Chair Roundtree called the Trial Court Budget Commission (TCBC) meeting to order at 8:35 a.m. The roll was taken with a quorum present.

Chair Roundtree welcomed Judge Robert Hilliard and Ms. Holly Elomina as new members of the TCBC and also thanked Judge Wayne Miller and Ms. Robin Wright for their recent tenure as members. Chair Roundtree asked members of the audience to introduce themselves.

Agenda Item I: Approval of August 11, August 31, and November 7, 2016, Meeting Minutes
Chair Roundtree presented the draft meeting minutes from the August 11, August 31, and November 7, 2016, TCBC meetings and asked if there were any changes necessary before approval. Judge Stargel moved to approve the minutes as drafted. Tom Genung seconded, and the motion passed without objection.
Agenda Item II: 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 December 31, 2016. The salary liability for the trial courts General Revenue/State Court Revenue Trust Fund was $833,053 over the salary appropriation; however, it is expected to be covered by the end of March 2017. The Administrative Trust Fund’s salary liability was under the appropriation by $30,042, and the Federal Grants Trust Fund’s liability was under the appropriation by $108,987.

Ms. Willard reported that the total funds available for retention/recruitment distribution $153,225 as of December 31, 2016.

B. Personnel Actions
Beatriz Caballero provided an overview of the status of reclassifications and other personnel actions as of January 13, 2017, and noted the total of the approved reclassifications is $117,488, the total of pending reclassifications is $97,546, and the cap for reclassification actions is $230,000.

PK Jameson added that a few circuits have requested reclassifications for classes that do not currently exist in that particular circuit. The Executive Committee recommended that this issue be submitted to the Personnel Committee for review.

Judge Ficarrotta moved to submit the reclassification issue to the Personnel Committee. Judge Stargel seconded, and the motion passed without objection.

C. Positions Vacant More Than 180 Days
Beatriz Caballero provided an overview of the positions vacant for more than 180 days as of January 12, 2017.

D. Operating Budgets
Dorothy Willard provided an overview of the operating budgets for FY 2016-17 as of December 31, 2016. Ms. Willard noted, by category, whether expenditures and encumbrances to date have increased or decreased in comparison to December 31, 2015. All categories show increased costs, except for Lease Purchase and Due Process-Expert Witness.
Operating Budgets – Post Adjudicatory Drug Court Expansion Program
Ms. Willard provided an overview of the post-adjudicatory drug courts appropriation for FY 2016-17, and noted the balance of funding not allocated was placed at the statewide level. The TCBC approved a process requiring individual requests for statewide level funds be submitted for consideration to the TCBC.

The Seventh Judicial Circuit–Volusia County has requested an additional $26,000 to provide increased residential treatment to individuals in the post-adjudicatory drug court expansion program. The Executive Committee recommended approval.

Kathleen Pugh moved to approve the request. Judge Smiley seconded, and the motion passed without objection.

Operating Budgets – FY 2015-16 Reversions
Ms. Willard provided an overview of FY 2015-16 operating budget reversions and noted that approximately $1.7 million in General Revenue was reverted. Ms. Willard then provided an overview, by category, of the reversion amount and the respective cuts and noted that before the end of FY 16-17 the courts will feel the impact of the cuts.

Judge Lauten questioned the large reversion for post-adjudicatory drug courts, and it was noted there is strict eligibility language associated with the appropriation. OSCA staff is planning to reach out to circuits that may be interested in a drug court program.

Operating Budgets – Due Process Budget Status Report
Ms. Willard reported that as of January 9, 2017, two circuits have exceeded their due process allotment caps in a total of three elements. According to the allocation procedures, OSCA staff have notified the circuits on behalf of the Budget Management Committee (BMC). Two responses for the Court Reporting element have been received, and one response for the Court Interpreting element is pending.

Ms. Willard noted the FY 2016-17 General Appropriations Act included a $378,000 reduction to the Due Process Contractual Services category base budget, and the reserve balance was $977,079 as of December 31, 2016.

Ms. Willard then provided an overview of three expenditure projection estimates through the end of the fiscal year that were provided to the BMC on January 13, 2017, and noted the BMC members expressed the expenditure trends by the circuits are aligning with the higher expenditure projections of Estimate 3 (net deficit of $1,125,827 projected).
The BMC will continue to monitor to validate the due process expenditure estimates and recommends to the TCBC that the potential deficit be considered as it contemplates a statewide spending plan. Judge Smiley noted the Executive Committee agrees with the BMC’s assessment.

Judge Smiley moved that Estimate 3 should be the projection used for year-end spending plan purposes. Judge Stargel seconded, and the motion passes without objection.

E. Trust Fund Cash Balances
Dorothy Willard provided an overview of the State Courts Revenue Trust Fund (SCRTF) as of December 31, 2016, and noted an estimated carry forward of approximately $5.7 million. The Administrative Trust Fund (ATF) shows an estimated carry forward of approximately $2.2 million as of December 31, 2016. Ms. Willard noted that expenditures typically increase in the last two quarters of the fiscal year.

F. State Estimating Conference Results
Lindsay Hafford reported the General Revenue Estimating Conference met on December 12, 2016, and revised the FY 2017-18 revenue forecast upward minimally by $22.6 million.

Ms. Hafford also reported the Article V Revenue Estimating Conference met on November 16, 2016, and adjusted revenue projections downward for FY 2016-17 but noted that beginning in FY 2019-20, the forecast was adjusted slightly upward.

Agenda Item III: Fiscal Year 2016-17 Allocation Policies and Procedures

A. Status Report and Discussion
Ms. Willard noted that based on policies implemented by the TCBC for FY 2016-17, as of December 31, 2016, $733,380 has been shifted from operating categories to the statewide reserve and $39,414 has been shifted from senior judge compensation to reserve. Ms. Willard noted the senior judge allocation returns are processed differently than operating category returns, as circuit court staff are requested to provide the funds needed for retention prior to takebacks for senior judge allocations, whereas operating category takebacks are based on hard data at the end of a quarter.

Judge Smiley asked that the record reflect the workload impact these policies are having on smaller circuits.
Tom Genung asked if changes are being tracked for comparison against the same time frame for last fiscal year. Ms. Willard confirmed, and noted that circuits seem to be analyzing expenditures and maximizing resources more efficiently this fiscal year. Ms. Willard stated had these policies been in place last fiscal year, an additional $377,000 would have been shifted to reserve as of December 31, 2015.

B. Year-End Spending Plan

Dorothy Willard noted the supplemental handout distributed is preliminary and will be revised as additional circuit responses are received.

Ms. Willard stated a concern regarding the year-end spending plan and the possible conflict with third quarter takebacks. Once year-end funds are maximized and shifts processed, reserve funding will be exhausted. Any additional amendments requested independently by circuits will not be able to be processed.

Ms. Willard provided an overview of the current year-end funds available, which is projected at approximately $3.4 million. The preliminary year-end requests total approximately $1.7 million. This amount is expected to increase. The amount in due process reserve is not available for year-end spending as those funds must remain in reserve to supplement the projected due process deficit. Finally, in an effort to maximize all resources, a budget amendment would be requested to increase spending authority in the Administrative Trust Fund to utilize reserve cash.

In summary, Ms. Willard projects funds of approximately $1.3 million will be available to cover a minimum of $1.7 million in year-end spending plan requests. Therefore, in an effort to maximize year-end funds and accommodate all circuit needs, it is recommended the commission forego third quarter allocation takebacks, and instead request all circuits forecast and provide their third and fourth quarters year-end spending needs to OSCA Budget Services no later than Friday, January 27, 2017.

Chair Roundtree clarified that in lieu of third quarter returns, the circuits would determine their obligations for the remainder of this fiscal year and any unobligated funds would be returned to reserve. This would assist in reallocating to the circuits year-end spending plan requests to ensure spending plans can be met and funds maximized.
Deadlines were then presented for consideration for two exercises, obligated/unobligated needs and year-end spending plan requests. A template could be sent to the circuits on Monday, January 23, 2017, and the suggested the information be provided to OSCA Budget staff by Friday, January 27, 2017. After the information is analyzed, a TCBC meeting could be held the following week. Upon approval/direction from the TCBC, budget amendments could be processed, and funds could be returned to the circuits by the end of February, 2017.

Tom Genung moved the proposed dates be implemented for the year-end spending plan exercise. Grant Slayden seconded, and the motion passed without objection.

**Agenda Item IV: Law Clerk Incentive Plan – Request for Revisions**

Beatriz Caballero provided an overview of the Trial Court Law Clerk Incentive Plan made effective July 1, 2014, and noted the revisions suggested to the plan. Judge Ficarrotta provided additional information regarding Senior Trial Court Law Clerk positions established prior to the Incentive Plan’s implementation (that include supervisory and managerial duties), and the automatic reclassification to Trial Court Law Clerk once those positions are vacated.

Judge Ficarrotta noted that the 15th circuit has lost one Senior Trial Court Law Clerk position due to the automatic reclassification, and stated he would like the Personnel Committee to analyze this situation for representation to the TCBC at the next meeting.

Judge Smiley moved that the Personnel Committee provide an analysis of how many Senior Trial Court Law Clerk positions a circuit had prior to implementation of the Incentive Plan, how many of those positions are now in each circuit, and how many of these positions does each circuit need, and that the Personnel Committee provide a recommendation to the TCBC at the next meeting. Judge Ficarrotta requested a caveat to the motion that should a vacancy occur in a Senior Trial Court Law Clerk position that holds supervisory and managerial duties prior to a decision by the TCBC, a circuit shall be held harmless.

Judge Smiley moved the motion as amended. Judge Ficarrotta seconded, and the motion passed without objection.

Chair Roundtree noted the next TCBC meeting should be scheduled for the week of January 30, 2017, or the week of February 6, 2017.
Agenda Item V: Special Initiatives and Updates

A. Due Process Workgroup Status Report
Kris Slayden provided a Due Process Workgroup status report and noted the OSCA has begun implementing the proposed administrative solutions previously approved by the TCBC and the Trial Court Performance and Accountability Commission (TCP&A), and will continue to monitor expert witness expenditures. In addition, the OSCA will begin evaluating the new UDR and invoice data. The full report with recommendations have been submitted to the Supreme Court for consideration.

Ms. Slayden also noted that the Workgroup will hold a conference call on January 25, 2017, to discuss emerging issues relating to court interpreting.

B. Cases over the Flat Fee
Kris Slayden provided an overview of the projected amounts paid over the flat fee for conflict counsel criminal cases for FY 2016-17, which is estimated to be approximately $2.6 million less than last year, due to expenditures relating to capital cases being much lower than last fiscal year.

Ms. Slayden also noted that the Justice Administrative Commission (JAC) has developed a reference guide that the JAC would like to provide to the circuits for feedback. Ms. Slayden will provide the reference guide to the chief judges via email on Monday, January 23, 2017.

C. 2016 Annual Assessments and Collections Report
Kris Slayden provide an overview of the Florida Court Clerks and Comptrollers 2016 Annual Assessments and Collections Report. Ms. Slayden noted that the report provides details of fines collected statewide for all courts, as well as by division of court at the county and circuit levels.

Agenda Item VI: Legislative Issues and Updates
Eric Maclure reviewed the legislative talking points and the Legislative Budget Request summary chart for Fiscal Year 2017-18 trial court technology issues, and also reminded the commission that legislative issues can be found on the courts Intranet site.

Mr. Maclure also addressed the 2017 House Appropriations Committee meeting materials on the Long Range Financial Outlook Summary and Budget Exercise, and noted that projections for Fiscal Years 2018-19 and 2019-20 project significant decreases in funding. Mr. Maclure also noted that budget cut exercises are not unusual, and added that when the Legislative Budget
Request (LBR) is submitted each fiscal year, a schedule is required that details possible reductions in the event of revenue shortfalls.

PK Jameson concurred, and stated OSCA staff are scheduled to present the results of the State Court System’s exercise next week.

Chair Roundtree reminded the commission that this exercise is a prime example as to why courts should sharpen their pencils and maximize resources this fiscal year, as next fiscal year allocations may be significantly reduced.

**Agenda Item VII: Report from Designee to Florida Clerks of Court Operations Corporation**

Judge Ficarrotta reported the Clerks of Court Operations Corporation Executive Council met in November 2016, to discuss their approved budget, contract renewals, and the courts role in the collections process. The Legislative Budget Commission approved a budget of $422 million for Fiscal Year 2016-17; however the clerks estimate their needs are approximately $459 million, therefore creating a projected shortfall of approximately $37 million.

Judge Ficarrotta reported the next CCOC Executive Council meeting will be held February 27, 2017, and he will provide the commission an update at the following TCBC meeting.

**Agenda Item VIII: Other Business**

Chair Roundtree asked the commission members if there was any other business to discuss.

Sandra Lonergan noted that Miami-Dade County Commissioner Jose’ Diaz is very proactive for expansion of Veterans Court.

Judge Smiley stated that Judge Lauten was awarded Jurist of the Year last year.

Kathy Pugh reported that the 17th circuit is moving into their new courthouse.

**Adjournment**

With no other business before the commission, the meeting adjourned at 10:02 a.m.