two Alternatives to Secure Detention Initiatives (from Federal Recovery Act funds)
- **\$200,000 (GR)** provided to cover the state's share of the increased cost of secure detention

Detention Cost-Share

- **\$5.4M (GR)** provides for fiscally constrained counties for detention center costs.

Reductions

- **(\$2.0 M) (GR & TF)** and **(39.0)** position reductions to close the St. Johns Detention Center due to underutilization.

Office of the Secretary / Assistant Secretary for Administrative Services:

<u>Information Technology</u>		
FY 08-09	\$ 6,727,283	64.5 FTE
FY 09-10	\$ 6,394,734	62.5 FTE
<u>Executive Dir & Support Services</u>		
FY 08-09	\$ 21,853,749	232.5 FTE
FY 09-10	\$ 21,203,106	228.5 FTE

Highlights

- **\$93,333 (GR & TF)** provided for the additional cost of retaining fingerprints for agency and provider contracted staff

Reductions

- **(\$506,641) (GR)** reduction to OPS appropriation category in Executive Direction for Research and Consultation contracts in DJJ
- **(\$200,959) (GR)** and **(4.0)** position reductions in the Executive Direction/Support Services budget entity.
- **(\$100,000) (GR)** reduction to relocate DJJ's computing resources to the Northwood Shared Resource Center by July 1, 2010.

Probation and Community Corrections Program:

<u>Juvenile Probation</u>		
FY 08-09	\$103,698,605	1,522.5 FTE
FY 09-10	\$ 98,823,632	1,406.5 FTE
<u>Aftercare / Conditional Release</u>		
FY 08-09	\$ 32,938,051	25.0 FTE
FY 09-10	\$ 28,183,064	24.0 FTE
<u>Non-Residential Delinquent Rehabilitation</u>		
FY 08-09	\$ 19,647,619	0 FTE
FY 09-10	\$ 18,865,414	0 FTE

Highlights

- **\$2.1 million (GR & TF)** provided for additional Redirection services/slots (\$500,000 from Federal stimulus funds).
- **\$1.5 million (GR)** provided for low-volume Juvenile Assessment Centers located in Leon, Marion, Pasco, and Polk counties.
- **\$36,600 (GR)** provided to cover the increased assessment for the cost of operating the Interstate Compact for Juveniles in Florida.

Reductions

- **(\$2.9 M) (GR)** reduction to contracted Aftercare/Conditional Release Services.
- **(\$2.7 M) (GR)** and **(65.0)** position reductions to Juvenile Justice Probation Services & Supervision.
- **(\$444,574) (GR)** to eliminate **(5.0)** Youth Custody Officer positions in Juvenile Probation budget entity.
- **(\$153,600) (GR)** to eliminate three Police Athletic League contracts.

Prevention & Victim Services:

<u>Delinquency Prevention</u>		
FY 08-09	\$ 59,053,487	17.0 FTE
FY 09-10	\$ 58,702,235	17.0 FTE

Technical Issue

- **\$6.4 million (GR)** fund shifted from Grants & Donations Trust Fund, Community Partnership funds to offset GR reductions. The license surcharge on vehicle registrations has increased by 50 cents to support this fund shift. Budget is allocated to fund PACE Centers and Children in Need of Services / Families in Need of Services (CINS/FINS).

Residential Corrections Program:

<u>Non-Secure Residential Commitment</u>		
FY 08-09	\$150,032,477	295.0 FTE
FY 09-10	\$143,049,142	291.0 FTE
<u>Secure Residential Commitment</u>		
FY 08-09	\$115,166,028	745.0 FTE
FY 09-10	\$110,574,329	723.0 FTE

Reductions

- **(\$1.8 M) (GR)** reduction to low- and moderate- risk bed capacity. This represents a loss of 51 beds.
- **(\$1.0 M) (GR)** reduction to high- and maximum- risk bed capacity. This represents a loss of 21 beds.
- **(\$467,325) (GR)** to eliminate **(10.0)** vacant administrative and support positions in Residential Services.

Other Budget Issues of Note:

Employee Salary – The Legislature reduced the annual salary for each employee making in excess of \$45,000 by 2%. However, this action was vetoed by the Governor.

Health Insurance – The budget provides sufficient funding to prevent an increase in the cost of staff health insurance.

Juvenile Justice Education Supplemental Allocation – \$10.25 million (\$896.83 per student) to supplement other sources of funding for students in juvenile justice education programs.