Attendance – Members Present
The Honorable Margaret Steinbeck, Chair
The Honorable Mark Mahon, Vice Chair
The Honorable Scott Bernstein
The Honorable Monica Brasington
The Honorable Catherine Brunson
Ms. Holly Elomina
The Honorable Ronald Ficarrotta
Mr. Tom Genung
The Honorable Robert Hilliard
The Honorable Frederick Lauten
Ms. Sandra Lonergan
The Honorable Diana Moreland
The Honorable Debra Nelson
The Honorable Gregory Parker
Ms. Kathleen Pugh
The Honorable Anthony Rondolino
Mr. Grant Slayden
The Honorable Elijah Smiley
Mr. Walt Smith
The Honorable Judge Soto
The Honorable John Stargel
The Honorable Patricia Thomas

Attendance – Members Absent
Mr. Mark Weinberg
Mr. Joseph Williams

Special Note: It is recommended that these minutes be used in conjunction with the meeting materials.

Chair Steinbeck called the Trial Court Budget Commission (TCBC) meeting to order at 8:30 a.m. and reminded members that the meeting was being recorded for administrative accuracy. The roll was taken with a quorum present. She invited phone participants and members of the audience to introduce themselves.

Chair Steinbeck then welcomed Judge Brasington to the commission and thanked her for her service, and also thanked Justice Lawson for his participation in today’s meeting.

Agenda Item I: Opening Remarks by Chair
Chair Steinbeck thanked the Supreme Court for her recent appointment as Chair of the TCBC, and noted her eagerness to work with fellow commission members, fellow judges, trial court administrators, and Office of the State Courts Administrator (OSCA) staff.

Agenda Item II: Approval of Prior Meeting Minutes
Chair Steinbeck presented the draft meeting minutes from the June 27, 2017, TCBC meetings and asked if there were any changes necessary before approval. Judge Mahon moved to approve the minutes as drafted. Judge Parker seconded, and the motion passed without objection.
Agenda Item III: FY 2016-17 Budget Status

A. Salary Budgets

Dorothy Willard provided an overview of the trial court salary budgets for FY 2016-17 as of June 30, 2017. The salary liability for the trial courts General Revenue/State Court Revenue Trust Fund was approximately $3.4 million under the salary appropriation. The Administrative Trust Fund’s salary liability was under the appropriation by $37,301, and the Federal Grants Trust Fund’s liability was under the appropriation by $160,010.

Judge Steinbeck noted that as today’s meeting progresses, it will become clear that we will not be able to end FY 2017-18 $3.4 million under the salary appropriation without some very aggressive salary management. Judge Steinbeck then asked Dorothy Willard to expand upon FY 2017-18 salary projections for the trial courts.

Dorothy Willard stated the projected deficit for FY 2016-17 was approximately $6 million over the appropriation. This deficit was able to be covered through normal lapse of positions; however there are several factors that will impact the salary budget in FY 2017-18: (1) the salary actions approved in FY 2016-17 for recruitment/retention needs will increase the salary liability for FY 2017-18; (2) the workforce has stabilized and the lapse percentage is holding steady; (3) there are unfunded liabilities that have to be considered/managed, such as DROP liability, which is projected at approximately $1.5 million for judges that will exit DROP in FY 2017-18; (4) another liability that will impact the trial court salary budget is the law clerk pay plan; and (5) the $2 million legislative reduction in salary dollars. Additionally, Ms. Willard noted that supplemental appropriations have not been received for retirement and statewide pay raises; however, these liabilities are typically not fully funded by the supplemental appropriations and can be significantly less than is needed. Therefore, the projected salary deficit for FY 2017-18 of $8.2 million will be adjusted. Based on the initial projected deficit, at the June 27, 2017 meeting, the TCBC instituted a hard-freeze for certain positions which will remain in effect until the supplemental appropriation amounts are known and the Budget Management Committee (BMC) can evaluate the new data.

Ms. Willard stated that the last salary deficit of this magnitude was in FY 2007-08 and furloughs were under consideration. The BMC will analyze the data after the supplemental appropriations are received and make recommendations to the TCBC in an effort to manage this situation moving forward.

Sandra Lonergan and Kathy Pugh requested outreach to the chief judges that communicates the impacts to be realized from the FY 2017-18 salary management mandates on administrative staff and the services currently being provided to the judges. Judge Steinbeck asked Judge Sjostrom, Chief Judge of the 2nd Judicial Circuit and chair of the Judicial Administrative Committee (JAC), to convey this information to the chief judges at the JAC meeting being held tomorrow.
B. Positions Vacant More Than 180 Days
Beatriz Caballero provided an overview of the positions vacant for more than 180 days as of June 14, 2017. Ms. Caballero noted that 84% of the vacancies are interpreters, with the majority of those vacancies impacting the 11th Circuit.

C. Operating Budgets
Dorothy Willard provided an overview of the operating budgets for FY 2016-17 as of June 30, 2017. She noted that as the remaining balances have decreased, reversions are on track to be the lowest amount ever returned. Ms. Willard stated that once the certified forward period has ended, the BMC will review the current allocation procedures to recommend revisions, if necessary.

Ms. Willard provided an overview of FY 2016-17 legislative projects as of June 30, 2017, and senior judge activity as of July 5, 2017. Ms. Willard stated the remaining allocation for senior judges has been reverted and re-appropriated. Once the certified forward period has ended, any remaining days will be presented to the TCBC for reallocation for the current fiscal year.

D. Trust Fund Cash Balances
Dorothy Willard provided an overview of the State Courts Revenue Trust Fund (SCRTF) estimated cash balances for FY 2017-18 through FY 2021-22. Ms. Willard stated if FY 2017-18 revenues are received as projected, a deficit will not be encountered this fiscal year; however, beginning FY 2018-19, deficits are projected that carry forward through FY 2021-22. Ms. Willard clarified that once a deficit is realized, action will be necessary to stabilize the trust fund or future deficits will continue to compound significantly.

Ms. Willard reported the Administrative Trust Fund (ATF) has an ending balance of approximately $2.6 million as of June 30, 2017.

E. Year-End Spending Plan
Dorothy Willard provided an overview of the year-end spending plan and noted that as of June 30, 2017, $44,314 remains to be spent through the certified forward period.

Agenda Item IV: Child Support Enforcement Hearing Officer Reallocation
Lindsay Hafford reported that on June 22, 2017, the TCBC approved FTE allocations for Child Support Hearing Officers (CSEHO), General Magistrates (GM), and administrative support staff associated with each element. Subsequent to that meeting, the Ninth Judicial Circuit received the resignation of a full-time CSEHO and, pursuant to approved procedures, the position was evaluated for possible reallocation. Using forecasted filings methodology, the Ninth Judicial Circuit displayed a negative need of 0.50 FTE for CSEHO’s; therefore, 0.50 FTE of the 1.0 vacant Hearing Officer position is eligible for reallocation to the Fourth Judicial Circuit.
The Funding Methodology Committee (FMC) recommended Option 1, to reallocate the vacant 0.50 FTE CSEHO from the Ninth Judicial Circuit to the Fourth Judicial Circuit. Grant Slayden moved to approve Option 1. Judge Ficarrotta seconded, and the motion passed without objection.

Ms. Hafford stated with the approval of Option 1, the charts reflecting final FY 2017-18 allocations and net need in the General Magistrate, Child Enforcement Hearing Office, and administrative support areas need to be approved and disseminated to the trial courts. The FMC recommended Option 1, to approve the proposed allocations for FY 2017-18 and direct staff to monitor vacancies in these elements and recommend reallocation of available positions according to the maximum need, pursuant to approved reallocation policies. Judge Mahon moved to approve Option 1. Judge Parker seconded, and the motion passed without objection.

**Agenda Item V: FY 2018-19 Legislative Budget Request (LBR)**

Chair Steinbeck reported that the Executive Committee (EC) meeting held yesterday was extended, primarily due to the LBR issues and the salary deficit, which are interrelated. Chair Steinbeck stated the Executive Committee recommended the salary deficit be included for consideration as an issue, and asked if there was a motion for this issue to be the number one priority. Grant Slayden moved that the salary deficit be submitted as issue 1. Judge Thomas seconded, and the motion passes without objection.

Chair Steinbeck then reported that the EC recommends the issues for consideration be in priority order as follows:

1. Salary Deficit/Restoration
2. Trial Court Technology
3. Employee Pay Issue
4. Court Interpreting
5. Case Management

The EC discussed Staff Attorneys and General Magistrates as issues for consideration, but felt this may not be the appropriate time to request additional FTE. Chair Steinbeck requested Dorothy Willard address the LBR Timeline.

**A. LBR Timeline**

Dorothy Willard reported an overview of the timeline, and noted that the final LBR decisions made at this meeting will be distributed to the chief judges and trial court administrators on Tuesday, July 25, 2017.
B. LBR Issues for Consideration

1. **Employee Pay Issue**
   Beatriz Caballero provided an overview of the Equity, Recruitment, and Retention Pay Issue, noting that the legislature only funded a portion of the FY 2014-15 request. Each year thereafter, an LBR has been filed to obtain funding for classes that were not included in the FY 2014-15 appropriation.

   Ms. Caballero noted that an updated analysis has been completed for the court interpreting classes to address persistent recruitment and retention challenges, and the analysis proposes an increase to the current minimum for certified court interpreters to $60,000, with corresponding adjustments for assistant supervising and supervising court interpreters, for a total cost of $2,472,979. She noted that the FY 2017-18 LBR for this issue totaled $6.4 million, which included approximately $1 million to increase the minimum for certified interpreters to $50,000. Walt Smith clarified that if approved, the LBR request for FY 2018-19 would be $1,472,979 more than last fiscal year. Ms. Caballero confirmed the revised court interpreter increase would add $1,472,979 to the request, but until all components for all classes can be analyzed, a final amount for the LBR is not known.

   Chair Steinbeck clarified that approval of this issue does not make the Employee Pay Issue priority number 1; it would simply allow the Office of Human Resources to include this increase for court interpreters in its analysis of the Employee Pay Issue as a whole.

   Walt Smith moved to approve Option 1, to recommend an FY 2018-19 LBR for second-year funding court staff salary equity, recruitment, and retention issues. The specific amount would be based on the updated review and would be reported to the TCBC prior to submission of the issues to the Supreme Court for the Court’s consideration. The request would include the proposed increases in the minimum salaries for the court interpreter classes. Tom Genung seconded, and the motion passed without objection.

2. **Trial Court Technology**
   Lindsay Hafford provided an overview of the proposed changes to the FY 2018-19 Trial Court Technology Comprehensive Plan request.

   The FMC recommended Option 2, to file an LBR for FY 2018-19 for $21,439,987 that does not include the technology components related to remote court interpreting and bandwidth. These components could be addressed as a separate comprehensive court interpreting LBR. Authorize OSCA staff to make necessary revisions to the cost estimates and add out-year costs as the issue is finalized for presentation to the Supreme Court.
The EC recommended Option 1, to file an LBR for FY 2018-19 for $26,008,762 that includes the technology components related to remote court interpreting and bandwidth. Authorize OSCA staff to make necessary revisions to the cost estimates and add out-year costs as the issue is finalized for presentation to the Supreme Court.

Chair Steinbeck asked an EC member to explain why Option 1 was recommended. Mr. Slayden stated the court interpreting piece, even with bandwidth, is not a stand-alone piece from a technology perspective. Other requirements are necessary, such as court staff to make the technology work. Also, in small and medium counties, the core infrastructure is required in order for the remote court interpreter technology to work.

Judge Rondolino moved to approve Option 1. Judge Nelson seconded, and the motion passed without objection.

3. **Court Interpreting**

Kris Slayden reported that the proposed court interpreting LBR includes four components for consideration: 1) additional resources to address market-driven factors leading to increased contractual costs; 2) funding for recruitment and retention of qualified court interpreting staff; 3) funding for implementation of technology solutions through the use of virtual remote interpreting to maximize current resources; and 4) funding for Title IV-D cases in the Eleventh Judicial Circuit. Ms. Slayden noted that under all four options, the amount of funding requested is not yet specified as either contractual or salary dollars. If the TCBC recommends filing an LBR for this issue, the specific type of funding would be determined from circuit input prior to filing the LBR. The outcome of the pending Internal Revenue Service (IRS) desk audit may have implications regarding the funding request.

a) **Funding to Support Additional Court Interpreting Resources**

Ms. Slayden reported the FMC recommended Option 3, to file an LBR based on circuit-specific historical growth rate methodology for a total request of $1,487,818, and direct OSCA staff to work with the circuits to determine the specific type of funding needed.

Judge Rondolino moved to approve Option 3. Judge Stargel and Judge Smiley seconded, and the motion passed without objection.

b) **Court Interpreting Resources for Title IV-D Cases in the 11th Circuit**

Ms. Slayden reported the FMC recommended Option 1, to file an FY 2018-19 LBR for $75,000 in spending authority in the Federal Grants Trust Fund for court interpreting resources in Title IV-D cases in the 11th Judicial Circuit. If approved by the Court for inclusion in the LBR, a companion request would ideally be filed by the Florida Department of Revenue in order to obtain the funding.
Judge Brunson moved to approve Option 1. Judge Mahon seconded, and the motion passed without objection.

c) **Court Interpreting Base Salary Increase**

Ms. Slayden reported the FMC recommended Option 1, to file an LBR for $2,472,979 to address base salary issues in the court interpreter class, and noted the commission’s earlier approval to include this increase in Agenda Item B.1.

Judge Mahon moved to approve Option 1. Judge Thomas seconded, and the motion passed without objection.

d) **Funding for the Statewide Implementation of Remote Interpreting**

Ms. Slayden reported the FMC recommended Option 1, to file an FY 2018-19 LBR for $4,568,775 for technology associated with the statewide expansion of remote interpreting, and authorize OSCA staff to make necessary revisions to the cost estimates and add out-years’ costs as the issue is finalized for presentation to the Supreme Court. Ms. Slayden noted the commission’s earlier approval to include this cost in Agenda Item B.2

Tom Genung moved to approve Option 1. Judge Mahon seconded, and the motion passed without objection.

Kris Slayden noted with the approval of the four options above, the FY 2018-19 LBR for Court Interpreting will total $8,604,572.

4. **Case Management**

Kris Slayden reported that at the June 27, 2017, meeting, the TCBC directed staff to examine the need and cost for additional case managers in the trial courts as part of the FY 2018-19 LBR. OSCA staff prepared three options for consideration. The FMC recommended Option 3, to file an LBR for $3,344,085 for an additional 50.0 FTE case managers.

Judge Lauten moved to approve Option 3. Judge Mahon seconded, and the motion passed without objection.

5. **Staff Attorneys**

Kris Slayden reported at the June 27, 2017, meeting, the TCBC directed the FMC to provide recommendations for determining staff attorney needs for consideration in the FY 2018-19 LBR. OSCA staff prepared three options for consideration.

The FMC recommended Option 2, to file an LBR based on targeted approach for death penalty staff attorneys for a request of 43 FTE staff attorney positions totaling $3,432,413.
The EC initially recommended Option 3, file an LBR based on proposed ratios of staff attorney support per judge by division of court for a request of 37 FTE staff attorney positions totaling $2,930,967. Chair Steinbeck asked an EC member to explain why the Option 3 was recommended. Judge Stargel reported the death penalty workload is heavy but will dissipate, so the EC felt the focus should be on a long-term approach as opposed to a short-term approach. Chair Steinbeck then stated the EC ultimately recommended Option 4, do not file an LBR for Staff Attorney FTE, noting the committee determined this may not be the year to request additional FTE.

Kathy Pugh moved to approve Option 4. Judge Mahon seconded, and the motion passed without objection.

6. **General Magistrates**
   Kris Slayden reported at the June 27, 2017, meeting, the TCBC directed staff to examine the need and cost for additional general magistrates in the trial courts as part of the FY 2018-19 LBR. Additionally, the Eighteenth Judicial Circuit is requesting the TCBC to consider including general magistrate resources in its recommendation for the State Courts System LBR. OSCA staff prepared four options for consideration, and Ms. Slayden noted that the amounts presented for consideration are a methodology to develop a statewide need and clarified the allocation could be different if funding were received.

   The FMC recommended Option 1, to file an LBR for the General Magistrate element (12.0 Magistrate FTE’s; 21.5 Administrative Support FTE’s; for a total of $2,850,653) based on the official methodology, using the average actual filings over three fiscal years.

   Chair Steinbeck reported the EC recommended Option 5, do not file an LBR for the General Magistrate element.

   Judge Rondolino moved to approve Option 5. Kathy Pugh seconded, and the motion passed without objection.

7. **Other**
   Chair Steinbeck asked the commission if there were any additional LBR issues for consideration. There were none.

C. **Priority Ranking of LBR Issues**
   Chapter 216, Florida Statutes, requires all state entities to list their LBR issues by order of priority. The members discussed not advancing the staff attorney and general magistrate issues, and ranked the remaining issues in the following order of priority:
1. Salary Deficit/Restoration
2. Employee Pay Issue
3. Trial Court Technology
4. Court Interpreting
5. Case Management

Judge Rondolino moved to approve recommendation of advance the issues and priority ranking as listed. Holly Elomina seconded, and the motion passed without objection.

Agenda Item VI: Other Legislative Developments

A. 2018 Judicial Branch Statutory Agenda
   Sarah Naf Biehl provided an update of the timeline for development, which is abbreviated due to the legislative session early start date of January 9, 2018. Ms. Biehl stated proposed branch agenda issues will be presented to the Supreme Court on August 30, 2017, and noted one issue on the proposed branch agenda are the statutory changes stemming from the Due Process Workgroup analysis of expert witness issues.

B. Interim Meeting Schedule
   Sarah Naf Biehl reported interim meetings will begin the first week of September 11, 2017. Ms. Biehl then provided the commission with the full interim committee meeting schedule.

C. Statewide Uniform Case Management Database System Development Plan
   Eric Maclure reported the General Appropriations Act requires the OSCA to develop a plan for the Statewide Uniform Case Management Database System. Mr. Maclure stated a work plan is being developed and implemented to complete the plan for submission to the legislature by December 1, 2017.

D. Quarterly Travel Reports
   Eric Maclure reported this issue has been previously addressed in various conference calls at the conclusion of session and in the initial post-session meeting in May 2017, but provided a reminder that all state agencies are now required to submit quarterly travel reports for judges and certain senior staff for travel related to trainings, seminars, workshops, conferences, and similar type events. The initial report was due July 15, 2017 for the quarter ending June 30, 2017. Quarterly submissions will continue based on travel reimbursement vouchers submitted to the OSCA Finance and Accounting Unit.

Agenda Item VII. Implementation of Recommendations from 2016 Florida Judicial Workload Assessment Final Report
Blan Teagle provided an overview of the 2016 Florida Judicial Workload Assessment Final Report, noting the National Center of State Courts (NCSC) provided six recommendations for the Supreme Court’s
consideration. The Court adopted recommendations 1 through 3, and referred recommendations 4 through 6 to OSCA staff to develop a proposed implementation plan. This plan has been completed and presented to the Court.

Mr. Teagle reported there are two options for the commission’s consideration today; 1) whether to approve $209,021 funding from trial court expense reserves in both FY 2017-18 and FY 2018-19 to enable OSCA staff to consult with the NCSC in conducting workload assessments or; 2) if unable to allocate funds to conduct the workload assessment, recommend OSCA staff develop and submit to the Supreme Court an issue to be filed under the Executive Direction budget entity as part of the FY 2018-19 Legislative Budget Request.

Chair Steinbeck provided an overview of the EC’s discussion regarding this issue. She stated the committee recognizes the value this information would bring to assist the court in quantifying needs; however, with the projected salary deficit, the committee determined now may not be time to utilize or request funding to complete a study for additional resources, as all resources may be necessary to meet current personnel obligations.

On behalf of the EC, Chair Steinbeck recommended Option 3, no request at this time.

Judge Mahon moved to approve Option 3. Judge Rondolino seconded, and the motion passed without objection.

**Agenda Item VIII. Report from Chief Justice Designee to Clerks of Court Operations Corporation Executive Council**

Judge Ficarrotta reported the Clerk of Court Operations Corporation (CCOC) will meet via conference call on Monday, July 24, 2017. The CCOC is seeking solutions for funding shortages, and one of the avenues being researched relates to the statutory language that establishes their fee and distribution schedules. Judge Ficarrotta stated the clerk’s rely on the fee schedule that is developed by the CCOC and have raised concerns that some of those fees are being directed elsewhere. The CCOC has hired Holland and Knight to research whether the distribution practices comply with statute, and is seeking legislative solutions as well.

**Agenda Item XI. Other Business**

Chair Steinbeck asked if there were any other business issues to discuss.

**Adjournment**

With no other business before the commission, the meeting adjourned at 11:58 a.m.