

Budget Transfer Procedures - Alleviate Due Process Services Deficit -

In the event a State Attorney, Public Defender, or Criminal Conflict and Civil Regional Counsel incurs a deficit in a due process services appropriation category the following steps should be taken. First, attempt to identify surplus funds from other appropriation categories within the office and submit a budget amendment pursuant to Chapter 216, Florida Statutes, to transfer surplus funds to the Justice Administrative Commission (JAC). Then, if the State Attorney, Public Defender, or Criminal Conflict and Civil Regional Counsel is unable to identify surplus funds from within his or her office, he or she shall certify this to the JAC. The JAC shall submit the certification along with a complete explanation of the circumstances which led to the deficit and steps the office has taken to reduce or alleviate the deficit.

The JAC shall inquire as to whether any other office has surplus funds in the same due process appropriation category which can be transferred to the office that is experiencing a deficit. Finally, if there is no conflict with specific direction provided in the General Appropriations Act, the JAC shall transfer funds between the circuits or districts to alleviate the deficit upon agreement of the contributing office or offices. Notice shall be provided to the Governor, chair and vice chair of the Legislative Budget Commission prior to making the adjustment.

The following forms are required to complete this process:

Certification Form

This form is used by a State Attorney, Public Defender, or Criminal Conflict and Civil Regional Counsel to certify he/she has no surplus funds available for transfer to alleviate a budget deficit in a due process services appropriation category.

- Fill in the blanks to identify your Office, Circuit or District number, and the due process budget category in need of an allocation increase. Use category # 103541 for State Attorney due process costs, category #103228 for Public Defender due process costs, and category # 103542 for Regional Counsel due process costs.
- The State Attorney, Public Defender, Criminal Conflict and Civil Regional Counsel or designated official signs and dates the form.

Budget Deficit Explanation Form

This form is used to explain the circumstances of a projected deficit in a due process services appropriation.

- Fill in the blanks to identify your Office, Circuit or District Number, due process budget category number, and the amount of the budget deficit.
- Provide an explanation of the circumstances which led to the budget deficit.
- Explain any efforts made to alleviate the budget deficit.
- A designated official signs and dates the explanation form.