

# **TRIAL COURT BUDGET COMMISSION OPERATIONAL PROCEDURES**

## **I Background**

An amendment to Section 14 of Article V of the Florida Constitution approved by the voters in 1998, requires the state to assume a substantial portion of the funding of the state courts system. As a result, the Article V Funding Steering Committee was created by the Supreme Court to develop implementation strategies. The Article V Funding Steering Committee recommended to the Supreme Court that a Trial Court Budget Commission (TCBC), be created to oversee the preparation and implementation of the trial court component of the judicial branch budget. The Supreme Court created the TCBC through the Rules of Judicial Administration effective December 1, 2000.

## **II Authority**

Florida Rule of Judicial Administration 2.053.

## **III Purpose**

The purpose of this document is to set forth procedures for the general operations of the Commission.

## **IV Membership**

In accordance with Florida Rule of Judicial Administration 2.053, twenty-one individuals are appointed by the Chief Justice to serve on the Commission. The membership consists of fourteen trial court judges and seven trial court administrators. The initial membership shall serve as follows: seven persons for two years, seven persons for four years, and seven persons for six years. Subsequent members will be appointed to serve for six years. The Office of the State Courts Administrator (OSCA) will provide staff to record minutes, to notify members of meetings, and to provide other support related to the operation of the Commission.

## **V Meetings**

1. Number of Meetings -- The Commission will meet on an as needed basis, but no less than quarterly.
2. Regular meetings -- The Commission will meet regularly at a time and place designated by the Chairperson. While Chapter 286, Florida Statutes is not applicable to the Judicial Branch, meetings of the Commission will be open to the public and all official acts of the

Commission will be taken at public meetings. The schedule of meetings is available on the Commission's website at [www.flcourts.org](http://www.flcourts.org).

3. Special Meetings -- Special meetings, including hearings and workshops may be called by the chair or by a majority of the commission members.
4. Emergency Meetings -- An emergency meeting of the Commission may be called by the Chairperson with no less than twenty-four (24) hours notice whenever, in the opinion of the Chair, an issue requires immediate Commission action. Whenever such emergency meeting is called, the Chair will notify the Office of the State Courts Administrator (OSCA) staff. OSCA staff will immediately serve either verbal or written notice upon each member of the Commission, stating the date, hour, place, and purpose of the meeting. No other business will be transacted at the meeting unless additional emergency matters are agreed to by a majority of those Commission members in attendance. In matters that require immediate action, the Chair may call a meeting of the Executive Committee. Any decisions by the Executive Committee in an emergency meeting will be reviewed by the full Commission at the next scheduled meeting and can be either endorsed or overturned at that time, if possible. In the event it is impossible to rescind, the action taken by the Executive Committee shall be binding.
5. Subcommittee Meetings - Subcommittee meetings may be held at the discretion of the Commission Chair or the Chair of any subcommittee. If a subcommittee member misses two consecutive subcommittee meetings, the Chairperson of the subcommittee may contact that member regarding attendance. If a member misses three consecutive subcommittee meetings, the Chairperson of the subcommittee may make a motion to recommend replacement of that member on the Commission and if the Commission approves, the Chairperson of the TCBC shall notify the Chief Justice of the Supreme Court.
6. Notice of Meetings
  - a. Notice of regular meetings of the Commission will be posted to the Commission's website by OSCA staff not less than fourteen days before the event, and will include a statement of the general subject matter to be considered.
  - b. Whenever an emergency meeting is scheduled, OSCA staff will post a notice at the **Commission's website** of the time, date, place, and purpose of the meeting.
7. Attendance -- Attendance at Commission meetings is mandatory and shall be in person unless otherwise approved by the Chair. If a member misses two consecutive meetings, the Chairperson may contact that member regarding attendance. If a member misses three consecutive meetings, the Chairperson may make a motion to recommend replacement of that member and if the Commission approves, the Chairperson shall notify the Chief Justice of the Supreme Court. Notification of absence from a commission meeting should be made in advance of the meeting to OSCA staff.

8. Voting
  - a. Quorum -- Fourteen (14) members of the Commission must be present to constitute a quorum for the transaction of business. A majority vote of all the members of the Commission (11) is required for establishing policy and procedures. Otherwise a majority vote of those present is required.
  - b. Proxy Voting -- Commission members must be present to vote on issues. No member can authorize another individual to vote on any issue in his/her stead. However, a member can be present electronically during a scheduled meeting as approved by the Chair.
9. Minutes -- Minutes will be taken by OSCA staff at Commission meetings and a draft will be posted to the Commission's website within thirty (30) days of each meeting. Once approved by the TCBC, a finalized copy of the minutes will be posted on the Commission's website.

## **VI Agenda**

1. Recommendations to the Commission and all matters of business or concern to be included in the agenda will be presented to the Chairperson or the OSCA staff prior to any meeting. The Chairperson, with the assistance of OSCA staff, will assemble the items received, including those from Commission members, with sufficient time to prepare the agenda in advance of each meeting and provide a copy of the agenda to each member of the Commission at least seven days prior to the meeting. If additional items or supporting documentation become available, a supplemental agenda may be provided one day prior to the meeting. The agenda and any supplemental agenda will be posted on the Commission's website.
2. Commission members may add additional items not included on the published agenda to the full Commission meeting agenda if a majority of the Commission members vote to do so.

## **VII Appearances before the Commission**

1. The Commission will afford to each individual and representatives of groups a reasonable opportunity to be heard on any agenda item being considered by the Commission.
2. Individuals or representatives of a group who desire to appear before the Commission to address a subject within the Commission's jurisdiction may submit their requests to the Chair of the Trial Court Budget Commission for the matter to be included in the agenda. The Chairperson will determine whether the item will be heard and when the item will be heard. The Chairperson may place time limits on any presentation or decline to hear any matter determined to be outside the Commission's jurisdiction.

3. The Chairperson shall have the discretion during the course of a Commission meeting to recognize any individual or representatives of groups to address the Commission on items listed on the Commission's agenda.

## **VIII Subcommittees**

The Commission may authorize the establishment of subcommittees, one of which will be an Executive Committee. Members are expected to serve on at least one subcommittee. Subcommittees may have members that are not Commission members; however, each committee shall have at least one commission member. The Chairperson shall appoint the members of each subcommittee and the subcommittee chair. Ad Hoc subcommittees may be appointed by the chairperson.

## **IX Appeals**

1. Appeals Panels- All appeals of decisions of the TCBC shall be heard by an Appeal Panels of the TCBC. The Appeal Panels shall consist of 5 members of the TCBC appointed by the Chair. At least one member shall be a judge, and at least one member shall be a trial court administrator. No member of the TCBC shall be appointed to hear an appeal filed on behalf of a that member's circuit. The Chair of the TCBC shall designate a member of the Appeal Panel as Chair of the Panel.
2. Commencement of Appeals
  - (a) Method. An appeal shall be commenced by filing of a petition with the Office of the State Courts Administrator. Appeals may be filed only by the Chief Judge of the Circuit initiating the appeal.
  - (b) Time. An appeal shall be commenced within 10 days after notice of the decision of the TCBC has been given pursuant to section (IX) #7 of these rules. Failure to timely file the appeal shall constitute acceptance of the decision without further right of appeal. The Chair may waive any time limits set forth in these procedures in the event of an emergency.
  - (c) Contents of Petition. The petition shall contain a statement identifying the decision of the TCBC by its date and nature; a statement by the petitioner of the relief sought; and copies of any supporting documents to be considered by the Appeals Panel. The petition shall contain a brief statement of facts and a statement as to why the petitioner considers the decision of the TCBC to be erroneous or in need of reconsideration.
3. Computation of Time- In computing any period of time prescribed or allowed by these rules, the provisions of Rule 9.420 of the Florida Appellate Rules and the definition of "legal holiday" provided by Rule 9.420(e) of those Rules, shall apply.

#### 4. Consideration of Appeal

- (a) **Time of Meeting.** The Appeal Panel shall convene to consider an appeal at the next regularly scheduled meeting of the TCBC held not less than 5 days after the petition is received by the Office of the State Courts Administrator, or at a special meeting of the Appeal Panel at a time and place designated by the Chair of the Appeal Panel, not less than 5 days after the petition is received by the Office of the State Courts Administrator.
- (b) **The Record.** The Office of the State Courts Administrator shall furnish to the Appeal Panel a copy of the decision or appropriate minutes of the decision being appealed; and copy of the petition with supporting documents filed by the petitioner.
- (c) **Oral Argument.** The petitioner shall be entitled to present oral argument before the Appeal Panel only if requested in the petition. The time limit for oral argument shall be at the discretion of the Appeal Panel, provided, however, that in no event shall the petitioner be limited to less than 30 minutes for oral argument.
- (d) **Decision of Appeal Panel.** The decision of the Appeal Panel shall be by a majority of those present and voting. Three members of the Appeal Panel shall constitute a quorum. In the event of a tie vote, the appeal shall be denied and the original decision of the TCBC shall stand. If the Appeal Panel affirms the decision of the TCBC, then the decision shall become the final decision of the TCBC.
- (e) **Notice of Decision.** The Appeal Panel shall give notice of its decision to the petitioner and all members of the TCBC within 5 days of the Appeal Panel meeting. A copy of the decision shall also be maintained in the records of the TCBC by the Office of the State Courts Administrator.

#### 5. Review by the TCBC

- (a) **Request for Review-** If the Appeal Panel reverses the decision of the TCBC, then any member of the Appeal Panel or of the TCBC shall have the right to request review by the TCBC. A request for TCBC review of an Appeal Panel decision must be in writing and filed with the Office of the State Courts Administrator within 5 days' notice of the Appeal Panel's decision.
- (b) **Consideration of Review-** The TCBC shall consider the request for review at its next regular meeting, or, in the event of a critical time emergency as determined in the sole discretion of the Chair of the TCBC, at a special meeting called by the Chair to consider the review. The decision of the TCBC to grant review shall be by a majority of members voting. Appeal Panel members and any members of the TCBC from the circuit filing the appeal shall not be entitled to vote on the request. However, members of the Appeal Panel and TCBC members from the circuit filing the appeal shall be authorized to participate in the discussion of the review.

- (c) Denial of Review- If the request for review is denied, the Appeal Panel decision shall stand as the decision of the TCBC.
  - (d) Granting of Review- If the TCBC grants a review, the TCBC shall review the decision at its next regular meeting, or, in the event of a critical time emergency as determined in the sole discretion of the Chair of TCBC, at a special meeting called by the Chair to review the decision. If review is granted, the TCBC may in its discretion grant further oral argument to the petitioner if it deems it necessary to fully review the decision. Members of the Appeal Panel shall be entitled to participate and vote in this review. Any member of the TCBC from the circuit filing the appeal shall not be entitled to vote on the request, but shall be entitled to participate in the discussion
  - (e) Notice of TCBC Action- The Office of the State Courts Administrator shall give notice to the original petitioner who instituted the appeal process of the TCBC's decision within 5 days of the TCBC's meeting at which such decision was rendered. A copy of the decision shall also be maintained in the records of the TCBC by the Office of the State Courts Administrator.
6. Appeals to the Supreme Court- Any appeal to the Supreme Court must be made by a Chief Judge of a Circuit within 10 days of the TCBC's final decision. The Supreme Court will hear only appeals that are based on the failure of the TCBC to adhere to its operating procedures and may be taken only after exhausting all other remedies.
7. Notice- Notice as required pursuant to these rules shall be deemed given upon confirmed fax or delivery to the Chief Judge of the circuit of any decision of the TCBC or the Appeal Panel, or when minutes of the TCBC containing the action or decision to be reviewed is posted on the TCBC page on the Supreme Court Website.

**X Budgeting Policies and Procedures**

- 1. Policies and procedures governing trial court budgeting development and administration will be developed by the Commission as necessary.
- 2. Policies and procedures developed and implemented by the Commission will be placed on the Commission's website.

**XI Annual Report**

An annual report will be prepared by the Commission at the end of each fiscal year.

<i>Date Approved by the TCBC:</i>	<i>May 22, 2001</i>
<i>Date Approved by Supreme Court:</i>	<i>June 26, 2001</i>
<i>Dates Amended by the TCBC:</i>	<i>September 26 &amp; December 1, 2001</i>
<i>Date Amendments Approved by Court:</i>	<i>February 20, 2002</i>