

Meeting Minutes
Governmental Services Committee
Taxation and Budget Reform Commission
301 Senate Office Building
Tallahassee, Florida
Friday, January 11, 2008
8:30 a.m. – 11:30 p.m.

Committee Members: *Roberto “Bobby” Martinez, Chair, Barney Barnett, Martha Barnett, Mark Bostick, Talbot “Sandy” D’Alemberte, Bruce Kyle, Robert “Bob” McKee, Les Miller, Jr., Randy Miller, Jade Moore, James Scott*

Members Present:

Roberto “Bobby” Martinez, Chairman
Barney Barnett
Martha Barnett
Talbot “Sandy” D’Alemberte
Bob McKee
Les Miller
Randy Miller
Jim Scott

Members Absent:

Bruce Kyle
Mark Bostick
Jade Moore

Chairman Roberto Martinez called the meeting of the Governmental Services Committee of the TBRC to order at 8:30 a.m. Staff called the roll and announced the presence of a quorum.

Chair Martinez called upon Commissioner Darryl Rouson to present his statutory recommendation SR0019 to the Governmental Services Committee. Commissioner Rouson indicated that his proposal was a statutory recommendation expanding Faith and Character Based Initiatives (FCBI) at select Florida institutions, and mandating that Wakulla Correctional Institution (WCI) remain an FCBI institution. Commissioner Rouson allowed that FCBI data and statistics are relatively short in duration, but the data that is available suggests a sharp decrease in the recidivism rate when compared to inmates who are not accepted to an FCBI program.

The Chair opened the floor to public testimony, and Allison DeFoor addressed the Committee on the subject of faith and character based initiatives. Mr. DeFoor informed the panel that he has worked in the field of public safety and corrections for many years. He indicated that he is currently working with the WCI on faith and character based programs. WCI is currently an FCBI institution where all of the inmates are enrolled in FCBI programs. SR0019 will ensure that WCI will remain an FCBI institution and

restricts the Florida Department of Corrections (DOC) from converting the 2,000 bed annex at WCI into general population. Currently, there are over 6,000 inmates in Florida waiting for beds in FCBI programs.

Commissioner Les Miller asked Mr. DeFoor if this proposal would mandate that prisons have FCBI programs. Mr. DeFoor answered that it does add a mandate, but it may be unconstitutional that they do not have access to FCBI programs. This issue is awaiting review by the Supreme Court.

Commissioner Miller asked if this would be a statutory recommendation. Mr. DeFoor replied that it is a statutory change, and added that State of Florida dollars do not go to faith based programs. Rather, unpaid volunteers do much of the work at FCBI facilities and dorms. The FCBI programs are managed and run by volunteers from both spiritual and secular organizations. No State of Florida monies are directed into these programs.

Commissioner Martha Barnett asked why a statutory change is needed. Mr. DeFoor answered that institutional resistance is the primary reason, but that early numbers from DOC indicate that these programs are helping to lower recidivism rates.

Commissioner Jim Scott asked if the measure is successful, would it save money for the prison system. Commissioner Darryl Rouson commented that this issue is one he feels very strongly about, and that the fiscal impact would be a net positive for DOC, but the extent of the savings is unclear. Commissioner Rouson added that he would like to hear more information about the fiscal impact of the proposal as well.

Chair Martinez asked why the TBRC should be involved with the administration of the prison system. Mr. DeFoor replied that the TBRC has the Constitutional authority to make statutory recommendations to the Legislature. There are significant fiscal impacts to the State of Florida's budget which is in line with the TBRC's purpose.

Chair Martinez introduced and welcomed the Secretary of the Department of Corrections, James McDonough. Secretary McDonough thanked the Chairman and committee, and added that he is in favor of the FCBI programs within DOC, adding there are 2.5 inmates who apply for these programs for every bed available. The Secretary indicated that the only problem he has with this proposal is the mandate to keep every bed at WCI part of the FCBI program. The Department is facing some severe issues regarding capacity and mandates like these reduce and undermine the effectiveness to remain flexible. A mandate like this one can also have affects felt in other areas of the prison system.

The Chairman suggested that Secretary McDonough work with Allison DeFoor and Hugh MacMillan to iron out the differences as this proposal moves forward. Commissioner Scott moved that a vote be taken to advance this proposal to the next committee of reference where these issues may be amended. Commissioner Miller seconded the motion and staff took a roll-call vote, which passed unanimously.

Chair Martinez called Secretary McDonough back to the podium to address DOC's problems with capacity and recidivism. The Chairman asked Secretary McDonough what factors contribute to the rise in prison populations. Secretary McDonough responded that the factors are the overall population increases in the State of Florida and recidivism.

Chairman Martinez commented that in a previous meeting of the Governmental Services Committee in Orlando, the Secretary described some areas of focus to aid in reducing recidivism. Those five areas are:

- Education
- Substance Abuse Treatment
- Vocational Training
- Faith and Character Based Initiatives
- Life Management Skills

Chair Martinez asked Secretary McDonough to present a recap of proposals to combat the high rate of recidivism. Secretary McDonough briefly described his four proposals regarding: 1. Work release; 2. Year-and-a-day sentencing; 3. Gain time; and 4. The Do Nothing Option which, if DOC reaches its maximum number of filled beds, would result in the courts mandating that the Secretary release inmates to make room for new inmates.

Senator Scott asked Secretary McDonough if DOC is similar to the U.S. Department of Corrections. Secretary McDonough replied that the Federal system does not allow for gain time for inmates sentenced for less than a year. Chair Martinez asked Secretary McDonough who the likely opposition to these proposals might be. Secretary McDonough responded that it may be useful to speak with Senators Villalobos and Crist. Chair Martinez asked about the counties' position. The Secretary responded that the Chair had brought up an interesting point and suggested that it would be useful to speak with the Sheriffs.

Chair Martinez requested that staff complete drafts for Secretary McDonough's first three proposals before the next meeting.

The Chair introduced Jim Spratt, Director of Governmental Affairs with the Florida Nursery Growers and Landscapers Association, to explain a proposal on horticultural certifications for inmates in Florida's prison system. Mr. Spratt asked if the proposal could be temporarily postponed (TP) until a later date. Chair Martinez agreed. The Chair moved to TP the School Tax Consolidation proposal and the Education Adequacy Commission proposal. Both of those proposals were introduced by Commissioner Moore who was not present at the meeting to discuss them. Chair Martinez moved to TP the Just Read, Florida! proposal and the committee reports on Water Policy and the State Courts System until the next meeting.

Chair Martinez asked Commissioner Randy Miller to explain the Constitutional Proposal for the Northwest Florida Water Management District (NFWFMD) millage increase.

Commissioner Miller briefly described the differences in the millage rates for the NWFLWMD and the other four water management districts. Commissioner Miller went on to describe the growing populations in Northwest Florida and the need to protect its resources, especially water. The committee discussed the State of Florida's severe need to protect and manage the water supply.

Commissioner Scott moved that the proposal be taken up as a Committee Bill, Commissioner Miller seconded. Staff called a roll-call vote, which passed unanimously.

The Chair introduced the Constitutional Proposal to modify the Class Size Amendment and called upon Bill Montford, CEO for the Florida Association of District School Superintendents, to deliver a brief summary. Marshall Ogletree, representing the Florida Education Association, explained that he had been working in conjunction with Representative Simmons to create a statutory fix to the problem. There was a discussion as to whether or not a statutory change could hold up as constitutional in the courts system. Mr. Ogletree allowed that, speaking on behalf of Andy Ford, President of the FEA, their association would prefer to look into the issue of Class Size during the next legislative session.

Chairman Martinez asked Commissioner Miller to present the recommendations from the Ad Hoc Committee on Bright Futures, Prepaid Tuition, and Gambling Dollars for Education. Commissioner Miller gave an overview of the following topics discussed:

- Continue to reward all top level scholars, but reach out to additionally assist needs-based students with lower academic levels.
- Establish income guidelines for students to qualify for Bright Futures (tied to the federal application process for Pell Grants and other federal funding sources).
- De-couple Bright Futures awards from tuition rates so that the tuition rate can rise, but cap Bright Futures awards (two options discussed: set an amount per student based on some year and use that amount from year to year as the cap for the award, or pro-rate the amount of each year's appropriated funds for Bright Futures based on the number of students that qualify).
- Increase the GPA requirements for entry to Bright Futures awards and a continuation of the award throughout the higher education process.
- Allow a mechanism whereby the original price of a pre-paid tuition can be "re-negotiated" to adjust for tuition increases or to offer no interest loans to students to make up the difference in tuition rates over time.
- Review the status of the current surplus in the state's Prepaid Fund, who has permission to draw from the fund, and whether it could be used as an endowment to fund Bright Futures scholarships.

There being no further business, the meeting was adjourned at 11:30 a.m.